BOARD OF DIRECTORS MEETING

Thursday, June 6, 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 📧: board.secretary@vta.org or ☎️ (408) 321-2330 (TTY only). VTA’s home page is: [www.vta.org](http://www.vta.org) or visit us on 📲 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.**

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 Jose Padilla, Senior Web Developer, River Oaks Administration; Brian Blassingame, Coach Operator, Cerone Division; and Monte Bjerke, Overhaul and Repair Mechanic, Cerone Maintenance, as Employees of the Month for June 2013.

3. **CLOSED SESSION**

3.1. Recess to Closed Session

   A. Conference with Real Property Negotiators
   
   [Government Code Section 54956.8]
   
   Property: Fee interest in property located at the southwest corner of West San Carlos Avenue and Sunol Blvd in San Jose
   
   Agency Negotiator: Bijal Patel, Deputy Director, Property Development & Management
   
   Negotiating Parties: Michael VanEvery, Green Republic
   
   Under Negotiation: Possible amendment to terms and conditions of payment of existing Purchase and Sale Agreement

   B. Existing Litigation - Conference with Legal Counsel
   
   [Government Code Section 54956.9(a)]
   
   Name of case: McKee v. SCVTA, Claim # 1759258
   
   Case no: Unassigned

   C. Existing Litigation - Conference with Legal Counsel
   
   [Government Code Section 54956.9(a)]
   
   Name of case: Santa Clara Valley Transportation Authority v. 1523 Gladding Court, LLC, a California Limited Liability Company
   
   Case no: 1-12-CV-216787
D. Conference with Labor Negotiators

[Government Code Section 54957.6]

Bill Lopez, Chief Administrative Officer
Robert L. Escobar, Deputy Director, Administrative Services
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
Transportation Authority Engineers and Architects Association (TAEA), IFPTE, Local 21

E. Public Employment

[Pursuant to Government Code Section 54957]

Title of position to be filled: General Manager

F. Public Employee Performance Evaluation

[Government Code Section 54957]

Title: General Counsel

3.2. Reconvene to Open Session

3.3. Closed Session Report

3.4. Approve and authorize the General Manager to execute the amended successor labor agreements negotiated between the Santa Clara Valley Transportation Authority (VTA) and American Federation of State, County and Municipal Employees (AFSCME), Local 101, Service Employees International Union (SEIU), Local 521, and/or Transportation Authority Engineers and Architects Association (TAEA), IFPTE, Local 21.

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 HEARINGS

There is no Public Hearing.

6. REPORTS


6.3. General Manager Report. (Verbal Report)

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

6.3.B. Receive an update on the Palo Alto Transit Center. (Verbal Report)

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


6.5. Receive a presentation from Metropolitan Transportation Commission (MTC) Executive Director, Steve Heminger and Association of Bay Area Governments (ABAG) Executive Director, Ezra Rapport regarding Plan Bay Area. (Verbal Report)

7. CONSENT AGENDA

7.1. Approve the Board of Directors Workshop Meeting Minutes of April 19, 2013.

7.2. Approve the Board of Directors Regular Meeting Minutes of May 2, 2013.

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

7.4. ACTION ITEM - Adopt a support position for AB 466 (Quick), which directs Caltrans to apportion California's share of federal Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds to metropolitan planning organizations (MPOs) and transportation planning agencies according to a weighted population formula that was previously specified in federal law.

7.5. ACTION ITEM - Adopt a support position for SB 785 (Wolk), which provides general authorization for local agencies to use design-build contracting for public works projects that exceed $1 million in cost.

7.6. ACTION ITEM - Authorize the General Manager to amend and increase an existing $351,276, three-year contract with Day Wireless for specialized radio support, maintenance, and consulting services. The proposed amendment would
extend the term of the contract for an additional three years, with an increased contract value of $265,000, bringing the total contract to 6 years and $616,276.

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

7.8. ACTION ITEM - Adopt a resolution to: (1) repeal the existing VTA Administrative Code and the Board Rules of Procedure, and (2) re-adopt both items with modifications resulting from a comprehensive review and revision of both.

7.9. ACTION ITEM - Authorize the General Manager to execute a cost plus fixed fee contract with WMH Corporation in an amount not to exceed $1,400,000 for an initial term of three years to perform planning, preliminary engineering and environmental documentation services for the SR 237/US 101/Mathilda Avenue Interchange Improvements project; and authorize the General Manager to negotiate and execute the necessary agreements with Caltrans to complete the project.

7.10. ACTION ITEM - Approve the Fiscal Year 2014 and Fiscal Year 2015 Congestion Management Work Program.

7.11. ACTION ITEM - Adopt a resolution approving the project priorities for the FY2013/14 Countywide Transportation Development Act Article 3 Program.

7.12. ACTION ITEM - Approve extension of the term of the Project Readiness Initiative Program until all of the approved funding is depleted or June 30, 2014, whichever occurs first.

7.13. ACTION ITEM - Authorize the General Manager to execute a contract with Kittelson & Associates, Inc. for Monitoring and Conformance Program services for an amount not to exceed $1,128,012 for the 2013-17 cycles. The first contract will be to provide monitoring services for the 2013 Monitoring and Conformance cycle with up to four one-year extensions through 2017.

7.14. ACTION ITEM - Approve the proposed Development Concept for the Tamien Development Project (Project) and authorize the General Manager to proceed with the next phases of the entitlement process for this Project.

7.15. ACTION ITEM - Adopt Sponsoring Agency Resolution of Support for VTA One Bay Area Grant (OBAG) projects.


7.17. ACTION ITEM - Adopt a resolution authorizing the General Manager to accept Safe Routes to Transit (SR2T) funds from Regional Measure 2 for the Santa Clara Caltrain Pedestrian/Bicycle Tunnel Extension project.
7.18. ACTION ITEM - Authorize the General Manager to execute a contract with Granite Rock Company dba Pavex Construction Division, the lowest responsive and responsible bidder, in an amount of $16,831,045 for the construction of the Capitol Expressway Light Rail Project - Eastridge Transit Center and Bus Improvements.

7.19. ACTION ITEM - Authorize the General Manager to execute a Contract with AlCal Specialty Contracting, the lowest responsive and responsible bidder, in the amount of $602,540.00 for the replacement of the original building roof systems at the Cerone Bus Division. The work shall encompass four older roofs on Building G, excluding the expansion additions built in 2001.

7.20. ACTION ITEM - Authorize the General Manager to enter into agreements with private utility owners for construction safety oversight and inspection services related to Silicon Valley Berryessa Extension (SVBX) Project construction activities which will occur in close proximity to existing utility facilities in an estimated aggregate amount of $5,080,000.

7.21. ACTION ITEM - Authorize the General Manager to execute a contract amendment with CSDA Architects in an amount not to exceed $484,000, increasing the total contract value to $2,246,948.88, for construction oversight services for the Silicon Valley Berryessa Extension (SVBX) Residential Noise Insulation Program (RNIP) construction contracts.

7.22. ACTION ITEM - Authorize the General Manager to execute a contract with G.E. Chen Construction, the lowest, responsive and responsible bidder in the amount of $806,820 for the Group One’s construction of Residential Noise Insulation Program.

7.23. ACTION ITEM - Approve the interim Fiscal Year 2014 Internal Audit Work Plan for a maximum amount of $290,500.


7.25. INFORMATION ITEM - Receive an update on the Light Rail Efficiency Project.

7.26. INFORMATION ITEM - Receive a report on the proposed highway relinquishment study for SR 82 El Camino Real as part of the Grand Boulevard Initiative.

8. REGULAR AGENDA

Administration and Finance Committee

8.1. ACTION ITEM - Adopt a resolution approving the Fiscal Years 2014 and 2015 Recommended Biennial Budget for the period July 1, 2013 through June 30, 2015.
Congestion Management Program and Planning Committee

8.2. ACTION ITEM - Approve the One Bay Area Grant (OBAG) projects.

8.3. ACTION ITEM - Approve the following actions for the U.S. 101 Improvements Project

1) Certify that the Environmental Impact Report (EIR):
   a) Meets the requirements of the California Environmental Quality Act (CEQA);
   b) Represents the independent judgment of the Lead Agency; and
   c) Was presented to the VTA Board of Directors and that they reviewed and considered the EIR.

2) Adopt:
   a) Findings;
   b) Facts in Support of Findings; and
   c) Statement of Overriding Considerations

3) Adopt a Mitigation Monitoring and Reporting Program

4) Adopt the Recommended Project Description (Build Alternative B and Bike Alternative 2)

Transit Planning and Operations Committee

8.4. ACTION ITEM - Adopt a resolution of findings that use of a Project Labor Agreement for Parking Structures at Milpitas and Berryessa Stations Design-Build contract (VTA contract C730-Parking Structures) of the Silicon Valley Berryessa Extension Project will ensure the availability and stability of labor resources throughout the duration of the project; and authorize the General Manager to enter into an amendment to the existing Project Labor Agreement with the Santa Clara & San Benito Counties Building & Construction Trades Council for the Line, Track, Stations and Systems Design-Build contract of the Silicon Valley Berryessa Extension Project to include the Campus Parking Structures at Milpitas and Berryessa Stations within the scope of the Project Labor Agreement.

9. OTHER ITEMS

9.1. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

9.1.1. INFORMATION ITEM - Request from Alternate Board Member Khamis regarding Compressed Natural Gas (CNG) buses.
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
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 June 2013

FOR INFORMATION ONLY

BACKGROUND:

Jose Padilla, Senior Web Developer, Information Technology Department at River Oaks, has been with VTA for over 14 years. Jose is a key to the success of the new VTA internal intranet portal. In his current position, Jose provides his skills in moving a vast amount of data from the old intranet server to the new SharePoint 2010 intranet portal. This process was accomplished efficiently and enabled the launch of the new Portal with all of the content, forms and data to be located in one common repository in a timely fashion. This has made the information readily available and easier to find adding to the productivity of all VTA employees. Jose is always available to VTA staff with SharePoint questions, while delivering service in a patient and courteous manner that is easy for everyone to understand. His positive attitude and willingness to assist others help create a supportive work environment. Congratulations to Jose Padilla, Administrative Employee of the Month for June.

Brian Blassingame, Coach Operator at Cerone Division, is our Operations Employee of the Month for June. Brian has been with VTA since 2005 and has consistently met the high performance standards of his job. Brian has an outstanding driving record, receiving an award for five (5) years of safe driving. Brian has a cheerful, outgoing demeanor, while being straightforward in his approach to handling his duties. His commitment to service has had a positive influence on his fellow co-workers as well as the public. In January 2013, Brian became a Mentor in the Joint Workforce Investment Program, receiving many compliments from our new operators regarding his positive advice and encouragement that helps provide excellent customer service to internal and external customers. Brian is a true professional and is very deserving of this award. Congratulations to Brian Blassingame, Operations Employee of the Month for June.

Monte Bjerke, Overhaul and Repair Mechanic at Cerone Maintenance, is our Maintenance Employee of the Month for June. An employee of VTA since January 2008, Monte diagnoses, rebuilds, and tests critical components of VTA buses including transmissions. He is not only an
excellent mechanic but serves as a role model as shop steward making O&R a better place to work. Whether he is working independently or as member of a team, Monte upholds VTA’s standards of efficiency while delivering a quality job performance. He is very proactive in resolving issues within the shop and is always eager to help his fellow co-workers when needed. Monte is not only an asset to Overhaul and Repair but to VTA in general. Congratulations to Monte Bjerke, Maintenance Employee of the Month for June.

Prepared By: Employee Relations
Memo No. 4093
For Information Only

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

**Berryessa Extension Project Construction Activities**

The following are activities that progressed during the previous month or are anticipated upcoming work.

**San Jose:**

- Santa Clara Valley Water District 66-inch waterline construction continued with tie-in anticipated to be complete by Memorial Day
- Roadway deck for Berryessa Station Way Bridge has been completed - work continues on the bridge superstructure
- Support of grade separation excavation work continues at Hostetter Road
- Storm drain installation on the south side of Berryessa Road is in progress
- Lane shift on Berryessa Road remains in effect for utility relocations and Berryessa Station Way bridge work
- Demolition on remaining buildings at Mabury Business Park is nearing completion
- Excavation for Berryessa Station substructure footings occurred; pile driving began on May 16, 2013 and will continue through mid-June 2013.

**Upcoming Work:**

- Lane shift for Berryessa Road will be in effect to complete Berryessa Road utility and sidewalk work
- In late June, work is anticipated to begin on Mabury Road to lower the road’s grade several feet where the freight rail tracks formerly crossed the road. This work is necessary to allow for minimum clearance under the future BART aerial guideway
- Demolition of 1550 Las Plumas will occur in late June or early July 2013. This will be the location of a systems facility.
**Milpitas:**
- Paving occurred in the area where the temporary UPRR track (shoofly) crosses through Piper Drive
- Piper Drive area storm drain installation completed
- Progress continues on the City of Milpitas 18-inch waterline relocation
- Montague Expressway median has been removed and paved for traffic control to support utility relocations
- Disposal plans being developed for Class 1 hazardous soil discoveries
- Exploratory potholing conducted at Montage Expressway and Capitol Avenue for Air Products and the Santa Clara Valley Water District relocations.
- Installation of sheet piles continued north of Montague Expressway in preparation of trench excavation.

**Upcoming work:**
- Station area dewatering activities for utility relocations anticipated to begin upon receipt of City of Milpitas permit
- Dixon Landing Road utility relocations anticipated in late June 2013
- Capitol Avenue traffic reconfiguration for utility relocations July 2013.

**Corridor Preparation Activities**

**Mission Warren Area Improvements**
- Deep Soil Mix (DSM) wall construction was completed on Warren Avenue in preparation for construction of the future roadway underpass retaining wall
- Railroad bridge abutment construction was started at both Mission Boulevard and Warren Avenue
- Completed 90 percent of utility relocations at the Truck Rail Transfer site
- Removal of freight rail tracks south of Warren Avenue was started
- Track embankment construction north of Mission Boulevard was completed

**Kato Road Grade Separation**
- All contract work has been completed with the exception of landscaping and tree well filter construction
- Restoration of temporary construction areas has begun
- All construction is anticipated to be completed by mid-June

**Residential Noise Insulation Program (RNIP)**
The Group 1 construction bid package for noise insulation improvements is scheduled for the June Board for authorization. A lowest responsible bid has been determined.

Group 1 residences are located closest to the first major construction activities that will take place near the future Berryessa Station. Design packages continue to move forward for Groups 2
through 4 of the program. CSDA, the consultant supporting the noise insulation program, has completed design for Group 2 residences. CSDA has completed the 95 percent design phase for Group 3 residences and has completed the assessment phase and started the 65 percent design phase for Group 4 residences.

The contract amendment for the CSDA’s contract is scheduled for the June Board for authorization to provide construction oversight services for four RNIP construction bid packages. The construction oversight services include CSDA to 1) ensure construction is completed per design plans and specifications, 2) maintain homeowner satisfaction, 3) minimize contractor and homeowner claims, and 4) expedite resolution of unforeseen field conditions that could cause project delays.

Communications and Outreach

Outreach to support project construction activities included:

- 1 traffic advisory
- 1 press release
- 5 construction updates
- Updated construction and event photo gallery
- Media coverage-5 articles and feature stories
- Berryessa Station Area Kids' Tour (April 25, 2013.)
- BART Silicon Valley Project Tour (May 2, 2013)
- Berryessa Art and Wine Festival event (May 11, 2013)
- Berryessa Business Association meeting (May 16, 2013)
- Warm Springs I-District Community Meeting (May 22, 2013)
- South Fremont Construction and Community Update (May 23, 2013)
- 2013 WEST Summit & Showcase of Solutions for Planetary Sustainability (May 23, 2013)

Prepared By: Kevin Kurimoto
Memo No. 3986
1. CALL TO ORDER AND ROLL CALL

The Board Workshop Meeting for the Santa Clara Valley Transportation Authority (VTA) Board of Directors was called to order by Chairperson Pirzynski at 8:48 a.m. in the Board of Supervisors’ Chambers, County Government Center, 70 West Hedding Street, San José, California.

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<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
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<tr>
<td>Margaret Abe-Koga</td>
<td>Board Member</td>
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<td>Xavier Campos</td>
<td>Board Member</td>
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<td>Larry Carr</td>
<td>Alternate Board Member</td>
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<td>David Cortese</td>
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<td>Jose Esteves</td>
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<td>Rose Herrera</td>
<td>Board Member</td>
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<td>Ash Kalra</td>
<td>Vice Chairperson</td>
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<td>Johnny Khamis</td>
<td>Alternate Board Member</td>
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<td>Sam Liccardo</td>
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<td>Jamie Matthews</td>
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<td>Chuck Page</td>
<td>Alternate Board Member</td>
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<td>Joe Pirzynski</td>
<td>Chairperson</td>
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<td>Gail A. Price</td>
<td>Alternate Board Member</td>
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<td>Donald Rocha</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>
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Chairperson Pirzynski shared words of support and requested a period of silence to honor the victims of the recent tragedy in Boston.

Board Member Rocha took his seat at 8:50 a.m.

Chairperson Pirzynski stated that **Agenda Item #4.3**, VTA Labor Relations Update, would be heard before **Agenda Item #4.2**, BART Silicon Valley Parking Technology Recommendations.
2. **PUBLIC COMMENT**

There was no Public Comment.

3. **CLOSED SESSION at: 8:51 a.m.**

3.1. **Recess to Closed Session**

   **A. Public Employment**

   [Pursuant to Government Code Section 54957]

   Title of position to be filled: General Manager

3.2. **Reconvene to Open Session at: 9:23 a.m.**

3.3. **Closed Session Report**

Chairperson Pirzynski stated there was no reportable action taken during Closed Session.

4. **WORKSHOP ITEMS**

Chairperson Pirzynski stated this was the beginning of the public process for the FY 2014 and FY 2015 recommended biennial budget (Budget). He reported that a Joint Advisory Committee Workshop, scheduled for May 8, 2013, would provide VTA’s advisory committees the opportunity to review and weigh-in on the proposed Budget. In addition, several public meetings will be held in early May to allow staff an opportunity to gather public input and incorporate any suggestions that would improve the Budget.

Michael T. Burns, General Manager, noted this meeting was the first time the Board and the public were reviewing the proposed Budget. Mr. Burns provided a brief overview, noting: 1) VTA is in a sound financial position; 2) The current financial position is based on the principles established by the 2010 Ad Hoc Financial Recovery Committee (2010 Ad Hoc FRC), as well as the participation by VTA employees and contractors who worked with VTA during those difficult times; 3) Positive operating balances are proposed for both years; 4) There are fully-funded reserves; 5) A status of the reserves is included in Appendix B; 6) The Budget includes service increases and no fare increase; 7) The Budget maintains a theme of “State of Good Repair” and uses a significant portion of the debt reduction fund for VTA’s capital program; 8) The Budget presentation would be followed by a discussion; 9) Steve Foti, Harvey M. Rose Associates, LLC (“Harvey Rose”), would provide an independent assessment of VTA’s reserves; and 10) Staff would provide a brief response to the Harvey Rose recommendations. Mr. Burns stated that staff’s plan is to provide a final review of the recommendations the week of April 22, 2013.

4.1. **Fiscal Year 2014 and 2015 Draft Recommended Biennial Budget**

Joseph T. Smith, Chief Financial Officer, provided the staff report.
Mr. Smith introduced Carol Lawson, Fiscal Resources Manager - Budget, and Jim Unites, Deputy Director Operations - Operations Planning Service & Operations Planning. He noted Mr. Unites would address the budget as it relates to service changes.

Mr. Smith provided a brief update on the current financial climate, noting:
1) There has been significant improvement in housing and job growth in Santa Clara County (County); 2) The County continues to lead California in the labor market recovery; 3) Unemployment is 7.4 percent compared to the 10.3 percent two years ago; 4) Taxable spending is up; and 5) There has been a recent increase in spending in the automobile and transportation sector.

Mr. Smith stated that although VTA is currently in a sound financial position, VTA is subject to various swings in revenues and expenditures and has developed various reserves to mitigate these economic downturns, including: 1) the fifteen (15) percent operating reserves; 2) the Sales Tax Stabilization Fund; and 3) the Debt Reduction Fund. Mr. Smith noted the importance for VTA to continue to be diligent.

Mr. Smith stated one of the goals of the budget is to address unfunded liabilities with the: a) ATU Pension Fund; b) Calpers Pension Fund; and c) Other Post Employment Benefits (OPEB) Retirement Fund.

He referred to the 2010 Ad Hoc FRC and noted that it was made up of three (3) Board members and twelve (12) stakeholders. The 2010 Ad Hoc FRC met between January and September 2010 to review detailed financial information and to discuss and develop financial policy issues and proposals. The six (6) Key Financial Principles developed by the 2010 Ad Hoc FRC were: 1) to maintain an operating reserve of fifteen (15) percent; 2) to limit the use of capital funding for operating relating purposes; 3) to control the cost of growth; 4) to achieve internal efficiencies; 5) to negotiate sustainable bargaining agreements; and 6) to evaluate the use of contracted services.

Mr. Smith provided a PowerPoint presentation, entitled Draft Recommended Biennial Budget, Fiscal Years 2014 and 2015, highlighting: 1) Recommended Budget Summary; 2) Financial Climate - Economy; 3) Financial Climate - VTA; 4) Overall Financial Goals; and 5) FY14 and FY15 Budget Objectives.

Mr. Smith reviewed the budget recommendations for the following: 1) VTA Transit; 2) 2000 Measure A; 3) Congestion Management Program; 4) VTA Highway Program; 5) Joint Development Program; 6) Silicon Valley Express Lanes Program; and 7) BART Operating Sales Tax Program. Mr. Smith discussed the key principles, prioritization and budget objectives and advised the Board regarding the budget public meetings.

Steve Foti, Principle, Harvey Rose, noted his firm was commissioned by Working Partnerships to look at the established reserves in light of the overall financial health of the organization. Mr. Foti provided a PowerPoint presentation, entitled Analysis of VTA Reserves, highlighting: 1) Reserve Designations & Fund
Mr. Foti discussed the recommendations with monetary value which includes: 1) elimination of local share of capital projects reserve; 2) elimination of debt reduction reserves; 3) elimination of OPEB reduction reserves; 4) transfer of excess funds from Workers’ Comp and general liability; and 5) elimination of compensated absence reserve.

Mr. Smith provided a PowerPoint presentation listing VTA's response to the Harvey Rose Report, highlighting VTA's analysis and staff recommendation for each of Harvey Rose’s findings. Mr. Smith noted the following: 1) prudent fiscal policy requires reserves; 2) well-funded reserve levels contribute to VTA’s high credit rating; and 3) use of one-time reserve funds for Operations is not sustainable.

Board Member Herrera took her seat at 10:10 a.m.

Michael T. Burns, General Manager, noted: 1) VTA believes it is prudent and sound financial management to fund liabilities; 2) He and Mr. Smith met with the rating agencies the week of April 8, 2013, to give a presentation on VTA’s financial situation; 3) Rating agencies are very familiar with VTA’s volatile revenue sources and look to the reserves as a key input into their rating on VTA’s debt; 4) The Board has historically supported these one-time uses of the reserve funds over the past five years; 5) With the operating balances being proposed, VTA is still operating on a very narrow margin in terms of matching ongoing expenses with ongoing revenues. Mr. Burns noted this needs to be considered as VTA determines whether or not the level of reserves are appropriate; and 6) The state bond funds, almost $50 million that were being proposed for use with the new articulated buses, are going away and there is no likelihood for any replacement funding anytime soon. He noted that is part of what VTA would look to from the debt reduction reserve.

Mr. Burns thanked Harvey Rose for their efforts and the cooperation extended to VTA staff.

Public Comment

Diana Hermone, Recording and Financial Secretary, Amalgamated Transit Union (ATU) Local 265, VTA Bus Operator North Yard, noted: 1) ATU’s appreciation for its positive relationship with the Board and VTA management; 2) referenced a solid history of working together during difficult times, and thanked the Board for their leadership; 3) the unions engaged Harvey Rose to ensure VTA’s success, noted their fate is directly tied to VTA, and encouraged the Board to establish a comprehensive policy on reserves; 4) ATU encourages the Board to: a) restore transit cuts; b) reduce headways; c) provide professional development for
frontline workers; c) provide fair compensation for employees; d) reduce fares for the low-income population; and e) ensure a reasonable balance between prudent reserve levels and the need to ramp-up transit operations.

Tami Dhano ta, Chairperson, Service Employees International Union (SEIU), Local 521: 1) thanked the Board for implementing ideas submitted by Harvey Rose two-years ago that generated real money and helped stabilize VTA; 2) noted SEIU’s appreciation that Harvey Rose’s new recommendations are being heard and that the budget document now includes the full balances of all operating reserves; 3) stated SEIU agrees that the Board should examine what a prudent total level of reserves might be; 4) stated SEIU supports defining one fund with the appropriate level of reserves to protect against multiple risks; and 5) stated the employees will continue to work with VTA to protect the integrity of the organization.

Haniet Bourshrockn, Member SEIU, expressed her support for establishing clear and transparent board policies for reserve levels.

Ron Roberts, Chief Steward, SEIU, expressed his appreciation to Chairperson Pirzynski for meeting with labor representatives earlier in the week. Mr. Roberts noted SEIU supports the Harvey Rose recommendation to establish more transparent Board policies. He discussed the reserve funds and encouraged a review by the Board and staff to determine whether the funds could be freed-up to restore service or to meet other agency needs.

Chris Lepe, Silicon Valley Community Planner, Transform, noted the increase in fares and changes in service since 2000 have had an impact on the working-class and low-income families. Mr. Lepe then: 1) expressed his appreciation over the restoration of some services; 2) recommended subsidized fares for low-income riders and increasing service in areas where farebox recovery can be improved and provide an increase in ridership for VTA; and 3) encouraged the Board to invest in the employees that create a strong agency. He noted operating revenue should not be used for capital.

Chairperson Pirzynski stated, due to a need to stop the meeting at 12 noon, Agenda Item #4.2, BART Silicon Valley Parking Technology Recommendations, and Agenda Item #4.3, VTA Labor Relations Update, would be removed from the agenda so that the Board’s focus could remain on the budget. He noted these items would go back to the committees.

Board Member Liccardo thanked both the members of the public and the employees who spoke before the Board. He strongly endorsed Harvey Rose’s conclusion that VTA should establish a comprehensive, deliberate, transparent policy regarding the use of VTA’s reserves.

Board Member Liccardo expressed his appreciation to Mr. Burns and VTA staff for being as conservative as possible, recognizing revenue sources fluctuate, greatly, particularly sales tax revenue.
Board Member Liccardo referenced an idea put forth several years ago by former VTA Board Member Christopher Moylan, wherein Mr. Moylan suggested that VTA set a sales tax reserve fund that represents two standard deviations from the means so that ninety-five percent of the time VTA would know that it would have enough money to cover whatever the expected transit needs are. He noted his support of that deliberate approach. Board Member Liccardo stated VTA is utilizing that method with its sales tax fund, but not with the other funds.

Board Member Liccardo noted that he strongly supports staff’s recommendation to apply the $20.65 million contained in the Board-approved Other Post Employment Benefit (OPEB) Liability Reduction Fund to pay down the OPEB Liability. He stated the $2 million annual savings could be put back into service. Further, he noted the one-time money should be used to reduce the OPEB Liability.

Board Member Liccardo stated: 1) Every major city in this country is in woeful condition in terms of funding pensions and retiree healthcare; 2) Although VTA has met its annual retirement contribution every year, VTA still has forty percent unfunded liability in one fund and thirty percent in the ATU pension; and 3) Every employee and/or retiree should feel confident that they will have what they are promised and what they bargained for when they retire. He noted the Board should not feel comfortable until those are 100 percent funded.

Board Member Liccardo: 1) expressed his strong support for staff’s recommendation; 2) noted there are sources that can be looked at and there should be a comprehensive policy; and 3) questioned sales tax projections, noting the last couple of years have been great and questioned whether staff has reconciled the long-term view with what is being seen in the short term. Mr. Smith reported VTA will be engaging Moody Analytics to regenerate the model, but noted that at present the view is the same.

Alternate Board Member Khamis noted the importance of saving money for a rainy day. He noted the fiscally responsible thing to do for the health of VTA and its employees is to make sure the employees have health insurance and retirement funds. He noted his support of staff’s recommendation.

Board Member Abe-Koga referenced her position on the 2010 Ad-Hoc FRC. She then: 1) commended all of the groups within VTA, noting that when times were tough everyone came together; 2) noted she wants to improve operations, expanding where possible, but that she believes in reserve funds; 3) expressed support for reserves because it can help the organization during difficult financial times; 4) noted the importance of transparency in the budget process; and 5) stated would like to see all of the funds, including the debt reduction funds, included in a biennial budgeting process and is in support of a comprehensive reserve policy.

Board Member Abe-Koga recommended looking at the trends for the Worker’s Compensation and Leave Compensation funds and to consider lowering those funds.
Alternate Board Member Price concurred with Board Members Abe-Koga and Liccardo regarding the issue of overall reserve policies and the importance of having guiding principles. She noted she concurs with the Harvey Rose recommendations, appreciates VTA staff’s work, and the comments by the employees.

Board Member Herrera expressed her appreciation for the Harvey Rose report. She noted her position on the 2010 Ad-Hoc FRC with Board Member Abe-Koga and then Board Member Don Gage and expressed her appreciation to all of the stakeholder groups for their hard work. She noted VTA is in a much better position.

Board Member Herrera: 1) acknowledged Harvey Rose and noted her respect for what they have to say; 2) referenced the OPEB Liability Fund and stated that saving $2 million per year is very significant; 3) noted that although being funded at 60 percent is very positive, the Board still needs to be concerned with the unfunded 40 percent to ensure that we deliver what is promised; and 4) supports staff’s recommendation.

Board Member Esteves: 1) noted he supports staff’s recommendation; 2) stated one time revenues must not be used for recurring expenses and that VTA must be prudent in its spending; 3) noted his belief that VTA operates with a minimum of services, including not providing restrooms for the public at its stations, and stated the elderly need basic services in order to utilize our system.

Alternate Board Member Whittum noted comparing funding levels with other agencies is irrelevant due to the uncertainty whether the funding levels are adequate. He noted in the face of uncertainty he recommends a fiscally conservative approach. Alternate Board Member Whittum stated he supports: 1) an increase in operations funds to improve service; 2) transparent policies; and 3) looking at the average historical worse case and planning a reserve based upon that. He noted all of that is aimed at preserving what the public is asking for: maintain service and improving service where possible.

Board Member Kalra thanked Mr. Burns, staff, the bargaining units, and Harvey Rose for their efforts in helping to educate the Board on the proposed budget. He noted: 1) a global discussion on reserves, as part of the overall budget process, is healthy and helps to educate everyone; 2) he was heartened to see that many Board members agree that having a comprehensive policy on reserves is a positive thing; 3) the Board needs to be fiscally prudent when looking at reserves, by establishing a well-balanced reserve policy and continuously evaluate the reserves to address fluctuations.

Board Member Kalra noted the Board placed a cap on sales tax stabilization to ensure: 1) a healthy reserve; 2) service levels appropriate for providing a fully functioning transit system; 3) a fully-funded Congestion Management Program; and 4) employees that are happy and made whole for the sacrifices they made to get the agency through hard times.
Board Member Kalra expressed his support for using the $20.65 million contained in the Board-approved Other Post Employment Benefit (OPEB) Liability Reduction Fund to pay down the OPEB Liability, but noted it is important that decisions not be made in a vacuum.

Board Member Cortese: 1) noted he was the only member of the current Board who participated in the original 2003 Ad-Hoc Financial Stability Committee; 2) expressed concern with the regular practice of shifting funds back and forth between Capital and Operations; 3) noted the need for a firewall, except in a fiscal-emergency situation; 4) noted the solution in 2003 was to seek a court order to move Measure A Capital Funds to Operations; 5) questioned the limitations the Board would put on moving those funds; 6) referenced the unfunded projects on the Measure A list, particularly the Eastridge Extension, and noted his reluctance to accept the Harvey Rose Recommendation Number 5, Eliminate the local share of capital projects reserve and re-designate the funds to be used for any operating purpose; and 7) noted that with a comprehensive review, the Board would need to determine how those funds would be designated.

Board Member Cortese stated that if the Board had to take away from projects that are currently unfunded the Board would have the responsibility to fulfill those prior commitments with any available capital or one-time funds.

Board Member Cortese noted the Debt Reduction Reserve and the Compensated Absence Reserve should be reviewed in terms of reduction, because both appear to be overfunded. He noted there are standard numbers for replacement reserves, including federal, state and local, and VTA should not be close to the normal for those types of reserves. Board Member Cortese stated that the OPEB move makes sense at this time.

Board Member Cortese commented that when the Government Accounting Standards Board (GASB) told governmental agencies that liabilities must be shown on the books, with an effort to fund them, they were talking about a long-term process. He noted he does not want VTA’s employees to get the impression that if VTA does not fund a reserve at a 100 percent level, right now, that retiree health benefits scheduled to be paid 10 or 15 years from now are in jeopardy. He noted that is not the case. Board Member Cortese stated that GASB is saying the agency should have the operating ability to pay, the programmatic ability to pay, plus have these reserves set-up. He stated that VTA is setting the gold standard in terms of addressing that issue, but that VTA does not need to do it any more aggressively than what makes prudent sense.

Board Member Cortese stated that the Board has been telling the employees to shoulder the burden since the 2003 Ad Hoc Financial Stability Committee. He noted it was with the understanding that if the employees helped VTA get through the dot-com bust and then later the Wall Street meltdown, VTA would not forget those efforts and would come back and make good on rewarding its employees for their hard work. He noted that several of the speakers had mentioned that and he wanted to not only echo it, but to be a witness that those statements were made at many brown bag lunch meetings over the last dozen years. Board Member
Cortese stated he was sure that more of those kinds of representations were made to the employees during the period that he was not a voting member on the Board. He noted if at some point VTA reduces operating reserves it makes sense to see how we can make this even more of an employer of choice with those dollars.

Board Member Rocha thanked staff and those who addressed the Board. He noted as a new member it was helpful to receive input, direction and advice on a number of issues, especially as they relate to the Budget. Board Member Rocha requested to meet with staff for further clarification of VTA’s policies. Mr. Burns noted that Board Member Rocha’s request for clarification is a highlight of the Harvey Rose’s report.

Board Member Rocha stated he was in support of staff’s recommendation to apply the $20.65 million contained in the Board-approved Other Post Employment Benefit (OPEB) Liability Reduction Fund to pay down the OPEB Liability. He noted he would like to establish policies for target goals rather than making annual decisions on a whim.

Board Member Liccardo provided a list of topics for a future, comprehensive approach Board discussion, including: 1) An update on the amount of unfunded capital projects in the Measure A program, to enable the Board to understand the consequences for moving capital money back and forth; 2) The history of the 18.46% of Measure A funds currently moving from Measure A to Operations; 3) A history of the reserves, including the debt reduction reserve; and 4) The amount the unfunded liability is costing on an annual basis and how it impacts VTA’s operating costs.

Chairperson Pirzynski commended everyone for their extraordinary efforts in making this workshop possible. He then: 1) noted this Board has demonstrated its skill and ability to assimilate very complex information and has also shown a dedication to the agency’s purpose; 2) thanked VTA’s employee groups and the working partnership for engaging Harvey Rose, noting it is always helpful to have multiple sets of eyes reviewing the same data; 3) stated that he agreed with the comments the Board made and noted there was a coherent philosophy among all members of the Board due to their understanding of the organization’s mission; and 4) expressed his appreciation for the professionalism of VTA’s management staff.

Mr. Burns thanked everyone who participated for making this a productive session. He noted the input and suggestions would be taken under consideration. Mr. Burns stated that staff would prepare a formal response to the Harvey Rose report that will be forwarded to the Board. He stated that staff is open to a comprehensive policy and noted this will be a good discussion, including examining reserve levels to determine what is appropriate.

Mr. Burns noted, based on the discussion and if there is no objection, the transfer of the funds from the trust to the OPEB fund would be placed on the agenda for the May 3, 2013, Board meeting. Any new updates regarding the budget will be provided to the Board at its May meeting.
• Deferred to the May 3, 2013, Board of Directors meeting.

  Referral from the April 4, 2013, VTA Board of Directors regular meeting: Reallocation of Other Post Employment Benefits (OPEB) Liability Reduction Fund to OPEB Trust Fund.

4.2. **Referred to the Silicon Valley Rapid Transit Program Working Committee**

  Review the BART Silicon Valley Parking Technology Recommendations.

4.3. **Referred to the May 6, 2013, VTA Board Meeting**

  Receive an update regarding Labor Relations.

5. **OTHER ITEMS**

5.1. **ANNOUNCEMENTS**

  There were no Announcements.

6. **ADJOURN**

  **On order of Chairperson Pirzynski** and there being no objection, the meeting was adjourned at 11:53 a.m.

  Respectfully submitted,

  Susan E. Garcia, Board Assistant
  VTA Office of the Board Secretary
1. CALL TO ORDER AND ROLL CALL

The Regular Meeting of the Santa Clara Valley Transportation Authority’s (VTA) Board of Directors was called to order by Chairperson Pirzynski at 5:37 p.m. in the Board of Supervisors’ Chambers, County Government Center, 70 West Hedding Street, San José, California.

1.1. ROLL CALL

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

A quorum was present.

1.2. Orders of the Day

Chairperson Pirzynski noted the agenda was revised and the following item was revised to reflect the recommended contractor and contract amount: **Agenda Item #8.4.** Authorize the General Manager to execute a contract with Cleveland Track Material, Inc., the lowest responsible bidder, in the amount of $1,423,550 for the Light Rail Efficiency Project - Special Trackwork procurement contract. This item is available in the Board Members’ reading folders and on the public table.

Chairperson Pirzynski noted that staff requested that the following items be moved to the Consent Agenda: 1) **Agenda Item #6.3.** Review updates to the Fiscal Years 2014 and 2015 Recommended Biennial Budget; 2) **Agenda Item #6.4.B.** Receive an update regarding Labor Relations; 3) **Agenda Item #6.4.C.**
Receive Silicon Valley Rapid Transit (SVRT) Program Update; and 4) **Agenda Item #8.4.** Light Rail Efficiency Project - Special Trackwork Procurement Contract.

Chairperson Pirzynski noted that staff also requested that a property be removed under **Agenda Item #5.1.** Hearing – Notice of Intention to Adopt Resolutions of Necessity. The property was identified as: B2013 - owned by Asilomar Partners Milmont, LLC., a California limited liability company.

Chairperson Pirzynski noted that a Member of the Public requested removal from the Consent Agenda: **Agenda Item #7.11.** Authorize the General Manager to seek approval from the California Transportation Commission (CTC) for the transfer of $18 million in Transportation Congestion Relief Program (TCRP) funds from the Caltrain South County Improvement Project to the Rail Extension to Salinas Project. The item was heard at the end of the Regular Agenda.

Board Member Liccardo requested that **Agenda Item #7.18.** Silicon Valley Express Lanes Program, be removed from the Consent Agenda and placed on the Regular Agenda. The item was heard at the end of the Regular Agenda.

Michael T. Burns, General Manager, disclosed a conflict with the following Item and recused himself from **Agenda Item #7.16.** Authorize the General Counsel to execute a contract with ICF International in an amount up to $2,000,000 for the preparation of a combined National Environmental Policy Act (NEPA)/California Environmental Quality Act (CEQA) environmental update document for a six-mile, four-station Phase II of the BART Silicon Valley Project.

**M/S/C (Woodward/Herrera)** 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 May 2013

Chairperson Pirzynski recognized Benilda Diaz, Accountant III, River Oaks Administration; and Hanh Lam, Transit Mechanic, Chaboya Maintenance, as Employees of the Month for May 2013. Jigdol Ngawang, Coach Operator, North Division, was unable to attend.

### 3. CLOSED SESSION

Board Member Herrera recused herself from **Agenda Item #3.1.A** and did not enter Closed Session.

Robert Fabela, General Counsel, reminded the Board of Directors of their obligations under Government Code Section 84308, which precludes their participation or vote on an item in which either a party or participant has donated to their campaigns over the last 12 months.

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

Richard Nieset, Interested Citizen, referenced Agenda Item #3.1.A pertaining to the sale of property to Green Republic. He commented that this development was very inconsistent with the design guidelines and intent of the San Jose Midtown Specific Plan, the economics of this development do not pencil, and that perhaps a different project should be considered.

Deborah Arant, Shasta/Hanchett Park Neighborhood Association, commented that Green Republic should comply with their original plans approved by the City of San Jose in 2010.

3.1. Recessed to Closed Session at 5:46 p.m.

Board Member Herrera left the meeting at 6:12 p.m.
Board Member Cortese left the meeting at 6:58 p.m.

A. Conference with Real Property Negotiators
   [Government Code Section 54956.8]
   
   Property: Fee interest in property located at the southwest corner of West San Carlos Avenue and Sunol Blvd in San Jose

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

   Negotiating Parties: Michael VanEvery, Green Republic

   Under Negotiation: Possible amendment to terms and conditions of payment of existing Purchase and Sale Agreement

B. Existing Litigation - Conference with Legal Counsel
   [Government Code Section 54956.9(a)]

   Name of Case: Santa Clara Valley Transportation Authority v. U.S. REIF Mabury California, LLC, et al. (Eminent Domain) (Santa Clara Superior Court Case No.: 1-11-CV-212792)

C. Anticipated Litigation - Conference with Legal Counsel
   [Government Code Section 54956.9(c)]

   Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9

   Number of Potential Cases: 1

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

   VTA Designated Representatives
   Bill Lopez, Chief Administrative Officer
   Robert L. Escobar, Deputy Director, Administrative Services
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
Transportation Authority Engineers and Architects Association (TAEA), IFPTE, Local 21

**E. Public Employment**
[Pursuant to Government Code Section 54957]

Title of position to be filled: General Manager

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

Title: General Counsel

3.2. **Reconvened to Open Session at 7:13 p.m.**

3.3. **Closed Session Report**

**A. Conference with Real Property Negotiators**
[Government Code Section 54956.8]

Property: Fee interest in property located at the southwest corner of West San Carlos Avenue and Sunol Blvd in San Jose

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

Negotiating Parties: Michael VanEvery, Green Republic

Under Negotiation: Possible amendment to terms and conditions of payment of existing Purchase and Sale Agreement

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

**B. Existing Litigation - Conference with Legal Counsel**
[Government Code Section 54956.9(a)]

Name of Case: Santa Clara Valley Transportation Authority v. U.S. REIF Mabury California, LLC, et al. (Eminent Domain) (Santa Clara Superior Court Case No.: 1-11-CV-212792)

Mr. Fabela reported that no reportable action was taken during Closed Session.
C. Anticipated Litigation - Conference with Legal Counsel
   [Government Code Section 54956.9(c)]
   Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9
   Number of Potential Cases: 1
   Mr. Fabela reported that no reportable action was taken during Closed Session.

D. Conference with Labor Negotiators
   [Government Code Section 54957.6]
   VTA Designated Representatives
   Bill Lopez, Chief Administrative Officer
   Robert L. Escobar, Deputy Director, Administrative Services
   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
   Transportation Authority Engineers and Architects Association (TAEA), IFPTE, Local 21
   Mr. Fabela reported that no reportable action was taken during Closed Session.

E. Public Employment
   [Pursuant to Government Code Section 54957]
   Title of position to be filled: General Manager
   Mr. Fabela reported that no reportable action was taken during Closed Session.

F. Public Employee Performance Evaluation
   [Government Code Section 54957]
   Title: General Counsel
   Chairperson Pirzynski reported that no reportable action was taken during Closed Session.

4. PUBLIC COMMENT

   Michael Ludwig, Interested Citizen, expressed his strong opposition to the elimination of Caltrain and replacing Caltrain with BART Around the Bay.

   Omar Chatty, Interested Citizen, commented he was a strong advocate for BART Around the Bay.
5. PUBLIC HEARINGS

5.1. BART Silicon Valley Berryessa Extension (SVBX) Project Resolution of Necessity

Chairperson Pirzynski reiterated that the property identified as B2013, owned by Asilomar Partners Milmont, LLC., a California limited liability company, was removed from the Agenda under Orders of the Day.

Bijal Patel, Deputy Director of Property Development and Management, recommended that a Resolution of Necessity be adopted for the property owned by Nicora Avenue, L.P., a California limited partnership. VTA had settled with the property owner and in the process of doing a closing, encountered a title issue which now required VTA to get a final order of condemnation to clear. Ms. Patel reported this was the reason why VTA was asking for a Resolution of Necessity.

M/S/C (Yeager/Matthews) to close Hearing.

M/S/C (Yeager/Matthews) to adopt a Resolution of Necessity No. 2013.05.09 determining that the public interest and necessity requires the acquisition of property interests from one property owned by Nicora Avenue, L.P., a California limited partnership, located in San Jose, California, for the BART Silicon Valley Berryessa Extension (SVBX) Project. (Motion approved by 10 Board Members.)

Resolution No. 2013.05.09

Property ID/Assessor's Parcel Number/Owner

B3013 (APN 254-02-076) owned by Nicora Avenue, L.P., a California limited partnership

(Removed from the Agenda)

Property ID/Assessor's Parcel Number/Owner

B2013 (APN 519-1010-112, 113 and 114) owned by Asilomar Partners Milmont, LLC., a California limited liability company

6. REPORTS

6.1. Citizens Advisory Committee (CAC) Chairperson’s Report

Clinton Brownley, CAC Chairperson, provided a report on the discussions held at the April 10, 2013, CAC meeting. On behalf of the CAC, he thanked Chairperson Pirzynski for attending the meeting to solicit member’s input on the qualifications and attributes the Board should consider in selecting a General Manager. Mr. Brownley also thanked the Board and staff for continuing to provide Joint Advisory Committee meetings, noting the May 8, 2013, Joint Advisory Committee meeting on the recommended VTA Biennial Budget. He reported the Citizens Watchdog Committee (CWC) will hold its annual public hearing required by Measure A to receive community input on Wednesday,
May 8, 2013, at 6:00 p.m., noting the hearing would precede the regular CAC/CWC meeting.

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

Alternate Board Member Gail A. Price and PAC Chairperson, provided a report on the discussions held at the April 11, 2013, PAC meeting. Ms. Price concurred with the comments made by Mr. Brownley regarding the Committee’s opportunity to provide input regarding the qualifications and attributes the Board might consider as criteria for the recruitment of a new General Manager.

6.3. **(Moved to the Consent Agenda.)**

Review updates to the Fiscal Years 2014 and 2015 Recommended Biennial Budget.

6.4. **General Manager’s Report**

Mr. Burns provided a report, highlighting: 1) Overall system-wide ridership up 4.6 percent in March 2013 compared to March 2012; 2) April 5, 2013, BART Silicon Valley One-Year Milestone Celebration, which included a Milestone Tour and Kato Road Grade Separation Ribbon Cutting Event; 3) VTA participation in Earth Day events throughout the County of Santa Clara as follows: a. VTA hosted a litter pick-up event on April 20, 2013, at the Wrigley Creek site in Milpitas; b. VTA participated in the reopening celebration on the Guadalupe River trail; and c. During the week of April 22-26, 2013, VTA partnered with San Jose State Planning Department students in a class project to increase awareness about the environmental benefits of taking transit; and 4) May 9, 2013, Bike to Work Day, noting VTA will be hosting an energizer station at the Milpitas Great Mall Transit Center. VTA also launched a Bike Giveaway contest in partnership with La Dolce Velo, a local bicycle shop, who donated the bikes. Mr. Burns noted three of the four winners of the contest were selected today.

6.4.A. **Presentation from Federal Lobbyist**


**On order of Chairperson Pirzynski** and there being no objection, a presentation from Steve Palmer, Federal Lobbyist, was received.

6.4.B. **(Moved to the Consent Agenda.)**

Receive an update regarding Labor Relations.

6.4.C. **(Moved to the Consent Agenda.)**

Receive Silicon Valley Rapid Transit (SVRT) Program Update.
6.4.D. Metropolitan Transportation Commission (MTC) and California Transportation Commission (CTC) Activities

There was no report on the Metropolitan Transportation Commission (MTC) and California Transportation Commission (CTC) Activities.

6.5. Chairperson’s Report

There was no Chairperson’s Report.

7. CONSENT AGENDA

6.3. Fiscal Years 2014 and 2015 Recommended Biennial Budget Update

M/S/C (Woodward/Herrera) to review updates to the Fiscal Years 2014 and 2015 Recommended Biennial Budget were reviewed.

6.4.B. Labor Relations Update

M/S/C (Woodward/Herrera) to receive an update regarding Labor Relations.

6.4.C. BART Silicon Valley Program Update

M/S/C (Woodward/Herrera) to receive Silicon Valley Rapid Transit (SVRT) Program Update.

7.1. Board of Directors Regular Meeting Minutes of April 4, 2013

M/S/C (Woodward/Herrera) to approve the Board of Directors Regular Meeting Minutes of April 4, 2013.

7.2. Reallocation of Other Post Employment Benefits (OPEB) Liability Reduction Fund to OPEB Trust Fund

M/S/C (Woodward/Herrera) to authorize transfer of $20,650,000 from the Other Post Employment Benefits (OPEB) Liability Reduction Fund to the OPEB Trust Fund.

7.3. Bill Position – SB 628

M/S/C (Woodward/Herrera) to adopt a support position for SB 628 (Beall), which expands the use of infrastructure financing districts to include the implementation of transit priority projects.

7.4. 2013/14 Annual Renewal of Operations Insurance Coverage

M/S/C (Woodward/Herrera) to authorize the General Manager to purchase insurance coverage for Excess Liability, General and Auto Liability, and Public Officials Errors and Omissions Liability; Property / Boiler & Machinery; Inland Marine for Light Rail Vehicles; Inland Marine for Buses, Vans and Mobile Equipment; and Flood exposures for the annual Operations Program Insurance renewal for an amount not to exceed $3,427,577.

7.5. Authorize Authority to Enter into Electronic Sign Procurement Contract

M/S/C (Woodward/Herrera) to authorize the General Manager to execute a contract with Daktronics Inc. the lowest responsive and responsible bidder, for a
maximum of 103 specialized dynamic LED based transit information signs, software integration of the sign interfaces, technical support, maintenance, tax, shipping, and warranty services. The contract will be for a maximum 2 year period, with a value not to exceed $750,000.

7.6. **FY13 Federal Transit Administration Formula Grants**

M/S/C (Woodward/Herrera) to authorize the General Manager to submit Federal Fiscal Year 2013 grant applications and execute grant agreements with the Federal Transit Administration (FTA) for Section 5307 Urbanized Area Formula, Section 5309 Fixed Guideway, Section 5309 New Starts, Section 5337 State of Good Repair and Section 5339 Bus and Bus Facilities funds.

7.7. **Bicycle Expenditure Program Project List for VTP 2040**

M/S/C (Woodward/Herrera) to adopt the Bicycle Expenditure Program (BEP) Project List for VTP 2040.

7.8. **Vehicle Emissions Reductions Based at Schools (VERBS) Cycle 2 Projects**

M/S/C (Woodward/Herrera) to approve a program of projects for the Vehicle Emissions Reductions Based at Schools (VERBS) Program.

7.9. **Local Program Reserve – Administrative Clean-Up**

M/S/C (Woodward/Herrera) to amend the Local Program Reserve (LPR) programming for the Mathilda/US 101 Interchange project in Sunnyvale and the Mary Avenue Extension project in Sunnyvale to address accounting issues and return unused funds to the program.

7.10. **2012 Monitoring Conformance Report**

M/S/C (Woodward/Herrera) to adopt the 2012 Monitoring and Conformance Findings.

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

Authorize the General Manager to seek approval from the California Transportation Commission (CTC) for the transfer of $18 million in Transportation Congestion Relief Program (TCRP) funds from the Caltrain South County Improvement Project to the Rail Extension to Salinas Project.

7.12. **FY 14/FY15 Transit Service Plan**

M/S/C (Woodward/Herrera) to adopt the FY2014 and FY2015 Transit Service Plan and the recommended transit service changes.

7.13. **Agreement with General Electric Transportation Systems Global Signaling LLC for Light Rail Supervisory Control and Data Acquisition System Modifications**

M/S/C (Woodward/Herrera) to authorize the General Manager to execute a contract with General Electric Transportation Systems Global Signaling LLC for an amount not to exceed $3 million for refinements and modifications of the
existing Supervisory Control and Data Acquisition system used to control the light rail operating system.

7.14. **Freight Railroad Relocation – Alum Rock Fish Passage Amendment Construction Contract**

M/S/C (Woodward/Herrera) to authorize the General Manager to amend the Freight Railroad Relocation - Alum Rock Fish Passage construction contract with Stevens Creek Quarry Construction to accommodate scope additions in the amount of $263,500 for a new authorized amount of $1,157,700.

7.15. **Addendum No. 4 to the 2011 2nd Supplemental Environmental Impact Report for the BART Silicon Valley Berryessa Extension Project**

M/S/C (Woodward/Herrera) to consider the Addendum to the 2nd Supplemental Environmental Impact Report (EIR) and approve the design changes to the BART Silicon Valley Project (“Project”), as discussed in Addendum No.4.

7.16. **Environmental Services Contract for the BART Silicon Valley Santa Clara Extension Project**

M/S/C (Woodward/Herrera) to authorize the General Counsel to execute a contract with ICF International in an amount up to $2,000,000 for the preparation of a combined National Environmental Policy Act (NEPA)/California Environmental Quality Act (CEQA) environmental update document for a six-mile, four-station Phase II of the BART Silicon Valley Project.

7.17. **Monthly Legislative History Matrix**

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

7.18. **Silicon Valley Express Lanes Program**

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

Receive update on Express Lanes projects.

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

Receive an update on Silicon Valley Express Lanes Implementation Plan.


8.4. **Light Rail Efficiency Project – Special Trackwork Procurement Contract**

M/S/C (Woodward/Herrera) to authorize the General Manager to execute a contract with Cleveland Track Material, Inc., the lowest responsible bidder, in the
amount of $1,423,550 for the Light Rail Efficiency Project - Special Trackwork procurement contract.

8. REGULAR AGENDA

Administration and Finance Committee

8.1. Substitution of Liquidity – 2008 Measure A Sales Tax Revenue Bonds

Joseph T. Smith, Chief Financial Officer, provided an overview of the staff report. M/S/C (Liccardo/Yeager) to adopt Resolution No. 2013.05.10 authorizing the General Manager or Chief Financial Officer to execute and deliver any and all documents, including a Remarketing Memorandum in connection with the 2000 Measure A Sales Tax Revenue Refunding Bonds, 2008 Series A, B, C and D that are required to (1) extend the liquidity facilities provided by Sumitomo Mitsui Banking Corporation as liquidity provider for 2008 Series C and D and (2) replace the liquidity facilities provided by JPMorgan Chase Bank, N.A (JPMorgan) for 2008 Series A and B with liquidity facilities provided by Sumitomo Mitsui Banking Corporation.

Congestion Management Program and Planning Committee

8.2. SR 152 Trade Corridor AB3090 Project Funding

John Ristow, Chief CMA Officer, provided a brief overview of the staff report. He provided a presentation on the SR 152 Corridor, highlighting: 1) Map of SR 152 Trade Corridor; 2) Corridor History; and 3) Next Steps.

Public Comment

Mr. Chatty commented that the project needs to be made transparent and expressed opposition to toll roads. He queried about the possibility of down scoping the project to a conventional highway between SR 156 and Highway 101 to dispose of the two-lane gateway to Silicon Valley.

M/S/C (Liccardo/Abe-Koga) to identify $17 million in local funding to advance the SR-152 New Alignment project, authorize VTA staff to submit Assembly Bill (AB) 3090 requests to the Metropolitan Transportation Commission (MTC) and California Transportation Commission (CTC), and authorize the General Manager to execute an AB 3090 Reimbursement Agreement with the CTC and/or Caltrans.

Transit Planning and Operations Committee

8.3. Addendum No. 2 to the November 2008 Final Environmental Impact Report for the Santa Clara-Alum Rock Bus Rapid Transit Project

Tom Fitzwater, Environmental Planning Manager, provided an overview of the staff report. He referenced the traffic impact study and indicated there was no significant level of service changes in traffic, but noted the parking impacts at the north side of Santa Clara Street near the downtown Bus Rapid Transit (BRT) station. It was concluded that there would be no new significant impacts not previously disclosed in the Environmental Impact Report (EIR) nor were there substantial increases in the severity of any previous significant effects. Therefore, staff determined an addendum was the appropriate environmental document to
provide clearance in terms of the Environmental Quality Act. While the addendum addressed all of these changes, staff will review the design modifications again at the Downtown East Valley Policy Advisory Board to work out operational details and phasing.

Mr. Ristow reported on the changes placed in the addendum that have all been resolved or added and noted the issues that have not been resolved. He reported on the direction received from the Transit Planning and Operations (TP&O) Committee Members at their April 18, 2013, meeting, which was to approve the document as described in the staff report, but to work with the City of San Jose and other stakeholders to address those remaining issues of whether or not there would be transition lanes now or in the future. A final decision on these issues would be made at the DTEV PAB meeting.

Chairperson Pirzynski referenced the letters provided to the Board of Directors regarding the project.

**Public Comment**

Ratna Amin, SPUR, expressed support for VTA staff’s recommendation for the Santa Clara/Alum Rock BRT project.

Mr. Ludwig commented on business owners’ concerns regarding the impact of BRT in downtown San Jose. He expressed he was a strong supporter of transit and BRT.

Brian Darrow, Working Partnerships USA, expressed support for the Santa Clara/Alum Rock BRT project and thanked the Board of Directors and VTA staff for all of their leadership on these efforts.

Chris Lepe, TransForm, referenced the joint letter from TransForm; Working Partnerships USA; SPUR; Greenbelt Alliance; Services, Immigrant Rights, and Education Network (SIREN); Eastside Neighborhood Center; Sierra Club Loma Prieta Chapter; Amalgamated Transit Union (ATU); and Catholic Charities of Santa Clara expressing support for staff’s recommendation for the project. Mr. Lepe commented this was a regional project and hoped everyone’s needs are considered when looking at the specific station between First and Second Street. He mentioned the many benefits of BRT and noted it was a perfect solution for Santa Clara County.

**M/S/C (Liccardo/Abe-Koga)** to consider the Addendum to the Final Environmental Impact Report (EIR) and approve the design changes to the Santa Clara/Alum Rock Bus Rapid Transit Project (“Project”), as discussed in Addendum No.2.

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

Authorize the General Manager to execute a contract with Cleveland Track Material, Inc., the lowest responsible bidder, in the amount of $1,423,550 for the Light Rail Efficiency Project - Special Trackwork procurement contract.
7.11 Funding for Gilroy Station Improvements

Public Comment

Roland Lebrun, Interested Citizen, referenced correspondence he sent to the Board of Directors earlier in the week regarding this item and expressed his concerns regarding VTA staff’s proposed recommendation. He voiced his continued support to extend commuter rail to South County to eliminate traffic congestion.

Mr. Ludwig expressed his opposition to staff’s recommendation unless it will increase service between Tamien and Gilroy on Caltrain.

Mr. Chatty voiced his concerns about staff’s recommendation and funding for SR 152, and questioned about the transparency in VTA funding.

Mr. Burns clarified that these are State funds earmarked for designated projects that were part of the Measure and are not available for projects outside of the Measure, and would not be available for SR 152. The improvements that the Transportation Authority of Monterey County (TAMC) is recommending to be funded with these funds are located in Gilroy and do provide for increased capacity for the southern part of the commuter rail system in Santa Clara County. While there are no final decisions or guarantees, the expectation is that the service to Salinas will be provided through Capitol Corridor trains in addition to Caltrain service, so service will be added between Tamien and Gilroy. However, the additional service is primarily targeted at Morgan Hill and Gilroy and not the intermediate stations.

M/S/C (Matthews/Campos) to authorize the General Manager to seek approval from the California Transportation Commission (CTC) for the transfer of $18 million in Transportation Congestion Relief Program (TCRP) funds from the Caltrain South County Improvement Project to the Rail Extension to Salinas Project.

7.18 Silicon Valley Express Lanes Program

7.18.a Silicon Valley Express Lanes Program Update

Upon query of Board Member Liccardo, Mr. Ristow noted that the item explained the range of options for funding/financing the Express Lanes system and staff anticipates providing additional information for the Board of Directors to consider at a Workshop in September 2013. He noted that a final decision on the arrangement of funding/financing will probably not occur until early 2014.

Public Comment

Mr. Chatty expressed an interest in seeing VTA’s funding to see if toll roads are really needed and questioned if there were any plans in place to use the future gas tax increase to alleviate toll lanes.
Mr. Ludwig expressed support for toll lanes, noting toll lanes could help to raise needed revenue.

M/S/C (Liccardo/Whittum) to receive update on Express Lanes projects.

7.18.b Silicon Valley Express Lanes Implementation Plan

M/S/C (Liccardo/Whittum) to receive an update on Silicon Valley Express Lanes Implementation Plan.

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 and Finance Committee (A&F) – April 18, 2013, Minutes were accepted as contained on the dais.
- Congestion Management Program and Planning Committee (CMPP) – April 18, 2013, Minutes were accepted as contained on the dais.
- Transit Planning and Operations Committee (TP&O) – There was no report.
- Audit Committee – There was no report.
- Silicon Valley Rapid Transit Program Working Committee – There was no report.

9.2.B. VTA Advisory Committees

- Committee for Transit Accessibility (CTA) – There was no report.
- Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) – April 10, 2013, Minutes were accepted as contained in the Agenda Packet.
- Bicycle & Pedestrian Advisory Committee (BPAC) – There was no report.
- Technical Advisory Committee (TAC) – April 11, 2013, Minutes were accepted as contained in the Agenda Packet.
- Policy Advisory Committee (PAC) – April 11, 2013, Minutes were accepted as contained in the Agenda Packet.

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 JPB - May 2, 2013, Meeting Summary Notes were accepted as contained on the dais.
- Capitol Corridor JPB – There was no report.
- Dumbarton Rail Corridor Policy Committee – There was no report.
- Metropolitan Transportation Commission (MTC) - April 24, 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. ADJOURNMENT

On order of Chairperson Pirzynski and there being no objection, the meeting was adjourned at 8:23 p.m.

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 External Affairs Officer, Greta Helm

SUBJECT: Monthly Legislative History Matrix

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. This memo provides an update on a number of these bills.

DISCUSSION:

AB 179 (Bocanegra) applies new restrictions to the retention and sharing of personal account information for electronic toll and transit fare collection systems in order to address privacy concerns. In the Bay Area, the requirements of AB 179 would apply to the Metropolitan Transportation Commission (MTC), which administers both FasTrak and Clipper. However, there is some concern among public transit agencies in the region about the impact that the measure could have on their ability to access travel pattern data for Clipper cardholders from MTC to effectively plan their services. VTA staff is working with other Bay Area transit agencies, the California Transit Association and Assembly Member Raul Bocanegra’s Office to address this issue. Status: Assembly Appropriations Committee.

AB 401 (Daly) allows the Orange County Transportation Authority (OCTA) to use design-build contracting for the I-405 Improvement Project, subject to the approval of the California Transportation Commission (CTC). While AB 401 applies only to the I-405 Improvement Project in Orange County, the measure has generated a significant amount of controversy because it is being viewed as potentially setting the standard for future legislation related to the use of design-build contracting for state highway projects. At the heart of the controversy are provisions in AB 401 that require Caltrans to perform construction inspection services for the I-405 Improvement Project, rather than allowing OCTA to manage this work. Opponents of AB 401 contend that these provisions could set a precedent for limiting the flexibility of local agencies to effectively manage the delivery of projects on the state highway system when using
alternative contracting methods. Status: Assembly Appropriations Committee.

AB 431 (Mullin) authorizes a transportation planning agency that is designated as a metropolitan planning organization (MPO) to impose a sales tax within its jurisdiction at a rate of no more than 0.5 percent, subject to voter approval, for the purpose of achieving the goals of its sustainable communities strategy. Under the provisions of this bill, the expenditure plan for such a tax measure must allocate a minimum of 25 percent of the revenues to each of the following three areas: (1) transportation; (2) affordable housing; and (3) parks and open space. The main sponsor of AB 431 is the Non-Profit Housing Association of Northern California. While the legislation is being cast as a way to fund the implementation of sustainable communities strategies, it is really intended to find money for affordable housing projects, given that the Proposition 1C bond programs are winding down and redevelopment agencies have been eliminated. The problem with AB 431 is that it would put MPOs in direct competition with cities, counties and local transportation agencies for a finite revenue source. This concern has been raised by VTA staff, as well as by others, with Assembly Member Kevin Mullin, who is open to having a conversation about finding an approach that will work for everyone. AB 431 is a two-year bill. Status: Assembly Transportation Committee.

Consistent with the federal Moving Ahead for Progress in the 21st Century Act (MAP-21), AB 863 (Torres) provides the necessary statutory authority for Caltrans, if it chooses, to assume the responsibilities of the Federal Transit Administration (FTA) for environmental review and clearance for transit projects under the National Environmental Policy Act (NEPA). This measure is being sponsored by the Metro Gold Line Foothill Extension Construction Authority in the Los Angeles area. Caltrans has indicated that it is not seeking NEPA delegation for transit projects at this time because it does not have the resources to assume this responsibility. VTA staff has suggested amendments to Assembly Member Torres’ Office acknowledging that if Caltrans decides to assume FTA’s responsibilities under NEPA, MAP-21 does allow a public transit agency to request that FTA continue to perform federal environmental review and clearance for its projects. While amenable to this suggestion, Assembly Member Torres’ Office noted that AB 863 is a two-year bill. Status: Assembly Transportation Committee.

Modeled after VTA’s enabling statutes, SB 142 (DeSaulnier) allows any public transit agency to establish a benefit assessment district to finance the construction, operation or maintenance of a rail or bus transfer station. At request of the Bay Area Rapid Transit District (BART), which is the sponsor of SB 142, and Sen. Mark DeSaulnier’s Office, VTA staff provided advice during the drafting of this measure. Status: Senate Appropriations Committee.

Of the $1.1 billion in Proposition 1A bond proceeds appropriated by the Legislature in the FY 2013 Budget Act for early high-speed rail investments in the Bay Area and Southern California, $600 million was proposed to be allocated for projects in the Peninsula Corridor, such as electrification. SB 557 (Hill) makes this allocation a statutory requirement. The legislation further requires that these funds be spent on projects that implement a rail system in the Peninsula Corridor that primarily consists of a two-track blended system to be used jointly by the Caltrain Commuter Rail Service and high-speed rail. Finally, SB 557 requires any track expansion in the Peninsula Corridor beyond the two-track blended system approach identified in the High-Speed Rail Authority’s April 2012 Business Plan to be approved by all nine signatories...
to the Bay Area High-Speed Rail Early Investment Strategy Memorandum of Understanding, including VTA and the city of San Jose. Status: Senate Appropriations Committee.

SB 792 (DeSaulnier) requires MTC, the Bay Area Air Quality Management District (BAAQMD), the San Francisco Bay Conservation and Development Commission (BCDC), and the Association of Bay Area Governments (ABAG) to jointly prepare a regional organization plan, which must include a proposal for consolidating the functions that are common to the four agencies. This bill also requires any regional sustainable communities strategy for the Bay Area adopted after January 1, 2014, to include consideration of the following: (1) local and regional air quality; (2) sea level rise; (3) priority infrastructure needs; and (4) goals and policies related to economic development opportunities and social equity. In addition, SB 792 divides up the responsibilities for preparing different elements of the regional sustainable communities strategy among MTC, BAAQMD, BCDC, and ABAG, and requires all four agencies to adopt the strategy as a whole. Status: Senate Appropriations Committee.

Prepared By: Kurt Evans, Government Affairs Manager
Memo No. 3825
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<tr>
<th>State Assembly Bills</th>
<th>Subject</th>
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<th>Status</th>
<th>VTA Position</th>
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<tr>
<td>AB 5 (Ammiano)</td>
<td>Enacts the Homeless Person’s Bill of Rights and Fairness Act. Provides that the existence of homelessness requires that fundamental rights that are amply protected in the home and in private places be extended to the public domain to ensure the equal rights of all Californians, homeless or housed. Specifies that every homeless person in California shall have all of the following basic human rights, and legal and civil protections, except when prohibited by federal law: (1) the right to move freely in the same manner as any other person in public spaces; (2) the right to rest in a public space in the same manner as any other person, as long as that rest does not maliciously or substantially obstruct a passageway; (3) the right to eat, share, accept, or give food or water in public spaces in the same manner as any other person; (4) the right to solicit donations in public spaces in the same manner as any other person; (5) the right to the same protections that law enforcement agencies afford any other person; (6) the right to engage in lawful self-employment in the same manner as any other person, including self-employment in junk removal and recycling; (7) the right to pray, meditate or practice religion in public spaces in the same manner as any other person; (8) the right to decline admittance to a public or private shelter, or to any other accommodation, including social services programs, for any reason he or she sees fit; (9) the right to occupy a motor vehicle or recreational vehicle either to rest, sleep or use for the purposes of shelter, provided that the vehicle is legally parked on public property; (10) the right to confidentiality of his or her records and information by homeless shelters, medical centers, schools, or any other publicly funded human service provider, unless the disclosure is based on appropriate legal authority; and (11) the right to the assistance of legal counsel, if a county chooses to initiate judicial proceedings. Allows these rights to be exercised without the homeless person being subject to criminal or civil sanctions, harassment or arrest, except that existing local laws regarding resting in a public space may be enforced if specified human services criteria are met. Includes public transportation in the definition of “public spaces.” Prohibits a public employer from retaliating against an employee for offering available public resources to a homeless person in order to protect that person from harm. Requires every local government and disadvantaged unincorporated community within California to have sufficient health and hygiene centers available 24 hours a day, seven days a week, for use by homeless people. Requires such centers, which must contain public bathroom and shower facilities, to be funded by the state Department of Public Health through those county agencies that oversee public health programs. Allows any person to enforce these rights in a civil action.</td>
<td>4/30/13</td>
<td>Assembly Appropriations Committee</td>
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| **AB 8** (Perea)  
Alternative Fuel and Vehicle Technologies: Funding Programs | Extends the authorization and various funding sources for the following four alternative fuel and vehicle technology programs until January 1, 2024: (1) the Carl Moyer Program administered by local air districts; (2) the Enhanced Fleet Modernization Program administered by the California Air Resources Board (CARB); (3) the Alternative and Renewable Fuel and Vehicle Technology Program administered by the California Energy Commission; and (4) the Air Quality Improvement Program administered by CARB. | 5/13/13 | Assembly Appropriations Committee | Support |
| **AB 14** (B. Lowenthal)  
State Freight Plan | Requires the Transportation 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. | 5/6/13 | Assembly Appropriations Committee | |
| **AB 25** (Campos)  
Public Employment: Social Media | Prohibits a public employer from requiring or requesting an employee or applicant for employment to do any of the following: (1) disclose a username or password for the purpose of accessing personal social media; (2) access personal social media in the presence of the employer; or (3) divulge any personal social media, unless it is reasonably believed to be relevant in an investigation of allegations of employee misconduct, or employee violation of application laws and regulations. Prohibits a public employer from discharging, disciplining, threatening to discharge or discipline, or otherwise retaliate against an employee or applicant for not complying with a request or demand by the employer that violates the provisions of this bill. | 5/1/13 | Senate Rules Committee | |
| **AB 26** (Bonilla)  
Greenhouse Gas Reduction Fund | Adds the following to the list of goals in current law for the investment of cap-and-trade revenues: (1) transition the state’s workforce away from carbon intensive project job skills to greenhouse gas emission reducing job skills; and (2) reinvest on a regional basis to meet economic needs resulting from climate change policy. Allows cap-and-trade revenues to be used to fund apprenticeship and job training programs associated with greenhouse gas emission reduction technologies. Allows cap-and-trade revenues to be made available to the owner or operator of a refinery to perform maintenance work to reduce greenhouse gas emissions if all of the work that falls within an apprenticeship occupation will be performed by skilled journeypersons and registered apprentices. | 4/22/13 | Assembly Appropriations Committee | |
| **AB 37** (Perea)  
CEQA: Record of Proceedings | Upon the request of a project applicant and the consent of the lead agency, requires the lead agency for California Environmental Quality Act (CEQA) purposes to prepare a record of proceedings concurrently with the preparation, adoption or certification of an environmental document for a project, as specified. Sunsets the provisions of the bill on January 1, 2017. | 3/18/13 | Assembly Appropriations Committee | |
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<tr>
<td><strong>AB 53</strong> (J. Perez)</td>
<td>Biennial California Economic Development Strategic Plan</td>
<td>Requires the Governor’s Office of Business &amp; Economic Development to lead the preparation of a California Economic Development Strategic Plan. Requires the plan to contain all of the following:  (1) a statement of economic goals for the state;  (2) a prioritized list of significant issues identified from proposals for legislation, regulations and administrative reforms necessary to improve the business climate and economy of the state;  (3) an evaluation of the effectiveness of the state’s economic development programs;  (4) a list of key industries in which the state shall focus its economic development efforts; and  (5) strategies to foster job growth and economic development covering all state agencies, offices, boards, and commissions that have economic development responsibilities.</td>
<td>5/1/13</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>AB 179</strong>&lt;br&gt;(Bocanegra)&lt;br&gt;Electronic Transit Fare Collection Systems</td>
<td>Prohibits a transportation agency from selling or providing personally identifiable information of a person obtained pursuant to the person’s participation in an electronic transit fare collection system or who uses a public transportation system that employs an electronic transit fare collection system, subject to specified exceptions. Requires a transportation agency that employs an electronic transit fare collection system to establish a privacy policy regarding the collection and use of personally identifiable information. Requires the policy to include a description of the following: (a) the types of personally identifiable information that is collected by the agency; (b) the categories of third-party persons or entities with whom the agency may share personally identifiable information; (c) the process by which a transportation agency notifies subscribers of material changes to its privacy policy; (d) the effective date of the privacy policy; and (e) the process by which a subscriber may review and request changes to any of his or her personally identifiable information. Allows a transportation agency that employs an electronic transit fare collection system to impose an administrative fee on persons who use those systems in an amount that is sufficient to cover the costs of implementing the provisions of this bill. Requires all personally identifiable information obtained by a transportation agency through an electronic transit fare collection system that is not needed to perform account functions, such as billing, account settlement or enforcement activities, to be discarded after four and a half years. Prohibits a transportation agency that employs an electronic transit fare collection system from maintaining personal information for more than four and a half years after the date an account is closed or terminated.</td>
<td>4/24/13</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>AB 185</strong>&lt;br&gt;(R. Hernandez)&lt;br&gt;Open and Public Meetings</td>
<td>Provides that an audio or video recording of an open and public meeting made at the direction of a local agency may be erased or destroyed two years after the recording, but not sooner.</td>
<td>4/23/13</td>
<td>Assembly Local Government Committee</td>
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<td><strong>AB 204</strong>&lt;br&gt;(Wilk)&lt;br&gt;Green Vehicles: Registration Fees</td>
<td>Declares the intent of the Legislature to enact a bill to impose a fee in conjunction with registration on green vehicles to address the costs of those vehicles using public roads and highways.</td>
<td>As Introduced</td>
<td>Assembly Desk</td>
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<tr>
<td><strong>AB 205</strong>&lt;br&gt;(Pan)&lt;br&gt;Public Employees’ Retirement: Pension Fund Management</td>
<td>Allows a Board of Investments of a retirement system established pursuant to the County Employees Retirement Law of 1937 to prioritize investment in an in-state infrastructure project over a comparable out-of-state infrastructure project.</td>
<td>As Introduced</td>
<td>Senate Rules Committee</td>
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<td>State Assembly Bills</td>
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<tr>
<td>AB 206 (Dickinson)</td>
<td>Sacramento Regional Transit: Three-Position Bike Racks</td>
<td>4/1/13</td>
<td>Senate Transportation &amp; Housing Committee</td>
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<tr>
<td>AB 210 (Wieckowski)</td>
<td>Alameda and Contra Costa Counties: Transactions and Use Taxes</td>
<td>4/23/13</td>
<td>Senate Rules Committee</td>
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<tr>
<td>AB 220 (Ting)</td>
<td>Low-Emission Vehicles</td>
<td>4/30/13</td>
<td>Assembly Revenue &amp; Taxation Committee</td>
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<tr>
<td>AB 225 (Nestande)</td>
<td>Medium-Speed Electric Vehicles</td>
<td>5/9/13</td>
<td>Senate Rules Committee</td>
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- **AB 206 (Dickinson):** Sacramento Regional Transit: Three-Position Bike Racks
  Allows the Sacramento Regional Transit District (RTD) to install folding devices attached to the front of its buses that are designed and used exclusively for transporting bicycles if: (1) the device does not extend more than 40 inches from the front of the bus when fully deployed; and (2) the handlebars of the bicycles being transported do not extend more than 46 inches from the front of the bus. Requires RTD to establish a route review committee prior to the installation of the initial folding device on a bus that is 45 feet in length. Requires the committee to perform an initial review of the routes on which RTD proposes to operate a 45-foot bus equipped with a front-mounted bicycle rack and to determine, by a unanimous vote of all members, the routes that are suitable for the safe operation of such buses. Before conducting a vote, requires the committee to obtain certification approved by a licensed traffic engineer that all proposed routes are safe for travel by such buses.

- **AB 210 (Wieckowski):** Alameda and Contra Costa Counties: Transactions and Use Taxes
  Until December 31, 2020, allows the Counties of Alameda and Contra Costa to impose a transactions and use tax for the support of countywide transportation programs at a rate of not more than 0.5 percent that would, in combination with all other such taxes imposed in the county, exceed the state’s limit of 2 percent, subject to the following conditions: (1) the county adopts an ordinance imposing the tax by the appropriate voting approval requirement; and (2) the ordinance is submitted to the county’s electorate on a November general election ballot and is approved by the voters pursuant to Article XIII C of the California Constitution.

- **AB 220 (Ting):** Low-Emission Vehicles
  Until January 1, 2018, provides either a partial exemption or a partial exclusion from existing sales and use taxes with respect to the sale of specified low-emission vehicles.

- **AB 225 (Nestande):** Medium-Speed Electric Vehicles
  Authorizes the operation of a medium-speed electric vehicle at speeds of no more than 45 miles per hour on a roadway with a speed limit that does not exceed 45 miles per hour. Defines “medium-speed electric vehicle” as one that has all of the following characteristics: (1) can attain a speed, in one mile, of more than 40 miles per hour and not more than 45 miles per hour on a paved level surface; (2) has a gross vehicle weight of no more than 3,000 pounds; (3) is propelled solely by an electric motor; and (4) contains a vehicle identification number that meets international standards. Requires a medium-speed electric vehicle to: (1) possess a fully enclosed passenger compartment with rigid doors and safety windows; (2) be equipped with a horn in good working condition; (3) meet or exceed Federal Motor Vehicle Safety Standards; and (4) meet any safety standards issued by the National Highway Traffic Safety Administration within one year of their adoption, unless an earlier compliance date is specified in the standards. Makes a medium-speed electric vehicle subject to all laws that are applicable to motor vehicles generally. Makes the driver of a medium-speed electric vehicle subject to all laws that are applicable to the driver of other motor vehicles.
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<th>State Assembly Bills</th>
<th>Subject</th>
<th>Last Amended</th>
<th>Status</th>
<th>VTA Position</th>
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<td>AB 229 (J. Perez)</td>
<td>Authorizes cities to form an infrastructure and revitalization financing district to finance the following types of facilities and projects of communitywide significance: (1) highways, interchanges, ramps, bridges, arterial streets, parking facilities, and transit facilities; (2) sewage treatment and water reclamation plants and interceptor pipes; (3) facilities and watershed lands used for the collection and treatment of water for urban uses; (4) flood management, including levees, bypasses, dams, retention basins, and drainage channels; (5) child care facilities; (6) libraries; (7) parks, recreational facilities, open space, and habitat restoration; (8) facilities for the transfer and disposal of solid waste; (9) brownfields restoration and other environmental mitigation; (10) purchase of land and property for development purposes and related site improvements; (11) acquisition, construction or repair of housing for rental or purchase, including multipurpose facilities; (12) acquisition, construction or repair of commercial or industrial structures for private use; (13) projects on a former military base; and (14) projects that implement a sustainable communities strategy prepared pursuant to SB 375. Prohibits an infrastructure and revitalization financing district from being used to finance routine maintenance, repair work, or the costs of ongoing operations or providing services of any kind. Allows an infrastructure and revitalization financing district to fund projects in any portion of a redevelopment project area, former redevelopment project area or former military base. Authorizes the creation of an infrastructure and revitalization financing district, adoption of a financing plan, and the issuance of bonds for implementing a financing plan with a two-thirds vote of landowners within the proposed district. Allows an infrastructure and revitalization financing district to be created for up to 40 years. Allows a district to issue debt with a final maturity date of up to 30 years. In proposing the formation of an infrastructure and revitalization financing district, prohibits a city from providing for the division of incremental property tax revenues of any affected taxing entity unless a resolution approving the district’s financing plan has been adopted by the governing body of an affected taxing entity.</td>
<td>4/8/13</td>
<td>Senate Rules Committee</td>
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<tr>
<td>AB 243 (Dickinson)</td>
<td>Infrastructure and Revitalization Financing Districts</td>
<td>As Introduced</td>
<td>Senate Rules Committee</td>
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<tr>
<td>AB 266 (Blumenfield)</td>
<td>HOV Lanes: Low-Emission and Fuel-Efficient Vehicles</td>
<td>4/9/13 Assembly Appropriations Committee</td>
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<tr>
<td>AB 278 (Gatto)</td>
<td>Low-Carbon Fuel Standard</td>
<td>4/4/13 Assembly Appropriations Committee</td>
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**AB 243 (Dickinson)** 
Infrastructure and Revitalization Financing Districts

Authorizes cities to form an infrastructure and revitalization financing district to finance the following types of facilities and projects of communitywide significance: (1) highways, interchanges, ramps, bridges, arterial streets, parking facilities, and transit facilities; (2) sewage treatment and water reclamation plants and interceptor pipes; (3) facilities and watershed lands used for the collection and treatment of water for urban uses; (4) flood management, including levees, bypasses, dams, retention basins, and drainage channels; (5) child care facilities; (6) libraries; (7) parks, recreational facilities, open space, and habitat restoration; (8) facilities for the transfer and disposal of solid waste; (9) brownfields restoration and other environmental mitigation; (10) purchase of land and property for development purposes and related site improvements; (11) acquisition, construction or repair of housing for rental or purchase, including multipurpose facilities; (12) acquisition, construction or repair of commercial or industrial structures for private use; (13) projects on a former military base; and (14) projects that implement a sustainable communities strategy prepared pursuant to SB 375. Prohibits an infrastructure and revitalization financing district from being used to finance routine maintenance, repair work, or the costs of ongoing operations or providing services of any kind. Allows an infrastructure and revitalization financing district to fund projects in any portion of a redevelopment project area, former redevelopment project area or former military base. Authorizes the creation of an infrastructure and revitalization financing district, adoption of a financing plan, and the issuance of bonds for implementing a financing plan with a 55 percent vote of landowners within the proposed district. Allows an infrastructure and revitalization financing district to be created for up to 40 years. Allows a district to issue debt with a final maturity date of up to 30 years. In proposing the formation of an infrastructure and revitalization financing district, prohibits a city from providing for the division of incremental property tax revenues of any affected taxing entity unless a resolution approving the district’s financing plan has been adopted by the governing body of an affected taxing entity.

**AB 266 (Blumenfield)** 
HOV Lanes: Low-Emission and Fuel-Efficient Vehicles

Unless pre-empted by federal law, extends the authorization for vehicles that meet California’s super ultra-low exhaust emission standard and the federal inherently low-emission evaporative emission standard to use high-occupancy vehicle (HOV) lanes regardless of the number of occupants to January 1, 2020. Unless pre-empted by federal law, extends the authorization for vehicles that meet California’s enhanced advanced technology partial zero-emission vehicle standard to use HOV lanes regardless of the number of occupants to January 1, 2018.

**AB 278 (Gatto)** 
Low-Carbon Fuel Standard

In determining the carbon intensity of fuels under its Low-Carbon Fuel Standard regulations or another scoring system, requires the California Air Resources Board (CARB) to consider greenhouse gas emissions associated with land use or other significant indirect effects, including the impacts of potential or actual deforestation, and of increased food shipping caused by food crop displacement. Requires CARB to identify, to the extent feasible, environmental laws and practices of the jurisdiction from which the fuel originates that may affect greenhouse gas emissions from the production and transportation of fuel. Requires CARB to solicit comments, as well as consider and respond to evidence, regarding both of the following: (1) significant effects upon food supply, food costs and food shipping caused by the Low-Carbon Fuel Standard; and (2) significant effects upon the local economy caused by the Low-Carbon Fuel Standard.
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<th>State Assembly Bills</th>
<th>Subject</th>
<th>Last Amended</th>
<th>Status</th>
<th>VTA Position</th>
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<td><strong>AB 284</strong></td>
<td>Requires the California Air Resources Board (CARB) to convene the Road to 2050 Board consisting of the secretaries of Business Consumer Services, Food and Agriculture, Natural Resources, and Transportation, as well as the chair of the Energy Resources Conservation and Development Commission, and the president of the California Public Utilities Commission (CPUC). By January 31, 2016, and on January 31 of each even-numbered year thereafter, requires the board to submit a report to the Governor and Legislature regarding the impacts to California of global warming, as well as mitigation and adaption plans to combat these impacts. Requires the report to include the impacts of global warming to the state’s water supply, public health, agriculture, coastline, and forestry. Requires the report to be used, on an advisory basis, to guide key infrastructure decision-making processes and policies at the local and statewide levels.</td>
<td>5/8/13</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>AB 294</strong></td>
<td>Creates the Local-State Joint Investment Partnership Program. Under this program, allows certain local government entities, including an infrastructure financing district or any special district, until January 1, 2020, to utilize the Educational Revenue Augmentation Fund (ERAF) portion of incremental property tax revenues to finance certain kinds of public works projects that further state policy, subject to review and approval by the California Infrastructure and Economic Development Bank. Allows the following types of public works projects to be financed under this program: (1) city streets, county highways and state highways; (2) sewage collection and treatment; (3) water treatment and distribution; (4) facilities for the collection and treatment of water for urban uses; (5) drainage, water supply and flood control; (6) educational facilities; (7) parks and recreational facilities; (8) solid waste collection and disposal; (9) public transit; (10) power and communications; (11) brownfield clean-up that promotes infill housing, and other related infill development consistent with regional and local plans; (12) economic development facilities; and (13) development of affordable housing. Authorizes the bank to approve up to a maximum of 15 applications or a total of $50 million in allocations for all approved projects, whichever comes first. Upon approval of the bank, the local government entity may issue bonds against ERAF funds, the proceeds of which shall only be used for a project approved pursuant to this program.</td>
<td>5/6/13</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>AB 313</strong></td>
<td>Prohibits a person from driving a motor vehicle while using an electronic wireless communications device to write, send or read a text-based communications, even if the device is specifically designed and configured to allow voice-operated and hands-free operation.</td>
<td>As Introduced</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>AB 374</strong></td>
<td>In order for the owner of a business to be compensated for loss of goodwill for property taken by a public agency through eminent domain, requires the business owner to adduce sufficient evidence to permit a jury to find that goodwill existed prior to the taking.</td>
<td>4/1/13</td>
<td>Senate Judiciary Committee</td>
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<td><strong>AB 401</strong>&lt;br&gt;(Daly)&lt;br&gt;Design-Build Contracting: I-405 Improvement Project</td>
<td>Until January 1, 2018, allows the Orange County Transportation Authority (OCTA) to use design-build contracting for the I-405 Improvement Project in Orange County based on either best value or lowest responsible bidder. Requires Caltrans to perform construction inspection services for this project. Specifies that the department’s construction inspection duties and responsibilities shall include a direct reporting relationship between the inspectors and senior department engineers. Requires the Caltrans senior engineer overseeing construction inspection services for the I-405 Improvement Project to be responsible for the acceptance or rejection of the work. Requires Caltrans to regularly inspect the jobs sites for the I-405 Improvement Project for safety compliance and any possible deficiencies. Provides that Caltrans shall retain the authority to stop the design-build contractor’s operation wholly or in part, and to take appropriate action when public safety is jeopardized. Allows Caltrans to use department employees or consultants under contract with the department to perform construction inspection services for the I-405 Improvement Project.</td>
<td>5/2/13</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>AB 416</strong>&lt;br&gt;(Gordon)&lt;br&gt;Local Emission Reduction Program</td>
<td>Requires the California Air Resources Board (CARB) to create the Local Emission Reduction Program to provide grants and other financial assistance on a competitive basis to local entities to develop and implement greenhouse gas emissions reduction projects, subject to appropriations from the General Fund by the Legislature. Requires CARB to develop standards and guidelines for the distribution of funds to reduce greenhouse gas emissions, and to maximize the ability to achieve one or more of the following: (1) decrease air or water pollution; (2) reduce the consumption of natural resources or energy; (3) provide opportunities to achieve greenhouse gas emissions reductions in ways that increase localized energy resources; (4) promote public-private partnerships to implement energy efficiency and clean energy projects with financing incentives for residential and commercial facilities; (5) increase the reliability of local water supplies; (6) increase solid waste diversion from landfills; (7) increase electric vehicle infrastructure; (8) achieve greenhouse gas emissions reductions in ways that reduce vehicle miles traveled; or (9) prevent conversion of agricultural, forest and open space lands to uses that result in higher greenhouse gas emissions. Requires CARB to give priority to projects that demonstrate one or more of the following characteristics: (1) regional implementation; (2) the ability to leverage additional public and private funding; (3) the potential for co-benefits or multi-benefit attributes; (4) the potential for the project or program to be replicated; or (5) consideration of geographic and socioeconomic issues. Provides that the implementation of the Local Emission Reduction Program is contingent upon the appropriation of funds for this purpose by the Legislature.</td>
<td>4/4/13</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>AB 417</strong>&lt;br&gt;(Frazier)&lt;br&gt;CEQA: Bicycle Transportation Plans</td>
<td>Exempts from the California Environmental Quality Act (CEQA) a bicycle transportation plan prepared for an urbanized area for restriping of streets and highways; bicycle parking and storage; signal timing to improve street and highway intersection operations; and related signage for bicycles, pedestrians and vehicles. Repeals the provisions of the bill on January 1, 2018, unless that date is deleted or extended through the enactment of subsequent legislation.</td>
<td>4/18/13</td>
<td>Senate Environmental Quality Committee</td>
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<td>State Assembly Bills</td>
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<td>AB 431 (Mullin) Metropolitan Planning Organizations: Regional Sales Taxes</td>
<td>Authorizes a transportation planning agency that is designated as a metropolitan planning organization (MPO) to impose a sales tax within its jurisdiction at a rate of no more than 0.5 percent, subject to voter approval, for the purpose of achieving the goals of the sustainable communities strategy adopted for the region pursuant to SB 375. Allows such a tax to be imposed by an MPO even if the combined rate of this tax and all other local sales taxes imposed in a particular county exceed the 2 percent limitation in current law. Requires the MPO to adopt an expenditure plan for the revenues that would be generated by the sales tax. Requires the expenditure plan to include funding for transportation, affordable housing, and parks and open space in conformity with the regional sustainable communities strategy. Specifies that not less than 25 percent of available revenues may be allocated under the expenditure plan to each of those three areas. Specifies that the tax would be approved if the requisite number of voters from all areas cumulatively voting on the measure support it.</td>
<td>4/15/13</td>
<td>Assembly Transportation Committee</td>
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<td>AB 441 (Patterson) California High-Speed Rail Authority: Contracts</td>
<td>Requires the California High-Speed Rail Authority to provide the following to the appropriate policy and fiscal committees of the Legislature: (1) a copy of each contract entered into by the authority if the dollar value of the goods or services to be provided or performed under the contract is $25,000 or more; and (2) a copy of each contract amendment and change order agreed to by the authority for $25,000 or more.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td>AB 463 (Logue) California High-Speed Rail Authority: Contracts</td>
<td>Requires the California High-Speed Rail Authority to provide the following to the appropriate policy and fiscal committees of the Legislature: (1) a copy of each contract entered into by the authority if the dollar value of the goods or services to be provided or performed under the contract is $25,000 or more; and (2) a copy of each contract amendment and change order agreed to by the authority for $25,000 or more. Also requires each contractor of the authority and each subcontractor to provide the same information.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td>AB 466 (Quick) CMAQ Funds</td>
<td>Retains the requirement that federal Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds received by California shall be suballocated to metropolitan planning organizations (MPOs) and transportation planning agencies according to a population-based formula weighted by certain air quality factors.</td>
<td>3/14/13</td>
<td>Senate Rules Committee</td>
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<td>State Assembly Bills</td>
<td>Subject</td>
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<td>AB 481 (B. Lowenthal) California High-Speed Rail Authority: Property-Related Issues</td>
<td>Exempts the California High-Speed Rail Authority from needing to secure the approval of the Department of General Services when acquiring an easement or right-of-way. Prohibits the Department of General Services from: (1) granting easements across the property of the High-Speed Rail Authority; and (2) maintaining an inventory of the property owned by the authority. Allows the High-Speed Rail Authority to do all of the following: (1) negotiate, in the name of the state, access to rights-of-way that it owns; (2) sell or exchange real property at fair market value, if it determines that the property is no longer necessary for high-speed rail purposes; (3) sell or lease excess right-of-way parcels to municipalities or other local agencies for public purposes; (4) lease non-operating right-of-way areas to municipalities or other local agencies for public purposes; and (5) lease to public agencies or private entities for any term not to exceed 99 years the use of areas above or below operating rights-of-way and portions of property not currently being used as operating rights-of-way. Requires payments for leases or other conveyances of property controlled by the High-Speed Rail Authority to be deposited into the High-Speed Rail Property Fund. Subject to appropriations by the Legislature, allows the High-Speed Rail Authority to use these revenues to develop, improve and maintain the state’s proposed high-speed rail system.</td>
<td>4/1/13</td>
<td>Assembly Appropriations Committee</td>
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<td>AB 487 (Linder) Motor Vehicles: Confidential Home Addresses</td>
<td>Requires a person who requests the confidentiality of his or her home address to provide the Department of Motor Vehicles (DMV) with a current employment address for purposes of processing the service and collection of a traffic, parking or toll road violation. Requires a person who has requested such confidentiality to notify the DMV of any change in his or her employment address within 10 days. Requires the DMV to refuse to renew the registration of a vehicle owned or leased by such person if: (a) the person has been mailed a notice of delinquent parking violation or a failure to pay a traffic citation; (b) the processing agency has filed or electronically transmitted to the department an itemization of the unpaid parking or traffic citation penalty, including the administrative fee; and (c) the person has not paid the penalty and administrative fee.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td>AB 493 (Daly) Toll Facilities: Interoperability</td>
<td>Authorizes operators of toll facilities on federal-aid highways to fully implement technologies or business practices that provide for the interoperability of electronic toll collection programs, consistent with federal law. Requires operators of toll facilities on federal-aid highways engaged in an interoperability program to comply with all federal and state privacy protection laws.</td>
<td>4/17/13</td>
<td>Senate Transportation &amp; Housing Committee</td>
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<td>State Assembly Bills</td>
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<td>AB 515 (Dickinson)</td>
<td>Establishes a California Environmental Quality Act (CEQA) Compliance Division of the superior court in each county in which the attorney general maintains an office. Vests with the division original jurisdiction over actions or proceedings brought pursuant to CEQA, as well as other matters related to land-use and environmental laws that may be joined with those actions or proceedings. Requires the Judicial Council to adopt rules for establishing protocols to govern the administration and efficient operation of the CEQA Compliance Division of the superior court. Requires the CEQA Compliance Division of the superior court to issue a preliminary decision before the opportunity for oral argument is granted. If the CEQA Compliance Division of the superior court finds that a public agency violated CEQA, requires the court’s order to specify what action taken by the agency was in error and what specific action by the agency is necessary to comply with CEQA. Prohibits an action or proceeding pursuant to CEQA from being brought unless the alleged grounds of non-compliance were presented to the public agency with enough specificity that the agency could reasonably respond to the alleged violation. Prohibits a person from maintaining an action or proceeding pursuant to CEQA unless he or she objected during the administrative process with specificity as to how the public agency’s response to the alleged violation is inadequate.</td>
<td>3/11/13</td>
<td>Assembly Judiciary Committee</td>
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<td>AB 528 (Lowenthal)</td>
<td>Requires the passenger rail element of the State Rail Plan to contain all of the following: (1) a statement of compliance with the requirements set forth in the federal Passenger Rail Investment and Improvement Act of 2008; (2) plans for a comprehensive and integrated statewide passenger rail system; (3) a review of all high-speed rail routes; the freight rail system; conventional intercity and commuter rail systems; and urban rail system connections to high-speed, conventional intercity and commuter rail systems; (4) an identification of the improvements that have utility to both freight and passenger rail services in the state; (5) an inventory of the existing rail transportation system, services and facilities in the state, and an analysis of the role of rail transportation within the state’s overall transportation system. Requires the freight rail element of the plan to contain discussions of all of the following: (1) environmental impacts; (2) financing issues; (3) regional, intrastate and interstate rail issues; (4) intermodal connections; (5) a statement of current system deficiencies; (6) service objectives that improve efficiency, accessibility and safety; (7) new technologies; and (8) light density rail line analyses. Requires the California High-Speed Rail Authority’s Business Plan to include an estimate and description of the total anticipated federal, state, local, and other funds that the authority intends to access for the construction and operation of the high-speed train system, as well as the level of confidence for obtaining each type of funding. In addition, requires the Business Plan to include a discussion of all reasonably foreseeable risks that the project may encounter, including those associated with the project’s finances, patronage, right-of-way acquisitions, environmental clearances, construction, equipment, and technology. Also requires the Business Plan to describe the authority’s strategies, processes or other actions that it intends to use to manage those risks.</td>
<td>4/25/13</td>
<td>Assembly Appropriations Committee</td>
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<td>State Assembly Bills</td>
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<td><strong>AB 574</strong> (B. Lowenthal) Sustainable Communities Infrastructure Program</td>
<td>Establishes the Sustainable Communities Infrastructure Program to provide a statutory framework for the distribution of any cap-and-trade revenues that are allocated for transportation purposes. Requires such revenues to be allocated to transportation projects that do all of the following: (1) provide cost-effective and feasible reductions in greenhouse gas emissions; (2) combine transportation investments with local land-use modifications and other local policy changes to provide greenhouse gas emission reductions and, where feasible, to achieve other public benefits; (3) implement either an approved sustainable communities strategy or alternative planning strategy pursuant to SB 375 (Steinberg) within existing urbanized or developed areas in regions with a metropolitan planning organization (MPO); (4) are selected through a competitive process based on cost-effective greenhouse gas emission reductions using criteria for evaluating such benefits established by the California Air Resources Board (CARB); and (5) comply with the requirements to benefit economically disadvantaged communities pursuant to current state law. Requires the agency responsible for the development of the regional transportation plan (RTP) to be the regional granting authority for these revenues for its area. Requires these revenues to be allocated to regional granting authorities on a per capita basis. Requires CARB, in consultation with the California Transportation Commission (CTC) and the Strategic Growth Council, to establish the criteria for the development and implementation of the regional grant programs. Requires regional granting authorities to allocate their share of the funds to projects selected through a competitive public process based on greenhouse gas emission reductions. Specifies that the eligible uses of these revenues shall include any of the following: (1) transportation network and demand management; (2) public transportation, including operations, maintenance and capital costs; (3) road and bridge maintenance, complete streets, bike projects, pedestrian safety enhancements, safe routes to school, and urban greening; (4) clean transportation fueling infrastructure and support; (5) multi-modal network connectivity to reduce travel distances and improve access to parks, schools, jobs, housing, and markets for rural and urban communities; (6) development and adoption of local plans and land-use policies that help to implement regional plans; (7) community infrastructure to support transit-oriented development, affordable housing, infill in existing urbanized areas, and small walkable communities in rural neighborhoods; (8) multi-use facilities and accommodations for bicyclists, pedestrians and neighborhood electric vehicles; and (9) interregional rail modernization and related community infrastructure.</td>
<td>4/15/13</td>
<td>Assembly Appropriations Committee</td>
<td>Support</td>
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<tr>
<td><strong>AB 603</strong> (Cooley) Design-Build Contracting: Capitol Southeast Connector Joint Powers Authority</td>
<td>Allows the Capitol Southeast Connector Joint Powers Authority to use design-build contracting for the Southeast Connector Project in Sacramento County, subject to the approval of the California Transportation Commission (CTC).</td>
<td>4/16/13</td>
<td>Assembly Transportation Committee</td>
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<td>State Assembly Bills</td>
<td>Subject</td>
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<td><strong>AB 628&lt;br&gt;(Gorell)&lt;br&gt;Energy Management Plans for Harbor and Port Districts</strong></td>
<td>Authorizes a harbor or port district, in collaboration with an electrical corporation, gas corporation or publicly owned electric utility serving the district, to prepare one or more energy management plans to reduce air emissions, promote economic development, encourage the development of new businesses, and retain existing businesses in the district. Allows projects that promote economic development in harbor and port districts implemented pursuant to an energy management plan to be eligible for funding through the California Infrastructure Development Bank.</td>
<td>5/8/13</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>AB 662&lt;br&gt;(Atkins)&lt;br&gt;Infrastructure Financing Districts: Redevelopment Areas</strong></td>
<td>Allows an infrastructure financing district to include any portion of a redevelopment project area within its boundaries.</td>
<td>As Introduced</td>
<td>Senate Governance &amp; Finance Committee</td>
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<td><strong>AB 690&lt;br&gt;(Campos)&lt;br&gt;Jobs and Infrastructure Financing Districts</strong></td>
<td>Revises and recasts current law governing infrastructure financing districts, and instead provides for the creation of jobs and infrastructure financing districts in areas of with an unemployment rate in excess of 7 percent without voter approval. Allows a jobs and infrastructure financing district to finance only public capital facilities of communitywide significance that provide significant benefits to an area larger than the area of the district. Allows a jobs and infrastructure financing district to finance the costs of real and tangible commercial property improvements. Requires a jobs and infrastructure financing district to prepare a job creation plan dictating that for every $1 million invested in tax increment or companion private funds by the district, 10 full-time equivalent jobs shall be created within two years of the start of construction. Requires all construction jobs created to be prevailing wage jobs.</td>
<td>4/9/13</td>
<td>Assembly Local Government Committee</td>
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<td><strong>AB 701&lt;br&gt;(J. Perez)&lt;br&gt;California Infrastructure and Economic Development Bank</strong></td>
<td>Requires the California Infrastructure and Economic Development Bank to serve as the primary state agency for purposes of developing an application for any federal infrastructure bank or financing authority.</td>
<td>As Introduced</td>
<td>Senate Governance &amp; Finance Committee</td>
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<td><strong>AB 730&lt;br&gt;(Alejo)&lt;br&gt;Monterey-Salinas Transit District: Revenue Bonds</strong></td>
<td>Exempts the Monterey-Salinas Transit District from the requirement to seek voter approval prior to issuing revenue bonds. Instead, allows the district to issue revenue bonds pursuant to a two-thirds vote of its Board of Directors. Authorizes the district to pledge revenues or other dollars available to it from any source, including a transactions and use tax, for payment of such bonds. Imposes a maximum amount of $50 million on revenue bonds that may be issued by the district.</td>
<td>4/1/13</td>
<td>Senate Rules Committee</td>
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<td><strong>AB 738&lt;br&gt;(Harkey)&lt;br&gt;Public Entity Liability: Bicycles</strong></td>
<td>Specifies that a public entity or an employee of a public entity acting within his or her official capacity is not liable for an injury caused to a person riding a bicycle while traveling on a roadway where the public entity has provided a bike lane.</td>
<td>As Introduced</td>
<td>Assembly Judiciary Committee</td>
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| AB 749  
(Gorell)  
Public-Private Partnerships | Extends the statutory authority for Caltrans and regional transportation agencies to utilize public-private partnerships for transportation projects to January 1, 2022. Declares the intent of the Legislature that a project utilizing a public-private partnership should have the following characteristics: (1) a revenue source; (2) the purpose of constructing additional capacity for the transportation system; and (3) to the extent the project is proposed solely by a regional transportation agency and does not involve the use of any state funds, the regional transportation agency and its private-sector partners should be entirely responsible for the risks associated with the project, and the state should be protected from any liability associated with the project. | 4/11/13 | Assembly Transportation Committee |
| AB 755  
(Ammiano)  
Bridges: Suicide Barriers | Provides that the construction or reconstruction of a bridge designed for use by motor vehicles shall not be eligible for federal funds apportioned to California, funds made available from the Highway Users Tax Account or toll bridge funds unless the planning process for the bridge project takes into account the need for a suicide barrier. | As Introduced | Senate Rules Committee |
| AB 797  
(Gordon)  
Santa Clara Valley Transportation Authority and San Mateo County Transit District: CMGC Contracting | Authorizes the Santa Clara Valley Transportation Authority (VTA) and the San Mateo County Transit District (SamTrans) to use the Construction Manager/General Contractor (CMGC) project delivery method for public transit projects within their jurisdictions. Defines “Construction Manager/General Contractor” to mean a project delivery method using a best value procurement process in which a construction manager is procured to provide preconstruction services during the design phase of the project and construction services during the construction phase of the project. Requires VTA and SamTrans to make a written finding that the use of CMGC for a particular public transit project will accomplish one or more of the following objectives: (a) reduce project costs; (b) expedite the project’s completion; or (c) provide features not achievable through the design-bid-build method. Provides that a contract for construction services may be awarded after the design plans have been sufficiently developed, and either a fixed price or a guaranteed maximum price has been successfully negotiated with the construction manager. In the event that a fixed price or guaranteed minimum price cannot be negotiated with the construction manager, allows VTA and SamTrans to award the contract for construction services utilizing any other procurement method authorized by law. | 4/15/13 | Senate Rules Committee |
| AB 801  
(Brown)  
Nonferrous Materials: Indicia of Ownership | Requires junk dealers and recyclers to obtain a proof of ownership record before providing payment for nonferrous materials marked with an indicia of ownership. | As Introduced | Assembly Business, Professions & Consumer Protection Committee |
| AB 840  
(Ammiano)  
Driver’s License Application Requirements | Requires that every application for an original or a renewal of a driver’s license contain a statement requiring the applicant to acknowledge that he or she knows of the dangers of distracted driving. | 3/21/13 | Assembly Appropriations Committee |
<table>
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<tr>
<th>State Assembly Bills</th>
<th>Subject</th>
<th>Last Amended</th>
<th>Status</th>
<th>VTA Position</th>
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<tr>
<td><strong>AB 842</strong>&lt;br&gt;(Donnelly)&lt;br&gt;High-Speed Rail Funding</td>
<td>Prohibits federal or state funds from being expended by the California High-Speed Rail Authority or any other state agency on the construction of the state’s proposed high-speed rail project, except as necessary to meet contractual commitments entered into before January 1, 2014. Declares that this action is needed because many highway and bridge improvement and repair projects are of higher priority than high-speed rail.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td><strong>AB 863</strong>&lt;br&gt;(Torres)&lt;br&gt;Caltrans: NEPA Delegation for Transit Projects</td>
<td>Consistent with provisions in the federal Moving Ahead for Progress in the 21st Century Act (MAP-21), authorizes Caltrans to assume the responsibilities of the Federal Transit Administration (FTA) for environmental review and clearance for transit projects under the National Environmental Policy Act (NEPA). Provides that Caltrans consents to the jurisdiction of the federal courts with regard to the assumption of FTA’s responsibilities under NEPA and waives Eleventh Amendment protection against lawsuits brought in federal court.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td><strong>AB 909</strong>&lt;br&gt;(Gray)&lt;br&gt;Metal Theft Task Force Program</td>
<td>Requires the Board of State and Community Corrections to establish a Metal Theft Task Force Program to administer grants to applicant regional task forces for purposes of providing local law enforcement and district attorneys with the tools necessary to successfully interdict the commission of metal theft and related recycling crimes. Allows up to 10 percent of the funds to be used for developing and maintaining a statewide database on metal theft and related recycling crimes for the purpose of distributing intelligence information to participating law enforcement agencies. Establishes the Metal Theft Task Force Fund, which shall consist of money provided by the federal government, industry and citizen sources. Upon appropriation by the Legislature, makes the money in the fund available for the program. Provides that the program shall not be implemented until the Department of Finance determines that sufficient funding has been deposited into the Metal Theft Task Force Fund, and the money has been made available upon appropriation by the Legislature.</td>
<td>As Introduced</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>AB 946</strong>&lt;br&gt;(Stone)&lt;br&gt;Transit-Bus-Only Traffic Corridors</td>
<td>Allows the Monterey-Salinas Transit District (MST) and the Santa Cruz County Metropolitan Transit District (Santa Cruz Metro) to utilize shoulders of certain state highways within their service areas as transit-bus-only traffic corridors, subject to the approval of Caltrans and the California Highway Patrol (CHP). Requires MST and Santa Cruz Metro to determine jointly with Caltrans which state highway segments within their service areas would be designated as transit-bus-only traffic corridors based on peak congestion hours and the most heavily congested areas. Requires MST and Santa Cruz Metro to actively work with Caltrans and the CHP to develop guidelines that ensure driver and vehicle safety, as well as the integrity of the highway infrastructure. Requires MST, Santa Cruz Metro and Caltrans to monitor the state of repair of highway shoulders used as transit-bus-only traffic corridors. Requires MST and Santa Cruz Metro to be responsible for all costs attributable to this effort.</td>
<td>4/22/13</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>AB 953</strong>&lt;br&gt;(Ammiano)&lt;br&gt;CEQA: Natural Hazards</td>
<td>Requires the lead agency to include in an environment impact report (EIR) prepared pursuant to the California Environmental Quality Act (CEQA) a detailed statement on any significant effects that may result from locating the proposed project near, or attracting people to, existing or reasonably foreseeable natural hazards or adverse environmental conditions.</td>
<td>As Introduced</td>
<td>Assembly Appropriations Committee</td>
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<td>AB 1002 (Bloom)</td>
<td>Imposes a vehicle registration surcharge of $6. Requires the revenues generated by this surcharge to be deposited into the Sustainable Communities Strategy Subaccount established in the Motor Vehicle Account, and to be made available upon appropriate by the Legislature for implementation of sustainable communities strategies adopted pursuant to SB 375. Requires the revenues from this surcharge to be distributed as follows: (a) 50 percent appropriated to cities and counties on a per capital basis for planning and implementing projects that are consistent with the purposes of sustainable communities strategies, including first-mile-last-mile bicycle and pedestrian infrastructure projects that are intended to improve transit access in transit priority zones; bicycle and pedestrian infrastructure complete streets projects; Safe Routes to School projects; road and highway maintenance and repair projects that also facilitate transit and bicycle use; and pedestrian safety projects if the road and highway maintenance and repair costs make up no more than 20 percent of the total pedestrian safety project cost; (b) 40 percent appropriated to transportation commissions and transit operators to support transit operations, and maintain and expand reduced fare programs; and (c) 10 percent appropriated to metropolitan planning organizations (MPOs) and transportation planning agencies for competitive grants for implementing sustainable communities strategies, including livable communities projects, transit-oriented development and urban infill projects; complete streets projects; and bicycle and pedestrian projects and plans.</td>
<td>4/23/13</td>
<td>Assembly Local Government Committee</td>
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<td>AB 1046 (Gordon)</td>
<td>Authorizes the director of Caltrans District 4 to direct existing resources to the Innovative Delivery Team Demonstration Program (iTeam), and to utilize department staff to perform reimbursed work for projects on and off the state highway system within Santa Clara County pursuant to the demonstration program’s master agreement and accompanying work programs.</td>
<td>3/21/13</td>
<td>Senate Rules Committee</td>
<td>Sponsor</td>
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<td><strong>AB 1051</strong>&lt;br&gt;(Bocanegra)&lt;br&gt;Sustainable Communities for All Program</td>
<td>Establishes the Sustainable Communities for All Program with the goal of providing transportation and housing choices that allow lower-income Californians to drive less and reduce their household costs. Requires the program to begin operations on January 1, 2015. Requires the program to fund all of the following through competitive grants and loans: (1) expanded or improved public transit service; (2) public transit capital maintenance; (3) development and rehabilitation of transit-oriented residential development that is affordable to low-income households and provides trip reduction strategies, including public transit passes and car-sharing; (4) expanded bicycle and pedestrian networks, facilities and programs that promote additional use and safety, and that provide access to public transit, schools, colleges, shopping, and other destinations; (5) expanded vanpooling, car-share and carpool promotion programs; (6) transportation demand management strategies and incentives that reduce both vehicle travel and ownership, including discounted public transit passes in transit priority zones; (7) invest in energy efficiency improvements in existing multi-family rental homes affordable to low-income households; and (8) open-space protection, local parks and urban forestry. Provides that the implementation of the Sustainable Communities for All Program is contingent upon the appropriation of funds for this purpose by the Legislature. Appropriates an unspecified amount of money from the Greenhouse Gas Reduction Fund to be allocated as follows: (1) an unspecified amount to the Department of Housing and Community Development to be expended for loans for the development and construction of affordable housing within close proximity to public transit stations; (2) an unspecified amount to projects and programs that are eligible to receive funds through the State Transit Assistance Program (STA), and that show greenhouse gas emissions reductions; (3) an unspecified amount to projects and programs that are eligible to receive funds through the Bicycle Transportation Account, and that show greenhouse gas emissions reductions; (4) an unspecified amount to projects and programs that are eligible to receive funds through the Safe Routes to School Program, and that show greenhouse gas emissions reductions; (5) an unspecified amount to projects and programs that are eligible to receive funds through the federal Transportation Alternatives Program, and that show greenhouse gas emissions reductions; (6) an unspecified amount to the Energy Savings Assistance Program and the Weatherization Assistance Program; and (7) an unspecified amount to the Natural Resources Agency to fund urban forestry, local parks and open-space protection projects that show greenhouse gas emissions reductions.</td>
<td>4/8/13</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>AB 1070</strong>&lt;br&gt;(Frazier)&lt;br&gt;California Transportation Financing Authority</td>
<td>For project sponsors seeking assistance through the California Transportation Financing Authority, clarifies that either the authority or the project sponsor could be the issuer of the bonds.</td>
<td>4/3/13</td>
<td>Senate Rules Committee</td>
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<td><strong>AB 1077</strong>&lt;br&gt;(Muratsuchi)&lt;br&gt;Alternative Fuel Vehicles: Sales Tax and Vehicle License Fee</td>
<td>Until January 1, 2022, exempts any amount allowed as a credit under Section 30D of the federal Internal Revenue Code relating to new qualified plug-in electric drive motor vehicles, and any amount received, awarded or allowed pursuant to any state incentive program for the purchase or lease of an alternative fuel vehicle from both of the following: (1) the state sales tax; and (2) the determination of market value for purposes of calculating the vehicle license fee for a motor vehicle.</td>
<td>4/2/13</td>
<td>Assembly Revenue &amp; Taxation Committee</td>
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<td>State Assembly Bills</td>
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<td>AB 1080 (Alejo) Community Revitalization and Investment Authorities</td>
<td>Authorizes cities, counties and special districts to establish community revitalization and investment authorities to invest property tax increment revenues to relieve conditions of unemployment, reduce high crime rates, repair deteriorated or inadequate infrastructure, promote affordable housing, and improve conditions leading to increased employment opportunities. Requires at least 80 percent of the land calculated by census tracts within the area for which a community revitalization and investment authority is proposed to be formed to be characterized by both of the following conditions: (1) an annual median household income that is less than 80 percent of the statewide annual median income; and (2) three of the following four conditions: unemployment that is at least 3 percent higher than statewide median unemployment, crime rates that are 5 percent higher than the statewide median crime rate, deteriorated commercial or residential structures. Allows a community revitalization and investment authority to: (1) provide funding to rehabilitate, repair, upgrade, or construct infrastructure; (2) provide funding for low- and moderate-income housing; (3) remedy or remove a release of hazardous substances; (4) provide for seismic retrofits of existing buildings; (5) make loans or grants for owners or tenants to improve, rehabilitate or retrofit buildings or structures; and (6) provide direct assistance to businesses in connection with new or existing facilities for industrial or manufacturing uses. Allows a community revitalization and investment authority to receive property tax increment revenues from only those affected taxing entities that have adopted a resolution approving the authority’s investment plan. Every 10 years, requires a community revitalization and investment authority to conduct a protest proceeding to consider whether the property owners within the area wish for the authority to continue to take further actions to implement its investment plan.</td>
<td>4/4/13</td>
<td>Assembly Floor</td>
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<td>AB 1081 (Medina) Goods-Movement-Related Infrastructure</td>
<td>Requires the state’s five-year infrastructure plan to include: (1) information pertaining to new, rehabilitated, modernized, improved, or renovated infrastructure identified by state or federal agencies, or by regional transportation agencies that directly relates to enhancing the movement of goods; and (2) recommendations for private-sector financing for goods-movement-related infrastructure. Requires the international trade and investment strategy prepared by the Office of Business and Economic Development to identify trade-related infrastructure that is needed to support the state’s international trade policies, programs and services.</td>
<td>4/3/13</td>
<td>Assembly Appropriations Committee</td>
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<td>AB 1092 (Levine) Building Standards: Electric Vehicle Charging Stations</td>
<td>Commencing with the next triennial edition of the California Building Standards Code adopted after January 1, 2014, requires the California Building Standards Commission to adopt, approve, codify, and publish mandatory building standards for the installation of future electric vehicle charging infrastructure for parking spaces in multi-family dwellings and non-residential development.</td>
<td>5/2/13</td>
<td>Assembly Appropriations Committee</td>
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<td>AB 1158 (Waldron) On-Street Parking for Electric Vehicles</td>
<td>Authorizes local agencies to adopt rules and regulations by ordinance or resolution regarding designating and enforcing on-street parking spaces for electric vehicles.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td>AB 1179</td>
<td>Requires a sustainable communities strategy prepared pursuant to SB 375 to identify: (1) how it may impact school enrollments and capacities; and (2) the need for new school sites, or expansion or modernization of existing school sites.</td>
<td>Sustainable Communities Strategies: School Sites</td>
<td>3/21/13</td>
<td>Assembly Local Government Committee</td>
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<td>AB 1194</td>
<td>Requires the state’s Safe Routes to School Program to include the following elements: (1) construction of bicycle and pedestrian safety and traffic calming projects; and (2) non-infrastructure-related activities to encourage walking and bicycling to school, such as public awareness campaigns, outreach to the media and community leaders, traffic education and enforcement in the vicinity of schools, and student sessions on bicycle and pedestrian safety. Requires the program to be funded by an annual appropriation in the Budget Act of at least $46 million, consisting of federal and state transportation dollars eligible to be expended for this purpose. Requires 20 percent of this amount to be used for non-infrastructure-related activities. At the discretion of the Transportation Agency, allows the responsibility for selecting projects and awarding grants under this program to be transferred from Caltrans to the California Transportation Commission (CTC). Requires Caltrans to employ a full-time coordinator to administer the program.</td>
<td>Safe Routes to School Program</td>
<td>4/1/13</td>
<td>Assembly Appropriations Committee</td>
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<td>AB 1235</td>
<td>If a local agency provides any type of compensation, salary or stipend to, or reimburses any expenses incurred in the performance of official duties by, members of its legislative body, requires the members of the agency’s legislative body to receive at least four hours of financial management training once per term of office. Requires a local agency that requires the members of its legislative body to complete such training to maintain records indicating both of the following: (1) the dates when the training was received; and (2) the entity that provided the training.</td>
<td>Local Agencies: Financial Management Training</td>
<td>As Introduced</td>
<td>Assembly Appropriations Committee</td>
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<td>AB 1248</td>
<td>By January 1, 2015, requires the Controller’s Office to develop internal control guidelines applicable to local agencies to prevent and detect financial errors and fraud. Requires these guidelines to be based on standards adopted by the American Institute of Certified Public Accountants, and to be developed with input from local agencies and organizations representing the interests of local agencies. Requires local agencies to begin comply with these guidelines on January 1, 2016.</td>
<td>Local Agencies: Internal Control Guidelines</td>
<td>As Introduced</td>
<td>Assembly Appropriations Committee</td>
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<td>AB 1272</td>
<td>Authorizes the California Infrastructure and Economic Development Bank to join or formally participate in regional, state, national, or international organizations related to infrastructure financing. In participating in any of these organizations, allows the bank to serve as facilitator of an infrastructure financing project that would be located in California, regardless of whether the bank would be funding a portion of the project.</td>
<td>California Infrastructure and Economic Development Bank</td>
<td>As Introduced</td>
<td>Assembly Appropriations Committee</td>
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<td>State Assembly Bills</td>
<td>Subject</td>
<td>Last Amended</td>
<td>Status</td>
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| **AB 1290**  
(J. Perez)  
Transportation Planning | Changes the composition of the California Transportation Commission (CTC) to include 18 members appointed as follows: (1) nine members appointed by the Governor with the advice and consent of the Senate; (2) two members appointed by the Senate Rules Committee; (3) two members appointed by the speaker of the Assembly; (4) the secretary of the Transportation Agency, the chairperson of the California Air Resources Board (CARB), and the director of the Department of Housing and Community Development to serve as ex-officio members; (5) one ex-officio member appointed by the Senate Rules Committee; and (6) one ex-officio member appointed by the speaker of the Assembly. Requires the Governor to make every effort to assure that transportation expertise that has not traditionally been represented on the CTC is reflected in future appointments to the commission, with a particular emphasis on stakeholders involved and engaged in efforts to make California’s transportation system more sustainable. Requires the CTC’s Planning Committee to be responsible for monitoring outcomes from land development and transportation investments in accordance with the sustainable communities strategies required to be adopted by transportation planning agencies as part of their regional transportation plans (RTPs). Requires the CTC to biennially prescribe and receive a brief report from each transportation planning agency describing progress in implementing its sustainable communities strategy and in attaining greenhouse gas emission reductions. Requires each transportation planning agency’s report to include an assessment of any challenges facing its region with respect to its ability to implement policies and projects set forth in its sustainable communities strategy. Requires the CTC’s annual report to the Legislature to include a summary of the assessment of the commission and the Strategic Growth Council regarding progress around the state toward achieving California’s greenhouse gas emission reduction objectives from patterns of ongoing land developments and transportation investments. Requires a regional transportation improvement program (RTIP) to include a discussion of how the program relates to the region’s adopted sustainable communities strategy. | 4/23/13 | Assembly Appropriations Committee |
| **AB 1333**  
(Hernandez)  
Local Agency Contracts: Automatic Renewal Clauses | Requires a local agency to review any contract with a private party with a total annual value of $250,000 or more and containing an automatic renewal clause at least once every three years on or before the annual date by which the contract may be rescinded. Requires a local agency to rescind such a contract unless the review contains both of the following findings: (a) the contractor pays its employees at least the general prevailing wage rate of per diem wages for work of a similar character in the locality or a living wage given the locality, whichever is greater; and (b) the contractor retains the employees of the prior contractor or subcontractor for at least 90 days. | 4/30/13 | Assembly Local Government Committee |
| **AB 1371**  
(Bradford)  
Bicycles: Passing Distances | Requires the driver of a motor vehicle overtaking and passing a bicycle that is proceeding in the same direction on a highway to pass at a safe distance, generally at a minimum clearance of three feet, and without interfering with the safe operation of the bicycle. Provides that if the driver of a motor vehicle is unable to comply with this requirement because of traffic or roadway conditions, the driver must slow to a speed that is reasonable and prudent, and may pass only when doing so would not endanger the safety of the operator of the bicycle, taking into account the size and speed of the motor vehicle and bicycle, traffic conditions, weather, and surface and width of the highway. | 4/24/13 | Senate Rules Committee |
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<th>State Assembly Bills</th>
<th>Subject</th>
<th>Last Amended</th>
<th>Status</th>
<th>VTA Position</th>
</tr>
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| **AB 1375** (Chau)  
Clean Technology Investment Account | Creates the Clean Technology Investment Account within the Greenhouse Gas Reduction Fund. Requires the money in the account to be expended by the California Air Resources Board (CARB), subject to appropriations by the Legislature in the annual Budget Act, to accelerate the development and deployment of clean technologies that will reduce greenhouse gas emissions and foster job creation in California. Prior to disbursing any funds from the account, requires CARB to develop and adopt project solicitation and evaluation guidelines. Provides that the implementation of the provisions of this bill is contingent upon the appropriation of funds for this purpose by the Legislature. | 5/7/13 | Assembly Appropriations Committee | |
| **ACA 6** (Gatto)  
Constitutional Amendments | Calls for placing before the voters an amendment to the California Constitution that would increase the voting requirement from a simple majority to a 55 percent majority to amend the Constitution by an initiative measure. However, continues to permit the electors to repeal a previously adopted initiative or legislative amendment to the Constitution by an initiative measure passed by a simple majority. | As Introduced | Assembly Appropriations Committee | |
| **ACA 8** (Blumenfield)  
Local Government Financing: Voter Approval | Calls for placing before the voters an amendment to the California Constitution to allow a local agency to incur indebtedness in the form of general obligation bonds, if approved by its electorate by a 55 percent majority, to fund the construction, reconstruction, rehabilitation, maintenance, replacement, earthquake repair, or seismic retrofit of: (1) public improvements, including improvements to transportation infrastructure, streets and roads, sidewalks, transit systems, highways, freeways, sewer systems, water systems, wastewater systems, storm drain systems, and park and recreation facilities; and (2) facilities or buildings used primarily to provide sheriff, police or fire protection services to the public. Creates an exception to the 1 percent limit for property tax assessments if the revenues are being used to pay bonded indebtedness, approved by a 55 percent majority vote, to fund the construction, reconstruction, rehabilitation, maintenance, replacement, earthquake repair, or seismic retrofit of: (1) public improvements, including improvements to transportation infrastructure, streets and roads, sidewalks, transit systems, highways, freeways, sewer systems, water systems, wastewater systems, storm drain systems, and park and recreation facilities; and (2) facilities or buildings used primarily to provide sheriff, police or fire protection services to the public. | 4/4/13 | Assembly Local Government Committee | |
### State Senate Bills

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<tr>
<th>State Senate Bills</th>
<th>Subject</th>
<th>Last Amended</th>
<th>Status</th>
<th>VTA Position</th>
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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. Provides that a city or county that created a redevelopment agency that was dissolved pursuant to state law cannot form a Sustainable Communities Investment Authority unless the successor agency or designated local authority for the former redevelopment agency has received a finding of completion from the Department of Finance. 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 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; (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; and (5) an ordinance that prohibits the number of housing units occupied by extremely low-income, very low-income and low-income households from being reduced in the Sustainable Communities Investment Area, and that requires the replacement of any such units upon their removal. 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>5/2/13</td>
<td>Senate Appropriations Committee</td>
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<td>SB 7 <em>(Steinberg)</em>&lt;br&gt;Charter Cities: Prevailing Wage</td>
<td>Prohibits a charter city from receiving or using state funding or financial assistance for a construction project if the city has either: (1) a charter provision or ordinance that authorizes a contractor to not comply with prevailing wage on any public works contract; or (2) awarded a public works contract within the current or prior two calendar years without requiring the contractor to comply with prevailing wage. Allows a charter city to receive or use state funding or financial assistance for a construction project if the city has adopted a local prevailing wage ordinance that includes requirements that in all respects are equal to or greater than the requirements in state law. Specifies that the provisions of the bill do not apply to public works contracts for: (1) construction projects that cost $25,000 or less; or (2) alteration, demolition, repair, or maintenance work that costs $15,000 or less.</td>
<td>2/19/13</td>
<td>Senate Appropriations Committee</td>
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<td>SB 11 <em>(Pavley)</em>&lt;br&gt;Alternative Fuel and Vehicle Technologies: Funding Programs</td>
<td>Extends the authorization and various funding sources for the following four alternative fuel and vehicle technology programs until January 1, 2024: (1) the Carl Moyer Program administered by local air districts; (2) the Enhanced Fleet Modernization Program administered by the California Air Resources Board (CARB); (3) the Alternative and Renewable Fuel and Vehicle Technology Program administered by the California Energy Commission; and (4) the Air Quality Improvement Program administered by CARB.</td>
<td>5/15/13</td>
<td>Senate Appropriations Committee</td>
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<td>SB 33 (Wolk)</td>
<td>Infrastructure Financing Districts</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 financing 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>
<td>3/6/13</td>
<td>Assembly Local Government Committee</td>
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<td>SB 110 (Steinberg)</td>
<td>CTC Guidelines</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>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td><strong>SB 123</strong></td>
<td>Environmental and Land-Use Court Divisions</td>
<td>Beginning July 1, 2014, requires the Judicial Council to direct the creation of an Environmental and Land-Use Division within two or more Superior Courts within each of the Appellate Districts of the state 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. Requires the Controller’s Office to transfer $10 of each fee collected for an environmental license plate to the Environmental and Land-Use Court Account for the exclusive use, upon appropriation by the Legislature, of the Judicial Council to supplement funding for the operation of the Environmental and Land-Use Court Divisions.</td>
<td>5/2/13</td>
<td>Senate Appropriations Committee</td>
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<td><strong>SB 142</strong></td>
<td>Public Transit: Special Benefit Districts</td>
<td>Authorizes a public transit agency to establish benefit assessment districts, under which assessments would be levied on property lying within a half mile of any existing or proposed rail or bus transfer station. Requires the proceeds from such assessments to be used to finance the acquisition, construction, development, joint development, operation, maintenance, or repair of the transit station located within a particular benefit assessment district. Also authorizes a public transit agency to issue revenue bonds to be repaid by the assessments levied within a benefit assessment district.</td>
<td>5/7/13</td>
<td>Senate Appropriations Committee</td>
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<td><strong>SB 194</strong></td>
<td>Electronic Wireless Communications Devices</td>
<td>Prohibits a person who is under 18 years of age from using an electronic wireless communications device while driving, even if it is equipped with a hands-free device.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td><strong>SB 230</strong></td>
<td>Farebox Recover Ratio: Certificates of Participation</td>
<td>Excludes the principal and interest payments on all capital projects funded with certificates of participation (COPs) from the definition of operating costs for purposes of calculating a public transit agency’s farebox recovery ratio pursuant to the Transportation Development Act (TDA).</td>
<td>3/18/13</td>
<td>Senate Transportation &amp; Housing Committee</td>
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<td><strong>SB 232</strong></td>
<td>Public Transit Service Contracts</td>
<td>Requires state agencies to give a 10 percent preference to any bidder on a contract to provide public transit services who agrees to retain employees of the prior contractor or subcontractor for a period of at least 90 days.</td>
<td>As Introduced</td>
<td>Senate Appropriations Committee</td>
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<td>SB 242 (Wyland)</td>
<td>Toll Collection: Alternative Technologies</td>
<td>Authorsizes Caltrans, and local and regional transportation agencies with existing or planned toll facilities within their respective jurisdictions to conduct a pilot project that uses automated toll collection technologies as an alternative to the existing radio-frequency identification tolling technology in order to identify opportunities to facilitate lower-cost tolling infrastructure, lower related operating costs and more rapid deployment of high-occupancy toll lane networks. Provides that such a pilot project may include the deployment of tolling technologies that may or may not meet interoperability requirements. Allows Caltrans, and local and regional transportation agencies to undertake alternative tolling technology pilot projects for a period of up to four years. Requires any vendor electing to participate in such a pilot project to cover all related costs incurred by Caltrans, or the local or regional transportation agency. Allows a pilot project to be conducted if it does not cause a reduction in California’s federal-aid highway funds. Sunsets the provisions of the bill on January 1, 2018.</td>
<td>4/23/13</td>
<td>Assembly Desk</td>
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<td>SB 286 (Yee)</td>
<td>HOV Lanes: Low-Emission and Fuel-Efficient Vehicles</td>
<td>Unless pre-empted by federal law, extends the authorization for vehicles that meet California’s super ultra-low exhaust emission standard and the federal inherently low-emission evaporative emission standard to use high-occupancy vehicle (HOV) lanes regardless of the number of vehicle occupants to January 1, 2018. In addition, until January 1, 2018, permits a vehicle that meets California’s transitional zero-emission (TZEV) standard to use HOV lanes regardless of the number of vehicle occupants.</td>
<td>3/18/13</td>
<td>Assembly Transportation Committee</td>
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<td>SB 391 (DeSaulnier)</td>
<td>California Homes and Jobs Act of 2013</td>
<td>Imposes a fee of $75 to be paid at the time of the recording of every real estate instrument, paper or notice required or permitted by law to be recorded. Requires that the revenues from this fee be allocated quarterly to the Department of Housing and Community Development for deposit into the California Homes and Jobs Trust Fund. Upon appropriation by the Legislature, authorizes the money in the fund to be expended for the following purposes: (1) supporting the development, acquisition, rehabilitation, and preservation of housing affordable to low- and moderate-income households; (2) administering housing programs that receive an allocation from the fund; and (3) the cost of periodic audits of the fund by the California State Auditor’s Office.</td>
<td>5/7/13</td>
<td>Senate Appropriations Committee</td>
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<tr>
<td>SB 407 (Hill)</td>
<td>Local Government Officials and Employees: Employment Contracts</td>
<td>Prohibits an employment contract for any person who is a deputy or assistant chief executive officer for a local agency from providing an automatic renewal of the contract if the contract includes an automatic compensation increase in excess of a cost-of-living adjustment or a maximum cash settlement in excess of certain limits. Also applies this prohibition to any person whose position is held by an employment contract between the local agency and that person.</td>
<td>4/1/13</td>
<td>Senate Appropriations Committee</td>
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<td>SB 408 (De Leon)</td>
<td>STIP Funds</td>
<td>Specifies that State Transportation Improvement Program (STIP) funds shall be available for the study, development and implementation of capital improvement projects.</td>
<td>As Introduced</td>
<td>Senate Rules Committee</td>
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| **SB 425**  
(DeSaulnier)  
Public Works Peer Review Act of 2013 | Enacts the Public Works Peer Review Act of 2013. Allows a public agency principally tasked with administering, planning, developing, and operating a public works project to establish a peer review group to provide it with expert advice on the scientific and technical aspects of the project. Before establishing a peer review group, requires the public agency to develop a transparent process for selecting the members of the group. In addition, requires the public agency to draft a charter for the peer review group, which must contain the following information: (1) the group’s official name or designation; (2) the group’s objective and the scope of its activities; (3) a statement of the expertise and balance of interests required of the group membership to perform its charge; (4) the name of the public agency and the official within the agency to whom the group will report; (5) the estimated number and frequency of group meetings; (6) the estimated annual operating costs for the group; (7) a statement that authorizes a peer reviewer to conduct his or her duties under the charter impartially, without restriction or limitation, and in a manner that he or she believes is necessary to appropriately review a proposed project; and (8) a statement that declares whether the members of the peer review group have signed a conflict of interest disclosure form that would identify real or perceived conflicts between a peer reviewer and the specified public works project. | 5/7/13 | Senate Appropriations Committee | |
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</table>
| **SB 486** (DeSaulnier)  
Office of Legal Compliance and Ethics | Creates the Office of Legal Compliance and Ethics within the Transportation Agency. Requires the office to be responsible for all of the following as they relate to Caltrans: (1) take actions to prevent and detect serious breaches of departmental policy, fraud, waste, and abuse, including any acts of criminal conduct within the department; (2) independently and objectively review and investigate criminal activity within Caltrans or committed on department property, allegations of wrongdoing by Caltrans employees, serious breaches of departmental policy, and significant issues relevant to the effectiveness of Caltrans; (3) conduct internal audits of Caltrans to identify potential improvements in efficiency and performance; and (4) ensure that members of the California Transportation Commission (CTC) and Caltrans employees receive appropriate ethics training. | 4/15/13 | Senate Appropriations Committee | |
| **SB 525** (Galgiani)  
CEQA: Altamont Commuter Express | Exempts from the California Environmental Quality Act (CEQA) a project by the San Joaquin Regional Rail Commission and the High-Speed Rail Authority to improve existing tracks, structures, bridges, signaling systems, and associated appurtenances located on the existing railroad right-of-way used by the Altamont Commuter Express. | As Introduced | Senate Environmental Quality Committee | |
| **SB 557** (Hill)  
High-Speed Rail: Peninsula Corridor | Of the $1.1 billion in Proposition 1A bond proceeds appropriated by the Legislature in the FY 2013 Budget Act for early high-speed rail investments in the Bay Area and Southern California, requires $600 million to be allocated for projects in the Peninsula Corridor, such as the electrification of the corridor. Requires these funds to be allocated to projects that implement a rail system in the Peninsula Corridor that primarily consists of a two-track blended system to be used jointly by the Caltrain Commuter Rail Service and high-speed rail. Requires any track expansion in the Peninsula Corridor beyond the two-track blended system approach identified in the California High-Speed Rail Authority’s April 2012 Business Plan to be approved by all nine signatories to the Bay Area High-Speed Rail Early Investment Strategy Memorandum of Understanding, including the Santa Clara Valley Transportation Authority (VTA) and the city of San Jose. | 5/2/13 | Senate Appropriations Committee | |
| **SB 592** (Price)  
Trade Promotion of California Ports | By April 1, 2014, requires the Governor’s Office of Business & Economic Development to provide to the Legislature a strategy for promoting trade for California’s ports. At a minimum, requires the strategy to include all of the following: (1) policy goals, objectives and recommendations necessary to implement a comprehensive plan for promoting trade for California’s ports; (2) measurable outcomes and timelines anticipated for the goals, objectives and recommended actions; (3) identification of impediments to achieving the goals and objectives; (4) identification of key stakeholder partnerships that will be used in implementing the strategy; and (5) identification of funding options for implementing the recommended actions. | As Introduced | Senate Appropriations Committee | |
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<td><strong>SB 605</strong></td>
<td>When updating the scoping plan pursuant to the California Global Warming Solutions Act of 2006, requires the California Air Resources Board (CARB) to do the following: (1) prioritize and emphasize measures and actions resulting in greenhouse gas emission reductions that create jobs in California, and that reduce co-pollutants in regions of the state most impacted by toxic and criteria air pollutants; (2) prioritize and emphasize current regulations and actions; (3) recommend additional actions and measures that could be implemented beginning no later than December 31, 2015, to achieve maximum technologically feasible and cost-effective emission reductions in short-lived climate pollutants with high global warming potentials; (4) limit the use of offsets; and (5) include a plan to be implemented in the event that the cap-and-trade compliance mechanism and the Low-Carbon Fuel Standard regulations are not projected to result in the greenhouse gas emission reductions necessary to meet the goals established in the Global Warming Solutions Act. Requires CARB to submit this information to the Joint Legislature Budget Committee for review and concurrence.</td>
<td>5/8/13</td>
<td>Senate Appropriations Committee</td>
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<td><strong>SB 613</strong></td>
<td>Prohibits the Bay Area Toll Authority (BATA) from purchasing or otherwise acquiring office space/facilities in addition to the office space/facilities located at 390 Main Street in San Francisco. Limits direct contributions by BATA to the Metropolitan Transportation Commission (MTC) in the form of personnel services, office space, overhead, and other funding necessary to carry out the functions of BATA to 1 percent of gross annual toll bridge revenues. Allows BATA to make additional contributions to MTC in the form of loans on a reimbursement-for-cost basis, provided that: (1) these loans do not exceed 1 percent of gross annual toll bridge revenues; and (2) the loans are fully repaid with interest at the same interest rate that would apply for toll bridge revenue bonds of the same duration as any loan taken by MTC.</td>
<td>4/23/13</td>
<td>Assembly Desk</td>
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<td><strong>SB 628</strong></td>
<td>Allows for the formation of an infrastructure financing district, adoption of an infrastructure financing district plan, and the issuance of bonds to implement a transit priority project. Requires a transit priority project utilizing an infrastructure financing district to use at least 25 percent of all revenues derived from the infrastructure financing district to increase, improve and preserve the supply of lower- and moderate-income housing in the district. Declares the intent of the Legislature that the development of transit priority projects throughout the state be environmentally conscious and sustainable, and that related construction meet or exceed the requirements of the California Green Building Standards Code. Eliminates the requirement for voter approval for the formation of an infrastructure financing district, adoption of an infrastructure financing plan, and the issuance of bonds for implementing of an infrastructure financing district for a transit priority project. Requires the applicable metropolitan planning organization (MPO) to certify that the transit priority project proposed by an infrastructure financing district is consistent with the region’s sustainable communities strategy prior to the implementation of the project. Specifies that an infrastructure financing district may use tax increment funds for a transit priority project, provided that the local government with land-use jurisdiction has adopted an ordinance that requires the replacement of dwelling units for extremely low, very low or low-income households within two years.</td>
<td>5/14/13</td>
<td>Senate Transportation &amp; Housing Committee</td>
<td>Support</td>
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<td>SB 731 (Steinberg) CEQA Modernization Act of 2013</td>
<td>Declares the intent of the Legislature to enact a bill to do all of the following: (1) adopt provisions related to California Environmental Quality Act (CEQA) guidelines that provide greater certainty for smart infill development; (2) streamline CEQA for renewable energy projects; advanced manufacturing projects; transit, bike and pedestrian projects; and renewable energy transmission projects; (3) update CEQA to establish thresholds of significance for noise, aesthetics, parking, traffic levels of service, and land-use impacts so that projects meeting those thresholds are not subject to further environmental review for those impacts; (4) exempt from CEQA projects undertaken pursuant to a specific plan for which an environmental impact report (EIR) has been prepared; (5) establish clearer procedures for a trial court to remand to a lead agency for remedying only those portions of an EIR, negative declaration or mitigated negative declaration found to be in violation of CEQA, while retaining those portions that are not in violation; (6) explore options under which a court could allow project approvals to remain in place and for projects to proceed; and (7) establish clear statutory rules under which “late hits” and “document dumping” are prohibited or restricted prior to certification of an EIR, if a project proponent or lead agency has not substantively changed the draft EIR or substantively modified the project. Authorizes the Legislature to appropriate $30 million in the annual Budget Act to the Strategic Growth Council to provide competitive grants to local agencies for planning activities related to the implementation of regional sustainable communities strategies. Upon the request of a project applicant, requires the lead agency for CEQA purposes to prepare a record of proceedings concurrently with the preparation, adoption or certification of an environmental document for a project, as specified. Provides that aesthetic impacts of a residential, mixed-use residential or employment center project within a transit priority area shall not be considered significant impacts on the environment. Requires the Office of Planning and Research to prepare, and the Natural Resources Agency to adopt, revisions to the guidelines for implementing CEQA establishing thresholds of significance for noise, and for the transportation and parking impacts of residential, mixed-use residential or employment center projects within transit priority areas. Until January 1, 2017, establishes in the Governor’s Office the position of Renewable Energy Facilities Advisor. In the case of a negative declaration, mitigated negative declaration or EIR, allows a court to direct the lead agency to revise only those portions of the document found not to be in compliance with CEQA under certain circumstances. Requires the lead agency, as a part of the mitigation and monitoring plan, to prepare or cause to be prepared an annual report on project compliance with the required mitigation measures that is publicly available online.</td>
<td>5/7/13</td>
<td>Senate Appropriations Committee</td>
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<td>SB 751 (Yee) Public Meetings: Publication of Actions Taken</td>
<td>Requires the legislative body of a local agency to publicly report any action taken, as well as the vote or abstention on that action of every member present.</td>
<td>5/2/13</td>
<td>Senate Appropriations Committee</td>
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<td><strong>SB 785</strong> (Wolk) Design-Build Contracting</td>
<td>Eliminates numerous existing individual agency statutes and, instead, enacts one general statute providing local agencies with the authority to utilize design-build contracting for any public works project exceeding $1 million in cost, except for projects on the state highway system. Allows a local agency to use either low bid or best value to award a design-build contract. Defines “local agency” to mean the following: (1) a city or county; (2) a special district that operates wastewater facilities, solid waste management facilities or water recycling facilities; or (3) any transit district, including municipal operators.</td>
<td>5/2/13</td>
<td>Senate Appropriations Committee</td>
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<tr>
<td><strong>SB 787</strong> (Berryhill) Sustainable Environmental Protection Act</td>
<td>Enacts the Sustainable Environmental Protection Act. Prohibits a cause of action on the grounds of non-compliance with the California Environmental Quality Act (CEQA) that relates to any topical area or criteria for which compliance obligations are identified. Also prohibits challenges to environmental documents if: (1) the environmental document discloses compliance with applicable environmental laws; (2) the project conforms with the use designation, density or building intensity in an applicable plan; and (3) the project approval incorporates applicable mitigation requirements into the environmental document.</td>
<td>4/18/13</td>
<td>Senate Environmental Quality Committee</td>
<td></td>
</tr>
<tr>
<td><strong>SB 791</strong> (Wyland) Gas Tax</td>
<td>Requires the Legislature, by a two-thirds majority of both chambers, to approve any adjustments to the state’s excise tax on gasoline that may be necessary pursuant to the transportation tax swap enacted in 2011.</td>
<td>4/4/13</td>
<td>Senate Transportation &amp; Housing Committee</td>
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<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><strong>SB 792</strong>&lt;br&gt;(DeSaulnier)&lt;br&gt;Bay Area’s Joint Policy Committee</td>
<td>Requires the Metropolitan Transportation Commission (MTC), the Bay Area Air Quality Management District (BAAQMD), the San Francisco Bay Conservation and Development Commission (BCDC), and the Association of Bay Area Governments (ABAG), as the member agencies of the Bay Area’s Joint Policy Committee, to prepare a regional organization plan. Requires this plan to include a proposal for consolidating the functions that are common to the four agencies, such as personnel and human resources; budget and financial services; electronic data and communications systems; legal services; contracting and procurement of goods and services; public information and outreach services; intergovernmental relations; and transportation, land-use, economic, and related forecasting models. By December 31, 2014, requires MTC, BAAQMD, BCDC, and ABAG to submit a copy of the plan to their respective governing boards. By December 15, 2015, requires the four agencies to report to the Senate Transportation &amp; Housing Committee on the adoption and implementation of the plan. Requires the Joint Policy Committee to develop and adopt public and community outreach and inclusive public participation policies to govern its meetings, as well as those of MTC, BAAQMD, BCDC, and ABAG. Requires the Joint Policy Committee to appoint an Advisory Committee on Economic Competitiveness. In consultation with this advisory committee, requires the Joint Policy Committee to adopt goals and policies related to the inclusion of economic development opportunities in the Bay Area’s regional sustainable communities strategy. Requires the Bay Area’s regional sustainable communities strategy adopted after January 1, 2014, to include consideration of the following: (1) local and regional air quality; (2) sea level rise; (3) priority infrastructure needs; and (4) goals and policies related to economic development opportunities and social equity. Divides the responsibilities for different elements of the sustainable communities strategy among MTC, BAAQMD, BCDC, and ABAG. Requires all four agencies to adopt the strategy as a whole. Requires MTC to report biannually to the Legislature and the public at large on progress in implementing the policies and programs of the current sustainable communities strategy, and in preparing subsequent strategies. Requires BCDC to relocate to 390 Main Street in San Francisco.</td>
<td>5/14/13</td>
<td>Senate Appropriations Committee</td>
<td></td>
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<tr>
<td><strong>SB 798</strong>&lt;br&gt;(De Leon)&lt;br&gt;California Green Infrastructure Bank</td>
<td>Creates the California Green Infrastructure Bank to provide financial assistance to facilitate green economic development. Requires the bank to establish criteria, priorities and guidelines for the selection of projects to receive assistance from the bank. Declares the intent of the Legislature that 50 percent of the proceeds in the Greenhouse Gas Reduction Fund be used for carrying out the purposes of the bank.</td>
<td>As Introduced</td>
<td>Senate Governance &amp; Finance Committee</td>
<td></td>
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<tr>
<td><strong>SB 810</strong>&lt;br&gt;(Price)&lt;br&gt;California Transportation Financing Authority: Tax Credit Certificates</td>
<td>Allows the Franchise Tax Board to award tax credit certificates to exporters and importers who demonstrate to the satisfaction of the board that, during the taxable year, they have: (a) increased their cargo tonnage or value through California ports or airports by specified amounts; (b) had a net increase in qualified full-time employees hired in California; or (c) have incurred capital costs for a cargo facility in California. Permits an aggregate $500 million in tax credit certificates to be awarded by the Franchise Tax Board for taxable years beginning on or after January 1, 2014, and before January 1, 2019. Provides that the aggregate amount of tax credit certificates awarded to an exporter or importer cannot exceed $250,000 for a taxable year.</td>
<td>4/22/13</td>
<td>Senate Governance &amp; Finance Committee</td>
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<tr>
<td>State Senate Bills</td>
<td>Subject</td>
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<td>Status</td>
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<tr>
<td><strong>SCA 4</strong> (Liu)</td>
<td>Local Government Transportation Projects</td>
<td>3/19/13</td>
<td>Senate Governance &amp; Finance Committee</td>
<td>Support</td>
</tr>
<tr>
<td></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. Provides that a local government could not expend revenues derived from a special tax approved by a 55 percent majority vote for the completion of a statutorily identified capital project funded in whole or in part by revenues derived from another special tax of the same local government that was approved by a two-thirds majority.</td>
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<tr>
<td><strong>SCA 6</strong> (DeSaulnier)</td>
<td>Initiative Measures: Funding Source</td>
<td>As Introduced</td>
<td>Senate Appropriations Committee</td>
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<td></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>
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<tr>
<td><strong>SCA 8</strong> (Corbett)</td>
<td>Local Government Transportation Projects</td>
<td>As Introduced</td>
<td>Senate Governance &amp; Finance Committee</td>
<td>Support</td>
</tr>
<tr>
<td></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>
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<tr>
<td><strong>SCA 9</strong> (Corbett)</td>
<td>Local Government: Economic Development Special Taxes</td>
<td>As Introduced</td>
<td>Senate Governance &amp; Finance Committee</td>
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<td></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 community and economic development projects, if approved by a 55 percent majority vote. Specifies that community and economic development projects includes projects that improve, upgrade or revitalize areas within a local government’s jurisdiction that have become blighted because of deterioration, disuse or unproductive economic conditions.</td>
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<tr>
<td><strong>SCA 11</strong> (Hancock)</td>
<td>Local Government: Special Taxes</td>
<td>As Introduced</td>
<td>Senate Governance &amp; Finance Committee</td>
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<tr>
<td></td>
<td>Calls for placing before the voters an amendment to the California Constitution to allow a city, county or special district to impose, extend or increase a special tax for any purpose, if approved by a 55 percent majority vote.</td>
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<tr>
<td><strong>SCR 2</strong> (DeSaulnier)</td>
<td>Constitutional Convention</td>
<td>As Introduced</td>
<td>Senate Rules Committee</td>
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<tr>
<td></td>
<td>Proposes that the people of California vote at the next statewide general election on the question of whether to call a convention to revise the California Constitution.</td>
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</tbody>
</table>
### 2013 Regular Session Calendar

<table>
<thead>
<tr>
<th>DAY</th>
<th>JANUARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Statutes signed into law in 2012 take effect.</td>
</tr>
<tr>
<td>7</td>
<td>Legislature reconvenes.</td>
</tr>
<tr>
<td>10</td>
<td>Budget must be submitted by the Governor to the Legislature on or before this date.</td>
</tr>
<tr>
<td>25</td>
<td>Last day to submit bill requests to the Legislative Counsel’s Office.</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>DAY</th>
<th>FEBRUARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>22</td>
<td>Last day for new bills to be introduced.</td>
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<table>
<thead>
<tr>
<th>DAY</th>
<th>MARCH</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>Spring Recess begins upon adjournment.</td>
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<thead>
<tr>
<th>DAY</th>
<th>APRIL</th>
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</thead>
<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>
</tr>
<tr>
<td>31</td>
<td>Last day for bills to be passed out of their house of origin.</td>
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<thead>
<tr>
<th>DAY</th>
<th>JUNE</th>
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</thead>
<tbody>
<tr>
<td>15</td>
<td>Budget must be passed by midnight.</td>
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<tr>
<th>DAY</th>
<th>JULY</th>
</tr>
</thead>
<tbody>
<tr>
<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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<table>
<thead>
<tr>
<th>DAY</th>
<th>AUGUST</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>Legislature reconvenes from Summer Recess.</td>
</tr>
<tr>
<td>30</td>
<td>Last day for fiscal committees to hear and report to the floor bills introduced in the other house.</td>
</tr>
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<thead>
<tr>
<th>DAY</th>
<th>SEPTEMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Last day to amend bills on the Assembly and Senate floors.</td>
</tr>
<tr>
<td>13</td>
<td>Last day for each house to pass bills. Interim Study Recess begins at the end of this day’s session.</td>
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<tr>
<th>DAY</th>
<th>OCTOBER</th>
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<tbody>
<tr>
<td>13</td>
<td>Last day for the Governor to sign or veto bills passed by the Legislature before September 13, and in his possession after September 13.</td>
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<tr>
<th>DAY</th>
<th>JANUARY 2014</th>
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<tr>
<td>1</td>
<td>Statutes signed into law in 2013 take effect.</td>
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<tr>
<td>6</td>
<td>Legislature reconvenes.</td>
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BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief External Affairs Officer, Greta Helm

SUBJECT: Bill Position: AB 466 (Quick)

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

ACTION ITEM

RECOMMENDATION:

Adopt a support position for AB 466 (Quick), which directs Caltrans to apportion California's share of federal Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds to metropolitan planning organizations (MPOs) and transportation planning agencies according to a weighted population formula that was previously specified in federal law.

BACKGROUND:

CMAQ was initially created in 1991 as part of the Intermodal Surface Transportation Equity Act (ISTEA). The program was reauthorized in subsequent surface transportation bills, including the Moving Ahead for Progress in the 21st Century Act (MAP-21). Under CMAQ, federal funds are provided to urbanized areas that either: (1) have not attained the ozone, carbon monoxide or particulate matter air quality standards established under the federal Clean Air Act (non-attainment areas); or (2) were once out of compliance, but have now met the standards (maintenance areas). CMAQ funds may be applied to projects and programs that will contribute to the attainment or maintenance of these air quality standards.

DISCUSSION:

Under federal law, CMAQ funds have historically been distributed to each state on the basis of its share of population residing in a non-attainment or maintenance area, with a specific weighting assigned to each area according to the severity of non-attainment. Although federal law did not require states to suballocate their CMAQ dollars to regions, California, through the enactment of implementing legislation for ISTEA, made the decision to suballocate its share of
CMAQ funds to MPOs and transportation planning agencies in non-attainment and maintenance areas using the federal distribution formula.

While MAP-21 reauthorized CMAQ, it did make several modifications to the program’s structure. One notable change was the elimination of the weighted population distribution formula. Under MAP-21, a state now receives its CMAQ funding in one lump sum that is determined simply on the basis of whatever share CMAQ comprised of its federal-aid highway formula funds in FY 2009. As a result, California law, by requiring the state’s share of CMAQ funds to be suballocated according to a federal formula that no longer exists, is not workable.

During MAP-21’s two-year authorization period, California expects to receive $445 million in CMAQ funds annually. For FY 2013, the state’s CMAQ share was administratively allocated to MPOs and transportation planning agencies as though the previously prescribed federal weighted population distribution formula were still in place. This administrative action was necessary during the transition period from the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), the prior federal surface transportation authorization bill, to MAP-21 to ensure that projects that were already programmed for CMAQ funding would not be jeopardized. However, given that existing state law specifically requires CMAQ funds to be distributed based on a federal formula that no longer exists, it is necessary to provide some other direction to govern the distribution of these funds.

AB 466 does two things. First, it continues California’s longstanding practice of suballocating the state’s share of CMAQ funds to MPOs and transportation planning agencies in non-attainment and maintenance areas. Second, it codifies in state statutes the weighted population distribution formula for CMAQ that was in effect in federal law prior to the enactment of MAP-21. Without AB 466, there would be no statutory basis for how California would distribute its CMAQ funding. As a result, Caltrans and the California Transportation Commission (CTC) would have the ability to determine where the money would be spent, and there would be no guarantee that a region would receive its fair share.

CMAQ is a cornerstone of the Bay Area’s regional discretionary funding. AB 466 assures that the Bay Area would continue to receive its anticipated share of CMAQ funds. Therefore, we recommend that the Board of Directors support this bill.

**ALTERNATIVES:**

The Board of Directors could decide to adopt a position for AB 466 that is different from the one being recommended, or could opt to take no position on this bill at this time.

**STANDING COMMITTEE RECOMMENDATION:**

The Administration and Finance Committee considered this item on May 23, 2013, and recommended that it be placed on the Consent Agenda for the June 6, 2013, Board of Directors meeting. There was no discussion of this item at the Administration and Finance Committee meeting.

**FISCAL IMPACT:**
Passage of this legislation would maintain the level of funding, approximately $12.5 million per year, that was available to Santa Clara County prior to MAP-21.

Prepared by: Kurt Evans
Memo No. 4079
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief External Affairs Officer, Greta Helm

SUBJECT: Bill Position: SB 785 (Wolk)

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

ACTION ITEM

RECOMMENDATION:

Adopt a support position for SB 785 (Wolk), which provides general authorization for local agencies to use design-build contracting for public works projects that exceed $1 million in cost.

BACKGROUND:

Under current state law, there are separate design-build statutes that apply to cities, counties, agencies that operate wastewater facilities, school districts, community college districts, and public transit agencies. There are also design-build statutes that apply to a single agency. The Santa Clara Valley Transportation Authority (VTA), for instance, has specific statutory authority to use design-build contracting for transit centers, transit park-and-ride lots, bus and light rail maintenance facilities, and administrative office buildings.

SB 785 consolidates this myriad of existing local agency design-build statutes into one uniform law. It provides general authorization for all cities and counties, and for most special districts to use design-build contracting for public works projects that cost in excess of $1 million, although state highway and school construction projects are specifically excluded. The legislation also eliminates numerous inconsistencies in current state law by establishing a standardized, three-step, design-build procurement process, under which a local agency generally would: (1) prequalify firms based on specified criteria; (2) develop a request for proposals (RFP) inviting the prequalified firms to submit competitive proposals; and (3) award the design-build contract by using either low bid or best value.

The use of design-build contracting for state highway projects has been highly controversial because of opposition from the Professional Engineers in California Government (PECG), the
labor union that represents Caltrans engineers. In 2009, SB 2X4 (Cogdill) was enacted as part of an agreement between Democrats and Republicans in the Legislature pertaining to the Budget Act. SB 2X4, a budget trailer bill, allowed Caltrans to use design-build contracting for 10 state highway projects, subject to approval by the California Transportation Commission (CTC), under a pilot program that is scheduled to expire on January 1, 2014. SB 2X4 was limited to Caltrans and did not provide comparable authority for local agencies to use design-build contracting for state highway projects. The CTC recently approved the final project authorized under this pilot program. Reportedly, Caltrans will allow SB 2X4 to expire before deciding whether to seek additional design-build authority from the Legislature. Given these complications, SB 785 does not address this issue.

DISCUSSION:

In the case of design-build contracting for public transit projects, SB 785 is an improvement over existing statutes in a number of important respects. First, under current state law, the types of projects for which a public transit agency may use design-build contracting is limited. In addition, there are cost thresholds. For example, design-build contracting can only be used for rail transit projects that cost more than $25 million and for non-rail transit projects that cost more than $2.5 million. By contrast, SB 785 allows a public transit agency to use design-build contracting for any transit capital project that costs in excess of $1 million.

Second, the authority to use design-build contracting for public transit projects was originally enacted in 2000 for a limited period of time and has been reauthorized twice since then. The current authorization expires on January 1, 2015. SB 785 eliminates this sunset date and makes the authority permanent.

Because SB 785 provides a better statutory framework for using design-build contracting for public transit projects than exists under current law, we recommend that the Board of Directors support this bill.

ALTERNATIVES:

The Board of Directors could decide to adopt a position for SB 785 that is different from the one being recommended, or could opt to take no position on this bill at this time.

STANDING COMMITTEE RECOMMENDATION:

The Administration and Finance Committee considered this item on May 23, 2013, and recommended that it be placed on the Consent Agenda for the June 6, 2013, Board of Directors meeting. There was no discussion of this item at the Administration and Finance Committee meeting.

FISCAL IMPACT:

There is no financial impact associated with this recommendation.

Prepared by: Kurt Evans
Memo No. 4080
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority  
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Administrative Officer, Bill Lopez

SUBJECT: Technology General Consulting Services / Radio - Increase in Contract Authority

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to amend and increase an existing $351,276, three-year contract with Day Wireless for specialized radio support, maintenance, and consulting services. The proposed amendment would extend the term of the contract for an additional three years, with an increased contract value of $265,000, bringing the total contract to 6 years and $616,276.

BACKGROUND:

VTA currently owns and operates a private UHF voice and data radio system that connects to VTA’s bus and train fleet radios as well as non-revenue vehicles and hand-held radios. This radio system has multiple repeater sites spread out over Santa Clara County. VTA spends over $50,000 per year to rent space on a radio transmission tower in the North County area for our radio equipment. The Technology Department plans to move this radio infrastructure to VTA’s North Division Bus Yard in Mountain View to both save rental fees and to improve access to the equipment.

In 2010 VTA issued a comprehensive Request for Proposal (RFP) to solicit bids for electronic information and communications support, maintenance, and consulting services. The intent was to establish a pre-qualified list of vendors with a broad range of expertise, competitively priced, that would be quickly available to supplement VTA staff in addressing unique technical problems, to assist staff on projects, or to independently complete special projects. The list of vendors and procedures to implement the concept were approved by the VTA Board of Directors at their October 2010 meeting. The procedures included measures for Oversight and Control of the program, including requirements for competitive bidding by vendors for task orders, and
Board approval for task orders with a value over $300,000.

Pursuant to these procedures, in 2011 VTA solicited task order proposals from firms on the list that specialized in radio support services. The review panel evaluated four responsive proposals and selected Day Wireless Networks for the work.

**DISCUSSION:**

Following the competitive bidding process referenced above, in September 2011 the General Manager authorized $280,000 in contract authority for Day Wireless Networks for a period of two years, subsequently increased to $351,276. Staff has been very pleased with Day Wireless's performance in the work they have completed to date, and at this point approximately $8,000 of the approved spending authority remains available and uncommitted. However, Day Wireless has continued to win competitive bids for additional task orders which, combined with the proposed authorization, would exceed the two-year term left in the current contract, and would also exceed the $300,000 threshold at which point Board of Directors approval is required (pursuant to the Oversight and Control procedures adopted by the earlier Board action).

Examples of additional task orders that Day Wireless Networks has won through the competitive bidding process include the above referenced Palo Alto to North Yard Radio Repeater Site Move and Rehabilitation Project, as well as the UHF T-Band Radio Narrow-band Project, and the North Yard Microwave Data Link Project.

With the requested authorization for an additional $265,000, the contract authority would have a new total of $616,276 over six years. While the current contract authority is valid through mid 2013, the requested amendment would allow the Technology Department to continue contracting with Day Wireless Networks on critical Radio projects until January 31, 2016. The recommended contract amendment and extension will provide VTA with the required radio services at competitive rates by a vendor with a proven history of competent and reliable performance.

**ALTERNATIVES:**

The Board could choose not to authorize the additional contract authority, which would delay the implementation of the projects or require separate contracts and board authority for each project.

**FISCAL IMPACT:**

This action will authorize an additional $265,000 for agency-wide radio support, maintenance, engineering, equipment and consulting services for a total contract amount of $616,276 and extend the contract through January 31, 2016. Relocating this radio equipment will save over $50,000 per year in rental fees we currently pay. Appropriation for these expenditures is included in the FY13 Adopted VTA Transit Fund Capital Budget. Expenditures for this contract amendment are funded by local funds and a grant from the California Emergency Management Agency (CALEMA).
STANDING COMMITTEE DISCUSSION / RECOMMENDATION:

The Administration and Finance Committee considered this item at their May 23, 2013 meeting. Chairperson Kalra asked about the savings in moving the tower to our North Yard. Staff confirmed the savings and the improved access to the equipment after it is relocated.

The Administration and Finance Committee recommended that this item be placed on the Consent Agenda for the June 6, 2013, VTA Board of Directors meeting.

SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION:

No specific goal has been established for these task order contracts due to the lack of SBE firms available to perform scope of work. Contractors are encouraged to make reasonable efforts to utilize SBEs in their procurement of ancillary services and products associated with the performance of the contracts.

Prepared by: Richard Bertalan
Memo No. 4081
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 March 31, 2013

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 March 31, 2013.

DISCUSSION:

This memorandum provides a brief discussion of significant items and trends on the attached Statement of Revenues and Expenses through March 31, 2013. 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 $14.6M, 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 $15.9M over budget estimates. Current projections for these three revenue sources for FY 2013 reflect a 5.6% increase from FY 2012 versus a budgeted increase of 5.8%. Even though the percentage of growth is lower, the projected receipts are higher than budgeted due to a higher base, i.e., FY 2012 receipts were higher than budgeted. 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 $0.9M 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 $2.6M 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 $10.1M below budget driven primarily by favorable variances in Materials & Supplies (line 15), Other Services (line 18), Fuel (line 19), Reimbursements (line 30), Paratransit (line 32), and Debt Service (line 40). This positive variance was partially offset by an unfavorable variance in Labor (line 14).

Labor (line 14) shows an unfavorable variance of $3.4M due primarily to negotiated wage increases approved after the budget was adopted and increased pension costs.

Materials & Supplies (line 15) and Other Services (line 18) have a combined positive variance of $2.0M generally due to reduced level of activity for unscheduled bus maintenance and major maintenance programs.

Fuel (line 19) reflects a favorable variance of $1.9M due to lower usage and per gallon costs than budgeted. Average diesel price per gallon paid year-to-date through March was $3.46 versus a budgeted price of $3.84.

Reimbursements (line 30) has a positive variance of $1.9M due to increased activity on capital programs.

Paratransit (line 32) shows a positive variance of $5.5M through the third quarter due to lower than anticipated ridership.

Debt Service (line 40) has a positive variance of $1.1M due primarily to lower interest rates on variable rate bonds.

**Projections**

Current staff projections for the fiscal year reflect a positive Operating Balance (line 45) of $30.3M.
SUMMARY:

Through the first nine months of the year, revenues exceeded budgeted projections by $14.6M while expenses were $10.1M below budget estimates, for an overall positive variance of revenues over expenses (line 45) of $24.7M.

FISCAL IMPACT:

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

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Administration and Finance Committee received this item as part of its consent agenda on May 23, 2013. The Committee recommended that it be placed on the Consent Agenda for the June 6, 2013, Board of Directors meeting.

Prepared by: Carol Lawson, Fiscal Resources Manager
Memo No. 3834
<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</th>
<th>FY 2013 Projection</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Fares</td>
<td>28,549</td>
<td>28,629</td>
<td>(80)</td>
<td>-0.3%</td>
<td>38,415</td>
<td>38,415</td>
</tr>
<tr>
<td>2</td>
<td>1976 Half-Cent Sales Tax</td>
<td>130,931</td>
<td>122,609</td>
<td>8,322</td>
<td>6.8%</td>
<td>165,273</td>
<td>175,824</td>
</tr>
<tr>
<td>3</td>
<td>TDA</td>
<td>64,969</td>
<td>59,030</td>
<td>5,938</td>
<td>10.1%</td>
<td>77,678</td>
<td>83,798</td>
</tr>
<tr>
<td>4</td>
<td>Measure A Sales Tax-Oper Asst</td>
<td>24,150</td>
<td>22,526</td>
<td>1,623</td>
<td>7.2%</td>
<td>30,365</td>
<td>32,452</td>
</tr>
<tr>
<td>5</td>
<td>STA</td>
<td>10,890</td>
<td>9,979</td>
<td>911</td>
<td>9.1%</td>
<td>13,307</td>
<td>14,921</td>
</tr>
<tr>
<td>6</td>
<td>Federal Operating Grants</td>
<td>31,547</td>
<td>31,422</td>
<td>125</td>
<td>0.4%</td>
<td>41,901</td>
<td>41,901</td>
</tr>
<tr>
<td>7</td>
<td>Less Transfer for Capital</td>
<td>(8,906)</td>
<td>(6,285)</td>
<td>(2,621)</td>
<td>41.7%</td>
<td>(8,380)</td>
<td>(11,875)</td>
</tr>
<tr>
<td>8</td>
<td>State Operating Grants</td>
<td>1,567</td>
<td>1,453</td>
<td>114</td>
<td>7.9%</td>
<td>1,937</td>
<td>1,937</td>
</tr>
<tr>
<td>9</td>
<td>Investment Earnings</td>
<td>1,176</td>
<td>714</td>
<td>462</td>
<td>64.7%</td>
<td>952</td>
<td>952</td>
</tr>
<tr>
<td>10</td>
<td>Advertising Income</td>
<td>1,407</td>
<td>1,300</td>
<td>107</td>
<td>8.2%</td>
<td>1,750</td>
<td>1,750</td>
</tr>
<tr>
<td>11</td>
<td>Measure A Repayment Obligation</td>
<td>4,611</td>
<td>5,381</td>
<td>(770)</td>
<td>-14.3%</td>
<td>11,954</td>
<td>10,782</td>
</tr>
<tr>
<td>12</td>
<td>Other Income</td>
<td>1,733</td>
<td>1,254</td>
<td>478</td>
<td>38.1%</td>
<td>1,673</td>
<td>1,877</td>
</tr>
<tr>
<td>13</td>
<td>Total Revenues</td>
<td>292,623</td>
<td>278,011</td>
<td>14,612</td>
<td>5.3%</td>
<td>376,825</td>
<td>392,733</td>
</tr>
<tr>
<td>14</td>
<td>Labor Costs</td>
<td>206,076</td>
<td>202,647</td>
<td>(3,429)</td>
<td>-1.7%</td>
<td>270,436</td>
<td>276,682</td>
</tr>
<tr>
<td>15</td>
<td>Materials &amp; Supplies</td>
<td>11,669</td>
<td>12,611</td>
<td>(942)</td>
<td>-7.5%</td>
<td>16,816</td>
<td>15,315</td>
</tr>
<tr>
<td>16</td>
<td>Security</td>
<td>6,136</td>
<td>6,001</td>
<td>135</td>
<td>2.2%</td>
<td>8,056</td>
<td>8,077</td>
</tr>
<tr>
<td>17</td>
<td>Professional &amp; Special Services</td>
<td>2,017</td>
<td>2,554</td>
<td>537</td>
<td>21.0%</td>
<td>3,537</td>
<td>3,299</td>
</tr>
<tr>
<td>18</td>
<td>Other Services</td>
<td>4,736</td>
<td>5,805</td>
<td>1,069</td>
<td>18.4%</td>
<td>7,858</td>
<td>6,373</td>
</tr>
<tr>
<td>19</td>
<td>Fuel</td>
<td>10,502</td>
<td>12,445</td>
<td>1,944</td>
<td>15.6%</td>
<td>16,606</td>
<td>14,708</td>
</tr>
<tr>
<td>20</td>
<td>Traction Power</td>
<td>2,409</td>
<td>2,603</td>
<td>193</td>
<td>7.4%</td>
<td>3,535</td>
<td>3,331</td>
</tr>
<tr>
<td>21</td>
<td>Tires</td>
<td>1,221</td>
<td>1,209</td>
<td>(13)</td>
<td>-1.1%</td>
<td>1,611</td>
<td>1,611</td>
</tr>
<tr>
<td>22</td>
<td>Utilities</td>
<td>1,993</td>
<td>1,952</td>
<td>(40)</td>
<td>-2.1%</td>
<td>2,604</td>
<td>2,684</td>
</tr>
<tr>
<td>23</td>
<td>Insurance</td>
<td>3,723</td>
<td>3,431</td>
<td>(293)</td>
<td>-8.5%</td>
<td>4,575</td>
<td>4,928</td>
</tr>
<tr>
<td>24</td>
<td>Data Processing</td>
<td>2,001</td>
<td>2,199</td>
<td>199</td>
<td>9.0%</td>
<td>2,934</td>
<td>3,082</td>
</tr>
<tr>
<td>25</td>
<td>Office Expense</td>
<td>221</td>
<td>239</td>
<td>18</td>
<td>7.4%</td>
<td>321</td>
<td>290</td>
</tr>
<tr>
<td>26</td>
<td>Communications</td>
<td>895</td>
<td>911</td>
<td>16</td>
<td>1.8%</td>
<td>1,215</td>
<td>1,206</td>
</tr>
<tr>
<td>27</td>
<td>Employee Related Expense</td>
<td>327</td>
<td>545</td>
<td>218</td>
<td>40.1%</td>
<td>697</td>
<td>392</td>
</tr>
<tr>
<td>28</td>
<td>Leases &amp; Rents</td>
<td>482</td>
<td>428</td>
<td>(54)</td>
<td>-12.5%</td>
<td>571</td>
<td>755</td>
</tr>
<tr>
<td>29</td>
<td>Miscellaneous</td>
<td>390</td>
<td>484</td>
<td>94</td>
<td>19.4%</td>
<td>645</td>
<td>482</td>
</tr>
<tr>
<td>30</td>
<td>Reimbursements</td>
<td>(29,612)</td>
<td>(27,736)</td>
<td>1,876</td>
<td>-6.8%</td>
<td>(36,982)</td>
<td>(41,020)</td>
</tr>
<tr>
<td>31</td>
<td>Subtotal Operating Expense</td>
<td>225,186</td>
<td>228,328</td>
<td>3,143</td>
<td>1.4%</td>
<td>305,034</td>
<td>302,193</td>
</tr>
<tr>
<td>32</td>
<td>Paratransit</td>
<td>14,235</td>
<td>19,755</td>
<td>5,520</td>
<td>27.9%</td>
<td>26,343</td>
<td>19,405</td>
</tr>
<tr>
<td>33</td>
<td>Caltrain</td>
<td>11,555</td>
<td>11,959</td>
<td>404</td>
<td>3.4%</td>
<td>15,947</td>
<td>15,456</td>
</tr>
<tr>
<td>34</td>
<td>Light Rail Shuttles</td>
<td>21</td>
<td>30</td>
<td>9</td>
<td>29.8%</td>
<td>40</td>
<td>28</td>
</tr>
<tr>
<td>35</td>
<td>Altamont Commuter Express</td>
<td>3,637</td>
<td>3,302</td>
<td>(334)</td>
<td>-10.1%</td>
<td>4,404</td>
<td>4,876</td>
</tr>
<tr>
<td>36</td>
<td>Highway 17 Express</td>
<td>111</td>
<td>152</td>
<td>42</td>
<td>27.4%</td>
<td>400</td>
<td>222</td>
</tr>
<tr>
<td>37</td>
<td>Dumbarton Express</td>
<td>0</td>
<td>338</td>
<td>338</td>
<td>100.0%</td>
<td>451</td>
<td>0</td>
</tr>
<tr>
<td>38</td>
<td>Monterey-San Jose Express Service</td>
<td>30</td>
<td>30</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>539</td>
<td>446</td>
<td>(94)</td>
<td>-21.0%</td>
<td>594</td>
<td>594</td>
</tr>
<tr>
<td>40</td>
<td>Debt Service</td>
<td>6,862</td>
<td>7,967</td>
<td>1,105</td>
<td>13.9%</td>
<td>20,464</td>
<td>19,600</td>
</tr>
<tr>
<td>41</td>
<td>Subtotal Other Expense</td>
<td>36,989</td>
<td>43,979</td>
<td>6,991</td>
<td>15.9%</td>
<td>68,684</td>
<td>60,222</td>
</tr>
<tr>
<td>42</td>
<td>Operating &amp; Other Expenses</td>
<td>262,174</td>
<td>272,308</td>
<td>10,133</td>
<td>3.7%</td>
<td>373,718</td>
<td>362,415</td>
</tr>
<tr>
<td>43</td>
<td>Contingency</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>N/A</td>
<td>1,400</td>
<td>0</td>
</tr>
<tr>
<td>44</td>
<td>Total Expenses</td>
<td>262,174</td>
<td>272,308</td>
<td>10,133</td>
<td>3.7%</td>
<td>375,118</td>
<td>362,415</td>
</tr>
<tr>
<td>45</td>
<td>Operating Balance</td>
<td>30,449</td>
<td>5,703</td>
<td>24,745</td>
<td>1,707</td>
<td>30,318</td>
<td></td>
</tr>
</tbody>
</table>

---

1 Reflects Adopted Budget approved by the Board on June 2, 2011
2 Reflects current staff projection as of April 23, 2013
3 Includes allocation of indirect costs
## SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
### SOURCES AND USES OF FUNDS SUMMARY
#### Fiscal Year 2013 through March 31, 2013
(Dollar in Thousands)

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>FY13 Adopted Budget</th>
<th>FY13 Current Budget</th>
<th>FY13 Projected Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Total Operating Revenues</td>
<td>376,825</td>
<td>376,825</td>
<td>392,733</td>
</tr>
<tr>
<td>2</td>
<td>Total Operating Expenses</td>
<td>(375,118)</td>
<td>(375,118)</td>
<td>(362,415)</td>
</tr>
<tr>
<td>3</td>
<td>Operating Balance</td>
<td>1,707</td>
<td>1,707</td>
<td>30,318</td>
</tr>
<tr>
<td>4</td>
<td>15% Year-end Operating Reserves</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>7</td>
<td>Operating Balance Available for Capital</td>
<td>1,707</td>
<td>1,707</td>
<td>30,318</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 (line 9)</td>
<td>1,707</td>
<td>1,707</td>
<td>30,318</td>
</tr>
<tr>
<td>11</td>
<td>Total VTA Transit Capital Program</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>(30,318)</td>
</tr>
<tr>
<td>17</td>
<td>Local Funding From/(To) Debt Reduction Fund</td>
<td>593</td>
<td>18,203</td>
<td>(13,903)</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 %</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 April 23, 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

FROM: General Counsel Robert Fabela
      Board Secretary, Sandra Weymouth

SUBJECT: Amend VTA Administrative Code and Board Rules of Procedure

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a resolution to: (1) repeal the existing VTA Administrative Code and the Board Rules of Procedure, and (2) re-adopt both items with modifications resulting from a comprehensive review and revision of both.

BACKGROUND:

The VTA Administrative Code (“Code”) prescribes the governance, administrative and financial provisions of VTA including the powers and duties of officers, the method of appointment of its governing board, committees and employees, and the methods, procedures, and systems for the operation and management of the organization. It is the rulebook established by the Board defining how VTA is structured and how it conducts its business. VTA’s enabling legislation requires that the Board establish an administrative code.

The Rules of Procedure govern the conduct of meetings of the Board of Directors and its standing committees. They are established by, derive from, and must be consistent with the Administrative Code. Whereas the Administrative Code addresses VTA’s overall governance, administrative and financial structure, the Rules of Procedure focus solely on the conduct of VTA Board and standing committee meetings, serving, in effect, as the bylaws for those meetings.

The Administrative Code and Rules of Procedure were established by separate resolutions adopted by the Board of Directors. Amendments to either document require Board adoption of a
resolution specifying the changes.

The Administrative Code was initially adopted in late 1994. In March 1997, it was repealed in its entirety and re-adopted with amendments, primarily to reflect the name change for the organization. Since that time, minor amendments have been made sporadically, including adding the Audit Committee as a Board standing committee in August 2008 and modifying the Board’s cities/County groupings to create the Northeast Cities group in March 2011.

The Rules of Procedure have not been amended since initial adoption in March 1995 other than to add the Audit Committee in August 2008.

**DISCUSSION:**

The VTA Board has implemented many changes to the organization and to Board and committee meetings during the last 15 years to more efficiently or effectively conduct VTA’s business or to respond to changing conditions. However, neither the Administrative Code nor the Rules of Procedures have been revised accordingly.

It is important that VTA’s rulebook, the Administrative Code, realistically portray the organization’s current approved practices and provisions so that compliance can be both encouraged and enforced. Due to this, in mid-2012 staff undertook a comprehensive review of each document in its entirety. The purpose was to identify modifications needed to align both documents with VTA’s current Board-established practices, and to establish new practices where needed. The process to achieve this goal consisted of:

- Incorporating previously Board approved practices, such as the rotational system for election of the Board chairperson and vice chairperson adopted by Board in 1997. (Administrative Code §2.14)
- Modifying existing provisions to more accurately reflect current practices, one example being the revision to the budget process section to provide for either annual or the current biennial adoption of the annual budget(s). (§11.2) Another example is more accurately reflecting the full range of Chief Financial Officer (CFO) duties and responsibilities. (Administrative Code §5.6)
- Eliminating provisions no longer relevant or needed, such as the Board chairperson being limited to two consecutive terms, which is not applicable given the Board-adopted rotation schedule for the chairperson and vice chairperson positions. (Administrative Code §2.26)
- Adding, where warranted, new provisions or modifying existing ones to provide additional specificity, responsibilities, or protections for the organization. One example of this is the addition of certain authority, within prescribed limits, provided to the General Counsel. (Administrative Code §6.1)

Overall, the majority of changes are relatively minor in nature and predominantly ministerial. In addition, to aid reader understanding both text and presentation were simplified and made more intuitive where possible.
Presented for Board approval are the recommended revised versions of the Administrative Code (see Attachment A) and the Rules of Procedure (see Attachment B). Both incorporate the recommended changes instead of specifically identifying them. This was done due to the large number of overall modifications, the vast majority of which are minor in nature and include formatting, numbering and pagination adjustments. The large quantity of modifications makes the marked-up copies confusing and challenging to follow. (Marked-up versions of both indicating the specific recommended modifications are available on VTA’s website at:

www.vta.org/admincoderevision

A summary of the substantive modification for each document are summarized in the following:

**Administrative Code**

A. Introductory section added to explain purpose and requirement for Code. (§1.1.1)

B. Adoption/revision requirement for Code modified so that for efficiency, allows the General Manager, in consultation with General Counsel, to make minor (non-substantive) changes (i.e., adjust meeting date, staff titles, etc.) without Board approval. (§1.1.2)

C. Requires that Code be reviewed for accuracy/currentness every five years. (§1.1.2)

D. Incorporates current practice that Board Chairperson is ineligible to serve on the Audit Committee during his or her term as chairperson. (§2.36)

E. Gives the Audit Committee or its Chairperson the discretion to initiate with the Auditor General a priority concern project not contained in the Internal Audit Work Plan that meets specified criteria and that is subject to sufficient available funding in the Board-approved allowance for such projects. (§2.37)

F. Adds the SVRT Program Working Committee as a Board standing committee. (§2.39)

G. Further defines and clarifies the responsibilities of Board members. (§2.67)

H. Deletes the requirement that the Board annually appoint an Ethics Committee to investigate alleged violations of the Code of Ethics, replacing it instead with a process where ethics complaints are generally referred to the Auditor General who then investigates or assigns an investigator. (§2.74)

I. For the duties of the General Counsel (§6.1):
   - Adds the authority to instigate or participate in litigation for prescribed matters.
   - Adds the ability, within specific parameters, to issue subpoenas relevant to an investigation, enforcement action or prosecution of any alleged violation of the Administrative Code or Board Ordinances.

J. For the Personnel System, further defines the list of positions that comprise Unclassified Service by including Division Chiefs. (§7.2)

K. Requires all VTA contracts to be in writing and approved as to form by the General Counsel. (§9.26)
**Rules of Procedure** (only changes not also made to the Administrative Code are shown)

A. Defines the purpose and parameters of Board workshop meetings. (§1.15)

B. Clarifies the current Order of Business at Board of Directors’ meetings, including that the Consent Agenda is approved along with the Orders of the Day, and that any Consent item removed is then considered following completion of all items on the Regular Agenda. (§4.5)

C. Specifies that each standing committee approves its meeting schedule for that year at its first meeting of the year, taking into consideration the recommendations of the General Manager and Board Secretary. (§9.2)

D. Specifies that the Rules of Procedure are adopted/amended by Board resolution, that the General Manager, in consultation with the General Counsel and Board Secretary, is authorized to make minor, non-substantive corrections and adjustments to them to reflect ongoing practice adopted by the Board, and that the Rules of Procedure will be reviewed and revised as necessary every five years. (§10.1)

Additional improvement to aid reader understanding and ease-of-use of both documents are underway and will be incorporated following Board adoption of the recommended revisions. These enhancements will include:

- Quick reference guide of the most commonly-used provisions.
- Direct access links taking the user directly from the index to the selected section.
- Some re-ordering of sections for more logical and intuitive presentation.

**ALTERNATIVES:**

The Board could delete or modify any or all of the recommended modifications.

**FISCAL IMPACT:**

There is no fiscal impact associated with amending the VTA Administrative Code or the Board Rules of Procedure.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Audit Committee, as part of its May 2, 2013 Regular Agenda, considered proposed modifications to the VTA Administrative Code pertaining solely to the Audit Committee or Auditor General function (Sections 2-36, 2-37 and 2-74).

For the proposed changes to Section 2-37, Audit Committee Chairperson Herrera expressed that best practice would be for the Audit Committee chairperson to consult with the Auditor General prior to initiating an urgent priority concern project in between Audit Committee meetings. Regarding the recommended changes to Section 2-74, Member Cortese requested that they be kept informed of any Ethics Code violations for elected officials or executive management. Auditor General Pat Hagan responded that a monthly or quarterly report would be provided to the Audit Committee. Committee members noted the importance of balancing transparency versus ethical requirements and stressed the need to protect the privacy of the alleged violator.
The Committee unanimously approved the staff recommendation that the Board of Directors adopt these specific changes as part of the comprehensive set of recommended Administrative Code modifications at its June 2013 meeting.

The Administration & Finance Committee considered this item as part of its May 23, 2013 Regular Agenda. Regarding proposed changes to Section 2-37, Member Cortese requested that, to ensure additional flexibility, both the Audit Committee and its chairperson be authorized to initiate a priority concern project not contained in the Internal Audit Work Plan that meets the specified criteria.

The Committee unanimously recommended Board adoption of the staff recommendation but with the addition of Member Cortese’s modification.

Prepared by: Stephen Flynn, Advisory Committee Coordinator
Memo No. 4098
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
ADMINISTRATIVE CODE

TABLE OF CONTENTS

Chapter 1 GENERAL PROVISIONS

Article I In General
Sections
1-1. Title .................................................................................................................. 1
1-2. Reference includes amendments ................................................................. 1
1-3. Applicability of provisions governing construction ................................ 1
1-4. Effect of headings .......................................................................................... 1
1-5. Severability ..................................................................................................... 1
1-6. Delegation of powers, duties .......................................................................... 2
1-7. Legal citations ................................................................................................. 2

Article II Definitions and Constructions
Sections
1-21. State definitions adopted ............................................................................. 2
1-22. “Board of Directors” and “Board” defined ................................................ 2
1-23. Reserved ........................................................................................................ 2
1-24. “County” defined .......................................................................................... 2
1-25. “Director” defined ......................................................................................... 2
1-26. “District” defined .......................................................................................... 2
1-27. “General Counsel” defined ......................................................................... 3
1-28. “General Manager” defined ........................................................................ 3
1-29. “Member Agency” defined .......................................................................... 3
1-30. Number construed .......................................................................................... 3
1-31. Title of officer, employee, office, etc ............................................................ 3
1-32. “Person” defined ........................................................................................... 3
1-33. “Secretary” defined ...................................................................................... 3
1-34. “Shall” and “must” construed ...................................................................... 3
1-35. “State” defined ............................................................................................... 3
1-36. Tense construed ............................................................................................. 4
1-37. “Violate” construed ....................................................................................... 4
Chapter 2  BOARD OF DIRECTORS

Article 1  In General
Sections
  2-1. Board directions to staff through General Manager ......................4
  2-2. Directors ineligible for VTA employment..................................4

Article II  Members
Sections
  2-11. Generally..................................................................................4
  2-12. Alternates..................................................................................5
  2-13. City and County groupings; selection of Directors and alternates.......................5
  2-14. Selection of Directors and alternates by city groupings ...............5
  2-15. Ex-Officio Directors...............................................................5

Article III  Board Officers
Sections
  2-26. Generally..................................................................................6
  2-27. Chairperson................................................................................6
  2-28. Vice Chairperson ......................................................................6
  2-29. Chairperson Pro Tem..............................................................7
  2-30. Signature authority.................................................................7

Article IV  Standing Committees
Sections
  2-36. Appointments............................................................................7
  2-37. Duties.........................................................................................7
  2-38. Meetings...................................................................................8
  2-39. Quorum, vote and procedures................................................8
  2-40. Standing committees established.............................................8

Article V  Meetings
Sections
  2-51. Time and place of regular meetings; Brown Act compliance; notice.................................9
  2-52. Quorum; voting.........................................................................9
  2-53. Rules of procedure....................................................................9

Article VI  Per Diem Allowance; Travel Authorization and Reimbursement
Sections
  2-61. Per diem for meetings..............................................................9
  2-62. Travel authorization and reimbursement.................................10
Article VII  Code of Ethics
Sections
2-66. Responsibilities of public office.................................................10
2-67. Public official .......................................................................10
2-68. Purpose of Code of Ethics .......................................................10
2-69. Existing standards of conduct for public officials ....................11
2-70. Incompatible uncompensated activities ....................................12
2-71. Prohibitions against use of office for personal gain .................12
2-72. Conduct when there may be a financial interest .......................12
2-73. Undue influence or favor .........................................................13
2-74. Violations: Procedure ...........................................................13
2-75. Penalties for violation ...........................................................13
2-76. Post employment restrictions ................................................14

Chapter 3  SECRETARY
Sections
3-1. Powers and duties generally .....................................................14
3-2. Petitions, claims, communications, etc ......................................14
3-3. Duty to prepare agenda and meeting notices ............................14
3-4. Recording and certification of acts of Board; attestations ...........15

Chapter 4  ADVISORY BOARDS AND COMMITTEES

Article I  In General
Sections
4-1. Establishment; appointments ..................................................15
4-2. Duties ..................................................................................15
4-3. Bylaws ..................................................................................15
4-4. Staff support; expenses .........................................................16
4-5. Election of chairperson and vice chairperson .........................16
4-6. Reimbursement for Expenses to Travel to and From Board and Committee Meetings .................16

Article II  Meetings
Sections
4-16. Meetings ............................................................................16
4-17. Quorum; vote; committee of the whole ..................................17

Article III  Policy Advisory Committee, Technical Advisory Committee, Citizens Advisory Committee
Sections
4-26. Policy Advisory Committee ..................................................17
4-27. Technical Advisory Committee .............................................18
4-28. Citizens Advisory Committee ...............................................18
Chapter 5  OFFICERS
Sections
5-1. Generally.................................................................22
5-2. Powers and duties of the General Manager ......................22
5-3. General Manager - real property powers and duties ............23
5-4. (Deleted, Resolution 97.11.27, 11/6/97) .........................23
5-5. General Manager - grant agreements ............................23
5-6. Powers and duties of the Chief Financial Officer ..............23

Chapter 6  GENERAL COUNSEL
Sections
6-1. Powers and duties of the General Counsel ......................23
6-2. Budget submittal; employees ........................................24
6-3. Requests for opinions to be written ...............................
6-4. Use of outside counsel ..............................................24
6-5. Transmittal of papers in actions involving the VTA ..........24

Chapter 7  PERSONNEL SYSTEM
Sections
7-1. Merit principle ...........................................................24
7-2. Unclassified and Classified Service .................................25
7-3. Persons not part of the VTA service ...............................25
7-4. Position classification and pay ranges .........................
7-5. Personnel policies and procedures ...............................25

Chapter 8  EMPLOYEE RELATIONS
Section
8-1. Administration of employer-employee relations ................26

Chapter 9  PURCHASING AND CONTRACTING
Article I Purchasing Agent
Sections
9-1. Purchasing agent .......................................................26
9-2. Powers and duties of the purchasing agent ....................26
9-3. (Deleted, Resolution 97.11.27, 11/6/97) .......................27
9-4. Persons authorized to requisition ...................................
9-5. Report of personal property no longer needed ...............27
9-6. Acquisition of salvage from purchasing agent ..............28
9-7. Disposition of surplus personal property; proceeds; securing value 28
9-8. Sale and leaseback of personal property .................................................. 28
9-9. Advertising proposed sale; decision of purchasing agent .................. 28

Article II  General
Sections
9-10 Use of Procurements of Other Public Agencies ........................... 29
9-11 Preference for Local Firms ................................................................. 29
9-20 General Limitations ................................................................. 29
9-21 Construction ................................................................. 29
9-22 No Bids ........................................................................ 30
9-23 Cooperative Agreements ...................................................... 30
9-24 (Deleted. Resolution 97.11.27, 11/6/97) ............................................. 30
9-25 (Deleted. Resolution 97.11.27, 11/6/97) ............................................. 30

Article III  Responsibility of Bidders and Contractors

9-26 Policy ........................................................................ 30
9-27 Definition of “Responsible Contractor” ........................................ 30
9-28 Conduct Required of Responsible Contractors ......................... 31
9-29 Debarment and Suspension of Nonresponsible Contractors .......... 31
9-30 Causes for Debarment ................................................................. 31
9-31 Debarment; Notice; Hearing; Procedures .................................... 32
9-32 Causes for Suspension ................................................................. 32
9-33 Suspension; Notice; Hearing; Procedures .................................... 32

Chapter 10  CONGESTION MANAGEMENT PROGRAM
Sections
10-1. Congestion management program to be implemented according to joint powers agreement .................................................. 33
10-2. Congestion management program annual budget procedures ...... 33
10-3. Member Agency fees .................................................. 34
10-4. Congestion management program funds and accounts ............... 34
10-5. Annual audit ................................................................. 34

Chapter 11  FISCAL MANAGEMENT
Sections
11-1. Fiscal year ........................................................................ 35
11-2. Budgets ........................................................................ 35
11-3. Financial plan .................................................................. 35
11-4. (Repealed Ord. No. 95-4. §3, 6/29/95) ............................................. 35
11-5. Establishment of fares .................................................. 36
11-6. Periodic financial reports .................................................. 36
11-7. Annual audit ................................................................. 36
11-8. Insurance ........................................................................ 36

Reprint 04/01/2011
Through Resolution 2011.03.01 and Board Action 03/03/11
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
ADMINISTRATIVE CODE

Chapter 1

GENERAL PROVISIONS

Article I

In General

Sec. 1-1. Title.

This Code shall be known as the “Santa Clara Valley Transportation Authority (VTA) Administrative Code,” or “VTA Administrative Code.”

Sec. 1-1.1. Purpose and Overview.

This Code prescribes for the Santa Clara Valley Transportation Authority (VTA) the governance, administrative and financial provisions of VTA including the powers and duties of officers, the method of appointment of employees, and the methods, procedures, and systems for the operation and management of the organization.

VTA is an independent special district responsible for bus, light rail and paratransit operations and for serving as the county’s congestion management agency. As such, VTA is responsible for countywide transportation planning, including congestion management issues, specific highway improvement projects, pedestrian and bicycle improvement projects, and provides these services throughout Santa Clara County.

Sec. 1-1.2. Adoption and Amendment of VTA Administrative Code.

This Code is adopted and amended by resolution of the VTA Board of Directors, pursuant to Public Utilities Code Section 100071-D. For efficiency, the VTA General Manager, in consultation with the General Counsel, is authorized to make minor, non-substantive corrections and adjustments to it to reflect ongoing practice adopted by the Board, such as meeting time change. All provisions contained within the VTA Administrative Code must conform to state and federal law and other applicable statutes. The Administrative Code shall be reviewed at least every five (5) years and revised by the Board of Directors as necessary.

Sec. 1-2. Reference includes amendments.

Reference to any portion of this Code includes later amendments to that portion or to any part contained in it.
Sec. 1-3. Applicability of provisions governing construction.

Unless the provisions or the context of this Code otherwise require, the general provisions, rules of construction and definitions set out in this chapter shall govern the construction of this Code.

Sec. 1-4. Effect of headings.

Part, chapter, article and section headings and any explanatory notes contained in this Code do not constitute any part of the law.

Sec. 1-5. Severability.

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Code. The Board of Directors hereby declares that it would have adopted this Code, and each section, subsection, sentence, clause and phrase it contains, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid.

Sec. 1-6. Delegation of powers, duties.

Whenever a power is granted to or a duty is imposed upon an officer of VTA, the power may be exercised or the duty may be performed by a designee of such officer or by a person otherwise duly authorized pursuant to law, unless this Code expressly provides otherwise.

Sec. 1-7. Legal citations.

Unless otherwise indicated, all citations to statutes and regulations shall be to those promulgated by the State of California.

Secs. 1-8 - 1-20. Reserved.

Article II

Definitions and Constructions

Sec. 1-21. State definitions adopted.

For the purposes of this Code, all words not defined in this Code shall have the meanings determined by the laws of the State of California and the decisions of the courts of the state.
Sec. 1-22. “Board of Directors” and “Board” defined.

As used in this Code, “Board of Directors” and “Board” shall mean the governing board of VTA.

Sec. 1-23. Reserved

Sec. 1-24. “County” defined.

As used in this Code, “county” refers to the geographic boundaries of Santa Clara County and “County” (capitalized) refers to the County of Santa Clara (governmental entity).

Sec. 1-25. “Director” defined.

As used in this Code, “Director” shall mean a member of the Board of Directors of VTA.

Sec. 1-27. “General Counsel” defined.

As used in this Code, “General Counsel” shall mean the General Counsel of VTA.

Sec. 1-28. “General Manager” defined.

As used in this Code, “General Manager” shall mean the General Manager of VTA.

Sec. 1-29. “Member Agency” defined.

As used in this Code, “Member Agency” shall mean each public agency which is a member of the congestion management program as provided in the most recently amended version of the Joint Powers Agreement for the Administration of the Santa Clara County Congestion Management Program, dated December 1, 1994.

Sec. 1-30. Number construed.

As used in this Code, the singular number includes the plural, and the plural includes the singular.

Sec. 1-31. Title of officer, employee, office, etc.

The use of the title of any officer, employee, division, department, office, committee or board in this Code shall mean such officer, employee, division, department, office, committee or board of VTA.
Sec. 1-32. “Person” defined.

As used in this Code, “person,” except as otherwise provided herein, shall mean any natural person, firm, corporation, partnership, club, and any association or combination of natural persons, whether acting by themselves or through any agent or employee.

Sec. 1-33. “Secretary” defined.

As used in this Code, “Secretary” shall mean the Secretary of the Board of Directors of VTA.

Sec. 1-34. “Shall” and “must” construed.

As used in this Code, “shall” and “must” are mandatory rather than discretionary.

Sec. 1-35. “State” defined.

As used in this Code, “state” is the State of California.

Sec. 1-36. Tense construed.

As used in this Code, the present tense includes the past and future tenses, and the future includes the present.

Sec. 1-37. “Violate” construed.

As used in this Code, “violate” includes failure to comply.

Sec. 1-26. “VTA” defined.

As used in this Code, “VTA” is the Santa Clara Valley Transportation Authority.


As used in this Code, “committee,” “policy advisory board” and “commission” refers to an advisory body established by, and that serve at the pleasure of, the Board of Directors.


As used herein “public official” means members/alternates of the Board of Directors, VTA officers and employees, and consultant/contractors required to file disclosure statements pursuant to VTA’s Conflict of Interest Code.

(Amended Ord. No. 95.5 § 3, 12/7/95.)
Chapter 2

BOARD OF DIRECTORS

Article I

In General

Sec. 2-1. Board directions to staff through General Manager.

Except for the purposes of inquiry and information, neither the Board of Directors nor any Director shall deal with any administrative officer or employee: (1) appointed by or under the General Manager except through the General Manager; or (2) by or under the General Counsel except through the General Counsel. Neither the Board nor any Director shall give orders to the subordinates of the General Manager or General Counsel, either publicly or privately.

Sec. 2-2. Directors ineligible for VTA employment.

No Director, during the term of office or for two years thereafter, shall be eligible for appointment to any VTA office, position or employment carrying compensation, exclusive of travel and other authorized expenses.

Secs. 2-3 - 2-10. Reserved.

Article II

Members

Sec. 2-11. Generally.

The Board of Directors consists of 12 voting members who are appointed by their respective appointing agencies as provided in Public Utilities Code Section 100060 on the basis of the appointees’ expertise, experience or knowledge relative to transportation issues.

Sec. 2-12. Alternates.

Alternate members shall regularly attend Board meetings and sit for and vote in the place of a Director for his or her City or County Grouping if the Director is absent.
Sec. 2-13. City and County groupings; selection of Directors and alternates.

Groupings of cities and the County which appoint Directors and alternates to the Board are as follows:

<table>
<thead>
<tr>
<th>Group Number</th>
<th>Grouping</th>
<th>Representatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>San Jose</td>
<td>5 Directors</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 alternate</td>
</tr>
<tr>
<td>2</td>
<td>Los Altos</td>
<td>1 Director</td>
</tr>
<tr>
<td></td>
<td>Los Altos Hills</td>
<td>1 alternate</td>
</tr>
<tr>
<td></td>
<td>Mountain View</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Palo Alto</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Campbell</td>
<td>1 Director</td>
</tr>
<tr>
<td></td>
<td>Cupertino</td>
<td>1 alternate</td>
</tr>
<tr>
<td></td>
<td>Los Gatos</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Monte Sereno</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Saratoga</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Gilroy</td>
<td>1 Director</td>
</tr>
<tr>
<td></td>
<td>Morgan Hill</td>
<td>1 alternate</td>
</tr>
<tr>
<td>5</td>
<td>Milpitas</td>
<td>2 Directors</td>
</tr>
<tr>
<td></td>
<td>Santa Clara</td>
<td>1 alternate</td>
</tr>
<tr>
<td></td>
<td>Sunnyvale</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>County of Santa Clara</td>
<td>2 Directors</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 alternate</td>
</tr>
</tbody>
</table>

Sec. 2-14. Selection of Directors and alternates by city/county groupings.

Procedures for the selection of Directors and alternates to the Board for groups 2, 3, 4 and 5 as described in this Code shall be determined by the cities of each respective grouping.

Appointing authorities are strongly encouraged, where possible, to: (1) appoint individuals with appropriate experience and qualifications in transportation; (2) ensure that there is sufficient remaining time in the elected official's term of office to allow full completion of their term as a Director; and (3) reappoint representatives to consecutive terms.
Sec. 2-15. Ex-Officio Directors.

Metropolitan Transportation Commissioners who reside in Santa Clara County, and who are not members or alternate members of the Board of Directors by virtue of Public Utilities Code Section 100060, shall be invited to serve as Ex-Officio members of the Board of Directors. Upon acceptance as Ex-Officio Board members, they shall be invited to, and they may regularly attend, Board meetings, including Closed Sessions, but their presence shall not be counted for purposes of establishing a quorum, they shall have no voting rights, and they shall not serve on the standing committees of the Board.

(Added Resolution 99.05.11, §1, 5/6/99; Amended Resolution 07.12.28, §2, 12/13/07.)

Secs. 2-16 - 2-25. Reserved.

Article III

Board Officers

Sec. 2-26. Generally.

The officers of the Board shall be the Chairperson and Vice Chairperson who shall be elected annually by the Board from its voting membership. Only directors, not alternates, are eligible to serve as Chairperson or Vice Chairperson. The Chairperson and Vice Chairperson shall serve a one-year term coinciding with the calendar year. Elections shall be conducted the last meeting of the calendar year, where practical. The Chairperson or Vice Chairperson positions shall be rotated annually according to the permanent rotational schedule established by the Board in January 1997 to ensure Board leadership is balanced between the smaller city groups (Groups 2, 3, 4 and 5), the City of San Jose and the County of Santa Clara:

<table>
<thead>
<tr>
<th>Chairperson</th>
<th>Vice Chairperson</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of San Jose</td>
<td>Smaller city groups</td>
</tr>
<tr>
<td>Smaller city groups</td>
<td>County of Santa Clara</td>
</tr>
<tr>
<td>County of Santa Clara</td>
<td>Smaller city groups</td>
</tr>
<tr>
<td>Smaller city groups</td>
<td>City of San Jose</td>
</tr>
</tbody>
</table>

Any Board member can be nominated for the Chairperson or Vice Chairperson position that is assigned to his or her collective group.

At the meeting immediately preceding the final meeting of the year, the Board Chairperson shall inform members of the upcoming election process and instruct any members interested in being considered for the Board Chairperson or Vice Chairperson positions to submit a letter of interest to the VTA Board Secretary by the end of that month. The Board shall accept nominations from the floor and consider letters of intent received to elect its Chairperson and Vice Chairperson for the next year.

(Amended Resolution No. 98.01.01, 1/8/98.)
Sec. 2-27. Chairperson.

The powers and duties of the Chairperson are:

(a) To preside at all meetings of the Board.
(b) To nominate Directors to Board committees and to nominate the committee chairpersons as provided by this Code.
(c) To establish the Board’s agenda in consultation with the General Manager.
(d) To regulate the order of presentations to the Board consistent with the Rules of Procedure adopted by the Board.
(e) To call special meetings of the Board for the purpose of transacting any business specified in the notice of the special meeting.
(f) To sign all ordinances, resolutions and legal instruments approved or authorized by the Board whenever not otherwise delegated to other officers or employees of VTA by this Code, Board action or law.
(g) To perform such additional duties as may be designated by the Board.

Sec. 2-28. Vice Chairperson.

The Vice Chairperson shall perform the duties of the Chairperson in the event of the Chairperson’s absence or inability to act, and while so acting, shall have all of the authority of the Chairperson. In the event of a vacancy in the office of Chairperson, the Vice Chairperson shall succeed as Chairperson for the balance of the term of office. In the event the office of Vice Chairperson becomes vacant during the term of such office, the Board shall elect a successor from its membership at the earliest meeting at which such election would be practicable. The election shall be for the unexpired term and shall be from the same City/County grouping.

Sec. 2-29. Chairperson Pro Tem.

Whenever both the Chairperson and Vice Chairperson are absent, the Board shall elect a voting Director to act as Chairperson Pro Tem who shall preside at the Board meeting and shall, for the purposes of the meeting for which the Director was so elected, have all the authority of the Chairperson.

Sec. 2-30. Signature authority.

The Chairperson or, in the absence of the Chairperson, the Vice Chairperson or, in the absence of both the Chairperson and Vice Chairperson, the Chairperson Pro Tem who presided at the meeting shall have authority to sign ordinances, resolutions and legal instruments approved or authorized by the Board at that meeting whenever not otherwise delegated to other officers or employees of VTA by this Code, Board action or law.

(Amended Ord. No. 95.2, § 1, 5/4/95.)

Secs. 2-31 - 2-35. Reserved.
Article IV

Standing Committees

Sec. 2-36. Appointments.

At the first meeting in January, the Board Chairperson shall nominate for Board approval the members and chairpersons of all standing committees of the Board. The membership of each committee shall consist of four Directors, not more than two of whom shall come from the same City Grouping. The term of each appointment shall be for one year, except for the Chair of the Audit Committee, whose term of appointment shall be for two years. The Board Chairperson is ineligible to serve on the Audit Committee during his or her term as chairperson.

(Amended Ord. No. 95.2, § 2, 5/4/95; Amended Board Action, 8/7/08.)

Sec. 2-37. Duties.

Standing committees shall serve in an advisory capacity to the Board. They shall meet, study, prepare recommendations and report to the Board on matters within their respective assigned areas of responsibility as well as other matters referred to them by the General Manager or the Chairperson in consultation with each other, or by the Board.

In addition to serving in an advisory capacity, the Audit Committee shall oversee the activities of the Auditor General and the internal audit function and recommend to the Board a public accounting firm to conduct the annual financial audit. To fulfill these duties and responsibilities, the Audit Committee is provided the following supplemental authority:

a) Discretion for exercising any option years on the contract for VTA Auditor General services.

b) Making scope and/or cost modifications for projects contained in Board-adopted Internal Audit Work Plans to respond to changing conditions, subject to remaining within the overall appropriation level set by the Board for that annual Internal Audit Work Plan. The addition of any project (except as prescribed in Section C immediately following), an increase to the overall finding level for any Internal Audit Work Plan, or deletion of any project contained therein, requires Board approval.

c) Approval, as exercised at the discretion of the Audit Committee or its Chairperson, to initiate with the Auditor General a project not contained in the Internal Audit Work Plan that meets the following criteria: (1) it is regarding a priority concern; (2) the priority concern was identified during the interval between quarterly Audit Committee meetings; and (3) project initiation cannot reasonably wait for the next Audit Committee meeting. Initiation of such projects shall be subject to sufficient available funding in the defined allowance for such supplemental work contained in the current annual Internal Audit Work Plan approved by the Board. The Audit Committee Chairperson shall, at both the Audit Committee and Board meetings immediately following initiation of the project, notify the Board of any project so initiated.
Notwithstanding individual committee responsibilities, standing committees shall work jointly where issues overlap the assignments of two or more standing committees.

(Amended Ord. No. 95.2, § 3, 5/4/95; Amended Board Action, 8/7/08.)

Sec. 2-38. Meetings.

Unless otherwise determined by the Board, standing committee meetings shall be held once a month when there is sufficient business for the committee to transact that month. The Audit Committee and SVRT Program Working Committee shall generally meet at least once each quarter. The times and locations of regular meetings shall be established by each committee at its first meeting of the calendar year, taking into consideration the recommendations of the General Manager and Board Secretary. All meetings shall be called, noticed and conducted in accordance with the applicable provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code). The General Manager and General Counsel shall be given notice of all standing committee meetings.

(Amended Board Action, 8/7/08.)

Sec. 2-39. Quorum, vote and procedures.

A majority of the standing committee’s total authorized membership shall constitute a quorum for the transaction of business and all official acts of the committee shall require the affirmative vote of three members. At any regularly called meeting not held because of the lack of a quorum, the members present may constitute themselves a “committee of the whole” for the purposes of discussing matters on the agenda of interest to the Directors present. The committee of the whole shall automatically cease to exist if a quorum of the committee is present at the meeting. All meetings shall be conducted in accordance with the Board’s Rules of Procedure.

(Amended Resolution 97.03.5, §2, 3/6/97.)

Sec. 2-40. Standing committees established.

The standing committees of the Board and their duties are as follows:

(a) Administration and Finance Committee. The Administration and Finance Committee shall review and recommend to the Board policy decisions pertaining to the general administration and financial management of VTA. The committee’s specific areas of responsibility shall be set forth in the Board’s Rules of Procedure.

(b) Transit Planning and Operations Committee. The Transit Planning and Operations Committee shall review and recommend to the Board policy decisions pertaining to transit planning, transit capital projects, transit operations and marketing. The committee’s specific areas of responsibility shall be set forth in the Board’s Rules of Procedure.
(c) **CMP and Planning Committee.** The CMP and Planning Committee shall review and recommend to the Board policy decisions pertaining to the congestion management program and the development of the countywide transportation plan for Santa Clara County. The committee’s specific areas of responsibility shall be set forth in the Board’s Rules of Procedure.

(d) **Audit Committee.** The Audit Committee shall review and recommend to the Board policy decisions required to fulfill the Board’s oversight responsibilities for (1) the integrity of VTA financial statements, (2) compliance with legal and regulatory requirements, and (3) assuring an effective system of internal management and financial controls. The Audit Committee shall oversee the activities of the Auditor General and the internal audit function and recommend to the Board a certified public accounting firm to conduct the annual financial audit. The committee’s specific areas of responsibility shall be set forth in the Board’s Rules of Procedure.

(e) **Silicon Valley Rapid Transit (SVRT) Program Working Committee.** The SVRT Program Working Committee shall review and recommend to the Board policy decisions pertaining to the activities and imminent issues of the Silicon Valley Rapid Transit Program, which brings the Bay Area Rapid Transit (BART) regional heavy rail system 16 miles from Alameda County to the Santa Clara County cities of Milpitas, San Jose and Santa Clara. The committee’s specific areas of responsibility shall be set forth in the Board’s Rules of Procedure.

*(Amended Ord. No. 95.2, § 4, 5/4/95; Amended Board Action, 8/7/08.)*

**Secs. 2-41 - 2-50. Reserved.**

**Article V**

**Board of Director Meetings**

**Sec. 2-51. Time and place of regular meetings; Brown Act compliance; notice.**

The time and location of regular meetings of the Board shall be established by the Board at its first meeting of the calendar year, taking into consideration the recommendations of the General Manager and Board Secretary. Board meetings shall generally occur the first Thursday of each month. All regular and special meetings shall be called, noticed and conducted in accordance with the applicable provisions of the Ralph M. Brown Act (commencing at Section 54950 of the Government Code).

**Sec. 2-52. Quorum; voting.**

A majority of the members of the Board shall constitute a quorum for the transaction of business. No act of the Board shall be valid unless at least seven concur therein, unless law, statute or convention requires a higher threshold.
Sec. 2-53. Rules of procedure.

The Board shall adopt and amend Rules of Procedure by resolution that govern its proceedings to the extent they are not inconsistent with this Code or law. The Rules of Procedure shall govern the conduct of meetings of the Board and its standing committees. The Rules of Procedure shall be reviewed at least every five (5) years and revised by the Board of Directors as necessary.

Secs. 2-54 - 2-60. Reserved.

Article VI

Per Diem Allowance; Travel Authorization and Reimbursement

Sec. 2-61. Per diem for meetings.

In lieu of reimbursement for expenses for attending meetings, each Director and each alternate shall be entitled to an allowance of one hundred dollars ($100) per day for attending Board meetings and meetings of Board standing and ad hoc committees to which the Director or alternate is assigned, not to exceed a total of five (5) days in any calendar month.

In lieu of reimbursement for expenses for attending meetings, each Ex-Officio Director shall be entitled to an allowance of $100 per day for attending Board meetings, not to exceed a total of five hundred dollars ($500) in any calendar month (Public Utilities Code Section 100063).

(Amended Resolution 99.05.11, §2, 5/6/99; Amended Resolution 00.01.06X, 1/11/2001.)

Sec. 2-62. Travel authorization and reimbursement.

A Director who engages in VTA business, other than attendance at Board or committee meetings for which the Director is paid a per diem allowance, shall first obtain authorization of the Board for reimbursement of travel expenses before engaging in that business and shall submit a report of those expenses to the Board through the Secretary. Authorization for and reimbursement of travel expenses shall be in accordance with VTA’s Travel & Expense Policy & Procedure (VTA Policy & Procedure: FRS-PL-340). Rates of reimbursement shall be the same for Directors and VTA employees.

Secs. 2-63 - 2-65. Reserved.
Article VII
Code of Ethics

Sec. 2-66. Responsibilities of public office.

The proper operation of democratic government requires that public officials be responsible to the people; that public office or employment not be improperly influenced or used for personal gain; and that the public have confidence in the integrity of government.

The members of the Board of Directors hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the State of California and to carry out impartially the laws of the nation, state and VTA. Public officials are bound to observe the highest standards of performance and to discharge faithfully the duties of their office, regardless of personal considerations.

Sec. 2-67. Responsibilities of Directors.

The primary responsibility of each Director is to promote the best interest of the public in determining VTA policy. Each Director shall carry out his or her duties in the interest of the agency and not in his or her own interest or in the interest of another person or entity. Directors shall consider the interests of their constituency during deliberations by the Board but shall act in best interest of all stakeholders.

(Amended Ord. No. 95.5 § 1, 12/7/95.)

Sec. 2-68. Purpose of Code of Ethics.

The purpose of this Code of Ethics is to recognize the ethical responsibilities of public officials under existing law and to prescribe ethical standards of conduct which will assure that their actions will not be in conflict or incompatible with the best interests of VTA. The provisions of this Code of Ethics are hereby declared to be in the best interest of VTA and for the protection of the public interest.

This Code of Ethics shall be construed broadly in order to effectuate its purposes. To the extent that the provisions of this Code of Ethics overlap existing general law or regulations, the more stringent provisions shall control.

(Amended Ord. No. 95.5 § 2, 12/7/95.)

Sec. 2-69. Existing standards of conduct for public officials.

There are numerous laws and regulations which govern the conduct of public officials and which are applicable to VTA. Because they are contained in various California statutes as well as federal regulations, the following attempts to set them forth in one document for ready reference. When in doubt as to the applicability of any law or regulation, or provision of this Code of Ethics to any particular situation, the potentially affected public official should request an advisory opinion from the Office of the General Counsel. Public officials shall ultimately be
responsible for ensuring that they are in compliance will all federal, state, and local rules that apply to them.

The following sections, which summarize the applicable laws and regulations, govern the conduct of all public officials. All persons subject to this Code shall be familiar with its provisions:

(a) Public officials shall disqualify themselves from making, or participating in the making of, or in any way attempting to use their official position to influence, a governmental decision in which they know or have reason to know they have a financial interest. (Government Code § 87100).

(b) Public officials shall not be financially interested in any contract made by them in their official capacity. They shall not be purchasers at any sale or vendors at any purchase made by them in their official capacity. A contract made in violation of these sections may be voided by the Board of Directors. (Government Code § 1090 et seq.)

(c) Board members or employees shall not engage in any employment or activity for compensation which is inconsistent or incompatible or in conflict with his or her duties as a Board member or employee, or with the duties of his or her appointing power or agency by which he is employed (that is, which would interfere with the official’s ability to carry out official duties or exercise independent judgment on behalf of the public interest) (Government Code §§ 1126, 1128); and shall not engage in outside employment or provide services for compensation where any part of those efforts will be subject to approval by the Board of Directors, or any other board, officer or employee acting on behalf of VTA. (Government Code § 1126(a)).

(d) No public official shall participate in a government decision in which he or she has a close personal interest which would tend to impair the exercise of independent judgment in the public interest.

(e) No public official shall hold another public office where the two offices are incompatible.

(f) No Board member, officer, employee or agent of VTA shall solicit or accept gifts, gratuities, favors, or anything of monetary value from contractors/consultants, potential contractors/consultants, or subcontractors/sub-consultants, except an unsolicited gift of nominal intrinsic value. “Nominal intrinsic value” for purposes of this section shall mean a value of less than $15, provided that with respect to meals, “nominal intrinsic value” shall mean the limits set forth in the applicable Travel & Expense Policy & Procedure (VTA Policy & Procedure: FRS-PL-340). Provided further, that each VTA department shall set more restrictive requirements regarding unsolicited gifts as directed by the General Manager (FTA Circular 4220.1F, Chapter III sec. 1b).

(g) No public official shall disclose or otherwise use confidential information acquired by virtue of his or her position or employment with VTA for his or her or another person’s private gain. No Board member shall reveal information received in lawful closed session unless such information is required by law to be disclosed. No Board member or employee shall take any action or provide any information for or on behalf of any prospective contractor or vendor which interferes with free and open competition for VTA contracts.

(Amended Ord. No. 95-5 §§ 4, 5, 12/7/95.)
Sec. 2-70. Incompatible uncompensated activities.

(a) Directors may participate in outside activities for which they are not compensated, but are discouraged from participating in such non-compensated activities which:
   (1) Involve a substantial commitment of time that interferes with the Director’s ability to timely discharge his or her official duties; or
   (2) Involve matters which come regularly before the Board and would create a substantial conflict between the private interests and the exercise of Board authority in the public interest.
(b) A director may disqualify himself or herself in matters coming before the Board where the Director concludes that participation would create the appearance of a conflict of interest.

Sec. 2-71. Prohibitions against use of office for personal gain.

No public official shall use for personal gain or advantage, VTA facilities, equipment, supplies, personnel or other things of value; or his or her office to secure, for personal benefit, gifts, special privileges or exemptions.

(Amended Ord. No. 95-5 § 6, 12/7/95.)

Sec. 2-72. Conduct when there may be a financial interest.

Board members, employees and consultants shall conduct themselves as follows whenever the member, employee or consultant has, or may have, a financial interest in making or participating in the making of, any governmental decision:
   a. Directors: Unless his or her participation is legally required, when the matter comes up on the agenda, the Director shall disclose his or her interest, refrain from participating in any way in the decision making process, and withdraw from the room if the subject is being discussed in closed session.
   b. Employees: The employee shall immediately report the nature of the matter and the existence of a conflict to his or her superior so that the work may be assigned to another.
   c. Consultants: The consultant shall immediately report the nature of the matter and the existence of the conflict to the General Manager, who shall determine the action to be taken.

(Amended Ord. No. 95-5 §§ 7,8, 12/7/95.)

Sec. 2-73. Undue influence or favor.

No public official shall by his or her conduct give reasonable basis for the impression that any person improperly can influence him or her or unduly enjoy his or her favor in the performance of his or her official acts or actions, or that he is affected unduly by the kinship, rank, position of, or association with, any person.

(Amended Ord. No. 95-5 §§ 9,10, 12/7/95.)
Sec. 2-74. Violations: Procedure.

Alleged violations of the provisions of this Code of Ethics by a Board member, advisory board member, committee member, vendor, or contractor/consultant may be referred to the Auditor General for investigation and initial assessment. The Auditor General, in consultation with General Counsel, shall promptly provide notice to the alleged violator of the allegation, unless the Auditor General determines either that (1) the allegation, on its face, does not amount to a violation of the Code of Ethics or warrant even an initial evaluation, or (2) notice of the allegation must be delayed in order not to compromise an initial evaluation. If the Auditor General determines after an initial evaluation that sufficient cause exists to conduct an investigation into the allegations, the Auditor General may either instigate and/or assign an investigation, and shall give the alleged violator notice of such. The Auditor General or assigned investigator(s) shall provide the alleged violator with a reasonable opportunity to be interviewed concerning the allegations. The Auditor General or assigned investigator(s) shall report the findings of the investigation and any recommendations to the Board. The Board shall either approve the findings and recommendations or else take other appropriate action consistent with the provisions of the Administrative Code. The Board may not approve a finding of an Ethics Code violation or impose any penalties unless the alleged violator is provided a reasonable opportunity to be publicly heard concerning the allegations or findings and to present evidence in rebuttal.

Alleged violations of the provisions of this Code of Ethics by a VTA employee may be referred to either the Auditor General, the General Manager, or the General Counsel for initial evaluation, referral, investigation, and action, as appropriate. Investigations of employees shall be performed in accordance with the VTA’s standard practice for conducting employee misconduct investigations, consistent with applicable law, labor agreements, and/or personnel procedures.

Ethics complaints against the Auditor General may be reported to the General Counsel, who shall take actions consistent with this Section’s requirement of providing notice and conducting or assigning an investigation.

Board members and other individuals may also report any ethics allegations to officials responsible by law for enforcement of this Code or the other provisions of law pertaining to conflicts of interest or standards of conduct for public officials.

(Amended Ord. No. 95-5 §§ 11, 12, 12/7/95.)

Sec. 2-75. Penalties for violation.

a) An employee who violates any of the standards of conduct set forth herein is subject to discipline, up to and including discharge, in addition to any penalties provided by law.

b) Board members and consultants/contractors who violate any of the standards of conduct set forth herein are subject to the following sanctions in addition to any penalties provided by law:

1. Public censure by the Board.
2. An official finding of misconduct in office and removal from office upon an accusation proceeding instituted by the grand jury.
3. Forfeiture into VTA general fund of any amounts or things of value given or paid in violation of this Code of Ethics.

4. A penalty assessment to be deposited into VTA general fund of $500 per violation of this Code of Ethics or an amount equal to three times the amount given, paid or expended in violation of this Code of Ethics, whichever amount is greater.

(Amended Ord. No. 95-5 § 13, 12/7/95.)

Sec. 2-76. Post employment restrictions.

a. Post employment restriction for Board Members/Alternates.

VTA shall not employ or retain under contract for compensation any individual who has served as a Board member/alternate within the previous two years. No Board member/alternate who leaves his or her office and accepts a position of employment with a current or future VTA contractor/consultant may participate in a project or provide any goods or services to the VTA, through the consultant/contractor, for a period of two years.

b. Post employment restrictions for employees.

No employee who leaves his or her VTA position and accepts a position of employment with a current or future VTA contractor (consultant, vendor, developer) may participate in a project or provide any goods or services to the VTA, through the contractor, for a period of two years, except where VTA determines that the employee (1) does not hold a key position on the project, (2) has not previously participated in any meaningful way in developing or managing the contract, (3) and has not held a position of substantial responsibility in the area of service to be performed under the contract.

The General Manager may, when it is in the overall best interests of VTA, make exceptions in the case of employees who leave due to retirement or layoff.

(Amended Resolution 03.08.12, 8/7/03.)

Chapter 3

SECRETARY

Sec. 3-1. Powers and duties generally.

The Secretary shall take the minutes, prepare the correspondence, assemble and distribute the agendas, post and deliver meeting and hearing notices, keep the records and generally provide clerical and administrative support for the Board of Directors and its committees as required by law and as requested by the Board.

Sec. 3-2. Petitions, claims, communications, etc.

The Secretary shall receive, on behalf of the Board, any and all petitions, applications, claims, legal process and requests for consideration of the Board and shall process and file them for the Board. The Secretary shall receive Public Record requests submitted to VTA and, in consultation with VTA General Counsel, be responsible for coordinating, recording, retaining and transmitting the formal response.
Sec. 3-3. Duty to prepare agenda and meeting notices; distribute information.

The Secretary shall prepare, post and distribute the agenda and notices for Board and designated committee meetings in accordance with the Ralph M. Brown Act (commencing with Section 54950 of the Government Code.). The Secretary shall assemble and distribute reports and other documents requested to be distributed with the agenda packet. The Secretary shall also distribute to Board and committee members, as appropriate, all information and announcements pertinent to their roles and responsibilities.

Sec. 3-4. Recording and certification of acts of Board; attestations.

The Secretary shall record the votes of the Board and issue certifications of such vote, order, resolution, ordinance or other act of the Board by affixing the Secretary’s signature and seal of the Board upon the document. The Secretary shall also attest to the signature of the Chairperson, Vice Chairperson and other officers of VTA.

Chapter 4

ADVISORY BOARDS AND COMMITTEES

Article I

In General

Sec. 4-1. Establishment; appointments.

Advisory boards and committees may be established by, and unless otherwise provided by statute, serve at the pleasure of the Board. Except as otherwise provided in this Administrative Code, their members shall be nominated by the Chairperson and appointed by the Board. Except as otherwise provided, membership terms shall be for one year, coinciding with the calendar year. Unless otherwise provided by bylaws, members may be re-appointed for successive terms at the discretion of the appointing authority and vacancies shall be filled by the body that made the initial appointment. VTA employees shall not be eligible for appointment to advisory boards or committees.

(Amended Resolution 97.03.5, §3, 3/6/97; Amended Motion 6/5/03; Amended Resolution 04.12.22, §3, 12/9/04.)

Sec. 4-2. Duties.

Advisory boards and committees shall provide advice, perspective, and expertise in their assigned area of responsibility to the Board on matters of VTA policy and shall have additional duties as assigned by the Board. No advisory board or committee shall have independent duties or authority to take actions that bind the Board, except for the Citizens Advisory Committee when acting in its capacity as the Citizens Watchdog Committee as specified in the 2000 Measure A Transit Sales Tax ballot.

(Amended Resolution 04.12.22, §3, 12/9/04.)
Sec. 4-3. Bylaws.

Each advisory board and committee shall adopt bylaws, which shall be approved by the Board, for the conduct of its business. The adopted and approved bylaws shall govern the proceedings of the board or committee to the extent they are not inconsistent with this Code or law. Bylaws may be amended by the respective committee by the affirmative vote of a majority of its total authorized membership and with the approval of the Board of Directors.

The Board may also impose changes to advisory committee bylaws it deems to be in the best interest of VTA and the public it serves.

(Amended Resolution 04.03.02, §4, 3/4/04.)

Sec. 4-4. Staff support; expenses.

Agendas, public noticing, minutes and other staff services shall be furnished to advisory boards and committees as directed by the General Manager and in compliance with the Ralph M. Brown Act (commencing with Section 54950 of the Government Code). Except for the Citizens Advisory Committee when acting in its capacity as the Citizens Watchdog Committee as specified in the 2000 Measure A Transit Sales Tax ballot, no expenditures or requisitions for services and supplies shall be made by advisory boards and committees. No individual member of an advisory board or committee shall be entitled to reimbursement for travel or other expenses except as authorized by the Board Chairperson or the General Manager.

(Amended Resolution 97.03.5, §4, 3/6/97; Amended Resolution 04.12.22, §3, §4, 12/9/04.)

Sec. 4-5. Election of chairperson and vice chairperson.

Each advisory board and committee shall elect from its voting membership a chairperson to preside at all meetings and a vice chairperson, who, in the event of the chairperson’s absence or inability to act, shall serve as chairperson. Ex-Officio and alternate members are not eligible to serve in these positions.

(Amended Resolution 97.03.5, §5, 3/6/97; Amended Resolution 04.03.02, §4, 3/4/04.)

Sec. 4-6. Reimbursement for Expenses to Travel to and from Board and Committee Meetings.

VTA shall reimburse to each Advisory Board and Advisory Committee member, upon request thereof, the actual cost of travel to and from a scheduled Advisory Board or Committee or subcommittee meeting. Cost of travel consists of actual fare paid if by public transportation or paratransit, and current IRS mileage rate if by automobile.

(Added Resolution 01.04.24, 4/5/01; Amended Resolution 04.03.02, §4, 3/4/04.)

Secs. 4-7 - 4-15. Reserved.
Article II

Meetings

Sec. 4-16. Meetings.

Unless otherwise provided, each advisory board and committee shall generally meet at least once per quarter. The times and locations of its regular meetings shall be established in its bylaws. All meetings shall be called, noticed and conducted in accordance with the applicable provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code). The General Manager and General Counsel shall be given notice of all advisory board and committee meetings.

Sec. 4-17. Quorum; vote; committee of the whole.

A majority of the total authorized membership of the advisory board or committee constitutes a quorum for the transaction of business, unless the committee or board bylaws provide otherwise. All acts of the body shall require either the affirmative vote of a majority of its total authorized membership, or if the committee or board bylaws so provide, the affirmative vote of the majority of the members present so long as a quorum is present. At any regularly called meeting not held because of the lack of a quorum, the members present may constitute themselves a “committee of the whole” for the purposes of discussing matters on the agenda of interest to the committee members present. The committee of the whole shall automatically cease to exist if a quorum is present at the meeting.

(Amended Resolution 97.03.5, §6, 3/6/97; Motion, Item #10, 12-12-02; Amended Resolution 07.11.19, §4, 11/1/07.)

Secs. 4-18 - 4-25. Reserved.
Article III

Policy Advisory Committee, Technical Advisory Committee, Citizens Advisory Committee

Sec. 4-26. Policy Advisory Committee.

(a) Membership. A Policy Advisory Committee is established consisting of sixteen members and their alternates, who are elected officials, as follows: one governing board member from each Member Agency governing board and an alternate for each member, who also shall be a governing board member, shall be appointed by their respective governing board for a two-year term. The alternate representing the County Board of Supervisors may be selected from a Member Agency city council. If a member or an alternate ceases to hold office on the governing board from which he or she was appointed, the appointing body shall appoint another member or alternate for the remainder of the term. No Director shall be appointed to serve on the committee, although alternate Board members may be appointed to the committee. Committee bylaws may establish further restrictions on qualifications for membership.

(b) Duties. It shall be the duty of the committee to advise the Board on:

1) Policy issues referred to the committee by either the Board or the General Manager
2) The countywide transportation plan (Valley Transportation Plan), the Short-Range Transit Plan (SRTP), development of the annual or biennial budget, and fare and service modifications.

The Committee may also advise the Board of Directors with respect to any policy matter the members determine to be relevant to their Member Agency or to VTA.

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.

(Amended Motion 6/5/03; Amended Resolution 04.12.22, §3, 12/9/04; Amended Resolution 05.03.03, §2, 3/30/05.)

Sec. 4-27. Technical Advisory Committee.

(a) Membership. A Technical Advisory Committee is established consisting of one staff member from each Member Agency. One member and one alternate shall be appointed by the chief administrative officer of each Member Agency and shall serve at the pleasure of the represented agency. In addition, the California Department of Transportation (Caltrans) may appoint one ex-officio member and one alternate, who shall not be counted for purposes of establishing a quorum and who shall have no voting rights. Committee bylaws may establish further restrictions on qualifications for membership.

(b) Duties. It shall be the duty of the committee to advise the Board 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 in consultation with the Chairperson 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.

(Amended Resolution 04.03.02, §4, 3/4/04; Amended Resolution 04.12.22, §3, 12/9/04; Amended Resolution 2010.06.11, 6/3/10.)

Sec. 4-28. Citizens Advisory Committee.

(a) Membership. A Citizens Advisory Committee is established consisting of seventeen members appointed in accordance with subsection (b), as follows: six citizens at large from the city and County groupings, six citizens representing certain specified community interests, and five citizens representing certain specified business and labor groups. All members shall be residents of Santa Clara County during their term. No member of the Board of Directors or alternate, Policy Advisory Committee member or alternate, or other elected official shall serve on the committee. Committee members may not be an employee of a Member Agency they represent. Each member shall be appointed for a continuous term, serving until resignation or replacement by their appointing organization or the Board of Directors. The Board of Directors shall ratify the appointments of all members of the committee. The committee shall have no alternate members. Committee bylaws may establish further restrictions on qualifications for membership.

(b) Appointments. Members shall be appointed as follows, with effort made to reflect the ethnic, gender, and geographic diversity of the county:

(1) City and County Groupings

a. Two from Group 1:
   San Jose

b. One from Group 2:
   Los Altos
   Los Altos Hills
   Mountain View
   Palo Alto
   Santa Clara
   Sunnyvale
c. One from Group 3:

Campbell
Cupertino
Los Gatos
Monte Sereno
Saratoga

d. One from Group 4:

Gilroy
Milpitas
Morgan Hill

e. One from the County of Santa Clara:

(2) Community Interests

a. Three citizens representing the following community interests, appointed by the Administration & Finance Committee from nominations submitted by advocacy groups or received at large, one for each category:

Disabled persons
Environmentalists
Mass transit users

b. One each by the following stakeholder groups:

**Representing**  **Appointed by**
Senior citizens  Council on Aging Silicon Valley

c. Two by VTA advisory committees, one by each committee from its current membership:

**Representing**  **Appointed by**
Bicyclists and pedestrians  Bicycle & Pedestrian Advisory Committee
Disabled community  Committee for Transit Accessibility

Each representative must be a member of their appointing committee during their term on the CAC.
(3) Business and Labor Groups

Five citizens representing the following business and labor groups, one appointed by each organization:

Building Owners and Managers Association – Silicon Valley
Homebuilders Association of Northern California
Santa Clara County Chamber of Commerce Coalition
Silicon Valley Leadership Group
South Bay AFL-CIO Labor Council

(c) Duties. It shall be the duty of the committee to advise the Board on policy issues referred to the committee either by the Board or the General Manager in consultation with the Chairperson.

As specified by the 2000 Measure A ballot, the Committee shall also serve as the independent Citizens Watchdog Committee (CWC) for the 2000 Measure A Transit Sales Tax (“2000 Measure A”) during its term (April 2006 – March 2036) and perform the duties specified in the Measure A ballot.

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.

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 not have the authority to communicate externally, but all communications by the committee shall be to and through the Board.

(Amended Resolution 04.03.02, §4, 3/4/04; Amended Resolution 04.12.22, §3, §4, 12/9/04; Amended Resolution 06.06.10, 6/1/06; Amended Resolution 2009.10.29, §2, 10/1/09; Amended Resolution 2010.06.11, 6/3/10.)

4-29. Committee for Transit Accessibility

(a) Membership. A Committee for Transit Accessibility is established consisting of twenty-one voting members and two ex-officio, non-voting member, as follows: twelve individuals with disabilities, one each designated by each member of the Board of Directors; and nine members designated by human service agencies familiar with public transportation and serving seniors or persons with disabilities. These nine members shall be employees of the designating agency. The Chairperson of the Board of Directors shall, with the advice and consent of the Board of Directors, from time to time designate the agencies that shall be entitled to appoint members, as set forth in the committee bylaws.

The current contract paratransit broker shall designate an employee thereof to serve as an ex-officio, non-voting member. The Chairperson of the Board of Directors shall designate one member of the VTA Board of Directors to serve as an ex-officio, non-voting member, and that individual may assign a representative to serve in his or her absence.
Committee bylaws may establish further restrictions on qualifications for membership.

(b) **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 on matters pertaining to paratransit services in Santa Clara County, and on issues and policies related to accessibility to VTA transit services, facilities, and media, and on state and federal laws related thereto.

(c) **Representative to Citizens Advisory Committee.** The committee shall appoint one individual from its voting membership to serve as its representative on the Citizens Advisory Committee (CAC). The representative must meet all established CAC membership requirements and be a voting CTA member during their term on the CAC.

*(Added Resolution 01.04.24, 4/5/01; Amended Resolution 04.12.22, §3, 12/9/04; Amended Resolution 2010.06.11, 6/3/10.)*

**4-30. Bicycle and Pedestrian Advisory Committee**

(a) **Membership.** A Bicycle and Pedestrian Advisory Committee is established consisting of sixteen members who are bicyclists or pedestrians, and who either live or work in Santa Clara County. Each Member Agency shall appoint one member. In addition, the Silicon Valley Bicycle Coalition (SVBC) may appoint one ex-officio member and one alternate, who shall not be counted for purposes of establishing a quorum and who shall have no voting rights. Committee bylaws may establish further restrictions on qualifications for membership.

(b) **Duties.** It shall be the duty of the committee to advise the Board and to make recommendations regarding funding priorities for bicycle and pedestrian projects in the county; review and provide comments to VTA staff regarding plans and designs for an effective countywide bikeway and pedestrian system, updates of the Countywide Bicycle Plan and Countywide Bicycle Map, bicycle and pedestrian element of the countywide transportation plan, and bicycle-related issues affecting the transit system. It shall also coordinate with bicycle and pedestrian advisory committees of other agencies on multi-jurisdictional bicycle and pedestrian issues and serve as the countywide bicycle and pedestrian advisory committee for the County Santa Clara.

(c) **Representative to Citizens Advisory Committee.** The committee shall appoint one individual from its voting membership to serve as its representative on the Citizens Advisory Committee (CAC). The representative must meet all established CAC membership requirements and be a voting BPAC member during their term on the CAC.

*(Added Resolution 01.04.24, 4/5/01; Amended Motion 6/5/03; Amended Resolution 04.03.02, §4, 3/4/04; Amended Resolution 07.03.05, §4, 3/1/07; Amended Resolution 2010.06.11, 6/3/10.)*
Chapter 5

OFFICERS

Sec. 5-1. Generally.

The officers of VTA shall consist of: the members of the Board of Directors; the Chairperson and Vice Chairperson, each of whom shall be a member of the Board of Directors; a General Manager and General Counsel, both of whom shall be appointed by and serve at the pleasure of the Board; a Secretary appointed by the General Manager; a Chief Financial Officer, appointed by the General Manager; and such other officers as the Board may provide for.

(Amended Resolution 97.03.5, §7, 3/6/97; Amended Resolution 97.11.27, 11/6/97.)

Sec. 5-2. Powers and duties of the General Manager.

The powers and duties of the General Manager are:

(a) To head the administrative branch of VTA and to be responsible to the Board of Directors for the proper administration of all affairs of VTA.

(b) To appoint, supervise, suspend or remove VTA officers and employees other than the members of the Board and officers appointed by the Board.

(c) To supervise and direct the preparation of the annual (or biennial) budget for the Board and be responsible for its administration after its adoption, except as provided in section 6-2.

(d) To prepare and submit to the Board as soon as practicable after the end of each fiscal year a complete report of the finances and administrative activities of VTA for the preceding year.

(e) To prepare the congestion management plan for approval by the Board and administer the congestion management program for the county as provided in the Joint Powers Agreement for the Administration of the Santa Clara County Congestion Management Program, dated December 1, 1994, as most recently amended.

(f) To prepare the countywide transportation plan for approval by the Board.

(g) To formulate and present to the Board plans for transit facilities and other capital projects and the means to finance them.

(h) To supervise the planning, acquisition, construction, maintenance and operation of the transit facilities of VTA.

(i) To attend all meetings of the Board.

(j) To administer the personnel system and employee relations of VTA and to establish the positions and staff levels and fix the compensation of employees appointed by or under the authority of the General Manager within the limits of VTA’s budget.

(k) To direct the preparation and administration of contracts for goods and services and to serve as VTA’s purchasing agent.

(l) To execute grant applications, certifications and other documents to apply for funding for VTA and, when authorized by the Board, to execute agreements for such funding.

(m) To perform such other and additional duties as the Board may require.

(Amended Ord. No. 95.1 § 1, 5/4/95.)
Sec. 5-3. General Manager - real property powers and duties.

The General Manager shall accept deeds, easements and other conveyances on behalf of VTA; execute real property license agreements, permits and certifications; and, when authorized by the Board, execute real property purchase and possession and use agreements incident to the exercise of eminent domain power by VTA.

Sec. 5-4. (Deleted Resolution 97.11.27, 11/6/97.)

Sec. 5-5. General Manager - grant agreements.

The General Manager is authorized to execute grant agreements for amounts not to exceed $1,000,000 for projects and programs which are identified and included in VTA’s current budget.

(Amended Resolution 97.03.5, §8, 3/6/97.)

Sec. 5-6. Powers and duties of the Chief Financial Officer.

The powers and duties of the Chief Financial Officer are:
(a) To manage the general accounting, grant accounting and property accounting functions of VTA.
(b) To take custody and manage the banking and investment of VTA funds.
(c) To manage the fare collection process.
(d) To manage the issuance of disbursement payments.
(e) To manage the financial management of VTA’s Pension and Other Post Employment Benefit Programs.
(f) To manage the annual or biennial budget process.
(g) To manage the debt financing program.
(h) To manage the Contract and Procurement program.
(i) To manage the Office of Disadvantage Business Enterprise.
(j) To prepare monthly and annual financial statements and reports.
(k) To perform such other duties and functions required by VTA’s enabling act and this Code.
(l) To perform such other duties and functions that state law requires to be performed by the controller or treasurer of VTA.
(m) To perform such other duties and functions assigned by the General Manager.

(Amended Resolution 97.11.27, 11/6/97.)
Chapter 6

GENERAL COUNSEL

Sec. 6-1. Powers and duties of the General Counsel.

The powers and duties of the General Counsel are:

(a) To advise the Board of Directors and its standing committees in all legal matters pertaining to VTA.
(b) To perform all legal services for VTA as directed by the Board.
(c) To attend all meetings of the Board.
(d) To draw resolutions, ordinances and contracts.
(e) To represent VTA as its legal representative in all matters, actions or proceedings in which VTA is a party or is interested.
(f) To prepare legal opinion letters.
(g) To authorize the VTA to instigate or participate in litigation for the following matters: (1) litigation previously approved by the Board; (2) matters in which the VTA seeks to collect funds due; (3) litigation in the form of a cross-complaint or cross-claim against parties who have already instigated litigation against the VTA; or (4) matters in which litigation is necessary to meet a statutory or court deadline in order to preserve the VTA’s interests.
(h) To issue subpoenas for the attendance of witnesses, to compel their attendance and testimony, to administer oaths and affirmations, to take evidence, and to issue subpoenas for the production of any papers, books, accounts, records, documents or other items that may be relevant to an investigation, enforcement action or prosecution of any alleged violations of this Administrative Code or Board Ordinances.
(i) To keep a record of closed session proceedings at all Board and standing committee meetings.
(j) To perform such other duties as the Board may prescribe.

Sec. 6-2. Budget submittal; employees.

As part of VTA’s comprehensive budget, the General Counsel shall prepare and recommend to the Board an annual (or biennial) budget for the General Counsel’s office in accordance with the procedures established in this Code and the financial policies adopted by the Board. The General Counsel shall have the authority to establish the positions and staff levels and appoint and remove all employees in the General Counsel’s office and fix their compensation within the limits of the General Counsel’s budget.

(Amended Ord. No. 95.1, §2, 5/4/95.)

Sec. 6-3. Requests for opinions to be written.

If requested by the General Counsel, requests for opinions of the General Counsel shall be in writing.
Sec. 6-4. Use of outside counsel.

The General Counsel shall act as the legal officer of VTA and no division, department or office of VTA shall employ or consult any outside counsel with respect to VTA affairs except with the consent of and through the General Counsel, unless authorized by the Board.

Sec. 6-5. Transmittal of papers in actions involving VTA.

It shall be the duty of the head of each division, department and office of VTA to transmit to the General Counsel, immediately, any and all pleadings or papers served in any action or proceeding involving VTA or such official in his or her official capacity.

Chapter 7

PERSONNEL SYSTEM

Sec. 7-1. Merit principle.

All appointments to and promotions within the administrative service of VTA shall be based upon merit and fitness which shall be ascertained by means of recognized personnel selection techniques. The service of VTA shall be divided into the Unclassified and Classified Service. Appointments and promotions in the Classified Service of VTA shall be made from eligible lists to be established by examination in accordance with personnel policies and procedures adopted in the manner provided in this chapter.

Sec. 7-2. Unclassified and Classified Service.

(a) The Unclassified Service shall comprise the following officers and positions:
   (1) All members of the Board of Directors.
   (2) General Manager.
   (3) General Counsel.
   (4) Division Chiefs
   (5) Persons employed for a temporary or limited duration, as specified by the General Manager.

(b) The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service.
Sec. 7-3. Persons not part of VTA service.

The service of VTA shall not include:
(a) Members of advisory boards and committees.
(b) Persons employed by contract to render professional, scientific, technical or expert advice.
(c) Independent contractors.

Sec. 7-4. Position classification and pay ranges.

The General Manager, with the advice of the Chief Administrative Officer, shall establish a position classification plan and pay ranges of all positions in VTA. The pay ranges shall include a minimum and maximum and such intermediate steps or a midpoint as may be deemed desirable for each class of positions.

(Amended Ord. No. 95.1, § 3, 5/4/95; Amended Ord. No. 95.4, § 1, 6/29/95.)

Sec. 7-5. Personnel policies and procedures.

The General Manager, through the Chief Administrative Officer, shall administer the personnel system of VTA and, except as otherwise required by law, shall have the authority to adopt and implement specific policies and procedures to govern the following phases of the personnel system:

1. The preparation, installation, revision, and maintenance of a classification plan and salary schedules covering all positions in VTA Service.
2. The formulation of minimum standards and qualifications for each class of position, together with the salary to be attached to each position.
3. The posting and announcement of vacancies and examinations and the acceptance of applications for employment.
4. The preparation and conduct of examinations and the establishment and use of employment lists containing names of persons eligible for appointment.
5. The certification and appointment of persons from employment lists to fill vacancies and the making of temporary and emergency appointments.
6. The evaluation of employees.
7. The transfer, promotion, demotion and reinstatement of employees in the classified service.
8. The separation from VTA service of employees through layoff, suspension, dismissal, and for incapacity to perform required duties.
9. The standardization of hours of work, payroll practices, attendance and leave regulations, working conditions and the development of employee morale, welfare, training, benefits and services.
10. The maintenance of necessary personnel records and forms.
11. Other necessary personnel policies and procedures mandated by federal and state law.
Chapter 8
EMPLOYEE RELATIONS

Sec. 8-1. Administration of employer-employee relations.

The administration of employer-employee relations in VTA shall be in conformance with Section 100300 et seq. of the Public Utilities Code, and as more specifically established by rules and regulations adopted by the Board upon recommendation by the General Manager.

Chapter 9
PURCHASING AND CONTRACTING

Article I

Purchasing Agent
(Amended Ord. No. 95.3, § 2, 5/4/95)

Sec. 9-1. Purchasing agent.

The General Manager shall serve as the purchasing agent for VTA. The General Manager may delegate some or all of the duties and responsibilities of the purchasing agent to others in VTA.

Sec. 9-2. Powers and duties of the purchasing agent.

The powers and duties of the purchasing agent are:

(a) to purchase supplies, materials, equipment or other personal property required by VTA up to the amount of $250,000 per purchase order or contract, and to procure services up to the amount of $250,000 per purchase order or contract so long as the services are procured pursuant to sealed bid. Purchase orders or contracts exceeding such limit shall be approved by the Board of Directors. Notwithstanding the foregoing, the purchasing agent may purchase, through sealed bidding, routine or recurring supplies, materials, equipment, other personal property, and services, where such items have been previously budgeted, regardless of amount.

(b) to contract for the services of independent contractors to perform services for VTA or for VTA to provide services to others on at least a fully cost-reimbursable basis, within excess capacity, for a term up to seven years, and for an amount not to exceed $300,000 over the duration of the contract. Contracts exceeding such limits shall be approved by the Board of Directors.

(c) to rent or lease real property or equipment as lessor lessee, for a term not to exceed three years, for a lease or rental amount not to exceed $100,000 per year. Agreements exceeding these limits shall be approved by the Board of Directors.

(d) to contract for the construction of public facilities and works up to $250,000 per contract, provided that all such contracts exceeding $25,000 shall be let to the lowest responsible bidder following receipt of sealed bids.
(e) to execute construction contract notices of completion and acceptances of work pursuant to Civil Code Sections 3082 et seq., and to consent to the substitution of subcontractors and to the voluntary assignment, transfer or performance of subcontracts pursuant to Public Contract Code Section 4107.

(f) for those contracts entered into by the purchasing agent under the authority set forth in subsections (a), (b), (c) and (d) above, to amend the amount of any such contract up to the limits set forth in those sections plus an amount not to exceed 15% over the limits specified therein. The amount of all amendments to a contract shall be added together to determine the total contract value. Any amendment causing the total contract value to exceed 15% over the limits set forth in subsections (a) (b) (c) or (d) shall be approved by the Board of Directors.

(g) for those contracts approved by the Board of Directors, to amend the amount of the contract by not greater than 15% unless otherwise directed by the Board at the time of award.

(h) for any contract, to amend such contract to extend time and make minor changes within the original scope, or make other additions or changes not involving a change in the total contract value.

(i) to reject any and all bids and re-advertise in his or her discretion.

(Amended Resolution 97.11.27, 11/6/97; Amended Resolution 03.12.20, 12/4/03.)

Sec. 9-3. (Deleted Resolution 97.11.27, 11/6/97.)

Sec. 9-4. Persons authorized to requisition.

The purchasing agent shall supply the head of each division and department of VTA the means, whether by approved forms or electronic systems, to requisition property and supplies. Authority to requisition property and supplies is vested with the General Manager and through the General Manager to the heads of the divisions and departments of VTA. This authority may be delegated to other employees of VTA by written authorization of the General Manager.

Sec. 9-4.1. No Bids.

If no responsive and responsible bids are received pursuant to the procedure specified in Secs. 9-21 and 9-27, the purchasing agent or the Board, as the case may be, may authorize the work to be performed through a negotiated contract.

(Amended Resolution 97.11.27, 11/6/97.)

Sec. 9-5 Report of personal property no longer needed.

Whenever any items of VTA personal property are no longer needed by the division, department or work unit having possession thereof, such fact shall be reported to the purchasing agent.
Sec. 9-6. Acquisition of salvage from purchasing agent.

Whenever a division, department or office of VTA has need for property which has been placed in the purchasing agent’s stock for salvage materials and equipment, such division, department or office may acquire the property by submitting a transfer request to the purchasing agent. If approved by the purchasing agent, the transfer shall be made.

Sec. 9-7. Disposition of surplus personal property; proceeds; securing value.

The purchasing agent may, by direct sale or otherwise, sell, lease, or dispose of any personal property belonging to VTA not required for VTA use, subject to any requirements as may be provided by the Board of Directors. No VTA employee may purchase, lease or otherwise acquire such property or interest therein except through public sale or auction or pursuant to sealed bidding. The proceeds of such sale shall be deposited into the VTA treasury. Where personal property is exchanged or traded, the property received shall be of comparable value to the property traded. The proceeds of any sale of Congestion Management Program assets shall be allocated to the accounts for that program.

(Amended Resolution 97.11.27, 11/6/97.)

Sec. 9-8. Advertising proposed sale; decision of purchasing agent.

Upon approval by the Board of Directors or the General Manager to sell or dispose of VTA personal property, the purchasing agent may purchase advertising space and may advertise the proposed sale or other disposition of any VTA personal property pursuant to this chapter in such newspapers, magazines, periodicals or electronic media which, in the purchasing agent’s judgment, will best publicize the proposed sale or other disposition to those persons most likely to bid for or purchase the personal property. Within the limits of the order of the Board approving the advertising, the purchasing agent shall decide upon the amount, nature, make-up and content of the advertising.

Sec. 9-9. Sale and leaseback of personal property.

The purchasing agent, with approval of the Board of Directors and after publishing notice of the intended action in accordance with law, may, by direct sale or otherwise, sell to a purchaser any personal property owned or to be owned by VTA, provided the purchaser agrees to lease the equipment back to VTA for use by VTA following the sale. The approval of the Board of Directors of the sale and leaseback shall be given only if the Board finds, by resolution, that the sale and leaseback is the most economical means for providing such personal property to VTA.
Article II

General

(Amended Resolution 97.11.27, 11/6/97)

Sec. 9-10 Use of Procurements of Other Public Agencies

The purchasing agent may procure supplies, materials, equipment or services from vendors who have been awarded a contract therefor through a competitive solicitation process conducted by another public agency (“tag-on procurement”), provided that: (1) the procurement done by the public agency included adequate competition to ensure that the price achieved was fair and reasonable; (2) prices comparable to those offered to the awarding agency are secured; and (3) the “tag-on” procurement does not exceed $250,000 or three years’ duration.

(Added Resolution 97.11.27, 11/6/97; Amended Resolution 03.12.20, 12/4/03.)

Sec. 9-11 Preference for local firms

In the procurement of independent contractors to perform services for VTA, local firms shall be given a preference in the selection process, as follows: In a 100 point scoring system, 5 points shall be awarded if at least 50% of the dollar value of services to be rendered will be performed by a local firm, and an additional point shall be awarded for each additional 10% of the dollar value of services to be performed by a local firm, to a maximum point award of 10 points.

For this purpose, local firms are those that currently have their main office or a branch office with meaningful production capability located within Santa Clara County, or those firms who, upon award of the contract by VTA, will establish such a local office. This preference shall not apply when prohibited by law or regulation.

(Added Resolution 98.12.33, 12/10/98.)

Sec 9-20. General Limitations.

The purchasing agent’s authority to enter into agreements on behalf of VTA shall be limited by the budget limits established by the Board of Directors for the particular fund or capital project.

(Amended Resolution 97.11.27, 11/6/97.)

Sec. 9-21. Construction.

The construction of all facilities and public works, when the expenditure required exceeds $25,000, shall be by contract let to the lowest responsible bidder, or otherwise as provided by law. Notice inviting bids shall be published at least once in an appropriate trade publication at least 10 days before bids are received.

(Amended Resolution 97.11.27, 11/6/97.)
Sec. 9-23. Cooperative Agreements

The Purchasing Agent may enter into cooperative agreements with public agencies and public utilities in amounts up to $1 million in connection with public works construction projects, provided the construction project is budgeted and has been previously approved by the Board.

(Deleted Resolution 97.11.27, 11/6/97; Added Resolution 03.12.20, 12/4/03.)

Sec. 9-24. Contract Formation

All VTA contracts are required to be in writing and shall be approved as to form by the General Counsel or his or her designee prior to execution by the VTA. No contract shall be enforceable against the VTA unless it is in writing and approved as to form by the General Counsel or his or her designee.

Article III

Responsibility of Bidders and Contractors
(Added Resolution 00.06.43X, 6/23/00)

Sec. 9-26  Policy

It is VTA policy that (1) purchases shall be made from, (2) bids and proposals shall be solicited from, (3) contracts shall be awarded to, and (4) consent shall be given to subcontract with “responsible contractors” only.

Sec. 9-27  Definition of “Responsible Contractor”

As used in this article, the term “contractor” includes bidders, proposers, suppliers, consultants, and subcontractors. To be deemed “responsible,” a contractor must be eligible to receive an award under applicable laws and regulations and have:

(a) The capacity to deliver the required product or to perform the proposed work, including--

   (i) Sufficient financial resources;
   (ii) The necessary organization and management, experience, accounting and operational controls, and technical skills; and
   (iii) The necessary production, construction, and technical equipment and facilities.

(b) A satisfactory performance record with VTA or other public or private entities; and
(c) A satisfactory record of trustworthiness, integrity, honesty, and business ethics.

A contractor’s responsibility shall be determined at the time of award and may be based upon information that is outside of the contractor’s bid, offer, or proposal.

**Sec. 9-28 Conduct Required of Responsible Contractors**

(a) The purchasing agent shall ensure that contractors are informed that they shall at all times deal in good faith and truthfully with VTA, and that they shall submit documentation to VTA, including reports, claims, requests for change orders, equitable adjustments, contract modifications, or requests of any kind seeking increased compensation or decreases of an obligation on a VTA contract, only in good faith, and upon an honest evaluation of the underlying circumstances and an honest calculation of any amount being sought. The purchasing agent shall inform contractors that a violation of this standard of conduct will subject the contractor to being deemed “nonresponsible” and potentially ineligible for future contracts with VTA, regardless of whether VTA relied on or responded to the submission.

**Sec. 9-29 Debarment and Suspension of Nonresponsible Contractors**

(a) In order to effectuate VTA’s policy to contract only with responsible contractors, the purchasing agent may initiate debarment or suspension proceedings.

(b) “Debarment” is the exclusion of a contractor from VTA contracting for a reasonable, specified period, not to exceed five (5) years.

(c) “Suspension” is a temporary disqualification of a contractor from VTA contracting pending an investigation.

(d) Debarred or suspended contractors may not receive VTA contracts, and VTA personnel may not makes purchases from, solicit offers from, award contracts to, or consent to subcontracting with these contractors.

**Sec. 9-30 Causes for Debarment**

The Board may debar a contractor for any of the following--

(a) Conviction of, or civil judgment by, a Federal or State court for:

   (i) Commission of fraud or a criminal offense in connection with (i) obtaining, (ii) attempting to obtain, or (iii) performing a public contract or subcontract;

   (ii) Violation of Federal or State antitrust statutes relating to the submission of offers;

   (iii) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, making false claims, tax evasion, or receiving stolen property;
(iv) Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of the contractor.

(b) When it is determined, based upon a preponderance of the evidence, that the contractor concerned:

(i) Violated the terms of a VTA contract or a subcontract so seriously as to affect the integrity of a VTA program, such as by:

   (A) The willful failure to perform in accordance with the terms of a VTA contract; or

   (B) A history of failure to perform in accordance with the terms of one or more contracts; or

(ii) Submitted a false claim or engaged in any other conduct indicating a lack of trustworthiness, integrity, honesty, or business ethics that seriously and directly affects the present responsibility of the contractor.

(iii) Engaged in any other conduct of so serious or compelling a nature that it affects the present responsibility of the contractor.

Sec. 9-31 Debarment; Notice; Hearing; Procedures

Before a contractor may be debarred from contracting with VTA, VTA shall provide the contractor written notice of the cause or causes for the proposed debarment, and of all evidence supporting the proposed action. The contractor shall be entitled to a public hearing on the proposed debarment and to reasonable notice of the time and place thereof. Implementation of this section shall be pursuant to procedures adopted by the purchasing agent.

Sec. 9-32 Causes for Suspension

The purchasing agent may suspend a contractor, upon adequate evidence:

(a) To suspect the commission of an offense listed in Section 9-30(a)(i), (ii), (iii) or (iv); or

(b) That a cause for debarment under Section 9-30 may exist.

Indictment by Federal or State authorities shall constitute adequate evidence for suspension.
Sec. 9-33  Suspension; Notice; Hearing; Procedures

Before a contractor may be suspended from contracting with VTA, VTA shall provide the contractor written notice of the cause or causes for the proposed suspension, and of all evidence supporting the proposed action. The contractor shall be entitled to a public hearing on the proposed suspension and to reasonable notice of the time and place thereof. Implementation of this section shall be pursuant to procedures adopted by the purchasing agent.

Chapter 10

CONGESTION MANAGEMENT PROGRAM

Sec. 10-1. Congestion management program to be implemented according to joint powers agreement.

The congestion management program shall be implemented by VTA in accordance with the Joint Powers Agreement for the Administration of the Santa Clara County Congestion Management Program, dated December 1, 1994, as most recently amended. The joint powers agreement shall govern in the event of any conflict between this Code and the joint powers agreement. The powers, functions and responsibilities of the congestion management program shall be performed by a discrete unit within VTA. This unit shall have a degree of independence commensurate with its unique function of evaluating competing projects and proposals submitted by Member Agencies as well as by other units within VTA. This unit shall be headed by a manager appointed by the General Manager. The functions of the unit shall be substantially comparable to those that existed in the Santa Clara County Congestion Management Agency. The unit shall include positions and related job classifications which are appropriate to and reflect the professional and technical needs of the land use and transportation planning and programming functions of the Santa Clara County Congestion Management Agency.

Sec. 10-2. Congestion management program annual budget procedures.

(a) Before April 1 of each year, VTA shall provide to each Member Agency a preliminary scope of work and a preliminary budget setting forth all administrative, operational and capital expenses necessary to implement the congestion management program for the fiscal year commencing upon July 1 of that calendar year.

(b) The preliminary budget shall set forth each Member Agency’s share of the expenses related to implementation of the congestion management program. These expenses shall be apportioned as fees among the Member Agencies using the same formula used by the Santa Clara County Congestion Management Agency, which is based equally upon each Member Agency’s relative share of the County-wide job population and of the County-wide gas tax subventions under Proposition 111.

(c) The congestion management program budget shall be a part of VTA’s comprehensive budget and shall be adopted in accordance with the procedures set forth in this Code, except as otherwise provided in the joint powers agreement. The adopted budget shall set forth all administrative, operational and capital expenses for the congestion management
program, together with the apportionment of such expenses by levy against each Member Agency to the extent necessary to fund the adopted budget.

(d) VTA shall provide a copy of the adopted budget and final apportionment of costs for implementing the congestion management program to each Member Agency within 30 days after the adoption of the budget.

(e) If the Board of Directors elects to adopt a multi-year budget, the procedures set forth in this section shall apply.

Sec. 10-3. Member Agency fees.

(a) Member Agency fees shall be levied in accordance with the Joint Powers Agreement for the Administration of the Santa Clara County Congestion Management Program, dated December 1, 1994, as most recently amended. The annual fee shall be due on the date or dates, if the fee is payable in installments, set forth by the Board of Directors. A Member Agency’s failure to pay the fee levied against it to VTA within six months after the fee is due shall be deemed to constitute nonconformance with the requirements of the congestion management program, and the Board of Directors shall cause the State Controller to be notified of the Member Agency’s nonconformance.

(b) If at the end of the fiscal year the actual expenditures of VTA for implementing the congestion management program are less than the fees actually collected that year from the Member Agencies and the Board decides to retain those surplus fees, VTA shall use those fees as a credit against the annual fees due the following fiscal year. If the Board decides to return those surplus fees, then those fees shall be returned to each Member Agency in the same proportion as collected.

Sec. 10-4 Congestion management program funds and accounts.

(a) The assets and funds transferred from the Santa Clara County Congestion Management Agency to VTA shall become and remain a part of the congestion management program unit within VTA. They shall not be commingled with other assets and funds of VTA, but shall be used only for implementing the congestion management program.

(b) The congestion management program funds shall be placed in a separate fund of VTA and not be commingled with other VTA funds. That fund shall be subject to inspection and audit by VTA’s auditors.

(c) In the event of termination of the congestion management program or transfer of the congestion management program to another agency, congestion management agency funds, including any interest earned on deposits remaining upon termination or transfer of the congestion management program and after payment of all obligations, shall either be returned to each Member Agency in proportion to the contribution of each Member Agency or transferred to the successor agency as determined by the Board of Directors.
Sec. 10-5. Annual audit.

As part of VTA’s annual financial audit, an audit of VTA’s congestion management program accounts and records shall be performed by an independent firm of certified public accountants. The minimum requirements of this audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code and the audit shall conform to generally accepted auditing standards. Audit reports shall be made available to the Member Agencies upon request.

Chapter 11
FISCAL MANAGEMENT

Sec. 11-1. Fiscal year.

VTA’s fiscal year shall be from July 1 through June 30.

Sec. 11-2. Budgets.

(a) Adoption of the annual budget. No later than May 15, the General Manager shall present a recommended annual or biennial budget for the upcoming fiscal year(s) to the Board of Directors and provide a copy to each city manager in the county and the County Executive. The proposed budget, containing appropriations for both operations and capital, shall be reviewed by the Board’s Administration and Finance Committee, and submitted to the Board for adoption before July 1. The adopted budget shall be appropriated at the fund level and controlled at the fund, budget type and budget unit levels.

(b) Amendment of the budget. Any amendment to the adopted budget which provides for a net increase in authorized appropriations to any fund (including an allocation from reserves) shall require an affirmative vote by at least eight Directors. However, during any fiscal year, the General Manager may authorize a reallocation of appropriations between budget types and budget units within the same fund.

(c) Employee compensation. The recommended budget shall include a list of all employee position classifications and pay ranges and the funds budgeted for wages, salaries and employee benefits for the coming fiscal year(s).

(Amended Ord. No. 95.1, § 4, 5/4/95; Amended Ord. No. 95.4, § 2, 6/29/95; Amended Resolution 97.03.5, §7, 3/6/97.)

(d) Biennial Budgets. Notwithstanding the above provisions for an annual budget, the General Manager may propose and the Board may adopt a biennial (two-year) budget. This biennial budget may be subjected to one general mid-term review by the Board and amended at that time upon the affirmative vote of at least eight Directors. Any other amendments shall follow the procedure outlined in the subsection (b).
Sec. 11-3. Financial plan.

A ten-year operating and capital financial plan shall be included in VTA’s Short Range Transit Plan (SRTP). The SRTP shall be prepared and adopted by the Board in accordance with the requirements and schedule set by the Metropolitan Transportation Commission (MTC). The financial plan shall be updated biennially for review and approval by the Board.

Sec. 11-4. Salary Resolution. (Repealed Ord. No. 95.4, §3, 6/29/95.)

Sec. 11-5. Establishment of fares.

The rates, rentals, charges and classifications of transit service shall be established by the Board, in accordance with an approved process.

Sec. 11-6. Periodic financial reports.

Periodic reports shall be made by the General Manager to the Board showing revenue and expenditure totals year to date in relation to adopted budget categories.

Sec. 11-7. Annual audit.

An independent audit of VTA’s finances shall be conducted at the close of each fiscal year by a certified public accountant.

Sec. 11-8. Insurance.

VTA shall insure itself against such risks and in such amounts as may be determined by the Board.
RULES OF PROCEDURE

of the

SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA) BOARD OF DIRECTORS

Adopted March 2, 1995
With modifications through: June 6, 2013
Introduction

These Rules of Procedure govern the conduct of meetings of the Santa Clara Valley Transportation Authority Board of Directors and its standing committees.

They are established by and derive from the Santa Clara Valley Transportation Authority Administrative Code and must be consistent with that Code and law, including the Ralph M. Brown Act. They serve as a focused and in-depth subset of the Administrative Code that defines and governs the structure and process for these meetings. The Rules of Procedure are established and amended by resolution of the Board of Directors.

Whereas the Administrative Code addresses the governance, administrative and financial structure of VTA, the Rules of Procedure solely focus on the conduct of VTA Board and standing committee meetings, serving, in effect, as the bylaws for those meetings.
# TABLE OF CONTENTS

Quick Reference Guide i

**Article I**

**Board Meetings**

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Regular Meetings</td>
<td>1</td>
</tr>
<tr>
<td>1.1.1</td>
<td>Workshop Meetings</td>
<td>1</td>
</tr>
<tr>
<td>1.2</td>
<td>Special Meetings</td>
<td>2</td>
</tr>
<tr>
<td>1.3</td>
<td>Adjournment of Meeting</td>
<td>2</td>
</tr>
<tr>
<td>1.4</td>
<td>Taking the Chair</td>
<td>2</td>
</tr>
<tr>
<td>1.5</td>
<td>Roll Call</td>
<td>3</td>
</tr>
<tr>
<td>1.6</td>
<td>Quorum; Voting</td>
<td>3</td>
</tr>
<tr>
<td>1.7</td>
<td>Approval of Minutes</td>
<td>3</td>
</tr>
<tr>
<td>1.8</td>
<td>Meetings to Be Open to the Public</td>
<td>3</td>
</tr>
<tr>
<td>1.9</td>
<td>Closed Sessions</td>
<td>4</td>
</tr>
<tr>
<td>1.10</td>
<td>Attendance at Board Meetings; Alternates</td>
<td>4</td>
</tr>
</tbody>
</table>

**Article II**

**Officers**

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>Chairperson</td>
<td>5</td>
</tr>
<tr>
<td>2.2</td>
<td>Chairperson Responsibilities</td>
<td>5</td>
</tr>
<tr>
<td>2.3</td>
<td>Election of Chairperson and Vice Chairperson; Term of Office</td>
<td>5</td>
</tr>
<tr>
<td>2.4</td>
<td>Duties of the Board Secretary; Preparation of Minutes</td>
<td>6</td>
</tr>
</tbody>
</table>

**Article III**

**Order and Decorum**

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1</td>
<td>Chairperson to Preserve Order and Decorum;</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>Attendance Exceeding Capacity of Meeting Room</td>
<td></td>
</tr>
<tr>
<td>3.2</td>
<td>Removal from Board Meeting</td>
<td>7</td>
</tr>
<tr>
<td>3.3</td>
<td>Audience Conduct</td>
<td>7</td>
</tr>
<tr>
<td>3.4</td>
<td>Sergeant at Arms</td>
<td>8</td>
</tr>
</tbody>
</table>
Article IV
Order of Board Business; Agendas; Meeting Notices

Section
4.1 Order of Business 9
4.2 Agenda Format 9
4.3 Public Presentations 9
4.4 Consent Calendar 9
4.5 Agenda Preparation, Posting and Delivery 10
4.6 Submission of Materials for Agenda 10
4.7 Meeting Notices 11
4.8 Matters Not Listed On the Agenda Requiring Board Action 11
4.9 Access to Public Records Distributed at Meeting 11

Article V
Hearings

Section
5.1 Public Hearings 12
5.2 Speaking Restriction 12
5.3 Close of Hearing 12
5.4 Continuance of Hearings 12
5.5 Continuance of Deliberations 12

Article VI
Persons Addressing Board

Section
6.1 Addressing Board 13
6.2 Impertinence 13

Article VII
Members

Section
7.1 Request to Augment the Minutes 13
7.2 Speaking Privileges 13
7.3 Speaking Interruption 14
7.4 Reserved 14
7.5 Motion Reconsideration 14
Article VIII
Official Actions

Section
8.1 Motions and Resolutions 14
8.2 Ordinances 15
8.3 Ordinance Effective Date 15
8.4 Signature, Attestation and Votes 15
8.5 Ordinance Publication 15
8.6 Codification 16
8.7 Effect of Motion 16

Article IX
Board Standing Committees

Section
9.1 Purpose and Duties 16
9.1.1 Appointment; Vice Chairperson; Alternates 16
9.2 Standing Meetings 17
9.3 Committee of the Whole 17
9.4 Standing Committees Established 19
   • Administration & Finance Committee 19
   • Audit Committee 18
   • Congestion Management Program & Planning Committee 19
   • Silicon Valley Rapid Transit Program Working Committee 19
   • Transit Planning & Operations Committee (TP&O) 20

Article X
Rules

Section
10.1 Adoption and Amendment 20
10.2 Construction of Rules 20
10.3 Citation of Rules 21
10.4 Suspension 21
10.5 Copies of the Rules 21
10.6 Robert’s Rules 21
10.7 Parliamentary Advice 21

APPENDICES
A.1 Amendment History -- Summary A.1
A.2 Amendment History -- Detail A.2

vii
[Page intentionally blank]
Quick Reference Guide

A. **Regular Meetings** – VTA Board of Directors’ regular meetings are generally held the first Thursday of each month at 5:30 p.m. (except December) in the County of Santa Clara Board of Supervisors Chambers, 70 West Hedding Street, San José. (§1.1)

B. **Workshop Meetings** – meetings in which the agenda contains primarily informational items, and serve to provide dedicated time for Board members to receive large amounts of information and study one or more topics in depth. (§1.1.1)

C. **Quorum & Voting** – a quorum, which is a majority (seven (7)) of the members of the Board, is required for the transaction of business. The concurrence of seven (7) members is required to pass an item, unless a higher number is required by law. (§1.6)

D. **Meetings Open to the Public** – all meetings of the VTA Board of Directors and its standing committees are open to the public unless the subject matter is proper for closed session. (§1.8)

E. **Closed Sessions** – may be held during a regular, workshop or special meeting only on those matters which the Ralph M. Brown Act and court decisions recognize as proper. (§1.9)

F. **Attendance at Board Meetings** – all Board members and alternates are expected to regularly attend all Board meetings. The General Manager, the General Counsel, the Board Secretary, and the Sergeant at Arms (or a designated representative of each) are required to attend all Board meetings. (§§ 1.10, 2.4 and §3.4)

G. **Chairperson & Vice Chairperson Elections and Term of Office** – the Board elects these positions annually from its voting membership for a one-year term. Elections are generally conducted the last meeting of the calendar year. (§2.3)

H. **Chairperson Responsibilities** – preside and preserve order at all VTA Board meetings as well as other duties prescribed in VTA’s Administrative Code and by law. The Vice Chairperson performs the duties of the Chairperson when that individual is absent. (§2.2)

I. **Removal from Board Meeting** – the Chairperson may order any person removed from the Board meeting whose conduct is deemed indecorous or disruptive as prescribed. (§3.2)

J. **Duties of the Board Secretary** – generate meeting agendas, record all proceedings as required by law (no minutes are maintained of closed sessions), and prepare a brief summary of the proceedings that are distributed to Board members, posted to VTA’s website, and made available to the public. (§2.4)

K. **Board Meeting Order of Business** – regular Board meetings generally follow a prescribed order of business that includes Approval of the Consent Calendar as part of Orders of the Day early in the meeting. This order of business may be changed during Orders of the Day upon Board approval. (§4.1)

L. **Public Presentations** – members of the public wishing to address the Board on matters not on the agenda but within VTA’s jurisdiction are provided two (2) minutes during the meeting during “Public Presentations” with which to do so. (§4.3)
M. **Consent Calendar** – consists of matters that are either: (A) routine in nature; (B) no staff comment is needed; or (C) have previously been discussed by the Board or a Standing Committee and appear on the Agenda for final action only. Items on the Consent Calendar (Agenda) are taken as one motion. (§4.4)

N. **Agenda Preparation, Posting and Delivery** -- the written agenda for all Board meetings is posted in a location freely accessible to the public and on VTA’s website. Written agendas for regular and workshop meetings are posted at least 72 hours before the meeting is scheduled to begin. (§4.5)

O. **Matters Not Listed On the Agenda Requiring Board Action** – the Board can only consider items listed on the posted agenda except under certain defined conditions. (§4.8)

P. **Public Hearings** – are conducted as part of an open meeting and follow a prescribed order of business. (§5.1)

Q. **Signature, Attestation and Votes** -- ordinances and resolution must: (1) be signed by the presiding officer at the meeting at the time of enactment; (2) be attested by the Board Secretary; (3) be reviewed and approved by the General Counsel for proper form and legality; and (4) the votes must be entered on the face of the ordinance. (§8.4)

R. **Standing Committee Purpose and Duties** -- Standing committees serve to advise the Board and meet, study, and prepare recommendations within their respective assigned areas of responsibility. (§8.5)

S. **Standing Committees Established** – the Board has established five (5) Board Standing Committees (§9.4):

- Administration and Finance Committee
- Audit Committee
- Congestion Management Program and Planning Committee
- Silicon Valley Rapid Transit (SVRT) Program Working Committee
- Transit Planning & Operations Committee

T. **Standing Committee Appointment; Vice Chairperson** -- the Board Chairperson nominates and at the first meeting of the calendar year the Board approves the members and chairperson for all Standing Committees. Each committee has four members appointed for a one-year term, except for the Chairperson of the Audit Committee that is appointed for two years. The Board Chairperson is ineligible to serve on the Audit Committee during his or her term as chairperson. At the first meeting of the calendar year, each standing committee elects from its membership a vice chairperson. (§9.1.1)

U. **Rules of Procedure Adoption and Amendment** – adoption and amendment are by Board resolution. For efficiency, the General Manager, in consultation with the General Counsel and Board Secretary, can make minor, non-substantive corrections and adjustments to reflect ongoing Board-adopted practice. The Rules of Procedure must conform to law and be consistent with the VTA Administrative Code and must be reviewed at least every five (5) years and revised by the Board of Directors as necessary. (§10.1)

V. **Return to Table of Contents**
RULES OF PROCEDURE
of the
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA)
BOARD OF DIRECTORS

Article I
BOARD MEETINGS

§1.1 Regular Meetings
The regular meetings of the Santa Clara Valley Transportation Authority (VTA) Board of Directors shall generally be held on the first Thursday of each month at 5:30 p.m. The time and location of regular meetings of the Board shall be established by the Board at its first meeting of the calendar year, taking into consideration the recommendations of the General Manager and Board Secretary. Open sessions shall generally be held in the County of Santa Clara Board of Supervisors Chambers, County Administration Building, 70 West Hedding Street, San Jose, California, unless otherwise directed by the Board and/or noticed by the Board Secretary in compliance with the Brown Act. Closed sessions will be held in locations designated by the Chairperson of the Board but shall be as proximal to the site of the regular meeting as is feasible. Whenever a regular meeting falls on a legal holiday, that meeting shall be held on the same day of the following week. If, for any other reason, the Board decides to change the date or time of a regular meeting, that meeting may be designated by the Board as its regular meeting. If not designated a regular meeting, any meeting other than the next regularly scheduled meeting shall be called and noticed as a special meeting or a workshop meeting. Legal holiday, as used above, shall mean those days defined as legal holidays in Government Code Sections 6700 and 6701.

§1.1.1 Workshop Meetings
Workshop meetings may be called at any time by the Chairperson, or by a majority of the members of the Board, in consultation with the General Manager and Board Secretary. Workshops are meetings in which the agenda contains primarily informational items, and are intended to provide dedicated time for Board members to receive large amounts of information and study one or more topics in depth.

Return to Table of Contents
§1.2 Special Meetings

A special meeting may be called at any time by the Chairperson of the Board, or by a majority of the members of the Board, by delivering written notice to each member of the Board and to each local newspaper of general circulation and radio or television station requesting notice in writing, and posting a notice on the VTA’s website. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice, except for emergency meetings called pursuant to Government Code Section 54956.5. The call and notice shall specify the time and location of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who is actually present at the meeting at the time it convenes.

Return to Table of Contents

§1.3 Adjournment of Meeting

The Board may adjourn any regular, adjourned regular, special or adjourned special meeting, workshop or adjourned workshop meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn the aforementioned meeting. Notice of adjournment of a duly called special meeting at which less than a quorum is present shall be given in the same manner as notice of the original meeting. If all members are absent from any regular or adjourned regular meeting, the Board Secretary may declare the meeting adjourned to a stated time and place and he or she shall cause a written notice of the adjournment to be given in the same manner as provided herein for special meetings. In the case of all adjournments, a copy of the order or notice of adjournment shall be conspicuously posted on the door to the meeting room within 24 hours after the time of the adjournment. When an order of adjournment of any meeting fails to state the time at which the adjourned meeting is to be held, it shall be held at the time specified for regular meetings. (Government Code Section 54955.)

Return to Table of Contents

§1.4 Taking the Chair

The Chairperson, or in the absence of the Chairperson, the Vice Chairperson, shall take the chair and call the Board to order. In the absence of the Chairperson and Vice Chairperson, the Board Secretary shall call the meeting to order, whereupon the members present, by an order entered in the minutes and via nominations from the floor either for another member or themselves, shall select one member to act as Chairperson Pro Tem by virtue of a majority of the members present. The Chairperson Pro Tem, while so acting, shall have all of the authority of the Chairperson. Upon the arrival of the Chairperson or Vice Chairperson, the Chairperson Pro Tem shall relinquish the chair upon the conclusion of the item of business immediately before the Board. Notwithstanding the foregoing, where the presiding Chairperson or Vice Chairperson is called from the chair for a short period during a meeting to which he or she will return, he or she may appoint a member of the Board to preside until his or her return without interrupting the proceeding for the purpose of electing a Chairperson Pro Tem.

Return to Table of Contents
§1.5 Roll Call

Before proceeding with the business of VTA, the roll of the members shall be called by the Board Secretary or designee in alphabetical order, except for the Chairperson, who is called last, and the names of those present shall be entered in the minutes. Any person not present will be recognized in the minutes as absent or as entering late.

§1.6 Quorum; Voting

A majority of the members of the Board shall constitute a quorum for the transaction of business. Should a quorum not be present at any regular, special or workshop meeting, the members present may constitute themselves a “committee of the whole” for the purpose of discussing matters on the agenda of interest to the Board members present. The committee of the whole shall automatically cease to exist if a quorum becomes present at the meeting.

No act of the Board shall be valid unless at least seven (7) members concur therein (Public Utilities Code Section 100062.), unless a higher number is required by law as determined by the VTA General Counsel. Items requiring the concurrence of more than seven (7) members for approval (i.e., budget adoption/amendment; Resolutions of Necessity; etc.) shall be so indicated on both the agenda and any Board memorandum.

The vote taken upon an action item shall be “ayes” and “noes” by roll call and so recorded. Each member shall be in his or her assigned seat in order to vote.

§1.7 Approval of Minutes

The minutes may be approved without reading unless such reading is requested by a Board member. A copy of the approved minutes of each meeting shall be inserted in VTA’s Minute Book.

§1.8 Meetings to Be Open to the Public

All meetings of the Board of Directors and its standing committees shall be open to the public unless the subject matter is a proper one for closed session. All meetings shall be called, noticed, and conducted in accordance with the applicable provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code).
§1.9   Closed Sessions

Closed sessions shall be held during a regular, workshop or special meeting only on those matters which the Ralph M. Brown Act and court decisions recognize as proper to be held in closed session.

Closed sessions will ordinarily be held as part of a regular Board meeting. When a closed session item is called, the Chairperson shall announce that the Board will recess to a designated location for that portion of the meeting. The open meeting shall resume at its original location following the closed session. The General Counsel or other person designated by the Chairperson shall announce any actions taken by the Board in closed session as required by law. The General Counsel or his or her designee shall keep a record of closed session proceedings.

When a closed session is called as part of a workshop or special meeting, the notice shall specify the time and place of the workshop or special meeting, the business to be transacted, and such disclosure as is required under the Ralph M. Brown Act.

Where the closed session has been called to discuss specific complaints or charges against a VTA employee, the employee involved shall be given at least 24-hours written notice of the nature of the session and his or her right to have the matter heard in open session.

§1.10   Attendance at Board Meetings; Alternates

The General Manager, the General Counsel, the Board Secretary, and the Sergeant at Arms, or a representative designated by each, shall attend all regular, workshop and special meetings of the Board. Each Board member shall attend the Board meeting or, if necessarily absent, shall designate another Board member to present the matter.

Board alternates shall regularly attend Board meetings. If a Board member represented by an alternate is absent from all or a portion of a Board meeting, the alternate shall be seated in that Board member’s seat and vote in the place of the absent member. Each alternate shall have only one vote even though the alternate may be entitled to represent more than one absent Board member.
Article II
OFFICERS

§2.1 Chairperson
The Chairperson, or in his or her absence, the Vice Chairperson or Chairperson Pro Tem presiding at the meeting, shall not be deprived of the rights or privileges of a member by reason of his or her presiding at the meeting and therefore may move, second and debate from the chair, subject only to such limitations of debate as imposed by these Rules of Procedure on all members. In an action to adopt a motion, resolution or ordinance requiring a roll call vote, the officer presiding at the meeting shall vote after all other members present have cast their vote.

§2.2 Chairperson Responsibilities
The Chairperson shall preside and preserve order at all regular meetings, workshop meeting, special meetings and hearings of the Board. The Chairperson shall state every question coming before the Board, announce the decision of the Board, and decide all questions of order, subject, however, to an appeal by a fellow member of the Board. The Chairperson shall perform such other duties as prescribed in VTA’s Administrative Code and by law. The Vice Chairperson, or in his or her absence, the Chairperson Pro Tem, shall perform the duties of the Chairperson when the Chairperson is absent.

§2.3 Election of Chairperson and Vice Chairperson; Term of Office
The Chairperson and Vice Chairperson shall be elected annually by the Board from its membership. Only Directors, not Alternates or Ex-Officio members, are eligible to serve in these positions. The Chairperson and Vice Chairperson shall serve a one-year term coinciding with the calendar year. Elections shall be conducted by the last meeting of the calendar year, where practical.

By November of each year, the Chairperson shall request that any Board member interested in serving as Chairperson or Vice Chairperson for the upcoming year indicate their interest by submitting a brief resume of qualifications to the Board Secretary for distribution to the entire Board, subject to being eligible as defined by the permanent rotational schedule established by the Board and codified in the VTA Administrative Code. Nominations from the floor may be made at any time up to the election for either position.
§2.4  Duties of the Board Secretary; Preparation of Minutes

The Board Secretary or his or her designee shall attend each open meeting of the Board. The Board Secretary or his or designee shall record all proceedings as required by law; no minutes will be maintained of closed sessions.

After each open meeting of the Board, the Board Secretary or his or designee shall prepare a brief summary of those proceedings which shall be distributed to the Board members and made available to the public. The approved minutes of each open meeting shall be made available to the public by being posted to VTA’s website within a reasonable period following Board adoption. Persons may request to review the records of the minutes in the office of the Board Secretary during normal business hours.

All open meetings of the Board will be audio and/or video recorded. The recordings of open meetings will made available to the public by being posted to VTA’s website within a reasonable period following the subject meeting.

The minutes of the Board shall be kept by the Board Secretary who shall record each specific type of business transacted, including such business as was actually passed upon by vote of the Board, together with a brief summary of those matters discussed. All proposed ordinances and resolutions voted upon by the Board will be recorded in the minutes with the names of those members who voted for and against the proposal as well as abstained from voting. The minutes shall also record the names and organizations they represent, if any, of persons addressing the Board, the agenda item and subject matter to which their remarks are directed, and an indication as to their support, opposition, or major comment on such item. A Board member may request through the Chairperson that an abstract of his or her statement on any subject matter under consideration by the Board be entered into the minutes. The Board Secretary shall furnish each Board member a copy of the unapproved minutes of each meeting with the agenda for the following meeting.

Return to Table of Contents
Article III
ORDER AND DECORUM

§3.1 Chairperson to Preserve Order and Decorum; Attendance Exceeding Capacity of Meeting Room

The Chairperson shall have general direction over the Board meeting and shall preserve order and decorum. The Chairperson may order any person removed from the Board meeting whose conduct is deemed indecorous or disruptive and may order the Board meeting room cleared when deemed necessary. The Chairperson shall limit the attendance of the public at Board meetings to the number which can be reasonably accommodated by the capacity of the meeting room. Those persons standing may be asked to leave the room when attendance exceeds the maximum capacity established by the Fire Marshal. If larger rooms are available, the Chairperson may adjourn the meeting to a more appropriate location.

The Chairperson, to prevent unduly disruptive demonstrations, shall adjourn the meeting if deemed necessary due to the disturbance and reconvene it at a later time.

§3.2 Removal from Board Meeting

The Chairperson shall order removed from the Board meeting any person who commits any of the following acts at any meeting of the Board of Directors:

a. Disorderly, contemptuous or insolent behavior to any Board member, member of the public, or staff;

b. A breach of the peace, boisterous conduct or noisy or violent disturbance resulting in the interruption of the Board meeting.

c. Disobedience of any lawful order of the Chairperson, including an order to be seated or to refrain from addressing the Board;

d. Any other unlawful interference with the due and orderly conduct of the Board meeting.

§3.3 Audience Conduct

All persons in the audience shall remain seated at all times unless addressing the Board or entering/exiting the Board meeting. The aisles and doorways shall remain free and clear at all times. Except with previous authorization of the Chairperson, placards, signs, posters, packages, bundles, large objects and balloons are prohibited at the Board meeting. The distribution of literature of any nature or kind to a Board member while the meeting is in session is prohibited. Persons who wish to distribute information not included in the agenda packet shall present themselves at the appropriate time during the meeting and receive permission from the Chairperson. The Chairperson may authorize the distribution of informational items during the public presentations portion of the agenda.
§3.3 Audience Conduct (continued)

To maintain the decorum of the meeting, the Chairperson may request audience members to refrain from reading newspapers, to silence cell phones ringers, to refrain from side conversation or talking on cell phones, or to refrain from using any electronic device causing likely disruption to the meeting.

Return to Table of Contents

§3.4 Sergeant at Arms

The Sergeant at Arms, who is Chief of Security for VTA or a designee, shall attend each Board meeting. The Sergeant at Arms will carry out all orders and instructions of the Chairperson to maintain order and decorum at the Board meeting.

Return to Table of Contents

Article IV
ORDER OF BOARD BUSINESS; AGENDAS; MEETING NOTICES

§4.1 Order of Business

The order of business for regular Board meetings shall normally be as follows:

Call to Order
Roll Call
Orders of the Day/Approve Consent Calendar
Awards and Commendations (including Employees of the Month)
Adjourn to closed session (if needed)
Closed session (if needed)
Reconvene to open session (if needed)
Report on closed session (if applicable)
Public Comment
Public Hearings
Citizens Advisory Committee Chairperson’s Report
Policy Advisory Committee Chairperson’s Report
Report from the General Manager
Report from the Chairperson
Report from the General Counsel (if needed)
Regular Agenda (non-consent items)
Items of Concern and Referral to Administration
Reports from VTA Committees, Policy Advisory Boards (PAB’s), Joint Powers Boards (JPA’s), and Regional Commissions
Announcements
Adjournment
§4.1 Order of Business (continued)

The foregoing order of business may be changed after opening of a session, upon order of the Chairperson with consent of the Board or upon motion of the Board.

When a closed session is included in the agenda, the agenda shall provide for: (1) a recess to closed session; (2) subsequent reconvening into open session; and (3) a report on the closed session.

The order of business will proceed immediately after roll call. In the event the Chairperson and the Vice Chairperson are absent, the appointment of a Chairperson Pro Tem will supersede the order of business.

§4.2 Agenda Format

The agenda shall specify the time and location of the meeting and shall contain a brief general description of each item of business to be transacted or discussed at the meeting. The description shall be reasonably prepared to adequately inform the public of the general matter or subject matter of each agenda item, in order for the average citizen to decide whether he or she is interested in attending the meeting. The agenda will include recommendation for Board action as appropriate. Matters shall be listed in the order specified in Section 4.1.

§4.3 Public Presentations

Members of the public who wish to address the Board on matters not listed on the agenda, but on an item coming within the jurisdiction of the Board, shall be provided with the opportunity to do so under the agenda item heading “Public Presentations.”

Speakers shall generally be limited to two minutes, unless another limit is set by the Chairperson. The Board shall not act upon or discuss an item that is not listed on the agenda except as provided under Section 4.8. The Chairperson may direct staff to prepare a written response to a presentation.

§4.4 Consent Calendar

The Consent Calendar shall consist of matters requiring Board action that are either: (A) routine in nature; (B) such that staff comment is not appropriate or necessary; or (C) have previously been discussed by the Board or in committee and appear on the Agenda for final action only.

Each standing committee makes a recommended placement for each item it considers on either the Board’s Regular or Consent Calendar.
§4.4  Consent Calendar (continued)

At the presentation of the Consent Calendar, any member of the Board or any member of the staff or the public may request of the Chairperson that an item or items listed on the Consent Calendar be considered and acted upon separately. Each request will be granted and the item(s) will be heard separately and acted upon by the Board of Directors after completion of consideration of all items on the Regular Agenda, as provided under Section 4.1.

All items listed on the Consent Calendar, except those removed from the calendar for separate action, shall be acted upon by a single motion and as part of Orders of the Day, as provided under Section 4.1.

§4.5  Agenda Preparation, Posting and Delivery

The Board Secretary or his or her designee will prepare the agenda for the Board meeting in consultation with the General Manager, General Counsel and the Chairperson. The agenda will include matters to be discussed in closed session and matters specifically requested for consideration by any Board member.

The Board Secretary may withhold placement on the agenda of any matter he or she deems inappropriate for scheduling purposes, lack of sufficient information, or is in need of staff review and report prior to Board consideration. Any member of the Board may request that any such withheld matter be placed on the agenda by contacting the Board Secretary in advance.

The written agenda for all regular, workshop and special meetings shall be posted in a location that is freely accessible to members of the public and on VTA’s website, www.vta.org. The written agenda for each regular and workshop meeting and for every meeting or workshop continued for more than five (5) calendar days shall be posted at least 72 hours before the meeting is scheduled to begin. The written agenda for every special meeting shall be posted at least 24 hours before the special meeting is scheduled to begin. The agenda, together with supporting documents, shall be delivered or made available, per the individual’s expressed request, to each Board member, the General Manager and General Counsel at least five (5) days before each regular and workshop meeting and at least 24 hours before each special meeting.

§4.6  Submission of Materials for Agenda

Material intended for placement on the agenda for a regular meeting shall be delivered to the Board Secretary on or before the date and time established by the Board Secretary as the agenda deadline for the forthcoming meeting.
§4.7 Meeting Notices

The Board Secretary or his or designee shall provide notice in the manner designated by the requestor, either mail, email or VTA-utilized social media, of every regular or workshop meeting, and every special meeting which is called, to each person who has filed with the Board Secretary a written request for notice as provided in Section 54954.1 of the Government Code. The notice shall be delivered at the time the agenda is posted or upon distribution to all, or a majority of all, of the members of the Board, whichever occurs first.

In addition to the foregoing, the Board Secretary will provide advance notice to interested organizations, in any manner the Board Secretary deems appropriate, of matters appearing on the next Board agenda which are of specific interest to organizations such as neighborhood, business, environmental and transit user groups whose interests in these matters are then known to the Board Secretary. Failure to provide such notice shall not constitute grounds to invalidate any action taken by the Board.

Return to Table of Contents

§4.8 Matters Not Listed On the Agenda Requiring Board Action

Except as provided below, a matter requiring Board action must be listed on the posted agenda before the Board may act upon it. Pursuant to Government Code Section 54954.2, the Board may take action on items of business not appearing on the posted agenda under any of the following conditions:

a. Upon a determination by an affirmative vote of the Board that an emergency situation exists, as defined in Section 54956.5 of the Government Code.

b. Upon a determination by a two-thirds vote of the Board of Directors, or, if less than two-thirds of the members are present, a unanimous vote of those members present, there is a need to take immediate action and that the need to take action came to the attention of VTA subsequent to the agenda being posted.

c. The item was properly posted for a prior meeting of the Board occurring not more than five (5) calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

The Board, for items of business not on the posted agenda coming to its attention, may direct the General Manager to place said item for discussion and/or action on a subsequent agenda.

Return to Table of Contents

§4.9 Access to Public Records Distributed at Meeting

Writings which are public records and which are distributed during a Board meeting shall be made available for public inspection at the meeting if prepared by VTA or a member of the Board, or after the meeting if prepared by some other person. These writings shall also be posted to VTA’s website within a reasonable period following the meeting.

Return to Table of Contents
Article V
HEARINGS

§5.1 Public Hearings
Consideration of a matter regularly set for hearing before the Board shall proceed in the following order:

1. Chairperson announces question and opens the public hearing.
2. Staff makes presentation.
3. Members of the public address Board.
4. Questions by Board members.
5. Hearing declared closed.
6. Discussion by Board.
7. Action by Board.

§5.2 Speaking Restriction
Each person appearing at a hearing before the Board shall be limited to two (2) minutes in his or her presentation, unless the Chairperson, at his or her discretion, permits further remarks to be made. Any person addressing the Board may submit written statements, petitions or other documents to complement his or her presentation.

§5.3 Close of Hearing
Members of the Board may ask questions of a speaker at any time. Members shall not speak on the subject being heard until after the hearing is declared closed by the Chairperson.

§5.4 Continuance of Hearings
Subject to the requirements of law, a hearing may be continued by the Board from time to time. In continuing such hearing, the Board shall specify the time and place to which the hearing will be continued in the same manner as set forth for the adjournment of meetings. If continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the continuance was granted.

§5.5 Continuance of Deliberations
Subject to the requirements of law, the Board may take under submission for a reasonable period of time any matter which has been heard before it and may for this purpose continue its deliberations on such matter from time to time. In continuing such deliberations, the Board shall specify the time and place at which such deliberations will be continued.
Article VI
PERSONS ADDRESSING BOARD

§6.1 Addressing Board
The regular time for the public to address the Board shall be when the Chairperson in due order of business invites them to do so. A person desiring to address the Board shall first complete a Speaker’s Request form located near the speaker’s podium, providing his or her name, address and group affiliation, if any, and give it to the Board Secretary. A speaker will be requested to give his or her name and group affiliation, if any, for the record when addressing the Board.

Return to Table of Contents

§6.2 Impertinence
Any person making personal, impertinent or indecorous remarks while addressing the Board may be barred by the Chairperson from further appearance before the Board at that meeting or hearing, unless permission to continue is granted by an affirmative vote of a majority of the Board’s membership, as provided under Section 1.6.

Return to Table of Contents

Article VII
MEMBERS

§7.1 Request to Augment the Minutes
The Board Secretary shall enter in the minutes a synopsis of the discussion of any question coming before the Board. During the consideration on any particular matter, a Board member may make a request that the minutes reflect more than the customary detail on that item.

Return to Table of Contents

§7.2 Speaking Privileges
Any Board member desiring to speak shall address the Chairperson and upon recognition by the Chairperson shall confine himself or herself to the question under debate, avoiding all personalities and indecorous language. Members of the Board may address one another or persons in attendance only through the Chairperson.

Except as otherwise herein provided, discussion at Board meetings, either by a Board member or by any person in attendance, may be limited, at the discretion of the Chairperson, to such time as the Chairperson may find to be reasonable under the circumstances. Any decision of the Chairperson to limit discussion may be overruled by the Board by an affirmative vote of a majority of the Board’s membership, as provided under Section 1.6.
§7.2 Speaking Privileges (continued)

Any Board member who is legally disqualified from participating in VTA action on any particular matter shall, as soon as such matter is reached on the agenda, disclose his or her disqualification and the reason therefore and shall take no part in the discussion, debate or vote on such matter. If such disqualification is not known to him or her at the time such matter is reached on the agenda, he or she shall make such disclosure as soon as his or her disqualification is known to him or her.

Return to Table of Contents

§7.3 Speaking Interruption

A Board member shall not be interrupted when speaking unless it is to call him or her to order, for the purpose of explanation, or to permit solicited responses. If a member, while speaking, be called to order, he or she shall cease speaking until the question of order is determined, when, if permitted, he or she may proceed.

Return to Table of Contents

§7.4 Reserved

Return to Table of Contents

§7.5 Motion Reconsideration

A motion to reconsider any action taken by the Board may be made only on the day such action was taken, either during the same session or at an adjourned session thereof. Such motion must be made by a member on the prevailing side and seconded by any member. The motion, which may be made at any time during the meeting, has precedence over all other motions.

Return to Table of Contents

Article VIII
OFFICIAL ACTIONS

§8.1 Motions and Resolutions

Motions and resolutions, unless laid over by a majority vote of the Board, may be acted upon the day of introduction or presentation. No continuance shall be granted if the effect of such a continuance is to render useless a subsequent vote on the issue.

Return to Table of Contents
§8.2 Ordinances

The usual course of procedure with an ordinance shall be to lay it over for at least three (3) days from the date of introduction before calling it up for action, and to have the Board Secretary furnish a copy of each ordinance introduced to each Board member as soon as possible after its introduction. Urgency ordinances may be adopted at the same meeting in which they are introduced. All ordinances, except urgency ordinances, shall be adopted at a regular or adjourned regular meeting. Urgency ordinances may be adopted at either regular and special meetings, including adjourned meetings. The enacting clause of all ordinances shall be as follows: “The Board of Directors of the Santa Clara Valley Transportation Authority ordains as follows:”

Return to Table of Contents

§8.3 Ordinance Effective Date

No ordinance shall become effective until 30 days from and after the date of its final passage, except:

a. An ordinance calling or otherwise relating to an election.

b. An ordinance for the immediate preservation of the public health, peace and safety, which contains a declaration of the facts constituting its urgency, and is passed by a two-thirds vote of the Board’s full authorized membership.

c. Other ordinances governed by particular provisions of state law prescribing the manner of their passage and adoption.

Return to Table of Contents

§8.4 Signature, Attestation and Votes

Every ordinance and resolution shall be: (1) signed by the presiding officer at the meeting at the time of enactment (Chairperson, Vice Chairperson or Chairperson Pro Tem, as provided under Section 2.2); (2) attested by the Board Secretary; and (3) reviewed and approved by the General Counsel as to proper form and legality. The votes cast on an ordinance shall be entered on the face of the ordinance.

Return to Table of Contents

§8.5 Ordinance Publication

Before the expiration of fifteen (15) days after passage of an ordinance, it shall be published once, with the names of the members voting for and against it, in a newspaper of general circulation published in VTA’s service area as provided by law for ordinances adopted by counties.

Return to Table of Contents
§8.6 Codification

Ordinances and resolutions may be codified in the manner established for counties pursuant to Government Code Sections 25126 through 25130.

Return to Table of Contents

§8.7 Effect of Motion

Motions shall be considered an act of VTA and carry the same weight as a resolution.

Return to Table of Contents

Article IX
BOARD STANDING COMMITTEES

§9.1 Purpose and Duties

Standing committees will report to the Board in an advisory capacity. They shall meet, study, and will prepare recommendations within their respective assigned areas of responsibility. Other matters may be referred to them by the General Manager, the Chairperson, or by the Board.

In addition to serving in an advisory capacity, the Audit Committee shall oversee the activities of the Auditor General and the internal audit function and recommend to the Board a certified public accounting firm (accountant) to conduct the annual financial audit.

Return to Table of Contents

§9.1.1 Appointment; Vice Chairperson; Alternates

The Chairperson shall nominate and the Board shall appoint at the first meeting of the calendar year the members and chairperson of all standing committees of the Board. The membership of each committee shall consist of four voting Board members, not more than two of whom will come from the same city grouping; Ex-Officio Board members are ineligible to serve on standing committees. The term of each appointment shall be for one year, except for the Chairperson of the Audit Committee, whose term of appointment shall be for two years. The Board Chairperson is ineligible to serve on the Audit Committee during his or her term as chairperson.

Alternates may not be appointed to serve on Board standing committees. Instead, if a standing committee member is absent from all or a portion of a standing committee meeting, the alternate for that City/County group shall be seated and vote in the place of the absent member. Each alternate shall have only one vote even though the alternate may be entitled to represent more than one absent Board member. An alternate shall be counted as part of the committee quorum only when seated in the place of an absent member. When not serving in place of the absent member, the alternate is a member of the public and accordingly shall sit with the audience and follow the procedures for the public to address the committee.
§9.1.1 Appointment; Vice Chairperson; Alternates (continued)

At the first meeting of the calendar year, each standing committee shall elect from its membership a vice chairperson. The vice chairperson performs the duties of the chairperson in the event of the chairperson’s absence or inability to act, and while so acting, has all of the authority of the chairperson. The vice chairperson position serves a one-year term coinciding with the calendar year. The vice chairperson is eligible for election to multiple and successive terms and only members, not alternates, are eligible to serve. The term of office shall commence immediately following the vote.

§9.2 Meetings

Standing committee meetings shall normally be held once a month when there is sufficient business for the committee to consider, or as otherwise determined by the Board. The Audit Committee shall meet at least once each quarter. Normal times and locations of regular meetings shall be established in the VTA Administrative Code and all meetings shall be called, noticed and conducted in accordance with the provisions of the Ralph M. Brown Act. The General Manager and General Counsel shall be given adequate prior notice of all standing committee meetings. Each standing committee shall approve its specific meeting schedule for that year at its first meeting of the calendar year, taking into consideration the recommendations of the General Manager and Board Secretary.

A quorum shall consist of a majority of the standing committee’s total membership and all official acts of the committee require the affirmative vote of at least three members. All committee meetings shall be conducted in accordance with these Rules. The Board Secretary will provide staff that will attend all meetings of the standing committees and will record all proceedings. The Board Secretary will also prepare and distribute the agenda for all standing committee meetings.

Each standing committee, after considering all items on the agenda at each of its meetings and in consultation with the General Manager and General Counsel, shall make a recommendation on the placement of each item on either the Board’s Regular or Consent Calendar.

§9.3 Committee of the Whole

At any standing committee meeting not held because of a lack of a quorum, the members present may constitute themselves a “committee of the whole” for the purpose of discussing matters on the agenda of interest to the members present. The committee of the whole shall automatically cease to exist if a quorum of the committee is present at the meeting.
§9.4 Standing Committees Established

The standing committees of the Board and their duties are as follows:

**Administration and Finance (A&F) Committee** shall review and recommend to the Board policy decisions pertaining to the general administration of VTA. In addition, the Administration and Finance Committee may be asked to determine whether items should be referred to a standing or ad hoc committee and make that referral. Specific areas of responsibility include, but are not limited to:

- Legislative affairs
- Human resources
- Budgets, financing and other financial plans
- Accounting and financial reporting
- Fiduciary reporting
- Purchasing procedures
- Fare structure
- Information technology
- Statement of claims
- Appointments of members of specified advisory committees
- Review policies and procedures

**Audit Committee** shall review and recommend to the Board policy decisions required to fulfill the Board’s oversight responsibilities for (1) the integrity of VTA financial statements, (2) compliance with legal and regulatory requirements, and (3) assuring an effective system of internal management and financial controls. The Audit Committee shall oversee the activities of the Auditor General, the internal audit function and the public accounting firm that conducts the annual financial audit. Specific areas of responsibility shall include at least the following:

- Review and approve the annual VTA Internal Audit Work Plan prepared by the Auditor General.
- Review the results of individual audits and ensure that management’s responses to audit findings are implemented.
- Recommend to the VTA Board approval of the Comprehensive Annual Financial Report (CAFR).
- Review VTA enterprise risk management reports and findings.
- Review the effectiveness of VTA’s system for monitoring compliance with laws and regulations and the results of management’s action concerning any instances of noncompliance.
- Review the findings of any examinations by regulatory agencies
- Monitor compliance with VTA’s Code of Ethics. Obtain updates from management and VTA legal counsel regarding compliance matters.
§9.4 Standing Committees Established (continued)

**Congestion Management Program and Planning (CMPP) Committee** shall review and recommend to the Board policy decisions pertaining to the Congestion Management Program (CMP) and transportation planning. Specific areas of responsibility include, but are not limited to:

- Congestion Management Agency activities
- Congestion Management Program and countywide capital improvement program
- Development and implementation of the comprehensive countywide multimodal transportation plan for Santa Clara County (Valley Transportation Plan (VTP))
- Integration of transportation, land use, and air quality planning
- Commute alternative plans
- Planning and finding for bicycle and pedestrians projects and activities
- All Other Grant Applications
- Fund Programs
- Non-Transit Contracts
- CMA/Highway Contracts
- Funding program development, advocacy, and implementation

**Silicon Valley Rapid Transit (SVRT) Program Working Committee** shall review and recommend to the Board policy decisions pertaining to the activities and imminent issues of the Silicon Valley Rapid Transit Program, which brings the Bay Area Rapid Transit (BART) regional heavy rail system 16 miles from Alameda County to the Santa Clara County cities of Milpitas, San Jose and Santa Clara. Specific areas of responsibility include, but are not limited to:

- Budget and financing
- Planning and design
- Scope and schedule
- Environmental mitigation and anthropological/historical activities
- Utility relocation activities and issues
- Construction activities
- Third-party coordination
- Real estate acquisition
- Vehicle procurement
- Potential/anticipated litigation
- Community outreach
§9.4 Standing Committees Established (continued)

Transit Planning and Operations (TPO) Committee shall review and recommend to the Board policy decisions relative to transit planning, transit capital projects and transit operations and marketing. Specific areas of responsibility include, but are not limited to:

- Performance objectives for transit services
- Bus route planning and ridership monitoring
- Service levels and standards
- Paratransit programs development
- Vehicle design and procurement
- Planning and implementation of marketing efforts
- Community relations and public outreach
- Transit grant development, advocacy and implementation
- Progress of rail corridor engineering and construction programs
- Short Range Transportation Plan (SRTP)
- Transit capital improvement program

Article X
RULES

§10.1 Adoption and Amendment

These Rules of Procedure are adopted and amended by resolution of the VTA Board of Directors. For efficiency, the General Manager, in consultation with the General Counsel and Board Secretary, is authorized to make minor, non-substantive corrections and adjustments to reflect ongoing practice adopted by the Board. All provisions contained within these Rules of Procedure must conform to law and applicable statute and be consistent with the VTA Administrative Code.

The Rules of Procedure shall be reviewed at least every five (5) years and revised by the Board of Directors as necessary.

§10.2 Construction of Rules

Unless the provisions or the context of the Rules otherwise require, the general provisions, rules of construction and definitions set forth in Chapter 1 of the Santa Clara Valley Transportation Authority Administrative Code shall govern the construction of these Rules. These Rules shall govern the Board’s proceedings to the extent they are not inconsistent with VTA’s Administrative Code or law.
§10.3  Citation of Rules
These Rules shall be known as the “Rules of Procedure of the Santa Clara Valley Transportation Authority Board of Directors” and may be cited as the “VTA Rules of Procedure” or “Rules of Procedure.”

§10.4  Suspension
Any rule may be temporarily suspended by an affirmative vote of the Board.

§10.5  Copies of the Rules
The Board Secretary shall furnish each Board member one or more copies of these Rules and provide a supply for public purposes.

§10.6  Robert’s Rules
All rules of order not provided herein shall be determined in accordance with Robert’s Rules of Order, latest edition.

§10.7  Parliamentary Advice
The General Counsel shall serve as parliamentarian and at the request of the Chairperson shall furnish parliamentary advice.
APPENDIX A.1

Amendment History – Summary

- Adopted by Board of Directors on March 2, 1995 via resolution 95.XX.XX.
- Amendments to Sections 9.1 and 9.2 establishing the Audit Committee and defining its duties and responsibilities approved by Board of Directors on September 7, 2000.
- Repealed in entirety and re-adopted with comprehensive amendments by Board of Directors via resolution 13.XX.XX on June 6, 2013.
  - §10.6
  - §10.6
  - §10.6
  - §10.6
APPENDIX A.2

Amendment History – Detailed

- Inception: Adopted by Board of Directors on March 2, 1995 by resolution Number 95.XX.XX.
- Section 9.1: Amendment defining responsibilities of the Audit Committee and the term of appointment for its chairperson approved by Board of Directors on September 7, 2000.
- Section 9.2: Amendments establishing Audit Committee, its meeting cycle, and specific responsibilities approved by Board of Directors on September 7, 2000.
- Entirety: Repealed in entirety and re-adopted with comprehensive modifications by Board of Directors on June 6, 2013 by resolution Number 13.XX.XX. Specific sections affected were:
  - ee
  - ee
  - rr
  - tt
  - yy
  - uuu
  - ii
  - oo
  - oo

Return to Table of Contents
PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Transportation Authority on June 6, 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 a majority 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
PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Transportation Authority on June 6, 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 a majority 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 CMA Officer, John Ristow

SUBJECT: 
SR 237/US 101/Mathilda Avenue Interchange Improvements - Execute Design Contract with WMH Corporation

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a cost plus fixed fee contract with WMH Corporation in an amount not to exceed $1,400,000 for an initial term of three years to perform planning, preliminary engineering and environmental documentation services for the SR 237/US 101/Mathilda Avenue Interchange Improvements project; and authorize the General Manager to negotiate and execute the necessary agreements with Caltrans to complete the project.

BACKGROUND:

VTA and the City of Sunnyvale jointly funded the State Route 237 (SR 237) corridor planning study in 2004. The objective of this study was to identify local roadway and highway improvements within the Mini-Triangle area in the City of Sunnyvale, which is bounded by SR 237, US 101, and Mathilda Avenue. The “State Route 237 Corridor Study” dated October 2004 identified the SR 237/US101/ Mathilda Avenue Interchange Improvements project (see Attachment A) to relieve congestion and improve local north-south circulation in the City of Sunnyvale.

Additionally, VTA Board of Directors adopted Valley Transportation Plan (VTP) 2035 in January 2009. The SR 237/US 101/Mathilda Interchange Improvements project is included in the highway program in VTP 2035. The project is also listed in VTP 2040 that is under development.

On October 4, 2012, the City of Sunnyvale requested to continue the partnership arrangement with VTA in advancing this project through final design.
In December 2012, VTA Board of Directors authorized the General Manager to execute a cooperative agreement with the City of Sunnyvale to define the roles and responsibilities of each party in funding and for project development. The cooperative agreement was executed in April 2013. Per the cooperative agreement, VTA will function as the project manager and will be responsible for the coordination and management of the design consultant, fiscal management, coordination of team members and partial funding of $250,000. The City of Sunnyvale will provide project oversight and contribute funding of $3,750,000. The $4,000,000 in available funding is estimated to cover the costs of preliminary engineering, environmental clearance and final design of the project. The estimate for the construction phase is $10-15 million, which is not yet secured.

**DISCUSSION:**

On March 29, 2013, VTA issued a Request for Proposals (RFP 13-08) to nine pre-qualified firms from the On-Call Highway Planning and Engineering list (RFQ 11-04) to assist in the carrying out the planning, preliminary engineering and environmental documentation work for the SR 237/US 101/ Mathilda Avenue Interchange Improvements project. Out of the nine firms, the following four firms submitted proposals:

- BKF Engineers
- Parsons
- Rajappan & Meyer Consulting Engineers
- WMH Corporation

A five-person review panel consisting of representatives from the City of Sunnyvale, Caltrans and VTA evaluated the proposals. After a thorough review and consideration of the four proposals submitted, the review panel invited all four teams to participate in the interview process. The interviews held on May 7, 2013 provided additional detail regarding the team’s staffing, specific work plan, level of effort and innovative solutions.

The review panel determined that WMH Corporation submitted the best overall proposal to perform the services as prescribed in the RFP based on the following reasons:

- Demonstrated ability to deliver projects on accelerated schedules
- Good understanding of stakeholder relationships
- Well established process to define project alternatives and select preferred alternatives
- Significant experience with similar type projects

WMH Corporation's San Jose office will provide all the lead staff for the project. The WMH Corporation team includes eight subconsultants (see Attachment B).

Based on the final scoring of the review panel, VTA staff recommends the award of the contract for the planning, preliminary engineering and environmental documentation services for the SR 237/US 101/Mathilda Avenue Interchange Improvements project to WMH Corporation. This procurement provides the ability to amend the WMH Corporation contract for final design and design support services during construction. If final design and design support services during
construction is to proceed, VTA staff will return to the Board of Directors for approval to amend the WMH Corporation contract to increase the contract budget and to include the additional scope.

The proposed type of contract is a cost plus fixed fee contract with an initial term of three years at a cost not to exceed $1,400,000 based on final negotiation of the consultant work plan.

It is anticipated that agreements will be required to complete the project, such as agreements with Caltrans for the planning, environmental, design, right-of-way and construction phases of the project. 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 approval of each agreement.

ALTERNATIVES:

The Board of Directors can elect not to authorize award of this contract, however that action would delay implementation of the SR 237/US 101/Mathilda Avenue Interchange Improvements project and contradict the executed cooperative agreement with the City of Sunnyvale.

FISCAL IMPACT:

This action will authorize up to $1,400,000 for planning (development of Project Initiation Document), preliminary engineering and environmental documentation services. There is sufficient appropriation for these expenditures in the FY13 Adopted VTP Highway Improvement Program Fund Capital Budget. This contract will be funded by City of Sunnyvale and VTA Local Program Reserve funds.

SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION:

Based on identifiable subcontracting opportunities, a Small Business Enterprise (SBE) goal of 11.71% has been established for this contract. WMH Corporation has met the established goal and has committed to 54.62% SBE participation on this contract.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Congestion Management Program & Planning Committee reviewed this item at its May 23, 2013, meeting and recommended that this item be placed on the Consent Agenda for the June 6, 2013, Board of Directors meeting.

Prepared by: Sajeeni DeAlwis-Mima
Memo No. 1392
## Consultant List

<table>
<thead>
<tr>
<th>FIRM NAME</th>
<th>NAME</th>
<th>ROLE</th>
<th>LOCATION</th>
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<tbody>
<tr>
<td>WMH Corporation</td>
<td>William Hadaya</td>
<td>President</td>
<td>San Jose, CA</td>
</tr>
<tr>
<td>AR/WS</td>
<td>Larry Castellanos</td>
<td>Vice President</td>
<td>Walnut Creek, CA</td>
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<tr>
<td>BASELINE Environmental Consulting</td>
<td>Yane Nordhav</td>
<td>Principal</td>
<td>Emeryville, CA</td>
</tr>
<tr>
<td>Fehr &amp; Peers</td>
<td>Matthew Haynes</td>
<td>Sr. Associate</td>
<td>San Jose, CA</td>
</tr>
<tr>
<td>Haygood Associates</td>
<td>Leah Haygood</td>
<td>President</td>
<td>Albany, CA</td>
</tr>
<tr>
<td>ICF International</td>
<td>Mike Davis</td>
<td>Sr. Vice President</td>
<td>San Jose, CA</td>
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<tr>
<td>Parikh Consultants</td>
<td>Gary Parikh</td>
<td>President</td>
<td>San Jose, CA</td>
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<td>RBF Consulting</td>
<td>Paul Klein</td>
<td>Executive Vice President</td>
<td>San Jose, CA</td>
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<tr>
<td>Wreco</td>
<td>Han-Bin Liang</td>
<td>President</td>
<td>Walnut Creek, CA</td>
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BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: FY 2014 & FY 2015 CMP Work Program

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

ACTION ITEM

RECOMMENDATION:

Approve the Fiscal Year 2014 and Fiscal Year 2015 Congestion Management Work Program.

BACKGROUND:

Congestion Management Agencies (CMAs) were created in 1990 by Proposition 111 and its accompanying legislation that required that every county with an urbanized population of more than 50,000 establish a CMA. CMAs were designed to meet the goals of increasing the efficiency of existing transit and roadway systems, planning the best capital improvements to these systems, and improving the local land use decision-making process to support and compliment the transportation system investments.

The Santa Clara County CMA was established in 1991 through a Joint Powers Agreement entered into by the CMA’s Member Agencies, which are the County of Santa Clara and the fifteen cities and towns within the county. In January 1995, the Santa Clara County CMA and the Santa Clara County Transit District merged to form Santa Clara Valley Transportation Authority (VTA), which was designated as the CMA for Santa Clara County. The Congestion Management Program (CMP) functions are now performed by CMA Division staff at VTA.

CMPs must contain five elements: 1) a system definition and traffic level of service standard element; 2) a multimodal performance measures element; 3) a transportation demand management and trip reduction element; 4) a land use impact analysis element; and 5) a capital improvement program. In addition to these five elements, other actions, such as the development of a countywide transportation model and deficiency plans, are necessary to meet the requirements of the CMP legislation.
Along with the requirements mandated by Proposition 111, the CMP Work Program also includes requirements from: the 1995 Resolution by Member Agencies for the Transportation Fund for Clean Air Program Manager Fund (TFCA 40\%) for management of county level project prioritization and program management; the SB45 legislation in 1997 that led to the VTA prioritizing and programming Santa Clara County's Regional Improvement share of State Transportation Improvement Program and assuring compliance with the SB45 Use-It-Or-Lose-It provisions; the passage of AB1012 in 1999 that imposed timely-use-of-funds requirements for Federal Highway Administration grant funds; the SB83 Vehicle Registration fee that collects a $10 registration fee for motor vehicles registered in Santa Clara County; SB375 which aligns regional long-range transportation plans and investment policies, regional allocation of the obligation for cities and counties to zone for housing policies and a process to achieve greenhouse gas emissions reductions targets for the transportation sector; and various MTC resolutions that devolved the implementation of programs from MTC to county CMA level.

The Fiscal Year 2014 (FY2014) and Fiscal Year 2015 (FY2015) CMP Work Program is composed of the following main work areas:

- Capital Improvement Program
- Congestion Management Program Conformance
- Land Use and Transportation Integration
- Plans and Studies
- iTEAM

**DISCUSSION:**

The proposed FY 2014 and FY 2015 CMP Work Program is a result of a number of inputs including statutory requirements, Board initiated activities, and staff recommended initiatives reacting to federal, state and regional issues. Based on these inputs, the Work Program reflects more focus on tasks and activities related to coordination and advocacy of funding for local projects, capital project initiatives, state/regional advocacy, land use coordination due to new state mandates and member agency assistance.

**CMP Work Program**

The proposed FY 2014 and FY 2015 CMP Work Program is included as Attachment A.

**CMP Budget and Fees**

The proposed FY 2014 and FY 2015 CMP Budget as summarized below supports the major tasks outlined in the CMP Work Program for the upcoming year, including the total estimated cost of VTA staff, consultant services, and other goods and services to accomplish each task.
The projected revenue is comprised of the following:

**FY 2014 Projected Revenue**

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<th>Source</th>
<th>Amount</th>
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<tr>
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<tr>
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</tr>
<tr>
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</tr>
<tr>
<td>TFCA 40% Local Program Manager Administrator Fee</td>
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</tr>
<tr>
<td>Investment Earnings</td>
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</tr>
<tr>
<td><strong>Total:</strong></td>
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**FY 2015 Projected Revenue**

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</tr>
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</table>

Member Agency fees are based on the fee schedule adopted by the Board in June 2005, which specifies annual increases of 3.5%. However, VTA staff recommends that the fee structure for FY 2014 and FY 2015 remain unchanged from FY 2012.

The projected expenditures are comprised of the following:

**FY 2014 Projected Expenditures**

1. Capital Improvement Program                           $ 1,545,384
2. Congestion Management Program Conformance              $ 896,995
3. Land Use and Transportation Integration                $ 886,196
4. Plans and Studies                                      $ 1,520,160
5. iTEAM                                                   $ 407,723
**Total:**                                               **$ 5,256,458**

The proposed FY 2014 CMP Budget of $5,256,458 is $949,308 more than the adopted FY 2013 CMP Budget of $4,307,150.

**FY 2015 Projected Expenditures**

1. Capital Improvement Program                           $ 1,558,595
2. Congestion Management Program Conformance              $ 906,995
3. Land Use and Transportation Integration                $ 841,214
4. Plans and Studies                                      $ 1,364,520
5. iTEAM                                                   $ 402,512
**Total:**                                               **$ 5,073,836**
The proposed FY 2014 CMP Budget of $5,256,458 is $182,622 less than the proposed FY 2015 CMP Budget of $5,073,836. This is primarily due to the decrease in PPM funds and the absence of Local Partnership funds in FY 2015.

The FY 2014 and FY 2015 CMP Work Program is scheduled as an information item at the TAC, PAC and CMPP committees in April and as an action item at these committees in May. In June, it will be scheduled for review and approval by the Board of Directors.

**ALTERNATIVES:**

The CMP Work Program could be altered through additions, deletions and modifications to the proposed Work Program that is attached.

**FISCAL IMPACT:**

Appropriation for the Recommended FY 2014 and FY 2015 CMP Work Program will be included in Recommended FY 2014 and FY 2015 Congestion Management Program Fund Operating Budgets which will be submitted for approval by the VTA Board of Directors at its June 6, 2013 meeting.

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

The Technical Advisory Committee (TAC) and the Policy Advisory Committee (PAC) both received this item at that their respective April 11, 2013 committees. TAC member Larsen requested further description for advocacy efforts to find new funding in the FY14/15 CMP Work Program. TAC member Batra requested that future enhanced efforts with Caltrans regarding litter and graffiti issues be included the iTEAM efforts in the FY14/15 CMP Work Program.

The PAC approved this item on consent on May 16, 2013 and had no comments.

On May 16, 2013, the TAC voted unanimously to support staff recommendations on the two-year CMP Work Program and budget.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Congestion Management Program & Planning Committee (CMPP) received this as an information item at its April 18, 2013 meeting. No comments or questions were received.

On May 23, 2013, the CMPP received this item as part of its consent agenda on May 23, 2013. The Committee recommended that it be placed on the Consent Agenda for the June 6, 2013, Board of Directors meeting.

Prepared by: John Ristow
Memo No. 3772
EXECUTIVE SUMMARY

Purpose
The Valley Transportation Authority Congestion Management Program (CMP) Work Program outlines the major tasks the CMP will address during Fiscal Year 2014 and Fiscal Year 2015 (FY2014 and FY2015). The Work Program includes statutory requirements, Board initiated activities, Member Agency requested activities, and staff recommended initiatives regarding federal, state and regional issues.

The CMP Work Program consists of five main work areas:

- Capital Improvements Program
- Congestion Management Program Conformance
- Land Use and Transportation Integration
- Plans and Studies
- Innovative Delivery Team Program (iTEAM)

Capital Improvements Program
The Capital Improvements Program (CIP) consists of Santa Clara County’s currently programmed projects using CMA-monitored federal, state, regional and local funds and/or included in the first 10 years of the most current Valley Transportation Plan (VTP). The major activities of the CIP are 1) Grant Programming and Policy Development, 2) Programmed Projects Monitoring and 3) Agency Project Delivery Assistance.

Congestion Management Program Conformance
The CMP statutes require biennial monitoring of the freeways, rural highways and designated CMP intersections that comprise the CMP Network to ensure that Member Agencies are conforming to the CMP Level of Service (LOS) standard of LOS E. VTA exceeds this requirement by monitoring nearly all elements of the CMP Network annually. Data collected through the monitoring process is shared with Member Agencies to allow for up-to-date traffic analysis. Member Agencies with facilities found to be out of conformance with the LOS standard risk losing gas tax subventions provided by Proposition 111.

Land Use and Transportation Integration
CMP staff work with local agencies in land use and transportation integration by providing technical guidance through the Community Design and Transportation Manual of Best Practices, an active development review program and a monthly Land Use and Transportation Integration (LUTI) Working Group to ensure local land use decisions complement VTA’s roadway and transit investments.

Plans and Studies
CMP staff collaborates with local agencies on planning and engineering studies, refining projects and moving them forward for funding consideration, regional studies and an ongoing, comprehensive transportation systems operations study. Ongoing and planned studies and projects include Transportation Systems Monitoring Program, applications of Geographic Information System, Grand Boulevard Initiative (GBI), various corridor planning studies, introduction of a web portal to make CMP information (e.g., travel demand model data, GIS
information, and CMP documents) more easily accessible to Member Agencies, coordination on efforts with regional partners such as MTC and Caltrans on behalf of Member Agencies, and general technical assistance to Member Agencies on a wide range of transportation topics.

**Innovative Delivery Team Program (iTEAM)**

The iTEAM is a new initiative for a new model for partnering with Caltrans in Silicon Valley with the objective of better transportation service to Silicon Valley and serving as an innovation test lab to develop best practices for transportation. The initial iTEAM efforts are to focus on local assistance, project delivery and traffic engineering/innovative transportation solutions. The local assistance efforts are to include expanded training to local agencies, increased assistance to local agencies on local assistance matters, and coordination leading to expedited payment of invoices by Caltrans accounting.
Fiscal Impact
The CMP Work Program is funded through the following sources:

- Member Agency Fees
- MTC STP Planning Grant
- STIP Programmed Project Monitoring (PPM) Funds
- Vehicle Registration Fee (VRF) Program Administration Fee
- TFCA 40% Local Program Manager Administrator Fee
- Investment Earnings

The projected expenditures for the CMP Work Program are:

<table>
<thead>
<tr>
<th>Capital Improvement Program</th>
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<tr>
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<td>$5,073,836</td>
</tr>
</tbody>
</table>

Mandates
The CMP Work Program is comprised of requirements from:

Proposition 111 (1990) – Legislation that created Congestion Management Agencies (CMA)
- Congestion Management Program Plan
- CMP Monitoring and Conformance Program/Report
- Countywide Transportation Demand Model & Database
- Land Use Impact Analysis Program
- Deficiency Plans Assistance/Guidelines
- Capital Improvement Program

Transportation Fund for Clean Air Program Manager Fund (TFCA 40%) (1995)–Resolution by Member Agencies
- Management of county level project prioritization
- Ongoing program management (amendments, information requests, audits, annual reports to BAAQMD, etc.)

SB45 (1997) – Legislation that increased the role of Regional Transportation Planning Agencies (RTPAs) in prioritizing State transportation funding by giving them control of 75% of the State Transportation Improvement Program (STIP)
- Prioritization and programming Santa Clara County’s Regional Improvement (RIP) share of State Transportation Improvement Program (STIP)
• Compliance with SB45 Use-It-Or-Lose-It provisions

AB1012 (1999) – Legislation that imposed timely-use-of-funds requirements for Federal Highway Administration grant funds on the State and RTPAs
  • Assuring timely delivery of Federal Highway Administration grant funds (such as STP, CMAQ, HBRR)

SB83 (2010 Measure B VRF) – Collection of $10 registration fee for motor vehicles registered in Santa Clara County for transportation programs and projects within the County.
  • Management of subvention program and project prioritization of Countywide program

SB375 (2008) - Aligns three critical policy areas of importance to local government: (1) regional long-range transportation plans and investments; (2) regional allocation of the obligation for cities and counties to zone for housing; and (3) a process to achieve greenhouse gas emissions reductions targets for the transportation sector
  • Coordination of countywide transportation plan, sustainable communities strategy and implementation of resulting programs

MTC Resolutions – Implementation of programs devolved from MTC to county CMA level
  • Res. 3860 – Lifeline Transportation Program
  • Res. 875 – TDA Article 3
INTRODUCTION

Congestion Management Agencies (CMA) were created in 1990 by Proposition 111 and its accompanying legislation that required that every county with an urbanized population of more than 50,000 establish a CMA. CMAs were designed to meet the goals of increasing the efficiency of existing transit and roadway systems, planning the best capital improvements to these systems, and improving the local land use decision-making process to support, and compliment transportation system investments.

The Congestion Management Agency (CMA) for Santa Clara County was established in 1991 through a Joint Powers Agreement entered into by the CMA’s Member Agencies, which are the fifteen cities within the county and the County of Santa Clara. The CMA functions in Santa Clara County are referred to collectively as the Congestion Management Program (CMP). In 1994, the Santa Clara County Transit District and the CMA were merged to form Santa Clara Valley Transportation Authority (VTA). The CMP functions previously performed by the CMA are now performed by VTA.

Policy and administrative decisions that affect the CMP are made by the VTA Board of Directors (VTA Board). The members of the VTA Board are comprised of elected officials from throughout Santa Clara County: five members from the city of San Jose, five members from other Santa Clara County cities/towns, and two County of Santa Clara Supervisors.

The Board receives input from five advisory committees, with four of these committees providing direction on CMP-related matters: the Policy Advisory Committee (PAC), the Technical Advisory Committee (TAC), the Citizens Advisory Committee (CAC), and the Bicycle and Pedestrian Advisory Committee (BPAC). The PAC consists of one elected official from each of the county’s 15 cities and one County Supervisor; its mission is to ensure that all jurisdictions within the county have access to the development of VTA’s policies.

The major responsibilities of the CMP include the development, implementation, and administration of the long-range countywide transportation plan for Santa Clara County; promoting land use and transportation integration with Member Agencies; programming of discretionary federal, state, regional and local funds; monitoring projects programmed by the VTA Board; serving as the program manager for certain countywide grant funds; preparation and implementation of the countywide plans and programs; and a range of other planning and programming activities.

The CMP is a distinct program within the Congestion Management Agency (CMA) Division of VTA, under the general direction of the Chief CMA Officer. The fiscal resources of the CMP are distinct from those of the VTA Transit Enterprise.
This work program outlines the major tasks that the CMP will address during FY14 and FY15. These tasks, with the total estimated cost of VTA staff, consultant services, and other goods and services for each task shown in brackets, are:

<table>
<thead>
<tr>
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Each of these activities is discussed in detail in the following text.

1. CAPITAL IMPROVEMENT PROGRAM (CIP)

The biennial Congestion Management Program includes a Capital Improvement Program (CIP) element that consists of the priority capital transportation projects that are currently programmed in Santa Clara County with CMA-monitored federal, state, regional and local funds and/or included in the first 10 years of the most current Valley Transportation Plan (VTP).

The major activities of the CIP are:

1.1. Grant Programming and Policy Development (Policy and Plan Development)

VTA’s authority to provide grants ultimately comes from Article 1, Sections 8 & 9 of the US Constitution. California Government Code Section 65802(b) and California Streets & Highways Code Sections 182.6(d)1 and 182.7(d)2, combined with the Metropolitan Transportation Commission (MTC) policies provide VTA, acting as the CMA for Santa Clara County, with more specific requirements for planning, policy development, and programming transportation capital funds.

VTA has prioritization and funding responsibilities in the following programs:

- **State Transportation Improvement Program (STIP)**
  VTA, as the CMA for Santa Clara County, has the responsibility for prioritizing and programming Santa Clara County’s Regional Improvement Program (RIP) share of the State Transportation Program (STIP). The STIP is updated every two years. This year, staff will monitor and provide assistance to projects programmed in the 2010 STIP.

- **Program Manager for Transportation Fund for Clean Air (TFCA) 40%**
  These funds are programmed annually in the spring. As the Program Manager for these funds in Santa Clara County, VTA staff will continue to work with Member Agencies and the BAAQMD to evaluate local guidelines for future programs. VTA staff will also participate in the development of the regional criteria for the BAAQMD 60% funds. VTA staff will also continue to monitor progress of previously programmed TFCA projects.
• 2006 Transportation Infrastructure Bond Programs
The Highway Safety Traffic Reduction Air Quality and Port Security Bond Act of 2006 (I-Bond) was passed by the voters in November 2006, and the State is now in a multi-year process of authorizing and selling up to $19.1 Billion in general obligation bonds to fund 12 separate new and existing transportation programs, including:
  o State – Local Partnership Program (SLPP)
  o Corridor Mobility Improvement Account Program (CMIA)
  o Trade Corridors Improvement Fund (TCIF)
  o High Speed Rail Crossing Account (HRCSA)
  o Traffic Light Synchronization Program (TSLP)

While the baseline programming and policies for each of these was developed in previous years, the State’s continuing fiscal crisis and subsequent inability to sell bonds has severely impacted these programs. VTA staff has been active at the State and Regional levels in developing allocation plans for the limited funds that have been available, and developing and implementing creative strategies for keeping individuals projects on track. These activities peaked in the middle of FY2013. VTA staff anticipates them to decline through FY2014 and FY2015.

• Regional Transportation Plan Implementation: Surface Transportation Program/Congestion Mitigation Air Quality (STP/CMAQ) Related Programs

In FY12, MTC reformulated its’ primary distribution channel for these funds, the Block Grant Program, by adding funding capacity and stronger ties to land use, and renaming it the “One Bay Area Grant” (OBAG). VTA will adopt the first programming cycle in June 2013, just prior to the beginning of the budget year. VTA staff anticipate a very high level of activity associated with this program in 2014 and 2015, as the county will be receiving more funding for smaller scale Federal projects than at any time in recent history.

MTC is also initiating a new Priority Development Area (PDA) focused planning grant program. Approximately $5.3 million is being delegated to VTA for future grants to member agencies. VTA anticipates developing a process and criteria for this program with the member agencies in FY’14, and programming grants in FY’14 and FY’15.

• Senate Bill 83 (SB 83)

SB 83 was signed into law in 2009. This legislation authorizes a countywide transportation agency, such as VTA, to implement a vehicle registration fee (VRF) of up to $10 on motor vehicles registered within the county for transportation programs and projects. The statute requires that the fee be approved by a simple majority of voters in the county. The VTA Board placed ballot measure 2010 Measure B before voters of Santa Clara County, and it was approved in November 2010. Staff implemented the Board approved expenditure plan for the VRP program and began disbursements to member agencies in 2012.
• Lifeline Transportation Program

VTA and the County of Santa Clara are jointly designated as the administrators for Santa Clara County and work under a memorandum of understanding. Staff will continue work with MTC and county staff to update project selection criteria and solicit at least one more programming cycle.

VTA staff serves on numerous regional and statewide committees and associations that help develop funding policies and procedures that impact the CMP and VTA’s capital programs. They have become increasingly important in forging consensus on issues of regional and statewide significance and creating consistency among congestion management agencies. These activities include:

- Advocacy for state and federal transportation funds with the MTC, California Transportation Commission (CTC), and California Department of Transportation (Caltrans)
- Participation in regional and state agency committees involving the planning and allocation of transportation resources
- Monthly participation in CMA regional meetings and MTC Bay Area Partnership and participation in ad hoc subcommittees on issues of topical interest

Staff will continue to work with the appropriate federal, state and regional agencies and local project sponsors to manage the grant funds and monitor the progress of those projects through the development and implementation process. There will be a particular focus on implementation of programs previously discussed.

1.2. Programmed Projects Monitoring (PPM)

Two regional bodies and two state bodies have a significant impact on the CMP’s capital programs and policies: the MTC, the Bay Area Air Quality Management District (BAAQMD), the CTC, and Caltrans.

VTA staff serves on numerous committees and task forces, and working groups organized by these bodies that develop planning and programming policies and procedures affecting VTA’s projects, programs and the interests of VTA’s Member Agencies. Examples include: MTC’s Partnership Technical Advisory Committee (PTAC) and its associated working groups; the Arterial Operations Committee; the Bay Area ITS Architecture Maintenance Committee; the Bay Area ITS Plan Steering Committee; Caltrans’ District 4 Bicycle Advisory Committee; the California Bicycle Advisory Committee; the Regional Bicycle Working Group; and the Regional Pedestrian Committee. In addition, staff serves on numerous committees and working groups associated with the development of the 2013 Regional Transportation Plan (RTP) and the implementation of SB 375 – Sustainable Communities Strategies.

Staff analyzes state and regional issues, develops the appropriate countywide response, and distributes relevant information to Member Agencies. Staff will play key roles on activities
through FY14 on the development of the 2013 Regional Transportation Plan (RTP) update and implementation of the 2013 countywide transportation plan update, VTP 2040.

1.3. Agency Project Delivery Assistance Fund (Program Administration, Project Monitoring and Assistance)

The processes that project sponsors need to follow in order to obtain state and federal funds programmed to their projects are extremely complex. The grant funds are also subject to multiple use-it-or-lose-it deadlines at the regional, state, and federal levels for fund obligation, expenditure, and close-out. MTC is using the congestion management agencies as its agent to communicate these requirements, monitor project progress, and assist local agencies in meeting these requirements.

The CMP provides active oversight of the delivery of CIP projects. This oversight includes a significant level of direct involvement by VTA staff, utilizing consulting engineering assistance where necessary, on high profile state highway projects managed by Caltrans, and occasionally on local road or bicycle projects as requested by Member Agencies.

VTA staff also prepares the Programmed Projects Quarterly Monitoring Report, which is provided to the VTA Board. This report details the progress of projects funded through programming actions by the Board and identifies projects at risk of losing funds due to delivery difficulties.

Staff will continue to work with the appropriate federal, state and regional agencies and local project sponsors to manage the grant funds and monitor the progress of those projects through development and implementation. In addition, it is anticipated that staff will increase advocacy efforts for new grant funds.

These responsibilities will be carried out in the programs mentioned previously in Section 1.1.

2. CONGESTION MANAGEMENT PROGRAM COMPLIANCE

The CMP statutes require that the CMP system is monitored a minimum of every two years (biennially) for compliance with the CMP Level of Service (LOS) standard. However, to obtain a more accurate and useful understanding of system performance, the VTA Board adopted a policy of annual monitoring. If a Member Agency is found to not conform to the CMP standard, it risks losing its gas tax subventions generated by Proposition 111 (Streets and Highways Code Section 2105) and other funding for its capital improvement projects.

Member Agencies are requested to provide this land-use monitoring data to VTA by October 1st of the monitoring year. The traffic LOS monitoring results and land use impact analyses are summarized by VTA staff in an annual Monitoring and Conformance Report. The 2010 Monitoring and Conformance Report was approved by the VTA Board in June 2011. Work began in FY11 on the 2011 Monitoring and Conformance Report, and the FY12 Monitoring and Conformance Report began in fall 2012.

The land use information is also used as an input to the Countywide Transportation Demand Model database and for coordinating land use information at the regional level with Association of Bay Area Governments (ABAG) Projections. As Countywide Model land use databases are updated, this
information is reviewed and checked against other information to ensure that these databases are as accurate as possible. The land use database is emerging as a critical component of work being conducted region-wide in efforts stemming from the implementation of Assembly Bill (AB) 32 and Senate Bill (SB) 375 and the development of related Sustainable Community Strategies (SCS). This process has assigned additional responsibilities to the region’s CMAs, and the VTA CMP Work Program reflects these responsibilities.

Chapter 8 of the 2009 CMP describes the monitoring program in detail. In summary, the monitoring requirements consist of the following:

2.1. Traffic Level of Service (LOS) Monitoring

Member Agencies previously provided VTA staff with LOS analysis data for CMP intersections. However, in FY14 VTA will collect and analyze LOS data for CMP intersections. Staff, utilizing consultant assistance, collects traffic data on freeways and evaluates the LOS of each freeway segment, including separate evaluations of HOV and mixed flow lanes where applicable. Rural highway data is collected at twelve locations to report vehicle volumes, heavy vehicle percentage, directional split, and LOS. VTA collects bicycle and pedestrian counts at ten locations in the morning, afternoon and mid-day. The CMP Monitoring Program also includes annual monitoring of Deficiency Plans and land use approvals in Member Agency jurisdictions.

2.2. Land Use Impact Analysis Program

Member Agencies have two responsibilities as part of the Annual Monitoring and Conformance Report with respect to the Land Use Impact Analysis Program:

- They must certify that they have used the VTA CMP adopted methodology to prepare transportation impact analyses (TIAs) for all appropriate development projects and have submitted these reports to VTA.
- They must submit an annual report documenting all development project approvals and major land use changes during the year.

VTA works with Member Agencies on Development Review and Land Use and Transportation Integration to fulfill its responsibilities under the Land Use Impact Analysis element of the CMP. These efforts are described in Section 2.3 and Section 3 below.

2.3. Development Review Program Reports

One way of improving transportation and land use decision-making is through VTA’s Development Review Program. Under the existing program, VTA staff reviews, on average, over 300 proposed private development projects annually to ensure compatibility with existing and future transit services and transportation projects, as well as a review to assess impacts on the multimodal transportation system. VTA provides written comments to cities recommending project changes, conditions or mitigation measures. The Community Design and Transportation (CDT) Program has an integral role in this process. In addition, at the request of city staff or in relation to VTA projects, VTA staff actively participates in the early review of city projects, including team/committee meetings and field visits.
The CMP Development Review Program includes a monitoring and evaluation program. VTA staff provides a quarterly report that summarizes VTA’s comments and recommendations on development projects reviewed (the Proactive CMP Reviewed and Approved Projects Quarterly Status Report, commonly known as the Proactive CMP Report) to the VTA Board, one Board standing committee and four advisory committees. In addition, VTA staff reports on the responses received from Member Agencies on VTA's recommendations, which provide the VTA Board with critical information on the factors, impacts and trade-offs of their land use decision-making processes.

Staff continues to implement improvements to this program including a feedback loop with cities to track development approvals and a better tracking system for developments utilizing Geographic Information System (GIS).

2.4. Countywide Transportation Model

2.4.1. Countywide Model Update

The following are planned activities for the upcoming years:

- Improve the transit forecasting capabilities of the model using a variety of new data sources to provide more accurate corridor and station-level boarding estimates.
- Include additional traffic analysis zones to the countywide model to improve vehicle and transit forecasting capabilities and conform to proposed changes in census tracts.
- Update the non-work trip models using recent Household Survey Data.
- Improve heavy-duty truck vehicle forecasting capabilities.
- Begin development of Direct Demand Models to better capture the effects of land use changes.
- Establish “testing” components to more efficiently test alternative land use and transportation scenarios.
- Develop model components and improvements necessary to address requirements stemming from SB 375/AB 32.
- Incorporate Roadway Pricing and High Speed Rail (HSR) into the model.

2.4.2. Maintenance of the Countywide Model and Database

Maintaining the countywide model requires continued updating and refinement of socio-economic input. It also requires making refinements to the model itself to develop more accurate transportation forecasts. Specific tasks include the following:

- Revise the countywide model to maintain consistency with MTC and ABAG increments through 2035.
- Complete revisions to the model forecasts based upon results of the current CIP.
- Develop methodology to prepare zone-level estimates of jobs, housing and workers based on and consistent with ABAG’s Projections 2005.
- Update countywide annual land use and transportation conditions based upon approved projects and major land use decisions provided to VTA by Member Agencies.
- Update the model as necessary to address implementation of AB 32/SB 375.

### 2.4.3. Transportation Modeling Assistance

An additional task will be using the model to assist VTA staff, Member Agencies and other regional partners in developing transportation plans and analyzing the impacts of land use decisions. Specific tasks to be accomplished include:

- Perform Year 2005/10 through 2035/40 model runs with updated land use and transportation parameters and new land use databases to support highway and transit corridor projects performed by the VTA.
- Perform model run and analysis of annual Member Agency land use approvals and transportation system improvements as well as a scenario reflecting adopted General Plans.
- Perform model development and demand forecasting for specific agencies, organizations or projects.
- Function as adjunct staff to other transportation agencies to perform transportation modeling tasks.

### 2.4.4. Local Transportation Modeling Support

The CMP also provides technical support to Member Agencies on local transportation modeling issues. For example, model input and output data (transportation as well as socio-economic) is produced in electronic format for use by Member Agencies and assistance and resources are provided for agencies preparing their own local transportation models. VTA CMP staff also provides training to Member Agency staff on the application of the new countywide models. Specific tasks include:

- Develop sub-area modeling techniques to allow implementation of an abbreviated version of the full countywide models by Member Agencies,
- Assist Member Agency staff to allow for application of the full countywide models by in-house member agency staff if desired.
- Advise Member Agencies and regional partners on strategies for meeting the requirements of SB 375/AB 32.

### 2.5. Development Impact Fee/Deficiency Plans

To ensure that a CMP directly addresses congestion, state law requires mitigation of deficiencies on the CMP roadway system. In Santa Clara County, a deficiency on a facility exists when the traffic level-of-service (LOS) falls below LOS E, when it previously operated at LOS E or better in 1991. If LOS declines to LOS F on a CMP roadway and this decline in LOS cannot be restored to LOS E or better, then the local jurisdiction with the deficient roadway must complete a Deficiency Plan (DP) outlining the measures it will take to mitigate the deficiency. Without a DP, the local jurisdiction risks non-conformance with the CMP and the potential loss of Prop 111 funds.
With increasing traffic congestion, the need to address deficiencies on the CMP roadway system will remain an annual issue. One approach to addressing deficiencies on the regional system is with the preparation of a DP. Implementing a DP could address:

- Existing LOS policy that conflicts with VTA and Member Agency policies of concentrating development to support transit investments and a multi-modal environment.
- The congestion impacts of new development that may be addressed at a very local level, but exacerbates the traffic conditions on the regional CMP network.
- Fee programs that assists Member Agencies with projects and programs to offset – or mitigate – the impacts of development and improve community livability.

VTA staff will continue to assist Member Agencies in developing local DPs as needed by providing technical assistance, providing data for use in local DPs, reviewing local DPs, coordinating and advising on local and countywide modeling efforts, and taking the plans through the VTA approval process. The Deficiency Plan Guidelines was updated in 2010.

Another method of addressing traffic impacts, especially of the freeway system, is by pursuing fair share contributions from developments that generate new trips, and using those funds to support projects or programs that off-set the impacts generated by the development. This concept includes freeway-based projects that add effective throughput without adding new lane capacity such as Express Lanes, to transit improvements that work to induce mode shifts from Single Occupant Vehicles to transit. Several jurisdictions in Santa Clara County currently seek fair share contributions, and the CMA has and will assist those jurisdictions as needed with testing options, developing methodologies and standards, and working with developers. VTA will also be exploring options for a common methodology / processes that can be applied by any jurisdiction or developer.

2.6. Update of Congestion Management Program (Documents, Guidelines, etc.)

The activities of the CMP are recognized in certain documents, some of which have already been referred to earlier. The following is a listing of the key CMP documents, including the date of the most recent update and planned updates (if applicable).

- Congestion Management Program document (Last update Nov. 2011, next update Nov. 2013)
- Transportation Impact Analysis Guidelines (Last update March 2009, next update anticipated 2014)
- Local Transportation Model Consistency Guidelines (Last update May 2009)
- Requirements for Local Deficiency Plans (last update November 2010)
- Annual Monitoring and Conformance Requirements (Updated annually)

Each document is reviewed and updated as needed, to respond to emerging trends and policies, changes in technology, or guidance from regional agencies. The Transportation Impact Analysis (TIA) Guidelines are currently in the process of being updated. The TIA Guidelines establishing procedures that Member Agencies use when analyzing the transportation impacts of land use &
development projects on the CMP transportation system. Over the past year, VTA staff has been identifying areas in the CMP that may require updates, or present opportunities for improvement to make the program more multimodal and more in line with the goals of SB 375, the regional and countywide long-range transportation plans, Complete Streets policies, and local General Plans and policies. These and other recent trends provide an impetus to look again at the VTA TIA Guidelines and identify areas for updates and improvements. The Goal of this update the VTA TIA Guidelines is to emphasize the reduction of auto trips and take a balanced, multimodal approach to addressing congestion impacts and transportation solutions of development projects. It is anticipated that this update of the TIA Guidelines will be complete by the end of FY14.

The partner document to the TIA Guidelines, the Traffic LOS Analysis Guidelines, will begin undergoing updates in FY15. In addition, the Annual Monitoring and Conformance Requirements are updated each year to meet the needs of the monitoring program.

3. LAND USE AND TRANSPORTATION INTEGRATION

Improved integration of land use and transportation decision-making is a long-standing goal of VTA and is a key element of VTA’s Long-range and Strategic Planning efforts. Various VTA documents frame policies to better integrate land use and transportation. This includes technical tools and assistance, and local incentives for cities to craft and adopt land use policies that encourage alternatives to the single occupant automobile, and that promotes innovative planning and development practices and high-quality project planning and design.

VTA staff is available to answer Member Agency questions about specific CMP requirements and to provide information on a wide array of activities including the Congestion Management Program document, the development of deficiency plans, transportation planning, community/urban design, transit-and-pedestrian oriented design, traffic and transportation engineering, systems engineering, Intelligent Transportation Systems (ITS) engineering and planning, bicycle and pedestrian design, and capital improvement funding programs. VTA staff responds to Member Agencies on these requests for information and advice on a daily basis, and works closely with Member Agency staffs to address local transportation and development issues.

In 2002, VTA Board adopted the CDT Program as its primary program for integrating transportation and land use. This action included the adoption of the CDT Manual of Best Practices for Integrating Transportation and Land Use (CDT Manual) and an implementing resolution (No. 02.11.35) incorporating the concepts, principles, practices and actions set forth in the CDT Program and manual into VTA projects and programs. In 2003, the VTA Board adopted the Pedestrian Technical Guidelines (PTG) to support further development of the CDT Program, and pedestrian projects and environments in general. VTA has also adopted Bicycle Technical Guidelines (BTG) which provide technical guidance on bicycle system planning and design. VTA staff uses the CDT Manual, PTG, and BTG in its Development Review activities, and these documents are available as resources to Member Agency staff, consultants and developers as well. During FY14 and FY15, the CDT Manual will undergo a comprehensive review to update all sections, incorporate guidelines for new State and Federal requirements for developing Complete Streets Programs, and add new sections such as parking practices and design, and high-density mixed use urban design.
3.1. Bicycle Program Planning Activities Format

An update to the Countywide Bicycle Plan was adopted by VTA Board in October 2008 and included a number of new elements designed to improve across barrier connections, the development of integrated countywide bicycle corridors, closing gaps in the existing bicycle network. In 2009, the VTA Board adopted an updated Bicycle Expenditure Plan (BEP) consisting of approximately $160 million in projects. The BEP will be updated in 2013 as the VTP and RTP planning processes develop.

The Bicycle Planning Program develops the Countywide Bicycle Plan, the BEP resulting from the plan and administers and distributes funds from several different funding sources to Member Agencies to implement and construct the projects in the BEP. The Bicycle Planning Program also identifies new capital projects including an unconstrained master list of bicycle infrastructure needs, contains policies and implementing actions that will improve bicycle facilities and coordination, and describes programs that will promote bicycling and bicycle safety in Santa Clara County.

In addition to the PTG, VTA staff prepares the Bicycle Technical Guidelines (BTG). These documents provide planning guidelines and technical details to Member Agencies to assist them with designing bicycle- and pedestrian-friendly facilities and to ensure consistency in the design and construction of these facilities. The BTG was updated in 2012 with cross-references to both the PTG and the CDT Manual, as well as being reformatted so that pages can be updated individually, enabling VTA to keep the document more current and relevant.

A key task of the focus of FY14 will be to continue to promote their use of the BTG and the Countywide Bike Plan among Member Agencies and to deliver training to local planners and engineers.

The Bicycle Planning Program is also responsible for reviewing planning and design documents to ensure they are consistent with the BTG and BEP policies and procedures, conducting special studies, and developing bike programs. Staff provides technical and policy assistance to the VTA Highway Program regarding the inclusion of bike accommodations in project conceptual development and design. Other services include assisting with the Development Review process to ensure impacts on bicyclists have been addressed and to help identify conditions of approval that can promote bike and pedestrian access to the site. In addition, as part of ongoing bike planning and program development activities, VTA staff participates in various regional and state technical and advisory committees and working groups.

In 2009, the Bicycle Planning Program was charged by the VTA Board to develop and implement a Bike Sharing Pilot Program. The development of this program will continue through 2012, using a combination of VTA funds, a Safe Routes to School grant, and an MTC Climate Initiatives Program grant. The Bike Share Pilot Program will be implemented in three Santa Clara County cities and will be coordinated with a regional effort involving San Mateo and San Francisco jurisdictions.

The Bicycle Planning Program, in conjunction with other VTA departments, administers the bike locker rental program at VTA light rail and Park & Ride lots to facilitate bicycle usage on transit.
The Program also administers the Bike Rack program which provides bike racks to Member Agencies who agree to install them in pre-approved locations and in conformance with the BTG. New electronic lockers were installed at certain locations during FY 2010 and continued over the next two years.

3.2. Pedestrian Program Planning Activities

In 2001, at the request of the VTA Board, the Bicycle Advisory Committee was re-established as the Bicycle and Pedestrian Advisory Committee (BPAC), and its modified duties included pedestrian issues. The first major product of the Pedestrian Program was the PTG. The PTG was adopted by the VTA Board in October 2003 and comprehensively updated in 2008. It is both a companion document to the CDT Program and a standalone technical planning and design document, and will be updated within the next two years.

VTA assists as needed with pedestrian issues raised by the VTA Board or at BPAC meetings. VTA also assists in Development Review regarding pedestrian impacts and improvements, and provides technical and policy assistance to the Highway Program regarding the inclusion of pedestrian accommodations in each project’s conceptual development and design.

The VTP 2040 update established a Pedestrian Program for $100 Million. Included will be continued development of the assessment study to determine countywide pedestrian issues and needs, with specific emphasis placed on access to transit stops/stations and downtown areas. In addition, staff will explore ways to expand capital project funding for pedestrian projects, including investigating potential funding for county expressways pedestrian projects. The CDT Planning and Capital Grants Programs will provide support for the implementation of pedestrian capital projects and encourage utilization of and incorporation of the PTG.

3.3. Priority Development Area (PDA) Investment and Growth Strategy

As part of the requirement to access the One Bay Area Grant (OBAG), VTA has the responsibility of developing a Priority Development Area (PDA) Investment and Growth Strategy. By May 1, 2013, CMAs shall present information related to PDA Investment & Growth Strategy development to MTC. The VTA is in the process of developing the PDA Investment and Growth Strategy. The purpose of a PDA Investment & Growth Strategy is to ensure that VTA has a transportation project priority-setting process for OBAG funding that supports and encourages development in the region’s PDAs. We will have to provide Regional Agencies with a status report each year for the timeframe of the plan, which is 2016.

The first report that VTA is assembling will be done through a collaborative process involving a working group of planners, advocates, and the community. Within the first year to develop the PDA Growth Strategy, VTA will gather information related to housing element objectives and identifying current local housing policies that encourage affordable housing production and/or community stabilization from our Member Agencies. This will be done through a survey conducted by the Association of Bay Area Governments (ABAG). VTA will also collect data related to employment and transportation needs within these PDAs throughout the life of the process.
VTA staff will work with the working group to define a process to gather new information and/or improve the existing report. The report can be modified based on the input and information we can collect. Based on the feedback we receive, we may also modify our project selection criteria for the next cycle of funds.

3.4. Complete Streets System & Community Design and Transportation Program

A key element of meeting VTA’s Strategic Planning goal of integrating land use and transportation is the continued development of the Community Design & Transportation (CDT) Program and evolution of a land use/transportation investment strategy. The VTA Board approved development of the CDT Program, with the understanding that the Program requires commitment from Member Agencies to address topics that include smart growth, urban design, building and site design, transit station area design, street standards, right-of-way dedication, and parking management when making land use decisions.

VTA staff is available to assist Member Agencies with research, technical and design-related aspects of issues dealing with Smart Growth, Joint Development, Transit-Oriented Development (TOD), and integrating transportation and land use as part of the VTA Board adopted CDT Program. Program assistance may include assisting Member Agencies with review of development proposals, developing technical design guidelines and standards related to buildings, pedestrian environments, and street design, and developing specific plans and urban designs for station areas, corridors and districts.

The El Camino/Grand Boulevard Initiative (GBI) project is a coordinated multi-agency effort involving transportation agencies and cities in Santa Clara and San Mateo counties. VTA is participating in the GBI Project as a funding partner and as a full participant in all committee and steering group activities. This effort is focusing on land use, aesthetic/urban design, and transit opportunities to enhance the El Camino Real Corridor in both counties. Project goals include transforming El Camino Real Corridor into a vibrant corridor of origins and destinations by providing jobs, housing, recreational, shopping, civic, and educational activities that are interconnected by an attractive, transit-oriented, walkable environment. The goals of the GBI are being implemented in Santa Clara County through the development of a Bus Rapid Transit (BRT) project along El Camino Real.

4. PLANS AND STUDIES

VTA staff has conducted engineering and planning studies in concert with local agencies to refine projects to move forward for specific funding consideration. Over the past several years through the efforts of CMP Member Agencies and VTA, corridor studies have led to the implementation of projects such as the modified US 101/Tully Road interchange (complete) and US 101 Auxiliary Lanes project (under construction) in Mountain View and Palo Alto. Work continues through the VTA Technical Advisory Committee Systems Operations & Management (SOM) Working Group to develop and maintain the ramp metering system in the county working with Caltrans.

VTA staff participates in a range of transportation corridor and special studies. Ongoing and planned studies and projects include Transportation Systems Monitoring Program, applications of Geographic
Information System, Grand Boulevard Initiative, various corridor planning studies, introduction of a web portal to make CMP information (e.g., travel demand model data, GIS information, and CMP documents) more easily accessible to Member Agencies, coordination on efforts with regional partners such as MTC and Caltrans on behalf of Member Agencies, and general technical assistance to Member Agencies on a wide range of transportation topics.

VTA staff also participates in efforts led by regional or state agencies. Ongoing efforts in this area include are Caltrans’ annual Project Initiation Document (PID) work planning, amendments to Caltrans’ recent update of the Highway Design Manual, the continuing efforts for the development of a connected system of express lanes, and activities associated with AB 32 and SB 375 climate protection bills. Lastly, VTA staff participates and supports Member Agency efforts for specific plan developments and general plan updates.

4.1. Transportation Management Information Systems (TMIS)

TMIS includes the ongoing process to collect and use transportation data and information, and to use this information to measure the performance of the transportation system.

There are four ongoing TMIS efforts:

4.1.1. Countywide Land Use Database

VTA has developed a GIS-based land use database for the county using information from the County Assessor, Member Agencies, and other county and regional agencies. This information allows for allocation of future growth using ABAG projections data aligned with the adopted general plans and development policies of the Member Agencies. This data is also used to improve the countywide demand model and travel demand forecasts for capital projects. This database is provided to Member Agencies for their use in planning and engineering projects. It is updated and expanded as part of the annual CMP monitoring process.

4.1.2. CMP Transportation Model Data Distribution

Member Agencies frequently prepare transportation models for use in their own jurisdictions that provide more detail on local transportation conditions than the countywide model. The CMP statute requires that local transportation models be consistent with the countywide model. A significant amount of data is required to develop local models that are consistent with the countywide model. Data from the transportation model database is upon request electronically provided to Member Agencies.

4.1.3. CMP Transportation System Database

The CMP and Member Agencies are responsible for collecting and evaluating information on the CMP System condition and performance. This data is used to develop capital and operating transportation system improvement programs.
4.1.4. CMP Information via the Internet

VTA has used the Internet and related applications to make the wide array of CMP-related information available to Member Agencies. This information includes the various CMP documents and guidelines, GIS-based information, Countywide Bikeways Map, interactive bike maps, level of service maps, countywide long-range transportation plan (i.e., VTP 2040) documents, and the Programmed Projects Quarterly Monitoring Report. Efforts are underway now to make all of this and more information available to Member Agencies through an update web site and collaboration portal.

4.2. Transportation Systems Monitoring Program (TSMP)

The purpose of the TSMP is to provide local jurisdictions, VTA advisory committees, and the VTA Board with information on the health and performance of transportation systems in Santa Clara County in a single, public friendly report format. The TSMP also functions as an asset management tool for Santa Clara County’s transportation system infrastructure. The data collected is useful for transportation planning purposes, identifying areas in the transportation system needing improvements, and building a case for allocating resources to make improvements or correct deficiencies. The TSMP is updated as part of the CMP work program.

4.3. Transportation Systems Planning and Project Development Assistance

VTA staff continues to provide support to local agencies and assist in the coordination of planning and project development work related to transportation improvements, especially those on the regional transportation system. The projects range from interchange improvement projects to freeway overcrossings to rapid transit improvements on State highways. VTA staff will continue to play a key role in ensuring that transportation system improvements address the needs of all modes of travel supported by the CMP and local agencies.

Ongoing and planned studies and projects include Transportation Systems Monitoring Program, applications of Geographic Information System, Grand Boulevard Initiative, various corridor planning studies, introduction of a web portal to make CMP information (e.g., travel demand model data, GIS information, and CMP documents) more easily accessible to Member Agencies, coordination on efforts with regional partners such as MTC and Caltrans on behalf of Member Agencies, and general technical assistance to Member Agencies on a wide range of transportation topics.

4.4. Countywide Transportation Plan (VTP 2040) and Follow-up Activities

VTP 2035, adopted by the VTA Board on January 8, 2009, is the countywide long-range transportation plan for Santa Clara County. The VTP drives the overall planning and programming efforts of VTA. VTP includes programs and policies for delivering a multimodal transportation system for Santa Clara County by providing a framework for making key transportation decisions, a plan for investing in our transportation system, and strategic direction for VTA’s involvement in land use and other livability issues. VTP 2035 contains programs that:
• Improve the relationship between land use and transportation decisions, and responds to heightened awareness of the link between transportation and open space preservation, urban design, and in general, the county’s quality of life and economic vitality;
• Focus on maintaining and managing our existing system, while providing the capacity to expand elements of the transportation system;
• Provide multimodal transportation improvements, effectively distribute transportation resources and plans their future use, and effectively upgrades the existing state and local roadway system;
• Address new legislation related to climate protection;
• Provide a Strategic Planning Framework for VTA.

The VTP identifies transportation improvements for transit, roadway, bicycle, and pedestrian systems, and a financial plan for implementing the related projects. The VTP 2040 update is scheduled for adoption by the VTA Board in June 2013, following a schedule similar to that of MTC’s update of the RTP. The significant new legislation change in the RTP indicates significant policy adjustments will continue after the VTP and RTP are adopted. Implementation of the SCS and programs in the VTP will be carried out immediately after the Plan is adopted.

As part of the requirement to access the One Bay Area Grant (OBAG), VTA has the responsibility of developing a Priority Development Area (PDA) Investment and Growth Strategy. By May 1, 2013, CMAs shall present information related to PDA Investment & Growth Strategy development to MTC. The VTA is in the process of developing the PDA Investment and Growth Strategy. The purpose of a PDA Investment & Growth Strategy is to ensure that VTA has a transportation project priority-setting process for OBAG funding that supports and encourages development in the region’s PDAs. We will have to provide Regional Agencies with a status report each year for the timeframe of the plan, which is 2016.

The first report that VTA is assembling will be done through a collaborative process involving a working group of planners, advocates, and the community. Within the first year to develop the PDA Growth Strategy, VTA will gather information related to housing element objectives and identifying current local housing policies that encourage affordable housing production and/or community stabilization from our Member Agencies. This will be done through a survey conducted by the Association of Bay Area Governments (ABAG). VTA will also collect data related to employment and transportation needs within these PDAs throughout the life of the process.

VTA staff will work with the working group to define a process to gather new information and/or improve the existing report. The report can be modified based on the input and information we can collect. Based on the feedback we receive, we may also modify our project selection criteria for the next cycle of funds.
5. INNOVATIVE DELIVERY TEAM PROGRAM (iTEAM)

The iTEAM is a new initiative for a new model for partnering with Caltrans District 4 in Silicon Valley with the objective of better transportation service to Silicon Valley and serving as an innovation test lab to develop best practices for transportation. The initial iTEAM efforts are to focus on local assistance, project delivery and traffic engineering/innovative transportation solutions. The local assistance efforts are to include expanded training to local agencies, increased assistance to local agencies on local assistance matters, and coordination leading to expedited payment of invoices by Caltrans accounting. The capital delivery efforts are to focus on streamlining of capital project delivery. The traffic engineering/innovative transportation solutions efforts are to focus on process improvements for traffic operations analysis review and application of technology solutions to transportation. In addition, enhanced efforts to address litter and graffiti issues will be future considerations for the iTEAM.
Santa Clara Valley Transportation Authority Congestion Management Program

Major Accomplishments in FY 2013

The summary below details the major accomplishments for the Congestion Management Program in FY 2013.

Programming & Grants:
- Developed and programmed the first round of the Federal STP/CMAQ funded OBAG program.
- Developed and programmed the Santa Clara Vehicle Emissions Reductions Based at Schools (VERBS) program.
- Implemented administrative procedures for the newly enacted SB83/2010 Measure B Vehicle Registration Fee program.
- Developed and programmed the FY 2013 TFCA 40% Program.
- Developed and programmed FY 2013 TDA Article 3 Program, which funds the backbone of most member agencies sidewalk and ADA curb ramp programs.
- In partnership with the County, developed and programmed several rounds of Lifeline program funding to support expanded transportation services.

Planning:
- Update of the long-range transportation plan (VTP 2040).
- Updated Annual Monitoring and Conformance Requirements.
- Completed the 2012 CMP Monitoring and Conformance Report.
- Initiated the TIA Guidelines update.
- Prepared Proactive CMP reports on a quarterly basis.
- Continued implementation of the 2008 Countywide Bicycle Plan.
- Initiated the Bike Share Pilot Program.
- Initiated update of the CDT Manual.
- Assisted local jurisdictions with transportation planning and programs.

Project Development:
- Continuing SOM working Group liaison activities working with Member Agencies, including assessments of the TIA Guidelines and traffic signal coordination strategies.
- Complete update to Transportation System Monitoring Program with acceptance by VTA Board planned for June 2013 meeting.
- Implemented new ramp metering for I-280.
- Updated Project Initiation Document (PID) Work Program working with Member Agency staff.
- Continued to represent Member Agencies on various regional and state initiatives and groups.
- Completed review of 54 documents (traffic studies, environmental documents, notices of preparation, etc.) as part of the Proactive CMP process for the period of July 1, 2012 through December 31, 2012.
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: FY2013/14 TDA3 Project Priorities

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a resolution approving the project priorities for the FY2013/14 Countywide Transportation Development Act Article 3 Program.

BACKGROUND:

Transportation Development Act (TDA) funds are derived from a ¼-cent of the State's general sales tax. Article 3 of the TDA makes a portion of these funds available for use on bicycle and pedestrian projects.

The Metropolitan Transportation Commission (MTC) programs TDA Article 3 funds in the nine Bay Area counties. Each year, MTC requests that the Congestion Management Agency (CMA) in each Bay Area county coordinate and submit annual TDA Article 3 program funding priorities for their respective counties. VTA, as the CMA for Santa Clara County, develops the countywide program. After the VTA Board adopts the projects, the list is forwarded to MTC for approval and project sponsors apply for reimbursement directly to MTC.

On December 9, 2004, the VTA Board of Directors dedicated 25% of Santa Clara County’s TDA Article 3 funds to projects on the countywide Bicycle Expenditure Program (BEP) list through 2030. The remaining 75% of the annual allocation is guaranteed to Member Agencies based on the most recent California Department of Finance population estimates. These funds may be used for any eligible project and are referred to as the Guarantee Fund.
On November 5, 2009, the VTA Board of Directors adopted a funding program for County Expressway Pedestrian Projects and dedicated up to $150,000 per year from the TDA3 BEP set-aside to help fund such projects.

If a Member Agency is unable to complete a project within the two-year period, the agency may rescind the project. When a project is rescinded, the funds are reallocated to the agency as part of its guarantee in the following cycle instead of reverting back to the countywide pool. In the event that an agency fails to rescind a project and funds lapse, the funds revert back to the countywide pool.

VTA policy also allows an agency to bank their TDA funds for up to three cycles in order to fund a larger project. Banked funds are added to an agency’s Guarantee Fund amount in the following year. A member agency must inform VTA in writing of its intent to either claim or bank its TDA3 guarantee funds; failure to do so means that the funds revert to the countywide pool in the next cycle.

**DISCUSSION:**

The total TDA Article 3 funding available for programming this year is $3,397,521. Attachment A lists the VTA staff recommendations for the entire Santa Clara County TDA Article 3 program as discussed below and Attachment B contains a brief description of each project. The TDA Article 3 program was developed in accordance with MTC’s Local Process Resolution, MTC’s project requirements and the VTA board-adopted policies discussed above. The following paragraphs explain the staff recommendation for programming these funds:

**Guarantee Fund**

This year, a total of $2,633,431 is available to the cities and the County for the Guarantee Fund. This total includes funds that were banked or rescinded in prior years. Member agencies claimed $2,060,156 of the Guarantee Fund this year. Per attachment A, 6 agencies are collectively banking $683,275 guaranteed and Expressway Pedestrian funds and this total is not being added to the amount claimed.

**BEP Fund:**

This year, there is $614,090 available for BEP projects. VTA received two applications for BEP projects from Campbell and Sunnyvale totaling $614,090. Staff recommends funding these projects.

**County Expressway Pedestrian Projects**

A total of $150,000 is available for County Expressway Pedestrian Program projects this year. County staff requested that $40,000 be awarded to the City of Morgan Hill for the DeWitt Avenue Sidewalk Extension Project and bank the remaining $110,000 until next year. VTA staff concurs with this request and recommends that it be adopted by the VTA Board.

**ALTERNATIVES:**
The VTA Board may recommend an alternative list of project priorities, however all projects submitted for TDA Article 3 funds must adhere to TDA law and MTC’s TDA Article 3 Rules and Procedures.

**FISCAL IMPACT:**

Approximately $2.7 million in TDA Article 3 funds will be made available to projects in Santa Clara County. The projects and programming described in this memorandum are not included in the VTA Capital Budget because VTA's role in the TDA Article 3 process is limited to prioritizing the annual program of projects. Project sponsors apply for reimbursement directly to MTC. The appropriation for costs of VTA staff support of this program is included in the Recommended FY13/14 Congestion Management Program Fund Operating Budget.

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

The Bicycle and Pedestrian Advisory Committee (BPAC) considered this item at the May 15, 2013 meeting and unanimously recommended it to the full Board for approval.

The Technical Advisory Committee (TAC) considered this item at the May 16, 2013 meeting and unanimously recommended it to the full Board for approval.

The Policy Advisory Committee (PAC) considered this item at the May 16, 2013 meeting. The City of Los Altos identified an error in the guarantee funding recommendation for the City. VTA staff corrected the amount to $65,726 verbally at the meeting and staff updated Attachment A for CMPP accordingly. The Committee unanimously referred the corrected recommendation it to the full Board for approval.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Congestion Management Program & Planning Committee considered this item at its May 23, 2013 meeting as part of its consent agenda and unanimously recommended it to the full Board for approval.

Prepared by: Bill Hough
Memo No. 4008
## Attachment A: Submittal of Countywide Coordinated Claim to MTC for the Allocation of FY2013/14 Funds to Claimants in Santa Clara County

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<thead>
<tr>
<th>Project Sponsor</th>
<th>Project Name</th>
<th>Guarantee Request</th>
<th>BEP Project Request</th>
<th>Expressway Pedestrian Imps.</th>
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Campbell  **Campbell Bicycle & Pedestrian Project**
City will design and construct bike/ped improvements on Campbell Avenue, Winchester Boulevard, Hacienda Avenue, Los Gatos Creek Trail and Virginia Avenue.

Campbell  **Campbell Avenue Portals Project**
City will construct a number of improvements on Campbell Avenue including sidewalk improvements and bike lanes between Union and Poplar Avenues.

Cupertino  **McClellan Road Sidewalk Construction Project**
City will construct a sidewalk along the south side of McClellan Road between Tressler Court and Club House Lane.

Los Altos  **Grant Road Bike/Ped Path**
City will construct a bike/ped path along Grant Road between Altamead Drive and Bryant Avenue.

Los Altos Hills  **Town-Wide Off-Road Multi-Use Pathway Improvements**
Town will construct improvements necessary to ensure safety of pedestrians and bicyclists when using pathways.

Los Gatos  **Blossom Hill Park Pathway**
Town will replace the worn-out Blossom Hill Park Pathway to improve pedestrian access to the park.

Milpitas  **Construction of ADA Ramps**
City will install intersection ADA curb ramps for pedestrians at locations throughout the city.

Monte Sereno  **Highway 9 Pedestrian Safety Improvements**
City will construct asphalt/concrete pathway, curb, gutter, dike, retaining walls, crosswalks, pedestrian warning lights and appurtenant work along Highway 9.

Morgan Hill  **DeWitt Avenue Sidewalk Extension**
City will pave a worn off-road footpath along DeWitt Avenue.

Palo Alto  **Charleston “Connection Corridor” Pathway Improvement Project**
City will provide improvements along the Class I bike and pedestrian pathway from Charleston Road to the Adobe Creek Bridge at Mitchell Park.

San Jose  **Citywide Class I, II, and III Bicycle Facilities**
City will install bicycle lanes including signage, striping, and bicycle-friendly signal detection in Planned Bikeways of the Council-adopted San Jose “Bike Plan 2020.”

San Jose  **ADA Curb Ramps**
City will install ADA Curb ramps on public sidewalks at locations throughout the City of San Jose.

San Jose  **Citywide Bike Parking Facilities**
City will install bike parking facilities, including bike racks, bike corrals and bike lockers, throughout the city.

San Jose  **Bike Safety Education & Encouragement**
City will create and provide programs, classes and materials to promote and encourage safe bicycling throughout the city.
**Saratoga**  **Saratoga Avenue Pathway Project**
City will install a concrete/cement walkway along Saratoga Avenue between Lutheria Way and La Paloma Avenue.

**Sunnyvale**  **Mary Avenue Bicycle Lanes**
City will install bicycle lanes on Mary Avenue between Fremont and Maude Avenues.

**Sunnyvale**  **Remington Drive/Manet Drive Pedestrian Improvements**
County will install curb extensions, crosswalk & ADA ramp improvements on Remington and Manet Drives.

**Santa Clara County**  **San Martin Avenue Pedestrian Project**
County will construct sidewalk curb/gutter and ADA pedestrian ramps on San Martin Avenue.
RESOLUTION OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
BOARD OF DIRECTORS AUTHORIZING THE SUBMITTAL OF COUNTYWIDE
COORDINATED CLAIM TO THE METROPOLITAN TRANSPORTATION
COMMISSION FOR THE ALLOCATION OF FISCAL YEAR 2013/14 TDA ARTICLE 3
PEDESTRIAN/BICYCLE PROJECT FUNDS TO CLAIMANTS IN SANTA CLARA
COUNTY

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities
Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional
transportation planning agency for the funding of projects exclusively for the benefit and/or use
of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional
transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution
No. 875, Revised, which delineates procedures and criteria for submission of requests for the
allocation of TDA Article 3 funds; and

WHEREAS, MTC Resolution No. 875, Revised requires that requests from eligible
claimants for the allocation of TDA Article 3 funds be submitted as part of a single, countywide
coordinated claim, composed of certain required documents; and

WHEREAS, the Santa Clara Valley Transportation Authority has undertaken a process in
compliance with MTC Resolution No. 875, Revised for consideration of project proposals
submitted by eligible claimants of TDA Article 3 funds in Santa Clara County, and a prioritized
list of projects, included as Attachment A of this resolution, was developed as a result of this
process; and

WHEREAS, each claimant in Santa Clara County whose project or projects have been
prioritized for inclusion in the fiscal year 2013/14 TDA Article 3 countywide coordinated claim,
has forwarded to the Santa Clara Valley Transportation Authority a certified copy of its
governing body resolution for submittal to MTC requesting an allocation of TDA Article 3
funds; now, therefore,

BE IT RESOLVED, that the Santa Clara Valley Transportation Authority approves the
prioritized list of projects included as Attachment A to this resolution; and furthermore,

BE IT RESOLVED, that the Santa Clara Valley Transportation Authority approves the
submittal to MTC, of the Santa Clara County fiscal year 2013/14 TDA Article 3 countywide,
coordinated claim, composed of the following required documents:
A. transmittal letter;
B. a certified copy of this resolution, including Attachment A;
C. One copy of the governing body resolution and required attachments, for
   each claimant whose project or projects are the subject of the coordinated
   claim;
D. a description of the process for public and staff review of all proposed projects submitted by eligible claimants for prioritization and inclusion in the countywide, coordinated claim;
E. confirmation that each project meets Caltrans’ minimum safety design criteria and is ready to implement within the next fiscal year.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Transportation Authority on _________________ by the following vote:

AYES:

NOES:

ABSENT:

Joe Pirzynski, Chairperson
Board of Directors

ATTEST: Approved as to Form:

Sandra Weymouth, Board Secretary

Robert Fabela
General Counsel
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Project Readiness Agreement Term Extension

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

ACTION ITEM

RECOMMENDATION:

Approve extension of the term of the Project Readiness Initiative Program until all of the approved funding is depleted or June 30, 2014, whichever occurs first.

BACKGROUND:

On March 4, 2010, the VTA Board of Directors programmed $1 million in Local Program Reserve funds for a new VTA administered program, called the “Project Readiness Initiative” (PRI). The objective of the PRI is to provide financial support to VTA’s member agencies, enabling them to develop project concepts and produce grant applications for the many competitive Federal, State and regional transportation grant programs that exist. Grants may be used to develop project concepts and applications for any surface transportation grant program administered through the Federal Department of Transportation and/or its surface transportation modal agencies, the California Department of Transportation, the Metropolitan Transportation Commission (MTC), the Bay Area Air Quality Management District (BAAQMD) and VTA.

Member agencies may use the funds to:

1. Pay for in-house project concept and application development on a time and materials basis.
2. Contract for consultant services to develop project concepts and applications. Cities may use their own solicitation processes or select consultants from VTA’s on-call list.
3. Contract with VTA for consultant services to develop project concepts and applications.
Since the adoption of the PRI in 2010, member agencies have spent approximately $587,000 developing project concepts and preparing project grant applications to compete for these funds. A report of the use of PRI funds by agency is included with this memorandum as Attachment A.

On September 1, 2011, the VTA Board extended the term of the PRI until June 30, 2013.

**DISCUSSION:**

When the Board adopted the PRI, it was designed to be a two-year program, covering FY2009/10 and FY2010/11. Since then, VTA has executed agreements with member agencies for all of the funds ($1,000,000), and the member agencies have collectively drawn down approximately 65% of those funds developing project applications. VTA staff anticipates additional Federal, State and regional transportation funds to be available in upcoming year and continuation of the PRI program would allow member agencies to continue to develop project applications to make use of those funds for transportation projects in Santa Clara County.

**ALTERNATIVES:**

The Board of Directors could choose not to extend the term of the PRI, allowing it to sunset on June 30, 2013 and returning any remaining funds to the Local Program Reserve.

**FISCAL IMPACT:**

There is no fiscal impact as a result of this action. The VTA Board previously approved the $1 million in LPR funds on March 4, 2010. Any funds remaining on June 30, 2014 would revert to the Local Program Reserve Fund for future programming by the Board.

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

The Technical Advisory Committee (TAC) considered this item at the May 16, 2013 meeting and unanimously recommended it to the full Board for approval.

The Policy Advisory Committee (PAC) considered this item as part of the consent agenda at the May 16, 2013 meeting and unanimously recommended it to the full Board for approval.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Congestion Management Program & Planning Committee considered this item as part of its consent agenda at its May 23, 2013 meeting and unanimously recommended it to the full Board for approval.

Prepared by: Bill Hough
Memo No. 4057
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As of 5/20/2013
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow


Policy-Related Action: No

Government Code Section 84308 Applies: Yes

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with Kittelson & Associates, Inc. for Monitoring and Conformance Program services for an amount not to exceed $1,128,012 for the 2013-17 cycles. The first contract will be to provide monitoring services for the 2013 Monitoring and Conformance cycle with up to four one-year extensions through 2017.

BACKGROUND:

Proposition 111, established the State of California’s Congestion Management Program (CMP) requirements and created congestion management agencies (CMAs) to carry out the CMP statute. VTA is the designated CMA for Santa Clara County. The CMP designates specific transportation facilities as CMP facilities, and requires that all CMP facilities operate at or above a minimum threshold performance standard, or level of service (LOS). In order to assess the performance of the system, VTA annually prepares a Monitoring and Conformance Report. To prepare the report, VTA contracts for the consultant service to assist VTA staff in gathering and analyzing the necessary data. Traffic data collected for the report is also used for transportation planning studies in the county and for updating the CMP countywide travel demand forecast model.

DISCUSSION:

VTA issued a Request for Proposals (RFP) for monitoring and conformance services on March 1, 2013. VTA contacted 20 firms known to VTA to conduct work in the subject area and advertised the RFP on VTA’s website.
The work scope for the 2013-2017 Monitoring Reports RFP was substantially similar to previous work scopes, but included some new elements. Highlights of new elements in the 2013-2017 work scope include the following:

- **Intersection data collection:** The consultant will collect PM peak-hour vehicular, pedestrian and bicycle counts at all CMP Intersections and analyze CMP data unless a Member Agency opts to conduct their own LOS analysis. Prior to 2012, Member Agencies collected data for CMP intersections.

- **Software:** VTA has used TRAFFIX software for CMP Intersection analysis in the past. VTA will continue to use TRAFFIX for at least one more monitoring cycle but expects the consultant to assist in the transition to new software of VTA’s choice.

- **Freeway data collection:** VTA has used aerial photography to collect data for freeway segments since 1997. For this RFP, VTA solicited proposals to transition to collecting freeway traffic data using innovative data sources, such as big data, Bluetooth, the Caltrans Performance Measurement System (PeMS), or by leveraging traditional data sources. These methodologies may have a number of potential benefits when compared with the aerial photography method, in that they could potentially provide more comprehensive data on freeway congestion at a lower cost. At the same time, one challenge of using a new data collection method would be ensuring that the LOS results are comparable to previous years. Therefore, running sensitivity tests on the LOS results from previous years will be an important element of this transition. The intent is to take advantage of the latest developments in data collection methods to help VTA complete this task with high quality data in a cost-effective manner.

- **Density-speed-flow curve:** The consultant will be asked to update the density-speed-flow curve used in freeway LOS calculations (last updated in 2001) by either recalibrating the model or proposing a new curve.

- **Multimodal evaluation and HCM 2010 transition assistance:** The consultant will assist VTA in efforts related to multimodal performance analysis, using methods presented in the 2010 Highway Capacity Manual or other methodologies, and provide assistance with VTA’s overall transition to the 2010 Highway Capacity Manual.

Four firms submitted proposals: IBI Group, Iteris Inc, Kittelson Associates Inc, and TJKM. The written proposal from each consultant was reviewed and evaluated by a Panel consisting of a Deputy Director, a Transportation Planning Manager, a Contracts Administrator, a Transportation Engineer, and a member agency staff member.

Evaluation of the written proposals will use the following criteria:

- Qualification of the Firm
- Staffing and Project Organization
- Project Understanding
All four consultants were invited for an oral interview on April 19, 2013 where they presented their company experience, demonstrated understanding of the contract requirements and responded to questions from the Review Panel. The review panel scored the firms using the following criteria:

- Qualification of Project Manager and Project Team
- Answers to Questions Asked by Review Panel
- Overall Impression of the Written Submittal and Oral Interviews

Upon completing interviews, the Review Panel evaluated all information provided and selected Kittelson & Associates, Inc. as the preferred consultant to provide the services to VTA. The key considerations behind this recommendation include:

- **Project Requirements:** KAI demonstrated a complete understanding of the project requirements. Regarding VTA’s goal to use big data approaches to collect better quality data as part of the freeway monitoring requirement, KAI was the only firm that proposed a solid approach to test results of several new methodologies over the coming years while maintaining continuity with past Monitoring and Conformance findings. KAI also demonstrated expertise in other key elements of the program where VTA may transition to new methodologies over the coming 5-year period, such as the density-speed-flow curve, TRAFFIX software, and multimodal performance measures, and provided a plan to train VTA and Member Agencies in these areas. Out of the four proposals, KAI was the only firm that demonstrated superior knowledge and expertise in all the tasks required for the Monitoring and Conformance contract.

- **Experience:** KAI presented a solid portfolio of experience in all aspects of the work required for the Monitoring and Conformance contract, including data collection and analysis for freeways, rural highways, and intersections, and multimodal analysis. The KAI team includes staff members who assisted in the development of both HCM 2000 and HCM 2010 methodologies and are deeply versed with these methodologies. In addition, KAI completed Monitoring and Conformance work for VTA in 2012, when they merged with Dowling & Associates, Inc., who has performed Monitoring and Conformance work for VTA since 1997. The project team proposed for this contract includes staff members who have worked on multiple reports for VTA back to 1997, including staff who assisted VTA in the last update of the density-speed-flow curve in 2002. KAI also provides access to additional staff members at their 12 offices across the US to provide fresh perspectives on critical tasks for the upcoming contract including new data collection technologies and multimodal performance measures. As such, they are deemed to have the necessary experience needed to fulfill the contract requirements.

- **Price:** Although it was not the lowest cost proposal submitted, the cost proposal submitted by KAI was within the amount included for this work in the Draft Recommended Budget for Fiscal Year 2014 and Fiscal Year 2015. The hourly billing
rates for key project staff were judged to be both reasonable and comparable to rates charged by other firms performing similar work, and the hours of work proposed for each task were judged to accurately reflect the level of effort required to complete the tasks and provide quality assurance to VTA.

ALTERNATIVES:
The collection the traffic volumes and operations data as specified in this contract is necessary in order to comply with Congestion Management Program requirements. The work described in this contract would not be practical or cost-effective for VTA staff to perform because the tasks require equipment and technical expertise that are not available in-house. The Board may, in its discretion, decide not to approve the contract with Kittelson & Associates, Inc. as recommended by staff. However, this would necessitate the selection of another consultant, which could impact the schedule of the Project.

FISCAL IMPACT:
The appropriations for the first two years of this contract are included in the FY14 & FY15 Recommended Congestion Management Program Fund Operating Budgets. Appropriations for subsequent years will be included in future recommended budgets.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION:
Since this project does not involve federal funds, there is no Disadvantaged Business Enterprise (DBE) goal.

SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION:
Based on identifiable opportunities, a Small Business Enterprise (SBE) goal of 14.53% was established for this contract. The proposal by KAI achieves this goal with 14.6% of the dollar value of work to be performed by a SBE.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:
This item was on the Consent Agenda at the May 2013 Congestion Management Program and Planning (CMPP) Committee meeting. The Committee unanimously approved the item as part of the Consent Agenda and had no comments or questions.

Prepared by: Robert Cunningham
Memo No. 4084
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BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Update to Tamien Joint Development

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

ACTION ITEM

RECOMMENDATION:

Approve the proposed Development Concept for the Tamien Development Project (Project) and authorize the General Manager to proceed with the next phases of the entitlement process for this Project.

BACKGROUND:

In October 2012, the VTA Board approved the award of a real estate and development services contract to the Dahlin Group, Inc. Located south of downtown San Jose, Tamien Station (as depicted in Exhibit A) is a multimodal transit station. VTA Staff engaged Dahlin Group to perform all services needed to design and entitle a transit-oriented development project on the easterly side of the VTA Light Rail and Caltrain Stations (“Tamien”). In that action, the Board directed staff to return for further authorization after the initial phase of contract services had been performed by the Dahlin Group. This direction is also consistent with the Board-approved Joint Development Policy and Implementation Plan, which provides the detailed framework for any Joint Development project implemented by VTA on its assets. As stated in the Joint Development Policy and Implementation Plan, the development process on any given site shall officially begin with the approval by the VTA Board of a “Development Concept” before further necessary project entitlements are procured.

DISCUSSION:

Staff has been managing a multi-phase site planning process led by the Dahlin Group, Inc. For the Project. After extensive analysis of various site constraints and market projections, as well as
very preliminary feedback from City of San Jose (CSJ) planning staff, the Dahlin Group, Inc. Has prepared a preliminary site plan, or Development Concept, for Tamien consisting of a mixed-product type residential project consisting of 263 potential rental units in a 5-story “wrap” product with a central green and 36 potential for-sale, 3-story townhomes for a total density of 43.3 dwelling units to the acre (dua) for this easterly development site (see Exhibit B). While the architectural details and elevations of the Development Concept have not been prepared at this phase, examples of these building types and the existing contextual environment of the Project are illustrated in Exhibit C.

Staff believes that the Development Concept is appropriate for Tamien for several reasons. First, the Development Concept will seamlessly integrate within the existing contextual environment as well as anticipated future, adjacent development. The Project site is located adjacent to CSJ-owned property and the CSJ Council recently approved the disposition of the northern portion of its property to Rocketship Education for the construction and operation of a charter elementary school and playground. The remaining CSJ-owned property is planned as a park, which will be a compatible use to the charter school and VTA’s proposed adjacent townhomes. As shown on the Site Plan, going in an easterly direction from the CSJ-owned park, the heights will gradually increase from 3-story to 5-story to the two 12-story towers previously approved by the CSJ for Swenson Builders at the corner of Lick and Alma Avenues.

Second, the density and heights of the proposed Development Concept are consistent with existing Tamien Area Specific Plan. Under this land use framework, the Project site can be developed up to 55 dua with maximum 60 feet heights. The proposed building types, 5-story wood-framed wrapped apartments and 2-story townhomes, respectively, are within the allowable height and density ranges. While the Development Concept will not require a General Plan or Specific Plan amendment, CSJ planning staff has advised VTA that a Zoning Amendment to change the existing zoning from Light Industrial to Planned Development will be needed because the CSJ Zoning Ordinance for this Project site is inconsistent with the General Plan and Specific Plan.

Equally importantly, the Dahlin team believes the proposed Development Concept is very market viable. The economic analysis of construction costs and current market demand gives strong preference to wrap-buildings over high-rise development. Current costs for steel-framed high-rise development does not "pencil out" and therefore is not as prevalent in today's development market. As reflected in construction projects currently underway all around the City of San Jose, wood-frame "type 5" construction is very cost-effective while still achieving desirable densities. It is important to note that the density of the wrap-building achieves the necessary number of units to receive credit from the PDO credits involved in the land transaction with the City in July 2011 (a total of 251 credits).

Another obstacle to the development is gaining the support of the local community. The project team will engage the community throughout the process to get their input and reflect the community vision in the final plan. The team will work with the community in order to have a better understanding of the project objectives and the rationale for the proposed development.
**ALTERNATIVES:**

The Board of Directors could choose not to approve the project to advance and the potential transit-oriented development and long-term ground lease will not be realized.

**FISCAL IMPACT:**

Appropriation required for Phase II work performed through June 2013 is available in the Adopted FY13 Joint Development Program Fund Capital Budget. Appropriation for the remainder of the Phase II work is included in the Recommended FY14 & FY15 Joint Development Program Fund Capital Budget.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Congestion Management Program and Planning (CMPP) Committee considered this item on May 23, 2013, and recommended that it be placed on the Consent Agenda for the June 6, 2013, Board of Directors meeting.

Prepared by: Jennifer Rocci
Memo No. 4095
Exhibit B

DEVELOPMENT SUMMARY:
5 STORY WRAP: 263 UNITS
3 STORY TOWNHOMES: 36 UNITS
299 UNITS
DENSITY: 43.3 du/ac (299 du/6.9ac)

SITE PLAN
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: VTA OBAG Grant Applications: Sponsoring Agency Resolution

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

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt Sponsoring Agency Resolution of Support for VTA One Bay Area Grant (OBAG) projects.

BACKGROUND:

On November 5, 2012, VTA, acting its' capacity as the Congestion Management Agency for Santa Clara County, issued a call-for-projects for the One Bay Area Grant (OBAG) Competitive Complete Streets Program. This is a competitive grant program that provides Federal Congestion Mitigation and Air Quality (CMAQ) fund grants to projects in Santa Clara County that serve designated Priority Development Areas (PDAs). It is open to the cities, towns, County and VTA to compete for grants that will fund projects designed to support dense development and use of alternate modes.

Partnering with the Cities of Milpitas, Santa Clara, San Jose and the County of Santa Clara, VTA's Silicon Valley Rapid Transit (SVRT) and Engineering and Construction (E&C) Divisions submitted grant requests for the following three projects.

(1) Upper Penitencia Creek Trail Corridor Connection (San Jose): This project will close a critical gap in the Penitencia Creek Trail corridor, provides safe crossing of a busy arterial, and connects to the future Berryessa BART Station and San Jose Flea Market. This connector project consists of the design and construction of a 1/8th mile segment of shared use trail, one new
-intersection traffic signal trail crossing and supporting roadway improvements, trailhead gateways, interpretive signs, way finding and landscape buffers. The project creates a bicycle and pedestrian route that is completely separated from vehicular traffic and allows users to avoid Mabury Road and Berryessa Road altogether. Additionally, the UPC Trail Connector would reduce travel times for bicyclists and pedestrians traveling between the surrounding neighborhoods, the BART station campus and the San Jose Flea Market.

(2) **Montague Expressway Pedestrian Overcrossing at Milpitas BART Station** (Milpitas/County): When completed, this project will significantly enhance bicyclist and pedestrian safety by providing a grade-separated overcrossing that spans Montague Expressway. It will connecting key trip generators such as the Milpitas BART Station campus, the Great Mall shopping center, and planned transit-oriented development associated with the Milpitas Transit Area Specific Plan (TASP). Montague Expressway carries nearly 50,000 vehicles per day at this location, with a speed limit of 45 miles per hour. Currently, Montague Expressway can only be crossed in the vicinity of the future BART station at Great Mall Parkway/Capitol Avenue, approximately 650 feet west of the station, and at South Milpitas Boulevard, approximately 1,400 feet east of the station. The signal-controlled crossing of Montague Expressway at Great Mall Parkway/Capitol Avenue consists of 11 lanes of traffic running east/west with an approximate crossing distance of 234 feet from curb-to-curb. The signal-controlled crossing of Montague Expressway at South Milpitas Boulevard consists of 10 lanes of traffic running east/west with an approximate crossing distance of 150 feet from curb-to-curb. Neither crossing includes a pedestrian refuge in the median. Both crossings include a conflict with one or more high-speed right-turn movements. The long crossing distances, high speeds and large number of conflicting vehicles present a clear safety risk for bicyclists and pedestrians, a risk that would be eliminated with this project. VTA is only requesting funding for environmental clearance and design at this time. This is also a Bicycle Expenditure Program project.

(3) **Santa Clara Caltrain Station Bike/Ped Undercrossing** (Santa Clara/San Jose): This project would extend the recently opened pedestrian/bicycle tunnel under the Caltrain tracks at the Santa Clara/Caltrain/Altamont Commuter Express station. Additionally, it would construct a ramp and pathway connecting the tunnel to Brokaw Road. This would create a bicycle/pedestrian connection between Santa Clara University, the Santa Clara Caltrain station, Brokaw Road, Railroad Avenue and/or Benton Street. Currently, there is no safe or legal crossing for pedestrians or bicyclists. The nearest alternative is a 1.5 mile detour featuring high average daily traffic, high speed, narrow auto lanes, minimal sidewalks and no bike lanes or shoulders. Illegal crossings abound. This is also a Bicycle Expenditure Program project.

**DISCUSSION:**

Federal CMAQ funds fall under the Metropolitan Transportation Commission’s jurisdiction. One of MTC’s requirements is that project sponsors adopt what is called a “Sponsoring Agency Resolution of Support”. In order to receive CMAQ funds for these projects, the VTA Board must adopt the attached resolution which asserts that (1) VTA is an eligible grant recipient, (2) VTA has the ability to deliver these projects in accordance with regional, state and Federal project delivery requirements and (3) VTA will provide the minimum matching funds required.

**ALTERNATIVES:**

The VTA Board of Directors may choose not to adopt this resolution for any or all of these three projects.
**FISCAL IMPACT:**

If awarded, these grants will provide $3,545,009 in Federal Grant funds for VTA Capital projects. Appropriation for these projects will be included in the Recommended FY 2014 & FY 2015 2000 Measure A Transit Improvement Program Fund Capital Budget.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Congestion Management Program & Planning Committee considered this item as part of its consent agenda at its May 23, 2013 meeting and unanimously recommended it to the full Board for approval.

Prepared by: Marcella Rensi
Memo No. 4101
Resolution of Local Support
MTC Discretionary Funding
Resolution No.

Authorizing the filing of an application for funding assigned to MTC and committing any necessary matching funds and stating the assurance to complete the project

WHEREAS, the Santa Clara Valley Transportation Authority (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for $3,545,009 in Congestion Mitigation and Air Quality Improvement (CMAQ) funding for the Upper Penitencia Creek Trail Connection, Santa Clara Caltrain Station Bicycle/Pedestrian Undercrossing and the Montague Expressway Pedestrian Overcrossing at the Milpitas BART Station (herein referred to as PROJECTS) for the One Bay Area Grant Program (herein referred to as PROGRAM); and

WHEREAS, the Moving Ahead for Progress in the 21st Century Act (Public Law 112-141, July 6, 2012) and any extensions or successor legislation for continued funding (collectively, MAP 21) authorize various federal funding programs including, but not limited to the Surface Transportation Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives Program (TA) (23 U.S.C. § 213); and

WHEREAS, state statutes, including California Streets and Highways Code 182.6 and 182.7 provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

WHEREAS, pursuant to MAP-21, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal funds for a project shall submit an application first with the appropriate MPO for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of federal funds; and

WHEREAS, APPLICANT is an eligible sponsor for REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, as part of the application for REGIONAL DISCRETIONARY FUNDING, MTC requires a resolution adopted by the responsible implementing agency stating the following:

1. the commitment of any required matching funds of at least 11.47%; and
2. that the sponsor understands that the REGIONAL DISCRETIONARY FUNDING is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
3. that the project will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
4. the assurance of the sponsor to complete the project as described in the application, and if approved, as included in MTC’s federal Transportation Improvement Program (TIP); and
5. that the project will comply with all project-specific requirements as set forth in the PROGRAM; and
6. that the project (transit only) will comply with MTC Resolution No. 3866, revised, which sets forth the requirements of MTC’s Transit Coordination Implementation Plan to more efficiently deliver transit projects in the region.

NOW, THEREFORE, BE IT RESOLVED that the APPLICANT is authorized to execute and file an application for funding for the PROJECT for REGIONAL DISCRETIONARY FUNDING under MAP-21 for...
continued funding; and be it further

**RESOLVED** that the APPLICANT by adopting this resolution does hereby state that:

1. APPLICANT will provide $459,293 in matching funds; and
2. APPLICANT understands that the REGIONAL DISCRETIONARY FUNDING for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
3. APPLICANT understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and APPLICANT has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation projects, and has assigned, and will maintain a single point of contact for all FHWA-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans and FHWA on all communications, inquiries or issues that may arise during the federal programming and delivery process for all FHWA-funded transportation projects implemented by APPLICANT; and
4. PROJECT will be implemented as described in the complete application and in this resolution and, if approved, for the amount approved by MTC and programmed in the federal TIP; and
5. APPLICANT and the PROJECT will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the PROGRAM; and
6. APPLICANT (for a transit project only) agrees to comply with the requirements of MTC’s Transit Coordination Implementation Plan as set forth in MTC Resolution 3866, revised; and therefore be it

**RESOLVED** that APPLICANT is an eligible sponsor of REGIONAL DISCRETIONARY FUNDING funded projects; and be it further

**RESOLVED** that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and be it further

**RESOLVED** that there is no legal impediment to APPLICANT making applications for the funds; and be it further

**RESOLVED** that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and be it further

**RESOLVED** that APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and be it further

**RESOLVED** that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and be it further

**RESOLVED** that the MTC is requested to support the application for the PROJECT described in the resolution and to include the PROJECT, if approved, in MTC's federal TIP.
PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority
Board of Directors on June 6, 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 a majority 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, Counsel
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: PDA Investment and Growth Strategy - First Report

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

ACTION ITEM

RECOMMENDATION:

Approve the First Report of the Priority Development Area (PDA) Investment and Growth Strategy.

BACKGROUND:

On May 17, 2012, the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) adopted the One Bay Area Grant (OBAG) program to distribute federal funds. One requirement of the OBAG programming policies is the development by Congestion Management Agencies of a Priority Development Area (PDA) Investment and Growth Strategy (Attachment A). VTA has the responsibility of developing a PDA Investment and Growth Strategy for Santa Clara County and present the information to MTC by May 1, 2013. In each subsequent year after for the life of the Regional Transportation Plan cycle, VTA is required to produce a report that describes how Santa Clara County’s PDAs are developing over time.

DISCUSSION:

The first report essentially establishes a base-case by outlining exiting conditions within the county’s PDA in terms of housing, employment and transportation, using information from a variety of sources. The report will serve as the foundation for additional discussions on how to further develop the PDAs, and respond to housing, employment and transportation needs in those PDAs.
The six chapters of the report are outlined below.

- **Introduction** - Describes the origin of the process and the requirements, provides a discussion on the expectations from the Local Agencies and the community through this process, and presents a set of goals and objectives for the Report.

- **Priority Development Areas** - Describes how PDA’s are defined and located through ABAG’s FOCUS Program, and details the specific requirements for becoming a PDA. A discussion of the Priority Conservation Areas is also provided.

- **PDAs in Santa Clara County** - Provides a summary of the key characteristics of all the PDAs within this County. Included are explanations of employment and housing numbers in these areas based on ABAG/MTC estimates, and excerpts from a housing survey conducted by ABAG, and a survey of locations that are considered for an increase in employment by the local jurisdictions, but are not considered PDAs - this information would be used to outline a set of places that could become PDAs or a similar designation in the future.

- **Transportation Investments** - Provides an explanation of the One Bay Area Grant program and the linkage between Transportation investments and land use decisions, and begins the discussion of the possibility of using the Investment and Growth Strategy process to develop criteria for future PDA Planning Grant funding.

- **Engagement Process** - Highlights steps VTA is taking to keep this an open and productive process. As mentioned earlier, one of the ways that staff is engaging stakeholders in the process of developing the strategy is through a working group city staff and other interested parties that are helping to provide direction and guidance through this process.

- **PDA Reporting** - Outlines the tasks that will take place throughout the life of the future reports as the PDA Investment and Growth Strategy moves forward, identifies the resources needed for PDAs to develop, and discusses some of the challenges associated with updates of the Report and some approaches that might be used to address them.

As part of the development of the PDA Investment and Growth Strategy, the VTA conducted two open forums on this subject, one in December 2012 and another in February 2013. The purpose of these forums was to educate interested members of the VTA Committees, building and real estate professionals, planners, and the public on the process. These forums served as an introduction to the definition of the Strategy, a forum to gather feedback on Santa Clara County’s process, and to develop a working group of interested individuals who want to participate in the development of future reporting.

In late February, staff established a Working Group representing diverse interests that will be involved in the development of the process. The working group includes four city planners, three community advocates, and four members of the VTA Citizen’s Advisory Committee. This group will also be the main body to help staff develop the Investment and Growth Strategy report for future years. This working group met in April 2013 regarding the draft Investment and Growth Strategy and provided feedback to this report. The report was also presented to the VTA Capital Improvement Program Working Group and the Land Use Transportation Integration Working
Group for comment in April and May.

Comments received from the working group related to describing the need for this strategy were: develop a process for information gathering to help address the needs of the PDAs and describe the importance of providing future funding to these PDA locations. The report also will advocate for additional resources to help cities develop PDAs to their full potential.

As this is the first report, it should be viewed as a preliminary assessment of PDAs in Santa Clara County which is intended to be used to help educate and inform the community, planners, advocates, City Councils, and other interested parties as to the development potential and needed investment in and around the PDAs. For each subsequent year until May 1st, 2016, VTA must prepare a report that will describe the development of each PDA. Work on the second report will begin in the summer of this year.

**ALTERNATIVES:**

There are no alternatives as this report is a requirement of the One Bay Area Grant Program.

**FISCAL IMPACT:**

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

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

*Citizens Advisory Committee*

Member Powers asked how local General Plans were used in this process. Staff responded that the first report used information given by ABAG through a housing survey conducted. One aspect of this strategy would be to support General Plans to meet required housing goals and make sure that RHNA numbers are accurately reflected with City’s needs.

Member Blaylock requested that for future plans, the map of the PDAs be larger. Member Blaylock also encouraged use of the CAC to help with disseminating information to Cities. Member Hashimoto commented that this investment and growth strategy should look at other resources needed to maintain infrastructure within PDAs.

Member Rogers noted that the Priority Conservation Area designation in South County may not be in accordance with what the County of Santa Clara has in their plans. Staff responded that the County did mention that during the process to nominate PCAs, the County of Santa Clara was not adequately notified of the process and wanted that message conveyed to MTC and ABAG. It is hoped that the PCA application process would be open again to allow for Cities and Counties to apply.

*Technical Advisory Committee*

The Technical Advisory Committee received the report and approved the item. There were no comments.
Policy Advisory Committee

The Policy Advisory Committee received the report and approved the item. There were no comments.

STANDIING COMMITTEE DISCUSSION/RECOMMENDATION:

The Congestion Management Program and Planning Committee received the report and approved the item at their May 23, 2013, meeting. There were no comments.

Prepared by: John Sighamony
Memo No. 4078
Acknowledgements

VTA PROJECT STAFF

John Sighamony, Senior Transportation Planner
Tamiko Percell, Transportation Planner
Ying Smith, Transportation Planning Manager
Chris Augenstein, Deputy Director, Planning

INVESTMENT & GROWTH STRATEGY WORKING GROUP

Kevin Riley, City of Santa Clara
Randy Tsuda, City of Mountain View
Bill Shoe, County of Santa Clara
Hanson Hom, City of Sunnyvale
Bena Chang, Silicon Valley Leadership Group
Chris Lepe, TransForm
Michele Beasley, Greenbelt Alliance
Ray Hashimoto, Building Industry Association
Noel Tebo, Citizens Advisory Committee
Stephen Blaylock, Citizens Advisory Committee
# Table of Contents

TABLE OF CONTENTS.......................................................................................................................... 4  
1 | INTRODUCTION .......................................................................................................................... 5  
2 | PRIORITY DEVELOPMENT AREAS (PDAs) ............................................................................ 11  
3 | PDAs IN SANTA CLARA COUNTY ......................................................................................... 17  
4 | TRANSPORTATION INVESTMENTS ....................................................................................... 29  
5 | ENGAGEMENT PROCESS ......................................................................................................... 35  
6 | PDA REPORTING ..................................................................................................................... 39  
APPENDICES .................................................................................................................................... 45
The Metropolitan Transportation Commission (MTC), the San Francisco Bay Area’s metropolitan planning organization, is pursuing completion of its long range plan, the Regional Transportation Plan (RTP). Also known as Plan Bay Area, this will be the first long range transportation plan that incorporates guidelines as specified by SB 375 and connecting transportation and land use.

ABAG pioneered the Focus program that initiated the designation of Priority Development Areas (PDAs). PDAs are locations within existing communities that are being planned in a manner that will develop them into complete communities based on goals of transit connectivity, housing needs, and economic vitality.

The cities of Santa Clara County designated PDAs within their respective jurisdictions. These locations will be supported by technical and financial assistance from both ABAG and MTC. In the next few years of the RTP, Congestion Management Agencies (CMAs) will be asked to develop an Investment and Growth Strategy to track the growth within PDAs and have supporting transportation projects and programs that will complement that growth. This strategy will not only be a method of reporting growth in PDAs, but be used as a means of selecting projects for future grant funding. This document will be a report that will look at the current state of the PDAs by simply identifying them and looking at expected growth. For future reporting, this strategy will be modified based on input received from local government, advocacy groups, and other interested parties.

For cities, counties, boards of supervisors, and city councils, this report can be used to highlight development within PDAs, determine specific resources needed to sustain the PDAs, and be used as a tool to inform decision making. For advocacy groups, this report can provide information regarding housing and employment growth within PDAs and be used to advocate for resources within these locations. For the public, this report should give insight to regional and local planning efforts being undertaken as part of the long range planning process.

**INVESTMENT AND GROWTH STRATEGY ORIGINS**

On May 17, 2012, MTC and ABAG adopted the One Bay Area Grant (OBAG) program to distribute funds. As part of OBAG, MTC and ABAG adopted general programming policies for the distribution of funds by CMAs. The CMAs in Alameda, Contra Costa, San Mateo, San Francisco, and Santa Clara were required to direct at least 70% of their OBAG investments to PDAs for projects located either in, or serving the PDAs.

As part of the development of the RTP, MTC worked with CMAs, cities and counties, advocacy groups, other interested agencies, and the public to define a scope of work for the plan. Since
SB 375 had been adopted, there was some consternation on how to effectively produce a long-range transportation plan with that better tied together land use and transportation. The advocacy community responded that there should be a greater emphasis on the provision of affordable housing and strong housing policies to prevent displacement through this plan. Many local governments are still trying to understand the effects of SB 375 as it pertains to land use and transportation.

One of the requirements of the OBAG program is the development of a PDA Investment and Growth Strategy. As the CMA for Santa Clara County, VTA is responsible for developing the Investment and Growth Strategy by May 1, 2013. Many of the concerns that the advocacy community had regarding affordable housing and housing policies are being requested to be considered under this strategy.

Again, the purpose of the strategy is to ensure that CMAs have a transportation project priority-setting process for OBAG funding that supports and encourages development in the region’s PDAs recognizing that the diversity of PDAs will require different strategies. The Investment and Growth Strategy will identify specific transportation and land use needs that will rely on future federal and state funding to support development of PDAs. The following are activities CMAs need to undertake in order to develop a project priority-setting process:

- Engagement of regional/local agencies
- Develop planning objectives to inform policies
- Establishing local funding priorities

Beginning in 2013, for each year of the RTP cycle, CMAs are required to present Investment and Growth Strategy reports to MTC.

**OBJECTIVES OF THE INVESTMENT AND GROWTH STRATEGY**

Starting in May 2014 and in all subsequent updates, PDA Investment & Growth Strategies will assess local jurisdiction efforts in approving sufficient housing for all income levels through the RHNA process and, where appropriate, assist local jurisdictions in implementing local policy changes to facilitate achieving these goals.

Per the requirement from MTC and ABAG, CMAs will use the Investment and Growth Strategy to develop PDAs to a stage that will better reflect market conditions and land-use decisions within this County. The first report is a basic report that gathers data to set the stage for future reporting. Part of the work has been done in terms of a process to select projects for the OBAG
program; however it should be noted that a selection process should be formulated for future grant cycles. The Investment and Growth Strategy will identify future reporting activities that are intended to help facilitate this document as a useful tool to provide information to our Member Agencies and the public.

Since this is the first report in the PDA Investment and Growth Strategy cycle, there will be some change to how this report will look compared to future reports. Information on PDAs in Santa Clara County will be refined through dialogue with the cities that have the PDAs, which will include market conditions as well as future reporting through existing means. Although the process to select projects through the VTP process has ended, the next cycle for the VTP and the RTP will both begin within the next three years. The Investment and Growth Strategy hopes to have a direct connection with how the projects are chosen.

SANTA CLARA COUNTY’S STRATEGY

The objective in Santa Clara for the PDA Investment and Growth Strategy is to have a report that will be used by planners, city councils, and the public as an information piece on how each Local Agency is developing its PDAs. It should be noted that through this process, we will identify those that are developing as housing-centric PDAs, employment-focused PDAs, or a mix of both housing and jobs. As the CMA, VTA also does many activities related to monitoring land-use and transportation which would assist the information gathering. All of this work will be done through the Working Group of individuals assigned to the report.

In Santa Clara County there are a variety of PDAs, some of which are focused more on housing and some on the growth of employment. Originally, there was some concern whether or not this strategy would be used as a tool to reward those jurisdictions that could develop a higher share of jobs and housing. The intent of this process is to see how well PDAs respond to levels of increased jobs and housing growth that have been projected by ABAG and MTC and to see if PDAs are suitable locations for that growth to occur. The strategy will be in the form of annual reports to MTC and ABAG, due each May until the life of Plan Bay Area, which is five years.

The VTA is engaging cities, advocacy groups, developers, builders and other stakeholders through the development of a working collaborative to disseminate information. One of the first steps to engage these stakeholders was a set of Open Forums to discuss the development of the Growth Strategy, to solicit feedback on our process, as well as to provide input on information that we can gather as part of this process. The first forum was held in December 2012. The forum invited interested parties to share information as well as discuss the implementation of a final strategy, and was the start of the engagement process and will continue through the life of the plan. The second forum was held in late February 2013.
forum invited interested members to form a working group to help strategize for future reporting.

An outcome of these two forums was an open line of communication regarding the process as well as an outline for the report. It mainly set the stage for a working group of interested individuals to help guide the process. The Investment and Growth Strategy Working Group consists of city planners, advocacy groups, builders associations, and members of VTA’s Citizens Advisory Committee.

Within the first year of developing the PDA Growth Strategy, ABAG gathered information related to housing element objectives and identifying current local housing policies that encourage affordable housing production and/or community stabilization from our Member Agencies to be the main source of information for the first report. This information gathering by ABAG may continue to the next year. The data we review will be existing information from reports and surveys that are required by ABAG that will help prepare PDAs for future growth. The Working Group will define a process to gather new information and/or improve the existing reports. This first report is the outcome of input received by the working group.

**SANTA CLARA COUNTY’S GOALS FOR THE STRATEGY**

In the initial discussion through our Board Advisory Committee process and communication with various cities, there were some discussions regarding how to tailor the Investment and Growth Strategy to meet the needs of Santa Clara County. Some of the discussion identified how our County is addressing these requirements and the specific outcomes that will result through this process.

The goals of Santa Clara County’s strategy will be to:

- Make sure we have an understanding of the PDA concept – Even though PDAs have been identified by local government, some of the perceived notions of what will actually occur in the future in PDAs is to be determined. We must make sure that the information contained provides insight on how each PDA is different and if VTA’s vision of PDAs matches what the Cities and the County have in existing plans.

- Use this process to help educate and inform our community – Because state and regional policies have required this planning process to involve both transportation and land use, outreach to the interested groups and stakeholders will be necessary for the process. One of the requirements for all work related to the RTP/Plan Bay Area is a transparent process that allows for a variety of interests to be included in this process.
• Strategize for future growth through a collaborative process – This strategy will begin an open dialogue between a wide array of groups that reflects needs and resources for PDA development. An easy to understand report will be developed in order to accurately convey the needs and resources required for these specific locations. We want local government and the public to have a clear view of this process and have an opportunity for input. This should be a useful tool that can be easily communicated with city staff, city councils, and the public.

• Be a practical representation of what we can do – This process is new and will have an impact on future transportation funding, so it is important to have a strategy based on the realities of development with a practical understanding of what can and cannot be done. A large focus of PDAs has been on housing within PDAs; however, we must address the transportation needs for these locations and take in to account possible future employment growth. The outcomes of this should be implementable and adhere to the intent of SB 375.

This first report highlights the current state of the PDAs. The initial takeaway is that these locations have been nominated by cities to address future housing and employment growth. This process can identify needs and resources available to meet growth expectations. Since this is meant to be a project selection process, it is important to note that future reporting should use this information to help with that process and the collection of data related to PDAs will be used to inform that decision at a future date.

This report does not set strategy or policy recommendations, rather it is an informational tool for Santa Clara County that may later evolve into suggesting County-wide and local implementation strategies based on an analysis of collected data. This is an opportunity for cities and counties to take a closer look at these locations and provide support to them through funding and other assistance.
2 | PRIORITY DEVELOPMENT AREAS
In the past 20 years, there has been expansive growth in the Bay Area, many agencies throughout the Bay Area have been attempting to better tie in land use with transportation. The technological boom of 1980s and 1990s has contributed to the economy by adding more jobs, and the demand for housing to handle these jobs is greater than the amount of growth expected. Through General Plans, cities and counties have tried to address the need to accommodate land use with the increased congestion due to population growth. This chapter describes what PDAs and PCAs are and how they came into existence. It explains the process for becoming one of these locations.

**BACKGROUND**

The State of California, in efforts to curb greenhouse gas emissions, has initiated two legislative mandates that attempt to reduce pollution and find a balance between land use and transportation. The general consensus was that the best way to reduce emissions and encourage good transportation planning was to consider these two in tandem. While the challenge to do this effectively is difficult, the urgency to address this issue is driving the process.

**Assembly Bill 32:** The Global Warming Solutions Act of 2006, which set the 2020 greenhouse gas emissions reduction goal into law. The emissions reduction goal for the Bay Area is 7% by 2020, and 15% by 2035. It directed the California Air Resources Board to begin developing discrete early actions to reduce greenhouse gases while also preparing a scoping plan to identify how best to reach the 2020 limit.

**Senate Bill 375:** SB 375 instructs the California Air Resources Board to set regional emissions reduction targets from passenger vehicles. The metropolitan planning organization for each region must then develop an SCS that integrates transportation, land-use and housing policies to plan for achievement of the emissions target for their regions.

MTC, being the Metropolitan Planning Organization for the Bay Area, was directed to address greenhouse gas emission targets set by the California Air Resources Board. On September 23, 2011, the California Air Resources Board adopted greenhouse gas emission reduction targets from passenger vehicles for each of the state's eighteen MPOs for the years 2020 and 2035.

**REGIONAL EFFORTS**

MTC and ABAG have been directed to work together to develop the SCS through the long range planning process. Through the RTP, the projects and programs contained within the plan must accommodate growth and address Greenhouse Gas emissions reductions. To adequately
address this, MTC and ABAG established the Focus program in 2006. Focus is a regional development and conservation strategy that promotes a more compact land use pattern for the Bay Area. Working together as a group, ABAG, MTC, the Bay Area Air Quality Management District (BAAQMD), and the Bay Conservation and Development Commission (BCDC) are forming a single program that links land use and transportation by encouraging the development of complete, livable communities in areas served by transit, and promotes conservation of the region’s most significant resource lands. The FOCUS program is intended to be implemented through a collaborative partnership with local agencies, CMAs, transit agencies, and other local government.

Through FOCUS, regional agencies will support local governments' commitment to these goals by working to direct existing and future incentives to PDAs and Priority Conservation Areas (PCAs). These PDAs are locally identified opportunity areas in proximity to transit. PCAs are significant open space that has a long term goal of preservation.

In the development of the RTP, MTC and ABAG have adopted a Preferred Land Use Scenario. The Preferred Land Use Scenario describes a set of implementation actions that would help address the goal of integrating land use and transportation. Some of those actions are described below:

Comprehensive Infill Development in PDAs: Efficiency and creativity in allocation of our public resources, maximizing existing urban infrastructure investments and recognizing new planning and investments needed to support the PDAs that are assuming major growth responsibilities.

Creation and Diversification of Jobs: Investments in PDA infrastructure, workforce training and access to transit, amenities, and services to support knowledge-based jobs and businesses at major urban centers; local-serving businesses and jobs close to housing in downtown areas, transit corridors, and office parks; and retention of agricultural and industrial lands.

Retention and Protection of Affordable Housing: Focus investments and planning in PDAs with major housing responsibilities and address challenges through streamlining regulations among local, regional, and state agencies; coordinate with developers; and supporting major expansion of state and federal funding.

Strengthening Complete Communities: Work with regional agencies and special districts to support improvements to public schools, expansion of parks and recreation facilities, promote neighborhood safety and reduce crime, improve neighborhood resilience to natural disasters, provide water, and improve air quality.
Protection of Open Space and Agricultural Lands: Regional coordination around PCAs should focus on critical habitats, extension of conservation land deadlines, development of farmland protection plans, and completion of the Coastal, Ridge, and Bay Trails that link natural habitats and landscapes.

**PRIORITY DEVELOPMENT AREAS**

Through the work of the Focus Program, MTC and ABAG have attempted to address SB 375 legislation through PDAs. These locations emphasize housing and commercial development within existing areas in close proximity to transit. The definition of PDAs is locally identified, infill development opportunity areas within existing communities. They are generally areas of at least 100 acres where there is local commitment to developing more housing along with amenities and services to meet the day-to-day needs of residents in a pedestrian-friendly environment served by transit. PDAs are self-nominated by those jurisdictions that wish to have them and must be approved through a City Council or Board of Supervisor action. Ideally, there must be existing planning work either done or expected to be done.

Below is a list of requirements to become a PDA based on the application process for nomination:

**Area** - means the planning area being proposed for designation as a priority development area under the FOCUS program. Since the program seeks to support area planning, the recommended area size is 100 acres, which is approximately a ¼ mile radius.

- A planned area is part of an existing plan that is more specific than a general plan, such as a specific plan or an area plan.

- A potential area may be envisioned as an area that is not currently identified in a plan or may be part of an existing plan that needs changes.

**Existing Community** – means that the area is within an existing urbanized area, lies within an urban growth boundary or limit line if one is established, and has existing or planned infrastructure to support development that will provide or connect to a range of services and amenities that meet the daily needs of residents making non-motorized modes of transportation an option.

**Housing** – means the area has plans for a significant increase in housing units to a minimum density of a selected place type, including affordable units, which can also be a part of a mixed-use development that provides other daily services, maximizes alternative modes of travel, and makes appropriate land use connections.
Place Types is a term to distinguish between the various types of PDAs. The Place Type designation is based on the MTC Station Area Planning Manual, adopted in October 2007. The Place Types are: Regional Center, City Center, Urban Neighborhood, Mixed-Use Corridor, Suburban Center, Employment Center, Transit Town Center, and Transit Neighborhood. The specific requirements for Place Types are shown in Appendix A.

**Near Transit** – means (1) the area around an existing rail station or ferry terminal (typically a half-mile around the station), (2) the area served by a bus or bus rapid transit corridor with minimum headways of 20 minutes during peak weekday commute periods, or (3) the area defined as a planned transit station by MTC’s Resolution 3434.

**PRIORITY CONSERVATION AREAS**

Another important part of the FOCUS program was the nomination of locations known as PCAs. These areas are areas of regional significance that have broad community support and an urgent need for protection. These areas provide important agricultural, natural resource, historical, scenic, cultural, recreational, and/or ecological values and ecosystem functions. Per the PCA application process, eligible areas must display a high level of regional significance, consensus, and urgency. Eligible areas should not already be protected and be areas that will benefit from targeted purchases and easements in the near-term. Areas should be identified within the regional context of the conservation values and functions provided without delineating specific parcels.

The purpose of designating PCAs through the FOCUS Program is to accelerate protection and restoration of key natural lands in the San Francisco Bay Area through purchases or easements. Conservation will be promoted through regional designation by:

- Coordinating conservation efforts within a regional framework of near-term priorities
- Providing a strong platform on which to leverage public and private resources
- Building upon prior and existing land protection efforts and investments
- Providing opportunities for forging new partnerships

One of the requirements of SB 375 around PCAs is stated that the MPO shall consider financial incentives for cities and counties that have resource areas or farmland, for the purposes of, for example, transportation investments for the preservation and safety of the city street or county road system and farm to market and interconnectivity transportation needs.
3 | PDAs IN SANTA CLARA COUNTY
VTA and the cities and County of Santa Clara County, throughout the development of the
FOCUS Program, have actively pursued designations of PDAs. The PDAs in Santa Clara County
are all unique in nature and are distinct in each way possible. Currently there are 42 PDAs in
Santa Clara County. Only Los Altos Hills, Los Gatos, Monte Sereno, and Saratoga do not have a
PDA. Figure 3.1 is a visual representation of the PDAs. This chapter is specific to PDAs in this
county. It discusses growth in Santa Clara County in population and employment. It identifies
some current efforts ongoing for land use through VTA’s congestion management duties that
may be beneficial to this strategy. Finally it discusses the future projected growth in the
specific PDAs as expected from Plan Bay Area.

GROWTH IN SANTA CLARA COUNTY

Santa Clara County in the past two decades has been growing in both jobs and housing. This
pattern is reflected in the technology-related industries that have sprung up in the Silicon Valley
in the past thirty years. This county is projected to have over 2.4 million people and 1.2 million
jobs in 2040 per MTC’s Jobs-Housing Connection scenario. This maintains the county’s role as
the Bay Area’s most populous and job-rich County. Figure 3.2 and 3.3 illustrate the growth
within Santa Clara County during a span of 30 years.

As a part of the first report for the Investment and Growth Strategy, the VTA will highlight the
current land use monitoring efforts and its application for the way Santa Clara County identifies
jobs and housing. It also discusses ABAG’s Short-Term PDA report for this County previewing
job and housing growth.

FIGURE 3.2 | BAY AREA POPULATION GROWTH FROM 2010 - 2040
PDA SUMMARY

Table 3.1 describes the PDAs in Santa Clara County by the Place Type they are associated with. Again, these PDAs were self-nominated by the local jurisdiction and have been approved by ABAG.

PRIORITY CONSERVATION AREAS

Santa Clara County has 18 PCAs. As mentioned earlier, PCAs are locations outside of the urban sphere with limited growth, but with importance in relation to agricultural, recreational, and ecological resources. Similar to PDAs, Local Agencies such as county parks, city parks and recreation departments, land trusts, and local governments, were invited to submit applications to be included in the PCA framework. The last call for applications was in 2007.

ABAG and MTC envision exploring funding for these PCAs as informational materials are developed to highlight the conservation values of each of the adopted areas. Significant needs and resources are required to develop these PCAs; however we need to understand exactly what it would take to address those needs. As mentioned in Chapter One, there should be an emphasis to also fund transportation improvements within PCAs. Any future funding related to PCAs should be broadened to include preservation and safety of the rural road system. This would be consistent with the rural sustainability element of SB 375, which includes consideration of financial incentives for preservation and safety of the county road system and farm-to-market and interconnectivity transportation needs.
It is also hoped that the process to nominate PCAs will be re-opened at a future date to allow for additional areas within Santa Clara County to be identified as such. It is also hoped that this process will include some visibility given to rural needs of cities and counties, as well as city and county parks, land trusts, and parks and recreation departments.

Appendix B highlights the current PCAs in Santa Clara County.

**VTA EFFORTS IN INFORMATION GATHERING**

As part of its efforts to capture information relevant to this report, the VTA looked at its own monitoring process as required by state law to identify a data collection source for PDA reporting. This process simply shows the tools available for this strategy if needed. The VTA
also initiated a survey that looked at locations called Employment Investment Areas. These locations were originally identified by ABAG as locations, whose land uses were not identified for housing, but for employment. This survey was meant to highlight locations that could become PDAs in the future and begin to look at some needs.

**VTA Monitoring Report**

California State legislation requires CMAs to monitor land use changes within its jurisdiction. Each year, VTA prepares the annual Monitoring and Conformance Report which documents land use changes within Santa Clara County by requesting land use data from cities and the County in terms of residential and commercial/industrial projects that have been approved. VTA collects land use data from Member Agencies each year to track decisions jurisdictions are making about land use. Member Agencies submit land use data for the prior fiscal year in the form of changes in dwelling units for residential approvals and changes in square footage for commercial and industrial approvals. This data is limited to tracking approvals only even if those approvals do not result in construction during the reporting year or at all.

For commercial and industrial approvals, changes in square footage are used to estimate the number of jobs created or lost. Jobs are estimated by applying a job density value (measured in jobs per 1,000 sq. ft.) to the size of the site. Job density values vary depending on the specific land use type. The appropriate job density is multiplied by the square footage of each site to determine the number of estimated jobs.

VTA’s land-use analysis focuses on approvals for development that would provide the capacity to accommodate population and employment growth. The data is not a reflection of actual growth in the number of residents or jobs. Rather, it is a measure of the trend in allocation of land for different purposes. In addition to the analyses included in this report, the data can be used to understand the current and projected demand in housing and employment.

Member Agencies are required to submit land-use approval data to VTA for the prior fiscal year. The data submitted reflects approvals for residential dwelling units as well as estimated approvals of changes in commercial/industrial jobs. Job change estimates are determined by applying job density values to square footage and land use type of commercial/industrial approvals in order to estimate how many jobs are likely created or lost as a result of the land use approval.

Member Agencies approved 4,334 residential units in 2012, a 28% decrease from the previous year when 6,028 units were approved. Notably, the City of San Jose saw a large decrease in approvals from 2,496 units in 2011 to 536 units this year. Milpitas continued to see approvals of
several large mixed-use developments and approved the greatest number of units overall in 2012.

Commercial and industrial approvals in 2012 resulted in an estimated net increase of 7,053 countywide. Compared to the previous year, job change estimates have decreased by 18 percent when 8,636 jobs were estimated in 2011. This decrease is partly explained by the fact that almost half the jobs projected in 2011 were the result of a single approval, the Stanford University Medical Center in Palo Alto. Additionally, Milpitas saw a large reduction in available commercial land in 2012 due to mixed-use approvals on former industrial sites near the planned BART station. However, several cities saw a substantial increase in job creation in 2012 including Santa Clara, Sunnyvale, San Jose, Mountain View and Cupertino.

We can analyze this data for those locations within PDAs as an illustration of the data available through VTA’s Monitoring and Conformance Report between the years of 2009 and 2012. This is shown in Figure 3.4.

**FIGURE 3.4 | APPROVED RESIDENTIAL UNITS AND JOB CHANGE ESTIMATES WITHIN PDAs**

<table>
<thead>
<tr>
<th>Year</th>
<th>Units Approved Within PDA</th>
<th>Total Land Use Approvals</th>
<th>%</th>
<th>Job Change Estimates Within PDA</th>
<th>Total Job Change Estimates</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>2997</td>
<td>4334</td>
<td>69%</td>
<td>-581</td>
<td>7,060</td>
<td>-8%</td>
</tr>
<tr>
<td>2011</td>
<td>2276</td>
<td>6028</td>
<td>38%</td>
<td>-614</td>
<td>8,636</td>
<td>-7%</td>
</tr>
<tr>
<td>2010</td>
<td>809</td>
<td>1870</td>
<td>43%</td>
<td>1,296</td>
<td>9,902</td>
<td>13%</td>
</tr>
<tr>
<td>2009</td>
<td>3500</td>
<td>5154</td>
<td>68%</td>
<td>539</td>
<td>12,407</td>
<td>4%</td>
</tr>
<tr>
<td>Total</td>
<td>9582</td>
<td>17,386</td>
<td>55%</td>
<td>640</td>
<td>38,005</td>
<td>2%</td>
</tr>
</tbody>
</table>

This information may be helpful for future reporting in the strategy where this process may be synched with data collection. However it will take some analysis to determine usefulness of this process. It is here as a representation of some reporting that may be done through existing VTA resources.

**Employment Investment Area Survey**

In the development of these PDAs, MTC and ABAG asked for locations that could be considered as Employment Investment Areas which are significant centers of economic activity that can be enhanced by local serving retail, “last mile” transportation solutions, and focused growth around transit station areas. They were developed in consultation with local jurisdictions as
opportunities to address the specific needs of different parts of the region while supporting a larger regional growth pattern that helps meet our greenhouse gas reduction targets. In May 2012, MTC and ABAG approved these locations; however, they did not include these locations as PDAs.

The VTA considers these locations as important. The forecasted growth in jobs in Santa Clara County is larger than the rest of the Bay Area, and is vital to note that Santa Clara County generates a majority of the technology jobs within the Bay Area. Apple, Google, Cisco, Hewlett-Packard, Yahoo, and Sunpower are just a few of the companies that are located within Santa Clara County.

In order to have an accurate assessment of the PDAs themselves, VTA initiated a survey that requested that these employment areas be identified as a means of gauging those locations that can be PDAs in the future. Many of these employment areas are slated to have development within the next few years. The PDA Investment and Growth Strategies pursued will seek opportunities to support the development of these Employment Investment Areas and other concentrations of employment to identify locations that can be designated as PDAs in the future or receive transportation funding priority.

Figure 3.5 is a summary of the survey results. The cities of San Jose and Sunnyvale previously submitted these areas under the ABAG process. These cities had the largest number of employment investment areas that were identified. Campbell, Cupertino, and Mountain View had employment growth concentrated along major development that has some general plan work done but could benefit from additional assistance. If these were identified as PDAs, coverage for these locations within the PDA framework would increase the chance of funding that could be accessed.

It is noted that not all cities within Santa Clara County responded to the survey. It is here as a reference to show future employment centers that are likely to occur within the next 5 to 10 years. It also begins to identify infrastructure needs and outline planning work that is underway, completed, or needed. This information may be refined through a more expansive data collection process in future reporting cycles of this strategy.

The full results of the survey are shown in Appendix C.
EMPLOYMENT INVESTMENT AREA SUMMARY

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Number of EIA(s)</th>
<th>Total Acres</th>
<th>Land Use Type(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campbell</td>
<td>1</td>
<td>87</td>
<td>High-Tech / R&amp;D</td>
</tr>
<tr>
<td>Cupertino</td>
<td>3</td>
<td>297.83</td>
<td>Planned Industrial Park/Planned Industrial and Office</td>
</tr>
<tr>
<td>Mountain View</td>
<td>2</td>
<td>1070</td>
<td>Office and Industrial/Office and Business Park</td>
</tr>
<tr>
<td>San Jose</td>
<td>13</td>
<td>2849</td>
<td>Suburban Center/Mixed-use Corridor/Employment Center</td>
</tr>
<tr>
<td>Sunnyvale</td>
<td>3</td>
<td>1767</td>
<td>Employment Center</td>
</tr>
</tbody>
</table>

EMPLOYMENT AND HOUSING IN PDAs

This information was gathered through the Plan Bay Area effort, most of which occurred in May 2012 during the preparation for the investment strategy. This information is a projection based on data developed by ABAG using estimates from local plans, state resources, and other growth projection based information. Specific housing information was gathered through a countywide assessment of the PDAs initiated by ABAG in late 2012. This first report will provide this information. Future year’s reports of the Investment and Growth Strategy may be different from this initial report. Appendix D highlights employment and housing within PDAs as projected by the Jobs-Housing Connection Strategy.

Employment in Existing PDAs

Employment in Santa Clara County was not always driven by the technology industry. Santa Clara County was largely agricultural even up to the 1960s and 1970s. Even to this day, there are remnants of orchards that use to dot the landscape of the Santa Clara Valley. Plan Bay Area notes that there are currently 900,000 jobs located in this County. In many cases, housing and employment development was put into locations that were originally agricultural, with suburban growth occurring in the peripheral of the development.

To address this growth, cities within this County are doing their part to encourage compact development within PDAs and other major urban centers through General Plan updates.
The number of jobs currently in the County and the projected number will almost certainly affect the amount of congestion here. Plan Bay Area also outlines a policy strategy that may be considered in the future with funding attached. These job production policies seek to increase the quantity, quality and spatial concentration of jobs in the region.

**Housing in Existing PDAs**

The Jobs-Housing Connection Strategy projects 211,190 additional housing units in Santa Clara County PDAs through 2040 or 32% of the total regional housing unit growth, with nearly 85% of that new housing in the region’s PDAs. Central and North San Jose’s areas and transit-served neighborhoods will continue to be the primary focus for incremental growth in Santa Clara County. Led by the growth of information and communication technologies sector, the redevelopment of these areas is the clear growth vision for the County. Additionally, significant development potential exists in Mixed-Use Corridors in San Jose and Urban Villages throughout the County.

Development along El Camino Real, which connects the County’s PDAs, will be different. San Jose and Santa Clara are expected to see the largest growth in jobs and housing in the County, with almost 125,000 units in PDA areas. In Central and North San Jose, new jobs are expected to take place in the industrial corridor along the Guadalupe Light Rail Corridor, interconnected with new high-density housing to be developed along the area’s mixed used corridor PDAs. Included in the vision are direct industrial-to-residential conversions to appropriate sites and new neighborhoods that incorporate residential amenities, including at least 35 acres of new neighborhood-serving parks.

Unincorporated areas in the county, Sunnyvale, Mountain View and Milpitas are expected to experience the second most significant housing growth in their PDAs, adding nearly 50,000 new housing units until 2040. These units will have an important role in housing the workers in the expected 70,000 new jobs in the cities.

In Gilroy and Morgan Hill the development of the downtown areas is expected to add nearly 3,500 residential units. Along with the 20,000 new jobs expected in those cities, this expansion will create a vibrant living environment for the residents, which are also in close proximity to a number of Priority Conservation areas.

**Affordable Housing Policies in Santa Clara County**

ABAG initiated a Housing Survey with all the cities and the county as part of its PDA profile report in late November 2012. The purpose of the survey was to identify current levels of housing growth and identify policies and programs that support compact development and
affordable housing. Affordable housing within PDAs is critical to meeting the region’s housing needs while supporting transit ridership and multimodal projects.

Cities vary in their existing affordable housing policies, reflective in part of their size. In Santa Clara County, half of the cities (8) have an Inclusionary Housing ordinance requiring that at least 10% of new units in a multi-unit development are affordable to low and very low-income households. Strategies are also required to reflect policies that reduce displacement and increase community stabilization. Nearly all cities that participated in the survey have some other method of producing affordable housing. Slightly more than half of jurisdictions report an affordable housing preservation strategy. Nine jurisdictions limit the conversion of market-rate apartments to condominiums, and three jurisdictions have a program to help low-income homeowners make repairs.

Appendix E shows a list of affordable housing policies and programs within this County.
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CAM1</td>
<td>Campbell: Central Redevelopment Area</td>
</tr>
<tr>
<td>GIL1</td>
<td>Gilroy: Downtown</td>
</tr>
<tr>
<td>MOH1</td>
<td>Morgan Hill: Downtown</td>
</tr>
<tr>
<td>MPT1</td>
<td>Milpitas: Transit Area</td>
</tr>
<tr>
<td>MVW1</td>
<td>Mountain View: Whisman Station</td>
</tr>
<tr>
<td>MVW2</td>
<td>Mountain View: Downtown</td>
</tr>
<tr>
<td>MVW3</td>
<td>Mountain View: San Antonio</td>
</tr>
<tr>
<td>MVW4</td>
<td>Mountain View: El Camino Real</td>
</tr>
<tr>
<td>MVW6</td>
<td>Mountain View: North Bayshore</td>
</tr>
<tr>
<td>PAL1</td>
<td>Palo Alto: California Avenue</td>
</tr>
<tr>
<td>SCL1</td>
<td>Santa Clara: El Camino Real Focus Area</td>
</tr>
<tr>
<td>SCL2</td>
<td>Santa Clara: Santa Clara Station Focus Area</td>
</tr>
<tr>
<td>SJO1</td>
<td>San Jose: Greater Downtown</td>
</tr>
<tr>
<td>SJO10</td>
<td>San Jose: Oakridge/Almaden Plaza Urban Village</td>
</tr>
<tr>
<td>SJO11</td>
<td>San Jose: Capitol/Tully/King Urban Villages</td>
</tr>
<tr>
<td>SJO12</td>
<td>San Jose: Saratoga TOD Corridor</td>
</tr>
<tr>
<td>SJO13</td>
<td>San Jose: Winchester Boulevard TOD Corridor</td>
</tr>
<tr>
<td>SJO14</td>
<td>San Jose: Bascom TOD Corridor</td>
</tr>
<tr>
<td>SJO15</td>
<td>San Jose: Bascom Urban Village</td>
</tr>
<tr>
<td>SJO16</td>
<td>San Jose: Camden Urban Village</td>
</tr>
<tr>
<td>SJO17</td>
<td>San Jose: Blossom Hill/Snell Urban Village</td>
</tr>
<tr>
<td>SJO18</td>
<td>San Jose: Capitol Corridor Urban Villages</td>
</tr>
<tr>
<td>SJO19</td>
<td>San Jose: Westgate/El Paseo Urban Village</td>
</tr>
<tr>
<td>SJO2</td>
<td>San Jose: Cottle Transit Village (Hitachi)</td>
</tr>
<tr>
<td>SJO3</td>
<td>San Jose: North San Jose</td>
</tr>
<tr>
<td>SJO4</td>
<td>San Jose: Downtown &quot;&quot;Frame&quot;&quot;</td>
</tr>
<tr>
<td>SJO5</td>
<td>San Jose: Berryessa Station</td>
</tr>
<tr>
<td>SJO6</td>
<td>San Jose: Communications Hill</td>
</tr>
<tr>
<td>SJO7</td>
<td>Expressway Corridors</td>
</tr>
<tr>
<td>SJO8</td>
<td>San Jose: East Santa Clara/Alum Rock Corridor</td>
</tr>
<tr>
<td>SJO9</td>
<td>San Jose: Stevens Creek TOD Corridor</td>
</tr>
<tr>
<td>SUN1</td>
<td>Sunnyvale: Lawrence Station Transit Village</td>
</tr>
<tr>
<td>SUN2</td>
<td>Sunnyvale: Downtown &amp; Caltrain Station</td>
</tr>
<tr>
<td>SUN3</td>
<td>Sunnyvale: El Camino Real Corridor</td>
</tr>
<tr>
<td>SUN6</td>
<td>Sunnyvale: East Sunnyvale</td>
</tr>
<tr>
<td>SUN8</td>
<td>Sunnyvale: Tasman Crossing</td>
</tr>
<tr>
<td>VTA1_b</td>
<td>Cupertino Cores, Corridors &amp; Station Areas</td>
</tr>
<tr>
<td>VTA1_c</td>
<td>Gilroy Cores, Corridors &amp; Station Areas</td>
</tr>
<tr>
<td>VTA1_d</td>
<td>Los Altos Cores, Corridors &amp; Station Areas</td>
</tr>
<tr>
<td>VTA1_f</td>
<td>Milpitas Cores, Corridors &amp; Station Areas</td>
</tr>
<tr>
<td>VTA1_i</td>
<td>San Jose Cores, Corridors &amp; Station Areas</td>
</tr>
<tr>
<td>VTA1_j</td>
<td>Santa Clara Cores, Corridors &amp; Station Areas</td>
</tr>
</tbody>
</table>
4 | TRANSPORTATION INVESTMENTS
As has been mentioned in previous chapters, the overarching purpose of this strategy is to identify a project selection process for future grant funding. This chapter discusses items related to past practices for project selection for VTA’s Long Range Transportation Plan and past grant funding programs. It highlights the process that was done for the OBAG Program this past January which may be carried over to future grant cycles.

In assessing the PDAs, the transportation investments must support the land uses that are within PDAs. In almost all cases, the transportation investments are chosen when there is a sufficient need for the improvement. Local agencies usually select projects based on need. For example, most transportation projects are selected through a City’s Capital Improvement Program (CIP). The CIP highlights an immediate list of improvements necessary within a city.

The VTA, in its efforts to develop a long-range transportation plan, usually includes a list of projects that will be considered for future funding that will occur through the life of the long-range plan. The projects selected usually are generated through the local agency, which must go through a public outreach process. For the VTP 2040 outreach process, VTA followed guidelines developed by MTC. The next section details the process that was developed for the current list of transportation investments.

**VTP PROJECT SELECTION PROCESS**

In previous cycles of developing the VTP, staff went through a separate but same process for selecting projects for inclusion into the RTP. The program areas within the plan are highways, transit, and local system. Each of these program areas has a set of Board-adopted criteria. For example, a majority of the projects along the highway system have a set of prioritization criteria designed to give fair consideration to the full range of low cost improvements with high utility as well as higher cost mainline capacity and systems enhancements. The Local System projects were selected through a scoring process based on factors such as street connectivity, congestion relief, safety, and the interface between transportation and land use. Transit projects are based on Santa Clara County’s Measure A program and projects based off transit planning studies.

The process for selecting projects began in mid-2011 for the most recent plan, VTP 2040. Through the development of the PDA Investment and Growth Strategy there may be changes made to the process for the next plan. The Transit category includes Light Rail, Bus, Heavy Rail, and Bus Rapid Transit projects. The Highway category relates to all freeway improvements and Express Lane development. The Local System category relates to all County expressway projects, local streets and roads, and multimodal transportation investments. The last category
includes bicycles, Intelligent Transportation System, safety improvements, and the Community Design for Transportation.

In developing the constrained project lists, VTA staff contacted its Member Agencies to determine which projects would move forward to the constrained portion of the plan. The project lists and the fund estimates were reviewed by the Technical Advisory Committee’s working groups prior to adoption. The VTA also conducted a set of public outreach meetings to gather feedback into the process. Figure 4.1 is the percentage of improvements contained within the plan that are located within PDAs. The chart is done by Program Areas.

**FIGURE 4.1 | VTP 2040 PROJECTS IN PDAs**

**VTP 2040 PDA Serving Projects**

<table>
<thead>
<tr>
<th>Program Area</th>
<th>PDA Serving Projects ($2013 M)</th>
<th>Total Projects Cost ($2013 M)</th>
<th>% PDA Serving</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Streets and County Roads</td>
<td>$292</td>
<td>$781</td>
<td>37%</td>
</tr>
<tr>
<td>Bicycle</td>
<td>TBD</td>
<td>TBD</td>
<td>TBD</td>
</tr>
<tr>
<td>Traffic Operating Systems</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Transit</td>
<td>$7,895</td>
<td>$8,131</td>
<td>97%</td>
</tr>
<tr>
<td>Expressways</td>
<td>$183</td>
<td>$267</td>
<td>68%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$8,369</strong></td>
<td><strong>$9,179</strong></td>
<td><strong>91%</strong></td>
</tr>
</tbody>
</table>

1 Bicycle Program Area numbers will be available once the BEP list is finalized.

2 No calculations because a large percentage of Traffic Operating Systems projects are citywide.

**PREVIOUS GRANT PROGRAM PROCESSES**

Federal and State fund sources used to fund transportation projects have set of requirements specific to project types. In the programs that VTA had developed in the past, grants were distributed based on the type of funding that was available. For example, if the fund source was Surface Transportation Program (STP) funds, appropriate projects related to local streets and roads pavement rehabilitation were only acceptable. For other fund sources the appropriate project types are accepted. Here are a couple of examples of the way funding has been done in select programs. Scoring for these programs was done with the active participation of the VTA’s Technical Advisory Committee members.

VTA also developed funding programs for planning initiatives such as the Community Design and Transportation (CDT). For the CDT program funds were awarded through a competitive
basis. Funding typically comes from Federal Congestion Mitigation and Air Quality (CMAQ) program through MTC. The major criteria for this program were the key principles and concepts of the CDT Program. The current allocation methodology was based on Santa Clara County’s population share of the regional total.

The concepts for the CDT program were the importance of a healthy pedestrian environment, concentrated mixed-use development patterns integrated with transit service, innovative street design, and the interrelationships of sites with transportation facilities and services. Projects were only eligible if they were located within an adopted framework of community cores along major transit corridors and surrounding transit station areas. This comprehensive framework was endorsed by all the cities and the County of Santa Clara.

In 2010, VTA administered the MTC Block Grant Program for local streets and road rehabilitation, the Regional Bicycle Program, and the Transportation for Livable Communities (TLC) program. For local streets and roads pavement rehabilitation, a formula based on MTC’s local streets and roads policies was used. This formula was based on population and road mileage, which was the standard method of distributing these funds. In this program, VTA allowed cities and the County to use the funding for complete streets elements such as adding sidewalks, bike lanes, and streetscape elements. The Regional Bicycle Program also used criteria adopted by the VTA Board in relation to its Bicycle Expenditure Program. The TLC program was used to fund projects in the CDT Program.

**ONE BAY AREA GRANT (OBAG) SELECTION PROCESS**

The One Bay Area Grant cycle began in mid 2012. The VTA put together a process that attempts to meet criteria related to accessing public facilities. MTC’s framework for programming 2013-2016 Surface Transportation Program (STP), Congestion Mitigation and Air Quality (CMAQ) and Transportation Alternatives (formerly Enhancements) (TA) funds is called the "One Bay Area Grant” Program (OBAG). OBAG will provide $87.3 million for Santa Clara County over the next 3 years.

In consultation with VTA Technical Advisory Committee (TAC)’s Capital Improvement Program Working Group (CIPWG), VTA staff has developed screening and scoring criteria that meet Federal and regional requirements, and are consistent with VTA policies. The OBAG Program had both a guarantee and a competitive piece. For the competitive portion, projects that must provide improvements related to Complete Streets and must be located either in or have proximate access to a PDA.
**Proximate Access**

Each CMA was charged with defining “proximate access to Priority Development Areas (PDA)” for its county. For projects not geographically within a PDA, CMAs are required to map projects and designate which projects are considered to support a PDA along with policy justifications. VTA staff, working in consultation with the TAC’s Land Use and Transportation Integration (LUTI) Working Group, has developed the following proposal for determining whether projects are "PDA-serving". The proposal is intended to create a consistent and reasonable PDA-serving definition and evaluation that supports the OBAG program goals and provides the cities and the County maximum flexibility in project development. A formal description of the PDA-serving definition is in table 4.2.

**FIGURE 4.2 | OBAG PDA-SERVING DEFINITION**

<table>
<thead>
<tr>
<th>PDA SERVING DEFINITION</th>
<th>OBAG PDA-SERVING CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEFINITELY SERVES</td>
<td>1. Project is completely or partially in a PDA</td>
</tr>
<tr>
<td></td>
<td>2. Any point portion of the project is within ½ mile of a PDA Boundary</td>
</tr>
<tr>
<td></td>
<td>3. The project wholly on one of the included Transit Investment Corridors</td>
</tr>
<tr>
<td></td>
<td>4. The project is wholly within an included Countywide Bicycle Corridor</td>
</tr>
<tr>
<td></td>
<td>5. The Project connects one PDA to another</td>
</tr>
<tr>
<td></td>
<td>6. The Project removes a barrier to a PDA</td>
</tr>
<tr>
<td>NEEDS JUSTIFICATION</td>
<td>7. If a Project is greater than ½ mile from any PDA and does not meet any of the above criteria, but have benefits to a PDA, with clear justification</td>
</tr>
</tbody>
</table>

**OBAG Criteria**

The OBAG criteria were developed in cooperation with our advisory committees which also included our Committee for Transit Accessibility (CTA) and our Bicycle Pedestrian Advisory Committee (BPAC). Representatives of several advocacy organizations requested consideration of displacement policies, and additional consideration of housing - especially affordable housing - within the criteria. Appendix F describes the set of criteria developed that was approved by the VTA Board of Directors.

**FUTURE EFFORTS**

As part of future reporting, the VTA, in coordination with our Member Agencies, will look at their various CIPs to understand transportation needs within PDAs. The Regional...
Transportation Planning process includes tying future discretionary funding to development of a proper Investment and Growth Strategy.

The next set of funding will be PDA Planning Grants, released by MTC, but administered by CMAs. These funds are intended to be focused on affordable housing production and preservation in funding agreements with grantees. Grants will be made available to jurisdictions to provide support in planning for PDAs in areas such as providing housing, jobs, intensified land use, promoting modes of travel alternative to the single occupancy vehicle, and parking management. These studies will place a special focus on selected PDAs with greater potential for residential displacement and develop and implement community risk reduction plans. Grants will be made to local jurisdictions to provide planning support as needed to meet regional housing goals. Also, program funds will establish a new local planning assistance program to provide staff resources directly to jurisdictions to support local land use planning for PDAs. This process is expected to coincide with the PDA Investment and Growth Strategy work.
5 | ENGAGEMENT PROCESS
The development process must include engagement between various members of the community. The VTA understands that a comprehensive report must be able to reach a wide audience with the ability to present a clear and concise message. VTA, through this Investment and Growth Strategy, aims to develop a transparent process that will be used to educate and inform not only members of the public but also planners, engineers, city councils and planning commissions.

VTA BOARD PROCESS

The VTA Board of Directors has established five Advisory Committees which make recommendations to the Board on policy and technical issues. The Citizens Advisory Committee (CAC) consists of 17 members representing business, labor, environmental organizations, and other community stakeholder groups involved in transportation. The Policy Advisory Committee (PAC) consists of one city council member from each of the 15 cities within Santa Clara County and one member from the county Board of Supervisors. The Technical Advisory Committee (TAC) consists of one staff member from each of the 15 cities and the county, as well as a non-voting Caltrans representative. The Bicycle and Pedestrian Advisory Committee (BPAC) consists of one member from each of the 15 cities. The Committee for Transit Accessibility (CTA) is a 23-member committee comprised of individuals from the disabled community, representatives from human service agencies, VTA’s paratransit broker, and a member of the Board of Directors.

In the past couple of years, VTA staff has brought items to our Advisory Committees in regards to the development of the RTP. The lists of projects within the VTP 2040 plan were approved through the Board process that included approval by all committees within the VTA. For example, the CTA requested that there be a provision for a pedestrian program to be included in the VTP and staff then made an amendment to accommodate the request. The committees were also involved in the development of OBAG scoring criteria, which was adopted by the VTA Board in November 2012. Future tasks include commenting and approving the PDA Investment and Growth Strategy reports as well as providing direction to staff.

Apart from the advisory committees, there are four standing committees that are made up of four Board members each. Each committee meets once a month, similar to the advisory committees, except for the audit committee, which meets on a quarterly basis. The Administration and Finance Committee reviews and recommends policy regarding legislative affairs, administrative issues, and fiscal issues. The Congestion Management Program and Planning Committee reviews and recommends policy related to transportation, land use, and air quality planning. The Transit Planning and Operations reviews and recommends policies
related to transit and transit planning. Finally, the audit committee manages and monitors VTA’s auditing and financial reporting activities. Figure 5.1 is a visual representation of the VTA Board Committee structure.

**FIGURE 5.1 | VTA COMMITTEE STRUCTURE**

**VTA WORKING GROUPS**

Under the TAC lies a set of working groups designed to assist the decision-making process. Currently there are three working groups of the TAC. The Capital Improvement Program (CIP) Working Group is made up of representatives of each Member Agency whose focus revolves around the development of scoring criteria, project delivery, and the implementation of multimodal projects. The One Bay Area Grant (OBAG) criterion was a function of this group. The Systems Operations and Management (SOM) Working Group focuses its attention on improving traffic operations, developing the Congestion Management Program (CMP), and engineering related issues that require input. The LUTI Working Group deals with planning work done through VTA and the cities and the County. One of the responsibilities of LUTI is to review all work related to the Investment and Growth Strategy, and to receive frequent updates on its status as well as its development.

VTA intends to include all the working groups that are involved in the development of the PDA Planning Grants program. These working groups occur before the meetings of the advisory
committees, therefore usually approve items that go to those committees. When items are asked to be modified at advisory committee meetings, they come back through the working groups for discussion and revision. Through this process, items related to the Investment and Growth Strategy may be refined. Because LUTI is the primary working group that will deal with issues related to planning, housing, and land use; this working group will provide most of the feedback as it is a standing item on their agenda.

FORMATION OF PDA INVESTMENT & GROWTH STRATEGY WORKING GROUP

In December 2012 and February 2013, the VTA held two forums regarding the PDA Investment and Growth Strategy. These forums were held in order for interested city planners, engineers, community advocates, builders, developers, and other interested parties to communicate to each other the expectations of the Investment and Growth Strategy. It also aimed to educate and inform all interested groups on the process. The outcome of the forums was the outline of the Investment and Growth Strategy, especially the first report.

After the forums were concluded, VTA then formed a Working Group. The group includes a diverse range of individuals and interests. The breakdown of the participants of the Working Group includes:

Four city planners

One builder/developer

Five advocate group representatives

Two interested citizens

The first task of the Working Group is to review the First PDA Investment and Growth Strategy and provide comment. The comments will be incorporated into the final draft which will go to MTC in May. The purpose of the Working Group is to provide direction to staff on refining and improving the report for future years. This entity will be a resource to gather information and input on the PDAs as well as devise a way to develop the PDA Planning Grant Program using information from this process.
6 | PDA REPORTING
This process will be updated every year before May 1st in order to fulfill requirements by MTC and ABAG. This first report was developed to be an introductory piece on PDA development. As the reporting moves on to the second report, increasing data collection will take place within PDAs. As mentioned previously, statistics on employment growth will be difficult to attain because there are so many resources that are available to determine growth. Throughout the coming year, the Working Group will provide direction on particular topics to explore, as well as determine a process for future planning grants.

The first report will be taken to MTC as a draft document. This item will go to VTA’s Advisory Committees and Board for approval in June. Improvements to the report structure will take place with comments from the Working Group and the VTA Committees. This is a process that will utilize MTC and ABAG comments as it moves toward a comprehensive reporting structure.

This chapter discusses some considerations to future reporting. This first report highlighted the PDAs currently in Santa Clara County and showed expected growth in the next 28 years. The second report may very well provide more information but may also include updated data through available resources. Some of which are described in this section. It may also facilitate the discussion for future strategies as they relate to funding and policy discussion.

**REPORT CONSIDERATIONS**

As the PDA Investment and Growth Strategy moves forward, the VTA has highlighted specific considerations for development that will take place throughout the life of the report. The first report will be used as a starting point to provide direction to the next stage of the process. These considerations will be analyzed with the input of the working group.

As this process unfolds, there are many considerations for future with Investment and Growth strategy reporting. As part of the work for the development of the RTP, SB 375 directs MTC and ABAG to develop an SCS. This SCS must contain improvements through land use and transportation investments that demonstrate a reduction in greenhouse gases over 28 years. The Plan Bay Area Preferred Scenario attempts to address this through the concentration of growth within PDAs. The intent of the scenario is to foster communication between Regional and Local Agencies in planning for future increases in growth and to develop a strategy to that incorporates policies and incentives.

**Confirming PDA Information with Member Agencies**

As part of the ongoing work for the Investment and Growth Strategy, VTA proposes to meet with each individual agency that has a PDA to confirm the information that went into its application. This will help both VTA and the Member Agency understand the parameters of
selecting that location for a PDA. In this way, we have an open line of communication with our Member Agencies and can give them a better understanding of what is involved with the process. Information related to transportation, land use, and housing needs may also be gathered through this process to accurately analyze the PDAs.

**Supporting Local Plans and Projects**

In its function as the CMA, VTA will continue to provide assistance to its Member Agencies through grant funding to implement work related to their PDAs. By providing grant funding either through local sources or the PDA Planning Grants, Member Agencies may have an opportunity to analyze their PDAs, as well as work with VTA to bring their PDAs to a ready stage for development, housing, or transportation. The VTA has also developed a manual of best practices, known as the Community Design and Transportation (CDT), which was implemented to assist Member Agencies in designing multimodal environments and assist with changes in land use policy. VTA may modify the CDT manual to support PDA efforts.

**Collecting and Analyzing Data for PDAs**

Through this process, VTA will look to gather resources to facilitate the analysis of PDAs for future reporting. For example, part of the analysis revolves around employment statistics. Employment data has been relatively difficult to get due to varying sources of information. Through the working group, proper, relevant data regarding employment will be gathered and agreed upon. Transportation, Housing, and Land Use information will be gathered through the PDA confirmation meetings with the individual cities and the County. Some of the data gathering may require accessing data from outside sources.

Similar to the work done through the Employment Investment Area survey or VTA’s Monitoring and Conformance report, staff will work with the working group to determine the best way to gather data, or identify sources of data that would be helpful in analyzing the PDAs. A suggestion may be to work with ABAG and the cities to better define the methodology or sources of data for the County.

**Coordinating Criteria for Future Grant Cycles**

For the second cycle of the federal discretionary funding, known as OBAG, the VTA developed a process to incorporate issues related to proximity to transit and senior facilities. On page 31, it was noted how VTA addressed these changes in the OBAG program for a competitive set of funds. A process similar to what was adopted for the OBAG criteria may be applied. Any recommendations made by the working group as part of this process
In future funding cycles, criteria will be incorporated through the PDA Investment and Growth Strategy process. In the upcoming year, information from this process will be used to determine criteria for the PDA Planning Grant Program that was released by MTC in November 2012.

**Developing Further Locations into PDAs**

In this first report, an attempt was made to highlight local Employment Investment Areas that had the intention of developing into PDAs in the future. The report will also begin to look at other locations where housing and employment development may be considered under a future PDA process. There not only are important employment areas, but there are rural areas that may not fit the PDA concept, but would definitely require support in terms of transportation funding or planning.

VTA staff has heard from cities in Santa Clara County for a request for future PDA designations. Working with MTC, ABAG, and local government, there can be communication to develop other locations that may eventually have the potential to accommodate future growth. We must also keep in mind that not all locations can become PDAs. ABAG and MTC have discussed the possibility of expanding the PDA framework and staff will work with these regional agencies to implement these efforts where feasible and appropriate.

**Understanding Market Conditions**

The state of the economy drives factors related to real estate and plays a major role in future growth within PDAs. Even though housing costs in Santa Clara County have been relatively stable, the cost of land has been in flux. While there are PDAs identified in locations that would seem to be ideal locations for development to occur, the reality of it happening may be tied more to economics than to land use decisions. The PDAs themselves do not change the economic conditions and land-use decisions cannot force change.

Recently MTC consulted with Economic and Planning Systems (EPS) to conduct a Development Readiness Assessment of the PDAs based on input from Plan Bay Area’s growth forecast and an ABAG Readiness Survey done in 2010. This effort was a sample of 20 representative PDAs. The purpose of this report is to provide a better understanding of the feasibility of PDAs to accommodate the projected growth in Plan Bay Area. By understanding the challenges to development from varying PDAs, some funding, policy, and advocacy efforts can identify for those areas. The EPS Readiness Assessment focused on five criteria that were used to assess the sample of PDAs. These five were: housing capacity estimates; existing planning and entitlement processes; level of community support of PDAs; market attractiveness; and
infrastructure capacity. The PDA locations in Santa Clara County that were selected were North San Jose, Milpitas Transit Area, Morgan Hill Downtown, and Sunnyvale El Camino Corridor.

Some key findings of the report state that PDA readiness to growth varies by location. Some PDAs are shown to accommodate housing growth per recommendations of Plan Bay Area. However, there are a variety of factors that are constraints to that growth. These constraints vary from policy, market, infrastructure, financial, or site specific factors. Development capacity exists within PDAs with existing land use policies for Plan Bay Area, but also varies by PDA location, size, and other land use characteristics.

The PDA Readiness Assessment also identified a set of policy actions that would theoretically be used to improve development readiness. An example of a few policy actions include the reinstatement of redevelopment authority, modifying California Environmental Quality Act (CEQA) to provide consistent standards of environmental review, and supporting transportation funding that encourage development patterns in Plan Bay Area.

In Santa Clara County, the major constraints in achieving housing growth in PDAs (San Jose, Milpitas, Morgan Hill, and Sunnyvale) were parcel size and existing uses, low-density zoning, and some policy constraints. The PDA Readiness Report may be used in this strategy as a base to track the degree that the identified constraints (e.g. policy changes, state legislation, regulatory impediments, funding) have been alleviated in subsequent years to increase the ability of cities to achieve their PDA housing and job growth goals. Along with collecting local development data, it would provide a more complete picture and help suggest the strategies and actions that are most effective for PDA implementation.

**Addressing Differences among PDAs**

Currently in Santa Clara County, the PDAs range from a variety of types. Some are housing centric and others are employment specific. The work that has gone into to the PDAs also varies by location. There are two types of PDAs – Planned and Potential. Planned PDAs are those that have a significant amount of planning work invested in the location, such as identification in a specific plan or General Plan as location poised for growth in jobs and housing. Potential PDAs are locations that do not have the amount of planning work done but have been identified through a City council action or other means. These potential PDAs require additional planning work or funding to be ready for development. This process should be used to address deficiencies in those PDAs that wish to become Planned PDAs.

The sizes of the PDAs vary as well. Per the PDA map included in this report, planned PDAs have specific sizes due to specific boundaries identified through the General Plans. In most potential
PDAs, the size is dependent on a radius determined by the city or ABAG. These locations overlap with the areas that have been zoned for specific uses. In the future reporting tasks, one of the important steps we must take to understand PDAs is to do a comprehensive assessment of the PDAs through one-on-one meetings. This will require possibly re-shaping some of the PDAs.

Looking at Local Policy

This strategy will identify local land use and housing policies in local government. This first report identified current policies local government has adopted and did not suggest major changes in policy implementation. Future versions of this strategy may involve further discussion on identifying resources to help cities and counties with addressing needs within their General Plans. Many of the PDAs are expected to result in changes to zoning and land use to accommodate growth. One of the challenges will be to identify policies that encourage growth and that support the development of housing and jobs.

Many cities in Santa Clara County are going through the process of updating their General Plans. Through this process, many are including changes in land use and zoning that will benefit future growth in locations that can support the new development of jobs and housing.

Addressing Transportation Infrastructure Needs

There are specific transportation needs that will have to be addressed when developing the PDAs. In some cases, the infrastructure needs greatly outweigh the available sources of funding that are required to support land use. As part of this process it will be a challenge to see what sorts of transportation investments are required to support PDAs. Another section of transportation investment would revolve around the vitality of transit service within PDAs. In some cases, transit does not adequately serve the PDA environment and in others there is a relative abundance of transit within similar locations.

In the VTP 2040 document, VTA highlighted the major investments located within PDAs. There is a separate list of projects that are contained within local plans that identify greater needs in the transportation system. Some of these needs will be met through the release of federal and state discretionary funding by MTC. OBAG was the first such source of capital funding related to PDA structure, and there will be future funding related to this. An example of this can be where VTA might also track changes in transit ridership for the facilities that serve the PDAs. This would further assist in analyzing the effectiveness of certain strategies and actions (e.g., cause/effect relationship) in meeting the goals of the PDAs and the Plan Bay Area, which includes reducing greenhouse gas emissions.
Appendices

APPENDIX A: PDA PLACE TYPES
APPENDIX B: PRIORITY CONSERVATION AREAS IN SANTA CLARA COUNTY
APPENDIX C: EMPLOYMENT INVESTMENT AREA SURVEY RESULTS
APPENDIX D: EMPLOYMENT AND JOB GROWTH IN PDAs
APPENDIX E: AFFORDABLE HOUSING POLICIES IN SANTA CLARA COUNTY
APPENDIX F: OBAG CRITERIA
## APPENDIX A: MTC PDA PLACETYPES

<table>
<thead>
<tr>
<th>CENTERS</th>
<th>Regional Center</th>
<th>City Center</th>
<th>Suburban Center</th>
<th>Transit Town Center</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing Mix (New Development)</td>
<td>High rise &amp; mid rise apartments/condos</td>
<td>Mid-rise, low-rise, some high-rise and townhomes</td>
<td>Mid-rise, low-rise, some high-rise and townhomes</td>
<td>Mid-rise, low-rise, townhomes, small lot single family</td>
</tr>
<tr>
<td>Station Area Total Units Target</td>
<td>8,000 - 30,000</td>
<td>5,000 - 15,000</td>
<td>2,500 - 10,000</td>
<td>3,000 - 7,500</td>
</tr>
<tr>
<td>Net Project Density (Net Housing)</td>
<td>75-300 du/acre</td>
<td>50 -150 du/acre</td>
<td>35 - 100 du/acre</td>
<td>20 - 75 du/acre</td>
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<tr>
<td>Station Area Total Jobs Target</td>
<td>40,000 - 150,000</td>
<td>5,000 - 30,000</td>
<td>7,500 - 50,000</td>
<td>2,000 - 7,500</td>
</tr>
<tr>
<td>Minimum FAR (New Employment Density)</td>
<td>5.0 FAR</td>
<td>2.5 FAR</td>
<td>4.0 FAR</td>
<td>2.0 FAR</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>DISTRICTS/CORRIDORS</th>
<th>Urban Neighborhood District</th>
<th>Transit Neighborhood District</th>
<th>Mixed Use Neighborhood Corridor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing Mix (New Development)</td>
<td>Mid-rise, low-rise, townhomes</td>
<td>Mid-rise, low-rise, some high-rise and townhomes</td>
<td>Mid-rise, low-rise, townhomes, small lot s.f. off immediate corridor</td>
</tr>
<tr>
<td>Station Area Total Units Target</td>
<td>8,000 - 30,000</td>
<td>5,000 - 15,000</td>
<td>2,500 - 10,000</td>
</tr>
<tr>
<td>Net Project Density (Net Housing)</td>
<td>75-300 du/acre</td>
<td>50 -150 du/acre</td>
<td>35 - 100 du/acre</td>
</tr>
<tr>
<td>Station Area Total Jobs Target</td>
<td>40,000 - 150,000</td>
<td>5,000 - 30,000</td>
<td>7,500 - 50,000</td>
</tr>
<tr>
<td>Minimum FAR (New Employment Density)</td>
<td>5.0 FAR</td>
<td>2.5 FAR</td>
<td>4.0 FAR</td>
</tr>
</tbody>
</table>
## APPENDIX B: PRIORITY CONSERVATION AREAS IN SANTA CLARA COUNTY

The following is the list of PCAs within Santa Clara County based on information from the website: [http://www.bayareavision.org/pca/santa-clara/](http://www.bayareavision.org/pca/santa-clara/)

<table>
<thead>
<tr>
<th>Name</th>
<th>Agency</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alum Rock Foothills</td>
<td>Santa Clara County Open Space Authority</td>
<td>The Alum Rock Foothills area is located between existing protected lands in northeastern Santa Clara County. The area provides landscape connectivity and serves as a community buffer to adjacent urban areas. Land conservation in this area would protect the habitat and watershed functions of the area, while providing opportunities for trail connections.</td>
</tr>
<tr>
<td>Anderson – Coyote Connection</td>
<td>Santa Clara County Parks &amp; Recreation Department</td>
<td>The Anderson-Coyote connection is in southeastern Santa Clara County near the border with Stanislaus County. The area provides a landscape linkage between the Coyote Ridge and Anderson Lake areas with Henry W. Coe State Park and to the broader Diablo Range. It creates a community buffer that helps define urbanized areas while contributing to the region’s greenbelt. Land conservation in this area would help maintain its ecological integrity, while providing scenic viewsheds and recreational opportunities for people through trail connections.</td>
</tr>
<tr>
<td>Baylands</td>
<td>Santa Clara County Parks &amp; Recreation Department</td>
<td>The Baylands include the City of San Jose’s northern shoreline along the San Francisco Bay. The area has been identified since the mid-1980’s as a recommended priority area for open space preservation and park acquisition. These portions of the south San Francisco Bay consist mainly of the salt evaporation ponds, submerged lands and wetlands behind levees, with lands mainly in parks and federal wildlife refuge.</td>
</tr>
<tr>
<td>Bay Area Ridge Trail</td>
<td>Bay Area Ridge Trail Council</td>
<td>The San Francisco Bay Area has two significant and complementary long-distance trails: the San Francisco Bay Trail hugs the shoreline and the Bay Area Ridge Trail runs along the ridgelines overlooking the Bay. These trails connect people and communities to each other, to parks and open space, to home, work and recreation, and to countless areas of cultural and historic interest. They also provide opportunities for solitude and passive and active recreation, which fosters healthy lifestyles.</td>
</tr>
<tr>
<td>East Berryessa Foothills</td>
<td>Santa Clara County Open Space Authority</td>
<td>The East Berryessa Foothills area is located in northeastern Santa Clara County along its border with Alameda County. The area includes the foothills and open space areas that are unique landscapes, providing a buffer from urbanization as well as great views. The area is</td>
</tr>
<tr>
<td>Name</td>
<td>Agency</td>
<td>Description</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>--------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>East Coyote Foothills</td>
<td>Santa Clara County Open Space Authority</td>
<td>The East Coyote Foothills to Almaden Quicksilver area is located in the center of Santa Clara County. The area provides a linkage between the landscapes of the Santa Cruz Mountains and the Diablo Mountain Range. Land conservation in this area would protect the region’s greenbelt and create a buffer from urban development, while enhancing opportunities for trail connections.</td>
</tr>
<tr>
<td>East Gilroy Foothills</td>
<td>Santa Clara County Open Space Authority</td>
<td>The East Gilroy Foothills are located east of the City of Gilroy near the southeastern edge of Santa Clara County. The area provides a landscape linkage across the Santa Clara Valley between the Diablo Range and the Santa Cruz Mountains and connects with Henry W. Coe State Park. Land conservation in this area would help maintain its ecological integrity, while providing scenic view sheds and recreational opportunities for people through trail connections.</td>
</tr>
<tr>
<td>Joseph D. Grant Coyote Ridge</td>
<td>Santa Clara County Parks &amp; Recreation Department</td>
<td>The Joseph D. Grant to Coyote Ridge area is located east of the City of San Jose in Santa Clara County. It creates a community buffer that helps define urbanized areas while contributing to the region’s greenbelt. The area serves as a landscape linkage between Joseph D. Grant Park and the Coyote Creek area and to the broader Diablo Range. Land conservation in this area would help maintain its ecological integrity, while providing scenic view sheds and recreational opportunities for people through trail connections.</td>
</tr>
<tr>
<td>Lexington Hills</td>
<td>Santa Clara County Parks &amp; Recreation Department</td>
<td>The Lexington Hills area is adjacent to the Santa Cruz Mountains and Sierra Azul Ridge along the Santa Cruz-Santa Clara County line. This area also provides future regional parkland and open space expansion opportunities for nearby regional parks and open space. Land conservation in this area would protect the area’s ecological integrity.</td>
</tr>
<tr>
<td>Paradise Valley</td>
<td>Santa Clara County Parks &amp; Recreation Department</td>
<td>The Paradise Valley to Calero area is in the center of Santa Clara County on the northern border of the Chesbro and Uvas Reservoirs. The area boasts serpentine grassland, serpentine chaparral, and mixed chaparral vegetation. Land conservation in this area would protect these habitats and waterways, while also providing an opportunity for regional trail connections.</td>
</tr>
<tr>
<td>Pescadero-Tar Creek</td>
<td>Santa Clara County Parks &amp; Recreation Department</td>
<td>The Pescadero-Tar Creek area is located in the southern tip of Santa Clara County. Land conservation in this area would protect the area’s ecological integrity and provide opportunities for trail connections.</td>
</tr>
<tr>
<td>Name</td>
<td>Agency</td>
<td>Description</td>
</tr>
<tr>
<td>-------------------------</td>
<td>---------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Rancho Canada</td>
<td>Santa Clara County Open Space Authority</td>
<td>The Rancho Canada area is contiguous to Calero County Park in southern Santa Clara County. The area has important watershed lands with potential trail links to the Loma Prieta Summit and Almaden Quicksilver County Park. Protecting this area would preserve ridgelines, habitat corridors, and riparian and watershed resources.</td>
</tr>
<tr>
<td>Sanborn Skyline</td>
<td>Santa Clara County Parks &amp; Recreation Department</td>
<td>The Sanborn Skyline lies between Upper Stevens Creek and the Lexington Reservoir on the western border of Santa Clara County. The Skyline includes open space lands in the Santa Cruz Mountains and Sierra Azul Ridge that are unique landscape features. They provide scenic views and watersheds functions as well as serve as buffers to urban areas. This area also provides future regional parkland and open space expansion opportunities for nearby regional parks and open spaces. Land conservation in this area would protect the area’s ecological integrity.</td>
</tr>
<tr>
<td>Soap Lake</td>
<td>Nature Conservancy</td>
<td>Soap Lake is a floodplain in the Upper Pajaro River watershed comprised of a mosaic of agricultural lands and open rangelands. In addition to being a highly productive agricultural site, this area is recognized as being crucial for flood control to avoid flooding in downstream cities. As one of the last undeveloped stretches of land between the Santa Cruz Mountains and the Diablo Range, the Soap Lake floodplain is a crucial wildlife movement corridor, maintaining connectivity between these areas and preventing genetic isolation of populations of sensitive species in the Santa Cruz Mountains. The area provides habitat for a variety of species, including deer, coyotes, badgers, and mountain lions. Land preservation in this area would protect its value for habitat connectivity and watershed functions.</td>
</tr>
<tr>
<td>South County Agricultural</td>
<td>Santa Clara County Open Space Authority</td>
<td>The South County Agriculture area is located in southern Santa Clara County, south of the City of Gilroy. It includes agricultural land and riparian habitat. The area provides riparian woodland along the upper Pajaro River, lower Llagas Creek, and lower Carnadero Creek, and provides riparian wetland restoration opportunities along the river, creeks and floodplain. The area provides habitat for a variety of birds and other covered and native species that use freshwater marshes, adjacent to and near Pajaro River. Conservation opportunities exist to protect these habitats and agricultural lands.</td>
</tr>
<tr>
<td>South County Regional Trails</td>
<td>Santa Clara County Parks &amp; Recreation Department</td>
<td>The South County Regional Trail Connection joins open space areas in the southern most region of Santa Clara County with several regional trails. Those regional trails include the Juan Bautista de Anza National Historic Trail, Monterey-Yosemite State Trail, Benito-Clara Trail, Bay...</td>
</tr>
<tr>
<td>Name</td>
<td>Agency</td>
<td>Description</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>--------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Upper Los Gatos Creek</td>
<td>Santa Clara County Parks &amp; Recreation Department</td>
<td>Area Ridge Trail, and West Valley Trail. Land conservation in this area would preserve the connectivity of this landscape for people and wildlife.</td>
</tr>
<tr>
<td>Upper Stevens Creek</td>
<td>Santa Clara County Parks &amp; Recreation Department</td>
<td>The Upper Los Gatos Creek Watershed is an important watershed south of Los Gatos in the Santa Cruz Mountains. The area includes a wide range of natural communities, including extensive stands of late successional redwood forests. Many of the upper slopes are vegetated by unique combinations of chamise and manzanita-dominated maritime chaparral. Los Gatos Creek and its tributaries are lined with forests of white alder, and provide habitat for the California red-legged frog. Resident rainbow trout and numerous raptor species including osprey also reside in the area. Land conservation in this area would protect these watershed lands and species habitats.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Stevens Creek is a 20-mile long waterway and one of the most natural streams on the mid-peninsula. From its headwaters high on the slopes of Monte Bello Open Space Preserve and Upper Stevens Creek County Park, it flows down into the San Andreas Fault Rift Zone of Stevens Canyon and on through Stevens Creek Reservoir into Cupertino, Los Altos, Sunnyvale, and Mountain View, before entering San Francisco Bay. Preserving the upper Stevens Creek Watershed as a trail, watershed, and scenic open space corridor is a long-term goal for several partners in this area. Two potential trail corridors exist in the area. One connects Stevens Creek Canyon to Saratoga Gap Open Space Preserve and the Bay Area Ridge Trail. The other connects the canyon with Monte Bello Open Space Preserve, Upper Stevens Creek County Park and Bay Area Ridge Trail. The area is regionally significant with respect to recreation, watershed protection, world-class vineyards, and natural resource integrity. Near-term conservation opportunities include joint land purchases, easements, trail planning, and trout habitat preservation efforts.</td>
</tr>
</tbody>
</table>
# APPENDIX C - EMPLOYMENT INVESTMENT AREAS SURVEY RESULTS

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>EIA Name</th>
<th>Location</th>
<th>Acres</th>
<th>Land Use Type</th>
<th>Near Term (include year)</th>
<th>Long Term (include year)</th>
<th>FAR min/max</th>
<th>GP and Spec. Plan</th>
<th>Zoning</th>
<th>Env. Clearance</th>
<th>Transportation Infrastructure Needs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campbell</td>
<td>Dell Avenue Area Plan</td>
<td>On Dell Ave. between East Hacienda and Division</td>
<td>87</td>
<td>High-Tech / R&amp;D</td>
<td>1.4 M (2013)</td>
<td>2.3 M (2023)</td>
<td>TBD</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>TBD pending TIA</td>
</tr>
<tr>
<td>Cupertino</td>
<td>Apple Campus 2</td>
<td>I-280/Wolfe Rd.</td>
<td>±176</td>
<td>Planned Industrial Park</td>
<td>2,820,000 s.f. (2016)</td>
<td>600,000 s.f. (2025?)</td>
<td>N/A</td>
<td>Yes</td>
<td>Yes</td>
<td>Underway</td>
<td>Studied in GP. Needs project specific review at time of approval Potential widening of I-280 overpass at Wolfe Rd</td>
</tr>
<tr>
<td>Cupertino</td>
<td>Rest of North Vallco Master Plan Area</td>
<td>On Tantau Ave. at the intersection of Homestead Rd.</td>
<td>24.5</td>
<td>Planned Industrial Park</td>
<td>396,035 s.f. (existing)</td>
<td>87,746 s.f. (2020) + TBD during 2013 GPA process</td>
<td>N/A</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td>Studied in GP. Needs project specific review at time of approval Potential BRT on De Anza Blvd &amp; Sunnyvale Saratoga Ave??</td>
</tr>
<tr>
<td>Cupertino</td>
<td>North De Anza Blvd (overlaps with PDA)</td>
<td>On De Anza Blvd. between I-280 and Stevens Creek Blvd.</td>
<td>97.33</td>
<td>Planned Industrial and Office</td>
<td>2,764,333 s.f. (existing)</td>
<td>TBD during 2013 GPA process</td>
<td>N/A</td>
<td>GP- Yes, SP- No</td>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mountain View</td>
<td>East Whisman</td>
<td>East of N Whisman Rd, around Middlefield Light Rail station</td>
<td>425</td>
<td>Office and Industrial</td>
<td>n/a</td>
<td>17,610</td>
<td>0.35 - 1.0</td>
<td>GP Only</td>
<td>No</td>
<td></td>
<td>New pedestrian and bike routes through blocks and across major streets</td>
</tr>
<tr>
<td>Jurisdiction</td>
<td>EIA Name</td>
<td>Location</td>
<td>Acres</td>
<td>Land Use Type</td>
<td>Near Term (include year)</td>
<td>Long Term (include year)</td>
<td>FAR min/max</td>
<td>GP and Spec. Plan</td>
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</tr>
<tr>
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</tr>
</tbody>
</table>
# APPENDIX C - EMPLOYMENT INVESTMENT AREAS SURVEY RESULTS

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>EIA Name</th>
<th>Location</th>
<th>Acres</th>
<th>Land Use Type</th>
<th># Jobs or square footage</th>
<th>Near Term (include year)</th>
<th>Long Term (include year)</th>
<th>FAR min/max</th>
<th>GP and Spec. Plan</th>
<th>Zoning</th>
<th>Env. Clearance</th>
<th>Transportation Infrastructure Needs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mountain View</td>
<td>North Bayshore</td>
<td>Between 101, Stevens Creek and Shoreline Park</td>
<td>645</td>
<td>Office and Business Park</td>
<td>n/a</td>
<td>28,071</td>
<td>0.35 - ?</td>
<td>GP Only</td>
<td>No</td>
<td>General Plan only</td>
<td>New pedestrian and bike routes through blocks and across major streets; improved connection to downtown; new transit center; shared parking</td>
<td></td>
</tr>
<tr>
<td>San Jose</td>
<td>Bascom TOD Corridor</td>
<td>C39</td>
<td>62</td>
<td>Mixed Use Corridor</td>
<td>1,220</td>
<td>1,440</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Jose</td>
<td>Bascom Urban Village</td>
<td>C40</td>
<td>63</td>
<td>Mixed Use Corridor</td>
<td>1,830</td>
<td>1,705</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Jose</td>
<td>Blossom Hill/Snell Urban Village</td>
<td>VR19</td>
<td>45</td>
<td>Mixed Use Corridor</td>
<td>910</td>
<td>2,598</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Jose</td>
<td>Camden Urban Village</td>
<td>C44</td>
<td>90</td>
<td>Mixed Use Corridor</td>
<td>5,120</td>
<td>3,500</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Jose</td>
<td>Capitol Corridor Urban Village</td>
<td>VR11, VR12, VR13, VR14, VR15</td>
<td>187</td>
<td>Mixed Use Corridor</td>
<td>2,600</td>
<td>6,597</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Jose</td>
<td>Capitol/Tully King Urban Villages</td>
<td>VR22, VR23, C34</td>
<td>226</td>
<td>Suburban Center</td>
<td>3,150</td>
<td>6,490</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Jose</td>
<td>Oakridge/Almaden Plaza Urban Village</td>
<td>VR17</td>
<td>323</td>
<td>Suburban Center</td>
<td>4,860</td>
<td>9,090</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Jose</td>
<td>Saratoga TOD Corridor</td>
<td>C41</td>
<td>100</td>
<td>Mixed Use Corridor</td>
<td>3,700</td>
<td>3,605</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Jose</td>
<td>Stevens Creek TOD Corridor</td>
<td>CR32</td>
<td>269</td>
<td>Mixed Use Corridor</td>
<td>4,550</td>
<td>2,400</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## APPENDIX C - EMPLOYMENT INVESTMENT AREAS SURVEY RESULTS

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<th>Env. Clearance</th>
<th>Transportation Infrastructure Needs</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Jose</td>
<td>Westgate/El Paseo Urban Village</td>
<td>C36 Suburban Center</td>
<td>140</td>
<td>Suburban</td>
<td>3,010</td>
<td>3,000</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td>Improve accessibility for bicycles and pedestrians</td>
</tr>
<tr>
<td>San Jose</td>
<td>Winchester Boulevard TOD Corridor</td>
<td>C38 Mixed Use Corridor</td>
<td>216</td>
<td>Mixed Use</td>
<td>4,350</td>
<td>4,600</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Jose</td>
<td>Old Edenvale Employment Area</td>
<td>C37 Employment Center</td>
<td>530</td>
<td>Employment</td>
<td>8,715</td>
<td>32,500</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Jose</td>
<td>International Business Park Area</td>
<td>BIBP, VT1 Employment Center</td>
<td>598</td>
<td>Employment</td>
<td>16,704</td>
<td>38,555</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sunnyvale</td>
<td>Moffett Park Employment Center</td>
<td>Between Hwy 237/Caribbean/Moffett Federal Airfield</td>
<td>1156</td>
<td>Employment</td>
<td>27600 (2010)</td>
<td>50,900 (2035)</td>
<td>35-50% allowed, existing FAR 32%, avg build out will be 48%</td>
<td>Yes</td>
<td></td>
<td>Last mile connection</td>
<td></td>
</tr>
<tr>
<td>Sunnyvale</td>
<td>Peery Park Employment Center</td>
<td>Most of the area encompassed by Mathilda/Central Expwy/Hwy 237</td>
<td>443</td>
<td>Employment</td>
<td>10,400 (2010)</td>
<td>20,100 (2035)</td>
<td>35-100% allowed, existing avg FAR 32%, avg build out will be 50%</td>
<td>Designated as future Specific Plan area in the 2011 Draft LUTE</td>
<td></td>
<td>bicycle and pedestrian accessibility, additional bus stops on current routes, more bus routes or shuttle service from Caltrain and Light Rail Stations</td>
<td></td>
</tr>
</tbody>
</table>
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<th>Transportation Infrastructure Needs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sunnyvale</td>
<td>Reamwood Employment Center</td>
<td>Between Elko Dr/Tasman/Lawrence Expwy/Reamwood Ave</td>
<td>168</td>
<td>Employment Center</td>
<td>3,400 (2010)</td>
<td>4,800 (2035)</td>
<td>35% allowed, existing avg FAR 35%. Avg build out will be 50%</td>
<td>No</td>
<td></td>
<td>bicycle and pedestrian accessibility, additional bus stops on current routes, more bus routes or shuttle service from Caltrain Station</td>
<td></td>
</tr>
</tbody>
</table>

* Data for Sunnyvale and San Jose extracted from ABAG PDA applications December 2011.
Employment Investment Area – City of Cupertino, North Vallco Master Plan Area

- Apple Campus 2
- Rest of North Vallco Master Plan Area
East Whisman
Employment Center
City of Sunnyvale
Proposed PDA
General Plan

Peery Park
City of Sunnyvale
Proposed PDA
General Plan

Reamwood

- Reamwood
- 1/2 Mile Buffer around LR Station
- Light Rail Stations
- Light Rail Line
- City Boundary

December 2011
# ATTACHMENT D: EMPLOYMENT AND HOUSING GROWTH IN PDAs FROM 2010-2040

<table>
<thead>
<tr>
<th>JURISDICTION/PDA (ABAG)</th>
<th>JOBS</th>
<th>HOUSING UNITS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Campbell</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Central Redevelopment Area Transit Neighborhood</td>
<td>7,820</td>
<td>3,040</td>
</tr>
<tr>
<td></td>
<td>2,340</td>
<td>1,470</td>
</tr>
<tr>
<td><strong>Cupertino</strong></td>
<td>7,360</td>
<td>4,790</td>
</tr>
<tr>
<td><strong>Gilroy</strong></td>
<td>4,300</td>
<td>2,710</td>
</tr>
<tr>
<td>Downtown Transit Town Center</td>
<td>1,230</td>
<td>1,930</td>
</tr>
<tr>
<td><strong>Los Altos</strong></td>
<td>3,460</td>
<td>1,100</td>
</tr>
<tr>
<td><strong>Los Altos Hills</strong></td>
<td>860</td>
<td>100</td>
</tr>
<tr>
<td><strong>Los Gatos</strong></td>
<td>5,390</td>
<td>770</td>
</tr>
<tr>
<td><strong>Milpitas</strong></td>
<td>12,580</td>
<td>12,620</td>
</tr>
<tr>
<td>Transit Area Suburban Center</td>
<td>4,320</td>
<td>7,080</td>
</tr>
<tr>
<td><strong>Monte Sereno</strong></td>
<td>120</td>
<td>80</td>
</tr>
<tr>
<td><strong>Morgan Hill</strong></td>
<td>4,560</td>
<td>3,830</td>
</tr>
<tr>
<td>Downtown Transit Town Center</td>
<td>1,340</td>
<td>1,420</td>
</tr>
<tr>
<td><strong>Mountain View</strong></td>
<td>15,570</td>
<td>9,390</td>
</tr>
<tr>
<td>Downtown Transit Town Center</td>
<td>850</td>
<td>1,150</td>
</tr>
<tr>
<td>East Whisman Employment Center</td>
<td>3,670</td>
<td>0</td>
</tr>
<tr>
<td>El Camino Real Corridor Mixed-Use Corridor</td>
<td>850</td>
<td>1,960</td>
</tr>
<tr>
<td>North Bayshore Suburban Center</td>
<td>7,690</td>
<td>1,420</td>
</tr>
<tr>
<td>San Antonio Center Transit Town Center</td>
<td>1,180</td>
<td>2,760</td>
</tr>
<tr>
<td>Whisman Station Transit Neighborhood</td>
<td>560</td>
<td>1,010</td>
</tr>
<tr>
<td><strong>Palo Alto</strong></td>
<td>29,650</td>
<td>7,410</td>
</tr>
<tr>
<td>California Avenue Transit Neighborhood</td>
<td>1,660</td>
<td>850</td>
</tr>
<tr>
<td><strong>San Jose</strong></td>
<td>146,680</td>
<td>129,170</td>
</tr>
<tr>
<td>Bascom TOD Corridor Mixed-Use Corridor</td>
<td>1,390</td>
<td>1,560</td>
</tr>
<tr>
<td>Bascom Urban Village Mixed-Use Corridor</td>
<td>960</td>
<td>810</td>
</tr>
<tr>
<td>Berryessa Station Transit Neighborhood</td>
<td>6,040</td>
<td>6,110</td>
</tr>
<tr>
<td>Blossom Hill/Snell Urban Village Mixed-Use Corridor</td>
<td>840</td>
<td>1,080</td>
</tr>
<tr>
<td>Camden Urban Village Mixed-Use Corridor</td>
<td>2,030</td>
<td>1,000</td>
</tr>
<tr>
<td>Capitol Corridor Urban Villages Mixed-Use Corridor</td>
<td>3,250</td>
<td>6,240</td>
</tr>
<tr>
<td>Capitol/Tully/King Urban Villages Suburban Center</td>
<td>2,990</td>
<td>2,250</td>
</tr>
<tr>
<td>Communications Hill Transit Town Center</td>
<td>1,710</td>
<td>3,340</td>
</tr>
<tr>
<td>Cottle Transit Village Suburban Center</td>
<td>490</td>
<td>3,580</td>
</tr>
<tr>
<td>Downtown &quot;Frame&quot; City Center</td>
<td>4,330</td>
<td>10,090</td>
</tr>
<tr>
<td>East Santa Clara/Alum Rock Corridor Mixed-Use Corridor</td>
<td>3,430</td>
<td>6,200</td>
</tr>
</tbody>
</table>
## ATTACHMENT D: EMPLOYMENT AND HOUSING GROWTH IN PDAs FROM 2010-2040

<table>
<thead>
<tr>
<th>JURISDICTION/PDA (ABAG)</th>
<th>2010-2040 GROWTH</th>
<th>HOUSING UNITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater Downtown Regional Center</td>
<td>28,020</td>
<td>15,150</td>
</tr>
<tr>
<td>International Business Park Employment Center</td>
<td>8,080</td>
<td>0</td>
</tr>
<tr>
<td>North San Jose Regional Center</td>
<td>45,900</td>
<td>32,850</td>
</tr>
<tr>
<td>Oakridge/Almaden Plaza Urban Village Suburban Center</td>
<td>4,270</td>
<td>7,300</td>
</tr>
<tr>
<td>Old Edenvale Employment Center</td>
<td>7,790</td>
<td>0</td>
</tr>
<tr>
<td>Saratoga TOD Corridor Mixed-Use Corridor</td>
<td>2,000</td>
<td>1,120</td>
</tr>
<tr>
<td>Stevens Creek TOD Corridor Mixed-Use Corridor</td>
<td>2,340</td>
<td>5,170</td>
</tr>
<tr>
<td>West San Carlos &amp; Southwest Expressway Corridors Mixed-Use Corridor</td>
<td>6,660</td>
<td>9,810</td>
</tr>
<tr>
<td>Westgate/El Paseo Urban Village Suburban Center</td>
<td>1,790</td>
<td>2,490</td>
</tr>
<tr>
<td>Winchester Boulevard TOD Corridor Mixed-Use Corridor</td>
<td>2,780</td>
<td>2,000</td>
</tr>
<tr>
<td>Santa Clara</td>
<td>33,100</td>
<td>13,770</td>
</tr>
<tr>
<td>El Camino Real Focus Area Mixed-Use Corridor</td>
<td>2,590</td>
<td>3,560</td>
</tr>
<tr>
<td>Santa Clara Station Focus Area City Center</td>
<td>2,740</td>
<td>3,410</td>
</tr>
<tr>
<td>Saratoga</td>
<td>2,630</td>
<td>630</td>
</tr>
<tr>
<td>Sunnyvale</td>
<td>20,710</td>
<td>18,990</td>
</tr>
<tr>
<td>Downtown &amp; Caltrain Station Transit Town Center</td>
<td>1,910</td>
<td>1,980</td>
</tr>
<tr>
<td>East Sunnyvale Urban Neighborhood</td>
<td>1,180</td>
<td>3,260</td>
</tr>
<tr>
<td>El Camino Real Corridor Mixed-Use Corridor</td>
<td>3,200</td>
<td>4,410</td>
</tr>
<tr>
<td>Lawrence Station Transit Village Transit Neighborhood</td>
<td>1,220</td>
<td>3,550</td>
</tr>
<tr>
<td>Moffett Park Employment Center</td>
<td>7,470</td>
<td>0</td>
</tr>
<tr>
<td>Peery Park Employment Center</td>
<td>1,940</td>
<td>0</td>
</tr>
<tr>
<td>Reamwood Light Rail Station Employment Center</td>
<td>680</td>
<td>0</td>
</tr>
<tr>
<td>Tasman Station ITR Mixed-Use Corridor</td>
<td>980</td>
<td>1,830</td>
</tr>
<tr>
<td>Santa Clara County Unincorporated</td>
<td>8,740</td>
<td>2,800</td>
</tr>
<tr>
<td>Valley Transportation Authority</td>
<td>27,610</td>
<td>19,300</td>
</tr>
<tr>
<td>Cores, Corridors, and Station Areas Mixed-Use Corridor</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Draft Plan Bay Area Investment Strategy and ABAG County PDA Profile.
## APPENDIX E: LOCAL JURISDICTION AFFORDABLE HOUSING POLICIES

<table>
<thead>
<tr>
<th>JURISDICTIONS</th>
<th>INCLUSIONARY HOUSING</th>
<th>LAND BANKING</th>
<th>JUST CAUSE EVICTIONS</th>
<th>RENT CONTROL</th>
<th>OTHER PRESERVATION STRATEGIES</th>
<th>CONDO CONVERSION</th>
<th>IMPACT FEES</th>
<th>OTHER AFFORDABLE HOUSING POLICIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campbell</td>
<td>YES</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>YES</td>
<td>N/A</td>
<td>Secondary Dwelling Units Density Bonuses</td>
</tr>
<tr>
<td>Cupertino</td>
<td>1+ units, 15%, moderate</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>YES</td>
<td>N/A</td>
<td>Housing Impact fees: Commercial/office/hotel: $5.33 sq. ft. Rental housing: $2.67 sq. foot. Density bonus, fast-track processing, flexible design standards, subsidies, fee deferral, reduction and waiver.</td>
</tr>
<tr>
<td>Gilroy</td>
<td>Any project, 15%, very low, low, moderate (for neighborhood districts)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Mills Act</td>
<td>YES</td>
<td>N/A</td>
<td>Community Development Impact Fees/School District Impact Fees. Density bonus, flexible design standards, growth control exception.</td>
</tr>
<tr>
<td>Los Altos</td>
<td>YES</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Fast-track processing, flexible design standards, fee deferral, reduction, and waiver, development incentives and density bonuses per the State, second living units, incentives for senior housing.</td>
</tr>
<tr>
<td>Los Altos Hills</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Second Unit Ordinance allows: admin approvals for second units, floor area exemptions for basements in second units.</td>
</tr>
<tr>
<td>Los Gatos</td>
<td>5+ units, 10-20%, moderate or low income ownership or rental</td>
<td>N/A</td>
<td>N/A</td>
<td>YES</td>
<td>Mobile Home Park Conversion Ordinance</td>
<td>Rental Housing Conversion Program</td>
<td>N/A</td>
<td>State Density Bonus &amp; 2nd Unit.</td>
</tr>
<tr>
<td>JURISDICTIONS</td>
<td>INCLUSIONARY HOUSING</td>
<td>LAND BANKING</td>
<td>JUST CAUSE EVICTIONS</td>
<td>RENT CONTROL</td>
<td>OTHER PRESERVATION STRATEGIES</td>
<td>CONDO CONVERSION</td>
<td>IMPACT FEES</td>
<td>OTHERAFFORDABLE HOUSING POLICIES</td>
</tr>
<tr>
<td>---------------</td>
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<td>--------------</td>
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<td>------------------</td>
<td>------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>Milpitas</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Rent Control for Mobile home Parks Only</td>
<td>Policies within Milpitas General Plan Housing Element</td>
<td>Yes</td>
<td>Considering Housing Impact Fee</td>
<td>Density Bonus Ordinance. Adopting, Drafting Ordinance Amendments for Supportive and Transitional Housing, Shelters and SRO’s. Transit Area Specific Plan allows for reduction in parking.</td>
</tr>
<tr>
<td>Monte Sereno</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
</tr>
<tr>
<td>Morgan Hill</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
<td>NONE</td>
</tr>
<tr>
<td>Mountain View</td>
<td>BMR Housing Program requires 10% of new units to be affordable to moderate income households and an in-lieu fee is allowed for most projects.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>CDBG/HOME funds are used for rehabilitation activities that increase energy efficiency and extend the life of the City’s subsidized housing developments</td>
<td>Condo conversions not allowed if city-wide rental units are below a certain number</td>
<td>Fees on net new commercial and industrial building area</td>
<td>Density bonus; CDBG/HOME funds, Housing Impact Fees, and BMR in-lieu fees are used to provide financial subsidies to developers who produce a variety of affordable rental housing</td>
</tr>
<tr>
<td>Palo Alto</td>
<td>5+ units, 15% if parcel is less than 2 acres, 20% requirement if &gt;2 acres. For moderate income households.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>City has a BMR Emergency Loan Fund, which is for BMR homeowners who have HOA assessments that they cannot afford.</td>
<td>Yes, can only approve is vacancy is above 3%.</td>
<td>$18.44/sq. ft. for net new non residential commercial space. Fee gets paid into the Commercial Housing Fund.</td>
<td>Density bonus ordinance, City Residential In-Lieu Housing Fund, Commercial Housing Fund. City also has the Human Services Resource Allocation Process which allocates $1+ million annually to services thus preserving CDBG for capital projects.</td>
</tr>
<tr>
<td>JURISDICTIONS</td>
<td>INCLUSIONARY HOUSING</td>
<td>LAND BANKING</td>
<td>JUST CAUSE EVICTIONS</td>
<td>RENT CONTROL</td>
<td>OTHER PRESCRIPTION STRATEGIES</td>
<td>CONDO CONVERSION</td>
<td>IMPACT FEES</td>
<td>OTHER AFFORDABLE HOUSING POLICIES</td>
</tr>
<tr>
<td>---------------</td>
<td>----------------------</td>
<td>--------------</td>
<td>----------------------</td>
<td>--------------</td>
<td>------------------------------</td>
<td>------------------</td>
<td>-------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>San Jose</td>
<td>Yes</td>
<td>N/A</td>
<td>N/A</td>
<td>Yes</td>
<td>Acquisition/Rehab</td>
<td>N/A</td>
<td>N/A</td>
<td>(1) Housing homeless/&quot;Destination: Home&quot;; (2) Homebuyer Programs; (3) Housing Rehabilitation Programs (includes SFR &amp; mobilehomes); (4) Neighborhood Stabilization Program; (5) Tenant Based Rental Assistance; (6) Project Development Facilitation; (7) Development Agreements; (8) Public Purpose Lending/Gap Financing (pending availability of funding); (9) Income Allocation Policy; (10) TOD; (11) Specific Plan Affordable Housing Requirements (e.g., North San Jose);</td>
</tr>
<tr>
<td>Santa Clara</td>
<td>5+ units, 10%, very low, low, senior</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Density bonus, flexible design standards, subsidies</td>
</tr>
<tr>
<td>Saratoga</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>FAR increases for BMR restricted second dwelling units</td>
</tr>
<tr>
<td>Sunnyvale</td>
<td>12.5% inclusionary requirement on for-sale housing projects</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>City has active home improvement program, provides SFD, MFD, and MH loans and grants, and provides direct preservation assistance for at-risk rental projects.</td>
<td>Yes</td>
<td>Yes, linkage fee assessed on certain types of commercial development.</td>
<td>Density Bonus, second units, senior housing, housing for people who are homeless, SROs, housing funds</td>
</tr>
<tr>
<td>Santa Clara County</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Rehabilitation Program, Retrofit fund, Low Income Housing Tax Credit.</td>
<td>N/A</td>
<td>N/A</td>
<td>Density Bonus program, Second Units, Housing Funds, Mortgage Credit Certificate, Down payment Assistance programs, Mental Health Services Act Housing program, Shelter Plus Care Homeless program, County emergency shelters, transitional housing, and permanent supportive housing.</td>
</tr>
</tbody>
</table>

Source: ABAG County PDA Profile
## APPENDIX F: OBAG SCORING CRITERIA

Santa Clara County OBAG Discretionary Program Scoring Criteria FY2013-2016

### PRE-SCREENING CRITERIA CHECKLIST:
- 2008 Complete Streets Act Compliance
- Housing Element Completed/HCD certified

### SCREENING CRITERIA CHECKLIST:
- VTP 2040 Consistency
- MTC Complete Streets Checklist
- PDA (and proximate access) location(s)
- Grant Request $550,000

### CRITERIA: Minimum Score 25 points

<table>
<thead>
<tr>
<th>Categories</th>
<th>Details</th>
<th>MAX PTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety</td>
<td>High: Project will address a demonstrated safety issue with a proven or demonstrated countermeasure. (Medium: 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). 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>15</td>
</tr>
<tr>
<td>Project Benefits:</td>
<td>The overall project will have identifiable and likely synergistic effects.</td>
<td>10</td>
</tr>
<tr>
<td>Catalyst for Economic Vitality; Livability (Design); Multimodal Synergy</td>
<td>The overall project will improve livability and create a sense of place. Project addresses and/or improves three (3) or more transportation modes.</td>
<td>10</td>
</tr>
<tr>
<td>Gap Closure; Connectivity</td>
<td>Project proposes a shorter route, completes sidewalks, closes gaps in a transportation facility and/or multimodal network.</td>
<td>10</td>
</tr>
<tr>
<td>Air Quality Improvement and/or Vehicle Miles Traveled (VMT) Reduced</td>
<td>Project demonstrates it can improve air quality by reducing emissions or lessening traffic congestion and/or the project employs strategies to reduce VMT (such as travel demand management, bike/ped facilities, parking management, etc.).</td>
<td>10</td>
</tr>
<tr>
<td>Public Involvement/Support</td>
<td>Project developed through a collaborative planning process that included broad partnerships among a variety of stakeholders.</td>
<td>10</td>
</tr>
<tr>
<td>Local Match</td>
<td>Project can commit from 12% to 21% of total project cost from non-federal sources. (one point for each 1 percent to 10 points max)</td>
<td>10</td>
</tr>
<tr>
<td>Project Readiness/Delivery</td>
<td>Categorical Exclusion (CE): Design Complete 5, ENV Complete 4, ROW Complete 3</td>
<td>10</td>
</tr>
<tr>
<td>Jobs Density (current and future) within ABAG defined PDA</td>
<td>High: (30+) 5, Medium: (10-30) 3, Low: (1-9) 1</td>
<td>5</td>
</tr>
<tr>
<td>Housing Density (current and future) within ABAG defined PDA</td>
<td>High: (20+) 5, Medium: (10-20) 3, Low: (1-9) 1</td>
<td>5</td>
</tr>
<tr>
<td>Community of Concern and/or Community Air Risk Evaluation (CARE) program</td>
<td>Project is located within a COC and/or CARE area. Map included showing project location Y/N?</td>
<td>5</td>
</tr>
<tr>
<td>Affordable Housing &amp;/or Senior/Disabled-Serving Facilities</td>
<td>Project is within 1/8 mile of affordable housing and/or a senior/disabled facility Y/N? 5 (Include map to show facility location)</td>
<td>5</td>
</tr>
<tr>
<td>Proximity to Transit Station</td>
<td>Project is within 1/8 mile of public transit station Y/N? 5 (Include map/photo to show public transit facility)</td>
<td>5</td>
</tr>
<tr>
<td>SEP Plan</td>
<td>Project is in the Bicycle Expenditure Program Y/N?</td>
<td>10</td>
</tr>
</tbody>
</table>

### APPENDIX F: OBAG SCORING CRITERIA (Continued)

#### 7.16.a

[Image of page 69]
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Safe Routes to Transit Grant for the Santa Clara Caltrain Pedestrian/Bicycle Tunnel Extension Project.

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

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a resolution authorizing the General Manager to accept Safe Routes to Transit (SR2T) funds from Regional Measure 2 for the Santa Clara Caltrain Pedestrian/Bicycle Tunnel Extension project.

BACKGROUND:

There is currently no legal way to cross from the Santa Clara Caltrain station to the east side of the railroad tracks. The railroad tracks divide the neighborhood and prevent residents on the west side from accessing shopping and employment opportunities on the east side. Brokaw Road previously had an at-grade crossing, but it was removed decades ago and is now a dead-end street on the east side of the tracks. Similarly, Benton Street stubs into the railroad tracks on the west side, as shown in Attachment A. Motor vehicles now use the De La Cruz Boulevard overcrossing one-quarter mile to the north. However, De La Cruz Boulevard has no bike lanes, wide curb lanes or sidewalks, and has freeway-ramp-like connections with Coleman Avenue and El Camino Real. Since the removal of the Brokaw Road at-grade crossing, there has been no safe or convenient way for pedestrians or bicyclists to cross the railroad tracks at the Santa Clara Caltrain Station.

A pedestrian/bicycle tunnel at this location has been in the VTA Bicycle Expenditure Plan (BEP) since 2000. In 2007, VTA conducted a feasibility study with a Safe Routes to Transit (SR2T)
planning grant and found a large latent demand for pedestrian and bicycle access at this location. In January 2012, Caltrain completed a pedestrian/bicycle tunnel at the Santa Clara Caltrain Station to provide passenger access to a new center platform, as shown in Attachment A. However, several Union Pacific Railroad (UPRR) freight tracks remain to the east of Caltrain's new center platform. In 2008, the VTA Board of Directors granted the tunnel extension project $1.2 million in federal Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds from the BEP for design, and later allocated an additional $200,000. The tunnel extension project is currently completing final design.

DISCUSSION:

In January 2012, VTA was awarded $675,000 in SR2T funds to apply towards construction costs of the tunnel extension project. In order to receive the SR2T funds, the Board of Directors must adopt the attached resolution certifying that VTA is eligible to receive these funds and has adequate staff resources to complete the project on schedule. The Board must also approve an Initial Project Report (IPR) and a cash flow plan, which are presented in Attachment B.

VTA owns the right-of-way at this location and UPRR has an easement to run their trains. VTA has discussed the project with UPRR and other stakeholders, and agreed on a plan for construction staging. Construction is scheduled to start in January 2014.

ALTERNATIVES:

The Board of Directors could choose not to approve the resolution and the project would not receive the SR2T funds.

FISCAL IMPACT:

This action will make $675,000 in SR2T funds available for the Santa Clara Caltrain Pedestrian/Bicycle Tunnel Extension project. Appropriation for this project is included in the Recommended FY14 & FY15 2000 Measure A Transit Improvement Program Fund Capital Budget.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The May 23, 2013, Transit Planning & Operations Committee meeting was cancelled.

Prepared by: Mike Tasosa
Memo No. 3538
New Caltrain Platform & Tunnel, Jan. 2012

Caltrain’s new center platform

Caltrain’s New Underpass

UPRR Tracks

Caltrain Tracks
## Regional Measure 2
### Initial Project Report (IPR)

### Project Title:
Santa Clara Caltrain Station Pedestrian & Bicycle Tunnel Extension

### RM2 Project No.
20.48

### Allocation History:

<table>
<thead>
<tr>
<th>#</th>
<th>MTC Approval Date</th>
<th>Amount</th>
<th>Phase</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>#3</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Total: $**

### Current Allocation Request:

<table>
<thead>
<tr>
<th>IPR Date</th>
<th>Amount Being Requested</th>
<th>Phase Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>05/03/2012</td>
<td>$675,000</td>
<td>Construction</td>
</tr>
</tbody>
</table>
I. OVERALL PROJECT INFORMATION

A. Project Sponsor / Co-sponsor(s) / Implementing Agency

Santa Clara Valley Transportation Authority (VTA)
City of Santa Clara

B. Project Purpose

At the Santa Clara Caltrain Station, neither passengers nor area employees nor area residents can legally cross from one side of the railroad tracks to the other side. It is a fairly busy location with more than 140 trains per day; both passenger and freight service. Caltrain and ACE passenger trains stop at the station for passenger boardings and alightings, and there are also through Amtrak- Capitol Corridor trains and UPRR freight trains. The closest legal alternative requires a 0.8 mile detour, involving a high-traffic, high-speed overpass of De La Cruz Blvd which has narrow auto lanes, no bike lanes or shoulders, minimal sidewalk on the south side, no sidewalk on the east side and free-flowing freeway-style ramp connections with both Coleman Avenue and El Camino Real. Only hardy pedestrians and advanced cyclists appear to use it.

There is a fair amount of latent demand for this connection, given the development on both sides of the tracks. Downtown Santa Clara with its many small businesses as well as Santa Clara University and its on-campus housing are located in the near vicinity of the train station on the west side. Costco, Office Depot and several other businesses that attract students and residents are on the east side. There are also hundreds of small businesses on the east side of the tracks, many of whose employees commute or would commute on Caltrain, if they could cross the tracks at the station. There has been a significant amount of illegal at-grade crossing of the tracks in the study area, particularly right at the Caltrain station. In order to estimate the existing and latent demand for a pedestrian/bicycle connection, VTA applied for and received a SR2T grant in Cycle 1 (project # 20.14) for a feasibility/planning study (VTA was awarded $50,000 of which we spent $34,087). The feasibility study, conducted in 2006 found that approximately 50 people were crossing the tracks (illegally) during a typical day and an additional 75 crossed (legally) at the inconveniently located De La Cruz Blvd. Since then, a fence was erected around the property, and it is unknown if this has reduced the number of illegal crossings. In addition, based on survey of existing Caltrain passengers and of employees of businesses on the east side, the study estimated that up to 1000 users would use a crossing if there were a safe and legal way to cross the tracks.

The goals of the pedestrian/bicycle grade-separated crossing are to:

a) Eliminate the illegal at-grade crossings of the railroad tracks

b) Provide a safer, more convenient crossing of the railroad tracks than the existing circuitous walk via El Camino Real and De la Cruz Boulevard.

c) Increase ridership on Caltrain by improving pedestrian/bike access to the station from the east side.

d) Improve pedestrian and bicycle access to the San Jose International Airport
C. Project Description (please provide details)

Project Graphics to be sent electronically with This Application

Caltrain JPB recently completed construction of a second platform at the Santa Clara Caltrain/ACE station. This platform is on the east side of the railroad tracks and, along with a new pedestrian/bicycle undercrossing to connect the stationside platform with this center Caltrain platform, it allows for simultaneous boarding of northbound and southbound trains, and eliminates the former holdout rule.

However, several other very active railroad tracks, belonging to UPRR remain to the east of this new Platform which prevents passenger from walking to Coleman Avenue and the businesses and services to the east.

This SR2T grant would be used to help fund the construction of extending this pedestrian/bicycle tunnel from its existing terminus to the east side of the UPRR tracks and also a ramp and pathway to connect the tunnel to Brokaw Road. This will enable Caltrain passengers as well as residents and workers in the area to cross the UPRR tracks in a safe, direct manner. The undercrossing will be 8 feet 6 inches high by 20 feet wide (inside dimensions), which exceeds minimum design standards, and will be ADA accessible.

The current transit services associated with this project are Caltrain, ACE, and VTA bus and shuttle service. Future services include BART, as the Santa Clara Station is the terminus of the Berryessa to Santa Clara/San Jose segment. High Speed Rail will use the track alignment, but is not planned to stop at the station.

D. Impediments to Project Completion

At this time we anticipate no impediments to project completion. VTA owns the right of way and UPRR has an easement for their freight tracks. UPRR and VTA have recently signed an agreement for VTA to fund UPRR’s construction coordination.

E. Operability

VTA is currently in negotiation with the City of Santa Clara and JPB for the future operation and maintenance of the tunnel extension

II. PROJECT PHASE DESCRIPTION and STATUS

F. Environmental –

Does NEPA Apply: ☒ Yes ☐ No

In Process, is scheduled to be completed by end 2012.

G. Design –

Preliminary plans, specifications and estimate are complete. Final Design is scheduled to be completed by Mid 2013

H. Right-of-Way Activities / Acquisition –

Property is owned by VTA.

I. Construction / Vehicle Acquisition -

Construction is scheduled to be completed by end of year 2014.
### III. PROJECT BUDGET

#### J. Project Budget (Escalated to year of expenditure)

<table>
<thead>
<tr>
<th>Phase</th>
<th>Total Amount - Escalated - (Thousands)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Studies &amp; Preliminary Eng (ENV / PE / PA&amp;ED)</td>
<td>$650</td>
</tr>
<tr>
<td>Design - Plans, Specifications and Estimates (PS&amp;E)</td>
<td>$1,450</td>
</tr>
<tr>
<td>Right-of-Way Activities / Acquisition (R/W)</td>
<td>0</td>
</tr>
<tr>
<td>Construction / Rolling Stock Acquisition (CON)</td>
<td>$9,250</td>
</tr>
<tr>
<td>Total Project Budget (in thousands)</td>
<td>$11,350</td>
</tr>
</tbody>
</table>

#### K. Project Budget (De-escalated to current year)

<table>
<thead>
<tr>
<th>Phase</th>
<th>Total Amount - De-escalated - (Thousands)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Studies &amp; Preliminary Eng (ENV / PE / PA&amp;ED)</td>
<td>$650</td>
</tr>
<tr>
<td>Design - Plans, Specifications and Estimates (PS&amp;E)</td>
<td>$1,450</td>
</tr>
<tr>
<td>Right-of-Way Activities / Acquisition (R/W)</td>
<td>0</td>
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<tr>
<td>Construction / Rolling Stock Acquisition (CON)</td>
<td>$9,250</td>
</tr>
<tr>
<td>Total Project Budget (in thousands)</td>
<td>$11,350</td>
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</table>

#### L. Project Budget – Deliverable Segment (Escalated to year of expenditure)

<table>
<thead>
<tr>
<th>Phase</th>
<th>Total Amount - Escalated - (Thousands)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Studies &amp; Preliminary Eng (ENV / PE / PA&amp;ED)</td>
<td>$650</td>
</tr>
<tr>
<td>Design - Plans, Specifications and Estimates (PS&amp;E)</td>
<td>$1,450</td>
</tr>
<tr>
<td>Right-of-Way Activities / Acquisition (R/W)</td>
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<tr>
<td>Construction / Rolling Stock Acquisition (CON)</td>
<td>$9,250</td>
</tr>
<tr>
<td>Total Project Budget (in thousands)</td>
<td>$11,350</td>
</tr>
</tbody>
</table>

#### M. Project Budget – Deliverable Segment(De-escalated to current year)

<table>
<thead>
<tr>
<th>Phase</th>
<th>Total Amount - De-escalated - (Thousands)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Studies &amp; Preliminary Eng (ENV / PE / PA&amp;ED)</td>
<td>$650</td>
</tr>
<tr>
<td>Design - Plans, Specifications and Estimates (PS&amp;E)</td>
<td>$1,450</td>
</tr>
<tr>
<td>Right-of-Way Activities / Acquisition (R/W)</td>
<td>0</td>
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<tr>
<td>Construction / Rolling Stock Acquisition (CON)</td>
<td>$9,250</td>
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<tr>
<td>Total Project Budget (in thousands)</td>
<td>$11,350</td>
</tr>
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</table>
IV. OVERALL PROJECT SCHEDULE

<table>
<thead>
<tr>
<th>Phase-Milestone</th>
<th>Planned (Update as needed)</th>
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</thead>
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<tr>
<td></td>
<td>Start Date</td>
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<tr>
<td>Environmental Document</td>
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<td>Right-of-Way Activities /Acquisition (R/W)</td>
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<tr>
<td>Construction (Begin – Open for Use) / Acquisition / Operating Service (CON)</td>
<td>9/2013</td>
</tr>
</tbody>
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V. ALLOCATION REQUEST INFORMATION

N. Detailed Description of Allocation Request

Describe the scope of the allocation request. Provide background and other details as necessary.

Construction of the tunnel.

| Amount being requested (in escalated dollars) | 675,000 |
| Project Phase being requested | Construction |
| Are there other fund sources involved in this phase? | Yes  No |
| Date of anticipated Implementing Agency Board approval the RM2 IPR Resolution for the allocation being requested | May 3, 2012 |
| Month/year being requested for MTC Commission approval of allocation | June 2012 |

O. Status of Previous Allocations (if any)

NA

P. Workplan

Workplan in Alternate Format Enclosed

<table>
<thead>
<tr>
<th>TASK NO</th>
<th>Description</th>
<th>Deliverables</th>
<th>Completion Date</th>
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<tbody>
<tr>
<td>1</td>
<td>Construction</td>
<td>Project</td>
<td>2014</td>
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</tbody>
</table>

Q. Impediments to Allocation Implementation

None
VI. RM-2 FUNDING INFORMATION

R. RM-2 Funding Expenditures for funds being allocated

☒ The companion Microsoft Excel Project Funding Spreadsheet to this IPR is included

S. Next Anticipated RM2 Allocation Request.

VII. GOVERNING BOARD ACTION

Check the box that applies:

☐ Governing Board Resolution attached

☒ Governing Board Resolution to be provided on or before: 06/28/13

VIII. CONTACT / PREPARATION INFORMATION

Contact for Applicant’s Agency
Name: Ken Ronsse,
Phone: (408) 952-4129
Title: Deputy Director, Engineering & Construction,V
E-mail: Ken.Ronsse@vta.org
Address: 3331 N. First Street, Bldg. A, San Jose CA 95134

Information on Person Preparing IPR
Name: Mohamed Basma
Phone: (408) 546-7939 x7939
Title: Deputy Project Manager
E-mail: Mohamed.Basma@vta.org
Address: 3331 N. First Street, Bldg. A, San Jose CA 95134

Applicant Agency’s Accounting Contact
Name: Riodino Kalugdan
Phone: (408) 952-8902
Title: Sr. Accountant-Accounts Receivable
E-mail: Riodino.Kalugdan@vta.org
Address: 3331 N. First Street, Bldg. C2, San Jose CA 95134

Revised IPR 120905.doc
### RM-2 Initial Project Report

**TOTAL PROJECT FUNDING PLAN**

(Amounts Escalated in Thousands)  

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</thead>
<tbody>
<tr>
<td>Santa Clara Measure A Salestax / Local</td>
<td>CON</td>
<td>7,384</td>
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<td>7,384</td>
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<tr>
<td>RM-2/SR2T</td>
<td>CON</td>
<td>675</td>
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<tr>
<td>One Bay Area Grant - SCL Share</td>
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### UNCOMMITTED FUNDING PLAN (NON-PROGRAMMED/ALLOCATED, BUT PLANNED FUNDING)

### FUNDING SOURCE STILL TO BE DETERMINED (LIST POTENTIAL SOURCES THAT WILL LIKELY BE PURSUED)

### TOTAL PROJECT: COMMITTED + UNCOMMITTED + TBD FUNDING TOTAL

**Comments:**

Enter all funding for the project - both Committed and Uncommitted. Enter amounts in thousands and escalated to the year of funding.

Eligible Phases: ENV (or PA&ED), PS&E, R/W or CON. For planning activities use ENV. For Vehicles, Equipment or Operating use CON. OK to use CT R/W SUP or CT CON SUP for Caltrans support, but not necessary (optional).
### RM-2 DELIVERABLE SEGMENT - Fully Funded Phase or Segment of Total Project

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</table>

**Comments:**

Enter only funds Committed to the RM-2 Funded Segment and only if different from Total Project. DO NOT enter uncommitted funding - The RM-2 Phase or Segment must be Fully Funded and result in a operable or useable segment.

### RM-2 SEGMENT FUNDING TOTAL

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<td></td>
<td>9,250</td>
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</tbody>
</table>

**Comments:**

(Complete this spreadsheet only if RM-2 funds are dedicated to deliver a specific phase or deliverable segment of the overall total project)

Enter funds on the RM-2 Deliverable Phase or Segment, ONLY if the RM-2 Phase or Segment is different from the overall total project. The RM-2 Segment must be Fully Funded and result in a operable or useable segment.

Enter only funds Committed to the RM-2 Funded Segment and only if different from Total Project. Enter amounts in thousands and escalated to the year of funding. DO NOT enter uncommitted funding - The RM-2 Phase or Segment must be fully funded.

Eligible Phases: ENV (or PAMED), PS&E, R/W or CON. For planning activities use ENV. For Vehicles, Equipment or Operating use CON. OK to use CT R/W SUP or CT CON SUP for Caltrans support, but not necessary (optional).
RM-2 Initial Project Report

EXPENDITURES TO-DATE BY PHASE AND FUND SOURCES

<table>
<thead>
<tr>
<th>Phase</th>
<th>Fund Source</th>
<th>Date of Last Expenditure</th>
<th>Amount Expended to date (Thousands)</th>
<th>Available Balance Remaining (Thousands)</th>
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</thead>
<tbody>
<tr>
<td>ENV / PA&amp;ED</td>
<td>Santa Clara Measure A Sales tax</td>
<td>Jul-11</td>
<td>500</td>
<td>112</td>
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<td></td>
<td>CMAQ</td>
<td>Jul-11</td>
<td>121</td>
<td>1346</td>
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<tr>
<td>PS&amp;E</td>
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<tr>
<td>R/W</td>
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<tr>
<td>CON / Operating</td>
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<tr>
<td>Total to date (in thousands)</td>
<td></td>
<td></td>
<td>621</td>
<td>1458</td>
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</tbody>
</table>

Comments:

As required by RM-2 Legislation, provide funds expended to date for the total project. Provide both expenditure by Fund Source and Expenditure by Phase, with the date of the last expenditure, and any available balance remaining to be expended.

Project ID: 0
Date: 5/2/2013
RM-2 Initial Project Report

RM-2 FUNDING CASH FLOW PLAN For Allocation
(RM-2 Allocation Funding Only)
(Amounts Escalated in Thousands)

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<td>ENV/PA&amp;ED</td>
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<tbody>
<tr>
<td>RM-2 CASH FLOW PLAN TOTAL</td>
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<td>675</td>
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</tbody>
</table>

Comments:

Provide the expected RM-2 expenditures – by phase and year. (This is the amount of the allocation needed for that fiscal year to cover expenditures through June 30th of that fiscal year).
Enter RM-2 amounts in thousands and escalated to the year of funding. The total amount cannot exceed the amount identified in the RM-2 legislation.

Eligible Phases: ENV (or PA&ED), PS&E, R/W or CON. For planning activities use ENV. For Vehicles, Equipment or Operating use CON. OK to use CT R/W SUP or CT CON SUP for Caltrans support, but not necessary (optional).
Please complete this form based on the proposed allocation for your project. The scope should be consistent with the funding you are requesting the MTC allocate. Projects with complementary fund sources, should list the estimated cost of the entire work scope. Note that this information may not only represent the RM2 funding. A separate EBP needs to be completed for each allocation request or each phase of such request.

<table>
<thead>
<tr>
<th>TITLE OF PROJECT</th>
<th>RM2 Legislation ID (and project subelements if any)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Santa Clara Caltrain Station Pedestrian and Bicycle Access Tunnel</td>
<td>0</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>NAME AND ADDRESS OF IMPLEMENTING AGENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Santa Clara Valley Transportation Authority (VTA)</td>
</tr>
<tr>
<td>3331 N. 1st St.</td>
</tr>
<tr>
<td>San Jose, CA 95134</td>
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<table>
<thead>
<tr>
<th>DETAIL DESCRIPTION</th>
<th>ESTIMATED HOURS</th>
<th>RATE/HOUR</th>
<th>TOTAL ESTIMATED COST (Dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ken Ronsse, Deputy Director</td>
<td>280</td>
<td>212.00</td>
<td>59,360</td>
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<tr>
<td>Mohamed Basma, Deputy Project Manager</td>
<td>400</td>
<td>190.00</td>
<td>76,000</td>
</tr>
<tr>
<td>Sal Duckworth-Lanzo, Project Manager</td>
<td>800</td>
<td>155.00</td>
<td>124,000</td>
</tr>
<tr>
<td>Jim Spalding, Manager Construction Inspection</td>
<td>600</td>
<td>170.00</td>
<td>102,000</td>
</tr>
<tr>
<td>Gino Spadafore, Senior Construction Inspector</td>
<td>1,597</td>
<td>120.00</td>
<td>191,640</td>
</tr>
<tr>
<td>Martin Hernandez, Construction Inspector</td>
<td>2,080</td>
<td>100.00</td>
<td>208,000</td>
</tr>
<tr>
<td>Renato DeCastro, Engineering Aide</td>
<td>520</td>
<td>75.00</td>
<td>39,000</td>
</tr>
<tr>
<td><strong>TOTAL DIRECT LABOR</strong></td>
<td><strong>800,000</strong></td>
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<table>
<thead>
<tr>
<th>2. OVERHEAD &amp; DIRECT BENEFITS (Specify)</th>
<th>RATE</th>
<th>X BASE</th>
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<td>Overhead</td>
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<tr>
<td>Direct Benefit</td>
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<tr>
<td><strong>TOTAL OVERHEAD &amp; DIRECT BENEFIT</strong></td>
<td><strong>0</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3. DIRECT CAPITAL COSTS (include engineer's estimate on construction, right-of-way, or vehicle acquisition)</th>
<th>Unit (if applicable)</th>
<th>Cost per Unit ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction</td>
<td></td>
<td>6,500,000</td>
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<tr>
<td><strong>TOTAL DIRECT CAPITAL COSTS</strong></td>
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<td>6,500,000</td>
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<thead>
<tr>
<th>4. CONSULTANTS (Identify purpose and or consultant)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design Consultants</td>
</tr>
<tr>
<td>Professional Consultants (including, UPRR &amp; JPB)</td>
</tr>
<tr>
<td><strong>TOTAL CONSULTANTS</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5. OTHER DIRECT COSTS (Specify - explain costs, if any)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utilities, R/W</td>
</tr>
<tr>
<td>Field Operations (including UPRR)</td>
</tr>
<tr>
<td>Project Contingency</td>
</tr>
<tr>
<td>Non-Technical Services</td>
</tr>
<tr>
<td><strong>TOTAL OTHER DIRECT COSTS</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>6. TOTAL ESTIMATED COST</th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>9,250,000</td>
</tr>
</tbody>
</table>

Comments:

Date: 5/2/2013
Resolution No.

Implementing Agency: Santa Clara Valley Transportation Authority (VTA)
Project Title: Santa Clara Caltrain Pedestrian/Bicycle Tunnel Extension

WHEREAS, SB 916 (Chapter 715, Statutes 2004), commonly referred as Regional Measure 2, identified projects eligible to receive funding under the Regional Traffic Relief Plan; and

WHEREAS, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 2 funds, pursuant to Streets and Highways Code Section 30914(c) and (d); and

WHEREAS, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 2 funding; and

WHEREAS, allocations to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 2 Policy and Procedures; and

WHEREAS, Santa Clara Valley Transportation Authority (VTA) is an eligible sponsor of transportation project(s) in Regional Measure 2, Regional Traffic Relief Plan funds; and

WHEREAS, the Santa Clara Caltrain Tunnel Extension is eligible for consideration in the Regional Traffic Relief Plan of Regional Measure 2, as identified in California Streets and Highways Code Section 30914(c) or (d); and

WHEREAS, the Regional Measure 2 allocation request, attached hereto in the Initial Project Report and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which VTA is requesting that MTC allocate Regional Measure 2 funds.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Santa Clara Valley Transportation Authority that VTA and its agents shall comply with the provisions of the Metropolitan Transportation Commission’s Regional Measure 2 Policy Guidance (MTC Resolution No. 3636); and be it further

RESOLVED, that VTA certifies that the project is consistent with the Regional Transportation Plan (RTP); and be it further

RESOLVED, that the year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project; and be it further

RESOLVED, that the Regional Measure 2 phase or segment is fully funded, and results in an operable and useable segment; and be it further

RESOLVED, that VTA approves the updated Initial Project Report, attached to this resolution; and be it further
RESOLVED, that VTA approves the cash flow plan, attached to this resolution; and be it further

RESOLVED, that VTA has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the updated Initial Project Report, attached to this resolution; and, be it further

RESOLVED, that VTA is an eligible sponsor of projects in the Regional Measure 2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code 30914(c); and be it further

RESOLVED, that VTA is authorized to submit an application for Regional Measure 2 funds for the Santa Clara Caltrain Tunnel Extension in accordance with California Streets and Highways Code 30914(c); and be it further

RESOLVED, that VTA certifies that the project and purposes for which RM2 funds are being requested are in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (4 California Code of Regulations Section 15000 et seq.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et. seq. and the applicable regulations thereunder; and be it further

RESOLVED, that there is no legal impediment to VTA making allocation requests for Regional Measure 2 funds; and be it further

RESOLVED, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of VTA to deliver such project; and be it further

RESOLVED, that VTA indemnifies and holds harmless MTC, its Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of VTA, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM2 funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM2 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages, and be it further

RESOLVED, that VTA shall, if any revenues or profits from any non-governmental use of property (or project) that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC’s percentage participation in the projects(s); and be it further

RESOLVED, that assets purchased with RM2 funds including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for its useful life, that the Metropolitan Transportation Commission (MTC) shall be entitled to a present day value refund or credit (at MTC’s option) based on MTC’s share of the Fair Market Value of the said facilities and equipment at the time the public transportation uses ceased, which shall be
paid back to MTC in the same proportion that Regional Measure 2 funds were originally used; and be it further

RESOLVED, that VTA shall post on both ends of the construction site(s) at least two signs visible to the public stating that the Project is funded with Regional Measure 2 Toll Revenues; and be it further

RESOLVED, that VTA authorizes its General Manager, or his/her designee to execute and submit an allocation request for the construction phase with MTC for Regional Measure 2 funds in the amount of $675,000, for the project, purposes and amounts included in the project application attached to this resolution; and be it further

RESOLVED, that the General Manager, or his/her designee is hereby delegated the authority to make non-substantive changes or minor amendments to the IPR as he/she deems appropriate.

RESOLVED, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the VTA application referenced herein.
PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on June 6, 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, Board Secretary

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 Engineering & Construction Officer, Mark S. Robinson

SUBJECT: Capitol Expressway Light Rail Project - Eastridge Transit Center and Bus Improvements Contract

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with Granite Rock Company dba Pavex Construction Division, the lowest responsive and responsible bidder, in an amount of $16,831,045 for the construction of the Capitol Expressway Light Rail Project - Eastridge Transit Center and Bus Improvements.

BACKGROUND:

The Capitol Expressway Light Rail (CELR) Project is included in the Measure A Program and will extend light rail in San Jose from the existing Alum Rock Station on Capitol Avenue to the Eastridge Transit Center (ETC). In order to utilize available funding, the CELR Project will be implemented in phases. Phase 1 was recently completed and included the addition of pedestrian improvements (sidewalk, lighting and landscaping) along both sides of the expressway from Capitol Avenue to Tully Road. This contract is Phase 2 of the project and will expand and reconfigure the existing ETC and install pedestrian improvements between Tully Road and Quimby Road along Capitol Expressway (Exhibit A).

The pedestrian improvements will introduce a pedestrian multiuse path with landscape buffer and street lighting, thereby providing a convenient multimodal corridor and improved safety along the corridor.

The final phase of the project will include the light rail improvements within this corridor.
VTA has secured federal grant funds through the 2010 State Improvement Program process that will partially fund (federal funds= 88.53%, Measure A funds = 11.47%) the ETC and Bus Improvements. The grant allocation was made in April, 2012.

**DISCUSSION:**

The CELR ETC and Bus Improvements contract was advertised on July 17, 2012. Due to extensive coordination and review of project with Eastridge Mall, the bid opening date was extended. Two bids were opened on April 18, 2013 with the following results:

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Granite Rock Company dba Pavex Construction Division</td>
<td>$16,831,045</td>
</tr>
<tr>
<td>Robert A. Bothman Inc.</td>
<td>$19,495,800</td>
</tr>
<tr>
<td>Engineer’s Estimate</td>
<td>$16,609,241</td>
</tr>
</tbody>
</table>

Pavex Construction is the lowest responsible and responsive bidder. The bid is 1.33% over the Engineer’s Estimate. VTA staff has completed a bid analysis, has determined the bid to be fair and reasonable, and recommends award of this contract to Pavex Construction. This contractor has a satisfactory record of performance on past VTA work including Caltrain Safety project and VTA highway projects.

Construction is anticipated to begin in June 2013 with completion by March 2015.

**ALTERNATIVES:**

There are no practical alternatives to the recommended action. Any delay in awarding this contract would jeopardize the proposed transit center opening in March 2015.

**FISCAL IMPACT:**

This action will authorize $16,831,045 for construction of the ETC and Bus Improvements along Capitol Expressway. Budget appropriation for this expenditure is included in the FY13 Adopted 2000 Measure A Transit Improvement Program Fund Capital Budget. This contract is funded with 2010 State Transportation Improvement Program and 2000 Measure A funds.

**DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION:**

Based on identifiable subcontracting opportunities, a Disadvantaged Business Enterprise (DBE) goal of 14% was established for this contract. Contractor has met the goal and has committed to 14.07% DBE participation on this contract.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The May 23, 2013 Transit Planning & Operations Committee meeting was cancelled.

Prepared by: Ken Ronsse, Deputy Director
Memo No. 3325
EXHIBIT A – EASTRIDGE TRANSIT CENTER AND BUS IMPROVEMENTS
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: Re-Roof of Cerone Division, Building G

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a Contract with AlCal Specialty Contracting, the lowest responsive and responsible bidder, in the amount of $602,540.00 for the replacement of the original building roof systems at the Cerone Bus Division. The work shall encompass four older roofs on Building G, excluding the expansion additions built in 2001.

BACKGROUND:

This work will replace or recover roofing systems that were originally installed in 1984, 1994, and 1995. Three of the roofs have reached the end of their service life spans and one needs recovering and drain modifications to meet current usage and all need to meet Title 24 cool roof standards. The original body shop roof and overhaul and repair roof will be recovered, the metal roof over the warehouse annex will be insulated and covered with the same fabric as the other roofs, drains will be modified to resolve overflow issues, and the low roof over the original warehouse and component rooms will be completely removed and replaced. The built up roofs have an anticipated lifespan of 15 years and are now 18 and 19 years old. They no longer have the capacity to keep the building envelope beneath them protected from inclement weather.

DISCUSSION:

A formal Invitation for Bid (IFB) for the Re-roofing of Cerone Division Building G was issued on February 13, 2013. The pre-proposal conference was held on February 27th to answer any questions and to clarify the terms and conditions of the IFB. Seven bids were received on March 11, 2013 from Andy’s Roofing Company, AlCal Specialty Contracting, Waterproofing Associates, Stronger Building Services, WSP Roofing, Progressive roofing, and Western
Roofing Service.

The bids received from the responsive bidders are as follows:

<table>
<thead>
<tr>
<th>Company</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>AlCal Specialty Contracting</td>
<td>$602,540.00</td>
</tr>
<tr>
<td>Waterproofing Associates</td>
<td>$632,338.00</td>
</tr>
<tr>
<td>Stronger Building Services</td>
<td>$830,000.00</td>
</tr>
</tbody>
</table>

Engineer’s Estimate: $607,083.00

Based on the evaluation of the written proposals, the contract was awarded to AlCal Specialty Contracting, the lowest responsive and responsible bidder.

AlCal Specialty Contracting is based in Sacramento, California and has successfully delivered projects of similar scope for NASA Ames Research Center, Yahoo Campus, UC Santa Cruz Digital Arts, and the East Asian Library, among others. Staff recommends awarding this contract to AlCal Specialty Contracting in the total amount of $602,540.00.

Delivery is scheduled for July 8, 2013.

ALTERNATIVES:

The Board of Directors could direct staff to issue another Invitation For Bid. However, staff does not recommend this alternative because the proposals were submitted by leading contractors who specialize in roofing systems installations. Delay in awarding this contract would significantly impact the schedule and funding for the replacement of this asset. The Responsive bidder is 0.75% lower than the Engineer’s Estimate.

Additional delays in replacing these roofs significantly increase the risk of a catastrophic failure that can create water damage to VTA assets in excess of the costs of replacing the roofs.

FISCAL IMPACT:

This action will authorize $602,540.00 for procurement of new roofing systems for Cerone Building G. Appropriation for this expenditure is included in the FY 2013 Adopted VTA Transit Fund Capital Budget.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION:

Based on identifiable subcontracting opportunities, a Disadvantaged Business Enterprise (DBE) goal of 3.13% has been established for this contract. The lowest responsive and responsible bidder AlCal Specialty Contracting has achieved the goal and committed to a 3.13% DBE participation on this contract.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The May 23, 2013, Transit Planning & Operations Committee meeting was cancelled.

Prepared by: Gregory Beattie
Memo No. 4011
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: Silicon Valley Berryessa Extension (SVBX) Project Budget Establishment for Inspection by Private Third Party Utility Entities

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to enter into agreements with private utility owners for construction safety oversight and inspection services related to Silicon Valley Berryessa Extension (SVBX) Project construction activities which will occur in close proximity to existing utility facilities in an estimated aggregate amount of $5,080,000.

BACKGROUND:

The extension of the Bay Area Rapid Transit District (BART) services into Santa Clara County is being implemented under agreement with BART by VTA’s Silicon Valley Rapid Transit Program. The extension will be implemented in stages, the first stage being a two-station (Milpitas and Berryessa) extension of approximately 10 miles, from BART’s Warm Spring Station in the City of Fremont to VTA’s planned Berryessa Station in the City of San Jose. This initial segment is known as the Silicon Valley Berryessa Extension (SVBX) Project.

In June 2010, the SVBX Project received a Federal Record of Decision from the FTA. On December 8, 2012, the VTA Board of Directors adopted a resolution to award the C700 Design-Build Contract to Skanska-Shimmick-Herzog, a Joint Venture, with a contract price of $772,227,000. In February 2012, FTA awarded a $900 million Full Funding Grant Agreement (FFGA) to VTA. SVBX construction is funded by a combination of sources from the federal FFGA, state funds, and Measure A, approved by the voters in November 2000.

On June 2, 2011, the Board of Directors authorized the General Manager to commence utility relocation construction activities for the rearrangement of facilities determined to be in conflict...
with the SVBX Project improvements. The estimated cost for such rearrangements was $45 million. These utility rearrangements were required to clear VTA’s Silicon Valley Rapid Transit (SVRT) corridor in order to extend BART service to San Jose. The utilities that were rearranged included, PG&E, Santa Clara Valley Water District, San Jose Water Company, Air Products, Verizon, Chevron, and others.

The Chevron and Kinder Morgan petroleum pipelines have already been relocated to remove conflicts from the SVBX Project. Relocation construction activities for MCI, Air Product’s nitrogen pipeline, and PG&E gas and electric lines are in progress. All longitudinal private third party utility rearrangements are expected to be completed by December 2013. Transverse utility rearrangements at the street crossings will be ongoing throughout the construction duration of the SVBX Project.

**DISCUSSION:**

Following the completion of the utility rearrangements, the construction of the SVBX Project facilities will begin. Protection of utilities during the construction of the SVBX Project is the responsibility of VTA’s SVBX Contractor.

When SVBX construction activities are in close proximity to a utility, representatives of the affected utility will monitor the SVBX Contractor’s work to ensure their facilities are not compromised. This oversight is necessary for public safety and to preserve uninterrupted essential utility services. The SVBX Project will need this inspection oversight starting June of 2013 through the end of December 2015.

To provide for this inspection and oversight VTA will need to enter into agreements with private utility owners Chevron, Kinder Morgan, Verizon (MCI), AT&T, PG&E, and others for construction safety oversight and inspection services. Under these agreements, VTA will reimburse the utility owner for their costs incurred in providing the services, and the Utility owners will assist in locating existing utilities, oversee VTA construction activities, and advise VTA of potentially unsafe or damaging activities.

The following shows the estimate by utility:

<table>
<thead>
<tr>
<th>Utility</th>
<th>Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chevron</td>
<td>$1,400,000</td>
</tr>
<tr>
<td>Kinder Morgan</td>
<td>$ 700,000</td>
</tr>
<tr>
<td>Verizon (MCI)</td>
<td>$1,400,000</td>
</tr>
<tr>
<td>AT&amp;T</td>
<td>$ 700,000</td>
</tr>
<tr>
<td>PG&amp;E</td>
<td>$ 700,000</td>
</tr>
<tr>
<td>Others</td>
<td>$ 180,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$5,080,000</strong></td>
</tr>
</tbody>
</table>

Board approval of this recommendation would facilitate VTA’s effort to more effectively manage the SVBX construction activities and reduce the risk of damaging existing utilities, and
avoid potential Project delays and additional costs associated with damage to existing facilities.

**ALTERNATIVES:**

There are no practical alternatives to the recommended action.

**FISCAL IMPACT:**

This action will authorize $5,080,000 in contractual commitments to third party utilities. Appropriation for this expenditure is included in the FY13 Adopted 2000 Measure A Transit Improvement Program Fund Capital Budget.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The May 23, 2013, Transit Planning & Operations Committee meeting was cancelled.

Prepared by: John Donahue
Memo No. 4090
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: SVBX Residential Noise Insulation Program – Amendment to Engineering Services Contract with CSDA Architects

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract amendment with CSDA Architects in an amount not to exceed $484,000, increasing the total contract value to $2,246,948.88, for construction oversight services for the Silicon Valley Berryessa Extension (SVBX) Residential Noise Insulation Program (RNIP) construction contracts.

BACKGROUND:

In the environmental documentation for the SVBX Project, VTA analyzed the effect of the project on noise levels according to the Federal Transit Administration’s (FTA) guidance on transit noise and vibration impact assessment. Based on this analysis, VTA determined that the project exceeded FTA’s severe noise impact criteria at various locations along the corridor. Proposed sound walls would mitigate many of these impacts at ground level. However, above ground level, potentially severe noise impacts were identified at 525 residences having two or more floors.

For residences with two or more floors, the RNIP program provides mitigation to eligible homes to mitigate noise impacts once BART is in service operations. These mitigations include acoustical windows and doors, weather stripping, and fresh air ventilation improvements.

On June 2, 2011, the VTA Board authorized the General Manager to execute a contract with CSDA Architects to provide professional services for the RNIP program. The services of the program’s architectural design firm included conducting noise testing to identify properties eligible for noise insulation identifying the type of noise insulation required and is preparing...
architectural plans, technical specifications, and cost estimates to install measures to mitigate impacts.

At this time, 100 percent of the noise testing indicating eligibility along the corridor has been completed. A total of 253 eligible residences have been divided into four groups (Group One to Group Four) based on proximity to initial construction activities, overall geography throughout the corridor and VTA’s desire to reduce contract amounts to attract the maximum number of responsible low bids. The program continues to move towards completion of architectural design packages for installation of mitigation measures for eligible residences beginning this summer.

**DISCUSSION:**

On February 7, 2013, VTA advertised the RNIP construction group one bid package for installation of the RNIP improvements for 49 residences included in the group located closest to the areas of initial SVBX project construction. VTA selected a contractor, who was the lowest, responsive and responsible bidder and recommended to the Board at the June Board of Directors meeting in conjunction with this contract amendment authorization request. Based on this schedule, initial installations are anticipated to begin in summer 2013. Groups two through four will follow a similar bid selection process between now and the beginning of 2014.

In an effort 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, staff is recommending this contract amendment for CSDA Architects to provide construction oversight services during the installation of improvements for all eligible RNIP residences. This contract amendment will provide construction oversight services during construction for the four RNIP construction contracts. It includes approximately 3200 hours of construction oversight services.

CSDA would provide general contractor administration and construction administration services for the four construction contracts covering the 253 residences included in RNIP. These services would include:

**Contractor Bid Support:** CSDA would assist VTA with the construction pre-bid conferences by providing detailed design information in relation to bid scopes of work, as well as conduct site visits of sample dwellings requiring noise insulation to familiarize contractors with the project requirements.

**Verification of Measurements:** CSDA would assist VTA with the contractor verification of measurements (VOM) process and be present during the VOM to answer design questions for all participating residences.

**Requests for Information & Requests for Change Orders During Construction:** CSDA would track Requests for Information (RFIs) and Requests for Change Orders (RFCOs) received from contractors for each home of each bid group. RFIs and RFCOs would be tracked from the date they are received to the dates they are rejected or approved by VTA and accepted by the contractor. RFCO’s will be coordinated and reviewed against each contractor’s monthly billing.
**Materials Inspection:** CSDA would inspect windows and doors to provide a safeguard against inaccurate deliveries and to mitigate the installation of incorrect or damaged windows and doors and their associated replacement costs. Windows would be inspected to confirm correct glazing thickness, sound transmission class rating, and tempered glazing. Doors would be reviewed for quantity accuracy, quality, and style to ensure that damaged or incorrect products are not delivered to residences.

**Construction Quality Assurance (QA):** City of San Jose and City of Milpitas would be responsible for the construction inspections. CSDA would support VTA on providing quality assurance to the RNIP. CSDA’s role in the construction oversight would be to verify that the acoustical components work effectively and the project acoustical goals are met. In addition, they would act as an RNIP representative for VTA, as they been involved in the RNIP since its inception and are trusted by the homeowners.

These services are estimated to cost $484,000. These services would be included as an amendment to CSDA’s existing contract for a total contract amount of 2,246,948.88.

**ALTERNATIVES:**

The Board could request staff to solicit additional proposals from other firms to provide these services. The cost for these services by other than the CSDA Architects would be substantially higher because they lack the history and knowledge of the RNIP. This would result in delay of the completion of the RNIP.

**FISCAL IMPACT:**

This action will authorize $484,000 for construction oversight services for RNIP support. Appropriation for this expenditure is included in the FY 2013 Adopted 2000 Measure A Transit Improvement Program Fund Capital Budget.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The May 23, 2013, Transit Planning & Operations Committee meeting was cancelled.

Prepared by: Evelyn Ho
Memo No. 3977
## Attachment A

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Address</th>
<th>Contact</th>
<th>Project Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSDA Architects</td>
<td>100 Montgomery Street, Suite 1170</td>
<td>Randy Waldeck T: 415.693.9800 x 1145</td>
<td>Project Manager</td>
</tr>
<tr>
<td></td>
<td>San Francisco, CA 94104</td>
<td>F: 415.693.9830</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><a href="mailto:rwaldeck@csdarchitects.com">rwaldeck@csdarchitects.com</a></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RGA Environmental</td>
<td>1466 66th Street, Emeryville CA 94608</td>
<td>Ken Pilgram T: 510.899.7014</td>
<td>Environmental Survey</td>
</tr>
<tr>
<td></td>
<td></td>
<td>F: 510.899.7014</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><a href="mailto:ken@rgaenv.com">ken@rgaenv.com</a></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MBI Media</td>
<td>2033 Gateway Place, Suite 572</td>
<td>Martha Strickland T: 626.967.1510</td>
<td>Homeowner Coordination/</td>
</tr>
<tr>
<td></td>
<td>San Jose, CA 95110</td>
<td>F: 626.967.1718</td>
<td>Community Outreach</td>
</tr>
<tr>
<td></td>
<td></td>
<td><a href="mailto:mstrickland@mbimedia.com">mstrickland@mbimedia.com</a></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Charles M. Salter</td>
<td>100 West San Fernando, Suite 430</td>
<td>Peter K. Holst T: 415.397.0442</td>
<td>Acoustical Survey</td>
</tr>
<tr>
<td>Associates</td>
<td>San Jose, CA 95113</td>
<td>F: 415.397.0454</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><a href="mailto:peter.holst@cmsalter.com">peter.holst@cmsalter.com</a></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Murphy, Burr, Curry</td>
<td>85 Second Street, Suite 501</td>
<td>Steven Curry P: (415) 546-0431</td>
<td>Structural Engineer</td>
</tr>
<tr>
<td></td>
<td>San Francisco, CA 94105</td>
<td>F: (415) 882-7257</td>
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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: SVBX Residential Noise Insulation Program Construction Group One Contract - C750

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with G.E. Chen Construction, the lowest, responsive and responsible bidder in the amount of $806,820 for the Group One’s construction of Residential Noise Insulation Program.

BACKGROUND:

In the environmental documentation for the SVBX Project, VTA analyzed the effects of the project on noise levels according to the FTA’s guidance on transit noise and vibration impact assessment. Based on this analysis, VTA determined that the project exceeded FTA’s severe noise impact criteria at various locations along the corridor. Proposed sound walls will mitigate many of these impacts at ground level. However, above ground level, potentially severe noise impacts were identified at 525 residences having two or more floors.

For these residences with two or more floors, the Residential Noise Insulation Program (RNIP) was established to conduct noise testing to identify properties eligible to receive noise insulation mitigation. The RNIP program includes: identification of the type of noise insulation mitigation required; preparation of architectural plans, technical specifications, and cost estimates; and installation of mitigation measures.

At this time, 100 percent of the noise testing indicating eligibility along the corridor has been completed and architectural design packages are being produced for a total of 253 eligible residences that have been determined to be eligible to receive noise insulation materials to mitigate impacts.
The 253 eligible residences have been divided into four construction groups based on proximity to initial construction activities, overall geography throughout the corridor, and VTA’s desire to reduce contract amounts to attract the maximum number of responsible low bids. The RNIP Group One construction contract includes construction for the RNIP improvements for 49 eligible residences. The program continues to move towards completion of architectural design packages for installation of the mitigation measures.

**DISCUSSION:**

On February 7, 2013, VTA advertised the construction bid package for installation of noise mitigation materials for 49 residences included in a group located closest to the areas of initial SVBX construction. The scope of the contract consists of window and door replacements, weather stripping, mechanical and electrical work and other improvements to privately owned residences. This work will require coordination with homeowners and local Building departments to ensure minimal disruption to residents and that the work is completed according to local code. These installations are intended to provide noise insulation for the upper floors of residences that may experience noise impacts from future train service along SVBX. The goal is to obtain a maximum interior Day/night Noise Level (DNL) value of 45dB, and a minimum Noise Level Reduction (NLR) improvement of 5 dB after the mitigation is installed.

On February 21, 2013, a pre-bid conference was held to provide interested bidders information on the scope of work, contract requirements, compliance, and Disadvantaged Business Enterprise compliance and goals. Seven contractors and one supplier attended the conference, with several participating in a tour of two homes participating in the program.

Bids from four contractors were received on March 14, 2013, with the following results:

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ionian Construction</td>
<td>$776,402</td>
</tr>
<tr>
<td>GE Chen Construction</td>
<td>$806,820</td>
</tr>
<tr>
<td>G &amp; G Specialty</td>
<td>$923,382</td>
</tr>
<tr>
<td>B-Side Construction</td>
<td>$974,813</td>
</tr>
<tr>
<td>Engineer’s Estimate</td>
<td>$770,131</td>
</tr>
</tbody>
</table>

Ionian Construction was not a responsive bidder since they did not meet the good faith efforts to achieve the DBE goal. Therefore, GE Chen Construction was the lowest, responsive and responsible bidder and, proposed to achieve the specified DBE goal of 5.67%.

Construction is anticipated to begin in July 2013 with completion by February 2014.

**ALTERNATIVES:**

The Board could request staff to solicit additional bids. This action would delay the completion of the RNIP and delay the goal of completing the RNIP earlier so the RNIP improvements can also mitigate the current SVBX project construction noise as an added bonus.
FISCAL IMPACT:

This action will authorize funds for the construction of the RNIP improvements for 49 eligible residences that are in the RNIP Group One of the program. Appropriation for this expenditure is included in the FY 2013 Adopted 2000 Measure A Transit Improvement Program Fund Capital Budget.

DISADVANTAGED BUSINESS ENTERPRISE (DBE)/SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION:

Based on identifiable subcontracting opportunities, a DBE goal of 5.67% was established for this contract.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The May 23, 2013, Transit Planning & Operations Committee meeting was cancelled.

Prepared by: Evelyn Ho
Memo No. 3978
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority  
    Board of Directors

FROM: General Manager, Michael T. Burns  
      Auditor General, Patrick J. Hagan

SUBJECT: Recommended Interim FY 2014 Internal Audit Work Plan

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

ACTION ITEM

RECOMMENDATION:

Approve the interim Fiscal Year 2014 Internal Audit Work Plan for a maximum amount of $290,500.

BACKGROUND:

VTA’s Auditor General is responsible for assisting the Board of Directors in fulfilling its fiduciary responsibilities of overseeing risks and controls in financial reporting, financial integrity, program activities, and reputation and public perception of the organization. The Auditor General has a direct reporting relationship to the Audit Committee and Board and an administrative reporting relationship to the General Manager. The Auditor General is, among other duties, responsible for:

- Developing and recommending the Annual Internal Audit Work Plan.
- Assigning and managing the audit resources required to conduct each internal audit.
- Providing progress reports to the Audit Committee and audit results to the Audit Committee and Board.

In June 2012, the Board approved the FY 2013 Internal Audit Work Plan developed by the then Auditor General firm, Deloitte & Touche LLP (“Deloitte”). This plan included seven new, one-time projects as well as standing Auditor General responsibilities and activities.

In August 2012, the Board approved severing the Auditor General contract with Deloitte due to non-compliance with the requirement to file Form 700, the financial disclosure forms mandated
by the Fair Political Practices Commission (FPPC). Subsequently, in January 2013 the Board of Directors awarded a contract to McGladrey LLP to serve as its new Auditor General and provide internal audit services to VTA.

Of the seven new projects in the FY 2013 Internal Audit Work Plan, more than half (four) will not be completed by the end of the fiscal year (June 30, 2013). This is attributable to the seven month period at the start of the fiscal year when VTA did not have an Auditor General.

**DISCUSSION:**

A major responsibility of the Auditor General’s Office is developing its recommended annual Internal Audit Work Plan. Normally this item is brought to the Audit Committee for review, input and recommendation at its May meeting, then submitted for Board approval at the June meeting (prior to the start of the corresponding fiscal year).

However, this schedule was not realistic for the FY 2014 Internal Audit Work Plan given current conditions: (1) the contract with McGladrey was not signed and they did not start work until February (only five months remaining in the fiscal year); and (2) McGladrey was new to VTA and required a reasonable period to learn in depth about VTA and its mission, goals, governance and organizational structure, and, most importantly, areas of risk.

In addition, in January the Audit Committee approved converting the existing Risk Refresh to a Risk Assessment, which is a far more comprehensive and in-depth effort than a Risk Refresh and therefore takes significantly greater time and resources to complete. In addition, it serves as the basis for the Auditor General’s recommended Internal Audit Work Plan. Conducting the Risk Assessment at the start of McGladrey’s tenure as Auditor General provides them the opportunity to gain an in-depth understanding of VTA and the risk areas faced by the organization. This in turn provides a more thorough understanding and better basis of understanding by the Auditor General’s Office for use in developing future Internal Audit Work Plans. However, the Risk Assessment must be completed before the Internal Audit Work Plan can be developed.

To bridge the gap between the start of FY 2014 (July 1, 2013) and projected Board approval of the Auditor General’s Recommended FY 2014 Internal Audit Work Plan (likely November), the Auditor General and VTA staff jointly recommend an interim FY 2014 Work Plan be adopted.

This interim plan will primarily consist of the outstanding projects from the current (FY 2013) Work Plan at the previously approved funding levels. This approach will provide sufficient time for the Auditor General’s Office to complete the FY 2013 Risk Assessment, receive Audit Committee input and direction, then develop the resulting recommended FY 2014 Internal Audit Work Plan (the FY 2015 Work Plan will also be developed and submitted concurrently). The interim Work Plan will provide Board authorization for continued Auditor General projects and activities during the first half of FY 2014 while the recommended Work Plans are developed (through approximately December 2013). (The number and composition of outstanding FY 2013 projects is appropriate for a six-month period given normal levels of Auditor General’s Office effort and resources). The recommended FY 2014 Internal Audit Work Plan that will be developed by the Auditor General will then modify/augment the interim plan with additional projects to create the final plan.
In practice, Internal Audit Work Plans are comprised of two distinct sections: (1) recurring ("standing") Auditor General activities; and (2) new one-time internal audit projects or assessments (such as the Cash Fare Collections Process Internal Audit).

**New (non-recurring) Projects**

Of the seven new projects specified in the approved FY 2013 Internal Audit Work Plan, one was completed by Deloitte, and McGladrey has completed two with a third underway:

<table>
<thead>
<tr>
<th>FY 2013 Internal Audit Work Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Status of New (non-recurring) Projects</strong></td>
</tr>
<tr>
<td>E1 Cash Fare Collections Process Audit</td>
</tr>
<tr>
<td>E2 Procurement Card Process Audit</td>
</tr>
<tr>
<td>E3 VTA Risk Assessment</td>
</tr>
<tr>
<td>E4 SVRT Program Project Delivery Method and Execution</td>
</tr>
</tbody>
</table>

Given this, the remaining FY 2013 Internal Audit Work Plans one-time projects proposed to be rolled forward into the recommended Interim FY 2014 Work Plan are:
<table>
<thead>
<tr>
<th>New (non-recurring) Project</th>
<th>Type</th>
<th>Approved hours</th>
<th>Approved $000</th>
</tr>
</thead>
<tbody>
<tr>
<td>N1 Sheriff Contract Compliance Review</td>
<td>Compliance</td>
<td>295</td>
<td>$56</td>
</tr>
<tr>
<td>N2 Trapeze OPS Project Pre-Implementation Assessment</td>
<td>Operational/Compliance</td>
<td>250</td>
<td>$46</td>
</tr>
<tr>
<td>N3 Investment Controls Testing</td>
<td>Annual Compliance Requirement</td>
<td>35</td>
<td>$7.5</td>
</tr>
<tr>
<td>N4 SVRT Program Third-Parties Assessment</td>
<td>Operational/Compliance</td>
<td>200</td>
<td>$47</td>
</tr>
<tr>
<td><strong>TOTAL:</strong></td>
<td></td>
<td><strong>780</strong></td>
<td><strong>$156.5</strong></td>
</tr>
</tbody>
</table>

**Standing (Recurring) Activities**

Standing activities are tasks or responsibilities that the Auditor General performs on a recurring basis, either annually or throughout the year. The proposed standing activities and their associated full-year costs are:
## Interim FY 2014 Internal Audit Work Plan

<table>
<thead>
<tr>
<th>Standing Auditor General Activity</th>
<th>Est. hours</th>
<th>Est. $000</th>
</tr>
</thead>
<tbody>
<tr>
<td>S1 Auditor General Services Support</td>
<td>140</td>
<td>$40</td>
</tr>
<tr>
<td>S2 Follow-up of Management Action Plans (completed projects from previous Internal Audit Work Plans)</td>
<td>50</td>
<td>$11</td>
</tr>
<tr>
<td>S3 Related miscellaneous expense (travel, etc.)</td>
<td></td>
<td>$8</td>
</tr>
<tr>
<td><strong>TOTAL:</strong></td>
<td><strong>90</strong></td>
<td><strong>$59</strong></td>
</tr>
</tbody>
</table>

### Supplemental Work Allowance (SWA)

Due to the combination of: (1) evolving and expanded duties of both the Audit Committee and Auditor General function since inception; (2) additional authority and responsibilities delegated to the Audit Committee by the Board; and (3) the need for the Audit Committee to address potential significant issues between quarterly meetings, it is proposed that going forward a third section be included: Supplemental Work Allowance (“SWA”). SWA would be a component contained in each Internal Audit Work Plan consisting of a small quantity of pooled funds pre-approved by the Board for specific allocation by the Audit Committee at its discretion to respond to changing conditions and events. The purpose is the SWA is threefold:

1. Provide supplementary funding for projects contained in Internal Audit Work Plans to respond to scope changes to existing projects, as needed, as they progress.
2. Provide supplementary funding for projects and tasks where usage cannot be reasonably established when the Internal Audit Work Plan is developed or that varies depending upon usage (example include Auditor General support for the VTA Integrity Helpline and Follow-up Action on Completed Projects).
3. Provide pre-approved funds for the Audit Committee to nimbly respond between quarterly meetings to an urgent need for a project or service not contained in the Internal Audit Work Plan, such as an alleged violation of the VTA Code of Ethics.

Newest Audit Committee member Dave Cortese made the request at his first Audit Committee meeting in February 2013 for quick response capability for that committee to initiate urgent projects. Staff had also been looking into similar capabilities. Currently, any request to add projects to the Internal Audit Work Plan must first be approved by the Audit Committee, then submitted for final approval by the Board. At best, excluding the additional burden and expense of calling a special meeting, this would normally result in a one to two month lag, and at worst could approach four months.

Providing the Audit Committee with limited ability to make scope and funding modifications would be consistent with the Committee’s existing charter of overseeing the activities of the Auditor General and the internal audit function. It should be noted that a companion provision providing this additional capability to the Audit Committee chairperson is being incorporated into a recommended comprehensive revision of the Administrative Code scheduled for Board consideration at its June 2013 meeting.
Regarding the VTA Integrity Helpline, the Audit Committee previously requested a system for staff, vendors and the public to confidentially and anonymously report suspected fraud, waste, misuse or other inappropriate acts. It also requested that the Auditor General’s Office be involved in the initial assessment of allegations as appropriate and also provide periodic status reports to the Committee on Helpline performance, such as the number, type and resolution of allegations. These additional Auditor General responsibilities are also being incorporated into the recommended revision of the Administrative Code.

Development of the Helpline resumed following Auditor General contract award in January and is now projected for implementation by late summer/early fall 2013. Since this program is still under development and actual usage and cost will not be known until implementation, the level-of-effort needed from the Auditor General’s Office as well as the associated costs cannot be reasonably determined at this time.

Given these factors, the recommended SWA (full-year) for the interim FY 2014 Internal Audit Work Plan is:

<table>
<thead>
<tr>
<th>FY 2014 Interim Internal Audit Work Plan</th>
<th>Pooled Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supplemental Work Allowance (SWA)</td>
<td></td>
</tr>
<tr>
<td>S1 Scope modification for existing projects</td>
<td></td>
</tr>
<tr>
<td>S2 Funding for approved projects where usage cannot be reasonable determined</td>
<td></td>
</tr>
<tr>
<td>S3 Auditor General Support for VTA Integrity Helpline</td>
<td></td>
</tr>
<tr>
<td>S4 Allowance for Urgent Special Projects</td>
<td></td>
</tr>
<tr>
<td>S5 Follow-up of Management Action Plans from completed FY 2014 projects</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL:</strong></td>
<td><strong>$75</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pooled Allowance ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>($000)</td>
</tr>
</tbody>
</table>

TOTAL: $75
The combined three component sections (Standing Auditor General Activities, New Projects, and SWA) yields the following recommended interim FY 2014 Internal Audit Work Plan:

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<th>FY 2014 Interim Internal Audit Work Plan</th>
<th>Type</th>
<th>Est. hours</th>
<th>Est. $000</th>
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<td>$8</td>
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<td><strong>New (Non-recurring) Internal Audit Project</strong></td>
<td></td>
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</tr>
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<td>F. Investment Controls Testing (1) Annual Compliance Requirement</td>
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<td>35</td>
<td>$7.5</td>
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<tr>
<td>G. SVRT Program Third-Parties Assessment Operational/Compliance</td>
<td></td>
<td>200</td>
<td>$47</td>
</tr>
<tr>
<td><strong>Supplemental Work Allowance (SWA)</strong> (pooled amount)</td>
<td></td>
<td></td>
<td>$75</td>
</tr>
<tr>
<td>L. Scope modification for existing projects</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funding for approved projects where usage cannot be reasonable determined</td>
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<tr>
<td>Auditor General Support for VTA Integrity Helpline</td>
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</tr>
<tr>
<td>Follow-up of Management Action Plans from completed FY 2014 projects</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL:</strong></td>
<td></td>
<td>970</td>
<td><strong>$290.5</strong></td>
</tr>
</tbody>
</table>

**Note:** Projects shown in *italics* will be paid for by the 2000 Measure A Transit Improvement Program.

The schedule for completing the interim FY 2014 internal audits will be determined in coordination with the General Manager and VTA staff with an objective to perform the audit at an appropriate time that prevents or minimizes disruption to ongoing operations.

**ALTERNATIVES:**

The Board could add, delete or modify some or all of the specific projects and services included in the recommended interim FY 2014 Internal Audit Work Plan, or direct the Auditor General to develop a new work plan. However, an Internal Audit Work Plan must be approved by the
Board in order for the Auditor General’s Office to provide services during FY 2014.

FISCAL IMPACT:

Sufficient appropriation to complete the non-SVRT related portions of the recommended Interim FY 2014 Internal Audit Work Plan is included in the Recommended FY 2014 VTA Transit Fund Operating Budget. Sufficient appropriation to complete the SVRT related portions of the recommended Interim FY 2014 Internal Audit Work Plan is included in the Recommended FY 2014 2000 Measure A Transit Improvement Program Fund Capital Budget.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Audit Committee considered this item as part of its May 2, 2013 Regular Agenda and without major comment unanimously recommended Board of Directors adoption of the Interim FY 2014 Internal Audit Work Plan.

Prepared by: Pat Hagan, Auditor General & Stephen Flynn, Advisory Committee Coordinator Memo No. 4070
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Proactive CMP Quarterly Report for Jan-Mar 2013

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 January through March 2013 Proactive CMP Quarterly Report. The summary highlights key projects 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 22 projects through the Proactive CMP process between January and March 2013. The Cities with the largest number of projects were Mountain View and San José with five projects each, followed by the City of Milpitas with three projects.

- Sixteen of the 22 projects that VTA commented on involved environmental documents such as an Environmental Impact Report (EIR), Notice of Preparation (NOP), or Mitigated Negative Declaration. Two of the projects involved stand-alone TIA documents and four consisted of Site Plan or Tentative Map reviews.

- Nineteen of the 22 items that VTA commented on were private development projects. The remainder consisted of a Climate Action Plan and two a Community College Master Plans.

- Thirteen projects which VTA previously commented on were approved by local agencies during this quarter. The largest number of projects were in the City of Mountain View with five projects, followed by the City of San José with four projects.

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

- **Lawson Lane West Campus, City of Santa Clara:** The City of Santa Clara circulated an Initial Study/Mitigated Negative Declaration and TIA for the addition of 97,800 square feet of office space plus 17,158 square feet of common space to an approved but not yet constructed 516,000 square foot campus on the site. VTA submitted a comment letter supporting the pedestrian improvements included in the plan such as new pedestrian paths, mid-block crossings and visibility/safety improvements; and supporting the recommendation for the project to develop and implement a Transportation Demand Management (TDM) Plan and recommending that the TDM Plan include a specific percentage trip reduction target and an annual monitoring requirement.

- **Albright Way / Winchester Avenue Development, Los Gatos:** The Town of Los Gatos circulated a DEIR for a development project involving the replacement of 250,000 square feet of existing R&D office space on 21.6 acres with up to 550,000 square feet of office space. In a comment letter on the DEIR, VTA staff stated that VTA supports the proposed land use intensification on this important site near the terminus of the planned Vasona Light Rail Extension, but noted that the proposed density is at the low end for Light Rail Station Areas in VTA’s Board-adopted Transit Sustainability Policy and Community Design & Transportation Manual. VTA also commented in support of recommendations in the DEIR for a new pedestrian crossing south of Albright Way, new bicycle lanes and bicycle parking on the site, and a Transportation Demand Management (TDM) Plan.
As noted above, thirteen 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.

- **625 Clyde Avenue Office, City of Mountain View:** The City of Mountain View circulated a DEIR and TIA for 385,000 square feet of office development replacing 118,000 square feet of existing development on an 8.9-acre site. VTA submitted a comment letter supporting the Transportation Demand Management (TDM) Plan included in the DEIR; 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 light rail stations; and recommending that the project applicant provide a fair share contribution towards Express Lane projects as a mitigation measure for the project’s significant impacts on freeways. Prior to the public hearings, City and VTA staff had discussions about a potential fair share contribution to Express Lane projects. City Council approved the project on March 19 without attaching a condition to provide a fair share contribution; however, the project conditions include bicycle and pedestrian improvements on surrounding streets, a shuttle to LRT and Caltrain, the formation and ongoing maintenance of a Transportation Management Association (TMA) for the area, and a mandatory 20% trip reduction requirement with annual third-party monitoring and financial penalties for missing the target.

- **1720-1730 El Camino Real West and 865-881 East El Camino Real, City of Mountain View:** These two multifamily projects, consisting of 160 residential units on a 2.43-acre site at 1720-1730 El Camino Real West and 150 residential units on a 2.3-acre site at 865-881 East El Camino Real, were approved at Mountain View City Council on March 26. VTA submitted comments on both projects supporting the intensified land uses and recommending pedestrian improvements and transit incentives such as VTA Eco Pass. Both projects were previously heard by the Environmental Planning Commission, where it was recommended in both cases to include an ongoing commitment to Eco Pass to encourage transit usage. Both developers proposed to include transit subsidies with commitments ranging from 10-55 years, and City Council accepted the developers’ proposals. In addition, both projects include monitoring programs to determine the level of usage of the transit subsidies.

- **Samsung Campus at North First and Tasman, City of San José:** The City of San José circulated a Site Development Permit for a 680,000 square foot, 10-story office building replacing an existing 215,000 square foot building on a 9.4-acre site within the North San José Development Policy area. VTA submitted a comment letter supporting the land use intensification; suggesting pedestrian improvements; recommending that transit incentives such as VTA Eco Passes be provided to employees; and requesting improvements to the existing bus stop near the site. The project was approved at the Planning Director Hearing on March 20, with conditions including widened sidewalks, bus stop improvements, and a Transportation Demand Management (TDM) Plan.

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**
This item was on the Regular Agenda as an Information item at the May 2013 Citizens Advisory Committee (CAC) and Bicycle and Pedestrian Advisory Committee (BPAC) meetings.

At CAC, staff gave a brief presentation. Committee member Wadler commented that pedestrian and bicycle mitigation measures described in the report should also be presented at BPAC. Staff responded that the report is also regularly brought to BPAC.

At BPAC, staff gave a brief presentation. Committee member Simmons asked for clarification about VTA comments on pedestrian improvements. Committee member Roddin asked clarification questions about bus stop improvements and transit pass monitoring. Committee member Schouten and Committee chairperson Goldstein asked for more details about transit incentives discussed in the report.

This item was on the Consent Agenda at the May 2013 Technical Advisory Committee (TAC) and Policy Advisory Committee (PAC). The Committees accepted the item as part of the Consent Agenda and had no comments or questions.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

This item was on the Consent Agenda at the May 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. 3808
VTA Development Review Program

Proactive CMP Quarterly Report
January, February, and March of 2013
## Development Review Projects Summary

### January to March 2013

<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>GI1301</td>
<td>City of Gilroy</td>
<td>Las Animas Business Park – Southeast corner of Las Animas Avenue and San Ysidro Avenue</td>
<td>61,205 s.f. office on 6.13 acres</td>
<td>NOP</td>
<td>y</td>
<td></td>
<td>Bus Service; Transportation Impact Analysis (TIA) Report</td>
</tr>
<tr>
<td>2</td>
<td>LG1002</td>
<td>Town of Los Gatos</td>
<td>Albright Way / Winchester Boulevard Project</td>
<td>Replacement of 250,000 sf of existing office buildings with up to 550,000 s.f. of office on 21.6 acres</td>
<td>DEIR</td>
<td>y</td>
<td></td>
<td>Land Use &amp; Density; Land Use Mix; Transportation Demand Management / Trip Reduction; Pedestrian Accommodations; Bicycle Accommodations; Bus Service</td>
</tr>
<tr>
<td>3</td>
<td>LG1103</td>
<td>Town of Los Gatos</td>
<td>North Forty Specific Plan – Bounded by SR 17, SR 85, Los Gatos Boulevard, Lark Ave</td>
<td>Specific Plan for 364 housing units, up to 400,000 s.f. retail, 125,000 s.f. office, and 125-150 room hotel on 44 acres</td>
<td>TIA Notification Form, NOP</td>
<td>y</td>
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<td>Land Use; Transportation Analysis; Transportation Demand Management; Pedestrian &amp; Bicycle Accommodations; Bus Service</td>
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<td>4</td>
<td>MH0702</td>
<td>City of Morgan Hill</td>
<td>Cochrane-Borello Residential - Bounded by Cochrane, Half, Coyote and Peet Roads</td>
<td>Rezoning and Planned Development overlay for 244 single-family homes and 180 secondary units on 120 acres</td>
<td>DEIR</td>
<td>y</td>
<td></td>
<td>TIA report; Pedestrian and bicycle accommodations;</td>
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<td>5</td>
<td>MH1002</td>
<td>City of Morgan Hill</td>
<td>Hale-Signature Homes (Previously Madrone Village)</td>
<td>108 residential units on 30 acres</td>
<td>Site Plan</td>
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<td>Pedestrian Accommodations; Connection to Madrone Parkway; Bus Service</td>
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<td>6</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>
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<td>7</td>
<td>ML1202</td>
<td>City of Milpitas</td>
<td>Preston Property – 133 Bothelo Avenue</td>
<td>220 residential units on 15.4 acres</td>
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<td>Pedestrian Accommodations; Coordination with Berryessa Extension Project; Noise Analysis</td>
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<td>8</td>
<td>ML1301</td>
<td>City of Milpitas</td>
<td>Pacific Mall - Ranch Drive and McCarthy Boulevard</td>
<td>Redevelopment of existing 266,000 s.f. retail site, including demolition of 140,000 s.f. retail and construction of 285,000 s.f. retail and a 12-story, 250 room hotel (172,000 s.f.)</td>
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<td>Transportation Impact Analysis (TIA) Report; Trip Generation Assumptions; Freeway Analysis; Pedestrian Accommodations</td>
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<td>9</td>
<td>ML1302</td>
<td>City of Milpitas</td>
<td>Climate Action Plan and Qualified</td>
<td>Climate Action Plan and Qualified Greenhouse Gas Reduction Strategy</td>
<td>IS/MND, Draft Plan</td>
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<td>10</td>
<td>MV0802</td>
<td>City of Mountain View</td>
<td>625 Clyde Avenue Office Project</td>
<td>385,000 s.f. office replacing 118,000 s.f. existing development on 8.9 acres</td>
<td>DEIR, TIA</td>
<td>y</td>
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<td>Freeway Ramp Capacity Analysis; Freeway Analysis under Background Conditions;</td>
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<td>Project Trip Generation; Transportation Demand Management; Pedestrian</td>
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<td>Accommodations and Access to Transit; Freeway Impacts</td>
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<td>11</td>
<td>MV1206</td>
<td>City of Mountain View</td>
<td>1581-1585 El Camino Real Residential</td>
<td>27 multifamily residential units</td>
<td>Initial Study/MND</td>
<td>y</td>
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<td>Transit incentives; Bus service</td>
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<td>12</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>
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<td>Land Use; Transit Incentives; Pedestrian Accommodations; Existing Traffic</td>
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<td>Volume; Intersection LOS Tables; Project Trip Generation Estimates; Existing</td>
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<td>13</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>
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<td>MV1210</td>
<td>City of Mountain View</td>
<td>819 N Rengstorff Avenue Mixed Use</td>
<td>49 residential units and 1,620 s.f. ground floor retail on a 0.83 acre site</td>
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<td>Transit Incentives; Bus Service</td>
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<td>City of Mountain View</td>
<td>100 Moffett Boulevard Residential</td>
<td>191 residential units on 2.89 gross acres</td>
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<td>Site Design; Bus Service</td>
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<td>16</td>
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<td>City of Mountain View</td>
<td>2600 Marine Way Office</td>
<td>369,500 s.f. office on 8.49 acres</td>
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<td>1984 El Camino West Mixed Use</td>
<td>160 apartment units and 4,400 s.f. retail on 2.85 acres</td>
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<td>18</td>
<td>MV1303</td>
<td>City of Mountain View</td>
<td>Whisman Villas (Antenna Farm)</td>
<td>18 single family homes</td>
<td>Tentative Map</td>
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<td>19</td>
<td>PA1301</td>
<td>City of Palo Alto</td>
<td>Palo Alto Golf Course and Baylands</td>
<td>Golf course reconfiguration and athletic center expansion</td>
<td>NOP</td>
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<td>20</td>
<td>SC1203</td>
<td>City of Santa Clara</td>
<td>Santa Clara Town Centre Project - 2000-2118 El Camino Real</td>
<td>202,000 s.f. expansion of existing shopping center</td>
<td>DEIR</td>
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<td>Land Use; Pedestrian Accommodations; Bus Rapid Transit on El Camino Real; DEIR Areas of Controversy; Transportation Demand Management Program</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>
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<td>Intersection Level of Service; Freeway Ramp Capacity Analysis; Cumulative Impact Analysis; Transportation Demand Management / Trip Reduction</td>
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<td>22</td>
<td>SC1301</td>
<td>City of Santa Clara</td>
<td>Lawson Lane West - Northeast corner of Central Expy and San Tomas Expy</td>
<td>Addition of 97,800 s.f. office space plus 17,158 s.f. common space to an existing entitlement for a 516,000 s.f. campus</td>
<td>IS/MND, TIA</td>
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<td>23</td>
<td>SJ0627</td>
<td>City of San Jose</td>
<td>Whole Foods Market - Northwest corner of Stockton Avenue and The Alameda</td>
<td>Whole Foods grocery store and brew pub, totaling 33,000 square feet of commercial uses on a 2.19-AC site.</td>
<td>Planned Development Permit</td>
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<td>Site Design; Land Use Mix and Density; Pedestrian Accommodations</td>
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<td>24</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>
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<td>25</td>
<td>SJ1301</td>
<td>City of San José</td>
<td>Samsung Campus at North First and Tasman</td>
<td>680,000 s.f. 10-story office building replacing 215,000 s.f. building on 9.4 gross acres</td>
<td>Site Development Permit</td>
<td>y</td>
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<td>Land Use; Pedestrian Accommodations; Transit Incentives; Bus Service; Construction Coordination</td>
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<td>26</td>
<td>SJ1302</td>
<td>City of San José</td>
<td>1 South Market Residential</td>
<td>312 residential units and 6,000 s.f. ground floor retail on a 0.97-acre site.</td>
<td>Site Development Permit</td>
<td>y</td>
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<td>Land Use; Transportation Demand Management - Transit Incentives; Parking Management; BART Silicon Valley Coordination</td>
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<td>27</td>
<td>SJ1303</td>
<td>City of San José</td>
<td>785-807 The Alameda Mixed Use</td>
<td>98 residential units 8,000 s.f. retail</td>
<td>TIA Notification Form</td>
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<td>SJEG1201</td>
<td>San José Evergreen Community College District</td>
<td>San Jose City College 2025 Facilities Master Plan</td>
<td>Master plan for up to 353,500 s.f. of new space to accommodate 2,670 additional students</td>
<td>DEIR</td>
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<td>Transportation Demand Management; Transit Incentives; Approach to Addressing Freeway Impacts; Bicycle Accommodations</td>
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<td>29</td>
<td>SJEG1202</td>
<td>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 and 355,175 s.f. building space</td>
<td>DEIR</td>
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<td>Transportation Demand Management; Transit Incentives; Significant Impacts to CMP Intersection;</td>
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<td>30</td>
<td>SU1205</td>
<td>City of Sunnyvale</td>
<td>Moffett Place Office Development – Bounded by Mathilda Ave, Borregas Drive, Moffet Park Drive</td>
<td>Replace 473,201 s.f. existing office space with 1,709,554 s.f. of office space consisting of six eight-story buildings, plus a 50,000 s.f. amenities building</td>
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<td>31</td>
<td>SU1301</td>
<td>City of Sunnyvale</td>
<td>1165 E Arques Ave Athletic club</td>
<td>45,000 s.f. athletic club</td>
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BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Light Rail Efficiency Project Status Update

FOR INFORMATION ONLY

BACKGROUND

VTA’s Light Rail Efficiency Project is advancing capital improvements and service changes from the 2010 Light Rail Improvement Plan to improve the efficiency and reliability of our light rail system. These changes are necessary to support anticipated growth in the county, including increased density in city-identified priority development areas, the opening of the San Francisco 49ers stadium, and the extension of BART service to Silicon Valley. Investment in these capital improvements and new service will enable VTA to serve increased demand, increase connectivity, and improve the system for current riders.

The need for improved service has accelerated since Board adoption of the Light Rail System Analysis Improvement Plan in 2010. The opening of the new, 68,500-seat stadium for the San Francisco 49ers at Great America Station in Santa Clara will place unprecedented demands upon the VTA LRT System beginning in August 2014. By advancing capital improvements planned for 2017 to 2014 and 2015, VTA and the communities we serve will benefit well before BART service begins in 2017.

Market study of customers in the VTA service area indicates that travelers are far more sensitive to time than cost. The LRT Efficiency projects position VTA to attract new customers by delivering 20-30% travel time savings between key origins and destinations on the existing LRT system. New direct service connecting Almaden to Mountain View, system-wide speed improvements, major expansion of the popular “Commuter Express” service on the Santa Teresa-Alum Rock line, and new direct service from Mountain View to Alum Rock to serve the Milpitas BART station will maximize the ridership and efficiency of the existing core LRT network. Travel time savings with LRT Efficiency Project implementation are included in Exhibit 1.

The 2010 Light Rail System Analysis showed that expansion of LRT service is dependent upon
several small-scale capital improvements. Without these improvements, new and special event LRT service will be vulnerable to cascading delays, uncertain train arrivals, and long customer wait times. This vulnerability stems from three single-track segments in Mountain View, Campbell, and San José, inadequate transit signal prioritization, and track layouts that slow LRT service in Downtown San José.

Although there are a number of projects planned for full implementation, VTA has prioritized planning efforts to advance four primary capital projects: Double Tracking the Mountain View single track segment, a Pocket Track in Santa Clara in the vicinity of the 49ers stadium, San José LRT track improvements, and system-wide speed and reliability improvements. Two of the three capital improvements including, (1) Mountain View Double Track Phase I and (2) Pocket Track in Santa Clara in the vicinity of the 49ers Stadium are advancing towards completion in 2014. The Board awarded the contract to procure special trackwork for these projects in May 2013. Environmental clearance is anticipated by June 1, 2013.

Mountain View Double Track Phase I involves adding a second LRT main track between Mountain View and the Highway 85 overcrossing, over a distance of about 1,400 feet and adding a new platform across from the Caltrain Mountain View station platform. This track will be constructed on Peninsula Corridor Joint Powers Board right-of-way, requiring additional easement. The Phase I improvement is being expedited so that VTA and Caltrain can provide convenient transfer at Mountain View for rail travel to and from the new 49ers Stadium in Santa Clara, opening in August 2014. VTA and Caltrain staffs have been working closely and are in agreement on the Phase I improvement.

Mountain View Double Track Phase II will complete the second LRT main track from Highway 85 to Whisman Station, including the light rail crossing of Central Expressway, over a distance of about 2,600 feet. This improvement will further enhance our ability to serve stadium trips via Caltrain and VTA, and will finally relieve a long-standing capacity constraint on our Tasman LRT extension. The additional capacity will enable VTA to operate a new line of service between Mountain View and Alum Rock, connecting with BART at the Milpitas/Montague station. While Phase II LRT Efficiency Projects are defined in response to the opening of BART service in 2017, the likely selection of the 49ers Stadium in Santa Clara to host Super Bowl L (50) in early 2016 provides new incentive for VTA to complete the Phase II improvement by the end of 2015.

The Santa Clara Pocket Track involves construction of a third track on Tasman Drive, north of the existing westbound track, between the Reamwood and Old Ironsides Stations and east of Calabazas Creek. The additional storage capacity created by this improvement will enable flexibility and reliability for VTA’s service, supporting the 2017 BART LRT connection, and also 49ers Stadium events. VTA and City of Santa Clara staffs have been working closely and are in agreement on the improvement.

System-wide speed and reliability improvements include transit signal priority and other measures to increase operating speeds and reliability. The Light Rail Transit Signal Priority project will implement a real-time transit signal prioritization and light rail vehicle detection system throughout the LRT service area. This project will entail cooperation with city and county stakeholders to provide live, real-time train arrival management and prioritization.
whereby to increase LRT operating speeds. First Street Speed Improvements will increase maximum LRT speeds on North First Street from 35 to 45 mph, via a combination of signal prioritization, fencing and safety enhancements, and also seek to increase speeds on the Downtown Transit Mall. VTA is prioritizing speed improvements based on operator feedback and delay data collected on board LRT vehicles. We will also solicit input from customers to help us identify areas of recurring delay to target for potential improvements.

Regarding the Downtown San José Track Improvement project, VTA has hosted numerous community and stakeholder meetings and heard and received dozens of comments. Exhibit 2 provides a list of stakeholder and public meetings; Exhibit 3 presents a summary of comments from attendees of the April 19 and April 22 public meetings. This input has been extremely informative and helpful in our process, and has raised additional factors for consideration and study. In light of the need to further explore the concerns raised, as well as the outstanding questions, VTA will be extending the Alternatives Study timeline. It is clear from the feedback we have received that there is more work to be done to inform the public of the proposed service changes and to further analyze alternatives for the San José LRT Track Improvement Project.

Therefore, rather than bringing the Draft San José LRT improvement Study to the Board in June, we will defer the item, to allow extra time for analysis. Once the Final Draft San José LRT improvement Study is complete, VTA will publish the results and hold another round of public meetings to solicit feedback and support informed decision-making. As noted, further work is needed and staff has identified a need to:

1. Extend the San José LRT improvement Study to conduct further Analysis
2. Continue public outreach on the Light Rail Efficiency Projects and proposed service plan;
3. Provide a full briefing to the San José City Council on the Light Rail Efficiency Projects
4. Work with the City of San José to secure funding to conduct a Downtown traffic and transit circulation study

In conclusion, we will proceed with the light rail system improvements in Mountain View and Santa Clara and the system-wide speed and reliability improvements; however, we will not be bringing a recommendation for a new track improvement in downtown San José to the June VTA Board meeting. We will work with the city of San José and other stakeholders as progress is made on our planning to continue to improve the performance and efficiency of our light rail system, and provide regular reports of our progress.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Congestion Management Program and Planning Committee received this item as part of their Consent Agenda on May 23, 2013.

The Transit Planning and Operations Committee meeting scheduled for May 23, 2013, was cancelled.

Prepared By: Jason Kim
Memo No. 4094
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<th>Trip</th>
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<td>Ohlone/ Chynoweth to Convention Center</td>
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Exhibit 2

Light Rail Efficiency Stakeholder and Public Meetings, September 2012 -- April 2013

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Exhibit 3

**Meeting Date, Time, and Location:** Friday, April 19, 2013
12:00 p.m. – 1:30 p.m.
San José Silicon Valley Chamber of Commerce
San José, CA

**Topic:** VTA sponsored Public meeting
VTA held a public meeting to listen and share information in regards to the Light Rail Efficiency Project efforts in downtown San José.

**Meeting Attendees:** 25 people plus around 12 staff/consultants; Total around 37

**Presentation:**
- Open house (40 minutes)
- Ppt presentation (20 mins)
- Question and Comment period (30 mins)

**Materials provided at event:**
- LRT Project Fact sheet (English)
- LRT Comment cards (English, Spanish, Vietnamese, Chinese, Tagalog, and Korean)
- LRT Open House Posters packet
- Meeting agenda

**Questions/Comments: (Questions answered by staff at meeting)**
- Is there no other alternative that removes LRT from 2nd street through St James Park?
- LRT is too slow
- Wheel squeal on Devine. Need to address this concern.
- Concern that Alternative 8 will cause more wheel squeal
- I support Alternative 8
- We think that Alternative 1 is a bad idea
- Thank you for removing Alternatives 2 and 2A.
- We have concerns and little confidence in your 3 minute timing estimate for train hold times
- What incentives will you give the public to ride LRT?
- Where is the cost benefit of doing this project?
- Why not cut to the chase and do Alternative 16, double tracking.
- Alternative 17 is confusing. Why are you going to build an extra track. Why not have existing trains hold on existing track on Younger?
- We are hoping that you are not creating problems. I understand that none of the alternatives save time.
- Your simulation was deceptive. You need to do simulations on all the alternatives.
- You mention that BART will take some time to get to downtown. Are you considering other ideas to deal with BART when it opens in Milpitas?
- Alternative 16 seems cleaner. How will the transition work?
- Why don’t you try to move to San José State campus?
- What is the ridership increase of the Santa Teresa line?
- What are additional operating costs?
- No need for more park space in Alternatives 8
• Are you still considering fencing along First St.?
• Are you considering Eco Pass programs for Alternatives 17?
• On Winchester Line, how many of those riders are going to downtown?
• How important is Winchester with in your whole system?
• Can I add a plug for the Winchester line?
• Can you just remove Alternative 1 and save us all some time?
• We are pleased that Alternatives 2 and 2A are off the table. We also want Alternatives 1 to be removed.
• Are you considering restoration of the church for Alternatives 8?
• Does anyone like Alternatives 1? Have you heard from anyone that supports Alternatives 1?
• We want to increase speed through downtown
• I like your animation.
• I oppose Alternative 1
• This project is not ready for primetime
• Remove Alternatives 1, 5, 8. What is best after that?
• If you do eventually double-track all of the First St. part of the transit Mall, I would be opposed to having Winchester trains still loop on Second Street. Having some trains head south on Second St would be confusing to potential riders.
• Please take Alternative 1 out and please consider Alternative 17. Please consider noise pollution
• Alternative 5 is in front of two landmarks; the Commercial Building and Knights of Columbus / Ballet Building
• One rejected option – San Carlos to 4th – served SJSU – why rejected?
• Please take off Alternative 1. It does impact the historic district. It does impact the park. Parking trains in the historic district is crazy!
• Presentation was unreadable, letters too small. Winchester line should stop at Convention center and go back later to extend it to San Jose State University.
• The following written comment was received via email after the meeting from a meeting attendee:

Hello, I want to say outright that I DO support the St. James Park by-pass. I have gone to the number of meetings on this subject and to the meeting held Friday at the SJ Chamber. I recognize that the residents (neighbors) that attend the meeting in opposition of this think they are speaking for the neighborhood and they are not. In fact, it appears only those in opposition are attending. With the future Court House going in at Market and St. James I think this by-pass would be an attraction to the employees, the public and those serving on Jury Duty. I have gone to City Hall and looked at future plans on housing West of Market St. just in the San Pedro area. There are more than 1,000 units planned and three hi-rise buildings with construction starting this year. At San Pedro & Julian the street will be closed off for a new park and will be surrounded by two and four story residential buildings. The re-alignment of Julian St. will happen one day and the present park at City Axis will be expanded. More housing around San Pedro Market Place is on the table as well. Now that SCC owns the old City Hall there are plans to build there as well. This is going to be a well-traveled area with foot traffic which is why I think this is an ideal area for the by-pass. Riders could actually jump off and go to the San Pedro Market Place and grab something to eat, stay for entertainment, or even watch the games on TV. To me this is ideal for a real central place to gather. The foot traffic is going in many different directions just within a 3/4 mile radius of the station. St. James could be a "grand station" because of the future BART Station on Santa Clara, well-trafficked Post Office building, future City offices and the Court House, more housing, new and improved parks, and possibly a St. James Park Pavilion, etc. There would be life in this area that could change the kind of foot traffic around the park. I can't even tell you all the future plans but only this small portion and I'm sure there are
bigger plans in the making. I would walk to a VTA station that is on the fast-track to catch a ride vs. one that is not. I have been a Board Member of the San Jose Downtown Residents Association, St. James Park Historic District (now defunct), St. James Park Neighborhood Association just to name a few. I no longer serve on these boards but try to stay close to what they are doing. I spent over two years on the SJPNA trying to activate the park with various types of social activities from a Easter Egg Hunt, Movie Night, NNO, Food Trucks, Ice Cream Social and much more. I have cleaned St. James Park many times and worked with Parks personnel and other organizations to power wash the benches, rake the leaves, general maintenance, etc. I don't like what I'm seeing with the "leadership neighbors" nor the stance they taking speaking for everyone and demanding that VTA take the St. James Park option off the table. I'm happy with the time, dedication, and thoroughness of the studies VTA has done when presenting the options. I know the amount of work that has been done in these studies and there is a lot to consider. I will trust that the decision will be the best for VTA, ridership, future growth, expanded transportation, BART, etc. Envisioning future and faster transportation has to be a part of this plan. I have lived in downtown San Jose on N 2nd St. for 16 years and believe me it's been a life changer.

###

**Meeting Date, Time, and Location:** Monday, April 22, 2013
5:30 p.m. – 7:45 p.m.
San José Silicon Valley Athletic Club
San José, CA

**Topic:** VTA sponsored Public meeting
VTA held a public meeting to listen and share information in regards to the Light Rail Efficiency Project efforts in downtown San José.

**Meeting Attendees:** 22 people plus around 12 staff/consultants; Total around 34

**Presentation:**
- Open house (45 minutes)
- Ppt presentation (20 mins)
- Question and Comment period (70 mins)

**Materials provided at event:**
- LRT Project Fact sheet (English)
- LRT Comment cards (English, Spanish, Vietnamese, Chinese, Tagalog, and Korean)
- LRT Open House Posters packet
- Meeting agenda

**Questions/Comments: (Questions answered by staff at meeting)**

- Alternatives analysis criteria should be equitable. Should be more objective way to analyze factors, especially numbers 7 through 11.
- Can St. James Station be eliminated? There are 3 stops in a 5 block radius, riders can walk a block.
- How does the new phases 1 and 2 plan achieve the mode share split that the city is projecting?
• Diridon Station is the main hub, future ballpark, HP pavilion, Future BART station. It should not be served by a truncated Winchester line.
• I have concerns about Devine st. Alternative 8
• Concern about increase in traffic on Devine St. All Alternatives seem to impact Devine st. Concerned about noise and traffic.
• I think Alternative 1 makes sense.
• Support from Downtown Resident for Alternative 1
• Alternative 1 would bring attention and safety to the park.
• I’m in favor of alternative 17
• Concern about Alternative 8 noise impact. Seems that curve is sharp and will cause more screeching.
• Concern about animation. Why did it only use Alternative 1? It seems that that is the only alternative you want.
• Supervisor Yeager put out an email about future development in Civic Center. Does VTA take that in account in the future?
• Are we talking only about the Winchester line or are we talking about the whole project
• Question about scoring chart. I have heard over and over that Alternative 1 has visual impacts and I see the scoring shows it as green. You should consider revising the scoring.
• Still have concerns about visual impacts. Urge you to rescore visual impacts.
• You do not count individual units? That is ridiculous. You should consider individual units, not parcels.
• Concern you are not looking at this holistically and without the history of development. You don’t seem to be planning in line with plans.
• On color scoring. You never include cultural criteria or historic value. It is not on your scoring. You never list it.
• Please list historic impacts on scoring
• How can you use bus lane on Alternatives 1 and 5?
• Have you done analysis on financial impacts and are they available to the public?
• I support Alternative 17. How much has been done to encourage Eco Pass to future/current businesses. Have you studied it?
• How will the VTA board reach a decision if the only alternative that is given to them points to Alternative 1?
• How will you be capturing the comments from the public and incorporating them into your analysis?
• I feel like this whole thing is a joke. You don’t think out of the box. You need to rethink your criteria.
• I appreciate your work and I like that it is happening at St. James station. Alternative 1 seems to make the most sense. There is a good amount of activity in that area already and I would welcome more, make the area more bustling. I kind of like the idea of seeing a train sitting and waiting, it means I might make that train if I run to catch it. I also like Alternative 5. Alternative 5 is also a good possibility as the block is pretty quiet. I may be alone today.
• We are concerned that you are not considering future plans.
• What information is going to the transportation and environmental committee in San Jose?
• Do we have ballpark costs for the various alternatives?
• Are there ridership comparisons for the various alternatives relating them to the cost of each?
• Looking at scoring table. Changing the scores I think Alternatives 8 and 17 are very close. Why is that?
• When you step back, what farebox recovery do you expect to see in the future?
• In San Jose we have to plan in advance for development. You are doing it the wrong way.
• Is Alternative 16 going to occur anyway in the future? Does that change the outcome? Especially with BART in the future?
• The report (historic) was not produced by an independent consultant. Therefore it is not valid.
• This project will be impacting residents here near St. James park for the benefit of 8 games at the new 49ers stadium
• Someone said they are going to be putting up fencing along LRT. Is it going up along the whole line?
• April 1939 was the last time there were two rail lines on First.
• Cost and time do matter. The time for improvements to light rail is now. An old saying I once heard is; “Perfection is the enemy of progress.” I support Alternatives 1 and 5.

###
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

FROM: Chief CMA Officer, John Ristow

SUBJECT: Caltrans Highway Relinquishment Study for SR 82 El Camino Real

FOR INFORMATION ONLY

BACKGROUND:

With the passing of SB 375 - Sustainable Communities Strategy and AB 1358 - The Complete Streets Act into law, the discussion of highway relinquishment between local agencies and Caltrans has become more frequent, especially in urbanized areas that are experiencing or planning for population growth and increased development along existing highways that run through cities and towns.

Highway Relinquishment:

Relinquishment, as defined by Caltrans, is the act of transferring the property rights, liability and maintenance responsibilities (ownership) of a portion of a state highway to another entity.

State legislation allows for the relinquishment of highways under certain conditions. These conditions relate to the change in characteristics and functionality of the roadway where the highway no longer operates as originally designed. An example of a typical situation is a highway (such as SR 82 El Camino Real) that runs through the middle of a city or town. The relinquishment process includes an assessment by both Caltrans and local agency, followed by a State review, to determine if the highway segment in evaluation serves regional statewide transportation needs and if a relinquishment would be in the best interest of both entities.

The key benefits of relinquishment is that it allows local agencies and their communities to be more creative and flexible in making improvements to the roadway facility and relieves Caltrans of on-going maintenance costs and reduces their tort liabilities.

SR 82 El Camino Real/Grand Boulevard Initiative:

SR 82 El Camino Real is one of the oldest State highways in the Bay Area. Over fifty years ago, this route was an important highway for regional and statewide mobility. Today, the regional
significance of this local state highway has been superseded by US 101 and I-280 freeways with El Camino Real functioning more as a conventional street or boulevard. The section of El Camino Real that is being evaluated by the Grand Boulevard Initiative (GBI) extends for a length of 43 miles from Mission Street in Daly City to The Alameda near the Diridon Caltrain Station in San Jose.

The GBI is a collaborative planning effort of 19 cities, counties, local and regional agencies, including Santa Clara County representatives from Palo Alto, Mountain View, Los Altos, Sunnyvale, Santa Clara, Santa Clara County, San Jose and VTA as well as representatives from private businesses and non-profit organizations, to improve the performance, safety and aesthetics of El Camino Real. This effort is funded by various federal, state, local and private grant programs and foundations.

The vision of the Grand Boulevard Initiative as established by its committee and task force is to see the El Camino Real corridor “achieve its full potential as a place for residents to work, live, shop and play, creating links between communities that promote walking and transit and an improved and meaningful quality of life.” This vision also includes guiding principles that support and encourage compact mixed-use development, multimodal complete streets elements, managed parking and attractive public spaces along El Camino Real. Additional information can be found on their website at [www.grandboulevard.net/](http://www.grandboulevard.net/).

**DISCUSSION:**

Since the passing of SB 375 - Sustainable Communities Strategy and AB 1358 - The Complete Streets Act into law, there has been a general increasing trend of local jurisdictions seeking relinquishment of highways from Caltrans that operate more like conventional streets rather than typical high-speed roadways to better serve their communities. One example is the recent relinquishments of SR 82 - The Alameda and Monterey Highway and SR 130 - Alum Rock Avenue in the City of San Jose. In a memorandum to the San Jose City Council dated November 8, 2011, City of San Jose staff cited that the key benefit for relinquishment of these roads from Caltrans would “allow for the City to implement over time a new complete street and locally focused vision (rather than State focused) for the roads consistent with the General Plan.”

As part of the GBI planning discussions, one of the issues highlighted by the group was meeting Caltrans highway design standards versus developing multimodal complete streets designs desired by the local agencies. At its meeting on December 5, 2012, GBI Task Force requested staff to further explore the idea of relinquishment for SR 82 El Camino Real and the associated costs.

Since then, representatives from Caltrans, Metropolitan Transportation Commission (MTC), City/County Association of Governments of San Mateo County (C/CAG), San Mateo County Transit District (SamTrans) and Santa Clara Valley Transportation Authority (VTA) have met and prepared a conceptual workscope that outlines an approach for studying the relinquishment of SR 82 El Camino Real.

At its last meeting on March 27, 2013, the GBI Task Force expressed interest in moving forward with the conceptual workscope and requested VTA and C/CAG staff to inquire if their respective
local agencies would also be interested in the relinquishment study with the understanding that the funding would be sought from MTC. Attached is a copy of the memorandum and conceptual workscope that was presented to the GBI Task Force for consideration.

The key benefits of this study are that it would provide Santa Clara and San Mateo counties and its local agencies with the following information:

- An understanding of Caltrans relinquishment policies and process.
- An assessment of existing conditions and public infrastructure along El Camino Real including estimated cost for relinquishment and annual maintenance including a discussion on exploration of potential funding sources.
- Case studies of recent highway relinquishments, including their relinquishment schedule, budget and staffing resources and next steps.

If VTA’s Member Agencies choose to support the proposed workscope, VTA staff will join GBI Task Force’s effort in seeking funding assistance from MTC for the relinquishment study of SR 82 El Camino Real.

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

The Technical Advisory Committee reviewed and discussed this item at its meeting on May 16, 2013, and recommended that the Board of Directors approval of this study (11-Ayes and 1-Nay vote). Member Whitthaus (City of Sunnyvale) commented that Sunnyvale did not have a need for relinquishment.

The Policy Advisory Committee reviewed and discussed this item at its meeting on May 16, 2013, and recommended approval of this study (6-Ayes and 3-Nays vote). Member McAlister (City of Mountain View), Member Waterman (City of Campbell) and Member Whittum (City of Sunnyvale) expressed concern with the potential costs associated with relinquishment.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

This item was placed on the Congestion Management Program and Planning Committee Consent Agenda, which was unanimously approved by the Committee at its meeting on May 23, 2013.

Prepared By: Eugene Maeda
Memo No. 4105
TO: Grand Boulevard Task Force
FROM: John Ristow, VTA
SUBJECT: Update on Study of Relinquishment of El Camino Real
DATE: March 27, 2013

At its December 5, 2012 meeting, the Grand Boulevard Task Force received a presentation from Hans Larsen, City of San Jose Director of Transportation, on the recent relinquishment of a portion of The Alameda (State Route 82), focusing on the City’s experience with the Caltrans relinquishment process. The Task Force directed staff to further explore the idea of relinquishment for the remainder of State Route 82 in Santa Clara and San Mateo counties and its associated costs.

Representatives from Caltrans, Metropolitan Transportation Commission (MTC), Santa Clara Valley Transportation Authority (VTA), City/County Association of Governments (C/CAG) of San Mateo County, and the San Mateo County Transit District (SamTrans) met on February 20, 2013 at MTC’s offices to discuss a study of the relinquishment of El Camino Real, including investigating the process, challenges, and cost estimates. Attached is a conceptual level workscope and map that was drafted by this group for the Grand Boulevard Initiative Task Force to consider for the first phase of a relinquishment study for State Route 82.

The Vision:
El Camino Real will achieve its full potential as a place for residents to work, live, shop and play, creating links between communities that promote walking and transit and an improved and meaningful quality of life.

www.grandboulevard.net
ATTACHMENT A

DRAFT CONCEPTUAL LEVEL WORKSCOPE

Task 1: Describe Caltrans’ Process for Relinquishment of State Highways

- Include description of relinquishment type, relinquishment conditions, key agency stakeholders and procedures for relinquishment of State highways to local agencies.
- Cite legislative statutes and policies.

Task 2: Clarify Roles and Responsibilities of Stakeholders (Caltrans, Local Agencies, MTC…)

- Identify scope and types of inter-agency agreements to be prepared (e.g., MoUs, RFI, PIDs…) and agencies responsible for the preparation.
- Describe the collaboration, negotiation and review processes between the stakeholders, specifically among the cities and intra-agency departments that would be participating in these discussions.
- Explore potential ownership options.

Task 3: Describe Calculations for Cost Analysis and Identify Potential Funding Sources

- Assess existing conditions of SR 82 corridor for Santa Clara and San Mateo counties by county and city, and the estimated cost to bringing the roadway to a state of good repair.
- Investigate how much Caltrans has spent to operate and maintain SR 82 corridor in Santa Clara and San Mateo counties for past 5, 10 and 20 year periods if data is available.
- Provide cost estimates for relinquishment and annual operations and maintenance for subsequent 10 years following relinquishment and identify funding sources typically used to support the relinquishment process and on-going maintenance of the corridor. Include breakdown of costs that cities already cover (e.g. some cities already maintain sidewalks and median landscaping) as well as increased cost associated with full roadway maintenance.

Task 4: Provide Examples of Recent Relinquishments in the Bay Area and Other Areas of the State

- Compile examples of relinquishment projects in the Bay Area and other areas of relinquishment interest in the State and summarize key common elements in a table format for comparison (e.g., relinquishment of SR 82 and SR 130 in San Jose and SR 238 in Hayward). Also include discussion on local motivation(s) for relinquishment and anticipated benefits.
- Compare lengths of corridor, cost per mile for relinquishment and maintenance, inventory of roadside assets (e.g., traffic signal controllers, street light poles, length of sidewalk and curb/gutter…).-

Task 5: Estimate Level of Effort and Schedule for Relinquishment

- Describe level of effort for relinquishment from planning phase to implementation phase including staffing resources and budget.
- Identify funding responsibilities for relinquishment planning and implementation.
- Provide outline of tasks and schedule, including duration and next steps.
Priority Development Areas
San Mateo and Santa Clara Counties

March 4, 2013

San Mateo
County

San Francisco Bay

South
Santa Clara
County

El Camino Real
Priority Development Area
Unincorporated SM County
Unincorporated SC County

March 4, 2013

Miles

0 2.5 5

0 2.5 5 Miles

San Francisco Bay

San Jose

San Bruno

Pacifica

Half Moon Bay

Burlingame

San Mateo

Belmont

San Carlos

Redwood City

Menlo Park

Woodside

Portola Valley

Los Altos Hills

Los Altos

Mountain View

Sunnyvale

Cupertino

Campbell

Palo Alto

East Palo Alto

Woodside

Portola Valley

Los Altos Hills

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Cupertino

Campbell

Palo Alto

East Palo Alto

Woodside

Portola Valley

Los Altos Hills

Los Altos

Mountain View

Sunnyvale

Cupertino

Campbell

Panorama

[Map of Priority Development Areas in San Mateo and Santa Clara Counties]
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: Approval of Recommended Biennial Budget for Fiscal Years 2014 and 2015

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

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a resolution approving the Fiscal Years 2014 and 2015 Recommended Biennial Budget for the period July 1, 2013 through June 30, 2015.

(Dollars in Thousands)

<table>
<thead>
<tr>
<th>Fund</th>
<th>FY 2014</th>
<th>FY 2015</th>
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<tbody>
<tr>
<td>VTA Transit-Operating</td>
<td>380,162</td>
<td>398,846</td>
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<td>VTA Transit-Capital</td>
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<td>2000 Measure A-Operating</td>
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<td>Congestion Management Program-Operating</td>
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<td>VTP Highway Program-Capital</td>
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<td>Joint Development Program-Operating</td>
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<td>215</td>
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<tr>
<td>Joint Development Program-Capital</td>
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<tr>
<td>Silicon Valley Express Lanes Program-Operating</td>
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<td>983</td>
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<tr>
<td>BART Operating Sales Tax Program-Operating</td>
<td>92</td>
<td>134</td>
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*Total Appropriation for FY14 and FY15 reflected in FY14
BACKGROUND:

The Draft Recommended Budget for Fiscal Years 2014 and 2015 was presented to the Board of Directors at a budget workshop on April 19, 2013. The minutes of the workshop are included as Attachment A.

From May 1 to May 7, three community meetings were held in Morgan Hill, Mountain View, and San Jose specifically for the purpose of presenting the Draft Recommended Budget and receiving public comment. On May 8, the budget was presented at a Joint Advisory Committee Workshop. A summary of comments received from the public and advisory committee members is at the end of this memo.

DISCUSSION:

This memo outlines the proposed changes to the Draft Recommended Budget for Fiscal Years 2014 and 2015. Updated schedules reflecting these changes are included in Attachment B.

VTA Transit Fund-Operating (Attachment B, page 1)

- Increase Labor Cost (line 16) $268 thousand in FY 2014 and $273 thousand in FY 2015 to reflect the addition of two safety related positions: Safety Manager-Risk Assessment and Transit Safety Officer.
- Increase Professional & Special Services (line 19) $250 thousand in each fiscal year for independent risk assessments to identify potential safety issues.
- Decrease Caltrain (line 36) $6.4 million in FY 2014 to reflect updated information regarding the FY 2014 Caltrain Operating Budget.

2000 Measure A Transit Improvement Program Fund-Capital (Attachment B, page 8)

- Increase FY 2014 appropriation by $200 thousand for Peninsula Cross-town Transit Connectivity Study. This project will study connectivity, bus routes, service levels, and service types serving core Bus Rapid Transit (BRT) corridors (El Camino Real), rail corridors (Caltrain), and key core high-ridership (Lines 22 & 522) bus corridors. The need for this study is driven by the recent increase in development plans and proposals in Sunnyvale, Mountain View, and Santa Clara and will complement the planning work being done to analyze bus connections to the BART extension and other BRT initiatives.

ALTERNATIVES:

The Board of Directors may modify the Recommended Biennial Budget before adoption.

FISCAL IMPACT:

The Board has adopted Financial Policies that require a balanced operating budget in which total operating revenues exceed total operating expenditures and a budget that maintains an Operating Reserve balance of at least 15% of operating expenditures. The Recommended Biennial Budget for Fiscal Years 2014 and 2015 is in compliance with both of these requirements.
COMMUNITY MEETING COMMENTS:

Three community meetings to present the Fiscal Years 2014 and 2015 Draft Recommended Biennial Budget were held May 1 to May 7 in Morgan Hill, Mountain View, and San Jose. Three members of the public attended. The major comments/questions from participants were:

1. Why does the presentation say there will be no changes to paratransit service during this budget cycle when all the demographics show an aging population, which would imply there would be a greater need for such services?
   
   **Staff Response:** While there are no changes to the paratransit service parameters in the FY 2014 and FY 2015 budget, the budget does reflect a 5% increase per year in the number of rides provided.

2. The budget shows processing fees when debit or credit cards are used to purchase fares or load value onto a Clipper card. I always pay cash and I don’t think it’s fair that I’m subsidizing someone’s credit card purchase.

3. The new budget shows approximately $400,000 in staff services for the Express Lanes program. Why makes up that amount and why is there no similar amount included in the current year?
   
   **Staff Response:** This is the estimated cost to administer the program including reconciliation of toll revenues, contract administration and program oversight. The first $650,000 in operating expenditures for the SR 237 corridor was charged to the capital project as start-up costs.

4. Are you acquiring new buses?

   **Staff Response:** The FY 2014 and FY 2015 VTA Transit Capital Budget includes the purchase of 44 forty-foot buses and 46 sixty-foot articulated buses.

ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:

On May 8, the Fiscal Years 2014 and 2015 Draft Recommended Biennial Budget was presented at a Joint Advisory Committee Workshop attended by over 30 members from VTA’s five advisory committees. The major comments or recommendations from participants were:

1. A participant inquired how much was included in the budget for advertising and recommended that VTA recommit to marketing fixed route transit service to the disabled community, which the speaker indicated is a large untapped market.

   **Staff Response:** The media advertising budget is approximately $900 thousand per year. Staff will explore options to target advertising to this market segment.

2. Participants requested additional information on VTA planning efforts for transit service to the new Santa Clara stadium, and encouraged VTA to promote transit and non-private automobile opportunities to games there.

   **Staff Response:** Staff will continue to work with the city of Santa Clara and the 49ers on the development of the Transportation Management and Operations Plan to implement transit services to the new stadium.
3. To encourage further Clipper® Card usage, it was recommended that: 1) additional Clipper® Card readers be added at certain stations; and 2) additional devices allowing value to be added to Clipper® Cards be installed throughout the system.

**Staff Response:** The VTA Transit Capital Budget includes a project to provide infrastructure for additional Clipper® fare devices at high use light rail stations. In addition, value may be added to Clipper® Cards using any VTA Ticket Vending Machine (TVM).

4. It was recommended that the starting salary for operators and operator trainees be evaluated to ensure that it is both competitive as well as attractive in order to attract high-quality candidates.

**Staff Response:** Operator and operator trainee salaries are subject to negotiation between VTA and ATU (Amalgamated Transit Union, Local 265).

5. Due to their popularity and comparatively lower overall costs, it was suggested that VTA look to utilize more community buses and community bus routes in place of standard 40-foot coaches.

**Staff Response:** As part of the two-year transit service plan VTA evaluates its bus lines to determine what type of service is most appropriate for a particular area including implementation of community bus routes.

6. To attract more discretionary riders, it was suggested that VTA lower the qualifying minimum age for Senior Passes from 65 down to 58.

**Staff Response:** Staff will investigate the impact of lowering the minimum age for Senior fares.

7. A participant indicated that due to the relatively low net annual revenue for Express Lanes, it was not worthwhile to continue the program.

**Staff Response:** In addition to generating a revenue source, Express Lanes also provide congestion relief through more effective use of existing roadways.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration & Finance Committee considered this item at its May 23, 2013 meeting. Member Esteves requested that the SR 237 Express Lane hours be adjusted to open the carpool lane in non-peak hours. Member Esteves also requested staff conduct a feasibility study for installing restrooms at major transfer stations. The committee referred both of these requests to staff for future committee consideration. The item was approved unanimously.

The Congestion Management Programming & Planning Committee received this as an informational item at its May 23, 2013 meeting. Member Yeager requested additional information on the Caltrain contribution reduction in FY14. Staff responded that SamTrans anticipates having a limited amount available for their member contribution so the total contributions were reduced accordingly. Caltrain will utilize one-time funding to offset the reduction in member contributions. Member Campos inquired whether VTA takes a proactive approach in identifying gaps in services for seniors and connecting the county’s aging population with core services. Staff responded that specific requests for additional service are reviewed as part of the Annual Service Plan and are measured against the Transit Sustainability Policy.
criteria. However, VTA may want to explore a different model for serving this particular segment of riders.

The Transit Planning & Operations Committee May 23, 2013 meeting was cancelled due to lack of a quorum.

Prepared by: Carol Lawson, Fiscal Resources Manager
Memo No. 3861
1. CALL TO ORDER AND ROLL CALL

The Board Workshop Meeting for the Santa Clara Valley Transportation Authority (VTA) Board of Directors was called to order by Chairperson Pirzynski at 8:48 a.m. in the Board of Supervisors’ Chambers, County Government Center, 70 West Hedding Street, San José, California.

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
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<tbody>
<tr>
<td>Margaret Abe-Koga</td>
<td>Board Member</td>
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<tr>
<td>Xavier Campos</td>
<td>Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Larry Carr</td>
<td>Alternate Board Member</td>
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<tr>
<td>David Cortese</td>
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<tr>
<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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<tr>
<td>Ash Kalra</td>
<td>Vice Chairperson</td>
<td>Present</td>
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<tr>
<td>Johnny Khamis</td>
<td>Alternate Board Member</td>
<td>Present</td>
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<tr>
<td>Sam Liccardo</td>
<td>Board Member</td>
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<tr>
<td>Jamie Matthews</td>
<td>Board Member</td>
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<tr>
<td>Chuck Page</td>
<td>Alternate Board Member</td>
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<tr>
<td>Joe Pirzynski</td>
<td>Chairperson</td>
<td>Present</td>
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<td>Gail A. Price</td>
<td>Alternate Board Member</td>
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<td>Donald Rocha</td>
<td>Board Member</td>
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<tr>
<td>David Whittum</td>
<td>Alternate Board Member</td>
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<tr>
<td>Perry Woodward</td>
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<tr>
<td>Ken Yeager</td>
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<td>Present</td>
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Chairperson Pirzynski shared words of support and requested a period of silence to honor the victims of the recent tragedy in Boston.

Board Member Rocha took his seat at 8:50 a.m.

Chairperson Pirzynski stated that Agenda Item #4.3, VTA Labor Relations Update, would be heard before Agenda Item #4.2, BART Silicon Valley Parking Technology Recommendations.
2. **PUBLIC COMMENT**

There was no Public Comment.

3. **CLOSED SESSION at: 8:51 a.m.**

3.1. **Recess to Closed Session**

   A. **Public Employment**

      [Pursuant to Government Code Section 54957]

      Title of position to be filled: General Manager

3.2. **Reconvene to Open Session at: 9:23 a.m.**

3.3. **Closed Session Report**

Chairperson Pirzynski stated there was no reportable action taken during Closed Session.

4. **WORKSHOP ITEMS**

Chairperson Pirzynski stated this was the beginning of the public process for the FY 2014 and FY 2015 recommended biennial budget (Budget). He reported that a Joint Advisory Committee Workshop, scheduled for May 8, 2013, would provide VTA’s advisory committees the opportunity to review and weigh-in on the proposed Budget. In addition, several public meetings will be held in early May to allow staff an opportunity to gather public input and incorporate any suggestions that would improve the Budget.

Michael T. Burns, General Manager, noted this meeting was the first time the Board and the public were reviewing the proposed Budget. Mr. Burns provided a brief overview, noting: 1) VTA is in a sound financial position; 2) The current financial position is based on the principles established by the 2010 Ad Hoc Financial Recovery Committee (2010 Ad Hoc FRC), as well as the participation by VTA employees and contractors who worked with VTA during those difficult times; 3) Positive operating balances are proposed for both years; 4) There are fully-funded reserves; 5) A status of the reserves is included in Appendix B; 6) The Budget includes service increases and no fare increase; 7) The Budget maintains a theme of “State of Good Repair” and uses a significant portion of the debt reduction fund for VTA’s capital program; 8) The Budget presentation would be followed by a discussion; 9) Steve Foti, Harvey M. Rose Associates, LLC (“Harvey Rose”), would provide an independent assessment of VTA’s reserves; and 10) Staff would provide a brief response to the Harvey Rose recommendations. Mr. Burns stated that staff’s plan is to provide a final review of the recommendations the week of April 22, 2013.

4.1. **Fiscal Year 2014 and 2015 Draft Recommended Biennial Budget**

Joseph T. Smith, Chief Financial Officer, provided the staff report.
Mr. Smith introduced Carol Lawson, Fiscal Resources Manager - Budget, and Jim Unites, Deputy Director Operations - Operations Planning Service & Operations Planning. He noted Mr. Unites would address the budget as it relates to service changes.

Mr. Smith provided a brief update on the current financial climate, noting: 1) There has been significant improvement in housing and job growth in Santa Clara County (County); 2) The County continues to lead California in the labor market recovery; 3) Unemployment is 7.4 percent compared to the 10.3 percent two years ago; 4) Taxable spending is up; and 5) There has been a recent increase in spending in the automobile and transportation sector.

Mr. Smith stated that although VTA is currently in a sound financial position, VTA is subject to various swings in revenues and expenditures and has developed various reserves to mitigate these economic downturns, including: 1) the fifteen (15) percent operating reserves; 2) the Sales Tax Stabilization Fund; and 3) the Debt Reduction Fund. Mr. Smith noted the importance for VTA to continue to be diligent.

Mr. Smith stated one of the goals of the budget is to address unfunded liabilities with the: a) ATU Pension Fund; b) Calpers Pension Fund; and c) Other Post Employment Benefits (OPEB) Retirement Fund.

He referred to the 2010 Ad Hoc FRC and noted that it was made up of three (3) Board members and twelve (12) stakeholders. The 2010 Ad Hoc FRC met between January and September 2010 to review detailed financial information and to discuss and develop financial policy issues and proposals. The six (6) Key Financial Principles developed by the 2010 Ad Hoc FRC were: 1) to maintain an operating reserve of fifteen (15) percent; 2) to limit the use of capital funding for operating relating purposes; 3) to control the cost of growth; 4) to achieve internal efficiencies; 5) to negotiate sustainable bargaining agreements; and 6) to evaluate the use of contracted services.

Mr. Smith provided a PowerPoint presentation, entitled Draft Recommended Biennial Budget, Fiscal Years 2014 and 2015, highlighting: 1) Recommended Budget Summary; 2) Financial Climate - Economy; 3) Financial Climate - VTA; 4) Overall Financial Goals; and 5) FY14 and FY15 Budget Objectives.

Mr. Smith reviewed the budget recommendations for the following: 1) VTA Transit; 2) 2000 Measure A; 3) Congestion Management Program; 4) VTA Highway Program; 5) Joint Development Program; 6) Silicon Valley Express Lanes Program; and 7) BART Operating Sales Tax Program. Mr. Smith discussed the key principles, prioritization and budget objectives and advised the Board regarding the budget public meetings.

Steve Foti, Principle, Harvey Rose, noted his firm was commissioned by Working Partnerships to look at the established reserves in light of the overall financial health of the organization. Mr. Foti provided a PowerPoint presentation, entitled Analysis of VTA Reserves, highlighting: 1) Reserve Designations & Fund
Liquidity as of June 30, 2012; 2) Historical Debt Reduction Reserve Balance; 3) OPEB Liability Reduction Reserve; 4) Sales Tax Stabilization Reserve; 5) Internal Service Fund Status; 6) Compensated Absences; 7) Internal Service Fund Reserve Status; 8) Key Recommendations; and 9) Recommendations with Monetary Value.

Mr. Foti discussed the recommendations with monetary value which includes: 1) elimination of local share of capital projects reserve; 2) elimination of debt reduction reserves; 3) elimination of OPEB reduction reserves; 4) transfer of excess funds from Workers’ Comp and general liability; and 5) elimination of compensated absence reserve.

Mr. Smith provided a PowerPoint presentation listing VTA's response to the Harvey Rose Report, highlighting VTA’s analysis and staff recommendation for each of Harvey Rose’s findings. Mr. Smith noted the following: 1) prudent fiscal policy requires reserves; 2) well-funded reserve levels contribute to VTA’s high credit rating; and 3) use of one-time reserve funds for Operations is not sustainable.

Board Member Herrera took her seat at 10:10 a.m.

Michael T. Burns, General Manager, noted: 1) VTA believes it is prudent and sound financial management to fund liabilities; 2) He and Mr. Smith met with the rating agencies the week of April 8, 2013, to give a presentation on VTA’s financial situation; 3) Rating agencies are very familiar with VTA’s volatile revenue sources and look to the reserves as a key input into their rating on VTA’s debt; 4) The Board has historically supported these one-time uses of the reserve funds over the past five years; 5) With the operating balances being proposed, VTA is still operating on a very narrow margin in terms of matching ongoing expenses with ongoing revenues. Mr. Burns noted this needs to be considered as VTA determines whether or not the level of reserves are appropriate; and 6) The state bond funds, almost $50 million that were being proposed for use with the new articulated buses, are going away and there is no likelihood for any replacement funding anytime soon. He noted that is part of what VTA would look to from the debt reduction reserve.

Mr. Burns thanked Harvey Rose for their efforts and the cooperation extended to VTA staff.

Public Comment

Diana Hermone, Recording and Financial Secretary, Amalgamated Transit Union (ATU) Local 265, VTA Bus Operator North Yard, noted: 1) ATU’s appreciation for its positive relationship with the Board and VTA management; 2) referenced a solid history of working together during difficult times, and thanked the Board for their leadership; 3) the unions engaged Harvey Rose to ensure VTA’s success, noted their fate is directly tied to VTA, and encouraged the Board to establish a comprehensive policy on reserves; 4) ATU encourages the Board to: a) restore transit cuts; b) reduce headways; c) provide professional development for
frontline workers; c) provide fair compensation for employees; d) reduce fares for the low-income population; and e) ensure a reasonable balance between prudent reserve levels and the need to ramp-up transit operations.

Tami Dhanota, Chairperson, Service Employees International Union (SEIU), Local 521: 1) thanked the Board for implementing ideas submitted by Harvey Rose two-years ago that generated real money and helped stabilize VTA; 2) noted SEIU’s appreciation that Harvey Rose’s new recommendations are being heard and that the budget document now includes the full balances of all operating reserves; 3) stated SEIU agrees that the Board should examine what a prudent total level of reserves might be; 4) stated SEIU supports defining one fund with the appropriate level of reserves to protect against multiple risks; and 5) stated the employees will continue to work with VTA to protect the integrity of the organization.

Haniet Bourshrockn, Member SEIU, expressed her support for establishing clear and transparent board policies for reserve levels.

Ron Roberts, Chief Steward, SEIU, expressed his appreciation to Chairperson Pirzynski for meeting with labor representatives earlier in the week. Mr. Roberts noted SEIU supports the Harvey Rose recommendation to establish more transparent Board policies. He discussed the reserve funds and encouraged a review by the Board and staff to determine whether the funds could be freed-up to restore service or to meet other agency needs.

Chris Lepe, Silicon Valley Community Planner, Transform, noted the increase in fares and changes in service since 2000 have had an impact on the working-class and low-income families. Mr. Lepe then: 1) expressed his appreciation over the restoration of some services; 2) recommended subsidized fares for low-income riders and increasing service in areas where farebox recovery can be improved and provide an increase in ridership for VTA; and 3) encouraged the Board to invest in the employees that create a strong agency. He noted operating revenue should not be used for capital.

Chairperson Pirzynski stated, due to a need to stop the meeting at 12 noon, Agenda Item #4.2, BART Silicon Valley Parking Technology Recommendations, and Agenda Item #4.3, VTA Labor Relations Update, would be removed from the agenda so that the Board’s focus could remain on the budget. He noted these items would go back to the committees.

Board Member Liccardo thanked both the members of the public and the employees who spoke before the Board. He strongly endorsed Harvey Rose’s conclusion that VTA should establish a comprehensive, deliberate, transparent policy regarding the use of VTA’s reserves.

Board Member Liccardo expressed his appreciation to Mr. Burns and VTA staff for being as conservative as possible, recognizing revenue sources fluctuate, greatly, particularly sales tax revenue.
Board Member Liccardo referenced an idea put forth several years ago by former VTA Board Member Christopher Moylan, wherein Mr. Moylan suggested that VTA set a sales tax reserve fund that represents two standard deviations from the means so that ninety-five percent of the time VTA would know that it would have enough money to cover whatever the expected transit needs are. He noted his support of that deliberate approach. Board Member Liccardo stated VTA is utilizing that method with its sales tax fund, but not with the other funds.

Board Member Liccardo noted that he strongly supports staff’s recommendation to apply the $20.65 million contained in the Board-approved Other Post Employment Benefit (OPEB) Liability Reduction Fund to pay down the OPEB Liability. He stated the $2 million annual savings could be put back into service. Further, he noted the one-time money should be used to reduce the OPEB Liability.

Board Member Liccardo stated: 1) Every major city in this country is in woeful condition in terms of funding pensions and retiree healthcare; 2) Although VTA has met its annual retirement contribution every year, VTA still has forty percent unfunded liability in one fund and thirty percent in the ATU pension; and 3) Every employee and/or retiree should feel confident that they will have what they are promised and what they bargained for when they retire. He noted the Board should not feel comfortable until those are 100 percent funded.

Board Member Liccardo: 1) expressed his strong support for staff’s recommendation; 2) noted there are sources that can be looked at and there should be a comprehensive policy; and 3) questioned sales tax projections, noting the last couple of years have been great and questioned whether staff has reconciled the long-term view with what is being seen in the short term. Mr. Smith reported VTA will be engaging Moody Analytics to regenerate the model, but noted that at present the view is the same.

Alternate Board Member Khamis noted the importance of saving money for a rainy day. He noted the fiscally responsible thing to do for the health of VTA and its employees is to make sure the employees have health insurance and retirement funds. He noted his support of staff’s recommendation.

Board Member Abe-Koga referenced her position on the 2010 Ad-Hoc FRC. She then: 1) commended all of the groups within VTA, noting that when times were tough everyone came together; 2) noted she wants to improve operations, expanding where possible, but that she believes in reserve funds; 3) expressed support for reserves because it can help the organization during difficult financial times; 4) noted the importance of transparency in the budget process; and 5) stated would like to see all of the funds, including the debt reduction funds, included in a biennial budgeting process and is in support of a comprehensive reserve policy.

Board Member Abe-Koga recommended looking at the trends for the Worker’s Compensation and Leave Compensation funds and to consider lowering those funds.
Alternate Board Member Price concurred with Board Members Abe-Koga and Liccardo regarding the issue of overall reserve policies and the importance of having guiding principles. She noted she concurs with the Harvey Rose recommendations, appreciates VTA staff’s work, and the comments by the employees.

Board Member Herrera expressed her appreciation for the Harvey Rose report. She noted her position on the 2010 Ad-Hoc FRC with Board Member Abe-Koga and then Board Member Don Gage and expressed her appreciation to the all of the stakeholder groups for their hard work. She noted VTA is in a much better position.

Board Member Herrera: 1) acknowledged Harvey Rose and noted her respect for what they have to say; 2) referenced the OPEB Liability Fund and stated that saving $2 million per year is very significant; 3) noted that although being funded at 60 percent is very positive, the Board still needs to be concerned with the unfunded 40 percent to ensure that we deliver what is promised; and 4) supports staff’s recommendation.

Board Member Esteves: 1) noted he supports staff’s recommendation; 2) stated one time revenues must not be used for recurring expenses and that VTA must be prudent in its spending; 3) noted his belief that VTA operates with a minimum of services, including not providing restrooms for the public at its stations, and stated the elderly need basic services in order to utilize our system.

Alternate Board Member Whittum noted comparing funding levels with other agencies is irrelevant due to the uncertainty whether the funding levels are adequate. He noted in the face of uncertainty he recommends a fiscally conservative approach. Alternate Board Member Whittum stated he supports: 1) an increase in operations funds to improve service; 2) transparent policies; and 3) looking at the average historical worse case and planning a reserve based upon that. He noted all of that is aimed at preserving what the public is asking for: maintain service and improving service where possible.

Board Member Kalra thanked Mr. Burns, staff, the bargaining units, and Harvey Rose for their efforts in helping to educate the Board on the proposed budget. He noted: 1) a global discussion on reserves, as part of the overall budget process, is healthy and helps to educate everyone; 2) he was heartened to see that many Board members agree that having a comprehensive policy on reserves is a positive thing; 3) the Board needs to be fiscally prudent when looking at reserves, by establishing a well-balanced reserve policy and continuously evaluate the reserves to address fluctuations.

Board Member Kalra noted the Board placed a cap on sales tax stabilization to ensure: 1) a healthy reserve; 2) service levels appropriate for providing a fully functioning transit system; 3) a fully-funded Congestion Management Program; and 4) employees that are happy and made whole for the sacrifices they made to get the agency through hard times.
Board Member Kalra expressed his support for using the $20.65 million contained in the Board-approved Other Post Employment Benefit (OPEB) Liability Reduction Fund to pay down the OPEB Liability, but noted it is important that decisions not be made in a vacuum.

Board Member Cortese: 1) noted he was the only member of the current Board who participated in the original 2003 Ad-Hoc Financial Stability Committee; 2) expressed concern with the regular practice of shifting funds back and forth between Capital and Operations; 3) noted the need for a firewall, except in a fiscal-emergency situation; 4) noted the solution in 2003 was to seek a court order to move Measure A Capital Funds to Operations; 5) questioned the limitations the Board would put on moving those funds; 6) referenced the unfunded projects on the Measure A list, particularly the Eastridge Extension, and noted his reluctance to accept the Harvey Rose Recommendation Number 5, Eliminate the local share of capital projects reserve and re-designate the funds to be used for any operating purpose; and 7) noted that with a comprehensive review, the Board would need to determine how those funds would be designated.

Board Member Cortese stated that if the Board had to take away from projects that are currently unfunded the Board would have the responsibility to fulfill those prior commitments with any available capital or one-time funds.

Board Member Cortese noted the Debt Reduction Reserve and the Compensated Absence Reserve should be reviewed in terms of reduction, because both appear to be overfunded. He noted there are standard numbers for replacement reserves, including federal, state and local, and VTA should not be close to the normal for those types of reserves. Board Member Cortese stated that the OPEB move makes sense at this time.

Board Member Cortese commented that when the Government Accounting Standards Board (GASB) told governmental agencies that liabilities must be shown on the books, with an effort to fund them, they were talking about a long-term process. He noted he does not want VTA’s employees to get the impression that if VTA does not fund a reserve at a 100 percent level, right now, that retiree health benefits scheduled to be paid 10 or 15 years from now are in jeopardy. He noted that is not the case. Board Member Cortese stated that GASB is saying the agency should have the operating ability to pay, the programmatic ability to pay, plus have these reserves set-up. He stated that VTA is setting the gold standard in terms of addressing that issue, but that VTA does not need to do it any more aggressively than what makes prudent sense.

Board Member Cortese stated that the Board has been telling the employees to shoulder the burden since the 2003 Ad Hoc Financial Stability Committee. He noted it was with the understanding that if the employees helped VTA get through the dot-com bust and then later the Wall Street meltdown, VTA would not forget those efforts and would come back and make good on rewarding its employees for their hard work. He noted that several of the speakers had mentioned that and he wanted to not
only echo it, but to be a witness that those statements were made at many brown bag lunch meetings over the last dozen years. Board Member Cortese stated he was sure that more of those kinds of representations were made to the employees during the period that he was not a voting member on the Board. He noted if at some point VTA reduces operating reserves it makes sense to see how we can make this even more of an employer of choice with those dollars.

Board Member Rocha thanked staff and those who addressed the Board. He noted as a new member it was helpful to receive input, direction and advice on a number of issues, especially as they relate to the Budget. Board Member Rocha requested to meet with staff for further clarification of VTA’s policies. Mr. Burns noted that Board Member Rocha’s request for clarification is a highlight of the Harvey Rose’s report.

Board Member Rocha stated he was in support of staff’s recommendation to apply the $20.65 million contained in the Board-approved Other Post Employment Benefit (OPEB) Liability Reduction Fund to pay down the OPEB Liability. He noted he would like to establish policies for target goals rather than making annual decisions on a whim.

Board Member Liccardo provided a list of topics for a future, comprehensive approach Board discussion, including: 1) An update on the amount of unfunded capital projects in the Measure A program, to enable the Board to understand the consequences for moving capital money back and forth; 2) The history of the 18.46% of Measure A funds currently moving from Measure A to Operations; 3) A history of the reserves, including the debt reduction reserve; and 4) The amount the unfunded liability is costing on an annual basis and how it impacts VTA’s operating costs.

Chairperson Pirzynski commended everyone for their extraordinary efforts in making this workshop possible. He then: 1) noted this Board has demonstrated its skill and ability to assimilate very complex information and has also shown a dedication to the agency’s purpose; 2) thanked VTA’s employee groups and the working partnership for engaging Harvey Rose, noting it is always helpful to have multiple sets of eyes reviewing the same data; 3) stated that he agreed with the comments the Board made and noted there was a coherent philosophy among all members of the Board due to their understanding of the organization’s mission; and 4) expressed his appreciation for the professionalism of VTA’s management staff.

Mr. Burns thanked everyone who participated for making this a productive session. He noted the input and suggestions would be taken under consideration. Mr. Burns stated that staff would prepare a formal response to the Harvey Rose report that will be forwarded to the Board. He stated that staff is open to a comprehensive policy and noted this will be a good discussion, including examining reserve levels to determine what is appropriate.

Mr. Burns noted, based on the discussion and if there is no objection, the transfer of the funds from the trust to the OPEB fund would be placed on the agenda for
the May 3, 2013, Board meeting. Any new updates regarding the budget will be provided to the Board at its May meeting.

- Deferred to the May 3, 2013, Board of Directors meeting.

  Referral from the April 4, 2013, VTA Board of Directors regular meeting: Reallocation of Other Post Employment Benefits (OPEB) Liability Reduction Fund to OPEB Trust Fund.

4.2. **Referred to the Silicon Valley Rapid Transit Program Working Committee**

Review the BART Silicon Valley Parking Technology Recommendations.

4.3. **Referred to the May 6, 2013, VTA Board Meeting**

Receive an update regarding Labor Relations.

5. **OTHER ITEMS**

5.1. **ANNOUNCEMENTS**

There were no Announcements.

6. **ADJOURN**

On order of Chairperson Pirzynski and there being no objection, the meeting was adjourned at 11:53 a.m.

Respectfully submitted,

Susan E. Garcia, Board Assistant
VTA Office of the Board Secretary
# VTA Transit
## Revised Recommended Budget
### (Dollars in Thousands)

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<td>Leases &amp; Rents</td>
<td>663</td>
<td>0</td>
<td>663</td>
<td>669</td>
<td>0</td>
<td>669</td>
</tr>
<tr>
<td>31</td>
<td>Miscellaneous</td>
<td>672</td>
<td>0</td>
<td>672</td>
<td>686</td>
<td>0</td>
<td>686</td>
</tr>
<tr>
<td>32</td>
<td>Special Event Service</td>
<td>535</td>
<td>0</td>
<td>535</td>
<td>1,707</td>
<td>0</td>
<td>1,707</td>
</tr>
<tr>
<td>33</td>
<td>Reimbursements</td>
<td>(35,485)</td>
<td>0</td>
<td>(35,485)</td>
<td>(35,348)</td>
<td>0</td>
<td>(35,348)</td>
</tr>
<tr>
<td>34</td>
<td>Subtotal Operating Expense</td>
<td>325,496</td>
<td>518</td>
<td>326,015</td>
<td>335,125</td>
<td>523</td>
<td>335,648</td>
</tr>
<tr>
<td>35</td>
<td>Paratransit</td>
<td>19,100</td>
<td>0</td>
<td>19,100</td>
<td>20,800</td>
<td>0</td>
<td>20,800</td>
</tr>
<tr>
<td>36</td>
<td>Caltrain</td>
<td>13,700</td>
<td>(6,409)</td>
<td>7,291</td>
<td>14,111</td>
<td>0</td>
<td>14,111</td>
</tr>
<tr>
<td>37</td>
<td>Light Rail Shuttles</td>
<td>25</td>
<td>0</td>
<td>25</td>
<td>25</td>
<td>0</td>
<td>25</td>
</tr>
<tr>
<td>38</td>
<td>Altamont Commuter Express</td>
<td>4,609</td>
<td>0</td>
<td>4,609</td>
<td>4,750</td>
<td>0</td>
<td>4,750</td>
</tr>
<tr>
<td>39</td>
<td>Highway 17 Express</td>
<td>251</td>
<td>0</td>
<td>251</td>
<td>259</td>
<td>0</td>
<td>259</td>
</tr>
<tr>
<td>40</td>
<td>Dumbarton Express</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>41</td>
<td>Monterey-San Jose</td>
<td>35</td>
<td>0</td>
<td>35</td>
<td>35</td>
<td>0</td>
<td>35</td>
</tr>
<tr>
<td>42</td>
<td>Contribution to Other Agencies</td>
<td>740</td>
<td>0</td>
<td>740</td>
<td>740</td>
<td>0</td>
<td>740</td>
</tr>
<tr>
<td>43</td>
<td>Debt Service</td>
<td>20,097</td>
<td>0</td>
<td>20,097</td>
<td>20,478</td>
<td>0</td>
<td>20,478</td>
</tr>
<tr>
<td>44</td>
<td>Subtotal Other Expense</td>
<td>58,557</td>
<td>(6,409)</td>
<td>52,148</td>
<td>61,198</td>
<td>0</td>
<td>61,198</td>
</tr>
<tr>
<td>45</td>
<td>Operating and Other Expense</td>
<td>384,053</td>
<td>(5,891)</td>
<td>378,162</td>
<td>396,323</td>
<td>523</td>
<td>396,846</td>
</tr>
<tr>
<td>46</td>
<td>Contingency</td>
<td>2,000</td>
<td>0</td>
<td>2,000</td>
<td>2,000</td>
<td>0</td>
<td>2,000</td>
</tr>
<tr>
<td>47</td>
<td>Total Expense &amp; Contingency</td>
<td>386,053</td>
<td>(5,891)</td>
<td>380,162</td>
<td>398,323</td>
<td>523</td>
<td>398,846</td>
</tr>
<tr>
<td>48</td>
<td>Operating Balance</td>
<td>6,588</td>
<td>5,891</td>
<td>12,480</td>
<td>3,838</td>
<td>(523)</td>
<td>3,315</td>
</tr>
</tbody>
</table>

Note: Totals, subtotals and percentages may not be precise due to independent rounding
8.1.b

VTA Transit
Comparison of Revenues and Expenses

Updated 5-13-13

Line

(Dollars in Thousands)
Category

FY12
Actual

FY13
Adopted
Budget

FY14
Variance
Recommended from FY13
Budget
Projection

FY13
Projected
Actual 1

% Var

FY15
Variance
Recommended from FY14 % Var
Budget
Budget

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

Fares
1976 Half-Cent Sales Tax
TDA
Measure A Sales Tax-Oper. Asst.
STA
Federal Operating Grants
Less Transfer for Capital
State Operating Grants
Low Income Fare Grant
Investment Earnings
Advertising Income
Measure A Repayment Obligation
Special Event Service
Other Income
Total Revenue

37,744
166,568
81,928
30,690
14,055
42,286
(4,193)
2,149
0
3,031
1,739
10,843
0
5,317
392,158

38,415
165,273
77,678
30,365
13,307
41,901
(8,380)
1,937
0
952
1,750
11,954
0
1,673
376,825

38,415
175,824
83,798
32,452
14,921
41,901
(11,875)
1,937
0
952
1,750
10,782
0
1,877
392,733

38,725
182,435
85,744
33,621
13,600
37,787
(17,760)
1,985
650
1,227
1,810
10,700
109
2,008
392,642

310
6,611
1,947
1,170
(1,321)
(4,115)
(5,885)
48
650
276
60
(82)
109
131
(91)

0.8%
3.8%
2.3%
3.6%
-8.9%
-9.8%
49.6%
2.5%
N/A
28.9%
3.4%
-0.8%
N/A
7.0%
0.0%

39,573
190,845
89,697
35,171
13,600
38,920
(25,298)
1,985
650
1,412
1,912
11,108
382
2,203
402,161

848
8,410
3,953
1,550
0
1,134
(7,538)
0
0
185
102
408
273
195
9,519

2.2%
4.6%
4.6%
4.6%
0.0%
3.0%
42.4%
0.0%
0.0%
15.1%
5.6%
3.8%
250.5%
9.7%
2.4%

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

Labor Cost
Materials & Supplies
Security
Professional & Special Services
Other Services
Fuel
Traction Power
Tires
Utilities
Insurance
Data Processing
Office Expense
Communications
Employee Related Expense
Leases & Rents
Miscellaneous
Special Event Service
Reimbursements 2
Subtotal Operating Expense

262,556
16,110
7,745
2,672
6,370
13,881
3,151
1,494
2,734
4,862
2,651
313
1,098
643
552
643
0
(32,571)
294,903

270,436
16,816
8,056
3,537
7,858
16,606
3,535
1,611
2,604
4,575
2,934
321
1,215
697
571
645
0
(31,570)
310,445

276,682
15,315
8,077
3,299
6,373
14,708
3,331
1,611
2,684
4,928
3,082
290
1,206
392
755
482
0
(36,471)
306,743

285,999
16,407
8,886
4,637
7,305
17,173
3,389
1,764
2,727
5,519
3,545
330
1,250
698
663
672
535
(35,485)
326,015

9,318
1,093
810
1,339
932
2,464
58
153
43
592
463
40
44
305
(92)
191
535
986
19,272

3.4%
7.1%
10.0%
40.6%
14.6%
16.8%
1.7%
9.5%
1.6%
12.0%
15.0%
13.7%
3.6%
77.8%
-12.2%
39.6%
N/A
-2.7%
6.3%

293,435
16,445
9,072
4,540
7,349
17,613
3,501
1,880
2,727
5,537
3,477
330
1,312
718
669
686
1,707
(35,348)
335,648

7,436
38
185
(97)
44
440
112
116
0
17
(68)
0
62
20
6
14
1,172
137
9,634

2.6%
0.2%
2.1%
-2.1%
0.6%
2.6%
3.3%
6.5%
0.0%
0.3%
-1.9%
-0.1%
5.0%
2.9%
0.9%
2.1%
219.1%
-0.4%
3.0%

35
36
37
38
39
40
41
42
43

Paratransit2
Caltrain2
Light Rail Shuttles2
Altamont Commuter Express2
Highway 17 Express2
Dumbarton Express2
Monterey-San Jose2
Contribution to Other Agencies
Debt Service

17,733
10,207
18
3,880
108
477
35
605
19,477

23,350
14,135
36
3,903
355
400
35
594
20,464

17,200
13,700
25
4,321
196
0
35
594
19,600

19,100
7,291
25
4,609
251
0
35
740
20,097

1,900
(6,410)
0
288
55
0
0
146
497

11.0%
-46.8%
0.0%
6.7%
28.1%
N/A
-0.2%
24.5%
2.5%

20,800
14,111
25
4,750
259
0
35
740
20,478

1,700
6,820
0
141
8
0
0
0
381

8.9%
93.5%
0.0%
3.1%
3.2%
N/A
0.0%
0.0%
1.9%

44 Subtotal Other Expense

52,539

63,272

55,672

52,148

(3,525)

-6.3%

61,198

9,050

17.4%

45 Operating and Other Expense
46 Contingency

347,443
0

373,718
1,400

362,415
0

378,162
2,000

15,747
2,000

4.3%
N/A

396,846
2,000

18,684
0

4.9%
0.0%

47 Total Expense & Contingency

347,443

375,118

362,415

380,162

17,747

4.9%

398,846

18,684

4.9%

44,716

1,707

30,318

12,480

48 Operating Balance
1

3,315

Staff projection as of April 23, 2013
Change in methodology for allocation of indirect costs in FY14 and FY15. Lines 35-41 reflect contract cost only. FY12 and FY13 columns
restated for comparison purposes.
Note: Totals, subtotals and percentages may not be precise due to independent rounding
2

2


# VTA Transit
## Sources and Uses of Funds Summary
(Dollars in Thousands)

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>FY12 Actual</th>
<th>FY13 Projected Actual&lt;sup&gt;1&lt;/sup&gt;</th>
<th>FY14 Recommended Budget</th>
<th>FY15 Recommended Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>FY13</td>
<td>FY14</td>
<td>FY15</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Total Operating Revenues</td>
<td>392,158</td>
<td>392,733</td>
<td>392,642</td>
<td>402,161</td>
</tr>
<tr>
<td>2</td>
<td>Total Operating Expenses</td>
<td>(347,443)</td>
<td>(362,415)</td>
<td>(380,162)</td>
<td>(398,846)</td>
</tr>
<tr>
<td>3</td>
<td>Operating Balance</td>
<td>44,716</td>
<td>30,318</td>
<td>12,480</td>
<td>3,315</td>
</tr>
</tbody>
</table>

## Operating Reserves Replenishment to 15% level

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>FY12 Actual</th>
<th>FY13 Projected Actual&lt;sup&gt;1&lt;/sup&gt;</th>
<th>FY14 Recommended Budget</th>
<th>FY15 Recommended Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>15% Year-end Operating Reserves&lt;sup&gt;2&lt;/sup&gt;</td>
<td>56,268</td>
<td>57,024</td>
<td>59,827</td>
<td>59,827</td>
</tr>
<tr>
<td>5</td>
<td>Beginning Reserve Balance</td>
<td>(54,595)</td>
<td>(56,268)</td>
<td>(57,024)</td>
<td>(59,827)</td>
</tr>
<tr>
<td>6</td>
<td>15% Replenishment Amount</td>
<td>1,673</td>
<td>757</td>
<td>2,803</td>
<td>0</td>
</tr>
</tbody>
</table>

## Operating Balance Available for Capital

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>FY12 Actual</th>
<th>FY13 Projected Actual&lt;sup&gt;1&lt;/sup&gt;</th>
<th>FY14 Recommended Budget</th>
<th>FY15 Recommended Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Operating Balance (Line 3)</td>
<td>44,716</td>
<td>30,318</td>
<td>12,480</td>
<td>3,315</td>
</tr>
<tr>
<td>8</td>
<td>15% Replenishment Amount (Line 6)</td>
<td>(1,673)</td>
<td>(757)</td>
<td>(2,803)</td>
<td>0</td>
</tr>
<tr>
<td>9</td>
<td>Sales Tax Based Revenue From/(To) Sales Tax Stabilization Fund</td>
<td>(19,000)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>10</td>
<td>Operating Balance Available for Capital</td>
<td>24,043</td>
<td>29,561</td>
<td>9,677</td>
<td>3,315</td>
</tr>
</tbody>
</table>

## Capital Program

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>FY12 Actual</th>
<th>FY13 Projected Actual&lt;sup&gt;1&lt;/sup&gt;</th>
<th>FY14 Recommended Budget</th>
<th>FY15 Recommended Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>Total VTA Transit Capital Program</td>
<td>82,844</td>
<td>48,917</td>
<td>164,249</td>
<td>0</td>
</tr>
<tr>
<td>12</td>
<td>Funding from Grants &amp; Other Sources</td>
<td>(57,550)</td>
<td>(20,317)</td>
<td>(84,142)</td>
<td>0</td>
</tr>
<tr>
<td>13</td>
<td>Local Grant Match from Debt Reduction Fund</td>
<td>(6,098)</td>
<td>(311)</td>
<td>(5,728)</td>
<td>0</td>
</tr>
<tr>
<td>14</td>
<td>Federal Operating Grants for Capital</td>
<td>(4,193)</td>
<td>(11,875)</td>
<td>(17,760)</td>
<td>(25,298)</td>
</tr>
<tr>
<td>15</td>
<td>Remaining Local Portion Needed for Capital</td>
<td>15,003</td>
<td>16,415</td>
<td>56,620</td>
<td>(25,298)</td>
</tr>
<tr>
<td>16</td>
<td>Operating Balance Available for Capital (line 10)</td>
<td>(24,043)</td>
<td>(29,561)</td>
<td>(9,677)</td>
<td>(3,315)</td>
</tr>
<tr>
<td>17</td>
<td>Local Funding From/(To) Debt Reduction Fund</td>
<td>(9,040)</td>
<td>(13,147)</td>
<td>46,943</td>
<td>(28,613)</td>
</tr>
<tr>
<td>18</td>
<td>Ending Operating Reserves</td>
<td>56,268</td>
<td>57,024</td>
<td>59,827</td>
<td>59,827</td>
</tr>
<tr>
<td>19</td>
<td>Operating Reserve %&lt;sup&gt;3&lt;/sup&gt;</td>
<td>15.0%</td>
<td>15.0%</td>
<td>15.0%</td>
<td>15.0%</td>
</tr>
</tbody>
</table>

---

<sup>1</sup> Staff Projection as of April 23, 2013

<sup>2</sup> 15% of Subsequent Fiscal Year Budgeted Line 2

<sup>3</sup> Line 18 divided by Subsequent Fiscal Year Budgeted Line 2
## VTA Transit
### Schedule of FY 2014 & FY 2015 Appropriation
(Dollars in Thousands)

<table>
<thead>
<tr>
<th>Project Description</th>
<th>FY 2014</th>
<th>FY 2015</th>
<th>Federal</th>
<th>State</th>
<th>Other</th>
<th>VTA</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 40' Bus Procurement</td>
<td>5,903</td>
<td>0</td>
<td>0</td>
<td>27,597</td>
<td>33,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. 60' Articulated Bus Procurement</td>
<td>0</td>
<td>45,679</td>
<td>0</td>
<td>6,535</td>
<td>52,214</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Automatic Passenger Counters for LR Vehicles</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1,450</td>
<td>1,450</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Kinkisharyo LRV Overhaul Program</td>
<td>640</td>
<td>0</td>
<td>0</td>
<td>672</td>
<td>1,312</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Revenue Vehicles &amp; Equipment Total</strong></td>
<td>6,543</td>
<td>45,679</td>
<td>0</td>
<td>36,254</td>
<td>88,476</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Non-Revenue Vehicle Procurement FY14</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1,072</td>
<td>1,072</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Non-Revenue Vehicles Total</strong></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1,072</td>
<td>1,072</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Cerone Boiler Replacement</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>300</td>
<td>300</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Cerone Emergency Generator Replacement</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1,200</td>
<td>1,200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Cerone Propane Tank Replacement</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>350</td>
<td>350</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Facilities &amp; Equip Emergency Repair FY14</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>750</td>
<td>750</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Facility Maintenance Equipment Program FY14</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1,126</td>
<td>1,126</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Green Sustainability Facility Improvements</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1,200</td>
<td>1,200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. HVAC Replacement Program FY14</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>551</td>
<td>551</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13. LED Exterior Lighting Replacement</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>900</td>
<td>900</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14. LR Signal Shop Modification</td>
<td>396</td>
<td>0</td>
<td>0</td>
<td>99</td>
<td>495</td>
<td></td>
<td></td>
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<tr>
<td>15. Painting Management Program FY14</td>
<td>0</td>
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<tr>
<td>16. Paving Management Program FY14</td>
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<td>0</td>
<td>2,316</td>
<td>2,316</td>
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<td>17. Replace Wheel Trueing Machine</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2,600</td>
<td>2,600</td>
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<tr>
<td>18. Roofing Management Program FY14</td>
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<td>0</td>
<td>900</td>
<td>900</td>
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<tr>
<td><strong>Operating Facilities &amp; Equipment Total</strong></td>
<td>396</td>
<td>0</td>
<td>0</td>
<td>13,292</td>
<td>13,688</td>
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<tr>
<td>19. LR Crossovers and Switches</td>
<td>2,179</td>
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<td>0</td>
<td>545</td>
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<td>20. LR Transit Performance Initiative Projects</td>
<td>3,200</td>
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<td>800</td>
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<td></td>
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<tr>
<td>21. North First Street Corridor LR Speed Improvements</td>
<td>400</td>
<td>0</td>
<td>0</td>
<td>100</td>
<td>500</td>
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<td>22. Rail Rehab and Replacement Program</td>
<td>5,859</td>
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<td>1,465</td>
<td>7,324</td>
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<td>23. Track Intrusion Abatement FY14</td>
<td>1,600</td>
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<td>24. Traction Power Substation Replacement Program</td>
<td>4,560</td>
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<td>5,700</td>
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<td>25. Upgrade Ohlone/Chynoweth Interlocking</td>
<td>960</td>
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<td><strong>Light Rail Way, Power &amp; Signal Total</strong></td>
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<td>0</td>
<td>4,690</td>
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<td>26. Back-up Devices for Elevated Stations</td>
<td>320</td>
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<td>27. Bus Stop Pavement/Duckout Improv FY14</td>
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<td>209</td>
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<td>1,000</td>
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<td>29. Infrastructure for Additional Clipper® Fare Devices</td>
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<td>30. LR Station and Transit Center Shelter Study</td>
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<td>31. Security Improvement Projects FY14</td>
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<td>32. Transit Center Park and Ride Upgrades</td>
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<td>Project</td>
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<td>State</td>
<td>Other</td>
<td>VTA</td>
<td>Total</td>
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<td>------------------------------------------------------------------------</td>
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<td>-------</td>
<td>-------</td>
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<td>33. Business Automation</td>
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<td>455</td>
<td>455</td>
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<td>34. CAD-AVL Update</td>
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<td>7,000</td>
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<td>35. Emergency IT Infrastructure Replacement</td>
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<td>109</td>
<td>109</td>
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<td>36. IT Server Upgrades</td>
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<td>450</td>
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<td>37. Network Enhancements at Guadalupe &amp; North Yard</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>600</td>
<td>600</td>
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<td>38. Radio System Upgrade</td>
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<td>0</td>
<td>2,500</td>
<td>2,500</td>
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<td>39. SAP Plant Maintenance &amp; Materials Management</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>300</td>
<td>300</td>
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<td>40. Telecommunications System Updates</td>
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<td>0</td>
<td>375</td>
<td>375</td>
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<td>41. TERM Lite Deployment</td>
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<td>600</td>
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<td>42. Train to Wayside Communication System Upgrade</td>
<td>200</td>
<td>0</td>
<td>0</td>
<td>50</td>
<td>250</td>
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<td>43. Trapeze OPS Software Installation</td>
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<td>0</td>
<td>0</td>
<td>400</td>
<td>400</td>
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<td>44. Upgrade Countywide Travel Demand Model</td>
<td>520</td>
<td>0</td>
<td>130</td>
<td>0</td>
<td>650</td>
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<td>45. Upgrade LR Ring #1 Communications Equipment</td>
<td>1,760</td>
<td>0</td>
<td>0</td>
<td>440</td>
<td>2,200</td>
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<tr>
<td><strong>Information Systems &amp; Technology Total</strong></td>
<td><strong>2,480</strong></td>
<td><strong>0</strong></td>
<td><strong>130</strong></td>
<td><strong>13,279</strong></td>
<td><strong>15,889</strong></td>
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<td>46. Caltrain Capital - Annual Local Match</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>7,300</td>
<td>7,300</td>
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<td>47. Capital Contingency</td>
<td>0</td>
<td>0</td>
<td>2,000</td>
<td>2,000</td>
<td>4,000</td>
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<td></td>
</tr>
<tr>
<td><strong>Miscellaneous Total</strong></td>
<td><strong>0</strong></td>
<td><strong>0</strong></td>
<td><strong>2,000</strong></td>
<td><strong>9,300</strong></td>
<td><strong>11,300</strong></td>
<td></td>
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</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>29,333</strong></td>
<td><strong>52,679</strong></td>
<td><strong>2,130</strong></td>
<td><strong>80,107</strong></td>
<td><strong>164,249</strong></td>
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</table>
## 2000 Measure A Transit Improvement Program

### Comparison of Revenues and Expenses

(Dollars in Thousands)

<table>
<thead>
<tr>
<th>Line</th>
<th>Category</th>
<th>FY12 Actual</th>
<th>FY13 Adopted Budget</th>
<th>FY13 Projected Actual&lt;sup&gt;1&lt;/sup&gt;</th>
<th>FY14 Recommended Budget</th>
<th>Variance from FY13 Projection</th>
<th>% Var</th>
<th>FY15 Recommended Budget</th>
<th>Variance from FY14 Budget</th>
<th>% Var</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2000 Half-Cent Sales Tax</td>
<td>166,280</td>
<td>164,518</td>
<td>175,560</td>
<td>182,161</td>
<td>6,601</td>
<td>3.8%</td>
<td>190,559</td>
<td>8,398</td>
<td>4.6%</td>
</tr>
<tr>
<td>2</td>
<td>Federal BAB’s Subsidy&lt;sup&gt;2&lt;/sup&gt;</td>
<td>9,399</td>
<td>9,399</td>
<td>9,399</td>
<td>9,399</td>
<td>0</td>
<td>0.0%</td>
<td>9,399</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>3</td>
<td>Investment Earnings</td>
<td>13,455</td>
<td>11,921</td>
<td>6,374</td>
<td>3,209</td>
<td>(3,165)</td>
<td>-49.7%</td>
<td>2,490</td>
<td>(719)</td>
<td>-22.4%</td>
</tr>
<tr>
<td>4</td>
<td>Other Income</td>
<td>440</td>
<td>391</td>
<td>381</td>
<td>440</td>
<td>60</td>
<td>15.7%</td>
<td>440</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>5</td>
<td>Total Revenue</td>
<td>189,574</td>
<td>186,229</td>
<td>191,713</td>
<td>195,209</td>
<td>3,496</td>
<td>1.8%</td>
<td>202,888</td>
<td>7,679</td>
<td>3.9%</td>
</tr>
<tr>
<td>6</td>
<td>VTA Operating Assistance</td>
<td>30,690</td>
<td>30,365</td>
<td>32,452</td>
<td>33,621</td>
<td>1,170</td>
<td>3.6%</td>
<td>35,171</td>
<td>1,550</td>
<td>4.6%</td>
</tr>
<tr>
<td>7</td>
<td>Professional &amp; Special Services</td>
<td>556</td>
<td>531</td>
<td>531</td>
<td>534</td>
<td>3</td>
<td>0.5%</td>
<td>534</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>8</td>
<td>Other Services</td>
<td>0</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>9</td>
<td>Leases &amp; Rents</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>10</td>
<td>Miscellaneous</td>
<td>12</td>
<td>0</td>
<td>12</td>
<td>16</td>
<td>4</td>
<td>37.5%</td>
<td>16</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>11</td>
<td>Contributions to Other Agencies</td>
<td>740</td>
<td>150</td>
<td>277</td>
<td>343</td>
<td>66</td>
<td>23.6%</td>
<td>150</td>
<td>(193)</td>
<td>-56.2%</td>
</tr>
<tr>
<td>12</td>
<td>Debt Service</td>
<td>27,916</td>
<td>24,767</td>
<td>25,133</td>
<td>44,936</td>
<td>19,803</td>
<td>78.8%</td>
<td>45,844</td>
<td>908</td>
<td>2.0%</td>
</tr>
<tr>
<td>13</td>
<td>Repayment Obligation</td>
<td>10,843</td>
<td>11,954</td>
<td>10,782</td>
<td>10,700</td>
<td>(82)</td>
<td>-0.8%</td>
<td>11,108</td>
<td>408</td>
<td>3.8%</td>
</tr>
<tr>
<td>14</td>
<td>Total Expense</td>
<td>70,758</td>
<td>67,773</td>
<td>69,186</td>
<td>90,149</td>
<td>20,963</td>
<td>30.3%</td>
<td>92,823</td>
<td>2,674</td>
<td>3.0%</td>
</tr>
<tr>
<td>15</td>
<td>Revenues Over (Under) Expenses</td>
<td>118,816</td>
<td>118,456</td>
<td>122,527</td>
<td>105,060</td>
<td>110,064</td>
<td></td>
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</tbody>
</table>

<sup>1</sup> Projection as of March 20, 2013

<sup>2</sup> Represents 35% of the interest cost for 2010 Sales Tax Revenue Bonds, 2010 Series A, Build America Bonds which were issued in November 2010

Note: Totals, subtotals and percentages may not be precise due to independent rounding.
### 2000 Measure A Transit Improvement Program

**Sources and Uses of Funds Summary**

(Dollars in Thousands)

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>FY12 Actual</th>
<th>FY13 Projected Actual(^1)</th>
<th>FY14 Recommended Budget</th>
<th>FY15 Recommended Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Total Revenues</td>
<td>189,574</td>
<td>191,713</td>
<td>195,209</td>
<td>202,888</td>
</tr>
<tr>
<td>2</td>
<td>Total Non-Project Expenses</td>
<td>(70,758)</td>
<td>(69,186)</td>
<td>(90,149)</td>
<td>(92,823)</td>
</tr>
<tr>
<td>3</td>
<td>Revenues Over (Under) Expenses</td>
<td>118,816</td>
<td>122,527</td>
<td>105,060</td>
<td>110,064</td>
</tr>
<tr>
<td>4</td>
<td>Project Expenditures</td>
<td>328,130</td>
<td>335,664</td>
<td>893,069</td>
<td>520,256</td>
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<tr>
<td>5</td>
<td>Less: Funding from Grants &amp; Other Sources</td>
<td>(81,759)</td>
<td>(262,773)</td>
<td>(421,513)</td>
<td>(312,054)</td>
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<tr>
<td>6</td>
<td>2000 Measure A Share of Capital</td>
<td>246,371</td>
<td>72,892</td>
<td>471,556</td>
<td>208,202</td>
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<tr>
<td>7</td>
<td>Beginning Available for Projects(^2)</td>
<td>957,550</td>
<td>829,994</td>
<td>879,629</td>
<td>513,133</td>
</tr>
<tr>
<td>8</td>
<td>Revenues Over (Under) Expenses</td>
<td>118,816</td>
<td>122,527</td>
<td>105,060</td>
<td>110,064</td>
</tr>
<tr>
<td>9</td>
<td>2000 Measure A Share of Capital</td>
<td>(246,371)</td>
<td>(72,892)</td>
<td>(471,556)</td>
<td>(208,202)</td>
</tr>
<tr>
<td>10</td>
<td>Ending Available for Projects(^2)</td>
<td>829,994</td>
<td>879,629</td>
<td>513,133</td>
<td>414,995</td>
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1. Staff Projection as of March 20, 2013
2. Undesignated Net Assets plus Remaining Bond Proceeds
## 2000 Measure A Transit Improvement Program Schedule of FY 2014 & FY 2015 Appropriation

(Dollars in Thousands)

<table>
<thead>
<tr>
<th>Project</th>
<th>FY 2014 &amp; FY 2015</th>
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<th></th>
<th></th>
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<td></td>
<td>Funding Source</td>
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</tr>
<tr>
<td></td>
<td>Federal</td>
<td>State</td>
<td>Other</td>
<td>Measure A</td>
<td>Total</td>
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<td>1. 20 Non-New Starts BART Vehicles</td>
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<tr>
<td>2. BART Core System Modifications</td>
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<td>0</td>
<td>15,250</td>
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<tr>
<td>3. BART HMC and ROW</td>
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<td>23,550</td>
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<td>4. Berryessa Extension Project - SVBX</td>
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<td>366,171</td>
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<td>6. Warm Springs BART Extension</td>
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<td>0</td>
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<td>7. Northern Light Rail Express</td>
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<tr>
<td>8. Old Ironsides Storage Track</td>
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<tr>
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<td>18,400</td>
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<td>9. Caltrain Electrification - Early Investment Program</td>
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<td>56,920</td>
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<td>10. Caltrain Safety Enhancements</td>
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<td>3,800</td>
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<td>11. Santa Clara Sta. Pedestrian Underpass Extension</td>
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<td>9,250</td>
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<td>12. BART Transit Integration Analysis</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td>13. Berryessa BART Connector Design</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2,000</td>
<td>2,000</td>
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<tr>
<td>* Peninsula Crosstown Transit Connectivity Study</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td><strong>Bus Program Total</strong></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2,400</td>
<td>2,400</td>
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<tr>
<td>14. Capitalized Interest and Other Bond Costs</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>64,200</td>
<td>64,200</td>
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<tr>
<td>15. Programwide Expenses</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2,200</td>
<td>2,200</td>
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<tr>
<td><strong>Measure A Programwide Total</strong></td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>66,400</td>
<td>66,400</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td>7,225</td>
<td>(8,000)</td>
<td>2,025</td>
<td>576,769</td>
<td>578,019</td>
</tr>
</tbody>
</table>

* New project added 5-13-13
### Congestion Management Program

#### Comparison of Revenues and Expenses

*(Dollars in Thousands)*

<table>
<thead>
<tr>
<th>Line</th>
<th>Category</th>
<th>FY12 Actual</th>
<th>FY13 Current Budget¹</th>
<th>FY13 Projected Actual²</th>
<th>FY14 Recommended Budget</th>
<th>Variance from FY13 Projection</th>
<th>% Var</th>
<th>FY15 Recommended Budget</th>
<th>Variance from FY14 Budget</th>
<th>% Var</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Federal Operating Grants</td>
<td>1,367</td>
<td>1,371</td>
<td>1,371</td>
<td>1,371</td>
<td>0</td>
<td>0.0%</td>
<td>1,371</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>2</td>
<td>State Operating Grants</td>
<td>839</td>
<td>880</td>
<td>929</td>
<td>806</td>
<td>(123)</td>
<td>-13.2%</td>
<td>738</td>
<td>(68)</td>
<td>-8.4%</td>
</tr>
<tr>
<td>3</td>
<td>Investment Earnings</td>
<td>33</td>
<td>12</td>
<td>18</td>
<td>38</td>
<td>0</td>
<td>0.0%</td>
<td>38</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>4</td>
<td>Member Agency Fees</td>
<td>2,407</td>
<td>2,407</td>
<td>2,407</td>
<td>2,407</td>
<td>0</td>
<td>0.0%</td>
<td>2,407</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>5</td>
<td>Other Income</td>
<td>104</td>
<td>160</td>
<td>160</td>
<td>357</td>
<td>197</td>
<td>123.1%</td>
<td>182</td>
<td>(175)</td>
<td>-49.0%</td>
</tr>
<tr>
<td>6</td>
<td>Total Revenue</td>
<td>4,750</td>
<td>4,830</td>
<td>4,885</td>
<td>4,979</td>
<td>94</td>
<td>1.9%</td>
<td>4,736</td>
<td>(243)</td>
<td>-4.9%</td>
</tr>
<tr>
<td>7</td>
<td>iTEAM</td>
<td>0</td>
<td>89</td>
<td>89</td>
<td>300</td>
<td>212</td>
<td>239.0%</td>
<td>300</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>8</td>
<td>Professional &amp; Special Services</td>
<td>434</td>
<td>548</td>
<td>570</td>
<td>636</td>
<td>66</td>
<td>11.7%</td>
<td>796</td>
<td>160</td>
<td>25.1%</td>
</tr>
<tr>
<td>9</td>
<td>Other Services</td>
<td>2</td>
<td>18</td>
<td>18</td>
<td>20</td>
<td>2</td>
<td>8.4%</td>
<td>13</td>
<td>(7)</td>
<td>-35.0%</td>
</tr>
<tr>
<td>10</td>
<td>Data Processing</td>
<td>6</td>
<td>24</td>
<td>7</td>
<td>21</td>
<td>14</td>
<td>202.8%</td>
<td>21</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>11</td>
<td>Miscellaneous</td>
<td>6</td>
<td>9</td>
<td>4</td>
<td>25</td>
<td>21</td>
<td>525.0%</td>
<td>5</td>
<td>(20)</td>
<td>-80.0%</td>
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<tr>
<td>12</td>
<td>Contribution to Other Agencies</td>
<td>37</td>
<td>0</td>
<td>0</td>
<td>170</td>
<td>170</td>
<td>N/A</td>
<td>17</td>
<td>(154)</td>
<td>-90.3%</td>
</tr>
<tr>
<td>13</td>
<td>VTA Staff Services</td>
<td>3,768</td>
<td>3,747</td>
<td>3,747</td>
<td>4,084</td>
<td>337</td>
<td>9.0%</td>
<td>3,922</td>
<td>(162)</td>
<td>-4.0%</td>
</tr>
<tr>
<td>14</td>
<td>Total Expense</td>
<td>4,252</td>
<td>4,435</td>
<td>4,435</td>
<td>5,256</td>
<td>822</td>
<td>18.5%</td>
<td>5,074</td>
<td>(183)</td>
<td>-3.5%</td>
</tr>
<tr>
<td>15</td>
<td>Revenues Over (Under) Expenses</td>
<td>497</td>
<td>395</td>
<td>451</td>
<td>(277)</td>
<td>(338)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

¹ Includes $128,000 augmentation for iTEAM expenditures

² Projection as of March 20, 2013

Note: Totals, subtotals and percentages may not be precise due to independent rounding

---

### Congestion Management Program

#### Sources and Uses of Funds Summary

*(Dollars in Thousands)*

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>FY12 Actual</th>
<th>FY13 Projected Actual²</th>
<th>FY14 Recommended Budget</th>
<th>FY15 Recommended Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Total Revenues</td>
<td>4,750</td>
<td>4,885</td>
<td>4,979</td>
<td>4,736</td>
</tr>
<tr>
<td>2</td>
<td>Total Expenses</td>
<td>(4,252)</td>
<td>(4,435)</td>
<td>(5,256)</td>
<td>(5,074)</td>
</tr>
<tr>
<td>3</td>
<td>Revenues Over (Under) Expenses</td>
<td>497</td>
<td>451</td>
<td>(277)</td>
<td>(338)</td>
</tr>
<tr>
<td>4</td>
<td>Beginning Fund Balance</td>
<td>947</td>
<td>1,444</td>
<td>1,895</td>
<td>1,617</td>
</tr>
<tr>
<td>5</td>
<td>Revenues Over (Under) Expenses</td>
<td>497</td>
<td>451</td>
<td>(277)</td>
<td>(338)</td>
</tr>
<tr>
<td>6</td>
<td>Ending Fund Balance</td>
<td>1,444</td>
<td>1,895</td>
<td>1,617</td>
<td>1,279</td>
</tr>
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</table>
### Congestion Management Program

#### Member Assessments

<table>
<thead>
<tr>
<th>Member Agency</th>
<th>FY 2014</th>
<th>FY 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>County of Santa Clara</td>
<td>$271,738</td>
<td>$271,738</td>
</tr>
<tr>
<td>Campbell</td>
<td>50,529</td>
<td>50,529</td>
</tr>
<tr>
<td>Cupertino</td>
<td>77,628</td>
<td>77,628</td>
</tr>
<tr>
<td>Gilroy</td>
<td>37,768</td>
<td>37,768</td>
</tr>
<tr>
<td>Los Altos</td>
<td>24,926</td>
<td>24,926</td>
</tr>
<tr>
<td>Los Altos Hills</td>
<td>6,647</td>
<td>6,647</td>
</tr>
<tr>
<td>Los Gatos</td>
<td>34,402</td>
<td>34,402</td>
</tr>
<tr>
<td>Milpitas</td>
<td>76,986</td>
<td>76,986</td>
</tr>
<tr>
<td>Monte Sereno</td>
<td>1,998</td>
<td>1,998</td>
</tr>
<tr>
<td>Morgan Hill</td>
<td>25,104</td>
<td>25,104</td>
</tr>
<tr>
<td>Mountain View</td>
<td>125,020</td>
<td>125,020</td>
</tr>
<tr>
<td>Palo Alto</td>
<td>141,471</td>
<td>141,471</td>
</tr>
<tr>
<td>San Jose</td>
<td>783,945</td>
<td>783,945</td>
</tr>
<tr>
<td>Santa Clara</td>
<td>207,074</td>
<td>207,074</td>
</tr>
<tr>
<td>Saratoga</td>
<td>21,691</td>
<td>21,691</td>
</tr>
<tr>
<td>Sunnyvale</td>
<td>248,609</td>
<td>248,609</td>
</tr>
</tbody>
</table>

Subtotal: $2,135,535  $2,135,535

VTA - Managing Agency Contribution

<table>
<thead>
<tr>
<th></th>
<th>FY 2014</th>
<th>FY 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>271,738</td>
<td>271,738</td>
</tr>
</tbody>
</table>

TOTAL: $2,407,274  $2,407,274
## VTP Highway Program

### Schedule of FY 2014 & FY 2015 Appropriation

(Dollars in Thousands)

<table>
<thead>
<tr>
<th>Project</th>
<th>FY 2014 &amp; FY 2015 Funding Source</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Federal</td>
</tr>
<tr>
<td>1. 101 Express Lanes - 101 San Mateo</td>
<td>0</td>
</tr>
<tr>
<td>2. Charcot Avenue Extension over I-880</td>
<td>0</td>
</tr>
<tr>
<td>3. Freeway Performance Initiative</td>
<td>4,000</td>
</tr>
<tr>
<td>4. I-280/Foothill Expressway Ramp Improvements</td>
<td>0</td>
</tr>
<tr>
<td>5. I-880 HOV Widening SR 237 - US 101</td>
<td>0</td>
</tr>
<tr>
<td>6. Innovative Transportation Technology Program</td>
<td>0</td>
</tr>
<tr>
<td>7. Intelligent Transportation System Projects</td>
<td>14,000</td>
</tr>
<tr>
<td>8. Landscaping at I-280/I-880/Stevens Creek Blvd</td>
<td>0</td>
</tr>
<tr>
<td>9. Mary Avenue Extension</td>
<td>0</td>
</tr>
<tr>
<td>10. Silicon Valley Express Lanes - I-880</td>
<td>0</td>
</tr>
<tr>
<td>11. US 101/Buena Vista Avenue</td>
<td>0</td>
</tr>
<tr>
<td>12. US 101/Old Oakland Road Improvements</td>
<td>0</td>
</tr>
<tr>
<td>13. US 101/Aux Lanes - Embarcadero to SR 85</td>
<td>0</td>
</tr>
<tr>
<td>14. US 101 San Antonio/Charleston/Rengstorff Ramp Impvmt</td>
<td>0</td>
</tr>
<tr>
<td>15. US 101 SB Ramp Improvements at 10th St in Gilroy</td>
<td>0</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>18,000</strong></td>
</tr>
</tbody>
</table>
### Joint Development Program

#### Comparison of Revenues and Expenses

*(Dollars in Thousands)*

<table>
<thead>
<tr>
<th>Line</th>
<th>Category</th>
<th>FY12 Actual</th>
<th>FY13 Current Budget¹</th>
<th>FY13 Projected Actual²</th>
<th>FY14 Recommended Budget</th>
<th>Variance from FY13 Projection</th>
<th>% Var</th>
<th>FY15 Recommended Budget</th>
<th>Variance from FY14 Budget</th>
<th>% Var</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Investment Earnings</td>
<td>145</td>
<td>87</td>
<td>110</td>
<td>111</td>
<td>1</td>
<td>0.7%</td>
<td>129</td>
<td>18</td>
<td>16.4%</td>
</tr>
<tr>
<td>2</td>
<td>Property Rental</td>
<td>168</td>
<td>1,700</td>
<td>140</td>
<td>141</td>
<td>1</td>
<td>0.4%</td>
<td>145</td>
<td>8</td>
<td>3.4%</td>
</tr>
<tr>
<td>3</td>
<td>Proceeds from Sale of Property</td>
<td>6,300</td>
<td>0</td>
<td>4,053</td>
<td>7,000</td>
<td>2,947</td>
<td>72.7%</td>
<td>0</td>
<td>(7,000)</td>
<td>-100.0%</td>
</tr>
<tr>
<td>4</td>
<td>Total Revenue</td>
<td>6,613</td>
<td>1,787</td>
<td>4,303</td>
<td>7,251</td>
<td>2,948</td>
<td>68.5%</td>
<td>274</td>
<td>(6,977)</td>
<td>-96.2%</td>
</tr>
<tr>
<td>5</td>
<td>Professional &amp; Special Services</td>
<td>147</td>
<td>275</td>
<td>200</td>
<td>215</td>
<td>15</td>
<td>7.5%</td>
<td>215</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>6</td>
<td>Property Rental Transfer</td>
<td>0</td>
<td>1,700</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>N/A</td>
</tr>
<tr>
<td>7</td>
<td>Total Expense</td>
<td>147</td>
<td>1,975</td>
<td>200</td>
<td>215</td>
<td>15</td>
<td>7.5%</td>
<td>215</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>8</td>
<td>Revenues Over (Under) Expenses</td>
<td>6,466</td>
<td>(188)</td>
<td>4,103</td>
<td>7,036</td>
<td>59</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: Totals, subtotals and percentages may not be precise due to independent rounding.

### Joint Development Program

#### Sources and Uses of Funds Summary

*(Dollars in Thousands)*

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>FY12 Actual</th>
<th>FY13 Projected Actual²</th>
<th>FY14 Recommended Budget</th>
<th>FY15 Recommended Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Total Revenues</td>
<td>6,613</td>
<td>4,303</td>
<td>7,251</td>
<td>274</td>
</tr>
<tr>
<td>2</td>
<td>Total Expenses</td>
<td>(147)</td>
<td>(200)</td>
<td>(215)</td>
<td>(215)</td>
</tr>
<tr>
<td>3</td>
<td>Revenues Over (Under) Expenses</td>
<td>6,465</td>
<td>4,103</td>
<td>7,036</td>
<td>59</td>
</tr>
<tr>
<td>4</td>
<td>Project Expenditures</td>
<td>0</td>
<td>250</td>
<td>1,750</td>
<td>0</td>
</tr>
<tr>
<td>5</td>
<td>Less: Funding From Grants &amp; Other Sources</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>6</td>
<td>Joint Development Program Share of Capital</td>
<td>0</td>
<td>250</td>
<td>1,750</td>
<td>0</td>
</tr>
<tr>
<td>7</td>
<td>Beginning Designated Reserves</td>
<td>1,157</td>
<td>7,622</td>
<td>11,474</td>
<td>16,761</td>
</tr>
<tr>
<td>8</td>
<td>Revenues Over (Under) Expenses</td>
<td>6,465</td>
<td>4,103</td>
<td>7,036</td>
<td>59</td>
</tr>
<tr>
<td>9</td>
<td>Joint Development Program Share of Capital</td>
<td>0</td>
<td>(250)</td>
<td>(1,750)</td>
<td>0</td>
</tr>
<tr>
<td>10</td>
<td>Ending Designated Reserves</td>
<td>7,622</td>
<td>11,474</td>
<td>16,761</td>
<td>16,820</td>
</tr>
</tbody>
</table>

¹Includes $250K transfer to Tamien Joint Development Project
²Projection as of March 20, 2013
## Joint Development Capital Program

**Schedule of FY 2014 & FY 2015 Appropriation**

*(Dollars in Thousands)*

<table>
<thead>
<tr>
<th>Project</th>
<th>FY 2014 &amp; FY 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Funding Source</td>
</tr>
<tr>
<td></td>
<td>Joint Development</td>
</tr>
<tr>
<td>1. Tamien Joint Development</td>
<td>250</td>
</tr>
<tr>
<td>2. Cerone Joint Development</td>
<td>500</td>
</tr>
<tr>
<td>3. I-880 / Alder Joint Development</td>
<td>500</td>
</tr>
<tr>
<td>4. River Oaks Joint Development</td>
<td>500</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>1,750</strong></td>
</tr>
</tbody>
</table>

1. Tamien Joint Development
2. Cerone Joint Development
3. I-880 / Alder Joint Development
4. River Oaks Joint Development
### Silicon Valley Express Lanes Program

#### Comparison of Revenues and Expenses

(Dollars in Thousands)

<table>
<thead>
<tr>
<th>Line</th>
<th>Category</th>
<th>FY12 Actual¹</th>
<th>FY13 Adopted Budget</th>
<th>FY13 Projected Actual¹,²</th>
<th>FY14 Recommended Budget</th>
<th>Variance from FY13 Projection</th>
<th>% Var</th>
<th>FY15 Recommended Budget</th>
<th>Variance from FY14 Budget</th>
<th>% Var</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Toll Revenues</td>
<td>218</td>
<td>592</td>
<td>865</td>
<td>920</td>
<td>55</td>
<td>6.4%</td>
<td>1,000</td>
<td>80</td>
<td>8.7%</td>
</tr>
<tr>
<td>2</td>
<td>Investment Earnings</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>9</td>
<td>3</td>
<td>63.5%</td>
<td>10</td>
<td>2</td>
<td>17.6%</td>
</tr>
<tr>
<td>3</td>
<td>Total Revenue</td>
<td>218</td>
<td>592</td>
<td>870</td>
<td>929</td>
<td>58</td>
<td>6.7%</td>
<td>1,010</td>
<td>82</td>
<td>8.8%</td>
</tr>
<tr>
<td>4</td>
<td>Professional &amp; Special Services</td>
<td>0</td>
<td>427</td>
<td>295</td>
<td>535</td>
<td>240</td>
<td>81.4%</td>
<td>572</td>
<td>37</td>
<td>6.9%</td>
</tr>
<tr>
<td>5</td>
<td>Utilities</td>
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<td>39</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>N/A</td>
<td>2</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>6</td>
<td>Insurance</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>N/A</td>
<td>2</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>7</td>
<td>Communications</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>N/A</td>
<td>3</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>8</td>
<td>Miscellaneous</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>5</td>
<td>5</td>
<td>N/A</td>
<td>5</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>9</td>
<td>VTA Staff Services</td>
<td>0</td>
<td>126</td>
<td>0</td>
<td>370</td>
<td>370</td>
<td>N/A</td>
<td>400</td>
<td>30</td>
<td>8.1%</td>
</tr>
<tr>
<td>10</td>
<td>Total Expense</td>
<td>0</td>
<td>591</td>
<td>295</td>
<td>916</td>
<td>621</td>
<td>210.5%</td>
<td>983</td>
<td>67</td>
<td>7.3%</td>
</tr>
</tbody>
</table>

#### Revenues Over (Under) Expenses

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>FY12 Actual¹</th>
<th>FY13 Projected Actual¹,²</th>
<th>FY14 Recommended Budget</th>
<th>FY15 Recommended Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Total Revenues</td>
<td>218</td>
<td>870</td>
<td>929</td>
<td>1,010</td>
</tr>
<tr>
<td>2</td>
<td>Total Expenses</td>
<td>0</td>
<td>(295)</td>
<td>(916)</td>
<td>(983)</td>
</tr>
<tr>
<td>3</td>
<td>Revenues Over (Under) Expenses</td>
<td>218</td>
<td>575</td>
<td>12</td>
<td>27</td>
</tr>
<tr>
<td>4</td>
<td>Beginning Net Assets</td>
<td>0</td>
<td>218</td>
<td>793</td>
<td>805</td>
</tr>
<tr>
<td>5</td>
<td>Revenues Over (Under) Expenses</td>
<td>218</td>
<td>575</td>
<td>12</td>
<td>27</td>
</tr>
<tr>
<td>6</td>
<td>Ending Net Assets</td>
<td>218</td>
<td>793</td>
<td>805</td>
<td>832</td>
</tr>
</tbody>
</table>

¹ The first $650K of operating expenditures was covered by the existing capital project budget.
² Projection as of March 20, 2013

---

**Silicon Valley Express Lanes Program**

**Sources and Uses of Funds Summary**

(Dollars in Thousands)

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>FY12 Actual¹</th>
<th>FY13 Projected Actual¹,²</th>
<th>FY14 Recommended Budget</th>
<th>FY15 Recommended Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Total Revenues</td>
<td>218</td>
<td>870</td>
<td>929</td>
<td>1,010</td>
</tr>
<tr>
<td>2</td>
<td>Total Expenses</td>
<td>0</td>
<td>(295)</td>
<td>(916)</td>
<td>(983)</td>
</tr>
<tr>
<td>3</td>
<td>Revenues Over (Under) Expenses</td>
<td>218</td>
<td>575</td>
<td>12</td>
<td>27</td>
</tr>
<tr>
<td>4</td>
<td>Beginning Net Assets</td>
<td>0</td>
<td>218</td>
<td>793</td>
<td>805</td>
</tr>
<tr>
<td>5</td>
<td>Revenues Over (Under) Expenses</td>
<td>218</td>
<td>575</td>
<td>12</td>
<td>27</td>
</tr>
<tr>
<td>6</td>
<td>Ending Net Assets</td>
<td>218</td>
<td>793</td>
<td>805</td>
<td>832</td>
</tr>
</tbody>
</table>

¹ The first $650K of operating expenditures was covered by the existing capital project budget.
² Projection as of March 20, 2013
# BART Operating Sales Tax Program
## Comparison of Revenues and Expenses
(Dollars in Thousands)

<table>
<thead>
<tr>
<th>Line</th>
<th>Category</th>
<th>FY13 Current Budget</th>
<th>FY13 Projected Actual</th>
<th>FY14 Recommended Budget</th>
<th>Variance from FY13 Projection</th>
<th>% Var</th>
<th>FY15 Recommended Budget</th>
<th>Variance from FY14 Budget</th>
<th>% Var</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Sales Tax Revenues</td>
<td>41,129</td>
<td>43,956</td>
<td>45,609</td>
<td>1,653</td>
<td>3.8%</td>
<td>47,711</td>
<td>2,103</td>
<td>4.6%</td>
</tr>
<tr>
<td>2</td>
<td>Investment Earnings</td>
<td>755</td>
<td>175</td>
<td>642</td>
<td>467</td>
<td>266.7%</td>
<td>1,241</td>
<td>600</td>
<td>93.4%</td>
</tr>
<tr>
<td>3</td>
<td>Total Revenue</td>
<td>41,884</td>
<td>44,131</td>
<td>46,250</td>
<td>2,119</td>
<td>4.8%</td>
<td>48,952</td>
<td>2,702</td>
<td>5.8%</td>
</tr>
<tr>
<td>4</td>
<td>Professional &amp; Special Services</td>
<td>210</td>
<td>60</td>
<td>92</td>
<td>32</td>
<td>53.1%</td>
<td>134</td>
<td>42</td>
<td>46.2%</td>
</tr>
<tr>
<td>5</td>
<td>Total Expense</td>
<td>210</td>
<td>60</td>
<td>92</td>
<td>32</td>
<td>53.1%</td>
<td>134</td>
<td>42</td>
<td>46.2%</td>
</tr>
<tr>
<td>6</td>
<td>Revenues Over (Under) Expenses</td>
<td>41,674</td>
<td>44,071</td>
<td>46,159</td>
<td></td>
<td></td>
<td>48,818</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: Totals, subtotals and percentages may not be precise due to independent rounding

# BART Operating Sales Tax Program
## Sources and Uses of Funds Summary
(Dollars in Thousands)

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>FY13 Projected Actual</th>
<th>FY14 Recommended Budget</th>
<th>FY15 Recommended Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Total Revenues</td>
<td>44,131</td>
<td>46,250</td>
<td>48,952</td>
</tr>
<tr>
<td>2</td>
<td>Total Expenses</td>
<td>(60)</td>
<td>(92)</td>
<td>(134)</td>
</tr>
<tr>
<td>3</td>
<td>Revenues Over (Under) Expenses</td>
<td>44,071</td>
<td>46,159</td>
<td>48,818</td>
</tr>
<tr>
<td>4</td>
<td>Beginning Net Assets</td>
<td>0</td>
<td>44,071</td>
<td>90,229</td>
</tr>
<tr>
<td>5</td>
<td>Revenues Over (Under) Expenses</td>
<td>44,071</td>
<td>46,159</td>
<td>48,818</td>
</tr>
<tr>
<td>6</td>
<td>Ending Net Assets</td>
<td>44,071</td>
<td>90,229</td>
<td>139,047</td>
</tr>
</tbody>
</table>

1. Includes $175K augmentation approved by the Board on December 8, 2011
2. Projection as of March 20, 2013
RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA)
ADOPTING A BIENNIAL BUDGET OF VTA
FOR THE PERIOD JULY 1, 2013 THROUGH JUNE 30, 2015
(FY 2014 AND FY 2015)

WHEREAS:

1. Section 100071(b) of the California Public Utilities Code requires the Board of Directors to adopt an annual budget for VTA.

2. Pursuant to Section 11-2(d) of the VTA Administrative Code, the General Manager has proposed that the Board of Directors adopt a biennial (two-year) budget.

3. The Board of Directors desires to adopt a biennial budget for the period July 1, 2013 through June 30, 2015 (FY 2014 and FY 2015).

4. Pursuant to Section 11-2(a) of the VTA Administrative Code the General Manager presented the FY 2014 and FY 2015 Recommended Budget to the Board of Directors, and mailed a copy to each City Manager in the County of Santa Clara, and to the County Executive prior to May 15, 2013.

5. The Recommended Budget was reviewed by the Administration and Finance Committee on May 23, 2013, and by the Board of Directors on April 19 and June 6, 2013, and at public meetings conducted throughout the County.

6. The Recommended Budget includes all administrative, operational and capital expenses for the Congestion Management Program together with the apportionment of Congestion Management Program expenses by levy against the Managing Agency and each Member Agency to the extent necessary to fund the Congestion Management Program.

7. A list of employee position classifications and pay ranges is included in the recommended budget, and the amount of funds budgeted for wages, salaries and benefits for FY 2014 and FY 2015 is based upon VTA’s position classification and pay ranges and is set forth in the Statement of Revenues and Expenses in the Recommended Budget.

8. The General Manager proposes an Operating Budget for the VTA Transit Fund for FY 2014 in the amount of $380,162,150 and for FY 2015 in the amount of $398,846,030.

9. The General Manager proposes a Capital Budget for the VTA Transit Fund for FY 2014 in the amount of $164,249,400.
10. The General Manager proposes an Operating Budget for the 2000 Measure A Transit Improvement Program Fund for FY 2014 in the amount of $90,149,360 and for FY 2015 in the amount of $92,823,220.


12. The General Manager proposes an Operating Budget for the Congestion Management Program Fund for FY 2014 in the amount of $5,256,460 and for FY 2015 in the amount of $5,073,840.

13. The General Manager proposes a Capital Budget reduction for the VTP Highway Improvement Program Fund for FY 2014 in the amount of ($109,493,000).

14. The General Manager proposes an Operating Budget for the Joint Development Program Fund for FY 2014 in the amount of $215,000 and for FY 2015 in the amount of $215,000.

15. The General Manager proposes a Capital Budget for the Joint Development Program Fund for FY 2014 in the amount of $1,750,000.

16. The General Manager proposes an Operating Budget for the Silicon Valley Express Lanes Program Fund for FY 2014 in the amount of $916,100 and for FY 2015 in the amount of $983,100.

17. The General Manager proposes an Operating Budget for the BART Operating Sales Tax Program Fund for FY 2014 in the amount of $91,860 and for FY 2015 in the amount of $134,325.

18. The General Counsel, pursuant to Section 6-2 of the VTA Administrative Code has prepared and recommended a Budget for the Office of General Counsel for FY 2014 and for FY 2015.

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

1. The Recommended Biennial Budget for the Santa Clara Valley Transportation Authority (incorporated herein as though set forth at length), is hereby revised as stated in the attached Board Memorandum and adopted as VTA’s budget for FY 2014 and FY 2015.

2. Effective July 1, 2013, positions may be authorized and filled, as required, by the General Manager and General Counsel, as appropriate, provided that total VTA-wide budget is not exceeded.
3. As necessary for efficient administration, position classifications may be added, modified, or deleted and salary ranges adjusted with the approval of the General Manager or General Counsel, as appropriate, provided that the changes are in accordance with applicable VTA personnel policies and procedures and are consistent with pay practices in the transportation industry. Such changes shall include pay and classification adjustments arising from agreements between VTA and its recognized labor organizations.

4. Capital appropriations, which are not expended during the fiscal year, shall carry over to successive fiscal years until the projects are completed or otherwise terminated.

5. The locally funded portion of the VTA Transit Fund capital appropriation carry over shall be set-aside as a designation of Unrestricted Net Assets in the Comprehensive Annual Financial Report.

6. The budget shall consist of seven Funds: the VTA Transit Fund, the 2000 Measure A Transit Improvement Program Fund, the Congestion Management Program Fund, the VTP Highway Improvement Program Fund, the Joint Development Program Fund, the Silicon Valley Express Lanes Program Fund, and the BART Operating Sales Tax Program Fund. The General Manager may reallocate appropriations between budget types and budget units within each Fund up to the limits of each Fund’s annual appropriation. Any net increase in authorized appropriations to any Fund (including an allocation from reserves) shall require an affirmative vote of at least eight Directors.

7. The Recommended Assessments of member agencies for the Congestion Management Program are hereby approved.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on June 6, 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 a majority 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 CMA Officer, John Ristow

SUBJECT: OneBayArea Grant (OBAG) Projects

ACTION ITEM

RECOMMENDATION:
Approve the One Bay Area Grant (OBAG) projects.

BACKGROUND:
The VTA Board of Directors adopted the process and criteria for Santa Clara County's share of One Bay Area Grant (OBAG) funds on November 1, 2012. The program provides Federal grant funding to the cities, the County, and VTA through the City Guarantee Program and the Countywide Competitive Complete Streets program.

City Guarantee Program: This program provides each city and town in Santa Clara County with a formula share, based primarily on the Metropolitan Transportation Commission's OBAG formula. The share formula was adopted by the VTA Board of Directors on September 6, 2012. It is shown in Attachment A. The County did not receive a share, as the VTA Board programmed $10 million to the County's failing San Tomas Expressway Culvert as part of the initial program. The cities and towns could choose any Surface Transportation Program (STP) or Congestion Mitigation Air Quality (CMAQ) eligible rehabilitation, or pedestrian/bicycle/signal system transportation capital project for their guarantee funds, regardless of location.

Countywide Competitive Complete Streets Program: This is a competitive program which provides grants to projects in or serving designated Priority Development Areas (PDAs). It is open to the cities, towns, County and VTA to compete for grants that will fund pedestrian, bicycle, and signal systems projects designed to support dense development and use of alternate modes. The scoring criteria were approved by VTA Board of Directors on November 1, 2012. They are included as Attachment B.
DISCUSSION:

On November 5, 2012, VTA staff issued a call for projects in both programs. A total of $72.16 million was available; $26.47 million for the Guarantee program and $45.69 million for the Competitive Complete Streets. Applications were initially due on February 5, 2013, but the deadline was extended to March 1, 2013 at the request of multiple applicants. VTA staff held an informational workshop for potential applicants on November 27, 2012. VTA staff also conducted additional outreach to encourage the general public to submit project ideas and requests to the cities, towns, County, VTA, Caltrain and Caltrans.

Guarantee Program: Attachment C provides the list of Guarantee projects that VTA staff is recommending to the Board for approval. All of the cities and towns requested all of their Guarantee shares.

Countywide Competitive Complete Streets Program: Attachment D provides the complete list of projects submitted for consideration, with VTA Staff's recommendations to the Board for funding. A total of 60 projects were submitted, requesting more than $145 million in grants.

The projects were reviewed by VTA staff, then scored and ranked by the Capital Improvement Program Working Group's Scoring Committee, based on the VTA Board of Directors' adopted scoring criteria. VTA staff then consulted with the sponsors of the highest ranking projects to verify eligibility, deliverablity, and adherence to OBAG program design quality expectations.

VTA staff recommend 21 projects for funding; three of which are recommended for partial funding.

The City of San Jose's Almaden-Vine Couplet Conversion project was initially CEQA cleared in 2000. Conditions having since changed, the project would benefit from additional time to complete a CEQA re-evaluation, NEPA and detailed design. VTA staff recommends providing $1.5 million OBAG funding for the project development phases. This would provide the City with immediate funding to complete these and have the project ready for construction funding in the next OBAG cycle.

The City of San Jose's PDA Ped-Oriented Traffic Signals project includes multiple locations. VTA and City staff have worked to identify the six-highest priority locations. VTA staff recommends providing the City with $3 million to complete these through construction. They locations are listed in Attachment E.

The VTA/Santa Clara/San Jose Caltrain Undercrossing at the Santa Clara Caltrain will complete final design this summer. The recommended OBAG grant will contribute to funding the construction package. Other construction funding is coming from local sources, including VTA, and a Safe Routes to Transit grant secured in 2011.

VTA staff does not recommend funding two high-scoring projects. Sunnyvale's El Camino Real
Bicycle and Pedestrian Safety project overlaps completely with one of the project alternatives currently under consideration for the El Camino Bus Rapid Transit (BRT). If that BRT alternative is selected, these improvements would be constructed by the BRT project. If not, the City may resubmit the project in the next funding cycle. The City of San Jose's Autumn Street Extension is primarily a road expansion project and ineligible for the OBAG program.

**ALTERNATIVES:**

The Board may select alternative projects.

**FISCAL IMPACT:**

This action prioritizes Federal programming for Congestion Management Program Member Agency projects. Only funds programmed to VTA for its own projects will flow to VTA. The budget impacts of those projects will be addressed in a separate memorandum. The Member Agencies will obtain their funding through Caltrans.

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

The Citizens Advisory Committee (CAC) considered this item at the May 8, 2013 meeting and unanimously recommended it to the full Board for approval.

The Bicycle and Pedestrian Advisory Committee (BPAC) considered this item at the May 15, 2013 meeting and unanimously recommended it to the full Board for approval.

The Technical Advisory Committee (TAC) considered this item at the May 16, 2013 meeting and unanimously recommended it to the full Board for approval.

The Policy Advisory Committee (PAC) considered this item at the May 16, 2013 meeting and unanimously recommended it to the full Board for approval.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Congestion Management Program & Planning Committee (CMPP) considered this item at the May 23, 2013 meeting and unanimously recommended it to the full Board for approval.

Prepared by: Celeste Fiore
Memo No. 4014
## OneBayArea Grant
### City Guarantee Program
#### Formulas and Shares

<table>
<thead>
<tr>
<th>Santa Clara County Local Agency</th>
<th>Population %</th>
<th>Modified OBAG %</th>
<th>OBAG STP</th>
<th>ARRA/Block Grant Adjustment</th>
<th>Total Est. OBAG</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campbell</td>
<td>2.2%</td>
<td>1.7%</td>
<td>$458</td>
<td>$ (179)</td>
<td>$ 279</td>
</tr>
<tr>
<td>Cupertino</td>
<td>3.3%</td>
<td>2.6%</td>
<td>$685</td>
<td>$ 50</td>
<td>$ 735</td>
</tr>
<tr>
<td>Gilroy</td>
<td>2.7%</td>
<td>3.1%</td>
<td>$808</td>
<td>-</td>
<td>$ 808</td>
</tr>
<tr>
<td>Los Altos</td>
<td>1.6%</td>
<td>1.2%</td>
<td>$312</td>
<td>-</td>
<td>$ 312</td>
</tr>
<tr>
<td>Los Altos Hills</td>
<td>0.4%</td>
<td>0.4%</td>
<td>$92</td>
<td>$ 94</td>
<td>$ 186</td>
</tr>
<tr>
<td>Los Gatos</td>
<td>1.7%</td>
<td>1.3%</td>
<td>$352</td>
<td>$(213)</td>
<td>$ 139</td>
</tr>
<tr>
<td>Milpitas</td>
<td>3.7%</td>
<td>5.1%</td>
<td>$1,328</td>
<td>$ 324</td>
<td>$ 1,652</td>
</tr>
<tr>
<td>Monte Sereno</td>
<td>0.2%</td>
<td>0.0%</td>
<td>-</td>
<td>$ 250</td>
<td>$ 250</td>
</tr>
<tr>
<td>Morgan Hill</td>
<td>2.1%</td>
<td>2.7%</td>
<td>$714</td>
<td>$ 665</td>
<td>$ 1,379</td>
</tr>
<tr>
<td>Mountain View</td>
<td>4.2%</td>
<td>4.0%</td>
<td>$1,040</td>
<td>$ 126</td>
<td>$ 1,166</td>
</tr>
<tr>
<td>Palo Alto</td>
<td>3.6%</td>
<td>3.6%</td>
<td>$956</td>
<td>-</td>
<td>$ 956</td>
</tr>
<tr>
<td>San Jose</td>
<td>53.1%</td>
<td>58.2%</td>
<td>$15,254</td>
<td>$(273)</td>
<td>$ 14,981</td>
</tr>
<tr>
<td>Santa Clara</td>
<td>6.5%</td>
<td>7.2%</td>
<td>$1,891</td>
<td>-</td>
<td>$ 1,891</td>
</tr>
<tr>
<td>Saratoga</td>
<td>1.7%</td>
<td>1.3%</td>
<td>$339</td>
<td>$(177)</td>
<td>$ 162</td>
</tr>
<tr>
<td>Sunnyvale</td>
<td>7.9%</td>
<td>7.5%</td>
<td>$1,957</td>
<td>$(381)</td>
<td>$ 1,576</td>
</tr>
<tr>
<td>SC County*</td>
<td>5.0%</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100%</td>
<td>100%</td>
<td>$26,188</td>
<td>$ 286</td>
<td>$ 26,474</td>
</tr>
</tbody>
</table>

* County does not participate in Guarantee Program and has no ARRA/Block Grant Adjustments

† All funds are STP, except $3,452,800 CMAQ funds to City of San Jose.
# PRE-SCREENING CRITERIA CHECKLIST:
- 2008 Complete Streets Act Compliance
- Housing Element Completed/HCD certified

# SCREENING CRITERIA CHECKLIST:
- VTP 2040 Consistency
- MTC Complete Streets Checklist
- PDA (and proximate access) location(s)
- Grant Request $\geq$ 350,000

## CRITERIA: Minimum Score 25 points

<table>
<thead>
<tr>
<th>CATEGORIES</th>
<th>DETAILS</th>
<th>MAX PTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Safety</strong></td>
<td>High: Project will address a demonstrated safety issue with a proven or demonstrated countermeasure. Medium: 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). 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>15</td>
</tr>
<tr>
<td><strong>Project Benefits:</strong></td>
<td>The overall project will have identifiable and likely synergistic effects. The overall project will improve livability and create a sense of place. Project addresses and/or improves three (3) or more transportation modes.</td>
<td>10</td>
</tr>
<tr>
<td><strong>Gap Closure/Connectivity</strong></td>
<td>Project proposes a shorter route, completes sidewalks, closes gaps in a transportation facility and/or multimodal network.</td>
<td>10</td>
</tr>
<tr>
<td><strong>Air Quality Improvement and/or Vehicle Miles Traveled (VMT) Reduced</strong></td>
<td>Project demonstrates it can improve air quality by reducing emissions or lessening traffic congestion and/or the project employs strategies to reduce VMT (such as travel demand management, bike/ped facilities, parking mgmt, etc.).</td>
<td>10</td>
</tr>
<tr>
<td><strong>Public Involvement/Support</strong></td>
<td>Project developed through a collaborative planning process that included broad partnerships among a variety of stakeholders.</td>
<td>10</td>
</tr>
<tr>
<td><strong>Local Match</strong></td>
<td>Project can commit from 12% to $\geq$ 21% of total project cost from non-federal sources. (one point for each 1 percent to 10 points max)</td>
<td>10</td>
</tr>
<tr>
<td><strong>Project Readiness/Delivery</strong></td>
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<td><strong>Jobs Density (current and future) within ABAG defined PDA</strong></td>
<td>Ranges (jobs per acre)</td>
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<td><strong>Housing Density (current and future) within ABAG defined PDA</strong></td>
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<td><strong>Community of Concern and/or Community Air Risk Evaluation (CARE) program</strong></td>
<td>Project is located within a COC and/or CARE area. Map included showing project location. Y/N?</td>
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<td>1/4 mile of affordable housing and/or a senior/disabled facility Y/N?</td>
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<td>1/4 mile of public transit station Y/N?</td>
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C - 1
### ATTACHMENT D: 2013 OBAG PROJECT RECOMMENDATIONS

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**Funds Cut Off**

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Grant $ Requested: $148,454,064
Grant $ Available: $45,690,000
(Over)/Under: $(102,764,064)

*Withdrawn from consideration
ATTACHMENT E – 2013 ONEBAYAREA GRANT
RECOMMENDED PROJECTS

VTA/San Jose – Upper Penitencia Creek (UPC) Trail Connector
Project closes a critical gap in the Penitencia Creek Trail corridor, provides safe crossing of a busy arterial, and connects to the future Berryessa BART Station and San Jose Flea Market. This connector project consists of the design and construction of a 1/8th mile segment of shared use trail, one new intersection traffic signal trail crossing and supporting roadway improvements, trailhead gateways, interpretive signs, wayfinding and landscape buffers. The project creates a bicycle and pedestrian route that is completely separated from vehicular traffic and allows users to avoid Mabury Road and Berryessa Road altogether. Additionally, the UPC Trail Connector would reduce travel times for bicyclists and pedestrians traveling between the surrounding neighborhoods, the BART station campus and the San Jose Flea Market.

County of Santa Clara/San Jose – Capitol Expressway ITS Infrastructure and Sidewalk
Capitol Expressway is a high speed, high volume expressway in San Jose that provides connections to I-680, US 101, and SR 87. The expressway is posted at 45 MPH between I-680 and US 101 and 50 MPH between US 101 and SR 87. Current Average Daily Traffic (ADT) is over 75,000 in peak sections. The project will provide pedestrian and bicycle improvements, including constructing approximately 8,990 linear feet of sidewalk, squaring off corners at seven intersections, installing pedestrian sensors and bicycle detection at all intersections, and implementing bicycle and pedestrian adaptive signal timing. It will also install Intelligent Transportation System (ITS) infrastructure to support implementation of a state-of-the-art traffic operations and management system. The elements of this project work together to continue the transformation of Capitol Expressway into a true multi-modal corridor, and to support the housing and employment growth along this corridor called for by San Jose’s Envision 2040 Plan.

Bicycle Expenditure Program Project

County of Santa Clara/Santa Clara – San Tomas Aquino Spur Trail Phase 2: San Tomas Expressway Bike/Pedestrian Trail from El Camino Real/SR 82 to Homestead Road
San Tomas Expressway is a high speed, high volume north-south expressway traveling through the heart of the urban area of Santa Clara County. The expressway is posted at 45 MPH with traffic flowing at 55 to 60 MPH during off-peak hours. Current Average Daily Traffic (ADT) for the expressway ranges between 34,000 and 81,000, with the project section currently experiencing an ADT of 47,671. The ADT for this section is projected to grow to over 67,000 by 2035. This project closes a critical gap in the pedestrian network by providing access where none currently exists. It will construct an extension of the San Tomas Aquino Spur Trail within the expressway right-of-way (a Class I bicycle/pedestrian trail) on the west side of San Tomas Expressway from State Route 82 (El Camino Real) to Homestead Road. The trail will be 10 to 12 feet wide, paved with asphalt and concrete to include signage, striping, and landscaping. The trail will be separated from the expressway by a concrete safety barrier and lined with a community wall to provide a security barrier for the adjacent residential properties.

Bicycle Expenditure Program Project
**San Jose – East San Jose Bike/Pedestrian Transit Connections**
Project will promote bicycling by adding 42 miles of bikeways to a 23 square mile area that currently has a disconnected, incomplete bikeway network of only 36 miles. This project will create a user-friendly, connected bikeway network for all ages and abilities. It will provide a facility within a half mile of any location in the project area. The network will directly connect major area activity centers including public transit, jobs, schools, housing and retail. It will link directly to the Coyote Creek Trail. It also links to the Alum Rock – Santa Teresa Light Rail line. The project will also provide connections to future Bus Rapid Transit and BART stations on Alum Rock Avenue. The project also includes network-wide bikeway signs featuring distances and directional information to major destinations, bike-friendly signal, and the addition of more than 2,300 secure public bike parking spaces.

**Sunnyvale –East Channel Trail: Tasman Drive to John W. Christian Greenbelt**
This project will construct ½ mile (2,200 feet) of Class 1 paved multi-use trail multi-use bicycle and pedestrian trail along the Sunnyvale East Channel, between the John W. Christian Greenbelt to the south and Tasman Drive to the north. This project will allow cyclists and pedestrians to travel residential areas to the Fair Oaks light rail station and nearby commercial areas, parks and commercial facilities without having to travel on Fair Oaks Avenue. Non-motorized travel on those streets is currently a harrowing experience. High vehicle speeds and volumes make bicycle and pedestrian travel on Fair Oaks Avenue and Tasman Drive unsafe and uncomfortable. Although the speed limit for these sections of roadway is 35 MPH, the speed at which 85% of vehicles travel is 44 - 45 MPH. *Bicycle Expenditure Program Project*

**San Jose – St. John Complete Street Corridor: HP Pavilion to St. James LRT Station**
Project will remove a gap within the City of San José’s bikeway and sidewalk network, enhancing multimodal connectivity between the HP Pavilion and the St. James Light Rail Station. By filling the gap between Montgomery Street (HP Pavilion) and North First Street, the safety and mobility of pedestrians, transit riders, and bicyclists will be improved. Project improvements on St. John Street include the construction of a dedicated bikeway facility, sidewalk widening, installation of dedicated on-street bicycle facilities, lighting improvements, and wayfinding signage.

**Sunnyvale –Moffett Park Trails Project East and West Channels**
This project will install a 1.1 mile (6,000 linear feet) and a ½ mile (2,800 foot linear feet Class 1 paved multi-use trail along the Sunnyvale East Channel between Moffett Park Drive and Caribbean Drive and Persian Drive to Tasman Drive, and along the Sunnyvale West Channel from Mathilda Avenue to the Bay Trail. This will allow pedestrians and cyclists to avoid high volume/high speed streets in the Moffett Industrial Park, including Mathilda Avenue, Borregas Avenue, Crossman Avenue, Caribbean Drive, Java Drive and Moffett Park Drive. In this area, which is posted at 35 MPH, 85% speeds range from 41 to as high as 49 miles per hour. Additionally, the area lacks a complete sidewalk and bike lane network on area roads.

**Palo Alto – Adobe Creek/ Highway 101 Bicycle Pedestrian Bridge**
As an eight-lane freeway carrying 200,000 vehicles per day, with a partial cloverleaf interchange nearby and limited alternative routes for non-motorized users, Highway 101 at Adobe Creek/San Antonio Road is a major physical and psychological gap in the regional and local bikeway network. The proposed overcrossing and 0.12 mile Class I multi-use “reach” trail will
provide connectivity from residential and commercial areas in Palo Alto to the Palo Alto Baylands Nature Preserve, East Bayshore and San Antonio businesses, and the regional San Francisco Bay Trail (Bay Trail) network of multi-use trails. This new trail will open up alternative routes to/from the Baylands that avoid high-speed arterials such as West Bayshore Road in favor of a grade-separated trail access from local Class II and Class III Bicycle Boulevard) connections. It is an important commuter route for many who live in southern Santa Clara County and bicycle to work in Palo Alto and at Stanford University along the Bay Trail. It will also provide local access and recreational options for the existing mix of employees, seniors, and daycare children who occupy nearby buildings. *Bicycle Expenditure Program Project*

**San Jose – The Alameda “Beautiful Way” Grand Boulevard Phase 2**
Phase 2 will extend the multimodal improvements project currently underway along The Alameda. This project will enhance pedestrian and vehicular safety on The Alameda between Fremont and Newhall, creating a multimodal corridor segment in accordance with municipal and regional mandates and the tenets of the Grand Boulevard Initiative. Connecting to a number of multimodal improvement projects, including the El Camino BRT, this project will improve the accessibility of residents and visitors to transit, local businesses, and recreational facilities, enhancing local quality of life while helping to reduce congestion and pollution within the City. The project’s combination of enhanced crosswalks, wide center median to reduce pedestrian crossing distances, and improved pedestrian-scale lighting will significantly increase pedestrian safety and improve walkability along this corridor. To ensure compliance with the Americans with Disabilities Act (ADA), curb ramps, truncated domes, and other improvements will be implemented by this project, ensuring accessibility for all users.

**Campbell – Campbell Avenue Portals**
This project will physically separate pedestrians from surface street traffic as they pass underneath Highway 17. Campbell Avenue carries approximately 23,500 vehicles per day. The existing sidewalks are narrow, and constrained on one side by the tunnel walls, with extremely active and narrow vehicular lanes on the other. As a result of the narrow street lanes, many bicyclists ride on the sidewalks, creating an additional safety concern for the pedestrians. The narrow sidewalk area beneath Highway 17 is physically separated from the bicycle lanes and travel lanes by a metal rail that runs the length of the underpass area. There is a high risk of conflict between bicycle and pedestrian in this area. By removing the existing sidewalks in the underpass area, and installing new wider sidewalks within larger portal openings behind the existing curtain walls of the Highway 17 overpass structure, all three modes of transportation would be improved. Additional project elements include wayfinding signs to Historic Downtown Campbell and the Downtown Campbell Light Rail Station, and public art at the new downtown entrance. *Bicycle Expenditure Program Project*

**San Jose – Almaden/Vine “Livable Streets” Couplet Conversion**
The current Almaden/Vine Couplet was designed with the sole objective of expediting vehicular travel to and from Downtown at the expense of all other facility users and local residents. It resulted in significant negative effects such as congestion and increased air pollution while also impacting local quality of life and pedestrian safety. The Almaden/Vine Couplet Conversion Project will convert the Almaden Avenue and Vine Street couplet into two-way streets between I-280 and West Alma Avenue. This project will reduce vehicular speeds and traffic volumes passing
through the Washington neighborhood immediately south of Downtown San Jose. Project completion will significantly increase pedestrian safety and overall livability for local residents while enhancing accessibility to Downtown San José. Improvements include high-visibility crosswalks, curb bulb-outs, curb ramps with truncated domes and/or pedestrian-actuated beacons, complementing the recently installed LED streetlights located along the project corridor.

**San Jose – Jackson Complete Streets**

This corridor has a very heavy pedestrian, bicyclist, and transit user presence, with a particular concentration of seniors and people with disabilities due to the major medical facilities and senior housing/services in the immediate area. There have been several crashes in the past three years involving pedestrians, bicyclists and transit users. Sadly, two were fatalities. The project will construct pedestrian safety and transit access enhancements along Jackson Avenue, between McKee Road and Alum Rock Avenue, within the eastern portion of San José. The specific improvements include providing three new signalized crosswalks, upgrading and relocating bus stops, and widening sidewalks. This will significantly improve pedestrian, bicycle and transit safety and connectivity, providing better multimodal access to senior housing, the hospital and medical clinics. The project will also add street trees, providing shade at bus stops and along sidewalks en route to the future Bus Rapid Transit station at Alum Rock/Jackson.

**Saratoga – Prospect Road-Saratoga Avenue, PDA Corridor, Pedestrian, Bicycle and Median Improvements**

The intent of this project is to reclaim a high-speed, high volume arterial as a multimodal corridor by introducing a comprehensive non-auto travel infrastructure that will enhance sense of place and create a safe bike and pedestrian environment. The 1.9 mile section of Prospect Road between Saratoga Avenue and Saratoga-Sunnyvale Road is a four-lane major arterial connecting the De Anza commercial corridor, a large public high school, multiple community facilities and houses of worship, with the major retail/entertainment developments surrounding the intersection of Prospect Road and Saratoga Avenue. The project will reduce roads width to calm traffic and accommodate sidewalks and bike lanes. It will install raised, landscaped pedestrian refuge medians as traffic calming and pedestrian safety measures. It will close sidewalk gaps with wide sidewalks, upgrade signalized intersections, restripe bike lanes, and install bicycle detector loops. The project will also significantly upgrade the existing bus stops and shelters.

**Sunnyvale – Sunnyvale-Saratoga Road Bicycle and Pedestrian Safety and Walkability Enhancements**

This project has two distinct elements. The first will install a pedestrian traffic signal to control traffic on a high speed, high volume “off ramp” on Sunnyvale-Saratoga Road. The second will eliminate high speed free right turns and improve pedestrian crossing distances at the intersection of Sunnyvale-Saratoga Road and El Camino Real. The Sunnyvale-Saratoga Road corridor in the project vicinity has a significant safety problem and is a hazardous area for bicyclists and pedestrians. In the short (1100’) roadway segment, 51 collisions occurred in 2010 and 2011. Of these, 8% involved bicycles and pedestrians, and 22% involved unsafe speed. Speed and volume are very high in the area in question, with speeds exiting Sunnyvale-Saratoga at 45 miles per hour (85%) and volumes exceeding 15,000 vehicles/day. The proposed project will install bicycle and pedestrian facilities and improve pedestrian crossing distances. Positive (signalized) control of
high speed vehicles at the Mathilda/Sunnyvale-Saratoga Road intersection will provide a protected facility for pedestrian crossings where none currently exists.

**Sunnyvale – Maude Avenue Bikeways and Streetscape Project from Mathilda Avenue to Fair Oaks Avenue**

This project will improve a situation with safety issues that are associated with motor vehicle speed and volume, unrestricted turning movements, and lack of bicycle facilities on Maude Avenue. High vehicle speed and volume make bicycle and pedestrian travel on Maude Avenue unsafe and uncomfortable. Over 17,300 vehicles per day utilize Maude Avenue, which is a two lane street with a two way left turn lane. The speed limit for this section of roadway is 30 MPH, the speed at which 85% of vehicles travel is 35 MPH. This volume far exceeds the comfortable capacity of a roadway of this configuration. This project addresses this issue by revising the roadway geometry through elimination of two way left turn lane segments and replacement with median; removal of parking at intersections with turn pockets; revision of travel lane widths and locations; and construction of Class II bike lanes. Bicycle travel with be greatly enhanced by creating dedicated space where bicycles must now share lanes with high speed, high volume traffic, and buffering pedestrians from traffic. Collision statistics for 2010 and 2011 reflect the safety issues. Sixty-eight collisions occurred on Maude Avenue in the project vicinity during this time. Seven percent of these involved bicyclists and pedestrians. *Bicycle Expenditure Program Project*

**San Jose – San Jose PDA Pedestrian-Oriented Traffic Safety Signals Program**

This project helps to create a pedestrian oriented community and a sense of community by eliminating barriers for safe pedestrian travel. It also addresses the pedestrian community’s concern that many roadways have been designed to only move vehicular traffic and not accommodate pedestrians. Traffic signal controlled crossings will be implemented at six key intersections to promote the use of transit, and walking and biking as a primary transportation mode to nearby schools, community centers, bicycle trails and recreational facilities. All installations are at locations are in close proximity to community destinations, such as senior centers and schools and have a history of collisions. The intersections are: South King Rd. & Virginia Place, Everglade Ave. & South King Rd., South Bascom Ave. & Pamlar Ave., Hyland Ave. & North White Rd., Henry Ave. & Stevens Creek Blvd., Story Rd. & South Sunset Ave.

**VTA/Milpitas – Montague Expressway Pedestrian Overcrossing at Milpitas BART Station, Phase 1**

This pedestrian overcrossing will significantly enhance bicyclist and pedestrian safety by providing a grade-separated overcrossing that spans Montague Expressway, connecting key trip generators such as the Milpitas BART Station campus, the Great Mall shopping center, and planned transit-oriented development associated with the Milpitas Transit Area Specific Plan (TASP). Montague Expressway carries nearly 50,000 vehicles per day at this location, with a speed limit of 45 miles per hour. Currently, Montague Expressway can only be crossed in the vicinity of the future BART station at Great Mall Parkway/Capitol Avenue, approximately 650 feet west of the station, and at South Milpitas Boulevard, approximately 1,400 feet east of the station. The signal-controlled crossing of Montague Expressway at Great Mall Parkway/Capitol Avenue consists of 11 lanes of traffic running east/west with an approximate crossing distance of 234 feet from curb-to-curb. The signal-controlled crossing of Montague Expressway at South
Milpitas Boulevard consists of 10 lanes of traffic running east/west with an approximate crossing distance of 150 feet from curb-to-curb. Neither crossing includes a pedestrian refuge in the median. Both crossings include a conflict with one or more high-speed right-turn movements. The long crossing distances, high speeds and large number of conflicting vehicles present a clear safety risk for bicyclists and pedestrians, a risk that would be eliminated with this project. Bicycle Expenditure Program Project

VTA/Santa Clara – Santa Clara Caltrain Station Pedestrian/Bicycle Undercrossing
Project would extend the recently opened pedestrian/bicycle tunnel under the Caltrain tracks at the Santa Clara/Caltrain/Altamont Commuter Express station. Additionally, it would construct a ramp and pathway connecting the tunnel to Brokaw Road. This would create a bicycle/pedestrian connection between Santa Clara University, the Santa Clara Caltrain station, Brokaw Road, Railroad Avenue and/or Benton Street. Currently, there is no safe or legal crossing for pedestrians or bicyclists. The nearest alterative is a 1.5 mile detour featuring high average daily traffic, high speed, narrow auto lanes, minimal sidewalks and no bike lanes or shoulders. Illegal crossings abound. Bicycle Expenditure Program Project

Sunnyvale – Safe Routes to School Comprehensive Pedestrian Infrastructure Improvement
This project will implement recommendations from the Sunnyvale Comprehensive School Traffic Study adopted in November 2012. The study recommended uniform and proactive intersection improvements along school walking and biking routes for the 17 elementary and middle schools within the city. Recommendations are based on traffic volume, speed limits, collision data, roadway classification, proximity to school, traffic control, and crosswalk location. The project includes the following elements: engineering studies, design, crosswalk construction, pedestrian enhancements for signalized intersections, installation of raised crosswalks, and installation of in-pavement lighted crosswalks.

Gilroy – Ronan Channel Trail
This project will provide for a non-vehicular connection between the residential area west of Hwy 101 and the commercial and health center east of Hwy 101. This will encourage residents to walk or bike to the commercial center area with anticipated uses by employees and shoppers, San Ysidro Park users and South Valley School as well as El Portal Charter High School students. The Western Ronan Channel Parkway Trail (Trail) will convert an existing unpaved creek-side maintenance road closed to the public to a multi-use public trail for bicyclists and pedestrians. Proposed project improvements include: providing public access to a paved bicycle and pedestrian path on one side of the creek; aesthetic fencing between the roadway and the trail per District/City standards; native planting and water-conserving irrigation adjacent to the trail; standard street crossing and vehicular barriers where the trail intersects with streets; trails signage; informational displays/interpretive enhancements such as interpretive signage along the pathway; overlook area(s) with benches and landscaping. The Trail consists of 5,570 linear feet of a 12' wide bicycle/pedestrian trail with 18"-24" wide aggregate shoulders on each side. The Trail will provide a key link for the City’s overall trails system in a neighborhood currently not served by trails. Bicycle Expenditure Program Project

Sunnyvale – Fair Oaks Avenue Bikeway and Streetscape
Project will construct medians, reconfigure roadway lane geometry, and provide bike lanes on three segments of Fair Oaks Avenue from Old San Francisco Road to Evelyn Avenue, California Avenue to Arques Avenue, and Wolfe Road to Ahwanee Avenue. High vehicle speed and volume make bicycle and pedestrian travel on Fair Oaks Avenue unsafe and uncomfortable. Narrow (10’) travel lanes including several stretches of 10’ two way left turn lanes combine with speeds and volume present a treacherous environment for auto, truck and bus traffic as well. Average weekday traffic volumes for Fair Oaks Avenue between US 101 and Duane Avenue are in the range of 27,000 to 30,000 vehicles. Collision statistics for 2010 and 2011 reflect the safety issues. Fair Oaks Avenue experiences the second highest level of collisions in the City of Sunnyvale – 121 collisions occurred on Fair Oaks Avenue in the project vicinity during this time. Four of these involved bicyclists.

This project will address this issue by revising the roadway geometry through elimination of two way left turn lane segments and replacement with median; removal of parking at intersections with turn pockets; revision of travel lane widths and locations; and construction of Class II bike lanes.
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: U.S. 101 Improvements (Monterey Street to SR 129) Final Environmental Impact Report

ACTION ITEM

RECOMMENDATION:

Approve the following actions for the U.S. 101 Improvements Project

1) Certify that the Environmental Impact Report (EIR):
   a) Meets the requirements of the California Environmental Quality Act (CEQA);
   b) Represents the independent judgment of the Lead Agency; and
   c) Was presented to the VTA Board of Directors and that they reviewed and considered the EIR.

2) Adopt:
   a) Findings;
   b) Facts in Support of Findings; and
   c) Statement of Overriding Considerations

3) Adopt a Mitigation Monitoring and Reporting Program

4) Adopt the Recommended Project Description (Build Alternative B and Bike Alternative 2)

BACKGROUND:

The U.S. 101 Improvement Project (Project) would widen and upgrade a 7.6-mile project segment of U.S. 101 from Monterey Street in the City of Gilroy in Santa Clara County to State Route 129 (SR 129) in San Benito County. The Project also includes improvements to 1.2 miles of State Route 25 between U.S. 101 and Carnadero Creek in Santa Clara County.
Currently, there is insufficient capacity along the U.S. 101 project segment, including the U.S. 101/SR 25 interchange, to accommodate future demand. There are higher accident rates in this segment compared to U.S. 101 to the north of the project limits. The lack of controlled access results in conflicts between fast-moving highway traffic and slower-moving vehicles that are entering/exiting the highway. There are safety and delay issues associated with the at-grade Union Pacific Railroad (UPRR) crossing on SR 25. Finally, there is projected to be increasing travel delay over time at the U.S. 101 ramp termini on SR 129 with the existing traffic control.

Within the project limits, U.S. 101 is a 4-lane expressway in Santa Clara County and a 4-lane freeway in San Benito County. The project would complete the upgrade of U.S. 101 to freeway standard in Santa Clara County and accommodate projected traffic demand. The project would also enhance safety and improve traffic operations along the project segment of U.S. 101, enhance the movement of goods along the transportation corridor, and maintain and enhance bicycle access in the project area. To accomplish these goals, the project would include the following features:

- Widen and upgrade U.S. 101 to a 6-lane freeway between the Monterey Street interchange in Gilroy and the SR 129 interchange in northern San Benito County.
- Reconstruct the U.S. 101/SR 25 interchange. There are two design options for the reconstructed interchange being considered, which are discussed below.
- Construct an auxiliary lane in each direction on U.S. 101 between the Monterey Street and SR 25 interchanges.
- Extend Santa Teresa Boulevard approximately 0.5 miles from Castro Valley Road to the new U.S. 101/SR 25 interchange.
- Construct improvements at the southbound U.S. 101 off-ramp to SR 129.
- Construct frontage roads, as needed, to replace existing access to U.S. 101 from adjacent properties.
- Grade-separate the UPRR crossing on SR 25 just west of Bloomfield Avenue.
- Construct bicycle facilities, as needed, to replace access that would be lost when U.S. 101 is upgraded to a freeway and to improve bicycle access in the project area.

The schedule for construction of the proposed project has not been determined because funding has not been secured. Further, recognizing the uncertainties associated with highway funding from various federal, state, and local programs, it is probable that the project will be constructed in phases as funding permits. Phasing is common on large capital improvement projects such as the proposed project.

**DISCUSSION:**

**Environmental Impact Report**

VTA prepared an Environmental Impact Report (EIR) as the Lead Agency under the California Environmental Quality Act (CEQA), in cooperation with the California Department of
Transportation (Caltrans). The document evaluates the environmental impacts of the Build Alternative and No Build Alternative, and discusses several alternatives that were considered but eliminated from further discussion. The Executive Summary from the EIR is included as Attachment A.

The Draft EIR was released for a 50-day public review and comment period from March 14, 2013 to April 29, 2013. A public meeting was held on March 29, 2013 at the Gilroy Library. During the public review period, written submissions were received from federal, state, and local agencies or organizations, as well as comments from the public, containing over 200 individual comments. Many of the comments focused on biological resources including wildlife connectivity, flooding and water quality, and recreational trails. VTA responded to all comments in the Final EIR, which was released on May 27, 2013 and distributed to those who submitted comments on the Draft EIR, as well as other interested stakeholders.

The Build Alternative Design Options

The Build Alternative includes two design options (A and B) for the US 101/25 interchange and two alternatives for a bike path. The primary difference between Design Option A and Design Option B is the location of the reconstructed U.S. 101/SR 25 interchange. Under Design Option A, the interchange would be reconstructed approximately 0.2 miles north of its existing location, while under Design Option B, the interchange would be reconstructed at essentially the same location as the existing facility. Both interchange design options would continue to allow all traffic movements between U.S. 101 and SR 25, and both options would include a connection to Santa Teresa Boulevard.

The Build Alternative would eliminate bicycle access on U.S. 101 and SR 25 within the project limits. Under Design Option A, there are two bike alternatives to replace this access. These alternatives would also accommodate pedestrians and equestrians.

- Bike Alternative 1 would route bicyclists under U.S. 101 and the U.S. 101/SR 25 ramps via large box culverts installed as part of the project for flood passage.
- Bike Alternative 2 avoids routing cyclists through long culverts under the freeway. This alternative would continue the bike route on Monterey Road along the east side of U.S. 101 between the interchange and Carnadero Creek, cross under U.S. 101 along the south bank of Carnadero Creek, and connect to Mesa Road on the west side of U.S. 101. Alternative 2 is approximately 1.2 miles longer than Alternative 1.

Under Design Option B, the lack of vertical clearance in the culverts does not accommodate Bike Alternative 1; therefore, only Bike Alternative 2 would be feasible.

Findings

The CEQA Findings (Attachment B) include the environmental impacts identified in the EIR, including potentially significant adverse impacts. All impacts are reduced to a less-than-significant level with implementation of mitigation measures, with the exception of the following:
• **Growth.** Under both Design Options, the Build Alternative would result in a direct and significant growth-inducing impact if the application for the El Rancho San Benito Specific Plan in San Benito County is submitted, and if the approval of this Plan is conditioned upon the widening of U.S. 101.

• **Farmland.** Under both Design Options, the Build Alternative would directly result in the conversion of prime farmland and lands under Williamson Act contracts to non-agricultural uses. Mitigation is included in the Project that partially reduces this impact, but not to a less-than-significant level.

• **Visual/Aesthetics.** Under Design Option A, the Build Alternative would result in a significant adverse change to the visual environment at one vantage point due the U.S. 101/SR 25 interchange being reconstructed approximately 0.2 miles north of its existing location. While aesthetic treatment to the interchange, which includes architectural and/or landscape design solutions, would reduce the impact somewhat, it would not reduce the impact to a less than significant level.

### Statement of Overriding Considerations

CEQA recognizes that in determining whether and how a project should be approved, VTA has an obligation to balance a variety of public objectives, including economic, environmental, and social factors when approving transportation projects. The Statement of Overriding Considerations (Attachment B) reflects the balancing of competing public objectives for the Project, which includes significant effects on the environment.

### Mitigation Monitoring and Reporting Program

CEQA also requires a Mitigation Monitoring and Reporting Program be developed and implemented for the project to track compliance with the mitigation measures in the EIR. The MMRP is included as Attachment C.

### Recommended Project Description

The recommended project description is the Build Alternative with Design Option B for the U.S. 101/SR 25 interchange and Alternative 2 for bicycle access for the following reasons:

• **Right-of-Way.** The amount of right-of-way needed to construct the project under Design Option A is approximately 191 acres, as compared to approximately 160 acres under Design Option B.

• **Prime and Unique Farmlands.** Direct impacts to lands designated as Prime Farmland or Unique Farmland is approximately 157 acres under Design Option A, as compared to approximately 122 acres under Design Option B.

• **Construction Phasing.** Design Option A cannot be phased into individual construction packages and, therefore, requires a large initial investment to reconstruct the U.S. 101/SR 25 interchange. In contrast, Design Option B can be phased into individual construction packages and, therefore, requires a smaller initial investment.

In addition, the Bay Area Ridge Trail Council, Central Coast Regional Water Quality Board, San Benito Council of Governments, and members of the public have stated preference for Design
Option B due to less environmental impacts overall. (One comment card, inadvertently omitted from the Final EIR, is included as Attachment D; this commentor also supports Design Option B.) No commentor on the Draft EIR indicated preference for Design Option A.

The National Park Service, Bay Area Ridge Trail Council, Open Space Authority, and Santa Clara County Parks and Recreation have stated preference for Bike Alternative 2. No commentor on the Draft EIR indicated preference for Bike Alternative 1.

**ALTERNATIVES:**

The VTA Board could choose to adopt the No Build Alternative. For the Build Alternative, the VTA Board could select the design option, and possibly the bike alternative, that vary from the staff recommendations.

**FISCAL IMPACT:**

There is no direct financial impact related to the approval of the environmental document.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Congestion Management Program and Planning Committee (CMPP) approved this item at the May 23, 2013 meeting and unanimously recommended it to the full Board for approval.

Prepared by: Ann Calnan
Memo No. 4069
U.S. 101 Improvement Project between Monterey Street and State Route 129
Santa Clara and San Benito Counties, California
Caltrans District 4 - SCL - 101 (PM 0.0 - 5.0),
Caltrans District 5 - SBT - 101 (PM 4.9 - 7.5),
Caltrans District 4 - SCL - 25 (PM 1.6 - 2.5)
SCH 2007102141

FINAL ENVIRONMENTAL IMPACT REPORT

Prepared by the
Santa Clara Valley Transportation Authority

May 2013
Summary

The Santa Clara Valley Transportation Authority (VTA) has prepared this Environmental Impact Report (EIR) in its role as the Lead Agency under the California Environmental Quality Act (CEQA). The VTA, in cooperation with the California Department of Transportation (Caltrans), proposes improvements to U.S. 101, as described below.

OVERVIEW OF PROJECT AREA

The proposed project is located on U.S. 101 in southern Santa Clara County/northern San Benito County, California. The northerly project limit is Monterey Street in the City of Gilroy and the southerly project limit is State Route (SR) 129. Within the project limits, U.S. 101 is currently a 4-lane expressway in Santa Clara County and a 4-lane freeway in San Benito County. Existing interchanges on U.S. 101 are located at Monterey Street, SR 25, Betabel Road/Y Road, and SR 129. Within Santa Clara County, there is also access between U.S. 101 and a number of local roadways and driveways.

PURPOSE AND NEED

The purpose of the proposed project is to accomplish the following objectives:

- Complete the upgrade of U.S. 101 to freeway standard in Santa Clara County, and improve system connectivity to SR 25 and SR 129.
- Accommodate projected traffic demand along U.S. 101, including growth anticipated under adopted land use plans, thereby reducing future congestion and delay, especially during peak travel periods.
- Improve safety along the project segment of U.S. 101, including the reduction of conflicts with agricultural traffic.
- Improve traffic operations on the project segment of U.S. 101, including those associated with connections between U.S. 101 and SR 25, SR 129, local roads, and adjacent land uses.
- Enhance the movement of goods along the U.S. 101 transportation corridor.
- Maintain and enhance bicycle access in the U.S. 101 corridor.
The need for the project is summarized as follows:

• The project segment of U.S. 101, which is currently a 4-lane expressway in Santa Clara County and a 4-lane freeway in San Benito County, has insufficient capacity to accommodate future demand during peak travel periods. As a result, delays and congestion are projected to occur during the AM and PM peak weekday commutes, as well as on weekends.

• The design of the existing U.S. 101/SR 25 interchange is inadequate to accommodate demand, the result of which is the backup of traffic onto the mainlines of U.S. 101 and SR 25.

• Existing conditions within the project segment of U.S. 101 that do not meet current standards include inadequate shoulder widths, uncontrolled local and private access, reduced sight distance, insufficient merge/weave sections, and insufficient street lighting. These conditions, coupled with relatively high volumes of traffic and relatively high travel speeds, have resulted in accident rates that are higher than those on the adjacent freeway segment of U.S. 101 to the north.

• The lack of controlled access to U.S. 101 and the absence of frontage roads along the highway requires local traffic associated with the adjacent land uses to utilize U.S. 101. This results in conflicts between fast-moving highway traffic and slower-moving vehicles that are entering/exiting along the existing highway.

• The existing at-grade crossing of the UPRR tracks on SR 25 just west of Bloomfield Road causes traffic backups during train operations.

• The lack of a signalized intersection at the U.S. 101 ramp termini on SR 129 is projected to result in delay as demand increases.

PROPOSED ACTION

A summary of the main improvements of the proposed project is provided below. Details are provided in Section 1.3 of this document.

- Widen and upgrade U.S. 101 to a 6-lane freeway between the Monterey Street interchange in Gilroy and the SR 129 interchange in northern San Benito County.
Reconstruct the U.S. 101/SR 25 interchange. There are two design options for the reconstructed interchange being considered. Design Option A would reconstruct the U.S. 101/SR 25 interchange at a location approximately 0.2 miles north of the existing interchange. Design Option B would reconstruct the U.S. 101/SR 25 interchange at essentially the same location as the existing interchange.

Construct an auxiliary lane in each direction on U.S. 101 between the Monterey Street and SR 25 interchanges.

Extend Santa Teresa Boulevard approximately 0.5 miles from Castro Valley Road to the new U.S. 101/SR 25 interchange.

Construct improvements at the southbound U.S. 101 off-ramp to SR 129.

Construct frontage roads, as needed, to replace existing access to U.S. 101 from adjacent properties.

Grade-separate the Union Pacific Railroad (UPRR) crossing on SR 25 just west of Bloomfield Avenue.

Construct bicycle facilities, as needed, to replace access that will be lost when U.S. 101 is upgraded to a freeway and to improve bicycle access in the project area.

Table 5-1 provides a brief summary of the environmental impacts of the project, as well as avoidance, minimization, and/or mitigation measures. The reader is referred to Chapter 2 of this EIR for detailed discussions of the existing setting, impacts, and avoidance, minimization, and/or mitigation measures.

Construction of the proposed project will require permits/approvals from the governmental agencies listed in Table 5-2.

During the planning and preliminary design for the project, VTA and Caltrans have undertaken substantial outreach to the public and to affected governmental agencies. This outreach, which
is described in detail in Section 3, focused on soliciting input on a wide variety of issues, most notably the following:

- Local property access and local traffic circulation given the proposed upgrade of U.S. 101 from an expressway to a freeway in the Santa Clara County portion of the project.

- Bicycle and pedestrian access and circulation in the project area, including maximizing connections to existing and future trails.

- The substantial amount of right-of-way needed for the project, including the acquisition and relocation of four residences and two businesses.

- Coordination of the project’s design to be compatible with other planned improvements, including a separate project to upgrade SR 25 to an expressway.

- The relationship of the project to the planned Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan viz a viz mitigation for the project’s impacts to wetlands and aquatic habitat, riparian habitat, oak woodland habitat, and a number of special-status animal species.

- Measures to facilitate wildlife movement across the U.S. 101 corridor given the project’s location in an area of importance to habitat connectivity and wildlife movement.

- The location of the project in proximity to a number of historical and archaeological resources, including the Bloomfield Ranch.

- Measures to address the existing hydrological issues, including the fact that much of the area and portions of U.S. 101 are subject to flooding. There are floodplain issues along the Pajaro River that are particularly important, requiring coordination with the Pajaro River Watershed Flood Prevention Authority.

- The impacts of the project on prime agricultural lands, including those under Williamson Act contracts. The purchase of agricultural conservation easements is proposed.

**Issues to be Resolved**

The one substantial project-related issue to be resolved centers on the proposed reconstruction of the U.S. 101/SR 25 interchange, specifically whether to choose Design Option A or Design Option B. This decision will involve the consideration and weighing of a number of factors including their differences in construction costs and environmental impacts.
<table>
<thead>
<tr>
<th>Environmental Impact</th>
<th>Avoidance, Minimization, Mitigation Measures</th>
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<tbody>
<tr>
<td><strong>Land Use [EIR Section 2.1]</strong></td>
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<tr>
<td><strong>Impact LU-1:</strong> The project will not physically divide an established community. [No Impact]</td>
<td>No avoidance, minimization, or mitigation measures are required.</td>
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<tr>
<td><strong>Impact LU-2:</strong> The project is consistent with relevant regional and local plans and policies. [No Impact]</td>
<td>No avoidance, minimization, or mitigation measures are required.</td>
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<tr>
<td><strong>Growth [EIR Section 2.2]</strong></td>
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<tr>
<td><strong>Impact GR-1:</strong> The project would result in a direct and significant growth-inducing impact if and when the application for the El Rancho San Benito (ERSB) project is resubmitted and the approval of ERSB is conditioned upon the widening of U.S. 101. [Significant Impact]</td>
<td>There is no feasible mitigation for this impact. [Significant Unavoidable Impact]</td>
</tr>
<tr>
<td><strong>Impact GR-2:</strong> The project’s indirect effect on the rate, location, and/or amount of future growth will not be substantial. [Less-than-Significant Impact]</td>
<td>No avoidance, minimization, or mitigation measures are required.</td>
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<td><strong>Farmlands [EIR Section 2.3]</strong></td>
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<td><strong>Impact FARM-1:</strong> The project will convert 157 acres and 122 acres of prime farmland to highway uses under Design Option A and Design Option B, respectively. Included in this conversion are farmlands that are under Williamson Act contracts. [Significant Impact]</td>
<td>MM-FARM-1.1: Farmland conservation easements will be purchased at a 1:1 mitigation-to-impact ratio for each acre of farmland directly impacted by the project. This mitigation will not reduce this impact to a less-than-significant level. [Significant Unavoidable Impact]</td>
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<tr>
<td><strong>Relocations [EIR Section 2.4]</strong></td>
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<tr>
<td>The project will require the acquisition and relocation of four residences and two businesses. The displacement of these residences and businesses is a substantial economic and social effect of the project. Under CEQA it is not, however, an environmental impact</td>
<td>These properties will be purchased at fair market value. Relocation assistance will be provided in accordance with the provisions of the Department’s Relocation Assistance Program.</td>
</tr>
</tbody>
</table>
### Table S-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND AVOIDANCE, MINIMIZATION AND/OR MITIGATION MEASURES

<table>
<thead>
<tr>
<th>Environmental Impact</th>
<th>Avoidance, Minimization, Mitigation Measures</th>
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<tbody>
<tr>
<td><strong>Utilities &amp; Emergency Services [EIR Section 2.5]</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Impact UTIL-1:</strong> The project will not result in the disruption of utility services. The project will not hinder emergency vehicle response times. The project will not sever or alter any emergency evacuation routes.</td>
<td>No avoidance, minimization, or mitigation measures are required. [No Impact]</td>
</tr>
<tr>
<td><strong>Transportation &amp; Traffic, Bicycle &amp; Pedestrian Facilities [EIR Section 2.6]</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Impact TRAN-1:</strong> The project will improve peak-period traffic operations along the project segment of U.S. 101.</td>
<td>No avoidance, minimization, or mitigation measures are required. [Beneficial Impact]</td>
</tr>
<tr>
<td><strong>Impact TRAN-2:</strong> The project will not result in a significant impact at any of the study intersections.</td>
<td>No avoidance, minimization, or mitigation measures are required. [Less-than-Significant Impact]</td>
</tr>
<tr>
<td><strong>Impact TRAN-3:</strong> Although the project will eliminate bicycle access along the shoulder of U.S. 101 and SR 25 within the project limits, this access will be replaced with a system of new north-south and east-west bike lanes and bike paths, providing a safe and direct means for bicycle travel in this area.</td>
<td>No avoidance, minimization, or mitigation measures are required. [Beneficial Impact]</td>
</tr>
<tr>
<td><strong>Visual/Aesthetics [EIR Section 2.7]</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Impact VISUAL-1:</strong> The proposed retaining walls will not result in a substantial change to the existing visual and aesthetic environment along the project segment of U.S. 101.</td>
<td>No avoidance, minimization, or mitigation measures are required. [Less-than-Significant Impact]</td>
</tr>
<tr>
<td><strong>Impact VISUAL-2:</strong> Under Design Option A, the visual impact of the project from a vantage point along U.S. 101, 0.6 miles north of the 101/25 interchange, will be substantial.</td>
<td>No avoidance, minimization, or mitigation measures are required. [Significant Impact]</td>
</tr>
<tr>
<td><strong>MM-VISUAL-2.1:</strong> The visual effect of the new SR 25 overcrossing will be lessened through the incorporation of architectural design features (i.e., use of colors and textures that reduce visual impacts) into the structure. Landscaping will also be added to the interchange to lessen this impact. This mitigation will not reduce this impact to a less-than-significant level.</td>
<td>[Significant Unavoidable Impact]</td>
</tr>
</tbody>
</table>
## Table S-1
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<tbody>
<tr>
<td><strong>Impact VISUAL-3</strong>: Under Design Option B, the visual impact of the project from a vantage point along U.S. 101, 0.6 miles north of the 101/25 interchange, will not be substantial. <strong>[Less-than-Significant Impact]</strong></td>
<td>No avoidance, minimization, or mitigation measures are required.</td>
</tr>
<tr>
<td><strong>Impact VISUAL-4</strong>: Under Design Option A, the visual impact of the project from a vantage point along Santa Teresa Boulevard near Gavilan College will not be substantial. <strong>[Less-than-Significant Impact]</strong></td>
<td>No avoidance, minimization, or mitigation measures are required.</td>
</tr>
<tr>
<td><strong>Impact VISUAL-5</strong>: Under Design Option B, the visual impact of the project from a vantage point along Santa Teresa Boulevard near Gavilan College will not be substantial. <strong>[Less-than-Significant Impact]</strong></td>
<td>No avoidance, minimization, or mitigation measures are required.</td>
</tr>
<tr>
<td><strong>Impact VISUAL-6</strong>: Under Design Option A, the visual impact of the project from a vantage point at the intersection of SR 25 and Bloomfield Avenue will not be substantial. <strong>[Less-than-Significant Impact]</strong></td>
<td>No avoidance, minimization, or mitigation measures are required.</td>
</tr>
<tr>
<td><strong>Impact VISUAL-7</strong>: Under Design Option B, the visual impact of the project from a vantage point at the intersection of SR 25 and Bloomfield Avenue will not be substantial. <strong>[Less-than-Significant Impact]</strong></td>
<td>No avoidance, minimization, or mitigation measures are required.</td>
</tr>
<tr>
<td><strong>Impact VISUAL-8</strong>: Under Design Option A, the visual impact of the project from a vantage point to the west of the existing 101/25 interchange will not be substantial. <strong>[Less-than-Significant Impact]</strong></td>
<td>No avoidance, minimization, or mitigation measures are required.</td>
</tr>
<tr>
<td><strong>Impact VISUAL-9</strong>: Under Design Option B, the visual impact of the project from a vantage point to the west of the existing 101/25 interchange will be substantial. <strong>[Significant Impact; reduced to Less-than Significant with Mitigation]</strong></td>
<td><strong>MM-VISUAL-9.1</strong>: Small trees will be planted along the north side of Santa Teresa Boulevard in order to screen views of this roadway from the adjacent event center. The trees will function as large screening shrubs. Species that grow into tall trees will not be planted as they would block views of the Diablo Range in the distance.</td>
</tr>
<tr>
<td>TABLE S-1</td>
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<tr>
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<tbody>
<tr>
<td><strong>Impact-VISUAL-10</strong>: The removal of vegetation by the project will not result in a significant visual impact.</td>
<td>No avoidance, minimization, or mitigation measures are required.</td>
</tr>
</tbody>
</table>

**Cultural Resources [EIR Section 2.8]**

| Impact CUL-1: Construction-related activities will adversely impact one or more of the archaeological resources in the Project Area Limits (PAL). | **MM-CUL-1.1**: To resolve construction-related activities that will adversely impact one or more of the historical resources in the PAL, an Archaeological Treatment Plan (ATP) will be developed that details procedures and mechanisms that will be followed by Caltrans and VTA to ensure both agencies satisfy their regulatory requirements under CEQA. The ATP will outline the process for completing the identification and evaluation phase of the regulatory process on parcels not yet acquired by the project where access was denied. When data recovery through excavation is the only feasible mitigation, provisions in the ATP for adequate recovery of scientifically consequential information from and about the historical resource, shall be implemented prior to any project-related construction or other activities being undertaken. |
| Impact CUL-2: The project will not have a substantial effect on the Bloomfield Ranch. | No avoidance, minimization, or mitigation measures are required. |
| Impact CUL-3: The project will have no adverse effect on the San Felipe Church. | No avoidance, minimization, or mitigation measures are required. |
| Impact CUL-4: The project will have no adverse effect on the Mayock House. | No avoidance, minimization, or mitigation measures are required. |

**Hydrology & Floodplains [EIR Section 2.9]**

<p>| Impact HYDRO-1: Under both Design Option A and Design Option B, the project will result in substantial flooding impacts within the 100-year floodplain of Carnadero Creek. | <strong>MM-HYDRO-1.1</strong>: The project will construct a 100-foot wide trapezoidal flood control channel along the north side of the proposed Santa Teresa Boulevard extension. It will also install three new double 14’ x 8’ RCB culverts under the ramps and U.S. 101. The flood control channel will divert water on the west side of U.S. 101 to the three double RCB culverts. (Design Option A only) |
| MM-HYDRO-1.2**: The project will install nine new 12-foot x 6-foot RCB culverts under U.S. 101 to divert flows from Gavilan Creek to the east side of U.S. 101. (Design Option B only) |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>MM-HYDRO-1.3:</td>
<td>The project will construct a detention basin adjacent to the reconstructed 101/25 interchange, on the east side of U.S. 101. The basin will have a storage capacity of 120 acre-feet and a footprint of roughly 40 acres, assuming an average depth of three feet. The basin will mitigate for the loss of floodplain storage that will occur with construction of the project. The basin will be designed to drain completely following high-runoff events, without depressional areas within its bed that could result in long-term ponding that would serve as an attractant to special-status reptiles and amphibians. (Both design options)</td>
</tr>
<tr>
<td>MM-HYDRO-1.4:</td>
<td>The project will install three double 14-foot x 8-foot RCB culverts under the southbound U.S. 101 off-ramp to SR 25 to convey flood flows under the ramp. (Design Option A only)</td>
</tr>
<tr>
<td>MM-HYDRO-1.5:</td>
<td>The project will construct a bridge (approximately 39-feet x 176-feet) on the southbound U.S. 101 off-ramp to SR 25 to convey flood flows under the ramp. (Design Option B only)</td>
</tr>
<tr>
<td>MM-HYDRO-1.6:</td>
<td>The project will construct a bridge on SR 25 just east of U.S. 101 to convey flood flows under SR 25. (Both design options)</td>
</tr>
<tr>
<td>MM-HYDRO-1.7:</td>
<td>The project will install five RCPs, each with a diameter of 30 inches, under the freeway to convey floodwaters downstream to mitigate the overtopping of U.S. 101 north of the Carnadero Creek crossing. (Both design options)</td>
</tr>
<tr>
<td>Impact HYDRO-2:</td>
<td>Under Design Option A, the project will result in substantial flooding impacts within the 100-year floodplain of Gavilan Creek. [Significant Impact; reduced to Less-than Significant with Mitigation]</td>
</tr>
<tr>
<td>MM-HYDRO-2.1:</td>
<td>The project will install a 6-foot x 4-foot RCB culvert and three RCPs (each with a 4-foot diameter) under the west side frontage road. (Design Option A only)</td>
</tr>
<tr>
<td>Impact HYDRO-3:</td>
<td>Under Design Option B, the project will not result in substantial flooding impacts within the 100-year floodplain of Gavilan Creek. [Less-than-Significant Impact]</td>
</tr>
<tr>
<td>Impact HYDRO-4:</td>
<td>The project will not raise the water surface elevation of the Tick Creek floodplain during a 100-year storm. [No Impact]</td>
</tr>
<tr>
<td>Impact HYDRO-4:</td>
<td>No avoidance, minimization, or mitigation measures are required.</td>
</tr>
<tr>
<td>Impact HYDRO-4:</td>
<td>No avoidance, minimization, or mitigation measures are required.</td>
</tr>
</tbody>
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### Table S-1

**SUMMARY OF ENVIRONMENTAL IMPACTS AND AVOIDANCE, MINIMIZATION AND/OR MITIGATION MEASURES**

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<tbody>
<tr>
<td>Impact HYDRO-5: The project will not result in substantial flooding impacts within the 100-year floodplain of Tar Creek. <strong>[Less-than-Significant Impact]</strong></td>
<td>No avoidance, minimization, or mitigation measures are required.</td>
</tr>
<tr>
<td>Impact HYDRO-6: The project will not result in substantial flooding impacts within the 100-year floodplain of the Pajaro River. <strong>[Less-than-Significant Impact]</strong></td>
<td>No avoidance, minimization, or mitigation measures are required.</td>
</tr>
<tr>
<td>Impact HYDRO-7: The project will not result in substantial flooding impacts within the 100-year floodplain of the San Benito River. <strong>[Less-than-Significant Impact]</strong></td>
<td>No avoidance, minimization, or mitigation measures are required.</td>
</tr>
<tr>
<td>Impact HYDRO-8: The project will not result in substantial flooding impacts within the 100-year floodplain of San Juan Creek. <strong>[Less-than-Significant Impact]</strong></td>
<td>No avoidance, minimization, or mitigation measures are required.</td>
</tr>
</tbody>
</table>

**Water Quality and Stormwater Runoff [EIR Section 2.10]**

| Impact WQ-1: Construction of the project will increase impervious surfaces by approximately 75 acres, which will increase stormwater runoff. This could lead to the degradation of water quality in nearby creeks and rivers. **[Significant Impact; reduced to Less-than Significant with Mitigation]** | **MM-WQ-1.1:** The project will create approximately 32.4 acres of biofiltration strips and swales along U.S. 101 within the project limits. The strips/swales will be located along the edges of the roadways and interchange ramps. This acreage represents the maximum practicable extent of treatment for this project within the constraints of the site. |

**Geology/Soils/Seismicity/Topography [EIR Section 2.11]**

<p>| Impact GEO-1: Construction of the project will not expose people to significant geologic hazards or risks. <strong>[Less-than-Significant Impact]</strong> | No avoidance, minimization, or mitigation measures are required. |</p>
<table>
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<tr>
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<tbody>
<tr>
<td>Paleontology [EIR Section 2.12]</td>
<td></td>
</tr>
<tr>
<td>Impact PALEO-1: Construction of the proposed project could impact paleontological resources and could destroy scientifically important fossils. [Significant Impact; reduced to Less-than Significant with Mitigation]</td>
<td>MM-PALEO-1.1: A nonstandard special provision for paleontology mitigation will be included in the construction contract special provisions section to advise the construction contractor of the requirement to cooperate with the paleontological salvage.</td>
</tr>
<tr>
<td></td>
<td>MM-PALEO-1.2: A qualified principal paleontologist will be retained to prepare a detailed Paleontological Mitigation Plan (PMP) prior to the start of construction. See Section 2.12 for the details as to the required contents of the PMP.</td>
</tr>
<tr>
<td>Hazardous Waste/Materials [EIR Section 2.13]</td>
<td></td>
</tr>
<tr>
<td>Impact HAZ-1: Construction of the proposed project could expose construction workers to hazardous substances in concentrations that exceed regulatory thresholds. [Significant Impact; reduced to Less-than Significant with Mitigation]</td>
<td>MM-HAZ-1.1: If construction activities occur within 50' of the Chevron Service Station located at 5887 Monterey Rd and groundwater is encountered, the groundwater will be sampled and analyzed for constituents of concern related to the Chevron Station contaminants prior to disposal. If groundwater is contaminated, it will be contained and either treated and discharged to the sanitary sewer or transported to a licensed groundwater treatment facility.</td>
</tr>
<tr>
<td></td>
<td>MM-HAZ-1.2: Prior to project development, a soil investigation will be conducted to determine whether ADL has affected soils that will be excavated as part of the proposed project. This applies to all locations where such testing has not already been completed. The investigation for ADL will be performed in accordance with the Caltrans' Lead Testing Guidance Procedure. The analytical results will be compared against applicable hazardous waste criteria. Based on analytical results, the investigation will provide recommendations regarding management and disposal of affected soils in the project area including the reuse potential of ADL-affected soil during project development. The provisions of a variance granted to the Department by the California Department of Toxic Substances Control on September 22, 2000 (or any subsequent variance in effect when the project is constructed) regarding aerially-deposited lead will be followed.</td>
</tr>
<tr>
<td></td>
<td>MM-HAZ-1.3: If contaminated soil is encountered (based on physical observation) during trenching activities along the alignment, the soil will be stockpiled and analyzed for potential contaminants. If the soil can not be reused onsite, it will be transported to the appropriate landfill pending waste classification. In addition, if contaminated groundwater is encountered during construction, similar steps should be taken to characterize and dispose of the groundwater as was discussed in MM-HAZ-1.2, above.</td>
</tr>
</tbody>
</table>
### TABLE S-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND AVOIDANCE, MINIMIZATION AND/OR MITIGATION MEASURES

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<tr>
<td><strong>MM-HAZ-1.4:</strong></td>
<td>Herbicides and pesticides will be analyzed in the shallow soil in site areas located adjacent to or on agricultural land. Shallow soil samples will be collected and analyzed for metals, total petroleum hydrocarbons, volatile organic compounds, polycyclic aromatic hydrocarbons, herbicides and pesticides from site areas adjacent to railroad tracks or within railroad crossings. If soil is impacted with any of the compounds discussed above, it will be stockpiled and sampled for reuse or disposal options.</td>
</tr>
<tr>
<td><strong>MM-HAZ-1.5:</strong></td>
<td>Testing for the presence of lead-based paint on the existing bridge structures, and within the existing buildings to be demolished, will occur. If this substance is found to be present, applicable regulations pertaining to its removal and disposal will be followed.</td>
</tr>
<tr>
<td><strong>MM-HAZ-1.6:</strong></td>
<td>Testing for the presence of asbestos-containing materials on the existing bridge structures, and within the existing buildings to be demolished, will occur. If asbestos is found to be present, applicable regulations pertaining to its removal and disposal will be followed.</td>
</tr>
<tr>
<td><strong>MM-HAZ-1.7:</strong></td>
<td>During construction, soil disturbed in the vicinity of the San Benito River may contain elevated levels of naturally-occurring asbestos (NOA). If elevated levels of NOA are found, then dust suppression measures consistent with the Air Resources Board Air Toxics Control Measure for asbestos will be implemented.</td>
</tr>
</tbody>
</table>

**Air Quality [EIR Section 2.14]**

- **Impact AQ-1:** Construction of the proposed project would not cause or contribute to violations of carbon monoxide standards. **[No Impact]**
  - No avoidance, minimization, or mitigation measures are required.

- **Impact AQ-2:** Construction of the proposed project would not substantially increase mobile source air toxic (MSAT) emissions within the project limits. Regional MSAT emissions would not change due to the project. **[Less-than-Significant Impact]**
  - No avoidance, minimization, or mitigation measures are required.

**Noise [EIR Section 2.16]**

- **Impact NOI-1:** Depending on the location, increases in long-term noise levels will range from 0-9 dBA, which is less than the 12-dBA threshold of significance. **[Less-than-Significant Impact]**
  - Although noise impacts are not significant, noise abatement was considered as noise levels will exceed the Noise Abatement Criteria. Soundwalls were determined feasible but not reasonable; see text for details.
### Table S-1
**SUMMARY OF ENVIRONMENTAL IMPACTS AND AVOIDANCE, MINIMIZATION AND/OR MITIGATION MEASURES**

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<thead>
<tr>
<th>Natural Communities [EIR Section 2.17]</th>
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</tr>
</thead>
</table>
| **Impact NATCOM-1:** The project will result in the permanent loss of eight acres of riparian habitat and temporary impacts to seven acres of riparian habitat. The project will also impact 890 linear feet of shaded riverine aquatic (SRA) habitat.  | **MM-NATCOM-1.1:** The project will pay development fees to the Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan HCP/NCCP for impacts to riparian habitat. For more information on the HCP/NCCP, please see Section 2.17.5. **MM-NATCOM-1.2:** If MM-NATCOM-1.1 turns out to be infeasible for some or all of the project, permanent impacts to riparian habitat will be mitigated by creating/restoring riparian habitat at a 3:1 ratio, on an acreage basis; temporary impacts will be mitigated at a 2:1 ratio, on an acreage basis; and SRA impacts will be mitigated at a 2:1 ratio, on a linear footage basis. These ratios are higher than those given in the HCP/NCCP as they are for restoration/creation only; there is no preservation component. See Section 2.17.5 for details.

As a potential alternative to the project creating/restoring riparian habitat at a nearby location, this measure could be satisfied, in whole or part, through the purchase of riparian mitigation credits from an approved mitigation bank. However, at the time this document was prepared, there were no approved mitigation banks offering riparian mitigation credits for projects located in the southern Santa Clara County/northern San Benito County area. If such banks become available and the project decides to purchase credits, the mitigation ratios given above for the creation/restoration of riparian habitat will apply. **[Note:]** MM-NATCOM-1.2 will be implemented only if MM-NATCOM-1.1 is determined to be partially or completely infeasible. |

| Impact NATCOM-2: The project will permanently impact 2.0 and 1.5 acres of oak woodland habitat under Design Option A and Design Option B, respectively.  | **MM-NATCOM-2.1:** The project will pay an in-lieu fee to the HCP/NCCP for the permanent impacts to oak woodland habitat. **MM-NATCOM-2.2:** If MM-NATCOM-2.1 turns out to be infeasible, impacts to oak woodland will be mitigated by creating/restoring oak woodland habitat at a 2:1 ratio. **[Note:]** MM-NATCOM-2.2 will be implemented only if MM-NATCOM-2.1 is determined to be infeasible. |

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<tr>
<td>Impact NATCOM-3: The project will result in an adverse effect on wildlife movement by increasing road mortality and the ability of some animals to move across U.S. 101. [Significant Impact; reduced to Less-than Significant with Mitigation]</td>
<td>MM-NATCOM-3.1: North of Tar Creek, the project will maintain the existing standard fencing and thrie-beam median barrier.</td>
</tr>
<tr>
<td></td>
<td>MM-NATCOM-3.2: New box culverts will be installed under U.S. 101 north of SR 25 for the purpose of accommodating flood flows; see MM-HYDRO-1.1 and MM-HYDRO-1.2. Although wildlife crossings are not substantial in this area, these culverts will be beneficial to wildlife movement across the U.S. 101 corridor because they will be dry year-round in most years.</td>
</tr>
<tr>
<td></td>
<td>MM-NATCOM-3.3: A new culvert under U.S. 101 will be installed between Tar Creek and the Pajaro River. The height of the culvert will be at least 4 feet.</td>
</tr>
<tr>
<td></td>
<td>MM-NATCOM-3.4: The existing, 90-inch, corrugated metal pipe (CMP) under U.S. 101 south of the Pajaro River will be replaced by a box culvert to maintain or increase its &quot;openness ratio&quot; (a measure of how &quot;open&quot; a culvert appears to animals, taking into account its height, width, and length) as this culvert is lengthened. This modification will at least maintain, if not enhance, the usefulness of this culvert to wildlife crossing under U.S. 101.</td>
</tr>
<tr>
<td></td>
<td>MM-NATCOM-3.5: The existing, 54-inch, reinforced concrete pipe (RCP) under U.S. 101 just north of the Betabel Road/Y Road interchange will be replaced with a box culvert at least 90 inches in height. Increasing the height and width of this culvert will increase its openness ratio considerably, thereby enhancing its attractiveness to wildlife attempting to cross U.S. 101.</td>
</tr>
<tr>
<td></td>
<td>MM-NATCOM-3.6: Wildlife fencing will be installed along U.S. 101 from Tar Creek south to the San Benito River to minimize the potential for wildlife to access the highway's surface. The wildlife fencing will extend 0.25 miles north of Tar Creek and south of the San Benito River to minimize the potential for wildlife to move around the fence and onto the roadway. Wildlife &quot;jump-outs&quot; or one-way gates will be installed in several locations within this segment so that animals that are able to find a way onto the highway will be able to exit.</td>
</tr>
<tr>
<td></td>
<td>MM-NATCOM-3.7: Where feasible, designs for the culverts that will be lengthened by the project will include metal grating in the shoulder of the road surface. This grating will increase lighting within the culverts, offsetting the increased darkness resulting from lengthening the culverts.</td>
</tr>
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<td><strong>MM-NATCOM-3.8:</strong></td>
<td>At several existing culverts under U.S. 101, vegetation immediately in front of the culverts may block the culverts from the view of dispersing animals and provide cover in which predators may hide. Although such cover may benefit animals at times, the function of the culverts (from a wildlife perspective) is to move quickly through the corridor. Therefore, in some areas, vegetation will be cleared immediately in front of culverts to make them more conspicuous and attractive and to reduce cover in which predators may hide.</td>
</tr>
<tr>
<td><strong>MM-NATCOM-3.9:</strong></td>
<td>The concrete median barriers south of Tar Creek will be retrofitted to incorporate wildlife passageways (Caltrans standard &quot;Type S, M, and/or L&quot;) to facilitate crossings by animals that are able to cross over or through the wildlife fencing in these areas.</td>
</tr>
<tr>
<td><strong>MM-NATCOM-3.10:</strong></td>
<td>Following completion of construction, monitoring will be performed to ensure that MM-NATCOM-3.1 through MM-NATCOM-3.6, and MM-NATCOM-3.9, have been implemented; to document that grating has been incorporated into the road shoulder per MM-NATCOM-3.7 where feasible; and to document that vegetation potentially concealing undercrossings has been cleared as appropriate to make inconspicuous undercrossings more evident to wildlife per MM-NATCOM-3.8. In addition, monitoring will occur at the Tar Creek, Pajaro River, and San Benito River bridges, as well as at the two culverts that are to be upgraded in size between the Pajaro River and the Betabel Road/Y Road interchange, to verify continued use by mammals moving from one side of U.S. 101 to the other. For details regarding the monitoring, see Section 2.17.5.3.</td>
</tr>
<tr>
<td>Impact NATCOM-4:</td>
<td>Construction of the proposed project will not create barriers to the passage of fish. [No Impact]</td>
</tr>
<tr>
<td><strong>No avoidance, minimization, or mitigation measures are required.</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Wetlands [EIR Section 2.18]</strong></td>
<td><strong>MM-WET-1.1:</strong> The project will pay development fees to the Santa Clara Valley HCP/NCCP for impacts to wetlands and aquatic habitat. For more information on the HCP/NCCP, please see Section 2.17.5.</td>
</tr>
<tr>
<td>Impact WET-1:</td>
<td>The project will result in the permanent loss of 3.2 acres of wetlands and aquatic habitat and temporary impacts of up to 1.5 acres of wetlands and aquatic habitat. [Significant Impact; reduced to Less-than Significant with Mitigation]</td>
</tr>
</tbody>
</table>

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U.S. 101 Improvement Project  
Monterey Street to SR 129  
Final EIR  
May 2013
<table>
<thead>
<tr>
<th>Environmental Impact</th>
<th>Avoidance, Minimization, Mitigation Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MM-WET-1.2:</strong> If MM-WET-1.1 turns out to be infeasible for some or all of the project, permanent impacts to wetlands and aquatic habitat will be mitigated by the purchase of credits from the Pajaro River Mitigation Bank that services both Santa Clara and San Benito Counties. If credits are no longer available at this bank, and if there are no other approved mitigation banks whose service area includes the project area, then mitigation will occur through on-site or off-site creation of wetland and aquatic habitat at a 2:1 ratio, on an acreage basis.</td>
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<tr>
<td><strong>MM-WET-1.3:</strong> The temporary wetland and aquatic habitat impacts will be mitigated at a 1:1 acreage ratio within the impact footprint through the restoration of pre-construction grades, hydrology, and soil conditions in situ to any wetland and aquatic areas temporarily disturbed during construction. Wetland vegetation, structure, and function are expected to regenerate naturally following the restoration of grades, hydrology, and soils. For further details regarding this measure, please see Section 2.18.5.</td>
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</table>

**Plant Species [EIR Section 2.19]**

| Impact PLANT-1: The project will not impact any special-status plant species. [No Impact] | No avoidance, minimization, or mitigation measures are required. |

**Animal Species [EIR Section 2.20]**

| Impact ANIMAL-1: The project will result in both short- and long-term adverse impacts to Pacific lampreys and Monterey roach. [Significant Impact; reduced to Less-than Significant with Mitigation] | MM-ANIMAL-1.1: The project will fully mitigate for impacts to SRA, riparian, and aquatic habitats. This mitigation is summarized above [see Natural Communities and Wetlands]. |
| MM-ANIMAL-1.2: Any construction activities within the low-flow channels of waterways where Pacific lamprey and Monterey roach are known or likely to occur will be limited to the period of June 15 - October 15. |
| MM-ANIMAL-1.3: For waterways where Pacific lamprey and Monterey roach are known or likely to occur, measures will be taken to ensure that movement of fish is not prevented by any water diversion structures used during construction, regardless of when construction occurs. Water will be diverted through the construction site by way of an open ditch or other method approved by the regulatory agencies. |
| MM-ANIMAL-1.4: The project will implement measures during construction to avoid and minimize the potential degradation of water quality within any waterways where Pacific lamprey and Monterey roach are known or likely to occur. These measures are summarized subsequently in this table [see Construction Impacts]. |
### SUMMARY OF ENVIRONMENTAL IMPACTS AND AVOIDANCE, MINIMIZATION AND/OR MITIGATION MEASURES

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<tr>
<td><strong>Impact ANIMAL-2</strong>: The project’s effect on the western spadefoot toad will not be substantial. [Less-than-Significant Impact]</td>
<td>No avoidance, minimization, or mitigation measures are required.</td>
</tr>
<tr>
<td><strong>Impact ANIMAL-3</strong>: Construction activities could result in harm to individual western pond turtles. [Significant Impact; reduced to Less-than Significant with Mitigation]</td>
<td><strong>MM-ANIMAL-3.1</strong>: A pre-construction survey for the western pond turtle shall be conducted within 30 days prior to any site preparation, grading or construction activity at the Pajaro River, San Benito River, San Juan Creek, Tar Creek, Carnadero Creek, and Tick Creek. A single, intensive search for this species shall be performed in areas exhibiting even marginally suitable habitat, covering the area of potential impact at each creek crossing and extending at least 500 feet beyond the area of potential impact both upstream and downstream. If this species is found within the surveyed area, the California Department of Fish and Wildlife (CDFW) shall be notified of such occurrence and, if possible, and without injury, individuals shall be captured and moved to a safe location, at least 500 feet away from the area of potential impact.</td>
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<td><strong>MM-ANIMAL-3.2</strong>: If individuals and/or suitable habitat are located within 500 feet of the area of potential impact at a creek crossing, monitoring will be performed during the process of clearing vegetation within the construction zone, to ensure that any western pond turtles that may be present will be safely relocated. The biologist conducting such monitoring, if necessary, shall have the authority to halt operations in the immediate area to avoid harming turtles, if present, until individuals are safely captured and relocated. The CDFW shall be notified of such occurrence.</td>
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<td><strong>MM-ANIMAL-3.3</strong>: During pre-construction surveys and other measures to be implemented for California red-legged frogs and California tiger salamanders, a qualified biologist will look for western pond turtles within the project’s impact areas. If any pond turtles are detected during these surveys, or during construction, in an area where the individuals could be impacted, they will be relocated to a suitable location outside the area of project impact in consultation with the CDFW.</td>
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<tr>
<td><strong>Impact ANIMAL-4</strong>: The project’s effect on the golden eagle and the long-eared owl will not be substantial. [Less-than-Significant Impact]</td>
<td>No avoidance, minimization, or mitigation measures are required.</td>
</tr>
<tr>
<td><strong>Impact ANIMAL-5</strong>: The project’s effect on seven special-status bird species that could nest in the project impact area will not be substantial. [Less-than-Significant Impact]</td>
<td>No avoidance, minimization, or mitigation measures are required.</td>
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<td>Impact ANIMAL-6: The project could result in a loss of burrowing owl habitat and harm to individual owls if the owls are found to occupy the project site prior to construction. [Significant Impact; reduced to Less-than Significant with Mitigation]</td>
<td>MM-ANIMAL-6.1: Pre-construction surveys will be undertaken to determine if owls utilize the habitat to be impacted by the project.</td>
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<td><strong>MM-ANIMAL-6.2:</strong> Prior to construction, during the non-nesting season, any owls occupying burrows within construction zones shall be passively relocated under the authorization of the CDFW. Passive relocation is an intensive process that involves the installation of one-way doors in all ground squirrel burrows occurring on the site, which allow owls to leave their burrows but do not allow them to return, thereby forcing owls to move to a different area. Owl doors shall be monitored by a qualified biologist daily for a period of no less than three days and after that period, burrows shall be destroyed to preclude owls from returning to the burrows, and grading of these areas shall commence within seven days. The passive relocation will be repeated if owls move back to the construction areas.</td>
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<tr>
<td>MM-ANIMAL-6.3: Burrows within the construction zone that are occupied by owls shall not be disturbed during the nesting season (February 15 through September 1) unless a qualified biologist verifies that either the owls have not begun laying and incubating eggs, or that juvenile owls have fledged and are able to live independently of their parents. If construction will occur during the nesting season, the project shall establish and maintain a minimum of a 250-foot buffer around any active nest.</td>
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<td>MM-ANIMAL-6.4: If, based on pre-construction surveys, it is determined that owls utilize habitat that will be impacted by the project, mitigation for the loss of such habitat will take the form of the payment of development fees to the Santa Clara Valley HCP/NCCP. For more information on the HCP/NCCP, please see Section 2.17.5.</td>
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<td>MM-ANIMAL-6.5: If MM-ANIMAL-6.4 turns out to be infeasible for some or all of the project, mitigation will consist of the purchase of credits from a mitigation bank that serves the project area. If no banks or credits are available, then the project will develop and implement a plan for the creation or enhancement of burrows, maintenance of burrows and management of foraging habitat, monitoring procedures, funding assurance, annual reporting requirements, and contingency and remediation measures. The extent of the mitigation lands (either for the purchase of mitigation credits or for project-specific mitigation), enhancement measures, and other details will be determined based on the circumstances surrounding the owls to be impacted and their habitat, in consultation with the CDFW.</td>
<td>[Note: MM-ANIMAL-6.5 will be implemented only if MM-ANIMAL-6.4 is determined to be partially or completely infeasible.]</td>
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### SUMMARY OF ENVIRONMENTAL IMPACTS AND AVOIDANCE, MINIMIZATION AND/OR MITIGATION MEASURES

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<td><strong>Impact ANIMAL-7:</strong> The project’s effect on the tricolored blackbird will not be substantial. [Less-than-Significant Impact]**</td>
<td>No avoidance, minimization, or mitigation measures are required.</td>
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<tr>
<td><strong>Impact ANIMAL-8:</strong> While the impact of the project on habitat used by the San Francisco dusky-footed woodrat will not be substantial, construction activities are likely to harm or kill woodrats that nest within the construction zone. [Significant Impact; reduced to Less-than Significant with Mitigation]**</td>
<td><strong>MM-ANIMAL-8.1:</strong> Prior to any clearing of - or work within - riparian, oak woodland, or coyote brush scrub habitat, or the removal of any oak trees located outside these habitats, a qualified biologist will conduct a survey for San Francisco dusky-footed woodrat nests. <strong>&lt;br&gt;</strong> <strong>MM-ANIMAL-8.2:</strong> Where nests are found, and if feasible, the project will maintain a buffer of at least several feet (preferably as much as 10 feet) around these nests. The purpose of the buffer is to avoid moving or bumping the nests or logs or branches on which the nests rest. If avoidance of nests is not feasible, the nests will be dismantled and the nesting material moved to a new location outside the project’s impact areas so that it can be used by woodrats to construct new nests. The process by which this mitigation will occur is described in Section 2.20.5.</td>
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<tr>
<td><strong>Impact ANIMAL-9:</strong> During the construction phase, the project could adversely affect roosting bats, potentially resulting in temporary loss of day-roost habitat and harm to individual bats. [Significant Impact; reduced to Less-than Significant with Mitigation]**</td>
<td><strong>MM-ANIMAL-9.1:</strong> A pre-construction/pre-demolition survey for roosting bats will be conducted prior to any construction on the U.S. 101 southbound span over Tar Creek, which is the only bridge with potential for (and known) day roosting by bats. Such a survey will also be conducted in any trees and buildings within or immediately adjacent to the impact area that are identified by a qualified bat biologist (i.e., a biologist holding a CDFW collection permit allowing the biologist to handle and collect bats) as being high-potential roost sites. For details regarding this measure, please see Section 2.20.5. <strong>&lt;br&gt;</strong> <strong>MM-ANIMAL-9.2:</strong> Because the aforementioned survey will be conducted prior to the breeding season, several months may pass between that survey and the initiation of construction or demolition in a given area. Therefore, a second preconstruction/ pre-demolition survey for roosting bats, following the methods described above, will be conducted within 15 days prior to the commencement of these activities in a given area to determine whether bats have occupied a roost in or near the project’s impact areas. This survey should be facilitated considerably by information (e.g., on potential roost trees) gathered during the previous survey. <strong>&lt;br&gt;</strong> <strong>MM-ANIMAL-9.3:</strong> If a maternity roost of any bat species is present, the bat biologist will determine the extent of a construction-free buffer around the active roost that will be maintained. This buffer would be maintained from April 1st until the young are flying, typically after August 31st.</td>
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<td>MM-ANIMAL-9.4: If a day roost is found on a bridge, in a building, or in a tree that is to be completely removed or replaced, individual bats will be safely evicted under the direction of a qualified bat biologist. Eviction of bats will occur at night, so that bats will have less potential for predation compared to daytime roost abandonment. Eviction will occur between September 1st and March 31st, outside the maternity season, but will not occur during long periods of inclement or cold weather (as determined by the bat biologist) when prey are not available or bats are in torpor. For details regarding this measure, please see Section 2.20.5.</td>
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<tr>
<td>MM-ANIMAL-9.5: If a day roost will be impacted, an alternative bat roost structure will be provided. The design and placement of this structure will be determined by a bat biologist, in consultation with the CDFW, based on the species of bat to be displaced, the location of the original roost, and the habitat conditions in the vicinity. For details regarding this measure, please see Section 2.20.5.</td>
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<tr>
<td>MM-ANIMAL-9.6: In some circumstances, it may be beneficial to allow roosting bats to continue using a roost while construction is occurring on or near the roost site. For details regarding this measure and a description of the process that will be used to determine if bats should continue to roost during construction, please see Section 2.20.5.</td>
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<td>Impact ANIMAL-10: While the impact of the project on habitat used by the ringtail will not be substantial, construction activities could harm or kill ringtails if they are found to be nesting within the construction zone. [Significant Impact; reduced to Less-than Significant with Mitigation]</td>
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<td>MM-ANIMAL-10.1: If a ringtail nest is detected incidentally (i.e., during the woodrat surveys described above in MM-ANIMAL-8.1), a qualified mammalogist will determine the extent of a construction-free buffer zone that should be maintained around the den. Construction activities within this zone will not occur during the period March 1st through August 31st to avoid potential construction disturbance to the ringtail during the breeding season. After August 31st, individuals will be safely evicted, under the direction of a qualified mammalogist, by disturbing the den site under the cover of darkness to allow the ringtail(s) to abscond safely to a new location without being exposed considerably to predators or competitors.</td>
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<tr>
<td>Impact ANIMAL-11: While the impact of the project on habitat used by the badger will not be substantial, construction activities could harm or kill badgers if they are found to be denning within the construction zone. [Significant Impact; reduced to Less-than Significant with Mitigation]</td>
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<tr>
<td>MM-ANIMAL-11.1: A qualified mammalogist will conduct preconstruction surveys for badger dens on and within 300 ft of the site (as access permits), within two weeks prior to ground-breaking in any given area currently occupied by grassland or ruderal habitat. If the mammalogist identifies any dens that appear suitable for this species (based on size, shape, or other features), such “potential dens” will be monitored via tracking media or camera for a period of at least three days to determine occupancy, then excavated if no evidence of occupancy is detected. If an active maternity badger den is located, the mammalogist will determine the measures (e.g., buffers) that will be taken to avoid impacts to the den during the pupping season (i.e., February 15th through July 1st, or as otherwise determined through surveys and monitoring of the den), in consultation with the CDFW. After the pupping season, if a den is located in an onsite impact area, the badgers will be evicted by excavation of the den using hand tools, in consultation with the CDFW and under the supervision of a qualified mammalogist.</td>
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### Environmental Impact

**Impact ANIMAL-12:** Construction activities may adversely affect birds that are nesting within or adjacent to the project’s construction zone. **[Significant Impact; reduced to Less-than Significant with Mitigation]**

**Avoidance, Minimization, Mitigation Measures**

**MM-ANIMAL-12.1:** Vegetation that will be impacted by the project will be removed during the non-breeding season (i.e., September 1<sup>st</sup> to February 14<sup>th</sup>), if feasible, to help preclude nesting. If it is not feasible to schedule vegetation removal during the non-breeding season, then pre-construction surveys for nesting birds will be conducted by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey will be conducted no more than seven days prior to the initiation of construction activities. During this survey, the ornithologist will inspect all trees, shrubs, and other potential nesting habitats in and immediately adjacent to the impact areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist, in consultation with CDFW, will determine the extent of a buffer zone to be established around the nest, typically 250 feet for raptors and 50 feet for other birds, which can range from 100 to 300 feet or more depending on the sensitivity of the nest and/or species.

**MM-ANIMAL-12.2:** At bridges, to avoid impacts to nesting swallows and black phoebes, old nests will be removed prior to February 15<sup>th</sup>, or after February 15<sup>th</sup> if a qualified ornithologist determines that the nests are not active. For details regarding this measure, please see Section 2.20.5.

### Threatened and Endangered Species [EIR Section 2.21]

**Impact T&E-1:** The project will result in both short- and long-term adverse impacts to steelhead. **[Significant Impact; reduced to Less-than Significant with Mitigation]**

**Avoidance, Minimization, Mitigation Measures**

**MM-T&E-1.1:** The project will mitigate for impacts to SRA, riparian, and aquatic habitats. This mitigation is summarized above [see Natural Communities and Wetlands].

**MM-T&E-1.2:** Any construction activities within the low-flow channels of waterways where steelhead are known or likely to occur will be limited to the period of June 15 - October 15.

**MM-T&E-1.3:** For waterways where steelhead are known or likely to occur, measures will be taken to ensure that movement of fish is not prevented by any water diversion structures used during construction, regardless of when construction occurs. Water will be diverted through the construction site by way of an open ditch or other method approved by the regulatory agencies.

**MM-T&E-1.4:** The project will implement measures during construction to avoid and minimize the potential degradation of water quality within any waterways where steelhead are known or likely to occur. These measures are summarized below [see Construction Impacts].

**Impact T&E-2:** The project will result in both short- and long-term adverse impacts to the California red-legged frog. **[Significant Impact; reduced to Less-than Significant with Mitigation]**

**Avoidance, Minimization, Mitigation Measures**

**MM-T&E-2.1:** The project will fully mitigate for impacts to riparian habitat and aquatic/wetland habitat, the two habitat types of greatest value to red-legged frogs. This mitigation is summarized above [see Natural Communities and Wetlands].
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<tr>
<td><strong>MM-T&amp;E-2.2:</strong> The project will pay development fees to the Santa Clara Valley HCP/NCCP for impacts to upland non-breeding red-legged habitat. For more information on the HCP/NCCP, please see Section 2.17.5.</td>
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</table>
| **MM-T&E-2.3:** If MM-T&E-2.2 turns out to be infeasible for some or all of the project, mitigation for impacts to upland non-breeding frog habitat will consist of the purchase of credits from a mitigation bank that serves the project area. If no banks or credits are available, then the project will develop and implement a plan for the preservation and enhancement of non-breeding red-legged frog habitat at off-site location(s).  
**[Note: MM-T&E-2.3 will be implemented only if MM-T&E-2.2 is determined to be partially or completely infeasible.]** |
<p>| <strong>MM-T&amp;E-2.4:</strong> Prior to any ground disturbance, pre-construction surveys shall be conducted by a USFWS-approved biologist for the California red-legged frog. These surveys shall consist of walking surveys of the project limits and adjacent areas accessible to the public to determine presence of the species. If any red-legged frogs are detected within construction areas, they will be relocated to predetermined sites outside the project area (with the approval of the USFWS). For details regarding this measure, please see Section 2.21.5. |
| <strong>MM-T&amp;E-2.5:</strong> An employee education program will take place before groundbreaking for the project. For details regarding this measure, please see Section 2.21.5. |
| <strong>MM-T&amp;E-2.6:</strong> Prior to the start of work each day, dedicated construction personnel will inspect trenches and pits that were left open overnight. If a California red-legged frog (or any amphibian that construction personnel think may be of this species) is encountered, a protocol will be followed, as described in Section 2.21.5. |
| <strong>MM-T&amp;E-2.7:</strong> Permanent and temporary disturbances and other types of project-related disturbance to the habitats of the California red-legged frog shall be minimized to the maximum extent practicable. To minimize temporary disturbances, all project-related vehicle traffic shall be restricted to established roads, construction areas, and other designated areas. These areas will also be included in pre-construction surveys and, to the maximum extent possible, should be established in locations disturbed by previous activities to prevent further adverse effects. |
| <strong>MM-T&amp;E-2.8:</strong> Project-related vehicles shall observe a 15 mph speed limit within construction areas, except on established public roadways; this is particularly important at night when the California red-legged frog is most active. To the maximum extent possible, nighttime construction should be minimized. Off-road traffic outside of designated project areas shall be prohibited. |</p>
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<tr>
<td><strong>MM-T&amp;E-2.9:</strong></td>
<td>To prevent inadvertent entrapment of red-legged frogs during construction, all excavated, steep-walled holes or trenches more than two feet deep shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. For more details regarding this measure, please see Section 2.21.5.</td>
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<tr>
<td><strong>MM-T&amp;E-2.10:</strong></td>
<td>To eliminate an attraction to predators of the California red-legged frog, all food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in closed containers and removed at least once every week.</td>
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<tr>
<td><strong>MM-T&amp;E-2.11:</strong></td>
<td>To avoid harassment, injury, or mortality of California red-legged frogs by dogs or cats, no canine or feline pets shall be permitted in the project area.</td>
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<tr>
<td><strong>MM-T&amp;E-2.12:</strong></td>
<td>Plastic monofilament netting (erosion control matting) or similar material shall not be used at the project site because California red-legged frogs may become entangled or trapped in it.</td>
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<tr>
<td><strong>MM-T&amp;E-2.13:</strong></td>
<td>A biologist(s) shall be onsite during activities that may result in the take of the California red-legged frog. For details regarding this measure, please see Section 2.21.5.</td>
</tr>
<tr>
<td><strong>MM-T&amp;E-2.14:</strong></td>
<td>Injured California red-legged frogs will be cared for by a licensed veterinarian or other qualified person; dead red-legged frogs will be preserved according to standard museum techniques and held in a secure location. The USFWS and the CDFW will be notified within one working day of the discovery of death or injury to a California red-legged frog that occurs due to project-related activities or is observed at the project site.</td>
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<tr>
<td><strong>MM-T&amp;E-2.15:</strong></td>
<td>Environmentally sensitive area (ESA) fencing will be installed around sensitive habitat features used by the red-legged frog, such as wetlands and riparian and aquatic habitats, which are to be avoided during project construction. For details regarding this measure, please see Section 2.21.5.</td>
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<tr>
<td><strong>MM-T&amp;E-2.16:</strong></td>
<td>Under Design Option A, a bridge and a 4-foot arch pipe will be constructed within the new frontage road near the pond south of Castro Valley Road. If red-legged frogs are breeding in or otherwise using the pond, the bridge would allow frogs to disperse under the road along the drainage leading into the pond, while the arch pipe would allow for dispersal between the pond and areas west of the pond. These features will allow frogs the ability to disperse to and from the pond without crossing the road’s surface [Design Option A only].</td>
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<tr>
<td><strong>MM-T&amp;E-2.17:</strong></td>
<td>Under Design Option B, a bridge and two 8-foot arch pipes will be constructed within the new Santa Teresa Boulevard Extension near the pond south of Castro Valley Ranch to allow frogs to move under the roadway. Because of the increased traffic on Santa Teresa Boulevard under this option, as compared to that on the frontage road under Design Option A, permanent exclusion fencing will be installed to keep frogs off the road’s surface within 0.25 miles of the pond under Design Option B [Design Option B only].</td>
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### TABLE S-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND AVOIDANCE, MINIMIZATION AND/OR MITIGATION MEASURES

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<td>Impact T&amp;E-3: The project will result in both short- and long-term adverse impacts to the California tiger salamander.</td>
<td>Significant Impact; reduced to Less-than Significant with Mitigation</td>
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<td>MM-T&amp;E-3.1: The project will fully mitigate for impacts to aquatic/wetland habitat, the habitat type of greatest value to tiger salamanders. This mitigation is described above [see Wetlands].</td>
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<tr>
<td>MM-T&amp;E-3.2: The project will pay development fees to the Santa Clara Valley HCP/NCCP for impacts to upland non-breeding tiger salamander habitat. For more information on the HCP/NCCP, please see Section 2.17.5.</td>
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<tr>
<td>MM-T&amp;E-3.3: If MM-T&amp;E-3.2 turns out to be infeasible for some or all of the project, mitigation for impacts to upland non-breeding tiger salamander habitat will consist of the purchase of credits from a mitigation bank that serves the project area. If no banks or credits are available, then the project will develop and implement a plan for the preservation and enhancement of non-breeding tiger salamander habitat at off-site location(s). [Note: MM-T&amp;E-3.3 will be implemented only if MM-T&amp;E-3.2 is determined to be partially or completely infeasible.]</td>
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<tr>
<td>MM-T&amp;E-3.4: The 12 mitigation measures listed above (i.e., MM-T&amp;E-2.4 through MM-T&amp;E-2.15) that are designed to prevent harm to individual California red-legged frogs will also serve to prevent harm to individual California tiger salamanders.</td>
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### Construction Impacts [EIR Section 2.22]

<p>| Impact CON-1: Traffic impacts during construction will not be substantial. Street closures and detours are not anticipated. | No avoidance, minimization, or mitigation measures are required. |
| Impact CON-2: Access to businesses will not be affected during construction of the proposed project. | No avoidance, minimization, or mitigation measures are required. |
| Impact CON-3: Disruption of utility service during construction will not be substantial. | No avoidance, minimization, or mitigation measures are required. |
| Impact CON-4: Without proper emissions control measures in place, air quality impacts during construction could be substantial. | Significant Impact; reduced to Less-than Significant with Mitigation |
| MM-CON-4.1: During construction, the project will follow the Department’s Standard Specification 14-8.02, Standard Specification 10, and Standard Specification 18, which address the requirements of BAAQMD and dust control and dust palliative application, respectively. |</p>
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<td>MM-CON-4.2: The project will implement all feasible PM$_{10}$ construction emissions control measures required by the BAAQMD, as indicated in Table 36 in Section 2.22.4.</td>
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</tr>
<tr>
<td>Impact CON-5: Noise from construction activities is likely to constitute a temporary annoyance at residences located along U.S. 101. Construction activities may also generate noticeable ground vibration at nearby residences, with pile driving being the construction source that could produce the greatest ground vibrations. [Significant Impact; reduced to Less-than Significant with Mitigation]</td>
<td>MM-CON-5.1: All internal combustion engine driven equipment will be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment. MM-CON-5.2: Unnecessary idling of internal combustion engines within 100 feet of residences will be strictly prohibited. MM-CON-5.3: Staging of construction equipment within 200 feet of residences shall not occur. All stationary noise-generating construction equipment, such as air compressors and portable power generators, will be located as far practical from residences. MM-CON-5.4: All construction equipment will be required to conform to Section 14-08.02 - Sound Control Requirements of the latest Caltrans Standard Specifications. MM-CON-5.5: Nighttime construction work within 450 feet of residential land uses will be avoided where feasible. MM-CON-5.6: Demolition and pile driving activities should be limited to daytime hours only. If nighttime, impulsive work is required, a construction noise monitoring program will be implemented to provide additional mitigation as necessary (in the form of noise control blankets or other temporary noise barriers, etc.) for affected receivers.</td>
</tr>
<tr>
<td>Impact CON-6: Construction activities have the potential to adversely affect water quality in nearby creeks. [Significant Impact; reduced to Less-than Significant with Mitigation]</td>
<td>MM-CON-6.1: Active paved construction areas will be swept as needed. MM-CON-6.2: Silt fencing or straw wattles will be used to retain sediment on the project site. MM-CON-6.3: Temporary cover of disturbed surfaces or temporary slope protection measures will be provided per regulatory requirements and the Department’s guidelines to help control erosion. Permanent cover/revegetation will be provided to stabilize the disturbed surfaces after construction has been completed.</td>
</tr>
</tbody>
</table>
**TABLE S-1**

**SUMMARY OF ENVIRONMENTAL IMPACTS AND AVOIDANCE, MINIMIZATION AND/OR MITIGATION MEASURES**

<table>
<thead>
<tr>
<th>Environmental Impact</th>
<th>Avoidance, Minimization, Mitigation Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>MM-CON-6.4:</td>
<td>No debris, soil, silt, sand, bark, slash, sawdust, cement, concrete, washings, petroleum products, or other organic or earthen material shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into any waterways.</td>
</tr>
<tr>
<td>MM-CON-6.5:</td>
<td>Best Management Practices (BMPs) will be utilized by the contractor(s) during construction. The BMPs will be incorporated into a Stormwater Pollution Prevention Plan for the project, as required by the Department’s NPDES permit.</td>
</tr>
</tbody>
</table>

**Cumulative Impacts [EIR Section 2.23]**

| Impact CUMUL-1: Construction of the proposed project will not result in any significant cumulative impacts. | No avoidance, minimization, or mitigation measures are required. |
### TABLE 5-2
PERMITS AND APPROVALS NEEDED

<table>
<thead>
<tr>
<th>Agency</th>
<th>Permit/Approval</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Gilroy</td>
<td>Encroachment permit for work extending onto local streets within Gilroy</td>
<td>Application to be submitted during final design.</td>
</tr>
<tr>
<td>Santa Clara County</td>
<td>Encroachment permit for work extending onto local streets within unincorporated areas of Santa Clara County</td>
<td>Application to be submitted during final design.</td>
</tr>
<tr>
<td>San Benito County</td>
<td>Encroachment permit for work extending onto local streets within unincorporated areas of San Benito County</td>
<td>Application to be submitted during final design.</td>
</tr>
<tr>
<td>Santa Clara Valley Water District</td>
<td>Permit for work in Carnadero Creek, Gavilan Creek, Tick Creek, Tar Creek, and Pajaro River</td>
<td>Application to be submitted during final design.</td>
</tr>
<tr>
<td>San Benito County Water District</td>
<td>Permit for work in Pajaro River, Murphy Creek, San Benito River, and San Juan Creek</td>
<td>Application to be submitted during final design.</td>
</tr>
<tr>
<td>California Public Utilities Commission</td>
<td>Permit for any work affecting the UPRR crossings at Tar Creek/U.S. 101 &amp; SR 25</td>
<td>Application to be submitted during final design.</td>
</tr>
<tr>
<td>NOAA Fisheries (National Marine Fisheries Service)</td>
<td>Section 7 Consultation for Threatened and Endangered Species; Review and Comment on 404 Permit</td>
<td></td>
</tr>
<tr>
<td>U.S. Fish &amp; Wildlife Service</td>
<td>Section 7 Consultation for Threatened and Endangered Species; Review and Comment on 404 Permit</td>
<td></td>
</tr>
<tr>
<td>U.S. Army Corps of Engineers</td>
<td>Section 404 permit for temporary and/or permanent work in low-flow channels of Carnadero Creek, Gavilan Creek, Tick Creek, Tar Creek, Pajaro River, Murphy Creek, San Benito River, and San Juan Creek</td>
<td>Application to be submitted during final design.</td>
</tr>
<tr>
<td>Regional Water Quality Control Board</td>
<td>Section 401 Water Quality Certification for temporary and/or permanent work in low-flow channels of Carnadero Creek, Gavilan Creek, Tick Creek, Tar Creek, Pajaro River, Murphy Creek, San Benito River, and San Juan Creek</td>
<td>Application to be submitted during final design.</td>
</tr>
<tr>
<td>California Department of Fish &amp; Wildlife</td>
<td>Streambed Alteration Agreement for work in Carnadero Creek, Gavilan Creek, Tick Creek, Tar Creek, Pajaro River, Murphy Creek, San Benito River, and San Juan Creek; Incidental Take Permit for impacts to endangered/threatened species.</td>
<td>Application to be submitted during final design.</td>
</tr>
</tbody>
</table>
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE U.S. 101 IMPROVEMENT PROJECT Between MONTEREY STREET AND STATE ROUTE 129

I. PROJECT DESCRIPTION

The U.S. 101 Improvement Project (between Monterey Street and State Route 129) (Project) consists of the following components:

- Widen and upgrade U.S. 101 to a 6-lane freeway between the Monterey Street interchange in Gilroy and the SR 129 interchange in northern San Benito County.
- Reconstruct the U.S. 101/SR 25 interchange at essentially the same location as the existing interchange (referred to as “Design Option B” in the EIR).
- Construct an auxiliary lane in each direction on U.S. 101 between the Monterey Street and SR 25 interchanges.
- Extend Santa Teresa Boulevard approximately 0.5 miles from Castro Valley Road to the new U.S. 101/SR 25 interchange.
- Construct improvements at the southbound U.S. 101 off-ramp to SR 129.
- Construct frontage roads, as needed, to replace existing access to U.S. 101 from adjacent properties.
- Grade-separate the Union Pacific Railroad (UPRR) crossing on SR 25 just west of Bloomfield Avenue.
- Construct bicycle facilities, as needed, to replace access that will be lost when U.S. 101 is upgraded to a freeway and to improve bicycle access in the Project area.

II. FINAL EIR

The Final Environmental Impact Report (EIR) contains the EIR text, including responses to agency, organization, and public comments that were received on the Draft EIR.

III. THE RECORD

The following information is incorporated by reference and made a part of the record supporting these findings:

- The Final EIR, all documents upon which the EIR relies, and those documents that were incorporated by reference.
• The Mitigation Monitoring and Reporting Program dated May 2013.
• All testimony, documentary evidence, and all correspondence submitted to VTA in connection with the public hearing on the Draft and Final EIR.
• All staff reports, memoranda, maps, slides, letters, minutes or meeting records, and other documents relied upon or prepared by VTA relating to the Project.
• These Findings adopted in connection with the Project.

IV. FINDINGS AND STATEMENTS OF FACTS SUPPORTING THE FINDINGS

The Final EIR for the U.S. 101 Improvement Project, prepared in compliance with CEQA and the CEQA Guidelines, evaluates the potentially significant and significant adverse environmental impacts that could result from adoption of the Project. Pursuant to Public Resources Code Section 21081, the VTA Board of Directors is required to make certain findings with respect to these impacts. The required findings appear in the following sections of this document. This document lists all identified potentially significant and significant impacts of the Project.

The analysis in the Final EIR concluded that the Project would result in less-than-significant impacts (or no impacts) in the following subject areas: land use, relocations, utilities and emergency services, transportation (including traffic, bicycle, and pedestrian facilities), geology (including soils, seismic, and topography), air quality, climate change, noise, special-status plant species, and cumulative impacts. Therefore, for these subject areas, no Findings are required by CEQA.

The analysis in the Final EIR concluded that the Project would result in potentially significant or significant impacts in the following 13 subject areas: 1) growth, 2) farmlands, 3) visual/aesthetics, 4) cultural resources, 5) hydrology and floodplains, 6) water quality, 7) paleontology, 8) hazardous materials, 9) natural communities, 10) wetlands, 11) special-status animal species, 12) threatened & endangered species, and 13) construction. Therefore, for each of these subject areas, VTA makes the Findings listed below.

Note: Impact/mitigation numbering used below is consistent with that found in the EIR. However, since only those impacts determined to be significant are listed, there are gaps in the numbering for some of the impact categories.

1. GROWTH IMPACTS

Impact GR-1: The Project would result in a direct and significant growth-inducing impact if and when the application for the El Rancho San Benito (ERSB) project is resubmitted and if the approval of ERSB is conditioned upon the widening of U.S. 101.

Mitigation: There is no feasible mitigation for this impact beyond those mitigation measures that the County of San Benito may impose during the environmental review of ERSB.

A Statement of Overriding Considerations is adopted; see Section VI.
2. **FARMLANDS**

**Impact FARM-1:** The Project will convert 122 acres of prime farmland to highway uses. Included in this conversion are farmlands that are under Williamson Act contracts.

**Mitigation FARM-1.1:** Farmland conservation easements will be purchased at a 1:1 mitigation-to-impact ratio for each acre of farmland directly impacted by the Project. Although this mitigation is included in the Project, it will not reduce this impact to a less-than-significant level.

A Statement of Overriding Considerations is adopted; see Section VI.

**Finding:** Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or Project alternatives identified in the Final EIR. **[Significant and Unavoidable Impact]**

3. **VISUAL/AESTHETICS**

**Impact VISUAL-9:** The visual impact of the Project from a vantage point to the west of the existing 101/25 interchange will be substantial.

**Mitigation VISUAL-9.1:** Small trees will be planted along the north side of Santa Teresa Boulevard in order to screen views of this roadway from the adjacent event center. The trees will function as large screening shrubs. Species that grow into tall trees will not be planted, as they would block views of the Diablo Range in the distance.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project that will mitigate the significant environmental effects thereof as identified in the Final EIR.

4. **CULTURAL RESOURCES**

**Impact CUL-1:** Construction-related activities will adversely impact one or more of the archaeological resources in the Project Area Limits (PAL).

**Mitigation CUL-1.1:** To resolve construction-related activities that will adversely impact one or more of the historical resources in the PAL, an Archaeological Treatment Plan (ATP) will be developed that details procedures and mechanisms that will be followed by Caltrans and VTA to ensure both agencies satisfy their regulatory requirements under CEQA. The ATP will outline the process for completing the identification and evaluation phase of the regulatory process on parcels not yet acquired by the Project where access was denied. When data recovery through excavation is the only feasible mitigation, provisions in the ATP for adequate recovery of scientifically consequential information from and about the historical resource, will be implemented prior to any Project-related construction or other activities being undertaken.
Mitigation CUL-1.2: If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find.

Finding: Changes or alterations have been required in, or incorporated into, the Project that will mitigate the significant environmental effects thereof as identified in the Final EIR.

5. HYDROLOGY AND FLOODPLAINS

Impact HYDRO-1: The Project will result in substantial flooding impacts within the 100-year floodplain of Carnadero Creek.

Mitigation HYDRO-1.2: The Project will install nine new 12-foot x 6-foot reinforced concrete box (RCB) culverts under U.S. 101 to divert flows from Gavilan Creek to the east side of U.S. 101.

Mitigation HYDRO-1.3: The project will construct a detention basin adjacent to the reconstructed U.S. 101/SR 25 interchange, on the east side of U.S. 101. The detention basin will have a storage capacity of 120 acre-feet and a footprint of roughly 40 acres, assuming an average depth of three feet. The basin will mitigate for the loss of floodplain storage that will occur with construction of the project. The basin will be designed to drain completely following high-runoff events, without depressional areas within its bed that could result in long-term ponding that would serve as an attractant to special-status reptiles and amphibians.

Mitigation HYDRO-1.5: The Project will construct a bridge (approximately 39-feet x 176-feet) on the southbound U.S. 101 off-ramp to SR 25 to convey flood flows under the ramp.

Mitigation HYDRO-1.6: The Project will construct a bridge on SR 25 just east of U.S. 101 to convey flood flows under SR 25.

Mitigation HYDRO-1.7: The Project will install five reinforced concrete pipes (RCPs), each with a diameter of 30 inches, under the freeway to convey floodwaters downstream to mitigate the overtopping of U.S. 101 north of the Carnadero Creek crossing.

Finding: Changes or alterations have been required in, or incorporated into, the Project that will mitigate the significant environmental effects thereof as identified in the Final EIR.

6. WATER QUALITY

Impact WQ-1: Construction of the Project will increase impervious surfaces by approximately 75 acres, which will increase stormwater runoff. This could lead to the degradation of water quality in nearby creeks and rivers.

Mitigation WQ-1.1: The Project will create approximately 32.4 acres of biofiltration strips and swales along U.S. 101 within the Project limits. The strips/swales will be located along the edges of the roadways and interchange ramps. This acreage represents the maximum practicable extent of treatment for this Project within the constraints of the site.
**Finding:** Changes or alterations have been required in, or incorporated into, the Project that will mitigate the significant environmental effects thereof as identified in the Final EIR.

### 7. PALEONTOLOGY

**Impact PALEO-1:** Construction of the Project could impact paleontological resources and could destroy scientifically important fossils.

**Mitigation PALEO-1.1:** A nonstandard special provision for paleontology mitigation will be included in the construction contract special provisions section to advise the construction contractor of the requirement to cooperate with the paleontological salvage.

**Mitigation PALEO-1.2:** A qualified principal paleontologist will be retained to prepare a detailed Paleontological Mitigation Plan (PMP) prior to the start of construction.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project that will mitigate the significant environmental effects thereof as identified in the Final EIR.

### 8. HAZARDOUS MATERIALS

**Impact HAZ-1:** Construction of the Project could expose construction workers to hazardous substances in concentrations that exceed regulatory thresholds.

**Mitigation HAZ-1.1:** If construction activities occur within 50 feet of the Chevron Service Station located at 5887 Monterey Road and groundwater is encountered, the groundwater will be sampled and analyzed for constituents of concern related to the Chevron Station contaminants prior to disposal. If groundwater is contaminated, it will be contained and either treated and discharged to the sanitary sewer or transported to a licensed groundwater treatment facility.

**Mitigation HAZ-1.2:** Prior to Project development, a soil investigation will be conducted to determine whether Aerially Deposited Lead (ADL) has affected soils that will be excavated as part of the Project. This applies to all locations where such testing has not already been completed. The investigation for ADL will be performed in accordance with the Caltrans' Lead Testing Guidance Procedure. The analytical results will be compared against applicable hazardous waste criteria. Based on analytical results, the investigation will provide recommendations regarding management and disposal of affected soils in the Project area including the reuse potential of ADL-affected soil during Project development. The provisions of a variance granted to Caltrans by the California Department of Toxic Substances Control on September 22, 2000 (or any subsequent variance in effect when the Project is constructed) regarding aerially-deposited lead will be followed.

**Mitigation HAZ-1.3:** If contaminated soil is encountered (based on physical observation) during trenching activities along the alignment, the soil will be stockpiled and analyzed for potential contaminants. If the soil cannot be reused onsite, it will be transported to an appropriate landfill pending waste classification. In addition, if contaminated groundwater is encountered during construction, similar steps should be taken to characterize and dispose of the groundwater as was discussed in MITIGATION HAZ-1.2.
Mitigation HAZ-1.4: Herbicides and pesticides will be analyzed in the shallow soil in site areas located adjacent to or on agricultural land. Shallow soil samples will be collected and analyzed for metals, total petroleum hydrocarbons, volatile organic compounds, polycyclic aromatic hydrocarbons, herbicides, and pesticides from site areas adjacent to railroad tracks or within railroad crossings. If soil is impacted with any of the compounds discussed above, it will be stockpiled and sampled for reuse or disposal options.

Mitigation HAZ-1.5: Testing for the presence of lead-based paint on the existing bridge structures, and within the existing buildings to be demolished, will occur. If this substance is found to be present, applicable regulations pertaining to its removal and disposal will be followed.

Mitigation HAZ-1.6: Testing for the presence of asbestos-containing materials on the existing bridge structures, and within the existing buildings to be demolished, will occur. If asbestos is found to be present, applicable regulations pertaining to its removal and disposal will be followed.

MM-HAZ-1.7: During construction, soil disturbed in the vicinity of the San Benito River may contain elevated levels of naturally-occurring asbestos (NOA). If elevated levels of NOA are found, then dust suppression measures consistent with the Air Resources Board Air Toxics Control Measure for asbestos will be implemented.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project that will mitigate the significant environmental effects thereof as identified in the Final EIR.

### 9. Natural Communities

**Impact NATCOM-1:** The Project will result in the permanent loss of eight acres of riparian habitat and temporary impacts to seven acres of riparian habitat. The Project will also impact 890 linear feet of shaded riverine aquatic (SRA) habitat.

**Mitigation NATCOM-1.1:** The Project will pay development fees to the Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan HCP/NCCP for impacts to riparian habitat.

**Mitigation NATCOM-1.2:** If Mitigation NATCOM-1.1 turns out to be infeasible for some or all of the Project, permanent impacts to riparian habitat will be mitigated by creating/restoring riparian habitat at a 3:1 ratio, on an acreage basis; temporary impacts will be mitigated at a 2:1 ratio, on an acreage basis; and SRA impacts will be mitigated at a 2:1 ratio, on a linear footage basis. These ratios are higher than those given in the HCP/NCCP as they are for restoration/creation only; there is no preservation component.

A search for appropriate locations for this mitigation revealed that there are numerous nearby locations where riparian habitat could be created or restored. These areas include the proposed staging area along the San Benito River, as well as numerous agricultural parcels along the Pajaro River corridor. Off-site SRA mitigation opportunities are also present on adjacent properties along Tar Creek. The Pajaro River system is large, important, and impaired in many
areas, and there are riparian and wetland restoration opportunities along the river, as well as Tequisquita Slough. Restoration of riparian habitat is needed on an easement property adjacent to The Nature Conservancy’s property near the Pajaro River. The Uvas watershed, a tributary to the Pajaro River, has a steelhead run, and several segments are in need of restoration. Millers Canal, San Felipe Lake, and Pacheco Creek are identified as steelhead bearing streams in the National Marine Fisheries Service steelhead recovery plan, and have opportunity for restoration. There are many in-kind or out-of-kind, on-site or off-site, opportunities. If desired, numerous old and poorly functioning fish ladders in the Uvas system could be replaced, with riparian restoration as a component of a project.

As a potential alternative to the Project creating/restoring riparian habitat at a nearby location, this measure could be satisfied, in whole or part, through the purchase of riparian mitigation credits from an approved mitigation bank. However, at the time this document was prepared, there were no approved mitigation banks offering riparian mitigation credits for projects located in the southern Santa Clara County/northern San Benito County area. If such banks become available and the Project decides to purchase credits, the mitigation ratios given above for the creation/restoration of riparian habitat will apply.

If onsite or offsite riparian habitat creation or restoration is necessary, a restoration ecologist will develop a Riparian Habitat Mitigation and Monitoring Plan (HMMP), which will contain the following components (or as otherwise modified by regulatory agency permitting conditions):

1. Summary of habitat impacts and proposed mitigation ratios.
2. Goal of the restoration to achieve no net loss of habitat functions and values.
3. Location of mitigation site(s) and description of existing site conditions.
4. Mitigation design:
   • Existing and proposed site hydrology
   • Grading plan if appropriate, including bank stabilization or other site stabilization features
   • Soil amendments and other site preparation elements as appropriate
   • Planting plan
   • Irrigation and maintenance plan
   • Remedial measures/adaptive management, etc.
5. Monitoring plan (including performance and final success criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.). At a minimum, success criteria will include quantifiable measurements of vegetation type (e.g., dominance by native riparian species) and extent appropriate for the restoration location, and provision of ecological functions and values equal to or exceeding those in the riparian habitats that are impacted.
6. Contingency plan for mitigation elements that do not meet performance or final success criteria.
At least five years of monitoring will be conducted to document whether the success criteria are achieved, and to identify any remedial actions that must be taken if the identified success criteria are not met.

**Impact NATCOM-2:** The Project will permanently impact 1.5 acres of oak woodland habitat.

**Mitigation NATCOM-2.1:** The Project will pay an in-lieu fee to the HCP/NCCP for the permanent impacts to oak woodland habitat.

**Mitigation NATCOM-2.2:** If Mitigation NATCOM-2.1 turns out to be infeasible, impacts to oak woodland will be mitigated by creating/restoring oak woodland habitat at a 2:1 ratio.

If project-sponsored oak woodland restoration is necessary, a restoration ecologist will develop an Oak Woodland HMMP. This plan will contain the same types of information described in MM-NATCOM-1.2, but will focus on oak woodlands instead of riparian habitat. At a minimum, success criteria will include quantifiable measurements of oak survival and abundance. At least five years of monitoring will be conducted to document whether the success criteria are achieved, and to identify any remedial actions that must be taken if the identified success criteria are not met.

**Impact NATCOM-3:** The Project will result in an adverse effect on wildlife movement by increasing road mortality and the ability of some animals to move across U.S. 101.

**Mitigation NATCOM-3.1:** North of Tar Creek, the Project will maintain the existing standard fencing and thrie-beam median barrier.

**Mitigation NATCOM-3.2:** New box culverts will be installed under U.S. 101 north of SR 25 for the purpose of accommodating flood flows; see Mitigation HYDRO 1.1 and Mitigation HYDRO-1.2. Although wildlife crossings are not substantial in this area, these culverts will be beneficial to wildlife movement across the U.S. 101 corridor because they will be dry year-round in most years.

**Mitigation NATCOM-3.3:** A new culvert under U.S. 101 will be installed between Tar Creek and the Pajaro River. The height of the culvert will be at least 4 feet.

**Mitigation NATCOM-3.4:** The existing, 90-inch, corrugated metal pipe (CMP) under U.S. 101 south of the Pajaro River will be replaced by a box culvert to maintain or increase its "openness ratio" (a measure of how "open" a culvert appears to animals, taking into account its height, width, and length) as this culvert is lengthened. This modification will at least maintain, if not enhance, the usefulness of this culvert to wildlife crossing under U.S. 101.

**Mitigation NATCOM-3.5:** The existing, 54-inch, reinforced concrete pipe (RCP) under U.S. 101 just north of the Betabel Road/Y Road interchange will be replaced with a box culvert at least 90 inches in height. Increasing the height and width of this culvert will increase its openness ratio considerably, thereby enhancing its attractiveness to wildlife attempting to cross U.S. 101.

**Mitigation NATCOM-3.6:** Wildlife fencing will be installed along U.S. 101 from Tar Creek south to the San Benito River to minimize the potential for wildlife to access the highway's surface. The
wildlife fencing will extend 0.25 miles north of Tar Creek and south of the San Benito River to minimize the potential for wildlife to move around the fence and onto the roadway. Wildlife "jump-outs" or one-way gates will be installed in several locations within this segment so that animals that are able to find a way onto the highway will be able to exit.

**Mitigation NATCOM-3.7:** Where feasible, designs for the culverts that will be lengthened by the Project will include metal grating in the shoulder of the road surface. This grating will increase lighting within the culverts, offsetting the increased darkness resulting from lengthening the culverts.

**Mitigation NATCOM-3.8:** At several existing culverts under U.S. 101, vegetation immediately in front of the culverts may block the culverts from the view of dispersing animals and provide cover in which predators may hide. Although such cover may benefit animals at times, the function of the culverts (from a wildlife perspective) is to move quickly through the corridor. Therefore, in some areas, vegetation will be cleared immediately in front of culverts to make them more conspicuous and attractive and to reduce cover in which predators may hide.

**Mitigation NATCOM-3.9:** The concrete median barriers south of Tar Creek will be retrofit to incorporate wildlife passageways (Caltrans standard “Type S, M, and/or L”) to facilitate crossings by animals that are able to cross over or through the wildlife fencing in these areas.

**Mitigation NATCOM-3.10:** Following completion of construction, monitoring will be performed to ensure that MM-NATCOM-3.1 through MM-NATCOM-3.6, and MM-NATCOM-3.9, have been implemented; to document that grating has been incorporated into the road shoulder per MM-NATCOM-3.7 where feasible; and to document that vegetation potentially concealing undercrossings has been cleared as appropriate to make inconspicuous undercrossings more evident to wildlife per MM-NATCOM-3.8.

In addition, monitoring will occur at the Tar Creek, Pajaro River, and San Benito River bridges, as well as at the two culverts that are to be upgraded in size between the Pajaro River and the Betabel Road/Y Road interchange, to verify continued use by mammals moving from one side of U.S. 101 to the other. Such monitoring may be performed via remote cameras, track plates, observation of mammal tracks in existing sediment, or other means to verify use. Success will be measured by verification of use of each of these undercrossings by mammals. If verification of use of all five of these undercrossings by mammals cannot be provided within six months following the initiation of monitoring, VTA will consult with Caltrans and the CDFW regarding further monitoring.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project that will mitigate the significant environmental effects thereof as identified in the Final EIR.

### 10. Wetlands

**Impact WET-1:** The Project will result in the permanent loss of 3.2 acres of wetlands and aquatic habitat and temporary impacts of up to 1.5 acres of wetlands and aquatic habitat.
**Mitigation WET-1.1:** The Project will pay development fees to the Santa Clara Valley HCP/NCCP for impacts to wetlands and aquatic habitat. For more information on the HCP/NCCP, please see Section 2.17.5 of the EIR.

**Mitigation WET-1.2:** If Mitigation WET-1.1 turns out to be infeasible for some or all of the Project, permanent impacts to wetlands and aquatic habitat will be mitigated by the purchase of credits from the Pajaro River Mitigation Bank that services both Santa Clara and San Benito Counties. If credits are no longer available at this bank, and if there are no other approved mitigation banks whose service area includes the Project area, then mitigation will occur through on-site or off-site creation of wetland and aquatic habitat at a 2:1 ratio, on an acreage basis.

If Project-sponsored wetland creation or restoration is necessary, a restoration ecologist will develop an HMMMP for wetlands and other waters. This plan will contain the same types of information described in MM-NATCOM-1.2, but will focus on wetlands and other waters instead of riparian habitat. At a minimum, success criteria will include quantifiable measurements of vegetation type (e.g., dominance by native hydrophytes) and extent appropriate for the restoration location, and provision of ecological functions and values equal to or exceeding those in the wetlands and other waters that are impacted. At least five years of monitoring will be conducted to document whether the success criteria are achieved, and to identify any remedial actions that must be taken if the identified success criteria are not met.

**Mitigation WET-1.3:** The temporary wetland and aquatic habitat impacts will be mitigated at a 1:1 acreage ratio within the impact footprint through the restoration of pre-construction grades, hydrology, and soil conditions in situ to any wetland and aquatic areas temporarily disturbed during construction. Wetland vegetation, structure, and function are expected to regenerate naturally following the restoration of grades, hydrology, and soils. To ensure that restoration of temporarily impacted areas is successful, a restoration plan will be developed for temporarily impacted wetlands and aquatic habitats. This plan will include a discussion or depiction of grading to restore wetland hydrology; soil amendments; planting/seeding or justification regarding why planting or seeding is unnecessary (e.g., in the event that a wetland vegetation seed source is present in immediately adjacent areas); monitoring; and success criteria, as necessary.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project that will mitigate the significant environmental effects thereof as identified in the Final EIR.

### 11. Special-Status Animal Species

**Impact ANIMAL-1:** The Project will result in both short- and long-term adverse impacts to Pacific lampreys and Monterey roach.

**Mitigation ANIMAL-1.1:** The Project will fully mitigate for impacts to SRA, riparian, and aquatic habitats. (This mitigation is summarized in Sections 9 and 10, Natural Communities and Wetlands, in this Findings document.)
Mitigation ANIMAL-1.2: Any construction activities within the low-flow channels of waterways where Pacific lamprey and Monterey roach are known or likely to occur will be limited to the period of June 15 - October 15.

Mitigation ANIMAL-1.3: For waterways where Pacific lamprey and Monterey roach are known or likely to occur, measures will be taken to ensure that movement of fish is not prevented by any water diversion structures used during construction, regardless of when construction occurs. Water will be diverted through the construction site by way of an open ditch or other method approved by the regulatory agencies.

Mitigation ANIMAL-1.4: The Project will implement measures during construction to avoid and minimize the potential degradation of water quality within any waterways where Pacific lamprey and Monterey roach are known or likely to occur. (These measures are summarized in Section 13, Construction Impacts, in this Findings document.)

Impact ANIMAL-3: Construction activities could result in harm to individual western pond turtles.

Mitigation ANIMAL-3.1: A pre-construction survey for the western pond turtle will be conducted within 30 days prior to any site preparation, grading or construction activity at the Pajaro River, San Benito River, San Juan Creek, Tar Creek, Carnadero Creek, and Tick Creek. A single, intensive search for this species will be performed in areas exhibiting even marginally suitable habitat, covering the area of potential impact at each creek crossing and extending at least 500 feet beyond the area of potential impact both upstream and downstream. If this species is found within the surveyed area, the California Department of Fish and Wildlife (CDFW) will be notified of such occurrence and, if possible, and without injury, individuals will be captured and moved to a safe location, at least 500 feet away from the area of potential impact.

Mitigation ANIMAL-3.2: If individuals and/or suitable habitat are located within 500 feet of the area of potential impact at a creek crossing, monitoring will be performed during the process of clearing vegetation within the construction zone, to ensure that any western pond turtles that may be present will be safely relocated. The biologist conducting such monitoring, if necessary, will have the authority to halt operations in the immediate area to avoid harming turtles, if present, until individuals are safely captured and relocated. The CDFW will be notified of such occurrence.

Mitigation ANIMAL-3.3: During pre-construction surveys and other measures to be implemented for California red-legged frogs and California tiger salamanders, a qualified biologist will look for western pond turtles within the Project’s impact areas. If any pond turtles are detected during these surveys, or during construction, in an area where the individuals could be impacted, they will be relocated to a suitable location outside the area of Project impact in consultation with the CDFW.

Impact ANIMAL-6: The Project could result in a loss of burrowing owl habitat and harm to individual owls if the owls are found to occupy the Project site prior to construction.

Mitigation ANIMAL-6.1: Pre-construction surveys will be undertaken to determine if owls utilize the habitat to be impacted by the Project.
Mitigation ANIMAL-6.2: Prior to construction, during the non-nesting season (September 2 to February 14), any owls occupying burrows within construction zones will be passively relocated under the authorization of the CDFW. Passive relocation is an intensive process that involves the installation of one-way doors in all ground squirrel burrows occurring on the site, which allow owls to leave their burrows but do not allow them to return, thereby forcing owls to move to a different area. Owl doors will be monitored by a qualified biologist daily for a period of no less than three days and after that period, burrows will be destroyed to preclude owls from returning to the burrows, and grading of these areas will commence within seven days. The passive relocation will be repeated if owls move back to the construction areas.

Mitigation ANIMAL-6.3: Burrows within the construction zone that are occupied by owls will not be disturbed during the nesting season (February 15 through September 1) unless a qualified biologist verifies that either the owls have not begun laying and incubating eggs, or that juvenile owls have fledged and are able to live independently of their parents. If construction will occur during the nesting season, the Project will establish and maintain a minimum of a 250-foot buffer around any active nest.

Mitigation ANIMAL-6.4: If, based on pre-construction surveys, it is determined that owls utilize habitat that will be impacted by the Project, mitigation for the loss of such habitat will take the form of the payment of development fees to the Santa Clara Valley HCP/NCCP.

Mitigation ANIMAL-6.5: If Mitigation ANIMAL-6.4 turns out to be infeasible for some or all of the Project, mitigation will consist of the purchase of credits from a mitigation bank that serves the Project area. If no banks or credits are available, then the Project will develop and implement a plan for the creation or enhancement of burrows, maintenance of burrows and management of foraging habitat, monitoring procedures, funding assurance, annual reporting requirements, and contingency and remediation measures. The extent of the mitigation lands (either for the purchase of mitigation credits or for Project-sponsored mitigation), enhancement measures, and other details will be determined based on the circumstances surrounding the owls to be impacted and their habitat, in consultation with the CDFW.

If Project-sponsored burrowing owl mitigation is necessary, a wildlife ecologist will develop an HMMP for burrowing owls, in consultation with the CDFW, which shall contain the following components:

1. Summary of habitat impacts and proposed mitigation ratios.
2. Goal of the habitat mitigation.
3. Location of mitigation site(s) and description of existing site conditions.
4. Mitigation design:
   - Habitat enhancement measures
   - Remedial measures/adaptive management, etc.
5. Monitoring plan (including performance and final success criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.). At a minimum, success criteria will include the presence of burrowing owls, suitable burrows for owls, and quantitative measures of vegetation characteristics for suitable owl habitat.
6. **Contingency plan for mitigation elements that do not meet performance or final success criteria.**

At least five years of monitoring will be conducted to document whether the success criteria are achieved, and to identify any remedial actions that must be taken if the identified success criteria are not met.
Impact ANIMAL-8: While the impact of the Project on habitat used by the San Francisco dusky-footed woodrat will not be substantial, construction activities are likely to harm or kill woodrats that nest within the construction zone.

Mitigation ANIMAL-8.1: Prior to any clearing of - or work within - riparian, oak woodland, or coyote brush scrub habitat, or the removal of any oak trees located outside these habitats, a qualified biologist will conduct a survey for San Francisco dusky-footed woodrat nests.

Mitigation ANIMAL-8.2: Where nests are found, and if feasible, the Project will maintain a buffer of at least several feet (preferably as much as 10 feet) around these nests. The purpose of the buffer is to avoid moving or bumping the nests or logs or branches on which the nests rest. If avoidance of nests is not feasible, the nests will be dismantled and the nesting material moved to a new location outside the Project’s impact areas so that it can be used by woodrats to construct new nests.

Impact ANIMAL-9: During the construction phase, the Project could adversely affect roosting bats, potentially resulting in temporary loss of day-roost habitat and harm to individual bats.

Mitigation ANIMAL-9.1: A pre-construction/pre-demolition survey for roosting bats will be conducted prior to any construction on the U.S. 101 southbound span over Tar Creek, which is the only bridge with potential for (and known) day roosting by bats. Such a survey will also be conducted in any trees and buildings within or immediately adjacent to the impact area that are identified by a qualified bat biologist (i.e., a biologist holding a CDFW collection permit allowing the biologist to handle and collect bats) as being high-potential roost sites.

Mitigation ANIMAL-9.2: Because the aforementioned survey will be conducted prior to the breeding season, several months may pass between that survey and the initiation of construction or demolition in a given area. Therefore, a second preconstruction/pre-demolition survey for roosting bats, following the methods described above, will be conducted within 15 days prior to the commencement of these activities in a given area to determine whether bats have occupied a roost in or near the Project’s impact areas. This survey should be facilitated considerably by information (e.g., on potential roost trees) gathered during the previous survey.

Mitigation ANIMAL-9.3: If a maternity roost of any bat species is present, the bat biologist will determine the extent of a construction-free buffer around the active roost that will be maintained. This buffer will be maintained from April 1st until the young are flying, typically after August 31st.

Mitigation ANIMAL-9.4: If a day roost is found on a bridge, in a building, or in a tree that is to be completely removed or replaced, individual bats will be safely evicted under the direction of a qualified bat biologist. Eviction of bats will occur at night, so that bats will have less potential for predation compared to daytime roost abandonment. Eviction will occur between September 1st and March 31st, outside the maternity season, but will not occur during long periods of inclement or cold weather (as determined by the bat biologist) when prey are not available or bats are in torpor.

Mitigation ANIMAL-9.5: If a day roost will be impacted, an alternative bat roost structure will be provided. The design and placement of this structure will be determined by a bat biologist, in
consultation with the CDFW, based on the species of bat to be displaced, the location of the original roost, and the habitat conditions in the vicinity.

Mitigation ANIMAL-9.6: In some circumstances, it may be beneficial to allow roosting bats to continue using a roost while construction is occurring on or near the roost site. For details regarding this measure and a description of the process that will be used to determine if bats should continue to roost during construction, please see Section 2.20.5 of the EIR.

Impact ANIMAL-10: While the impact of the Project on habitat used by the ringtail will not be substantial, construction activities could harm or kill ringtails if they are found to be nesting within the construction zone.

Mitigation ANIMAL-10.1: If a ringtail nest is detected incidentally (i.e., during the woodrat surveys described in Mitigation ANIMAL-8.1), a qualified mammalogist will determine the extent of a construction-free buffer zone that should be maintained around the den. Construction activities within this zone will not occur during the period March 1st through August 31st to avoid potential construction disturbance to the ringtail during the breeding season. After August 31st, individuals will be safely evicted, under the direction of a qualified mammalogist, by disturbing the den site under the cover of darkness to allow the ringtail(s) to abscond safely to a new location without being exposed considerably to predators or competitors.

Impact ANIMAL-11: While the impact of the Project on habitat used by the badger will not be substantial, construction activities could harm or kill badgers if they are found to be denning within the construction zone.

Mitigation ANIMAL-11.1: A qualified mammalogist will conduct preconstruction surveys for badger dens on and within 300 feet of the site (as access permits), within two weeks prior to ground-breaking in any given area currently occupied by grassland or ruderal habitat. If the mammalogist identifies any dens that appear suitable for this species (based on size, shape, or other features), such “potential dens” will be monitored via tracking media or camera for a period of at least three days to determine occupancy, then excavated if no evidence of occupancy is detected. If an active maternity badger den is located, the mammalogist will determine the measures (e.g., buffers) that will be taken to avoid impacts to the den during the pupping season (i.e., February 15th through July 1st, or as otherwise determined through surveys and monitoring of the den), in consultation with the CDFW. After the pupping season, if a den is located in an onsite impact area, the badgers will be evicted by excavation of the den using hand tools, in consultation with the CDFW and under the supervision of a qualified mammalogist.

Impact ANIMAL-12: Construction activities may adversely affect birds that are nesting within or adjacent to the Project’s construction zone.

Mitigation ANIMAL-12.1: Vegetation that will be impacted by the Project will be removed during the non-breeding season (i.e., September 1st to February 1st), if feasible, to help preclude nesting. If it is not feasible to schedule vegetation removal during the non-breeding season, then pre-construction surveys for nesting birds will be conducted by a qualified ornithologist to ensure that no nests will be disturbed during Project implementation. This survey will be conducted no more than two days prior to the initiation of construction activities. During this survey, the ornithologist will inspect all trees, shrubs, and other potential nesting habitats in and
immediately adjacent to the impact areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist, in consultation with CDFW, will determine the extent of a buffer zone to be established around the nest, which can range from 100 to 300 feet or more depending on the sensitivity of the nest and/or species.

**Mitigation ANIMAL-12.2:** At bridges, to avoid impacts to nesting swallows and black phoebes, old nests will be removed prior to February 15th, or after February 15th if a qualified ornithologist determines that the nests are not active.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project that will mitigate the significant environmental effects thereof as identified in the Final EIR.

### 12. **Threatened and Endangered Species**

**Impact T&E-1:** The Project will result in both short- and long-term adverse impacts to steelhead.

**Mitigation T&E-1.1:** The Project will mitigate for impacts to SRA, riparian, and aquatic habitats. (This mitigation is summarized in Sections 9 and 10, Natural Communities and Wetlands, in this Findings document.)

**Mitigation T&E-1.2:** Any construction activities within the low-flow channels of waterways where steelhead are known or likely to occur will be limited to the period of June 15 - October 15.

**Mitigation T&E-1.3:** For waterways where steelhead are known or likely to occur, measures will be taken to ensure that movement of fish is not prevented by any water diversion structures used during construction, regardless of when construction occurs. Water will be diverted through the construction site by way of an open ditch or other method approved by the regulatory agencies.

**Mitigation T&E-1.4:** The Project will implement measures during construction to avoid and minimize the potential degradation of water quality within any waterways where steelhead are known or likely to occur. (These measures are included in Section 13, Construction Impacts, in this Findings document.)

**Mitigation T&E-1.5:** To avoid and minimize impacts to fish resulting from pressure waves created during pile driving, the following measures will be implemented: (a) pile driving work will be limited to the period of June 15 to October 15; (b) in-water installation of piles will be avoided either by placing piles outside the low-flow channel or by driving the piles in an area that has been de-watered; (c) where practical, low-impact pile driving equipment such as vibratory hammers or hydraulic casing oscillators, which minimize underwater sound pressure levels, or press-in pile installation will be used instead of impact hammers; (d) where practical, steel piles will be avoided; (e) construction-related underwater sound exposure levels will be limited to less than 187 dB accumulated sound exposure levels and peak sound pressure levels of less than 208 dB; and (f) if necessary, other sound reduction measures, such as air bubble curtains or coffer dams, will be implemented to attenuate noise levels.
Impact T&E-2: The Project will result in both short- and long-term adverse impacts to the California red-legged frog.

**Mitigation T&E-2.1:** The Project will fully mitigate for impacts to riparian habitat and aquatic/wetland habitat, the two habitat types of greatest value to red-legged frogs. (This mitigation is summarized in Sections 9 and 10, Natural Communities and Wetlands, in this Findings document.)

**Mitigation T&E-2.2:** The Project will pay development fees to the Santa Clara Valley HCP/NCCP for impacts to upland non-breeding red-legged habitat.

**Mitigation T&E-2.3:** If Mitigation T&E-2.2 turns out to be infeasible for some or all of the Project, mitigation for impacts to upland non-breeding frog habitat will consist of the purchase of credits from a mitigation bank that serves the Project area. If no banks or credits are available, then the Project will develop and implement a plan for the preservation and enhancement of non-breeding red-legged frog habitat at off-site location(s).

If Project-sponsored mitigation for impacts to California red-legged frog habitat is necessary, a wildlife ecologist will develop a California red-legged frog HMMP. This plan will contain the same types of information described in MM-ANIMAL-6.5, but will focus on the red-legged frog instead of the burrowing owl. At a minimum, success criteria will include the presence of suitable habitat conditions for the red-legged frog, and provision of ecological functions and values equal to or exceeding those in the red-legged frog habitat that is impacted.

[Note: Mitigation T&E-2.3 will be implemented only if Mitigation T&E-2.2 is determined to be partially or completely infeasible.]

**Mitigation T&E-2.4:** Prior to any ground disturbance, pre-construction surveys will be conducted by a USFWS-approved biologist for the California red-legged frog. These surveys will consist of walking surveys of the Project limits and adjacent areas accessible to the public to determine presence of the species. If any red-legged frogs are detected within construction areas, they will be relocated to predetermined sites outside the Project area (with the approval of the USFWS). For details regarding this measure, please see Section 2.21.5 of the EIR.

**Mitigation T&E-2.5:** An employee education program will take place before groundbreaking for the Project. For details regarding this measure, please see Section 2.21.5 of the EIR.

**Mitigation T&E-2.6:** Prior to the start of work each day, dedicated construction personnel will inspect trenches and pits that were left open overnight. If a California red-legged frog (or any amphibian that construction personnel think may be of this species) is encountered, various steps will be ensure no harm to the frog, as described in Section 2.21.5 of the EIR.

**Mitigation T&E-2.7:** Permanent and temporary disturbances and other types of Project-related disturbance to the habitats of the California red-legged frog will be minimized to the maximum extent practicable. To minimize temporary disturbances, all Project-related vehicle traffic will be restricted to established roads, construction areas, and other designated areas. These areas will also be included in pre-construction surveys and, to the maximum extent possible, should be established in locations disturbed by previous activities to prevent further adverse effects.
Mitigation T&E-2.8: Project-related vehicles will observe a 15 mph speed limit within construction areas, except on established public roadways; this is particularly important at night when the California red-legged frog is most active. To the maximum extent possible, nighttime construction should be minimized. Off-road traffic outside of designated Project areas will be prohibited.

Mitigation T&E-2.9: To prevent inadvertent entrapment of red-legged frogs during construction, all excavated, steep-walled holes or trenches more than two feet deep will be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. For more details regarding this measure, please see Section 2.21.5 of the EIR.

Mitigation T&E-2.10: To eliminate an attraction to predators of the California red-legged frog, all food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in closed containers and removed at least once every week.

Mitigation T&E-2.11: To avoid harassment, injury, or mortality of California red-legged frogs by dogs or cats, no canine or feline pets will be permitted in the Project area.

Mitigation T&E-2.12: Plastic monofilament netting (erosion control matting) or similar material will not be used at the Project site because California red-legged frogs may become entangled or trapped in it.

Mitigation T&E-2.13: A biologist(s) will be onsite during activities that may result in the take of the California red-legged frog. For details regarding this measure, please see Section 2.21.5 of the EIR.

Mitigation T&E-2.14: Injured California red-legged frogs will be cared for by a licensed veterinarian or other qualified person; dead red-legged frogs will be preserved according to standard museum techniques and held in a secure location. The USFWS and the CDFW will be notified within one working day of the discovery of death or injury to a California red-legged frog that occurs due to Project-related activities or is observed at the Project site.

Mitigation T&E-2.15: Environmentally sensitive area (ESA) fencing will be installed around sensitive habitat features used by the red-legged frog, such as wetlands and riparian and aquatic habitats, which are to be avoided during Project construction. For details regarding this measure, please see Section 2.21.5 of the EIR.

Mitigation T&E-2.17: A bridge and two 8-foot arch pipes will be constructed within the new Santa Teresa Boulevard Extension near the pond south of Castro Valley Ranch to allow frogs to move under the roadway. Because of the increased traffic on Santa Teresa Boulevard, permanent exclusion fencing will be installed to keep frogs off the road’s surface within 0.25 miles of the pond.
**Impact T&E-3:** The Project will result in both short- and long-term adverse impacts to the California tiger salamander.

*Mitigation T&E-3.1:* The Project will fully mitigate for impacts to aquatic/wetland habitat, the habitat type of greatest value to tiger salamanders. (This mitigation is described in Section 9, Wetlands, in this Findings document.)

*Mitigation T&E-3.2:* The Project will pay development fees to the Santa Clara Valley HCP/NCCP for impacts to upland non-breeding tiger salamander habitat.

*Mitigation T&E-3.3:* If Mitigation T&E-3.2 turns out to be infeasible for some or all of the Project, mitigation for impacts to upland non-breeding tiger salamander habitat will consist of the purchase of credits from a mitigation bank that serves the Project area. If no banks or credits are available, then the Project will develop and implement a plan for the preservation and enhancement of non-breeding tiger salamander habitat at off-site location(s).

If Project-sponsored mitigation for impacts to California tiger salamander habitat is necessary, a wildlife ecologist will develop a California tiger salamander HMMP. This plan will contain the same types of information described in MM-ANIMAL-6.5, but will focus on the tiger salamander instead of the burrowing owl. At a minimum, success criteria will include the presence of suitable habitat conditions for the tiger salamander, and provision of ecological functions and values equal to or exceeding those in the tiger salamander habitat that is impacted.

*Mitigation T&E-3.4:* The 12 mitigation measures listed for California red-legged frogs (i.e., Mitigation T&E-2.4 through Mitigation T&E-2.15) will also serve to prevent harm to individual California tiger salamanders.

**Finding:** Changes or alterations have been required in, or incorporated into, the Project that will mitigate the significant environmental effects thereof as identified in the Final EIR.

### 13. **Construction Impacts**

**Impact CON-4:** Without proper emissions control measures in place, air quality impacts during construction could be substantial.

*Mitigation CON-4.1:* During construction, the Project will follow Caltrans’ Standard Specification 14-8.02, Standard Specification 10, and Standard Specification 18, which address the requirements of Bay Area Air Quality Management District (BAAQMD) and dust control and dust palliative application, respectively.

*Mitigation CON-4.2:* The Project will implement all feasible PM10 construction emissions control measures required by the BAAQMD.

**Impact CON-5:** Noise from construction activities is likely to constitute a temporary annoyance at residences located along U.S. 101. Construction activities may also generate noticeable ground vibration at nearby residences, with pile driving being the construction source that could produce the greatest ground vibrations.
Mitigation CON-5.1: All internal combustion engine driven equipment will be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

Mitigation CON-5.2: Unnecessary idling of internal combustion engines within 100 feet of residences will be strictly prohibited.

Mitigation CON-5.3: Staging of construction equipment within 200 feet of residences will be avoided. All stationary noise-generating construction equipment, such as air compressors and portable power generators, will be located as far as practical from residences.

Mitigation CON-5.4: All construction equipment will be required to conform to Section 14-08.02 - Sound Control Requirements of the latest Caltrans Standard Specifications.

Mitigation CON-5.5: Nighttime construction work within 450 feet of residential land uses will be avoided where feasible.

Mitigation CON-5.6: Demolition and pile driving activities will be limited to daytime hours only. If nighttime, impulsive work is required, a construction noise monitoring program will be implemented to provide additional mitigation as necessary (in the form of noise control blankets or other temporary noise barriers, etc.) for affected receivers.

Impact CON-6: Construction activities have the potential to adversely affect water quality in nearby creeks.

Mitigation CON-6.1: Active paved construction areas will be swept as needed.

Mitigation CON-6.2: Silt fencing or straw wattles will be used to retain sediment on the Project site.

Mitigation CON-6.3: Temporary cover of disturbed surfaces or temporary slope protection measures will be provided per regulatory requirements and Caltrans’ guidelines to help control erosion. Permanent cover/revegetation will be provided to stabilize the disturbed surfaces after construction has been completed.

Mitigation CON-6.4: No debris, soil, silt, sand, bark, slash, sawdust, cement, concrete, washings, petroleum products, or other organic or earthen material will be allowed to enter into or be placed where it may be washed by rainfall or runoff into any waterways.

Mitigation CON-6.5: Best Management Practices (BMPs) will be utilized by the contractor(s) during construction. The BMPs will be incorporated into a Stormwater Pollution Prevention Plan for the Project, as required by Caltrans’ NPDES permit.

Finding: Changes or alterations have been required in, or incorporated into, the Project that will mitigate the significant environmental effects thereof as identified in the Final EIR.
V. ALTERNATIVES

An EIR must describe a range of reasonable alternatives to the Project, or the location of the Project, which would feasibly obtain most of the basic objectives of the Project, but would avoid or substantially lessen any of the significant environmental effects of the Project. The decision-makers may reject the alternative if it determines that specific considerations make the alternative infeasible. The findings with respect to alternatives identified in the Final EIR are described below.

1. NO BUILD ALTERNATIVE

The No Build Alternative would consist of not constructing the Project. The No Build Alternative would avoid all of the environmental effects of the Project.

**Finding:** The No Build Alternative would not meet any of the purposes of the Project. Therefore, the No Build Alternative is infeasible.

2. PROJECT WITH DESIGN OPTION A FOR THE U.S. 101/SR 25 INTERCHANGE

This alternative would be the same as the Project, except for the reconstruction of the U.S. 101/SR 25 interchange. Under this alternative, the U.S. 101/SR 25 interchange would be reconstructed at a location approximately 0.2 miles north of the existing interchange. By way of comparison, the Project would reconstruct the interchange at its existing location. This alternative was evaluated in the EIR to the same level of detail as that undertaken for the Project.

With several notable exceptions, the environmental effects of this alternative would be similar to those of the Project. The exceptions are as follows:

- Impacts to Prime and Unique Farmland under this alternative would be 157 acres, as compared to 122 acres for the Project.
- The amount of additional right-of-way needed to construct this alternative would be approximately 191 acres, as compared to approximately 160 acres under the Project.
- This alternative would result in a significant unavoidable visual impact from a vantage point adjacent to a single-family residence and business, an impact that would not be significant under the Project.

**Finding:** This alternative would meet the purposes of the Project to the same degree as the Project. However, selection of this alternative would not avoid any of the significant environmental effects of the Project. In fact, the impacts of this alternative are substantially greater than the Project with regard to farmland impacts and right-of-way impacts. Therefore, this alternative is rejected.

3. PROJECT WITH OTHER DESIGN OPTIONS

As summarized in Section 1.3.5 of the EIR, six design options were evaluated to determine if they would achieve the Project purposes, while at the same time lessening/avoiding environmental effects (when compared to the Project).
Outside Widening of U.S. 101 between SR 25 and Monterey Street

When compared to the Project, this design option would involve outside widening on both sides of existing U.S. 101, in lieu of the westerly shift of U.S. 101 between the U.S. 101/SR 25 and U.S. 101/Monterey Street interchanges to add one more through lane and one auxiliary lane in each direction. This alternative was studied as a way to minimize the construction footprint of the Project.

Finding: Although this design option would achieve the same objectives as the Project in enhancing traffic operations, reducing congestion, and improving safety, it impacts a large number of businesses and requires the relocation of major utilities located east of U.S. 101, thus increasing the Project costs significantly. It also precludes future plans to build carpool or HOT lanes in the existing median of U.S. 101 due to width limitations. Therefore, this alternative is rejected.

Easterly Widening of U.S. 101, South of SR 25

This design option would involve outside widening on both sides of existing U.S. 101 between SR 25 and the Tar Creek crossing (U.S. 101/Sargent bridges) to add one more through lane in each direction. Similar to the option discussed above, this design option was studied as a way to minimize the construction footprint of the Project.

Finding: Although this design option would achieve the same objectives as the Project in enhancing traffic operations, reducing congestion, and improving safety, it was determined that it is not feasible because it would directly impact the Bloomfield Ranch, which is a significant historic resource eligible for the National Register of Historic Places. Further, this option would impact an archaeological site that was identified during the cultural resources investigation phase, thus increasing the Project environmental impacts significantly. This option would also preclude future plans to widen U.S. 101 in the median due to the lack of sufficient width. Therefore, this alternative is rejected.

Widen Northbound U.S. 101 into the Existing Median between SR 25 and Tar Creek

This design option would widen U.S. 101 northbound into the median between Tar Creek (U.S. 101/Sargent bridges) and the reconstructed U.S. 101/SR 25 interchange, which would leave an existing median width of approximately 31 feet. This design option has a smaller overall footprint, and therefore a lesser environmental impact, than the Project.

Finding: This alternative was rejected as infeasible since a 31-foot median width would be unacceptable because 1) it would require design exceptions to median shoulder widths standards when/if the freeway is widened to eight lanes south of SR 25, and 2) it would not be consistent with the 46-foot median width south of Tar Creek. The standard width for freeway medians in rural areas is 62 feet and discussions with Caltrans’ engineers resulted in a determination that the minimum acceptable median width is 46 feet at this location.

Alternative Median Widths on U.S. 101 between Tar Creek and SR 129

Under the Project, the median width on U.S. 101 between Tar Creek (Sargent Overhead) and SR 129 would be 46 feet. This design option explored alternative median widths of 22 feet, 36 feet, and 62 feet.
**Finding:** The 22-foot wide median has the advantage of having a smaller footprint than the Project, which in turn reduces environmental impacts. However, this design was rejected because the width is substantially below the 62-foot design standard for rural freeways and because it would preclude the construction of future lanes in the median. A 36-foot wide median was rejected as infeasible because it would require a mandatory design exception for non-standard shoulder widths when future median widening (i.e., adding one more lane in each direction) is needed. In other words, the ability to undertake the future median widening would be questionable because the width of the shoulders would be only 5 feet instead of the 10-foot width that is the design standard. The 62-foot wide median has the advantage of meeting the Caltrans Highway Design Manual standards for freeway median width in rural areas. However, it would have a larger footprint than the Project and would require extensive right-of-way acquisition. The larger footprint would also result in significantly greater archaeological, biological, floodplain, and visual impacts. Finally, this design would significantly increase the Project’s capital construction cost.

**Construct a Separate U.S. 101/Santa Teresa Boulevard Interchange**

This design option would extend Santa Teresa Boulevard south from its current terminus at Castro Valley Road through a new frontage road that runs behind Miller Reservoir and ties into Old Monterey Road, where a proposed second interchange would be built approximately 1.3 miles south of the reconstructed U.S. 101/SR 25 interchange. This design option was considered because it has the advantage of separating local (i.e., Santa Teresa Boulevard) traffic from freeway-to-freeway traffic.

**Finding:** This design option was rejected because 1) it requires significant right-of-way acquisition; 2) it has a large environmental footprint that would require a significant amount of mitigation; 3) it does not meet the minimum interchange spacing requirement, which would potentially impact traffic operations; and 4) it would be less desirable by the local communities due to the extended length of travel distance needed to get from Santa Teresa Boulevard to SR 25.

**Reconstruct U.S. 101/SR 25 Interchange without Santa Teresa Boulevard Connection**

The Project initially considered a design for the reconstruction of the U.S. 101/SR 25 interchange that did not include the Santa Teresa Boulevard connection. This proposal generated significant opposition from local residents and businesses, the City of Gilroy, and Santa Clara County. This design option was rejected in response to the comments received during the public scoping meeting that was held in November 2007. In addition, the Santa Teresa Boulevard connection to the U.S. 101/SR 25 interchange was included in the Project as it is identified in the City of Gilroy General Plan, the Southern Gateway Transportation and Land Use Study (VTA, 2006), and the Valley Transportation Plan 2035 (VTA, 2009).

**Finding:** The Project initially considered a design for the reconstruction of the U.S. 101/SR 25 interchange that did not include the Santa Teresa Boulevard connection. This proposal generated significant opposition from local residents and businesses, the City of Gilroy, and Santa Clara County. This design option was rejected in response to the comments received during the public scoping meeting that was held in November 2007. In addition, the Santa Teresa Boulevard connection to the U.S. 101/SR 25 interchange was included in the Project as it is identified in the City of Gilroy General Plan, the Southern Gateway Transportation and Land Use Study (VTA, 2006), and the Valley Transportation Plan 2035 (VTA, 2009).
VI. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to California Public Resources Code § 21081 and CEQA Guidelines § 15093, the VTA Board of Directors adopts and makes the following Statement of Overriding Considerations regarding the remaining significant and unavoidable impacts of the Project and the anticipated economic, social, and other benefits of the Project.

1. SIGNIFICANT UNAVOIDABLE IMPACTS

With respect to the foregoing findings and in recognition of those facts that are included in the administrative record, VTA has determined that the Project would cause significant and unavoidable impacts, as set forth above, consisting of the following:

- The Project would result in a direct and significant growth-inducing impact if and when the application for the El Rancho San Benito (ERSB) project is resubmitted and the approval of ERSB is conditioned upon the widening of U.S. 101.
- The Project will convert 122 acres of prime farmland to highway uses. Included in this conversion are farmlands that are under Williamson Act contracts.

These impacts cannot be mitigated to a less than significant level by feasible changes or alterations to the Project.

2. OVERRIDING CONSIDERATIONS

Despite the existence of significant adverse impacts that have not been mitigated to below the level of significance, the VTA Board of Directors has balanced the benefits of the Project against these significant and unavoidable environmental effects. Pursuant to this balancing, the Board of Directors specifically adopts and makes this Statement of Overriding Considerations that this Project has eliminated or substantially lessened all significant effects on the environment where feasible, and finds that the remaining significant and unavoidable impacts of the Project are acceptable in light of the economic, legal, environmental, social, technological, or other considerations set forth herein because the benefits of the Project outweigh the significant and adverse impacts of the Project.

The VTA Board of Directors hereby finds that each of the economic, legal, social, technological, or other benefits listed below constitutes a separate and independent basis of justification for the Statement of Overriding Considerations, and each is able to independently support the Statement of Overriding Considerations and override the significant and unavoidable environmental effects of the Project. In addition, each benefit is independently supported by substantial evidence contained in the administrative record.

3. BENEFITS OF THE PROJECT

The Board of Directors has considered the EIR, the public record of proceedings on the Project and other written materials presented to VTA, as well as oral and written testimony at all hearings related to the Project, and does hereby determine that implementation of the Project as specifically provided in the Project documents would result in the following substantial public benefits:
Attachment B

- The Project will complete the upgrade of U.S. 101 to freeway standard in Santa Clara County, thereby improving system connectivity to SR 25 and SR 129. Such improvements are consistent with, and identified in, VTA’s Valley Transportation Plan 2035, the 2010 San Benito County Regional Transportation Plan, the Gilroy General Plan, and VTA’s Southern Gateway Transportation and Land Use Study.
- The Project will help accommodate projected traffic demand along U.S. 101, including growth anticipated under adopted land use plans, thereby reducing future congestion and delay, especially during peak travel periods.
- The Project will improve safety along the applicable segment of U.S. 101, including the reduction of conflicts with agricultural traffic.
- The Project will improve safety by grade-separating traffic on SR 25 from trains on the UPRR line, which is located just east of the U.S. 101/SR 25 interchange.
- The Project will improve traffic operations on the applicable segment of U.S. 101, including those associated with connections between U.S. 101 and SR 25, SR 129, local roads, and adjacent land uses.
- The Project will enhance the movement of goods along the U.S. 101 transportation corridor.
- The Project will enhance east-west and north-south bicycle access in the Project area by constructing new facilities consisting of a combination of bike paths, bike lanes, bike routes, and bike bridges.
- The new bike facilities to be constructed by the Project, as well as new highway features (e.g., bridges with greater clearance underneath), will facilitate planned trails in the area, including the Bay Area Ridge Trail, the Monterey-Yosemite Trail, and the Juan Bautista de Anza National Historic Trail.
- The improvements included in the Project will reduce the frequency of flooding (and occasional closure of) U.S. 101 in the area during major storms.

4. Conclusion

The VTA Board of Directors has weighed the above benefits of the Project against the significant and unavoidable environmental effects identified in the Final EIR and hereby determines that each of the benefits outweighs those adverse environmental effects and, therefore, further determines that these significant and unavoidable environmental effects of the Project are acceptable.
MITIGATION MONITORING AND REPORTING PROGRAM

U.S. 101 IMPROVEMENT PROJECT
Between
MONTEREY STREET AND STATE ROUTE 129

SANTA CLARA VALLEY TRANSPORTATION AUTHORITY

MAY 2013
**Introduction**

The Santa Clara Valley Transportation Authority, as lead agency for the U.S. 101 Improvement Project between Monterey Street and State Route 129 (Project), is responsible for compliance with Section 21081.6 of the California Environmental Quality Act (CEQA), which requires a lead agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) “for the changes made to the project or conditions of project approval adopted in order to mitigate or avoid significant effects on the environment.” The Project Environmental Impact Report (May 2013) identifies the environmental impacts of the project and discusses mitigation measures to reduce the effects.

**Program Management**

The MMRP includes the following elements:

- Identification of mitigation measures, as they appear in the Environmental Impact Report;
- Identification of the time frame during which each measure is to be implemented and monitored;
- Identification of the party(ies) responsible for implementing and monitoring each mitigation measure; and
- Documentation of compliance activities in an MMRP Summary Report.

Actions to be performed under the MMRP typically include:

- Actions to be taken prior to construction;
- Actions to be taken during construction; and
- Actions that require monitoring following construction (operations phase).

**Designated Monitor**

VTA’s Environmental Programs and Resources Management Manager is the Designated Monitor responsible for implementation and enforcement of the mitigation measures for the Project. The Designated Monitor will assign monitoring tasks to field monitors, who are responsible for verifying compliance with specific mitigation measures.

**Monitoring Procedures**

Mitigation measures will be monitored, as specified in the attached table. Mitigation measures applicable prior to construction will be discussed with the design engineer(s) and other responsible parties or interested stakeholders. Mitigation measures applicable during construction will be discussed with appropriate VTA personnel, construction contractors, and other responsible parties. Mitigation measures applicable following construction will be discussed with appropriate VTA personnel and other
responsible parties. All measures will be monitored as conditions dictate and all parties will be kept informed, as necessary, of compliance status and any corrective action.

**Reporting Requirements**

The Designated Monitor will submit an MMRP Summary Report to VTA management and appropriate staff, and to any individuals and agencies that request monitoring reports, following completion of construction. Copies of reports may be obtained by contacting the VTA Environmental Programs and Resources Management Department, 3331 North First Street, San Jose, CA 95134, (408) 321-5789.

**Non-compliance**

If noncompliance with any mitigation measure is determined, the Designated Monitor will recommend appropriate corrective action to the party(ies) responsible for implementation. Noncompliance and corrective action information will be included in the report.

**Refinement or Addition of Mitigation Measures**

During the Final Design phase, circumstances may arise that require the revision or addition of a mitigation measure. The Designated Monitor will make appropriate recommendations and ensure the implementation and enforcement of any revised MMRP requirements.
### Farmland

<table>
<thead>
<tr>
<th>Farmland Issue</th>
<th>Measure #</th>
<th>Mitigation Measure</th>
<th>Timeframe for Implementation</th>
<th>Responsibility for Implementation</th>
<th>Oversight for Implementation</th>
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<tbody>
<tr>
<td>Farmland Conversion</td>
<td>FARM-1.1</td>
<td>Farmland conservation easements will be acquired at a 1:1 mitigation-to-impact ratio. The purchase of the farmland conservation easements (or similar instruments) will be undertaken by the Open Space Authority (OSA), with the costs of the easements to be borne by the U.S. 101 Improvement Project. The acquisition area for the conservation easements will be within Santa Clara County. The conservation easements will comply with the following: a) Properties on which the conservation easement are obtained will be those designated as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland. b) All owners of the agricultural mitigation land will execute the document encumbering the land. c) The document will be recordable and contain an accurate legal description of the agricultural mitigation land. d) The document will prohibit any activity which substantially impairs or diminishes the agricultural productivity of the land. e) The document will protect any existing water rights necessary to maintain agricultural uses on the land covered by the document, and retain such</td>
<td>Prior to construction</td>
<td>VTA</td>
<td>VTA Environmental Planning</td>
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### Farmland Issue

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<th>Measure #</th>
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<td>water rights for ongoing use on the agricultural mitigation land. f) The easement will be held by the OSA or by an entity acceptable to the OSA in perpetuity. The entity will not sell, lease, or convey any interest in agricultural mitigation land which it will acquire without the prior written approval of the OSA. g) If the OSA or other qualifying entity owning an interest in agricultural mitigation land ceases to exist, the duty to hold, administer, monitor and enforce the interest will be transferred to another entity acceptable to the OSA.</td>
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### Visual/Aesthetics

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<tr>
<th>Visual/Aesthetics Issue</th>
<th>Measure #</th>
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<th>Oversight for Implementation</th>
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<tbody>
<tr>
<td>Visual Impact</td>
<td>VISUAL-9.1</td>
<td>Small trees will be planted along the north side of Santa Teresa Boulevard in order to screen views of this roadway from the adjacent event center. The trees will function as large screening shrubs. Species that grow into tall trees will not be planted as they would block views of the Diablo Range in the distance. Planting and three years of plant establishment will be implemented under separate contract within two years following completion of roadwork.</td>
<td>During and post construction</td>
<td>VTA</td>
<td>VTA Environmental Planning</td>
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## Cultural Resources

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<tr>
<th>Cultural Resources Issue</th>
<th>Measure #</th>
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<th>Responsibility for Implementation</th>
<th>Oversight for Implementation</th>
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<tbody>
<tr>
<td>Archaeological Resources</td>
<td>CUL-1.1</td>
<td>To resolve construction-related activities that will adversely impact one or more of the historical resources in the project area limits (PAL), an Archaeological Treatment Plan (ATP) will be developed that details procedures and mechanisms that will be followed by Caltrans and VTA to ensure both agencies satisfy their regulatory requirements under CEQA. The ATP will outline the process for completing the identification and evaluation phase of the regulatory process on parcels not yet acquired by the project where access was denied. When data recovery through excavation is the only feasible mitigation, provisions in the ATP for adequate recovery of scientifically consequential information from and about the historical resource, will be implemented prior to any project-related construction or other activities being undertaken.</td>
<td>Prior to construction</td>
<td>VTA Environmental Planning</td>
<td>VTA Environmental Planning, Caltrans, SHPO,</td>
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<tr>
<td>Archaeological Resources</td>
<td>CUL-1.2</td>
<td>If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area will be diverted until a qualified archaeologist can assess the nature and significance of the find.</td>
<td>During construction</td>
<td>VTA Environmental Planning</td>
<td>VTA Environmental Planning, Caltrans, SHPO,</td>
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## Hydrology and Floodplains

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<tr>
<th>Hydrology and Floodplain Issue</th>
<th>Measure #</th>
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<th>Timeframe for Implementation</th>
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<th>Oversight for Implementation</th>
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<tbody>
<tr>
<td>Flooding</td>
<td>HYDRO-1.2</td>
<td>The project will install nine new 12-foot x 6-foot RCB culverts under U.S. 101 to divert flows from Gavilan Creek to the east side of U.S. 101.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>Flooding</td>
<td>HYDRO-1.3</td>
<td>The project will construct a detention basin adjacent to the reconstructed U.S. 101/SR 25 interchange, on the east side of U.S. 101. The detention basin will have a storage capacity of 120 acre-feet and a footprint of roughly 40 acres, assuming an average depth of three feet. The basin will mitigate for the loss of floodplain storage that will occur with construction of the project. The basin will be designed to drain completely following high-runoff events, without depressional areas within its bed that could result in long-term ponding that would serve as an attractant to special-status reptiles and amphibians.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
</tr>
<tr>
<td>Flooding</td>
<td>HYDRO-1.5</td>
<td>The project will construct a bridge (approximately 39-feet x 176-feet) on the southbound U.S. 101 off-ramp to SR 25 to convey flood flows under the ramp.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
</tr>
<tr>
<td>Flooding</td>
<td>HYDRO-1.6</td>
<td>The project will construct a bridge on SR 25 just east of U.S. 101 to convey flood flows under SR 25.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
</tr>
<tr>
<td>Flooding</td>
<td>HYDRO-1.7</td>
<td>The project will install five RCPs, each with a diameter of 30 inches, under the freeway to convey floodwaters downstream to mitigate the overtopping of U.S. 101 north of the Carnadero Creek crossing.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
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</table>
## Water Quality

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<tr>
<th>Water Quality Issue</th>
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<tbody>
<tr>
<td>Stormwater Runoff</td>
<td>WQ-1.1</td>
<td>The project will create approximately 32.4 acres of biofiltration strips and swales along U.S. 101 within the project limits. The strips/swales will be located along the edges of the roadways and interchange ramps. Consistent with the requirements of Caltrans’ NPDES permit, this acreage represents the maximum practicable extent of treatment for this project within the constraints of the site. This acreage is based upon preliminary design and will be updated during final design.</td>
<td>Final design and during construction</td>
<td>VTA Design and Construction</td>
<td>VTA Environmental Planning</td>
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## Paleontology

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<tr>
<th>Paleontology Issue</th>
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<tbody>
<tr>
<td>Paleontological Resources</td>
<td>PALEO-1.1</td>
<td>A nonstandard special provision for paleontology mitigation will be included in the construction contract special provisions section to advise the construction contractor of the requirement to cooperate with the paleontological salvage.</td>
<td>Prior to construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>Paleontological Resources</td>
<td>PALEO-1.2</td>
<td>A qualified principal paleontologist (M.S. or PhD in paleontology or geology familiar with paleontological procedures and techniques) will be retained to prepare a detailed Paleontological Mitigation Plan (PMP) prior to the start of construction. The PMP will include the following elements and stipulations: 1. Areas where preconstruction survey and salvage are needed will be identified. This will apply to any areas where paleontologically sensitive strata are exposed at the surface and will be disturbed by project construction.</td>
<td>Prior to construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
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<td>Paleontology Issue</td>
<td>Measure #</td>
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<td>2.</td>
<td>A</td>
<td>A monitoring plan that will identify all areas where excavation will disturb in situ surface exposures of strata assigned to geologic units identified as highly sensitive for paleontological resources. Monitoring will be required for all disturbance of highly sensitive units. Monitoring will not be needed for shallow (less than about three feet deep) disturbance in areas mapped as underlain by units of low paleontological sensitivity, or where disturbance would be entirely confined (in three dimensions) within existing artificial fill. However, monitoring will be required where disturbance more than three feet deep, including drilling for cast-in-place foundation piers or pilings, will be required in areas where highly sensitive strata are present in the subsurface beneath a veneer of low-sensitivity material.</td>
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<td>3.</td>
<td>All</td>
<td>All geologic work will be performed under the supervision of a California Professional Geologist.</td>
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<td>4.</td>
<td>The</td>
<td>The qualified principal paleontologist will be present at pre-grading meetings to consult with grading and excavation contractors.</td>
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<td>5.</td>
<td>Before</td>
<td>Before excavation begins, a training session in employee environmental awareness and fossil identification will be conducted by the principal paleontologist for all personnel involved in earthmoving for the project.</td>
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<td>6.</td>
<td>A</td>
<td>A paleontological monitor, approved by the qualified principal paleontologist, will be on-site to inspect cuts for fossils at all times during original grading involving sensitive</td>
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<td>geologic formations.</td>
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<td>7.</td>
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<td>When fossils are discovered, the paleontologist (or paleontological monitor) will</td>
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<td>be called to recover them. Construction work in these areas will be halted or</td>
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<td>diverted to allow recovery of fossil remains in a timely manner.</td>
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<td>8.</td>
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<td>Bulk sediment samples will be recovered from fossiliferous horizons and processed</td>
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<td>for microvertebrate remains as determined necessary by the principal paleontologist.</td>
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<td>9.</td>
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<td>Fossil remains collected during the monitoring and salvage portion of the mitigation</td>
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<td>program will be cleaned, repaired, sorted, and cataloged.</td>
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<td>10.</td>
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<td>Prepared fossils, along with copies of all pertinent field notes, photos, and maps,</td>
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<td>will then be deposited in a scientific institution with paleontological collections.</td>
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<td>The repository institution should be identified in advance of construction (typically</td>
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<td>as part of PMP development), and the PMP should include info on the repository</td>
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<td>agreement.</td>
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<td>11.</td>
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<td>A final report will be completed that outlines the results of the mitigation</td>
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<td>program and will be signed by the Principal Paleontologist and Professional</td>
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<td>Geologist. Copies of the final report will be sent to appropriate institutions so</td>
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<td>that the documentation will be available to the scientific community going forward.</td>
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## Hazardous Materials

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<tr>
<th>Hazardous Materials Issue</th>
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<th>Mitigation Measure</th>
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<tbody>
<tr>
<td>Construction Exposure</td>
<td>HAZ-1.1</td>
<td>If construction activities occur within 50 feet of the Chevron Service Station located at 5887 Monterey Road and groundwater is encountered, the groundwater will be sampled and analyzed for constituents of concern related to the Chevron Service Station contaminants prior to disposal. If groundwater is contaminated, it will be contained and either treated and discharged to the sanitary sewer (if sample analytical results meet local sanitary sewer acceptance criteria) or transported to a licensed groundwater treatment facility.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning, DTSC</td>
</tr>
<tr>
<td>Contaminated Soil</td>
<td>HAZ-1.2</td>
<td>Prior to project development, a soil investigation will be conducted to determine whether aerially deposited lead (ADL) has affected soils that will be excavated as part of the proposed project. This applies to locations where such testing has not already been completed. The investigation for ADL will be performed in accordance with Caltrans’ Lead Testing Guidance Procedure. The analytical results will be compared against applicable hazardous waste criteria. Based on analytical results, the investigation will provide recommendations regarding management and disposal of affected soils in the project area including the reuse potential of ADL-affected soil during project development. The provisions of a variance granted to Caltrans by the California Department of Toxic Substances Control on September 22, 2000 (or any subsequent variance in effect when the project is constructed) regarding aerially-deposited lead will be followed.</td>
<td>Prior to construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning, Caltrans</td>
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<tr>
<td>Hazardous Materials Issue</td>
<td>Measure #</td>
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<tr>
<td>Contaminated Soil</td>
<td>HAZ-1.3</td>
<td>If contaminated soil is encountered (based on physical observation) during trenching activities along the alignment, the soil will be stockpiled and analyzed for potential contaminants. If the soil cannot be reused on-site, the analyses will be sent to a permitted landfill for profiling and waste characterization prior to transport to the landfill. In addition, if contaminated groundwater is encountered during construction, similar steps should be taken to characterize and dispose of the groundwater as was discussed in MM-HAZ-1.2.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
</tr>
<tr>
<td>Contaminated Soil</td>
<td>HAZ-1.4</td>
<td>Herbicides and pesticides will be analyzed in the shallow soil within the project limits in site areas located adjacent to or on agricultural land. Shallow soil samples will be collected and analyzed for metals, total petroleum hydrocarbons, volatile organic compounds, polycyclic aromatic hydrocarbons, herbicides and pesticides from areas adjacent to railroad tracks or within railroad crossings. If soil is impacted with any of the compounds discussed above, it will be stockpiled and sampled for reuse or disposal options.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
</tr>
<tr>
<td>Lead-based Paint</td>
<td>HAZ-1.5</td>
<td>Testing for the presence of lead-based paint will be undertaken on the existing bridge structures, in pavement markings, and within the existing buildings to be demolished. If this substance is found to be present, applicable regulations pertaining to its removal and disposal will be followed.</td>
<td>Prior to demolition and construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
</tr>
<tr>
<td>Asbestos-containing Materials</td>
<td>HAZ-1.6</td>
<td>Testing for the presence of asbestos-containing materials on the existing bridge structures, and within the existing buildings to be demolished, will occur. If asbestos is found to be present, applicable regulations pertaining to its removal and disposal will be followed.</td>
<td>Prior to demolition and construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>Hazardous Materials Issue</td>
<td>Measure #</td>
<td>Mitigation Measure</td>
<td>Timeframe for Implementation</td>
<td>Responsibility for Implementation</td>
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<tr>
<td>Naturally-occurring Asbestos</td>
<td>HAZ-1.7</td>
<td>During construction, soil disturbed in the vicinity of the San Benito River may contain elevated levels of naturally-occurring asbestos (NOA). If elevated levels of NOA are found, then dust suppression measures consistent with the Air Resources Board Air Toxics Control Measure for asbestos will be implemented.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
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**Natural Communities**

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<th>Natural Communities Issue</th>
<th>Measure #</th>
<th>Mitigation Measure</th>
<th>Timeframe for Implementation</th>
<th>Responsibility for Implementation</th>
<th>Oversight for Implementation</th>
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<tbody>
<tr>
<td>Riparian Habitat</td>
<td>NATCOM-1.1</td>
<td>The project will pay development fees to the Santa Clara Valley HCP/NCCP for impacts to riparian habitat.</td>
<td>Prior to, or concurrent with, construction</td>
<td>VTA Environmental Planning</td>
<td>Santa Clara Valley Habitat Agency, VTA Environmental Planning</td>
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<tr>
<td>Riparian Habitat</td>
<td>NATCOM-1.2</td>
<td>If MM-NATCOM-1.1 turns out to be infeasible for some or all of the project, permanent impacts to riparian habitat will be mitigated by creating/restoring riparian habitat at a 3:1 ratio, on an acreage basis; temporary impacts will be mitigated at a 2:1 ratio, on an acreage basis; and SRA impacts will be mitigated at a 2:1 ratio, on a linear footage basis. These ratios are higher than those given in the HCP/NCCP as they are for restoration/creation only; there is no preservation component. As a potential alternative to the project creating/restoring riparian habitat at a nearby location, this measure could be satisfied, in whole Prior to, or concurrent with, construction; post construction</td>
<td>VTA Environmental Planning</td>
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<td>Natural Communities Issue</td>
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<td>or part, through the purchase of riparian mitigation credits from an approved mitigation bank. However, at the time this document was prepared, there were no approved mitigation banks offering riparian mitigation credits for projects located in the southern Santa Clara County/northern San Benito County area. If such banks become available and the project decides to purchase credits, the mitigation ratios given above for the creation/restoration of riparian habitat will apply. If on-site or off-site riparian habitat creation or restoration is necessary, a restoration ecologist will develop a Riparian Habitat Mitigation and Monitoring Plan (HMMP), which shall contain the following components (or as otherwise modified by regulatory agency permitting conditions): 1. Summary of habitat impacts and proposed mitigation ratios. 2. Goal of the restoration to achieve no net loss of habitat functions and values. 3. Location of mitigation site(s) and description of existing site conditions. 4. Mitigation design: a. Existing and proposed site hydrology b. Grading plan if appropriate, including bank stabilization or other site stabilization features c. Soil amendments and other site preparation elements as appropriate d. Planting plan e. Irrigation and maintenance plan</td>
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<tr>
<td>Oak Woodlands</td>
<td>NATCOM-2.1</td>
<td>The project will pay development fees to the Santa Clara Valley HCP/NCCP for impacts to oak woodland habitat.</td>
<td>Prior to, or concurrent with, construction</td>
<td>VTA Environmental Planning</td>
<td>Santa Clara Valley Habitat Agency</td>
</tr>
<tr>
<td>Oak Woodlands</td>
<td>NATCOM-2.2</td>
<td>If MM-NATCOM-2.1 turns out to be infeasible, impacts to oak woodland habitat will be mitigated by creating/restoring oak woodland habitat at a 2:1 ratio. A search for appropriate locations for this mitigation revealed that there are numerous nearby locations where oak woodland habitat could be created or restored. If project-specific oak woodland restoration is</td>
<td>Prior to, or concurrent with, construction; post construction</td>
<td>VTA Environmental Planning</td>
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<td>Natural Communities Issue</td>
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<tr>
<td>Wildlife Movement</td>
<td>NATCOM-3.1</td>
<td>North of Tar Creek, the project will maintain the existing standard fencing and thrie-beam median barrier.</td>
<td>During and after construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>Wildlife Movement</td>
<td>NATCOM-3.2</td>
<td>New box culverts will be installed under U.S. 101 north of SR 25 for the purpose of accommodating flood flows; see MM-HYDRO 1.1 and MM-HYDRO-1.2. Although wildlife crossings are not substantial in this area, these culverts will be beneficial to wildlife movement across the U.S. 101 corridor because they will be dry year-round in most years</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>Wildlife Movement</td>
<td>NATCOM-3.3</td>
<td>A new culvert under U.S. 101 will be installed between Tar Creek and the Pajaro River. The height of the culvert will be at least 4 feet.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>Wildlife Movement</td>
<td>NATCOM-3.4</td>
<td>The existing, 90-inch, corrugated metal pipe (CMP) under U.S. 101 south of the Pajaro River will be replaced by a box culvert to maintain or increase its &quot;openness ratio&quot; (a measure of how &quot;open&quot; a culvert appears to animals, taking into account its height, width, and length) as this culvert is lengthened. This modification will at least maintain, if not enhance, the usefulness of this</td>
<td>During construction</td>
<td>VTA Construction</td>
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<tr>
<td>Wildlife Movement</td>
<td>NATCOM-3.5</td>
<td>The existing, 54-inch, reinforced concrete pipe (RCP) under U.S. 101 just north of the Betabel Road/Y Road interchange will be replaced with a box culvert at least 90 inches in height. Increasing the height and width of this culvert will increase its openness ratio considerably, thereby enhancing its attractiveness to wildlife attempting to cross U.S. 101.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>Wildlife Movement</td>
<td>NATCOM-3.6</td>
<td>Wildlife fencing(^1) will be installed along U.S. 101 from Tar Creek south to the San Benito River to minimize the potential for wildlife to access the highway’s surface. The wildlife fencing will extend 0.25 miles north of Tar Creek and south of the San Benito River to minimize the potential for wildlife to move around the fence and onto the roadway. Wildlife &quot;jump-outs&quot; or one-way gates will be installed in several locations within this segment so that animals that are able to find a way onto the highway will be able to exit.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>Wildlife Movement</td>
<td>NATCOM-3.7</td>
<td>Where feasible, designs for the culverts that will be lengthened by the project will include metal grating in the shoulder of the road surface. This grating will increase lighting within the culverts, offsetting the increased darkness resulting from lengthening the culverts.</td>
<td>Final design and during construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
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\(^1\)“Wildlife Fencing” consists of small-gauge mesh at the base (to reduce the potential for mammals larger than mice and voles to pass through) and barbed wire at the top for a height of at least 7 feet. Wildlife fencing is used to guide wildlife to undercrossings for safe movement across the highway.
<table>
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<tr>
<th>Natural Communities Issue</th>
<th>Measure #</th>
<th>Mitigation Measure</th>
<th>Timeframe for Implementation</th>
<th>Responsibility for Implementation</th>
<th>Oversight for Implementation</th>
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<tr>
<td>Wildlife Movement</td>
<td>NATCOM-3.8</td>
<td>At several existing culverts under U.S. 101, vegetation immediately in front of the culverts may block the culverts from the view of dispersing animals and provide cover in which predators may hide. Although such cover may benefit animals at times, the function of the culverts (from a wildlife perspective) is to move quickly through the corridor. Therefore, in some areas, vegetation will be cleared immediately in front of culverts to make them more conspicuous and attractive and to reduce cover in which predators may hide.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>Wildlife Movement</td>
<td>NATCOM-3.9</td>
<td>The concrete median barriers south of Tar Creek will be retrofitted to incorporate wildlife passageways (Caltrans standard &quot;Type S, M, and/or L&quot;) to facilitate crossings by animals that are able to cross over or through the wildlife fencing in these areas.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>Wildlife Movement</td>
<td>NATCOM-3.10</td>
<td>Following completion of construction, monitoring will be performed to ensure that MM-NATCOM-3.1 through MM-NATCOM-3.6, and MM-NATCOM-3.9, have been implemented; to document that grating has been incorporated into the road shoulder per MM-NATCOM-3.7 where feasible; and to document that vegetation potentially concealing undercrossings has been cleared as appropriate to make inconspicuous undercrossings more evident to wildlife per MM-NATCOM-3.8. In addition, monitoring will occur at the Tar Creek, Pajaro River, and San Benito River bridges, as well as at the two culverts that are to be upgraded in size between the Pajaro River and the Betabel Road/Y Road interchange, to verify continued use</td>
<td>Post construction</td>
<td>VTA Construction</td>
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<td>Natural Communities Issue</td>
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<td>by mammals moving from one side of U.S. 101 to the other. Such monitoring may be performed via remote cameras, track plates, observation of mammal tracks in existing sediment, or other means to verify use. Success will be measured by verification of use of each of these undercrossings by mammals. If verification of use of all five of these undercrossings by mammals cannot be provided within six months following the initiation of monitoring, VTA will consult with Caltrans and the CDFW regarding further monitoring.</td>
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<td>Wetlands</td>
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<tr>
<td>Loss of Wetlands</td>
<td>WET-1.1</td>
<td>The project will pay development fees to the Santa Clara Valley HCP/NCCP for impacts to wetlands and aquatic habitat.</td>
<td>Prior to, or concurrent with, construction</td>
<td>VTA Environmental Planning</td>
<td>Santa Clara Valley Habitat Agency</td>
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<tr>
<td>Loss of Wetlands</td>
<td>WET-1.2</td>
<td>If MM-WET-1.1 turns out to be infeasible for some or all of the project, permanent impacts to wetlands and aquatic habitat will be mitigated by the purchase of credits from the Pajaro River Mitigation Bank that services both Santa Clara and San Benito Counties. If credits are no longer available at this bank, and if there are no other approved mitigation banks whose service area includes the project area, then mitigation will occur through on-site or off-site creation of wetland and aquatic habitat at a 2:1 ratio, on an acreage basis. A search for appropriate locations for this mitigation revealed that there are numerous nearby locations where wetlands and aquatic</td>
<td>Prior to, or concurrent with, construction</td>
<td>VTA Environmental Planning</td>
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<td>Wetlands Issue</td>
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<tr>
<td>Loss of wetlands</td>
<td>WET-1.3</td>
<td>The temporary wetland and aquatic habitat impacts will be mitigated at a 1:1 acreage ratio through the restoration of pre-construction grades, hydrology, and soil conditions at the location of the impact to wetland and aquatic areas temporarily disturbed during construction. Wetland vegetation, structure, and function are expected to regenerate naturally following the restoration of grades, hydrology, and soils. To ensure that restoration of temporarily impacted areas is successful, a restoration plan will be developed for temporarily impacted wetlands and aquatic habitats. This plan will include a discussion or depiction of grading to restore wetland hydrology; soil amendments; planting/seeding or justification regarding why planting or seeding is unnecessary (e.g., in the Prior to, or concurrent with, construction; post construction</td>
<td>VTA Environmental Planning</td>
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### Wetlands Issue

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<th>Wetlands Issue</th>
<th>Measure #</th>
<th>Mitigation Measure</th>
<th>Timeframe for Implementation</th>
<th>Responsibility for Implementation</th>
<th>Oversight for Implementation</th>
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<td>event that a wetland vegetation seed source is present in immediately adjacent areas; monitoring; and success criteria, as necessary.</td>
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### Special-Status Animal Species

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<th>Special Status Animal Species Issue</th>
<th>Measure #</th>
<th>Mitigation Measure</th>
<th>Timeframe for Implementation</th>
<th>Responsibility for Implementation</th>
<th>Oversight for Implementation</th>
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<tbody>
<tr>
<td>Pacific Lampreys and Monterey Roach</td>
<td>ANIMAL-1.1</td>
<td>The project will fully mitigate for impacts to SRA, riparian, and aquatic habitats. (<em>This mitigation is summarized above; see Natural Communities and Wetlands.</em>)</td>
<td>Prior to, or concurrent with, construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>Pacific Lampreys and Monterey Roach</td>
<td>ANIMAL-1.2</td>
<td>Any construction activities within the low-flow channels of waterways where Pacific lamprey and Monterey roach are known or likely to occur will be limited to the period of June 15 to October 15.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>Pacific Lampreys and Monterey Roach</td>
<td>ANIMAL-1.3</td>
<td>For waterways where Pacific lamprey and Monterey roach are known or likely to occur, measures will be taken to ensure that movement of fish is not prevented by any water diversion structures used during construction regardless of when construction occurs. Water will be diverted through the construction site by way of an open ditch, enclosed culvert (which further protects fish from pressure waves created during pile driving [see MM-T&amp;E-1.5]), or other method approved by the regulatory agencies.</td>
<td>During Construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>Pacific Lampreys and Monterey Roach</td>
<td>ANIMAL-1.4</td>
<td>The project will implement measures during construction to avoid and minimize the potential degradation of water quality within any waterways</td>
<td>During Construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>Western Pond Turtles</td>
<td>ANIMAL-3.1</td>
<td>A pre-construction survey for the western pond turtle will be conducted within 30 days prior to any site preparation, grading or construction activity at the Pajaro River, San Benito River, San Juan Creek, Tar Creek, Carnadero Creek, and Tick Creek. A single, intensive search for this species will be performed in areas exhibiting even marginally suitable habitat, covering the area of potential impact at each creek crossing and extending at least 500 feet beyond the area of potential impact both upstream and downstream. If this species is found within the surveyed area, the CDFW will be notified of such occurrence and, if possible, and without injury, individuals will be captured and moved to a safe location by a qualified biologist, at least 500 feet away from the area of potential impact.</td>
<td>Prior to construction</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>Western Pond Turtles</td>
<td>ANIMAL-3.2</td>
<td>If individuals and/or suitable habitat are located within 500 feet of the area of potential impact at a creek crossing, monitoring will be performed during the process of clearing vegetation within the construction zone, to ensure that any western pond turtles that may be present will be safely relocated. The biologist conducting such monitoring, if necessary, will have the authority to halt operations in the immediate area to avoid harming turtles, if present, until individuals are safely captured and relocated. The CDFW will be notified of such occurrence.</td>
<td>During construction</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>Western Pond Turtles</td>
<td>ANIMAL-3.3</td>
<td>During pre-construction surveys and other measures to be implemented for California red-legged frogs and California tiger salamanders, a qualified biologist will look for western pond turtles within the project’s impact areas. If any pond turtles are detected during these surveys, or during construction, in an area where the individuals could be impacted, they will be relocated to a suitable location outside the area of project impact in consultation with the CDFW.</td>
<td>Prior to construction</td>
<td>VTA Environmental Planning</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>Burrowing Owls</td>
<td>ANIMAL-6.1</td>
<td>Pre-construction surveys will be undertaken to determine if owls utilize the habitat to be impacted by the project.</td>
<td>Prior to construction</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>Burrowing Owls</td>
<td>ANIMAL-6.2</td>
<td>Prior to construction, during the non-nesting season (September 2 - February 14), any owls occupying burrows within construction zones will be passively relocated under the authorization of the CDFW. Passive relocation is an intensive process that involves the installation of one-way doors in all ground squirrel burrows occurring on the site; such doors allow owls to leave their burrows but do not allow them to return, thereby forcing owls to move to a different area. The doors will be monitored by a qualified biologist daily for a period of no less than three days and after that period, burrows will be destroyed to preclude owls from returning to the burrows, and grading of these areas will commence within seven days. The passive relocation will be repeated if owls move back to the construction areas.</td>
<td>Prior to construction</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>Burrowing Owls</td>
<td>ANIMAL-6.3</td>
<td>Burrows within the construction zone that are occupied by owls will not be disturbed during the construction phase.</td>
<td>During construction</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>Burrowing Owls</td>
<td>ANIMAL-6.4</td>
<td>nesting season (February 15 through September 1) unless a qualified biologist verifies that either the owls have not begun laying and incubating eggs, or that juvenile owls have fledged and are able to live independently of their parents. If construction will occur during the nesting season, the project will establish and maintain a minimum of a 250-foot buffer around any active nest.</td>
<td>Prior to, or concurrent with, construction</td>
<td>VTA Environmental Planning</td>
<td>Santa Clara Valley Habitat Agency</td>
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<tr>
<td>Burrowing Owls</td>
<td>ANIMAL-6.5</td>
<td>if MM-ANIMAL-6.4 turns out to be infeasible for some or all of the project, mitigation will consist of the purchase of credits from a mitigation bank that serves the project area. If no banks or credits are available, then the project will develop and implement a plan for the creation or enhancement of burrows, maintenance of burrows and management of foraging habitat, monitoring procedures, funding assurance, annual reporting requirements, and contingency and remediation measures. The extent of the mitigation lands (either for the purchase of mitigation credits or for project-sponsored mitigation), enhancement measures, and other details will be determined based on the circumstances surrounding the owls to be impacted and their habitat, in consultation with the CDFW. If project-sponsored burrowing owl mitigation is necessary, a wildlife ecologist will develop an</td>
<td>Prior to, or concurrent with, construction</td>
<td>VTA Environmental Planning</td>
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U.S. 101 Improvement (Monterey Street to S.R. 129) Mitigation Monitoring and Reporting Program
Page 24 of 45
May 2013
<table>
<thead>
<tr>
<th>Special Status Animal Species Issue</th>
<th>Measure #</th>
<th>Mitigation Measure</th>
<th>Timeframe for Implementation</th>
<th>Responsibility for Implementation</th>
<th>Oversight for Implementation</th>
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<tr>
<td>San Francisco Dusky-footed Woodrat</td>
<td>ANIMAL-8.1</td>
<td>Prior to any clearing of - or work within - riparian, oak woodland, or coyote brush scrub habitat, or the removal of any oak trees located outside these habitats, or construction activities involving the relocation of any burrowing owls, in consultation with the CDFW, which will contain the following components: 1. Summary of habitat impacts and proposed mitigation ratios. 2. Goal of the habitat mitigation. 3. Location of mitigation site(s) and description of existing site conditions. 4. Mitigation design: a. Habitat enhancement measures b. Remedial measures/adaptive management, etc. 5. Monitoring plan (including performance and final success criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.). At a minimum, success criteria will include the presence of burrowing owls, suitable burrows for owls, and quantitative measures of vegetation characteristics for suitable owl habitat. 6. Contingency plan for mitigation elements that do not meet performance or final success criteria. At least five years of monitoring will be conducted to document whether the success criteria are achieved, and to identify any remedial actions that must be taken if the identified success criteria are not met.</td>
<td>Prior to construction</td>
<td>VTA Environmental Planning</td>
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U.S. 101 Improvement (Monterey Street to S.R. 129)  
Mitigation Monitoring and Reporting Program  
May 2013
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<th>Timeframe for Implementation</th>
<th>Responsibility for Implementation</th>
<th>Oversight for Implementation</th>
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<tbody>
<tr>
<td>San Francisco Dusky-footed Woodrat</td>
<td>ANIMAL-8.2</td>
<td>Where nests are found, and if feasible, the project will maintain a buffer of at least several feet (preferably as much as 10 feet) around these nests. The purpose of the buffer is to avoid moving or bumping the nests or logs or branches on which the nests rest. If avoidance of nests is not feasible, the nests will be dismantled and the nesting material moved to a new location outside the project’s impact area. Prior to dismantling, understory vegetation will be cleared within the project site or in the area immediately surrounding the nest. Then, each active nest will be disturbed by a qualified wildlife biologist to the degree that the woodrats leave the nest and seek refuge out of the impact area. Whether the nest is on the ground or in a tree, the nest would be nudged to cause the woodrats to flee, and then dismantled. For tree nests, a tarp will be placed below the nest and the nest dismantled using hand tools (either from the ground or from a lift). Nesting material will be located outside the project’s impact area in a way that it can be used by woodrats to construct new nests. The nest material will be piled at the base of a nearby hardwood tree (preferably an oak, willow, or other appropriate tree species, with refuge sites among the tree roots). If nearby habitat outside the impact area lacks suitable structure, logs (e.g., 4 feet long and 6 inches in diameter) will be placed in undisturbed riparian or oak woodland habitat.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
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habitat, a qualified biologist will conduct a survey for San Francisco dusky-footed woodrat nests. |
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<tbody>
<tr>
<td>Roosting Bats</td>
<td>ANIMAL-9.1</td>
<td>A pre-construction/pre-demolition survey for roosting bats will be conducted prior to any construction on the U.S. 101 southbound span over Tar Creek, which is the only bridge with day roosting by bats. Such a survey will also be conducted in any trees and buildings within or immediately adjacent to the project impact area that are identified by a qualified bat biologist (i.e., a biologist holding a CDFW collection permit allowing the biologist to handle and collect bats) as being high-potential roost sites. If suitable roost sites are found but a visual survey is not adequate to determine presence or absence of bats, acoustical equipment will be used to determine occupancy. This survey will be conducted prior to the beginning of the breeding season (i.e., prior to March 1) in the year in which construction or demolition in a given area is scheduled to occur so that adequate measures can be implemented, if feasible, to evict the bats during the non-breeding season.</td>
<td>Prior to construction</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>Roosting Bats</td>
<td>ANIMAL-9.2</td>
<td>Because the aforementioned survey will be conducted prior to the breeding season, several months may pass between that survey and the initiation of construction or demolition in a given area. Therefore, a second preconstruction/ pre-</td>
<td>Prior to construction</td>
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<tr>
<td>Roosting Bats</td>
<td>ANIMAL-9.3</td>
<td>If a maternity roost of any bat species is present, the bat biologist will determine the extent of a construction-free buffer around the active roost that will be maintained. This buffer will be maintained from April 1 until the young are flying, typically after August 31. If a day roost is found on a bridge, in a building, or in a tree that is to be completely removed or replaced, individual bats will be safely evicted under the direction of a qualified bat biologist. Eviction of bats will occur at night, so that bats will have less potential for predation compared to daytime roost abandonment. Eviction will occur between September 1st and March 31st, outside the maternity season, but will not occur during long periods of inclement or cold weather (as determined by the bat biologist) when prey are not available or bats are in torpor. No day roosts are currently known to occur in crevices on bridges in the biological study area (BSA), but if such a roost is found during preconstruction surveys, one-way doors will be inserted into the crevices to allow bats to exit, but not re-enter, the crevices. These one-way doors will be inspected regularly until demolition commences, and will be removed the</td>
<td>During construction</td>
<td>VTA Construction</td>
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<tr>
<td>Roosting Bats</td>
<td>ANIMAL-9.4</td>
<td>If a day roost is found on a bridge, in a building, or in a tree that is to be completely removed or replaced, individual bats will be safely evicted under the direction of a qualified bat biologist. Eviction of bats will occur at night, so that bats will have less potential for predation compared to daytime roost abandonment. Eviction will occur between September 1st and March 31st, outside the maternity season, but will not occur during long periods of inclement or cold weather (as determined by the bat biologist) when prey are not available or bats are in torpor. No day roosts are currently known to occur in crevices on bridges in the biological study area (BSA), but if such a roost is found during preconstruction surveys, one-way doors will be inserted into the crevices to allow bats to exit, but not re-enter, the crevices. These one-way doors will be inspected regularly until demolition commences, and will be removed the</td>
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<tr>
<td>Roosting Bats</td>
<td>ANIMAL-9.S</td>
<td>If a day roost will be impacted, an alternative bat roost structure will be provided. The design and placement of this structure will be determined by a bat biologist, in consultation with the CDFW, based on the species of bat to be displaced, the location of the original roost, and the habitat conditions in the vicinity. The roost structure will be built to specifications as determined by a bat biologist and CDFW, or it may be purchased from an appropriate vendor. The structure will be placed as close to the morning of demolition. If a day roost is found within a building, eviction will occur by opening the roosting area to allow airflow through the cavity. Demolition should then follow no sooner than the following day (i.e., there should be no less than one night between initial disturbance for airflow and the demolition). This action should allow bats to leave during dark hours, thus increasing their chance of finding new roosts with a minimum of potential predation during daylight. If feasible, one-way doors will also be used to evict bats from tree roosts. If use of a one-way door is not feasible, or the exact location of the roost entrance in a tree is not known, the trees with roosts that need to be removed should first be disturbed by removal of some of the trees’ limbs not containing the bats. Such disturbance will occur at dusk to allow bats to escape during the darker hours. These trees would then be removed the following day. All of these activities will be performed under the supervision of the bat biologist.</td>
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<tr>
<td>Roosting Bats</td>
<td>ANIMAL-9.6</td>
<td>impacted roost site as feasible, which may include placement within trees, on bridge structures, or other locations as determined by a bat biologist and CDFW. This bat structure will be erected at least one month (and preferably a year or more) prior to removal of the original roost structure. A bat biologist will monitor this structure during the breeding season for up to three years following completion of the project, or until it is found to be occupied by bats, to provide information for future projects regarding the effectiveness of such structures in minimizing impacts to bats.</td>
<td>During construction</td>
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<td>Special Status Animal Species Issue</td>
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<tr>
<td>Ringtail</td>
<td>ANIMAL-10.1</td>
<td>If a ringtail nest is detected incidentally (i.e., during the woodrat surveys described in MM-ANIMAL-8.1), a qualified mammalogist will determine the extent of a construction-free buffer zone that should be maintained around the den. Construction activities within this zone will not occur during the period March 1 through August 31 to avoid potential construction disturbance to the bats.</td>
<td>Prior to construction</td>
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<tr>
<td>Badgers</td>
<td>ANIMAL-11.1</td>
<td>A qualified mammalogist will conduct preconstruction surveys for badger dens on and within 300 feet of the site (as access permits), within two weeks prior to groundbreaking in any given area occupied by grassland or ruderal habitat. If the mammalogist identifies any dens that appear suitable for this species (based on size, shape, or other features), such &quot;potential dens&quot; will be monitored via tracking media or camera for a period of at least three days to determine occupancy, then excavated if no evidence of occupancy is detected. If an active maternity badger den is located, the mammalogist will determine the measures (e.g., buffers) that will be taken to avoid impacts to the den during the pupping season (i.e., February 15 through July 1, or as otherwise determined through surveys and monitoring of the den), in consultation with the CDFW. After the pupping season, if a den is located in the project impact area, the badgers will be evicted by excavation of the den using hand tools under the supervision of a qualified mammalogist, in consultation with the CDFW.</td>
<td>Prior to construction</td>
<td>VTA Environmental Planning</td>
<td>VTA Environmental Planning, CDFW</td>
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<tr>
<td>Nesting Birds</td>
<td>ANIMAL-12.1</td>
<td>Vegetation that will be impacted by the project will be removed during the non-breeding season (i.e., September 1 to February 1), if feasible, to help</td>
<td>Prior to construction</td>
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<td>VTA Environmental Planning, CDFW</td>
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<tr>
<td>Nesting Birds</td>
<td>ANIMAL-12.2</td>
<td>At bridges, to avoid impacts to nesting swallows and black phoebes, old nests will be removed prior to February 15, or after February 15 if a qualified ornithologist determines that the nests are not active. Maintaining bridges free from nesting birds may require the placement of netting or other structures over the underside of the bridges to prevent swallows and other birds from accessing suitable nesting substrate. Alternatively, nest starts may be removed on a regular basis (e.g., every other day) to prevent active nests from becoming established. Because both roosting bats and nesting swallows occur on at least one bridge (the southbound U.S. 101 span over the UPRR/Tar Creek), coordination of exclusion efforts may be necessary. Thus, if exclusion devices such as</td>
<td>Prior to construction</td>
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preclude nesting. If it is not feasible to schedule vegetation removal during the non-breeding season, then pre-construction surveys for nesting birds will be conducted by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. This survey will be conducted no more than two days prior to the initiation of construction activities. During this survey, the ornithologist will inspect trees, shrubs, and other potential nesting habitats in and immediately adjacent to the project impact areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist, in consultation with CDFW, will determine the extent of a buffer zone to be established around the nest, which can range from 100 to 300 feet or more depending on the sensitivity of the nest and/or species.
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<td>netting will be installed prior to February 15 to prevent swallows from nesting, and if measures are taken to exclude roosting bats, all these measures will need to be implemented prior to February 15.</td>
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**Threatened and Endangered Species**

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<tbody>
<tr>
<td>Steelhead</td>
<td>T&amp;E-1.1</td>
<td>The project will fully mitigate for impacts to SRA, riparian, and aquatic habitats. <em>(This mitigation is summarized above; see Natural Communities and Wetlands.)</em></td>
<td>Prior to, or concurrent with, construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>Steelhead</td>
<td>T&amp;E-1.2</td>
<td>Any construction activities within the low-flow channels of waterways where steelhead are known or likely to occur will be limited to the period of June 15 to October 15.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>Steelhead</td>
<td>T&amp;E-1.3</td>
<td>For waterways where steelhead are known or likely to occur, measures will be taken to ensure that movement of fish is not prevented by any water diversion structures used during construction, regardless of when construction occurs. Water will be diverted through the construction site by way of an open ditch, enclosed culvert (which further protects fish from pressure waves created during pile driving [see MM-T&amp;E-1.5]), or other method approved by the regulatory agencies.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>Steelhead</td>
<td>T&amp;E-1.4</td>
<td>The project will implement measures during construction to avoid and minimize the potential degradation of water quality within any waterways where steelhead are known or likely to occur. *(See</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
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<td>Threatened and Endangered Species Issue</td>
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<tr>
<td>Steelhead</td>
<td>MM-T&amp;E-1.5</td>
<td>To avoid and minimize impacts to fish resulting from pressure waves created during pile driving, the following measures will be implemented: (a) pile driving work will be limited to the period of June 15 to October 15; (b) in-water installation of piles will be avoided either by placing piles outside the low-flow channel or by driving the piles in an area that has been de-watered; (c) where practical, low-impact pile driving equipment such as vibratory hammers or hydraulic casing oscillators, which minimize underwater sound pressure levels, or press-in pile installation will be used instead of impact hammers; (d) where practical, steel piles will be avoided; (e) construction-related underwater sound exposure levels will be limited to less than 187 dB accumulated sound exposure levels and peak sound pressure levels of less than 208 dB; and (f) if necessary, other sound reduction measures, such as air bubble curtains or coffer dams, will be implemented to attenuate noise levels.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>California Red-legged Frog</td>
<td>T&amp;E-2.1</td>
<td>The project will fully mitigate for impacts to riparian habitat and aquatic/wetland habitat, the two habitat types of greatest value to red-legged frogs. (This mitigation is summarized above; see Natural Communities and Wetlands.)</td>
<td>Prior to, or concurrent with, construction</td>
<td>VTA Environmental Planning</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>California Red-legged Frog</td>
<td>T&amp;E-2.2</td>
<td>The project will pay development fees to the Santa Clara Valley HCP/NCCP for impacts to upland non-breeding red-legged habitat.</td>
<td>Prior to, or concurrent with, construction</td>
<td>VTA Environmental Planning</td>
<td>Santa Clara Valley Habitat Agency</td>
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<td>Threatened and Endangered Species Issue</td>
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<tr>
<td>California Red-legged Frog</td>
<td>T&amp;E-2.3</td>
<td>If MM-T&amp;E-2.2 turns out to be infeasible for some or all of the project, mitigation for impacts to upland non-breeding frog habitat will consist of the purchase of credits from a mitigation bank that serves the project area. If no banks or credits are available, then the project will develop and implement a plan for the preservation and enhancement of non-breeding red-legged frog habitat at off-site location(s). If project-specific mitigation for impacts to California red-legged frog habitat is necessary, a wildlife ecologist will develop a California red-legged frog HMMP. This plan will contain the same types of information described above in MM-ANIMAL-6.5, but will focus on the red-legged frog instead of the burrowing owl. At a minimum, success criteria will include the presence of suitable habitat conditions for the red-legged frog, and provision of ecological functions and values equal to or exceeding those in the red-legged frog habitat that is impacted.</td>
<td>Prior to, or concurrent with, construction</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>California Red-legged Frog</td>
<td>T&amp;E-2.4</td>
<td>Prior to any ground disturbance, pre-construction surveys shall be conducted by a USFWS-approved biologist for the California red-legged frog. These surveys shall consist of walking surveys of the project limits and adjacent areas accessible to the public to determine presence of the species. All aquatic, wetland, and riparian habitats within construction areas will be surveyed by the qualified biologist for the presence of larval and adult California red-legged frogs prior to construction activities. If any red-legged frogs are detected within construction areas, they will be relocated to</td>
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<tr>
<td>California Red-legged Frog</td>
<td>T&amp;E-2.5</td>
<td>An employee education program will take place before groundbreaking for the project, and a USFWS-approved biologist will explain to construction workers how best to avoid the accidental take of California red-legged frogs. The approved biologist will train construction workers on recognition of this species, their potential for occurrence in the project area, measures to avoid take, and penalties for take. The program will consist of a brief presentation by the on-site biologist to explain endangered species concerns to all contractors, their employees, and agency personnel involved in the project. The program should include a description of the California red-legged frog and its habitat needs; an explanation of the status of this species and its protection under the Endangered Species Act; and a description of the measures being taken to reduce effects to this species during project construction and implementation. Documentation of the training, including individual signed affidavits, will be kept on file.</td>
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<tr>
<td>California Red-legged Frog</td>
<td>T&amp;E-2.6</td>
<td>Prior to the start of work each day, dedicated construction personnel will inspect trenches and pits that were left open overnight. If a California</td>
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<td>California Red-legged Frog</td>
<td>T&amp;E-2.7</td>
<td>Permanent and temporary disturbances and other types of project-related disturbance to the habitats of the California red-legged frog shall be minimized to the maximum extent practicable. To minimize temporary disturbances, all project-related vehicle traffic shall be restricted to established roads, construction areas, and other designated areas. These areas will also be included in pre-construction surveys and, to the maximum extent possible, should be established in locations disturbed by previous activities to prevent further adverse effects.</td>
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<td>California Red-legged Frog</td>
<td>T&amp;E-2.8</td>
<td>Project-related vehicles shall observe a 15 mph speed limit within construction areas, except on established public roadways; this is particularly important at night when the California red-legged frog is most active. To the maximum extent</td>
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<tr>
<td>California Red-legged Frog</td>
<td>T&amp;E-2.9</td>
<td>Possible, nighttime construction should be minimized. Off-road traffic outside of designated project areas shall be prohibited.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>California Red-legged Frog</td>
<td>T&amp;E-2.10</td>
<td>To prevent inadvertent entrapment of red-legged frogs during construction, all excavated, steep-walled holes or trenches more than two feet deep shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they will be inspected for trapped animals. If at any time a trapped listed animal is discovered, the procedure described in MM-T&amp;E-2.6 will be followed.</td>
<td>During construction</td>
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<td>VTA Environmental Planning</td>
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<tr>
<td>California Red-legged Frog</td>
<td>T&amp;E-2.11</td>
<td>To eliminate an attraction to predators of the California red-legged frog, all food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in closed containers and removed at least once every week.</td>
<td>During construction</td>
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<td>VTA Environmental Planning</td>
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<tr>
<td>California Red-legged Frog</td>
<td>T&amp;E-2.12</td>
<td>To avoid harassment, injury, or mortality of California red-legged frogs by dogs or cats, no canine or feline pets shall be permitted in the project area.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
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<tr>
<td>California Red-legged Frog</td>
<td>T&amp;E-2.13</td>
<td>Plastic monofilament netting (erosion control matting) or similar material shall not be used at the project site because California red-legged frogs may become entangled or trapped in it. Acceptable substitutes include coconut coir matting or tackified hydroseeding compounds.</td>
<td>During construction</td>
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<td></td>
<td>A qualified biologist(s) shall be on-site during activities that may result in the take of the California red-legged frog.</td>
<td>During construction</td>
<td>VTA Environmental Planning</td>
<td>VTA Environmental Planning</td>
</tr>
</tbody>
</table>
### Threatened and Endangered Species Issue

<table>
<thead>
<tr>
<th>Measure #</th>
<th>Mitigation Measure</th>
<th>Timeframe for Implementation</th>
<th>Responsibility for Implementation</th>
<th>Oversight for Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>California Red-legged Frog</td>
<td><strong>T&amp;E-2.14</strong> Injured California red-legged frogs will be cared for by a licensed veterinarian or other qualified person; dead red-legged frogs will be preserved according to standard museum techniques and held in a secure location. The USFWS and the CDFW will be notified within one working day of the discovery of death or injury to a California red-legged frog that occurs due to project-related activities or is observed at the project site. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal clearly indicated on a USGS 7.5 minute quadrangle and other maps at a finer scale, as requested by the USFWS, and any other pertinent information.</td>
<td>During construction</td>
<td>VTA Environmental Planning</td>
<td>VTA Environmental Planning, USFWS, CDFW</td>
</tr>
<tr>
<td>California Red-legged Frog</td>
<td><strong>T&amp;E-2.15</strong> Environmentally sensitive area (ESA) fencing will be installed around sensitive habitat features used by the red-legged frog, such as wetlands and riparian and aquatic habitats, which are to be avoided.</td>
<td>Prior to and during construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
</tr>
<tr>
<td>Threatened and Endangered Species Issue</td>
<td>Measure #</td>
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<tr>
<td>California Red-legged Frog</td>
<td>T&amp;E-2.17</td>
<td>A bridge and two 8-foot arch pipes will be constructed within the new Santa Teresa Boulevard Extension near the pond south of Castro Valley Ranch to allow frogs to move under the roadway. Because of the increased traffic on Santa Teresa Boulevard under this option, as compared to that on the frontage road under Design Option A, permanent exclusion fencing will be installed to keep frogs off the road's surface within 0.25 miles of the pond.</td>
<td>During and after construction</td>
<td>VTA Construction Planning</td>
</tr>
<tr>
<td>California Tiger Salamander</td>
<td>T&amp;E-3.1</td>
<td>The project will fully mitigate for impacts to aquatic/wetland habitat, the habitat type of greatest value to tiger salamanders. <em>(This mitigation is described above; see Wetlands.)</em></td>
<td>Prior to, or concurrent with, construction</td>
<td>VTA Environmental Planning</td>
</tr>
<tr>
<td>California Tiger Salamander</td>
<td>T&amp;E-3.2</td>
<td>The project will pay development fees to the Santa Clara Valley HCP/NCCP for impacts to upland non-breeding tiger salamander habitat.</td>
<td>Prior to, or concurrent with, construction</td>
<td>VTA Environmental Planning</td>
</tr>
<tr>
<td>California Tiger Salamander</td>
<td>T&amp;E-3.3</td>
<td>If MM-T&amp;E-3.2 turns out to be infeasible for some or all of the project, mitigation for impacts to upland non-breeding tiger salamander habitat will consist of the purchase of credits from a mitigation bank that serves the project area. If no banks or credits are available, then the project will develop</td>
<td>Prior to, or concurrent with, construction</td>
<td>VTA Environmental Planning</td>
</tr>
</tbody>
</table>
and implement a plan for the preservation and enhancement of non-breeding tiger salamander habitat at off-site location(s).

If project-specific mitigation for impacts to California tiger salamander habitat is necessary, a wildlife ecologist will develop a California tiger salamander HMMP. This plan will contain the same types of information described above in MM-ANIMAL-6.5, but will focus on the tiger salamander instead of the burrowing owl. At a minimum, success criteria will include the presence of suitable habitat conditions for the tiger salamander, and provision of ecological functions and values equal to or exceeding those in the tiger salamander habitat that is impacted.

<table>
<thead>
<tr>
<th>Threatened and Endangered Species Issue</th>
<th>Measure #</th>
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</tr>
</thead>
<tbody>
<tr>
<td>California Tiger Salamander</td>
<td>T&amp;E-3.4</td>
<td>The 12 mitigation measures listed above (i.e., MM-T&amp;E-2.4 through MM-T&amp;E-2.15) that are designed to prevent harm to individual California red-legged frogs will also serve to prevent harm to individual California tiger salamanders.</td>
<td>Prior to, during, and after construction</td>
<td>VTA Environmental Planning</td>
<td>VTA Environmental Planning, Santa Clara Valley Habitat Agency, CDFW, USFWS</td>
</tr>
</tbody>
</table>

**Construction: Air Quality**

<table>
<thead>
<tr>
<th>Construction: Air Quality Issue</th>
<th>Measure #</th>
<th>Mitigation Measure</th>
<th>Timeframe for Implementation</th>
<th>Responsibility for Implementation</th>
<th>Oversight for Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Quality</td>
<td>CON-4.1</td>
<td>During construction, the project will follow Caltrans' Standard Specification 14-8.02, Standard Specification 10, and Standard Specification 18, which address the requirements of Bay Area Air Quality Management District (BAAQMD) and dust control and dust palliative application, respectively.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
</tr>
<tr>
<td>Air Quality</td>
<td>CON-4.2</td>
<td>The project will implement all feasible PM10</td>
<td>During</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
</tr>
</tbody>
</table>
### Construction: Air Quality Issue

<table>
<thead>
<tr>
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<th>Oversight for Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>construction emissions control measures required by the Bay Area Air Quality Management District (BAAQMD). <em>(See Table 37 in the EIR)</em></td>
<td>construction</td>
<td></td>
<td>Planning</td>
</tr>
</tbody>
</table>

### Construction: Noise and Vibration

<table>
<thead>
<tr>
<th>Construction: Noise and Vibration Issue</th>
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<th>Oversight for Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noise and Vibration</td>
<td>CON-5.1</td>
<td>All internal combustion engine driven equipment will be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
</tr>
<tr>
<td>Noise and Vibration</td>
<td>CON-5.2</td>
<td>Unnecessary idling of internal combustion engines within 100 feet of residences will be strictly prohibited.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
</tr>
<tr>
<td>Noise and Vibration</td>
<td>CON-5.3</td>
<td>Staging of construction equipment within 200 feet of residences will be avoided. All stationary noise-generating construction equipment, such as air compressors and portable power generators, will be located as far as practical from residences.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
</tr>
<tr>
<td>Noise and Vibration</td>
<td>CON-5.4</td>
<td>All construction equipment will be required to conform to Section 14-08.02 - Sound Control Requirements of the latest Caltrans Standard Specifications.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
</tr>
<tr>
<td>Noise and Vibration</td>
<td>CON-5.5</td>
<td>Nighttime construction work within 450 feet of residential land uses will be avoided where feasible.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
</tr>
</tbody>
</table>
### Construction: Noise and Vibration Issue

<table>
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<tbody>
<tr>
<td>CON-5.6</td>
<td>Demolition and pile driving activities will be limited to daytime hours to the greatest extent possible. If nighttime, demolition or pile driving is required, a construction noise monitoring program will be implemented to provide additional mitigation as necessary (in the form of noise control blankets or other temporary noise barriers, etc.) for affected receivers.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
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</tbody>
</table>

### Construction: Water Quality

<table>
<thead>
<tr>
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<th>Responsibility for Implementation</th>
<th>Oversight for Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>CON-6.1</td>
<td>Active paved construction areas will be swept as needed.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
</tr>
<tr>
<td>CON-6.2</td>
<td>Silt fencing or straw wattles will be used to retain sediment on the project site.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
</tr>
<tr>
<td>CON-6.3</td>
<td>Temporary cover of disturbed surfaces or temporary slope protection measures will be provided per regulatory requirements and Caltrans’ guidelines to help control erosion. Permanent cover/revegetation will be provided to stabilize the disturbed surfaces after construction has been completed.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
</tr>
<tr>
<td>CON-6.4</td>
<td>No debris, soil, silt, sand, bark, slash, sawdust, cement, concrete, washings, petroleum products, or other organic or earthen material will be allowed to enter into or be placed where it may be washed by rainfall or runoff into any waterways.</td>
<td>During construction</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
</tr>
<tr>
<td>CON-6.5</td>
<td>Best Management Practices (BMPs) will be utilized</td>
<td>During</td>
<td>VTA Construction</td>
<td>VTA Environmental Planning</td>
</tr>
<tr>
<td>Construction: Water Quality Issue</td>
<td>Measure #</td>
<td>Mitigation Measure</td>
<td>Timeframe for Implementation</td>
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<tr>
<td></td>
<td></td>
<td>by the contractor(s) during construction. The BMPs will be incorporated into a Stormwater Pollution Prevention Plan for the project, as required by Caltrans’ NPDES permit.</td>
<td>construction</td>
<td></td>
</tr>
</tbody>
</table>
Public Comment on the Draft EIR

The following comment was inadvertently omitted from the Final EIR.

**Comment:** After review of the Draft EIR I would be most supportive of Design Option B. While it complicates the 101/25 interchange it preserves more farmland.

**Response:** Thank you for your comment. Your preference for the selection of Design Option B is noted for the record. This preference is consistent with the recommendation of the project development team, as discussed in Section 1.3.4 of the Final EIR.
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: Silicon Valley Berryessa Extension Project Labor Agreement Amendment

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a resolution of findings that use of a Project Labor Agreement for Parking Structures at Milpitas and Berryessa Stations Design-Build contract (VTA contract C730-Parking Structures) of the Silicon Valley Berryessa Extension Project will ensure the availability and stability of labor resources throughout the duration of the project; and authorize the General Manager to enter into an amendment to the existing Project Labor Agreement with the Santa Clara & San Benito Counties Building & Construction Trades Council for the Line, Track, Stations and Systems Design-Build contract of the Silicon Valley Berryessa Extension Project to include the Campus Parking Structures at Milpitas and Berryessa Stations within the scope of the Project Labor Agreement.

BACKGROUND:

On November 19, 2001, VTA and BART executed the Comprehensive Agreement for the Santa Clara County BART Extension. This agreement provides the essential framework for implementing the BART extension in Santa Clara County. VTA is building this extension in stages under its Silicon Valley Rapid Transit (SVRT) Program. The first stage has been identified as the Silicon Valley Berryessa Extension (SVBX) Project that includes two stations, Milpitas and Berryessa, and extends approximately 10 miles from the planned Warm Springs Station being constructed by BART in Alameda County, to the planned Berryessa Station in the City of San José. The SVBX project is estimated to cost $2.5 billion.

In December 2009, the Federal Transit Administration (FTA) accepted the Silicon Valley
Berryessa Extension Project into its New Starts funding program, approved the Environmental Impact Statement and issued a Record of Decision in June 2010 enabling VTA to proceed with real estate acquisition and other early activities. On April 1, 2011, FTA approved the SVBX project for final design, allowing the project to initiate final design, demolition and remediation, and procurement of long lead time items. On March 12, 2012, FTA and VTA executed a Full Funding Grant Agreement advancing the SVBX Project to the Construction Phase.

On February 6, 2011, President Obama signed Executive Order 13502 encouraging federal grant recipients to consider the use of Project Labor Agreements on large-scale construction projects. The order explained that the use of a Project Labor Agreement (PLA) may ensure a steady supply of labor, prevent labor disputes and uncertainty about the terms and conditions of employment and promote the efficient and timely completion of construction projects.

On September 1, 2011, the VTA Board of directors adopted a resolution of findings that use of a PLA for the Line, Track, Stations and Systems Design-Build contract (VTA Contract C700-LTSS) of the Silicon Valley Berryessa Extension Project will ensure the availability and stability of labor resources throughout the duration of the project; and authorized the General Manager to enter into a Project Labor Agreement with the Santa Clara & San Benito Counties Building & Construction Trades Council to achieve these objectives. On December 8, 2011, the VTA Board of Directors awarded the VTA Contract C700-LTSS that incorporates a PLA. This PLA can be accessed on VTA's website: http://www.vta.org/bart/contractingopportunities.html

**DISCUSSION:**

The successful and timely completion of the SVBX project is important to VTA and the public. Because of the large cost of the project, delays can amount to substantial additional expense. VTA has been taking measures to minimize the risks of delays, including the major risk of workforce disruption. Large numbers of workers of various skills will be required to construct the extension. On a project of this magnitude, with multiple contractors and bargaining units on the job site at the same time over an extended period, the potential for work disruption is substantial, unless there is an overriding commitment to maintain continuity of work. To avoid such a delay and its costs, VTA entered into the PLA for VTA Contract C700-LTSS.

Pursuant to case law, VTA is required to demonstrate objectively that a PLA furthers a legitimate government interest, in this case, to promote efficiency of construction operations in VTA Contract C730-Parking Structures of the SVBX project. The VTA Board’s adoption of a resolution of findings (Attachment A) will define the benefits of a PLA for the C730-Parking Structures. The PLA provides for the orderly and peaceful settlement of labor disputes and grievances without strikes, work stoppages or lockouts and ensures the availability and stability of labor resources throughout the duration of the project, thereby reducing the risk of significant economic loss to VTA, disruption to the community, and delays to the completion of the project. The PLA will promote the public interest in assuring the timely and economical completion of the SVBX project.

VTA has entered into a PLA with the Santa Clara & San Benito Counties Building & Construction Trades Council and all designated and signatory unions for the C700-LTSS, and the
Contractor is bound to its terms.

Key elements of the Project Labor Agreement are as follows:

- The Project Labor Agreement prohibits strikes, work stoppages, work slow-downs, picketing and lock-outs.
- Provides a structure for the resolution of labor disputes.
- Provides a common set of work rules for all craft labor on the project.
- Representative crafts covered by the Project Labor Agreement include asbestos workers, bricklayers, carpenters, iron workers, plumbers, laborers, roofers, sheet metal workers, electricians, sprinkler fitters, painters, and others.
- Eliminates potential conflicts between existing labor agreements with contractors and subcontractors.
- Provides for the orderly resolution of jurisdictional disputes among individual unions.
- Increases the availability of craft labor to all contractors and subcontractors.
- Craft labor wages for public works projects are governed by their labor classification under the California Labor Code, and are not changed by the Project Labor Agreement.

Because the C730-Parking Structures will be constructed simultaneously and in close coordination with the C700-LTSS contract, labor disruption to the C730-Parking Structures contract would likely result in disruption to the C700-LTSS contract. To assure labor harmony and to avoid consequential additional costs and construction delays to the SVBX Project, staff recommends that it is in the best interests of VTA and the SVBX Project to expand the scope of the existing PLA to also include the C730-Parking Structures contract.

**ALTERNATIVES:**

VTA can proceed with the C730-Parking Structures contract without using a Project Labor Agreement. This may expose the C700-LTSS contract and the overall SVBX Project to the risk of additional costs and construction delays resulting from potential labor disharmony.

**FISCAL IMPACT:**

There are no direct fiscal impacts to approving this recommendation. However, absence of a PLA for the C730-Parking Structures Contract poses significant risks to the timely and cost-effective completion of the SVBX project.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The May 23, 2013, Transit Planning and Operations Committee meeting was cancelled.

Prepared by: Dennis Ratcliffe
Memo No. 4054
RESOLUTION NO. _____________

RESOLUTION OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY BOARD OF DIRECTORS
FINDING THAT USE OF A PROJECT LABOR AGREEMENT FOR THE SILICON VALLEY RAPID TRANSIT BERRYESSA EXTENSION PROJECT PARKING GARAGES DESIGN-BUILD CONTRACT WILL RESULT IN ECONOMICAL AND TIMELY PROJECT COMPLETION

WHEREAS, pursuant to California Public Contract Code Section 20301.5, VTA is authorized to enter into a design-build contract for any project for a transit center or station; and

WHEREAS, the VTA Board previously found that use of the design-build process for the Silicon Valley Berryessa Extension (SVBX) Project would reduce costs and expedite the project’s completion and authorized the General Manager to proceed with the solicitation of design-build contractors for the SVBX Project; and

WHEREAS, Public Contract Code Section 2500 authorizes public entities to enter into project labor agreements for construction projects; and

WHEREAS, the United States Supreme Court held in Building & Const. Trades Council of Metropolitan Dist. v. Associated Builders Contractors of Massachusetts/Rhode Island, Inc., 507 U.S. 218 (1993) that state and local governments, when acting as market participants, are permitted under the National Labor Relations Act (NLRA) (29 U.S.C. § 151 et seq.) to enforce bid specifications requiring contractors to abide by project labor agreements with labor organizations for construction projects owned by those state and local governments. The Court also commented that when a state or local governmental agency utilizes bid specifications containing a project labor agreement for a construction project owned by the agency, the agency “does not regulate the workings of market forces” in violation of NLRA pre-emption of such regulation, but is acting as a market participant and “exemplifies” the workings of market forces, and therefore is not prevented from doing so by the NLRA; and

WHEREAS, it is the policy of the Federal Government to encourage agencies receiving federal monies to consider requiring the use of project labor agreements in connection with large-scale construction projects in order to promote economy and efficiency in their procurement process under Executive Order 13502, which provides that the use of a project labor agreement may avoid (i) challenges to efficient and timely procurement; (ii) difficulty in predicting labor costs when bidding on contracts and ensuring a steady supply of labor on contracts being performed; (iii) challenges due to the fact that construction projects typically involve multiple employers at a single location; (iv) labor disputes, and (v) lack of coordination among various employers or uncertainty about the terms and conditions of employment of various groups of workers, thereby promoting the efficient and expeditious completion of Federal construction contracts; and
WHEREAS, the California Supreme Court held in Associated Builders and Contractors v. San Francisco Airports Commission, 21 Cal.4th 352 (1999), that a public agency may use a project labor agreement, concluding that the Commission’s decision to require a project labor agreement was “in furtherance of legitimate government interests. . .these interests include those of preventing costly delays and assuring contractors access to skilled craft workers”;

WHEREAS, on December 8, 2011, the VTA Board of Directors awarded the Line, Track, Stations and Systems Design-Build contract (VTA Contract C700-LTSS) of the Silicon Valley Berryessa Extension Project that incorporated a Project Labor Agreement (PLA) with Santa Clara & San Benito Counties Building & Construction Trades Council and signatory Unions;

WHEREAS, VTA Plans to advertise and award the C730-Parking Structures contract for the construction of Parking Structures at the Milpitas and Berryessa Stations of the Silicon Valley Berryessa Extension (SVBX) Project;

NOW, THEREFORE BE IT RESOLVED, by the Board of Directors of the Santa Clara Valley Transportation Authority, that based on the foregoing, the Board of Directors of the Santa Clara Valley Transportation Authority hereby:

A. Finds and declares that:

1. The C730-Parking Structures Contract for the Silicon Valley Berryessa Extension Project will require significant availability and stability of labor resources over the contract duration;

2. An occurrence of labor disruption during the construction of the C700-LTSS Contract would result in economic loss to VTA, disruption to the operations of local municipalities and to the community, and delay to the completion of the SVBX project;

3. Because the C730-Parking Structures will be constructed simultaneously and in close coordination with the C700-LTSS contract, labor disruption to the C730-Parking Structures contract would likely result in disruption to the C700-LTSS contract.
4. The cost of delay in completing the C730-Parking Structures contract is estimated to be in excess of $10,000 per day;

5. The cost of delay in completing the C700-LTSS Contract is estimated to be in excess of $75,000 per day;

6. The cost of delay in completing certain milestones defined in the C700-LTSS Contract are estimated to be in excess of $50,000 per day;

7. Time is of the essence for the C700-LTSS contract, with a stated value of $100,000 per day for early completion, up to a maximum of $15,000,000;

8. The estimated costs of delays and the value of early completion to VTA are evidence of VTA’s compelling interest in having labor disputes in connection with the C700-LTSS contract and the C730-Parking Structures contract resolved without the disruptions of strikes, lock-outs, or slowdowns, and that entering into a project labor agreement for the C730-Parking Structures will make it possible to legally enforce guarantees that construction under the C700-LTSS Contract and the C730-Parking Structures Contract will be carried out in an orderly and timely manner, without strikes, lock-outs, or slowdowns, and provide for peaceful, orderly, and mutually binding procedures for resolving labor issues;

9. Use of a project labor agreement in connection with the C700-LTSS contract and the C730-Parking Structures contract will result in reduced project costs and expedited delivery of the SVBX Project by (a) establishing the specific terms and conditions that govern the employment of labor; (b) ensuring labor stability by coordinating wages, work rules, mechanisms for resolving grievances, and other terms of employment; (c) ensuring labor availability by enabling the prime contractor and all subcontractors wishing to compete for contracts and subcontracts to do so without regard to whether they are otherwise parties to collective bargaining agreements; and (d) preventing work stoppages by establishing guarantees against strikes, lockouts, and similar job disruptions.
10. The VTA Board of Directors approves the use of a project labor agreement for the C730-Parking Structures contract of the SVBX Project and authorizes the General Manager to enter into an Amendment to the existing Project Labor Agreement for C700-LTSS with the Santa Clara & San Benito Counties Building & Construction Trades Council to expand its scope to incorporate the C730-Parking Structures contract.

AYES:

NOES:

ABSENT:

Joe Pirzynski, Chairperson

Sandra Weymouth, Board Secretary

APPROVED AS TO FORM:

Robert Fabela, General Counsel
May 16, 2013

TO: Chairperson Joe Pirzynski
    VTA Board of Directors
    Michael Burns
    VTA General Manager

FROM: Alternate Board Member Johnny Khamis

CC: VTA Board of Directors

SUBJECT: Item of Referral to the VTA Board of Directors - CNG Buses

I am requesting that the implementation of Compressed Natural Gas (CNG) buses be agendized for board discussion and consideration at the earliest possible opportunity.

This request is made as VTA continues its process to evaluate the current Requests for Proposals (RFPs) for its Community Buses. I encourage a discussion on reconsidering the RFPs that have been issued in order to evaluate the possibility of implementing a CNG bus fleet. This action could save VTA millions each year in fuel costs and other expenses, and would promote added benefits to the environment.

Thank you for your attention to my request, and I look forward to your response. Please contact me with any questions.
Administration and Finance (A&F)

Committee Meeting Minutes

May 23, 2013

WILL BE FORWARDED UNDER SEPARATE COVER
CONGESTION MANAGEMENT PROGRAM & PLANNING COMMITTEE

Thursday, May 23, 2013

MINUTES

CALL TO ORDER

The Regular Meeting of the Congestion Management Program & Planning Committee (CMPP) was called to order at 10:00 a.m. by Vice Chairperson Campos in VTA Conference Room B-104, 3331 North First Street, San Jose, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Xavier Campos</td>
<td>Vice Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Jamie Matthews</td>
<td>Chairperson</td>
<td>Absent</td>
</tr>
<tr>
<td>Joe Pirzynski</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Ken Yeager</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Johnny Khamis</td>
<td>Alternate Member</td>
<td>N/A</td>
</tr>
<tr>
<td>Chuck Page</td>
<td>Alternate Member</td>
<td>N/A</td>
</tr>
<tr>
<td>David Whittum</td>
<td>Alternate Member</td>
<td>Absent</td>
</tr>
</tbody>
</table>

* Alternates do not serve unless participating as a Member.

A quorum was present.

2. RECESSED TO CLOSED SESSION at 10:00 a.m.

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

VTA Designated Representatives
Bill Lopez, Chief Administrative Officer
Robert L. Escobar, Deputy Director, Administrative Services
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
Transportation Authority Engineers and Architects Association (TAEA), IFPTE, Local 21

3. RECONVENED TO OPEN SESSION at 10:15 a.m.
4. CLOSED SESSION REPORT

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

VTA Designated Representatives
Bill Lopez, Chief Administrative Officer
Robert L. Escobar, Deputy Director, Administrative Services
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
Transportation Authority Engineers and Architects Association (TAEA), IFPTE,
Local 21

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

The Agenda was taken out of order.

6. ORDERS OF THE DAY

There were no Orders of the Day.

5. PUBLIC PRESENTATIONS

There were no Public Presentations.

CONSENT AGENDA

7. Regular Meeting Minutes of April 18, 2013

M/S/C (Yeager/Pirzynski) to approve the Regular Meeting Minutes of
April 18, 2013.


M/S/C (Yeager/Pirzynski) to approve submitting a recommendation to the Board of
Directors to receive the Proactive CMP Quarterly Report for January through March
2013.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED,
THE MOTION PASSED UNANIMOUSLY.
9. **Light Rail Efficiency Project Status Update**

M/S/C (Yeager/Pirzynski) to approve submitting a recommendation to the Board of Directors to receive an update on the Light Rail Efficiency Project.

10. **Caltrans Highway Relinquishment Study for SR 82 El Camino Real**

M/S/C (Yeager/Pirzynski) to approve submitting a recommendation to the Board of Directors to receive a report on the proposed highway relinquishment study for SR 82 El Camino Real as part of the Grand Boulevard Initiative.

11. **Project Readiness Agreement Term Extension**

M/S/C (Yeager/Pirzynski) to approve submitting a recommendation to the Board of Directors to approve extension of the term of the Project Readiness Initiative Program until all of the approved funding is depleted or June 30, 2014, whichever occurs first.

12. **FY2013/14 TDA3 Project Priorities**

M/S/C (Yeager/Pirzynski) to approve submitting a recommendation to the Board of Directors to adopt a resolution approving the project priorities for the FY2013/14 Countywide Transportation Development Act Article 3 Program.


M/S/C (Yeager/Pirzynski) to approve submitting a recommendation to the Board of Directors to approve the Fiscal Year 2014 and Fiscal Year 2015 Congestion Management Work Program.

14. **VTA OBAG Grant Applications: Sponsoring Agency Resolution**

M/S/C (Yeager/Pirzynski) to approve submitting a recommendation to the Board of Directors to adopt Sponsoring Agency Resolution of Support for VTA One Bay Area Grant (OBAG) projects.


M/S/C (Yeager/Pirzynski) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract with Kittelson & Associates, Inc. for Monitoring and Conformance Program services for an amount not to exceed $1,128,012 for the 2013-17 cycles. The first contract will be to provide monitoring services for the 2013 Monitoring and Conformance cycle with up to four one-year extensions through 2017.


M/S/C (Yeager/Pirzynski) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a cost plus fixed fee contract with WMH Corporation in an amount not to exceed $1,400,000 for an initial term of three
years to perform planning, preliminary engineering and environmental documentation services for the SR 237/US 101/Mathilda Avenue Interchange Improvements project; and authorize the General Manager to negotiate and execute the necessary agreements with Caltrans to complete the project.

REGULAR AGENDA

17. **U.S. 101 Improvements (Monterey Street to SR 129) Final Environmental Impact Report**

Ann Calnan, Senior Environmental Planner, provided a presentation entitled, US 101 Improvement Project between Monterey Street to State Route 129, highlighting: 1) Project Overview; 2) 101/25 Interchange Options; 3) Environmental Review; 4) Findings; and 5) Staff Recommended Project - Design Option B and Bike Alternative 2.

M/S/C (Pirzynski/Yeager) to approve submitting a recommendation to the Board of Directors to approve the following actions for the U.S. 101 Improvements Project:

1) Certify that the Environmental Impact Report (EIR):
   a) meets the requirements of the California Environmental Quality Act (CEQA);
   b) represents the independent judgment of the Lead Agency; and
   c) was presented to the VTA Board of Directors and that they reviewed and considered the EIR.

2) Adopt: a) Findings; b) Facts in Support of Findings; and c) Statement of Overriding Considerations;

3) Adopt a Mitigation Monitoring and Reporting Program;

4) Adopt the Recommended Project Description (Build Alternative B and Bike Alternative 2)

18. **Approval of Recommended Biennial Budget for Fiscal Years 2014 and 2015**

Carol Lawson, Fiscal Resources Manager, provided an overview of the staff report, noting the proposed changes to the Draft Recommended Budget for Fiscal Years 2014 and 2015.

Vice Chairperson Campos inquired if VTA could use the budget savings to expand transportation services for seniors who live away from VTA’s current service area. He noted there is a great need for transportation services for seniors and the need for a county-wide approach to fill the gap.

On order of Vice Chairperson Campos and there being no objection, the Committee received a report on the following item: Adopt a resolution approving the Fiscal Years 2014 and 2015 Recommended Biennial Budget for the period July 1, 2013 through June 30, 2015.
19. **Update to Tamien Joint Development**

Bijal Patel, Deputy Director of Property Development and Management, provided an overview of the staff report.

M/S/C (Yeager/Pirzynski) to approve submitting a recommendation to the Board of Directors to approve the proposed Development Concept for the Tamien Development Project (Project) and authorize the General Manager to proceed with the next phases of the entitlement process for this Project.

20. **One Bay Area Grant (OBAG) Projects**

Marcella Rensi, Transportation Planning Manager, provided an overview of the staff report.

Ms. Rensi commented on the presentation entitled, One Bay Area Grant (OBAG), highlighting: 1) Santa Clara County OBAG Structure Proposal; 2) 2013 OBAG Project Recommendations; and 3) 2013 OBAG Top 21 Project Recommendations.

M/S/C (Pirzynski/Yeager) to approve submitting a recommendation to the Board of Directors to approve the One Bay Area Grant (OBAG) projects.


John Sighamony, Senior Transportation Planner, provided an overview of the staff report.

M/S/C (Pirzynski/Yeager) to approve submitting a recommendation to the Board of Directors to approve the First Report of the Priority Development Area (PDA) Investment and Growth Strategy.

**OTHER ITEMS**

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

Vice Chairperson Campos requested that staff review the possibility of using VTA budget savings to expand transportation services for seniors who live away from VTA’s current service area and requested a report back to the Committee.

23. **Committee Work Plan**

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

24. **Committee Staff Report**

John Ristow, Chief CMA Officer and Staff Liaison, provided a written report to the Committee containing information on Local events; MTC/Association of Bay Area Governments (ABAG), State & Federal; and VTA Congestion Management Agency (CMA). He highlighted that today, the California Transportation Foundation would be presenting the Project of the Year award to the SR 237/I-880 Express Lanes Project to VTA.
On order of Vice Chairperson Campos and there being no objection, the Committee received the Committee Staff Report.

25. Chairperson’s Report

Member Yeager requested an update on VTA’s planning of transportation facilities and services needed to support the 50th Super Bowl to Levi Stadium in Santa Clara in 2016.

26. Determine Consent Agenda for the June 6, 2013 Board of Directors Meeting

CONSENT:


Agenda Item #9. Receive an update on the Light Rail Efficiency Project

Agenda Item #10. Receive a report on the proposed highway relinquishment study for SR 82 El Camino Real as part of the Grand Boulevard Initiative.

Agenda Item #11. Approve extension of the term of the Project Readiness Initiative Program until all of the approved funding is depleted or June 30, 2014, whichever occurs first.

Agenda Item #12. Adopt a resolution approving the project priorities for the FY2013/14 Countywide Transportation Development Act Article 3 Program.

Agenda Item #13. Approve the Fiscal Year 2014 and Fiscal Year 2015 Congestion Management Work Program.

Agenda Item #14. Adopt Sponsoring Agency Resolution of Support for VTA One Bay Area Grant (OBAG) projects.

Agenda Item #15. Authorize the General Manager to execute a contract with Kittelson & Associates, Inc. for Monitoring and Conformance Program services for an amount not to exceed $1,128,012 for the 2013-17 cycles. The first contract will be to provide monitoring services for the 2013 Monitoring and Conformance cycle with up to four one-year extensions through 2017.

Agenda Item #16. Authorize the General Manager to execute a cost plus fixed fee contract with WMH Corporation in an amount not to exceed $1,400,000 for an initial term of three years to perform planning, preliminary engineering and environmental documentation services for the SR 237/US 101/Mathilda Avenue Interchange Improvements project; and authorize the General Manager to negotiate and execute the necessary agreements with Caltrans to complete the project.

Agenda Item #19. Approve the proposed Development Concept for the Tamien Development Project (Project) and authorize the General Manager to proceed with the next phases of the entitlement process for this Project.

REGULAR:

Agenda Item #17. Approve the following actions for the U.S. 101 Improvements Project:

1) Certify that the Environmental Impact Report (EIR):
   a) meets the requirements of the California Environmental Quality Act (CEQA);
   b) represents the independent judgment of the Lead Agency; and
   c) was presented to the VTA Board of Directors and that they reviewed and considered the EIR.

2) Adopt: a) Findings; b) Facts in Support of Findings; and c) Statement of Overriding Considerations;

3) Adopt a Mitigation Monitoring and Reporting Program;

4) Adopt the Recommended Project Description (Build Alternative B and Bike Alternative 2)

Agenda Item #18. Adopt a resolution approving the Fiscal Years 2014 and 2015 Recommended Biennial Budget for the period July 1, 2013 through June 30, 2015.

Agenda Item #20. Approve the One Bay Area Grant (OBAG) projects.

27. ANNOUNCEMENTS

There were no Announcements.

28. ADJOURNMENT

On order of Vice Chairperson Campos and there being no objection, the meeting was adjourned at 11:16 a.m.

Respectfully submitted,

Tracene Y. Crenshaw, Board Assistant
VTA Office of the Board Secretary
TRANSIT PLANNING & OPERATIONS COMMITTEE

Thursday, May 23, 2013

NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Transit Planning and Operations (TP&O) Committee Meeting scheduled for Thursday, May 23, 2013, at 4:00 p.m. has been cancelled.

The next meeting of the Santa Clara Valley Transportation Authority Transit Planning and Operations (TP&O) Committee is scheduled for Thursday, August 15, 2013, at 4:00 p.m. at VTA River Oaks Campus, 3331 North First Street, Conference Room B-104, San Jose, California.

Tracene Y. Crenshaw, Board Assistant
VTA Office of the Board Secretary
AUDIT COMMITTEE
Thursday, May 2, 2013

MINUTES

CALL TO ORDER

The Regular Meeting of the Audit Committee was called to order at 4:39 p.m. by Chairperson Herrera in Room 157, County Government Center, 70 West Hedding Street, San José, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
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</thead>
<tbody>
<tr>
<td>Rose Herrera</td>
<td>Chairperson</td>
<td>Present</td>
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<tr>
<td>Sam Liccardo</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Dave Cortese</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Perry Woodward</td>
<td>Vice Chairperson</td>
<td>Present</td>
</tr>
</tbody>
</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

CONSENT AGENDA


M/S/C (Woodward/Cortese) to approve the regular meeting minutes of January 31, 2013.

REGULAR AGENDA

5. Procurement Card Process Internal Audit

Patrick Hagan, Auditor General, provided a brief overview of the audit’s objectives and results. He reported that the Auditor General’s Office issued an overall risk rating of Medium, based on three individual Medium findings and two Low Risk findings. He also reported that VTA management agreed with these findings and that all recommendations will be implemented by October 31, 2013.

M/S/C (Cortese/Woodward) to approve submitting a recommendation to the Board of Directors review and receive the Auditor General's internal audit report on the Procurement Card Process.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
6. **FY 2013 Risk Assessment**

Mr. Hagan provided a brief overview of the Risk Assessment. He indicated it was a comprehensive, organization-wide, detailed assessment of significant current or future potential financial, business or reputational risks to VTA. Mr. Hagan noted that it provides a relative ranking of these risks as well as recommended projects to mitigate and/or manage those risks. He also stated that the Risk Assessment will serve as the foundation for the Auditor General’s upcoming, recommended FY 2014 and FY 2015 Internal Audit Work Plans.

M/S/C (Cortese/Woodward) to approve submitting a recommendation to the Board of Directors to review and receive the Auditor General's report on the FY 2013 VTA Risk Assessment.

7. **Recommended Modifications to the VTA Administrative Code Pertaining to the Audit Committee and Auditor General Function**

Robert Fabela, General Counsel, and Stephen Flynn, Senior Management Analyst, provided a brief overview of the recommended changes.

Regarding the recommended changes to Section 2-74, Members of the Committee noted the importance of balancing transparency versus ethical requirements and stressed the need to protect the privacy of the reporting party. They also requested to be kept informed of any code violations for elected officials or executive management. Mr. Hagan noted a monthly or quarterly report would be provided to the Audit Committee.

M/S/C (Cortese/Woodward) to approve submitting a recommendation to the Board of Directors to approve proposed modifications to the VTA Administrative Code pertaining to the Audit Committee and Auditor General Function that are part of a comprehensive revision of the Code scheduled for Board of Directors’ consideration at its June 2013 meeting.

8. **Recommended Interim FY 2014 Internal Audit Work Plan**

Stephen Flynn, Senior Management Analyst, provided a brief overview of the need for and the provisions of the recommended interim FY 2014 Internal Audit Work Plan.

M/S/C (Woodward/Cortese) to approve submitting a recommendation to the Board of Directors to approve the interim Fiscal Year 2014 Internal Audit Work Plan for a maximum amount of $290,500.

9. **Internal Audit Work Plan**

Mr. Hagan provided a brief overview on the status of projects in the current the Internal Audit Work Plan and on the estimated completion schedule for the remaining projects.

On order of Chairperson Herrera and there being no objection, the Committee received an update from Auditor General Office staff on the status of projects contained in the current Internal Audit Work Plan, including the projected order of implementation and estimated completion schedule.
OTHER ITEMS

10. Items of Concern and Referral to Administration

There were no Items of Concern or Referral to Administration.

11. Review Committee Work Plan

On order of Chairperson Herrera and there being no objection, the Committee reviewed the committee work plan as contained in the agenda packet.

12. Committee Staff Report

There was no Staff Report.

13. Chairperson’s Report

There was no Chairperson’s Report.

14. Determine items for the Consent Agenda for the future Board of Directors’ meetings.

June 6, 2013, VTA Board of Directors Meeting

CONSENT:

Agenda Item # 8. Recommended Interim FY 2014 Internal Audit Work Plan

REGULAR:

None

August 1, 2013 VTA Board of Directors Meeting

CONSENT:

Agenda Item #5. Review and receive the Auditor General's internal audit report on the Procurement Card Process.

Agenda Item #6. Review and receive the Auditor General's report on the FY 2013 VTA Risk Assessment.

REGULAR

None

15. ANNOUNCEMENTS

There were no announcements.
16. **ADJOURNMENT**

On order of Chairperson Herrera and there being no objection, the meeting was adjourned at 5:26 p.m.

Respectfully submitted,

Monica C. Barron, Board Assistant
VTA Office of the Board Secretary
CALL TO ORDER

The Regular Meeting of the Bicycle and Pedestrian Advisory Committee (BPAC) was called to order at 6:35 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>Present</td>
</tr>
<tr>
<td>Wes Brinsfield, Vice Chair</td>
<td>City of Los Altos</td>
<td>Present</td>
</tr>
<tr>
<td>Kristal Caidoy</td>
<td>City of Milpitas</td>
<td>Present</td>
</tr>
<tr>
<td>Alain Dang</td>
<td>City of Milpitas</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>Absent</td>
</tr>
<tr>
<td>Breene Kerr</td>
<td>Town of Los Altos Hills</td>
<td>Absent</td>
</tr>
<tr>
<td>Thomas Muniz</td>
<td>City of Gilroy</td>
<td>Absent</td>
</tr>
<tr>
<td>Marc Roddin</td>
<td>City of Mountain View</td>
<td>Present</td>
</tr>
<tr>
<td>Dale Schouten</td>
<td>City of Los Altos</td>
<td>Absent</td>
</tr>
<tr>
<td>David Simons</td>
<td>City of Sunnyvale</td>
<td>Present</td>
</tr>
<tr>
<td>Suzanne Sperry</td>
<td>City of Morgan Hill</td>
<td>Absent</td>
</tr>
<tr>
<td>Herman Wadler</td>
<td>City of Campbell</td>
<td>Absent</td>
</tr>
<tr>
<td>Waltonsmith, Richard</td>
<td>City of Saratoga</td>
<td>Present</td>
</tr>
<tr>
<td>James Wiart</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>
</tbody>
</table>

A quorum was present.

Ying Smith, Transportation Planning Manager and BPAC Staff Liaison, introduced Lilia Scott, Senior Transportation Planner, indicating Ms. Scott would be temporarily providing service to the BPAC until Michelle DeRobertis’ position is filled.
2. **ORDERS OF THE DAY**

Staff requested deferral of **Agenda Item #8**, BART Silicon Valley Bicycle Facilities Update, to a future meeting.

*On the order of Chairperson Goldstein* and there being no objection, the Committee approved the orders of the day.

3. **PUBLIC PRESENTATIONS**

Doug Muirhead, Interested Citizen, suggested that project descriptions on plan documents such as the Bicycle Expenditure Plan (BEP) should provide more detail (directly or by reference) and cross-reference other projects and funding programs where possible (using OBAG Grant Recommended Projects with BEP connections as an example).

**CONSENT AGENDA**

4. **Regular Meeting Minutes of April 10, 2013**

M/S/C (Simon/Wiant) to approve the Regular Meeting Minutes of April 10, 2013.

**REGULAR AGENDA**

5. **OneBayArea Grant (OBAG) Projects**

Marcella Rensi, Transportation Planning Manager, provided an overview of the staff report.

Chairperson Goldstein referenced his previous request to be provided Palo Alto’s local match for its Arastradero Road Schoolscape Multiuse Trail project.

Chairperson Goldstein referred to an email from Kevin Jackson, Interested Citizen, and noted Mr. Jackson’s support for a bike lane along the El Camino corridor in the City of Sunnyvale.

M/S/C (Bell/Caidoy) to recommend that the Board of Directors approve the One Bay Area Grant (OBAG) projects.

6. **FY2013/14 Transportation Development Act (TDA) Article 3 Project Priorities**

Ms. Rensi provided an overview of the staff report.

M/S/C (Simons/Waltonsmith) to recommend that the Board of Directors adopt a resolution approving the project priorities for the FY2013/14 Countywide Transportation Development Act Article 3 Program.

**NOTE:** M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
7. **Multimodal Level of Service Status Report**

Robert Swierk, Senior Transportation Planner, and Robert Cunningham, Transportation Planner III, provided an overview of the staff report.

The Committee made the following comments: 1) it would be helpful to include a list of locations; 2) need to clarify what constitutes the optional vs. required evaluation; 3) inquired about the reception of groups like the Silicon Valley Leadership Group; and 4) inquired about the metrics that would be used.

**Public Comment**

Mr. Muirhead suggested a better definition and explanation of the term “road diet”. He also questioned how the decision would be made for determining whether including the analysis of multimodal measures would be optional or required. Staff noted this determination would include broad stakeholder involvement.

On the order of Chairperson Goldstein and there being no objection, the Committee received a status report on VTA review of Multimodal Level of Service methodologies.

8. **(Deferred to a future BPAC meeting)**

Receive BART Silicon Valley Bicycle Facilities Update.

9. **Proactive CMP Quarterly Report for Jan-Mar 2013**

Robert Cunningham, Transportation Planner III, provided an overview of the staff report, highlighting key projects.

On the order of Chairperson Goldstein and there being no objection, the Committee received the Proactive CMP Quarterly Report for January through March 2013.

OTHER

10. **Committee Staff Report**

Ms. Scott provided the staff report, noting: 1) staff will provide the Bicycle Technical Guidelines (BTG) changes to Committee Members; 2) VTA Bike-to-Work Day activities; 3) VTA cannot sponsor the anti-bicyclist harassment legislation as VTA does not have jurisdiction over roadways; and 4) reminded Committee Members to submit their comments regarding the TDA Article 3 revisions directly to the Metropolitan Transportation Commission (MTC).

Ms. Smith indicated that approval had been received to fill the Senior Transportation Planner position resulting from Michelle DeRobertis’ retirement.

11. **Santa Clara County Staff Report**

Dawn Cameron, Santa Clara County BPAC Staff Liaison, reported Complete Streets will be discussed at the June 2013 BPAC workshop.
12. **Chairperson's Report**

Chairperson Goldstein reported on: 1) Caltrans Bike Advisory Committee; 2) Skyline Boulevard Chip Seal; and 3) Each local bicycle advisory committee should discuss and endorse to MTC the TDA Article 3 grant application.

13. **BPAC Subcommittee Reports**

There were no reports from the BPAC subcommittees.

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

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

15. **BPAC Work Plan**

On the order of Chairperson Goldstein and there being no objection, the committee reviewed the work plan.

16. **Announcements**

There were no announcements.

17. **ADJOURNMENT**

On order of Chairperson Goldstein and there being no objection, the meeting was adjourned at 8:39 p.m.

Respectfully submitted,

Stephen Flynn, Advisory Committee Coordinator
VTA Office of the Board Secretary
CITIZENS ADVISORY COMMITTEE
and
2000 MEASURE A CITIZENS WATCHDOG COMMITTEE

Wednesday, May 8, 2013

MINUTES

The Agenda was taken out of order.

CALL TO ORDER

The 2000 Measure A Citizens Watchdog Committee (CWC) Public Hearing on Measure A Program expenditure was called to order at 6:00 p.m. by Chairperson Brownley in Conference Room B-104, VTA River Oaks Campus, 3331 North First Street, San José, California.

2. Conduct Citizens Watchdog Committee (CWC) Public Hearing

Chairperson Brownley indicated that the CWC was conducting the Public Hearing (Hearing) in accordance with the 2000 Measure A ballot. He noted its purpose is to provide the opportunity for the community to express to the CWC its views, opinions and concerns on 2000 Measure A Program expenditures, the results of the annual independent compliance audit, and on 2000 Measure A Program reports.

Chairperson Brownley stated that the results of any input, combined with other data received, would be used by the CWC to form its conclusion on if Measure A tax dollars for the period were spent in accordance with the intent of the ballot.

Chairperson Brownley stated that when the CWC had completed its review, the CWC would inform the citizens of Santa Clara County (County) on its finding by publishing it in local newspapers and placing it on VTA’s website, among other methods. He noted the findings would also be contained in the CWC’s Annual Report on FY 2012, which would be made available to the public through various methods and also placed on VTA’s website.

Chairperson Brownley noted, because the Hearing was exclusively held to receive input on the 2000 Measure A Program, he stated that members of the public wishing to speak are asked to limit their comments to 2000 Measure A Program related issues only. He noted the CWC would not engage in debate or extended discussion, but may ask brief questions to clarify a statement or issue. If readily available, or easily answered, the CWC or staff may provide brief answers. All other questions will be referred to staff to formulate a written response from the CWC.

Chairperson Brownley asked if any written comments had been received from the public. Staff notified him that no written comments had been received. He then asked if there
Chairperson Brownley stated that the transcript of the Hearing prepared by the court reporter and an audio recording of the Public Hearing would be available to the public within a reasonable timeframe following the Hearing.

CALL TO ORDER

The Regular Meeting of the Citizens Advisory Committee (CAC) was called to order at 6:03 p.m. by Chairperson Brownley.

1. ROLL CALL

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

2000 MEASURE A CITIZENS WATCHDOG COMMITTEE REGULAR AGENDA

3. ORDERS OF THE DAY

Chairperson Brownley noted a request that Agenda Item #12, One Bay Area Grant (OBAG) Projects, be heard as the first item on the Regular Agenda.

M/S/C (Powers/Chang) to accept the Orders of the Day.

4. PUBLIC PRESENTATIONS

There were no Public Presentations.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
5. **Committee Staff Report**

Greta Helm, Chief External Affairs Officer and Staff Liaison, reported: 1) May 9, 2013, is Bike to Work Day. VTA staff will establish an energizer station in the Transit Center at the Great Mall, handing out maps, reflectors and information on bicycle projects within Santa Clara County; 2) She thanked Member Wadler for his input on the bike give-a-way contest held last month, noting it was a successful promotion with good publicity and positive comments; and 3) A brochure was distributed for a new mobile application released by VTA, called VTAlerts, which allows members of the public the ability to download the application from VTA’s website to their iPhone, Android smartphone, or iPad to report security and safety concerns while using VTA’s system.

Members of the Committee praised the VTAlerts application.

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

6. **Chairperson’s Report**

Chairperson Brownley: 1) thanked the Committee for attending the Joint Advisory Committees Budget Workshop; 2) referenced the advertisements for the CWC public meeting in print, on the radio and on the web; 3) provided a report on the CAC activities to the Board at its May 2, 2013, meeting; and 4) noted that in the future if a meeting is running long he would obtain a majority consensus from the Committee whether to hear the remaining items or to defer those items to a future meeting.

Chairperson Brownley shared with the Committee that his book, entitled “Multi-Objective Decision Analysis: Managing Trade-Offs and Uncertainty”, had recently been published.

7. **Committee for Transit Accessibility (CTA) Report**

There was no CTA Report.

8. **Bicycle and Pedestrian Advisory Committee (BPAC) Report**

There was no BPAC report.

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

**COMBINED CAC AND 2000 MEASURE A CITIZENS WATCHDOG COMMITTEE CONSENT AGENDAS**

9. **Regular Meeting Minutes of April 10, 2013**

M/S/C (Rogers/Powers) to approve the Regular Meeting Minutes of April 10, 2013.
10. **Monthly Legislative History Matrix**

   M/S/C (Rogers/Powers) to review the Monthly Legislative History Matrix.

**CITIZENS ADVISORY COMMITTEE REGULAR AGENDA**

12. **OneBayArea Grant (OBAG) Projects**

   Marcella Rensi, Transportation Planning Manager, Programming and Grants, provided the staff report.

   Member Schulter took his seat at 6:20 p.m.

**Public Comment**

Omar Chatty, Interested Citizen, 1) confirmed with staff that OBAG projects are 100 percent funded by federal grants; and 2) praised the well-synchronized traffic signals on El Camino Real and suggested adding a Bus Rapid Transit (BRT) on El Camino Real will create more congestion and more pollution.

Bill Rankin, North Willow Glen Neighborhood Association Save our Trails, expressed concern that a project at Bird and Willow Streets in San José, connecting three (3) creek trails, was not included on the list for funding. Ms. Rensi noted that the next piece of OBAG funding will address issues such as this. Members of the Committee suggested that Mr. Rankin contact the City of San José (San José), noting San José submits its list of projects to VTA.

Members of the Committee noted the addition of new acronyms. Staff reported the VTA acronym list would be updated and sent to all advisory committee members.

M/S/C (Morrow/Powers) to recommend that the Board of Directors approve the One Bay Area Grant (OBAG) projects.

11. **Priority Development Area (PDA) Investment and Growth Strategy - First Report**

   John Sighamony, Senior Transportation Planner, provided the staff report.

   Members of the Committee requested that a map located on Page 27 of the report be enlarged, by quadrants, allowing street names to be visible.

   Members of the Committee discussed what they could do to help the cities build trust and to promote Investment and Growth Strategy, including showing the cities how this strategy would help them to be more efficient in their infrastructure.

   M/S/C (Rogers/Tebo) to recommend that the Board of Directors approve the First Report of the Priority Development Area (PDA) Investment and Growth Strategy.

13. **Proactive CMP Quarterly Report for Jan-Mar 2013**

   John Sighamony provided the staff report.
Member Wadler referenced the bicycle and pedestrian issues listed in the Proactive CMP Quarterly Report and requested that this item be brought before the Bicycle and Pedestrian Advisory Committee (BPAC).

Public Comment

Mr. Chatty expressed: 1) his appreciation that the City of Mountain View did not accept a toll lane; and 2) his concern that large corporations are overbuilding within our communities.

On Order of Chairperson Brownley and there being no objection, the Committee received the Proactive CMP Quarterly Report for January through March 2013.

COMBINED CAC AND CITIZENS WATCHDOG COMMITTEE ITEMS

14. Citizens Advisory Committee and Citizens Watchdog Committee Work Plans

Mr. Flynn noted the June 12, 2013, Committee agenda would include: 1) the CWC Annual Report; 2) a report by VTA General Manager, Michael T. Burns; and 3) the BART Project Semi-Annual Report.

Member Chang referenced the EcoPass Update and noted it was not on the current Work Plan. Mr. Flynn stated the item is currently under development. Ms. Helm noted a discussion regarding moving EcoPass users to the Clipper Card for data collection improvement.

Ms. Helm noted the Light Rail Efficiency Project, previously scheduled for the June 6, 2013, board meeting, had been delayed to allow staff time to study different alternatives.

Member Tebo noted his attendance at a San José Light Rail Efficiency Project Alternatives Study Meeting held by VTA. He noted the public expressed concern that their comments were not being implemented. Member Tebo suggested that prior to taking items before the public the items should be brought before the CAC and the Policy Advisory Committee (PAC).

Member Tebo noted projects impacting VTA and/or Caltrain ridership should be listed as part of the evaluation.

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

There were no Announcements.
16. ADJOURNMENT

On order of Chairperson Brownley and there being no objection, the meeting was adjourned at 7:13 p.m.

Respectfully submitted,

Susan E. Garcia, Board Assistant
VTA Office of the Board Secretary
POLICY ADVISORY COMMITTEE
Thursday, May 16, 2013

MINUTES

CALL TO ORDER

The Regular Meeting of the Policy Advisory Committee (PAC) was called to order at 4:01 p.m. by Chairperson Price in Conference Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
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</thead>
<tbody>
<tr>
<td>Rich Waterman</td>
<td>City of Campbell</td>
<td>Present</td>
</tr>
<tr>
<td>Michael Kotowski (Alternate)</td>
<td>City of Campbell</td>
<td>NA</td>
</tr>
<tr>
<td>Orrin Mahoney</td>
<td>City of Cupertino</td>
<td>Present</td>
</tr>
<tr>
<td>Rod Sinks (Alternate)</td>
<td>City of Cupertino</td>
<td>NA</td>
</tr>
<tr>
<td>Terri Aulman</td>
<td>City of Gilroy</td>
<td>Absent</td>
</tr>
<tr>
<td>Dion Bracco (Alternate)</td>
<td>City of Gilroy</td>
<td>NA</td>
</tr>
<tr>
<td>Jeannie Bruins</td>
<td>City of Los Altos</td>
<td>Present</td>
</tr>
<tr>
<td>Megan Satterlee (Alternate)</td>
<td>City of Los Altos</td>
<td>NA</td>
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<tr>
<td>Vacant</td>
<td>Town of Los Altos Hills</td>
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<td>Vacant (Alternate)</td>
<td>Town of Los Altos Hills</td>
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<tr>
<td>Marcia Jensen</td>
<td>Town of Los Gatos</td>
<td>Present</td>
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<tr>
<td>Armando Gomez</td>
<td>City of Milpitas</td>
<td>Absent</td>
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<tr>
<td>Vacant (Alternate)</td>
<td>City of Milpitas</td>
<td></td>
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<tr>
<td>Julie Wiltshire</td>
<td>City of Monte Sereno</td>
<td>Absent</td>
</tr>
<tr>
<td>Marshall Anstandig (Alternate)</td>
<td>City of Monte Sereno</td>
<td>Present</td>
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<tr>
<td>Larry Carr</td>
<td>City of Morgan Hill</td>
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</tr>
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<td>Rich Constantine (Alternate)</td>
<td>City of Morgan Hill</td>
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</tr>
<tr>
<td>John McAlister</td>
<td>City of Mountain View</td>
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</tr>
<tr>
<td>Jac Siegel (Alternate)</td>
<td>City of Mountain View</td>
<td>NA</td>
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<tr>
<td>Gail A. Price</td>
<td>City of Palo Alto</td>
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<tr>
<td>Nancy Shepherd (Alternate)</td>
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<td>NA</td>
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<tr>
<td>Kansen Chu</td>
<td>City of San Jose</td>
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</tr>
<tr>
<td>Teresa O’Neill</td>
<td>City of Santa Clara</td>
<td>Present</td>
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<tr>
<td>Jerry Marsalli (Alternate)</td>
<td>City of Santa Clara</td>
<td>NA</td>
</tr>
<tr>
<td>Howard Miller</td>
<td>City of Saratoga</td>
<td>Present</td>
</tr>
<tr>
<td>Chuck Page (Alternate)</td>
<td>City of Saratoga</td>
<td>NA</td>
</tr>
<tr>
<td>David Whittum</td>
<td>City of Sunnyvale</td>
<td>Present</td>
</tr>
<tr>
<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>Absent</td>
</tr>
</tbody>
</table>

A quorum was present.

2. ORDERS OF THE DAY

Chairperson Price noted staff’s request to move the following Item from the Regular Agenda to the Consent Agenda: **Agenda Item #14.** Proactive CMP Quarterly Report for January through March 2013.
M/S/C (Whittum/Miller) to accept the Orders of the Day.

3. **PUBLIC PRESENTATIONS**

There were no Public Presentations.

4. **General Manager’s Report**

Michael T. Burns, General Manager, provided a brief report, highlighting:
1) update on VTA’s Budget, State Budget, and Federal Budget related to transportation and projects;
2) VTA’s overall ridership increased;
3) Update on VTA’s contributions to Caltrain;
4) VTA received $141.5 million in federal funds for the BART Project;
5) Update on the Pension Reform Act and the impacts to VTA’s future federal funding;
6) VTA supported a Bike to Work Day Energizer Station at the Great Mall in Milpitas;
7) VTA partnered with La Dolce Velo of San Jose to conduct a Bicycle Giveaway Contest to promote Bike to Work Day;
8) Plan Bay Area meeting scheduled for Thursday, June 6, 2013 at 3:30 p.m. held at the Isaac Newton Auditorium, County Government Center, 70 West Hedding Street.

**Committee Staff Report**

Jim Lawson, Executive Policy Advisor and Staff Liaison, provided a brief overview report of the May 2, 2013 Board of Director’s Regular Meeting, highlighting:
1) Transferred $20.6 million into the Other Post-Employment Benefits (OPEB) trust to pay down VTA’s Unfunded Liability;
2) Adopted the Bicycle Expenditure Program (BEP);
3) Approved the Vehicle Emissions Reductions Based at Schools (VERBS) following the PAC recommendations;
4) Approved a Remarketing Agreement for 2000 Measure A Sales Tax Revenue Refunding Bonds Series A, B, C and D;
5) Approved the State Route (SR) 152 New Alignment Study for environmental work; and
6) Approved the design changes for the Santa Clara / Alum Rock Bus Rapid Transit (BRT) project.

5. **Chairperson’s Report**

Chairperson Price provided a brief report, highlighting:
1) May 8, 2013 VTA’s Joint Advisory Committee Budget Workshop meeting; and
2) VTA’s Youth Summer Blast Pass, which provides youth with unlimited rides on VTA buses and trains from June through August. Chairperson Price noted that Youth Summer Blast Passes are available for purchase on May 16, 2013 through July 15, 2013, at VTA locations.

Upon query from Member Bruins, the Committee moved the following Item from the Consent Agenda to the Regular Agenda to allow staff the opportunity to respond to the question: **Agenda Item #8, Project Priorities for the FY2013/14 Countywide Transportation Development Act Article 3 Program.**

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

**CONSENT AGENDA**

6. **Regular Meeting Minutes of April 11, 2013**

M/S/C (Whittum/Miller) to approve the Regular Meeting Minutes of April 11, 2013.

7. **Fiscal Year 2014 & Fiscal Year 2015 CMP Work Program**

M/S/C (Whittum/Miller) to recommend that the Board of Directors approve the Fiscal Year 2014 and Fiscal Year 2015 Congestion Management Work Program.

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

Adopt a resolution approving the project priorities for the FY2013/14 Countywide Transportation Development Act Article 3 Program.

9. **Project Readiness Agreement Term Extension**

M/S/C (Whittum/Miller) to recommend that the Board of Directors approve extension of the term of the Project Readiness Initiative Program until all of the approved funding is depleted or June 30, 2014, whichever occurs first.

14. **Proactive CMP Quarterly Report for January – March 2013**

On order of Chairperson Price and there being no objection, the Committee received the Proactive CMP Quarterly Report for January through March 2013.

**REGULAR AGENDA**

10. **REGIONAL REPORTS**

A. **Metropolitan Transportation Commission (MTC)**

There was no Metropolitan Transportation Commission (MTC) Report.

B. **California Transportation Commission (CTC)**

There was no California Transportation Commission Report.

11. **One Bay Area Grant (OBAG) Projects**

Celeste Fiore, Transportation Planner III, and Marcella Rensi, Transportation Planning Manager, provided a brief overview of the staff report. Ms. Rensi commented on the presentation entitled, “One Bay Area Grant (OBAG),” highlighting: 1) Santa Clara County OBAG Structure Proposal; 2) 2013 OBAG Project Recommendations; and 3) 2013 OBAG Top 21 Project Recommendations.

Ms. Rensi commented on the following attachments related to the cities projects: 1) One Bay Area Grant (OBAG) City Guarantee Program formulas and shares; 2) Santa Clara County OBAG Discretionary Program Scoring Criteria FY 2013 – 2016; 3) 2013 OBAG Guaranteed Program Project List; 4) 2013 OBAG Project Recommendations; and 5) 2013 OBAG Recommended Projects List, which includes 21 projects recommended to receive funding and three for partial funding.

Member Mahoney left the meeting at 4:40 p.m.

M/S/C (Whittum/Miller) to recommend that the Board of Directors approve the One Bay Area Grant (OBAG) projects.

12. **Priority Development Area (PDA) Investment and Growth Strategy – First Report**

John Sighamony, Senior Transportation Planner, provided a brief overview on the Priority Development Area Investment & Growth Strategy First Edition 2013, highlighting: 1) Chapter 1 – Introduction; 2) Chapter 2 – Priority Development Areas (PDAs); 3) Chapter 3 - PDAs in Santa Clara County; 4) Chapter 4 - Transportation Investments; 5) Chapter 5 – Engagement Process; and 6) Chapter 6 – PDA Reporting.

M/S/C (Whittum/Miller) to recommend that the Board of Directors approve the First Report of the Priority Development Area (PDA) Investment and Growth Strategy.
13. **Caltrans Highway Relinquishment Study for State Route (SR) 82 El Camino Real**


Mr. Maeda reiterated the recommendation is for a proposal to seek funding from the Metropolitan Transportation Commission (MTC) to conduct a conceptual level work scope to study the relinquishment of SR 82 El Camino Real.

Mr. Maeda continued that a report will be provided at the Grand Boulevard Initiative Task Force meeting scheduled for Wednesday, June 26, 2013.

Extensive discussion ensued regarding the Caltrans Highway Relinquishment Study for SR 82 El Camino Real. Members of the Committee noted their concerns regarding the relinquishment of SR 82 El Camino Real related to costs and funding sources.

Mr. Lawson responded that the intent of the proposed study is to identify the concerns and options available.

John Ristow, Chief CMA Officer, reported that the Technical Advisory Committee (TAC) approved the Caltrans Highway Relinquishment Study for State Route (SR) 82 El Camino Real recommendation where the member representing the City of Sunnyvale opposed.

Vice Chairperson Whittum made a motion to recommend that the Board of Directors postpone a conceptual level work scope to study the relinquishment of SR 82 El Camino Real as part of the Grand Boulevard Initiative and forward the item to the city councils that will be impacted for further discussion.

Upon query from Committee Members, Mr. Ristow responded that the recommendation is to proceed with a study to identify what it will take and provide the opportunity to gather the necessary data to consider the relinquishment of SR 82 El Camino Real.

Committee Members expressed their opposition to the motion to postpone the recommendation, noting the importance to conduct a study to identify necessary relevant data.

Mr. Lawson commented that everyone involved has concerns, noting the importance to conduct a study to review the issues, identify alternatives, and make an informed decision before moving forward.

**Public Comment**

Omar Chatty, Interested Citizen, expressed his opposition of the recommendation to relinquish SR 82 El Camino Real, noting his concern to alter a major arterial route that would definitely cause major traffic impacts to the route.

He expressed his concern, noting the presentation did not illustrate the drawbacks or costs to relinquish SR 82 El Camino Real.

**M/F/C (Whittum/McAlister)** on a vote of 3 ayes to 6 noes to recommend that the Board of Directors postpone a conceptual level work scope to study the relinquishment of SR 82
El Camino Real as part of the Grand Boulevard Initiative and forward the item to the city councils who will be impacted for further discussion. Members Anstandig, Bruins, Jensen, Miller, O’Neill, and Chairperson Price opposed.

NOTE: M/S/F MEANS MOTION SECONDED AND FAILED.

M/S/C (Bruins/O’Neill) on a vote of 6 ayes to 3 noes to recommend that the Board of Directors approve a conceptual level work scope to study the relinquishment of SR 82 El Camino Real as part of the Grand Boulevard Initiative and to seek funding for the study from the Metropolitan Transportation Commission. Members McAlister, Waterman, and Vice Chairperson Whittum opposed. The recommendation was approved with an affirmative vote of a majority of the quorum.

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

The Agenda was taken out of order.

8. Fiscal Year 2013/2014 TDA3 Project Priorities

Amin Surani, Principal Transportation Planner, responded to Member Bruins query, noting staff updated the funding amount related to claimants in Santa Clara County information pertaining to the City of Los Altos project.

M/S/C (Bruins/McAlister) to recommend that the Board of Directors adopt a resolution to approve the project priorities for the FY2013/14 Countywide Transportation Development Act Article 3 Program.

OTHER

15. Committee Work Plan

Mr. Lawson noted staff’s request to cancel the July 11, 2013 PAC meeting.

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

16. Announcement

There were no Announcements.

17. ADJOURNMENT

On order of Chairperson Price and there being no objection, the Committee meeting was adjourned at 5:20 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>
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<tr>
<th>Attendee Name</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>Bjarke, Karl</td>
<td>Member</td>
<td>City of Morgan Hill</td>
</tr>
<tr>
<td>Creer, Scott</td>
<td>Alternate Member</td>
<td>City of Morgan Hill</td>
</tr>
<tr>
<td>Timm Borden</td>
<td>Chairperson</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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<td>John Cherbone</td>
<td>Member</td>
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<tr>
<td>Richard Chiu</td>
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<td>Town of Los Altos Hills</td>
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<td>John Chau</td>
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<td>Town of Los Altos Hills</td>
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<tr>
<td>Dan Collen</td>
<td>Member</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>Vice Chairperson</td>
<td>City of Campbell</td>
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<td>Jaime Rodriguez</td>
<td>Member</td>
<td>City of Palo Alto</td>
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<td>Ray Salvano</td>
<td>Member</td>
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<tr>
<td>Hans Larsen</td>
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<td>City of San José</td>
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<tr>
<td>Henry Servín</td>
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<tr>
<td>Mo Sharma</td>
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<td>City of Monte Sereno</td>
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<tr>
<td>Lee Taubeneck</td>
<td>Ex-Officio Member</td>
<td>California Department of Transportation (Caltrans)</td>
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<tr>
<td>Stephen Yokoi</td>
<td>Alternate Ex-Officio Member</td>
<td>California Department of Transportation (Caltrans)</td>
</tr>
<tr>
<td>Jack Witthaus</td>
<td>Member</td>
<td>City of Sunnyvale</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

Chairperson Borden reported a request that Agenda Item #16, Proactive CMP Quarterly Report for Jan-Mar 2013, be moved to the Consent Agenda.

Chairperson Borden stated that Agenda Item #15, Multimodal Level of Service Status Report, would be heard if time permits.

Members Collen and Witthaus took their seats at 1:32 p.m.

M/S/C (Batra/Capurso) to accept the Orders of the Day.

4. Committee Staff Report

John Ristow, Chief Congestion Management Agency (CMA) Officer and Staff Liaison, noted, due to a limited number of items, staff is proposing to cancel the June 13, 2013, Committee meeting.

David Kobayashi, Senior Transportation Planner, distributed and reviewed a handout entitled Abstract: Resolution No. 4104, a resolution that adopts an update to Metropolitan Transportation Commission’s (MTC) policy on Traffic Operations System (TOS) for the San Francisco Bay Area. Attachment A, MTC Traffic Operations System (TOS) Policy was provided as a handout.

Mr. Kobayashi reported that in the early 2000s MTC included a policy within its transportation plan to install traffic operation systems such as ramp metering and surveillance cameras on new interchanges or interchange modification projects. VTA has been a strong proponent for this equipment, because it provides a means to monitor freeway conditions and manage freeway congestion. As part of the policy, MTC staff established a goal to turn-on all ramp-metering within the Bay Area by 2015. Currently, over 200 ramp meters out of total 330 ramp meters installed in Santa Clara County are operational and VTA should be able to meet that goal.

Mr. Kobayashi then reported MTC’s new policy for operating ramp meters has some similarities to the existing memorandum of understanding (MOU) on how ramp meters will be operated in Santa Clara County, but noted two components that have not been included in the resolution: 1) a process by which the TAC serves as the adjudication group to reach resolutions over situations when a local agency and Caltrans staff cannot reach consensus on how to operate the meters; and 2) response times to operational issues with ramp metering.

Mr. Kobayashi drew the Committee’s attention to the last paragraph of Attachment A, under the heading “Funding”, and noted if the ramp metering and TOS elements are installed, but not activated or in operation, MTC will consider suspending funding programming actions for federal or state discretionary funds until the TOS elements are activated, remain operational and the requirements are met.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
Members of the Committee questioned whether data collection and monitoring were included within MTC’s policy. Mr. Kobayashi noted this was not mentioned within the policy. Members of the Committee expressed a strong belief that the Santa Clara County MOU should be retained. Mr. Ristow noted this item is scheduled to go before MTC next week.

5. **Chairperson's Report**

There was no Chairperson’s Report.

6. **TAC Working Group Reports**

- **Capital Improvement Program (CIP)**

  Celeste Fiore, Transportation Planner III, reported the CIP Working Group met on April 23, 2013, to review two items on the current TAC agenda: 1) OneBayArea Grant (OBAG); and 2) Priority Development Area (PDA) Investment and Growth Strategy - First Report.

  The next meeting of the CIP Working Group will be held on May 28, 2013.

- **Systems Operations & Management (SOM)**

  Eugene Maeda, Senior Transportation Planner, reported the SOM Working Group met on April 24, 2013, to review: 1) a traffic level of service (LOS) software – as part of their evaluation of LOS software on the current market; 2) findings from the multi-modal level of service; 3) the proposal to study State Route (SR) 82 El Camino Real as part of the Grand Boulevard Initiative.

  Member Rodriguez took his seat at 1:39 p.m.

  The next meeting of the SOM Working Group will be held on May 22, 2013.

- **Land Use/Transportation Integration (LUTI)**

  Robert Swierk, Senior Transportation Planner, reported the LUTI Working Group met on May 8, 2013, to review: 1) a presentation on the VTA Express Lanes Program, paired with a discussion on fair share contributions to transportation improvements; 2) PDA Investment and Growth Strategy - First Report; and 3) Transportation Impact Analysis (TIA) Guidelines Update.

  Mr. Swierk reported: 1) a sub-working group will be formed, from LUTI and SOM members, to review the TIA Guidelines; and 2) VTA is soliciting input from the member cities, on outreach to consultants and developers, to ensure what we are thinking about in the TIA guidelines update is practical and implementable.

  The next meeting of the LUTI Working Group will be held on August 14, 2013.

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

**CONSENT AGENDA**

7. **Regular Meeting Minutes of April 11, 2013**

   M/S/C (Larsen/Batra) to approve the Regular Meeting Minutes of April 11, 2013.


16. **Proactive CMP Quarterly Report for Jan-Mar 2013**

M/S/C (Larsen/Batra) to receive the Proactive CMP Quarterly Report for January through March 2013.

**REGULAR AGENDA**

9. **FY2013/14 TDA3 Project Priorities**

Marcella Rensi, Transportation Planning Manager, Programming & Grants, provided the staff report.

M/S/C (Larsen/Quinney) to recommend that the Board of Directors adopt a resolution approving the project priorities for the FY2013/14 Countywide Transportation Development Act Article 3 Program.

10. **OneBayArea Grant (OBAG) Projects**

Ms. Rensi provided the staff report.

A PowerPoint presentation was presented, highlighting: 1) Santa Clara County OBAG Structure Proposal; 2) 2013 OBAG Project Recommendations; and 3) a map showing the 2013 OBAG Top 21 Project Recommendations.

A handout, entitled Attachment D: 2013 OBAG Project Recommendations, was distributed.

**Public Comment**

Roland Lebrun, Interested Citizen, referenced Item #34 on the handout, San José Cottle Light Rail Transit (LRT) – Urban Connection, and noted that by moving the interchange Caltrans is affecting the local residents’ access to the Light Rail, Kaiser Hospital and local shopping centers by creating a lengthy, unsafe passage. He requested staff from VTA or the City of San José (San José) reach out to him to discuss this issue. Mr. Ristow recommended that Mr. Lebrun speak with San José staff.

Member Rodriguez expressed concern over the use of Bicycle Expenditure Program (BEP) funds as part of the local match. He suggested more projects could be delivered if the member agencies increased their local match. Member Rodriguez noted the need for a better distribution of funds throughout the County. Ms. Rensi stated a discussion on this could be held when the criteria was reevaluated.

Alternate Member Larsen praised those involved with the scoring of the projects, noting the tremendous amount of effort involved.
Members of the Committee questioned project delivery. Mr. Ristow noted Caltrans will be working with VTA to ensure projects are delivered on-time.

Chairperson Borden noted future improvements will be made as criteria develop.

M/S/C (Larsen/Witthaus) to recommend that the Board of Directors approve the One Bay Area Grant (OBAG) projects.

11. **PDA Investment and Growth Strategy - First Report**

John Sighamony, Senior Transportation Planner, provided the staff report.

M/S/C (Larsen/Batra) to recommend that the Board of Directors approve the First Report of the Priority Development Area (PDA) Investment and Growth Strategy.

12. **Caltrans Highway Relinquishment Study for State Route (SR) 82 El Camino Real**

Mr. Ristow introduced the item by noting the Grand Boulevard Initiative (GBI) Task Force requested that VTA and the City/County Association of Governments (C/CAG), San Mateo County’s CMA, explore this concept and generate ideas how cities or other entities might consider relinquishment of SR 82.

Eugene Maeda, Senior Transportation Planner, provided the staff report.

A PowerPoint presentation, entitled Caltrans Highway Relinquishment Study for SR 82 El Camino Real, was provided, highlighting: 1) What is Highway Relinquishment; 2) Key Benefits of Relinquishment; 3) Grand Boulevard Initiative (GBI); 4) SR 82 El Camino Real; 5) Proposed Conceptual-Level Workscope; and 6) Next Steps.

Member Rodriguez noted the City of Palo Alto (Palo Alto) is very supportive of relinquishment and expressed his support for this study.

Alternate Member Larsen stated that San José is also very supportive of relinquishment. He reported that San José was able to negotiate one-time funds of $12 million from Caltrans to bring San José streets up to par.

Member Batra expressed the City of Santa Clara’s (Santa Clara) interest in relinquishment.

Nick Saleh, District Division Chief - South, District 4, Caltrans, reminded the Committee that relinquishments must satisfy connectivity to the highway system. He noted that Caltrans no longer has a Cost to Relinquish Program.

Member Witthaus indicated that he would not support a relinquishment study, because there are no resources to perform such a study. He suggested the City of Sunnyvale (Sunnyvale) could find a better use for those funds, including traffic signal replacement. Member Witthaus stated if the study does proceed Sunnyvale will participate, but Sunnyvale would prefer that this not move forward.
M/S/C (Batra/Rodriguez) on a vote of 11 ayes to 1 no to 0 abstentions to recommend that the Board of Directors approve a conceptual level work scope to study the relinquishment of SR 82 El Camino Real as part of the Grand Boulevard Initiative and to seek funding for the study from the Metropolitan Transportation Commission. Member Witthaus opposed.

13. **Project Readiness Agreement Term Extension**

Ms. Rensi provided a brief overview.

M/S/C (Batra/Witthaus) to recommend that the Board of Directors approve extension of the term of the Project Readiness Initiative Program until all of the approved funding is depleted or June 30, 2014, whichever occurs first.


Mr. Ristow provided a brief overview.

M/S/C (Quinney/Batra) to recommend that the Board of Directors approve the Fiscal Year 2014 and Fiscal Year 2015 Congestion Management Work Program.

15. (Deferred to July 11, 2013, Technical Advisory Committee (TAC) Meeting)

Receive a status report on VTA review of Multimodal Level of Service methodologies.

16. (Moved From the Regular Agenda to the Consent Agenda)

Receive the Proactive CMP Quarterly Report for January through March 2013.

**OTHER**

17. **MTC Activities and Initiatives**

Mr. Ristow noted MTC’s focus is on the Plan Bay Area and that MTC staff will be visiting all of its member counties. MTC is scheduled to be in Santa Clara County for: 1) the Santa Clara County Open House on May 1, 2013; 2) an elected officials meeting on June 6, 2013, at 3:30 p.m. in the County Government Center; and 3) the VTA board meeting on June 6, 2013, at 5:30 p.m.

On Order of Chairperson Borden and there being no objection, the Committee received an update on MTC Activities and Initiatives.

18. **TAC Committee Work Plan**

Mr. Ristow reminded the Committee that the June TAC meeting will be cancelled.

Member Servín entered the meeting at 2:45 p.m.

Member Rodriguez requested an update on the Bike Share Program within the County. He noted the importance of keeping the Bike Share Program user fees as low as possible.
Mr. Ristow noted the Committee will receive a Bike Share Program update in July or August, in advance of the October 2013 program deployment.

**On Order of Chairperson Borden** and there being no objection, the Committee reviewed the TAC Committee Work Plan.

19. **ANNOUNCEMENTS**

Member Witthaus announced the City of Sunnyvale has two open positions: 1) Transportation/Traffic Engineer; and 2) Traffic Engineering Technician I/II.

Chairperson Borden announced that the Silicon Valley Chapter of the American Public Works Association voted Rajeev Batra Public Works Leader of the Year.

20. **ADJOURNMENT**

**On order of Chairperson Borden** and there being no objection, the meeting was adjourned at 2:50 p.m.

Respectfully submitted,

Susan E. Garcia, Board Assistant
VTA Office of the Board Secretary
CALL TO ORDER

The Regular Meeting of the Silicon Valley Rapid Transit (SVRT) Program Working Committee was called to order at 10:02 a.m. by Chairperson Yeager in Conference Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

1. ROLL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
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<tbody>
<tr>
<td>Xavier Campos</td>
<td>Vice Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Jose Esteves</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Sam Liccardo</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Ken Yeager</td>
<td>Chairperson</td>
<td>Present</td>
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<tr>
<td>David Whittum</td>
<td>Alternate Member</td>
<td>NA</td>
</tr>
<tr>
<td>Johnny Khamis</td>
<td>Alternate Member</td>
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* Alternates do not serve unless participating as a Member.

A quorum was present.

2. Public Presentations

There were no public presentations.

3. Meeting minutes of March 4, 2013

M/S/C (Liccardo/Esteves) to approve the meeting minutes of March 4, 2013.

Member Campos arrived at the meeting at 10:04 a.m.

4. BART Silicon Valley Parking Technology Recommendations

Carolyn Gonot, Chief SVRT Program Officer, introduced Leyla Hedayat, SVBX Project Manager.

Ms. Hedayat provided an overview of the Milpitas and Berryessa Campus, highlighting staff made a conscious effort to make the stations multi-modal. The campuses were designed with spaces for transit, taxi, bicycles, and pedestrians. She added that the design has flexibility to accommodate bike concession shops, if there is a need in the future.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
The Committee made the following comments: 1) consider more bike concession shops in the future; and 2) there should be ample security in the stations.

Ms. Gonot reviewed the Parking Structures Design-Build Contract procurement including the following: 1) agreement between BART and VTA with regard to parking revenue and allowed uses; 2) parking revenue projections; 3) parking revenue collection technology study; 4) BART’s current parking revenue collection and lessons learned; 5) peer agency review and lessons learned; 6) parking survey results; 7) recommended parking revenue collection approach, license plate recognition; and 8) parking technology implementation schedule.

Upon inquiry of the Committee members, staff responded that the amount for daily parking and the technology for the operations of the parking garage will be revisited as the project nears completion. This ensures that the charges are reasonable and that the technology is more up to date.

**On order of Chairperson Yeager** and there being no objection, the Committee reviewed the BART Silicon Valley Parking Technology Recommendations.

### 5. BART Coordination Issues on Silicon Valley Berryessa Extension

#### A. Berryessa Viaduct

Mark Massman, SVBX Project Director, noted the Berryessa viaduct issue is a near critical path decision, which can impact the schedule of the project. He showed graphics of the Berryessa viaduct layout, double cross-over special track, the viaduct hinge and explained that BART was not in concurrence with the track structure interaction design. VTA commissioned an independent expert review to determine if there were design flaws.

The expert review showed the design to be acceptable and noted areas where the design could be improved. VTA/SSH reviewed the relocation of one of the northern hinges and made minor relocation of southern double crossover, which have been recently accepted by BART staff. These proposed changes will be presented to the BART Executive Staff on May 17, 2013. Mr. Massman noted the resolution to this issue may involve a contract change order to the C700 design-build contract.

Chairperson Yeager requested that he be advised of the outcome of the meeting scheduled for May 17. He noted there should be a protocol to be followed for issues involving BART/VTA/and SSH.

Ms. Gonot responded VTA will partner with SSH and BART to resolve issues such as this. She added staff has been discussing with BART on how to address design issues.

#### B. Sierra/Lundy Ventilation

Mr. Massman reviewed the Sierra/Lundy ventilation background and showed graphics of tunnel and vent locations. VTA, SSH and BART are in a prolonged
discussion on the criteria to be used in evaluation of the natural draft tunnel exiting analysis and design.

An independent industry expert review is underway to obtain input on best industry practices and standards. Depending on the outcome of this review it is possible that a contract change order may be necessary. Mr. Massman noted that at this time resolution of this issue is not schedule and there is sufficient time to resolve this issue.

On order of Chairperson Yeager and there being no objection, the Committee reviewed the BART Coordination Issues on Silicon Valley Berryessa Extension.

6. **Kato, Mission, and Warren Grade Separation Projects**

Ms. Gonot reported on the completed work for Kato, Mission, and Warren Grade Separation Projects, noting Kato Road was opened to traffic last April 29, 2013.

Ms. Gonot reviewed the upcoming activities for these projects and highlighted that Warren Avenue Closure may happen in mid-June for approximately nine months.

On order of Chairperson Yeager and there being no objection, the Committee reviewed the BART Coordination Issues on Silicon Valley Berryessa Extension.

7. **Silicon Valley Berryessa Extension (SVBX) Project and Silicon Valley Rapid Transit (SVRT) Program Updates/key activities**

   a. **Property Acquisition and Real Estate Updates**

   Mr. Massman reviewed the status of the acquisition activities and noted parcels that are in the critical path will be brought forward to the Board of Directors for adoption of resolution of necessity.

   b. **Construction Updates and schedule**

   Mr. Massman provided update on the Berryessa, Milpitas, utility work, and utility relocation construction activities. He briefly discussed the SVBX Project schedule, noting there is a concern regarding the delivery of the vehicles that BART is procuring.

   c. **Archaeological update**

   Mr. Massman reported the human burial discovered at the construction site. The Archaeological consultant and most likely descendants are working to recover the remains. Mr. Massman noted there will be additional tests in areas to be impacted by SVBX activities.

   d. **Community Outreach Activities**

   Bernice Alaniz, Marketing and Public Affairs Deputy Director, reviewed the key community outreach activities including the presentation at the Santa Clara Chamber of Commerce, One Year Milestone and Kato Road Ribbon Cutting Event, Kato Road Community Appreciation Event, and Berryessa Business
Association meeting. Ms. Alaniz reported her team is preparing for the outreach activities for the Warren Avenue Closure.

e. Project Budget Update

Mr. Massman reviewed the Program Cost Summary for the SVRT Program and SVBX Project. He noted that the project is currently under budget. He added staff will present an updated budget to the Federal Transportation Administration (FTA) the following week.

Vice Chairperson Campos referred to the budget contingencies and inquired if the excess contingency funds can be rolled over to the next phase of the SVRT Program after the SVBX Project is completed. Ms. Gonot responded that if there are contingencies left over after the SVBX Project is completed, some monies will have to go back to the Federal Government while some may go back to Measure A. Ms. Gonot added that in the next couple of years, staff will look into activities within the SVBX Project that can help with the Phase II of the SVRT Project.

On order of Chairperson Yeager, and there being no objection, the Committee received the Silicon Valley Berryessa Extension (SVBX) Project and Silicon Valley Rapid Transit (SVRT) Program Updates/key activities.

8. Open/Pending issues

Chairperson Yeager suggested staff invite new California Department of Transportation Secretary Malcolm Dougherty to Santa Clara County.

Michael T. Burns, General Manager, indicated that staff will request Santa Clara County’s Congressional Delegation to invite the United States President to view the SVBX Project the next time the president is in the area.

Member Esteves suggested adding to future agendas “Potential Issues” so that the Committee can be apprised of topics that may potentially be problem issues for the project.

9. Announcements

There were no announcements.

10. Adjournment

On order of Chairperson Yeager and there being no objection, the meeting was adjourned at 11:25 a.m.

Respectfully submitted,

Elaine F. Baltao, Assistant Board Secretary
VTA Office of the Board Secretary