BOARD OF DIRECTORS MEETING

Thursday, November 7, 2013

5:30 PM

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

**REVISED 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.

**Changes from previous version:**

- Agenda Item #7.7- 2014 STIP Program Adoption requires 2/3 vote

- Agenda language updated for Agenda Item #8.2 –Santa Clara Alum Rock Bus Rapid Transit Project- Civil and Station Improvements Contract, to reflect the recommended contractor and contract amount.
• 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, 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 on the web at: www.vta.org or visit us on Facebook at: 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.
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 Maria Luisa Sanchez-Ku, Human Resources Analyst, River Oaks Administration; Ronald Langston, Coach Operator, Chaboya Division; and Jose Hernandez, Senior Track Worker, Guadalupe Division, as Employees of the Month for November 2013.

3. CLOSED SESSION

3.1. Recess to Closed Session

A. Existing Litigation - Conference with Legal Counsel
   [Government Code Section 54956.9(a)]
   
   Name of Case: Santa Clara Valley Transportation Authority v. Eastridge Shopping Center (Eminent Domain)
   (Santa Clara Superior Court Case No.: 1-11-CV-209524)

B. Existing Litigation - Conference with Legal Counsel
   [Government Code Section 54956.9(a)]
   
   Name of Case: Truck Rail Handling, Inc., et al. v. Santa Clara Valley Transportation Authority, et al.
   (Alameda County Superior Court Case No.: RG12628077)

C. Anticipated Litigation - Conference with Legal Counsel
   Initiation of litigation pursuant to Government Code Section 54956.9(c).
   
   Number of potential cases: 1
   Name of potential opposing party: Union Pacific

D. Anticipated Litigation - Conference with Legal Counsel
   Significant exposure to litigation pursuant to Government Code Section 54956.9(b).
   
   Number of potential cases: 1

E. 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
3.2. Reconvene to Open Session

3.3. Closed Session Report

3.4. ACTION ITEM - Approve and authorize the General Manager to execute the amended successor labor agreement negotiated between the Santa Clara Valley Transportation Authority (VTA) and 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 are no public hearings.

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


7. CONSENT AGENDA

7.1. Approve the Board of Directors Workshop Meeting Minutes of September 27, 2013.
7.2. Approve the Board of Directors Regular Meeting Minutes of October 3, 2013.

7.3. ACTION ITEM - Review and accept the Fiscal Year 2013 Quarterly Statement of Revenues and Expenses for the period ending June 30, 2013.

7.4. ACTION ITEM - Revise the VTA Permit Policy to authorize the General Manager to waive fees for parties making transit improvements for VTA and adopt a resolution amending the VTA Permit Fee Schedule, adjusting fees to be collected for Construction Access Permits and Restricted Access Permits to be consistent with the revision of VTA allocated rates.

7.5. ACTION ITEM - Adopt the 2013 VTA Congestion Management Program (CMP).

7.6. ACTION ITEM - Approve the allocation of $5,460,000 of Local Program Reserve (LPR) to:
   - SR 680 Corridor Study $250,000
   - I-280 Corridor Study $250,000
   - I-280/Winchester Blvd Off-Ramp $250,000
   - US 101 Auxiliary Lanes Project $260,000
   - SR 237, SR 85 and US 101 Express Lanes $4,450,000

7.7. ACTION ITEM - Adopt a resolution to program 2014 State Transportation Improvement Program (STIP) capacity to projects; approve a funding exchange of $14.5 million in STIP funds for $14.5 million in Measure A funds; increase the 2000 Measure A Transit Improvement Program Fund Capital Budget by $14.5 million; and authorize the General Manager to execute appropriate funding agreements to receive STIP funds.

   Note: Motion must be approved by at least 2/3 of the Board (8 members).

7.8. ACTION ITEM - Authorize the General Manager to execute a contract with GECMS Inc. dba Gyeron Construction, the second lowest responsible bidder, in the amount of $337,400 for the construction of Pedestrian Swing Gates Replacement, and relieve the low bidder of its obligation to perform the contract.

7.9. ACTION ITEM - Review and receive the Auditor General's internal audit report on Investment Program Controls.

7.10. ACTION ITEM - Approve the following Internal Audit Work Plans developed and recommended by the VTA Auditor General:

   1. Fiscal Year (FY) 2014 for a maximum amount of $358,800. This item replaces the Interim FY 2014 Internal Audit Work Plan approved by the Board on June 6, 2013 for a maximum amount of $290,500.

   2. FY 2015 for a maximum amount of $364,500.

7.11. ACTION ITEM - Review and receive the Auditor General's report on the Silicon Valley Rapid Transit Program Project Delivery Method and Project Execution Assessment.

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


7.15. INFORMATION ITEM - Receive a status update on implementation of the VTA Integrity Helpline.

8. REGULAR AGENDA

8.1. ACTION ITEM - Adopt the proposed Major Service Change, Disparate Impact and Disproportionate Burden Policies and the System-wide Service Standards & Policies as mandated by Federal Transit Administration (FTA) Title VI guidelines.

8.2. ACTION ITEM - Authorize the General Manager to execute a contract with Goodfellow Top Grade, the lowest responsible bidder, in the amount of $54,163,685 for the construction of the Santa Clara Alum Rock Bus Rapid Transit Project - Civil and Station Improvements.

9. OTHER ITEMS

9.1. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

9.2. Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions
   9.2.A. VTA Standing Committees
   9.2.B. VTA Advisory Committees
   9.2.C. VTA Policy Advisory Boards (PAB)
   9.2.D. Joint Powers Boards and Regional Commissions

9.3. Announcements

10. ADJOURN in memory of Anita Jacobson, former VTA Employee.
BOARD OF DIRECTORS MEETING

Thursday, November 7, 2013
5:30 PM

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County Government Center
70 West Hedding Street
San Jose, California

ADDENDUM TO AGENDA

3.1.E.X Conference with Real Property Negotiators
[Government Code Section 54956.8]

Property: Partial fee interest, permanent utility easements and a temporary construction easement on the property located at 3501 Tasman Drive in Santa Clara, California (APN: 104-49-029)

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

Negotiating Party: Michael Pelletier, Lake Marriott, LLC c/o Divco West

Under Negotiation: Price and terms of payment
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 November 2013

FOR INFORMATION ONLY

BACKGROUND:

Maria Luisa Sanchez-Ku, Human Resources Analyst at River Oaks, is the Administrative Award Winner for November. Since starting with VTA in 2008 Maria has been highly effective in her work supporting VTA’s Organizational Development and Training programs. Maria developed VTA’s Succession Plan Program which recently celebrated its first graduating class. She built the program by identifying organizational needs, developing staff competencies, determining course curriculum, recruiting candidates, and assessing participant development. She has shown great leadership skills and is highly deserving of this award. Congratulations to Maria Luisa Sanchez-Ku, Administrative Employee of the Month for November!

Ronald Langston, Coach Operator at Chaboya Division, is Operations Award winner for November. Ronald has been with VTA for over 34 years and serves as an excellent role model for his fellow employees. He regularly receives passenger compliments for being a safe and courteous driver as well as for his ongoing reliability and professionalism. Ronald has been very active in Bus Rodeos and serves as a Joint Workforce Investment Mentor to new Operators. He upholds VTA’s commitment to providing excellent customer service and is very deserving of this award. Congratulations to Ronald Langston, Operations Employee of the Month for November!

Jose Hernandez, Senior Track Worker at Guadalupe Division, is the Maintenance Award winner for November. Jose has been with VTA since 1989 and his work duties include inspecting, maintaining and repairing all roadbeds and track systems, and providing a comprehensive overview of all aspects of track maintenance. He is known in his department for implementing exceptional solutions to challenging problems and sharing his knowledge with his peers. Jose sets an outstanding example of professionalism in his work environment by taking the lead on projects that promote safety and efficiency. Congratulations to Jose Hernandez, Maintenance Employee of the Month for November!
FOR INFORMATION ONLY

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

**Berryessa Extension Project Construction Activities**

In the Milpitas Station area, the Skanska, Shimmick, Herzog (SSH) contractor has begun installation of sheet piles in preparation for station excavation. Installation of the City of Milpitas’ 48-inch storm drain continues, work has been initiated on the City’s 18-inch water line, and PG&E continued removal and restoration activities associated with the abandoned high-pressure gas lines, which have now been relocated.

At Montague Expressway, SSH continued trench excavation activities. Work across the roadway is being completed in three phases. With the southernmost section completed, SSH has initiated work activities in the middle section of the roadway. Once complete, Montague Expressway will have a street level bridge that will pass over future BART trench below. In addition to trenching activities in this area, SSH continues to install the City’s 18-inch water line that crosses the roadway along the west side of the BART alignment. They have also begun removing the Santa Clara Valley Water District’s abandoned 42-inch water line, which has been relocated.

Adjacent to the Great Mall, crews continue to install sheet piles in preparation for the installation of retaining walls for the freight rail bridge that will cross over the BART alignment. SSH is in the process of obtaining final acceptance from Union Pacific Railroad on the freight rail retaining wall design, and coordinating with the Great Mall regarding access for installation. It is anticipated that installation of the retaining wall will begin in late October.

In the Berryessa Station area, SSH has completed work on the aerial guideway’s support structure within Upper Penitencia Creek and continued to complete construction of columns north of the future Berryessa Station. The formwork for the aerial station platform is nearly complete, in preparation for the concrete pour.
**Corridor Preparation Activities**
The Union Pacific Railroad (UPRR) bridges over Mission Boulevard and Warren Avenue have been substantially completed, with installation of ballast and track underway by UPRR. It is anticipated that UPRR will switch trains over to these bridges in late October. In November, intermittent night closures will be in effect on Mission Boulevard to construct formwork for the future BART bridge.

**Design-Build Parking Structures Contract and Parking Technology Procurement**
The SVBX Design-Build Parking Structure contract was re-advertised for bids on September 23, 2013 due to changes in the prequalification criteria that would allow more bidders the opportunity to bid on the work. Dates for bid submittals, award of contract and Board Approval have been revised accordingly. It is anticipated that a recommended contractor will be brought to the Board of Directors for authorization in February 2014. The date for Contract Completion is unchanged.

In coordination with the Design-Build Parking Structure contract, a Request for Proposals (RFP) is underway for the parking technology equipment that will be installed in the SVBX parking facilities for revenue collection, parking enforcement and access and guidance. This RFP is anticipated to be issued in early November, with proposals due in late January. It is anticipated that a recommended contractor will be brought to the Board of Directors for authorization in April 2014.

**Residential Noise Insulation Program (RNIP)**
The Group 1 (C750) construction contract for noise insulation improvements is in the construction phase. The Group 1 contractor has conducted verification of measurements for the proposed RNIP improvements with the Group 1 residences. Group 1 residences are located closest to the first major construction activities that will take place near the future Berryessa Station.

In September, the Board authorized the Group 2 construction bid package (C751) for noise insulation improvements to the lowest responsible bidder (G & G Specialty Contractors, Inc.). The Group 3 (C752) construction bid package was issued for bid on September 17, 2013. The Pre-Bid meeting occurred on October 1, 2013. Staff is in the process of obtaining owner approvals on the Group 4 (C753) design plans and permits to enter forms.

**Communications and Outreach**
In October, staff provided a BART/SVBX tour for VTA management, and made presentations to VTA’s Committee for Transit Accessibility, San Jose Fire Department, California Retired Teachers Association, and the Silicon Valley Ashi Board (certified home inspectors association). Staff was also present at the Berryessa Business Association monthly meeting, San Jose Downtown Association monthly meeting, and the Business Outreach Committee’s Meet the Primes event held at VTA. Other outreach activities included production of a fall 2013 quarterly
newsletter, and production of a YouTube time-lapse video showing progress at the Berryessa and Milpitas Station areas.

Staff issued traffic advisories for Montague Expressway traffic lane modifications and nighttime closures on Mission Boulevard. Construction updates and press releases for work taking place in the vicinity of Capitol Avenue, Hostetter Road, Montague Expressway and Dixon Landing Road resulted in seven news articles and two mentions on local radio and television stations, including KGO and KNTV 11, regarding the project’s construction and progress. A news release was issued for the project being awarded with two Best of Milpitas awards.

Prepared By: Kevin Kurimoto
Memo No. 3990
Robert Fabela, General Counsel, announced that the Santa Clara Valley Transportation Authority (VTA) Board of Directors will enter into closed session at 9:10 a.m. to discuss public employment. The closed session was held at the 10th Floor Conference Room, County Government Center, 70 West Hedding Street, San José, California.

1. CALL TO ORDER AND ROLL CALL

The Board of Directors Workshop Meeting for the Santa Clara Valley Transportation Authority (VTA) Board of Directors was called to order by Chairperson Pirzynski at 10:17 a.m. in the Board of Supervisors’ Chambers, County Government Center, 70 West Hedding Street, San José, California.

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<th>Attendee Name</th>
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<tr>
<td>Margaret Abe-Koga</td>
<td>Board Member</td>
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<td>Xavier Campos</td>
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<td>Larry Carr</td>
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<td>Jose Esteves</td>
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<td>Rose Herrera</td>
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<td>Ash Kalra</td>
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<td>Johnny Khamis</td>
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<td>Sam Liccardo</td>
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<td>Ken Yeager</td>
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2. CLOSED SESSION REPORT

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

There was no Public Comment.

4. WORKSHOP ITEMS

4.1. Title VI - Update

Robert R. Fabela, General Counsel, and Sylvester Fadal, Human Resources Manager, provided a brief overview on the presentation entitled, “Title VI Program,“ highlighting: 1) Presentation Overview; 2) What is Title VI; 3) Title VI Applicability to VTA; 4) Why is Title VI Important; 5) Federal Transit Authority (FTA) Title VI Monitoring; 6) FTA Title VI Circular: New Primary Requirements; 7) Title VI Service and Fare Equity Analysis; 8) FTA Title VI Circular: Service Standards and Policies; 9) Board of Directors Actions; and 10) Proposed Title VI Schedule.

Mr. Fabela reported that Title VI prohibits the discrimination on the basis of color, race, and national origin, as well as prohibit the adverse impacts of changes to fares or services to be predominately borne by low income or minority individuals. If an organization is determined to be non-compliant with Title VI, federal funding may be conditioned or withheld.

Mr. Fadal reported on the Federal Transportation Administration (FTA) Title VI Circular New Primary requirements and proposed Title VI schedule, noting the following four policies will be forwarded to VTA’s Board of Directors for consideration: 1) Major Service Change Policy; 2) Disparate Impact Policy; 3) Disproportionate Burden Policy; and 4) System-wide Service Standards and Policies.

Board Member Chavez requested the following: 1) provide the Board Members with the outreach group lists; and 2) provide the Board Members information about equity analysis conducted in the past.

Board Member Campos noted the following: 1) queried if alternative transportation modes are identified when service reductions were implemented; and 2) stressed the importance of having further discussions regarding service reductions/elimination, which have adverse impacts the community. Michael T. Burns, General Manager, responded discussions should be agendized at the standing committees then forwarded to the Board of Directors for consideration.

Board Member Herrera asked how Title VI impacts capital projects and queried about the threshold of the capital project. Board Member Herrera expressed concern and noted the importance to address the areas where minorities are impacted.

On order of Chairperson Pirzynski and there being no objection, the Board of Directors received the Title VI - Update.
4.2. **Silicon Valley Rapid Transit (SVRT) Program Update – Board Workshop**

Carolyn M. Gonot, Chief SVRT Program Officer, provided a brief overview on the presentation entitled, “BART Silicon Valley Update,” highlighting: 1) BART Silicon Valley Summary; 2) BART Silicon Valley Program; 3) BART Silicon Valley Budget/Status; 4) Residential Noise Insulation Program – Contract Status and Project Schedule; 5) Key Activities; 6) BART Silicon Valley Santa Clara Extension (SVSX) Update; and 7) Major SVSX Activities.

Board Member Liccardo arrived at the meeting and took his seat at 10:58 a.m.

Mark Massman, SVBX Project Director, continued with the presentation update, highlighting: 1) BART Silicon Valley Berryessa Extension (SVBX) Update; 2) SVBX Schedule; 3) Construction Plan Update – Berryessa, San Jose, and Milpitas sites; 4) Subcontractor Status: Current Commitments and to be procured; and 5) project budget.

George Hannibal, Skanska US Civil West Regional Compliance Officer, discussed the project’s Disadvantaged Business Entity (DBE) Subcontractors.

Tom Fitzwater, Transportation Planning Manager, reported on the project’s Archeological and Biological updates.

Bernice Alaniz, BART Silicon Valley Communications Director reviewed the BART Silicon Valley Outreach and noted that the BART Silicon Valley project videos and information is available on Facebook at [www.facebook.com/pages/San-Jose-CA/SCVTA](http://www.facebook.com/pages/San-Jose-CA/SCVTA) and Twitter at [www.twitter.com/VTA](http://www.twitter.com/VTA).

Dennis Ratcliffe, Deputy Director SVRT Program, continued with the presentation, highlighting: Other Projects and 15) BART Coordination.

Ms. Gonot continued with the presentation update, highlighting:

Board Members Herrera and Woodward left the meeting at 11:32 a.m.

Board Member Esteves expressed concern and queried about the residential noise issues related with the Terrace Garden housing project. Ms. Gonot responded that staff would look into the matter.

Board Member Chavez noted the following: 1) queried about the Disadvantage Business Entity (DBE) outreach program and partnerships and requested staff provide the Board Members with the information; 2) stressed the importance for an update on worker safety and requested staff provides the safety reports to the Board Members.

Mr. Massman stated that all employees complete five training presentations and courses related to safety, equipment, and material handling. He stated the contractor has allocated three full-time safety officers in the field as well as VTA has three full-time safety staff working in the field.
Board Member Chavez queried about the construction noise levels and if different standards apply between residential and businesses. Ms. Alaniz responded that the Noise Insulation Program applies only to residential not businesses.

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

### 4.3. Silicon Valley Express Lanes


Board Member Kalra left the meeting at 11:52 a.m.

Mr. Ristow continued with the presentation, noting the following actions will be forwarded for consideration to the November 7, 2013 Board of Directors Regular meeting: 1) approval of State Transportation Improvement Program (STIP) programming for Fiscal Year 2014 combined with the Measure A fund exchange of STIP funds for the Express Lanes Program to undertake design/development; 2) approval of existing Local Program Reserve funds for Express Lanes Program design/development effort; and 3) recommended phasing of the Express Lanes segment in Spring 2014.

Board Member Esteves expressed concern and queried about the issues related to Milpitas State Route (SR) 237 and Express Lanes double white lines.

Board Member Chavez queried about the risks and opportunities involved and associated to VTA if VTA’s Board of Directors decided to allow VTA to finance the delivery of the Express Lanes Program Projects for SR 237, US 101, and SR 85.

Board Member Esteves left the meeting at 12:04 p.m.

**On order of Chairperson Pirzynski** and there being no objection, the Board of Directors received the report on the Silicon Valley Express Lanes.
5. OTHER ITEMS

5.1. General Manager's Report

Michael T. Burns, General Manager, provided a brief overview report, noted that the Legislature passed a decision that will delay the litigation in court regarding the Public Employee Pension Reform Act (PEPRA) plan for thirteen months. Mr. Burns stated the decision will allow for federal funding to flow to transit agencies, such as VTA.

A. Public Employee Pension Reform Act (PEPRA) Update

Robert R. Fabela, General Counsel, provided a brief overview of the staff report.

Mr. Fabela referenced an eminent domain case regarding the Milpitas BART Station, noting good results and an update will be forwarded to the Board of Directors with additional information.

5.2. ANNOUNCEMENTS

Chairperson Pirzynski announced the next VTA Board of Directors Regular meeting scheduled on Thursday, October 3, 2013 at 5:30 p.m. in the Board of Supervisors’ Chambers, County Government Center.

Chairperson Pirzynski announced the Eastridge Transit Center Groundbreaking event scheduled for Friday, September 27, 2013 at 2:00 p.m. at the Eastridge Transit Center Park and Ride Lot.

6. ADJOURN

On order of Chairperson Pirzynski and there being no objection, the Board of Directors Workshop meeting was adjourned at 12:07 p.m.

Respectfully submitted,

Michelle M. Garza, 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 5:32 p.m. in the Board of Supervisors’ Chambers, County Government Center, 70 West Hedding Street, San José, California.

1.1. ROLL CALL

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<td>Ken Yeager</td>
<td>Board Member</td>
<td>Present</td>
</tr>
</tbody>
</table>

* Alternates do not serve unless participating as a Member.

A quorum was present

1.2. Orders of the Day

Chairperson Pirzynski, noted that staff requested the following Items be removed the Agenda: **Agenda Item #3.1.A and #3.1.B.** Existing Litigations Conference with Legal Counsel; **Agenda Item #3.1.D.** Conference with Labor Negotiators; **Agenda Item 3.4.** Labor Agreement negotiation between the Santa Clara Valley Transportation Authority (VTA) and Transportation Authority Engineers and Architects Association (TAEA); and **Agenda Item 5.1.** Hearing- Notice of Intention to Adopt a Resolution of Necessity – Property identified as LREP-001(APN 104-49-029) Lake Marriott, LLC, a California limited liability company.
Chairperson Pirzynski, noted that staff requested the following item be moved to the Consent Agenda: **Agenda Item #8.1 Renewal of Employee Health Benefit Contracts.**

Chairperson Pirzynski noted that the Board will consider **Agenda Item #3.6 Employment Agreement relating to position of General Manager before Agenda Item #3.5. Modifications to employment contract with VTA General Counsel M/S/C (Mathews/Woodward)** to accept the Orders of the Day and approve the Consent Agenda.

## 2. AWARDS AND COMMENDATION

### 2.1 Employees of the Month for October 2013

Chairperson Pirzynski Steve Barber, Technical Project Manager, River Oaks Administration; Joanne Morisoli, Coach Operator, Chaboya Division; and Neil Baker, Facilities Worker, Chaboya Maintenance, as Employees of the Month for October 2013.

Board Member Yeager arrived and took his seat at 5:36 p.m.

## 3. CLOSED SESSION

### 3.1. Recess to Closed Session at 5:38 p.m.

**A. (Removed from the Agenda.)**

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

Name of Case: Santa Clara Valley Transportation Authority v. Eastridge Shopping Center (Eminent Domain)
(Santa Clara Superior Court Case No.: 1-11-CV-209524)

**B. (Removed from the Agenda.)**

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

Name of Case: Truck Rail Handling, Inc., et al. v. Santa Clara Valley Transportation Authority, et al.
(Alameda County Superior Court Case No.: RG12628077)

**NOTE:** M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
C. Conference with Real Property Negotiators  
[Government Code Section 54956.8]

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

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

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

Under Negotiation: Price and terms of payment for VTA sale of Real Property

D. (Removed from the Agenda.)

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
Transportation Authority Engineers and Architects Association (TAEA), IFPTE, Local 21

Board Member Liccardo arrived and entered closed session at 5:50 p.m.

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 6:04 p.m.

3.3. Closed Session Report

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

Property: Property located at near the intersections of Sunol and West San Carlos Streets in San Jose, California (APNs: 264-14-69, 90, 122, 130 and 131)
Agency Negotiator: Bijal Patel, Deputy Director, Property Development & Management

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

Under Negotiation: Price and terms of payment for VTA sale of Real Property

Robert Fabela, General Counsel, 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.

3.4. (Removed from the Agenda.)

   Approve and authorize the General Manager to execute the amended successor labor agreement negotiated between the Santa Clara Valley Transportation Authority (VTA) and Transportation Authority Engineers and Architects Association (TAEA), IFPTE, Local 21.

3.6. Employment Agreement relating to position of General Manager

   The following Interested Citizens addressed the Board of Directors and commented how pleased they are with the appointment of Ms. Fernandez and hope she experiences firsthand the challenges that VTA public transportation has.

   - Walter Wilson
   - Roland Lebrun
   - Eugene Bradley
   - Michael Ludwig

   Chairperson Pirzynski thanked Board members and staff for the work they did during the recruitment process. Vice-Chair Kalra thanked Chairperson Pirzynski and Board Secretary Sandra Weymouth for their outstanding job in the recruitment process.
Vice Chairperson Kalra and Board Member Liccardo expressed thanks and
gratitude towards General Manager Michael Burns for his years of service at
VTA.

M/S/C (Kalra/Mathews) to adopt the employment agreement between Santa
Clara Valley Transportation Authority (VTA) and Nuria I. Fernandez.

Mr. Fabela relinquished his seat at 6:17 p.m. to Victor Pappalardo, Senior
Assistant Counsel.

3.5. Modifications to employment contract with VTA General Counsel
Chairperson Pirzynski discussed the detail of the employment contract with
General Counsel.

Vice Chairperson Kalra expressed how pleased he was towards General Counsel
Robert Fabela and fully supports the modifications.

M/S/C (Kalra/Herrera) to approve modifications to employment contract with
VTA General Counsel.

4. PUBLIC COMMENT

Vice Chairperson Kalra left the meeting at 6:20 p.m.

Mr. Pappalardo relinquished his seat to Mr. Fabela at 6:20 p.m.

The following individuals representing Goodfellow Top Grade Construction and
expressed the opposition to the rejection of all bids for the Santa Clara – Alum Rock Bus
Rapid Transit Bid Project. They requested the following: 1) provide explanation of why
all bids were rejected; a 2) rescind the notice of rejecting all bids; and 3) honor the letter,
which states that VTA recommends Goodfellow Top Grade Construction as the selected
contractor.

- Rick Morales
- Bill Gates
- Grant Rhodes
- Walt Johansen

The following VTA Employees and members of Transportation Authority Engineers and
Architects Association (TAEA) addressed the Board of Directors and stressed the
importance of realigning wages of TAEA members to attract and retain qualified
employees. Members of TAEA commented that VTA Engineers make 12.5% under the
average in salary compensation when compared to other counterparts at other local
agencies and cities in the county.

- Franceen Weisert Anderson
- Harry Yip
- Marc DeLong
- Raj Sehdev
- Robert Dona
- Sal Duckworth-Lanzo
- John Duesterhaus
Tammy Dhanota, VTA Employee and Service Employees International Union (SEIU) Local 521 Representative, expressed support for TAEA’s request for salary realignment. She added SEIU’s requests for realignment were denied several realignments.

John Rainville, Interested Citizen, noted the following: 1) the need for bus signs to support a variety of sports teams; and 2) expressed concern on the reliability of VTA fare boxes.

Michael McWalters, Interested Citizen expressed concerns about VTA Bus and Light Rail service in Santa Clara County and in Alviso

Roland LeBron, gave strong suggestions to VTA Board of Directors to consider making rail lines versatile to all types of trains similar to the rail systems in Europe.

Eugene Bradley, Interested Citizen, formally thanked Chief External Affairs Officer Great Helm for attending a previous meeting and expressed concerns regarding transit connections.

James Whitman, Interested Citizen, inquired about the upcoming 49er stadium and Bus Line 23. Mr. Whitman suggested increasing fair evasion fines.

Omar Chatty, Interested Citizen, referred to recent deaths on Caltrain and expressed opposition to Caltrain as a form of transportation.

Board Member Herrera inquired about how rejecting bids will impact the Santa Clara Alum Rock Bus Rapid Transit (BRT) project construction schedule.

Mr. Burns thanked the Top Grade Construction representatives for attending the meeting and assured them that VTA will be reaching out to the company. In addition Mr. Burns commented that a report will be provided to the Board of Directors, which will explain the events and the impacts it will have on the construction schedule.

5. PUBLIC HEARINGS

5.1. (Removed from Agenda.)

Close Hearing and adopt a Resolution of Necessity determining that the public interest and necessity require the acquisition of property interests from one property owned by Lake Marriott, LLC c/o Divco West, located in Santa Clara, California, for the Santa Clara Pocket Track Project.

Property ID/Assessor's Parcel Number/Owner

LREP-001(APN 104-49-029) Lake Marriott, LLC, a California limited liability company

5.2. HEARING - NOTICE OF INTENTION TO ADOPT A RESOLUTION OF NECESSITY

Bajal Patal, Deputy Director of Development & Management provided an overview of the staff report highlighting the following: 1) Project Map; 2) Status of Acquisition Activities; 3) Key Board Findings; 4) RON Hearing Properties; and 5) Dieter Schmidt and Simin F. Schmidt, or their successor(s) as Co-Trustees of The Schmidt 1980 Trust Dated May 5, 1980.
Chairperson Pirzynski formally opened the public hearing.

M/S/C (Herrera/Mathews) to close the public hearing.

M/S/C (Herrera/Mathews) to adopt Resolution of Necessity No. 2013.08.22 determining that the public interest and necessity require the acquisition of property interests from one property owned by Dieter Schmidt and Simin F. Schmidt, or their successors as co-trustees of The Schmidt 1980 Trust dated May 5, 1980, located in San Jose, California, for the BART Silicon Valley Berryessa Extension (SVBX) Project. Motion approved by 11 members.

Property ID/Assessor's Parcel Number/Owner

B2098 (APN 244-01-003) Dieter Schmidt and Simin F. Schmidt, or their successors as co-trustees of The Schmidt 1980 Trust dated May 5, 1980

6. REPORTS

6.1. Citizens Advisory Committee (CAC) Chairperson’s Report
There was no Citizens Advisory Committee (CAC) Chairperson’s Report.

6.2. Policy Advisory Committee (PAC) Chairperson’s Report
A written report was provided and distributed to members at the Board of Directors Meeting.

6.3. General Manager’s Report
Michael Burns, General Manager, provided a report highlighting several important events that took place: 1) Agreement with AT&T, which at the end of the lease term, VTA will become owner of facility; 2) entering an MOU with Good Karma Bikes; 3) October is National Disability Employment Awareness month and VTA is initiating a public awareness campaign; 4) September 27 Eastridge Transit Construction Ground Breaking Celebration; 5) VTA hosted the Business Outreach Committee annual “Meet the Primes” in partnership with 14 other transit agencies dedicated to assisting small and disadvantaged businesses; and 6) signing ceremony of the Habitat Plan to help restore and conserve throughout Santa Clara Valley.

In addition Mr. Burns announced the Hispanic Heritage celebration event scheduled for October 31, 2013.

On order of Chairperson Pirzynski and there being no objection to receive the General Manager’s Report

6.3.B. Receive updates regarding Metropolitan Transportation Commission (MTC) and California Transportation Commission (CTC) activities.
There were no reports from the Metropolitan Transportation Commission (MTC) and California Transportation Commission (CTC) Activities.
5. PUBLIC HEARINGS (continued)

5.2. HEARING - NOTICE OF INTENTION TO ADOPT A RESOLUTION OF NECESSITY (continued)

Chairperson Pirzynski noted that before continuing, Agenda Item # 5.2. SVBX Resolution of Necessity property identification number was misidentified and would need to have a motion to reconsider and reflect the correct property identification number for the SVBX project.

M/S/C (Mathews/Herrera) to reconsider and to adopt Resolution of Necessity No. 2013.08.22 determining that the public interest and necessity require the acquisition of property interests from one property owned by Dieter Schmidt and Simin F. Schmidt, or their successors as co-trustees of The Schmidt 1980 Trust dated May 5, 1980, located in San Jose, California, for the BART Silicon Valley Berryessa Extension (SVBX) Project. Motion approved by 11 members.

6. REPORTS (continued)

6.4. Chairperson’s Report

Chairperson Pirzynski advised Board members that the proposed 2014 Board of Directors meeting schedule is available for review.

Board Member Liccardo requested staff to provide at the next Transit Planning & Operations Committee meeting information regarding the rationale behind increased growth /congestion and slow ridership.

7. CONSENT AGENDA

7.1. Board of Directors Regular Meeting Minutes of September 5, 2013

M/S/C (Mathews/Woodward) Approve the Board of Directors Regular Meeting Minutes of September 5, 2013.

7.2. Committee for Transit Accessibility Appointment

M/S/C (Mathews/Woodward) to approve the appointment of David Robinson to the Committee for Transit Accessibility representing persons with disabilities for the remainder of the current term ending December 31, 2013 and for the following two-year term ending December 31, 2015.

7.3. MuniServices Sales and Use Tax Record Examination

M/S/C (Mathews/Woodward) to adopt Resolution No. 2013.08.23 for the State Board of Equalization that authorizes MuniServices LLC to examine sales and use tax records collected for VTA under the following Transaction and Use Tax Ordinances: (a) STJ 003 Santa Clara County Transit District, (b) STJ 123 Santa Clara Valley Transportation Authority, (c) STJ 280 Santa Clara VTA Bart Operating and Maintenance Transaction and Use Tax and (d) any future transaction and Use Tax Ordinances that may be enacted in the district.
7.4. **Memorandum of Understanding with Good Karma Bikes**

M/S/C (Mathews/Woodward) to authorize the General Manager to enter into a memorandum of understanding with Good Karma Bikes for unclaimed bicycles found on VTA’s property valued at less than $100.

7.5. **Closed Circuit Television at Various Locations (FY13)**

M/S/C (Mathews/Woodward) to authorize the General Manager to execute a contract with Radonich Corp. dba Cal Coast Telecom, the lowest responsible bidder, in the amount of $1,052,095 for the installation of Closed Circuit Television at Various Locations (FY13).

7.6. **AT&T License Agreement at North Yard**

M/S/C (Mathews/Woodward) to authorize the General Manager to execute a five-year license agreement, with four options to renew for five year increments, with AT&T for the construction and use of a 100 foot high telecommunications pole along with supportive attached antennas and 1,126 square feet of ground-level equipment cabinets and propane tank at VTA’s North Maintenance Yard with a starting annual license fee of $41,600 with 4% increases annually thereafter.

7.7. **Agreements with OUTREACH for Lifeline Transportation Projects**

M/S/C (Mathews/Woodward) to authorize the General Manager to execute funding agreements with Outreach & Escort, Inc. for Lifeline Transportation Program projects that exceed $1 million.

7.8. **Monthly Legislative History Matrix**

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

7.9. **October Transit Service Changes**

M/S/C (Mathews/Woodward) to review the Transit Service Changes for October 14, 2013.

7.10. **Programmed Project Monitoring Quarterly Report**

M/S/C (Mathews/Woodward) to receive the Programmed Projects Quarterly Monitoring Report for April - June 2013

7.11. **Measure A Semi-Annual Report Ending June 30, 2013**

M/S/C (Mathews/Woodward) to receive the 2000 Measure A Transit Improvement Program Semi-Annual Report (June 2013).

8.1. **Renewal of Employee Health Benefit Contracts**

M/S/C (Mathews/Woodward) to authorize the General Manager to renew benefit contracts with Kaiser, United Health Care Medicare Plans, Valley Health Plan, Delta Dental, Pacific Union Dental, and Custom Benefit Administrators for VTA employees and retirees for calendar year 2014.
8.  REGULAR AGENDA

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

Authorize the General Manager to renew benefit contracts with Kaiser, United Health Care Medicare Plans, Valley Health Plan, Delta Dental, Pacific Union Dental, and Custom Benefit Administrators for VTA employees and retirees for calendar year 2014.

Board Member Liccardo recused himself on Item #8.2. - Forty Foot Regular and Express Bus Procurement.

Board Member Liccardo left the meeting at 7:10 p.m.

8.2.  Forty Foot Regular and Express Bus Procurement

Michael Hursh, Chief Operating Officer, provided an overview of the staff report. Mr. Hursh noted Gillig representatives were present in the audience. Mr. Hursh requested the Board to award contract with Gillig in order to replace older buses immediately.

Drew Spitzer, Alternate Board Member Khamis’ staff, noted Alternate Board Member Khamis’ opposition to petroleum-based vehicles and expresses his support for compressed natural gas.

The following Interested Citizens, expressed support for the new buses, but would like to see VTA bus fleet expand in areas that do not have midday service.

- Eugene Bradly
- Michael Ludwig

Board Member Mathews commented on the various pilot projects being done in Los Angeles where they have both Hybrid and CNG in their fleet. Board Member Mathews indicated that the Board would have to discuss capital infrastructure and cost once the preferred environmental alternative is decided.

Board Member Chavez noted the need to evaluate at the following: 1) the overall needs of VTA; 2) service provision; 3) the smaller community buses; and 4) flexibility for bus fleet.

Mr. Hursh assured the Board that staff plans to conduct a thorough evaluation and report to the Board. Mr. Hursh added the procurement process for Community Buses is ongoing.

Board Member Campos expressed concern about the lack of service in the neighborhood east of Capitol Expressway in San Jose. He noted the need to look into future actions to get service in these underserved areas.

M/S/C (Mathew/Yeager) to authorize the General Manager to execute a contract with Gillig LLC (Gillig) in the amount not to exceed $27,191,693.25 for the purchase of 15 forty-foot Hybrid Diesel-Electric buses and 20 forty-foot Hybrid Diesel-Electric Express buses with all related equipment, training and support, and retain the option to purchase up to 100 additional buses, as funding becomes available, for future fleet replacement requirements. The execution of the contract would be subject to compliance with the Federal Transit Administration (FTA) pre-award requirements and the satisfactory clearance of any protests.
8.3. **US 101 Express Lanes- Local Program Reserve Allocation and Contract Amendment**

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

**Public Comment**

Mr. Chatty expressed opposition to toll lanes and had several questions regarding Express Lanes. Mr. Ristow informed the Board that a written response would be needed to address all Mr. Chatty’s inquiries.

**M/S/C (Mathews/Yeager)** to authorize the General Manager to complete the following: 1) Allocate $1.9 million of Local Program Reserve (LPR) funds to the US 101 Express Lanes project that would increase the total all included amount through Project Approval/Environmental Documentation (PA/ED) delivery to $7.5 million; and 2) Execute a contract amendment with URS Corporation for PA/ED services for the US 101 Express Lanes project (Project), extending the contract term through December 31, 2014 and increasing the approved contract amount by up to $1.2 million for a revised total contract value up to $5.5 million.

8.4. **VTA Capital Projects – Amendment to Program and Construction Management Services Contract with South Bay Transportation Associates**

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

**M/S/C (Mathews/Yeager)** to authorize the General Manager to execute a contract amendment with South Bay Transportation Associates, for program and construction management services, extending the contract term through September 30, 2015 and increasing the approved contract amount by $20,400,000 for a new contract amount not to exceed $71,700,000.

8.5. **URS Contract Amendment**

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

**Public Comment**

Michael Ludwig, Interested Citizen, expressed his support for VTA Light Rail double tracking in Mountain View.

Mr. Whitman inquired about the 49er stadium in Santa Clara.

**M/S/C (Mathews/Yeager)** to authorize the General Manager to execute a contract amendment to Contract S12077 with URS Corporation in an amount not to exceed $2,770,000 for Final Design and Engineering Services during Construction for the Tasman Drive Pocket Track, and Final Design for Mountain View Double-Tracking, for a new contract amount not to exceed $6,774,375.

8.6. **Santa Clara Valley Rapid Transit Program Amendment to Engineering Services Contract with HNTB Corporation**

Dennis Ratcliffe, SVRT Program Office Deputy Director provided an overview of the staff report.

Board Member Chavez inquired about the following; 1) goals and policies related to Measure A funds; 2) overall SVRT DBE plan; and 3) SVRT DBE goal/objectives.
Public Comment
Mr. Chatty inquired about a stop light on Warm Springs Boulevard.

M/S/C (Mathews/Yeager) to authorize the General Manager to execute a contract amendment with HNTB Corporation (HNTB) for services supporting the design, environmental mitigation, right-of-way acquisition and construction activities for the Silicon Valley Rapid Transit Program in the amount of $3,000,000, increasing the total agreement value to $97,977,675; and extending the contract term to December 31, 2017.

8.7. VTA-ATU Pension Plan Actuarial Valuation as of January 1, 2013
Ali Hudda, Deputy Director of Accounting, provided an overview of the staff report.

On order of Chairperson Pirzynski and there being no objection the Board of Directors received a report on the VTA-ATU Pension Plan Actuarial Valuation as of January 1, 2013.

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) – There was no report.
- Congestion Management Program and Planning Committee (CMPP) - There was no report.
- 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) -
- Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) - There was no report.
- Bicycle & Pedestrian Advisory Committee (BPAC) – There was no report.
- Technical Advisory Committee (TAC) - There was no report.
- Policy Advisory Committee (PAC) - September 12, 2013, Minutes 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.
   - Silicon Valley Rapid Transit Corridor and BART Warm Springs Extension PAB - There was no report.

9.2.D. Joint Powers Boards and Regional Commissions
   - Peninsula Corridor JPB - October 3, 2013, Summary Notes were accepted as contained on the dais.
   - Capitol Corridor JPB - September 18, 2013, Summary Notes were accepted as contained on the dais.
   - Dumbarton Rail Corridor Policy Committee - There was no report.
   - Metropolitan Transportation Commission (MTC) - September 25, 2013, Summary Notes were accepted as contained on the dais.
   - Sunol Smart Carpool Lane Joint Powers Authority - There was no report.
   - SR 152 Mobility Partnership - 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 7:38 p.m.

    Respectfully submitted,

    Theadora Travers, Interim Board Assistant
    VTA Office of the Board Secretary
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Financial Officer, Joseph T. Smith

SUBJECT: Fiscal Year 2013 Quarterly Statement of Revenues and Expenses for the Period Ending June 30, 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 June 30, 2013.

DISCUSSION:
This memorandum provides a brief discussion of significant items and trends on the attached preliminary and unaudited Statement of Revenues and Expenses through June 30, 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, along with columns reflecting the dollar and percentage variance from budget.

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

Revenues
Fiscal Year 2013 Total Revenues (line 13) were above budget estimates by $19.0M, primarily due to favorable variances in sales tax based revenues, including 1976 Half-Cent Sales Tax (line 2), TDA (line 3), and Measure A Sales Tax Operating Assistance (line 4), State Transit Assistance (STA) (line 5), Investment Earnings (line 9), and Other Income (line 12). This positive variance was partially offset by an unfavorable variance in Federal Operating Grants (line 6), Federal Operating Grants-Transfer for Capital (line 7) and Measure A Repayment Obligation (line 11).
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 $22.3M over budget estimates. FY 2013 sales tax based revenues reflect a 5.9% increase from FY 2012 versus a budgeted increase of 5.8%.

STA (line 5) shows an increase of $1.6M over budget, reflecting an increase in the State Controllers’ estimate for STA receipts.

Investment Earnings (line 9) reflects a favorable variance of $0.7M due to a larger average portfolio than anticipated.

Other Income (line 12) shows an increase of $0.7M over budget due to increased permit fee activities, reimbursement for additional Altamont Commuter Express (ACE) shuttles, and the sale of surplus parts.

Federal Operating Grants (line 6) shows a decrease of $2.5M from budget estimates due to lower than anticipated Preventive Maintenance grants.

Federal Operating Grants-Transfer for Capital (line 7) has a negative variance of $2.7M due to an increase in the amount of Preventive Maintenance funding to be used for capital replacement.

Measure A Repayment Obligation (line 11) has a negative variance of $1.1M due to lower interest rates than anticipated on the 2008 bonds.

Expenses

Overall, Fiscal Year 2013 Total Expenses (line 44) were $18.7M below budget driven primarily by favorable variances in Labor Costs (line 14), Materials & Supplies (line 15), Other Services (line 18), Fuel (line 19), Insurance (line 23), Reimbursements (line 30) and Paratransit (line 32).

Labor Costs (line 13) had a positive variance of $2.8M reflecting budget transfers from other line items to cover negotiated wage increases approved after the budget was adopted.

Materials & Supplies (line15) and Other Services (line 18) have a combined positive variance of $1.8M generally due to reduced level of activity for unscheduled bus maintenance and major maintenance programs.

Fuel (line 19) reflects a favorable variance of $2.5M due to lower usage and per gallon costs than budgeted. Average diesel price per gallon paid for the fiscal year was $3.41 versus a budgeted price of $3.84.

Insurance (line 23) reflects a favorable variance of $1.3M due to an adjustment of General Liability expense in order to reflect the actuarial liability balance.

Reimbursements (line 30) has a positive variance of $4.3M due to increased activity on capital programs.

Paratransit (line 32) shows a positive variance from current budget of $1.8M. Paratransit costs for the year of $18.8M reflect a 5.9% decrease from FY 2012 and a 28.5% decrease from the
adopted budget of $26.3M. The original budget has been revised to reflect the transfer of $5.0M to Labor Costs (line 13). The decrease in expenditures is primarily the result of cost control measures by VTA’s paratransit provider Outreach & Escort, Inc. and fewer paratransit trips provided.

Debt Service (line 40) has a positive variance of $1.0M due primarily to lower interest rates on variable rate bonds.

SUMMARY:

For the fiscal year, revenues exceeded budgeted projections by $19.0M while expenses were $18.7M below budget estimates, for an overall positive variance of revenues over expenses (line 45) of $37.7M.

FISCAL IMPACT:

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

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Board of Directors meeting as a Committee of the Whole, considered this item on its October 17, 2013 Consent Agenda. There was no discussion of the item. The Committee recommended the item be placed on the Consent Agenda for the November 7, 2013, Board of Directors meeting.

Prepared by: Carol Lawson, Fiscal Resources Manager
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<td>7</td>
<td>Less Transfer for Capital</td>
<td>(11,055)</td>
<td>(8,380)</td>
<td>(2,675)</td>
<td>31.9%</td>
</tr>
<tr>
<td>8</td>
<td>State Operating Grants</td>
<td>2,010</td>
<td>1,937</td>
<td>73</td>
<td>3.8%</td>
</tr>
<tr>
<td>9</td>
<td>Investment Earnings</td>
<td>1,629</td>
<td>952</td>
<td>677</td>
<td>71.1%</td>
</tr>
<tr>
<td>10</td>
<td>Advertising Income</td>
<td>1,870</td>
<td>1,750</td>
<td>120</td>
<td>6.9%</td>
</tr>
<tr>
<td>11</td>
<td>Measure A Repayment Obligation</td>
<td>10,871</td>
<td>11,954</td>
<td>(1,083)</td>
<td>-9.1%</td>
</tr>
<tr>
<td>12</td>
<td>Other Income</td>
<td>2,340</td>
<td>1,673</td>
<td>667</td>
<td>39.9%</td>
</tr>
<tr>
<td>13</td>
<td>Total Revenues</td>
<td>395,862</td>
<td>376,825</td>
<td>19,037</td>
<td>5.1%</td>
</tr>
<tr>
<td>14</td>
<td>Labor Costs</td>
<td>272,552</td>
<td>275,336</td>
<td>2,784</td>
<td>1.0%</td>
</tr>
<tr>
<td>15</td>
<td>Materials &amp; Supplies</td>
<td>15,810</td>
<td>16,816</td>
<td>1,005</td>
<td>6.0%</td>
</tr>
<tr>
<td>16</td>
<td>Security</td>
<td>8,153</td>
<td>8,056</td>
<td>(98)</td>
<td>-1.2%</td>
</tr>
<tr>
<td>17</td>
<td>Professional &amp; Special Services</td>
<td>2,999</td>
<td>3,537</td>
<td>538</td>
<td>15.2%</td>
</tr>
<tr>
<td>18</td>
<td>Other Services</td>
<td>7,019</td>
<td>7,858</td>
<td>839</td>
<td>10.7%</td>
</tr>
<tr>
<td>19</td>
<td>Fuel</td>
<td>14,082</td>
<td>16,606</td>
<td>2,524</td>
<td>15.2%</td>
</tr>
<tr>
<td>20</td>
<td>Traction Power</td>
<td>3,244</td>
<td>3,535</td>
<td>291</td>
<td>8.2%</td>
</tr>
<tr>
<td>21</td>
<td>Tires</td>
<td>1,655</td>
<td>1,611</td>
<td>(44)</td>
<td>-2.7%</td>
</tr>
<tr>
<td>22</td>
<td>Utilities</td>
<td>2,741</td>
<td>2,604</td>
<td>(138)</td>
<td>-5.3%</td>
</tr>
<tr>
<td>23</td>
<td>Insurance</td>
<td>3,415</td>
<td>4,759</td>
<td>1,344</td>
<td>28.2%</td>
</tr>
<tr>
<td>24</td>
<td>Data Processing</td>
<td>2,530</td>
<td>2,934</td>
<td>404</td>
<td>13.8%</td>
</tr>
<tr>
<td>25</td>
<td>Office Expense</td>
<td>325</td>
<td>321</td>
<td>(4)</td>
<td>-1.3%</td>
</tr>
<tr>
<td>26</td>
<td>Communications</td>
<td>1,266</td>
<td>1,215</td>
<td>(51)</td>
<td>-4.2%</td>
</tr>
<tr>
<td>27</td>
<td>Employee Related Expense</td>
<td>539</td>
<td>697</td>
<td>158</td>
<td>22.7%</td>
</tr>
<tr>
<td>28</td>
<td>Leases &amp; Rents</td>
<td>681</td>
<td>571</td>
<td>(110)</td>
<td>-19.2%</td>
</tr>
<tr>
<td>29</td>
<td>Miscellaneous</td>
<td>501</td>
<td>645</td>
<td>144</td>
<td>22.3%</td>
</tr>
<tr>
<td>30</td>
<td>Reimbursements</td>
<td>(40,641)</td>
<td>(36,382)</td>
<td>4,259</td>
<td>-11.7%</td>
</tr>
<tr>
<td>31</td>
<td>Subtotal Operating Expense</td>
<td>296,872</td>
<td>310,717</td>
<td>13,845</td>
<td>4.5%</td>
</tr>
<tr>
<td>32</td>
<td>Paratransit¹</td>
<td>18,827</td>
<td>20,660</td>
<td>1,833</td>
<td>8.9%</td>
</tr>
<tr>
<td>33</td>
<td>Caltrain¹</td>
<td>15,407</td>
<td>15,947</td>
<td>540</td>
<td>3.4%</td>
</tr>
<tr>
<td>34</td>
<td>Light Rail Shuttles¹</td>
<td>28</td>
<td>40</td>
<td>12</td>
<td>29.8%</td>
</tr>
<tr>
<td>35</td>
<td>Altamont Commuter Express¹</td>
<td>4,895</td>
<td>4,404</td>
<td>(491)</td>
<td>-11.2%</td>
</tr>
<tr>
<td>36</td>
<td>Highway 17 Express¹</td>
<td>207</td>
<td>400</td>
<td>194</td>
<td>48.4%</td>
</tr>
<tr>
<td>37</td>
<td>Dumbarton Express¹</td>
<td>0</td>
<td>451</td>
<td>451</td>
<td>100.0%</td>
</tr>
<tr>
<td>38</td>
<td>Monterey-San Jose Express Service¹</td>
<td>39</td>
<td>40</td>
<td>1</td>
<td>1.4%</td>
</tr>
<tr>
<td>39</td>
<td>Contribution to Other Agencies</td>
<td>672</td>
<td>594</td>
<td>(78)</td>
<td>-13.1%</td>
</tr>
<tr>
<td>40</td>
<td>Debt Service</td>
<td>19,492</td>
<td>20,464</td>
<td>973</td>
<td>4.8%</td>
</tr>
<tr>
<td>41</td>
<td>Subtotal Other Expense</td>
<td>59,566</td>
<td>63,001</td>
<td>3,435</td>
<td>5.5%</td>
</tr>
<tr>
<td>42</td>
<td>Operating &amp; Other Expenses</td>
<td>356,438</td>
<td>373,718</td>
<td>17,280</td>
<td>4.6%</td>
</tr>
<tr>
<td>43</td>
<td>Contingency</td>
<td>0</td>
<td>1,400</td>
<td>1,400</td>
<td>N/A</td>
</tr>
<tr>
<td>44</td>
<td>Total Expenses</td>
<td>356,438</td>
<td>375,118</td>
<td>18,680</td>
<td>5.0%</td>
</tr>
<tr>
<td>45</td>
<td>Operating Balance</td>
<td>39,424</td>
<td>1,707</td>
<td>37,717</td>
<td></td>
</tr>
</tbody>
</table>

¹ Includes allocation of indirect costs
## SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
### SOURCES AND USES OF FUNDS SUMMARY

#### Fiscal Year 2013 through June 30, 2013

(Dollar in Thousands)

*Preliminary Unaudited*

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>FY13 Adopted Budget</th>
<th>FY13 Current Budget</th>
<th>FY13 Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>376,825</td>
<td>376,825</td>
<td>395,862</td>
</tr>
<tr>
<td>1</td>
<td>Total Operating Revenues</td>
<td>(375,118)</td>
<td>(375,118)</td>
<td>(356,438)</td>
</tr>
<tr>
<td>2</td>
<td>Total Operating Expenses</td>
<td>1,707</td>
<td>1,707</td>
<td>39,424</td>
</tr>
<tr>
<td>3</td>
<td>Operating Balance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>15% Year-end Operating Reserves</td>
<td>57,024</td>
<td>57,024</td>
<td>57,024</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>757</td>
<td>757</td>
<td>757</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Operating Balance (Line 3)</td>
<td>1,707</td>
<td>1,707</td>
<td>39,424</td>
</tr>
<tr>
<td>8</td>
<td>15% Replenishment Amount (Line 6)</td>
<td>(757)</td>
<td>(757)</td>
<td>(757)</td>
</tr>
<tr>
<td>9</td>
<td>Sales Tax Based Revenue From/(To) Sales Tax Stabilization Fund</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>10</td>
<td>Operating Balance Available for Capital</td>
<td>951</td>
<td>951</td>
<td>38,667</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></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>(11,055)</td>
</tr>
<tr>
<td>15</td>
<td>Remaining Local Portion Needed for Capital</td>
<td>2,300</td>
<td>19,910</td>
<td>17,235</td>
</tr>
<tr>
<td>16</td>
<td>Operating Balance Available for Capital (line 9)</td>
<td>(951)</td>
<td>(951)</td>
<td>(38,667)</td>
</tr>
<tr>
<td>17</td>
<td>Local Funding From/(To) Debt Reduction Fund</td>
<td>1,349</td>
<td>18,959</td>
<td>(21,432)</td>
</tr>
<tr>
<td>18</td>
<td>Ending Operating Reserves</td>
<td>57,024</td>
<td>57,024</td>
<td>57,024</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. 15% of FY14 Budgeted Operating Expenses
3. 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
4. Line 18 divided by FY14 Budgeted Operating Expenses
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: VTA Permit Fee Schedule Revisions

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

Resolution

ACTION ITEM

RECOMMENDATION:

Revise the VTA Permit Policy to authorize the General Manager to waive fees for parties making transit improvements for VTA and adopt a resolution amending the VTA Permit Fee Schedule, adjusting fees to be collected for Construction Access Permits and Restricted Access Permits to be consistent with the revision of VTA allocated rates.

BACKGROUND:

Third-party companies and others from time to time desire to undertake construction or other activities on or near VTA property and facilities. Similar to local municipalities, VTA requires that access permits be obtained so that it can control and monitor the activities and make sure that the work is done safely. Construction Access Permits are required for construction activities. When construction, events or other activities take place on or near light rail lines, Restricted Access Permits are also required.

If fees are charged by a local agency in connection with permit issuance the fees may not exceed the estimated reasonable cost of providing the service for which the fee is charged. The VTA Board of Directors adopted the current VTA Permit Policy on October 7, 2004 which includes fee schedules used by VTA for issuance of Construction Access Permits and Restricted Access Permits. The fee schedules were last amended by the Board of Directors on November 1, 2012.
The purpose of the VTA Permit Policy is to protect VTA property, facilities and services by establishing conditions for construction and other activities in proximity to VTA facilities and for VTA to recover the associated costs. In addition to labor costs, cost recovery items may include bus bridges, rail power downs and power ups, and roadway worker protection training.

**DISCUSSION:**

The VTA Permit Policy and Permit Fee Schedule include the following proposed changes:

- Waiver of fees for parties in consideration for transit improvements for VTA.
- Update of VTA Permit Fee Schedule.
- Adjustment of fees consistent with the VTA revised allocated rates.

The VTA Permit Policy requires fees to be collected for permits involving any type of activities with few exceptions. The current exceptions for collecting permit fees are when a public agency enters into a Reciprocity Agreement, or when a Cooperative Agreement is reached with the applicant. It is proposed that the list of exceptions be expanded to include when an applicant is making transit improvements for the benefit of VTA. This would be determined at the discretion of the VTA General Manager.

The proposed Resolution and VTA Permit Fee Schedule (Attachment A) is based upon the fully allocated costs for issuing permits, performing inspection services and other permit related services. Costs to be charged for various labor services will be calculated on a fully allocated cost basis. Non-labor costs will be directly charged as appropriate. VTA staff has determined the minimum cost of reviewing, processing and monitoring Restricted Access Permits and Construction Access Permits (Permits). The minimum application and inspection fees for Permits have been revised as a result of increased time and effort required to issue Permits and revisions in the fully allocated labor rates due to wage and indirect cost rate increases. Similarly, adjustments were made involving the use of vehicles and equipment. The appropriate fee to be collected will be determined when the permit is issued based on the type, anticipated scope and duration of activities.

The Permit Fee minimums are proposed to be revised as follows:

<table>
<thead>
<tr>
<th>Permit Fee Minimum</th>
<th>Current Minimum Fee</th>
<th>Proposed Minimum Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Access Permit Application</td>
<td>$1,380</td>
<td>$1,530</td>
</tr>
<tr>
<td>Inspection Fee for Underground Utility Light Rail Crossing</td>
<td>$2,310</td>
<td>$2,670</td>
</tr>
<tr>
<td>Inspection Fee for Bus and Transit Facility Restorations</td>
<td>$2,120</td>
<td>$2,460</td>
</tr>
<tr>
<td>As-Built Drawing Fee</td>
<td>$3,025</td>
<td>$3,145</td>
</tr>
<tr>
<td>Restricted Access Permit Application</td>
<td>$1,540</td>
<td>$1,590</td>
</tr>
<tr>
<td>Roadway Worker Protection Training</td>
<td>$62</td>
<td>$65</td>
</tr>
<tr>
<td>Light Rail Power Down/Power Up</td>
<td>$980</td>
<td>$1,010</td>
</tr>
<tr>
<td>Bus Bridge (per hour/bus)</td>
<td>$175</td>
<td>$180</td>
</tr>
</tbody>
</table>
Modified Light Rail Service

- One-Car Train $409 $435
- Two-Car Train $488 $515
- Three-Car Train $567 $590

**ALTERNATIVES:**

The Board could adopt a different fee structure or choose not to recover fees, but VTA cannot charge more than the estimated reasonable cost of the services provided; and the Board could choose not to authorize the General Manager to waive fees for parties in consideration for transit improvements for VTA.

**FISCAL IMPACT:**

Revenue received from the fees will be used to recover the fully allocated costs incurred by VTA in support of the permit process, which include labor and non-labor costs that would otherwise be paid for from general revenues.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Board of Directors meeting as a Committee of the Whole, considered this item on its October 17, 2013 Consent Agenda. There was no discussion of the item. The Committee recommended the item be placed on the Consent Agenda for the November 7, 2013, Board of Directors meeting.

Prepared by: Bill Kindricks, Business Relations Manager
Memo No. 3865
1.0 Purpose:
To safeguard and protect VTA property, services and assets by establishing conditions for construction and/or activities that might or will affect VTA property, services and/or assets, and for VTA to recover the associated costs.

2.0 Scope:
To review proposed work by individuals and other non-VTA entities in and around VTA properties and enforce rules and regulations that will safeguard VTA assets from potential damages as well as provide safety training for persons working in and around VTA properties.

3.0 Responsibilities:
3.1 The General Manager or his designee shall enforce this policy.

3.2 Permit holders shall comply with the special and general conditions of their permits.

3.3 VTA Inspectors shall monitor permit activities by inspecting the work site, as appropriate, to ensure permit compliance and that all activities are performed safely and in accordance with all applicable standards and procedures.

4.0 Policy:
CONSTRUCTION ACCESS PERMIT: No person other than VTA or its contractors shall undertake construction on VTA property, facilities or improvements, or that has the potential of affecting VTA property, services or assets without first obtaining a Construction Access Permit from VTA.

RESTRICTED ACCESS PERMIT: No person shall undertake any work or activities within 10 feet of the Light Rail Tracks or System, over or under any light rail catenary system, or any activity that has the potential of affecting the Light Rail Tracks or System, without first obtaining a Restricted Access Permit from VTA.

4.1 Permit Conditions

4.1.1 Permit Contents
Each permit shall describe the work proposed, the location of the work, the schedule or duration of the proposed work and the persons undertaking the work.

4.1.2 Fees
The permit applicant, other than a VTA contractor, shall agree to reimburse VTA for all costs incurred by VTA in connection with permit application review, processing and monitoring as well as any costs incurred by VTA to accommodate the work undertaken by the permit holder.
VTA has determined the minimum cost of reviewing and processing Construction Access Permit and Restricted Access Permit applications and monitoring permit activities. VTA shall determine and collect the appropriate fee at the time of permit issuance based on the type, anticipated scope, and duration of the activities. If VTA incurs costs beyond those collected at the time of permit issuance, it shall bill the permit holder and the costs shall be paid promptly as a condition for permit activities to continue or for any installations or improvements to remain. The permit holder shall bear the cost of any required removal. Fees are established and shall be collected as set forth on the most recent version of VTA Permit Fee Schedules.

4.1.2.1 Transit Improvement Agreements
The General Manager may agree to waive permit fees in consideration of transit improvements or other activities that enhance transit facilities such as bus stop improvements or accessibility improvements to transit.

4.1.2.2 Reciprocity Agreements
The General Manager may enter into agreements with other public entities for a mutual waiver of like-kind permit fees when the General Manager determines that such a waiver is in the best interests of VTA.

4.1.2.3 Cooperative Agreements
The fees hereunder shall not apply to any work or project accomplished pursuant to a VTA cooperative or other agreement in which consideration for permit fees is provided.

4.1.3 Insurance
VTA shall determine the type and amount of insurance necessary to protect VTA, and permit holders shall maintain such insurance. VTA shall be named as an additional insured and proof of insurance shall be obtained prior to issuance of the permit.

4.1.4 Indemnification
The permit shall contain an indemnification provision whereby the permit holder agrees to indemnify, defend and hold VTA harmless in connection with permit activities.

4.1.5 Roadway Worker Protection Training (Restricted Access Permits Only)
No person shall work in or near a restricted access area without first attending VTA Roadway Worker Protection Training. Workers in restricted access areas shall wear VTA issued badges certifying training completion.
4.1.6 Track Allocation Meetings (Restricted Access Permits Only)
Permit holders working in a Restricted Access Area shall attend weekly track allocation meetings. The purpose of the meetings shall be to coordinate all planned traction power, train movement, construction and other activities.

4.2 Enforcement and Penalties
The General Manager shall implement procedures to enforce permit requirements and conditions and adopt penalties for failure to comply.

4.3 Copies of Procedures
Permit applicants shall be provided copies of all applicable rules and procedures.

4.4 Background Security Checks
The permit applicant will be required to have their employees undergo a background security check through a process determined by VTA at the permittee’s cost. VTA reserves the right to decide all aspects of the background security check process, including, but not limited to all costs.

5.0 Definitions
Person: An individual, group of individuals, firm or firms, corporation or corporations, association or associations, the United States Government or any department or agency thereof, the state of California or any department or agency thereof, any city, county, town or any of their departments or agencies, a school district, any other governmental or public district or entity, or any other legal district, entity or entities, or any combination of the foregoing. “Person” shall not include the Santa Clara Valley Transportation Authority.

6.0 Summary of Changes:
- Add new Section 4.1.2.1 Transit Improvement Agreements and renumber following sections: 4.1.2.1 and 4.1.2.2.

7.0 Approval Information

<table>
<thead>
<tr>
<th>Prepared by:</th>
<th>Reviewed by:</th>
<th>Approved by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bill Kindricks</td>
<td>Mark S. Robinson</td>
<td>Michael T. Burns</td>
</tr>
<tr>
<td>Business Relations Manager</td>
<td>Chief Engineering &amp; Construction Officer</td>
<td>General Manager</td>
</tr>
</tbody>
</table>

Original Date: 10/07/2004
Attachment A

Resolution No. 

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY ADOPTING AMENDED VTA PERMIT FEE SCHEDULE

WHEREAS, pursuant to state law, which authorizes a local agency to charge fees for various services, including the issuance of permits and inspections related thereto, not to exceed the estimated reasonable cost of providing the service for which the fee is charged, the Santa Clara Valley Transportation Authority ("VTA") proposes to adopt an amended VTA Permit Fee Schedule ("Schedule");

WHEREAS, the schedule sets forth fees for the issuance of permits by VTA to cover the costs of administration and processing, plan checking and inspection, material lab services, and other construction services, in amounts that do not exceed the estimated reasonable cost of providing such services;

WHEREAS, prior to the regularly scheduled meeting of the Board of Directors on November 7, 2013, data, indicating the amount of cost, or estimated costs, required to provide the services for which the fees in the Schedule are to be levied and the revenue sources anticipated to provide the services, including Enterprise Fund revenues, were made available to the public;

WHEREAS, the proposed adoption of the Schedule was agendized for and considered by the Board of Directors at its regularly scheduled meeting on November 7, 2013, which meeting was an open and public meeting, at which oral or written presentations could be made concerning the Schedule; and,

WHEREAS, the Board of Directors has determined that the fees set forth in the Schedule do not exceed the estimated reasonable cost of providing the services for which such fees are to be charged, and the Schedule should be adopted to defray the costs to VTA of providing those services;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Santa Clara Valley Transportation Authority that the VTA Permit Fee Schedule attached hereto be and hereby is adopted effective November 7, 2013, and that the fees set forth therein shall be charged by VTA for those specified services provided on and after such date.
PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Transportation Authority on November 7, 2013, by the following votes:

AYES:

NOES:

ABSENT:

________________________
Joe Pirzynski, Chairperson
Board of Directors

ATTEST:

________________________
Sandra Weymouth, Board Secretary

APPROVED AS TO FORM:

________________________
Robert Fabela
General Counsel
# VTA Permit Fee Schedule

## Construction Access Permit Fees
(Effective November 7, 2013)

<table>
<thead>
<tr>
<th>Minimum Fees</th>
<th>1. Application Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,530</td>
<td>Administration, Processing and Plan Check Fee</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Fees</th>
<th>2. Inspection Fee For Underground Utility Light Rail Crossing</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,670</td>
<td>Directional Bore Method</td>
</tr>
<tr>
<td></td>
<td>Jack and Bore Method (Under 12” In Diameter)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Fees</th>
<th>3. Inspection Fee For Bus and Transit Facility Restorations</th>
</tr>
</thead>
<tbody>
<tr>
<td>$2,460</td>
<td>Removing and restoring any portion of VTA Portland Cement</td>
</tr>
<tr>
<td></td>
<td>Concrete (P.C.C.) Bus Pad or a VTA P.C.C. Shelter Pad</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Fees</th>
<th>4. As-Built Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>$3,145</td>
<td>Cost for VTA for providing a simple As-Built Drawing</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Fees</th>
<th>5. Background Security Check for VTA Permittees</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The permit applicant will be required to have their employees undergo a background security check through a process determined by VTA at the Permittee’s cost. VTA reserves the right to decide all aspects of the background security check process including, but not limited to, all costs.</td>
</tr>
</tbody>
</table>
Restricted Access Permit Fees
(Effective: November 7, 2013)

1. **Restricted Access Permit**
   - Application processing, administration, including weekly track allocation meetings, and inspection charges.
   
   $1,590

2. **Roadway Worker Protection Training Fee**
   - Per participant based on attending a regularly scheduled class conducted at a VTA facility.
   
   $ 65

3. **Light Rail Traction Power Down and Power Up Fee**
   - For Traction Power Down and Power Up if permit activities require VTA to shut down light rail power.
   
   $1,010

4. **Bus Bridge Fees**
   - For supplemental portal to portal bus service required because permit activities disrupt rail services.
   
   $ 180 per hour/bus

5. **Modified Bus and/or Light Rail Services**
   The following impact fees are intended to reimburse VTA for the impacts to normal VTA Bus and Rail Operations resulting from construction or other events.
   
   - Hourly cost for each additional bus required for service (regular or bus bridge): $180
   - Hourly cost for a one-car train: $435
   - Hourly cost for a two-car train: $515
   - Hourly cost for a three-car train: $590

6. **Background Security Checks for VTA Permittees**
   
The permit applicant will be required to have their employees undergo a background security check through a process determined by VTA at the permittee's cost. VTA reserves the right to decide all aspects of the background security check process including, but not limited to, all costs.
The services of VTA personnel will be charged in accordance with the following rates. If the services of others not specified herein are required those services will be billed at the existing allocated rates.

**Classification/Type Service**

<table>
<thead>
<tr>
<th>Classification/Type Service</th>
<th>Hourly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant Superintendent</td>
<td>$135</td>
</tr>
<tr>
<td>Bus or Light Rail Operator</td>
<td>$79</td>
</tr>
<tr>
<td>Bus Stop Maintenance Worker</td>
<td>$70</td>
</tr>
<tr>
<td>Construction Inspector</td>
<td>$97</td>
</tr>
<tr>
<td>Engineering Technician (Alternate Staff)</td>
<td>$105</td>
</tr>
<tr>
<td>Environmental H &amp; S Supervisor</td>
<td>$135</td>
</tr>
<tr>
<td>Information Services Representative</td>
<td>$70</td>
</tr>
<tr>
<td>Fare Inspector</td>
<td>$82</td>
</tr>
<tr>
<td>Light Rail Power Supervisor</td>
<td>$141</td>
</tr>
<tr>
<td>Light Rail Signal Supervisor</td>
<td>$141</td>
</tr>
<tr>
<td>Light Rail Operations Superintendent</td>
<td>$156</td>
</tr>
<tr>
<td>Light Rail Technical Trainer</td>
<td>$127</td>
</tr>
<tr>
<td>Light Rail Track Supervisor</td>
<td>$128</td>
</tr>
<tr>
<td>Maintenance Scheduler</td>
<td>$92</td>
</tr>
<tr>
<td>Management Analyst</td>
<td>$111</td>
</tr>
<tr>
<td>Office Specialist II</td>
<td>$71</td>
</tr>
<tr>
<td>Office Support Supervisor</td>
<td>$87</td>
</tr>
<tr>
<td>Operations Manager Engineering</td>
<td>$184</td>
</tr>
<tr>
<td>Overhead Line Worker</td>
<td>$115</td>
</tr>
<tr>
<td>Light Rail Signal Maintainer - new</td>
<td>$115</td>
</tr>
<tr>
<td>Light Rail Track Worker - new</td>
<td>$115</td>
</tr>
<tr>
<td>Light Rail Vehicle Maint. Service Worker - new</td>
<td>$82</td>
</tr>
<tr>
<td>Light Rail Station Maint. Service Worker - new</td>
<td>$72</td>
</tr>
<tr>
<td>Passenger Facilities Maint. Supervisor - Bus</td>
<td>$109</td>
</tr>
<tr>
<td>Passenger Facilities Maint. Supervisor – LR - new</td>
<td>$104</td>
</tr>
<tr>
<td>Permit Technician</td>
<td>$77</td>
</tr>
<tr>
<td>Principal Construction Inspector</td>
<td>$135</td>
</tr>
<tr>
<td>Public Communication Specialist</td>
<td>$107</td>
</tr>
<tr>
<td>Senior Construction Inspector</td>
<td>$110</td>
</tr>
<tr>
<td>Position</td>
<td>Rate</td>
</tr>
<tr>
<td>-------------------------------------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Senior Engineer</td>
<td>$154</td>
</tr>
<tr>
<td>Senior Real Estate Agent</td>
<td>$139</td>
</tr>
<tr>
<td>Senior Environmental Engineer</td>
<td>$154</td>
</tr>
<tr>
<td>Sr. Environmental Planner</td>
<td>$142</td>
</tr>
<tr>
<td>Senior Mechanical Engineer</td>
<td>$160</td>
</tr>
<tr>
<td>Senior Transportation Engineer</td>
<td>$154</td>
</tr>
<tr>
<td>Substation Maintainer</td>
<td>$115</td>
</tr>
<tr>
<td>Transit Development Specialist II</td>
<td>$95</td>
</tr>
<tr>
<td>Transportation Supervisor</td>
<td>$123</td>
</tr>
<tr>
<td>Way Power &amp; Signal Superintendent</td>
<td>$156</td>
</tr>
<tr>
<td>Non-Revenue Vehicle (Cars, Trucks 1/4 Ton &amp; Lighter)</td>
<td>$214.3</td>
</tr>
<tr>
<td>Sergeant</td>
<td>$64</td>
</tr>
<tr>
<td>Deputy Sheriff</td>
<td>$55</td>
</tr>
<tr>
<td>Level 1 Reserve Deputy</td>
<td>$55</td>
</tr>
<tr>
<td>Armed Patrol Officer – Contract Year FY13</td>
<td>$29</td>
</tr>
<tr>
<td>Armed Patrol Officer OT – Contract Year FY13</td>
<td>$43</td>
</tr>
<tr>
<td>Armed Patrol Officer – Contract Year FY14</td>
<td>$32   Estimate</td>
</tr>
<tr>
<td>Armed Patrol Officer OT – Contract Year FY14</td>
<td>$48   Estimate</td>
</tr>
<tr>
<td>Armed Patrol Sergeant – Contract Year FY13</td>
<td>$32</td>
</tr>
<tr>
<td>Armed Patrol Sergeant OT – Contract Year FY13</td>
<td>$48</td>
</tr>
<tr>
<td>Armed Patrol Sergeant – Contract Year FY14</td>
<td>$36   Estimate</td>
</tr>
<tr>
<td>Armed Patrol Sergeant OT – Contract Year FY14</td>
<td>$54   Estimate</td>
</tr>
<tr>
<td>Unarmed Officer – Contract Year FY13</td>
<td>$20</td>
</tr>
<tr>
<td>Unarmed Officer OT – Contract Year FY13</td>
<td>$30</td>
</tr>
<tr>
<td>Unarmed Officer – Contract Year FY14</td>
<td>$22   Estimate</td>
</tr>
<tr>
<td>Unarmed Officer OT – Contract Year FY14</td>
<td>$33   Estimate</td>
</tr>
<tr>
<td>Unarmed Field Supervisor – Contract Year FY13</td>
<td>$29</td>
</tr>
<tr>
<td>Unarmed Field Supervisor OT – Contract Year FY13</td>
<td>$43</td>
</tr>
<tr>
<td>Unarmed Field Supervisor – Contract Year FY14</td>
<td>$32   Estimate</td>
</tr>
<tr>
<td>Unarmed Field Supervisor OT – Contract Year FY14</td>
<td>$48   Estimate</td>
</tr>
</tbody>
</table>
Cost Basis for Permit Fee Schedule
(November 7, 2013)

Construction Access Permit Fees

1. **Permit Application Fee (minimum fee)**

   Additional fees may be assessed for applications requiring new or revised plan checks. The Application Fee includes processing and administration charges and shall be added to the appropriate Inspection Fee. The components of the inspection fee are listed in Sections 2, 3, and 4 below.

<table>
<thead>
<tr>
<th>Classification</th>
<th>Number of Hours</th>
<th>Allocated</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Inspector</td>
<td>1 hr. X</td>
<td>$97</td>
<td>$97</td>
</tr>
<tr>
<td>Sr. Engineer</td>
<td>1 hr. X</td>
<td>$154</td>
<td>$154</td>
</tr>
<tr>
<td>Sr. Transportation Engineer</td>
<td>1 hr. X</td>
<td>$154</td>
<td>$154</td>
</tr>
<tr>
<td>Permit Technician</td>
<td>7 ½ hr. X</td>
<td>$77</td>
<td>$577</td>
</tr>
<tr>
<td>Environmental H &amp; S Supervisor</td>
<td>¼ hr. X</td>
<td>$135</td>
<td>$34</td>
</tr>
<tr>
<td>Principal Construction Inspector</td>
<td>1 hr. X</td>
<td>$135</td>
<td>$135</td>
</tr>
<tr>
<td>Sr. Construction Inspector</td>
<td>2 hr. X</td>
<td>$110</td>
<td>$220</td>
</tr>
<tr>
<td>Sr. Environmental Planner</td>
<td>¼ hr. X</td>
<td>$142</td>
<td>$36</td>
</tr>
<tr>
<td>Sr. Real Estate Agent</td>
<td>¼ hr. X</td>
<td>$139</td>
<td>$35</td>
</tr>
<tr>
<td>Cars, Trucks ¾ Ton &amp; Lighter*</td>
<td>4 hr. X</td>
<td>$21.43</td>
<td>$85.72</td>
</tr>
</tbody>
</table>

   **Total: $1,527.72 adjusted to $1,530.00**

   *Based on 4 Inspector Hours above and Caltrans' 2013/2014 Equipment Rental Rates.

2. **Inspection Fee For Underground Utility Light Rail Crossing**

   - Directional Bore Method
   - Jack and Bore Method (Under 12” in Diameter)

<table>
<thead>
<tr>
<th>Classification</th>
<th>Number of Hours</th>
<th>Allocated</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit Technician</td>
<td>7 hr. X</td>
<td>$77</td>
<td>$539</td>
</tr>
<tr>
<td>Principal Construction Inspector</td>
<td>1 hr. X</td>
<td>$135</td>
<td>$135</td>
</tr>
<tr>
<td>Sr. Construction Inspector</td>
<td>15 hr. X</td>
<td>$110</td>
<td>$1,650</td>
</tr>
<tr>
<td>Cars, Trucks ¾ Ton &amp; Lighter*</td>
<td>16 hr. X</td>
<td>$21.43</td>
<td>$342.88</td>
</tr>
</tbody>
</table>

   **Total: $2,666.88 adjusted to $2,670.00**

   *Based on 16 Inspector Hours above and Caltrans’ 2013/2014 Equipment Rental Rates.
3. **Inspection Fees For Bus and Transit Facility Restorations**

Removing and restoring any portion of a VTA Portland Cement Concrete Bus Pad or Shelter Pad. The estimated amount of inspection time is the same for a bus pad or shelter pad.

<table>
<thead>
<tr>
<th>Classification</th>
<th>Number of Hours</th>
<th>Allocated</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit Technician</td>
<td>7 hr. X</td>
<td>$77</td>
<td>$539</td>
</tr>
<tr>
<td>Principal Construction Inspector</td>
<td>1 hr. X</td>
<td>$135</td>
<td>$135</td>
</tr>
<tr>
<td>Sr. Construction Inspector</td>
<td>12 hr. X</td>
<td>$110</td>
<td>$1,320</td>
</tr>
<tr>
<td>Bus Stop Maintenance Worker</td>
<td>2 hr. X</td>
<td>$70</td>
<td>$140</td>
</tr>
<tr>
<td>Cars, Trucks ¾ Ton &amp; Lighter*</td>
<td>15 hr. X</td>
<td>$21.43</td>
<td>$321.45</td>
</tr>
</tbody>
</table>

**Total $2,455.45 adjusted to $2,460.00**

*Based on 13 Inspector Hours and 2 Hours Bus Stop Maintenance above and Caltrans’ 2013/2014 Equipment Rental Rates.

4. **As-Built Fee**

Cost to VTA for providing a simple As-Built Drawing. The cost may be reimbursed to the Permittee if the Permittee submits an As-Built Drawing satisfactory to VTA Standards within 30 Calendar Days following completion of the permitted construction work.

Additional fees may be assessed depending on the scope of the work.

<table>
<thead>
<tr>
<th>Classification</th>
<th>Number of Hours</th>
<th>Allocated</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit Technician</td>
<td>1 hr. X</td>
<td>$77</td>
<td>$77</td>
</tr>
<tr>
<td>Sr. Construction Inspector</td>
<td>1 hr. X</td>
<td>$110</td>
<td>$110</td>
</tr>
<tr>
<td>3-Person Field Survey Crew</td>
<td>4 hr. X</td>
<td>$319*</td>
<td>$1,276</td>
</tr>
<tr>
<td>Engineering Technician III</td>
<td>16 hr. X</td>
<td>$105</td>
<td>$1,680</td>
</tr>
</tbody>
</table>

**Total $3,143.00 adjusted to $3,145.00**

*Includes labor, equipment and material.

5. **Background Security Check**

The permit applicant will be required to have their employees undergo a background security check through a process determined by VTA at the permittee’s cost. VTA reserves the right to decide all aspects of the background security check process, including, but not limited to all costs.

The hourly labor rates for the various classifications listed herein were rounded up to the nearest dollar and classification totals were rounded up to the nearest five-dollar increments, for ease of calculating fees.
Restricted Access Permit Fees

1. **Restricted Access Permit Fee**
   
   Includes administration, processing and inspection charges.

<table>
<thead>
<tr>
<th>Classification</th>
<th>Number of Hours</th>
<th>Allocated Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant Superintendent</td>
<td>10 hr.</td>
<td>$135</td>
<td>$1,350</td>
</tr>
<tr>
<td>Permit Technician</td>
<td>2 hr.</td>
<td>$77</td>
<td>$154</td>
</tr>
<tr>
<td>Cars, Trucks ¾ Ton &amp; Lighter*</td>
<td>4 hr.</td>
<td>$21.43</td>
<td>$85.72</td>
</tr>
</tbody>
</table>

   **Total $1,589.72 adjusted to $1,590.00**

   *Based on 4 Hours Field Review and Inspection and Caltrans’ 2013/2014 Equipment Rental Rates

2. **Roadway Worker Protection Training Fee**

<table>
<thead>
<tr>
<th>Classification</th>
<th>Number of Hours</th>
<th>Allocated Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Light Rail Technical Trainer</td>
<td>6 hr.</td>
<td>$127</td>
<td>$762</td>
</tr>
<tr>
<td>Permit Technician</td>
<td>1 hr.</td>
<td>$77</td>
<td>$77</td>
</tr>
<tr>
<td>Office Spec. II</td>
<td>4 ½ hr.</td>
<td>$71</td>
<td>$320</td>
</tr>
<tr>
<td>Cars, Trucks ¾ Ton &amp; Lighter*</td>
<td>6 hr.</td>
<td>$21.43</td>
<td>$128.58</td>
</tr>
</tbody>
</table>

   **Per Training Class Total $1,287.58 adjusted to $1,290.00**

   **Per Participant: Total $64.50 adjusted to $65**

   *Trainers commute to and from other locations to conduct 4 hour training sessions.
   **Based on a regularly scheduled class size of 20 conducted at VTA facilities.
   Any special training will be charged on an actual cost basis.

3. **Light Rail Traction Power Down and Power Up Fee**

<table>
<thead>
<tr>
<th>Classification</th>
<th>Number of Hours</th>
<th>Allocated Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overhead Line Worker</td>
<td>2 hr.</td>
<td>$115</td>
<td>$230</td>
</tr>
<tr>
<td>Overhead Line Worker</td>
<td>2 hr.</td>
<td>$115</td>
<td>$230</td>
</tr>
<tr>
<td>Substation Maintainer</td>
<td>2 hr.</td>
<td>$115</td>
<td>$230</td>
</tr>
<tr>
<td>Substation Maintainer</td>
<td>2 hr.</td>
<td>$115</td>
<td>$230</td>
</tr>
<tr>
<td>Cars, Trucks ¾ Ton &amp; Lighter*</td>
<td>4 hr.</td>
<td>$21.43</td>
<td>$85.72</td>
</tr>
</tbody>
</table>

   **Per Substation Total $1,005.72 adjusted to $1,010.00**

   *Based on 2 Trucks at 2 Hours each and Caltrans’ 2013/2014 Equipment Rental Rates
4. **Bus Bridging Fee**

For supplemental bus service required because permit activities disrupt rail service.

Fully Allocated Cost per Hour for Bus Service $180.

5. **Modified Bus or Light Rail Service**

The following impact fees are intended to reimburse VTA for the impacts to normal VTA Bus and Rail Operation resulting from construction or other events.

- Hourly cost for each additional bus required for service (regular or bus bridge): $180
- Hourly cost for a one-car train: $435
- Hourly cost for a two-car train: $515
- Hourly cost for a three-car train: $590

6. **Background Security Check**

The permit applicant will be required to have their employees undergo a background security check through a process determined by VTA at the permittee’s cost. VTA reserves the right to decide all aspects of the background security check process, including, but not limited to all costs.

The hourly labor rates for the various classifications listed herein were rounded up to the nearest dollar and classification totals were rounded up to the nearest five-dollar increments, for ease of calculating fees.
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Adopt the 2013 VTA Congestion Management Program (CMP)

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

ACTION ITEM

RECOMMENDATION:

Adopt the 2013 VTA Congestion Management Program (CMP).

BACKGROUND:

State law requires that urbanized counties biennially adopt a Congestion Management Program (CMP) containing specified elements. The intent of the CMP is the development of a comprehensive program that will monitor and mitigate traffic congestion, improve air quality, better integrate land use and transportation decision-making, and coordinate transportation systems planning and development activities.

VTA, as the Congestion Management Agency (CMA) for Santa Clara County, is responsible for updating the CMP Document every two years. The CMP is submitted to the Metropolitan Transportation Commission (MTC) for an evaluation of its consistency with MTC’s Regional Transportation Plan (RTP). Following MTC’s evaluation, the responsibility to implement the CMP rests with VTA and local jurisdictions.

DISCUSSION:

The 2013 VTA Congestion Management Program Document (provided as Attachment A) is defined in terms of nine elements that structure the program: 1) Transportation System Definition; 2) Traffic Level of Service Standards; 3) Multimodal Transportation Performance Measures; 4) Transportation Demand Management and Trip Reduction; 5) Transportation Model and Database; 6) Community Form and Land Use Impact Analysis; 7) Capital Improvement Program; 8) Monitoring and Conformance; and 9) Multimodal Improvement Plan.
The CMP promotes practical options for managing our region’s traffic congestion today and provides a framework for developing preventative and innovative planning options for the future. The CMP also serves as a short-term element of the countywide transportation plan, Valley Transportation Plan (VTP), by focusing on congestion management strategies that can be implemented within the short to mid-term.

The 2013 update signifies an evolving and more active role for the CMP in our region’s future. It summarizes the current VTA CMP, changes to the CMP over the past two years, as well as key areas that are likely to be addressed in the coming two years.

Changes in this update of the CMP include:

- **Multimodal Level of Service (LOS) education and testing** - A description of VTA and Member Agency’s education and testing activities related to the new multimodal LOS measures in the 2010 Highway Capacity Manual has been added to Chapter 3. At this time, VTA is not adopting multimodal LOS thresholds as part of the 2013 CMP, but is considering developing guidelines for conducting an informational multimodal evaluation in certain situations.

- **Transportation Impact Analysis (TIA) Guidelines Update** - VTA’s efforts to update the TIA Guidelines over the 2013-2014 time period are outlined in Chapter 6. Updating the TIA Guidelines offers VTA the opportunity to encourage the use of multimodal performance measures, emphasize the reduction of auto trips, and make the CMP better reflect the goals of Senate Bill 375, the regional and countywide long range transportation plans, and local General Plans and policies.

- **CMP Monitoring and Conformance Program transition to utilize Big Data** - Chapter 8 contains a discussion of VTA’s study of innovative new data collection methodologies that begin with the 2013 Monitoring & Conformance Report. VTA envisions that these efforts could potentially provide a more comprehensive data set and improve the Monitoring and Conformance program while reducing costs.

- **Deficiency Plan Element renamed Multimodal Improvement Plan Element** - VTA will begin to use the term “Multimodal Improvement Plan” for “Deficiency Plan” as defined by state legislation. The purpose of this change is to highlight the positive role a Multimodal Improvement Plan can play in identifying offsetting measures to improve the multimodal transportation system. These measures allow Member Agencies to address a Level of Service (LOS) deficiency even when it is infeasible or undesirable to expand automobile capacity on the affected facility. See Chapter 9 for more details.

- **Updates to the status of key VTA transportation projects** - The CMP System Definition chapter (Chapter 1) includes updated descriptions of transportation projects VTA is leading or participating in, including the BART Silicon Valley extension, VTA Bus Rapid Transit (BRT) projects, the Light Rail Efficiency Project, Bay Area Bike Share, the Caltrain Modernization Program, and the Silicon Valley Express Lanes Program.

- **Updated information about regional programs** - Chapter 6 contains updated...
discussions of regional planning efforts led by the Association of Bay Area Governments (ABAG) and MTC, such as Plan Bay Area and the PDA Investment & Growth Strategy.

- **Updated Capital Improvement Program (CIP) project listing and funding information** - The list of capital projects in the CMP Capital Improvement Program in Chapter 7 has been updated to reflect completed projects, revised cost estimates, and other changes to maintain consistency with the Transportation Improvement Program (TIP). Updated information has been added about various funding sources related to capital projects in Santa Clara County.

Key areas that the CMP will address with Member Agency input over the next two years include:

- **Updates to the CMP Transportation Impact Analysis (TIA) Guidelines** - One of the ways that VTA is proactively addressing the integration of land use and transportation in Santa Clara County is through the update to the Transportation Impact Analysis (TIA) Guidelines over the 2013-2014 time period. Through VTA’s Proactive CMP/Development Review activities, exploration of new multimodal performance measures and discussions with technical working groups, VTA staff has identified a number of areas for possible improvements to the TIA Guidelines. Two key areas VTA staff is focusing on in this update are the approach to automobile trip reductions and the analysis of multimodal impacts. VTA is also considering updates to numerous other areas of the TIA Guidelines, including the TIA process, intersection analysis, freeway analysis, parking analysis, and the approach to mitigation measures. VTA will continue to work with member agency staff, technical working groups, VTA Board Committees, and other stakeholders to ensure that the TIA Guidelines Update is conducted through a robust, inclusive process.

- **CMP Monitoring and Conformance Program transition to utilize Big Data** - Since 1997, VTA has used aerial photography to collect data on freeway congestion. Beginning with the 2013 Monitoring & Conformance Report, VTA will be studying innovative approaches to data collection such as Big Data (see Chapter 8 for more information). VTA envisions that a transition to Big Data could potentially provide more reliable data for a lower cost. In addition, Big Data may open up new avenues for congestion analysis in areas such as duration of congestion, automobile travel times and reliability, congestion spillover to alternate routes, causes of congestion, transit travel times and reliability, modal split, automobile trip generation, and vehicle miles traveled.

**ALTERNATIVES:**

The Board may request staff to make changes to the 2013 Congestion Management Program.

**FISCAL IMPACT:**

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

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

This item was on the Regular Agenda as an Action Item at the October Technical Advisory
Committee (TAC) meeting. Staff gave a brief verbal presentation, and there were three questions from the Committee. Member Batra asked whether the update to the TIA Guidelines would take into account Member Agencies’ efforts to encourage development. Staff responded that the update was being undertaken with Member Agency input and the TAC would be continually updated with the progress of the update. Member Salvano asked a clarification question about the definition “Big Data” and staff gave a brief response with an example. Member Batra asked a clarification question about the Fiscal Impact of the action and Staff Liaison Ristow gave a brief response.

The TAC unanimously recommended that the Board of Directors adopt the 2013 Congestion Management Program.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Board of Directors meeting as a Committee of the Whole, considered this item on its October 17, 2013 Consent Agenda. There was no discussion of the item. The Committee recommended the item be placed on the Consent Agenda for the November 7, 2013, Board of Directors meeting.

Prepared by: Robert Cunningham
Memo No. 4214
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In accordance with California Statute, Government code 65088, Santa Clara County has established a Congestion Management Program (CMP). The intent of the CMP legislation is to develop a comprehensive transportation improvement program among local jurisdictions that will reduce traffic congestion and improve land use decision-making and air quality.

The main requirements of the CMP legislation can be summarized as follows:

• Requires the designation of a Congestion Management Agency (CMA) in each urbanized county, to develop and update the CMP and monitor its progress over time.

• Sets up a performance review process, by mandating the designation of a network of transportation facilities that will be periodically monitored for congestion, and by requiring the designation of a service standard for roadways and performance measures for all modes of travel.

• Promotes the use of alternatives to the single-occupant automobile through trip reduction programs, land use / transportation integration strategies, and transportation demand management (TDM) measures.

• Promotes integration of decisions about land development, transportation investment and air quality by requiring a process to determine the impacts of local development decisions on the countywide transportation network.

• Requires a seven-year investment strategy, referred to as a Capital Improvement Program (CIP), to support the CMP goals. The CIP is updated biennially and links project eligibility for regional/state funding to the CMP.

• Requires a computerized travel model and uniform database for estimating future transportation needs and impacts.

• Encourages infill development in core areas and along major transit corridors.
VTA, as the designated Congestion Management Agency, has prepared this 2013 Congestion Management Program in accordance the requirements of the CMP legislation. The purpose of this document is to summarize the elements, policies and procedures of the VTA CMP.

**WHAT'S NEW IN THE CMP 2013**

Changes from the VTA 2011 CMP have been made to reflect several circumstances: updates to VTA’s system, projects, or programs; planned updates to CMP technical procedures and requirements; and additional information to reflect processes occurring at the regional or state level. The following is a summary of key changes and additions in the CMP 2013:

- **Multimodal Level of Service (LOS) education and testing** - A description of VTA and Member Agency’s education and testing activities related to the new multimodal LOS measures in the 2010 Highway Capacity Manual has been added to Chapter 3. At this time, VTA is not adopting multimodal LOS thresholds as part of the 2013 CMP, but is considering developing guidelines for conducting an informational multimodal evaluation in certain situations.

- **Transportation Impact Analysis (TIA) Guidelines Update** - VTA’s efforts to update the TIA Guidelines over the 2013-2014 time period are outlined in Chapter 6. Updating the TIA Guidelines offers VTA the opportunity to encourage the use of multimodal performance measures, emphasize the reduction of auto trips, and make the CMP better reflect the goals of Senate Bill 375, the regional and countywide long range transportation plans, and local General Plans and policies.

- **CMP Monitoring and Conformance Program transition to utilize Big Data** - Chapter 8 contains a discussion of VTA’s study of innovative new data collection methodologies that begin with the 2013 Monitoring & Conformance Report. VTA envisions that these efforts could potentially provide a more comprehensive data set and improve the Monitoring and Conformance program while reducing costs.

- **Deficiency Plan Element renamed Multimodal Improvement Plan Element** - VTA will begin to use the term “Multimodal Improvement Plan” for “Deficiency Plan” as defined by state legislation. The purpose of this change is to highlight the positive role a Multimodal Improvement Plan can play in identifying offsetting measures to improve the multimodal transportation system. These measures allow Member
Agencies to address a Level of Service (LOS) deficiency even when it is infeasible or undesirable to expand automobile capacity on the affected facility. See Chapter 9 for more details.

• **Updates to the status of key VTA transportation projects** - The CMP System Definition chapter (Chapter 1) includes updated descriptions of transportation projects VTA is leading or participating in, including the BART Silicon Valley extension, VTA Bus Rapid Transit (BRT) projects, the Light Rail Efficiency Project, Bay Area Bike Share, the Caltrain Modernization Program, and the Silicon Valley Express Lanes Program.

• **Updated information about regional programs** - Chapter 6 contains updated discussions of regional planning efforts led by the Association of Bay Area Governments (ABAG) and MTC, such as Plan Bay Area and the PDA Investment & Growth Strategy.

• **Updated Capital Improvement Program (CIP) project listing and funding information** - The list of capital projects in the CMP Capital Improvement Program in Chapter 7 has been updated to reflect completed projects, revised cost estimates, and other changes to maintain consistency with the Transportation Improvement Program (TIP). Updated information has been added about various funding sources related to capital projects in Santa Clara County.

Key areas that the CMP will address with Member Agency input over the next two years include:

• **Updates to the CMP Transportation Impact Analysis (TIA) Guidelines** - One of the ways that VTA is proactively addressing the integration of land use and transportation in Santa Clara County is through the update to the Transportation Impact Analysis (TIA) Guidelines over the 2013-2014 time period. Through VTA’s Proactive CMP/Development Review activities, exploration of new multimodal performance measures and discussions with technical working groups, VTA staff has identified a number of areas for possible improvements to the TIA Guidelines. Two key areas VTA staff is focusing on in this update are the approach to automobile trip reductions and the analysis of multimodal impacts. VTA is also considering updates to numerous other areas of the TIA Guidelines, including the TIA process, intersection analysis, freeway analysis, parking analysis, and the approach to mitigation measures. VTA will continue to work with member agency
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staff, technical working groups, VTA Board Committees, and other stakeholders to ensure that the TIA Guidelines Update is conducted through a robust, inclusive process.

• **CMP Monitoring and Conformance Program transition to utilize Big Data** - Since 1997, VTA has used aerial photography to collect data on freeway congestion. Beginning with the 2013 Monitoring & Conformance Report, VTA will be studying innovative approaches to data collection such as Big Data (see Chapter 8 for more information). VTA envisions that a transition to Big Data could potentially provide more reliable data for a lower cost. In addition, Big Data may open up new avenues for congestion analysis in areas such as duration of congestion, automobile travel times and reliability, congestion spillover to alternate routes, causes of congestion, transit travel times and reliability, modal split, automobile trip generation, and vehicle miles traveled.

**ELEMENTS OF THE VTA CMP**

CMPs must contain five elements: a system definition and traffic Level of Service (LOS) standard element, a multimodal performance measures element, a transportation demand management and trip reduction element, a land use impact analysis element, and a CIP. In addition to these five elements, other actions, such as the development of a countywide transportation model and Multimodal Improvement Plans, are necessary to meet the requirements of the Statute.

The VTA CMP is also guided by the eight broad goal areas identified in Agency’s Strategic Plan:

1. Enhance Customer Focus
2. Improve Mobility and Access
3. Integrate Land Use and Transportation
4. Maintain Financial Stability
5. Increase Employee Ownership
6. Build Ridership on Transit System
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7. Improve Relationships throughout the County

8. Deliver on Capital Program

In response to the statutory requirements and the Strategic Plan’s goals, the Santa Clara Valley Transportation Authority (VTA) has chosen to define its CMP in terms of nine elements that logically structure the program. Each of the nine elements corresponds to a chapter of the CMP and is briefly summarized below:

1. System Definition Element — The CMP Transportation System consists of a roadway network, a transit network, and a bicycle network.

The System Definition Element is linked to other elements in the CMP because all projects proposed for the CIP must be on or benefit the CMP Transportation System. Additionally, roadways included in the CMP Roadway Network will be monitored for conformance with the CMP level of service standard.

The designated CMP Roadway Network includes state highways, county expressways and principal arterials. The adopted definition for principal arterials is: roadways that connect with the freeway and/or county expressway system and meet one of the following criteria (1) state highway; (2) six-lane facility; or (3) non-residential arterial with average daily traffic of 30,000 vehicles per day.

While the CMP Statutes do not expressly require adoption of a transit network, it does require the inclusion of specified transit system performance measures. Therefore, the CMP includes a Transit Network consisting of rail service and selected bus service. Performance measurements have been established for VTA Transit Service and are identified in the Transit Sustainability Policy and its complementary document, the Service Design Guidelines. The guidelines establish ridership thresholds and ensure that transit service operates as efficiently as possible.

One of the goals of VTA’s CMP is to provide for safe and convenient bicycling throughout the county for various types of trips, such as work, school, errands, and recreation by focusing improvements on the Cross County Bicycle Corridors. The Cross County Bicycle Corridors (CCBC) is a network of 16 routes for bike travel through the county that are identified in the Santa Clara Countywide Bicycle Plan,
EXECUTIVE SUMMARY

adopted by the VTA Board of Directors in October 2000. This plan was updated in August 2008 and the new CCBC network, consisting of 24 routes, is included in the 2013 CMP.

2. Traffic Level of Service Standard Element — The Traffic Level of Service Element contains the adopted level of service (LOS) standard for the CMP Roadway Network and describes the methodologies for evaluating LOS. The LOS standard is important because CMP Roadway Network facilities must operate within the adopted standard or the Member Agency responsible for the facility must prepare a Multimodal Improvement Plan for that facility.

In addition, Member Agencies must monitor LOS using adopted methodologies. A comprehensive description of the traffic LOS standard is presented in the CMP Technical Standards and Procedures: Traffic Level of Service Analysis Guidelines and is available upon request.

3. Multimodal Performance Measures Element — The purpose of the Multimodal Performance Measures Element is to define specific transportation system performance measures that can help evaluate how well Santa Clara County’s transportation system serves the traveling public. Eleven measures are described in the Element. These measures can be used in a variety of analyses. Some may be used in the development of the countywide long-range transportation plan (VTP), some may be used in the CMP monitoring process, and some may be used for more targeted efforts such as corridor studies, transit or roadway capital projects.

4. Trip Reduction and Transportation Demand Management (TDM) Element — This element defines and describes TDM programs and lists funding sources Member Agencies can access to implement these projects. Some programs that would be recommended as part of the TDM element include parking management and pricing, roadway pricing, commute alternatives, and cash subsidies. The current countywide transportation plan, VTP 2035, and the CDT Program encourage the development and continuation of successful trip reduction efforts through incentives and partnerships.
5. **Countywide Transportation Model and Database Element** — This element contains a description of the countywide transportation model required by the CMP Statute. The Statute requires that the countywide transportation model be consistent with the regional transportation model developed by the Metropolitan Transportation Commission (MTC) with Association of Bay Area Governments (ABAG) data. The countywide transportation model is used to help evaluate cumulative transportation impacts of local land use decisions on the CMP System. Because of the model’s significance in the overall CMP, it is extremely important that the model accurately reflect existing land use and transportation conditions.

The CMP also requires local models to be consistent with the countywide transportation model. A comprehensive description of these consistency requirements is presented in the CMP Technical Standards: Local Transportation Model Consistency Guidelines.

6. **Community Form and Impact Analysis Program Element** — This element describes the procedures used to analyze the transportation impacts of local land use decisions on the transportation system, and the programs designed to influence policy development and community form to better support a multimodal transportation system. The Land Use Impact Analysis Program links local land use decisions with broader transportation and air quality impact analysis. The VTA CMP includes the Proactive CMP Process, adopted by the VTA Board in May 1997, which provides a framework for VTA comment on development projects and plans and for quarterly reporting to the Board on Member Agency development decisions.

VTA has developed and adopted Transportation Impact Analysis (TIA) Guidelines to ensure that all projects are analyzed uniformly and consistently. Comprehensive descriptions of the TIA Guidelines are included in the CMP Technical Standards. Over the 2013-2014 time period, VTA will be updating the TIA Guidelines to proactively address the integration of land use and transportation by incorporating multimodal measures and taking a balanced, multimodal approach to addressing transportation impacts. Updating the TIA Guidelines offers VTA the opportunity to encourage the use of multimodal performance measures and make the CMP better reflect the goals of SB 375, the regional and countywide long range transportation plans, and local General Plans and policies.
Through a multi-year process, the Community Design and Transportation (CDT) program was developed in partnership with VTA Member Agencies and the community. The CDT is primarily an advocacy and resource program, providing tools and resources to Member Agencies intended to influence changes in policy, administration, and urban design that encourage well-designed, high-amenity development in cores areas, around transit station areas, and along major transportation corridors. In addition, the CDT Program has given out planning and capital grants to Member Agencies that are developing plans and projects in accordance with the CDT guidelines and planning initiatives.

VTA’s Joint Development Program furthers the VTP 2035 land use goals. VTA envisions its station areas and transit corridors as vibrant, prosperous community assets that create a strong sense of place for transit, pedestrians, and the surrounding community, and are destinations in their own right. The policy associated with the program provides a framework for creating and pursuing the highest and best opportunities for development around station areas and along corridors. The program also includes coordination with local jurisdictions in station area land use planning to establish development patterns that enhance transit use.

7. Capital Improvement Program Element — The CIP is a list of capital projects designed to improve the transportation system and air quality in Santa Clara County. The CIP consists of a list of transportation facility improvements that is submitted to the MTC for inclusion in the Regional Transportation Improvement Program (RTIP), the State Transportation Improvement Program (STIP) and the Federal Transportation Improvement Program (TIP). The CIP includes projects from the following funding categories: Regional Improvement Program (RIP) and Interregional Improvement Program (IIP), Surface Transportation Program (STP) and Congestion Mitigation/Air Quality Program (CMAQ (federal), Transportation Alternatives funds (federal), and the Traffic Congestion Relief fund (state). In addition, projects funded by the 1996 Measure B sales tax, the 2000 and 2008 Measure A sales taxes, the 2006 Proposition 1B bond fund, the 2008 Proposition 1A (High Speed Rail) bond fund, Express Lanes revenue, the 2010 Measure B Vehicle Registration Fee and the Transportation Fund for Clean Air are included in the CIP since they affect the county’s transportation system.
The Capital Improvement Program is developed in accordance with the regionally adopted multimodal criteria for project selection. The criteria emphasize maintaining and sustaining the existing transportation system, improving its efficiency and effectiveness through congestion relief, safety improvements and consideration of freight movement, expanding the system, and accounting for external impacts on land use and air quality.

The CMP Statute requires that the CIP maintain or improve the adopted LOS, mitigate the impacts of land use decisions on the regional transportation system, and conform to air quality mitigation measures included in state and federal air quality plans. The 2013 CMP includes additional local policies to guide the development of the county’s CIP.

8. Monitoring and Conformance Element — The CMP Statute minimally requires biennial monitoring to determine Member Agency conformance with all elements of the CMP. The Monitoring and Conformance Element describes the monitoring process used in Santa Clara County. Member Agencies typically submit their monitoring data to VTA on an annual basis.

Once Member Agencies have submitted their monitoring data, VTA will evaluate it to determine changes to and impacts on the CMP System and to ensure that each Member Agency is in conformance with the CMP. If Member Agencies fail to meet CMP standards or implement CMP requirements, they could be found in nonconformance with the CMP and risk forfeiting gas tax subventions from the state. A description of the requirements and methodologies used in the Monitoring and Conformance Program is available in the Monitoring and Conformance Requirements.

9. Multimodal Improvement Plan Element – This element summarizes the process for the preparation and approval of Multimodal Improvement Plans. As noted in the “What’s New” section of this chapter above, VTA will begin to use the term “Multimodal Improvement Plan” for “Deficiency Plan” as defined by state legislation, to highlight the range of multimodal solutions available to Member Agencies that have a traffic LOS deficiency. Multimodal Improvement Plans must be developed for facilities that are not
Programs, and actions for the CMP facility that both improves LOS on the overall CMP system and causes a significant improvement in air quality. CMP system facilities that are covered under a future VTA-approved multimodal improvement plan, or a previously approved deficiency plan, may operate below the traffic los standard as long as the plan is being implemented.

REGIONAL CONFORMANCE

To meet the requirements of CMP legislation, VTA’s CMP was developed to conform to the Regional Transportation Plan, as well as the Metropolitan Transportation Commission’s Guidance for 2013 Congestion Management Programs. The CMP also conforms to the transportation-related provisions of the federal and California Clean Air Acts, and the regional Clean Air Plan.

MEMBER AGENCY RESPONSIBILITIES

The Congestion Management Program is a cooperative effort between VTA and the CMP Member Agencies – the 15 cities in the county, Santa Clara County, and VTA. Table E.1 outlines the element requirements and major responsibilities of VTA and Member Agencies in complying with the CMP.

THE DEVELOPMENT PROCESS FOR THE 2013 CONGESTION MANAGEMENT PROGRAM

The 2013 CMP, as with all previous efforts, this CMP was developed through a collaborative effort among Santa Clara County and its cities and towns, with occasional guidance from state and regional agencies. The policies contained in this document were initially developed through subcommittees of the Technical Advisory Committee. Since most elements of the CMP are designed to be implemented locally by Member Agencies, and local input throughout the policy development process is crucial to the success of the Congestion Management Program.

After receiving Member Agency and public input, the Valley Transportation Authority Board of Directors is responsible for making all policy decisions and for approving the final CMP.
DOCUMENT STRUCTURE & ORGANIZATION

The purpose of the document is to give the reader a comprehensive knowledge of the elements and goals of the VTA CMP. The CMP is organized into nine chapters: the CMP system definition and a chapter describing each element of the CMP. Table E.1 presents a summary of each element. A number of appendices providing additional information are included at the back of this document. Appendix A provides a glossary of key terms, Appendix I includes the full text of the CMP Statute and related Statutes, and the remaining appendices provide additional technical or descriptive information.

In addition, VTA has compiled a set of documents entitled CMP Technical Standards and Procedures that contains all of the technical requirements and guidelines that Member Agencies must follow to comply with the CMP. The Technical Standards and Procedures contain the following documents: Requirements for Deficiency Plans, Transportation Impact Analysis Guidelines, Local Transportation Model Consistency Guidelines, Traffic Level of Service Analysis Guidelines, Monitoring and Conformance Requirements, and CMP Forms and Worksheets.
<table>
<thead>
<tr>
<th>CMP Element</th>
<th>Requirement</th>
<th>Timing</th>
<th>Responsible Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic Level of Service Element</td>
<td>1) Monitor and submit report on the level of service on CMP roadway network intersections using CMP software and procedures. 2) Monitor performance of CMP rural highways and freeways</td>
<td>Dec 1</td>
<td>Member Agencies</td>
</tr>
<tr>
<td>Multimodal Performance Measures Element</td>
<td>Collect available transportation performance measurement data for use in land use analysis, deficiency plans, and the CIP.</td>
<td>Ongoing</td>
<td>VTA</td>
</tr>
<tr>
<td>Trip Reduction and Transportation Demand Management Element</td>
<td>No current requirements</td>
<td></td>
<td>Member Agencies and VTA</td>
</tr>
</tbody>
</table>
| Transportation Model and Database Element | 1) Certify that the CMP model is consistent with the regional model 2) Certify that Member Agency models are consistent with the CMP model | Biennially | MTC  
As Needed | VTA and Member Agencies  
Member Agencies |
| Community Form and Impact Analysis Element | 1) Prepare a Transportation Impact Analysis (TIA) for projects that generate 100 or more peak hour trips and submit to the CMP according to TIA Guidelines schedule 2) Submit relevant conditions of approval to VTA for projects generating TIA 3) Prepare and submit land use monitoring data to the CMP on all land use projects approved from July 1 to June 30 of the previous year 4) Submit an annual statement certifying that the Member Agency has complied with the CMP Land Use Impact Analysis Program | Ongoing | Member Agencies  
Ongoing | Member Agencies  
Ongoing | Member Agencies |
| Monitoring and Conformance Element | Outline the requirements and procedures established for conducting annual traffic LOS and land use monitoring efforts. Support the Traffic LOS and Community Form and Impact Analysis Elements | Dec 1 | Member Agencies and VTA |
| Capital Improvement Program Element | Develop a list of projects intended to maintain or improve the level of service on the designated system and to maintain transit performance standards | Biennially | Member Agencies with VTA |
| Deficiency Plan Element | 1) Prepare Deficiency Plans for facilities that violate CMP traffic LOS standards or that are project to violate LOS standards using the adopted Deficiency Plan Requirements. 2) Submit Deficiency Plan Implementation Status Report as part of annual monitoring. | As Needed | All Affected Member Agencies  
Dec 1 | Member Agencies with Deficiency Plans |
CHAPTER 1 | CMP TRANSPORTATION SYSTEM DEFINITION

This chapter describes the Congestion Management Program (CMP) Transportation System. The CMP System consists of a roadway network, a transit network, and a bicycle network.

BACKGROUND

In 1990, the State of California enacted legislation to create Congestion Management Agencies (CMAs) in urbanized counties. Each CMA is responsible for establishing a Congestion Management Program (CMP), envisioned as a comprehensive multimodal approach to solve transportation problems and reduce congestion at the regional scale. In contrast to the previous strategy of continually expanding freeway capacity, the CMP was designed to encourage the provision of new transit facilities, increased and more efficient transit services, increased efficiency of the existing roadway system, reduced traffic demand, and an improved land-use decision making process.

Beginning in 1991, with the enactment of the landmark Intermodal Surface Transportation Efficiency Act (ISTEA), federal transportation funding programs have also encouraged a more coordinated, regional, multimodal approach to transportation planning. The most recent federal transportation bill, MAP-21, the Moving Ahead for Progress in the 21st Century Act (P.L. 112-141), was signed into law on July 6, 2012. Funding surface transportation programs at over $105 billion for fiscal years (FY) 2013 and 2014, MAP-21 is the first long-term transportation authorization enacted since 2005. Some of the major changes that MAP-21 brought about include consolidating 90 highway and transit programs into 30 and devolving many transportation funding decisions from the federal level to the state level. Overall, MAP-21 allocates approximately $41 billion per year for highways, $10.5 billion per year for transit, and $1.5 billion per year for safety and research programs.

With the adoption of Plan Bay Area in July 2013, ten performance targets guide
transportation planning in the Bay Area. These targets include required targets related to climate protection and adequate housing, and voluntary targets related to healthy and safe communities, open space and agricultural preservation, equitable access, economic vitality, and transportation system effectiveness.

The state of California also has adopted two legislative mandates to guide the development of local plans and strategies. These bills are summarized below:

• **AB 32 (Nunez) California Global Warming Solutions Act of 2006.** This bill requires the California Air Resources Board to adopt regulations to require the reporting and verification of Statewide greenhouse gas emissions and to monitor and enforce compliance with this program.

• **SB 375 (Steinberg) Transportation Planning: Travel Demand Models; Sustainable Communities Strategy; Environmental Review, 2008.** SB 375 instructs the California Air Resources Board to set regional greenhouse gas emissions reduction targets from passenger vehicles. The Metropolitan Planning Organization for each region must then develop a “Sustainable Communities Strategy” (SCS), as part of its regional transportation plan, that integrates transportation, land-use and housing policies to plan for achievement of the emissions target for their region. Plan Bay Area includes the first Sustainable Communities Strategy for the Bay Area, as well as the 2040 Regional Transportation Plan.

**CONGESTION MANAGEMENT PROGRAMS**

Propositions 111 and 108 together increased funding for California's transportation system by billions of dollars. With this new funding came the requirement that urbanized counties create or designate a CMA that is responsible for preparing and implementing a Congestion Management Program (CMP) every two years. Cities’ and counties’ eligibility for new gas tax subventions is contingent upon their participation in the CMP.

Although the primary focus of the congestion management program is to reduce congestion and thus improve mobility for persons and freight, the requirements of the CMP recognize the inextricable links between transportation, land use, and air quality. Moreover, the statute acknowledges that these policy issues are not only
functionally interrelated, but jurisdictionally interrelated as well. Accordingly, the statute requires cities and counties to work together to find cooperative solutions to these multi-jurisdictional problems. In addition, the CMP must be consistent with MTC’s Regional Transportation Plan and Goals.

There are certain incentives in the statute to encourage jurisdictions to participate in the CMP process; for example, jurisdictions that do not comply with the CMP can be found in nonconformance and have their gas tax subventions withheld. However, the receipt of gas tax revenues should not be viewed as the only “carrot” for participation in the congestion management process, just as forfeiture of these revenues should not be viewed as the only “stick.” There are larger issues at stake. The congestion management program offers jurisdictions the opportunity to collaborate in finding local, feasible solutions that will preserve and enhance the communities in which we live and support and stimulate economic activity.

In implementing the CMP, questions have arisen: What does the existence of the CMP really mean for those of us who live, work or do business in Santa Clara County? How will the CMP, which at its heart appears to be primarily a set of technical standards, policies and procedures, improve the quality of life for the community?

The primary goal of the CMP is to ensure that traffic in Santa Clara County improves or at least does not worsen as population increases. This goal will be pursued through a combination of capital roadway and transit improvements, which are designed to maintain the existing transportation system where possible, and only add new travel lanes where road-widening is the only solution available to improve the transportation network. In addition, the CMP is intended to improve land use planning, develop strategies to reduce traffic demand, and when necessary, establish Multimodal Improvement Plans\(^1\) to address deficiencies according to CMP standards. By addressing these congestion, transportation demand, land use and transportation decision-making issues early on, larger problems, that could result in more expensive, more impact prone, and less effective solutions, may be avoided.

\(^1\) VTA will be using the term “Multimodal Improvement Plan” for “Deficiency Plan” as defined by state legislation, to highlight the range of multimodal solutions available to Member Agencies that have a traffic LOS deficiency. See Chapter 9 for more details.
The CMP benefits the local government, employers, businesses, developers, environmentalists and labor unions in the region. The CMP gives local governments the ability to establish a rational transportation funding process with clear priorities that makes transportation funding more reliable and brings it one step closer to home. A seven-year Capital Improvement Program (CIP) was established to give employers the confidence that local transportation facilities will be maintained and improved as needed. Businesses are assured that transportation investments will contribute to the efficient movement of freight throughout the region, which will improve the economic climate of the county. The CMP creates a “level playing field” that ensures all new development projects in the county are evaluated equally and equitably. On the environmental side, the CMP evaluates individual and cumulative transportation, land use, and air quality impacts due to new development projects. And lastly, the CMP maximizes local, state, and federal transportation dollars to create new construction jobs that will ultimately improve mobility.

The establishment of CMAs, in conjunction with changes in State and Federal transportation funding procedures, shifted decision-making from the State to the regional and local levels. Not only does this mean more money is available for local planning projects, but it also means that local governments have more flexibility and autonomy to spend this money on projects that benefit their local communities. It also gives citizens an opportunity to provide meaningful input in the decision-making process.

VTA CONGESTION MANAGEMENT PROGRAM

The CMA Statute states that all urbanized counties may create or designate a CMA by resolution of the County Board of Supervisors and a majority of City Councils representing a majority of the population in the incorporated county. Santa Clara County was the first county in the state to form a CMA, and the only county in the state to form a CMA prior to the passage of Proposition 111 in 1990. This accomplishment was possible only after months of collaborative effort by a joint committee of elected officials who were members of the County Transportation Commission and the Golden Triangle Task Force.

The committee met weekly from December 1989 to May 1990 to develop a
consensus on the purpose, structure, and goals of the new agency. Their vision for the CMA - “A United Proposal for a Congestion Management Agency for Santa Clara County” - was submitted to all city councils and the Board of Supervisors for ratification. By July 1990, the proposal had been ratified by all 15 cities and a majority of the population in Santa Clara County. As a result, the Santa Clara County CMA was formed. In August 1991 the CMA Board subsequently drafted and adopted a joint powers agreement, which was ratified by the 15 cities/towns and the County Board of Supervisors.

In December 1994, the fifteen cities/towns and the County of Santa Clara passed resolutions designating the Santa Clara County Transit District as the CMA for Santa Clara County. On January 1, 1995 the two agencies formed what was to become the Valley Transportation Authority (VTA). The Congestion Management Agency Division staff within VTA now performs the functions previously performed by the CMA staff.

The VTA Board of Directors consists of twelve voting members, two ex-officio (non-voting) members, and five alternates. Ten of the twelve voting members are local elected officials who represent Santa Clara County’s fifteen cities. The other two members are county supervisors who represent the County of Santa Clara.

VTA’s Board of Directors is advised by five primary advisory committees: a Policy Advisory Committee (PAC), a Technical Advisory Committee (TAC), a Citizens Advisory Committee (CAC), a Bicycle and Pedestrian Advisory Committee (BPAC), and a Committee for Transit Accessibility (CTA). The PAC consists of one elected official from each of the County’s 15 cities and one County Supervisor. The TAC consists of one management level staff member from each of the 15 cities and the County (generally the public works or planning director). The CAC consists of seventeen members representing CMP Member Agency cities, specified business and labor groups, and specified environmental and community interest groups. The BPAC consists of sixteen members, one from each city and the County, representing local bicycle and pedestrian advisory committees or individuals interested in bicycle and pedestrian issues. The CTA consists of nine representatives of Human Services Organizations, and twelve appointed individuals with disabilities.
Over the past several years, VTA has worked with its Member Agencies to develop policies, programs, and methodologies to promote multimodal transportation planning and land use/transportation integration. Some of the initiatives have included:

- Developing a Transit Sustainability Policy (TSP) that sets the policy framework for monitoring existing transit service and implementing new transit service in Santa Clara County;
- Working with local agencies to plan for infill development around existing transit stations through the Joint Development Program;
- Working with local agencies to update the CMP Deficiency Plan Requirements;
- Promoting the principles and design criteria included in the Community Design and Transportation (CDT) Manual of Best Practices for Integrating Transportation and Land Use; and
- Working with ABAG and MTC to encourage infill development around the core transit network through the Priority Development Area (PDA) Investment & Growth Strategy

**CMP ROADWAY NETWORK**

The CMP Statutes require that all state highways and principal arterials be part of the CMP roadway network. The statute also specifies that roadways can be added to the CMP roadway network in the future. However, once a roadway is added to the network it may not be removed.

Figure 1.1 and Figure 1.2 show the CMP roadway network and intersections, respectively. The network consists of four types of facilities: freeways, county expressways, urban arterials, and rural highways. The roadway network was adopted as part of the 1991 CMP. Since 1991 improvements have been made to the network, including:

- In 1995, SR 85 was completed, Highway 87 was extended from Almaden Expressway to SR 85, and Highway 237 was upgraded to full freeway status from Highway 101 in Mountain View to Highway 880.
• In 1998, Wolfe Road between Stevens Creek Boulevard and I-280 in Cupertino was added to the network.

• Between 2005 and 2007 carpool lanes were added on Highway 87.

• In 2012 the SR 237/I-880 connector express lane opened

Appendix B lists the roadways segments that are part of the roadway network. The CMP roadway network is monitored regularly to ensure that the roadway network conforms to the CMP traffic level of service standard.

The definition of principal arterial is left to individual CMAs. VTA, acting as Santa Clara County’s CMA, defines urban arterials as roadways that connect with the freeway and/or county expressway system and principal arterials. To be classified
as a principal arterial the road must meet one of the following criteria:

- State highway;
- Six-lane facility; or
- Non-residential arterial with average daily traffic (ADT) of 30,000 vehicles per day or greater.

**CMP TRANSIT NETWORK**

The CMP statute does not require adoption of a transit network, but does emphasize the importance of transit service. Furthermore, legislation enacted in 1994 requires that CMPs include multimodal transportation system performance measures which incorporate “measures established for the frequency and routing of public transit, and for the coordination of transit service provided by separate...
operators.” (Gov. Code 65089 (b) (2)). As a result, the VTA CMP contains a transit network. The CMP transit network consists of rail transit service (Caltrain, Light Rail, and future BART service) and bus service (grid routes and regional routes). The CMP transit network is illustrated in Figure 1.3. Appendix C lists the routes that are part of the transit network.

**EXISTING TRANSIT SERVICE**

Santa Clara County is currently served by two major transit operators: the Santa Clara Valley Transportation Authority (VTA) and Caltrain. VTA operates public transit buses, light rail, shuttles, and paratransit within Santa Clara County, as well as providing transit service to major regional destinations and transfer centers in adjoining counties. There are a number of other operators that provide some
service within Santa Clara County. Brief descriptions of the different existing services and operators are provided below.

**VTA Light Rail** — VTA currently operates a 42-mile light rail system linking South San Jose, East San Jose, Downtown San Jose, North San Jose, Campbell, Santa Clara, Milpitas, Sunnyvale, and Mountain View.

**VTA Core/Grid Bus Routes** — Operated by VTA, core grid routes are the lifeblood of the bus route network. These routes are typically long mainline routes that operate along major corridors and serve the urbanized areas of Santa Clara Valley. They are relatively straight, evenly spaced bus routes operate from early morning into the late evening. Line 22, a grid line, provides the highest ridership line in the bus system. This route provides east-west service along El Camino Real, Santa Clara Street, and Alum Rock Avenue between the Eastridge Shopping Center in San Jose and the Palo Alto Transit Center.

**VTA Regional Bus Service** — Regional bus routes serve intercity, long distance trips. Three regional bus routes are currently included in the CMP transit network: Route 180 is operated by VTA and connects downtown San Jose and Milpitas with the Fremont BART Station; and Highway 17 Express and the Dumbarton Bridge Express are operated and funded jointly with neighboring counties and transit operators.

**Caltrain** — Caltrain operates 77 miles of commuter rail service between San Francisco and San Jose throughout the day and extended rail service from San Francisco to Gilroy during commute periods. The service is operated under the authority of the Peninsula Corridor Joint Powers Board (JPB) consisting of VTA, SamTrans and San Francisco MUNI. SamTrans acts as the operator of the service on behalf of the JPB. On an average weekday, Caltrain operates 92 trains - including 22 Baby Bullet trains, which provide limited stop service along the corridor.

**SamTrans** — San Mateo County Transit District (SamTrans) provides bus service in San Mateo County, including connections at the Palo Alto Transit Center in Santa Clara County.
Dumbarton Express Bus (DBE) — VTA is a member of a consortium including Alameda-Contra Costa Transit District (AC Transit), BART and Union City Transit. This group is responsible for funding and overseeing the operation of the Dumbarton Bridge (DB) weekday express bus service. The service links the Union City BART station in Alameda County to the Palo Alto Transit Center.

AC Transit Service — Alameda-Contra Costa Transit District (AC Transit) provides bus service within Alameda County and provides connections to VTA transit facilities in Milpitas, providing connections to VTA’s LRT and local buses at the Great Mall Transit Center.

Highway 17 Express Bus Service — VTA and the Santa Cruz Metropolitan Transit District (SCMTD) jointly fund and oversee the operation of the Highway 17 Express bus service between the cities of Santa Cruz and Scotts Valley, and downtown San Jose.

Altamont Commuter Express (ACE) — The Altamont Commuter Express rail service is overseen by a Joint Powers Authority created by the Alameda County Congestion Management Agency, VTA, and the San Joaquin Regional Rail Commission. ACE service extends approximately 85 miles from Southern San Joaquin County through the Tri-Valley area and Alameda County to Santa Clara County’s Great America, Santa Clara University and San Jose Diridon stations. The service operates four round trips daily during the weekday peak commute periods. The trains operate in the peak direction only, originating in Stockton during the morning peak period and leaving San Jose Diridon Station during the evening peak period. Eight ACE Shuttle routes, operated by VTA, provide “last mile” connections from the Great America station to destinations throughout northern Santa Clara County.

Capitol Corridor Intercity Rail Service — Capitol Corridor is 170 mile commuter rail service that links Sacramento, Oakland and San Jose (Santa Clara/Great America and San Jose Diridon). The service is managed by BART and VTA is a member of the Joint Powers Board, which oversees the service. The Capitol Corridor intercity rail service provides seven daily round trips from Sacramento via Oakland to San Jose and additional daily round trips from Sacramento to Oakland with connecting
motorcoach bus service to San Jose.

PLANNED TRANSIT IMPROVEMENTS

There are a number of transit improvements and capital projects planned within Santa Clara County in the coming years. The following is a description of several planned improvements. This section is not meant to be an exhaustive list, but rather to highlight key projects in the planning and/or design stages.

**Light Rail Efficiency Project** — VTA’s “Light Rail Efficiency Project” is advancing a series of capital improvements and service changes that were recommended in the 2010 Light Rail Improvement Plan. These changes are necessary to support anticipated growth in the county, including increased density in key areas identified by local governments, as well as the opening of the San Francisco 49ers Levi’s Stadium, and the extension of BART service to Silicon Valley. Investment in these capital improvements and new service will enable VTA to meet increased ridership demand and improve the system for current riders. Current modeling projects demonstrate that these changes, when fully implemented, will result in travel time savings of as much as 20 - 30% between key origins and destinations.

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
- Constructing a Pocket Track in Santa Clara in the vicinity of the new Levi’s Stadium
- San Jose track improvements
- System-wide speed and reliability improvements

The first two projects are advancing towards construction in 2014.

**Bus Rapid Transit** — Bus Rapid Transit (BRT) refers to a combination of improvements, technologies, and transit priority measures designed to provide faster, more efficient service than standard bus transit while still using rubber-tired vehicles. VTA’s Rapid 522 is a first phase of BRT implementation in Santa Clara
County, and features limited stop service on El Camino Real, The Alameda, Santa Clara Street and King Road between Palo Alto and the Eastridge Shopping Center in San Jose.

VTA prepared a BRT Strategic Plan, adopted in May 2009, which outlines VTA’s plan for BRT service and describes this unique transit mode, the process for selecting the BRT alignments, and the proposed operating and capital infrastructure components of the project. The Plan studied six corridors in Santa Clara County for possible BRT implementation and ultimately recommended three of the six corridors for near-term implementation – Santa Clara-Alum Rock, El Camino Real, and Stevens Creek.

VTA will begin construction on the Santa Clara-Alum Rock BRT project in 2013 and anticipates that it will start operating from Downtown San Jose to the Eastridge Transit Center in early 2015. VTA is also currently beginning the environmental analysis of project alternatives for BRT along El Camino Real on the current Rapid 522 route, scheduled to begin operation in 2018. VTA is also engaged in conceptual engineering on upgrading the Limited 323 service along Stevens Creek Boulevard and West San Carlos to full BRT operation.

**BART Silicon Valley** – VTA has partnered with BART to develop an extension of the rail system which would extend between Fremont and Santa Clara via Milpitas and San Jose. The planned 16.1-mile extension of the BART system would operate along the existing railroad alignment south of the planned BART Warm Springs Station in Fremont, continue in a tunnel through downtown San Jose, and end near the Santa Clara Caltrain Station. The BART extension from Fremont to Warm Springs is now under construction; this 5-mile extension is planned to be complete by 2015. The extension from Warm Springs to Santa Clara County will be delivered in two phases. The first phase of the extension, from Warm Springs to Berryessa, broke ground in 2012 and is expected to be complete by 2018. The remaining section in the BART to Silicon Valley project is the 6-mile link from Berryessa to Downtown San Jose, Diridon Station, and the Santa Clara station near the Mineta San Jose International Airport. This section includes 5 miles of tunnel construction.

**High Speed Rail** – VTA is also coordinating with the State High Speed Rail Authority. This service is termed ‘BRT 1’ in VTA’s *Service Design Guidelines*. 
HSRA) their efforts to develop high-speed rail service from Southern California to San Francisco. VTA’s stake in High Speed Rail (HSR) comes in several areas:

- VTA will work with the HSRA, the JPB and local cities on planning and engineering studies defining capital improvements in the alignment and an ultimate corridor “footprint”.
- VTA will work with the JPB and local cities on specific HSR projects, such as grade separations, impacting local road systems and the rail alignment.
- VTA will work with cities on station area land use issues.

**Caltrain Electrification Tamien to San Francisco** – This project provides improvements to support a blended HSR/Electrified Caltrain rail system from the Transbay Transit Center to the Tamien station. The blended system coordinates the development and operation of high speed rail with Caltrain passenger service on the existing two track configuration. These investments will realize early implementation of modernized electrified Caltrain service by 2019, reduce noise and air pollution, minimize impacts on surrounding communities, reduce project costs, and expedite the implementation of high speed rail in 2029.

**CMP BICYCLE NETWORK**

The final element of the CMP Transportation System is the CMP bicycle network, illustrated in Figure 1.4. Bicycles play a significant role in the transportation system. They provide direct transportation as well as access to transit services. Therefore, while not a requirement of the CMP Statute, VTA has included a bicycle network as part of its CMP Transportation System.

In 2008, VTA adopted an updated Santa Clara Countywide Bicycle Plan (CBP). The update included additions to the Cross County Bike Network, an intermodal trail system, and identified barriers to bicycle route connectivity such as freeways and railroad tracks, which require improvements. The information was used to create a master list of projects needed to complete the Cross County Bicycle Corridors and the Across Barrier Connections (ABC’s). The Countywide Bicycle Plan established 24 cross-county bicycle corridors, which form the CMP bicycle network. The 24 cross-county bicycle corridors are shown in Table 1.1 and Appendix D.
The 2008 Countywide Bicycle Plan formed the basis for the bicycle projects considered for VTP 2035. The Bicycle Expenditure Plan (BEP), the financially constrained bicycle element of the VTP, was updated to reflect the projects identified for funding by the BEP between 2005 and 2035. Projects that were completed on the BEP list were removed and the BEP allocations to all uncompleted were reevaluated and new cost estimates prepared.

VTA remains committed to providing direct and convenient bicycle trips within the 24 cross-county bicycle corridors. Over the coming years, VTA intends to update the Countywide Bicycle Plan and include improvements to the bicycle corridors in the next Valley Transportation Plan (VTP 2040) for the twenty-five-year planning timeframe.
### TABLE 1.1 | CROSS COUNTY BICYCLE CORRIDORS

<table>
<thead>
<tr>
<th>Corridor</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corridor 1</td>
<td>Highway 101 Corridor from San Mateo County to San Benito County</td>
</tr>
<tr>
<td>Corridor 2</td>
<td>Alma Street/Caltrain Corridor from San Mateo County to Santa Clara</td>
</tr>
<tr>
<td>Corridor 3</td>
<td>Dumbarton – East/West Connector Corridor from North Palo Alto to Los Altos</td>
</tr>
<tr>
<td>Corridor 4</td>
<td>El Camino – Grand Boulevard Corridor from San Mateo County to Downtown San Jose</td>
</tr>
<tr>
<td>Corridor 5</td>
<td>Shoreline – Miramonte/El Monte Corridor from Mountain View to Downtown San Jose</td>
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<tr>
<td>Corridor 6</td>
<td>Tasman/Alum Rock Light Rail Corridor from Mountain View to East San Jose</td>
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<tr>
<td>Corridor 7</td>
<td>Old Highway 9 Corridor from North Sunnyvale to Los Gatos</td>
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<tr>
<td>Corridor 8</td>
<td>Homestead/Hostetter/Brokaw Corridor from Southern Los Altos to Northeast San Jose</td>
</tr>
<tr>
<td>Corridor 9</td>
<td>Wolfe Road/Borregas Corridor from Sunnyvale to Saratoga</td>
</tr>
<tr>
<td>Corridor 10</td>
<td>North of Highway 280/Stevens Creek Boulevard Corridor from the Cupertino to Northern East San Jose</td>
</tr>
<tr>
<td>Corridor 11</td>
<td>Calabazas Creek/Winchester Boulevard Corridor from Sunnyvale to Los Gatos</td>
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<tr>
<td>Corridor 12</td>
<td>South of Highway 280 Corridor form Cupertino to Hillview, East San Jose</td>
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<tr>
<td>Corridor 13</td>
<td>Bowers/Kiely/Saratoga Corridor from Northern Santa Clara to Skyline Boulevard</td>
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<tr>
<td>Corridor 14</td>
<td>Campbell/Curtner/Tully Corridor from Cupertino/Saratoga to Eastridge</td>
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<tr>
<td>Corridor 15</td>
<td>Valley Fair to Santa Teresa Corridor from Downtown Santa Clara to San Benito County</td>
</tr>
<tr>
<td>Corridor 16</td>
<td>Blossom Hill Road Corridor from Saratoga to Southeast San Jose</td>
</tr>
<tr>
<td>Corridor 17</td>
<td>Highway 880/Highway 680 from Alameda County to Los Gatos</td>
</tr>
<tr>
<td>Corridor 18</td>
<td>San Martin East – West Corridor from Uvas Road to the East Side</td>
</tr>
<tr>
<td>Corridor 19</td>
<td>Highway 880 Corridor from Alameda County to Downtown San Jose</td>
</tr>
<tr>
<td>Corridor 20</td>
<td>Coyote Valley/Uvas Reservoir Corridor from South County to Highway 152</td>
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<td>Corridor 21</td>
<td>Highway 680 Corridor to Silver Creek from Alameda County to South San Jose</td>
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<td>Corridor 22</td>
<td>Highway 152 Corridor from the Santa Cruz County Line to Merced County Line</td>
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<td>Corridor 23</td>
<td>Eastern South Valley Corridor from Morgan Hill to Gilroy</td>
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<td>Corridor 24</td>
<td>Ridge Line Corridor from Los Gatos to Mount Madonna</td>
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</table>
This chapter describes VTA’s Congestion Management Program (CMP) traffic level of service standards. It includes the following five sections:

- CMP Traffic Level of Service Standards
- Traffic Level of Service Evaluation Techniques and Guidelines
- CMP Roadway System Level of Service
- CMP Traffic Level of Service Conformance Exclusions
- Compliance and Conformance

**CMP TRAFFIC LEVEL OF SERVICE STANDARDS**

Traffic Level of Service (LOS) describes the operations of roadway segments or intersections in terms of vehicle speed, volume and capacity, freedom of movement, traffic delay, comfort, convenience and safety. LOS measurements are given by letter designations, from A (least congested) to F (most congested). For the purpose of congestion monitoring and management, the CMP statute requires CMAs to develop a minimum LOS standard for CMP Network roadways. The CMP statute states that “In no case shall the LOS standards established be below the level of service E or the current level, whichever is farthest from level of service A.” Thus, the statutes also allow for grandfathered CMP System facilities that were operating at LOS F during the baseline year to remain at LOS F.

The LOS standards for Santa Clara County were established in October 1991. The minimum level of service is LOS E, except for facilities grandfathered in at LOS F. Member Agencies (the cities and County of Santa Clara) must work to make sure that their CMP roadways operate at or better than the minimum LOS standard or face losing gas tax subventions. In Santa Clara County, the performance of the CMP facilities is monitored at a minimum every two years. If the minimum level of
service cannot be maintained on a CMP roadway, Member Agencies must develop multimodal improvement plans to address the congestion. For complete descriptions of the LOS grading scales for the CMP Roadway Network refer to Appendix E.

Baseline trips were defined as the total number of vehicles trips for existing year 1991 traffic plus new trips generated from all approved projects. The baseline traffic LOS is the point of comparison for determining conformance with the CMP traffic LOS standard. Approved project traffic was included in the 1991 baseline to ensure that all traffic which would be added to CMP roadways was included in the analysis and to ensure that development projects that had received final land use approval would not penalized by the CMP. Existing 1991 data and any anticipated project traffic data were provided by Member Agencies.

The VTA CMP traffic LOS standards consist of the following:

1. The basic standard is LOS E. This standard applies across the CMP roadway network, including freeways, urban arterials, County Expressways, and rural highways.

2. Facilities that have a baseline (1991) LOS F for the AM or PM peak period are defined as “grandfathered” and are allowed to remain at LOS F. These facilities are listed in Tables 2.1 and 2.2 and shown in Figures 2.1, 2.2, and 2.3 below. It is important to note these facilities are not exempt from California Environmental Quality act (CEQA) and the National Environmental Protection Act (NEPA) review requirements when applicable.

The intent of the CMP Traffic LOS standard is to establish a set of guidelines that support a sustainable multimodal transportation system in Santa Clara County. The Traffic LOS standard is intended to be used in concert with multimodal performance measures and other evaluation criteria when analyzing development projects, plans, or transportation improvement projects. Finally, it is important to emphasize that local land use and mitigation decisions can be made based on a higher LOS standard if established by a Member Agency.
### TABLE 2.1 | FREEWAY SEGMENTS AT LOS F IN EITHER 1991 BASELINE PERIOD

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<th>CMP ID</th>
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<th>From/To</th>
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### TABLE 2.1 | FREeways SEgments AT LOS F IN EITHER 1991 BASELINE PERIOD (CONTINUED)

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FIGURE 2.1 | FREEWAY SEGMENTS OPERATING AT LOS F IN THE 1991 BASELINE AM PEAK PERIOD

FIGURE 2.2 | FREEWAY SEGMENTS OPERATING AT LOS F IN THE 1991 BASELINE PM PEAK PERIOD
### TABLE 2.2 | INTERSECTIONS OPERATING AT LOS F IN THE 1991 BASELINE PM PEAK PERIOD

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CHAPTER 2 | TRAFFIC LEVEL OF SERVICE ELEMENT

TABLE 2.2 | INTERSECTIONS OPERATING AT LOS F IN THE 1991 BASELINE PM PEAK PERIOD (CONTINUED)

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TRAFFIC LEVEL OF SERVICE EVALUATION TECHNIQUES

In addition to adopting a Level of Service standard, the CMP statute requires that a uniform methodology be used to evaluate LOS on CMP System roadways. As part of the 1991 CMP development, the Technical Advisory Committee evaluated various level-of-service techniques and recommended that the Santa Clara County CMA use methodologies described in the 1985 Highway Capacity Manual (HCM) to evaluate LOS. In 1997, the CMA updated the Traffic LOS Analysis Guidelines to evaluate freeway and rural highways based on methodologies described in the 1994 HCM. The Traffic LOS Analysis Guidelines were again updated in 2003 to incorporate the changes made in the 2000 HCM.

In December 2010, the 2010 edition of the Highway Capacity Manual was re-
leased. HCM 2010 contains minor modifications to the methodologies for calculating automobile LOS on roadways, and also introduces new methodologies for evaluating level of service for non-auto modes including pedestrians, bicycles and transit. From 2011 to 2013, VTA staff engaged in an extensive program of testing, education and outreach on the new multimodal performance measures included in HCM 2010. Based on these activities as well as input from Member Agency staff, VTA staff concluded that the measures are not ready to be required for all CMP analysis, but could provide valuable information in certain cases, such as for development projects that propose changes to street geometry. For more information on HCM 2010 Multimodal Level of Service and other multimodal performance measures, see Chapter 3.
The CMP has two methods for monitoring the level of service of the CMP roadway network:

1. The CMP Monitoring and Conformance Report — An periodic study that collects level of service and travel time data on CMP roadways as well as land use approval data by Member Agencies.

2. Transportation Impact Analysis Requirement — The CMP requires cities and the County to prepare a transportation impact analysis (TIA) that documents the impacts new developments would have on the CMP roadway network (as well as other parts of the transportation system) and the transportation improvements required to mitigate these impacts.

**CMP LEVEL OF SERVICE METHODOLOGIES**

The following section outlines specific LOS methodologies used in the VTA’s CMP. The Traffic LOS Analysis Guidelines of the CMP Technical Standards and Procedures include more technical information on LOS measurement.

**Urban Arterials** — The 2000 HCM intersection analysis operations methodology, which is based on Average Control Delay, is used to monitor LOS on urban arterials (this includes expressways and principal arterials).

**Freeway Segments** — The CMP monitors over 150 miles of freeways in Santa Clara County. Beginning in June 2003, the County adopted density as the standard for monitoring traffic conditions and traffic impacts due to new developments. For six years prior to 2003, from 1997 to 2003, the CMP used travel speed as the criteria for monitoring traffic conditions and before 1997 floating vehicle techniques were used to collect the travel speed data needed to monitor freeway operations. In addition to the travel speed data, mainline freeway traffic counts were manually collected for HOV and mixed-flow lanes at six freeway gateway locations.

Since 1997, the CMP Monitoring and Conformance Program has used aerial photography to collect a comprehensive set of data for every freeway segment during the AM and PM peak periods. The information available from the aerial photography includes traffic density, as well as estimated travel speed and flow rates on freeway segments. From the aerial photographs, density is directly measured by...
counting vehicles on the freeway segments. Travel speeds and flow rates (or traffic volumes) are estimated using classic density-speed-volume equations calibrated for Santa Clara County conditions. Beginning in 2013, VTA will evaluate new methodologies for freeway data collection, such as Big Data (see Chapter 8, footnote 1 for definition). Big Data could potentially provide more reliable data for a lower cost than the aerial photography methodology. As part of the 2013 Monitoring and Conformance Report, the results of several data collection methodologies will be compared side-by-side to determine the best way to make this transition. See Chapter 8 for more details.

For purposes of transportation impact analysis, freeway segments are evaluated based on the procedures of the 2000 HCM. As described in Chapter 1 of the Traffic LOS Analysis Guidelines, the determination of LOS for freeway segments is based on density. Transportation modeling is used to evaluate long-term traffic operations near proposed new development projects.

Rural Highways — Chapter 20 of the 2000 HCM is used to evaluate LOS on rural highways. This method is based upon percent time spent following (PTSF) other vehicles and average travel speed. VTA collects data for these facilities as part of its CMP Monitoring and Conformance process. The same methodology is used for evaluating operation of rural highways in transportation impact analysis.

**CMP ROADWAY NETWORK LEVEL OF SERVICE**

The CMP Monitoring and Conformance Report summarizes the Level of Service for the CMP Roadway network. The 2012 CMP Monitoring and Conformance Report, the most recent edition released as of fall 2013, includes data from the baseline year (1991) through the year 2012. Traffic Level of Service data is presented for the three types of roadway facilities included in the CMP roadway network: arterial roadways (CMP intersection data), freeways, and rural highways.

A brief summary of the results from the 2012 report is provided below.
CHAPTER 2 | TRAFFIC LEVEL OF SERVICE ELEMENT

ARTERIAL ROADWAYS (CMP INTERSECTIONS)

Traffic LOS data was most recently collected and evaluated by Member Agencies in the fall of 2012. In 2012, there were three CMP intersections that operated below the CMP level of service standard. Two intersections, Page Mill Road/Oregon Expressway at Foothill Expressway and Montague Expressway at McCarthy Boulevard/O’Toole Avenue operated at LOS F, but are exempt from meeting level of conformance requirements due to operating at LOS F under 1991 baseline conditions. One intersection, Central Expressway & De La Cruz Boulevard, has been operating at LOS F since 1996, prior to which it was operating at LOS E.

CMP intersection monitoring began in 1991 and found 40 intersections operating at LOS F, comprising 17 percent of the total intersections monitored and establishing the basis for LOS exemption of these intersections. In 2012, only 1 percent of CMP intersections operated at LOS F.

Table 2.3 shows the percentage breakdown by level of service for all CMP intersections since 1991. The detailed listing of LOS levels at each CMP intersection is included in the 2012 Conformance and Monitoring Report.

FREEWAYS

Traffic LOS data was most recently collected and evaluated in the fall of 2012. In 2012, 149 mixed flow freeway segments (out of 270 total segments) operated at LOS F in either the AM or PM peak periods. This means 147 directional miles (out of 310 directional miles) and 408 lane miles (out of 860 lane miles) operated at LOS F at some point during the day. Of the 85 AM and 74 PM freeway segments that operated at LOS F, 26 AM and 23 PM freeway segments operated at LOS F in 1991 and are considered to be “grandfathered” or exempt from meeting LOS standard of LOS E. The remaining 59 AM and 51 PM freeway segments are considered deficient and amount to 175 deficient lane miles in the AM period and 128 deficient lane miles in the PM peak period.

During the 2012 AM peak period, 85 freeway segments, with a combined length of 85 miles operated at LOS F. This translates to 237 lane miles operating at LOS F during the AM peak period – an increase from 2011 when 75 freeway segments...
### TABLE 2.3 | CMP INTERSECTION LEVEL OF SERVICE BY PERCENTAGE, 1991 - 2012

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operated at LOS F totaling 75 directional miles/202 lane miles.

During the 2012 PM peak period, 74 freeway segments, with a combined length of 70 miles operated at LOS F. This amounts to 194 lane miles during the PM peak period. This is a slight decrease compared to 2011, when 75 freeway segments operated at LOS F and counted 71 directional miles/202 lane miles.

Figures 2.4 and 2.5 show the Traffic LOS on the freeway system in 2012 for the AM and PM Peak Periods, respectively. The detailed listing of LOS levels for each freeway segment is included in the 2012 Conformance and Monitoring Report.

### RURAL HIGHWAYS

Traffic counts were conducted at the 12 rural highway locations during the fall of 2012. The 2000 HCM procedure was then used to measure the time-spent following and average travel speed, with appropriate inputs for peak hour and peak 15 minute traffic volumes, the percentage split between the two directions of traffic, the percentage of trucks in the traffic flow, and the type of terrain.

All 12 rural highways operated at LOS E or better in 2012. Two locations recorded minor changes in LOS in 2012 compared to 2010: SR 35 north of SR 9 degraded from LOS A operations in 2010 to LOS B operations in 2012; and SR 9 south of Big Basin improved from LOS E operations in 2010 to LOS D operations in 2012. One rural highway, Saratoga-Sunnyvale Road north of Big Basin, saw a dramatic improvement from LOS E in 2010 to LOS A in 2012, because this highway was im-
FIGURE 2.4 | 2012 FREEWAY MIXED FLOW LEVEL OF SERVICE IN AM PEAK PERIOD

FIGURE 2.5 | FREEWAY MIXED FLOW LEVEL OF SERVICE IN THE PM PEAK PERIOD
proved from two-lane operations to four-lane divided operations. LOS conditions for all other segments remained the same. Table 2.4 shows the rural highway level of service and vehicle volumes from 1991 through 2012.

**CMP TRAFFIC LEVEL OF SERVICE CONFORMANCE EXCLUSIONS**

The CMP legislation excludes certain types of traffic and situations from the determination of conformance with CMP traffic LOS standards (California Government Code Section 65089.4 (f), provided in Appendix J of this document). Exclusions can include traffic caused by interregional travel, construction, ramp metering, traffic signal coordination, and traffic generated by certain types of land use development. The VTA CMP Traffic Level of Service Analysis Guidelines contains complete information on how each of these exclusions is to be addressed in a TIA.

While the traffic problems caused by these situations are technically exempt under statute, local jurisdictions should try to develop solutions for congested roadway facilities to improve traffic conditions on the CMP System. VTA will assist Member Agencies in the effort. In addition, it is important to note that although these projects or situations are exempt from CMP standards, these exemptions do not always apply to the CEQA process.

**COMPLIANCE AND CONFORMANCE**

To be in conformance with the VTA Congestion Management Program, Member Agencies are required to monitor and submit a report on the level of service on CMP intersections within their jurisdiction biennially. Intersections LOS must be calculated using software and procedures that are compliant with CMP adopted standards. Beginning with the 2012 Monitoring cycle, VTA conducts the monitoring and LOS analysis for CMP intersections on behalf of the Member Agencies.

VTA is responsible for monitoring the performance of CMP freeways and rural highways. VTA must also determine consistency with the LOS standards for the entire CMP roadway network. If a roadway segment is not conforming to the LOS standards based on the monitoring process, the affected local jurisdiction will be notified, and may elect to remedy the LOS problem or prepare a deficiency plan.
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This chapter presents the CMP Multimodal Performance Measures Element. The CMP statute was amended in 1994 (Assembly Bill (AB) 1963, Katz: Chapter 1146, Stats 1994) to require that the CMP include multimodal transportation system performance measures. AB-1963 also deleted the previous requirement for transit standards.

This chapter is divided into the following sections:

• Background
• Development of Multimodal Performance Measures
• VTA Evaluation of HCM 2010 Multimodal Level of Service Measures
• VTA CMP Multimodal Performance Measures
• Use of Multimodal Measures in CMP Elements
• Compliance and Conformance

BACKGROUND

How a problem is defined often leads to how it is solved; and how a problem is defined is frequently a function of its measurement. Transportation problems are traditionally defined in terms of congestion at specific locations (measured in terms of traffic level of service—or LOS), and traffic solutions are typically developed to reduce congestion at these specific locations to improve traffic LOS.

However, the solutions that improve traffic LOS may simply shift congestion to another location, not necessarily improving the operation of the overall transportation system. Therefore, while traffic delay on a single roadway may be reduced, overall travel times may not be significantly affected. Over reliance on traffic LOS as a measure of congestion can lead to ineffective choices in capital improve-
ment programs or land use decisions, and can contribute to sprawl or have other unintended consequences. Similarly, solutions designed to improve traffic LOS may adversely impact pedestrian and bicycle travel, for example by widening streets and crossing distances or by eliminating bike lanes at the intersection approach to provide a right-turn only lane. These problems illustrate that Santa Clara County cannot build its way out of congested conditions. Instead, a balanced program of improvements beyond typical physical infrastructure – such as changes to land use development policies and pricing policies that discourage reliance on single-occupant vehicles – is needed to address transportation issues in the coming years.

The Multimodal Improvement Plan process recognizes the inability of facility-based LOS evaluation to measure the performance of the overall transportation system and recognizes the need for implementing alternative actions in solving transportation problems. Performance measures are important tools in addressing transportation problems and developing alternative transportation solutions because they provide an indication of how well the transportation system serves the traveling public. If multimodal transportation solutions are envisioned, then multiple multimodal performance measures are essential analytic tools.

The 1994 amendment to the CMP statute requires that the CMP include multimodal transportation system performance measures, and that these be used to develop the performance element described in Section 65089 of the statute, which was amended to include a multimodal performance measure. The Government Code Section 65089 (b) states

The program shall contain the following elements:

(2) A performance element that includes performance measures to evaluate current and future multimodal system performance for the movement of people and goods. At a minimum, these performance measures shall incorporate highway and roadway system performance, and measures established for the frequency and routing of public transit, and for the coordination of transit service provided by separate operators. These performance measures shall support mobility, air quality, land use, and economic objectives, and shall be used in the development of the capital improvement program required pursuant to paragraph (5), deficiency
plans required pursuant to section 65089.4, and the land use analysis program required pursuant to paragraph (4).

Appendix K includes the technical documentation of the CMP Multimodal Performance Measures adopted by the VTA Board.

DEVELOPMENT OF MULTIMODAL PERFORMANCE MEASURES

The development of appropriate performance measures is critical to demonstrate and compare the effects of alternative transportation plans or land use decisions. Performance measures provide a common framework in which to evaluate investments and strategies that might otherwise be difficult to compare. They allow an apples-to-apples comparison, illustrating tradeoffs between the alternatives analysis and mitigation measures.

The purpose of multimodal performance measures is to evaluate how well Santa Clara County’s transportation system serves the traveling public. Individual performance measures may be applied to a specific geographic area or to a single mode type within the County. The measures can be capacity-based such as vehicle-trip or person-trip, duration based such as time or distance, or based on travel choice such as highway or transit. The results of these individual measures can be used to compare performance during a specific time period or alternative investment strategies. However, because some measures will be more sensitive to changes that are specific to a particular type of improvement, mode or time a comprehensive set of measures must be selected to capture the effects to the entire transportation system. The measures are not intended to rank projects for programming or funding purposes.

The key considerations when selecting performance measures are:

**Suitability** — Does the measure meet the goals and objectives of the plan they are evaluating?

After defining the suitability of the performance measure, it is important to determine if the following features are met:
Clarity — Is the measure understood by policy-makers, professionals, and the public?

Measurability — Is it possible to use available tools and resources to measure performance? What is the level of accuracy? Is the data reliable? Is the measure related to performance? Is it a measure of supply and demand, or both?

Forecastability — Can the performance measure be used to determine if alternatives are comparable? Can existing forecasting tools be used to measure performance?

Multimodality — Does the measure evaluate the travel modes being considered? Does it indicate meaningful tradeoffs between alternative modal investments?

Temporal Issues — Is the measure comparable over time? Is it capable of measuring the magnitude and location of temporal issues on travel demand? Can the measure differentiate between peak-period, off-peak, and daily travel demand?

Geography — Is the measure applicable to all areas of the County? Can it differentiate facility types? Can it be applied at a regional, subarea, corridor, or location specific level?

The first three criteria above: clarity, measurability, and forecastability are critical concepts that must be addressed across all performance measures. The remaining three criteria: multimodality, temporal issues and geography answer performance measure-specific questions; therefore, the degree these criteria are used will vary for each of the performance measures. As a result, some of the performance measures will be more sensitive to changes that relate to a particular type of improvement, mode choice, time of day, or place. To address each issue that affects the transportation system, a comprehensive set of performance measures must be selected.
VTA EVALUATION OF HCM 2010 MULTIMODAL LEVEL OF SERVICE MEASURES

In December 2010, the Transportation Research Board released the 2010 edition of the Highway Capacity Manual (HCM 2010). The HCM is a nationally-accepted resource that contains concepts, guidelines, and procedures for computing the capacity and quality of service of various roadway facilities, including freeways, arterial roads, signalized and unsignalized intersections, and rural highways. The 2010 edition of the HCM contains extensive new methodologies to evaluate level of service/quality of service for pedestrian, bicycle and transit modes on urban arterial roadways. One of the most significant elements introduced in HCM 2010 is a quality of service orientation in the methodologies, in which the evaluation is based on the perception of safety and/or comfort on the part of the pedestrian, bicyclist or transit rider. Previously, HCM 2000 only provided capacity-based multimodal LOS measures that result in degraded LOS scores as the utilization of the facility increases. These capacity-based measures were found to have limited applicability to the pedestrian, bicycle and transit conditions found on most streets in Santa Clara County. HCM 2010 still provides the option for the evaluator to use the previous capacity-based methodologies in high volume situations, but also provides the perception-based methodologies.

The Congestion Management Agency legislation states that “Level of service (LOS) shall be measured by Circular 212, by the most recent version of the Highway Capacity Manual, or by a uniform methodology adopted by the agency that is consistent with the Highway Capacity Manual.” This suggests that the VTA CMP should ultimately be revised to incorporate the new measures in HCM 2010. In addition, VTA has continually strived to stay true to the multimodal intent of the original CMA legislation through all its CMA activities. VTA and Member Agency staff anticipated that the new multimodal LOS measures in HCM 2010 could be useful in evaluating the benefits and impacts of development proposals and roadway projects on pedestrians, bicyclists, and transit riders, as well as drivers. Therefore, to learn more about the multimodal LOS measures and consider potential applications in Santa Clara County, VTA and its Member Agencies engaged in an extensive program of education and testing from 2011-2013.
MULTIMODAL LOS PILOT ANALYSES IN CMP MONITORING STUDIES

Beginning in fall 2011, VTA worked with its consultants, Kittelson & Associates, to incorporate a limited pilot analysis of pedestrian and bicycle LOS into its annual CMP monitoring activities. The scope of the pilot analysis included data collection in the field, aerial photo analysis, and evaluation of pedestrian and bicycle LOS using the HCM 2010 methodology. In the 2011 pilot analysis, Kittelson & Associates established baseline LOS scores at three corridors and six CMP intersections in Santa Clara County.

A second analysis was commissioned as part of the 2012 CMP Monitoring Study to analyze six additional CMP Intersections as well as hypothetical before/after studies of three potential “road diets” in Santa Clara County. A “road diet” is a modification to a roadway that removes one or more general purpose travel lanes and re-allocates that space for use by cyclists in the form of bike lanes and/or pedestrians in the form of wider sidewalks. These hypothetical road diet studies produced mixed results, which help illustrate the trade-offs involved in reallocating street space but also highlighted some of the limitations of the HCM 2010 Multimodal LOS methodologies.

VTA INTERNAL TESTING

In fall 2012, VTA initiated further internal testing of HCM 2010 methodology on select corridors and CMP intersections from the earlier pilot analyses conducted by Kittelson & Associates. The purpose of these tests was to determine the sensitivity of the pedestrian and bicycle LOS methodology to geometric changes and reallocations of existing right of way to streets, sidewalks, and intersections at select locations in Santa Clara County. These hypothetical changes were considered one at a time to isolate the sensitivity of each physical characteristic.

The corridor testing results showed that pedestrian LOS improved slightly with widened sidewalks, improved moderately to significantly with the addition of a planted buffers and continuous barriers, and was impacted in complex ways when on-street parking was removed and the widths of the outside lane, bike lane, and shoulder were changed. For bicycle LOS, the greatest changes were found when increasing the effective width of the outside lane, which is determined in HCM 2010 formulas by the combined widths of the outside through lane, bike lane, and
shoulder. These tests also highlighted the importance of consistency in baseline data collection, as in some instances VTA needed to revise the assumptions made in the original baseline research conducted by Kittelson & Associates. These instances illustrated that the HCM 2010 methodologies were open to professional judgment calls and clear standards would be needed to ensure consistent application.

VTA also conducted hypothetical tests on two CMP Intersections included in the 2011 pilot analysis. These tests considered the effects of adding additional right and left turn lanes at the intersections, which resulted in moderate degradation to pedestrian and bicycle LOS based on the increased crossing distance. The intersection tests also considered two modifications to an intersection with right turn channelizing islands. The first test, removing the islands completely, resulted in degraded LOS scores for both pedestrian and bicycle modes. The second test, creating a sidewalk bulbout to the existing location of the right turn island and narrowing the automobile right of way by removing the right turn lane, resulted in no change to bicycle LOS and a moderate degradation to pedestrian LOS. This result did not conform to VTA and member agency expectations that creating bulbouts and removing a right turn lane would improve conditions for pedestrians and bicyclists at the intersection.

**EDUCATION AND OUTREACH**

VTA has continually engaged in education and outreach on multimodal LOS both for its own staff and Member Agency staff since the publication of HCM 2010. In spring 2011, the Institute of Transportation Engineers (ITE) hosted a series of informational webinars focusing on these new multimodal methodologies, which VTA broadcast at its offices for VTA and Member Agency staff. These webinars were followed by additional presentations by VTA staff to the Systems Operations & Management (SOM) and Land Use & Transportation Integration (LUTI) Working Groups in August 2011. The consensus from discussion at these meetings was that VTA should continue to evaluate the new multimodal LOS measures and assist in educating Member Agency staff, but also that VTA should not adopt new multimodal LOS standards at this point. As a result, VTA initiated the pilot analyses and internal testing efforts described above.
VTA continued to update the technical working groups throughout the process. The results of the limited pilot analysis were presented at the March 2012 SOM Working Group meeting and joint LUTI and SOM Working Group workshop in July 2012. In October 2012, VTA held two hands-on multimodal LOS training sessions at CMP Intersections in Santa Clara County. These training sessions consisted of a field component to gather data at the intersections, followed by a computer lab session for participants to get hands-on experience entering data into software to calculate multimodal LOS. VTA staff also gave presentations the status of VTA’s testing and education on HCM 2010 Multimodal LOS to the VTA Technical Advisory Committee (TAC) and Bicycle & Pedestrian Advisory Committee (BPAC) in spring/summer 2013.

VTA AND MEMBER AGENCY OBSERVATIONS
The following is a summary of general observations on the HCM 2010 multimodal LOS measures of VTA and Member Agency staff based on the testing, education and outreach described above:

• Street modifications produce LOS changes in the direction (positive or negative) that generally aligns with the intuitive assumptions of VTA and Member Agency staff, with occasional anomalies.

• The magnitude of MMLOS changes are not as predictable as the direction, and require further evaluation.

• Proper application of HCM 2010 multimodal LOS methodologies may require consistent judgment calls and/or the development of guidelines for interpreting certain variables of street geometry.

• HCM 2010 formulas may need to be customized to adjust or disregard certain variables to bring multimodal LOS evaluations more in line with VTA and Member Agency assumptions (for example, results related to right turn islands and road diets described above). HCM 2010 explicitly states that formulas can be adjusted to reflect local conditions.

NEXT STEPS
• Based on the mixed results noted above, the potential establishment of HCM 2010 multimodal LOS thresholds in the VTA Congestion Management Program
is not likely in the near term unless new industry standards for implementation and/or revised multimodal LOS formulas are released.

- The 2013-2014 VTA Transportation Impact Analysis (TIA) Guidelines update may include guidelines for conducting an informational multimodal evaluation for projects that include modifications to roadway geometry. See Chapter 6 for more details on the TIA Guidelines update.

- VTA will continue to test and evaluate other, non-HCM multimodal evaluation measures used in the Bay Area and elsewhere. For example, staff will investigate the applicability of the Pedestrian Environmental Quality Index (PEQI) and Bicycle Environmental Quality Index (BEQI) developed and used in the City of San Francisco.

**VTA CMP MULTIMODAL PERFORMANCE MEASURES**

The 1997 CMP identified nine performance measures intended to meet specific statutory requirements unique to the CMP legislation and were developed as part of a Draft Countywide Deficiency Plan. As part of the Valley Transportation Plan 2020 (VTP 2020) and subsequently VTP 2030, VTA developed a new set of performance measures that would meet the CMP statutory requirements and took a more sensitive, effective, and efficient approach to measuring performance. In 2006 and 2007, VTA developed the Transit Sustainability Policy which identifies performance measures and thresholds for transit. The Policy ensures that investments in transit service are used efficiently and serve the corridors with the greatest transit demand.

This section describes the eleven CMP multimodal transportation system performance measures currently in use. These measures are summarized in Table 3.1, and a more technical discussion of the measures and their application can be found in Appendix J.

**TRAFFIC LEVEL OF SERVICE**

The Highway Capacity Manual defines Level of Service (LOS) as “…qualitative measures that characterize operational conditions within a traffic stream and their perception by motorists and passengers.” The terms used in describing roadway traffic LOS include speed and travel time, freedom to maneuver, comfort/convenience,
and traffic interruptions. LOS is categorized from A through F; with LOS A representing ideal conditions or free-flow travel and LOS F representing poor conditions or congested traffic flow at specific intersections or along roadway segments. Chapter 2 of this document summarizes the VTA CMP LOS standards and describes which facilities are considered to be deficient according to these standards.

LOS is a widely accepted measure of roadway and intersection performance. LOS alone is a good indicator of trouble spots in the road network. When used in

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<td>System-wide and travel markets</td>
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conjunction with other performance measures such as passenger throughput LOS can be a much more meaningful performance measure. Nevertheless, LOS has significant shortcomings. An example of this is that a singular focus on traffic LOS may encourage the belief that a significant increase in roadway, intersection or interchange capacity is the most effective mitigation measure for traffic impacts. Using other performance measures in addition to traffic LOS can help decision makers see the benefits of a wider range of improvements that encourage multimodal uses.

**MODAL SPLIT**

Modal Split shows the mode distribution (e.g., percent auto, transit, walking, etc.) to determine the effects of such projects as HOV improvements, new rail starts, bus service improvements, new bicycle and pedestrian connections, and other transportation control measures (TCM). Modal Split can be used in making programming decisions such as determining the trade-offs between highway, HOV, and transit improvements or it can be used to answer policy related questions such as measuring the effectiveness of increasing parking costs in a downtown area to encourage transit ridership.

Modal Split alone does not identify locations where problems may exist. However, when analyzed in conjunction with LOS, Modal Split provides valuable information on the state of the transportation system. If LOS improves and the non-auto mode split increases, in the absence of any other changes to the transportation system, it can be assumed that the improvement in LOS is due to a reduction in single occupancy vehicle (SOV) trips.

**VMT/PERSON-TRIP**

Vehicle Miles of Travel per Person-Trip (VMT/P-T) identifies the number of roadway vehicle miles of travel required to satisfy the mobility demand, measured in person trips. VMT/P-T is a compound performance measure, taking account of the intensity of the population’s demand for vehicle travel. When monitored over time it is an indicator of development density or urban sprawl. In addition, this measure may indicate the level of high-occupancy-vehicle (HOV) travel.

If VMT decreases relative to person trips, it may be an indication that higher
density development resulted in shorter commute trips. Conversely, an increase in VMT without an increase in person trips could indicate urban sprawl, and therefore longer commute trips.

The measure can change in several ways, for instance:

VMT/P-T will increase if:
- Jobs and housing continue to decentralize resulting in longer trips to access worksites and activities; and/or
- There is a reduction in transit or HOV mode share, and more people rely on the automobile as their primary travel mode.

VMT/P-T will decrease if one or more of these occur:
- Density increases in an existing developed area;
- Transit use increases;
- HOV use increases; and/or
- Walking and biking increases

Although VMT/P-T is not a good measure of congestion, it is a useful measure of mobility because it indicates the extent to which people must travel in vehicles to satisfy their travel needs. It is also a good measure for air quality, since it relates vehicle usage, mileage, and trip length to person trips. This measure shows the changes in travel intensity, which LOS cannot measure. Thus, it can be used to evaluate travel demand management (TDM) measures such as the benefits of providing transit and carpool incentives, auto disincentives such as VMT fees, and land use measures, such as improving the jobs-housing balance, which result in more concentrated trip patterns.

**TRANSIT ACCESSIBILITY**

For the purpose of the VTA CMP, transit service performance is measured using a local Transit Accessibility Index, which disaggregates transit performance by geographic zone. In contrast to the traditional mobility-based approach for the measurement of transit service performance, accessibility provides a place-based approach for understanding how transit service is divided between residential areas in Santa Clara County.
The Transit Accessibility Index indicates how well transit serves the population of Santa Clara County. This measure shows where changes in transit service parameters (such as headway and frequency) are required and highlights areas where new service is required through the addition or elimination of existing transit routes and stops. The accessibility index is a sophisticated tool for measuring the effects of changing land uses and densities by striking a balance between zonal travel and employment figures. Because it is tied to Traffic Analysis Zones (TAZ), the index can be used to quickly analyze and incorporate both travel demand and demographic data into any accessibility analysis.

The index is derived from travel demand model data, so its outputs are fully in line with the travel model estimations and assumptions used in the Santa Clara County’s transportation demand model. Furthermore, this method of evaluating transit accessibility encourages a systems approach to accessibility analysis through the combined estimation of multiple transit operator performance.

**AIR QUALITY**

Vehicle emissions of air pollutants are measured in tons of pollutants and are related to several factors. These factors include cold and hot starts and stops, speed changes, and idling time. The air quality performance measure is necessary for conformance with state CMP guidelines for air quality impacts.

Air Quality is measured systemwide by pollutant type during the A.M. and P.M. peak hours using the CMP transportation model and Direct Travel Impact Model 3.1 (DTIM 3.1) designed by Caltrans. The pollutants measured include Carbon Monoxide (CO), Hydrocarbons (HC), Oxides of Nitrogen (NOx), and Particulate Matter (PM).

Air Quality is a good measure of the overall external impacts of transportation system operation, but it is seldom used to diagnose specific problems such as to reveal the benefits of an efficient multimodal transportation system. While increased traffic speed and a reduction in the amount of stopping and starting reduce most emissions, oxides of nitrogen tend to increase as travel speeds increase. Therefore, it is difficult to know whether improvements in Air Quality are due to efficient modal use or other factors.
Other methods of measurement of Air Quality can be related to environmental impacts. For example, mobile source emissions analyses quantify the increase or decrease in emissions caused by automobiles, trucks, buses, trains, and other transportation modes being considered. Energy and fuel consumption measures the amount of energy required to perpetuate or operate the transportation improvement. For automobiles and buses, fuel or diesel fuel consumption could be considered, and for light and heavy rail transit, electricity could be considered. VTA is developing the Transportation Energy and Air Quality (TEAQ) Program to address some of these issues.

**DURATION OF CONGESTION**

Duration of Congestion measures the length of time that particular freeway sections are subject to congested conditions. This is a measure of peak spreading, and it provides a good way of showing the length of time congested traffic conditions persist. When travel demand begins to exceed capacity, travelers have four possible ways to avoid the congestion:

1. Shift modes
2. Choose not to travel (e.g. telecommute)
3. Take alternative routes
4. Travel at less congested times

The first three options will not directly affect the Duration of Congestion; however, if travelers choose to shift travel to less congested times, the duration of congestion will increase over a longer period.

Several of the performance measures previously discussed look at the intensity of activity on the transportation system. Duration of Congestion, on the other hand, is an auto-oriented performance measure typically used on highway segments and arterial streets. Duration of Congestion can be affected by changes in travel demand (such as congestion pricing, land-use policies that result in shorter trip patterns, and mode shifts) or changes in transportation capacity (adding highway lanes, improving intersections, increasing transit infrastructure, and using ITS strategies).
HOURS OF DELAY PER PERSON-TRIP

This measure identifies the system-wide hours of delay commuters experience due to congestion on the transportation system. It is generally measured for private vehicle users including SOV and HOV, but can also be used to measure transit or other modal usages. Delay is generally determined by comparing travel time on the roadway facilities during peak/congested conditions with off-peak/uncongested conditions. Dividing delay by person-trips accounts for the changes associated with population and job growth.

Delay tends to be more sensitive to mitigation efforts than LOS. For example, consider an intersection that is currently operating at LOS F with a delay of 90 seconds. An action (or group of actions) could improve the delay to 65 seconds, but LOS would remain LOS F.

Hours of Delay/Person Trip is a good supporting performance measure for freeway/expressway ramp and intersection improvements since most of the delays occur in queuing and stop-and-go situations. Hours of delay can be a good indicator of the effectiveness of adding roadway and transit capacity to a travel market or system-wide. It is also a good indicator for system management projects such as ramps metering and signal timing.

TRAVEL TIME AND TRAVEL TIME INDEX

Travel Time is measured for the selected travel markets for a base year and some future year. The difference indicates the change in congestion over time. Travel Time can be a more intuitive measure of mobility than delay because the traveling public thinks more about how long a trip takes than how long they have to wait in traffic.

The Travel Time Index reports the average travel time across modes. The index compares Travel Time over different years, between different alternatives, and between different modes. The strength of this measure is its ability to show the differences in point to point travel time by mode. Therefore, it is an effective measure to use for transit projects as well as roadway improvements.
TRANSIT SUSTAINABILITY POLICY

The Transit Sustainability Policy (TSP) is a ridership-based policy adopted by the VTA Board of Directors in February 2007 that provides a framework for the efficient and effective expenditure of transit funds, and for realizing the highest return on investment in terms of public good and ridership productivity. It is intended to assist the Board of Directors with its decision-making process by making available the most complete information possible regarding options, costs, benefits, and trade-offs of various transit projects and service proposals prior to a selection of mode and funding decisions.

The TSP implementation framework is comprised of three sections, one being the Service Design Guidelines (SDGs). These guidelines were developed to measure the performance of VTA’s transit service. The Service Performance standards, as defined in VTA’s Service Management Plan, are the primary criteria for the TSP evaluation and recommendation process and are applied to transit service changes, existing service performance, implementation of new transit lines and capital transit projects. In the case of existing services, the performance measures are used to identify underperforming lines and help form the recommendation for system improvement. In the case of new service, the standards are used to develop recommendations for service refinements, modal alternatives and/or system implementation. The performance measures include the following:

- **Primary Standard.** The primary standard uses the Average Boardings per Revenue Hour. This standard applies to Community Bus, Local Bus, BRT and Light Rail (LRT).
- **Secondary Standard.** The secondary standard uses Average Daily Boardings per Station for BRT, LRT and Commuter Rail and the Average Boardings per Mile for BRT and LRT.
- **Express Bus Standard.** The Express Bus standard is 60% of the seated vehicle loading capacity.

This performance measure can be used as a supplemental measure to identify how transit lines are performing. An improvement plan can be implemented for those station areas or routes that perform below standard. However, if they continue to fall below the TSP standard, the station area or route may be subjected to station closure or route termination. Service enhancements made as a result of the evalu-
CHAPTER 3 | MULTIMODAL PERFORMANCE MEASURES ELEMENT

Ation may improve the percent transit mode split and route VMT/P-T.

TRAVEL PATTERN (IN PERSON TRIPS)
Travel Pattern measures the balance between people and activities such as employment, recreation, and shopping. It is evaluated in terms of person trips, which provides a measure of mobility; increasing person trips indicates increased mobility. The Bay Area and Santa Clara County are divided into several subareas; travel patterns are used to capture the travel demand and growth projection, in terms of person movements, among these subareas.

USE OF TRANSPORTATION IMPACT ANALYSIS GUIDELINES
A Transportation Impact Analysis (TIA) is required for all projects that generate 100 or more net new automobile trips in either the morning or afternoon peak periods. As such, the guidance for analysis in VTA's TIA Guidelines plays an important role in shaping the way transportation impacts are analyzed, reported and mitigated in Santa Clara County. Over the 2013-2014 time period, VTA will update the TIA Guidelines, with the goal to encourage more meaningful multimodal analysis and to make the CMP better reflect the goals of Senate Bill 375, the regional and countywide long range transportation plans, and local General Plans and policies. See Chapter 6 for more details on the TIA Guidelines update.

USE OF MULTIMODAL MEASURES IN CMP ELEMENTS
The CMP statute requires that the multimodal transportation system performance measures be used to prepare the CMP Capital Improvement Program (CIP), the Land Use Analysis Program, and Multimodal Improvement Plans. At this point, the multimodal transportation performance measures are not used to determine Member Agency conformance with the CMP. Additionally, Member Agencies are not currently required to use the performance measures in their evaluation of land-use development proposals, general plans/general plan amendments, or specific plans. However, multimodal performance measures may be useful in implementing alternative mitigation measures associated with creating pedestrian and transit-friendly development patterns as promoted in VTA’s Community Design and Transportation (CDT) Program, and as pursued by Member Agencies in meeting their own development goals. VTA, in consultation with its Member Agencies, will
consider the possibility of incorporating the new multimodal LOS measures from HCM 2010 or other multimodal measures, in the CMP TIA Guidelines or in CMP conformance over the coming years.

VTA plans to use the multimodal performance measures described in this chapter in the development of the capital projects for the Countywide Transportation Plan, Capital Improvement Program, Land Use Analysis Program, and Multimodal Improvement Planning. In addition, as part of the TSP, VTA can use the information obtained from evaluating existing and proposed transit service to identify transit service productivity. In cases where capital investments in the transit line have already been made, it is the policy of VTA to increase ridership on these lines by working with cities to improve surrounding land uses and develop supporting policies. The following is a summary of the applicability of these measures to each of these programs:

**Countywide Transportation Plan** — VTA used the performance measures in the development of its long-range countywide transportation plan for Santa Clara County, Valley Transportation Plan (VTP2035). VTP2035 includes an analysis of two scenarios (a) a year 2005 baseline, and (b) baseline plus project that includes the program of projects outlined in the plan including the 2000 Measure A projects. These performance measures were used to evaluate the systemwide effects of the two alternatives. A similar analysis will be calculated for the VTP2040 planning process.

**Land Use Analysis Program** — The performance measures will serve to evaluate the cumulative effects of land use changes on the CMP Transportation System. Each year, land use data is collected and the countywide land use database is updated. The countywide transportation model will be used to calculate the performance measures which will be compared to performance measures for previous land use conditions. This comparison will be particularly useful as data is collected over the long term.

**Multimodal Improvement Plans** — The performance measures may be used to evaluate the alternative packages of improvements and actions considered for Multimodal Improvement Plans. While state law requires the application of
performance measures to local Multimodal Improvement Plans, these particular measures may not be meaningful when applied to small geographic areas. Therefore, for deficiencies that occur on principal arterials located on the CMP System, the jurisdiction in which the deficiency occurs will be responsible for preparing a Multimodal Improvement Plan, which includes level of service as a performance measure and may propose other performance measures. The proposed performance measures must be approved by the VTA Board before the Multimodal Improvement Plan can be approved.

**COMPLIANCE AND CONFORMANCE**

VTA is responsible for collecting transportation performance measurement data for use in the countywide transportation plan, land use analysis, Multimodal Improvement Plans, and the CIP.
This chapter describes the Congestion Management Program (CMP) Transportation Demand Management Element. Throughout this chapter, the term Transportation Demand Management (TDM) will be used to refer to the series of trip reduction programs that are included in the Travel Demand Management Element.

The chapter is divided into the following sections:

• A Definition of Transportation Demand Management
• TDM and Automobile Trip Reduction
• TDM and Legislation
• Categories of TDM Strategies
• TDM Programs that VTA Implements
• Funding for TDM Programs
• Compliance and Conformance

A DEFINITION OF TRANSPORTATION DEMAND MANAGEMENT

“Transportation Demand Management or TDM refers to various strategies that change travel behavior (how, when and where people travel) in order to increase transport system efficiency and achieve specific planning objectives.” (Victoria Transportation Policy Institute, 2010)

Transportation Demand Management programs range from simple marketing efforts, such as promoting ridesharing, to more complex public policies, such as developing site-design guidelines or parking pricing programs. These programs are designed to improve the overall level of service on the CMP System through trip elimination, mode shifting, time shifting, or trip linking. To be successful, TDM programs must not only encourage ridesharing, transit, cycling, and walking, but
also provide real alternatives to single-occupant vehicle trips.

**TDM AND AUTOMOBILE TRIP REDUCTION**

TDM programs play an important role in reducing automobile trips generated by new development. The goals of TDM strategies can vary from eliminating trips altogether (e.g. telecommuting, trip linking), shifting trips from single-occupancy-vehicle to other modes (carpool, transit, walking, bicycling), or shifting trips away from the most congested routes and times of the day. All of these strategies, when successful, reduce the total number of automobile trips on congested facilities during rush hour. This can have important benefits for the transportation system, but can also provide incentives to developments by reducing the extent of transportation impacts found in their environmental review and Transportation Impact Analysis (TIA) processes. Some recent developments in Santa Clara County have applied aggressive trip reduction targets as high as 20-30% as part of their TDM programs, including annual monitoring and enforcement.

VTA is currently updating the CMP TIA Guidelines, with one of the primary goals being to incentivize automobile trip reduction strategies such as TDM. For more information on the TIA Guidelines update, see below under the “TDM Programs that VTA Implements” section as well as Chapter 6.

**TDM AND LEGISLATION**

California Government Code section 65089(b)(3) requires that the CMP contain a Travel Demand Element that promotes alternative transportation methods and improves the balance between jobs and housing. TDM strategies are a crucial part of meeting the requirements of the California Clean Air Act (CCAA). The TDM Element of the VTA CMP is designed to conform to the requirements of the State CMP statute, and the Federal and California Clean Air Acts.

The CMP statute states in Government code section 65089 (b)(3) that the CMP should contain the following element:

“A travel demand element that promotes alternative transportation methods, including, but not limited to, carpoools, vanpools, transit, bicycles, and park-and-ride lots; improvements in the balance between jobs and housing; and other strategies, including, but not limited to, flexible work hours, telecommuting,
and parking management programs. The agency shall consider parking cash-out programs and congestion pricing during the development and update of the travel demand element.”

The CMP statute also requires that the CMP be responsive to the California Clean Air Act (CCAA) and the requirements of the regional Clean Air Plan. Specifically, the CMP must consider the potential effect of regional air quality measures in the Trip Reduction and Transportation Demand Element, the Capital Improvement Program, and the Multimodal Improvement Plan Element. Appendix F provides a summary of references to air quality included in the CMP statute.

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT (BAAQMD) TRIP REDUCTION REQUIREMENTS**

The Bay Area Air Quality Management District (BAAQMD), also referred to as the Air District, recommends programs to reduce solo commuting such as guaranteed ride home programs, shuttles to transit, ride-matching for carpools and vanpools, subsidy programs for transit passes, parking charges, and effective advertising and marketing programs.

In Fall 2012, California Senate Bill 1339 was signed into law authorizing the Air District and MTC to jointly adopt a regional commute benefit program. Pursuant to SB 1339, the Air District and MTC are developing a Bay Area Commuter Benefits Program (Program) to promote the use of alternative commute modes such as transit, ridesharing, biking and walking. The Program will require employers with 50 or more full-time employees in the Bay Area to offer commute benefits to employees who work 20 hours or more per week. Employers can meet the requirement by offering any of the following benefits:

- Allow employees to pay for transit, vanpooling or bicycle expenses with pre-tax dollars
- Directly subsidizing transit or vanpool costs up to $75 per month
- Provide employer-operated transit, shuttle or vanpool services
- Provide an alternative benefit that would be equally effective in reducing automobile trips
TRANSPORTATION REQUIREMENTS OF THE CALIFORNIA CLEAN AIR ACT (CCAA)

The CCAA of 1988 expanded the scope and accelerated the pace of air pollution control efforts in California. The basic intent of the Act was to establish a planning process that would result in attainment of the State’s health-based ambient air quality standards at the earliest practicable date.

Each Air District is required to adopt a Clean Air Plan (CAP) that contains a strategy for attaining air quality standards. The Bay Area Air Quality Management District’s (BAAQMD’s) first CAP was adopted in October 1991. In September 2010, the Air District Board adopted the Bay Area 2010 CAP. The 2010 CAP serves to update the Bay Area ozone plan in compliance with the requirements of the California Health & Safety Code. In addition, the 2010 CAP provides an integrated, multi-pollutant strategy to improve air quality, protect public health, and protect the climate. The 2010 CAP will reduce ozone pre-cursors, as well as particulate matter (PM), toxic air contaminants, and greenhouse gases, in order to improve public health and protect our environment and climate.

Recognizing the impact of transportation on ozone, the 2010 CAP includes 17 Transportation Control Measures (TCMs) aimed at reducing motor vehicle emissions due to ozone, particulate matter, air toxics, and greenhouse gas emissions. These TCMs are, in theory, the same as those named in the 1997 CAP. The TCMs most relevant to TDM are TCM C-1, which calls for supporting voluntary employer-based trip reduction programs, and TCM E-2, which pursues parking policies and strategies. Appendix G contains a list of the 17 TCMs in the Bay Area 2010 CAP.

A significant overlap between the California Clean Air Act and Congestion Management Program’s statute occurs in the area of Transportation Demand Management (TDM) ordinances and programs. TDM implementation is a major feature of the region’s Clean Air Plan. VTA administers funding for TDM projects that are aimed at improving air quality. VTA will determine throughout the development and update of its TDM Element that the projects are consistent with the TCM requirements of the State Clean Air Plan.
SENATE BILL (SB) 375

In 2008, the State of California legislators approved Senate Bill (SB) 375, which prompts California regions to work together to reduce greenhouse gas (GHG) emissions from cars and light trucks. This law seeks to achieve this objective by requiring the integration of planning processes for transportation, land-use and housing. The plans emerging from this process will lead to more sustainable communities that will provide more transportation and housing choices for residents. SB 375 requires the California Air Resources Board (CARB) to develop regional reduction targets for GHG emissions from automobiles and light trucks. The regions, in turn, are tasked with creating a “Sustainable Communities Strategy” (SCS), which combines transportation and land use elements in order to achieve the emission reduction target, if feasible. In September 2010, the California Air Resources Board adopted the GHG emissions reduction targets for the Bay Area: a reduction in per capita GHG emissions from passenger vehicles of 7% by 2020 relative to 2005 levels, and a reduction of 15% by 2035 relative to 2005 levels.

SB 375 also offers local government regulatory relief and other incentives to encourage new development patterns and transportation alternatives. The bill also supports the existing AB 32 in its efforts to achieve 1990 levels of Greenhouse Gas emissions by 2020. On the whole, SB 375 offers the opportunity to develop programs and policies that would increase the use of TDM and other methods to remedy emissions. Further discussion on the relationship between SB 375 and the VTA CMP Land Use Impact Analysis Element is included in Chapter 6.

CATEGORIES OF TDM STRATEGIES

There is a variety of TDM practices that employers, developers, and local agencies can adopt to manage congestion on the transportation network such as providing cash subsidies, commute options and services, flexible work schedules, and other approaches. The following discussion provides examples of these programs.

PRICING

Pricing strategies aim to adjust the cost of various forms of transportation to encourage more efficient use of the transportation system. These strategies can encourage mode shifts away from single occupant automobile use by adjusting
the relative costs of driving and alternative modes. Strategies that raise the price of transportation during the peak period can also shift automobile trips to other times of the day, thus redistributing traffic outside the most congested period of the day.

**Parking Cash-Out Program** — A parking cash-out program is defined as an employer-funded program under which the employer provides a cash allowance to an employee equivalent to the parking subsidy that the employer would otherwise pay to provide the employee with a parking space. Under California state law, “parking subsidy” means the difference between the amount out-of-pocket costs paid by an employer on a regular basis in order to secure the availability of an employee parking space not owned by the employer, and the price, if any, charged to an employee for use of that space. A 1997 survey of eight Southern California businesses using parking cash-out programs found that they reduced single-occupancy commuting by an average of 17% and reduced carbon dioxide emissions by 807 pounds per employee per year. This study also found that the parking cash-out programs were considered fair and efficient by employers and employees, had a benefit/cost ratio exceeding 4.0, and led to increased income tax revenue\(^1\).

Since 1993, California state law (Section 43845 of the Health and Safety Code) has required businesses with at least 50 employees in air basins designated as non-attainment areas to offer parking cash-out. Amendments to the CMP statute adopted in 1992 also require consideration of parking cash-out programs in CMPs. However, the original California parking cash-out legislation (Section 43845) only authorized the California Air Resources Board to enforce the law, and the Board in the past has not had the resources for enforcement. Senate Bill 728 (Lowenthal), approved in October 2009, amended the law to shift enforcement to the local level, by allowing cities, counties and local air districts to impose penalties for violation of the parking cash-out law. These changes to the legislation can be a powerful tool for local agencies to encourage the use of alternative modes, reduce Vehicle Miles Traveled, and reduce GHG emissions due to vehicle use.

The California Air Resources Board (CARB) has developed an informational guide

for the implementation of parking cash-out programs. This guide is found in Appendix H.

**Unbundled Parking in Residential Developments** – While it has historically been commonplace for on-site parking to be provided automatically as part of the rental or purchase price of a residence, some developers are taking up the practice of charging for parking spaces separately. This is known as “unbundling” the price of parking from the price of housing. This practice allows residents who choose to own fewer cars than average for the development to save money by not having to pay for parking spots they are not using, and thus encourages lower rates of car ownership and usage.

**Parking Management and Pricing** – Charging drivers to pay for parking on city streets or in off-street parking facilities, or increasing the parking costs on city streets and facilities are effective ways to reduce automobile travel. As costs go up, commuters are likely to find alternate ways to reach their destination without paying for parking, such as taking transit to their destination, or carpooling with other commuters. This option is especially useful in dense urban areas where traffic congestion and demand for parking are greatest, and where transit, walking and biking options are typically most available. VTA has recently partnered with the Metropolitan Transportation Commission to provide information and assistance to the Member Agencies in Santa Clara County who may wish to pursue parking management and pricing initiatives.

**Subsidizing Ridesharing** – Employers can encourage carpooling by reimbursing the fuel costs, or by subsidizing, by a pre-determined dollar amount per day, those who choose to carpool. Note, however, that any cash given to carpoolers is taxable income. Employers can encourage vanpooling by subsidizing the cost of the vehicle either directly or indirectly. With vanpools, employers can contribute a certain amount per month tax-free. Employers can also encourage both carpooling and vanpooling by providing preferential parking spaces for these modes close to building entrances.

**Employee Pre-Tax Commuter Benefits** – Financial incentives for employees through tax credits and other mechanisms are important elements to encourage
the use of public transit and other alternatives to driving alone. Promoting such alternatives is critical to reducing traffic congestion and improving air quality. Through changes in federal tax law in the 1990s, employers are free to offer a range of commute fringe benefits without fear of tax consequences. These benefits can either be offered in addition to an employee’s base salary, or the employer can offer the benefit “in lieu of compensation.” Providing a portion of an employee’s income in the form of a transit voucher cuts taxes for both the employer (less FICA tax) and the employee (less income tax).

The Federal TEA-21 legislation clarified that the value of any transportation fringe benefit—including free parking, transit passes or vouchers, and vanpool benefits—is not counted as taxable income if an employee is offered a choice between taxable cash benefits and any combination of transportation fringe benefits. The total amount employers are allowed to offer as a tax free commuter benefit has fluctuated over time; as of 2013, federal legislation allows up to $245.

Transit Subsidies – Some employers and residential developments located near transit are now offering free or discounted transit passes to employees and residents. Programs like VTA’s Eco Pass allow employers and residential projects to purchase these passes in bulk to encourage greater usage of the transit system (See the next section, “Programs That VTA Implements” for more details). Caltrain’s Go Pass offers a similar program, although limited to employers only.

Alternative Cash Incentive Programs — These programs allow employees to participate in an incentive program where they are rewarded with gifts and prizes for using alternative commute modes. An example of this program is for companies to hold a monthly raffle for all employees that participate in alternative forms of commuting. In Santa Clara County, many employers offer similar programs to reward employees for not driving alone. For example, Stanford University’s Commute Club is a well-established, extensive alternative commuter incentive program. This type of program is a fun and rewarding way to get an entire company or organization involved in promoting alternative commute options.

Road Pricing/ Congestion Pricing — Road pricing charges drivers a direct cost for driving on a particular roadway or in a particular area. The related concept of con-
Congestion pricing seeks to keep congestion levels on the transportation system below an acceptable threshold by charging users a variable fee. Pricing can encourage some drivers to consider alternative modes of travel, travel times or travel routes, thereby relieving pressure on the most congested facilities at peak hours. This scheme is especially effective in reducing single occupancy commute trips if there are alternative commute options such as transit service and ridesharing to choose from.

**Express Lanes** — Express Lanes are modified HOV lanes that allow non-carpool drivers to use the lane for a fee that varies depending on traffic conditions. This strategy takes advantage of excess capacity in HOV lanes, making more efficient use of the existing roadway system, and has the added benefit of raising revenue for future corridor improvements, including express bus services operating in those lanes.

**ALTERNATIVE MODES**

Providing options and services to travelers makes it easy for them to change their travel mode. The following is a list of strategies that can reduce the number of travelers that drive alone to their destination.

**Bicycle and Pedestrian Improvements** — Perhaps the most basic improvement to encourage a shift away from single occupant automobile travel is an enhanced environment for pedestrians and bicycles. These strategies make the streets safer, more vibrant, and attractive for those who arrive at a destination without a car. Bicycle and pedestrian improvement strategies include traffic calming and complete streets policies; provision of a complete sidewalk and walking path network; bike lanes, racks and other facilities; and publicity campaigns that encourage drivers to share the road safely.

**Carpools and Vanpools** — An alternative to driving alone is to find other commuters heading to the same or similar destinations and form a carpool or vanpool. This saves commuters money on gas, allows them to partially avoid the stress of driving every day, and reduces congestion and carbon emissions by taking some cars off the road. Employers and other organizations can help employees form carpools by maintain-
ing a central database of potential carpoolers. This database can be web-based to provide easy access to company employees. Additionally, 511.org maintains a free to the public regional ride-matching database for the nine-county Bay Area, and provides employer-exclusive ride-matching. The 511.org web-based matching system allows individuals to instantly access a list of commuters – and a link to their email – with which they could share their commute.

Vanpooling is a convenient and popular way to get to work, especially for people who work far from home. “Official” vanpools have seven to 15 passengers, including the driver (who usually rides for free!), and the vehicle may be owned by one of the vanpoolers or leased from a vanpool rental company. 511.org also helps individuals join an existing vanpool, as well as helps individuals or companies start their own vanpools.

Car Sharing Programs — Car sharing programs make vehicles available to people on a per-use basis. They allow people to use a car when they need it without incurring fixed costs. Fees are paid based on how much the driver uses the car. Lots are conveniently located throughout the urban area, and reservations are quick and easy, and available on-line.

Car sharing expands mobility options by providing people access to a car when they need one, but frees them from having to select it as the habitual mode of choice. Car-sharing has a multitude of benefits:

- Fewer parking spaces are needed for automobile storage, since multiple people use the same car. This reduces the costs of housing since fewer parking spaces would be required for each dwelling unit.
- Developers are able to build more housing on the same amount of land because fewer parking spaces are required.
- Residents and employees are given access to an entire fleet of cars conveniently located throughout the city.
- Companies have access to fleets of vehicles for meetings outside the office, only incurring charges per hour and/or per mile use.

And as usage grows so does convenience of access to the shared cars, since more people accessing the system means more pick-up and drop off locations.
**Bike Sharing Program** — Bike sharing programs make bicycles available to people on a per-use basis. Similar to car-sharing programs, in a bike sharing program users generally pay fees based on how long they use the bicycle. Bicycles are conveniently located in “pods” throughout an area, usually near transit stations and major trip generators, and payment is accomplished conveniently with a credit or debit card.

**Guaranteed Ride Home** — Often employees are not interested in using alternative modes because they are perceived as being inflexible. Without a guarantee that they will be able to get around in an emergency, many employees will continue to drive alone to work. Guaranteed Ride Home (GRH) programs are designed to address this issue. Employees who enroll in GRH programs receive access to transportation such as taxi service in the event of a personal emergency, for a limited number of times every year. GRH programs have found that while enrollees rarely use the program they, perhaps more importantly, gain peace of mind from the enrollment and are more willing to commit to alternative forms of transportation.

**First and Last Mile Connections** — First and last mile services are an integral component of building a viable transit network in a suburban environment. First and last mile conditions can be improved with good park-and-ride facilities and innovative shared-ride and parking strategies, strong bicycle and pedestrian connections with both residential and employment areas, and the application of new technologies or programs such as car and bike sharing.

**Park and Ride Lots** — These lots provide convenient locations for workers who do not live within easy walking distance of a transit stop to drive to a nearby parking lot and take transit the rest of the way to work. This increases the appeal of the transit system by making it useful even to people who live in outlying, low density areas that are difficult for transit to serve directly.

**EMPLOYMENT AMENITIES AND SERVICES**

These strategies rely on employers to provide amenities that encourage alternative modes or allow flexibility in where and when work gets done, opening up the possibility of reducing the transportation demand during the most congested
periods of the day.

**On-Site Amenities and Services** — Offering employees the amenities they need at or near their work site can make alternative commute modes more desirable. Popular amenities include bicycle facilities, pedestrian friendly networks, and employee-serving uses both on-site and off-site.

- Bike commuters require supporting facilities to make biking to work a realistic option. These facilities include bicycle storage (e.g. bike lockers and racks), showers, and lockers to store their clothes;
- Non-vehicle commuters are more likely to switch to alternative travel modes if they are able to get around by walking. Employers and developers can design new employment sites to be pedestrian-friendly by locating new buildings near transit stops and public streets, as well as including features such as pedestrian paths, sidewalks, street trees, and pedestrian-scale lighting;
- Employers can provide employees access to on-site services such as a cafeteria or postal service (e.g. a drop of box that employees can use for their personal mail) to allow employees to accomplish routine errands and activities during the day;

Employers also have the opportunity to provide their employees with transportation services that take their employees offsite such as shuttle services to activity centers during lunch, or the use of company vehicles for personal trips during the day.

**Flexible Schedules and Work Arrangements** — Simply allowing workers to set their own work hours, or setting staggered working hours, can change the company’s peak travel period and reduce peak-period demand on the roadway system.

**Telecommuting** — Some companies have provided hardware and software for personal computers so that employees can access the company network for home. Hooked into the network from home, these employees may not need to show up at the office at all. While it may not be reasonable or desirable to send employees home all the time, making telecommuting an option for some employees a few days out of the workweek can significantly reduce a company’s overall peak-period trips.
New Working Arrangements — Some companies have begun to question the traditional model of maintaining a central office where workers converge every day. For workers whose primary work is done on a computer rather than at a factory, the traditional office model is not necessarily the only workable one. Evidence suggests that some workers have already discarded the model of going to the office every day.

JOBS/HOUSING BALANCE AND MIXED USES

This category covers a range of strategies that bring the places people go throughout the day – employment sites, shopping, entertainment, etc. – closer to where people live, thus requiring fewer and/or shorter trips to accomplish daily tasks. This requires a fundamental shift in thinking about the purpose of transportation, which has generally been conceived over the past few decades in the United States to be mobility – or the ability to move unimpeded throughout the region at consistently high speeds. A new paradigm focuses instead on access, the ability to reach destinations. Under this paradigm, some amount of localized congestion in dense, urban activity centers can be a good thing if it results from a mixed use built environment where people are able to get around by walking, biking, transit, and short car trips. In the long run, the region as a whole will experience reduced vehicle travel, lower levels of congestion and improved air quality as a result of such development. See Chapter 6 for more information on VTA’s efforts in these areas.

PROMOTIONS AND MARKETING

Public knowledge and attitudes have strong effects on travel behavior, so these strategies are important to TDM implementation. As a general distinction, promotion strategies aim to increase awareness of information people need to participate in TDM programs, while marketing strategies seek to understand, guide and influence travel behavior.

Promotion strategies include: bike, pedestrian, and transit maps that are widely available; education programs for public officials, businesses, and employees about TDM; websites or smartphone applications to provide information about transit and alternative travel options; wayfinding systems that make the transit sys-
tem easier to understand; signage programs or publicity campaigns that encourage drivers to “share the road” with cyclists and pedestrians; and school programs that educate children about modes of transportation (for example, bicycle education is part of the standard curriculum in elementary schools in the Netherlands).

**Marketing campaigns include**: events such as a “bike to work week” or “eco-commute challenge”; surveys to determine travel preferences, knowledge and opportunities among the population of an area; campaigns that highlight the benefits of alternative modes and seek to change public attitudes; temporary discounts or free service on public transit to encourage people to try the system; and campaigns that connect transportation mode choice to environmental objectives, such as the Bay Area’s “Spare the Air” campaign.

**TDM PROGRAMS THAT VTA IMPLEMENTS**

VTA’s current countywide transportation plan, VTP 2035, and its Community Design & Transportation (CDT) Program encourage the development and continuation of successful trip reduction efforts through partnerships and incentive programs. Over the years, public agencies have taken the role of enforcing performance standards during the development review process. Developers that are not able to conform to these standards are able to implement TDM measures as a mitigation solution. In addition, even in the absence of a government mandate to enforce TDM practices, some companies are willing to maintain TDM programs as community and employee benefits, and may commit to trip reduction measures when applying to build new or expanded facilities. VTA, through its Proactive CMP Process (described in Chapter 6), works with local agencies to review and comment on transportation and environmental analyses of development proposals, and offers recommendations regarding TDM measures where appropriate. In addition, VTA maintains several successful TDM programs, listed below.

**ECO PASS**

The Eco Pass program allows employers, developers, educational institutions, management companies or homeowners associations the ability to purchase VTA transit passes at a bulk discount rate to provide to employees or residents to encourage transit usage. Eco Passes are good for unlimited use of VTA Bus and Light
Rail services, seven days a week. The program also includes an “Emergency Ride Home” provision that allows Eco Pass holders to take a taxi home if they need to leave work in the middle of the day.

**SHUTTLE PROGRAM**

VTA operates eight shuttle lines from the Altamont Commuter Express station in Santa Clara as well as a Downtown Area Shuttle (DASH) in downtown San Jose. These shuttles help solve the “first and last mile” dilemma that may prevent some commuters from choosing transit when the station is too far from where they live or work. These shuttles bridge the gap and connect commuters to job sites in Sunnyvale, Santa Clara, Mountain View, Palo Alto, Milpitas, North San Jose, and downtown San Jose.

**PARK AND RIDE LOTS**

VTA maintains 41 park and ride lots in 12 different cities throughout Santa Clara County. The lots connect commuters with VTA’s light rail system, Caltrain, Capitol Corridor, Altamont Commuter Express, and several express bus routes.

**BIKE SHARING PROGRAM**

VTA is one of six agencies participating in a regional effort led by BAAQMD to implement the Bay Area Bike Share Pilot Program. The pilot program will deploy approximately 1,000 bikes along the peninsula Caltrain corridor, in the cities of San Jose, Mountain View, Palo Alto, Redwood City and San Francisco. A main goal of the pilot program is to test the potential of bike sharing to provide first/last mile connections to and from transit facilities, and test its viability to serve as a stand-alone transportation mode for short trips.

The Bay Area Bike Share Pilot Program will be deployed in two phases. The initial phase, which opened in August 2013, deployed a fleet of approximately 700 bikes and 70 stations region-wide, with 280 bikes and 28 stations (40% of the system) in San Jose, Mountain View and Palo Alto. The Air District has secured additional funding from MTC to fully implement the second phase which will increase the system by 300 bikes and 30 stations to the full pilot deployment size of 1,000 bikes. With this second phase a total of 400 bikes and 40 stations will be in operation in Santa Clara County by early 2014.
The Bike Share program is intended to:
• Provide access to the first and last mile from major transit stations
• Supplement VTA and employer shuttles between transit and employer sites
• Relieve overcrowding and the routine “bumping” of passengers with bicycles on Caltrain (and on VTA buses)

HOV LANES AND EXPRESS LANES

VTA was one of the first agencies in California to plan for High Occupancy Vehicle (HOV) lanes, and maintains HOV lanes throughout Santa Clara County to encourage more efficient use of highways.

In 2008 the VTA Board of Directors approved the Silicon Valley Express Lanes Program. As part of the Program, the Express Lanes projects will implement a roadway pricing system to allow solo commuters to use the available capacity in the carpool lanes for a fee. The fee would change dynamically in response to existing congestion levels and available capacity in the carpool lanes.

On March 20, 2012, VTA opened the first express lane in Santa Clara County on the SR 237/I-880 connector ramp. During FY 2013, over 2,760,000 vehicles used the express lane including over 620,000 solo drivers (about 22%). The express lane produced toll revenues of $1,049,000 during FY 2013, far exceeding the projection of $592,000, while the total expenses incurred were below projections at $535,000. Preliminary data shows that the express lane has successfully improved travel speeds, reduced congestion, increased traffic throughput and provided overall improved traffic operations in the corridor.

The Silicon Valley Express Lanes program includes additional express lane projects under development in Santa Clara County, including US 101, SR 85, and SR 237 Phase II.

TRANSPORTATION IMPACT ANALYSIS (TIA) GUIDELINES UPDATE – FOCUS ON AUTO TRIP REDUCTION

Reviewing Transportation Impact Analysis (TIA) reports for compliance with the CMP is one of the ways VTA seeks to proactively address the integration of land
use and transportation in Santa Clara County. A TIA report is required for all development projects in the County that generate 100 or more net new automobile trips during either peak period. As such, the way that transportation impacts and mitigation measures are analyzed and reported in TIAs makes a meaningful difference in how congestion is addressed by major projects. Over the 2013-2014 time-frame, VTA is updating the TIA Guidelines to encourage multimodal transportation and make the CMP better reflect the goals of SB 375, the regional and countywide long range transportation plans, and local General Plans and policies.

One area VTA is focusing on in the current update is the approach to TDM and trip reduction measures. As currently structured, the TIA process may not be providing optimal incentives or highlighting projects that do the most to reduce automobile trips. One approach VTA has proposed is to include an “Auto Trip Reduction Statement” that provides a quick and clear overview of the various project characteristics related to trip reduction, such as TDM programs, shuttles, parking management, and proximity to transit. VTA staff has also identified a need to clarify the approach to projects that can demonstrate greater automobile trip reductions than the baseline reductions allowed by the TIA Guidelines, and to improve the trip reduction monitoring process.

For more information on the TIA Guidelines update, see Chapter 6.

**FUNDING FOR TDM PROGRAMS**

Transportation Demand Management programs can be funded by a wide variety of public and private sources, some of which require or need VTA involvement or coordination in Santa Clara County.

VTA administers funding programs that support TDM and alternative modes of transportation: the Bay Area Air Quality Management District’s (BAAQMD) Transportation Fund for Clean Air (TFCA), the Santa Clara County Vehicle Emissions Based at Schools (VERBS) Program the State’s Transportation Development Act (TDA), and the Congestion Mitigation and Air Quality (CMAQ) Program. These three funding sources are described below, along with descriptions of the federal funding sources which fund the STIP. See Chapter 7 (Capital Improvement Program Element) for more information on these funding programs.
Transportation Fund for Clean Air—The Transportation Fund for Clean Air (TFCA) grant program is funded by a surcharge on vehicle registrations. Assembly Bill (AB) 434 (Sher, 1991), signed into law by Governor Wilson in 1991 added Section 44241 to the California Health and Safety Code, and gave the BAAQMD the authority to collect a surcharge of up to $4 on motor vehicle registration fees paid within its jurisdiction. These funds are administered by BAAQMD and used for programs that will reduce motor vehicle emissions.

Sixty percent (60 percent) of TFCA monies are retained by BAAQMD and distributed on a regional, competitive basis. The remaining forty percent (40 percent), also known as “Program Manager Funds,” are returned to the county of origin for allocation within the county on a discretionary basis. VTA is the designated program manager for Santa Clara County.

By statute, only the following project types are eligible for TFCA funds:

1. Implementation of ridesharing programs.
2. Purchase or lease of clean fuel buses for school districts and transit operators.
3. Provision of local feeder bus or shuttle service to rail stations, ferry stations and airports.
4. Implementation and maintenance of local arterial traffic management, including, but not limited to, signal timing, transit signal preemption, bus stop relocation and “smart streets.”
5. Implementation of rail-bus integration and regional transit information systems.
7. Implementation of a “smoking vehicles” program.
8. Implementation of bicycle facility improvement projects that are included in an adopted countywide bicycle plan or congestion management program.
9. The design and construction by local public agencies of physical improvements that support development projects that achieve motor vehicle emission
reductions. The projects and the physical improvements shall be identified in an approved area-specific plan, redevelopment plan, general plan, or other similar plan.

Legislation AB 414 (1995) references the trip reduction requirement in the CMP legislation and states that Congestion Management Agencies in the Bay Area that are designated as AB 434 program managers “shall ensure that those funds are expended as part of an overall program for improving air quality and for the purposes of this chapter (the CMP Statute).”

The Air District has interpreted this language to allow a wide variety of transportation control measures now eligible for funding by program managers, including an expansion of eligible transit, rail and ferry projects.

Applications for the regional TFCA (60 percent) funds are made directly to BAAQMD in May of each year. The maximum project award is $1.0 million. The VTA Congestion Management Program, subject to BAAQMD approval, administers the funds for the remaining 40 percent program.

While there is no maximum award in the 40 percent program, Santa Clara County generally receives about $2.0 million per year for the entire program. Member Agencies apply to VTA in late January.

Santa Clara County Vehicle Emissions Based at Schools (VERBS) Program — Within the Climate Initiative Program, the Metropolitan Transportation Commission (MTC) created a Safe Routes to School discretionary funding program focused on reducing greenhouse gases by promoting walking, biking, transit, and carpooling to school. As the Congestion Management Agency for Santa Clara County, VTA is the program administrator. All county agencies may submit applications during the call for projects.

The purposes of the program are to: 1) facilitate the planning, development, and implementation of a project and/or activity that will reduce traffic, fuel consumption and air pollution in the vicinity of schools; 2) reduce traffic related injuries and fatalities to school children; 3) enable and encourage children, including those with disabilities, to walk and bicycle to school; and 4) make bicycling and walking...
to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age.

**Transportation Development Act (TDA), Article 3 Projects** — The State’s Transportation Development Act includes several sections or articles – each with a separate project emphasis. Article 3 funds pedestrian and bicycle facilities. TDA funds are derived from a quarter-cent gas tax, returned to the County of origin.

The application and distribution process varies by County. In Santa Clara County, approximately 70% of the annual TDA Article 3 allocation is distributed to member agencies on a prorated basis according to population. The remaining 30% is distributed as discretionary funding on a countywide competitive basis. All TDA Article 3 applications are subject to MTC approval.

Member Agencies submit applications to MTC and VTA in mid-January. Projects are evaluated and prioritized by VTA and Member Agency staff, the Bicycle & Pedestrian Advisory Committee, the Technical Advisory Committee, the Policy Advisory Committee, and VTA Board of Directors. The VTA Congestion Management Program submits the TDA Article 3 priority list of projects to MTC.

**Congestion Mitigation and Air Quality Program (CMAQ)** — CMAQ funds are to be used to implement the transportation provisions of the 1990 Federal Clean Air Act. These funds are only available to areas designated as non-attainment areas. The Bay Area was briefly designated as an attainment area in 1995. That status was subsequently lost in late 1998 after a series of ozone exceedences in the summers of 1995, 1996, and 1997. Both of these funds are described in more detail in Chapter 7.

The Metropolitan Transportation Commission (MTC) has final programming authority over CMAQ funds. Programming is coordinated at the County level by the CMAs. TDM projects are fundable as system management projects.

**Other Sources of TDM Funding** — Appendix I provides information on other sources of TDM funding, such as Benefit Assessment Districts, Developer funding, Transportation Impact Fees, and other programs.
COMPLIANCE AND CONFORMANCE

VTA does not require local jurisdictions to implement TDM programs in order to be in conformance with the Congestion Management Program. However, the VTA Multimodal Improvement Plan process encourages TDM-oriented actions in cases where a CMP facility has fallen or is forecasted to fall below the CMP standard where it is infeasible to mitigate the impact by increasing capacity. These actions form the basis of a Multimodal Improvement Plan (see Chapter 9). In addition, as noted previously, two Multimodal Improvement Plans have been adopted in Santa Clara County to date which include TDM measures in their program of offsetting improvements. VTA will monitor the status of the implementation of the measures in these Plans through the Implementation Status Reports submitted by local agencies (described further in Chapter 9).
This chapter describes the VTA CMP Countywide Transportation Model and Database Element. It contains the following sections:

- CMP Transportation Model and Database Requirements
- Overview of the CMP Transportation Models
- Transportation Model and Database Maintenance
- Compliance and Conformance

Transportation models are analytical tools that can be used to assess the impacts of land use and development decisions on the transportation system. Transportation models are based on a complex interaction of relationships between variables: a simple example might be the relationship between changes in the price of gasoline and the number of vehicle-miles traveled or transit ridership. They are tools that can be used to project future transportation conditions to determine the need for and effectiveness of transportation projects and infrastructure improvements. As long as the basic relationships established in a base year model validation remain well behaved over time, a well-designed and validated transportation model should predict transportation conditions with some degree of confidence.

The CMP transportation database consists of data that describes existing and future transportation network conditions and socioeconomic characteristics in a quantitative manner. The databases are a basic input for the VTA Countywide model (CMP model) and are typically updated based on updates to the regional socioeconomic data sets provided by the Association of Bay Area Governments (ABAG) and through periodic updates of the transportation networks during updates of the regional and countywide long-range transportation plans.

The CMP model serves several purposes:

1. Evaluating the transportation impacts of major capital improvements on the countywide CMP System—including those contained in the CMP Capital Improvement Program (CIP).
2. Establishing transportation system characteristics for use by Member Agencies in performing transportation impact analyses, developing local transportation models, and preparing deficiency plans.

3. Providing roadway volume and transit ridership forecasts to support planning studies, environmental analysis, project engineering and design.

4. Helping summarize the relationship between land use decisions (approved development projects) throughout the County and the CMP transportation system.

As this list indicates, the CMP model serves as a fundamental tool for achieving the goals of the CMP: improving transportation conditions and air quality in Santa Clara County.

**CMP TRANSPORTATION MODEL AND DATABASE REQUIREMENTS**

The CMP Statute requires VTA to develop a uniform database and model for evaluating transportation impacts. The Statute specifies the following three requirements for the CMP database and model:

1. VTA must develop a uniform database and model for use throughout the County

2. VTA must approve computer models used by local jurisdictions to determine the transportation impacts of land use decisions on the CMP System

3. The CMP database and model must be consistent with the Metropolitan Transportation Commission (MTC) regional transportation databases and model\(^1\)

Each of these requirements is discussed below.

**UNIFORM DATABASE AND MODEL**

The legislative requirement for a uniform countywide model and database is critical to the success of the overall Congestion Management Program. The CMP model is used to assist in the land use impact analysis program, to help evaluate projects for inclusion in the Capital Improvement Program; to evaluate system-level improvements to the CMP System due to deficiency plans; and to assist with

\(^1\) California Government Code Section 65089 (c)
VTA service and project planning.

In 2005, VTA completed the latest major CMP model update, which has improved overall effectiveness by adding detail to Traffic Analysis Zones expanding the number of internal zones from 385 to 1490 and adding zones associated with four new external counties (San Joaquin, Santa Cruz, Monterey, and San Benito) and consistency with the MTC regional model, expanded geographical extent that incorporates surrounding counties, and updated travel patterns and socioeconomic data that reflects Census 2000 data. The 2005 model has since been improved and is referred to herein as the current model. These specific improvements will be described in later sections of this chapter.

LOCAL MODEL CONSISTENCY

In addition to the requirement for developing a countywide model, the CMP Statute requires that models developed by Member Agencies to project local transportation conditions be consistent with the CMP model and database. This is a logical requirement that helps assure that all Member Agencies are using uniform techniques to evaluate the impacts of development projects.

Returning to the concept of transportation models as tools, it is clear that local transportation models will serve a similar purpose. Local models, however, operate on a different scale. While a countywide model may be able to predict future traffic volumes on a roadway, a local model would be capable of predicting the number of vehicles that turn left at a specific intersection. In general, since local transportation models are able to include more background information they provide more detailed “city-specific” information than a countywide model.

The CMP recently developed updated Local Transportation Model Consistency Guidelines. These guidelines provide guidance to jurisdictions in developing or modifying their transportation models for consistency with the CMP models. They identify characteristics required of local models and the relationship of transportation models to traffic impact analyses. The Local Transportation Model Consistency Guidelines are included in the CMP Technical Standards and Procedures, and were recently updated and subsequently adopted by the VTA Board in 2009.
REGIONAL TRANSPORTATION MODEL AND DATABASE CONSISTENCY

Consistency with the regional transportation model and database is one of the most important requirements of the CMP Statute. This section describes the regional model and database and consistency requirements.

MTC Regional Transportation Model — The Metropolitan Transportation Commission (MTC) is responsible for developing the Bay Area’s regional transportation model. MTC has been developing a series of transportation models since the mid-1960s. MTC has recently converted the regional models from trip-based to tour-based models (MTC Travel Model One) and is expected to refine the full transition to activity-based models in the very near future. MTC is currently updating the travel analysis zone structure and transportation networks of the regional models. Within the next two years, MTC will update the complete structure of the regional models using transit on-board and home-interview survey data collected for the region. The CMP models are based on the previous version of the MTC transportation planning models known as BAYCAST-90. The BAYCAST-90 travel model demand system was originally developed using 1990 Census data and data from the 1990 regional household travel survey incorporating travel diary data from more than 10,000 households.

ABAG Database — The MTC models use input socioeconomic data prepared by the Association of Bay Area Governments (ABAG). ABAG projections provide estimates of employment, land use, housing, population, and household income at regional, county and census tract levels. ABAG updates its database forecasts every two to three years. These updates are based on surveys of local land use and development policies as well as revised national, state, and regional forecasting assumptions. The most recent version of ABAG’s officially adopted database for congestion management application is Projections 2013 (P2013). The P2013 series provide forecasts at five-year intervals from year 2000 to the year 2040. The P2013 regional socioeconomic data represents the Sustainable Communities Strategy scenario as required by California SB 375, and was used in the recently adopted MTC Regional Transportation Plan One Bay Area.

The CMP model currently uses an interim data set developed by ABAG referred to as the ABAG Current Regional Plans (P2011) scenario. The P2011 MTC zone level allocations were sub-allocated to the smaller CMP zones based on local develop-
ment characteristics to reflect the most recently adopted General Plans and specific plans for the cities of San Jose, Santa Clara, Milpitas and Gilroy, and based on the locations of approved development projects, developed in coordination with local jurisdictions. City-level control totals of households, employed residents and jobs were maintained, however, allocations at the census tract level were different than ABAG. All other jurisdictions maintained the MTC zone totals, and hence the ABAG census tract control totals, for households, employed residents and jobs.

**CMP Model and Database Consistency** — The CMP model and database are developed to be consistent with the MTC BAYCAST-90 model and the ABAG P2011 databases. MTC has recently updated the consistency requirements for the 2013 CMP development\(^2\). The revised MTC Checklist for Modeling Consistency is used to evaluate the 2013 CMP. Summaries of the checklist outputs are provided to MTC in a separate submittal. More details regarding specific consistency issues are described in the following sections.

**Model and Database Improvements** — This section outlines steps currently being taken to improve the consistency of transportation modeling at the regional and subregional (county) levels.

VTA participates with the Congestion Management Agency (CMA) Association of the Bay Area and the Bay Area Partnership in the development of guidelines to be used by MTC to evaluate the consistency of transportation planning models for the CMPs. The items identified for consistency evaluation are developed with the cooperation and participation of representatives from MTC and ABAG. The intent of the guidelines is to enable CMAs to conduct a self-evaluation of the technical aspects of their transportation planning models, identify technical differences with the MTC model, and provide a mechanism where such differences may be discussed and resolved.

Within Santa Clara County, VTA continues to work on resolving problems concerning the ability of local jurisdictions to verify ABAG data to ensure development of an accurate data set for use in the Congestion Management Program. Part of this effort has involved working with ABAG and Member Agencies to reconcile the different units used by ABAG and local jurisdictions in measuring and projecting development at the census tract level. This process of forecast reconciliation is an

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\(^2\) Appendix B of MTC Resolution No. 3000, June 2011, *MTC Checklist for Modeling Consistency for CMPs*
on-going biannual process that occurs when ABAG releases the Projections series data sets at the census tract level. The current forecasts are based on ABAG’s Projections 2011. With the formal adoption of the ABAG Projections 2013 datasets, VTA will begin the allocation of census tract totals from ABAG to VTA Countywide model TAZs, and the results will be provided to member agency staff for review and comment.

CONSISTENCY WITH MTC MODEL

As noted previously, the CMP model was designed to be consistent with the previous MTC Travel Demand Model forecasting system BAYCAST-90 model. The next section provides a general overview of the CMP models and also describes several basic modeling characteristics that are shared between the models.

OVERVIEW OF THE CMP TRANSPORTATION MODELS

The CMP models developed for Santa Clara County and currently in use have undergone a series of revisions and enhancements since the original CMP models developed by the Santa Clara County Center for Urban Analysis (CUA) in 1991. The CUA models were a subarea model with a focus on travel patterns in Santa Clara County for 385 zones with travel into and out of the county treated as volumes to and from approximately 100 external zones. This structure was essentially maintained until early 2001 when the 1099 zone MTC regional model, with an addition of about 100 zones in Santa Clara County, was used to develop forecasts for the BART extension to Santa Clara County feasibility study. Shortly thereafter, a complete restructuring of the CMP models, also referred to as the VTA Countywide model, was developed in 2003 using the 1454 zone MTC BAYCAST-90 regional model as the foundation with significant zone and network detail added within Santa Clara County. That version of the VTA Countywide models also included the addition of transit submodes in the mode choice models, as well as expansion of the model region to include 4 addition counties of Santa Cruz, Monterey, San Benito and San Joaquin. The current VTA Countywide model is quite similar to the models developed in 2003, and has had a variety of improvements to more accurately capture markets not modeled in the MTC BAYCAST-90 models (air-passenger trips, truck vehicle trips and bicycle assignments) and to reflect Federal Transit Administration (FTA) recommendations for purposes of New Starts ridership forecast-
ing. The following sections describe the most important characteristics of the VTA Countywide models (referred to as the CMP model).

Transportation Analysis Zones (TAZ’s) — The current CMP model has a more refined zone system in Santa Clara County and San Mateo County than the MTC regional models. Additional zones were added to more accurately reflect and support the added roadway network and to provide more detail in transit rich corridors and dense central business districts. In all, an additional 1,122 zones were added in Santa Clara County, and 156 zones were added in San Mateo County. The new model maintains the use of MTC’s zone system in the remaining seven Bay Area counties, but enlarges the full model region and zones to include Santa Cruz, San Benito, Monterey, and San Joaquin Counties.

Highway Network and Transit Network — The roadway network used by the CMP model includes additional detail in both Santa Clara and San Mateo Counties. The current CMP model also includes detailed stop, station and route detail in the transit networks for San Mateo and Santa Clara Counties, yet maintains the MTC roadway and transit networks in the remaining Bay Area counties. The Association of Monterey Bay Area Governments (AMBAG) provided the basis for roadway networks in Monterey, San Benito, and Santa Cruz counties and the San Joaquin County COG provided roadways for San Joaquin County, however, the detailed networks were simplified to match the coarser zone structure in each of those four added counties. Express lane facilities, representing the MTC ‘Backbone’ express lanes system for 2035, were also coded in the network with a toll facility indicator based on the highway corridor segment and the direction of travel. Differential toll facility codes were required in order to apply specific toll rates to optimize utilization of the express lanes to preserve level-of-service for free carpool users. A recent enhancement added to the CMP model is the explicit assignment of bicycle trips to the bicycle subnetworks. Bicycle travel speeds are a function of observed speeds collected using GPS-enabled devices and the mode choice models were revised to directly consider changes to bicycle travel times based on bicycle infrastructure improvements.

Capacities and Speed — The current CMP model incorporates the area type and assignment group classification system published by MTC in BAYCAST-90. Input
free-flow speeds for expressways are slightly lower in the CMP models to more accurately match the travel time for the expressway segments during model validation and improve the assignment match of estimated to observed expressway volumes.

**Trip Purposes** — The current CMP model uses the same trip purposes used in the BAYCAST-90 model and also uses additional trip purposes not modeled by MTC. CMP model trip purposes include the following:

- Home-based work trips
- Home-based shop and other trips
- Home-based social/recreation trips
- Non-home-based trips
- Air-passenger trips to SFO, San Jose Mineta and Oakland International airports,
- Home-based school: grade school, high school, and college trips
- Light, medium and heavy duty internal to internal zone truck trips

The CMP model uses MTC BAYCAST-90 trip generation equations for trip production and trip attraction functions for all trip purposes listed above. In order to address special markets not included in the MTC trip purposes, the CMP model includes several additional trip purposes beyond those modeled by MTC, including:

- Air-passenger trips to San Francisco International (SFO) Airport and San Jose/Mineta International Airport (SJC) and
- Light, medium and heavy-duty external truck trips

**Market Segments** — The CMP model adopts the BAYCAST-90 disaggregate travel demand model four income group market segments for the home-based work trip purpose in trip generation, distribution and mode choice. In addition, the CMP model also maintains the three workers per household (0, 1 and 2+ workers) and three auto ownership markets (0, 1 and 2+ autos owned) used in the MTC worker/auto ownership models. Trips by peak and off-peak time period are also stratified in the trip distribution, mode choice and highway and transit assignment models.
External Trips — The CMP model uses a different approach for incorporating inter-regional commuting estimates than MTC. For external zones coincident with the MTC model, MTC interregional vehicle volumes were applied for base year 2000 and adjusted to the future by assuming a 1 percent growth rate per year. For external gateways from San Joaquin County and Santa Cruz, Monterey and San Benito Counties, the incorporation of those counties as internal modeled areas obviated the development of external vehicle volumes for those areas of the CMP models.

Pricing — The CMP model uses MTC pricing assumptions for transit fares, bridge tolls, parking charges, and auto operating costs as assumed in the current 2013 MTC Regional Transportation Plan (RTP) and Sustainable Community Strategies (SCS) update. All prices are expressed in year 1990 dollar values in the models. The CMP model also uses regional express lane toll charges for the AM and PM peak periods that are based on optimizing the level-of-service in the carpool lanes through an iterative process in the highway assignments. Depending on the level of utilization, these toll charges vary by direction, time of day and by specific corridor.

Auto Ownership — The current CMP model applies BAYCAST-90 for auto ownership models to estimate the number of households with 0, 1, and 2+ autos by four income groups in each traffic analysis zone. Walk to transit accessibility measures were incorporated in the auto ownership models consistent with MTC BAYCAST-90 to more logically associate low auto ownership households with transit services. The auto ownership models were last calibrated to match 2005 American Community Survey workers per household and auto ownership by county.

Mode Choice — The mode choice models for BAYCAST-90 include the use of nested structures for most trip purposes, however, explicit estimation of nested structures to consider transit submodes were not included in the model specification\(^3\). The CMP model adds a nesting structure for transit submodes of local bus, express bus, Bus Rapid Transit (BRT), light rail, heavy rail and commuter rail underneath the MTC BAYCAST-90 nested structures. Consistent with the BAYCAST-90, mode choice coefficients are preserved by constraining the model to the BAYCAST-90 parameters, except those in transit submode structure. While the

\(^3\) A nested structure partitions the alternatives into groups (nests) of similarity. The groups can be further generalized into subgroups (subnests) and so on, which has the form of an inversed tree.
CMP model includes a transit submode nest for Bus Rapid Transit (BRT), which is an emerging transit technology in the region. BRT is treated as a local bus mode primarily due to limitations from the combined frequency process in the transit travel time builder used in the CMP models.

**Peak Hour and Peak Periods for Highway Assignments** — The CMP model uses a three-hour peak period (6 AM to 9 AM) as the basis for determining drive alone, shared-ride, and transit travel times for input to the trip distribution and mode choice models. This was assumed since peak hour travel volumes tend to produce extremely congested conditions for forecast years producing unrealistic volume to capacity ratios and travel times, thus significantly overestimating forecast transit probabilities. The highway assignments produce AM and PM peak hour volumes, AM and PM peak period volumes (5 AM to 9 AM and 3 PM to 7 PM, respectively – each coincident with the time periods of operation for carpools), midday volumes (9 AM to 3 PM) and evening volumes (7 PM to 5 AM). The four time period volumes are then added together to develop daily vehicle volumes.

**Vehicle and Transit Assignments** — The current CMP model incorporates a methodology analogous to the MTC “layered,” equilibrium assignment process, which distinguishes standard mixed-flow lanes from high-occupancy-vehicle (HOV) lanes. The equilibrium assignment process used in the current CMP model is functionally equivalent to the MTC methodology. The CMP model includes additional vehicle classes in the highway assignments for park-and-ride vehicles and drive-alone and carpool toll vehicles. Drive-alone and carpool toll vehicles for AM and PM peak periods are estimated using a toll model post-processor that estimates toll volumes based on a comparison of the non-toll and toll travel times and costs. This procedure assumes that toll choice occurs after the decision to choose auto versus transit has already been considered, and therefore does not influence transit mode choice. A toll choice constant for drive-alone and carpool modes was developed based on a calibration of toll volumes estimated by application of the toll model to the I-680 Express Lane and SR 237 Express lane facilities, and a comparison of estimated to observed express lane volumes. It should be noted that by 2035, in order to maintain the operational feasibility of implementing regional express toll lanes, it was assumed that only 3+ occupant carpools would be allowed to travel in the carpool lanes for
free. This was assumed for all carpool facilities in the model region, regardless of the presence of express lanes.

In the current CMP model, transit passengers are assigned with a methodology analogous to that used by MTC, with separate assignments for each transit submode and access mode. Assignments are also performed separately for peak and off-peak conditions. A total of eighteen separate transit assignments are run to cover the full combination of transit submode and access modes as well as to estimate transit ridership for air-passengers and external home-based work transit trips from the San Joaquin (ACE, BART and San Joaquin SMART bus) and AMBAG (Caltrain and Monterey Express) model regions.

**Model Validation with 2005 Traffic and Transit Volumes** — The current CMP model is validated to year 2005 traffic volumes for city jurisdiction level and county-level vehicle-miles stratified by facility type. Four time periods are validated: AM peak hour and peak period (5 AM to 9 AM) and PM peak hour and peak period (3 PM to 7 PM). Daily transit boardings were validated for the year 2005 at the system level for major regional transit operators (Caltrain, BART, MUNI, VTA and AC Transit) and at the route level for VTA light rail, local bus and express bus routes.

**TRANSPORTATION MODEL AND DATABASE MAINTENANCE**

It is critical to maintain and update a transportation model and database on a regular basis. Elements of the CMP model are updated on an annual basis subject to availability of data used to refine different components of the models. For example, the base year of the CMP Model was changed from 2000 to 2005 and revalidated in 2005 with the availability of new traffic count data. VTA is in the process of updating the CMP models to reflect new 2010 Census data, data from the American Community Survey as well as incorporating the new ABAG P 2013 data sets. This section describes the local data sources that are used in updating the model as well as the updating process itself.

**LOCAL DATA**

The CMP annual monitoring process provides a significant amount of local data that is used to update the CMP model. The two main sources of local data are described below.
**Observed Traffic Volumes** — The VTA CMP and Member Agencies prepare regular reports of actual traffic volumes at CMP System intersections for the PM peak hour conditions; the CMP, as part of the monitoring program, reports traffic volumes at selected freeway locations for both AM and PM peak period (3-hour) conditions. VTA has recently started to collect bicycle and pedestrian data at CMP intersections for the PM peak hour, which will be used to validate the CMP models. MTC and Caltrans also provide observed data on freeways and state highway for total volumes as well as carpool volumes. These data are used to update the countywide database of observed traffic conditions in order to verify relationships and parameters included in the CMP model.

**Land Use Trip Assumptions** — As part of the Land Use Impact Analysis Program, Member Agencies provide a summary of approved projects and major planning decisions, such as General Plan Amendments, made during the past year. Annual data for the Land Use Impact Analysis Program is submitted in terms of housing and development square feet by use. This data is used by the CMP to develop population and employment changes for use in refining at a more local level the socioeconomic data allocations ABAG provides at the census tract level. VTA also uses parcel data purchased from private companies to verify the base year 2010 and 2013 land use data employment values, based on application of job rates to development square footage by land use classification.

**REGIONAL DATABASE AND MODELING UPDATES**

CMP Statute requires that the CMP model remain consistent with the ABAG regional database and MTC model. To achieve this, the CMP model is updated on an on-going basis to remain consistent with the regional database and model. Six specific update efforts are described below.

**Santa Clara County Land Use Database** — To facilitate future CMP planning, Member Agencies and VTA staff have developed an independent, locally generated, and managed land use database. This database will provide information for use in the CMP as well as help to make future ABAG projections more accurate. The database was initialized from parcel data obtained from the Santa Clara County Assessor, and will be improved as Member Agencies verify their existing land use data and
as approved projects are added as part of annual land use data submittals. As Member Agencies complete their verification, the land use database will represent the most accurate, consistent database for current and near-term land use. The database will assist ABAG by providing accurate inputs to floor area, housing, and acreage inventories for their projections. This database is available in the CMP’s Geographic Information System (GIS). VTA will be updating the model databases in the next year to reflect the recently adopted ABAG P 2013 data sets.

2010 Census Data Analysis — The Census Bureau released the Census Transportation Planning Package (CTPP) for the Bay Area in 2003. The CMP model has been updated to the 2000 Census CTPP data accordingly. The CTPP and trip tables are used to refine and re-calibrate existing trip distribution and mode choice models. Within the next few years, the Census Bureau will be releasing 2010 data that will be used to update the CMP models for auto ownership, trip distribution and mode choice. In addition, data from the American Community Survey (ACS) is also used to update the model estimates similar to the use of Census data for the interim years not covered by the decennial census. VTA will be recalibrating the CMP models to reflect data from the 2010 Census and American Community Survey.

MTC Transportation Model Changes — MTC periodically issues data, analysis, and projections of information pertinent to the CMP model and assumptions, such as projections of pricing assumptions such as auto operating costs and parking costs. The CMP model and database are modified as needed to remain consistent with those developed by MTC for its model system, which are typically distributed when the MTC Regional Transportation Plan is updated.

ABAG Data and Projections — The most recent ABAG projections, P2009, has been updated and incorporated into the CMP model databases. While there will not be an official release of Projections 2011, ABAG has prepared updated socio-economic data projections for the region as part of the Sustainable Community Strategies (SCS) development process, called ABAG P2013. The CMP model and databases will be modified as needed to remain consistent with data developed by ABAG.

Parking Facilities and Pricing Inventory — MTC maintains an inventory of peak
and off-peak parking charges at the zone level. A current and complete inventory of parking facilities and pricing is required for the internal zone system for the CMP model. The CMP model is consistent with the most recent MTC parking charges used in the RTP 2040 update.

**GEOGRAPHIC INFORMATION SYSTEMS MAINTENANCE**

VTA maintains model database information in Geographic Information System (GIS) layers, or coverages. Layer information includes roadway and transit networks, bus stop and transit station locations, land-use information including parcel level data, General Plan information, key production and attraction features such as schools, shopping centers, government offices, major employers and employment centers, parks, water features, and open spaces. These GIS layers are periodically updated and refined.

**COMPLIANCE AND CONFORMANCE**

To be in conformance with the Congestion Management Program, Member Agencies must ensure that their models are consistent with the CMP model using the recently adopted CMP Local Model Consistency Guidelines. VTA encourages the use of the CMP model by the local Member Agencies in order to ensure consistency, however, member agencies are free to develop their own local models but will be required to produce documentation to demonstrate consistency with the CMP models.

VTA must also ensure that the CMP models are consistent with the MTC regional models. To demonstrate compliance and conformance, MTC has developed a checklist of outputs that are to be produced from the CMP models and compared to a comparable MTC regional forecast year model run. CMP has prepared the checklist outputs from the most recent 2035 model runs and will provide the results in a separate submittal to MTC.
CHAPTER 6 | COMMUNITY FORM AND LAND USE IMPACT ANALYSIS ELEMENT

This chapter describes VTA’s CMP Community Form and Land Use Impact Analysis Program Element. The chapter includes the following sections:

• Statutory Requirement and VTA Policy
• Development of the CMP Land Use program
• VTA Community Design and Transportation (CDT) Program
• Relationship to Regional Initiatives
• VTA Activities Related to Energy and Air Quality
• VTA Joint Development Program
• CMP Land Use Impact Analysis Program
• Compliance and Conformance

STATUTORY REQUIREMENT AND VTA POLICY

The CMP statute (California Government Code: 65089 (b) (4)) requires that the CMP include:

“A program to analyze the impacts of land use decisions made by local jurisdictions on the regional transportation system, including an estimate of the costs associated with mitigating those impacts.”

The Santa Clara County CMA Governing Board discussed the land use impact analysis program requirement of the CMP Statute in detail during development of the 1991 CMP. It realized that the effective integration of land use and transportation had to occur on multiple levels, and that an advocacy role was also needed to influence policy development and community form. The Governing Board adopted a two-stage approach to the land use program. These stages were:

Stage I — Member Agencies utilize a consistent methodology for evaluating the
impact of specific development projects on the CMP System and submit a summary of all specific projects approved to the agency as part of the CMP’s annual monitoring process; the agency adds approved development projects to the countywide model and performs a cumulative transportation analysis for informational purposes.

Stage II — State law (AB 1619) vests the entity responsible for the CMA with responsibility for that county’s countywide transportation plan. As part of VTA’s countywide long-range transportation planning process, VTA and its Member Agencies developed land use policies and called for the creation of a new program to influence land use policies and provide incentives for planning future growth in a manner that minimizes the potential negative impacts of development on the countywide transportation system. As a result, the Community Design and Transportation (CDT) Program was created and adopted by the Board of Directors in 2002 as its primary program for integrating transportation and land use. By 2004, all Member Agencies had endorsed the program through formal Council/Board Actions.

The CDT Program includes a comprehensive toolkit for Member Agencies to use in all aspects of transportation and land-use planning, and with developing both public and private development projects. It includes a foundation of key concepts, guiding principles, and specific practices and actions that Member Agencies can use to improve community form and the operation of the transportation systems.

The Stage I Land Use Impact Analysis Program was initiated as part of the 1991 CMP. The Stage II Land Use Program was developed as part of the Valley Transportation Plan 2020 adopted in 2000, and was augmented with the VTA Board adoption of the CDT Program in November 2002. The following long-range plan, VTP2030, was adopted in February 2005 and featured the CDT Program. Subsequent updates to VTP have continued to emphasize the importance of the CDT Program.

**DEVELOPMENT OF THE CMP LAND USE PROGRAM**

The CMP statute clearly intends that local jurisdictions retain their legal authority to make land-use decisions. However, the Statute also makes cities and counties
more accountable for the impacts that their land use decisions have on transportation facilities than they have been in the past, both within and outside their boundaries.

Under the CMP Statute, local land use decisions may not degrade Traffic Level-of-Service (LOS) below the adopted standard for VTA’s CMP Roadway Network (LOS E). If a LOS standard violation is found during the monitoring process, the Member Agency within whose boundaries the violation occurs will be responsible for taking corrective actions or the Member Agency could be found in nonconformance with the CMP.

One potential problem with a strict interpretation of the CMP Statute is that it could encourage new development in outlying areas where there are large tracts of undeveloped land, and where the transportation system is relatively underutilized; that is, where LOS violations are least likely to occur and the impacts of development can be absorbed without triggering mitigation measures. This interpretation of the CMP Statute could be problematic for cities working carefully to manage urban development by encouraging infill development and reducing sprawl.

Since LOS standards set by local jurisdictions are usually higher than those set by the CMP (e.g. LOS C or D compared with LOS E for CMP facilities), it is unlikely that the CMP Statute alone would prevent more compact and infill development from occurring. However, recognizing this as a potential impediment for focusing growth and infill development in major transportation corridors and cores, the State Legislature has amended the CMP statutes.

The VTA CMP continues to promote the increased use of alternative transportation modes, such as mass transit, bicycling, and walking. In addition to encouraging infill housing, transit-oriented development, or mixed-use commercial development in core areas and around major transit facilities it promotes the removal of regulatory barriers. It also underscores the need to balance level of service standards for traffic with the need to build infill housing and mixed-use commercial developments within walking distance of mass transit facilities, downtowns, and town centers. The VTA CMP seeks to give greater flexibility to local governments to
balance these sometimes competing needs.

**LONG-RANGE OBJECTIVES**

The long-term objective of the CMP Land Use Element is to develop land use and transportation initiatives that improve transportation conditions, community livability, and air quality—including the reduction of greenhouse gas emissions—while supporting community goals. For example, many of Santa Clara County’s larger cities have relatively mature commercial and residential centers. In these cities, the planning emphasis has shifted from new land development to planning for balanced development within already developed centers—a form of urban revitalization. These cities are pursuing programs of infill, adaptive-reuse, renewal, mixed-use development, and increasing their density and housing supply. This is often occurring in areas that were formerly devoted to low-density industry. Smaller and less-developed cities may have different planning goals than the larger cities. However, these smaller cities are equally interested in planning objectives that ensure appropriate development, maximize the use of transportation investments and, to the extent possible, prevent unwanted traffic.

In addition to specific land-use planning efforts, VTA, the County and some cities have aggressively pursued and built new transportation facilities that could have a major impact on land-use plans. For example, the light rail system—as well as the existing Caltrain line—offer excellent opportunities for new transit-oriented mixed-use development. In the long run, transit-oriented development projects in these transit corridors can be expected to optimize the overall benefit of transportation investments.

Application of the CMP Statute in Santa Clara County must recognize the importance of these new types of land use and transportation initiatives (urban revitalization and transit oriented development) and encourage these initiatives in the future. The long-range (25-year) transportation plan for Santa Clara County, Valley Transportation Plan (VTP) 2040 prepared by VTA, reaffirms VTA’s commitments to land use programs and investment strategies. The CDT Program is an integral part of this plan, and the importance of land use and transportation integration will remain a key component in future updates of the long-range transportation plan for Santa Clara County.
VTP 2040’s objective for integrating transportation and land use through the CDT Program includes the following aspects:

• Designing and managing the transportation system to support concentrated development in selected locations

• Reducing energy use and greenhouse gas emissions

• Providing connectivity in road, bike and pedestrian networks so travelers can choose among many routes and modes

• Using land efficiently and supporting concentrated development with strategies including land use intensification and reuse, transportation investments that minimize right-of-way requirements and limiting land area dedicated to surface parking

• Developing an urban vision that creates sense of place, human scale buildings, vibrant public spaces and as many activities as possible within easy walking distance of each other and transit stops

• Promoting street design standards that consider function and land use context, and providing interconnected multimodal options

• Supporting investments concentrated within the CDT Program’s Cores, Corridors, and Station Areas

• Promoting robust partnerships with member and regional agencies

RESEARCH EVIDENCE ON THE IMPORTANCE OF CONCENTRATED DEVELOPMENT AROUND TRANSIT

Recent research at the national, state and local level has demonstrated the transportation benefits of concentrated development near transit. The following is a brief snapshot of key highlights of this research particularly relevant to VTA’s efforts in these areas.

On the residential side, a 2008 Transportation Cooperative Research Program study (TCRP Report 128) noted transit-oriented development (TOD) households typically own fewer cars because they have smaller households and because they may forgo extra cars due to transit’s proximity. The study found that TOD house-
holds are also almost twice as likely to not own any car, and own almost half the number of cars of other households. In addition, over a typical weekday period, the study found that 17 surveyed TOD housing projects averaged considerably fewer vehicle trips than estimated by the Institute of Transportation Engineers manual \(^1\). A study by researchers at the University of California Transportation Center (UCTC) in 2009 looked at parking supply versus demand at 31 multi-family housing projects near rail transit stations in the East Bay and the Portland, Oregon region, and found that parking supply exceeded demand by 25% in the East Bay and 30% in Metro Portland\(^2\). And a collaborative research project conducted by San Jose State University and VTA in 2010 indicated that residential TOD properties near rail stations in Santa Clara County may be ‘over-parked’, with supply exceeding demand by more than 20 percent on average\(^3\).

On the employment side, the literature review included in TCRP Report 128 notes that the location of jobs accessible by transit influences transit ridership. The report notes that “Systems that generate the highest commute ridership have a high percentage of regional jobs accessible by fast transit. For work trips, proximity to rail stations is a stronger influence on transit use than land use mix or quality of walking environment. Thus, the most effective strategy to increase TOD ridership is to increase development densities in close proximity to transit. Employment densities at trip ends have more influence on ridership than population densities at trip origins. It is critical to locate jobs near transit in order to attract households to TODs.”\(^4\)

**VTA COMMUNITY DESIGN AND TRANSPORTATION PROGRAM**

An underlying reason for merging the Santa Clara County Transit Agency and the Santa Clara County Congestion Management Agency and creating VTA was to better integrate land-use and transportation decision-making. Accordingly, a primary

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4. TCRP Report 128.
The goal of VTA’s Strategic Plan is the integration of transportation and land use. Both the Transit Agency and the Congestion Management Agency were engaged in various land use and transportation integration efforts, and it was intended that these efforts be enhanced under a combined agency.

The Community Design and Transportation (CDT) Program was developed to provide a unified framework for VTA’s various land use activities. In 2002, the VTA Board of Directors adopted the CDT Program as its primary program to integrate transportation and land use, and adopted the CDT Manual of Best Practices for Integrating Transportation and Land Use. Within the next two years, every VTA Member Agency formally endorsed the CDT Program through Board or Council action, pledging to work to implement the guidelines laid out in the CDT Manual in future development. One key element of the CDT Program is the Cores, Corridors and Station Areas (CCSA) framework, which shows VTA and Member Agency priorities for supporting concentrated development in the County. The CCSA framework continues to play an important role in VTA land use activities such as the Proactive CMP Development Review Program and VTA’s participation in regional initiatives such as Plan Bay Area and the PDA Investment & Growth Strategy (see below for more details about these programs).

The CDT Program has several purposes, including providing a framework where VTA can:

- Influence the design and programming of developments as early as possible in the development process. One of the problems with any development review process is that input often occurs too late in the process to generate meaningful changes. The CDT program is structured to be proactive during all phases of development from initial conceptual design, through transportation and environmental analysis, to construction, operation and maintenance.
- Enhance the effectiveness and efficiency of VTA projects
- Be an advocate for planning and design practices that enhance community livability
- Encourage an increase in non-greenhouse gas-emitting mode shares
- Assist local jurisdictions with planning and developing projects
• Foster joint planning and project development efforts, have more meaningful interaction and coordination with cities and the county regarding land use policy

• Provide leadership through policy, planning, design, and technical innovations

• Assist member agencies with planning, design, research, education and outreach involving the interactions between transportation systems, land use and urban design

• Foster a favorable policy setting to assist decision-makers with supporting the CDT Program, and provide a venue for improved dialogue and partnerships with all stakeholders

PROGRAM COMMITMENT

Partnerships and cooperation are fundamental requirements for the long-term effectiveness of the program. To be successful, the CDT Program will work to keep all stakeholders—VTA, member agencies, developers, the business community, and the public—focused on the cumulative benefits of implementing Best Practices. While immediate payoff opportunities may occasionally surface, incorporating CDT best practices within each new project and implementing incremental changes continually over time will yield the greatest returns. This requires active commitment from both member agencies and VTA.

VTA intends to update the CDT Manual over the coming years to reflect the most recent research and best practices in integrating transportation and land use. This effort will be undertaken in partnership with Member Agencies and other VTA stakeholders to ensure that the program is as useful and effective as possible.

RELATIONSHIP TO REGIONAL INITIATIVES

VTA’s efforts regarding land use and transportation integration work together with and reinforce initiatives that are occurring at the regional level in the San Francisco Bay Area. These regional initiatives include the FOCUS program, and the development of the Sustainable Communities Strategy and the Regional Transportation Plan under state Senate Bill (SB) 375.
FOCUS PROGRAM/PRIORITY DEVELOPMENT AREA (PDA)
INVESTMENT & GROWTH STRATEGY

To encourage a shift towards higher density growth patterns, protect the environment, reduce vehicle miles traveled, and encourage investment in transit, ABAG, along with BAAQMD, MTC, and the Bay Conservation and Development Commission (BCDC) established the FOCUS Program in 2006 and 2007. FOCUS established Priority Development Areas (PDAs) with incentives for transit oriented development and provided a bridge between local land use decisions and regional development. As part of the update of the Bay Area’s Regional Transportation Plan, MTC and ABAG initiated the Priority Development Area (PDA) Investment & Growth Strategy as the successor to FOCUS. VTA will work with its Member Agencies, Advocacy Groups and other Interested Parties to craft a PDA Investment & Growth Strategy that will be a useful tool to identify needs and resources for the PDAs and allow cities to target improvements to these areas. Each year, VTA will work with its partners to produce a PDA Investment & Growth Strategy Report that will highlight these needs and identify the resources required to address growth. The first report was completed in spring 2013 and was adopted by the VTA Board of Directors in June 2013. Work will commence on the second report in winter 2013.

On May 17, 2012, MTC and ABAG adopted the One Bay Area Grant (OBAG) program to distribute federal funds for transportation projects. As part of OBAG, MTC and ABAG adopted general programming policies for the distribution of funds, including a requirement that at least 70% of OBAG investments be directed to PDAs for projects located either in, or serving the PDAs. For future grant cycles, funding may be distributed to those local agencies that have PDAs.

Through the CDT Program, which preceded FOCUS and the PDA Investment & Growth Strategy, VTA and its member agencies have already made a commitment to developing communities that have focused development served by transit. While several good examples of this type of development have been built in Santa Clara County, much work remains to be done. The coming updates of the CDT Manual and toolkits will assist Member Agencies in these efforts. The CDT Program Cores, Corridors, and Station Areas are included as PDAs in the PDA Investment & Growth Strategy, and some Santa Clara County cities have had other areas designated as PDAs. These locations will be supported by technical and financial
assistance from both ABAG and MTC to help plan and develop into complete communities based on the goals of transit connectivity, housing availability and economic vitality.

**PLAN BAY AREA AND SB 375**

In July 2013, MTC and ABAG adopted ‘Plan Bay Area,’ which includes the region’s Sustainable Communities Strategy and 2040 Regional Transportation Plan. Plan Bay Area marks the Bay Area’s first long-range transportation plan to meet the requirements of California’s 2008 Senate Bill 375 (Steinberg), which requires each of the State’s 18 metropolitan areas to reduce greenhouse gas (GHG) emissions from cars and light trucks. Under SB 375 each region must develop a Sustainable Communities Strategy (SCS) or Alternative Planning Strategy (APS) that promotes compact, mixed-use commercial and residential development that is walkable and bikeable and close to mass transit, jobs, schools, shopping, parks, recreation and other amenities.

The land use distribution of Plan Bay Area was developed to meet performance targets based on SB 375:

- Help the region achieve its GHG emissions reduction target of reducing per-capita CO2 emissions from cars and light-duty trucks by 7 percent by 2020 and by 15 percent by 2035; and

- House 100 percent of the region’s projected 25-year population growth by income level (very-low, low, moderate, above-moderate) without displacing current low-income residents.

To help achieve these goals, Plan Bay Area envisions 80% of all new housing and 66% of all new jobs to be located in PDAs.

VTA, as the Congestion Management Agency for Santa Clara County, was actively involved in the development of the SCS and the RTP and served as a liaison between the regional agencies and VTA’s Member Agencies in these efforts. Through VTA’s own initiatives including the CDT Program, Land Use Impact Analysis Program, and Joint Development Program, VTA has long supported the goal of integrating land use and transportation planning that the SCS and RTP strives to
achieve. VTA is committed to supporting local and regional efforts intended to give people more transportation choices, create more livable communities and reduce energy consumption and the pollution that causes climate change.

**MTC RESOLUTION 3434 – REGIONAL TRANSIT EXPANSION PROGRAM AND TOD POLICY**

As part of the 2001 update to the Regional Transportation Plan (RTP), MTC developed an associated Regional Transit Expansion Program (RTEP) that identified a list of high-priority rail and express/rapid bus improvements to improve mobility and enhance connectivity throughout the Bay Area. MTC adopted a Transportation and Land Use Platform that calls for supportive land use plans and policies to support transit expansions in Resolution 3434. In 2005, MTC amended Resolution 3434 to include a Transit-Oriented Development Policy that establishes specific housing thresholds for these transit extensions, requires station area plans, and establishes corridor working groups.

One transit extension project in Santa Clara County is identified in the MTC Resolution 3434 TOD Policy – the BART extension from Fremont to San Jose/Santa Clara. The TOD Policy calls for a minimum threshold of 3,850 housing units per station area, averaged for the corridor starting from the existing end station (Fremont) to the end of the extension (Santa Clara). The TOD Policy specifies that to meet the corridor level thresholds, within a half mile of all stations a combination of existing and planned land uses must meet or exceed the overall corridor threshold for housing. New below-market housing units will receive a 50 percent bonus toward meeting the corridor threshold (i.e., one planned below-market housing unit counts for 1.5 housing units for the purposes of meeting the corridor threshold).\(^5\)

VTA, as the sponsor for the BART extension project to Milpitas, San Jose, and Santa Clara, is actively working with the cities along the corridor and other stakeholders to plan for future housing and employment intensification, station access needs, pedestrian- and bicycle-friendly design, and infrastructure improvements in the vicinity of the six stations in the BART Silicon Valley extension. As of 2013, station area planning efforts have been completed for Milpitas Station and Santa Clara

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Station, and a draft Station Area Plan has been completed for Diridon Station in San Jose, with the preparation of the accompanying Draft Environmental Impact Report underway. Planning efforts are also ongoing for the Berryessa Station and the Alum Rock Station in San Jose, involving coordination between VTA, the City of San Jose, CommUniverCity, San Jose State University, several neighborhood associations, and local land owners.

**AB 1358 - COMPLETE STREETS ACT**

The California Complete Streets Act of 2008 requires counties and cities making revisions to the circulation element of their general plans from January 2011 onward to plan for a balanced, multimodal transportation network that meets the needs of all users of the roadways. These users include bicyclists, pedestrians, motorists and persons of all ages and abilities. The intent of Complete Streets is to provide multimodal networks that are safe, convenient and well maintained with the goals of reducing greenhouse gas emissions and vehicle miles traveled and improving public health.

VTA and its member agencies support this initiative and are currently in development of a comprehensive Complete Streets program that will complement the update of the CDT Program. This program will assist member agencies in planning, designing and implementing projects that include the following key elements:

- Multimodal design – Incorporating street designs that accommodates all travel modes where appropriate
- Capacity/Continuity – Maximizing efficient use of the roadway and implementing consistent street designs on corridors that travel through multiple cites
- Technology – Using technology to improve safety and roadway operations
- Connectivity – Improving access for all transportation modes to major destinations
- Maintenance – Including plans for preserving the multimodal networks

**VTA ACTIVITIES RELATED TO ENERGY AND AIR QUALITY**

Through partnerships between VTA and its partner agencies, VTA has initiated
several activities to support the conservation of natural resources, reduction of greenhouse gases, prevention of pollution and use of renewable energy and materials. These activities also support existing legislative mandates such as AB 32 and SB 375.

Principles that inform VTA’s approach to energy and air quality include:

• Look toward existing and new technology for applications in VTA operations
• Place high emphasis on demand for fuel efficient and alternative fuel vehicles
• Encourage private and public organizations to pursue green actions
• Support the development of locally produced green energy sources

VTA’s activities in these areas include:

• Proactively implementing VTA’s Sustainability Program
• Exploring support from private sector development through its capital and ongoing operating programs
• Supporting regional and local advocacy efforts related to land use and transportation integration
• Improving transit by focusing on key corridors where local jurisdictions are committed to land use intensification and on first/last mile connections
• Supporting State and local building codes that require LEED certified construction such as insulation, energy efficient design and passive and active solar design elements.

VTA JOINT DEVELOPMENT PROGRAM

VTA envisions its station areas and transit corridors as vibrant, prosperous community assets that create a strong sense of place for transit, pedestrians, and the surrounding community, and are destinations in their own right.

VTA’s Joint Development Program furthers the VTP land use goal and objectives as well as the objectives of the CDT Program. The program was adopted by the VTA Board in January 2005 and is designed to secure the most appropriate private and
public sector development of VTA-owned property at or adjacent to transit stations and corridors. The VTA Board of Directors adopted a revised Joint Development Policy and Implementation Plan in April 2009. The revised Joint Development Policy provides the appropriate framework to maximize the respective economic values of each real estate asset through consensus-driven, site-appropriate development that also increases transit ridership, creates vibrant community assets and enhances the long-term life of VTA’s facilities.

The Joint Development Policy provides a framework for creating and pursuing the highest and best opportunities for development around station areas and corridors. The policy is intended to establish guidelines and procedures for identifying such opportunities to optimize return on investment to VTA. Joint Development also includes coordination with local jurisdictions in station area land use planning to establish development patterns that enhance transit use.

**CMP LAND USE IMPACT ANALYSIS PROGRAM**

The Land Use Impact Analysis Program was implemented as part of the Base Year (1991) CMP, was modified in 1997, and has been augmented with the development of the Community Design and Transportation Program. Member Agencies have complied with the requirements of the Land Use Impact Analysis Program annually from 1991 to the present.

**PROACTIVE CMP PROCESS**

In May 1997, the VTA Board approved the Proactive CMP Process. The intent of this process is to provide VTA Board of Directors with timely information on land use and transportation decisions made by Member Agencies. The Proactive CMP process coordinates two project review processes engaged in by CMA staff:

1. Review of environmental documents or other project materials as part of VTA’s Development Review program
2. Review of Transportation Impact Analysis (TIA) reports of proposed projects

VTA requires that Member Agencies analyze the potential transportation impacts of their land use decisions on the CMP System using the standard Transportation
Impact Analysis Methodology adopted by VTA Board of Directors for all development projects that generate 100 or more net new A.M. or P.M. peak-hour trips. As part of these analyses, Member Agencies must ensure that land use changes do not degrade traffic LOS below the CMP standard.

The reasons for providing VTA with TIAs are to:

- Maintain current information about traffic LOS and other land use and transportation data countywide
- Provide advance warning of potential LOS violations
- Foster consistent evaluation of development project transportation impacts using the uniform TIA methodology.

The Proactive CMP process provides for two tracks under which development review occurs; one for projects that do not require environmental clearance and another for projects undergoing environmental clearance. For the first type of project, VTA may receive a stand-alone TIA from a member agency, and the review requirements are defined by VTA Congestion Management Program standards. Generally, for the second type of project, the public notification and review requirements are defined by the California Environmental Quality Act (CEQA) as well as member agency and VTA standards. In this second track, a TIA is typically prepared during the environmental process, and the environmental document usually includes the transportation analysis as part of the document.

The Proactive CMP process for both types of projects is summarized below and is illustrated by the flow chart in Figure 6.1. The complete CMP process is described in the CMP Transportation Impact Analysis Guidelines.

**SUMMARY OF PROACTIVE CMP PROCESS**

1. Member Agency Sends TIA Notifications Form to VTA, if applicable: Member Agencies are required to send notification that a TIA is being started to the VTA staff as well as to the Technical Advisory Committee members of adjacent cities and the County. The purpose of this notification is to inform interested parties of the study and to allow them to comment on the scope of the analysis.
Member Agency notifies VTA of Transportation Impact Analysis (TIA) preparation for projects with 100+ net peak hour vehicle trips

Member Agency submits TIA to VTA at least 15 days prior to expected project approval

VTA responds with suggestions for compliance with CMP process and other suggested project recommendations

City Staff analyzes project and makes recommendation

Planning Commission/City Council takes action on project

Project not approved

Member Agency informs VTA of conditions imposed on project

VTA reports on suggested major project recommendations and approved development conditions

Project approved with condition(s)

TIA responses sent to TAC Member, PAC Member, VTA Board Member

Report to VTA Board CMPP, TAC, PAC, BPAC

VTA Action  Member Agency Action
2. **Member Agency submits TIA or Development Referral to VTA:** TIAs must be submitted 15 calendar days before project approval. Development Review track referrals (e.g., zoning change/EIR/site plan) will be submitted according to Member Agency public review requirements and/or CEQA notification requirements.

3. **VTA Responds:** Before the expected date of project approval, VTA staff will review TIAs of projects for consistency with CMP standards and may suggest transportation-related enhancements. CMP response letters are developed and sent to Member Agency staff prior to approval by the Planning Commission and/or City Council, and copies may be sent to the jurisdiction’s members on VTA’s Technical Advisory Committee and Policy Advisory Committee.

4. **Planning Commission/City Council Decision and Project Conditions:** If the decision-making body rejects the project, no further action by the Member Agency is required. When the project is approved the Member Agency is required to send to the VTA staff the text of the relevant adopted conditions relating to the CMP Transportation System and the promotion of alternative transportation modes.

5. **Proactive CMP Quarterly Report:** VTA staff prepares a quarterly report summarizing Member Agency projects (both TIAs and Development Review referrals) that are submitted to VTA for review as part of the Proactive CMP process, comments submitted to Member Agencies by VTA staff, as well as projects that VTA previously commented on which were approved during the past quarter.

### TRANSPORTATION IMPACT ANALYSIS (TIA) GUIDELINES UPDATE

One of the key ways that VTA is proactively addressing the integration of land use and transportation in Santa Clara County is through the update to the Transportation Impact Analysis (TIA) Guidelines over the 2013-2014 time period. As a required analysis for all development projects that generate 100 or more net new automobile trips during either peak period, the way that transportation impacts are analyzed and reported in TIAs makes a meaningful difference in how congestion is addressed in Santa Clara County. Updating the TIA Guidelines offers VTA the opportunity to encourage the use of multimodal performance measures and make the CMP better reflect the goals of SB 375, the regional and countywide long range transportation plans, and local General Plans and policies.

The goal of the TIA Guidelines update is to incorporate multimodal measures and
take a balanced, multimodal approach to addressing congestion impacts and transportation solutions of development projects. The desired outcomes of this effort include:

- Improve requirements to provide meaningful, relevant analysis of alternative modes
- Provide information that encourages decision-makers to consider more than just automobile LOS when evaluating development projects or plans
- Move from an emphasis on auto capacity to increased emphasis on multimodal improvements in project proposals and mitigations
- Reward projects and plans that manage and minimize auto trip generation and associated congestion impacts

Through VTA’s Proactive CMP/Development Review activities, exploration of new multimodal performance measures and discussions with technical working groups, VTA staff has identified a number of areas for possible improvements to the TIA Guidelines. Two key areas VTA staff are focusing on in this update are the approach to automobile trip reductions and the analysis of multimodal impacts.

As currently structured, the approach to automobile trip reductions in the TIA Guidelines may not be providing optimal incentives or highlighting projects that do the most to reduce automobile trips. One new element VTA has proposed is to include an “Auto Trip Reduction Statement” that provides a quick and clear overview of the various project characteristics related to trip reduction, such as TDM programs, shuttles, parking management, and proximity to transit. VTA staff has also identified a need to clarify the approach to projects that can demonstrate greater automobile trip reductions than the baseline reductions allowed by the TIA Guidelines, and to improve the trip reduction monitoring process.

The approach to multimodal (pedestrian, bicycle and transit) impact evaluation will be another key element of the update. Currently, the guidelines call for capacity-based evaluations of these modes, which does not generally produce a meaningful analysis based on current utilization levels of pedestrian, bicycle and transit facilities in Santa Clara County. While it is premature for that VTA to adopt impact thresholds based on the new quality of service evaluation methodologies
presented in the HCM 2010 (see discussion in Chapter 3), VTA will consider options to include more meaningful multimodal analyses in TIAs. Options under consideration include requiring more consistent descriptions of existing and planned pedestrian and bicycle facilities near project sites, evaluating the impact of automobile congestion on transit travel times, and including guidelines to conduct an informational multimodal analysis per HCM 2010 for projects that modify street geometry.

VTA is also considering updates to numerous other areas of the TIA Guidelines, including the TIA process, intersection analysis, freeway analysis, parking analysis, and the approach to mitigation measures. VTA will continue to work with member agency staff, technical working groups, VTA Board Committees, and other stakeholders to ensure that the TIA Guidelines Update is conducted through a robust, inclusive process.

**PROACTIVE CMP PROCESS/DEVELOPMENT REVIEW PROGRAM ENHANCEMENTS**

VTA is currently enhancing its efforts in the Proactive CMP Process and Development Review Program. VTA is continually improving its GIS database of Development Review referrals, identifying ways to better follow up on VTA staff comments over the life of projects, improving its tracking of development activities early in the planning process, and assisting Member Agencies with the review of development proposals. All of these efforts are intended to forge a stronger partnership between VTA, its Member Agencies and the development community to promote stronger, more transit-supportive and more livable communities.

**CMP LAND USE DATABASE**

One of the most critical aspects of the Land Use Program is gathering information on existing and planned land uses throughout the county. VTA maintains a uniform database of planning-level land use information, which was developed from 1997 to 1999 and is revised annually by Member Agencies as part of the annual CMP monitoring process.

In addition, the land use database will assist Member Agencies in their efforts to revise regional land use forecasts. Many Member Agencies have questioned the
accuracy of land use forecasts developed by the Association of Bay Area Governments (ABAG). These forecasts are used in the MTC’s Regional Transportation Model and must be used in the CMP countywide transportation model (according to the CMP statute). The CMP land use database has been designed to be consistent with ABAG’s needs in order to facilitate improved information exchange.

Hence, in order to maintain the land use database, the second requirement of the Land Use Impact Analysis Program is that Member Agencies provide VTA with data on two categories of land use decisions:

- **Approved Projects** – Site-specific land use actions that have a sponsor and that have been approved for development according to a defined schedule; and

- **Major Land Use Planning Changes** – Changes in general land use designations for which project-level approval decisions will be required before any construction can begin. Major land use planning decisions include General Plan Amendments, specific plans, development plans, and major zoning revisions.

### COMPLIANCE AND CONFORMANCE

Member Agencies provide data to VTA in the Annual Land Use Monitoring Report following the process described in the CMP Monitoring and Conformance Requirements. The Annual Land Use Monitoring Report describes all approved development projects and major land use planning changes made during the past year. This data is used to update the CMP countywide transportation model. In order to conform to the CMP, Member Agencies must submit the Annual Land Use Monitoring Report to VTA for the year ending June 30, by December 1 of each year.

VTA reviews each Member Agency’s land use submittals. If a Member Agency does not submit complete, accurate, and timely reports, it could be found in nonconformance with the CMP.

When VTA’s cumulative analysis of all approved projects produces a finding of potential nonconformance caused by project-related trips on the CMP System, the Member Agency or Agencies will be advised that nonconformance – the actual violation of LOS Standards on an intersection or road segment of the CMP System
– is imminent. Under those circumstances, the Member Agencies may be required to identify strategies to maintain conformance. These strategies will affect projects that have not yet been approved that could further degrade the LOS on the same intersection or road segment. Member Agencies may propose to add mitigation measures, to defer approvals, or to prepare Multimodal Improvement Plans that contain system-wide or multimodal improvements.

If the analysis of major land use planning decisions shows that these land use changes may contribute to a future violation of LOS standards, subsequent reports must demonstrate that future land use plans and/or transportation improvements will prevent LOS violations, or that an approved Multimodal Improvement Plan will be applied to achieve systemwide improvements.
This chapter describes Santa Clara County’s CMP Capital Improvement Program (CIP). It contains the following sections:

• Introduction
• Updates since the 2011 CMP
• Local Policies for CIP Development
• Capital Improvement Program Funding
• CIP Project Lists

INTRODUCTION

The Capital Improvement Program (CIP) is a list of capital projects designed to improve transportation conditions and air quality in Santa Clara County. The CIP describes major transportation projects proposed by Member Agencies and Caltrans and includes projects funded by a variety of funding sources. The CIP does not include transit projects funded solely through Federal Transit Administration (FTA) formula funds (Sections 5307 and 5309) or Transportation Development Act (TDA) Sections 4 and 4.5 funds. These projects are included in the VTA, Caltrain and ACE Short-Range Transportation Plans (SRTPs).

The CMP statute requires that the CMP contain a Capital Improvement Program that accomplishes the following objectives:

• Maintains or improves the performance of the multimodal system for the movement of people and goods.
• Mitigates the impacts of land use decisions on the Regional Transportation System.
• Conforms to air quality mitigation measures included in state and federal air quality plans.
Preserves the investment in existing facilities.

UPDATES SINCE THE 2011 CMP

The following discussions have been updated for the 2013 CMP:

1. 2002 Proposition 42, 2007 Proposition 1A, and 2010 Gas Tax Swap
2. Recession and Recovery

2002 PROPOSITION 42, 2007 PROPOSITION 1A, AND 2010 GAS TAX SWAP

Proposition 42 was enacted in March 2002, and requires the State’s sales tax on gasoline be transferred from the General Fund to the Transportation Investment Fund. The funds are to be used for the following programs:

- Local streets and road subventions for City and County pavement management programs.
- Public Transit Account (PTA).
- State Transportation Improvement Program (STIP).
- Traffic Congestion Relief Fund (TCRF) through FY 2007/08.

Proposition 42 permitted the State Legislature to suspend or partially suspend the transfer of funds if the Governor makes a proclamation to declare a fiscal emergency and the Legislature agrees to do so by a two-third stand alone vote. The 2003 State Budget crisis prompted the Legislature to suspend fund transfers in FY 2003/04 and 2004/05 and do a partial suspension in FY’06.

As a result of these continuing suspensions, voters enacted Proposition 1A in 2007. Proposition 1A limited the State’s ability to divert Proposition 42 funds by (1) limiting suspensions to twice in ten consecutive fiscal years, (2) requiring that the funds be repaid, with interest within three years, and (3) prohibiting the second suspension until the first is repaid.
On March 22, 2010, Gov. Schwarzenegger signed two major pieces of legislation that fundamentally restructured California’s system of transportation finance — AB 6 and AB 9 of the Eighth Extraordinary Session. The bills shifted the cost of debt service on outstanding transportation bonds from the General Fund to various transportation funds, in a “Gas Tax Swap”.

Mechanics of the Tax Swap: The tax swap, contained in AB 6, affected four different taxes — the state portion of the sales tax on gasoline, the excise tax on gasoline, the state portion of the sales tax on diesel fuel, and the excise tax on diesel. Local sales taxes remain unchanged and continue to include gasoline and diesel fuel. AB 6 contained the following key changes:

- Beginning July 1, 2010, eliminated the 6 percent statewide sales tax on gasoline, and with it, the funding source for Proposition 42 and “the spillover,” a funding formula dedicated to public transit.

- Raised the excise tax on gasoline by 17.3-cents on July 1, 2010, for a total excise tax of 35.3 cents per gallon. Starting March 1, 2011, and each March 1st thereafter, authorizes the State Board of Equalization (BOE) to estimate how much revenue would have been raised by the sales tax on gasoline and adjust the gasoline excise tax to raise an equivalent amount.

- Retained the sales tax on diesel fuel and raises it by another 1.75 percent on July 1, 2011.

- Offset the diesel sales tax rate increase by lowering the diesel excise tax from 18 cents per gallon to 13.6 cents, effective July 1, 2011. Similar to the gasoline excise tax, the excise tax will be adjusted by the BOE on March 1st of each year to maintain revenue neutrality.

While the overall tax swap was revenue neutral by design (in order to allow for passage by a simple majority vote), public transit lost over $1 billion annually due to the elimination of the sales tax on gasoline, as discussed in greater detail below. AB 9 also appropriated $142 million in Public Transportation Account (PTA) funds to the General Fund to offset the cost of public transit bond debt service in FY 2009-10 and another $254 million for FY 2010-11.

AB 9 stipulated how the excise taxes on gasoline and diesel fuel and the sales tax
on diesel will be distributed, and appropriated $400 million to the State Transit Assistance (STA) program in 2010, the only source of state support for public transit operations. AB 9 provides for the new gasoline excise tax revenue to be distributed as follows:

- Fund debt service on highway-related transportation bonds as the first priority from the new gasoline excise tax increase. As a result, about $600 million would go towards the General Fund in FY 2010-11. This amount grows each year, peaking at approximately $1.3 billion in FY 2017-18.

- In FY 2010-11 only, split the remaining funds available after debt service (approximately $1.3 billion) 50/50 between the State Transportation Improvement Program (STIP) and local streets and roads.

- Beginning in FY 2011-12, split the balance remaining after debt service (approximately $1.6 billion) as follows:
  - 44 percent to STIP projects
  - 44 percent to local streets and roads
  - 12 percent to the State Highway Operation and Protection Program (SHOPP)

RECESSION AND RECOVERY

The worldwide financial crisis that began in late 2008 and crippled the national economy in 2009 and 2010 resulted in a precipitous decline in local sales tax revenue. Rising unemployment and unprecedented investment losses crushed consumer confidence, prompting county residents to defer major taxable purchases; for example, in FY 2010, Measure A sales tax receipts were 13.7% below those received during FY 2007. The U.S. Labor Department estimated that the country lost approximately 8 million jobs between early 2008 and June 2010. Although jobs were lost throughout the country, the loss was particularly deep in Santa Clara County. Locally, the unemployment rate in Santa Clara County peaked at 12.1% in January 2010.

The good news is that the US economy has slowly recovered since then and Santa Clara County rebounded faster than the nation as a whole. By April 2013, the unemployment rate in Santa Clara County was 6.6%, down from 8.5% the
previous year. Nationally, the unemployment rate in April 2013 was 7.5%, down
from 8.1% the previous year. With increased employment in the County, VTA saw
a corresponding increase in sales tax receipts of 9.7% in FY 2011 and 8.8% in FY
2012.

LOCAL POLICIES FOR CIP DEVELOPMENT

In 1992, the Santa Clara County CMA Governing Board adopted several specific
policies (in addition to the statutory requirements for CIP projects) to guide the
development of the Capital Improvement Program. These policies were used in
conjunction with the regional criteria for project selection and other program-
specific criteria to develop the CIP. The VTA Board of Directors revised these poli-
cies as a result of the November 2000 election and January 2009 adoption of its
long-range Countywide Transportation Plan, Valley Transportation Plan 2035 (VTP
2035). They are listed as follows:

• Future discretionary Federal and State programming is limited to pedestrian,
bicycle and roadway projects (Adopted October 5, 2000).

• Santa Clara County’s STIP submittal will be formulated to be consistent with the
adopted long-range Countywide Transportation Plan.

• Project sponsors in Santa Clara County will provide at least twenty percent of
total project cost in local matching funds where appropriate.

• All projects submitted for funding must be on or benefit the adopted CMP
System.

• Transportation improvements should support higher density development
around transit stations, thus promoting the use of transit and other alternatives
to the single-occupant vehicle in Santa Clara County.

• Improvements that make existing developments more pedestrian and bicycle-
friendly, support HOV and transit users, and improve passenger safety and
convenience are encouraged.

• Transportation improvements should support land-use policies that encourage
well-designed infill and mixed-use development.
• Whenever possible, roadway projects shall improve, or at least not reduce, outside lane widths (or bicycle lanes) to provide for safe bicycle travel.

**CAPITAL IMPROVEMENT PROGRAM FUNDING**

The Board of Directors adopted Valley Transportation Plan 2035 (VTP 2035) at its January 2009 meeting. VTP 2035 addresses transportation-related projects and actions in Santa Clara County that involve participation by VTA and its associated agencies, impact inter-jurisdictional travel, or are regional in nature. These investments are location-specific improvements for four modes of travel: roadway (including HOV and ITS), transit, bicycle, and pedestrian. The following sections describe funding programs for the 2011 CIP.

**SURFACE TRANSPORTATION PROGRAM (STP) / CONGESTION MITIGATION - AIR QUALITY PROGRAM (CMAQ)**

STP funds are used to address congestion problems by funding improvement projects across all transportation modes. CMAQ funds are used to implement the transportation provisions of the 1990 Federal Clean Air Act and are allocated only to areas designated as non-attainment areas. The Bay Area is currently a non-attainment area.

The STP and CMAQ funding programs are part of MAP-21, the Moving Ahead for Progress in the 21st Century Act (P.L. 112-141), which was signed into law by President Obama on July 6, 2012.

Transportation Alternatives (TA) Communities across America have access to Transportation Alternatives (TA) funds from the federal government to expand travel choice, strengthen the local economy, improve the quality of life, and protect the environment. The Transportation Alternatives program was established by Congress in 2012, and is funded through a proportional set-aside of the core Federal-aid Highway Program. Eligible activities include most activities historically funded as “Transportation Enhancements,” the Recreational Trails Program, and the Safe Routes to School program.
REGIONAL IMPROVEMENT PROGRAM (RIP) AND INTERREGIONAL IMPROVEMENT PROGRAM (IIP)

Senate Bill 45 (SB-45) was signed into law in 1997. This legislation directed funds from the State Highway Account (SHA) into three funding categories:

1. Regional Improvement Program (RIP) – 75 percent
2. Interregional Improvement Program - Rural Interregional – 15 percent
3. Interregional Improvement Program - Discretionary – 10 percent

Seventy-five percent of the consolidated funds are allocated to the regions as Regional Improvement Program funds. The Metropolitan Transportation Commission (MTC) programs these funds through the State Transportation Improvement Program (STIP) process, with final approval by the California Transportation Commission (CTC).

The remaining 25 percent is allocated to the two categories of the Interregional Improvement Program (IIP). Fifteen percent is allocated to projects outside of the urbanized areas (IIP – 15 percent Category). The remaining 10 percent may be programmed on any interregional project at the discretion of Caltrans and CTC. All IIP funds are programmed by Caltrans, through the Interregional Transportation Improvement Plan (ITIP) process, with final approval by CTC. The regions may work with Caltrans for combined RIP and IIP funding of projects in the ITIP and/or petition for the nomination of particular projects in the ITIP. However, the ability to nominate projects for the ITIP rests solely with Caltrans. In the past, Caltrans has nominated and the CTC has programmed IIP funds to projects within Santa Clara County.

TRAFFIC CONGESTION RELIEF FUND

On July 6, 2000, the governor signed Assembly Bill 2928 into law. This bill established the Traffic Congestion Relief Fund (TCRF) to provide funding for specific congestion relieving transportation projects around the State. The bill made $914.5 million available for projects and to Santa Clara County; TCRF funding was prioritized for Prop. 42 funds until 2008, however Prop. 42 funds were diverted on multiple occasions and the prioritization period ended with a significant back-log.
of un-allocated funds. The CTC adopted a TCRP allocation plan in 2008 based on Prop. 42 payback schedules and tribal gaming receipts that were anticipated at the time, and prioritized the remaining projects into two tiers based on their delivery schedules. The Prop. 42 payback revenues are directed to the first tier, with anything remaining in a given year, and the tribal gaming receipts directed to the second tier. VTA’s BART extension project is in the first tier, and accounts for half of each year’s guaranteed revenues until 2015. To date, VTA has received all but one allocation under the plan; the final allocation is scheduled for August 2014.

2000 MEASURE A AND 2008 MEASURE B SALES TAX FUNDS

In November 2000, the voters of Santa Clara County approved Measure A, a 30-year countywide ½-cent sales tax to be collected by VTA and used to fund specific transit projects and programs. 2000 Measure A took effect in April 2006, immediately after the expiration of the 1996 Measure B ½-cent sales tax, and will continue for 30 years until 2036.

In November 2008, the voters of Santa Clara County approved Measure B, a 1/8 – cent sales tax for the purpose of funding the operations and maintenance of the 16.1 mile BART extension into Santa Clara County and for providing VTA’s contributions to BART’s system wide capital reserve. The tax is limited to 30 years.

TRANSPORTATION FUND FOR CLEAN AIR

The Transportation Fund for Clean Air (TFCA) is generated by a $4.00 surcharge on vehicle registrations. The Bay Area Air Quality Management District (BAAQMD) administers these funds in the nine-county Bay Area. Funds are available for allocation to alternative fuels, arterial management, bicycle, and trip-reduction projects that reduce vehicle emissions.

BAAQMD returns 40% of these funds to the county in which they are collected for allocation by a “program manager.” This fund is called the TFCA Program Manager Fund. VTA is the program manager for Santa Clara County and project sponsors apply directly to VTA for funding. The VTA Board of Directors allocates these funds to projects in Santa Clara County, following criteria developed by VTA and its Member Agencies and subject to approval by BAAQMD. The remaining 60% of the funds are dedicated to a regional discretionary program managed directly by the BAAQMD; projects are funded on a regional discretionary basis.
2006 PROPOSITION 1B

The Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006 was approved by California voters as Proposition 1B on November 7, 2006. Proposition 1B provides bond funding for six programs within Santa Clara County. The six programs are: The Corridor Mobility Improvement Account (CMIA); the STIP Augmentation; State Local Partnership Program (SLPP); Public Transportation Improvement and Service Enhancement Account; Highway Railroad Crossing Safety Account; and the Local Street and Road Congestion Relief and Traffic Safety Account.

2008 PROPOSITION 1A

The Safe, Reliable, High-Speed Passenger Train Bond Act was passed in November 2008. While most of the funding (approximately $9 billion) will be used to construct the main-line High Speed Rail (HSR) system between San Francisco and Los Angeles, approximately $1B was made available to local rail operators such as VTA and Caltrain to improve their connecting services. VTA will receive approximately $26 million from this program.

SANTA CLARA COUNTY EXPRESS LANES REVENUE

In 2004, the State passed legislation (AB 2032, Dutra) giving VTA the authority to implement express lane operations in up to two corridors in Santa Clara County. VTA completed an Express Lane Study that identified candidate routes, which are listed below as part of the Highway Program of projects.

In 2012, VTA opened the first express lane in Santa Clara County on the SR 237/I-880 connector ramp. During FY 2013, the express lane produced toll revenues of $1,049,000, far exceeding the projection of $592,000, while the total expenses incurred were below projections at $535,000.

VTA estimates that express lane projects will generate approximately $1.01 billion in revenues (net of operating and maintenance expenses) through 2040 that will be used for transit services and other transportation improvements in the express lanes corridors.
2010 MEASURE B VEHICLE REGISTRATION FEE

In 2010 the voters of Santa Clara County approved a $10 increase in the fees of motor vehicle registration for transportation-related projects and programs. Funds are distributed to the County of Santa Clara based on the County’s percentage share of the total roadway lane mileage recorded in Caltrans’ California Public Road Data report. The remaining funds are distributed to the incorporated cities within Santa Clara County based on each city’s percentage share of the total county population (excluding unincorporated areas) as reported by the California Department of Finance. Roadway mileage and population shares are updated annually.

Eligible Project Categories include:

- Pavement Rehabilitation/Reconstruction
- Traffic Control Signals, Traveler Information & Safety Devices
- Curb & Gutter Rehabilitation/Reconstruction
- Roadway-Related Facilities to Improve Safety
- Automobile-Related Environmental Mitigation including Roadway Sweeping & Litter Control
- Intelligent Transportation System Technologies (transportation-related technologies including traffic control signals, safety and traveler information systems)
- Countywide Environmental Mitigation related to pollution caused by autos and trucks
- Matching funds for Federal/State/Regional transportation grants applied to any roadway transportation project included in the adopted Valley Transportation Plan
CIP PROJECT LISTS

The Capital Improvement Program is developed in accordance with the regionally adopted multimodal criteria for project selection. The criteria emphasize maintaining and sustaining the existing transportation system, improving its efficiency and effectiveness through congestion relief, safety improvements and consideration of freight movement, expanding the system, and accounting for external impacts on land use and air quality.

The CMP statute requires that capital improvement programs be submitted to the regional planning agency (in the Bay Area, the Metropolitan Transportation Commission) for inclusion in the Regional Transportation Improvement Program (RTIP) and the Transportation Improvement Program (TIP). The statute then specifies that the regional agency shall:
1. Evaluate the consistency between the program and the regional transportation plans pursuant to Section 65080.
2. Find the program to be consistent and incorporate it into the regional transportation improvement program as provided for in Section 65082. If the regional agency finds the program is inconsistent, it may exclude any project in the Congestion Management Program from inclusion in the regional transportation improvement program.

The following pages contain the project lists constituting the Capital Improvement Program, listed, by mode, in Tables 7.1 through 7.10. Readers seeking additional information about a specific project should consult the project listing in the Transportation Improvement Program (http://www.mtc.ca.gov/funding/tip/index.htm).
<table>
<thead>
<tr>
<th>Project Name</th>
<th>TIP ID</th>
<th>Sponsor</th>
<th>Total Funds</th>
<th>Discretionary</th>
<th>Local</th>
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</thead>
<tbody>
<tr>
<td>I-880 Coleman Avenue I/C Reconfiguration</td>
<td>SCL010019</td>
<td>VTA</td>
<td>$78,042</td>
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<td>SR-152/SR-156 Interchange Improvements.</td>
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<td>VTA</td>
<td>$45,530</td>
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<td>US 101 / Blossom Hill I/C Reconst &amp; Road Widening</td>
<td>SCL030006</td>
<td>VTA</td>
<td>$15,000</td>
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<td>US 101 / Mabury New Interchange</td>
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<td>VTA</td>
<td>$20,750</td>
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<td>Page Mill Road/I-280 Interchange Reconfiguration</td>
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<td>Santa Clara County</td>
<td>$9,500</td>
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<td>I-880/Montague Expressway interchange Improvements</td>
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<td>VTA</td>
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<td>New SR152 Alignment Study</td>
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<td>VTA</td>
<td>$10,000</td>
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<td>US 101 SB Trimble Road/De La Cruz Boulevard/Central</td>
<td>SCL090025</td>
<td>San Jose</td>
<td>$34,000</td>
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<td>SR 87 Guadalupe Freeway Corridor Landscaping</td>
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<td><strong>Total</strong></td>
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### Table 7.2 | Capital Improvement Projects: Express Lane Projects ($Thousands)

<table>
<thead>
<tr>
<th>Project Name</th>
<th>TIP ID</th>
<th>Sponsor</th>
<th>Total Funds</th>
<th>Discretionary</th>
<th>Local</th>
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<tbody>
<tr>
<td>US 101 Express Lanes</td>
<td>SCL110002</td>
<td>VTA</td>
<td>$84,000</td>
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<td>SR 85 Express Lanes</td>
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<td>VTA</td>
<td>$60,800</td>
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<tr>
<td>SR 237 Express Lanes: Mathilda Avenue to SR 85</td>
<td>SCL130002</td>
<td>VTA</td>
<td>$83,790</td>
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<tr>
<td>SR 237 Express Lanes: Zanker Rd to Mathilda Ave</td>
<td>SCL110008</td>
<td>VTA</td>
<td>$14,400</td>
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<tr>
<td>Total</td>
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<td>$242,990</td>
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### Table 7.3 | Capital Improvement Projects: Expressway Projects ($Thousands)

<table>
<thead>
<tr>
<th>Project Name</th>
<th>TIP ID</th>
<th>Sponsor</th>
<th>Total Funds</th>
<th>Discretionary</th>
<th>Local</th>
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<tr>
<td>Oregon-Page Mill Expwy Improvements</td>
<td>SCL050080</td>
<td>Santa Clara County</td>
<td>$3,915</td>
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<td>Central Expressway Auxiliary Lanes</td>
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<td>Santa Clara County</td>
<td>$17,000</td>
<td>$14,665</td>
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<tr>
<td>San Tomas Expressway Box Culvert Repair - Phase 1</td>
<td>SCL090002</td>
<td>Santa Clara County</td>
<td>$15,900</td>
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<td>$15,410</td>
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<td>San Tomas Expressway Widening</td>
<td>SCL110007</td>
<td>Santa Clara County</td>
<td>$69,900</td>
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<td>Widen Montague Expressway between Lick Mill-Trade Zone</td>
<td>SCL090010</td>
<td>San Jose</td>
<td>$13,500</td>
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<td>Montague Expwy Widening - Trade Zone- I-680</td>
<td>SCL090017</td>
<td>Santa Clara County</td>
<td>$24,000</td>
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<tr>
<td>US 101/Montague Expressway Interchange</td>
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<td>Santa Clara County</td>
<td>$13,500</td>
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<td>Total</td>
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<td>$157,715</td>
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## TABLE 7.4 | CAPITAL IMPROVEMENT PROJECTS: LOCAL STREETS PROJECTS ($THOUSANDS)

<table>
<thead>
<tr>
<th>Project Name</th>
<th>TIP ID</th>
<th>Sponsor</th>
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<th>Discretionary</th>
<th>Local</th>
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<tbody>
<tr>
<td>SR 237 - Calaveras Blvd Widening</td>
<td>SCL050077</td>
<td>Milpitas</td>
<td>$4,500</td>
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<td>Charcot Avenue Extension over I-880</td>
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<td>San Jose</td>
<td>$34,000</td>
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<td>$9,200</td>
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<tr>
<td>Downtown Couplet Conversion Projects</td>
<td>SCL090004</td>
<td>San Jose</td>
<td>$22,000</td>
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<td>Coleman Avenue Widening from I-880 to Taylor Street</td>
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<td>San Jose</td>
<td>$13,000</td>
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<td>San Jose North 1st Street Core Area Streets Imps.</td>
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<td>San Jose</td>
<td>$61,000</td>
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<td>San Jose: Various Intersection Improvements</td>
<td>SCL090008</td>
<td>San Jose</td>
<td>$29,000</td>
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<td>Branham Ln/Monterey Hwy Grade Crossing Design</td>
<td>SCL090036</td>
<td>San Jose</td>
<td>$570,000</td>
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<td>$95,000</td>
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<tr>
<td>San Jose - Autumn Street Extension</td>
<td>SCL110006</td>
<td>San Jose</td>
<td>$35,000</td>
<td>$974</td>
<td>$34,026</td>
</tr>
<tr>
<td>Highway 9 Safety Improvements</td>
<td>SCL070050</td>
<td>Saratoga</td>
<td>$1,542</td>
<td>$1,362</td>
<td>$180</td>
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<tr>
<td>SR 237/US 101/Mathilda Interchange Modifications</td>
<td>SCL130001</td>
<td>Sunnyvale</td>
<td>$15,000</td>
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<td></td>
<td>$785,042</td>
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<td>$282,906</td>
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</tbody>
</table>
### TABLE 7.5 | CAPITAL IMPROVEMENT PROJECTS: PAVEMENT MANAGEMENT ($MILLIONS)

<table>
<thead>
<tr>
<th>Project Name</th>
<th>TIP ID</th>
<th>Sponsor</th>
<th>Total Funds</th>
<th>Discretionary</th>
<th>Local</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duane Avenue Roadway Preservation</td>
<td>SCL130033</td>
<td>Sunnyvale</td>
<td>$1,780</td>
<td>$1,576</td>
<td>$204</td>
</tr>
<tr>
<td>Santa Clara Various Streets &amp; Roads Preservation</td>
<td>SCL130038</td>
<td>Santa Clara</td>
<td>$2,140</td>
<td>$1,891</td>
<td>$249</td>
</tr>
<tr>
<td>Hillside Road Preservation</td>
<td>SCL130014</td>
<td>Los Gatos</td>
<td>$157</td>
<td>$139</td>
<td>$18</td>
</tr>
<tr>
<td>El Monte Road Preservation</td>
<td>SCL130013</td>
<td>Los Altos Hills</td>
<td>$350</td>
<td>$186</td>
<td>$164</td>
</tr>
<tr>
<td>Palo Alto Various Street Resurfacing &amp; Streetscape</td>
<td>SCL130042</td>
<td>Palo Alto</td>
<td>$1,081</td>
<td>$956</td>
<td>$125</td>
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<tr>
<td>Los Altos Various Streets and Roads Preservation</td>
<td>SCL130023</td>
<td>Los Altos</td>
<td>$312</td>
<td>$40</td>
<td>$352</td>
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<tr>
<td>Milpitas Various Streets and Roads Preservation</td>
<td>SCL130035</td>
<td>Milpitas</td>
<td>$1,927</td>
<td>$1,652</td>
<td>$275</td>
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<tr>
<td>Monterey Road Resurfacing Project</td>
<td>New Project</td>
<td>Morgan Hill</td>
<td>$1,690</td>
<td>$1,379</td>
<td>$311</td>
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<tr>
<td>Monte Sereno Various Street and Road Preservation</td>
<td>SCL130024</td>
<td>Monte Sereno</td>
<td>$583</td>
<td>$250</td>
<td>$33</td>
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<td>Hamilton Avenue Preservation</td>
<td>SCL130003</td>
<td>Campbell</td>
<td>$315</td>
<td>$279</td>
<td>$36</td>
</tr>
<tr>
<td>Mountain View Various Road Preservation &amp; Bike lanes</td>
<td>SCL130018</td>
<td>Mountain View</td>
<td>$1,317</td>
<td>$1,166</td>
<td>$151</td>
</tr>
<tr>
<td>San Jose Citywide Pavement Management Program</td>
<td>SCL130005</td>
<td>San Jose</td>
<td>$13,200</td>
<td>$11,531</td>
<td>$1,669</td>
</tr>
<tr>
<td>Stevens Creek Blvd Preservation</td>
<td>SCL130009</td>
<td>Cupertino</td>
<td>$1,200</td>
<td>$735</td>
<td>$465</td>
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<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$26,052</td>
<td>$21,780</td>
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</tbody>
</table>
### TABLE 7.6 | CAPITAL IMPROVEMENT PROJECTS: LANDSCAPE RESTORATION AND GRAFFITI REMOVAL ($THOUSANDS)

<table>
<thead>
<tr>
<th>Project Name</th>
<th>TIP ID</th>
<th>Sponsor</th>
<th>Total Funds</th>
<th>Discretionary</th>
<th>Local</th>
</tr>
</thead>
<tbody>
<tr>
<td>US 101 / SR 87-Trimble Road Landscaping</td>
<td>SCL050013</td>
<td>Caltrans</td>
<td>$2,390</td>
<td>$2,390</td>
<td>$0</td>
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<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>$2,390</strong></td>
<td><strong>$2,390</strong></td>
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### TABLE 7.7 | CAPITAL IMPROVEMENT PROJECTS: TRANSIT PROJECTS ($THOUSANDS)

<table>
<thead>
<tr>
<th>Project Name</th>
<th>TIP ID</th>
<th>Sponsor</th>
<th>Total Funds</th>
<th>Discretionary</th>
<th>Local</th>
</tr>
</thead>
<tbody>
<tr>
<td>BART - Warm Springs to Berryessa Extension</td>
<td>SCL110005</td>
<td>VTA</td>
<td>$2,576,500</td>
<td>$900,000</td>
<td>$1,676,500</td>
</tr>
<tr>
<td>BART - Berryessa to San Jose Extension</td>
<td>BRT030001</td>
<td>VTA</td>
<td>$5,010,500</td>
<td>$356,733</td>
<td>$4,653,767</td>
</tr>
<tr>
<td>VTA - Rail Replacement Program</td>
<td>SCL050002</td>
<td>VTA</td>
<td>$11,272</td>
<td>$9,130</td>
<td>$2,142</td>
</tr>
<tr>
<td>VTA - Standard &amp; Small Bus Replacement</td>
<td>SCL050001</td>
<td>VTA</td>
<td>$102,122</td>
<td>$0</td>
<td>$102,122</td>
</tr>
<tr>
<td>LRT Extension to Vasona Junction</td>
<td>SCL090040</td>
<td>VTA</td>
<td>$176,000</td>
<td>$0</td>
<td>$176,000</td>
</tr>
<tr>
<td>Stevens Creek Bus Rapid Transit</td>
<td>SCL110010</td>
<td>VTA</td>
<td>$145,200</td>
<td>$0</td>
<td>$145,200</td>
</tr>
<tr>
<td>Capitol Expressway LRT Extension</td>
<td>SCL050009</td>
<td>VTA</td>
<td>$334,000</td>
<td>$57,540</td>
<td>$276,460</td>
</tr>
<tr>
<td>El Camino Real Bus Rapid Transit</td>
<td>SCL110009</td>
<td>VTA</td>
<td>$233,400</td>
<td>$0</td>
<td>$233,400</td>
</tr>
<tr>
<td>Santa Clara/Alum Rock Transit Improvement/BRT</td>
<td>SCL090001</td>
<td>VTA</td>
<td>$114,818</td>
<td>$90,000</td>
<td>$24,818</td>
</tr>
<tr>
<td>San Jose International Airport People Mover</td>
<td>SCL090019</td>
<td>VTA</td>
<td>$508,000</td>
<td>$0</td>
<td>$508,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>$9,211,812</strong></td>
<td><strong>$1,413,403</strong></td>
<td><strong>$7,798,409</strong></td>
</tr>
</tbody>
</table>
### TABLE 7.8 | CAPITAL IMPROVEMENT PROJECTS: SYSTEMS OPERATION AND MANAGEMENT PROGRAM ($THOUSANDS)

<table>
<thead>
<tr>
<th>Project Name</th>
<th>TIP ID</th>
<th>Sponsor</th>
<th>Total Funds</th>
<th>Discretionary</th>
<th>Local</th>
</tr>
</thead>
<tbody>
<tr>
<td>Citywide Traffic Signal Upgrade</td>
<td>SCL050091</td>
<td>Palo Alto</td>
<td>$458</td>
<td>$365</td>
<td>$93</td>
</tr>
<tr>
<td>Silicon Valley TIMC</td>
<td>SCL050079</td>
<td>San Jose</td>
<td>$10,153</td>
<td>$6,039</td>
<td>$4,114</td>
</tr>
<tr>
<td>San Jose Smart Intersections Program</td>
<td>SCL130036</td>
<td>San Jose</td>
<td>$1,307</td>
<td>$1,150</td>
<td>$157</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>$11,918</strong></td>
<td><strong>$7,554</strong></td>
<td><strong>$4,364</strong></td>
</tr>
</tbody>
</table>

### TABLE 7.9 | CAPITAL IMPROVEMENT PROJECTS: BICYCLE PROJECTS ($THOUSANDS)

<table>
<thead>
<tr>
<th>Project Name</th>
<th>TIP ID</th>
<th>Sponsor</th>
<th>Total Funds</th>
<th>Discretionary</th>
<th>Local</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campbell Avenue Portals Bike/Ped Facilities</td>
<td>SCL110028</td>
<td>Campbell</td>
<td>$2,030</td>
<td>$424</td>
<td>$1,606</td>
</tr>
<tr>
<td>New Ronan Channel and Lions Creek Trail</td>
<td>SCL110032</td>
<td>Gilroy</td>
<td>$1,929</td>
<td>$1,706</td>
<td>$223</td>
</tr>
<tr>
<td>Almaden Expressway Ped. Bridge</td>
<td>SCL050039</td>
<td>San Jose</td>
<td>$12,835</td>
<td>$492</td>
<td>$12,343</td>
</tr>
<tr>
<td>Montague Expy Ped Bridge at Milpitas BART Station Study</td>
<td>SCL130040</td>
<td>VTA</td>
<td>$841</td>
<td>$744</td>
<td>$97</td>
</tr>
<tr>
<td>Bay Trail Reach 9</td>
<td>SCL050082</td>
<td>San Jose</td>
<td>$2,378</td>
<td>$675</td>
<td>$1,703</td>
</tr>
<tr>
<td>Coyote Creek Trail</td>
<td>SCL050083</td>
<td>San Jose</td>
<td>$14,769</td>
<td>$3,674</td>
<td>$11,095</td>
</tr>
<tr>
<td>Innovative Bicycle Detection System</td>
<td>SCL110016</td>
<td>San Jose</td>
<td>$1,378</td>
<td>$1,250</td>
<td>$123</td>
</tr>
<tr>
<td>San Fernando Street Enhanced Bikeway &amp; Ped Access</td>
<td>SCL110033</td>
<td>San Jose</td>
<td>$1,727</td>
<td>$1,425</td>
<td>$302</td>
</tr>
<tr>
<td>Los Gatos Creek Reach 5 Bridge Crossings</td>
<td>SCL110029</td>
<td>San Jose</td>
<td>$4,600</td>
<td>$1,250</td>
<td>$3,350</td>
</tr>
<tr>
<td>Sunnyvale East and West Channel Multi-UseTrails</td>
<td>SCL130031</td>
<td>Sunnyvale</td>
<td>$3,600</td>
<td>$2,844</td>
<td>$756</td>
</tr>
<tr>
<td>Adobe Creek/ Highway 101 Bicycle Pedestrian Bridge</td>
<td>SCL130041</td>
<td>Palo Alto</td>
<td>$9,500</td>
<td>$4,000</td>
<td>$4,500</td>
</tr>
<tr>
<td>Upper Penitencia Creek Multi-Use Trail</td>
<td>SCL130020</td>
<td>VTA</td>
<td>$2,124</td>
<td>$1,514</td>
<td>$610</td>
</tr>
<tr>
<td>San Jose Pedestrian Oriented Traffic Signals</td>
<td>SCL130010</td>
<td>San Jose</td>
<td>$3,472</td>
<td>$3,000</td>
<td>$472</td>
</tr>
<tr>
<td>San Tomas Aquino Spur Trail Phase 2</td>
<td>SCL130022</td>
<td>Santa Clara County</td>
<td>$4,594</td>
<td>$3,234</td>
<td>$1,360</td>
</tr>
<tr>
<td>San Jose Citywide Bikeway Program</td>
<td>SCL130004</td>
<td>San Jose</td>
<td>$1,307</td>
<td>$1,150</td>
<td>$157</td>
</tr>
<tr>
<td>St. Johns Bikeway and Pedestrian Improvements</td>
<td>SCL130011</td>
<td>San Jose</td>
<td>$1,500</td>
<td>$1,185</td>
<td>$315</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>$69,096</strong></td>
<td><strong>$28,817</strong></td>
<td><strong>$39,279</strong></td>
</tr>
</tbody>
</table>
### TABLE 7.10 | CAPITAL IMPROVEMENT PROJECTS: LIVABLE COMMUNITIES AND PEDESTRIAN PROGRAM (\$THOUSANDS)

<table>
<thead>
<tr>
<th>Project Name</th>
<th>TIP ID</th>
<th>Sponsor</th>
<th>Total Funds</th>
<th>Discretionary</th>
<th>Local</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Jose: Alameda - A Plan for The Beautiful Way</td>
<td>SCL110001</td>
<td>San Jose</td>
<td>$4,423</td>
<td>$3,132</td>
<td>$1,291</td>
</tr>
<tr>
<td>The Alameda Grand Blvd Phase 2</td>
<td>SCL130012</td>
<td>San Jose</td>
<td>$4,430</td>
<td>$3,500</td>
<td>$930</td>
</tr>
<tr>
<td>California Avenue Transit Hub</td>
<td>SCL110037</td>
<td>Palo Alto</td>
<td>$1,600</td>
<td>$0</td>
<td>$1,600</td>
</tr>
<tr>
<td>Saratoga Village Sidewalk Rehabilitation</td>
<td>SCL130027</td>
<td>Saratoga</td>
<td>$183</td>
<td>$162</td>
<td>$21</td>
</tr>
<tr>
<td>Prospect Road Complete Streets</td>
<td>SCL130026</td>
<td>Saratoga</td>
<td>$4,765</td>
<td>$4,205</td>
<td>$560</td>
</tr>
<tr>
<td>Capitol Expressway ITS and Bike/Ped Improvements</td>
<td>SCL130037</td>
<td>County of Santa Clara</td>
<td>$10,134</td>
<td>$6,085</td>
<td></td>
</tr>
<tr>
<td>East San Jose Bike/Ped/Transit Connections</td>
<td>SCL130016</td>
<td>San Jose</td>
<td>$2,532</td>
<td>$2,000</td>
<td>$532</td>
</tr>
<tr>
<td>Virginia Avenue Sidewalks</td>
<td>SCL130017</td>
<td>Campbell</td>
<td>$800</td>
<td>$708</td>
<td>$92</td>
</tr>
<tr>
<td>San Jose - San Carlos Multimodal Phase 2</td>
<td>SCL110034</td>
<td>San Jose</td>
<td>$3,696</td>
<td>$2,400</td>
<td>$1,296</td>
</tr>
<tr>
<td>Lower Guadalupe River Trail-Tasman Drive Underpass</td>
<td>SCL090046</td>
<td>San Jose</td>
<td>$825</td>
<td>$0</td>
<td>$825</td>
</tr>
<tr>
<td>Sunnyvale/Saratoga Road Bike/Ped Safety Enhancmnts.</td>
<td>SCL130028</td>
<td>Sunnyvale</td>
<td>$663</td>
<td>$524</td>
<td>$139</td>
</tr>
<tr>
<td>Maude Avenue Bikeway and Streetscape</td>
<td>SCL130030</td>
<td>Sunnyvale</td>
<td>$880</td>
<td>$695</td>
<td>$185</td>
</tr>
<tr>
<td>Fair Oaks Avenue Bikeway and Streetscape</td>
<td>SCL130029</td>
<td>Sunnyvale</td>
<td>$1,210</td>
<td>$956</td>
<td>$254</td>
</tr>
<tr>
<td>St. John Street Multi-Modal Improvements - Phase 1</td>
<td>SCL110118</td>
<td>San Jose</td>
<td>$1,876</td>
<td>$1,500</td>
<td>$376</td>
</tr>
<tr>
<td>Park Avenue Multi-Modal Improvements</td>
<td>SCL110117</td>
<td>San Jose</td>
<td>$1,820</td>
<td>$1,456</td>
<td>$364</td>
</tr>
<tr>
<td>Jackson Ave Bicycle and Pedestrian Improvements</td>
<td>SCL130007</td>
<td>San Jose</td>
<td>$1,899</td>
<td>$1,500</td>
<td>$399</td>
</tr>
<tr>
<td>Hacienda Ave Streetscape and Bicycle Imps</td>
<td>SCL110116</td>
<td>Campbell</td>
<td>$680</td>
<td>$544</td>
<td>$136</td>
</tr>
<tr>
<td>Santa Clara Grade-Separated Pedestrian Crossing</td>
<td>SCL090031</td>
<td>VTA</td>
<td>$11,384</td>
<td>$3,394</td>
<td>$7,990</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$53,800</td>
<td>$26,682</td>
<td>$21,039</td>
</tr>
</tbody>
</table>
BACKGROUND

State statute sections 65089.1 and 65089.2 identify a number of program elements and responsibilities pertaining to the establishment of a Congestion Management Program. Section 65089.3 charges the Congestion Management Agency with monitoring all elements of the program on a biennial basis. VTA, as the CMA for Santa Clara County, meets and exceeds this requirement.

Specifically, the CMA must monitor the level of service on the CMP network (Freeways, State Highways and Principal Arterials) as well as the impacts of land use changes to determine whether Member Agencies are conforming to the CMP. The CMA must also ensure that its Member Agencies are meeting transportation impact analysis submittal requirements. Failure to conform to the CMP may result in the withholding of Member Agency Proposition 111 (1991) gas tax revenue.

Monitoring findings are released each spring in the Monitoring and Conformance Report after receiving months of input from VTA’s Systems Operations & Management Working Group and other Member Agency staff. The Report is reviewed by VTA’s Advisory and Standing Committees and is ultimately approved by the Board of Directors.

LEVEL OF SERVICE STANDARD

Statute 65089 (1)(A) identifies Level of Service (LOS)—a sliding A through F scale where LOS A indicates no traffic congestion and LOS F indicates significant congestion—as the measure to apply to CMP network operation. The statute establishes LOS E as the minimum CMP LOS standard. CMP facilities operating below LOS E will be considered non-conforming. CMP facilities operating below LOS E prior to 1991 are exempt from meeting the LOS standard. Further discussion of the VTA CMP traffic LOS standard is provided in Chapter 2 of this document.
SCOPE OF THE MONITORING PROGRAM, RESPONSIBILITY AND METHODOLOGY

Below is a discussion of how data is collected and analyzed for conformance for each section of the Monitoring Program. In some areas the methodology is mandated by the CMA legislation. In other areas the CMA and Member Agencies collaborated to determine the proper methodology. Detailed discussions of level of service methodology can be found in VTA’s Traffic Level of Service Analysis Guidelines. Further information about the methodology for data collection in the monitoring program is included in the 2010 Monitoring and Conformance Report. This section also indicates whether the Member Agencies or VTA are responsible for monitoring, and how often the monitoring takes place.

FREEWAYS (VTA RESPONSIBILITY, UNDERTAKEN ANNUALLY)

Each fall, VTA collects AM and PM peak period data for the freeways in the CMP network. Since 1997, the VTA has used aerial photography to collect a comprehensive set of data for every freeway segment. The aerial photographs are used to measure traffic density, which forms the basis to calculate LOS as well as speed and flow rates based on a density-speed curve.

Transition to Big Data

In 2013, VTA solicited proposals for freeway data collection that utilize innovative new methodologies, such as Big Data. Big Data is an emerging trend that is increasing the efficiency of traffic data collection and monitoring nationwide. VTA staff learned about these data collection methodologies through seminars and webinars provided by MTC, ITE, and UC Berkeley Tech Transfer, as well as through meeting with other Bay Area CMAs who have begun incorporating big data methodologies into their own CMPs. These methodologies could potentially provide a more comprehensive data set for a lower cost than aerial photography.

1 Big Data is a phenomenon currently impacting a wide range of industries, defined as “a new generation of technologies and architectures designed to economically extract value from very large volumes of a wide variety of data, by enabling high-velocity capture, discovery, and/or analysis” (Big Data: Beyond the Hype, White Paper by Datastax Corporation, March 2012). In the field of transportation monitoring and analysis, Big Data methods involve aggregating traffic-related information from GPS-enabled vehicles and mobile devices, traditional road sensors and hundreds of other sources (INRIX website, accessed 9/11/2013).
CHAPTER 8 | MONITORING AND CONFORMANCE ELEMENT

FIGURE 8.1 | APPROVED HOUSING UNITS NEAR VTA’S CORES, CORRIDORS AND STATION AREAS (2012 NET CHANGE)

FIGURE 8.2 | JOB CHANGE ESTIMATES NEAR VTA’S CORES, CORRIDORS AND STATION AREAS (2012 NET CHANGE)
For the 2013 monitoring study, the aerial photography method will still be utilized but will be compared side-by-side with data collected at the same times and locations by video camera, the Caltrans Performance Measurement System (PeMS), and INRIX (‘big data’ from a variety of sources). This comparison will assist VTA in determining the usefulness of these data sources for future monitoring studies. VTA also plans to use INRIX data to compare historical trends in transit and automobile travel times along key transit corridors in Santa Clara County.

VTA envisions that a transition to big data could improve the Monitoring Program, not only by potentially providing more data for a lower cost, but also by widening the scope of congestion analysis in Santa Clara County. Over the coming years VTA staff will evaluate the suitability of big data to conduct research in the following areas:

- Duration of congestion
- Automobile travel times and reliability
- Congestion spillover to alternate routes
- Causes of congestion
- Transit travel times and reliability
- Modal split
- Automobile trip generation
- Vehicle miles traveled

**LAND USE APPROVALS (MEMBER AGENCY RESPONSIBILITY, UNDERTAKEN ANNUALLY)**

Each summer Member Agencies are requested to submit land use approval data for the prior fiscal year to VTA. The data submittal identifies the parcel number, traffic analysis zone (TAZ), zoning designation/change, number of residential units added/removed and the number of commercial/industrial square feet added/removed.

VTA tallies the annual change in residential units and commercial/industrial square
footage on a city and countywide basis, identifies development trends and undertakes a geographic analysis of land use changes. The data appears alongside data from previous years in the Monitoring and Conformance Report. Figure 8.1 shows the locations of residential land use approvals from fiscal year 2012. Figure 8.2 shows the locations of commercial/industrial land use approvals for the same year.

TRANSPORTATION IMPACT ANALYSIS (MEMBER AGENCY RESPONSIBILITY, CONTINUALLY AS APPROPRIATE)

Member Agencies are required to undertake a Transportation Impact Analysis (TIA) when a project is expected to produce more than net new 100 peak hour trips during the AM or PM peak hour (weekdays) or the peak hour (weekends). TIAs are required to be submitted to VTA for review and comment 15 days before the project is considered for approval or recommended for approval. See Chapter 6 for further discussion of TIAs and the TIA Guidelines.

CMP INTERSECTIONS (MEMBER AGENCY RESPONSIBILITY PERFORMED BY VTA, UNDERTAKEN BIENNIALY)

The operation of principal arterials and state highways located within urbanized Santa Clara County is measured by the level of service at CMP Intersections. CMP intersections are select, generally high-volume intersections located along these thoroughfares. 252 CMP intersections are currently monitored. Every other fall, the PM peak period vehicle volume data for each CMP Intersection is collected and analyzed. CMP Intersection data will next be collected for the 2014 monitoring cycle. Traditionally, data collection for CMP intersection monitoring has been a Member Agency responsibility. However, based on an agreement between VTA and the Member Agencies in 2011, data collection for CMP intersections is currently performed by VTA.

For CMP Intersections level of service is calculated in terms of Average Control Delay—the average number of seconds a vehicle must wait at the intersection. The methodology is based on the 2000 Highway Capacity Manual.

RURAL HIGHWAYS (VTA RESPONSIBILITY, UNDERTAKEN BIENNALLY)

Every other fall, VTA uses hose counters to conduct three-day counts at twelve lo-
cations along Santa Clara County’s rural highways. Counts are recorded in 15-minute intervals with the one-hour period that shows the greatest combined vehicle volume considered the peak period. Automatic hose counters are used to measure vehicle counts by the number of times the hose is depressed by traveling vehicles. The LOS procedure in the 2000 Highway Capacity Manual is used to measure the percent time-spent following and average travel speed, with appropriate inputs for peak hour and peak 15 minute traffic volumes, the percentage split between the two directions of traffic, the percentage of trucks in the traffic flow, and the type of terrain. Rural highway data will next be collected for the 2014 monitoring cycle.

**MULTIMODAL IMPROVEMENT PLAN MONITORING (MEMBER AGENCY RESPONSIBILITY, UNDERTAKEN ANNUALLY)**

Multimodal Improvement Plans shall be prepared by Member Agencies in situations where the CMP Traffic Level of Service standard is violated or is likely to be violated in the future. The requirements for preparing Multimodal Improvement Plans are set forth in VTA’s Deficiency Plan Requirements, which were most recently updated in September 2010 and are described further in Chapter 9. Member Agencies with approved Multimodal Improvement Plans are responsible for preparing an Implementation Status Report that documents progress on the implementation of all the improvements and actions included in the Multimodal Improvement Plan. These Status Reports are to be submitted annually by the Member Agencies with approved Multimodal Improvement Plans. As part of its monitoring process, VTA will review Member Agencies’ Implementation Status Reports for purposes of determining conformance with the CMP.

**MONITORING AND CONFORMANCE PROCESS**

The following is a brief summary of the steps in the VTA CMP Monitoring and Conformance Process over the course of the fiscal year. Table E.1 in the Executive Summary summarizes the CMP Elements, monitoring and conformance requirements, timing, and responsible agency in tabular form.

**July** – VTA alerts Member Agencies via mail of monitoring requirements and deadlines for data submittal. The mailing contains paper and electronic versions of the annual monitoring and conformance requirements, land use approval worksheet, certification form and supporting documents.
CHAPTER 8 | MONITORING AND CONFORMANCE ELEMENT

Fall – Member Agencies assemble land use approval data and TIA submittals. VTA collects all data for the CMP Monitoring Program between Labor Day and the Thanksgiving Holiday week. Freeway data and land use data are collected every year. Biennially, data is also collected for CMP Intersections, rural highways and bicycle and pedestrian volumes. Member Agencies with approved Multimodal Improvement Plans prepare Implementation Status Reports annually.

Winter – VTA staff receives and analyzes monitoring data. Monitoring data is presented to the Systems Operations & Management Working Group (SOMWG) for review and discussion.

Spring – VTA presents the Draft Monitoring and Conformance Report and conformance findings to the SOMWG, select advisory and standing committees and the Board of Directors for adoption.

If a Member Agency is found in non-conformance with the CMP, the agency will be notified by VTA in writing and will have 90 days to achieve conformance. If a Member Agency finds flaws with a finding of non-conformance, the agency has 60 days to submit a written response either disputing the finding by documenting any errors related to the determination of conformance or detailing how the agency will respond to the violation, for instance by developing a Multimodal Improvement Plan. Written responses must be signed by the city manager/town manager/county executive.

If a Member Agency found to be non-conforming has not achieved conformance within the 90 days following written notice, the VTA Board of Directors will make a finding of non-conformance and will notify the State Controller, who will withhold gas tax subventions from the non-conforming jurisdiction.

Summer – Following adoption by the Board of Directors, a final version of the Monitoring Report is released incorporating feedback, if any, from the committees and the Board.
RELEVANT TECHNICAL GUIDELINES

The following Technical Guidelines of the VTA Congestion Management Program are relevant to the Monitoring and Conformance process. The versions/dates listed are the most current as of fall 2013.

- Traffic Level of Service Analysis Guidelines (adopted June 2003)
- Transportation Impact Analysis Guidelines (adopted March 2009)
- Deficiency Plan Requirements (adopted September 2010)
- Annual Monitoring Requirements (revised April 2004)
CHAPTER 9 | MULTIMODAL IMPROVEMENT PLAN ELEMENT

This chapter describes the Congestion Management Program Multimodal Improvement Plan Element, and includes the following sections:

- VTA Approach to Multimodal Improvement Planning
- Multimodal Improvement Plan Requirements
- Multimodal Improvement Plan Evaluation
- Multimodal Improvement Plan Monitoring
- Local Multimodal Improvement Plans
- Compliance and Conformance

INTRODUCTION

The Congestion Management Program (CMP) Statute states that, “When the level of service on a segment or at an intersection fails to attain the established level of service standard... a deficiency plan shall be adopted pursuant to Section 65089.4.”

VTA will begin to use the term “Multimodal Improvement Plan” for “Deficiency Plan” as defined by state legislation. The purpose of this change is to highlight the positive role a Multimodal Improvement Plan can play in identifying measures available to Member Agencies to improve multimodal transportation options in situations where it is infeasible or undesirable to address a level of service (LOS) deficiency by expanding automobile capacity. Prior to August 2013, VTA used the term “Deficiency Plan,” so this term still occurs in the Board-adopted VTA Deficiency Plan Requirements as well as two Deficiency Plans that have been prepared by cities in Santa Clara County.

To be consistent with CMP Statute, Multimodal Improvement Plans must improve
system-wide traffic level of service and contribute to a significant improvement in air quality. If a CMP System facility falls below the LOS standard and does not have an approved Multimodal Improvement Plan, then the local jurisdiction in which the facility is located is at risk of losing gas tax revenues provided from Proposition 111.

Multimodal Improvement Plans allow local jurisdictions to proceed with development projects even if adherence to CMP traffic LOS standards could not be achieved for specific facilities. In some situations, meeting LOS standards may be impossible or undesirable. For these situations, Multimodal Improvement Plans allow local jurisdictions to adopt innovative and comprehensive transportation strategies for improving system-wide multimodal transportation rather than strictly adhering to a traffic LOS standard that may contradict other community goals, such as concentrating higher-density development near transit or maintaining the attractiveness of streets for pedestrians and bicyclists. In other words, Multimodal Improvement Plans allow Member Agencies to trade off a traffic LOS standard violation on one CMP facility for transportation system improvements to other facilities or services (e.g. transit, bicycles, walking, or transportation demand management).

**VTA APPROACH TO PREPARING MULTIMODAL IMPROVEMENT PLANS**

VVTA has been proactive in the development of guidelines and standards for Multimodal Improvement Plans. The approach taken by the VTA Board was to create a clear set of guidelines so that traffic LOS deficiencies could be addressed in advance and development projects would not be delayed by the process.

The Technical Advisory Committee (TAC) began the development of guidelines for the preparation of Multimodal Improvement Plans, then referred to as Deficiency Plans, immediately upon completion of Santa Clara County’s first Congestion Management Program in 1991. The first Requirements for Deficiency Plans were adopted in November 1992. These standards were revised by VTA in consultation with its Member Agencies during 2009 and 2010, and new Deficiency Plan Requirements were adopted by the VTA Board in September 2010.
The following is VTA’s approach to the preparation of Multimodal Improvement Plans.

- All Multimodal Improvement Plans must be one of the following three types:

1. Mini Multimodal Improvement Plan: A Mini Multimodal Improvement Plan is prepared to address a single CMP Intersection or roadway facility, typically in conjunction with a Transportation Impact Analysis (TIA) Report for a single development project.

2. Specific Area Multimodal Improvement Plan: A Specific Area Multimodal Improvement Plan is prepared for a CMP roadway segment or set of intersections within a localized specific area such as a downtown or special district.

3. Areawide Multimodal Improvement Plan: An Areawide Multimodal Improvement Plan is prepared to address all the CMP System roadways or intersections included in an identified area such as an entire city or an area that covers multiple jurisdictions and/or cities.

- The CMA recommends that Member Agencies prepare Areawide Multimodal Improvement Plans whenever possible. This will reduce the number of Multimodal Improvement Plans prepared and lead to implementation of comprehensive solutions to transportation problems.

- The CMA requires that each Multimodal Improvement Plan include implementation of all feasible and applicable actions on the “Deficiency Plan Action List” provided in the VTA Deficiency Plan Requirements. Member Agencies must identify how all of these specific actions will be implemented as part of the Multimodal Improvement Plan.

- The CMA requires that each Multimodal Improvement Plan demonstrate, to the extent practical, how physical improvements and offsetting measures will improve CMP systemwide level of service and improve the air quality. To the extent possible, Multimodal Improvement Plans should show, quantitatively, how the actions included in the Plan, such as enhanced transportation demand management measures, will improve overall CMP system level of service.
MULTIMODAL IMPROVEMENT PLAN REQUIREMENTS

VTA’s most recent document addressing the policies and procedures for Multimodal Improvement Plans is the Board-adopted Deficiency Plan Requirements, September 2010.

The CMP Statute states that “The deficiency plan shall include the following elements” (summarized from California Government Code Section 65089.4):

1. Analysis of the cause of the deficiency;

2. Analysis of the improvements needed to maintain the CMP traffic LOS standard on the deficient facilities and the cost of those improvements;

3. A list of alternative actions, improvements and programs that will improve system-wide level of service and improve air quality; and

4. An action plan for implementing the improvements outlined in (2) or the alternative actions outlined in (3).

While each of these requirements appears to be straightforward, there are several questions that must be considered. These questions are addressed in detail in the VTA Deficiency Plan Requirements.

CMP legislation requires congestion management agencies to use the action items from the Deficiency Action List developed by the local air quality management district. The air quality management district for Santa Clara County, the Bay Area Air Quality Management District (BAAQMD adopted a Deficiency Plan Action List in November 1992. The BAAQMD’s list is based on the Transportation Control Measures (TCMs) in the Bay Area Clean Air Plan (see Appendix G for a complete list of TCMs). Therefore, Multimodal Improvement Plans will be a significant means of implementing TCMs in Santa Clara County.

VTA’s Deficiency Plan Requirements include the BAAQMD Deficiency Plan action list, as Appendix C of the document. Where appropriate, VTA’s requirements contain edits that have been made to the Air District’s Deficiency Plan action list to reflect current standards and practices applicable to Santa Clara County.
MULTIMODAL IMPROVEMENT PLAN UPDATES

Multimodal Improvement Plans must be updated when transportation and/or development projections change significantly from the assumptions used for the Multimodal Improvement Plan. Multimodal Improvement Plan monitoring requirements are addressed later in this chapter.

MULTIMODAL IMPROVEMENT PLAN EVALUATION

Member Agencies must prepare Multimodal Improvement Plans and adopt them at a noticed public hearing. The Multimodal Improvement Plan is then submitted to VTA. According to the CMP Statute:

A city or county shall forward its adopted deficiency plan to the agency within 12 months of the identification of a deficiency. The agency shall hold a noticed public hearing within 60 days of receiving the deficiency plan. Following the hearing, the agency shall either accept or reject the deficiency plan in its entirety, but the agency may not modify the deficiency plan. If the agency rejects the plan, it shall notify the city or county of the reasons for that rejection (California Government Code Section 65089.4(d).

The VTA Deficiency Plan Requirements define the criteria that will be used to approve or reject Member Agency Multimodal Improvement Plans. VTA staff will analyze Multimodal Improvement Plans submitted by Member Agencies using the adopted criteria, and present a report to the VTA Board that documents their findings and contains a recommendation to approve or reject the Multimodal Improvement Plan.

MULTIMODAL IMPROVEMENT PLAN CRITERIA

The following criteria will be used when evaluating Multimodal Improvement Plans:

1. Are all actions on the most current version of the Deficiency Plan Action List that are applicable and feasible included in the Multimodal Improvement Plan? Are the reasons why any actions found to be inapplicable or infeasible adequate?
2. Are sufficient actions included in the Multimodal Improvement Plan to compensate for the deficient facility’s unacceptable LOS? Are these actions on the Deficiency Plan Action List or have they been approved by the BAAQMD? Is the technical analysis of physical improvements included in the Multimodal Improvement Plan adequate?

3. Does the Multimodal Improvement Plan include a workable program to guarantee implementation of all actions and improvements included in the Multimodal Improvement Plan?

4. Are the costs for implementation of the Multimodal Improvement Plan actions reliably estimated? Does the Multimodal Improvement Plan include an adequate method for financing the actions and improvements?

5. Are the Multimodal Improvement Plan actions and improvements consistent with all appropriate regional and local plans? (i.e. the Regional Clean Air Plan, the Regional Transportation Plan, the Regional Transportation Improvement Program, the BAAQMD’s Deficiency Plan Action List and any subsequent requirements, and applicable General Plans).

6. Did the local jurisdiction consult with all appropriate neighboring jurisdictions and agencies when preparing the Multimodal Improvement Plan?

7. Does the Multimodal Improvement Plan include a monitoring program that will assess whether Multimodal Improvement Plan actions and improvements have been implemented?

8. Did the Member Agency prepare an adequate environmental analysis of the Multimodal Improvement Plan?

In accordance with CMP Statutes, VTA will consider Multimodal Improvement Plans at a noticed public hearing. If a Multimodal Improvement Plan is rejected, VTA will provide a written report that documents its reasons for rejecting the Multimodal Improvement Plan.

**MULTIMODAL IMPROVEMENT PLAN MONITORING**

Multimodal Improvement Plans must be monitored as part of the CMP Monitoring and Conformance Program. Member Agencies will monitor implementation of
Multimodal Improvement Plan actions by preparing a Multimodal Improvement Plan Implementation Status Report. This status report will be based on the implementation schedule included in the Multimodal Improvement Plan.

If a Member Agency is not meeting the implementation schedule it set forth in a Multimodal Improvement Plan, VTA may require the Member Agency to expedite the implementation of their Multimodal Improvement Plan, or the Member Agency could be found in nonconformance with the CMP and lose gas tax revenues generated by Proposition 111.

As part of its CMP Monitoring and Conformance Program, VTA will complete an evaluation of CMP System LOS and transportation conditions to evaluate the overall effectiveness of the CMP. It must be emphasized that it will be difficult to measure quantitatively the effect of individual actions or even of individual Multimodal Improvement Plans, especially since most of the actions are designed to achieve maximum effectiveness over the long term. The CMA will use several types of quantitative data to analyze overall CMP effectiveness. The data may include LOS data submitted to the CMA by Member Agencies as part of the LOS monitoring program and modeling data, such as vehicle miles traveled and auto trip reductions, gathered from the CMA’s Countywide Transportation Model.

LOCAL MULTIMODAL IMPROVEMENT PLANS

To date, two Multimodal Improvement Plans have been developed by cities and approved by the VTA Board of Directors. Both were adopted as “Deficiency Plans.” The City of Sunnyvale developed a Citywide Deficiency Plan which was approved by the VTA Board in January 2006, and the City of San Jose developed the specific area North San Jose Deficiency Plan that was approved by the VTA Board in June 2007. Other cities in Santa Clara County are considering developing Multimodal Improvement Plans to address LOS deficiencies in their networks over the long term. These plans will be monitored per CMP requirements.

COMPLIANCE AND CONFORMANCE

In order to be in conformance with the Congestion Management Program, Member Agencies must:
• Prepare Multimodal Improvement Plans for facilities that violate CMP Traffic LOS standards or that are projected to violate LOS standards using adopted Requirements for Multimodal Improvement Plans.

• Submit Multimodal Improvement Plan Implementation Status Report as part of annual monitoring.
**AB-32**: Assembly Bill 32 (Nunez) The California Global Warming Solutions Act of 2006. AB-32 was signed into law by Governor Arnold Schwarzenegger on September 27, 2006. The bill required the California Air Resources Board to adopt regulations that require the reporting and verification of statewide greenhouse gas emissions and to monitor and enforce compliance with the regulations.

**ABAG**: Association of Bay Area Governments. The regional planning agency for the nine counties and 101 cities and towns of the San Francisco Bay region.

**AQAP**: Air Quality Attainment Plan. The plan for attainment of state air quality standards, as required by the California Clean Air Act of 1988. Air Quality Attainment Plans are adopted by air quality districts and subject to approval by the California Air Resources Board.

**Approved Project**: Any land use project that is expected to generate trips on the designated CMP System. “Approved projects” include such land use approvals as planned development zonings, planned development permits, site and architectural permits, conditional permits, and actions that represent final land use approval and create a land use entitlement.

**ADT**: Average Daily Traffic. Average number of vehicles passing a specified point during a 24-hour period.

**AVR**: Average Vehicle Ridership. The ratio of employees reported at a worksite to the total number of vehicles at a worksite during the peak period.

**BAAQMD**: Bay Area Air Quality Management District. The regional agency created by the state legislature for the Bay Area air basin (Alameda, Contra Costa, a portion of Solano and Sonoma, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties) that develops, in conjunction with MTC and ABAG, the air quality plan for the region. BAAQMD has an active role in approving the TCM (see definition below) plan for the region, as well as in controlling stationary and indirect sources of air pollution.
**Baseline LOS:** 1991 CMP level of service. Traffic volumes used to calculate the baseline LOS include existing 1991 intersection volumes, and new trips generated from projects approved as of April 17, 1991 and funded transportation improvements.

**Caltrans:** California State Department of Transportation. As the owner/operator of the state highway system Caltrans is responsible for the safe operation and maintenance of the highway.

**CIP:** Capital Improvement Program. A six year program established by CMP to create projects to maintain or improve the traffic level of service and transit performance standards, and to mitigate regional transportation impacts identified by the CMP Land Use Analysis Program, which conforms to transportation-related vehicle emissions air quality mitigation measures.

**Capital Priorities:** A process used by MTC to evaluate and prioritize transit projects in the region. All sources of transit funding, including FTA grants, state programs, and other sources are considered. This process involves all of the transit operators in the region, including bus, rail, and ferries.

**Carpooling:** A carpool is formed with a minimum of two people who commute on a regular basis. Carpoolers generally live and work in close proximity to each other and share common commuting patterns and schedules.

**CAP:** Clean Air Plan. A set of guidelines that are designed to improve air quality, protect public health, and protect the climate.

**CDT Program:** VTA’s Community Design & Transportation (CDT) Program, adopted by Board Resolution No. 02.11.35, is VTA’s primary program designed to integrate transportation infrastructure improvements and land use development.

**CEQA:** California Environmental Quality Act. This act sets environmental standards designed to enhance environmental quality and to control environmental pollution throughout the state of California.

**CMAQ:** Congestion Mitigation and Air Quality Improvement Program. A federal funding program established by ISTEA and continued in TEA-21 and SAFETEA-LU specifically for projects and programs that contribute to attainment of national ambient air quality and safety standards. The funds are available to non-attainment areas based on population and the severity of pollution. Eligible projects will
be defined by the State Implementation Program (SIP), the State’s air quality plan.

**CMIA:** Corridor Mobility Improvement Account. A State Funding program for projects on the California State Highway System that: reduce travel time or delay, improves connectivity of the State Highway System between rural, suburban and urban areas, or improves the operation and safety of a highway or road segment; improves access to jobs, housing, markets and commerce; and begin construction before December 2012.

**CMP:** Congestion Management Program. A multi-jurisdictional program to manage traffic congestion. (This is required of every county in California that has urbanized areas of at least 50,000 people). Unless specified, CMP will mean the Santa Clara Valley Transportation Authority’s Congestion Management Program.

**Commute:** A trip that consists of traveling between home and work.

**Commute Alternatives:** An alternative mode of commuting to a single-occupancy vehicle, including using public transit, bicycling, and walking to work.

**Compressed Work Week:** A work schedule for an employee that eliminates at least one round-trip commute either weekly or every other week. An example would be working forty hours in a compressed week (e.g. four ten-hour days) or a work plan that allows one day off every other week.

**CTC:** California Transportation Commission. A state agency that sets state spending priorities for highways and transit and allocates funding. The Governor of California appoints CTC members.

**Express Lanes:** High-occupancy toll lanes that combine the characteristics of HOV lanes and toll roads by allowing carpools, vanpools, and buses free access, while charging for single-occupant vehicles or drive alone use.

**Farebox Revenues:** These are revenues collected from transit riders.

**FCR:** Flexible Congestion Relief. One of the state’s funding programs for local or regional transportation projects that will reduce congestion. State highway projects, local roads, and rail guideway projects are all eligible.

**FHWA:** Federal Highway Administration. The federal agency responsible for the approval of transportation projects that affect the defined federal highway system. Administratively, it is under US DOT (Department of Transportation) and is the
sister agency of FTA (see definition below).

**Flexible Work Hours:** This is a form of alternative work schedule. It is a policy that gives employees the option of varying their starting and stopping times each workday. Most policies specify a core period in the middle of the workday (e.g. 10:00 a.m. to 4:00 p.m.) when all employees are required to be present. The intent is to allow employees flexibility in their work hours to meet individual needs and provide an incentive to use commute alternatives such as carpooling or transit.

**Floating Car Data:** The floating car technique is a method used to estimate the average speed on a segment of highway. Traffic speeds are collected by driving with the stream of traffic and recording speed and travel time.

**FTA:** Federal Transit Administration. A component of the U.S. Department of Transportation, delegated by the Secretary of Transportation to administer the federal transit program under the Urban Mass Transportation Act of 1964, as amended, and various other statutes.

**HCM:** Highway Capacity Manual. A manual published by the Transportation Research Board (TRB) that contains concepts, guidelines, and equations to calculate the level of service on highways and intersections. In 2010 the manual was updated to include new level of service/quality of service measures for transit, pedestrians, and bicycles.

**HOV:** High Occupancy Vehicle Lane. A lane on a street or highway reserved for the use of high occupancy vehicles either all day or during specified periods (for example, during rush hours). Buses, carpools, and/or vanpools are allowed to use HOV lanes.

**HSR:** High Speed Rail. The project which is an intra-state high-speed rail link currently being planned by the California High Speed Rail Authority to help meet the anticipated increase in travel demand between the Bay Area and Southern California.

**IIP:** Interregional Improvement Program. This is a state funded program created by SB-45. IIP funds may be awarded to projects outside of the urbanized areas and for interregional projects. All IIP funds are programmed by Caltrans, via the Interregional Transportation Improvement Plan (ITIP) process, with final approval by CTC.
**Indirect Source Control Measure:** The federal Clean Air Act defines indirect source as “...a facility, building, structure, installation, real estate property, road or highway which attracts or may attract mobile sources of pollution.” An indirect source control measure is a rule or ordinance established to reduce the mobile source emissions associated with specific activity centers such as those noted above.

**Internal Trips:** Trips expected to have both their origin and destination within a single development. An example of this is would be a development that has both office and residential space. In this example, internal trips between home and work would be counted as one trip when calculating trip generation.

**IRRS:** Interregional Road System. On February 1, 1990, Caltrans submitted a plan to the state legislature that identified a set of projects that “will provide the most adequate interregional road system to all economic centers in the State.” The statute defined eligible routes, and specified that these new routes be located outside the boundaries of urbanized areas (urbanized areas have populations of 50,000 or more), “except as necessary to provide connection for continuation of the routes within urban areas.” From this plan, Caltrans suggests projects, consistent with the Fund Estimate in its PSTIP, to the CTC for programming in the STIP.

**ISTEA:** Intermodal Surface Transportation Efficiency Act. In 1991, Federal legislation passed a bill that restructured the way funding was allocated to highway projects and included funding transit projects in urban areas. Key ISTEA components included increased flexibility in the programming of projects and a level playing field between highway and transit projects with a consistent matching ratio of 80% to 20%, respectively. There were ties to the Federal Clean Air Act and the Americans with Disabilities Act, and some major New Rail Starts (Section 3) funds earmarked for the Bay Area Region. ISTEA funding expired in 1997, and was followed by TEA-21, and then SAFETEA LU.

**ITIP:** Interregional Transportation Improvement Program. The ITIP is a four-year planning and expenditure program adopted by the CTC and updated in even numbered years. The ITIP covers rural highways and key interregional improvements including intercity rail.

**Lead Agency:** The local jurisdiction or agency responsible for approving a project’s environmental analysis as required under CEQA.

**LOS:** Level of Service. This is a measure used by transportation professionals to
grade performance of transportation facilities. LOS is graded on a scale of A (the best performance) to F (the worst performance).

**Major Bus Stop:** A bus stop that is served by at least six public transit buses per hour per direction during peak periods.

**Member Agency:** A local jurisdiction that is a signatory of the CMA’s Joint Powers Agreement. This includes all cities within the county, Santa Clara County, and the Santa Clara Valley Transportation Authority.

**MPO:** Metropolitan Planning Organization. A federally required transportation planning body responsible for the Regional Transportation Plan (RTP) and the Transportation Improvement Program (TIP) in its region. The governor designates an MPO in every urbanized area with a population of over 50,000.

**MTC:** Metropolitan Transportation Commission. The metropolitan planning organization for the nine-county San Francisco Bay Area.

**North/South Split:** State law (Section 188 of the Streets and Highway Code) requires that programming be balanced so that 60% of the capital outlay is spent in the 13 Southern counties, and 40% is spent in the North 45 counties. Of the total dollars allocated to the north, the Streets and Highway Code requires that 70% of these funds be distributed to each county based on county population and share of state highway miles within the county. Funding for these projects are prioritized in the following order; operation, maintenance, and rehabilitation of the State Highway System; safety improvements that do not add additional lanes; flexible congestion relief, traffic system management, interregional roads, and public guideways; environmental enhancement and mitigation; and compatibility improvements, including landscaping and noise barriers.

**Obligation:** An action by an administrative agency to approve the spending of money to a specific grant recipient.

**Parking Management Program:** In the workplace context, parking policies that favor carpools and vanpools, including creating established parking charges for commuter parking, and preferential parking for carpool or vanpool vehicles. Other parking management programs include policies designed to reduce the total number of cars driving to work, such as the elimination of free or low-cost off-street parking at employment centers.
Pass-By Trips: Trips that are made on route to a final destination. Examples of ‘pass-by-trips’ include a stop at a coffee shop on the way to work, or a trip to the grocery store on the way home from work. Pass-by trips are not considered a new trip generated.

PMS: Pavement Management System. Required by Section 2108.1 of the Streets and Highways Code, any jurisdiction that wishes to qualify for funding under the STIP must have a PMS that is in conformance with the criteria adopted by the Joint City/County/State Cooperation Committee.

Peak Hour: The highest morning or evening hour of travel reported on a transportation network or street.

Preferential Parking: This concept involves assigning the most desirable parking spaces, such as those closest to building entrances, for the exclusive use of carpool and vanpool vehicles. In addition, parking charges may be partially reduced or eliminated for carpools and vanpool vehicles. These vehicles may also be exempted from any hourly parking limits that exist.

Program of Projects: This annual program includes Section 9, Section 3 Rail Modernization (Fixed Guideway Modernization), and STP/CMAQ federal funding for transit projects. MTC is the designated recipient for these federal funds acting on behalf of the individual sponsors.

Proposition 108: Passed by California voters in June 1990, this bond measure provides up to $1 billion for rail projects programmed in the 1990 STIP. (In 1992 and 1994 state voters turned down bond funding measures for projects programmed in the 1990 STIP). The state has continued the original programming of the 1990 STIP, but the failure of funding the additional bond measures has reduced the STIP money available.

Proposition 116: Passed by California voters in June 1990, this bond measure provided $1.9 billion in bonds for rail projects. Requirements for air quality and service integration was included in the legislation, and projects were subject to review by the California Transportation Commission (CTC) before allocation.

PSR: Project Study Report. Chapter 878 of the Statutes of 1987 requires that any project that increases state highway capacity, prior to programming in the STIP, complete a report that has a detailed description of the project scope and
estimated costs. The intent of this legislation was to improve the accuracy of the schedule and costs shown in the STIP, and thus improve the overall accuracy of the estimates of STIP delivery and costs.

Rail Modernization: This is a federal funded grant under Section 3(h) of the Federal Transit Act. The funds are made available to local transit agencies to improve fixed guideway systems that have been in service for at least seven years.

**RHNA:** Regional Housing Needs Allocation. The minimum amount of housing that will be needed to support projected housing growth, at all income levels, by the end of the specified allocation period (currently 2006 - 2014).

**Ridesharing:** Sharing of one vehicle by two or more commuters. While the concept of ridesharing applies primarily to carpools and vanpools, it can be applied to shuttle bus service as well.

**RTIP:** Regional Transportation Improvement Program. A list of proposed transportation projects submitted to the CTC by the regional transportation-planning agency (for the Bay Area - MTC), as a request for state funding. The individual projects are first proposed by local jurisdictions, and then submitted by the regional agency for submission to the CTC. The RTIP has a four-year planning horizon and is updated every two years.

**RTP:** Regional Transportation Plan. A multimodal blueprint to guide the region’s transportation development for a 25-year period. Updated every four years, it is based on projections of growth and travel demand coupled with financial assumptions. Required by state and federal law.

**SAFETEA LU:** Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy of Users. As an offshoot of ISTEA and TEA-21, Congress approved $244.5 billion to fund federal highways, public transportation, highway safety, and motor carrier safety programs for fiscal year 2005 through 2009.

**SB-45:** Senate Bill 45 (Kopp) Governor Wilson signed SB-45 into law at the end of the 1997 legislative session. This legislation consolidated several state transportation funding programs into three funding programs and devolved state transportation programming responsibility to the county and MPO level.

**SB-375:** Senate Bill 375 (Steinberg). This bill is California State legislation that became law on January 1, 2009. SB 375 was enacted after AB-32 to help meet the
greenhouse gas emission goals of AB 32 by addressing the transportation and land use components of greenhouse gas emissions. SB 375 requires each of the state’s 18 metropolitan areas to reduce greenhouse gas emissions from cars and light trucks.

**SHOPP**: State Highway Operations and Protection Plan. A program created by State legislation that includes state highway safety and rehabilitation projects, seismic retrofit projects, landscaping, some operational improvements, and bridge replacement. Shoppp is a four-year program of projects adopted separately from the STIP cycle. Both new (Prop 111) and old state gas tax revenues and federal funds are the basis for funding this program. The legislature and Governor have made seismic retrofit the state’s highest priority and in practice have used other STIP moneys for these projects.

**SIP**: State Implementation Plan. A compilation of the federal air quality plans from around the state produced by the state Air Resources Board.

**SOV**: Single Occupancy Vehicle. A motor vehicle occupied by one employee for commute purposes.

**STIP**: State Transportation Improvement Program. The STIP is a four-year planning and expenditure plan adopted by the CTC for the State Transportation System, and is updated in even years. The STIP is composed of the approved RTIPs, and Caltrans’ ITIP.

**STP**: Surface Transportation Program. A new flexible funding program established by ISTE A. Many mass transit and highway projects are eligible for funding under this program. Ten percent of the projects in this program must be transportation enhancement projects, and 10% must be safety projects.

**SCS**: Sustainable Communities Strategy. A requirement of all California MPO’s as set forth by SB-375. The SCS is a document that outlines the region’s long-range plan for integrating transportation, housing, and land use in order to reduce greenhouse gas emissions.

**TCM**: Transportation Control Measure. A measure intended to reduce pollutant emissions from motor vehicles. Examples of TCMs include programs to encourage ridesharing or public transit usage, city or county trip reduction ordinances, and the use of cleaner burning fuels in motor vehicles. MTC has adopted specific
TCMs, in compliance with the federal and state Clean Air Acts.

**TDA:** Transportation Development Account. A state law enacted in 1971, this fund collects ¼ of 1% of all retail sales in each county to fund transit, paratransit, bicycle and pedestrian improvements. The funds are collected by the state and allocated by MTC to fund projects and programs throughout their jurisdiction.

In Santa Clara County, the transit agency is the only eligible applicant for Article 4 allocations, and Article 4.5, which provides funding for community and paratransit services. This provision allows MTC to allocate another 5% of the total TDA funds that Santa Clara County claims for ADA paratransit services. Additionally, Article 3 funds (4% of the total revenue) are allocated annually for bicycle/pedestrian projects, which are nominated by the VTA.

**TDM:** Transportation Demand Management. This is a term used to describe policies and programs (non-engineering solutions) to reduce the number of cars on the road. Examples of transportation demand management include flextime, ridesharing, and telecommuting.

**TEA-21:** Transportation Equity Act for the 21st Century. TEA-21 is the successor legislation to ISTEA. Congress enacted TEA-21 in mid-1997. The legislation covers the six-year period 1997/98 to 2002/03, and extends and expands many of the funding programs developed under ISTEA.

**TEAQ:** Transportation Energy and Air Quality (TEAQ). TEAQ is VTA’s Program to address Climate Change and energy issues that will involve smarter transportation planning, collaboration with local agencies, pursuit of funding, and the use of alternative fuel sources.

**TFCA:** Transportation Fund for Clean Air. TFCA Funds are generated by a $4.00 surcharge on vehicle registrations. The funds generated by the fee are used to implement projects and programs to reduce air pollution from motor vehicles. Health and Safety Code Section 44241 limits expenditure of these funds to specified eligible transportation control measures (TCMs) that are included in BAAQMD’s 1991 Clean Air Plan, developed and adopted pursuant to the requirements of the California Clean Air Act of 1988. BAAQMD manages 60% of the funds via a regional discretionary program. The remaining 40% are returned to each county based on annual vehicle registrations.

**Telecommuting:** A system of either working at home or at an off-site workstation with computer facilities that link to the worksite.
TIP: Transportation Improvement Program. A federally required document produced by the regional transportation planning agency (MTC in the Bay Area) that states investment priorities for transit and transit-related improvements, mass transit guideways, general aviation and highways. The TIP is the MTC’s principal means of implementing long-term planning objectives through specific projects.

TMA: Transportation Management Association. An organization of developers, property managers, employers and public officials who cooperatively provide and promote programs that mitigate traffic congestion, assist commuters, and otherwise encourage improved travel in a given area.

Transportation Facility: Any part of the designated CMP System including roadways, intersections, freeways, and bicycle, pedestrian and transit routes.

TRO: Trip Reduction Ordinance. A regulation passed by local government requiring employers, developers, and/or property owners to participate or assist in financing transportation management efforts. In many instances, such ordinances specify a target reduction in the number of vehicle trips expected from a development based on standardized trip reduction rates.

TSM: Transportation Systems Management. The use of low-cost capital improvements to increase the efficiency of road transportation and transit services. TSM measures included changing traffic signal timings to optimize the flow of traffic moving through a roadway section, or installing ramp meters at freeway on-ramps to regulate the number of vehicles entering onto the freeway at one time.

Vanpooling: Commuting in a seven- to 15-passenger van, with driving undertaken by commuters. The riders on a monthly basis usually pay for some portion of the van’s ownership and operating cost. The van may be privately owned, employer-sponsored with the company owning and maintaining the vehicle, or it may be provided through a private company that leases vehicles.

Vehicle Employee Ratio: The reciprocal of AVR. A ratio of vehicles arriving at a worksite during the peak period, divided by the number of employees reporting to work on the same day.

Vehicle Occupancy: The number of people riding in a vehicle at one time.

Vehicle Trip: A one-way movement of a vehicle between two points (e.g. origin and destination).
**VMT:** Vehicle Miles Traveled. Travel demand forecasting (modeling) is used to generate the average trip lengths for a region. Average trip length is based on the characteristics of the study-area and demographic data (e.g. distance from home to work, and type of jobs). The average trip length can be used to estimate vehicle miles of travel, and gasoline usage or mobile source emissions of air pollutants.

**Worksite:** Any place of employment, base of operation or predominant location of an employer. All buildings or facilities operated or occupied by the employer within the city and within a radius of 1.5 miles of a single centrally located building or facility operated or occupied by the same employer shall be deemed a worksite.
ADDITIONAL APPENDICES

Appendices B – K will only be included in the online version of the 2013 CMP (paper copies available by request).

http://www.vta.org/cmp/congestion_management_program_document.html

APPENDIX B | CMP SYSTEM ROADWAYS
APPENDIX C | CMP SYSTEM TRANSIT NETWORK
APPENDIX D | CMP SYSTEM BICYCLE NETWORK
APPENDIX E | LEVEL OF SERVICE DESCRIPTIONS
APPENDIX F | SUMMARY OF AIR QUALITY ELEMENTS IN CONGESTION MANAGEMENT PROGRAM LAW
APPENDIX G | FEDERAL AND STATE TRANSPORTATION CONTROL MEASURES
APPENDIX H | CALIFORNIA’S PARKING CASH-OUT LAW
APPENDIX I | OTHER SOURCES OF TDM FUNDING
APPENDIX J | CALIFORNIA GOVERNMENT CODES RELEVANT TO THE CONGESTION MANAGEMENT PROGRAM
APPENDIX K | CMP MULTIMODAL PERFORMANCE MEASURES
ACKNOWLEDGEMENTS

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Transportation Planning Manager
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors
THROUGH: General Manager, Michael T. Burns
FROM: Chief CMA Officer, John Ristow
SUBJECT: Local Program Reserve Programming Actions

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

ACTION ITEM

RECOMMENDATION:

Approve the allocation of $5,460,000 of Local Program Reserve (LPR) to:
  SR 680 Corridor Study $250,000
  I-280 Corridor Study $250,000
  I-280/Winchester Blvd Off-Ramp $250,000
  US 101 Auxiliary Lanes Project $260,000 and
  SR 237, SR 85 and US 101 Express Lanes $4,450,000

BACKGROUND:

In February 2007 and June 7, 2007, the VTA Board of Directors authorized an exchange of $107.98 million in State Transportation Improvement Program (STIP) funds for two 2000 Measure A funded projects and programmed an equivalent amount of Measure A funds to establish the Local Program Reserve (LPR) to fund local transportation projects at the VTA Board's discretion. Currently approximately $7.4 million in LPR funds are available for programming. Of this amount, $1.9 million is recommended for programming to the Environmental phase of the US 101 Express Lanes in a separate item on this agenda.

DISCUSSION:

VTA Staff recommends programming the following LPR Grants:

I-680 Corridor Study from Calaveras Blvd to US 101: SR 680 is an important transportation
corridor that extends approximately 10 miles through two cities from the Santa Clara/Alameda County border in Milpitas to the US101/I-280 Interchange in San Jose. Recently, VTA applied to Caltrans for a Transportation Planning Grant for this corridor study and received $250,000. The cost of the study is approximately $500,000. VTA staff recommends that the Board program $250,000 of LPR funds to complete the funding for this study.

Requested Amount: $250,000

**I-280 Corridor Study:** I-280 corridor is an important transportation corridor that extends approximately 22 Miles from the US 101/SR 680 interchange in San Jose to Page Mill Road in Palo Alto. Major land use developments are causing corridor-wide impacts and a comprehensive study is required. The cost of the study is estimated at $750,000 and will be shared by other agencies in the corridor. VTA staff recommends programming $250,000 in Local Program Reserve funds to the project, pending local agency commitment of the balance of the funds.

Requested Amount: $250,000

**I-280/Winchester Blvd Off-Ramp Environmental Phase:** The I-280/US880/Steven Creek Interchange project is currently under construction. The environmental phase of the interchange project included the I-280/Winchester Blvd off-ramp, but the off-ramp was removed from the project because of design and funding issues. There is a desire to deliver this ramp to address operational issues in the area. VTA will partner on this project with MTC and City of San Jose. The cost of this phase of the project is $1,000,000. VTA expects MTC to contribute half, with San Jose and VTA equally sharing the remaining half. VTA staff recommends programming $250,000 in LPR funds pending funding commitments from San Jose and MTC.

Requested LPR Amount: $250,000

**US 101 Auxiliary Lanes Project:** This project is expected to complete construction in the winter of 2013. The final utility relocation costs for this project are higher than anticipated. The utility relocation work was locally funded, making VTA responsible for closing the gap. An additional $260,000 in LPR funds are needed to complete the project. VTA staff recommends that the Board allocate $260,000 of LPR funds for the completion of this project.

Requested Amount: $260,000

**SR 237, SR 85 and US 101 Express Lanes Projects:** VTA currently has authorization to construct and operate High Occupancy and Toll (Express) lanes on State Route (SR) 237, SR 85 and US 101. VTA opened the first SR-237 Express Lane segment in March 2012, and is currently beginning the design phase for the next segment. The environmental clearance phase for SR 85 and US 101 is underway, and $1.9 million was approved for programming to that phase by the VTA Board at its' October 3, 2013 meeting. Additional funding is needed for the design phase of all three projects in calendar 2014. VTA staff recommends that the Board allocation $4.45 million in LPR funds for the design phase of SR 237, SR 85 and US 101.

Requested Amount: $4.45 million
ALTERNATIVES:

The VTA Board of Directors may choose not to program funds as recommended, or may request modified programming alternatives.

FISCAL IMPACT:

This action will provide $5,460,000 in Local Program Reserve funding to the VTP Highway Improvement Program Fund. There is sufficient appropriation in the FY 14 Adopted VTP Highway Improvement Program Fund Capital Budget for these expenditures.

ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:

The Citizen's Advisory Committee (CAC), Technical Advisory Committee (TAC), and Policy Advisory Committee (PAC) reviewed, discussed and unanimously recommended this item to the Board of Directors for approval at their respective October 9 and 10, 2013 meetings.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Board of Directors meeting as a Committee of the Whole, considered this item on its October 17, 2013 Consent Agenda. There was no discussion of the item. The Committee recommended the item be placed on the Consent Agenda for the November 7, 2013, Board of Directors meeting.

Prepared by: Amin Surani
Memo No. 4200
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: 2014 STIP Program Adoption

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

ACTION ITEM

RECOMMENDATION:

Adopt a resolution to program 2014 State Transportation Improvement Program (STIP) capacity to projects; approve a funding exchange of $14.5 million in STIP funds for $14.5 million in Measure A funds; increase the 2000 Measure A Transit Improvement Program Fund Capital Budget by $14.5 million; and authorize the General Manager to execute appropriate funding agreements to receive STIP funds.

BACKGROUND:

The State Transportation Improvement Program (STIP) is a 5-year rolling projection of the revenues that the State of California expects to be available to the State for transportation. The STIP is updated every two years, in even numbered years and is subsequently adopted by the California Transportation Commission (CTC). We are currently beginning the 2014 cycle. Caltrans is responsible for developing the Fund Estimate, which sets the target of available programming capacity for each county.

By State statute, the CTC first determines how much of the funding will be directed to the State Highway Operations and Protection Program (SHOPP). The balance goes to the STIP. The STIP has two components. State statute directs that 75% of the funds are prioritized by the Regional Transportation Planning Agencies (RTPAs). Each county gets a “County Share” based on a formula composed of population and lane mileage. This is called the Regional Improvement Program (RIP). Caltrans sets the priorities for the remaining 25%, which is called the Interregional Improvement Program (IIP). RIP funds may be used for roadway and transit capacity expansion projects.
MTC is the nine-county Bay Area's RTPA. MTC has delegated RIP programming priorities to each county's respective Congestion Management Agency (CMA). Santa Clara's CMA is VTA, and the VTA Board of Directors is therefore responsible for prioritizing RIP investments with Santa Clara's County Share.

The 2014 STIP covers state fiscal years 2014 through 2019. The CTC adopted the 2014 STIP Fund Estimate in August. There is approximately $20.7 million available to the VTA Board for new programming, and it is primarily in the last two years of the STIP (2018 and 2019).

On September 5, 2013, the VTA Board adopted the following priorities for the 2014 STIP.

- Fund ongoing CMA Planning Programming and Monitoring Activities
- Fund the VTA Board’s prior soundwall commitments
- Fund implementation of the SR 237 Express Lane
- Fund the County Expressways Program as specified in Valley Transportation Plan
- Fund unfinished landscaping commitments from previous STIP-supported freeway projects

**DISCUSSION:**

VTA staff recommends the following programming for 2014 STIP capacity:

<table>
<thead>
<tr>
<th>Project</th>
<th>2014 STIP Programming</th>
</tr>
</thead>
<tbody>
<tr>
<td>CMA PPM</td>
<td>$1.6M</td>
</tr>
<tr>
<td>Prior Soundwall Commitments (I-680: Mueller to Capitol)</td>
<td>$4.6M</td>
</tr>
<tr>
<td>Express Lanes Program Fund Exchange: BART Silicon Valley Santa Clara Extension (SVSX)</td>
<td>$14.5M</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>$20.7M</strong></td>
</tr>
</tbody>
</table>

**CMA Planning, Programming and Monitoring Activities**

STIP funds may be programmed for Regional Transportation Planning Agency and Congestion Management Agency planning, programming and project monitoring (PPM) activities. These funds are a vital, ongoing source of operating funds for the VTA CMA program. VTA staff recommends programming $783,000 per year ($1,567,000 total) in STIP funds for PPM in fiscal years 2018 and 2019.

**Prior Soundwall Commitments**

On March 1, 2012, the VTA Board of Directors deprogrammed soundwalls on I-680 between Capitol and Mueller and on I-280 at Bird Avenue to complete the funding package for the US 101/Capitol Interchange. That action included a commitment to re-program the projects in the 2014 STIP.

The soundwalls were originally programmed in 2002 at a total cost of $7.8 million. Reprogramming both in the 2014 STIP for construction in 2018 (the first available STIP year)
would require approximately $10 million. VTA staff therefore recommends partially fulfilling this commitment in the 2014 cycle by programming only one location, I-680 between Mueller and Capitol. This requires $4.6 million. Staff recommends deferring the I-280 at Bird Avenue soundwall until the 2016 STIP.

**Express Lanes Implementation**

VTA currently has authorization to construct and operate High Occupancy and Toll (Express) lanes on State Route (SR) 237, SR 85 and US 101. VTA opened the first SR-237 Express Lane segment in March 2012, and is currently beginning the design phase for the next segment. The environmental clearance phase for SR 85 and US 101 is underway. Additional funding for design for all three projects will be needed in calendar 2014. Unfortunately, funds from the 2014 STIP will not be available until 2018 or 2019. VTA staff therefore recommends a STIP fund exchange with the 2000 Measure A Program. The VTA Board would, in this action, program the remaining $14.5 million in 2014 STIP program capacity to the BART Silicon Valley Santa Clara Extension (SVSX) project and direct $14.5 million in Measure A funds that would otherwise have been used for the SVSX project to the VTA Expressway program. The Measure A funds would be used to advance design development work for the Express Lanes in 2014.

**County Expressway Program Implementation**

VTA staff recommends deferring programming to the County Expressway program until the 2016 STIP.

**Prior Freeway Landscaping Commitments**

VTA staff recommends deferring programming to the prior freeway landscaping commitments until the 2016 STIP.

**ALTERNATIVES:**

The Board may choose to program different amounts and different projects.

**FISCAL IMPACT:**

This action will provide approximately $1.8 million to future Congestion Management Program Fund budgets and $17.1 million to future VTP Highway Improvement Program Fund budgets, and increase appropriation for the Measure A Transit Improvement Program Fund by $12.5 million.

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

The Technical Advisory Committee (TAC) and the Policy Advisory Committee (PAC) considered this item at their respective September 12, 2013 meetings, and deferred action until their October meetings.

The Citizen’s Watchdog Committee (CWC), Technical Advisory Committee (TAC), and Policy Advisory Committee reviewed, discussed and unanimously recommended this item to the Board.
of Directors for approval at their respective October 9 and 10, 2013 meetings. During the TAC and PAC discussions, members requested that VTA staff discuss potential targets for STIP funding of the County Expressway system in future meetings and STIP cycles. The PAC requested a comprehensive presentation from VTA staff on the Express Lane program status, and proposed funding plans before the end of calendar 2013.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Board of Directors meeting as a Committee of the Whole, considered this item on its October 17, 2013 Consent Agenda. There was no discussion of the item. The Committee recommended the item be placed on the Consent Agenda for the November 7, 2013, Board of Directors meeting.

Prepared by: Marcella Rensi  
Memo No. 4148
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, Santa Clara Valley Transportation Authority (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for $18,900,000 in funding assigned to MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration (FHWA) and federal or state funding administered by the California Transportation Commission (CTC) such as Surface Transportation Program (STP) funding, Congestion Mitigation and Air Quality Improvement (CMAQ) funding, Transportation Alternatives (TA) funding, and Regional Transportation Improvement Program (RTIP) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the CMA Planning, Programming & Monitoring, I-680: Muller to Capitol Soundwalls and BART Silicon Valley Santa Clara Extension (SVSX) projects (herein referred to as PROJECTS) for the Regional Transportation Improvement 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 and California Government Code §14527, 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 or state funds for a regionally-significant project shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal 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 REGIONAL DISCRETIONARY FUNDING; 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:

- the commitment of any required matching funds; and

- 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

- that the PROJECTS will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and

- the assurance of the sponsor to complete the PROJECTS as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and

- that the PROJECTS will have adequate staffing resources to deliver and complete the PROJECTS within the schedule submitted with the project application; and
that the PROJECTS will comply with all project-specific requirements as set forth in the PROGRAM; and

that APPLICANT has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans. FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and

in the case of a transit project, the PROJECTS 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; and

in the case of a highway project, the PROJECTS will comply with MTC Resolution No. 4104, which sets forth MTC’s Traffic Operations System (TOS) Policy to install and activate TOS elements on new major freeway projects; and

in the case of an RTIP project, state law requires PROJECTS be included in a local congestion management plan, or be consistent with the capital improvement program adopted pursuant to MTC’s funding agreement with the countywide transportation agency; and

WHEREAS, that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECTS; and

WHEREAS, there is no legal impediment to APPLICANT making applications for the funds; and

WHEREAS, there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECTS, or the ability of APPLICANT to deliver such PROJECTS; and

WHEREAS, APPLICANT authorizes its Executive Director, General Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECTS as referenced in this resolution; and

WHEREAS, MTC requires that a copy of this resolution be transmitted to the MTC in conjunction with the filing of the application.

NOW, THEREFORE, BE IT RESOLVED that the APPLICANT is authorized to execute and file an application for funding for the PROJECTS for REGIONAL DISCRETIONARY FUNDING under MAP-21 or continued funding; and be it further

RESOLVED that APPLICANT will provide any required matching funds; and be it further

RESOLVED that APPLICANT understands that the REGIONAL DISCRETIONARY FUNDING for the projects are 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 be it further

RESOLVED that 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 and transit projects, and has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans. FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and be it further

RESOLVED that PROJECTS will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and
programmed in the federal TIP; and be it further

RESOLVED that APPLICANT has reviewed the PROJECTS and has adequate staffing resources to deliver and complete the PROJECTS within the schedule submitted with the project application; and be it further

RESOLVED that PROJECTS will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the PROGRAM; and be it further

RESOLVED that, in the case of a transit project, APPLICANT agrees to comply with the requirements of MTC’s Transit Coordination Implementation Plan as set forth in MTC Resolution No. 3866, revised; and be it further

RESOLVED that, in the case of a highway project, APPLICANT agrees to comply with the requirements of MTC’s Traffic Operations System (TOS) Policy as set forth in MTC Resolution No. 4104; and be it further

RESOLVED that, in the case of an RTIP, PROJECTS is included in a local congestion management plan, or is consistent with the capital improvement program adopted pursuant to MTC’s funding agreement with the countywide transportation agency; and be it further

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 PROJECTS; 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 PROJECTS; 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 PROJECTS 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 PROJECTS described in the resolution and to include the PROJECTS, if approved, in MTC’s federal TIP.
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

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 Engineering & Construction Officer, Mark S. Robinson

SUBJECT: Pedestrian Swing Gates Replacement

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with GECMS Inc. dba Gyeron Construction, the second lowest responsible bidder, in the amount of $337,400 for the construction of Pedestrian Swing Gates Replacement, and relieve the low bidder of its obligation to perform the contract.

BACKGROUND:

The VTA light rail system includes pedestrian swing gates at certain designated pedestrian crossings of the light rail tracks. These gates are placed across the pedestrian pathway to slow pedestrians and encourage them to stop, look down the tracks for approaching trains, and then pull the swing gate open prior to entering the track area.

The existing pedestrian swing gates were first installed in the 1980’s as part of the Guadalupe Corridor construction. They are designed and fabricated with spring-activated hinges that were intended to be self closing. However, the hinges on the existing gates are proving to be unreliable as many of the gates fail to self-close, remaining wide open after use by pedestrians. With these gates in an open position, it makes it easier for distracted pedestrians to walk across the tracks without slowing down and thus not noticing approaching trains. Also, the warning signs installed on the gates are less effective as they cannot be seen by pedestrians approaching the gates. There are over 100 swing gates and all are located at eleven light rail stations (Attachment A).
This contract will replace the existing pedestrian swing gates with a newer design that uses more reliable gravity-activated hinges. These new gates are being used successfully on other rail systems including at Caltrain pedestrian grade crossings.

**DISCUSSION:**

The Pedestrian Swing Gates Replacement contract was advertised on August 16, 2013. Four bids were submitted on September 26, 2013 with the following results:

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rodan Builders</td>
<td>$326,000</td>
</tr>
<tr>
<td>GECMS Inc. dba Gyeron Construction</td>
<td>$337,400</td>
</tr>
<tr>
<td>Golden Bay Fence</td>
<td>$369,060</td>
</tr>
<tr>
<td>George Bianchi Construction, Inc.</td>
<td>$445,799</td>
</tr>
<tr>
<td>Engineer’s Estimate</td>
<td>$297,000</td>
</tr>
</tbody>
</table>

Rodan Builders submitted a bid of $326,000. Following the submission of bids, on September 30, 2013, Rodan Builders informed VTA that a clerical error had been made in the preparation of their bid and that they were withdrawing their bid proposal. Under the California Public Contract Code, VTA has the authority to consent to relief of a bidder from its obligation to perform the contract due to a mistake. The explanation provided by Rodan Builders was compelling, and VTA staff has consented to the withdrawal.

GECMS Inc. dba Gyeron Construction is the lowest responsible and responsive bidder. The bid is 13.6% 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 GECMS, Inc. dba Gyeron Construction.

Although VTA is continuing to receive multiple bids on construction contracts, bid prices are coming in higher when compared to similar work contracted out earlier this year. Staff will closely monitor this trend and adjust our estimates accordingly on future contracts.

Construction is scheduled to begin in December 2013 with completion in April 2014.

**ALTERNATIVES:**

There are no practical alternatives to the recommended action. Delaying the award of this contract will delay the delivery of the project thereby requiring continuous observance and maintenance to keep the gates in working condition to provide the required level of safety.

**FISCAL IMPACT:**

This action will authorize funds in the amount of $337,400 for the replacement of pedestrian swing gates at various locations. Appropriation for this expenditure is available in the FY14 Adopted VTA Transit Fund Capital Budget. The contract is fully funded by VTA local funds.
SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION:

Based on identifiable subcontracting opportunities, a Small Business Enterprise (SBE) goal of 20% was established for this contract. Contractor has met the established goal and has committed to 93.8% SBE participation on this contract.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Board of Directors meeting as a Committee of the Whole, considered this item on its October 17, 2013 Consent Agenda. There was no discussion of the item. The Committee recommended the item be placed on the Consent Agenda for the November 7, 2013, Board of Directors meeting.

Prepared by: Ken Ronsse, Deputy Director
Memo No. 4176
ATTACHMENT A - PEDESTRIAN SWING GATE REPLACEMENT

KEY MAP

- Whisman Station
- Moffett Park Station
- Downtown Mountain View Station
- Fruitdale Station
- Bascom Station
- San Fernando Station
- Diridon Station
- Race Station
- Campbell Station
- Winchester Station
- Chynoweth Station
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

FROM: Auditor General, Patrick J. Hagan

SUBJECT: Investment Program Controls Internal Audit

ACTION ITEM

RECOMMENDATION:

Review and receive the Auditor General's internal audit report on Investment Program Controls.

BACKGROUND:

In January 2013, the VTA Board of Directors approved the contract with McGladrey LLP to provide Auditor General and internal audit services to VTA.

In June 2012, the Board approved the FY 2013 Internal Audit Work Plan developed by the Auditor General. In May 2013, McGladrey, in its capacity as VTA’s Auditor General, initiated one of the projects from this plan: Investment Program Internal Controls Internal Audit.

DISCUSSION:

VTA has a Treasury function responsible for managing VTA’s investment portfolio in unrestricted and restricted funds. Investment decisions are guided by the VTA policy titled “Investment of Unrestricted and Restricted Funds” (Investment Policy) to help ensure successful and prudent management of public funds and avoid inordinate risk.

VTA currently invests in four separate funds: one with the State of California Local Agency Investment Funds (LAIF) and the other three where active management is outsourced to an investment broker, Payden & Rygel (“Payden”). As of March 2013, there was approximately $855 million in the three Payden accounts and $44 million in the LAIF account.
The Investment Policy requires the Auditor General to perform a review of the internal controls within the investments process biennially. As such, in May 2013 the Auditor General’s Office initiated the Investment Program Internal Controls Internal Audit. The purpose of this audit was to: (1) assess whether controls over the process have been designed and are operating effectively; (2) provide reasonable assurance that the control objectives have been met; and (3) assess whether reasonable safeguards are in place to minimize VTA exposure to either unreasonable financial loss or reputational damage as a result of the investments program. Per the Investment Policy, the audit scope covered only the VTA General and Reserved Funds investments.

The Auditor General’s Office reviewed the key controls over the investment process and performed testing to assess both the design and operating effectiveness of the key controls. The key controls over investments occur monthly, quarterly, and annually. As such, a total of four distinct months during 2012 and 2013 were reviewed, including two that ended the quarter.

In June 2013, the Auditor General’s Office completed the Investment Program Internal Controls Internal Audit, the results of which are presented in Auditor General Report No. 2013-06 (see Attachment A). This report describes in detail the objectives established for this audit, its scope, and the approach used. It presents in detail the audit team’s findings and observations, the risk rating associated with each finding as well as an overall risk rating to the VTA organization, and the Auditor General Office’s recommendation for addressing each item. The report also includes the Auditor General’s recommendations on any potential process improvement opportunities. Furthermore, the report includes VTA management’s response to each observation, and the steps that have or will be taken to address the Auditor General’s recommendations.

Overall, based on the scope of the audit and the work performed, the Auditor General Office’s issued an overall risk rating of Low, based on no individual findings. It is their assessment that most key controls over the selected processes have been well-designed and are operating effectively. The report did, however, include one recommendation on potential opportunities for process improvements.

VTA agreed with the recommended process improvement and will target implementation by the end of September 2013. More detailed observations and recommendations are provided in the main body of the report.

Recommendations for improvement or efficiency opportunities contained in this report are presented for the consideration of VTA management, which is responsible for the effective implementation of any action plans.

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

**FISCAL IMPACT:**

There is no financial impact associated with acceptance of this report.
STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Audit Committee will consider this item at its November 7, 2013 meeting, which immediately precedes the Board of Directors meeting that day. Due to this, the Audit Committee chairperson will, if needed, provide a verbal report to the Board at its meeting on the Audit Committee's discussion and recommendation for this item. This item was originally scheduled for the August 1, 2013 Audit Committee meeting, which was cancelled.

Prepared by: Pat Hagan, Auditor General & Stephen Flynn, Advisory Committee Coordinator Memo No. 4103
AUDITOR GENERAL REPORT No. 2013-06

TO: Rose Herrera, Chairperson
    Audit Committee, VTA Board of Directors

FROM: Patrick Hagan
      Auditor General’s Office

DATE: June 28, 2013

SUBJECT: Investments Internal Controls Testing

Attached is our report for the Investments Internal Controls Testing.

Our engagement was performed in accordance with the terms of the agreement between Santa Clara Valley Transportation Authority (“VTA”) and McGladrey LLP (“McGladrey”) for Auditor General Services, Contract No. S13044 dated February 1, 2013, and in accordance with the Standards for Consulting Services issued by the American Institute of Certified Public Accountants.

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

Questions or concerns should be addressed to Patrick Hagan in the VTA Auditor General’s Office at: Auditor.General@VTA.org.
Table of Contents

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    A. Other Opportunities 10
I. EXECUTIVE SUMMARY

Santa Clara Valley Transportation Authority (VTA) has a Treasury function that is responsible for managing VTA’s investment portfolio in unrestricted and restricted funds.

VTA currently invests in four separate funds: three funds where management is outsourced to an investment broker, Payden & Rygel (“Payden”) that provides active management of the VTA portfolio, and one with the State of California Local Agency Investment Funds (LAIF). As of March 2013, there were approximately $855 million in the three Payden accounts and $44 million in the LAIF account.

VTA’s investment program is required to comply with the California Government Section 53601 et seq. and VTA’s internal policy entitled ‘Investment of Unrestricted and Restricted funds’ (the Policy) to help ensure successful and prudent management of public funds and avoid unnecessary risk. The Investment Policy, most recently updated in November 2012, requires the Auditor General to perform a review of the internal controls within the investments process biennially.

VTA maintains four distinct investment portfolios: VTA General and Reserved Funds; VTA/Amalgamated Transit Union (ATU) Pension Funds; ATU Spousal Medical, Dental, and Vision Plan Funds; and funds held in the VTA Other Post Employment Benefit (OPEB) Trust.

The purpose of this audit was to: (1) assess whether controls over the process have been designed and are operating effectively; (2) provide reasonable assurance that the control objectives have been met; and (3) assess whether reasonable safeguards are in place to minimize VTA exposure to either unreasonable financial loss or reputational damage as a result of the investments program. The scope of this audit, per the Investment Policy, covered only the VTA General and Reserved Funds investments and included the following, each of which were discussed with key members of management to gain an understanding of the sub-processes components and associated risks:

- Confirm whether an adequate investment policy is in place and is reviewed at least annually with updates made as necessary
- Test completeness and efficacy of monitoring controls over the investments, including review of investment decisions, performance over time, and planning/forecasting
- Confirm complete, accurate, and timely reporting of VTA investment balances

The Auditor General’s Office reviewed the key controls over the investment process through interviews with management and then performed testing to assess both design and operating effectiveness of the key controls. The key controls over investments occur monthly, quarterly, and annually. As such, we tested four distinct months, including two that are quarter-ending. The months tested were June 2012, August 2012, December 2012, and April 2013.

This report is intended solely for the internal use of VTA’s Board of Directors, Audit Committee and management and is not intended to be used by anyone other than these specified parties.
Overall, based on the scope of the audit and the work performed, it appears that the key controls over the in-scope processes noted above are designed, and have been operating, effectively. Accordingly, we issued an overall assessment of the relative risk related to the identified internal control observations of Low. The Low rating, which represents an estimated level of risk exposure to the VTA organization, is based on no individual findings.

Based on our assessment of associated risk, combined with the fact that no high or medium risk issues have been identified during the four Investment Controls internal audits, we recommend that consideration be given to performing this audit on a slightly longer cycle, perhaps alternating between a two and three-year interval.

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

A. Background

VTA manages a portfolio of funds generated from various sources including transit fares, bond measure proceeds, sales tax revenues, and contributions and shared funds from other transportation agencies. These monies are used to fund operations including maintenance, new development, and joint activities with other agencies. Investment decisions are guided by the VTA Investment Policy, most recently updated in November 2012. Handling of the investments is outsourced to an investment broker, Payden & Rygel (“Payden”). Union Bank provides custodial services for the VTA investments.

VTA maintains four distinct investment portfolios: (1) VTA General and Reserved Funds; 2) VTA/Amalgamated Transit Union (ATU) Pension Funds; (3) ATU Spousal Medical, Dental, and Vision Plan Funds; and (4) funds held in the VTA Other Post Employment Benefit (OPEB) Trust. With the November 2012 revision to the Investment Policy, the OPEB funds are now covered under a separate policy. The scope of this audit covered only the VTA General and Reserved Funds investments.

Within the VTA General and Reserved Funds there are four significant investment accounts, including three accounts with Payden and one account invested in the State of California's Local Agency Investment Fund (LAIF). The three accounts with Payden are divided into short-term investments, medium-term investments, and long-term investments. As of March 2013, there were approximately $855 million in the three Payden accounts and $44 million in the LAIF account. The LAIF and Payden short-term accounts are used to fund any withdrawals needed, with monies moved between the accounts as necessary.

An area that we typically consider when portfolio management is outsourced (as it is for VTA), a common challenge is the managing of “soft dollar” charges to the company. Soft dollars are typically a means of paying brokerage firms for their services through commission revenue, as opposed to through normal direct payments (hard dollar fees). We reviewed the arrangement with Payden to determine the status of soft dollar charges. Payden confirmed that they have adopted a policy which does not allow the use of soft dollar charges.

With a portfolio of this size, we also typically anticipate an asset allocation statement to be incorporated into the investment policy. An asset allocation statement would help reduce the risks associated with investing. Our review of the investment policy did not find an asset allocation statement. The VTA allows the investment manager to determine the asset allocation, but manages the risk by defining allowable investments and monitoring performance to clearly defined indexes. Monthly, the VTA reviews the portfolio to verify the investments are in line with the policy and calculates the performance of each account. Performance of each account is compared to a defined index and deviations are noted and discussed with the investments manager as necessary. If an account consistently underperforms its associated index, VTA will work with the broker to determine why and can replace the broker if deemed appropriate.
From review of prior Investment Controls audits, discussions with management, and review of VTA’s investments control matrix, we noted the following key control objectives:

- Proper Investment Policy is in place including annual review and updating as needed
- Timely monitoring of the investments, including review of investment decisions, performance, and planning
- Accurate reporting of the VTA investments

We noted that the control matrix noted above had been developed subsequent and in response to the prior investments controls testing review. The matrix includes all controls within the investments process, and documents each controls objective, periodic frequency, process owner, and other details important to the performance of each control. As noted further in this report, each control in the matrix is titled using an acronym starting with “TECO” and then the number of the control.

B. Objective

The objectives of this audit included: (1) assessing whether controls over the process have been designed and are operating effectively; (2) providing reasonable assurance that the control objectives have been met; and (3) confirming whether reasonable safeguards are in place to minimize VTA exposure to either unreasonable financial loss or reputational damage as a result of the investments program.

C. Scope

The scope of the internal audit covered only the VTA General and Reserved Funds investments and for the period from April 2012 through April 2013. Included were the following, each of which were discussed with key members of management and key process owners to gain an understanding of the business process controls and the associated risks:

- An investment policy covering VTA Transit Enterprise Funds ("Transit Enterprise IPS") is in place. (TECO1)
- Transit Enterprise IPS is reviewed annually for compliance with applicable California Government Code and revised as necessary. Amendment of Transit Enterprise IPS requires Board Approval. (TECO2)
- Investment Services Manager and Fiscal Resources (FR) Manager conduct annual review of SAS 70 (or SSAE16) of custodial agent and follow up with custodial agent if results of testing indicate exceptions (see specifically CO1 and CO3 to UBOC SAS70). (TECO3)
- Accountant prepares journal entry to record deposit or withdraw by fund. (TECO4)
- Estimated net cash needs (for a six month period) are identified each month to ensure sufficient funds are available for short term cash needs. (TECO5)
- Investment Services Manager and Fiscal Resources Manager conduct annual review of SAS 70 (or SSAE16) of custodial agent and follows up with custodial agent if results of testing indicate exceptions (see specifically CO3 to UBOC SAS70). (TECO6)
- Monthly Investment Performance Report is reviewed by FR Manager (such review documented in Minute Traq or signed memo). (TECO7)
- Monthly Investment Performance Reports are reviewed and signed by the Chief Financial Officer (CFO). (TECO8)
- Monthly Investment Performance Reports are reviewed and signed by the General Manager (GM) and submitted to the VTA Administration & Finance (Board standing) Committee for review. (TECO9)
- Every quarter, CFO, FR Manager and Investments Manager meet with the GM to review fund manager performance and holdings. (TECO10)
- Every quarter, FR Manager and Investment Manager review quarterly investment performance report produced by Investment Consultant and act on recommendation(s), if any, to replace fund manager for performance (or other reason) within 30 calendar days. (TECO11)
- End of Month Reconciliation: Reconciliation is accomplished between custodial, fund manager and General Ledger (GL) account every month. Adjusting entries are made to GL. Errors are identified and corrected. (TECO12)
- All Journal entries prepared during month-end are reviewed and approved by Investment Manager prior to posting by Accountant (at least four month end reviews per fiscal year are validated by FR Manager). (TECO13)

Since the above controls occur either monthly or quarterly in frequency, we reviewed four distinct months, with two of the months including quarter-ends: June 2012, August 2012, December 2012, and April 2013 (if the April month-end was not yet available for a particular control due the timing of our testing, we selected March 2013 in lieu thereof). We also reviewed the VTA Investments Policy and the most recent policy review and resultant updates.

D. Approach

To assess the design and operating effectiveness of the in-scope processes and controls related to VTA’s investment process, the following procedures were performed:

- Inspected existing policies to gain an understanding of the process.
- Interviewed and performed walkthroughs with appropriate members of the VTA team involved in the investments process; through the walkthroughs we were able to assess the design of the internal controls presently in operation.
- On a sample basis, tested key controls to determine whether they are operating effectively.
  - TECO1: An investment policy is in place – no findings noted
  - TECO2: Investment policy is reviewed and approved annually – no findings noted
  - TECO3: Annual review of Service Organization Control (formerly SAS70) reports for custodial agent – report was received during audit and thus we could not test the review of this year’s report. Prior reports were reviewed. See also TECO5

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o TECO4: Journal entries are properly prepared. Tested with TECO13 – no findings noted.

o TECO5: Estimated six month net cash needs analysis is prepared and reviewed – no findings noted.

o TECO6: Annual review of SAS70 reports for custodial agent. Since it was received during the audit, we could not test the review of this year’s report. However, prior reports were reviewed – no findings noted. See also TECO3.

o TECO7: Monthly review of Investment Performance Report by Fiscal Resources manager – no findings noted.

o TECO8: Monthly review of Investment Performance Report by CFO – no findings noted.

o TECO9: Monthly review of Investment Performance Report by GM and Administration & Finance Committee – no findings noted.

o TECO10: Quarterly review of investment performance – no findings noted.

o TECO11: Quarterly review of Investment Consultant report on performance – no findings noted.

o TECO12: Monthly reconciliation of custodial, fund manager and GL accounts – no findings noted.

o TECO13: Journal entries are prepared and reviewed appropriately – no findings noted.

- Identified opportunities for VTA to improve internal control design or operating effectiveness and efficiency.
III. RATING SCALE:

Risk ratings are assigned to each observation to provide VTA Management with a better understanding of the risk and potential impact of each observation. In addition, an overall risk rating is provided to help Management understand the overall risk to VTA and the impacts of the individual observations combined.

The risk rating definitions are:

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

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

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

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

OVERALL RISK

The Overall Risk Rating is provided to help Management understand the overall risk to VTA and the impacts of the individuals observations combined.

Based on the scope and work performed, an Overall Risk Rating of Low has been issued, based on no individual findings of weaknesses within the controls tested:

**Overall Risk Rating for this Audit:** Low

Key controls over the investments process were identified and tested to assess whether the key controls have been both designed and are operating effectively. Based on testing performed, it appears that the controls around investment policies, monitoring, and reporting are designed appropriately and generally operating effectively.

INDIVIDUAL CONTROL WEAKNESSES

During our review and testing, we did not identify any individual findings of weaknesses within the controls tested.

OTHER IMPROVEMENT OPPORTUNITIES

During our review and testing, we did note two potential process improvement opportunities:

1. The key control identified as TECO4 – *Accountant prepares journal entries for deposits and withdrawals* should not be classified as a key control. Preparation of journal entries is a process rather than a control. The control over the journal entries, which is the actual review, is included in the control TECO13.

   **Recommendation**
   - Management reclassify TECO4 as a non-key control and remove it from further testing during the audit of key controls. Doing so will save VTA staff time each month, and since the actual control is tested at TECO13 the overall integrity of the control portfolio will not be compromised by the elimination of TECO4.

   **Management Response**
   - VTA Management agrees. VTA will reclassify TECO4 as a non-key control and remove it from further testing during the audit of key controls. This will be accomplished by the end of September 2013.

2. As stated previously in this report, based on our assessment of associated risk, combined with the fact that no high or medium risk issues have been identified during the four Investment Controls internal audits, we recommend that consideration be given to performing this audit on a slightly longer cycle, perhaps alternating between a two and three-year interval. This would allow re-allocation of Auditor General hours to higher-
risk areas during the years when the Investment Controls internal audits are not performed.
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

FROM: Auditor General, Hagan, General Manager, Burns

SUBJECT: Auditor General Recommended FY 2014 & FY 2015 Internal Audit Work Plans

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

ACTION ITEM

RECOMMENDATION:

Approve the following Internal Audit Work Plans developed and recommended by the VTA Auditor General:

1. Fiscal Year (FY) 2014 for a maximum amount of $358,800. This item replaces the Interim FY 2014 Internal Audit Work Plan approved by the Board on June 6, 2013 for a maximum amount of $290,500.

2. FY 2015 for a maximum amount of $364,500.

BACKGROUND:

VTA’s Auditor General is responsible for assisting the Board of Director in fulfilling its fiduciary responsibilities of overseeing risks and controls in financial reporting, financial integrity, reputation and public perception of the organization, and program activities. 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 Plan.
- Assigning and managing the audit resources required to conduct each internal audit.
- Providing audit results and progress reports to the Audit Committee.

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.
However, at the start of FY 2013 the Board of Directors severed the contract with Deloitte. As a result, a seven-month gap existed between Deloitte’s exit and the late January 2013 Board award of the contract to McGladrey LLP to serve as VTA Auditor General and provide internal audit services. Although McGladrey immediately began work on several of the one-time projects, there was insufficient time to complete all of them before the end of the fiscal year (June 30, 2013). As a result, of the seven new projects specified in the approved FY 2013 Work Plan, one was completed by Deloitte and McGladrey completed two plus initiated a third.

Also, in January 2013 the Audit Committee approved converting the existing Risk Refresh to a Risk Assessment, which is a far more comprehensive effort and therefore takes significantly greater time and resources to complete. For the Risk Assessment, the Auditor General’s Office facilitated a comprehensive high-level risk assessment of significant current or future potential financial and business risks to VTA, which were derived, in part, from interviews with key management and business process owners, working knowledge of VTA or similar organizations, industry expertise and knowledge of best practices, and solicited input from the General Manager, senior staff and the Audit Committee chairperson. The auditable risks were then identified, prioritized and considered for potential projects in the recommend audit plan for the upcoming fiscal year(s).

Because the Risk Assessment serves as the basis for the Auditor General’s annual recommended internal audit work plan, it had to be completed before the recommended FY 2014 Internal Audit Work Plan could be developed. The completed Risk Assessment was presented to the Audit Committee at its May 2013 meeting and the Board at its June 28, 2013 meeting. Based on this, the Auditor General’s recommended FY 2014 (and FY 2015) Internal Audit Work Plan(s) were scheduled for review and approval by the Audit Committee and Board at their August and November 2013 meetings, respectively (due to the anticipated mid-year approval by the Board of the FY 2014 Internal Audit Work Plan combined with the fresh Risk Assessment, it was deemed both efficient and prudent to develop the recommended FY 2015 Internal Audit Work Plan concurrently).

Following review and direction by the Audit Committee, and in collaboration with the General Manager and VTA staff, the Auditor General’s Office, using the results from the Risk Assessment, developed cost estimates for each potential project from the Risk Assessment. The Auditor General’s recommended FY 2014 and FY 2015 Internal Audit Work Plans were then finalized for consideration by the Audit Committee and the Board of Directors at their August and November 2013 meetings, respectively.

However, to bridge the gap between the start of FY 2014 (July 1, 2013) and projected approval of the recommended FY 2014 Internal Audit Work Plan in November, the Board approved an interim FY 2014 Internal Audit Work Plan at a maximum of $290,500 consisting primarily of the outstanding projects from the FY 2013 Work Plan as well as recurring Auditor General services and responsibilities. The action provided authorization for continued Auditor General projects and activities during the first half of FY 2014 while the recommended Work Plans were being developed.
DISCUSSION:

VTA Internal Audit Work Plans now consist of three distinct sections based on the specific activities or responsibilities each addresses: (1) standing (recurring) Auditor General activities; (2) new one-time internal audit projects or assessments (such as the Cash Fare Collections Process Internal Audit); and (3) Supplemental Work Allowance (SWA). The recommended component projects and activities and level-of-effort for each section for both FY 2014 and FY 2015 are shown in the following.

Standing (Recurring) Activities

Standing activities are tasks or responsibilities that the Auditor General performs on a recurring basis, either annually or throughout the year, and where the level of effort can be reasonably predicted. The proposed standing activities and associated costs for FY 2014 and FY 2015 are:

<table>
<thead>
<tr>
<th>Recommended FY 2014 Internal Audit Work Plan</th>
<th>Est. hours</th>
<th>Est. $000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standing Auditor General Activities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R14-1 Auditor General Services Support</td>
<td>120</td>
<td>$40.0</td>
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<tr>
<td>TOTAL:</td>
<td>120</td>
<td>$40.0</td>
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</table>

<table>
<thead>
<tr>
<th>Recommended FY 2015 Internal Audit Work Plan</th>
<th>Est. hours</th>
<th>Est. $000</th>
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</thead>
<tbody>
<tr>
<td>Standing Auditor General Activities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R15-1 Auditor General Services Support</td>
<td>120</td>
<td>$40.0</td>
</tr>
<tr>
<td>R15-2 Annual Risk Refresh</td>
<td>40</td>
<td>$7.0</td>
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<tr>
<td>TOTAL:</td>
<td>160</td>
<td>$47.0</td>
</tr>
</tbody>
</table>

New (non-recurring) Projects

The one-time (non-recurring) internal audit (IA), assessment or other projects recommended for each fiscal year are shown in the following tables. Projects previously approved as part of the interim FY 2014 Internal Audit Work Plan (FY 14 IWP) are denoted.

<table>
<thead>
<tr>
<th>Recommended FY 2014 Internal Audit Work Plan</th>
<th>Est. hours</th>
<th>Est. $000</th>
</tr>
</thead>
<tbody>
<tr>
<td>New One-Time (Discrete) Projects</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N14-1 Investment Controls Testing IA</td>
<td>35</td>
<td>$7.5</td>
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<tr>
<td>N14-2 Sheriff Contract Compliance IA</td>
<td>300</td>
<td>$56.0</td>
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<tr>
<td>N14-3 Trapeze OPS Pre-implementation Assessment/Testing</td>
<td>250</td>
<td>$46.0</td>
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<tr>
<td>N14-4 Procurement &amp; Contract Management Assessment</td>
<td>New</td>
<td>320</td>
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<tr>
<td>N14-5 SVRT Risk Refresh [A]</td>
<td>50</td>
<td>$12.0</td>
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<tr>
<td>N14-6 SVRT Project Allocation (project(s) TBD from SVRT Risk Refresh) [A]</td>
<td>New</td>
<td>260</td>
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<tr>
<td>TOTAL:</td>
<td>1,215</td>
<td>$235.5</td>
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<tr>
<td>New One-Time (Discrete) Projects</td>
<td>Est. hours</td>
<td>Est. $000</td>
</tr>
<tr>
<td>---------------------------------</td>
<td>------------</td>
<td>-----------</td>
</tr>
<tr>
<td>N15-1 Time Reporting and Payroll IA</td>
<td>290</td>
<td>$51.5</td>
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<tr>
<td>N15-2 ATU Pension Compliance IA</td>
<td>200</td>
<td>$36.0</td>
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<tr>
<td>N15-3 Third-Party Fare Reporting</td>
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<td>$37.5</td>
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<tr>
<td>N15-4 Operator Scheduling</td>
<td>220</td>
<td>$43.5</td>
</tr>
<tr>
<td>N15-5 SVRT Project (TBD from FY14 SVRT Program Risk Refresh) [A]</td>
<td>300</td>
<td>$60.0</td>
</tr>
<tr>
<td>N15-6 Investment Controls [B]</td>
<td>30</td>
<td>$5.5</td>
</tr>
<tr>
<td><strong>TOTAL:</strong></td>
<td><strong>1,410</strong></td>
<td><strong>$285</strong></td>
</tr>
</tbody>
</table>

[A] Paid for by the 2000 Measure A Transit Improvement Program

[B] Current Board policy requires audit a minimum of every two years

**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 urgently address potential significant issues between quarterly meetings, Internal Audit Work Plans now include a Supplemental Work Allowance (SWA) section. SWA is comprised 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 or to address levels of effort that can only be estimated. 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 Work Plan is developed or that varies depending upon usage (examples 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 and expeditiously 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.

Related to this, in June 2013 the Board approved revising the VTA Administrative Code to, among other modifications, provide the Audit Committee or its Chairperson the discretion to initiate a priority concern project not contained in the Internal Audit Work Plan that meets specified criteria and that is subject to sufficient available Board-approved SWA allowance for such projects.

Given these factors, the Auditor General’s Office and VTA Management jointly recommend the following SWA amounts for the FY 2014 and FY 2015 Internal Audit Work Plans:
<table>
<thead>
<tr>
<th>Recommended FY 2014 Internal Audit Work Plan</th>
<th>Est. Hours</th>
<th>Amount ($000)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Supplemental Work Allowance (SWA)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S14-1 Scope modification for existing projects</td>
<td>30</td>
<td>$5.0</td>
</tr>
<tr>
<td>S14-2 Projects(s) TBD at Audit Committee discretion</td>
<td>170</td>
<td>$30.0</td>
</tr>
<tr>
<td>S14-3 Follow-up of Management Action Plans from completed projects [estimated]</td>
<td>40</td>
<td>$10.0</td>
</tr>
<tr>
<td>S14-4 Support for VTA Integrity Helpline [estimated]</td>
<td>60</td>
<td>$10.0</td>
</tr>
<tr>
<td>S14-5 Expenses (travel expenses) [estimated]</td>
<td></td>
<td>$27.5</td>
</tr>
<tr>
<td><strong>POOLED TOTAL:</strong></td>
<td>300</td>
<td>$82.5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Recommended FY 2015 Internal Audit Work Plan</th>
<th>Est. Hours</th>
<th>Amount ($000)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Supplemental Work Allowance (SWA)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S15-1 Scope modification for existing projects</td>
<td>30</td>
<td>$5.0</td>
</tr>
<tr>
<td>S15-2 Projects(s) TBD at Audit Committee discretion</td>
<td>170</td>
<td>$30.0</td>
</tr>
<tr>
<td>S15-3 Follow-up of Management Action Plans from completed projects [estimated]</td>
<td>40</td>
<td>$10.0</td>
</tr>
<tr>
<td>S15-4 Support for VTA Integrity Helpline [estimated]</td>
<td>80</td>
<td>$13.5</td>
</tr>
<tr>
<td>S15-5 Expenses (travel expenses) [estimated]</td>
<td></td>
<td>$25.0</td>
</tr>
<tr>
<td><strong>POOLED TOTAL:</strong></td>
<td>300</td>
<td>$83.5</td>
</tr>
</tbody>
</table>
Recommended FY 2014 Internal Audit Work Plan

Combining the three component sections (Standing Auditor General Activities, One-Time Projects, and SWA) yields the following recommended FY 2014 Internal Audit Work Plan, which is described in detail on Attachment A and summarized in the following table:

<table>
<thead>
<tr>
<th>Recommended FY 2014 Internal Audit Work Plan</th>
<th>Est. hours</th>
<th>Est. $000</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Standing Auditor General Activities</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R14-1 Auditor General Services Support</td>
<td>120</td>
<td>$40.0</td>
</tr>
<tr>
<td><strong>New One-Time (Discrete) Projects</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N14-1 Investment Controls Testing IA [B]</td>
<td>Existing [completed]</td>
<td>35</td>
</tr>
<tr>
<td>N14-2 Sheriff Contract Compliance IA</td>
<td>Existing [underway]</td>
<td>300</td>
</tr>
<tr>
<td>N14-3 Trapeze OPS Pre-implementation Assessment/Testing</td>
<td>Existing</td>
<td>250</td>
</tr>
<tr>
<td>N14-4 Procurement &amp; Contract Management Assessment</td>
<td>Additional</td>
<td>320</td>
</tr>
<tr>
<td>N14-5 SVRT Risk Refresh [A]</td>
<td>Additional</td>
<td>50</td>
</tr>
<tr>
<td>N14-6 SVRT Project Allocation (project(s) TBD from SVRT Risk Refresh) [A]</td>
<td>Additional</td>
<td>260</td>
</tr>
<tr>
<td><strong>Supplemental Work Allowance (SWA)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S14-1 Scope modification for existing projects</td>
<td>30</td>
<td>$5.0</td>
</tr>
<tr>
<td>S14-2 Projects(s) TBD at Audit Committee discretion</td>
<td>170</td>
<td>$30.0</td>
</tr>
<tr>
<td>S14-3 Follow-up of Management Action Plans from completed projects [estimated]</td>
<td>40</td>
<td>$10.0</td>
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<tr>
<td>S14-4 Support for VTA Integrity Helpline [estimated]</td>
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</tr>
<tr>
<td>S14-5 Expenses (travel expenses) [estimated]</td>
<td></td>
<td>$27.5</td>
</tr>
<tr>
<td><strong>TOTAL:</strong></td>
<td>1,635</td>
<td>$358.0</td>
</tr>
</tbody>
</table>

[A] Paid for by the 2000 Measure A Transit Improvement Program
[B] Current Board policy requires audit a minimum of every two years

Overall, the major differences between the approved Interim and the Recommended FY 2014 Internal Audit Work Plans are the addition of three one-time projects ($126,000 increase), deferral of the SVRT Program Third-Parties Assessment ($47,000 decrease), and further refinement and minor adjustments to Supplemental Work Allowance components. Combined, these factors result in a net overall increase of $67,500.
# Recommended FY 2015 Internal Audit Work Plan

The three component sections combined result in the following recommended FY 2015 Internal Audit Work Plan, also described in detail on Attachment A and summarized in the following:

<table>
<thead>
<tr>
<th>Recommended FY 2015 Internal Audit Work Plan</th>
<th>Est. hours</th>
<th>Est. $000</th>
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</thead>
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<tr>
<td><strong>Standing Auditor General Activities</strong></td>
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<td></td>
</tr>
<tr>
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<td>120</td>
<td>$40.0</td>
</tr>
<tr>
<td>R15-2 Annual Risk Refresh</td>
<td>40</td>
<td>$7.0</td>
</tr>
<tr>
<td><strong>New One-Time (Discrete) Projects</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>N15-1 Time Reporting and Payroll IA</td>
<td>290</td>
<td>$51.5</td>
</tr>
<tr>
<td>N15-2 ATU Pension Compliance IA</td>
<td>200</td>
<td>$36.0</td>
</tr>
<tr>
<td>N15-3 Third-Party Fare Reporting</td>
<td>210</td>
<td>$37.5</td>
</tr>
<tr>
<td>N15-4 Operator Scheduling</td>
<td>220</td>
<td>$43.5</td>
</tr>
<tr>
<td>N15-5 SVRT Project (TBD from FY14 SVRT Program Risk Refresh) [A]</td>
<td>300</td>
<td>$60.0</td>
</tr>
<tr>
<td>N15-6 Investment Controls [B]</td>
<td>30</td>
<td>$5.5</td>
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<td>S15-5 Expenses (travel expenses) [estimated]</td>
<td></td>
<td>$25.0</td>
</tr>
<tr>
<td><strong>TOTAL:</strong></td>
<td>1,730</td>
<td>$364.5</td>
</tr>
</tbody>
</table>

[A] Paid for by the 2000 Measure A Transit Improvement Program  
[B] Current Board policy requires audit a minimum of every two years

The specific schedule for completing projects in the FY 2014 and FY 2015 Internal Audit Work Plans will be determined in coordination with the General Manager and VTA staff with an objective to perform the projects at an appropriate time that prevents or minimizes disruption to ongoing operations.

VTA General Manager Michael Burns and key staff have reviewed the Auditor General’s Recommend FY 2014 and FY 2015 Internal Audit Work Plans. They generally agree with the Auditor General’s assessment of potential risk mitigation, efficiency enhancements and overall benefit to the organization of the projects and activities selected, and believe devoting the indicated resources is warranted and appropriate.
**ALTERNATIVES:**

The Board could add, delete or modify some or all of the specific projects and services included in either the Recommended FY 2014 or FY 2015 Internal Audit Work Plans, with the exception of projects already completed, or could direct the Auditor General to develop a new work plan. Due to limited resources, not all potential risk areas identified in the risk assessments can be addressed by each one-year internal audit work plan.

**FISCAL IMPACT:**

Sufficient appropriation to complete the non-SVRT related portions of the recommended FY 2014 and FY 2015 Internal Audit Work Plans is included in the Adopted FY 2014 and FY 2015 VTA Transit Fund Operating Budgets, respectively. Sufficient appropriation to complete the SVRT-related portions of the recommended FY 2014 and FY 2015 Internal Audit Work Plans is included in the Adopted FY 2014 2000 Measure A Transit Improvement Program Fund Capital Budget.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Audit Committee will consider this item at its November 7, 2013 meeting, which immediately precedes the Board of Directors meeting that day. Due to this, the Audit Committee chairperson will, if needed, provide a verbal report to the Board at its meeting on the Audit Committee's discussion and recommendation for this item. This item was originally scheduled for the August 1, 2013 Audit Committee meeting, which was cancelled.

Prepared by: Pat Hagan, Auditor General & Stephen Flynn, Advisory Committee Coordinator
Memo No. 3789
Santa Clara Valley Transportation Authority (VTA)

August 1, 2013 Audit Committee Meeting

Recommended FY2014 & FY2015 Internal Audit Work Plans
Auditor General’s Office
In Spring, 2013, the Auditor General’s Office conducted interviews with approximately 50 key personnel to understand new risks, or significant changes to the existing strategic, financial and operational risks within their respective organizations. The impact on risk areas identified are below.

* Due to the relative size, complexity, importance, and high visibility of the SVRT program, a separate risk assessment identifying the specific risks associated with the SVRT program was performed in late 2011/early 2012, and a separate heat map developed and had been previously provided to the Audit Committee.

This report is intended solely for the internal use of VTA’s Board of Directors, Audit Committee and management and should not be used or relied upon by anyone else than those specified parties.
# FY2014/FY2015 and Potential Future Projects

As a result of our Risk Assessment, we have identified eight potential new projects that we may recommend be added to future years’ Internal Audit plans. We have included below, for discussion, a brief listing of the projects we have identified for inclusion in FY2014 and FY2015, as well as those potential future projects we have identified.

<table>
<thead>
<tr>
<th>Project*</th>
<th>Description</th>
<th>Type of Project</th>
<th>Risk Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Procurement / Contracting</td>
<td>Examine the procurement and contracting functions within VTA. The work program may include:</td>
<td>Internal Audit</td>
<td>Operational / Fiscal Controls</td>
</tr>
</tbody>
</table>
| FY2014                        | • Operational efficiency of the function  
• Comparison of the current state with accepted best practices to identify potential opportunities for improvement  
• Collaboration with user departments on scope of work, insurance & other areas  
• Applicable internal controls |                   |                      |
| SVRT Risk Assessment Refresh  | Examine new risks since the original risk assessment for the SVRT program (in Q2 of FY 2012). Considerations may include:                                                                                   | Assessment        | SVRT                 |
| FY2014                        | • Changes in the SVRT organization and maturity  
• Risks identified in our Project Delivery and Execution assessment  
• Progress on Schedule, Budget and Safety matters, policies and roles to date |                   |                      |
| SVRT Project Allocation       | An allotment of time has been included in both FY2014 and FY2015, as well as for future periods for SVRT-related projects that will be identified during the SVRT Risk Refresh and prioritized using a risk- and significance-based approach. | Internal Audit or Assessment | SVRT                 |
| FY2014, FY2015, and Future    |                                                                                                                                                                                                             |                   |                      |

*Previously Board-approved work plan projects from FY2014 and those rotational projects having been completed previously are not included in these descriptions.

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## FY2014/FY2015 and Potential Future Projects (continued)

<table>
<thead>
<tr>
<th>Project</th>
<th>Description</th>
<th>Type of Project</th>
<th>Risk Area</th>
</tr>
</thead>
</table>
| **Time Reporting and Payroll** | **FY2015** Examine the effectiveness of controls around the completeness and accuracy of Payroll reporting. Considerations may include:  
• Initial time collection, at VTA offices or shops and warehouses  
• Changes due to transfers, termination or scheduled step increases  
• Paycheck processing and disbursement                                                                                                            | Internal Audit  | Fraud, Waste & Abuse / Fiscal Controls |
| **ATU Pension Compliance**    | **FY2015** Examine the processes and controls related to VTA’s compliance with terms and conditions around the ATU pension program; confirm potential areas of noncompliance and higher risk areas where threats of noncompliance may exist. | Internal Audit  | Operational                    |
| **Third-Party Fare Reporting** | **FY2015** Examine the processes and controls in place around the completeness and accuracy of fare reporting coming to the VTA from third-parties. VTA contracts for fare collection, remittance and reporting from:  
• BATA (Bay Area Toll Authority) - for the Clipper Card  
• ACS - for the express toll lanes                                                                                                                   | Internal Audit  | Outsourced Activities           |
| **Operator Scheduling**       | **FY2015** Examine the process for assigning and managing bus and rail operators. Considerations may include:  
• Use of the “extra-board” system  
• Operator bidding process  
• Operator field relief and impact on service availability  
• Applicable bargaining unit and labor work rules  
• Monitoring and management of platform time                                                                                                         | Assessment      | Operational                    |
### FY2014/FY2015 and Potential Future Projects (continued)

<table>
<thead>
<tr>
<th>Project</th>
<th>Description</th>
<th>Type of Project</th>
<th>Risk Area</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Business Continuity Planning</strong></td>
<td><strong>Future</strong>&lt;br&gt;Examine and assess VTA’s business continuity needs, including the processes and programs already in place to fill those needs.&lt;br&gt;• Review recovery planning documentation and strategies, to determine the extent to which they will facilitate recovery from a disaster and support future business continuity planning efforts.&lt;br&gt;• Assessing each in-scope entity’s current recovery strategies and capabilities against the corresponding aggregate business continuity planning requirements in order to identify significant gaps.&lt;br&gt;• Recommend a roadmap to develop and implement additional processes, programs or training to address any identified or perceived gaps.</td>
<td>Assessment</td>
<td>Operational</td>
</tr>
<tr>
<td><strong>Mode / Line Cost Efficiency</strong></td>
<td><strong>Future</strong>&lt;br&gt;Examine the progress related to the Transit Sustainability Project (TSP) plan submitted to MTC. The VTA's TSP was designed drive a 5% reduction in costs, improve productivity and attract more riders.&lt;br&gt;Considerations may include:&lt;br&gt;• Progress towards a reduction in performance measures by 2017&lt;br&gt;• Focus on Cost per revenue hour; Cost per passenger; or Cost per passenger-mile&lt;br&gt;• VTA’s measuring and monitoring processes, by mode&lt;br&gt;• Impact on the recovery ratio</td>
<td>Assessment</td>
<td>Operational</td>
</tr>
<tr>
<td><strong>Board Policy Process</strong></td>
<td><strong>Future</strong>&lt;br&gt;Examine the process related to VTA Board policies. Considerations may include:&lt;br&gt;• Staff reporting related to compliance with policies&lt;br&gt;• Management and volume of the overall universe of policies&lt;br&gt;• Use of Board Policies vs. Administrative Code changes or functional area policies</td>
<td>Assessment</td>
<td>Compliance</td>
</tr>
</tbody>
</table>
## FY2014/FY2015 and Potential Future Projects (continued)

<table>
<thead>
<tr>
<th>Project</th>
<th>Description</th>
<th>Type of Project</th>
<th>Risk Area</th>
</tr>
</thead>
</table>
| **Succession Planning**      | Examine the processes to support the successful replacement of key personnel, with a focus on internal employee growth and readiness. Considerations may include the:  
  • Development of operators and mechanics as the overall VTA workforce ages  
  • Impact of SVRT’s use of outside consultants on VTA employee progression  
  • Long-term use of outside contractors in various departments  
  • General Manager’s transition                                                                                                                               | Assessment      | Operational       |
| **Cash Reserves**            | Examine processes for reserve establishment and replenishment. Considerations may include:  
  • Assessment of recently issued reports  
  • Board-mandated reserve levels, for various areas  
  • FTA, GASB and other operating requirements  
  • National trends and best practices, including GFOA recommendations                                                                                      | Assessment      | Fiscal Controls   |
| **Expense Reporting**        | Examine processes and controls around VTA employees’ submission of expense reports and subsequent expense reimbursement. Considerations may include:  
  • Policy completeness and compliance  
  • Travel and entertainment expenses  
  • Relation to Procurement Card usage                                                                                                                        | Internal Audit  | Fraud, Waste & Abuse |
# Recommended FY2014 Internal Audit Work Plan

<table>
<thead>
<tr>
<th>Work Plan Projects</th>
<th>FY14</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Est. Hours</td>
</tr>
<tr>
<td><strong>Auditor General (AG) Activities</strong></td>
<td></td>
</tr>
<tr>
<td>AG Services Support</td>
<td>120</td>
</tr>
<tr>
<td><strong>Board-Approved Interim Work Plan Projects</strong></td>
<td></td>
</tr>
<tr>
<td>Investment Controls Testing</td>
<td>35</td>
</tr>
<tr>
<td>Sheriff Contract Compliance</td>
<td>300</td>
</tr>
<tr>
<td>Trapeze Ops Project Pre-Implementation Assessment/Testing</td>
<td>250</td>
</tr>
<tr>
<td><strong>Proposed Work Plan Projects</strong></td>
<td></td>
</tr>
<tr>
<td>Procurement and Contract Management</td>
<td>320</td>
</tr>
<tr>
<td>SVRT Risk Refresh (A)</td>
<td>50</td>
</tr>
<tr>
<td>SVRT Project Allocation (project TBD from Risk Refresh) (A)</td>
<td>260</td>
</tr>
<tr>
<td><strong>Supplemental Work Allowance (SWA)</strong></td>
<td></td>
</tr>
<tr>
<td>Project TBD at Audit Committee discretion</td>
<td>200</td>
</tr>
<tr>
<td><strong>SWA (estimated)</strong></td>
<td></td>
</tr>
<tr>
<td>Follow-up of Management Action Plans</td>
<td>40</td>
</tr>
<tr>
<td>Integrity Helpline Support</td>
<td>60</td>
</tr>
<tr>
<td>Expenses – Travel &amp; Related Costs</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>300</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>1,635</td>
</tr>
</tbody>
</table>

(A) Funded by the 2000 Measure A Transit Improvement Program.

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## Recommended FY2015 Internal Audit Work Plan

<table>
<thead>
<tr>
<th>Work Plan Projects</th>
<th>FY15</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Est. Hours</td>
</tr>
<tr>
<td><strong>AG Activities</strong></td>
<td></td>
</tr>
<tr>
<td>AG Services Support</td>
<td>120</td>
</tr>
<tr>
<td>Annual Risk Refresh</td>
<td>40</td>
</tr>
<tr>
<td><strong>Proposed Work Plan Projects</strong></td>
<td></td>
</tr>
<tr>
<td>Time Reporting and Payroll</td>
<td>290</td>
</tr>
<tr>
<td>ATU Pension Compliance</td>
<td>200</td>
</tr>
<tr>
<td>Third-Party Fare Reporting</td>
<td>210</td>
</tr>
<tr>
<td>Operator Scheduling</td>
<td>220</td>
</tr>
<tr>
<td>SVRT Project Allocation (project TBD from FY14 SVRT Risk Refresh (B) (A))</td>
<td>300</td>
</tr>
<tr>
<td>Investment Controls (per Board Policy, every two years)</td>
<td>30</td>
</tr>
<tr>
<td><strong>Supplemental Work Allowance (SWA)</strong></td>
<td></td>
</tr>
<tr>
<td>Project(s) TBD at Audit Committee discretion</td>
<td>200</td>
</tr>
<tr>
<td>Follow-up of Management Action Plans (<em>estimate</em>)</td>
<td>40</td>
</tr>
<tr>
<td>Integrity Helpline Support (<em>estimate</em>)</td>
<td>80</td>
</tr>
<tr>
<td>Expenses – Travel &amp; Related Costs</td>
<td>n/a</td>
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<tr>
<td></td>
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</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>1,730</td>
</tr>
</tbody>
</table>

(A) Funded by the 2000 Measure A Transit Improvement Program
(B) May include previously approved SVRT Third-Parties Assessment, depending upon risk assessment results.

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Items for Future Consideration

Work Plan Projects

Potential Future Projects

• Business Continuity Planning
• Mode Line Cost Efficiency
• Board Policy Process
• Succession Planning Needs Analysis
• Cash Reserves
• Employee Expense Reporting
• Procurement Cards *(to re-appear in Plan on a rotational basis every 4-5 years)*
• SVRT Project Allocation *(projects TBD from FY14 SVRT Risk Refresh)*
• Investment Controls *(rotational, to be performed every 2 years per Board Policy)*
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

FROM: Auditor General, Patrick J. Hagan

SUBJECT: Silicon Valley Rapid Transit Program Project Delivery Method and Project Execution Assessment

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

ACTION ITEM

RECOMMENDATION:

Review and receive the Auditor General's report on the Silicon Valley Rapid Transit Program Project Delivery Method and Project Execution Assessment.

BACKGROUND:

In January 2013, the VTA Board of Directors approved the contract with McGladrey LLP to serve as VTA Auditor General and provide internal audit services to VTA.

The Silicon Valley Rapid Transit (SVRT) Project, also known as BART Silicon Valley, is the 16-mile extension of the existing Bay Area Rapid Transit District (BART) system to the Santa Clara County cities of San Jose, Milpitas and Santa Clara. This 2000 Measure A Transit Sales Tax project is being delivered through a phased approach. The first phase, the Berryessa Extension Project (SVBX), is the initial 10-mile, two-station segment that begins in Fremont south of the future BART Warm Springs Station and proceeds through Milpitas to the Berryessa area of north San Jose.

The SVRT project is managed by VTA in cooperation with BART. To successfully deliver the SVRT Project, VTA established the SVRT Program as an organizational division within the overall organization, and that is headed by the Chief SVRT Program Officer that has overall responsibility for delivery of the SVRT Project and reports directly to the General Manager.
VTA has traditionally completed capital construction projects using a design-bid-build delivery method. However, in January 2012 VTA entered into its first design-build agreement, which was for the SVRT Berryessa Extension for $772 million.

In May 2012, VTA’s former Auditor General, Deloitte & Touche LLP, issued its SVRT Program Risk Assessment. Given that the SVRT project is the largest, most complex, and most visible project undertaken by VTA, combined with the project’s design-build component and its associated risks, this assessment recommended that the project delivery method and project execution areas of the SVRT Project should be initially assessed for risk factors. The Board agreed, including Silicon Valley Rapid Transit Program Project Delivery Method and Project Execution Assessment as a component project in the approved FY 2013 Internal Audit Work Plan. The VTA Board subsequently tasked McGladrey, as VTA’s current Auditor General, with conducting this assessment, which it initiated in March 2013.

**DISCUSSION:**

The purpose of the Project Delivery Method portion of the assessment was to determine if VTA: (1) has structured the SVRT Program to appropriately address the inherent risks associated with the design-build project delivery method; (2) retained adequate staff with appropriate design-build experience and expertise necessary to mitigate the design-build risks; and (3) has in place a reasonable and efficient SVRT senior management authority and reporting structure.

The purpose of the Project Execution portion of the assessment was to determine whether: (1) appropriate policies and procedures have been instituted to address the design-build process and risks; and (2) whether there is clarity, efficiency and adequate control around the change order process.

Based on the scope of the assessment and the work performed, the Auditor General’s Office rated as Medium the level of overall risk exposure, based on having noted two observations judged to be Medium Risk to VTA (explained in detail in the attached report) and having noted no High Risk issues. In addition, they also identified one additional potential opportunity for process improvement.

For the Project Delivery Method portion, the Auditor General’s Office assessment is that the SVRT Program has adequate and appropriate staffing in place to manage and administer the design-build project in order to mitigate the inherent risks. For the Project Execution portion, their assessment is that while steps have been taken to put in place needed policies and procedures, some SVRT-specific policies and procedures supplemental to VTA’s organization-wide ones not been completely adopted or implemented. VTA management agreed with all Auditor General’s Office recommendations and committed to implement them by the end of calendar 2013. The exceptions and opportunities for management’s consideration, along with management’s responses and action plans, are provided in Section IV of the attached report.

Recommendations contained in this report are presented for the consideration of VTA management, which is responsible for the effective implementation of any action plans.
Receipt of the report does not indicate that VTA’s Board of Directors or Audit Committee agrees with or endorses the findings. Instead, it signifies that the report was provided for their use.

**FISCAL IMPACT:**

There is no financial impact associated with acceptance of this report.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Audit Committee will consider this item at its November 7, 2013 meeting, which immediately precedes the Board of Directors meeting that day. Due to this, the Audit Committee chairperson will, if needed, provide a verbal report to the Board at its meeting on the Audit Committee's discussion and recommendation for this item. This item was originally scheduled for the August 1, 2013 Audit Committee meeting, which was cancelled.

Prepared by: Pat Hagan, Auditor General & Stephen Flynn, Advisory Committee Coordinator
Memo No. 3788
TO: Rose Herrera, Chairperson  
Audit Committee, VTA Board of Directors

FROM: Patrick Hagan  
Auditor General’s Office

DATE: July 16, 2013

SUBJECT: Silicon Valley Rapid Transit Program Project Delivery Method and Project Execution Assessment

Attached is our report for the Silicon Valley Rapid Transit (SVRT) Program Project Delivery Method and Project Execution assessment.

Our engagement was performed in accordance with the terms of the agreement between Santa Clara Valley Transportation Authority (“VTA”) and McGladrey LLP (“McGladrey”) for Auditor General Services, Contract No. S13044 dated February 1, 2013, and in accordance with the Standards for Consulting Services issued by the American Institute of Certified Public Accountants.

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

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

The Silicon Valley Rapid Transit (SVRT) Project, also known as BART Silicon Valley, is the 16-mile extension of the existing Bay Area Rapid Transit District (BART) system to the Santa Clara County cities of San Jose, Milpitas and Santa Clara. The SVRT project, a key component of the 2000 Measure A Sales Tax passed by county voters in November 2000, is managed by VTA in cooperation with BART.

The SVRT Project is being delivered through a phased approach. The first phase, the Berryessa Extension Project (SVBX), is the initial 10-mile, two-station extension that begins in Fremont south of the future BART Warm Springs Station and proceeds in the former Union Pacific Railroad (UPRR) right-of-way through Milpitas to the Berryessa area of north San Jose.

To successfully deliver the SVRT Project, the SVRT Program was established as an organizational division within VTA, headed by the Chief SVRT Program Officer that reports directly to the General Manager. The Chief SVRT Program Officer is responsible for all aspects of the SVRT Project including VTA and consultant staff working on the project.

VTA has traditionally completed capital construction projects using a design-bid-build delivery method. In January 2012, VTA entered into its first design-build agreement, which was with Skanska Shimmick Herzog Joint Venture (SSH) for the SVRT Berryessa Extension for $772 million. At the time of our field work, the amount completed by SSH was almost $112 million, which equates to approximately 14% contract completion.

In May 2012, VTA’s former Auditor General, Deloitte & Touche LLP, issued its SVRT Program Risk Assessment. This assessment identified the SVRT Project Delivery Method and Project Execution as areas of risk which should be initially assessed. This project was approved by the Board as part of the FY 2013 Internal Audit Work Plan. The VTA Board subsequently tasked McGladrey, as VTA’s current Auditor General, with conducting this assessment.

The SVRT Project Delivery Method and Project Execution Assessment was initiated in March 2013. This project was divided into and is reported on its two primary components: (1) Project Delivery Method and (2) Project Execution.

The purpose of the Project Delivery Method portion of the Assessment was to determine if VTA: (1) has structured the SVRT Program appropriately to address the inherent risks associated with design-build project delivery method; (2) hired sufficient staff with appropriate design-build experience and expertise necessary to mitigate the design-build risks; and (3) has in place a reasonable and efficient SVRT senior management authority and reporting structure.

The purpose of the Project Execution portion of the Assessment was to determine whether: (1) appropriate policies and procedures have been instituted to address the unique design-build process and risks; and (2) determine whether there is clarity and efficiency to the change order process.
Based on the scope of the assessment and the work performed, we have rated the risk exposure as Medium based on two observations which were judged to be Medium Risk to VTA and given that no High Risk issues were identified. In addition, we also identified one additional potential opportunity for process improvement.

For the Project Delivery Method portion of the Assessment, it appears that the SVRT Program is adequately and appropriately staffed to manage and administer the design-build project. For the Project Execution portion of the Assessment, while steps have been taken to address policies and procedures, some supplemental policies and procedures have not been completely adopted and implemented.

VTA management agreed with all Auditor General’s Office recommendations and committed to implement them by the end of calendar 2013. The exceptions and opportunities for management’s consideration, along with management’s responses and action plans, are provided in Section IV of the attached report.

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

A. Background

The Silicon Valley Rapid Transit (SVRT) Project, now known as BART Silicon Valley, is the 16-mile extension of the existing San Francisco Bay Area Rapid Transit District (BART) system to the Santa Clara County cities of San Jose, Milpitas and Santa Clara. The SVRT project, a key component of the 2000 Measure A Sales Tax passed by county voters in November 2000, is managed by VTA in cooperation with BART.

To successfully deliver the SVRT Project, the SVRT Program was established as an organizational division within VTA, headed by the Chief SVRT Program Officer that reports directly to the General Manager. The Chief SVRT Program Officer is responsible for all aspects of the SVRT Project including VTA and consultant staff working on the project.

The SVRT Project is being delivered through a phased approach. The first phase, the Berryessa Extension Project (SVBX), is the initial 10-mile, two-station extension that begins in Fremont south of the future BART Warm Springs Station and proceeds over the former Union Pacific Railroad (UPRR) right-of-way through Milpitas to the Berryessa area of north San Jose.

B. Objective

The purpose of the Project Delivery Method portion of the Assessment was to:

1. determine if VTA has structured the SVRT Program appropriately to address the inherent risks associated with the design-build project delivery method, as compared with the traditional design/bid/build method; and
2. determine whether VTA has hired sufficient staff with appropriate design-build experience and expertise necessary to mitigate the design-build risks.

The purpose of the Project Execution portion of the Assessment was to:

1. determine whether appropriate policies and procedures have been instituted to address the unique design-build process and risks;
2. determine whether there is clarity and efficiency to the change order process for the SVRT Program; and
3. determine if there was clarity and reasonableness with the SVRT Program management reporting structure.
C. Scope

The scope of the assessment covered the Project Delivery Method and Project Execution in place at the time of our fieldwork, which began March 2013 and concluded May 2013. The scope included the following, each of which were discussed with key members of management and key process owners to gain an understanding of the business processes and the associated risks:

- Application of current policies and procedures
- Individuals’ responsibilities relating to key processes for the program
- Design of the key processes related to the program
- Background and experience of key members of management

D. Approach

To assess the organizational structure, staffing, and policies and procedures for the Project Delivery Method and Project Execution portions, respectively, the Auditor General’s Office performed the following processes:

Project Delivery Method

- Examined a listing of each individual on the project along with their job title, job responsibilities and reporting relationship. We reviewed the current organizational chart of consultants and then prepared organizational charts by functions. The organizational charts were discussed with SVRT Management to assess current and future staffing requirements.

- Compared the roles and responsibilities with the requirements of the design-build contract to identify any gaps in the control processes. Under the design-build contract, SSH is providing the design and construction of the SVBX Project. We reviewed the organizational chart and consulting agreements to assess whether the non-SSH staff had adequate design-build experience. In addition, we evaluated SVRT Program staffing to determine if controls were in place to provide oversight that was normally provided by third-party design firms. This would include reviewing work completed to date, the payment applications and change orders.

- Conducted interviews with key personnel that included discussions regarding the design efficiency of key processes and an assessment of roles and responsibilities. The key processes included change orders, payment applications, construction schedule, safety, insurance and workmanship.

- Reviewed and summarized the reports issued by the Federal Transit Administration (FTA), which addressed: (1) Readiness to Execute, (2) Risk and Contingency, (3) Technical Capacity and Capability, and (4) Project Management Plan. While the SVRT Program has complied with the FTA reports, we reviewed for subsequent SVRT Program staffing changes to determine if they comply with and if the SVRT Program remains in compliance with FTA requirements.
• Reviewed consultant agreements and their scope of work for the project. We compared the agreements with the current staffing levels to determine if the staffing was consistent with the agreements. We also requested and reviewed the responsibility matrix included in the Hatch Mott McDonald and Bechtel (HMM Bechtel) agreement.

• Reviewed the Monthly Work Assignment Report prepared by HMM Bechtel which evaluates the assignments, responsibilities and future need for each consultant.

Project Execution

• Conducted interviews with key personnel that included questions regarding the design efficiency of key processes and an assessment of roles and responsibilities. The key processes included change orders, payment applications, construction schedule, safety, insurance and workmanship.

• Conducted interviews with key personnel to assess policies and procedures and the design of the policies and procedures.

• Conducted testing on certain key processes to assess the operating efficiency. Specifically, we reviewed SSH payment applications and change orders and the HMM Bechtel invoice. The purpose of our review was to determine if the documents received the appropriate level of approval and the documents were processed in an efficient manner.

• Reviewed the policies and procedures currently in place for the SVRT Program and its consultants. This included VTA policies and procedures as well as supplemental ones developed specifically to address the SVRT Program and the design-build project delivery element of the SVBX Project. We also obtained and reviewed the draft SVBX Project Management Manual.

• Reviewed the Quarterly Progress Report that provides program and project detail for each SVRT component project along with a cost report. The projects include the Mission/Warren/ Freight Railroad Relocation Project, Kato Road Grade Separation Project, Lower Berryessa Creek Project, UPPR Track Work Relocation, and Utilities Relocation Contracts.
III. RATINGS SCALE:

Risk ratings are assigned to each observation to provide VTA Management with a better understanding of the risk and potential impact of each observation. In addition, an overall risk rating is provided to help Management understand the overall risk to VTA and the impacts of the individual observations combined.

The risk rating definitions are:

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

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

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

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

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

OVERALL RISK

The Overall Risk Rating is provided to help Management understand the overall risk to VTA and the impacts of the observations combined.

Based on the scope of the assessment and the work performed, the SVRT Program has adequate and appropriate staffing in place to manage and administer the design-build project. For Project Execution, while steps have been taken to address policies and procedures, some supplemental policies and procedures have not been completely adopted and implemented. Accordingly, we issued an overall Medium level of risk exposure based on two observations which were judged to be Medium Risk to VTA; no High Risk issues were identified. In addition, we also identified one additional potential opportunity for process improvement.

Overall Risk Rating for this Audit: Medium

INDIVIDUAL RISK AREA(S)

The following summarizes the assessment’s observations, each individual area’s risk rating, recommendations from the Auditor General’s Office, and Management’s responses.

Project Delivery Method Observations

As of the time of our assessment, the SVRT Program had been maintaining and managing adequate and appropriate staffing levels for the design-build project. The Program has been structured to address any control gaps resulting from the execution of the design-build agreement. Furthermore, the SVRT Program management structure, from VTA General Manager through Chief SVRT Program Officer on down, is a reasonable and efficient model for this project.

To address risks inherent to the design-build process, VTA has entered into agreements with consultants to provide project management, design review, construction management, and project control services. The risk primarily relates to the fact that the design-builder is providing the design for the project. Consistent with industry best practice, SVRT has engaged the services of consultant(s) to provide the risk-mitigating services and controls that are normally provided by the design firm.

The FTA has issued four reports to SVRT. We reviewed and summarized the reports which addressed: (1) Readiness to Execute, (2) Risk and Contingency, (3) Technical Capacity and Capability, and (4) Project Management Plan. While SVRT has complied with the FTA reports, we reviewed for changes in staffing to determine if the SVRT Program continues to comply with the FTA requirements. Based on our review, the SVRT Program has complied with the FTA
requirements and continues to manage the project staffing in order to comply with FTA recommendations.

The SVRT Program staffing requirements have evolved since the beginning of the program. SVRT Program management has taken proactive measures to manage the staffing requirements by analyzing the staffing requirements on a monthly basis to determine current and future needs, both for capacity and capability. A Monthly Work Assignment Report is prepared by HMM Bechtel which documents the assignments and requests for each consultant. This report is presented to SVRT management whose analysis includes reviewing the current and future staffing requirements for the project so that the appropriate adjustments to staffing are made.

While construction activity has increased, the staffing resources for engineering, project controls and project management are being monitored and managed, as represented in the staffing chart below indicating the total number of Engineering, Project Control and Project Management staff, both VTA and consultant:

### ENGINEERING, PROJECT CONTROL and PROJECT MANAGEMENT STAFF
(does not include Skanska-Shimmick-Herzog design-build staff)

<table>
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<tr>
<th>Source</th>
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<th>March 2012</th>
<th>March 2013</th>
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<tr>
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<td>16%</td>
<td>12</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100</strong></td>
<td><strong>100%</strong></td>
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</tbody>
</table>

### Project Execution

The SVRT Program has made substantial progress in the execution of the project. For example, VTA previously allocated funds for preconstruction design so that the project could adhere to FTA standards. This allowed SVRT to advance work and still comply with FTA requirements. In addition, SVRT has been subject to four FTA audits and has complied with the FTA recommendations.
There has been progress in developing needed additional policies and procedures supplemental to overall VTA policies and procedures. These supplemental items, which must conform to and be consistent with established VTA policies and standards, are needed to address the unique nature of the design-build element of the SVBX Project as well as its size and complexity to ensure specific and appropriate controls are in place. Supplemental SVRT policies and procedures have not, however, been completed or appropriately promulgated in all cases.

1. **SVRT Policies and Procedures**  
   [Medium Risk]
   
   Per review, SVRT has a draft Project Management Manual dated January 2013. The Project Management Manual addresses the following:
   
   - Organizational Responsibilities
   - Initial Work Activities
   - Contract Management/Contract Administration
   - Design Management/Scope Control
   - Quality Assurance
   - Site Work/Quality Control
   - Schedule Control
   - Cost Control
   - Change Management
   - Outreach
   - Labor Compliance
   - Safety Security Certification Management
   - Test, Start-up and Commission
   
   The Project Management Manual is in working draft form and has not been approved.

   In addition, the SVRT Program has drafted procedures addressing 21 specific areas. Of these, 9 have been completed while 12 are still being developed or are in the process of being reviewed. The procedures that have been completed and implemented are:
   
   - Document Control Processing of Contractor Submittals
   - Incident/Accident/Emergency Notification
   - SVBX Sensitive Security Information
   - SVBX Technical Concept Alternatives Review
   - SVBX Vehicle Management
   - Contingency Management
   - SVBX Monthly Work Assignment Report
   - Expenditure Authorization Commitments
   - SVBX Property Transfer
The procedures and instructions that are still in process include:

- Design Build Contract Change Management
- C700 Contractor Invoice
- SVBX Design-Build Review and Comment Resolution
- Design Change Control for SVBX Design-Build
- BART Facilities Standards Request for Variance
- Request for Clarification Regarding BART Standards
- Monitoring Design-Build Contractor’s System Safety and Certification Activities
- SVBX Project Staffing Approval
- SVBX Project Personnel Access, Computer and Office Space Approval
- Trending
- Cost Control
- Federal Transit Administration Quarterly Progress Report

In some instances, SVRT is using standard VTA Engineering and Construction Division procedures, while in others the SVRT Program has implemented SVRT-specific or supplemental procedures.

The original SVRT Program Risk Assessment performed by VTA’s previous Auditor General judged the absence or non-completion of the supplemental procedures as a Low risk. However, as the project progresses the risks associated with this issue also increase. Therefore, the risk in this area is now rated as Medium.

Risk
- Transactions may not be processed in an efficient and effective manner, may not be subject to the proper segregation of duties to minimize risk, or may not be governed by clearly defined levels of authority for appropriate transaction approval.

Control
- The process identifies the individuals responsible for processing, reviewing and authorizing transactions within the SVRT Program.

Recommendation
- We recommend Management complete and promulgate the Project Management Manual and procedures and instructions. The procedures and instructions should address procedures and instructions by SVRT personnel and, when necessary, other VTA management.

Management Response
- VTA Management agrees. Due to the nature of the design-build element of the SVBX project, in certain cases there is need for supplemental procedures or work instructions specific to the project. For this reason, SVRT Project management developed the draft Project Management Manual in April 2013, and is actively working on finalizing the outstanding supplemental procedures and instructions. The Project Management Manual will be finalized and issued for use by the end of calendar 2013.
2. **Change Order Process**  
   **[Medium Risk]**

   The SVRT Program, as an organizational unit of the VTA, follows VTA procedures, including those for obligating funds for contract awards and approving change orders. Therefore, all change orders are required to receive the necessary approval as specified by VTA policy and/or procedure. This includes changes that do not impact schedule or price. Based on our testing, there have been four change orders executed which have increased the SSH contract value by $4,061,311. There have been an additional ten approved change orders that have not impacted price or schedules. The change orders have been processed in a timely manner.

   For comparison, VTA light rail projects have processed in excess of 1,000 change orders, many of which were less than $10,000. Therefore, if there are numerous change orders, there is the potential that transactions may not be processed in an efficient and effective manner.

   The SVRT Program has drafted procedures that address this issue but they have not been promulgated. This is one of the procedures and instructions included in our observation “SVRT Policies and Procedures.”

**Risk**
- SVRT Program-specific transactions may be delayed while awaiting approval through the process around smaller projects and not specifically for design-build ones.

**Control**
- A delegation of authority matrix is utilized by SVRT personnel and VTA employees when necessary.

**Recommendation**
- We recommend that VTA Management promulgate procedures that include a delegation of authority matrix for SVRT personnel. VTA approval should still be required for agreements in excess of a specific dollar threshold. The matrix for change orders should address or take into consideration the approval process for change orders that do not impact schedule or cost. We recommend that approvals for such change orders be approved at the SVRT Program-level.

**Management Response**
- VTA Management agrees. Signature authority matrices are included in standard VTA Engineering and Construction Division procedures. The SVRT Program is in the process of adopting project-specific procedures that conform to VTA standard procedures and also reflect the unique nature of the Design-Build contract administration requirements. The SVRT procedures will include appropriate signature authority matrices, when adopted and implemented as part of the Project Management Manual before the end of calendar 2013.
OTHER IMPROVEMENT OPPORTUNITIES

1. The Share Point site is not operating in a manner sufficient to meet SVRT Program goals. To assist VTA’s Information Technology department with improving the process, SVRT has been requested to provide a business plan for the operation. Due to a lack of resources and other priorities, SVRT has not been able to provide the business plan.

Recommendation

• We recommend that Management place higher priority on completing the business plan, including allocating additional resources if necessary, so that improvements can be made to the operating system.

Management Response

• VTA Management agrees. Staff is currently developing a statement of business requirements, and exploring available technologies for closing gaps in the existing project information systems. Solutions are expected to be identified and implemented before the end of calendar 2013.
BOARD MEMORANDUM

TO:       Santa Clara Valley Transportation Authority
          Board of Directors

FROM:     Auditor General, Patrick J. Hagan

SUBJECT:  Sheriff's Office Contract Compliance Internal Audit

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

ACTION ITEM

RECOMMENDATION:

Review and receive the Auditor General's report on the Sheriff's Office Contract Compliance Internal Audit.

BACKGROUND:

In January 2013, the VTA Board of Directors approved the contract with McGladrey LLP to provide Auditor General and internal audit services to VTA.

As one element in safeguarding VTA’s financial, operational and reputational integrity, the VTA Board of Directors regularly has the Auditor General review the service delivery and invoicing processes of VTA’s largest service contracts for adherence to the contract provisions. The FY 2013 Internal Audit Work Plan adopted by the Board on June 7, 2012 included the next in the series of these audits: Sheriff’s Office Contract Compliance.

In February 2013, McGladrey, in its capacity as VTA’s Auditor General, initiated the Sheriff’s Office Contract Compliance Internal Audit.

DISCUSSION:

To protect customers and property, VTA contracts with the County of Santa Clara Office of the Sheriff (“Sheriff’s Office”) for law enforcement services. The Sheriff’s Office Transit Patrol Division provides general law enforcement and transit detective services for law enforcement-related events occurring at VTA facilities and throughout the bus and light rail system.
The Sheriff’s Office has provided law enforcement services for VTA since October 1990. The most recent contract between VTA and Sheriff’s Office (“Agreement”) took effect July 1, 2012. Since then, three amendments have been made to the Agreement, increasing the current maximum value to approximately $22.7 million.

The purpose of the Sheriff’s Office Contract Compliance Internal Audit was to review costs billed to VTA to determine if, per the terms of the Agreement, the charges were appropriate and compensable, were appropriately substantiated, and were incurred in relation to the provision of law enforcement services to the VTA.

For this audit, the Auditor General’s Office reviewed over $3 million of contract costs billed by the Sheriff’s Office for law enforcement services between July 2012 and March 2013, including both labor and non-labor costs. Since over 80% of contract costs relate to labor, much of the review focused on: (1) verification and substantiation of labor hours and rates included in billings; (2) whether reimbursed costs (both labor and non-labor) were actually incurred in relation to the provision of law enforcement services to VTA; and (3) whether those costs are compensable per the terms of the Agreement. In addition, non-labor costs were reviewed to determine if they were: (1) accurate and sufficiently supported; (2) necessary and reasonable for the services; and (3) reimbursable per the terms of the Agreement. Extensive interviews were conducted with VTA and Sheriff’s Office staff and invoices and records were reviewed in detail.

In October 2013, the Auditor General’s Office completed the Sheriff’s Office Contract Compliance Internal Audit. The results are presented in Auditor General Report No. 2013-07 (see Attachment A). This report describes in detail the objectives established for this audit, its scope, the approach used and the findings reached by the Auditor General Office’s internal audit team. The report also presents the internal audit team’s observations, the risk rating associated with each observation as well as an overall risk rating to the VTA organization, and the Auditor General Office’s recommendation for addressing each observation. The report also includes VTA management’s response to each observation, and the steps that have or will be taken to address the Auditor General Office's recommendations.

Based on the scope of the audit and the work performed, combined with the size and complexity of the contract, the Auditor General’s Office issued an overall risk exposure rating to VTA of Medium, based on three individual observations judged to be Medium Risk and five judged to be Low Risk; no High Risk issues were identified. It is the Auditor General Office’s assessment that most key controls over the selected processes, both for VTA and the Sheriff’s Office, have been well-designed and are operating effectively. Given the magnitude of the contract and the complexities involved with managing it, those involved with managing the contract appear to be effectively enforcing its terms and monitoring related activity.

However, the overall central finding from this audit is that although the current contract is working acceptably for both parties, it does not appear to be optimal administratively or efficient due to the lack of normal specificity in the terms and conditions, which results in ambiguity, differing reasonable interpretations, and high administrative burden. Due to this, our overall recommendation is to have VTA, when reasonable, revisit the identified existing terms of the contract to add specificity and clarity, and/or investigate the feasibility of converting to an hourly-based or similar contract in order to lessen administrative burden and opportunity for
disagreement.

VTA agreed with all but one of the recommendations. Because many of the recommendations affect the provisions of an existing contract, implementation will require discussion and negotiation between the two contractual parties, VTA and the Sheriff’s Office. In addition, any major changes to the terms or conditions of the contract may require the approval of the two respective governing boards. Also, although many of the recommendations have been agreed to in concept as a best practice or being in VTA’s best interest, some require a feasibility evaluation to determine if they can be reasonably and cost-effectively implemented given that many require the resources and assistance of the Sheriff’s Office. Due to these factors, VTA Management has committed to initiate most of the recommendations by June 2014, with completion targeted by December 2014. For one of the most complex and time-intensive recommendations, VTA has targeted completion by the end of 2015. The specific observations, recommendations, opportunities for management’s consideration, and VTA management’s responses are provided in Section IV of the attached report.

Recommendations for improvement or efficiency opportunities contained in this report are presented for the consideration of VTA management, which is responsible for the effective implementation of any action plans.

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

FISCAL IMPACT:

There is no financial impact associated with acceptance of this report.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Audit Committee will consider this item at its November 7, 2013 meeting, which immediately precedes the Board of Directors meeting that day. Due to this, the Audit Committee chairperson will, if needed, provide a verbal report to the Board at its meeting on the Audit Committee’s discussion and recommendation for this item.

Prepared by: Pat Hagan, Auditor General & Stephen Flynn, Advisory Committee Coordinator
Memo No. 4104
AUDITOR GENERAL REPORT No. 2013-07

TO: Rose Herrera, Chairperson
Audit Committee, VTA Board of Directors

FROM: Patrick Hagan
Auditor General’s Office

DATE: October 8, 2013

SUBJECT: Sheriff’s Office Contract Compliance Internal Audit

Attached is our report on the Sheriff’s Office Contract Compliance Internal Audit. This audit focused on the review of costs incurred and billed to the Santa Clara Valley Transportation Authority (“VTA”) as a result of the Agreement (“Agreement”) dated June 19, 2012 and entered into between the Office of the Sheriff (“Sheriff’s Office”) and the VTA for the Sheriff’s Office to provide law enforcement services on VTA vehicles, in VTA facilities, and on VTA property.

Our engagement was performed in accordance with the terms of the agreement between VTA and McGladrey LLP (“McGladrey”) for Auditor General Services, Contract No. S13044 dated February 1, 2013, and in accordance with the Standards for Consulting Services issued by the American Institute of Certified Public Accountants.

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

Questions or concerns should be addressed to Patrick Hagan in the VTA Auditor General’s Office at: Auditor.General@VTA.org.
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This report is intended solely for the internal use of VTA’s Board of Directors, Audit Committee and management and is not intended to be used by anyone other than these specified parties.
I. EXECUTIVE SUMMARY

As one element in safeguarding VTA’s financial, operational and brand integrity, the VTA Board of Directors regularly has the VTA Auditor General review the service delivery and invoicing processes of VTA’s largest service contracts for adherence to the contract provisions. Previously completed contract compliance audits include: (1) VTA’s paratransit provider; and (2) Silicon Valley Rapid Transit (SVRT) Program – Hatch Mott McDonald/Bechtel contract (consultant design, engineering and project management services). The FY 2013 Internal Audit Work Plan adopted by the Board on June 7, 2012 included the next in the series of these audits: Sheriff’s Office Contract Compliance.

To protect customers and property, VTA contracts with the County of Santa Clara Office of the Sheriff for law enforcement services. The Sheriff’s Office Transit Patrol Division provides general law enforcement and transit detective services for law enforcement related events occurring at VTA facilities and throughout the bus and light rail system. The Sheriff’s Office has provided law enforcement services for VTA since October 1990. The most recent five-year agreement with the Sheriff’s Office was approved by the VTA Board of Directors in June 2012 to take effect July 1, 2012. The current not-to-exceed (“NTE”) value of the agreement is $22,699,883 (which includes several amendments that have gone into effect since the inception of the Agreement).

The Agreement stipulates that the Sheriff’s Office’s services are to be performed by a specific number of personnel assigned to the VTA on a 40-hour per week basis. The Agreement provides for labor costs and most non-labor costs (such as vehicle operation costs, office supplies, telephone land lines, and laboratory testing) to be reimbursed at the actual cost incurred. Dispatch services and countywide overhead are based on estimates prepared at the beginning of the year and are reconciled to actual cost incurred at the end of the fiscal year.

As part of this audit, we reviewed over $3 million of contract costs billed by the Sheriff’s Office for law enforcement services between July 2012 and March 2013, including both labor and non-labor costs. As over 80% of contract costs relate to labor, much of our review focused on: (1) verification and substantiation of labor hours and rates comprising the labor costs included in billings; (2) determination of whether reimbursed costs (both labor and non-labor) were actually incurred in relation to the provision of law enforcement services to the VTA; and (3) determination of whether those costs are compensable per the terms of the Agreement. In reviewing non-labor costs, we: (1) reviewed amounts billed to determine whether they were accurate and sufficiently supported; (2) reviewed the nature of the items billed for the general necessity to and reasonableness for the services; and (3) assessed whether costs were actual and reimbursable per the terms of agreements.

Based on the scope of the audit and the work performed, combined with the size and complexity of the contract, we have rated the overall risk exposure to VTA as Medium, based on three individual observations which were judged to be Medium Risk and five judged to be Low Risk; no High Risk issues were identified. As a result of our testing, we noted a nominal amount of potentially noncompliant reimbursed costs, consisting of a total of less than $10,000 representing...
less than 1% of all invoiced hours and other non-labor expenses included within the period tested. Given the magnitude of the contract and the complexities involved with managing it, those involved with managing the contract appear to be effectively enforcing its terms and monitoring related activity.

Overall, we observed that contract costs to date appeared appropriately supported, well documented and reflective of actual costs incurred as a result of the services performed. We did identify instances where costs were, or appear to have been, billed somewhat in excess of the Agreement terms. To the extent that we identified deviations from the billing terms and conditions, we then analyzed and quantified such costs. We noted as a result of this review that the requirements and controls in place by the Sheriff appear to be operating as intended, other than the exceptions noted in our findings and summarized below:

1. Sheriff’s Office contractual staff does not appear to be consistently adhering to the timekeeping procedures that are in place to record their actual time. (Medium Risk)

2. Overtime costs that the Sheriff’s Office passes through to VTA for replacement employees in “backfill” situations appear to, at times, be in excess of the agreement terms. (Medium Risk; quantified overbillings of $3,305)

3. Section V.A.1.c of the Agreement states that the VTA is required to pay an assigned employee’s costs for the first 30 days of absence due to illness or injury. This is higher than the amount of “sick leave bank accrual” stipulated in the collective bargaining agreement, which states that employees accrue sick leave at the rate of 64 hours per year (8 days per year). (Medium Risk)

4. During a review of the “Kronos” reports (the electronic timekeeping system used by the Sheriff’s Office), we observed that the assigned Sheriff’s Office staff who appear on payroll details are at times absent from work due to sick leave, scheduled time off, training time, or other reasons, and accordingly the Sheriff’s Office occasionally operates in these instances at staffing levels somewhat lower than stated in the Agreement. (Low Risk)

5. Certain employees receive compensation related to “pay job earnings” that are not indicated in the underlying collective bargaining agreement: due to an oversight, the costs were never adjusted out of the payroll report included with billings and were passed through on invoices to the VTA. (Low Risk; quantified overbillings of $2,466)

6. Certain Medicare costs incurred by assigned Sheriff’s Office contractual staff while not on VTA time are charged to VTA. (Low Risk; quantified overbillings of $3,735)

7. The VTA appears to be reimbursing costs to the Sheriff’s Office for staff assigned on holidays at a rate significantly higher than regular-time wage rates. (Low Risk)

8. We noted one instance in which an assigned Sheriff’s Office contractual staff had taken approximately 70 more hours of scheduled time off during his time assigned to the VTA than what he had accrued during that same period. (Low Risk)

We also noted that nowhere in the Agreement is the Sheriff’s Office’s employees’ collective bargaining agreement (“Memorandum of Understanding between County of Santa Clara and Deputy Sheriffs’ Association, Inc. of Santa Clara County”) explicitly identified. It appears

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reasonable that in the context of the Agreement that the collective bargaining agreement is accepted as underlying the Agreement terms. We would recommend, however, that in future revisions to the Agreement that the collective bargaining agreement be made part of the contract documentation and defined and referred to where relevant so as to remove potential ambiguity.

In instances where agreement terms and conditions contained ambiguity, we used professional judgment to interpret the intent of the various terms and conditions. Where possible, we have made certain recommendations to amend contract language and implement changes to billing or payment practices. Our recommendations are intended to remove ambiguities and risk of disagreement or dispute. We understand that both agencies have a high degree of satisfaction with their working relationship and hope that our recommendations serve to strengthen an already strong contractual relationship.

We would like to reiterate that given the magnitude of the contract and the complexities involved with managing the related processes to enforce the contract terms, it appears that internal VTA processes and controls are functioning well, as are those of the Sheriff’s Office. We noted only an immaterial amount of potentially noncompliant overbillings (far less than 1% of all invoiced hours and other non-labor expenses included within our testing period).

The overall central finding from this audit is that although the current contract between VTA and the Sheriff’s Office is functional for both parties, it does not appear to be administratively optimal or efficient due to the lack of normal specificity of terms and conditions. This results in ambiguity, differing reasonable interpretations, as well as inefficiency due to high administrative burden. Due to this, our overall recommendation is to revisit the identified existing terms of the contract to add specificity and clarity, and/or investigate the feasibility of changing to an hourly-based or similar contract in order to lessen administrative burden and opportunity for disagreement.

VTA management agreed with most, but not all, of the Auditor General’s Office recommendations. It should be noted that because many of the recommendations affect the provisions of an existing contract, implementation will require discussion and negotiations between the two contractual parties, VTA and the Sheriff’s Office. In addition, any major changes to the terms or conditions of the contract would likely require the approval of the VTA Board and the County Board of Supervisors. Also, although many of the recommendations have been agreed to in concept as a best practice or being in VTA’s best interest, some require a feasibility evaluation to determine if they can be reasonably and cost-effectively implemented given that many require the resources and assistance of the Sheriff’s Office. Due to these factors, VTA Management has committed to initiate most of the recommendations by June 2014, with completion targeted by December 2014. For one of the most complex and time-intensive recommendations, VTA has targeted completion by the end of 2015. The exceptions and opportunities for management’s consideration, along with management’s responses and action plans, are provided in Section IV of the attached report.

We would like to acknowledge both the Sheriff’s Office and VTA staff for their cooperation and professionalism throughout the process.

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II. BACKGROUND, OBJECTIVE, SCOPE & APPROACH

A. Background

To protect customers and property, VTA contracts with the County of Santa Clara Office of the Sheriff ("Sheriff’s Office") for law enforcement services. In addition, VTA contracts with AlliedBarton Security Services LLC, a private security services contractor, for auxiliary security and protective services. System-wide security is provided through this combination of County Sheriff’s Office law enforcement officers and AlliedBarton unarmed and armed transit security officers.

The Sheriff’s Office’s Transit Patrol Division provides general law enforcement and transit detective services for law enforcement related events occurring at VTA facilities and throughout the bus and light rail system. AlliedBarton uniformed unarmed security officers are assigned to all VTA work facilities, provide roving patrols between selected light rail stations, and provide a security presence at selected transit facilities. In addition, AlliedBarton uniformed armed security officers patrol VTA facilities, may ride on bus and light rail, provide revenue collection and protection, and provide security at VTA events.

The Sheriff’s Office has provided law enforcement services for VTA since October 1990. The most recent agreement with the Sheriff’s Office was approved by the VTA Board of Directors in June 2012 to take effect July 1, 2012.

Agreement Overview

The Sheriff’s Office entered into a 5-year agreement ("Agreement") to provide law enforcement services to the VTA at an amount not-to-exceed ("NTE") $21,492,330, effective July 1, 2012 through June 30, 2017. Per the Agreement, these services include, but are not limited to: security services in VTA service areas; response to calls from VTA operators and passengers; support of revenue collection; collection and provision of crime reports; and special enforcement units. Additional services were added to the Agreement through three Amendments, which added additional deputies to the Downtown Transit Mall. The amendments, effective at different points since the inception of the Agreement, subsequently increased the NTE value of the Agreement to $22,699,883. The table below presents a summary of the amendments to the Agreement and the revised NTE value:

<table>
<thead>
<tr>
<th>Amendment Details</th>
<th>Revised NTE Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original Agreement &quot;NTE&quot; Value</td>
<td>$ 21,492,330</td>
</tr>
<tr>
<td>Amendment No. 1 (9/1/12 - 11/30/12)</td>
<td>103,851</td>
</tr>
<tr>
<td>Amendment No. 2 (12/1/12 - 6/30/13)</td>
<td>242,319</td>
</tr>
<tr>
<td>Amendment No. 3 (7/1/13 - 6/30/17)</td>
<td>861,383</td>
</tr>
<tr>
<td><strong>Revised Agreement &quot;NTE&quot; Value</strong></td>
<td><strong>$ 22,699,883</strong></td>
</tr>
</tbody>
</table>

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The Agreement stipulates that the services of the Sheriff’s Office are to be performed by a specific number of personnel assigned to the VTA on a 40-hour per week basis, including one (1) Captain, two (2) Sergeants, seventeen (17) Deputies (two of whom are added to the Downtown Transit Mall detail through the Amendments), and one (1) Executive Assistant. Per the Agreement, overtime for hours in excess of the normally scheduled hours is to be approved by VTA.

The Agreement provides for labor costs and most non-labor costs (such as vehicle operation costs, office supplies, telephone land lines, and laboratory testing) to be reimbursed at the actual cost incurred. Exceptions to actual cost reimbursement are cell phone services, dispatch services, and countywide overhead. Cell phones are to be reimbursed at a monthly flat fee per assigned user. Dispatch services are based on an estimate prepared at the beginning of the fiscal year and allocated on a monthly basis. Countywide overhead is based on an estimate prepared at the beginning of the fiscal year which is to be used to calculate an overhead rate. The Agreement stipulates that dispatch services and countywide overhead be reconciled to the actual cost incurred for these items at the end of the fiscal year. Upon reconciliation, a credit is to be issued to VTA for any amounts determined to have been overbilled, or an additional payment is to be requested by the Sheriff’s Office for any amounts determined to have been under-billed.

B. Objective

Our review included an assessment of risk and a review of those costs presenting the highest degree of risk related to amounts billed to VTA. Our review focused on the verification and determination of amounts due under the Agreement. In addition to our findings related to amounts billed in excess of agreement terms, we have also reviewed the Agreement’s terms and conditions to: (1) assess whether the Agreement adequately supports the objectives of the VTA; (2) identify areas in which the Agreement does not sufficiently address or support those objectives; and (3) make certain observations and recommendations intended to strengthen VTA’s contractual relationship with the Sheriff’s Office.

C. Scope

We reviewed $3,134,884 of contract costs billed by the Sheriff’s Office for law enforcement services between July 2012 and March 2013 under its NTE Agreement with the VTA. Our review procedures consisted of: (1) testing 100% of the labor hours incurred on the project, including 36% of the wage and burden costs incurred on the project; (2) review and testing 100% of the non-labor costs (transportation, phones, office, and miscellaneous expense) incurred on the project; and (3) reviewing the estimates prepared for overhead and dispatch costs at the beginning of the year and allocated monthly. The total costs incurred in relation to the Agreement and reviewed as part of this audit are presented in the following table, by cost type:

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Total costs to date were billed on nine monthly invoices from July 2012 through March 2013. Other than the countywide overhead and dispatch services, which are based on estimates and reconciled at year-end, costs were billed at the actual cost incurred and the invoices were reflective of typical “time and material” billings. If the potential invoice overbillings noted during our review are projected across the entire $22,699,883 contract value (noted previously on page 7), the overbillings would total approximately $68,834 over the life of the contract.

**Approach**

We reviewed both labor and non-labor costs in the review of contract costs billed to the VTA. As 84% of contract costs relate to labor ($2,638,947), the majority of our review focused on: (1) verification and substantiation of labor hours and rates comprising the labor costs included in billings; (2) determination of whether those costs were actually incurred in relation to the provision of law enforcement services to the VTA; and (3) determination of whether those costs are compensable per the terms of the Agreement. In reviewing non-labor costs, we reviewed underlying support documentation which generally consisted of copies of third party invoices or receipts; reviewed amounts billed to determine whether they were accurate and sufficiently supported; reviewed the nature of the items billed for the general necessity to and reasonableness for the project; and assessed whether costs were actual and reimbursable per the terms of agreements.

**Labor Costs**

**Procedure 1: Verify Required Staffing Levels**

To verify that the Sheriff’s Office maintained the assigned staffing levels required by the Agreement, we reviewed the biweekly payroll details included with each billing (“Santa Clara County Payroll Detail Costs by Cost Center”) and compared the quantity and position description of assigned personnel shown in the payroll details to the staffing levels required by the Agreement. Additionally, we reviewed monthly “Transit Staffing Level Reports” provided by the Sheriff’s Office to the VTA.

<table>
<thead>
<tr>
<th>Billed Amount to Date</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries/Benefits</td>
<td>$2,638,947</td>
</tr>
<tr>
<td>Dispatch Services</td>
<td>237,840</td>
</tr>
<tr>
<td>Transportation</td>
<td>143,093</td>
</tr>
<tr>
<td>Overhead Allocation</td>
<td>101,259</td>
</tr>
<tr>
<td>Phones</td>
<td>9,530</td>
</tr>
<tr>
<td>Office/Misc Expense</td>
<td>4,216</td>
</tr>
<tr>
<td><strong>Total Billed Amount</strong></td>
<td><strong>$3,134,884</strong></td>
</tr>
</tbody>
</table>
Procedure 2: Verify Labor Hours Worked

To verify that Sheriff’s Office personnel actually worked the number of hours for which the VTA was billed, we reviewed reports generated from the County of Santa Clara’s electronic timekeeping system used by the Sheriff’s Office (“Kronos”) to verify that assigned staff had electronically “clocked in and out” for their shifts and the number of hours required by the Agreement (40 hour workweeks). Additionally, we had discussions with VTA and Sheriff’s Office personnel regarding staffing and billing practices on the project.

Procedure 3: Review Overtime Costs and Approvals

[Note: For Procedures 3 through 5, we selected a sample population of three months to test. Those months were July 2012, November 2012, and February 2013.]

To verify that the overtime costs were billed to the VTA in accordance with the terms of the Agreement, we reviewed labor cost documentation included in billings. For the sample months selected, we compared a schedule of overtime hours incurred and included in billings to the overtime approval slips included as support for the schedule. For each transit related overtime hour worked, we reviewed the approval slip for the appropriate employee name, date, number of hours worked, supervisor approval, and reason indicated for overtime. We also had discussions with VTA and Sheriff’s Office personnel regarding staffing and billing practices on the project.

Procedure 4: Verify Wage Rates

[Note: For Procedures 3 through 5, we selected a sample population of three months to test. Those months were July 2012, November 2012, and February 2013.]

For the sample periods selected, each employee’s base wage rates in the payroll details (calculated as their regular pay divided by 80 hours) were compared to their salary range based on their respective positions in the “Basic Salary Plan” in the collective bargaining agreement. Any applicable career incentive program increase was also considered in the determination of wage rates and verified to the career incentive program percentages stated in the collective bargaining agreement.

Procedure 5: Verify Burden Rates

[Note: For Procedures 3 through 5, we selected a sample population of three months to test. Those months were July 2012, November 2012, and February 2013.]

In order to verify the payroll taxes and other burden costs incurred by the Sheriff’s Office’s employees and billed to the VTA are accurate and complete, we reviewed the worker’s compensation insurance, medical insurance, unemployment insurance, Federal Insurance Contribution Act (FICA), and Public Employees’ Retirement System (PERS) rates for each of the payroll cycles for the sample months selected. As the payroll details included in billings did not show the specific components of burden, we requested additional detail of burden amounts for payroll periods during our sample months. The Sheriff’s Office provided “Payroll Detail PPE” reports and we verified the burden rates shown in the reports to the collective bargaining agreements.

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Procedure 6: Verify Incurred Benefits Were Reasonable and Customary

The Agreement stipulates that benefits are to be reimbursed at the actual cost incurred. However, the only specific benefit discussed in the Agreement is sick time in Section V.A.1.c. We also reviewed the other types of benefit costs being billed to VTA to ensure that those costs are customary and reasonable, as well as relevant, to the scope of the services being performed for VTA.

Non-Labor Costs

Procedure 1: Review and Verify Actual Cost Support for Certain Non-Labor Costs

The Agreement provides for certain non-labor costs, such as vehicle operation costs, office supplies, telephone land lines, and laboratory testing, to be reimbursed at the actual cost incurred. In examining these costs, we reviewed underlying support documentation which generally consisted of copies of third party invoices or receipts. This consisted of: (A) reviewing amounts billed to determine whether they were accurate and sufficiently supported; (B) reviewing the nature of the items billed for the general necessity to and reasonableness for the project, and (C) assessing whether costs were actual and reimbursable per the terms of agreements.

Procedure 2: Review and Verify Dispatch Services Costs

Dispatch services costs are invoiced by the County to the Sheriff’s Office and passed through as an actual cost to VTA on the invoices submitted by the Sheriff’s Office. The costs are based on estimates prepared at the beginning of the fiscal year by the Sheriff’s Office and allocated on a monthly basis. The estimated cost is based on estimated usage (volume and type of call generated on behalf of VTA) and unit activity costs assigned to the usage. At year-end, the County reconciles VTA’s actual cost to the estimated cost. Upon reconciliation, a credit is to be issued to VTA for any amounts determined to have been overbilled, or an additional payment is to be requested by the Sheriff’s Office for any amounts determined to have been under-billed. We reviewed the Dispatch Services cost estimates for fiscal year 2013 and the invoices from the County to the Sheriff’s Office to verify that dispatch costs were appropriately invoiced and accurate in respect to the allocation based on the estimated total cost.

We reviewed the approach used to prepare dispatch services costs and verified that the estimates used to prepare them appear to be appropriately calculated and supported. However, as the reconciliation for fiscal year 2013 has not yet been performed by the County, we were not able to review the actual costs of dispatch services incurred by the Sheriff’s Office and billed to the VTA contract after any credits or additional payments for over- or under-billed amounts. Note: We will perform this procedure as part of our routine post-audit follow-up procedures, within the next 12 months.
Procedure 3: Review and Verify Overhead Allocation

We reviewed the Sheriff’s Office’s overhead allocation to VTA, which is based on the County of Santa Clara’s “Countywide Cost Allocation Plan” prepared for fiscal year 2012-2013, which is subject to review by the County’s external auditors. We noted that, per the Plan, the Sheriff’s Office has total allocated costs of $10,156,431. The County Communications costs of $5,817,292 are deducted from this, resulting in $4,339,139 of total allocable overhead costs. Those costs are allocated to total budgeted salaries of permanent employees of $64,321,011, resulting in an overhead rate of 6.75%, which is applied to base wages.

We reviewed the approach used to prepare overhead allocation rate and verified that the estimates used to prepare it appear to be appropriately calculated and supported. However, as the reconciliation for fiscal year 2013 has not yet been performed by the County, we were not able to review the actual costs of county overhead incurred by the Sheriff’s Office and billed to the VTA contract after any credits or additional payments for over- or under-billed amounts. Note: We will perform this procedure as part of our routine post-audit follow-up procedures, within the next 12 months.
III. RATING DEFINITIONS:

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

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

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

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

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

The risk ratings resulting from the work performed are provided in the following section as an estimate to help Management understand the risk and impacts of each individual observation. In addition, an Overall Risk Rating is provided to help Management understand the overall risk to VTA and the impacts of the individual observations combined.
IV. RESULTS:

OVERALL RISK

The Overall Risk Rating is provided to help Management understand the overall risk to VTA and the impacts of the individuals observations combined.

Based on the scope of the audit and the work performed, we observed that, overall, contract costs to date appeared well-supported, well-documented and reflective of actual costs incurred as a result of the services performed. We did identify instances where costs were, or appear to have been, billed somewhat in excess of the Agreement terms. To the extent that we identified deviations from the billing terms and conditions, we then analyzed and quantified such costs. Other than the exceptions noted in our findings, the requirements and controls in place by the Sheriff’s Office are generally strong and being adhered to.

In instances where agreement terms and conditions contained ambiguity, we used professional judgment to interpret the intent of the various terms and conditions. Where possible, we have made certain recommendations to amend contract language and implement changes to billing or payment practices. Our recommendations are intended to remove ambiguities and risk of disagreement or dispute. We understand that both agencies have a high degree of satisfaction with their working relationship and hope that our recommendations serve to strengthen an already strong contractual relationship.

Accordingly, we issued an overall Medium level of risk exposure based on the Auditor General’s professional judgment, the overall size and complexity of the contract, and the combination of findings that follow.

Overall Risk Rating for this Audit: Medium

INDIVIDUAL CONTROL WEAKNESSES

The following summarizes the audit’s findings and observations, each individual area’s risk rating, recommendations from the Auditor General’s Office, and Management’s responses.

1. **Timekeeping Procedures** [Medium Risk]

   During our review, we noted that Sheriff’s Office personnel do not appear to be consistently adhering to the timekeeping procedures that are in place to record their actual time. After a review of the Kronos reports and discussions with Sheriff’s Office personnel, we noted that an employee’s time is recorded within the Kronos system in one of two ways. First, time is recorded when an employee electronically “clocks in and out” for an assigned shift, which typically occurs when the employee arrives to or departs from the VTA Protective Services Division located at VTA’s offices. The second way in which an employee’s time is recorded...
is through a manual entry performed by someone other than the employee (usually an executive assistant who is staffed full-time at the Protective Services Department) and at the direction of a Sergeant or other supervisor. Per explanation of Sheriff’s Office personnel, there are a number of reasons this occurs, including when an employee forgets to clock-in, starts his or her shift from another location, or when there is a biometric detection error in Kronos. We observed that the hours related to manual entries performed by someone other than the employee represented approximately 16% of the regular time hours recorded and billed to VTA since the inception of the Agreement.

**Risk**
- Based upon our experience reviewing labor costs, combined with the absence of other checks, balances, and controls related to time for one employee being entered by another employee, we believe that the rate of occurrence of manual time entries, combined with the absence of other additional controls, results in a medium degree of risk that timekeeping could be misstated by one or more Sheriff’s Office personnel, which could result in overbilling to the VTA. While we did not see evidence that this has occurred in the information it has reviewed, the risk should be mitigated. Although Sheriff’s Office personnel indicated there may be other documents available that could corroborate an employee’s time, it does not appear these documents are used to track actual time or substantiate labor billings. We concluded that this is a control deficiency in the time recording process that should be remedied by the Sheriff’s Office.

**Control**
- Employees are to electronically “clock in and out” for the start and end of their shifts using the Kronos electronic timekeeping system.

**Recommendation**
- **Recommendation #1A**: In order to mitigate the risk of timekeeping being misstated, we recommend that additional controls be put in place and adhered to in instances where there is a valid reason that the employee cannot enter his or her own time. To the extent the operational procedures of the Sheriff’s Office do not align with current timekeeping procedures, we recommend the Sheriff’s Office consider implementing additional controls that can provide confirmation and certification of an employee’s actual time worked, such as reviewing the monthly staffing level report in conjunction with these labor costs.
- **Recommendation #1B**: During our review, we noted that the Sheriff’s Office does not generally provide, nor does the VTA request, timekeeping records that would typically be provided as support in time and material billings. As a function of our review, we requested this documentation and the Sheriff’s Office provided it. We recommend that time records reconciling to total hours incurred and billed during each pay period be provided with invoices as a control measure to prevent inaccuracies in billings and to provide sufficient actual cost support documentation for the VTA’s own review of invoices.

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Management Response

- **Recommendation #1A**: VTA Management agrees. VTA will enter into discussions with the Sheriff’s Office about implementing additional procedures to minimize manual time entries as much as is feasible. VTA will initiate these feasibility discussions by June 30, 2014, with completion targeted by December 31, 2014. These discussions will be conducted in combination with other efforts to comprehensively address other recommended actions contained in this audit report.

The Sheriff’s Office disagrees with this calculation, believing it is somewhat overstated. It should be noted that manual time entries are required to close payroll early due to a holiday (this occurred five times during the audit review period), and for vacation, industrial injury, FLMA and sick calls. It is the contention of Sheriff’s Office staff that if mandatory manual entries for holidays that fall at the end of a pay period are eliminated from the data set, manual entries into Kronos are reduced to approximately 12%.

- **Recommendation #1B**: VTA Management agrees. VTA already receives a Payroll Detail Report and Overtime Approval forms with each invoice that supports the labor expenses. VTA will enter into discussions with the Sheriff’s Office to determine if it is possible and feasible for the Kronos system to run a more detailed payroll record report for each person assigned to the contract for VTA review. VTA will initiate these feasibility discussions by June 30, 2014, with completion targeted by December 31, 2014. Should the Kronos system not be able to run such a report, efforts will be made to identify other acceptable detail reports.

2. **Overtime Costs**

   [Medium Risk]

In addition to the 40-hour “regular” workweeks billed to the VTA, the Sheriff’s Office also bills for overtime costs that are incurred for VTA-related duties during employees’ off hours, such as court appearances or late arrests. Additionally, assigned staff who are out sick, on vacation, or absent from work for any other reason are replaced, or “backfilled”, by other personnel that sometimes incur overtime pay as a result of the additional hours required to fill in for absentee staff, the cost of which is passed through to the VTA. Some of these personnel are from within the pool of VTA-assigned staff while others are outside of it.

The agreement does not include the rates at which labor is to be billed, nor does it specifically address whether the time is to be billed at regular time or overtime rates. It does, however, include specific provisions for the approval of overtime, which per Section 3.C.6 of the Agreement, the VTA shall only pay for “those hours in excess of normally scheduled hours and only when requested by the COO.” The term “normally scheduled” is not defined in the Agreement. However, to the extent that “normally scheduled” is interpreted as a 40-hour workweek, and to the extent that it is not requested by VTA’s Chief Operating Officer (or stated as “COO” in the Agreement), the overtime costs that the Sheriff’s Office charges VTA for replacement employees in “backfill” situations are in excess of the agreement terms, based on current Agreement verbiage.
Risk
• The overtime costs that the Sheriff’s Office charges the VTA for employees “backfilling” for normally assigned staff are in excess of the agreement terms, based on interpretation of current Agreement verbiage. We also noted that the ambiguity in the Agreement terms (such as the absence of definition of “normally scheduled hours”) could potentially result in other billing risks. For example, the VTA could bear a disproportionate amount of Sheriff’s Office overtime costs if: 1) a high number of “backfill” replacements were located from outside the pool of VTA-assigned personnel; 2) those employees incurred most or all of their regular hours outside of VTA assignments; and 3) those employees incurred most or all of their overtime hours on VTA assignments. We did not observe any indication that this is presently occurring in the billings from the Sheriff’s Office; however, the risk that such a situation can occur is present and should be mitigated through the clarification of agreement verbiage. Doing so will not only reduce the risk of such occurrences, but will also reduce the risk of potential disputes arising in the future as a result of ambiguous agreement verbiage.

Control
• None currently.

Recommendation
• Recommendation #2A: Should the VTA and the Sheriff’s Office agree that the intent of the Agreement is to define “normally scheduled hours” as the 40-hour workweeks performed by assigned staff, we calculated an adjustment for overtime costs that were billed in excess of agreement terms. Based on a review of all overtime hours assigned to the VTA in “backfill” situations, the adjustment was calculated by multiplying the overtime hours assigned to the VTA for specific personnel by the difference between their regular time rate and their overtime rate. Based on this finding, we recommend that VTA request a credit to billings for the total adjustment amount of $3,305, which represents the overbilling correlated to the total costs incurred under the contract to-date.

• Recommendation #2B: It appears that the Agreement between the VTA and Sheriff’s Office is based at least in part on the underlying labor agreement between the County of Santa Clara and the Deputy Sheriffs’ Association. It also appears that the intent of the Agreement is to mirror the labor agreement to make VTA responsible for the labor costs that will be borne for VTA-dedicated (and potentially other) personnel under the labor agreement. We observed several instances where the compensatory terms of the Agreement are not defined and therefore subject to interpretation to determine intent. We recommend that a review of the compensatory terms and definitions be performed in order to clarify said terms.
Management Response

- **Recommendation #2A:** VTA Management agrees in part. It should be noted that VTA has always paid “actuals,” including overtime associated with backfilling staffing requirements. VTA will enter into discussions with the Sheriff’s Office to clarify and better define a 40-hour work week for incorporation into the Agreement at the next reasonable opportunity, either at expiration of the contract or in combination with the need for another amendment. VTA will initiate these discussions by June 30, 2014, with completion targeted by December 31, 2014. These discussions will be conducted in combination with other efforts to comprehensively address other recommended actions contained in this audit report.

Regarding the identified adjustment of $3,305, the Sheriff’s Office does not agree with the need for the adjustment based on its understanding of the terms of the contract combined with past practice. It should be noted that other than the overtime used to backfill vacant shifts, in VTA Management’s estimation the Sheriff’s Office does an excellent job of limiting overtime. This small amount of overtime is typically billed to VTA when deputies have a late report to file or a late call for service. Due to non-agreement over this refund being warranted, both VTA and the Sheriff’s Office have agreed to defer this item pending further review.

- **Recommendation #2B:** VTA Management agrees. VTA will initiate review of the compensatory terms and definitions by June 30, 2014, with completion targeted by December 31, 2014. These efforts will be conducted in combination with other efforts to comprehensively address other recommended actions contained in this audit report. Should there be a need for VTA and the Sheriff’s Office to execute a contract amendment or when the existing contract terminates, references to the compensatory terms and definitions will be included in the Agreement. In addition, a reference to the Memorandum of Understanding between the County of Santa Clara and the Deputy Sheriffs’ Association, Inc. of Santa Clara County will be incorporated.

3. **Sick Pay**

   **[Medium Risk]**

Section V.A.1.c of the Agreement states that the VTA is required to pay an assigned contractual staff costs for the first 30 days of absence due to illness or injury. This is higher than the amount of “sick leave bank accrual” stipulated in the collective bargaining agreement, which states that employees accrue sick leave at the rate of 64 hours per year (8 days per year). The decision to include higher sick leave days in the Agreement may be in part based on the State of California’s Labor Code 4850, which states that law enforcement personnel can opt to receive paid leave, for a period up to a year, in lieu of temporary disability benefits if injured on the job. Per our understanding and conversations with Sheriff’s Office contractual staff, this “salary continuation” benefit is paid by the Sheriff’s Office and is not reimbursed by any state fund (such as the State workers compensation fund). We noted that several Sheriff’s Office contractual staff received “4850” leave over the course of our review period and their salary cost was billed on invoices to the VTA.
Risk
- VTA has agreed to reimburse the Sheriff’s Office for sick leave costs in excess of the collective bargaining agreement without sufficient consideration of whether those costs are necessary and reasonable.

Control
- Not applicable.

Recommendation
- Recommendation #3: We recommend that the VTA review this section of the Agreement to determine the necessity and reasonableness of their obligation to pay 30 days of sick leave costs, which is in excess of the sick day accrual specified by the collective bargaining agreement. Consideration of the legal obligations of the VTA and the Sheriff’s Office under the County’s collective bargaining agreement and Labor Code 4850, the sharing of risk resulting from those obligations, and the reasonable apportionment of any costs arising from those obligations.

Management Response
- Recommendation #3: VTA Management agrees. VTA will enter into discussions with the Sheriff’s Office on reducing the number of days VTA is obligated to pay for sick leave costs from 30 to a lesser amount, whether that be a negotiated amount or the eight that is the specified annual accrual rate stated in the Memorandum of Understanding between the County of Santa Clara and the Deputy Sheriff’s Association, Inc. of Santa Clara County. The goal of the discussions will be to reasonably incorporate any changes in combination with any contract amendment or when the existing contract terminates. VTA will initiate these discussions by June 30, 2014, with completion targeted by December 31, 2014. These discussions will be conducted in combination with other efforts to comprehensively address other recommended actions contained in this report.

4. Required Staffing Levels  [Low Risk]

The Sheriff’s Office bills VTA for the contractually required number of assigned staff on a 40-hour per week basis. This observation was confirmed by discussions with VTA personnel and a review of the payroll details. (The payroll details show base wages for assigned personnel, equal to one half of the employees’ base monthly salary, indicating that the employee has worked two 40-hour workweeks during that period.) During a review of the “Kronos” reports (the County’s electronic timekeeping system used by the Sheriff’s Office), we observed that the assigned staff who appear on payroll details are at times absent from work due to sick leave, scheduled time off, training time, or other reasons. Per conversation with Sheriff’s Office and VTA personnel, in these instances they are replaced (“backfilled”) by other Sheriff’s Office personnel to maintain minimum staffing. Rarely, if a replacement cannot be found in a timely fashion, the Sheriff’s Office may occasionally operate at a staffing level slightly below the amount specified in the Agreement. McGladrey reviewed the “Transit Staffing Level Reports” provided by the Sheriff’s Office and noted only three occurrences of this situation since the inception of the agreement, during which times the assigned staffing was short one deputy.

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It should be noted that VTA and the VTA-assigned Sheriff’s Office personnel enjoy a strong, collaborative working relationship and therefore the periods of minimal staffing levels are generally known to VTA. Although VTA may have no issue with these infrequent periods on minimal staffing, based on the contract they are technically paying for services not being received.

**Risk**
- During the rare instances in which Sheriff’s Office does not provide the number of assigned staff stipulated in the Agreement, the Sheriff’s Office is not fulfilling their obligations under the terms of the Agreement.

**Control**
- None currently.

**Recommendation**
- *Recommendation #4A:* In the rare occasions that assigned staffing levels are not met, we recommend that VTA request that the Sheriff’s Office both provide additional personnel to fulfill their obligations under the terms of the Agreement and to provide documentation of any such occurrences.

- *Recommendation #4B:* VTA should explore the feasibility of entering into an hourly-based agreement, similar to the Sheriff’s Office’s other law enforcement service agreements with the contract cities located in the County of Santa Clara. For example, the Santa Clara County cities of Cupertino, Los Altos Hills and Saratoga have such an agreement. The purpose of replacing the current contract with an hourly-based or similar type agreement would be to simplify the current administrative process, which is burdensome, and to clarify and simplify the compensatory terms and process.

**Management Response**
- *Recommendation #4A:* VTA Management agrees. The Sheriff’s Office has established minimal staffing levels for each day of the week and shift. When events occur where additional resources are needed, the Sheriff’s Office provides the support to VTA, at no extra charge for their services. Examples of this include suspicious package disruptions, responding to a major crime or accident, etc.

Effective with issuance of this report, VTA Management is now receiving the monthly Transit Staffing Level report. Should VTA determine that additional staffing is needed beyond the established minimal staffing levels, a request will be made by VTA Management to the Sheriff’s Office.

- *Recommendation #4B:* VTA Management agrees. VTA will investigate the feasibility and benefits of executing an hourly based contract, similar to the contract cities. VTA will initiate this analysis by June 30, 2014, with completion targeted by December 31, 2015, well in advance of expiration of the current Agreement (June 2017). Based on the results of the analysis, an hourly based contract may or not be overall mutually beneficial to VTA and the Sheriff’s Office.
5. **Wage Rates**

During our wage rate testing, it was noted that certain employees receive compensation related to “pay job earnings” that are not indicated in the underlying labor agreement (collective bargaining agreement). Per inquiry of Sheriff’s Office contractual personnel, these costs were initially determined to be non-compensable by the Sheriff’s Office and were adjusted out of the SAP (billing) system. However, due to an oversight, the costs were never adjusted out of the payroll report included with billings and were passed through on invoices to the VTA.

**Risk**
- Labor costs that are not indicated and not supported by an underlying labor agreement are billed to the VTA.

**Control**
- Going forward, credits for “pay job earnings” are to be identified through the SAP system and processed in invoices.

**Recommendation**
- *Recommendation #5:*) The total amount identified in excess of Agreement terms related to this finding is $2,466. Sheriff’s Office personnel have indicated they will process a credit for this amount in a future invoice, and will provide credits for all other pay job earnings amounts going forward. We recommend that VTA review future billings to confirm that pay job earnings are excluded from billing. Additionally, we recommend that the Sheriff’s Office consider reviewing either the Burden Detail report, Fringe Pay report, or their equivalents to help identify pay job earnings prior to generating invoices.

**Management Response**
- *Recommendation #5:*) VTA Management agrees. Effective January 1, 2014 or earlier, the Sheriff’s Office will include the Burden Detail report and the Fringe Pay report or equivalent with each monthly invoice submitted to VTA. With these, VTA will begin verifying that pay job earnings have been excluded from future billings.

In addition, the Sheriff’s Office agrees with the total adjustment amount of $2,466 identified in this audit and will be issuing a credit to VTA.

6. **Burden Rates**

The payroll details included with billings do not segregate overtime costs incurred for non-VTA related activities from overtime costs charged to VTA. To compensate for this, the Sheriff’s Office includes a schedule with each billing that delineates between overtime hours incurred for “transit” related activities and overtime hours incurred for “non-transit” related activities during each pay period. The non-transit overtime wages are then deducted from the billings (as a product of the non-transit hours multiplied by overtime wage rates). In addition to this amount, workers compensation and unemployment insurance related to these costs are also deducted from billings (as a cost equal to 4.58% of overtime wages).
However, no portion of Medicare cost is excluded. The overtime portion of this cost should also be excluded, as the amount is calculated on both regular time and overtime wages. Sheriff’s Office personnel agree that this cost should be excluded and have indicated that they will deduct it from future billings.

**Risk**
- Medicare costs related to non-transit overtime costs are billed to the VTA.

**Control**
- None noted; however, going forward the Sheriff’s Office will deduct non-transit overtime Medicare costs from billings.

**Recommendation**
- **Recommendation #6**: In our calculations, we made an adjustment for this item by arriving at total excludable non-transit overtime Medicare costs as a product of non-transit overtime wages multiplied by the Medicare payroll tax percentage of 1.45%. The total amount of non-transit related overtime Medicare costs that has been billed in excess of Agreement terms is $3,735 for the period under review. We recommend that the VTA confirm a credit for this amount in a future billing and review subsequent billings to confirm the non-transit overtime Medicare deductions.

**Management Response**
- **Recommendation #6**: VTA Management agrees. Effective with issuance of this report, VTA is verifying that Medicare costs have been excluded from non-transit overtime. In addition, the Sheriff’s Office agrees with the total adjustment amount of $3,735 identified in this audit and will issue VTA a credit.

7. **Holiday Pay**

We noted that Sheriff’s Office contractual staff are regularly compensated for holiday time by the VTA. The Sheriff’s Office’s collective bargaining agreement provides for personnel who work holidays to be compensated for both eight hours of regular time pay, and time and a half overtime pay for all hours worked, effectively earning two-and-a-half times their base wages when working on a holiday. The topic of holiday pay is not specifically defined in the Agreement reviewed.

**Risk**
- VTA may incur a higher than anticipated cost of labor on holidays.

**Control**
- Not applicable.

**Recommendation**
- **Recommendation #7**: VTA should assess the number of assigned staff on holidays, and amend the terms of the contract accordingly or as needed.
Management Response

- **Recommendation #7**: VTA Management does not agree. It is not prudent to decrease law enforcement services on holidays, given that VTA operates service on those days. In addition, many holidays fall on days of national significance or celebratory events. VTA Management is cognizant of the elevated labor cost for holiday service and for each specific holiday analyzes and adjusts staffing requirements accordingly based on specific needs and conditions in order to most efficiently protect the public. Due to the nature of the transportation business and the potential threat to the surface transportation sector, the Department of Homeland Security Transportation Security Administration (TSA) has requested transit agencies to increase security and law enforcement presence on holidays.

Also, the Memorandum of Understanding between the County of Santa Clara and the Deputy Sheriffs’ Association, Inc. of Santa Clara County is clear on the labor rates paid to deputies on holidays. Reference to this document and its compensatory terms was agreed to and will be addressed as part of Recommendation #2B, which incorporates clarifying compensatory terms or definitions into the Agreement at the next reasonable opportunity when the contract is amended or when the existing contract terminates.

8. **Scheduled Time Off (STO)**

   [Low Risk]

Per the collective bargaining agreement, employees accrue scheduled time off (STO) at rates reflective of their years of service. We requested and reviewed the years of service for staff assigned to the VTA and corresponding STO accrual rates from the collective bargaining agreement to verify that STO charged to the VTA contract was reasonable in respect to the STO accrued to date. During our review, we noted that the amount of STO taken by VTA-assigned staff was generally in line with the amount of STO that had been accrued during an employee’s assignment to the VTA.

As part of our testing, we noted one instance in which an employee used 237 hours of STO during his time assigned to the VTA, which exceeded the 166 hours he accrued during that same period.

**Risk**

- VTA is paying STO costs that an employee has not yet accrued during his time of service with the VTA, or is bearing the cost of STO that an employee has accrued outside of his service to the VTA.

**Control**

- None currently.

**Recommendation**

- **Recommendation 8A**: We recommend the VTA periodically request and be provided a report showing accrued STO versus incurred STO. The report should be reviewed to ensure the VTA is not paying a disproportionate amount of STO costs.
- **Recommendation 8B**: The Agreement should be clarified such that the amount of STO accruable and allowable for Sheriff’s Office contractual staff is clearly stated.

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Management Response

- **Recommendation #8A**: VTA Management agrees. VTA will enter into discussions with the Sheriff’s Office to determine the feasibility and level of effort required for the Sheriff’s Office to periodically provide VTA reports indicating the amount of STO accrued versus used. VTA will initiate these feasibility discussions by June 30, 2014, with completion targeted by December 31, 2014. Should the Kronos system not be able to generate such a report, efforts will be made to identify other acceptable detail reports or other methods of having the information supplied.

- **Recommendation #8B**: VTA Management agrees. VTA will enter into discussions with the Sheriff’s Office to define the amount of STO allowable for the Sheriff’s Office contractual staff for incorporation into the Agreement at the next reasonable opportunity, either at expiration of the contract or in combination with the need for another amendment. VTA will initiate these discussions by June 30, 2014, with completion targeted by December 31, 2014. These discussions will be conducted in combination with other efforts to comprehensively address other recommended actions contained in this report.
FOR INFORMATION ONLY

BACKGROUND:

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

DISCUSSION:

The Legislature wrapped up its work for the year and adjourned the regular session on September 12, one day early to allow for the observance of the Jewish holiday of Yom Kippur. Measures that did not make it through the process are now “two-year bills,” meaning they can be reconsidered when lawmakers return to Sacramento in January.

The well-publicized Democratic supermajorities really did not have much of an impact, primarily because a prolonged game of musical chairs caused by members leaving the Legislature to assume seats in Congress or in local government prevented both chambers from maintaining their supermajorities for the entire session. Right now, Democrats hold a two-thirds majority in the Senate. However, because of vacancies and the timing of special elections to fill them, Assembly Democrats will not regain their supermajority until later this year.

In the case of legislation affecting transportation, some of the noteworthy actions occurring during the last week of the regular session are as follows:

**Public Employees’ Retirement:** The Assembly and Senate passed AB 1222 (Bloom), a measure that was fast-tracked by the legislative leadership to help move toward the resolution of a disagreement between Gov. Jerry Brown and the U.S. Department of Labor (DOL) over whether California’s Public Employees’ Pension Reform Act (PEPRA) violates a 49-year-old federal law
that ties mass transit grant funding to collective bargaining rights. This disagreement has threatened the release of federal funding to numerous California public transit agencies, including VTA.

Since the enactment of PEPRA, several unions representing public transit employees have been filing objections to DOL claiming that the changes to public employee retirement benefits in the new law were not negotiated and, therefore, are inconsistent with a federal provision known as 13(c). Enacted in 1964 as part of the Urban Mass Transit Act, 13(c) requires DOL to certify that public transit agencies are preserving their employees’ collective bargaining rights as a condition of receiving federal grant funding.

Last year, DOL began holding up grant applications submitted by California transit agencies and hinted that it was inclined to agree with the unions’ contention that PEPRA impairs collectively bargained pension benefits. In August, newly confirmed Labor Secretary Thomas Perez sent Gov. Brown a strongly worded letter urging him to fix the problem by signing legislation to exempt public transit employees from PEPRA; otherwise, DOL would start decertifying grants. The Governor, however, responded that he disagreed with DOL’s legal opinion and said he wanted the issue to be litigated.

After several weeks of negotiations, DOL and Gov. Brown reached an agreement on a way forward. On September 4, DOL notified the Sacramento Regional Transit District that it was refusing to certify one of its grants, a decision that provides an avenue for resolving the disagreement between the department and the Governor in court. The same day, AB 1222 (Bloom) was amended on the Senate floor to provide a temporary exemption from PEPRA for public transit employees while the 13(c) issue gets litigated. The language in the bill was carefully crafted by DOL and the Governor’s Office. Gov. Brown has indicated that he will sign AB 1222 as soon as it reaches his desk, which would prompt DOL to begin certifying and releasing federal grant funds for California public transit agencies.

**Design-Build Contracting:** The Legislature also sent AB 401 (Daly) to Gov. Brown for his consideration. This bill represents an attempt on the part of Senate President Pro Tempore Darrell Steinberg (D-Sacramento) to broker a deal to allow for the continued use of design-build contracting for state highway projects beyond the current January 1, 2014, sunset date. This contentious issue historically has pitted the Professional Engineers in California Government (PECG), a labor organization representing Caltrans engineers, against groups representing private-sector labor interests and engineering/architectural companies.

AB 401 allows local agencies, including VTA, to use design-build contracting for an unlimited number of state highway projects for a 10-year period ending on January 1, 2024. The measure also requires Caltrans to manage construction inspection services for such projects, rather than the local agencies. In this regard, AB 401 gives Caltrans the flexibility either to use department employees or to contract with private-sector firms to perform the work. While PECG ended up supporting AB 401 because of these provisions, not all of the relevant players were satisfied with the outcome. If Gov. Brown signs this bill, it is likely that the American Council of Engineering Companies (ACEC) will file a lawsuit contending that the provisions dealing with construction inspection services are unconstitutional because of Proposition 35. This constitutional
amendment, which was approved by the voters in 2000, states that local agencies have the ability to contract with qualified private entities for engineering and architectural services, including construction inspection, for all of their public works projects.

**Active Transportation:** SB 99 (Budget & Fiscal Review Committee), another bill that passed the Legislature during the final week of this year’s regular session, addresses a left-over transportation budget issue. In January, Gov. Brown proposed consolidating the Bicycle Transportation, Safe Routes to School, Environmental Enhancement and Mitigation, and Recreational Trails Programs into a single Active Transportation Program to provide a more comprehensive and coordinated approach for distributing funds for “human-powered” transportation. This proposal generated significant opposition from various stakeholder groups and, thus, was not fully embraced by the Legislature. Instead, lawmakers passed a budget with separate, line-item appropriations for these four programs. However, they also included language in the budget bill stating that these funds would not be available for expenditure until legislation was enacted to “create a new program to promote active transportation.” Lawmakers further directed Transportation Secretary Brian Kelly to convene a working group made up of all of the relevant stakeholder groups to hash out a consensus for such legislation.

SB 99 embodies the consensus reached by the transportation secretary’s working group. It calls for consolidating the Bicycle Transportation, Safe Routes to School and Recreational Trails Programs into a new Active Transportation Program. Environmental Enhancements and Mitigation, however, would remain a separate, stand-alone program. Under the provisions of this measure, 50 percent of the funding would be awarded to projects through statewide competitive grants; 40 percent would be allocated by formula to large, urban metropolitan planning organizations (MPOs); and 10 percent would be allocated on a competitive basis to projects in small urban and rural areas. Except in the case of the formula allocations to the large, urban MPOs, the California Transportation Commission (CTC) would be responsible for evaluating grant applications and selecting projects. SB 99 requires the CTC to develop guidelines, a list of eligible project types and project selection criteria for the Active Transportation Program. A minimum of 25 percent of overall program funding is required to go for projects that benefit disadvantaged communities.

There are provisions in SB 95 (Budget & Fiscal Review Committee) and AB 101 (Budget Committee), two budget trailer bills, that require at least $24 million of the Active Transportation Program’s 50 percent statewide competitive share to be set aside annually for Safe Routes to School projects for a three-year period ending in FY 2016. In addition, there is a set-aside of federal funding for Recreational Trails pursuant to provisions in the Moving Ahead for Progress in the 21st Century Act (MAP-21). Both SB 95 and AB 101 were sent to the Governor, as well.

**CEQA:** Attempts to reform the California Environmental Quality Act (CEQA) were put off until next year after lawmakers passed a narrow measure that focuses on smoothing the way for building a new NBA arena for the Sacramento Kings in downtown Sacramento. This bill, SB 743 by Senate President Pro Tempore Darrell Steinberg, seeks to speed up the judicial process for handling any CEQA lawsuits filed against the proposed arena, limits the ability of the courts to halt construction of the project, and allows mediation to be used to resolve environmental issues instead of litigation. Easing the path for the arena was part of the pitch that the city of
Sacramento made to the NBA earlier this year in its effort to keep the Kings from moving to Seattle.

Following last-minute negotiations with Gov. Brown, who has identified CEQA reform as one of his top priorities and is pushing for more fundamental changes to the law, Steinberg added a couple of statewide changes to bulk up SB 743. These provisions: (1) authorize the Governor’s Office of Planning & Research to develop new metrics for measuring traffic impacts of proposed projects that could be used instead of intersection congestion; and (2) establish a new CEQA exemption for projects that are located in a “transit priority area,” that are undertaken to implement a local specific plan for which an environmental impact report has been certified, and that are consistent with the applicable regional sustainable communities strategy.

Meanwhile, Steinberg shelved SB 731, his major CEQA reform bill, for the time being. Throughout this year’s legislative session, SB 731 was the subject of intense negotiations between Steinberg; the CEQA Working Group, a coalition of business, housing and local government organizations leading the call for reform; and environmental and labor groups opposed to rewriting CEQA. The negotiations eventually bogged down. In September, the CEQA Working Group, dissatisfied with how the talks were progressing, issued a letter opposing SB 731. In this letter, the coalition contended that the bill did not contain the types of reforms that it believes are necessary to end “frivolous” lawsuits that delay or stop worthwhile projects. Gov. Brown, who is more aligned with the CEQA Working Group on this issue, tried to break the impasse by offering a set of amendments to SB 731. However, environmental groups immediately fired off letters opposing them.

**Caltrans:** The Legislature passed two bills dealing with Caltrans that were introduced by Senate Transportation & Housing Committee Chairman Mark DeSaulnier (D-Concord) in response to the controversy surrounding the department’s management of the San Francisco-Oakland Bay Bridge Project. The first, SB 110, creates a task force to assess the anticipated seismic structural performance of the new eastern span of the bridge. The other measure, SB 425, enacts a series of statutory guidelines related to the use of peer review groups for major public works projects.

**Fracking:** After intense debate and heavy lobbying, the Legislature approved SB 4 (Pavley), a first-in-the-nation bill to regulate hydraulic fracturing or “fracking.” SB 4 gained last-minute momentum when Gov. Brown publicly announced that he would sign it.

Fracking is a recovery technique that has been successful in unlocking oil from difficult locations, resulting in the expansion of drilling in previously untapped areas. It consists of injecting a mixture of sand, water and chemicals deep into the underground strata to crack shale and release the oil trapped within. Given California’s extensive shale oil deposits, many believe fracking has the potential to make the state energy-independent.

However, the technique has drawn opposition from numerous environmental groups, triggering a vigorous debate about whether widespread fracking should be allowed and, if so, under what conditions. In response, lawmakers introduced 10 bills on the subject. SB 4 (Pavley) was the only one to survive. While this legislation does not prohibit fracking, it requires companies to obtain permits before they can drill, to monitor groundwater, to publicly disclose the chemicals
being used, and to notify the public of planned wells. Generally, environmental groups backed SB 4, though some turned against the measure at the last minute because it did not impose a moratorium on fracking. The oil industry opposed SB 4, arguing that the legislation consists of burdensome regulations.

**Property Tax Increment Financing:** Just two years after lawmakers eliminated redevelopment agencies, the Legislature considered a grab bag of bills to allow local governments to use other types of property tax increment financing mechanisms for economic development and infrastructure projects. Several of these measures were poised to be sent to Gov. Brown. However, the Governor warned lawmakers that he was not inclined to sign any bills expanding the scope of infrastructure financing districts or creating other types of property tax increment financing entities until the process for winding down redevelopment agencies has been completed. In response, the legislative leadership held up all of these measures, and they are now two-year bills.

**Tax-Related Ballot Measures:** The prospect of supermajorities in both the Assembly and Senate spawned the introduction of a plethora of constitutional amendments designed to lower the voting requirement for local governments to incur bonded indebtedness and impose special taxes. Two are specific to transportation: SCA 4 (Liu) and SCA 8 (Corbett). Both of these constitutional amendments call for lowering the voting threshold for approving local transportation special taxes to a 55 percent majority.

While all of the constitutional amendments dealing with this subject matter received some consideration during the session, they stalled when it became clear that the legislative leadership did not want to engage in any conversation about tax reforms this year. In the case of SCA 4 and SCA 8, both were heard and approved by the Senate Governance & Finance Committee and the Senate Transportation & Housing Committee, but were held up in the Senate Appropriations Committee.

An odd turn of events occurred when SCA 4 was considered by the Senate Transportation & Housing Committee. Without any prodding from the committee, Sen. Carol Liu (D-La Canada Flintridge), the author of SCA 4, voluntarily accepted amendments requiring: (1) at least 50 percent of the tax proceeds from the ballot proposition to be expended for programs or purposes included in a sustainable communities strategy; and (2) tax proceeds to be provided for ongoing maintenance of any state highway expansion project included in the ballot proposition’s expenditure plan. These amendments have raised concerns about limiting the ability of agencies to craft a ballot proposition that addresses local transportation priorities and that has a chance of succeeding at the polls. SCA 8 does not include these provisions.

Prepared By: Kurt Evans, Government Affairs Manager
Memo No. 3829
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.
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<tr>
<td><strong>AB 8</strong> (Perea)</td>
<td>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>9/6/13</td>
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<td><strong>AB 10</strong> (Alejo)</td>
<td>Minimum Wage</td>
<td>Increases the minimum wage for all industries as follows: (a) to $9 per hour beginning July 1, 2014; and (b) to $10 per hour beginning January 1, 2016.</td>
<td>9/11/13</td>
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<td><strong>AB 14</strong> (B. Lowenthal)</td>
<td>State Freight Plan</td>
<td>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.</td>
<td>5/6/13</td>
<td>Signed into Law: Chapter #223</td>
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<td><strong>AB 25</strong> (Campos)</td>
<td>Public Employment: Social Media</td>
<td>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.</td>
<td>5/1/13</td>
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<td><strong>AB 26</strong> (Bonilla)</td>
<td>Greenhouse Gas Reduction Fund: Refineries</td>
<td>Specifies that cap-and-trade revenues deposited into the Greenhouse Gas Reduction Fund are public funds. If cap-and-trade revenues are made available to the owner or operator of a refinery to perform work to reduce greenhouse gas emissions, requires all work that is not performed by the owner’s or operator’s own employees and that falls within an apprenticeship occupation to be performed by skilled journeypersons and registered apprentices.</td>
<td>6/25/13</td>
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<td>AB 53 (J. Perez) 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. In carrying out this responsibility, requires the Office of Business &amp; Economic Development to commission a study that includes all of the following: (1) recommendations regarding an economic development strategy for the state; (2) governmental and non-governmental impediments to economic development, and a list of legislative, regulatory and administrative reforms necessary to ease those impediments, and 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 where the state should focus its economic development efforts; (5) strategies to foster job growth and economic development covering all state agencies, offices, boards, and commissions that have economic development responsibilities; (6) an evaluation of proposals, policies and goals developed at the regional level; (7) strengths and weaknesses of the California economy and the state’s prospects for future economic prosperity; (8) existing, emerging and declining industries in California and elsewhere; (9) effectiveness of California’s economic development programs in creating and retaining jobs and attracting industries; (10) adequacy of state and local physical and economic infrastructure; (11) opportunities to leverage federal resources for state priorities; and (12) tactics for attracting private capital to the state and investment in state priority areas.</td>
<td>9/3/13</td>
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<td>AB 153 (Bonilla) Global Warming Solutions Act of 2006: Offset Protocols</td>
<td>By January 1, 2015, requires the California Air Resources Board (CARB) to adopt a process for the review and consideration of new offset protocols for purposes of compliance with its cap-and-trade regulation. Beginning January 1, 2014, and annually thereafter, requires CARB to use that process to review and consider new offset protocols. Requires CARB to establish incentives and guidelines that prioritize the approval of offset protocols, in the following order, the result in: (1) the creation of green jobs and the reduction of greenhouse gas emissions in the state; (2) air quality benefits in California communities disproportionately impacted by air pollution; and (3) co-benefits to public health and the environment anywhere in the state.</td>
<td>4/8/13</td>
<td>Assembly Appropriations Committee</td>
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<td>AB 160 (Alejo) California Public Employees’ Pension Reform Act: Exemption for Transit Union Employees</td>
<td>Exempts the retirement plans for public transit employees whose collective bargaining rights are protected under the “13(c)” provisions of federal law from the California Public Employees’ Pension Reform Act (PEPRA), if the U.S. Department of Labor has issued a written determination that PEPRA is in conflict with federal law.</td>
<td>5/28/13</td>
<td>Assembly Appropriations Committee</td>
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<td>AB 164 (Wieckowski) Infrastructure Projects: Performance and Payment Bonds</td>
<td>Requires a lease agreement between a governmental entity undertaking an infrastructure project and a private entity to include: (1) performance bonds as security to ensure the completion of the construction of the facility; and (2) payment bonds to secure the payment of claims of laborers, mechanics and material suppliers employed on the work under contract.</td>
<td>6/5/13</td>
<td>Signed into Law: Chapter #94</td>
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<td>AB 179</td>
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<td>Electronic Transit Fare Collection Systems</td>
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<td><strong>AB 206</strong> (Dickinson) Sacramento Regional Transit: Three-Position Bike Racks</td>
<td>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.</td>
<td>4/1/13</td>
<td>Signed into Law: Chapter #95</td>
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<td><strong>AB 210</strong> (Wieckowski) Alameda and Contra Costa Counties: Transactions and Use Taxes</td>
<td>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.</td>
<td>4/23/13</td>
<td>Signed into Law: Chapter #194</td>
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<td><strong>AB 218</strong> (Dickinson) Employment Applications: Criminal History</td>
<td>Commencing July 1, 2014, prohibits a state or local agency from asking an applicant for employment to disclose, orally or in writing, information concerning the conviction history of the applicant until the agency has determined that the applicant meets the minimum employment qualifications, as stated in any notice issued for the position. Specifies that the provisions of the bill do not apply to: (1) a position for which a state or local agency is otherwise required by law to conduct a conviction history background check; (2) any position within a criminal justice agency; or (3) any individual working on a temporary or permanent basis for a criminal justice agency on a contract basis or on loan from another governmental entity.</td>
<td>5/24/13</td>
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<td><strong>AB 220</strong> (Ting) Low-Emission Vehicles</td>
<td>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.</td>
<td>4/30/13</td>
<td>Assembly Revenue &amp; Taxation Committee</td>
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<td><strong>AB 225</strong>&lt;br&gt;(Nestande)&lt;br&gt;Medium-Speed Electric Vehicles</td>
<td>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.</td>
<td>5/9/13</td>
<td>Senate Transportation &amp; Housing Committee</td>
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<td><strong>AB 229</strong>&lt;br&gt;(J. Perez)&lt;br&gt;Infrastructure and Revitalization Financing Districts</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>
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<td>AB 243 (Dickinson)</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 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.</td>
<td>8/19/13</td>
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<td>AB 266 (Blumenfield)</td>
<td>Unless preempted by federal law, extends the authorization for battery electric, hydrogen fuel cell and compressed natural gas vehicles to use high-occupancy vehicle (HOV) lanes regardless of the number of occupants to January 1, 2019. Provides that this bill shall become operative only if SB 286 (Yee) is also enacted.</td>
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<td>AB 278 (Gatto)</td>
<td>When promulgating regulations or other policies on the carbon intensity of fuels, requires the California Air Resources Board (CARB) to consider all of the following sustainability factors: (1) the full life-cycle carbon emissions from the production of a fuel; (2) the positive or negative effect of a fuel source on the domestic food supply, as determined by CARB, including crop displacement, food prices, food shipping, and market conditions; and (3) the direct and indirect land-use changes resulting from fuel production. In addition, requires CARB to consider the state of the fuel market and technologies. By December 1, 2014, requires CARB to: (1) include mechanisms and policies that favor low-carbon fuels with the highest possible sustainability based on the aforementioned factors; and (2) encourage incentives for sustainable fuels produced without food stock or displacement of food crops.</td>
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<td>AB 284 (Quirk)</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>AB 294 (Holden)</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>AB 313 (Frazier)</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>
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<td>AB 374 (Wagner)</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>
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<td>AB 380 (Dickinson)</td>
<td>Requires a lead agency to file certain notices required by the California Environmental Quality Act (CEQA) with the Office of Planning &amp; Research and the applicable county clerk for the purpose of being posted for public review.</td>
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<td>Design-Build Contracting: State Highway Projects</td>
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<td>Until January 1, 2024, allows Caltrans to use design-build contracting for 10 projects on the state highway system, and regional transportation agencies, as defined, to use design-build contracting for an unlimited number of projects on local expressways or the state highway system based on either best value or lowest responsible bidder. Requires Caltrans to perform construction inspection services for any project on or interfacing with the state highway system where a regional transportation agency uses design-build contracting as authorized by this bill. Allows Caltrans to use department employees or consultants under contract with the department to perform these services. In cases where Caltrans is required to perform construction inspection services, requires the regional transportation agency and the department to enter into a cooperative agreement reflecting the roles and responsibilities assigned by law. Specifies that the cooperative agreement shall include a requirement to develop a mutually agreed-upon issue resolution process with a primary objective to ensure that the project stays on schedule and issues between the parties are resolved in a timely manner.</td>
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<td>AB 416</td>
<td>Local Emission Reduction Program</td>
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<td>(Gordon)</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>
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<td>AB 417</td>
<td>CEQA: Bicycle Transportation Plans</td>
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<td>(Frazier)</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>
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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 (Quirk-Silva) 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>8/29/13</td>
<td>Governor’s Office</td>
<td>Support</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, sales or other conveyances of property owned or 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>6/12/13</td>
<td>Signed into Law: Chapter #132</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)</td>
<td>Toll Facilities: Interoperability</td>
<td>4/17/13</td>
<td>Signed into Law: Chapter #79</td>
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<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>
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<td>AB 515 (Dickinson)</td>
<td>CEQA: Judicial Review</td>
<td>3/11/13</td>
<td>Assembly Judiciary Committee</td>
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<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>
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<td>AB 528 (Lowenthal)</td>
<td>State Rail Plan</td>
<td>6/4/13</td>
<td>Signed into Law: Chapter #237</td>
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<td>Requires 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; and (6) a freight rail element that discusses environmental impacts, financing issues, intermodal connections, current system deficiencies, service objectives, and new technologies. 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>
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<td><strong>AB 543</strong>&lt;br&gt;(Campos) CEQA: Translations</td>
<td>Requires a lead agency to translate certain notices required by the California Environmental Quality Act (CEQA), as well as a summary of any negative declaration, mitigated negative declaration or environmental impact report (EIR) when a group of non-English-speaking people comprises at least 25 percent of the population within the lead agency’s jurisdiction, and the project is proposed to be located at or near an area where the group of non-English-speaking people comprises at least 25 percent of the residents of that area.</td>
<td>5/24/13</td>
<td>Senate Environmental Quality Committee</td>
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<p>| <strong>AB 574</strong>&lt;br&gt;(B. Lowenthal) Sustainable Communities Infrastructure Program | 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. | 4/15/13 | Assembly Appropriations Committee | Support |</p>
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<td>AB 603 (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>AB 628 (Gorell) Energy Management Plans for Harbor and Port Districts</td>
<td>Authorizes a harbor or port district to jointly prepare one or more energy management plans with an electrical corporation, gas corporation, community choice aggregator, or public utility serving the district in order to reduce air emissions, promote economic development, encourage the development of new businesses, and retain existing businesses in the district. Requires the California Public Utilities Commission (CPUC) to encourage electrical and gas corporations to participate jointly with local agencies in developing, implementing and administering viable energy management plans for harbor or port districts.</td>
<td>9/11/13</td>
<td>Governor’s Office</td>
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<td>AB 662 (Atkins) Infrastructure Financing Districts: Redevelopment Areas</td>
<td>Allows an infrastructure financing district to include any portion of a former redevelopment project area within its boundaries.</td>
<td>9/6/13</td>
<td>Governor’s Office</td>
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<td>AB 690 (Campos) Jobs and Education Financing Districts</td>
<td>Revises and recasts current law governing infrastructure financing districts, and instead provides for the creation of jobs and education 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 the costs of public facilities, and real and tangible commercial property improvements. Requires a jobs and education 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>9/11/13</td>
<td>Assembly Local Government Committee</td>
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<td>AB 716 (Quirk-Silva) State Infrastructure Plan</td>
<td>Requires the five-year state infrastructure plan to include an analysis of investment coordination opportunities related to infill and transit-oriented development. For purposes of the plan, expands the definition of infrastructure to include housing.</td>
<td>6/18/13</td>
<td>Senate Appropriations Committee</td>
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<td>AB 730 (Alejo) Monterey-Salinas Transit District: Revenue Bonds</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. Specifies that bonds issued for the acquisition of equipment shall be of a duration that does not exceed the useful life of the equipment.</td>
<td>9/3/13</td>
<td>Governor’s Office</td>
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<td><strong>AB 738</strong>&lt;br&gt;(Harkey)&lt;br&gt;Public Entity Liability: Bicycles</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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<td><strong>AB 749</strong>&lt;br&gt;(Gorell)&lt;br&gt;Public-Private Partnerships</td>
<td>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.</td>
<td>4/11/13</td>
<td>Assembly Transportation Committee</td>
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<td><strong>AB 755</strong>&lt;br&gt;(Ammiano)&lt;br&gt;Bridges: Suicide Barriers</td>
<td>Requires a project study report prepared for any new project involving the construction of a new bridge or the replacement of a bridge with a history of suicides that is incorporated in a Regional Transportation Improvement Program (RTIP), in the Interregional Transportation Improvement Program (ITIP), or in the State Highway Operation and Protection Program (SHOPP) to include a document demonstrating that a suicide barrier was a feature considered during the project’s planning process.</td>
<td>9/6/13</td>
<td>Governor’s Office</td>
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<td><strong>AB 797</strong>&lt;br&gt;(Gordon)&lt;br&gt;Santa Clara Valley Transportation Authority and San Mateo County Transit District: CMGC Contracting</td>
<td>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.</td>
<td>4/15/13</td>
<td>Governor’s Office</td>
<td>Sponsor</td>
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<td><strong>AB 801</strong>&lt;br&gt;(Brown)&lt;br&gt;Nonferrous Materials: Indicia of Ownership</td>
<td>Requires junk dealers and recyclers to obtain a proof of ownership record before providing payment for nonferrous materials marked with an indicia of ownership.</td>
<td>As Introduced</td>
<td>Assembly Business, Professions &amp; Consumer Protection Committee</td>
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<td><strong>AB 840</strong> (Ammiano) Driver’s License Application Requirements</td>
<td>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. Requires the statement to be incorporated at the first reprinting of the application or after January 1, 2014, and at each reprinting thereafter.</td>
<td>5/24/13</td>
<td>Senate Transportation &amp; Housing Committee</td>
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<td><strong>AB 841</strong> (Torres) Nonferrous Materials: Payment for Recycling</td>
<td>Requires a junk dealer or recycler to provide payment for nonferrous materials only by check mailed to the seller’s address.</td>
<td>4/10/13</td>
<td>Governor’s Office</td>
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<td><strong>AB 842</strong> (Donnelly) 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> (Torres) 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 886</strong> (Allen) California Transportation Financing Authority: Tax Credit Certificates</td>
<td>Allows the California Transportation Financing Authority 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 California Transportation Financing Authority 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>4/16/13</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>AB 909</strong> (Gray)</td>
<td>Metal Theft Task Force Program</td>
<td>Requires the Department of Justice 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 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. Prohibits General Fund dollars from being deposited into the fund and from being used to implement the program.</td>
<td>9/3/13</td>
<td>Governor’s Office</td>
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<td><strong>AB 918</strong> (Cooley)</td>
<td>State Emergency Plan</td>
<td>By July 31, 2015, requires the Office of Emergency Services to update the State Emergency Plan to include best practices for local governments and non-governmental entities to use to mobilize and evacuate people with disabilities, and others with access and functional needs during an emergency or natural disaster.</td>
<td>5/1/13</td>
<td>Signed into Law: Chapter #187</td>
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<td><strong>AB 946</strong> (Stone)</td>
<td>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 the 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 and the CHP which state highway segments within their service areas would be designated as transit-bus-only traffic corridors based on right-of-way availability and capacity, 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 associated with this effort, including those costs related to repairs attributable to the operation of transit buses on highway shoulders.</td>
<td>6/26/13</td>
<td>Signed into Law: Chapter #187</td>
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<td><strong>AB 953</strong> (Ammiano)</td>
<td>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><strong>AB 1002</strong> (Bloom) Vehicle Registration Surcharge: Sustainable Communities Strategies</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><strong>AB 1046</strong> (Gordon) Innovative Delivery Team Demonstration Program</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 Appropriations 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>Signed into Law: Chapter #198</td>
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<td><strong>AB 1077</strong>&lt;br&gt;(Muratsuchi)&lt;br&gt;Alternative Fuel Vehicles</td>
<td>Until January 1, 2022, in calculating the sales tax owed, excludes from the terms “gross receipts” and “sales price” any amount allowed as a credit under federal or state law as an incentive to further reduce the purchase price of a new alternative fuel motor vehicle. Specifies that the exemption applies to the market value of the vehicle for purposes of assessing the vehicle license fee charge.</td>
<td>6/15/13</td>
<td>Assembly Appropriations Committee</td>
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<td>State Assembly Bills</td>
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<td><strong>AB 1080</strong>&lt;br&gt;(Alejo)&lt;br&gt;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. Prohibits a city or county with a redevelopment agency that was dissolved from forming a community revitalization and 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 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: non-seasonal 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 or inadequate infrastructure, or 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>8/20/13</td>
<td>Senate Appropriations Committee</td>
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<td><strong>AB 1081</strong>&lt;br&gt;(Medina)&lt;br&gt;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; (2) identification of state goods movement needs and strategies to address them, as outlined in the state freight plan; (3) recommendations for private-sector financing for goods-movement-related infrastructure; and (4) any good-movement-related infrastructure projects identified by Caltrans as eligible to submit to infrastructure financing exchanges.</td>
<td>8/12/13</td>
<td>Senate Appropriations Committee</td>
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<td><strong>AB 1092</strong>&lt;br&gt;(Levine)&lt;br&gt;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>6/10/13</td>
<td>Governor’s Office</td>
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<td><strong>AB 1158</strong>&lt;br&gt;(Waldron)&lt;br&gt;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><strong>AB 1179</strong>&lt;br&gt;(Bocanegra)&lt;br&gt;Sustainable Communities Strategies: School Sites</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>3/21/13</td>
<td>Assembly Local Government Committee</td>
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<td><strong>AB 1193</strong>&lt;br&gt;(Ting)&lt;br&gt;Bikeways</td>
<td>Requires local and regional agencies responsible for the development or operation of roadways where bicycle travel is permitted to utilize all minimum safety design criteria and uniform specifications for signs, markers and traffic control devices pursuant to industry standards, rather than standards developed by Caltrans. Requires Caltrans to establish procedures to permit exceptions to the requirement to follow industry standards.</td>
<td>4/25/13</td>
<td>Assembly Local Government Committee</td>
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<td><strong>AB 1194</strong>&lt;br&gt;(Ammiano)&lt;br&gt;Safe Routes to School Program</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 20 percent of the program funds 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>5/24/13</td>
<td>Senate Transportation &amp; Housing Committee</td>
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<td><strong>AB 1222</strong>&lt;br&gt;(Bloom)&lt;br&gt;Public Employees’ Retirement: 13(c)</td>
<td>Specifies that the California Public Employees’ Pension Reform Act of 2013 (PEPRA) does not apply to public employees whose interests are protected under 13(c) until: (a) a federal district court rules that the U.S. Department of Labor erred in determining that the application of PEPRA precludes certification of federal transit grant funds; or (b) January 1, 2015, whichever occurs first. Provides that if a federal district court upholds the U.S. Department of Labor’s determination, then PEPRA shall not apply to such public employees.</td>
<td>9/4/13</td>
<td>Governor’s Office</td>
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<td><strong>AB 1235</strong>&lt;br&gt;(Gordon)&lt;br&gt;Local Agencies: Financial Management Training</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 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. Requires the Treasurer’s Office and Controller’s Office to work together to develop standardized criteria that sufficiently meet the requirements of this bill.</td>
<td>9/6/13</td>
<td>Governor’s Office</td>
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<td><strong>AB 1248</strong> (Cooley)</td>
<td>Local Agencies: Internal Control Guidelines</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 the Controller’s Office to post the completed internal control guidelines on its Internet Web site to assist local agencies in establishing a system of internal controls to safeguard assets, and to prevent and detect financial errors and fraud.</td>
<td>5/24/13</td>
<td>Signed into Law: Chapter #190</td>
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<td><strong>AB 1272</strong> (Medina)</td>
<td>California Infrastructure and Economic Development Bank</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>As Introduced</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>AB 1290</strong> (J. Perez)</td>
<td>Transportation Planning</td>
<td>Changes the composition of the California Transportation Commission (CTC) to include 16 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 chairperson of the California Air Resources Board (CARB) to serve as an ex-officio member; (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, the Assembly speaker and the Senate Rules Committee 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 the sustainable communities strategies required to be adopted by transportation planning agencies as part of their regional transportation plans (RTPs). Requires each transportation planning agency to provide the CTC with a copy of its sustainable communities strategy and a brief report describing the progress that the agency has made in reducing greenhouse gas emissions. Provides that the report may also outline the challenges that affect the implementation of an agency’s sustainable communities strategy, and the attainment of its greenhouse gas emissions reduction target. Requires the CTC’s annual report to the Legislature to include a summary of its actions in monitoring the outcomes from the adoption of sustainable communities strategies. Requires a regional transportation improvement program (RTIP) to include a discussion of how the program relates to the region’s adopted sustainable communities strategy.</td>
<td>9/3/13</td>
<td>Governor’s Office</td>
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<td>AB 1330 (J. Perez)</td>
<td>Environmental Justice</td>
<td>9/6/13</td>
<td>Senate Floor</td>
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<td>Environmental Justice</td>
<td>If the legislative body of a local government entity limits the time for public comment, prohibits that body from counting the time used by a translator to translate comments from a non-English-speaker in determining whether the speaker has exceeded his or her time limit, unless simultaneous translation equipment is used. By January 1, 2015, requires the California Environmental Protection Agency (CalEPA) to establish a list of environmental justice communities that identifies the top 15 percent of communities in the state, based on census tracts, disproportionately impacted by environmental hazards. Requires CalEPA to revise the list on a triennial basis. Requires enforcement agencies with jurisdiction over certain environmental laws and the courts to double the maximum amount of fines and penalties assessed if a violation occurs at a facility located in an environmental justice community that results in an increased level of emissions or discharges that exceeds the level permitted under law. Requires a portion of these fines and penalties to be deposited into the Green Zone Trust Fund to be used to support projects that are environmentally beneficial to environmental justice communities. By January 1, 2016, requires the Department of Toxic Substances Control to prepare and submit to the Legislature a state Hazardous Waste Reduction Plan that identifies measures necessary to achieve a significant reduction in the amount of hazardous waste generated and disposed of in California by 2025 to the maximum extent practicable. Requires the department to report to the Legislature on a biennial basis on its progress toward achieving the goals in the plan.</td>
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<td>AB 1333 (Hernandez)</td>
<td>Local Agency Contracts: Automatic Renewal Clauses</td>
<td>6/26/13</td>
<td>Senate Governance &amp; Finance Committee</td>
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<td>Local Agency Contracts: Automatic Renewal Clauses</td>
<td>If a contract or memorandum of understanding (MOU) between a local agency and a private party with a total annual value of $250,000 or more contains an automatic renewal clause, requires the local agency to adopt a resolution that either exercises or declines to exercise the option to rescind the contract on or before the annual date by which the contract may be rescinded. Excludes a contract or MOU between a public agency and an employee organization that establishes terms and conditions of employment for the agency’s employees from the provisions of the bill.</td>
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<td>AB 1371 (Bradford)</td>
<td>Bicycles: Passing Distances</td>
<td>8/20/13</td>
<td>Governor’s Office</td>
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<td>Bicycles: Passing Distances</td>
<td>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. Specifies that the provisions of the bill shall become operative on September 16, 2014.</td>
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<td>AB 1375 (Chau)</td>
<td>Clean Technology Investment Account</td>
<td>5/7/13</td>
<td>Assembly Appropriations Committee</td>
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<td>Clean Technology Investment Account</td>
<td>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.</td>
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<td><strong>ACA 6</strong> (Gatto) Constitutional Amendments</td>
<td>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.</td>
<td>As Introduced</td>
<td>Assembly Floor</td>
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<td><strong>ACA 8</strong> (Blumenfield) Local Government Financing: Voter Approval</td>
<td>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 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.</td>
<td>4/4/13</td>
<td>Senate Governance &amp; Finance Committee</td>
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<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. Also provides that a city, county or special district that has declared a fiscal emergency cannot form a Sustainable Communities Investment Authority, unless it subsequently declares that the fiscal emergency has been resolved. Requires a Sustainable Communities Investment Area to include only the following: (1) transit priority project areas; (2) areas that are small walkable communities; or (3) sites that have land-use approvals, covenants, conditions, or other effective controls restricting them to clean energy manufacturing. Provides that a taxing agency participating in or approving the formation of a Sustainable Communities Investment Authority, or appointing governing board members to the authority may authorize an allocation to the authority of all or part of the tax increment revenues that otherwise would be paid to that taxing agency. Excludes school districts from participating in a Sustainable Communities Investment Authority. Allows an authority to adopt a plan for a Sustainable Communities Investment Area, which may include a provision for the receipt of tax increment funds, if the local government with land-use jurisdiction has adopted all of the following: (1) a sustainable parking standards ordinance that restricts parking in transit priority project areas to encourage public transit use to the greatest extent feasible; (2) an ordinance creating a jobs plan; (3) for transit priority project areas and small walkable communities within a metropolitan planning organization (MPO), a plan consistent with the use designation, density, building intensity, and applicable policies specified for the Sustainable Communities Investment Area in the sustainable communities strategy; (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>9/3/13</td>
<td>Senate Floor: Concurrence</td>
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<td><strong>SB 7</strong>&lt;br&gt;(Steinberg)&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 prior two 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 for all of its public works contracts 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. Specifies that a charter city is not restricted from receiving or using state funding or financial assistance: (1) that was awarded to the city prior to January 1, 2015; or (2) to complete a contract that was awarded prior to January 1, 2015.</td>
<td>8/7/13</td>
<td>Governor’s Office</td>
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<td><strong>SB 11</strong>&lt;br&gt;(Pavley)&lt;br&gt;Alternative Fuel and Vehicle Technologies: Funding Programs</td>
<td>Extends the authorization and various funding sources for the following three alternative fuel and vehicle technology programs until January 1, 2024: (1) the Enhanced Fleet Modernization Program administered by the California Air Resources Board (CARB); (2) the Alternative and Renewable Fuel and Vehicle Technology Program administered by the California Energy Commission; and (3) the Air Quality Improvement Program administered by CARB. Extends the authorization for the Carl Moyer Program administered by local air districts until January 1, 2024. Provides that this bill shall become operative only if AB 8 (Perea) is also enacted.</td>
<td>9/6/13</td>
<td>Assembly Transportation Committee</td>
<td>Support</td>
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<td><strong>SB 13</strong>&lt;br&gt;(Beall)&lt;br&gt;California Public Employees’ Pension Reform Act: Clean-Up</td>
<td>Makes various technical changes to the California Public Employees’ Pension Reform Act of 2013 (PEPRA). Includes provisions to resolve an unintended problem that PEPRA creates for the Santa Clara Valley Transportation Authority (VTA) stemming from the lack of reciprocity between VTA’s two pension plans.</td>
<td>9/11/13</td>
<td>Governor’s Office</td>
<td>Support</td>
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<td>SB 33 (Wolk) 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. Prohibits an infrastructure financing district from financing any project or portion of a project within the boundaries of a former redevelopment agency until the successor agency to the former redevelopment agency has received a finding of completion from the Department of Finance. 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>8/26/13</td>
<td>Assembly Floor</td>
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<td>SB 64 (Corbett) Global Warming Solutions Act of 2006: Clean Technology Investment Account</td>
<td>Creates the Clean Technology Investment Account within the Greenhouse Gas Reduction Fund. Requires the Legislature to annually appropriate cap-and-trade revenues or other funds to the Clean Technology Investment Account in the Budget Act. Requires the revenues in the account to be made available to the California Air Resources Board (CARB) to provide grants to non-profit public benefit corporations and regional technology alliances to design and implement programs that accelerate the development, demonstration and deployment of transformative technologies that would reduce greenhouse gas emissions and foster job creation in the state.</td>
<td>6/14/13</td>
<td>Assembly Natural Resources Committee</td>
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<td>SB 99 (Budget &amp; Fiscal Review Committee)</td>
<td>Active Transportation Program</td>
<td>Consolidates the Bicycle Transportation, Safe Routes to School and Recreational Trails Programs into a new Active Transportation Program. Expresses the intent of the Legislature that the program achieve all of the following goals: (1) increase the proportion of trips accomplished by biking and walking; (2) increase safety and mobility for non-motorized users; (3) advance the active transportation efforts of regional agencies to achieve greenhouse gas emissions reduction goals; (4) ensure public health; (5) ensure that disadvantaged communities fully share in the benefits of the program; and (6) provide a broad spectrum of projects to benefit many types of active transportation users. Provides that the Active Transportation Program shall be funded as follows: (1) 100 percent of the state’s share of federal Transportation Alternative Program (TAP) funds, except for any federal Recreational Trails Program funds appropriated to the Department of Parks &amp; Recreation; (2) $21 million in federal Highway Safety Improvement funds; and (3) State Highway Account funds. Requires Active Transportation Program funds to be distributed as follows: (1) 50 percent awarded to projects through statewide competitive grants; (2) 40 percent allocated by formula to large, urban metropolitan planning organizations (MPOs); and (3) 10 percent allocated on a competitive basis to projects in small urban and rural areas. Except in the case of the formula allocations to the large, urban MPOs, requires the California Transportation Commission (CTC) to be responsible for evaluating grant applications and selecting projects. Requires the CTC to develop guidelines, a list of eligible project types, project selection criteria, and performance measures for the Active Transportation Program. Requires the CTC’s guidelines to include a process for ensuring that a minimum of 25 percent of overall program funding benefits disadvantaged communities. Requires the CTC to adopt a program of projects by April 1 of each odd-numbered year.</td>
<td>9/3/13</td>
<td>Governor’s Office</td>
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<td>SB 110 (DeSaulnier)</td>
<td>East Span, San Francisco-Bay Bridge Safety Review Task Force</td>
<td>Creates the East Span, San Francisco-Bay Bridge Safety Review Task Force consisting of seven members designated by the Legislative Analyst’s Office (LAO). Requires the members of the task force to: (1) be well-credentialed, recognized experts in bridge design and construction, foundation design, seismic hazard analysis, or a related field; and (2) have minimal or no prior involvement in the design, construction or review of the new eastern span of the Bay Bridge. Requires the task force to assess the anticipated seismic structural performance of the eastern span as follows: (1) review the seismic design criteria of the eastern span; (2) review construction techniques, testing documents and other pertinent information on the construction of the eastern span; (3) review and evaluate analyses performed by Caltrans to assess the impact of any identified construction defects; and (4) perform a high-level assessment of the risk analysis conducted by Caltrans to determine whether the department’s evaluations of the eastern span’s seismic performance as a lifeline structure in the event of a design-level, large earthquake are appropriate. Requires the LAO to provide administrative support for the task force. Appropriates $149,000 from the State Highway Account to the LAO for the purpose of paying for the compensation and expense reimbursements of the members of the task force. Requires the Bay Area Toll Authority (BATA) to reimburse the State Highway Account for all funds expended by the LAO to implement the provisions of this bill. Requires Caltrans to cooperate fully with the task force, and to provide it with all relevant information and records that it requests. By July 1, 2014, requires the task force to submit to the Governor and the Legislature a final report that sets forth the results of its assessment.</td>
<td>8/8/13</td>
<td>Governor’s Office</td>
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| **SB 123**  
(Corbett)  
Environmental and Land-Use Court Divisions | 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. | 5/2/13 | Senate Appropriations Committee |  |
| **SB 142**  
(DeSaulnier)  
Public Transit: Special Benefit Districts | Until January 1, 2021, 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 station, bus transfer station or ferry terminal. Requires the proceeds from such assessments to be used to finance the acquisition, construction, development, joint development, operation, maintenance, or repair of the station or terminal 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. | 8/22/13 | Governor’s Office Support |  |
| **SB 194**  
(Galgiani)  
Electronic Wireless Communications Devices | 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. | As Introduced | Governor’s Office |  |
| **SB 230**  
(Knight)  
Farebox Recover Ratio: Certificates of Participation | 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). | 3/18/13 | Senate Transportation & Housing Committee |  |
| **SB 242**  
(Wyland)  
Toll Collection: Alternative Technologies | Authorizes 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. | 4/23/13 | Assembly Transportation Committee |  |
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<td>SB 286 (Yee) HOV Lanes: Green Sticker Program</td>
<td>Unless pre-empted by federal law, extends the authorization for plug-in hybrid vehicles to use high-occupancy vehicle (HOV) lanes regardless of the number of occupants to January 1, 2019. Provides that this bill shall become operative only if AB 266 (Blumenfield) is also enacted.</td>
<td>8/22/13</td>
<td>Governor’s Office</td>
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<td>SB 380 (Padilla) Communications: Service Interruptions</td>
<td>Prohibits a governmental entity, as well as a provider of communications service acting at the request of a governmental entity, from undertaking to interrupt communications service in order to protect public safety or prevent the use of communications service for an illegal purpose, except pursuant to an order signed by a judicial officer. Allows for the interruption of communications service without first obtaining a court order only in an extreme emergency situation involving immediate danger of death or great bodily injury. In this situation, requires the governmental entity to apply for a court order without delay, but within six hours after commencement of an interruption of communications service. Specifies that good faith reliance upon an order of a judicial officer constitutes a complete defense for any communications provider against any action brought as a result of the interruption to communications service as directed by that order.</td>
<td>8/22/13</td>
<td>Governor’s Office</td>
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<td>SB 391 (DeSaulnier) California Homes and Jobs Trust Fund</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. For all public works projects costing in excess of $1 million that are funded in whole or in part from the Homes and Jobs Trust Fund, requires either of the following: (1) the Department of Industrial Relations to monitor and enforce compliance with prevailing wage requirements for any construction contract; or (2) the project sponsor to have in place a collective bargaining agreement that binds all of the contractors performing work on the project and that includes a mechanism for resolving disputes regarding the payment of wages. Requires the Department of Housing and Community Development to develop and submit to the Legislature a five-year California Homes and Jobs Trust Fund Investment Strategy in conjunction with the Governor’s FY 2015 May Revision to the State Budget. Beginning with FY 2020, requires the department to submit an update of the California Homes and Jobs Trust Fund Investment Strategy every five years concurrent with the release of the Governor’s proposed budget.</td>
<td>8/8/13</td>
<td>Assembly Appropriations Committee</td>
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<td>SB 407 (Hill) 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>Signed into Law: Chapter #213</td>
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<td>SB 408 (De Leon) 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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<td>SB 425 (DeSaulnier) Public Works Peer Review Act of 2013</td>
<td>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.</td>
<td>5/7/13</td>
<td>Signed into Law: Chapter #252</td>
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<td>SB 454 (Corbett) Electric Vehicle Charging Stations</td>
<td>Specifies that any person desiring to use an electric vehicle charging station that requires payment of a fee shall not be required to pay a subscription fee, or to obtain a membership in any club, association or organization. Requires the total actual charges for the use of an electric vehicle charging station, including any additional network roaming charges for non-members, to be disclosed to the public at the point of sale. Provides that any electric vehicle charging station that requires the payment of a fee must allow a person desiring to use the station to pay via credit card or mobile technology. Allows an electric vehicle charging station to offer services on a subscription- or membership-only basis provided that non-subscribers and non-members have the ability to use the station through the two aforementioned payment options. If no interoperability billing standards have been adopted by a national standards organization by January 1, 2015, authorizes the California Air Resources Board (CARB) to adopt such standards for network roaming payment methods for electric vehicle charging stations. Requires electric vehicle charging stations to meet those standards, if adopted by CARB, within one year.</td>
<td>9/3/13</td>
<td>Governor’s Office</td>
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<td>SB 459 (Pavley) Enhanced Fleet Modernization Program</td>
<td>By June 30, 2015, requires the California Air Resource Board (CARB), in consultation with the Bureau of Automotive Repair, to update the guidelines for the Enhanced Fleet Modernization Program, as specified. When updating the guidelines, requires CARB to study and consider the following elements: (1) methods of financial assistance other than vouchers; (2) an option for automobile dealerships or other used car sellers to accept cars for retirement, provided that the cars are dismantled consistent with the requirements of the program; (3) an incentive structure with varied incentive amounts to maximize program participation and cost-effective emissions reductions; (4) increased emphasis on the replacement of high polluters with cleaner vehicles or increased use of public transit; (5) increased emphasis on the reduction of greenhouse gas emissions through increased vehicle efficiency or public transit use; and (6) increased partnerships and outreach with community-based organizations.</td>
<td>9/11/13</td>
<td>Governor’s Office</td>
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<td><strong>SB 469</strong>&lt;br&gt;(Corbett)&lt;br&gt;Public Contracts:&lt;br&gt;Local Public Transit Vehicles</td>
<td>Requires a local authority awarding a procurement contract for public transit vehicles to give a 10 percent preference to any bidder that agrees that all vehicles to be purchased under the contract are to be manufactured within the state of California. Defines “manufactured within the State of California” to mean a majority of the component parts are to be manufactured or assembled at a facility in California. Defines “public transit vehicle” to mean a vehicle used or intended to be used to transport members of the general public.</td>
<td>As Introduced</td>
<td>Senate Transportation &amp; Housing Committee</td>
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<td><strong>SB 486</strong>&lt;br&gt;(DeSaulnier)&lt;br&gt;Caltrans:&lt;br&gt;Performance Measurement Benchmarks</td>
<td>Requires the secretary of the Transportation Agency to identify performance benchmarks for Caltrans in the following areas: (1) enhancement of public safety; (2) system preservation and rehabilitation; (3) efficiency and cost effectiveness of project delivery; and (4) environmental sustainability. Requires Caltrans to issue reports every three months that measure the department’s success in meeting these performance benchmarks. Requires the transportation secretary to report, on a quarterly basis, to the California Transportation Commission (CTC) on the performance of Caltrans.</td>
<td>9/3/13</td>
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<td><strong>SB 525</strong>&lt;br&gt;(Galgiani)&lt;br&gt;CEQA: Altamont Commuter Express</td>
<td>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.</td>
<td>As Introduced</td>
<td>Senate Environmental Quality Committee</td>
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<td><strong>SB 556</strong>&lt;br&gt;(Corbett)&lt;br&gt;Contractor Disclosures</td>
<td>Prohibits a non-governmental entity that contracts to perform labor or services relating to public health and safety for a public agency from displaying on a vehicle or uniform a logo of the public agency that reasonably could be interpreted as implying that the labor or services are being provided by employees of the public agency, unless the vehicle or uniform conspicuously displays a disclosure, as specified.</td>
<td>9/4/13</td>
<td>Assembly Floor</td>
<td>Oppose</td>
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<td><strong>SB 557</strong>&lt;br&gt;(Hill)&lt;br&gt;High-Speed Rail: Peninsula Corridor</td>
<td>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.</td>
<td>5/2/13</td>
<td>Signed into Law: Chapter #216</td>
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<td><strong>SB 592</strong>&lt;br&gt;(Lieu)&lt;br&gt;Trade Promotion of California Ports</td>
<td>By December 1, 2014, requires the Governor’s Office of Business &amp; Economic Development to provide to the Legislature a strategy for promoting trade for California’s airports, land ports and seaports. 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 greater use of 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.</td>
<td>8/13/13</td>
<td>Assembly Appropriations Committee</td>
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<td>SB 605 (Lara)</td>
<td>California Global Warming Solutions Act: Greenhouse Gas Reduction Fund and Scoping Plan</td>
<td>During FY 2014, requires the Controller’s Office to determine the amount of cap-and-trade auction proceeds collected and deposited into the Greenhouse Gas Reduction Fund by the California Air Resources Board (CARB). Requires $125 million of the unencumbered amount to be appropriated to CARB to expend by June 30, 2014, on projects and programs that are located within and benefit disadvantaged communities in accordance with existing programs within the three-year Cap-and-Trade Auction Proceeds Investment Plan. Prohibits these revenues from being transferred or loaned to any other fund in FY 2014. When updating the scoping plan pursuant to the California Global Warming Solutions Act of 2006, requires 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 any regulatory measures adopted by CARB 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.</td>
<td>7/3/13</td>
<td>Assembly Appropriations Committee</td>
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<td>SB 613 (DeSaulnier)</td>
<td>Bay Area Toll Authority</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>8/26/13</td>
<td>Governor’s Office</td>
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| **SB 628**  
(Beall)  
Infrastructure Financing Districts: Transit Priority Projects | 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 an infrastructure financing district for a transit priority 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 does both of the following: (1) prohibits the number of housing units occupied by extremely low, very low and low-income households from being reduced in the district during the effective period of the infrastructure financing plan; and (2) requires the replacement of dwelling units for extremely low, very low or low-income households within two years. | 8/5/13 | Senate Desk | Support |
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<tr>
<td>SB 731 (Steinberg) CEQA Modernization Act of 2013</td>
<td>States the intent of 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 and parking impacts of a residential, mixed-use residential or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment. By July 1, 2015, requires the Office of Planning &amp; Research to prepare and submit to the Natural Resources Agency for certification and adoption proposed revisions to the CEQA Guidelines establishing criteria for a lead agency to assess the need for translating notices into non-English languages for projects considered pursuant to CEQA and requirements for the posting of those notices in non-English languages. Until January 1, 2017, establishes in the Governor’s Office the position of Renewable Energy Facilities Advisor. If a court finds, as a result of a trial, hearing or remand from an appellate court, that any determination, finding or decision of a public agency has been made without complying with CEQA, requires the court to enter an order that includes issuing an peremptory writ of mandate specifying what action by the public agency is necessary to comply with CEQA. Requires the writ to be limited to that portion of a determination, finding or decision, or the specific project activities found to be in non-compliance only if the court finds all of the following: (1) the portion or specific project activities are severable; (2) severance will not prejudice complete and full compliance with CEQA; and (3) the court has not found the remainder of the project to be in non-compliance. Requires the lead agency, as part of the mitigation monitoring plan and upon the request of a member of the public, to prepare or cause to be prepared an annual report on project compliance with the required mitigation measures that is publicly available online. Requires the Office of Planning &amp; Research to prepare and transmit to the Natural Resources Agency for certification and adoption proposed revisions to the CEQA Guidelines establishing criteria for determining the significance of transportation impacts of projects within transit priority areas. Requires these criteria to promote the reduction of greenhouse gas emissions, the development of multi-modal transportation networks, and a diversity of land uses. In preparing the criteria, requires the Office of Planning &amp; Research to recommend potential metrics to measure transportation impacts that may include vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated. Specifies that upon certification of these revisions by the Natural Resources Agency, automobile delay as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment for projects located in a transit priority area. Authorizes the Office of Planning &amp; Research to adopt revisions to the CEQA Guidelines establishing alternative metrics to traffic levels of service for measuring transportation impacts outside transit priority areas. Requires the Office of Planning &amp; Research to produce a report on economic displacement.</td>
<td>9/9/13</td>
<td>Assembly Local Government Committee</td>
<td></td>
</tr>
<tr>
<td>State Senate Bills</td>
<td>Subject</td>
<td>Last Amended</td>
<td>Status</td>
<td>VTA Position</td>
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<tr>
<td>SB 743 (Steinberg) CEQA: Sacramento Kings Arena and Transit-Oriented Infill Projects</td>
<td>Seeks to speed up the judicial process for handling any California Environmental Quality Act (CEQA) lawsuits filed against the proposed Sacramento Kings arena in downtown Sacramento, limits the ability of the courts to halt construction of this project, and allows mediation to be used to resolve environmental issues related to the project instead of litigation. Requires the Office of Planning &amp; Research to prepare and transmit to the Natural Resources Agency for certification and adoption proposed revisions to the CEQA Guidelines establishing criteria for determining the significance of transportation impacts of projects within transit priority areas. Requires these criteria to promote the reduction of greenhouse gas emissions, the development of multi-modal transportation networks, and a diversity of land uses. In preparing the criteria, requires the Office of Planning &amp; Research to recommend potential metrics to measure transportation impacts that may include vehicle miles traveled, vehicle miles traveled per capita, automobile trip generation rates, or automobile trips generated. Specifies that upon certification of these revisions by the Natural Resources Agency, automobile delay as described solely by level of service or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment for projects located in a transit priority area. Authorizes the Office of Planning &amp; Research to adopt revisions to the CEQA Guidelines establishing alternative metrics to traffic levels of service for measuring transportation impacts outside transit priority areas. For purposes of CEQA, provides that aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment. Establish a new CEQA exemption for projects that are: (1) located in a transit priority area; (2) undertaken to implement a local specific plan for which an environmental impact report has been certified; and (3) consistent with the general-use designation, density, building intensity, and applicable policies specified for the project area in a sustainability communities strategy.</td>
<td>9/12/13</td>
<td>Governor’s Office</td>
<td></td>
</tr>
<tr>
<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 each member present for the action.</td>
<td>6/17/13</td>
<td>Signed into Law: Chapter #257</td>
<td></td>
</tr>
<tr>
<td>SB 785 (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 Floor</td>
<td>Support</td>
</tr>
<tr>
<td>State Senate Bills</td>
<td>Subject</td>
<td>Last Amended</td>
<td>Status</td>
<td>VTA Position</td>
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<tr>
<td><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>
<td>Oppose</td>
</tr>
<tr>
<td><strong>SB 792</strong> (DeSaulnier) 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>
</tr>
<tr>
<td><strong>SB 798</strong> (De Leon) 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>State Senate Bills</td>
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<tr>
<td><strong>SB 810</strong> (Price) Franchise Tax Board: 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>
<td></td>
</tr>
<tr>
<td><strong>SCA 3</strong> (Leno) Public Information</td>
<td>Calls for placing before the voters an amendment to the California Constitution to require local agencies to comply with the California Public Records Act and the Brown Act, as well as any subsequent statute enacted to further the purposes of those two acts. Specifies that the costs incurred by local agencies to comply with California Public Records Act and the Brown Act are not required to be reimbursed by the state as a mandate.</td>
<td>6/20/13</td>
<td>Passed by Legislature</td>
<td></td>
</tr>
<tr>
<td><strong>SCA 4</strong> (Liu) Local Government Transportation Projects</td>
<td>Calls for placing before the voters an amendment to the California Constitution to allow a local agency to impose, extend or increase a special tax for the purpose of providing funding for local transportation projects with a 55 percent majority vote of the electorate, if the ballot proposition does all of the following: (1) contains a specific list of programs and purposes to be funded, and a requirement that the tax proceeds be spent solely for those programs and purposes; (2) includes a requirement for an annual independent audit of the amount of tax proceeds collected and expended, and the specified programs and purposes funded; (3) requires the governing board to create a citizens’ oversight committee to review all expenditures of proceeds and financial audits, and to report its findings to the governing board and the public; (4) requires at least 50 percent of the tax proceeds to be expended for programs or purposes included in a sustainable communities strategy; and (5) when expending any of the tax proceeds for an expansion project on the state highway system, requires a portion of those proceeds to be dedicated for the ongoing maintenance of that expansion project. 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>
<td>8/28/13</td>
<td>Senate Appropriations Committee</td>
<td></td>
</tr>
<tr>
<td><strong>SCA 6</strong> (DeSaulnier) Initiative Measures: Funding Source</td>
<td>Calls for placing before the voters an amendment to the California Constitution to prohibit an initiative measure that would result in a net increase in state or local government costs from being submitted to the electors unless the Legislative Analyst’s Office and the Department of Finance jointly determine that the measure provides for additional revenues in an amount that meets or exceeds the net increase in costs.</td>
<td>As Introduced</td>
<td>Senate Appropriations Committee</td>
<td></td>
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<tr>
<td>State Senate Bills</td>
<td>Subject</td>
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<td>SCA 8 (Corbett) Local Government Transportation Projects</td>
<td>Calls for placing before the voters an amendment to the California Constitution to allow a local agency to impose, extend or increase a special tax for the purpose of providing funding for local transportation projects with a 55 percent majority vote of the electorate, if the ballot proposition does all of the following: (1) contains a specific list of programs and purposes to be funded, and a requirement that the tax proceeds be spent solely for those programs and purposes; (2) includes a requirement for an annual independent audit of the amount of tax proceeds collected and expended, and the specified programs and purposes funded; and (3) requires the governing board to create a citizens’ oversight committee to review all expenditures of proceeds and financial audits, and to report its findings to the governing board and the public. Requires the Legislature to define “local transportation projects” for purposes of this constitutional amendment.</td>
<td>5/21/13</td>
<td>Senate Appropriations Committee</td>
<td>Support</td>
</tr>
<tr>
<td>SCA 9 (Corbett) Local Government: Economic Development Special Taxes</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 with a 55 percent majority vote, if the ballot proposition does all of the following: (1) contains a specific list of programs and purposes to be funded, and a requirement that the tax proceeds be spent solely for those programs and purposes; (2) includes a requirement for an annual independent audit of the amount of tax proceeds collected and expended, and the specified programs and purposes funded; and (3) requires the governing board to create a citizens’ oversight committee to review all expenditures of proceeds and financial audits, and to report its findings to the governing board and the public. 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>
<td>5/21/13</td>
<td>Senate Appropriations Committee</td>
<td></td>
</tr>
<tr>
<td>SCA 11 (Hancock) Local Government: Special Taxes</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 with a 55 percent majority vote, if the ballot proposition does all of the following: (1) contains a specific list of programs and purposes to be funded, and a requirement that the tax proceeds be spent solely for those programs and purposes; (2) includes a requirement for an annual independent audit of the amount of tax proceeds collected and expended, and the specified programs and purposes funded; and (3) requires the governing board to create a citizens’ oversight committee to review all expenditures of proceeds and financial audits, and to report its findings to the governing board and the public.</td>
<td>5/21/13</td>
<td>Senate Appropriations Committee</td>
<td></td>
</tr>
<tr>
<td>SCR 2 (DeSaulnier) Constitutional Convention</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>
<td>As Introduced</td>
<td>Senate Rules Committee</td>
<td></td>
</tr>
</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>
</table>

<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>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DAY</th>
<th>MARCH</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>Spring Recess begins upon adjournment.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DAY</th>
<th>APRIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Legislature reconvenes from Spring Recess.</td>
</tr>
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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>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DAY</th>
<th>JUNE</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>Budget must be passed by midnight.</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>DAY</th>
<th>JULY</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Assembly Summer Recess begins upon adjournment, provided that the Budget Bill has been enacted.</td>
</tr>
<tr>
<td>12</td>
<td>Last day for Senate policy committees to hear and report bills introduced in the other house. Senate Summer Recess begins upon adjournment, provided that the Budget Bill has been enacted.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DAY</th>
<th>AUGUST</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Assembly reconvenes from Summer Recess.</td>
</tr>
<tr>
<td>12</td>
<td>Senate reconvenes from Summer Recess.</td>
</tr>
<tr>
<td>16</td>
<td>Last day for Assembly policy committees to hear and report bills introduced in the other house.</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>
</tbody>
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<thead>
<tr>
<th>DAY</th>
<th>SEPTEMBER</th>
</tr>
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<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>
</tr>
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<table>
<thead>
<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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<thead>
<tr>
<th>DAY</th>
<th>JANUARY 2014</th>
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<tbody>
<tr>
<td>1</td>
<td>Statutes signed into law in 2013 take effect.</td>
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</table>
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: VTA Noise Barrier Program

FOR INFORMATION ONLY

BACKGROUND:

In 1997, the State enacted Senate Bill 45 (SB-45), which passed control over prioritizing 75% of the State Transportation Improvement Program (STIP) to regional agencies. At the same time, the responsibility for prioritizing and funding roadway noise abatement was also passed to regional agencies. In recognition of VTA’s responsibility for programming noise abatement, the Valley Transportation Plan 2020 (VTP 2020) established a Sound Barrier Program (“Program”). On November 6, 2003, the VTA Board of Directors adopted project eligibility and evaluation criteria for the Program. These are provided as Attachments A and B.

Applications for funding under the Program can be submitted by local agencies, the County and Caltrans. In order to be eligible to receive STIP funding, a Noise Barrier Scope Summary Report (NBSSR) must be prepared by the local agency and approved by Caltrans. The NBSSR must include a Noise Study Report, right-of-way information, engineering plans, environmental documentation, cost estimates and a proposed funding plan.

DISCUSSION:

In order to assist local agencies with the identification of projects that are likely to meet the eligibility criteria for the Program, VTA’s Board of Directors authorized funding to conduct a noise reduction screening study. This study involved the review of 79 locations in 8 cities that were submitted by cities and County in response to a Call-for-Projects. The Study consisted of several levels of screening evaluation to determine eligibility:

1. Screening of locations based on the qualitative, non-technical project eligibility criteria, such as whether the location already has a sound wall, if a roadway improvement is planned in the area within the next 25 years and the housing development requesting a sound wall was developed after the highway project.
2. Screening evaluation of locations based on noise measurements at representative sites and on noise modeling of effectiveness of a sound wall at that location.

3. Evaluation of locations based on feasibility (reduces noise by at least 5 decibels) and reasonableness (meets cost-effectiveness criteria) of noise abatement.

Thirty-eight locations were eliminated from the Study based on the non-technical project eligibility criteria. Forty-one locations were evaluated based on the technical project eligibility criteria, such as actual and modeled noise levels, noise reduction from sound wall and cost-effectiveness of sound wall (Attachment B). Given the high cost of conducting a noise study report for each site, a simplified methodology was developed to screen these sites based on the best available information. As a result of this screening, 20 locations were determined likely to be eligible and 59 locations were determined unlikely to be eligible with 1 location determined borderline. All locations and their likelihood to be eligible are shown in Attachment C and Attachment D.

These results were presented to the VTA Board at the June 2, 2011 meeting and made available to city, County, and Town staff for their use. Copies of the full reports are available upon request.

VTA encourages local agencies to review the results of the Study carefully and use them as appropriate to respond to residents with concerns about noise. VTA staff is available to assist cities and the County in explaining the results of the study and VTA’s Noise Barrier program to their residents. VTA encourages local agencies with sites that they believe are eligible for the Program to begin the more detailed engineering evaluation that will be required with an application for funding.

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

The Technical Advisory Committee (TAC) and the Policy Advisory Committee (PAC) received this report at their respective October 10, 2013 meetings with minimal comment.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Committee of the Whole (COW) placed this item on its' consent calendar for the October 17, 2013 meeting, and approved it for review and discussion by the full VTA Board.

Prepared By: Marcella Rensi
Memo No. 4221
PROJECT ELIGIBILITY CRITERIA

I. Project limits must be within Santa Clara County
2. Project must be requested by a VTA Member Agency or Caltrans
3. Project must meet VTA’s Basic Noise Mitigation Standard
4. Project must be eligible for STIP funds (State/Federal or State Only, subject to availability)
5. NBSSR or equivalent must be complete

**Eligible Projects**
- New soundwalls on existing freeways and expressways
- New state and/or federally eligible sound mitigation on existing freeways and expressways

**Ineligible Projects**
- Noise barriers for developments constructed after the transportation facility.
- Noise barriers for new transportation projects (required as part of transportation project)
- Noise barriers in locations where a roadway improvement project is planned within the 25 years.
- Noise barriers on arterials or local streets
- Replacement/upgrade of existing sound barriers
- Noise mitigations that do not meet VTA’s Basic Noise Mitigation Standard
- Maintenance of noise mitigation barriers

**Eligible Expenditures**
Capital & Capital Support only:
- Environmental Studies and Documents, including all engineering/design required for that purpose (ENV)
- Plans, Specifications & Estimates (PSE)
- Right of Way Acquisition (ROW)
- Construction & Construction Support (CaNST)

**Ineligible Expenditures**
- Grant application preparations
- Initial feasibility studies and NBSSR or NBSSR Equivalents
- Any and all funds expended prior to grant programming
- Maintenance expenses
## VTA BASIC NOISE MITIGATION STANDARD

<table>
<thead>
<tr>
<th>Agency/ Policy</th>
<th>Cost Limit / Per Benefited Unit</th>
<th>Minimum Noise Reduction</th>
<th>Existing Noise Level</th>
<th>Barrier Height</th>
<th>Landscaping / Aesthetic Enhancements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>VTA STANDARD</strong></td>
<td>$47,000 (2001$)</td>
<td>5dBA</td>
<td>Approaching or greater than 67 dBA; 52 dBA for school sites - 65 dBA = “approaching” 67 dBA</td>
<td>Minimum: 6 ft Maximum: 16 ft</td>
<td>Caltrans standard wall and landscaping on the freeway/expressway side to be covered by grant. Design and construction cost of any modifications to a standard wall (i.e., special design features, plants or aesthetic enhancements) requested by a local agency shall be paid for by the local agency. However, additional aesthetic features that can be accommodated within the cost limits are encouraged.</td>
</tr>
<tr>
<td>Caltrans</td>
<td>Variable to $47,000 (2001$)</td>
<td>5dBA</td>
<td>Greater than 67 dBA; 52 dBA for school sites</td>
<td>Minimum: 6 ft Maximum: 16 ft</td>
<td>Only on the highway side</td>
</tr>
<tr>
<td>INDOT</td>
<td>$20,000 -$30,000</td>
<td>5dBA</td>
<td>Greater than 67 dBA</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>WDOT</td>
<td>$30,000 (1988 dollars)</td>
<td>8dBA</td>
<td>At least 67 dBA</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>MoDOT</td>
<td>$30,000</td>
<td>5dBA</td>
<td>At least 66 dBA</td>
<td>Maximum: 18 ft</td>
<td>N/A</td>
</tr>
<tr>
<td>NCDOT</td>
<td>$25,000</td>
<td>5dBA</td>
<td>Greater than 67 dBA</td>
<td>Maximum: 25 ft</td>
<td>Visual impact considerations will ensure that a proposed barrier meets a basic aesthetic level</td>
</tr>
<tr>
<td>UDOT</td>
<td>N/A</td>
<td>5dBA</td>
<td>Greater than 67 dBA</td>
<td>N/A</td>
<td>Yes</td>
</tr>
<tr>
<td>NJTumpike</td>
<td>$45,000</td>
<td>4dBA</td>
<td>Greater than 67 dBA</td>
<td>Maximum: 26 ft</td>
<td>N/A</td>
</tr>
<tr>
<td>LAMTA</td>
<td>$40,000</td>
<td>5dBA</td>
<td>Greater than 67 dBA; 52 dBA for school sites</td>
<td>N/A</td>
<td>The design and construction cost of any modifications to a standard wall (i.e., special design features or aesthetic enhancements) requested by a local agency shall be paid for by the local agency</td>
</tr>
<tr>
<td>Traffic Authority (SCCTA)</td>
<td>N/A</td>
<td>5dBA</td>
<td>Greater than 62 dBA</td>
<td>Not required to meet FHWA and Caltrans standards*</td>
<td>N/A</td>
</tr>
</tbody>
</table>

* SCCTA Soundwalls were funded with local sales tax dollars, and were therefore exempt from FHWA requirements.
Noise Reduction Screening Study Sites

Legend

- Likely to be Eligible
- Unlikely to be Eligible
- Borderline
<table>
<thead>
<tr>
<th>No.</th>
<th>Location</th>
<th>City</th>
<th>Existing Peak Noise Level</th>
<th>Benefitting Receptors</th>
<th>Sound Barrier Cost</th>
<th>Notes</th>
<th>Eligibility</th>
<th>Reason</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>San Tomas Expressway Budd Avenue to the Winchester south off-ramp</td>
<td>Campbell</td>
<td></td>
<td></td>
<td></td>
<td>Unlikely Existing Soundwall</td>
<td>Unlikely</td>
<td>Existing Soundwall</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>San Tomas Expressway Campbell Avenue to Budd Avenue (both sides)</td>
<td>Campbell</td>
<td>52.5</td>
<td></td>
<td></td>
<td>Unlikely Noise measurements</td>
<td>Unlikely</td>
<td>Noise measurements</td>
<td>Very unlikely to meet the Noise Mitigation Standard of 65 dBA.</td>
</tr>
<tr>
<td>3</td>
<td>San Tomas Expressway Hamilton Avenue to Campbell Avenue (both sides)</td>
<td>Campbell</td>
<td>59.4</td>
<td></td>
<td></td>
<td>Unlikely Noise measurements</td>
<td>Unlikely</td>
<td>Noise measurements</td>
<td>Very unlikely to meet the Noise Mitigation Standard of 65 dBA.</td>
</tr>
<tr>
<td>4</td>
<td>SR 85 at Acacia near Homestead and Maxine</td>
<td>Cupertino</td>
<td></td>
<td></td>
<td></td>
<td>Unlikely Developed after freeway</td>
<td>Unlikely</td>
<td>Developed after freeway</td>
<td>The SR 85 Express Lanes Project may include a noise study for this area.</td>
</tr>
<tr>
<td>5</td>
<td>SR 85 at Elderwood near Stelling Avenue</td>
<td>Cupertino</td>
<td>55.0</td>
<td></td>
<td></td>
<td>Unlikely Noise measurements</td>
<td>Unlikely</td>
<td>Noise measurements</td>
<td>Very unlikely to meet the Noise Mitigation Standard of 65 dBA.</td>
</tr>
<tr>
<td>6</td>
<td>US 101 between Las Animas Road and Levesley Road (west side)</td>
<td>Gilroy</td>
<td></td>
<td></td>
<td></td>
<td>Unlikely Planned Project</td>
<td>Unlikely</td>
<td>Planned Project</td>
<td>H101-23: US 101 Widening between Cochrane and Monterey Hwy</td>
</tr>
<tr>
<td>7</td>
<td>US 101 between Levesley Road and Tenth Street (west side)</td>
<td>Gilroy</td>
<td></td>
<td></td>
<td></td>
<td>Unlikely Planned Project</td>
<td>Unlikely</td>
<td>Planned Project</td>
<td>H101-23: US 101 Widening between Cochrane and Monterey Hwy</td>
</tr>
<tr>
<td>8</td>
<td>I-680 between Calaveras Boulevard and City Limits</td>
<td>Milpitas</td>
<td></td>
<td></td>
<td></td>
<td>Unlikely Existing Soundwall, Planned Project</td>
<td>Unlikely</td>
<td>Existing Soundwall, Planned Project</td>
<td>H680-01: I-680 HOV lanes between Calaveras and SR 84</td>
</tr>
<tr>
<td>9</td>
<td>I-680 between Milpitas/Fremont border and Calera Creek &amp; Jacklin Off-Ramp</td>
<td>Milpitas</td>
<td></td>
<td></td>
<td></td>
<td>Unlikely Existing Soundwall, Planned Project</td>
<td>Unlikely</td>
<td>Existing Soundwall, Planned Project</td>
<td>H680-01: I-680 HOV lanes between Calaveras and SR 84</td>
</tr>
<tr>
<td>10</td>
<td>I-680 between Landess/Montague and Calaveras Boulevard</td>
<td>Milpitas</td>
<td></td>
<td></td>
<td></td>
<td>Unlikely Developed after freeway</td>
<td>Unlikely</td>
<td>Developed after freeway</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>I-880 SB ramp from EB SR 237 to Tasman Drive (west side)</td>
<td>Milpitas</td>
<td>59.0</td>
<td></td>
<td></td>
<td>Unlikely Planned Project</td>
<td>Unlikely</td>
<td>Planned Project</td>
<td>The I-880 HOV IS/EA determined that the predicted noise level will not approach or exceed the noise abatement criterion (67 dBA Leq[h]).</td>
</tr>
<tr>
<td>12</td>
<td>I-880 between Montague and Great Mall Parkway (east side)</td>
<td>Milpitas</td>
<td>56.0 - 68.0</td>
<td></td>
<td></td>
<td>Unlikely Existing Soundwall, Planned Project</td>
<td>Unlikely</td>
<td>Existing Soundwall, Planned Project</td>
<td>The I-880 HOV IS/EA determined that soundwall would not reduce noise levels by 5 dBA.</td>
</tr>
<tr>
<td>13</td>
<td>SR 237/I-880 Interchange to Dixon Landing Road (east side)</td>
<td>Milpitas</td>
<td>61.0</td>
<td></td>
<td></td>
<td>Unlikely Existing Soundwall</td>
<td>Unlikely</td>
<td>Existing Soundwall</td>
<td>The I-880 HOV IS/EA determined that the predicted noise level will not approach or exceed the Caltrans noise abatement criterion (67 dBA Leq[h]).</td>
</tr>
<tr>
<td>14</td>
<td>Central Expressway between Rengstorff Avenue and Mayfield Avenue</td>
<td>Mountain View</td>
<td></td>
<td></td>
<td></td>
<td>Unlikely Planned Project</td>
<td>Unlikely</td>
<td>Planned Project</td>
<td>CAHSR will prepare a noise study report for this area.</td>
</tr>
<tr>
<td>15</td>
<td>Central Expressway NE of Moffett Boulevard</td>
<td>Mountain View</td>
<td></td>
<td></td>
<td></td>
<td>Unlikely Planned Project</td>
<td>Unlikely</td>
<td>Planned Project</td>
<td>CAHSR will prepare a noise study report for this area.</td>
</tr>
<tr>
<td>No.</td>
<td>Location</td>
<td>City</td>
<td>Existing Peak Noise Level</td>
<td>Benefitting Receptors</td>
<td>Sound Barrier Cost</td>
<td>Notes</td>
<td>Eligibility</td>
<td>Reason</td>
<td>Notes</td>
</tr>
<tr>
<td>-----</td>
<td>----------------------------------</td>
<td>----------</td>
<td>---------------------------</td>
<td>-----------------------</td>
<td>-------------------</td>
<td>----------------------</td>
<td>-------------</td>
<td>-----------------------------</td>
<td>-----------------------------------------------------------------------</td>
</tr>
<tr>
<td>16</td>
<td>SR 237 along Ferguson Drive</td>
<td>Mountain View</td>
<td>72.0</td>
<td>32</td>
<td>$1,640,520</td>
<td>Likely</td>
<td>Unlikely</td>
<td>Planned Project</td>
<td>H237-03: Widen SR 237 for HOV lanes between SR 85 &amp; east of Mathilda; H237-01: SR 237/El Camino Real/Grant Rd</td>
</tr>
<tr>
<td>17</td>
<td>SR 85 between Central Ave and Middlefield Ave</td>
<td>Mountain View</td>
<td>72.0</td>
<td>32</td>
<td>$1,640,520</td>
<td>Likely</td>
<td>Unlikely</td>
<td>Existing Soundwall</td>
<td>The SR 85 Express Lanes Project may include a noise study for this area.</td>
</tr>
<tr>
<td>18</td>
<td>SR 85 between El Camino Real and Sleeper Ave (west side)</td>
<td>Mountain View</td>
<td>72.0</td>
<td>32</td>
<td>$1,640,520</td>
<td>Likely</td>
<td>Unlikely</td>
<td>14-feet-high barrier (2,170-feet-long). After the Study began, the SR 85 Express Lanes was proposed as a new project. This project may include a noise study for this area.</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>SR 85 west side between Sleeper Avenue and Brook Place</td>
<td>Mountain View</td>
<td>72.0</td>
<td>32</td>
<td>$1,640,520</td>
<td>Likely</td>
<td>Unlikely</td>
<td>Existing Soundwall</td>
<td>The SR 85 Express Lanes Project may include a noise study for this area.</td>
</tr>
<tr>
<td>20</td>
<td>Central Expressway between Shoreline Boulevard and Rengstorff Avenue</td>
<td>Mountain View</td>
<td>72.0</td>
<td>32</td>
<td>$1,640,520</td>
<td>Likely</td>
<td>Unlikely</td>
<td>Planned Project</td>
<td>CAHSR will prepare a noise study report for this area.</td>
</tr>
<tr>
<td>21</td>
<td>Capitol Expressway between Capitol Avenue and Story Road (west side)</td>
<td>San Jose</td>
<td>71.0</td>
<td>32</td>
<td>$1,106,784</td>
<td>Likely</td>
<td>Unlikely</td>
<td>12-feet-high barrier (1,708-feet-long). Capitol Expressway Light Rail may include quiet pavement if it meets City of San Jose standards.</td>
<td></td>
</tr>
<tr>
<td>22</td>
<td>Capitol Expressway between Story and Ocala (East side)</td>
<td>San Jose</td>
<td>68.0</td>
<td>24</td>
<td>$1,091,232</td>
<td>Likely</td>
<td>Unlikely</td>
<td>8-feet-high barrier (2,526-feet-long). Capitol Expressway Light Rail may include quiet pavement if it meets CSJ standards.</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>Capitol Expressway on-ramp to SB Route 87</td>
<td>San Jose</td>
<td>66.0 - 72.0</td>
<td>25 - 38</td>
<td>$3,798,900 - $5,992,164</td>
<td>Unlikely</td>
<td>Exceeds Reasonable Cost Allowance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24</td>
<td>I-280 northbound and southbound from Almaden Avenue to Coyote Creek</td>
<td>San Jose</td>
<td>64.0 - 72.0</td>
<td>25 - 38</td>
<td>$3,798,900 - $5,992,164</td>
<td>Unlikely</td>
<td>Exceeds Reasonable Cost Allowance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>I-280 northbound and southbound from Guadalupe River to Almaden Avenue</td>
<td>San Jose</td>
<td>66.0 - 72.0</td>
<td>4</td>
<td>$231,120</td>
<td>Unlikely</td>
<td>Exceeds Reasonable Cost Allowance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>26</td>
<td>I-280 northbound and southbound from Lincoln Avenue to Los Gatos Creek</td>
<td>San Jose</td>
<td>62.0</td>
<td></td>
<td>$231,120</td>
<td>Unlikely</td>
<td>Mostly Commercial Uses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>I-280 northbound and southbound from Los Gatos Creek to Bird Avenue</td>
<td>San Jose</td>
<td>75.0</td>
<td>8</td>
<td>$474,660</td>
<td>Likely</td>
<td>Unlikely</td>
<td>Meets &quot;severe&quot; impact criteria*.</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>I-280 northbound from McLaughlin Avenue to Route 101</td>
<td>San Jose</td>
<td>69.0</td>
<td>11</td>
<td>$476,820</td>
<td>Likely</td>
<td>10-feet-high barrier (883-feet-long)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Date Revised: 5/27/2011
Page 2
<table>
<thead>
<tr>
<th>No.</th>
<th>Location</th>
<th>City</th>
<th>Existing Peak Noise Level</th>
<th>Benefitting Receptors</th>
<th>Sound Barrier Cost</th>
<th>Notes</th>
<th>Eligibility</th>
<th>Reason</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>31</td>
<td>I-280 southbound, from Leigh Avenue to Meridian Avenue</td>
<td>San Jose</td>
<td>71.0</td>
<td>22</td>
<td>$565,488</td>
<td>Likely</td>
<td></td>
<td>8-feet-high barrier (1,309-feet-long)</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>I-280 SB at Bird Avenue to Route 87 SB at Hull Avenue</td>
<td>San Jose</td>
<td>69.0</td>
<td>11</td>
<td>$830,088</td>
<td>Unlikely</td>
<td>Exceeds Reasonable Cost Allowance</td>
<td>CAHSR will prepare a noise study report for this area.</td>
<td></td>
</tr>
<tr>
<td>33</td>
<td>I-680 northbound between Alum Rock Avenue and Mueller Avenue (East Side)</td>
<td>San Jose</td>
<td>70.0</td>
<td>6</td>
<td>$165,564</td>
<td>Likely</td>
<td></td>
<td>6-feet-high barrier (511-feet-long)</td>
<td></td>
</tr>
<tr>
<td>34</td>
<td>I-680 northbound between Capitol Expressway and Alum Rock Avenue</td>
<td>San Jose</td>
<td>71.0</td>
<td>28</td>
<td>$1,012,176</td>
<td>Likely</td>
<td></td>
<td>6-feet-high barrier (3,124-feet-long)</td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>I-680 southbound between Alum Rock Avenue and Capitol Expressway</td>
<td>San Jose</td>
<td>76.0</td>
<td>8</td>
<td>$907,200</td>
<td>Likely</td>
<td>Meets &quot;severe&quot; impact criteria.*</td>
<td></td>
<td></td>
</tr>
<tr>
<td>36</td>
<td>I-680 northbound between McKee Avenue and Mabury Road</td>
<td>San Jose</td>
<td>70.0</td>
<td>14</td>
<td>$523,260</td>
<td>Likely</td>
<td></td>
<td>Developed after freeway</td>
<td></td>
</tr>
<tr>
<td>37</td>
<td>I-680 southbound on-ramp from Hostetter Road</td>
<td>San Jose</td>
<td>68.0 - 69.0</td>
<td>35</td>
<td>$1,798,200</td>
<td>Likely</td>
<td></td>
<td>12-feet-high barrier (1,175-feet-long) and 12-feet-high barrier (1,600-feet-long)</td>
<td></td>
</tr>
<tr>
<td>38</td>
<td>I-680 northbound off-ramp between Jackson Avenue and Capitol Expressway</td>
<td>San Jose</td>
<td>71.0</td>
<td>36</td>
<td>$1,947,888</td>
<td>Likely</td>
<td></td>
<td>12-feet-high barrier (3,006-feet-long)</td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>I-680 Northbound from Sunset to Jackson</td>
<td>San Jose</td>
<td>69.0</td>
<td>14</td>
<td>$523,260</td>
<td>Likely</td>
<td></td>
<td>10-feet-high barrier (969-feet-long)</td>
<td></td>
</tr>
<tr>
<td>40</td>
<td>I-880 at Bascom Avenue</td>
<td>San Jose</td>
<td>70.0 - 77.0</td>
<td>19</td>
<td>$603,072</td>
<td>Likely</td>
<td>8-feet-high barrier (614-feet-long), 8-feet-high barrier (530-feet-long), and 8-feet-high barrier (252-feet-long)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>41</td>
<td>I-880 between Myrtle and The Alameda</td>
<td>San Jose</td>
<td>66.0</td>
<td>18</td>
<td>$487,944</td>
<td>Likely</td>
<td></td>
<td>6-feet-high barrier (1,506-feet-long)</td>
<td></td>
</tr>
<tr>
<td>42</td>
<td>I-880 between Rock and Montague</td>
<td>San Jose</td>
<td>58.0 - 62.0</td>
<td></td>
<td></td>
<td>Unlikely</td>
<td>Planned Project, Soundwall</td>
<td></td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>I-880 between Stevens Creek and I-280 (both sides)</td>
<td>San Jose</td>
<td>45.0 - 74.0</td>
<td>13 - 28</td>
<td>$3,007,200</td>
<td>Unlikely</td>
<td>Planned Project</td>
<td>Based on the Draft EIR/EA for the I-280/880/SCB project (11/10), soundwalls will be provided for these two locations.</td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>Southwest Expressway between Stokes and DeRose</td>
<td>San Jose</td>
<td></td>
<td></td>
<td></td>
<td>Unlikely</td>
<td>Local street</td>
<td></td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>US 101 SB between 23rd Street and Coyote Creek</td>
<td>San Jose</td>
<td></td>
<td></td>
<td></td>
<td>Unlikely</td>
<td>Planned Project</td>
<td>H101-25: US 101 SB Auxiliary Lane Widening between I880 and McKee/Julian. In addition, the US 101 HOT lanes project is a new project that may be conducting a noise study of this area.</td>
<td></td>
</tr>
</tbody>
</table>
## Noise Reduction Screening Study Results

### Eligibility for Sound Barrier Program

<table>
<thead>
<tr>
<th>No.</th>
<th>Location</th>
<th>City</th>
<th>Existing Peak Noise Level</th>
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<th>Notes</th>
<th>Eligibility</th>
<th>Reason</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>46</td>
<td>Almaden Expressway NW and SE of Koch</td>
<td>San Jose</td>
<td>68.0</td>
<td>16</td>
<td>$497,016</td>
<td>12-feet-high barrier (767-feet-long)</td>
<td>Likely</td>
<td>12-feet-high barrier (767-feet-long)</td>
<td>12-feet-high barrier (767-feet-long)</td>
</tr>
<tr>
<td>47</td>
<td>I-880 near 723 Park Court</td>
<td>Santa Clara</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Unlikely</td>
<td>Existing Soundwall, Duplicate</td>
<td></td>
</tr>
<tr>
<td>48</td>
<td>SR 237 and Fair Oaks Way EB off-ramp near Persian Drive</td>
<td>Sunnyvale</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Unlikely</td>
<td>Existing Soundwall</td>
<td></td>
</tr>
<tr>
<td>49</td>
<td>SR 85 east side immediately north of the Fremont Avenue on-ramp</td>
<td>Sunnyvale</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Unlikely</td>
<td>Planned Project</td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>US 101 SB on-ramp from NB Fair Oaks Avenue</td>
<td>Sunnyvale</td>
<td>68.0</td>
<td>12</td>
<td>$619,920</td>
<td></td>
<td>Likely</td>
<td>14-feet-high barrier (820-feet-long). The US 101 HOT lane project is a new project that may conduct a noise study for this area.</td>
<td></td>
</tr>
<tr>
<td>51</td>
<td>San Tomas Expressway NW of Winchester ramp</td>
<td>Campbell</td>
<td>58.9</td>
<td></td>
<td></td>
<td></td>
<td>Unlikely</td>
<td>Noise measurements</td>
<td></td>
</tr>
<tr>
<td>52</td>
<td>Foothill Expressway North Side between El Monte and Springer</td>
<td>Los Altos</td>
<td>68.0 - 71.0</td>
<td>16</td>
<td>$1,080,000</td>
<td>Exceeds Reasonable Cost Allowance</td>
<td>Unlikely</td>
<td>Very unlikely to meet the Noise Mitigation Standard of 65 dBA.</td>
<td></td>
</tr>
<tr>
<td>53</td>
<td>Foothill Expressway North side between San Antonio and El Monte</td>
<td>Los Altos</td>
<td>70.0</td>
<td>9</td>
<td>$375,840</td>
<td></td>
<td>Likely</td>
<td>8-feet-high barrier (870-feet-long). X09 - Extend existing WB deceleration lane at San Antonio Road will include a noise study of this area.</td>
<td></td>
</tr>
<tr>
<td>54</td>
<td>Foothill Expressway North Side West and East of Grant</td>
<td>Los Altos</td>
<td>63.0</td>
<td></td>
<td></td>
<td></td>
<td>Unlikely</td>
<td>Very unlikely to meet the Noise Mitigation Standard of 65 dBA.</td>
<td></td>
</tr>
<tr>
<td>55</td>
<td>Foothill Expressway North Side West of Newcastle</td>
<td>Los Altos</td>
<td>70.0</td>
<td>7</td>
<td>$337,824</td>
<td></td>
<td>Likely</td>
<td>8-feet-high barrier (782-feet-long)</td>
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</tr>
<tr>
<td>56</td>
<td>Foothill Expressway South Side between Magdalena and East of Loyola</td>
<td>Los Altos</td>
<td>69.0</td>
<td>14</td>
<td>$729,000</td>
<td></td>
<td>Likely</td>
<td>10-feet-high barrier (1,350-feet-long)</td>
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<tr>
<td>57</td>
<td>Foothill Expressway South Side Between St Joseph and Vineyard</td>
<td>Los Altos</td>
<td>72.0</td>
<td>9</td>
<td>$680,400</td>
<td>Exceeds Reasonable Cost Allowance</td>
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<tr>
<td>58</td>
<td>Foothill Expressway South Side West of Magdalena</td>
<td>Los Altos</td>
<td>70.0</td>
<td>4</td>
<td>$648,000</td>
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<td>Unlikely</td>
<td>Very unlikely to meet the Noise Mitigation Standard of 65 dBA.</td>
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<tr>
<td>59</td>
<td>I-280 near Eastbrook Drive at Magdalena</td>
<td>Los Altos Hills</td>
<td>63.0</td>
<td></td>
<td></td>
<td></td>
<td>Unlikely</td>
<td>Noise measurements</td>
<td></td>
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<tr>
<td>60</td>
<td>I-280 near Eastbrook Drive between Putter Way and Loyola Drive</td>
<td>Los Altos Hills</td>
<td>66.0</td>
<td>24</td>
<td>$2,113,560</td>
<td>Exceeds Reasonable Cost Allowance</td>
<td>Unlikely</td>
<td>Very unlikely to meet the Noise Mitigation Standard of 65 dBA.</td>
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<tr>
<td>61</td>
<td>I-280 near Loyola and Oakridge Drive</td>
<td>Los Altos Hills</td>
<td>66.0</td>
<td>9</td>
<td>$1,433,376</td>
<td>Exceeds Reasonable Cost Allowance</td>
<td>Unlikely</td>
<td>Very unlikely to meet the Noise Mitigation Standard of 65 dBA.</td>
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- **Note:** Dates Revised: 5/27/2011
### Noise Reduction Screening Study Results

#### Eligibility for Sound Barrier Program

<table>
<thead>
<tr>
<th>No.</th>
<th>Location</th>
<th>City</th>
<th>Existing Peak Noise Level</th>
<th>Benefitting Receivers</th>
<th>Sound Barrier Cost</th>
<th>Notes</th>
<th>Eligibility</th>
<th>Reason</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>62</td>
<td>I-280 near Quail Meadow Drive (at Mora)</td>
<td>Los Altos Hills</td>
<td>62.0</td>
<td></td>
<td></td>
<td></td>
<td>Unlikely</td>
<td>Noise measurements</td>
<td>Very unlikely to meet the Noise Mitigation Standard of 65 dBA.</td>
</tr>
<tr>
<td>63</td>
<td>Central Expressway NW of Moffett Boulevard</td>
<td>Mountain View</td>
<td>Unlikely Planned Project</td>
<td></td>
<td></td>
<td></td>
<td>CAHSR will prepare a noise study report for this area.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>64</td>
<td>Central Expressway North side between SR 85 and Whisman</td>
<td>Mountain View</td>
<td>Unlikely Planned Project</td>
<td></td>
<td></td>
<td></td>
<td>CAHSR will prepare a noise study report for this area.</td>
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<tr>
<td>65</td>
<td>Foothill Expressway North Side West of Moana Court and adjacent to residences along Blue Oak</td>
<td>Palo Alto</td>
<td>63.0</td>
<td>14</td>
<td>$864,000</td>
<td></td>
<td>Unlikely</td>
<td>Exceeds Reasonable Cost Allowance</td>
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<td>66</td>
<td>Oregon/Page Mill Expressway between US 101 and Alma</td>
<td>Palo Alto</td>
<td>65.0</td>
<td>1</td>
<td>$172,800</td>
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<td>Unlikely</td>
<td>Exceeds Reasonable Cost Allowance</td>
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<tr>
<td>67</td>
<td>Almaden Expressway East side between Winfield and Redmond</td>
<td>San Jose</td>
<td>Unlikely Developed after freeway</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>68</td>
<td>Almaden Expressway NE of Foxchase</td>
<td>San Jose</td>
<td>Unlikely Planned Project</td>
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<td></td>
<td></td>
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<tr>
<td>69</td>
<td>Almaden Expressway NW of Cherry</td>
<td>San Jose</td>
<td>Unlikely Planned Project</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>70</td>
<td>Almaden Expressway SW of Trinidad</td>
<td>San Jose</td>
<td>68.0</td>
<td>1</td>
<td>$93,960</td>
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<td>Unlikely</td>
<td>Exceeds Reasonable Cost Allowance</td>
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<tr>
<td>71</td>
<td>Capital Expressway NE and SE of Senter</td>
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<td>69.0</td>
<td>33</td>
<td>$308,124</td>
<td>Likely</td>
<td></td>
<td></td>
<td>6-feet-high barrier (951-feet-long)</td>
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<td>72</td>
<td>Capitol Expressway NW and SE of Vista Park</td>
<td>San Jose</td>
<td>Unlikely Developed after expressway</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>73</td>
<td>Capitol Expressway NW of Bluefield</td>
<td>San Jose</td>
<td>Unlikely Developed after expressway</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>74</td>
<td>Capitol Expressway south side between Vista Park and Bluefield</td>
<td>San Jose</td>
<td>Unlikely Developed after expressway</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>75</td>
<td>Capital Expressway SW of Seven Trees</td>
<td>San Jose</td>
<td>Unlikely Existing Soundwall</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>76</td>
<td>San Tomas Expressway East Side near Sunnyhaven Drive</td>
<td>San Jose</td>
<td>62.2</td>
<td></td>
<td></td>
<td></td>
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<td>Noise modeling</td>
<td>Very unlikely to meet the Noise Mitigation Standard of 65 dBA.</td>
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<tr>
<td>77</td>
<td>San Tomas Expressway West Side between Williams to South of Payne</td>
<td>San Jose</td>
<td>62.2</td>
<td></td>
<td></td>
<td></td>
<td>Unlikely</td>
<td>Noise modeling</td>
<td>Very unlikely to meet the Noise Mitigation Standard of 65 dBA.</td>
</tr>
<tr>
<td>78</td>
<td>I-280 near 26075, 26101, 26045, 26100 Duval Way</td>
<td>Los Altos Hills</td>
<td>67.0</td>
<td>6</td>
<td>$1,228,500</td>
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<tr>
<td>79</td>
<td>I-280 near 27400 Elena Road</td>
<td>Los Altos Hills</td>
<td>Unlikely Developed after expressway</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

* Noise levels are considered severe if they equal or exceed 75 dBA.

- **Likely to be eligible**
- **Borderline for cost effectiveness. Local agency may wish to prepare additional studies to confirm eligibility.**
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

FROM: General Manager, Michael T. Burns

SUBJECT: VTA Integrity Helpline Program Status Update

FOR INFORMATION ONLY

BACKGROUND:

In late 2011, VTA’s Auditor General’s Office completed a fraud risk assessment to consider the various means that fraud and misconduct could potentially occur by and against VTA. The results of the Fraud Risk Assessment were presented to the Audit Committee and the Board at their November 2011 and February 2012 meetings, respectively.

One of the primary recommendations from the Fraud Risk Assessment was for VTA to strengthen its overall fraud risk management program by implementing an integrity helpline (typically known as a whistleblower hotline). An integrity helpline would reflect the organization’s commitment to ethical behavior by providing a mechanism for the organization’s employees and stakeholders to anonymously and confidentially report suspected acts of impropriety such as fraud, waste, abuse, misconduct or violation of company policies, laws, or regulations. Among many other benefits, an integrity helpline would help maintain VTA employee and public trust as well as help protect VTA’s public reputation. VTA currently does not have such a mechanism or formalized process in place.

The Audit Committee and Board both endorsed the concept of instituting an integrity helpline and gave direction to staff to proceed with implementing one. In addition, the Audit Committee provided the following input on key attributes that should be included in the VTA Integrity Helpline:

- Helpline should be hosted by an independent third-party provider to maintain independence and confidentiality.
- It should be have 24 hour/365 day availability.
- Third-party provider should have trained interviewers available to handle complaints in the wide range of language spoken by residents of Santa Clara County.
- There should be the ability to submit reports through multiple methods, including email, phone, fax, regular mail, etc.
• High-level summary reports on Integrity Helpline activity and the disposition of reports and findings should be provided to the Audit Committee on a regular basis.

**DISCUSSION:**

Development and implementation of the VTA Integrity Helpline is underway and nearing completion, with implementation projected for early 2014. The status and key milestones of the Integrity Helpline to date are:

• Request for Proposal (RFP) for the third-party provider, which incorporated all Audit Committee recommendations, was issued in July 2013.
• Two submissions were received. Both were judged to be qualified and responsive.
• After reviewing the written submissions and conducting oral interviews, the evaluation panel determined that both proposers were well qualified and would competently meet VTA’s requirements. However, the evaluation panel unanimously recommended award to Ethical Advocates, feeling that company would be more flexible and responsive towards VTA’s needs. The non-voting participants concurred with this assessment.
• Ethical Advocates (EA) is a 100% woman and veteran-owned small business based in Chapel Hill, North Carolina. EA represents clients worldwide in every sector, both publically and privately-held companies, including education, non-profits, and numerous governmental agencies, both at the federal and local levels.
• VTA Integrity Helpline policy, including an anti-retaliation provision, has been developed and will be announced and implemented concurrent with implementation of the Integrity Helpline.
• Outreach efforts are underway to include employees, bargaining units and other stakeholders in the initial implementation to increase ownership and acceptance.
• Information campaign to announce and promulgate Helpline availability, purpose and functionality to staff, vendors, and customers is being developed. This will likely include a message from the General Manager explaining and endorsing the Helpline and highlighting key attributes, including confidentiality and anonymity, third-party vendor hosting and independent, unbiased and confidential evaluation of reports by the Auditor General’s Office, as well as information on the VTA Integrity Helpline/Anti-Retaliation Policy.
• Other potential methods of widely announcing Helpline implementation are being evaluated and products developed. These include articles in *Take One*, the free informational pamphlet on VTA buses and light rail, as well as employee newsletters, GovDelivery emails, information included with employee paychecks, etc. Ethical Advocates will be providing input, expertise and materials for use in outreach efforts.
• Provision to include information on the Helpline on future contracts is underway. Notification to current vendors, consultants and contractors via mass email is also being developed.
• Provision for a direct link to the Integrity Helpline from the homepage is being included in the current re-design of the VTA website.

• Discussions are underway with the Auditor General’s Office on the process for its initial evaluation of Integrity Helpline reports received.

• Planning and coordination efforts are in process with the Auditor General’s Office for periodic high-level status reports to the Audit Committee on Helpline performance, such as number, type and resolution of allegations.

• Formal implementation of the VTA Integrity Helpline is currently projected for early 2014, possibly January. However, this will depend on many factors, including when design and integration efforts with Ethical Advocates have been completed, and when the Auditor General’s Office is ready to begin assessing and managing reports received.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

This report is being provided to the Audit Committee its November 7, 2013 meeting, which immediately precedes the Board of Directors meeting that day. Due to this, the Audit Committee chairperson will, if needed, provide a verbal report to the Board at its meeting on the Audit Committee's discussion and comments on this item. This item was originally scheduled for the August 1, 2013 Audit Committee meeting, which was cancelled.

Prepared By: Stephen Flynn, Advisory Committee Coordinator
Memo No. 4182
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Administrative Officer, Bill Lopez

SUBJECT: Adoption of VTA Title VI Policies and Standards

Policy-Related Action: Yes

Government Code Section 84308 Applies: No

ACTION ITEM

RECOMMENDATION:

Adopt the proposed Major Service Change, Disparate Impact and Disproportionate Burden Policies and the System-wide Service Standards & Policies as mandated by Federal Transit Administration (FTA) Title VI guidelines.

BACKGROUND:

Title VI (42 U.S.C. §2000 et seq.) was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.

In order to comply with the recent updates to the FTA Title VI Circular (FTA C 4702.1B) and Environmental Justice Circular (FTA C 4703.1) guidelines, VTA is required to create and adopt Major Service Change, Disparate Impact, and Disproportionate Burden Policies. These three policies are to be applied during the planning process to evaluate the impact of service and fare changes on minority and low income passengers.

In addition to these policies, VTA must also create and adopt a set of System-wide Service Standards & Policies, which are used to monitor service performance, vehicle assignment, and the distribution of transit amenities. The proposed VTA System-wide Service Standards & Policies are to be used to compare the service performance of transit routes that are predominantly used by minority passengers against the service performance of routes predominantly used by non-minority passengers. The System-wide Service Policies provide guidance on VTA’s vehicle assignment and transit amenity distribution practices to ensure that system resources are allocated in a fair and equitable manner. These standards and policies were
DISCUSSION:

Public Outreach:

In the development of these policies, VTA solicited input from the community, including low-income, minority, and limited English proficient populations which are traditionally underrepresented in the transit decision-making process. A community outreach plan was implemented to provide the public with multiple opportunities to learn about the proposed policies and provide feedback.

The proposed policies were emailed to more than 30 community-based organizations, transit advocates, and other grassroots organizations to obtain feedback. Additionally, VTA presented the policies at the Refugee and Immigrant Forum and held a meeting at its River Oaks administrative office. Comments could be made by calling or emailing staff or the customer service center. VTA also informed the public of free language assistance available to persons who are limited English proficient.

At the request of transit advocates, the comment period was extended from September 25, 2013 to October 4, 2013. A second extension was granted until October 7, 2013. As a result of this extension, staff did not have the opportunity to review and discuss modifications to the proposed policies at the time this memorandum was completed. Staff will review the additional comments received through October 7th, and consideration will be given to this additional information. Any resulting changes will be brought to the Board for review and approval.

Development of the proposed Major Service Change, Disparate Impact, and Disproportionate Burden policies (Attachment I) and the proposed System-wide Service Standards and Policies (Attachment II) included a comprehensive review of FTA guidelines, previous VTA Title VI practices, and the policies and standards of similar transit agencies. These documents also reflect input and comment from FTA staff, external Title VI legal counsel, transit advocates, community-based organizations, and the general public. In response to requests for additional information made by Directors at their September 27, 2013 workshop, examples of the Disparate Impact and Disproportionate Burden analyses have been revised and are included in Attachment III. The list of organizations staff sought input from is included in Attachment IV.

As a result of this process, VTA’s proposed policies and standards are consistent with FTA guidelines. These policies and standards will achieve their stated purpose of ensuring that VTA transit service and fares are planned and implemented without discrimination on the basis of race, color, or national origin, and with consideration for disproportionate impacts on low-income passengers.

ALTERNATIVES:

The VTA Board of Directors could decide to adopt the proposed polices and standards in whole,
or request staff to provide additional information or re-evaluate certain aspects of the policies.  

**FISCAL IMPACT:**

There is no direct fiscal impact that will result from the adoption of the proposed policies and standards.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Board of Directors meeting as a Committee of the Whole, considered this item on its October 17, 2013. The Committee recommended the item be placed on the November 7, 2013, Board of Directors Regular Agenda.

Prepared by: Sylvester Fadal  
Memo No. 4234
1.0 Purpose:

Title VI (codified at 42 U.S.C. §2000 et seq.) was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.

In order to comply with Federal Transit Administration’s (FTA) Title VI Circular 4702.1B and Environmental Justice Circular 4703.1 requirements, VTA is required to create and adopt Major Service Change, Disparate Impact, and Disproportionate Burden Policies. These policies are used during the planning process to evaluate the impact of major service and fare changes on minority and low income passengers.

In the development of these policies, VTA was also required to seek input from the community, including low-income, minority, and limited English proficient populations, which are traditionally under-represented in the transit decision-making process.

2.0 Scope:

These policies apply to all “major” service changes, and to all fare changes, regardless of magnitude, except as specifically defined herein.

3.0 Responsibilities:

All VTA employees are required to comply with federal and state Title VI and environmental justice laws, regulations, and administrative directives with regard to policies, projects, programs, services, and activities. The Title VI and Environmental Justice Procedure describes divisional and departmental responsibilities.

4.0 Policy:

In accordance with FTA Title VI requirements, VTA shall perform a Service or Fare Equity Analysis to evaluate the positive and negative impacts of all major service and fare changes on minority and low income passengers. The Disparate Impact and Disproportionate Burden policies contained herein provide guidance to staff in their analysis of the effects of these
changes. The Major Service Change policy determines which proposed changes require a Service Equity Analysis. As previously noted, all fare changes proposals are subject to a Fare Equity Analysis.

VTA’s Board of Directors must approve the Major Service Change, Disparate Impact, and Disproportionate Burden policies before they can be incorporated into the Title VI Program and submitted to the FTA. Any future amendments to the policies contained herein are also subject to Board review and approval.

4.1 Major Service Change Policy

VTA implements service changes on a quarterly basis in January, April, July and October of each year. Proposed “major” service changes must be submitted to the VTA Board of Directors for review and approval. For Title VI purposes, all “major” service changes also require that a Service Equity Analysis be conducted.

The following modifications shall be considered “major” service changes:

- The establishment of a new transit line or service;
- The elimination of a transit line or service;
- A route change that impacts 25 percent or more of a line’s route miles;
- Span of service or frequency changes affecting 25 percent or more of a line’s revenue vehicle hours; and
- Proposed changes that are anticipated to be controversial with a particular community or interested parties.

The following types of modifications are not classified as “major” service changes and shall not require Service Equity Analyses:

- Special event service;
- Routing changes due to construction or other road closures; and
- Special service operated during emergencies;

Service change proposals that do not meet the criteria for “major” service changes are still subject to an appropriate level of public review and comment.
4.2 Disparate Impact Policy

The Disparate Impact Policy establishes a threshold for determining if a given service or fare change would result in a fair distribution of positive and negative effects on minority passengers.

As defined by FTA Title VI Circular 4702.1B:

Disparate impact refers to a facially neutral policy or practice that disproportionately affects members of a group identified by race, color, or national origin, where the recipient’s policy or practice lacks a substantial legitimate justification and where there exists one or more alternatives that would service the same legitimate objectives but with less disproportionate effect on the basis of race, color, or national origin.

The policy shall establish a threshold for determining when adverse effects of fare/service changes are borne disproportionately by minority populations. The disparate impact threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by minority populations compared to impacts borne by non-minority populations. The disparate impact threshold must be applied uniformly... and cannot be altered until the next Title VI Program submission.

For Service or Fare Equity Analyses conducted by VTA, a threshold of **10 percent** shall be used to determine if minority riders are more negatively affected – or less positively affected – by the proposed change than VTA riders as a whole. The 10 percent threshold value applies to the difference between the aggregate impacts of the proposed change on minority passengers and the aggregate impacts of the proposed change on overall VTA ridership.

If VTA finds that a disparate impact exists, it shall analyze alternatives to determine if another alternative could serve the same legitimate objective with less of a disparate impact. If a less discriminatory alternative does not exist **and** VTA has substantial legitimate justification that cannot otherwise be accomplished, VTA shall mitigate the impact of the change on affected minority riders.
4.3 Disproportionate Burden Policy

The Disproportionate Burden Policy establishes a threshold for determining if a given service or fare change would result a fair distribution of positive and negative effects on low-income riders.

As defined by FTA Title VI Circular 4702.1B:

Disproportionate burden refers to a neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations. A finding of disproportionate burden requires the recipient to evaluate alternatives and mitigate where practicable.

The policy shall establish a threshold for determining when adverse effects of service or fare changes are borne disproportionately by low-income populations. The disproportionate burden threshold defines statistically significant disparity and may be presented as a statistical percentage of impacts borne by low-income populations as compared to impacts born by non-low-income populations. The disproportionate burden threshold must be applied uniformly.

For Service or Fare Equity Analyses conducted by VTA, a threshold of 10 percent shall be used to determine if low-income riders are more negatively affected – or less positively affected – by the proposed change than VTA riders as a whole. The threshold value applies to the difference in the aggregate impacts of the proposed change on low-income passengers compared to the aggregate impacts of the proposed change on overall VTA ridership.

If VTA finds that low-income populations will incur a disproportionate burden from a proposed service or fare change, VTA shall identify alternatives available to affected low-income riders and take steps to avoid, minimize, or mitigate impacts where practicable.

The disproportionate burden threshold must be applied uniformly, and cannot be altered until the next Title VI Program submission.
5.0 **Definitions:**

5.1 **Environmental Justice**
The overarching objective of environmental justice is a fair distribution of the benefits or burdens associated with Federal programs, policies, and activities.

5.2 **Fare Change**
An increase or decrease in a transit provider’s fare. All fare changes, except the following, are subject to a fare equity analysis:

- “Spare the air days” or other instances when a local municipality or transit agency has declared that all passengers ride free.
- Temporary fare reductions that are mitigating measures for other actions.
- Promotional fare reductions. If promotional or temporary fare reductions last longer than six months, then FTA considers the fare reduction permanent and the transit provider must conduct a fare equity analysis.

5.3 **Limited English Proficient (LEP) persons**
Refers to persons for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all.

5.4 **Low-income Population**
Refers to any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed FTA program, policy, or activity.

5.5 **Minority Population**
Means a readily identifiable group of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient populations (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.
5.6 National Origin
Means the particular nation in which a person was born, or where the person's parents or ancestors were born.

5.7 Title VI
Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participated in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

6.0 Summary of Changes:
None

7.0 Approval Information:

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<th>Prepared by</th>
<th>Reviewed by</th>
<th>Approved by</th>
</tr>
</thead>
<tbody>
<tr>
<td>Author’s name</td>
<td>Division Director’s name</td>
<td>Michael T. Burns</td>
</tr>
<tr>
<td>Title</td>
<td>Title</td>
<td>Title</td>
</tr>
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**1.0 Purpose:**

As outlined in Title VI Circular 4702.1B and Environmental Justice Circular 4703.1, the Federal Transit Administration (FTA) requires that all fixed route transit providers establish and monitor a set of service standards and policies that can be used to measure system performance and ensure that transit services are being provided in a fair and equitable manner. The purpose of this document is to establish the new Title VI standards and policies that will be used by the Santa Clara Valley Transportation Authority (VTA) and submitted to the FTA as part of the triennial Title VI Program.

**2.0 Scope:**

These standards and policies apply to all VTA transit service and passenger facilities.

**3.0 Responsibilities:**

General oversight for the following Title VI policies is performed by VTA’s Office of Civil Rights. The Service & Operations Planning Department is responsible for the ongoing implementation and execution of these policies.

**4.0 Policy:**

In accordance with FTA Title VI requirements, VTA shall regularly monitor the performance of its fixed bus and light rail routes relative to system-wide service standards for the following indicators to ensure that minority and non-minority routes are being operated in a fair and equitable manner.

- Vehicle Load;
- Vehicle Headways;
- On-Time Performance;
- Service Availability; and
- Ridership Productivity
Any service deficiencies identified through this process must be evaluated further to determine the extent to which minorities are affected. If the effect on minority persons is proportionally higher than the effect on non-minority persons, additional steps are required to address the discrepancy.

VTA shall also monitor its vehicle assignments and the distribution of transit amenities based on the policies outlined in this document to prevent discriminatory practices.

### A. Route Categories

In order to develop appropriate standards for the different types of VTA transit service, each route is classified as belonging to one of the six categories listed below. These classifications were used to identify category-specific performance standards.

1. **Core.** Core bus routes provide high-frequency service with extended hours of operation to some of the busiest corridors in the region. The routes are longer and connect major trip generators such as universities, regional shopping malls, and high-density housing and employment areas.
2. **Local.** Local bus service usually operates on medium-length corridors and offers slightly lower levels of service. These routes will often serve smaller trip generators such as schools, hospitals, small shopping centers, and medium-density housing and employment sites.
3. **Community Bus/Shuttles.** Community bus routes are typically shorter and operate with less frequent service. These routes tend to operate within specific neighborhoods and connect smaller trip generators with light rail stations, transit centers, and other nearby destinations. Shuttles which are operated or managed by VTA are included in this category.
4. **Express/Limited Stop.** Express and Limited Stop bus routes provide quicker, more direct service along major corridors and to large employment centers. These routes are designed for commuters and typically only operate during weekday peak periods.
5. **Bus Rapid Transit.** BRT routes provide enhanced, rapid, high-frequency service in major transit corridors. VTA plans to introduce the first of its two planned BRT routes in 2015.
6. **Light Rail.** Light rail trains operate on dedicated tracks in San Jose, Campbell, Santa Clara, Milpitas, Mountain View and Sunnyvale.
B. System-wide Service Standards

The following sections outline the five primary service standards that will be used to monitor VTA bus and light rail lines and draw comparisons between minority and non-minority routes. Each standard is set based on the six service categories listed above and the specified time periods. VTA defines weekday peak periods as 5:00 to 9:00 AM and 3:00 to 7:00 PM.

The data samples used to compare route performance to these standards should be collected over a representative time period to ensure that they provide an accurate snapshot of each route. To ensure consistency, VTA typically uses data from March, April, September or October, which represent the busiest months of the year in terms of ridership. These months also serve as good comparison points because schools are in session and few major holidays are observed. Data collection time periods may fluctuate based on data availability.

Vehicle Loads

The FTA Title VI Circular describes vehicle loads as follows:

Vehicle load can be expressed as the ratio of passengers to the total number of seats on a vehicle. For example, on a 40-seat bus, a vehicle load of 1.3 means all seats are filled and there are approximately 12 standees. A vehicle load standard is generally expressed in terms of peak and off-peak times. Transit providers that operate multiple modes of transit must describe the specific vehicle load standards for peak and off-peak times for each mode of fixed route transit service (i.e., bus, express bus, bus rapid transit, light rail, heavy rail, commuter rail, passenger ferry, etc., as applicable), as the standard may differ by mode.

VTA service planners monitor peak load factor data on all routes to determine when additional service is needed. The peak load factor for each route is derived from the average peak load factor of each weekday on that route during the specified time periods. Load factors
are not typically a major influence on weekend service planning decisions so no Saturday or Sunday load data is reported.

The following table outlines the vehicle load factor standards, which are based upon historical data, industry practices, and staff analyses. If a route exceeds its respective load factor standard, VTA staff will review the service to determine if additional capacity should be provided. Express and Limited Stop routes are subject to a reduced load factor standard of to ensure passenger safety on routes that operate on highways.

**Table 1 - Vehicle Load Factor Standards**

<table>
<thead>
<tr>
<th>Category</th>
<th>Seated Capacity</th>
<th>Peak Load Factor</th>
<th>Peak Passengers</th>
<th>Midday Load Factor</th>
<th>Midday Passengers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Core</td>
<td>37</td>
<td>1.2</td>
<td>44.4</td>
<td>1.0</td>
<td>37.0</td>
</tr>
<tr>
<td>Local</td>
<td>37</td>
<td>1.2</td>
<td>44.4</td>
<td>1.0</td>
<td>37.0</td>
</tr>
<tr>
<td>Community Bus</td>
<td>25</td>
<td>1.2</td>
<td>30.0</td>
<td>1.0</td>
<td>25.0</td>
</tr>
<tr>
<td>Express/Limited Stop</td>
<td>39</td>
<td>1.0</td>
<td>39.0</td>
<td>1.0</td>
<td>39.0</td>
</tr>
<tr>
<td>Bus Rapid Transit</td>
<td>49</td>
<td>1.2</td>
<td>58.8</td>
<td>1.0</td>
<td>49.0</td>
</tr>
<tr>
<td>Light Rail</td>
<td>65</td>
<td>1.2</td>
<td>78.0</td>
<td>1.0</td>
<td>65.0</td>
</tr>
</tbody>
</table>

**Vehicle Headways**

The FTA Title VI Circular describes vehicle headways as follows:

Vehicle headway is the amount of time between two vehicles traveling in the same direction on a given line or combination of lines. A shorter headway corresponds to more frequent service. Vehicle headways are measured in minutes (e.g., every 15 minutes); service frequency is measured in vehicles per hour (e.g., 4 buses per hour). Headways and frequency of service are general indications of the level of service provided along a route. Vehicle headway is one component of the amount of travel time expended by a passenger to reach his/her destination. A vehicle
headway standard is generally expressed for peak and off-peak service as an increment of time (e.g., peak: every 15 minutes; and off peak: every 30 minutes). Transit providers may set different vehicle headway standards for different modes of transit service. A vehicle headway standard might establish a minimum frequency of service by area based on population density. For example, service at 15-minute peak headways and 30-minute off-peak headways might be the standard for routes serving the most densely populated portions of the service area, whereas 30-minute peak headways and 45-minute off-peak headways might be the standard in less densely populated areas. Headway standards are also typically related to vehicle load. For example, a service standard might state that vehicle headways will be improved first on routes that exceed the load factor standard or on routes that have the highest load factors.

Vehicle headways are largely determined by ridership demand and vary widely by route, time and day. Based on changes in ridership levels, headways may be adjusted during the quarterly schedule change process by agency staff.

Table 2 –Vehicle Headway Standards

<table>
<thead>
<tr>
<th>Category</th>
<th>Peak</th>
<th>Off-Peak</th>
</tr>
</thead>
<tbody>
<tr>
<td>Core</td>
<td>15</td>
<td>60</td>
</tr>
<tr>
<td>Local</td>
<td>60</td>
<td>60</td>
</tr>
<tr>
<td>Community Bus</td>
<td>60</td>
<td>60</td>
</tr>
<tr>
<td>Express/Limited Stop</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Bus Rapid Transit</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>Light Rail</td>
<td>15</td>
<td>60</td>
</tr>
</tbody>
</table>

*Most Express and Limited Stop routes provide one-way service and are only available during peak commuting periods. These lines often operate with fewer than 10 trips each day and are scheduled based on passenger surveys to maximize ridership. As a result, the headways for Express and Limited Stop routes vary based on ridership demand and are not specified.
VTA calculates headways as the average length of time between the scheduled arrival times of subsequent vehicles on a specific route. The preceding table outlines the minimum vehicle headway standards by route category and time of day. These standards represent the least frequent service that would be provided for each route category. Many routes operate with more frequent service than is listed above.

On-Time Performance

The FTA Title VI Circular describes on-time performance as follows:

On-time performance is a measure of runs completed as scheduled. This criterion first must define what is considered to be “on time.” For example, a transit provider may consider it acceptable if a vehicle completes a scheduled run between zero and five minutes late in comparison to the established schedule. On-time performance can be measured against route origins and destinations only, or against origins and destinations as well as specified time points along the route. Some transit providers set an on-time performance standard that prohibits vehicles from running early (i.e., ahead of schedule) while others allow vehicles to run early within a specified window of time (e.g., up to five minutes ahead of schedule). An acceptable level of performance must be defined (expressed as a percentage). The percentage of runs completed system-wide or on a particular route or line within the standard must be calculated and measured against the level of performance for the system. For example, a transit provider might define on-time performance as 95 percent of all runs system-wide or on a particular route or line completed within the allowed “on-time” window.

VTA monitors on-time performance on a regular basis to determine if running time changes are needed and to ensure the highest levels of service reliability. As part of the quarterly schedule update process,
running times are reviewed and adjusted as warranted by changing traffic conditions.

VTA has previously established an on-time performance goal of 95 percent for all modes. For bus routes, “on time” is defined as arriving no more than three minutes before or five minutes after the scheduled arrival time. Light rail trips are considered to be “on time” if the train arrives less than one minute before or five minutes after the scheduled arrival time. This 95 percent goal continues to apply as the weekday on-time performance standard for all six route categories.

### Table 3 - On-Time Performance Standards

<table>
<thead>
<tr>
<th>Category</th>
<th>OTP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Core</td>
<td>95.0%</td>
</tr>
<tr>
<td>Local</td>
<td>95.0%</td>
</tr>
<tr>
<td>Community Bus</td>
<td>95.0%</td>
</tr>
<tr>
<td>Express/Limited Stop</td>
<td>95.0%</td>
</tr>
<tr>
<td>Bus Rapid Transit</td>
<td>95.0%</td>
</tr>
<tr>
<td>Light Rail</td>
<td>95.0%</td>
</tr>
</tbody>
</table>

Service Availability

The FTA Title VI Circular describes service availability as follows:

Service availability is a general measure of the distribution of routes within a transit provider’s service area. For example, a transit provider might set a service standard to distribute routes such that a specified percentage of all residents in the service area are within a one-quarter mile walk of bus service or a one-half mile walk of rail service. A standard might also indicate the maximum distance between stops or stations. These measures related to coverage and stop/station distances might also vary by population density. For example, in more densely populated areas, the standard for bus stop distance might be a shorter distance than it would be in less densely populated areas.
areas, and the percentage of the total population within a one-quarter mile walk of routes or lines might be higher in more densely populated areas than it would be in less densely populated areas. Commuter rail service or passenger ferry service availability standards might include a threshold of residents within a certain driving distance as well as within walking distance of the stations or access to the terminal.

The VTA approach to service availability is shaped largely by the VTA Transit Sustainability Policy. This policy mandates the use of a market-based approach in determining when and where transit service will be operated. More specifically, it “provides a framework for the efficient and effective expenditure of transit funds, and for realizing the highest return on investment in terms of public good and ridership productivity.” Therefore, instead of requiring VTA to make service available to a larger geographic region, these guidelines enable VTA to provide frequent, high-quality service to the areas with the highest ridership demand. This approach has proven to be particularly effective at fulfilling the transit needs of Santa Clara County’s minority and low income populations.

### Table 4 – Service Availability Standards

<table>
<thead>
<tr>
<th>Category</th>
<th>Stop Spacing (mi)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Core</td>
<td>0.25</td>
</tr>
<tr>
<td>Local</td>
<td>0.25</td>
</tr>
<tr>
<td>Community Bus</td>
<td>0.25</td>
</tr>
<tr>
<td>Express</td>
<td>*</td>
</tr>
<tr>
<td>Limited Stop</td>
<td>0.50</td>
</tr>
<tr>
<td>Bus Rapid Transit</td>
<td>0.75</td>
</tr>
<tr>
<td>Light Rail</td>
<td>0.66</td>
</tr>
</tbody>
</table>

*Average stop spacing on VTA Express routes varies significantly between lines. Lines typically serve 4-6 pick-up stops in residential areas before traveling long distances to drop-off locations in major employment areas. Due to these large variations, no Express route stop spacing standards are specified.
Although VTA utilizes this ridership-based approach to service availability, the agency has developed stop-spacing standards for each of the route categories. These standards are based on the current average distance between stops for all of the routes for each category. Distances between individual stops vary significantly based on nearby land uses, development densities, geographic characteristics, ridership demand and other local conditions.

Ridership Productivity

The VTA Transit Sustainability Policy identifies a series of ridership-based standards that are used to monitor and evaluate route performance. Based on historical ridership and staff analyses, the primary standard for measuring service performance is boardings per revenue hour. For evaluation purposes, a specific standard is applied to each route category and day. This standard is recalibrated each quarter based on the average boardings per revenue hour for each route category with a minimum standard of 15 boardings per revenue hour. Bus routes that consistently operate below their respective thresholds and are unresponsive to marketing, restructuring, and operational refinements are subject to discontinuation.

A complete summary of the minimum ridership productivity standards by service category is shown below.

Table 5 - Ridership Productivity Standards

<table>
<thead>
<tr>
<th>Category</th>
<th>Weekday</th>
<th>Saturday</th>
<th>Sunday</th>
</tr>
</thead>
<tbody>
<tr>
<td>Core</td>
<td>28.5</td>
<td>25.5</td>
<td>23.4</td>
</tr>
<tr>
<td>Local</td>
<td>24.8</td>
<td>18.4</td>
<td>18.4</td>
</tr>
<tr>
<td>Community Bus</td>
<td>17.2</td>
<td>15.0</td>
<td>15.0</td>
</tr>
<tr>
<td>Express/Limited Stop</td>
<td>23.4/15.0*</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Bus Rapid Transit</td>
<td>28.5</td>
<td>25.5</td>
<td>23.4</td>
</tr>
<tr>
<td>Light Rail</td>
<td>77.4</td>
<td>66.7</td>
<td>52.3</td>
</tr>
</tbody>
</table>

*Ridership standard for Express buses (23.4 boardings per hour) based upon 60% peak load factor. Limited Stop standard based upon average boardings per hour and a minimum of 15 boardings per hour.
C. System-wide Service Policies

These policies are intended to provide guidance and instruction to ensure that vehicle assignment and passenger amenity distribution practices do not result in discrimination on the basis of race, color or national origin.

Vehicle Assignment

The FTA Title VI Circular describes vehicle assignment as follows:

Vehicle assignment refers to the process by which transit vehicles are placed into service in depots and on routes throughout the transit provider's system. Policies for vehicle assignment may be based on the age of the vehicle, where age would be a proxy for condition. For example, a transit provider could set a policy to assign vehicles to depots so that the age of the vehicles at each depot does not exceed the system-wide average. The policy could also be based on the type of vehicle. For example, a transit provider may set a policy to assign vehicles with more capacity to routes with higher ridership and/or during peak periods. The policy could also be based on the type of service offered. For example, a transit provider may set a policy to assign specific types of vehicles to express or commuter service. Transit providers deploying vehicles equipped with technology designed to reduce emissions could choose to set a policy for how these vehicles will be deployed throughout the service area.

The VTA bus fleet features over 400 active vehicles divided between three different bus divisions – Chaboya, North and Cerone. The bus fleet includes a mix of five different vehicle types: standard 40-foot diesel buses, 30-foot gasoline community buses, 40-foot hybrid-powered buses, 40-foot hybrid-powered express buses and 60-foot articulated, diesel-powered buses. Buses are typically assigned to one of the three divisions based on the size of the yard, the operational or ridership characteristics of certain routes located near that division, and the geographical distribution of routes so that the total time required for the buses and operators to travel between the bus yard and the route is minimized as much as possible.
Currently, all articulated buses must operate out of the North Division for maintenance reasons, but staff is planning to move some of these vehicles to the Chaboya Division in the future. Express vehicles are currently operating out of the Cerone Division due to their limited number, but they will be distributed between all three bus divisions when the next group of vehicles arrives.

VTA maintains extremely high safety standards and closely monitors the age and condition of its vehicles to determine when new buses are needed and to guarantee that buses are equitably distributed between the three bus divisions. As a general policy for vehicle assignment, staff will continue to monitor vehicle age data at each of the three bus divisions to ensure that the average vehicle age at each division is no more than six months above or below the average vehicle age of the active fleet.

The VTA light rail fleet is maintained at the Guadalupe Yard and includes 99 vehicles. All 99 vehicles are the same type and age and are distributed between the three light rail lines. When light rail vehicles are replaced or added to the fleet in the future, the use of both new and older vehicles will be distributed equitably between all routes. Light rail trains range in length from one to three cars. The number of cars assigned to each train is determined based on operational and ridership demands.

**Transit Amenities**

The FTA Title VI Circular describes transit amenities as follows:

Transit amenities refer to items of comfort, convenience, and safety that are available to the general riding public. Fixed route transit providers must set a policy to ensure equitable distribution of transit amenities across the system. Transit providers may have different policies for the different modes of service that they provide. Policies in this area address how these amenities are distributed within a transit system, and the manner of their distribution determines whether transit users have equal access to these amenities. This... is not intended to impact funding decisions for transit amenities. Rather, this...
applies after a transit provider has decided to fund an amenity.

VTA provides a wide array of transit amenities which include bus shelters, benches, trash cans, lighting, and posted stop-specific schedule information. VTA is also in the process of implementing a real-time information system that will inform passengers when the next bus will arrive. These amenities are distributed throughout the service area based on ridership, staff analysis and customer requests. Light rail stations have unique amenities such as enhanced shelters, detailed system maps and schedules, and automated ticket vending machines. Similarly, future BRT stations will also feature enhanced waiting environments with additional transit amenities.

VTA has recently commissioned a Transit Passenger Environment (TPEP) Plan that will provide a comprehensive analysis of the system’s transit amenities and provide specific guidelines for how amenities should be provided in the future. The recommendations from TPEP will form the basis of VTA’s transit amenity distribution procedures. General policies for the distribution of bus shelters, benches, trash cans, lighting fixtures and posted schedule information are outlined below. VTA staff monitors the locations of all transit amenities to ensure that they are equitably distributed to minority and low income areas.

Bus Shelters

Bus shelters are provided at nearly 800 stops throughout the VTA system. The installation of bus shelters is generally based upon ridership and staff input. Spatial constraints may also limit where bus shelters can and cannot be installed.

Benches

Benches are provided at over 2,000 stops throughout the VTA system. The installation of benches is based upon ridership, customer requests and staff input. Stops located near medical and senior facilities are also furnished with benches as much as possible.
Trash Cans

Trash cans are installed and maintained at over 900 stops in the VTA system. The trash cans are distributed based on ridership, customer requests, maintenance considerations and staff input.

Lighting

As part of its focus on passenger safety, VTA installs lighting at many of its bus stop locations. Additional solar-powered lights have been added to stops throughout the service area to promote safety and energy-efficiency. The distribution of lighting fixtures is primarily based upon ridership, customer requests, safety considerations, and staff recommendations.

Posted Schedule Information

VTA currently features stop-specific “information signs” at over 150 bus stops. These information signs provide scheduled departure times for all trips departing from the stop. The installation of information signs is generally based upon ridership, transfer activity, and staff input. Signs are typically also provided for stops with common interagency transfers.

Real-Time Information Signs

VTA is in the process of implementing an extensive real-time information system that will provide up-to-the-minute information on bus and light rail arrival times. Passengers will be able to use computers or mobile devices to look up when the next bus is due to arrive at a specific bus stop. Every bus stop in the system will have a unique Real Time Stop ID which passengers can use to find out when the next bus is due to arrive.

As part of this project, VTA will also install approximately 80 Real Time Message Signs at various transit centers and bus stops throughout the system. The locations of these real-time signs will be determined based on ridership data, transfer activity, operational considerations, and staff recommendations.
5.0 Definitions:

5.1 Environmental Justice

The overarching objective of environmental justice is a fair distribution of the benefits or burdens associated with Federal programs, policies, and activities.

5.2 Fare Change

An increase or decrease in a transit provider’s fare. All fare changes, except the following, are subject to a fare equity analysis:

- “Spare the air days” or other instances when a local municipality or transit agency has declared that all passengers ride free.
- Temporary fare reductions that are mitigating measures for other actions.
- Promotional fare reductions. If promotional or temporary fare reductions last longer than six months, then FTA considers the fare reduction permanent and the transit provider must conduct a fare equity analysis.

5.3 Low-income Population

Refers to any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed FTA program, policy, or activity.

5.4 Minority Population

Means a readily identifiable group of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient populations (such as migrant workers or Native Americans) who will be similarly affected by a proposed DOT program, policy, or activity.
5.5 Title VI

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participating in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

6.0 Summary of Changes:

None

7.0 Approval Information:

<table>
<thead>
<tr>
<th>Prepared by</th>
<th>Reviewed by</th>
<th>Approved by</th>
</tr>
</thead>
<tbody>
<tr>
<td>Author’s name Title</td>
<td>Division Director’s name Title</td>
<td>Michael T. Burns Title</td>
</tr>
</tbody>
</table>

Original Date: / /03
Revision Date: / /03
So this change would create a disparate impact.

\[
\frac{19\%}{10\%} \quad \text{threshold}
\]

\[
\frac{71\%}{90\%} = \quad \text{Minority percentage of all VTA system passengers}
\]

\[
\text{Minority percentage of passengers affected by proposed change}
\]

**Attachment III: Service Equity Analysis**

**Line X Passengers**

**All VTA System Passengers**

VTA is proposing a major service reduction on line "X."
increase of over 110 service hours per week.

These five "major" service changes represented a net appreciable loss of service for existing line 183 passengers:

- Line 183 - Route eliminated and consolidated with line 180 (No
- Line 181 - Increase service frequency on Sundays.
- Line 180 - Discontinue service to Shortline on selected trips.
- Line 120 - Discontinue service to Kaiser San Jose.
- Line 42 - Extended weekday service to Evergreen Valley College;

determined to be "Major" Service Changes:

Five (5) of the changes proposed for July 2013 were

Analyses of VTA Major Service Changes Implemented in July 2013

Service Equity Analysis Example #2
Service Equity Analysis Example #2 (cont'd)

Analyses of VTA Major Service Changes Implemented in July 2013

If minority percent of affected passengers was less than 61%, it would be a disparate impact. The threshold is 71% (VTA Avg.).

Since minority percent of affected passengers (77.9%) was greater than 61%, minorities actually benefit more from the changes than expected.
Fare Equity Analysis

Attachment III: Fare Equity Analysis
Title VI

Presented by:

Sylvester Fadal
Presentation Overview

• What is Title VI?
• Public Engagement
• Proposed VTA Title VI related Policies:
  ▪ Major Service Change Policy
  ▪ Disparate Impact Policy
  ▪ Disproportionate Burden Policy
  ▪ System-Wide Service Standard & Policies
What is Title VI?

Title VI (codified at 42 U.S.C. §2000d et seq.) was enacted as part of the landmark Civil Rights Act of 1964. It prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.

As a recipient of federal assistance, all VTA programs are subject to FTA Title VI requirements. These regulations ensure that transit service is operated in a non-discriminatory manner.
FTA requires recipients of federal assistance such as VTA to engage the public prior to adopting policies designed to address discrimination on the basis of race, color, and national origin; and also, low income persons in the provision of programs and services.
Public Engagement

VTA emailed its policies to approx. 30 representatives of the organizations below. Upon requests, VTA staff also gave presentations and teleconferred with members of the public.

Community-Based Organizations and Transit Advocacy Groups:

1. Refugee and Immigrant Forum
2. PACT
3. African Community Health Institute
4. Somali-American Community
5. SPUR
6. TransForm
7. Sierra Club
8. Urban Habitat
9. Public Advocates
10. Silicon Valley Leadership Group
11. Greenbelt Alliance
12. Silicon Valley Community Foundation
13. Asian Americans for Community Involvement
14. Working Partnership
15. Green Belt Alliance
16. San Jose State Transportation Advocates
17. Silicon Valley Bicycle Coalition
18. African American Community Services Agency
19. Jewish Family Services of Silicon Valley
20. Day Worker Center of Mountain View
21. Catholic Charities
22. Vietnamese American Voters of Northern CA
23. Refugee Transitions
24. Bill Wilson Center
25. Santa Clara County Health and Human Services
26. Sikh Foundation
27. MACSA
28. The City Project
Major Service Change Policy

VTA implements service changes on a quarterly basis: January, April, July and October of each year.

When a proposed service change is considered “major,” it must be submitted to the VTA Board of Directors for review and approval.

For Title VI purposes, all “major” service changes also require that a Service Equity Analysis be conducted.
Major Service Change Policy (cont’d)

The following changes shall be considered “major” service changes:

- The establishment of a new transit line or service;
- The elimination of a transit line or service;
- A route change that impacts 25 percent or more of a line’s route miles;
- Span of service or frequency changes affecting 25 percent or more of a line’s revenue vehicle hours;
- A series of changes on a single route which are included in the two-year Transit Service Plan and cumulatively meet any of the above criteria;
- Proposed changes that are anticipated to be controversial with a particular community or interested parties based on public feedback;
- A system-wide change concurrently affecting 5 percent or more of the total system revenue hours.
The following types of modifications are not classified as “major” service changes and shall not require Service Equity Analyses:

- Special event service;
- Routing changes due to construction or other road closures; and
- Special service operated during emergencies;
“Disparate impact refers to a **facially neutral policy or practice** that disproportionately affects members of a group identified by race, color, or national origin, where the recipient’s policy or practice lacks a substantial legitimate justification and where there exists one or more alternatives that would service the same legitimate objectives but with less disproportionate effect on the basis of race, color, or national origin.”

FTA Circular 4702.1B
Disparate Impact Policy

For Service or Fare Equity Analyses conducted by VTA, a threshold of 10 percent shall be used to determine if minority riders are more negatively affected – or less positively affected – by the proposed change(s) than VTA riders as a whole. The 10 percent threshold value applies to the difference between the aggregate impacts of the proposed change(s) on minority passengers and the aggregate impacts of the proposed change(s) on overall VTA ridership.
If VTA finds that a disparate impact exists:

1. It shall analyze alternatives to determine if another alternative could serve the same legitimate objective with less of a disparate impact. If a less discriminatory alternative does not exist and

2. VTA has substantial legitimate justification that cannot otherwise be accomplished, VTA shall mitigate the impact of the change on affected minority riders.
“Disproportionate burden refers to a neutral policy or practice that disproportionately affects low-income populations more than non-low-income populations. A finding of disproportionate burden requires the recipient to evaluate alternatives and mitigate where practicable.”

FTA Circular 4702.1B
Disproportionate Burden Policy

For Service or Fare Equity Analyses conducted by VTA, a threshold of **10 percent** shall be used to determine if low-income riders are more negatively affected – or less positively affected – by the proposed change than VTA riders as a whole. The threshold value applies to the difference in the aggregate impacts of the proposed change on low-income passengers compared to the aggregate impacts of the proposed change on overall VTA ridership.
VTA is proposing a major service reduction on Line “X”.

- Line X Passengers:
  - Minority: 90.0%
  - Non-Minority: 10.0%

- All VTA System Passengers:
  - Minority: 71.0%
  - Non-Minority: 29.0%

Minority percentage of passengers affected by proposed change: 90%
Minority percentage of all VTA system passengers: 71%

19% > 10% threshold

So this change would create a disparate impact.

NOTE: This is a hypothetical example for illustrative purposes only.
Five (5) of the changes proposed for July 2013 were determined to be “Major” Service Changes:

- Line 37 – Discontinue Saturday service.
- Line 42 – Extend weekday service to Evergreen Valley College and Kaiser San Jose.
- Line 120 – Discontinue service to Shoreline on selected trips.
- Line 181 – Increase service frequency on Sundays.
- Line 183 – Route deleted and consolidated with Line 180 (No appreciable loss of service for Line 183 passengers)

These five “major” service changes represented a net increase of over 110 service hours per week.
Analyses of VTA Major Service Changes implemented in July 2013

Since minority percent of affected passengers (77.9%) was greater than 61%, minorities actually benefit more from the changes and no disparate impact exists.

If minority percent of affected passengers was less than 61%, it would be a disparate impact.
System-Wide Service Standards & Policies

- Standards are used to monitor and evaluate service performance for minority riders.
- Standards compare performance of “minority routes” and “non-minority routes” based on:
  - Peak Load Factors
  - Headways
  - On-Time Performance
  - Service Availability
  - Ridership Productivity
- Policies used to monitor vehicle assignment and transit amenity allocation practices to ensure that resources are distributed equitably.
Thank You!
Attachment IV: Public Engagement

VTA emailed the major service change, disparate impact and disproportionate burden policies to approximately 30 representatives of the organizations listed below. At the request of the organizations, staff also gave presentations and teleconference with members of the public as well.

Community-Based Organizations and Transit Advocacy Groups

1. Refugee and Immigrant Forum
2. PACT
3. African Community Health Institute
4. Somali-American Community
5. SPUR
6. TransForm
7. Sierra Club
8. Urban Habitat
9. Public Advocates
10. Silicon Valley Leadership Group
11. Greenbelt Alliance
12. Silicon Valley Community Foundation
13. Asian Americans for Community Involvement
14. Working Partnership
15. Green Belt Alliance
16. San Jose State Transportation Advocates
17. Silicon Valley Bicycle Coalition
18. African American Community Services Agency
19. Jewish Family Services of Silicon Valley
20. Day Worker Center of Mountain View
21. Catholic Charities
22. Vietnamese American Voters of Northern CA
23. Refugee Transitions
24. Bill Wilson Center
25. Santa Clara County Health and Human Services
26. Sikh Foundation
27. MACSA
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

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

SUBJECT: Santa Clara Alum Rock Bus Rapid Transit Project – Civil and Station Improvements Contract

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with Goodfellow Top Grade, the lowest responsible bidder, in the amount of $54,163,685 for the construction of the Santa Clara Alum Rock Bus Rapid Transit Project - Civil and Station Improvements.

BACKGROUND:

In December 2008, the VTA Board of Directors approved the Santa Clara Alum Rock Bus Rapid Transit (BRT) Project Environmental Impact Report, defining the 7.2 mile project in the City of San Jose. The Project extends from the western terminus at the SAP Center on Santa Clara Street to the Alum Rock Transit Center on Capitol Avenue and continues to the Eastridge Transit Center. Ten new BRT stations are included along the alignment plus one station at the Eastridge Transit Center (Exhibit A).

On September 5, 2013, the VTA Board of Directors authorized execution of a contract with George Bianchi Construction for the Santa Clara Alum Rock BRT Project Restoration and Completion contract. This contract will restore adjacent properties impacted by the main civil construction activities and address minor unforeseen improvements that are required for completion of the project but not included in the main civil contract.

The Civil and Station Improvements contract includes eleven stations and median busway improvements to facilitate a BRT corridor from SAP Center in downtown San Jose to the Eastridge Transit Center. The work includes clearing and grubbing, demolition, street improvements and
widening, concrete median busway paving, asphalt concrete, curb and gutter and sidewalk, traffic signals, street and pedestrian lights, BRT stations and amenities, communication, landscaping, drainage, utilities signing and striping and miscellaneous other activities.

**DISCUSSION:**

The BRT Project Civil and Station Improvements contract was advertised on May 9, 2013. Thirteen prime contractors were prequalified for this contract. Eight bids were opened on August 27, 2013, with the following results:

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goodfellow Top Grade</td>
<td>$ 54,163,685</td>
</tr>
<tr>
<td>Pavex</td>
<td>$ 54,520,432</td>
</tr>
<tr>
<td>McGuire &amp; Hester</td>
<td>$ 54,598,323</td>
</tr>
<tr>
<td>RGW</td>
<td>$ 56,635,205</td>
</tr>
<tr>
<td>Granite Construction</td>
<td>$ 57,386,768</td>
</tr>
<tr>
<td>Desilva Gates/Robert A. Bothman (JV)</td>
<td>$ 57,677,777</td>
</tr>
<tr>
<td>Shimmick Construction</td>
<td>$ 58,900,800</td>
</tr>
<tr>
<td>Stacy &amp; Witbeck</td>
<td>$ 61,877,690</td>
</tr>
<tr>
<td>Engineer’s Estimate</td>
<td>$ 61,365,477</td>
</tr>
</tbody>
</table>

On September 3, 2013, VTA issued a Notice of Recommended Award of the Civil and Station Improvements contract to Goodfellow Top Grade. This Notice was the point at which the Post Bid Opening Protest period began.

On September 4, 2013, a formal protest was submitted by the Northern California Mason Contractors Association (NCMCA). The protest focused on a claim that the contract included language that was restrictive and prevented the use of masonry subcontractors.

VTA staff reviewed the issues raised in the protest and carefully considered options available and their associated risks and cost implications. Upon review with Counsel’s office, it was determined that it would be in VTA’s best interest at that time to reject all bids and reissue the solicitation. On September 18, 2013, VTA issued notification of the rejection of all bids.

On September 23, 2013, Goodfellow Top Grade submitted a protest to the rejection of all bids and to the protest submitted by NCMCA. Goodfellow Top Grade requested that VTA rescind the September 18, 2013 letter rejecting all bids and confirm the September 3, 2013 Notice of Recommended Award of the contract to Goodfellow Top Grade. The basic points of Goodfellow Top Grade’s protest were that (1) NCMCA’s interpretation of the contract language was in error; (2) NCMA’s protest was untimely and invalid; and (3) NCMA had no standing to make a protest.

On October 3, 2013, the (REBID) Civil and Stations Improvements for the Santa Clara Alum Rock Bus Rapid Transit Project was issued. The readvertisement in October would have resulted in an award of the contract at the January 2014 Board of Directors meeting.

After further analysis and review, VTA staff has decided that it is in VTA’s best interest to rescind the rejection of all bids, discontinue the rebid of the Civil and Station Improvements contract, and proceed with the award of the original contract advertisement to Goodfellow Top Grade.

On October 22, 2013, staff issued the Notice of Recommended Award of the Civil and Station Improvements contract to Goodfellow Top Grade, and cancelled the advertisement of the (REBID) Civil and Station Improvements contract.

On October 24, 2013, Graniterock submitted a request that VTA reconsider its intention to award the contract, and that VTA instead continue with re-bidding the contract. Graniterock noted the “highly irregular manner in which VTA staff has come to recommend project award,” having rejected all bids, returned bid bonds and readvertised the contract.

After further analysis and review, VTA staff has decided that it is in VTA’s best interest to proceed with the award of the original contract advertisement to Goodfellow Top Grade.

Goodfellow Top Grade is the lowest responsible and responsive bidder. The bid is 11.7% below the Engineer’s Estimate. VTA has determined the bid to be fair and reasonable, and recommends award of this contract to Goodfellow Top Grade.

Construction is scheduled to begin in January 2014 with completion by September 2015.

**ALTERNATIVES:**

The Board could choose to reject all bids and readvertise the contract. This would result in a delay in awarding this contract and would jeopardize the completion of the project that is planned for revenue service in September 2015.

**FISCAL IMPACT:**

This action will authorize $54,163,685 for construction of civil and station improvements for the Santa Clara Alum Rock BRT Project. Appropriation for this expenditure is available in the FY2014 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.

**SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION:**

Based on identifiable subcontracting opportunities, a Small Business Enterprise (SBE) goal of 16.78% was established for this contract. Contractor has met the established goal and has committed to 19% SBE participation on this contract.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Transit Planning & Operations Committee meeting scheduled for September 19, 2013 was cancelled.

Prepared by: Ken Ronsse, Deputy Director
Memo No. 4051
BOARD OF DIRECTORS
COMMITTEE OF THE WHOLE MEETING

(In Lieu of Administration & Finance Committee Meeting,
Congestion Management Program & Planning Committee, and
Transit Planning & Operations Committee Meetings)

Thursday, October 17, 2013
10:00 AM

MINUTES

CALL TO ORDER

The Committee of the Whole Meeting of the Santa Clara Valley Transportation Authority’s (VTA) Board of Directors was called to order by Congestion Management Program & Planning (CMPP) Committee Chairperson Matthews at 10:04 a.m. in VTA Conference Room B-104, 3331 North First Street, San Jose, California.

1.1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Margaret Abe-Koga</td>
<td>Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Xavier Campos</td>
<td>Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Larry Carr</td>
<td>Alternate Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Cindy Chavez</td>
<td>Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Dave Cortese</td>
<td>Alternate Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Jose Esteves</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Rose Herrera</td>
<td>Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Ash Kalra</td>
<td>Vice Chairperson</td>
<td>Absent</td>
</tr>
<tr>
<td>Johnny Khamis</td>
<td>Alternate Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>SamLiccardo</td>
<td>Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Jamie Matthews</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Chuck Page</td>
<td>Alternate Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Joe Pizynski</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Gail A. Price</td>
<td>Alternate Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Donald Rocha</td>
<td>Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>David Whittum</td>
<td>Alternate Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Perry Woodward</td>
<td>Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Ken Yeager</td>
<td>Board Member</td>
<td>Present</td>
</tr>
</tbody>
</table>

* Alternates do not serve unless participating as a Member.

A quorum was not present and a Committee of the Whole was declared.
2. ORDERS OF THE DAY

Chairperson Matthews noted the following changes to the agenda:

Removed from the Regular Agenda and placed on the Consent Agenda: Agenda Item #7., VTA Noise Barrier Program; Agenda Item #8., Local Program Reserve Programming Actions; Agenda Item #9., 2014 STIP Program Adoption; Agenda Item #10., Adopt the 2013 VTA Congestion Management Program (CMP), and; Agenda Item #14., Pedestrian Swing Gates Replacement.

Defer to the November 13, 2013 CMPP Meeting: Agenda Item #12., Revised Purchase and Sale Agreement with Green Republic for West San Carlos and Agenda Item #13., West San Carlos Development Agreement with City of San Jose

On order of Chairperson Matthews, and there being no objection, the Committee of the Whole accepted the Orders of the Day.

3. PUBLIC COMMENTS

Roland LeBrun, Interested Citizen, made the following comments: thanked VTA for repairing the Tamien escalators as well as making it easier for seniors to get Clipper Cards; suggested the remaining funds for the Central Valley double tracking project be rerouted to the San Jose area to help finance the extension of Caltrain to Blossom Hill; that VTA be designated to oversee the Los Gatos Replacement Bridge project, and; requested that the meetings be held in the River Oaks Auditorium.

CONSENT AGENDA

4. Monthly Legislative History Matrix

On order of Chairperson Matthews, and there being no objection, the Committee of the Whole reviewed the Monthly Legislative History Matrix.

5. Fiscal Year 2013 Quarterly Statement of Revenues & Expenses for the Period Ending June 30, 2013

On order of Chairperson Matthews, and there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to review and accept the Fiscal Year 2013 Quarterly Statement of Revenues and Expenses for the period ending June 30, 2013.

6. VTA Permit Fee Schedule Revisions

On order of Chairperson Matthews, and there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to revise the VTA Permit Policy to authorize the General Manager to waive fees for parties making transit improvements for VTA and adopt a resolution amending the VTA Permit Fee Schedule, adjusting fees to be collected for Construction Access Permits and Restricted Access Permits to be consistent with the revision of VTA allocated rates.

7. VTA Noise Barrier Program

On order of Chairperson Matthews, and there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to review VTA's Adopted Sound Barrier Program.
8. **LOCAL Program Reserve Programming Actions**

On order of Chairperson Matthews, and there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to approve the allocation of $5,460,000 of Local Program Reserve (LPR) to:

- SR 680 Corridor Study $250,000
- I-280 Corridor Study $250,000
- I-280/Winchester Blvd Off-Ramp $250,000
- US 101 Auxiliary Lanes Project $260,000 and
- SR 237, SR 85 and US 101 Express Lanes $4,450,000

9. **2014 STIP Program Adoption**

On order of Chairperson Matthews, and there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to adopt a resolution to program 2014 State Transportation Improvement Program (STIP) capacity to projects; approve a funding exchange of $14.5 million in STIP funds for $14.5 million in Measure A funds; increase the 2000 Measure A Transit Improvement Program Fund Capital Budget by $14.5 million; and authorize the General Manager to execute appropriate funding agreements to receive STIP funds.

10. **Adopt the 2013 VTA Congestion Management Program (CMP)**

On order of Chairperson Matthews, and there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to adopt the 2013 VTA Congestion Management Program (CMP).

14. **Pedestrian Swing Gates Replacement**

On order of Chairperson Matthews, and there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract with GECMS Inc. dba Gyeron Construction, the second lowest responsible bidder, in the amount of $337,400 for the construction of Pedestrian Swing Gates Replacement, and relieve the low bidder of its obligation to perform the contract.

**REGULAR AGENDA**

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

Review VTA Noise Barrier Program.

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

Local Program Reserve Programming Actions.

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

Adopt a resolution to program 2014 State Transportation Improvement Program (STIP) capacity to projects; approve a funding exchange of $14.5 million in STIP funds for $14.5 million in Measure A funds; increase the 2000 Measure A Transit Improvement Program Fund Capital Budget by $14.5 million; and authorize the General Manager to execute appropriate funding agreements to receive STIP funds.
10. *(Removed from the Regular Agenda and placed on the Consent Agenda.)*

Adopt the 2013 VTA Congestion Management Program (CMP).

11. **Adoption of VTA Title VI Policies and Standards**

On order of Chairperson Matthews, and there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to adopt the proposed Major Service Change, Disparate Impact and Disproportionate Burden Policies and the System-wide Service Standards & Policies as mandated by Federal Transit Administration (FTA) Title VI guidelines.

12. *(Deferred to November 13, 2013 CMPP Meeting.)*

Authorize the General Manager to execute a revised Purchase and Sale Agreement for the property known as the Ohlone Project with Green Republic, LLC.

13. *(Deferred to November 13, 2013 CMPP Meeting.)*

Authorize the General Manager to execute a Development Agreement with Green Valley Corporation d/b/a Barry Swenson Builders, Green Republic, LLLP, and the City of San Jose as related to the Purchase and Sale Agreement for the VTA Property known as “West San Carlos Property.”

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

Authorize the General Manager to execute a contract with GECMS Inc. dba Gyeron Construction, the second lowest responsible bidder, in the amount of $337,400 for the construction of Pedestrian Swing Gates Replacement, and relieve the low bidder of its obligation to perform the contract.

15. **Analysis of Purchasing Compressed Natural Gas (CNG) Buses**

Michael T. Burns, General Manager, advised that the procurement for the 30-foot buses is still in negotiations and suggested that this item will be continued to the November 21, 2013, Transit Planning and Operations (TPO) Committee meeting. The schedule for the procurement of the 30-foot buses will be dependent on the Board’s decision on the CNG issue.

On order of Chairperson Matthews, and there being no objection, the Committee of the Whole deferred the Analysis of Purchasing CNG buses be continued to the November 21, 2013, TPO meeting.

**OTHER**

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

Board Member Esteves expressed concern on the traffic delays on 237 West.

Mr. Burns indicated VTA is looking into the issue. John Ristow, Chief CMA Officer indicated VTA will gather data on the area.

17. **Committee Staff Report**

Mr. Ristow provided a handout for the Committee Staff Report.
On order of Chairperson Matthews, and there being no objection, the Committee of the Whole received the Committee Staff Report.

18. **Chairperson’s Report**

There was no Chairperson’s Report.

19. **Determine Consent Agenda for the November 7, 2013 Board of Directors Meeting.**

CONSENT:

**Agenda Item #4.** Review the Monthly Legislative History Matrix.

**Agenda Item #5.** Review and accept the Fiscal Year 2013 Quarterly Statement of Revenues and Expenses for the period ending June 30, 2013.

**Agenda Item #6.** Revise the VTA Permit Policy to authorize the General Manager to waive fees for parties making transit improvements for VTA and adopt a resolution amending the VTA Permit Fee Schedule, adjusting fees to be collected for Construction Access Permits and Restricted Access Permits to be consistent with the revision of VTA allocated rates.

**Agenda Item #7.** Review VTA’s adopted Sound Barrier Program.

**Agenda Item #8.** Approve the allocation of $5,460,000 of Local Program Reserve (LPR) to:

- SR 680 Corridor Study $250,000
- I-280 Corridor Study $250,000
- I-280/Winchester Blvd Off-Ramp $250,000
- US 101 Auxiliary Lanes Project $260,000 and
- SR 237, SR 85 and US 101 Express Lanes $4,450,000

**Agenda Item #9.** Adopt a resolution to program 2014 State Transportation Improvement Program (STIP) capacity to projects; approve a funding exchange of $14.5 million in STIP funds for $14.5 million in Measure A funds; increase the 2000 Measure A Transit Improvement Program Fund Capital Budget by $14.5 million; and authorize the General Manager to execute appropriate funding agreements to receive STIP funds.

**Agenda Item #10.** Adopt the 2013 VTA Congestion Management Program (CMP).

**Agenda Item #14.** Authorize the General Manager to execute a contract with GECMS Inc. dba Gyeron Construction, the second lowest responsible bidder, in the amount of $337,400 for the construction of Pedestrian Swing Gates Replacement, and relieve the low bidder of its obligation to perform the contract.

**REGULAR**

**Agenda Item #11.** Adopt the proposed Major Service Change, Disparate Impact and Disproportionate Burden Policies and the System-wide Service Standards & Policies as mandated by Federal Transit Administration (FTA) Title VI guidelines.
20. **ANNOUNCEMENTS**

There were no Announcements.

21. **ADJOURN**

On order of Chairperson Matthews and there being no objection, the meeting was adjourned at 10:32 a.m.

Respectfully submitted,

Anita L. McGraw, Board Assistant
VTA Office of the Board Secretary
NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Administration and Finance Committee Meeting scheduled for Thursday, October 17, 2013, at 12:30 p.m. has been cancelled.

The next meeting of the Santa Clara Valley Transportation Authority Administration and Finance Committee is scheduled for Thursday, November 21, 2013, at 12:30 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
TRANSIT PLANNING & OPERATIONS COMMITTEE

Thursday, October 17, 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, October 17, 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, November 21, 2013, at 4:00 p.m. at VTA River Oaks Campus, 3331 North First Street, Conference Room B-104, San Jose, California.

Menominee L. McCarter, Board Assistant
VTA Office of the Board Secretary
NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Silicon Valley Rapid Transit Program Working Committee Meeting scheduled for Monday, October 7, 2013 at 10:00 a.m. has been cancelled.

The next meeting of the Santa Clara Valley Transportation Authority Silicon Valley Rapid Transit Program Working Committee is scheduled for Monday, December 2, 2013 at 10:00 a.m. at VTA River Oaks Campus, 3331 North First Street, Conference Room B-104, San Jose, California.

Michelle M. Garza, Board Assistant
VTA Office of the Board Secretary
COMMITTEE FOR TRANSIT ACCESSIBILITY

Wednesday, October 9, 2013
1:00 PM

MINUTES

CALL TO ORDER

The Regular Meeting of the Committee for Transit Accessibility (CTA) was called to order at 1:00 p.m. by Chairperson Morrow in the Auditorium, Building A, 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>Cam Acker</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Kathy Bonilla</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Fred Buzo</td>
<td>Council Asst. Board Member Liccardo</td>
<td>Absent</td>
</tr>
<tr>
<td>Katie Heatley</td>
<td>Ex-Officio Member</td>
<td>Present</td>
</tr>
<tr>
<td>Troy Hernandez</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Jeffery Jokinen</td>
<td>First Vice Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Lupe Medrano</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Laura Michels</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Aaron Morrow</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Lechi Nguyen</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>David Robinson</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Mark Romoser</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Larry Saltman</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Dilip Shah</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Barbara Stahl</td>
<td>Second Vice Chairperson</td>
<td>Absent</td>
</tr>
<tr>
<td>Chaitanya Vaidya</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Lori Williamson</td>
<td>Member</td>
<td>Present</td>
</tr>
</tbody>
</table>

A quorum was present.

2. INTRODUCTION OF AUDIENCE MEMBERS

David Ledwitz, Management Analyst; Bernice Alaniz, Deputy Director Marketing and Public Affairs; Greta Helm, Chief External Affairs Officer; Maria Cambra, Sales and Promotion Supervisor; Helen Bellitto, Creative Services Manager; Michael T. Burns, General Manager; Stephen Flynn, Advisory Committee Coordinator; Warlito Sonico, Operations Office Specialist.
3. **PUBLIC PRESENTATIONS**

Cam Acker, CTA Member, provided comment on the location of Clipper Card stations on Caltrain noting the difficulty of getting off at unfamiliar locations and knowing where to go. She questioned if anything is being done to address the issue.

Chairperson Morrow requested staff follow-up on the item and provide a response.

4. **Board of Directors Report**

Greta Helm, Chief External Affairs Officer, provided a report and materials highlighting the promotional campaign for National Disability Employment Awareness Month and the Clipper card. She noted a video is being produced by several members of the Committee, and thanked them for their participation.

Member Acker requested large print of the promotional materials.

Member Vaidya noted the video will be available on YouTube after it has been completed.

Chairperson Morrow introduced new CTA Member Lupe Medrano. Ms. Medrano thanked the Committee for their welcome and noted her willingness to help.

**On order of Chairperson Morrow** and there being no objection, the Committee received the Board of Director’s Report.

5. **General Manager’s Report**

Michael T. Burns, VTA General Manager, announced his retirement from VTA. He thanked the Committee for their hard work and support noting his pleasure working with them.

Mr. Burns recognized Member Heatley and Outreach for their work and thanked her for collaborating with VTA and helping serve the community.

Mr. Burns highlighted several projects that are moving forward, including: 1) National Disability Employment Awareness month; 2) pedestrian access to bus stops and transit facilities; 3) Bus Rapid Transit project; and 4) appointment of Nuria Fernandez as the new VTA General Manager.

**On order of Chairperson Morrow** and there being no objection, the Committee received a report from the General Manager.

**CONSENT AGENDA**

6. **Minutes of June 12, 2013**

M/S/C (Jokinen/Williamson) to approve the Regular Meeting Minutes of June 12, 2013.

**NOTE:** M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
7. **Transit Service Changes for October 14, 2013**

M/S/C (Jokinen/Williamson) to review the transit service changes for October 14, 2013.

8. **FY 2013 Annual Transit Operations Performance Report**

M/S/C (Jokinen/Williamson) to receive the Committee FY 2013 Annual Transit Operations Performance Report.

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

**REGULAR AGENDA**

9. **Nomination Subcommittee Appointment**

Stephen Flynn, Advisory Committee Coordinator, provided a brief overview of the staff report.

Members Vaidya, Bonilla, Medrano, and Hernandez volunteered to serve on the nomination subcommittee.

M/S/C (Nguyen/Morrow) to appoint a nomination subcommittee to identify Committee members interested in serving as the chairperson or vice chairperson for 2014.

10. **BART Silicon Valley Project Update**

Bernice Alaniz provided an overview of the staff report and a presentation highlighting:
1) program overview; 2) Berryessa Extension; 3) Berryessa Extension contracts; 4) to date major accomplishments; 5) current and near-term construction; 6) Mission/Warren Improvement Project; 7) Kato Road Grade Separation; 8) Construction: Montague trench; 9) columns for Berryessa Station/Guideway; 10) Hostetter grade separation; 11) station and campus accessibility features; 12) Milpitas Campus plan; 13) Milpitas BART Station access; 14) Milpitas Station accessible features; 15) Berryessa Campus plan; 16) Berryessa BART Station access; 17) Berryessa Station access; and 18) Berryessa station accessible access.

Member Stahl questioned if the elevators will be large enough to accommodate a bicycle and mobility device simultaneously and if the trains will have automatic doors.

Ms. Alaniz indicated she will confirm the information and provide it to the Community.

On order of Chairperson Morrow and there being no objection, the Committee received the report on the BART Silicon Valley Project Update.
11. **Eastridge Transit Center Project Status Update**

Ken Ronsse, Deputy Director, Construction, provided a brief overview of the staff report.

Chairperson Morrow commented on reaching out to non-profits and several other sectors of the community noting they could provide insight and share safety concerns.

Mr. Ronsse indicated an extensive outreach program is in place and non-profit organizations and system users in the community will be added to the list of stakeholders.

**On order of Chairperson Morrow** and there being no objection, the Committee received the Eastridge Transit Center Project Status Update.

12. **Receive the Santa Clara/Alum Rock Bus Rapid Transit Project Status Update**

Mr. Ronsse provided an overview of the staff report and presented graphics to provide additional detailed information on the project.

**On order of Chairperson Morrow** and there being no objection, the Committee received the Santa Clara/Alum Rock Bus Rapid Transit Project Status Update.

13. **Bus Stop Improvement Program Status Report**

Mr. Ronsse provided an overview of the staff report.

Member Bonilla expressed concern with the response time for fixing a problem at the bus stop on Castro and El Camino Real in Mountain View and bus stop access on route 81 near Wolfe Road in Cupertino due to construction.

Member Michaels requested the Committee receive a copy of the second set of stops that are being reviewed for improvement.

Member Stahl indicated several stops along El Camino Real are not wide enough for wheelchairs to go around and requested staff to look at those as well.

Mr. Ronsse indicated staff will look into the issues to determine how they will be addressed.

**On order of Chairperson Morrow** and there being no objection, the Committee received the Bus Stop Improvement Program Status Report.
14. **Work Plan Update**

Jim Unites, Operations Deputy Director and Committee Staff Liaison, provided a brief overview of the staff report.

Chairperson Morrow indicated he would like the Committee to continue developing the process with BPAC focusing on pedestrian access projects and building for the future.

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

**REPORTS**

15. **Committee Staff Report**

Mr. Unites provided a brief update on the Local 5310 programming funds noting Outreach’s grant application to for new vehicles and communications equipment was approved.

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

18. **Citizens Advisory Committee (CAC)/Citizens Watchdog Committee (CWC) Report**

There was no report.

19. **Chairperson’s Report**

Chairperson Morrow provided a report noting the following: 1) a need for the Committee to receive an overview of the Title VI project for better understanding. He also suggested VTA gain a snapshot of the system to better advocate for services.

**OTHER**

20. **ANNOUNCEMENTS**

There were no announcements.

21. **ADJOURNMENT**

**On order of Chairperson Morrow** and there being no objection, the meeting was adjourned at 2:57 p.m.

Respectfully submitted,

Menominee L. McCarter  
VTA Office of the Board Secretary
NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Bicycle and Pedestrian Advisory Committee Meeting scheduled for Wednesday, October 9, 2013, at 6:30 p.m. has been cancelled.

The next meeting of the Santa Clara Valley Transportation Authority Bicycle and Pedestrian Advisory Committee Meeting is scheduled for November 13, 2013, at 6:30 p.m. at Conference Room B-104, Building B, 3331 North First Street, San Jose, California.

Theadora Travers, Interim Board Assistant
VTA Office of the Board Secretary
NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Transit Planning and Operations (TP&O) Committee Meeting scheduled for Thursday, October 17, 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, November 21, 2013, at 4:00 p.m. at VTA River Oaks Campus, 3331 North First Street, Conference Room B-104, San Jose, California.

Menominee L. McCarter, Board Assistant
VTA Office of the Board Secretary
CALL TO ORDER

The Regular Meeting of the Policy Advisory Committee (PAC) was called to order at 4:03 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>
</tr>
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<tbody>
<tr>
<td>Rich Waterman</td>
<td>City of Campbell</td>
<td>Absent</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>Absent</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>
</tr>
<tr>
<td>Rich Larsen</td>
<td>Town of Los Altos Hills</td>
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</tr>
<tr>
<td>Vacant (Alternate)</td>
<td>Town of Los Altos Hills</td>
<td></td>
</tr>
<tr>
<td>Marcia Jensen</td>
<td>Town of Los Gatos</td>
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<tr>
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<tr>
<td>Armando Gomez</td>
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<tr>
<td>Vacant (Alternate)</td>
<td>City of Milpitas</td>
<td></td>
</tr>
<tr>
<td>Julie Wiltshire</td>
<td>City of Monte Sereno</td>
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</tr>
<tr>
<td>Marshall Anstandig (Alternate)</td>
<td>City of Monte Sereno</td>
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<tr>
<td>Larry Carr</td>
<td>City of Morgan Hill</td>
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</tr>
<tr>
<td>Rich Constantine (Alternate)</td>
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<td>Absent</td>
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<tr>
<td>John McAlister</td>
<td>City of Mountain View</td>
<td>Present</td>
</tr>
<tr>
<td>Jac Siegel (Alternate)</td>
<td>City of Mountain View</td>
<td>NA</td>
</tr>
<tr>
<td>Gail A. Price</td>
<td>City of Palo Alto</td>
<td>Present</td>
</tr>
<tr>
<td>Nancy Shepherd (Alternate)</td>
<td>City of Palo Alto</td>
<td>NA</td>
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<tr>
<td>Kansen Chu</td>
<td>City of San Jose</td>
<td>Present</td>
</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>
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<tr>
<td>Howard Miller</td>
<td>City of Saratoga</td>
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<tr>
<td>Chuck Page (Alternate)</td>
<td>City of Saratoga</td>
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<tr>
<td>David Whittum</td>
<td>City of Sunnyvale</td>
<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>Present</td>
</tr>
</tbody>
</table>

A quorum was present.

2. ORDERS OF THE DAY

There were no Orders of the Day.
3. PUBLIC PRESENTATIONS
There were no Public Presentations.

4. Committee Staff Report
Mr. Lawson announced the appointment of Nuria Fernandez, VTA’s new General Manager and provided a brief overview of Ms. Fernandez’s work experience and history in transportation and the private sector. Ms. Fernandez will start as VTA’s new General Manager on December 16, 2013, noting Michael T. Burns, will retire on December 31, 2013.

Member Miller arrived at the meeting and took his seat at 4:07 p.m.

Mr. Lawson provided a brief report, noting the following: 1) VTA’s and Good Karma participated on September 20, 2013 in “National Parking Day”; 2) Eastridge Transit Center Groundbreaking event held at Eastridge Transit Center on September 27, 2013; and 3) the official signing of the Santa Clara County Habitat Conservation Plan on October 3, 2013.

Mr. Lawson provided a brief overview of the October 3, 2013 Board of Director’s Regular Meeting, highlighting the approval of: 1) Good Karma contract; 2) contact amendment for VTA’s General Counsel; 3) Resolution of Necessity for the Silicon Valley Rapid Transit (SVRT) Corridor Extension Project; 4) Gilig contract for hybrid buses; 5) contract amendment with HNTB Corporation (HNTB) for services supporting the design of the SVRT Program; and 6) received a report on the VTA-ATU Pension Plan Actuarial.

Member Wassermann expressed his appreciation for the Santa Clara County Habitat Conservation, noting the extensive collaborative work with the partners to ensure the protection of the fish, game, wildlife, and land.

Member Wasserman expressed his appreciation to Mr. Lawson for his due diligence in reviewing the Committee Agenda to determine if the meeting was relevant and prudent.

Chairperson Price reiterated the request that presentations to the committee be limited to about 15 slides where possible unless additional slides are warranted for the presentation.

5. Chairperson’s Report
There was no chairperson's report.

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

Member Jensen arrived at the meeting and took her seat at 4:17 p.m.

CONSENT AGENDA

6. Regular Meeting Minutes of September 12, 2013
M/S/C (Wasserman/Miller) to approve the Regular Meeting Minutes of September 12, 2013.

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

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

8. REGIONAL REPORTS

A. Metropolitan Transportation Commission (MTC)

Scott Haywood, Policy and Community Relations Manager, provided a brief overview on Metropolitan Transportation Commission (MTC), noting the only thing on the MTC horizon is the Cap and Trade Program with an estimated amount of $3 billion used for transportation within the Bay Area.

B. California Transportation Commission (CTC)

There was no California Transportation Commission Report.

9. Local Program Reserve Programming Actions

Marcella Rensi, Transportation Planning Manager, provided a brief overview of the staff report.

Member Miller stressed the importance for the Committee to receive a presentation on the proposed funding plans required for the Express Lanes Program. John Ristow, Chief CMA Officer, responded that staff provided a presentation to the Board of Directors at the September 27, 2013 Board Workshop meeting. Mr. Lawson stated that the Express Lanes presentation provided at the September 27, 2013 Board Workshop meeting will be emailed to the Committee Members for their reference.

M/S/C (Whittum/Miller) to recommend that the Board of Directors approve the allocation of $5,460,000 of Local Program Reserve (LPR) to: State Route (SR) 680 Corridor Study in the amount of $250,000; I-280 Corridor Study in the amount of $250,000; I-280/Winchester Boulevard Off-Ramp in the amount of $250,000; US 101 Auxiliary Lanes Project in the amount of $260,000; and SR 237, SR 85, and US 101 Express Lanes in the amount of $4,450,000.

10. 2014 State Transportation Improvement Program (STIP) Program Adoption

Ms. Rensi provided a brief overview, noting a revision to the project funding amounts listed on page 2 of 4, programming for 2014 STIP capacity.

M/S/C (Whittum/Mahoney) to recommend that the Board of Directors adopt a resolution to program 2014 State Transportation Improvement Program (STIP) capacity to projects; approve a funding exchange of $12.5 million in STIP funds for $12.5 million in Measure A funds; increase the 2000 Measure A Transit Improvement Program Fund Capital Budget by $12.5 million; and authorize the General Manager to execute appropriate funding agreements to receive STIP funds.

Committee Members requested VTA staff discuss potential targets for STIP funding of the County Expressway system in future meetings and STIP cycles. The Committee requested that VTA staff provide a comprehensive presentation on the Express Lane Program status and the proposed funding plans.

Member Chu arrived at the meeting and took his seat at 4:43 p.m.

11. VTA Noise Barrier Program

Ms. Rensi provided a brief overview of the staff report.

On order of Chairperson Price and there being no objection, the Committee received the report on the VTA Noise Barrier Program.
OTHER

12. Committee Work Plan
Committee Members requested that staff provide a presentation on the Express Lane Program regarding the proposed funding approaches.

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

13. Announcement
Vice Chairperson Whittum announced that VTA’s Board of Directors Regular meetings are webcast at the County Government Center.

14. ADJOURNMENT
On order of Chairperson Price and there being no objection, the Committee meeting was adjourned at 4:56 p.m.

Respectfully submitted,

Michelle M. Garza, Board Assistant
VTA Office of the Board Secretary