BOARD OF DIRECTORS MEETING

Thursday, December 12, 2013
9:00 AM

PLEASE NOTE MEETING TIME

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:

1) Agenda Language updated for Agenda Item #3.4 – TAEA labor agreement

2) Agenda language updated for Agenda Item #7.9 – Paratransit Contract Extension.
• 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.

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

70 West Hedding St., San Jose, California is served by bus lines *61, 62, 66, 181, and Light Rail. (*61 Southbound last trip is at 8:55 pm for this location.)

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1. CALL TO ORDER AND ROLL CALL

1.1. ROLL CALL

1.2. ACTION ITEM - Conduct separate elections to determine the Board’s chairperson and vice chairperson for calendar year 2014.

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

2. AWARDS AND COMMENDATION

2.1. ACTION ITEM - Adopt the resolution of appreciation for outgoing VTA Board Member.

2.2. ACTION ITEM - Adopt Resolution of appreciation for retiring VTA General Manager, Michael T. Burns.

3. CLOSED SESSION

3.1. Recess to Closed Session

A. 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, Case Swenson, Barry Swenson Builder

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

B. 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)

C. Existing Litigation - Conference with Legal Counsel
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   Name of Case: Truck Rail Handling, Inc., et al. v. Santa Clara Valley Transportation Authority, et al.
   (Alameda County Superior Court Case No.: RG12628077)
D. Conference with Labor Negotiators
   [Government Code Section 54957.6]
   
   VTA Designated Representatives
   Bill Lopez, Chief Administrative Officer
   Robert L. Escobar, Deputy Director, Administrative Services
   Joseph Smith, Chief Financial Officer
   
   Employee Organizations
   Amalgamated Transit Union, Local 265
   Transportation Authority Engineers and Architects Association (TAEA), IFPTE, Local 21

3.2. Reconvene to Open Session
3.3. Closed Session Report
3.4. ACTION ITEM - Approve and formally adopt a successor labor agreement negotiated between the Santa Clara Valley Transportation Authority (VTA) and Transportation Authority Engineers and Architects Association (TAEA), 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**

5.1. **HEARING - NOTICE OF INTENTION TO ADOPT RESOLUTIONS OF NECESSITY**

ACTION ITEM - Close Hearing and adopt Resolutions of Necessity determining that the public interest and necessity requires the acquisition of property interests from two properties owned by: (1) Brian E. Horner, located in Milpitas, California; and (2) PSB Northern California Industrial Portfolio LLC, a Delaware limited liability company, located in Milpitas, California, for the BART Silicon Valley Berryessa Extension (SVBX) Project.

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

**Property ID/Assessor's Parcel Number/Owner**

B2019A (APN 022-31-030) owned by Brian E. Horner

B2081 (APNs 022-01-006) owned by PSB Northern California Industrial Portfolio LLC, a Delaware limited liability company

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

ACTION ITEM - Close Hearing and adopt Resolution of Necessity determining that the public interest and necessity requires the acquisition of property interests from one property owned by: (1) Lake Marriot, LLC c/o Divco West, a Delaware limited liability company located in Santa Clara, California, for the Light Rail Efficiency (LREP) Project.

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

**Property ID/Assessor's Parcel Number/Owner**

LREP-01 (104-49-029) owned by Lake Marriot, LLC c/o Divco West, a Delaware limited liability company

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.


6.4.A. ACTION ITEM -Approve the VTA Board of Directors Meeting Schedule for calendar year 2014.

7. CONSENT AGENDA

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

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

7.3. ACTION ITEM -Approve the 2014 Legislative Program for the Santa Clara Valley Transportation Authority (VTA).

7.4. ACTION ITEM -For the Committee for Transit Accessibility, approve the following for the upcoming two-year term ending December 31, 2015:

- Reappointment of the following current human services agency/business representatives: Vista Center for the Blind and Visually Impaired; Hope Services; City of San José Senior Citizens Commission; and the City of Milpitas Barbara Lee Senior Center.

- Reappointment of current members Barbara Stahl, Kathy Bonilla, Dilip Shah and Cam Acker representing persons with disabilities.

7.5. ACTION ITEM -Review and accept the Fiscal Year 2014 Quarterly Statement of Revenues and Expenses for the period ending September 30, 2013.

7.6. ACTION ITEM -Adopt a resolution to update Santa Clara Valley Transportation Authority's (VTA’s) implementation of the California Environmental Quality Act (CEQA) through acceptance of the State CEQA Guidelines, as amended from time to time by the California Secretary for Resources, and add the word “purchasing” to Article 19 Categorical Exemption, Section 15301, Existing Facilities, first sentence that describes Class 1 activities.

7.7. ACTION ITEM -Adopt a resolution authorizing the General Manager to submit and execute grant applications and agreements, certifications, assurances, and other documents as necessary to receive funding from the California Department of Transportation (Caltrans) under the Federal Transit Administration (FTA) Section 5311 Non-Urbanized Area Formula Grant Program.
7.8. ACTION ITEM - Review and approve the criteria used to evaluate and select projects for the Transportation Fund for Clean Air (TFCA) Program Manager Fund and the status of ongoing Santa Clara County TFCA projects.

7.9. ACTION ITEM - Authorize the General Manager to enter into a five year contract extension through June 30, 2021 with Outreach and Escort, Inc. (Outreach) for Americans with Disabilities Act paratransit services. Also authorize automatic renewals of two year terms beginning on July 1, 2021 and every other July 1 thereafter.

7.10. ACTION ITEM - Authorize the General Manager to execute a contract with Gillig LLC in an amount not to exceed $25,453,857 for the purchase of 38 Hybrid Diesel-Electric Community Buses including related equipment, training and support for the replacement of the current Community Buses. The execution of the contract will be subject to compliance with the FTA pre-award requirements and the satisfactory clearance of any protests.

7.11. ACTION ITEM - Authorize the General Manager to amend the Trapeze OPS software purchase and installation contract with Trapeze Software Group to accommodate scope additions in the amount of $330,000, increasing the total contract value to $2,264,967.

7.12. ACTION ITEM - Authorize the General Manager to execute a contract with Emtrac Systems through a preferred vendor procurement for $340,305 for Transit Signal Priority Equipment for the Limited 323 Transit Signal Priority Project on San Carlos Street and Stevens Creek Boulevard.

7.13. ACTION ITEM - Authorize the General Manager to execute contract amendments valued at $1,175,000 with WMH Corporation (WMH) for design and engineering services, including construction support services, for the BART Silicon Valley Berryessa Extension - Project Campus, Roadway, and Parking Facilities Design and Engineering Services contract, thereby increasing the total agreement value authorized by the VTA Board to $8,650,000.

7.14. ACTION ITEM - Authorize the General Manager to execute a contract with G & G Specialty Contractors, Inc., the lowest, responsive and responsible bidder in the amount of $742,500 for the Group Three’s construction of Residential Noise Insulation Program.

7.15. ACTION ITEM - Authorize the General Manager to execute a contract amendment with CSDA Architects in an amount not to exceed $70,000, increasing the total contract value to $2,316,948.88, for construction oversight services for the Silicon Valley Berryessa Extension (SVBX) Residential Noise Insulation Program (RNIP) construction contracts.

7.17. ACTION ITEM - Review and receive the audited Financial Report for Fiscal Year 2013 of the Santa Clara Valley Transportation Authority Retirees’ Other Post Employment Benefits Trust (Trust).

7.18. INFORMATION ITEM - Receive the Proactive CMP Quarterly Report for July through September 2013.

7.19. INFORMATION ITEM - Receive the report of the expenditure of Vehicle Registration Fee receipts.

8. REGULAR AGENDA

Administration and Finance Committee

8.1. ACTION ITEM - Adopt the following resolutions relating to VTA’s Title VI Program: a) Adopt a Resolution to approve the results from the monitoring of VTA’s System-wide Service Standards and Policies, and the Equity Analysis for major service changes planned for the FY2014-FY2015 Transit Service Plan, which demonstrate that there are no adverse effects of service changes that create disparate impacts to minority passengers or disproportionately burden low-income passengers; and b) Adopt a Resolution to approve VTA’s entire Title VI Program, which is a compilation of documents, maps, tables, and plans demonstrating VTA’s compliance with Title VI requirements.

8.2. ACTION ITEM - Approve the VTA Transit Fund Comprehensive Reserve Policy.

Transit Planning and Operations Committee

8.3. ACTION ITEM - Authorize the General Manager to extend the current contract with BalancePoint Strategic Services in the amount of $530,000 for a total contract value of $1,611,708 to provide ongoing professional services in support of the Joint Workforce Investment (JWI) project. The term of the extended contract would be from July 1, 2014 through June 30, 2016.

8.4. ACTION ITEM - Authorize the General Manager to execute a contract with Stacy & Witbeck, Inc., the lowest responsible bidder, in the amount of $13,688,609 for construction of the LRT Efficiency Project - Tasman Drive Pocket Track. In addition, amend the FY 2014 2000 Measure A Transit Improvement Program Fund Capital Budget to add $14,810,000 for the Tasman Drive Pocket Track Project.

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

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Board Secretary Sandra A. Weymouth

SUBJECT: Elect Board Chairperson and Vice Chairperson for 2014

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

ACTION ITEM

RECOMMENDATION:

Conduct separate elections to determine the Board’s chairperson and vice chairperson for calendar year 2014.

BACKGROUND:

The VTA Administrative Code requires the Board of Directors to annually elect from its voting membership a chairperson and vice chairperson to serve as its officers for the upcoming year. Only directors, not alternates, are eligible to serve in these positions. The term of office for both positions is one-year, coinciding with the calendar year. Elections are conducted the last meeting of the calendar year, where practical.

Per the Administrative Code, the primary duties of the chairperson are to:

- Preside at all meetings of the Board.
- Nominate for Board approval directors to serve on Board standing committees and to serve as standing committee chairpersons.
- Establish the Board’s agenda in consultation with the General Manager.
- Regulate the order of presentations to the Board consistent with the Board Rules of Procedure.
- Sign all ordinances, resolutions and legal instruments approved or authorized by the Board whenever not otherwise delegated to the General Manager or staff.

The vice chairperson performs the duties of the chairperson in the event of the chairperson’s absence or inability to act, and while so acting has all the authority of the chairperson.
The Administrative Code specifies that the chairperson and vice chairperson positions are rotated annually according to the permanent rotational schedule established by the Board in 1997 to ensure that Board leadership is balanced between the smaller city groups (Groups 2, 3, 4 and 5), the City of San Jose and the County of Santa Clara. (The smaller cities groups are: Group 2 -- North County Cities; Group 3 -- West Valley Cities; Group 4 -- South County Cities; and Group 5 -- Northeast County Cities.) The rotational pattern is:

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<thead>
<tr>
<th>Chairperson</th>
<th>Vice Chairperson</th>
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<tr>
<td>City of San Jose</td>
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<td>City of San Jose</td>
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</table>

At the meeting immediately preceding the final meeting of the year, the Board Chairperson notifies members of the upcoming election process. This includes instructing any members interested in being considered for the board chairperson or vice chairperson positions from the designated city/county grouping per the rotational schedule to submit a letter of interest to the VTA Board Secretary by the end of that month, for consideration in the elections to be held the following meeting. Nominations from the floor will also be accepted at that meeting.

**DISCUSSION:**

For 2013, it was the small cities groups’ turn to hold the chairperson position and the City of San José’s for the vice chairperson position. Based on the rotational schedule, for 2014 the chairperson position will rotate to San Jose and the vice chairperson position to the smaller city groups. Only Board members from the designated city/county grouping per the rotational schedule are eligible for nomination to or to indicate interest in serving in the designated chairperson or vice chairperson position.

At the last meeting of the year, the Board shall accept nominations from the floor and consider letters of intent received to elect its chairperson and vice chairperson for the next year. Each position is elected separately and independently. The affirmative vote of a majority of the total authorized Board membership, which is seven members, is required to elect each position. The term of office for the newly elected officers begins January 1st of the year following the scheduled election.

**FISCAL IMPACT:**

There is no financial impact.

Prepared by: Stephen Flynn, Advisory Committee Coordinator
Memo No. 4326
November 7, 2013

VTA Chairman Joe Pirzynski  
c/o Sandra Weymouth  
Board Secretary  
Santa Clara Valley Transportation Authority  
3331 North First Street, Building B-1st Floor  
San Jose, CA 95134-1927

Dear Chairman Pirzynski,

I am writing to express my interest in being considered for the position of Chair of the VTA Board in 2014. I have greatly appreciated the opportunity to represent San José and the South Bay region during my tenure on the VTA Board, and it would be honor to continue my service in the position of Chair.

Sincerely,

Ash Kalra  
Councilmember, District 2  
City of San José
November 5, 2013

The Honorable Joe Pirzynski
Chairperson, Board of Directors
Santa Clara Valley Transportation Authority
3331 North First Street
San Jose, CA 95134

Dear Chairperson Pirzynski,

I was recently appointed to the VTA Board of Directors by Group 2 (Northwest Cities Group) for a term beginning in January 2014. I appreciate their appointment and look forward to working with you, the VTA Board, and staff.

As a 4-year member of the Policy Advisory Committee (PAC), I have served as both Chair and Vice Chair. I was also a member of the City of Palo Alto's Rail Committee for 2 years. I have over 25-years of community planning and transportation experience at both the local and regional level. With this experience and strong interest in transportation and community planning, I would like to place my name in nomination for the position of the VTA Board Vice Chairperson for the 2014 term.

My professional and policy experience will support VTA's mission, goals, policies, and projects. Thank you for considering my interest in this leadership position. Strengthening innovative and efficient transit options and increasing ridership are critical to our growing region and its economic vitality. I look forward to serving on the VTA Board of Directors.

Sincerely,

Gail A. Price
Palo Alto City Councilmember

cc: The Honorable Ash Kalra, Vice Chairperson, VTA Board of Directors
October 22, 2013

The Honorable Joe Pirzynski
Chairperson, Board of Directors
Santa Clara Valley Transportation Authority
3331 North First Street
San Jose, CA 95134

Re: Board Vice Chairperson Nomination for 2014 Term

Dear Chairperson Pirzynski:

As you know, I have the privilege of serving as the Mayor Pro Tempore for the City of Gilroy, where my elected city council term runs through November 2016. Recently, the Morgan Hill and Gilroy city councils re-appointed me to a third two-year term (2014-15) on the VTA Board of Directors (City Grouping 4). I am honored to have the opportunity to continue serving the South County cities in this capacity. It is exciting to be able to continue working with you, the members of the Board, and the VTA staff as we move forward on the many important transportation projects now underway in Santa Clara County.

As a member of the VTA Policy Advisory Committee in 2008 and 2009, I witnessed first-hand many of these same infrastructure and service projects in their infancy or early phases. As a member of the Board of Directors from 2010 through today, it has been satisfying to participate in moving these same projects toward completion. Of course, much remains to be done.

My experience with the Board also includes four years as a member of the Administration & Finance Committee and two years of service on the Audit Committee. For the last year, I have represented VTA on the Peninsula Joint Powers Authority board overseeing Caltrain’s operations. With six years of uninterrupted service to VTA (2 years – PAC/4 years – Board of Directors), I wish to place my name in nomination for Board Vice Chair for the 2014 term. Thank you for considering my interest in this position.

Very truly yours,

Perry J. Woodward
Mayor Pro Tempore
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Board Secretary Sandra A. Weymouth

SUBJECT: 2013 Outgoing Board Member Resolution

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

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt the resolution of appreciation for outgoing VTA Board Member.

BACKGROUND:

VTA benefits from local elected officials willing to serve on the VTA Board of Directors. Serving on the Board requires dedication, time and energy beyond their regular duties as council members.

DISCUSSION:

The attached resolution express VTA's appreciation for the diligent service of our outgoing board members. Their leadership has enabled VTA to provide transportation services, programs and projects to the residents of Santa Clara County.

FISCAL IMPACT:

There is no financial impact.

Prepared by: Colleen Valles
Memo No. 4385
Resolution

By the Board of Directors of the Santa Clara Valley Transportation Authority (VTA) a Special District of the State of California relative to commending the

Honorable Margaret Abe-Koga

Whereas, Margaret Abe-Koga is completing her term on the VTA Board of Directors for 2013; and

Whereas, She served with distinction as vice chair of the VTA Board of Directors for 2010 and Chair of the Board in 2011; and

Whereas, She advocated strongly for access to transit on behalf of low-income individuals in Santa Clara County, resulting in the Transit Assistance Program; and

Whereas, Director Abe-Koga has been a staunch supporter of Bus Rapid Transit along the El Camino Real corridor, one of the busiest in Santa Clara County; and

Whereas, She championed the Bay Area Bike Share program and proudly cut the ribbon on a station in her city;

Whereas, She served on the Ad-Hoc Selection Committee to select a new General Manager and oversaw the selection of the new General Counsel to guide VTA over the coming years; and

Whereas, She was active on VTA’s El Camino Real Rapid Transit Policy Advisory Board, Transit Planning and Operations and the Policy Advisory Committee; and

Whereas, Director Abe-Koga safeguarded the finances of VTA through the Budget process and as an active member of the Ad Hoc Financial Recovery Committee; and

Whereas, She tirelessly worked to advance the BART Silicon Valley Program from the approval of VTA’s first design-build contract, and the first Project Labor Agreement through the start of construction and the completion of a number of projects along the corridor.

Now therefore be it resolved, that the VTA Board of Directors hereby commends and expresses its sincere appreciation to Margaret Abe-Koga for her exemplary service; and

Be it further resolved, that this resolution is presented with the thanks and good wishes of the VTA.

Adopted by the VTA Board of Directors this twelfth day of December 2013.

_____________________________
Joe Pirzynski, Chairperson
Santa Clara Valley Transportation Authority
Resolution

By the Board of Directors of the Santa Clara Valley Transportation Authority (VTA) a Special District of the State of California relative to commending

Michael T. Burns

Whereas, Michael T. Burns steered VTA over the last 8 years leaving it on a solid financial footing, despite some tough economic times, by making difficult choices and leading by personal example; and

Whereas, He examined business and service-delivery practices at VTA resulting in a series of changes making VTA more efficient and improving public transit service for communities throughout the county; and

Whereas, He secured a grant of $900 million from the Federal Transit Administration to help fund the BART extension from Fremont to the Berryessa area of San José -- the largest public works project ever undertaken in Silicon Valley; and

Whereas, He saw the successful passage of 2008 Measure B providing much needed operating funds for the BART Extension Project; and

Whereas, He initiated construction on the BART extension project using Design Build contracting for the first time to facilitate cost-effective project delivery and signed the first Project Labor Agreement providing internships and preferred local employment for the project; and

Whereas, He initiated the development of a new transit service known as “bus rapid transit” (BRT) along three corridors that not only handle a lot of vehicle traffic, but are busy public transportation corridors as well; and

Whereas, Michael T. Burns implemented a phased approach to Light Rail service in East San José recognizing the vital need for improved public transit in this area; and

Whereas, He successfully spearheaded the design and installation of an innovative between car barrier system making VTA’s light rail platforms safer and easier to navigate for sight-impaired passengers; and

Whereas, He promoted the newest technology in fare media and Wi-Fi connectivity to enhance the customer experience on VTA’s public transit system, as well as supported a seamless connection with other public transit service providers in the Bay Area; and
Whereas, In an effort to aid the state and VTA in working more cooperatively to deliver state highway projects in Silicon Valley, Michael T. Burns’ helped establish a unique partnership with the California Department of Transportation (Caltrans) called the iTEAM, which will help to deliver these projects faster, cheaper and more efficiently; and

Whereas, He served for two years as chair of the Executive Committee for the California Transit Association, working diligently to protect transit funding at the state level; and

Whereas, He led creative efforts to sustain Caltrain funding especially during difficult economic times; and

Whereas, Michael T. Burns prioritized and emphasized the safety and security of VTA’s public transit customers and employees.

Now therefore be it resolved, that the VTA Board of Directors hereby commends and expresses its sincere appreciation Michael T. Burns for his exemplary service; and

Be it further resolved, that this resolution is presented with the thanks and good wishes of VTA.

Adopted by the VTA Board of Directors this twelfth day of December 2013.

_____________________________
Joe Pirzynski, Chairperson
Santa Clara Valley Transportation Authority
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief SVRT Program Officer, Carolyn M. Gonot

SUBJECT: SVBX Resolution of Necessity

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

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a Resolution of Necessity determining that the public interest and necessity require the acquisition of the subject property for the BART Silicon Valley Berryessa Extension (SVBX) Project.

BACKGROUND:

The BART Silicon Valley Program is an extension of the existing BART regional heavy rail system to Milpitas, San Jose and Santa Clara, which will be delivered through a phased approach. The first phase is the Silicon Valley Berryessa Extension (SVBX) Project, a 10-mile, two-station project, which will extend the existing BART system and provide service to the Cities of Milpitas and San Jose in Santa Clara County.

The SVBX Project will begin south of the future BART Warm Springs Station in Fremont and proceed on the WP Milpitas Corridor purchased by VTA from the Union Pacific Railroad in 2002, through Milpitas, and end in the Berryessa area of north San Jose at Las Plumas Avenue (See Project Map attached hereto). Engineering on the SVBX Project is advancing, and major utility relocations and full construction activities have begun. Full and partial property acquisitions are required from approximately 102 property owners in order to construct the SVBX Project.

These acquisitions are being pursued in accordance with state and federal law, and diligent efforts are being made to acquire them through negotiated settlement. However, negotiated
settlements may not be achievable in all instances and some of the acquisitions may need to be acquired through a timely condemnation process, particularly to ensure that the Project can stay on schedule.

A prerequisite to commencement of eminent domain proceedings by a public entity is adoption of a Resolution of Necessity (California Code Civil Procedure section 1245.220). As discussed below, staff is recommending the Board to adopt Resolutions of Necessity for 2 property acquisitions to enable commencement of eminent domain proceedings.

DISCUSSION:

Among the approximately 102 property acquisitions required for the Project, staff is recommending that Resolutions of Necessity be adopted for the following properties:

1. **Property owned by Brian Horner (B2019A):**

   This property is located at 420 Railroad Court in the City of Milpitas. The larger parcel consists of approximately 3.22 acres and is currently unimproved with the exception of a moveable trailer.

   A 13,979 square foot Partial Fee interest (B2019A-01), a 20,075 square foot Ingress/Egress Easement interest (B2019A-02), a 3,456 Electric Overhang Easement interest (B2019A-03), a 1,126 square foot Electric Transmission Tubular Steel Pole Line Easement interest (B2019A-05) and a 10,719 Temporary Construction Easement interest (B2019A-06) are needed from the property. The Partial Fee interest is needed to construct the Systems Wayside facility that includes a traction power substation, train control buildings and high voltage substation. The Ingress/Egress Easement interest provides access for BART service and maintenance personnel to the new Systems Wayside Facility. The Electric Overhang Easement is for PG&E’s high voltage overhead electrical lines that supply power to the BART facilities. The Electric Transmission Tubular Steel Pole Line Easement is for PG&E’s poles for the overhead electrical lines. The Temporary Construction Easement is needed by PG&E to install their poles and overhead electrical lines.

   The property was appraised and reviewed by a review appraiser, and VTA staff set just compensation. An offer based on the recommended appraisal was made on **October 17, 2013.** To date, negotiations with the owner to acquire the property have been unsuccessful even though the real estate team has diligently worked to acquire the property through negotiated settlement with the property owner. The team will continue to work with the property owner to reach a negotiated settlement even after adoption of a Resolution of Necessity.

2. **Property owned by PSB Northern California Industrial Portfolio, LLC. (B2081):**

   This property is located at 1940 Milmont Drive in the City of Milpitas. The larger parcel consists of approximately 6.17 acres and is currently improved with a manufacturing building and an R&D and office building.
An 835 square foot Utility Easement interest (B2081-03) and a 2,176 square foot Temporary Construction Easement interest (B2081-02) are needed from the property. The Utility Easement interest is an easement for BART’s fire protection water line. The Temporary Construction Easement Interest is a temporary construction area needed to construct BART’s fire protection line.

The property was appraised and reviewed by a review appraiser, and VTA staff set just compensation. An offer based on the recommended appraisal was made on **August 8, 2013**. To date, negotiations with the owner to acquire the property have been unsuccessful even though the real estate team has diligently worked to acquire the property through negotiated settlement with the property owner. The team will continue to work with the property owner to reach a negotiated settlement even after adoption of a Resolution of Necessity.

VTA must take action to acquire the above-referenced properties through eminent domain proceedings in order to ensure that construction can timely begin and the construction schedule remains intact.

As noted above, a prerequisite to commencement of eminent domain proceedings by a public entity is adoption of a Resolution of Necessity. This statutory requirement is designed to ensure that public entities verify and confirm the validity of their intended use of the power of eminent domain. A resolution of necessity must contain a general statement of the public use for which the property is taken, a reference to the authorizing statutes, a description of property, and a declaration stating that each of the following have been found and determined to be true:

1. The public interest and necessity require the proposed project;

2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;

3. The property described in the resolution is necessary for the proposed project; and

4. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, has been made to the owner or owners of record, which offer and statement were in a format and contained the information required by Government Code Section 7267.2, or the offer has not been made because the owner cannot be located with reasonable diligence.

Further information addressing each of these items and any additional findings that must be made are included in a staff report attached hereto. The staff report also contains specific information on the properties being impacted.

**ALTERNATIVES:**

The properties that are subject to the Resolutions of Necessity before the Board are necessary for the Project and a condemnation action must be initiated in order to obtain possession of the parcels if the Project schedule is to be maintained. The Board may, in its discretion, decide not
to adopt the Resolutions of Necessity. However, this would necessitate either some delay and/or a possible redesign, which could impact the schedule and, most likely, increase the costs of the Project.

**FISCAL IMPACT:**

Appropriation for the costs associated with acquisition of these properties is included in the FY13 Adopted 2000 Measure A Transit Improvement Program Fund Capital Budget.

Prepared by: Bijal Patel
Memo No. 4117
SVBX Property Acquisition Staff Report

INTRODUCTION

This staff report is submitted for review by the Board of Directors prior to the recommended adoption of a resolution of necessity for the acquisition of property for the BART Silicon Valley Berryessa Extension (SVBX) Project.

For each property interest to be acquired, a resolution of necessity must be adopted prior to the commencement of eminent domain proceedings (Code of Civil Procedure Section 1245.220.). The statutory requirement that a public entity adopt a resolution of necessity before initiating a condemnation action “is designed to ensure that public entities will verify and confirm the validity of their intended use of the power of eminent domain prior to the application of that power in any one particular instance.” San Bernardino County Flood Control Dist. v. Grabowski (1988) 205 Cal.App.3d 885, 897.

Thus, a resolution of necessity must contain a general statement of the public use for which the property is to be taken, a reference to the statute authorizing the exercise of eminent domain, a description of the property, and a declaration stating that each of the following have been found and determined by the Board to be the case:

1. The public interest and necessity require the proposed project;
2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
3. The property described in the resolution is necessary for the proposed project; and,
4. That either the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner cannot be located with reasonable diligence.

(Code of Civil Procedure Section 1245.230.)

Also, for those parcels to be acquired as public service public utility easements, the resolution of necessity will state that such property is being acquired pursuant to the provisions of Code of Civil Procedure Sections 1240.320, 1240.330, and 1240.350, as substitute property necessary for acquisition or exchange with regard to affected public utilities, for relocation of such utilities, or to provide utility service to the remaining property, as the case may be. For such property, the Board will be further finding and determining that the taking of said substitute property is necessary for each of the purposes specified in Sections 1240.320, 1240.330, and 1240.350.

Further, insofar as any of the property to be acquired has heretofore been dedicated to public use, the resolution of necessity will find that the acquisition of such property by VTA for the Project is for a more necessary public use to which the property has already been appropriated or is a compatible public use pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610. This
This evidentiary factual record will assist the Board in determining whether the requirements of Section 1245.230 have been met, and whether the other findings specified above, as applicable, can be made. If the Board determines that all requirements have been met, and that all findings can be made, it is recommended that the Board adopt resolutions of necessity for each of the parcels listed on the Board Meeting Agenda. The resolutions of necessity scheduled to be heard by the Board are attached to this staff report.

SECTION 1

GENERAL STATEMENT OF PUBLIC USE

Each of the parcels of property that are the subject of the recommended resolutions of necessity are to be acquired for the construction of the SVBX Project, a 10-mile, two-station, first phase of the 16-mile BART Silicon Valley Program.

STATUTORY AUTHORIZATION FOR EXERCISE OF EMINENT DOMAIN

Under its enabling legislation, VTA is authorized to acquire property for mass transit purposes by eminent domain. Public Utilities Code Section 100130, which sets forth the general powers of VTA, provides in pertinent part that: “The district may take by grant, purchase, devise, or lease, or condemn in proceedings under eminent domain, or otherwise acquire, and hold and enjoy, real and personal property of every kind within or without the district necessary to the full or convenient exercise of its powers.” One of the main functions of VTA is to provide transit service. (Public Utilities Code Sections 100160, 100161.)

Public Utilities Code Section 100131 provides further authority for the taking of property by VTA through eminent domain. It states in pertinent part that: “The district may exercise the right of eminent domain to take any property necessary or convenient to the exercise of the powers granted in this part.”

In addition, the Eminent Domain Law, Code of Civil Procedure Sections 1230.010 et seq., gives entities authorized by statute the right to use eminent domain to acquire property for public use, and specifies the procedures for the exercise of that right.
SECTION 2

GOVERNMENT CODE OFFERS

The owners of the properties that are the subject of the resolutions were made an offer by VTA for the purchase of the properties unless they could not be located with reasonable diligence as required by Government Code Section 7267.2. Sections 7267.2(a), (b) and (c) state that:

(a) (1) Prior to adopting a resolution of necessity pursuant to Section 1245.230 of the Code of Civil Procedure and initiating negotiations for the acquisition of real property, the public entity shall establish an amount that it believes to be just compensation therefor, and shall made an offer to the owner or owners of record to acquire the property for the full amount so established, unless the owner cannot be located with reasonable diligence. The offer may be conditioned upon the legislative body’s ratification of the offer by execution of a contract of acquisition or adoption of a resolution of necessity or both. The amount shall not be less than the public entity’s approved appraisal of the fair market value of the property. Any increase or decrease in the fair market value of real property to be acquired prior to the date of valuation caused by the public improvement for which the property is acquired, or by the likelihood that the property would be acquired for the improvement, other than that due to physical deterioration within the reasonable control of the owner or occupant, shall be disregarded in determining the compensation for the real property.

(2) At the time of making the offer described in paragraph (1), the public entity shall provide the property owner with an informational pamphlet detailing the process of eminent domain and the property owner’s rights under the Eminent Domain Law.

(b) The public entity shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount it established as just compensation. The written statement summary shall contain detail sufficient to indicate clearly the basis for the offer, including, but not limited to, all of the following information:

(1) The date of valuation, highest and best use, and applicable zoning of property.
(2) The principal transactions, reproduction or replacement cost analysis, or capitalization analysis, supporting the determination of value.

(3) If appropriate, the just compensation for the real property acquired and for damages to remaining real property shall be separately stated and shall include the calculations and narrative explanation supporting the compensation, including any offsetting benefits.

(c) Where the property involved is owner-occupied residential property and contains no more than four residential units, the homeowner shall, upon request, be allowed to review a copy of the appraisal upon which the offer is based. The public entity may, but is not required to, satisfy the written statement, summary, and review requirements of this section by providing the owner a copy of the appraisal on which the offer is based.

Each property owner was presented with a written offer in an amount not less than the approved appraisal for the property, and a statement and summary of the basis of the offer, comprised of an Appraisal Summary Statement. The Appraisal Summary Statement provided the following information: name of owner; property address; parcel and APN number; locale; applicable zoning; date of valuation, present use; highest and best use; total property area; area to be acquired; type of interest to be acquired; improvements and access impacted; damages incurred and, as appropriate, separately stated with calculations and narrative explanation; total payment; and a description of the market value, reproduction or replacement cost analysis, or capitalization analysis, used to determine just compensation; and a summary of comparable sales, including the location, date of sale and sales price of properties used in the appraisal process. The date that the offer was made to each of the property owner is specified on the Property Fact Sheets contained in Section 6 of this report.
SECTION 3

SVBX PROJECT OVERVIEW, PURPOSE AND NEED

Project Description

BART Silicon Valley is an extension of the existing BART regional heavy rail system to Milpitas, San Jose and Santa Clara. The 16-mile BART Silicon Valley Program will be delivered through a phased approach.

The Silicon Valley Berryessa Extension (SVBX) Project is a 10-mile, two-station, first phase of BART Silicon Valley. SVBX is being implemented in cooperation with the Federal Transit Administration’s (FTA) New Starts Program, and will be a fully operable extension of the existing BART system with service to the cities of Milpitas and San Jose in Santa Clara County.

This extension of the BART system will begin south of the future BART Warm Springs Station in Fremont and proceed on the WP Milpitas Corridor purchased by VTA from the Union Pacific Railroad in 2002, through Milpitas, and end in the Berryessa area of north San Jose at Las Plumas Avenue. Engineering on the project is advancing, construction activities have commenced.

The two SVBX stations will feature:

- Parking structures
- Bus transit centers
- Bike and pedestrian connections
- Convenient access to BART System:
  - Half-mile walk for nearly 30,000 residents
  - Less than 12-minute bike ride for 260,000
  - 15-minutes via public transit or automobiles for more than 1,007,000 local residents

Purpose of the Project

The project is intended to achieve the following objectives:

- Improve public transit service and increase ridership in this severely, and ever-increasing, congested corridor by providing expanded transit capacity and faster, convenient access to and from major Santa Clara County employment and activity centers for corridor residents and residents from throughout the Bay Area and portions of the Central Valley of California.
• Enhance regional connectivity by expanding and interconnecting BART rapid transit service with VTA light rail, Amtrak, ACE, Caltrain, and VTA bus services in Santa Clara County; improve intermodal transit hubs where rail, bus, auto, bicycle and pedestrian links meet.

• Expand transportation solutions that will be instrumental in maintaining the economic vitality and continuing development of Silicon Valley.

• Improve mobility options to employment, education, medical, and retail centers for corridor residents, in particular low-income, youth, elderly, disabled, and ethnic minority populations.

• Improve regional air quality by reducing auto emissions.

• Support local and regional land use plans and facilitate corridor cities’ efforts to direct business and residential investments in transit oriented development. More efficient growth and sustainable development patterns are necessary to reduce impacts to the local and global environmental, such as adverse climate change.

Improved transit in the BART Silicon Valley Corridor is consistent with the goals established in prior corridor studies and responds to the long-range Valley Transportation Plan 2035 (VTP 2035), adopted by VTA in January 2009. The primary goal of the long-range plan is to provide transportation facilities and services that support and enhance Santa Clara County’s high quality of life and vibrant economy.

Need for the Project

The SVBX Project is critical to improving mobility between the East Bay and South Bay regions of the San Francisco Bay Area, as well as between eastern Santa Clara County and San Francisco. The project corridor, including the 1-880 and 1-680 freeways, is already very congested, with roadway conditions projected to steadily worsen as Santa Clara County and the greater Bay Area continue to grow. Travelers on the roadway network experience excessive delays currently and can expect delays on the typical weekday to increase in the absence of the proposed improvements.

SVBX is the initial segment of a planned BART extension to downtown San Jose and Santa Clara. The full extension will complete a major link in a regional high-speed, high capacity transit network that will circle lower San Francisco Bay. Regional connectivity is important to the future of Silicon Valley, the high-technology and venture capital center of the nation and a major provider of biotechnology products and services.
BART is the only modal alternative that produces a better balance between transit and auto modes; significantly facilitates transit-oriented development; and moves large numbers of commuters and discretionary travelers alike quickly and reliably. Other transportation improvement alternatives to the proposed project are not adequate for addressing current and future needs. Transportation system management/baseline improvements in the form of expanded express bus services and preferential treatments for transit do not reduce travel time delays significantly. Although increased higher density, mixed-use developments around light rail stations would increase the viability of a light rail option, it is oriented to intra-county travel. Frequent station stops and at-grade running tend to slow travel speeds, and train capacity will become constrained by the maximum allowable three-car train consists. Existing commuter rail services in the corridor are also capacity constrained due to the limited service frequencies that remain when sharing trackage with freight trains. No other transit modes can match the regional connectivity provided by a BART extension and therefore they perform poorly in accommodating the rapid growth of regional travel in the San Francisco Bay Area.

SECTION 4
PROJECT PLANNING AND IMPLEMENTATION

Alternatives Analysis

A BART extension was selected as the Locally Preferred Alternative (LPA) following completion of the Major Investment Study (MIS)/Alternatives Analysis (MIS/AA) in November 2001. The study evaluated 11 alternatives for the Silicon Valley Rapid Transit Corridor, representing various modes of travel including express bus, bus rapid transit, commuter rail, diesel and electric light rail, and BART. The LPA was chosen after an extensive review process, including technical analysis, 12 public meetings, and more than 15 Community Working Group meetings.

In October 2001, the Policy Advisory Board (PAB) voted unanimously to recommend to the VTA Board that the BART on the UPRR Alignment alternative be carried forward into the EIS/EIR phase along with the FTA-required Baseline Alternative. Since the VTA-BART property negotiations were still unresolved at the time, the PAB also recommended carrying forward a BART-Compatible alternative.

On November 9, 2001, the VTA Board unanimously selected BART on the UPRR Alignment as the Preferred Investment Strategy for the Silicon Valley Rapid Transit Corridor, citing its overall ranking of “High” in comparison to the other alternatives. The Board instructed that, in addition to the BART Alternative, the Baseline (Expanded Bus) Alternative be carried forward into the environmental compliance phase to fulfill FTA project development guidelines. The Board also
approved an agreement with BART to identify the terms and conditions for implementing the Preferred Investment Strategy in concert with BART. On November 12, 2001, the BART Board also adopted the terms and conditions for the agreement.

When compared with the other alternatives, the BART Alternative offered:

- Fastest travel times to passenger destinations
- Highest ridership projections
- Greatest congestion relief
- Best access to jobs, education, medical, retail and entertainment centers throughout the Bay Area
- Regional connectivity with no transfers to the BART system
- Opportunities for transit-oriented development in conjunction with local land use planning efforts.

Station Area Planning

Station area planning for the new BART stations is an important element of the SVBX Project. VTA is working with the cities and stakeholders to develop transit-supportive station campuses, access, circulation, and land uses in the station areas that would increase transit ridership, create vibrant communities, ease the housing shortage, and promote multi-modal access to and from the stations.

The City of Milpitas has adopted a specific plan for the area surrounding the proposed BART Milpitas Station. The Milpitas Transit Sub Area Specific Plan, as adopted by the Milpitas City Council, would create mixed land uses near two VTA LRT stations and the future Milpitas BART station at Montague Expressway and Piper Drive.

Station area land use plans are guided, in part, by the Metropolitan Transportation Commission (MTC) Regional Transit Expansion Program policy, Resolution 3434, which includes provisions for transit-oriented development within a half-mile radius of transit stations.

Project Funding

The total SVBX Project cost is estimated at approximately $2.1 billion based on most current engineering cost estimates for project construction. Funding for the SVBX Project will come through multiple revenue streams including the 2000 Measure A, 1/2 cent sales tax and other local sources, the State of California and its Traffic Congestion Relief Program (TCRP), and federal grants including the New Starts Program. VTA requested $900 million in FTA New Starts funding, which it secured through execution of a full Funding Grant Agreement (FFGA) in March, 2012. The FFGA is a multi-year contractual agreement between the FTA and VTA that
formally defines the project scope, cost and schedule, and establishes the terms of the $900 million in federal financial assistance.

*Engineering design*

The engineering and design of BART Silicon Valley is developed in various phases of project development in conjunction with the environmental process. Engineering phases include Conceptual Engineering (10% design), Preliminary Engineering (35% design), 65% design, and Final Engineering (100% design). These design phases represent a progression of engineering throughout project development.

Conceptual Engineering and Preliminary Engineering (PE) phases occur during the development of draft and final environmental documents, and together are generally referred to as the PE phase. The 65% design phase allows for a further refinement to project definition and the design of the facilities and systems.

In December 2006, the technical PE phase was completed. The 65% engineering phase was completed in December 2008. Said engineering designs are hereby incorporated herein by reference. Final design will advance the project development to 100% completion following the selection of a Design-Build contractor as discussed in the section below.

*Design-Build Contract Procurement*

In May 2010, the VTA Board of Directors authorized VTA’s General Manager to pursue Design-Build as the delivery method for SVBX. The Design-Build method of project delivery involves selecting a contractor to perform both final design and construction under a single contract. Analysis of Design-Build as the delivery method for the project versus the traditional design, bid, build showed potential cost savings of $75 million, a 6 month acceleration of project delivery and reduced risks to VTA. This is VTA’s first Design-Build contract.

VTA issued the Request for Proposals (RFP) for the C700 Line, Track, Stations, and Systems (LTSS) contract in March 2011 to pre-qualified teams. The pre-qualified teams are KSG Constructors, Skanska-Shimmick-Herzog, Tutor Perini and Parsons SVBX, and Walsh/Flatiron/Comstock. On December 8, 2011, the Board awarded the C700 contract to Skanska-Shimmick-Herzog.
SECTION 5

ENVIRONMENTAL CLEARANCE AND REVIEW

Environmental Clearance

The Berryessa Extension Project is defined in the BART Silicon Valley Final Environmental Impact Statement (2010). FTA, in coordination with VTA, circulated an Environmental Impact Statement in accordance with the National Environmental Policy Act (NEPA) in 2009. The Final Environmental Impact Statement was released in March 2010. A Record of Decision was issued in June 2010.

VTA released a Draft Second Supplemental Environmental Impact Report (SEIR) in November 2010 to address proposed project changes since the certification of the last environmental document in 2007 under the California Environmental Quality Act (CEQA). The Final Second SEIR was circulated to the public in February 2011 and certified at the March 2011 VTA Board of Directors meeting.

Environmental Review Summary

Environmental impacts were discussed in detail in the following California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) documents prepared during the planning and environmental review phases of the Project. Said documents are available for the Board's review & consideration and are incorporated by reference herein. Many of these documents, and other information concerning the Project, are available through the VTA website, vta.org.

- Major Investment Study Final Report, November 2001 (NEPA)
- 2004 Final Environmental Impact Report (CEQA)
- 2007 Draft Supplemental Environmental Impact Report (CEQA)
- 2007 Final Supplemental Environmental Impact Report (CEQA)
- 2009 Draft Environmental Impact Statement (NEPA)
- 2010 Final Environmental Impact Statement (NEPA)
- 2010 Addendum to the 2007 FSEIR (CEQA)
SECTION 6

SPECIFIC PROPERTY ACQUISITIONS

Detailed property fact sheets and aerial photographs of the parcels required for this Project, and subject to the Resolutions of Necessity follow. Overall property requirements and project related costs have been minimized as much as possible. Offers were made to the owners of property as follows: (1) B2019A -- on or about October 17, 2013; (2) B2081-- on or about August 8, 2013, said offer packages incorporated herein by reference. Notices of Intention to Adopt Resolution of Necessity, incorporated herein by reference, were sent to each of the property owners on November 22, 2013.
The subject property is owned by Brian Horner, and is located at 420 Railroad Court in the City of Milpitas. The larger parcel consists of approximately 3.22 acres. The property owner leases RV/vehicle storage spaces and storage units in moveable trailers on the premises.

The proposed acquisition consists of a 13,979 square foot Partial Fee Interest (B2019A-01), a 20,075 square foot Ingress/Egress Easement Interest (B2019A-02), a 3,456 square foot Electric Overhang Easement Interest (B2019A-03), a 1,126 square foot Electrical Transmission Tubular Steel Pole Line Easement Interest (B2019A-05) and a 10,719 square foot Temporary Construction Easement Interest (B2019A-06). This property is necessary for construction of the Project as follows:

Partial Fee Interest: To construct the Systems Wayside facility, including a traction power substation, train control buildings and a high voltage substation.

Ingress/Egress Easement Interest: To provide access for service and maintenance personnel to the new Systems Wayside Facility.
Electric Overhang Easement: To install and provide required clearances for PG&E’s high voltage overhead electrical lines that are needed to supply power to the BART system.

Electric Transmission Tubular Steel Pole Line Easement: To install PG&E’s poles for the overhead electrical lines required to supply power to the BART system.

Temporary Construction Easement: For installation of PG&E poles and overhead electrical lines required to supply power to the BART system.
BART SILICON VALLEY BERRYESSA EXTENSION PROJECT

PROPERTY FACT SHEET – B2081

Owner: PSB Northern California Industrial Portfolio, LLC.

Property Address: 1940 Milmont Drive

Locale: City of Milpitas, CA

Present Use: A manufacturing building and an R&D/office building

Total Property Area: 6.17 acres

Area to be Acquired: A Utility Easement Interest (B2081-03) - 835 sq. ft.
Temporary Construction Easement Interest (B2081-02) – 2,716 sq. ft.

Date of Offer: August 8, 2013

The subject property is owned by PSB Northern California Industrial Portfolio, LLC, and is located at 1940 Milmont Drive in the City of Milpitas. The larger parcel consists of approximately 6.17 acres and is currently improved with the a manufacturing building, and an R&D/office building.

The proposed acquisition consists of an 835 square foot Utility Easement Interest (B2081-03) and a 2,176 square foot Temporary Construction Easement Interest (B2081-02). The Utility Easement Interest is required for installation of a fire protection water line. The Temporary Construction Easement Interest is needed to install the fire protection line.
Property ID: 2019A

RESOLUTION OF NECESSITY DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS

WHEREAS, the BART Silicon Valley Berryessa Extension Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a Fee interest in certain property more particularly described in Exhibit “A” (B2019A-01), an Ingress/Egress Easement interest in certain property more particularly described in Exhibit “B” (B2019A-02), an Electric Overhang Easement interest in certain property more particularly described in Exhibit “C” (B2019A-03), an Electric Transmission Tubular Steel Pole Line Easement interest in certain property more particularly described in Exhibit “D” (B2019-A05) and a Temporary Construction Easement interest in certain property more particularly described in Exhibit “E” (B2019A-06), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

WHEREAS, VTA is authorized to acquire the subject property and exercise the power of eminent domain pursuant to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law, Code of Civil Procedure Sections 1230.010 et seq., and Sections 100130 and 100131 of the Public Utilities Code; and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to the owner(s) of the property herein, all of whom have been given a reasonable opportunity to appear and be heard before the Board of Directors of VTA at the time and place set forth in said notice, regarding the matters specified therein.

NOW, THEREFORE, IT IS FOUND, DETERMINED AND ORDERED as follows:

1. The recitals contained herein are true and correct.

2. Upon examination of the alternatives, VTA requires the property for the Project.

3. VTA is authorized to acquire the property and exercise the power of eminent domain pursuant to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law, Code of Civil Procedure Sections 1230.010 et seq., and Sections 100130 and 100131 of the Public Utilities Code.

4. The public interest and necessity require the Project.
5. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

6. A Fee interest in property described in Exhibit “A”, an Ingress/Egress Easement interest in property described in Exhibit “B”, an Electric Overhang Easement interest in property described in Exhibit “C”, an Electric Transmission Tubular Steel Pole Line Easement interest in property described in Exhibit “D” and a Temporary Construction Easement interest in property described in Exhibit “E” is necessary for the Project.

7. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, has been made to the owner or owners of record, which offer and statement were in a format and contained the information required by Government Code Section 7267.2, or the offer has not been made because the owner cannot be located with reasonable diligence.

8. VTA has complied with all conditions and statutory requirements, including those prescribed by CEQA, NEPA, and that are necessary for approval and adoption of the Project.

9. All conditions and statutory requirements necessary to exercise the power of eminent domain (“the right to take”) to acquire the property described herein have been complied with by VTA.

10. Insofar as the property or the larger parcel of which it is a part has heretofore been appropriated for public use, the proposed use set forth herein will not unreasonably interfere with or impair the continuation of the public use as it exists or may reasonably be expected to exist in the future, and is therefore a compatible public use pursuant to Code of Civil Procedure Section 1240.510, or, as applicable, constitutes a more necessary public use to which the property is appropriated pursuant to Code of Civil Procedure Section 1240.610.

11. The parcels described in Exhibits “C” and “D” are being acquired in whole or in part pursuant to the provisions of Code of Civil Procedure Sections 1240.320, 1240.330 and 1240.350, as the case may be, as substitute property necessary for a public use, for the relocation of public utility facilities, or to provide utility service to the remainder property. It is further found and determined that the taking of said substitute property is necessary for the purpose specified in Sections 1240.320, 1240.330 and/or 1240.350.

12. General Counsel or General Counsel’s duly authorized designee is hereby authorized and directed to institute and conduct to conclusion eminent domain proceedings to acquire a Fee interest in property described in Exhibit “A”, an Ingress/Egress Easement interest in property described in Exhibit “B”, an Electric Overhang Easement interest in property described in Exhibit “C”, an Electric Transmission Tubular Steel Pole Line Easement interest in property described in Exhibit “D” and a Temporary Construction Easement interest in property described in Exhibit “E”, and
PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on December 12, 2013, by the following vote:

AYES:   DIRECTORS:  

NOES:   DIRECTORS:  

ABSENT:   DIRECTORS:  

___________________________  
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 two-thirds or more 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.

Dated: ______________________  
SANDRA WEYMOUTH, Secretary  
Board of Directors  

APPROVED AS TO FORM:  

_____________________________  
ROBERT FABELA  
General Counsel
EXHIBIT “A”
Property Description

LEGAL DESCRIPTION
APN 022-31-030

All that certain real property situated in the City of Milpitas, County of Santa Clara, State of California, described as follows:

Being a portion of Parcel 2 of that certain parcel of land as described in the Grant Deed to Brian E. Horner, filed August 13, 2004 as Document Number 17948078, Official Records of said County, more particularly described as follows:

BEGINNING at the northwest corner of Parcel 1, as said parcel is shown on that map entitled “Parcel Map, W.P.R.R. Co. Property; A Division of Parcel C, Book 211, Maps, Pages 22 & 23, City of Milpitas, Santa Clara County, California”, filed December 3, 1984 in Book 536 of Maps at Pages 32, 33 & 34, said point also being the south corner of that parcel conveyed by Grant Deed dated July 11, 2008 to the Santa Clara Valley Transportation Authority (SCVTA), recorded July 14, 2008 as Document Number 19916630, both of Official Records of said County; thence along the westerly line of said Parcel 1

1. South 09°02’42” East, a distance of 384.25 feet; thence leaving said westerly line

2. South 66°59’50” West, a distance of 1.40 feet; thence

3. North 23°00’06” West, a distance of 153.32 feet; thence

4. North 09°02’42” West, a distance of 17.09 feet; thence

5. North 66°59’50” East, a distance of 8.85 feet; thence

6. North 23°00’10” West, a distance of 123.72 feet; thence

7. North 07°50’21” West, a distance of 69.35 feet; thence

8. North 54°11’21” East, a distance of 64.58 feet to the westerly line of said SCVTA parcel; thence along said westerly line

9. South 23°07’47” East, a distance of 1.97 feet to the POINT OF BEGINNING.

Containing 13,979 square feet more or less.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone III, epoch 1988.5. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.00005333.

Stan Heffner, PLS 67991
My License Expires on 9/30/2014
EXHIBIT “B”

INGRESS EGRESS EASEMENT

A permanent, non-exclusive ingress/egress easement (the “Access Easement”) and incidents thereto, for the purpose of vehicular and pedestrian ingress and egress on, over, across, and through the portion of Grantor’s property described in deed recorded on August 13, 2004, as Document No. 17948078, situated in the City of Milpitas, County of Santa Clara, State of California. said Access Easement being described and depicted as Parcel B2019A-02 on Exhibit “1” attached hereto and made a part hereof.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.
EXHIBIT “1”

Parcel B2019A-02
12/26/12
IEE

LEGAL DESCRIPTION
APN 022-31-030

All that certain real property situated in the City of Milpitas, County of Santa Clara, State of California, described as follows:

Being a portion of that certain parcel of land as described in the Grant Deed to Brian E. Horner, filed August 13, 2004 as Document Number 17948078, Official Records of said County, more particularly described as follows:

BEGINNING at a point on the southwesterly line of that parcel conveyed by Grant Deed dated July 11, 2008 to the Santa Clara Valley Transportation Authority (SCVTA), recorded July 14, 2008 as Document Number 19916630, Official Records of said County, distant North 23°07′47″ West, a distance of 1.97 feet from the south corner thereof; thence

1) South 54°11′21″ West, a distance of 64.58 feet; thence
2) South 07°50′21″ East, a distance of 69.35 feet; thence
3) South 23°00′10″ East, a distance of 123.72 feet; thence
4) South 65°59′50″ West, a distance of 8.85 feet; thence
5) South 09°02′42″ East, a distance of 17.09 feet; thence
6) South 23°00′06″ East, a distance of 36.27 feet; thence
7) South 65°59′50″ West, a distance of 10.31 feet; thence
8) Southwesterly, a distance of 13.42 feet along a curve to the left having a radius of 10.00 feet and a central angle of 76°54′40″; thence
9) South 09°54′50″ East, a distance of 349.47 feet; thence
10) Southerly, a distance of 6.80 feet along a curve to the right having a radius of 60.00 feet and a central angle of 06°29′50″; thence
11) South 03°29′06″ East, a distance of 115.10 feet; thence
12) Southerly, a distance of 4.54 feet along a curve to the left having a radius of 40.00 feet and a central angle of 06°29′50″; thence
13) South 09°54′50″ East, a distance of 43.49 feet; thence
14) Southeasterly, a distance of 21.77 feet along a curve to the left having a radius of 40.00 feet and a central angle of 31°10′56″; thence
15) South 41°05′46″ East, a distance of 38.43 feet; thence;
16) Southwesterly, a distance of 20.08 feet along a non-tangent curve to the left from which the radius point bears South 34°52'13" East, a radial distance of 70.00 feet, and having a central angle of 16°26'07"; thence

17) North 41°05'46" West, a distance of 39.14 feet; thence

18) Northwesterly, a distance of 32.65 feet along a curve to the right having a radius of 60.00 feet and a central angle of 31°10'56"; thence

19) North 09°54'50" West, a distance of 43.49 feet; thence

20) Northerly, a distance of 6.80 feet along a curve to the right having a radius of 60.00 feet and a central angle of 06°29'50"; thence

21) North 03°25'00" West, a distance of 115.10 feet; thence

22) Northerly, a distance of 4.54 feet along a curve to the left having a radius of 40.00 feet and a central angle of 06°29'50"; thence

23) North 09°54'50" West, a distance of 444.58 feet; thence

24) Northerly, a distance of 12.05 feet along a curve to the left having a radius of 108.00 feet and a central angle of 06°23'43"; thence

25) North 16°18'33" West, a distance of 78.45 feet; thence

26) North 08°02'17" West, a distance of 83.97 feet; thence

27) North 54°11'21" East, a distance of 81.15 feet; thence

28) South 23°07'47" East, a distance of 20.50 feet to the POINT OF BEGINNING.

Containing 20,075 square feet more or less.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone III, epoch 1998.5. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.00005333.

[Signature]

Stan Heffner, PLS 6791
My License Expires on 9/30/2014
EXHIBIT “C”

ELECTRIC OVERHANG EASEMENT

An Electric Overhang Easement, for the right from time to time to suspend, replace, remove, maintain and use such crossarms, wires and cables (supported by or suspended from poles, towers, or other structures located on lands adjacent to the hereinafter described lands) as VTA shall from time to time deem to be reasonably required for the transmission and distribution of electric energy, and for communication purposes, together with a right of way, on, along and in all of the easement area described and depicted in Exhibit 1, attached hereto and made a part hereof.

VTA further shall have:

a) The right of ingress to and egress from said easement area over and across said lands by means of roads and lanes thereon, if such there be, otherwise by such route or routes as shall occasion the least practicable damage and inconvenience to Grantor, provided, that such right of ingress and egress shall not extend to any portion of said lands which is isolated from said easement area by any public road or highway, now crossing or hereafter crossing said lands;

b) The right, from time to time, to trim or to cut down any and all trees and brush now or hereafter within said easement area, and shall have the further right, from time to time, to trim and cut down trees and brush along each side of said easement area which now or hereafter in the opinion of Grantee may interfere with or be a hazard to the facilities installed hereunder, or as Grantee deems necessary to comply with applicable state or federal regulations;

c) The right to install, maintain and use gates in all fences which now cross or shall hereafter cross said easement area;

d) The right to mark the location of said easement area by suitable markers set in the ground; provided that said markers shall be placed in fences or other locations which will not interfere with any reasonable use Grantor shall make of said easement area; and

e) The right to assign to Pacific Gas and Electric Company, a California corporation, all right, title and interest in and to the electric overhang easement acquired by Grantee hereunder.

VTA shall not fence the easement area and shall repair any damage it shall do to Grantor's private roads or lanes on said lands;

VTA shall indemnify Grantor against any loss and damage which shall be caused by any wrongful or negligent act or omission of VTA or of its agents or employees in the course of their employment, provided, however, that this indemnity shall not extend to that portion of such loss or damage that shall have been caused by Grantor's comparative negligence or willful misconduct.

Grantor shall continue to have the right to use said easement area for purposes which will not interfere with VTA’s full enjoyment of the rights hereby granted; provided that Grantor shall not
erect or construct any building or other structure, or drill or operate any well, or construct any reservoir or other obstruction within said easement area, or diminish or substantially add to the ground cover in said easement area, or construct any fences that will interfere with the maintenance and operation of said facilities.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.
EXHIBIT “1”

LEGAL DESCRIPTION
APN 022-31-030

REAL PROPERTY In the City of Milpitas, County of Santa Clara, State of California, being a portion of Parcel 2 described in the Grant Deed to Brian E. Horner, filed August 13, 2004 as Document Number 17948078, Official Records of said County, being more particularly described as follows:

COMMENCING at the most westerly corner of Parcel 1, as shown on the Parcel Map filed on December 3, 1984 in Book 536 of Maps at pages 32, 33 and 34, Records of said County, being on the southwesterly line of the Parcel described in the Grant Deed to the Santa Clara Valley Transportation Authority, filed July 14, 2008 as Document Number 199316630, Official Records of said County;

Thence along said southwesterly line, North 23°07'47" West, 84.56 feet to THE TRUE POINT OF BEGINNING;

Thence South 13°11'28" East, 87.28 feet;
Thence South 54°11'21" West, 32.50 feet;
Thence North 13°11'28" West, 123.04 feet;
Thence North 76°48'32" East, 25.93 feet to said southwesterly line;
Thence along said southwesterly line, South 23°07'47" East, 23.61 feet to the TRUE POINT OF BEGINNING.

Containing 3,456 square feet more or less.

A Plat Map is attached hereto and made part hereof.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone III, epoch 1998.5. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.00005333.

[Signature]
Date

[Stamp]
LICENCED LAND SURVEYOR
PLS 7871
STATE OF CALIFORNIA

Julia MacRory, LS 7871
Survey and Mapping Manager

13
EXHIBIT “D”

ELECTRIC TRANSMISSION TUBULAR STEEL POLE LINE EASEMENT

An easement for the right to erect, construct, reconstruct, replace, remove, maintain and use a line of tubular steel poles with such wires and cables as Grantee shall from time to time suspend therefrom for the transmission and distribution of electric energy, and for communication purposes, and all necessary and proper foundations, footings, crossarms, underground and overhead ground wires, and other appliances and fixtures for use in connection with said tubular steel poles, wires and cables, together with a right of way, on, along and in all of the easement area described and depicted in Exhibit 1, attached hereto and made a part hereof.

VTA further shall have:

a) The right of ingress to and egress from said easement area over and across the parcel of land described in said EXHIBIT “1” by means of roads and lanes thereon, if such there be, otherwise by such route or routes as shall occasion the least practicable damage and inconvenience to Grantor, provided, that such right of ingress and egress shall not extend to any portion of said parcel of land which is isolated from said easement area by any public road or highway, now crossing or hereafter crossing said parcel of land;

b) The right, from time to time, to trim or to cut down any and all trees and brush now or hereafter within said easement area, and the further right, from time to time, to trim and cut down trees and brush along each side of said easement area which now or hereafter in the opinion of Grantee may interfere with or be a hazard to the facilities installed hereunder, or as Grantee deems necessary to comply with applicable state or federal regulations;

c) The right from time to time to enlarge, improve, reconstruct, relocate and replace any tubular steel poles constructed hereunder with any other type of tubular steel poles either in the original location or at any alternate location within said easement area;

d) The right to install, maintain and use gates in all fences which now cross or shall hereafter cross said easement area;

e) The right to mark the location of said easement area by suitable markers set in the ground; provided that said markers shall be placed in fences or other locations which will not interfere with any reasonable use Grantor shall make of said easement area; and

f) The right to assign to Pacific Gas and Electric Company, a California corporation, all right, title and interest in and to the electric transmission tubular steel pole line easement acquired by Grantee hereunder.

VTA shall not fence the easement area and shall repair any damage it shall do to Grantor's private roads or lanes on said lands;

VTA shall indemnify Grantor against any loss and damage which shall be caused by any wrongful or negligent act or omission of VTA or of its agents or employees in the course of their employment, provided, however, that this indemnity shall not extend to that portion of such loss
or damage that shall have been caused by Grantor's comparative negligence or willful misconduct.

Grantor shall continue to have the right to use said easement area for purposes which will not interfere with VTA’s full enjoyment of the rights hereby granted; provided that Grantor shall not erect or construct any building or other structure, or drill or operate any well, or construct any reservoir or other obstruction within said easement area, or diminish or substantially add to the ground cover in said easement area, or construct any fences that will interfere with the maintenance and operation of said facilities.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.
LEGAL DESCRIPTION
APN 022-31-030

REAL PROPERTY in the City of Milpitas, County of Santa Clara, State of California, being a portion of Parcel 2 described in the Grant Deed to Brian E. Horner, filed August 13, 2004 as Document Number 17948078, Official Records of said County, being more particularly described as follows:

COMMENCING at the most westerly corner of Parcel 1, as shown on the Parcel Map filed on December 3, 1984 in Book S36 of Maps at pages 32, 33 and 34, Records of said County, being on the southwesterly line of the Parcel described in the Grant Deed to the Santa Clara Valley Transportation Authority, filed July 14, 2008 as Document Number 1910630, Official Records of said County;

Thence along said southwesterly line, North 23°07'47" West, 97.38 feet to the TRUE POINT OF BEGINNING;

Thence South 66°52'13" West, 24.02 feet to a line parallel with said southwesterly line;

Thence along said parallel line, North 23°07'47" West, 46.87 feet;

Thence North 66°52'13" East, 24.02 feet to said southwesterly line;

Thence along said southwesterly line, South 23°07'47" East, 46.87 feet to the TRUE POINT OF BEGINNING.

Containing 1,126 square feet more or less.

A Plat Map is attached hereto and made part hereof.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone II, epoch 1998.5. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.00005333.

Date  

Julia MacRory, LS 7871  
Survey and Mapping Manager

LICENSED LAND SURVEYOR  
STATE OF CALIFORNIA

5.1.b
EXHIBIT “E”

TEMPORARY CONSTRUCTION EASEMENT

A Temporary Construction Easement for the construction (and other related activities incidental to construction) of the Silicon Valley Berryessa Extension Project (SVBX), under, upon, over and across that certain real property, situated in the City of Milpitas, County of Santa Clara, State of California, and more particularly described in Exhibit “1” attached hereto and made a part hereof.

This Temporary Construction Easement will begin on or after July 1, 2104, when the property is first occupied for use for SVBX civil construction, and will continue for a duration of 4 continuous months, ending no later than December 31, 2014.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.
LEGAL DESCRIPTION
APN 022-31-030

REAL PROPERTY in the City of Milpitas, County of Santa Clara, State of California, being a portion of Parcels 1 and 2 described in the Grant Deed to Brian E. Horner, filed August 13, 2004 as Document Number 17948078, Official Records of said County, being more particularly described as follows:

COMMENCING at the most westerly corner of Parcel 1, as shown on the Parcel Map filed on December 3, 1984 in Book 536 of Maps at pages 32, 33 and 34, Records of said County, being on the southwesterly line of the Parcel described in the Grant Deed to the Santa Clara Valley Transportation Authority, filed July 14, 2008 as Document Number 19916630, Official Records of said County;

Thence along said southwesterly line, North 23°07'47" West, 1.97 feet to the TRUE POINT OF BEGINNING;

Thence South 54°11'21" West, 81.00;

Thence North 12°36'14" West, 162.05 feet;

Thence North 08°48'22" West, 21.08 feet;

Thence North 53°22'36" East, 45.45 feet to said southwesterly line;

Thence along said southwesterly line, South 23°07'47" East, 172.52 feet to the TRUE POINT OF BEGINNING.

Containing 10,719 square feet more or less.

A Plat Map is attached hereto and made part hereof.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone III, epoch 1998.5. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.00005333.

Date

October 10, 2013

Julia MacRory, LS 7871
Survey and Mapping Manager
ALL BEARINGS AND DISTANCES SHOWN ON THIS EXHIBIT ARE BASED UPON THE NORTH AMERICAN DATUM OF 1983 (NAD83), ZONE III, EPOCH 1996.5. ALL DISTANCES SHOWN ON THIS EXHIBIT ARE GRID DISTANCES, TO CONVERT GRID DISTANCES TO GROUND DISTANCES, MULTIPLY EXPRESSED DISTANCES BY 1.00005333.

LEGEND
TPOB = TRUE POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
UPRR = UNION PACIFIC RAILROAD
SCVTA = SANTA CLARA VALLEY TRANSPORTATION AUTHORITY

PLAT TO ACCOMPANY LEGAL DESCRIPTION
B2019A-06 TCE
022-31-030
CITY OF MILPITAS,
COUNTY OF SANTA CLARA, STATE OF CALIFORNIA

SCALE: 1" = 50'
DATE: 10-10-13
DRAWN BY: H. Brasili
CHECKED BY: J. MacRory
SHEET: 1 OF 1
Government Code Section 7267.2:

(a) (1) Prior to adopting a resolution of necessity pursuant to Section 1245.230 of the Code of Civil Procedure and initiating negotiations for the acquisition of real property, the public entity shall establish an amount that it believes to be just compensation therefor, and shall make an offer to the owner or owners of record to acquire the property for the full amount so established, unless the owner cannot be located with reasonable diligence. The offer may be conditioned upon the legislative body's ratification of the offer by execution of a contract of acquisition or adoption of a resolution of necessity or both. The amount shall not be less than the public entity's approved appraisal of the fair market value of the property. A decrease or increase in the fair market value of real property to be acquired prior to the date of valuation caused by the public improvement for which the property is acquired, or by the likelihood that the property would be acquired for the improvement, other than that due to physical deterioration within the reasonable control of the owner or occupant, shall be disregarded in determining the compensation for the property.

(2) At the time of making the offer described in paragraph (1), the public entity shall provide the property owner with an informational pamphlet detailing the process of eminent domain and the property owner's rights under the Eminent Domain Law.

(b) The public entity shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount it established as just compensation. The written statement and summary shall contain detail sufficient to indicate clearly the basis for the offer, including, but not limited to, all of the following information:

1. The date of valuation, highest and best use, and applicable zoning of property.
2. The principal transactions, reproduction or replacement cost analysis, or capitalization analysis, supporting the determination of value.
3. If appropriate, the just compensation for the real property acquired and for damages to remaining real property shall be separately stated and shall include the calculations and narrative explanation supporting the compensation, including any offsetting benefits.

c) Where the property involved is owner-occupied residential property and contains no more than four residential units, the homeowner shall, upon request, be allowed to review a copy of the appraisal upon which the offer is based. The public entity may, but is not required to, satisfy the written statement, summary, and review requirements of this section by providing the owner a copy of the appraisal on which the offer is based.

d) Notwithstanding subdivision (a), a public entity may make an offer to the owner or owners of record to acquire real property for less than an amount that it believes to be just compensation therefor if (1) the real property is offered for sale by the owner at a specified price less than the amount the public entity believes to be just compensation therefor, (2) the public entity offers a price that is equal to the specified price for which the property is being offered by the landowner, and (3) no federal funds are involved in the acquisition, construction, or project development.

e) As used in subdivision (d), "offered for sale" means any of the following:
   1. Directly offered by the landowner to the public entity for a specified price in advance of negotiations by the public entity.
   2. Offered for sale to the general public at an advertised or published specified price, set no more than six months prior to, and still available at, the time the public entity initiates contact with the landowner regarding the public entity's possible acquisition of the property.
PROOF OF SERVICE (C.C.P. §§ 1013a)

I,  (insert name)  , declare as follows:

I am employed in the County of Santa Clara, over the age of eighteen years. My business address is Santa Clara Valley Transportation Authority, 3331 North First Street, Building B-2, San Jose, CA  95134.

On  , I served the following document(s):

Notice of Intention to Adopt Resolution of Necessity

by placing a true copy of the document(s) listed above for collection and mailing following the Santa Clara Valley Transportation Authority's ordinary business practice in a sealed envelope for deposit in the United States mail, 3331 North First Street, San Jose, California, addressed as set forth below.

Brian E. Horner
2196 W. Liberty St.
Hanford, CA 93230

I am readily familiar with the Santa Clara Valley Transportation Authority's practice for collection and processing correspondence for mailing and for shipping via U.S. Postal Service. Under that practice, envelopes placed for collection at designated locations during designated hours are deposited in the ordinary course of business with the U.S. Postal Service on the same day with first class postage or fees thereon fully prepaid or provided for.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on ______ (insert date – this is 15 days before board hearing)_________ at San Jose, California.

_____________________________________
Senior Real Estate Agent
RESOLUTION OF NECESSITY DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS

WHEREAS, the BART Silicon Valley Berryessa Extension Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a temporary construction easement interest in certain property more particularly described in Exhibit “A” (B2081-02) and a utility easement interest in certain property more particularly described in Exhibit “B” (B2081-03), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

WHEREAS, VTA is authorized to acquire the subject property and exercise the power of eminent domain pursuant to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law, Code of Civil Procedure Sections 1230.010 et seq., and Sections 100130 and 100131 of the Public Utilities Code; and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to the owner(s) of the property herein, all of whom have been given a reasonable opportunity to appear and be heard before the Board of Directors of VTA at the time and place set forth in said notice, regarding the matters specified therein.

NOW, THEREFORE, IT IS FOUND, DETERMINED AND ORDERED as follows:

1. The recitals contained herein are true and correct.

2. Upon examination of the alternatives, VTA requires the property for the Project.

3. VTA is authorized to acquire the property and exercise the power of eminent domain pursuant to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law, Code of Civil Procedure Sections 1230.010 et seq., and Sections 100130 and 100131 of the Public Utilities Code.

4. The public interest and necessity require the Project.

5. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
6. A temporary construction easement in property described in Exhibit “A” and a utility easement interest in property described in Exhibit “B” are necessary for the Project.

7. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, has been made to the owner or owners of record, which offer and statement were in a format and contained the information required by Government Code Section 7267.2, or the offer has not been made because the owner cannot be located with reasonable diligence.

8. VTA has complied with all conditions and statutory requirements, including those prescribed by CEQA, NEPA, and that are necessary for approval and adoption of the Project.

9. All conditions and statutory requirements necessary to exercise the power of eminent domain (“the right to take”) to acquire the property described herein have been complied with by VTA.

10. Insofar as the property or the larger parcel of which it is a part has heretofore been appropriated for public use, the proposed use set forth herein will not unreasonably interfere with or impair the continuation of the public use as it exists or may reasonably be expected to exist in the future, and is therefore a compatible public use pursuant to Code of Civil Procedure Section 1240.510, or, as applicable, constitutes a more necessary public use to which the property is appropriated pursuant to Code of Civil Procedure Section 1240.610.

11. The parcel described in Exhibit “B” is being acquired in whole or in part pursuant to the provisions of Code of Civil Procedure Sections 1240.320, 1240.330 and 1240.350, as the case may be, as substitute property necessary for a public use, for the relocation of public utility facilities, or to provide utility service to the remainder property. It is further found and determined that the taking of said substitute property is necessary for the purpose specified in Sections 1240.320, 1240.330 and/or 1240.350.

12. General Counsel or General Counsel’s duly authorized designee is hereby authorized and directed to institute and conduct to conclusion eminent domain proceedings to acquire a temporary construction easement in property described in Exhibit “A” and a utility easement interest in property described in Exhibit “B”, and to take such actions that counsel deems advisable or necessary in connection therewith, and may deposit the probable amount of compensation and obtain an order for prejudgment possession of the subject property.
PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on December 12, 2013 by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

________________________________________________________________
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 two-thirds or more 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.

Dated: ______________________

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

________________________________________________________________
ROBERT FABELA
General Counsel
EXHIBIT “A”

TEMPORARY CONSTRUCTION EASEMENT

A Temporary Construction Easement for the construction (and other related activities incidental to construction) of the Silicon Valley Berryessa Extension Project (SVBX), under, upon, over and across that certain real property, situated in the City of Milpitas, County of Santa Clara, State of California, and more particularly described in Exhibit “1” attached hereto and made a part hereof.

This Temporary Construction Easement will begin on or after September 1, 2013, when the property is first occupied for use for SVBX civil construction, and will continue for a duration of thirty (30) continuous days, and ending no later than December 31, 2014.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.
EXHIBIT “I”

LEGAL DESCRIPTION
APN 022-01-006

All that certain real property situated in the City of Milpitas, County of Santa Clara, State of California, described as follows:

Being a portion of that certain parcel of land designated as Parcel 2, as said parcel is shown on that certain Parcel Map filed April 4, 1995, in Book 664 of Maps Pages 3 through 5 inclusive, Official Records of said County, and also being a portion of Parcel Two as said Parcel Two is described on Page A3 of the Grant Deed to Northern California Industrial Portfolio, Inc recorded November 20, 2006 under Recorder’s Serial Number 19193833, Official Records of said County, being more particularly described as follows:

BEGINNING at the southeasterly corner of said Parcel 2 as shown on said Parcel Map; thence

1. South 67°52’36” West 52.06 feet along the southerly line of said Parcel 2; thence leaving said southerly line
2. North 21°20’37” West 52.69 feet; thence
3. North 68°56’58” East 52.02 feet to the easterly line of said Parcel 2;
4. Thence South 21°23’00” East 51.71 feet along last said line to the POINT OF BEGINNING.

Containing 2,716 square feet more or less.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone III, epoch 1986.5. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.00005333.

[Signature]
John W. Pettrey, PLS #6202
My License Expires on 03/31/2014
EXHIBIT “B”

UTILITY EASEMENT

An easement for any and all public service facilities including water pipelines and all appurtenances thereto (collectively, the “Utility Easement”) under, upon, above or across that certain real property, situated in the City of Milpitas, County of Santa Clara, State of California, and more particularly described as Parcel B2081-03 on Exhibit “1” attached hereto and made a part hereof.

The herein described easement shall be kept free of buildings, except lawful unsupported roof overhangs, and obstructions that impair the intended use of or are inconsistent with the purpose of the easement.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.
EXHIBIT “1”

LEGAL DESCRIPTION
APN 022-01-006

All that certain real property situated in the City of Milpitas, County of Santa Clara, State of California, described as follows:

Being a portion of that certain parcel of land designated as Parcel 2, as said parcel is shown on that certain Parcel Map filed April 4, 1995, in Book 664 of Maps, Pages 3 through 5 inclusive, Official Records of said County, and also being a portion of Parcel Two as said Parcel Two is described on Page A3 of the Grant Deed to Northern California Industrial Portfolio, Inc recorded November 20, 2006 under Recorder’s Serial Number 19193833, Official Records of said County, being more particularly described as follows:

COMMENCING at the southeast corner of said Parcel 2 as shown on said Parcel Map; thence

a) South 67°52′36″ West 40.02 feet along the southerly line of said Parcel 2 to the TRUE POINT OF BEGINNING; thence continuing along said southerly line

1) South 67°52′36″ West 10.00 feet; thence leaving said southerly line
2) North 21°22′59″ West 43.58 feet; thence
3) North 68°37′01″ East 50.01 feet to the easterly line of said Parcel 2; thence along said easterly line
4) South 21°23′00″ East 10.00 feet; thence leaving said easterly line
5) South 68°37′01″ West 40.01 feet; thence
6) South 21°22′59″ East 33.45 feet to the TRUE POINT OF BEGINNING.

Containing 835 square feet more or less.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone III, epoch 1998.5. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.00005333.

John W. Pettley, PLS #6202
My License Expires on 03/31/2014
Government Code Section 7267.2:

(a) (1) Prior to adopting a resolution of necessity pursuant to Section 1245.230 of the Code of Civil Procedure and initiating negotiations for the acquisition of real property, the public entity shall establish an amount that it believes to be just compensation therefor, and shall make an offer to the owner or owners of record to acquire the property for the full amount so established, unless the owner cannot be located with reasonable diligence. The offer may be conditioned upon the legislative body's ratification of the offer by execution of a contract of acquisition or adoption of a resolution of necessity or both. The amount shall not be less than the public entity's approved appraisal of the fair market value of the property. A decrease or increase in the fair market value of real property to be acquired prior to the date of valuation caused by the public improvement for which the property is acquired, or by the likelihood that the property would be acquired for the improvement, other than that due to physical deterioration within the reasonable control of the owner or occupant, shall be disregarded in determining the compensation for the property.

(2) At the time of making the offer described in paragraph (1), the public entity shall provide the property owner with an informational pamphlet detailing the process of eminent domain and the property owner's rights under the Eminent Domain Law.

(b) The public entity shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount it established as just compensation. The written statement and summary shall contain detail sufficient to indicate clearly the basis for the offer, including, but not limited to, all of the following information:

   (1) The date of valuation, highest and best use, and applicable zoning of property.
   (2) The principal transactions, reproduction or replacement cost analysis, or capitalization analysis, supporting the determination of value.
   (3) If appropriate, the just compensation for the real property acquired and for damages to remaining real property shall be separately stated and shall include the calculations and narrative explanation supporting the compensation, including any offsetting benefits.

(c) Where the property involved is owner-occupied residential property and contains no more than four residential units, the homeowner shall, upon request, be allowed to review a copy of the appraisal upon which the offer is based. The public entity may, but is not required to, satisfy the written statement, summary, and review requirements of this section by providing the owner a copy of the appraisal on which the offer is based.

(d) Notwithstanding subdivision (a), a public entity may make an offer to the owner or owners of record to acquire real property for less than an amount that it believes to be just compensation therefor if (1) the real property is offered for sale by the owner at a specified price less than the amount the public entity believes to be just compensation therefor, (2) the public entity offers a price that is equal to the specified price for which the property is being offered by the landowner, and (3) no federal funds are involved in the acquisition, construction, or project development.

(e) As used in subdivision (d), "offered for sale" means any of the following:

   (1) Directly offered by the landowner to the public entity for a specified price in advance of negotiations by the public entity.
   (2) Offered for sale to the general public at an advertised or published specified price, set no more than six months prior to, and still available at, the time the public entity initiates contact with the landowner regarding the public entity's possible acquisition of the property.
PROOF OF SERVICE (C.C.P. §§ 1013a)

I, Suzana Dzaja, declare as follows:

I am employed in the County of Santa Clara, over the age of eighteen years. My business address is Santa Clara Valley Transportation Authority, 3331 North First Street, Building B-2, San Jose, CA 95134.

On November 22, 2013, I served the following document(s):

Notice of Intention to Adopt Resolution of Necessity

by placing a true copy of the document(s) listed above for collection and mailing following the Santa Clara Valley Transportation Authority's ordinary business practice in a sealed envelope for deposit in the United States mail, 3331 North First Street, San Jose, California, addressed as set forth below.

Mr. Dick Scott  
PSB Northern California IndustrialPortfolio, LLC.  
2316 Walsh Avenue  
Santa Clara, CA 95051

I am readily familiar with the Santa Clara Valley Transportation Authority's practice for collection and processing correspondence for mailing and for shipping via U.S. Postal Service. Under that practice, envelopes placed for collection at designated locations during designated hours are deposited in the ordinary course of business with the U.S. Postal Service on the same day with first class postage or fees thereon fully prepaid or provided for.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on November 22, 2013 at San Jose, California.

Suzana Dzaja  
Office Specialist II
I, Suzana Dzaja, declare as follows:

I am employed in the County of Santa Clara, over the age of eighteen years. My business address is Santa Clara Valley Transportation Authority, 3331 North First Street, Building B-2, San Jose, CA 95134.

On November 22, 2013, I served the following document(s):

Notice of Intention to Adopt Resolution of Necessity

by placing a true copy of the document(s) listed above for collection and mailing following the Santa Clara Valley Transportation Authority's ordinary business practice in a sealed envelope for deposit in the United States mail, 3331 North First Street, San Jose, California, addressed as set forth below.

Joseph D. Russell Jr.
PSB Northern California Industrial Portfolio, LLC.
701 Western Avenue
Glendale, CA 912001

I am readily familiar with the Santa Clara Valley Transportation Authority's practice for collection and processing correspondence for mailing and for shipping via U.S. Postal Service. Under that practice, envelopes placed for collection at designated locations during designated hours are deposited in the ordinary course of business with the U.S. Postal Service on the same day with first class postage or fees thereon fully prepaid or provided for.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on November 22, 2013 at San Jose, California.

_________________________
Suzana Dzaja
Office Specialist II
PROOF OF SERVICE (C.C.P. §§ 1013a)

I, Suzana Dzaja, declare as follows:

I am employed in the County of Santa Clara, over the age of eighteen years. My business address is Santa Clara Valley Transportation Authority, 3331 North First Street, Building B-2, San Jose, CA 95134.

On November 25, 2013, I served the following document(s):

Notice of Intention to Adopt Resolution of Necessity

by placing a true copy of the document(s) listed above for collection and mailing following the Santa Clara Valley Transportation Authority's ordinary business practice in a sealed envelope for deposit in the United States mail, 3331 North First Street, San Jose, California, addressed as set forth below.

Joseph D. Russell Jr.
PSB Northern California Industrial Portfolio, LLC.
701 Western Avenue
Glendale, CA 912001

I am readily familiar with the Santa Clara Valley Transportation Authority's practice for collection and processing correspondence for mailing and for shipping via U.S. Postal Service. Under that practice, envelopes placed for collection at designated locations during designated hours are deposited in the ordinary course of business with the U.S. Postal Service on the same day with first class postage or fees thereon fully prepaid or provided for.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on November 25, 2013 at San Jose, California.

_________________________
Suzana Dzaja
Office Specialist II
Via: FedEx Delivery, and US Mail
December 2nd, 2013

To: Sandra Weymouth
Board Secretary
Santa Clara Valley Transportation Authority
3331 North First St., Building B, Second Floor
San Jose, CA 95134-1906

From: Brian Horner
2196 W. Liberty St.
Hanford, CA 93230

Subject: VTA Property ID No. B2019A
Hearing Regarding Notice Of Intent to Adopt proposed Resolution of Necessity, to acquire interests in certain property located at 420 Railroad Court in Milpitas, CA., as noted to be held on Dec. 12, 2013 at the hour of 9:00am, at the Board of Supervisors Chamber, County Government Center, 70 W. Hedding St., San Jose, CA.

Board Secretary,

Please consider and file this request to appear and be heard at the subject hearing concerning the matters outlined in the Notice of Intention to Adopt Resolution of Necessity dated November 22nd, 2013, in regards to my property located at 420 Railroad Court in Milpitas, for the BART Silicon Valley Berryessa Extension Project. Either I or my attorney, Michael G. Thornton, will appear at said meeting on my behalf to address the adoption of the Resolution of Necessity. In accordance with said Notice, this request preserves my right to challenge the taking of property identified as # B2019A by eminent domain, in addition to addressing matters as outlined in the Notice.

Sincerely,

[Signature]

Brian Horner

cc: Michael Thornton
December 5, 2013

Santa Clara Valley Transportation Authority Board of Directors
c/o Evelynn N. Tran, Senior Assistant Counsel
Santa Clara Valley Transportation Authority
3331 North First Street, Building C-2
San Jose, CA 95134

Re: Property Owner: Brian Horner, Milpitas RV & Self Storage
    Property Location: 420 Railroad Court, Milpitas, CA,

Objection to Notice of Intention to Adopt Resolution of Necessity
Hearing Date: December 12, 2013 at 9:00 a.m.

Dear Directors:

I am an attorney representing Brian Horner, the owner of property located at 420 Railroad Court, Milpitas, California (hereafter, the "Property"), and I submit this letter on his behalf. Mr. Horner has owned the Property since 2004 and he operates a business on the property called "Milpitas RV & Self Storage." That business serves the local area, providing secure storage on approximately 3 acres for both vehicles and personal goods on a short and long term basis. Many of his customers have stored vehicles and other property at the business for over five years. Currently, there are approximately 180 tenant/units served by his business. Some of the tenants need access to their vehicles and property on a daily basis so they can meet their business obligations. Our experience with tenants displaced by the VTA’s prior acquisition of part of Mr. Horner’s Property is that there are very few alternative locations in this area to store many of the type of vehicles and other property stored on Mr. Horner’s Property. Any tenants displaced by a further acquisition of his Property will find it nearly impossible to find nearby replacement storage areas and may be forced to park their large vehicles on city streets or move their property to distant and inconvenient locations.

The Santa Clara Valley Transportation Authority ("VTA") is now considering taking part of Mr. Horner’s Property for the BART Silicon Valley Berryessa Extension Project ("BART Project"). Mr. Horner hereby objects to the adoption of the Resolution of Necessity to acquire part of his Property on the following grounds:

1. The BART Project is not planned or located in the manner that would be most compatible with the greatest public good and the least private injury because, at the last minute request of Pacific Gas & Electric Co. ("PG&E"), the VTA recently added a four-month temporary construction easement ("TCE") to the Property being taken from Mr. Horner and that TCE will require
the relocation of the majority of the tenants who store property at his business and will make running his business during the period of TCE almost impossible, due to the planned placement of the TCE (see "The Severe Impacts..." section below).

2. The TCE was added to the take area very recently and it was never considered in the California Environmental Quality Act ("CEQA") review of the BART Project. Therefore, the very significant impacts on Mr. Horner's business and his tenants from the TCE were never considered in the CEQA process. Instead, the plans reviewed in the CEQA process did not show any TCE on Mr. Horner’s property and, based on the design proposals under review at the time of the CEQA process, Mr. Horner specifically supported the BART Project and did not object to the amount of property being taken from him for that Project. Had Mr. Horner been aware that such a damaging TCE would be placed on his property, he would have opposed the TCE in the CEQA process and would have had the opportunity to inform the Board and the public about the severe impacts of the proposed TCE. Because the TCE was added after the CEQA process was completed, he never had a chance to do that.

Based on the above objections, Mr. Horner urges this Board not to adopt the proposed Resolution of Necessity regarding his property at this meeting. Instead, he requests that the VTA Board direct the VTA staff and PG&E to meet with Mr. Horner so that they can attempt to reconfigure the proposed TCE so that it will still accommodate the legitimate needs of PG&E, but also allow Mr. Horner’s business to continue operating during the period of the TCE. As set forth below, Mr. Horner believes that relatively minor alterations in the TCE would meet his concerns and still allow PG&E to utilize a TCE on the Property. If an acceptable TCE can be agreed upon, Mr. Horner will withdraw his objections to the adoption of the Resolution.

Mr. Horner strongly believes the VTA staff has worked with him in good faith and blames PG&E for the current problem. It is clear that PG&E planned very poorly for the work it had to do on and around the Property and did not recognize the need for a TCE until after the CEQA process had been completed and after Mr. Horner had worked closely with the VTA staff for years to limit the impact of the taking on his business and Property.

FACTUAL BACKGROUND

In 2008, Mr. Horner had some of his property taken for the VTA’s Freight Railroad Relocation Project (“FRR Project”). With respect to that condemnation, Mr. Horner worked with the VTA staff to achieve a successful settlement of a number of issues. Attached hereto as Exhibit A is a letter (without the referenced Exhibits) from me to the VTA’s Board of Directors that, among other things, provides background on that earlier condemnation. Exhibit A also provides extensive background on Mr. Horner’s cooperation with the VTA on a number of matters and, in particular, his support of the VTA’s BART Project in the CEQA approval process. Mr. Horner would not have supported the BART Project if the TCE had been revealed and considered at that time. Instead, he would have objected based on the very significant impacts of the TCE on his business and tenants. Those impacts are discussed below.

Mr. Horner had been aware of the BART Project for many years and understood that the VTA would need additional parts of his property for that Project. In anticipation of that, Mr. Horner worked closely with the VTA staff to make sure that the VTA would be able to acquire the property it needed for the BART Project but that it would design and construct the Project on and around his Property in
a way that minimized the impacts on his business and tenants. Mr. Horner spent an enormous amount of time dealing with the VTA to achieve a mutually-agreeable scope of acquisition so he would not have to object to the taking.

Mr. Horner received the first written offer to Purchase his Property for the BART Project on December 26, 2012. Subsequently, that offer was withdrawn and he was informed that there might be some adjustments to the easements related to PG&E’s use of the Property. On June 25, 2013, Mr. Horner received a revised written offer from the VTA that contained some minor revisions to the proposed utility easements, based upon input from PG&E. Neither the first nor second written offer from the VTA provided for any TCE on his Property. After receiving the revised offer the VTA made arrangements for PG&E to further inspect Mr. Horner’s Property for a “constructability” assessment. Although informal comments by the PG&E staff indicated a very small TCE of very short duration might be needed to accomplish the construction, Mr. Horner had no idea that PG&E would propose taking a large TCE on his Property for four months. During that visit Mr. Horner voiced his concerns to the PG&E staff about how any construction occurring adjacent to the already planned easement area could cause significant harm to his business, because the area adjacent to the planned easement is critical to the ability of his tenants to access and move their property. Shortly after the constructability visit, the VTA informed Mr. Horner that it was rescinding the revised offer.

Despite his objections, and without requesting any input from Mr. Horner or seeking an understanding of how a TCE could disrupt his business, PG&E insisted on the TCE. On October 17, 2013, Mr. Horner received the current revised written offer from the VTA that contains the proposed TCE.

THE SEVERE IMPACTS OF THE TCE

Unfortunately, the TCE proposed by PG&E confirmed Mr. Horner’s worst fears about the severe impacts on his tenants and business. The TCE as currently configured would greatly interfere with his tenants’ access to the Property by, among other things, eliminating part of the space currently used as a turnaround on the Property. The current turnaround is necessary so that his tenants can access and move the property they store on his Property, due to the relatively narrow confines of the property and the inherent difficulty of maneuvering the type of vehicles and property stored there. Eliminating the turnaround is a very serious issue because Mr. Horner is required to give his tenants daily access to their property and they need to be able to move that property as they deem necessary. If the tenants cannot do that, Mr. Horner would be in violation of his contractual agreement with his tenants and would be out of business. To avoid that result, the VTA will be required to relocate all of the impacted tenants and then move them back to the Property when the TCE concludes, if they are still willing to use Mr. Horner’s storage business after such a disruption. All this would have to be done in the very tight local storage market to avoid losing the tenants, who do not want their property stored far away. This process will cost the VTA much more in the long run than adjusting the TCE to accommodate his needs and could result in significant unanticipated costs if Mr. Horner’s business is disrupted by losing his long term tenants.

In addition, Mr. Horner owns large self storage units on the Property that store cars and other large items. Mr. Horner has been told these large units will either have to be relocated to a different area on his Property – if they can be, which is not yet clear – or moved to a new location during the TCE, so that his tenants will still have access to those storage units during the TCE period. In Mr. Horner’s opinion, the VTA will be financially responsible for the relocation of these storage units and
for relocating the units back to their original location at the conclusion of the TCE. This relocation will be very expensive due to the equipment and labor required to remove the items from inside the storage units so they can be moved, to move the storage units themselves, to reinstall the items and the units elsewhere, and, finally, to remove and reinstall the items and units at the TCE’s conclusion.

Unfortunately, neither the VTA nor PG&E has considered these severe impacts on Mr. Horner’s business and his tenants nor have they considered the very significant expense they will have to incur to solve these problems. This is because they did not consult with him before designing the TCE to see if there were any alternatives that might result in a lesser impact. In fact, because the TCE was slipped in at the last minute, Mr. Horner never had a fair opportunity to provide any input on the impacts of the proposed TCE. This has been very disappointing to Mr. Horner and contrary to the VTA’s long-standing practice of working with him in a cooperative manner. Mr. Horner now asks this Board to try to solve this problem by directing that the VTA and PG&E consult with Mr. Horner to see if the TCE area can be reconfigured to save his business and still accommodate the need of PG&E for a TCE. Mr. Horner believes that this can be done and that it should be done before the Board adopts a Resolution of Necessity that includes the current TCE. After the Board adopts a Resolution, resolving the issue will be very difficult or impossible because PG&E will have no incentive to cooperate.

We appreciate the opportunity to submit this letter to the Board and we request that this letter be made part of the permanent administrative record of the hearing on the Resolution to acquire part of Mr. Horner’s Property. I will also be appearing at the hearing to speak directly to the Board about these issues and to answer any questions the Board may have. Thank you for your consideration of these matters.

Very truly yours,

Michael G. Thornton
of Nossaman LLP

MGT/Jm3
Enclosures

cc: Brian Horner
    Evelynn N. Tran, Esq.
    Bijal Patel
EXHIBIT "A"
CONFIDENTIAL SETTLEMENT COMMUNICATION -- EVID. CODE SECTIONS 1152, ET SEQ.

July 7, 2011

Board of Directors

c/o Kevin Allmand, General Counsel
Santa Clara Valley Transportation Authority
3331 North First Street, Building C-2
San Jose, CA 95134

Re: Follow up to June 2, 2011 VTA Board Meeting
Brian Horner and Milpitas RV & Self Storage, located at 420 Railroad Court, Milpitas, CA

Dear Directors:

I am an attorney representing Brian Horner, the owner of property located at 420 Railroad Court, Milpitas, California and I submit this letter on his behalf. Mr. Horner has owned the property at 420 Railroad Court (hereafter the “Property”) since 2004 and he operates a business on the property called “Milpitas RV & Self Storage.” On behalf of Mr. Horner, I appeared at the June 2, 2011 VTA Board Meeting to object to the proposed redesign submitted by Walton CWCA Wrigley Creek 31, LLC (“Walton”), the owner of the Wrigley Creek Industrial Park (the “Industrial Park”) in Milpitas. The proposed redesign was submitted in a June 1, 2011 letter from the Walton’s counsel Fernando Villa to the VTA Board of Directors (“Villa Letter”). At the meeting, I requested an opportunity to submit a written response to the Walton proposed design alternative (the “Walton Alternative”). We appreciate the opportunity to submit this response to the Board.

In this response, Mr. Horner again strongly objects to the VTA adopting the Walton design alternative. However, as discussed in detail below, Mr. Horner is willing to support a new Alternative proposed by the VTA’s Staff (the “New VTA Alternative”) that will take 1890 square feet more of Mr. Horner’s Property than the currently approved design alternative (the “Approved Alternative”) for the construction of the High Voltage Substation SRC and Switching Station SSR (“Project”). Mr. Horner’s support for the New VTA Alternative is a significant compromise and is expressly contingent upon the Board accepting the New VTA Alternative and rejecting the Walton Alternative. Mr. Horner will vigorously oppose the adoption of the Walton Alternative by the VTA Board because, among other reasons, the proposed Walton Alternative would make the further operation of his business at 420 Railroad Court economically and physically unfeasible.
A. The Milpitas RV & Self-Storage Business Operated On Mr. Horner's Property And The Settlement With The VTA.

Mr. Horner has been operating the Milpitas RV & Self-Storage business on the Property since 2004. Prior to that time, the storage business had been operating on the Property since approximately 1991. The business serves the local area, providing secure storage on approximately three acres for both vehicles and personal goods on a short and long term basis. Many of his customers have stored vehicles and other property at the business for over five years. Currently, there are approximately 180 tenant/units served by his business. Some of the tenants need access to their vehicles on a daily basis so they can meet their business obligations. Our experience with tenants displaced by the VTA’s acquisition of part of Mr. Horner’s Property is that there are very few alternative locations in this area to store many of the type of vehicles and other property stored on Mr. Horner’s Property. Any tenants displaced by a further acquisition of his Property will find it nearly impossible to find nearby replacement storage areas and may be forced to park their large vehicles on city streets or move their property to distant and inconvenient locations.

In 2008, the VTA took steps to condemn a part of Mr. Horner’s Property for the Freight Railroad Relocation Project ("FRR Project") being undertaken by the VTA. The VTA initially wanted to condemn part of the Property for railroad relocation, part for a temporary construction easement, and part for construction staging during construction activities. If it had gone forward as originally planned, the VTA’s proposed condemnation of the Property, and interests on the Property, would have utilized almost all of the Property and forced the closure of the business for at least two years. After that, Mr. Horner would have had to restart his business from the beginning without any tenants.

Mr. Horner and the VTA entered into good faith negotiations to see if they could reach an agreement whereby Mr. Horner could remain in business on the Property during the FRR Project. The negotiations were a model of open communication and cooperation with the goal of keeping Mr. Horner’s storage business in operation during construction and limiting the VTA’s exposure to damages. During the negotiations, it soon became apparent that relocating Mr. Horner’s business, even for just a couple years, would be very expensive, if an alternative site could have been found. If an alternative site could not be found, Mr. Horner would have lost his business and the VTA would have been exposed to enormous damages, including loss of business goodwill. After good faith negotiations and cooperation on both sides, the VTA and Mr. Horner reached a settlement that allowed the VTA to acquire the parts of the Property it needed for its FRR Project and for its temporary construction easement. In order to allow Mr. Horner to maintain the storage business on the Property during construction, the VTA found other nearby property it could use for construction staging. As a gesture of cooperation, Mr. Horner subsequently allowed FRR Project contractors to use other portions of his Property to accommodate their work on the Project. We worked closely with the VTA’s acting General Counsel, Kevin Allmand, and with the VTA Staff, to achieve this fair result. These negotiations with the VTA should serve as a model of what Mr. Horner is seeking here: cooperative and creative thinking on ways to allow Mr. Horner to continue operating his storage business on the Property in the after condition, while allowing the Project to move forward promptly. The New VTA Alternative, even though it increases the impact of the Project on Mr. Horner’s Property, meets this goal.
Since the settlement with the VTA, Mr. Horner and the VTA have continued to cooperate on many issues, which has facilitated and made more efficient the construction activities around his Property. After reaching the settlement with VTA, Mr. Horner’s business is now composed of approximately 3 acres, one residence, 123 storage spaces, and 55 storage container units, which are essentially fully leased out on either a yearly or month-to-month basis. Mr. Horner’s business provides an important storage service in the Milpitas area and there are very few, if any, nearby facilities that could absorb Mr. Horner’s tenants and customers if they are displaced. The current shortage of storage facilities will be exacerbated when Central Self Storage at 700 Montague Expressway in Milpitas closes because it is being acquired for the Milpitas BART station. Declaration of Brian Horner (“Horner Decl.”) ¶ 9. Moreover, if he is unable to operate his business on the remainder of the Property, there are very few replacement properties in the area to which he could relocate the business. In light of these realities, Mr. Horner believes that saving his business and keeping it economically viable in the after condition is in the best interests of all parties.

B. Mr. Horner Received A Commitment That Any Condemnation Of His Property Would Be No Greater Than The Approved Alternative.

May 5, 2009, I submitted on Mr. Horner’s behalf a Comment on the Silicon Valley Rapid Transit Corridor, Draft Environmental Impact Statement and Draft Section 4(f) Evaluation (“EIS”). The EIS considered three alternative projects: a no build project, Silicon Valley Rapid Transit Project (“SVRTP”) and the Berryessa Extension Project (“BEP”). Mr. Horner had been informed that the EIS used “worst case” scenarios with respect to the acquisition of property necessary for the Project. The purpose of Mr. Horner’s Comment was to assist the VTA in determining how much of Mr. Horner’s property was actually necessary for the Project. A true and correct copy of the May 5, 2009 letter to Tom Fitzwater of the VTA is attached hereto as Exhibit A. The EIS at that time contained a drastic scenario that considered taking the entirety of Mr. Horner’s property. My letter stated: “Mr. Horner hopes to work with the ...VTA to minimize the impact of this Project on his property and business, and thereby prevent the acquisition of unnecessary and excess sections of his property, which will likely cost much more than is currently anticipated.” Mr. Horner’s Comment suggested feasible and economically beneficial alternatives to the acquisition and use of his Property proposed by the EIS. He noted he was submitting his Comment at the earliest possible time so that he and the VTA could work together to accomplish the goal of “allowing him to maintain his business, preventing unnecessary displacement of his tenants, and assuring that the Project moves forward in a timely, feasible and cost effective manner.” Exhibit A at page 2.

On August 18, 2009, Mr. Horner and I met with Mr. Fitzwater, VTA’s General Counsel Kevin Allmand and other VTA representatives to discuss various design alternatives for the Project that would take less of Mr. Horner’s property. The meeting went very well and the discussion focused on a proposed design alternative that would take much less of Mr. Horner’s property. This is the design the VTA ultimately adopted as the Approved Alternative. A true and correct copy of the Approved Alternative is attached hereto as Exhibit B. Following the meeting, VTA sent me an email stating: “Michael, VTA will commit to limiting acquisition of the Horner property to the portion that is no greater than that indicated in the Alternative 2 that you prefer. In addition, we are still evaluating ways to reduce the footprint to the properties involved.” A copy of this email and related emails is attached hereto as Exhibit C. This
commitment was confirmed in the VTA’s published response to Mr. Horner’s Comment “At the meeting VTA also committed to continuing to look into other alternatives that would result in impacts no greater than the new Alternative 2.” Silicon Valley Rapid Transit Corridor Final EIS, page 2-473, attached hereto as Exhibit D. Mr. Horner relied on this commitment by the VTA and he expected the VTA to keep its promise to limit the acquisition to no greater than the Approved Alternative agreed upon by the parties.

C. Mr. Horner Is Willing To Accept The VTA’s New Design Alternative.

As stated above, Mr. Horner has had the opportunity to review the New VTA Alternative. A copy of the New VTA Alternative is attached hereto as Exhibit E. Although the New VTA Alternative will take an additional 1890 square feet of his Property, Mr. Horner believes that this additional taking, while still damaging to his business, will allow him to remain in the storage business and continue to serve the Milpitas community. Mr. Horner is also mindful that the VTA’s project is important to the community and, as he has done in the past, Mr. Horner wants to try and work with the VTA in a cooperative manner so long as his business can survive and he will receive compensation for the damages that he will suffer as a result of the upcoming condemnation of his property. Mr. Horner also wishes to be a good neighbor to Walton: under the New VTA Alternative he is willing to accept, the VTA will take less of the Industrial Park. Mr. Horner’s willingness to agree to the New VTA Alternative is expressly contingent on the VTA rejecting the Walton Alternative because that Alternative, if adopted by the VTA, would leave him with an uneconomically viable business.

D. The VTA Should Reject The Walton Design Alternative.

On June 1, 2011, at around the same time Mr. Horner received a copy of the New VTA Alternative, he also received a copy of the Walton Alternative. Mr. Horner was shocked by both Mr. Villa’s letter and the Walton Alternative. The letter contained several statements that were either completely unsupported or that appeared to Mr. Horner to be inaccurate or misleading. Mr. Horner was particularly shocked at the suggestion that the Walton Alternative would have little impact on his business. That is simply not the case.

In his letter, Mr. Villa frankly acknowledged that Walton is trying to shift the impact of the VTA’s Project from its Industrial Park to Mr. Horner’s business. It does this by making baseless threats and claims. We urge the Board not to be bullied by Walton into making a decision that would breach its commitment to Mr. Horner and put him out of business. The reasons put forth by Walton to support the Walton Alternative do not support making a dramatic change in the Project, particularly when weighed against the drastic impact on Mr. Horner. We respond to the points in the Villa Letter below:

1. Walton’s Claim: Walton claims that a distance of 227 feet from the nearest docking bay “is essential to preserve safe and reasonable truck operations for the Industrial Park’s businesses, which would in turn save the local jobs, tax revenue and economic stimulus generated by these businesses.” (Villa Letter, page 2, ¶ 1.) Walton also argues that the New VTA Alternative falls short in avoiding the negative impacts to the Industrial Park's operation and local businesses operating in the park by not providing the minimum space needed for safe and effective truck operations. (Villa Letter, page 3.) The letter attaches four form letters from so-called “tenants.”
Mr. Horner's Response: First, the Villa Letter provides absolutely no factual support for the assertions that a 227 foot distance is necessary “to preserve safe and reasonable truck operations” and that the Park tenants would not have sufficient space for safe and effective truck operations.” These are just empty claims devoid of any support. In fact, the VTA prepared a drawing showing that any trucks actually using the Industrial Park’s affected truck docking bay could easily turn in and out. BART Silicon Valley 2nd Supplemental EIR, page 4-114, “Truck Turn Exhibit,” attached hereto as Exhibit F.

Second, of the four letters from “tenants” attached to the Villa Letter, three of those tenants do not lease any space in the building with the truck dock bay referred to in the Letter; instead they are tenants at 2220 Railroad Avenue, a building across a deep creek from the building with the truck dock bay, and on a wholly different street. There is plenty of parking for the 2220 Railroad Avenue building and there is no evidence that any of these tenants use the truck dock bay or would actually be impacted by the Approved Alternative or the New VTA Alternative. Indeed, the tenant letters suggest the tenants know very little about what the VTA has proposed but rather that they have been led to believe by Walton that the VTA facilities “to be located near the Industrial Park, … will negatively impact the park-wide operations at the property, including potentially impacting our Company’s operations.” Tenant letter attached hereto as Exhibit G (emphasis added). All the letters from the tenants are identical and one is left wondering what inducements were used to secure such letters. The tenant letters do not explain how the tenants would suffer any actual impact from the Approved Alternative, much less that a tenant would vacate the premises because of any such unexplained impact. The Villa Letter's threats of losing local jobs, tax revenue and “economic stimulus,” are completely unsubstantiated and should not be believed.

2. Walton's Claim: Walton asserts that the Walton Alternative "would minimally impact the adjacent RV Storage Lot Facility by the loss of only one more RV space than the current May 23, 2011 VTA proposed redesign would cause, and by taking only 289 more square feet of the RV Storage Lot than would be taken by the VTA design...." (Villa Letter, page 2, ¶ 2.) The Villa Letter also asserts that the New VTA Alternative renders eight spaces, numbered 3-11 in the Walton Alternative Exhibit, unusable because they would not meet the 35 to 40 feet required to store the average RV. (Villa Letter, page 3.)

Mr. Horner's Response: First, the statement that under the Walton Alternative Mr. Horner would lose only one more RV space is based on a total misunderstanding of his business. Had Walton done any investigation it would have found that smaller vehicles than full size RVs are stored at Mr. Horner's business and that the eight spaces impacted by the New VTA Alternative would still provide adequate space for storage of such vehicles or for other storage uses. Mr. Horner would be able to use those spaces to keep his business economically viable. Mr. Horner's business would lose the complete use of approximately eleven more spaces under the Walton Alternative than it would lose under the New VTA Alternative. This would tip the balance and render it economically unfeasible to continue in business. Walton also ignores that Mr. Horner's business already lost a substantial amount of property for the prior FRR Project and that the Industrial Park lost little or no property for that Project.

Second, The square footage numbers Walton uses are confusing and misleading. The fact is that under the Walton Alternative Mr. Horner would lose an additional 4525 square feet of his Property over the amount he would lose under the Approved Alternative. Even under the
New VTA Alternative that Mr. Horner could accept, he will lose 1890 square feet more of his Property than under the Approved Alternative. That 1890 square feet is the most additional property he could lose and still maintain a functioning business!

3. **Walton’s Claim:** Walton contends that the Walton Alternative will not cause and may prevent a delay in the Project since the supposed “minor incremental impact” to Mr. Horner’s business “would not require recirculation of the Final SEIR-2.” (Villa Letter, page 2, ¶ 3.)

**Mr. Horner’s Response:** Mr. Horner strongly disagrees with this. Any change in the current plan that would result in his going out of business is not a “minor incremental impact to the RV Storage Lot...” That would be a dramatic impact which would completely undermine the VTA’s prior commitment to Mr. Horner to adopt the Approved Alternative. This commitment was made to reassure Mr. Horner that his business would survive after more of his Property was taken and to prevent Mr. Horner from challenging any future Environmental Impact Reports/Statements. While Mr. Horner is willing to compromise and accept the New VTA Alternative if the Walton Alternative is rejected, he will not stand idly by should VTA adopt the Walton Alternative and put him out of business. The effect on his business and the community that uses his storage facilities would be devastating and would, in our view, require further environmental review to determine the impact of closing his business. Undoubtedly, the Project would be delayed while Mr. Horner pursued all remedies and claims available to him if the Walton Alternative is adopted.

4. **Walton’s Claim:** Walton references a CEQA lawsuit brought against the VTA and suggests the adoption of the Walton Alternative would serve as a basis for settling that suit. (Villa Letter, page 2, ¶ 4.)

**Mr. Horner’s Response:** It is difficult to see what possible merit the Walton’s lawsuit has. It appears to have been brought merely to pressure the VTA to change the Approved Alternative. Such a case should not be used as an excuse for the VTA to cave into the Walton’s demands. Instead, the New VTA Alternative should be the basis for resolving the lawsuit, if the VTA decides to adopt that Alternative. Alternatively, if Walton will not accept the New VTA Alternative, the VTA should stick with the Approved Alternative.

5. **Walton’s Claim:** In his letter Mr. Villa suggests that the additional space that Walton will be given under the Walton Alternative would also be used for “parking” for the Industrial Park’s tenants. (Villa Letter, Page 3, paragraph 3.) This is unsupported and inconsistent with the actual use of that parking lot. Mr. Horner and his employees have viewed the back part of the parking lot in the Industrial Park at Railroad Cour for years and rarely if ever do they see any cars parked there or any use at all of that parking lot. The attached Declarations of Mr. Horner, his independent contractor bookkeeper Ms. Madeiros, and an independent witness Steve Brown, all confirm that Industrial Park’s tenants did not regularly use the back part of that parking lot and that there is very little truck traffic using the truck dock. See Exhibit H, Declarations of Brian Horner, Joanne Madeiros, and Steve Brown, respectively. Only recently have any parked vehicles been observed there and that has occurred primarily after the June 3 VTA Board hearing. *Id.*

Mr. Horner’s storage business provides storage facilities for 180 tenant/units. It is a long standing and economically viable business in Milpitas that provides a critical storage function. If the Walton Alternative is adopted by the VTA, Mr. Horner will not be able to continue operating his business and the important storage function it provides will be eliminated.

Conversely, nothing in Mr. Villa’s letter indicates that a single tenant would cease leasing the current facility in the Industrial Park if the New VTA Alternative is adopted. Indeed, not a single tenant indicates that it would leave if the Approved Alternative remains adopted by the VTA. Instead, Walton asserts that there may be impacts but bases that on the clearly incorrect statement that the truck docking bay would not be usable unless the Walton alternative is adopted. (See discussion above.) Not a single fact suggests a tenant would actually be impacted by the Approved Alternative or the New VTA Alternative, or would vacate the premises. Thus, the “choice between businesses” that Mr. Villa conjures up is the proverbial “straw man,” set up by Mr. Villa so he could knock it down. In reality, the Industrial Park has plenty of space for its truck dock bay and plenty of parking for its businesses.

The only business at risk here is Mr. Horner’s storage business which will not be able to survive if the Walton Alternative is adopted. Mr. Horner’s business has already endured one substantial taking by the VTA and cannot endure another. The VTA should not rely on empty assertions by Walton’s counsel that are not supported by facts, logic, experience or past use. Mr. Horner on the other hand has made a compelling case that his business cannot survive if the Walton Alternative is adopted. However, he is willing to accept the New VTA Alternative, a compromise that would take even more of his Property, if the Walton Alternative is rejected.

In his letter pages 4 to 5, Mr. Villa suggests that: “The costs the VTA will incur for condemning properly that results in shutting down the truck operations of viable businesses and impacting the viability of the Industrial Park. . ." will be more expensive then taking more of Mr. Horner’s business property.

But this is based on the faulty premise that taking some of the Walton property would result in the “shutting down of trucking operations”. Not a shred of evidence provided by Mr. Villa supports such a conclusion. He also asserts that the value of the Industrial Park exceeds the value of Mr. Horner’s property. To support this he comes up with a completely unsupported value for the Industrial Park – as if picked from thin air -- and lists the purported value of Mr. Horner’s property as it is listed “on the County Assessment Roll.” However, the Assessment Roll value of property is not a measure of value that has any relevance or admissibility in a condemnation action. Of far more relevance to the value of Mr. Horner’s Property is the recent sale of an adjacent 1.6 acre property for $6.8 million. Mr. Horner’s Property is slightly over 3 acres.

Finally, Walton is using its current CEQA lawsuit, which appears to be baseless, as leverage to try to persuade the Board to further burden Mr. Horner’s business. Mr. Villa states that the Walton’s CEQA action “could potentially delay” the Project from proceeding. As set forth above, adopting the Walton Alternative would significantly change the impact of the Project by terminating 180 leases at the storage facility. As pointed out above, any such action by the
VTA would delay its Project while it dealt with Mr. Horner's claims. The VTA recognized the impact of a larger taking on Mr. Horner's business when it made a commitment not to take any more of his property for the Project than required by the Approved Alternative. That commitment was only made after Mr. Horner demonstrated the devastating impact of the proposed taking on his business.

We urge the Board to be fair in its consideration of these issues and not to favor Walton because of unsubstantiated threats and claims or because of a lawsuit. Unlike Walton, Horner has worked for years with the VTA in the spirit of cooperation and compromise. In this instance, even after the VTA committed not to take any more of his property, he will agree to a larger taking of his property under the New VTA Alternative, assuming the Walton Alternative is not adopted. Walton, on the other hand, has rejected any compromise. In summary, we urge the Board to stick with the Approved Alternative or, if it deems it appropriate, adopt the New VTA Alternative while at the same time rejecting the Walton Alternative. Thank you for your consideration of this letter.

Very truly yours,

Michael G. Thornton
of Nossaman LLP

cc: Mr. Brian Horner
    Kevin Allmand, General Counsel
    Evelyn N. Tran, Senior Assistant Counsel
    Tom Fitzwater, Manager, Environmental Programs and Resources Management
December 10, 2013

Via Email to mthornton@nossamsn.com
Original Via U.S. Mail

Michael G. Thornton, Esq.
Nossaman LLP
50 California Street, 34th Floor
San Francisco, CA 94111

Re: Property Owner: Brian Horner, Milpitas RV & Self Storage
Property Location: 420 Railroad Court, Milpitas, CA

Objection to Notice of Intention to Adopt Resolution of Necessity
Hearing Date: December 12, 2013 at 9:00 a.m.

Dear Mr. Thornton:

This serves as a response to your letter dated December 5, 2013, objecting on behalf of your client, Brian Horner, to the Notice of Intention to Adopt a Resolution of Necessity that is agendized for the December 12, 2013 meeting of the Santa Clara Valley Transportation Authority's Board of Directors.

You have raised two grounds for your objections: 1) that the BART Silicon Valley Berryessa Extension Project ("Project") is not planned or located in the manner that would be most compatible with the greatest public good and the least private injury in regard to the 4-month temporary construction easement ("TCE"); and 2) that your client contends that the TCE was "never considered in the CEQA process."

In regard to the first ground, California Code of Civil Procedure section 1240.030 provides that the power of eminent domain may be exercised to acquire property, if, among other things, the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury. Your analysis of this finding, which is limited to the specific proposed acquisition of the TCE and the specific use of that TCE for the project, is inconsistent with the express language of the statute and fails to address the public good component. The express language of the statute compels that the weighing of the public good and the private injury be done on a global, project-wide manner. Here, the Board of Directors may consider all components of the public good of the Project as a whole, including the social, economic,
environmental, and esthetic considerations, in its evaluation. (See Legislative Committee Comment to section 1240.030.)

Moreover, “in all cases where land is required for public use . . . the condemning party is vested with wide discretion. . . . [W]hen an attempt is made to show that the location made is unnecessarily injurious, the proof ought to be clear and convincing; for otherwise, no location could ever be made. If the first selection made on behalf of the public could be set aside on slight or doubtful proof, a second selection would be set aside in the same manner, and so ad infinitum. The improvement could never be secured, because whatever location was proposed, it could be defeated by showing another just as good.” (City of Hawthorne v. Peebles (1959) 166 Cal. App. 2d 758, 762.)

As you have pointed out, VTA has been working with you and Mr. Horner for many years, dating back to 2008. In that process, VTA representatives are very familiar with the needs of Mr. Horner’s business and have endeavored to minimize the disruption of Mr. Horner’s business to the extent possible. As you have also noted in your letter, the recognition of the need for the TCE was made very recently by PG&E, who informed VTA that in order to erect 1-80 foot and 2-100 foot poles, PG&E will need an area to excavate the foundations for the poles, to place the rebar cages (which will be approximately 5 feet in diameter by 20 feet long), to protect the foundation while they cure, and to accommodate several pieces of heavy equipment (cranes and bucket trucks), which are necessary to excavate foundations, place the poles and string the conductors. The work also will be constrained due to the close proximity of 2 live 115KV circuits located within PG&E’s existing easement across the subject property.

PG&E had requested from VTA a larger TCE area and a longer easement period. However, VTA staff worked with PG&E to reduce the requested TCE to the area that was made in the offer to allow for a drive aisle along the TCE area, and shortened the duration of the easement period.

In regard to the CEQA issue that you have raised, the potential environmental impacts of the TCE have been evaluated. CEQA Guidelines 15162 provides, in pertinent part, as follows:

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant
environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The TCE is to allow PG&E to construct the foundation for and erect the poles in order to extend power from existing high-voltage transmission lines to a new high-voltage substation located at Railroad Court. After the VTA Board of Directors had previously approved Addendum No. 4 to the 2nd Supplemental Environmental Impact Report (SEIR-2) for the Berryessa Extension Project in May 2013, PG&E has requested this additional TCE to construct these poles. The new high-voltage substation and the new PG&E poles have been previously environmentally cleared. The previous Addenda for this Project disclosed that the substation, including its associated utility easements to support the substation, and the PG&E poles, would impact a number of storage spaces at 420 Railroad Court. Although the proposed TCE would displace additional storage spaces, the displacement is only for a short-term duration (four months), and the TCE would not cause any new significant environmental impacts, nor would it substantially increase the severity of previously evaluated impacts. The new TCE also would not create the need for any additional mitigation measures beyond those described in the SEIR-2. The new TCE would be needed for a short-term duration of approximately 4 months.

Moreover, Addendum No. 3 to the Final SEIR-2 discloses that:

the final easements and acquisitions that are required may change (increase or decrease in size, change type, and/or change from permanent to temporary, etc.) during the final design while being within the scope of the project and minor in nature. These changes can be a result of working with utility companies to relocate their facilities. It is the intent of this Addendum and previous environmental documents adopted by the VTA to fully disclose the potential
environmental impacts of the easements and other acquisitions that are generally indicative of the type of work required, recognizing some adjustments may be necessary based on final design and/or working with individual property owners during the real estate acquisition process. Should additional modifications beyond the scope of the project trigger the need for additional environmental review pursuant to CEQA Guidelines Section 15162 and other applicable provisions of CEQA, VTA will prepare the necessary additional environmental analysis.

As discussed above, VTA, as the lead agency in this matter, has determined that no subsequent environmental impact report needs to be prepared for this TCE.

Because the construction work on this property is on the critical path, any delay in acquiring the property and completing the construction of the substations and the electrical tie-in will delay project completion. VTA understands that the proposed acquisitions will impact Mr. Horner’s property, but hopes Mr. Horner will be able to mitigate potential damages, such as by relocating tenants onsite, where possible. VTA also remains committed to its efforts to work cooperatively with you and Mr. Horner and to provide the relocation assistance and benefits to which Mr. Horner and his tenants are entitled under the Uniform Act. And to the extent that a condemnation action necessary in this matter and the Board adopts the Resolution of Necessity, VTA will continue to negotiate in good faith with Mr. Horner in an effort to resolve the matter.

Very truly yours,

Evelynn N. Tran
Senior Assistant Counsel

ENT/vaf
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Light Rail Efficiency Resolution of Necessity

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a Resolution of Necessity determining that the public interest and necessity require the acquisition of property interests from the subject property for the Santa Clara Pocket Track Project.

BACKGROUND:

The Santa Clara Pocket Track Project is a part of the Light Rail Efficiency Program, a coordinated program of capital projects and operating changes to speed up the light rail system, increase service hours, introduce a new line of service, expand express service, and prepare for seamless, high-quality service to respond to increasing local population and employment.

The Santa Clara Pocket Track Project will construct a light rail turnback/storage track in Santa Clara to support proposed light rail operations, with enhanced connectivity to the extension of BART to Milpitas/San Jose, and for stadium events at Levi’s Stadium.

The Santa Clara Pocket Track improvements involve construction of a new westbound track on Tasman Drive, north of the existing westbound track, between Calabazas Creek and Old Ironsides Station. The new track will be approximately 1,280 feet in length, from west of Patrick Henry Drive to just west of Old Ironsides Drive. The existing westbound track will become a center pocket track, with capacity for as many as three three-car trains.

To accommodate the new track, the westbound vehicle lanes of Tasman Drive will be
reconfigured slightly. The reconfiguration requires acquisition of right-of-way on the northern side of Tasman over the length of the improvements from one private property owner. In addition to reconfiguring Tasman Drive, the improvements will require relocation of fire hydrants, street lights, and traffic signal poles and cabinets; modification of the municipal storm drain system; and the relocation of utilities including gas, electrical, communications, sanitation and water.

The right-of-way acquisitions from the private property are being pursued in accordance with state law, and diligent efforts are being made to acquire them through negotiated settlement. However, a negotiated settlement may not be achievable in this instance within the Project schedule need so this property acquisition may need to be acquired through a timely condemnation process.

A prerequisite to commencement of eminent domain proceedings by a public entity is adoption of a Resolution of Necessity (California Code Civil Procedure section 1245.220). As discussed below, staff is recommending the Board to adopt a Resolution of Necessity for acquisitions of property interests from one property, set forth below, to enable commencement of eminent domain proceedings.

**DISCUSSION:**

Staff is recommending that a Resolution of Necessity be adopted for the following property:

1. **Property owned by Lake Marriott, LLC c/o Divco West (LREP001):**

   This property is located at 3051 Tasman Drive in the City of Santa Clara. The larger parcel consists of approximately 839,054 square feet and is improved with seven office buildings.

   The proposed acquisition consists of a 10,891 square foot partial fee interest (LREP-001-01), a 716 square foot partial fee interest (LREP-001-02), a 1,064 square foot utility easement (LREP-001-03), a 125 square foot utility easement (LREP-001-04), a 76 square foot utility easement (LREP-001-05), a 917 square foot utility easement (LREP-001-06) and a 4,756 square foot 12-month temporary construction easement (LREP-001-07). The partial fee interest is needed to construct and reconfigure the existing roadway to accommodate new light rail pocket tracks in VTA’s right-of-way. The utility easements are needed to accommodate the relocation of existing utilities. The 12-month temporary construction easement (“TCE”) is required for the construction of the existing roadway and utility relocation.

   The property was appraised and reviewed by a review appraiser, and VTA staff set just compensation. An initial offer based on the recommended appraisal was made on October 21, 2013. To date, negotiations with the owner to acquire the property have been unsuccessful even though VTA staff has diligently worked to acquire the property through negotiated settlement. Staff will continue to work with the property owner to reach a negotiated settlement even after adoption of a Resolution of Necessity.
VTA must take action to acquire the above-referenced property through eminent domain proceedings in order to ensure that construction can timely begin and the construction schedule remains intact for the Santa Clara Pocket Track Project. As stated above, the project will enhance the connectivity to the extension of BART to Milpitas/San Jose, and for stadium events at Levi’s Stadium.

As noted above, a prerequisite to commencement of eminent domain proceedings by a public entity is the adoption of a Resolution of Necessity. This statutory requirement is designed to ensure that public entities verify and confirm the validity of their intended use of the power of eminent domain. A resolution of necessity must contain a general statement of the public use for which the property is taken, a reference to the authorizing statutes, a description of property, and a declaration stating that each of the following have been found and determined to be true:

1. The public interest and necessity require the proposed project;

2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;

3. The property described in the resolution is necessary for the proposed project; and

4. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, has been made to the owner or owners of record, which offer and statement were in a format and contained the information required by Government Code Section 7267.2, or the offer has not been made because the owner cannot be located with reasonable diligence.

Further information addressing each of these items and any additional findings that must be made are included in a staff report attached hereto. The staff report also contains specific information on the property being impacted.

**ALTERNATIVES:**

The property that is subject to the Resolution of Necessity before the Board is necessary for the Project, and a condemnation action must be initiated in order to obtain possession of the parcel if the Project schedule is to be maintained. The Board may, in its discretion, decide not to adopt the Resolution of Necessity. However, this would necessitate either some delay and/or a possible redesign, which could impact the schedule and, most likely, increase the costs of the Project.

**FISCAL IMPACT:**

Appropriation for the costs associated with acquisition of this property is included in the FY14 Adopted 2000 Measure A Transit Improvement Program Fund Capital Budget.

Prepared by: Bijal Patel
Memo No. 4360
Santa Clara Pocket Track Project Acquisition Staff Report

INTRODUCTION

This staff report is submitted for review by the Board of Directors prior to the recommended adoption of a resolution of necessity for the acquisition of property for the Santa Clara Pocket Track Project (“Project”).

For each property interest to be acquired, a resolution of necessity must be adopted prior to the commencement of eminent domain proceedings (Code of Civil Procedure Section 1245.220.). The statutory requirement that a public entity adopt a resolution of necessity before initiating a condemnation action “is designed to ensure that public entities will verify and confirm the validity of their intended use of the power of eminent domain prior to the application of that power in any one particular instance.” San Bernardino County Flood Control Dist. v. Grabowski (1988) 205 Cal.App.3d 885, 897.

Thus, a resolution of necessity must contain a general statement of the public use for which the property is to be taken, a reference to the statute authorizing the exercise of eminent domain, a description of the property, and a declaration stating that each of the following have been found and determined by the Board to be the case:

1. The public interest and necessity require the proposed project;
2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
3. The property described in the resolution is necessary for the proposed project; and,
4. That either the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner cannot be located with reasonable diligence.

(Code of Civil Procedure Section 1245.230.)

Also, for those parcels to be acquired as public service or utility easements, the resolution of necessity will state that such property is being acquired pursuant to the provisions of Code of Civil Procedure Sections 1240.320, 1240.330, and 1240.350, as substitute property necessary for acquisition or exchange with regard to affected public utilities, for relocation of such utilities, or to provide utility service to the remaining property, as the case may be. For such property, the Board will be further finding and determining that the taking of said substitute property is necessary for each of the purposes specified in Sections 1240.320, 1240.330, and 1240.350.

Further, insofar as any of the property to be acquired has heretofore been dedicated to public use, the resolution of necessity will find that the acquisition of such property by VTA for the Project is for a more necessary public use to which the property has already been appropriated or is a compatible public use pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610.
This report provides data and information addressing each of these items. Section 1 generally describes the public use for which the property is to be taken and sets forth the statutory authority for VTA’s exercise of eminent domain. Sections 3, 4, and 5 provide facts pertinent to public interest and necessity (Finding #1) and the planning and location of the Santa Clara Pocket Track Project (Finding #2). Section 6 also contains a property data sheet and other material discussing the necessity for acquiring the specific property interest that is the subject of the resolution of necessity (Finding #3). Section 2 provides information concerning the offer made to the property owner pursuant to Government Code Section 7267.2 (Finding #4).

This evidentiary factual record will assist the Board in determining whether the requirements of Section 1245.230 have been met, and whether the other findings specified above, as applicable, can be made. If the Board determines that all requirements have been met, and that all findings can be made, it is recommended that the Board adopt the resolution of necessity for the parcel listed on the Board Meeting Agenda. The resolution of necessity scheduled to be heard by the Board is attached to this staff report.

SECTION 1

GENERAL STATEMENT OF PUBLIC USE

The parcel of property that is the subject of the recommended resolution of necessity is to be acquired for the construction of the Santa Clara Pocket Track Project.

STATUTORY AUTHORIZATION FOR EXERCISE OF EMINENT DOMAIN

Under its enabling legislation, VTA is authorized to acquire property for mass transit purposes by eminent domain. Public Utilities Code Section 100130, which sets forth the general powers of VTA, provides in pertinent part that: “The district may take by grant, purchase, devise, or lease, or condemn in proceedings under eminent domain, or otherwise acquire, and hold and enjoy, real and personal property of every kind within or without the district necessary to the full or convenient exercise of its powers.” One of the main functions of VTA is to provide transit service. (Public Utilities Code Sections 100160, 100161.)

Public Utilities Code Section 100131 provides further authority for the taking of property by VTA through eminent domain. It states in pertinent part that: “The district may exercise the right of eminent domain to take any property necessary or convenient to the exercise of the powers granted in this part.”

In addition, the Eminent Domain Law, Code of Civil Procedure Sections 1230.010 et seq., gives entities authorized by statute the right to use eminent domain to acquire property for public use, and specifies the procedures for the exercise of that right.
SECTION 2

GOVERNMENT CODE OFFERS

The owner of the property that is the subject of the resolution was made an offer by VTA for the purchase of the property unless they could not be located with reasonable diligence as required by Government Code Section 7267.2. Sections 7267.2(a), (b) and (c) state that:

(a) (1) Prior to adopting a resolution of necessity pursuant to Section 1245.230 of the Code of Civil Procedure and initiating negotiations for the acquisition of real property, the public entity shall establish an amount that it believes to be just compensation therefor, and shall make an offer to the owner or owners of record to acquire the property for the full amount so established, unless the owner cannot be located with reasonable diligence. The offer may be conditioned upon the legislative body’s ratification of the offer by execution of a contract of acquisition or adoption of a resolution of necessity or both. The amount shall not be less than the public entity’s approved appraisal of the fair market value of the property. Any increase or decrease in the fair market value of real property to be acquired prior to the date of valuation caused by the public improvement for which the property is acquired, or by the likelihood that the property would be acquired for the improvement, other than that due to physical deterioration within the reasonable control of the owner or occupant, shall be disregarded in determining the compensation for the real property.

(2) At the time of making the offer described in paragraph (1), the public entity shall provide the property owner with an informational pamphlet detailing the process of eminent domain and the property owner’s rights under the Eminent Domain Law.

(b) The public entity shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount it established as just compensation. The written statement summary shall contain detail sufficient to indicate clearly the basis for the offer, including, but not limited to, all of the following information:

(1) The date of valuation, highest and best use, and applicable zoning of property.
(2) The principal transactions, reproduction or replacement cost analysis, or capitalization analysis, supporting the determination of value.

(3) If appropriate, the just compensation for the real property acquired and for damages to remaining real property shall be separately stated and shall include the calculations and narrative explanation supporting the compensation, including any offsetting benefits.

(c) Where the property involved is owner-occupied residential property and contains no more than four residential units, the homeowner shall, upon request, be allowed to review a copy of the appraisal upon which the offer is based. The public entity may, but is not required to, satisfy the written statement, summary, and review requirements of this section by providing the owner a copy of the appraisal on which the offer is based.

The property owner was presented with a written offer in an amount not less than the approved appraisal for the property, and a statement and summary of the basis of the offer, comprised of an Appraisal Summary Statement. The Appraisal Summary Statement provided the following information: name of owner; property address; parcel and APN number; locale; applicable zoning; date of valuation, present use; highest and best use; total property area; area to be acquired; type of interest to be acquired; improvements and access impacted; damages incurred and, as appropriate, separately stated with calculations and narrative explanation; total payment; and a description of the market value, reproduction or replacement cost analysis, or capitalization analysis, used to determine just compensation; and a summary of comparable sales, including the location, date of sale and sales price of properties used in the appraisal process. The date that the offer was made to the property owner is specified in the Property Fact Sheet contained in Section 6 of this report.

SECTION 3

SANTA CLARA POCKET TRACK PROJECT OVERVIEW, PURPOSE AND NEED

Project Description

The Santa Clara Pocket Track Project is a part of the Light Rail Efficiency Program, a coordinated program of capital projects and operating changes to speed up the light rail system, increase service hours, introduce a new line of service, expand express service, and prepare for seamless, high-quality service to respond to increasing local population and employment.
The Santa Clara Pocket Track Project will construct a light rail turnback/storage track in Santa Clara to support proposed light rail operations, with enhanced connectivity to the extension of BART to Milpitas/San Jose, and for stadium events at Levi’s Stadium.

The Santa Clara Pocket Track improvements involve construction of a new westbound track on Tasman Drive, north of the existing westbound track, between Calabazas Creek and Old Ironsides Station. The new track will be approximately 1,280 feet in length, from west of Patrick Henry Drive to just west of Old Ironsides Drive. The existing westbound track will become a center pocket track, with capacity for as many as three three-car trains.

To accommodate the new track, the westbound vehicle lanes of Tasman Drive will be reconfigured slightly. The reconfiguration requires acquisition of right-of-way on the northern side of Tasman over the length of the improvements. In addition to reconfiguring Tasman Drive, the improvements will require relocation of fire hydrants, street lights, and traffic signal poles and cabinets; modification of the municipal storm drain system; and the relocation of utilities including gas, electrical, communications, sanitation and water.

Purpose of the Project

The Project is a key component in the overall Light Rail Efficiency Program and will support the Program in achieving the following objectives:

- Improve public transit service and increase ridership in this severely, and ever-increasing, congested corridor by providing expanded transit capacity and faster, convenient access to and from major Santa Clara County employment and activity centers for corridor residents and residents from throughout the Bay Area.

- Enhance regional connectivity by interconnecting future BART rapid transit service in Milpitas with VTA light rail, Amtrak, ACE, Caltrain, and VTA bus services in Santa Clara County.

- Expand transportation solutions that will be instrumental in maintaining the economic vitality and continuing development of Silicon Valley.

- Improve regional air quality by reducing auto emissions.

- Support local and regional land use plans and facilitate corridor cities’ efforts to direct business and residential investments in transit oriented development. More efficient growth and sustainable development patterns are necessary to reduce impacts to the local and global environmental, such as adverse climate change.

Improved transit in the Tasman Drive Corridor is consistent with the goals established in prior corridor studies and responds to the long-range Valley Transportation Plan 2035 (VTP 2035), adopted by VTA in January 2009. The primary goal of the long-range plan is to provide
transportation facilities and services that support and enhance Santa Clara County’s high quality of life and vibrant economy.

**Need for the Project**

The Project is critical to increasing the capacity and efficiencies of the light rail system, improving mobility and responding to increasing local population and employment, by enhancing connectivity to BART service as well as with Caltrain, ACE, and Capitol Corridor services; and accommodating increased demand from the opening of Levi’s Stadium. The project corridor, including Tasman Drive and the SR237 freeway, is already very congested, with roadway conditions projected to steadily worsen as Santa Clara County continues to grow. Travelers on the roadway network experience excessive delays currently and can expect delays on the typical weekday, and particularly stadium event days, to increase in the absence of the proposed improvements.

Absent these improvements, delivering regular and stadium event light rail services would require VTA to engage in exceptional operating practices. As a result, the system would be vulnerable to cascading delays, and extended waits by passengers, due to capacity constraints and insufficient train storage at the stadium.

**SECTION 4**

**PROJECT PLANNING AND IMPLEMENTATION**

*Alternatives Analysis*

The initial concept plan for this Project was to construct the new track along the median of Patrick Henry Drive, north of Tasman Drive. Due to several reasons including impacts to adjacent properties and intersection operations, alternatives to the Patrick Henry option were developed. The option to construct a pocket track within the existing light rail median on Tasman Drive west to the Old Ironsides Station was eventually selected. This layout provides superior operational flexibility for light rail operations, and is supported by the City of Santa Clara.

*Project Funding*

The total Tasman Drive Pocket Track Project cost is estimated at approximately $24.81 million based on most current engineering cost estimates for project construction. Funding for the Project will come through the 2000 Measure A, 1/2 cent sales tax.

*Engineering design*

The design of the Project has progressed through project development, preliminary engineering and final design phases, reaching final bid-ready documents in July 2013. The contract was advertised on July 8, 2013 and included a work-around for the requisite right-of-way based on
the anticipated dates of the resolution of necessity hearing and subsequent effective possession should VTA not be successful in acquiring such property through a negotiated settlement. Bids were submitted on September 25, 2013.

SECTION 5

ENVIRONMENTAL CLEARANCE AND REVIEW

Environmental Clearance

The Project is defined in the 2014 Light Rail Efficiency Projects Categorical Exemption under the California Environmental Quality Act (CEQA). The document was filed on April 26, 2013 (File #18012) and posted for 35 days.

Environmental Review Summary

Based on the environmental analysis, the Project has no potential to significantly impact the environment. Based on the CEQA Guidelines, it has been determined that the Project is exempt from CEQA pursuant to Section 15303, New Construction or Conversion of Small Structures. This section refers to construction and location of a limited number of new facilities. Subsection (d) specifically identifies street improvements as a suitable activity for this exemption. Therefore, it has been determined that Section 15303 is applicable to the Project site.

SECTION 6

SPECIFIC PROPERTY ACQUISITIONS

A detailed property fact sheet and aerial photograph of the private property required for this Project is attached. Overall property requirements and project related costs have been minimized as much as possible. An offer was made to the owner of the property on October 21, 2013. Said offer package is incorporated herein by reference. Notice of Intention to Adopt Resolution of Necessity, incorporated herein by reference, was delivered to the owner of the property, by certified mail, on November 22, 2013.
Owner: Lake Marriott, LLC, c/o Divco West

Property Address: 3051 Tasman Drive

Locale: Santa Clara, CA

Present Use: Office

Total Property Area: 839,054 square feet

Area to be Acquired:
- Partial Fee interest (LREP-001-01) – 11,684 sq.ft.
- Partial Fee interest (LREP-001-02) – 716 sq.ft.
- Utility easement (LREP-001-03) – 1,064 sq.ft.
- Utility easement (LREP-001-04) – 125 sq.ft.
- Utility easement (LREP-001-05) – 76 sq.ft.
- Utility easement (LREP-001-06) – 917 sq. ft.
- Temporary construction easement (LREP-001-07) – 4,756 sq.ft. for 12 months

Date of Offer: October 21, 2013

The subject property is owned by Lake Marriott, LLC c/o Divco West, and is located at 3051 Tasman Drive in the City of Santa Clara. The larger parcel consists of approximately 839,054 square feet and is improved with seven office buildings.

The partial fee interest is needed to construct and reconfigure the existing roadway to accommodate a new light rail pocket track in VTA’s right-of-way. The utility easements are needed to relocate existing utilities. The twelve (12) month temporary construction easement is required for the construction of the existing roadway and utility relocation. In addition, VTA proposes to reconfigure and/or restripe the parking lot on the remainder property, at its cost and with the property owner’s permission, so as to mitigate the loss of parking spaces resulting from the fee and permanent easement acquisitions.
RESOLUTION OF NECESSITY DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS

WHEREAS, the Santa Clara Pocket Track Project, (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a partial fee interests in certain property more particularly described in Exhibit “A” (LREP-001-01 and LREP-001-02), utility easement interests in certain property more particularly described in Exhibit “B” (LREP-001-03, LREP-001-04, LREP-001-05, LREP-001-06), and a temporary construction easement interest in certain property more particularly described in Exhibit “C” (LREP-001-07), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

WHEREAS, VTA is authorized to acquire the subject property and exercise the power of eminent domain pursuant to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law, Code of Civil Procedure Sections 1230.010 et seq., and Sections 100130 and 100131 of the Public Utilities Code; and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to the owner(s) of the property herein, all of whom have been given a reasonable opportunity to appear and be heard before the Board of Directors of VTA at the time and place set forth in said notice, regarding the matters specified therein.

NOW, THEREFORE, IT IS FOUND, DETERMINED AND ORDERED as follows:

1. The recitals contained herein are true and correct.

2. Upon examination of the alternatives, VTA requires the property for the Project.

3. VTA is authorized to acquire the property and exercise the power of eminent domain pursuant to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law, Code of Civil Procedure Sections 1230.010 et seq., and Sections 100130 and 100131 of the Public Utilities Code.

4. The public interest and necessity require the Project.

5. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
6. The partial fee interests in property described in Exhibit “A”, utility easement interests in property described in Exhibit “B” and a temporary construction easement interest in property described in Exhibit “C” are necessary for the Project.

7. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, has been made to the owner or owners of record, which offer and statement were in a format and contained the information required by Government Code Section 7267.2, or the offer has not been made because the owner cannot be located with reasonable diligence.

8. VTA has complied with all conditions and statutory requirements, including those prescribed by CEQA, NEPA, and that are necessary for approval and adoption of the Project.

9. All conditions and statutory requirements necessary to exercise the power of eminent domain (“the right to take”) to acquire the property described herein have been complied with by VTA.

10. Insofar as the property or the larger parcel of which it is a part has heretofore been appropriated for public use, the proposed use set forth herein will not unreasonably interfere with or impair the continuation of the public use as it exists or may reasonably be expected to exist in the future, and is therefore a compatible public use pursuant to Code of Civil Procedure Section 1240.510, or, as applicable, constitutes a more necessary public use to which the property is appropriated pursuant to Code of Civil Procedure Section 1240.610.

11. The parcels described in Exhibit “B” are being acquired in whole or in part pursuant to the provisions of Code of Civil Procedure Sections 1240.320, 1240.330 and 1240.350, as the case may be, as substitute property necessary for a public use, for the relocation of public utility facilities, or to provide utility service to the remainder property. It is further found and determined that the taking of said substitute property is necessary for the purpose specified in Sections 1240.320, 1240.330 and/or 1240.350.

12. General Counsel or General Counsel’s duly authorized designee is hereby authorized and directed to institute and conduct to conclusion eminent domain proceedings to acquire partial fee interests in property described in Exhibit “A”, utility easement interests in property described in Exhibit “B”, and a temporary construction easement interest in property described in Exhibit “C”, and to take such actions that counsel deems advisable or necessary in connection therewith, and may deposit the probable amount of compensation and obtain an order for prejudgment possession of the subject property.
PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on December 12, 2013, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

______________________________
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 two-thirds or more 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.

Dated: ______________________

______________________________
SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

______________________________
ROBERT FABELA
General Counsel
LEGAL DESCRIPTION
APN: 104-49-029

FEE ACQUISITION – LREP001-01

REAL PROPERTY in the City of Santa Clara, County of Santa Clara, State of California, being a portion of Parcel 1 as shown on that certain Parcel Map filed for record on April 30, 1981 in Book 483 of Maps, at Page 46, Santa Clara County Records, more particularly described as follows:

BEGINNING at the most northerly corner of that certain parcel of land granted as Property I.D. No. 4101 to Santa Clara Valley Transportation Authority, described in the Correcting Grant Deed recorded on March 14, 2003, in Document No. 16886397, Official Records of Santa Clara County;

Thence along the northerly line of said parcel (Property I.D. No. 4101), South 73°35'27" West, 1.63 feet to the beginning of a non-tangent curve to the left;

Thence northerly, along the easterly line of Patrick Henry Drive and along said non-tangent curve to the left, having a radius of 841.95 feet, the radial of which bears South 85°55'28" East, through a central angle of 00°35'44" for an arc length of 8.75 feet to the beginning of a non-tangent curve to the left;

Thence southeasterly, leaving said easterly line and along last said non-tangent curve to the left, having a radius of 41.50 feet, the radial line of which bears South 78°13'25" West, through a central angle of 72°51'18" for an arc length of 52.77 feet;

Thence South 05°22'07" West, 1.50 feet;

Thence South 84°37'53" East, 30.31 feet to the beginning of a tangent curve to the right;

Thence along said tangent curve to the right, having a radius of 1035.00 feet, through a central angle of 02°30'16" for an arc length of 45.24 feet;

Thence South 82°07'37" East, 42.62 feet to the beginning of a tangent curve to the left;

Thence along said tangent curve to the left, having a radius of 11.00 feet, through a central angle of 22°37'12" for an arc length of 4.34 feet to the beginning of a reverse curve to the right;

Thence along said reverse curve to the right, having a radius of 15.00 feet, through a central angle of 22°37'12" for an arc length of 5.92 feet;

Thence South 82°07'37" East, 25.01 feet to the beginning of a tangent curve to the right;
Thence along last said tangent curve to the right, having a radius of 15.00 feet, through a central angle of 22°37'12" for an arc length of 5.92 feet to the beginning of a reverse curve to the left;

Thence along said reverse curve to the left, having a radius of 11.00 feet; through a central angle of 22°37'12" for an arc length of 4.34 feet;

Thence South 82°07'37" East, 76.13 feet to the beginning of a tangent curve to the right;

Thence along last said tangent curve to the right, having a radius of 1524.00 feet, through a central angle of 01°19'02" for an arc length of 35.04 feet to the beginning of a reverse curve to the left;

Thence along last said reverse curve to the left, having a radius of 11.00 feet, through a central angle of 22°25'57" for an arc length of 4.31 feet to the beginning of a reverse curve to the right;

Thence along last said reverse curve to the right, having a radius of 15.00 feet, through a central angle of 45°37'03" for an arc length of 11.94 feet to the beginning of a reverse curve to the left;

Thence along last said reverse curve to the left, having a radius of 11.00 feet, through a central angle of 22°25'57" for an arc length of 4.31 feet to the beginning of a reverse curve to the right;

Thence along last said reverse curve to the right, having a radius of 1524.00 feet, through a central angle of 01°07'57" for an arc length of 30.12 feet to the beginning of a reverse curve to the left;

Thence along last said reverse curve to the left, having a radius of 964.50 feet, through a central angle of 07°10'29" for an arc length of 120.78 feet to the beginning of a compound curve to the left;

Thence along said compound curve to the left, having a radius of 11.00 feet, through a central angle of 22°42'20" for an arc length of 4.36 feet to the beginning of a reverse curve to the right;

Thence along last said reverse curve to the right, having a radius of 15.00 feet, through a central angle of 45°06'06" for an arc length of 11.81 feet to the beginning of a reverse curve to the left;

Thence along last said reverse curve to the left, having a radius of 11.00 feet, through a central angle of 22°41'20" for an arc length of 4.36 feet to the beginning of a compound curve to the left;

Thence along last said compound curve to the left, having a radius of 4155.25 feet, through a central angle of 1°52'13" for an arc length of 136.85 feet to beginning of a non-tangent line;
Thence along said non-tangent line, South 88°36'46" East, 12.43 feet to the beginning of a tangent curve to the left;

Thence along last said tangent curve to the left, having a radius of 11.00 feet, through a central angle of 22°37'12" for an arc length of 4.34 feet to the beginning of a reverse curve to the right;

Thence along last said reverse curve to the right, having a radius of 15.00 feet, through a central angle of 45°14'23" for an arc length of 11.84 feet to the beginning of a reverse curve to the left;

Thence along last said reverse curve to the left, having a radius of 11.00 feet, through a central angle of 22°37'12" for an arc length of 4.34 feet;

Thence South 88°36'46" East, 1.26 feet to the beginning of a tangent curve to the left;

Thence along last said tangent curve to the left, having a radius of 28.00 feet, through a central angle of 34°46'16" for an arc length of 16.99 feet;

Thence North 56°36'58" East, 5.57 feet to the beginning of a tangent curve to the right;

Thence along last said tangent curve to the right, having a radius of 27.00 feet, through a central angle of 34°46'16" for an arc length of 16.99 feet;

Thence South 88°36'46" East, 18.33 feet to the beginning of a tangent curve to the right;

Thence along last said tangent curve to the right, having a radius of 27.00 feet, through a central angle of 34°46'16" for an arc length of 16.99 feet;

Thence South 53°50'30" East, 5.57 feet to the beginning of a tangent curve to the left;

Thence along last said tangent curve to the left, having a radius of 28.00 feet, through a central angle of 34°46'16" for an arc length of 16.99 feet;

Thence South 88°36'46" East, 44.04 feet to the beginning of a tangent curve to the left;

Thence along last said tangent curve to the left, having a radius of 11.00 feet, through a central angle of 22°22'34" for an arc length of 4.30 feet to the beginning of a reverse curve to the right;

Thence along last said reverse curve to the right, having a radius of 15.00 feet, through a central angle of 45°30'59" for an arc length of 11.92 feet to the beginning of a reverse curve to the left;
Thence along last said reverse curve to the left, having a radius of 11.00 feet, through a central angle of 22°28'34" for an arc length of 4.32 feet to the beginning of a reverse curve to the right;

Thence along last said reverse curve to the right, having a radius of 1985.50 feet, through a central angle of 01°14'52" for an arc length of 43.24 feet to the beginning of a reverse curve to the left;

Thence along last said reverse curve to the left, having a radius of 11.00 feet, through a central angle of 22°28'34" for an arc length of 4.32 feet to the beginning of a reverse curve to the right;

Thence along last said reverse curve to the right, having a radius of 15.00 feet, through a central angle of 45°21'46" for an arc length of 11.92 feet to the beginning of a reverse curve to the left;

Thence along last said reverse curve to the left, having a radius of 11.00 feet, through a central angle of 22°28'34" for an arc length of 4.32 feet to the beginning of a reverse curve to the right;

Thence along last said reverse curve to the right, having a radius of 1985.50 feet, through a central angle of 00°32'45" for an arc length of 18.92 feet;

Thence South 85°34'40" East, 16.87 feet to the northerly line of Tasman Drive, being the northerly line of that certain 758 square foot parcel of land granted to City of Santa Clara, as said parcel of land is described in that certain Grant Deed recorded on March 24, 1988 in Book K478, at Page 1488, in Document No. 9635829, Official Records of Santa Clara County;

Thence along said northerly line of Tasman Drive, the following five courses:
1. South 79°01'40" West, 5.19 feet;
2. Thence North 89°26'00" West, 383.85 feet;
3. Thence North 85°47'46" West, 80.13 feet;
4. Thence North 82°15'22" West, 415.07 feet to the beginning of a non-tangent curve to the right;
5. Thence northwesterly, along last said non-tangent curve to the right, having a radius of 50.00 feet, the radial line of which bears South 10°36'20" West, through a central angle of 68°49'48" for an arc length of 60.07 feet to the POINT OF BEGINNING.

Containing 10,821 square feet, more or less.

FEE ACQUISITION - LREP001-02

REAL PROPERTY in the City of Santa Clara, County of Santa Clara, State of California, being a portion of Parcel 1 as shown on that certain Parcel Map filed for record April 30, 1981 in Book 483 of Maps, at Page 46, Santa Clara County Records, more particularly described as follows:
COMMENCING at the most westerly corner of that certain 758 square foot parcel of land granted to City of Santa Clara in that certain Grant Deed recorded on March 24, 1988 in Book K478, at Page 1488, in Document No. 5635023, Official Records of Santa Clara County;

Thence along the northerly line of said 758 square foot parcel and along the northerly line of Tasman Drive, the following two courses:

1. North 79°01’40” East, 20.00 feet;
2. Thence South 69°26’00” East, 14.35 feet to the TRUE POINT OF BEGINNING, being the beginning of a non-tangent curve to the left;

Thence easterly, along said non-tangent curve to the left, having a radius of 30.00 feet, the radial line of which bears South 16°02’47” East, through a central angle of 00°25’17” for an arc length of 0.22 feet;

Thence North 73°31’56” East, 13.30 feet to the beginning of a tangent curve to the right;

Thence along said tangent curve to the right, having a radius of 50.00 feet, through a central angle of 20°53’24” for an arc length of 18.23 feet;

Thence South 85°34’40” East, 12.50 feet to the beginning of a tangent curve to the left;

Thence along last said tangent curve to the left, having a radius of 951.50 feet, through a central angle of 04°33’10” for an arc length of 75.61 feet;

Thence North 00°15’04” West, 2.65 feet to the beginning of a non-tangent curve to the left;

Thence northeasterly, along last said non-tangent curve to the left, having a radius of 42.40 feet, the radial line of which bears South 02°27’09” West, through a central angle of 85°37’29” for an arc length of 63.36 feet;

Thence North 06°49’40” East, 5.54 feet;

Thence South 83°10’20” East, 2.58 feet to the westerly line of Old Ironside Drive, being the beginning of a non-tangent curve to the right;

Thence southwesterly and westerly, along said westerly line, along the northerly line of Tasman Drive and along the northerly line of said 758 square foot parcel, the following two courses:

1. Along last said non-tangent curve to the right, having a radius of 50.00 feet, the radial line of which bears South 87°59’52” East, through a central angle of 88°33’53” for an arc length of 77.29 feet;
2. Thence North 89°26’00” West, 115.65 feet to the TRUE POINT OF BEGINNING.
Containing 716 square feet, more or less.

Exhibit attached and by this reference made of part thereof.

Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3, Epoch 2010. Multiply herein described distances by 1.00005417 to obtain ground level distances.

This real property description was prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

[Signatures and dates]

Date

Julia MacRory, LS 7871
Survey and Mapping Manager
PARCEL 1
463-M-46
APN: 104-48-029
LAKE MARIST, LLC
LREP01

SEE DETAIL A ON SHEET 7 OF 7

POINT OF BEGINNING
LREP001-01

FEE ACQUISITION
LREP001-01
TOTAL AREA = 10,891 ± SQFT

INDICATES THAT CERTAIN PARCEL OF LAND GRANTED TO SANTA CLARA VALLEY TRANSPORTATION AUTHORITY, PER DOCUMENT RECORDED ON MARCH 14, 2003, AS DOCUMENT NO. 16986397, OFFICIAL RECORDS OF SANTA CLARA COUNTY.

INDICATES AREA OF FEE ACQUISITION

ALL BEARINGS AND DISTANCES SHOWN ARE GRID AND ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83), ZONE 3, EPOCH 2010. MULTIPLY GRID DISTANCES BY 1.00005417 TO OBTAIN GROUND LEVEL DISTANCES.

LIGHT RAIL EFFICIENCY PROJECT
PLAT TO ACCOMPANY
LEGAL DESCRIPTION
TASMAN DRIVE
CITY OF SANTA CLARA,
COUNTY OF SANTA CLARA, STATE OF CALIFORNIA

SCALE 1"=40'
LRE_TASMAN_ROW_SH2

Drawn By: H. Brasall
Checked By: J. MacRory
PARCEL 1
483-M-46
APN: 104-49-029
LAKE MARRIOTT, LLC
LREPO01

SEE SHEET 2 OF 7

INDICATES AREA OF FEE ACQUISITION

INDICATES THAT CERTAIN PARCEL OF LAND GRANTED TO SANTA CLARA VALLEY TRANSPORTATION AUTHORITY, PER DOCUMENT RECORDED ON MARCH 14, 2003, AS DOCUMENT NO. 1666397, OFFICIAL RECORDS OF SANTA CLARA COUNTY.

TASMAN DRIVE

LINE | BEARING | DISTANCE (ft)
--- | --- | ---
L6 | S92°07'37"E | 76.13'
L13 | N89°28'00"W | 383.85'
L14 | N65°47'46"W | 80.13'
L15 | N82°15'22"W | 415.67'

CURVE | RADIOUS (ft) | DELTA | LENGTH (ft)
--- | --- | --- | ---
CB | 1524.00' | 01°19'02" | 35.04'
C9 | 11.00' | 22°25'57" | 4.31'
C10 | 15.00' | 45°37'03" | 11.84'
C11 | 11.00' | 22°25'57" | 4.31'
C12 | 1524.00' | 01°07'37" | 30.12'
C13 | 964.50' | 07°10'29" | 120.78'
C14 | 11.00' | 22°42'20" | 4.36'
C15 | 15.00' | 45°08'08" | 11.81'
C16 | 11.00' | 22°41'39" | 4.36'
C17 | 415.25' | 01°53'13" | 135.85'

ALL BEARINGS AND DISTANCES SHOWN ARE GRID AND ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83), ZONE 3, EPOCH 2010. MULTIPLY GRID DISTANCES BY 1,000,000/17 TO OBTAIN GROUND LEVEL DISTANCES.

LIGHT RAIL EFFICIENCY PROJECT
PLAT TO ACCOMPANY
LEGAL DESCRIPTION
TASMAN DRIVE
CITY OF SANTA CLARA,
COUNTY OF SANTA CLARA, STATE OF CALIFORNIA
Sheet 4 of 7

PARCEL 1
483-M-46
APN: 104-49-029
LAKE NARRIOTT, LLC
LREP001

FEE ACQUISITION
LREP001-01
TOTAL AREA = 10,891± SF/FT.

TASMAN DRIVE

LINE BEARING DISTANCE (ft)
1  N16°45′58″E  5.57′
2  S9°35′46″E  19.33′
3  S9°35′30″E  5.57′
4  S8°36′06″E  44.04′
5  N89°28′00″W  363.86′
6  S8°36′46″E  12.43′
7  S8°36′46″E  1.36′

CURVE RADIUS (ft) DELTA LENGTH (ft)
C17  4155.25  0′1′5″13′  119.85′
C18  28.00  34′48″16″  16.99′
C19  27.00  34′48″16″  16.39′
C20  27.00  34′48″16″  16.39′
C21  28.00  34′48″16″  16.99′
C22  11.00  22′22″34″  4.30′
C23  15.00  45′30″59″  11.92′
C24  11.00  22′37″22″  4.34′
C27  15.00  45′14″23″  11.84′
C38  11.00  22′37″12″  4.34′

ALL bearings and distances shown are grid and are based on the North American Datum of 1983 (NAD83), Zone 3, Epoch 2010, multiply grid distances by 1.00005417 to obtain ground level distances.

LIVE RAIL EFFICIENCY PROJECT
PLAT TO ACCOMPANY
LEGAL DESCRIPTION
TASMAN DRIVE
CITY OF SANTA CLARA,
COUNTY OF SANTA CLARA, STATE OF CALIFORNIA

SANTA CLARA
Valley Transportation Authority

SCALE 1″=40′
LRE_TASMAN_ROW_SH:2
Date: 10-04-13
Drawn By: H. Brassill
Checked By: J. McRobb
PARCEL 1
483-M-46
APN: 104-49-029
LAKE MARRIOTT, LLC
LREP001

SEE SHEET 4 OF 7

TASMAN DRIVE

SEE DETAIL B ON SHEET 7 OF 7

FEE ACQUISITION LREP001-01
TOTAL AREA = 10,691± SQFT.

FEE ACQUISITION LREP001-02
TOTAL AREA = 716± SQFT.
SEE SHEET 6 OF 7

1” = 40’

LINE | BEARING | DISTANCE (1)
--- | --- | ---
L11 | 585°34'40"E | 16.8’
L12 | 579°01'40"W | 5.19’
L13 | 89°28'00"W | 353.85’

CURVE | RADIUS (R) | DELTA | LENGTH (1)
--- | --- | --- | ---
C23 | 15.00’ | 45°30’59"’ | 11.92’
C24 | 11.00’ | 22°28’34"’ | 4.32’
C25 | 1985.50’ | 61°14’22"’ | 43.24’
C26 | 11.00’ | 22°28’34"’ | 4.32’
C27 | 15.00’ | 45°31’46"’ | 11.92’
C28 | 11.00’ | 22°28’34"’ | 4.32’
C29 | 1985.50’ | 60°32’45"’ | 18.92’

INDICATES AREA OF FEE ACQUISITION

ALL BEARINGS AND DISTANCES SHOWN ARE GRID AND ARE
BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83),
ZONE 3, EPOCH 2010. MULTIPLY GRID DISTANCES
BY 1.00005417 TO OBTAIN GROUND LEVEL DISTANCES.

LIGHT RAIL EFFICIENCY PROJECT
PLAT TO ACCOMPANY
LEGAL DESCRIPTION
TASMAN DRIVE
CITY OF SANTA CLARA,
COUNTY OF SANTA CLARA, STATE OF CALIFORNIA

SCALE 1”=40’
LRE_TASMAN_ROW_SHZ

Date: 10-04-13
Drawn By: H. Brassill
Checked By: J. MacRory

900 N. 1ST STREET, BLDG A
SANTA CLARA, CA 95050-0045
PH: 408-299-8590 FAX: 408-299-8560
INDICATES THAT CERTAIN PARCEL OF LAND GRANTED TO CITY OF SANTA CLARA, PER DOCUMENT RECORDED ON MARCH 24, 1988, AS DOCUMENT NO. 98-35933, OFFICIAL RECORDS OF SANTA CLARA COUNTY.

INDICATES AREA OF FEE ACQUISITION

ALL BEARINGS AND DISTANCES SHOWN ARE GRID AND ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83), ZONE 3, EPOCH 2010, MULTIPLY GRID DISTANCES BY 1.00000517 TO OBTAIN GROUND LEVEL DISTANCES.

LIGHT RAIL EFFICIENCY PROJECT

PLAT TO ACCOMPANY
LEGAL DESCRIPTION
TASMAN DRIVE
CITY OF SANTA CLARA,
COUNTY OF SANTA CLARA, STATE OF CALIFORNIA

SCALE 1"=40’

DRAWN BY: H. Brasili
CHECKED BY: J. Macfadyen
A Utility Easement for the purpose of installation, maintenance, repair and replacement of the initial or any other Easement and Right-of-Way (herein “Easement”) for the Santa Clara Pocket Track Project (“Project”), in, on, under, along and across that certain real property for the purpose of constructing and reconstruction, installing, operating, maintaining, repairing, and/or, replacing underground electrical distribution and/or communication systems, and appurtenances thereto, including a reasonable right of ingress and egress over certain real property, situated in the City of Santa Clara, County of Santa Clara, State of California, and more particularly described in Exhibit “1” attached hereto and made a part hereof.

The underground system will consist of conduits, cables, vaults and splice boxes installed flush with or below grade and other necessary and desired appurtenances. Transformers and switches will be mounted above grade on a concrete pad.

Portions of the Easement may be used for driveway(s), landscaping, and parking, excluding trees, as well as for other purposes which, as determined by the City, will not interfere with the use of the Easement.

The Easement shall be for the exclusive use of the City of Santa Clara. Private facilities, except those which connect to facilities of the City, shall be excluded from the Easement, and no private structures shall be constructed on the Easement, under and upon that certain real property, situated in the City of Santa Clara, County of Santa Clara, State of California.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.
UTILITY EASEMENT – LREP001-03

REAL PROPERTY in the City of Santa Clara, County of Santa Clara, State of California, being a portion of Parcel 1 as shown on that certain Parcel Map filed for record on April 30, 1981 in Book 483 of Maps, at Page 46, Santa Clara County Records, more particularly described as follows:

COMMENCING at the most northerly corner of that certain parcel of land granted as Property I.D. No. 4101 to Santa Clara Valley Transportation Authority, described in the Correcting Grant Deed recorded on March 14, 2003, in Document No. 16886397, Official Records of Santa Clara County Records, being the beginning of a non-tangent curve to the left;

Thence southeasterly, along said non-tangent curve to the left, having a radius of 50.00 feet, the radial line of which bears South 79°26'08" West, through a central angle of 57°47'08", for an arc length of 59.15 feet;

Thence North 05°22'07" East, 13.35 feet to the TRUE POINT OF BEGINNING;

Thence North 08°05'42" East, 6.00 feet;

Thence South 84°39'20" East, 23.39 feet;

Thence South 83°47'24" East, 34.32 feet;

Thence South 82°12'54" East, 53.85 feet;

Thence South 82°07'37" East, 78.47 feet;

Thence South 08°50'22" West, 6.00 feet;

Thence North 82°07'37" West, 31.48 feet to the beginning of a tangent curve to the right;

Thence along last said tangent curve to the right, having a radius of 11.00 feet, through a central angle of 22°37'12" for an arc length of 4.34 feet to the beginning of a reverse curve to the left;

Thence along said reverse curve to the left, having a radius of 15.00 feet, through a central angle of 22°37'12" for an arc length of 5.92 feet;
Thence North 82°07'37" West, 25.01 feet to the beginning of a tangent curve to the left;

Thence along last said tangent curve to the left, having a radius of 15.00 feet, through a central angle of 22°37'12" for an arc length of 5.92 the beginning of a reverse curve to the right;

Thence along last said reverse curve to the right, having a radius of 11.00 feet, through a central angle of 22°37'12" for an arc length of 4.34 feet;

Thence North 82°07'37" West, 42.62 feet to the beginning of a tangent curve to the left;

Thence along last said tangent curve to the left, having a radius of 1035.00 feet, through a central angle of 02°30'16" for an arc length of 45.24 feet;

Thence North 84°37'53" West, 25.60 feet to the TRUE POINT OF BEGINNING.

Containing an area of 1,064 square feet, more or less.

UTILITY EASEMENT – LREP001-04

REAL PROPERTY in the City of Santa Clara, County of Santa Clara, State of California, being a portion of Parcel 1 as shown on that certain Parcel Map filed for record on April 30, 1981 in Book 483 of Maps, at Page 46, Santa Clara County Records, more particularly described as follows:

COMMENCING at the most easterly corner of that certain parcel of land granted as Property I.D. No. 4101 to Santa Clara Valley Transportation Authority, described in the Correcting Grant Deed recorded on March 14, 2003, in Document No. 16886397, Official Records of Santa Clara Records;

Thence along the northerly line of said parcel [Property I.D. No. 4101], North 85°47'46" West, 6.66 feet;

Thence North 03°12'45" East, 12.00 feet to the TRUE POINT OF BEGINNING, being the beginning of a non-tangent curve to the left;

Thence westerly, along said non-tangent curve to the left, having a radius of 4155.25 feet, the radial line of which bears South 03°12'45" West, through a central angle of 00°20'41" for an arc length of 25.00 feet;

Thence North 03°27'13" East, 5.00 feet;

Thence South 86°36'55" East, 25.00 feet;
5.2.b

Thence South 03°27'13" West, 5.00 feet to the TRUE POINT OF BEGINNING.

Containing an area of 125 square feet, more or less.

UTILITY EASEMENT — LREP-001-05

REAL PROPERTY in the City of Santa Clara, County of Santa Clara, State of California, being a portion of Parcel 1 as shown on that certain Parcel Map filed for record on April 30, 1981 in Book 483 of Maps, at Page 46, Santa Clara County Records, more particularly described as follows:

COMMENCING at the most westerly corner of that certain 758 square foot parcel of land granted to City of Santa Clara, described in the Grant Deed recorded on March 24, 1988 in Book K478, at Page 1488, in Document No. 9635829, Official Records of Santa Clara County;

Thence along the northerly line of said 758 square foot parcel and along the northerly line of Taman Drive, North 79°01'40" East, 9.44 feet;

Thence North 04°25'20" East, 10.37 feet to the TRUE POINT OF BEGINNING, said point being on the northerly line of the existing 10 foot wide Underground Electric Easement, as described in that certain Document recorded on February 24, 1978 in Book D486, at Page 450, in Document No. 5936412, Official Records of Santa Clara County;

Thence along last said northerly line, the following two courses:
   1. South 79°01'40" West, 11.19 feet;
   2. Thence North 89°26'00" West, 17.01 feet;

Thence North 04°25'20" East; 4.11 feet;

Thence South 85°34'40" East; 27.76 feet to the TRUE POINT OF BEGINNING.

Containing an area of 76 square feet, more or less.

UTILITY EASEMENT — LREP-001-06

REAL PROPERTY in the City of Santa Clara, County of Santa Clara, State of California, being a portion of Parcel 1 as shown on that certain Parcel Map filed for record on April 30, 1981 in Book 483 of Maps, at Page 46, Santa Clara County Records, more particularly described as follows:
COMMENCING at the most easterly corner of that certain parcel of land granted as Property I.D. No. 4101 to Santa Clara Valley Transportation Authority, described in the Correcting Grant Deed recorded on March 14, 2003, in Document No. 15886397, Official Records of Santa Clara Records;

Thence along the southerly line of said Parcel 1, South 89°26'00" East, 70.05 feet;

Thence North 00°34'00" East, 10.00 feet to the TRUE POINT OF BEGINNING, said point being on the northerly line of the existing 10 foot wide Underground Electric Easement as described in that certain document recorded on February 24, 1978 in Book D486, at Page 450, in Document No. 5956412, Official Records of Santa Clara County;

Thence North 01°48'40" East, 10.70 feet;

Thence South 89°30'24" East, 100.81 feet to the beginning of a non-tangent curve to the left;

Thence along last said non-tangent curve to the left, having a radius of 27.10 feet, the radial line of which bears North 00°23'53" West, through a central angle of 32°59'99" for an arc length of 15.54 feet;

Thence South 56°36'58" West, 5.57 feet to the beginning of a tangent curve to the right;

Thence along last said tangent curve to the right, having a radius of 28.00 feet, through a central angle of 14°08'07" for an arc length of 6.91 feet to said northerly line;

Thence along said northerly line, North 89°26'00" West, 17.56 feet to the beginning of a non-tangent curve to the left;

Thence along last said non-tangent curve to the left, having a radius of 15.00 feet, the radial line of which bears North 15°32'05" East, through a central angle of 29°56'10" for an arc length of 7.84 feet to said northerly line;

Thence along said northerly line, North 89°26'00" West, 50.34 feet to the TRUE POINT OF BEGINNING.

Containing an area of 917 square feet, more or less.

Exhibit attached and by this reference made of part thereof.

Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3, Epoch 2010. Multiply herein described distances by 1.00005417 to obtain ground level distances.
This real property description was prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Date: October 8, 2013

Julia MacRory, LS 7871
Survey and Mapping Manager
PARCEL 1  
493-M-46  
APN: 104-49-029  
Lake Marriott, LLC  
LREPO01

TRUE POINT OF BEGINNING, LREPO01-04

L17, R85 (TIE)

FEE ACQUISITION
LREPO01-09
SEE SHEET 4

TASMAN DRIVE

GRAPHIC SCALE

1" = 40'

LINE BEARING DISTANCE (ft)  
L16 N85°47'46"W 6.66'  
L17 N03°12'45"E 12.00'  
L18 N03°32'17"E 5.00'  
L19 S68°30'55"E 25.00'  
L20 S03°27'13"W 5.00'

CURVE RADIUS (ft) DELTA LENGTH (ft)  
C9 4.5525' 00°20'41" 25.00'

LINE RADIAL BEARING  
R85 50°31'45"W

INDICATES AREA OF FEE ACQUISITION

ALL BEARINGS AND DISTANCES SHOWN ARE GRID AND ARE
BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83),
ZONE 3, EPOCH 2010. MULTIPLY GRID DISTANCES
BY 1.00005417 TO OBTAIN GROUND LEVEL DISTANCES.

LIGHT RAIL EFFICIENCY PROJECT
PLAT TO ACCOMPANY
LEGAL DESCRIPTION
TASMAN DRIVE
CITY OF SANTA CLARA,
COUNTY OF SANTA CLARA, STATE OF CALIFORNIA
Indicates that certain parcel of land granted to Santa Clara Valley Transportation Authority, per document recorded on March 14, 2003, as document No. 16886397, Official Records of Santa Clara County.

Indicates area of fee acquisition.

Indicates area of existing 10' wide underground electric easement per document recorded in Book 2496, Page 1428, Document No. 9689889 and Document No. 16886397, Official Records of Santa Clara County.

All bearings and distances shown are grid and are based on the North American Datum of 1983 (NAD83), Zone 3, epoch 2010. Multiply grid distances by 1.00005417 to obtain ground level distances.

5.2.b
EXHIBIT “C”

TEMPORARY CONSTRUCTION EASEMENT

A Temporary Construction Easement for the construction (and other related activities incidental to construction) of the Santa Clara Pocket Track Project (“Project”), under, upon, over and across that certain real property, situated in the City of Santa Clara, County of Santa Clara, State of California, and more particularly described in Exhibit “2” attached hereto and made a part hereof.

This Temporary Construction Easement will begin on or after November 1, 2013, when the property is first occupied for use of Project civil construction, and will continue for a duration of twelve (12) months, ending no later than October 31, 2014.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.
LEGAL DESCRIPTION
APN: 104-49-029

TEMPORARY CONSTRUCTION EASEMENT – LREP001-07

REAL PROPERTY in the City of Santa Clara, County of Santa Clara, State of California, being a portion of Parcel 1 as shown on that certain Parcel Map filed for record on April 30, 1981 in Book 483 of Maps, at Page 46, Santa Clara County Records, more particularly described as follows:

COMMENCING at the most northerly corner of that certain parcel of land granted as Property I.D. No. 4101 to Santa Clara Valley Transportation Authority, described in the Correcting Grant Deed recorded on March 14, 2003, in Document No. 16886397, Official Records of Santa Clara;

Thence along the northerly line of said parcel and along the northerly line of Tasman Drive, South 73°35'27" West, 1.63 feet to the beginning of a non-tangent curve to the left;

Thence northerly, along the easterly line of Patrick Henry Drive and along said non-tangent curve to the left, having a radius of 841.95 feet, the radial of which bears South 85°55'28" East, through a central angle of 01°16'49" for an arc length of 18.81 feet to the TRUE POINT OF BEGINNING;

Thence northerly, continuing along said easterly line and continuing along the arc of said non-tangent curve to the left, having a radius of 841.95 feet, through a central angle of 00°12'16" for an arc length of 3.00 feet;

Thence leaving said easterly line, North 90°00'00" East, 12.11 feet;

Thence South 02°37'31" West, 17.05 feet;

Thence North 89°51'12" West, 7.83 feet to the beginning of a non-tangent curve to the left;

Thence southeasterly, along said non-tangent curve to the left, having a radius of 38.50 feet, the radial of which bears South 71°09'37" West, through a central angle of 68°38'53" for, an arc length of 46.13 feet;

Thence North 08°05'42" East, 4.45 feet;

Thence South 84°39'20" East, 26.27 feet;

Thence South 83°47'24" East, 34.38 feet;

Thence South 82°12'54" East, 53.89 feet;
30°

October 9, 2013
Property I.D. No. LREF001
Page 2 of 8

Thence South 82°07'37" East, 81.53 feet;

Thence South 08°50'22" West, 6.00 feet;

Thence South 82°07'37" East, 41.60 feet to the beginning of a tangent curve to the right;

Thence along last said tangent curve to the right, having a radius of 1527.00 feet, through a central angle of 01°19'02" for an arc length of 35.11 feet to the beginning of a reverse curve to the left;

Thence along said reserve curve to the left, having a radius of 8.00 feet, through a central angle of 22°25'57" for an arc length of 3.13 feet to the beginning of a reverse curve to the right;

Thence along last said reverse curve to the right, having a radius of 18.00 feet, through a central angle of 45°37'03" for an arc length of 14.33 feet to the beginning of a reverse curve to the left;

Thence along last said reverse curve to the left, having a radius of 8.00 feet, through a central angle of 16°43'07" for an arc length of 2.33 feet;

Thence North 39°02'02" East, 3.96 feet;

Thence South 79°48'14" East, 14.31 feet;

Thence South 79°07'22" East, 17.05 feet;

Thence South 17°27'43" East, 3.97 feet to the beginning of a non-tangent curve to the left;

Thence easterly, along last said non-tangent curve to the left, having a radius of 961.50 feet, the radial of which bears South 10°49'44" West, through a central angle of 08°55'42" for an arc length of 116.27 feet to the beginning of a compound curve to the left;

Thence along last said compound curve to the left, having a radius of 8.00 feet, through a central angle of 22°42'20" for an arc length of 3.17 feet to the beginning of a reverse curve to the right;

Thence along last said reverse curve to the right, having a radius of 18.00 feet, through a central angle of 45°06'06" for an arc length of 14.17 feet to the beginning of a reverse curve to the left;

Thence along last said reverse curve to the left, having a radius of 8.00 feet, through a central angle of 22°41'20" for an arc length of 3.17 feet to the beginning of a compound curve to the left;
Thence along last said compound curve to the left, having a radius of 4152.25 feet, through a central angle of 00°00'33" for an arc length of 0.66 feet;

Thence North 03°27'13" East, 4.99 feet;
Thence South 86°36'55" East, 31.00 feet;
Thence South 86°50'35" East, 1.42 feet;
Thence North 28°14'14" East, 6.58 feet;
Thence South 87°23'21" East, 65.12 feet;
Thence South 89°30'24"E, 105.12 feet;
Thence South 88°36'46"E, 18.33 feet to a tangent curve to the right;

Thence along last said tangent curve to the right, having a radius of 30.00 feet, through a central angle of 34°46'16" for an arc length of 18.21 feet;

Thence South 53°50'30" East, 5.57 feet to the beginning of a tangent curve to the left;

Thence along last said tangent curve to the left, having a radius of 25.00 feet, through a central angle of 30°22'47" for an arc length of 13.26 feet;

Thence North 27°57'22" East, 5.49 feet;
Thence South 88°41'15" East, 30.39 feet;
Thence South 24° 49' 58" East, 5.60 feet;
Thence South 88°36'46" East, 10.63 feet to the beginning of a tangent curve to the left;

Thence along last said tangent curve to the left, having a radius of 8.00 feet, through a central angle of 22°22'34" for an arc length of 3.12 feet to the beginning of reverse curve to the right;

Thence along last said reverse curve to the right, having a radius of 18.00 feet, through a central angle of 45°30'59" for an arc length of 14.30 feet to the beginning of a reverse curve to the left;
Thence along last said reverse curve to the left, having a radius of 8.00 feet, through a central angle of 22°28'34" for an arc length of 3.14 feet to the beginning of a reverse curve to the right;

Thence along last said reverse curve to the right, having a radius of 1988.50 feet, through a central angle of 01°14'52" for an arc length of 43.31 feet to the beginning of a reverse curve to the left;

Thence along last said reverse curve to the left, having a radius of 8.00 feet, through a central angle of 13°45'25" for an arc length of 1.91 feet;

Thence North 03°35'04" East, 3.78 feet;
Thence South 86°34'17" East, 27.34 feet;
Thence North 04°25' 20" East, 7.37 feet;
Thence South 85°34'40" East, 73.19 feet to the beginning of a non-tangent curve to the right;

Thence easterly, along last said non-tangent curve to the right, having a radius of 53.00 feet, a radial line of which bears North 09°15'15" West, through a central angle of 13°40'35" for an arc length of 12.65 feet;

Thence South 85°34'40" East, 12.50 feet to the beginning of a tangent curve to the left;

Thence along last said tangent curve to the left, having a radius of 948.50 feet, through a central angle of 04°22'16" for an arc length of 72.36 feet;

Thence North 00°15'04" West, 2.59 feet;
Thence North 89°44'56" East, 5.00 feet to the beginning of a tangent curve to the left;

Thence along last said tangent curve to the left, having a radius of 39.40 feet, through a central angle of 82°55'16" for an arc length of 57.02 feet;

Thence North 06°40'40" East, 8.54 feet;

Thence South 83°10'20" East, 5.23 feet to the westerly line of Old Ironsides Drive;

Thence along said westerly line, the following two courses:
1. South 00°52'57" West, 2.04 feet to the beginning of a tangent curve to the right;
2. Thence along last said tangent curve to the right, having a radius of 50.00 feet, through a central angle of 01°06'54" for an arc length of 0.97 feet;
Thence leaving said westerly line, North 83°10'20" West, 2.58 feet;

Thence South 06°49'40" West, 5.54 feet to the beginning of a tangent curve to the right;

Thence along last said tangent curve to the right, having a radius of 42.40 feet, through a central angle of 85°37'29" for an arc length of 63.36 feet;

Thence South 00°15'04" East, 2.65 feet to the beginning of a non-tangent curve to the right;

Thence along last said non-tangent curve to the right, having a radius of 951.50 feet, the radial line of which bears South 00°07'50" East through a central angle of 04°33'10" for an arc length of 75.61 feet;

Thence North 85°34'40" West, 12.50 feet to the beginning of a tangent curve to the left;

Thence along last said tangent curve to the left, having a radius of 50.00 feet, through a central angle of 14°04'11" for an arc length of 12.28 feet;

Thence North 85°34'40" West, 70.56 feet;

Thence South 04°25'20" West, 7.32 feet;

Thence North 86°34'17" West, 27.30 feet;

Thence South 03°35'04" West, 2.90 feet to the beginning of a non-tangent curve to the left;

Thence westerly, along last said non-tangent curve to the left, having a radius of 15.00 feet, the radial of which bears North 16°23'16" West, through a central angle of 02°47'21" for an arc length of 0.73 feet to the beginning of a reverse curve to the right;

Thence along last said reverse curve to the right, having a radius of 11.00 feet, through a central angle of 22°28'34" for an arc length of 4.32 feet to the beginning of a reverse curve to the left;

Thence along said reverse curve to the left, having a radius of 1985.50 feet, through a central angle of 01°14'52" for an arc length of 43.24 feet to the beginning of a reverse curve to the right;

Thence along last said reverse curve to the right, having a radius of 11.00 feet, through a central angle of 22°28'34" for an arc length of 4.32 feet to the beginning of a reverse curve to the left;
Thence along last said reverse curve to the left, having a radius of 15.00 feet, through a central angle of 45°30'59" for an arc length of 11.92 feet to the beginning of a reverse curve to the right;

Thence along last said reverse curve to the right, having a radius of 11.00 feet, through a central angle of 22°22'34" for an arc length of 4.30 feet;

Thence North 88°36'46" West, 44.04 feet to the beginning of a tangent curve to the right;

Thence along last said tangent curve to the right, having a radius of 28.00 feet, through a central angle of 34°46'16" for an arc length of 16.99 feet;

Thence North 53°50'30" West, 5.57 feet to the beginning of a tangent curve to the left;

Thence along last said tangent curve to the left, having a radius of 27.00 feet, through a central angle of 34°46'16" for an arc length of 16.39 feet;

Thence North 88°36'46" West, 18.33 feet to the beginning of a tangent curve to the left;

Thence along last said tangent curve to the left, having a radius of 27.00 feet, through a central angle of 1°47'07" for an arc length of 0.84 feet;

Thence North 89°30'24" West, 100.81 feet;

Thence South 1°48'40" West, 11.11 feet to the beginning of a non-tangent curve to the right;

Thence along last said non-tangent curve to the right, having a radius of 4155.25 feet, the radial of which bears South 02°09'44" West, through a central angle of 01°03'02" for an arc length of 76.19 feet;

Thence North 03°27'13" East, 5.00 feet;

Thence North 86°36'55" West, 25.00 feet;

Thence South 03°27'13" West, 5.00 feet to the beginning of a non-tangent curve to the right;

Thence westerly, along last said non-tangent curve to the right, having a radius of 4155.25 feet, the radial line of which bears South 03°33'26" West, through a central angle of 00°03'02" for an arc length of 3.67 feet to beginning of a compound curve to the right;

Thence along last said compound curve to the right, having a radius of 11.00 feet, through a central angle of 22°41'20" for an arc length of 4.36 feet to the beginning of a reverse curve to the left;
Thence along last said reverse curve to the left, having a radius of 15.00 feet, through a central angle of 45°06'06" for an arc length of 11.81 feet to the beginning of a reverse curve to the right;

Thence along last said reverse curve to the right, having a radius of 11.00 feet, through a central angle of 22°42'20" for an arc length of 4.36 feet to the beginning of a compound curve to the right;

Thence along last said compound curve to the right, having a radius of 964.50 feet, through a central angle of 07°10'29" for an arc length of 120.78 feet to the beginning of a reverse curve to the left;

Thence along last said reverse curve to the left, having a radius of 1524.00 feet, through a central angle of 01°07'57" for an arc length of 30.12 feet to the beginning of a reverse curve to the right;

Thence along last said reverse curve to the right, having a radius of 11.00 feet, through a central angle of 22°25'57" for an arc length of 4.31 feet to the beginning of a reverse curve to the left;

Thence along last said reverse curve to the left, having a radius of 15.00 feet, through a central angle of 45°37'03" for an arc length of 11.94 feet to the beginning of a reverse curve to the right;

Thence along last said reverse curve to the right, having a radius of 11.00 feet, through a central angle of 22°25'57" for an arc length of 4.31 feet to the beginning of a reverse curve to the left;

Thence along last said reverse curve to the left, having a radius of 1524.00 feet, through a central angle of 01°19'02" for an arc length of 35.04 feet;

Thence North 82°07'37" West, 44.65 feet;

Thence North 08°50'22" East, 6.00 feet;

Thence North 82°07'37" West, 78.47 feet;

Thence North 82°12'54" West, 53.85 feet;

Thence North 83°47'24" West, 34.32 feet;

Thence North 84°39'20" West, 23.39 feet;

Thence South 08°05'42" West, 6.00 feet;

Thence North 84°37'53" West, 4.71 feet;
Thence North 05°22'07" East, 1.50 feet to the beginning of a non-tangent curve to the right;

Thence northwesterly, along said non-tangent curve to the right, having a radius of 41.50 feet, the radial line of which bears South 05°22'07" West, through a central angle of 71°30'30" for an arc length of 51.79 feet;

Thence South 89°51'12" East, 8.95 feet;

Thence North 02°37'31" East, 11.03 feet;

Thence North 90°00'00" West, 9.12 feet to the TRUE POINT OF BEGINNING.

Containing an area of 4,756 square feet, more or less.

Exhibit attached and by this reference made of part thereof.

Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3, Epoch 2010. Multiply herein described distances by 1.00005417 to obtain ground level distances.

This real property description was prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Date

[Signature]

Julia MacRory, LS 7871
Survey and Mapping Manager
5.2.b

INDICATES THAT CERTAIN PARCEL OF LAND GRANTED TO SANTA CLARA VALLEY TRANSPORTATION AUTHORITY, PER DOCUMENT RECORDED ON MARCH 14, 2003, AS DOCUMENT NO. 16886997, OFFICIAL RECORDS OF SANTA CLARA COUNTY.

INDICATES THAT CERTAIN PARCEL OF LAND GRANTED TO CITY OF SANTA CLARA, PER DOCUMENT RECORDED ON MARCH 24, 1986, AS DOCUMENT NO. 9635829, OFFICIAL RECORDS OF SANTA CLARA COUNTY.

INDICATES AREA OF UTILITY EASEMENT (UE).

INDICATES AREA OF FEE ACQUISITION.

INDICATES AREA OF TEMPORARY CONSTRUCTION EASEMENT.

LIGHT RAIL EFFICIENCY PROJECT
PLAT TO ACCOMPANY
LEGAL DESCRIPTION
TASMAN DRIVE
CITY OF SANTA CLARA,
COUNTY OF SANTA CLARA, STATE OF CALIFORNIA

SCALE 1"=200'
LRE_TASMAN_TCE_CVR

Date: 10-09-13
Drawn By: H. Brasoli
Checked By: J. MacRory
Sheet 6 of 7

**PARCEL 1**
483-M-46
APN: 104-49-029
LAKE MARRIOTT, LLC

**LRE001-07**
TEMPORARY CONSTRUCTION EASEMENT
AREA = 4,756 ± SQFT.

**LRE001-02**
FEE ACQUISITION

**OLD IRONSIDES DRIVE**

**TASMAN DRIVE**

**5.2.b**

(1) INDICATES THAT CERTAIN PARCEL OF LAND GRANTED TO CITY OF SANTA CLARA, PER DOCUMENT RECORDED ON MARCH 24, 1988, AS DOCUMENT NO. 9635529, OFFICIAL RECORDS OF SANTA CLARA COUNTY.

(2) INDICATES AREA OF FEE ACQUISITION.

**INDICATES AREA OF TEMPORARY CONSTRUCTION EASEMENT.**

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<th>LINE</th>
<th>BEARING</th>
<th>DISTANCE(')</th>
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<td>N00°15'04&quot;W</td>
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<td>L35</td>
<td>N89°44'56&quot;E</td>
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<td>L36</td>
<td>N06°49'40&quot;E</td>
<td>8.54'</td>
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<tr>
<td>L37</td>
<td>S83°10'20&quot;E</td>
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</tr>
<tr>
<td>L38</td>
<td>S00°52'57&quot;W</td>
<td>2.04'</td>
</tr>
<tr>
<td>L39</td>
<td>S83°10'20&quot;W</td>
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<tr>
<td>L41</td>
<td>S83°10'20&quot;E</td>
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**CURVE** | **RADIUS(')** | **DELTA** | **LENGTH(')** |
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<td>C26</td>
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<tr>
<td>C27</td>
<td>951.50'</td>
<td>04°33'10&quot;</td>
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**LINE RADIAL BEARING**
R86 S00°07'50"E

ALL BEARINGS AND DISTANCES SHOWN ARE GRID AND ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83), ZONE 3, EPOCH 2010. MULTIPLY GRID DISTANCES BY 1.00000417 TO OBTAIN GROUND LEVEL DISTANCES.

**LIGHT RAIL EFFICIENCY PROJECT**
**PLAT TO ACCOMPANY**
**LEGAL DESCRIPTION**
**TASMAN DRIVE**
**CITY OF SANTA CLARA,**
**COUNTY OF SANTA CLARA, STATE OF CALIFORNIA**

**VTA. SANTA CLARA VALLEY TRANSPORTATION AUTHORITY**

**SCALE 1":40'**
LRE_TASMAN_TCE_SH2

**DATE:** 10-29-13
**DRAWN BY:** H. Brasell
**CHECKED BY:** J. MacRory

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43
5.2.b

Sheet 7 of 7

1. Indicates that certain parcel of land granted to Santa Clara Valley Transportation Authority, per document recorded on March 14, 2003, as Document No. 16886397, Official Records of Santa Clara County.

2. Indicates that certain parcel of land granted to City of Santa Clara, per document recorded on March 24, 1988, as Document No. 9635829, Official Records of Santa Clara County.

Light Rail Efficiency Project
Plat to Accompany
Legal Description
Tasman Drive
City of Santa Clara
County of Santa Clara, State of California

Santa Clara Valley Transportation Authority

Scale: LRE_TASMAN_TCE_SH2
Date: 10-09-13
Drawn By: H. Brassell
Checked By: J. MacRary
Government Code Section 7267.2:

(a) (1) Prior to adopting a resolution of necessity pursuant to Section 1245.230 of the Code of Civil Procedure and initiating negotiations for the acquisition of real property, the public entity shall establish an amount that it believes to be just compensation therefor, and shall make an offer to the owner or owners of record to acquire the property for the full amount so established, unless the owner cannot be located with reasonable diligence. The offer may be conditioned upon the legislative body's ratification of the offer by execution of a contract of acquisition or adoption of a resolution of necessity or both. The amount shall not be less than the public entity's approved appraisal of the fair market value of the property. A decrease or increase in the fair market value of real property to be acquired prior to the date of valuation caused by the public improvement for which the property is acquired, or by the likelihood that the property would be acquired for the improvement, other than that due to physical deterioration within the reasonable control of the owner or occupant, shall be disregarded in determining the compensation for the property.

(2) At the time of making the offer described in paragraph (1), the public entity shall provide the property owner with an informational pamphlet detailing the process of eminent domain and the property owner's rights under the Eminent Domain Law.

(b) The public entity shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount it established as just compensation. The written statement and summary shall contain detail sufficient to indicate clearly the basis for the offer, including, but not limited to, all of the following information:

(1) The date of valuation, highest and best use, and applicable zoning of property.

(2) The principal transactions, reproduction or replacement cost analysis, or capitalization analysis, supporting the determination of value.

(3) If appropriate, the just compensation for the real property acquired and for damages to remaining real property shall be separately stated and shall include the calculations and narrative explanation supporting the compensation, including any offsetting benefits.

c) Where the property involved is owner-occupied residential property and contains no more than four residential units, the homeowner shall, upon request, be allowed to review a copy of the appraisal upon which the offer is based. The public entity may, but is not required to, satisfy the written statement, summary, and review requirements of this section by providing the owner a copy of the appraisal on which the offer is based.

d) Notwithstanding subdivision (a), a public entity may make an offer to the owner or owners of record to acquire real property for less than an amount that it believes to be just compensation therefor if (1) the real property is offered for sale by the owner at a specified price less than the amount the public entity believes to be just compensation therefor, (2) the public entity offers a price that is equal to the specified price for which the property is being offered by the landowner, and (3) no federal funds are involved in the acquisition, construction, or project development.

e) As used in subdivision (d), "offered for sale" means any of the following:

(1) Directly offered by the landowner to the public entity for a specified price in advance of negotiations by the public entity.

(2) Offered for sale to the general public at an advertised or published specified price, set no more than six months prior to, and still available at, the time the public entity initiates contact with the landowner regarding the public entity's possible acquisition of the property.
PROOF OF SERVICE (C.C.P. §§ 1013a)

I, (insert name), declare as follows:

I am employed in the County of Santa Clara, over the age of eighteen years. My business address is Santa Clara Valley Transportation Authority, 3331 North First Street, Building B-2, San Jose, CA 95134.

On , I served the following document(s):

Notice of Intention to Adopt Resolution of Necessity

by placing a true copy of the document(s) listed above for collection and mailing following the Santa Clara Valley Transportation Authority's ordinary business practice in a sealed envelope for deposit in the United States mail, 3331 North First Street, San Jose, California, addressed as set forth below.

Lake Marriot, LLC
c/o Divco West
Attn: Michael J. Pelletier
575 Market St, 35th Floor
San Francisco, CA 94105

I am readily familiar with the Santa Clara Valley Transportation Authority's practice for collection and processing correspondence for mailing and for shipping via U.S. Postal Service. Under that practice, envelopes placed for collection at designated locations during designated hours are deposited in the ordinary course of business with the U.S. Postal Service on the same day with first class postage or fees thereon fully prepaid or provided for.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on _______(insert date – this is 15 days before board hearing)__________ at San Jose, California.

_________________________
Senior Real Estate Agent
FOR INFORMATION ONLY

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

Berryessa Extension Project Construction Activities

In the Milpitas Station area, the Skanska, Shimmick, Herzog (SSH) contractor has begun excavation preparation activities for the station, including installation of support of excavation materials, and removal of soil for bracing installation. Once bracing is installed, station excavation will occur to a depth of approximately 35-feet. Other work occurring in the station area includes the installation of a City of Milpitas 18-inch waterline, as well as the planned demolition of the remaining existing building on the future Milpitas Station site scheduled for December.

North of the future station location, final concrete slabs for the trench floor have been poured. Crews continue to install rebar and support structures to form the trench walls, and remove the temporary bracing. Under Montague Expressway, installation of rebar and temporary support structures continue for preparation of bridge deck installation.

Adjacent to the Great Mall, SSH continued to excavate and level the ground in preparation for the Union Pacific Railroad retaining wall installation. Installation of the retaining wall units and backfilling of soil progressed during the last month.

In the Berryessa Station area, SSH continued to install the temporary support structures that will form the Berryessa Aerial Structure, and has started construction on column structures located south of Berryessa Road. Work also continued on Berryessa Road improvements associated with utility and station construction activities.

Corridor Preparation Activities
During the month of November preparation activities took place to prepare for the pouring of concrete on the Mission Boulevard BART bridge deck.

Nighttime closures of Mission Boulevard took place in mid-November, as crews removed bridge and support elements of the old UPRR bridge that spanned Mission Boulevard.

Parking Technology and Revenue Collection Equipment Procurement
In coordination with the Design-Build Parking Structures contract for SVBX, a Request for Proposals (RFP) was issued on November 15, 2013 for the parking technology equipment that will be installed in the parking facilities for revenue collection, parking enforcement and access and guidance. Proposals are being requested for the design, procurement and installation of this equipment and system based on specifications that were developed by a Parking Technical Advisory Committee (PTAC). The PTAC comprised of management and staff from VTA Information Technology, Fiscal Services, Operations, CMA Transportation Engineering, and BART Silicon Valley.

A pre-proposal conference for this RFP is scheduled for December 3, 2013, 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 installation of improvements for Group 1 residences, located closest to the first major construction activities near the future Berryessa Station, is scheduled to begin in the end of November 2013 and is planned to be complete by January 2014.

The Group 2 (C751) contractor completed the verification of measurements for residences and has ordered the materials. The Group 3 (C752) construction bid package is going to the December Board meeting for approval to award the contract to G&G Specialty Contractors, Inc., the lowest responsible bidder. Staff is in the process of obtaining the last remaining owner permit to enter forms for the Group 4 (C753) construction contract, which is scheduled to be advertised for bid on November 21, 2013.

Communications and Outreach
From late October through November, staff provided a BART/SVBX tour for the Citizens Advisory Committee (CAC), VTA’s Auditor General, VTA’s upcoming General Manager Nuria Fernandez, and made five presentations to organizations, including the City of Milpitas Planning Department, American Council of Engineering Companies (ACEC) and San Jose State University. Staff attended the Berryessa Business Association monthly meeting, the JPAB meeting and engaged in outreach activities that included more than 50 individual briefings/project updates with key stakeholders such as Parc Metro Community Complex, The Crossing at Montague Complex, Great Mall of the Bay Area, Courtyard by Marriott and Marriott Town Place Suites, and Pacific Rim Plaza Shopping Center. Staff also created fact sheets on
project sustainability and grade separations and filmed and produced a YouTube video about the progress of the Mission Warren Area Improvements Project.

Staff issued construction notices/letters, more than 500 fliers and also traffic advisories for nighttime closures on Mission Boulevard and intermittent Saturday project work in San Jose and Milpitas. These efforts also prompted media interest that resulted in five mentions on radio and television stations, including KLIV, KNTV, and KNSO (Spanish station) and 16 news articles printed in publications such as the San Jose Mercury News, the Milpitas Post, the Silicon Valley Business Journal, the Tri-City Voice and Progressive Railroading. A news release was issued for the completion of the UPRR Bridge, a milestone for the Mission Warren Area improvements Project.

Prepared By: Kevin Kurimoto
Memo No. 3991
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Board Secretary Sandra A. Weymouth

SUBJECT: VTA Board of Directors Meeting Schedule for Calendar Year 2014

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

ACTION ITEM

RECOMMENDATION:

Approve the VTA Board of Directors Meeting Schedule for calendar year 2014.

BACKGROUND:

The VTA Board of Directors generally meets on the first Thursday of the month at 5:30 p.m. in the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, San Jose, or as otherwise posted.

DISCUSSION:

Staff proposes the following schedule for 2014. The exceptions to the regular schedule in 2014 are as follows:

- Two Workshop Meetings are proposed to be held on Friday, April 25, 2014, and September 26, 2014, at 9:00 a.m.

- A Regular Board Meeting is proposed for Friday, June 27, 2014, at 9:00 a.m. to hear urgent items only.

- A Regular Board Meeting is proposed for Thursday, August 28, 2014, at 5:30 p.m. in lieu of the September Board meeting.

- The Regular Board Meeting proposed for December 11, 2014, will be held at 9:00 a.m.
<table>
<thead>
<tr>
<th>DATE</th>
<th>TIME</th>
<th>PURPOSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thursday, January 9</td>
<td>5:30 p.m.</td>
<td>Regular Board Meeting (2&lt;sup&gt;nd&lt;/sup&gt; Thurs.)</td>
</tr>
<tr>
<td>Thursday, February 6</td>
<td>5:30 p.m.</td>
<td>Regular Board Meeting</td>
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<tr>
<td>Thursday, March 6</td>
<td>5:30 p.m.</td>
<td>Regular Board Meeting</td>
</tr>
<tr>
<td>Thursday, April 3</td>
<td>5:30 p.m.</td>
<td>Regular Board Meeting</td>
</tr>
<tr>
<td>Friday, April 25</td>
<td>9:00 a.m.</td>
<td>Board Workshop Meeting</td>
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<tr>
<td>Thursday, May 1</td>
<td>5:30 p.m.</td>
<td>Regular Board Meeting</td>
</tr>
<tr>
<td>Thursday, June 5</td>
<td>5:30 p.m.</td>
<td>Regular Board Meeting</td>
</tr>
<tr>
<td>Friday, June 27</td>
<td>9:00 a.m.</td>
<td>*Regular Board Meeting</td>
</tr>
<tr>
<td>Thursday, August 7</td>
<td>5:30 p.m.</td>
<td>Regular Board Meeting</td>
</tr>
<tr>
<td>Thursday, August 28</td>
<td>5:30 p.m.</td>
<td>Regular Board Meeting (in Lieu of Sept. mtg.)</td>
</tr>
<tr>
<td>Friday, September 26</td>
<td>9:00 a.m.</td>
<td>Board Workshop Meeting</td>
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<tr>
<td>Thursday, October 2</td>
<td>5:30 p.m.</td>
<td>Regular Board Meeting</td>
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<tr>
<td>Thursday, November 6</td>
<td>5:30 p.m.</td>
<td>Regular Board Meeting</td>
</tr>
<tr>
<td>Thursday, December 11</td>
<td>9:00 a.m.</td>
<td>Regular Board Meeting (2&lt;sup&gt;nd&lt;/sup&gt; Thurs.)</td>
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</tbody>
</table>

*To hear urgent items only.

**FISCAL IMPACT:**

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

Prepared by: Tracene Y. Crenshaw  
Memo No. 4300
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief External Affairs Officer, Greta Helm

SUBJECT: Final Legislative History Matrix for 2013 Session

FOR INFORMATION ONLY

BACKGROUND:

The attached Final Legislative History Matrix for the 2013 regular session describes the key transportation-related bills that were considered by the California State Legislature this year. The matrix indicates the final status of these bills and any adopted VTA positions with regard to them. Measures that did not make it through the legislative process this year are now “two-year bills,” meaning they can be reconsidered when lawmakers return to Sacramento in January.

DISCUSSION:

On October 13, Gov. Jerry Brown finished action on hundreds of bills that were sent to him by lawmakers, bringing the 2013 regular session of the Legislature to a close. For the year, the Governor ended up signing more than 800 bills, while vetoing close to 100. The most notable transportation-related measures that gained the Governor’s approval are as follows:

Public Employees’ Retirement: On the same day that Gov. Brown signed AB 1222 (Bloom) into law, the state filed a lawsuit challenging a U.S. Department of Labor (DOL) decision to decertify a federal transit grant submitted by the Sacramento Regional Transit District. The dual actions set in motion a two-pronged strategy aimed at resolving a disagreement between the Governor and DOL over whether California’s recently enacted Public Employees’ Pension Reform Act (PEPRA) violates a 49-year-old federal law known as 13(c).

For close to a year, several unions representing public transit employees in California have been filing objections to DOL claiming that the changes to public employee retirement benefits in PEPRA were not negotiated and, therefore, are inconsistent with 13(c). Part of the 1964 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.

In response, DOL began holding up grant applications submitted by California public transit...
agencies, and signaled that it was inclined to agree with the unions’ contention that PEPRA
impairs collectively bargained pension benefits. The issue simmered for a number of months
until 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. Perez
warned that if the Governor did not take this course of action, DOL would start decertifying
grants. Gov. Brown, however, responded that he disagreed with DOL’s legal opinion,
contending that PEPRA merely sets up a new framework for pension bargaining, but does not
weaken collective bargaining itself. In addition, the Governor indicated that he was not prepared
to sign such legislation and, instead, wanted the issue to be resolved in court. After several
weeks of negotiations, the impasse was broken when DOL and Gov. Brown reached an
agreement on a strategy that involves litigation, coupled with a mechanism for allowing federal
grant funds to flow to California public transit agencies while the legal process plays out.

On September 4, DOL notified the Sacramento Regional Transit District that it was refusing to
certify one of its grants, a decision that provides the avenue for resolving the disagreement
between the department and the Governor in court. That 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 bill was fast-tracked through the legislative
process and sent to Gov. Brown. His signing of AB 1222 opens the door for DOL to begin
certifying and releasing federal grant funds for California public transit agencies. VTA currently
has eight grants, totaling $215 million, awaiting DOL certification.

**Design-Build Contracting:** AB 401 (Daly) allows for the continued use of design-build
contracting for state highway projects beyond the current January 1, 2014, sunset date.
Specifically, this measure authorizes 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. AB 401 also requires Caltrans to manage construction inspection services for
such projects, a provision that generated much controversy as the bill made its way through
legislative process. This language was sufficient to draw the support of the Professional
Engineers in California Government (PECG), a labor organization representing Caltrans
engineers that historically has opposed the use of design-build contracting for state highway
projects. However, it caused the American Council of Engineering Companies (ACEC) and the
Associated General Contractors (AGC), two influential groups representing private-sector
consulting firms, to oppose the bill. They contended that the language requiring Caltrans to
perform construction inspection services was unconstitutional.

**Active Transportation:** SB 99 (Budget & Fiscal Review Committee) consolidates the Bicycle
Transportation, Safe Routes to School, and Recreational Trails Programs into a new Active
Transportation Program to provide a more comprehensive and coordinated approach for
distributing funds for “human-powered” transportation. Under the provisions of the bill, 50
percent of the funding for the Active Transportation Program, which amounts to roughly $130
million per year, 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 be used for projects that benefit disadvantaged communities.

CMAQ: AB 466 (Quirk-Silva) addresses several problems that were created in California by changes that were made to the Congestion Mitigation and Air Quality Improvement Program (CMAQ) by the Moving Ahead for Progress in the 21st Century Act (MAP-21). Historically, federal law required CMAQ funds to be distributed to each state based on its share of population residing in a non-attainment or maintenance area, with a specific weighting assigned to each area according to the severity of non-attainment. Although federal law did not require states to suballocate their CMAQ dollars, California decided to suballocate 100 percent of its share to regional transportation agencies in non-attainment and maintenance areas using the federal distribution formula. This was accomplished not by codifying the federal distribution formula in state statutes, but rather by referencing the appropriate code section in federal law.

MAP-21, however, eliminated the weighted population distribution formula. Instead, a state now receives its CMAQ funding in one lump sum that is determined simply on the basis of whatever share CMAQ comprised of its federal-aid highway formula funds in FY 2009. As a result of this change, California statutes became obsolete.

AB 466 does two things. First, it continues California’s longstanding practice of suballocating its entire share of CMAQ funds to regional transportation agencies in non-attainment and maintenance areas. Second, it codifies in state statutes the weighted population distribution formula that was in effect in federal law up until the enactment of MAP-21. Without AB 466, there would be no statutory basis for how California would distribute its CMAQ funding.

Air Quality Improvement Programs: AB 8 (Perea) reauthorizes four state air quality improvement programs and their funding sources until January 1, 2024. Those programs are:

1. Enhanced Fleet Modernization Program: Administered by the California Air Resources Board (CARB), in consultation with the Bureau of Automotive Repair, this program provides funding to facilitate the voluntary removal of older, higher-polluting cars and small trucks off the roadways by their owners. The Enhanced Fleet Modernization Program, which was initially established through the enactment of AB 118 (Nunez) in 2007, is supported by a $1 vehicle registration fee.

2. Alternative and Renewable Fuel, and Vehicle Technology Program: Funded through a combination of vehicle registration, smog abatement, boat registration, and special license plate fees, this program provides financial incentives to accelerate the development and deployment of low-carbon fuels and alternative vehicle technologies. The Alternative and Renewable Fuel, and Vehicle Technology Program is administered by the California Energy Commission. It was created pursuant to AB 118.

3. Air Quality Improvement Program: Administered by CARB, in consultation with local air quality management districts, this program funds projects that reduce criteria air

Page 3 of 5
pollutants; improve air quality; facilitate research on alternative fuels; and encourage the development of cleaner vehicles, marine vessels and equipment technologies. The Air Quality Improvement Program, also established under AB 118, receives its funding from a portion of the revenues generated by smog abatement, boat registration and special license plate fees.

4. Carl Moyer Memorial Air Quality Standards Attainment Program: Now in its 15th year, the Carl Moyer Program, which is administered by local air quality management districts, provides grants for cleaner engines and equipment. Eligible projects include on- and off-road vehicles, marine vessels, locomotives, farm equipment, lawn and garden equipment, and airport ground support vehicles.

The Carl Moyer Program is of particular interest because the Bay Area’s High-Speed Rail Early Investment Strategy assumes that the region will receive $20 million from this program for the electrification of the Peninsula Corridor for both the Caltrain Commuter Rail Service and future high-speed rail. The Early Investment Strategy is embodied in a memorandum of understanding (MOU) that was executed in 2012 by the Metropolitan Transportation Commission (MTC); five Bay Area transportation agencies, including VTA; two municipalities, including the city of San Jose; and the California High-Speed Rail Authority. It contemplates investing a total of $1.456 billion to modernize and electrify the Peninsula Corridor. The Carl Moyer Program is one of several funding sources identified in the investment strategy that would be used to match more than $700 million in Proposition 1A bond revenues to be provided by the High-Speed Rail Authority.

Benefit Assessment Districts: SB 142 allows any public transit agency in California to create benefit assessment districts involving property within a half mile of an existing or proposed rail station, bus transfer station or ferry terminal. The proceeds generated from the benefit assessment could only be used to build, maintain, operate, and improve that facility. Under the provisions of SB 142, a public transit agency, in establishing a benefit assessment district, must comply with the requirements of Proposition 218 and its implementing statutes, including gaining the approval of a majority of the affected property owners.

VTA already has benefit assessment district authority through the enactment of AB 935 (Diaz) in 2003, as does the Los Angeles County Metropolitan Transportation Authority (LA Metro). SB 142, which is modeled after VTA’s enabling statutes, allows other public transit agencies in California to take advantage of this tool.

High-Speed Rail: Three high-speed rail bills were signed by Gov. Brown. AB 481 and AB 528 were both authored by Assembly Transportation Committee Chairperson Bonnie Lowenthal (D-Long Beach). The former addresses a host of property acquisition issues pertaining to the High-Speed Rail Authority. The latter requires the High-Speed Rail Authority’s Business Plan to include: (1) a review of the funding sources that the authority intends to access for the construction and operation of the state’s proposed high-speed train system; and (2) a discussion of all reasonably foreseeable risks associated with the project. The third bill, SB 557 (Hill), requires any track expansion in the Peninsula Corridor beyond the two-track blended system approach identified in the High-Speed Rail Authority’s April 2012 Business Plan to be approved
by all nine signatories to the Bay Area’s High-Speed Rail Early Investment Strategy MOU, including VTA and the city of San Jose.

**CEQA:** Attempts to reform the California Environmental Quality Act (CEQA) were put off until next year after lawmakers passed and Gov. Brown signed 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 (D-Sacramento), speeds 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 an effort to keep the Kings from moving to Seattle.

Following last-minute negotiations with Gov. Brown, Steinberg amended SB 743 to include a couple of changes to CEQA that would apply statewide in an attempt to bulk up the bill. These provisions are as follows: (1) authorizes the Governor’s Office of Planning & Research to develop new metrics for measuring traffic impacts of proposed projects under CEQA that could be used instead of intersection congestion; (2) specifies that aesthetics and parking impacts for infill development projects in a “transit priority area” are not significant environmental impacts for purposes of CEQA; and (3) establishes 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.

Prepared By: Kurt Evans, Government Affairs Manager
Memo No. 4163
<table>
<thead>
<tr>
<th>State Assembly Bills</th>
<th>Subject</th>
<th>Last Amended</th>
<th>Status</th>
<th>VTA Position</th>
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<tbody>
<tr>
<td>AB 5 (Ammiano)</td>
<td>Enacts the Homeless Person’s Bill of Rights and Fairness Act. Provides that the existence of homelessness requires that fundamental rights that are amply protected in the home and in private places be extended to the public domain to ensure the equal rights of all Californians, homeless or housed. Specifies that every homeless person in California shall have all of the following basic human rights, and legal and civil protections, except when prohibited by federal law: (1) the right to move freely in the same manner as any other person in public spaces; (2) the right to rest in a public space in the same manner as any other person, as long as that rest does not maliciously or substantially obstruct a passageway; (3) the right to eat, share, accept, or give food or water in public spaces in the same manner as any other person; (4) the right to solicit donations in public spaces in the same manner as any other person; (5) the right to the same protections that law enforcement agencies afford any other person; (6) the right to engage in lawful self-employment in the same manner as any other person, including self-employment in junk removal and recycling; (7) the right to pray, meditate or practice religion in public spaces in the same manner as any other person; (8) the right to decline admittance to a public or private shelter, or to any other accommodation, including social services programs, for any reason he or she sees fit; (9) the right to occupy a motor vehicle or recreational vehicle either to rest, sleep or use for the purposes of shelter, provided that the vehicle is legally parked on public property; (10) the right to confidentiality of his or her records and information by homeless shelters, medical centers, schools, or any other publicly funded human service provider, unless the disclosure is based on appropriate legal authority; and (11) the right to the assistance of legal counsel, if a county chooses to initiate judicial proceedings. Allows these rights to be exercised without the homeless person being subject to criminal or civil sanctions, harassment or arrest, except that existing local laws regarding resting in a public space may be enforced if specified human services criteria are met. Includes public transportation in the definition of “public spaces.” Prohibits a public employer from retaliating against an employee for offering available public resources to a homeless person in order to protect that person from harm. Requires every local government and disadvantaged unincorporated community within California to have sufficient health and hygiene centers available 24 hours a day, seven days a week, for use by homeless people. Requires such centers, which must contain public bathroom and shower facilities, to be funded by the state Department of Public Health through those county agencies that oversee public health programs. Allows any person to enforce these rights in a civil action.</td>
<td>4/30/13</td>
<td>Assembly Appropriations Committee</td>
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<tr>
<td>State Assembly Bills</td>
<td>Subject</td>
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<td><strong>AB 8</strong> (Perea) 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>
<td>Signed into Law: Chapter #401</td>
<td>Support</td>
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<tr>
<td><strong>AB 10</strong> (Alejo) 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>
<td>Signed into Law: Chapter #351</td>
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<tr>
<td><strong>AB 14</strong> (B. Lowenthal) 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) 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>
<td>Senate Floor</td>
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<tr>
<td><strong>AB 26</strong> (Bonilla) 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>
<td>Senate Labor &amp; Industrial Relations Committee</td>
<td></td>
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<tr>
<td>State Assembly Bills</td>
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<td><strong>AB 53</strong>&lt;br&gt;(J. Perez)&lt;br&gt;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>
<td>Vetoed by the Governor</td>
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<td><strong>AB 153</strong>&lt;br&gt;(Bonilla)&lt;br&gt;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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<tr>
<td><strong>AB 160</strong>&lt;br&gt;(Alejo)&lt;br&gt;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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<tr>
<td><strong>AB 164</strong>&lt;br&gt;(Wieckowski)&lt;br&gt;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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<tr>
<td>State Assembly Bills</td>
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| **AB 179**  
(Bocanegra)  
Electronic Transit Fare Collection Systems | Prohibits a transportation agency from selling or providing personally identifiable information of a person obtained pursuant to the person’s subscribing to an electronic transit fare collection system, subject to specified exceptions. Requires a transportation agency that employs an electronic transit fare collection system to establish a privacy policy regarding the collection and use of personally identifiable information. Requires the policy to include a description of the following: (a) the types of personally identifiable information that is collected by the agency; (b) the categories of third-party persons or entities with whom the agency may share personally identifiable information; (c) the process by which a transportation agency notifies subscribers of material changes to its privacy policy; (d) the effective date of the privacy policy; and (e) the process by which a subscriber may review and request changes to any of his or her personally identifiable information. Allows a transportation agency that employs an electronic transit fare collection system to impose an administrative fee on persons who use those systems in an amount that is sufficient to cover the costs of implementing the provisions of this bill. Requires all personally identifiable information obtained by a transportation agency through an electronic transit fare collection system that is not needed to perform account functions, such as billing, account settlement or enforcement activities, to be discarded after four and a half years. Prohibits a transportation agency that employs an electronic transit fare collection system from maintaining personal information for more than four and a half years after the date an account is closed or terminated. Specifies that personally identifiable information does not include photographic or video footage unless that information is used for purposes of assessing a toll or fare. | 9/4/13 | Signed into Law: Chapter #375 |
| **AB 185**  
(R. Hernandez)  
Open and Public Meetings | Provides that an audio or video recording of an open and public meeting made at the direction of a local agency may be erased or destroyed two years after the recording, but not sooner. | 4/23/13 | Assembly Local Government Committee |
| **AB 204**  
(Wilk)  
Green Vehicles: Registration Fees | Declares the intent of the Legislature to enact a bill to impose a fee in conjunction with registration on green vehicles to address the costs of those vehicles using public roads and highways. | As Introduced | Assembly Desk |
| **AB 205**  
(Pan)  
Public Employees’ Retirement: Pension Fund Management | Allows a Board of Investments of a retirement system established pursuant to the County Employees Retirement Law of 1937 to prioritize investment in an in-state infrastructure project over a comparable out-of-state infrastructure project. | As Introduced | Signed into Law: Chapter #766 |
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<tr>
<td><strong>AB 206</strong>&lt;br&gt;(Dickinson)&lt;br&gt;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>&lt;br&gt;(Wieckowski)&lt;br&gt;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>&lt;br&gt;(Dickinson)&lt;br&gt;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>
<td>Signed into Law: Chapter #699</td>
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<td><strong>AB 220</strong>&lt;br&gt;(Ting)&lt;br&gt;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>
<td>8/12/13</td>
<td>Assembly Floor: Concurrence</td>
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<td><strong>AB 243 (Dickinson) Infrastructure and Revitalization Financing Districts</strong></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>
<td>Assembly Floor: Concurrence</td>
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<td><strong>AB 266 (Blumenfield) HOV Lanes: White Sticker Program</strong></td>
<td>Unless pre-empted 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>
<td>8/19/13</td>
<td>Signed into Law: Chapter #405</td>
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<td><strong>AB 278 (Gatto) Low-Carbon Fuel Standard: Food Supply Sustainability</strong></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>
<td>9/3/13</td>
<td>Senate Floor</td>
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| **AB 284**  
(Quirk)  
Road to 2050 Board | 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. | 5/8/13 | Assembly Appropriations Committee |
| **AB 294**  
(Holden)  
ERAF Revenues | 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. | 5/6/13 | Assembly Appropriations Committee |
| **AB 313**  
(Frazier)  
Electronic Wireless Communications Devices | 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. | As Introduced | Assembly Appropriations Committee |
| **AB 374**  
(Wagner)  
Eminent Domain: Compensation for Loss of Goodwill | 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. | 4/1/13 | Vetoed by the Governor |
| **AB 380**  
(Dickinson)  
CEQA: Notice Requirements | Requires a lead agency to file certain notices required by the California Environmental Quality Act (CEQA) with the Office of Planning & Research and the applicable county clerk for the purpose of being posted for public review. | 5/24/13 | Senate Environmental Quality Committee |
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<td>AB 401</td>
<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>
<td>9/6/13</td>
<td>Signed into Law: Chapter #586</td>
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<td>AB 416</td>
<td>Requires the California Air Resources Board (CARB) to create the Local Emission Reduction Program to provide grants and other financial assistance on a competitive basis to local entities to develop and implement greenhouse gas emissions reduction projects, subject to appropriations from the General Fund by the Legislature. Requires CARB to develop standards and guidelines for the distribution of funds to reduce greenhouse gas emissions, and to maximize the ability to achieve one or more of the following: (1) decrease air or water pollution; (2) reduce the consumption of natural resources or energy; (3) provide opportunities to achieve greenhouse gas emissions reductions in ways that increase localized energy resources; (4) promote public-private partnerships to implement energy efficiency and clean energy projects with financing incentives for residential and commercial facilities; (5) increase the reliability of local water supplies; (6) increase solid waste diversion from landfills; (7) increase electric vehicle infrastructure; (8) achieve greenhouse gas emissions reductions in ways that reduce vehicle miles traveled; or (9) prevent conversion of agricultural, forest and open space lands to uses that result in higher greenhouse gas emissions. Requires CARB to give priority to projects that demonstrate one or more of the following characteristics: (1) regional implementation; (2) the ability to leverage additional public and private funding; (3) the potential for co-benefits or multi-benefit attributes; (4) the potential for the project or program to be replicated; or (5) consideration of geographic and socioeconomic issues. Provides that the implementation of the Local Emission Reduction Program is contingent upon the appropriation of funds for this purpose by the Legislature.</td>
<td>4/4/13</td>
<td>Assembly Appropriations Committee</td>
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<td>AB 417</td>
<td>Exempts from the California Environmental Quality Act (CEQA) a bicycle transportation plan prepared for an urbanized area for restriping of streets and highways; bicycle parking and storage; signal timing to improve street and highway intersection operations; and related signage for bicycles, pedestrians and vehicles. Repeals the provisions of the bill on January 1, 2018, unless that date is deleted or extended through the enactment of subsequent legislation.</td>
<td>6/13/13</td>
<td>Signed into Law: Chapter #613</td>
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<td><strong>AB 441</strong> (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><strong>AB 463</strong> (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><strong>AB 466</strong> (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>Signed into Law: Chapter #736</td>
<td>Support</td>
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<td><strong>AB 481</strong> (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><strong>AB 487</strong> (Linder) Motor Vehicles: Confidential Home Addresses</td>
<td>Requires a person who requests the confidentiality of his or her home address to provide the Department of Motor Vehicles (DMV) with a current employment address for purposes of processing the service and collection of a traffic, parking or toll road violation. Requires a person who has requested such confidentiality to notify the DMV of any change in his or her employment address within 10 days. Requires the DMV to refuse to renew the registration of a vehicle owned or leased by such person if: (a) the person has been mailed a notice of delinquent parking violation or a failure to pay a traffic citation; (b) the processing agency has filed or electronically transmitted to the department an itemization of the unpaid parking or traffic citation penalty, including the administrative fee; and (c) the person has not paid the penalty and administrative fee.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td>AB 493 (Daly) Toll Facilities: Interoperability</td>
<td>Authorizes operators of toll facilities on federal-aid highways to fully implement technologies or business practices that provide for the interoperability of electronic toll collection programs, consistent with federal law. Requires operators of toll facilities on federal-aid highways engaged in an interoperability program to comply with all federal and state privacy protection laws.</td>
<td>4/17/13</td>
<td>Signed into Law: Chapter #79</td>
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<td>AB 515 (Dickinson) CEQA: Judicial Review</td>
<td>Establishes a California Environmental Quality Act (CEQA) Compliance Division of the superior court in each county in which the attorney general maintains an office. Vests with the division original jurisdiction over actions or proceedings brought pursuant to CEQA, as well as other matters related to land-use and environmental laws that may be joined with those actions or proceedings. Requires the Judicial Council to adopt rules for establishing protocols to govern the administration and efficient operation of the CEQA Compliance Division of the superior court. Requires the CEQA Compliance Division of the superior court to issue a preliminary decision before the opportunity for oral argument is granted. If the CEQA Compliance Division of the superior court finds that a public agency violated CEQA, requires the court’s order to specify what action taken by the agency was in error and what specific action by the agency is necessary to comply with CEQA. Prohibits an action or proceeding pursuant to CEQA from being brought unless the alleged grounds of non-compliance were presented to the public agency with enough specificity that the agency could reasonably respond to the alleged violation. Prohibits a person from maintaining an action or proceeding pursuant to CEQA unless he or she objected during the administrative process with specificity as to how the public agency’s response to the alleged violation is inadequate.</td>
<td>3/11/13</td>
<td>Assembly Judiciary Committee</td>
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<td>AB 528 (Lowenthal) State Rail Plan</td>
<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>
<td>6/4/13</td>
<td>Signed into Law: Chapter #237</td>
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<td>AB 543 (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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<td>AB 574 (B. Lowenthal) Sustainable Communities Infrastructure Program</td>
<td>Establishes the Sustainable Communities Infrastructure Program to provide a statutory framework for the distribution of any cap-and-trade revenues that are allocated for transportation purposes. Requires such revenues to be allocated to transportation projects that do all of the following: (1) provide cost-effective and feasible reductions in greenhouse gas emissions; (2) combine transportation investments with local land-use modifications and other local policy changes to provide greenhouse gas emission reductions and, where feasible, to achieve other public benefits; (3) implement either an approved sustainable communities strategy or alternative planning strategy pursuant to SB 375 (Steinberg) within existing urbanized or developed areas in regions with a metropolitan planning organization (MPO); (4) are selected through a competitive process based on cost-effective greenhouse gas emission reductions using criteria for evaluating such benefits established by the California Air Resources Board (CARB); and (5) comply with the requirements to benefit economically disadvantaged communities pursuant to current state law. Requires the agency responsible for the development of the regional transportation plan (RTP) to be the regional granting authority for these revenues for its area. Requires these revenues to be allocated to regional granting authorities on a per capita basis. Requires CARB, in consultation with the California Transportation Commission (CTC) and the Strategic Growth Council, to establish the criteria for the development and implementation of the regional grant programs. Requires regional granting authorities to allocate their share of the funds to projects selected through a competitive public process based on greenhouse gas emission reductions. Specifies that the eligible uses of these revenues shall include any of the following: (1) transportation network and demand management; (2) public transportation, including operations, maintenance and capital costs; (3) road and bridge maintenance, complete streets, bike projects, pedestrian safety enhancements, safe routes to school, and urban greening; (4) clean transportation fueling infrastructure and support; (5) multi-modal network connectivity to reduce travel distances and improve access to parks, schools, jobs, housing, and markets for rural and urban communities; (6) development and adoption of local plans and land-use policies that help to implement regional plans; (7) community infrastructure to support transit-oriented development, affordable housing, infill in existing urbanized areas, and small walkable communities in rural neighborhoods; (8) multi-use facilities and accommodations for bicyclists, pedestrians and neighborhood electric vehicles; and (9) interregional rail modernization and related community infrastructure.</td>
<td>4/15/13</td>
<td>Assembly Appropriations Committee</td>
<td>Support</td>
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<td><strong>AB 603</strong> (Cooley) Design-Build Contracting: Capitol Southeast Connector Joint Powers Authority</td>
<td>Allows the Capitol Southeast Connector Joint Powers Authority to use design-build contracting for the Southeast Connector Project in Sacramento County, subject to the approval of the California Transportation Commission (CTC).</td>
<td>4/16/13</td>
<td>Assembly Transportation Committee</td>
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<tr>
<td><strong>AB 628</strong> (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>Signed into Law: Chapter #741</td>
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<tr>
<td><strong>AB 662</strong> (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>Vetoed by the Governor</td>
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<tr>
<td><strong>AB 690</strong> (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><strong>AB 716</strong> (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><strong>AB 730</strong> (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>Signed into Law: Chapter #394</td>
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<td>AB 738</td>
<td>Harkey</td>
<td>Public Entity Liability: Bicycles</td>
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<td>AB 749</td>
<td>Gorell</td>
<td>Public-Private Partnerships</td>
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<tr>
<td>AB 755</td>
<td>Ammiano</td>
<td>Bridges: Suicide Barriers</td>
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<tr>
<td>AB 797</td>
<td>Gordon</td>
<td>Santa Clara Valley Transportation Authority and San Mateo County Transit District: CMGC Contracting</td>
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<tr>
<td>AB 801</td>
<td>Brown</td>
<td>Nonferrous Materials: Indicia of Ownership</td>
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**AB 738** (Harkey)
Public Entity Liability: Bicycles

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.

**AB 749** (Gorell)
Public-Private Partnerships

Extends the statutory authority for Caltrans and regional transportation agencies to utilize public-private partnerships for transportation projects to January 1, 2022. Declares the intent of the Legislature that a project utilizing a public-private partnership should have the following characteristics: (1) a revenue source; (2) the purpose of constructing additional capacity for the transportation system; and (3) to the extent the project is proposed solely by a regional transportation agency and does not involve the use of any state funds, the regional transportation agency and its private-sector partners should be entirely responsible for the risks associated with the project, and the state should be protected from any liability associated with the project.

**AB 755** (Ammiano)
Bridges: Suicide Barriers

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.

**AB 797** (Gordon)
Santa Clara Valley Transportation Authority and San Mateo County Transit District: CMGC Contracting

Authorizes the Santa Clara Valley Transportation Authority (VTA) and the San Mateo County Transit District (SamTrans) to use the Construction Manager/General Contractor (CMGC) project delivery method for public transit projects within their jurisdictions. Defines “Construction Manager/General Contractor” to mean a project delivery method using a best value procurement process in which a construction manager is procured to provide preconstruction services during the design phase of the project and construction services during the construction phase of the project. Requires VTA and SamTrans to make a written finding that the use of CMGC for a particular public transit project will accomplish one or more of the following objectives: (a) reduce project costs; (b) expedite the project’s completion; or (c) provide features not achievable through the design-bid-build method. Provides that a contract for construction services may be awarded after the design plans have been sufficiently developed, and either a fixed price or a guaranteed maximum price has been successfully negotiated with the construction manager. In the event that a fixed price or guaranteed minimum price cannot be negotiated with the construction manager, allows VTA and SamTrans to award the contract for construction services utilizing any other procurement method authorized by law.

**AB 801** (Brown)
Nonferrous Materials: Indicia of Ownership

Requires junk dealers and recyclers to obtain a proof of ownership record before providing payment for nonferrous materials marked with an indicia of ownership.
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<tr>
<td><strong>AB 840</strong>&lt;br&gt;(Ammiano)&lt;br&gt;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 on 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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<tr>
<td><strong>AB 841</strong>&lt;br&gt;(Torres)&lt;br&gt;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>Vetoed by the Governor</td>
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<td><strong>AB 842</strong>&lt;br&gt;(Donnelly)&lt;br&gt;High-Speed Rail Funding</td>
<td>Prohibits federal or state funds from being expended by the California High-Speed Rail Authority or any other state agency on the construction of the state’s proposed high-speed rail project, except as necessary to meet contractual commitments entered into before January 1, 2014. Declares that this action is needed because many highway and bridge improvement and repair projects are of higher priority than high-speed rail.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td><strong>AB 863</strong>&lt;br&gt;(Torres)&lt;br&gt;Caltrans: NEPA Delegation for Transit Projects</td>
<td>Consistent with provisions in the federal Moving Ahead for Progress in the 21st Century Act (MAP-21), authorizes Caltrans to assume the responsibilities of the Federal Transit Administration (FTA) for environmental review and clearance for transit projects under the National Environmental Policy Act (NEPA). Provides that Caltrans consents to the jurisdiction of the federal courts with regard to the assumption of FTA’s responsibilities under NEPA and waives Eleventh Amendment protection against lawsuits brought in federal court.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td><strong>AB 886</strong>&lt;br&gt;(Allen)&lt;br&gt;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>AB 909 (Gray)</td>
<td>Metal Theft Task Force Program</td>
<td>9/3/13</td>
<td>Vetoed by the Governor</td>
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<td>AB 918 (Cooley)</td>
<td>State Emergency Plan</td>
<td>5/1/13</td>
<td>Signed into Law: Chapter #187</td>
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<td>AB 946 (Stone)</td>
<td>Transit-Bus-Only Traffic Corridors</td>
<td>6/26/13</td>
<td>Signed into Law: Chapter #187</td>
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<td>AB 953 (Ammiano)</td>
<td>CEQA: Natural Hazards</td>
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<td>AB 1002 (Bloom)</td>
<td>Vehicle Registration Surcharge: Sustainable Communities Strategies</td>
<td>4/23/13</td>
<td>Assembly Local Government Committee</td>
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<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>
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<p>| AB 1046 (Gordon)    | Innovative Delivery Team Demonstration Program                           | 3/21/13      | Senate Appropriations Committee     | Sponsor      |
|                     | 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. |              |                                     |              |</p>
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| **AB 1051**  
(Bocanegra)  
Sustainable Communities for All Program | 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. | 4/8/13 | Assembly Appropriations Committee |
| **AB 1070**  
(Frazier)  
California Transportation Financing Authority | 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. | 4/3/13 | Signed into Law: Chapter #198 |
| **AB 1077**  
(Muratsuchi)  
Alternative Fuel Vehicles | 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. | 6/15/13 | Assembly Appropriations Committee |
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<td><strong>AB 1080</strong> (Alejo) Community Revitalization and Investment Authorities</td>
<td>Authorizes cities, counties and special districts to establish community revitalization and investment authorities to invest property tax increment revenues to relieve conditions of unemployment, reduce high crime rates, repair deteriorated or inadequate infrastructure, promote affordable housing, and improve conditions leading to increased employment opportunities. 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> (Medina) Goods-Movement-Related Infrastructure</td>
<td>Requires the state’s five-year infrastructure plan to include: (1) information pertaining to new, rehabilitated, modernized, improved, or renovated infrastructure identified by state or federal agencies, or by regional transportation agencies that directly relates to enhancing the movement of goods; (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> (Levine) Building Standards: Electric Vehicle Charging Stations</td>
<td>Commencing with the next triennial edition of the California Building Standards Code adopted after January 1, 2014, requires the California Building Standards Commission to adopt, approve, codify, and publish mandatory building standards for the installation of future electric vehicle charging infrastructure for parking spaces in multi-family dwellings and non-residential development.</td>
<td>6/10/13</td>
<td>Signed into Law: Chapter #410</td>
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<tr>
<td><strong>AB 1158</strong> (Waldron) On-Street Parking for Electric Vehicles</td>
<td>Authorizes local agencies to adopt rules and regulations by ordinance or resolution regarding designating and enforcing on-street parking spaces for electric vehicles.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td><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>Signed into Law: Chapter #527</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>Vetoed by the Governor</td>
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<td>AB 1248</td>
<td>By January 1, 2015, requires the Controller’s Office to develop internal control guidelines applicable to local agencies to prevent and detect financial errors and fraud. Requires these guidelines to be based on standards adopted by the American Institute of Certified Public Accountants, and to be developed with input from local agencies and organizations representing the interests of local agencies. Requires 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>AB 1272</td>
<td>Authorizes the California Infrastructure and Economic Development Bank to join or formally participate in regional, state, national, or international organizations related to infrastructure financing. In participating in any of these organizations, allows the bank to serve as facilitator of an infrastructure financing project that would be located in California, regardless of whether the bank would be funding a portion of the project.</td>
<td>As Introduced</td>
<td>Assembly Appropriations Committee</td>
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<td>AB 1290</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>Vetoed by the Governor</td>
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| **AB 1330**  
(J. Perez)  
Environmental Justice | 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. | 9/6/13 | Senate Floor | |
| **AB 1333**  
(Hernandez)  
Local Agency Contracts: Automatic Renewal Clauses | 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. | 6/26/13 | Senate Governance & Finance Committee | |
| **AB 1371**  
(Bradford)  
Bicycles: Passing Distances | Requires the driver of a motor vehicle overtaking and passing a bicycle that is proceeding in the same direction on a highway to pass at a safe distance, generally at a minimum clearance of three feet, and without interfering with the safe operation of the bicycle. Provides that if the driver of a motor vehicle is unable to comply with this requirement because of traffic or roadway conditions, the driver must slow to a speed that is reasonable and prudent, and may pass only when doing so would not endanger the safety of the operator of the bicycle, taking into account the size and speed of the motor vehicle and bicycle, traffic conditions, weather, and surface and width of the highway. Specifies that the provisions of the bill shall become operative on September 16, 2014. | 8/20/13 | Signed into Law: Chapter #331 | |
| **AB 1375**  
(Chau)  
Clean Technology Investment Account | Creates the Clean Technology Investment Account within the Greenhouse Gas Reduction Fund. Requires the money in the account to be expended by the California Air Resources Board (CARB), subject to appropriations by the Legislature in the annual Budget Act, to accelerate the development and deployment of clean technologies that will reduce greenhouse gas emissions and foster job creation in California. Prior to disbursing any funds from the account, requires CARB to develop and adopt project solicitation and evaluation guidelines. Provides that the implementation of the provisions of this bill is contingent upon the appropriation of funds for this purpose by the Legislature. | 5/7/13 | Assembly Appropriations Committee | |
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| **ACA 6**  
(Gatto)  
Constitutional Amendments | Calls for placing before the voters an amendment to the California Constitution that would increase the voting requirement from a simple majority to a 55 percent majority to amend the Constitution by an initiative measure. However, continues to permit the electors to repeal a previously adopted initiative or legislative amendment to the Constitution by an initiative measure passed by a simple majority. | As Introduced | Assembly Floor | |
| **ACA 8**  
(Blumenfield)  
Local Government Financing: Voter Approval | Calls for placing before the voters an amendment to the California Constitution to allow a local agency to incur indebtedness in the form of general obligation bonds, if approved by its electorate by a 55 percent majority, to fund the construction, reconstruction, rehabilitation, maintenance, replacement, earthquake repair, or seismic retrofit of: (1) public improvements, including improvements to transportation infrastructure, streets and roads, sidewalks, transit systems, highways, freeways, sewer systems, water systems, wastewater systems, storm drain systems, and park and recreation facilities; and (2) facilities or buildings used primarily to provide sheriff, police or fire protection services to the public. Creates an exception to the 1 percent limit for property tax assessments if the revenues are being used to pay bonded indebtedness, approved by a 55 percent majority vote, to fund the construction, reconstruction, rehabilitation, maintenance, replacement, earthquake repair, or seismic retrofit of: (1) public improvements, including improvements to transportation infrastructure, streets and roads, sidewalks, transit systems, highways, freeways, sewer systems, water systems, wastewater systems, storm drain systems, and park and recreation facilities; and (2) facilities or buildings used primarily to provide sheriff, police or fire protection services to the public. | 4/4/13 | Senate Governance & Finance Committee |
State Senate Bills

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<tr>
<td>SB 1 (Steinberg) Sustainable Communities Investment Authorities</td>
<td>Allows a city, county or special district to form a Sustainable Communities Investment Authority for a designated Sustainable Communities Investment Area. Provides that a city or county that created a redevelopment agency that was dissolved pursuant to state law cannot form a Sustainable Communities Investment Authority, unless the successor agency or designated local authority for the former redevelopment agency has received a finding of completion from the Department of Finance. 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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| SB 7 | (Steinberg)  
Charter Cities: Prevailing Wage | 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. | 8/7/13  
Signed into Law: Chapter #794 |
| SB 11 | (Pavley)  
Alternative Fuel and Vehicle Technologies: Funding Programs | 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. | 9/6/13  
Assembly Transportation Committee  
Support |
| SB 13 | (Beall)  
California Public Employees’ Pension Reform Act: Clean-Up | 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. | 9/11/13  
Signed into Law: Chapter #528  
Support |
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<td>SB 33 (Wolk)</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)</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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| **SB 99**  
(Budget & Fiscal Review Committee)  
Active Transportation Program | 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 & 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. | 9/3/13 | Signed into Law: Chapter #359 | |
| **SB 110**  
(DeSaulnier)  
East Span, San Francisco-Bay Bridge Safety Review Task Force | 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. | 8/8/13 | Vetoed by the Governor | |
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<td><strong>SB 123</strong> (Corbett)</td>
<td>Environmental and Land-Use Court Divisions</td>
<td>Beginning July 1, 2014, requires the Judicial Council to direct the creation of an Environmental and Land-Use Division within two or more Superior Courts within each of the Appellate Districts of the state to process civil proceedings brought pursuant to the California Environmental Quality Act (CEQA), as well as in the following subject areas: (1) air quality; (2) biological resources; (3) climate change; (4) hazards and hazardous materials; (5) land-use planning; and (6) water quality. By rule of court, requires the Judicial Council to: (1) identify statutes in the specified six subject areas that would be within the jurisdiction of the Environmental and Land-Use Court Divisions; and (2) establish appropriate standards and protocols for the divisions to accomplish the objectives of consistency, expediency and expertise. Requires the Controller’s Office to transfer $10 of each fee collected for an environmental license plate to the Environmental and Land-Use Court Account for the exclusive use, upon appropriation by the Legislature, of the Judicial Council to supplement funding for the operation of the Environmental and Land-Use Court Divisions.</td>
<td>5/2/13</td>
<td>Senate Appropriations Committee</td>
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<td><strong>SB 142</strong> (DeSaulnier)</td>
<td>Public Transit: Special Benefit Districts</td>
<td>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.</td>
<td>8/22/13</td>
<td>Signed into Law: Chapter #655 Support</td>
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<tr>
<td><strong>SB 194</strong> (Galgiani)</td>
<td>Electronic Wireless Communications Devices</td>
<td>Prohibits a person who is under 18 years of age from using an electronic wireless communications device while driving, even if it is equipped with a hands-free device.</td>
<td>As Introduced</td>
<td>Signed into Law: Chapter #754</td>
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<td><strong>SB 230</strong> (Knight)</td>
<td>Farebox Recover Ratio: Certificates of Participation</td>
<td>Excludes the principal and interest payments on all capital projects funded with certificates of participation (COPs) from the definition of operating costs for purposes of calculating a public transit agency’s farebox recovery ratio pursuant to the Transportation Development Act (TDA).</td>
<td>3/18/13</td>
<td>Senate Transportation &amp; Housing Committee</td>
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<td><strong>SB 242</strong> (Wyland)</td>
<td>Toll Collection: Alternative Technologies</td>
<td>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.</td>
<td>4/23/13</td>
<td>Assembly Transportation Committee</td>
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<td>SB 286 (Yee)</td>
<td>HOV Lanes: Green Sticker Program</td>
<td>8/22/13</td>
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<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>
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<td>SB 380 (Padilla)</td>
<td>Communications: Service Interruptions</td>
<td>8/22/13</td>
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<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>
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<td>SB 391 (DeSaulnier)</td>
<td>California Homes and Jobs Trust Fund</td>
<td>8/8/13</td>
<td>Assembly Appropriations Committee</td>
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<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>
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<td>SB 407 (Hill)</td>
<td>Local Government Officials and Employees: Employment Contracts</td>
<td>4/1/13</td>
<td>Signed into Law: Chapter #213</td>
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<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>
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<td>SB 408 (De Leon)</td>
<td>STIP Funds</td>
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<td>SB 423 (Huff)</td>
<td>BART: Strike Prohibition</td>
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<td>SB 425 (DeSaulnier)</td>
<td>Public Works Peer Review Act of 2013</td>
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<td>Signed into Law: Chapter #252</td>
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<td>SB 454 (Corbett)</td>
<td>Electric Vehicle Charging Stations</td>
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SB 408 (De Leon) - STIP Funds
Specifies that State Transportation Improvement Program (STIP) funds shall be available for the study, development and implementation of capital improvement projects.

SB 423 (Huff) - BART: Strike Prohibition
Prohibits public sector transit employees of the Bay Area Rapid Transit District (BART) from striking if such a clause is an element of an expired or previously written labor contract between an employee organization and the district.

SB 425 (DeSaulnier) - Public Works Peer Review Act of 2013
Enacts the Public Works Peer Review Act of 2013. Allows a public agency principally tasked with administering, planning, developing, and operating a public works project to establish a peer review group to provide it with expert advice on the scientific and technical aspects of the project. Before establishing a peer review group, requires the public agency to develop a transparent process for selecting the members of the group. In addition, requires the public agency to draft a charter for the peer review group, which must contain the following information: (1) the group’s official name or designation; (2) the group’s objective and the scope of its activities; (3) a statement of the expertise and balance of interests required of the group membership to perform its charge; (4) the name of the public agency and the official within the agency to whom the group will report; (5) the estimated number and frequency of group meetings; (6) the estimated annual operating costs for the group; (7) a statement that authorizes a peer reviewer to conduct his or her duties under the charter impartially, without restriction or limitation, and in a manner that he or she believes is necessary to appropriately review a proposed project; and (8) a statement that declares whether the members of the peer review group have signed a conflict of interest disclosure form that would identify real or perceived conflicts between a peer reviewer and the specified public works project.

SB 454 (Corbett) - Electric Vehicle Charging Stations
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.
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<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>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 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>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>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>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>
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<td>State Senate Bills</td>
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<tr>
<td>SB 557 (Hill)</td>
<td>High-Speed Rail: Peninsula Corridor</td>
<td>5/2/13</td>
<td>Signed into Law:</td>
<td>Chapter #216</td>
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<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>
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<td>SB 592 (Lieu)</td>
<td>Trade Promotion of California Ports</td>
<td>8/13/13</td>
<td>Assembly Appropriations Committee</td>
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<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>
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<td>SB 605 (Lara)</td>
<td>California Global Warming Solutions Act: Greenhouse Gas Reduction Fund and Scoping Plan</td>
<td>7/3/13</td>
<td>Assembly Appropriations Committee</td>
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<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>
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<td>SB 613 (DeSaulnier) 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>Signed into Law: Chapter #603</td>
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<td>SB 628 (Beall) Infrastructure Financing Districts: Transit Priority Projects</td>
<td>Allows for the formation of an infrastructure financing district, adoption of an infrastructure financing district plan, and the issuance of bonds to implement a transit priority project. Requires a transit priority project utilizing an infrastructure financing district to use at least 25 percent of all revenues derived from the infrastructure financing district to increase, improve and preserve the supply of lower- and moderate-income housing in the district. Declares the intent of the Legislature that the development of transit priority projects throughout the state be environmentally conscious and sustainable, and that related construction meet or exceed the requirements of the California Green Building Standards Code. Eliminates the requirement for voter approval for the formation of an infrastructure financing district, adoption of an infrastructure financing plan, and the issuance of bonds for implementing 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.</td>
<td>8/5/13</td>
<td>Senate Desk</td>
<td>Support</td>
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<td>State Senate Bills</td>
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<td><strong>SB 731</strong>&lt;br&gt;(Steinberg)&lt;br&gt;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>
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<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>Signed into Law: Chapter #386</td>
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<td>SB 751 (Yee) Public Meetings: Publication of Actions Taken</td>
<td>Requires the legislative body of a local agency to publicly report any action taken, as well as the vote or abstention on that action of each member present for the action.</td>
<td>6/17/13</td>
<td>Signed into Law: Chapter #257</td>
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<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>
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<td>Bill Number</td>
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<td>SB 787</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>
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<td>SB 791</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>
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<td>SB 792</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>
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<td>SB 798</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>
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<td>State Senate Bills</td>
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<td>SB 810 (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>
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<td>SCA 3 (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>
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<td>SCA 4 (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>
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<td>SCA 6 (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>
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<td><strong>SCA 8</strong>&lt;br&gt;(Corbett)&lt;br&gt;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>
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<td><strong>SCA 9</strong>&lt;br&gt;(Corbett)&lt;br&gt;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>
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<td><strong>SCA 11</strong>&lt;br&gt;(Hancock)&lt;br&gt;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>
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<td><strong>SCR 2</strong>&lt;br&gt;(DeSaulnier)&lt;br&gt;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>
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### 2013 Regular Session Calendar

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<thead>
<tr>
<th>DAY</th>
<th>JANUARY</th>
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<tbody>
<tr>
<td>1</td>
<td>Statutes signed into law in 2012 take effect.</td>
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<tr>
<td>7</td>
<td>Legislature reconvenes.</td>
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<tr>
<td>10</td>
<td>Budget must be submitted by the Governor to the Legislature on or before this date.</td>
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<td>25</td>
<td>Last day to submit bill requests to the Legislative Counsel’s Office.</td>
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<tr>
<th>DAY</th>
<th>FEBRUARY</th>
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<tr>
<td>22</td>
<td>Last day for new bills to be introduced.</td>
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<tr>
<th>DAY</th>
<th>MARCH</th>
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<tr>
<td>21</td>
<td>Spring Recess begins upon adjournment.</td>
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<tr>
<th>DAY</th>
<th>APRIL</th>
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<tbody>
<tr>
<td>1</td>
<td>Legislature reconvenes from Spring Recess.</td>
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<th>DAY</th>
<th>MAY</th>
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<tr>
<td>3</td>
<td>Last day for policy committees to hear and report fiscal bills introduced in their house of origin.</td>
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<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>
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<tr>
<td>24</td>
<td>Last day for fiscal committees to hear and report to the floor bills introduced in their house of origin.</td>
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<tr>
<td>31</td>
<td>Last day for bills to be passed out of their house of origin.</td>
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<tr>
<th>DAY</th>
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<td>15</td>
<td>Budget must be passed by midnight.</td>
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<th>DAY</th>
<th>JULY</th>
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<tr>
<td>3</td>
<td>Assembly Summer Recess begins upon adjournment, provided that the Budget Bill has been enacted.</td>
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<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>
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<th>DAY</th>
<th>AUGUST</th>
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<td>5</td>
<td>Assembly reconvenes from Summer Recess.</td>
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<td>12</td>
<td>Senate reconvenes from Summer Recess.</td>
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<td>16</td>
<td>Last day for Assembly policy committees to hear and report bills introduced in the other house.</td>
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<tr>
<td>30</td>
<td>Last day for fiscal committees to hear and report to the floor bills introduced in the other house.</td>
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<th>DAY</th>
<th>SEPTEMBER</th>
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<td>6</td>
<td>Last day to amend bills on the Assembly and Senate floors.</td>
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<tr>
<td>13</td>
<td>Last day for each house to pass bills. Interim Study Recess begins at the end of this day’s session.</td>
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<th>DAY</th>
<th>OCTOBER</th>
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<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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<th>DAY</th>
<th>JANUARY 2014</th>
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<tr>
<td>1</td>
<td>Statutes signed into law in 2013 take effect.</td>
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BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief External Affairs Officer, Greta Helm

SUBJECT: 2014 Legislative Program

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

ACTION ITEM

RECOMMENDATION:

Approve the 2014 Legislative Program for the Santa Clara Valley Transportation Authority (VTA).

BACKGROUND:

VTA annually adopts a Legislative Program to provide direction for its legislative and policy activities for the year. The purpose of the Legislative Program is to establish financial, statutory, regulatory, and administrative policies and principles to guide VTA’s advocacy efforts. The program is meant to be flexible in order to give VTA the ability to pursue unanticipated legislative and administrative opportunities that may present themselves during the course of the year, and to respond expeditiously to the dynamic political and policy processes in Washington, D.C., Sacramento and the Bay Area.

DISCUSSION:

The recommended 2014 Legislative Program is divided into three sections: (1) Federal; (2) State; and (3) Regional & Local. Each section consists of a summary of the key policy issues and a series of related advocacy principles.

MAP-21 authorized federal surface transportation programs at FY 2012 funding levels, with a small adjustment for inflation, for a two-year total of $105 billion. The roughly $21.2 billion gap between projected Highway Trust Fund revenues and MAP-21’s authorized spending level was covered through a number of General Fund offsets. These offsets were only short-term solutions that made a two-year bill work. Thus, MAP-21 did not address the long-term solvency of the Highway Trust Fund.

At the same time, the level of federal investment needed to maintain the nation’s existing transportation infrastructure, and to expand its capacity in order to keep up with the steadily growing demand for transportation is falling far short. This problem has been exacerbated more recently by nearly five consecutive years of flat spending levels for both highways and public transit. Therefore, it is imperative that the twin challenges of ensuring the long-term solvency of the Highway Trust Fund and significantly growing the level of federal investment in the nation’s transportation infrastructure get resolved in the next surface transportation authorization bill. The recommended 2014 Legislative Program includes a series of funding and finance principles to guide VTA’s advocacy efforts in this regard.

MAP-21 included important policy and structural changes to federal surface transportation programs, perhaps the most significant revisions since the enactment of the Intermodal Surface Transportation Efficiency Act (ISTEA) in 1991. Thus, it is unlikely that Congress will rework the structure of highway and public transit programs in the next surface transportation authorization bill. In essence, MAP-21 produced the basic program structure under which highway and public transit programs will be governed for the foreseeable future. However, there will be an opportunity to suggest adjustments to the MAP-21 program structure and to raise issues that were not adequately addressed. Therefore, the recommended 2014 Legislative Program proposes a number of modifications to MAP-21 that would directly impact VTA.

In addition to surface transportation authorization, the recommended 2014 Legislative Program covers FY 2015 federal transportation appropriations. In recent years, the appropriations process has been complicated by the implementation of automatic spending cuts through a process known as “sequestration.” Most surface transportation programs fall under the Highway Trust Fund and are exempt from sequestration, which affects General Fund discretionary spending. However, those surface transportation programs that receive General Fund money are impacted, most notably the New Starts/Small Starts Program, the Transportation Investment Generating Economic Recovery Program (TIGER), and the General Fund offsets that were identified in MAP-21 to cover the gap between authorized spending levels for surface transportation programs and projected Highway Trust Fund revenues. Therefore, it is recommended that VTA work with the American Public Transportation Association (APTA), the News Starts Working Group and other relevant transportation stakeholders in 2014 to minimize the impact of sequestration or its replacement on those surface transportation programs that receive their money from the General Fund, particularly the New Starts/Small Starts Program.

Other key advocacy principles related to the appropriations process included in the recommended 2014 Legislative Program are as follows: (1) pursuing an FY 2015 appropriation for the New Starts Program that would allow the BART Silicon Valley Berryessa Extension Project to receive an allocation from the Federal Transit Administration (FTA) consistent with
the project’s Full Funding Grant Agreement (FFGA); (2) supporting efforts to gain FTA approval for entry into the New Starts process for the second phase of the BART Silicon Valley Project; (3) supporting efforts to move the El Camino Real Bus Rapid Transit Project through the project development process for the Small Starts Program; and (4) pursuing federal actions, as necessary, to help advance VTA’s Express Lanes Program and the State Route 152 Project.

State Section: While the so-called “transportation funding swap” has taken a considerable amount of pressure off transportation in more recent budget battles in Sacramento, fiscal challenges still loom on the horizon. For example, the Department of Finance and the Legislative Analyst’s Office estimate that at some point in the future, annual transportation bond debt service payments will outstrip the amount of vehicle weight fee revenues that would be available to cover them, thereby creating a new obligation on the General Fund.

In addition, California faces a more fundamental problem -- a historic underinvestment in the state’s transportation infrastructure. In November 2011, the California Transportation Commission (CTC) released a Statewide Transportation System Needs Assessment indicating that the state has close to $300 billion in unfunded transportation needs (excluding high-speed rail) over the next 10 years. In response, Transportation Secretary Brian Kelly has convened a working group consisting of approximately 60 state and local transportation stakeholders to discuss California’s transportation future. At the same time, Transportation California and the California Alliance for Jobs, two influential advocacy groups comprised of private-sector entities engaged in transportation, have been conducting public opinion polls and other research leading toward the development of a state transportation funding package.

As in past years, VTA and our transportation partners will need to be mindful of how any FY 2015 budget proposals impact state funding for transportation. At the same time, the recommended 2014 Legislative Program suggests that VTA work with others in the transportation community to develop a consensus on a state transportation funding package that would provide new revenues to meet California’s growing transportation infrastructure needs, as well as ensure that the interests of Santa Clara County are addressed.

Other policy issues addressed under the State Section of the recommended 2014 Legislative Program are: (a) climate change; (b) high-speed rail; (c) project delivery; and (d) transit service delivery. Some of the key advocacy principles in these areas are as follows:

- Along with the other members of the Transportation Coalition for Livable Communities, continue to advocate for the enactment of AB 574 (Lowenthal) as the preferred statutory framework for investing cap-and-trade auction proceeds derived from motor vehicle fuels.

- Ensure that public transit gets added to the list of electricity customers who can benefit from cap-and-trade revenues generated by investor-owned utilities, which are under the purview of the California Public Utilities Commission.

- Pursue actions at the state level to advance the financial strategy embodied in the Bay Area’s Memorandum of Understanding: High-Speed Rail Early Investment for a Blended System on the Peninsula Corridor.
• Continue to move forward with the Innovative Delivery Team (iTeam) in partnership with Caltrans District 4 and pursue legislation if necessary to facilitate the implementation of this effort. At the same time, actively participate in other efforts to reform Caltrans, including the department’s 2012 Program Review, the CTC’s Project Delivery Efficiencies Work Group and the Self-Help Counties Coalition’s Transportation Initiative, and offer the iTeam as a vehicle for testing out on a pilot basis concepts and proposals that emerge from these efforts.

• Support legislation to enhance the ability of VTA and other project sponsors to implement express lanes and public-private partnerships, as well as to utilize design-build contracting and other innovative procurement methods to deliver state highway and other types of transportation projects.

• Actively participate in the California Transit Association’s efforts to reach a consensus with the League of California Cities, the California State Association of Counties, and other interested parties on legislation to solve problems associated with the state’s bus weight limit in a way that balances the need for public transit to serve their communities with the interests of cities and counties when it comes to the condition of their local roadway systems.

Regional & Local Section: MTC allocates more than $1 billion per year in federal, state and toll revenues to operate, maintain and expand the Bay Area’s transportation network. While many of these allocations are based on formulas, MTC does distribute discretionary money. Based on population and jobs, Santa Clara County should receive approximately 25 percent of all regional discretionary funding. In addition, VTA is concerned about the amount of transportation funding that is being conditioned or diverted to non-transportation programs by MTC. In particular, there have been efforts on the part of MTC to use transportation funds for affordable housing projects. With transportation shortfalls reaching all-time highs, staff does not believe that we should be using limited transportation dollars for anything other than transportation.

MTC will be developing a funding strategy for revenues derived from the state’s new cap-and-trade system. The auctions held by the California Air Resources Board (CARB) are expected to generate billions of dollars for the state. MTC is projecting that $3.1 billion will be available to the region from cap-and-trade auction proceeds over the next 25 years. The expected eligible uses for these funds include public transit operating and capital rehabilitation/replacement needs, local streets and roads rehabilitation, goods movement, and transit-oriented affordable housing. MTC plans to work with regional partners to develop an investment strategy for the Bay Area’s share of cap-and-trade auction proceeds. VTA supports the investment strategy that is being proposed in Southern California. Under this proposal, 100 percent of the region’s cap-and-trade auction proceeds would be sent to the counties by population. The individual counties would then establish an investment plan to fund the highest priority projects within their respective jurisdictions.

Recently, the Congestion Management Agencies (CMAs) in the Bay Area began forming an advocacy group called Fast Forward. Based on the successful Southern California Mobility 21 model, Fast Forward will be a non-partisan alliance led by the nine Bay Area CMAs and key economic development partners in the region designed to bring business, community and transportation stakeholders together to enhance, support and advocate for transportation and mobility in the Bay Area. Fast Forward is intended to address the broad categories of funding,
infrastructure needs and advocacy. As currently proposed, Fast Forward’s Board of Directors would be comprised of the nine Bay Area CMAs and six regional economic development partners. VTA will work with our partners to get Fast Forward up and running, and will make sure that the principles included in Fast Forward’s work plan are consistent with VTA’s 2014 Legislative Program.

Finally, with the modernization of Caltrain and the potential of high speed rail service on the horizon, major development plans are being considered for the San Jose Diridon Station, and the 4th and King Station in San Francisco. These conceptual plans have the potential to better utilize the land in and around the stations, as well as to create demand for future transit ridership. As these plans move forward, any costs associated with the necessary studies should not be paid by the Caltrain Joint Powers Board (JPB), but rather by the developers and/or the local jurisdictions that are pursuing these efforts. In addition, any potential land-use changes in and around the stations should not negatively impact the operations or train storage for Caltrain. If any Caltrain cost issues arise from the redevelopment of the station, the developer and/or the local jurisdiction should be responsible for paying the JPB for any one-time or additional ongoing costs that result from the development.

**ALTERNATIVES:**

It is necessary for VTA to have a Legislative Program in place to be prepared to address the policy and legislative issues that may arise in Washington, D.C., Sacramento and the Bay Area during the year. The Board of Directors may elect to add other elements to VTA’s 2014 Legislative Program, or to modify or delete elements contained in the recommended program.

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

The Citizens Advisory Committee (CAC) reviewed, discussed and unanimously recommended this item to the Board of Directors for approval at its November 13, 2013, meeting.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration and Finance Committee considered this item on November 21, 2013, and unanimously recommended that it be placed on the Consent Agenda for the December 12, 2013, Board of Directors meeting.

Director Cindy Chavez inquired as to whether there were any conversations taking place at the federal level about providing funding for pilot programs to incentivize the development of innovative strategies for moving people from place to place. Staff responded that up to this point, Congress has largely focused on innovation as it relates to financing techniques as a way to increase investment in transportation infrastructure projects, given the political challenges associated with raising federal excise taxes. However, staff noted that the consideration of surface transportation authorization legislation next year could provide an opportunity to discuss what role the federal government could play in encouraging local communities to pilot innovative service delivery models and mobility strategies.

Committee members voiced their support for the proposed regional advocacy group called Fast
Forward. They stated that Fast Forward should not only advocate on behalf of the Bay Area at the state and federal levels, but also look for opportunities to partner with Mobility 21 in Southern California on statewide transportation issues. Furthermore, committee members indicated that they would like Fast Forward to organize informational events and outreach activities for elected officials.

Committee members engaged in a discussion on the need to strengthen the linkage between land use and transportation, and to ensure that new development is paying its fair share for its impacts on the county’s multimodal transportation system. The committee directed staff to explore how VTA, as the congestion management agency for Santa Clara County, could play a more active role in this regard.

**FISCAL IMPACT:**

There is no fiscal impact directly related to this recommendation.

Prepared by: Kurt Evans and Scott Haywood
Memo No. 3830
SANTA CLARA
Valley Transportation Authority

2014 LEGISLATIVE PROGRAM

Government Affairs Office
3331 North First Street
San Jose, California 95134
Telephone: (408) 321-5556
Fax: (408) 955-9723
EXECUTIVE SUMMARY

The Santa Clara Valley Transportation Authority (VTA) annually adopts a Legislative Program to provide direction for its legislative and policy activities for the year. The purpose of the Legislative Program is to establish financial, statutory, regulatory, and administrative policies and principles to guide VTA’s advocacy efforts. The program is meant to be flexible in order to give VTA the ability to pursue unanticipated legislative and administrative opportunities that may present themselves during the course of the year, and to respond expeditiously to the dynamic political and policy processes in Washington, D.C., Sacramento and the Bay Area.

The 2014 Legislative Program is divided into the following sections:

1. Federal.
2. State.
3. Regional & Local.

Each section of the program consists of a summary of the key policy issues and a series of related advocacy principles.

FEDERAL

The Federal Section of VTA’s 2014 Legislative Program is divided into the following policy areas:

2. FY 2015 Federal Transportation Appropriations.

SURFACE TRANSPORTATION AUTHORIZATION

On July 6, 2012, President Barack Obama signed into law the conference report for H.R. 4348, the Moving Ahead for Progress in the 21st Century (MAP-21) surface transportation authorization bill. This long-awaited successor to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) covered only two federal fiscal years: FY 2013 and FY 2014. It took effect on October 1, 2012, and will run through September 30, 2014.

MAP-21 authorized federal surface transportation programs at FY 2012 funding levels, with a small adjustment for inflation, for a two-year total of $105 billion. The roughly $21.2 billion gap between projected Highway Trust Fund revenues and MAP-21’s authorized spending level was covered through a number of General Fund offsets. These offsets were only short-term solutions that made a two-year bill work. Thus, MAP-21 did not address the long-term solvency of the Highway Trust Fund.

As part of its 2014 Legislature Program, VTA will urge Congress to act on a longer-term surface transportation authorization measure to replace MAP-21 to ensure that much-needed transportation capital investments are initiated and critical infrastructure projects are advanced. A new authorization bill for highways, public transit and other federal surface transportation programs will provide the guidance and predictability that VTA, other project sponsors across the nation and our private-sector partners need in order to conduct long-range planning and to
make multi-year financial commitments. In addition, VTA’s advocacy platform regarding the form, content and funding provisions of a new federal surface transportation authorization bill will embrace the following principles.

**Funding and Finance Principles:** Most federal surface transportation programs are funded through excise taxes levied on motor vehicle fuels and on various highway-related products, such as tires and heavy trucks. Revenues from these excise taxes are deposited into the Highway Trust Fund, and support various federal-aid highway and public transit programs administered by the U.S. Department of Transportation. When SAFETEA-LU was enacted into law in 2005, the unexpended balance in the Highway Trust Fund and projected economic growth were assumed to be sufficient to sustain federal surface transportation programs through FY 2009. However, the economic downturn, combined with more fuel efficient vehicles and a decrease in vehicle miles traveled, sped up the decline in the Highway Trust Fund’s balance.

In FY 2008, Highway Trust Fund expenditures were projected to outstrip excise tax revenues, causing Congress to pass legislation to transfer $8 billion in General Fund dollars to the Highway Trust Fund to prevent a cut in federal surface transportation programs. Between the expiration of SAFETEA-LU on September 30, 2009, and the enactment of MAP-21 in July 2012, Congress passed nine short-term extensions of current law and transferred another $27 billion from the General Fund to maintain the solvency of the Highway Trust Fund. While MAP-21 preserved the direct link between federal investment in surface transportation and the revenues flowing into the Highway Trust Fund, it did not include an increase in excise taxes. Instead, MAP-21 relied on General Fund transfers to maintain the solvency of the Highway Trust Fund through FY 2014, which is when the law is set to expire.

According to the Congressional Budget Office (CBO), the Highway Trust Fund will experience a cash shortfall of $8.7 billion in FY 2015. If left unaddressed, this cash deficit will grow to $132.6 billion in FY 2023. Just to sustain current levels of spending for highway and public transit programs, the CBO estimates that the federal gasoline excise tax would need to be increased by at least 10 cents per gallon. Absent additional excise tax revenues or more General Fund transfers, funding for federal surface transportation programs would have to be cut dramatically in FY 2015 and reduced further in subsequent fiscal years in order to maintain the solvency of the Highway Trust Fund over the course of the next 10 years.

At the same time, the level of federal investment needed to maintain the nation’s existing transportation infrastructure, and to expand its capacity in order to keep up with the steadily growing demand for transportation is falling far short. This problem has been exacerbated more recently by five consecutive years of flat spending levels for both highways and public transit. Therefore, it is imperative that the twin challenges of ensuring the long-term solvency of the Highway Trust Fund and significantly growing the level of federal investment in the nation’s transportation infrastructure get resolved in the next surface transportation authorization bill. In addition, it is important to ensure that federal funds that are due to flow to Santa Clara County and to VTA are protected and not diverted elsewhere.

During the congressional debate over successor legislation to MAP-21, VTA will advocate according to the following funding and finance principles:

- Enact a federal surface transportation authorization bill that provides long-term, predictable funding to accommodate the development of major capital investments needed to bring existing surface transportation infrastructure into a state of good repair; to expand the
capacity of highways and public transit systems; and to support the operation and maintenance of those facilities and systems.

- Significantly increase federal surface transportation funding to ensure the solvency of the Highway Trust Fund, as well as to provide for growth in spending for highway and public transit programs.

- Authorize individual programs within the Highway and Transit Titles at increasing funding levels that are sufficient to address current and future surface transportation infrastructure needs.

- Restore the budgetary protections and funding guarantees for surface transportation programs that were the hallmarks of the Transportation Equity Act for the 21st Century (TEA-21) and SAFETEA-LU to ensure that authorized spending levels are actually appropriated each fiscal year. Guaranteed spending not only would provide predictable and stable federal resources for surface transportation programs, but it also would protect programs, such as New Starts/Small Starts, that receive their money from the General Fund.

- Increase current federal motor vehicle fuel excise tax rates to support growth in the level of investment in surface transportation programs in the near term in order to bridge the gap between Highway Trust Fund revenue levels and investment needs until other, more reliable, dedicated revenue sources can be fully implemented. At the same time, consider longer-term revenue solutions for the Highway Trust Fund that would result in more resilient and sustainable funding for surface transportation programs than what is provided by motor vehicle fuel taxes, such as a vehicle-miles-traveled user fee.

- Retain the Mass Transit Account as a separate and distinct account within the Highway Trust Fund, and provide an appropriate balance between highway and public transit investments by continuing to credit the Mass Transit Account with, at a minimum, 20 percent of each future increase in motor vehicle fuel taxes or any successor tax.

- Retain and increase the longstanding General Fund contributions to the Mass Transit Account to support federal public transit programs.

- To diversify and augment Highway Trust Fund resources, preserve the full tax-exempt status of municipal bonds, encourage greater use of low-interest private activity bonds, and consider the use of real-estate-based and asset-based value capture mechanisms as ways to increase investment in transportation infrastructure projects.

Program Structure Principles: MAP-21 included important policy and structural changes to federal surface transportation programs, perhaps the most significant revisions since the enactment of the Intermodal Surface Transportation Efficiency Act (ISTEA) in 1991. It overhauled the current structure of the Highway Title by collapsing 90 separate funding programs into 30. In addition, MAP-21 dedicated more than 92 percent of highway contract authority to the following six “core” programs: (1) the National Highway Performance Program; (2) the Highway Safety Improvements Program; (3) the Surface Transportation Program (STP); (4) the Congestion Mitigation and Air Quality Improvement Program (CMAQ); (5) the Transportation Alternatives Program (TAP); and (6) Metropolitan Planning. The legislation also eliminated earmarks, introduced the use of performance metrics to drive states and
metropolitan areas to target federal resources to projects that would improve the condition and performance of their transportation assets, and attempted to reform various federal processes in order to expedite project delivery.

In addition, MAP-21 made a number of substantial changes to the program structure of the Transit Title. These changes focused on eliminating earmarks, cutting back on the number of competitive grant programs administered by the U.S. Department of Transportation, and pushing more money through the formula programs. These changes were driven by a belief that formulizing as much of the Transit Title as possible would result in more predictable and stable funding for public transit agencies.

Given the significance of the changes to the Highway and Transit Titles in MAP-21, it is unlikely that Congress will rework the structure of federal highway and public transit programs in the next surface transportation authorization bill. In essence, MAP-21 produced the basic program structure under which highway and public transit programs will be governed for the foreseeable future. However, there will be an opportunity to suggest adjustments to the MAP-21 program structure and to raise issues that were not adequately addressed. Therefore, VTA will pursue the following modifications to MAP-21, which most directly impact our organization:

- Drawing on a concept outlined in the National Surface Transportation Policy and Revenue Study Commission’s Report, create a new multimodal “metropolitan mobility program” dedicated to funding transportation infrastructure projects that would reduce congestion and improve mobility in the nation’s major metropolitan areas. Under this program, both highway and public transit projects should be eligible for funding. Moreover, the program should not be discretionary through the U.S. Department of Transportation, but rather the funds should be targeted to the regional/local level by providing metropolitan planning organizations (MPOs) with the discretion to choose the best projects that meet their unique mobility needs and challenges, subject to consistency with national goals and criteria. The funds should be allocated on a formula basis directly to MPOs so that they can conduct their planning with some expectation that federal resources would be available for their needs.

- Create mechanisms to provide meaningful financial resources for large-scale highway and public transit projects that cannot be accommodated through existing funding structures and programs. One possible approach is to evolve the Projects of National and Regional Significance Program or the Transportation Investment Generating Economic Recovery Program (TIGER) into a multimodal program modeled after the best features of the New Starts Program. These features are as follows: (1) funding is allocated to those projects that perform well against a set of federal investment criteria; and (2) clear direction is provided to agencies as to how their projects are being evaluated and what needs to be done to make their projects worthy of federal investment. Currently, the Projects of National and Regional Significance Program is receiving no appropriations, while the TIGER Program lacks transparency with regard to how investment decisions are made.

- Create mechanisms to allow transportation agencies that raise significant local dollars through voter-approved tax measures to leverage those dollars to maximum advantage. Along these lines, support the proposal offered by the Los Angeles County Metropolitan Transportation Authority (LA Metro) to establish a new category of qualified tax-credit bonds for surface transportation projects that would enable project sponsors to eliminate the significant interest expense of long-term borrowing. In addition, support the creation of a “Federal-Local Partnership Program” modeled after California’s successful “State-Local
“Partnership Program” to reward those local agencies that have voter-approved tax measures for transportation purposes.

- Create a demonstration program that would allow for National Environmental Policy Act (NEPA) delegation to local agencies.

- Working in concert with the New Starts Working Group and the American Public Transportation Association (APTA), seek solutions to the two most significant challenges confronting the New Starts Program. First, the program is vulnerable to sequestration and other actions that Congress may take to address annual budget deficits and the federal government’s growing debt because New Starts receives its money from the General Fund, not from the Highway Trust Fund. Second, New Starts is grossly oversubscribed, resulting from a combination of constrained spending levels, and the addition of core capacity and Small Starts to the program without any growth in funding.

- Pursue the following reforms to the New Starts Program: (a) restructure the cost-effectiveness criterion so that it evaluates only the federal investment in a New Starts project, as is the case for Small Starts projects; (b) build the consideration of job creation, revenue generation and other economic benefits into the New Starts evaluation/rating process; (c) modify the environmental benefits criterion so that it is not scaled to cost; (d) establish a mechanism for allowing project sponsors to self-certify the merits of later phases of the same New Starts project if certain factors are met; (e) allow project sponsors to request a non-public rating for their New Starts project prior to FTA’s first official rating, which occurs after the issuance of a Record of Decision (ROD); and (f) ensure that the New Starts evaluation/rating process considers in a meaningful way situations where local communities have stepped forward with significant local and non-federal resources to fund their projects, such as reducing the scope of the risk assessment and waiving certain FTA reviews for projects with a low New Starts share.

- Eliminate the Growing States and High Density States Formula Program, which benefits a very small number of states at the expense of all others, including California. Redirect its funding to the Urbanized Area (UZA) and Rural Area Formula Programs in order to meet the increasing capital needs of all public transit agencies across the nation.

- Support the goal of restoring the Bus/Bus Facilities Program to its pre-MAP-21 funding level, but not at the expense of other programs under the Transit Title, such as UZA Formula, New Starts/Small Starts or State of Good Repair. Generally support APTA’s proposal to modify the structure of the Bus/Bus Facilities Program, including: (a) distributing 50 percent of the funds by formula and 50 percent through competitive grants using criteria developed by the public transit industry in collaboration with the Federal Transit Administration (FTA); and (b) apportioning the formula share of program funds directly to public transit agencies in UZAs with a population greater than 50,000.

- Consider changes to the structure of the State of Good Repair Program. The preferred approach would be to eliminate the High Intensity Motorbus element of the program and, instead, provide public transit agencies with the flexibility to use their entire formula share for either rail or bus projects, coupled with corresponding changes to the distribution formula to ensure that bus-only agencies running service in high-occupancy vehicle (HOV) or express lanes retain their eligibility to receive money under the program. Another alternative is
APTAs proposal to increase the proportion of State of Good Repair Program funding for High Intensity Motorbus from the current 2.85 percent of the program total to 3.8 percent, but only if the program grows at a sufficient level so that the High Intensity Fixed Guideway element of the program is not disadvantaged. Finally, public transit agencies should have the ability to use State of Good Repair Program funds for preventive maintenance.

- Support the California Transit Association’s efforts to address issues associated with the federal bus axle weight limit.

- Seek permanent parity between the pre-tax transportation fringe benefit allowed for public transit and vanpooling, and the benefit allowed for parking.

**FY 2015 Federal Transportation Appropriations**

Every year, Congress considers appropriations bills for all federal agencies, departments and programs. These measures provide the legal authority for federal agencies to spend money during the upcoming fiscal year for the programs they administer. In developing these appropriations bills, Congress may allocate funding for programs within a particular policy area up to the maximum amount included in the related authorizing legislation, but no more. In the case of surface transportation, the annual appropriations process will be guided by MAP-21 until successor legislation is enacted.

In recent years, the appropriations process has been complicated by the implementation of automatic spending cuts through a process known as “sequestration.” Sequestration is a consequence of the Budget Control Act of 2011, which authorized an increase in the nation’s debt limit, coupled with corresponding reductions in the federal deficit. In the case of the latter, the Budget Control Act identified an initial $1.5 trillion in deficit reduction measures to be implemented over the next 10 years. The act called upon Congress to come up with another $1.2 trillion in deficit reduction measures by a certain date; otherwise, an equivalent amount of cuts would occur through sequestration. Congress was unsuccessful in this endeavor. As a result, sequestration was triggered on March 1, 2013.

Most surface transportation programs fall under the Highway Trust Fund and are exempt from sequestration, which affects General Fund discretionary spending. However, those surface transportation programs that receive General Fund money are impacted, most notably the New Starts/Small Starts Program, TIGER, and the General Fund offsets that were identified in MAP-21 to cover the estimated $21 billion gap between authorized spending levels for surface transportation programs and projected Highway Trust Fund revenues.

In general, VTA’s advocacy efforts with regard to the FY 2015 federal transportation appropriations process will emphasize the following:

- Advocate for the highest possible levels of overall funding for highways and public transit, as well as for individual programs within the Highway and Transit Titles. The key federal surface transportation programs for VTA are: (a) the UZA, State of Good Repair and Bus/Bus Facilities Formula Programs; (b) the New Starts/Small Starts Program; and (c) STP and CMAQ.

- Work with APTA, the News Starts Working Group and other relevant transportation stakeholders to minimize the impact of sequestration or its replacement on those surface
transportation programs that receive their money from the General Fund, particularly the New Starts/Small Starts Program.

- Pursue an FY 2015 appropriation for the New Starts Program that would allow the BART Silicon Valley Berryessa Extension Project to receive an allocation from FTA consistent with the project’s Full Funding Grant Agreement (FFGA). In addition, provide advocacy support for efforts to gain FTA approval for entry into the New Starts process for the second phase of the BART Silicon Valley Project.

- Work in partnership with the Santa Clara Valley Water District to secure an FY 2015 appropriation for the Upper Berryessa Creek Flood Control Project.

- Provide advocacy support for efforts to move the El Camino Real Bus Rapid Transit Project through the project development process for the Small Starts Program. In addition, provide advocacy support for efforts to gain FTA approval for entry into the Small Starts Program for the Stevens Creek Bus Rapid Transit Project.

- Pursue federal actions, as necessary, to help advance VTA’s Express Lanes Program and the State Route 152 Project.

STATE

The State Section of VTA’s 2014 Legislative Program is divided into the following policy areas:

1. Transportation Funding.
2. Climate Change.
3. High-Speed Rail.
4. Project Delivery.
5. Transit Service Delivery.

TRANSPORTATION FUNDING

For more than a decade, transportation funding in California was plagued by uncertainty, unpredictability and instability. While the enactment of the Traffic Congestion Relief Act (TCRP) and voter approval of several bond measures provided an infusion of funding for the state’s transportation infrastructure, they created obligations on the General Fund. Moreover, two severe economic downturns significantly impacted General Fund revenues, forcing lawmakers to grapple with huge budget deficits year after year. To help address those deficits, significant amounts of transportation dollars were loaned or transferred to the General Fund.

Eventually, legislation was enacted that restructured state transportation funding in a way that permits vehicle weight fee revenues to be used to make debt service payments on transportation-related general obligation bonds, thereby relieving the General Fund of this obligation. This legislation resulted in General Fund savings in excess of $1 billion per year, and broke the pattern of annual diversions and borrowing of transportation dollars to plug holes in the state budget.

While the so-called “transportation funding swap” has taken a considerable amount of pressure off transportation in more recent budget battles in Sacramento, fiscal challenges still loom on the
horizon. For example, the Department of Finance and the Legislative Analyst’s Office estimate that at some point in the future, annual transportation bond debt service payments will outstrip the amount of vehicle weight fee revenues that would be available, thereby creating a new obligation on the General Fund. Moreover, while most state transportation funding sources have constitutional protections as a result of the passage of several recent ballot measures, some do not. In particular, an increment of Public Transportation Account (PTA) revenues that are dedicated to the State Transit Assistance Program (STA) and excise tax revenues that are generated through the purchase of fuel for off-highway vehicles remain vulnerable.

Persistent General Fund challenges not only impacted transportation in the short term, but they also exacerbated a fundamental problem—a historic underinvestment in the state’s transportation infrastructure. Statistics indicate that transportation funding has not kept pace with the state’s growth in population, licensed drivers, registered vehicles, and vehicle miles traveled. At the same time, increases in automobile fuel economy, as well as a shift to alternative fuel vehicles, result in motorists paying less excise taxes for each mile that they drive. Furthermore, while the cost of constructing transportation infrastructure projects goes up each year, excise taxes stay constant, eroding purchasing power.

In November 2011, the California Transportation Commission (CTC) released a Statewide Transportation System Needs Assessment. This assessment indicates that the state has close to $300 billion in unfunded transportation needs (excluding high-speed rail) over the next 10 years. This number has almost tripled from the $120 billion estimate that the CTC provided in 1999, an indication that California is actually losing ground.

As directed by Gov. Jerry Brown, Transportation Secretary Brian Kelly has convened a working group consisting of approximately 60 state and local transportation stakeholders to discuss California’s transportation future. The effort is being called the California Transportation Infrastructure Priorities Initiative (CTIP). As outlined by Secretary Kelly, the intended outcomes of CTIP are: (1) a prioritization of the state’s infrastructure needs using the CTC’s needs assessment as a base of information; (2) recommendations for long-term funding options; (3) determination of the appropriate level of government to deliver high-priority investments; and (4) the use of performance measures to assure the public that future investments in that state’s transportation infrastructure will have value. At the same time, Transportation California and the California Alliance for Jobs, two influential advocacy groups comprised of private-sector entities engaged in transportation, have been conducting public opinion polls and other research leading toward the development of a state transportation funding package.

As in past years, VTA and our transportation partners will need to be mindful of how any FY 2015 budget proposals impact state funding for transportation. At the same time, we will need to work together to seek opportunities to provide new state funding to operate, maintain, rehabilitate, and improve California’s transportation infrastructure. Along these lines, VTA’s advocacy efforts in 2014 will focus on the following:

- Guard against any budget proposals that could disadvantage state transportation funding, including appropriations for STA and the State Highway Account.

- Ensure that state transportation funds that are due to flow to Santa Clara County and to VTA in FY 2015 are protected and not diverted elsewhere.
• Ensure that all previous loans from the various state transportation accounts to help address prior-year General Fund deficits are repaid in full and as expeditiously as possible.

• Advocate for the appropriation of the remaining balance of bond funding authorized for the Proposition 1B public transit capital and security programs. In addition, advocate for the timely issuance of bonds by the Treasurer’s Office to ensure that VTA’s Proposition 1B projects are not delayed.

• Advocate for the approval of the final $40 million allocation of TCRP funding for the BART Silicon Valley Project, as well as for the approval of any other allocation requests submitted to the CTC for Santa Clara County projects.

• Actively work with others in the transportation community to develop a consensus on a state transportation funding package that would provide new revenues to meet California’s growing transportation infrastructure needs. In addition, actively work to ensure that any consensus resulting from CTIP or other similar initiatives meets the interests of Santa Clara County.

• Given the substantial unfunded transportation needs identified in the CTC’s Statewide Transportation System Needs Assessment and VTA’s Valley Transportation Plan 2040, discourage legislative efforts to tap into transportation revenue sources to fund affordable housing projects or other non-transportation-related purposes under the guise of implementing sustainable communities strategies. There are bills currently pending in the Legislature that pursue other, more appropriate avenues for funding affordable housing projects without taking money away from transportation, such as property tax increment financing and real estate document fees.

• Support efforts to place a constitutional amendment before the voters of California to allow them to decide whether the two-thirds voting requirement for local transportation sales tax measures should be lowered.

**CLIMATE CHANGE**

In 2006, AB 32 (Nunez), the Global Warming Solutions Act, was signed into law, making California the first state in the nation to attempt to cap its greenhouse gas emissions. This landmark legislation sets the ambitious goal of cutting greenhouse gas emissions throughout the state to 1990 levels by 2020. To achieve this goal, AB 32 empowers the California Air Resources Board (CARB) to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions from categories of sources according to a series of benchmarks and timetables specified in the bill.

The cornerstone of California’s efforts to combat greenhouse gas emissions, to shift to an environmentally sustainable economy and to achieve the goals envisioned under AB 32 is the implementation of a cap-and-trade system. Under cap-and-trade, CARB will distribute annual allowances to approximately 430 industrial entities that emit large volumes of greenhouse gases, such as power plants, oil refineries, cement factories, food processors, and glass manufacturers. In 2015, the system will be extended to include distributors of transportation fuels. In total, the allowances will constitute a ceiling on California’s annual greenhouse gas emissions. The total
allotment of allowances will be reduced by about 3 percent a year in order to gradually bring down the amount of greenhouse gases emitted in the state.

For each of the first two years, most affected industries will receive 90 percent of their allowances from the state for free. Beginning in 2015, the percentage of free allowances will decline. In any case, companies will still have to purchase additional allowances or use offset credits to cover all of their emissions. Companies will be able to buy allowances directly from CARB, which will hold regular auctions, or from other businesses.

The auctions held by CARB are expected to generate billions of dollars for the state. Under current law, there is a two-step process for allocating cap-and-trade auction proceeds. First, the Department of Finance is required to develop a three-year investment plan, in consultation with CARB and other applicable state agencies. This plan was provided to the Legislature in May 2013. It recommends targeting cap-and-trade auction proceeds to the following three areas: (1) sustainable communities and clean transportation; (2) energy efficiency and clean energy; and (3) natural resources and waste diversion. Beginning with FY 2017 and every three years thereafter, the Department of Finance is required to submit updates to the plan to the Legislature in conjunction with the release of the Governor’s January budget.

Second, the Legislature is responsible for appropriating cap-and-trade proceeds through the annual Budget Act, consistent with the investment plan. Last year, however, Gov. Brown and the Legislature opted to loan all proceeds generated in FY 2013 and FY 2014 to the General Fund for short-term, cash-flow purposes.

The major players within the transportation community, under the umbrella of the Transportation Coalition for Livable Communities, have rallied around AB 574 (Lowenthal) as the preferred statutory framework for investing cap-and-trade auction proceeds derived from motor vehicle fuels. Under the provisions of this legislation, these proceeds would be dedicated for transportation and would be allocated to MPOs based on population for the purpose of administering competitive grants to local agencies consistent with statewide criteria. AB 574 contemplates a combination of transportation-related investments, including public transit capital and operating costs, roadway and bridge maintenance, retrofits for complete streets and urban greening, and clean technology. These investments would be integrated with land-use changes. The legislation also provides flexibility to local agencies in order to encourage innovation and the development of the most cost-effective projects. As part of its 2014 Legislative Program, VTA will continue to advocate for the enactment of AB 574 or similar legislation along with the other members of the Transportation Coalition for Livable Communities.

In addition, an issue has arisen with regard to the cap-and-trade auction proceeds generated by investor-owned utilities, such as Pacific Gas & Electric, Southern California Edison and Sempra. These revenues are under the purview of the California Public Utilities Commission (CPUC), not CARB, and are required to be used to provide relief to electricity ratepayers. In 2012, the Legislature passed and Gov. Brown signed SB 1018, which contained a provision specifying that only residential; small business; and emissions-intensive, trade-exposed customers would benefit from these revenues. As a result, all other categories of customers, including public transit, would see higher electricity bills. As part of its 2014 Legislative Program, VTA will continue to support efforts to ensure that public transit gets added to the list of electricity customers who can benefit from investor-owned utility cap-and-trade auction proceeds.
HIGH-SPEED RAIL

Rapid population growth, congested highways and constrained airports prompted California policymakers to consider building a high-speed train system in the state along the lines of those that have been in operation for decades in Europe and Asia. In 2000, the California High-Speed Rail Authority, the agency responsible for planning, building and operating the state’s high-speed train system, unveiled a plan for an 800-mile network that would link all of the state’s major population centers, including the Bay Area, Los Angeles, Sacramento, the Inland Empire, Orange County, and San Diego. Through a subsequent program-level environmental document, the High-Speed Rail Authority recommended using an alignment over the Pacheco Pass to enter the Bay Area.

To fund the core segment of the state’s proposed high-speed train system, SB 1856 (Costa) was enacted into law in 2002 to provide for the submission of the Safe, Reliable, High-Speed Passenger Train Bond Act for the 21st Century to the voters of California for their approval. The bond act calls for the issuance of a total of $9.95 billion in bonds, $9 billion of which would be used in conjunction with federal and private funds for the planning and construction of the first phase of the system—from the Los Angeles Basin to the Bay Area. The remaining $950 million would be made available for urban, commuter and intercity rail projects that: (a) provide connectivity to the high-speed train system; or (b) enhance the capacity, or improve the safety of urban, commuter or intercity rail services. Under the provisions of SB 1856, the bond act was initially scheduled for the 2004 general election. However, two subsequent bills postponed its consideration until November 2008, at which time it was approved by California voters as Proposition 1A.

In July 2012, the Legislature passed and Gov. Brown signed SB 1029, which provides approximately $8 billion in spending authority for California’s proposed high-speed train system. Specifically, this measure appropriated $5.85 billion to build the first 130-mile segment of the system in the Central Valley. This amount included $2.61 billion in Proposition 1A bond funds matched with $3.24 billion in federal money. In addition, SB 1029 appropriated $1.1 billion in Proposition 1A bond funds to be made available by the High-Speed Rail Authority for early investment in the Peninsula Corridor and in the Los Angeles Basin to prepare for “blended” operations between high-speed rail and existing commuter rail services in those areas—Caltrain in the Bay Area and Metrolink in Southern California. Also included in the bill was an $819 million appropriation of Proposition 1A “connectivity” funds. These funds were allocated by the CTC to intercity, commuter and urban rail operators pursuant to a program of projects that the commission adopted in June 2012.

In the Bay Area, a memorandum of understanding (MOU) executed by the Metropolitan Transportation Commission (MTC); five Bay Area transportation agencies, including VTA; two municipalities, including the city of San Jose; and the High-Speed Rail Authority sets up a framework for early investment in the Peninsula Corridor. This MOU includes a comprehensive financial strategy that contemplates investing a total of $1.456 billion to modernize and electrify the Peninsula Corridor. This investment will significantly improve Caltrain service in the near term, as well as prepare the corridor for the implementation of “blended” Caltrain and high-speed rail operations in the future.

As part of its 2014 Legislature Program, VTA will continue to work with the High-Speed Rail Authority, the CTC, MTC, Caltrain, and other regional partners to pursue actions at the state and federal levels to advance the financial strategy embodied in the Bay Area’s MOU. VTA’s
advocacy efforts in this regard will focus not only on ensuring full funding for Caltrain advanced signal system implementation, including positive train control, and electrification in the near term, but also on securing future funding for grade separation projects along the Peninsula Corridor and the Diridon Station Area in downtown San Jose.

**PROJECT DELIVERY**

Transportation projects can take a considerable amount of time to complete. Project sponsors must maneuver through a multi-stage development and review process that includes planning; design and engineering; right-of-way acquisition; environmental impact review and mitigation; financing; construction; and other related requirements at various levels of government. As a result, delays are common. Therefore, it is important to explore different and innovative ways to expedite the delivery of transportation projects in order to control costs and provide the benefits of improvements to the public quicker.

In 2014, VTA will continue to move forward with the Innovative Delivery Team (iTeam) in partnership with Caltrans District 4 and will pursue legislation if necessary to facilitate the implementation of this effort. At the same time, VTA will actively participate in other efforts to reform Caltrans, including the department’s 2012 Program Review, the CTC’s Project Delivery Efficiencies Work Group and the Self-Help Counties Coalition’s Transportation Initiative, and offer the iTeam as a vehicle for testing out on a pilot basis concepts and proposals that emerge from these efforts.

In addition, VTA will support legislation to enhance the ability of project sponsors to implement express lanes and public-private partnerships, as well as to utilize design-build contracting and other innovative procurement methods to deliver state highway and other types of transportation projects. This includes supporting a measure that will be sponsored by the California Transit Association to extend the statutory authority for local agencies to use design-build contracting for public transit projects beyond the current January 1, 2015, expiration date.

**TRANSIT SERVICE DELIVERY**

For more than 35 years, state law prohibited the gross weight on any single axle of a public transit bus from exceeding 20,500 pounds. However, because of numerous state and federal mandates that have been imposed since that weight limit was established in the mid-1970s, including federal Americans with Disabilities Act (ADA) requirements and mandated emissions reduction equipment, public transit buses may exceed that limit, especially when carrying significant passenger loads. This situation came to a head in 2011 when several public transit agencies in Southern California were ticketed by local police departments for being overweight.

In response, the California Transit Association sponsored AB 1706 (Eng), which was enacted into law in 2012. This measure permanently exempted the current bus fleets of public transit agencies from the single axle weight limit, as well as any new buses procured through a solicitation issued before January 1, 2013. After January 1, 2013, AB 1706 allowed public transit agencies to procure new buses that exceed the single axle weight limit under the following two conditions: (1) if the buses are no heavier than the vehicles they are replacing; or (2) if the buses are being purchased in order to incorporate a new fleet class into an agency’s inventory, subject to its governing board making certain findings at a public hearing. However, this latter provision expires on January 1, 2015. Therefore, follow-up legislation will be needed;
otherwise, all buses purchased after January 1, 2013, could be in violation of the single axle weight limit and, thus, could be ticketed.

In 2014, VTA will actively participate in the California Transit Association’s efforts to reach a consensus with the League of California Cities, the California State Association of Counties, and other interested parties on legislation to solve this problem in a way that balances the need for public transit to serve their communities with the interests of cities and counties when it comes to the condition of their local roadway systems.

REGIONAL & LOCAL

The Regional & Local Section of VTA’s 2014 Legislative Program is divided into the following sections:

1. MTC Programming & Allocations.
2. Cap and Trade.
3. Regional Advocacy.
4. Express Lanes.
5. Caltrain Commuter Rail Service.
6. Capitol Corridor Intercity Rail Service.

MTC PROGRAMMING & ALLOCATIONS

MTC allocates more than $1 billion per year in federal, state and toll revenues to operate, maintain and expand the Bay Area’s transportation network. While many of these allocations are based on formulas, MTC does distribute discretionary money. Based on population and jobs, Santa Clara County should receive approximately 25 percent of all regional discretionary funding. In addition, VTA is concerned about the amount of transportation funding that is being conditioned or diverted to non-transportation programs by MTC. In particular, there have been efforts on the part of MTC to use transportation funds for affordable housing. With transportation shortfalls reaching all-time highs, staff does not believe that we should be using limited transportation dollars for anything other than transportation.

As part of its 2014 Legislative Program, VTA will:

• Support efforts to distribute MTC discretionary funding by population at every opportunity.

• Oppose any initiatives from regional agencies that place new restrictions or conditions on transportation funds.

• Oppose any efforts to divert funding for non-transportation programs at the regional level.

• Seek to direct any unanticipated regional funding to high-priority projects in Santa Clara County.

• Support efforts to have decision-making authority regarding project selection and program implementation occur at the county level.
**CAP-AND-TRADE**

MTC will be developing a funding strategy for revenues received by the Bay Area from the state’s cap-and-trade system. The auctions held by CARB are expected to generate billions of dollars for the state. MTC is projecting that $3.1 billion will be available to the region from cap-and-trade auction proceeds over the next 25 years. The expected eligible uses for these funds include public transit operating and capital rehabilitation/replacement needs, local streets and roads rehabilitation, goods movement, and transit-oriented affordable housing. MTC plans to work with regional partners to develop an investment strategy for the Bay Area’s share of cap-and-trade auction proceeds. VTA supports the investment strategy that is being proposed in southern California. Under this proposal, 100 percent of the region’s cap-and-trade auction proceeds would be sent to the counties by population. The individual counties would then establish an investment plan to fund the highest priority projects within their respective jurisdictions.

As part of its 2014 Legislative Program, VTA will advocate as follows:

- The Bay Area’s share of cap-and-trade auction proceeds should be suballocated to the county Congestion Management Agencies (CMAs) by population.

- Santa Clara County should receive a minimum of 25 percent of the region’s cap-and-trade auction proceeds.

**REGIONAL ADVOCACY**

The CMAs in the Bay Area are forming an advocacy group called Fast Forward. Based on the successful Southern California Mobility 21 model, Fast Forward will be a non-partisan alliance led by the nine Bay Area CMAs and key economic development partners in the region to bring business, community and transportation stakeholders together to enhance, support and advocate for transportation and mobility in the Bay Area. Fast Forward is intended to address the following broad categories:

- **Funding:** Demands for transportation are increasing, while financial resources are diminishing.
- **Infrastructure Needs:** Infrastructure investments are needed to maintain, operate and improve transportation to support the economy and local communities.
- **Advocacy:** Coordinated advocacy for transportation needs and priorities is essential to create a strong and unified Bay Area voice for transportation investments and policies.

Fast Forward will address current and future challenges at the state and federal levels, including:

- Transportation fiscal cliff.
- Climate change legislation.
- Cap-and-Trade.
- Reliable funding streams.
- MAP-21 Reauthorization.
- State and national goods movement efforts.
As currently proposed, Fast Forward’s Board of Directors would be comprised of the nine Bay Area CMAs and six regional economic development partners.

As part of its 2014 Legislative Program, VTA will advocate as follows:

- Work collaboratively with our partners to get Fast Forward up and running.
- Promote the principles of VTA 2014 Legislative Program for inclusion in the work program for Fast Forward.

**EXPRESS LANES**

Express lanes allow solo motorists to drive in the carpool lanes for a fee. Revenues are used to pay for the operation and maintenance of the express lanes, as well as for transportation improvements within the corridor. VTA currently has the authority to build express lanes in two transportation corridors within Santa Clara County. The first express lanes at the State Route 237/I-880 Interchange opened in spring 2012, while project development work for express lanes along State Route 85 and U.S. 101 continues to move forward. At the same time, MTC is pursuing a limited regional express lane network.

As part of its 2014 Legislative Program, VTA will continue to advocate for a regional express lane network under which:

- Santa Clara County retains all autonomy for building and operating express lanes in Santa Clara County.
- There is a recognition that popular, political and legislative support will rest on demonstrating that the revenues collected in a corridor are used to benefit travelers in that corridor.

VTA also will monitor and evaluate any regionwide opportunities that may arise regarding project delivery and/or system operations that could prove beneficial for Santa Clara County.

**CALTRAIN COMMUTER RAIL SERVICE**

Caltrain is a 76.8-mile daily commuter rail service that runs between San Francisco and Gilroy. It operates on railroad tracks owned by the Peninsula Corridor Joint Powers Board (JPB) between San Francisco and the Tamien Station in San Jose, and on Union Pacific Railroad tracks between the Tamien Station and Gilroy. Caltrain is administered through a joint powers agreement that was executed by the City and County of San Francisco, the San Mateo County Transit District (SamTrans), and VTA. Three JPB members are appointed from each of the three counties, and SamTrans serves as the managing agency.

The Bay Area’s High-Speed Rail Early Investment Strategy MOU outlines the projects necessary to modernize Caltrain service and provide the facilities that are needed for future high-speed rail along the Peninsula Corridor. The Early Investment Strategy includes funding commitments for two major projects: (a) electrification of the corridor; and (b) an advanced signal system. The three JPB partners are each contributing $60 million in local funds. In addition, VTA has already allocated $26 million in Proposition 1A connectivity funds to the project.
With the modernization of Caltrain and the potential of high speed rail service on the horizon, major development plans are being considered for the San Jose Diridon Station, and the 4th and King Station in San Francisco. These conceptual plans have the potential to better utilize the land in and around the stations, as well as to create demand for future transit ridership. As these plans move forward, any costs associated with the necessary studies should not be paid by the JPB, but rather by the developers and/or the jurisdictions that are pursuing these efforts. In addition, any potential land-use changes in and around the stations should not negatively impact the operations or train storage for Caltrain. If any Caltrain cost issues arise from the redevelopment of the station, the developer and/or the local jurisdiction would be responsible for paying the JPB for any one-time or additional ongoing costs that result from the development.

As part of its 2014 Legislative Program, VTA will:

- Work with our regional partners to provide sufficient direction regarding the Early Investment Strategy to ensure the program is delivered in an efficient and cost-effective manner, as well as in a way that protects the interests of VTA and Santa Clara County.

- Work with our partners to ensure that each funding agency allocates its contribution pursuant to the Early Investment Strategy.

- Ensure that Santa Clara County’s investment is matched by the other partners as stipulated in the MOU.

- Explore funding opportunities and strategies to: (a) support Caltrain operations; and (b) maintain Caltrain equipment, facilities and infrastructure in a state of good repair.

- Continue to advocate on behalf of Santa Clara County passengers to ensure that they receive their equitable share of available service.

- Work collaboratively with the San Francisco Municipal Transportation Agency (Muni) and SamTrans to fund Caltrain system improvements, including grade separations, to provide cost-effective benefits for current and future passengers.

- Work with our JPB partners and other parties on any development opportunities for stations, provided that: (a) the JPB does not pay for the studies; and (b) any one-time or additional ongoing costs to Caltrain that result from the development would be paid for by the developer and/or the local jurisdiction.

**CAPITOL CORRIDOR INTERCITY RAIL SERVICE**

The Capitol Corridor is a 170-mile intercity rail service that runs between Auburn/Sacramento and San Jose. The Capitol Corridor Joint Powers Authority (JPA) consists of two representatives from each of the eight counties that the trains serve. Funding is provided by the state, and BART serves as the managing agency.

As part of its 2014 Legislative Program, VTA will advocate for improvements to the Capitol Corridor service to provide cost-effective benefits for current and future passengers.
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Board Secretary Sandra A. Weymouth

SUBJECT: Committee for Transit Accessibility Reappointments

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

ACTION ITEM

RECOMMENDATION:

For the Committee for Transit Accessibility, approve the following for the upcoming two-year term ending December 31, 2015:

- Reappointment of the following current human services agency/business representatives: Vista Center for the Blind and Visually Impaired; Hope Services; City of San José Senior Citizens Commission; and the City of Milpitas Barbara Lee Senior Center.

- Reappointment of current members Barbara Stahl, Kathy Bonilla, Dilip Shah and Cam Acker representing persons with disabilities.

BACKGROUND:

VTA’s five advisory committees provide input, perspective and technical expertise on proposed changes to VTA policy or priorities potentially impacting transit service and transportation projects throughout the county.

The Committee for Transit Accessibility (CTA) advises the Board of Directors on bus and rail system accessibility issues, paratransit service, and transportation accessibility matters in Santa Clara County. The committee has 21 voting and two ex-officio, non-voting members. The voting membership consists of 12 individuals with disabilities and nine individuals that represent agencies or businesses that serve older adults or persons with disabilities.
The CTA bylaws require each Board Member to nominate individual committee members and the Board Chairperson to nominate agency or business members. Members serve two-year terms that are staggered and are eligible for reappointment to successive terms. Members from the individuals with disabilities category must reside within the county during their term. All appointments require the approval of the Board of Directors.

**DISCUSSION:**

The following human service organizations and individuals with disabilities have been nominated to serve on the CTA for the two year term of January 1, 2014 - December 31, 2015:

- Board Chairperson Joe Pirzynski has nominated the Vista Center for the Blind and Visually Impaired, Hope Services, City of San José Senior Citizens Commission, and the City of Milpitas Barbara Lee Senior Center for reappointment as human services agency/business representatives. These organizations are members in good standing, have served the committee well, and have responsibly served the stakeholders they represent. Staff recommends the reappointment of all four organizations.

- Current CTA members Barbara Stahl, Cam Acker, Dilip Shah and Kathy Bonilla have been nominated for reappointment to represent persons with disabilities.
  - Barbara Stahl, who has served since 2002, was nominated by Director Jamie Matthews. She serves as the CTA second vice chairperson for 2013, a position she had held for the last three years.
  - Kathy Bonilla, who has served since 2011, was nominated by Director Margaret Abe-Koga.
  - Dilip Shah, who has served since 2008, was nominated by Director José Esteves.
  - Cam Acker, who has served since 2012, was nominated by Director Cindy Chavez.

  All four nominees are members in good standing, have ably represented their constituent groups, and have served the committee well. Staff recommends reappointment of these individuals.

**ALTERNATIVES:**

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

**FISCAL IMPACT:**

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

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration and Finance considered this item as part of their consent agenda on November 21, 2013. The Committee unanimously recommended approval of this item without comment.

Prepared by: Stephen Flynn, Advisory Committee Coordinator
Memo No. 4155
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 2014 Quarterly Statement of Revenues and Expenses for the Period Ending September 30, 2013

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

ACTION ITEM

RECOMMENDATION:

Review and accept the Fiscal Year 2014 Quarterly Statement of Revenues and Expenses for the period ending September 30, 2013.

DISCUSSION:

This memorandum provides a brief discussion of significant items and trends on the attached Statement of Revenues and Expenses through September 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 including year-to-date dollar and percentage variances from budget. The current staff projections of Revenues and Expenses for Fiscal Year 2014 are also included.

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

Revenues

Fiscal year-to-date Total Revenues (line 13) are above budget estimates by $1.8M, primarily due to favorable variances in TDA (line 3), and Federal Operating Grants (line 6).

TDA (line 3) has a positive variance of $1.2M due to higher than anticipated payments for the 4th quarter of FY13 received in July and August.

Federal Operating Grants (line 6) shows an increase of $0.8M over budget, primarily due to the
receipt of a Homeland Security grant.

**Expenses**

Overall, Fiscal year-to-date Total Expenses (line 43) were $5.8M below budget driven primarily by favorable variances in Labor (line 14), Professional & Special Services (line 17), Fuel (line 19), and Reimbursements (line 30).

Labor (line 14) shows a favorable variance of $2.3M due primarily to lower medical and pension costs offset somewhat by negotiated wage increases approved after the budget was adopted.

Professional & Special Services (line 17) has a positive variance of $0.6M generally due to timing of activities.

Fuel (line 19) reflects a favorable variance of $0.6M due to lower usage and per gallon costs than budgeted. Average diesel price per gallon paid year-to-date through September was $3.42 versus a budgeted price of $3.84.

Reimbursements (line 30) has a positive variance of $0.8M due to increased activity on capital programs.

Paratransit (line 32) shows a positive variance of $0.4M through the first quarter due to lower than anticipated ridership.

**Projections**

Current staff projections for the fiscal year reflect a positive Operating Balance (line 44) of $18.0M. This increase over the budgeted Operating Balance is due primarily to projected savings in fuel and benefits.

**SUMMARY:**

Through the first three months of the year, revenues exceeded budgeted projections by $1.8M while expenses were $5.8M below budget estimates, for an overall positive variance of revenues over expenses (line 44) of $7.6M.

**FISCAL IMPACT:**

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

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration and Finance Committee considered this item on its November 21, 2013 Consent Agenda. There was no discussion of the item. The Committee recommended the item be placed on the Consent Agenda for the December 12, 2013, Board of Directors meeting.

Prepared by: Carol Lawson, Fiscal Resources Manager
Memo No. 3844
## SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
### STATEMENT OF REVENUES AND EXPENSES
#### Fiscal Year 2014
##### through September 30, 2013

(Dollars in Thousands)

<table>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Fares</td>
<td>9,589</td>
<td>9,741</td>
<td>(152)</td>
<td>-1.6%</td>
<td>38,834</td>
<td>38,834</td>
</tr>
<tr>
<td>2</td>
<td>1976 Half-Cent Sales Tax</td>
<td>44,953</td>
<td>44,953</td>
<td>(0)</td>
<td>0.0%</td>
<td>182,435</td>
<td>182,435</td>
</tr>
<tr>
<td>3</td>
<td>TDA</td>
<td>22,338</td>
<td>21,128</td>
<td>1,210</td>
<td>5.7%</td>
<td>85,744</td>
<td>86,356</td>
</tr>
<tr>
<td>4</td>
<td>Measure A Sales Tax-Oper Asst</td>
<td>8,292</td>
<td>8,292</td>
<td>0</td>
<td>0.0%</td>
<td>33,621</td>
<td>33,621</td>
</tr>
<tr>
<td>5</td>
<td>STA</td>
<td>3,475</td>
<td>3,399</td>
<td>77</td>
<td>2.3%</td>
<td>13,600</td>
<td>13,600</td>
</tr>
<tr>
<td>6</td>
<td>Federal Operating Grants</td>
<td>10,227</td>
<td>9,443</td>
<td>784</td>
<td>8.3%</td>
<td>37,787</td>
<td>38,488</td>
</tr>
<tr>
<td>7</td>
<td>Less Transfer for Capital</td>
<td>(4,477)</td>
<td>(4,438)</td>
<td>(39)</td>
<td>0.9%</td>
<td>(17,760)</td>
<td>(17,910)</td>
</tr>
<tr>
<td>8</td>
<td>State Operating Grants</td>
<td>396</td>
<td>658</td>
<td>(262)</td>
<td>-39.8%</td>
<td>2,635</td>
<td>2,635</td>
</tr>
<tr>
<td>9</td>
<td>Investment Earnings</td>
<td>348</td>
<td>307</td>
<td>41</td>
<td>13.3%</td>
<td>1,227</td>
<td>1,227</td>
</tr>
<tr>
<td>10</td>
<td>Advertising Income</td>
<td>449</td>
<td>452</td>
<td>3</td>
<td>-0.7%</td>
<td>1,810</td>
<td>1,810</td>
</tr>
<tr>
<td>11</td>
<td>Measure A Repayment Obligation</td>
<td>1,509</td>
<td>1,544</td>
<td>35</td>
<td>-2.3%</td>
<td>10,700</td>
<td>10,700</td>
</tr>
<tr>
<td>12</td>
<td>Other Income</td>
<td>670</td>
<td>502</td>
<td>168</td>
<td>33.5%</td>
<td>2,008</td>
<td>2,008</td>
</tr>
<tr>
<td></td>
<td><strong>Total Revenues</strong></td>
<td><strong>97,770</strong></td>
<td><strong>95,982</strong></td>
<td><strong>1,789</strong></td>
<td><strong>1.9%</strong></td>
<td><strong>392,642</strong></td>
<td><strong>393,804</strong></td>
</tr>
<tr>
<td>13</td>
<td>Labor Costs</td>
<td>70,286</td>
<td>72,537</td>
<td>2,252</td>
<td>3.1%</td>
<td>286,534</td>
<td>284,526</td>
</tr>
<tr>
<td>14</td>
<td>Materials &amp; Supplies</td>
<td>3,744</td>
<td>4,105</td>
<td>361</td>
<td>8.8%</td>
<td>16,407</td>
<td>16,407</td>
</tr>
<tr>
<td>15</td>
<td>Security</td>
<td>2,035</td>
<td>2,221</td>
<td>186</td>
<td>8.4%</td>
<td>8,886</td>
<td>8,886</td>
</tr>
<tr>
<td>16</td>
<td>Professional &amp; Special Services</td>
<td>656</td>
<td>1,247</td>
<td>592</td>
<td>47.4%</td>
<td>4,762</td>
<td>4,762</td>
</tr>
<tr>
<td>17</td>
<td>Other Services</td>
<td>1,399</td>
<td>1,658</td>
<td>259</td>
<td>15.6%</td>
<td>7,305</td>
<td>7,305</td>
</tr>
<tr>
<td>18</td>
<td>Fuel</td>
<td>3,755</td>
<td>4,317</td>
<td>562</td>
<td>13.0%</td>
<td>17,173</td>
<td>15,097</td>
</tr>
<tr>
<td>19</td>
<td>Traction Power</td>
<td>980</td>
<td>993</td>
<td>13</td>
<td>1.3%</td>
<td>3,389</td>
<td>3,389</td>
</tr>
<tr>
<td>20</td>
<td>Tires</td>
<td>438</td>
<td>442</td>
<td>4</td>
<td>0.9%</td>
<td>1,764</td>
<td>1,764</td>
</tr>
<tr>
<td>21</td>
<td>Utilities</td>
<td>722</td>
<td>685</td>
<td>(37)</td>
<td>-5.4%</td>
<td>2,727</td>
<td>2,727</td>
</tr>
<tr>
<td>22</td>
<td>Insurance</td>
<td>1,312</td>
<td>1,379</td>
<td>67</td>
<td>4.9%</td>
<td>5,519</td>
<td>5,313</td>
</tr>
<tr>
<td>23</td>
<td>Data Processing</td>
<td>791</td>
<td>969</td>
<td>178</td>
<td>18.4%</td>
<td>3,545</td>
<td>3,545</td>
</tr>
<tr>
<td>24</td>
<td>Office Expense</td>
<td>62</td>
<td>82</td>
<td>21</td>
<td>24.9%</td>
<td>330</td>
<td>330</td>
</tr>
<tr>
<td>25</td>
<td>Communications</td>
<td>292</td>
<td>312</td>
<td>20</td>
<td>6.4%</td>
<td>1,250</td>
<td>1,250</td>
</tr>
<tr>
<td>26</td>
<td>Employee Related Expense</td>
<td>401</td>
<td>174</td>
<td>(227)</td>
<td>-130.2%</td>
<td>698</td>
<td>698</td>
</tr>
<tr>
<td>27</td>
<td>Leases &amp; Rents</td>
<td>181</td>
<td>166</td>
<td>(15)</td>
<td>-9.2%</td>
<td>663</td>
<td>663</td>
</tr>
<tr>
<td>28</td>
<td>Miscellaneous</td>
<td>140</td>
<td>221</td>
<td>81</td>
<td>36.6%</td>
<td>672</td>
<td>672</td>
</tr>
<tr>
<td>29</td>
<td>Reimbursements</td>
<td>(9,719)</td>
<td>(8,871)</td>
<td>848</td>
<td>-9.6%</td>
<td>(35,485)</td>
<td>(35,485)</td>
</tr>
<tr>
<td></td>
<td><strong>Subtotal Operating Expense</strong></td>
<td><strong>77,476</strong></td>
<td><strong>82,638</strong></td>
<td><strong>5,163</strong></td>
<td><strong>6.2%</strong></td>
<td><strong>326,140</strong></td>
<td><strong>321,850</strong></td>
</tr>
<tr>
<td>31</td>
<td>Paratransit</td>
<td>4,419</td>
<td>4,773</td>
<td>354</td>
<td>7.4%</td>
<td>19,100</td>
<td>19,100</td>
</tr>
<tr>
<td>32</td>
<td>Caltrain</td>
<td>1,823</td>
<td>1,822</td>
<td>(1)</td>
<td>0.0%</td>
<td>7,291</td>
<td>7,291</td>
</tr>
<tr>
<td>33</td>
<td>Light Rail Shuttles</td>
<td>0</td>
<td>6</td>
<td>6</td>
<td>100.0%</td>
<td>25</td>
<td>0</td>
</tr>
<tr>
<td>34</td>
<td>Altamont Commuter Express</td>
<td>1,114</td>
<td>1,152</td>
<td>37</td>
<td>3.3%</td>
<td>4,609</td>
<td>4,609</td>
</tr>
<tr>
<td>35</td>
<td>Highway 17 Express</td>
<td>79</td>
<td>63</td>
<td>(16)</td>
<td>-26.0%</td>
<td>251</td>
<td>251</td>
</tr>
<tr>
<td>36</td>
<td>Monterey-San Jose Express Service</td>
<td>9</td>
<td>9</td>
<td>(0)</td>
<td>0.0%</td>
<td>35</td>
<td>35</td>
</tr>
<tr>
<td>37</td>
<td>Contribution to Other Agencies</td>
<td>134</td>
<td>185</td>
<td>51</td>
<td>27.7%</td>
<td>740</td>
<td>740</td>
</tr>
<tr>
<td>38</td>
<td>Debt Service</td>
<td>2,179</td>
<td>2,429</td>
<td>250</td>
<td>10.3%</td>
<td>20,097</td>
<td>20,097</td>
</tr>
<tr>
<td></td>
<td><strong>Subtotal Other Expense</strong></td>
<td><strong>9,756</strong></td>
<td><strong>10,438</strong></td>
<td><strong>682</strong></td>
<td><strong>6.5%</strong></td>
<td><strong>52,148</strong></td>
<td><strong>52,123</strong></td>
</tr>
<tr>
<td>40</td>
<td>Operating &amp; Other Expenses</td>
<td>87,232</td>
<td>93,076</td>
<td>5,845</td>
<td>6.3%</td>
<td>378,287</td>
<td>373,973</td>
</tr>
<tr>
<td>41</td>
<td>Contingency</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>N/A</td>
<td>1,875</td>
<td>1,875</td>
</tr>
<tr>
<td>42</td>
<td><strong>Total Expenses</strong></td>
<td><strong>87,232</strong></td>
<td><strong>93,076</strong></td>
<td><strong>5,845</strong></td>
<td><strong>6.3%</strong></td>
<td><strong>380,162</strong></td>
<td><strong>375,848</strong></td>
</tr>
<tr>
<td>43</td>
<td>Operating Balance</td>
<td>10,539</td>
<td>2,905</td>
<td>7,634</td>
<td>12,480</td>
<td>17,957</td>
<td></td>
</tr>
</tbody>
</table>

¹ Reflects Adopted Budget approved by the Board on June 6, 2013
² Reflects current staff projection as of October 28, 2013

Note: Totals and percentages may not be precise due to independent rounding.
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
SOURCES AND USES OF FUNDS SUMMARY
Fiscal Year 2014
through September 30, 2013
(Dollar in Thousands)

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>FY14 Adopted Budget¹</th>
<th>FY14 Current Budget</th>
<th>FY14 Projected Actual²</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Total Operating Revenues</td>
<td>392,642</td>
<td>392,642</td>
<td>393,804</td>
</tr>
<tr>
<td>2</td>
<td>Total Operating Expenses</td>
<td>(380,162)</td>
<td>(380,162)</td>
<td>(375,848)</td>
</tr>
<tr>
<td>3</td>
<td>Operating Balance</td>
<td>12,480</td>
<td>12,480</td>
<td>17,957</td>
</tr>
<tr>
<td>4</td>
<td>15% Year-end Operating Reserves</td>
<td>59,827</td>
<td>59,827</td>
<td>59,827</td>
</tr>
<tr>
<td>5</td>
<td>Beginning Reserve Balance</td>
<td>(57,024)</td>
<td>(57,024)</td>
<td>(57,024)</td>
</tr>
<tr>
<td>6</td>
<td>15% Replenishment Amount</td>
<td>2,803</td>
<td>2,803</td>
<td>2,803</td>
</tr>
<tr>
<td>7</td>
<td>Operating Balance (Line 3)</td>
<td>12,480</td>
<td>12,480</td>
<td>17,957</td>
</tr>
<tr>
<td>8</td>
<td>15% Replenishment Amount (Line 6)</td>
<td>(2,803)</td>
<td>(2,803)</td>
<td>(2,803)</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>9,677</td>
<td>9,677</td>
<td>15,154</td>
</tr>
<tr>
<td>11</td>
<td>Total VTA Transit Capital Program</td>
<td>164,249</td>
<td>164,249</td>
<td>164,249</td>
</tr>
<tr>
<td>12</td>
<td>Funding from Grants &amp; Other Sources</td>
<td>(84,142)</td>
<td>(84,142)</td>
<td>(84,142)</td>
</tr>
<tr>
<td>13</td>
<td>Local Grant Match from Debt Reduction Fund</td>
<td>(5,728)</td>
<td>(5,728)</td>
<td>(5,728)</td>
</tr>
<tr>
<td>14</td>
<td>Federal Operating Grants for Capital</td>
<td>(17,760)</td>
<td>(17,760)</td>
<td>(17,910)</td>
</tr>
<tr>
<td>15</td>
<td>Remaining Local Portion Needed for Capital</td>
<td>56,620</td>
<td>56,620</td>
<td>56,470</td>
</tr>
<tr>
<td>16</td>
<td>Operating Balance Available for Capital (line 9)</td>
<td>(9,677)</td>
<td>(9,677)</td>
<td>(15,154)</td>
</tr>
<tr>
<td>17</td>
<td>Local Funding From/(To) Debt Reduction Fund</td>
<td>46,943</td>
<td>46,943</td>
<td>41,316</td>
</tr>
<tr>
<td>18</td>
<td>Ending Operating Reserves</td>
<td>59,827</td>
<td>59,827</td>
<td>59,827</td>
</tr>
<tr>
<td>19</td>
<td>Operating Reserve %⁴</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 6, 2013
² Staff Projection as of October 28, 2013
³ 15% of Budgeted Operating Expenses
⁴ Line 18 divided by Budgeted Operating Expenses

Note: Totals may not be precise due to independent rounding.
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Update VTA's California Environmental Quality Act Guidelines

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a resolution to update Santa Clara Valley Transportation Authority's (VTA’s) implementation of the California Environmental Quality Act (CEQA) through acceptance of the State CEQA Guidelines, as amended from time to time by the California Secretary for Resources, and add the word “purchasing” to Article 19 Categorical Exemption, Section 15301, Existing Facilities, first sentence that describes Class 1 activities.

BACKGROUND:

Enacted in 1970, California Environmental Quality Act (CEQA) is a statute that requires private organizations and public agencies to identify the environmental impacts of their projects and actions and to avoid or mitigate those impacts, if feasible.

A public agency must comply with CEQA when it undertakes an activity that requires discretionary approval and may cause either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment. Santa Clara Valley Transportation Authority (VTA) is and will in the future be the lead agency for a number of projects that must comply with CEQA.

The CEQA Guidelines explain the law and CEQA process to the public. The CEQA regulations are found in the California Code of Regulations, in Chapter 3 of Title 14. Pursuant to Public
Resources Code Section 21000 and as noted in CEQA Guidelines Section 15022(a), “Each public agency shall adopt objectives, criteria, and specific procedures consistent with CEQA and these Guidelines for administering its responsibilities under CEQA, including the orderly evaluation of projects and preparation of environmental documents.”

The Secretary of Resources is required to review and consider amendments to the CEQA Guidelines every two years. Previously, VTA adopted CEQA Guidelines after revisions were released by the State that affected VTA projects. The most recent adoption by the VTA Board of Directors was in 2010.

DISCUSSION:

The CEQA statute was last amended in 2012 and the State Guidelines were issued in January 2013. The changes in this most recent amendment related to VTA activities included adding CEQA Guideline Section 15183.3, Appendix M, and Appendix N. The purpose of the new Section 15183.3, Streamlining for Infill Projects, was “to streamline the environmental review process for eligible infill projects by limiting the topics subject to review at the project level where the effects of infill development have been addressed in a planning level decision or by uniformly applicable development policies.” Appendix M provided the performance standards for infill projects eligible for streamlined review. Appendix N provided an environmental checklist form for infill projects.

The CEQA Guidelines are subject to change throughout the year. Pursuant to CEQA Guidelines Sections 15007 and 15024, the Secretary for Resources may issue amendments to these Guidelines to match new developments. CEQA Guidelines Section 15022(d) authorizes a public agency to adopt the Guidelines through incorporation by reference as the agency’s local procedures.

Since public agencies must conform to any statutory changes to CEQA, VTA would be best served by adopting the Guidelines, as may be amended from time to time by the Secretary for Resources, as its implementing procedures. This would eliminate the need for the Board to re-approve its Guidelines every time the Secretary amends the CEQA Guidelines.

In addition, staff also recommends adopting the following highlighted bold text to the first sentence of Section 15301, Existing Facilities regarding Categorical Exemptions:

Class 1 consists of the operation, repair, maintenance, leasing, purchasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.

The addition of the word “purchasing” to the language of Section 15301 serves to better describe VTA activities.
ALTERNATIVES:

The VTA Board could adopt the 2013 CEQA Guidelines only and not include "purchasing as a Categorical Exemption. This would restrict VTA's ability to streamline the environmental process. VTA could also decide to return to the Board of Directors for each subsequent revision, approximately every two years. This would also not streamline the process and require returning to the Board for every update to the CEQA Guidelines.

FISCAL IMPACT:

The adoption of these guidelines would not result in a fiscal impact to VTA. VTA has continued and continues to implement these guidelines for its projects.

ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:

The Technical Advisory Committee heard this item at their November 14, 2013 meeting. There were questions on how this would apply to future legislation. Through adoption of this resolution, VTA would be required to comply with future CEQA changes and not be required to return to the Board for adoption of these changes. The committee unanimously recommended that the Board of Directors adopt the resolution.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Administration and Finance Committee approved this item at the November 21, 2013 meeting and unanimously recommended it to the full Board of Directors for approval.

Prepared by: Tom Fitzwater
Memo No. 4172
RESOLUTION NO._____

RESOLUTION ADOPTING CEQA GUIDELINES PURSUANT TO PUBLIC RESOURCES CODE SECTION 21082

WHEREAS, California Public Resources Code Section 21082 and Section 15022(a) of the California Environmental Quality Act (CEQA) Guidelines (Guidelines), Title 14 of California Code of Regulations, Division 6, Chapter 3, require that public agencies adopt objectives, criteria, and specific procedures for administering their responsibilities under CEQA;

WHEREAS, in 2010, the Santa Clara Valley Transportation Authority (VTA) adopted the 2010 Guidelines in accordance with the foregoing requirement, together with the addition of the word “purchasing” to one of the Guidelines, Categorical Exemptions, Existing Facilities, Section 15301;

WHEREAS, VTA now wishes to update its implementation of CEQA by adoption of the Guidelines, as amended from time to time by the California Secretary for Resources, with the aforementioned revision to Section 15301;

NOW THEREFORE BE IT RESOLVED that VTA, pursuant to Public Resources Code Section 21082 and Title 14 of California Code of Regulations, Division 6, Chapter 3, Section 15022(a), hereby adopts the current Guidelines and amendments, as the objectives, criteria, and specific procedures for administering its responsibilities under CEQA;

BE IT FURTHER RESOLVED that VTA hereby adopts a revision to Section 15301 of the Guidelines, Categorical Exemptions, Existing Facilities, by adding the word “purchasing” to the first sentence between the words “leasing” and “licensing” that describes Class 1 activities.

PASSED AND ADOPTED by the VTA Board of Directors on December 12, 2013, by the following vote:

AYES: DIRECTORS

NOES: DIRECTORS

ABSENT: DIRECTORS

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, at a meeting of said Board of Directors on the date indicated, as set forth above.

Dated: ________________

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

ROBERT FABELA, General Counsel
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: FTA Section 5311 Non-Urbanized Area Grant Program

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a resolution authorizing the General Manager to submit and execute grant applications and agreements, certifications, assurances, and other documents as necessary to receive funding from the California Department of Transportation (Caltrans) under the Federal Transit Administration (FTA) Section 5311 Non-Urbanized Area Formula Grant Program.

BACKGROUND:

FTA annually allocates apportioned Section 5311 funds to the governor of each state. Caltrans is the designated grantee and manages the 5311 Program in California. Caltrans apportions funds to each region based on the population in the non-urbanized areas. Metropolitan Planning Organizations (MPOs) such as the Metropolitan Transportation Commission (MTC) work with applicants to prepare a Program of Projects (POP) for the region, and submit the document to Caltrans for their review and approval. Caltrans requires all applicants to submit a resolution approved by their governing body authorizing the submittal of the grant application. The resolution is valid for three fiscal years. The previous resolution adopted by the Board covered fiscal years 2011, 2012 and 2013.

The 5311 program provides funds for public transit in non-urbanized areas with a population under 50,000 as designated by the Bureau of the Census. VTA uses 5311 funds to support transit service on Route 68, which operates outside the urban boundary along portions of the Monterey Highway between the San Jose urbanized area and the Gilroy-Morgan Hill urbanized area.
DISCUSSION:

VTA is eligible to receive FTA Section 5311 Non-Urbanized Area Formula funds to operate and maintain fixed route bus service on Route 68, outside of the urban boundary within Santa Clara County. These costs include wages and benefits for bus operators, field supervisors, fuel, tires, insurance and maintenance activities, such as routine upkeep, minor repairs, parts, supplies, and labor/administrative costs.

Route 68 provides vital access for transit riders to jobs, schools, hospitals, and area businesses, as it is the primary public fixed route bus service that connects the San Jose urban area with the Gilroy/Morgan Hill urban area, providing service to the communities of San Jose, Morgan Hill, San Martin, and Gilroy along the non-urbanized portion of the Monterey Highway. In addition, Route 68 directly connects with other VTA fixed route bus and light rail service in Santa Clara County providing important interregional connections for passengers to the San Francisco and Monterey/Santa Cruz Bay Areas.

In January 2013, VTA received $180,416 in Section 5311 funds based on 2000 census data and 2009 transit route data from the Regional Transit Database. With the release of new 2010 Census data, MTC has updated the Section 5311 formula. It is anticipated that VTA will receive slightly less funding for fiscal years 2014, 2015 and 2016 due to population shift from rural to urban areas as identified in 2011 Census.

This memorandum follows through on the requirement of grant recipients to adopt a Governing Body Resolution authorizing the submittal and execution of grant applications and agreements, certifications, assurances, and other documents as necessary to obtain the federal grant funds. If adopted, the resolution would be valid for fiscal years 2014, 2015 and 2016.

ALTERNATIVES:

The Board of Directors could elect not to accept the grant and fund the Route 68 operating and maintenance costs entirely with local funds. However, the FTA Section 5311 funds are available only for non-urbanized areas and VTA does not have other projects eligible for this grant funding.

FISCAL IMPACT:

FTA Section 5311 funds will be available to the VTA Transit Fund Operating Budget to support the costs of operating bus service on Route 68.

STANDING COMMITTEE DISCUSSION/RECOMMENDATIONS:

The Administration and Finance Committee considered this item on November 21, 2013, and unanimously recommended that the Board approve it.

Prepared by: Lorena Bernal-Vidal
Memo No. 4106
Resolution No. ________

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SANTA VALLEY TRANSPORTATION AUTHORITY (VTA)
AUTHORIZING THE FEDERAL FUNDING UNDER FTA SECTION 5311
(49 U.S.C. SECTION 5311) WITH THE CALIFORNIA DEPARTMENT OF
TRANSPORTATION

WHEREAS, the United States Department of Transportation is authorized to make grants to states through the Federal Transit Administration (FTA) to support operating assistance projects for non-urbanized public transportation systems under Section 5311 of the Federal Transit Act (FTA C 9040.1F); and

WHEREAS, the California Department of Transportation (Department) has been designated by the Governor of the State of California to administer Section 5311 grants for transportation projects for the general public for the rural transit and intercity bus; and

WHEREAS, the Santa Clara Valley Transportation Authority (VTA) desires to apply for said financial assistance to permit operation of service in Santa Clara County; and

WHEREAS, the VTA has, to the maximum extent feasible, coordinated with other transportation providers and users in the region (including social service agencies).

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the VTA Board of Directors does hereby authorize the General Manager to file and execute applications on behalf of VTA with the Department to aid in the financing of capital/operating assistance projects pursuant to Section 5311 of the Federal Transit Act (FTA C 9040.1F), as amended.

That the General Manager is authorized to execute and file all certification of assurances, contracts or agreements or any other document required by the Department.

That the General Manager is authorized to provide additional information as the Department may require in connection with the application for the Section 5311 projects.

That the General Manager is authorized to submit and approve request for reimbursement of funds from the Department for the Section 5311 project(s).
PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority (VTA) Board of Directors on December 12, 2013 by the following vote:

AYES:

NOES:

ABSENT:

_____________________________
Joe Pirzynski, Chairperson
Board of Directors

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

Date:_________________

_____________________________
Sandra Weymouth, Board Secretary

APPROVED AS TO FORM:

_____________________________
Robert Fabela, General Counsel
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Transportation Fund for Clean Air (TFCA) 40% Project Selection Criteria

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

ACTION ITEM

RECOMMENDATION:

Review and approve the criteria used to evaluate and select projects for the Transportation Fund for Clean Air (TFCA) Program Manager Fund and the status of ongoing Santa Clara County TFCA projects.

BACKGROUND:

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 (TFCA 40%) and is managed in Santa Clara County by VTA as the program manager. Project sponsors apply directly to VTA for funding and the VTA Board of Directors allocates these funds to projects in Santa Clara County, subject to approval by BAAQMD.

State law requires VTA to conduct a periodic review of criteria for expenditure of TFCA funds. The law states that VTA “at least once a year, shall hold one or more public meetings for the purpose of adopting criteria for expenditure of the funds and to review the expenditure of revenues received.” (Cal. Health and Safety Code 44241(f).)

In 2007, the VTA Board of Directors reviewed and revised the TFCA scoring criteria for “competitive” projects, and in 2009/2010 they adopted additional screening criteria. They last reviewed the criteria on December 13, 2012. The current Board-adopted TFCA
screening/scoring criteria are listed in Attachment A.

**DISCUSSION:**

VTA staff does not recommend any changes to the TFCA Screening/Scoring Criteria this year.

Each year, VTA staff reviews all TFCA 40% project applications for conformity with the Project Screening Criteria, after which up to 25% of the annual TFCA 40% allocation is set aside for eligible Countywide Bicycle Expenditure Plan (BEP) projects per a December 9, 2004 board action. Since TFCA 40% funds cannot be "banked" from year to year, if less than the set-aside amount can be programmed to qualified BEP projects, the remainder is programmed via the “competitive” process.

“Competitive” projects are evaluated by a scoring subcommittee of the Technical Advisory Committee's (TAC’s) Capital Improvement Program Working Group (CIPWG). Each year, this group meets, reviews project applications and ranks the projects subject to the Project Scoring Criteria in Attachment A.

At its October 2013 meeting, the Capital Improvement Program Working Group discussed and approved the staff recommendation.

In accordance with the requirement that the board should “review the expenditure of revenues received,” Attachment B details the current status of Santa Clara County's TFCA 40%-funded projects and Attachment C provides a brief description of each project.

**ALTERNATIVES:**

The Board could modify or change the screening/scoring criteria for TFCA 40% projects, however all projects must be consistent with BAAQMD’s policies and guidance.

**FISCAL IMPACT:**

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

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

The Bicycle and Pedestrian Advisory Committee (BPAC) and Technical Advisory Committee (TAC) reviewed and discussed this item at their respective November 13 and 14 2013 meetings, and unanimously recommended the staff proposal to the VTA Board of Directors for approval. The BPAC requested and received a verbal explanation of how Community Benefit scoring was applied, and staff's opinion on why BEP projects are not requesting funding. The BPAC also requested a 5-year analysis of the amount of the BEP set-aside left unclaimed.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration and Finance Committee considered this item as part of its November 21, 2013 Consent Agenda and approved it unanimously without comment.
Attachment A
Current TFCA Screening/Scoring Criteria

Project Screening Criteria
1. Projects must be consistent with BAAQMD’s policies and guidance, and must achieve TFCA cost-effectiveness equal to or less than $90,000 of TFCA funds per ton of total of emissions reduced.
2. Project sponsors are ineligible for funding if they have five or more projects greater than two years old on BAAQMD’s “less than 100% complete” list.
3. Project sponsors of signal timing projects shall demonstrate consideration of impacts on pedestrian, bicycle and transit facilities.
4. Only projects where all the other funding is secured or committed will be considered for TFCA 40% funding.

Project Scoring Criteria (competitive projects only)

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Maximum Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost Effectiveness, Relative Scale - See CE values below:</td>
<td>30</td>
</tr>
<tr>
<td>Community Benefits:</td>
<td></td>
</tr>
<tr>
<td>Reduce Congestion</td>
<td>8</td>
</tr>
<tr>
<td>Countywide Significance</td>
<td>8</td>
</tr>
<tr>
<td>Serve &quot;Communities of Concern&quot; (neighborhood having a population that is at least 30 percent low income and 70 percent minority.)</td>
<td>8</td>
</tr>
<tr>
<td>Number of people served</td>
<td>8</td>
</tr>
<tr>
<td>Mode Shift</td>
<td>8</td>
</tr>
<tr>
<td>Local Matching Funds</td>
<td></td>
</tr>
<tr>
<td>1 point for each percentage of local match; up to 30%</td>
<td>30</td>
</tr>
<tr>
<td>Total = 100</td>
<td>100</td>
</tr>
</tbody>
</table>

Cost Effectiveness Values [TFCA funds per ton of total ROG, NOx and weighted PM10 emissions reduced ($/ton)]:

- $0 - $19,999 = 30 points
- $20,000 - $27,999 = 28 points
- $28,000 - $35,999 = 26 points
- $36,000 - $43,999 = 24 points
- $44,000 - $51,999 = 22 points
- $52,000 - $59,999 = 20 points
- $60,000 - $67,999 = 18 points
- $68,000 - $75,999 = 16 points
- $76,000 - $83,999 = 14 points
- $84,000 - $89,999 = 12 points
- $90,000 and above disqualified
<table>
<thead>
<tr>
<th>TFCA Project #</th>
<th>Project Title</th>
<th>Project Sponsor</th>
<th>Current TFCA Funds Awarded</th>
<th>TFCA$ Paid Out</th>
<th>% Cmpl</th>
<th>Project Completion Date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>02SC05</td>
<td>Silicon Valley Traffic Management Center</td>
<td>City of San Jose</td>
<td>$280,000.00</td>
<td>$280,000.00</td>
<td>99%</td>
<td>6/30/2014</td>
<td>In progress, all TFCA funds spent. Completion deadline now June 2014. Project successfully audited by Macias, Gini &amp; Company in March 2007.</td>
</tr>
<tr>
<td>08SC05</td>
<td>Milpitas - Traffic Signal Management System</td>
<td>City of Milpitas</td>
<td>$775,000.00</td>
<td>$762,743.79</td>
<td>95%</td>
<td>10/31/2012</td>
<td>Project complete. 2-year post project report due in 2014.</td>
</tr>
<tr>
<td>08SC07</td>
<td>Grant Road Adaptive Signal Project</td>
<td>City of Mountain View</td>
<td>$330,058.00</td>
<td>$330,058.00</td>
<td>95%</td>
<td>10/31/2012</td>
<td>Project complete. 2-year post project report due in 2014.</td>
</tr>
<tr>
<td>08SC09</td>
<td>Homestead Road Signal Improvements</td>
<td>City of Santa Clara</td>
<td>$251,000.00</td>
<td>$0.00</td>
<td>100%</td>
<td>Complete</td>
<td>Project complete.</td>
</tr>
<tr>
<td>09SC10</td>
<td>Signal Retiming for Traffic Light Synchronization Project</td>
<td>City of San Jose</td>
<td>$501,674.00</td>
<td>$308,069.00</td>
<td>99%</td>
<td>5/5/2014</td>
<td>In progress-time extension amendment executed. $130,000 reprogrammed to 13SC10.</td>
</tr>
<tr>
<td>10SC01</td>
<td>SAN TOMAS AQUINO CREEK SPUR TRAIL</td>
<td>City of Santa Clara</td>
<td>$260,000.00</td>
<td>$0.00</td>
<td>90%</td>
<td>6/30/2014</td>
<td>In progress.</td>
</tr>
<tr>
<td>10SC02</td>
<td>Santa Clara Traffic Signal &amp; Interconnect Project</td>
<td>City of Santa Clara</td>
<td>$315,000.00</td>
<td>$0.00</td>
<td>90%</td>
<td>6/30/2014</td>
<td>In progress.</td>
</tr>
<tr>
<td>10SC05</td>
<td>Tenth Street - Adaptive Signal Synchronization</td>
<td>City of Gilroy</td>
<td>$52,118.00</td>
<td>$52,118.00</td>
<td>95%</td>
<td>6/30/2014</td>
<td>In progress.</td>
</tr>
<tr>
<td>10SC06</td>
<td>San Jose TISP Signal Timing PH II</td>
<td>City of San Jose</td>
<td>$635,000.00</td>
<td>$531,621.43</td>
<td>99%</td>
<td>6/30/2014</td>
<td>In progress.</td>
</tr>
<tr>
<td>11SC01</td>
<td>Santa Clara Signal Timing &amp; Interconnect Project</td>
<td>City of Santa Clara</td>
<td>$1,168,128.00</td>
<td>$0.00</td>
<td>40%</td>
<td>6/30/2014</td>
<td>In progress.</td>
</tr>
<tr>
<td>11SC04</td>
<td>Stevens Creek Colorized Bike Lanes</td>
<td>City of Santa Clara</td>
<td>$59,200.00</td>
<td>$59,200.00</td>
<td>100%</td>
<td>Project complete.</td>
<td>Project complete.</td>
</tr>
<tr>
<td>11SC05</td>
<td>Permanente Creek Trail - Old Middlefield Way to Rock Street</td>
<td>City of Mountain View</td>
<td>$100,000.00</td>
<td>$0.00</td>
<td>65%</td>
<td>6/30/2014</td>
<td>In progress.</td>
</tr>
<tr>
<td>11SC06</td>
<td>Park/San Fernando/San Antonio Bikeway - VTP ID 870</td>
<td>City of San Jose</td>
<td>$43,000.00</td>
<td>$0.00</td>
<td>50%</td>
<td>6/30/2014</td>
<td>In progress.</td>
</tr>
<tr>
<td>11SC07</td>
<td>Hedding Street Bike Lanes - VTP ID 866</td>
<td>City of San Jose</td>
<td>$45,547.50</td>
<td>$0.00</td>
<td>100%</td>
<td>Complete</td>
<td>Project complete.</td>
</tr>
<tr>
<td>12SC00</td>
<td>Program Administration</td>
<td>Santa Clara Valley Transportation Authority</td>
<td>$113,468.78</td>
<td>$113,468.78</td>
<td>100%</td>
<td>Project complete.</td>
<td>Project complete.</td>
</tr>
<tr>
<td>12SC01</td>
<td>City of San Jose Bike Racks</td>
<td>City of San Jose</td>
<td>$48,000.00</td>
<td>$14,531.25</td>
<td>50%</td>
<td>6/30/2014</td>
<td>In progress.</td>
</tr>
<tr>
<td>12SC02</td>
<td>Light Rail Shuttles</td>
<td>Santa Clara Valley Transportation Authority</td>
<td>$665,000.00</td>
<td>$665,000.00</td>
<td>100%</td>
<td>Project complete.</td>
<td>Project complete.</td>
</tr>
<tr>
<td>12SC03</td>
<td>Lafayette Street Signal Timing &amp; Interconnect Project</td>
<td>City of Santa Clara</td>
<td>$1,344,237.00</td>
<td>$0.00</td>
<td>20%</td>
<td>6/30/2014</td>
<td>In progress.</td>
</tr>
<tr>
<td>12SC04</td>
<td>San Tomas Expressway Week End Traffic Responsive Signal Timing</td>
<td>County of Santa Clara Roads and Airports Dept</td>
<td>$53,250.00</td>
<td>$53,250.00</td>
<td>95%</td>
<td>6/30/2014</td>
<td>In progress.</td>
</tr>
<tr>
<td>12SC05</td>
<td>Wildwood Avenue Bicycle Lanes</td>
<td>City of Sunnyvale</td>
<td>$24,000.00</td>
<td>$0.00</td>
<td>10%</td>
<td>6/30/2014</td>
<td>In progress.</td>
</tr>
<tr>
<td>12SC06</td>
<td>Mathilda Avenue Bicycle Lanes</td>
<td>City of Sunnyvale</td>
<td>$80,000.00</td>
<td>$0.00</td>
<td>10%</td>
<td>6/30/2014</td>
<td>In progress.</td>
</tr>
</tbody>
</table>
Attachment C
Santa Clara County TFCA 40% Program
Descriptions of Current Projects-Fall 2013

02SC05-San Jose Silicon Valley Traffic Management Center
Project entails the development of an Infrastructure Master Plan (IMP) for use by all of the Silicon Valley-Intelligent Transportation System partner agencies.

08SC05- Milpitas - Traffic Signal Management System.
City installed adaptive traffic signals along a 1.6 mile stretch of Grant Road in the Cities of Mountain View and Los Altos. Project is complete; after study due next year.

08SC07-Mountain View Grant Road Adaptive Signal Project
City installed a Traffic Signal Management System. Project is complete; after study due next year.

09SC09: Santa Clara Homestead Road Signal Improvements
City will improve traffic signal timing on Homestead Road.

09SC10-San Jose Signal Retiming for Traffic Light Synchronization Project
Project funds will help pay for a Citywide signal retiming effort.

10SC01-Santa Clara San Tomas Aquino Creek Spur Trail
City will complete the portion of the San Tomas Aquino Spur Trail from Cabrillo Avenue to El Camino Real along the western edge of San Tomas Expressway.

10SC02- Santa Clara Traffic Signal & Interconnect Project
City will install communication infrastructure for traffic signals, allowing for interconnection, coordination, management, proactive and reactive adjustment of traffic signal timing.

10SC05-Gilroy Tenth Street - Adaptive Signal Synchronization
City will install a Traffic Signal Synchronization – Adaptive Control (McTrans – LA DOT Adaptive) project on 10th Street.

10SC06-San Jose San Jose Traffic Light Synchronization Project Phase 2
City will continue the citywide signal timing effort began under project 09SC10.

11SC01-Santa Clara Santa Clara Signal Timing & Interconnect Project
City will install communications infrastructure for traffic signals on El Camino Real, Scott Boulevard and De La Cruz Boulevards to improve signal timing to reduce vehicle stop/start times and delays.

11SC04-Santa Clara Stevens Creek Colorized Bike Lanes
City will add bicycle lanes to Stevens Creek Boulevard between Calvert Drive and the south on-ramp to Lawrence Expressway.

11SC05-Mountain View Permanente Creek Trail
City will extend Permanente Creek Trail from Old Middlefield Way to Rock Street and Crittenden Middle School.
11SC06-San Jose Park/San Fernando/San Antonio Bikeway
City will construct bikeway improvements on Park Avenue from Newhall to Montgomery and San Antonio Street from 17th to Jackson.

11SC07-San Jose Hedding Street Bike Lanes
City will construct class 2 bicycle lanes with pavement markings on Hedding Street between Park Avenue and 17th Street.

12SC00-Program Administration
Funds are to reimburse VTA for program administration.

12SC01-City of San Jose Bike Racks
City will purchase and install approximately 200 bike racks at various locations throughout the City of San Jose.

12SC02--Light Rail Shuttles
VTA used TFCA funds to help support operations of Downtown Area Shuttle (DASH) shuttle.

12SC03-Lafayette Street Signal Timing
Santa Clara will install communications infrastructure for traffic signals, allowing for interconnection, coordination, management, proactive and reactive adjustment of traffic signal timing. Project limits will be Lafayette Street from Yerba Buena Way to Reed Street.

12SC04-San Tomas Weekend Signal Timing
Santa Clara County is implementing weekend traffic responsive (TR) signal timing system on San Tomas Expressway. A total of 19 signalized intersections are included, for a total of 8.2 miles.

12SC05-Wildwood Avenue Bike Lanes
Sunnyvale will install bike lanes on Wildwood Avenue from Lawrence Expressway to Santa Clara City limits.

12SC06-Mathilda Avenue Bike Lanes
Sunnyvale will install bike lanes on Mathilda Avenue from California Avenue to Maude Avenue.
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Operating Officer, Michael A. Hursh

SUBJECT: Paratransit Contract Extension

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to enter into a five year contract extension through June 30, 2021 with Outreach and Escort, Inc. (Outreach) for Americans with Disabilities Act paratransit services. Also authorize automatic renewals of two year terms beginning on July 1, 2021 and every other July 1 thereafter.

BACKGROUND:

Paratransit service is required by the federal Americans with Disabilities Act (ADA) to complement fixed route transit by offering an equivalent level of transportation service for persons who are unable to use fixed route services due to their disabilities. In accordance with Federal regulations requires ADA paratransit to meet the following criteria:

- Service is available in an area within ¾ of a mile of VTA’s fixed route system;
- Eligible customers are able to schedule trips for service the next day;
- The paratransit trip fare cannot be greater than twice the fare for a trip of similar length, at a similar time of day, on VTA’s fixed route system;
- There are no trip purpose restrictions or priorities;
- Service is available during the same hours and days as fixed route service; and,
- The availability of paratransit service to eligible customers is not limited.

VTA has contracted with Outreach to provide ADA Paratransit brokerage services since 1993, based on a competitive procurement. The contract has been amended through the years and on October 7, 2010 the VTA Board authorized the General Manager to extend the contract through June 30, 2016. At that time a new contract document was developed to update scope,
performance goals, reporting, insurance requirements and standard terms and conditions.

The primary functions of Outreach as the paratransit broker include: determining the eligibility of customers to use the service, managing customer fare payment accounts, scheduling customer reservations for service, dispatching paratransit trips, monitoring and resolving customer service issues, maintaining the vehicle fleet and establishing contracts with service providers. The service providers provide the actual paratransit service to customers who have scheduled trips through Outreach. Most fleet maintenance is contracted to Santa Clara County and fuel is obtained through a joint procurement with the County also. The FY2014 paratransit budget is $19.1 Million and about 779,000 trips are expected to be provided.

Outreach has also been designated by MTC to be a Consolidated Transportation Services Agency (CTSA). CTSAAs are responsible for identifying and consolidating transportation funding sources and maximizing the services of all public and private transportation providers. As mandated by the Social Service Transportation Improvement Act of 1979, CTSAAs work to coordinate health and human services transportation within counties, reduce duplication of efforts, manage trip expenses and provide expanded travel opportunities to vulnerable populations such as low-income persons, older adults, Cal WORKS participants, homeless persons, veterans and persons with disabilities. Cost reductions can be obtained by CTSAAs because they are able to network with allied agencies to enhance the efficient use of vehicles, purchase insurance at reduced premiums, coordinate grant applications, purchase equipment at reduced costs and register their vehicles at discounted prices.

In addition to paratransit, Outreach offers a Senior Transportation and Resources program that provides taxi rides, subsidies for paratransit fares, free monthly bus passes, trip planning, etc. to seniors in need of transportation service. For persons in need of job training and employment services, Outreach works with Santa Clara County to provide Job Access and Reverse Commute services for low-income Cal WORKS participants, bikes, and a car repair program. VTA is able to reduce its expenditure of funds for paratransit as Outreach’s other programs provide alternatives to many individuals who might have otherwise used the ADA paratransit program.

Outreach provided over $3 Million in alternative rides and mobility options in Fiscal Year 2013 resulting in over 300,000 trips outside of the ADA Paratransit Program. The ability to provide these services is unique to Outreach as a non-profit community agency. These programs have been very valuable as VTA has realigned its service area/hours and Outreach has been able to place most impacted clients on its other transportation services.

Outreach has continued to perform at high levels, providing quality, on-time, and customer accepted paratransit service.

- A survey from the first quarter of FY2014 indicated that 98% of passengers had either a Good, Very Good, or Excellent opinion of the paratransit system’s ability to improve their access to transportation services in Santa Clara County. Other survey questions showed similar positive results.
- Per the agreement, VTA tracks key paratransit performance indicators and the goals for these have been met and exceeded.
<table>
<thead>
<tr>
<th>Performance Indicators</th>
<th>Goal</th>
<th>YTD FY14 Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td>VTA Net-Cost Per Passenger Trip</td>
<td>&lt;= $26.75</td>
<td>$22.20</td>
</tr>
<tr>
<td>On-Time Performance</td>
<td>&gt;= 92.0%</td>
<td>96.9%</td>
</tr>
<tr>
<td>Passengers per Revenue Hour</td>
<td>&gt;= 2.4</td>
<td>2.6</td>
</tr>
<tr>
<td>Complaints per 1,000 Passenger Trips</td>
<td>&lt;= 1.0</td>
<td>0.3</td>
</tr>
<tr>
<td>Schedule Calls Response Time (minutes)</td>
<td>&lt;= 2.0</td>
<td>1.03</td>
</tr>
<tr>
<td>Day of Service Calls Response Time (minutes)</td>
<td>&lt;= 2.0</td>
<td>0.79</td>
</tr>
<tr>
<td>ADA Eligibility Certification within 21 Days</td>
<td>= 100%</td>
<td>100%</td>
</tr>
<tr>
<td>Preventative Maintenance Inspections On-Time</td>
<td>&gt;= 95%</td>
<td>99.5%</td>
</tr>
<tr>
<td>Major Accidents and Incidents per 85,000 Passenger Trips</td>
<td>&lt;= 1</td>
<td>0</td>
</tr>
<tr>
<td>Non-Major Accidents and Incidents per 85,000 Passenger Trips</td>
<td>&lt;= 2</td>
<td>0</td>
</tr>
</tbody>
</table>

- An FTA case study, “Accessibility for All” 2013 case study says that the VTA/Outreach program has produced one of the “premier paratransit brokerages in the Country”. This report will be published later this year to highlight best practices for paratransit services countrywide.
- In 2011 VTA’s Auditor General conducted a contract compliance audit. The purpose of the audit was to assess Outreach’s contract compliance, processes and controls regarding invoicing and compensation, reporting to VTA, ADA eligibility, third party subcontracting and vendor management. The positive audit results were submitted to the VTA Audit Committee and the VTA Board. Only three minor, low risk findings were made, all of which have been addressed.

**DISCUSSION:**

Two independent, yet connected circumstances have given rise to the recommendation to extend the term of the Outreach paratransit contract.

First, as reported to the VTA Board in August 2012, Outreach in partnership with VTA obtained a grant from the Veterans Transportation and Community Living Initiative (VTCLI). This FTA program provided $29 million to 64 projects nationwide to provide improved access to local transportation for veterans, their families and other military personnel. The program emphasis is to implement technologies (one call/one click call centers) that make it easier for veterans and others to access and schedule rides on available buses, vans, taxis, paratransit and other transportation systems.

The grant will expand and update Outreach’s existing one-call/one-click center (OC/OCC) to improve access to a wide array of transportation resources that are available for veterans, military personnel and their families in Santa Clara County and Silicon Valley, which is home to about 20 percent of the veterans living in California. Only two grants were awarded in California, the other in San Diego for a similar project. $2,050,000 was awarded to the VTA/Outreach project, the largest award nationwide.
The VTCLI project will:

- Implement a new telephone system to expand and update the existing OC/OCC. This replaces an 18 year old system that is also used for the ADA paratransit program.
- Link the OC/OCC to the project partners, such as other transit agencies and veterans organizations.
- Facilitate internet access for agencies and individuals to use Outreach’s Mobility Management web portal (TripNet) to manage their own travel needs.
- Improve the Transportation Resources and Community Information Searchable Database which includes transportation resources as well as health and human services resources.
- Establish a social network for veterans and others to discuss and share information on community and transportation resources.
- Provide these services and create partnerships between transportation organizations and veterans/military communities throughout a multi-county region. Monterey Salinas Transit, Marin Transit and Santa Rosa Transit are current project partners along with the Office of Veterans Services for Santa Clara County, Sonoma County and Main County; VA Health System in Palo Alto, American GI Forum; Vets Connect, Council on Aging and others.
- Increase involvement of the veterans/military communities in the updates of regional public transit/human services transportation plans.

A main capital deliverable of this program is a new VoIP telephone system that will be used for the VTCLI program, VTA’s ADA paratransit program and Outreach’s other transportation services. This is the telephone system that customers use to reserve paratransit trips, find out trip status and handle other paratransit business with Outreach. It is the critical communications backbone for customer relations and handles over 3,500 calls per day.

The new VoIP system will update hardware and software for the one-call/one-click center including upgrading the main scheduling application used for the paratransit program, new call center work stations, electrical and cabling improvements for voice and data, back-up power and generation systems, among other features.

This project is now in the design phase. It is critical to know what facility the telephone system will be installed in so the design can proceed. We would also want the system installed in a facility that Outreach has long term use of to ensure that we obtain the benefit of its useful life and not unnecessarily have to move it in the future.

However, Outreach is currently in the midst of identifying and leasing a new building for their operations. Outreach, leases an office/business facility for its call center, eligibility processing, customer services and real-time transportation operations. Outreach has occupied their current office location on Rock Avenue in north San Jose since 2003 but the building was sold and the lease cannot be extended beyond December 2014.

This facility houses the ADA paratransit program as well as Outreach’s other important programs and services such as social service case-management for disadvantaged populations, Cal WORKS Guaranteed Ride Program, STAR Senior Transportation and Senior Nutrition Program Mobility Options.
Also, since 2007 VTA has provided vehicle parking and operations space at two VTA divisions (Cerone and Younger) and one County of Santa Clara location (San Martin). The paratransit program realizes cost savings with these locations as they would otherwise need to be leased.

The facility move is quite complex.

- Six months to a year is needed to complete the relocation so that it is seamless to customers and is a technology success.
- Outreach has experienced moving the paratransit program before and it takes many months of planning and activities at parallel locations to successfully move. The paratransit program is open 365 days a year with a large call center taking over a million calls a year. The infrastructure includes workstations, server room, scheduling and dispatch centers, radio system infrastructure, AVL/GPS systems, data and voice cabling and other supporting software and hardware systems.
- The relocation will require an early start date and sufficient time to establish the VTCLI “one-call/one-click center” at the new location. The new equipment will replace the existing phone system, update hardware and software for the one-call/one-click center, upgrade the paratransit program trip scheduling application, install new call center work stations, electrical and cabling improvements for voice and data, back-up power and generation systems, among other features.

Outreach has been narrowing its new facility search based on the level of tenant improvements, rent amount, and if the technological needs of the paratransit program, the VTCLI one-call/one-click center, radio system, and other requirements for voice and data can be cost-effectively met.

Outreach informed VTA that they have a potential top location identified in Milpitas and would like to engage in more finalized negotiations, to be closed before December 2013. A primary challenge is the short time frame remaining in the current paratransit contract expiring in less than 32 months (June 2016). Property Managers are not willing to engage in a lease with this short of term. Preliminary negotiations thus far indicate that if the lease were at least 8 years, the savings compared to the current lease expenses to the paratransit program will be $1.6 million or approximately $200,000 per year. This top location has also includes tenant improvements estimated up at about $480,000.

Outreach has also identified a second location in case the first location does not materialize after best and final offer negotiation. The facility is in San Jose and preliminary numbers suggest that over an 8 year lease the savings would be $1.4 million and the estimated tenant improvements are in the $170,000 range at this point in the discussions.

Outreach has made preliminary arrangements to have the new owners of the current location assume any remaining lease costs with the existing landlord if Outreach completes the full move before December 2014.

**ALTERNATIVES:**

The VTA Board of Directors could direct staff to not extend the contract or extend the contract for a shorter term than proposed. These options could seriously impact the paratransit program.
as Outreach would not be able to relocate to a new facility at a reasonable price. Any short term lease would be significantly more expensive and the ongoing costs to outfit the facility with communications, computers and other equipment would be increased.

The Board could also decide to extend the contract longer than proposed including an option that has an open ended term to formalize a long-term, ongoing VTA/Outreach relationship. This could include a one year termination for convenience clause. Examples of this alternative are in place in Sacramento and Los Angeles.

**FISCAL IMPACT:**

The VTA paratransit program could realize as much as $1.6 Million in lease savings plus $460,000 in tenant improvements with the securement of the new building. The paratransit program is also a direct beneficiary of the new $2 million VTCLI capital for the one-call/one-click center and new telephone system.

**SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION:**

The SBE Goal for the contract with Outreach is set at 10%. As of September 2013, Outreach has attained a SBE participation rate of 18.5%.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Transit Planning and Operations Committee reviewed this item at their November 21, 2013, meeting. Members Liccardo, Herrera and Abe-Koga were all very complimentary of the paratransit program and Outreach. They indicated that Outreach also was helpful during tight financial times in controlling the paratransit budget. Member Abe-Koga asked if a longer term, maybe without a defined end would be useful. Other members were supportive and staff will be reviewing to address when this item goes to the December VTA Board meeting. The revised recommendation reflects the TPO Committee direction related to a longer continuous term. Item was unanimously approved and added to consent for December VTA Board meeting.

Prepared by: Jim Unites, Deputy Director, Service & Operations Planning  
Memo No. 4305
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<td>CEO/President</td>
<td>Kathryn B. Heatley</td>
<td>San Jose, CA</td>
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</table>
November 18, 2013

Transit Planning and Operations Committee
Valley Transportation Authority
3331 North First Street
San Jose, CA 95134

Re: Support for OUTREACH Long Term Extension

Dear Chair Liccardo,

On behalf of the Silicon Valley Leadership Group, I write to support the recommendation that the Valley Transportation Authority (VTA) extend OUTREACH’s contract by at least five years.

The Silicon Valley Leadership Group, founded in 1978 by David Packard of Hewlett-Packard, represents more than 390 of Silicon Valley’s most respected employers on issues, programs and campaigns that affect the economic health and quality of life in Silicon Valley, including energy, transportation, education, housing, health care, tax policies, economic vitality and the environment. Leadership Group members collectively provide nearly one of every three private sector jobs in Silicon Valley and have more than $3 trillion in annual revenue.

For decades, OUTREACH has proven to be an innovative, effective organization that is committed to serving low-income families, individuals with disabilities and older adults. The services they provide serve as an essential safety net for some of our most vulnerable community members. OUTREACH has also proactively come to the table with cost-savings measures for VTA.

The lack of a long-term contract makes it very difficult for businesses to plan and invest in the future. OUTREACH is a national model for delivering world-class service to its clients in a cost-effective way through maximizing the latest innovations in technology and mobility management strategies. A level of stability and certainty in OUTREACH’s contract would help it continue to invest in infrastructure and find efficiencies in service delivery that do not negatively impact rider-experience. Particularly at this time, when OUTREACH is seeking new facilities, a long-term contract and, therefore, lease agreement represent real potential cost savings without significant downside.

Thank you for VTA’s strong partnership with the Leadership Group and OUTREACH. We encourage the Transit Planning and Operations Committee to recommend a contract of at least five years with OUTREACH.

Thank you for your consideration.

Sincerely,

Carl Guardino
President & CEO

cc: VTA Board of Directors; Michael Burns, VTA
November 20, 2013

Transit Planning and Operations Committee
Valley Transportation Authority
3331 North First Street
San Jose, CA 95134

Dear Committee Members:

I am writing in support of authorizing the General Manager to enter into a five year contract extension through June 30, 2021 with Outreach and Escort, Inc. (Outreach) for Americans with Disabilities Act paratransit services. This extension would facilitate seamless service to paratransit clients during Outreach’s relocation process.

As a senior advocate and participant on Santa Clara County’s Senior Agenda, I know that safe, reliable, and accessible transportation is critical for seniors and people with disabilities. The paratransit service provided by Outreach has been a lifeline for those individuals.

Currently one in six people in Santa Clara County is over 60. By 2015 that number will increase to 20%, with the fastest growing cohort being those aged 85 plus. It is reasonable to assume that the need for paratransit services will continue to rise proportionately.

By authorizing the five year contract extension to Outreach and Escort, Inc., VTA will ensure that the people who depend on paratransit will have continued access to medical treatment and other services. Authorizing the five year extension will demonstrate to the community that VTA recognizes and makes the needs of seniors and those with disabilities a priority.

Outreach serves a critical service to seniors and disabled persons with a genuine effort to provide dignified, outstanding customer service. I urge you to ensure this continued service by authorizing the General Manager to enter a five year contract extension through June 30, 2021.

Sincerely,

Harriet Wolf
1970 University Way
San Jose, CA 95126

CC: VTA Board of Directors; Michael Burns, VTA
November 20, 2013

Transit Planning and Operations Committee

Valley Transportation Authority

3331 North First Street

San Jose, CA 95134

Dear Committee Members:

The purpose of my letter is to urge your support authorizing the General Manager to enter into a five year contract extension through June 30, 2021 with Outreach and Escort, Inc. (Outreach) for Americans with Disabilities paratransit services.

I participated in helping formulate the Santa Clara County Senior Agenda. I know that the transportation issue is a critical one for seniors and persons with disabilities. The senior population continues to increase in this county and so reliable transportation needs will also increase.

I personally know seniors and persons with disabilities that use Outreach paratransit services. The ability to use Outreach paratransit services has increased their quality of life by giving them more independence.

I urge you to ensure this service continues by authorizing the General Manager to enter a five year contract extension through June 30, 2021.

Sincerely,

Donna Furuta

PACT leader
10 Kirk Ave
San Jose, CA 95127
408-533-0228
408-937-1402 – Fax

Transit Planning and Operations Committee
Valley Transportation Authority
3331 North First Street
San Jose, CA 95134

Re: Support for OUTREACH Long Term Extension

Dear Chair Liccardo,

On behalf of the Silicon Valley Leadership Group, I write to support the recommendation that the Valley Transportation Authority (VTA) extend OUTREACH’s contract by at least five years.

The Silicon Valley Leadership Group, founded in 1978 by David Packard of Hewlett-Packard, represents more than 390 of Silicon Valley’s most respected employers on issues, programs and campaigns that affect the economic health and quality of life in Silicon Valley, including energy, transportation, education, housing, health care, tax policies, economic vitality and the environment. Leadership Group members collectively provide nearly one of every three private sector jobs in Silicon Valley and have more than $3 trillion in annual revenue.

For decades, OUTREACH has proven to be an innovative, effective organization that is committed to serving low-income families, individuals with disabilities and older adults. The services they provide serve as an essential safety net for some of our most vulnerable community members. OUTREACH has also proactively come to the table with cost-savings measures for VTA.

The lack of a long-term contract makes it very difficult for businesses to plan and invest in the future. OUTREACH is a national model for delivering world-class service to its clients in a cost-effective way through maximizing the latest innovations in technology and mobility management strategies. A level of stability and certainty in OUTREACH’s contract would help it continue to invest in infrastructure and find efficiencies in service delivery that do not negatively impact rider-experience. Particularly at this time, when OUTREACH is seeking new facilities, a long-term contract and, therefore, lease agreement represent real potential cost savings without significant downside.

Thank you for VTA’s strong partnership with the Leadership Group and OUTREACH. We encourage the Transit Planning and Operations Committee to recommend a contract of at least five years with OUTREACH.

Thank you for your consideration.

Sincerely,

Irvin Goodwin
Chief Executive Officer

“Changing Lives One Vet At A Time”
Tom DeNatale  
6591 Whispering Pines Dr.  
San Jose CA

Transit Planning and Operations Committee  
Valley Transportation Authority  
3331 North First Street  
San Jose, CA 95134

RE: Support for Outreach and Escort, Inc. (Outreach) for Americans with Disabilities Act paratransit services

Committee members:  

I am writing in support of extending the Contract with Outreach for the next five year period. Outreach exemplifies what a service organization should be: efficient, fiscally responsible, and caring for the people it serves.

I have been volunteering primarily at Sacred Heart Community Services (SHCS) assisting others obtain employment and other roles helping the community. About 2 years ago, I joined the United Seniors Action Committee at SHCS and currently I am a co chair of the committee. Our purpose is to advocate for seniors especially the most vulnerable. This allowed me to meet many agencies and understand what they do, and transportation is at the heart of many issues that greatly affect seniors. I have been asked by the City of San Jose to be an advisor on the selection of next senior nutrition contract cycle.

My assessment of Outreach as an organization is that fulfills its purpose quite well. In my terms this is an efficient organization, with minimal cost overhead providing service in a very caring manner to its customers. My research has included talking to seniors primarily in San Jose that utilize Outreach services in a variety of ways. Those that have used Outreach for the paratransit covered by this contract have had only positive remarks about the service. I have investigated how major portions of Outreach services are funded, and I am confident that management stresses and controls utilizing funds only for their intended purposes. I am in full support of your committee extending the paratransit contract for another 5 years to Outreach.

Sincerely,

[Signature]

Tom DeNatale

CC: VTA Board of Directors; Michael Burns, VTA
November 20, 2013

Transit Planning and Operations Committee
Valley Transportation Authority
3331 North First Street
San Jose, CA   95134

Dear Committee Members:

This letter comes to urge your support authorizing the General Manager to enter into a five year contract extension through June 30, 2021 with Outreach and Escort, Inc. (Outreach) for Americans with Disabilities Act paratransit services. This extension would facilitate seamless service to paratransit clients during Outreach’s relocation process.

As a senior advocate and participant on Santa Clara County’s Senior Agenda, I know that safe, reliable, and accessible transportation is critical for seniors and people with disabilities. The paratransit service provided by Outreach has been a lifeline for those individuals.

Currently one in six people in Santa Clara County is over 60. By 2015 that number will increase to 20%, with the fastest growing cohort being those aged 85 plus. It is reasonable to assume that the need for paratransit services will continue to rise proportionately.

By authorizing the five year contract extension to Outreach and Escort, Inc., VTA will ensure that the people who depend on paratransit will have continued access to medical treatment and other services. Authorizing the five year extension will demonstrate to the community that VTA recognizes and makes the needs of seniors and those with disabilities a priority.

Outreach serves a critical service to seniors and disabled persons with a genuine effort to provide dignified, outstanding customer service. I urge you to ensure this continued service by authorizing the General Manager to enter a five year contract extension through June 30, 2021.

Sincerely,

Jill Osofsky
Senior Advocate - AGEnts for Change and PACT
1977 Leigh Ann Place
San Jose, CA
jillosofsky@comcast.net

CC: VTA Board of Directors; Michael Burns, VTA
To whom it may concern:

I am pleased to write a letter in support of Outreach and Escort, Inc. I am familiar with Outreach from three different perspectives. I had served as Chief of Nephrology and Medical Director of the Dialysis Unit at Santa Clara Valley Medical Center for many years before retiring at the end of 2010. We had many patients requiring Outreach para-transit services at our facility. My wife is the conservator for her disabled sister who has relied on Outreach’s services for years. Finally, I have been working for the last several years as a Social Justice leader for my synagogue and we are affiliated with People Acting in Community Together (PACT). We have been advocating for the last several years for expansion of senior transportation services in the county and this has brought us in close contact with the Outreach leadership.

Transportation to and from hemodialysis units is a critical part of this therapy who require dialysis services usually 3-4 times per week year in and year for the remainder of their life or until they get a transplant or switch modalities of treatment. Many of these patients with kidney disease also have co-morbid conditions such as amputations or blindness. Frequently they may feel weak after dialysis. Outreach has played a critical role in the safe and reliable para-transit of so many of these patients not only to Santa Clara Valley Medical Center’s dialysis unit but to units throughout the city. The unit social workers are all aware of and make frequent use of connecting patients to this valuable resource.

As I mentioned, my sister-in-law is severely disabled and depends on the services of Outreach for transportation. I personally know that every contact she makes to schedule transportation is handled in an efficient and professional manner. Over years of using this service, there has never been one glitch. From the scheduling personnel to the financial department who help load funds onto the account, to the caring and courteous drivers, Outreach provides a wonderful service.

Finally, since my retirement in my work as an advocate for senior transportation services, I have had numerous opportunities to work with the leadership of Outreach. I find the attitude
toward our community organizers to be extremely welcoming. The Outreach leadership have participated in a number of our events helping to educate the community and advocate for senior services. They have been open to new ideas and have shown an eagerness to partner to effect change. The leadership is creative in their ideas and are known as leaders in the field. I have considered it a privilege to work with them.

Sincerely,

Jeffry Young, MD

retired former Chief of Nephrology, Santa Clara Valley Medical Center
Community Activist Leader in Congregation Shir Hadash Social Justice Committee and People Acting in Community Together (PACT)

cc: VTA Board of Directors
November 20, 2013

Transit Planning and Operations Committee
Santa Clara Valley Transportation Authority
3331 North First Street
San Jose, CA 95134

Dear Chairperson Liccardo:

I am writing to support the five year contract extension, through June 30, 2021, with Outreach & Escort Inc. (OUTREACH) for ADA paratransit services.

As the Gerontology Specialist at the Camden Community Center, I have had an opportunity to work closely with OUTREACH staff and witness the effectiveness of their efforts to help more disadvantaged seniors attend our senior nutrition program. Because of the efforts of OUTREACH, more seniors are now able to attend our lunch program and participate in our center's daily activities.

OUTREACH is a valuable asset in our community and I strongly urge your support of the extension of their ADA paratransit service agreement with VTA.

Sincerely,

Tinh Nguyen
Gerontology Specialist
City of San Jose
Parks, Recreation and Neighborhood Services
Camden Community Center
3369 Union Avenue
San Jose, CA 95124
(408) 559-8553

cc  VTA Board of Directors
November 19, 2013

Transit Planning & Operations Committee
VTA Board
3331 North First Street
San Jose, Ca. 95134-1927

To Whom It May Concern:

I represent Sourcewise, the designated Area Agency on Aging for Santa Clara County. We are a not-for-profit organization dedicated to educating, preparing, supporting, and advocating for all adults, their families, and their caregivers within Santa Clara County.

We are writing to express our strong support for the action before the November 21, 2013 Transit Planning and Operations Committee of the VTA Board, Item 13, which reads as follows:

“Authorize the General Manager to enter into a five year contract extension through June 30, 2021 with Outreach and Escort, Inc. (Outreach) for Americans with Disabilities Act paratransit services”.

Please feel free to contact me if you would like any further information on our support of this contract extension.

Sincerely,

Stephen M. Schmoll
Chief Executive Officer
408-350-3283
sschmoll@mysourcewise.com
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Operating Officer, Michael A. Hursh

SUBJECT: Thirty Foot Community Bus Procurement

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with Gillig LLC in an amount not to exceed $25,453,857 for the purchase of 38 Hybrid Diesel-Electric Community Buses including related equipment, training and support for the replacement of the current Community Buses. The execution of the contract will be subject to compliance with the FTA pre-award requirements and the satisfactory clearance of any protests.

BACKGROUND:

VTA operates a fleet of 425 coaches including small capacity community, regular, express, and articulated coaches. As vehicles reach the end of their useful lives, or as service needs change, new buses must be purchased. VTA’s fleet management plan provides for systematic replacement and expansion of its various coach types.

The fleet includes 44 small-capacity gasoline powered, 29-foot community buses. VTA has utilized “cutaway” style buses for the community bus service since the program was initiated in 2005, and subsequently expanded in 2007 and 2008. Cutaway buses are manufactured by removing the back of the cab area of medium duty trucks and building a bus body onto the remaining cab and chassis. They have a useful life of 5 - 7 years and are designed for lighter duty than the 12 year, 500,000 mile life of a standard bus. Though the oldest cutaways still in VTA’s fleet are currently 6 years old, they are rapidly wearing out. These new replacement community buses will be shorter versions of the regular 12 year 500,000 mile buses, as authorized by the Board of Directors at its meeting on October 4, 2012.

As with the existing community buses, these buses will have a single door at the front and will
be powered by hybrid diesel-electric technology, similar to the buses VTA purchased and placed into service starting in January 2011. This diesel-electric hybrid technology is a responsible, energy-saving alternative to regular diesel and gasoline powered buses; it is more reliable and cost-effective than zero-emission buses. The new buses are anticipated to have 25% better fuel economy and will also have significantly lower Greenhouse Gas (GHG) emissions as compared to VTA’s present gasoline powered Community Buses. Additionally, based on VTA’s present experience, the buses will have significantly improved reliability.

**DISCUSSION:**

The contract award culminates an intensive procurement process that began with the development of technical specifications describing in detail all the mechanical and design features VTA requires. Once the technical specification was completed, documents were prepared specifying quantities of buses, manufacturing and delivery schedules, and specific equipment and services (training, spare parts, security equipment) to be provided. VTA then advertised for proposals in trade journals such as APTA’s *Passenger Transport*.

In October 2012, VTA’s Board of Directors authorized staff to purchase replacement small capacity community buses using a negotiated procurement process. The negotiated procurement process requires potential bidders to submit a proposal, including technical and price proposals delivered in separately sealed envelopes. Technical proposals are reviewed and evaluated to determine if they meet the technical requirements, while the price proposals remain sealed.

The technical proposal evaluation included the following criteria:

1. Technical Credibility based on:
   - Technical approach
   - System Integration
   - Quality Assurance
   - System Support

2. Schedule Credibility based on:
   - Management Plans
   - Past Performance

VTA received one proposal for this procurement, from Gillig, LLC. An evaluation team of VTA staff, including personnel representing Maintenance Engineering, Quality Assurance, Operations and Bus Maintenance, conducted a detailed analysis of the technical proposal. The price proposal was opened by the selection team consisting of staff from Purchasing, Operations Maintenance and Operations Planning, only after technical and schedule credibility were established. The final recommended award is based on completion of the full evaluation.

VTA received only one proposal as follows:

- Gillig Bus price (Not including taxes) $ 689,538
- Training, Special Tools, Parts $ 2,012,571
- Total for 37 buses including sales tax at 9.25% $ 29,952,247.89
Review of the proposal indicated the pricing to be excessive in consideration with prices received for the 40 foot buses as well as what has been bid for 30’ buses at other agencies. VTA issued 2 addendums and on August 9, 2013 received an updated pricing proposal. VTA requested a Best and Final Offer (BAFO) on August 12, 2013, which was received on August 13, 2013, and although pricing was reduced, it remained excessive based on VTA’s assessment. On October 16, 2013 VTA Teleconferenced with Gillig and clarified several of their questions and confirmed that both the Allison Hybrid System and BAE hybrid system were acceptable. On October 18, 2013 VTA received a revised BAFO and met with Gillig. The hybrid system included in the proposal is the Allison system, the same as bid on the original proposal. VTA and Gillig continued to negotiate, and on October 21, 2013 Gillig submitted a final BAFO, which is as follows:

- Gillig Bus price (Not including taxes) $ 604,449
- Training, Special Tools, Parts $ 2,332,933
- Total for 38 buses including sales tax at 9.25% $ 27,500,365
- Engineer’s Estimate Bus price (Not including taxes) $ 686,100

Because these buses will be similar to the buses delivered in 2011, VTA will not require the extensive training, special tools and spare parts as was originally specified. Thus, we are reducing this component cost to a total of $435,156. Therefore, with allowance for some contingency, VTA is requesting a contract in the amount not to exceed $25,453,857.

The procurement schedule included the following:

- November 19, 2012 --- The procurement was advertised in APTA’s *Passenger Transport* and on the VTA’s website.
- January 22, 2013 --- A pre-proposal meeting took place at VTA. Two bus manufacturers were present.
- May 10, 2013 --- Initial Proposals received for review and evaluation. VTA received initial proposals from only one bus manufacturer. Based on the technical evaluation, VTA invited the bus manufacturer to respond to technical questions raised by the technical evaluation committee.
- August 30, 2013 --- VTA received a BAFO
- October 16, 2013 --- VTA teleconferenced with Gillig and also provided clarifications
- October 18, 2013 --- VTA negotiated and received a final BAFO
- October 21, 2013 --- VTA received final clarifications to the BAFO

**ALTERNATIVES:**

VTA could defer the procurement of these buses and continue to use old ‘cutaway’ style buses that do not provide the degree of passenger comfort and reliability offered by regular 12 year, 500,000 mile buses. VTA could also decide to purchase CNG buses instead of hybrid buses, resulting in rejection of this procurement and restarting the procurement process. This would result in an approximate 2-year delay of replacement buses.
DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION:

Although this procurement does not include Federal funding at this time, VTA has elected to follow the Federal bus procurement guidelines for this procurement, allowing Federal Funds to be used should such funds become available. The Federal Transit Administration (FTA) requires transit vehicle manufacturers, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that they have an overall annual DBE goal approved by FTA. Pursuant to this Federal regulation, VTA did not set a DBE goal on this procurement.

FISCAL IMPACT:

This action will authorize $25,453,857 for the purchase of 38 low-floor diesel-electric hybrid Community Buses and all related equipment, training and support. Appropriation for this expenditure is included in the FY14 Adopted VTA Transit Fund Capital Budget. This procurement is funded by local and State Prop 1B funds.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Transit Planning Operations Committee considered this item at their November 21, 2013, meeting. Staff noted the receipt of Alternate Board Member Khamis’ correspondence regarding this item. The Committee unanimously recommended approval and placed this item on the Consent Agenda for the December 12, 2013, Board of Directors’ meeting.

Prepared by: Arthur Douwes
Memo No. 4197
Thirty Foot Community Bus Procurement

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<tr>
<td>Gillig</td>
<td>CEO</td>
<td>Dennis L. Howard</td>
<td>P.O. Box 3008 Hayward, California 94540-3008</td>
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<tr>
<td>Gillig</td>
<td>President</td>
<td>Derek Maunus</td>
<td>P.O. Box 3008 Hayward, California 94540-3008</td>
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<tr>
<td>Gillig</td>
<td>Vice President</td>
<td>Joseph Policarpio</td>
<td>P.O. Box 3008 Hayward, California 94540-3008</td>
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BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Operating Officer, Michael A. Hursh

SUBJECT: Trapeze OPS Contract Amendment

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to amend the Trapeze OPS software purchase and installation contract with Trapeze Software Group to accommodate scope additions in the amount of $330,000, increasing the total contract value to $2,264,967.

BACKGROUND:

At its meeting on October 6, 2011, the Board of Directors approved a contract with Trapeze Software Group to install and implement the Trapeze OPS software. This approved contract called for replacing the legacy Bidding, Dispatching, & Timekeeping (BDT) software and implementing an integrated transportation management system that meets industry standards. The executed contract amount was $1,702,484.

DISCUSSION:

Since February 2012, Trapeze Software Group commenced work on the Trapeze OPS project per the terms of the contract. The project is currently in the Execution Phase which includes software installation, subject matter expert training, and testing. Several stages of systems development and factory acceptance testing (FAT) have been completed, including the operational design review.

Operational design review started April 2012. As the operational design review progressed, scope additions were identified. These contract scope additions were to fulfill the additional software functional requirements for VTA. For each additional item, VTA negotiated the scope and budget.
Per the VTA Administrative Code Section 9-2g, the General Manager has the authority, for those contracts approved by the Board of Directors, to amend the amount of the contract by not greater than 15% unless otherwise directed by the Board at the time of award. The authority to amend the Trapeze OPS contract amount within 15% of executed contract amount was exercised for this project. To date, the following are scope additions funded within 15% of the executed contract:

- **Software customization** - Four customizations not available in the standard features of the software. The customizations cover areas of dispatching, workforce management, and safe driving.

- **Test environment solution** - A condensed version of the Trapeze OPS software primarily used for testing.

- **Automated yard map for light rail** - An automated solution, using RFID (Radio-frequency identification) technology, to track light rail revenue vehicle location in the maintenance division parking area.

- **Work Assignment additional training** - Additional five days of work assignment module training for six office support staff. This was necessary to ensure key stakeholders, who were not able to participate in the initial stages of the work assignment training, are properly trained.

Total commitment to date for the scope additions is $232,483, increasing the contract amount to $1,934,967. At this point, the 15% contingency is nearly exhausted.

As the project progresses through various training and testing phases, staff determined that further scope additions above the 15% General Manager’s authority were necessary for a successful implementation. These scope additions are as follows:

- **Additional End-user training** - Staff determined that the amount of end-users was underestimated and that the current training materials should be modified to specific VTA business processes. This scope addition will add end-user training days and customize training materials.

- **Additional Go-live support** - The go-live support from Trapeze Software group was budgeted for 10 days. After careful review, staff determined that 10 days was not enough to ensure a smooth transition to the new system. We recommend adding 20 days, bringing the total go-live support to 30 days.

VTA is requesting the Board to approve an increase in the contract value from the current ceiling of $1,957,857 to $2,264,967. Attachment A details the scope addition items.

**ALTERNATIVES:**

The Board could choose to not authorize implementation of the aforementioned scope additions. However, given the complexity of timekeeping in the transit industry and the fact that 2/3 of VTA’s workforce will be affected by this software, not performing the additional end-user training and go-live support will seriously increase the risk of the project.
FISCAL IMPACT:

This action will authorize $330,000 for scope additions to the Trapeze OPS software installation project. Appropriation for this expenditure is available in the FY 2014 Adopted VTA Transit Fund Capital Budget.

SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION:

There is no subcontracting anticipated for this project. Therefore, no SBE goal was established.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Transit Planning and Operations Committee considered this item as part of their consent agenda on November 21, 2013. The Committee unanimously recommended approval of this item without comment.

Prepared by: Joonie Tolosa, Manager, Operations Analysis, Reporting, & Systems
Memo No. 4245
### List of Consultant(s)/Contractor(s)

<table>
<thead>
<tr>
<th>Firm Name</th>
<th>Contact</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trapeze Software Group, Inc.</td>
<td>David Corbin</td>
<td>Trapeze Software Group 8360 East Via de Ventura, Suite L-200 Scottsdale, AZ 85258 USA</td>
</tr>
</tbody>
</table>
# Attachment A

## Trapeze OPS Scope Additions

<table>
<thead>
<tr>
<th>Line Item</th>
<th>Scope Addition</th>
<th>Description</th>
<th>Amount</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Test environment solution (11/19/2012)</td>
<td>A condensed version of the Trapeze OPS software primarily used for testing and design review.</td>
<td>$3,300</td>
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<tr>
<td>2</td>
<td>Software Customizations (05/01/2013)</td>
<td>Four customizations not available in the standard features of the software. Software development, testing, &amp; delivery effort in days: 38  ■ Extraboard rotation - custom software to rotate the Extraboard list.  ■ Absence alert - when an absence threshold is met, an absence alert or error message is generated based on hours or a set time frame as required by VTA.  ■ Safety Driving Awards Custom Report.  ■ Report listing the total number of discipline points accumulated for a set of employees.</td>
<td>$64,600</td>
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<td>3</td>
<td>Automated yard map for light rail (08/07/2013)</td>
<td>An automated solution, using RFID (Radio-frequency identification) technology, to track light rail revenue vehicle location in the maintenance division parking area (yard map).  ■ Real-time location system (RTLS) for the light rail maintenance facility using the Trapeze RFind hardware with accompanying software: Site Manager and Yard Manager.  ■ Integration of the Yard Manager with OPS Yard Map to allow for location information, maintenance status, block assignments, and train consists.  ■ Provision to determine make-up of a train consist within Yard Manager.</td>
<td>$150,283</td>
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<td>4</td>
<td>Work Assignment additional training (10/23/2013)</td>
<td>Additional five days of work assignment module training for six office support staff.</td>
<td>$14,300</td>
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**Subtotal 1 - Amended Contract Value (Executed Contract + Scope Additions 1-4)** | **$1,934,967**

**Total Authorized Value (+15% of Executed Contract)** | **$1,957,857**
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<tr>
<th>Line item</th>
<th>Scope Addition</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Additional End-user training</td>
<td>This scope addition will add end-user training days and produce customized training materials.</td>
<td>$129,000</td>
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<tr>
<td></td>
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<td><strong>Module</strong></td>
<td><strong># of Employees</strong></td>
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<td>Dispatching</td>
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<td>Work Assignment</td>
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<td></td>
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<td>Timekeeping</td>
<td>27</td>
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<td></td>
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<td>Workforce Management</td>
<td>25</td>
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<td></td>
<td></td>
<td>Work Notifications/On-line tools</td>
<td>45</td>
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<td></td>
<td></td>
<td>Business Intelligence Reporting</td>
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<td><strong>Totals</strong></td>
<td>158</td>
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<td></td>
<td></td>
<td>Budgeted Training Days (current)</td>
<td>56</td>
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<tr>
<td></td>
<td></td>
<td>Additional Training Days (new)</td>
<td>61</td>
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<tr>
<td>6</td>
<td>Additional Go-live support</td>
<td>Additional Go-live support - The go-live support from Trapeze Software group was budgeted for 10 operational days (or 30 person days) deploying the system modules for both Operators and non-Operators concurrently. Based on the complexity and scope of this project, 30 person days is not sufficient and a concurrent deployment is risky. To ensure a smooth transition to the new system staff recommends deploying each module separately with 30 operational days (or 84 person days) of go-live support, bringing the total go-live support to 168 (84+84) person days. Thus, a net of 138 person days is (84+84-30) recommended.</td>
<td>$201,000</td>
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<td><strong>Week Days</strong></td>
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<td>Chaboya</td>
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<td>Cerone</td>
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<td>Guadalupe</td>
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<td>Rover</td>
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<td>Help Center</td>
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<td></td>
<td></td>
<td>River Oaks*</td>
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<td></td>
<td><strong># of Trapeze personnel</strong></td>
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<td></td>
<td></td>
<td><strong>Person Days</strong></td>
<td>25</td>
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<td></td>
<td></td>
<td><strong>Deployment</strong></td>
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<td></td>
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<td>Operator</td>
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<td></td>
<td></td>
<td>non-Operator</td>
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<td></td>
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<td><strong>Total</strong></td>
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<td></td>
<td></td>
<td>Budgeted (current)</td>
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<td></td>
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<td>Additional Person Days (new)</td>
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<td><strong>Subtotal 2 - Board Authorization Request (Scope Additions 5-6)</strong></td>
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<td>$330,000</td>
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<tr>
<td><strong>Total - Proposed Amended Contract (Subtotal 1 + Subtotal 2)</strong></td>
<td></td>
<td>$2,264,967</td>
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BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Preferred Vendor Transit Signal Priority Equipment Procurement for Limited 323 Service Corridor

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with Emtrac Systems through a preferred vendor procurement for $340,305 for Transit Signal Priority Equipment for the Limited 323 Transit Signal Priority Project on San Carlos Street and Stevens Creek Boulevard.

BACKGROUND:

In January 2012, the Metropolitan Transportation Commission (MTC) proposed to fund service improvements on major bus and light rail corridors as a regional component of the One Bay Area Grant program. The Transit Performance Initiative (TPI) program is a pilot program to fund low-cost capital improvements that improve operations and customer experience in high transit ridership corridors.

In May of 2012, VTA was awarded a $712,888 grant from MTC for the Stevens Creek Limited 323 Transit Signal Priority (TSP) Improvement Project to implement real-time transit signal prioritization in VTA’s second highest ridership corridor along Stevens Creek Boulevard and West San Carlos Street. Including the required 11.47% local match of $92,362, the total project budget is $805,250. The local match is from 2000 Measure A funds. The objective of the Stevens Creek Limited 323 Transit Signal Priority project is to reduce travel time for existing Limited 323 vehicles on the heavily traveled Stevens Creek Boulevard corridor in the cities of Cupertino, Santa Clara and San Jose with the goal that this would lead to an increase in Limited 323 ridership.

Since May 2012, staff has worked with the Federal Transit Administration and MTC to secure
funding from the Congestion Mitigation and Air Quality Improvement Program (CMAQ), drafted agreements with the cities of San Jose, Santa Clara and Cupertino to help install TSP equipment in city controllers, and worked with the vendor to receive quotes on the TSP equipment that VTA would use for the Limited 323 project.

The Limited 323 TSP equipment vendor, Emtrac Systems, is also the vendor for the TSP equipment used on the Rapid 522 service. Using the same TSP equipment vendor for both the Rapid 522 and Limited 323 services results in cost savings for TSP equipment; for example, by not having to maintain two separate inventories of spare parts. While there are other vendors that provide similar equipment, the equipment from the various vendors are not interoperable and therefore cannot be commingled in VTA’s fleet.

**DISCUSSION:**

VTA recommends the purchase of Emtrac Systems TSP equipment for the Limited 323 service through a preferred vendor procurement process. This preferred vendor procurement ensures that the TSP system that would be implemented for the Limited 323 service would be the same as what is already operated by VTA for the Rapid 522 service, and allows for a simple expansion of the Emtrac Systems TSP system that has already been implemented for faster bus service. Having the same system in both corridors allows for more efficient systems management, greater flexibility for service scheduling, and for cost savings related to reduced inventory of TSP equipment for the vehicles and intersections with the equipment being interchangeable between the two corridors and for the purposes of maintaining spare parts.

When the TSP equipment was implemented for the Rapid 522 service, an evaluation of systems from different vendors was conducted including field testing of equipment. The City of San Jose and Caltrans were part of the testing that was conducted. The cities of San Jose and Santa Clara were part of the project team that implemented TSP in the Rapid 522 Corridor and are familiar with the Emtrac TSP system. The selection of Emtrac Systems to provide TSP for the 522 Rapid Corridor was through a competitive low-bid process has been implemented at 111 signalized intersections. The Emtrac TSP system has performed as required and the costs are within expected industry standards for this type of equipment.

Furthermore, the City of Cupertino is already using Emtrac Systems equipment for fire vehicle preemption in the Stevens Creek Boulevard corridor that is planned to be used to provide TSP for the Limited 323 service that will assist in reducing costs to implement TSP. Based on the above factors, the local agencies in the corridor and VTA are in agreement on the use of Emtrac Systems equipment in the Limited 322 corridor.

**ALTERNATIVES:**

The Board of Directors can elect not to authorize execution of this contract; however that action would delay implementation of Transit Signal Priority in the Limited 323 corridor.

**FISCAL IMPACT:**

This action will authorize $340,305 for Transit Signal Priority Equipment. Appropriation for this expenditure is included in the FY14 Adopted 2000 Measure A Transit Improvement
Program Fund Capital Budget. This contract is funded through a federal CMAQ grant and 2000 Measure A funds.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Transit Planning and Operations Committee considered this item as part of their consent agenda on November 21, 2013. The Committee unanimously recommended approval of this item without comment.

Prepared by: Jody Littlehales
Memo No. 4299
### Attachment A

Emtrac Systems Sole Source Request
List of Consultants

<table>
<thead>
<tr>
<th>Firm Name</th>
<th>Name</th>
<th>Role</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emtrac Systems Inc.</td>
<td>Kris Morgan</td>
<td>President</td>
<td>Mount Vernon, IL</td>
</tr>
</tbody>
</table>
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief SVRT Program Officer, Carolyn M. Gonot

SUBJECT: BART Silicon Valley Berryessa Extension Project Campus, Roadway, and Parking Facilities Design and Engineering Services Contract Amendment with WMH Corporation

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute contract amendments valued at $1,175,000 with WMH Corporation (WMH) for design and engineering services, including construction support services, for the BART Silicon Valley Berryessa Extension - Project Campus, Roadway, and Parking Facilities Design and Engineering Services contract, thereby increasing the total agreement value authorized by the VTA Board to $8,650,000.

BACKGROUND:

The extension of Bay Area Rapid Transit (BART) services into Santa Clara County, known as the BART Silicon Valley Project, is being implemented under a comprehensive agreement between BART and VTA. The extension will be implemented in stages, the first stage being a two-station (Milpitas and Berryessa) extension of approximately 10 miles, from BART’s Warm Springs station in Alameda County, now under construction, to VTA’s planned Berryessa Station in the City of San Jose. The initial segment is known as the Silicon Valley Berryessa Extension (SVBX) Project. The segment is divided into two main portions: the Line, Track, Stations, and Systems; and Campus, Roadway and Parking Facilities.

In February 2012, WMH was selected to perform design and engineering services and to produce bid documents for the Campus, Roadway and Parking Facilities portions of the SVBX Project. The Parking Structure is a design-build and the Campus, Roadway and Surface Parking are a design-bid-build. On March 1, 2012, the VTA Board approved the selection of WMH Corporation and execution of a contract in the amount of $6,500,000.
DISCUSSION:

Since March of 2012, WMH has been providing valuable engineering design expertise, completing conceptual engineering and design for the C730 Parking Structures at Milpitas and Berryessa Stations design-build bid documents. The C730 Design-Build Invitation for Bids was advertised on September 23, 2013 and VTA will receive bids in January 2014. They have also completed conceptual and preliminary engineering and design and will soon be completing the final engineering and design for the Berryessa and Milpitas Station Campus, Roadway, and Surface Parking Projects. Bidding for the Campus, Roadways, and Surface Parking projects for both campuses is scheduled for mid-2014.

In May of 2012, VTA entered a Joint Exercise of Powers Agreement (JPA) with the County of Santa Clara (County) and Santa Clara Valley Water District (SCVWD) for Montague Expressway Reconstruction. The JPA assigns VTA the responsibility to provide design oversight, acquire real estate and perform construction management of the Montague Expressway Reconstruction. VTA is integrating the construction of the Montague Widening scope with the construction of South Milpitas Boulevard to address the numerous interface complexities.

Additionally, as design development has progressed, several items of scope have been identified. It was determined that these items were best assigned to the WMH team in order to manage the complexities of design interfaces and coordination requirements. For each item, VTA is negotiating the scope and corresponding budget.

Scope items identified to date that are funded under the 15% board contingency include the following:

- Complete Pedestrian Overcrossing (POC) Study and Preliminary Design of a proposed POC over Montague Expressway as mitigation for impacts to Curtis Park. WMH team is to ensure the POC integrates properly into the Milpitas parking structure.
- Complete geotechnical borings required for structures design throughout the campuses.
- Coordinate with Montague Expressway Reconstruction project to merge the project into the Milpitas Campus contracts, per the JPA. Effort includes modifying design for South Milpitas Boulevard (SMB) to address flooding of Berryessa Creek and account for the proposed 7-foot increase in elevation on Montague Expressway in the vicinity the intersection with SMB.
- Prepare design documents for utility and grading designs at interfaces with C700 LTSS contract as a result of adjustment of design interfaces.
- Coordinate with VTA’s C735 Parking Technology project and make modifications to various design documents to accommodate the proposed system elements and requirements.

As a result of the additional scope items, the original VTA approved contract amount of $6,500,000 plus an allowable 15% contingency ($975,000) will be exhausted.

VTA has further requested that the WMH team provide design and engineering services for new campus elements, a decision made based on the complexity of adding new designers and interface coordination requirements to the campuses.
New scope items include:

- Complete design of Upper Penitencia Creek Trail and related facilities contiguous with the Berryessa Campus area. Add design to the C742 Berryessa Campus contract (funded by an OBAG grant).
- Prepare technical documents for demolition of buildings within the South Milpitas Boulevard required for the roadway construction and include with the C640 roadway contract. Scope was shifted from C700 LTSS contract to the WMH team to minimize schedule risk and potential schedule delays.
- Complete design of VTA systems/communications/bus operator’s facility, trash enclosure, concessions and bike facility at Berryessa Station and incorporate into the C742 Berryessa Campus contract. Complete design of landscaping beneath the Capitol Light Rail for inclusion in the C741 Landscaping Contract (funded by grant money from the City of Milpitas).
- Provide Design Services During Construction (DSDC) support for all construction contracts, as this scope was not included in the original executed contract.

Staff is requesting that the Board approve an increase in the contract value from the current allowable ceiling of $7,475,000 to $8,650,000 to address these new scope items. Attachment A summarizes the amendment items for the D720 WMH contract.

Additionally, staff requests that the contract period for performance be extended from January 1, 2014 to December 31, 2014. The contract amendment will be structured as a cost plus fixed fee basis, with the exception of the DSDC services, which will be procured on a time and materials basis.

The WMH team consists of 8 subconsultants. Company names and details are included in Attachment B.

**ALTERNATIVES:**

The recommended services could be performed by others. However, due to the current complexities with campuses design, with four designers involved at Milpitas, and three designers at Berryessa, it is recommended to maintain WMH’s involvement to minimize adding further complexity. Additionally, WMH is very familiar with the campus sites and as the engineer of record for the majority of the design. Introducing a new designer is likely to be less efficient, less effective, and potentially more costly than the recommended action.

**FISCAL IMPACT:**

This action will authorize $1,175,000 for design and engineering services. Appropriation for these expenditures is available in the FY14 Adopted 2000 Measure A Transit Improvement Program Fund Capital Budget. Funding for this effort will include 2000 Measure A and FTA New Starts funds. Additionally, certain items are funded through the One Bay Area Grant (OBAG) program as well as by the City of Milpitas.
DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION:

In connection with performance with the contract, a DBE goal of 25% has been established based on indefinable subcontracting opportunities. The Contractor has commented to maintain this participation for the design services identified under the proposed amendments.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Transit Planning and Operations Committee received a brief presentation on this item at its November 21, 2013 meeting. The Committee recommended that this item be placed on the consent agenda for the December 12, 2013 Board of Directors’ meeting.

Prepared by: Margaret Simmons-Cross
Memo No. 4314
<table>
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<tr>
<th>Amendment</th>
<th>Summary</th>
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<tbody>
<tr>
<td>1</td>
<td>(1/14/2013) • Additional funds for geotechnical borings; • Revised parking criteria • Revised milestone dates</td>
</tr>
<tr>
<td>2</td>
<td>(8/23/2012) • Study for Pedestrian Overcrossing over Montague Expressway o Concept Drawings o Opinion of Probable Costs o Memorandum documenting alternatives</td>
</tr>
<tr>
<td>3</td>
<td>(4/1/2013) • Milestone Schedule changes only</td>
</tr>
<tr>
<td>4</td>
<td>(10/1/2013) • Montague Pedestrian Overcrossing Preliminary Design o Project Management o Preliminary Design ▪ Civil/Structural/Arch/Elec Drawings ▪ Conceptual Quantities and Estimates</td>
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<tr>
<td>5</td>
<td>(10/7/2013) • Project Management o Project Schedule Extension (staggering the campus contracts) o Additional Hydraulic Study Coordination o Parking and Revenue Collection System • C730 Parking Structures o Aesthetic Alternatives o Berryessa Parking Structure “Stepped” Options • C740 Milpitas Campus o Coordination with Montague Expressway Project o South Milpitas Boulevard Plan Line • C742 Berryessa Campus o Coordination with C700 on site Grading o Police Zone Facility o Transformer and Emergency Generator Location o Berryessa Station Complete Street • Additional Coordination/Design Services • Credits o Milpitas Shuttle/Utility Corridor o Milpitas Conceptual Design o Offsite Traffic Mitigation</td>
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Total Amended Contract Value including Amendments 1-5 $7,475,000

Total Board Authorized Value with 15% Contingency $7,475,000

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<tr>
<th>Pending Amendments</th>
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<tr>
<td>6</td>
<td>• Upper Penitencia Creek Trail o Final design and cost estimate of pedestrian/bike trail, and traffic signals.</td>
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Sub-total for Pending Amendments (6-10) $1,173,143

Total Amended Contract Value including Amendments 1-10 $8,648,143

Proposed Board Authorized Value $8,650,000
## Silicon Valley Rapid Transit-Amendment to Engineering Services Contract
### With WMH Corporation

### Attachment B

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<thead>
<tr>
<th>Contractor Firm</th>
<th>Contractor Role</th>
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<tbody>
<tr>
<td>WMH</td>
<td>Prime Consultant</td>
<td>50. W. San Fernando Street Suite 950</td>
</tr>
<tr>
<td></td>
<td></td>
<td>San Jose, CA 95113</td>
</tr>
<tr>
<td>Kimley Horn</td>
<td>Campus Design</td>
<td>100 W. San Fernando, Suite 250</td>
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<td></td>
<td>San Jose, CA 95113</td>
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<tr>
<td>Parikh Consultants, Inc.</td>
<td>Geotechnical Engineering</td>
<td>2360 Qume Drive, #A</td>
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<td>San Jose, CA 95131</td>
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<td>Biggs Cardosa Associates</td>
<td>Structural Engineering</td>
<td>865 The Alameda</td>
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<td></td>
<td>San Jose, CA 95126</td>
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<tr>
<td>Rail Surveyors and Engineers, Inc.</td>
<td>Surveying, Mapping, ROW</td>
<td>16660 Oakview Circle</td>
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<td></td>
<td></td>
<td>Morgan Hill, CA 95037</td>
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<tr>
<td>TRC Solutions</td>
<td>Security</td>
<td>405 Clyde Avenue</td>
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<td></td>
<td></td>
<td>Mountain View, CA 94043</td>
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<tr>
<td>Anil Verma Associates</td>
<td>Architectural, Structural, MEP and Fire</td>
<td>1970 Broadway, #525</td>
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<td></td>
<td>Oakland, CA 94612</td>
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<tr>
<td>Merrill-Morris Partners</td>
<td>Landscape Architecture</td>
<td>249 Front Street</td>
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<td>San Francisco, CA 94111</td>
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<td>Taradigm</td>
<td>Scheduling</td>
<td>4227 Sunrise Blvd, #220</td>
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<td>Fair Oaks, CA 95628</td>
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BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief SVRT Program Officer, Carolyn M. Gonot

SUBJECT: SVBX Residential Noise Insulation Program Construction Group Three Contract – C752

Policy-Related Action: No

Government Code Section 84308 Applies: No

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with G & G Specialty Contractors, Inc., the lowest, responsive and responsible bidder in the amount of $742,500 for the Group Three’s construction of Residential Noise Insulation Program.

BACKGROUND:

In the environmental documentation for the SVBX Project, VTA analyzed the effects of the project on noise levels according to the FTA’s guidance on transit noise and vibration impact assessment. Based on this analysis, VTA determined that the project exceeded FTA’s severe noise impact criteria at various locations along the corridor. Proposed sound walls will mitigate many of these impacts at ground level. However, above ground level, potentially severe noise impacts were identified at 533 residences having two or more floors.

For these residences with two or more floors, the Residential Noise Insulation Program (RNIP) was established to conduct noise testing to identify properties eligible to receive noise insulation mitigation. The RNIP program includes: identification of the type of noise insulation mitigation required; preparation of architectural plans, technical specifications, and cost estimates; and installation of mitigation measures.

At this time, 100 percent of the noise testing indicating eligibility along the corridor has been completed and architectural design packages are being produced for a total of 253 eligible residences that have been determined to be eligible to receive noise insulation materials to mitigate impacts.
The 253 eligible residences have been divided into four construction groups based on proximity to initial construction activities, overall geography throughout the corridor, and VTA’s desire to reduce contract amounts to attract the maximum number of responsible low bids. The RNIP Group Three construction contract includes construction for the RNIP improvements for 55 eligible residences. The program continues to move towards completion of architectural design packages for installation of the mitigation measures.

**DISCUSSION:**

On September 17, 2013, VTA advertised the construction bid package for installation of noise mitigation materials for 55 residences included in a group located throughout the SVBX construction. The selection of Group Three residences was based off on the responsiveness of the homeowners. The scope of the contract consists of window and door replacements, weather stripping, mechanical and electrical work and other improvements to privately owned residences. This work will require coordination with homeowners and local Building departments to ensure minimal disruption to residents and that the work is completed according to local code. These installations are intended to provide noise insulation for the upper floors of residences that may experience noise impacts from future train service along SVBX. The goal is to obtain a maximum interior Day/night Noise Level (DNL) value of 45dB, and a minimum Noise Level Reduction (NLR) improvement of 5 dB after the mitigation is installed.

On October 1, 2013, a pre-bid conference was held to provide interested bidders information on the scope of work, contract requirements, compliance, and Disadvantaged Business Enterprise compliance and goals. Two contractors attended the conference.

Bids from two contractors were received on October 17, 2013, with the following results:

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>G &amp; G Specialty Contractors, Inc.</td>
<td>$742,500</td>
</tr>
<tr>
<td>GE Chen Construction</td>
<td>$786,000</td>
</tr>
</tbody>
</table>

Engineer’s Estimate $765,978

Therefore, G & G Specialty Contractors, Inc. was the lowest, responsive and responsible bidder.

Construction is anticipated to begin in January 2014 with completion by August 2014.

**ALTERNATIVES:**

The Board could request staff to solicit additional bids. This action would delay the completion of the RNIP and delay the goal of completing the RNIP earlier so the RNIP improvements can also mitigate the current SVBX project construction noise.

**FISCAL IMPACT:**

This action will authorize $742,500 for the construction of the RNIP improvements for 55 eligible residences that are in the RNIP Group Three of the program. Appropriation for this
expenditure is included in the FY 2014 Adopted 2000 Measure A Transit Improvement Program Fund Capital Budget.

**DISADVANTAGED BUSINESS ENTERPRISE (DBE)/SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION**

Based on identifiable subcontracting opportunities, a DBE goal of 6% was established for this contract.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Transit Planning and Operations Committee considered this item as part of its November 21, 2013 Consent Agenda and approved it unanimously without comment.

Prepared by: Evelyn Ho
Memo No. 3980
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
       Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief SVRT Program Officer, Carolyn M. Gonot

SUBJECT: SVBX Residential Noise Insulation Program – Amendment to Construction Administration Services Contract with CSDA Architects

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract amendment with CSDA Architects in an amount not to exceed $70,000, increasing the total contract value to $2,316,948.88, for construction oversight services for the Silicon Valley Berryessa Extension (SVBX) Residential Noise Insulation Program (RNIP) construction contracts.

BACKGROUND:

In the environmental documentation for the SVBX Project, VTA analyzed the effect of the project on noise levels according to the Federal Transit Administration’s (FTA) guidance on transit noise and vibration impact assessment. Based on this analysis, VTA determined that the project exceeded FTA’s severe noise impact criteria at various locations along the corridor. Proposed sound walls would mitigate many of these impacts at ground level. However, above ground level, potentially severe noise impacts were identified at 525 residences having two or more floors.

For residences with two or more floors, the RNIP provides mitigation to eligible homes to mitigate noise impacts once BART is in service operations. These mitigations include acoustical windows and doors, weather stripping, and fresh air ventilation improvements.

On June 2, 2011, the VTA Board authorized the General Manager to execute a contract with CSDA Architects to provide professional services for the RNIP. The services of the program’s architectural design firm included conducting noise testing to identify properties eligible for noise insulation, identifying the type of noise insulation required and preparing architectural
plans, technical specifications, and cost estimates to install measures to mitigate impacts.

At this time, 100 percent of the noise testing to determine eligibility has been completed along the corridor. A total of 253 eligible residences have been divided into four groups (Group One to Group Four) based on proximity to initial construction activities, overall geography throughout the corridor and VTA’s desire to reduce contract amounts to attract the maximum number of responsible low bids. The program continues to move towards completion of architectural design packages to install mitigation measures for eligible residences.

**DISCUSSION:**

CSDA Architects was selected to provide engineering services and construction administration services for the RNIP. Below is a listing of the amendments to CSDA’s contract.

<table>
<thead>
<tr>
<th>Board Action</th>
<th>Scope of Services</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 2011 Original Contract</td>
<td>RNIP Noise Testing and Architectural Design</td>
<td>$1,651,718</td>
</tr>
<tr>
<td>Oct 2011 Contract Amendment</td>
<td>Increase number of project units and add intermediate submittal with Homeowner review</td>
<td>$111,230</td>
</tr>
<tr>
<td>June 2013 Contract Amendment</td>
<td>Construction Administration</td>
<td>$484,000</td>
</tr>
</tbody>
</table>

**Existing Contract Total:** $2,246,948

The proposed contract amendment comprises two parts as follows:

**Part 1** - On July 24, 2013, VTA advertised the RNIP mechanical materials bid package for groups two through four. VTA received one bid that was more than twice the Engineer's Independent Cost Estimate. Therefore, VTA Contracts decided to procure the mechanical products (a total of 217 units) on behalf of the contractor for groups two through four (construction contracts C751, C752, and C753).

In an effort to ensure the correct quantity and materials are ordered, staff is recommending this contract amendment for CSDA Architects to provide construction administration services for the mechanical materials that VTA will procure.

Services to be provided under this amendment include quantities compilation, submittal preparation, material inspection and warranty coordination for the mechanical materials that VTA will procure on behalf of the contractor for construction contracts C751, C752, and C753. The amount of this portion of the contract amendment is $30,400.

**Part 2** - Contract C750 was for construction in the group one residences, which got underway in July 2013. The RNIP experienced a higher than anticipated volume of coordination with the City Building Departments and homeowners during construction of C750. Based on this experience,
The staff is recommending a higher level of consultant support for subsequent phases.

In order to maintain project continuity and enhance customer services, the staff is also recommending additional services for Building Department coordination, homeowner coordination, and construction coordination. This recommendation takes into account the forecasted lead times required for inspections; additional meetings with Building Department to secure approval for plans; homeowners’ window covering reimbursement coordination; HOA approvals/meetings; homeowner damage claims; additional site visits due to newly purchased properties requiring coordination with new homeowners; rescheduling site visits due to homeowner no-shows; and unforeseen field conditions. The amount of this portion of the contract amendment is $39,600.

Under this amended contract, CSDA Architects will assist VTA with coordination for the RNIP with 253 eligible homeowners. They have been involved with the program since its inception and are known and trusted by the homeowners.

This will continue to be a Time and Materials (T&M) contract and be managed through issuance of work assignments. The contract amendment amount of $70,000 is for approximately 440 hours of construction administration services in support of the RNIP.

The CSDA Architects team includes four sub-consultants. Company names and details are included in Attachment A.

**ALTERNATIVES:**

The Board could request staff to solicit additional proposals from other firms to provide these services. The cost for these services by other than CSDA Architects would be substantially higher because they would lack the history and knowledge of the RNIP. This would result in a delay of approximately six months for the new procurement process, which would result in most residences not receiving their treatments in time to help with construction noise.

**FISCAL IMPACT:**

This action will authorize up to $70,000 for construction oversight services for RNIP support. Appropriation for this expenditure is available in the FY 2014 Adopted 2000 Measure A Transit Improvement Program Fund Capital Budget.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Transit Planning and Operations Committee considered this item as part of its November 21, 2013 Consent Agenda and approved it unanimously without comment.

Prepared by: Evelyn Ho
Memo No. 4303
## Silicon Valley Rapid Transit Program – Contract Amendment to Engineering Services Contract with CSDA Architects

### Attachment A

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Address</th>
<th>Contact</th>
<th>Project Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSDA Architects</td>
<td>100 Montgomery Street, Suite 1170</td>
<td>Randy Waldeck</td>
<td>Project Manager</td>
</tr>
<tr>
<td></td>
<td>San Francisco, CA 94104</td>
<td>T: 415.693.9800 x 1145</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>F: 415.693.9830</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><a href="mailto:rwaldeck@csdarchitects.com">rwaldeck@csdarchitects.com</a></td>
<td></td>
</tr>
<tr>
<td>RGA Environmental</td>
<td>1466 66th Street,</td>
<td>Ken Pilgram</td>
<td>Environmental Survey</td>
</tr>
<tr>
<td></td>
<td>Emeryville CA 94608</td>
<td>T: 510.899.7014</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>F: 415.693.9830</td>
<td></td>
</tr>
<tr>
<td>MBI Media</td>
<td>2033 Gateway Place,</td>
<td>Martha Strickland</td>
<td>Homeowner</td>
</tr>
<tr>
<td></td>
<td>Suite 572</td>
<td>T: 626.967.1510</td>
<td>Coordination/</td>
</tr>
<tr>
<td></td>
<td>San Jose, CA 95110</td>
<td>F: 626.967.1718</td>
<td>Community Outreach</td>
</tr>
<tr>
<td></td>
<td></td>
<td><a href="mailto:mstrickland@mbimedia.com">mstrickland@mbimedia.com</a></td>
<td></td>
</tr>
<tr>
<td>Charles M. Salter Associates</td>
<td>100 West San Fernando, Suite 430</td>
<td>Peter K. Holst</td>
<td>Acoustical Survey</td>
</tr>
<tr>
<td></td>
<td>San Jose, CA 95113</td>
<td>T: 415.397.0442</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>F: 415.397.0454</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><a href="mailto:peter.holst@cmsalter.com">peter.holst@cmsalter.com</a></td>
<td></td>
</tr>
<tr>
<td>Murphy, Burr, Curry</td>
<td>85 Second Street,</td>
<td>Steven Curry</td>
<td>Structural Engineer</td>
</tr>
<tr>
<td></td>
<td>Suite 501</td>
<td>T: (415) 546-0431</td>
<td></td>
</tr>
<tr>
<td></td>
<td>San Francisco, CA 94105</td>
<td>F: (415) 882-7257</td>
<td></td>
</tr>
</tbody>
</table>
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Financial Officer, Joseph T. Smith

SUBJECT: FY2013 CAFR & ATU Pension Plan Report

ACTION ITEM

RECOMMENDATION:


BACKGROUND:

Pursuant to state law and the Administrative Code of the Santa Clara Valley Transportation Authority (VTA), Vavrinek, Trine, Day & Company, LLP (VTD), a Certified Public Accounting Firm, conducted an audit of VTA finances for the fiscal year ended June 30, 2013 (FY 2013). The auditors are required by audit standards to obtain reasonable assurance about whether the financial statements are free of material misstatement as well as assess whether the accounting principles used and estimates made by management are reasonable. Audited financial statements are required to be submitted to the State Controller, Metropolitan Transportation Commission, federal and state agencies, and other parties such as the bondholders and financial rating agencies.

DISCUSSION:

Audit Results

VTD rendered a “clean” or unmodified opinion on VTA’s financial statements. The audit report states that VTA’s Comprehensive Annual Financial Report (CAFR) presents fairly, in all material respects, the financial position of the business-type activities, the governmental
activities, each major fund, and the aggregate remaining fund information of VTA as of June 30, 2013, as well as the changes in financial position and cash flows. There were no material weaknesses noted in the internal controls over financial reporting and operations. The Independent Auditor’s opinion addressed to the Board is on pages 2-1 through 2-3 of the CAFR.

In planning and performing the audit of VTA’s financial statements, VTD considered VTA’s internal control system and procedures. Based on the audit procedures performed, VTD noted no significant deficiency or material weakness as noted in SAS 114 letter (Statements on Auditing Standards relating to Auditor's Communication with Those Charged with Governance).

**Audited Financial Statements**

VTA uses the fund accounting system for financial reporting to ensure and demonstrate compliance with finance-related legal requirements. A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. VTA’s funds can be divided into three categories: proprietary, governmental, and fiduciary.

The financial statements, related footnotes, and Management’s Discussion and Analysis as presented in the CAFR were prepared in accordance with the reporting requirements recommended by the Government Finance Officers Association (GFOA).

The GFOA awarded a Certificate of Achievement for Excellence in Financial Reporting to VTA for its CAFR for the fiscal year ended June 30, 2012. This was the 17th consecutive year that VTA achieved this coveted award. The award provides affirmation that VTA’s Comprehensive Annual Financial Reports are consistently prepared in accordance with generally accepted accounting principles and applicable legal requirements.

The CAFR reports the results of operations for:

- **Proprietary Funds**
  - VTA Enterprise - VTA Transit; 1996 Measure B Transit Rail Program; 2000 Measure A Transit Improvement Program; BART Operating; Express Lanes, and Joint Development Program
  - Internal Service Fund - Workers’ Compensation; General Liability, and Compensated Absences

- **Governmental Funds**
  - Special Revenue Fund - Congestion Management Program (CMP)
  - Capital Projects Funds - Congestion Management & Highway Program, and 1996 Measure B Highway Program

- **Fiduciary Funds**
  - Trust Funds - VTA Amalgamated Transit Union (ATU) Pension Plan; ATU Spousal Medical and Retiree Vision/Dental Fund, and Retirees’ Other Post Employment Benefits (OPEB) Trust
Financial Highlights

Proprietary Funds

The Proprietary Funds account for activities that are reported using the full accrual basis of accounting. VTA maintains two types of proprietary funds: Enterprise Funds and Internal Service Funds.

Enterprise Funds

Enterprise Funds are used to account for functions of VTA that are principally supported by user charges, sales tax, and intergovernmental revenues. There are six types of activities that fall under this category: VTA Transit, 1996 Measure B Transit Improvement Program, 2000 Measure A Transit Improvement Program, BART Operating, Express Lanes, and Joint Development Program.

Statement of Revenues, Expenses, and Changes in Fund Net Assets

A Comparative Statement of Revenues, Expenses, and Changes in Fund Net Position is included on page 2-91 of the CAFR. Highlights on the operating and non-operating revenues are as follows:

- For FY 2013, operating revenues (mainly from transit service fares, toll fees, and advertisement income) were $41.8 million, up $1.8 million (4.4%) compared to FY 2012. The increase was primarily due to more toll fee collections as FY 2013 reported the first full year of SR237/I880 Express Lane operations. Passenger fares and advertising revenue also increased in FY 2013 due to improved system ridership and increase in advertising contract negotiated amount, respectively.

- VTA’s largest revenue source for operating and capital funding, the 1976 Half-Cent Sales Tax, 2000 Measure A Half-Cent Sales Tax, and BART Operating 1/8-cent Sales Tax, were $176.7 million, $176.5 million, and $41.9 million, respectively. For FY 2013, the 1976 Half-Cent Sales Tax was $10.1 million or 6.1% higher compared to prior year, while the 2000 Measure A Half-Cent Sales Tax was $10.3 million or 6.2% higher than prior year. FY 2013 reported the first year of BART Operating sales tax collection of $41.9 million. Lower unemployment, as well as higher consumer and business spending, helped increase VTA’s revenue base.

- Operating grants, consisting mainly of Federal Section 5307 Urbanized Formula Grants, federal planning grants, State Transportation Development Act (TDA), State Transit Assistance (STA) grant, and state vehicle license fees (AB434), were $2.2 million or 1.5% higher than the prior fiscal year mainly due to increase in TDA and STA revenues, which was partially offset by a decrease in Federal Preventive Maintenance Assistance grant.
• Investment income, a non-operating revenue, declined in FY 2013 as a result of a reduction in realized and unrealized gains. FY 2012 benefited from falling interest rates and the resulting capital gains. This was not the case in FY 2013 when interest rates were stable most of the year, but increased significantly in May and June.

Total operating expenses in FY 2013 were $6.9 million or 1.8% higher than FY 2012. Significant activities on the operating and non-operating expenses are as follows:

• Labor and benefit costs increased $10 million or 3.8% in FY 2013 due to increase in labor rates and service hours. This increase was offset by an increase in costs allocated to capital of $3.4 million, which represents a credit for labor and non-labor costs capitalized as construction in progress.

• Other major expense categories which increased in FY 2013 were services, utilities, lease and rentals, and depreciation. Service increase was primarily related to facilities maintenance, as well as security-sheriff and professional services relating to emergency exercise plan. The increase in utilities was due to more consumption of traction power in FY 2013 after adding light rail service hours during weekdays and peak-hour schedules. Lease and rental expense increased primarily due to the transfer of Downtown Customer Service Center to another location. Costs incurred to repair the old site were expensed as part of leases and rentals.

• Depreciation expense also increased in FY 2013 as a result of capitalization of 139 paratransit vehicles and recognition of a full year of depreciation expense for the 20 hybrid buses acquired in FY 2012.

• For the non-operating expenses, major variances were in Caltrain Subsidy which increased $3.5 million; Capital Contributions to/on behalf of Other Agencies which increased $58.7 million primarily due to project expenditures incurred for the Hayward Maintenance Center and right-of-way acquisitions on behalf of other agencies; and interest expense and other bond charges (net of capitalized interest) which decreased $3.9 million due to more interest expense being capitalized as more taxable bonds are drawn down. In FY 2013, bond charges also decreased because FY 2012 reported bond costs incurred from the issuance of the 2011 bonds and retirement of the 1998 Series A and 2000 Series A Junior Lien bonds. These bonds were secured by the 1976 Half-Cent Sales Tax revenues.

Total Enterprise Fund net position was $3.5 billion, an increase of $293.8 million over FY 2012. Of the total net position increase, $242.5 million was related to the 2000 Measure A Transit Improvement Program Fund. The net position of VTA Transit, 1996 Measure B, BART Operating, Express Lanes, and Joint Development Program in FY2013 also increased $4.3 million, $27 thousand, $41.6 million, $967 thousand, and $4.3 million, respectively. VTA accounts for the 2000 Measure A Transit Improvement Program as part of its Enterprise Fund. Even though the 2000 Measure A program revenues and related capital expenses are reported as part of Enterprise Fund financial statements, they are restricted for capital programs and operating activities included in the ballot measure. The BART Operating fund was established
when the tax measure was approved and took effect on July, 1, 2012, for a period not to exceed 30 years. The tax is dedicated to operate, maintain, improve, and take care of future capital needs of the BART Extension.

Reserves

The Enterprise Fund has a restricted and unrestricted reserve balance of $979.9 million. Restricted funds are intended for specific purposes, bound by legal agreements, or ballot measure provisions as approved by county voters. This includes debt service reserve fund ($37.2 million), SWAP/lease collateral ($70.1 million), contract retention payment ($5.9 million), Measure A Transit Improvement fund ($493.3 million), Measure B Transit fund ($1.6 million), and BART Operating ($41.6 million).

As of June 30, 2013, VTA Transit Fund reports a total operating reserve balance of $57 million. The VTA Board has established an operating reserve goal of 15% of the subsequent year's final operating budget to meet emergency needs that cannot be funded from any other source. This is meant to ensure that funds are available in the event of unanticipated revenue shortfalls or unavoidable expenditure needs. As of June 30, 2013, the reported operating reserve balance is at 15% of the FY2014 final operating budget.

Other unrestricted reserve balance includes local share of approved capital funding that VTA must provide toward Board-approved capital projects in the VTA Transit fund ($52 million); Debt Reduction Fund ($131.1 million); Joint Development Program ($11.8 million); Sales Tax Stabilization Fund ($35 million); Express Lanes ($1.2 million); and Inventory, prepaid expenses and bond issuance costs ($21.5 million). In FY 2013, VTA Transit Fund made an irrevocable transfer of $20.65 million to the Other Post Employment Benefit (OPEB) Trust Fund to reduce unfunded actuarial accrued liability. This was reflected as a Net OPEB Asset and unrestricted net position in the VTA Transit Fund.

Budgetary Comparison

As shown on the Budgetary Comparison Schedule for the VTA Transit Fund (pages 2-94 & 2-95), the FY 2013 actual results for revenues, on the overall, were favorable compared to both the Adopted and Final Budget. Similarly, the total operating and other expenses were favorable, showing actual results below both the Adopted and Final Budget.

The FY 2013 Adopted Budget projected a net budgetary surplus of approximately $1.7 million. In June 2011, VTA Board of Directors adopted a biennial budget for Fiscal Years 2012 and 2013 which reflected an improved, although somewhat tenuous, economic outlook with lower unemployment rates, increased sales tax revenues, and improved ridership. Based on the FY 2013 actual results, VTA Enterprise Fund reported a surplus, on a budgetary basis, of $39.4 million, a $37.7 million favorable variance when compared to the Final Budget.

Internal Service Funds

Internal Service Funds are set up to account for services to other funds, departments or to other governments on a cost-reimbursement basis. General Liability, Workers’ Compensation,
Compensated Absences programs are accounted for in the Internal Service Funds.

The Statement of Revenues, Expenses, and Changes in Fund Net Position (page 2-25) reported a decrease in net position of $3.2 million. This was mainly a result of excess contribution transfer from Workers’ Compensation and General Liability to VTA Transit. The fund liabilities were adjusted to be in line with the actuarial valuation report. As reflected in the Statement of Fund Net Position, pages 2-23 and 2-24, Internal Service Fund column, the total net deficit for compensated absences amounted to $8.3 million as of FY 2013 because the amount for ATU vacation is appropriated in the subsequent year’s operating budget.

**Governmental Funds**

Governmental funds are reported using modified accrual basis of accounting. This means that revenues are recognized in the accounting period in which they become “measurable and available.” VTA’s Governmental Funds are divided in two categories: Special Revenue Funds and Capital Projects Funds.

Special Revenue Funds are set up to account for revenues from specific taxes or other earmarked revenue sources which, by law, are designated to finance particular activities of government. The Congestion Management Program falls under the Special Revenue Fund category.

Capital Projects Funds are set up to account for resources used for acquisition or construction of major capital assets by a governmental unit. VTA reports the Congestion Management and Highway Program, and 1996 Measure B Highway Program under the Capital Projects Funds category.

**Congestion Management Program (CMP)**

The CMP Special Revenue Fund is used to account for the congestion management, planning, and programming and development services within the geographic boundaries of Santa Clara County. The Statement of Revenues, Expenditures and Changes in Fund Balances (page 2-29) reports a $138 thousand increase in fund balance due to revenues exceeding expenditures in the current fiscal year. Total fund revenues, which mainly include member assessment and grants, were $4.4 million in FY 2013; $330 thousand lower than the prior year due primarily to a decline in federal operating assistance grant. Total expenses were $4.3 million, with negligible increase in FY 2013. The CMP fund balance was $1.6 million as of FY 2013.

**Congestion Management & Highway Program (CM&HP)**

CM&HP Capital Projects Fund is used to account for the acquisition of capital assets and construction of highway projects administered on behalf of state and other local governments (other than those accounted for in the Measure B Highway Capital Projects Fund). The CM&HP administers highway projects on behalf of other agencies.

As reflected on page 2-29, the CM&HP expended approximately $37.3 million on project costs during FY 2013. The primary expenditures were for US101/Capitol Expressway/Yerba Buena Interchange, I-880/280/Stevens Creek Boulevard Interchange, I-880 Improvements SR237 to
US101, and Silicon Valley Express Lanes projects. A significant portion of the funding for these projects came from federal, state, and Measure A Swap funds. In total, CM&HP reported total revenue of approximately $37.3 million in FY 2013; consisting of $6.2 million from federal grants and $31.1 million from state and local grants/assistance ($6.1 million from Measure A Swap funds, $1.4 million from Measure B swap, and $23.6 million from state and other sources).

**Measure B Highway Program**

Measure B Highway Program Capital Projects Fund is used to account for acquisition of capital assets or construction of 1996 Measure B Highway projects. The Measure B Highway projects consist primarily of widening highways and improvements that become the property of the State. As shown on page 2-29, VTA expended approximately $308 thousand during FY 2013 for Measure B Highway projects.

**Fiduciary Funds**

The Fiduciary Funds are used to account for assets held by VTA as a trustee (in a trust fund) and as an agent for others (in an agency fund). These assets cannot be used to support VTA’s programs. VTA’s Fiduciary Funds consist of trust and agency funds. The trust funds include the VTA ATU Pension Plan, ATU Spousal Medical and Retiree Vision/Dental Fund, and the Retirees’ Other Post Employment Benefits (OPEB) Trust. The VTA ATU Pension Plan Report is discussed on page 8 of this report. Bay Area Air Quality Management District, Measure B Ancillary, and SB83 Vehicle Registration Fee programs are reported as agency funds.

**Retirees’ Other Post Employment Benefits (OPEB) Trust**

The Retirees’ Other Post Employment Benefits (OPEB) Trust was established by VTA to implement the GASB Statement Number 45 in FY 2008. The Combining Statement of Changes in Fiduciary Net Position (page 2-97) shows a total increase of $49.2 million in Trust net position for the current fiscal year. In FY 2013, VTA contributed $17.3 million to the Trust. Additionally, OPEB reported $20.65 million revenue representing the transfer made by VTA Transit to OPEB earmarked for its future operational needs. Net investment earnings were $21.7 million due primarily to net interest income and trading gain of $4.9 million, as well as mark-to-market gains of $16.8 million on the Trust investments as of June 30, 2013. Total expenses of the Trust, which mainly include the retiree medical premium payments, were $10.4 million. As of June 30, 2013, total net position held in the OPEB Trust totaled $217.7 million. As required by Governmental Accounting Standards Board (GASB), VTA has also published a separate financial report for the OPEB Trust.

**ATU Spousal Medical and Retiree Vision/Dental Funds**

These funds account for the ATU Spousal Medical Program, which is a medical insurance benefit for eligible pensioners’ spouses, and the ATU Retiree Vision/Dental Program, which is a vision and dental benefit for eligible pensioners. Both benefits are funded through employee contributions.

As shown on the Combining Statement of Changes in Fiduciary Net Position for Retiree Trust
Funds (page 2-97), total employee contributions to Spousal Medical and Vision/Dental were approximately $1.3 million and $334 thousand, respectively. Total benefit payments made on behalf of ATU Spousal Medical Fund totaled $1.6 million for FY 2013. Total changes in net position show a total increase of $2.1 million for both funds. Total net position was $10.8 million for Spousal Medical Fund and $7.3 million for Vision/Dental Fund.

**Bay Area Air Quality Management District (BAAQMD)**

The BAAQMD Agency Fund accounts for the activities that relate to the Transportation Fund for Clean Air (TFCA) Program. The TFCA is generated by a $4 surcharge on vehicle registrations in the county. The 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. Assets in the BAAQMD fund are held by VTA in a custodial capacity; therefore, they are reported in the Agency Fund. As of June 30, 2013, BAAQMD’s total assets were approximately $4.5 million, as reflected on page 2-98.

**Senate Bill 83 Vehicle Registration Fees (SB83 VRF)**

In November 2010, the voters of Santa Clara County approved a measure which called for the enactment of a $10 motor vehicle registration fee to pay for transportation projects. The SB83 VRF fund was established in FY 2011 to account for activities related to the implementation of the measure. For FY 2013, the fund received $14.9 million of DMV fees. As of June 30, 2013, the fund has total assets of $17.5 million.

**Measure B Ancillary Program**

The Measure B Ancillary Program was established to administer the 1996 Measure B funds. During FY 2013, VTA received and expended County contributions for Ancillary Program projects such as Measure B and Fund Swap projects, as well as pavement and bikeway paths. The County contribution represents funding received and passed on to other governments, commonly referred to as “pass-through” grants. As of June 30, 2013, the total assets of this program were $150 thousand (page 2-98).

**AMALGAMATED TRANSIT UNION (ATU) PENSION PLAN REPORT**

The Santa Clara Valley Transportation Authority ATU Pension Plan Fund reports on the activities of the pension benefit plan covering VTA employees represented by the Amalgamated Transit Union (ATU). The ATU Pension Plan is 100% funded by VTA’s contribution.

**Audit Results**

VTD rendered a “clean” or unmodified opinion on the ATU Pension Plan Report, a component unit report of VTA’s CAFR. The audit report states that it presents fairly, in all material respects, the activities of the ATU Pension Plan for the year ended June 30, 2013, in conformity with the accounting principles generally accepted in the United States of America. The Independent
Auditor’s opinion addressed to the Board is on page 1 of the component unit report.

**Financial Highlights**

As shown on the Statement of Changes in the Plan Net Position of ATU Pension Plan Report (page 7), net position increased by $45.8 million for the year ended June 30, 2013. The major contributing factor was the improved net investment earnings. FY 2013 reported a $31.5 million net appreciation in the fair value of investment, while the previous year reported an $8.1 million net depreciation. VTA contributions to the Plan and investment earnings (net of the appreciation in fair value of investments and investment expense) were $24.4 million and $49.5 million, respectively, while the benefit payments to retirees and administration expenses were $28 million during FY 2013. As of June 30, 2013, net position held in the trust was $422.6 million. Report details are shown on pages 6 & 7 of the ATU Pension Plan component unit report.

These financial statements can be viewed at [http://www.vta.org/inside/investor/index.html](http://www.vta.org/inside/investor/index.html). A hard copy may be requested by writing to Santa Clara Valley Transportation Authority, Fiscal Resources Division, 3331 North First Street, San Jose, CA 95134-1927.

**FISCAL IMPACT:**

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

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION**

The Audit Committee considered this item at its November 7, 2013 meeting. Mr. Leonard Danna, Partner with the audit firm of Vavrinek, Trine, Day & Co., LLP, gave a brief presentation. The Audit Committee unanimously accepted the FY 2013 audited financial reports which will be forwarded to the Board of Directors for consideration at its December 12, 2013 meeting.

Prepared by: Grace Ragni, Fiscal Resources Manager
Memo No. 4312
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: Audited Retirees' OPEB Trust Report FY2013

ACTION ITEM

RECOMMENDATION:

Review and receive the audited Financial Report for Fiscal Year 2013 of the Santa Clara Valley Transportation Authority Retirees’ Other Post Employment Benefits Trust (Trust).

BACKGROUND:

Pursuant to the provisions of the Trust, Vavrinek, Trine, Day & Company, LLP (VTD), a Certified Public Accounting Firm, conducted an audit of the Trust’s finances for the fiscal year ended June 30, 2013 (FY 2013). The auditors are required by audit standards to obtain reasonable assurance about whether the financial statements are free of material misstatement as well as assess whether the accounting principles used and estimates made by management are reasonable.

The Trust was established by VTA Board of Directors in May 2008 to comply with the accounting pronouncement promulgated by the Governmental Accounting Standards Board (GASB), the accounting standard making body for the state and local governments, and special districts such as VTA. The Trust financial statements report on the activities of the retiree medical benefit program for Santa Clara Valley Transportation Authority employees who meet certain age and service criteria and retire directly from VTA. The Trust is 100% funded by VTA’s contributions.
**DISCUSSION:**

**Audit Results**

VTD rendered a “clean” or unmodified opinion on the Trust Financial Report, a component unit of VTA’s Comprehensive Annual Financial Report (CAFR). The audit report states that it presents fairly, in all material respects, the activities of the Trust for the year ended June 30, 2013, in conformity with the accounting principles generally accepted in the United States of America. The Independent Auditor’s opinion addressed to the Board is on page 1 of the Audited Financial Report.

**Financial Highlights**

The Statement of Changes in Trust Net Position (page 7) shows a total increase of $49.2 million in Trust net position for the year ended June 30, 2013. In FY 2013, VTA contributed $17.3 million to the Trust. VTA Transit also transferred $20.65 million to the OPEB Trust for its future long term obligations. Net investment income for the fiscal year was $21.7 million consisting of mark-to-market investment gains of $16.8 million and interest earnings, net of investment expense, of $4.9 million. Total expenses of the Trust, which mainly include the retiree medical premium payments, were $10.4 million. As of June 30, 2013, net position held in Trust amounted to $217.7 million. Details are shown on pages 6 & 7 of the Audited Financial Report.

**FISCAL IMPACT:**

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

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION**

The Audit Committee considered this item at its November 7, 2013 meeting. Mr. Leonard Danna, Partner with the audit firm of Vavrinek, Trine, Day & Co., LLP, gave a brief presentation. The Audit Committee unanimously accepted the FY 2013 audited financial reports which will be forwarded to the Board of Directors for consideration at its December 12, 2013 meeting.

Prepared by: Grace Ragni, Fiscal Resources Manager
Memo No. 4313
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Proactive CMP Quarterly Report for July - September 2013

FOR INFORMATION ONLY

BACKGROUND:

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

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

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

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

The following discussion provides a summary of the July through September 2013 Proactive CMP Quarterly Report. The summary highlights key projects and topics contained in the report, which is provided as Attachment A. The report includes a table summarizing all of the reviewed and approved projects, and a reference map showing the locations of these projects.

- VTA commented on 27 projects through the Proactive CMP process between July and September 2013. The cities with the largest number of projects were in the Cities of San José and Sunnyvale with five projects each.

- Eighteen of the 27 projects that VTA commented on involved environmental documents such as an Environmental Impact Report (EIR), Notice of Preparation (NOP), or Mitigated Negative Declaration. Six of the projects involved stand-alone TIA documents and three consisted of Site Plan reviews.

- Twenty four of the 27 items that VTA commented on were private development projects. The remaining consisted of a general plan amendment to increase development capacity, a flood control project, and a station area plan.

- Three projects which VTA previously commented on were approved by local agencies during this quarter. There was one project approved in each of the Cities of Mountain View and Santa Clara, along with the Regional Transportation Plan.

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

- **Apple Campus 2, City of Cupertino:** The City of Cupertino circulated a DEIR and TIA for the replacement of 2.66 million square feet of existing office space with up to 3.42 million square feet of office space and related amenities on a 176-acre site. VTA submitted comments commending the City and the project sponsor for several aspects of the DEIR and TIA: the consideration all modes in the analysis of transportation impacts and mitigation measures; the proposal to improve VTA bus stops near the project site; and the proposal to mitigate significant impacts to several freeway segments through voluntary contributions to transportation improvements in the affected corridors. VTA also requested additional analysis of freeway segments not included in the DEIR and TIA and ramp metering queues at appropriate locations on analyzed freeways, and recommended that the City pay close attention to secondary impacts to bicycle, pedestrian and transit modes in the design of off-site automobile mitigation measures.

- **Great America Campus Expansion, City of Santa Clara:** The City of Santa Clara circulated a DEIR and TIA for 718,000 square feet of office space on 18.5 acres at the corner of Great America Parkway and Mission College Boulevard. VTA submitted a comment letter recommending a mix of land uses (such as retail or services) on the site to encourage employees to take alternate modes to work; encouraging specific and enforceable Transportation Demand Management (TDM) measures for the project; recommending VTA
Eco Passes as a specific TDM measure; encouraging the City to work with the applicant to relocate surface parking lots away from the street frontages and create active street frontages where feasible; noting that the DEIR identifies significant impacts to freeway segments and that voluntary contributions to transportation improvements in VTP 2035 would be an appropriate mitigation measure; requesting an analysis of the ramp metering queues at appropriate locations on analyzed freeways; and requesting improvements to a bus stop adjacent to the site.

- **iStar Mixed Use, City of San José:** The City of San José circulated a Transportation Impact Analysis (TIA) report for this project, previously known as Great Oaks Mixed Use, for up to 720 residential units, 260,000 square feet of office space and 154,000 square feet of retail on a 76-acre site generally bounded by SR 85, Monterey Highway and Great Oaks Boulevard. VTA submitted a comment letter noting that the TIA took trip reductions for location near the Santa Teresa LRT station, but no continuous safe walking route exists between the site and the station. VTA noted that per the TIA Guidelines, the project would either need to create such a continuous route or would not be eligible to take the trip reduction. VTA also noted the TIA identifies significant impacts to segments of US 101 and that voluntary contributions to transportation improvements in VTP 2035 would be an appropriate mitigation measure; recommended increased density and better integration of land uses to promote walking, cycling and transit use; recommended inclusion of bicycle parking in the project; and encouraged the City to consider transit incentives such as the VTA Eco Pass.

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

- **Plan Bay Area, Metropolitan Transportation Commission:** The Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) circulated a DEIR in April 2013 for this update of the Bay Area’s Regional Transportation Plan (RTP) to the year 2035. VTA submitted a comment letter asking for clarification of the housing and job forecasts and greenhouse gas emission reductions assumed in the plan; asking whether a Vehicle Miles Traveled (VMT) tax would be considered in future planning; recommending that CEQA streamlining be applied to employment projects as well as residential; questioning validity of the UrbanSIM transportation model; noting that some Alternatives in the DEIR may not be viable due to unrealistic assumptions and insufficient detail; and noting that certain mitigation measures such as ramp metering and Transportation Asset Management Plans to mitigate against sea-level rise should be pursued in consultation with Cities, CMAs and Caltrans.

The FEIR was released in July, 2013. Pursuant to CEQA requirements, MTC and ABAG responded to comments that addressed the environmental analysis in the DEIR but did not address all comments solely concerning Plan Bay Area itself. In their responses, MTC and ABAG provided additional information about the assumptions behind the jobs and housing growth forecasts and greenhouse gas emission reductions described in the plan; clarified that they are not proposing a VMT tax in future planning due to lack of public support; noted that
SB 375 only allows CEQA streamlining of residential and mixed use projects but other types of streamlining could be applied to employment projects; provided additional information about the UrbanSIM model; noted that the descriptions of Alternatives conforms to the requirements of CEQA; and agreed that MTC will coordinate with Cities, CMAs and Caltrans as appropriate when implementing mitigation measures.

- **2585 El Camino Real Residential Project, City of Santa Clara**: The City of Santa Clara circulated an Initial Study/Mitigated Negative Declaration for 60 residential units on a 1.38-acre site on El Camino Real, west of San Tomas Expressway. VTA submitted a comment letter supporting the land use intensification at this important site in close proximity to future VTA BRT service; recommending that the project include transit incentives such as VTA Eco Pass; recommending that some of the project’s setback could be utilized to provide pedestrian accommodations such as widened sidewalks or a planted buffer strip; and encouraging the City to coordinate with VTA and another nearby development regarding proposed bus stop improvements. The project was approved by City Council on August 27, 2013. The Council packet included an updated site plan indicating that a 10-foot sidewalk with a planted buffer between pedestrians and automobile traffic would be provided along El Camino Real, and also stating that amenities such as decorative lighting and benches for public use would be provided. The Conditions of Approval also included a Transportation Demand Management (TDM) plan with annual reporting.

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

This item was on the Regular Agenda as an Information item at the November 2013 Citizens Advisory Committee (CAC) and Bicycle and Pedestrian Advisory Committee (BPAC) meetings.

At CAC, staff gave a brief presentation. Committee member Wadler made a comment that local BPACs should be aware of pedestrian and bicycle features of development projects. Committee member Blaylock asked whether VTA comment letters are public information and staff responded that they are available by request. Committee member Blaylock requested that staff provide a more comprehensive summary of comments and responses and staff responded that staff would consider bringing this back to a future meeting. Committee member Powers asked if VTA is analyzing cumulative impacts to traffic in the City of Santa Clara and staff responded that VTA monitors congestion on CMP facilities throughout the county and would work with the City to address any deficiencies that arise. Committee member Tebo asked about how VTA is addressing parking and transportation for the forthcoming Levi Stadium and staff responded that this will be the subject of a future presentation to the committee. A member of the public made comments related to freeway widening.

At BPAC, staff gave a brief presentation. Committee member Wadler made a comment that local BPACs should be aware of pedestrian and bicycle features of development projects. Committee member Bell asked a clarifying question about the location of the iStar Mixed Use development.

This item was on the Consent Agenda at the November 2013 Technical Advisory Committee (TAC). The Committee accepted the item as part of the Consent Agenda and had no comments or questions.
STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Congestion Management Program and Planning Committee meeting scheduled for November 21, 2013, was cancelled.

Prepared By: Robert Cunningham
Memo No. 4083
VTA Development Review Program

Proactive CMP Quarterly Report
July, August, and September of 2013
## Development Review Projects Summary

**July to September 2013**

<table>
<thead>
<tr>
<th>Map No.</th>
<th>CMP ID</th>
<th>Lead Agency</th>
<th>Project Name/Location</th>
<th>Project Description</th>
<th>Document Type</th>
<th>Comments this quarter?</th>
<th>Approved this quarter?</th>
<th>VTA Comment Topics</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>CU1102</td>
<td>City of Cupertino</td>
<td>Apple Campus 2 - Bounded by Homestead Road, Tantau Avenue, I-280, and Wolfe Road</td>
<td>Replacement of 2.66 million s.f. of existing office space with up to 3.42 million s.f. of office space, corporate auditorium, fitness center and parking structure on 176 acres</td>
<td>DEIR, TIA</td>
<td>y</td>
<td></td>
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<tr>
<td>2</td>
<td>G10902</td>
<td>City of Gilroy</td>
<td>Wren Investors Site - Vickery Avenue and Wren Avenue</td>
<td>Amendment to Gilroy's Urban Service Area to include the 48-acre site</td>
<td>NOP</td>
<td>y</td>
<td>Bus Service; Secondary Impacts to Bicycle, Pedestrian and Transit Modes; Number of Significant Intersection Impacts; Freeway Segment Analysis and Impacts; Freeway Ramp Improvements; Queuing Analysis at Freeway On-Ramp Locations</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>G1302</td>
<td>City of Gilroy</td>
<td>UNFI Warehouse - Camino Arroyo and Ventura Way, 1,000 feet south of SR 152</td>
<td>802,000 s.f. warehouse and distribution center</td>
<td>NOP</td>
<td>y</td>
<td>Transportation Impact Analysis (TIA) Report; Development Design &amp; Density; Pedestrian and Bicycle Accommodations</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>LG1102</td>
<td>Town of Los Gatos</td>
<td>CVS Pharmacy - Los Gatos Boulevard</td>
<td>Construction of 26,503 s.f. of commercial, including 14,576 s.f. CVS pharmacy and other uses, replacing a vacant auto dealership building</td>
<td>IS/MND, TIA</td>
<td>y</td>
<td>Pedestrian and Bicycle Accommodations; Bus Service</td>
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<tr>
<td>5</td>
<td>LG1301</td>
<td>Town of Los Gatos</td>
<td>375 Knowles Drive</td>
<td>45 single family residential units</td>
<td>NOP</td>
<td>y</td>
<td>Bus Service</td>
<td></td>
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<tr>
<td>6</td>
<td>MH1202</td>
<td>City of Morgan Hill</td>
<td>Huntington Square - Southwest corner of E Main Avenue and Butterfield Boulevard</td>
<td>110 apartment units on 5.32 acres</td>
<td>Site Plans</td>
<td>y</td>
<td>Pedestrian Accommodations and Access to Transit</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>MH1302</td>
<td>City of Morgan Hill</td>
<td>Rocketship School - corner of Church and San Pedro</td>
<td>650 student charter school</td>
<td>Site Plans</td>
<td>y</td>
<td>TIA Report; Pedestrian and Bicycle Accommodations</td>
<td></td>
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<tr>
<td>8</td>
<td>ML1204</td>
<td>City of Milpitas</td>
<td>Waterstone - 1494 &amp; 1600 California Circle</td>
<td>84 detached residential units</td>
<td>DEIR, TIA</td>
<td>y</td>
<td>Pedestrian Bridge; Bicycle Accommodations</td>
<td></td>
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<tr>
<td>9</td>
<td>MTC1201</td>
<td>Metropolitan Transportation Commission</td>
<td>Plan Bay Area</td>
<td>Regional Transportation Plan to meet SB 375 requirements</td>
<td>DEIR</td>
<td>y</td>
<td>Employment Projections; Greenhouse Gas Emission Reductions; CEQA Streamlining; Transportation Funding; UrbanSIM Model; Locations of Growth; Job Forecasts; Project Alternatives; Coordination with CMAs</td>
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<tr>
<td>Map No.</td>
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<td>Approved this quarter?</td>
<td>VTA Comment Topics</td>
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<tr>
<td>10</td>
<td>MV1302</td>
<td>City of Mountain View</td>
<td>1984 El Camino West Mixed Use - North side of El Camino between Rengstorff and Escuela</td>
<td>160 apartment units and 4,400 s.f. retail on 2.85 acres</td>
<td>DEIR</td>
<td>y</td>
<td></td>
<td>Land Use; Transit Incentives; Pedestrian and Bicycle Accommodations</td>
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<tr>
<td>11</td>
<td>MV1305</td>
<td>City of Mountain View</td>
<td>250 Bryant Street Office Project</td>
<td>68,000 s.f. office building</td>
<td>IS/MND, TIA</td>
<td>y</td>
<td></td>
<td>Land Use; Bicycle Accommodations; Freeway Analysis; Existing Transit Service</td>
</tr>
<tr>
<td>12</td>
<td>MV1307</td>
<td>City of Mountain View</td>
<td>San Antonio Center Phase II - 455 San Antonio Road at El Camino Real</td>
<td>392,855 s.f. office, 118,050 s.f. commercial and retail, a 167-room hotel and a 1,710-seat cinema on a 9.9 acre site</td>
<td>NOP</td>
<td>y</td>
<td></td>
<td>Land Use; TIA Report; Trip Generation Assumptions; Trip Reductions; Pedestrian and Bicycle Accommodations; Bicycle Parking; Freeway Analysis; Transportation Demand Management Program; Transit Incentives</td>
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<tr>
<td>13</td>
<td>MV1308</td>
<td>City of Mountain View</td>
<td>East Whisman Change Area</td>
<td>Increase of 1.5 million s.f. in the maximum commercial/office space</td>
<td>NOP</td>
<td>y</td>
<td></td>
<td>Scope of Transportation Analysis; Freeway Analysis; Transportation Demand Management/ Trip Reduction</td>
</tr>
<tr>
<td>14</td>
<td>PA1301</td>
<td>City of Palo Alto</td>
<td>Palo Alto Golf Course - 1875 Embarcadero Road</td>
<td>Golf course reconfiguration and athletic center expansion</td>
<td>DEIR, TIA</td>
<td>y</td>
<td></td>
<td>Pedestrian and Bicycle Access During Construction</td>
</tr>
<tr>
<td>15</td>
<td>PA1302</td>
<td>City of Palo Alto</td>
<td>395 Page Mill Road Office Project</td>
<td>Expansion of existing 219,377 s.f. office development to add 311,000 net new s.f. office space</td>
<td>NOP, TIA</td>
<td>y</td>
<td></td>
<td>Land Use; Access to Transit and Trip Reductions; CMP Intersection Impact; Transportation Demand Management; Transit Incentives</td>
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<tr>
<td>16</td>
<td>SC0807</td>
<td>City of Santa Clara</td>
<td>Great America Campus Expansion - Great America Parkway and Mission College Boulevard</td>
<td>718,000 s.f. office space and a parking structure to replace existing 118,000 s.f. office building, on 18.5 acres.</td>
<td>DEIR, TIA</td>
<td>y</td>
<td></td>
<td>Land Use Mix; Transportation Demand Management; Transit Incentives; Site Design; Bicycle Accommodations; Freeway Impacts and Mitigation Measures; Queuing Analysis; Existing Intersection LOS; Bus Service</td>
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<tr>
<td>17</td>
<td>SC1103</td>
<td>City of Santa Clara</td>
<td>3333 Scott Boulevard Office Project</td>
<td>Increase total development to 1,358, 647 s.f. of office/R&amp;D (from previous clearance for 735,000 s.f.).</td>
<td>NOP for Supplemental EIR</td>
<td>y</td>
<td></td>
<td>TIA Report; Freeway Analysis; Land Use Mix; Transportation Demand Management; Bus Service; Pedestrian and Bicycle Accommodations</td>
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<tr>
<td>18</td>
<td>SC1303</td>
<td>City of Santa Clara</td>
<td>2585 El Camino Residential</td>
<td>60 residential units on a 1.38-acre site</td>
<td>IS/MND</td>
<td>y</td>
<td>y</td>
<td>Land Use; Bus Rapid Transit on El Camino Real; Transit Incentives; Pedestrian Accommodations; Bus Stop Improvements</td>
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<tr>
<td>19</td>
<td>SC1304</td>
<td>City of Santa Clara</td>
<td>45 Buckingham Residential - Near NW corner of Stevens Creek and Saratoga</td>
<td>222 multi-family residential units</td>
<td>IS/MND, TIA</td>
<td>y</td>
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<td>Land Use; Transit Incentives; CMP Intersections; Freeway Analysis</td>
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<tr>
<td>Map No.</td>
<td>CMP ID</td>
<td>Lead Agency</td>
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<td>Project Description</td>
<td>Document Type</td>
<td>Comments this quarter?</td>
<td>Approved this quarter?</td>
<td>VTA Comment Topics</td>
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<tr>
<td>20</td>
<td>SCVWD1302</td>
<td>Santa Clara Valley Water District</td>
<td>Anderson Dam - East of US 101 &amp; Cochrane Road in Morgan Hill</td>
<td>Various dam retrofit projects</td>
<td>NOP</td>
<td>y</td>
<td></td>
<td>Pedestrian and Bicycle Access During Construction</td>
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<tr>
<td>21</td>
<td>SJ1305</td>
<td>City of San Jose</td>
<td>iStar Mixed Use (prev. Great Oaks) - Bounded by SR 85, Monterey Highway &amp; Great Oaks Boulevard</td>
<td>Up to 720 residential units, 260,000 s.f. office space and 154,000 s.f. retail on 76-acre site</td>
<td>TIA</td>
<td>y</td>
<td></td>
<td>Access to Transit and Trip Reductions; Freeway Impacts and Mitigation Measures; Site Density &amp; Land Use Mix; Bicycle Accommodations; Transit Incentives</td>
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<tr>
<td>22</td>
<td>SJ1307</td>
<td>City of San Jose</td>
<td>Communications Hill - Bounded by Curtner, Monterey, Capitol Exp, Snell, Hillsdale, and SR 87</td>
<td>2,200 residential units and 67,500 s.f. commercial on 312 gross acre site</td>
<td>TIA N/F</td>
<td>y</td>
<td></td>
<td>Land Use; CMP Facilities; Pedestrian and Bicycle Accommodations and Access to Transit; Queuing Analysis at Freeway On-Ramp locations; Fair Share Contributions; Improvements to SR 87</td>
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<tr>
<td>23</td>
<td>SJ1311</td>
<td>City of San Jose</td>
<td>Sharks Ice - 1500 South 10th Street</td>
<td>Expand Sharks Ice from four ice rinks to six</td>
<td>TIA</td>
<td>y</td>
<td></td>
<td>Freeway Analysis; Bicycle Accommodations</td>
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<tr>
<td>24</td>
<td>SJ1312</td>
<td>City of San Jose</td>
<td>Evergreen Circle - South side Quimby Road, 1200 feet west Capitol Expressway</td>
<td>PD rezoning for 351,025 s.f retail, 5010 s.f office, 217 residential units</td>
<td>Site Plans</td>
<td>y</td>
<td></td>
<td>Pedestrian Accommodations; Bicycle/Pedestrian Trail Connections; TIA Report</td>
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<tr>
<td>25</td>
<td>SJ1313</td>
<td>City of San Jose</td>
<td>Rocketship School - 70 S Jackson Avenue</td>
<td>650 student charter school</td>
<td>TIA</td>
<td>y</td>
<td></td>
<td>CMP Intersection LOS; Bus Service</td>
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<td>26</td>
<td>SU1306</td>
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<td>Lawrence Station Area Plan - 1/2 mile radius around Lawrence Caltrain Station</td>
<td>Planning vision for approximately 629 acres (1/2 mile radius) surrounding Lawrence Caltrain Station</td>
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<td>Land Use; Transit Service; Transportation Demand Management / Trip Reduction; Trip Generation; Proposed Bicycle / Pedestrian Rail Crossings</td>
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<td>Central Sunnyvale Campus - SE corner of E Arques Avenue and N Wolfe Road</td>
<td>Replacement of 258,279 s.f. light industrial with three class &quot;A&quot; office buildings totaling 780,000 s.f. on a 17.84-acre site</td>
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<td>Sobrato Mixed Use - 1095 W El Camino Real</td>
<td>156 dwelling units and 40,554 s.f office on a 4 acre site</td>
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BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: FY 2012/13 Vehicle Registration Fee Annual Report

FOR INFORMATION ONLY

BACKGROUND:

Senate Bill 83 (Hancock) was signed into law in 2009, authorizing countywide transportation agencies such as VTA to implement a vehicle registration fee (VRF) of up to $10 on motor vehicles registered within the county for transportation programs and projects.

On June 3, 2010, the VTA Board adopted a resolution placing 2010 Santa Clara Measure B before the voters of Santa Clara County in November 2010 to authorize a $10 increase in the fees of motor vehicle registration for transportation-related projects and programs. The Board also adopted an expenditure plan allocating the revenue to transportation-related programs and projects that have a relationship or benefit to the persons who pay the fee. On November 2, 2010, the voters of Santa Clara enacted Measure B by majority vote.

The expenditure plan dedicates 80% of the VRF revenues to the Local Road Improvement and Repair Program, in which the revenue is returned directly to Member Agencies based on each city/town’s population and the County of Santa Clara’s road and expressway lane mileage.

Another 15% of the revenue is directed to the “Countywide program.” On June 7, 2012, the VTA Board of Directors Program adopted an initial three-year “Countywide Program” as follows:

1. Devote $2.2 million to Intelligent Transportation System projects.

2. Reserve the remaining funds, estimated to be approximately $3.6 million, for matching funds for regional roadway transportation projects included in the adopted Valley Transportation Plan.

Up to the remaining 5% of the VRF revenue is reserved for Program Administration, with unused funds reverting to the “Countywide Program” and added to the 15% discussed above.
DISCUSSION:

This report covers the period ending June 30, 2013, the first year the VRF was in effect. There was a total of $14,014,860 available for distribution. Of this, $11,211,888 was distributed to member agencies via the Local Road and Repair Program, $2,731,679 was placed into the Countywide Program and $71,293 was used to cover administrative expenses. Attachment A explains this VRF activity.

VRF funds have been used by the member agencies in various ways. Attachment B summarizes each agency’s use of VRF Local Road Improvement and Repair Program “guaranteed” FY2012/13 funds. Some agencies have elected to bank their funds for future use.

On January 10, 2013, the VTA board approved the programming of $2,037,000 in “Countywide Program” funds to 18 Intelligent Transportation System projects discussed in detail in that memorandum. These projects are funded on a reimbursement basis. To date, four invoices have been submitted.

On September 5, 2013, the VTA board awarded $400,000 in VRF matching funds for Sunnyvale’s Hendy Avenue Complete Streets project. VTA and Sunnyvale recently executed the funding agreement, and work is underway.

Attachment C shows the status of all board-approved “Countywide Program” projects.

ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:

The Citizens Advisory Committee (CAC) and Technical Advisory Committee (TAC) received and discussed report at their respective November 13 and 14, 2013 meetings. The CAC requested information on the projects/programs for which cities are banking funds. Staff provided a verbal update to TAC on Attachment B, as two cities submitted reports to VTA staff immediately prior to the meeting.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

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

Prepared By: Marcella Rensi
Memo No. 4141
## Attachment A: Vehicle Registration Fee Activity for 2012

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>VRF receipts from DMV for 2012</td>
<td>$14,781,572</td>
</tr>
<tr>
<td>Interest earned on VRF revenue</td>
<td>$99,872</td>
</tr>
<tr>
<td>Election fees</td>
<td>-$866,584</td>
</tr>
<tr>
<td><strong>Total Available for Distribution</strong></td>
<td>$14,014,860</td>
</tr>
<tr>
<td>Revenue for Local Road and Repair Program (80%)</td>
<td>$11,211,887</td>
</tr>
<tr>
<td>Local Road and Repair program- County’s share</td>
<td>$1,557,331</td>
</tr>
<tr>
<td>Local Road and Repair program- Cities’ share</td>
<td>$9,654,556</td>
</tr>
<tr>
<td>Revenue for Program Administration (5%)</td>
<td>$700,743</td>
</tr>
<tr>
<td>Administration charges</td>
<td>$71,293</td>
</tr>
<tr>
<td><strong>Revenue for Countywide Program. (15%)</strong></td>
<td>$2,102,229</td>
</tr>
<tr>
<td>Unused Administration funds</td>
<td>$629,450</td>
</tr>
<tr>
<td><strong>Total Available for Countywide Program</strong></td>
<td>$2,731,679</td>
</tr>
<tr>
<td>Regional ITS Programming as of 1/13/2013</td>
<td>$2,037,000</td>
</tr>
<tr>
<td>Local Match Programming as of 9/5/2013</td>
<td>$400,000</td>
</tr>
<tr>
<td>Remaining Countywide Program Funds <em>(rolls to next year)</em></td>
<td>$294,679</td>
</tr>
</tbody>
</table>

Totals may not equal sum due to independent rounding.
### Vehicle Registration Fee Local Road Improvement and Repair Program
#### Up to June 30, 2013

<table>
<thead>
<tr>
<th>Agency</th>
<th>Payment Amount</th>
<th>Agency's Use of Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campbell</td>
<td>$222,551</td>
<td>Street rehabilitation and overlays</td>
</tr>
<tr>
<td>Cupertino</td>
<td>$329,357</td>
<td>Pavement Management Projects</td>
</tr>
<tr>
<td>Gilroy</td>
<td>$279,894</td>
<td>Funds Banked</td>
</tr>
<tr>
<td>Los Altos</td>
<td>$164,394</td>
<td>Report Not Received</td>
</tr>
<tr>
<td>Los Altos Hills</td>
<td>$44,793</td>
<td>Pavement Rehabilitation and Drainage Improvements</td>
</tr>
<tr>
<td>Los Gatos</td>
<td>$166,593</td>
<td>Pavement Rehabilitation and Crack Sealing</td>
</tr>
<tr>
<td>Milpitas</td>
<td>$373,687</td>
<td>Street Resurfacing</td>
</tr>
<tr>
<td>Monte Sereno</td>
<td>$18,822</td>
<td>Report Not Received</td>
</tr>
<tr>
<td>Morgan Hill</td>
<td>$218,338</td>
<td>Funds Banked</td>
</tr>
<tr>
<td>Mountain View</td>
<td>$420,053</td>
<td>Funds Banked</td>
</tr>
<tr>
<td>Palo Alto</td>
<td>$365,751</td>
<td>Funds Banked</td>
</tr>
<tr>
<td>San Jose</td>
<td>$5,420,492</td>
<td>Street Resurfacing</td>
</tr>
<tr>
<td>Santa Clara</td>
<td>$663,005</td>
<td>Report Not Received</td>
</tr>
<tr>
<td>Saratoga</td>
<td>$169,433</td>
<td>Street &amp; Storm Drain Maintenance</td>
</tr>
<tr>
<td>Sunnyvale</td>
<td>$797,394</td>
<td>Roadway Infrastructure Improvements</td>
</tr>
<tr>
<td>Santa Clara County</td>
<td>$1,557,331</td>
<td>Funds Banked</td>
</tr>
</tbody>
</table>

**Grand Total** $11,211,888

Percentages and totals may not equal sum due to independent rounding.
## Attachment C: Board-Approved Countywide Program Projects

<table>
<thead>
<tr>
<th>Sponsor</th>
<th>Project Description</th>
<th>Total</th>
<th>Expended to Date</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Regional Traffic Operations Personal Service (RTOPS-$600,000)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Jose</td>
<td>SV-ITS Wan Monitoring &amp; Maintenance Services</td>
<td>$50,000</td>
<td>$0</td>
</tr>
<tr>
<td>San Jose</td>
<td>Traffic Signal Communications &amp; Vehicle Detection Repair</td>
<td>$127,000</td>
<td>$0</td>
</tr>
<tr>
<td>Sunnyvale</td>
<td>Citywide Communications Network Repairs</td>
<td>$35,000</td>
<td>$0</td>
</tr>
<tr>
<td>Sunnyvale</td>
<td>SCATS Citywide System Optimization</td>
<td>$40,000</td>
<td>$40,000</td>
</tr>
<tr>
<td>SC County</td>
<td>Replacement of SIC and Conduit on Capitol Expressway</td>
<td>$150,000</td>
<td>$0</td>
</tr>
<tr>
<td>SC County</td>
<td>Replacement of Defective Loops/Conduits at Intersections</td>
<td>$35,000</td>
<td>$0</td>
</tr>
<tr>
<td></td>
<td><strong>Subtotal RTOPS</strong></td>
<td><strong>$437,000</strong></td>
<td><strong>$40,000</strong></td>
</tr>
<tr>
<td><strong>Regional Intelligent Transportation System Maintenance Service (RITSMS-$1.6 million)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Santa Clara</td>
<td>Lafayette @ Lewis Signal ITS Project</td>
<td>$149,000</td>
<td>$0</td>
</tr>
<tr>
<td>SC County</td>
<td>Traffic Signal Controller Upgrades</td>
<td>$150,000</td>
<td>$0</td>
</tr>
<tr>
<td>Santa Clara</td>
<td>Lafayette @ Agnew Signal ITS Project</td>
<td>$122,000</td>
<td>$0</td>
</tr>
<tr>
<td>SC County</td>
<td>County Expressway Traffic Signal Cabinet Upgrade</td>
<td>$145,000</td>
<td>$0</td>
</tr>
<tr>
<td>Campbell</td>
<td>Hamilton &amp; Bascom Avenue Project</td>
<td>$125,000</td>
<td>$42,133</td>
</tr>
<tr>
<td>Sunnyvale</td>
<td>Sunnyvale ITS Citywide Enhancements</td>
<td>$132,000</td>
<td>$5,508</td>
</tr>
<tr>
<td>Sunnyvale</td>
<td>Sunnyvale QuicTrac Adaptive Signal System Implementatic</td>
<td>$150,000</td>
<td>$84,700</td>
</tr>
<tr>
<td>Los Altos</td>
<td>San Antonio Road &amp; Cuesta Traffic Signal Upgrade</td>
<td>$135,000</td>
<td>$0</td>
</tr>
<tr>
<td>San Jose</td>
<td>Alum Rock Avenue/Story/Monterey &amp; Oakland Road Retiming</td>
<td>$108,400</td>
<td>$0</td>
</tr>
<tr>
<td>San Jose</td>
<td>Hedding/3rd/4th/10th/11th Street Signal Retiming</td>
<td>$148,000</td>
<td>$0</td>
</tr>
<tr>
<td>San Jose</td>
<td>Almaden/Blossom Hill/Santa Teresa/Saratoga Av Signal Re</td>
<td>$148,000</td>
<td>$0</td>
</tr>
<tr>
<td>SC County</td>
<td>Installation of Ped Detection Sensors</td>
<td>$48,000</td>
<td>$0</td>
</tr>
<tr>
<td></td>
<td><strong>Subtotal RITSMS</strong></td>
<td><strong>$1,560,400</strong></td>
<td><strong>$132,340</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Subtotal RITSMS + RTOPS</strong></td>
<td><strong>$1,997,400</strong></td>
<td></td>
</tr>
</tbody>
</table>

### Countywide Program Matching Funds

<table>
<thead>
<tr>
<th>Sponsor</th>
<th>Project Description</th>
<th>Total</th>
<th>Expended to Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sunnyvale</td>
<td>Hendy Avenue Complete Streets</td>
<td>$400,000</td>
<td>$0</td>
</tr>
<tr>
<td></td>
<td><strong>Subtotal Matching Funds</strong></td>
<td><strong>$400,000</strong></td>
<td><strong>$0</strong></td>
</tr>
</tbody>
</table>

**Grand total** $2,397,400 $172,340
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Administrative Officer, Bill Lopez

SUBJECT: Title VI Program Resolutions

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt the following resolutions relating to VTA’s Title VI Program:

a) Adopt a Resolution to approve the results from the monitoring of VTA’s System-wide Service Standards and Policies, and the Equity Analysis for major service changes planned for the FY2014-FY2015 Transit Service Plan, which demonstrate that there are no adverse effects of service changes that create disparate impacts to minority passengers or disproportionately burden low-income passengers; and

b) Adopt a Resolution to approve VTA’s entire Title VI Program, which is a compilation of documents, maps, tables, and plans demonstrating VTA’s compliance with Title VI requirements.

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 was required to create and adopt a set of System-wide Service Standards & Policies, which were used to monitor service performance, vehicle assignment, and the distribution of transit amenities. VTA’s System-wide Service Standards & Policies compared 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 provided guidance on VTA’s vehicle assignment and transit amenity distribution practices to ensure that system resources were allocated in a fair and equitable manner. These standards and policies were created by VTA staff based on existing VTA procedures, current system performance data, common industry standards, and staff analyses and approved by the Board of Directors at their November 7, 2013 meeting.

Per FTA direction, the Board of Directors is also being asked to approve VTA’s entire Title VI Program prior to it being submitted to the FTA for final approval. The Title VI Program is a compilation of documents, maps, tables, and plans that demonstrate VTA’s compliance with Title VI requirements, which include the policies and standards approved at the November 7 Board meeting. VTA is required to submit its program to the FTA triennially. A requirement of new FTA Title VI Circular 4702.1B is that the Program must be approved by VTA’s Board of Directors.

**DISCUSSION:**

VTA’s results from the monitoring of its System-wide Service Standards and Policies indicate that VTA is compliant with FTA guidelines. These policies and standards achieved their stated purpose of ensuring that VTA’s transit service and distribution of transit amenities are provided without discrimination on the basis of race, color, or national origin, and with consideration of adverse impacts being predominately borne by minority or low-income passengers.

Staff has monitored the results of its System-wide Service Standards and Policies and did not find any discrimination on the basis of race, color, or national origin related to routing, scheduling, and quality of service.

The equity analysis for major services changes planned for the FY 2014-FY 2015 Transit Service Plan did not result in any disparate impacts to minority passengers, nor did any of the changes disproportionately burden low-income passengers.

VTA’s Title VI Program is compliant with FTA Title VI Circular 4702.1B guidelines as detailed in the Resolution to approve the Program (Attachment 2).

**ALTERNATIVES:**

The VTA Board of Directors could reject the results of the monitoring program and the equity analysis for major service changes, or request staff to provide additional information or re-evaluate certain aspects of the program or analysis.

**FISCAL IMPACT:**

There is no direct fiscal impact that will result from the adoption of the resolutions confirming the results of the monitoring program and equity analysis, and approving the entire Title VI Program.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration and Finance Committee considered this item at the November 21, 2013
meeting attended by Director Kalra, Director Esteves, Director Woodward, and Director Chavez.

Director Chavez stated that staff should continue its efforts to monitor the effects of changes to low-income populations, and that these analyses should not be limited to comparing the effects of low-income to low-income populations. Staff confirmed that the analyses would compare the effects of service changes on minority and low-income riders to overall riders.

Director Esteves asked if low-income status is protected under Title VI. Staff explained that low-income status is not specifically protected under Title VI, but is under Environmental Justice policies. Director Esteves also asked if age was covered under Title VI. Staff explained that age is not covered under Title VI but it is covered under other Titles of the Civil Rights act.

The committee unanimously approved the staff recommendation.

This item was also considered by the Transit Operations and Planning Committee at the November 21, 2013 meeting attended by Board Member Herrera, Board Member Abe-Koga, Board Member Liccardo, and Board Member Rocha as part of the Regular Agenda. It was approved unanimously without comment.

Prepared by: Camille Williams
Memo No. 4311
RESOLUTION NO._______

RESOLUTION OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY TO APPROVE THE RESULTS OF SERVICE MONITORING AND EQUITY ANALYSIS OF THE FISCAL YEAR 2014 AND FISCAL YEAR 2015 TRANSIT SERVICE PLAN

WHEREAS, Title VI (codified at 42 U.S.C. §2000d et seq.) of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance; and

WHEREAS, the Federal Transit Administration (FTA) issued Title VI Circular 4702.1B, effective October 1, 2012, setting forth requirements and guidelines for Title VI compliance; and

WHEREAS, the above referenced Circular requires the Santa Clara Valley Transportation Authority (VTA) to monitor compliance with its “System-wide Service Standards and Policies” to ensure non-discrimination on the basis of race, color, and national origin regarding the provision of transit services and benefits, including but not limited to routing, scheduling, and quality of service; and

WHEREAS, the above referenced Circular also requires VTA to conduct equity analysis of major service changes and non-exempt fare changes to ensure that such changes do not have disparate impacts on minority populations or disproportionately burden low income populations; and

WHEREAS, staff has applied VTA’s “System-wide Services Standards and Polices” to conduct the service monitoring attached hereto as Attachment A, confirming that VTA’s services are provided equitably; and

WHEREAS, staff has applied VTA’s “Major Service Change Policy,” “Disparate Impact Policy” and “Disproportionate Burden Policy” to analyze the FY2014-FY2015 Transit Service Plan to ensure it would have neither a disparate impact on minority populations nor impose a disproportionate burden on low-income populations, as evidenced in the equity analysis found in Attachment B.

NOW THEREFORE, BE IT RESOLVED that the Santa Clara Valley Transportation Authority hereby approves the results of Service Monitoring from March through October (Attachment A) and the Equity Analysis of for the FY2014-FY2015 Transit Service Plan (Attachment B).

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors this 12th day of December, 2013, by the following vote:

AYES:
NOES:

ABSENT:

_______________________________
Joe Pirzynski, Chairperson
Board of Directors

I HEREBY CERTIFY AND ATTEST that the foregoing resolution was duly and
regularly introduced 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: ________________

ATTEST:

_______________________________
Sandra Weymouth, Board Secretary

APPROVED AS TO FORM:

_______________________________
Robert Fabela
General Counsel
RESOLUTION NO._______

RESOLUTION OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY TO ADOPT ITS TITLE VI PROGRAM

WHEREAS, Title VI (codified at 42 U.S.C. §2000d et seq.) of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance; and

WHEREAS, the Federal Transit Administration (FTA) issued Title VI Circular 4702.1B, effective October 1, 2012, setting forth requirements and guidelines for Title VI compliance; and

WHEREAS, the above-referenced Circular details required elements of the Title VI Program, which each recipient of FTA assistance must submit to the FTA triennially; and

WHEREAS, the above-referenced Circular requires VTA’s Board of Directors to approve VTA’s Title VI Program before it is submitted to the FTA; and

WHEREAS, VTA’s Title VI Program expires January 31, 2014.

WHEREAS, VTA’s Title VI Program must contain numerous elements, including but not limited to, VTA’s:

1. Title VI Notice to the Public
2. Title VI Complaint Procedures
3. Title VI Complaint Form
4. List of Transit-Related Title VI Complaints, Investigations, and Lawsuits
5. Public Participation Plan
7. Table Depicting Racial Breakdown of Non-Elected Boards and Committees
8. Program for Monitoring Subrecipients for Title VI Compliance
9. Evidence of the Board’s Review and Approval of the Title VI Program
10. System-Wide Service Standards and Policies, Result of Service Monitoring and evidence of the Board’s Approval of Such Monitoring
11. Demographic and Service Profile Maps and Charts
12. Demographic Ridership and Travel Patterns, Collected by Surveys
13. Description of the Public Engagement Process used for Adoption of the Major Service Change, Disparate Impact, and Disproportionate Burden Policies
14. Results of Service and/or Fare Equity Analyses Conducted since the Last Title VI Program Submission and Evidence of the Board’s Awareness and Approval of the Equity Analyses; and
WHEREAS, staff has developed a proposed Title VI Program (provided to the Board via staff report), including the above-referenced items and evidencing VTA’s compliance with Title VI, for Board consideration and approval.

NOW THEREFORE, BE IT RESOLVED that the Board of Directors of the Santa Clara Valley Transportation Authority hereby adopts the VTA Title VI Program; and

BE IT FURTHER RESOLVED that the Board of Directors authorizes the General Manager, or a designee, to:

1. Include evidence of the Board’s consideration and approval of the final VTA Title VI Program;
2. Submit the final VTA Title VI Program to the FTA; and
3. Take any other steps necessary to give effect to this Resolution, including responding to any follow-up inquiries from the FTA.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors this 12th day of December, 2013, by the following vote:

AYES:

NOES:

ABSENT:

_______________________________
Joe Pirzynski, Chairperson
Board of Directors

I HEREBY CERTIFY AND ATTEST that the foregoing resolution was duly and regularly introduced 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: ______________

ATTEST:

_______________________________
Sandra Weymouth, Board Secretary
APPROVED AS TO FORM:

_________________________________
Robert Fabela
General Counsel
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Financial Officer, Joseph T. Smith

SUBJECT: VTA Transit Fund Comprehensive Reserve Policy

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

ACTION ITEM

RECOMMENDATION:
Approve the VTA Transit Fund Comprehensive Reserve Policy.

BACKGROUND:
At the April 19, 2013 Board of Directors’ Workshop the Board received a memo and presentation from Harvey M. Rose Associates, LLC (HMR) outlining findings from an assessment of VTA commissioned by Working Partnerships, USA on behalf of VTA’s represented employee groups. HMR was asked to analyze several finance and budget related topics pertaining to VTA’s financial condition and reserve status. One of the recommendations presented by HMR was for the Board to “Direct the General Manager to develop and present a comprehensive, integrated policy on reserves for consideration by the Board of Directors”. While VTA has a Board-adopted policy for each reserve fund, staff agreed that it may be helpful to have an overall policy that speaks to the reserves and their relationship to one another. In a May 7, 2013 memo to the Board outlining VTA’s response to the HMR report, staff committed to begin discussions on the development of a comprehensive reserve policy at the September Administration and Finance Committee meeting.

DISCUSSION:
Because of the recognized volatility of VTA’s primary revenue source (i.e., sales tax receipts) it is prudent to maintain reserves that enable VTA to survive periodic swings in the economy without impacting service levels to the public and agency employment/compensation levels. It is also prudent to ensure that funds are available to sustain a capital program that maintains VTA’s...
infrastructure and keeps assets in a state of good repair. The Board has been proactive in managing VTA’s finances in a manner that protects the interests of the public and helps provide a level of security for VTA’s personnel by designating funds for specific purposes. Any changes to the policies governing these reserves or the appropriate level of reserves are subject to Board policy decisions.

The VTA Transit Fund maintains three reserves and their respective policies as described below:

**Operating Reserve**

It is the policy of VTA to accumulate a prudent level of reserves by building and maintaining an Operating Reserve equal to 15 percent (15%) of the annual operating budget for the VTA Transit Fund. The purpose of this reserve is to ensure that sufficient funds are always available in the event of either unavoidable expenditure needs or unanticipated revenue shortfalls from sources other than sales tax based revenues. The Board formalized this long-standing practice with adoption of the VTA Transit Fund Operating Reserve Policy on April 5, 2012.

**Sales Tax Stabilization Fund**

The Sales Tax Stabilization Fund reserve was created by the Board as part of the FY 2012 and FY 2013 Biennial Budget adoption on June 2, 2011 to mitigate the impact of the volatility of sales tax based revenues on service levels and the operating budget. Per the Board policy adopted on April 5, 2012, this reserve may be utilized during development of the biennial budget if sales tax based revenues are projected to decline. This can supplement projected revenues to address any resulting shortfall between revenues and expenditures. In the event sales tax based revenues received for a fiscal year are in excess of the amount budgeted, the excess shall be transferred to the VTA Transit Sales Tax Stabilization Fund up to a maximum balance of $35 million.

**Debt Reduction Fund**

The Debt Reduction Fund reserve was established by the Board on February 7, 2008. Per the Board policy also approved on February 7, 2008, this fund may be used to reduce long-term liabilities or provide funding for approved transit-related capital improvements and replacement of capital assets. This reserve is used primarily to fund the local portion of the VTA Transit capital program in order to keep assets in a state of good repair.

As mentioned above, each reserve fund is currently governed by its respective Board-adopted policy. The purpose of the Comprehensive Reserve Policy (Attachment A) is to outline all of the reserves in one document, clarify their relationship to one another, and identify a timeline for reporting balances to the Board.

**ALTERNATIVES:**

The Board could amend the policy or choose not to adopt a VTA Transit Fund Comprehensive Reserve Policy.
FISCAL IMPACT:

Having a Board adopted VTA Transit Fund Comprehensive Reserve Policy will help to ensure consistent administration of the reserves and reporting of reserve balances.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Administration and Finance Committee considered this item at its November 21, 2013 meeting. The Committee asked whether there was currently a percentage of budget or dollar limit on the Debt Reduction Fund. Staff responded that there is not currently a limit on the balance of the fund. The Committee inquired as to the current balance and activity of the fund and what might be an appropriate balance limit. Staff responded that work is currently underway on the Short Range Transit Plan (SRTP) and 10-year Capital Improvement Plan that would provide additional information on future capital needs which could subsequently be used to determine a recommended balance limit. The Committee suggested staff bring forth a recommendation for a balance limit in conjunction with the presentation of the SRTP in spring 2014. The item was approved unanimously. The Committee recommended the item be placed on the December 12, 2013, Board of Directors Regular Agenda.

Prepared by: Carol Lawson, Fiscal Resources Manager
Memo No. 4293
1.0 Policy:

It is the policy of VTA to accumulate a prudent level of reserves in the VTA Transit Fund to mitigate periodic swings in the economy and ensure that funds are available to sustain a capital program that maintains VTA’s infrastructure and keeps assets in a state of good repair.

1.1 Reserves:

The VTA Transit Fund maintains three reserves as described below:

**Operating Reserve**

An Operating Reserve equal to 15 percent (15%) of the annual operating budget for the VTA Transit Fund shall be maintained and remain unappropriated for any operating or capital use except to meet emergency needs that cannot be funded from any other source. The purpose of this reserve is to ensure that sufficient funds are always available in the event of either unavoidable expenditure needs or unanticipated revenue shortfalls from sources other than sales tax based revenues.

**Sales Tax Stabilization Fund**

A Sales Tax Stabilization Fund shall be maintained in order to mitigate the impact of the volatility of sales tax based revenues on service levels and the operating budget. This reserve may be utilized during development of the biennial budget if sales tax based revenues are projected to decline by supplementing projected revenues to address any resulting shortfall between revenues and expenditures. In the event sales tax based revenues received for a fiscal year are in excess of the amount budgeted, the excess shall be transferred to the Sales Tax Stabilization Fund up to a maximum balance of $35 million.

**Debt Reduction Fund**

A Debt Reduction Fund reserve shall be maintained in order to enhance VTA’s fiduciary governance practices and ensure that funds are available to sustain a capital program that maintains VTA’s infrastructure and keeps assets in a state of good repair. The Debt Reduction Fund may be used to reduce long-term liabilities or provide grant match and local funding for approved transit-related capital improvements and replacement of capital assets.
1.2 Reserve Interrelationship:

As described below and illustrated in the diagram on the following page, the Operating Reserve, Sales Tax Stabilization Fund, and Debt Reduction Fund work in conjunction to stabilize the Operating Budget in times of economic uncertainty and fund the maintenance and improvement of VTA’s capital infrastructure.

1.2.1 In the event that the VTA Transit Fund sales tax based revenues received for a fiscal year are less than the amount budgeted and the ending VTA Transit Operating Reserve for the fiscal year is below the 15% target, funds shall be transferred from the VTA Transit Sales Tax Stabilization Fund to the VTA Transit Fund Operating Reserve to reach the 15% target.

1.2.2 In the event of unavoidable expenditure needs or unanticipated revenue shortfalls from sources other than sales tax based revenues, VTA Transit Fund Operating Reserve funds may be used to address any resulting structural imbalance between revenues and expenditures.

Any year end VTA Transit Fund Operating Balance, net of sales tax based revenues received in excess of budget, shall be transferred to the VTA Transit Fund Operating Reserve in order to maintain the 15% target.

1.2.3 If during development of the biennial budget, VTA Transit Fund sales tax based revenues are projected to decline, VTA Transit Sales Tax Stabilization Funds may be used to supplement projected revenues in order to address any resulting structural imbalance between revenues and expenditures.

In the event that the VTA Transit Fund sales tax based revenues received for a fiscal year are in excess of the amount budgeted, the excess shall be transferred to the VTA Transit Sales Tax Stabilization Fund up to a maximum Fund balance of $35 million.

1.2.4 Any year end VTA Transit Fund Operating Balance remaining after the 15% Operating Reserve target has been met and prescribed transfers to the Sales Tax Stabilization Fund have occurred shall be transferred to the Debt Reduction Fund.
1.3 Reporting:

In order to promote transparency and enhance accessibility of information, Reserve balances shall be reported to the Board of Directors annually in conjunction with the presentation of the Comprehensive Annual Financial Report (CAFR). In addition, current and projected Reserve balances shall be presented to the Board as part of the biennial budget process.
2.0 Definitions:

Reserves: Unrestricted Net Assets represented by cash, investments, and receivables that are unappropriated and designated by the Board of Directors to be used for a specific purpose.

Sales Tax Based Revenues: VTA Transit Fund revenues that are directly or indirectly derived from Santa Clara County Sales Tax including 1976 half-cent sales tax, Transportation Development Act (TDA) funds, and 2000 Measure A Operating Assistance.
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Operating Officer, Michael A. Hursh

SUBJECT: Balance Point Contract Renewal

Policy-Related Action: No

Government Code Section 84308 Applies: Yes

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to extend the current contract with BalancePoint Strategic Services in the amount of $530,000 for a total contract value of $1,611,708 to provide ongoing professional services in support of the Joint Workforce Investment (JWI) project. The term of the extended contract would be from July 1, 2014 through June 30, 2016.

BACKGROUND:

The Joint Workforce Investment (JWI), established in 2006, is a partnership between the Santa Clara Valley Transportation Authority (VTA) and the Amalgamated Transit Union, Local 265 (ATU) dedicated to creating a work environment that supports the long-term professional development and health and wellness of employees. The JWI’s goals are to:

- Assure high employee performance, job satisfaction and well-being through professional development and training;
- Equip employees with the skills and support necessary to move up the career ladder;
- Attract well-qualified recruits to entry level careers in public transit;
- Meet VTA’s need to enhance the responsiveness, reliability and attractiveness of public transit service in Santa Clara County;
- Address the shortage of skilled workers in an ever-increasingly technology-driven industry;
- Solve operational problems more effectively at the lowest possible level.

In August 2005, VTA and ATU executed a Memorandum of Understanding to enhance Operator/Passenger relations and improve Operator well-being. ATU recommended and VTA engaged BalancePoint Strategic Services to conduct a needs assessment, the results of which became the JWI project. BalancePoint Strategic Services has a strong track record of designing and implementing effective labor/management joint projects. The initial contract with BalancePoint Strategic Services had a value of $81,150 and expired in October 2007.

In November 2007, VTA entered into a new contract with BalancePoint Strategic Services to continue JWI activities in the amount of $249,000. This contract was amended to add $50,000 in October 2008 to continue JWI activities through 2008, pending consideration of this contract request. Major tasks included in this contract were development and implementation of the Maintenance Career Ladder Training Program (MCLTP), the New Operator/Mentor Pilot Project, and development of the Transit Career Ladder Project (TCLP).

In January 2009, VTA executed another contract with BalancePoint Strategic Services, to continue JWI activities through June 2011. Major tasks included in this $462,355 contract included expanding the New Operator/Mentor program with emphasis on health, wellness, and customer service strategies for operators; incorporating Mentors in VTA’s Verification of Transit Training (VTT) program; completing Introduction to Transit training modules in conjunction with San Jose City College; pursuing and obtaining external funding opportunities for bus operators and maintenance personnel; and generating metrics to gauge success of the program and develop strategies to promote JWI objectives. The contract included a provision for a one-year extension. On June 30, 2011, VTA executed a temporary 90-day extension in the amount of $69,353, while negotiating the current agreement. The current $550,000 agreement was approved at the August 4, 2011 Board of Directors meeting, and expires on June 30, 2014.

This action would amend the contract by adding $30,000 during fiscal year 2014 for additional leadership development activities, and would extend the contract another two years and add $500,000 in funding for fiscal year 2015 and 2016. The total contract value of the contract, including this extension, would be $1,611,708.

**DISCUSSION:**

This sole-source, fixed-fee contract engages BalancePoint Strategic Services to leverage and build upon previous JWI initiatives mentioned above. Sole-source procurement is justified based on BalancePoint’s credibility with strategic funding alliances and its ability to leverage its institutional contacts to search and obtain grant funding opportunities at the state and federal level (over $1.3 million to date. See Attachment A) to support operator and mechanic career advancement and skills training programs. The fees charged by BalancePoint for this work are fair and reasonable based on an independent cost analysis conducted by staff. Additionally, BalancePoint has:

1. Established relationships of mutual understanding and trust within JWI;
2. Maintained a high level of credibility within ATU and VTA Operations management;
BalancePoint has developed a strong track record of successfully building strong relationships with key ATU and VTA staff. BalancePoint is fully endorsed by ATU (see Attachment B), and serves as a third-party neutral facilitator capable of serving as a liaison and coordinator between ATU and VTA management. In addition, because JWI uses a bottom-up approach to organizational optimization, the effectiveness of its programs depends on the strength of these relationships. Key activities in the JWI work plan facilitated by BalancePoint include:

- Institutionalize JWI programs by facilitating VTA/ATU meetings to provide program leadership and policy development.
- Develop baseline metrics for all programs including Maintenance Foreperson/Leads Leadership Academy, Transportation Mentor Leadership Academy for division and OCC Dispatchers, and building the JWI apprenticeship training program called for in the collective bargaining agreement with ATU.
- Expand the New Operator/Mentor Program across three bus operating divisions and to the light rail operating division, including the Operations Control Center (OCC) and other levels of Supervision.
- Develop focused approaches to multi-department communications and problem solving such as on-going focus groups, VTT presentations, and other multi department presentations.
- Facilitating programs to support new service plans including production of “Super Bowl” video in support of new stadium service needs.
- Conduct strategic planning and mission readiness training to support maintenance skills enhancement and leadership training.

We have included funding in the next two-year budget cycle, in amounts consistent with the scope and effort expended on JWI activities under the current BalancePoint contract. The project will focus on building on the success we have already seen. Initiatives will include expanding the Operator Mentor Program; implementing a Leadership Academy to prepare first-line supervisors for increased supervisory responsibility; and expanding employee health and wellness initiatives including stress reduction, physical fitness education, smoking cessation programs, and customer service training.

**ALTERNATIVES:**

The Board could choose not to approve the recommended contract for these professional services. However, VTA requires these services to fully develop and implement the JWI project and fulfill the ongoing requirements of the Department of Labor (DOL) and California Employment Training Panel (ETP) grants.

**FISCAL IMPACT:**

This action will authorize $530,000 for professional services in support of the Joint Workforce Investment (JWI) project for a three-year period. Appropriation for the first two years of the contract is included in the FY 2014 and FY 2015 Adopted VTA Transit Fund Operating Budgets.
Appropriation for the third year will be included in the FY 2016 VTA Transit Fund Operating Budget.

**SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION:**

Based on the scope of work and no subcontracting opportunities, no specific SBE goal has been established for this project. However, contractor is an SBE and no subcontractors were utilized. SBE commitment for this contract is 100%.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Transit Planning and Operations Committee reviewed this item at their November 21, 2013 meeting. Members Liccardo, Herrera and Abe-Koga were all complementary of JWI program and were impressed with the amount of funding obtained by BalancePoint for the JWI program. The committee asked ATU representative Tom Fink to comment on BalancePoint and the JWI program. Mr. Fink stated that his program is on the cutting edge of promoting positive labor/management relations. The key to success has been the level of trust labor and management have in our consultant. Contracting with another firm would likely involve developing trust over time and would definitely interrupt the dynamic, on-going successes we are seeing. Member Herrera stated she appreciated the explanation on why a sole source contract was justifiable in this case. The item was unanimously approved and will be included in the regular December VTA Board meeting agenda.

Prepared by: Steve Johnstone
Memo No. 4246
BalancePoint Initiated Outside Funding Sources for the Joint Workforce Investment

Governor’s 15% Discretionary Workforce Investment Act (WIA) grant: 2007-2008 (in partnership with the California Labor Federation (CLF); a regional consortium of VTA and Sacramento Regional Transit)

- $600,000 (VTA share $247,934.80 - the rest went to CLF and SacRT)

Job Development Incentive Fund (JDIF) grant from the California Community College Chancellor’s Office (CCCCO): 2008-2010 (in partnership with San José City College)

- $599,998 (reduced by $151,000 in year 2 due to state budget cuts, but VTA subcontract was unchanged) (VTA direct subcontract + SJCC instructors who developed/taught curriculum for VTA) – Final amount to VTA was $357,472.


- $214,000 (direct to VTA)

California Employment Training Panel (ETP)/AB118 grant: 2011-2012 and 2013 - 2015 (in partnership with the California Labor Federation; a statewide consortium of VTA, Sacramento Regional Transit, and Los Angeles Metropolitan Transportation Authority)

- $999,460 (VTA share $250,000)
- $999,768 (VTA share $290,000)

Summary: VTA share/direct beneficiary of grants

- $247,935 WIA
- $357,472 JDIF/CCCCO
- $214,000 DOL
- $250,000 ETP/AB118
- $290,000 ETP/AB118
- $1,359,407
October 31, 2013

Mr. Michael Burns
General Manager
Santa Clara Valley Transportation Authority
3331 N. First Street, Bldg B
San Jose, CA 95134

Subject: Contract with Balance Point

Dear Mr. Burns:

Amalgamated Transit Union Local 265 is committed to continuing our highly successful partnership with VTA, Joint Workforce Investment (JWI). We are proud of this eight year collaboration that has resulted in measurable improvements in public service and employee satisfaction through the development of programs for enhanced professionalism, health and wellness, workforce efficiency, and career ladder opportunity.

We wholeheartedly endorse the two year extension of VTA’s contract with Balance Point. The presence of Balance Point as a neutral party and program developer has been critical to the success of JWI, and the relationships of trust it has helped establish are essential to the achievement of its future goals.

If you have any questions, please feel free to call me at (408) 874-0900 extension 214.

Sincerely,

Diana Hermone
JWI Director and
Recording and Financial Secretary
<table>
<thead>
<tr>
<th>Contractor Firm</th>
<th>Contractor Role</th>
<th>Name</th>
<th>Location</th>
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<tr>
<td>BalancePoint Strategic Services</td>
<td>Principal Partner</td>
<td>Deborah Moy</td>
<td>1777 Borel Place, Suite 312, San Mateo, CA</td>
</tr>
<tr>
<td>BalancePoint Strategic Services</td>
<td>Principal Partner</td>
<td>Daniel Johnson</td>
<td>1777 Borel Place, Suite 312, San Mateo, CA</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 Engineering & Construction Officer, Mark S. Robinson

SUBJECT: LRT Efficiency Project – Tasman Drive Pocket Track Allocation of Measure A Funds and Contract Award

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with Stacy & Witbeck, Inc., the lowest responsible bidder, in the amount of $13,688,609 for construction of the LRT Efficiency Project - Tasman Drive Pocket Track. In addition, amend the FY 2014 2000 Measure A Transit Improvement Program Fund Capital Budget to add $14,810,000 for the Tasman Drive Pocket Track Project.

BACKGROUND:

The Light Rail Efficiency Project is a coordinated program of capital projects and operating changes to speed up the light rail system, increase service hours, introduce a new line of service, expand express service, and prepare for seamless, high-quality service to BART. In May 2010, the VTA Board recommended these projects for their high potential to generate the most effective improvements to travel times and ridership on the system.

These projects are time constrained and driven by the need for a productive feeder and distribution for the 2017 extension of BART service to the Montague Station in Milpitas, the summer 2014 Levi’s Stadium opening in Santa Clara, and anticipated large scale development along the North First Street corridor.

The first phase of infrastructure construction for the project includes the construction of a light rail turnback/storage track in Santa Clara to support proposed light rail operations with the extension of BART to Milpitas/San Jose, and for stadium events at Levi’s Stadium.
The current approved budget for the Santa Clara Pocket Track improvements is $10,000,000. This budget was based on an initial concept plan to construct the new track along the median of Patrick Henry Drive, north of Tasman Drive. Due to several reasons including impacts to adjacent properties and intersection operations, alternatives to the Patrick Henry option were developed. The option to construct a pocket track within the existing light rail median on Tasman Drive west to the Old Ironsides Station was eventually selected. This layout provides superior operational flexibility for light rail operations, and is supported by the City.

The total cost for the selected option is estimated at $24,810,000, as compared to the original budget of $10,000,000. The additional cost is due to increased work scope, property acquisition requirements, and significant utility relocations along Tasman Drive. This option also involves more complicated traffic and construction staging, and increased impacts to LRT operations during construction and the need for bus bridges during LRT shutdowns. An allocation of $14,810,000 of Measure A Funds is required to complete these activities.

The work in the Tasman Drive Pocket Track construction contract includes roadway and light rail median widening, installation of new mainline track and special trackwork, street crossing panels, train and traffic signals, overhead contact system and communications, and utility relocations (Exhibit A). In May 2013, the Board authorized the award of a contract to Cleveland Track for the procurement of long lead special trackwork components for the improvements on Tasman Drive.

**DISCUSSION**

The LRT Efficiency Project - Tasman Drive Pocket Track contract was advertised on July 8, 2013. Three bids were submitted on September 25, 2013 with the following results:

<table>
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<th>Bid Amount</th>
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<tbody>
<tr>
<td>ProVen Construction</td>
<td>$12,499,925</td>
</tr>
<tr>
<td>Stacy &amp; Witbeck</td>
<td>$13,688,609</td>
</tr>
<tr>
<td>Shimmick Construction</td>
<td>$14,157,235</td>
</tr>
</tbody>
</table>

| Engineer’s Estimate | $11,940,000 |

ProVen Management submitted a bid of $12,499,925. Following the submission of bids, on September 30, 2013, ProVen Management 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 ProVen Management was compelling, and VTA staff has consented to the withdrawal.

Stacy & Witbeck, Inc. is the lowest responsible and responsive bidder. The bid is 14.6% 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 the contract to Stacy & Witbeck, Inc.

Bids prices are beginning to come 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 start in January 2014. All track improvements needed for light rail operations will be completed by July 2014, with the remaining street and sidewalk improvements to be completed by December 2014.

ALTERNATIVES:

There are no practical alternatives to the recommended action. Delaying the award of this contract would result in the existing two-track light rail operation serving stadium events in 2014. Ridership modeling indicates light rail service would experience significant delays, and rail passengers would have to wait up to 2 hours or more to board a train following a stadium event. The cost to construct these improvements at a later date will likely increase.

FISCAL IMPACT:

This action will authorize $13,688,609 for the Tasman Drive Pocket Track construction. This action will also add $14,810,000 to the FY 2014 2000 Measure A Transit Improvement Program Fund Capital Budget. This contract is fully funded by 2000 Measure A.

SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION:

Based on the identifiable opportunities, a Small Business Enterprise (SBE) goal of 30% is established for this contract. Contractor has met the established goal and has committed to 31.04% SBE participation on this contract.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Transit Planning & Operations Committee received a brief presentation this item on November 21, 2013. The presentation highlighted how the Tasman Drive Pocket Track is part of the Light Rail Efficiency Project that will support proposed light rail operations with the BART extension to Milpitas/San Jose, and how the schedule for the improvements was advanced so as to be in place to support operations to Levi’s Stadium. The Committee asked questions on the initial design option and selected design that necessitated the project budget amendment. The funds will come from the Measure A Program. The budget amendment will not affect other projects in the Measure A Program. The San Francisco 49ers are not participating in this set of improvements, but are funding and will be constructing a second light rail station platform at the Great America Station, and installing trackway fencing, under a separate contract. The Committee directed staff to provide more detail on the original concept and a comparison between the original concept and the selected design when presenting this item to the Board of Directors. The Committee recommended the item be placed on the Regular Agenda for approval at the December 12, 2013, Board of Directors meeting.

Prepared by: Adolf Daaboul, Sr. Transportation Engineer
Memo No. 4188
CALL TO ORDER

The Regular Meeting of the Audit Committee was called to order at 4:30 p.m. by Vice Chairperson Woodward in Room 157, County Government Center, 70 West Hedding Street, San José, California.

Vice Chairperson Woodward welcomed Committee Member Cindy Chavez to the Audit Committee.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
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<tbody>
<tr>
<td>Cindy Chavez</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Rose Herrera</td>
<td>Chairperson</td>
<td>Absent</td>
</tr>
<tr>
<td>Sam Liccardo</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Perry Woodward</td>
<td>Vice Chairperson</td>
<td>Present</td>
</tr>
</tbody>
</table>

A quorum was not present and a Committee of the Whole was declared.

2. PUBLIC PRESENTATIONS

There were no public presentations.

3. ORDERS OF THE DAY

There were no Orders of the Day.

CONSENT AGENDA

4. Meeting Minutes of May 2, 2013

The Committee of the Whole deferred the Regular Meeting Minutes of May 2, 2013.

REGULAR AGENDA


Ali Hudda, Deputy Director Accounting, provided a brief overview of the staff report. Mr. Hudda introduced Leonard Dana, Vavrinek, Trine, Day & Company, LLP (VTD), Certified Public Accounting Firm, who provided a brief overview of the Fiscal Year 2013 Comprehensive Annual Financial Report (CAFR) and Amalgamated Transit Union (ATU) Pension Plan Report.

Mr. Hudda referenced page 5, Sections 2.84 – 2.86, noting VTD rendered a “clean” unmodified opinion on VTA’s financial statements. Mr. Dana restated that VTD did not encounter any issues related to VTA’s financial statements and expressed appreciation to staff for their diligent work and cooperation.
Board Member Chavez referenced the BART agreement and queried if the contracts were reevaluated and when was the last time the financial agreement was reexamined. Mr. Dana responded that the major agreements are reviewed but many items do not have a specific impact on the audit.

Michael T. Burns, General Manager, stated the contract agreements were negotiated approximately nine to ten years ago and added VTA’s Auditor General would be the appropriate entity to reexamine the terms of the comprehensive contract agreement.

Board Member Chavez noted the importance for VTA to be poised and well positioned within the contract agreement as the BART Extension Program Projects moves forward.

The Committee of the Whole recommended forwarding the item for consideration to the December 12, 2013 VTA Board of Directors Regular Meeting: To review and receive the audited Comprehensive Annual Financial Report for the Santa Clara Valley Transportation Authority and the Santa Clara Valley Transportation Authority Amalgamated Transit Union Pension Plan Report for Fiscal Year 2013.

6. Audited Retirees’ Other Post Employment Benefits (OPEB) Trust Report FY 2013

The Committee of the Whole recommended forwarding the item for consideration to the December 12, 2013 VTA Board of Directors Regular Meeting: To review and receive the audited Financial Report for Fiscal Year 2013 of the Santa Clara Valley Transportation Authority Retirees’ Other Post-Employment Benefits (OPEB) Trust.


Patrick J. Hagan, Auditor General, provided a brief overview of the staff report, directed attention to Attachment A – Recommended Fiscal Year 2014 & 2015 Internal Audit Work Plans, noting the risk assessment results and vulnerability associated with the Silicon Valley Rapid Transit (SVRT) Program.

Board Member Chavez referenced the risk assessment results and noted the following: 1) expressed concern on passenger safety on the Bus Rapid Transit (BRT); 2) expressed concern regarding the increased gang and crime activity along the BRT corridor; 3) queried if the Sheriff’s contract would be reexamined to identify solutions to address the public safety issues and/or concerns.

The Committee of the Whole recommended forwarding the item for consideration to the November 7, 2013 VTA Board of Directors Regular Meeting: To 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; and 2) FY 2015 for a maximum amount of $364,500.

8. Silicon Valley Rapid Transit Program Project Delivery Method and Project Execution Assessment

Mr. Hagan provided a brief overview of the staff report on the Silicon Valley Rapid Transit (SVRT) Program Project Delivery Method and Project Execution Assessment as it relates to the SVRT Berryessa Extension design build agreement. He noted that the Auditor General’s Office judged the assessment level as medium level of overall risk exposure. Mr. Hagan continued 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.

Mr. Hagan commented on the Project Execution Assessment, noting VTA management has agreed with the Auditor General’s Office recommendations and committed to implement SVRT specific policies and procedures supplemental to VTA’s organization wide policies and procedures by the end of calendar 2013.

The Committee of the Whole recommended forwarding the item for consideration to the November 7, 2013 VTA Board of Directors Regular Meeting: To review and receive the Auditor General's report on the Silicon Valley Rapid Transit Program Project Delivery Method and Project Execution Assessment.

9. **Sheriff’s Office Contract Compliance Internal Audit**

Mr. Hagan provided a brief overview of the staff report, noting the purpose was to look for compliance with the Sheriff’s contract. Mr. Hagan stated that the key controls are well designed and operating effectively. He continued that the overall central findings from the audit relates to the current contract, which is working well for both parties; however, the audit recommends VTA revisit the terms to add specificity and charity to the contract agreement.

The Committee of the Whole recommended forwarding the item for consideration to the November 7, 2013 VTA Board of Directors Regular Meeting: To review and receive the Auditor General's report on the Sheriff's Office Contract Compliance Internal Audit.

10. **Investment Program Controls Internal Audit**

Mr. Hagan provided a brief overview of the staff report, noting that the Investment Program Controls Internal Audit is performed as a result of the Investment Policy. Mr. Hagan continued that the audit is conducted on a biannual basis to assess the process is in place and operating effectively.

Mr. Hagan stated that the audit rendered a “clean” unmodified opinion.

The Committee of the Whole recommended forwarding the item for consideration to the November 7, 2013 VTA Board of Directors Regular Meeting: To review and receive the Auditor General's internal audit report on Investment Program Controls.

11. **VTA Integrity Helpline Program Status Update**

Stephen Flynn, Advisory Committee Coordinator, provided a brief overview of the staff report, noting that the previous Auditor General recommended the implementation of an integrity helpline. Mr. Flynn continued that the Audit Committee Members agreed with the helpline recommendation and requested the following: 1) Helpline should be hosted by an independent third party provider to maintain independence and confidentiality; 2) Helpline should operate 24 hours/365 day availability; 3) Third party provider should have trained interviewers available to handle complaints in the wide range of language spoken by residents of Santa Clara County; 4) There should be the ability to submit reports through multiple methods, including email, phone, fax, regular mail, and etc; and 5) 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.
Mr. Flynn continued that a Request for Proposal (RFP) was issued in July 2013 and the evaluation panel recommended awarding the contract to Ethical Advocates (EA).

Board Member Chavez noted the importance to educate employees, public, and subcontractors so that they are not afraid to come forth with information to report to the Integrity Helpline. Mr. Flynn responded that EA will develop the education materials and briefly commented on the process for individuals to submit their information on the Integrity Helpline, noting they will be assigned a case number and have the option to be notified with a follow-up.

On order of Vice Chairperson Woodward and there being no objection, the Committee of the Whole received a status update on implementation of the VTA Integrity Helpline.

12. Review Status of Internal Audit Work Plan

Mr. Hagan provided a brief overview on the current status of projects and activities completed as well as future projects scheduled.

On order of Vice Chairperson Woodward and there being no objection, the Committee of the Whole received an update on the status of projects contained in the current Internal Audit Work Plan.

OTHER ITEMS

13. Items of Concern and Referral to Administration

Board Member Chavez stressed the importance for staff to work with the Sheriff’s Department to identify ways to perform a better job of monitoring the transit system. She suggested staff to review the Memorandum of Understanding (MOU) and work collaboratively with partners to address serious issues, such as, human trafficking.

14. Review Committee Work Plan

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

Mr. Burns noted the next Audit Committee meeting is scheduled on Thursday, February 6, 2014, noting the Board of Directors will appoint new members to the Committee at the January 9, 2014, VTA Board of Directors Regular meeting.

15. Committee Staff Report

There was no Staff Report.

Mr. Burns expressed his gratitude to work the Committee Members and noted the accomplishments achieved through the dedicated work of the Audit Committee.

16. Chairperson’s Report

There was no Chairperson’s Report.

The Committee Members expressed appreciation and thanked Mr. Burns for his outstanding years of dedicated work at VTA, noting his achievements and accomplishments.
17. **Determine Items for the Consent Agenda for future Board of Directors’ meetings.**

**November 7, 2013 VTA Board of Directors Meeting**

**CONSENT: Agenda Item # 7.** Auditor General Recommended FY 2014 & FY 2015 Internal Audit Work Plans;

**Agenda Item # 8.** Silicon Valley Rapid Transit Program Project Delivery Method and Project Execution Assessment;

**Agenda Item # 9.** Sheriff’s Office Contract Compliance Internal Audit;

**Agenda Item # 10.** Investment Program Controls Internal Audit; and

**Agenda Item # 11.** VTA Integrity Helpline Program Status Update.

**REGULAR: None**

**December 12, 2013 VTA Board of Directors Meeting**

**CONSENT: Agenda Item # 5.** FY 2013 CAFR & ATU Pension Plan Report; and

**Agenda Item # 6.** Audited Retirees’ Other Post-Employment Benefits (OPEB) Trust Report FY 2013.

**REGULAR: None**

18. **ANNOUNCEMENTS**

There were no Announcements.

19. **ADJOURNMENT**

**On order of Vice Chairperson Woodward** and there being no objection, the Committee of the Whole Meeting was adjourned at 5:11 p.m.

Respectfully submitted,

Michelle M. Garza, Board Assistant
VTA Office of the Board Secretary
CONGESTION MANAGEMENT PROGRAM AND PLANNING COMMITTEE

Thursday, November 21, 2013

NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Congestion Management Program and Planning Committee Meeting scheduled for Thursday, November 21, 2013, at 10:00 a.m. has been cancelled.

The next meeting of the Santa Clara Valley Transportation Authority Congestion Management Program and Planning Committee is scheduled for Thursday, December 19, 2013, at 10:00 a.m. at Conference Room B-104, Building B, 3331 North First Street, San Jose, California.

Anita McGraw, Board Assistant
VTA Office of the Board Secretary
CALL TO ORDER

The Regular Meeting of the Administration and Finance Committee (A&F) was called to order at 12:31 p.m. by Chairperson Kalra in Conference Room B-104, VTA River Oaks Campus, 3331 North First Street, San Jose, California.

1. ROLL

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<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Jose Esteves</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Ash Kalra</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Perry Woodward</td>
<td>Board Member</td>
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<tr>
<td>Larry Carr</td>
<td>Alternate Board Member</td>
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<tr>
<td>Johnny Khamis</td>
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</tr>
<tr>
<td>David Whittum</td>
<td>Alternate Board Member</td>
<td>NA</td>
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* Alternates do not serve unless participating as a Member.

A quorum was present.

2. PUBLIC PRESENTATIONS

Edward Mason, Interested Citizen, expressed concern and noted the negative impacts of corporate commuter buses. Mr. Mason continued that corporate commuter buses transfer congestion to the neighborhoods thereby causing a huge disruption to the residents.

Board Member Woodward arrived at the meeting and took his seat at 12:32 p.m.

3. ORDERS OF THE DAY

Chairperson Kalra commented on the Addendum to the Committee Agenda, noting the following Items added to the Consent Agenda: Agenda Item #11.X. Transportation Fund for Clean Air (TFCA) 40% Project Selection Criteria; Agenda Item #11.X.X. Update VTA’s California Environmental Quality Act Guidelines; and Agenda Item #11.X.X.X. FY 2012/13 Vehicle Registration Fee Annual Report.

Chairperson Kalra commented on the Addendum to the Committee Agenda, noting the following Items added to the Regular Agenda: Agenda Item #15.X. Revised Purchase and Sale Agreement with Green Republic for West San Carlos; and Agenda Item #15.X.X. West San Carlos Development Agreement with City of San Jose.

Chairperson Kalra noted staff’s request to move the following Item to the Consent Agenda: Agenda Item #18. Senior Transportation Update.

M/S/C (Woodward/Esteves) to accept the Orders of the Day.
The Agenda was taken out of order.

CONSENT AGENDA

4. Regular Meeting Minutes of September 19, 2013
   M/S/C (Woodward/Esteves) to approve the Regular Meeting Minutes of September 19, 2013.

5. Monthly Investment Report - September 2013
   M/S/C (Woodward/Esteves) to receive the Monthly Investment Report for September 2013.

6. Quarterly Attendance Report
   M/S/C (Woodward/Esteves) to review the 2013 Quarterly Attendance Report for the VTA Board of Directors, Ad-Hoc Committees, Board Standing Committees, and Board Advisory Committees.

7. First Quarter FY 2014 Public Liability/Property Damage Claims Activity Report
   M/S/C (Woodward/Esteves) to receive the First Quarter FY 2014 Quarterly Report of Public Liability/Property Damage Claims Activity.


   M/S/C (Woodward/Esteves) to review the Quarterly Purchasing Report for July 1 through September 30, 2013.

    M/S/C (Woodward/Esteves) to approve submitting a recommendation to the Board of Directors to review and accept the Fiscal Year 2014 Quarterly Statement of Revenues and Expenses for the period ending September 30, 2013.

11. Committee for Transit Accessibility Reappointments
    M/S/C (Woodward/Esteves) to approve submitting a recommendation to the Board of Directors to approve the following for the upcoming two-year term ending December 31, 2015: 1) Reappointment of the following current human services agency/business representatives: Vista Center for the Blind and Visually Impaired; Hope Services; City of San José Senior Citizens Commission; and the City of Milpitas Barbara Lee Senior Center; and, 2) Reappointment of current members Barbara Stahl, Kathy Bonilla, Dilip Shah and Cam Acker representing persons with disabilities.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
11.X. Transportation Fund for Clean Air (TFCA) 40% Project Selection Criteria

M/S/C (Woodward/Esteves) to approve submitting a recommendation to the Board of Directors to review and approve the criteria used to evaluate and select projects for the Transportation Fund for Clean Air (TFCA) Program Manager Fund and the status of ongoing Santa Clara County TFCA projects.

11.X.X. Update VTA’s California Environmental Quality Act Guidelines

M/S/C (Woodward/Esteves) to approve submitting a recommendation to the Board of Directors to adopt a resolution to update Santa Clara Valley Transportation Authority's (VTA’s) implementation of the California Environmental Quality Act (CEQA) through acceptance of the State CEQA Guidelines, as amended from time to time by the California Secretary for Resources, and add the word “purchasing” to Article 19 Categorical Exemption, Section 15301, Existing Facilities, first sentence that describes Class 1 activities.

11.X.X.X. FY 2012/13 Vehicle Registration Fee Annual Report

M/S/C (Woodward/Esteves) to approve submitting a recommendation to the Board of Directors to receive the report of the expenditure of Vehicle Registration Fee receipts.

18. Senior Transportation Update

On order of Chairperson Kalra and there being no objection, the Committee received a report on current transportation services for seniors and efforts to improve services throughout the county.

REGULAR AGENDA

12. Final Legislative History Matrix for 2013 Session

Kurt Evans, Government Affairs Manager, provided a brief overview of the Final Legislative History Matrix for 2013 Session, noting the key transportation related bills considered by the California State Legislature.

On order of Chairperson Kalra and there being no objection, the Committee reviewed the Monthly Legislative History Matrix.

13. 2014 Legislative Program

Mr. Evans provided a brief overview of the 2014 Legislative Program related to the Federal Section and commented on the following items: 1) Surface Transportation Authorization - Moving Ahead for Progress in the 21st Century (MAP-21); and 2) Fiscal Year 2015 Federal Transportation Appropriations.

Mr. Evans commented on the following items in the State Section: 1) Transportation Funding; 2) Climate Change; 3) High Speed Rail (HSR); 4) Project Delivery; and 5) Transit Service Delivery.

Scott Haywood, Policy and Community Relations Manager, provided a brief overview on the Regional and Local Section and commented on the following items: 1) Metropolitan Transportation Commission (MTC) Programming and Allocations; 2) Cap and Trade; 3) Regional Advocacy; 4) Express Lanes; 5) Caltrain Commuter Rail Service; and 6) Capitol Corridor Intercity Rail Service.
Board Member Chavez noted the following: 1) inquired about funding opportunities for pilot projects for new modes of transportation; 2) noted the importance for VTA to partner and host an annual transportation education summit for elected officials to better understand transportation needs of the northern California region; and 3) requested a conversation with John Ristow, Chief CMA Officer, regarding the Congestion Management Agency (CMA) issues and suggestions.

Board Member Esteves referenced the local cities’ general plans and queried if it were possible to charge a specific transportation impact fee to developers.

Chairperson Kalra stressed the importance for everyone to join forces to have the opportunity to speak as one voice in support to conduct a Bay Area wide transportation perspective.

M/S/C (Chavez/Esteves) to approve submitting a recommendation to the Board of Directors to approve the 2014 Legislative Program for the Santa Clara Valley Transportation Authority (VTA).

14. VTA Transit Fund Comprehensive Reserve Policy

Carol Lawson, Fiscal Resources Manager - Budget, provided a brief overview on VTA’s Transit Fund Comprehensive Reserve Policy, noting the following three reserves and their policies: 1) Operating Reserve; 2) Sales Tax Stabilization Fund; and 3) Debt Reduction Fund. Ms. Lawson noted the Debt Reduction fund is intended to be used primarily to fund the local portion of the VTA Transit Capital Program in order to keep assets in a state of good repair.

Chairperson Kalra noted the importance of having sufficient funds to operate the transit system and extra funds for contingency. Upon query from Board Member Chavez, Michael T. Burns, General Manager, responded staff’s intention is to create a section in VTA’s budget that will illustrate the amount and intended uses of the reserve funds. Board Member Esteves suggested staff identify the life of the assets in an attempt to set aside or portion funding to address the future asset replacement expense.

M/S/C (Chavez/Esteves) to approve submitting a recommendation to the Board of Directors to approve the VTA Transit Fund Comprehensive Reserve Policy.

15. Title VI Program Resolutions

Camille Williams, Title VI Program Manager, provided a brief overview of the Title VI Program Resolutions, noting the Board approved VTA’s System-wide Service Standards and Policies at the November 7, 2013 VTA Board of Directors Regular meeting.

Ms. Williams reported VTA was required to create and adopt a set of policies and an Equity Analysis for major service changes in order to comply with the recent updates to the Federal Transit Administration (FTA) Title VI Circular and Environmental Justice Circular guidelines.

Ms. Williams continued that FTA has directed the VTA Board of Directors approval of VTA’s entire Title VI Program prior to the document being submitted to the FTA for final approval, noting VTA is required to submit the program to the FTA triennially.

M/S/C (Chavez/Esteves) to approve submitting a recommendation to the Board of Directors to adopt the following resolutions relating to VTA’s Title VI Program: a) Adopt a Resolution to approve the results from the monitoring of VTA’s System-wide
Service Standards and Policies, and the Equity Analysis for major service changes planned for the FY 2014-FY 2015 Transit Service Plan, which demonstrate that there are no adverse effects of service changes that create disparate impacts to minority passengers or disproportionately burden low-income passengers; and b) Adopt a Resolution to approve VTA’s entire Title VI Program, which is a compilation of documents, maps, tables, and plans demonstrating VTA’s compliance with Title VI requirements.

Board Member Chavez stressed the importance of equity and queried on the best ways to conduct analysis on a local level. Ms. Williams responded the FTA stressed the importance for agencies to involve the under-represented communities when the studies were conducted in order to identify the impacts.

15.X. **Revised Purchase and Sale Agreement with Green Republic for West San Carlos**

Bijal Patel, Deputy Director, Property Development and Management, reported on Addendum Agenda Items #15.X. and #15.X.X. related to West San Carlos Development, noting VTA staff has been in constant discussion with the developer to restructure the Purchase and Sale Agreement (PSA).

Ms. Patel continued that the revised PSA allows VTA additional rights that are directly related to the terms of the Development Agreement, which include the following terms: 1) Park; 2) Developer Owned and/or Controlled Property and Plans/Permits; 3) Block C Dedication of Right of Way (ROW); and 4) Assignment. She noted the significant change to the PSA requires VTA to enter into developer agreement with the City of San Jose and Developer as part of the entitlement changes.

Ms. Patel summarized that the original PSA had a projected net present value of $15,419,209; however, the revised PSA proposes a net present value of $17,451,333 to VTA, noting the proposed terms and conditions allow the Developer to advance the Ohlone Project.

Victor Pappalardo, Senior Assistant Counsel, noted the development agreement is still in progress and negotiations for the details of the agreement between VTA and the City of San Jose are still ongoing.

Board Member Woodward expressed concern regarding the revised PSA and development agreement negotiations and recommended that the discussion should be at the Board level. Robert Fabela, General Counsel, responded that staff is confident with the terms, conditions, and protections within the revised PSA and development agreement negotiated by Mr. Pappalardo and Ms. Patel.

M/S/C (Woodward/Chavez) to forward the item for additional discussion and consideration to the December 12, 2013 VTA Board of Directors Regular 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.

15.X.X. **West San Carlos Development Agreement with City of San Jose**

M/S/C (Woodward/Chavez) to forward the item for additional discussion and consideration to the December 12, 2013 VTA Board of Directors Regular 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.”
16. **FTA Section 5311 Non-Urbanized Area Grant Program**

M/S/C (Chavez/Woodward) to approve submitting a recommendation to the Board of Directors to adopt a resolution authorizing the General Manager to submit and execute grant applications and agreements, certifications, assurances, and other documents as necessary to receive funding from the California Department of Transportation (Caltrans) under the Federal Transit Administration (FTA) Section 5311 Non-Urbanized Area Formula Grant Program.

Board Member Woodward left the meeting at 1:53 p.m.

17. **Annual Swap Report for Period Ending June 30, 2013**

Joe Smith, Chief Financial Officer, provided a brief overview of the Annual Swap Report, noting the intent of the interest rate swaps was to reduce VTA’s interest expense associated with long term debt obligations. The total savings in Fiscal Year 2013 were $2.1 million and total savings to date for VTA 2008 and Measure A 2008 Bonds is approximately $16 million.

**On order of Chairperson Kalra** and there being no objection, the Committee received the Annual Swap Report for Period Ending June 30, 2013.

**OTHER ITEMS**

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

There were no Items of Concern and Referral to Administration.

20. **Committee Work Plan**

Board Member Esteves requested staff provide a report on transportation services for students at a future A&F Committee meeting.

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

21. **Committee Staff Report**

There was no Committee Staff Report.

22. **Chairperson’s Report**

Chairperson Kalra noted the request to move the Administration and Finance (A&F) Committee meeting time back to the original 12:00 p.m. beginning January 23, 2014.

23. **Determine Consent Agenda for the December 12, 2013 Board of Directors Meeting**

**CONSENT:** Agenda Item #10. Review and accept the Fiscal Year 2014 Quarterly Statement of Revenues and Expenses for the period ending September 30, 2013;

**Agenda Item #11.** Approve the following for the upcoming two-year term ending December 31, 2015: 1) Reappointment of the following current human services agency/business representatives: Vista Center for the Blind and Visually Impaired; Hope Services; City of San José Senior Citizens Commission; and the City of Milpitas Barbara Lee Senior Center; and, 2) Reappointment of current members Barbara Stahl, Kathy Bonilla, Dilip Shah and Cam Acker representing persons with disabilities;
Agenda Item #11.X. Review and approve the criteria used to evaluate and select projects for the Transportation Fund for Clean Air (TFCA) Program Manager Fund and the status of ongoing Santa Clara County TFCA projects;

Agenda Item #11.X.X. Adopt a resolution to update Santa Clara Valley Transportation Authority's (VTA’s) implementation of the California Environmental Quality Act (CEQA) through acceptance of the State CEQA Guidelines, as amended from time to time by the California Secretary for Resources, and add the word “purchasing” to Article 19 Categorical Exemption, Section 15301, Existing Facilities, first sentence that describes Class 1 activities;

Agenda Item # 11.X.X.X. Receive the report of the expenditure of Vehicle Registration Fee receipts;

Agenda Item #13. Approve the 2014 Legislative Program for the Santa Clara Valley Transportation Authority (VTA); and

Agenda Item #16. Adopt a resolution authorizing the General Manager to submit and execute grant applications and agreements, certifications, assurances, and other documents as necessary to receive funding from the California Department of Transportation (Caltrans) under the Federal Transit Administration (FTA) Section 5311 Non-Urbanized Area Formula Grant Program.

REGULAR: Agenda Item #14. Approve the VTA Transit Fund Comprehensive Reserve Policy;

Agenda Item #15. Adopt the following resolutions relating to VTA’s Title VI Program: a) Adopt a Resolution to approve the results from the monitoring of VTA’s System-wide Service Standards and Policies, and the Equity Analysis for major service changes planned for the FY2014-FY2015 Transit Service Plan, which demonstrate that there are no adverse effects of service changes that create disparate impacts to minority passengers or disproportionately burden low-income passengers; and b) Adopt a Resolution to approve VTA’s entire Title VI Program, which is a compilation of documents, maps, tables, and plans demonstrating VTA’s compliance with Title VI requirements;

Agenda Item #15.X. Authorize the General Manager to execute a revised Purchase and Sale Agreement for the property known as the Ohlone Project with Green Republic, LLC;

Agenda Item #15.X.X. 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.”

24. Announcements

There were no Announcements.

25. ADJOURNMENT

On order of Chairperson Kalra and there being no objection, the Committee meeting was adjourned at 2:00 p.m.

Respectfully submitted,

Michelle M. Garza, Board Assistant
VTA Office of the Board Secretary
CALL TO ORDER

The Regular Meeting of the Transit Planning and Operations (TP&O) Committee was called to order at 4:05 p.m. by Chairperson Pro Tempore Herrera in Conference Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

The Agenda was taken out of order.

2. PUBLIC PRESENTATIONS

Roland Lebrun, Interested Citizen, expressed concern with and provided comment on the use of remaining funds for the Caltrain South County Project.

James Wightman, Interested Citizen, inquired about the transportation plan for the Levi’s Stadium.

Edward Mason, Interested Citizen, expressed concern with corporate commuter buses occupying public space.

OTHER ITEMS

19. Ridership Report

Joonie Tolosa, Operations Analysis Reporting and Systems Manager, provided a handout and brief overview of the October 2013 Monthly Ridership report.

Vice Chairperson Abe-Koga took her seat at 4:10 p.m.

Member Herrera relinquished her seat as Chairperson Pro tempore and Vice Chairperson Abe-Koga presided over the meeting.

On order of Vice Chairperson Abe-Koga and there being no objection, the Committee received a report on the October 2013 Monthly Ridership and Fare Revenue Performance.
1. **ROLL CALL**

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<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
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<tbody>
<tr>
<td>Margaret Abe-Koga</td>
<td>Vice Chairperson</td>
<td>Present</td>
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<tr>
<td>Rose Herrera</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Sam Liccardo</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Donald Rocha</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Johnny Khamis</td>
<td>Alternate Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Gail A. Price</td>
<td>Alternate Member</td>
<td>Absent</td>
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</tbody>
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*Alternates do not serve unless participating as a Member.

A quorum was present.

3. **ORDERS OF THE DAY**

Vice Chairperson Abe-Koga noted staff’s request to move the following items to the Consent Agenda: **Agenda Item #11.**, Trapeze OPS Software Purchase and Installation; **Agenda Item #14.**, Transit Signal Priority Equipment Contract; **Agenda Item #16.**, Residential Noise Insulation Program – G&G Specialty Contractors, Inc. Contract.; and **Agenda Item #17.**, Residential Noise Insulation Program – CSDA Architects Contract.

M/S/C (Herrera/Rocha) to approve the Orders of the Day and the Consent Agenda.

**CONSENT AGENDA**

4. **Regular Meeting Minutes of August 15, 2013**

M/S/C (Herrera/Rocha) to approve the regular meeting minutes of August 15, 2013.

5. **FY 2014 First Quarter Transit Operations Performance Report**

M/S/C (Herrera/Rocha) to receive the FY 2014 First Quarter Transit Operations Performance Report.

6. **Silicon Valley Berryessa Extension (SVBX) Real Estate Program**

M/S/C (Herrera/Rocha) to receive an update on the Silicon Valley Berryessa Extension (SVBX) Real Estate Program.

7. **Light Rail Efficiency Project (LREP) Real Estate Program**

M/S/C (Herrera/Rocha) to receive an update on the Light Rail Efficiency Project (LREP) Real Estate Program.

**NOTE:** M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
11. **Trapeze OPS Software Purchase and Installation**

M/S/C (Herrera/Rocha) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to amend the Trapeze OPS software purchase and installation contract with Trapeze Software Group to accommodate scope additions in the amount of $330,000, increasing the total contract value to $2,264,967.

14. **Transit Signal Priority Equipment Contract**

M/S/C (Herrera/Rocha) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract with Emtrac Systems through a preferred vendor procurement for $340,305 for Transit Signal Priority Equipment for the Limited 323 Transit Signal Priority Project on San Carlos Street and Stevens Creek Boulevard.


M/S/C (Herrera/Rocha) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract with G & G Specialty Contractors, Inc., the lowest, responsive and responsible bidder in the amount of $742,500 for the Group Three’s construction of Residential Noise Insulation Program.

17. **Residential Noise Insulation Program – CSDA Architects Contract**

M/S/C (Herrera/Rocha) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract amendment with CSDA Architects in an amount not to exceed $70,000, increasing the total contract value to $2,316,948.88, for construction oversight services for the Silicon Valley Berryessa Extension (SVBX) Residential Noise Insulation Program (RNIP) construction contracts.

**REGULAR AGENDA**

8. **VTA’s Title VI Program**

Camille Williams, Accessible Services Program Manager, provided a brief overview of the staff report.

M/S/C (Herrera/Rocha) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to adopt the following resolutions relating to VTA’s Title VI Program: a) Adopt a Resolution to approve the results from the monitoring of VTA’s System-wide Service Standards and Policies, and the Equity Analysis for major service changes planned for the FY2014-FY2015 Transit Service Plan, which demonstrate that there are no adverse effects of service changes that create disparate impacts to minority passengers or disproportionately burden low-income passengers; and b) Adopt a Resolution to approve VTA’s entire Title VI Program, which is a compilation of documents, maps, tables, and plans demonstrating VTA’s compliance with Title VI requirements.

Chairperson Liccardo took his seat at 4:17 p.m.

Vice Chairperson Abe-Koga relinquished her seat and Chairperson Liccardo presided over the meeting.
9. **VTA Bus Fleet**

Michael Hursh, Chief Operating Officer and Staff Liaison, provided a brief overview of the staff report and noted he received a memo from Director Khamis requesting deferral approval of a direction towards Compressed Natural Gas (CNG) or Battery powered vehicles and the Community Bus procurement.

Member Herrera commented on investing a large amount on a technology that may not be advantageous for the long term and the issues surrounding the process of getting natural gas. She indicated she is not in favor of abandoning what has been done to do something that may not be economically feasible or offer a payback environmentally.

Michael Burns, General Manager, noted staff is working with the California Air Resources Board (CARB) on an analysis of diesel, electric-hybrid and CNG vehicles and should have results in a few months and will return to the Committee with a report.

Member Herrera expressed concern with Board members sending staff on missions to do research that would take time and cost money. She requested the Board discuss priorities and set parameters on what suggestions are researched and the amount of staff time and effort should be invested.

Member Rocha expressed reluctance in creating new policies and procedures that may create obstacles.

**On order of Chairperson Liccardo** and there being no objection, the Committee provided direction for VTA to continue with the present diesel path or redirect the VTA bus fleet to a compressed natural gas fleet.

10. **Hybrid Diesel-Electric Community Bus**

Mr. Hursh provided an overview of the staff report and a presentation highlighting: 1) Current revenue bus fleet; 2) Existing Community Bus; 3) Passenger concerns; 4) Community Bus purchase status; 5) Boarding; 6) Interior space; and 7) Unique branding.

**Public Comments**

Roland LeBrun, Interested Citizen, questioned if the buses are equipped with emergency exits.

Mr. Hursh indicated the windows are emergency exits, the engine is in the rear, and the low floor allows persons in mobility devices to exit the vehicle with more ease than the current lifts. He noted the vehicles meet all safety requirements.

**M/S/C (Herrera/Abe-Koga)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract with Gillig LLC in an amount not to exceed $25,453,857 for the purchase of 38 Hybrid Diesel-Electric Community Buses including related equipment, training and support for the replacement of the current Community Buses. The execution of the contract will be subject to compliance with the FTA pre-award requirements and the satisfactory clearance of any protests.
12. **Joint Workforce Investment (JWI) project**

Mr. Hursh provided an overview of the staff report and a presentation highlighting; 1) What is Joint Workforce Investment (JWI); 2) JWI grants; 3) JWI goals; 4) JWI mission critical activities; 5) Major JWI programs; 6) Comparison of JWI skills; 7) Comparison of skill mastery; 8) Mechanic helper career ladder; 9) JWI health and wellness campaign; and 10) JWI future plans.

Tom Fink, Joint Workforce Investment Director, thanked VTA for participating in the program and provided comment on the JWI program and the positive relationship that has been developed between the Unions, VTA Management and BalancePoint.

The Committee thanked Mr. Fink for his efforts.

**M/S/C (Herrera/Abe-Koga)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager to extend the current contract with BalancePoint Strategic Services in the amount of $530,000 for a total contract value of $1,611,708 to provide ongoing professional services in support of the Joint Workforce Investment (JWI) project. The term of the extended contract would be from July 1, 2014 through June 30, 2016.

13. **Outreach and Escort, Inc. Paratransit Contract**

Jim Unites, Deputy Director, provided a brief overview of the staff report.

Chairperson Liccardo expressed gratitude to Outreach for working with VTA during economic downturn to renegotiate contract and reduce costs while continuing to provide good service.

Member Herrera congratulated VTA staff and Outreach for being awarded the contract for the Veteran’s Transportation and Community Living Initiative.

Vice Chairperson Abe-Koga questioned if there would be more cost savings or other benefit in developing a longer contract.

Chairperson Liccardo noted his support for adding an Evergreen provision, but requested it be shorter than five years.

Mr. Burns indicated it is possible to have an Evergreen provision rather than a termination date. He noted staff will discuss and make the modification before going to the full Board. He commended Outreach on the job it has done with service delivery and their partnership with VTA.

**M/S/C (Abe-Koga/Herrera)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager to enter into a five year contract extension through June 30, 2021 with Outreach and Escort, Inc. (Outreach) for Americans with Disabilities Act paratransit services and explore the addition of an Evergreen Clause.
15. **LRT Efficiency Project - Tasman Drive Pocket Track**

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

Chairperson Liccardo expressed concern with spending the extra funds for construction around a stadium that will have activity 10 times a year and requested a basis for comparison with other solutions for improvement.

Mr. Burns noted the improvements will support BART and overall light rail efficiency and staff will provide better analysis and more justification when the item goes forward to the Board.

Member Rocha requested staff add a map showing the difference between the two alternatives.

**M/S/C (Abe-Koga/Herrera)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract with Stacy & Witbeck, Inc., the lowest responsible bidder, in the amount of $13,688,609 for construction of the LRT Efficiency Project - Tasman Drive Pocket Track. In addition, amend the FY 2014 Measure A Transit Improvement Program Fund Capital Budget to add $14,810,000 for the Tasman Drive Pocket Track Project.

18. **WMH Corporation (WMH) BART SVBX Design and Engineering Services**

Chairperson Liccardo recused himself from this item and Vice Chairperson Abe-Koga presided over the meeting.

Chairperson Liccardo left his seat at 5:05 p.m.

Carolyn Gonot, Chief SVBX officer, provided a brief overview of the staff report.

**M/S/C (Rocha/Herrera)** on a vote of 3 Ayes to 0 Noes to 1 Abstention, to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute contract amendments valued at $1,175,000 with WMH Corporation (WMH) for design and engineering services, including construction support services, for the BART Silicon Valley Berryessa Extension - Project Campus, Roadway, and Parking Facilities Design and Engineering Services contract, thereby increasing the total agreement value authorized by the VTA Board to $8,650,000. Chairperson Liccardo abstained.

Chairperson Liccardo took his seat at 5:08 p.m.

Vice Chairperson Abe-Koga relinquished her seat and Chairperson Liccardo presided over the remainder of the meeting.
OTHER ITEMS (continued)

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

Member Herrera requested the Board discuss priorities and set parameters on what suggestions from the Board are researched and the amount of much time and effort is put into it by staff.

21. **Review Committee Work Plan**

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

22. **Committee Staff Report**

Mr. Hursh provided a written report.

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

23. **Chairperson's Report**

There was no Chairperson’s Report.

24. **Determine Consent Agenda for the December 12, 2013 Board of Directors Meeting**

**CONSENT:**

**AGENDA ITEM #10.,** Authorize the General Manager to execute a contract with Gillig LLC in an amount not to exceed $25,453,857 for the purchase of 38 Hybrid Diesel-Electric Community Buses including related equipment, training and support for the replacement of the current Community Buses. The execution of the contract will be subject to compliance with the FTA pre-award requirements and the satisfactory clearance of any protests.

**AGENDA ITEM #11.,** Authorize the General Manager to amend the Trapeze OPS software purchase and installation contract with Trapeze Software Group to accommodate scope additions in the amount of $330,000, increasing the total contract value to $2,264,967.

**AGENDA ITEM #13.,** Authorize the General Manager to enter into a five year contract extension through June 30, 2021 with Outreach and Escort, Inc. (Outreach) for Americans with Disabilities Act paratransit services.

**AGENDA ITEM #14.,** Authorize the General Manager to execute a contract with Emtrac Systems through a preferred vendor procurement for $340,305 for Transit Signal Priority Equipment for the Limited 323 Transit Signal Priority Project on San Carlos Street and Stevens Creek Boulevard.
AGENDA ITEM #16., Authorize the General Manager to execute a contract with G & G Specialty Contractors, Inc., the lowest, responsive and responsible bidder in the amount of $742,500 for the Group Three’s construction of Residential Noise Insulation Program.

AGENDA ITEM #17., Authorize the General Manager to execute a contract amendment with CSDA Architects in an amount not to exceed $70,000, increasing the total contract value to $2,316,948.88, for construction oversight services for the Silicon Valley Berryessa Extension (SVBX) Residential Noise Insulation Program (RNIP) construction contracts.

AGENDA ITEM #18., Authorize the General Manager to execute contract amendments valued at $1,175,000 with WMH Corporation (WMH) for design and engineering services, including construction support services, for the BART Silicon Valley Berryessa Extension - Project Campus, Roadway, and Parking Facilities Design and Engineering Services contract, thereby increasing the total agreement value authorized by the VTA Board to $8,650,000.

REGULAR:

AGENDA ITEM #8., Authorize the General Manager to adopt the following resolutions relating to VTA’s Title VI Program: a) Adopt a Resolution to approve the results from the monitoring of VTA’s System-wide Service Standards and Policies, and the Equity Analysis for major service changes planned for the FY2014-FY2015 Transit Service Plan, which demonstrate that there are no adverse effects of service changes that create disparate impacts to minority passengers or disproportionately burden low-income passengers; and b) Adopt a Resolution to approve VTA’s entire Title VI Program, which is a compilation of documents, maps, tables, and plans demonstrating VTA’s compliance with Title VI requirements.

AGENDA ITEM #12., Authorize the General Manager to extend the current contract with BalancePoint Strategic Services in the amount of $530,000 for a total contract value of $1,611,708 to provide ongoing professional services in support of the Joint Workforce Investment (JWI) project. The term of the extended contract would be from July 1, 2014 through June 30, 2016.

AGENDA ITEM #15., Authorize the General Manager to execute a contract with Stacy & Witbeck, Inc., the lowest responsible bidder, in the amount of $13,688,609 for construction of the LRT Efficiency Project - Tasman Drive Pocket Track. In addition, amend the FY 2014 2000 Measure A Transit Improvement Program Fund Capital Budget to add $14,810,000 for the Tasman Drive Pocket Track Project.

25. ANNOUNCEMENTS

There were no Announcements.
22. **ADJOURNMENT**

    On order of Chairperson Liccardo and there being no objection the meeting was adjourned at 5:14 p.m.

    Respectfully submitted,

    Menominee L. McCarter,
    VTA Office of the Board Secretary
CALL TO ORDER
The Regular Meeting of the Citizens Advisory Committee (CAC) was called to order at 4:12 p.m. by Chairperson Brownley, in Conference Room B-104, VTA River Oaks Campus, 3331 North First Street, San Jose, California.

1. ROLL CALL

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

A quorum was present.

2. ORDERS OF THE DAY

Member Blaylock took his seat at 4:13 p.m.

Chairperson Brownley noted that Agenda Item #11. Thirty Foot Community Bus Procurement, would be heard prior to Agenda Item #10. 2014 Legislative Program.

M/S/C (Rogers/Wadler) to accept the Orders of the Day.

3. PUBLIC PRESENTATIONS

There were no Public Presentations.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
4. **Committee Staff Report**

Member Schulter took his seat at 4:15 p.m.

Greta Helm, Chief External Affairs Officer and Staff Liaison, provided a report, highlighting: 1) November 13, 2013, BART Silicon Valley Berryessa Extension (SVBX) Project Tour attended by the CAC/CWC Members; 2) A similar tour of the I-280/I-880/Stevens Creek Interchange Project is anticipated sometime in the future; 3) VTA saw its One Millionth customer on the 237 Express Lanes on November 13, 2013; 4) VTA participation in the Health Trust Hike and Bike Fundraiser to help fight AIDS in the County of Santa Clara the weekend of November 8, 2013; 5) VTA participation in the Veterans Day Parade in Downtown San Jose; 6) Launch of VTA’s new website during the latter part of November 2013; and 7) VTA creation of a map on its website providing locations of public restrooms near its bus stops and light rail.

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

5. **Chairperson’s Report**

Chairperson Brownley indicated that he attended the November 7, 2013, VTA Board of Directors meeting and reported the activities from the October 9, 2013, CAC/CWC meeting. On behalf of the Committee, Mr. Brownley also thanked Michael T. Burns, General Manager, for attending the CAC/CWC meetings.

6. **Committee for Transit Accessibility (CTA) Report**

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

7. **Bicycle and Pedestrian Advisory Committee (BPAC) Report**

There was no Bicycle and Pedestrian Advisory Committee (BPAC) Report.

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

**COMBINED CAC AND 2000 MEASURE A CITIZENS WATCHDOG COMMITTEE CONSENT AGENDAS**

8. **Regular Meeting Minutes of October 9, 2013**

M/S/C (Wadler/Fredlund) to approve the Regular Meeting Minutes of October 9, 2013.

**2000 MEASURE A CITIZENS WATCHDOG COMMITTEE REGULAR AGENDA**

9. **FY 2012/13 Vehicle Registration Fee Annual Report**

Marcella Rensi, Transportation Planning Manager, provided an overview of the staff report.

**On order of Chairperson Brownley** and there being no objection, the Committee received the report of the expenditure of Vehicle Registration Fee receipts.
CITIZENS ADVISORY COMMITTEE REGULAR AGENDA

The Agenda was taken out of order.

11. Thirty Foot Community Bus Procurement

Michael A. Hursh, Chief Operating Officer, provided a presentation entitled, Community Bus Procurement, highlighting: 1) Current Revenue Bus Fleet; 2) Existing Community Buses; 3) Passenger Concerns; 4) Community Bus Purchase Status; and 5) Proposed purchase of Electric Hybrid Bus, noting the cost-effectiveness over vehicle lifetime and that the bus meets customer needs and expectations.

Mr. Hursh provided an overview of the staff report, noting the recommended contractor and contract amount for the purchase of the 38 Hybrid Diesel-Electric Community Buses.

Members of the Committee made the following comments: 1) referenced the Staff Report, Alternatives Section, and recommended in the future that staff provide additional information on the CNG buses, because there was not adequate information listed to determine if it was a better deal or not; and 2) complimented staff for aggressively seeking a low-floor bus.

M/S/C (Rogers/Schulter) to recommend that the VTA Board of Directors authorize the General Manager to execute a contract with Gillig LLC in the amount not to exceed $25,453,857 for the purchase of 38 Hybrid Diesel-Electric Community Buses and related equipment, training and support for the replacement of the current Community Buses. The execution of the contract will be subject to compliance with the FTA pre-award requirements and the satisfactory clearance of any protests.

10. 2014 Legislative Program

Kurt Evans, Government Affairs Manager, provided an overview of the 2014 Legislative Program for VTA. He reported on the policy areas contained in both the Federal and State Sections of VTA’s 2014 Legislative Program.

Scott Haywood, Policy and Community Relations Manager, provided an overview of the Regional and Local Section of VTA’s 2014 Legislative Program.

Public Comment

Omar Chatty, Interested Citizen, provided the following comments: 1) offered alternatives for improving Highway 152; 2) advocated for BART Around the Bay; 3) referenced Cap and Trade and suggested that motor vehicle fuels be kept to motor vehicle benefits and to balance land use with the freeways as well as the roads; 4) would like to see a study completed on Transit Oriented Development to find out how many people are using transit; and 5) look to the future for safety for roads.

M/S/C (Powers/Rogers) to recommend that the VTA Board of Directors approve the 2014 Legislative Program for the Santa Clara Valley Transportation Authority (VTA).
12. **Proactive CMP Quarterly Report for July – September 2013**

Robert Cunningham, Transportation Planner III, provided an overview of the staff report.

Members of the Committee made the following comments: 1) recommended that local Bicycle and Pedestrian Advisory Committees be made aware of any pedestrian and bicycle access issues in development areas; 2) requested that staff provide a more comprehensive summary of comments and responses; 3) queried if VTA was analyzing cumulative impacts to traffic in the City of Santa Clara; and 4) questioned about how VTA is addressing parking and transportation pertaining to Levi Stadium. Staff noted that a report on VTA’s transportation planning activities pertaining to the Levi Stadium is anticipated to be provided to the Committee in early 2014.

**Public Comment**

Mr. Chatty commented that Highway 237 and 85 should be widened to alleviate traffic congestion, expressing opposition to toll lanes. He asked that meaningful improvements be made to address traffic impact issues.

**On order of Chairperson Brownley** and there being no objection, the Committee received the Proactive CMP Quarterly Report for July through September 2013.


Member Hashimoto reported that the Nominating Subcommittee has nominated the following slate of candidates for the 2014 elections: 1) Vice Chairperson William Hadaya for Chairperson; and 2) Member Herman Wadler for Vice Chairperson.

**On order of Chairperson Brownley** and there being no objection, the Committee received the CAC Nomination Subcommittee's report on members expressing interest in serving as either chairperson or vice chairperson for 2014.

**COMBINED CAC AND CITIZENS WATCHDOG COMMITTEE ITEMS**

14. **Citizens Advisory Committee and Citizens Watchdog Committee Work Plans**

Stephen Flynn, Advisory Committee Coordinator, noted that Mr. Burns would be attending the December 11, 2013, CAC/CWC meeting.

Upon query of Mr. Flynn, Members of the Committee provided feedback on the BART SVBX Project Tour.

**On order of Chairperson Brownley** and there being no objection, the Committee reviewed the Citizens Advisory Committee and Citizens Watchdog Committee Work Plans.

**OTHER**

15. **ANNOUNCEMENTS**

There were no Announcements.
16. **ADJOURNMENT**

On order of Chairperson Brownley and there being no objection, the meeting was adjourned at 5:40 p.m.

Respectfully submitted,

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

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

1. ROLL CALL

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

A quorum was not present and a Committee of the whole was declared.

2. ORDERS OF THE DAY

Chairperson Goldstein, noted that staff requested the following item be deferred to the December BPAC meeting: Agenda Item #12- Receive a report from County Roads and Airports staff on the Lawrence Expressway Grade Separation Concept Study.
Chairperson Goldstein, noted that Agenda Item #11- Receive report from County Roads and Airports staff on the initiation of the County Expressway Plan 2040 would be heard after Agenda Item #9-Receive a report form City of San Jose staff on the City’s plan for addressing bicycle riding on sidewalks in Downtown San Jose.

**On the order of Chairperson Goldstein** and there being no objection, the Committee approved the orders of the day.

The agenda was taken out of order.

4. **PUBLIC PRESENTATIONS**

There were no public presentations.

**REGULAR AGENDA**

9. **Proactive CMP Quarterly Report for July - September 2013.**

Robert Cunningham, provided a brief overview of the staff report.

Member Wadler, commented that local BPAC in Santa Clara County should be aware of projects related to pedestrian and bicycle features.

Member Bell requested clarification about the location of the iStar Mixed Use development.

Member Caidoy took her seat at 6:50pm.

**On the order of Chairperson Goldstein** and there being no objection, the Committee received the Proactive CMP Quarterly Report for July through September 2013.

11. **County Expressway Plan 2040.**

Member Hanssen took her seat at 6:55p.m. and a quorum was established.


Ms. Cameron noted that several open house meetings will be scheduled in 2014 to allow the public to view all expressway information on display. In addition, Ms. Cameron noted that the county plans to attend all cities’ BPAC meetings.
Public Comment

Omar Chatty, Interested Citizen expressed concern for bicycles and pedestrians on roadways; and expressed support for BART

Discussion ensued about the County Expressway Plan. Ms. Cameron noted staff will bring more detailed information at the December 2013 BPAC meeting.

On the order of Chairperson Goldstein and there being no objection, the Committee received a report from County Roads and Airports staff on the initiation of the County Expressway Plan 2040.

CONSENT AGENDA

5. Regular Meeting Minutes of August 7, 2013

M/S/C (Hansen, Bell) on a vote of 9 ayes to 1 abstain to approve the Regular Meeting Minutes of August 7, 2013. David Simons abstained.

REGULAR AGENDA (continued)

6. Transportation Fund for Clean Air (TFCA) 40% Project Selection Criteria.

Marcella Rensi, Transportation Planning Manager, provided an overview of the staff report.

Ms. Rensi responded to inquiries submitted via email on Wednesday, November 13, 2013 by Kevin Jackson, Interested Citizen on: 1) Santa Clara County Staff Report; 2) Transportation Fund for Clean Air (TFCA) 40% Project Selection Criteria; and 3) Receive Report from City of San Jose on Bicycle Riding on Sidewalks.

Committee members requested a five year analysis of the amount of the BEP set aside unclaimed.

M/S/C (Simons/James) to recommend that the VTA Board of Directors review and approve the criteria used to evaluate and select projects for the Transportation Fund for Clean Air (TFCA) Program Manager Fund and the status of ongoing Santa Clara County TFCA projects.


Stephen Flynn, Advisory Committee Coordinator, provided an overview of the staff report.

Chairperson Goldstein encouraged members to serve as chairperson/vice chairperson

Committee members David Simons; Paul Goldstein; and Jim Bell volunteered to be the Nomination Subcommittee.

M/S/C (Wadler/Hansenn) to appoint a nomination subcommittee to identify Committee members interested in serving as the chairperson or vice chairperson for 2014.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
8. **Report from City of San Jose on Bicycle Riding on Sidewalks**

John Brazille, City of San Jose staff, provided an overview of the staff report and noted conflicts between pedestrian and bicyclists on sidewalks. He distributed two flyers entitled, “Downtown San Jose Pedestrian Priority Zone” and “Walk Bike”.

Members of the committee expressed support for the cities addressing the issue of bicycle riding on sidewalks.

Chairperson Goldstein requested information on metrics and triggers in the planning stages.

**On the order of Chairperson Goldstein** and there being no objection, the Committee received a report from City of San Jose staff on the City’s plan for addressing bicycle riding on sidewalks in Downtown San Jose.

10. **VTA Bicycle and Pedestrian Program Priorities.**

Lauren Ledbetter, Senior Transportation Planner, provided an overview of the staff report.

Committee members made the following comments; 1) suggested VTA BPAC to look into the various cities BPAC and determine their priorities; 2) bike lane/pedestrian access to VTA Light Rail; and 3) the importance of providing adequate input earlier in the planning process for BART-related projects.

**On the order of Chairperson Goldstein** and there being no objection, the Committee received a report from VTA staff on near-term priorities for VTA's Bicycle and Pedestrian Program.

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

Receive a report from County Roads and Airports staff on the Lawrence Expressway Grade Separation Concept Study.

3. **Receive Committee Staff Report**

Ms. Ledbetter, Senior Transportation Planner, provided the staff report, noting: 1) complete streets reports will be provided to the Committee; and 2) Pedestrian and Bicycle Information Center is taking applications for a walk friendly program.

**OTHER**

13. **Santa Clara County Staff Report**

Dawn Cameron, Santa Clara County Staff Liaison, encouraged Members to spread the word about the December Workshop. Ms. Cameron briefly discussed the items that will be presented at the December workshop.

Chairperson Goldstein suggested Ms. Cameron send out an email flyer so committee members can print and distribute to others.
On the order of Chairperson Goldstein and there being no objection, the Committee of the Whole received the Santa Clara County Staff Report.

14. Chairperson's Report

Chairperson Goldstein wants to encourage anyone to consider the leadership role in the BPAC committee. Mr. Goldstein noted he will not be Chairperson for the 2014 year.

15. Reports from BPAC subcommittees

Chairperson Goldstein noted the, “Education Subcommittee” will be officially disbanded. There was no “Election Subcommittee” report.

Members of the Committee briefly discussed the newly appointed subcommittee, “Bay Area Management District Criteria.”

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

Member Wadler noted he was nominated to serve as the Citizens Advisory Committee Vice Chair.

17. BPAC Work Plan

Ms. Ledbetter reviewed items to be discussed at the December BPAC meeting.

On the order of Chairperson Goldstein and there being no objection, the Committee of the Whole reviewed the work plan.

18. ANNOUNCEMENTS

There were no announcements.

19. ADJOURNMENT

On order of Chairperson Goldstein and there being no objection, the meeting was adjourned at 8:59 p.m.

Respectfully submitted,

Theadora Travers, Board Assistant
VTA Office of the Board Secretary
CALL TO ORDER

The Regular Meeting of the Technical Advisory Committee (TAC) was called to order at 1:35 p.m. by Chairperson Borden in Conference Room B-104, Santa Clara Valley Transportation Authority (VTA), 3331 North First Street, San José, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Representing</th>
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</thead>
<tbody>
<tr>
<td>Rajeev Batra</td>
<td>Member City of Santa Clara</td>
<td>Present</td>
</tr>
<tr>
<td>Karl Bjarke</td>
<td>Member City of Morgan Hill</td>
<td>Absent</td>
</tr>
<tr>
<td>Scott Creer</td>
<td>Alternate Member City of Morgan Hill</td>
<td>Present</td>
</tr>
<tr>
<td>Timm Borden</td>
<td>Chairperson City of Cupertino</td>
<td>Present</td>
</tr>
<tr>
<td>Todd Capurso</td>
<td>Vice Chairperson City of Campbell</td>
<td>Present</td>
</tr>
<tr>
<td>John Cherbone</td>
<td>Member City of Saratoga</td>
<td>Present</td>
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<tr>
<td>Richard Chiu</td>
<td>Member Town of Los Altos Hills</td>
<td>Absent</td>
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<tr>
<td>Woojae Kim</td>
<td>Alternate Member Town of Los Altos</td>
<td>Absent</td>
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<tr>
<td>Dan Collen</td>
<td>Member County of Santa Clara</td>
<td>Present</td>
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<tr>
<td>Helen Kim</td>
<td>Member City of Mountain View</td>
<td>Present</td>
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<tr>
<td>Jeff Moneda</td>
<td>Member City of Milpitas</td>
<td>Absent</td>
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<tr>
<td>Cedric Novenario</td>
<td>Member City of Los Altos</td>
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<tr>
<td>Jaime Rodriguez</td>
<td>Member City of Palo Alto</td>
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<tr>
<td>Kevin Rohani</td>
<td>Member Town of Los Gatos</td>
<td>Present</td>
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<tr>
<td>Ray Salvano</td>
<td>Member City of San José</td>
<td>Present</td>
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<tr>
<td>Henry Servin</td>
<td>Member City of Gilroy</td>
<td>Present</td>
</tr>
<tr>
<td>Mo Sharma</td>
<td>Member City of Monte Sereno</td>
<td>Absent</td>
</tr>
<tr>
<td>Lee Taubeneck</td>
<td>Ex-Officio Member California Department of Transportation (Caltrans)</td>
<td>Absent</td>
</tr>
<tr>
<td>Nick Saleh</td>
<td>Alternate Ex-Officio Member California Department of Transportation (Caltrans)</td>
<td>Present</td>
</tr>
<tr>
<td>Jack Witthaus</td>
<td>Member City of Sunnyvale</td>
<td>Present</td>
</tr>
</tbody>
</table>

* Alternates do not serve unless participating as a Member.

A quorum was present.

2. PUBLIC PRESENTATIONS

There were no Public Presentations.
3. ORDERS OF THE DAY

Chairperson Borden noted staff’s request to remove Agenda Item #7, Regular Meeting Minutes of August 8, 2013, and Agenda Item #8, Regular Meeting Minutes of September 12, 2013 from the Agenda. He indicated the minutes were previously approved at the October TAC meeting.

On order of Chairperson Borden and there being no objection, the Committee received the Orders of the Day.

4. Committee Staff Report

John Ristow, Chief Congestion Management Agency Officer and Staff Liaison provided a report on the following: 1) Arrival of the new General Manager, Nuria Fernandez, and noted the plan for her to attend the January TAC meeting; 2) Invited the Committee to attend VTA’s annual Graphic Information Systems (GIS) Day on November 19, 2013; and 3) Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC) visit to selected cities to review needs for Priority Development Area (PDA) improvements.

On Order of Chairperson Borden, and there being no objection, the Committee received the Committee Staff Report.

5. Chairperson’s Report

There was no report from the Chairperson.

6. TAC Working Groups Report

- Capital Improvement Program (CIP)

  Celeste Fiore, Transportation Planner, provided a brief report from the October 22, 2013 meeting, highlighting the PDA planning grant and Transportation Fund for Clean Air (TFCA) project selection criteria.

  The date of the next meeting of the CIP Working Group is currently being scheduled and will be held in Palo Alto.

- Systems Operations & Management (SOM)

  Eugene Maeda, Senior Transportation Planner, provided a brief report from the October 23, 2013 meeting highlighting the following: 1) next steps in funding for countywide traffic pollution database; 2) Caltrans State Route 9 transportation concept report and tentative outreach plan; 3) reviewed formulas used in voluntary contributions to transportation improvements; 4) approaches to evaluating auto trip reduction methodologies; 5) overview of the workshop held to evaluate BISTRO, a traffic level service software; 6) extended an invitation to the Federal Highway Administration (FHWA) National Highway Institute Traffic Signal Timing course, which will be held at VTA on December 18-19, 2013.

  Member Rodriguez suggested the ability to fully import the data and compatibility with the current software be the preferred criteria for choosing new traffic level service software to allow for a seamless transition.
The next meeting of the SOM Working Group is scheduled for December 4, 2013 in Campbell.

Member Batra took his seat at 1:40 p.m.
Member Salvano took his seat at 1:40 p.m.

- Land Use/Transportation Integration (LUTI)
  There was no LUTI report.

**On order of Chairperson Borden** and there being no objection, the Committee received the TAC Working Group Reports.

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

**CONSENT AGENDA**

7. **(Removed from the Agenda)**
   Approve the Regular Meeting Minutes of August 8, 2013.

8. **(Removed from the Agenda)**
   Approve the Regular Meeting Minutes of September 12, 2013.

9. **Regular Meeting Minutes of October 10, 2013**
   M/S/C (Rodriguez/Collen) to approve the Regular Meeting Minutes of October 10, 2013.

10. **Proactive CMP Quarterly Report for July through September 2013**
    M/S/C (Rodriguez/Collen) to receive the Proactive CMP Quarterly Report for July through September 2013.

**REGULAR AGENDA**

11. **Transportation Fund for Clean Air (TFCA) Program Manager Fund**
    Marcella Rensi, Transportation Planning Manager, provided a brief overview of the staff report.

    **M/S/C (Batra/Collen)** to recommend that the VTA Board of Directors review and approve the criteria used to evaluate and select projects for the Transportation Fund for Clean Air (TFCA) Program Manager Fund and the status of ongoing Santa Clara County TFCA projects.

    Member Servín took his seat at 1:50 p.m.
    Alternate Ex-officio Member Saleh took his seat at 1:50 p.m.
12. **California Environmental Quality Act (CEQA)**

Tom Fitzwater, Transportation Planning Manager, provided a brief overview of the staff report.

**M/S/C (Batra/Capurso)** to recommend that the VTA Board of Directors adopt a resolution to update Santa Clara Valley Transportation Authority's (VTA's) implementation of the California Environmental Quality Act (CEQA) through acceptance of the State CEQA Guidelines, as amended from time to time by the California Secretary for Resources, and add the word “purchasing” to Article 19 Categorical Exemption, Section 15301, Existing Facilities, first sentence that describes Class 1 activities.

13. **TAC Nomination Subcommittee's report**

Member Salvano reported the subcommittee nominates Jaime Rodriguez, City of Palo Alto, for Chairperson and Henry Servín, City of Gilroy, for Vice Chairperson for 2014.

**On order of Chairperson Borden** and there being no objection, the Committee received the TAC Nomination Subcommittee's report on members indicating interest in serving as either chairperson or vice chairperson for 2014.

14. **Near-Term Priorities for VTA's Bicycle and Pedestrian Program**

Lauren Ledbetter, Senior Transportation Planner, provided a brief overview of the staff report.

Member Rodriguez congratulated Ms. Ledbetter on her position at VTA. He encouraged increasing outreach to member agencies to expand bike projects in cities and the development of more public and private partnerships.

Member Servín, recommended the Committee look at the City of Gilroy’s pedestrian assessment report to aid in choosing and implementing projects that will satisfy some of the goals of complete streets and better pedestrian safety and bike access. Mr. Ristow requested Member Servín send him an electronic copy of the report for distribution to the Committee.

**On order of Chairperson Borden** and there being no objection, the Committee received a report from VTA staff on near-term priorities for VTA's Bicycle and Pedestrian Program.

15. **Vehicle Registration Fee Receipts**

Amin Surani, Principal Transportation Planner, provided a brief overview of the staff report.

Mr. Ristow provided clarification of the information provided in the attachments.

Upon inquiry from Member Batra, Mr. Surani noted several cities may have already submitted a report which was not listed. He requested city staff kindly resubmit and the information will be updated.
On Order of Chairperson Borden, and there being no objection, the Committee received a report on the expenditure of Vehicle Registration Fee receipts.

OTHER

16. Metropolitan Commission (MTC) Activities and Initiatives

Mr. Ristow provided an update on MTC activities including the distribution of the Cap and Trade Program revenues and the types of programs that would be funded.

On Order of Chairperson Borden and there being no objection, the Committee received the Metropolitan Commission Activities and Initiatives update.

17. TAC Committee Work Plan

Mr. Ristow reminded the Committee the December Board of Directors meeting will be held the morning of the TAC meeting.

On Order of Chairperson Borden and there being no objection, the Committee reviewed the TAC Committee Work Plan.

18. ANNOUNCEMENTS

Member Rodriguez announced Caltrain will be holding community meetings to expand the Go Pass and Group Sales programs and encouraged members to attend and provide input.

Member Saleh provided a brief update on Caltrans activities including: 1) partnering meeting for State Route 9; 2) Draft 2014 State Highway Operation and Protection Program (SHOPP) development; and, 3) a report on the Congestion Management Agency (CMA) directors meeting.

19. ADJOURNMENT

On order of Chairperson Borden and there being no objection, the meeting was adjourned at 2:14 p.m.

Respectfully submitted,

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 Policy Advisory Committee meeting scheduled for Thursday, November 14, 2013 at 4:00 p.m. has been cancelled.

The next regular meeting of the Santa Clara Valley Transportation Authority Policy Advisory Committee is scheduled for Thursday, December 12, 2013 at 4:00 p.m. at VTA River Oaks Campus, Conference Room B-104, 3331 North First Street, San Jose, California.

Anita McGraw, Board Assistant
VTA Office of the Board Secretary
CALL TO ORDER

The Regular Meeting of the Diridon Station Joint Policy Advisory Board (“Committee”) was called to order at 3:06 p.m. by Chairperson Reed in Wing Room 120, San José City Hall, 200 East Santa Clara Street, San José, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
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<tbody>
<tr>
<td>Tom Blalock</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Ash Kalra</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Sam Liccardo</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Pierluigi Oliverio</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Cindy Chavez</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Chuck Reed</td>
<td>Chairperson</td>
<td>Present</td>
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<tr>
<td>Jim Beall</td>
<td>Ex-Officio</td>
<td>Present</td>
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<tr>
<td>Rod Diridon, Sr.</td>
<td>Ex-Officio</td>
<td>Present</td>
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A quorum was present.

2. PUBLIC PRESENTATIONS

Omar Chatty, interested citizen, asked VTA look to the future by extending BART to Palo Alto and connecting to Millbrae to create regional transportation solution and expressed concern about Caltrain safety.

Member Liccardo arrived at 3:07 p.m.

3. Regular Meeting Minutes of March 15, 2013

M/S/C (Liccardo/Chavez) to approve the Regular Meeting Minutes of March 15, 2013.

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

Scott Haywood, VTA Policy and Community Relations Manager, provided a brief report on High-Speed Rail legislations including the three bills signed into law by California Governor Brown: a) AB 481 (B. Lowenthal) California High-Speed Rail Authority: Property-Related Issues; b) AB 528 (Lowenthal) State Rail Plan; and c) SB 557 (Hill) High-Speed Rail: Peninsula Corridor.

Ex-Officio Member Beall arrived at 3:10 p.m.
Chairperson Reed asked if there were other bills that didn’t make it through.
Ex-Officio Member Beall noted that the Governor has indicated a desire to hold off on finance bills until next year. Ex-Officio Member Beall stated he is in the process of scheduling a hearing in the budget subcommittee on transportation and that the Senate is going to have a meeting in the City of San Jose in December 2013, which will include discussions on what the needs and deficits are.

On Order of Chairperson Reed and there being no objection, the Committee reviewed the Legislative Update.

Member Kalra arrived at 3:12 p.m.

5. California High Speed Rail Authority

Ben Tripousis, Northern Regional Director, California High Speed Rail Authority (CHSRA), provided a PowerPoint presentation entitled California High-Speed Rail, highlighting: 1) A Statewide Rail Modernization Plan; 2) Funding; 3) Funding (Senate Bill 1029); 4) Partnerships for Progress; 5) Northern California Connectivity; 6) Transbay Transit Center; 7) Caltrain Electrification Program; 8) First Construction Segment; 9) Initial Operating Section (IOS); 10) Merced to Fresno Project Section; 11) Construction Package #1; 12) Fresno to Bakersfield Project Section; 13) Construction Package 2-3; 14) Work Is underway!; 15) Station Area Planning Funds; 16) Next Steps: Closing the Gap, and; 17) California High Speed Rail Authority.

Member Beal indicated that the Senate will be having hearings on Cap and Trade in Budget Committee in January 2014.

On Order of Chairperson Reed and there being no objection, the Committee received an update on California High Speed Rail Authority.

6. Caltrain 4th/King Study

Casey Fromson, SamTrans Government Affairs Officer, provided a PowerPoint presentation entitled San Francisco Station and Yard Reduction/Removal Feasibility Assessment, highlighting: 1) Purpose; 2) 2019 Evaluation Assumptions; 3) Needed Functions at Terminus; 4) Preliminary Findings; 5) Development/Transit Facility Options; and 6) Next Steps.

Jim Lawson, VTA Executive Policy Advisor, indicated that VTA participated actively in this study. VTA, as a partner in Caltrain, is asking for support from the City and County of San Francisco and their desire to maximize the development and use of that facility.
Public Presentation

Omar Chatty, Interested Citizen, commented Caltrain is outdated and should be phased out. He suggested that the land at 4th and King should be developed and use those funds to fund the high speed rail tunnel to extend to the trans-bay terminal and extend BART around the bay.

Roland Lebrun, Interested Citizen, declared his strong opposition to the Caltrain plan to have a mixed fleet; suggested replacing the entire fleet with bi-mode technology, which will create more efficiency for riders.

On Order of Chairperson Reed and there being no objection, the Committee received an update on the Caltrain 4th/King Study.

7. Caltrain Strategic Plan

Sebastian Petty, Planner, SamTrans Caltrain, provided a PowerPoint presentation entitled Caltrain Strategic Plan Update, highlighting: 1) 20-year Strategic Plan (2004); 2) Vision Statement (2004); 3) Guiding Principles (2004); 4) Context (2004); 5) Strategic Plan Update; 6) Today; 7) Purpose; 8) Project Organization, and; 9) Schedule.

Chairperson Reed suggested Caltrain to partner the stakeholders group such as the Joint Venture Silicon Valley and The Coalition of Cities as that they are looking at the El Camino Real alignment and development along that corridor. Chairperson Reed stated that would be a good connection to make because the group is looking at development patterns and want to support Caltrain during the development.

Discussion ensued regarding capacity, high density housing and the importance of collaboration and joint development in the planning process between the City, Caltrain and the developer to insure all parties are working towards a smooth integration at transit centers.

Mayor Reed requested an update on how City staff is working with other agencies.

Ex-Officio Member Beall stated SB 628, which allowed tax increment finance around transit stations, got through the legislature; however the Governor’s office asked to hold off and wait for all infrastructure finance bills until next year.

Public Comment

Mr. LeBrun expressed concern about a disconnect between the strategic plan and the major land use issues.

On Order of Chairperson Reed and there being no objection, the Committee received an update on Caltrain Strategic Plan.

8. ANNOUNCEMENTS

There were no announcements.
10. ADJOURNMENT

On order of Chairperson Reed and there being no objection, the meeting was adjourned at 4:08 p.m.

Respectfully submitted,

Anita McGraw, Board Assistant
VTA Office of the Board Secretary