The Regular Meeting of the Santa Clara Valley Transportation Authority’s (VTA) Board of Directors was called to order by Chairperson Yeager at 9:01 a.m. in the Board of Supervisors’ Chambers, County Government Center, 70 West Hedding Street, San José, California.

1. CALL TO ORDER AND ROLL CALL

1.1. ROLL CALL

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

1.2. Orders of the Day

Chairperson Yeager noted there was an Addendum to the Agenda: Item #3.1.X. Existing Litigation - Conference with Legal Counsel [Government Code Section 54956.9(a)], Name of Case: Santa Clara Valley Transportation Authority v. MVFT, LLC, et al. [Santa Clara Superior Court Case No. 1-10-CV-182138].

Chairperson Yeager noted the meeting would be adjourned in memory of Ellen Fletcher, former Citizens Advisory Committee/2000 Measure A Citizens Watchdog Committee Member; Jamie Gardner, former VTA Employee; and Michael D. “Mike” Nevin, a former San Mateo County Supervisor, Peninsula
Corridor Joint Powers Board of Director, and Metropolitan Transportation Commission (MTC) Commissioner.

Alternate Board Member Whittum requested that Agenda Item #7.6. Audited Santa Clara Valley Transportation Authority Retirees’ Other Post Employment Benefits (OPEB) Trust Financial Report for Fiscal Year 2012 be removed from the Consent Agenda and placed on the Regular Agenda. He noted that he would be recusing from Agenda Item #7.3. Caltrain Electrification – Fiscal 2013 Budget Appropriation.

M/S/C (Pyle/Campos) to accept the Orders of the Day and approve the Consent Agenda, as amended. Alternate Board Member Whittum recused from Agenda Item #7.3. Caltrain Electrification – Fiscal 2013 Budget Appropriation.

2. AWARDS AND COMMENDATION

Board Members Liccardo and Woodward took their seats at 9:08 a.m.

2.1. 2012 Outgoing Board Member Resolutions

Item #2.a. Resolution of Appreciation for Outgoing VTA Board Member Liz Kniss

M/S/C (Matthews/Abe-Koga) to adopt Resolution of Appreciation No. 2012.12.63 for outgoing VTA Board Member Liz Kniss.

Item #2.b. Resolution of Appreciation for Outgoing VTA Board Member Pete McHugh

M/S/C (Matthews/Abe-Koga) to adopt Resolution of Appreciation No. 2012.12.64 for outgoing VTA Board Member Pete McHugh.

Item #2.c. Resolution of Appreciation for Outgoing VTA Board Member Nancy Pyle

M/S/C (Matthews/Abe-Koga) to adopt Resolution of Appreciation No. 2012.12.65 for outgoing VTA Board Member Nancy Pyle.

The Board of Directors recognized and presented a Resolution of Appreciation to outgoing Board Members Kniss, Pyle, and McHugh for their exemplary service as a VTA Board Member.

Mr. McHugh expressed that it was an honor and privilege to have served on the VTA Board of Directors to advance public transit in the South Bay. He commented that he was impressed with his colleagues on the Board and also impressed by the leadership of General Manager Michael T. Burns as well as with the excellent staff of VTA. Mr. McHugh commented that he continues to look forward to more great things from VTA.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
Chairperson Yeager thanked outgoing Board Members Kniss, Pyle, and McHugh for their years of exemplary service.

3. CLOSED SESSION

3.1. Recessed to Closed Session at: 9:15 a.m.
Conference with Labor Negotiators
[Government Code Section 54957.6]

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

Employee Organization
Amalgamated Transit Union, Local 265

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

Name of Case: Santa Clara Valley Transportation Authority v. MVFT, LLC, et al.
[Santa Clara Superior Court Case No. 1-10-CV-182138]

3.2. Reconvened to Open Session at: 9:30 a.m.

Board Member Herrera took her seat at 9:30 a.m.

3.3. Closed Session Report

Conference with Labor Negotiators
[Government Code Section 54957.6]

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

Employee Organization
Amalgamated Transit Union, Local 265

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

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

Name of Case: Santa Clara Valley Transportation Authority v. MVFT, LLC, et al.
[Santa Clara Superior Court Case No. 1-10-CV-182138]

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

James Wightman, Interested Citizen, inquired about VTA’s service changes.

5. PUBLIC HEARINGS

5.1 HEARING - NOTICE OF INTENTION TO ADOPT A RESOLUTION OF NECESSITY

Chairperson Yeager stated this was a hearing regarding the intention of the Board of Directors to adopt a Resolution of Necessity for the BART Silicon Valley Berryessa Extension (SVBX) Project.

Bijal Patel, Deputy Director of Property Development and Management, provided a PowerPoint presentation highlighting the Resolution of Necessity Hearing for the BART SVBX Project: 1) Project Map; 2) Status of Acquisition Activities; 3) Key Board Findings; 4) Resolution of Necessity (R.O.N.) Hearing Property – MVI San Jose, LLC, a Washington Limited Liability Company; and 5) Aerial of property acquisition.

Chairperson Yeager opened the hearing and noted there were no speaker requests.

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

M/S/C (Kniss/Pirzynski) to adopt a Resolution of Necessity determining that the public interest and necessity requires the acquisition of property interest from one property owned by: (1) MVI San Jose, LLC, a Washington Limited Liability Company, located in San Jose, California, for the BART Silicon Valley Berryessa Extension (SVBX) Project. **Motion approved by 12 Board Members.**

Resolution No. 2012.12.66

Property ID/Assessor's Parcel Number/Owner

B2144 (APN 254-03-016) owned by MVI San Jose, LLC, a Washington Limited Liability Company

6. REPORTS

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

There was no report from the Citizens Advisory Committee (CAC) Chairperson.

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

On order of Chairperson Yeager and there being no objection, the Policy Advisory Committee (PAC) Report was accepted as contained on the dais.

6.3. General Manager's Report

Mr. Burns thanked the Board of Directors for a very effective and productive 2012, wished everyone Happy Holidays and a healthy 2013. On behalf of the
staff, Mr. Burns thanked outgoing Board Members Kniss, Pyle and McHugh and wished them the best in their next endeavor.

Mr. Burns provided a report, highlighting: 1) Overall system-wide ridership increased in October 2012 compared to October 2011, noting significant increases in limited and express services; 2) VTA support at the November 22, 2012, Turkey Trot, noting the number of participants and amount of money raised for charity; 3) Launch of VTA’s “Holly Trolley” historic trolley service on December 7, 2012, noting the trolley operates during the holiday season and the service was free; 4) VTA partnered with the United States Marine Corps to “Stuff the VTA Bus” with many unwrapped, new toys as possible for children who may not expect to receive a gift this year; and 5) Referenced the schematic of the BART SVBX Project - Current and Upcoming Construction Activities, noting VTA would be updating this on a quarterly basis and it would also be available to the public.

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

On order of Chairperson Yeager and there being no objection, the BART Silicon Valley Rapid Transit (SVRT) Program Update was received as contained in the Agenda Packet.

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

John Ristow, Chief CMA Officer, reported that the California Transportation Commission (CTC) met the week of December 3, 2012, and took an action relating to VTA that allocated approximately $50 million to the BART project, noting the funds would be used towards the expansion of the Hayward Maintenance Center.

There was no report on MTC activities.

On order of Chairperson Yeager and there being no objection, an update regarding California Transportation Commission (CTC) activities was received.

6.3. **General Manager’s Report** (continued)

Michael Hursh, Chief Operating Officer, provided a presentation on VTA’s Security Program, highlighting: 1) Overview of VTA’s security system as follows: a. Contract with Santa Clara County (SCC) Sheriff’s Office–Transit Patrol Division; b. Contract Security with AlliedBarton; and c. VTA Fare Inspectors; 2) Security Features – Downtown Transit Mall; 3) Number of Security Staffing with Transit Patrol Division, AlliedBarton, and VTA Fare Enforcement; 4) Illustrations of VTA’s Transit Service area and the Downtown area; 5) Transit Patrol Downtown Transit Mall; and 6) Deputy Productivity.

Mr. Hursh acknowledged Captain Schiller and his team for all of the work performed throughout the entire system in concert with AlliedBarton and the Fare Enforcement team.
Public Comment

Ross Signorino, Interested Citizen, referenced the good news announcement he heard on the radio that VTA had over 10 million riders a year on its light rail system. He thanked Mr. Burns for all of his efforts and leadership and wished everyone Happy Holidays.

6.4. Chairperson's Report

6.4.A. Election of Chairperson and Vice Chairperson for a Term Extending from January 2013 through December 2013

Chairperson Yeager indicated that on October 26, 2012, Vice Chairperson Joe Pirzynski submitted to the Board a letter of interest in being considered for the position of Chairperson for 2013.

Chairperson Yeager opened the nominations from the floor for the position of Chairperson for 2013.

M/S/C (Pyle/Herrera) to close nominations.

M/S/C (Herrera/Kniss) to elect Vice Chairperson Pirzynski as Chairperson for a term extending from January 2013 through December 2013.

Chairperson Yeager indicated that on October 26, 2012, Board Member Ash Kalra submitted to the Board a letter of interest in being considered for the position of Vice Chairperson for 2013.

Chairperson Yeager opened the nominations from the floor for the position of Vice Chairperson for 2013.

Board Member Liccardo disclosed a violation of the Brown Act, indicating that Board Members were inadvertently talking to various Board Members about other candidates.

Mr. Fabela noted that once there has been disclosure of a possible violation that is basically how it is resolved either before or after challenge; and now that there has been a disclosure, the Board could now conduct the vote.

M/S/C (Pyle/Woodward) to close nominations.

M/S/C (Herrera/Kniss) to elect Board Member Kalra as Vice Chairperson for a term extending from January 2013 through December 2013.
6.4.B. **VTA Board of Directors Meeting Schedule for Calendar Year 2013**

Chairperson Yeager referenced the proposed 2013 Board of Directors meeting schedule, highlighting the January 10, 2013 at 4:00 p.m. and December 12, 2013 at 9:00 a.m. meetings. Chairperson Yeager indicated there was a conflict with the proposed February 7, 2013 meeting and noted that staff would contact each Board Member to poll for a date that would work best for the February Board meeting and would confirm the remaining 2013 dates. Chairperson Yeager noted that the final date for the February 2013 Board meeting would be announced in January 2013.

**M/S/C (Herrera/Abe-Koga)** to approve the VTA Board of Directors Meeting Schedule for calendar year 2013, with the exception of the February 7, 2013 Board meeting due to a schedule conflict.

6.3. **General Manager’s Report** (continued)

Upon query of Board Member Kniss, Mr. Burns reported on the working relationship between VTA and Caltrain.

Chairperson Yeager noted that the Caltrain Board recognized Board Member Kniss for her service on the Board.

7. **CONSENT AGENDA**

7.1. **Board of Directors Regular Meeting Minutes of November 1, 2012**

**M/S/C (Pyle/Campos)** to approve the Minutes of November 1, 2012.

7.2. **VTA License Agreement with Downtown Parking Operator**

**M/S/C (Pyle/Campos)** to authorize the General Manager to execute a 3-year Agreement with Laz Parking, LLC for Parking Management at the VTA-owned parking lot located at 64 Market Street, San Jose, CA, with contract revenue to VTA - estimated to be approximately $400,000 annually - to be based on a percentage of gross revenue. In the event the VTA and Laz Parking are unable to reach agreement, authorize the General Manager to execute a 3-year Agreement with San Francisco Parking, a California corporation dba “City Park,” the second ranked operator based on similar terms.

7.3. **Caltrain Electrification – Fiscal 2013 Budget Appropriation**

**M/S/C (Pyle/Campos)** on a vote of 8 ayes, 0 noes, and 1 recusal to amend the FY 2013 2000 Measure A Transit Improvement Program Fund Capital Budget to add $3.08 million for the Caltrain/High Speed Rail Early Investment Strategy. Alternate Board Member Whittum recused.
7.4. Fiscal Year 2013 Quarterly Statement of Revenues and Expenses for the Period Ending September 30, 2012

M/S/C (Pyle/Campos) to review and accept the Fiscal Year 2013 Quarterly Statement of Revenues and Expenses for the period ending September 30, 2012.

7.5. 2013 Legislative Program

M/S/C (Pyle/Campos) to approve the 2013 Legislative Program for the Santa Clara Valley Transportation Authority (VTA).

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

Review and receive the Audited Financial Report for Fiscal Year 2012 of the Santa Clara Valley Transportation Authority Retirees’ Other Post Employment Benefits Trust (Trust).


M/S/C (Pyle/Campos) 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 2012.

7.8. Owners Professional Protective Indemnity for BART Silicon Valley Berryessa Extension (SVBX) Project

M/S/C (Pyle/Campos) to authorize the General Manager to purchase an Owners Professional Protective Indemnity policy to cover VTA against potential losses for negligent professional services and third party claims made against VTA as a result of the BART Silicon Valley Berryessa Extension (SVBX) construction project. The policy will carry a coverage limit of $25,000,000 and will be secured through Alliant Insurance Services. The cost for the five-year policy will be in an amount to not exceed $750,000.

7.9. Transit Sustainability Project Strategic Plan

M/S/C (Pyle/Campos) to adopt the strategic plan outlining efforts Santa Clara Valley Transportation Authority (VTA) will take to achieve a 5 percent real reduction in at least one of the following areas: cost per passenger, cost per passenger mile and/or cost per service hour by FY17.

7.10. Formula Funds through MTC’s Transit Capital Priorities Process: FY13 and FY14

M/S/C (Pyle/Campos) to adopt a project sponsor resolution No. 2012.12.67 of support for a two-year program of transit capital replacement projects in order to be eligible to receive MAP-21 federal funding for fiscal years 2013 and 2014.
7.11. **Adopt Revised Bicycle Technical Guidelines Update**

M/S/C (Pyle/Campos) to adopt the revised Bicycle Technical Guidelines.

7.12. **Program of Local Program Reserve Funds to Mathilda/101/237 Interchange**

M/S/C (Pyle/Campos) to reprogram $1,750,000 in Local Program Reserve (LPR) funds from Sunnyvale’s Mary Avenue Extension to the Mathilda Avenue/Route 101/Route 237 Interchange Reconfiguration Project, return approximately $1,725,000 to the LPR for future programming, and authorize the General Manager to negotiate and execute the necessary agreements with Sunnyvale to complete the project.

7.13. **Transportation Fund for Clean Air (TFCA) 40% Project Selection Criteria**

M/S/C (Pyle/Campos) 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.

7.14. **Grant of Storm Drain Easement at Middlefield Light Rail Station**

M/S/C (Pyle/Campos) to authorize the General Manager to execute an Agreement granting a 248 square foot storm drain easement to Middlefield Station Associates, LLC in exchange for $3,024.

7.15. **Between LRT Vehicle Barriers Contract**

M/S/C (Pyle/Campos) to authorize the General Manager to execute a contract with George Bianchi Construction, Inc., the lowest responsible bidder, in the amount of $893,982 for the installation of Between LRT Vehicle Barriers on light rail station platforms.

7.16. **Guadalupe Corridor – Light Rail Power System Substations Replacement Contract**

M/S/C (Pyle/Campos) to authorize the General Manager to execute a contract with Balfour Beatty Rail, the lowest responsible bidder, in the amount of $5,689,000 for the Guadalupe Corridor Light Rail Power System Substations Replacement project.

7.17. **Guadalupe Corridor – Overhead Contact System Rehabilitation Contract**

M/S/C (Pyle/Campos) to authorize the General Manager to execute a contract with Balfour Beatty Rail, the lowest responsive and responsible bidder, in the amount of $2,743,000 for the Guadalupe Corridor Overhead Contact System Rehabilitation project.
7.18. **Agreement for Reimbursement of Santa Clara Valley Water District’s Costs for SVBX Project Support**

M/S/C (Pyle/Campos) to authorize the General Manager to negotiate and execute a cooperative agreement with the Santa Clara Valley Water District (SCVWD) regarding the reimbursement of SCVWD’s staff costs to assist VTA with design coordination, construction document development, and construction coordination in support of the BART Silicon Valley Berryessa Extension (SVBX) Project in an amount up to $1,723,000.

7.19. **Proactive CMP Quarterly Report for July-September 2012**

M/S/C (Pyle/Campos) to receive the Proactive CMP Quarterly Report for July through September 2012.

7.20. **Priority Development Area (PDA) Growth Strategy Development**

M/S/C (Pyle/Campos) to receive a report on the development of a Priority Development Area Growth Strategy.

7.21. **Silicon Valley Express Lanes Implementation Plan**

M/S/C (Pyle/Campos) to receive report on the Silicon Valley Express Lanes Implementation Plan.

7.22. **Update on VTP/RTP/SCS Activities**

M/S/C (Pyle/Campos) to review the draft of Chapter 1 of the Valley Transportation Plan (VTP) 2040.

7.23. **September 2012 Facilities Projects Semi-Annual Report**


8. **REGULAR AGENDA**

**Congestion Management Program & Planning Committee**

8.1. **HCP Environmental and Plan Approvals**

Tom Fitzwater, Environmental Planning Manager, noted the attendance of Ken Schreiber, Program Manager, Habitat Conservation Plan (HCP)/Natural Community Conservation Plan (NCCP).

Mr. Fitzwater provided a presentation entitled, “Santa Clara Valley Habitat Plan/Environmental Impact Report (EIR)-Final Plan,” highlighting: 1) What is the Habitat Plan; 2) Santa Clara Valley Habitat Plan History; 3) Habitat Plan Costs; 4) Habitat Plan and Land Use Planning; 5) Habitat Plan Area; 6) Plan Highlights; 7) Impact Fees; 8) Example - Bridge Replacement; and 9) Staff Recommendation,
noting that the following action would be deferred to the January 10, 2013, Board of Directors meeting: “Appoint a person to serve as VTA’s representative to the Implementation Board.”

Mr. Fitzwater clarified that the following Local Partners have acted to certify the EIR: 1) Santa Clara Valley Water District (SCVWD); 2) County of Santa Clara; 3) City of Gilroy; 4) City of Morgan Hill; and 5) City of San Jose. The SCVWD, County of Santa Clara, Cities of Gilroy and Morgan Hill have approved the Plan, and the City of San Jose will consider the Plan in January 2013.

Upon query of Alternate Board Member Whittum, Mr. Fabela explained the meaning of a tolling agreement and steps that would be taken if VTA was involved in a lawsuit.

Upon query of Alternate Board Member Whittum, Mr. Schreiber clarified the comments made by City of San Jose Mayor Reed regarding the issue of eradication of burrowing owls in the South Bay.

Board Member Abe-Koga expressed concern about the cities that have not been involved in understanding the HCP and commented on the burrowing owl conservation plan put in place by the City of Mountain View. Mr. Schreiber referenced the joint letter from the U.S. Fish and Wildlife Service and California Department of Fish and Game that was sent to cities of concern informing the cities that previous mitigations regarding burrowing owls were no longer in effect and that the new mitigation standards would be linked to the mitigation standards in the Habitat Plan.

Board Member Kalra expressed his support for the Plan, noting that the Plan was extraordinarily important for the future of Santa Clara County and the Valley.

Board Member Pyle referenced the establishment of the Coyote Valley Task Force in San Jose many years ago, noting her year of service on the Task Force. She commented that all of the facts/data assembled at that time was being used by the City of San Jose, and the plan to be considerate of our habitat was the main drive and the Task Force report would be a guide in that respect.

Upon query of Board Member Matthews, Mr. Schreiber provided an explanation on why the joint letter from the U.S. Fish and Wildlife Service and California Department of Fish and Game was sent to cities of concern.

Board Member Campos expressed concern regarding the alternative actions VTA would have to take if the Board of Directors chose not to approve the Plan and encouraged the Board of Directors to approve the Plan.

Public Comment

Michele Beasley, representing Greenbelt Alliance & Habitat Conservation, urged the Board of Directors to adopt the Habitat Conservation Plan, noting benefits to developers and local governments.
M/S/C (Liccardo/Kalra) on a vote of 11 ayes, 1 no, and 0 abstentions to:
1) Certify the Final Environmental Impact Report, as part of a joint
Environmental Impact Report/Environmental Impact Statement (EIR/EIS), meets
the requirements of the California Environmental Quality Act (CEQA), represents
the independent judgment of the Lead Agency, was presented to the VTA Board
of Directors and that they have reviewed and considered the potential
environmental effects of the EIR/EIS. As part of the certification process, make
CEQA Findings based upon substantial evidence in the record (see Attachment
C), and adopt the Mitigation and Monitoring Program (see Attachment D);
2) Adopt the Final Santa Clara Valley Habitat Conservation Plan/Natural
Community Conservation Plan; 3) Approve the Final Implementing Agreement
and appoint VTA’s Manager, Environmental Programs and Resources
Management, to serve as the alternate representative to the Implementation
Board; and 4) Approve the Santa Clara Valley Habitat Conservation Plan
Memorandum of Understanding. Further, the Board of Directors deferred the
following to the January 10, 2013 Board of Directors meeting: “Appoint a person
to serve as VTA’s representative to the Implementation Board.” Alternate Board
Member Whittum opposed.

8.2. Item 8.2 – One Bay Area Grant (OBAG): Countywide Complete Streets
Competitive Criteria

Chairperson Yeager reported that the memoranda from Vice Chairperson
Pirzynski and Board Member Liccardo was reviewed by the Congestion
Management Program and Planning (CMPP) Committee at their
November 29, 2012 meeting. He noted that the CMPP comments were included
as part of the Agenda packet and that the draft scope of work requested by CMPP
was contained on the dais as well as information related to the item.

Mr. Burns also reported that the item was presented to the Board of Directors at
their November 1, 2012 meeting. The Board of Directors directed staff to
forward the memoranda to CMPP at their November meeting prior to bringing it
back to the December 13, 2012 Board of Directors meeting. Mr. Burns indicated
that CMPP recommended the item to the full Board of Directors for
consideration. As part of the recommendation, CMPP requested that staff prepare
a draft scope of work for the study that was being proposed. He clarified that the
staff recommendation was to advance a study of the issues and impacts of
connecting the HCP with the OBAG Complete Streets Program.

Mr. Burns reported that as staff worked through the outline of the scope, noting it
has been more apparent that both programs are very complex. He recommended
that as part of any action taken today, that the Board of Directors authorize staff to
proceed with the work that was outlined under Section I of the Scope of Work:
“Prepare Summary White Papers.” This is a level of effort not nearly as
significant as the entire investigation and would not cause VTA to occur
significant expense. Thus allowing staff time to prepare the information and
come back to the Board of Directors in approximately the February 2013
timeframe to obtain direction from the Board on whether or not to proceed further
with any additional analysis.
Upon query of Chairperson Yeager, Mr. Burns clarified the following: 1) The total $150,000 estimated costs would be for the entire scope of work; and, 2) Once staff has completed the work outlined under Section I of the Scope of Work: Prepare Summary White Papers, staff would have a good description of the issues/impacts associated with connecting the HCP to the OBAG Complete Streets Criteria.

Board Member Liccardo explained the reason for forwarding these recommendations to the Board, noting the importance to have a regional approach for linking transportation funding and land use decisions. He acknowledged the complexity of the issues, including SB 375, and clarified he is proposing a nexus study so that parties can better understand the legal and political background. Board Member Liccardo encouraged the Board Members to read the full text of SB 375.

Board Member Matthews expressed he does not see a link between OBAG funding and HCP, noting that these are two distinctly separate issues and cities are already engaged in building complete streets. He noted that projects’ environmental impacts should be mitigated site-by-site and not regionally. He expressed opposition to a nexus study as it will negatively impact small cities’ ability to obtain OBAG funding.

Board Member Kniss concurred with Board Member Matthews’ comment. She suggested that outreach to cities should be done first, followed by a determination of VTA’s position on the issue, prior to considering conducting a nexus study. She also noted that VTA is not the appropriate Agency to take a lead in this issue.

Board Member Abe-Koga expressed support for Board Members Matthews and Kniss’ comments and noted she does not see a connection between OBAG and HCP. She noted it may be the wrong time and place for VTA to initiate a study regarding linking the two.

Alternate Board Member Whittum noted this issue should be further discussed prior to making any decisions regarding a nexus study.

Board Member Kalra supported Board Member Liccardo’s comments and noted that VTA is the appropriate Agency to commission the study.

**Public Comment**

Ms. Beasley encouraged the Board of Directors to approve the directives outlined in the memoranda from Board Vice Chairperson Pirzynski and Board Member Liccardo. She expressed concern regarding the effects of nitrogen generated from vehicle trips and encouraged that a holistic view of Santa Clara County be taken because nitrogen does not stop at political boundaries. Ms. Beasley commented that the cost of the nexus study could possibly be funded through OBAG’s Conservation Program.
Gladwyn d’Souza, representing the Loma Prieta Chapter of the Sierra Club, expressed support for the memoranda from Board Vice Chairperson Pirzynski and Board Member Liccardo, referencing directive #2 as contained in the memoranda.

Shani Kleinhaus, representing Santa Clara Valley Audubon Society, expressed support for the directives outlined in the memoranda from Board Vice Chairperson Pirzynski and Board Member Liccardo. She commented that the HCP looks at regional impacts and that a nexus study is merited.

Crisand Giles, Executive Director of the Building Industry Association (BIA), commented that the BIA would support VTA’s commitment to assist HCP funding if VTA chose to do it through future improvement financing in order to ensure a steady, reliable funding base for the HCP. Ms. Giles commented that the BIA could not support conducting a study that would consider conditioning the OBAG Complete Streets Program to require applicant participation in the Countywide HCP fees. Ms. Giles commented that VTA funds should instead ensure that no infill is required for development in any city.

Chairperson Yeager and Vice Chairperson Pirzynski noted support for conducting the preparation of the white summary papers.

Board Member Matthews commented that this issue should be referred to the Technical Advisory Committee and let the Committee make a recommendation whether or not to proceed with the preparation of the white summary papers. He reiterated that he does not think that it is an appropriate role for the VTA Board to link the OBAG and HCP.

M/S/C (Liccardo/Woodward) on a vote of 8 ayes, 4 noes and 0 abstentions to approve Memoranda from Vice Chairperson Pirzynski and Board Member Liccardo as follows: 1) Direct staff to review the potential impacts of adding criteria to Complete Streets Competitive Criteria that would include a requirement to participate in countywide fees based on the proposed fee structure of the Habitat Conservation Plan (for example Nitrogen Deposition Fee) as a condition of receipt of OBAG funds; 2) Review identified impacts with the Technical Advisory Committee, the Policy Advisory Committee, and any other relevant stakeholders, such as interested chambers of commerce, developers, environmental advocacy organizations, and city planning staff; 3) Return to VTA Board in early spring with the results of the impact study as well as the stakeholder, community and advisory committee input; 4) Based on this input, allow the Board to consider commissioning a nexus study to identify environmental impacts of development addressed by the proposed Valley Habitat Plan (VHP) including Nitrogen Deposition and species take. Include options for funding the nexus study, whether through the existing Congestion Management Agency budget or through contributions from the municipalities involved; and 5) Return to the VTA Board prior to the next OBAG Complete Streets Competitive cycle, after completion of the nexus study, to determine whether future OBAG funds should be conditioned on a city’s willingness to implement the expansion of the proposed Habitat Conservation Plan or the implementation of a separate Habitat Conservation Plan; and, further, approved VTA Staff’s proposed Scope of Work, Section I - Prepare Summary White Papers. Board Members Abe-Koga, Kniss, Matthews, and Alternate Board Member Whittum opposed.
7.6. **Audited Santa Clara Valley Transportation Authority Retirees’ Other Post Employment Benefits (OPEB) Trust Financial Report for Fiscal Year 2012**

Alternate Board Member Whittum expressed support for the concern raised at the Administration and Finance Committee that the assumed 7.75 percent return seemed outsized on the Pension return. Board Member Liccardo commented that he also raised the same concern.

M/S/C (Pyle/Pirzynski) to review and receive the Audited Financial Report for Fiscal Year 2012 of the Santa Clara Valley Transportation Authority Retirees’ Other Post Employment Benefits Trust (Trust).

9. **OTHER ITEMS**

9.1. **ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION**

There were no items of Concern and Referral to Administration.

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

9.2.A. **VTA Standing Committees**

- Administration & Finance (A&F) Committee – November 15, 2012, Minutes were accepted as contained in the Agenda Packet.
- Congestion Management Program & Planning (CMPP) Committee - November 29, 2012, Minutes were accepted as contained on the dais.
- Transit Planning & Operations (TP&O) Committee - November 15, 2012, Minutes were accepted as contained in the Agenda Packet.
- Audit Committee - November 1, 2012, Notice of Cancellation was accepted as contained in the Agenda Packet.

9.2.B. **VTA Advisory Committees**

- Committee for Transit Accessibility (CTA) – There was no CTA Meeting.
- Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) - November 7, 2012, Minutes were accepted as contained in the Agenda Packet.
- Bicycle & Pedestrian Advisory Committee (BPAC) - November 7, 2012, Minutes were accepted as contained in the Agenda Packet.
- Technical Advisory Committee (TAC) – November 8, 2012, Minutes were accepted as contained in the Agenda Packet.
- Policy Advisory Committee (PAC) – November 8, 2012, Minutes were accepted as contained in the Agenda Packet.
9.2.C. **VTA Policy Advisory Boards (PAB)**

- Diridon Station Joint Policy Advisory Board – November 16, 2012, Notice of Cancellation was accepted as contained in the Agenda Packet.
- Downtown East Valley PAB - There was no report.
- El Camino Real Rapid Transit PAB – There was no report.

9.2.D. **Joint Powers Boards and Regional Commissions**

- Peninsula Corridor Joint Powers Board – December 6, 2012, Meeting Summary Notes were accepted as contained on the dais.
- Capitol Corridor Joint Powers Board – November 14, 2012, Meeting Summary Notes were accepted as contained on the dais.
- Dumbarton Rail Corridor Policy Committee – There was no report.
- Metropolitan Transportation Commission (MTC) – November 28, 2012, Meeting Summary Notes were accepted as contained on the dais.
- Sunol Smart Carpool Lane Joint Powers Authority – There was no report.

9.3. **Announcements**

Board Member Pyle thanked VTA staff for their professionalism, approachability and thoughtfulness, and expressed her gratitude for the token of appreciation.

10. **ADJOURN**

On order of Chairperson Yeager and there being no objection, the meeting was adjourned at 11:49 a.m. in memory of Ellen Fletcher, former Citizens Advisory Committee/2000 Measure A Citizens Watchdog Committee Member; Jamie Gardner, former VTA Employee; and Michael D. “Mike” Nevin, a former San Mateo County Supervisor, Peninsula Corridor Joint Powers Board of Director, and Metropolitan Transportation Commission (MTC) Commissioner.

Respectfully submitted,

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