BOARD OF DIRECTORS MEETING
Thursday, May 5, 2011
5:30 P.M.

The Regular Session will commence immediately following the conclusion of the Closed Session.

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

AGENDA

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

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

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

- The Consent Agenda items may be voted on in one motion at the beginning of the meeting under Orders of the Day. If you wish to discuss any of these items, please request the item be removed from the Consent Agenda by completing a blue card at the public information table and handing it to the Board Secretary staff prior to Orders of the Day, Agenda Item #5.
• Disclosure of Campaign Contributions to Board Members (Government Code Section 84308)

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

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

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

In compliance with the Americans with Disabilities Act (ADA), those requiring accommodations for this meeting should notify the Board Secretary’s Office 48-hours prior to the meeting at (408) 321-5680 or e-mail: board.secretary@vta.org or (408) 321-2330 (TTY only). VTA’s home page is on the web at: www.vta.org or visit us on Facebook at: www.facebook.com/scvta.

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

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

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

1. ROLL CALL

2. RECESS TO CLOSED SESSION

Conference with Labor Negotiators
[Government Code Section 54957.6]

VTA Designated Representatives:
Joseph Smith, Chief Financial Officer
Bill Lopez, Chief Administrative Officer
Robert L. Escobar, Human Resources Manager

Employee Organizations:
American Federation of State, County and Municipal Employees (AFSCME), Local 101
Service Employees International Union (SEIU), Local 521
Transportation Authority Engineers and Architects Association (TAEA), IFPTE, Local 21

RECONVENE TO OPEN SESSION

3. CLOSED SESSION REPORT

4. PUBLIC PRESENTATIONS

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. ORDERS OF THE DAY - The Consent Agenda is approved with Orders of the Day.

CONSENT AGENDA

6. Approve the Board of Directors Regular Meeting Minutes of April 7, 2011.

7. ACTION ITEM - Authorize the General Manager to amend the historic trolley lease agreement with the California Trolley and Railroad Corporation (CTRC) to return to CTRC trolleys #124 and either #2001 or #531 at the CTRC’s discretion.
Administration and Finance Committee

The Administration and Finance Committee did not meet in April.

8. ACTION ITEM - Authorize the General Manager to purchase insurance coverage for Excess Liability (General and Auto Liability; Public Officials Errors and Omissions Liability); Property/Boiler and Machinery; Inland Marine for Light Rail Vehicles; Inland Marine for Buses, Vans and Mobile Equipment; and Flood exposures, for the annual Operations Program Insurance renewal for an amount not to exceed $2,888,876.

9. ACTION ITEM - Adopt a support position for AB 147 (Dickinson), which expands the existing eligible uses of developer impacts fees to include public transit, bicycle and pedestrian facilities.

10. ACTION ITEM - Adopt a support position for SB 383 (Wolk), which addresses issues related to the implementation of the state's Local Government Renewable Energy Self-Generation Program.

11. ACTION ITEM - Adopt a support position for AB 31 (Beall), which authorizes the cities and counties in the Central Valley that have an approved high-speed rail station to prepare and adopt a master plan for development of the area surrounding their stations.

12. ACTION ITEM - Adopt a support position for AB 1308 (Miller), which provides that revenues in the Highway Users Tax Account (HUTA) are to be continuously appropriated and available for expenditure regardless of whether a state budget has been enacted for the new fiscal year.

13. ACTION ITEM - Adopt a resolution that VTA as a Public Transportation Modernization, Improvement, and Service Enhancement Account Bond Program (PTMISEA) fund recipient agrees to comply with all conditions and requirements set forth in the Certification and Assurances document and applicable statutes, regulations and guidelines for all PTMISEA funded transit projects.

14. ACTION ITEM - Adopt a resolution authorizing the filing of an annual claim to the Metropolitan Transportation Commission (MTC) for allocation of FY 2011-2012 Transportation Development Act (TDA) and State Transit Assistance (STA) funds.

15. ACTION ITEM - Authorize the General Manager to submit federal Fiscal Year 2011 grant applications and execute grant agreements with the Federal Transit Administration (FTA) for Section 5307 Urbanized Area Formula, Section 5309 Fixed Guideway.

16. ACTION ITEM - Authorize the General Manager to execute service agreements for financial advisory services with Arbitrage Compliance Specialists, KNN Public Finance, Montague DeRose & Associates and Ross Financial, for a period of three years in an aggregate amount not to exceed $335,000, with two one-year options to extend for a total aggregate contract value not to exceed $415,000.
Congestion Management Program and Planning Committee

Items submitted for the Consent Agenda by the Congestion Management Program and Planning Committee.

17. ACTION ITEM - Receive the results of the Noise Reduction Screening study and approve the changes in the process for evaluating the cost-effectiveness of sound walls for highway projects in Santa Clara County.

18. ACTION ITEM - Approve the Valley Transportation Plan (VTP) 2040 Preliminary Project List for submission to the Metropolitan Transportation Commission (MTC).

19. ACTION ITEM - Approve the Fiscal Year 2012 and Fiscal Year 2013 Congestion Management Work Program.

20. ACTION ITEM - Authorize the General Manager to execute agreements with the Bay Area Toll Authority (BATA) for toll collections and customer service support, California Highway Patrol (CHP) for enforcement and California Department of Transportation (Caltrans) for maintenance for the SR 237/I-880 Express Connectors project.

21. ACTION ITEM - Approve reallocation of Local Program Reserve (LPR) savings of $3.8 million to the US 101 Express Lanes Project.

22. ACTION ITEM - Authorize the General Manager to execute a contract amendment with URS Corporation to complete the Project Approval and Environmental Documentation (PA&ED) services for the US 101 Express Lanes Project for up to $2,800,000 for a total contract value not-to-exceed $4,300,000.

23. ACTION ITEM - Approve the programming of Lifeline Transportation Program funds for the following projects: 1) Family Transportation Services Program - $409,913; 2) Ways to Work Family Loan Program - $273,276; and 3) Santa Clara-Alum Rock Rapid Transit Bus Purchase - $10,000,000.

24. ACTION ITEM - Adopt a resolution authorizing the filing and execution of grants under the Caltrans Community-Based Transportation Planning grant through Caltrans Transportation Planning Grants program for Fiscal Year 2011-2012.

25. INFORMATION ITEM - Receive an update on the Valley Transportation Plan, Regional Transportation Plan and Sustainable Communities Strategy activities.

Transit Planning and Operations Committee

Items submitted for the Consent Agenda by the Transit Planning and Operations Committee.

26. ACTION ITEM - Authorize the General Manager to execute a contract with KONE Elevators and Escalators, the lowest responsible and responsive bidder, in the amount of $4,824,750 for construction of the Guadalupe South Line Elevator and Escalator Retrofit. This contract is 70% federally funded.
27. **ACTION ITEM** - Authorize the General Manager to execute a contract with Con Quest Constructors, Inc., the lowest responsible and responsive bidder, in the amount of $7,266,140, for the construction of Agua Fria, Toroges and Agua Caliente Creek Improvements. This contract is funded by 2000 Measure A, the City of Fremont and Alameda County Flood Control District.

28. **ACTION ITEM** - Authorize the General Manager to execute a Cooperative Agreement with the City of Fremont in an amount not to exceed $3.44M for construction costs related to the Agua Fria Creek improvements. Under the proposed agreement, VTA’s financial obligation will be limited to $1.12M and funded by 2000 Measure A.

29. **ACTION ITEM** - Authorize the General Manager to enter into a master agreement with the City of Fremont in support of the BART Silicon Valley Project.

30. **ACTION ITEM** - Authorize the General Manager to execute a contract amendment with Rajappan & Meyer Consulting Engineers, Inc. in a not to exceed amount of $1.5 million for a new contract total amount of $28,989,916 and extend the contract through November 30, 2014, to perform design support services during construction of the pedestrian improvements, and final design and design support services during construction for the bus stop improvements of the Capitol Expressway Light Rail Project. This contract is 100% funded by the 2000 Measure A Program.


**Audit Committee**

*Items submitted for the Consent Agenda by the Audit Committee.*

32. **ACTION ITEM** - Review and receive the Auditor General’s internal audit report on Investment Controls Design Assessment.

33. **ACTION ITEM** - Review and receive the Auditor General’s follow-up report on the implementation status of recommendations contained in the SVRT Soft Cost Internal Audit Report.

34. **ACTION ITEM** - Review and receive the Auditor General’s follow-up report on the implementation status of recommendations contained in the Investment Controls Effectiveness Testing Internal Audit Report.

**CEREMONIAL ITEMS/SPECIAL REPORTS**

35. **AWARDS AND COMMENDATION**

   A. **INFORMATION ITEM** - Recognize Denise Dominguez, Office Specialist II, North Division Administration; Giang Luu, Light Rail Operator, Guadalupe Operations Division; and John Gregg Woodworth, Electrician, Cerone Maintenance Division, as Employees of the Month for May 2011.
36. REPORT FROM THE GENERAL MANAGER. (Verbal Report)
   • Follow-up from the April 22, 2011 Biennial Budget Board Workshop (Verbal Report)
   • Caltrain Update (Verbal Report) (Lawson)

37. REPORT FROM THE CHAIRPERSON. (Verbal Report)
   A. ACTION ITEM - Adopt a resolution proclaiming May 2011 as Bike to Work Month and May 12, 2011 as Bike to Work Day.
   B. ACTION ITEM - Adopt a Resolution of Commendation for the Friends of the Steven Creek Trail.


REGULAR AGENDA

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

Administration and Finance Committee - Liz Kniss
The Administration and Finance Committee did not meet in April.

Congestion Management Program and Planning Committee - Chuck Page
Items submitted for the Regular Agenda by the Congestion Management Program and Planning Committee.

41. ACTION ITEM - Authorize the General Manager to amend the existing Ramp Metering Project funding agreement with the Metropolitan Transportation Commission for an additional $600,000 for a new total of $2,651,000 and extend the agreement to cover all freeway corridors in Santa Clara County.

42. ACTION ITEM - Authorize the General Manager to amend the contract with Mark Thomas & Company in an amount not to exceed $472,000, for a new contract value of $1,716,677 for engineering services to implement ramp metering for I-280 Corridor Ramp Metering Project.

Transit Planning and Operations Committee - Rich Larsen
The Transit Planning and Operations Committee did not submit items for the Regular Agenda.
Audit Committee - Rose Herrera

*Items submitted for the Regular Agenda by the Audit Committee.*

43. **ACTION ITEM –** 1) Approve the Fiscal Year 2012 (FY12) Internal Audit Work Plan developed by the VTA Auditor General for a maximum amount of $338,000; 2) Authorize the General Manager to amend the task order contract with Deloitte & Touche LLP for Auditor General/internal audit services, increasing the amount by $163,000 for a revised not-to-exceed amount of $775,500; and 3) Delegate authority to the Audit Committee to approve scope modifications and cost adjustments for items contained in Board-approved Internal Audit Work Plans.

### OTHER ITEMS

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

45. **INFORMATION ITEM -** Review the Monthly Legislative History Matrix.

46. **REPORTS (UNAPPROVED MINUTES) FROM STANDING COMMITTEES**

A. Administration and Finance Committee (*Meeting Cancelled*)
B. Congestion Management Program and Planning Committee
C. Transit Planning and Operations Committee
D. Audit Committee

47. **REPORTS (UNAPPROVED MINUTES) FROM ADVISORY COMMITTEES**

A. Committee for Transit Accessibility (CTA)
B. Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC)
C. Bicycle & Pedestrian Advisory Committee (BPAC)
D. Technical Advisory Committee (TAC)
E. Policy Advisory Committee (PAC)

48. **REPORTS FROM JOINT POWERS BOARDS (JPBs) & REGIONAL COMMISSIONS**

A. Peninsula Corridor JPB
B. Capitol Corridor JPB
C. Dumbarton Rail Corridor Policy Committee
D. Metropolitan Transportation Commission (MTC)
E. Sunol Smart Carpool Lane Joint Powers Authority
F. SR 152 Mobility Partnership (*Meeting Cancelled*)
49. REPORTS FROM VTA POLICY ADVISORY BOARDS (PABs)

A. Diridon Station Joint Policy Advisory Board
B. Downtown East Valley PAB (No Meeting Scheduled)
C. El Camino Real Rapid Transit PAB (No Meeting Scheduled)
D. Silicon Valley Rapid Transit Corridor & BART Warm Springs Extension PAB (No Meeting Scheduled)

50. ANNOUNCEMENTS

51. ADJOURN in memory of Lee Washburn, retired VTA employee, who was instrumental in the development and implementation of the Guadalupe Light Rail Line, which brought light rail to Santa Clara County.
BOARD OF DIRECTORS MEETING
Thursday, April 7, 2011

MINUTES

CALL TO ORDER

The Regular Meeting of the Santa Clara Valley Transportation Authority’s (VTA) Board of Directors was called to order by Chairperson Abe-Koga at 5:38 p.m. in the Board of Supervisors’ Chambers, County Government Center, 70 West Hedding Street, San José, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
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<tbody>
<tr>
<td>Margaret Abe-Koga</td>
<td>Chairperson</td>
<td>Present</td>
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<tr>
<td>Marshall Anstandig</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<td>Xavier Campos</td>
<td>Board Member</td>
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<tr>
<td>Dave Cortese</td>
<td>Ex-Officio Board Member</td>
<td>Absent</td>
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<tr>
<td>Rose Herrera</td>
<td>Board Member</td>
<td>Present</td>
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<td>Ash Kalra</td>
<td>Board Member</td>
<td>Present</td>
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<td>Liz Kniss</td>
<td>Board Member</td>
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<td>Rich Larsen</td>
<td>Board Member</td>
<td>Absent</td>
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<tr>
<td>Sam Liccardo</td>
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<tr>
<td>Jamie Matthews</td>
<td>Alternate Board Member</td>
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<td>Pete McHugh</td>
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<td>Chris Moylan</td>
<td>Board Member</td>
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<td>Chuck Page</td>
<td>Board Member</td>
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<td>Nancy Pyle</td>
<td>Alternate Board Member</td>
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<td>Chuck Reed</td>
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<td>George Shirakawa</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<tr>
<td>Perry Woodward</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Ken Yeager</td>
<td>Vice Chairperson</td>
<td>Present</td>
</tr>
</tbody>
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* Alternates do not serve unless participating as a Member.

A quorum was present.

Chairperson Abe-Koga noted that the Agenda was revised reflecting the following:

- Deletion of Agenda Item #2.A from Closed Session
- Addition of Agenda Item #2.A.X to Closed Session
- Deletion of Agenda Item #15. Habitat Conservation Plan (HCP) Cost Allocation and Budget Approval from the Consent Agenda.
Upon query of Board Member Moylan, Michael T. Burns, General Manager, noted that Agenda Item #15 was removed from the Agenda due to the City of Gilroy’s action not to support the Habitat Conservation Plan.

2. **RECESSED TO CLOSED SESSION at 5:40 p.m.**

   Board Member Kalra arrived and entered Closed Session at 5:40 p.m.
   Vice Chairperson Yeager arrived and entered Closed Session at 5:42 p.m.
   Board Member Herrera arrived and entered Closed Session at 5:50 p.m.
   Board Member Page arrived and entered Closed Session at 5:51 p.m.

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

   Anticipated Litigation - Conference with Legal Counsel
   [Government Code Section 54956.9(b)]

   Significant exposure to litigation pursuant to subdivision (b) of Section 54956:

   One case of threatened CEQA litigation by owner of Wrigley Industrial Park regarding BART Silicon Valley Project Final SEIR-2 (correspondence dated March 11, 2011)

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

   Name of Case: Walton CWCA Wrigley Creek 31, a Delaware LLC v. Santa Clara Valley Transportation Authority, a California special district, et al.
   [Santa Clara Superior Court Case No. 1-11-CV197814]

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

   Name of Case: Forrest Todd v. Santa Clara Valley Transportation Authority
   WCAB No. SJO 0230477

**RECONVENED TO OPEN SESSION at 6:08 p.m.**

3. **CLOSED SESSION REPORT**

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

   Anticipated Litigation - Conference with Legal Counsel
   [Government Code Section 54956.9(b)]

   Significant exposure to litigation pursuant to subdivision (b) of Section 54956:

   One case of threatened CEQA litigation by owner of Wrigley Industrial Park regarding BART Silicon Valley Project Final SEIR-2 (correspondence dated March 11, 2011)
2.A.X Existing Litigation - Conference with Legal Counsel
[Government Code Section 54956.9(a)]

Name of Case: Walton CWCA Wrigley Creek 31, a Delaware LLC v. Santa Clara Valley Transportation Authority, a California special district, et al.
[Santa Clara Superior Court Case No. 1-11-CV197814]

Kevin Allmand, General Counsel, noted there was no Closed Session report for Agenda Item 2.A.X.

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

Name of Case: Forrest Todd v. Santa Clara Valley Transportation Authority
WCAB No. SJO 0230477

Mr. Allmand noted there was no Closed Session report for Agenda Item 2.B.

4. PUBLIC PRESENTATIONS

Michael Ludwig, Interested Citizen, requested information on ridership per revenue hour and farebox recovery ratio for express buses and limited stop routes.

James Wightman, Interested Citizen, expressed his support for the Clipper Card™.

Eugene Bradley, Silicon Valley Transit Users, echoed comments of the previous public speakers and also thanked Greta Helm, Chief External Affairs Officer, and staff for responding to his inquiries.

5. ORDERS OF THE DAY

Chairperson Abe-Koga noted the following: 1) Reiterated that Agenda Item #15. Habitat Conservation Plan (HCP) Cost Allocation and Budget Approval, was removed from the Consent Agenda; and 2) Staff requested that Agenda Item #7. Release Historic Trolley 2001 to Trolley Corporation, be deferred to the May 5, 2011 Board of Directors meeting.

Public Comment

Mr. Ludwig expressed support for Agenda Item #10. Assembly Bill 650 (Blumenfield), noted the importance of public transit funding for operations, and praised VTA for supporting the Bill.

Board Member Herrera requested that Agenda Item #17. Capitol Expressway Light Rail Project – Pedestrian Improvements Amendment to Cooperative Agreement with the City of San Jose, be removed from the Consent Agenda and placed on the Regular Agenda.

Chairperson Abe-Koga noted the Board of Directors would be adjourning tonight’s meeting in memory of Cameron Beach, Board Member, San Francisco Municipal Transportation Agency (MUNI) and respected transportation professional. Chairperson Abe-Koga noted that Mr. Beach passed away on March 18, 2011.

M/S/C (Kniss/Herrera) on a vote of 10 ayes 0 noes and 1 abstention to accept the Orders of the Day and the Consent Agenda, as amended. Board Member Reed abstained from the Consent Agenda.

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

6. Board of Directors Regular Meeting Minutes of March 3, 2011

M/S/C (Kniss/Herrera) on a vote of 10 ayes 0 noes and 1 abstention to approve the Board of Directors Regular Meeting Minutes of March 3, 2011. Board Member Reed abstained.

7. (Deferred to May 5, 2011 Board of Directors Meeting.)

Authorize the General Manager to amend the historic trolley lease agreement with the California Trolley and Railroad Corporation (CTRC) to return trolleys #2001 and #124 to CTRC.

Administration and Finance Committee
The Administration and Finance Committee did not meet in March.

8. Committee for Transit Accessibility Appointments

M/S/C (Kniss/Herrera) on a vote of 10 ayes 0 noes and 1 abstention to approve the appointment of Jeffrey Jokinen (2011-2012) to the Committee for Transit Accessibility (CTA) for the specified two-year term, representing persons with disabilities. Board Member Reed abstained.

9. Public Liability/Property Damage Third Party Administration Services Contract Award

M/S/C (Kniss/Herrera) on a vote of 10 ayes 0 noes and 1 abstention to authorize the General Manager to execute a contract with Carl Warren & Company for Public Liability/Property Damage (PL/PD) Third Party Administrator (TPA) claims services for a three-year term from July 1, 2011 through June 30, 2014, with options for two one year extensions, for a total amount not to exceed $2,779,030. Board Member Reed abstained.

10. Bill Position: AB 650 (Blumenfield)

M/S/C (Kniss/Herrera) on a vote of 10 ayes 0 noes and 1 abstention to adopt a support position for AB 650 (Blumenfield), which calls for creating the Blue Ribbon Task Force on Public Transportation for the 21st Century to make recommendations to the Governor and Legislature on how to develop, implement and fund a comprehensive, well-coordinated and fully functioning public transit system in California. Board Member Reed abstained.

11. Investment Consultant Services Contract

M/S/C (Kniss/Herrera) on a vote of 10 ayes 0 noes and 1 abstention to authorize the General Manager to execute a contract with Callan Associates, Inc. (Callan) to provide investment consulting services, for a period of three years in an amount not to exceed $460,336, with two one-year options to extend for a total contract value not to exceed $770,389. Board Member Reed abstained.
Congestion Management Program and Planning Committee

Items submitted for the Consent Agenda by the Congestion Management Program and Planning Committee.

12. **2011 TFCA Program Manager Fund**
   
   M/S/C (Kniss/Herrera) on a vote of 10 ayes 0 noes and 1 abstention to approve the programming of FY 2011/12 Transportation Fund for Clean Air Program Manager (TFCA 40%) funds to projects. Board Member Reed abstained.

13. **Sale of N. First Street and St. James Street Property**
   
   M/S/C (Kniss/Herrera) on a vote of 10 ayes 0 noes and 1 abstention to approve the sale of a 10,616 square feet surface parking lot located at the southwest corner of North First Street and St. James Street in San Jose to the State Administrative Office of the Courts (AOC) at a purchase price of $1,800,000; and authorize the General Manager to execute a Purchase and Sale Agreement (PSA) and other documents necessary to consummate the transaction. Board Member Reed abstained.

   
   M/S/C (Kniss/Herrera) on a vote of 10 ayes 0 noes and 1 abstention to authorize the General Manager to execute a contract amendment with Parsons Brinkerhoff, Consulting Engineers, Inc. in the amount of $300,000 to perform additional design services on the SR-237/I-880 Express Connectors Project for a new total contract value not to exceed $2,537,258. Board Member Reed abstained.

15. **(Removed from the Agenda.)**
   
   Approve the $110,000 budget for Fiscal Year 2011/2012 for the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan and the overall cost allocation for the Plan in the amount of $1,020,092.

Transit Planning and Operations Committee

Items submitted for the Consent Agenda by the Transit Planning and Operations Committee.

16. **FY 10-11 California Transit Security Grant Program**
   
   M/S/C (Kniss/Herrera) on a vote of 10 ayes 0 noes and 1 abstention to adopt Resolution No. 2011.04.09 authorizing the General Manager to submit and execute grant applications and agreements, certifications, assurances, and other documents as necessary to the California Emergency Management Agency (Cal EMA) to receive $3,329,471 from the FY10-11 California Transit Security Grant Program-California Transit Assistance Fund (CTSGP-CTAF). Board Member Reed abstained.

17. **(Removed from the Consent Agenda and placed on the Regular Agenda.)**
   
   Authorize the General Manager to execute an amendment to the Cooperative Agreement with the City of San Jose, in the amount of $150,000, to perform design services during construction of the Capitol Expressway Pedestrian Improvements for a total contract amount of $459,225, and extend the agreement through June 30, 2012. This amendment is 100% funded by the 2010 State Transportation Improvement Program.
18. **Light Rail Left Hand Turn and Track Intrusion Project Phase IIA Contract**

M/S/C (Kniss/Herrera) on a vote of 10 ayes 0 noes and 1 abstention to authorize the General Manager to execute a contract with Pacific Electric Contracting, Inc., the lowest responsible bidder, in an amount of $381,930 for the construction of the Light Rail Left Hand Turn and Track Intrusion Project Phase IIA. This contract is 80% funded by Federal Grant funds (Section 5309-Fixed Guideway Modernization Formula Grant), with VTA Enterprise funds providing a 20% match. Board Member Reed abstained.

19. **April 2011 Transit Service Changes**

M/S/C (Kniss/Herrera) on a vote of 10 ayes 0 noes and 1 abstention to receive Information on April 2011 Transit Service Changes. Board Member Reed abstained.

**Audit Committee**

*The Audit Committee had no items for this Agenda.*

**CEREMONIAL ITEMS/SPECIAL REPORTS**

20. **AWARDS AND COMMENDATION**

A. **Employees of the Month for April 2011**

Chairperson Abe-Koga recognized and presented an award to Richard Martinez, Light Rail Maintenance Worker, Guadalupe Division, as Employee of the Month for April 2011; and Dino Guevarra, Sales & Promotion Supervisor, External Affairs Division, as Supervisor of the Quarter for the second quarter of 2011. Elinor Yokoi, Engineering Technician III, River Oaks Administration; and Lap-Hon Ng, Coach Operator, Cerone Division, were unable to attend.

B. **Safe Driving Award (40 Years)**

Chairperson Abe-Koga presented a Safe Driving Award to Jerry Ausano, Cerone Division Coach Operator, for 40 years of safe driving.

21. **REPORT FROM THE GENERAL MANAGER**

Mr. Burns provided a report, highlighting the following:

- VTA’s overall system-wide ridership for February 2011 increased 1.5 percent when compared to February 2010;
- VTA implementation of an important public service program to receive AMBER alert notifications from County Communications and the California Highway Patrol (CHP) dispatch;
- VTA recently underwent a Triennial Safety Audit conducted by the California Public Utilities Commission (CPUC), noting preliminary results of the audit were positive.
- Light rail accidents involving pedestrians in February 2011, noting the results of the site review conducted.
- Completion of Caltrain Safety Improvements At-Grade crossings.
- May 4, 2011 VTA Cinco de Mayo Celebration from 11:30 a.m. to 1:00 p.m. at the River Oaks Campus.
- April 14, 2011 Policy Advisory Committee (PAC) Regular meeting at 4:00 p.m., Sunnyvale City Hall, which will be followed by a Joint Meeting with the Cities Association of Santa Clara County at 4:30 p.m.
- Re-appointments of Carl Guardino, CEO of Silicon Valley Leadership Group, and James Earp, Executive Director of the California Alliance for Jobs, to the California Transportation Commission (CTC).
- VTA received formal approval from the Federal Transit Administration (FTA) to enter into final design for the Phase 1 BART Berryessa Extension project.
- April 22, 2011 Budget Board of Directors Workshop Meeting at 9:00 a.m., Board of Supervisors’ Chambers, 70 W. Hedding Street.

**Caltrain Status Update**

Mr. Burns noted the meetings held with the Metropolitan Transportation Commission (MTC) and partner agencies to discuss the Caltrain issue. He referenced the VTA Board approved proposed strategies that could provide financial relief for Caltrain in the near term. Mr. Burns noted the partial acceptance of VTA’s proposals and reported that at the April 7, 2011 Caltrain Board Meeting, the Board deferred taking action on Caltrain’s service plan pending further investigation into potentially exercising those funding sources. The goal is to preserve as much service as is financially possible.

Jim Lawson, Executive Policy Advisor, acknowledged Caltrain Board Members Yeager, Kalra, and Kniss, representing VTA. He reported on the April 7, 2011 Caltrain Board Meeting as follows: 1) Received presentation on annual Caltrain passenger counts, noting for 2011, Caltrain experienced its highest ridership in history with an average weekday ridership of 41,442 passengers with the 86-train schedule; 2) Received presentation on Caltrain’s $30 million budget deficit; 3) Received report on public hearings held regarding proposed increases in fares and parking; and 4) Working closely with MTC and partner agencies, staff presented a proposed budget that consisted of a 76-train schedule.

Mr. Lawson noted the following comments made by Caltrain Board Members Kniss, Yeager, and Kalra at the April 7th Caltrain Board meeting:

- Board Member Kniss commented on Caltrain’s highest ridership in its history and stressed the need to maintain the current 86-train schedule and to use whatever funding necessary.
- Vice Chairperson Yeager emphasized that there was indeed money on the table, noting that SamTrans has accepted a $2 million out of $7 million Right-of-Way offer. Board Member Yeager noted that MTC has offered to contribute more for the rolling stock fund and that SamTrans needs to accept more help. He also referenced VTA’s proposals to address Caltrain’s financial issues.
• Board Member Kalra expressed his appreciation for the continued Gilroy service and expressed the importance of service to South County. Board Member Kalra indicated while there is support for the 76-train schedule, the current 86-train schedule must be maintained.

Mr. Lawson reported that the Caltrain Board directed staff to report back within the next two weeks with a proposal that maintains the current 86-train schedule.

Vice Chairperson Yeager acknowledged a job well done by team VTA. He reported on the comments he made about monies being on the table and noted his confusion about the way SamTrans is taking the VTA contributions. Vice Chairperson Yeager noted there are ways to keep the system running. He commented that he would not support the proposed 76-train schedule, noting that he was optimistic about keeping the current 86-train system.

Board Member Kniss recognized Vice Chairperson Yeager for all his efforts and his proposal of a two-week delay on moving forward with the proposed Caltrain service changes. She expressed her concern regarding the proposed 76-train schedule, noting that the current system is working incredibly well and ridership is very high. Board Member Kniss commented that Caltrain is an important rail line to have for the future.

Board Member Kalra noted his optimism after today’s Caltrain Board meeting, expressing his gratitude on the unanimous vote to delay the proposed Caltrain service changes for two weeks and to develop strategies to maintain the current system. He noted there are cities along the Peninsula in San Mateo County that have created their Transit Oriented Developments around Caltrain stations. Board Member Kalra expressed his confidence that a method will be discovered to maintain the system at its current structure.

Chairperson Abe-Koga thanked team VTA for all of their hard work.

Board Members Kniss and Yeager thanked Mr. Burns for a job well done and for all of his efforts in saving College Park Station.

Chairperson Abe-Koga noted the Caltrain Town Hall meetings to be held during the months of April and May 2011 in the counties of Santa Clara, San Mateo, and San Francisco.

Public Comment

Mr. Bradley commended VTA staff for their role in helping to save Caltrain and thanked Board Members Kniss, Yeager and Kalra for their role in deferring action on the proposed Caltrain service changes. He expressed concern regarding the possibility of losing SamTrans bus service and commented that MTC should consider consolidating SamTrans and VTA.

Roland Lebrun, Interested Citizen, thanked the Caltrain Board and VTA for all of their efforts and commented that VTA should take over Caltrain operations from SamTrans.
Mr. Ludwig expressed appreciation for the two-week delay of action on the proposed Caltrain service changes. Upon query of Mr. Ludwig, Mr. Lawson reported on the status of vendors/concessionaires at Caltrain stations.

22. REPORT FROM THE CHAIRPERSON

There was no Chairperson’s Report.

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

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

24. Policy Advisory Committee (PAC) Chairperson’s Report

On order of Chairperson Abe-Koga and there being no objection, the March 10, 2011 Policy Advisory Committee (PAC) Chairperson’s Report was accepted as contained on the dais.

REGULAR AGENDA

25. BART Silicon Valley Program Update

Carolyn Gonot, Chief SVRT Program Officer, reiterated that VTA received formal approval from the Federal Transit Administration (FTA) to enter into final design for the Phase 1 BART Berryessa Extension project.

Ms. Gonot provided a PowerPoint Presentation entitled Silicon Valley Rapid Transit (SVRT) Program Update that highlighted: 1) Procurement process timeline for the C700 Line, Track, Stations, and Systems contract for BART; 2) Anticipated timeline for the execution of the Full Funding Grant Agreement; and 3) Residential Noise Insulation Program.

Board Member Reed left the meeting at 7:02 p.m.

On order of Chairperson Abe-Koga and there being no objection, the BART Silicon Valley Program Update was received.

Administration and Finance Committee - Liz Kniss

The Administration and Finance Committee did not meet in March.

26. VTA 2008 Bonds: Substitution of Liquidity Provider

Vice Chairperson Yeager left the meeting at 7:05 p.m.

Kimberly Koenig, Fiscal Resources Manager, provided an overview of the staff report.

M/S/C (Moylan/Herrera) to adopt Resolution No. 2011.04.10 authorizing the General Manager or Chief Financial Officer to execute and deliver any and all documents, including Standby Bond Purchase Agreements and a Remarketing Memorandum in connection with the 1976 Sales Tax Revenue Refunding Bonds, 2008 Series A, 2008 Series B and 2008 Series C (the 2008 Bonds), that are required to implement the replacement of Dexia Credit Local with State Street Bank (for the 2008 Series A and
2008 Series C) and with Barclay’s PLC (2008 Series B) as liquidity providers for the 2008 Bonds.

**Congestion Management Program and Planning Committee - Chuck Page**
*The Congestion Management Program and Planning Committee did not submit items for the Regular Agenda.*

Board Member Page provided a brief report on the March 18, 2011 Congestion Management Program and Planning Committee meeting.

**Transit Planning and Operations Committee - Rich Larsen**
*The Transit Planning and Operations Committee did not submit items for the Regular Agenda.*

Board Member Campos provided a brief report on the March 17, 2011 Transit Planning and Operations Committee meeting, noting Agenda Item #17 was removed from tonight’s Consent Agenda and placed on the Regular Agenda.

**Audit Committee - Rose Herrera**
*The Audit Committee has no items for this Agenda.*

17. **Capitol Expressway Light Rail Project – Pedestrian Improvements Amendment to Cooperative Agreement with the City of San Jose**

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

Board Member Herrera congratulated staff for all of their efforts on the Capitol Expressway Pedestrian Improvements Project. Board Member Herrera stressed the importance of the project to Districts 5 and 8 of the City of San Jose, noting it would improve the environment for pedestrians and bicyclists. She noted this paves the way for Bus Rapid Transit and eventually light rail.

**M/S/C (Herrera/Campos)** to authorize the General Manager to execute an amendment to the Cooperative Agreement with the City of San Jose, in the amount of $150,000, to perform design services during construction of the Capitol Expressway Pedestrian Improvements for a total contract amount of $459,225, and extend the agreement through June 30, 2012. This amendment is 100% funded by the 2010 State Transportation Improvement Program.

### OTHER ITEMS

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

There were no Items of Concern and Referral to Administration.

28. **MONTHLY LEGISLATIVE HISTORY MATRIX**

On order of Chairperson Abe-Koga and there being no objection, the Monthly Legislative History Matrix was accepted as contained in the Agenda Packet.
29. REPORTS (UNAPPROVED MINUTES) FROM STANDING COMMITTEES

A. Administration and Finance Committee

On order of Chairperson Abe-Koga and there being no objection, the March 17, 2011 Administration and Finance Committee Notice of Cancellation was accepted as contained in the Agenda Packet.

B. Congestion Management Program and Planning Committee

On order of Chairperson Abe-Koga and there being no objection, the March 18, 2011 Congestion Management Program and Planning Committee Meeting Minutes were accepted as contained in the Agenda Packet.

C. Transit Planning and Operations Committee

On order of Chairperson Abe-Koga and there being no objection, the March 17, 2011 Transit Planning and Operations Committee Meeting Minutes were accepted as contained in the Agenda Packet.

D. Audit Committee

There was no report from the Audit Committee.

30. REPORTS (UNAPPROVED MINUTES) FROM ADVISORY COMMITTEES

A. Committee for Transit Accessibility (CTA)

There was no report from the Committee for Transit Accessibility.

B. Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC)

On order of Chairperson Abe-Koga and there being no objection, the March 9, 2011 Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) Meeting Minutes were accepted as contained in the Agenda Packet.

C. Bicycle & Pedestrian Advisory Committee (BPAC)

On order of Chairperson Abe-Koga and there being no objection, the March 9, 2011 Bicycle & Pedestrian Advisory Committee (BPAC) Meeting Minutes were accepted as contained in the Agenda Packet.

D. Technical Advisory Committee (TAC)

On order of Chairperson Abe-Koga and there being no objection, the March 10, 2011 Technical Advisory Committee (TAC) Meeting Minutes were accepted as contained in the Agenda Packet.

E. Policy Advisory Committee (PAC)

On order of Chairperson Abe-Koga and there being no objection, the March 10, 2011 Policy Advisory Committee (PAC) Meeting Minutes were accepted as contained in the Agenda Packet.
31. REPORTS FROM JOINT POWERS BOARDS (JPBs) & REGIONAL COMMISSIONS

A. Peninsula Corridor JPB

On order of Chairperson Abe-Koga and there being no objection, the Summary Notes from the April 7, 2011 Peninsula Corridor Joint Powers Board were accepted as contained on the dais.

B. Capitol Corridor JPB

There was no report from the Capitol Corridor JPB.

C. Dumbarton Rail Corridor Policy Committee

There was no report from the Dumbarton Rail Corridor Policy Committee.

D. Metropolitan Transportation Commission (MTC)

On order of Chairperson Abe-Koga and there being no objection, the Summary Notes from the March 23, 2011 Metropolitan Transportation Committee were accepted as contained on the dais.

E. Sunol Smart Carpool Lane Joint Powers Authority

On order of Chairperson Abe-Koga and there being no objection, the Summary Notes from the March 14, 2011 Sunol Smart Carpool Lane Joint Powers Authority Governing Board were accepted as contained on the dais.

F. SR 152 Mobility Partnership

There was no report from the SR 152 Mobility Partnership.

32. REPORTS FROM VTA POLICY ADVISORY BOARDS (PABs)

A. Diridon Station Joint Policy Advisory Board

There was no report from the Diridon Station Joint Policy Advisory Board.

B. Downtown East Valley PAB

On order of Chairperson Abe-Koga and there being no objection, the March 3, 2011 Downtown East Valley PAB Notice of Cancellation was accepted as contained in the Agenda Packet.

C. El Camino Real Rapid Transit PAB

On order of Chairperson Abe-Koga and there being no objection, the March 11, 2011 El Camino Real Rapid Transit PAB Meeting Minutes were accepted as contained on the dais.

D. Silicon Valley Rapid Transit Corridor and BART Warm Springs Extension PAB

There was no report from the Silicon Valley Rapid Transit Corridor and BART Warm Springs Extension PAB.
33. ANNOUNCEMENTS

There were no Announcements.

34. ADJOURNMENT

On order of Chairperson Abe-Koga and there being no objection, the meeting was adjourned at 7:17 p.m. in memory of Cameron Beach, Board Member, San Francisco Municipal Transportation Agency (MUNI) and respected transportation professional.

Respectfully submitted,

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

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Operating Officer, Donald A. Smith Jr.

SUBJECT: Release Historic Trolley 2001 to Trolley Corp.

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to amend the historic trolley lease agreement with the California Trolley and Railroad Corporation (CTRC) to return to CTRC trolleys #124 and either #2001 or #531 at the CTRC’s discretion.

BACKGROUND:

In 1987, VTA entered into a 99-year agreement with the San Jose Trolley Corporation (now the California Trolley and Railroad Corporation) to lease six historic trolleys (#1, 73, 124, 129, 531, and 2001) for operation on VTA’s light rail system. The historic trolleys were fully restored by CTRC using funds from donations and corporate grants. The lease amount is a nominal $1 per year for all the vehicles. VTA is responsible for all operating, maintenance and insurance costs for the trolleys while they are in our possession.

These vehicles (with the exception of #2001) use trolley poles to connect to the overhead power lines, not pantographs like VTA’s light rail vehicles, so they can only operate in areas with the pole-compatible overhead power hardware that is installed between the Guadalupe Division on Younger Street and the Convention Center station. They can also loop the Downtown San Jose Transit Mall. In the late 1980s, the then Transit District Board of Supervisors approved $1.9 million to construct the historic trolley maintenance and storage facility at the Guadalupe Division and other improvements such as power switches and trolley pole provisions necessary to operate the service. The historic trolleys are only safety certified to operate in the downtown San Jose area, between Younger Avenue and Convention Center Station. Car 2001, which does have a pantograph, is also certified to operate north of Younger to Old Ironsides. Historic
trolleys operate at about 15-20mph, with Car 2001 able to reach about 25mph.

During the first three years, starting in Fiscal Year 1989, daily service for the trolleys was operated as extra service on a route from Younger Street through the Transit Mall to the Convention Center Station. During that time, the City of San Jose provided 50% of operating expenses, $200,000 annually. Given financial constraints, the City of San Jose eliminated their funding participation and since then the amount of service has declined based on VTA’s own financial condition. Since then, various operational plans have been in place including all weekend only service and daily service from Memorial Day through Labor Day. In 2004 service operated Friday evenings and weekends/Holidays from 2:30pm to 10:00pm from Thanksgiving through New Years to coincide with the City of San Jose’s annual Christmas in the Park display. In 2005 through 2008, this same service was operated on Saturdays only. VTA has not operated the trolleys in service from 2009 to the present.

The original lease agreement was amended once in 1999 to return historic trolley #129 to the CTRC. CTRC then sold this car to the Sacramento Regional Transit District. This car was built for Sacramento Gas and Electric and operated there from 1913 to 1948.

Historic trolley #124 was also returned to CTRC in 1999. It now runs on the grounds of Kelley Park in San Jose.

**DISCUSSION:**

The California Trolley and Railroad Corporation has requested that VTA return historic trolley #2001 or #531 to them. Their plan is to lease the trolley so it can operate in Portland, Oregon. This would reduce VTA’s historic trolley fleet to three vehicles. The proposed action also memorializes the previous return of car #124 to CTRC.

**ALTERNATIVES:**

There are no practical alternatives.

**FISCAL IMPACT:**

The one dollar ($1.00) annual lease amount for the historic trolleys would not change. Insurance premiums and maintenance costs would be slightly lower as VTA would only need to insure and maintain three trolleys.

Prepared by: James Unites, Deputy Director, Service and Operations Planning
Memo No. 3051
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Administrative Officer, Bill Lopez

SUBJECT: Operations Insurance Program

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to purchase insurance coverage for Excess Liability (General and Auto Liability; Public Officials Errors and Omissions Liability); Property/Boiler and Machinery; Inland Marine for Light Rail Vehicles; Inland Marine for Buses, Vans and Mobile Equipment; and Flood exposures, for the annual Operations Program Insurance renewal for an amount not to exceed $2,888,876.

BACKGROUND:

VTA’s annual Property and Casualty insurance coverage renews with the beginning of the fiscal year on July 1. Each Spring VTA’s contract insurance broker, which is currently Alliant Insurance Services, structures VTA’s insurance program by requesting competing premium estimates from various carriers in the insurance market. Carriers that are approached for bids are chosen on the basis of their historical premium rates, coverage criteria, and underwriting background. In addition, carriers are required to have experience with governmental agencies, adequate financial reserves, and a minimum A. M. Best rating of Excellent.

Insurers require VTA to review premium quotes and commit to the purchase of the policies during a two to three week period immediately prior to the July 1, 2011 inception date. Staff is seeking Board Authority for the insurance purchase now to avoid placing VTA in the undesirable position of being uninsured for any period of time. VTA’s net expense for last year’s operating insurance was $2,275,119.
DISCUSSION:

As referenced above, premium quotes are not yet available for the July 1, 2011 renewal. The $2,888,876 authority requested represents our brokerage firm’s estimate of premium cost, based on their knowledge of the current market and experience with the renewals of other public entity clients.

For the July 1, 2011/2012 coverage term, VTA directed the broker to obtain premium information for the same program structure as purchased last year, with the exception of increasing the Excess Liability coverage for public liability claims from $25 million to $50 million. VTA has carried $25 million for this coverage since 1998. Since 1998 the addition of new light rail lines and inflationary increases in the values of public liability claims have increased VTA’s risk of incurring a catastrophic claim with insufficient coverage. The increase to $50 million is recommended to protect VTA’s financial resources. The estimated cost range for the coverage increase is $250,000 to $500,000. The recommended authority includes the high end of the estimate.

The Excess Liability policies include coverage for General, Auto, and Public Officials’ Errors and Omissions liability. The Operations Insurance Program also includes Property coverage for all VTA buildings, buses, light rail vehicles, and specialized mobile equipment. VTA is fully self-insured for Workers’ Compensation and therefore has not purchased coverage for this exposure.

The premium estimates for the Operations Insurance Program include a 5.0% increase across all lines of coverage, except for Excess Liability. The estimate includes the additional cost for insuring 20 new hybrid buses that are expected to be accepted by VTA in December 2011. The cost estimates are as follows: Excess Liability ($2,116,736), Property/Boiler & Machinery ($84,840), Light Rail Vehicles ($295,539), Buses ($249,411), Hybrid Buses ($87,142), O&R Trucks ($5,416), and Flood Insurance ($49,792) for exposed VTA sites (River Oaks and Cerone Division), for a total of $2,888,876. See Attachment “A” for details.

The results of the insurance marketing and final purchase pricing will be reported to the Administration and Finance Committee as an Information Item at the September 15, 2011 meeting.

ALTERNATIVES:

Staff can be directed to solicit bids for different levels of coverage, but no changes are recommended. Staff also requested the broker to explore increasing coverage in other areas to decrease exposure to catastrophic losses. This included purchasing Catastrophic Workers Compensation Excess insurance to cover claims exceeding $3,000,000, for an estimated cost of $140,000. Based on past claims history, this option was considered and rejected as too costly to purchase at this time.
FISCAL IMPACT:

This action will authorize up to $2,888,876 for the annual Operations Program insurance renewal. Appropriation for $2,388,876 of this expenditure is included in the recommended FY2012 VTA Transit Enterprise Fund Operating Budget. The remaining $500,000 will be funded through the Public Liability /Property Damage reserve fund.

SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION:

No specific goal has been established for this contract due to the lack of SBE firms available to perform the scope of work. Contractor is encouraged to make reasonable efforts to utilize SBEs in its procurement of ancillary services and products associated with the performance of this contract.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Administration & Finance Committee’s April 2011 meeting was cancelled and therefore this item was forwarded for Board of Directors consideration without a recommendation from that committee.

Prepared by: Nanci Eksterowicz
Memo No. 2885
**FY 2011/12 Operations Insurance Program Renewal**

<table>
<thead>
<tr>
<th>Coverage</th>
<th>Current (2010/11)</th>
<th>Projected (2011/12)</th>
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<tr>
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<td>2nd Layer: increase to $25,000,000 Total Limit</td>
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<td>- Additional $25,000,000 limit for Vasona Branch Line (UPRR)</td>
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<td>- General Liability; Auto Liability; Discrimination, humiliation or wrongful termination of the Insured’s employees</td>
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<td>- Certified &amp; Non-Certified Terrorism</td>
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<td>- Includes Certified Terrorism</td>
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<td>- $30,000,000 Excess Limits for buses, LRV’s, trolleys, vans and mobile equipment while on premises</td>
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<td><strong>Inland Marine – Buses, Vans, Mobile Equipment</strong></td>
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<td>- $20,000,000 Maximum Loss Limit</td>
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<td>Coverage</td>
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<td>Inland Marine – Light Rail Vehicles and Historical Trolleys</td>
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Total Premiums (2010-11): $2,275,119

Total Premiums (2011-12): $2,388,876
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief External Affairs Officer, Greta Helm

SUBJECT: Bill Position: AB 147 (Dickinson)

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

ACTION ITEM

RECOMMENDATION:

Adopt a support position for AB 147 (Dickinson), which expands the existing eligible uses of developer impact fees to include public transit, bicycle and pedestrian facilities.

BACKGROUND:

The Subdivision Map Act authorizes cities and counties to charge developer impact fees as a condition of approval of a final map or building permit to defray the costs of infrastructure improvements that are needed to support development projects. Under current law, the use of these fees is limited to the mitigation of traffic impacts to bridges and major thoroughfares. AB 147, which is being sponsored by the California State Association of Counties (CSAC), authorizes cities and counties to also use these fees for improvements to pedestrian, bicycle and public transit facilities.

DISCUSSION:

The current project eligibility requirements for the use of developer impact fees constrain the types of mitigation that cities and counties can pursue in urban areas in a way that tends to discourage infill development. The intent of AB 147 is to broaden the eligible uses of developer impact fees to address the fact that, particularly in built-out urban areas, improvements to pedestrian, bicycle or public transit facilities are likely to be more acceptable and more relevant to addressing the impact of a proposed development than roadway or bridge widening projects.
To the extent that developer impact fees could be used for a broader range of transportation improvements, cities and counties would be able to do a better job of mitigating the impacts of proposed development projects in a manner that is consistent with local, regional and state goals for infill and transit-oriented development, more compact growth, and complete streets. Therefore, we recommend that the Board of Directors support AB 147.

**ALTERNATIVES:**

The Board of Directors could decide to adopt a position for AB 147 that is different from the one being recommended, or could opt to take no position on this bill at this time.

**FISCAL IMPACT:**

There is no fiscal impact associated with this recommendation.

**ADVISORY/STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Citizens Advisory Committee considered this item on April 13, 2011, and unanimously recommended that the Board of Directors support AB 147.

The Administration & Finance Committee’s April 2011 meeting was cancelled and therefore this item was forwarded for Board of Directors consideration without a recommendation from that committee.

Prepared by: Kurt Evans, Government Affairs Manager
Memo No. 2790
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief External Affairs Officer, Greta Helm

SUBJECT: Bill Position: SB 383 (Wolk)

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

ACTION ITEM

RECOMMENDATION:

Adopt a support position for SB 383 (Wolk), which addresses issues related to the implementation of the state's Local Government Renewable Energy Self-Generation Program.

BACKGROUND:

The Local Government Renewable Energy Self-Generation Program was created in 2008 through the enactment of AB 2466 (Laird), which VTA co-sponsored along with the city of San Jose and Sonoma County. Under this program, a local government entity that produces surplus renewable energy at one of its facilities is allowed to receive a credit for the excess electricity supplied to the grid on its utility bill for another one of its facilities.

Local government entities choosing to utilize the program must: (a) receive service under a time-of-use rate schedule; (b) own the generating facility, which must not have a generating capacity of more than one megawatt; (c) own the “benefiting account” to which the bill credit would be applied; and (d) not sell the excess electricity produced to a third party. The benefiting account is credited for the generation component of the time-of-use rates for the excess electricity produced by the eligible renewable generating facility.
SB 383 proposes a series of changes to the Local Government Renewable Energy Self-Generation Program to address financial obstacles that have arisen since AB 2466 was enacted into law. These obstacles are preventing local government entities, including VTA, from being able to take advantage of the program. Specifically, SB 383:

1. Allows the local government entity to designate the benefiting account, rather than having this designation be mutually agreed upon by the local government entity and an electrical corporation.

2. Deletes the requirement that the benefiting account receive service under a time-of-use rate schedule and, instead, requires the bill credit to be calculated based on the bundled electricity rate charged the benefiting account, with differing calculations depending on whether the benefiting account receives service pursuant to a time-of-use rate schedule, a single bundled rate, or fixed rates with different rates charged for different tiers of usage.

3. Increases the cap on the generating capacity of an eligible renewable generating facility from one megawatt to 20 megawatts.

4. Eliminates the requirement that the eligible renewable generating facility be owned by or operated by the local government entity, or be located on property under the control of the local government entity.

DISCUSSION:

There is widespread attention being given to energy efficiency and environmental sustainability, particularly as they relate to greenhouse gas emissions and global climate change. In response, many public agencies, businesses and individuals are proactively taking steps to improve their energy efficiencies and to reduce their greenhouse gas emissions.

Along these lines, VTA is implementing a comprehensive Sustainability Program that is designed to modify our business practices and processes in a way that would conserve natural resources, reduce our greenhouse gas emissions, prevent other types of pollution, and increase our use of renewable energy and materials. One of the key elements of our Sustainability Program is the conversion of our headquarters facility, our three bus operating divisions, and our light rail operating division to solar energy. VTA co-sponsored AB 2466 because it had the potential to help us implement this key element of our Sustainability Program by allowing us to generate excess solar power at one of our bus operating divisions and, rather than losing that electricity to the grid, to receive a credit on our utility bill at our light rail division, where we do not have the space to install enough solar panels to meet that facility’s electricity needs.

Unfortunately, the Local Government Renewable Energy Self-Generation Program has proved to be uneconomical, primarily because of the tariff for the bill credit established by the California Public Utilities Commission (CPUC). While the local government entity pays retail rates for the electricity it consumes, it is credited for the excess electricity generated at a much lower rate, making it nearly impossible for the local government entity to recoup its investment.

SB 383 seeks to increase access to the Local Government Renewable Energy Self-Generation Program and to make it more economical for local government entities to pursue renewable
energy by removing the program’s current financial obstacles. We recommend that the Board of Directors support this legislation.

**ALTERNATIVES:**

The Board of Directors could decide to adopt a position for SB 383 that is different from the one being recommended, or could opt to take no position on this bill at this time.

**FISCAL IMPACT:**

There is no fiscal impact associated with this recommendation.

**ADVISORY/STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Citizens Advisory Committee considered this item on April 13, 2011, and unanimously recommended that the Board of Directors support SB 383.

The Administration & Finance Committee’s April 2011 meeting was cancelled and therefore this item was forwarded for Board of Directors consideration without a recommendation from that committee.

Prepared by: Kurt Evans, Government Affairs Manager
Memo No. 3042
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief External Affairs Officer, Greta Helm

SUBJECT: Bill Position: AB 31 (Beall)

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

ACTION ITEM

RECOMMENDATION:

Adopt a support position for AB 31 (Beall), which authorizes the cities and counties in the Central Valley that have an approved high-speed rail station to prepare and adopt a master plan for development of the area surrounding their stations.

BACKGROUND:

Rapid population growth, congested highways and constrained airports prompted California leaders 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 currently 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. The High-Speed Rail Authority projects that trains operating at speeds of up to 220 miles per hour would be able to transport riders from San Francisco to Los Angeles in just under two and a half hours. The steel-wheel-on-steel-rail, electrically powered trains would rely on proven technology employed by systems in use in Europe and Asia.

To fund the state’s proposed high-speed train system, SB 1856 (Costa) was enacted 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, running from Anaheim through Los Angeles to the Bay Area. The remaining $950 million would be allocated
for urban, commuter and intercity rail projects that provide connectivity to the high-speed train system, as well as that enhance the capacity and safety of those 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 the voters as Proposition 1A.

At the federal level, in 2009, President Barack Obama unveiled a long-term strategy to build an efficient, high-speed passenger rail network as one element of a modernized national transportation system. In the near term, the strategy laid the foundation for this network by proposing to invest in high-speed and intercity passenger rail infrastructure, equipment and intermodal connections, beginning with an $8 billion down payment provided under the American Recovery and Reinvestment Act (ARRA). The ARRA investment was followed by an additional $2.5 billion that was included in the FY 2010 omnibus appropriations bill. The federal funds received to date by California through these two sources have been dedicated to building the first leg of the state’s high-speed train system in the Central Valley.

As part of his budget submittal to Congress in February 2011, President Obama reaffirmed his commitment to high-speed rail by proposing to invest $53 billion over the next six years -- from FY 2012 through FY 2017 -- to meet a goal that he announced in his State of the Union Address to provide 80 percent of the nation’s population with access to high-speed and intercity passenger rail service within the next 25 years.

**DISCUSSION:**

AB 31 establishes the High-Speed Rail Local Master Plan Pilot Program to do all of the following:

1. Authorize the cities and counties in the Central Valley that have an approved station for California’s high-speed train system to participate in the pilot program.

2. Authorize each participating Central Valley jurisdiction to prepare and adopt a master plan for the development of the area surrounding its high-speed rail station.

3. Allow the high-speed rail master plan to include incentives for encouraging investment and coherent growth in the area surrounding the state’s high-speed train system.

4. Authorize each participating jurisdiction to collaborate with the California Air Resources Board (CARB) to develop incentives to encourage station area development while concurrently reducing greenhouse gas emissions.

5. Require a participating jurisdiction to prepare an environmental impact report (EIR) for its high-speed rail master plan in accordance with the California Environmental Quality Act (CEQA), and exempt any proposed development project within the station area that is consistent with the plan from CEQA.

6. Allow a participating jurisdiction that prepares and adopts a high-speed rail master plan to finance any publicly owned facility or amenity necessary to implement the plan
through an infrastructure financing district.

7. Eliminate the requirement for voter approval for the formation of an infrastructure financing district, adoption of an infrastructure financing plan, and the issuance of bonds if the district is being proposed to implement a high-speed rail master plan.

As California’s high-speed rail project moves forward in the Central Valley, the communities along the line have an opportunity to revitalize the area surrounding their stations. However, without careful station area planning, there is a risk that low-density development will occur around the station sites that would not be compatible with high-speed rail, that would result in traffic congestion and that would increase greenhouse gas emissions. The intent of AB 31 is to encourage communities in the Central Valley to engage in comprehensive planning for the area surrounding their high-speed rail stations. It also establishes a framework that could be used for station sites along other parts of the state’s proposed high-speed train system, including the Bay Area segment. We recommend that the Board of Directors support this legislation.

**ALTERNATIVES:**

The Board of Directors could decide to adopt a position for AB 31 that is different from the one being recommended, or could opt to take no position on this bill at this time.

**FISCAL IMPACT:**

There is no fiscal impact associated with this recommendation.

**ADVISORY/STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Citizens Advisory Committee considered this item on April 13, 2011, and unanimously recommended that the Board of Directors support AB 31.

The Administration & Finance Committee’s April 2011 meeting was cancelled and therefore this item was forwarded for Board of Directors consideration without a recommendation from that committee.

Prepared by: Kurt Evans, Government Affairs Manager
Memo No. 3043
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief External Affairs Officer, Greta Helm

SUBJECT: Bill Position: AB 1308 (Miller)

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

ACTION ITEM

RECOMMENDATION:

Adopt a support position for AB 1308 (Miller), which provides that revenues in the Highway Users Tax Account (HUTA) are to be continuously appropriated and available for expenditure regardless of whether a state budget has been enacted for the new fiscal year.

BACKGROUND:

Under current law, state gas tax revenues are collected and deposited into the Highway Users Tax Account (HUTA). A portion of HUTA money is taken “off the top,” and distributed to cities and counties for local streets/roads. The remaining amount is transferred to the State Highway Account, and used to fund State Highway Operation and Protection Program (SHOPP) and State Transportation Improvement Program (STIP) projects.

History shows that, more often than not, the Governor and Legislature do not produce timely state budgets. After the Governor submits a budget plan for the upcoming fiscal year on January 10, the Legislature, under the California Constitution, has until June 15 to formally adopt a budget and the relevant trailer bills. The Governor then has until July 1, the beginning of the new fiscal year, to sign the budget and trailer bills into law. However, it is common for these deadlines to be missed, and for budgets and trailer bills to be enacted a month or more after the new fiscal year has already started.

Late budgets create significant cash-flow problems for transportation projects that rely on funding from HUTA and the State Highway Account. Although gas tax revenues continue to be collected and deposited into HUTA, they sit unused during budget impasses because there is no
legal authority to spend the money. This situation has resulted in repeated warnings from Caltrans that the department would have insufficient cash in the State Highway Account to cover ongoing commitments and, thus, would have to curtail construction and maintenance work throughout the state. In fact, as recently as fall 2010, the lack of an enacted budget forced Caltrans to stop awarding contracts for any new projects, holding up $3.5 billion in projects representing approximately 50,000 new jobs. In addition, Caltrans notified contractors on existing projects that if a budget were not passed soon, the department would not be able to pay them for work already performed.

DISCUSSION:

AB 1308 (Miller) was introduced to address cash-flow problems that could result from late state budgets and the corresponding lack of legal authority for the Controller’s Office to release gas tax revenues from HUTA for expenditure. The legislation corrects these problems by providing a legal bridge that allows gas tax revenues to continue to flow to Caltrans, regional and local transportation agencies, and cities and counties regardless of the status of the state budget, thereby preventing delays or disruptions to work on state and local transportation projects. We recommend that the Board of Directors support AB 1308.

ALTERNATIVES:

The Board of Directors could decide to adopt a position for AB 1308 that is different from the one being recommended, or could opt to take no position on this bill at this time.

FISCAL IMPACT:

There is no fiscal impact associated with this recommendation.

ADVISORY/STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Citizens Advisory Committee considered this item on April 13, 2011, and unanimously recommended that the Board of Directors support AB 1308.

The Administration & Finance Committee’s April 2011 meeting was cancelled and therefore this item was forwarded for Board of Directors consideration without a recommendation from that committee.

Prepared by: Kurt Evans, Government Affairs Manager
Memo No. 3047
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: VTA Authorization for the Execution of the Certifications and Assurances for
          the Public Transportation Modernization, Improvement and Service
          Enhancement Account Bond Program

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

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a resolution that VTA as a Public Transportation Modernization, Improvement, and
Service Enhancement Account Bond Program (PTMISEA) fund recipient agrees to comply with
all conditions and requirements set forth in the Certification and Assurances document and
applicable statutes, regulations and guidelines for all PTMISEA funded transit projects.

BACKGROUND:

The Public Transportation Modernization, Improvement and Service Enhancement Account
(PTMISEA) Program was created by Proposition 1B, the Highway Safety, Traffic Reduction,
Air Quality, and Port Security Bond Act of 2006. Of the $19.925 billion available to
Transportation, $3.6 billion dollars was allocated to PTMISEA to be available to transit
operators over a ten-year period. PTMISEA funds may be used for transit rehabilitation, safety or
modernization improvements, capital service enhancements or expansions, new capital projects,
bus rapid transit improvements, or rolling stock (buses and rail cars) procurement, rehabilitation
or replacement. Funds in this account are appropriated annually by the Legislature to the State
Controllers Office (SCO) for allocation in accordance with Public Utilities Code formula
distributions: 50% allocated to Local Operators based on fare-box revenue and 50% to Regional
Entities based on population.
VTA has successfully applied for and received PTMISEA funds for the following projects: Santa Clara/Alum Rock Corridor BRT Project Environmental phase activities, Rail Replacement and Rehabilitation, Traction Power Substation Rehabilitation, Overhead Catenary System (OCS) Rehabilitation and Replacement, Traction Power Substation Replacement, Diesel/Electric Hybrid Bus Revenue Vehicle Procurement, Bus Farebox Replacement, Nonrevenue Vehicle Replacement Mandated by CARB, Paratransit Vehicle Procurement, and the Blossom Hill Rd./Monterey Hwy Pedestrian Overcrossing. VTA has received $56,379,793 to date for these capital projects.

**DISCUSSION:**

To meet new State Auditor requirements, the Division of Mass Transportation has updated program guidelines and developed a Certifications and Assurances document. PTMISEA Project Sponsors are now required to sign the Certification and Assurances document prior to receiving future allocations. The Certification and Assurances document contains general conditions of the PTMISEA program that are already stated in the guidelines, as well as some additional Cost Principles and Record Retention requirements that are standard for other State funded projects. VTA only needs to sign and submit the Certification and Assurances document once for the remainder of the PTMISEA program.

**ALTERNATIVES:**

There is no alternative to this recommendation if VTA intends to submit future Prop 1B PTMISEA Bond Program allocation requests.

**FISCAL IMPACT:**

Estimated amounts available each year are determined by the State Controller’s Office from yearly California Budget Act appropriations. As the PTMISEA Bond Program relies on State of California bond sales – which have been erratic with the state’s fiscal condition and the economy – the award of VTA’s allocation requests has been unpredictable. Still, the bond program represents an important source of revenue for VTA’s capital program.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration & Finance Committee’s April 2011 meeting was cancelled and therefore this item was forwarded for Board of Directors consideration without a recommendation from that committee.

Prepared by: Jeffery Ballou
Memo No. 3048
ATTACHMENT I

RESOLUTION #____

AUTHORIZATION FOR THE EXECUTION OF THE CERTIFICATIONS AND ASSURANCES FOR THE PUBLIC TRANSPORTATION MODERNIZATION, IMPROVEMENT, AND SERVICE ENHANCEMENT ACCOUNT BOND PROGRAM

WHEREAS, the Santa Clara Valley Transportation Authority is an eligible project sponsor and may receive state funding from the Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) now or sometime in the future for transit projects; and

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

WHEREAS, Senate Bill 88 (2007) named the Department of Transportation (Department) as the administrative agency for the PTMISEA; and

WHEREAS, the Department has developed guidelines for the purpose of administering and distributing PTMISEA funds to eligible project sponsors (local agencies); and

WHEREAS, the Santa Clara Valley Transportation Authority wishes to delegate authorization to execute these documents and any amendments thereto to the General Manager or his designee.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Santa Clara Valley Transportation Authority that the fund recipient agrees to comply with all conditions and requirements set forth in the Certification and Assurances document and applicable statutes, regulations and guidelines for all PTMISEA funded transit projects.

NOW THEREFORE, BE IT FURTHER RESOLVED that the General Manager or his designee be authorized to execute all required documents of the PTMISEA program and any Amendments thereto with the California Department of Transportation.

Passed and adopted by the Board of Directors of the Santa Clara Valley Transportation Authority on ______________________ by the following Vote:

AYES:

NOES:
ABSENT:

MARGARET ABE-KOGA, Chairperson
Board of Directors

ATTEST:

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED as to Form

KEVIN D. ALLMAND
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: VTA FY 2011-2012 Transportation Development Act and State Transit Assistance Allocation Claim

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

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a resolution authorizing the filing of an annual claim to the Metropolitan Transportation Commission (MTC) for allocation of FY 2011-2012 Transportation Development Act (TDA) and State Transit Assistance (STA) funds.

BACKGROUND:

TDA funds originate from a statewide 1/4-cent sales tax that is returned to a Local Transportation Fund (LTF) in the county of origin specifically for transit purposes. Since FY 1992-1993, VTA has claimed all available TDA funds to offset annual operating expenses, including funds apportioned according to TDA Article 4.0 (public transit) and Article 4.5 (paratransit) funds.

Assembly Bills 6 and 9 of the 2010 8th Eight Extraordinary Session (known as the transportation tax swap or the gas tax swap), signed by Governor Schwarzenegger on March 22, 2010, changed how STA funds would be generated: they henceforth would be derived solely from taxes on diesel (sales tax and excise tax). Subsequently, California voters passed Propositions 22 and 26 on November 2, 2010 which invalidated the replacement taxes contained in AB 8X 6 within 12-months of its passage and reduced the transfer of funds from the Public Transportation Account (PTA) into the STA program to 50% from 75%. Governor Brown’s proposed budget includes a STA program increase, but requires the legislature to reaffirm the
sales tax on diesel at the transportation tax swap’s higher level. MTC has elected to use the Governor’s proposed funding level for the fund estimate, but the estimate would need to be adjusted downward should the reaffirmation not occur or proposed budget provision get modified.

STA funds are distributed statewide to regional transportation planning agencies (e.g., MTC), under Article 6.5 partly on the basis of population (Sect. 99313) and partly on the basis of local revenues (Sect. 99314) used to support regional paratransit and transit operations, respectively. MTC apportions a relatively small amount of STA funds to VTA for paratransit purposes, and a larger amount for general transit operating or capital purposes. VTA’s combined TDA/STA Claim to MTC is made with the understanding that budgeted funding for the paratransit program will be at least as large as the combined total of TDA Article 4.5 and STA paratransit funds. The FY 2010-2011 budget includes approximately $34.3 million for paratransit services.

As a result of the passage of Assembly Bill 1951 (Chapter 632, Statutes of 2000), VTA is eligible to claim STA funds on behalf of ACE. AB 1951 amended Sections 99314 and 99314.3 and added Section 99314.1 to provide STA funds for ACE to be allocated to ACE member agencies to help meet their obligations for ACE operating costs. Each member agency now claims a prorated share of the STA funding earned as a result of operating ACE.

DISCUSSION:

VTA is required to file a claim with MTC in order to receive its annual allocations of TDA and STA funding. This year's TDA/STA estimates (net of FY2010-11 adjustments) are:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>TDA Article 4.0 (Public Transit)</td>
<td>$ 76,757,067</td>
</tr>
<tr>
<td>TDA Article 4.5 (Paratransit)</td>
<td>4,039,585</td>
</tr>
<tr>
<td>Total TDA</td>
<td>80,796,652</td>
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<tr>
<td>STA VTA Revenue Estimate</td>
<td>$ 11,983,822</td>
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<tr>
<td>STA Paratransit Revenue Estimate</td>
<td>1,049,860</td>
</tr>
<tr>
<td>STA ACE Revenue Estimate</td>
<td>273,246</td>
</tr>
<tr>
<td>Total STA</td>
<td>$ 13,306,928</td>
</tr>
</tbody>
</table>

**TOTAL TDA/STA for FY 2011-12**  **$ 94,103,580**

ALTERNATIVES:

There is no alternative to this recommendation if VTA intends to claim the combined TDA and STA revenues.

FISCAL IMPACT:

These TDA and STA funds will be used to support VTA operations, including those associated with paratransit service and VTA’s contribution to ACE operations. The portion of the claim not
previously received in FY 2011 will be included in the recommended FY 2012 and FY 2013 VTA Transit Enterprise Fund Operating Budget.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration & Finance Committee’s April 2011 meeting was cancelled and therefore this item was forwarded for Board of Directors consideration without a recommendation from that committee.

Prepared by: Jeffery Ballou
Memo No. 3049
Resolution No.__________

RESOLUTION AUTHORIZING THE FILING OF A CLAIM WITH THE METROPOLITAN TRANSPORTATION COMMISSION FOR ALLOCATION OF TRANSPORTATION DEVELOPMENT ACT AND STATE TRANSIT ASSISTANCE FUNDS FOR FISCAL YEAR 2011-2012

WHEREAS, a Local Transportation Fund (LTF) has been established by the Board of Supervisors of the County of Santa Clara pursuant to Article 11, Chapter 2, Division 3 of Title 3 of the Government Code, commencing with Section 29530, for the purpose of collecting local sales tax for transit purposes; and

WHEREAS, the Transportation Development Act (TDA), Chapter 4 of Part 11, Division 10 of the Public Utilities Code commencing with Section 99200 provides for the disbursement of funds from the Local Transportation Fund (LTF) of the County of Santa Clara for use by operators and eligible claimants for the support of public transit systems, and community transit (paratransit) services; and

WHEREAS, pursuant to the provisions of the TDA, and pursuant to the applicable rules and regulations thereunder (21 Cal. Code of Regs. Section 6600 et. seq.), a prospective applicant wishing to receive an allocation from the LTF shall file its claim with the Metropolitan Transportation Commission (MTC); and

WHEREAS, the State Transit Assistance (STA) fund is created pursuant to Public Utilities Code Section 99313.6; and

WHEREAS, STA Fund monies are available for allocation to eligible applicants for public transportation purposes and community transit services; and

WHEREAS, allocations from the Local Transportation Fund of Santa Clara County and the State Transit Assistance Fund will be required by the Santa Clara Valley Transportation Authority (VTA) in Fiscal Year 2011-2012 for the support of public transportation systems; and

WHEREAS, VTA will file a combined claim for TDA Article 4.0 (transit operations) and Article 4.5 (paratransit) funds, and commits to spend an amount at least equal to the total available for paratransit purposes through Public Utilities Code Section 99313, 99313.6 and 99314 to fulfill its commitments toward the implementation of its obligations under the Americans With Disabilities Act (ADA); and

WHEREAS, VTA is an eligible claimant for TDA and STA funds for the purposes set forth in Public Utilities Code Sections 99260(a) and 99275(a) as attested to by the Opinion of Counsel dated April 30, 2011.
NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Santa Clara Valley Transportation Authority, that the General Manager is authorized to execute and file the appropriate TDA, LTF and STA claim with all necessary supporting documents, with the Metropolitan Transportation Commission for an allocation of TDA, LTF and STA funds in Fiscal Year 2011-2012; and

BE IT FURTHER RESOLVED, that the VTA General Manager is designated to furnish such additional information as the Metropolitan Transportation Commission may require in connection with the claim; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be transmitted to the Metropolitan Transportation Commission in conjunction with the filing of the claim; and the Metropolitan Transportation Commission hereby is requested to grant the allocations of funds as specified herein.

Passed and adopted by the Board of Directors of the Santa Clara Valley Transportation Authority on ________________________ by the following Vote:

AYES:

NOES:

ABSENT:

____________________________
MARGARET ABE-KOGA, Chairperson
Board of Directors

ATTEST:

____________________________
SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED as to Form

____________________________
KEVIN D. ALLMAND
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: Federal Fiscal Year 2011 Federal Transit Administration Grant Applications

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to submit federal Fiscal Year 2011 grant applications and execute grant agreements with the Federal Transit Administration (FTA) for Section 5307 Urbanized Area Formula, Section 5309 Fixed Guideway.

BACKGROUND:

FTA’s current authorization, the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU), expired September 30, 2009. Since that time, Congress has enacted short term extensions (most recently H.R. 662) to extend SAFETEA-LU through September 30, 2011 allowing FTA to continue its current programs.

Congress appropriates funds for the FTA grant programs through the enactment of the annual Department of Transportation Appropriations Act. The Continuing Appropriations and Surface Transportation Extensions Act 2011, as amended, (Pub. L. 111-322, Div. C) appropriated funds for FTA general-funded programs until March 4, 2011, i.e., approximately 5•12th of the contract authority available in fiscal year 2010. The amounts available for FTA programs were published in the Federal Registers of February 8, 2011. Congress is expected to follow up with a subsequent appropriations bill to fund the remainder of expected FFY 2011 appropriation.
DISCUSSION:

A summary of VTA’s proposed grant projects for FFY 2011 is provided below. For the formula programs, which include the Section 5307 Urbanized Area (UZA) Formula Program and the Section 5309 Fixed Guideway programs, the amounts shown are based on the anticipated FFY 2011 appropriations for these programs. The grant applications may be split to capture the initial 5/12ths of the adopted appropriation and later resubmitted for the remaining balance when it is appropriated. It is anticipated that minor adjustments to the formula program may be required.

FTA Section 5307 Urbanized Area Formula Grant Program

Of the available Section 5307 UZA Program funds, VTA proposes to use $36,432,424 towards Preventive Maintenance costs and $3,892,102 for ADA Operating Set Aside to help meet its operating needs in FY 2011. The remaining funds will go to ADA Bus Stop Improvements to meet the 1% Section 5307 enhancement requirement. See Table 1 for a complete listing of projects and programmed amounts.

FTA Section 5309 Fixed Guideway Formula Grant Program

Under the Section 5309 Program, Fixed Guideway funds in the amount of $20,900,404 will be available to VTA in FFY 2011. Of that amount, $5,864,250 is the programmed FFY2011 amount for Substation Rehabilitation ($1,425,000), Overhead Catenary System (OCS) Rehabilitation and Replacement ($2,756,250), and Rail Rehabilitation and Replacement ($1,663,000). The remaining $15,036,154 is §5309 carryover funding from prior years. The funding will be used to fund select capital projects from the VTA FY2012-13 capital program: Rail Substation Replacement Program ($4,320,000), Overhead Catenary System (OCS) Rehabilitation and Replacement ($5,107,523), Rail Replacement Program ($4,248,631), Hamilton Structure Stabilization ($160,000), and Light Rail Bridge and Structure Repair ($1,200,000). See Table 1 for a complete listing of projects and programmed amounts.
Proposed FFY 2011 Grant Program Summary

VTA’s proposed FFY 2011 FTA Grant program is summarized in Table 1 below.

Table 1

<table>
<thead>
<tr>
<th>GRANT PROGRAM</th>
<th>FEDERAL</th>
<th>LOCAL</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FTA Section 5307</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preventive Maintenance</td>
<td>36,432,424</td>
<td>9,302,667</td>
<td>45,735,091</td>
</tr>
<tr>
<td>ADA Operating Set Aside</td>
<td>3,892,102</td>
<td>973,026</td>
<td>4,865,128</td>
</tr>
<tr>
<td>ADA Bus Stop Improvements</td>
<td>442,846</td>
<td>110,712</td>
<td>553,558</td>
</tr>
<tr>
<td>Subtotal Section 5307</td>
<td>40,767,372</td>
<td>10,386,405</td>
<td>51,153,777</td>
</tr>
<tr>
<td>FTA Section 5309 - Fixed Guideway</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rail Substation Rehabilitation</td>
<td>1,425,000</td>
<td>356,250</td>
<td>1,781,250</td>
</tr>
<tr>
<td>Rail Substation Replacement</td>
<td>4,320,000</td>
<td>1,080,000</td>
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<td>Subtotal Section 5309</td>
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<td>5,225,102</td>
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<td>Total FY 2011 FTA Grant Program</td>
<td>61,667,776</td>
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</tbody>
</table>

ALTERNATIVES:

There are no other practical alternatives. The federal transit grants will provide funding for important capital and maintenance projects for VTA.

FISCAL IMPACT:

The current fund estimates for the grant formula programs indicate that VTA will receive an estimated $40,767,372 in federal Section 5307 UZA Formula funds and $20,900,404 in Section 5309 Fixed Guideway funds. The Section 5307 UZA Formula funds for Preventive Maintenance are slightly lower than were anticipated in the Adopted FY11 VTA Transit Enterprise Fund Operating Budget.

The required local match for Preventive Maintenance and the ADA Operating Set Aside is $10,275,693; these local matches are included in the Adopted FY 2011 VTA Transit Enterprise Fund Operating Budget. The required local match for VTA’s capital program projects is
$5,335,814. Local match funding for FFY2011 §5309 Fixed Guideway projects comes from California Prop 1B PTMISEA proceeds already received. The local match for VTA’s FY 2012 and FY 2013 capital program projects will be included in the Recommended FY 2012 and FY 2013 VTA Transit Enterprise Fund Capital Budget.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration & Finance Committee’s April 2011 meeting was cancelled and therefore this item was forwarded for Board of Directors consideration without a recommendation from that committee.

Prepared by: Jeffery Ballou
Memo No. 3050
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: Approve Contracts for Financial Advisory Services

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute service agreements for financial advisory services with Arbitrage Compliance Specialists, KNN Public Finance, Montague DeRose & Associates and Ross Financial, for a period of three years in an aggregate amount not to exceed $335,000, with two one-year options to extend for a total aggregate contract value not to exceed $415,000.

BACKGROUND:

VTA is an active participant in the public finance market, issuing or remarketing over $2 billion of bonds during the last eight years as well as entering into several leveraged lease and sublease transactions. Future financing plans include the issuance of grant anticipation notes, toll revenue bonds and additional refunding or remarketing transactions for existing bonds. Since 1997, VTA has contracted with financial advisors to provide services in support of bonding and leasing activities as well as developing long-term financial strategies in support of VTA capital improvement programs. VTA currently contracts with Ross Financial for financial advisory services and Bond Logistix LLC for arbitrage rebate analysis (to meet IRS regulatory requirements related to the issuance of tax-exempt debt). Both contracts expire in June 2011.
**DISCUSSION:**

VTA issued a request for proposal (RFP 11-02) for financial advisory services in January 2011. Eight responses were received February 9, 2011 from:

**Debt/Financial Advice:**
- Ross Financial
- KNN Public Finance (KNN)
- Montague DeRose & Associates (MDA)
- The PFM Group (PFM)
- Sperry Capital

**Arbitrage Calculation:**
- Arbitrage Rebate Specialists (ACS)
- Bond Logistix (BLX)
- The PFM Group (PFM)
- Willdan Financial Services (Willdan)

All proposals received were considered and reviewed by a panel consisting of a Contract Administrator, Chief Financial Officer, Deputy Director of Accounting, Budget Manager, Finance Manager and a Senior Financial Analyst. Each proposal was evaluated based on the following criteria:

- Basic cost of providing financial advisory services related to future financing transactions, as well as on-call hourly rates.
- Qualification/Experience of the firm and proposed staff in providing required services
- Demonstrated understanding of existing VTA debt portfolio and future needs.
- Local firm preference.

Pursuant to these criteria, the selection committee selected the top three ranking firms for transaction and on-call related financial advisory services (Ross Financial, KNN and Montague DeRose) and the top ranking firm for arbitrage rebate analysis services (ACS).

All of the firms selected adequately demonstrated that they had the skilled staff and resources necessary to meet VTA’s future financing needs, including specific experience with renegotiating terms of leveraged lease transactions, evaluation of public private partnership transactions, and experience with Transportation Infrastructure Finance and Innovation Act (TIFIA) loans.

Specific firms will be selected from this pool of financial advisors on a transaction by transaction basis, when the need arises. Fee proposals and each firm’s specific strengths will be used in the decision making process to determine which firm will be utilized for each transaction or specific need. Hourly on-call rates range from $180 to $340/hour. Financial advisory fees related to financing transactions range from $50,000 to $95,000, depending on the structure and level of complexity involved for the transaction. Services assumed during the next five years include six financing transactions ($320,000), on-call advisory services ($78,500) and arbitrage rebate analysis ($16,500). *To the extent that services are not needed, funds will not be spent.*

**ALTERNATIVES:**

The Board could choose not to enter into a contract for financial advisory and arbitrage calculation services; however, both types of services are highly specialized areas and contribute
to VTA’s success in achieving low costs of borrowing and in meeting the regulatory requirements associated with issuing tax-exempt debt.

**SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION:**

Both Montague DeRose & Associates and Ross Financial are certified as a Small Business Enterprise (SBE) by the Santa Clara Valley Transportation Authority.

**FISCAL IMPACT:**

This action will authorize up to $415,000 for Financial Advisory Services over the next five years. Expenditures for financial advisory services are included in the adopted FY 2011 VTA Transit Enterprise Fund Operating and 2000 Measure A Transit Improvement Program Fund Operating Budgets. Appropriation for the remaining years of the contract will be included in subsequent budgets.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration & Finance Committee’s April 2011 meeting was cancelled and therefore this item was forwarded for Board of Directors consideration without a recommendation from that committee.

Prepared by: Michael Gurantz, Sr. Financial Analyst
Memo No. 2812
### List of Financial Advisory Contacts

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Address</th>
<th>Contact</th>
<th>Title</th>
</tr>
</thead>
</table>
| Montague DeRose & Associates     | 3100 Oak Road, Suite 210 Walnut Creek, CA 94597 | Doug Montague  
Tel: (805) 496-2211  
Cell: (818) 262-1497  
Fax: (925) 256-9795  
montague@montaguederose.com | Principal |
| Ross Financial                   | 1736 Stockton Street, Suite 1 San Francisco, CA 94133 | Peter Ross  
Tel: (415) 912-5612  
Fax: (415) 912-5611  
rossfinancial@smkc.com | Principal |
| KNN Public Finance               | 1333 Broadway, Suite 1000 Oakland, CA 94612    | David C. Leifer  
Tel: (510) 208-8264  
Fax: (510) 208-8282  
dleifer@knninc.com | Senior Managing Director |
| Arbitrage Compliance Specialists | 5975 South Quebec Street, Suite 205 Centennial, CO 80111 | Doug Pahnke  
Tel: (800) 672-9993 x. 7526  
Cell: (303) 618-5108  
doug@rebatebyacs.com | Director |
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Noise Reduction Screening Study

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

ACTION ITEM

RECOMMENDATION:

Receive the results of the Noise Reduction Screening study and approve the changes in the process for evaluating the cost-effectiveness of sound walls for highway projects in Santa Clara County.

BACKGROUND:

In 1997, the State enacted Senate Bill 45 (SB-45), which passed control over prioritizing 75% of the State Transportation Improvement Program (STIP) to regional agencies. At the same time, the responsibility for prioritizing and funding noise abatement was also passed to regional agencies. In recognition of VTA’s responsibility for programming noise abatement, the Valley Transportation Plan 2020 (VTP 2020) established a Sound Barrier Program (“Program”). On November 6, 2003, the VTA Board of Directors adopted project eligibility and scoring criteria for the Program.

Applications for funding under the Program can be submitted by local agencies, the County, and Caltrans. They must be supported by a Noise Barrier Scope Summary Report (NBSSR) that is based on Caltrans guidelines and includes a Noise Study Report, right-of-way information, engineering plans, environmental documentation, cost estimates, and a funding plan.

Despite the numerous noise complaints that VTA and local agencies have received over the years, very few, if any, result in applications for funding under the Program. In order to assist local agencies with the identification of projects that are likely to meet the eligibility criteria for the Program, VTA’s Board of Directors authorized up to $400,000 in January 2008 to conduct a
Noise Reduction Screening Study (Study).

**DISCUSSION:**

Two consulting firms with expertise in noise analysis, LSA Associates and Parsons Brinckerhoff, were selected from VTA’s on-call list of environmental consultants to assist with the Study at a total cost of $270,000. The Study involved the review of 78 locations in 8 cities that were submitted in response to a Call-for-Projects. The Study consisted of several phases:

1) Elimination of locations based on the “non-technical” project eligibility criteria, such as location already has a sound wall, roadway improvement is planned in the area within the next 25 years, and the location was developed after the highway project (Attachment A).

2) Evaluation of locations based on noise measurements at representative sites and on noise modeling.

3) Evaluation of locations based on feasibility (reduces noise by at least 5 decibels) and reasonableness (meets cost-effectiveness criteria) of noise abatement.

Thirty-eight locations were eliminated from the Study based on the “non-technical” project eligibility criteria.

Forty locations were evaluated based on the “technical” project eligibility criteria, such as actual and modeled noise levels, noise reduction from sound wall, and cost-effectiveness of sound wall (Attachment B). Given the high cost of conducting a noise study report for each site, a simplified methodology was developed to screen these sites based on the best available information. As a result of this screening, 17 locations were determined likely to be eligible and 61 locations were determined unlikely to be eligible. All locations and their likelihood to be eligible are shown in Attachment C and Attachment D. Copies of the full reports can be found at [http://www.vta.org/cma/environmental_public/Noise_Reduction_Screening_Study/](http://www.vta.org/cma/environmental_public/Noise_Reduction_Screening_Study/)

VTA encourages local agencies to review the results of the Study carefully and use them as appropriate to respond to residents with concerns about noise. VTA staff are available to assist local agencies in explaining the results of the Study to their residents.

In addition, VTA encourages local agencies with sites that they believe are eligible for the Program to begin the more detailed engineering evaluation that will be required with an application for funding. While no funding for this Program is anticipated in the next three to five years as the state struggles to fund projects that are already programmed, VTA believes that project readiness is critical to compete successfully for any state or federal dollars that become available.

Proposed roadway projects continue to be the primary opportunity to evaluate and fund sound walls. Yet, many projects in Santa Clara County do not include sound walls because they do not meet the cost-effectiveness criteria. This is due largely to a statewide reasonableness base allowance starting at $31,000 per benefitting receptor that is low for an area like Santa Clara County with high housing costs.
In order to improve the cost-effectiveness of sound walls for highway projects, VTA staff are proposing the following actions:

- Request that Caltrans allow for geographic differences in cost reasonableness within the state to reflect variations in construction costs. The Federal Highway Administration (FHWA) does allow for such differences within a state.

- Standardize methods for calculating the construction cost estimate for sound walls within Santa Clara County. Methods for calculating construction costs can vary from project to project with some projects preparing detailed cost estimates while others use average unit costs.

- Include sound walls for highway projects that are feasible but not reasonable if they have strong public support and they have sufficient funds remaining in the budget after bid opening. While the FHWA does not allow the use of federal funds for sound walls that exceed the reasonableness allowance, Caltrans’ staff has indicated that non-federal funds have been used where this has been an issue.

These changes to the current process for evaluating sound walls should improve the cost-effectiveness of sites in Santa Clara County.

**ALTERNATIVES:**

The VTA Board of Directors could decide not to receive the Study and/or staff’s proposal to improve the cost-effectiveness of sound walls for highway projects.

**FISCAL IMPACT:**

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

**ADVISORY/STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Technical Advisory Committee (TAC) reviewed this item at their April 14, 2011 meeting and had a question about the risk of conducting additional technical and engineering studies for a funding application given the uncertainty of state funding for noise abatement. The Committee provided the following comments: 1) VTA should continue to follow what other agencies are doing to address this issue; 2) VTA should evaluate the cost-effectiveness of other types of noise abatement besides sound walls, such as quiet pavement. Staff indicated that other types of noise abatement, such as quiet pavement and noise insulation, could improve cost-effectiveness, but are currently not approved by FHWA and Caltrans; and 3) expressed concern about applying the policy regarding the funding of sound walls that have strong public support but are not cost-effective to County expressways. VTA has revised the memorandum to clarify that this policy applies only to highway projects.

The Policy Advisory Committee (PAC) reviewed this item at their April 14, 2011 meeting and commented VTA should clarify that geographic differences in cost reasonableness should be allowed to account for variations in construction costs rather than housing costs. VTA has
revised the memorandum accordingly.

Both committees approved recommending the item for Board approval.

The Congestion Management Program & Planning Committee (CMPP) reviewed this item at their April 22, 2011 meeting. The committee approved recommending the item for Board Approval.

Prepared by: Christina Jaworski
Memo No. 2958
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: VTP 2040 Preliminary Project Lists

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

ACTION ITEM

RECOMMENDATION:

Approve the Valley Transportation Plan (VTP) 2040 Preliminary Project List for submittal to the Metropolitan Transportation Commission (MTC).

BACKGROUND:

As the Congestion Management Agency for Santa Clara County, VTA is responsible for preparing and adopting the countywide transportation plan. Projects and programs included in the Valley Transportation Plan (VTP) serve as recommendations for submittal to the Metropolitan Transportation Commission (MTC) for inclusion in the Regional Transportation Plan (RTP).

A key component of the Valley Transportation Plan update (VTP 2040) is the development of project lists and programmatic lump sum funding allocations for the nine program areas: Highways, Expressways, Local Streets & County Roads, Intelligent Transportation Systems (ITS) / Transportation Systems Operation and Management (TSOM), Local Roadway Maintenance, Transit, Sound Mitigation, Bicycle, and Community Design and Transportation (CDT). This memorandum presents financially unconstrained project lists for each of the relevant VTP program areas and initial recommendations for grouping project types into programmatic funding categories.

To be consistent with past practice and MTC’s project submittal guidelines, VTA has compiled a list of projects for Highways, Expressways, Local Streets and Roads, and Transit with input from our from our Member Agencies and the public to submit to MTC by April 29th. The other
project categories, including Intelligent Transportation Systems (ITS) / Transportation Systems Operation and Management (TSOM), Local Roadway Maintenance, Sound Mitigation, Bicycle, and Community Design and Transportation, will be submitted to MTC as Program Areas with no specific projects identified.

**DISCUSSION:**

In February 2011, VTA issued a Call-for-Projects for project sponsors to identify new projects and provide updated information for projects currently in VTP 2035. The Call-for-Projects was set to coincide with the RTP schedule and was issued to city, town and County governments in Santa Clara County, as well as other relevant agencies such as Caltrans. Members of the public were also encouraged to submit applications as part of the call for projects. The due date for submittal to VTA was Friday April 1st, 2011. All projects will need to be submitted to MTC by April 29th. This preliminary list of projects will be presented to VTA Committees in April. The draft project lists will also be presented to the public at four locations around Santa Clara County in early April for comment as part of the VTP 2040 outreach.

It is important to note that these lists are financially unconstrained as requested by MTC. In past practices, MTC developed a set of financial estimates to inform CMAs with a dollar amount to use for their County in the development of project lists. Project sponsors were asked to develop the project lists without the benefit of full financial estimates for the plan. MTC will evaluate the projects against a set of transportation performance measures as part of the RTP development, and intends to use the evaluations as a basis for discussion of funding policies.

After submitting the preliminary project lists to MTC, VTA staff will work with MTC to evaluate the projects based on financial estimates developed by MTC, that are expected to come out in summer 2011. Additional outreach to the public and stakeholders will be necessary to prioritize the projects and refine the project lists. VTA staff expects to bring a revised list of projects through the Board in the late summer / early fall timeframe. The RTP will not be adopted until April 2013, and the development of final project lists may not be completed until adoption of the plan. Throughout this process, staff will keep our Member Agencies, Committees, and the Board aware of the regional process involving the project lists and make additions or modifications necessary.

To engage the public in the discussions of the VTP development and solicit feedback on the draft VTP project lists, VTA has set up six public meetings in March and April. These public meetings are intended to bring about discussion regarding the projects and to give the public a sense of what the process for the development of the VTP will be.

**Next Steps**

The following is a process timeline for the development of both our VTP and the RTP.

**VTP/SCS Public Meetings**

March 16 - 4pm to 6pm - VTA Offices, San Jose
April 7 - 6pm to 8pm - Morgan Hill Community and Cultural Center, Madrone Room
April 11 - 4pm to 6pm - Mountain View Public Library, Community Room
April 12 - 6pm to 8pm - San Jose Biblioteca Latinoamericana Library, Community Room
April 13 - 6pm to 8pm - Campbell Library, Community Room, Lower Floor
April 14th - 4:30pm to 6pm, VTA Policy Advisory Committee/Cities Association Meeting: Sunnyvale City Council Chamber (webcast available)

**Key VTP/SCS Milestones**

- Release of Initial Vision Scenario: March 11, 2011
- Project Submittals due to VTA: April 1, 2011
- Public outreach on potential projects: March to Mid-April, 2011
- Project Submittals due to MTC: April 29, 2011
- VTA Board Adoption of Project Lists: May 5, 2011
- SCS Detailed Scenario Development: June-August 2011
- MTC evaluation of projects: Spring 2011 through Winter 2012
- VTA evaluation and refinement of projects: Fall 2012
- VTP 2040 Adoption: January 2013
- Final RTP/SCS: April 2013

**ALTERNATIVES:**

The Board may choose an alternative list of projects to submit to MTC.

**FISCAL IMPACT:**

There is no direct financial impact to the approval and submittal of the list of projects to MTC. However, projects must be included in the RTP 2040 in order to receive federal, state, regional and local discretionary fund programming.

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

Staff provided a presentation to the Committee for Transit Accessibility at the April 13, 2011 meeting. Several Committee members commented that it was difficult to call out the pedestrian projects from the list. Staff responded that pedestrian projects were included in several program areas, such as the Bicycle Expenditure Program, the Community Design for Transportation (CDT) program area, as well as in many of the Local Streets and Roads projects. Committee members stressed the importance of the pedestrian improvement and safety projects and suggested greater emphasis be put on them. There were questions about how priorities will be set, the process of refining the project lists, how the public can provide comments, and how the public and Committee input be incorporated in the Plan development. Chairperson Morrow inquired about the schedule for additional VTP 2040 items in the future as the Plan progresses. The Committee voted 10 ayes, to 0 no and 1 abstention to approve staff’s recommendation to the Board to adopt the preliminary project lists.

The Citizens’ Advisory Committee heard this item at the April 13, 2011 meeting. There were discussions about the transit project list. Many members commented that the entire project list didn’t demonstrate a vision, especially the transit project list. Member Tebo commented that the
long-range plan should be visionary while the project list presented lacks it. Specifically, he stated that the plan didn’t indicate light rail service to the seven universities/colleges, many private high schools, or major event venues. The projects showed were mainly rollovers from the previous plan and the Cities didn’t propose any transit projects. Many other Committee members agreed with his comments. Staff explained that the project list is only an early deliverable of the VTP, not the Plan itself. In the next two years, there will be many opportunities for staff to work with the public, Committees and the Board to identify the vision and set priorities. It was also suggested that a subcommittee of the CAC be formed to work with staff and the Board to develop a vision. The Committee voted 13 to 1 to approve staff’s recommendation to the Board to adopt the preliminary project lists with the addition the Committee had serious concerns that there are elements within the document that are not complete and that there is a lack of vision with regard to transit. The Committee requested the Board authorize the CAC to establish a subcommittee that will address the vision issue.

The Bicycle and Pedestrian Advisory Committee heard this item at the April 13, 2011 meeting. There was discussion about the relative dollar amounts between modes, and questions about whether the project sponsors had enough time to respond to the call for projects, and about how and when this list would be revised as the process goes forward. It was noted that many roadway projects had bicycle and pedestrian components and that indeed all projects should meet Complete Streets policies. There was a request that additional project information be available for public review. The Committee voted 11 to 1 to approve staff’s recommendation to the Board to adopt the preliminary project lists with the addition that priority is given to projects that meet Complete Streets principles and that meet VTA’s Bicycle Technical Guidelines.

Staff provided a presentation to the Technical Advisory Committee at the April 14, 2011 meeting. Members Batra made a reference to the staff report regarding MTC’s emphasis on the Planned Development Areas (PDA) and suggested that VTA work with MTC to advocate not locking funding to PDAs only. Staff responded this was the concern from VTA and many communities and urged a common voice on this issue. Alternate Member Collen suggested a modification to the staff recommendation by adding that priority be given to projects that meet Complete Streets principles and that meet VTA’s Bicycle Technical Guidelines, Pedestrian Technical Guidelines or other locally adopted design guidelines. The Committee voted unanimously to approve staff’s recommendation to the Board to adopt the preliminary project lists with the amendment suggested by Alternate Member Collen.

The item was included in the Consent Agenda at the Policy Advisory Committee meeting on April 14, 2011. Mr. Steve Levin, member of the public, commented on the item. Vice Chairperson Satterlee asked staff to explain the process of including additional projects suggested by the public. Member Wasserman stated that in the case of County facilities, an individual would need to work with the County to develop and submit a project. In some cases, this process has already started. The Committee voted unanimously to approve staff’s recommendation.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

Staff provided a presentation to the Congestion Management Program and Planning Committee at the April 22, 2011 meeting. Member Yeager asked if MTC would decide whether VTA’s projects would meet SB375 standards, while nobody knows how to implement SB375. He
commented there is no doubt of MTC’s desire to have more decision-making authority. He also asked if staff thought VTA’s projects would perform pretty well under MTC’s evaluation. Staff responded it is unclear how the MTC’s targets would affect projects’ performance. Vice Chairperson Moylan stated that we should try to make the project list inclusive of all possible projects as it is an unconstrained list. He asked whether the list will continue to evolve. The Committee voted unanimously to approve staff’s recommendation.

Prepared by: John Sighamony
Memo No. 3060
VTP 2040 Project List Errata

Errata includes changes made to the VTP 2040 project list after the CMPP committee recommended approval of the project list at the April 22, 2011 meeting.

All Program Areas

- Costs changed from 2010 dollars to 2013 dollars per MTC requirement.

Updated Bike Program Area

- Added new project: B125 – Capitol Expressway pedestrian and Bicycle Overcrossing at Eastridge Transit Center per request from the City of San Jose (not required for MTC submittal).

Updated Transit Program Area

- Updated SVRT project costs per the latest project cost estimates. Phase I cost was changed from $2,577 M to $2,863.6 M and Phase II cost was changed from $3,674 M to $4,094.3 M.
- Removed project: T1 – Additional Measure B Capital and Operating Needs because it is not required to be submitted to MTC.
- Added new project: T35- LRT / Caltrain / BART / HSR infrastructure improvements to support station area development.
- Added new project: T36 - King Road BRT as a feeder service from Berryessa BART station to downtown and Santa Clara Caltrain station.

Updated Highway Program Area

- Added new project: H107 - SR 17 Express Lanes.
- Updated project cost for H28: SR 25/Santa Teresa Boulevard/US 101 Interchange (includes US 101 widening between Monterey Road and SR 25 and connection to Santa Teresa Blvd) from $247.19 M to $245.86 M.
- Updated project cost for H53: New SR 152 Alignment SR 156 to US 101 from $371.32 M to $847.74 M.
- Deleted project cost H100: US 101 Widening to 6-lane Freeway: SR 25 to SR 129 because it is now included in H28 and H53.
- Updated project status to complete for H22 and H24.
**Preliminary Financially Unconstrained Project List**

Total Cost of All Program Areas  
Cost in Millions (2013 dollars)

<table>
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<tr>
<th>Category</th>
<th>Cost</th>
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<td>Local Streets and County Roads</td>
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<td>Expressways</td>
<td>$ 472</td>
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<td>Bicycle</td>
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<td>Intelligent Transportation Systems</td>
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<td>Highways</td>
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<td>Pavement</td>
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<td>CDT Program</td>
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<td><strong>Grand Total</strong></td>
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## Local Streets and Roads

Preliminary Financially unconstrained project list

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<td>R2</td>
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<td>Gilroy</td>
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<td>IOOF Avenue Overcrossing</td>
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<td>Gilroy Orbital Concept (NW Quad)</td>
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<td></td>
<td>R5</td>
<td>Las Animas Avenue Overcrossing</td>
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<td>Tenth Street Bridge Project</td>
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<td>Dixon Landing Road Pedestrian and Bicycle Improvements</td>
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<td>R14</td>
<td>Madrone Pkwy. Extension</td>
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<td>Butterfield Blvd. Extension</td>
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<td>Mission View Rd. North Extension</td>
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<td>Monterey Rd. Local Streets Improvements</td>
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<td>Butterfield Blvd. South Extension</td>
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<td>R19</td>
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<td>Mountain View</td>
<td>R20</td>
<td>Citywide Crosswalk Inventory/Ped Safety Improvements</td>
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<td>R21</td>
<td>Miramonte Ave./Park Dr. &amp; Gladys Dr./Easy St. Intersection Improvements</td>
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<td>Maude Avenue-Middlefield Road-Ellis Street-Louge-National Ave. Sidewalks</td>
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<td>El Camino Real &amp; Arastradero Rd-Charleston Rd Intersection Improvements</td>
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<td>El Camino Real &amp; Matadero Av Intersection Improvements</td>
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<td>El Camino Real Regional Corridor Improvements: PAMF to Churchill Av</td>
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<td>Middleford Rd - Midtown Corridor Improvements</td>
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<td>Embarcadero Rd Feasibility Study</td>
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<td>Autumn Pkwy. Improvement from Union Pacific Railroad to Park Ave.</td>
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<td>R31</td>
<td>North First St. Core Area Grid Streets</td>
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<td>Charcot Ave. Extension Over I-880</td>
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### Local Streets and Roads

#### Preliminary Financially unconstrained project list

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<th>Sponsor</th>
<th>VTP 2040 ID</th>
<th>Local Streets and Roads</th>
<th>Cost (2013 $M)</th>
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<td>Coleman Ave. Widening from I-880 to Taylor St.</td>
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<td>King Rd. Bridge Replacement and Widening at Penitencia Creek</td>
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<td>Branham Ln. Widening from Vista Park Dr. to Snell Ave.</td>
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<td>Caltrain Pedestrian Crossing Bridge at Blossom Hill Station</td>
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<td>R38</td>
<td>Almaden Rd. Improvement from Malone Rd. to Curtner Ave.</td>
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<td>Downtown Couplet Conversions</td>
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<td>North San Jose Bike and Ped Improvements</td>
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<td>Snell Ave. Widening</td>
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<td>R42</td>
<td>Zanker Rd. Widening</td>
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<td>Branham Ln./Monterey Hwy Grade Crossing Project</td>
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<td>Neiman Blvd. Pedestrian Overcrossing at Capitol Expwy.</td>
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<td>Caltrain Grade Separation at Branham Ln. (included in R43)</td>
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<td>Senter Rd. Widening from Umbarger Rd. to Lewis Rd.</td>
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<td>Bird Ave. Pedestrian Corridor</td>
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<td>Park Ave. Improvements from Bird Ave. to SR87</td>
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<td>Oakland Rd. Improvements from 101 to Montague</td>
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<td>Auzerais Ave. Bicycle and Pedestrian Improvements from Sunol St. to Race St.</td>
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<td>Caltrain Grade Separation at Skyway Dr.</td>
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<td>R53</td>
<td>San Carlos St. Bridge Replacement and Widening at Caltrain/ Vasona LRT</td>
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<td>R54</td>
<td>Santa Clara Street Bridge at Coyote Creek Bridge Replacement</td>
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<td>Widen north side of the bridge to add an additional through traffic lane on westbound Brokaw Road</td>
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<td>O'Connor Dr Bridge Replacement</td>
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<td>R57</td>
<td>Alum Rock Falls Rd Bridge replacement</td>
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<td>R58</td>
<td>Noble Bridge replacement</td>
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<td>R59</td>
<td>Winchester Streetscape Improvements I-280 to City limits (Campbell)</td>
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<td>R60</td>
<td>Brokaw Bridge Widening</td>
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<td>City General Plan Multiple Street downgrades and Streetscape projects</td>
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<tr>
<td><strong>Santa Clara</strong></td>
<td>R62</td>
<td>Great America Pkwy. Pavement Improvements</td>
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<td>R63</td>
<td>De La Cruz Blvd. Pavement Improvements</td>
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<td>R64</td>
<td>De La Cruz Blvd. South Pavement Improvements</td>
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<td>R65</td>
<td>Monroe St. Pavement Improvements</td>
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<td>Lincoln St. Pavement Improvements</td>
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<td>Pruneridge Ave. &amp; Cypress Ave. Pavement Improvements</td>
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<td>Santa Clara Industrial Area Pavement Improvements</td>
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<td></td>
<td>R69</td>
<td>Citywide Sidewalk Connection</td>
<td>$8.69</td>
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</table>
## Local Streets and Roads

### Preliminary Financially unconstrained project list

<table>
<thead>
<tr>
<th>Sponsor</th>
<th>VTP 2040 ID</th>
<th>Local Streets and Roads</th>
<th>Cost (2013 $M)</th>
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<tr>
<td><strong>Santa Clara</strong></td>
<td>R70</td>
<td>Great America Pkwy/Mission College Blvd. Intersection Improvements</td>
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<td>El Camino Real/Lafayette St. Improvements</td>
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<td>R72</td>
<td>Reconstruction/Rehabilitation of Various Streets</td>
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<td>El Camino Real/San Tomas Expwy. Intersection Improvements</td>
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<td><strong>Saratoga</strong></td>
<td>R74</td>
<td>SR 9 Ped Safety Improvement</td>
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<td>Citywide Signal Upgrade Project Phase II</td>
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<td>Herriman Ave./Saratoga Ave. Traffic Signal</td>
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<td>Prospect Rd. Median Project</td>
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<td>Verde Vista Ln. Traffic Signal</td>
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<td>Saratoga Ave. Rehabilitation and Overlay Project</td>
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<td>Saratoga Ave. Sidewalk Ped Improvement</td>
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<td>Lawrence Expwy./Wildwood Ave. Realignment &amp; Signalization</td>
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<td>Comprehensive Sidewalk Network for Employment Areas</td>
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<td>Sunnyvale Downtown Specific Plan Improvements</td>
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<td>Installation of Ped Countdown Signals</td>
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<td>R87</td>
<td>Sunnyvale Ave. Reconfiguration, Evelyn to Iowa</td>
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<td>Foothill Expwy./Loyola Bridge</td>
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<td>R89</td>
<td>Center Ave and Marcella Ave 2-lane connection</td>
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<td>DeWitt Ave/Sunnyside Ave Realignment at Edmunsen Ave.</td>
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<td>Hill Rd Extension from East Main Ave to Peet Rd.</td>
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<td>Marcella Ave Two-Lane Realignment</td>
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<td>R93</td>
<td>Fitzgerald Ave/Masten Ave Realignment at Monterey</td>
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<td>R94</td>
<td>Santa Teresa Blvd &amp; Tilton Ave Traffic Signal Improvements</td>
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<td>Railroad Crossing Improvements at Church Ave and Monterey Hwy</td>
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<td>Watsonville Rd Center Turn Lane</td>
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<td>Santa Teresa Blvd &amp; San Martin Ave Traffic Signal Improvements</td>
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<td>Doyle Rd Bicycle and Pedestrian Trail Connection</td>
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<td>Magdalena at Country Club Intersection Signal</td>
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<td>R100</td>
<td>Fitzgerald Ave. Shoulder Improvements</td>
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**Total** $1,237.35

All cost estimates are listed in 2013 dollars.
## Expressways

**Preliminary Financially unconstrained project list**

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<th>VTP 2040 ID</th>
<th>Expressways - SCC Roads Department</th>
<th>Cost (2013 $M)</th>
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<td>Almaden Expwy – Widen Coleman to Blossom Hill</td>
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<td>X2</td>
<td>Capitol Expwy – TOS infrastructure</td>
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<td>X3</td>
<td>Central Expwy – Auxiliary lanes between Mary Ave and Lawrence Expwy</td>
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<td>X4</td>
<td>Central Expwy – Convert Measure B HOV lane between De La Cruz Blvd and San Tomas Expwy</td>
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<td>X5</td>
<td>Central Expwy – Six lanes from Lawrence Expwy to San Tomas Expwy</td>
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<td>X6</td>
<td>Foothill Expwy – Extend deceleration lane at San Antonio Rd</td>
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<td>X7</td>
<td>Foothill Expwy – Loyola Bridge</td>
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<td>X8</td>
<td>Lawrence Expwy – Additional left turn lane at Prospect</td>
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<td>X9</td>
<td>Lawrence Expwy – Close median, right in/out</td>
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<td>Lawrence Expwy – Arques Square Loop Grade Separation</td>
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<td>Lawrence Expwy – Expand to eight lanes from Moorpark Ave to south of Calvert Dr.</td>
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<td>Montague Expwy – Eight lanes from Lick Mill Blvd to Trade Zone Blvd</td>
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<td>Montague Expwy – Trimble Rd Flyover</td>
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<td>Montague Expwy – Mission College Blvd At-Grade Improvements</td>
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<td>San Tomas Expwy – Eight lanes between Williams Rd and El Camino</td>
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<td>TOS Infrastructure Improvements</td>
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<td>Lawrence Expwy – I-280 Project Study Report</td>
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<td>Oregon Expwy – Alma Bridge Feasibility Study</td>
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**Total** $471.71

All cost estimates are listed in 2013 dollars.
## Bicycles

Preliminary Financially unconstrained project list

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<th>Sponsor</th>
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<th>Cost (2013 $M)</th>
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<td>Los Gatos Creek Trail Expansion on West Side (Hamilton to Campbell)</td>
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<td>Widen Los Gatos Creek Trail on East Side (Camden to Campbell)</td>
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<td>B3</td>
<td>San Tomas Aquino Creek Trail</td>
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<td>B4</td>
<td>Portals Project: Widening Campbell Avenue under SR 17</td>
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<td>Hacienda Ave. Bike Lanes</td>
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<td><strong>Cupertino</strong></td>
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<td>Uvas Creek Trail Feasibility</td>
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<td>B7</td>
<td>Western Ronan Channel SCWVD Service Road Trail</td>
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<td>Gilroy Sports Park Trail</td>
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<td>Northern Uvas Creek SCVWD Service Road Trail</td>
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<td><strong>Los Altos</strong></td>
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<td>Adobe Creek Bike/Ped Bridge Replacement</td>
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<td>Miramonte Ave. Bikeway Improvement</td>
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<td>B15</td>
<td>Stevens Creek Link Trail</td>
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<td>Moody Rd./El Monte Rd. Bike Improvements Segments 1, 2, 3</td>
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<td>El Monte Rd. from Stonebrook to Voorhees</td>
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<td><strong>Los Gatos</strong></td>
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<td>Blossom Hill Rd. Sidewalks and Bike Lanes</td>
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<td>West Little Llagas Creek Trail: Main Ave. to Spring Rd.</td>
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## Bicycles

Preliminary Financially unconstrained project list

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<td>Thompson Creek Trail: Eastridge Transit Center to Evergreen College</td>
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<td>Willow Glen Spur Trail</td>
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<td>B67</td>
<td>Implementation of miscellaneous projects in city council-approved Bike Plan 2020</td>
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<td>Guadalupe River Trail (Virginia Street to Chynoweth Avenue)</td>
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<td>Lower Silver Creek Trail (Coyote Crk to Thompson Creek Trail)</td>
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<td>B71</td>
<td>Calero Creek Trail (Harry Road to Bay Area Ridge Trail)</td>
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## Bicycles

Preliminary Financially unconstrained project list

<table>
<thead>
<tr>
<th>Sponsor</th>
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<th>Local Streets and Roads</th>
<th>Cost (2013 $M)</th>
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<td>Lake Cunningham Trail (Lower Silver Crk to Thompson Crk)</td>
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<td>San Tomas Aquino Creek Spur Trail</td>
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### Bicycles

#### Preliminary Financially unconstrained project list

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<th>Cost (2013 $M)</th>
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<td>Lakewood/Sandia Drive Bike Lanes</td>
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**Total**: $682.37

All cost estimates are listed in 2013 dollars.
## Intelligent Transportation Systems

**Preliminary Financially unconstrained project list**

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<td>Reactivation of Traffic Count Stations</td>
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<td>Stevens Creek Blvd CCTV Cameras</td>
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<td>City of Gilroy Adaptive Traffic Control System</td>
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<td>Citywide Adaptive Bicycle and Pedestrian Timing</td>
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### Intelligent Transportation Systems

**Preliminary Financially unconstrained project list**

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### Intelligent Transportation Systems

Preliminary Financially unconstrained project list

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All cost estimates are listed in 2013 dollars.
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<td>SR 152</td>
<td>H70</td>
<td>SR 152 Ramp/Intersection Improvements: SR 152(E) at Bloomfield Ave</td>
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<td>SR 152</td>
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<td>SR 152 Ramp/Intersection Improvements: SR 152(E) at Frazier Lake Rd</td>
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<td>SR 152</td>
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<td>SR 152 Ramp/Intersection Improvements: SR 152(W) at Watsonville Rd</td>
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<td>SR 237</td>
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<td>SR 85/ El Camino Real I/C Improvements</td>
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<td>I-680</td>
<td>H79</td>
<td>I-680/Montague Expressway Interchange Improvement</td>
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<td>SR 85</td>
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<tr>
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<td>Route</td>
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<td>SR 85</td>
<td>H83</td>
<td>SR 85 Auxiliary Lanes: Homestead Avenue to Fremont Avenue</td>
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<td>SR 85</td>
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<td>SR 85</td>
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<td>SR 85 SB Auxiliary Lanes from North of Winchester Blvd. to Saratoga Ave.</td>
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<tr>
<td>SR 85</td>
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<td>SR 85 NB/SB Auxiliary Lanes from Saratoga/ Sunnyvale Rd to Saratoga Ave.</td>
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<tr>
<td>SR 85</td>
<td>H87</td>
<td>SR 85 Auxiliary Lanes between Fremont Avenue and El Camino Real</td>
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<tr>
<td>US 101</td>
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<td>US 101 NB Auxiliary Lane Widening: Tennant Avenue to Dunne Avenue</td>
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<td>US 101 SB Auxiliary Lane Widening: Tennant Avenue to Dunne Avenue</td>
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<td>US 101 Auxiliary Lane Wideings: Trimble Road to Montague Expressway</td>
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<tr>
<td>US 101</td>
<td>H91</td>
<td>US 101 Southbound Improvements: San Antonio Road to Charleston Road/Rengstorff Avenue</td>
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<tr>
<td>US 101</td>
<td>H92</td>
<td>US 101 Southbound Braided Ramps between Capitol Expressway and Yerba Buena Road</td>
<td>$26.23</td>
</tr>
<tr>
<td>US 101</td>
<td>H93</td>
<td>US 101 NB Auxiliary Lane Widening: 10th Street to Leavesley Road</td>
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<td>US 101</td>
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<td>US 101 Northbound Braided Ramps between Capitol Expressway and Yerba Buena Road</td>
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<tr>
<td>US 101</td>
<td>H96</td>
<td>Moffett Boulevard/US 101 Overcrossing Replacement</td>
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<td>US 101/Oregon Expwy./Embarcadero Rd. Improvements</td>
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<td>US 101</td>
<td>H98</td>
<td>US 101 Southbound to Eastbound SR 237 Connector Improvements</td>
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<td>US 101</td>
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<td>US 101/Coyote Valley Parkway Interchange</td>
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<td>SR 237</td>
<td>H101</td>
<td>SR 237 Eastbound to Mathilda Avenue Flyover Off-ramp</td>
<td>$21.85</td>
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<tr>
<td>SR 237</td>
<td>H102</td>
<td>SR 237 WB to SB SR 85 Connector Ramp Improvements (including SR 85 auxiliary lanes between El Camino Real &amp; SR 237)</td>
<td>$40.43</td>
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<tr>
<td>I-280</td>
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<td>I-280 Northbound/Saratoga Avenue - Connect Auxiliary Lanes to complete 4th lane</td>
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<td>I-280</td>
<td>H104</td>
<td>I-280 Northbound Braided Ramps between Foothill Expressway and SR 85</td>
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<td>I-680</td>
<td>H105</td>
<td>I-680 Northbound/Southbound Auxiliary Lanes from McKee Road to Berryessa Road</td>
<td>$57.91</td>
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</tbody>
</table>

**Total** $4,095.37

All cost estimates are listed in 2013 dollars.
## Transit

Preliminary Financially unconstrained project list

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Sponsor</th>
<th>VTP 2040ID</th>
<th>Transit</th>
<th>Cost (2013 $M)</th>
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<tbody>
<tr>
<td>Santa Clara, San Jose</td>
<td>VTA</td>
<td>T2</td>
<td>ACE Upgrade</td>
<td>$16.23</td>
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<tr>
<td>Milpitas, San Jose, Santa Clara</td>
<td>VTA</td>
<td>T3</td>
<td>BART to Milpitas, San Jose and Santa Clara</td>
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<td></td>
<td></td>
<td>T4</td>
<td>Phase I - SVBX</td>
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<td></td>
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<td>Phase II - SVSX</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>SUBTOTAL</td>
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<tr>
<td>Mountain View, Palo Alto, Los Altos, Sunnyvale, Santa Clara, San Jose, Cupertino</td>
<td>VTA</td>
<td>T5</td>
<td>Bus Rapid Transit – The Alameda/El Camino &amp; San Carlos/Stevens Creek</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>T6</td>
<td>El Camino BRT</td>
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<td>Stevens Creek BRT</td>
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<td>SUBTOTAL</td>
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<tr>
<td>Palo Alto, Mountain View, Los Altos, Sunnyvale, Santa Clara, San Jose, Morgan Hill, Gilroy</td>
<td>JPB</td>
<td>T7</td>
<td>Caltrain Electrification Tamien to San Francisco</td>
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<tr>
<td></td>
<td></td>
<td>T8</td>
<td>Caltrain Electrification Gilroy to Tamien</td>
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<td>San Jose, Morgan Hill, Gilroy</td>
<td>Caltrain JPB</td>
<td>T9</td>
<td>Transit Enhancements - Caltrain Station Upgrades, Phase 2</td>
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<td>T10</td>
<td>Transit Enhancements - Caltrain Station Upgrades, Phase 3</td>
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<tr>
<td>All Cities</td>
<td>Caltrain JPB</td>
<td>T11</td>
<td>Caltrain - South County</td>
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<tr>
<td>San Jose, Morgan Hill, Gilroy</td>
<td>VTA</td>
<td>T13</td>
<td>South Terminal Phases 2&amp;3, Design, ROW &amp; Construction</td>
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<tr>
<td>All Cities</td>
<td>Caltrain JPB</td>
<td>T14</td>
<td>Caltrain CommunicationsBased Overlay Signal System (CBOSS) and Positive Train Control System (PTC)</td>
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<td>San Jose</td>
<td>JPB</td>
<td>T15</td>
<td>Caltrain Terminal Station Improvement: San Jose Diridon Station</td>
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<td>All Cities</td>
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<td>Vehicle Expansion to support 10 trains during peak</td>
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<td>All Cities</td>
<td>Caltrain JPB</td>
<td>T18</td>
<td>Caltrain At-grade Crossing Improvements</td>
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<td>San Jose</td>
<td>VTA</td>
<td>T19</td>
<td>Downtown East Valley</td>
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<td>T20</td>
<td>Santa Clara/Alum Rock Phase I: BRT</td>
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<td>T21</td>
<td>Capitol Expressway LRT Phase I</td>
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<td>San Jose (continued)</td>
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<td>Capitol Expressway LRT Phase II</td>
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<td>T23</td>
<td>Nieman LRT Extension</td>
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<td>Project Description</td>
<td>Cost</td>
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<tr>
<td>Palo Alto</td>
<td>SMCTA</td>
<td>Monterey Hwy BRT</td>
<td>$140.00</td>
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<td>Los Gatos, Campbell</td>
<td>VTA</td>
<td>Dumbarton Rail Corridor</td>
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<td>San Jose</td>
<td>VTA</td>
<td>Vasona Light Rail Extension</td>
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<td>VTA</td>
<td>Mineta San Jose International Airport APM Connector</td>
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<td>Sunnyvale, Cupertino</td>
<td>VTA</td>
<td>Palo Alto Intermodal Center</td>
<td>$68.40</td>
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<td>Sunnyvale - Cupertino</td>
<td>VTA</td>
<td>Sunnyvale - Cupertino BRT</td>
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<td>San Jose, Milpitas, Sunnyvale, Mountain View</td>
<td>VTA</td>
<td>Light Rail System Improvements</td>
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<td>San Jose</td>
<td>San Jose</td>
<td>Guadelupe Express Improvements</td>
<td>$20.00</td>
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<td>San Jose</td>
<td>San Jose</td>
<td>Tasman Express Long T</td>
<td>$45.00</td>
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<td>San Jose</td>
<td>San Jose</td>
<td>North First Speed Improvements</td>
<td>$8.00</td>
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<td>Palo Alto</td>
<td>Palo Alto</td>
<td>Palo Alto Community Shuttle Signage &amp; Shelter Improvements</td>
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<tr>
<td>San Jose</td>
<td>VTA, JPB, HSR</td>
<td>LRT / Caltrain / BART / HSR infrastructure improvements to support station area development</td>
<td>$200.00</td>
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<td>San Jose</td>
<td>VTA</td>
<td>King Road Bus Rapid Transit</td>
<td>$60.00</td>
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<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>$10,675.89</strong></td>
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</table>

All cost estimates are listed in 2013 dollars.

1 Cost estimate is under review and likely to change prior to the plan adoption in 2013.

2 VTA's estimated share of Caltrain project cost. Likely to be changed. Projects based on Caltrain electrification EIR.
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 and FY 2013 CMP Work Program

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

ACTION ITEM

RECOMMENDATION:

Approve the Fiscal Year 2012 and Fiscal Year 2013 Congestion Management Work Program.

BACKGROUND:

Congestion Management Agencies (CMAs) were created in 1990 by Proposition 111 and its accompanying legislation that required that every county with an urbanized population of more than 50,000 establish a CMA. CMAs were designed to meet the goals of increasing the efficiency of existing transit and roadway systems, planning the best capital improvements to these systems, and improving the local land use decision-making process to support and compliment the transportation system investments.

The Santa Clara County CMA was established in 1991 through a Joint Powers Agreement entered into by the CMA’s Member Agencies, which are the County of Santa Clara and the fifteen cities and towns within the county. In January 1995, the Santa Clara County CMA and the Santa Clara County Transit District merged to form Santa Clara Valley Transportation Authority (VTA), which was designated as the CMA for Santa Clara County. The Congestion Management Program (CMP) functions are now performed by CMA Division staff at VTA.

CMPs must contain five elements: 1) a system definition and traffic level of service standard element; 2) a multimodal performance measures element; 3) a transportation demand management and trip reduction element; 4) a land use impact analysis element; and 5) a capital improvement program. In addition to these five elements, other actions, such as the development of a countywide transportation model and deficiency plans, are necessary to meet the
requirements of the CMP legislation. The Fiscal Year 2012 (FY2012) and Fiscal Year 2013 (FY2013) CMP Work Program is composed of the following main work areas:

- Capital Improvement Program
- Congestion Management Program Conformance
- Land Use and Transportation Integration
- Plans and Studies

**DISCUSSION:**

The proposed FY 2012 and FY 2013 CMP Work Program is a result of a number of inputs including statutory requirements, Board initiated activities, and staff recommended initiatives reacting to federal, state and regional issues. Based on these inputs, the Work Program reflects more focus on tasks and activities related to coordination and advocacy of funding for local projects, capital project initiatives, state/regional advocacy, land use coordination due to new state mandates and member agency assistance.

**CMP Work Program**

The proposed FY 2012 and FY2013 CMP Work Program is included as Attachment A.

**CMP Budget and Fees**

The proposed FY 2012 and FY 2013 CMP Budget as summarized below supports the major tasks outlined in the CMP Work Program for the upcoming year, including the total estimated cost of VTA staff, consultant services, and other goods and services to accomplish each task.

The projected revenue is comprised of the following:

<table>
<thead>
<tr>
<th>FY 2012 Projected Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member Agency Fees</td>
</tr>
<tr>
<td>MTC STP Planning Grant</td>
</tr>
<tr>
<td>TFCA 40% Local Program Manager Administrator Fee</td>
</tr>
<tr>
<td>2010 Measure B (SB83) Program Administration Fee</td>
</tr>
<tr>
<td>STIP Programmed Project Monitoring (PPM) Funds</td>
</tr>
<tr>
<td>Local Partnership Funds</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
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</table>
FY 2013 Projected Revenue

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member Agency Fees</td>
<td>$2,407,274</td>
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<tr>
<td>MTC STP Planning Grant</td>
<td>$1,370,650</td>
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<tr>
<td>TFCA 40% Local Program Manager Administrator Fee</td>
<td>$110,000</td>
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<tr>
<td>2010 Measure B (SB83) Program Administration Fee</td>
<td>$110,000</td>
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<tr>
<td>STIP Programmed Project Monitoring (PPM) Funds</td>
<td>$486,500</td>
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<tr>
<td>Local Partnership Funds</td>
<td>$75,000</td>
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<tr>
<td><strong>Total:</strong></td>
<td><strong>$4,559,424</strong></td>
</tr>
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</table>

Member Agency fees are based on the fee schedule adopted by the Board in June 2005, which specifies annual increases of 3.5%. However, VTA staff recommends that the fee structure for FY 2012 and FY 2013 remain unchanged from FY 2011.

New revenue of $120,000 in FY2012 and $110,000 in FY2013 is for the administration of the 2010 Measure B (SB83) Program which was approved by Santa Clara County voters in November 2010. The CMP will be distributing approximately $12 million to Cities and countywide through the Measure B (SB83) Program.

The projected expenditures are comprised of the following:

**FY 2012 Projected Expenditures**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Capital Improvement Program</td>
<td>$1,121,611</td>
</tr>
<tr>
<td>2. Congestion Management Program Conformance</td>
<td>$930,855</td>
</tr>
<tr>
<td>3. Land Use and Transportation Integration</td>
<td>$1,117,026</td>
</tr>
<tr>
<td>4. Plans and Studies</td>
<td>$1,396,282</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>$4,565,774</strong></td>
</tr>
</tbody>
</table>

The proposed FY 2012 CMP Budget of $4,565,774 is $114,080 less than the adopted FY 2011 CMP Budget of $4,679,854.

**FY 2013 Projected Expenditures**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Capital Improvement Program</td>
<td>$1,115,261</td>
</tr>
<tr>
<td>2. Congestion Management Program Conformance</td>
<td>$930,855</td>
</tr>
<tr>
<td>3. Land Use and Transportation Integration</td>
<td>$1,117,026</td>
</tr>
<tr>
<td>4. Plans and Studies</td>
<td>$1,396,282</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>$4,559,424</strong></td>
</tr>
</tbody>
</table>

The proposed FY 2013 CMP Budget of $4,565,774 is $6,350 less than the proposed FY 2012 CMP Budget of $4,565,774.

The FY 2012 and FY2013 CMP Work Program is scheduled as an information item at the TAC,
PAC and CMPP committees in March and as an action item at these committees in April. In May, it will be scheduled for review and approval by the Board of Directors.

ALTERNATIVES:

The CMP Work Program could be altered through additions, deletions and modifications to the proposed Work Program that is attached.

FISCAL IMPACT:

Funds for the Recommended FY 2012 and FY 2013 CMP Work Program are included in VTA's FY 2012 and FY 2013 Biennial Operating Budget. VTA's FY 2012 and FY 2013 Biennial CMA/CMP Operating Budget is being submitted for approval by VTA Board of Directors at its June 2, 2011 meeting.

ADVISORY/STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

March Committees
The Technical Advisory Committee (TAC) reviewed this item on March 10, 2011. TAC requested the removal of "deferral" of increase in Member Agency Fee language as discussed last fiscal year. Staff concurred and removed the language. There was discussion regarding the proposed scope of services and decreasing Member Agency Fees. Although VTA staff recommendation is to maintain current level of Member Agency Fees, one TAC member inquired if new scope could be included in lieu of existing scope if Member Agency Fees could not be reduced, and another inquired as to whether VTA could take over annual intersection level of service monitoring.

Staff will provide various options for fee levels and services at the April Committee meetings for consideration.

The Policy Advisory Committee (PAC) received this item on consent on March 10, 2011. PAC members supported the staff recommendation.

The Congestion Management Program & Planning Committee (CMPP) reviewed this item on March 18, 2011. Staff proposed a two-year budget cycle for the CMP Work Program to match the VTA budget cycle. CMPP members agreed to the change. Staff will prepare the two year CMP Work Program to present at the April meeting. CMPP asked questions regarding the history of Proposition 111 and the requirements of the Work Program. Staff explained that the work program has evolved since the passing of Prop 111, and now includes Board of Directors and Member Agency requirements. CMPP member requested a comparison of Prop 111 funds distributed to each member agency to member agency fees. Staff will provide the comparison at the April Committee meetings.

April Committees
The Technical Advisory Committee (TAC) reviewed this item on April 14, 2011. Staff presented the overview of the CMPP request of the history of the requirements of the CMP Work Program, the comparison of Prop 111 fund distribution and other CMA funds to member agency fees, and
the overview of the two-year CMP Work Program and budget as directed by CMPP. Staff also presented VTA assuming the City intersection counts for the FY13 Monitoring and Conformance Report and the moving of budget from Plans and Studies to CMP Conformance for FY13 to fund the counts. Staff clarified that the intersection counts will also include County intersection counts for the FY13 Monitoring and Conformance Report. Staff also reported that Member Agency Fees will remain at current levels for both FY12 and FY13. The TAC voted unanimously to support staff recommendations on the two-year CMP Work Program and budget.

The Policy Advisory Committee (PAC) approved this item on consent on April 14, 2011.

The TAC voted unanimously to support staff recommendations on the two-year CMP Work Program and budget.

On April 22, 2011, the Congestion Management Program & Planning Committee (CMPP) voted unanimously to approve this item and forward it to the Board of Directors.

Prepared by: Jane Shinn
Memo No. 2882
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: SR 237/I-880 Express Connectors for Tolling Management, Enforcement and Cooperative Agreements

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute agreements with the Bay Area Toll Authority (BATA) for toll collections and customer service support, California Highway Patrol (CHP) for enforcement and California Department of Transportation (Caltrans) for maintenance for the SR 237/I-880 Express Connectors project.

BACKGROUND:

The Silicon Valley Express Lanes Program (formerly referred to as the High Occupancy Toll Lanes Program) has been under development since 2003 when the Santa Clara Valley Transportation Authority (VTA) Board of Directors’ Ad Hoc Financial Stability Committee requested a presentation from staff on High Occupancy Toll (HOT) Lanes and their potential benefits and opportunities in Santa Clara County.

At its December 2008 meeting, the VTA Board of Directors approved the Silicon Valley Express Lanes Program for the implementation of toll operations within the High Occupancy Vehicle (HOV) Lanes.

In order for VTA to operate the Express Lane projects, VTA is required to enter into agreements with Bay Area Toll Authority (BATA), California Highway Patrol (CHP) and California Department of Transportation (Caltrans) as per Assembly Bill 2032 (AB 2032) that provides VTA the authority to undertake roadway pricing on two transportation corridors.
DISCUSSION:

This VTA staff recommendation would establish authority for the General Manager to execute agreements with BATA, CHP and Caltrans that are necessary to implement the SR 237/I-880 Express Connectors project in Santa Clara County. The agreements have been negotiated with each respective agency and are similar to agreements executed for the I-680 Express Lane project that has been operation since September 2010.

The agreements with the agencies are needed in order to meet the requirements in AB 2032 to operate the Express Lane projects. In addition, it is important to ensure that these agreements are in place well in advance of the projected opening of the project to traffic in the fall of 2011. These agreements establish roles and responsibilities and set parameters for fund reimbursement to the respective agencies.

The BATA agreement provides for management of FasTrak accounts, distribution of toll tags, fund transfers to VTA for valid FasTrak Express Lane transactions and customer service representatives for handling Express Lane calls from the public. Among the agreement costs that will be included is a one-time start-up cost in the amount of $72,000 for design, development, and testing of customer service system modifications specific to the SR 237/I-880 Express Connectors project. The agreement will fix the toll transaction fee of $0.17 per transaction for BATA processing, customer service center services including correction file processing, customer enrollment, account management, call answering and dispute processing, and revenue settlement. The transaction fee will be reviewed on an annual basis to reflect changes in actual BATA processing costs. VTA will also pay processing fee for credit card and banking fees proportionate to the total number and value of VTA transactions over the total number and value of all BATA transactions. Lastly, VTA will pay BATA $2,000 per month for direct staff costs, including overhead, for ongoing management and support of the Express Lanes including weekly settlement and revenue transfer. The fee for BATA costs will be reviewed annually and adjusted to reflect actual costs expended.

The CHP agreement for enforcement is $30,000 per year. The contract amount will allow for approximately 8 hours of enforcement a week using two officers for 4 hours each.

The Caltrans agreement allows for the Express Lanes operation on the State’s highway system and specifies the need for VTA to implement, operate and maintain the electronic toll system equipment, provide enforcement and utility power and communications. In addition, it is estimated that VTA will contract with Caltrans for additional roadway maintenance services that is expected to cost approximately $30,000 per year.

ALTERNATIVES:

In order for VTA to operate the Express Lane projects, VTA must enter into agreements with Caltrans, BATA and CHP as required in AB 2032. There are no other alternatives to meet the AB 2032 requirements.
FISCAL IMPACT:

This action is required in order to establish funding reimbursement, maintenance and enforcement agreements and for the operation of the SR 237/I-880 Express Lane project. Appropriation for these expenditures will be included in the Recommended Fiscal Years 2012 and 2013 and subsequent Silicon Valley Express Lanes Program Operating Budgets.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Congestion Management Program and Planning Committee (CMPP) considered this item on April 22, 2011. The Committee asked if there are additional agreements that would be needed for this project. Staff explained that all agreements with external agencies are addressed by this memorandum, but that the Committee will see other items related to approval of operational procedures and award of the roadway contract for the SR 237/I-880 Express Connectors project. Staff shared that the project is scheduled to be opened in the fall of 2011.

The Committee posed several questions related to tolling authority and revenues from Express Lanes projects. The Committee expressed that the tolling authority and the revenues should remain under VTA control despite the on-going regional express lanes efforts by the MTC. Staff clarified that Assembly Bill (AB) 2032 provides VTA the tolling authority and the revenues. Furthermore, staff will bring an item on Bay Area Express Lanes where VTA Board would be able to state its position on supporting the MTC effort.

The Committee also asked how CHP will enforce operations for this project. Staff explained that CHP officers would be assisted by devices such as lighted beacons and hand held readers to assist with the enforcement. Cheaters could be cited for a carpool violation for the amount of $381, but the revenue from this fine does not go back to the tolling authority and explained that there is an effort underway for the I-680 Express Lane to adopt an ordinance to enable violation fees to return to the tolling authority.

Prepared by: Murali Ramanujam
Memo No. 2847
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Local Program Reserve Reallocation

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

ACTION ITEM

RECOMMENDATION:

Approve reallocation of Local Program Reserve (LPR) savings of $3.8 million to the US 101 Express Lanes Project.

BACKGROUND:

On February 28, 2007, the California Transportation Commission (CTC) selected three projects in Santa Clara County to fund construction from the Proposition 1B Corridor Mobility Improvement Account (CMIA), including $84.9 million for the US 101 Auxiliary Lanes Project and $71.60 million for the I-880 HOV Widening Project. As part of the agreement, VTA was required to fund project development costs, including project approval/environmental document (PA&ED), final design plans, specifications, and estimates (PS&E), and right of way (ROW).

On December 13, 2007, the VTA Board of Directors approved funding for project development phases for the selected projects utilizing Local Program Reserve (LPR) funding sources. Environmental approval for the US 101 Auxiliary Lanes and I-880 HOV Widening Projects was received in summer 2009, with PS&E and ROW phases anticipated to be completed in spring 2011. It is projected that at the completion of project development, there will be savings of $1.40 million and $2.40 million from the US 101 Auxiliary Lanes Project and the I-880 HOV Widening Project, respectively.

DISCUSSION:

The combined savings from the two previously mentioned projects is $3.8 million as shown on
Table 1.

VTA staff recommends transfer of this $3.8 million of LPR funding to provide the additional funding needed to amend the contract the URS Corporation for services to complete the PA&ED phase of the US 101 Express Lanes Project and to provide additional funding for VTA staff project administration and management. The contract amendment for URS Corporation is discussed in an accompanying Board of Directors item on the May 5, 2011 agenda.

**TABLE 1: LOCAL PROGRAM RESERVE SAVINGS**

$ in millions

<table>
<thead>
<tr>
<th>Project</th>
<th>Approved</th>
<th>Actual</th>
<th>Savings</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-880 HOV Widening (SR 237 to US 101)</td>
<td>23.4</td>
<td>21.0</td>
<td>2.4</td>
</tr>
<tr>
<td>US 101 Auxiliary Lanes (85 to Embarcadero)</td>
<td>17.1</td>
<td>15.7</td>
<td>1.4</td>
</tr>
<tr>
<td><strong>Total Savings</strong></td>
<td><strong>40.5</strong></td>
<td><strong>36.7</strong></td>
<td><strong>3.8</strong></td>
</tr>
</tbody>
</table>

**ALTERNATIVES:**

The VTA Board of Directors may choose not to reprogram the LPR funds for use in supporting the project development phase of the US 101 Express Lanes Project, or elect to explore alternative programming strategies, which would lead to delay in the project development schedule.

**FISCAL IMPACT:**

The funds to be reprogrammed are savings of LPR funds previously allocated to CMIA projects (I-880 HOV Widening, US 101 Auxiliary Lanes) by the VTA Board of Directors.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATIONS:**

The Congestion Management Program & Planning Committee (CMPP) met as a Committee of the Whole on April 22, 2011 and without comment unanimously approved this item.

Prepared by: Celeste Fiore  
Memo No. 2867
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: US 101 Express Lanes Contract Amendment

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract amendment with URS Corporation to complete the Project Approval and Environmental Documentation (PA&ED) services for the US 101 Express Lanes Project for up to $2,800,000 for a total contract value not-to-exceed $4,300,000.

BACKGROUND:

On December 9, 2010, the VTA Board authorized the General Manager to amend the existing engineering services contract with URS to include $1.5 million for commencement of Phase I of environmental clearance for the US 101 Express Lanes Project. At that time, staff estimated that additional funding of approximately $2.8 million would be required to augment the contract services for URS to complete the Project Approval & Environmental Document (PA&ED) tasks for the US 101 Express Lanes Project. There was insufficient funding available in December 2010 to fully fund the PA&ED phase of the project. Due to savings accrued on two other VTA managed highway projects, there now is funding available to recommend full funding of the contract services.

DISCUSSION:

The VTA staff recommendation is to authorize the General Manager to execute a contract amendment with URS Corporation for completion of the PA&ED phase for the US 101 Express Lanes Project. The recommended contract amendment is $2.8 million for a revised not-to-exceed contract value of $4.3 million. The contract type would continue as a cost-plus-fixed-fee
Amendment that includes a fixed fee amount of approximately 6% of the total contract. Completion of PA&ED tasks for US 101 Express Lanes is estimated to take approximately 24 months, which agrees with the current contract term of June 2013. Attachment A is a Project Location Map and Attachment B is a listing of the sub-consultants that are part of the URS Corporation team.

Advancing the US 101 Express Lanes project will promote schedule consistency with the SR 85 project and delivery of the two projects as one transportation corridor consistent with the enabling legislation. URS is also under contract with VTA to complete the PA&ED phase of the SR 85 Express Lane Project. The contract amendment increases the project scope by adding the following tasks:

- Complete traffic analysis
- Complete environmental technical studies and CEQA/NEPA environmental document
- Complete preliminary design and obtain design exceptions approval from Caltrans
- Complete Project Study Report/Project Report

Funding for this contract amendment is provided through savings accrued on two other VTA managed highway projects that are the subject of another memorandum on the May 5, 2011 Board Agenda. As additional funding becomes available, staff may also return to the VTA Board in 2012 for authorization and funding to advance tasks associated with final design for the project, such as surveying, mapping and engineering.

**ALTERNATIVES:**

The VTA Board of Directors may elect not to amend the contract with URS and elect not to move forward with the project development effort at this time. Alternatively, the Board can request staff to solicit proposals from other consultants for the performance of this work which could result in an increased cost of the services as well as delay to project completion.

**FISCAL IMPACT:**

This action will authorize an additional $2,800,000 for PA&ED services. The funding for the proposed contract amendment action is derived from the reallocation of local funding resulting from cost savings from other highway projects. There is sufficient appropriation for this expenditure in the FY11 Adopted VTP Highway Improvement Program Fund Capital Budget.

**UNDERUTILIZED DISADVANTAGED BUSINESS ENTERPRISE (UDBE) PARTICIPATION:**

Based on identifiable subcontracting opportunities, an Underutilized Disadvantaged Business Enterprise (UDBE) goal of 8% has been established for the contract amendment with URS. The contractor has committed to the 8% UDBE participation on this contract.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Congestion Management Program and Planning Committee heard this item at their April 22, 2011 meeting and voted unanimously to approve the item.
Prepared by: Lam Trinh
Memo No. 3056
## Attachment B

**US 101 Express Lanes – Engineering Contract Amendment**  
**List of Consultants**

<table>
<thead>
<tr>
<th>Firm Name</th>
<th>Name</th>
<th>Role</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>URS Corporation</td>
<td>Ramsey Hissen</td>
<td>Principal</td>
<td>San Jose</td>
</tr>
<tr>
<td>DKS Associates</td>
<td>Terry Klim</td>
<td>Sub-Consultant</td>
<td>Oakland</td>
</tr>
<tr>
<td>Environmental Data Resources</td>
<td>Noel Roman</td>
<td>Sub-Consultant</td>
<td>San Jose</td>
</tr>
<tr>
<td>Illingworth and Rodkin</td>
<td>Michael Thill</td>
<td>Sub-Consultant</td>
<td>Petaluma</td>
</tr>
<tr>
<td>JRP Historical</td>
<td>Steven Whee</td>
<td>Sub-Consultant</td>
<td>Davis</td>
</tr>
<tr>
<td>Radman Aerial</td>
<td>Carol Radman</td>
<td>Sub-Consultant</td>
<td>Sacramento</td>
</tr>
<tr>
<td>Wilbur Smith Associates</td>
<td>Kris Wuesterfield</td>
<td>Sub-Consultant</td>
<td>New Haven</td>
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<tr>
<td>WRECO, Inc.</td>
<td>Han-Bin Liang</td>
<td>Sub-Consultant</td>
<td>Walnut Creek</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: 2011 Second Cycle Lifeline Transportation Program Grant Awards

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

ACTION ITEM

RECOMMENDATION:

Approve the programming of Lifeline Transportation Program funds for the following projects:

1. Family Transportation Services Program $409,913
2. Ways to Work Family Loan Program $273,276
3. Santa Clara-Alum Rock Rapid Transit Bus Purchase $10,000,000

BACKGROUND:

In 2005, the Metropolitan Transportation Commission (MTC) established the interim Lifeline Transportation Program to fund projects that result in improved mobility for low-income residents of the nine San Francisco Bay Area counties.

On January 5, 2006, the VTA Board of Directors authorized the General Manager to execute a Cooperative Agreement with the County of Santa Clara to develop and administer the Lifeline Transportation Program in Santa Clara County. This agreement established a Joint Lifeline Transportation Committee (JLTC) to solicit, review and recommend projects to the VTA Board, the County Board of Supervisors and MTC.

In June 2008, MTC evaluated the three-year interim Lifeline Program and resolved to continue it with MTC Resolution 3860. Then MTC assigned funding targets proportioned on the county's share of poverty population for a second three-year programming cycle.
DISCUSSION:

MTC has notified VTA and the County that approximately $647,000 federal Large Urban Area Jobs Access/Reverse Commute (JARC) funds and approximately $10 million State Proposition 1B Public Transit Modernization (PTMISEA) funds are available for programming to Lifeline projects in Santa Clara County.

Based on this information, VTA and the County, as the Lifeline Program administrators, issued calls-for-projects on January 18, 2011 and February 11, 2011 for JARC and PTMISEA funds respectively. On March 30, 2011, the JLTC reviewed and scored qualified project submittals.

Large Urbanized Area JARC

The JARC program provides funding to support projects designed to transport welfare recipients and eligible low-income individuals to and from employment activities and employment related activities and to transport residents of urbanized areas and non-urbanized areas to suburban employment opportunities.

Staff received two proposals requesting JARC funds. Details about each proposal can be found on Attachment B. Outreach and Escort, Inc. requested $647,000 for their “Family Transportation Program” and Peninsula Family Service requested $600,000 for their “Ways to Work Family Loan Program-Santa Clara County”. Both projects scored very well, and within a few points of each other. Subsequent to scoring the applications, MTC advised the JLTC of an increase in available JARC funds to $683,189. The JLTC recommends partial funding for both projects in the amount of $409,913 and $273,276 respectively, as shown on Attachment A.

Proposition 1B

The purpose of this fund source is to help advance the State’s public transportation goals to provide mobility choices for all residents, reduce congestion, and protect the environment. Proposition 1B funds are sometimes challenging to program within the Lifeline Program because the funds are limited to Public Transit Operators, and may only be used for transit capital projects. Most Lifeline Program sponsors submit proposals for operating funds.

Staff received one proposal requesting Proposition 1B funds. VTA submitted the Santa Clara-Alum Rock Rapid Transit (RT) Bus Purchase proposal requesting $10 million to purchase hybrid diesel-electric Rapid Transit buses. These buses will provide rapid transit service for 7.4 miles within the Santa Clara-Alum Rock Corridor. Annually, VTA estimates the buses will provide 2 million passenger trips to low-income, transit dependent riders. Details about the proposal can be found on Attachment B.

The JLTC requests that the VTA Board of Directors approve the funding for these projects.

ALTERNATIVES:

The VTA Board may request other programming alternatives. Any change in programming alternatives also requires the County Board of Supervisors approve the alternatives.
**FISCAL IMPACT:**

VTA will receive $10 million in Lifeline Program grants to purchase hybrid diesel-electric Bus Rapid Transit (BRT) buses. Appropriation for this project is included in the Recommended FY 2012 and FY 2013 Measure A Transit Improvement Program Fund Capital Budget which is scheduled for adoption by the Board in June 2011.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATIONS:**

The Congestion Management Program & Planning Committee (CMPP) considered this item on April 22, 2011 and unanimously approved this item for Board consideration and approval.

Prepared by: Celeste Fiore
Memo No. 2956
## 2011 SECOND CYCLE LIFELINE TRANSPORTATION PROGRAM
### RECOMMENDED AWARDS

<table>
<thead>
<tr>
<th>Sponsor</th>
<th>Program Name</th>
<th>Score (Max 100)</th>
<th>Local Match</th>
<th>Requested Grant Amount</th>
<th>Recommended Award</th>
<th>Cumulative Award</th>
</tr>
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<tbody>
<tr>
<td>Outreach &amp; Escort, Inc.</td>
<td>Family Transportation Services Program</td>
<td>93</td>
<td>$906,400</td>
<td>$647,000</td>
<td>$409,913</td>
<td>$409,913</td>
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<tr>
<td>Peninsula Family Service</td>
<td>Ways to Work Family Loan Program</td>
<td>89</td>
<td>$1,252,842</td>
<td>$600,000</td>
<td>$273,276</td>
<td>$683,189</td>
</tr>
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</table>

**State Proposition 1B Funds**

<table>
<thead>
<tr>
<th>Sponsor</th>
<th>Program Name</th>
<th>Score (Max 100)</th>
<th>Local Match</th>
<th>Requested Grant Amount</th>
<th>Recommended Award</th>
<th>Cumulative Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>Santa Clara VTA</td>
<td>Santa Clara-Alum Rock Rapid Transit Bus Purchase</td>
<td>95</td>
<td>$33,250,000</td>
<td>$10,000,000</td>
<td>$10,000,000</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Total JARC funds**  $683,189
**Total Proposition 1B funds**  $10,000,000
ATTACHMENT B
2011 SECOND CYCLE LIFELINE TRANSPORTATION PROGRAM
PROJECT DESCRIPTIONS

RECOMMENDED – JARC Funded

Outreach & Escort, Inc.  Family Transportation Program
The program will serve approximately 2,560 South County residents, provide an estimated 55,220 passenger trips to and from employment-related activities, and distribute 1,180 bicycles over the three year cycle. The services include door-to-door demand-response transportation; fully subsidized vehicle repair for CalWORKS participants; guaranteed rides home; bicycles for the new Bike to Work program and education about public transportation options. This is an existing umbrella program and further JARC funds will allow the program to continue.

Peninsula Family Service  Ways to Work Family Loan Program-Santa Clara County
The Ways to Work (WTW) program provides small, short-term, low-interest loans to low-income families for the purpose of purchasing or repairing a car to get to work, childcare, and to pursue educational or job training opportunities. At 90%, Peninsula Family Service boasts one of the highest repayment rates. Peninsula Family Service is projected to provide 150 loans over the 3 year period resulting in 75,000 work related trips. The program is backed by the National Ways to Work program.

RECOMMENDED – PROPOSITION 1B Funded

Santa Clara VTA  Santa Clara-Alum Rock Rapid Transit Bus Purchase
The project proposes to purchase hybrid diesel-electric express transit buses to operate on the new Santa Clara–Alum Rock Rapid Transit line. This new line will provide new limited rapid transit service for 7.4 miles, from the Eastridge Transit Center in East San Jose to San Jose Diridon Transit Center in Downtown San Jose, starting in 2013. The project will provide over 2 million passenger trips per year to low income riders. With implementation of the project, two separate Rapid Transit lines (the 522 El Camino and the 523 Stevens Creek) would operate in the Santa Clara-Alum Rock Corridor. These green technology buses will run 18 hours a day, servicing 13 stops.
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Caltrans CBTP Grant Local Resolution-Tamien Station Area Study

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

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a resolution authorizing the filing and execution of grants under the Caltrans Community-Based Transportation Planning grant through Caltrans Transportation Planning Grants program for Fiscal Year 2011-2012.

BACKGROUND:

VTA has applied for funds under the Caltrans Community-Based Transportation Planning Grant program. Caltrans offers a bundled grant program for a wide range of transportation planning purposes that are ultimately intended to improve the California State transportation network. The program apportions funds in order to promote a balanced, comprehensive multi-modal transportation system and awards the funding on a competitive basis.

VTA is applying for grant funding to advance development at the Tamien Station Area. The constraints to development include a replacement parking solution to reconfigure the parking from the east side to the west side in order to free up land for development, as well as filing a Specific Plan amendment to reconcile the discrepancy in land use designations between the current Draft Envision 2040 General Plan update and the 1995 Specific Plan.

The Caltrans Community-Based Transportation Planning grant requires all applicants to submit a resolution approved by their governing body authorizing the submittal of the grant application (Attachment A).

3331 North First Street · San Jose, CA 95134-1927 · Administration 408.321.5555 · Customer Service 408.321.2300
DISCUSSION:

VTA is the property owner of approximately 13 acres located to the east and west of Highway 87 at Tamien Station. The City of San Jose is undergoing a General Plan update that updates approximately 7 acres of the existing land previously designated for Public Park and Open Space and Public/Quasi-Public to be updated for Urban Residential (30-95 du/ac). The City of San Jose and VTA share a mutual vision to densify around transit corridors and recognize the optimal location of the Tamien Station Area for a thriving transit-oriented development. The City of San Jose provided a letter of support for the grant application referencing the City’s vision for the intensification of land uses along the transit corridor as identified in the Draft Envision 2040 General Plan update.

As a primary property holder and the operator of the light rail transit system, VTA is best suited to carry out the necessary steps in order to achieve the high-density transit-oriented development that both VTA and the City envision for the area. The constraints to advancing development are two-fold:

1. VTA is responsible for providing parking at the station for all transit patrons. The area that will be designated as high-density residential through the General Plan update is currently used for transit parking, and this parking must be relocated or reconfigured before the land can be available for development. VTA would like to evaluate the entire station area to determine how to best configure the replacement parking to the areas that are not designated for high-density development. In addition, the analysis will evaluate the existing level of service at the major intersections as related to the Highway 87 access and ascertain improvements to promote multi-modal circulation and vehicular and pedestrian safety.

2. Although the General Plan update is reflecting a densified vision for the station area, the area will continue to be governed by the Tamien Station Area Specific Plan unless an amendment is filed to reconcile the inconsistent land uses. The amendment process requires a comprehensive evaluation of the Specific Plan, extensive community involvement and additional resources and analysis to ensure the process is effectively executed.

On March 30th 2011, the VTA submitted to the Caltrans Transportation Planning Grants program applying for $300,000 to fund the master plan development. There is a 10% minimum matching funds requirement for the program, of which 7.5% must be cash and 2.5% may be in-kind. The matching funds will be provided through VTA’s Joint Development Program Fund.

ALTERNATIVES:

The Board of Directors could elect not to accept the Caltrans Community-Based Transportation Planning grant and another source of funds will need to be identified to complete the replacement parking evaluation and Specific Plan amendment. Without these necessary steps to advance development, the existing constraints will not allow for development to occur at Tamien Station Area.
**FISCAL IMPACT:**

If awarded, the Caltrans Community-Based Transportation Planning grant funds totaling $272,727 will be made available to VTA to help defray the cost of other resources to advance development at Tamien Station. The total funding also includes $20,455 of locally matched funds and $6,818 of local in-kind funds. These amounts are 7.5% and 2.5% respectively of the total grant amount of $300,000. The locally matched funds will be provided through VTA’s Joint Development Program Fund.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATIONS:**

The Congestion Management Program & Planning Committee (CMPP) considered this item on April 22, 2011 and unanimously approved this item for Board consideration and approval.

Prepared by: Jennifer Rocci
Memo No. 3062
Resolution No. ________

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA)
AUTHORIZING THE FILING AND EXECUTION OF GRANTS FOR THE
CALTRANS COMMUNITY-BASED TRANSPORTATION PLANNING GRANT
PROGRAM UNDER THE CALTRANS TRANSPORTATION PLANNING GRANTS
PROGRAM FOR FISCAL YEAR 2011-2012

WHEREAS, Caltrans has authorized to make grants and funding for the program shown above; and

WHEREAS, the Santa Clara Valley Transportation Authority (VTA) desires to apply for Caltrans Community-Based Transportation Planning funding to create advance development at the Tamien Station Area in Santa Clara County; and

WHEREAS, the Santa Clara Valley Transportation Authority (VTA) has, to the maximum extent feasible, coordinated with other local agencies and users in the region;

NOW, THEREFORE, BE IT RESOLVED, that the VTA Board of Directors does hereby authorize the General Manager to file and execute grant applications and agreements with Caltrans on behalf of VTA as amended.

BE IT FURTHER RESOLVED that the General Manager is authorized to:

1. Execute and file all assurances or any other document required by Caltrans; and

2. Provide additional information as Caltrans may require in connection with the application for the Community-Based Transportation Planning grant projects; and

3. Submit and approve the request for reimbursement of funds from Caltrans Community-Based Transportation Planning grant projects.
PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority (VTA) Board of Directors on _______.

AYES:

NOES:

ABSENT:

__________________________
Margaret Abe-Koga, Chairperson
Board of Directors

ATTEST:

__________________________
Sandra Weymouth, Board Secretary

APPROVED AS TO FORM:

__________________________
Kevin Allmand, 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: Valley Transportation Plan, Regional Transportation Plan and Sustainable Communities Strategies Updates

FOR INFORMATION ONLY

BACKGROUND:

Regional and local planning agencies are currently engaged in a comprehensive planning process intended to better unite transportation and land use planning in the Bay Area. The passage of SB 375 in September 2008 introduced significant new complexities and challenges into the RTP planning processes including the requirement for inclusion in the RTP of Sustainable Communities Strategies (SCS). The RTP sets a transportation planning framework for the entire nine-county Bay Area by establishing a regional “vision” for transportation policy issues, transportation program development and project funding. Countywide long-range transportation plans, such as VTA’s Valley Transportation Plan (VTP), provide county-level vision and input into the RTP. This memorandum is part of VTA’s program to provide regular updates on efforts related to the development of the Regional Transportation Plan (RTP), Sustainable Communities Strategy and VTP 2040.

DISCUSSION:

This month’s update focuses on the Initial Vision Scenario and public outreach.

Release of Initial Vision

As one of the first steps toward crafting a Sustainable Communities Strategy for the region, the Regional Agencies have prepared an unconstrained Initial Vision Scenario designed to accommodate all of the housing needs for all economic groups, and to direct development to Priority Development Areas and other locally-identified areas. Under this scenario, it is foreseen that a future development pattern that depends upon a strong economy, sufficient funding for affordable housing and supportive public infrastructure and transportation investments, will best serve our Region. The proposed distribution of housing focuses on areas close to transit that have...
been identified by local jurisdictions. This focused growth pattern preserves open space and 
agricultural land in the Bay Area.

The focus in this Vision Scenario is the concentration of housing along major transit corridors, 
locations identified within Priority Development Areas (PDAs) and places for growth identified 
by local jurisdictions. The Initial Vision Scenario relies on input from local jurisdictions and the 
characteristics of the places they identified for the distribution of growth. Where information was 
not provided by the local jurisdiction, ABAG input information related to additional units based 
on the typical characteristics of the relevant locally-selected place type. Employment forecasting 
and distribution in this Scenario is not directly related to land use policy. The Initial Vision 
Scenario reflects the transportation investments from MTC’s current Regional Transportation 
Plan. To support the increased housing growth, it also includes some tentatively proposed 
improvements to the region’s transit network.

ABAG and MTC also intend to measure the Vision Scenario through a set of performance 
targets that were based on the three E’s of the previous RTP, Economy, Environment, and 
Equity. The Vision Scenario also performs well on some targets and does not perform well on 
others. For example, in terms of the target set by SB 375 to house all income levels, it performs 
well. However, in terms of reduction of vehicle miles traveled, the Vision Scenario does not 
perform well.

The Initial Vision Scenario will serve as the starting point for public comment on the 
development, analysis and discussion of detailed SCS alternatives over the summer. These 
detailed scenarios will be evaluated against a set of performance targets, including the regional 
housing target and the regional greenhouse gas targets for 2020 and 2035, and other performance 
targets. These evaluations will in-turn be used to craft RTP funding policies.

VTA staff’s concerns on the Initial Vision Scenario deal with the projections and the locations 
for housing within Santa Clara County and the assumptions made as part of that. VTA staff is 
conducting scenario testing to model the impacts of different land use-transportation scenarios 
and compare the results with that of the Vision Scenario. As part of the process, VTA staff will 
meet and discuss this with our Member Agency Planning and Public Works staff in order to 
better understand the Vision Scenario and to provide feedback where appropriate.

Apart from some concerns, the Initial Vision Scenario is what it states, a vision. Many of what is 
being presented is an ideal representation of what is hoped to occur within the Bay Area. There 
is information within the document that states that in the PDAs alone, there could be 110,500 
new households by 2035 and 65,000 additional households in Growth Opportunity Areas in 
Santa Clara County alone. With this being shown, it is important to position this County in order 
to accommodate that growth and the funding that comes along with it.

At the April committee meetings, staff will bring forward the Initial Vision Scenario for 
discussion. Attachment A is the Executive Summary of the Initial Vision Scenario. The entire 
Initial Vision Scenario is available online: 
Public Outreach

The Regional Agencies are hosting a series of Public Workshops throughout the Bay Area to introduce the Initial Vision Scenario. To engage the public in the discussions of the SCS and VTP development and solicit feedback on the draft VTP project lists, VTA has set up six public meetings in March and April. These public meetings are intended to bring about discussion regarding the projects and to give the public a sense of what the process for the development of the VTP will be, with the inclusion of a Sustainable Communities Strategy and how we should consider elements of SB 375. Both the SCS and VTP/RTP discussions will be covered at these meetings. The unconstrained list of projects is being covered under a separate memo.

VTP/SCS Public Meetings
March 16 - 4pm to 6pm - VTA Offices, San Jose
April 7 - 6pm to 8pm - Morgan Hill Community and Cultural Center, Madrone Room
April 11 - 6pm to 8pm - Mountain View Public Library, Community Room
April 12 - 6pm to 8pm - San Jose Biblioteca Latinoamericana Library, Community Room
April 13 - 6pm to 8pm - Campbell Library, Community Room, Lower Floor
April 14th - 4pm to 6pm, VTA Policy Advisory Committee/Cities Association Meeting: Sunnyvale City Council Chamber (webcast available)

ADVISORY/STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Technical Advisory Committee received a presentation at its April 14, 2011 meeting and had no comment.

The item was included in the Regular Agenda at the Policy Advisory Committee meeting on April 14, 2011. Staff stated that additional information on this topic would be provided at the Joint PAC/Cities Association meeting that will be followed immediately.

The Congestion Management Program and Planning Committee received the report from Staff on April 22, 2011. Member Yeager questioned the next steps in the process and Staff responded that there are a lot of unknowns at this point, although the Vision Scenario is open for comment until May. Member Moylan asked what the next steps in the process were. Staff responded that this was an initial list for submittal to MTC and that Staff would bring back the project lists during the late Summer/early Fall period for prioritization and final submittal to be included as part of the RTP.

Prepared By: John Sighamony
Memo No. 3052
Executive Summary of the Initial Vision Scenario

In 2008, Senate Bill 375 (Steinberg) was enacted. The state law requires that our Regional Transportation Plan contain a Sustainable Communities Strategy that integrates land-use planning and transportation planning. For the 25-year period covered by the Regional Transportation Plan, the Sustainable Communities Strategy must identify areas within the nine-county Bay Area sufficient to house all of the region’s population, including all economic segments of the population. It must also attempt to coordinate the resulting land-use pattern with the transportation network so as to reduce per capita greenhouse-gas emissions from personal-use vehicles (automobiles and light trucks).

The Initial Vision Scenario for Plan Bay Area is a first-cut proposal that identifies the areas where the growth in the region’s population might be housed. This proposal builds upon a rich legacy of integrative planning in the Bay Area. For over a decade, the region and its local governments have been working together to locate new housing in compact forms near jobs, close to services and amenities, and adjacent to transit so that the need to travel long distances by personal vehicle is reduced. Compact development within the existing urban footprint also takes development pressure off the region’s open space and agricultural lands. We have referred to this type of efficient development as “focused growth,” and the regional program that supports it is called FOCUS.

Planning for New Housing and Supporting Infrastructure
The Initial Vision Scenario is constructed by looking first at the Bay Area’s regional housing needs over the next 25 years. This analysis was performed using demographic projections of household growth. It is not a forecast of the region, and does not take into account many factors that constrain the region’s supply of new housing units, such as limitations in supporting infrastructure, affordable housing subsidies, and market factors. The principal purpose of the Initial Vision Scenario is to articulate how the region could potentially grow over time in a sustainable manner, and to orient policy and program development to achieve the first phases of implementation. Under the assumptions of the Initial Vision Scenario, the Bay Area is anticipated to grow by over 2 million people, from about 7,350,000 today to about 9,430,000 by the year 2035. This population growth would require around 902,000 new housing units. The Initial Vision Scenario proposes where these new units might be accommodated.

In a departure from previous regional growth scenarios, this Initial Vision Scenario is designed around places for growth identified by local jurisdictions. These places are defined by their character, scale, density, and the expected housing units to be built over the long term. Using “place types,” areas with similar characteristics and physical and social qualities, ABAG asked local governments to identify general development aspirations for areas within their jurisdictions. These places were mostly the Priority Development Areas (PDAs) already identified through the
FOCUS program. They also included additional Growth Opportunity Areas, some similar to PDAs and others with different sustainability criteria.

Based on local visions, plans and growth estimates, regional agencies distributed housing growth across the region, focusing on PDAs and Growth Opportunity Areas. ABAG in some cases supplemented the local forecast with additional units based on the typical characteristics of the relevant locally-selected place type. ABAG also distributed additional units to take advantage of significant existing and planned transit investment, and it assigned some units to locally identified areas that present regionally significant development opportunities for greater density.

The Initial Vision Scenario accommodates 97 percent of new households within the existing urban footprint. Only 3 percent of the forecasted new homes require “greenfield development” (building on previously undeveloped lands). Priority Development Areas and Growth Opportunity Areas contain about 70 percent of the total growth (743,000 households).

Among counties, three take the lion’s share of growth: Santa Clara, Alameda and Contra Costa absorb a little over two-thirds of the total. These same counties also are anticipated to take the majority of the region’s job growth (64 percent). The region’s three major cities do a lot of the heavy lifting. Thirty-two percent of the forecast and proposed housing growth occurs in San José, San Francisco and Oakland. Seventeen percent goes to medium-sized cities like Fremont, Santa Rosa, Berkeley, Hayward, Concord, and Santa Clara.

The analysis embodied in the Initial Vision Scenario is founded on the location of housing. Employment forecasting and distribution in this Scenario is not directly related to land use policy. Employment location can have a powerful influence on travel demand, vehicle miles traveled, and vehicle greenhouse-gas emissions. In light of these factors and considering economic competitiveness, transit sustainability, and a balanced relationship between employment and housing, regional agencies will be embarking, with local partners, on further analysis regarding appropriate employment locations in relation to future housing growth and the transportation network. This will inform the development of the Detailed Scenarios.

The Initial Vision Scenario reflects the transportation investments from MTC’s current Regional Transportation Plan (known as the Transportation 2035 Plan) with an Express Lane backbone system. It also includes some proposed improvements to the region’s transit network. These include increased frequencies on over 70 local bus and several express bus routes, improved rail headways on BART, eBART, Caltrain, Muni Metro, VTA light-rail, and Altamont Commuter Express, and more dedicated bus lanes in San Francisco and Santa Clara counties, all resulting in overall growth in transit capacity. However, the Bay Area’s transit system is financially unsustainable with operators unable to afford to run the current service levels into the future, much less expanded headways contemplated under the Initial Vision Scenario. MTC’s Transit Sustainability Project will propose a more sustainable transit system for inclusion in the Detailed Scenarios to be tested.

**Measuring Performance Against Targets**
The Initial Vision Scenario results in a 12 percent per capita greenhouse gas emissions reduction from personal-use vehicles in 2035, compared to a 2005 base year. This reduction falls short of
the region’s state-mandated 15 percent per capita greenhouse gas emissions reduction target. It’s clear that additional strategies will need to be employed if we want to attain the greenhouse gas targets, and other targets previously adopted by ABAG and MTC.

MTC and ABAG have adopted a set of Plan Bay Area performance targets to describe in specific, measureable terms the region’s commitment and progress toward the “three E” principles of sustainability (Economy, Environment, and Equity). The Initial Vision Scenario meets several regional targets, including accommodating all the projected housing need by income level (in other words, no more in-commuting by workers who live in other regions); reducing the financial burden of housing and transportation on low-income households by providing more affordable housing; and housing the majority of new development within the existing urban core. Also, more residents are projected to ride transit, walk and bike more than existing residents because much of the new housing is located close to services, amenities and jobs, and adjacent to transit in complete communities.

The Initial Vision Scenario brings more residents into the region, thus increasing the total amount of travel. Some residents will still drive for some trips. Even though vehicle miles traveled per capita in the Bay Area are projected to be lower in the Initial Vision Scenario than it is today, total miles driven within the region is projected to increase. With more Bay Area Residents and more miles driven within the region, we can also expect an increase in the total number of injuries and fatalities. Health impacts from exposure to particulate emissions from automobiles and trucks are likewise projected to worsen with more driving; however, state and federal efforts to clean up heavy duty truck engines will more than off-set the increases from automobiles, resulting in overall reductions sooty particulate pollution.

Finally, it must be said that while bringing more people into the Bay Area will increase the amount of driving and collisions within the region, it is still a net win in the larger sense. The amount of overall driving and greenhouse gas emissions statewide is certainly less than if the new residents were commuting to Bay Area jobs from communities in neighboring regions that do not offer such amenities.

**Next Steps**

The Initial Vision Scenario is offered as basis for discussion with local governments, stakeholders, and the general public about how the Bay Area can accommodate all its population growth over the next quarter century. It is by no means a fait accompli. Over the next several months we will seek input through elected official briefings, local government staff discussions, and public workshops. The comments received will assist ABAG and MTC in developing a range of Detailed Scenarios and testing feasible land-use/transportation alternatives that achieve the greenhouse gas emission reduction targets.

The purpose of the SCS is to forge consensus in the Bay Area on a preferred long-term regionwide growth pattern. Under SB 375, local governments are explicitly not required to update their general plans in accordance with the SCS. The SCS does not carry the same authority as Regional Housing Needs Allocation but it will inform the distribution of housing at the local level. The adopted SCS land development pattern will help guide regional policies and investments that are made pursuant to the Regional Transportation Plan. These regional policies
and investments are intended to create financial and other incentives to implement the adopted land pattern in the SCS. ABAG is currently working with its Housing Methodology Committee to develop a methodology for distributing regional eight-year housing targets to Bay Area local jurisdictions; the methodology will be adopted by ABAG later this year.

The Initial Vision Scenario kicks off a two-year conversation among local jurisdictions and regional agencies on what ultimately will become the forecasted Sustainable Communities Strategy, as a part of Plan Bay Area. During that time, the regional agencies will engage local agencies and the public to help identify and assess several detailed Sustainable Communities Strategy scenarios that demonstrate ways that land-use strategies, transportation investments, pricing and other strategies could achieve our adopted goals and targets. The scenarios also will need to address how the Bay Area’s land use plans can assist adaptation to climate change. The Sustainable Communities Strategy will need to coordinate regional agencies’ initiatives and requirements related to sea-level rise, air quality, and other climate change related issues.

These Detailed Scenarios will lead to selection of a preferred scenario early next year that would include an integrated transportation investment and land-use plan; this plan would also undergo a detailed environmental impact review that local agencies could use to streamline environmental assessments of their own local development projects as provided for in SB 375. Finally, the ABAG and MTC boards would be asked to adopt the complete Plan Bay Area, including a Sustainable Communities Strategy, by April 2013.

This report includes five major sections. First, the introduction describes the development rationale for the Initial Vision Scenario and regional and local challenges. Second, the regional growth section describes the overall population, household, and employment growth, household distribution under the Initial Vision Scenario, the performance of this scenario against targets, and the preliminary results of an equity analysis. Third, the regional growth analysis is developed into narratives for each county. Fourth, the key priorities and potential strategies section describes the preliminary tools to be considered for the implementation of the proposed development. Fifth, the next steps section describes the process of interaction with local jurisdictions and stakeholders and the analytical tasks for the Detailed Scenarios. The appendix includes a glossary that defines the terms used throughout the report and a table describing the place types.
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: Guadalupe South Line Elevator & Escalator Retrofit Contract

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with KONE Elevators and Escalators, the lowest responsible and responsive bidder, in the amount of $4,824,750 for construction of the Guadalupe South Line Elevator and Escalator Retrofit. This contract is 70% federally funded.

BACKGROUND:

With the completion of South Line Platforms Retrofit Project, VTA’s 42-mile light rail system and 62 stations are fully accessible with level boarding at all doors for all passengers. However, the elevators and escalators serving the Guadalupe South Line light rail stations are showing signs of deterioration and require some ADA and code upgrades. Elevator structural car frames and platforms are corroded and the cabs are worn and damaged from frequent use. Escalators have also exhibited signs of corrosion and require some code upgrades. In addition, the State of California, Division of Occupational Safety and Health, Elevator Unit has observed deficiencies which need to be resolved.

The last major work on South Line elevators was performed in 2004, when VTA completed replacement of structural car frames and platforms at Blossom Hill, Capitol, Curtner, Tamien and Virginia Stations. The structural car frames and platforms at the remaining elevators along the Guadalupe South Line (Cottle, Snell and Branham Stations, and Snell Park and Ride) are as originally constructed.
The South Line Elevator and Escalator Retrofit contract will perform work along the Guadalupe South Line at locations identified on Attachment A. The scope of work includes replacement of the structural car frames and platforms at Cottle, Snell and Branham Stations, and Snell Park and Ride. All car platforms shall be stainless steel. In addition, all elevators on the Guadalupe South Line will receive new cabs, complete with stainless steel walls, ceiling and sill, lighting, spray-in-place epoxy flooring, controls, speakers and emergency communications, and closed circuit television for increased passenger safety and security. Elevator entrances on the station platform level at Blossom Hill, Capitol, Curtner, Tamien and Virginia Stations will also receive new overhead canopies designed to protect passengers and provide weather protection of the elevator hoistway opening. Similar canopies will be provided at elevator entrances on the station plaza level at Cottle, Snell and Branham, and Snell Park and Ride. One elevator at Hamilton Station along the Vasona Line will receive minor safety improvements. The scope of work for the 11 escalators on the Guadalupe South Line includes updating the step chains, handrails, skirt panels, and replacing emergency shutdown switches and controllers.

All LRT stations will remain in service during construction, however, a group of elevators and escalators at two alternate stations will be taken out of service so that construction can proceed safely and quickly. The work will take between 10 to 15 weeks to complete two alternate stations at a time.

A critical element to the success of this contract work will be the Community Outreach Program strategy led by VTA. Early, frequent and effective communications with our riders and the local community will ensure minimum disruption and inconvenience.

The elevator and escalator closures may prevent some customers with disabilities from accessing a specific light rail station. For these customers, alternate accessible transportation will be provided by special arrangement with VTA’s Paratransit provider, Outreach. VTA Supervisor vans will also be deployed in the event Outreach is not available to provide prompt service.

**DISCUSSION:**

The South Line Elevator and Escalator Retrofit contract was advertised on December 10, 2010. Contractor pre-qualification was required for this contract. Four bids were opened on February 22, 2011 with the following results:

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Total Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>KONE Elevators and Escalators</td>
<td>$4,824,750</td>
</tr>
<tr>
<td>Rodan Builders</td>
<td>$4,924,725</td>
</tr>
<tr>
<td>Ascent Elevator Services</td>
<td>$5,257,618</td>
</tr>
<tr>
<td>Turner Construction</td>
<td>$8,598,665</td>
</tr>
<tr>
<td>Engineer’s Estimate</td>
<td>$4,009,000</td>
</tr>
</tbody>
</table>

KONE Elevators and Escalators is the lowest responsible and responsive bidder. The bid is 20% above the Engineer’s Estimate. VTA staff has completed a bid analysis, has determined the bid to be fair and reasonable, and recommends award of this contract to KONE Elevators and Escalators. The high bids as compared to the Engineer’s Estimate are attributed to the limited data available for cost estimating for the special nature of this elevator and escalator retrofit work.
Construction is anticipated to begin in June 2011, with completion by September 2012.

**ALTERNATIVES:**

All bids could be rejected and the contract readvertised, however, this alternative is not recommended given the age and condition of the existing Guadalupe South Line elevators and escalators. A delay would require a continued greater than normal level of maintenance and repairs for the elevators and escalators to stay in operation.

**FISCAL IMPACT:**

This action will authorize $4,824,750 for construction of elevator and escalator improvements as part of the larger South Line Platforms Retrofit Project. Appropriation for this project is included in the VTA Transit Capital Program FY 2010 and FY 2011 Adopted Biennial Budget. This contract is 70% funded by Federal Grant funds (Section 5309-Fixed Guideway Modernization Formula Grant) with VTA Transit funds providing 30% to match the federal funds and to fund the items not grant-eligible.

**DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION:**

VTA is complying with Federal requirements that the advertisement and award of this contract would utilize race-neutral provisions, as this contract will have Federal financial assistance. Based on identifiable subcontracting opportunities, a DBE goal of 2.5% was established for this contract. Contractor has committed to a goal of 2.8% DBE participation, but the participation of DBEs is not a condition of contract award.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Transit Planning & Operations Committee considered this item on April 21, 2011. Staff provided a brief summary on the scope of the retrofit contract, which includes the addition of closed circuit television in the elevators, and on the importance of providing effective communications, informing passengers of the elevator and escalator closures during construction. Alternate accessible transportation will be made available by special arrangement for customers with disabilities unable to access a specific station. The Committee asked if closing an elevator and completing that work before starting on the escalator work, rather than having them closed concurrently, would be advantageous from the customer’s perspective. That approach had been considered, but because of safety concerns (e.g. customers who typically take the elevator may try to negotiate the escalator) and construction efficiency, was not recommended. The contract does state that the contractor will open the station elevator immediately upon completing that work, while the station escalator work may be continuing. The Committee unanimously recommended approval of this item, and that it be placed on the Consent Agenda for the May 5, 2011 Board meeting.

Prepared by: Ken Ronsse, Deputy Director
Memo No. 2290
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: Freight Railroad Relocation - Agua Fria, Toroges and Agua Caliente Creek Improvements Contract

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with Con Quest Constructors, Inc., the lowest responsible and responsive bidder, in the amount of $7,266,140, for the construction of Agua Fria, Toroges and Agua Caliente Creek Improvements. This contract is funded by 2000 Measure A, the City of Fremont and Alameda County Flood Control District.

BACKGROUND:

In December 2002, VTA purchased right-of-way from the Union Pacific Railroad (UPRR) for use as a transportation corridor extending approximately 15 miles from Fremont to San Jose. To fulfill VTA’s obligations under the Purchase and Sale Agreement with UPRR, VTA has initiated Freight Railroad Relocation (FRR) activities to eliminate ongoing freight operations on VTA property and clear the corridor for SVRT Program improvements.

VTA entered into cooperative agreements on February 2, 2006 with the Alameda County Transportation Authority (ACTC) for preliminary engineering, and on January 4, 2007 with ACTC and the City of Fremont (Fremont) for final design of the combined improvements at Mission Boulevard, Warren Avenue, and other FRR activities. These projects are collectively known as the Mission/Warren/Truck Rail (MWT) Program. VTA will complete bid-ready construction documents on the combined MWT Program improvements in September 2011.
The design and construction for the MWT Program includes the following activities:

- Relocate the UPRR trackwork from the Warm Springs Yard in Fremont to the Milpitas Yard, including railroad signal work, yard switches, and railroad crossings at streets.
- Relocate petroleum pipes and fiber optic communication utilities owned by Chevron, Kinder Morgan, Verizon/MCI, and others located within the railroad corridor from the UPRR Warm Springs Yard south to Highway 101.
- Reconfigure an existing Truck-Rail transfer facility at its current location on Warren Avenue in Fremont, including the construction of a new access to the facility from Kato Road.
- Grade separate Warren Avenue in Fremont.
- Widen Mission Boulevard, construct ramps from Kato Road, and construct a new freight railroad bridge over the widened Mission Boulevard.
- Modify the following creek structures crossing the VTA right-of-way corridor: Agua Caliente Creek, Agua Fria Creek, Toroges Creek, Line B, Scott Creek, Calera Creek, Wrigley Creek and other incidental drainage culverts.

VTA staff has been working on strategies to shorten the overall schedule for the FRR Program, as well as deliver projects while there is still a favorable bidding climate, in order to reduce costs. With the recent delays experienced on certain features of the MWT Program, it was determined that as much as 6 months could be saved by removing the creek work from the major MWT civil contract and putting it into an advance construction contract. Therefore, the following scope of work has been separated from the major MWT civil contract and placed into contract C115 - Agua Fria, Toroges, and Agua Caliente Creek Improvements:

- Agua Fria Culvert: A new precast concrete box culvert to accommodate the Warren Avenue Grade Separation.
- Toroges Creek Culvert: A precast concrete box culvert to support future BART tracks; and Toroges Creek Bridge: Widen the existing UPRR bridge to accommodate freight railroad relocation.
- Agua Caliente Creek Improvements: Install a 78-inch diameter storm drain pipe to accommodate the 100-year storm event.
- S129 Retaining Wall: Construction of a retaining wall along UPRR right-of-way to accommodate freight railroad relocation.

DISCUSSION:

The Agua Fria, Toroges and Agua Caliente Creek Improvements contract was advertised on February 24, 2011. Contractor pre-qualification was required for this contract. Three bids were submitted on March 25, 2011 with the following results:

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Con Quest Constructors, Inc.</td>
<td>$7,266,140</td>
</tr>
<tr>
<td>Proven Management, Inc.</td>
<td>$7,787,787</td>
</tr>
<tr>
<td>Gordon B. Ball, Inc.</td>
<td>$8,219,161</td>
</tr>
<tr>
<td>Engineer’s Estimate</td>
<td>$9,325,623</td>
</tr>
</tbody>
</table>
Con Quest Constructors, Inc. is the lowest responsible and responsive bidder. The bid is 22% under the Engineer’s Estimate. VTA staff has completed a bid analysis, has determined the bid to be fair and reasonable, and recommends award of this contract to Con Quest Constructors, Inc. The low bids as compared to the Engineer’s Estimate are attributed to the special nature of the work at Agua Caliente Creek, involving micro-tunneling under the UPRR Warm Springs Yard. This work element and its associated risk accounts for a majority of the pricing difference.

Construction is anticipated to begin in June 2011 with completion by June 2012.

ALTERNATIVES:

The Board may elect to reject all bids and have this work included in the major MWT civil contract as originally planned. This action would negate the favorable bid received in the current competitive bidding environment as well as the expected 6-month reduction in overall construction schedule for the MWT Program, potentially delaying the BART Silicon Valley Berryessa Extension Project.

FISCAL IMPACT:

This action will authorize $7,266,140 for construction. Appropriation for this expenditure is included in the FY11 Adopted 2000 Measure A Transit Improvement Program Fund Capitol Budget. The contract is funded from three sources: 2000 Measure A ($4,505,173); Alameda County Flood Control District ($850,000); and Fremont ($1,910,967).

SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION:

Based on identifiable subcontracting opportunities, a Small Business Enterprise (SBE) goal of 15% has been established for this contract. Contractor has complied with the goal and has committed to attain 67.5% SBE participation.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Transit Planning & Operations Committee considered this item on April 21, 2011. Staff provided a brief presentation, highlighting that the Agua Caliente Creek storm drain pipe installation was the most challenging element of work in the contract, requiring micro-tunneling under the Union Pacific Railroad Warm Springs Yard. The Committee asked if VTA had experience with micro-tunneling. Although VTA has not used this method on past projects, staff assigned to the contract are very familiar with the technique in their work with the Union Sanitary District and the Newark Sub-Basin Sewer Project, which involved micro-tunneling under the Union Pacific Railroad. The Committee unanimously recommended approval of this item, and that it be placed on the Consent Agenda for the May 5, 2011 Board meeting.

Prepared by: James Chai, Transportation Engineering Manager
Memo No. 2875
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: Freight Railroad Relocation – Cooperative Agreement with City of Fremont for the Agua Fria Creek Improvements

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a Cooperative Agreement with the City of Fremont in an amount not to exceed $3.44M for construction costs related to the Agua Fria Creek improvements. Under the proposed agreement, VTA’s financial obligation will be limited to $1.12M and funded by 2000 Measure A.

BACKGROUND:

In December 2002, VTA purchased right-of-way from the Union Pacific Railroad (UPRR) for use as a transportation corridor extending approximately 15 miles from Fremont to San Jose. To fulfill VTA’s obligations under the Purchase and Sale Agreement with UPRR, VTA has initiated Freight Railroad Relocation activities to eliminate ongoing freight operations on VTA property and clear the corridor for SVRT Program improvements.

VTA entered into a cooperative agreement on January 4, 2007 with the City of Fremont (Fremont) for final design of the combined improvements at Mission Boulevard and Warren Avenue, which included improvements at Agua Fria Creek. These projects are collectively known as the Mission/Warren/Truck Rail (MWT) Program.

VTA staff has been working on strategies to shorten the overall schedule for the FRR Program, as well as deliver projects while there is still a favorable bidding climate, in order to reduce costs. This effort has led to the creek work being separated out from the major MWT civil contract and placed into an advanced construction contract, the C115 - Agua Fria, Toroges, and
Agua Caliente Creek Improvements. As part of the C115, the Agua Fria Creek work involves the construction of a new precast concrete box culvert to accommodate the Warren Avenue Grade Separation.

**DISCUSSION:**

The recommended Cooperative Agreement with Fremont will define the obligations, including financial contributions, of each party to construct the Agua Fria Creek improvements. The Agua Fria Creek improvements are required as part of Fremont’s Warren Avenue Grade Separation Project and benefits the future SVBX Project. The City and VTA have agreed on a cost share of 67.4% for City to 32.6% for VTA based on previous negotiated agreements regarding the MWT Program. The Cooperative Agreement will include cost sharing for construction costs, construction management/administration, design services during construction as well as VTA overhead costs.

**ALTERNATIVES:**

There are no practical alternatives to executing this agreement.

**FISCAL IMPACT:**

This action will provide funding for the Agua Fria Creek improvements portion of the Freight Railroad Relocation Project. Appropriation for the Agua Fria Creek improvements is included in the FY11 Adopted 2000 Measure A Transit Improvement Program Capital Budget.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Transit Planning & Operations Committee considered this item on April 21, 2011. Staff noted that in addition to the future SVBX Project, the Agua Fria Creek Improvements were associated with the City of Fremont’s Warren Avenue Grade Separation Project. It is for this reason that the City is a major funding partner of the improvements. The Committee asked how this item related to the next item on the Committee’s agenda, the SVRT: City of Fremont Master Agreement. Staff responded that these were two distinctly separate items, the first involving cost sharing of Freight Railroad Relocation-related construction improvements, the latter reimbursing the City for performing SVBX design reviews. More discussion on the content of the Master Agreement would take place when that item was presented. The Committee unanimously recommended approval of the Agua Fria Creek Improvements item, and that it be placed on the Consent Agenda for the May 5, 2011 Board meeting.

Prepared by: James Chai, Transportation Engineering Manager
Memo No. 3083
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: SVRT: City of Fremont Master Agreement

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to enter into a master agreement with the City of Fremont in support of the BART Silicon Valley Project. This agreement will include provisions to ensure a commitment of cooperation from both parties.

BACKGROUND:

The extension of Bay Area Rapid Transit (BART) services into Santa Clara County is being implemented under agreement with BART by VTA’s Silicon Valley Rapid Transit Program. This extension is being implemented in stages, the first stage being a two-station (Milpitas and Berryessa) extension of approximately 10-miles from BART’s planned Warm Springs station in Alameda County to VTA’s planned Berryessa Station in the City of San José. This initial segment has been identified as the Silicon Valley Berryessa Extension (SVBX) Project. VTA is seeking $900 million in federal funds for the SVBX to be provided by the Federal Transit Administration’s (FTA) New Starts program, with the balance of capital funding provided by state and local sources including 2000 Measure A revenues.

VTA was granted permission to enter the Final Design phase of the federal New Starts program on April 4, 2011. VTA will formally request a Full Funding Grant Agreement (FFGA) from FTA in June 2011. FTA’s current project schedule indicates a target date for executing the FFGA of January 2012.

In preparation for the issuance of the FFGA, FTA has asked VTA to submit executed inter-agency agreements documenting how VTA will work cooperatively with other local agencies
affected by the project. These agreements guide the working relationship between the project sponsor and its local partner agencies and are intended to minimize risk to the project by defining the framework for key overarching interactions between stakeholder agencies. FTA has asked VTA to include these agreements in its advance submittal package in June 2011. In addition to fulfilling FTA requirements, completion of inter-agency agreements prior to June 2011, will allow those agreements to be included as attachments to the final addendum to the Request for Proposals for the initial design-build contract for the project.

**DISCUSSION:**

Due to the magnitude of the Silicon Valley Rapid Transit Project, staff determined that establishment of master agreements with our city partners was the most appropriate approach to ensuring a commitment of cooperation from all parties. The final agreement between VTA and the City of Fremont focuses on several key areas, including the establishment of lines of communication, foundation for sub-agreements, and processes for dispute resolution and review and approval of design plans for City facilities. The master agreement defines the relationship between the City of Fremont and VTA with respect to the project. Topic areas in the agreement include a description of project features, general commitments of the parties, work on City infrastructure, mitigation measures, storm water pollution control, indemnification, insurance, warranties and resolution of disputes.

In the past, VTA has typically not reimbursed the cost of internal review of VTA plans by local agencies. Recent Master Agreements executed with the Cities of Milpitas and San José departed from this policy because of the large magnitude of the project, the need for expedited reviews, and because the design-build project delivery approach necessitates increased cooperation between VTA and the cities. The Master Agreement with Fremont includes a similar provision for reimbursement of review costs. The proposed reimbursement would cover City review related to encroachment permits for work within City rights-of-way or for relocation of City-owned facilities. The Master Agreement provides that the City will prepare estimates for its costs for reviewing the plans and specifications for work affecting City Infrastructure, the BART bridge over Warren Avenue, aesthetic treatment of wayside facilities, and noise and vibration mitigation measures submitted after January 1, 2011. The City will also provide estimates of its costs for construction inspection services and participation in VTA-requested meetings, including partnering sessions, and for providing reviews of building fire protection plans by the City Fire Department, for all SVBX Contracts in accordance with the City’s current published fee schedule. The proposed Master Agreement provides that VTA will review and approve the City’s estimate of such costs, and issue written Work Authorizations to the City, which will define the scope of the City’s services and the maximum authorized amount of reimbursement for those services.
**ALTERNATIVES:**

There are no practical alternatives to the recommended action, if VTA is to meet the planned New Starts Project schedule as reported to the FTA and satisfy FTA’s expectations with respect to inter-agency cooperation.

**FISCAL IMPACT:**

The estimated cost to fund the City of Fremont's plan review and permitting activities through 2011 is $200,000. The actual amount of reimbursement would be further defined and controlled through the use of Work Authorizations to be approved by VTA staff prior to acceptance of invoices from the City of Fremont for reimbursement. Appropriation for these expenditures is included in the FY11 Adopted 2000 Measure A Transit Improvement Program Fund Capital Budget.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATIONS:**

The Transit Planning and Operation Committee reviewed this item at its April 21, 2011 meeting. Staff noted that VTA has executed Master Agreements with the cities of Milpitas and San Jose and this recommendation to execute the Master Agreement with the City of Fremont would follow the same principles. Staff provided clarifications about the financial support for the City to be able to provide resources for expeditious review and assistance during the Design-Build delivery of the Berryessa Extension project. The committee voted unanimously approved the recommendation.

Prepared by: John Morris
Memo No. 3059
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

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

SUBJECT: Capitol Expressway Light Rail Project - Amendment to Design Services
         Contract with Rajappan & Meyer Consulting Engineers, Inc. for the Pedestrian
         and Bus Stop Improvements Phase

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract amendment with Rajappan & Meyer
Consulting Engineers, Inc. in a not to exceed amount of $1.5 million for a new contract total amount
of $28,989,916 and extend the contract through November 30, 2014, to perform design support
services during construction of the pedestrian improvements, and final design and design support
services during construction for the bus stop improvements of the Capitol Expressway Light Rail
Project. This contract is 100% funded by the 2000 Measure A Program.

BACKGROUND:

In March 2005 and May 2007, the VTA Board of Directors approved the Capitol Expressway
Light Rail Project Environmental Impact Report (EIR) and Supplemental Environmental Impact
Report (SEIR). The project scope includes a 2.5 mile light rail extension from the existing Alum
Rock Station along Capitol Expressway to the Eastridge Transit Center in the City of San Jose,
three light rail stations, the expansion of the Eastridge Transit Center, and sidewalk and
landscape improvements along both sides of the expressway (Attachment A).

In November 2004, the Board approved a design services agreement with Rajappan & Meyer
Consulting Engineers, Inc. (R&M) to complete preliminary engineering on the Capitol
Expressway Light Rail Project. In August 2006, the Board approved a contract amendment for
final design services, increasing the total contract value to $27,489,916.
During design development, a series of 2000 Measure A Program discussions were conducted that evaluated program priorities, and it was decided that the Capitol Expressway Light Rail Project design would continue into final design concurrent with VTA preparing a Federal Environmental Document that would allow pursuit of Federal funds for construction should they become available. This Federal Environmental Document is being completed for FTA review and approval in early 2012. During final design, R&M was asked to perform additional design evaluations related to project impacts, potential project phasing and coordination with key stakeholders. As a result of these evaluations, it was agreed to advance certain elements of the project in a phased implementation strategy. The scope of these phases is outlined as follows:

**Phase 1**

- Pedestrian Improvements: Sidewalk, landscape and street lights along both sides of the Capitol Expressway between Capitol Avenue and Tully Road.
- Bus Stop Improvements: Expansion, reconfiguration and access improvements to Eastridge Transit Center and bus stop improvements at Story Road and Ocala Avenue, designed to accommodate the RT service.

**Phase 2**

- Light Rail: Double track alignment along Capitol Expressway with light rail stations at Story Road (aerial station), Ocala Avenue (at grade) and Eastridge (at grade).

VTA was successful in obtaining State Transportation Improvement Program (STIP) funding for the construction of the pedestrian improvements and property acquisition for the bus stop improvements, including Eastridge Transit Center. The pedestrian work began construction in April 2011, and right-of-way acquisition for the bus stop improvements is anticipated to begin in May 2011. Provided that STIP funding programmed for FY12 is approved by the State, construction of the bus stop improvements will begin in mid 2012. The schedule for the light rail phase of the project is dependent on funding availability.

**DISCUSSION:**

The proposed contract amendment with R&M will provide sufficient budget to prepare construction documents for the expanded and reconfigured transit center and to perform design services during construction of both the pedestrian improvements and bus stop improvements. VTA staff is integrated into the design team to utilize available VTA experts in the design of certain elements of work. The R&M contract is structured as a time and materials contract and will provide approximately 7720 hours of design services.

The R&M team includes two subconsultants. Their information is included in Attachment B.

The bus stop improvements design will be coordinated with the future light rail improvements and the Santa Clara/Alum Rock Rapid Transit (RT) project that is currently in design. The RT project will upgrade bus stops with enhanced shelters and station amenities (real time information, ticket vending machines, etc.).
**ALTERNATIVES:**

There are no practical alternatives to the recommended action. The Board could decide to delay or not complete the design of the Eastridge Transit Center. This could jeopardize the approved STIP funding for the pedestrian and bus stop improvements. It would also impact the proposed operations of the future RT service at Eastridge Transit Center.

**FISCAL IMPACT:**

This action will authorize up to an additional $1.5 million for design support services. Appropriation for these expenditures is available in the FY 2011 Adopted 2000 Measure A Transit Improvement Program Fund Capital Budget. Design services associated with this amendment ($1.5M) are 100% funded by 2000 Measure A funds.

**SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION:**

Based on identifiable subcontracting opportunities, a SBE goal of 21% has been established for this contract. Contractor has achieved 25% for engineering services provided to date and has committed to 21% SBE participation for design services through final design and construction.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Transit Planning & Operations Committee considered this item on April 21, 2011. Following a brief staff presentation, the Committee asked about the design of the sidewalk improvements, and what accommodations were being made for bicyclists. Staff responded that the sidewalk will serve as a multi-use path, being 10 feet wide through a majority of the corridor. The roadway would remain in its current configuration, with a solid white stripe located 4 feet from the curb in both directions on the expressway. The Committee asked if the multi-use path was being striped as a bike path. Staff responded that it was not since there were segments along the corridor where there was restricted right-of-way and the sidewalk narrowed to 6 feet. Additional questions were asked by the Committee on the design details. The discussion concluded with staff being asked to meet off-line with Committee Members Liccardo and Campos to provide a project presentation and a review of the design. On a separate topic, the Committee referred to Phase 2, the light rail construction, and asked what the cost of that phase of work was [approximately $280M]. The Committee unanimously recommended approval of this item, and that it be placed on the Consent Agenda for the May 5, 2011 Board meeting. The Committee also requested staff follow-up with Members Liccardo and Campos to make a project presentation.

Prepared by: Ken Ronsse, Deputy Director
Memo No. 3074
CELR
PEDESTRIAN AND BUS IMPROVEMENTS
FIGURE 3

LEGEND:
- EXISTING LIGHT RAIL STATION
- FUTURE LIGHT RAIL STATION
- EXIST BUS STOP
- EXISTING LIGHT RAIL
- FUTURE LIGHT RAIL
- LANDSCAPE/HARDSCAPE
- SIDEWALK/MULTI-USE PATH
- INTERIM LANDSCAPE/HARDSCAPE
- INTERIM SIDEWALK/MULTI-USE PATH

MAY 20, 2010
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
## ATTACHMENT B
### List of Recommended Prime and Sub-Consultants

<table>
<thead>
<tr>
<th>Consultant Firm</th>
<th>Contact Person</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Prime</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rajappan &amp; Meyer, Inc</td>
<td>Jiri Vitek</td>
<td>San Jose</td>
</tr>
<tr>
<td><strong>Sub-Consultant</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>AECOM</td>
<td>Daniel Hartman</td>
<td>San Jose</td>
</tr>
<tr>
<td>Sasaki Landscape Architect</td>
<td>Joanna Fong</td>
<td>San Francisco</td>
</tr>
</tbody>
</table>
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Santa Clara Alum Rock Rapid Transit Project - Draft Relocation Plan

FOR INFORMATION ONLY

BACKGROUND:

The Santa Clara Street/Alum Rock Avenue Rapid Transit Improvement (Project) Project Final Environmental Impact Report (Final EIR) was approved by the VTA Board of Directors in December 2008. Since this approval, staff has proceeded with developing detailed designs that enable VTA to commence the acquisition of the requisite right of way for the Project.

Prior to acquiring properties which may cause displacement of occupants, federal and state law requires a public agency to plan appropriately for persons and businesses that are impacted by the public agency’s acquisition of such property. In California, such planning is required to be documented in a Relocation Plan and formally adopted by the respective agency’s legislative body.

The Project team has worked diligently to plan the Project in a manner that minimizes the number of potential acquisitions and displacements as an informational item. However, certain displacements may be unavoidable in order to bring this rapid transit service to San Jose. Based on preliminary engineering designs, VTA staff anticipates that several properties may be acquired that potentially cause the displacement of several businesses. VTA will attempt to schedule these acquisitions to provide as much time as possible, well in excess of the statutory minimum of 90 days, to identify replacement sites and relocate.

In this agenda item, VTA staff will be presenting a draft of the Relocation Plan (Draft Plan) for the Project at the May 5th Board meeting. No Board action is required at this time. Following this presentation, the Draft Plan will be circulated to the general public until June 6, 2011, for public review and comment in accordance with California law, which requires a minimum 30-day public circulation period. The Draft Plan will become the Final Relocation Plan when it is updated to respond to public comments. The Final Relocation Plan will be submitted to the
Board for review and consideration on August 4, 2011.

The adoption of the Final Relocation Plan is a critical milestone in the Project schedule, which requires the acquisitions to commence in August 2011.

**DISCUSSION:**

**Overview**

The VTA is planning the Project in a manner that minimizes the number of properties to be potentially acquired and limits the number of businesses to be potentially displaced. Based on VTA’s current preliminary engineering design, it is presently anticipated that the Project may impact 14 businesses which operate on land that may be acquired for the Project.

Under State law, the VTA Board is required to adopt a formal Relocation Plan which documents how VTA is planning for persons and businesses that are impacted by VTA’s acquisition of property prior to commencing the acquisition process of these properties. It is anticipated that the acquisition process will commence in August 2011. To ensure that the Project proceeds in a timely manner and meets critical timelines, it is important that the Board timely consider and adopt a Final Relocation Plan.

After the acquisition process commences and shortly after an initial offer to purchase property is made, displaced occupant(s) eligible for relocation assistance will receive a Notice of Eligibility. Occupants will not be required to vacate the property until at least 90 days after a Notice to Vacate is issued. The VTA will attempt to schedule its acquisition efforts in a manner that will allow occupants more than 90 days to relocate after the Notice is issued if feasible given Project timelines. Advance planning by means of a Relocation Plan will play an important role in ensuring that occupants are able to successfully relocate in a timely manner.

Requests for interviews were made through property owners and some instances directly to tenants where possible. VTA was unable to interview all of businesses prior to the plan’s preparation. Visual inspections of exterior portions of the properties were conducted as well as non-intrusive visits to the businesses to observe their operations. VTA conducted market research to ascertain the availability of relocation sites and explored zoning requirements with respect to those sites.

Based on the foregoing activities, the VTA team prepared a Draft Plan, which includes the following key elements:

- A summary of the Project scope and schedule;
- A commitment that the VTA will have funds available to provide full assistance in compliance with applicable laws and regulations prior to making offers to purchase properties;
- A summary of impact to businesses that may be affected by the Project;
- An analysis of properties that may serve as replacement sites for the businesses if they are displaced; and
• An explanation of the VTA’s Relocation Assistance Program, how that Program will provide advisory and monetary assistance to affected occupants, and a commitment to comply with State and Federal relocation laws and regulations, including 42 U.S.C et.seq., 49 CFR 24, California Government Code 7260 et.seq., and California Code of Regulations, Title 25, Chapter 6.

The Draft Plan recognizes that persons potentially impacted by the Project may have several questions concerning the Relocation Assistance Program and may need assistance in both planning their relocation and understanding the benefits to which they are entitled. VTA developed a Business Relocation Assistance brochure (included in the Draft Plan) for this purpose. The brochure describes the relocation assistance available to all eligible businesses displaced as a result of the Project. The Draft Plan also requires that a Relocation Advisor be available throughout the relocation process to explain and answer questions and to assist eligible displaced persons in achieving successful relocations. Displaced persons are encouraged to make full use of this benefit.

Additionally, the Draft Plan describes the benefits that impacted businesses will receive. A summary of these benefits is discussed below.

Impacted Businesses

As noted above, based on the current preliminary engineering design, 14 businesses may be impacted if the VTA proceeds with the acquisition of certain properties. Eligible displaced businesses will receive the following benefits under the Draft Plan:

• **Advisory Services** to assist in identifying appropriate relocation sites, understanding the benefits that are available under the Relocation Assistance Program and filing claims for payment.

• **Moving Payment Assistance** to reimburse businesses for the cost to move personal property from the site they currently occupy to the replacement site. In general, this benefit covers the cost to disconnect, move, and reconnect all personal property that is moved. There is no monetary limit to this benefit. Displaced businesses are reimbursed for actual, reasonable expenses that are compensable under state and federal laws and regulations.

• **Searching Cost Payment** to help compensate business owners for the cost to search for a replacement site. This compensation is limited by state law and regulations to $1,000.

• **Reestablishment Payment** to help business owners reestablish their businesses at its replacement sites. Compensation under this benefit is limited by state and federal laws and regulations to $10,000.

• **Loss of Business Goodwill compensation.** Loss of business goodwill is not a compensable benefit that is included as part of the relocation process under state and federal law. Business owners, however, may seek such compensation through the acquisition process.
Next Steps

VTA staff will make the Draft Plan available to the public for more than the statutorily-required 30-day review and comment period, from May 6, 2011 through June 6, 2011. Potentially displaced businesses will be notified of the availability of the Draft Plan for their review and comment. Copies of the Draft Plan will be available to the public at VTA offices, the VTA website, VTA’s Facebook, the Dr Martin Luther King Jr. Main Library, East San Jose Carnegie Library and the Dr. Roberto Cruz Alum Rock Library. An electronic copy of the Draft Plan also may be obtained upon request by interested parties.

The VTA team will collect comments from the public as they are submitted and will incorporate the comments and responses into a final Relocation Plan (Final Plan) that will be submitted to the Board for review and consideration on August 4, 2011. Acquisitions of the first phase of properties for the Project are anticipated to commence in August 2011.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The TP&O Committee received an informational presentation on April 21, 2011. Committee members asked staff to elaborate on the outreach efforts that were made to potentially impacted businesses and inquired about the relocation process that would be involved for a potentially impacted billboard. This item will be presented to the VTA Board on May 5, 2011 as an informational item.

Prepared By: Juanita Villemaire
Memo No. 3041
Santa Clara-Alum Rock Rapid Transit Project
Draft Relocation Plan
San Jose, California

PREPARED FOR

SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
Santa Clara Valley Transportation Authority
Santa Clara-Alum Rock Rapid Transit Project
Draft Relocation Plan

Prepared By:

_____________________________
Chad Wakefield                Date
Project Manager
Overland, Pacific, and Cutler Inc.

Reviewed By:

______________________________
Juanita Villemaire             Date
Senior Real Estate Agent

______________________________
Bijal Patel                          Date
Deputy Director
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EXECUTIVE SUMMARY

The Santa Clara Valley Transportation Authority (VTA) is in the process of planning for the development of a Rapid Transit (RT) system. In order to develop the system’s Santa Clara-Alum Rock Corridor (Subject Area), the acquisition of additional right-of-way (R/W) will be required. This additional right-of-way may have an impact to existing business operations within the Subject Area.

Several business operations on Alum Rock Avenue, in the City of San Jose, are expected to be impacted by the project. Some business may be required to permanently relocate their operations to a new location or to alter the present configuration of their existing operation. There are a total of 14 business entities and 1 outdoor advertising sign that could be impacted by this project. Those entities employ approximately 65 persons.

At a minimum, each displaced business tenant and operator will receive a Notice of Eligibility/Conditional Entitlement and Ninety (90)-Day-Notice-to-Vacate. Based on the current preliminary engineering design, the following is a summary of persons and businesses that may need to relocate in some manner:

- Eight businesses will need to relocate from their current locations;
- Five businesses may need to relocate due to possible loss of parking and loading;
- One business will be able to remain on site and may need to relocate some of its personal property; and
- An outdoor advertising sign will be impacted by the Project.
Due to the potential displacement of a substantial number of businesses by the project in the subject area, the California Relocation Act (Gov. Code 7260 et seq.) requires VTA to prepare a formal Relocation Plan.

Commercial occupants are considered eligible for relocation assistance and benefits, if they lawfully occupied the subject property on the date of the “Initiation of Negotiations”; this date is defined as the date that VTA makes the first written offer to purchase the property from the current property owner; or, if they occupy the site at the time of acquisition. Specific eligibility requirements and benefit plans will be developed on an individual basis with all displacees.

Overland, Pacific & Cutler, Inc. (OPC), an experienced right-of-way services firm, specializing in the planning and implementation of relocation processes, has been selected by VTA to prepare this Relocation Plan (the Relocation Plan). Adequate funds will be available to relocate the Project occupants, and will be provided by VTA.

Prior to any displacement, VTA’s Board of Directors is required to approve the Relocation Plan. Before adoption of a Final Relocation Plan, A Draft Plan will be available for public review and comment from May 6, 2011 through June 6, 2011. Comments and responses will be incorporated into a Final Relocation Plan that will be submitted to VTA’s Board of Directors for review and consideration on August 4, 2011.

The relocation budget estimate for this Project is $1,161,360, exclusive of any relocation administration costs. A cost to relocate an advertising sign is not included in this analysis. Instead of relocating the sign, VTA would compensate the sign owner for the depreciated value of the improvement.
PROJECT DESCRIPTION

The Santa Clara Valley Transportation Authority (VTA) is in the process of planning for the development of a Rapid Transit (RT) system. RT is an enhanced bus service that offers many of the same attributes as rail transit, such as fast, frequent, and reliable service, a branded product, specialized vehicles, high-amenity stations, and real-time passenger information.

Image 1: Conceptual View of Rapid Transit on Alum Rock Avenue

In May 2009 VTA Board of Directors (the Board) adopted the BRT Strategic Plan, which outlines RT service in the County. The Relocation Plan studied six corridors in the County for possible RT implementation, and ultimately recommended three corridors for near-term implementation.

The first of those corridors is Santa Clara-Alum Rock, which is projected to carry the highest number of passengers at nearly 35,000 daily riders, about 40% of total demand. The Strategic plan estimated the capital cost for the RT 10-15 plan between $490 and $577 million (with the Santa Clara-Alum Rock Project costing up to $129 million). The average per mile capital costs for all three corridors for the RT 10-15 were $15.3 million/mile, but the per mile capital costs for 6.9 miles on Alum Rock will be $18.6 million/mile.

The goal of the infrastructure strategy was to reduce in-vehicle travel time by 30% when compared to a local bus with right-of-way and station upgrades. The
RT would operate in mixed flow traffic on Santa Clara Street, Capital Avenue and in the HOV lanes on Capitol Expressway. On Alum Rock Avenue there will be a dedicated median busway for 1.4 miles between 34th street and Alexander Avenue. The project will also build 11 new RT stations, with enhanced pedestrian amenities similar to what is available for rail with real time information, ticket vending machines, enhanced lighting and seating, etc. The remainder of the project will operated in mixed flow lanes and

1. Location of the Project

The corridor begins at the Diridon Station on Santa Clara Street and ends at the Eastridge Transit Center. The subject area of this Relocation Plan is a portion of the Santa Clara-Alum Rock Corridor (the Project) that is roughly between 34th Street and S Jackson Avenue (Subject Area).
2. Impacts of the Project

In order to develop the Project in the Subject Area, the acquisition of additional right-of-way (R/W) will be required to create the proper alignment. The acquisition of necessary R/W is also expected to impact several business operations in the Subject Area. These impacts will necessitate some businesses having to relocate their operations or alter the present configuration of their existing operations.

There are a total of 14 business entities that could be impacted by the Project’s development in the Subject Area. Those entities employ approximately 65 persons according to business license data available from the City of San Jose.

Should the project move forward, approximately 8 businesses, primarily medical and dental offices, will be required to relocate permanently from their current location. The proposed R/W will sever the use of the property in which these businesses operate in to a degree that the commercial spaces would be un-useable; cutting and re-facing the building is not feasible to mitigate the impacts of the Project in the Subject Area at this location.

As many as 6 other businesses may lose property frontage they utilize for business functions such as parking, loading, and storage. The loss of this frontage may lead to a permanent relocation of up to 5 of these additional businesses. The sixth business possibly would lose a portion of its frontage presently used for storage of bulk materials, which will require a move of personal property only and likely not result in a permanent or temporary relocation.

An advertising sign is impacted and will be displaced.

Provisions for permanent displacements, relocation of advertising signs and signage, and personal property moves are described in **APPENDIX 1** of this Plan. A listing of the properties potentially impacted is shown in Table 1 below.
<table>
<thead>
<tr>
<th>Count</th>
<th>Type of Business</th>
<th>Zoning District</th>
<th>Zoning Code</th>
<th>Description of Space</th>
<th>Size/SF</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Dental</td>
<td>Neighborhood Commercial</td>
<td>CN</td>
<td>Retail/office suite within multi-tenant building.</td>
<td>1,716 sf of commercial space</td>
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<tr>
<td>2</td>
<td>Dental</td>
<td>Neighborhood Commercial</td>
<td>CN</td>
<td>Retail/office suite within multi-tenant building.</td>
<td>1,716 sf of commercial space</td>
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<td>3</td>
<td>Medical</td>
<td>Neighborhood Commercial</td>
<td>CN</td>
<td>Retail/office suite within multi-tenant building.</td>
<td>1,716 sf of commercial space</td>
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<td>4</td>
<td>Insurance</td>
<td>Neighborhood Commercial</td>
<td>CN</td>
<td>Retail/office suite within multi-tenant building.</td>
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<td>5</td>
<td>Orthodontist</td>
<td>Neighborhood Commercial</td>
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<td>Retail/office suite within multi-tenant building.</td>
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<td>Dental</td>
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<td>CN</td>
<td>Shares space with Dental Office</td>
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<td>7</td>
<td>Medical</td>
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<td>Retail/office suite within multi-tenant building.</td>
<td>1,716 sf of commercial space</td>
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<td>8</td>
<td>Income Tax Preparation</td>
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<td>Retail/office suite within multi-tenant building.</td>
<td>1,716 sf of commercial space</td>
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<td>9</td>
<td>Automotive</td>
<td>Light Industrial</td>
<td>LI</td>
<td>Free standing automotive shop on multi-tenant parcel.</td>
<td>1,975 bldg/ .38 ac lot</td>
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<tr>
<td>10</td>
<td>Construction</td>
<td>Light Industrial</td>
<td>LI</td>
<td>Construction yard with open storage and office.</td>
<td>.56 acre lot</td>
</tr>
<tr>
<td>11</td>
<td>Bar/Night Club</td>
<td>Light Industrial</td>
<td>LI</td>
<td>Free standing commercial building.</td>
<td>2,282 sf bldg/7,405 sf lot</td>
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<td>12</td>
<td>Retail Store</td>
<td>Light Industrial</td>
<td>LI</td>
<td>Free standing commercial building.</td>
<td>.35 acre lot</td>
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<td>13</td>
<td>Retail &amp; Wholesale Store</td>
<td>Heavy Industrial/Light Industrial</td>
<td>HI/LI</td>
<td>Free standing commercial building.</td>
<td>1.25 acre lot*</td>
</tr>
</tbody>
</table>
3. Proposed Project Funding

VTA’s proposed funding plan for the Project is a mix of local self-help funding and funding from the State of California,

- **2000 Measure A**
  
  On November 7, 2000, 70.3% of the Santa Clara County voters approved a half-cent sales tax for transportation improvements in the county. The collection of the tax began in April 2006.

- **Public Transportation Modernization, Improvement, and Service Enhancement Account Program (PTMISEA)**
  
  PTMISEA was created by Proposition 1B, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006

*This site is improved with other structures*
RELOCATION PLAN

1. Statutory Requirements for the Plan

Due to the potential displacement of a substantial number of businesses by the project, the California Relocation Act requires VTA to prepare a formal Relocation Plan. In accordance with State law, a draft of the Relocation Plan is required to be made available for a 30-day review and comment period by impacted parties and the public prior to submitting it to the agency’s decision making body for approval.

The purpose of the Relocation Plan is to

(a) Describe the transit portion of the project, its schedule and financing plan;

(b) Identify the anticipated impact that the project would have on the occupants of property that may be acquired;

(c) Identify the availability of potential replacement sites for impacted occupants; and

(d) Explain VTA’s Relocation Assistance Program.

The Draft Relocation Plan will be circulated for public review and comment for 30 days from May 6, 2011 through June 6, 2011. The public will have an opportunity to submit comments regarding the Draft Relocation Plan. Comments and responses will be incorporated into a Final Relocation Plan that will be submitted to the Board for review and consideration.

2. Plan Preparation

Overland, Pacific & Cutler, Inc. (OPC), an experienced right-of-way services firm, specializing in the planning and implementation of relocation processes, has been selected by VTA to prepare this Relocation Plan, and will provide all subsequently required relocation assistance for this Project.
This Relocation Plan sets forth policies and procedures necessary to conform to statutes and regulations established by the California Relocation Assistance Law (the Act), California Government Code Section 7260 et seq (the CRAL) and the California Relocation Assistance and Real Property Acquisition Guidelines, Title 25, California Code of Regulations, Chapter 6, Section 6000 et seq. (the Guidelines) for commercial displacements and VTA’s rules and regulations.

2.1 Needs Assessment Methodology

To obtain information necessary for the preparation of this Relocation Plan, visual inspections were conducted of exterior portions of the properties visible from the street and analysis of aerial photography. When possible OPC conducted non-intrusive visits to the businesses to observe their operations and examine the physical conditions, fixtures and equipment, and overall existing conditions of the businesses.

Additional information regarding the businesses was obtained via search of public records such as zoning and business licenses. Requests for interviews were made through the property owners and to business operators where possible; however, OPC was unable to interview the businesses for the plan’s preparation.

For implementation of the plan, a personal interview and inquiries will be made of the impacted commercial occupants including questions concerning the existing conditions of the businesses such as the type of business or service provided, type of occupancy, current monthly lease/rental amounts, description and size of current operations, special requirements, if any, and area/facility preferences for replacement locations.
2.2 Replacement Resources

While there is no specific requirement under California Relocation Law or Federal Guidelines mandating that alternate relocation sites be made available to businesses at the time of displacement, it is prudent to provide such assistance and VTA is committed to making every effort to satisfactorily relocate and re-establish the businesses. This Plan outlines the requirements for moving and re-establishing the businesses being displaced, and demonstrates the level of advisory and financial assistance that will be provided.

A brief survey of office, commercial, and light industrial properties closely matching the size of the impacted properties is shown in Tables 2 and 3 below,

Table 2: Sample of Proximate Office Space

<table>
<thead>
<tr>
<th>Address</th>
<th>Suites Available</th>
<th>Space Type</th>
<th>SF Available</th>
<th>Rental Rate ($/sf)</th>
<th>Lease Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>175 N. Jackson Ave</td>
<td>1</td>
<td>Medical Office</td>
<td>924-1,946</td>
<td>$1.85 sf</td>
<td>NNN</td>
</tr>
<tr>
<td>1172 Murphy</td>
<td>4</td>
<td>Medical Office</td>
<td>1,704-5,412</td>
<td>$2.00</td>
<td>NNN</td>
</tr>
<tr>
<td>1897 Alum Rock</td>
<td>1</td>
<td>Medical Office</td>
<td>1,790</td>
<td>$2.00</td>
<td>NNN</td>
</tr>
<tr>
<td>120 Blossom Hill Rd.</td>
<td>1</td>
<td>Strip Center</td>
<td>1,029</td>
<td>Negotiable</td>
<td>NNN</td>
</tr>
</tbody>
</table>

Source: Loopnet
Table 3: Sample of Proximate Commercial Property

<table>
<thead>
<tr>
<th>Address</th>
<th>Suites Available</th>
<th>Space Type</th>
<th>SF Available</th>
<th>Rental Rate ($/sf)</th>
<th>Lease Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>151 Tully Road</td>
<td>1</td>
<td>Vehicle Related</td>
<td>1,500-5,600</td>
<td>$0.95</td>
<td>NNN</td>
</tr>
<tr>
<td>2652 Alum Rock</td>
<td>1</td>
<td>Neighborhood Center</td>
<td>986-1,080</td>
<td>Negotiable</td>
<td>NNN</td>
</tr>
<tr>
<td>855 Park Ave</td>
<td>1</td>
<td>Free Standing</td>
<td>5,376-7,120</td>
<td>$0.50</td>
<td>Modified</td>
</tr>
<tr>
<td>960 E Santa Clara St</td>
<td>1</td>
<td>Free Standing</td>
<td>5,860</td>
<td>$2.30</td>
<td>Gross</td>
</tr>
</tbody>
</table>

Source: Loopnet

As there are some owner occupants that operate businesses that may be displaced, a brief survey was also conducted to identify available commercial properties for sale. Table 4 below displays the properties located that most closely match the impacted properties.

Table 4: Commercial Properties for Sale

<table>
<thead>
<tr>
<th>Address</th>
<th>Properties Available</th>
<th>Building Type</th>
<th>SF Available</th>
<th>Listed Sales Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>885 S 1st St</td>
<td>1</td>
<td>Retail</td>
<td>2000</td>
<td>$540,000</td>
</tr>
<tr>
<td>2259-2263 Alum Rock</td>
<td>1</td>
<td>Retail</td>
<td>4320</td>
<td>$709,888</td>
</tr>
<tr>
<td>422 E. Santa Clara</td>
<td>1</td>
<td>Retail</td>
<td>2430</td>
<td>$599,000</td>
</tr>
<tr>
<td>3739 Madeline Dr.</td>
<td>1</td>
<td>Retail</td>
<td>1,155</td>
<td>$299,000</td>
</tr>
</tbody>
</table>

Additionally, data was collected pertaining to the health of San Jose's industrial and office (retail/commercial was unavailable) leasing markets. Tables 5 and 6 below, display that space is relatively plentiful throughout San Jose.
Table 5: San Jose Industrial Statistics

<table>
<thead>
<tr>
<th>Market Conditions</th>
<th>Total SF</th>
<th>Vacant SF</th>
<th>Average Vacant %</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>89,713,427</td>
<td>32,517,626</td>
<td>14%</td>
</tr>
</tbody>
</table>

Source: Grubb and Ellis

Table 6: San Jose Office Statistics

<table>
<thead>
<tr>
<th>Market Conditions</th>
<th>Total SF</th>
<th>Vacant SF</th>
<th>Average Vacant %</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>13,914,431</td>
<td>2,368,329</td>
<td>16%</td>
</tr>
</tbody>
</table>

Source: Grubb and Ellis

3. Concurrent Displacement

VTA has several transit and transportation improvement projects in planning, design and construction. Many of these projects have the potential to displace other business enterprises.

However, these potential displacements are not expected to substantially impact the relocation of the businesses potentially impacted in the Subject Area by the Project due to the variation in the types of businesses, the separation between the projects’ locations, and potentially the timing of the projects’ developments.

4. Temporary Relocation

There is no anticipated need, or requirement for temporary relocation. Should such a need arise, VTA will respond appropriately, and in conformance with all applicable laws and requirements.

5. Program Assurances and Standards

Adequate funds will be available to relocate the Project occupants, and will be provided by VTA. Relocation assistance services will be provided to ensure that displacement does not result in different or separate treatment of occupants.
based on race, color, religion, national origin, sex, marital status, familial status, disability or any other basis protected by the federal Fair Housing Amendments Act, the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the California Fair Employment & Housing Act, and the Unruh Act, as well as any otherwise arbitrary or unlawful discrimination. The occupant will not be permanently displaced without a minimum of a ninety (90) days advance written notice.

5. 1 Relocation Assistance Program

OPC staff is available to assist the displaced tenants with questions about relocation and/or assistance in relocating. Relocation staff can be contacted toll-free at (800) 400-7356 from 8:30 a.m. to 6:00 p.m., Monday through Friday and also available on-site by appointment. The Relocation Office is located at 7901 Oakport Street, Suite 4800, Oakland, CA.

A comprehensive relocation assistance program, with technical and advisory assistance, will be provided to the tenants being displaced. Specific activities will include:

1. Distribution of informational statements. APPENDIX 1 contains a sample of the informational notice that will be given to the displaced occupant.

2. Timely referrals to appropriate spaces.

3. Assistance with completion and filing of relocation claims and appeals forms, if necessary.
5.2 Relocation Benefits Category

Benefits will be provided in accordance with Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4051 et seq) (the URA), the CRAL, the Guidelines, and all other applicable regulations and requirements. Benefits will be paid upon submission of required claim forms and documentation in accordance with approved procedures. VTA will provide appropriate benefits for the displacees as required by the above laws and requirements.

Commercial occupants are considered eligible for relocation assistance and benefits, if they lawfully occupied the subject property on the date of the “Initiation of Negotiations”; this date is defined as the date that VTA makes the first written offer to purchase the property from the current property owner; or, if they occupy the site at the time of acquisition.

Specific eligibility requirements and benefit plans will be detailed on an individual basis with all displacees. In the course of personal interviews and follow-up visits, the displacee will be counseled as to available options and the consequences of any choice with respect to financial assistance.

Commercial Moving Expense Payments

Relocation benefits will be provided to the commercial occupant pursuant to State law. Benefits will be paid upon submission of required claim forms and documentation in accordance with the procedures outlined in APPENDIX 1.

Pursuant to California Relocation Assistance Law, eligible businesses may receive a relocation payment to cover the reasonable cost of moving their personal property from the Project site to the selected replacement site.
There are two options:

(A) A payment for actual reasonable and necessary moving and related expenses;

Or,

(B) A fixed payment not to exceed twenty thousand dollars ($20,000).

Payment for Actual Reasonable and Necessary Moving and Related Expenses

This payment may include the following:

a) Transportation of persons and property from the present location to the replacement location (transportation costs are limited to a distance of 50 miles);

b) Packing, crating, uncrating, and unpacking personal property;

c) Disconnecting, dismantling, removing, reassembling, and installing relocated and substitute machinery, equipment and other personal property. This includes connection to utilities available nearby, and modifications necessary to adapt such property to the replacement structure, or to the utilities, or to adapt the utilities to the personal property;

d) Storage of personal property generally for up to twelve (12) months, at the Agency’s discretion;
e) Insurance of personal property while in storage or transit and, the replacement value of property lost, stolen, or damaged (though not through the fault or negligence of the displaced person) in the process of moving;

f) Subject to certain limitations, any license, permit or certification required by the displaced business, to the extent that the cost is necessary for reestablishment at the replacement location;

g) Subject to certain limitations, reasonable and pre-authorized professional services, including architects', attorneys', engineers' fees and consultants' charges, necessary for: (1) planning the move of the personal property; (2) moving the personal property; or, (3) installing the relocated personal property at the replacement location;

h) Subject to certain limitations, the purchase and installation of substitute personal property limited to the lesser of: (1) the estimated cost to move the item to the replacement location; or, (2) the replacement cost, less any proceeds from its sale;

i) Subject to certain limitations, modifying the machinery, equipment or other personal property to adapt it to the replacement location or to utilities available at the replacement location or modifying the power supply.

j) Actual direct losses of tangible personal property resulting from moving, or discontinuing a business or non-profit organization, *not-to-exceed the lesser of:*
i) The fair market value of the tangible, personal property for continued use at its location prior to displacement; or,

ii) An amount equal to the reasonable expenses that would have been required to relocate the property, as determined by VTA, subject to certain limitations;

k) Actual, and reasonable expenses incurred in searching for a replacement business location, not-to-exceed $1,000.

l) Actual, and reasonable expenses necessary to reestablish a displaced small business at its new location, not-to-exceed $10,000. Examples of expenses that may be considered for reimbursement include advertising, redecoration and certain increased costs of operation at the new location.

**Fixed Payment In Lieu of a Payment for Actual Reasonable Moving and Related Expenses**

The amount of this payment shall be based on the average, annual net earnings of the business. The payment to an eligible business may neither be less than $1,000, nor more than $20,000. To qualify for this payment a displaced business:

A) Cannot be a part of a commercial enterprise having at least three (3) other establishments which are not being displaced by VTA as part of this Project, and which is under the same ownership and engaged in the same, or similar business activities;
B) Must not be able to relocate without substantial loss of patronage; and,

C) Must have contributed at least 33% of the owner's total gross income during each of the two (2) taxable years prior to displacement, or meet specific earnings criteria.

5. 3 Payment of Relocation Benefits

Relocation benefit payments will be made expeditiously. Claims and supporting documentation for relocation benefits must be filed with VTA, through Overland Pacific & Cutler, within eighteen (18) months from the date the claimant moves from the displacement property. Procedures for preparing and filing of claims and processing and delivering of payments are included in this Plan as APPENDIX 1.

6. Eviction Policy

After acquisition of the property, the occupant may become a tenant of VTA. VTA recognizes that eviction is permissible only as a last resort and that relocation records must be documented to reflect the specific circumstances surrounding any eviction. Eviction will only take place in cases of nonpayment of rent, serious violation of the rental agreement, a dangerous or illegal act in the unit, or if the displacees refuse all reasonable offers to move. Eviction will not affect the eligibility of a person legally entitled to relocation benefits.
7. Appeals Policy

The appeals policy will follow the standards described in Section 6150 et seq. of the Guidelines. Briefly stated, the displaced business will have the right to ask for review when there is a perceived grievance regarding any of their rights to relocation and relocation assistance, such as a determination as to eligibility, the amount of payment, or the failure to provide a comparable replacement referral.

8. Projected Relocation Action Dates

Prior to any displacement, the VTA Board must first approve the Relocation Plan. An estimated schedule for the Plan’s approval is shown below,

- May 5, 2011 – VTA Board Approval of Draft Relocation Plan for Public Circulation
- May 6, 2011 – Commencement of 30 Day Public Review and Comment Period
- August 2011 – Final Relocation Plan Approval by VTA Board

Within two weeks of VTA making the first written offers (FWO) to the property owners, OPC will provide each displacee, at a minimum, a Notice of Eligibility/Conditional Entitlement (NOE). A Ninety (90)-Day-Notice-to-Vacate may be served concurrently to each displacee. These notices may be issued as early as September of 2011.

9. Estimated Relocation Cost

Relocation benefits will be provided by VTA. The relocation budget estimate for this Project is $1,161,360. This estimate includes a 20% contingency for budgetary purposes and is exclusive of any relocation administration costs.
This estimate will be refined once the number of displacements is finalized and OPC has the opportunity to meet individually with each business and work with those businesses to obtain cost estimates to relocate and re-establish their businesses.

**10. Plan Availability to the Public:**

The Draft Relocation Plan is available online at:
http://www.vta.org/brt/santa_clara_alum_rock.html

The Draft Relocation Plan can be viewed at the following locations during normal business hours:
Santa Clara Valley Transportation Authority River Oaks Administrative Offices
3331 North First Street, San Jose

**Hours**
Mon. – Fri. 8 AM – 5 PM

Dr. Martin Luther King Jr. Main Library
150 East San Fernando Street, San Jose

**Hours**
Mon.-Thurs. 8AM-Midnight
Fri. 8AM - 6PM
Saturdays 9AM-6PM
Sundays 1PM-Midnight

East San Jose Carnegie Library
1102 E. Santa Clara Street

**Hours**
Mon. CLOSED
Tue. 11AM – 8 PM
Wed. 11AM – 8 PM
Thu. 10 AM - 6 PM
Fri. 1 PM - 6 PM
Sat. 10 AM - 6 PM
Sun. CLOSED

Dr. Roberto Cruz Alum Rock Library
3090 Alum Rock Avenue San Jose

**Hours**

Mon. CLOSED
Tue. 11 AM - 8 PM
Wed. 11 AM - 8 PM
Thu. 10 AM - 6 PM
Fri. 1 PM - 6 PM
Sat. 10 AM - 6 PM
Sun. CLOSED
APPENDIX 1: Informational Brochure for Business Operation
Relocation Assistance Program for Businesses, Farms and Non-Profit Organizations
(under California law and guidelines)

February 2009
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INTRODUCTION

In the development of needed transportation facilities, it is not always possible to avoid displacement of businesses, farms or non-profit organizations. To minimize the impact caused by such displacement, the Santa Clara Valley Transportation Authority (VTA) has established a Relocation Assistance Program, including relocation advisory assistance and monetary benefits, for commercial enterprises that must move as a result of VTA’s acquisition of the property they occupy.

This brochure broadly summarizes this program and describes the principal provisions of relocation legislation concerning where and how to get assistance, eligibility for benefits, payments and requirements. Relocation regulations are complicated and difficult to interpret. Therefore, persons reading this brochure are urged not to form advance opinions as to the benefits and amounts to which they may be entitled. Strict requirements must be met before eligibility can be established and payment benefits determined. Premature action may jeopardize your eligibility for a relocation payment.

BENEFIT ELIGIBILITY

Every owner or tenant who is displaced from property on which they operate their business, farm or non-profit organization, as a result of a VTA transportation project, is protected under applicable State of California or Federal relocation laws. This brochure describes the relocation assistance and benefits an eligible displaced person may receive under the California Relocation Law (Government Code Section 7260 et. seq.) and the implementing Guidelines (California Code of Regulations, Title 25, Chapter 6).

The California Guidelines establish strict eligibility and documentation requirements for owners and tenants. To receive payment for a particular benefit, you must satisfy all requirements for that particular benefit payment. This brochure will explain the requirements and the process for obtaining financial and advisory relocation assistance services.

SUMMARY OF RELOCATION ASSISTANCE

As an eligible displaced person, you would be offered appropriate financial and advisory assistance to help you relocate, including:

A. Payment for your moving expenses, which include either
   • A payment for Actual Reasonable Moving and Related Expenses

   OR

   • A Fixed Payment in Lieu of a Payment for Actual Moving and Related Expenses
B. Advisory Assistance to explain the relocation process, the related eligibility requirements and the procedures for obtaining reimbursement for moving expenses.

C. Other help as needed to reestablish your business to minimize the impact of the move.

If you disagree with VTA’s decision as to the amount of your payment or your eligibility for assistance, you may appeal that decision.

RELOCATION ADVISORY ASSISTANCE

A Relocation Advisor will help you find a replacement property either for sale or rent that is suitable in condition, price or rental range, and will help you submit the documentation required to file the appropriate benefit claim forms. Information on services offered by other agencies is also available. The Relocation Advisor is your principal contact in all matters concerning VTA’s relocation programs and procedures.

Your Relocation Advisor will:

- Maintain contact with the business owner throughout the relocation process in order to determine the needs and preferences for a replacement location. Among other matters, requirements as to space, location, site configuration, zoning and cost will be taken into account.

- Assist in determining the need for outside specialists to plan, move and install personal property.

- Assist in identifying and resolving any issues regarding what is real estate and what is personal property to be moved.

- Assist in filing claim forms for the various types of relocation payments, including the type of documentation required to support the amount being claimed.

- Provide referrals to available replacement facilities or provide the names of local real estate agents and brokers who can assist in finding the type of replacement location which appears to the needs of the business.

- Explain which moving costs are eligible for reimbursement and which are not eligible.

- Maintain strict confidentiality regarding all matters related to the business operation.
• Provide assurance that the business will not be required to move until VTA has provided at least 90 days advance written notice of the specific date by which the property must be vacated.

FINANCIAL ASSISTANCE

Owners or tenants may be paid on the basis of actual, reasonable moving costs and related expenses incurred in moving personal property up to a distance of 50 miles from the displacement location, or under certain circumstances, a fixed payment. Actual, reasonable moving expenses may be paid when the move is performed by a professional mover or when the business chooses a self-move. Some related expenses, such as personal property losses, expenses in finding a replacement site and reestablishment expenses may also be reimbursable.

The business owner must provide VTA with an inventory of the personal property to be moved and advance notice of the approximate date of the move, unless VTA specifically informs you that these notices are not necessary.

VTA has the right to inspect the personal property at the displacement and replacement sites and to monitor the move.

ACTUAL REASONABLE AND NECESSARY MOVING EXPENSES

An owner-occupant or tenant-occupant who qualifies as a displaced person is entitled to payment of actual moving and related expenses as VTA determines to be reasonable and necessary. All moving expenses must be supported by paid receipts or other evidence of expenses incurred. In addition to the cost of transporting your personal property up to 50 miles to your replacement site, certain other expenses may be reimbursable, such as:

- Packing, unpacking
- Loading, unloading
- Crating, uncrating
- Disconnecting, dismantling
- Removing and reassembling machinery
- Reinstalling relocated machinery
- Temporary storage (with prior approval)
- Retirement old stationery
- Connection to utilities within the building
- Reprinting obsolete stationery
- Other eligible reimbursable costs may include:
- Any license, permit or certification caused by the move to the extent that the cost is necessary for the operation of the business at the replacement site.
- The reasonable cost of professional services necessary for planning the move of the personal property, moving the personal property, or installing the relocated personal property at the replacement site.
- Insurance of personal property in connection with the move and required storage (if any).
• The reasonable cost of moving and reinstalling telephone, burglar, fire alarm and other specialty equipment or systems, if not purchased by VTA.

• Searching expenses incurred while looking for a replacement site. This payment may not exceed $1,000 and may cover costs for mileage, time spent searching (based on a reasonable salary) and meals and lodging away from home.

Moving payments are generally made after the move is completed and the premises are left clean and orderly. Payment typically takes three weeks to process from receipt of a signed claim form with required documentation.

**Estimated Cost Move**

If you agree to take full responsibility for all or part of the move of your operation, VTA may approve a payment not to exceed the lower of two acceptable bids or estimates obtained by VTA from qualified moving firms, moving consultants, or a qualified VTA staff employee. A low cost or uncomplicated move may be based on a single bid or estimate at VTA’s discretion. The advantage of this moving option is that it relieves you from documenting all moving expenses because the payment is limited to the amount of the lowest acceptable bid or estimate. VTA may make this payment without additional documentation.

**Purchase of Substitute Personal Property**

If an item of personal property which is used as part of a business is not moved but is promptly replaced with a comparable item, the displaced business is entitled to reimbursement in an amount not to exceed:

• The replacement cost, minus any net proceeds received from its sale or

• The estimated cost of moving the item, whichever is less.

**Direct Loss of Tangible Personal Property**

A business may claim payment for actual direct loss of tangible personal property as a result of moving or discontinuing a business operation. This payment cannot exceed the cost of moving the personal property.

Actual direct loss of personal property is allowed when a person who is displaced from a place of business is entitled to relocate such property in whole or in part, but elects not to do so.

Payment is computed on the basis of the lesser of:

• The fair market value of the personal property for continued use at its location prior to displacement, or
• The estimated reasonable cost of moving the item. VTA may require that the owner first make a bona fide attempt to sell the property, with the proceeds from the sale being deducted from the determination of loss. The reasonable cost of the effort to sell the item may be added to the determination of loss.

The sales price and the actual reasonable costs of advertising and conducting the sale of personal property that is not to be relocated to the replacement site, must be supported by a copy of the bills of sale or similar documents and by copies of any advertisements, offers to sell, auction records, or other data supporting the bona fide nature of the sale.

When personal property is abandoned with no effort being made by the owner to dispose of such property, the owner will not be entitled to claim moving expenses or losses for the items involved.

Low Value-High Bulk Personal Property

If VTA considers personal property to be of low value and high bulk, and moving costs are disproportionate to its value, the allowable reimbursement for the expense of moving such property cannot exceed the lesser of:

• The difference between the cost of replacing the same property with comparable property available on the market, and

• The amount which would have been received for such property upon liquidation.

Examples of personal property covered by this provision include, but are not limited to, stockpiled sand, gravel, minerals, metals and other similar items of personal property.

Please discuss this with your Relocation Advisor before incurring these costs to assure that they are reimbursable.

INELIGIBLE MOVING AND RELATED EXPENSES

The following expenses are not reimbursable:

• The cost of moving any structure or other real property improvement in which the business owner reserves ownership;

• Interest on a loan to cover moving expenses;

• Loss of goodwill*;

• Loss of profits;

• Loss of trained employees;
- Personal injury;
- Any legal fee or other cost for preparing a claim for relocation payment or for representing the business before VTA;
- Expenses in searching for a replacement dwelling;
- Costs for storage of personal property on real property already owned or leased by the displaced person;
- Refundable security and utility deposits.

*Payment for loss of goodwill is considered a cost related to the acquisition of property. California law and the Federal regulations mandate that relocation payments cannot duplicate other payments, such as loss of business goodwill.

RE-ESTABLISHMENT PAYMENT

In addition to a payment for actual reasonable moving and related expenses, a small business, non-profit organization or farm may be eligible to receive a payment of up to $10,000 for reasonable and necessary expenses actually incurred in re-establishing its operation at a replacement site. To qualify, the business must have not more than 500 employees working at the site.

Business re-establishment benefits may include but are not limited to:

- Repairs or improvements to the replacement real property required by Federal, State or local laws, code or ordinance.
- Modifications to the replacement real property to accommodate the business or make the structure(s) suitable for the operation.
- Construction and installation costs of exterior advertising signs to advertise the business and advertising of the replacement location.
- Provision of utilities from the right-of-way to improvements on the replacement site.
- Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting.
- Licenses, fees and permits when not paid as part of moving expenses.
- Feasibility surveys, soil testing and marketing studies.
• Professional services in connection with the purchase or lease of a replacement site.

• Estimated increased costs of operation at the replacement site during the first 2 years for items such as monthly lease or rental costs, personal or real property taxes, insurance premiums, utility charges (excluding impact fees).

• Impact fees or one-time assessments for anticipated heavy usage.

• Other items which VTA considers essential to the re-establishment of the business.

INELIGIBLE RE-ESTABLISHMENT EXPENSES

The following are not considered to be reasonable, necessary or otherwise eligible expenses:

• Purchase of capital assets, such as office furniture, filing cabinets, and machinery or trade fixtures.

• Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.

• Interior or exterior refurbishment at the replacement site which are for aesthetic purposes only.

• Interest on money borrowed to make the move or purchase the replacement property.

• Payment to a part-time business in the home which does not contribute materially to the household income.

FIXED PAYMENT “IN LIEU OF” ACTUAL MOVING & RELATED EXPENSES

Under certain circumstances, eligible businesses, non-profit organizations and farms are eligible to obtain a Fixed Moving Payment “in lieu of” (i.e., instead of) receiving a payment for actual, reasonable moving and reestablishment expenses.

The fixed payment for a business or farm operation is based on the average annual net earnings of the business or farm for the 2 years immediately prior to displacement; the fixed payment for a non-profit organization is based on average annual gross revenues for the 2 years immediately prior to displacement, less administrative expenses.

To be eligible, the business, non-profit organization or farm cannot be part of a commercial enterprise having more than three other similar establishments which are not being acquired for the project.
The minimum fixed payment is $1,000 and the maximum fixed payment is $20,000. You must provide VTA with proof of net earnings to support your claim. Proof of net earnings can be documented by income tax returns, certified financial statements, or other reasonable evidence acceptable to VTA. The VTA Relocation Advisor will inform you as to your eligibility for this payment and the documentation you must submit to support your claim.

**Example of Computation of a Fixed Payment**

<table>
<thead>
<tr>
<th>Year</th>
<th>Annual Net Earnings</th>
<th>Year Displaced</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>$16,500</td>
<td>2009</td>
</tr>
<tr>
<td>2008</td>
<td>$18,500</td>
<td></td>
</tr>
</tbody>
</table>

Average annual net earnings

\[
\frac{16,500 + 18,500}{2} = \frac{35,000}{2} = 17,500
\]

Fixed Payment = $17,500

Remember, if an “in lieu” payment is selected, there is no entitlement to reimbursement for any other moving, related or reestablishment expenses.

**OUTDOOR ADVERTISING SIGNS**

An owner of an outdoor advertising sign may be eligible for the reasonable cost of moving such sign or its in-place value, whichever is lesser. An owner is NOT eligible to receive a Payment “in Lieu” of a Payment for Actual Reasonable Moving and Related Expenses.

**LOSS OF GOODWILL**

Goodwill consists of the benefits that accrue to a business as a result of its location, reputation for dependability, skill or quality, and any other circumstances resulting in probable retention of old or acquisition of new patronage. The owner of a business conducted on property acquired by VTA (or on the remainder if the property is part of a larger parcel) may be compensated for a “loss of goodwill” if the owner proves all of the following:

- The loss is caused by the acquisition of the property by VTA;

- The loss cannot reasonably be prevented by relocation of the business or taking steps and adopting procedures that a reasonably prudent person would take to preserve the goodwill; and

- The compensation for the loss has NOT been included as a relocation payment, or duplicated in compensation otherwise awarded to the owner.
If a claim for loss of goodwill is to be made, it must be filed after displacement has occurred, allowing sufficient time to enable determination of loss, if any.

**RELOCATION PAYMENTS NOT CONSIDERED TO BE INCOME**

California government Code Section 7269 indicates that no payment received by any person under this chapter shall be considered as income for the purposes of the Personal Income Tax Law, Part 10 (commencing with Section 17001) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax Law, Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code.

This statement is not tendered as legal advice in regard to tax consequences and displaced persons should consult with their own tax advisor or legal counsel to determine the current status of relocation payments.

**FILING OF CLAIMS**

Your Relocation Advisor will assist you in completing the required relocation claims and explain the type of documentation that you must submit in order to receive payment.

If you are a tenant, you must file your claim within eighteen (18) months of the date you move. If you own the property, you must file your claim within eighteen (18) months after the date you move, or the date you receive the final acquisition payment, whichever is later. However, it is to your advantage to file your claim as soon as possible after you move. The sooner you submit the claim, the sooner it can be processed and paid.

**YOUR RIGHT TO APPEAL**

California relocation guidelines provide that a person may appeal to the responsible agency if the person believes that the agency has failed to properly determine eligibility for, or the amount of payment authorized by the Guidelines. If you indicate your dissatisfaction, both verbally or in writing, your VTA Relocation Advisor will assist you in filing an appeal and explain the procedure to be followed. You will be given a prompt and full opportunity to be heard. You have the right to be represented by legal counsel or another representative in connection with the appeal (but solely at your own expense).

VTA will consider all pertinent justifications and materials submitted by you and other available information needed to ensure a fair review. VTA will provide you with a written determination resulting from the appeal with an explanation of the basis for the decision. If you are still dissatisfied with the relief granted, you may seek judicial review.

**WHEN VTA BECOMES YOUR LANDLORD**

After VTA purchases the property you currently occupy, you may become a tenant of VTA. You will be asked to enter into a rental agreement with VTA which specifies the...
rent to be paid, its due date and the property management policies which will apply to your tenancy.

No person eligible for relocation payments, who is lawfully occupying real property acquired for a VTA transportation project, will be asked to move without at least 90 days advance written notice. However, you may be evicted for the following reasons:

- You received an eviction notice prior to the date VTA made an offer to purchase the property and as a result of that notice you are later evicted;
- Serious or repeated violation of material terms of the rental agreement;
- Failure to pay rent, except for just cause acceptable to VTA;
- Performance of a dangerous or illegal act on the premises;
- Maintenance of a nuisance and failure to abate within a reasonable time following notice;
- The eviction is required by State law or County ordinance and cannot be prevented by reasonable efforts on the part of VTA.

ADDITIONAL INFORMATION

This brochure is a general description of VTA’s relocation assistance program and is not intended as a complete statement of all the State of California laws and regulations which, if not complied with, could cause loss of or reduction in the amount of relocation benefits a person might otherwise receive. Loss of eligibility may occur if you sell or move from your property without first contacting your Relocation Advisor.

While every effort has been made to assure the accuracy of this brochure, it should be understood that it does not have the force and effect of law, rule, or regulation governing the payment of benefits. Should any difference or error occur, the law will take precedence.

If you have any questions which have not been adequately answered in this informational brochure, please contact your Relocation Advisor or a member of VTA Real Estate Staff at (408) 321-5777.
APPENDIX 2: SAMPLE INITIAL CONTACT LETTERS
SAMPLE LETTER TO BUSINESS OWNERS

[Date]

[Business Occupant Name]
[Address]
San Jose, CA 95116

Re: Relocation Plan Interview Request

Dear [Business Occupant Representative]:

As you may be aware, the Santa Clara Valley Transportation Authority (VTA) is in the process of studying the area where your business is located for potential development of a Bus Rapid Transit project, also known as BRT, (the Project), on Alum Rock Avenue in San Jose (Project Area). The property that you currently operate your business may be affected by the Project. Overland, Pacific & Cutler, Inc. (OPC), a professional right-of-way consulting firm, has been retained by VTA to investigate the potential impacts to properties and businesses in the Project Area and any potential relocation issues resulting from those impacts.

OPC needs to meet with a representative from your business to learn more about the business and to conduct a relocation interview at a convenient time for you. OPC respectfully requests to meet in person at your business location. Time is of the essence and OPC needs to complete interviews by [DATE]. The interview should take no more than 1 hour; day and evening appointments may be scheduled. Please call Linh Inokuchi at (800) 400-7356 to discuss the best time to schedule an interview. Linh can also be reached via email at linkuchi@opcservices.com.

Thank you for your cooperation.

Sincerely,

XXXX
XXXX

Business Occupant Acknowledgement of Receipt

__________________________________    ______
Business Occupant Representative Name    Date
SAMPLE LETTER TO PROPERTY OWNERS

[Date]

[Owner Name]
[Address]
San Jose, CA 95116

Re: Relocation Plan Interview Request

Dear [Business Occupant Representative]:

As you may be aware, the Santa Clara Valley Transportation Authority (VTA) is in the process of studying the area where your business is located for potential development of a Bus Rapid Transit project, also known as BRT, (the Project), on Alum Rock Avenue in San Jose (Project Area). The property that you currently operate your business may be affected by the Project. Overland, Pacific & Cutler, Inc. (OPC), a professional right-of-way consulting firm, has been retained by VTA to investigate the potential impacts to properties and businesses in the Project Area and any potential relocation issues resulting from those impacts.

OPC needs to meet with a representative from your business to learn more about the business and to conduct a relocation interview at a convenient time for you. OPC respectfully requests to meet in person at your business location. Time is of the essence and OPC needs to complete interviews by [DATE]. Please call Linh Inokuchi at (800) 400-7356 with any questions. Linh can also be reached via email at linkuchi@opcservices.com.

Thank you for your cooperation.

Sincerely,

XXXX
XXXX

Property Owner Acknowledgement of Receipt

__________________________________   __________
Property Owner Representative Name    Date
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

FROM: Auditor General, Greg Thomas

SUBJECT: Investment Controls Design Assessment Internal Audit

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

ACTION ITEM

RECOMMENDATION:

Review and receive the Auditor General's internal audit report on Investment Controls Design Assessment.

BACKGROUND:

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

In August 2010, the Board approved the FY11 Internal Audit Work Plan recommended by the Auditor General. In November 2010, Deloitte & Touche, LLP, in its capacity as VTA’s Internal Audit, initiated the second of the audits contained in this work plan: Investment Control Design Assessment.

DISCUSSION:

The purpose of the Investment Control Design Assessment was to perform a design assessment of the internal controls and processes related to select investment management activities for VTA’s investment of restricted and unrestricted funds. Internal controls help safeguard VTA assets and are required by VTA’s Board-adopted investment policy (FRS-PL-07-01, dated 2/5/2009); the policy also requires an annual review of the controls by the internal auditor. The audit was performed in accordance with the Standards for Consulting Services issued by the American Institute for Certified Public Accountants.
In December 2010, the Auditor General’s Office initiated its design assessment of internal controls and processes for select investment management activities. The results of this internal audit are presented in Auditor General Report No. 2011-01 (see Attachment A). This report describes in detail the objectives established for this audit, its scope, the approach used by and the findings reached by the Auditor General’s internal audit team.

Overall, the report concluded that based on the work performed, it appears that VTA has designed and implemented controls and operating processes that can effectively safeguard the organization’s investments. It did not identify any risk areas where corrective action was recommended. The report did identify a few opportunities to further enhance process efficiency and effectiveness of controls through automation.

Recommendations for improvement or efficiency opportunities contained in this report are presented for the consideration of VTA management, which is responsible for the effective implementation of any action plans.

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

**FISCAL IMPACT:**

There is no financial impact associated with acceptance of this report.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Audit Committee considered this item at its February 3, 2011 meeting. The Committee unanimously recommended that the Board review and receive this report, and that it be placed on the Consent Agenda for the May 2011 Board meeting.

Prepared by: Greg Thomas, Auditor General
Memo No. 2878
AUDITOR GENERAL REPORT No. 2011- 01

TO: Rose Herrera, Chairperson  
Audit Committee, VTA Board of Directors

FROM: Auditor General’s Office

SUBJECT: Investment Control Design Assessment

DATE: January 18, 2011

Attached is our report for the Investment Control Design Assessment.

Our internal audit was performed in accordance with the terms of the agreement between Santa Clara Valley Transportation Authority (“VTA”) and Deloitte & Touche LLP for Auditor General Services, Contract No. SO9022, dated January 9, 2009, and in accordance with the Standards for Consulting Services issued by the American Institute of Certified Public Accountants. This report is intended solely for the information and use of VTA’s Board of Directors, Audit Committee and management and is not intended to be used by anyone other than these specified parties. Recommendations for improvement are presented for management’s consideration. Management is responsible for the effective implementation of corrective action plans.

Questions or concerns should be addressed to Greg Thomas in the VTA Auditor General’s Office at: Auditor.General@VTA.org.
BACKGROUND, OBJECTIVE, SCOPE AND APPROACH
Deloitte & Touche, LLP (“Deloitte”) has completed the Santa Clara Valley Transportation Authority (“VTA”) Investment Controls Design Assessment. The objective of the audit was to perform a design assessment of the controls and processes related to select investment management activities.

VTA’s investment program is responsible for investment activities under the direction of VTA, except Amalgamated Transit Union (“ATU”) Pension Funds and ATU Spousal Medical, Dental, and Vision Plan Funds. VTA’s investment program is responsible for investment of restricted and unrestricted funds and is governed by VTA Board-adopted policy. VTA’s investment program (operating) includes investments in four portfolios: investments with the State of California Local Agency Investment Fund (LAIF) and three investment accounts, based on short, medium and long term strategies, with fixed income investment managers.

VTA outsources the investment management activities to Payden & Rygel (“Payden”). In line with leading practice, management has established monthly reporting as well as quarterly touch point meetings in order to oversee and monitor the activities and performance of Payden. To evaluate the performance of the investment manager, each portfolio (short, medium and long term) has been assigned a corresponding industry index as benchmark. In addition, VTA has appointed an external consultant, Mercer, to perform an independent and comprehensive assessment of the investment manager’s performance.

The scope of the internal audit included an assessment of the controls in the Treasury Investment process. The Auditor General’s office performed interviews, observed the daily cash position process and obtained investment related documentation to assess the design of the key investment controls. Areas of focus during the observations and walkthroughs were the following:

- Policy & Procedures
- Cash Positioning & Forecasting Process
- Month-end Position Reconciliation
- Oversight and Monitoring of External Investment Managers
- Management Reporting
- Risk Analytics

The following areas were out-of-scope for this assessment:

- Sample testing for determining operating effectiveness

This report is intended solely for the information and internal use of Santa Clara Valley Transportation Authority, and should not be used or relied upon by any other person or entity.
- Externally managed investments (third party investment managers)
- Retiree medical
- Pension investments

RESULTS
Based on the work performed, it appears that VTA’s management has designed and implemented controls and operating processes that can effectively safeguard the company’s investments; there were no findings or observations where corrective action was recommended. The finance team at VTA appears to be knowledgeable about, and experienced in, investment management activities and monitoring the performance of its external investment manager. From a governance perspective, VTA has a robust investment management policy (VTA Unrestricted and Restricted Funds Investment Policy) that was adopted by the VTA Board of Directors.

The following table lists a few opportunities identified by Auditor General staff to further enhance process efficiency and effectiveness of controls through automation, review of SAS 70 Reports, and inclusion of risk analytics were also noted for management’s consideration.

<table>
<thead>
<tr>
<th>Opportunity</th>
<th>Leading Practice</th>
<th>Value to VTA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automation</td>
<td>Using a Treasury Management System (‘TMS’) which is integrated with bank systems</td>
<td>There are a number of treasury processes (e.g., cash positioning, forecasting,</td>
</tr>
<tr>
<td>through building a technology platform</td>
<td>network and ERP systems is leading practice.</td>
<td>position reconciliation and reporting) which are handled manually and hence limit efficiency and scalability in the treasury organization.</td>
</tr>
<tr>
<td></td>
<td>Generally, the goal is to develop systems that can support straight through</td>
<td>There is an opportunity to deploy technology more effectively to automate</td>
</tr>
<tr>
<td></td>
<td>processing to improve visibility to cash, improve payment processing and build</td>
<td>repetitive day-to-day processes, eliminate reliance on excel spreadsheets,</td>
</tr>
<tr>
<td></td>
<td>operational efficiencies. Such systems can automate the polling of bank balances,</td>
<td>enhance the existing control environment and improve the overall effectiveness</td>
</tr>
<tr>
<td></td>
<td>generate cash positions, automate cash and bank account reconciliations, automate</td>
<td>of treasury.</td>
</tr>
<tr>
<td></td>
<td>cash forecasting, and assist with many risk analytics and management reporting</td>
<td>Prior to considering a technology solution, detailed business requirements</td>
</tr>
<tr>
<td></td>
<td>requirements.</td>
<td>should be gathered and analyzed across the finance organization to understand</td>
</tr>
<tr>
<td></td>
<td>Leveraging a technology solution can also help enhance an organization’s</td>
<td></td>
</tr>
<tr>
<td></td>
<td>control environment, by minimizing the reliance on excel spreadsheets, manual</td>
<td></td>
</tr>
<tr>
<td></td>
<td>data entry and user errors.</td>
<td></td>
</tr>
</tbody>
</table>

This report is intended solely for the information and internal use of Santa Clara Valley Transportation Authority, and should not be used or relied upon by any other person or entity.

3331 North First Street · San Jose, CA 95134-1927 · Administration 408.321.5555 · Customer Service 408.321.2300
<table>
<thead>
<tr>
<th>Opportunity</th>
<th>Leading Practice</th>
<th>Value to VTA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scenario Analysis</td>
<td>The application of scenario analysis and associated limits is a common control practice for risk management. Leading industry practice encourages the use of sophisticated models to measure potential exposures to the investment portfolio and validate portfolio positioning in a dynamic context.</td>
<td>Although, VTA performs a detailed review of its investment portfolios (market value, list of holdings, performance etc), it is recommended that VTA consider incorporating some measures of scenario analysis into its monthly or quarterly reporting. Some examples are interest rate sensitivity and optionality. VTA may look to its investment advisors to determine the appropriate type of analysis required given its investment strategy.</td>
</tr>
<tr>
<td>SAS 70 Reporting</td>
<td>Vendors or outsource providers such as investment advisors and custodians handling sensitive or private data and potentially conducting transactions with this data, should typically be SAS-70 certified. A SAS 70 report may detail such capability and internal controls to safeguard the hosting environment and the processing of sensitive data belonging to their customers.</td>
<td>Currently, VTA is not obtaining or reviewing SAS 70 Reports from its vendors. On an annual basis, VTA should obtain and review the SAS-70 reports from its investment managers (Payden &amp; Rygell) as well as the custodian (Union Bank) to confirm that their environment is adequately controlled and be aware of any potential weaknesses. Such a review would also provide VTA with confidence that there are appropriate change management procedures to the applications, a well defined user provisioning and periodic access review as well as adequate backup and restore processes.</td>
</tr>
</tbody>
</table>
Appendix 1: Treasury Management Systems (TMS) Classifications

There are a number of TMS options in the marketplace. Appendix 1 classifies the treasury systems in three different categories and provides a high level view of the system characteristics for each category.

<table>
<thead>
<tr>
<th>CLASSIFICATION</th>
<th>CHARACTERISTICS</th>
<th>TMS EXAMPLES</th>
</tr>
</thead>
</table>
| High End Solution    | • Best suited for large multinational companies looking for near real-time consolidation and reporting analysis  
                      • Complete cash management solution, including in-house banking and cash forecasting consolidation and analysis  
                      • Strong risk analytics and risk management capabilities  
                      • Strong accounting and reporting functionality  
                      • Strong workflow and monitoring tools  
                      • Scalable, configurable and easy integration to ancillary solutions (e.g., SWIFT, bank/fee administration, trading portals etc) | • Wall Street Suite  
                      • SAP Cash & Treasury Risk Management  
                      • SunGard Quantum |
| Mid Tier Solution    | • Strong cash management solution though limited flexibility with reporting and customized configurations  
                      • Limited risk analytics and risk management capabilities and would require add-on solutions  
                      • Strong accounting mapping logic for cash reconciliation and postings  
                      • In-house banking  
                      • Most have dealing and trade administration functions to support most instrument types, though many lack true hedge accounting and hedge management functionality  
                      • Easier implementation and less costly than high end option | • IT2  
                      • SunGard Integrity  
                      • SunGard Globe$ (XRT)  
                      • Wall Street System Treasury  
                      • Thomson Treasa  
                      • City Financial / eTC |
| Low End Solution     | • Primarily a cash management solution with limited additional functionalities  
                      • Limited instrument support  
                      • Limited risk analytics and risk management capabilities  
                      • Limited to no hedge accounting and hedge management capabilities  
                      • Limited reporting functionality | • Oracle Treasury  
                      • Salmon Software  
                      • PeopleSoft  
                      • G-Treasury  
                      • Kyriba |
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority  
    Board of Directors

FROM: Auditor General, Greg Thomas

SUBJECT: Follow-up on the SVRT Soft Cost Internal Audit Report

ACTION ITEM

RECOMMENDATION:

Review and receive the Auditor General's follow-up report on the implementation status of recommendations contained in the SVRT Soft Cost Internal Audit Report.

BACKGROUND:

VTA’s Auditor General’s Office is responsible for conducting the internal audits specified in the Board-approved Internal Audit Work Plan. It is also responsible for determining the implementation status, adequacy and timeliness of corrective actions that VTA management has committed to implement on reported observations and recommendations contained in these audits.

In early 2010, the Auditor General’s Office completed one of the audits contained in the FY10 Internal Audit Work Plan: an assessment of the Silicon Valley Rapid Transit Project’s (“SVRT”) controls related to the estimating, management and monitoring of soft costs to gain an understanding of how soft costs are estimated and tracked and to identify areas for improvement. (For the purposes of this internal audit, soft costs included the professional, technical and management services related to design and construction during the preliminary engineering, final design and construction phases of the project.)

The resulting SVRT Soft Cost Internal Audit Report concluded that there were several areas that VTA management could improve upon. The Report’s seven specific observations and recommendations primarily concerned staffing organization, cost estimating, and project reporting. VTA management committed to implement these recommendations by September

Date: April 26, 2011  
Current Meeting: May 5, 2011  
Board Meeting: May 5, 2011
2010 or before final submission into the Federal Transit Administration’s final design process, which occurred in December 2010. This report was presented and discussed at the March 2010 Audit Committee meeting and accepted by the VTA Board at its April 2010 meeting.

Recommendations for improvement contained in this report were presented by the Auditor General for consideration by the VTA Board of Directors, Audit Committee and management, which are solely responsible for the effective implementation of any recommendation.

**DISCUSSION:**

In January 2011, the Auditor General’s Office completed its follow-up work to assess if the recommended actions specified in the SVRT Soft Cost Internal Audit Report that VTA management committed to implement had been completed. The results of this follow-up, as well as a summary of the findings, recommendations and VTA Management Responses from the SVRT Soft Cost Internal Audit Report, are shown on Attachment A.

In brief, based on evidence submitted by VTA we have confirmed that the recommendations have been successfully implemented.

Receipt of this follow-up report does not necessarily mean that the VTA Board, Audit Committee or management agrees with or endorses the findings. Instead, it signifies that the report was provided for their use.

**FISCAL IMPACT:**

There is no financial impact associated with acceptance of this report.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Audit Committee considered this item at its February 3, 2011 meeting. The Committee unanimously recommended that the Board review and receive this report, and that it be placed on the Consent Agenda for the May 2011 Board meeting.

Prepared by: Greg Thomas, Auditor General
Memo No. 2960
Attached is our report for the Follow-Up on the SVRT Soft Cost Internal Audit Report.

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

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

Questions or concerns should be addressed to Greg Thomas in the VTA Auditor General’s Office at: Auditor.General@VTA.org.
Objective of Follow-up

The purpose of the VTA Auditor General’s follow-up on the Silicon Valley Rapid Transit (SVRT) Soft Cost Internal Audit Report is to determine whether VTA management has successfully implemented the corrective actions it committed to in the Management Response sections of the Report. It is the Auditor General’s responsibility to periodically follow up on the status of audit recommendations and report on corrective actions implemented by VTA management.

Background on SVRT Soft Cost Internal Audit Report

As part of the Board-approved FY10 Internal Audit Work Plan, the Auditor General’s Office performed an internal audit of the Silicon Valley Rapid Transit (“SVRT” or “Program” or “Project”) Project’s controls related to the estimating, management and monitoring of soft costs1 to gain an understanding of how soft costs are estimated and tracked and to identify areas for improvement. Soft cost data was analyzed through May 2009.

In brief, the Project comprises a 16-mile extension of the Bay Area Rapid Transit District system (“BART”) from a future Warm Springs station in Fremont, CA to the Silicon Valley cities of Milpitas, San Jose and Santa Clara in Santa Clara County, CA with roughly five miles of the alignment underground in a twin bored tunnel. At the completion of the original audit work in 2009, SVRT Management was working to revise the definition of the Project. Although the SVRT Program plans to extend the BART system 16 miles with 6 stations, the focus since mid-2009 has been on securing federal funding for the Silicon Valley Berryessa Extension (“SVBX”) Project through the Federal Transit Administration (“FTA”) New Starts Program. The SVBX Project is a 10-mile, 2-station project that represents the first phase of a two-phase implementation of the entire 16-mile program. Since the SVRT Soft Costs Internal Audit, VTA has made two major submittals to FTA for its consideration regarding the Project’s readiness for implementation. VTA refined the SVBX Project Definition and submitted a formal application for re-entering FTA New Starts Program in September 2009, which was accepted in December 2009. VTA completed the federal environmental clearance process and received its Record of Decision from FTA in June 2010. VTA submitted its request to enter the second phase of the New Starts Program in December 2010, and anticipates that FTA will approve the Project for final design, and to recommend the Project for federal funding in February 2011.

The SVRT Soft Costs Internal Audit report was presented and discussed at the March 4, 2010 Audit Committee Meeting and accepted by the VTA Board at its April 2010 meeting. The report concluded that there were areas that VTA management could improve upon with specific observations and recommendations in each area. VTA management committed to implement the recommendations by September 2010 or before final submission into FTA’s final design, which occurred in December 2010.

Follow-up Findings

In December 2010 and January 2011, the Auditor General’s Office obtained evidence from management to assess whether the corrective actions in the SVRT Soft Costs Internal Audit Report that VTA management had committed to were completed. Based on evidence submitted by VTA, we have confirmed that the recommendations have been appropriately completed.

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1 For the purposes of our work, soft costs include the professional, technical and management services related to the design and construction of fixed infrastructure during the preliminary engineering, final design and construction phases of a project as described in the Federal Transit Administration’s Standard Cost Categories Worksheet SCC 80 – Professional Services.
The following table summarizes from the original audit report the Auditor General’s observations and recommendations for each key control as well as the corresponding VTA management responses. It also states the implementation status of recommendations agreed to by VTA.

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<tr>
<td>1</td>
<td>SVRT Soft Cost Trends</td>
<td>The trending analysis conducted shows a capital program that has experienced recurring soft cost overruns when compared to estimates. We recommend that SVRT assess the validity of current estimates, develop a controls program that results in meaningful monthly, quarterly and/or periodic forecasting efforts.</td>
<td>Agrees with recommendation to develop controls program to understand cost exposures.</td>
<td>Auditor General’s Office: Closed- Confirmed Management remediation plans were completed.</td>
</tr>
<tr>
<td>2a</td>
<td>SVRT Root Cause: Schedule</td>
<td>The extension of the project schedule is one of two likely factors that will continue to impact and affect soft cost budgets and incurred costs. Most original milestones dates have slipped over time. We recommend that SVRT complete the revision of the project definition and establish completion dates for key soft cost activities.</td>
<td>VTA agrees with the report’s observations about the schedule. Activities are being closely monitored to ensure that they directly relate to current focus: Silicon Valley Berryessa Extension (SVBX) and the goal of receiving a Full Funding Grant Agreement on the project.</td>
<td>Auditor General’s Office: Closed- Confirmed Management remediation plans were completed.</td>
</tr>
<tr>
<td>2b</td>
<td>SVRT Root Cause: Staffing Organization</td>
<td>A general design coordination role has been absent, and coordination and integration has been inefficient in the past. We recommend going forward, a more centralized and coordinated management team is needed to link design teams and coordinate efforts to address integration issues and risks.</td>
<td>The Project Management Plan (PMP) submitted to FTA in September 2009 describes a new organizational structure for implementing the project.</td>
<td>Auditor General’s Office: Closed- Confirmed Management remediation plans were completed.</td>
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<tr>
<td>3a</td>
<td>SVRT Policies and Procedure: Soft Cost Reporting</td>
<td>Monthly cost reports did not reflect the most current SVRT Program estimates. We recommend management should develop policies and procedures for the timely update of SVRT Program reports.</td>
<td>VTA recognizes that the monthly cost reports over the past several years were not updated with the preliminary engineering cost estimates.</td>
<td>Auditor General’s Office: Closed- Confirmed Management remediation plans were completed.</td>
</tr>
<tr>
<td>3b</td>
<td>SVRT Policies and Procedure: Estimate Development</td>
<td>Most soft cost estimates were originally developed as a percent of construction but the project team has more recently used additional data available to further refine the various soft cost aspects of the Project at major design milestones. We recommend management should strengthen and formalize the process to evaluate estimates provided by third party design consultants prior to inclusion in the overall soft costs estimate and create a process for establishing an estimate basis for specific audit and legal costs to support the SVRT Program.</td>
<td>Through the new organizational structure, the SVRT Program Office has brought in experienced design managers to review scope and costs of the various design activities and consultant efforts and have tightened scopes of work to better define deliverables which will lead to better estimates.</td>
<td>Auditor General’s Office: Closed- Confirmed Management remediation plans were completed.</td>
</tr>
<tr>
<td>3c</td>
<td>SVRT Policies and Procedure: Forecasting/Estimate to Complete</td>
<td>Lack of formal policies to manage the forecasting of soft costs. We recommend SVRT develop formalized policy and procedure requiring project controls team members to meet with consultant management team members when completing monthly forecasting efforts.</td>
<td>The SVRT Program Office will establish a formal policy with regards to monthly forecasts and objectives of the forecasts before the project enters final design.</td>
<td>Auditor General’s Office: Closed- Confirmed Management remediation plans were completed.</td>
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<td>3d</td>
<td>SVRT Policies and Procedure: Invoice Review</td>
<td>No formal guidelines in place for evaluating soft cost consultant invoices or for recurring cost assessments or audit work. We recommend the SVRT should develop a formal set of procedures and guidelines for the evaluation and approval of soft cost consultant invoices and for the recurring and contemporaneous audit of consultant invoices.</td>
<td>Although the SVRT Program has an invoice review process, it is more on an ad-hoc basis. The SVRT Program Office is developing a formal policy and procedure to define the needed processes and procedures.</td>
<td>Auditor General’s Office: Closed- Confirmed Management remediation plans were completed.</td>
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<tr>
<td>4a²</td>
<td>SVRT Ongoing Project Risks: Third Party Entities</td>
<td>One of the more significant ongoing risks known to the Project team includes the unresolved design issues and agreements with the various public and private third party agencies. We recommend the project team should begin working and negotiating with third parties that are critical to the SVRT Program moving forward.</td>
<td>VTA has been working with third parties to resolve issues and implement third-party agreements to establish effective coordination strategies. All outstanding design issues have been resolved, or are being resolved through current coordination and/or negotiations with the pertinent third parties. All third party agreements are tracked in a database and reported regularly.</td>
<td>Auditor General’s Office: Closed- Confirmed Management remediation plans were completed.</td>
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</table>

² Management Responses were not initially required for 4a, 4b, and 4c because the Ongoing Project Risks were being tracked by the SVRT team and viewed as areas of opportunity not requiring formal responses. However, during the Follow-up work, Management provided a description of how they are addressing these Ongoing Project Risks, which is summarized herein.
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<td>4b</td>
<td>SVRT Ongoing Project Risks: Design Changes</td>
<td>Design changes and uncertainty have resulted in designs being carried out without having finalized decisions on critical Project elements and have resulted in re-work in the past and risks of re-work in the future. We recommend SVRT continue to evaluate ongoing efforts of team members and forecasted efforts planned before more definite decisions made. Project team should consider an independent evaluation of the reasonableness of the team remaining for Engineering Readiness Work.</td>
<td>VTA reduced and maintained staff levels required to support submittal of SVBX Project to FTA for New Starts Funding. All design activities related to Central Area (Tunnel/Stations) and Western Area (Yard/Shops/Stations) have been discontinued, and related staff have been reassigned or are no longer providing services to VTA.</td>
<td>Auditor General’s Office: Closed- Confirmed Management remediation plans were completed.</td>
</tr>
<tr>
<td>4c</td>
<td>SVRT Ongoing Project Risks: BART</td>
<td>BART has not been intimately involved with the Project planning and design to date. We recommend the project team should consider ways to incorporate BART personnel into the SVRT Program and allow them to better inform the design teams on how their requirements might affect the Project.</td>
<td>VTA and BART have established an Executive Management Committee responsible for coordination of all BART/VTA Project interaction.</td>
<td>Auditor General’s Office: Closed- Confirmed Management remediation plans were completed.</td>
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BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

FROM: Auditor General, Greg Thomas

SUBJECT: Follow-up on Investment Controls Effectiveness Testing Internal Audit Report

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

ACTION ITEM

RECOMMENDATION:

Review and receive the Auditor General's follow-up report on the implementation status of recommendations contained in the Investment Controls Effectiveness Testing Internal Audit Report.

BACKGROUND:

VTA’s Auditor General’s Office is responsible for conducting the internal audits specified in the Board-approved Internal Audit Work Plan. It is also responsible for determining the implementation status, adequacy and timeliness of corrective actions that VTA management has committed to implement on reported observations and recommendations contained in these audits.

In March 2010, the Auditor General’s Office completed one of the audits contained in the FY10 Internal Audit Work Plan: an assessment of the operating effectiveness of the key internal controls over investment of restricted and unrestricted funds for the period of February 1, 2009 through February 1, 2010. The resulting Investment Controls Effectiveness Testing Report concluded that, based on the work performed and samples selected, the key controls tested appeared to be operating effectively as designed. However, it made three recommendations to address documentation lapses and clarify appropriate staff responsibilities. VTA management committed to implement these recommendations by April 2010. This report was presented and discussed at the June 2010 Audit Committee meeting and accepted by the VTA Board at its August 2010 meeting.
Recommendations for improvement contained in this report were presented by the Auditor General for consideration by the VTA Board of Directors, Audit Committee and management, which are solely responsible for the effective implementation of any recommendation.

**DISCUSSION:**

In December 2010, the Auditor General’s Office completed its follow-up to assess if the recommended actions specified in the Investment Controls Effectiveness Testing Report that VTA management had committed to implement had been completed. The results of this follow-up, as well as a summary of the findings, recommendations and VTA Management Responses from the Investment Controls Effectiveness Testing Report, are shown on Attachment A.

In brief, based on evidence submitted by VTA we have confirmed that the recommendations have been successfully implemented.

Receipt of this follow-up report does not necessarily mean that the VTA Board, Audit Committee or management agrees with or endorses the findings. Instead, it signifies that the report was provided for their use.

**FISCAL IMPACT:**

There is no financial impact associated with acceptance of this report.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Audit Committee considered this item at its February 3, 2011 meeting. The Committee unanimously recommended that the Board review and receive this report, and that it be placed on the Consent Agenda for the May 2011 Board meeting.

Prepared by: Greg Thomas, Auditor General
Memo No. 2938
Attached is our report for the Follow-Up on the Investment Control Effectiveness Report.

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

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

Questions or concerns should be addressed to Greg Thomas in the VTA Auditor General’s Office at: Auditor.General@VTA.org.
Objective of Follow-up
The purpose of the VTA Auditor General’s follow-up on the Investment Controls effectiveness Testing Report is to determine whether VTA management has successfully implemented the corrective actions it committed to in the Management Response sections of the report. It is the Auditor General’s responsibility to periodically follow up on the status of audit recommendations and report on corrective actions implemented by VTA management.

Background on Investment Controls Testing Report
As part of the Board-approved FY10 Internal Audit Work Plan, the Auditor General’s Office performed an assessment of the operating effectiveness of the key internal controls over investment of restricted and unrestricted funds, as identified by management, for the period February 1, 2009 through February 1, 2010. Internal controls are required by VTA’s Board-adopted investment policy (FRS-PL-07-01, dated 2/5/2009); the policy also requires an annual review of the controls by the internal auditor.

In brief, VTA has a Treasury function that is responsible for managing VTA’s investment portfolio in unrestricted and restricted funds. At the time of the investment controls effectiveness testing VTA invested in three separate funds: two funds managed by Payden & Rygel and one with the State of California Local Agency Investment Funds (LAIF); currently Payden & Rygel manages three funds for VTA. The investment program is required to comply with the California Government Section 53601 et seq. and VTA’s internal Investment Policy to help ensure successful and prudent management of public funds. To this end, VTA management had documented the key internal controls over the investment transactions in a risk and controls matrix modeled after the requirements for Sarbanes Oxley Act Section 404 compliance.

The Investment Controls Effectiveness Testing Report was presented and discussed at the June 2010 Audit Committee meeting and accepted by the VTA Board at its August 2010 meeting. The report concluded that, based on the work performed and the samples selected; the key controls tested appeared to be operating effectively as designed. However, there were two documentation lapses that should be addressed to provide better evidence of the control execution and one instance where approved entries were posted by an unauthorized individual. VTA management committed to implement these recommendations by April 2010.

Follow-up Findings
In December, 2010, the Auditor General’s Office obtained evidence from management to assess whether management’s corrective action commitments from the Investment Controls Effectiveness Testing Report were completed. Based on evidence submitted by VTA, we have confirmed independently that the recommendations have been appropriately implemented.
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<td>1</td>
<td>Monthly and Semi-Annual Review of cash flow needs are conducted. (Control implemented October, 2009)</td>
<td>Although the control appears to be performed based on our interviews, no evidence is available that a review of the monthly and semiannual review of cash flow needs spreadsheets was conducted. We recommend that the monthly and semiannual cash flow needs spreadsheets be reviewed by appropriate individuals and the review be evidenced by sign-off.</td>
<td>VTA concurs with the recommendation. Effective April 2010, the monthly and semiannual cash flow needs worksheets will be signed by a Fiscal Resources Manager or higher level manager in Fiscal Resources as evidence of the review.</td>
<td>Auditor General’s Office: Closed- Confirmed Management remediation plans were completed.</td>
</tr>
<tr>
<td>2</td>
<td>Memo and Monthly Investment Report are reviewed and signed by GM and submitted to Admin &amp; Finance Committee for Review.</td>
<td>Although the control appears to be performed based on our interviews, no evidence is available that General Manager reviewed the Memo and Monthly Investment Report prior to submission to the Administration &amp; Finance Committee for review. We recommend that the General Manager evidence his review and approval of the Memo and the Monthly Investment Report.</td>
<td>VTA concurs with the recommendation. Effective April 2010, the monthly investment report will be signed by the General Manager as evidence of the review.</td>
<td>Auditor General’s Office: Closed- Confirmed Management remediation plans were completed.</td>
</tr>
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<td>3</td>
<td>All journal entries prepared during month-end are reviewed and approved by Investment Manager prior to posting by Sr. Accountant.</td>
<td>Although the Investment Manager did approve the 15 journal entries we tested, 3 of the 15 journal entries selected were posted by the Accountant III instead of the Senior Accountant. An Accountant III is a lower level position than the Senior Accountant. Given that the key control point is the review and approval of the journal entry by the Investment Manager, we recommend that management consider rewording the control to remove specific reference to posting of the entries by the Senior Accountant.</td>
<td>VTA concurs with the recommendation. Given that the Investment Manager reviews and approves the journal entries which is a key control already in place, VTA will reword the control description to remove “Senior” allowing any level accountant to post the journal entries consistent with current practice.</td>
<td>Auditor General’s Office: Closed- Confirmed Management remediation plans were completed.</td>
</tr>
</tbody>
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BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Administrative Officer, Bill Lopez

SUBJECT: Employees of the Month for May 2011

FOR INFORMATION ONLY

BACKGROUND:

Denise Dominguez, Office Specialist II at North Division, is the Administration Award Winner for May. In her current role, she processes payroll accurately and efficiently for the Division’s Maintenance employees. Denise’s management recognizes the initiative and commitment to teamwork that she has demonstrated throughout her nearly 10 years of dedicated service. Denise is very deserving of this award, with her upbeat attitude and willingness to assist others contributing to the positive work environment at VTA. Congratulations to Denise Dominguez, Administration Employee of the Month for May!

Giang Luu, Guadalupe Division Light Rail Operator, is May’s Operations Award Winner. An employee of VTA since 2007, Giang has performed his job with high standards. He is known for being a dependable and highly skilled train operator who strives to provide his passengers with safe, comfortable, on-time service. Appreciated by his supervisors for his exceptional professionalism and attention to detail, Giang sets a great example for his fellow Operators. Giang upholds VTA’s commitment to community-focused transportation, and has earned this special recognition. Congratulations to Giang Luu, Operations Employee of the Month for May!

John Gregg Woodworth, Electrician at Cerone Division, is our Maintenance Employee of the Month for May. During his 3 years at VTA, Gregg has performed work on a variety of critical electrical projects, such as the installation of the Uninterrupted Power Supply for the main server room that supports the entire agency. Known for his superior electrical knowledge and his strong work ethic, Gregg is an excellent role model for his coworkers and truly upholds VTA’s standards of quality job performance. Congratulations to John Gregg Woodworth, Maintenance Employee of the Month for May!

Prepared By: Mitsuno Baurmeister
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

FROM: Chairperson Margaret Abe-Koga

SUBJECT: Bike to Work Day Resolution

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

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a resolution proclaiming May 2011 as Bike to Work Month and May 12, 2011 as Bike to Work Day.

BACKGROUND:

The month of May is National Bike to Work Month, and the San Francisco Bay Area's 17th annual Bike to Work Day will take place on Thursday, May 12, 2011. VTA has a long history of supporting Bike to Work Day and working with cities and the Silicon Valley Bicycle Coalition to promote the event. The Board is asked to adopt the attached resolution.

FISCAL IMPACT:

There is no financial impact.

Prepared by: Michelle DeRobertis
Memo No. 3100
RESOLUTION PROCLAIMING MAY 2011 AS BIKE MONTH AND 
MAY 12, 2011 AS BIKE TO WORK DAY

WHEREAS, for more than a century, the bicycle has been an important part of many American lives; and,

WHEREAS, today millions of Americans engage in bicycling as an environmentally sound form of transportation, an excellent form of fitness, and a healthy family recreational activity; and,

WHEREAS, greater public awareness of bicycling as transportation will improve the safety and comfort of bicyclists and motorists, reducing bike-motorist conflicts, and resulting in fewer injuries, and fatalities; and,

WHEREAS, bicycling, along with walking, is the most efficient, affordable and sustainable form of transportation; and,

WHEREAS, bicycling and other active transportation modes will help reduce the nation’s obesity epidemic and other national health issues; and,

WHEREAS, VTA has consistently advocated for and advanced bicycling as a important element of the County’s transportation system.

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Santa Clara Valley Transportation Authority that: 1) The month of May 2011 is hereby proclaimed Bike Month; and 2) May 12, 2011 is hereby proclaimed as Bike to Work Day.

Passed and adopted by the Board of Directors of the Santa Clara Valley Transportation Authority on May 5, 2011 by the following vote:

AYES:

NOES:

ABSENT

_______________________________________________________________
MARGARET ABE-KOGA, Chairperson
Board of Directors

ATTEST: APPROVED as to Form

_______________________________________________________________
SANDRA A. WEYMOUTH, Secretary
Board of Directors

KEVIN D. ALLMAND
General Counsel
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

FROM: Chairperson Margaret Abe-Koga

SUBJECT: Resolution of Commendation for the Friends of Stevens Creek Trail

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

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a Resolution of Commendation for the Friends of the Steven Creek Trail.

BACKGROUND:

Over the years, VTA has benefited from the support of numerous community partners and non-profit organizations, which have helped promote multimodal transportation projects in Santa Clara County. At this time, VTA would like to recognize the contribution of the Friends of Stevens Creek Trail (FOSCT), which has generously underwritten the cost of printing the 2011 VTA Bikeways Map, helping VTA increase public awareness of the extensive system of bike paths in our county.

The VTA Bikeways Map is one of VTA’s most requested publications, illustrating existing bike lanes, bicycle boulevards, shared-use paths and bicycle/pedestrian bridges/tunnels in Santa Clara County. The map also rates the level of difficulty for major streets that do not have bike lanes. It was developed to help cyclists plan their trips, to maximize their safety, efficiency, and enjoyment. Although some cities publish their own maps, VTA’s map covers all 15 cities plus many unincorporated areas of the county, assisting cyclists who ride across city boundaries. It also provides useful information for cyclists who ride to train and light rail stations, since it depicts the type of bike parking available. The back of the map provides important information, including cycling safety tips, California Vehicle Code sections on bicycling, and useful phone numbers and websites.
The 2011 map includes a brief description of the Stevens Creek Trail, illustrating its progress over the last 12 years. FOSCT, a local community group, promotes community pride and involvement in the completion, enhancement, and enjoyment of the Stevens Creek Trail and Wildlife Corridor. Founded in 1992 to support on-going local government efforts, this grassroots community action group is endorsed by the Santa Clara County Board of Supervisors and the cities of Cupertino, Mountain View, and Los Altos.

In early 2011, FOSCT partnered with VTA to update the VTA Bikeways Map, sponsoring its printing using funding from Microsoft Corporation. In addition, FOSCT members actively participated in updating the 2011 VTA Bikeways Map by providing photographs and an enlarged map of the Stevens Creek Trail. The new map is scheduled for release prior to Bike to Work Day, May 12, 2011.

DISCUSSION:

This Resolution of Commendation is presented to the *Friends of the Stevens Creek Trail* with VTA’s sincere appreciation for their support and financial contribution, which facilitated completion of the 2011 VTA Bikeways Map in time for Bike to Work Day 2011. We thank them for their commitment to enhancing the safety and enjoyment of bike travel in our county and for their efforts to improve the quality of life for all residents of Santa Clara County.

FISCAL IMPACT:

There is no financial impact.

Prepared by: Stephen Flynn, Sr. Management Analyst
Memo No. 3085
RESOLUTION NO.

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA)
EXPRESSING APPRECIATION TO THE FRIENDS OF THE STEVENS CREEK TRAIL
FOR ITS SUPPORT AND FINANCIAL CONTRIBUTION TOWARD COMPLETION
OF THE 2011 VTA BIKEWAYS MAP

WHEREAS, the VTA Bikeways Map increases public awareness of the extensive system of bike paths in Santa Clara County by illustrating existing bike lanes, bicycle boulevards, shared-use paths and bicycle/pedestrian bridges/tunnels as well as the difficulty level of major streets without bike lanes;

WHEREAS, the VTA Bikeways Map was developed to help cyclists plan their trips and maximize their safety, efficiency, and enjoyment and includes important information on cycling safety tips, California Vehicle Code sections on bicycling, useful phone numbers and websites, and bike parking availability at train and light rail stations;

WHEREAS, the VTA Bikeways Map is one of VTA's most requested publications;

WHEREAS, Friends of the Steven Creek Trail (FOSCT) is a local grassroots community action group that promotes community pride and involvement in the completion, enhancement, and enjoyment of the Stevens Creek Trail and Wildlife Corridor;

WHEREAS, in early 2011 FOSCT partnered with VTA to update the VTA Bikeways Map and fully funded its printing using a grant from Microsoft Corporation;

WHEREAS, the 2011 map, which includes an enlarged map of the Stevens Creek Trail and a brief description of its progress over the last 12 years, was released prior to Bike to Work Day, May 12, 2011, which would not have been possible without FOSCT support.

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

Express VTA’s sincere appreciation and gratitude to the Friends of the Steven Creek Trail for its support and financial contribution toward completion of the 2011 VTA Bikeways Map in time for Bike to Work Day 2011, and its commitment to enhancing the safety and enjoyment of bike travel in Santa Clara County.
PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on May 5, 2011 by the following vote:

AYES:

NOES:

ABSENT:

___________________________________________
MARGARET ABE-KOGA, Chairperson
Board of Directors

ATTEST:

___________________________________________
SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

_______________________________
KEVIN D. ALLMAND
General Counsel
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: SVRT Program Update

The Santa Clara Valley Transportation Authority (VTA) Board of Directors has designated BART Silicon Valley as the priority project in the 2000 Measure A Program. The 16-mile extension of Bay Area Rapid Transit (BART) into Santa Clara County is being implemented under agreement with BART, by VTA’s Silicon Valley Rapid Transit Program. The project will be delivered in phases, and progress on the first phase is moving towards full funding and construction award.

The first phase, identified as the Silicon Valley Berryessa Extension (SVBX) Project, is a $2.1 billion, 10-mile, two-station (Milpitas and Berryessa) project. The SVBX project runs in the rail corridor that VTA purchased and extends the regional BART system from the future BART Warm Springs Station in Fremont to the Berryessa area of north San Jose.

Achievement of recent milestones include advancement into the Federal New Starts Program, authority to pursue design build as the project delivery method and receipt of federal environmental clearance. These accomplishments have resulted in an increase of project activities. To ensure the VTA Board of Directors is informed of key project activities, BART Silicon Valley staff will provide monthly program updates.

Significant BART Silicon Valley Project activities and progress during April 2011 include:

FTA New Starts Activities

The recent recommendation for the Silicon Valley Berryessa Extension (SVBX) to receive permission to enter the Final Design Phase of the Federal Transit Administration’s (FTA) New Starts Program is based on FTA’s indication that the project has demonstrated the technical,
legal, and financial capability to implement the project. With this permission, VTA receives pre-
award authority to incur costs for Final Design activities, demolition, and procurement of items
such as vehicles, rails, ties, commodities and other specialized equipment. In addition, VTA also
has permission to perform utility relocation since the National Environmental Policy Act
(NEPA) process has also been completed. On April 12, VTA management met with FTA staff
for their regular quarterly meeting in San Francisco. VTA gave updates on SVBX project
activities to FTA Region IX administration.

Real Estate Activities

The Project Real Estate team continues to be on track with the appraisal process. Appraisals have
been started for 25 properties. Appraisals on two of these properties have been completed. Many
of these appraisals require FTA review before offers can be made. We currently anticipate that
the review process will be completed to enable one offer to be made in May and one in the first
half of June. In addition, letters have been and continue to be sent to tenants who potentially may
need to relocate as a result of the Project. The letters generally describe the relocation benefits
and assistance tenants may be eligible to receive along with the process for becoming eligible to
receive such benefits.

Design Build Contract

Throughout the month of April, VTA executive management met with the pre-qualified teams in
confidential one-on-one meetings to discuss technical concept alternatives and conduct site visits
throughout the Berryessa Extension corridor. Based on feedback from the April meetings, teams
will develop concept alternatives which could provide reductions in schedule and budget
benefits. In May an addendum to the Request for Proposals will be issued, refining certain
specifications that teams will need to include in their bid proposals.

Residential Noise Insulation Program

The Residential Noise Insulation Program (RNIP) will be implemented to mitigate project noise
at residences in the project corridor where typical mitigation, such as sound wall construction, do
not fully reduce noise levels above the ground floor of multi-level buildings. The RNIP Program
will assist in reducing these levels above the ground floor with additional mitigation such as
improved windows and/or doors. Based on noise studies conducted in the project corridor,
approximately 460 residences (including single-family and individual units in multi-family
residences) may be exposed to noise in excess of the FTA criteria and be eligible to participate in
the program.

RNIP outreach packages have been sent to staff at the cities of San Jose, Milpitas and Fremont to
ensure they are informed of key project activities. Currently, VTA is preparing to send RNIP
outreach packages out to the 460 residences that have been identified as potential candidates for
the additional mitigation.
VTA released a Request for Proposals for noise testing and noise insulation architectural services. Staff has received four proposals in response to the Request for Proposals.

**Project Labor Agreement**

VTA is working with the Santa Clara & San Benito Counties Building and Construction Trades Council to implement a Project Labor Agreement (PLA) for the SVBX Line, Track, Stations and Systems contract (Contract C700). The purpose of the PLA is to promote efficiency of construction operations during construction of the project by providing for the orderly and peaceful settlement of labor disputes and grievances without strike, work-stoppages or lockouts. VTA plans to bring the PLA to the Board at its June 2011 meeting.

**Hayward Maintenance Complex**

VTA and BART executive management have been working to define the long-term facility needs for BART maintenance of vehicles and guideway. BART has also completed an environmental assessment of the expansion of the current Hayward Shop and Yard. In addition, discussions between VTA and BART included cost share for these facilities, as well as savings to VTA on future facilities. Over the next two months, Staff will request the Board to move forward with BART to execute a cost-share agreement to implement the improvements.

**Sierra/Lundy Community Outreach**

The intersection of Lundy Avenue and Sierra Road is one of the most challenging locations on the SVBX project. At this location, BART will be located in an open trench below the level of the street. There are two factors that add to the construction complexity at the Sierra and Lundy intersection.

1. The planned BART guideway will pass through the intersection diagonally, so that a trench cut into the street intercepts two streets at the same time. This is the only location on the SVBX corridor where this occurs.

2. Several major storm drain pipes converge at this intersection. The BART trench will block the path of these storm drains, so it is necessary to construct a siphon structure to convey the storm water under the BART trench, and then pump it back up to the original elevation to allow the flows to continue downstream in the existing city storm drain system. This requires a large structure, constructed more than 40 feet below the surface, to provide a siphon and pump station large enough to handle runoff from approximately a square mile of drainage area. This structure occurs in the middle of the intersection of Sierra and Lundy.
In addition to these factors, it will also be necessary to construct a sewer siphon and pump station and relocate numerous other utilities at this intersection.

A construction plan is being developed and a community meeting has been scheduled for May 18 to discuss the plan, which includes a full closure of the intersection for a period of time. VTA is coordinating outreach activities with the City of San Jose Department of Transportation and Councilmember Chu’s office.

**BART Silicon Valley Communications and Outreach Update**

Project communications and Outreach efforts for April included presentations and updates given to the BART Board of Directors, VTA’s Citizen’s Watchdog Committee, Milpitas Rotary, Fremont Kiwanis, San Jose City Council Member Kansen Chu, South Bay First Thursday Asian Community Group, the Pioneer Home Owners Association and VTA Transit Service Employees. New visual aids were produced including models and renderings of Milpitas and Berryessa stations and campus areas for incorporation in a Project video and future website tour application.

Interviews were conducted for the Project video with Congressman Michael Honda, Congresswoman Zoe Lofgren, Santa Clara County Supervisor Dave Cortese, San Jose Mayor Chuck Reed, San Jose City Council Member Sam Liccardo, Silicon Valley Leadership Group CEO Carl Guardino, VTA General Manager Michael Burns and BART Silicon Valley Chief Program Officer Carolyn Gonot. The interviews will be included in the project video and will be posted on the BART Silicon Valley website.

Additionally, entry into the Final Design phase of the Federal New starts Program was covered in the news media with stories airing on television and radio and articles printed in local and trade publications.

Prepared By: Kevin Kurimoto
Memo No. 2839
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Amend Existing Ramp Metering Project Funding Agreement: I-280 Corridor

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to amend the existing Ramp Metering Project funding agreement with the Metropolitan Transportation Commission for an additional $600,000 for a new total of $2,651,000 and extend the agreement to cover all freeway corridors in Santa Clara County.

BACKGROUND:

At its April 3, 2008 meeting, VTA Board authorized the General Manager to execute a funding agreement for $2,051,000 with the Metropolitan Transportation Commission (MTC) that specifies the roles and responsibilities to implement ramp metering on three corridors in Santa Clara County:

- Southbound SR 85 between Almaden Expressway and Cottle Road in the PM peak period
- Northbound and Southbound SR 87 between US 101 and SR 85 in both the AM and PM peak period
- Southbound US 101 between Embarcadero Road and De La Cruz Boulevard in the PM peak period.

This original agreement between VTA and MTC defined roles and responsibilities between MTC as the funding agency and VTA as the project manager. MTC as the funding agency will provide funding to cover costs of VTA staff, consultant services and procurement and installation of any equipment needed for the project. VTA as the project manager is responsible for coordination of implementing including, development of the consultant scope of work,
conducting field reviews, completing detector loop and other equipment repairs, data collection, development of ramp meter timing plans, implementation of timing plans, and evaluation of the timing plans. VTA is also responsible for outreach and coordination on the project with Caltrans and local agencies. Caltrans, the operating agency for ramp metering, is provide an oversight in the development and implementation of the ramp metering plans.

The first two listed corridors have been successfully deployed with reductions in travel delays as high as 40 percent. A study to evaluate the ramp metering on the southbound US 101 corridor is currently underway to complete this project later this year.

At its November 5, 2009 meeting, VTA Board approved an amendment to the scope of work for this ramp metering implementation project to include the southbound I-880 corridor between SR 237 and I-280 to expend unassigned funds. This I-880 system was activated on February 23, 2011. Initial evaluations have been conducted and have shown average travel time improvements as high as 10 minutes. A more detailed evaluation will be provided later this year.

**DISCUSSION:**

In December 2009, Caltrans received $10.7 million in American Recovery and Reinvestment Act funds to install ramp metering and Traffic Operations System (TOS) equipment and widen on-ramps for additional vehicle storage along the I-280 corridor within the City of San Jose and the City of Daly City. The portion of these improvements within the City of San Jose is between US 101 and I-280 within the vicinity of downtown San Jose. The construction in the City of San Jose is expected to be completed by early this summer.

Although the construction of the roadway improvements will be completed shortly, work still remains to develop the new meter signaling plans. In March 2011, Caltrans requested assistance from VTA to implement the meter timing plans along the I-280 corridor where the improvements are under construction. Attachments A and B list the locations and proposed ramp meters to be activated as part of this effort.

This request for VTA assistance from Caltrans can not be be accommodated with the current funding agreement because the funds identified in the funding agreement have been already expended by the southbound SR 85, SR 87, US 101, and southbound I-880 corridor ramp metering projects. As a result, this has triggered a need to amend the funding agreement to add funding for the I-280 Corridor Ramp Metering Project. VTA staff recommends amending the existing funding agreement between VTA and MTC to increase the total available funding by $600,000 for a new total of $2,651,000 to accommodate the additional funds necessary for the I-280 Corridor Ramp Metering Project and to extend the agreement to cover all freeway corridors in Santa Clara County. The additional $600,000 in funding will cover the amendment to the Mark Thomas & Company contract and VTA project management staff costs. The funding agreement amendment is expected to be approved by the MTC in May 2011.
**ALTERNATIVES:**

VTA can elect not to lead this effort and forego this funding opportunity. As an alternative MTC could decide to manage this effort or to contract with Caltrans or another agency to implement the project which would likely result in a significant delay in deployment of the ramp metering.

**FISCAL IMPACT:**

Appropriation for this project is included in the FY 2011 Adopted VTP Highway Improvement Program Fund Capital Budget under the Intelligent Transportation System (ITS) project. The funding agreement with MTC provides enough funding to complete the work included in the recommended consultant contract and VTA staff project management services.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Congestion Management Program & Planning (CMPP) Committee unanimously approved this item, and recommended that on-ramp delay information be included in ramp metering "After" studies for the southbound US 101 and southbound I-880 corridors, following past "After" studies for the SR 85 and SR 87 corridors.

Prepared by: David Kobayashi
Memo No. 3084
### Attachment A – Northbound I-280 On-Ramps

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<thead>
<tr>
<th>Postmile</th>
<th>Location</th>
<th>Ramp Type</th>
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<td>.981</td>
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<td>Diagonal</td>
<td>No</td>
</tr>
<tr>
<td>0.203</td>
<td>SB SCL680/King Road</td>
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<td>No</td>
</tr>
<tr>
<td>0.48</td>
<td>NB McLaughlin Ave.</td>
<td>loop</td>
<td>No</td>
</tr>
<tr>
<td>0.481</td>
<td>SB McLaughlin Ave.</td>
<td>diagonal</td>
<td>No</td>
</tr>
<tr>
<td>1.587</td>
<td>10th St.</td>
<td>diagonal</td>
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</tr>
<tr>
<td>1.851</td>
<td>4th St./Reed St.</td>
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<td>Vine St.</td>
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<td>2.511</td>
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<td>3.047</td>
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<tr>
<td>4.153</td>
<td>Meridian Ave.</td>
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<td>4.549</td>
<td>Parkmoor Ave.</td>
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<tr>
<td>5.34</td>
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</tr>
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<td>5.852</td>
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**Notes:**

** Indicates that this ramp will not be metered
### Attachment B – Southbound I-280 On-Ramps

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<th>Postmile</th>
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<td>diagonal</td>
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</tbody>
</table>

**Notes:**

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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: Contract Amendment I-280 Corridor Ramp Metering Project

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to amend the contract with Mark Thomas & Company in an amount not to exceed $472,000, for a new contract value of $1,716,677 for engineering services to implement ramp metering for I-280 Corridor Ramp Metering Project.

BACKGROUND:

At its April 3, 2008 meeting, VTA Board authorized the General Manager to execute a funding agreement for $2,051,000 with the Metropolitan Transportation Commission (MTC) that specifies the roles and responsibilities to implement ramp metering on three corridors in Santa Clara County:

- Southbound SR 85 between Almaden Expressway and Cottle Road in the PM peak period
- Northbound and Southbound SR 87 between US 101 and SR 85 in both the AM and PM peak period
- Southbound US 101 between Embarcadero Road and De La Cruz Boulevard in the PM peak period.

VTA contracted with Mark Thomas & Company to provide the engineering services for ramp metering implementation in these corridors.

The first two listed corridors have been successfully deployed with reductions in travel delays as high as 40 percent. A study to evaluate the ramp metering on the southbound US 101 corridor is currently underway to complete this project later this year.
At its November 5, 2009 meeting, VTA Board approved an amendment to the scope of work for this ramp metering implementation project to include the southbound I-880 corridor between SR 237 and I-280 to expend unassigned funds. This I-880 system was activated on February 23, 2011. Initial evaluations have been conducted and have shown average travel time improvements as high as 10 minutes. A more detailed evaluation will be provided later this year.

In December 2009, Caltrans received $10.7 million in American Recovery and Reinvestment Act funds to install ramp metering and Traffic Operations System (TOS) equipment and widen on-ramps for additional vehicle storage along the I-280 corridor within the City of San Jose and the City of Daly City. The portion of these improvements within the City of San Jose is between US 101 and I-280 within the vicinity of downtown San Jose. The construction in the City of San Jose is expected to be completed by early this summer.

Although the construction of the roadway improvements will be completed shortly, work still remains to develop the new meter signaling plans. In March 2011, Caltrans requested assistance from VTA to implement the meter timing plans along the I-280 corridor where the improvements are under construction. Attachments A and B list the locations and proposed ramp meters to be activated as part of this effort.

DISCUSSION:

Responding to the request by Caltrans for project engineering services, staff recommends executing an amendment to the existing contract with Mark Thomas & Company (MT&Co) for ramp metering work. VTA staff is recommending the assignment of this work to the MT&Co team based on the following reasons:

- MT&Co and sub-consultant Kimley Horn performed very well for VTA in delivering successful ramp metering projects in the SR 87, SR 85, US 101 and I-880 Corridors.
- The team’s experience and knowledge in implementing ramp metering on freeway corridors in Santa Clara County and other parts of the Bay Area will result in no learning curve to get started with the proposed work.
- The team’s familiarity with the ongoing efforts in regards to Caltrans requirements, the Santa Clara County adopted process for implementing ramp metering as described by the Memorandum of Understanding (MOU) signed by VTA and Caltrans, and local stakeholders needs will allow the team to get started with minimal effort.
- Use of another contractor for this I-280 will lengthen the time for implementing ramp meter signal timing after completion of the improvements compared to the time required by the MT&Co team to implement the timings, resulting in a process that would not be as cost effective as the recommended approach.

The scope of work for this task order to implement ramp metering for the on-ramps along I-280 between US 101 and I-880 is listed in Attachments A and B. The tasks to complete this work generally are as follows:

- Conduct “Before” ramp metering implementation traffic data collection (e.g., conduct travel time runs along the freeway mainline and parallel arterials, and collect traffic
volumes for freeway and arterials).

- Conduct field review of the existing ramp metering for implementation readiness.
- Develop the ramp metering plans based on the ramp metering implementation traffic data.
- Assist Caltrans staff to implement the ramp metering plans.
- Conduct “After” ramp metering implementation traffic data collection (e.g., conduct travel times along the freeway mainline and parallel arterials, and collect traffic volumes for freeway and arterials).
- Prepare a final report comparing the “After” implementation conditions with the “Before” implementation conditions.
- Attend meetings to present the key findings from each of the above tasks to local agency stakeholders.

A list of consultants is included as Attachment C.

**ALTERNATIVES:**

The VTA Board of Directors could request that staff solicit proposals from other engineering team to provide these services; however, such an approach would add several months to the project and may even result in the loss of this funding from MTC.

**FISCAL IMPACT:**

This action will authorize up to $472,000 for engineering services for ramp metering implementation. Appropriation for this project is included in the FY 2011 Adopted VTP Highway Improvement Program Fund Capital Budget under the Intelligent Transportation System (ITS) project. The funding agreement with MTC provides enough funding to complete the work included in the recommended contract and VTA staff project management services.

**UNDERUTILIZED DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION:**

The Contractor will be encouraged to make a reasonable effort to utilize UDBEs in its procurement of ancillary services and products associated with the performance of this contract.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Congestion Management Program & Planning (CMPP) Committee unanimously approved this item, and recommended that on-ramp delay information be included for ramp metering "After" studies for the southbound US 101 and southbound I-880 corridors, following past "After" studies for the SR 85 and SR 87 corridors.

Prepared by: David Kobayashi
Memo No. 3064
## Attachment A – Northbound I-280 On-Ramps

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**Notes:**

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<th>Contractor Firm</th>
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<th>Contact Name</th>
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<tr>
<td>Mark Thomas &amp; Company, Inc.</td>
<td>Prime-Consultant: Civil Engineering</td>
<td>Richard Tanaka</td>
<td>1960 Zanker Road San Jose, CA 95112 408-453-5373</td>
</tr>
<tr>
<td>Kimley Horn and Associates</td>
<td>Sub-Consultant: Traffic Engineering</td>
<td>Brian Sowers</td>
<td>200 Crow Canyon Place, Suite 410 San Ramon, CA 94583 925-543-0840</td>
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BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

FROM: Auditor General, Thomas, General Manager, Burns

SUBJECT: Recommended FY12 Internal Audit Work Plan

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

ACTION ITEM

RECOMMENDATION:

1. Approve the Fiscal Year 2012 (FY12) Internal Audit Work Plan developed by the VTA Auditor General for a maximum amount of $338,000;

2. To enable completion, authorize the General Manager to amend the task order contract with Deloitte & Touche LLP for Auditor General/internal audit services, increasing the amount by $163,000 for a revised not-to-exceed amount of $775,500.

3. Further, delegate authority to the Audit Committee to approve scope modifications and cost adjustments for items contained in Board-approved Internal Audit Work Plans, subject to remaining within the overall Board-defined maximum amount for that specific Internal Audit Work Plan.

BACKGROUND:

VTA’s Auditor General’s Office is, among other duties, responsible for:

• Developing and recommending the Annual Internal Audit Plan.
• Assigning and managing the audit resources required to conduct each internal audit.
• Providing audit results and progress reports to the Audit Committee.

The Auditor General has a direct reporting relationship to the Audit Committee and the Board of Directors and an administrative reporting relationship to the General Manager.
In January 2009, the Board of Directors awarded a contract to Deloitte & Touche LLP to provide Auditor General and internal audit services. The contract was for a two-year term at a maximum value of $350,000 for the period. The contract also included three additional one-year options at a maximum amount of $175,000 per year. The Board vested sole discretion for exercising the option years with the Audit Committee, which has, to date, exercise the first option year. In addition, the General Manager, utilizing his Board-approved authority, extended the contract by 6-months in order to align the contract with the period covered by the Internal Audit Work Plans and VTA annual budgets. The current maximum value of the contract is $612,500.

To develop its recommended annual internal audit plans, the Auditor General’s Office utilizes assessments of current or future potential financial and business risks to VTA which are derived, in part, from staff interviews, data collection, and solicited input from the General Manager and senior staff. These risks are then prioritized and estimates are developed of the cost to complete the internal audit/assessment for the highest-ranked risks.

**DISCUSSION:**

**Auditor General Recommendation**

Based on direction from the Audit Committee, and in collaboration with the General Manager and VTA staff, the Auditor General developed nine potential projects for the FY12 Internal Audit Work Plan based on the results of the risk assessment. These projects, which build on previous audits conducted as part of the FY10 and FY11 Internal Audit Work Plans, are:

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</tbody>
</table>

However, because the contract for Auditor General and internal audit services specifies an average annual maximum budget of $175,000, the Auditor General Office’s limited their
recommendation to the Audit Committee to the first six elements (A - F), the total of which is within the annual budget target. The first three projects (A - C) are new elements. The complete Auditor General’s recommended FY12 Internal Audit Work Plan is shown in Attachment A. Each recommended project is described in detail, including the objective(s) of the internal audit, the specific scope of operations to be included in the internal audit, the general approach or methodology to be employed by the auditors, and the expected content of the audit report deliverables. It also describes three other items (G - I) of significant risk or value that were considered but not included due to exceeding the $175,000 target.

VTA Staff Additional Suggestion
In addition to the Auditor General’s recommended projects, VTA staff suggested that the Audit Committee consider including another project, Efficiency Assessment of Ad Hoc Financial Recovery Committee’s Recommendations, in the FY12 Internal Audit Work Plan due to its projected long-term value to the organization.

The Ad Hoc Financial Recovery Committee was charged with developing guidelines to address VTA’s long-term structural deficit for use by the Board and staff when evaluating expenditures and developing budgets. The Recovery Committee’s recommendations were approved by the Board in December 2010 along with the suggestion that an internal audit would be beneficial.

An assessment of the Recovery Committee’s recommendations to determine potential cost savings, benchmarking of VTA against industry standards, peer properties and best practices, as well as potential implementations strategies, would provide very valuable and timely information to the Board and staff in developing and implementing the FY12 & FY13 Biennial and future budgets, negotiations with VTA’s bargaining units, and other structural deficit-reduction endeavors. Staff recommended that this project be included in the FY12 Internal Audit Work Plan subject to sufficient budget appropriation being identified.

Audit Committee Request and Recommendation to Board
At its February 2011 meeting, the Audit Committee reviewed the full universe of projects for potential inclusion in the FY12 Internal Audit Work Plan. These consisted of:

- The six recommended by the Auditor General Office’s that fell within the $175,000 target (A - F).
- Three recommended but not included by the Auditor General due to exceeding the $175,000 per year target (Items G - I).
- Efficiency Assessment of Ad Hoc Financial Recovery Committee’s Recommendations suggested by VTA staff (shown as Item J in the following).

Based on the its detailed project review and assessment of the additional projects’ risk mitigation and potential long-term cost savings, the Audit Committee requested that all nine items be included in the FY12 Internal Audit Work Plan, subject to identification of sufficient funding. Subsequently, sufficient funding has been identified and included in the Recommended FY12 & FY13 Biennial VTA Transit Enterprise Fund Operating Budgets that the Board is scheduled to consider at its June 2011 meeting. The complete FY12 Internal Audit Work Plan recommended by the Audit Committee is:
Audit Committee Recommended FY12 Internal Audit Work Plan

<table>
<thead>
<tr>
<th>Internal Audit Project</th>
<th>Type</th>
<th>FY12</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Est. hours</td>
<td>Est. $000</td>
</tr>
<tr>
<td>A. Paratransit Program Contract Compliance</td>
<td>300</td>
<td>$65</td>
</tr>
<tr>
<td>B. Fraud Risk Assessment</td>
<td>80</td>
<td>$30</td>
</tr>
<tr>
<td>C. Investment Controls Annual compliance requirement</td>
<td>30</td>
<td>$5</td>
</tr>
<tr>
<td>D. Follow-up to FY12 audits NA</td>
<td>120</td>
<td>$25</td>
</tr>
<tr>
<td>E. FY 13 Risk Assessment Refresh NA</td>
<td>50</td>
<td>$15</td>
</tr>
<tr>
<td>F. Auditor General Services support NA</td>
<td>125</td>
<td>$35</td>
</tr>
<tr>
<td>G. IT Organizational Assessment Value-Add</td>
<td>300</td>
<td>$65</td>
</tr>
<tr>
<td>H. Record Retention Consultative</td>
<td>120</td>
<td>$25</td>
</tr>
<tr>
<td>I. Related expenses NA</td>
<td>0</td>
<td>$8</td>
</tr>
<tr>
<td>J. Efficiency Assessment from Ad Hoc Cmte. Financial Recovery Committee’s Recommendations Value-Add</td>
<td>300</td>
<td>$65</td>
</tr>
<tr>
<td>TOTAL</td>
<td>1,425</td>
<td>$338</td>
</tr>
</tbody>
</table>

To accomplish the four additional tasks requires amending the contract with Deloitte & Touche, LLP for Auditor General/internal audit services to provide corresponding capacity. The contract currently provides for $175,000 of services per year and therefore would have to be increased by $163,000 in order to complete the $338,000 worth of tasks recommended by the Audit Committee. Increasing by this amount would result in a revised not-to-exceed contract amount of $775,500, which is the cumulative amount for 3.5 years of Board-approved services. The term of the contract would not be affected.

The schedule for completing the FY12 internal audits will be determined in coordination with the General Manager and VTA staff to maximize results while minimizing any potential disruption or productivity loss. It is expected that the findings and/recommendations from at least one internal audit and/or follow-up will be presented at each of the Audit Committee’s FY12 meetings.

Audit Committee Authority

In addition, VTA staff recommends that the Board delegate to the Audit Committee limited authority to make scope and budget changes to existing audits in Board-approved Internal Audit Work Plans, subject to the remaining within the Board-defined overall maximum for that specific Work Plan.

The reason for this requested change is to allow minor adjustments to internal audits to be made as the audits progress. Internal Audit Work Plans, when developed, contain projected scopes and budgets. As the individual audits are initiated, scopes are further defined based on preliminary data and results from preliminary testing.
research and analysis. As a result, in some instances it is determined that certain tasks are not required or cost-beneficial in reducing risk or long-term costs. In other cases, adding supplemental tasks is warranted and prudent to address factors, conditions or requirements not known or included when the project was proposed, such as new legislation or changed policies. To address these minor changes, a scope change would be initiated and approved and, if needed, unused funds would be reallocated from other projects within the same year’s Internal Audit Work Plan.

Although the General Manager has Board-delegated limited authority to amend contracts, all scope or funding changes to internal audits currently require Board approval, following a recommendation from the Audit Committee. Because the Audit Committee only meets quarterly and given the month-long interval between Board and Audit Committee meetings, this process can result in substantial delay. Delegating limited authority to the Audit Committee to make minor scope and budget changes in Board-approved Internal Audit Work Plans would help address this situation.

Providing the Audit Committee with limited ability to make minor scope and funding modifications would be consistent with the Committee’s existing charter of overseeing the activities of the Auditor General and the internal audit function. To this end, the Board previously delegated to the Audit Committee sole authority to exercise the option years on the contract for Audit General/internal audit services.

ALTERNATIVES:

The Board could add, delete or modify some or all of the specific projects and services included in the FY12 Internal Audit Work Plan, or direct the Auditor General to develop a new work plan. Due to limited resources, not all the potential risk areas identified in the risk assessments can be addressed by this one-year internal audit plan.

FISCAL IMPACT:

Sufficient appropriation to complete the recommended FY12 Internal Audit Work Plan is included in the Recommended FY12 & FY13 VTA Transit Fund Operating Budget.

Prepared by: Greg Thomas, Auditor General and Stephen Flynn, Sr. Management Analyst Memo No. 3098
Santa Clara Valley Transportation Authority

February 3, 2011 Audit Committee Meeting

Proposed FY2012 Internal Audit Work Plan

Auditor General's Office
Greg Thomas, Principal
Farah Faruqui, Partner
Sandra Koning, Manager
Emily Kwan, Manager
The Role of Internal Audit at VTA

**Definition of Internal Audit (IA)**

“Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organization's operations. It helps an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes”.

The Institute of Internal Auditors

<table>
<thead>
<tr>
<th>Typical internal audit roles</th>
<th>Applicability to VTA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evaluate internal controls</td>
<td>Area of anticipated focus.</td>
</tr>
<tr>
<td>Assess efficiency and effectiveness of operations</td>
<td>Area of anticipated focus.</td>
</tr>
<tr>
<td>Evaluate reliability of financial statements</td>
<td>Secondary priority for IA; priority for external auditors</td>
</tr>
<tr>
<td>Monitor compliance with laws, regulations and contracts</td>
<td>Address if related to identified risk areas</td>
</tr>
<tr>
<td>Monitor compliance with organizational policies and procedures</td>
<td>Secondary priority, given Board and Committee governance structure</td>
</tr>
</tbody>
</table>
Overview of Internal Audit Process

A continuous cycle based on clear communication of objectives, a risk-based prioritization of resources and a constructive approach to auditing.

1. Co-develop expectations
2. Develop risk assessment
3. Develop audit plan
4. Design project audit programs
5. Execute project Audits
6. Deliver results & insights

This report is intended solely for the information and use of VTA’s Board of Directors, the Audit Committee and management and is not intended to be used by anyone other than these specified parties.
FY09 Risk Assessment Results (presented March 2009)

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# Recap of the FY10 and FY11 Internal Audit Projects

<table>
<thead>
<tr>
<th>Audit Project</th>
<th>Description</th>
<th>Fiscal Year</th>
<th>Type of Audit</th>
<th>Risk Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guard Qualification and Training</td>
<td>Evaluate and assess whether AlliedBarton security personnel comply with training and qualification requirements and assess the efficiency and effectiveness of VTA processes for monitoring contractor compliance reports.</td>
<td>FY10</td>
<td>Compliance</td>
<td>Outsourced Services</td>
</tr>
<tr>
<td>SVRT Soft Costs</td>
<td>Conduct an internal audit to identify historical drivers of soft costs on SVRT project to date and opportunities for improving the processes to control, to estimate and track them over the life of the SVRT project.</td>
<td>FY10</td>
<td>Value-Add</td>
<td>SVRT</td>
</tr>
<tr>
<td>SAP Access Control</td>
<td>Conduct a design review of VTA’s SAP access controls related to segregation of duties (‘SOD’) and sensitive or critical access controls as well as the design and configuration of the SAP GRC tool utilized for SOD analysis.</td>
<td>FY10</td>
<td>Value-Add</td>
<td>Information Technology</td>
</tr>
<tr>
<td>Investment Control Effectiveness</td>
<td>Conduct an assessment whether key treasury controls over investment transactions are operating as intended in accordance with the internal controls section in the policy ‘Investment of Unrestricted and Restricted Funds’.</td>
<td>FY10</td>
<td>Annual Compliance Requirement</td>
<td>Fiscal Controls</td>
</tr>
<tr>
<td>SVRT Contract Compliance</td>
<td>Conduct an assessment of the contract between Hatch-Mott McDonald/Bechtel and VTA; evaluate how the contracts are organized and if there are clear deliverables and milestones enforced.</td>
<td>FY11</td>
<td>Compliance / Value-Add</td>
<td>SVRT</td>
</tr>
</tbody>
</table>

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Recap of the FY10 and FY11 Internal Audit Projects (cont’d)

<table>
<thead>
<tr>
<th>Audit Project</th>
<th>Description</th>
<th>Fiscal Year</th>
<th>Type of Audit</th>
<th>Risk Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investment Control Design Assessment</td>
<td>Evaluate the Treasury Investment process by performing a design assessment on the adequacy and appropriateness of management’s key controls.</td>
<td>FY11</td>
<td>Annual Compliance Requirement</td>
<td>Fiscal Controls</td>
</tr>
<tr>
<td>IT Security</td>
<td>Evaluate the network and application security controls protecting critical assets and identify specific areas of vulnerability to external penetration and insecure system configuration within the internal network environment.</td>
<td>FY11 (In Progress)</td>
<td>Value-Add</td>
<td>Information Technology</td>
</tr>
<tr>
<td>Follow Up of Management Action Plans</td>
<td>Evaluate and assess management’s progress on implementing management action plan to address audit findings and recommended corrective actions.</td>
<td>FY11 (In Progress)</td>
<td>Follow-Up</td>
<td>N/A</td>
</tr>
</tbody>
</table>
# Proposed Internal Audit Projects for FY12

<table>
<thead>
<tr>
<th>Audit Project</th>
<th>Description</th>
<th>Type of Audit</th>
<th>Risk Area</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Paratransit Program</strong></td>
<td>Conduct a contract compliance internal audit, including a review of costs</td>
<td>Compliance</td>
<td><strong>Outsourced Services</strong></td>
</tr>
<tr>
<td></td>
<td>and service level agreements.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Fraud Risk Assessment</strong></td>
<td>Conduct a fraud risk assessments for select VTA divisions to identify</td>
<td>Governance</td>
<td><strong>Fraud, Waste &amp; Abuse</strong></td>
</tr>
<tr>
<td></td>
<td>potential risks areas for fraud. In addition, provide VTA management</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>with leading industry practices for the design of a whistleblower</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>program.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>**Investment Control</td>
<td>Evaluate the operating effectiveness of key investment controls.</td>
<td>Annual</td>
<td><strong>Fiscal Controls</strong></td>
</tr>
<tr>
<td>Assessment</td>
<td></td>
<td>Compliance</td>
<td></td>
</tr>
<tr>
<td>**Follow Up of Management</td>
<td>Evaluate and assess management’s progress on implementing</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Action Plans</td>
<td>management action plan to address audit findings and recommended corrective actions.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>**Auditor General Service</td>
<td>Overall internal audit engagement management activities, project management activities including periodic meetings with management and the preparation for and attendance at the quarterly Audit Committee meetings.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Support**</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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## Proposed Internal Audit Projects for FY12 (cont’d)

<table>
<thead>
<tr>
<th>Audit Project</th>
<th>Description</th>
<th>Type of Audit</th>
<th>Risk Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Efficiency Assessment</td>
<td>Conduct a further efficiency assessment in follow-up on the Ad-Hoc Financial Recovery Committee report.</td>
<td>Value-Add</td>
<td>Workforce Productivity</td>
</tr>
<tr>
<td>IT Org. Assessment</td>
<td>Assessment of the Information Technology (IT) organization, including a benchmarking of VTA spend and organization structure to other similar agencies and IT functions.</td>
<td>Value-Add</td>
<td>Workforce Productivity</td>
</tr>
<tr>
<td>Record Retention</td>
<td>Conduct an assessment of the records information management program design including the retention, maintenance, access, storage, and destruction of paper and electronic records.</td>
<td>Consultative</td>
<td>Regulatory</td>
</tr>
</tbody>
</table>

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# Additional Projects Considered

<table>
<thead>
<tr>
<th>Audit Project</th>
<th>Description</th>
<th>Type of Audit</th>
<th>Risk Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Network Security-Rail System</td>
<td>Conduct and assessment of potential vulnerabilities on the rail system technology network.</td>
<td>Operational /Value-Add</td>
<td>Information Technology</td>
</tr>
<tr>
<td>General Computer Controls (GCC) Review</td>
<td>Conduct an assessment of the design and operating effectiveness of GCCs for a list of in-scope applications and databases. The focus of the review is of the following areas: Information Security, Operations and Change management.</td>
<td>Compliance</td>
<td>Information Technology</td>
</tr>
<tr>
<td>Procure to Pay Process</td>
<td>Conduct an assessment of the design and operating effectiveness of controls in the Procure-to-Pay process including competitive bidding and vendor master file management.</td>
<td>Operational/Compliance</td>
<td>Process / Fiscal Controls</td>
</tr>
<tr>
<td>Bus and Rail Operations</td>
<td>Conduct an assessment of operator time charging and reporting for compliance with VTA policy and contract terms and evaluate overtime costs.</td>
<td>Operational/Compliance</td>
<td>Operations</td>
</tr>
<tr>
<td>Financial Process Controls</td>
<td>Conduct an assessment of the design and operating effectiveness of key controls in select financial / business processes such as General Accounting, Financial Reporting, Cash Management, Accounts Receivable, and Human Resources and Payroll.</td>
<td>Operational/Compliance</td>
<td>Fiscal Controls</td>
</tr>
</tbody>
</table>

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## Proposed FY12 Internal Audit Plan and Fee Estimate

<table>
<thead>
<tr>
<th>Internal Audit Project</th>
<th>Type of Audit</th>
<th>FY12</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Est. hours</td>
<td>Est. $000</td>
</tr>
<tr>
<td><strong>Proposed Projects</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paratransit Program</td>
<td>Contract Compliance</td>
<td>300</td>
</tr>
<tr>
<td>Fraud Risk Assessment</td>
<td>Governance</td>
<td>80</td>
</tr>
<tr>
<td><strong>Required Projects</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Investment Controls</td>
<td>Annual Compliance Requirement</td>
<td>30</td>
</tr>
<tr>
<td><strong>Other Activities</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Estimated FY12 Audit Follow Up</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FY13 Risk Assessment Refresh</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auditor General Services support</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Related expenses</strong></td>
<td></td>
<td>$8</td>
</tr>
<tr>
<td><strong>Recommended Value-Add Projects</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Efficiency Assessment from Ad-Hoc</td>
<td>Value-add</td>
<td>300</td>
</tr>
<tr>
<td>Financial Recovery Committee</td>
<td></td>
<td></td>
</tr>
<tr>
<td>IT Organizational Assessment</td>
<td>Operational /Value-add</td>
<td>300</td>
</tr>
<tr>
<td>Record Retention</td>
<td>Consultative/ Value-add</td>
<td>120</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1,425</td>
<td>$338</td>
</tr>
</tbody>
</table>

### Budget Cut-Off

$175K

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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: Monthly Legislative History Matrix

FOR INFORMATION ONLY

BACKGROUND:

For your information, I am attaching our Monthly Legislative History Matrix, which describes the key transportation-related bills that are being considered by the California State Legislature during the 2011-2012 session. It indicates the status of these measures and any adopted VTA positions with regard to them.

DISCUSSION:

On March 24, Gov. Jerry Brown signed AB 105, the transportation budget trailer bill. This legislation makes the following changes to address the impacts of Propositions 22 and 26 on last year’s transportation funding swap:

1. Re-enacts the transportation funding swap’s increases in both the gas tax and the diesel sales tax in order to prevent Proposition 26 from eliminating billions in revenues for state highways, local streets/roads and public transit.

2. Transfers vehicle weight fee revenues from the State Highway Account to the General Fund in order to achieve the General Fund savings that were anticipated for FY 2011 and FY 2012 from the transportation funding swap. This shift is necessary because Proposition 22 prohibits the use of gas tax revenues for general obligation bond debt service, a key element of the swap. Under the provisions of AB 105, all of the revenues from the 17.3-cent increase in the gas tax resulting from the swap would be used for transportation programs to backfill for the shifting of vehicle weight fee money to the General Fund.

3. Makes the necessary statutory revisions to ensure that the distribution of revenues from
the 17.3-cent gas tax increase will achieve the same fiscal results that were anticipated for state highways and local streets/roads when the transportation funding swap was enacted.

4. Addresses the impact on public transit funding resulting from provisions in Proposition 22 that require diesel sales tax revenues to be split 50 percent to the State Transit Assistance Program (STA) and 50 percent to other miscellaneous state-funded transit programs, such as intercity rail. These Proposition 22 provisions negate the 75/25 split favoring STA embodied in the transportation funding swap. AB 105 makes several structural changes to ensure that STA reaches a minimum funding level of $350 million per year as contemplated by the swap.

Other provisions included in AB 105 that are not related to the transportation funding swap are as follows:

1. Diverts $78 million in revenues that Caltrans receives from the sale and rental of state property from the State Highway Account to the General Fund.

2. Pushes back the repayment of $230 million in FY 2009 transportation loans to the General Fund scheduled for this year to FY 2012.

3. Defers the repayment of another $135 million in transportation funding that was borrowed by the General Fund in FY 2010 from FY 2012 to FY 2013.

4. Provides cities and counties with a one-year extension to expend Proposition 1B local streets/roads funds for any year in which Highway User Tax Account (HUTA) revenues for local transportation projects are borrowed, deferred or shifted.

5. Clarifies that cities and counties are not subject to the Proposition 42 maintenance-of-effort requirements when they are apportioned gas tax revenues.

6. Allows the Governor to appoint six management-level positions to the California High-Speed Rail Authority.

7. Requires the High-Speed Rail Authority to report to the Legislature on its community outreach efforts, the implementation of its strategic plan, the performance of its program-manager contractor, and actions taken to address the issues raised in the Bureau of State Audits report. In addition, AB 105 requires the authority to submit an updated financial plan for the high-speed rail project to the Legislature. Under the provisions of the bill, 25 percent of the authority’s budgeted funding is contingent on completion of these reporting requirements.

Meanwhile, policy committees in both the Assembly and Senate have begun holding hearings on bills that have been introduced this year. The deadline for policy committees to act on legislation with a fiscal impact is May 6. Some of the key transportation-related measures are:

AB 31 (Beall): One of more than 30 bills dealing with the subject of high-speed rail, AB 31
authorizes the cities and counties in the Central Valley that have an approved high-speed rail station to prepare and adopt a master plan for development of the area surrounding their stations. Status: Assembly Local Government Committee. VTA Position: Recommendation to support.

**AB 57 (Beall)**: This bill makes several adjustments to the governing board of the Metropolitan Transportation Commission (MTC). Under current law, the mayor of San Francisco is able to appoint one voting member to the commission. AB 57 adds two voting seats to the commission to be appointed by the mayors of San Jose and Oakland from the membership of their respective city councils. The legislation also provides that no more than three voting members of the commission may be residents of the same county. Status: Assembly Local Government Committee. VTA Position: Support.

**AB 145 (Galgiani)**: This legislation calls for creating the Department of High-Speed Trains within the Business, Transportation & Housing Agency to assume the responsibility for planning, constructing and operating the state’s proposed high-speed train system. Under the provisions of AB 145, the High-Speed Rail Authority would continue to exist, but its role would be limited to providing policy guidance to the new department regarding the development and implementation of the system. Status: Assembly Transportation Committee. VTA Position: None.

**AB 147 (Dickinson)**: Sponsored by the California State Association of Counties (CSAC) and supported by the League of California Cities, AB 147 expands the existing eligible uses of developer impacts fees to include public transit, bicycle and pedestrian facilities. Status: Assembly Local Government Committee. VTA Position: Recommendation to support.

**AB 485 (Ma)**: Sponsored by the Bay Area Rapid Transit District (BART), AB 485 is a reintroduction of prior unsuccessful legislation that would allow for the use of infrastructure financing districts to implement a transit village development plan. Status: Assembly Local Government Committee. VTA Position: None.

**AB 650 (Blumenfield)**: Sponsored by a coalition of five environmental groups led by the Environmental Defense Fund and TransForm, AB 650 establishes the Blue Ribbon Task Force on Public Transportation for the 21st Century to make recommendations to the Governor and Legislature on how to develop, implement and fund a comprehensive, well-coordinated and fully functioning public transit system in California. Status: Assembly Transportation Committee. VTA Position: Support.

**AB 892 (Carter)**: This measure permits Caltrans to continue to participate in a federal pilot program that allows certain states to assume the responsibilities of the Federal Highway Administration (FHWA) under the National Environmental Policy Act (NEPA). Specifically, AB 892 extends provisions in existing law that authorize Caltrans to consent to the jurisdiction of the federal courts with regard to the assumption of FHWA’s responsibilities under NEPA and that waive the state’s Eleventh Amendment protection against lawsuits brought in federal court for as long as Caltrans participates in the pilot program. Status: Assembly Transportation Committee. VTA Position: None.
AB 1105 (Gordon): This bill authorizes VTA to develop and implement express lanes in an adjacent county, subject to the concurrence of that county’s congestion management agency or the agency responsible for preparing its countywide transportation plan, whichever is applicable. If enacted into law, AB 1105 would allow VTA to convert the entire length of the existing carpool lanes on U.S. 101 between Morgan Hill and Redwood City to express lanes, rather than having to stop the express lanes at the San Mateo County line. Status: Assembly Transportation Committee. VTA Position: Sponsor.

AB 1134 (Bonilla): Sponsored by the Self-Help Counties Coalition, AB 1134 clarifies that Caltrans cannot require local and regional agencies to reimburse the department for its costs related to reviewing and approving a project study report for a state highway improvement project, if the project is in an adopted regional transportation plan (RTP), a voter-approved county sales tax measure expenditure plan or other voter-approved transportation program. Status: Assembly Transportation Committee. VTA Position: None.

AB 1308 (Miller): This measure provides that HUTA revenues are to be continuously appropriated and available for expenditure regardless of whether a state budget has been enacted for the new fiscal year. Status: Assembly Transportation Committee. VTA Position: Recommendation to support.

SB 383 (Wolk): This bill seeks to increase access to the state’s Local Government Renewable Energy Self-Generation Program and to make it more economical for local government entities to pursue renewable energy by removing the program’s current financial obstacles. Status: Senate Energy, Utilities and Communications Committee. VTA Position: Recommendation to support.

SB 468 (Kehoe): Although targeted at the I-5 North Coast Corridor Project in San Diego County, SB 468 would have statewide implications. The legislation imposes new requirements that would make it more difficult for Caltrans to construct capacity increasing state highway projects in coastal zones. Status: Senate Transportation and Housing Committee. VTA Position: None.

SB 582 (Emmerson): Sponsored by MTC, SB 582 authorizes a metropolitan planning organization (MPO) to adopt a regional commute benefit ordinance that requires employers operating within the jurisdiction of the MPO to offer their employees one of the following commute benefits: (1) the option to pay for their transit, vanpooling or bicycling expenses with pre-tax dollars; (2) a transit or vanpool subsidy; or (3) a free shuttle or vanpool operated by or for the employer. Status: Senate Transportation and Housing Committee. VTA Position: None.

Prepared By: Kurt Evans, Government Affairs Manager
Memo No. 2797
# State Assembly Bills

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<tr>
<th>State Assembly Bills</th>
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<tr>
<td><strong>AB 3</strong>&lt;br&gt;(Miller)&lt;br&gt;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. Prohibits the DMV from renewing the registration of a vehicle registered to a person who has failed to pay a traffic citation or a parking ticket, and has received a delinquent notice if the processing agency has filed or electronically transmitted the notice to the DMV.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<tr>
<td><strong>AB 14</strong>&lt;br&gt;(Wieckowski)&lt;br&gt;Fremont Redevelopment Agency</td>
<td>Authorizes the Fremont Redevelopment Agency to adopt a redevelopment plan for a project area encompassing or surrounding the New United Motor Manufacturing, Inc., (NUMMI) automobile plant and the Warm Springs Bay Area Rapid Transit (BART) Station. Sets forth alternative conditions that cause blight for purposes of adopting this redevelopment plan. Authorizes the Fremont Redevelopment Agency to use tax increment revenues derived from the project area to assist in funding school facilities that will serve the future residents of the project area. Upon the request of the agency, allows the city of Fremont to impose a higher maximum school facilities development impact fee with respect to residential developments in the project area than what is provided for under existing law.</td>
<td>As Introduced</td>
<td>Assembly Housing and Community Development Committee</td>
<td></td>
</tr>
<tr>
<td><strong>AB 16</strong>&lt;br&gt;(Perea)&lt;br&gt;High-Speed Rail: Rolling Stock and Equipment Purchases</td>
<td>Requires the California High-Speed Rail Authority to make every effort to purchase high-speed train rolling stock and related equipment manufactured in the state, consistent with federal and state laws.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td>State Assembly Bills</td>
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<tr>
<td><strong>AB 31</strong>&lt;br&gt;(Beall)&lt;br&gt;High-Speed Rail: Local Master Plans</td>
<td>Establishes the High-Speed Rail Local Master Plan Pilot Program. Authorizes the cities and counties in the Central Valley that have an approved station for California’s high-speed rail system to participate in the pilot program. Authorizes the planning agency of each participating jurisdiction to prepare and adopt a master plan for development of the areas surrounding its high-speed rail station. Allows the high-speed rail master plan to include incentives for encouraging investment and coherent growth in the areas surrounding the high-speed rail system. Authorizes each participating jurisdiction to collaborate with the California Air Resources Board (CARB) to develop incentives to encourage development while concurrently reducing greenhouse gas emissions. Requires a participating jurisdiction to prepare an environmental impact report (EIR) for its high-speed rail master plan in accordance with the California Environmental Quality Act (CEQA). Allows a participating jurisdiction that prepares and adopts a high-speed rail master plan to finance any publicly owned facility or amenity necessary to implement the plan through an infrastructure financing district. 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 if the district is being proposed to implement a high-speed rail master plan. Prohibits the formation of this type of infrastructure financing district unless the city or county has prepared an EIR that provides that the base population density within the area covered by the high-speed rail master plan has increased. Exempts development projects within the area covered by the infrastructure financing district and consistent with the high-speed rail master plan from CEQA for the 10 years following the start of construction of the first building. Requires a transit village development plan utilizing an infrastructure financing district to do all of the following: (1) use at least 20 percent of all revenues derived from the infrastructure financing district to increase, improve and preserve the supply of low- and moderate-income affordable housing in the district for a period of at least 55 years for rental housing and 45 years for owner-occupied housing; (2) replace dwelling units at an affordable housing cost when specified dwelling units are destroyed or removed; and (3) include either an increased stock of affordable housing or live-travel options for transit-needy groups as one of its five demonstrable public benefits. In preparing its sustainable communities strategy pursuant to SB 375, allows a metropolitan planning organization (MPO) to consider the high-speed rail system, any high-speed rail station established within the region, and any associated effects of either that bears relation to the sustainable communities strategy.</td>
<td>3/24/11</td>
<td>Assembly Local Government Committee</td>
<td>Support</td>
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<tr>
<td><strong>AB 41</strong>&lt;br&gt;(Hill)&lt;br&gt;High-Speed Rail Authority: Conflicts of Interest</td>
<td>Adds members of the Board of Directors of the California High-Speed Rail Authority to those specified offices who must publicly identify a financial interest giving rise to a conflict of interest or potential conflict of interest, and recuse themselves accordingly.</td>
<td>As Introduced</td>
<td>Assembly Appropriations Committee</td>
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<tr>
<td><strong>AB 57</strong>&lt;br&gt;(Beall)&lt;br&gt;Metropolitan Transportation Commission: Governance</td>
<td>Adds two seats to the Metropolitan Transportation Commission (MTC) as follows: (1) one appointed by the major of San Jose from the San Jose City Council; and (2) one appointed by the major of Oakland from the Oakland City Council. Prohibits more than three members of MTC from being residents of the same county.</td>
<td>2/2/11</td>
<td>Assembly Local Government Committee</td>
<td>Support</td>
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| **AB 58**  
(Galgiani)  
High-Speed Rail Authority: Staffing and Reporting Requirements | For purposes of managing and administering the ongoing work of the California High-Speed Rail Authority in implementing the state’s proposed high-speed train project, allows the Governor, upon the recommendation of the authority’s executive director, to appoint up to six additional officers who would: (a) be exempt from civil service; and (b) serve at the pleasure of the executive director. Limits the Governor’s authority in this regard to the following positions: (1) chief program manager; (2) regional director; (3) chief financial officer; and (4) director of risk management and project controls. Requires the High-Speed Rail Authority to conduct a salary survey to determine the compensation for the executive director and these additional officers, and requires their salaries to be established by the authority and approved by the Department of Personnel Administration. Beginning March 1, 2012, requires the California High-Speed Rail Authority to report biannually to the Legislature on the development and implementation of the state’s proposed high-speed rail project. Requires the report to include all of the following: (1) a summary describing the overall progress of the project; (2) the baseline budget for all project phase costs, by segment or contract, beginning with the authority’s 2009 Business Plan; (3) the current and projected budget, by segment or contract, for all project phase costs; (4) expenditures to date, by segment or contract, for all project phase costs; (5) a comparison of the current and projected work schedule and the baseline schedule contained in the authority’s 2009 Business Plan; (6) a summary of the milestones achieved during the prior year and milestones expected to be reached in the coming year; (7) any issues identified during the prior year and actions taken to address those issues; and (8) a thorough discussion of various risks to the project and steps taken to mitigate those risks. | 3/16/11 | Assembly Transportation Committee |
| **AB 76**  
(Harkey)  
High-Speed Rail: Proposition 1A Bonds | Reduces the amount of general obligation bond debt authorized pursuant to Proposition 1A to the amount contracted as of January 1, 2012. | As Introduced | Assembly Transportation Committee |
| **AB 133**  
(Galgiani)  
High-Speed Rail: Federal Funds | Upon appropriation by the Legislature, requires any federal funds made available to California for high-speed rail purposes to be used for preliminary engineering, project-level environmental work, mitigation, final design, and construction for any of the following corridors: (1) San Francisco to San Jose; (2) Merced to Fresno; (3) Fresno to Bakersfield; and (4) Los Angeles to Anaheim. | As Introduced | Assembly Transportation Committee |
| AB 145  
(Galgiani)  
High-Speed Rail Authority and Department of High-Speed Trains | Creates the Department of High-Speed Trains within the Business, Transportation and Housing Agency. Requires the California High-Speed Rail Authority to establish policies directing the development and implementation of high-speed train service that is fully integrated with the state’s existing intercity rail and bus network, consisting of interlinked conventional and high-speed train lines and associated feeder buses. Further specifies that the intercity network in turn shall be fully coordinated and connected with commuter train lines and urban transit systems developed by local agencies, through the use of common station facilities wherever possible. Requires the Department of High-Speed Trains to implement those policies. Requires the authority to do all of the following: (1) select the routes of the high-speed train system; (2) serve as the governing board of the Department of High-Speed Trains; (3) adopt criteria for the awarding of franchises; and (4) set fares or establish guidelines for the setting of fares. By October 1 of each year, requires the authority to adopt and submit to the Governor and the Legislature a high-speed train program that would cover a period of six fiscal years. Requires the program to include a listing of all capital improvement projects that are expected to require an appropriation in the annual Budget Act, including federal, state, local, and private funds, during the following six fiscal years. Requires the director of the Department of High-Speed Trains to be appointed by the Governor. Specifies that the authorization and responsibility for planning, constructing and operating a high-speed passenger train service in California is exclusively granted to the department. Requires the department to do all of the following: (1) conduct engineering and other studies related to the selection and acquisition of rights-of-way, and the selection of a franchisee; (2) evaluate alternative high-speed train technologies, systems and operators, and select an appropriate high-speed train system; (3) award franchises consistent with criteria adopted by the authority; (4) select a proposed franchisee, a proposed route and proposed terminal sites; (5) prepare a detailed financing plan, including any necessary taxes, fees or bonds to pay for the construction of the high-speed train network; (6) enter into contracts for the design, construction and operation of high-speed trains; (7) acquire rights-of-way through purchase or eminent domain; (8) subject to the approval of the authority, issue debt secured by pledges of state funds, federal grants or project revenues; (9) enter into cooperative or joint development agreements with local governments or private entities; (10) relocate highways and utilities; (11) plan, construct and operate the high-speed train system, or enter into contracts for the planning, construction or operation of the system; (12) acquire, sell and lease passenger rolling stock, power units and associated equipment; and (13) acquire, lease, design, construct, and improve track lines and related facilities. Subject to the approval of the authority, allows the department to contract with Caltrans to perform project design and engineering services, including construction inspection services. | 3/16/11 | Assembly Transportation Committee |
| AB 147  
(Dickinson)  
Building Permit Fees | Allows a local agency to require the payment of a fee as a condition of approving a final map or issuing a building permit for purposes of defraying the actual or estimated cost of constructing pedestrian, bicycle, public transit, or traffic-calming facilities. | As Introduced | Assembly Local Government Committee |
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<td>AB 148 (Smyth)</td>
<td>Local Government: Ethics Training</td>
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<td>AB 277 (Galgiani)</td>
<td>High-Speed Rail: Power Needs</td>
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<td>AB 294 (Portantino)</td>
<td>Design-Sequencing Contracts</td>
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<td>AB 333 (Grove)</td>
<td>Global Warming Solutions Act: Unemployment</td>
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<td>AB 356 (Hill)</td>
<td>Public Works Projects: Local Hiring Policies</td>
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<td>AB 381 (Alejo)</td>
<td>Caltrans</td>
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<td>AB 385 (Harkey)</td>
<td>High-Speed Rail: Implementation</td>
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<td>AB 426 (Lowenthal)</td>
<td>Fare Evasion and Passenger Misconduct: Civil Administrative Penalties</td>
<td>As Introduced</td>
<td>Assembly Public Safety Committee</td>
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<td>Allows any civil administrative penalties collected by the Los Angeles Metropolitan Transportation Authority (LA Metro) for fare evasion and passenger misconduct violations to be deposited in the general fund of the authority, rather than Los Angeles County’s general fund.</td>
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<td>AB 427 (J. Perez)</td>
<td>Proposition 1B Bonds: Public Transit Safety</td>
<td>As Introduced</td>
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<td>Makes non-substantive, technical changes to provisions in current law regarding the Transit System Safety, Security, and Disaster Response Account under Proposition 1B.</td>
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<td>AB 471 (Lowenthal)</td>
<td>High-Speed Rail Authority: Inspector General</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td>Creates an Office of the Inspector General within the California High-Speed Rail Authority. Requires the authority to appoint an inspector general to prepare independent reports and audits relating to high-speed rail.</td>
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<td>AB 485 (Ma)</td>
<td>Use of Infrastructure Financing Districts for Transit Villages</td>
<td>As Introduced</td>
<td>Assembly Local Government Committee</td>
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<td>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 if the district is being proposed to implement a transit village development plan. Requires a transit village development plan utilizing an infrastructure financing district to do all of the following: (1) use at least 20 percent of all revenues derived from the infrastructure financing district to increase, improve and preserve the supply of low- and moderate-income affordable housing in the district for a period of at least 55 years for rental housing and 45 years for owner-occupied housing; (2) replace dwelling units at an affordable housing cost when specified dwelling units are destroyed or removed; and (3) include either an increased stock of affordable housing or live-travel options for transit-needy groups as one of its five demonstrable public benefits. Declares the intent of the Legislature that the development of transit village development districts throughout the state be environmentally conscious and sustainable, and that related construction meet or exceed the requirements of the California Green Building Standards Code.</td>
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<tr>
<td>AB 492 (Galgiani)</td>
<td>High-Speed Rail: Job Creation</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td>To the extent permitted by federal and state law, authorizes the California High-Speed Rail Authority to consider the creation of jobs in California when awarding major contracts, or when purchasing high-speed trains and related equipment and supplies.</td>
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<td>AB 512 (Gordon)</td>
<td>Local Government Renewable Energy Self-Generation Program</td>
<td>As Introduced</td>
<td>Assembly Utilities and Commerce Committee</td>
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<td>Under the state’s Local Government Renewable Energy Self-Generation Program, increases the cap on the generating capacity of an eligible renewable generating facility from one megawatt to five megawatts.</td>
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<td><strong>AB 516</strong> (V. Perez) Safe Routes to School</td>
<td>In awarding grants to local government agencies under the Safe Routes to School Program, requires Caltrans, as part of the rating process, to consider: (a) the benefit of a particular project to a disadvantaged community; and (b) the use of a public participation process by the project sponsor.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td><strong>AB 551</strong> (Campos) Public Contracts: Prevailing Wage Requirements</td>
<td>Increases the monetary penalties assessed to contractors and subcontractors on public works projects for violations of the state’s prevailing wage laws. Makes a contractor or subcontractor on a public works project who is found to have committed two or more separate willful violations of the state’s prevailing wage laws within a three-year period ineligible to bid on or be awarded a contract for a public works project, or to perform work as a subcontractor on a public works project for a period of up to three years.</td>
<td>As Introduced</td>
<td>Assembly Labor and Employment Committee</td>
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<tr>
<td><strong>AB 605</strong> (Dickinson) CEQA: Greenhouse Gas Emission Reduction Targets</td>
<td>Requires the Office of Planning and Research to prepare and adopt guidelines to do all of the following: (1) determine the statewide averages for trip generation and vehicle miles traveled for various types of projects; (2) determine the projected trip generation and vehicle miles traveled that a project might have; (3) establish the percentage reduction in the projected trip generation and vehicle miles traveled of a project as compared to the average for trip generation and vehicle miles traveled for the project type that would assist a region in meeting its greenhouse gas emission reduction targets; and (4) develop a list of mitigation measures that a project may incorporate to reduce the project’s anticipated trip generation and vehicle miles traveled. Specifies that a project that either: (a) meets or exceeds the percentage reduction in trip generation and vehicle miles traveled established by the Office of Planning and Research; or (b) incorporates mitigation measures from the list developed by the Office of Planning and Research shall not be required to consider the transportation-related impacts of the project in an environmental document prepared pursuant to the California Environmental Quality Act (CEQA).</td>
<td>As Introduced</td>
<td>Assembly Natural Resources Committee</td>
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<tr>
<td><strong>AB 607</strong> (Brownley) Public Transit Buses: Using Illuminated Signs for Advertising</td>
<td>Until January 1, 2017, authorizes a pilot program that would allow buses operated by the city of Santa Monica’s public transit system to be equipped with illuminated signs that display advertising, subject to certain conditions.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td><strong>AB 650</strong> (Blumenfield) Blue Ribbon Task Force on Public Transportation</td>
<td>Establishes the Blue Ribbon Task Force on Public Transportation for the 21st Century. Requires the task force to be comprised of 12 specified members to be appointed jointly by the Senate Rules Committee and the speaker of the Assembly by March 31, 2012. Requires the task force to prepare a written report to be submitted to the Governor and the Legislature by March 31, 2013. Requires the report to contain findings and recommendations relating to the following: (1) the current state of California’s public transit system; (2) best practices based on a review of public transit systems worldwide; (3) the level and types of public transit needed to meet the goals of equity of accessibility and ease of use; strong and sustainable local and statewide economies; and environmental and public health, including reduced greenhouse gas and pollutant emissions; (4) the estimated cost of creating the needed public transit system in the near, mid and long terms; (5) potential sources of funding to sustain the system’s needs, as well as requirements and methods for attaining that funding; and (6) suggested scenarios for phasing in transit development. Requires the Institute of Transportation Studies of the University of California to provide staffing to the task force. Appropriates $750,000 from the Public Transportation Account to accomplish the purposes of the task force.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
<td>Support</td>
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<tr>
<td><strong>AB 676</strong> (Torres) State Transportation Improvement Program</td>
<td>Specifies that State Transportation Improvement Program (STIP) funds can be used for the study of, and the development and implementation of, capital improvement projects.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<tr>
<td><strong>AB 710</strong> (Skinner) Infill and Transit-Oriented Development: Parking Requirements</td>
<td>Prohibits a city or county from requiring more than one parking space per residential unit and more than one parking space per 1,000 square feet of commercial or other non-residential space for a residential or mixed-use residential project located in a transit intensive area, or subject to an adopted downtown area plan, neighborhood plan or redevelopment project area.</td>
<td>As Introduced</td>
<td>Assembly Housing and Community Development Committee</td>
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<tr>
<td><strong>AB 716</strong> (Dickinson) Prohibition Orders: Sacramento RTD and Fresno Area Express</td>
<td>Indefinitely extends provisions in existing law that allow the Sacramento Regional Transit District and the Fresno Area Express to issue a prohibition order to any person who, on at least three separate occasions within a period of 60 consecutive days, is cited for committing certain acts of passenger misconduct.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<tr>
<td><strong>AB 819</strong> (Wieckowski) Bicycles</td>
<td>Declares the intent of the Legislature to enact a bill that would improve the safety and efficiency of bicycle lane traffic in California.</td>
<td>As Introduced</td>
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<td><strong>AB 845</strong> (Ma)</td>
<td>Proposition 1A: Commuter and Urban Rail Funds</td>
<td>As Introduced</td>
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<td>With regard to the $950 million in Proposition 1A funds that are available for capital improvements to commuter rail lines and urban rail transit systems, requires the guidelines adopted by the California Transportation Commission (CTC) to determine the funding share for each eligible commuter rail and urban rail transit recipient by using the distribution factors gathered from the most current available data in the National Transit Database of the Federal Transit Administration (FTA). Requires the CTC to accept from each eligible recipient a priority list of projects up to the target amount expected to be available for the recipient. Requires the matching funds provided by the recipient to be from “non-state” funds, which are defined as local, federal and private funds, as well as state funds available to the recipient that are not subject to allocation by the CTC.</td>
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<td><strong>AB 890</strong> (Olsen)</td>
<td>CEQA Exemption: Roadway Improvements</td>
<td>As Introduced</td>
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<td>Exempts from the California Environmental Quality Act (CEQA) roadway improvement projects undertaken by a city or county within an existing road right-of-way.</td>
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<td><strong>AB 892</strong> (Carter)</td>
<td>Caltrans: NEPA Delegation</td>
<td>As Introduced</td>
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<td>Indefinitely extends provisions in existing law that authorize Caltrans to consent to the jurisdiction of the federal courts with regard to the assumption of the responsibilities of the Federal Highway Administration (FHWA) under the National Environmental Policy Act (NEPA) and that waive the state’s Eleventh Amendment protection against lawsuits brought in federal court.</td>
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<td><strong>AB 952</strong> (Jones)</td>
<td>High-Speed Rail Authority: Gift Ban and Revolving Door Provisions</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td>For purposes of the Political Reform Act, prohibits a Board member or an employee of the California High-Speed Rail Authority from being the recipient of any gift. Prohibits a Board member or an employee of the authority from appearing before the authority on behalf of, or in any way representing, any individual, private entity or public entity for three years after separation from the authority.</td>
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<td><strong>AB 953</strong> (Jones)</td>
<td>High-Speed Rail: Ridership Study</td>
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<td>Provides that no funds from Proposition 1A shall be available to the California High-Speed Rail Authority for construction of the state’s proposed high-speed train system until adequate environmental studies are completed based on a new ridership study that uses an acceptable ridership evaluation methodology. Requires the authority to contract with the Institute of Transportation Studies at the University of California at Berkeley to complete a revised ridership study, using the ridership methodology of the institute. Requires the authority to use that ridership study as the basis for subsequent environmental studies. Requires the authority to reconsider its adoption of the optimal high-speed rail route based both on the new ridership study and the ridership methodology.</td>
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<tr>
<td><strong>AB 995</strong> (Cedillo)</td>
<td>CEQA: Transit-Oriented Development</td>
<td>As Introduced</td>
<td>Assembly Natural Resources Committee</td>
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<td>By July 1, 2012, requires the Office of Planning and Research to prepare and submit to the Legislature a report containing recommendations for expedited environmental review for transit-oriented development under the California Environmental Quality Act (CEQA).</td>
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<td>State Assembly Bills</td>
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<tr>
<td>AB 1092 (Lowenthal)</td>
<td>High-Speed Rail Authority: Biannual Report to the Legislature Beginning March 1, 2012, requires the California High-Speed Rail Authority to report biannually to the Legislature on the development and implementation of the state’s proposed high-speed rail project. Requires the report to include all of the following: (1) a summary describing the overall progress of the project; (2) the baseline budget for all project phase costs, by segment or contract, beginning with the authority’s 2009 Business Plan; (3) the current and projected budget, by segment or contract, for all project phase costs; (4) expenditures to date, by segment or contract, for all project phase costs; (5) a comparison of the current and projected work schedule and the baseline schedule contained in the authority’s 2009 Business Plan; (6) a summary of the milestones achieved during the prior year and milestones expected to be reached in the coming year; (7) any issues identified during the prior year and actions taken to address those issues; and (8) a thorough discussion of various risks to the project and steps taken to mitigate those risks.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<tr>
<td>AB 1105 (Gordon)</td>
<td>VTA: Express Lanes Authorizes the Santa Clara Valley Transportation Authority (VTA) to develop and implement express lanes in an adjacent county, subject to the concurrence of that county’s congestion management agency or the agency responsible for preparing its countywide transportation plan, whichever is applicable.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
<td>Sponsor</td>
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<td>AB 1134 (Bonilla)</td>
<td>Caltrans: Project Study Reports Requires project study reports prepared for state highway projects to include a cost estimate, schedule, and other information deemed necessary to form a sound basis for the commitment of future state funding and project delivery. For a state highway project that is in an adopted regional transportation plan (RTP), a voter-approved county sales tax measure expenditure plan or other voter-approved transportation program, provides that Caltrans’ costs for review and approval of the applicable project study report shall be at the department’s expense. For other projects, requires the local entity performing the work to reimburse Caltrans for the costs of reviewing and approving the report. Allows a local entity to prepare a project study report at its own expense if Caltrans cannot complete it in a timely manner. Requires Caltrans to prepare draft revised guidelines for the preparation of project study reports and to submit those guidelines to the California Transportation Commission (CTC) by July 1, 2012. Requires the CTC to adopt final guidelines by October 1, 2012.</td>
<td>3/24/11</td>
<td>Assembly Transportation Committee</td>
<td></td>
</tr>
<tr>
<td>AB 1164 (Gordon)</td>
<td>High-Speed Rail Authority: Senate Confirmation of Board Members Requires the Governor’s appointments to the California High-Speed Rail Authority to be confirmed by the Senate.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<tr>
<td>AB 1206 (Galgiani)</td>
<td>High-Speed Rail Contracts: Small Emerging Businesses Requires the California High-Speed Rail Authority to adopt a Small Emerging Business Enterprise Program as part of contracts to be awarded by the authority relative to the development and construction of the state’s proposed high-speed train system. Requires the authority to provide certain bidding preferences and to establish a goal methodology to determine the appropriate level of involvement of small emerging business enterprises in its contracts.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td><strong>AB 1229</strong> (Feuer)</td>
<td>Local Agency Revenue Bonds</td>
<td>Allows the California Transportation Financing Authority to direct the Treasurer’s Office to utilize unrestricted money in the California Transportation Financing Authority Fund to subsidize the payment of interest on revenue bonds issued for transportation projects by local or regional agencies.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
</tr>
<tr>
<td><strong>AB 1308</strong> (Miller)</td>
<td>Highway Users Tax Account</td>
<td>Provides that in any year in which the Budget Act has not been enacted by July 1, funds in the Highway Users Tax Account (HUTA) are continuously appropriated and may be encumbered until the Budget Act is enacted.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<tr>
<td><strong>AB 1332</strong> (Donnelly)</td>
<td>Abolishment of CARB</td>
<td>Abolishes the California Air Resources Board (CARB), and transfers its authority, duties, power, purposes, responsibilities, and jurisdiction to the California Environmental Protection Agency (CalEPA).</td>
<td>As Introduced</td>
<td>Assembly Natural Resources Committee</td>
</tr>
<tr>
<td><strong>ACA 4</strong> (Blumenfield)</td>
<td>Local Governments: Special Taxes</td>
<td>Calls for placing before the voters an amendment to the California Constitution to allow a local agency to incur indebtedness in the form of general obligation bonds, if approved by its electorate by a 55 percent majority, to fund the construction, reconstruction, rehabilitation, or replacement of: (1) public improvements, including improvements to transportation infrastructure, streets, highways, sewer systems, water systems, wastewater 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 vote, to fund the construction, reconstruction, rehabilitation, or replacement of: (1) public improvements, including improvements to transportation infrastructure, streets, highways, sewer systems, water systems, wastewater systems, and park and recreation facilities; and (2) facilities or buildings used primarily to provide sheriff, police or fire protection services to the public.</td>
<td>As Introduced</td>
<td>Assembly Desk</td>
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<tr>
<td><strong>AJR 5</strong> (Lowenthal)</td>
<td>Transportation Revenue Sources: Vehicle Miles Traveled</td>
<td>Requests the President and Congress to consider and enact legislation to conduct a study regarding the feasibility of the collection process for a transportation revenue source based on vehicle miles traveled in order to facilitate the creation of a reliable and steady transportation funding mechanism for the maintenance and improvement of surface transportation infrastructure.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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## State Senate Bills

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<thead>
<tr>
<th>State Senate Bills</th>
<th>Subject</th>
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<th>Status</th>
<th>VTA Position</th>
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<tr>
<td><strong>SB 14</strong> (Wolk) Performance-Based Budgeting</td>
<td>Beginning in FY 2015, requires the budget submitted by the Governor to the Legislature to be developed pursuant to performance-based budgeting for each state agency and department. When preparing their individual budgets, requires state agencies and departments to use performance-based budgeting methods that make it clear to policymakers and the public the value and results of existing operations and proposed changes. Requires agency and departmental budgets to identify and update all of the following: (1) the mission and goals of the agency or department; (2) the activities and programs focused on achieving those goals; (3) performance metrics that reflect desired outcomes for existing and proposed activities, and a targeted performance level for the following year; (4) prior-year performance data and an explanation of deviation from previous-year targets; (5) proposed changes in statute, including the creation of incentives or the elimination of disincentives that could improve outcomes or hold down costs; and (6) a description of the impacts and consequences to the current recipients or beneficiaries of a program proposed for modification or elimination. Requires the Joint Sunset Review Committee to establish a process, schedule and deadline for reviewing the performance of all state programs at least once every 10 years.</td>
<td>3/14/11</td>
<td>Senate Governance and Finance Committee</td>
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<td><strong>SB 15</strong> (DeSaulnier) State Budget Process</td>
<td>Requires the budget submitted by the Governor to contain itemized statements; provisional language; performance measurement standards for state agencies and programs; recommended state expenditures; and a projection of anticipated state revenues, including revenues anticipated to be available on a one-time basis. Requires the budget to contain an estimate of the total resources available for state expenditures recommended for the budget year and the succeeding fiscal year. If expenditures exceed revenues, requires the Governor to recommend reductions in expenditures or the sources from which additional revenues should be provided, and to include an estimate of the long-term impact that these recommendations would have on the state’s economy. Requires the Governor to submit a five-year capital infrastructure and strategic growth plan together with the budget. If the Governor’s budget proposes: (a) to create a new state program or agency, or to expand the scope of an existing state program or agency, resulting in a net increase in state costs; or (b) to reduce a state tax resulting in a net decrease in state revenues, requires the proposal to be accompanied by a statement identifying state program reductions or sources of additional state revenues in an amount that is equal to or greater than the net increase in state costs or net decrease in state revenues. Declares the intent of the Legislature to establish an oversight process for evaluating and improving the performance of all state programs, whether managed by the state or local agencies.</td>
<td>As Introduced</td>
<td>Senate Governance and Finance Committee</td>
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<tr>
<td><strong>SB 22</strong> (La Malfa) High-Speed Rail: Proposition 1A Bonds</td>
<td>Reduces the amount of general obligation bond debt authorized pursuant to Proposition 1A to the amount contracted as of January 1, 2012.</td>
<td>3/22/11</td>
<td>Senate Rules Committee</td>
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<tr>
<td>SB 28 (Simitian)</td>
<td>Electronic Wireless Communications Devices</td>
<td>3/23/11</td>
<td>Senate Transportation and Housing Committee</td>
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<td>Requires the driver’s license examination administered by the Department of Motor Vehicles (DMV) to include a test of an applicant’s understanding of the distractions and dangers of handheld cell phone use and text-messaging while operating a motor vehicle. Prohibits a person from riding a bicycle while using a wireless telephone unless that telephone is specifically designed and configured to allow hands-free listening and talking, and is used in that manner. Also prohibits a person from riding a bicycle while using an electronic wireless communications device to write, send or read a text-based message. Increases the penalties for violating the current prohibitions in state law against using wireless telephones and text-messaging while operating a motor vehicle. Requires a portion of the fines collected for these violations to be allocated to the Office of Traffic Safety for an education program on the dangers of cell phone use and text-messaging while driving.</td>
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<tr>
<td>SB 29 (Simitian)</td>
<td>Automated Traffic Enforcement Systems</td>
<td>3/22/11</td>
<td>Senate Transportation and Housing Committee</td>
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<td>Requires the installation of signs at all locations where an automated, camera-based traffic enforcement system is operating. Prior to installing such a system after January 1, 2012, requires the governmental agency to make and adopt a finding of fact establishing that the system is needed at a specified location for reasons related to safety. Prohibits a governmental agency from considering revenue generation, beyond cost recovery, when determining whether to install or operate an automated traffic enforcement system.</td>
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<td>SB 31 (Correa)</td>
<td>Local Government: Lobbyist Registration</td>
<td>3/23/11</td>
<td>Senate Rules Committee</td>
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<td>Declares the intent of the Legislature to enact a bill that will require each local government to enact a lobbyist registration program as a condition of the local government being eligible to apply for any discretionary grant from any state agency or department.</td>
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<td>SB 46 (Correa)</td>
<td>Local Governments: Compensation Disclosure</td>
<td>3/7/11</td>
<td>Senate Governance and Finance Committee</td>
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<td>Requires elected or appointed officials of a county, city, school district, special district, or joint power agency who is required by state law to file a statement of economic interests to also annually file a disclosure form that provides compensation information for the preceding year. Requires the following information to be disclosed: (1) annual salary or stipend; (2) local agency payments to the filer’s deferred compensation or defined benefit plans; (3) automobile and equipment allowances; (4) supplemental incentive and bonus payments; and (5) local agency payments to the filer that are in excess of the standard benefits that the local agency offers for all other employees.</td>
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<td>SB 50 (Correa)</td>
<td>High-Speed Rail Authority: Conflicts of Interest</td>
<td>As Introduced</td>
<td>Senate Elections and Constitutional Amendments Committee</td>
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<td>Adds members of the Board of Directors of the California High-Speed Rail Authority to those specified offices who must publicly identify a financial interest giving rise to a conflict of interest or potential conflict of interest, and recuse themselves accordingly.</td>
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<td>SB 125 (Emmerson)</td>
<td>Chronic Toll Evaders</td>
<td>3/14/11</td>
<td>Senate Transportation and Housing Committee</td>
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<td>Authorizes a law enforcement officer to impound, or cause to be impounded, a vehicle registered to a chronic evader of toll payments until all outstanding tolls and all required penalties are paid to the issuing agency.</td>
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<td><strong>SB 126</strong>&lt;br&gt;(Steinberg)&lt;br&gt;CTC Guidelines</td>
<td>Exempts the adoption of guidelines by the California Transportation Commission (CTC) from the rulemaking provisions of the Administrative Procedure Act. Except in the case of the State Transportation Improvement Program (STIP), specifies a process that the CTC must use when adopting guidelines. Requires the CTC to maintain a guideline adoption file containing: (a) a summary of each objection or recommendation made with regard to a proposed guideline; and (b) an explanation of how the proposed guideline was changed to accommodate each objection or recommendation, or the reasons for making no change. Requires the CTC to include in its annual report to the Legislature a summary of its activities related to the adoption of program or policy guidelines during the previous calendar year.</td>
<td>As Introduced</td>
<td>Senate Transportation and Housing Committee</td>
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<td><strong>SB 214</strong>&lt;br&gt;(Wolk)&lt;br&gt;Infrastructure Financing Districts: Voter Approval</td>
<td>Eliminates the requirement for voter approval for the formation of an infrastructure financing district, adoption of an infrastructure financing district plan, and the issuance of bonds for implementing an infrastructure financing district plan.</td>
<td>As Introduced</td>
<td>Senate Governance and Finance Committee</td>
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<td><strong>SB 223</strong>&lt;br&gt;(Leno)&lt;br&gt;Local Vehicle Assessments</td>
<td>Authorizes counties and San Francisco to impose a voter-approved local vehicle assessment at a rate not to exceed 2 percent of the market value of each motor vehicle or trailer coach registered within their respective jurisdictions for general revenue purposes if: (a) the board of supervisors approves an ordinance to that effect by a two-thirds vote; and (b) the assessment is approved by a majority vote of the electorate. Specifies that the bill is not to be construed to supplant any funds that the state apportions to counties and San Francisco, including those apportioned under the Vehicle License Fee Law.</td>
<td>As Introduced</td>
<td>Senate Transportation and Housing Committee</td>
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<td><strong>SB 241</strong>&lt;br&gt;(Cannella)&lt;br&gt;CEQA Litigation Protection Pilot Program of 2011</td>
<td>Establishes the California Environmental Quality Act (CEQA) Litigation Protection Pilot Program. Requires the Business, Transportation &amp; Housing Agency to select 25 projects for each calendar year between 2012 and 2016 to participate in the program. For a project to qualify for the program, requires the lead agency to certify that the environmental impact report (EIR) for the project will be certified within 12 months. In selecting projects for the program, requires the Business, Transportation &amp; Housing Agency to consider the following: (1) the number and quality of jobs that would be created by the project; (2) the amount of the capital investment made by the project; and (3) a balance between projects sponsored by public and private entities. Provides that a lead agency’s decision to certify an EIR or to adopt a mitigated negative declaration based on an initial study for a project selected to participate in the pilot program is not subject to judicial review.</td>
<td>As Introduced</td>
<td>Senate Environmental Quality Committee</td>
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<td><strong>SB 310</strong>&lt;br&gt;(Hancock)&lt;br&gt;Transit Villages</td>
<td>Declares the intent of the Legislature to enact a bill that would require cities and counties to adopt permitting procedures for transit village green pathways developments in order to facilitate the implementation of sustainable communities strategies pursuant to SB 375.</td>
<td>3/24/11</td>
<td>Senate Rules Committee</td>
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<td><strong>SB 316</strong>&lt;br&gt;(Emmerson)&lt;br&gt;Meal Periods: Transportation Industry</td>
<td>Specifies that the provisions in the Industrial Welfare Commission’s wage order pertaining to meal periods do not apply to an employee in the transportation industry.</td>
<td>As Introduced</td>
<td>Senate Labor and Industrial Relations Committee</td>
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<td>SB 328 (Kehoe)</td>
<td>Eminent Domain: Conservation Easements</td>
<td>Revises the state’s Eminent Domain Law to establish requirements for the acquisition of property subject to a conservation easement.</td>
<td>As Introduced</td>
<td>Senate Judiciary Committee</td>
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<tr>
<td>SB 383 (Wolk)</td>
<td>Local Government Renewable Energy Self-Generation Program</td>
<td>Makes a number of changes to the state’s Local Government Renewable Energy Self-Generation Program. Allows the local governmental entity to designate the benefiting account, rather than having this designation be mutually agreed upon by the local governmental entity and an electrical corporation. Deletes the requirement that the benefiting account receive service under a time-of-use rate schedule and, instead, requires that the bill credit be calculated based on the bundled electricity rate charged the benefiting account, with differing calculations depending on whether the benefiting account receives service pursuant to a time-of-use rate schedule, a single bundled rate, or fixed rates with different rates charged for different tiers of usage. Increases the cap on the generating capacity of an eligible renewable generating facility from one megawatt to 20 megawatts. Eliminates the requirement that the eligible renewable generating facility be owned by or operated by the local governmental entity, or be located on property under the control of the local governmental entity.</td>
<td>As Introduced</td>
<td>Senate Energy, Utilities, and Communications Committee</td>
</tr>
<tr>
<td>SB 468 (Kehoe)</td>
<td>Capacity Increasing State Highway Projects: Coastal Zones</td>
<td>Imposes requirements on Caltrans with respect to proposed capacity increasing state highway projects in coastal zones, as follows: (1) requires Caltrans to collaborate with local agencies through which the proposed project traverses to identify how the proposed project will achieve traffic congestion reduction goals without compromising the unique features of the coastal zone; (2) requires other proposed state highway and local street/road projects that are parallel to the proposed project to be included in the environmental analysis for the proposed project; (3) prohibits the proposed project from proceeding to construction until the service and facilities investment program of any public transit service in the corridor is complete; (4) prohibits the proposed project from proceeding to construction until a program to mitigate any effects of additional traffic on local facilities within the coastal zone is implemented; (5) requires multiple projects in a proposed program of projects for the corridor to be implemented sequentially; and (6) requires the environmental consequences of each proposed project sequentially constructed to be monitored to ensure that the benefits from mitigation in the project’s environmental documents are achieved.</td>
<td>As Introduced</td>
<td>Senate Transportation and Housing Committee</td>
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<tr>
<td>SB 475 (Wright)</td>
<td>Public-Private Partnerships: Local Infrastructure Projects</td>
<td>Requires a local agency utilizing a public-private partnership for a local infrastructure project to establish and enforce a labor compliance program for the project, unless the agency or private entity has entered into a collective bargaining agreement or agreements binding all of the contractors performing work on the project.</td>
<td>3/21/11</td>
<td>Senate Governance and Finance Committee</td>
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| **SB 517**  
(Lowenthal)  
High-Speed Rail Authority: Organizational Structure | Places the California High-Speed Rail Authority within the Business, Transportation and Housing Agency. Requires the secretary of the Business, Transportation and Housing Agency to propose an annual budget for the authority. Requires the Governor’s appointments to the authority to be confirmed by the Senate. Vacates the current membership of the authority, and provides for the appointment or reappointment of members as of January 31, 2012, for staggered terms. Requires members of the authority to have specified experience in order to be appointed. Requires the executive director of the authority to be confirmed by the Senate. Prohibits the employment agreement for the executive director from being executed without Senate confirmation. Enacts various conflict-of-interest provisions applicable to members of the authority and its staff. | As Introduced | Senate Transportation and Housing Committee |  |
| **SB 545**  
(Anderson)  
California’s Transportation Needs | Declares the intent of the Legislature to enact a bill enabling the state to examine efficiency in administering solutions to California’s transportation needs. | As Introduced | Senate Rules Committee |  |
| **SB 582**  
(Emmerson)  
Commute Benefit Policies | Authorizes a metropolitan planning organization (MPO), in partnership with the local air quality management district, to adopt a regional commute benefit ordinance that requires employers operating within the common jurisdiction of the MPO and district with 20 or more employees to offer those employees one of the following commute benefits: (1) the option to pay for their transit, vanpooling or bicycling expenses with pre-tax dollars; (2) a transit or vanpool subsidy; or (3) a free shuttle or vanpool operated by or for the employer. | As Introduced | Senate Transportation and Housing Committee |  |
| **SB 693**  
(Dutton)  
Public-Private Partnership Agreements | Clarifies that Caltrans’ delegation authority to cities and counties in existing law includes the ability to utilize public-private partnership agreements for transportation projects. | As Introduced | Senate Transportation and Housing Committee |  |
| **SB 733**  
(Price)  
High-Speed Rail: Small Business Participation | Requires the California High-Speed Rail Authority to include in its business plan a strategy for ensuring the participation of small business enterprises in contracts awarded by the authority with state or federal funds during all phases of the project. | As Introduced | Senate Transportation and Housing Committee |  |
| **SB 739**  
(Lowenthal)  
Ports: Infrastructure Needs | Beginning January 1, 2012, requires the ports of Long Beach, Los Angeles and Oakland to assess their infrastructure and air quality improvement needs, including projects that improve the efficiency of the movement of cargo, and that reduce the congestion impacts and pollution associated with the movement of cargo. Requires these assessments to include the total costs of the infrastructure and air quality improvements, possible funding options for these projects, and estimated timelines for their implementation. Requires each port to provide its assessment to the Legislature by July 1, 2012. | As Introduced | Senate Transportation and Housing Committee |  |
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<tr>
<td>SB 749 (Steinberg) High-Speed Rail Authority: Senate Confirmation of Board Members</td>
<td>Requires the Governor’s appointments to the California High-Speed Rail Authority to be confirmed by the Senate.</td>
<td>As Introduced</td>
<td>Senate Transportation and Housing Committee</td>
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<tr>
<td>SB 767 (Harman) Vehicles: Radio Frequency Identification Technology</td>
<td>Authorizes a local governmental entity to participate in a local traffic safety program that uses radio frequency identification technology in order to aid law enforcement efforts; promote environmental initiatives, including congestion mitigation; and enhance revenue collections of unpaid fines and penalties.</td>
<td>As Introduced</td>
<td>Senate Transportation and Housing Committee</td>
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<tr>
<td>SB 851 (Anderson) Highway Construction</td>
<td>Declares the intent of the Legislature to enact a bill that would address the need for highway construction.</td>
<td>As Introduced</td>
<td>Senate Rules Committee</td>
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<tr>
<td>SB 867 (Padilla) Build California Bonds</td>
<td>Allows the California Transportation Financing Authority to issue Build California Bonds, the proceeds of which would be used for transportation capital improvement projects. Provides that bondholders would be entitled to non-refundable tax credits against their personal income tax or corporate tax liability. Provides for the authority to enter into financing agreements with participating local transportation authorities for the purpose of financing or refinancing transportation projects. Limits the principal amount of bonds to be issued by the authority to $5 billion over a five-year period commencing January 1, 2012.</td>
<td>As Introduced</td>
<td>Senate Rules Committee</td>
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<td>1</td>
<td>Statutes signed into law in 2010 take effect.</td>
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<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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<tr>
<td>21</td>
<td>Last day to submit bill requests to the Legislative Counsel’s Office.</td>
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<table>
<thead>
<tr>
<th>DAY</th>
<th>FEBRUARY</th>
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<tbody>
<tr>
<td>18</td>
<td>Last day for new bills to be introduced.</td>
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<thead>
<tr>
<th>DAY</th>
<th>MARCH</th>
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<tbody>
<tr>
<td></td>
<td>No Deadlines.</td>
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<thead>
<tr>
<th>DAY</th>
<th>APRIL</th>
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<tbody>
<tr>
<td>14</td>
<td>Spring Recess begins upon adjournment.</td>
</tr>
<tr>
<td>25</td>
<td>Legislature reconvenes from Spring Recess.</td>
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<thead>
<tr>
<th>DAY</th>
<th>MAY</th>
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<tbody>
<tr>
<td>6</td>
<td>Last day for policy committees to hear and report fiscal bills introduced in their house of origin.</td>
</tr>
<tr>
<td>13</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>27</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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<thead>
<tr>
<th>DAY</th>
<th>JUNE</th>
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<tbody>
<tr>
<td>3</td>
<td>Last day for bills to be passed out of their house of origin.</td>
</tr>
<tr>
<td>15</td>
<td>Budget must be passed by midnight.</td>
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<tr>
<th>DAY</th>
<th>JULY</th>
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<tbody>
<tr>
<td>8</td>
<td>Last day for policy committees to hear and report bills introduced in the other house.</td>
</tr>
<tr>
<td>15</td>
<td>Summer Recess begins upon adjournment, provided that the budget bill has been enacted.</td>
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<thead>
<tr>
<th>DAY</th>
<th>AUGUST</th>
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</thead>
<tbody>
<tr>
<td>15</td>
<td>Legislature reconvenes from Summer Recess.</td>
</tr>
<tr>
<td>26</td>
<td>Last day for fiscal committees to hear and report to the floor bills introduced in the other house.</td>
</tr>
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<thead>
<tr>
<th>DAY</th>
<th>SEPTEMBER</th>
</tr>
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<tbody>
<tr>
<td>2</td>
<td>Last day to amend bills on the Assembly and Senate floors.</td>
</tr>
<tr>
<td>9</td>
<td>Last day for each house to pass bills. Interim Recess begins at the end of this day’s session.</td>
</tr>
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<thead>
<tr>
<th>DAY</th>
<th>OCTOBER</th>
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</thead>
<tbody>
<tr>
<td>9</td>
<td>Last day for the Governor to sign or veto bills passed by the Legislature before September 9, and in his possession after September 9.</td>
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<thead>
<tr>
<th>DAY</th>
<th>JANUARY 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Statutes signed into law in 2011 take effect.</td>
</tr>
<tr>
<td>4</td>
<td>The 2011-2012 regular legislative session reconvenes.</td>
</tr>
</tbody>
</table>
ADMINISTRATION AND FINANCE COMMITTEE

Thursday, April 21, 2011

NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Administration and Finance Committee Meeting scheduled for Thursday, April 21, 2011, at 12:00 p.m. has been cancelled.

The next meeting of the Santa Clara Valley Transportation Authority Administration and Finance Committee is scheduled for Thursday, May 19, 2011, at 12:00 p.m. at VTA River Oaks Campus, 3331 North First Street, Conference Room B-104, San Jose, California.

Michelle M. Garza, Board Assistant
VTA Office of the Board Secretary
CONGESTION MANAGEMENT PROGRAM & PLANNING COMMITTEE

Friday, April 22, 2011

MINUTES

CALL TO ORDER

The Regular Meeting of the Congestion Management Program & Planning Committee (CMPP) was called to order at 11:36 p.m. by Chairperson Page in the Board of Supervisors’ Chambers, County Government Center, 70 West Hedding Street, San José, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rose Herrera</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Chris Moylan</td>
<td>Vice Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Chuck Page</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Ken Yeager</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Marshall Anstandig</td>
<td>Alternate Member</td>
<td>N/A</td>
</tr>
<tr>
<td>Nancy Pyle</td>
<td>Alternate Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Jamie Matthews</td>
<td>Alternate Member</td>
<td>N/A</td>
</tr>
<tr>
<td>George Shirakawa</td>
<td>Alternate Member</td>
<td>N/A</td>
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* Alternates do not serve unless participating as a Member.

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

Chairperson Page requested that Agenda Item #19. Chairperson’s Report, be heard at the beginning of the Agenda.

On order of Chairperson Page and there being no objection, the Committee of the Whole accepted the Orders of the Day.

The Agenda was taken out of order.

OTHER ITEMS

19. Chairperson’s Report

Member Yeager took his seat at 11:41 a.m. and a quorum was declared.
Tom Fitzwater, Environmental Planning Manager, provided an update on the Habitat Conservation Plan (HCP) issue, highlighting: 1) City of Gilroy ceased its participation in the Habitat Conservation Plan on April 28, 2011; 2) Reported on the concerns of the County of Santa Clara and City of San Jose with regards to the Plan; and 3) Upcoming discussions involving HCP Management Team and Local Partners.

Vice Chairperson Moylan requested clarification on what is mandated and what is optional with regards to the Plan.

Staff noted when the item is brought back staff will also provide a report outlining all issues pertaining to each jurisdiction.

CONSENT AGENDA

4. Minutes of March 18, 2011

M/S/C (Moylan/Yeager) to approve the Regular Meeting Minutes of March 18, 2011.

REGULAR AGENDA

5. Noise Reduction Screening Study

Christina Jaworski, Senior Environmental Planner, provided an overview of the revised staff report.

M/S/C (Moylan/Yeager) to approve submitting a recommendation to the Board of Directors to receive the results of the Noise Reduction Screening study and approve the changes in the process for evaluating the cost-effectiveness of sound walls for highway projects in Santa Clara County.

Agenda Items #6 and #15 were heard together.

6. VTP 2040 Preliminary Project Lists and
15. Valley Transportation Plan, Regional Transportation Plan and Sustainable Communities Strategies Updates

Chris Augenstein, provided a presentation, highlighting: 1) Valley Transportation Plan (VTP) 2035 Structure, 2) VTP Development; 3) The Project Lists; 4) VTP Next Steps; 5) Regional Transportation Plan (RTP) Level Discussions; and 6) RTP Next Steps.

Mr. Augenstein reported on the April 14, 2011 PAC and Cities Association of Santa Clara County Joint Meeting wherein a discussion was held with the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) staff on the Sustainable Communities Strategy (SCS).

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
Member Yeager questioned if MTC would determine whether VTA’s projects meets SB 375 standards and if VTA’s projects would perform well under MTC’s evaluation. Staff responded that it was unclear how MTC’s targets would affect the projects’ performance.

Vice Chairperson Moylan commented that staff should try to make the project list inclusive of all possible projects and queried if the list will continue to evolve. He requested that in the future staff highlight and explain the changes made on the revised Project Lists.

M/S/C (Yeager/Moylan) to approve Agenda Items #6 and #15 as follows:

6. M/S/C (Yeager/Moylan) to approve submitting a recommendation to the Board of Directors to approve the Valley Transportation Plan (VTP) 2040 Preliminary Project List for submittal to the Metropolitan Transportation Commission (MTC).

15. M/S/C (Yeager/Moylan) to approve submitting a recommendation to the Board of Directors to receive an update on the Valley Transportation Plan, Regional Transportation Plan and Sustainable Communities Strategy activities.

7. **FY 2012 and FY 2013 CMP Work Program**

John Ristow, Chief Congestion Management Agency (CMA) Officer, provided an overview of the staff report, highlighting the changes made to the Congestion Management Program Work Program. He provided a handout which addressed questions/requests from the CMPP and Technical Advisory Committees at their March 2011 meetings.

M/S/C (Moylan/Yeager) to approve submitting a recommendation to the Board of Directors to approve the Fiscal Year 2012 and Fiscal Year 2013 Congestion Management Work Program.

8. **SR 237/I-880 Express Connectors for Tolling Management, Enforcement and Cooperative Agreements**

Murali Ramanujam, Senior Transportation Engineer, provided an overview of the staff report.

Member Yeager questioned if there were other agreements that would be needed for the project. Staff responded that all agreements with outside agencies were noted in the Board Memorandum, noting that the Committee will be provided other items relating to the approval of operational procedures and award of the roadway contract for the SR 237/I-880 Express Connectors project.

M/S/C (Moylan/Yeager) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute agreements with the Bay Area Toll Authority (BATA) for toll collections and customer service support, California Highway Patrol (CHP) for enforcement and California Department of Transportation (Caltrans) for maintenance for the SR 237/I-880 Express Connectors project.
Agenda Items #9 and #10 were heard together.

9. **Local Program Reserve Reallocation and**
10. **US 101 Express Lanes Contract Amendment**

Marcella Rensi, Transportation Planning Manager, provided an overview of the staff reports.

**M/S/C (Yeager/Moylan)** to approve Agenda Items #9 and #10 as follows:

9. **M/S/C (Yeager/Moylan)** to approve submitting a recommendation to the Board of Directors to approve reallocation of Local Program Reserve (LPR) savings of $3.8 million to the US 101 Express Lanes Project.

10. **M/S/C (Yeager/Moylan)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract amendment with URS Corporation to complete the Project Approval and Environmental Documentation (PA&ED) services for the US 101 Express Lanes Project for up to $2,800,000 for a total contract value not-to-exceed $4,300,000.

Agenda Items #11 and #12 were heard together.

11. **Amend Ramp Metering Project Funding Agreement: I-280 Corridor and**
12. **Contract Amendment I-280 Corridor Ramp Metering Project**

David Kobayashi, Senior Transportation Planner, provided overview of the staff reports.

**M/S/F (Yeager/Page)** on a vote of 2 ayes 1 no and 0 abstentions to approve Agenda Items #11 and #12 as follows:

11. **M/S/F (Yeager/Page)** on a vote of 2 ayes 1 no and 0 abstentions to approve submitting a recommendation to the Board of Directors to authorize the General Manager to amend the existing funding agreement with the Metropolitan Transportation Commission for an additional $600,000 for a new total of $2,651,000 and extend the agreement to cover all freeway corridors in Santa Clara County. Vice Chairperson Moylan opposed.

12. **M/S/F (Yeager/Page)** on a vote of 2 ayes 1 no and 0 abstentions to approve submitting a recommendation to the Board of Directors to authorize the General Manager to amend the contract with Mark Thomas & Company in an amount not to exceed $472,000, for a new contract value of $1,716,677 for engineering services to implement ramp metering for I-280 Corridor Ramp Metering Project. Vice Chairperson Moylan opposed.

Vice Chairperson Moylan withdrew his vote opposing Agenda Items #11 and #12.

Vice Chairperson Moylan commented that although ramp metering improves freeway traffic, the congestion is not alleviated and is transferred onto city streets.

**NOTE:** **M/S/F MEANS MOTION SECONDED AND FAILED.**
Vice Chairperson Moylan recommended that on-ramp delay information be included in ramp metering "After" studies for the southbound US 101 and southbound I-880 corridors, succeeding past "After" studies for the SR 85 and SR 87 corridors.

M/S/C (Yeager/Page) to approve Agenda Items #11 and #12 as follows:

11. M/S/C (Yeager/Page) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to amend the existing funding agreement with the Metropolitan Transportation Commission for an additional $600,000 for a new total of $2,651,000 and extend the agreement to cover all freeway corridors in Santa Clara County.

12. M/S/C (Yeager/Page) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to amend the contract with Mark Thomas & Company in an amount not to exceed $472,000, for a new contract value of $1,716,677 for engineering services to implement ramp metering for I-280 Corridor Ramp Metering Project.

13. 2011 Second Cycle Lifeline Transportation Program Grant Awards

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

M/S/C (Yeager/Moylan) to approve submitting a recommendation to the Board of Directors to approve the programming of Lifeline Transportation Program funds for the following projects: 1) Family Transportation Services Program - $409,913; 2) Ways to Work Family Loan Program - $273,276; and 3) Santa Clara-Alum Rock Rapid Transit Bus Purchase - $10,000,000.

14. Caltrans CBTP Grant Local Resolution-Tamien Station Area Study

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

M/S/C (Yeager/Moylan) to approve submitting a recommendation to the Board of Directors to adopt a resolution authorizing the filing and execution of grants under the Caltrans Community-Based Transportation Planning grant through Caltrans Transportation Planning Grants program for Fiscal Year 2011-2012.

OTHER ITEMS (Continued)

16. Items of Concern and Referral to Administration

Chairperson Page requested that the CMPP Chairperson’s Report reflect that Member Herrera was not in attendance at today’s meeting.

17. Committee Work Plan

On order of Chairperson Page and there being no objection, the Committee reviewed the Work Plan.
18. **Committee Staff Report**

Mr. Ristow provided a written report to the Committee containing information on local events, MTC, State and Federal activities, and VTA CMA. He highlighted the following: 1) Issuance of Federal Transit Administration (FTA) letter authorizing the BART extension to Berryessa Station in San Jose to enter the Final Design Phase, allowing VTA to pursue federal New Starts funding for the project.

20. **Determine Consent Agenda for the May 5, 2011 Board of Directors Meeting**

**CONSENT:**

**Agenda Item #5.** Receive the results of the Noise Reduction Screening study and approve the changes in the process for evaluating the cost-effectiveness of sound walls for highway projects in Santa Clara County.

**Agenda Item #6.** Approve the Valley Transportation Plan (VTP) 2040 Preliminary Project List for submittal to the Metropolitan Transportation Commission (MTC).

**Agenda Item #7.** Approve the Fiscal Year 2012 and Fiscal Year 2013 Congestion Management Work Program.

**Agenda Item #8.** Authorize the General Manager to execute agreements with the Bay Area Toll Authority (BATA) for toll collections and customer service support, California Highway Patrol (CHP) for enforcement and California Department of Transportation (Caltrans) for maintenance for the SR 237/I-880 Express Connectors project.

**Agenda Item #9.** Approve reallocation of Local Program Reserve (LPR) savings of $3.8 million to the US 101 Express Lanes Project.

**Agenda Item #10.** Authorize the General Manager to execute a contract amendment with URS Corporation to complete the Project Approval and Environmental Documentation (PA&ED) services for the US 101 Express Lanes Project for up to $2,800,000 for a total contract value not-to-exceed $4,300,000.

**Agenda Item #13.** Approve the programming of Lifeline Transportation Program funds for the following projects: 1) Family Transportation Services Program - $409,913; 2) Ways to Work Family Loan Program - $273,276; and 3) Santa Clara-Alum Rock Rapid Transit Bus Purchase - $10,000,000.

**Agenda Item #14.** Adopt a resolution authorizing the filing and execution of grants under the Caltrans Community-Based Transportation Planning grant through Caltrans Transportation Planning Grants program for Fiscal Year 2011-2012.

**REGULAR:**

**Agenda Item #11.** Authorize the General Manager to amend the existing funding agreement with the Metropolitan Transportation Commission for an additional $600,000 for a new total of $2,651,000 and extend the agreement to cover all freeway corridors in Santa Clara County.
Agenda Item #12. Authorize the General Manager to amend the contract with Mark Thomas & Company in an amount not to exceed $472,000, for a new contract value of $1,716,677 for engineering services to implement ramp metering for I-280 Corridor Ramp Metering Project.

21. ANNOUNCEMENTS

There were no Announcements.

22. ADJOURNMENT

On order of Chairperson Page and there being no objection, the meeting was adjourned at 1:00 pm.

Respectfully submitted,

Tracene Y. Crenshaw, Board Assistant
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 4:02 p.m. by Chairperson Larsen in Conference Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

1. ROLL CALL

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<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
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</thead>
<tbody>
<tr>
<td>Margaret Abe-Koga</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Xavier Campos</td>
<td>Vice Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Rich Larsen</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Sam Liccardo</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Jamie Matthews</td>
<td>Alternate Member</td>
<td>N/A</td>
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<tr>
<td>Nancy Pyle</td>
<td>Alternate Member</td>
<td>N/A</td>
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*Alternates do not serve unless participating as a Member.

A quorum was present.

2. RECESSED TO CLOSED SESSION at 4:03 p.m.

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

Initiation of litigation pursuant to subdivision (c) of Section 54956.9: One case

Member Liccardo took his seat at 4:11 p.m.

RECONVENED TO OPEN SESSION at 4:27 p.m.

3. CLOSED SESSION REPORT

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

Initiation of litigation pursuant to subdivision (c) of Section 54956.9: One case

There was no Closed Session report.
4. PUBLIC PRESENTATIONS

There were no Public Presentations.

5. ORDERS OF THE DAY

Michael T. Burns, General Manager, suggested moving Agenda Item #14, Marketing/Sales and Promotions Peer Review, after Orders of the Day.

On order of Chairperson Larsen and there being no objection, the Committee received the Orders of the Day.

The Agenda was taken out of order.

OTHER ITEMS

14. Marketing/Sales and Promotions Peer Review

Rita Haskin, SamTrans Chief Communications Officer, provided a presentation highlighting the following: 1) peer review panel; 2) introduction; 3) peer review questions; 4) strengths, weaknesses, opportunties, and threats (SWOT) analysis; 5) better understand markets and products; 6) brand management; 7) approach; 8) organization and structure; 9) revenues; and, 10) next steps.

Chairperson Larsen noted that marketing initiatives are not included in the FY 2012-2013 draft budget. Mr. Burns responded that staff is waiting for the final Peer Review report. Once received, staff will incorporate its marketing initiatives in the budget.

On order of Chairperson Larsen and there being no objection, the Marketing/Sales and Promotions Peer Review report was received.

CONSENT AGENDA

6. Minutes of March 17, 2011 TPO meeting

M/S/C (Campos/Abe-Koga) to approve the Minutes of March 17, 2011.

REGULAR AGENDA

7. Report from the Committee for Transit Accessibility (CTA) Activities

There was no report from the Committee for Transit Accessibility.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
8. **Guadalupe South Line Elevator and Escalator Retrofit Contract**

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

M/S/C (Liccardo/Campos) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract with KONE Elevators and Escalators, the lowest responsible and responsive bidder, in the amount of $4,824,750 for construction of the Guadalupe South Line Elevator and Escalator Retrofit. This contract is 70 percent federally funded.

9. **Freight Railroad Relocation – Agua Fria, Toroges and Agua Caliente Creek Improvements Contract**

Mr. Robinson provided an overview of the staff report.

Chairperson Larsen inquired about the micro–tunneling aspect of the project. Mr. Robinson expressed confidence that the selected contractor, Con Quest, has the experience and expertise to complete the project.

M/S/C (Liccardo/Campos) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract with Con Quest Constructors, Inc., the lowest responsible and responsive bidder, in the amount of $7,266,140, for the construction of Agua Fria, Toroges and Agua Caliente Creek Improvements. This contract is funded by 2000 Measure A, the City of Fremont and Alameda County Flood Control District.

10. **Freight Railroad Relocation – Cooperative Agreement with City of Fremont for the Agua Fria Creek Improvements**

Mr. Robinson provided an overview of the staff report.

M/S/C (Abe-Koga/Liccardo) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a Cooperative Agreement with the City of Fremont in an amount not to exceed $3.44M for construction costs related to the Agua Fria Creek improvements. Under the proposed agreement, VTA’s financial obligation will be limited to $1.12M and funded by 2000 Measure A.

11. **SVRT: City of Fremont Master Agreement**

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

Member Liccardo inquired about the $200,000 that will be provided to the City of Fremont for plan review and permitting activities. Mr. Burns explained that due to the magnitude of the project, VTA offers to reimburse municipalities to get commitment for prompt reviews and increase cooperation from all parties.

M/S/C (Liccardo/Campos) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to enter into a master agreement with the City of Fremont in support of the BART Silicon Valley Project.
12. **Capitol Expressway Light Rail Project – Amendment to Design Services Contract with Rajappan & Meyer Consulting Engineers, Inc. for the Pedestrian and Bus Stop Improvements Phase**

Mr. Robinson provided an overview of the staff report.

Vice Chairperson Campos inquired about the funding needed to complete the Capitol Expressway Light Rail project. Mr. Robinson responded that $16 million was secured for sidewalk improvements and to purchase right-of-way. He noted that total funds needed to complete the project will be provided to the Committee.

Members of the Committee suggested having a segregated bicycle path or consider incorporating bicycle lanes with the sidewalk. Mr. Robinson noted that he will look into it and provide clarification to the Committee.

M/S/C (Campos/Liccardo) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract amendment with Rajappan & Meyer Consulting Engineers, Inc. in a not to exceed amount of $1.5 million for a new contract total amount of $28,989,916 and extend the contract through November 30, 2014, to perform design support services during construction of the pedestrian improvements, and final design and design support services during construction for the bus stop improvements of the Capitol Expressway Light Rail Project. This contract is 100% funded by the 2000 Measure A Program.

13. **Santa Clara Alum Rock Rapid Transit Project – Draft Relocation Plan**

Bijal Patel, CMA Deputy Director, provided a report highlighting the following: 1) draft relocation plan; 2) legal framework; 3) general requirements; 4) property owner/tenant outreach; 5) relocation plan research; 6) summary of potential impacts; and, 7) relocation assistance program. She indicated this Draft Plan will be circulated to the public for review and comment until June 6, 2011. The Final Plan will come back to the Board in August 2011.

**On order of Chairperson Larsen** and there being no objection, the Santa Clara Alum Rock Rapid Transit Project – Draft Relocation Plan was received.

**OTHER ITEMS (continued)**

15. **March 2011 Monthly Ridership Report**

Jim Unites, Operations Deputy Director, provided a report highlighting the following: 1) System Ridership; 2) Bus Ridership; 3) Light Rail Ridership; 4) Fare Revenues; 5) Average Fare per Boarding; 6) Average Weekday Ridership; 7) Line 901 and Light Rail Express Service Ridership; and, 8) Santa Clara County employment and unemployment rates.

Mr. Burns suggested deferring the Light Rail Express presentation to next month’s meeting.
On order of Chairperson Larsen and there being no objection, the March 2011 Monthly Ridership Report was received.

Chairperson Larsen left the meeting at 5:30 p.m.,
Vice Chairperson Campos presided over the meeting.

16. Items of Concern and Referral to Administration

Vice Chairperson Campos noted a request form the Mount Pleasant Neighborhood Association to look into expanding a Community Bus Line to service Clayton Road. Dan Smith, Chief Operating Officer, responded that Service and Operations staff will investigate the request and respond back to him.

17. Committee Work Plan

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

18. Committee Staff Report

Mr. Smith provided a handout outlining the staff report.

Mr. Burns provided an update regarding the Caltrain Board meeting. He noted the vote was five to three, to support the 86 train schedule, thus there will be no change to the current system pattern for the first year. The funding shortfall is being made up from the Metropolitan Transportation Commission (MTC), converting capital funds for preventive maintenance.

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

19. Chairperson’s Report

There was no Chairperson’s Report.


Consent Agenda:

Agenda Item #8., Authorize the General Manager to execute a contract with KONE Elevators and Escalators, the lowest responsible and responsive bidder, in the amount of $4,824,750 for construction of the Guadalupe South Line Elevator and Escalator Retrofit. This contract is 70 percent federally funded.

Agenda Item #9., Authorize the General Manager to execute a contract with Con Quest Constructors, Inc., the lowest responsible and responsive bidder, in the amount of $7,266,140, for the construction of Agua Fria, Toroges and Agua Caliente Creek Improvements. This contract is funded by 2000 Measure A, the City of Fremont and Alameda County Flood Control District.
Agenda Item #10., Authorize the General Manager to execute a Cooperative Agreement with the City of Fremont in an amount not to exceed $3.44M for construction costs related to the Agua Fria Creek improvements. Under the proposed agreement, VTA’s financial obligation will be limited to $1.12M and funded by 2000 Measure A.

Agenda Item #11., Authorize the General Manager to enter into a master agreement with the City of Fremont in support of the BART Silicon Valley Project.

Agenda Item #12., Authorize the General Manager to execute a contract amendment with Rajappan & Meyer Consulting Engineers, Inc. in a not to exceed amount of $1.5 million for a new contract total amount of $28,989,916 and extend the contract through November 30, 2014, to perform design support services during construction of the pedestrian improvements, and final design and design support services during construction for the bus stop improvements of the Capitol Expressway Light Rail Project. This contract is 100% funded by the 2000 Measure A Program.

Agenda Item #13., Receive informational presentation on the Santa Clara Alum Rock Rapid Transit Project - Draft Relocation Plan.

Regular Agenda:

None

21. ANNOUNCEMENTS

There were no Announcements.

22. ADJOURNED

On order of Vice Chairperson Campos and there being no objection, the meeting was adjourned at 5:34 p.m.

Respectfully submitted,

Michael Diresco, Board Assistant
Office of the Board Secretary
Committee for Transit Accessibility

Wednesday, April 13, 2011

MINUTES

CALL TO ORDER

The Regular Meeting of the Committee for Transit Accessibility (CTA) was called to order at 1:03 p.m. by Chairperson Morrow in Building A, Auditorium, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emma Eljas</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Christina Fernandez</td>
<td>Staff Aide to Ex-Officio Board Liaison Reed</td>
<td>Present</td>
</tr>
<tr>
<td>Sandra Gouveia</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>David Grant</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Katie Heatley</td>
<td>Ex-Officio Member</td>
<td>Present</td>
</tr>
<tr>
<td>Troy Hernandez</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Dennis Kempel</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Martin Lasich</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Laura Michels</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Aaron Morrow</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Lechi Nguyen</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Jeffrey Ovetz</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>David Robinson</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Larry Saltman</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Dilip Shah</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Vicci Smith</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Barbara Stahl</td>
<td>Member</td>
<td>Present</td>
</tr>
</tbody>
</table>

A quorum was not established and a Committee of the Whole was declared.

2. INTRODUCTION OF AUDIENCE MEMBERS

David Ledwitz, Management Analyst; Matthew Lepinski, Interested Citizen; Darlene Ciolo, On Lok Lifeways; Joonie Tolosa, Manager Operations Analysis and Reporting; Patrick Griffin, Manager Public Affairs and Communications; Gary Miskell, Chief Information Officer; Ethan Winston, Public Communications Specialist; John O’Brien, Engineering and Construction; David Sausjord, Revenue Services Manager; Ali Hudda, Deputy Director, Accounting; and Ying Smith, Transportation Planning Manager.

Chairperson Morrow introduced new CTA Member, Jeffery Jokinen. Member Jokinen indicated he works with different agencies, including the Silicon Valley Independent Living Center, and utilizes the transit systems throughout the bay area.
3. PUBLIC PRESENTATIONS

Member Grant expressed concern with not receiving the Board of Directors Report and questioned its status.

Ex-officio Member Heatley requested CTA acknowledge the years of service of former CTA Member, Marjorie Jensen, who represented the Silicon Valley Independent Living Center.

Member Shah expressed concern with bus routes 61 and 62 not going into Valley Medical Center.

Member Nguyen took her seat at 1:10 p.m. and a quorum was declared.

Vice Chairperson Stahl expressed concern with the Ridership Program Report not being on the Agenda. Chairperson Morrow indicated he would provide the opportunity for members to address ridership during the Chairperson’s Report.

The Agenda was taken Out of Order.

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

CONSENT AGENDA

5. Minutes of January 12, 2011

M/S/C (Grant/Stahl) to approve the Minutes of January 12, 2011.

6. Chief Operating Officer’s Report

M/S/C (Grant/Stahl) to receive the Chief Operating Officer’s Report.


M/S/C (Grant/Stahl) to receive the First Quarter 2011 Transit Operations Performance Report.

8. April 2011 Transit Service Changes

M/S/C (Grant/Stahl) to receive a report on the April 2011 Transit Service Changes.

REGULAR AGENDA

4. Board of Directors Report

Christina Fernandez, Policy Analyst to Ex-officio Board Liaison Reed, requested the Committee forward to her any questions or concerns they may have for the Board.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
9. **Valley Transportation Plan (VTP) 2040 Initial Project List**

Ying Smith, Transportation Planning Manager, provided an overview of the staff report and a handout of the updated VTP 2040 project list.

Members of the Committee expressed concern with the lack of project descriptions and pedestrian safety and improvement projects and recommended future presentations of the item highlight projects which serve the interests of the Committee.

Ms. Smith indicated the full project list with descriptions will be available on the VTA website.

**M/S/C (Morrow/Saltman)** on a vote of 10 ayes to 0 no and 1 abstention to recommend that the Board of Directors adopt the Valley Transportation Plan (VTP) 2040 initial project list for submittal to Metropolitan Transportation Commission (MTC). Member Stahl abstained.

10. **FTA Section 5310 Local Review Committee's recommended project scoring list**

David Ledwitz, Management Analyst, provided an overview of the staff report.

**On order of Chairperson Morrow** and there being no objection, the Committee received a report on the FTA Section 5310 Local Review Committee's recommended project scoring list.

11. **Guadalupe South Line Elevators and Escalators Retrofit Project.**

John O’Brien, Engineering and Construction, provided an overview of the staff report. Ethan Winston, Marketing and Customer Service, provided additional information on public outreach.

**On order of Chairperson Morrow** and there being no objection, the Committee received a report on the Guadalupe South Line Elevators and Escalators Retrofit Project.

12. **Clipper Implementation Status Report**

Gary Miskell, Chief Information Officer, provided an overview of the staff report.

**On order of Chairperson Morrow** and there being no objection, the Committee received the Clipper Implementation Status Report.

13. **Paratransit ID Card**

David Sausjord, Revenue Services Manager, provided an overview of the staff report.

Chairperson Morrow expressed concern with the initial cost of and privacy issues with the Paratransit smart cards and made a motion to support staff’s recommendation to use the new farebox to track paratransit users. He requested staff return to the Committee in January 2012 with a report on the data collected.

**M/S/C (Morrow/Ovetz)** to support staff’s recommendation to use a dedicated key on the new farebox for the Paratransit ID Card and make no additional changes at this time.
14. **Quarterly Legislative Report**

Scott Haywood, Policy and Community Relations Manager, provided a brief report highlighting the Governor’s signing of a bill to recommit the fund swap from last year’s budget which guaranteed state funding for transit.

Members of the Committee commented on the Federal New Starts program and its impact on funding for the BART project, California High Speed Rail, and VTA.

Mr. Unites indicated an update on the BART project is scheduled for the July CTA meeting.

**On order of Chairperson Morrow** and there being no objection, the Committee received the Quarterly Legislative Report.

15. **Workplan Update**

Chairperson Morrow indicated the VTA Website Improvements item will be removed from the work plan and addressed by the working group for bus stop accessibility and the Real Time Transit Information project will be added to October’s Agenda. He announced the Advisory Committee Budget Workshop meeting on May 9, 2011 and encouraged the members to attend.

**REPORTS**

16. **City Disability Advisory Commission (DAC) Reports**

There was no report from the City of San Jose DAC.

Vice Chairperson Stahl provided a report from the City of Santa Clara DAC and noted the accessibility issues on many of the streets placed on the VTP 2040 list are being addressed by the City of Santa Clara.

17. **Committee Staff Report**

Greta Helm, Chief External Affairs Officer, provided a report on efforts to increase ridership. She introduced the ‘Drop and Give me Ten’ campaign designed to engage Advisory Committee members in the promotion of transit services.

Members of the Committee questioned the number of VTA employees who utilize the system and suggested the following to increase ridership: 1) Increasing the frequency and hours of operation for certain routes; 2) Promoting transit use to city employees; and, 3) Upgrades to bus stop facilities.

18. **Citizens Advisory Committee/Citizens Watchdog Committee (CAC/CWC) Report**

Chairperson Morrow provided a brief report on the March CAC/CWC meeting highlighting the Eco Pass program. He noted the Members expressed support and offered suggestions on restructuring the program to make it more efficient and to increase ridership. He requested staff provide the Committee with the CWC’s Independent Audit report from Macias, Gini, and O’Connell, LLP (MGO). He announced the public meeting will be held on May 11, 2011 at the County Government Center.
Ex-officio member Heatley requested staff provide information on utilizing cards to offer a variety of different pricing options to make transit more affordable.

19. **Chairperson’s Report**

   **A. Establish a working group to look at bus stop accessibility composed of 4 to 5 CTA members.**

Chairperson Morrow asked for volunteers to join a working group to address bus stop accessibility. Members Grant, Jokinen, and Ovetz volunteered. Chairperson Morrow indicated Vice Chairperson Eljas expressed interest in joining the working group as well. Member Romoser tentatively volunteered meeting space at Silicon Valley Independent Living Center.

Chairperson Morrow questioned if members had a Ridership Report. Member Ovetz noted the need for an express bus on Stevens Creek Blvd.

Chairperson Morrow expressed concern with the January minutes regarding comments from Alicia Carillo, Interested Citizen. He believed her statements were more about VTA’s operations policies, and not Outreach. He noted help was extended to her by Ex-officio Member Heatley, but it was not reflected in the minutes.

**OTHER**

20. **Announcements**

   There were no announcements.

21. **ADJOURNMENT**

   On order of Chairperson Morrow and there being no objection, the meeting was adjourned at 3:05 p.m.

   Respectfully submitted,

   Menominee L. McCarter, Board Assistant
   VTA Office of the Board Secretary
CALL TO ORDER

The Regular Meeting of the Citizens Advisory Committee (CAC) was called to order at 4:36 p.m. by Chairperson Powers, Conference Room B-104, VTA River Oaks Campus, 3331 North First Street, San Jose, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jeremy Barousse</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Stephen Blaylock</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Clinton Brownley</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Bena Chang</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Chris Elias</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>William Hadaya</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Ray Hashimoto</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Roberta Hughan</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Robert Jacobvitz</td>
<td>Vice Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Bruce Liedstrand</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Aaron Morrow</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Charlotte Powers</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Sally Probst</td>
<td>Member</td>
<td>Present</td>
</tr>
<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>Herman Wadler</td>
<td>Member</td>
<td>Present</td>
</tr>
</tbody>
</table>

A quorum was present.

2. ORDERS OF THE DAY

There were no Orders of the Day.

3. PUBLIC PRESENTATIONS

There were no Public Presentations.

4. Committee Staff Report

Greta Helm, Chief External Affairs Officer and Staff Liaison, reported on: 1) Earth Day
celebrations; 2) the Drive Less Challenge; 3) the Joint Advisory Committee Budget Workshop to be held on Monday, May 9, 2011; 4) the calendar of community meeting locations for the FY2012 & FY2013 VTA Biennial Budget meetings; and 5) the proposed Committee Clipper tour around the San Francisco Bay Area on July 13, 2011.

Members Jacobvitz, Hadaya and Wadler took their seats at 4:39 p.m.

Scott Haywood, Senior Policy Analyst, provided an update on Caltrain.

Member Chang reported on the Silicon Valley Leadership Group’s (SVLG) Caltrain town hall meetings and noted the SVLG is looking at financing options and for dedicated funding sources.

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

5. Chairperson’s Report

Chairperson Powers encouraged the committee members to attend the Board Workshop on April 22, 2011. She then reported on her attendance at a Valley Transportation Plan (VTP) 2040 Plan community meeting.

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

COMBINED CAC AND 2000 MEASURE A CITIZENS WATCHDOG COMMITTEE (CWC) CONSENT AGENDAS

6. Minutes of March 9, 2011

M/S/C (Wadler/Hadaya) to approve the Regular Meeting Minutes of March 9, 2011.

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

Review the updated Monthly Legislative History Matrix.

8. Bill Position: AB 147 (Dickinson)

M/S/C (Wadler/Hadaya) to recommend that the Board of Directors adopt a support position for AB 147 (Dickinson), which expands the existing eligible uses of developer impacts fees to include public transit, bicycle and pedestrian facilities.


M/S/C (Wadler/Hadaya) to recommend that the Board of Directors adopt a support position for SB 383 (Wolk), which addresses issues related to the implementation of the state's Local Government Renewable Energy Self-Generation Program.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
10. **Bill Position: AB 31 (Beall)**

M/S/C (Wadler/Hadaya) to recommend that the Board of Directors adopt a support position for AB 31 (Beall), which authorizes the cities and counties in the Central Valley that have an approved high-speed rail station to prepare and adopt a master plan for development of the area surrounding their stations.

11. **Bill Position: AB 1308 (Miller)**

M/S/C (Wadler/Hadaya) to recommend that the Board of Directors adopt a support position for AB 1308 (Miller), which provides that revenues in the Highway Users Tax Account (HUTA) are to be continuously appropriated and available for expenditure regardless of whether a state budget has been enacted for the new fiscal year.

**2000 MEASURE A CITIZENS WATCHDOG COMMITTEE (CWC) REGULAR AGENDA**

7. **Monthly Legislative History Matrix**

On order of Chairperson Powers and there being no objection, the Committee reviewed the updated Monthly Legislative History Matrix.

12. **Compliance Audit Report on FY10 2000 Measure A Program Revenues and Expenditures**

Craig Boyer, Certified Public Account, Macias, Gini and O’Connell (MGO), provided an overview of the 2000 Measure A Transit Improvement Program Independent Accountant’s Report on Compliance Examination and Budgetary Comparison Schedule for the Fiscal Year Ended June 30, 2010, and noted that for fiscal year ended June 30, 2010, VTA spent the Measure A Funds in compliance with the 2000 Measure A ballot.

Members of the Committee expressed concern over the repayment of borrowed Measure A funds should VTA not receive the anticipated future State Transportation Improvement Program (STIP) funds. They inquired whether a formalized obligation for repayment had been established. Joe Smith, Chief Financial Officer, reported that via two separate actions the Board authorized: 1) the borrowing of the 2000 Measure A funds; and 2) the repayment of 2000 Measure A funds, with interest, via the STIP funds.

Mr. Smith noted copies of the two referenced board memos would be provided to the Committee. He then suggested to the Committee that the two board actions be included as part of MGO’s audit report.

Members of the Committee expressed the need for a back-up reimbursement plan should the anticipated STIP funds not be distributed.

M/S/C (Morrow/Tebo) to receive and accept the audit report from Macias, Gini & O'Connell, the Citizens Watchdog Committee's independent compliance auditor, on the compliance audit of Fiscal Year 2010 (FY10) 2000 Measure A revenues and expenditures.
13. **Determine Date and Location of CWC Public Hearing**

Stephen Flynn, Senior Management Analyst, corrected the date of the hearing listed in the agenda packet to May 11, 2011.

**M/S/C (Hadaya/Morrow)** to satisfy the requirements of Measure A, approve the following: 1) Conduct the CWC annual public hearing on May 11, 2011, in combination with the monthly Citizens Advisory Committee (CAC)/CWC meeting; 2) Hold the combined hearing and CAC/CWC meeting in the Board Chambers at the County of Santa Clara Government Center (70 West Hedding Street); and 3) The CAC/CWC general meeting will start at 5:30 p.m., and the CWC public hearing will commence at 6:00 p.m.

14. **Publication Strategy for Combined Public Hearing and Compliance Audit Results**

Mr. Flynn provided a advertising strategy handout entitled *2000 Measure A Citizens Watchdog Committee Potential Expanded Publication Strategy Combination Public Hearing Announcement & Results of Independent Audit on FY 2010 April/May 2011*.

**M/S (Tebo/Schulter)** to accept the recommended advertising strategy listed on the handout and to add the Mercury News and the Spanish and Vietnamese language newspapers.

Members of the Committee discussed the various options presented on the handout and suggested ways for committee members to advertise the public hearing.

Members Elias and Rogers recommended amending the motion to: 1) add the Spanish and Vietnamese language newspapers; 2) remove the duplicate listing of the Almaden Times; and 3) not utilize the San Jose Mercury News.

**M/S/C (Tebo/Schulter)** to satisfy the 2000 Measure A requirement that the Citizens Watchdog Committee publicly notice the public hearing it conducts and also that it publicize the results of the annual independent audit in local newspapers, approve the following: 1) The content and format of the combined summary notice for publication in local newspapers notifying the public of the Citizens Watchdog Committee's public hearing on May 11, 2011 and the results of the independent compliance audit of the FY 2009 Measure A financial schedule and records; 2) The content and format of the combined notice for placement on VTA’s website notifying the public of the Citizens Watchdog Committee's public hearing on May 11, 2011, and the results of the independent compliance audit of the FY 2010 Measure A financial schedules and records; 3) to accept the recommended advertising strategy listed on the handout and: a) to add the Vietnamese and Spanish language newspapers; b) to remove the duplicate listing of the Almaden Times; and c) to not utilize the San Jose Mercury News; and 4) Employing alternate methods in addition to publication in local newspapers and posting on VTA’s website to notifying the public on the public hearing and the results of the compliance audit, as amended.

**NOTE:** M/S/C MEANS MOTION SECONDED.
15. **BART Silicon Valley Project Update**

Bernice Alaniz, Deputy Director Marketing and Public Affairs, provided a PowerPoint presentation highlighting: 1) BART Silicon Valley Program Activities; 2) Corridor Preparation; 3) Phase 1: Berryessa Extension; 4) Berryessa Extension Stations; 5) Future Connections; 6) Milpitas Station; 7) Berryessa Station; 8) Agency Coordination Efforts; 9) Communication and Outreach; 10) Design Build Procurement; 11) Berryessa Extension Key Milestones; 12) Related Projects; and 13) SVBX Project Schedule.

Members of the Committee questioned whether the planned development around the Milpitas station would be pedestrian friendly. Ms. Alaniz stated information on modal access to the station would be provided to the Committee.

Members of the Committee requested that the PowerPoint presentation for this item be sent to them electronically.

**On order of Chairperson Powers** and there being no objection, the Committee received the BART Silicon Valley Project Update.

**CITIZENS ADVISORY COMMITTEE REGULAR AGENDA**

16. **Valley Transportation Plan (VTP) 2040 Initial Project Lists**

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

A revised *Preliminary Financially Unconstrained Project List* was provided to the Committee.

Members of the Committee expressed concern that the current VTP 2040 plan does not contain enough information on transit. They noted the VTP 2040 plan lacks vision. They stressed that a 30-year plan should start with a vision of what is really needed and then list all possibilities in order to accommodate the future population growth.

Members of the Committee stated the Metropolitan Transportation Commission (MTC) needs to provide more time for the local agencies to prepare the information. Ms. Smith stated the Committee is presently being asked to approve the first project list, not the plan, and that additional projects can be added to the initial list after MTC’s April 29, 2011, deadline. She noted there will be many other opportunities to continue the conversation, as well as to submit ideas, prior to the final plan deadline in April 2013.

**M/S/C (Schulter/Hadaya)** on a vote of 13 Ayes, 1 No, and 0 abstentions to recommend that the Board of Directors adopt the Valley Transportation Plan (VTP) 2040 initial project list for submittal to Metropolitan Transportation Commission (MTC). The Committee understands this list is a starting point, with many good projects identified, but we have serious concerns that there are elements within the document that are not complete and that there is a lack of vision with regard to transit. Member Liedstrand opposed.

**M/S/C (Wadler/Jacobvitz)** to request that the Board authorize this Committee to establish a subcommittee among its members to address the Committee’s concerns on the
VTP 2040 vision. Members Schulte, Blaylock, Tebo, and Chairperson Powers volunteered to be part of the subcommittee.

17. (Deferred to a future Citizens Advisory Committee (CAC) Meeting)

On order of Chairperson Powers and there being no objection, the Committee deferred receiving a report on the Express Bus Business Plan.

COMBINED CAC AND CITIZENS WATCHDOG COMMITTEE ITEMS

18. Citizens Advisory Committee and Citizens Watchdog Committee Work Plans

On order of Chairperson Powers and there being no objection, the Committee reviewed the Citizens Advisory Committee and Citizens Watchdog Committee Work Plans.

OTHER

19. ANNOUNCEMENTS

There were no Announcements.

20. ADJOURNMENT

On order of Chairperson Powers and there being no objection, the meeting was adjourned at 7:19 p.m.

Respectfully submitted,

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

The Regular Meeting of the Santa Clara Valley Transportation Authority (VTA) Bicycle and Pedestrian Advisory Committee (BPAC) was called to order at 6:07 p.m. by Chairperson Meyer in the VTA Auditorium, 3331 North First Street, San Jose, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
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<th>Status</th>
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<tbody>
<tr>
<td>Lisa Aragon</td>
<td>City of Morgan Hill</td>
<td>Absent</td>
</tr>
<tr>
<td>Jim Bell</td>
<td>City of San Jose</td>
<td>Present</td>
</tr>
<tr>
<td>Ray Cosyn</td>
<td>City of Saratoga</td>
<td>Present</td>
</tr>
<tr>
<td>Aaron Faupell</td>
<td>City of Milpitas</td>
<td>Present</td>
</tr>
<tr>
<td>Carl Hagenmaier</td>
<td>City of Los Altos</td>
<td>Absent</td>
</tr>
<tr>
<td>Melanie Hanssen</td>
<td>Town of Los Gatos</td>
<td>Present</td>
</tr>
<tr>
<td>Breeene Kerr</td>
<td>Town of Los Altos Hills</td>
<td>Absent</td>
</tr>
<tr>
<td>Steven Levin</td>
<td>County of Santa Clara</td>
<td>Present</td>
</tr>
<tr>
<td>Jerri-Ann Meyer, Chairperson</td>
<td>City of Mountain View</td>
<td>Present</td>
</tr>
<tr>
<td>Thomas Muniz</td>
<td>City of Gilroy</td>
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</tr>
<tr>
<td>Richard Ruh</td>
<td>City of Monte Sereno</td>
<td>Present</td>
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<tr>
<td>David Simons</td>
<td>City of Sunnyvale</td>
<td>Present</td>
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<tr>
<td>John Sullivan</td>
<td>City of Santa Clara</td>
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<tr>
<td>Richard Swent</td>
<td>City of Palo Alto</td>
<td>Absent</td>
</tr>
<tr>
<td>Herman Wadler</td>
<td>City of Campbell</td>
<td>Present</td>
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<tr>
<td>James Wiant</td>
<td>City of Cupertino</td>
<td>Present</td>
</tr>
<tr>
<td>Corinne Winter</td>
<td>Alt Ex-Officio, SVBC</td>
<td>N/A</td>
</tr>
<tr>
<td>Paul Goldstein, Vice Chairperson</td>
<td>Ex-Officio, SVBC</td>
<td>Present</td>
</tr>
</tbody>
</table>

A quorum was present.

2. ORDERS OF THE DAY

There were no Orders of the Day.

3. PUBLIC PRESENTATIONS

There were no Public Presentations.
4. **Committee Staff Report**

Michelle DeRobertis, Senior Transportation Planner, provided a brief report about the Advisory Committee Budget Workshop, bike way maps for the Bike to Work Day, and the Transportation Injury Mapping System (TIMS).

5. **Chairperson’s Report**

Chairperson Meyer provided a brief report on the following: 1) expressed appreciation to BPAC members who attended the special meeting on March 30, 2011; 2) proclamation of bike to work month by the City of Mountain View, she encouraged the committee members to do the same in their cities; 3) Bike to Work Day on May 12, 2011; 4) Silicon Valley Bicycle Coalition’s (SVBC) Advocacy Bike Summit; and 5) the opportunity to provide input in the revised Environmental Impact Report (EIR) for the 280/880/Stevens Creek Boulevard Improvement.

6. **Reports from BPAC Subcommittees**

Dan Collen, County Roads and Airports Department, announced that the online permit application for Special Events on County Roads is now operational.

Member Simons noted the Bylaws Subcommittee provided its updates to staff. The item will be agendized at a future BPAC meeting.

**On order of Chairperson Meyer** and there being no objection, the Committee received the BPAC Subcommittee Reports.

**CONSENT AGENDA**

7. **Minutes of March 9, 2011**

M/S/C (Simons/Muniz) to approve the Regular Meeting Minutes of March 9, 2011.

8. **Minutes of March 30, 2011**

M/S/C (Simons/Muniz) to approve the Regular Meeting Minutes of March 30, 2011.

**REGULAR AGENDA**

9. **US 101-Capitol Expressway & Yerba Buena Road Interchange Project**

Ven Prasad, Engineering Group Manager, provided an overview of the staff report.

Members of the Committee commented that the project design is a good improvement to the existing condition. They expressed concern about the single lane exit towards the freeway; the planned lighting for the project; and, suggested having a separation barrier between the sidewalk and the vehicle travel lane.

**NOTE:** M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
On order of Chairperson Meyer and there being no objection, the Committee received a report on the US 101-Capitol Expressway & Yerba Buena Road Interchange Project.

The Agenda was taken out of order.

SANTA CLARA COUNTY BPAC AGENDA

11. County Staff Report

Mr. Collen noted that he attended the VTP 2040 Initial Project List meeting where an interested citizen commented that the list has a few bicycle and pedestrian projects. He added that his office is accepting comments regarding the VTP 2040 list.

OTHER

13. Local Jurisdiction Project Review

Member Cosyn provided information regarding the Highway 9 Safety Improvement Project which involves the Town of Los Gatos, City of Monte Sereno, and City of Saratoga. He requested that this item be agendized for a future meeting.

Member Bell noted that the City of San Jose is compiling projects and comparing it to the Bicycle Expenditure Plan. The goal is to develop an updated map that can be translated into Google maps.

Vice Chairperson Goldstein announced that Stanford Hospital is expanding.

Chairperson Meyer stated that there is no new development for the San Antonio Shopping Center and San Antonio Road/Central Expressway project in Mountain View.

14. BPAC Work Plan

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

15. ANNOUNCEMENTS

Vice Chairperson Goldstein announced that the updated Palo Alto Bicycle and Pedestrian Plan will be ready by this summer.

Member Muniz announced that Gilroy City Council supports its first Bicycle/Pedestrian map and the Safe Route to School program.

Member Sullivan announced that the City of Santa Clara will add bicycle lanes on Calabazas Street, between El Camino Real and Monroe Street.

Member Wiant announced that the Cupertino City Council will vote on its Bicycle Plan at its next meeting.
REGULAR AGENDA (continued)

Member Wadler took his seat at 7:19 p.m.

10. **VTP 2040 Initial Project Lists**

Ying Smith, Transportation Planning Manager, provided an overview of the staff report.

Members of the Committee expressed concern about the following: 1) more than 50 percent of the total cost of all program areas is under transit; and 2) bicycle projects represent only three percent of the program area.

The Committee provided the following recommendations:

1. Mary Avenue Extension – request for the bridge and the affected industrial area to have a direct bicycle and pedestrian access to the light rail station.
2. Need more specification on the list of projects.

M/S/C (Wadler/Simons) on a Roll Call Vote of 11 Ayes, to 1 No, and 0 Abstention, to recommend that the Board of Directors adopt the Valley Transportation Plan (VTP) 2040 initial project list for submittal to Metropolitan Transportation Commission (MTC), and priority be given to projects that meet the Complete Streets criteria and VTA Bicycle Technical Guidelines, as amended. Member Levin opposed.

Member Levin left the meeting at 7:52 p.m.

OTHER (continued)

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

Member Wadler reported that the CAC approved the auditor’s report. He noted that the CAC will hold a public hearing at the County Board of Supervisors Chambers on May 11, 2011 to present the auditor’s report to the public.

**On order of Chairperson Meyer** and there being no objection, the Committee received the Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) Report.

16. **ADJOURNMENT**

**On order of Chairperson Meyer** and there being no objection, the Committee meeting adjourned at 7:56 p.m.

Respectfully submitted,

Michael Diareisco
VTA Office of the Board Secretary
TECHNICAL ADVISORY COMMITTEE
Thursday, April 14, 2011

MINUTES

CALL TO ORDER

The Regular Meeting of the Technical Advisory Committee (TAC) was called to order at 1:37 p.m. by Chairperson Capurso in Conference Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Representing</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greg Armendariz, Vice Chairperson</td>
<td>City of Milpitas</td>
<td>Present</td>
</tr>
<tr>
<td>Rajeev Batra</td>
<td>City of Santa Clara</td>
<td>Present</td>
</tr>
<tr>
<td>Todd Capurso, Chairperson</td>
<td>Town of Los Gatos</td>
<td>Present</td>
</tr>
<tr>
<td>John Cherbone</td>
<td>City of Saratoga</td>
<td>Absent</td>
</tr>
<tr>
<td>Richard Chiu</td>
<td>Town of Los Altos Hills</td>
<td>Present</td>
</tr>
<tr>
<td>Dan Collen, Alternate</td>
<td>County of Santa Clara</td>
<td>Present</td>
</tr>
<tr>
<td>Don Dey</td>
<td>City of Gilroy</td>
<td>Present</td>
</tr>
<tr>
<td>Robert Kass</td>
<td>City of Campbell</td>
<td>Present</td>
</tr>
<tr>
<td>Helen Kim</td>
<td>City of Mountain View</td>
<td>Present</td>
</tr>
<tr>
<td>Larry Lind</td>
<td>City of Los Altos</td>
<td>Present</td>
</tr>
<tr>
<td>Shahla Yazdy, Alternate</td>
<td>City of Palo Alto</td>
<td>Present</td>
</tr>
<tr>
<td>Jim Rowe, Alternate</td>
<td>City of Morgan Hill</td>
<td>Present</td>
</tr>
<tr>
<td>Mo Sharma</td>
<td>City of Monte Sereno</td>
<td>Absent</td>
</tr>
<tr>
<td>David Stillman, Alternate</td>
<td>City of Cupertino</td>
<td>Present</td>
</tr>
<tr>
<td>Lee Taubeneck, Ex-Officio</td>
<td>Dept. of Transportation (Caltrans)</td>
<td>Absent</td>
</tr>
<tr>
<td>Ben Tripousis</td>
<td>City of San Jose</td>
<td>Present</td>
</tr>
<tr>
<td>Jack Witthaus</td>
<td>City of Sunnyvale</td>
<td>Present</td>
</tr>
</tbody>
</table>

A quorum was present.

2. PUBLIC PRESENTATIONS

There were no Public Presentations.

3. ORDERS OF THE DAY

There were no Orders of the Day.

4. Committee Staff Report

John Ristow, Chief CMA Officer and Staff Liaison, provided a report, highlighting: 1) April 14, 2011 VTA’ Policy Advisory Committee (PAC) and Cities Association Joint Meeting at 4:30 p.m. in Sunnyvale; 2) Federal Transit Administration (FTA) New Starts Program funding for the Berryessa Extension; 3) VTA released the Request for Proposals (RFP) for the Berryessa Extension Project on March 25, 2011; and 4) “Save the Date” May 9, 2011 Advisory Committee Budget Workshop Meeting held at VTA’s River Oaks Campus at 4:00 p.m.
On order of Chairperson Capurso and there being no objection, the Committee Staff Report was received.

5. Chairperson’s Report

Chairperson Capurso directed attention to the following revised attachments: Agenda Item #9.a. Preliminary Financially Unconstrained Project List and Agenda Item #10.c. Noise Reduction Screening Study Sites.

6. Reports from TAC Working Groups

- Capital Improvement Program (CIP)

  Amin Surani, Principal Transportation Planner, reported that the CIP Working Group did not meet in March 2011; and the next CIP Working Group is scheduled for April 26, 2011.

  Member Batra arrived at the meeting and took his seat at 1:42 p.m.

- Systems Operations and Management (SOM)


- Land Use/Transportation Integration (LUTI)

  Ying Smith, Transportation Planner Manager, reported there was no LUTI Working Group meeting in April 2011. The next meeting is scheduled in May 2011.

On order of Chairperson Capurso and there being no objection, the reports from the TAC Working Groups were received.

7. High Speed Rail/Caltrain Project

Steven Fisher, Senior Transportation Planner, provided a verbal report on the High Speed Rail (HSR)/Caltrain Project, highlighting: 1) HSR and American Recovery and Reinvestment Act (ARRA) grant funding; and 2) efforts to define the HSR project in the Bay Area.

Members of the Committee noted the following: 1) the City of San Jose has six community working group meetings scheduled to look at the development of the aerial design in San Jose; 2) the City of Gilroy has scheduled a total of four community meetings and two council meetings to determine a recommended location and design for HSR Station; and 3) a “Save Caltrain” town meeting scheduled on Thursday, April 14, 2011 at the Morgan Hill Community Cultural Center.

On order of Chairperson Capurso and there being no objection, the High Speed Rail/Caltrain Project Report was received.
BUSINESS REFERRED TO COMMITTEE BY THE BOARD OF DIRECTORS/GENERAL MANAGER

CONSENT AGENDA

8. Minutes of March 10, 2011

M/S/C (Batra/Tripousis) to approve the Regular Meeting Minutes of March 10, 2011.

REGULAR AGENDA

9. Valley Transportation Plan (VTP) 2040 Initial Project Lists

Ms. Smith provided a brief overview of the staff report and commented on the revised Attachment Item #9.a. - Preliminary Financially Unconstrained Project List with project costs and schedule.

Ms. Smith noted that six public meetings will be conducted from March – April 2011 throughout the Bay Area to discuss the Regional Transportation Plan (RTP) and Sustainable Communities Strategies (SCS) development and to receive feedback on the draft Valley Transportation Plan (VTP) project lists.

Members of the Committee commented on the following: 1) importance of considering all city interests not just the cities with Priority Development Areas (PDA’s); 2) concurred with the Bicycle and Pedestrian Advisory Committee (BPAC) recommendation that projects comply with Complete Streets Policies and the Bicycle Technical Guidelines; and 3) importance of including language that projects comply with other adopted local design standards or guidelines.

M/S/C (Collins/Tripousis) to recommend that the Board of Directors adopt the Valley Transportation Plan (VTP) 2040 initial project list for submittal to Metropolitan Transportation Commission (MTC); and further recommend, TAC supports the BPAC suggestion that projects comply with Complete Streets Policies and Bicycle Technical Guidelines with the understanding that other adopted local design standards or guidelines may also apply and suffice.

10. Noise Reduction Screening Study

Christina Jaworski, Senior Environmental Planner, provided an overview of the staff report and commented on the revised Attachment Item #10.c. – Noise Reduction Screening Study Sites. She commented on staff’s proposed actions to improve the cost effectiveness of sound walls for highway project sites in Santa Clara County.

Members of the Committee noted the following: 1) importance for staff to keep track of the projects being developed by other agencies and counties to ensure that the criteria list is not being stretched; 2) importance of emphasizing that the local interest is to continue to have flexibility in noise mitigation; and 3) importance of including freeways in the proposed recommended actions.

Upon query from Members of the Committee, Ms. Jaworski responded that after three to five years, it is likely that the environmental documentation will need to be “revalidated” to confirm there have been no substantive changes in existing conditions or regulations.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
The Noise Study Report (NSR) will be revised if there has been a planned project or major changes in traffic volumes in the vicinity. However, the cost effectiveness of the project will need to be revisited to reflect changes in the reasonableness allowance and/or construction costs.

**M/S/C (Tripousis/Armendariz)** to recommend that the Board of Directors receive the results of the Noise Reduction Screening Study and approve the changes in the process for evaluating the cost-effectiveness of sound walls in Santa Clara County.

### 11. Fiscal Year 2012 and Fiscal Year 2013 Congestion Management Program (CMP) Work Program

Mr. Ristow provided an overview of the staff report and distributed a handout entitled, “The CMP Work Program Mandates,” noting the history of the requirements of the CMP Work Program.

Mr. Ristow commented on the items directed by the Congestion Management Program and Planning (CMPP) Committee, such as the comparison of Proposition 111 fund distribution and other CMA funds to member agency fees, and the overview of the two-year CMP Work Program and budget.

Mr. Ristow clarified that the intersection counts will include County intersection counts for the FY13 Monitoring and Conformance Report. Member Agency Fees will remain at current levels for FY12 and FY13.

**M/S/C (Batra/Tripousis)** to recommend that the Board of Directors approve the Fiscal Year 2012 and Fiscal Year 2013 Congestion Management Work Program.

### 12. Valley Transportation Plan, Regional Transportation Plan, and Sustainable Communities Strategies Updates

Chris Augenstein, Congestion Management Program and Planning Deputy Director, provided a brief overview of the staff report. The Initial Vision Scenario is available online at the following: [www.onebayarea.org/pdf/initial_vision_scenario_report.pdf](http://www.onebayarea.org/pdf/initial_vision_scenario_report.pdf).

Mr. Augenstein commented that six public workshops will be conducted throughout the Bay Area to discuss the VTP, RTP, SCS, and the Initial Vision Scenario, noting VTA’s Policy Advisory Committee (PAC)/Cities Association Joint Meeting will be held on Thursday, April 14, 2011 at 4:00 p.m. at Sunnyvale City Hall.

**On order of Chairperson Capurso** and there being no objection, the Committee received an update on the Valley Transportation Plan, Regional Transportation Plan and Sustainable Communities Strategy activities.

### 13. Local Program Reserve Program Update

Mr. Surani reported provided an overview of the staff report.

**On order of Chairperson Capurso** and there being no objection, the Committee received the Local Program Reserve Program Update.
OTHER

14. Metropolitan Transportation Commission (MTC) Activities and Initiatives

Mr. Ristow reported that the MTC focus is currently on the RTP, SCS, and Regional Express Lanes.

On order of Chairperson Capurso and there being no objection, the Committee received an update on MTC Activities and Initiatives.

15. Technical Advisory Committee (TAC) Subcommittee Report

Chairperson Capurso provided a report on the discussions held at the TAC Subcommittee meeting regarding: 1) VTP 2040 Project Lists update; and 2) VTP and RTP.

On order of Chairperson Capurso and there being no objection, the Committee received the TAC Subcommittee Report.

16. Committee Work Plan

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

17. Announcements

Members of the Committee expressed appreciation and thanked Member Kass for his dedicated work and service on the TAC and presented him with a token of appreciation for his diligent work and role in addressing litter control.

Member Kass introduced Michelle Quinney, City Engineer, who will represent the City of Campbell on the TAC Committee.

18. ADJOURNMENT

On order of Chairperson Capurso and there being no objection, the meeting was adjourned at 2:52 p.m.

Respectfully submitted,

Michelle M. Garza, Board Assistant
VTA Office of the Board Secretary
POLICY ADVISORY COMMITTEE

Thursday, April 14, 2011

MINUTES

CALL TO ORDER

The Regular Meeting of the Policy Advisory Committee (PAC) was called to order at 4:10 p.m. by Chairperson Pirzynski in the West Conference Room, Sunnyvale City Hall, 456 West Olive Avenue, Sunnyvale, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Representing</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jeffrey Cristina</td>
<td>City of Campbell</td>
<td>Present</td>
</tr>
<tr>
<td>Michael Kotowski (Alternate)</td>
<td>City of Campbell</td>
<td>NA</td>
</tr>
<tr>
<td>Barry Chang</td>
<td>City of Cupertino</td>
<td>Absent</td>
</tr>
<tr>
<td>Orrin Mahoney (Alternate)</td>
<td>City of Cupertino</td>
<td>Absent</td>
</tr>
<tr>
<td>Cat Tucker</td>
<td>City of Gilroy</td>
<td>Present</td>
</tr>
<tr>
<td>Dion Bracco (Alternate)</td>
<td>City of Gilroy</td>
<td>NA</td>
</tr>
<tr>
<td>Megan Satterlee, Vice Chairperson</td>
<td>City of Los Altos</td>
<td>Present</td>
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<tr>
<td>Jarrett Fishpaw (Alternate)</td>
<td>City of Los Altos</td>
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<tr>
<td>Vacant Town of Los Altos Hills</td>
<td>Town of Los Altos Hills</td>
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<tr>
<td>Vacant (Alternate)</td>
<td>Town of Los Altos Hills</td>
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<tr>
<td>Joe Pirzynski, Chairperson</td>
<td>Town of Los Gatos</td>
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<tr>
<td>Diane McNutt (Alternate)</td>
<td>Town of Los Gatos</td>
<td>NA</td>
</tr>
<tr>
<td>Armando Gomez</td>
<td>City of Milpitas</td>
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</tr>
<tr>
<td>Vacant (Alternate)</td>
<td>City of Milpitas</td>
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</tr>
<tr>
<td>Lana Malloy</td>
<td>City of Monte Sereno</td>
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</tr>
<tr>
<td>Burton Craig (Alternate)</td>
<td>City of Monte Sereno</td>
<td>Absent</td>
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<tr>
<td>Larry Carr</td>
<td>City of Morgan Hill</td>
<td>Present</td>
</tr>
<tr>
<td>Rich Constantine (Alternate)</td>
<td>City of Morgan Hill</td>
<td>NA</td>
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<tr>
<td>John Inks</td>
<td>City of Mountain View</td>
<td>Present</td>
</tr>
<tr>
<td>Jae Siegel (Alternate)</td>
<td>City of Mountain View</td>
<td>NA</td>
</tr>
<tr>
<td>Gail Price</td>
<td>City of Palo Alto</td>
<td>Present</td>
</tr>
<tr>
<td>Nancy Shepherd (Alternate)</td>
<td>City of Palo Alto</td>
<td>NA</td>
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<tr>
<td>Kansen Chu</td>
<td>City of San José</td>
<td>Absent</td>
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<tr>
<td>Vacant (Alternate)</td>
<td>City of San José</td>
<td>NA</td>
</tr>
<tr>
<td>Jamie Matthews</td>
<td>City of Santa Clara</td>
<td>Present</td>
</tr>
<tr>
<td>Jamie McLeod (Alternate)</td>
<td>City of Santa Clara</td>
<td>NA</td>
</tr>
<tr>
<td>Howard Miller</td>
<td>City of Saratoga</td>
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</tr>
<tr>
<td>Emily Lo (Alternate)</td>
<td>City of Saratoga</td>
<td>Absent</td>
</tr>
<tr>
<td>Jim Griffith</td>
<td>City of Sunnyvale</td>
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<tr>
<td>David Whittum (Alternate)</td>
<td>City of Sunnyvale</td>
<td>NA</td>
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<tr>
<td>Mike Wasserman</td>
<td>SCC Board of Supervisors</td>
<td>Present</td>
</tr>
<tr>
<td>Vacant (Alternate)</td>
<td>SCC Board of Supervisors</td>
<td>NA</td>
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</tbody>
</table>

A quorum was not present and a Committee of the Whole was declared.
2. **ORDERS OF THE DAY**

Chairperson Pirzynski deferred voting for all items on the agenda pending arrival of a quorum.

3. **PUBLIC PRESENTATIONS**

Mr. Steven Levin, concerned citizen, referenced Agenda Item #7, VTP 2040 Initial Project Lists, and expressed the need for highway improvements throughout Santa Clara County.

   *The agenda was taken out of order.*

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

**CONSENT AGENDA**

6. **Minutes of March 10, 2011**

   On order of Chairperson Pirzynski and there being no objection, the Regular Meeting Minutes of March 10, 2011, was deferred pending the arrival of a quorum.

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

   Recommend that the Board of Directors adopt the Valley Transportation Plan (VTP) 2040 initial project list for submittal to Metropolitan Transportation Commission (MTC).

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

   Recommend that the Board of Directors receive the results of the Noise Reduction Screening study and approve the changes in the process for evaluating the cost-effectiveness of sound walls in Santa Clara County.

9. **FY 2012 and FY 2013 CMP Work Program**

   On order of Chairperson Pirzynski and there being no objection, the FY 2012 and FY 2013 CMP Work Program was deferred pending the arrival of a quorum.

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

    Receive the Local Program Reserve Program Update.

**REGULAR AGENDA**

7. **Valley Transportation Plan (VTP) 2040**

   Chris Augenstein, Deputy Director Planning, and John Ristow, Chief Congestion Management Agency Officer, responded to questions from Members of the Committee regarding the inclusion of additional, public-recommended projects to the VTP 2040 Plan.
Member Carr took his seat at 4:20 p.m.

On order of Chairperson Pirzynski and there being no objection, the Valley Transportation Plan (VTP) 2040 initial project list was deferred pending the arrival of a quorum.

8. Noise Reduction Screening Study

Members of the Committee recommended VTA clarify that geographic differences in cost reasonableness should be allowed to account for variations in construction costs rather than housing costs. Christina Jaworski, Senior Environmental Planner, noted this change would be made to the document.

On order of Chairperson Pirzynski and there being no objection, the Noise Reduction Screening Study was deferred pending the arrival of a quorum.

10. Local Program Reserve Program Update

Members of the Committee questioned the long-term mechanisms in place to ensure equitable spending among the cities. Mr. Ristow stated staff would bring the policy and procedure developed by staff to the committees.

Member Tucker took her seat at 4:27 p.m. and a quorum was declared.
Member Matthews took his seat at 4:30 p.m.

On order of Chairperson Pirzynski and there being no objection, the Committee received the Local Program Reserve Program Update.

6. Minutes of March 10, 2011

M/S/C (Griffith/Inks) to approve the Regular Meeting Minutes of March 10, 2011.

9. FY 2012 and FY 2013 CMP Work Program

M/S/C (Griffith/Inks) to recommend that the Board of Directors approve the Fiscal Year 2012 and Fiscal Year 2013 Congestion Management Work Program.

7. Valley Transportation Plan (VTP) 2040

M/S/C (Griffith/Inks) to recommend that the Board of Directors adopt the Valley Transportation Plan (VTP) 2040 initial project list for submittal to Metropolitan Transportation Commission (MTC).

8. Noise Reduction Screening Study

M/S/C (Griffith/Inks) to recommend that the Board of Directors receive the results of the Noise Reduction Screening study and approve the changes in the process for evaluating the cost-effectiveness of sound walls in Santa Clara County.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
4. Committee Staff Report

Jim Lawson, Executive Policy Advisor and Staff Liaison, reported: 1) at its last meeting the Caltrain Board directed staff to come back to the Board with a plan to continue supporting the 86-train schedule that it currently operates under; 2) Caltrain’s ridership update showed the highest ridership in history, with 41,442 average weekday ridership boardings; 3) the Caltrain Board identified the need to determine a way to support a positive system; 4) there is a $3.5 million gap in the operating budget based on the one-time funds from a variety of sources; 5) the Caltrain Board is still working to close that gap and create a two-year budget that would maintain the 86-train schedule.

Members of the Committee questioned when an update on Caltrain’s strategic plan would be received by the Committee. Mr. Lawson stated Caltrain’s strategic plan would be placed on a future agenda.

5. Chairperson's Report

There was no Chairperson’s report.

11. Valley Transportation Plan, Regional Transportation Plan and Sustainable Communities Strategy activities

Staff notified the Committee that they would be receiving an update on the Valley Transportation Plan, Regional Transportation Plan and Sustainable Communities Strategy activities during the PAC’s joint meeting with the Cities Association of Santa Clara County immediately following the PAC meeting.

On order of Chairperson Pirzynski and there being no objection, the Committee deferred receiving the Local Program Reserve Program Update to the PAC’s joint meeting with the Cities Association of Santa Clara County.

OTHER

12. PAC Work Plan

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

13. Announcements

There were no Announcements.

14. ADJOURNMENT

On order of Chairperson Pirzynski and there being no objection, the Committee Meeting was adjourned at 4:34 p.m.

Respectfully submitted,

Susan E. Garcia, Board Assistant
VTA Office of the Board Secretary
MOBILITY PARTNERSHIP
STATE ROUTE 152 TRADE CORRIDOR PROJECT BRIEFING

Thursday, April 28, 2011

NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the Mobility Partnership State Route 152 Trade Corridor Project Briefing scheduled for Thursday, April 28, 2011 at 10:00 a.m. has been cancelled.

The next briefing of the Mobility Partnership State Route 152 Trade Corridor Project has not been scheduled.

Elaine Baltos, Assistant Board Secretary
VTA Board of Directors
CALL TO ORDER

The Regular Meeting of the Diridon Station Joint Policy Advisory Board (“Committee”) was called to order at 3:08 p.m. by Chairperson Reed in the Board of Supervisors Chambers, County Government Center, 70 West Hedding Street, San José, California.

1. ROLL CALL

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<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
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</thead>
<tbody>
<tr>
<td>Jim Beall</td>
<td>Ex-Officio</td>
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<tr>
<td>Tom Blalock</td>
<td>Member</td>
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</tr>
<tr>
<td>Rod Diridon, Sr.</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Ash Kalra</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Sam Liccardo</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Pierluigi Oliverio</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Chuck Reed</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Ken Yeager</td>
<td>Vice Chairperson</td>
<td>Present</td>
</tr>
</tbody>
</table>

A quorum was present.

Member Diridon stated the High Speed Rail (HSR) Authority has issued a letter authorizing him to continue to represent them on the Committee. He will provide the letter to staff.

2. PUBLIC PRESENTATIONS

There were no Public Presentations.

3. Minutes of December 17, 2010

M/S/C (Yeager/Oliverio) to approve the Regular Meeting Minutes of December 17, 2010.

4. Assembly Bill (AB) 31: California High-Speed Rail Act

Scott Haywood, Senior Policy Analyst, gave a brief overview of the proposed legislation introduced by California State Assembly Member Jim Beall and recommended the Committee and each agency represented on the Committee send a letter of endorsement for AB 31 to Assembly Member Beall.

Ex-Officio Member Beall spoke to the importance of the proposed legislation. He noted AB 31 opens the door for: 1) master planning; 2) financing through infrastructure-financing
districts; 3) high-density development; 4) transit-oriented development; and 5) air quality improvement.

Jim Lawson, Executive Policy Advisor and Staff Liaison, reported that staff would prepare a supporting letter from the Committee and deliver it to Chairperson Reed for his signature.

M/S/C (Diridon/Yeager) to receive an update and endorse Assembly Bill (AB) 31: California High-Speed Rail Act.

5. **Update on Caltrain Financial and Service Issues**

Mr. Lawson reported: 1) Caltrain identified a $30 million operating shortfall in its projected 2012 fiscal operating budget; 2) A $30 million shortfall thus necessitates certain reductions in Caltrain service; 3) The Caltrain Board held public meetings in Santa Clara County, San Mateo County and San Francisco County to outline the potential service reductions and fare increases; 4) At its March 3, 2011, meeting the Caltrain Board declared a fiscal emergency; 5) The Silicon Valley Leadership Group held a leadership summit on January 21, 2011, to identify solutions to the Caltrain situation; 6) Friends of Caltrain also held a summit; and 7) Between the two initiatives 75 recommendations were received to help support the Caltrain funding shortfall.

Mr. Lawson reported the Santa Clara Valley Transportation Authority (VTA) Board of Directors put forth several recommendations to help with the Caltrain funding situation at its March 3, 2011, meeting.

Mr. Lawson then reported that the general managers of the agencies represented on the Caltrain Board, VTA, San Mateo County Transit, San Francisco Municipal Transportation Agency, and the Executive Director of the Metropolitan Transportation Commission (MTC) met and have decided to focus on a short-term, two-year solution to the operating budget. The next meeting of the general managers is scheduled for March 21, 2011.

**On order of Chairperson Reed** and there being no objection, the Committee received an update on Caltrain Financial and Service Issues.

6. **Update on Diridon Station Planning Activities**

Dan Leavitt, Deputy Director HSR Authority, provided an update on HSR highlighting: 1) A special HSR board meeting will be held on March 30, 2011, and the primary focus is application for additional federal funds; 2) On April 4, 2011, the HSR Authority board meeting will focus on applying for federal funds recently relinquished by the State of Florida; 3) A policy was adopted by the HSR Board in January for station-area-program-development funding for cities with HSR stations; 4) An additional $4.5 million in federal funding was granted for the HSR to work with cities and their station-area-development planning; 5) the HSR Board gave its CEO the authority to work with its federal partner to establish the distribution priority; 6) The City of San José (San José) is at the top of the HSR’s list for distribution of these newly-released funds, along with the stations in the Central Valley; 7) HSR looks to develop an agreement with San José, with the expectation that it will take several months to complete the paperwork and review by the HSR Department of General Services; 8) Funding is expected by the beginning of the next fiscal year; 9) The HSR portion of the funding allocated for San José is $200,000; 10) If San José
qualifies for a match, the federal-funding portion would not exceed $700,000; 11) HSR will start with seven cities, with San José being the biggest among the seven cities; and 12) HSR wants all contractual work completed with the cities in advance of the next fiscal year.

Member Diridon reported: 1) The HSR Authority met with United States Deputy Secretary of Transportation John D. Porcari and Federal Railroad Administration Deputy Administrator Karen Rae to discuss the $4.5 million in Federal Funding released by the State of Florida; 2) Deputy Secretary Porcari announced that the northeast corridor would also be eligible for the funds; 3) The recently announced $2.4 billion in HSR funding will be spread throughout the 13 U.S. rail corridors; and 4) California has an advantage because it is asking for matching funds.

Ben Tripousis, Transportation Department, City of San José, reported: 1) San José, in cooperation with VTA and Caltrain, is working on a master plan for the Diridon Station area in order to perform program-level planning as well as to environmentally clear all of the land uses in the surrounding area; 2) A draft preferred plan was presented to the San José City Council (“Council”) for their input on January 25, 2011; 3) The Council scheduled a study session on April 28, 2011, to fully discuss the draft preferred plan and allow time for stakeholder input; 4) From that study session, staff is hoping to receive direction from the Council to begin the environmental clearance process on the preferred plan; 5) The environmental process is expected to be completed within a one-year period; 6) The preferred plan and environmental document would then be brought back to the Council for adoption; 7) Per the Committee’s direction, staff will present the preferred plan to the VTA Board and the Caltrain Joint Powers Board, for their input, following the April 28, 2011, Council study session.

7. ANNOUNCEMENTS

Ex-Officio Member Beall provided a handout entitled, “Metropolitan Transportation Commission (MTC) Seeks Change to Board Structure.” He referenced Assembly Bill 57 (Beall) that would add two voting seats to MTC, to be appointed by the mayors of San José and Oakland.

8. ADJOURNMENT

On order of Chairperson Reed and there being no objection, the meeting was adjourned at 3:38 p.m.

Respectfully submitted,

Susan E. Garcia, Board Assistant
VTA Office of the Board Secretary