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 #9.
• 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, www.vta.org.
CALL TO ORDER

1. ROLL CALL

2. RECESS TO CLOSED SESSION

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

      Name of Case: Hernandez v. Santa Clara Valley Transportation Authority
      (Santa Clara Superior Court Case No.: 1-09-CV-160136)

   B. 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

   C. Public Employment
      [Government Code Section 54957]

      Title: General Counsel

RECONVENE TO OPEN SESSION

3. CLOSED SESSION REPORT

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

5. Approve the appointment of a Search Committee for the recruitment of General Counsel.
6. **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.


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

| 10. | Approve the Board of Directors Regular Meeting Minutes of June 2, 2011. |
| 11. | Approve the Board of Directors Workshop Meeting Minutes of June 24, 2011. |
| 12. | ACTION ITEM - Reaffirm Ex-Officio Board Member David Cortese's appointment as the second VTA representative to the Downtown East Valley (DTEV) Policy Advisory Board (PAB). |
| 13. | ACTION ITEM - 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. *(Deferred from the April 7, 2011 Board of Directors’ meeting.)* |
| 15. | ACTION ITEM - Accept the CMP Model Conformity Consistency findings for the City of San Jose Local Transportation Model. |
| 16. | ACTION ITEM - Adopt VTA’s Sustainable Communities Strategy (SCS) Principles as Santa Clara County’s position to ensure proper development of a viable Regional Transportation Plan. |
| 17. | ACTION ITEM - Authorize the General Manager to revise URS Corporation contract S06119 to a not-to-exceed total contract value of $8.3 million to correct a staff oversight that reported the not-to-exceed value for the contract to be $4.3 million at its approval at the May 5, 2011 VTA Board Meeting. |
| 18. | ACTION ITEM - Adopt a resolution agreeing to conduct Resolution of Necessity hearings at the local level for the I-280/I-880/Stevens Creek Boulevard Improvements Project, as required by State law. **Note: Motion must be approved by at least 4/5 of the Board (10 members).** |
19. ACTION ITEM - Adopt a Resolution approving and adopting the Final Relocation Plan for the I-280/I-880/Stevens Creek Boulevard Improvements Project (Project).

20. ACTION ITEM - Adopt a Resolution approving and adopting the Relocation Plan for the Santa Clara-Alum Rock Rapid Transit Project.

21. ACTION ITEM - Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Upper Penitencia Creek Improvement Project within the SVRT Program.

**Administration and Finance Committee**

The Administration and Finance Committee did not meet in June or July 2011.

**Congestion Management Program and Planning Committee**

The Congestion Management Program and Planning Committee did not meet in June or July 2011.

**Transit Planning and Operations Committee**

The Transit Planning and Operations Committee did not meet in June or July 2011.

**Audit Committee**

The Audit Committee did not meet in June or July 2011.

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**CEREMONIAL ITEMS/SPECIAL REPORTS**

22. **AWARDS AND COMMENDATION**

   A. INFORMATION ITEM - For July 2011, recognize Ray Franklin, Quality Assurance & Warranty Specialist, River Oaks Administration; Shonna Swain, Coach Operator, North Division; Marc Johnson, Transit Mechanic, Cerone Maintenance Division, as Employees of the Month; and Joel Milburn, Light Rail Power System Supervisor, Way Power and Signal, as Supervisor of the Quarter for the third quarter of 2011.

   For August 2011, recognize Shanthi Chatradhi, Associate Transportation Engineer, River Oaks Administration; Richard Gould, Coach Operator, North Division; and Danny Davis, Paint and Body Mechanic, Bus Overhaul and Repair, as Employees of the Month.

   B. INFORMATION ITEM - Recognize Hien Chu, a ninth grade student from Evergreen Valley High School, as the winner of VTA’s Earth Day essay contest.

23. **REPORT FROM THE GENERAL MANAGER.** (Verbal Report)

24. **REPORT FROM THE CHAIRPERSON.** (Verbal Report)
25. INFORMATION ITEM - Receive Silicon Valley Rapid Transit (SVRT) Program Update.

26. ACTION ITEM - Authorize the General Manager to extend the current contract of $462,355, plus an interim 90-day extension for $69,353, with BalancePoint Strategic Services in the amount of $550,000 for a total contract value of $1,081,708 to provide ongoing professional services in support of the Joint Workforce Investment (JWI) project. The term of the extended contract would be from July 1, 2011 through June 30, 2014.

27. ACTION ITEM - Authorize the General Manager to execute a contract with Ghirardelli Associates, Inc. for Construction Management Services for the Freight Railroad Relocation activities including the Mission Warren Truck-Rail contract and the Kato Road Grade Separation Project in the amount of $7,300,000. The term of the contract will be for four years through June 30, 2015 with options for three one-year extensions.

28. ACTION ITEM - Authorize the General Manager to execute a contract with the lowest responsive and responsible bidder for the procurement of the 42-inch diameter steel pipe for the relocation of the Santa Clara Valley Water District waterline in the Silicon Valley Berryessa project corridor.

Note: Due to the timing of the bid opening and bid review, this recommendation is preliminary. Bid results and a final recommendation will be reported in a revised memorandum provided to the Board prior to the August 4, 2011 meeting.

29. ACTION ITEM - Authorize the General Manager to execute a contract with the lowest responsive and responsible bidder for construction of the SR 237/I-880 Express Connectors project. This contract is 80% federally funded.

Note: Due to the timing of the bid opening on July 22, 2011, the bid review is not yet completed. Following the bid review, bid results and a final recommendation will be presented in a revised memorandum provided to the Board prior to the August 4, 2011 meeting.

Administration and Finance Committee - Liz Kniss

The Administration and Finance Committee did not meet in June or July 2011.

Congestion Management Program and Planning Committee - Chuck Page

The Congestion Management Program and Planning Committee did not meet in June or July 2011.

Transit Planning and Operations Committee - Rich Larsen

The Transit Planning and Operations Committee did not meet in June or July 2011.

- INFORMATION ITEM - Accept Update from Revenue Enhancement Committee on VTA Marketing Plan for FY12.
Audit Committee - Rose Herrera

The Audit Committee did not meet in June or July 2011.

### OTHER ITEMS

30. INFORMATION ITEM - Review the Monthly Legislative History Matrix

31. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

32. REPORTS (UNAPPROVED MINUTES) FROM STANDING COMMITTEES

   A. Administration and Finance Committee *(No Meeting Scheduled)*
   B. Congestion Management Program and Planning Committee *(No Meeting Scheduled)*
   C. Transit Planning and Operations Committee *(No Meeting Scheduled)*
   D. Audit Committee

33. REPORTS (UNAPPROVED MINUTES) FROM ADVISORY COMMITTEES

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

34. 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
35. REPORTS FROM VTA POLICY ADVISORY BOARDS (PABs)

A. Diridon Station Joint Policy Advisory Board *(Meeting Cancelled)*

B. Downtown East Valley PAB

C. El Camino Real Rapid Transit PAB *(No Meeting Scheduled)*

D. Silicon Valley Rapid Transit Corridor & BART Warm Springs Extension PAB *(No Meeting Scheduled)*

36. ANNOUNCEMENTS

37. ADJOURN
BOARD OF DIRECTORS MEETING  
Thursday, June 2, 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 5:33 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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<tr>
<td>Xavier Campos</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>David Cortese</td>
<td>Ex-Officio Board Member</td>
<td>Present</td>
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<tr>
<td>Rose Herrera</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Ash Kalra</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Liz Kniss</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Rich Larsen</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Sam Liccardo</td>
<td>Board Member</td>
<td>Absent</td>
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<tr>
<td>Jamie Matthews</td>
<td>Alternate Board Member</td>
<td>Present</td>
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<tr>
<td>Pete McHugh</td>
<td>Alternate Board Member</td>
<td>Present</td>
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<tr>
<td>Chris Moylan</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Chuck Page</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Nancy Pyle</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<tr>
<td>Chuck Reed</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<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>Absent</td>
</tr>
<tr>
<td>Ken Yeager</td>
<td>Vice Chairperson</td>
<td>Present</td>
</tr>
</tbody>
</table>

* Alternates do not serve unless participating as a Member.

A quorum was present.

Chairperson Abe-Koga referenced the Agenda as follows: Agenda Item #2.X. Existing Litigation - Conference with Legal Counsel and Agenda Item #2.X.X. Conference with Real Property Negotiators, noting they were noticed and distributed prior to the Board of Directors Regular meeting, which is in accordance with the Ralph M. Brown Act.
2. RECESS TO CLOSED SESSION

Public Comment

The following individuals addressed the Board of Directors and stressed the importance of continuing good faith contract negotiations. They noted that if the Budget is approved tonight it should have the flexibility to accommodate the bargaining union’s ratified contract agreements with VTA:

- Mark Knollmueller, Service Employees International Union (SEIU) Local 521 Vice Chairperson;
- Tammy Dhanota, SEIU Local 521 Chief Steward;
- Rajwinder Sehdev, Senior Architect and Past President of the Transportation Authority Engineers and Architects Association (TAEA); and
- John Carlson, American Federation of State, County, and Municipal Employees (AFSCME) Local 101 VTA Chapter President.

Mike Thornton, Legal Counsel representing Brian Horner and Milpitas RV Storage, expressed concern about the negative impact to his client’s business if Walton’s design proposal is accepted by VTA’s Board of Directors.

Fernando Villa, Legal Counsel representing Walton CWCA Wrigley Creek 31 property owner, urged VTA’s Board of Directors to consider the design proposal submitted by Walton property owner.

2. RECESSED TO CLOSED SESSION at 5:53 p.m.

A. 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

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]

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

Property: Portion of Newhall Yard on Brokaw Road near Coleman Avenue in Santa Clara, CA
Agency Negotiator: Bijal Patel, Deputy Director, Property Development and Management

Negotiating Parties: Ventura Transportation and Rental Equipment, LLC

Under Negotiation: Price and Terms of Payment

**RECONVENED TO OPEN SESSION** at 6:36 p.m.

3. **CLOSED SESSION REPORT**

A. 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

   Kevin Allmand, General Counsel, noted there was no reportable action taken during Closed Session.

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]

   Mr. Allmand noted there was no reportable action taken during Closed Session.

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

   Property: Portion of Newhall Yard on Brokaw Road near Coleman Avenue in Santa Clara, CA

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

   Negotiating Parties: Ventura Transportation and Rental Equipment, LLC
   Under Negotiation: Price and Terms of Payment

   Mr. Allmand noted there was no reportable action taken during Closed Session.

4. **PUBLIC PRESENTATIONS**

   Roland Lebrun, Interested Citizen, noted the importance to improve connectivity with the Santa Teresa light rail trains at the Caltrain Tamien Station.
Mike Ludwig, Interested Citizen, expressed concern on the ramp metering.

Eloy Wouters, Interested Citizen, expressed concern about the lack of public outreach for High Speed Rail (HSR).

James Whitman, Interested Citizen, expressed concern about light rail.

5. **Citizens Advisory Committee (CAC) Chairperson’s Report**

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

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

There was no Policy Advisory Committee (PAC) Chairperson’s Report.

7. **ORDERS OF THE DAY**

Chairperson Abe-Koga noted **Agenda Item #17.** Noise Reduction Screening Study memorandum and attachments, were revised and distributed to VTA’s Board of Directors prior to the meeting.

Chairperson Abe-Koga noted a request to remove the following item from the Agenda: **Agenda Item #12.** 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.

Chairperson Abe-Koga noted a request to defer the following item to the August 4, 2011 Board of Directors Regular Meeting: **Agenda Item #29.** Authorize the General Manager to enter into a cooperative agreement with the City of San José (CSJ) and Santa Clara Valley Water District (SCVWD) regarding the Upper Penitencia Creek Channel Improvements in support of the BART Silicon Valley Project.

Chairperson Abe-Koga noted the request to move the following item from the Consent Agenda to the Regular Agenda: **Agenda Item #40.** Authorize the General Manager to execute a contract with CSDA Architects in an amount of $1,652,850 for professional services for the Silicon Valley Berryessa Extension (SVBX) Residential Noise Insulation Program (“Program”) for an eight-year term from June 13, 2011 through June 30, 2019. This contract will be funded with federal, state, and local funds.

Chairperson Abe-Koga noted the request to move the following items from the Consent Agenda to the Regular Agenda: **Agenda Item #20.** Approve operational procedures for the SR 237/I-880 Express Connectors project, related to: 1) Setting of the hours of operation and; 2) Establishing the protocol for calculating the toll rates; and **Agenda Item #30.** Authorize the General Manager to enter into a Master Agreement with the County of Santa Clara in support of the BART Silicon Valley Project. This agreement will include provisions to ensure a commitment of cooperation from both parties.

**M/S/C (Herrera/Larsen)** on a vote of 9 ayes to 2 abstentions to accept the Orders of the Day and the Consent Agenda. Board Members Reed and Campos abstained.

**NOTE:** M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
8. **Board of Directors Workshop Meeting Minutes of April 22, 2011**  
M/S/C (Herrera/Larsen) on a vote of 9 ayes to 2 abstentions to approve the Board of Directors Workshop Meeting Minutes of April 22, 2011. Board Members Reed and Campos abstained.

9. **Board of Directors Regular Meeting Minutes of May 5, 2011**  
M/S/C (Herrera/Larsen) on a vote of 9 ayes to 2 abstentions to approve the Board of Directors Regular Meeting Minutes of May 5, 2011. Board Members Reed and Campos abstained.

## Administration and Finance Committee

*Items submitted for the Consent Agenda by the Administration and Finance Committee.*

10. **Fiscal Year 2011 Quarterly Statement of Revenues and Expenses for the Period Ending March 31, 2011**  
M/S/C (Herrera/Larsen) on a vote of 9 ayes to 2 abstentions to review and accept the Fiscal Year 2011 Quarterly Statement of Revenues and Expenses for the period ending March 31, 2011. Board Members Reed and Campos abstained.

11. **Master Agreement – State Funded Transit Projects**  
M/S/C (Herrera/Larsen) on a vote of 9 ayes to 2 abstentions to adopt Resolution No. 2011.06.16 assuring compliance with the requirements for the receipt of state funds used in the implementation of transit projects, and authorizing the General Manager to execute the “Master Agreement State Funded Transit Projects” with the California Department of Transportation. Board Members Reed and Campos abstained.

12. **(Removed from the June 2, 2011 Board of Directors Consent Agenda.)**  
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.

13. **Bill Position: AB 427 (J. Perez)**  
M/S/C (Herrera/Larsen) on a vote of 9 ayes to 2 abstentions to adopt a support position for AB 427 (J. Perez), which proposes a series of changes to improve the administration of the Transit System Safety, Security, and Disaster Response Account under Proposition 1B. Board Members Reed and Campos abstained.

14. **Bill Position: SB 310 (Hancock)**  
M/S/C (Herrera/Larsen) on a vote of 9 ayes to 2 abstentions to adopt a support position for SB 310 (Hancock), which provides more options to cities and counties for encouraging developers to undertake transit-oriented development projects. Board Members Reed and Campos abstained.
15. **Bill Position: SB 867 (Padilla)**

M/S/C (Herrera/Larsen) on a vote of 9 ayes to 2 abstentions to adopt a support position for SB 867 (Padilla), which allows the California Transportation Financing Authority to issue non-refundable tax credit bonds for transportation capital improvement projects. Board Members Reed and Campos abstained.

16. **Technology maintenance and Support Contracts**

M/S/C (Herrera/Larsen) on a vote of 9 ayes to 2 abstentions to authorize the General Manager to approve technology maintenance and support agreements with ten specified technology firms for software and hardware support services. Each contract shall be for a maximum three-year period, with an option for two additional years, with an aggregate value not to exceed $5,500,000 for all agreements in the first 3 years and 3,850,000 for all agreements in year 4 and 5. Board Members Reed and Campos abstained.

**Congestion Management Program and Planning Committee**

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

17. **Noise Reduction Screening Study**

M/S/C (Herrera/Larsen) on a vote of 9 ayes to 2 abstentions 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. Board Members Reed and Campos abstained.

18. **Proactive CMP Quarterly Report for January – March 2011**

M/S/C (Herrera/Larsen) on a vote of 9 ayes to 2 abstentions to receive the Proactive CMP Quarterly Report for January through March 2011. Board Members Reed and Campos abstained.

19. **Programmed Project Monitoring – Quarterly Report**

M/S/C (Herrera/Larsen) on a vote of 9 ayes to 2 abstentions to receive the Programmed Projects Quarterly Monitoring Report for January - March 2011. Board Members Reed and Campos abstained.

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

Approve operational procedures for the SR 237/I-880 Express Connectors project, related to: 1) Setting of the hours of operation and; 2) Establishing the protocol for calculating the toll rates.

21. **Bike Share Intergovernmental Agreement**

M/S/C (Herrera/Larsen) on a vote of 9 ayes to 2 abstentions to authorize the General Manager to enter into an Intergovernmental Agreement with the Bay Area Air Quality Management District to commit $400,000 in Regional Measure 2's (RM2) Safe Routes to Transit (SRTT) grant as local match funds for the purpose of implementing a Regional Bike Sharing Pilot Program. Board Members Reed and Campos abstained.
22. **2010 Monitoring and Conformance Report**

M/S/C (Herrera/Larsen) on a vote of 9 ayes to 2 abstentions to approve the Draft 2010 Monitoring and Conformance Report. Board Members Reed and Campos abstained.

23. **FY 2011/12 Transportation Development Act Article 3 Project Priorities**

M/S/C (Herrera/Larsen) on a vote of 9 ayes to 2 abstentions to adopt Resolution No. 2011.06.17 approving the project priorities for the FY2011/12 Countywide Transportation Development Act Article 3 Program. Board Members Reed and Campos abstained.

24. **Valley Transportation Plan (VTP), Regional Transportation Plan (RTP), and Sustainable Communities Strategies (SCS) Updates**

M/S/C (Herrera/Larsen) on a vote of 9 ayes to 2 abstentions to receive an update on the Valley Transportation Plan, Regional Transportation Plan and Sustainable Communities Strategy activities. Board Members Reed and Campos abstained.

**Transit Planning and Operations Committee**

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

25. **March 2011 Facilities Projects Semi-Annual Report**

M/S/C (Herrera/Larsen) on a vote of 9 ayes to 2 abstentions to receive the Semi-Annual Report for the Facilities Program for the period ending March 31, 2011. Board Members Reed and Campos abstained.

26. **Silicon Valley Berryessa Extension (SVBX) Project Utility Rearrangement Construction Authorization**

M/S/C (Herrera/Larsen) on a vote of 9 ayes to 2 abstentions to authorize the General Manager to commence utility relocation construction activities for the rearrangement of facilities determined to be in conflict with Silicon Valley Berryessa Extension (SVBX) Project improvements. These utility owners include PG&E, San Jose Water Company, Santa Clara Valley Water District, Milpitas Public Works, Verizon, Air Products, Chevron, Comcast, AT&T, and others. The estimated cost for such rearrangements is $45 million. Board Members Reed and Campos abstained.

27. **Berryessa Infrastructure Cooperative Agreement between VTA and City of San Jose**

M/S/C (Herrera/Larsen) on a vote of 9 ayes to 2 abstentions to authorize the General Manager to enter into a cooperative agreement with the City of San José (CSJ) regarding City of San Jose infrastructure improvements in support of the BART Silicon Valley Project. The potential fiscal impact of this agreement is approximately $350,000. Board Members Reed and Campos abstained.
28. **Lundy – Trimble Siphon Cooperative Agreement between VTA and City of San Jose**

M/S/C (Herrera/Larsen) on a vote of 9 ayes to 2 abstentions to authorize the General Manager to enter into a cooperative agreement with the City of San José regarding the Lundy-Trimble Siphon in support of the BART Silicon Valley Project. Board Members Reed and Campos abstained.

29. **( Deferred to the August 4, 2011 Board of Directors Regular Meeting. )**

Authorize the General Manager to enter into a cooperative agreement with the City of San José (CSJ) and Santa Clara Valley Water District (SCVWD) regarding the Upper Penitencia Creek Channel Improvements in support of the BART Silicon Valley Project.

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

Authorize the General Manager to enter into a Master Agreement with the County of Santa Clara in support of the BART Silicon Valley Project. This agreement will include provisions to ensure a commitment of cooperation from both parties.

31. **GM Authority for Santa Clara/Alum Rock Rapid Transit Project Real Estate Acquisitions**

M/S/C (Herrera/Larsen) on a vote of 9 ayes to 2 abstentions to authorize the General Manager to execute real property acquisition agreements required for the Santa Clara/Alum Rock Rapid Transit Project meeting the following criteria: 1) For any property, where the purchase price equals the statutory offer of just compensation established for the property; 2) For any property, where the negotiated purchase price for the property does not exceed $150,000; and, further, authorize the General Manager to execute possession and use agreements for this project. Board Members Reed and Campos abstained.

40. **SVBX Residential Noise Insulation Program Consultant Selection**

M/S/C (Herrera/Larsen) on a vote of 9 ayes to 2 abstentions to authorize the General Manager to execute a contract with CSDA Architects in an amount of $1,652,850 for professional services for the Silicon Valley Berryessa Extension (SVBX) Residential Noise Insulation Program (“Program”) for an eight-year term from June 13, 2011 through June 30, 2019. This contract will be funded with federal, state, and local funds. Board Members Reed and Campos abstained.

**Audit Committee**

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

32. **IT Network Security Internal Audit**

M/S/C (Herrera/Larsen) on a vote of 9 ayes to 2 abstentions to review and receive the Auditor General's internal audit report on Information Technology Network Security. Board Members Reed and Campos abstained.
33. **Follow-up on the SAP GRC Segregation of Duties and Sensitive Access Internal Audit Report**

M/S/C (Herrera/Larsen) on a vote of 9 ayes to 2 abstentions to review and receive the Auditor General's follow-up report on the implementation status of management's action plans contained in the SAP Governance Risk and Compliance (GRC) Segregation of Duties (SOD) and Sensitive Access Internal Audit Report. Board Members Reed and Campos abstained.

### CEREMONIAL ITEMS/SPECIAL REPORTS

34. **AWARDS AND COMMENDATION**

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

      Chairperson Abe-Koga recognized and presented an award to Kevin Parrish, Maintenance Worker, River Oaks Administration; and Ching Wong, Office Specialist II, River Oaks Administration as Employees of the Month for June 2011.

      Kelly Stenhouse, Coach Operator, Chaboya Division, was unable to attend.

35. **REPORT FROM THE GENERAL MANAGER**

   Mr. Burns provided a brief report, highlighting the following: 1) VTA’s overall system-wide ridership for April 2011 increased 3.3 percent compared to last year, noting bus boardings increased 2.2 percent and light rail boardings increased 7.1 percent; and 2) The positive trends in ridership are attributed to the economy, gasoline prices, and VTA’s quality of service to customers.

   A. **Caltrain Update**

      Jim Lawson, Executive Policy Advisor, provided a brief report on the June 2, 2011 Caltrain Board Meeting, highlighting: 1) the passing of Omar Ahmad, Peninsula Corridor Joint Powers Board Member representing the San Mateo County Transit District; 2) approved Caltrain’s Fiscal Year 2012 Operating Budget, which included VTA’s offer for the Right of Way payment; 3) staff will meet in June to identify solutions to address the following years operating budget; and 4) staff will continue to work on the financial issues and provide a report at the July 7, 2011 Caltrain Board of Directors Meeting.

   **Public Comment**

      Eugene Bradley, Silicon Valley Transit Users, expressed appreciation about VTA’s increase in ridership.

36. **REPORT FROM THE CHAIRPERSON**

   There was no report from the Chairperson.

   A. **California High Speed Rail Authority Presentation**

      There was no presentation from the California High Speed Rail Authority.
Chairperson Abe-Koga stated that the following items would be heard together: 

**Agenda Item #37.** Annual Transit Service Plan and **Agenda Item #38.** Approval of Recommended Biennial Budget for Fiscal Years 2012 and 2013.

### 37. Annual Transit Service Plan – FY 2012 – 2013


Mr. Smith noted the VTA’s Budget Objectives are: 1) increase ridership; 2) preserve and enhance service; 3) maintain infrastructure; and 4) advance capital programs. The Biennial Budget assumes no fare increase, modest sales tax revenue growth, restoration of the State Transit Assistance (STA) funding, reduction of VTA’s dependence on Federal Formula Grant funding, discontinuance of furlough program, pre-payment of ATU Pension and Other Post-Employment Benefits (OPEB) contributions; Diesel Fuel estimated at $3.84 per gallon; no change in overall service or fares for Paratransit Service; and continued support of Regional Partnerships, such as the Caltrain funding initiatives.

Mr. Smith commented on the FY 2012 and FY 2013 Budget Follow-up from the Budget Workshop, noting the following Board Members concerns and budget outcome: 1) Step increase provisions – the budget continues to not fund any step increases at the present time; 2) Fuel Budget – budget increased to reflect current fuel price; 3) Marketing Initiatives – budget increased by $300,000 in each fiscal year for initiatives; and 4) Excess Liability Reserves – staff’s recommendation is to establish a Sales Tax Stabilization Fund to address volatility in Sales Tax Revenues and an OPEB Liability Reduction Fund to address OPEB Unfunded Liabilities. Staff will bring the recommended policies for each reserve to the Board at a later date for consideration.

Jim Unites, Operations Deputy Director, reported that the Annual Transit Service Plan was developed in conjunction with VTA’s Biennial Budget. The plan recommends one percent annual service growth; strengthening of core routes; continuance of Light Rail Express; implementation of Express Bus Study; and preparation for Bus Rapid Transit (BRT).

Mr. Unites commented on the revisions to the July 2011 Transit Service Plan based on the comments received from community and public meetings, including: the reduction in weeknight and weekend frequency from 15 minutes to 30 minutes for the Airport Flyer
Line 10; City of San Jose eliminating subsidy for the DASH Shuttle Service; addition of the Great Mall stop to late night Express 181; retention of Express 101 and Express 104; delay of the new 105 BART Shoreline; extension of 120 South San Jose to Lockheed Martin/Moffett Park; retention of trips on Line 48, 49, and 55; and the addition of Line 23 night trips.

Mr. Smith reviewed the updates from the draft budget on VTA’s Transit Revenues, VTA’s Transit Expenses, VTA’s Transit Capital fund and Valley Transportation Plan (VTP) Highway Capital fund.

Upon query from Members of the Board, Mr. Burns assured there is flexibility within VTA’s Biennial Budget to address and accommodate changes as a result of labor contract negotiations.

Members of the Board commended Mr. Burns and staff on their diligence to provide the organization with a sound and balanced budget.

**Public Comment**

Mr. Bradley noted his appreciation regarding VTA’s FY 2012 and FY 2013 Biennial Budget and Annual Transit Service Plan, noting the proposed increases to transit service.

Adina Levin, Interested Citizen, expressed appreciation to VTA for their proactive role to identify solutions to assist Caltrain with their financial challenges.

37. **Annual Transit Service Plan – FY 2012 – 2013**

M/S/C (Moylan/McHugh) to adopt the FY2012 and FY2013 Annual Transit Service Plan and the recommended service changes.

38. **Approval of Recommended Biennial Budget for Fiscal Years 2012 and 2013**

M/S/C (Moylan/McHugh) to adopt Resolution No. 2011.06.18 approving the Fiscal Years 2012 and 2013 Recommended Biennial Budget for the period July 1, 2011 through June 30, 2013.

Board Member Reed left the meeting at 7:28 p.m.

39. **SVRT Program Update**

Dennis Ratcliffe, SVRT Deputy Project Manager, provided a brief overview highlighting significant BART Silicon Valley Project activities and progress during May 2011, noting the Federal Transit Administration (FTA) New Starts Activities and Design Build Contracts.

**Public Comment**

Mr. Bradley urged staff to have BART conduct a “fleet of the future” meeting within the County of Santa Clara to ensure residents have the opportunity to participate in the survey on the proposed new seats.

On order of Chairperson Abe-Koga and there being no objection, the Silicon Valley Rapid Transit (SVRT) Program Update was received.
Administration and Finance Committee - Liz Kniss

There were no items submitted for the Regular Agenda by the Administration and Finance Committee.

Congestion Management Program and Planning Committee - Chuck Page

There were no items submitted for the Regular Agenda by the Congestion Management Program and Planning Committee.

20. **SR 237/I-880 Express Connectors Operational Procedures**

Alternate Board Member McHugh expressed concern about the proposed entrance to westbound High Occupancy Vehicle (HOV)/Express Lanes from Milpitas. He noted there should be adequate signage to ensure drivers are aware that they are unable to enter until after First Street.

John Ristow, Chief CMA Officer, responded that the design has limited access, noting the intent of the project is to provide free flow travel time savings for the entire corridor. Mr. Ristow stated that adequate signage will be posted to inform drivers of changes to this corridor.

**Public Comment**

Mr. Ludwig expressed concern about the SR 237/I-880 Express Lanes project hours of operation.

**M/S/C (Page/McHugh)** to approve operational procedures for the SR 237/I-880 Express Connectors project, related to: 1) Setting of the hours of operation and; 2) Establishing the protocol for calculating the toll rates.

Transit Planning and Operations Committee - Rich Larsen

**Item submitted for the Regular Agenda by the Transit Planning and Operations Committee.**

30. **Silicon Valley Rapid Transit Master Agreement between VTA and County of Santa Clara**

Alternate Board Member McHugh stressed the importance of and noted the need for staff to closely monitor the program coordination between BART and the San Jose Water District.

Mr. Ratcliffe responded that staff is prepared to monitor the program coordination, noting the Master Agreement is designed to provide a framework for establishing specific results of the program coordination.

**M/S/C (Larsen/Page)** to authorize the General Manager to enter into a Master Agreement with the County of Santa Clara in support of the BART Silicon Valley Project. This agreement will include provisions to ensure a commitment of cooperation from both parties.
Ad-Hoc Revenue Enhancement Committee (REC)

Board Member Larsen provided a brief report on the May 19, 2011 REC meeting, noting the intent of the Transit Planning and Operations (TPO) Subcommittee is to identify measures that would increase VTA’s revenues.

Board Member Larsen stated that the REC Subcommittee decided to focus on increasing ridership through marketing efforts. In March 2011, a Peer Review of VTA’s marketing was conducted by marketing professionals and coordinated by the American Public Transportation Association (APTA). This review offered a number of recommendations to enhance the effectiveness of VTA’s marketing promotions and expanding advertising opportunities to build ridership and increase revenue. The REC Subcommittee is currently evaluating the practicality and potential effectiveness of the recommendations.

Audit Committee - Rose Herrera

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

41. **Recommended FY 12 Internal Audit Work Plan**

Mr. Burns commented that to prevent delays and improve audit efficiencies, staff recommends the Board of Directors to delegate limited authority to the Audit Committee to approve and expand the scope modifications and cost adjustments for items in the Internal Audit Work Plans

M/S/C (Herrera/Page) to 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; and 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.

OTHER ITEMS

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

There were no Items of Concern and Referral to Administration.

43. **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.*
44. REPORTS (UNAPPROVED MINUTES) FROM STANDING COMMITTEES

A. Administration and Finance Committee
On order of Chairperson Abe-Koga and there being no objection, the May 19, 2011 Administration and Finance Committee Minutes were 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 May 20, 2011 Congestion Management Program and Planning Committee Minutes were accepted as contained on the dais.

C. Transit Planning and Operations Committee
On order of Chairperson Abe-Koga and there being no objection, the May 19, 2011 Transit Planning and Operations Committee Minutes were accepted as contained in the Agenda Packet.

D. Audit Committee
On order of Chairperson Abe-Koga and there being no objection, the May 5, 2011 Audit Committee Minutes were accepted as contained in the Agenda Packet.

45. REPORTS (UNAPPROVED MINUTES) FROM ADVISORY COMMITTEES

A. Committee for Transit Accessibility (CTA)
There was no report from the Committee for Transit Accessibility (CTA).

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 May 11, 2011 Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) 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 May 11, 2011 Bicycle & Pedestrian Advisory Committee (BPAC) Minutes were accepted as contained in the Agenda Packet.

D. Technical Advisory Committee (TAC)
There was no report from the Technical Advisory Committee (TAC).

E. Policy Advisory Committee (PAC)
On order of Chairperson Abe-Koga and there being no objection, the May 12, 2011 Policy Advisory Committee (PAC) Minutes were accepted as contained in the Agenda Packet.
46. 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 June 2, 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 Joint Powers Board.

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 May 25, 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 May 9, 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.

47. 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
   There was no report from the Downtown East Valley PAB.

C. El Camino Real Rapid Transit PAB
   There was no report from the El Camino Real Rapid Transit PAB.

D. Silicon Valley Rapid Transit Corridor and BART Warm Springs Extension PAB
   On order of Chairperson Abe-Koga and there being no objection, the May 25, 2011 Silicon Valley Rapid Transit Corridor and BART Warm Springs Extension PAB Cancellation Notice was accepted as contained in the Agenda Packet.

48. ANNOUNCEMENTS

Board Member Moylan requested that revised items highlight the changes within the document.
49. ADJOURNMENT

On order of Chairperson Abe-Koga and there being no objection, the meeting was adjourned at 7:52 p.m.

Respectfully submitted,

Michelle M. Garza, Board Assistant
VTA Office of the Board Secretary
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 9:23 a.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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<tr>
<td>Xavier Campos</td>
<td>Board Member</td>
<td>Present</td>
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<td>David Cortese</td>
<td>Ex-Officio Board Member</td>
<td>Absent</td>
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<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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<tr>
<td>Liz Kniss</td>
<td>Board Member</td>
<td>Absent</td>
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<tr>
<td>Rich Larsen</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Sam Liccardo</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Jamie Matthews</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<tr>
<td>Pete McHugh</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<tr>
<td>Chris Moylan</td>
<td>Board Member</td>
<td>Absent</td>
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<tr>
<td>Chuck Page</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Nancy Pyle</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<tr>
<td>Chuck Reed</td>
<td>Board Member</td>
<td>Present</td>
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<td>George Shirakawa</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<td>Perry Woodward</td>
<td>Board Member</td>
<td>Absent</td>
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<tr>
<td>Ken Yeager</td>
<td>Vice Chairperson</td>
<td>Absent</td>
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* Alternates do not serve unless participating as a Member.

A quorum was present.

Chairperson Abe-Koga requested that Agenda Item #6. Orders of the Day and Consent Agenda Items #7. Bill Position: AB 845 (Ma) and #8. Copy Center Equipment, be moved before the Board of Directors recessed to Closed Session.

The Agenda was taken out of order.
6. ORDERS OF THE DAY

M/S/C (Liccardo/Herrera) on a vote of 7 ayes to 0 noes to 1 abstention to accept the Orders of the Day and the Consent Agenda. Board Member Reed abstained.

CONSENT AGENDA

7. Bill Position: AB 835 (Ma)

M/S/C (Liccardo/Herrera) on a vote of 7 ayes to 0 noes to 1 abstention to adopt a support position for AB 845 (Ma), which sets forth provisions for governing the distribution of Proposition 1A "connectivity" funds. Board Member Reed abstained.

8. Copy Center Equipment

M/S/C (Liccardo/Herrera) on a vote of 7 ayes to 0 noes to 1 abstention to authorize the General Manager to execute contracts with Xerox Corporation for document copy, scanning, and printing equipment; and for equipment support services. The initial term of the lease contract is for five years with an option to extend the contract on an annual basis for two additional years. The cost of the initial five year term is $675,000, plus an optional $135,000 per year for each of the optional one-year periods, for a total of $945,000. Board Member Reed abstained.

Public Comment

The following VTA employees addressed the Board of Directors and thanked the Board of Directors for working with staff to improve VTA’s finances and for acknowledging the significant sacrifices made by employees. They urged the Board of Directors to remain committed to fair and good faith negotiations.

- Karen Grimes, Member of Service Employees International Union (SEIU), Local 521
- Steve Barber, Member of SEIU, Local 521
- Tammy Dhanota, SEIU, Local 521 Chapter Chair; and
- Rajwinder Sehdev, Past President of the Transportation Authority Engineers and Architects Association (TAEA)

2. RECESSED TO CLOSED SESSION at 9:33 a.m.

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

RECONVENED TO OPEN SESSION at 10:08 a.m.

3. CLOSED SESSION REPORT

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

Kevin Allmand, General Counsel, noted there was no reportable action taken during Closed Session.

4. (Deferred to the August 4, 2011 VTA Board of Directors Regular Meeting.)

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

5. PUBLIC PRESENTATIONS

There were no Public Presentations.

9. ANNOUNCEMENTS

There were no Announcements.

10. ADJOURNMENT

On order of Chairperson Abe-Koga and there being no objection, the meeting was adjourned at 10:08 a.m.

Respectfully submitted,

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

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Board Secretary, Sandra Weymouth

SUBJECT: Reaffirmation of Ex-Officio Board Member David Cortese’s Appointment to the Downtown East Valley Policy Advisory Board

ACTION ITEM

RECOMMENDATION:
Reaffirm Ex-Officio Board Member David Cortese's appointment as the second VTA representative to the Downtown East Valley (DTEV) Policy Advisory Board (PAB).

BACKGROUND:
The Downtown East Valley (DTEV) Policy Advisory Board (PAB) was formed in 1998 to provide input and guidance into the planning and implementation of the Downtown/East Valley transportation corridor. The composition of the DTEV PAB is as follows: two VTA representatives, two City of San Jose representatives, and one Santa Clara County representative.

Ex-Officio Board Member Cortese has familiarity and extensive knowledge of the project and has been a member of the DTEV PAB since 2001.

FISCAL IMPACT:
There is no fiscal impact.

Prepared by: Elaine F. Baltao
Memo No. 3149
DOWNTOWN EAST VALLEY
POLICY ADVISORY BOARD

MEMBERSHIP ROSTER

July 2011

Rose Herrera, Chairperson
Sam Liccardo, Vice Chairperson
Kevin Connolly, Staff Liaison

Membership: 5
Quorum: 3
Vacancies: 1

Membership:
Xavier Campos
Rose Herrera
Sam Liccardo
George Shirakawa

Represents:
City of San Jose
VTA
City of San Jose
Santa Clara County

Please address all correspondence c/o:
Office of the Board Secretary
Santa Clara Valley Transportation Authority
3331 North First Street, Building B-1
San Jose, CA 95134-1927
Fax (408) 955-0891 Telephone (408) 321-5680
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: HCP Cost Allocation and Budget Approval

Policy-Related Action: No

Government Code Section 84308 Applies: No

ACTION ITEM

RECOMMENDATION:

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.

BACKGROUND:

On July 31, 2001, VTA received a letter of Formal Endangered Species Consultation (Biological Opinion) issued by the United States Fish and Wildlife Service (USFWS), which required VTA to commit to two major actions before proceeding with construction of the U.S. 101 Widening, the State Route 85/U.S. 101 South Interchange, and Consolidated Biological Mitigation Projects. One action required the purchase of 333 acres of bay checkerspot butterfly habitat. VTA completed the habitat purchase in January 2005.

The second major action, which is the subject of this memorandum, required the City of San Jose (City), the County of Santa Clara (County), the Santa Clara Valley Water District (SCVWD), and VTA, collectively known as the Local Partners, to provide individual financial commitments to assist with the development of a Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). In 2005, the Cities of Gilroy and Morgan Hill also joined the Local Partners in the preparation of an HCP/NCCP including a financial participation. The Memorandum of Understanding (MOU) among the Local Partners requires each governing body to approve an annual budget for the HCP/NCCP. Previously, the VTA Board of Directors approved the Cost Allocation and Budget on May 5, 2005, June 1, 2006, November 1, 2007, October 2, 2008, June 4, 2009, and May 6, 2010.
It is anticipated that the HCP/NCCP planning process will be complete in early 2012. When the HCP/NCCP is implemented, it will provide the means for conservation of specified plant and animal species, thereby contributing to their recovery while allowing for compatible and appropriate development to occur. The HCP/NCCP includes land acquisition for conservation of natural resources, biological diversity, and ecosystem function; habitat enhancement, restoration and creation; and species-specific measures to enhance populations. The adoption of the HCP/NCCP will enable VTA and the other partners to receive expedited permits and approvals from the USFWS and the California Department of Fish and Game for projects covered under the Plan.

DISCUSSION:

The Fiscal Year 2011/2012 HCP/NCCP budget and cost allocation is provided in Attachment A. The allocation has been reviewed by the HCP/NCCP Management Team and Governing Body Liaison Group, which consist of representatives from each participating agency. San Jose City Council Member Ash Kalra is VTA’s representative on the Governing Body Liaison Group. Each of the Local Partners has taken the HCP/NCCP budget and cost allocation to their respective governing bodies for review and approval.

The County of Santa Clara serves as the lead agency and fiscal agent for the project including managing consultants. This Board action increases VTA’s contribution for consultant costs in Fiscal Year 2011/2012 by $110,000. Table 1 includes a summary of Fiscal Year 2011/2012 costs. This Board action also increases VTA’s total contribution to the development of the HCP/NCCP to $1,020,092, which covers consultants’ costs only.

Table 1. Fiscal Year 2011/2012 HCP/NCCP Budget Proposal

<table>
<thead>
<tr>
<th>Expense</th>
<th>Purpose</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Resources Law Group contract amendment</td>
<td>Additional legal services</td>
<td>$80,000</td>
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<tr>
<td>Willdan Financial Services contract amendment</td>
<td>Additional economic modeling / forecasting services</td>
<td>$15,000</td>
</tr>
<tr>
<td>Contract balance from prior years</td>
<td>Contract balance reimbursement to the County of Santa Clara for previous year expenses to consultants</td>
<td>$187,000</td>
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<tr>
<td>2nd partner new contract</td>
<td>New contract manager (a role currently filled by the County of Santa Clara) to oversee the completion of the HCP/NCP and to potentially serve as the Executive Director when the HCP/NCPP is approved</td>
<td>$149,000</td>
</tr>
<tr>
<td>Land Use Planning contract amendment</td>
<td>Additional Program Manager services during the transition to a permanent Executive Director</td>
<td>$35,000</td>
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<tr>
<td>Additional plan consulting expenses (estimate)</td>
<td>Contingency for consulting services</td>
<td>$150,000</td>
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<tr>
<td>Final documents printing</td>
<td>Printing costs for the HCP/NCCP, Environmental Impact Statement/Environmental Impact Report, and Implementing Agreement documents</td>
<td>$26,000</td>
</tr>
<tr>
<td>Miscellaneous Costs</td>
<td>Document filing fees, public noticing, services and supplies</td>
<td>$8,000</td>
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| Total for all Local Partners          | $650,000                   |
| VTA’s Share for Fiscal Year 2011/2012 | $110,000                   |
VTA has currently budgeted $1,150,000 for consultants (as mentioned above) plus staff time to support the HCP/NCCP. As of February 9, 2011, $1,036,027 has been incurred, or 90.1% of the total budget.

**ALTERNATIVES:**

The VTA Board could choose to not approve the budget and cost allocations. Not approving the budget and cost share would terminate VTA’s participation in the HCP/NCCP and require that VTA’s cost share be picked up by the other partners. Terminating participation would also require VTA to pursue permits under the federal Endangered Species Act and California Endangered Species Act without the expedited process provided by the HCP/HCCP, which would result in additional cost and time to obtain permits.

**FISCAL IMPACT:**

There is sufficient appropriation for this expenditure in the Adopted 1996 Measure B Transportation Improvement Program Fund Capital Budget.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATIONS:**

The Congestion Management Program and Planning Committee heard this item at their March 18, 2011 meeting. The committee voted unanimously to approve the item and move to the full Board of Directors for consideration.

Prepared by: Ann Calnan
Memo No. 2965
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<tbody>
<tr>
<td>USFWS Section 6</td>
<td></td>
<td>240,384</td>
<td>281,579</td>
<td>401,285</td>
<td>184,400</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1,107,648</td>
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** Local Partner Funding**

<table>
<thead>
<tr>
<th>County of Santa Clara</th>
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<tbody>
<tr>
<td>Total County Funding</td>
<td>136,226</td>
<td>136,226</td>
<td>123,600</td>
<td>120,559</td>
<td>116,255</td>
<td>89,631</td>
<td>167,595</td>
<td>890,092</td>
<td>130,000</td>
<td>1,020,092</td>
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</tr>
</tbody>
</table>

| City of San Jose | | | | | | | | | | |
|------------------|---|---|---|---|---|---|---|---|---|---|---|
| Total City Funding (includes MOU facilitator-$10,000 in 2003) | 10,000 | 133,726 | 133,726 | 123,600 | 116,809 | 115,005 | 89,631 | 167,595 | 890,092 | 130,000 | 1,020,092 |

| SCVWD | | | | | | | | | | |
|-------|---|---|---|---|---|---|---|---|---|---|---|
| Total District Funding (includes MacTec Contract-$50,000 in 2004) | 50,000 | 123,726 | 123,726 | 123,600 | 101,809 | 110,005 | 89,631 | 167,595 | 890,092 | 130,000 | 1,020,092 |

| VTA | | | | | | | | | | |
|-----|---|---|---|---|---|---|---|---|---|---|---|
| Total Authority Funding | 136,226 | 136,226 | 123,600 | 120,559 | 116,255 | 89,631 | 187,595 | 910,092 | 110,000 | 1,020,092 |

| City of Gilroy | | | | | | | | | | |
|----------------|---|---|---|---|---|---|---|---|---|---|---|
| Total City Funding | 55,000 | 55,000 | 61,800 | 79,949 | 64,685 | 44,815 | 83,797 | 445,046 | 65,000 | 510,046 |

| City of Morgan Hill | | | | | | | | | | |
|--------------------|---|---|---|---|---|---|---|---|---|---|---|
| Total City Funding | 55,000 | 55,000 | 61,800 | 79,949 | 64,685 | 44,815 | 83,797 | 445,046 | 65,000 | 510,046 |

| VTA | | | | | | | | | | |
|-----|---|---|---|---|---|---|---|---|---|---|---|
| Total Authority Funding | 136,226 | 136,226 | 123,600 | 120,559 | 116,255 | 89,631 | 187,595 | 910,092 | 110,000 | 1,020,092 |

** Summary of FY 2010/11 Costs**

- FY 2010/11 costs include County bridge loans of $28,800/agency to Gilroy and Morgan Hill. Gilroy and Morgan Hill committed to each pay $54,997 in FY 2010/11. The County anticipates repayment of the $28,800/agency in FY 2011/12.
- **FY 2011/12 costs include repayment to County for consultant costs incurred in previous fiscal years, totaling $282,000. Actual FY 2011/12 cost share for County would be $73,600 ($650,000 - $282,000 = $368,000 x 20% = $73,600).**
- Gilroy and Morgan Hill's costs include the $65,000 payment for FY 2011/12 (10% share) plus the $28,800 repayment of the County bridge loan, for a total FY 2011/12 cost of $93,800 for each city.

**Total Section 6 Funding** | 240,384 | 281,579 | 401,285 | 184,400 | 440,154 | 857,974 | 4,450,460 | 650,000 | 5,100,460 | 1,107,648 |

**Total** | 60,000 | 639,904 | 639,904 | 618,000 | 619,634 | 586,890 | 448,154 | 857,974 | 4,450,460 | 650,000 | 6,208,108 |
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: HCP Update on Draft Plan and Draft EIS/EIR

FOR INFORMATION ONLY

BACKGROUND:

A Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP) was required in 2001 as part of State and Federal approval of several local transportation projects including VTA’s U.S. 101 Widening from San Jose to Morgan Hill and Highway 85/U.S. 101 Interchange. Four local agencies (VTA, City of San Jose, County of Santa Clara, Santa Clara Valley Water District) were subject to the requirement and jointly committed to the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) (referred to as the “Wildlife Agencies”) to develop an HCP/NCCP. Initial work included development of a work plan and approval in 2004 of a Memorandum of Understanding among the four agencies (referred to as the “Local Partners”). In 2005, the Cities of Gilroy and Morgan Hill joined the Local Partners. The six Local Partners signed a Planning Agreement with the USFWS and CDFG in October 2005 to develop an HCP/NCCP.

There are two main purposes of the Santa Clara Valley HCP/NCCP. The first is the long-term protection of habitats within the 520,000-acre Plan area, located primarily in San Jose and south Santa Clara County. The second is “incidental take” authorization for the Local Partners pursuant to the Federal Endangered Species Act (ESA) and California Natural Community Conservation Planning Act, which is applicable to the 21 protected species in the Plan (“Covered Species”) that are anticipated to be affected due to implementation of projects (“Covered Activities”) in the Plan area. “Incidental take” is take (such as harm or kill) that is incidental to, and not the purpose of, otherwise lawful activities. The Covered Activities included in the Plan would result in the permanent loss of up to 25,864 acres. The HCP/NCCP conservation strategy would establish an estimated 58,000-acre reserve system composed of various habitat types to be permanently preserved.
One of the main benefits of the HCP/NCCP is to provide for a streamlined and expedited Federal and State permitting process due to the incidental take of Covered Species as a result of Covered Activities.

**DISCUSSION:**

This memo provides an update of the status of the HCP/NCCP planning process. The Plan itself is very complex; however, a Summary Brochure of the major topics included in the HCP/NCCP is included as Attachment A. This color brochure is also available online at <http://www.scv-habitatplan.org/www/default.aspx>.

Recent highlights of the HCP/NCCP planning process include the public release of planning documents, submittal of incidental take permit applications by the Local Partners, and development of the Implementing Entity to oversee the Plan once adopted. Noteworthy Plan elements applicable to VTA Covered Activities include development fees and conditions on projects.

**Draft Documents Available for Public Review**

Since 2005, the Local Partners have been working cooperatively with the USFWS, CDFG, and stakeholders on the development of the Draft HCP/NCCP. The Draft HCP/NCCP defines biological goals and objectives; evaluates the effects of Covered Activities on Covered Species; describes a conservation strategy; describes a monitoring and adaptive management program; and identifies costs and funding.

The Local Partners have also been working on the Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Plan and the Draft Implementing Agreement (IA). The EIS/EIR identifies and evaluates the Plan’s affect on the environment as a whole (such as impacts on the local economy, impacts from the loss of open space, etc.) in addition to the impact on Covered Species included in the Plan. The IA is a legal contract between the Local Partners and Wildlife Agencies that establishes the basic obligations of the all parties that will implement the HCP/NCCP.

On December 17, 2010, the Public Draft HCP/NCCP, Draft EIR/EIS, and Draft IA were released for a 120-day public review and comment period, with comments due by Monday, April 18, 2011. Notices were published in the Federal Register, State Clearinghouse, and San Jose Mercury News. The Draft HCP/NCCP and Draft EIS/EIR are considerably lengthy documents and are available on the online at <http://scv-habitatplan.org/www/site/alias__default/341/public_draft_habitat_plan.aspx>. The IA is also available on this website. As part of the review process, community meetings were held on February 9, 2011 at the Morgan Hill Community Center and February 15, 2011 at the Peninsula Conservation Center in Palo Alto.

The December 2010 to April 2011 public review of the Draft HCP/NCCP generated over 50 written submissions containing over 700 comments. Many of the comments focused on the scale
of the Plan, cost efficiencies, and fees. The Local Partners are currently working cooperatively with the Wildlife Agencies to reduce the Plan’s scale and reach a target 20% reduction in fees without compromising the overall conservation strategy included in the HCP/NCCP. The Local Partners will present a framework for revising the Draft HCP/NCCP to address these issues at the August 2011 Governing Body Liaison Group. If approved by the Liaison Group, the framework for a revised HCP/NCCP, along with a scope of work and budget supplement for preparing a Final Plan, will be forwarded to the Local Partners for review. If a scope of work and budget supplement are approved prior to the end of 2011 or in early 2012, availability of the Final Plan, Final EIS/EIR, and Final IA will occur in mid-2012. Should the Local Partners approve the final documents, the Wildlife Agencies will prepare Biological Findings and issue the incidental take permits by late 2012. Following issuance of permits, the Local Partners with land use authority will have 120 days to approve Implementing Ordinances to effect the permits. Active day-to-day implementation of the HCP/NCCP could begin by mid-2013.

Applications for Incidental Take by the Local Partners

As part of the HCP/NCCP process and in anticipated of plan approval, each of the Local Partners submitted applications for incidental take permits to the USFWS in December 2011. The incidental take permits would include the Covered Species and Covered Activities described in the Plan. The permit term is anticipated to be 50-years from the date of issuance.

Santa Clara Valley Habitat Agency

The Local Partners are working towards establishing a joint powers agency (JPA), called the Santa Clara Valley Habitat Agency, to fulfill the duties and obligations of the “Implementing Entity” in accordance with the HCP/NCCP and IA. The JPA membership would include those Local Partners with land use authority and the ability to adopt development fees (County of Santa Clara, San Jose, Gilroy, Morgan Hill). The JPA would have two decision-making bodies, a Governing Board and an Implementation Board.

The eight-member Governing Board would consist of two elected officials from County of Santa Clara and the Cities of San Jose, Gilroy and Morgan Hill. The Board would be responsible for the governance and administration of the JPA. The Board would also be responsible for the adoption and modification of development fees and the approval of the annual budget.

An eleven-member Implementation Board would serve as the implementing body of the HCP/NCCP and would consist of two representatives from each of the Local Partners except VTA, which would have one representative. The Implementation Board would have a variety of duties including making recommendations to the Governing Board regarding the adoption or modification of fees.

VTA Covered Activities

Covered Activities included in the HCP/NCCP were identified through an assessment of existing General Plans, public agency infrastructure plans (such as the Valley Transportation Plan 2030),
and the experience of the Local Partners in the operation and maintenance of their facilities. The following VTA projects are included in the HCP/NCCP:

- U.S. 101 at Buena Vista Interchange;
- U.S. 101 at Coyote Valley Parkway Interchange;
- U.S. 101 at East Middle Interchange;
- SR 152 and SR 156 Interchange;
- U.S. 101 Improvement Project (Monterey Road to State Route 129);
- U.S. 101 Widening between Cochrane Rd. and Monterey Highway;
- U.S. 101 HOV/HOT lane (Cochrane Road to Masten Avenue);
- U.S. 101 HOV/HOT lane (Masten Avenue to 10th Street);
- U.S. 101 HOV/HOT lane (10th Street to State Route 25); and
- Caltrain South County double tracking from San Jose to Gilroy.

VTA projects not included in the HCP/NCCP, such as the BART Silicon Valley Project, required Federal and State permits prior to adoption of the Plan. Other VTA projects identified in the Valley Transportation Plan 2030 or future long-range plans may be added to the Plan if the need warrants.

**HCCP/NCCP Fees**

Various fees associated with development impacts are proposed in the HCP/NCCP. Most fee categories include an endowment component for perpetuity costs after the 50-year permit term expires, and a cost recovery component to the Local Partners for the Plan preparation. The fees included in the Plan are summarized in Attachment B.

**Conditions on Covered Activities**

The HCP/NCCP includes measures to avoid and minimize the take of Covered Species, referred to as Conditions on Covered Activities. The conditions of particular interest for VTA Covered Activities include measures addressing wildlife movement such as creating or enhancing existing undercrossings (e.g., culverts), protecting water quality and sensitive habitats during construction (best management practices), and restoring areas temporarily disturbed by construction. VTA
implements these types of avoidance and minimization measures for projects as standard practice.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Congestion Management Program & Planning Committee heard this item on March 18, 2011. A question was asked about the involvement of the Open Space Authority (OSA) in the HCP/NCCP. It is anticipated that the OSA will contribute land to the HCP/NCCP Reserve System. The OSA may also undertake management, monitoring, and other activities related to implementation of the HCP/NCCP.

Another question was asked about wetland permitting. Currently, the HCP/NCCP does not coordinate with the Army Corps of Engineers or Regional Water Quality Control Board regarding permit requirements for impacts to their jurisdictions, which include wetlands and streams. Therefore, it is possible that impacts to wetlands and streams would need to be compensated for by paying not only HCP/NCCP fees but also fulfilling mitigation as required by these agencies. The Local Partners are addressing this issue by pursuing area-wide permits from these agencies to ensure the HCP/NCCP can be utilized to fulfill their permit requirements and eliminate the potential for “double mitigating.”

Prepared By: Tom Fitzwater
Memo No. 2976
The Draft Santa Clara Valley Habitat Conservation Plan described in this brochure would protect ecological diversity within more than 500,000 acres of Santa Clara County. To fulfill this goal the Plan has five primary objectives:

1. Accommodating planned public and private development, infrastructure, and maintenance activities. The Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) to promote the protection and recovery of endangered species while facilitating future public- and private-sector activities, consistent with adopted General Plans, while protecting at-risk species and their essential habitats, some of which only occur in Santa Clara County.

2. Establish and maintain partnerships with public and private sector organizations, in order to make best use of existing and new resources for habitat protection and conservation activities.

3. Establish corridors between areas of critical habitat, in order to facilitate the movement and survival of species; and

4. Use a science-based approach to identify, prioritize, acquire, and manage land, in order to benefit endangered and other at-risk species; and

5. Facilitate future public- and private-sector activities, consistent with adopted General Plans and infrastructure programs, by

Expected Benefits of the Habitat Plan

- To Rural Landowners - More local control, permits for infrastructure projects, greater regulatory and economic certainty.
- To Business/Development - Streamlining compliance with endangered species and wetland regulations, providing greater regulatory and economic certainty.
- To the Environment - Protection and enhancement of 58,000 acres of high-quality habitat and open space to preserve species, their habitats, and natural heritage.
- To Residents - Protection of open space, enhancement of recreational opportunities, preservation of scenic landscapes and rural character.
- To the Economy - Operation of local ordinances, issue Endangered Species Permits and establish Implementing Agency (JPA) for the Plan, EIR/EIS & IA and adopt Plan, EIR/EIS & IA.

Project Schedule

- April 18, 2011 - Review of Draft Plan documents
- Early 2011 - Public/Local Partner Review
- Mid 2011 - Prepare Final Draft of HCP
- Late 2011 - Adopt Final HCP
- Early 2012 - Local Partners
- Mid 2012 - Implementing Agency (JPA) review and operate Plan, EIR/EIS & IA
- Mid 2013 - End of Plan

For more information visit www.scv-habitatplan.org or contact Ken Schreiber at (408) 299-5789.
The Draft Santa Clara Valley Habitat Conservation Plan described in this brochure would protect and enhance ecological diversity and facilitate planned development and maintenance activities in Santa Clara County (see map below). To review the Plan, go to www.scv-habitatplan.org.

The County of Santa Clara; Santa Clara Valley Transportation Authority; Santa Clara Valley Water District; and the Cities of Gilroy, Morgan Hill, and San Jose (collectively referred to as the Local Partners) have prepared this Draft Habitat Conservation Plan (HCP/NCCP) to promote the protection and recovery of endangered species while accommodating planned public and private development, infrastructure, and maintenance activities. The Santa Clara Valley Habitat Plan (Plan) is being developed in association with the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (DFG) in consultation with stakeholder groups and the general public. The Plan’s goal is to protect and enhance ecological diversity within more than 560,000 acres of Santa Clara County. To fulfill this goal the Plan has five primary objectives:

- Facilitate future public- and private-sector activities, consistent with adopted General Plans and infrastructure programs, by streamlining the endangered species permitting and approval process;
- Use a science-based approach to identify, prioritize, acquire, and manage land in order to benefit endangered and other at-risk species;
- Integrate existing and new open space in order to achieve habitat protection through conservation of high-quality open space areas;
- Establish corridors between areas of critical habitat in order to facilitate the movement and survival of species; and
- Establish and maintain partnerships with public and private sector organizations, in order to make best use of existing and new resources for habitat protection and conservation activities.

The Final Plan would provide a framework for the Local Partners and landowners to complete projects consistent with current General Plans, while protecting at-risk species and their essential habitats, some of which only occur in Santa Clara County.

The Plan’s Study and Permit Areas

The study and permit areas focus on Coyote Creek watershed, most of the Guadalupe River watershed, all of the City of San Jose except Bayland areas; and the Uvas, Llagas and Pacheco Creeks watersheds that flow to the Pajaro River. The study area includes Henry W. Coe State Park, although it is excluded from the permit area. Bayland areas are excluded because they support a different assemblage and are part of separate marsh restoration programs. Additionally, 48,464 acre expanded study area to the north in Santa Clara, San Mateo, and Alameda Counties is covered under the Plan, and would receive permits only for western burrowing owl conservation activities.
Tiburon Indian Paintbrush Western Burrowing Owl Smooth Lessingia Tri-colored Blackbird Santa Clara Valley Dudleya Townsend’s Big-eared Bat San Francisco Collinsia San Joaquin Kit Fox Metcalf Canyon Jewelflower Foothill Yellow-legged Frog Loma Prieta Hoita CA Red-legged Frog Coyote Ceanothus Bay Checkerspot Butterfly 

**Covered Species**

Land preservation is a key component of the Plan’s conservation strategy. This conservation strategy calls for the establishment and long-term management of a Reserve System for the direct benefit of 21 species and the ecosystems they depend on, along with indirect benefits to hundreds of other species. The covered species include 10 plant and 11 wildlife species:

**Plants**
- Coyote Ceanothus
-粤港澳 Boldrini
- Los Altos Pink Hills
- Metcalf Canyon Jewelflower
- Shrub cardboard Jasminum
- Oak Standales
- San Francisco Cress
- Santa Clara Valley Dudleya
- Smooth Lessingia
- Tiburon Indian Paintbrush

**Wildlife**
- Red Checkered Butterfly
- CA Tiger Salamander
- CA Red-legged Frog
- Coastal Western Pond Turtle
- Golden Eagle
- Least Bell’s Vireo
- San Joaquin Kit Fox
- Townsend’s Big-eared Bat
- Three-colored Blackbird
- Western Burrowing Owl
- Western Pond Turtle

**Definitions**

**MXCP** A Habitat Conservation Plan is prepared to satisfy the federal Endangered Species Act. An HCP enables the preparing agency/agencies to receive a permit from the USFWS authorizing impacts to federally listed species.

**MNCCP** A Natural Community Conservation Plan is prepared to satisfy the California Natural Community Conservation Planning Act. An NCCP enables the preparing agency/agencies to receive a permit from the CDFG authorizing impacts to state listed species.

**IA** An Implementing Agreement (IA) is the legal contract between the Local Partners and state and federal wildlife agencies that implement the Conservation Plan.

**Permit Area** Endangered species-related permits from CDFG and USFWS would apply to the study area except for within Henry W. Coe State Park. This area is excluded because of a California Department of Parks and Recreation decision not to participate in the Plan. Permits in the expanded study area to the north in Santa Clara, San Mateo, and Alameda Counties would apply only to wetland permits.

**Study Area** The area within which covered activities and species were evaluated, and which was used to determine the proposed conservation strategy.

**EIR/EIS** An Environmental Impact Statement (EIR) is prepared to satisfy the California Environmental Quality Act. An Environmental Impact Statement (EIS) is prepared to satisfy the federal National Environmental Policy Act. An EIR/EIS is a joint document that satisfies both laws.
Covered Activities

The Plan is designed to facilitate implementation of covered activities, new public and private-sector development, consistent with existing General Plans. With the 50-year permit term, the Plan assumes that growth will impact all land currently designated urban/suburban uses.

The Plan would streamline permitting through USEPA’s and CDFW by allowing project proponents to obtain approvals from the local planning departments. A local permitting process would also be needed for public infrastructure projects. Examples of public infrastructure projects include water supply, road control, construction, operations and maintenance of facilities, as well as economic and rural transportation projects.

How the Plan Will Work

The Plan, by moving endangered species permitting from state and federal agencies to local agencies, strengthens local control over land use and provides greater flexibility in meeting needs such as transportation, water supply, and economic activities in the area. Rather than conducting project-by-project biological surveys, negotiations, and mitigation and paying fees for individual project permitting, project proponents would receive endangered species permits by paying a single fee (and/or dedicating land), conducting limited surveys in identified areas, and avoiding and minimizing impacts during construction. The Plan’s implementing entity, an organization charged with managing the Plan, would see these fees, combined with grants and other funding, to purchase habitat lands or easements from willing sellers to create a 58,000-acre Reserve System. Development impact fees would also pay for monitoring, habitat enhancement, and land management. The new Reserve System would be linked to existing open space to form a network of protected areas.

Implementation

A new organization will be created, via a Joint Powers Authority (JPA), to oversee assembly and operations of the Plan’s Reserve System and ensure compliance with all terms of the Plan, permits, and Implementing Agreement (IA). This Implementing Entity (IE) will be run by a Governing Board and Implementation Board of representation from each Local Partner.

The Implementing Entity is likely to partner with existing agencies and organizations to conduct a significant portion of its responsibilities, such as land acquisition and management. For example, the Santa Clara County Parks and Recreation Department, the Santa Clara Valley Open Space Authority, The Nature Conservancy, Peninsula Open Space Trust, and local foundations already assist in acquisition of conservation land in the area, and are expected to continue to do so in the future.

Challenges & Opportunities

A Challenge—Western Burrowing Owl

The western burrowing owl has a very restricted range within the study area, and in recent years has experienced a sharp decline in population. To include the highest value habitat for conservation of this species, the study area was expanded to incorporate 49,684 acres just outside of the permit area. A cohesive conservation strategy was developed to aid in the recovery of the local burrowing owl populations.

An Opportunity—Wetland Permitting

The U.S. Army Corps of Engineers (Corps) and State and Regional Water Quality Control Boards (Boards) issue permits for projects that impact wetlands including storage, production, and discharge of water. In 2006, the Local Partners chose not to pursue wetland permits via this Plan due to potential financial costs and expected time delays in addressing wetlands to the satisfaction of the Corps and Boards. The Plan would simplify the Corps’ wetland permitting process by requiring USEPA to evaluate comments and conditions on applications for Corps permits to the Plan.

Efforts are underway by other habitat plans to use their Plan to secure area-wide wetland permits. An implementation objective of the Santa Clara Valley Plan would be to obtain state and federal area-wide wetland permits.
Cost and Funding Principles

- Make Best Use of Existing Resources. The Plan would incorporate 13,000 acres of existing open space and rely on existing public funding sources and would coordinate the mitigation expenditures of new development and infrastructure. No new taxes would be needed.
- Fund Mitigation with Development Fees. Based on typical mitigation ratios, 69% of the $1.5 billion in fees to be acquired are needed to mitigate future development impacts. Development impact fees account for over 50% of the Plan’s total funding.
- Cost-Share with State and Federal Government. State and federal agencies would be contributing about $1.5 million to help implement the Plan. These funds include existing specifically earmarked funds for implementing approved HCPs/MCPs.
- Final Permit-Post Land Management. A fund created by development impact fees would provide revenue for managing the Reserve System after the 50-year permit term.

Costs of Implementing Plan

The cost of Plan implementation over the 50-year permit term is estimated at $1.5 billion in current dollars. This includes the cost of land acquisition (about 40 percent of Plan costs), Plan administration, habitat management, habitat restoration, and biological monitoring during the permit term and a fund (about 10 percent of Plan costs) to ensure post-permit land management.

Funding to Implement Plan

The Habitat Plan offers a balanced approach to conserving species and habitats while efficiently distributing the costs. An important source of financing would be fees on private development and public infrastructure projects that would receive permit coverage. Some of the public funding would come from contributions by local, state, and federal programs already funding conservation in the area. In addition, the approved Plan allows fee-based agreements to receive state and federal funding that would otherwise not be available to Santa Clara County. The Plan would not increase local taxes or use local General Fund resources.
**Expected Benefits of the Habitat Plan**

- **To Residents** - Protection of open space, enhancement of recreational opportunities, preservation of scenic landscapes and natural heritage.
- **To the Environment** - Protection and enhancement of 58,000 acres of high-quality habitat and open space to preserve species, biological diversity, and ecosystem function.
- **To Business/Development** - Streamlining compliance with endangered species and wetland regulations, providing greater regulatory and economic certainty.
- **To Rural Landowners** - Expanded market for willing sellers of land.
- **To Local Governments** - More local control, permits for infrastructure projects, greater regulatory and economic certainty.

**Project Schedule**

- **Earliest 2011** - Public/Local Partner Review of Staff Plan documents until April 18, 2011
- **Fall 2011** - Prepare Final Plan, EIR/EI & IA and implement Review of Final Plan, EIR/EI & IA
- **Late 2011** - Adopt Plan, EIR, EIS & IA
- **Early 2012** - Local Partners, local governments, and local stakeholders begin implementing the Plan
- **Mid 2012** - Implementation of a wetland, species, or other permits

For more information visit [www.scv-habitatplan.org](http://www.scv-habitatplan.org) or contact Ken Schreiber at (408) 299-3709, ken.schreiber@ceo.sccgov.org.
Attachment B
Summary of Fees in the Santa Clara Valley HCP/NCCP

The various fees associated with development impacts proposed in the HCP/NCCP are as follows:

**Land Cover Zone Fees.** Public and private sector development fees are one-time fees based on the type and amount of land that a particular activity affects (see attached Fee Zone Map). Impact fees vary depending on the habitat value of the land affected. There are three fee zones and one non-fee zone:

- **Zone A: Natural Land.** Zone A would apply to land that is strongly dominated by natural land cover types including grassland, oak woodland, and chaparral. The impact fee is projected to be $19,720 per acre. This fee classification is not anticipated to apply to VTA.

- **Zone B: Agricultural and Valley Floor Rural Residential Lands.** Zone B would apply to land that is strongly dominated by currently or formerly cultivated agricultural land. The impact fee is projected to be $13,790 per acre. This fee classification is anticipated to apply to VTA.

- **Zone C: Small Vacant Sites.** Zone C would apply to sites that are undeveloped and between 0.5 to 10.0 acres in size. The impact fee is projected to be $4,930 per acre. This fee classification is not anticipated to apply to VTA.

- **Zone D: Urban Areas (non-fee zone).** Zone D would apply to sites within the urban service area and outside of Zones A, B or C. Since the ecological value of such sites is already depleted, no general land use fee is proposed for Zone D. However, other development fees may apply.

**Additional Development Fees.** The following fees are in addition to the Zone Fees.

- **Nitrogen Deposition Fee.** Development in all zones would be subject to a one-time fee of $7.29 for each new vehicle trip to mitigate for the indirect impacts of vehicle emissions on natural habitat, and particularly for impacts to serpentine habitat. This fee classification is anticipated to apply to VTA projects that generate new vehicle trips.

- **Wetland Impact Fees.** Development that directly impacts wetland habitat would be subject to a wetland mitigation fee that varies from between approximately $100,000 to $300,000 per acre depending on the type and sensitivity of the wetland impacted (streams, ponds, seasonal wetlands, riparian/riverine). This fee classification is anticipated to apply to VTA projects that cross streams and fill in wetlands.

- **Serpentine Fee.** Development on serpentine land would have an additional fee of $61,810 per acre. This fee is based on the notably higher cost of mitigating impacts to serpentine land. This fee classification is not anticipated to apply to VTA.

- **Burrowing Owl Fee.** Development on land occupied or supporting western burrowing owl nest locations would have an additional fee of $25,120 per acre of owl nesting habitat and foraging
habitat within 0.5 miles of a nest location. This fee is based on the notably higher cost of mitigating impacts to western burrowing owl habitat. This fee classification would not apply to the development of the Cerone Bus Facility as described in the *Mitigated Negative Declaration/Initial Study/Environmental Assessment – Santa Clara Valley Transportation Authority Cerone Complex Improvements Project* (December 2001). VTA has already mitigated for impacts to owls and owl habitat based on future improvements to this site. However, if VTA were to sell the land to a developer, it is likely that the developer would be required to pay this fee. Similarly, if VTA were to develop beyond the project footprint included in the 2001 environmental document, VTA would be subject to this fee.

- **Temporary Impact Fee.** A temporary impact fee is proposed for short-term impacts that can be completely mitigated within a period not-to-exceed five years from the end of construction. The fee classification for temporary impacts is anticipated to apply to VTA projects.
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: City of San Jose Local Transportation Model Conformance Finding

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

ACTION ITEM

RECOMMENDATION:
Accept the CMP Model Conformity Consistency findings for the City of San Jose Local Transportation Model.

BACKGROUND:

VTA's Local Transportation Model Consistency Guidelines require that the CMP review and approve computer travel demand models used by local jurisdictions to determine the transportation impacts of land use decisions on the CMP system. The City of San Jose has recently completed the development of a local travel demand model used for the development of the Envision San Jose 2040 General Plan update. The VTA Countywide Model was used as the starting point for the development of the City of San Jose local model. San Jose staff and consultants implemented minor changes to the models to reflect more detail in the local roadway networks and to more accurately reflect local population and employment estimates for the model Traffic Analysis Zones (TAZs). The model was then validated to recent traffic count data before developing forecasts of travel demand testing different land use development scenarios from the Envision San Jose 2040 General Plan update.

DISCUSSION:

CMP modeling staff and the Service Operations and Management Working Group (SOMWG) of the TAC have reviewed San Jose's model and find that the model meets the consistency tests established by the CMP. The methodologies used for estimating trip generation, trip distribution, mode choice and vehicle and transit assignments are essentially identical to the VTA Countywide Models and are thus in conformance with the CMP Local Transportation Model.
Consistency Guidelines. In addition to overall modeling methodologies, the socioeconomic databases used by the City of San Jose for base year model validation 2008 are also within the consistency guidelines.

**ALTERNATIVES:**

The Board can refuse to accept the conformance finding recommended by CMP staff, the SOMWG and the Technical Advisory Committee.

**FISCAL IMPACT:**

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

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

The Technical Advisory Committee voted unanimously to approve the CMP staff and SOMWG finding concluding that the City of San Jose model is in conformance with the local transportation model consistency guidelines.

Prepared by: George Naylor
Memo No. 3144
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 Guiding Principles for the Sustainable Communities Strategy and Regional Transportation Plan

ACTION ITEM

RECOMMENDATION:
Adopt VTA’s Sustainable Communities Strategy (SCS) Principles as Santa Clara County’s position to ensure proper development of a viable Regional Transportation Plan.

BACKGROUND:

As the Congestion Management Agency for Santa Clara County, VTA is responsible for preparing and adopting the countywide transportation plan, the Valley Transportation Plan (VTP). The passage of SB 375 introduced significant new complexities and challenges into the Regional Transportation Plan (RTP) planning process 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. The VTP will provide county-level vision and input into the RTP. This memorandum is to present VTA’s guiding principles for the development of the Regional Transportation Plan and the Sustainable Communities Strategy.

As one of the first steps toward crafting a Sustainable Communities Strategy for the region, the Regional Agencies released an unconstrained Initial Vision Scenario in March.

DISCUSSION:

In response to the Initial Vision Scenario for the Sustainable Communities Strategy (SCS), VTA, in collaboration with local planning directors, has developed a set of draft Principles on
Sustainable Communities Strategy and Plan Bay Area. In May, VTA staff presented the draft principles to the Technical Advisory Committee (TAC) and the Policy Advisory Committee (PAC) and received valuable input. The comments of the PAC were included after their June meeting. The principles highlight the vision for future growth in this area and the strategies to accommodate and guide the growth. They present an advocacy platform for VTA and communities in Santa Clara County to guide the continuing discussions on the development of the SCS and the Regional Transportation Plan. In the next several months, through October 2011, the Regional Agencies will be developing alternative scenarios that will build upon input provided for the Initial Vision Scenario. The principles will be used to guide the development of our own VTP and will be used as an advocacy position for our County to forward to the Regional Agencies.

The principles are based upon three main points of discussion: funding, local decision making, and practical implementation of SCS. They also state that each city, town, or unincorporated center within Santa Clara County is different with its own unique character and that each is in the best position to decide how to develop a sustainable community. The VTA has been at the forefront in promoting the connection between land uses and the transportation system. Local General Plans are moving towards sustainable growth and reduction of greenhouse gases. The funding that comes through as part of the RTP must also follow where growth will occur. Over the next 25 years Santa Clara County is projected to grow by 25% in population and 28% in the number of jobs.

VTA intends to use these principles as Santa Clara County’s guidance for the development of a reasonable and achievable SCS and will be used to advocate for more funding in Santa Clara County. After the development of the principles, VTA Staff will submit a letter to the Regional Agencies that will provide comment to the Initial Vision Scenario and the overall process of the development of the next RTP/SCS. As VTA develops our own long-range plan, the principles will serve as the focus of our Strategic Plan element and will guide our efforts in developing a local sustainable communities strategy.

Attachment A shows the list of guiding principles for adoption.

**ALTERNATIVES:**

The Board may choose to adopt additional or a different set of principles.

**FISCAL IMPACT:**

There is no financial impact as a result from this action.

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

Member Batra commented that the Santa Clara County Association of Planning Officials (SCCAPO) also reviewed the SCS principles and generally supported them.

Member Tripousis questioned whether the SCS principles were in line with the Block Grant concept being discussed at MTC. Staff responded that it is in line with them and that the preliminary concept was favorable to Santa Clara County. Member Tripousis also advised that while the Block Grant concept is favorable, the specifics of the block grant concept need to be
carefully reviewed to make sure Santa Clara County receives its fair share of funds.

Prepared by: John Sighamony
Memo No. 3121
VTA strongly supports the goals of SB 375 to better connect land-use and transportation planning, which compliment goals already established by the agency. VTA, in collaboration with local officials, offer the following principles for moving forward. These principles are intended to help VTA, Santa Clara County jurisdictions, and the Bay Area achieve the goals of (1) creating a balanced multimodal transportation system; (2) planning for sustainable and economically viable communities; (3) reducing Vehicle Miles Traveled; and (4) meeting the greenhouse gas reduction targets set by the California Air Resources Board.

1. **Discretionary Funding Should Follow Projected Growth**

   - Assign a proportional amount of Regional Transportation Plan (RTP) discretionary transportation funding to counties willing to accept growth. It is vital for the success of the SCS that cities/regions accepting population and job growth have the necessary resources to implement the plan.
   - Funding for transportation system maintenance and operation should remain a high regional priority.
   - Delegate RTP funding and programming authority to the county Congestion Management Agency (CMA) level in flexible programs.
   - Dedicate transportation funds only to transportation projects and programs.

2. **Regional Vision Setting / Local Decision Making**

   - Regional agencies should outline the SCS vision and goals, and provide the tools and resources for local agencies to implement the plan.
   - Local agencies should retain local land use and transportation decision-making authority.
   - The SCS/RTP must be consistent with local and regional sustainability/climate actions plans and other planning efforts, as well as VTA polices.

3. **Sustainable Communities Strategy must be Practical & Implementable**

   - The SCS provides a unique opportunity to create a long-term vision for a sustainable Bay Area, and while the plan should be visionary, it is critical to success that it be financially and politically feasible.
   - The SCS should serve as an advocacy platform for seeking new transportation funding sources, and to support housing-related infrastructure and other new efforts that may result from the SCS process. The SCS should clearly describe what can be reasonably accomplished with existing fund sources and what could be accomplished if new fund sources are secured.
   - The SCS must embrace a balanced, multimodal transportation system.
   - The SCS must include an economic analysis that demonstrates the costs and benefits of the plan to ensure that strategies resulting from the SCS process enhance and advance Silicon Valley/Santa Clara County, and the Bay Area’s position as a world-wide economic leader.
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority  
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Authorization to Amend URS Contract S06119 - Express Lanes

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

ACTION ITEM

RECOMMENDATION:
Authorize the General Manager to revise URS Corporation contract S06119 to a not-to-exceed total contract value of $8.3 million to correct a staff oversight that reported the not-to-exceed value for the contract to be $4.3 million at its approval at the May 5, 2011 VTA Board Meeting.

BACKGROUND:

On November 6, 2006, the VTA Board of Directors authorized the General Manager to execute a contract with URS Corporation for preliminary engineering and development of a High Occupancy Toll Lane Demonstration Project with VTA's Local Program Reserve (LPR) funds. A $2.05 million not-to-exceed URS contract value was established.

On October 1, 2009, the VTA Board of Directors authorized an amendment to the URS contract to add scope for the Project Approval/Environmental Documentation phase (PA/ED), Plans, Specifications and Estimates (PS&E) phase and Electronic Toll Systems (ETS) design services for the SR85 Express Lanes Project. The contract was increased by $4.7 million, and a not-to-exceed value was revised to $6.7 million.

In order to allow for consistent development of the SR85 and US101 Express Lanes Projects as a transportation corridor, at the December 9, 2010 Board Meeting, the General Manager was authorized to amend the existing URS contract by eliminating PS&E scope for SR85 Express Lanes Project and adding early PA/ED tasks to advance the US101 Express Lanes project. The decrease of $2.7 million from the SR85 Express Lanes scope and addition of $1.5 million for the US101 Express Lanes scope resulted in a net decrease of $1.2 million for a total contract value of $5.5 million.
At the May 5, 2011 Board of Directors Meeting, $3.8 million of LPR funds were reallocated to the US101 Express Lanes Project. At the same Board of Directors Meeting, the General Manager was authorized to increase the URS contract by $2.8 million for completion of PA/ED for the US101 Express Lanes Project. The addition of $2.8 million provided URS a total of $4.3 million for work on US101 Express Lanes Project Scope.

**DISCUSSION:**

In the May 5, 2011 Board Memorandum, staff asked for Board approval to add the $2.8 million of funds for completion of the PA/ED on the US101 Express Lanes Project. In that Memo, staff incorrectly stated that the contract not-to-exceed was $4.3 million -- not the $6.7 million (approved by Board at the October 1, 2009 Meeting). The $4.3 million referred to the US101 Express Lanes Project budget for URS rather than the contract value for all of the Express Lanes work being performed by URS.

The addition of $2.8 million to the current contract value of $5.5 million results in total not-to-exceed contract value of $8.3 million, which is the revised value that should have been documented. The breakdown of the $8.3 million by project is as follows:

- Original HOT Lanes Demonstration Project $2.0 million
- SR85 Express Lanes Project $2.0 million
- US101 Express Lanes Project $4.3 million

To correct this oversight, VTA staff is requesting the Board of Directors to authorize the General Manager to increase the total contract not-to-exceed value from $4.3 million to $8.3 million in order for previously approved scope and services to go forward.

**ALTERNATIVES:**

The VTA Board of Directors may elect not to allow the General Manager to revise the contract not-to-exceed value to $8.3 million, therefore electing not to move forward with completion of the PA/ED services for the US101 Express Lanes Project. Alternatively, the VTA Board of Directors may elect to allow the General Manager to revise the total contract not-to-exceed value back to the 2009 approved not-to-exceed contract value of $6.7 million, which would still not allow for the completion of the PA/ED for the US101 Express Lanes Project.

**FISCAL IMPACT:**

This action will correct the not-to-exceed contract value from $4.3 million to $8.3 million. There is sufficient appropriation for the previously approved expenditure in the FY 2012 Adopted VTP Highway Improvement Program Fund Capital Budget.

Prepared by: Jane Shinn
Memo No. 3171
### List of Consultants

<table>
<thead>
<tr>
<th>Firm Name</th>
<th>Name</th>
<th>Role</th>
<th>Location</th>
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</thead>
<tbody>
<tr>
<td>URS Corporation</td>
<td>Ramsey Hissen</td>
<td>Principal</td>
<td>San Jose</td>
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<tr>
<td>DKS Associates</td>
<td>Terry Klim</td>
<td>Sub-Consultant</td>
<td>Oakland</td>
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<tr>
<td>Environmental Data Resources</td>
<td>Noel Roman</td>
<td>Sub-Consultant</td>
<td>San Jose</td>
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<tr>
<td>Illingworth and Rodkin</td>
<td>Michael Thill</td>
<td>Sub-Consultant</td>
<td>Petaluma</td>
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<td>JRP Historical</td>
<td>Steven Whee</td>
<td>Sub-Consultant</td>
<td>Davis</td>
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<td>Radman Aerial</td>
<td>Carol Radman</td>
<td>Sub-Consultant</td>
<td>Sacramento</td>
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<tr>
<td>Wilbur Smith Associates</td>
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<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:     Resolution Agreeing to Conduct Resolution of Necessity Hearings for the I-280/I-880/Stevens Creek Blvd. Improvements

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

Resolution

ACTION ITEM

RECOMMENDATION:
Adopt a resolution agreeing to conduct Resolution of Necessity hearings at the local level for the I-280/I-880/Stevens Creek Boulevard Improvements Project, as required by State law.

BACKGROUND:

The I-280/I-880/Stevens Creek Boulevard Improvements Project (Project) is located at the connection of the SR-17, I-280 and I-880 freeways in the City of San Jose. The objectives of the Project are to:

- Improve traffic operations and safety on the freeways and local roadways in the area;
- Improve traffic circulation, and land uses for the neighborhoods, retail corridors and medical and shopping centers in the vicinity of the interchanges;
- Reduce traffic congestion and delay in the project area.

The two major components of the Project are the reconfiguration of the I-880/Stevens Creek Boulevard interchange and the construction of a direct connector ramp from northbound I-280 to northbound I-880. In order to accommodate improvements to the southbound I-880 to Stevens Creek Boulevard off-ramp, a partial property acquisition and temporary construction easement may be required from a commercial property. In order to construct the direct connector, three
properties may be impacted completely, with the owners and tenants required to permanently relocate. Several additional commercial and residential properties may be impacted temporarily. For more information on the Project, a Fact Sheet is attached as Exhibit A.

Pursuant to a Cooperative Agreement for Project Development entered into between VTA and the State of California, Department of Transportation, dated August 17, 2007, VTA is responsible to acquire all property needed for the Project and to conduct all right of way activities, including eminent domain proceedings as necessary.

**DISCUSSION:**

Funding for construction of the Project is subject to deadlines imposed by the California Transportation Commission, as required by Proposition 1B. VTA will diligently work to acquire the requisite property following statutorily mandated right-of-way procedures, with the goal of obtaining final possession through negotiated settlements with respective property owners. However, as such negotiations are not always successful, and in order to ensure that funding for the Project is not jeopardized, VTA may need to acquire the needed property through eminent domain proceedings. A prerequisite to commencement of eminent domain proceedings by a public entity is adoption of a Resolution of Necessity (1245.220). This statutory requirement is designed to ensure that public entities will verify and confirm the validity of their intended use of the power of eminent domain.

Public Utilities Code Section 100161 and Streets & Highways Code Section 760 require adoption of a resolution by a four-fifths vote of the Board agreeing to conduct Resolution of Necessity hearings for the acquisition of property for a State highway project. Caltrans, the right-of-way certification agency for this Project, requires adoption of a Section 760 resolution (Exhibit B) prior to the adoption of Resolutions of Necessity required for property acquisition.

**ALTERNATIVES:**

There are no practical alternatives to the recommended action if the project is to be constructed as designed.

**FISCAL IMPACT:**

There is no direct fiscal impact as a result of this action. Budget appropriation for relocation costs and acquisitions are included in the FY12 Adopted VTP Highway Improvement Program Fund Capital Budget.

Prepared by: Brad Dexter
Memo No. 3156
Overview
The project proposes to improve traffic flow, safety and access between the Interstate 280 (I-280) and Interstate 880 (I-880) freeway corridors near Stevens Creek Boulevard, including modifications to the freeway-to-freeway intersection of I-280/I-880 freeway interchange, as well as the adjacent interchanges at I-880/Stevens Creek Boulevard.

Specific improvements include:

- Reconfiguring the existing full cloverleaf I-880/Stevens Creek Boulevard interchange to improve traffic flow in the surrounding interchange area by widening and realigning ramps, widening the overcrossing structure at Stevens Creek Boulevard over I-880, improving intersections and providing enhanced access for pedestrians and bicyclists.

- Separating freeway-to-freeway traffic from local traffic by constructing a new direct connector from northbound I-280 to northbound I-880.

Objective
To improve overall safety and traffic flow, enhance pedestrian friendly features along Stevens Creek Blvd., separate regional freeway-to-freeway traffic from local traffic and reduce queuing and traffic backups onto northbound I-280 from the connecting ramps to I-880 and Stevens Creek Blvd.

Capital Cost/Project Funding
$64.6 million (currently not fully funded)/ $54.2 million is currently funded in a combination of federal, CMIA funds, City of San Jose and VTA funds have been designated for an initial phase focused on the northbound I-280 to northbound I-880 connection as well as the eastern half of the I-880/Stevens Creek Boulevard Interchange. Project partners continue to seek additional funding for the remaining portion of the project, which includes the western half of I-880/Stevens Creek Boulevard Interchange including the Monroe Loop off-ramp from southbound I-880.

Project Schedule
Environmental: Summer 2011
Design: Mid 2012*
Right-of-Way: Mid 2012*
Construction Start: Late 2012*

* Schedule may be further refined. Note that funding has not been identified for all phases of the project.

How to Reach Us
If you have any questions about the I-880/I-280/Stevens Creek Improvements Project, please call VTA’s Community Outreach Department at (408) 321-7575, (TTY) for the hearing-impaired (408) 321-2330. You may also visit us on the web at www.vta.org, or email us at community.outreach@vta.org.
I-280/I-880/Stevens Creek Improvements Project

**VTA Mission:** VTA provides sustainable, accessible, community-focused transportation options that are innovative, environmentally responsible, and promote the vitality of our region.
RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
AGREEING TO CONDUCT RESOLUTION OF NECESSITY HEARINGS
FOR THE I-280/I-880/STEVENS CREEK BOULEVARD INTERCHANGE
IMPROVEMENTS PROJECT

WHEREAS, the Santa Clara Valley Transportation Authority (VTA) is in the process of planning the I-280/I-880/Stevens Creek Boulevard Improvements Project (Project); and,

WHEREAS, on August 17, 2007, VTA and the State of California, Department of Transportation (State), entered into a “Cooperative Agreement for Project Development” pertaining to the Project (Cooperative Agreement); and,

WHEREAS, the Cooperative Agreement establishes the respective responsibilities of the State and VTA regarding the Project, including VTA’s responsibility to perform all right of way activities, including all eminent domain activities, if necessary, for the acquisition of property to accommodate the Project, and the relocation of conflicting utilities necessary for completion of the Project; and,

WHEREAS, VTA is authorized to acquire property and exercise the power of eminent domain pursuant to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law, Code of Civil Procedure Sections 1230.010 et seq., and Sections 100130, 100131, and 100161 of the Public Utilities Code; and,

WHEREAS, timely completion of the Project requires that VTA proceed under the Cooperative Agreement to acquire certain property for the Project; and,

WHEREAS, it is desirable and necessary for VTA to acquire certain property for the Project, and such acquisition will promote the interests of VTA; and,

WHEREAS, pursuant to Section 100161 of the Public Utilities Code and Section 760 of the Streets and Highways Code, the Board of Directors of VTA is required to pass a resolution determining that the Board of Directors will conduct resolution of necessity hearings for the acquisition of real property needed for state highway purposes, including for the Project;

WHEREAS, to proceed with the Project and the acquisition process, and in light of the Project’s schedule and deadlines, and pending negotiations for acquisition, it may be necessary to conduct resolution of necessity hearings;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Santa Clara Valley Transportation Authority agrees to conduct resolution of necessity hearings, and to adopt or reject proposed resolutions of necessity, as contemplated by the Cooperative Agreement, to obtain the real property and real property interests determined to be necessary for the Project.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on August 4, 2011, by the following vote:
AYES: DIRECTORS

NOES: DIRECTORS

ABSENT: DIRECTORS

____________________________________
Margaret Abe-Koga, Chairperson
Board of Directors

I HEREBY CERTIFY AND ATTEST that the foregoing resolution was duly and regularly introduced, passed and adopted by the vote of four-fifths or more of the Board of Directors of the Santa Clara Valley Transportation Authority, California, at a meeting of said Board of Directors on the date indicated, as set forth above.

Dated: ________________

___________________________________
SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

_____________________________
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: Final Relocation Plan - I-280/I-880/Stevens Creek Blvd. Improvements

ACTION ITEM

RECOMMENDATION:

Adopt a Resolution approving and adopting the Final Relocation Plan for the I-280/I-880/Stevens Creek Boulevard Improvements Project (Project).

BACKGROUND:

The Project is located at the connection of the SR-17, I-280 and I-880 freeways in the City of San Jose. The objectives of the Project are to:

- Improve traffic operations and safety on the freeways and local roadways in the area;
- Improve traffic circulation, and land uses for the neighborhoods, retail corridors and medical and shopping centers in the vicinity of the interchanges;
- Reduce traffic congestion and delay in the project area.

The two major components of the Project are the reconfiguration of the I-880/Stevens Creek Boulevard interchange and the construction of a direct connector ramp from northbound I-280 to northbound I-880.

VTA continues to work diligently to plan the Project in a manner that minimizes the number of potential acquisitions and displacements. However, certain displacements may be unavoidable. Prior to acquiring properties which may cause displacement, federal and state law require public agencies to plan appropriately for persons and businesses that are impacted by the acquisition of property. In California, such planning is required to be documented in a Relocation Plan, which
must be formally adopted by the respective agency’s legislative body.

The Draft Relocation Plan for the Project is currently being circulated to the general public for review and comment until July 27, 2011, in accordance with California law. Any additional comments received during the circulation period will be summarized and attached to the Draft Relocation Plan.

The Draft Relocation Plan will be updated to reflect VTA’s responses to these public comments, which will then constitute the proposed Final Relocation Plan. The proposed Final Relocation Plan will be submitted to the VTA Board of Directors for review and adoption at the August 4, 2011 Board meeting. The Final Relocation Plan is attached as Exhibit A and the proposed resolution for adoption of the Final Relocation Plan is attached as Exhibit B.

**DISCUSSION:**

As noted earlier, VTA is planning the Project in a manner that minimizes the number of properties to be potentially acquired and limits the number of businesses and residences to be potentially displaced. However, certain displacements may be unavoidable in order to complete the Project. Under the current design for the Project, three residential properties will be acquired in full requiring permanent relocation of the occupants, and temporary occupancy of other residential and commercial properties will also be required. Detailed information about the potential impacts and the availability of suitable relocation sites for impacted occupants is provided in the attached Final Relocation Plan.

The Draft Relocation Plan was made available to the public for review and comment from June 27, 2011 through July 27, 2011. This period reflected the statutorily-required 30-day review and comment period. Additionally, potentially displaced homeowners and occupants were notified by mail of the availability of the Draft Plan for their review and comment. Copies of the Draft Plan were also made available to the public at VTA offices, the VTA website, VTA’s Facebook, the Dr. Martin Luther King Jr. Main Library, Rose Garden Library and the West Valley Library. An electronic copy of the Draft Plan was made available upon request by interested parties.

VTA collected comments from the public, responded to all comments and modified the Draft Plan accordingly. All comments and responses are summarized and included in Appendix 3 of the Final Relocation Plan being submitted to the Board for review and adoption on August 4, 2011.

The Final Relocation Plan 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 property owners that may be affected by the Project;
- An analysis of properties that may serve as replacement sites for the residential occupants 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 \textit{et.seq.}, 49 CFR 24, California Government Code 7260 \textit{et.seq.}, and California
Code of Regulations, Title 25, Chapter 6.

The Final Relocation 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 has
developed a Residential Relocation Assistance brochure (included in the Final Relocation Plan)
for this purpose. The brochure describes the relocation assistance available to eligible residential
households displaced as a result of the Project. The Final Relocation 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.

The requested Board action is a critical milestone in the Project schedule, which anticipates 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 adopt the proposed
Final Relocation Plan at the August 4, 2011 Board meeting.

\textbf{ALTERNATIVES:}

The Board could require that the proposed Final Relocation Plan be modified and thereby delay
the approval of the Final Relocation Plan, which could cause a delay to the Project. There are no
legal alternatives to adopting a Final Relocation Plan if the Project is to be constructed.

\textbf{FISCAL IMPACT:}

There is no direct fiscal impact as a result of this action. Budget appropriation for the cost of
relocation assistance services is included in the FY12 Adopted VTP Highway Improvement
Program Fund Capital Budget. Adoption of the attached Resolution will enable VTA to acquire
properties which may cause displacement, thereby enabling implementation of the Project.
Delay of approval of the proposed Final Relocation Plan may delay construction, and unknown
costs may be associated with a delay.

Prepared by: Brad Dexter
Memo No. 3155
Santa Clara Valley Transportation Authority

I-280/I-880/Stevens Creek Boulevard Improvements Project

Final Relocation Plan

Prepared By:

Chad Wakefield  July, 28 2011
Project Manager
Overland, Pacific, and Cutler Inc.

Reviewed By:

Melvin Smith  July 28, 2011
Senior Real Estate Agent

Bijal Patel  7/28/11
Deputy Director
TABLE OF CONTENTS

EXECUTIVE SUMMARY 4
PROJECT DESCRIPTION 6
1. Location of the Project 7
2. Impacts of the Project to Private Property 8
3. Proposed Project Funding 10
4. Project Timeline 10
5. Operations 10
RELOCATION PLAN 11
1. Statutory Requirements for the Plan 11
   1.1 Plan Preparation 11
2. Relocation Impacts 12
   2.1 Needs Assessment Methodology 12
   2.2 Impact to Residential Occupants 12
   2.3 Residential Overcrowding 13
2.4 Accessibility, Language and Other Special Needs 13
   2.5 Impact to Low Income Households 13
   2.6 Replacement Housing Resources 14
3. Concurrent Displacement 15
4. Temporary Relocation 15
5. Program Assurances and Standards 15
   5.1 Relocation Assistance Program 16
   5.2 Relocation Benefits Category 19
   5.3 Payment of Relocation Benefits 24
6. Eviction Policy 25
7. Appeals Policy 25
8. Projected Dates of Displacement 25
9. Estimated Relocation Cost 26
10. Availability of Plan to the Public 26

TABLES AND IMAGES
Image 1: Subject Area and improvements 7
Image 2: Appraisal Map Index 8
Table 1: Properties Impacted 9
Table 2: Sample of Homes for Sale 14
Table 3: Sample of Homes for Rent 15

APPENDICIES
Appendix 1: Relocation Assistance Brochure 28
Appendix 2: Title VI and VII Brochures
Appendix 3: Comments and Responses
EXECUTIVE SUMMARY

The Santa Clara Valley Transportation Authority (VTA) is in the process of planning for the improvement of the I-280/I-880 freeway corridors near Stevens Creek Boulevard in San Jose, CA. The purpose of the I-280/I-880/Stevens Creek Boulevard Improvements Project (Project) is to:

- Improve traffic operations and safety on the freeways and local roadways in the area;
- Improve traffic circulation, and land uses for the neighborhoods, retail corridors and medical and shopping centers in the vicinity of the interchanges;
- Reduce traffic congestion and delay in the Subject Area. The Subject Area is depicted in Image 1 of this DRAFT Relocation Plan.

It has been VTA’s goal to avoid significant impacts to private property, and to minimize the number of acquisitions and relocations. However, according to the current approved design, some impacts to private properties are expected.

On November 4, 2010 VTA’s Board of Directors formally adopted the federal Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended (URA) and the California Relocation Act (Title 25). These regulations require the preparation of a Relocation Plan which documents VTA’s approach to mitigate the impact to residential properties and/or businesses due to the project. The VTA Board must then formally adopt a project specific Relocation Plan. Before the formal adoption of the Plan, a Draft Relocation Plan was available for public review and comment from June 27, 2011 to July 27, 2011. The Final Relocation Plan is scheduled to be reviewed and adopted by the VTA Board on August 4, 2011.

Should the current design and environmental document be approved, the Project will require the full acquisition of three private properties. These residential properties may be impacted completely and the owners and tenants may be required to permanently relocate. Additionally, other commercial and residential properties may be temporarily...
impacted. There are a total of four households, comprised of approximately nine persons, who will be impacted by this Project.

At a minimum, each displaced household will receive a General Information Notice, Notice of Eligibility/Conditional Entitlement and a Ninety (90)-Day-Notice-to-Vacate. Residential occupants who are tenants are considered eligible for relocation assistance and benefits, if they lawfully occupied the subject property 90 days prior to the date of the “Initiation of Negotiations”; owner occupants must occupy the property 180 days prior to the “Initiation of Negotiations”. “Initiation of Negotiations” is defined as the date that VTA makes the first written offer to purchase the property from the current property owner; Specific benefit plans will be developed on an individual basis with all displacees. According to the URA, a person is not considered displaced if the relocation is 12 months or less (24.2(a)(9)(ii)(D)). However, if the displacee is impacted temporarily, out of pocket expenses may be reimbursed. Each case will be determined on its own merits.

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 Santa Clara Valley Transportation Authority (VTA) proposes several necessary improvements to the I-280 and I-880 freeway corridors at Stevens Creek Boulevard in San Jose, CA. These improvements are intended to improve traffic flow, safety and access between the corridors. Modifications are needed to the freeway-to-freeway intersection of I-280 and I-880 freeway interchange and to adjacent interchanges at I-880/Stevens Creek Boulevard.

The Projects EIR addresses the need for the project as follows,

- Substantial regional growth has occurred along the SR-17, I-880 and I-280 corridors
- Substantial residential and commercial growth has occurred in the area of the Stevens Creek Boulevard Corridor
- Proximity of the SR-17/I-280/I-880 freeway-to-freeway interchange to the adjacent I-880/Stevens Creek Boulevard interchange which connects to a major arterial street
- Substantial Peak-Period Congestion
- Deficiencies of Cloverleaf Interchange Design at I-880/Stevens Creek Boulevard

In order to improve the existing conditions and address the needs indentified in the EIR the following specific improvements include the:

- Reconfiguration of the existing I-880/Stevens Creek Boulevard cloverleaf interchange. This reconfiguration is needed to improve traffic flow in the surrounding interchange area by widening and realigning ramps, widening the overcrossing structure at Stevens Creek Boulevard over I-880, improving intersections and enhancing access for pedestrians and bicyclists.
- Separation of freeway-to-freeway traffic from local traffic by constructing a new direct connector from northbound I-280 to northbound I-880.

The objectives of these improvements are to improve the overall safety and traffic flow, to enhance pedestrian friendly features along Stevens Creek Boulevard, to separate regional freeway-to-freeway traffic from local traffic, and to reduce queuing and traffic backups onto northbound I-280 from the connecting ramps to I-880 and Stevens Creek Boulevard.
The sections below describe the Location, funding, timeline and operations.

1. Location of the Project

The Subject Area is generally identified as bounded by: I-880 on the west, I-280 on the south, Bascom Avenue on the east and Stevens Creek Boulevard on the north. Stevens Creek Boulevard on the north is an unincorporated pocket. Although areas within the City of Santa Clara do not abut the freeways within the project limits, Santa Clara’s city limits extend to the project vicinity.

The Subject Area of the project is shown below in Image 1 and 2.

Image 1: Subject Area and Improvements
2. Impacts of the Project to Private Property

In order to develop the Project in the Subject Area, the acquisition of additional right-of-way will be required to create the proper alignment. Temporary construction easements (TCE's) will be required to construct sound wall improvements.

The acquisition of necessary right-of-way will require the acquisition of three occupied residential properties in the Subject Area. These takes will require the relocation of four households comprising nine individuals within the Subject Area. Interviews were conducted by VTA’s relocation consultant between May 19 and June 21, 2011.
Should the project move forward, these households will be required to relocate permanently from their homes.

VTA will also require the temporary use, by way of construction easements, of portions of several other residential and commercial properties during the construction phase and the partial acquisition of a presently un-occupied/utilized parking lot. These additional right-of-way needs will not affect permanent relocation activity on these properties. There is the potential that some personal property may need to be moved from the easement areas; such movement would be temporary and in accordance with relocation regulations.

Provisions for permanent displacements and personal property moves are described in Appendix 1 of this Relocation Plan and previously cited in the Executive Summary. A listing of the properties potentially impacted is shown in Table 1 below.

Table 1: Potential Properties Impacted

<table>
<thead>
<tr>
<th>Address</th>
<th>APN#</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>537 Parkmoor Ave.</td>
<td>277-32-040</td>
<td>Full-take – Requires Occupant Relocation</td>
</tr>
<tr>
<td>517 Parkmoor Ave.</td>
<td>277-32-039</td>
<td>Full-take – Requires Occupant Relocation</td>
</tr>
<tr>
<td>501 Parkmoor Ave.</td>
<td>277-32-038</td>
<td>Full-take – Requires Occupant Relocation</td>
</tr>
<tr>
<td>2601 Scott St.</td>
<td>277-01-021</td>
<td>TCE – No Relocation Required</td>
</tr>
<tr>
<td>2592 Pioneer Ave.</td>
<td>277-01-016</td>
<td>TCE – No Relocation Required</td>
</tr>
<tr>
<td>2598 Pioneer Ave.</td>
<td>277-01-015</td>
<td>TCE – No Relocation Required</td>
</tr>
<tr>
<td>2598 Pioneer Ave.</td>
<td>277-01-075</td>
<td>TCE – No Relocation Required</td>
</tr>
<tr>
<td>465 Hodges Ave.</td>
<td>277-01-079</td>
<td>TCE – No Relocation Required</td>
</tr>
<tr>
<td>435 Hodges Ave.</td>
<td>277-01-078</td>
<td>TCE – No Relocation Required</td>
</tr>
<tr>
<td>415 Hodges Ave.</td>
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<td>TCE – No Relocation Required</td>
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<tr>
<td>2603 Los Coches</td>
<td>277-01-076</td>
<td>TCE – No Relocation Required</td>
</tr>
<tr>
<td>2595 Los Coches</td>
<td>277-01-013</td>
<td>TCE – No Relocation Required</td>
</tr>
<tr>
<td>2587 Los Coches</td>
<td>277-01-012</td>
<td>TCE – No Relocation Required</td>
</tr>
<tr>
<td>2579 Los Coches</td>
<td>277-01-011</td>
<td>TCE – No Relocation Required</td>
</tr>
<tr>
<td>2571 Los Coches</td>
<td>277-01-010</td>
<td>TCE – No Relocation Required</td>
</tr>
<tr>
<td>2561 Los Coches</td>
<td>277-01-009</td>
<td>TCE – No Relocation Required</td>
</tr>
<tr>
<td>2510 S. Creek Blvd.</td>
<td>277-01-001</td>
<td>TCE – No Relocation Required</td>
</tr>
<tr>
<td>NE Corner SC/Monroe</td>
<td>274-43-031</td>
<td>Fee – No Relocation Required</td>
</tr>
</tbody>
</table>
3. Proposed Project Funding

According to VTA’s project Fact Sheet, the proposed funding plan for the Project is a mix of Federal, California Transportation Commission (CTC) Corridor Mobility Improvement Account (CMIA) funds, City of San Jose and VTA funds. The total project costs are approximately $64.6 million..

4. Project Timeline

Currently the project is expected to follow the following general timeline of activities:

- Real Estate/Right-of-Way Planning: May – July 2011
- Secure Right-of-Way: July 2011 – March 2012
- Publish Construction Bid - April 2012
- Start Construction - August 2012

5. Operations

Upon completion, Caltrans will operate and maintain the improved highway interchanges. The City of San Jose will operate and maintain the local streets outside of Caltrans right-of-way limits.
RELOCATION PLAN

1. Requirements for the Relocation Plan

In accordance with federal relocation regulation cited at 24.205 (a) and State regulations at CCR Title 25, section 6038, 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 Project, its schedule and its 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 was circulated for public review and comment for 30 days from June 27, 2011 through July 27, 2011. The public had the opportunity to submit comments regarding the Draft Relocation Plan. Comments and responses were incorporated into this Final Relocation Plan that will be submitted to the VTA Board for review and consideration. Section 10 of the Plan shows where a copy of the Plan was made available to the public.

1.1 Relocation 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 the Uniform Relocation Assistance and Real Property Acquisition Policies Act of
2. Relocation Impacts

As stated previously, the acquisition of necessary right-of-way will require the complete take of occupied residential properties in the Subject Area. Below is a discussion of how the needs of the residents were assessed, as well as the needs and existing conditions affecting the displaced households and the replacement housing resources available to meet these needs.

2.1 Needs Assessment Methodology

To obtain information necessary for the preparation of this Relocation Plan, OPC conducted interviews with each of the households to determine the household’s composition and its replacement housing needs.

For implementation of the Relocation Plan, a follow-up personal interview, as well as on-going inquiries, will be made with the households to assist them in locating and moving into replacement housing that meets their economic and household needs.

2.2 Impact to Residential Occupants

Should the Project move forward, the right-of-way takes will necessitate the relocation of four households. These households are comprised of approximately nine persons, according to interviews conducted by VTA’s relocation consultant. Two households are owner occupied and two households are occupied by tenants.
2.3 Residential Overcrowding

Based on the interviews conducted, conditions observed and needs indicated by the potentially displaced households, no households are presently residing in overcrowded living conditions; Caltrans Right of Way Manual Chapter 10.06.05.00 49CFR 24.2(a)(8). However, if larger replacement housing units are needed to ensure that safe, decent and sanitary living conditions are met, additional assistance will be provided to meet the needs of the households displaced by the project.

2.4 Accessibility, Language and Other Special Needs

Based on the preliminary interviews conducted, conditions observed and needs indicated by the potentially displaced households, no households require special accessibility features in their replacement housing.

No households require communication in any language other than English.

No households require any other special needs.

Should information be provided to the contrary, OPC will work with the displacees to provide the assistance they require.

2.5 Impact to Low Income Households

Based on preliminary interviews conducted between May 19, 2011 and June 21, 2011, and the data collected from the households, one household appears to be low-income (48% of area median income adjusted for household size). The median household income in Santa Clara County is presently $103,500.

Replacement housing cost for low income households (those 80% or less of area median income) should not exceed 30% of the household income. VTA will provide rental assistance so that rent for replacement housing does not exceed 30% of the
gros household income.

2.6 Replacement Housing Resources

Under CRAL and the URA, replacement housing referrals must be made available to displaced households at the time of notice of eligibility for relocation benefits. VTA is committed to making every effort to satisfactorily relocate each household to replacement housing that meets their needs. This Relocation Plan outlines the requirements for relocating displaced residential occupants and demonstrates the level of advisory and financial assistance that will be provided.

Based solely on existing conditions, replacement housing needed to provide comparable replacement housing includes at a minimum two three bedroom single-family homes, a three bedroom unit in a duplex configuration and a one bedroom unit in a duplex configuration.

A brief survey of the residential real estate market matching the size of the impacted properties is shown in Tables 2 and 3 below. The homes sales table lists available properties in the City of San Jose in June 2011.

The rent table lists available properties in the City of San Jose in June 2011.

<table>
<thead>
<tr>
<th>Address</th>
<th>List Price</th>
<th>SF</th>
<th>Bedrooms</th>
<th>Bathrooms</th>
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<tr>
<td>961 Thornton</td>
<td>$395,000</td>
<td>1725</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>1115 Longshore Dr</td>
<td>$439,000</td>
<td>1606</td>
<td>3</td>
<td>2.5</td>
</tr>
<tr>
<td>745 N Monroe</td>
<td>$485,000</td>
<td>1512</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>203 Brooklyn Ave</td>
<td>$499,000</td>
<td>1538</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>2095 Lynnhaven</td>
<td>$470,000</td>
<td>1790</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>692 Menker</td>
<td>$389,900</td>
<td>1940</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>1690 Kingman Ave</td>
<td>$499,000</td>
<td>1622</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td><strong>Data Average</strong></td>
<td><strong>$453,843</strong></td>
<td><strong>1676</strong></td>
<td><strong>4</strong></td>
<td><strong>2</strong></td>
</tr>
</tbody>
</table>

3. Concurrent Displacement

VTA has several transit and transportation improvement projects in planning, design and construction. However, these projects will not displace a substantial number of residential occupants.

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 per 24.2(a)(9)(ii)(D) of the URA.

5. Program Assurances and Standards

Adequate funds will be available to relocate the Project occupants. Relocation assistance services will be provided fairly and equally and without regard to 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 assistance. 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 94621.

A comprehensive relocation assistance program, with technical and advisory assistance, will be provided to households being displaced. Close contact will be maintained with each household. Eligible individuals, who will need to move from existing homes, will receive advisory assistance. Advisory assistance services are intended to:

- Inform displacees about the relocation program
- Help in the process of finding appropriate replacement accommodations
- Facilitate claims processing
- Coordinate the involvement of outside service providers

To follow through on the advisory assistance component of the relocation program and assure that VTA meets its obligations under the law, relocation staff will perform the following functions:

1. Distribute appropriate written information concerning VTA’s relocation program;
2. Inform eligible project occupants of the nature of, and procedures for, obtaining available relocation assistance and benefits. (See Appendix 1)

3. Determine the needs of each residential displacee eligible for assistance;

4. Provide residential displacees with at least one, and preferably three, referrals to comparable replacement housing within a reasonable time prior to displacement;

   Generally, a comparable replacement dwelling must satisfy the following criteria:

   (a) The unit is decent, safe and sanitary - electrical, plumbing and heating systems in good repair - no major, observable hazards or defects. The unit is adequate in size and is comparable to the acquired dwelling with respect to number of rooms, habitable living space and type and quality of construction, but not lesser in rooms or living space as necessary to accommodate the displaced person. The unit is functionally equivalent, including principle features.

   (b) The unit is located in an area not subjected to unreasonable adverse environmental conditions from either natural, or man-made sources, and not generally less desirable with respect to public utilities, transportation, public and commercial facilities, including schools and municipal services and reasonably accessible to the displaced person’s place of employment.

   (c) The unit is available both on the private market and to all persons regardless of race, color, sex, marital status, religion or, national origin.
(d) The monthly rental rate is within the financial means of the displaced residential tenant

5. Maintain an updated database of available housing resources, and distribute referral information to displacees for the duration of the Project;

6. Provide transportation to residential displacees, if necessary, to inspect replacement sites within the local area;

7. Offer special assistance to help elderly or disabled tenants find housing near friends, relatives, medical facilities, and services and convenient transportation;

8. Supply information concerning federal and state programs and other governmental programs providing assistance to displaced persons;

9. Assist each eligible residential occupant in the preparation and submission of relocation assistance claims;

10. Provide additional reasonable services necessary to successfully relocate residents;

11. Make benefit determinations and payments in accordance with applicable law and the VTA’s adopted relocation guidelines;

12. Assure that no occupant is required to move without a minimum of 90 days written notice to vacate;

13. Inform all persons subject to displacement of the VTA’s policies with regard to eviction and property management;
14. Establish and maintain a formal grievance procedure for use by displaced persons seeking administrative review of the VTA's decision with respect to relocation assistance; and,

15. Provide assistance that does not result in different or separate treatment due to race, color, religion, national origin, sex, marital status or other arbitrary circumstances.

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.

Residential 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.
Residential Moving Expense Payments

All residential occupants to be relocated may be eligible to receive a payment for moving expenses. Moving expense payments will be made based upon the actual cost of a professional move or a fixed payment based on a room-count schedule. Moving expenses will be based on one of the following options:

1. **Fixed Payment** – A fixed payment for moving expenses based on the number of rooms containing furniture or other personal property to be moved. The fixed payment is a one-time, all inclusive allowance that does not require back-up documentation.

   The fixed moving payment will be based upon the most recent Federal Highway Administration (FHA) schedule adopted and maintained by the California Department of Transportation, as indicated in Appendix 1.

   - OR -

2. **Actual Reasonable Moving Expense Payments** – The displaced tenants may elect to have a licensed, professional mover perform the move; if so, the VTA will pay for the *actual* cost of the move as follows.

   The payment will be made *directly* to the mover or as reimbursement to the displaced tenant, and may include:

   (a) Transportation of the displaced person and personal property. Transportation costs for a distance beyond 50 miles are not eligible, unless the VTA determines that relocation beyond 50 miles is justified.

Revision Date 7-28-2011
(b) Packing, crating, unpacking, and uncrating of the personal property.

(c) Disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances and other personal property.

(d) Storage of the personal property for a period not to exceed 12 months, unless the VTA determines that a longer period is necessary.

(e) Insurance for the replacement value of the property in connection with the move and necessary storage.

(f) The replacement value of property lost, stolen, or damaged in the process of moving (though not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.

(g) Other moving-related expenses that are not listed as ineligible under § 24.301(h), as the VTA determines to be reasonable and necessary.

**Rental Assistance**

To be eligible to receive the rental assistance benefits, the displaced tenant households must rent or purchase and occupy decent, safe, and sanitary replacement dwellings within one year from the date they move from their displacement dwellings.

Based upon the available data regarding Project displacees, the displaced households may qualify for, and may be eligible to apply for, relocation benefits under URA provisions. Except in the case of Last Resort Housing situations, the potential payment to the household will be payable over a 42-month period and limited to a maximum of $5,250 as stated the under URA guidelines. The relocation
program is explained in detail in the informational brochure to be provided to each permanently displaced household (see Appendix 1).

Rental Assistance payment amounts are equal to 42 times the difference between the base monthly rent and the lesser of:

(i) The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling; or

(ii) The monthly rent and estimated average monthly cost of utilities for the decent, safe, and sanitary replacement dwelling actually occupied by the displaced person.

The base monthly rent for the displacement dwelling is the lesser of:

(i) The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement, as determined by the VTA. For owner-occupants or households, which paid little or no rent, fair market rent will be used as a substitute for actual rent; or

(ii) Thirty percent (30%) of the displaced person's average, monthly gross household income, if the amount is classified as "low income" by the U. S. Department of Housing and Urban Development's (HUD) Annual Survey of Income Limits for the Public Housing and Section 8 Programs. (HUD's Survey is shown as Attachment 1) If a displacee refuses to provide appropriate evidence of income or is a dependent, the base monthly rent shall be determined to be the average monthly cost for rent and utilities at the displacement dwelling; or

(iii) The total of the amount designated for shelter and utilities if receiving a welfare assistance payment from a program that designated the amounts for shelter and utilities.
Down Payment Assistance

The displaced household may opt to apply the entire rental assistance benefit amount for which they are eligible toward the purchase of a replacement unit (Guidelines 49 CFR 24.402(b)).

A displaced household, who chooses to utilize up to the full amount of their rental assistance eligibility (including any Last Resort benefits) to purchase a home, will have the funds deposited in an open escrow account, provided that the entire amount is used for the downpayment and eligible, incidental costs associated with the purchase of a decent, safe, and sanitary replacement home. A provision shall be made in the escrow arrangements for the prompt return of the VTA’s funds, in the event escrow should fail to close within a reasonable period of time.

Final determination about the type of relocation benefits and assistance for which the household is eligible will be determined upon verification of the household’s occupants and income.

Last Resort Housing

Based on data derived from the surveys and analyses of the occupants in the Project area and costs of replacement housing resources, it is anticipated that “comparable replacement housing” will not be available as required. Specifically, for renters, when the computed replacement housing assistance eligibility exceeds $5,250 or replacement dwelling monthly rental costs (including utilities and other reasonable recurring expenses) exceeds 30% of the person’s average monthly income, Last Resort Housing will have to be provided.

Therefore, if the Project is to go forward, the VTA will authorize its funds or funds authorized for the Project to provide housing of last resort. Funds will be used to
make payments in excess of the monetary limit specified in the statute ($5,250); hence, satisfying the requirement that “comparable replacement housing” is available.

A displaced tenant household will be entitled to consideration for supplementary benefits in the form of Last Resort Housing assistance when the computed replacement housing assistance eligibility exceeds $5,250 or replacement dwelling monthly rental costs (including utilities and other reasonable recurring expenses) exceed 30% of the person’s average monthly income (financial means) or when a tenant fails to meet the 90-day occupancy requirement and comparable replacement rental housing is not available within the displaced person’s financial means. Calculations of Last Resort rental assistance benefits for tenants who fail to meet the 90-day occupancy requirement will be based solely on household income. Non 90-day qualifiers must meet basic eligibility requirements applied to all other displacees.

The Agency, at its discretion, may opt to pay Last Resort Housing payments in installments or in a lump sum. Recipients of Last Resort rental assistance, who intend to purchase rather than re-rent replacement housing, will have the right to request a lump sum payment of all benefits in the form of downpayment assistance. Tenant households receiving periodic payments will have the option to request a lump sum payment of remaining benefits to assist with the purchase of a decent, safe and sanitary dwelling.

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 Relocation 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,

- July 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 $134,000. This estimate includes a 20% contingency for budgetary purposes and is exclusive of any relocation administration costs.

10. Relocation Plan Availability to the Public:

The Draft Relocation Plan was made available online (between June 27 and July 27, 2011) at: http://www.vta.org/projects/280_880_stevens_creek_blvd_improvements/index.html

The Draft Relocation Plan was made available for viewing (between June 27 and July 27, 2011) 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.-Fri. 8AM-6PM
Sat. 9AM-6PM
Sun. 1 PM-5PM

**Rose Garden Branch Library**
1580 Naglee Avenue, San Jose

**Hours**
Mon. 10AM-6PM
Tue. 11AM-8PM

Revision Date 7-28-2011
Wed. 11AM-8PM
Thu. 10AM-6PM
Fri. CLOSED
Sat. CLOSED
Sun. CLOSED

West Valley Branch Library
1243 San Tomas Aquino Road, San Jose

Hours
Mon. CLOSED
Tue. CLOSED
Wed. 11AM-8PM
Thu. 10AM-6PM
Fri. 10AM-6PM
Sat. 10AM-6PM
Sun. CLOSED
APPENDIX 1: Informational Brochure for Residential Occupants

Relocation Assistance Program for Households
Brochure
### TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>DECLARATION OF POLICY</td>
<td>1</td>
</tr>
<tr>
<td>IMPORTANT TERMS USED IN THIS BROUCHURE</td>
<td>2</td>
</tr>
<tr>
<td>Alien Not Lawfully Present</td>
<td>2</td>
</tr>
<tr>
<td>Comparable Replacement Dwelling</td>
<td>2</td>
</tr>
<tr>
<td>Decent, Safe, and Sanitary</td>
<td>2</td>
</tr>
<tr>
<td>Displaced Person</td>
<td>3</td>
</tr>
<tr>
<td>Dwelling</td>
<td>4</td>
</tr>
<tr>
<td>Financial Means</td>
<td>4</td>
</tr>
<tr>
<td>Initiative of Negotiations</td>
<td>4</td>
</tr>
<tr>
<td>Last Resort Housing</td>
<td>4</td>
</tr>
<tr>
<td>Owner Occupant</td>
<td>5</td>
</tr>
<tr>
<td>Tenant</td>
<td>5</td>
</tr>
<tr>
<td>SECTION I</td>
<td></td>
</tr>
<tr>
<td>INFORMATION FOR PERSONS DISPLACED FROM A RESIDENCE</td>
<td>6</td>
</tr>
<tr>
<td>Benefit Eligibility</td>
<td>6</td>
</tr>
<tr>
<td>Filing a Claim</td>
<td>6</td>
</tr>
<tr>
<td>Decent, Safe and Sanitary Reminder</td>
<td>6</td>
</tr>
<tr>
<td>Fair Housing Laws</td>
<td>6</td>
</tr>
<tr>
<td>Non-Discrimination</td>
<td>7</td>
</tr>
<tr>
<td>SECTION II</td>
<td></td>
</tr>
<tr>
<td>MOVING EXPENSES</td>
<td>8</td>
</tr>
<tr>
<td>Fixed Moving Cost Schedule for a Self Move</td>
<td>8</td>
</tr>
<tr>
<td>Actual Reasonable Moving and Related Expenses</td>
<td>8</td>
</tr>
<tr>
<td>Actual Moving Expenses – Commercial Mover</td>
<td>9</td>
</tr>
<tr>
<td>SECTION III</td>
<td></td>
</tr>
<tr>
<td>REPLACEMENT HOUSING</td>
<td>10</td>
</tr>
<tr>
<td>FREEDOM OF CHOICE</td>
<td>10</td>
</tr>
<tr>
<td>LENGTH OF OCCUPANCY – BASIC OCCUPANCY REQUIREMENTS</td>
<td>10</td>
</tr>
</tbody>
</table>
INTRODUCTION

In the development of needed transportation facilities, it is not always possible to avoid displacement of individuals and families. It is the policy of the Santa Clara Valley Transportation Authority (VTA) to minimize the impact caused by such displacement. VTA has established a Relocation Assistance Program, including relocation advisory assistance and monetary benefits.

This brochure broadly summarizes this program and describes the principal provisions of relocation legislation concerning where and how to obtain 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.

This brochure provides general information regarding residential relocation services and payments. Section I contains information important to persons displaced from residences. Section II provides information about moving costs. Section III describes the replacement housing payments for tenants and owner occupants. Section IV contains information on relocation advisory services and right to appeal.

If you are required to move as a result of a VTA transportation project, a Relocation Advisor will contact you. The advisor will be able to answer your specific questions and provide additional information.

DECLARATION OF POLICY

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 United States Code, Sections 4601 et seq.), commonly referred to as “the Uniform Act” applies to all acquisitions of real property or displacements of persons resulting from federal or federally-assisted projects. It establishes a uniform policy for fair and equitable treatment of persons displaced as a result of federal and federally-assisted programs and projects in order that such persons shall not suffer disproportionate injury as a result of projects designed for the benefit of the public as a whole.

The information contained in this brochure is based upon the Federal regulations which implement the Uniform Act, Title 49 Code of Federal Regulations, Part 24. While every effort has been made to ensure the accuracy of the information in this brochure, it should be understood that it does not have the force and effect of laws, rules, and regulations governing the payment of benefits.
IMPORTANT TERMS USED IN THIS BROCHURE

Your relocation benefits can be better understood if you become familiar with the following terms:

**Alien Not Lawfully Present**
The Uniform Act provides that if a displaced person is an alien not lawfully present in the United States, such person is not eligible for relocation payments or assistance, unless ineligibility would result in exceptional and extremely unusual hardship to the alien’s spouse, parent or child, and such spouse, parent or child is a citizen or an alien lawfully admitted for permanent residence.

**Comparable Replacement Dwelling**
A “comparable replacement dwelling” must be decent, safe and sanitary (DSS) and functionally equivalent to your present dwelling. While not necessarily identical to your present dwelling, a comparable replacement dwelling should provide for the same utility and function as the dwelling from which you are being displaced. In addition, a comparable replacement dwelling must be:

- Adequate in size to accommodate the occupants (e.g., you and your family);
- Located in an area that is not subject to unreasonable adverse environmental conditions;
- Located in an area that is not less desirable than your present location with respect to public utilities and commercial and public facilities;
- Reasonably accessible to your place of employment;
- Located on a site that is typical in size for residential development with normal site improvements;
- Currently available on the private market;
- Within your financial means.

**Decent, Safe, and Sanitary**
The “decent, safe and sanitary” (DSS) standard means the replacement dwelling meets the minimum requirements established by Federal regulations and conforms to applicable local housing and occupancy codes. You must rent or purchase and occupy a DSS dwelling within one year from the date you move. A DSS dwelling must:

- Be structurally sound, weather tight, and in good repair;
- Contain a safe electrical wiring system adequate for lighting and other devices;
- Contain a heating system capable of sustaining a healthful temperature (approximately 70 degrees Fahrenheit) except in those areas where local climatic conditions do not require such a system;

- Be adequate in size with respect to the number of rooms and area of living space to accommodate the displaced person;

- Contain a separate, well-lighted and ventilated bathroom providing privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and sewage drainage system;

- Contain a kitchen area with a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, with adequate space and utility connections for a stove and refrigerator;

- Have unobstructed egress to safe, open space at ground level;

- For a displaced person with a disability, be free of any barriers which would preclude reasonable ingress or egress of the dwelling by such displaced person.

**IMPORTANT NOTICE**

Please understand that the replacement dwelling inspection for decent, safe, and sanitary requirements is conducted by VTA personnel for the sole purpose of determining eligibility for a relocation payment. Therefore, you must not interpret VTA's approval of a dwelling to provide any assurance or guarantee that there are no deficiencies in the dwelling or in its fixtures and equipment that may be discovered at a later date. It is your responsibility to protect your best interest and investment in the purchase or rental of your replacement property and you must clearly understand that VTA will assume no responsibility if structural, mechanical, legal, or other unforeseen problems are discovered after the inspection has been conducted.

**Displaced Person**

A "Displaced Person" is any person (individual or family) who moves from real property or moves personal property from real property as a result of the acquisition of the real property, in whole or in part, or as the result of a written notice from VTA to vacate the real property needed for a project. In the case of a partial acquisition, VTA will determine if a person is displaced as a direct result of the acquisition. Relocation benefits vary, depending upon the type and length of occupancy.

As a displaced person, you would be eligible for benefits as:

- An owner occupant of a residential property (includes owners of mobile homes), or

- A tenant of a residential property (includes persons renting mobile homes and sleeping rooms).
Dwelling
A dwelling is defined as the permanent or customary and usual residence of a person, according to local custom or law, including a single family house; a single family unit in a two-family, multi-family or multi-purpose property; a unit of a condominium or cooperative housing project; a non-housekeeping unit; a mobile home or other residential unit.

Financial Means
For an eligible owner occupant, a replacement dwelling is “within his/her financial means” if the owner receives the full Replacement Housing Payment (as described on Page 13) plus the calculated Last Resort Housing Payment (as described on Page 4).

For an eligible tenant, a replacement dwelling is “within his/her financial means” if, after receiving a rental assistance payment, the tenant’s monthly rent and estimated average monthly utility costs for the replacement dwelling do not exceed the lesser of current rent and 30% of the tenant’s average monthly gross income. Utilities include electricity, gas, other heating and cooking fuels, water and sewer costs.

VTA will calculate the base monthly rent using 30% of the displaced tenant’s total monthly gross household income, only if that income qualifies as “low income” in accordance with established low income amounts determined by the U.S. Department of Housing and Urban Development’s (HUD) Annual Survey of Income Limits for Public Housing and Section 8 Programs.

VTA will also evaluate the amounts designated for shelter and utilities for a tenant that receives government assistance.

To ensure the maximum benefit, it is important to provide VTA appropriate evidence of total monthly household income when asked. There are some amounts that are not included as monthly household income, including income earned by dependents. A VTA Relocation Advisor will explain this procedure in greater detail.

Initiation of Negotiations
Generally, the date VTA delivers the initial written offer of just compensation to the owner, or the owner’s representative, to purchase the real property for a project.

Last Resort Housing
The term “Last Resort Housing” is an administrative procedure authorized by law to address those times when comparable replacement housing is not available under statutory limits specified in the Uniform Act. The Uniform Act allows the displacing agency (in this case VTA) to provide a replacement housing payment in excess of the statutory maximums of $5,250 for tenants and $22,500 for homeowners.

VTA will identify comparable replacement housing that is DSS and within the displaced person’s financial means before he/she is required to move. VTA may provide the necessary housing in a number of ways, such as:
• Making a replacement housing payment in excess of the statutory maximums stated above;

• Purchasing an existing comparable residential dwelling and making it available to you in exchange for your dwelling;

• Moving and rehabilitating a dwelling and making it available to you in exchange for your property;

• Purchasing, rehabilitating or reconstructing an existing dwelling to make it comparable to your property;

• Purchasing land and constructing a new replacement dwelling comparable to your dwelling when comparables are not otherwise available;

• Purchasing an existing dwelling, removing barriers or rehabilitating the structure to accommodate a disabled person when a suitable comparable replacement dwelling is not available;

• Providing a direct loan which will enable you to construct or contract for the construction of a DSS replacement dwelling.

**Owner Occupant**

An "owner occupant is any person that occupies the dwelling being acquired by VTA and holds any of the following interests in that real property:

1. Fee title, a life estate, a land contract, a 99-year lease or a lease including any options for extension with at least 50 years to run from the date of acquisition;

2. An interest in a cooperative housing project which includes the right to occupy a dwelling;

3. A contract to purchase any interest or estate;

4. Any other interest, including a partial interest, which, in the judgment of VTA, warrants consideration as ownership.

**Tenant**

A “tenant” is a person who holds the right of temporary use and occupancy of real property owned by another, under a lease or other rental agreement.
SECTION I

INFORMATION FOR PERSONS DISPLACED FROM A RESIDENCE

Benefit Eligibility
Every occupant who is displaced from their residence as a result of a VTA project is protected under the Uniform Act or corresponding State legislation, or both.

The Uniform Act requires in part that “No lawful occupant shall be required to move unless he or she has received at least 90 days advance written notice of the earliest date by which he or she may be required to move.”

Federal legislation specifies that relocation benefits are only available to legal residents of the United States of America. You will be required to certify that you, the displaced occupant(s), are legal residents before any relocation payments may be made.

Filing a Claim
If you are filing a claim for relocation payment, you must do so within 18 months of the later of:

1. The date you vacate the property acquired by VTA, if you are a tenant, OR
2. The date that VTA pays the acquisition cost of your current dwelling (usually the close of escrow on VTA’s acquisition), if you are an owner occupant.

You will **not** be eligible to receive any relocation payments until VTA has actually made the first written offer to purchase the property you occupy.

Decent, Safe and Sanitary Reminder
The most important thing to remember is that the replacement dwelling you select must meet basic DSS standards.

Do not execute a sales contract or a lease agreement until a representative from VTA has inspected and certified in writing that the dwelling you propose to purchase or rent does meet the basic standards. Please do not jeopardize your right to receive a replacement housing payment by moving into a substandard dwelling.

Fair Housing Laws
Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968 set forth the policy of the United States to provide, within constitutional limitations, fair housing throughout the United States. These Acts and Executive Order 11063 make discriminatory practices in the purchase and rental of residential units illegal if based on race, color, religion, sex or national origin.

Whenever possible, minority persons shall be given reasonable opportunities to relocate to DSS dwellings, not located in an area of minority concentration, that are within their financial means.
This policy, however, does not require VTA to provide a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling.

Non-Discrimination
All services and/or benefits will be administered to the general public without regard to race, color, religion, sex or national origin in compliance with Title VI of the 1964 Civil Rights Act (42 USC Sections 2000d et. seq.).
SECTION II

MOVING EXPENSES

If you must move as a result of displacement by VTA, you will receive a payment to assist in moving your personal property. The actual, reasonable and necessary expenses for moving your household belongings may be determined based on the following methods:

- A Fixed Moving Payment (Self Move) based on the number of rooms you occupy (see below); or
- A payment for your Actual Reasonable Moving and Related Expenses based on at least two written estimates and receipted bills; or
- A combination of both (in some cases).

For example, you may choose a Self Move, receiving a payment based on the Fixed Moving Payment schedule shown below, plus contract with a professional mover to transport items needing special handling. In this case, there may be an adjustment in the number of rooms which qualify under the Fixed Moving Schedule. To ensure your eligibility and prompt payment of moving expenses, you should contact your Relocation Advisor before you move.

**Fixed Moving Cost Schedule for a Self Move**

The schedule for fixed moving cost is based upon the number of rooms you occupy and whether or not you own your own furniture. (For details, see the Schedule)

If you select a fixed payment, you will be responsible for your own move and VTA will assume no liability for any loss or damage of your personal property. A fixed payment includes utility hook-ups, credit check and other related moving fees.

**Actual Reasonable Moving and Related Expenses**

Actual moving and related expenses may include expenses for:

- Packing and unpacking personal property
- Transportation of personal property to replacement dwelling
- Disconnecting and reconnecting household appliances
- Temporary storage of personal property, with VTA prior approval

<table>
<thead>
<tr>
<th>Fixed Moving Cost Schedule (August 2008)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Occupant owns furniture:</strong></td>
</tr>
<tr>
<td>1 room</td>
</tr>
<tr>
<td>2 rooms</td>
</tr>
<tr>
<td>3 rooms</td>
</tr>
<tr>
<td>4 rooms</td>
</tr>
<tr>
<td>5 rooms</td>
</tr>
<tr>
<td>6 rooms</td>
</tr>
<tr>
<td>7 rooms</td>
</tr>
<tr>
<td>8 rooms</td>
</tr>
<tr>
<td>Each additional room</td>
</tr>
</tbody>
</table>

| **Occupant does NOT own furniture:**   |
| 1 room                                  | $400           |
| Each additional room                    | $65            |
• Insurance while personal property is in storage or transit

**Actual Moving Expenses – Commercial Mover**

You may be paid for actual moving costs and related expenses when a commercial mover performs the move. Reimbursement will be limited to a move of 50 miles or less. VTA may directly pay for a “for-hire” carrier by one of three methods:

1. Moving service authorization
2. Written arrangement
3. Assignment of payments

To ensure your eligibility and prompt payment of moving expenses, you should contact your Relocation Advisor before you move.
SECTION III

REPLACEMENT HOUSING

FREEDOM OF CHOICE

All eligible displaced persons have the freedom of choice in the selection of a replacement dwelling. VTA will not require you, without your written consent, to accept a replacement dwelling identified by VTA. If you decide not to accept the replacement housing offered by VTA, you may secure a replacement dwelling of your choice but it must meet the DSS standard.

If you are eligible for Last Resort Housing, your Relocation Advisor will thoroughly explain the program to you.

LENGTH OF OCCUPANCY – BASIC OCCUPANCY REQUIREMENTS

The type of payment you are eligible for depends on whether you are an owner occupant or a tenant occupant, and how long you have lived in the property being acquired. “Length of occupancy” simply means counting the number of days that you occupied the dwelling immediately before the date of initiation of negotiations by VTA for the purchase of the property.

- Owners who were in occupancy 180 days or more immediately prior to the initiation of negotiations may be eligible for a Replacement Housing Payment or a Rental Assistance Payment.

- Tenants who were in occupancy 90 days or more immediately prior to the initiation of negotiations may be eligible for a Rental Assistance Payment or a Down Payment Assistance Payment.

- Owners who were in occupancy 90 days to 179 days immediately prior to the initiation of negotiations, may be eligible for a Rental Assistance Payment or Down Payment Assistance, however, the payment cannot exceed the amount he/she would have received as a 180-day owner.

If you were in occupancy at the time of the initiation of negotiations, but less than 90 days immediately prior to that date, you may be considered a displaced person entitled to relocation assistance advisory services and moving payments. You may be entitled to a Rental Assistance Payment if comparable replacement rental housing is not available within your financial means. VTA will use the financial means test described earlier in this brochure. This involves checking to see if you qualify as low income using the U.S. Department of Housing and Urban Development (HUD) definition. If so, and you are required to pay rent and utilities in excess of 30% of your average monthly gross household income for a comparable replacement dwelling unit, you may be eligible for a rental assistance payment under Last Resort Housing. You should meet with your Relocation Advisor for an explanation of the relocation benefits that you may be eligible to receive.
REPLACEMENT HOUSING PAYMENT – OWNER OCCUPANTS

If you have owned and occupied a dwelling to be purchased by VTA for at least 180 days immediately prior to the initiation of negotiations for your property, you may be eligible to receive a payment of up to $22,500 to assist in purchasing a comparable replacement dwelling. This payment is in addition to the amount VTA paid you for your property. VTA will compute the maximum payment you are eligible to receive. You must purchase and occupy a DSS replacement dwelling within one year from the date of purchase of the displacement dwelling.

A Replacement Housing Payment has three components:

- **A Price Differential Payment** – an amount which, when added to the amount for which VTA purchased your property, equals the lesser of the actual cost of the replacement dwelling or the amount determined by VTA as necessary to purchase a comparable replacement dwelling; and

- **A Mortgage Differential Payment** – the amount which covers the increased interest costs, if any, required to finance a replacement dwelling. To be eligible, your acquired dwelling must have been encumbered by a bona fide mortgage which was a valid lien for at least 180 days immediately prior to the initiation of negotiations; and

- **An Incidental Expenses Payment** – those one-time incidental costs related to the purchase of a dwelling, such as escrow fees, recording fees and credit reports. Recurring expenses such as prepaid taxes and insurance premiums are not compensable. Some incidental expenses are pro-rated.

### Examples of a Price Differential Computation

**Example A:** Assume the VTA purchases your property for $100,000. After a thorough study of available comparable residential properties on the open market, VTA determines that a comparable replacement property will cost $116,500. If you purchase a DSS replacement property for $116,500, you will be eligible for a Price Differential Payment of $16,500.

**Example B:** If you purchase a DSS replacement property costing more than $116,500, you pay the difference.

**Example C:** If your purchase price is less than $116,500, the price differential payment will be based on your actual cost.
Please see a breakdown of Examples A, B and C in the following table:

<table>
<thead>
<tr>
<th>Example A</th>
<th>Actual Cost of Replacement Property</th>
<th>$116,500</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Acquisition Price of your property</td>
<td>$100,000</td>
</tr>
<tr>
<td></td>
<td>Maximum Price Differential Payment</td>
<td>$16,500</td>
</tr>
</tbody>
</table>

**Example A**  
Purchase Price is the same as the comparable replacement dwelling selected by VTA

<table>
<thead>
<tr>
<th>Example B</th>
<th>Actual Cost of Replacement Property</th>
<th>$125,000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Acquisition Price of your property</td>
<td>$100,000</td>
</tr>
<tr>
<td></td>
<td>Difference</td>
<td>$25,000</td>
</tr>
</tbody>
</table>

| Price Differential Payment | $16,500 |
| You Are Responsible for This Amount | $8,500 |

**Example C**  
Purchase Price is less than the cost of the comparable replacement dwelling selected by VTA

<table>
<thead>
<tr>
<th>Example C</th>
<th>Actual Cost of Replacement Property</th>
<th>$114,000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Acquisition Price of your property</td>
<td>$100,000</td>
</tr>
</tbody>
</table>

| Price Differential Payment | $14,000 |

An owner occupant, who chooses to rent rather than purchase a replacement dwelling, may be eligible to receive a rental assistance payment of up to the amount that he/she could have received as a Price Differential Payment, explained above. The payment will be based on the difference between the monthly economical rental value of the occupied dwelling and the amount of monthly rent required for a comparable replacement dwelling, as determined by VTA, multiplied by 42.

**REPLACEMENT HOUSING PAYMENT – TENANTS AND CERTAIN OTHERS**

Less than 180-day owner occupants and tenants of 90 days or more may be eligible for a payment of up to $5,250 to assist in renting or purchasing a comparable replacement dwelling.
payment is designed to enable you to rent a comparable decent, safe, and sanitary replacement dwelling for a 42-month period.

**Rental Assistance Payment** - If you qualify, and wish to rent a replacement dwelling, the maximum rental assistance payment will be based on the following:

- The difference, over a 42-month period, between the rent you must pay for a comparable replacement dwelling and the lesser of
- Your average monthly cost for rent and utilities at the displacement dwelling, or
- Thirty percent (30%) of your average gross monthly household income, if the amount is classified as “low income” by the U.S. Department of Housing and Urban Development (HUD) Annual Survey of Income Limits for Public Housing and Section 8 Programs.

You will be required to provide your Relocation Advisor with documents to verify gross household income and current monthly rent and utilities prior to determination of eligibility for this payment.

The rental assistance payment will be paid in a lump sum unless the VTA determines that the payment should be paid in installments. You must rent and occupy a DSS replacement dwelling within one year and file a claim for payment within 18 months of the date you move to be eligible for this payment.

**Examples of a Rental Assistance Payment Calculation**

Assume you have been paying $500 per month rent for the dwelling unit occupied by you and purchased by VTA. You also pay $150 per month for utilities (electricity, gas, other heating and cooking fuels, water, and sewer). The rental assistance payment computation always includes the cost of basic utilities as well as the cost of rent. If your rent includes utilities, a separate computation is not necessary.

**Example A – Replacement Rent is the Same as VTA Comparable Unit:** After a study of the rental market, VTA determines that a comparable DSS replacement unit is available for $600 per month. It is estimated that average monthly utility costs for the replacement unit will be $175 per month. The maximum rental assistance payment you can receive is $125 per month for a 42-month period, or a total of $5,250.

**Example B – Replacement Rent is More than VTA Comparable Unit:** If you select a DSS replacement dwelling unit that rents for $650 per month plus $175 for utilities, despite the availability of comparable DSS replacement rental units that rent for $600 per month plus $175 for utilities, you will receive the maximum amount computed by VTA, or $5,250. You will be required to pay the additional $50 per month yourself.

**Example C – Replacement Rent is Less than VTA Comparable Unit:** If you select a DSS replacement dwelling unit that rents for more than your present unit, but less than the amount determined by VTA as necessary to rent a comparable unit, your payment will be based on actual cost. For example, assume you select a replacement dwelling unit that rents for $575 per month
plus $165 for utilities. On the basis of actual cost, you will be eligible for a payment of $90 per month for 42 months, or $3,780.

In some cases, VTA may need to take your gross household income into consideration in order to calculate a rental assistance payment, so that the replacement dwelling is within your financial means. For example, if you select a DSS replacement dwelling that rents for $600 per month plus $175 for utilities, and VTA verifies that your total gross household income is classified as “low income” by the U.S. Department of Housing and Urban Development (HUD) Annual Survey of Income Limits for Public Housing and Section 8 Programs, your payment will be calculated as shown in Example D below.

<table>
<thead>
<tr>
<th>Example D</th>
<th>Rent + Utilities for Displacement Unit ($500 + $150)</th>
<th>$650</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rent + Utilities for Comparable Replacement Unit</td>
<td>$775</td>
</tr>
<tr>
<td></td>
<td>($600 + $175)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rent + Utilities for Actual Replacement Unit</td>
<td></td>
</tr>
<tr>
<td></td>
<td>($600 + $175)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lesser of</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Current Rent + Utilities ($500 + $150 = $650</td>
<td>$500</td>
</tr>
<tr>
<td></td>
<td>Or</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lesser amount is $500</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Difference between ($775 - $500 = $275) x 42 months</td>
<td>$11,550</td>
</tr>
<tr>
<td>Rental Assistance Payment</td>
<td></td>
<td>$11,550</td>
</tr>
</tbody>
</table>

In this case, the amount that exceeds $5,250, or $6,300, is considered to be a Last Resort Housing Payment.

**DOWN PAYMENT ASSISTANCE PAYMENT**

If you qualify and wish to purchase a replacement dwelling instead of renting, you can apply the total amount of the calculated Rental Assistance Payment toward the down payment and non-recurring incidental expenses. The combined amount of the down payment and incidental expenses cannot exceed the amount VTA computed as your maximum rental assistance payment.

The rental assistance payment and down payment assistance payment will be paid in a lump sum unless the VTA determines that the payment should be paid in installments. You must rent or purchase and occupy a DSS replacement dwelling within one year and file a claim for payment within 18 months of the date you move to be eligible for this payment. Your Relocation Advisor will explain how VTA determines the maximum down payment assistance.
SECTION IV

RELOCATION ADVISORY SERVICES

Any individual, family, business or farm displaced by VTA shall be offered relocation advisory assistance for the purpose of locating a replacement property. Relocation advisory services are provided by qualified personnel employed or contracted by VTA.

A Relocation Advisor from VTA will contact you personally. Relocation services and payments will be explained to you in accordance with your eligibility. During the initial interview, your housing needs and desires will be determined as well as your need for assistance. You cannot be required to move unless at least one comparable replacement dwelling has been made available to you and you have been given at least 90 days advance written notice of the date by which you must move.

You can expect to receive the following services, advice and assistance from your Relocation Advisor who will:

- Explain the relocation benefits and eligibility requirements;
- Provide the calculated amount of your replacement housing payment in writing;
- Assure the availability of a comparable replacement dwelling before you move;
- Inspect possible replacement residential units for DSS compliance;
- Provide information on counseling you can obtain to help minimize hardships in adjusting to your new location;
- Assist you in completing loan documents, rental applications or relocation claim forms.

AND provide information on:

- Security deposits;
- Interest rates and terms;
- Typical down payments;
- Veteran’s Administration and Federal Housing Administration loan requirements;
- Real property taxes;
- Consumer education literature on housing.

If you desire, your Relocation Advisor will give you current listings of other available replacement housing. Transportation will be offered to inspect housing referrals. Though you may use the services of a real estate broker, VTA cannot provide a referral.
Your Relocation Advisor is familiar with the services provided by others in your community and will provide information on other federal, state, and local housing programs offering assistance to displaced persons. If you have special needs, your Relocation Advisor will make every effort to secure the services of those agencies with trained personnel who have the expertise to help you.

If a project will require a considerable number of people to be relocated, VTA may establish a temporary relocation field office on or near the project. Project relocation offices will be open during convenient hours and evening hours if necessary.

In addition to these services, VTA is required to coordinate its relocation activities with other agencies causing displacements to ensure that all persons displaced receive fair and consistent relocation benefits.

Remember – Your Relocation Advisor is there to offer advice and assistance. Do not hesitate to ask questions. And be sure you fully understand all of your rights and available benefits.

**RIGHT TO APPEAL**

The Uniform Act provides that a person may appeal to the head of the responsible agency if the person believes that the agency has failed to properly determine eligibility for, or the amount of, payment authorized by it. If you indicate your dissatisfaction, either verbally or in writing, VTA will assist you in filing an appeal or explain the procedures 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.

For additional information, you may contact your Relocation Advisor or VTA Real Estate Staff at (408) 321-5777.
## APPENDIX 2: Title VI Brochure and Reference Material

### This publication will be made available in alternative formats:

- Braille
- Large print
- Computer disc
- Or audio version

Upon request by calling the Caltrans Civil Rights Title VI Program at:

- (916) 324-0817
- 711 (TTY)
- Toll Free (866) 810-6346

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<table>
<thead>
<tr>
<th>District</th>
<th>Address</th>
<th>City, State, Zip</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>District 1</td>
<td>6080 Union Street</td>
<td>San Jose, CA 95121</td>
<td>(408) 996-0118</td>
</tr>
<tr>
<td>District 2</td>
<td>4250 Casa Buena Road</td>
<td>Redding, CA 96003</td>
<td>(530) 227-2200</td>
</tr>
<tr>
<td>District 3</td>
<td>2465 S. Bascom Avenue</td>
<td>San Jose, CA 95128</td>
<td>(408) 433-7000</td>
</tr>
<tr>
<td>District 4</td>
<td>800 G Street</td>
<td>Redding, CA 96001</td>
<td>(530) 227-2200</td>
</tr>
<tr>
<td>District 5</td>
<td>1500 S. Bascom Avenue</td>
<td>San Jose, CA 95128</td>
<td>(408) 433-7000</td>
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<tr>
<td>District 6</td>
<td>1500 S. Bascom Avenue</td>
<td>San Jose, CA 95128</td>
<td>(408) 433-7000</td>
</tr>
</tbody>
</table>

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*Headquarters*

Title VI Coordinator

600 G Street, Ste. 100
Sacramento, CA 95814

(916) 324-0817

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This brochure is designed to inform you of the requirements of Title VI of the Civil Rights Act of 1964 and your rights under these requirements.
PERSONAL INFORMATION NOTICE

Pursuant to the Federal Privacy Act (P.L. 93-579) and the Information Practices Act of 1977 (Civil Code Sections 1798, et seq.), notice is hereby given for the request of personal information by this form. The requested personal information is voluntary. The principal purpose of the voluntary information is to facilitate the processing of this form. The failure to provide all or any part of the requested information may delay processing of this form. No disclosure of personal information will be made unless permissible under Article 6, Section 1798.24 of the IPA of 1977. Each individual has the right upon request and proper identification, to inspect all personal information in any record maintained on the individual by an identifying particular. Direct any inquiries on information maintenance to your IPA Office.

Expenditure Authorization (EA)

NON-DISCRIMINATION

All persons affected by State transportation projects are requested to provide information with regard to race, color, national origin, sex, disability, age or income status. Please check the items below which best describe you and return this form in the enclosed envelope.

The furnishing of this information is voluntary.

Head of household:  
G Male  
G Female
Age:  
G Under 40  
G 41-65  
G Over 65

Race/Ethnicity:  
G White  
G Black  
G Hispanic  
G Asian  
G Pacific islander  
G Other

Specify: -

Language spoken, if other than English:

Are you or any member of your household suffering any physical disability or medical condition?  
G Yes  
G No

Are you a low-income family?  
G Yes  
G No

Enclosure
TITLE VI DISCRIMINATION COMPLAINT

PERSONAL INFORMATION NOTICE

Pursuant to the Federal Privacy Act (P.L. 93-579) and the Information Practices Act of 1977 (Civil Code Sections 1798, et seq.), notice is hereby given for the request of personal information by this form. The requested personal information is voluntary. The principal purpose of the voluntary information is to facilitate the processing of the form. The failure to provide all or any part of the requested information may delay processing of the form. No disclosure of personal information will be made unless permissible under Article 6, Section 1798.24 of the IPA of 1977. Each individual has the right upon request and proper identification, to inspect all personal information in any record maintained on the individual by an identifying particular. Direct any inquiries on information maintenance to your IPA Office.

08 RIV 91
Dist Co Rte Post

Name of Complainant
Home Phone
Work Phone

Mailing Address

BASIS OF DISCRIMINATION

☐ RACE ☐ COLOR ☐ NATIONAL ORIGIN ☐ SEX ☐ Disability ☐ Low-Income ☐ Non-English Speaker

Provide date(s) and place of alleged discrimination
Describe the nature of the action, decision, or conditions of the alleged discrimination (Attach Extra Page. If Necessary)

Name of individuals (if Known) responsible for the action, decision or condition of alleged discrimination

Provide supporting information known to complainant in support of his/her allegation

Identify possible witnesses whom the complainant believes can provide factual information about this allegation

State the action requested by complainant
Signature of Complainant

Date Filed

NOTE: The use of the Title VI Discrimination Complaint form is not mandatory. You may submit your complaint in any form that contains your signature.
Title VI of the 1964 Civil Rights Act, 42 U.S.C. 2000, provides in Section 601 that:

“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” (PROHIBITS DISCRIMINATION IN IMPACTS, SERVICES, AND BENEFITS OF, ACCESS TO, PARTICIPATION IN, AND TREATMENT UNDER A FEDERAL-AID RECIPIENT’S PROGRAMS OR ACTIVITIES)

The Age Discrimination Act of 1975, as amended 42 U.S.C. 6101, provides:

“No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” (PROHIBITS DISCRIMINATION BASED ON AGE)

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601, provides:

“For the fair and equitable treatment of persons displaced as direct result of programs or projects undertaken by a Federal agency or with Federal financial assistance.” (PROVIDES FOR FAIR TREATMENT OF PERSONS DISPLACED BY FEDERAL AND FEDERAL-AID PROGRAMS AND PROJECTS)


Outlines the responsibilities of the U.S. Department of Transportation and, at (c) outlines the Secretary’s authority to decide whether a recipient has not complied with applicable Civil Rights statutes or regulations, requires the Secretary to provide notice of the violation, and requires necessary action to ensure compliance.

The 1973 Federal-aid Highway Act, 23 U.S.C. 324, provides:

“No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this Title or carried on under this title.” (PROHIBITS DISCRIMINATION ON THE BASIS OF SEX)

The Civil Rights Restoration Act of 1987, P.L. 100-209, provides:

Clarification of the original intent of Congress in Title VI of the 1964 Civil Rights Act, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973. (RESTORES THE BROAD, INSTITUTION-WIDE SCOPE AND COVERAGE OF THE
The Uniform Relocation Act Amendments of 1987, P.L. 101-246, provides:

“For fair, uniform, and equitable treatment of all affected persons; ...(and) minimizing the adverse impact of displacement... (to maintain)... the economic and social well-being of communities; and...to establish a lead agency and allow for State certification and implementation.” (UPDATED THE 1970 ACT AND CLARIFIED THE INTENT OF CONGRESS IN PROGRAMS AND PROJECTS WHICH CAUSE DISPLACEMENT)

TITLE VI OF THE 1964 CIVIL RIGHTS ACT AND RELATED STATUTES

The Americans with Disabilities Act, P.L. 101-336, provides:

“No qualified individual with a disability shall, by reason of such disability, be excluded from the participation in, be denied benefits of, or be subjected to discrimination by a department, agency, special purpose district, or other instrumentality of a State or a local government.” (PROVIDED ENFORCEABLE STANDARDS TO ADDRESS DISCRIMINATION AGAINST PEOPLE WITH DISABILITIES)

The Civil Rights Act of 1991, in part, amended Section 1981 of 42 U.S.C. by adding two new sections that provided:

“(b) For the purposes of this section, the term ‘make and enforce contracts’ includes the making, performance, modification, and termination of contracts and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.

(c) The rights protected by this section are protected against impairment by non-governmental discrimination and impairment under color of State law.”

Title VIII of the 1968 Civil Rights Act, 42 U.S.C. 3601, provides that:

“(l) It shall be unlawful...to refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person because of race, color, religion or national origin.” (PROHIBITS DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING – HUD is the primary interest agency, but FHWA and States under Title VI are responsible for preventing discrimination in the function of Right-of-Way)

Requires the consideration of alternatives, including the “no-build” alternative, consideration of social, environmental and economic impacts, public involvement, and use of a systematic interdisciplinary approach at each decision making stage of Federal-aid project development.

- **Title IX of the Education Amendments of 1972**

  Makes financial assistance available to institutions of higher education to: (1) strengthen, improve and, where necessary, expand the quality of graduate and professional programs leading to an advanced degree; (2) establish, strengthen, and improve programs designed to prepare graduate and professional students for public service; and (3) assist in strengthening undergraduate programs of instruction in certain instances.

- **Section 504 of the Rehabilitation Act of 1973**, 29 U.S.C. 790, provides that:

  “(N)o qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance.” (PROHIBITS DISCRIMINATION BASED ON PHYSICAL OR MENTAL HANDICAP)

Source: U.S. Department of Transportation
Federal Highway Administration Title VI Handbook
Title VI Nondiscrimination in the Federal-Aid Highway Program
FHWA Publication No. FHWA-HCR-06-006
STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
TITLE VI DISCRIMINATION COMPLAINT
EEO-6056 (REV 11/2008)

PERSONAL INFORMATION NOTICE
Pursuant to the Federal Privacy Act (PL 93-579) and the Information Privacy Act of 1971 (Civil Code Sections 53(a) and 1798 et seq.), notice is hereby given for the request of personal information by this form. The requested personal information is voluntary. The principal purpose of the voluntary information is to facilitate the processing of this form. The failure to provide all or any part of the requested information may delay processing of this form. No disclosure of personal information will be made unless permissible under Article 6, Section 1798.23 of the HPA of 1977. Each individual has the right upon request and proper identification, to inspect all personal information in any record maintained on the individual by an identifying particular. Direct any inquiries on information requests to your IPA Officer.

FOR OFFICE USE ONLY
Location: ____________________________
District/Division: ______________________

Name of Complainant: __________________________

Home Telephone: ____________________________
Work Telephone: ____________________________

Mailing Address: ____________________________

What is the most convenient time for us to contact you about this complaint?

Home Telephone: ____________________________
Work Telephone: ____________________________

Basis of Discriminatory Action(s):

[ ] Race [ ] Age [ ] Name: ____________________________
[ ] Color [ ] Sex [ ] Firm Name: ____________________________
[ ] National Origin [ ] Disability [ ] Address: ____________________________

Telephone Number: ( ____________ )

Date and place of alleged discriminatory action(s). Please include the earliest date of discrimination and the most recent date of discrimination:

1) How were you discriminated against? 2) Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. (Attach additional page(s), if necessary).

Names of individuals responsible for the discriminatory action(s):

Names of individuals (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint:

Name: ____________________________ Address: ____________________________ Phone Number: ( ____________ )

Complete reverse side of form
The laws prohibit retaliation against anyone because he/she has taken action, or participated in an action, to secure rights protected by these laws. If you feel you have been retaliated against (separate from the discrimination alleged above), please explain the circumstances below. Please explain what actions you took which you believe were the basis for the allegation.

What remedy, or action, are you seeking for the alleged discrimination?

Have you filed, or intend to file, a charge or complaint regarding the matters raised in this complaint with any of the following?

- Yes  
- No  

If yes, check all that apply:

- U.S. Equal Employment Opportunity Commission
- Federal or State Court
- Department of Fair Employment and Housing
- Federal Highway Administration/ U.S. Dept. of Transportation
- Federal Transit Administration/ U.S. Dept. of Transportation

If you have already filed a charge or complaint, please provide the following information:

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<th>Agency/Court:</th>
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<td>Date of Trial/Hearing:</td>
<td></td>
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<td>Status of case:</td>
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</table>

Please provide any additional information that you believe would assist in the investigation:

Note: The use of the complaint form is not mandatory. You may submit your complaint in any form that includes your signature.

Please sign and date the complaint form below.

Signature of Complainant:  
Date:

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.
This complaint form is designed to assist any individual, group of individuals, or entity interested in filing a discrimination complaint with the California Department of Transportation (Caltrans). If the complaint is against Caltrans, it will be forwarded to the appropriate federal agency for investigation.

Title VI of the Civil Rights Act of 1964 and related statutes (Title VI), prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in connection with programs or activities receiving federal financial assistance from the United States Department of Transportation, Federal Highway Administration and/or Federal Transit Administration. These prohibitions extend to Caltrans as a direct recipient of federal financial assistance and to its subrecipients, consultants, and contractors, irrespective of tier, whether federally funded or not.

Caltrans is also required to implement measures to ensure that persons with limited English proficiency and persons with disabilities have meaningful access to the services, benefits, and information of all its programs and activities under Executive Order 13166 and the Americans with Disabilities Act of 1990 respectively.

A complaint may be filed by any individual, group of individuals or entity that believes they have been subjected to discrimination or retaliation based on their race, color, national origin, age, sex or disability. The complaint must be submitted in writing. It must also be signed and dated by the individual or his/her representative for acceptance. As a convenience, you may use the enclosed Title VI Complaint form. Your complaint must be filed not later than 180 calendar days from the most recent date of the alleged act of discrimination unless the time for filing is extended.

Upon request, assistance will be provided if you are limited English proficient or disabled. Complaints may be filed using alternative formats, such as computer disk, audiotape or in Braille. For TTY customers, dial 711 to reach the California Relay Service. You will be asked to give the telephone number you are calling.

You also have the right to file complaints with other State or federal agencies that provide federal financial assistance to Caltrans or to seek private counsel.

Once the complaint is filed, it will be reviewed by Caltrans Equal Employment Opportunity Program, Discrimination Complaint Investigation Unit (DCIU) located in Sacramento, CA, to determine whether it has jurisdiction to investigate the issues raised in the complaint. DCIU will provide written acknowledgement to the complainant within five days of receiving the complaint by registered mail. If the complaint is determined to be jurisdictional by Caltrans then DCIU will contact the complainant to conduct an immediate clarification interview. Every effort will be made to obtain early resolution of complaints at the lowest level possible.

Caltrans and its subrecipients, consultants, and contractors, irrespective of tier, are prohibited from retaliating against any individual because he or she opposed an unlawful policy or practice, or made charges, testified, or participated in any complaint action under Title VI, the Restoration Act of 1987 and other nondiscrimination authorities.

Submit the original signed form or letter in person or by mail to:

California Department of Transportation
Civil Rights, Equal Employment Opportunity Program
Discrimination Complaint Investigation Unit
1823 14th Street, MS-79
Sacramento, CA 95811

Telephone Number: (916) 324-0988
Toll Free Number: (916) 810-6346
Fax Number: (916) 324-8430
TTY: 711

For more information, please visit Civil Rights web page: http://www.dot.ca.gov/hq/hsp.
1. Arabic

2. Armenian

3. Bengali

4. Cambodian

5. Chamorro

6. Simplified Chinese

7. Traditional Chinese

8. Croatian

9. Czech

10. Dutch

11. English

12. Farsi
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<td>Laotian</td>
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<td>25</td>
<td>Polish</td>
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</table>
Assinale este quadrado se você lê ou fala português.
26. Portuguese

Însemnați acestă casetă dacă cititi sau vorbiti românesc.
27. Romanian

Пометьте этот квадратик, если вы читаете или говорите по-русски.
28. Russian

Обележите овaj квадратић уколико читате или говорите српски језик.
29. Serbian

Marque esta casilla si lee o habla español.
30. Spanish

Markahan itong kwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.
31. Tagalog

วิ่นราศจํดี นามะนะจีียโมหละทําตามรําลิงาพุทธลําต
32. Thai

Mauka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.
33. Tongan

Відмінте цю клітинку, якщо ви читаєте або говорите українською мовою.
34. Ukrainian

خِبِنْ ذِيّ قُلْبٍ وَالبَيْنِيُّ أَلْ تَقَدَّمُوا إِلَيْهِ أَنْ تَرَى اهْتَدَى
35. Urdu

Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.
36. Vietnamese

בתקינו על棵树 קשת אוקי או ליתני את רעיון עדות אידייש.
37. Yiddish
APPENDIX 3: RELOCATION PLAN COMMENTS AND RESPONSES
Comment Correspondence 1 of 1
Chad Wakefield

From: Maryann Gibbons

Sent: Tuesday, June 28, 2011 2:31 PM
To: Chad Wakefield

Subject: Response to Draft Relocation Plan for 280/880/stevenscreek - 501 Parkmoor

June 28, 2011

Chad Wakefield

Overland, Pacific & Cutler Inc.

Mr. Wakefield:

We received the certified letter from you today regarding our relocation from 501 Parkmoor #A. In reviewing the draft relocation plan I was very disturbed to see the location of the “Sample Homes for Rent” you have shown. These neighborhoods are nowhere near the neighborhood we are in now. Furthermore, they are not in the Campbell Union School District we need for our son. When we met with John Morris we expressed our need to live in either Campbell or West San Jose to stay in our school district. The homes for rent in these neighborhoods are in the $2000-$2500 price range. We were told by Mr. Morris that we would be moved to a “comparable” neighborhood. The sample you have shown shows addresses near Yuerba Buena, Snell, Capitol Expressway. These are high crime areas and we would never consider living anywhere close to these addresses.

This process has created a high level of stress for us and we are doing our best to work with VTA and OPC. But, when we see the draft relocation plan listing addresses that are not in the neighborhood we need it is very unsettling. San Jose is a very big city and has very different neighborhoods. We would never be able to live in the areas you have listed in the draft plan.

I would like to discuss this with you if possible. I would like to be assured by you that you will do a comparable rent survey in the appropriate neighborhoods because when you do you may see that the rent differential is about $1000 more per month. I found a few this morning on craigslist.

$2100 / 3br - Coming Soon! Quiet Cul du Sac Location (san jose west) (map)

1350 +/- square foot 3 Bedrooms 2 Full Bathrooms Single Family Home located in a quiet Cul du Sac location on a 6800 +/- sq ft lot within the Campbell Union School District (tenant to verify). New Interior Paint and New Plush Carpeting are throughout the living spaces and bedrooms. Separate Living and Family Rooms. $2500 security deposit plus first month rent. Pictures arriving soon. Reply to ad if interested and include daytime telephone number. Agent Ashby Avenue at Ebbeson Avenue (google map) (yahoo map)

$2400 / 3br - 1.5br Home in West San Jose (san jose west)
- Bright, warm and cozy corner-lot home in desirable neighborhood.
- 3BR/1.5BR/1036 SqFt with large lot 6634 SqFt.
- Attached two-car garage with automatic garage opener.
- Nice landscaped front & back w/ sprinklers.
- GOOD SCHOOLS. Forest Hill Elementary (900+ API), Rolling Hills Middle (900+ API) and Westmont High.
- Walking distance to Forest Hill Elementary School and YMCA
- Convenient distance to Harker School, San-Iku Gakui Japanese School, West Valley College, De Anza College, and Westgate shopping center.
- Easy access to Lawrence Expressway, San Tomas Expressway, and Highways 85, 17, and 280.
- Quiet neighborhood close to Saratoga and Los Gatos.
- Address: 4790 Denevi Dr, San Jose, CA 95130
- Monthly rent: $2400
* Gardening and landscaping included
* No pets and no smoking
* At least one year lease
* Good credit and employment verification required (application fee: $25)
* First month and last month rent plus $1000 security deposit required.

4790 Denevi Dr (google map) (yahoo map)

Thank you for taking this into consideration. I hope to hear from you soon.

Thank you,

Maryann Gierke

501 Parkmoor Ave., #A
San Jose, CA 95128
Response to Comment 1 of 1

Part of the preparation of a relocation plan is to evaluate comparable units available at the time in which it is written to determine if an adequate number of comparable replacement units are available.

The geographic area that was researched is classified as West San Jose via sources such as Craig’s List. This area includes the project area, which is the subject of this relocation plan. A survey of available rental housing that most closely match, or are deemed comparable, to the number of bedrooms, square footage, features and rent of the housing units that are expected to be displaced was conducted. Specifically the zip code for the displacement unit addresses was utilized to narrow the search to determine the depth of available rental housing.

The relocation plan merely provides a sample of available inventory. The resources in the plan are not intended to serve as specific resources for a specific household. There may be a variation in the types, locations, and cost of potential replacement housing located between the time of preparation of the relocation plan and the presentation of the Notice of Eligibility (NOE), which will include referrals to replacement housing.

OPCs relocation agent who will be working with each displaced household to be find decent, safe and sanitary housing based on their needs. OPC will provide a list of the most comparable units available that most closely match each households housing needs. These referrals will be a resource for the displaced household. Ultimately it will be the household’s choice where they elect to move.

The intent of the relocation program is to provide displaced persons with assistance to move to replacement housing that meets their long-term needs. OPC will work with each displaced household to locate replacement housing that takes into account their criteria as much as possible for replacement housing and will provide the best possible comparable units available.
RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA)
ADOPTING THE FINAL RELOCATION PLAN
FOR THE I-280/I-880/STEVENS CREEK BOULEVARD INTERCHANGE
IMPROVEMENTS PROJECT

WHEREAS, the Santa Clara Valley Transportation Authority (VTA) is in the process of planning the I-280/I-880/Stevens Creek Boulevard Improvements Project (Project);

WHEREAS, although VTA is planning the Project in a manner that minimizes the displacement of businesses and residences, it is anticipated that displacement will occur;

WHEREAS, California law also requires public agencies to prepare and submit for approval a Relocation Plan when their actions result in significant displacement.

WHEREAS, the Draft Relocation Plan for the Project was circulated to the general public for public review and comment from June 27, 2011 until July 27, 2011 in accordance with California law, which requires a minimum 30 day public circulation period.

WHEREAS, following the closure of the time period for public review and comment, the Draft Relocation Plan was updated to respond to public comments and is now the proposed Final Relocation Plan for the Project subject to approval by the VTA Board of Directors;

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

1. The VTA Board of Directors hereby adopts the Final Relocation Plan for the Project on file with the Board Secretary and incorporated by reference herein.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on August 4, 2011, by the following vote:

AYES: DIRECTORS

NOES: DIRECTORS

ABSENT: DIRECTORS

____________________________________
Margaret Abe-Koga, Chairperson
Board of Directors
I HEREBY CERTIFY AND ATTEST that the foregoing resolution was duly and regularly introduced, passes and adopted by the vote of a majority of the Board of Directors of the Santa Clara Valley Transportation Authority, California, at a meeting of said Board of Directors on the date indicated, as set forth above.

Dated: __________________

___________________________
SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

___________________________
Kevin Allmand, General Counsel
RESOLUTION

ACTION ITEM

RECOMMENDATION:

Adopt a Resolution approving and adopting the Relocation Plan for the Santa Clara-Alum Rock Rapid Transit Project.

BACKGROUND:

The Santa Clara Alum Rock Avenue Bus Rapid Transit Project (BRT Project) will provide limited-stop rapid transit service for 7.4 miles, from the Eastridge Transit Center to the San Jose Diridon Transit Center using Capitol Expressway, Alum Rock Avenue and Santa Clara Street (see attached Exhibit A). VTA staff continues to work diligently to plan the Project in a manner that minimizes the number of potential acquisitions and displacements. However, certain displacements may be unavoidable to bring this rapid transit service to San Jose. Prior to acquiring properties which may cause displacement, federal and state law require public agencies to plan appropriately for persons and businesses that are impacted by the acquisition of property. In California, such planning is required to be documented in a Relocation Plan, which must be formally adopted by the respective agency’s legislative body.

Staff presented the Draft Relocation Plan for the BRT Project as an informational item to the Transit Planning and Operation Committee on April 21, 2011 and the VTA Board of Directors on May 5, 2011 as a consent item. Following this May 5th meeting, the Draft Relocation Plan was circulated to the general public for public review and comment until June 6, 2011, in
accordance with California law. VTA received two comments to the Draft Relocation Plan. The plan has been updated to reflect VTA’s responses to these public comments and now constitutes the proposed Final Relocation Plan. The proposed Final Relocation Plan is being submitted to the VTA Board of Directors for review and adoption at the August 4, 2011 Board meeting through adoption of the Resolution attached as Exhibit B and the Final Relocation Plan attached as Exhibit C.

DISCUSSION:

As noted earlier, VTA is planning the BRT Project in a manner that minimizes the number of properties to be potentially acquired and limits the number of businesses and residences to be potentially displaced. However, certain displacements may be unavoidable to bring this rapid transit service to San Jose. Detailed information about the potential impacts and the availability of suitable relocation sites for impacted occupants is provided in the attached Final Relocation Plan. The Project will impact up to 14 businesses. Eight businesses will need to relocate from their current locations, five businesses may need to relocate due to possible loss of parking and work area, and one business will be able to remain on site but may need to relocate some of its personal property. Additionally, one outdoor advertising sign will be impacted.

The Draft Relocation Plan was made available to the public for review and comment from May 6, 2011 through June 6, 2011. This period was more than the statutorily-required 30-day review and comment period. Additionally, potentially displaced businesses were notified by mail of the availability of the Draft Plan for their review and comment. Copies of the Draft Plan also were 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 could be obtained upon request by interested parties.

VTA collected comments from the public and responses were prepared. There were two written comments to the Draft Relocation Plan. The VTA team responded to each of these comments and modified the Draft Plan as noted. Both comments and responses are contained in Appendix 3 of the Final Relocation Plan that is attached as Exhibit B to this memorandum and is being submitted to the Board for review and adoption on August 4, 2011.

Like the Draft Relocation Plan, the Final Relocation Plan includes the following key elements:

- A summary of the BRT 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 property owners and businesses that may be affected by the BRT 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
The Final Relocation Plan similarly recognizes that persons potentially impacted by the BRT 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. The VTA team developed Business Relocation Assistance and Residential Relocation Assistance brochures (included in the Final Relocation Plan) for this purpose. The brochures describe the relocation assistance available to all eligible businesses, residential households and storage tenants displaced as a result of the BRT Project. The Final Relocation 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.

The Board is being requested to adopt a Final Relocation Plan for the BRT Project, which is consistent with state and federal law.

The foregoing Board action is a critical milestone in the BRT Project schedule, which anticipates that the acquisition process will commence in September, 2011. To ensure that the BRT Project proceeds in a timely manner and meets critical timelines, it is important that the Board adopt the proposed Final Relocation Plan at the August 4, 2011 Board meeting.

**ALTERNATIVES:**

The Board could require that the proposed Final Relocation Plan be modified and thereby delay the approval of the Final Relocation Plan, which could cause a delay to the BRT Project. There are no legal alternatives to not adopting a Final Relocation Plan if the BRT Project is to be constructed.

**FISCAL IMPACT:**

There is no direct fiscal impact as a result of this action. Budget appropriation for the relocation cost of relocation assistance services is included in the FY12 Adopted VTA Capital Budget. Adoption of the attached Resolution will enable VTA to acquire properties which may cause displacement, thereby enabling implementation of the BRT Project.

Prepared by: Juanita Villemaire
Memo No. 3147
The Santa Clara–Alum Rock Rapid Transit (RT) Project would provide limited-stop rapid transit service for 7.4 miles, from the Eastridge Transit Center to the San Jose Diridon Transit Center using Capitol Expressway, Alum Rock Avenue and Santa Clara Street. Two separate RT lines (the 522 El Camino and the 523 Stevens Creek) would operate between the Downtown Transit Mall and the Eastridge Transit Center. At the Transit Mall, the two lines would split with the RT 522 continuing service to the Palo Alto Transit Center and RT 523 to De Anza College.

The Santa Clara-Alum Rock RT service would include the following features:

- **Special Vehicles** – Equipped with green technology and comfortable, modern interiors.
- **Enhanced Stations** – Offering attractive shelters, passenger amenities and advanced features.
- **Dedicated Lane on Alum Rock** – East of 34th street, the RT vehicles would travel in dedicated median busway, separated from traffic to improve travel time.
- **Transit Signal Priority** – Traffic signals stay green as the vehicle approaches the intersection for faster travel time.
- **High-Tech Communications** – ‘Up-to-the-minute’ information through electronic message signs at stations and wireless capabilities.
- **Rapid Boarding** – Ticket machines and all-door boarding means faster stops
- **Fast, Frequent, Reliable** – The two RT lines (522/523) would operate during the peak at 10-minute headways with off set schedules allowing for a combined 5-minute headway between the Downtown Transit Mall and the Eastridge Transit Center.

Service would be provided at 13 RT stations:

- Bird (RT 523)
- Convention Center (RT 523)
- San Jose Diridon/HP Pavilion (RT 522)
- Santa Clara
- 7th Street
- 17th Street
- 24th Street
- King Road
- Jackson Avenue
- Alum Rock Transit Center
- Story Road
- Ocala Avenue
- Eastridge Transit Center

### Project Schedule

<table>
<thead>
<tr>
<th>Activity</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>VTA Board approves Environmental Impact Report</td>
<td>December 11, 2008</td>
</tr>
<tr>
<td>Project Agreement with City of San Jose</td>
<td>January 2009–January 2010</td>
</tr>
<tr>
<td>Preliminary Engineering</td>
<td>April 2010–September 2011</td>
</tr>
<tr>
<td>Vehicle Procurement</td>
<td>July 2011–July 2013</td>
</tr>
<tr>
<td>Final Design</td>
<td>September 2011–July 2012</td>
</tr>
<tr>
<td>Construction</td>
<td>September 2012–December 2014</td>
</tr>
<tr>
<td>First Day Service</td>
<td>August 2014</td>
</tr>
</tbody>
</table>

### Project Cost & Funding

The total cost for the Santa Clara–Alum Rock Rapid Transit Project is $128 Million. The Metropolitan Transportation Commission (MTC) allocated $90 million from State Proposition 1B funds specifically for the RT project. The remaining $38 million needed for the project will be funded through Measure A.
The Santa Clara–Alum Rock Rapid Transit (RT) Project

How to Reach Us
For more information on the Santa Clara–Alum Rock Rapid Transit Project, please contact VTA Community Outreach (408) 321-7575, TTY for the hearing-impaired (408) 321-2330. You may also visit us on the web at www.vta.org, or e-mail us at community.outreach@vta.org.

**VTA Mission:** VTA provides sustainable, accessible, community-focused transportation options that are innovative, environmentally responsible, and promote the vitality of our region.
Santa Clara-Alum Rock Rapid Transit Project
Final Relocation Plan
San Jose, California

PREPARED FOR

SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
Santa Clara Valley Transportation Authority

Santa Clara-Alum Rock Rapid Transit Project

Final 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
EXECUTIVE SUMMARY 1
PROJECT DESCRIPTION (Rapid Transit) 4
1. Location of the Project 5
2. Impacts of the Project 6
3. Proposed Project Funding 8
RELOCATION PLAN 9
1. Statutory Requirements for the Plan 9
2. Plan Preparation 9
2.1 Needs Assessment and Methodology 10
2.2 Replacement Resources 11
3. Concurrent Displacement 14
4. Temporary Relocation 14
5. Program Assurances and Standards 15
5.1 Relocation Assistance Program 15
5.2 Relocation Benefits Category 16
5.3 Payment of Relocation Benefits 20
6. Eviction Policy 21
7. Appeals Policy 21
8. Projected Dates of Displacement 21
9. Estimated Relocation Cost 22
10. Availability of Plan to the Public 23

TABLES AND IMAGES
Table 1: Properties Impacted 7
Table 2: Sample of Proximate Medical and General Office Space 12
Table 3: Sample of Proximate Commercial Property 13
Table 4: Commercial Properties for Sale 13
Table 5: San Jose Industrial Statistics 14
Table 6: San Jose Office Statistics 14
Image 1: Conceptual View of BRT 4
Image 2: BRT Route Map 5

APPENDICIES
Appendix 1: Informational Brochure for Business Operation
Appendix 2: Sample Initial Contact & Plan Availability Letters
Appendix 3: Project Area Map
Appendix 4: Relocation Plan Comments and Responses
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 General Information Notice, 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.

VTA’s Relocation Assistance Program and resulting relocation benefits will be administered in accordance with 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.

VTA’s Relocation Assistance Program will satisfy the requirements of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the Unruh Civil Rights Act, the Rumford Act and applicable state and federal anti-discrimination laws.

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. As required, before adoption of the Final Relocation Plan, a Draft Plan was made available for public review and comment from May 6, 2011.
through June 6, 2011. Comments and responses are incorporated into this Relocation Plan. The Relocation Plan 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.

[END OF SECTION - REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]
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 be operated in mixed flow lanes.

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).

![Image 2: RT Route Map](image)
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. A map showing the area impacted is shown in Appendix 3.

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 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.
<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>
</tr>
</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>
</tr>
<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>
</tr>
<tr>
<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>
</tr>
<tr>
<td>4</td>
<td>Insurance</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>
</tr>
<tr>
<td>5</td>
<td>Orthodontist</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>
</tr>
<tr>
<td>6</td>
<td>Dental</td>
<td>Neighborhood Commercial</td>
<td>CN</td>
<td>Retail/office suite within multi-tenant building.</td>
<td>Shares space with Dental Office</td>
</tr>
<tr>
<td>7</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>
</tr>
<tr>
<td>8</td>
<td>Income Tax Preparation</td>
<td>Neighborhood Commercial</td>
<td>CN</td>
<td>Retail/office suite within multi-tenant building.</td>
<td>Free standing automotive shop on multi-tenant parcel. 1,975 bldg/.38 ac lot</td>
</tr>
<tr>
<td>9</td>
<td>Automotive</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>10</td>
<td>Construction</td>
<td>Light Industrial</td>
<td>LI</td>
<td>Free standing commercial building</td>
<td>2,282 sf bldg/7,405 sf 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>.35 acre lot</td>
</tr>
<tr>
<td>12</td>
<td>Retail Store</td>
<td>Light Industrial</td>
<td>LI</td>
<td>Free standing commercial building</td>
<td>1.25 acre lot*</td>
</tr>
<tr>
<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>
<tr>
<td>14</td>
<td>Income Tax Preparation</td>
<td>Heavy Industrial/Light Industrial</td>
<td>HI/LI</td>
<td>Free standing commercial building</td>
<td>1.25 acre lot*</td>
</tr>
<tr>
<td>15</td>
<td>Sign/Outdoor advertising sign</td>
<td>Neighborhood Commercial</td>
<td>LI</td>
<td>Commercial advertising sign</td>
<td></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. The types of funds are shown below. No federal funds are expected to be utilized in this project.

- **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
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 this Relocation Plan was made available for a 30-day review and comment period by impacted parties and the public prior to submitting it to VTA’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 was circulated for public review and comment for more than 30 days from May 6, 2011 through June 6, 2011. The public had an opportunity to submit comments regarding the Draft Relocation Plan. Comments and responses have been incorporated into the Final Relocation Plan to be submitted to the Board for review and consideration. The comments received and the responses to those comments are shown in Appendix 4 of this Relocation Plan.

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 and Needs 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.

VTA and OPC did make attempts to schedule interviews. OPC was able to make positive contact with three businesses, however, formal relocation planning interviews were not granted by these businesses.

It is understood that some types of businesses impacted by this project may require more time relocate than others. Many businesses have sensitive business cycles such as tax preparation businesses. Other businesses such as dental practices have narrow trade areas. These special needs will require careful planning and intensive replacement
property searches to assist them in re-establishing the businesses.

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

VTA will assist each eligible person displaced from his business in obtaining and becoming established in a suitable replacement site. 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.

Research was conducted between January and March 2011 during the preparation of the Draft Relocation Plan to determine the types of properties available for sale or rent that might accommodate the 14 affected businesses in San Jose.

This search was updated for the Final Relocation Plan on June 29, 2011. Listed in Tables 2, 3 and 4 below are potential office, commercial, and light industrial properties that may be available at the time the businesses will be seeking replacement sites. It is anticipated that additional properties will be available during the course of the Project and that the affected businesses will have the opportunity to consider several available sites.
# Table 2: Sample of Proximate Medical and General Office Space

<table>
<thead>
<tr>
<th>Address</th>
<th>Zip Code</th>
<th>Space Type</th>
<th>SF Available</th>
<th>Rental Rate ($/sf)</th>
<th>Lease Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>2331 Montpelier Drive</td>
<td>95116</td>
<td>Medical Office</td>
<td>2720</td>
<td>$1.80</td>
<td>NNN</td>
</tr>
<tr>
<td>2380 Montpelier Drive #400</td>
<td>95116</td>
<td>Medical Office</td>
<td>1532</td>
<td>$1.75</td>
<td>Not Listed</td>
</tr>
<tr>
<td>2380 Montpelier Drive #200</td>
<td>95116</td>
<td>Medical Office</td>
<td>2,518</td>
<td>$1.75</td>
<td>Not Listed</td>
</tr>
<tr>
<td>2323 Montpelier Drive</td>
<td>95116</td>
<td>Medical Office</td>
<td>1,200</td>
<td>$1.95</td>
<td>Not Listed</td>
</tr>
<tr>
<td>2324 Montpelier Drive</td>
<td>95116</td>
<td>Medical Office</td>
<td>1445</td>
<td>$1.85</td>
<td>Mod Gross</td>
</tr>
<tr>
<td>175 N. Jackson Ave, 207</td>
<td>95116</td>
<td>Medical Office</td>
<td>1010</td>
<td>Nego</td>
<td>Not Listed</td>
</tr>
<tr>
<td>175 N. Jackson Ave, 215</td>
<td>95116</td>
<td>Medical Office</td>
<td>1946</td>
<td>$1.85</td>
<td>NNN</td>
</tr>
<tr>
<td>2652 Alum Rock Avenue, D</td>
<td>95127</td>
<td>Medical Office</td>
<td>986</td>
<td>$1.85</td>
<td>NNN</td>
</tr>
<tr>
<td>2652 Alum Rock Avenue, B</td>
<td>95127</td>
<td>Medical Office</td>
<td>1080</td>
<td>$1.85</td>
<td>NNN</td>
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<tr>
<td>2350 Alum Rock Ave</td>
<td>95116</td>
<td>Medical Office</td>
<td>836</td>
<td>$1.50</td>
<td>NNN</td>
</tr>
<tr>
<td>1897 Alum Rock Ave, 30</td>
<td>95116</td>
<td>Office</td>
<td>1790</td>
<td>$1.95</td>
<td>Mod Gross</td>
</tr>
<tr>
<td>266 Jackson Ave, 5</td>
<td>95116</td>
<td>Medical Office</td>
<td>1216</td>
<td>$1.75</td>
<td>NNN</td>
</tr>
</tbody>
</table>

Source: Loopnet – Data Updated June 29, 2011
Table 3: Sample of Proximate Commercial Property

<table>
<thead>
<tr>
<th>Address</th>
<th>Zip Code</th>
<th>Space Type</th>
<th>SF Available</th>
<th>Rental Rate ($/sf)</th>
<th>Lease Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>1765 Alum Rock Avenue</td>
<td>95116</td>
<td>Retail</td>
<td>2030</td>
<td>$1.75</td>
<td>Full Service</td>
</tr>
<tr>
<td>311 N. Capital Avenue</td>
<td>95133</td>
<td>Retail</td>
<td>2400</td>
<td>$2.25</td>
<td>NNN</td>
</tr>
<tr>
<td>2644 Alum Rock Ave</td>
<td>95116</td>
<td>Retail</td>
<td>1400</td>
<td>$1.80</td>
<td>NNN</td>
</tr>
<tr>
<td>1747 Alum Rock</td>
<td>95116</td>
<td>Retail</td>
<td>2030</td>
<td>1.75</td>
<td>NNN</td>
</tr>
<tr>
<td>1795 Alum Rock</td>
<td>95116</td>
<td>Retail</td>
<td>2470</td>
<td>1.75</td>
<td>NNN</td>
</tr>
<tr>
<td>151 Tully Road</td>
<td>95111</td>
<td>Auto Related</td>
<td>1500-5600</td>
<td>$0.95</td>
<td>NNN</td>
</tr>
<tr>
<td>88 Keyes</td>
<td>95112</td>
<td>Auto Related</td>
<td>5200</td>
<td>$1.22</td>
<td>NNN</td>
</tr>
</tbody>
</table>

Source: Loopnet - Data Updated June 29, 2011

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>Zip Code</th>
<th>Building Type</th>
<th>SF Available</th>
<th>Listed Sales Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>3005 Silver Creek Road, #188</td>
<td>95121</td>
<td>Retail</td>
<td>1128</td>
<td>$459,950</td>
</tr>
<tr>
<td>1948 Camden Ave</td>
<td>95124</td>
<td>Retail</td>
<td>1224</td>
<td>$1,975,000</td>
</tr>
<tr>
<td>398 S. Bascom</td>
<td>95128</td>
<td>Bar</td>
<td>3000</td>
<td>$109,000 (Business Only)</td>
</tr>
<tr>
<td>105 N Jackson</td>
<td>95116</td>
<td>Office</td>
<td>2031</td>
<td>$599,145</td>
</tr>
<tr>
<td>125 N Jackson</td>
<td>95116</td>
<td>Office</td>
<td>1065</td>
<td>$218,325</td>
</tr>
</tbody>
</table>

Source: Loopnet - Data Updated June 29, 2011
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 the City of San Jose.

<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>

**Table 5: San Jose Industrial Statistics Q2 2011**

Source: Grubb and Ellis

<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>

**Table 6: San Jose Office Statistics Q2 2011**

Source: Grubb and Ellis

3. Concurrent Displacement

VTA has several transit and transportation improvement projects in planning, design and construction. Many of these projects, including the BART extension to San Jose, 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 and the types of replacement property they require, 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 relocation program to be implemented by VTA conforms to the standards and provisions set forth in Government Code section 7260 et seq., the Guidelines, California Health and Safety Code section 33410 et seq., if applicable and all other applicable regulations and requirements.

5. 1 Relocation Assistance Program

VTA’s Relocation Program establishes a uniform policy for the fair and equitable treatment of persons displaced as a result of programs and projects undertaken with public funds. The primary purpose of VTA Relocation Program is to ensure that persons shall not suffer disproportionate injuries as a result of programs and projects designed for the benefit of the public as a whole and to minimize the hardship of displacement.

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.

4. Assistance in researching, identifying and investigating replacement properties and local requirements such as permitting and discretionary land use approvals required to re-establish the business.

5.2 Relocation Benefits Category

Benefits will be provided in accordance with 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. Should it be determined that Federal requirements will provide a higher level of benefit to the displacee, or of the project does require Federal funding, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4051 et seq.) (the URA), will be followed.
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.
I)  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. The schedule for the Plan’s approval is shown below,
VTA will begin negotiations with property owners in late Summer or early Fall 2011. Within two weeks of VTA making the first written offers (FWO) to the property owners, OPC will contact potentially displaced businesses and will initiate relocation activities to determine eligibility, issue Notices of Eligibility/Conditional Entitlement (NOE) and will identify any special needs requirements. While VTA is statutorily required to provide only a 90-day written notice to vacate, it is anticipated that there will be a minimum of six months for each business to search and relocate to a replacement site.

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:

A letter was sent to the potentially impacted businesses that will be displaced. This letter informed them that the relocation plan was available for their review and provided instructions on how they could obtain a copy of it and how they could submit comments.

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

The Draft Relocation Plan could 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
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
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
- Removing and reassembling machinery
- Temporary storage (with prior approval)
- Connection to utilities within the building
- Crating, uncrating
- Disconnecting, dismantling
- Reinstalling relocated machinery
- Reprinting obsolete stationery
- Connection to utilities within the building

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></th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Net Earnings</td>
<td>$16,500</td>
<td>Annual Net Earnings</td>
<td>$18,500</td>
</tr>
<tr>
<td>Year Displaced</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Average annual net earnings</td>
<td>$16,500 + $18,500 = $35,000 / 2 = $17,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fixed Payment</td>
<td>$17,500</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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.
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

20.b
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

Property Owner Acknowledgement of Receipt

__________________________________   ________________________
Property Owner Representative Name    Date
SAMPLE PLAN AVALIABILITY LETTER

Dear Occupant:

The Santa Clara Valley Transportation Authority (VTA) has begun preliminary engineering for the Santa Clara-Alum Rock Rapid Transit Project. This project is part of the VTA 2000 Measure A Transit Improvement Program and will deliver an important transit improvement to the East Valley Area, which is VTA’s highest ridership corridor. The project will enhance and upgrade the existing 522 bus service by speeding up travel time through a combination of the following:

- dedicated bus-only lanes running in the center of the street in some segments
- enhanced bus stations and vehicles to allow for faster boarding
- signal priority for buses (traffic signals stay green or turn green for arriving buses)
- Adding 523 Rapid Transit service, so in future there will be two lines operating in corridor at 10 minute frequency (RT 522 and RT 523)

When planning a project, it is not always possible to avoid impacts to private property. VTA has worked diligently to plan the Project in a manner that minimizes the number of potential acquisitions and displacements. Certain displacements may be unavoidable in order to bring this important transit improvement to the City of San Jose.

Under federal and State law, the VTA Board is required to adopt a formal Relocation Plan, which documents how VTA is planning for persons and businesses that may be impacted by VTA’s potential acquisition of property. Before adoption of a Final Relocation Plan, a Draft Relocation Plan will be available for public review and comment 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 VTA Board for review and consideration on August 4, 2011.

The Draft Relocation Plan is available online at:

www.vta.org/brt/santa_clara_alum_rock.html

For questions or to request an electronic copy, please call (408) 934-2650.
The Draft Relocation Plan also can be viewed at the following locations during normal business hours:

**Santa Clara Valley Transportation Authority**  
Building 3 Lobby- 3331 North First Street  
San Jose, CA 95124

**Dr. Martin Luther King Jr. Main Library**  
150 East San Fernando Street  
San Jose, CA 95112

**East San Jose Carnegie Library**  
1102 E. Santa Clara Street  
San Jose, CA 95113

**Dr. Roberto Cruz Alum Rock Library**  
3090 Alum Rock Avenue  
San Jose, CA 95127

We encourage you to participate in the plan review. If you would like to submit any comments on the plan, please do so by June 6, 2011. Public comments to the Draft Relocation Plan can be made as follows:

**By mail to:**  
Santa Clara Valley Transportation Authority  
Property Development & Management  
3331 North First Street, Building B-2  
San Jose, CA 95134-1927

**By facsimile:**  
(408) 555-0896

**By e-mail:**  
RealEstate@vta.org

Truly yours,

[Signature]

Jumita Villemaire  
Senior Real Estate Agent  
Property Development & Management
APPENDIX 3: PROJECT AREA MAP
APPENDIX 4: RELOCATION PLAN COMMENTS AND RESPONSES
May 13, 2011

VIA FAXIMILE AND U.S. MAIL.

Santa Clara Valley Transportation Authority
Property Development & Management
3331 North First Street, Building B-2
San Jose, CA 95134-1927

Gentlemen and Ladies:

This firm represents Oliver de Silva, Inc., 11555 Dublin Boulevard, Dublin, California. Our client is the owner of the property described as Parcel 10 on Table 1 (Properties Impacted) on page 6 of your Draft Relocation Plan. Representatives of our client have met with representatives of your entity on site. It would be appreciated if we could receive the following:

1. An aerial photograph of the site owned by our client plus some indication of how the right-of-way will affect that property.

2. An explanation as to what materials need to be moved and where they will need to be moved to on the site to avoid your activities. We would prefer to move the materials ourselves and bill the agency for that service. Your Draft Relocation Plan seems to indicate that there will be no permanent taking of our client's property or permanent change to the property. Could you kindly confirm this by letter.

Very truly yours,

[Signature]

[Print Name]

[Logo]

20.b
Page 1 of 1: 1 – A diagram of the overall project has been included in the Final Plan. A site specific aerial diagram and other items describing the area of impact have been provided to the property owner directly along with further explanation of the projects impact to their property.

Page 1 of 1: 2 – Prior to the issuance of a Notice of Eligibility, VTA’s relocation consultant will meet with displacees to discuss the impact to their business or property as well as their options for receiving financial assistance to compensate for the moving costs of Miscellaneous Personal Property.

An option for a displace eligible for a Personal Property move is for the displacee to move their own property and be compensated for reasonable cost of the move. Prior to the move the displacee will work with the relocation consultant to determine the property that will be required to be moved and estimate the cost of moving that property per California Relocation Law.

Please refer to the Financial Assistance and Actual Reasonable sections of page 4 of 11 and the Necessary Moving Expenses and Estimated Moving Cost (page 5 of 11) in the Business Relocation Brochure for the discussion of how a self-move will be compensated. The relocation consultant explains the process in which compensation is calculated and paid for the move of personal property.
THOMAS J. ZIA
Real Estate & Relocation Consultant
623 Bayview Drive
Aptos, CA 95003
408-390-5055

VIA E-MAIL

June 6, 2011

Santa Clara Valley Transportation Authority
Attn: Bijal Patel, Deputy Director
3331 North First Street
San Jose, CA 95134-1927

RE: Comments to Santa Clara Valley Transportation Authority
Santa Clara-Alum Rock Rapid Transit Project Draft Relocation Plan

Dear Ms. Patel:

I am sending my comments to you regarding the above Draft Relocation Plan (Plan) because the Plan neither states where comments should be directed nor how they should be sent.

I reviewed the above Draft Relocation Plan and have the following comments and concerns.

1. **HCD Relocation Regulations Title 25 Section 6038 (b)(1) require a relocation plan to have, “A diagrammatic sketch of the project area.”** The only map, on page 4, is a route map from downtown San José to Eastridge that neither indicates the location of the project area nor where the displacements will occur. There is a statement that the displacements occur along Alum Rock Avenue between 34th Street and Jackson. I was able to identify most of the businesses by a process of elimination. A better map showing a sketch of the Project area is required to comply with state HCD regulations.

2. The document does not meet the requirements of a Relocation Plan under the provisions of Title 25, Chapter 6, Section 6038 because none of the business owners were interviewed to determine their relocation needs and preferences. I found it difficult to believe that out of 14 potentially displaced businesses not a single owner would cooperate with VTA’s consultant.

However, upon inspection of the Project site it became apparent that almost all the businesses were owned by persons with Asians and Hispanic names. Consultant did not mention any ethnic issues in Project area or any language

thomazzia@sbcglobal.net

FAX (408) 516-8305
difficulties. The sample notification letters in Draft Plan were both in English. If consultant had made an ethnically sensitive outreach to business owners they would have generated a response rate better than zero percent.

Further, there does not appear to have been any outreach to the businesses to review the Draft Plan. There was no mention of the availability of the plan for review being made to any business owners or community members. Simply having the plan available at libraries and at VTA’s office with nobody being told they are there is not outreach. Letters should have been sent to interested parties and perhaps a notice in local papers in the appropriate languages.

3. **HCD Relocation Regulations Title 25 Section 6038 (b)(2)** require a relocation plan to have, “Projected dates of displacement.” The schedule given in Section 8 of the Draft Plan states:

“**Within two weeks of VTA making the first written offers (FWO) to the property owner, 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.**”

The above statement indicates that Ninety (90)-Day-Notices-to-Vacate may be served concurrently with the NOE two weeks after first written offers are made. This schedule is highly unrealistic. Unless VTA intends to close escrows two weeks after making first offers they will be evicting tenants and property owners from properties yet to be acquired. Also, I believe that it will take longer than 90 days to relocate successfully medical, dental and automotive businesses.

4. **Regulations and Funding.** Section 3 states that Project will be locally funded. However, Section 5.2 says that relocation will be conducted according to the Uniform Act [Federal Funding]. Which regulations would be used? The relocation benefits stated in Draft Plan are for local funding. Would both regulations be used and would VTA pay the higher benefits between state and federal?

5. **HCD Relocation Regulations Title 25 Section 6038 (b)(3)** requires “A written analysis of the aggregate relocation needs of all persons [this includes businesses] to be displaced (as required by section 6048) and a detailed explanation as to how these needs are to be met.” The Plan does not have an analysis of the special needs of medical, dental and automotive businesses. They are difficult to relocate and this should have been discussed.

As previously stated many businesses have complex relocation issues and needs that will require a significant amount of time and funds to relocate. Simply listing the use and zoning is not an adequate analysis of the relocation needs. The nature of the business machinery and equipment must be analyzed and

thomazzia@sbcglobal.net  FAX (408) 516-8305
relocation problems identified. Also, the Plan should have identified the services that are being delivered and how the project will affect them. Without the proper analyses the business relocation costs may significantly exceed the estimate.

6. **HCD Relocation Regulations Title 25 Section 6038 (b)(13) and Section 6052(d)(3)** requires the Plan to take concurrent displacements by other public agencies into account when analyzing the replacement markets. The Plan does not have an discussion of concurrent displacements and therefore may have underestimated the difficulty of providing replacement housing and business resources. Public agencies in Santa Clara County, including CALTRANS and the City of San Jose (i.e. Autumn Street Extension Project) should be contacted to determine their level of displacements. VTA should also discuss their own concurrent displacements for BART in Milpitas and Berryessa because the referral areas in these projects overlap with the referrals in this one.

7. **Business Goodwill & Fixtures and Equipment**

There is no discussion of purchasing fixtures and equipment. Will VTA appraise fixtures not pertaining to realty and make offers? What is the schedule for this, if any?

All the above items should be addressed and resolved before this Plan is approved by the VTA Board. Further, I request that Draft Plan not be approved until the above issues are addressed and the Draft Plan re-submitted for public comment after the business owners are contacted again and a proper ethnically sensitive public outreach is made.

Sincerely,

Thomas Zia

c: Juanita Villareal, VTA

thomaszia@sbcglobal.net

FAX (408) 516-8305
An additional map which includes the specific area in which the impacted businesses are located has been added to the Relocation Plan to supplement the project area map.

During community outreach, no language barriers were identified with the business owners. Several attempts were made by the Agency as well as its consultants to schedule interviews with the businesses. The agency did mail a Notice of Availability of the Draft Relocation Plan to each business, which are the subject of this Relocation Plan, including how to submit comments. A copy of the letter has been added to Appendix 2 of the Relocation Plan. Two businesses did communicate with VTA based on this letter. Information was able to be collected from these businesses that will assist in relocation planning.

Translation of relocation notices and information in languages other than English will be provided, as appropriate, to assist displacees in understanding his/her rights. Where translation of documents is not practical, the services of an interpreter will be utilized. Every effort will be made to assure that each displacee is provided the maximum level of advisory services as possible.

VTA, or its consultants, will personally interview each business prior to or in concurrence with the appraisal process. Interviews will be conducted in advance of the issuance of a Notice of Eligibility/Conditional Entitlement Letter to ensure that VTA and its consultants understand the needs of the business.

Once the First Written offer is made to the property owner a Notice of Eligibility/Conditional Entitlement Letter will be presented to the business owner. Federal and State law require that VTA provide each displacee with a minimum
90-days written notice to vacate. It is anticipated that it may take as long as six months to successfully relocate some business.

VTA will work closely with each business to understand the amount of time needed to relocate and to provide as much lead time as is feasible in light of the project schedule. This longer lead time should allow sufficient time to identify sites that will accommodate the medical, dental and automotive businesses.

**Page 2 of 3: 4** – VTA receives funding from both Federal and State sources in some aspect of its projects. Relocation Benefits will be paid based on the regulation which provides the higher benefit to the displaced person, in order to assure compliance with the applicable statute.

**Page 2 of 3: 5** – The businesses that will be required to relocate will be provided relocation advisory assistance pursuant to the requirements of the federal and state relocation law and guidelines. Sections 2.1, 2.2, 5.1, 5.2, and 5.3 discusses the Needs Assessment Methodology that VTA or its consultant will undertake as well the benefits that will be offered and other pertinent information related to Relocation Advisory Services.

**Page 3 of 3: 6** – Based upon discussions with Agencies including the California Department of Transportation and Santa Clara County, VTA has determined that there will not be concurrent displacements resulting from public agency sponsored projects in 2011 and 2012 that would significantly compete for replacement site resources.

**Page 3 of 3: 7** – Information regarding Loss of Goodwill is covered in Appendix 1 of the Plan. The appraisal and acquisition of fixtures and equipment will be handled through the acquisition process.
RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA)
ADOPTING THE FINAL RELOCATION PLAN
FOR THE SANTA CLARA-ALUM ROCK RAPID TRANSIT PROJECT

WHEREAS, the Santa Clara Valley Transportation Authority (VTA) is in the process of planning the Santa Clara-Alum Rock Rapid Transit (SCAR) Project;

WHEREAS, although VTA is planning the SCAR Project in a manner that minimizes the displacement of businesses and residences, it is anticipated that displacement will occur;

WHEREAS, California law also requires public agencies to prepare and submit for approval a Relocation Plan when their actions result in significant displacement.

WHEREAS, on April 21, 2011, the Transit Planning and Operations Committee received a presentation from staff regarding the Draft Relocation Plan for the SCAR Project and subsequently forwarded the plan to the May 5, 2011, Board agenda;

WHEREAS, the Draft Relocation Plan for the SCAR Project was circulated to the general public for public review and comment from May 6, 2011 until June 6, 2011 in accordance with California law, which requires a minimum 30 day public circulation period.

WHEREAS, following the closure of the time period for public review and comment, the Draft Relocation Plan was updated to respond to public comments and is now the proposed Final Relocation Plan for the SCAR Project subject to approval by the VTA Board of Directors;

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

1. The VTA Board of Directors hereby adopts the Final Relocation Plan for the SCAR Project on file with the Board Secretary and incorporated by reference herein.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on August 4, 2011, by the following vote:

AYES: DIRECTORS

NOES: DIRECTORS

ABSENT: DIRECTORS

____________________________________
Margaret Abe-Koga, Chairperson
Board of Directors
I HEREBY CERTIFY AND ATTEST that the foregoing resolution was duly and regularly introduced, passes and adopted by the vote of a majority of the Board of Directors of the Santa Clara Valley Transportation Authority, California, at a meeting of said Board of Directors on the date indicated, as set forth above.

Dated: __________________

SANDRA WEYMOUTH, Secretary
Board of Directors

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 SVRT Program Officer, Carolyn M. Gonot

SUBJECT: Upper Penitencia Creek Improvement Project Mitigated Negative Declaration

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

ACTION ITEM

RECOMMENDATION:
Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Upper Penitencia Creek Improvement Project within the SVRT Program.

BACKGROUND:
The Upper Penitencia Creek Improvement Project (Project) fulfills the mitigation requirements and regulatory agency permit conditions for impacts to biological resources due to the Santa Clara Valley Transportation Authority’s (VTA’s) BART Silicon Valley - Berryessa Extension Project (SVBX).

The Project includes the restoration and enhancement of a portion of Upper Penitencia Creek in the City of San Jose by realigning the existing channel and creating a more natural channel. These improvements will enhance the hydrologic and geomorphic functions of the creek such as sediment transport and deposition, fish and wildlife habitats, natural water quality improvement, and flood storage. The Project will also improve fish passage for the federally threatened Central California Coast steelhead. A Project Fact Sheet is included as Attachment A.

DISCUSSION:
On June 3 2011, VTA prepared an Initial Study and Proposed Mitigated Negative Declaration (IS/MND) for the Project in accordance with Title 14, California Code of Regulations, Section 15063, of the California Environmental Quality Act (CEQA). The IS/MND evaluates the environmental impacts resulting from the proposed Project and includes mitigation measures to offset those impacts. Attachment B includes the Executive Summary from the Final IS/MND and Attachment C includes the Mitigation Monitoring and Reporting Program.
The IS/MND was circulated for agency and public review for 30 days beginning on June 6, 2011 and ending on July 6, 2011. A Notice of Availability (NOA) was filed with the Santa Clara County Clerk on June 3, 2011 and distributed through the Office of Planning and Research/State Clearinghouse on June 6, 2011. The NOA was also mailed to residents and business within the Project area on June 3, 2011.

VTA received two comment letters on the IS/MND during the public review period from the County of Santa Clara, Parks and Recreation Department and the Santa Clara Valley Water District. The Parks and Recreation Department letter included one comment that requested a description of a proposed trail route that is within the Project area. (The trail is not precluded by the Project design.) The Santa Clara Valley Water District’s letter included comments about access for Project maintenance, flooding issues related to Berryessa Station, origin of native plant species, and permits for the maintenance or destruction of wells on site. Responses to comments are included in the Final MND.

**ALTERNATIVES:**

There are no practical alternatives to the Project. As stated above, the Project fulfills the mitigation requirements and regulatory agency permit conditions for impacts to biological resources due to the SVBX Project.

**FISCAL IMPACT:**

There is no direct fiscal impact as a result of this action. The commitment authorization for implementation of the mitigation site will be the subject of a separate board memorandum.

Prepared by: Ann Calnan
Memo No. 3045
Overview

The Upper Penitencia Creek Improvement Project will restore and enhance a portion of Upper Penitencia Creek along Berryessa Road near the Union Pacific Railroad crossing in San Jose. The project will fulfill environmental mitigation requirements associated with the BART Silicon Valley Berryessa Extension Project. Planned construction of the Berryessa Extension without mitigations would result in the following environmental impacts: loss of earthen drainage ditches along the entire 10-mile project alignment and impacts to sensitive habitat in Upper Penitencia Creek during the removal of an existing Union Pacific bridge and replacement of a concrete box culvert.

Project Timeline

Environmental Clearance: 2011
Site Grading and Creek Construction: June – October 2012

Project Features

- Realign a portion of Upper Penitencia Creek, increasing distance from commercial buildings and residential homes
- Improve the existing highly degraded condition of the eastern and northern banks of the creek
- Create a floodplain, remove non-native vegetation and replant with native wetland and riparian plantings
- Improve fish passage for federal and state protected Central California Coast steelhead

How to Reach Us

For more information about the Upper Penitencia Creek Improvement Project or BART Silicon Valley please contact VTA-BART Outreach at (408) 934-2662, TTY for hearing impaired (408) 321-2330. You may also visit us on the web at www.vta.org/bart or www.vta.org/projects/habitat.html. Email us at vtabart@vta.org.
1.0 Executive Summary

This Draft Initial Study/Proposed Mitigated Negative Declaration (MND) describes potential environmental effects that could result from implementation of the proposed Upper Penitencia Creek Improvement Project. As required by the State California Environmental Quality Act (CEQA) Guidelines (Code Regulations, Title 14, Section 15000 et seq.), the lead agency, the Santa Clara Valley Transportation Authority (VTA), is charged with the responsibility of avoiding or minimizing environmental impacts of proposed projects and balancing public objectives, including economic, social, and environmental issues. This document is intended to inform decision makers, relevant public agencies, and the general public what significant environmental effects might result from the proposed project.

The approximately 3.74-acre Upper Penitencia Creek Improvement Project site is located along a section of Upper Penitencia Creek within the City of San Jose, approximately 1,400 feet upstream from the Coyote Creek confluence. In the project area, the existing creek alignment passes under North King Road and through a confined corridor, then turns approximately 90 degrees and runs parallel to Berryessa Road. The project sponsor, the VTA, proposes to enhance a section of Upper Penitencia Creek through the following actions:

- Creating a more natural channel with access or connectivity with an enhanced floodplain and riparian habitat.
- Enhancing the hydrologic and geomorphic functions of the creek such as sediment transport and deposition, fish and wildlife habitats, natural water quality improvement, and floodplain connectivity or flood storage.
- Improving fish passage and refuge for the federally and state listed Central California Coast steelhead (Oncorhynchus mykiss).

The project would mitigate for impacts applicable to VTA’s Bay Area Rapid Transit (BART) Silicon Valley Berryessa Extension Project (SVBX Project). Chapter 2.0 Description of the Proposed Project describes project components in detail.

A preliminary environmental review of the proposed project (see Chapter 3.0 Environmental Checklist) identified several topical areas requiring further discussion or that could be adversely affected and warranted additional analyses:

- Aesthetics.
- Air Quality and Climate Change.
- Biological Resources.
- Cultural Resources.
- Green House Gas Emissions.
- Hazards.
- Hydrology.
- Noise.
For each topical area, environmental planners and technical specialists examined the existing
environment and condition of these resources and the associated regulatory settings, evaluated
potential significant environmental impacts that would result from project implementation,
and identified appropriate mitigation measures for such impacts. These analyses are contained
in Chapter 4.0 Environmental Setting, Impacts, and Mitigation Measures and determined
that all potentially significant impacts of the proposed project could be avoided or mitigated to
less-than-significant levels (see Table 1-1 Summary of Less-than-Significant Impacts with
Mitigation Incorporated). Therefore, the appropriate CEQA document for environmental
review of this project is a Proposed Mitigated Negative Declaration (MND). The analysis also
determined that the project would result in a number of beneficial effects to Aesthetics,
Biological Resources, and Water Quality and Hydrology.

1.1 Agency and Public Review of the Draft Environmental Document

The Initial Study/Proposed MND was circulated for agency and public review for 33 days
beginning on June 3, 2011, and ending on July 6, 2011. A Notice of Availability (NOA) was filed
with the Santa Clara County Clerk on June 3 and distributed through the Office of Planning and
Research/State Clearinghouse on June 6. The NOA and electronic link to the draft document
was sent by e-mail to government and regulatory agencies on June 3. The NOA was mailed to
approximately 700 residences and businesses within ¼ mile of the project area on June 3. The
NOA and IS/Proposed MND (hard copy and compact disk) were sent by certified mail to the
San Jose Public Library Berryessa Branch on June 3.

VTA received comments on from the County of Santa Clara Parks and Recreation Department
and the Santa Clara Valley Water District on the document during the public comment period.
This document includes responses to those comments in Chapter 5.0 Comments and
Responses. Revisions to the draft document circulated for public review are shown in red in
this final document in strikeout where text was deleted or underlined where added.
### Table 1-1. Summary of Less-than-Significant Impacts with Mitigation Incorporated

<table>
<thead>
<tr>
<th>Environmental Checklist Item and Impact Summary</th>
<th>Mitigation Measure Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
<td>Mitigation Measure AQ-1 (Construction Impacts): Implement BAAQMD Basic Construction Mitigation Measures to Control Construction-Related Criteria Pollutants.</td>
</tr>
</tbody>
</table>

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- **A public notification program will be implemented by VTA to alert residents and businesses in advance of construction activities.** VTA shall include conspicuously post a telephone number for Community Outreach at the construction site and include it in notices sent to neighbors regarding the anticipated scope of work and construction schedule.

The Contractor will post a publicly visible sign at the construction site with the telephone number and person to contact at VTA regarding dust.
Environmental Checklist Item and Impact Summary

| Would the project expose sensitive receptors to substantial pollutant concentrations? |
| Health risk assessment modeling revealed no exceedances of BAAQMD thresholds for either cancer risk or non-cancer risk hazards. However, unmitigated project level ambient PM2.5 would slightly exceed BAAQMD thresholds. Applying Mitigation Measure AQ-2 would reduce ambient PM2.5 levels to below BAAQMD thresholds. This impact would be less than significant with mitigation incorporated. |

Biological Resources

| Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? |
| Impact avoidance measures built in to the project design will ensure avoidance of direct and minimization of indirect adverse effects to Central California Coast steelhead. The removal of riparian vegetation during stream bank recontouring could temporarily affect the suitability of in-stream habitat for steelhead in this section of Upper Penitencia Creek and would potentially persist until the vegetation replanted as part of the project reaches maturity. Riparian vegetation will be restored through planting areas of exposed soil with native, riparian plant species typically at a 2:1 ratio (acres of compensation : acres of impact). Further, non-native |

Mitigation Measure Summary

| Mitigation Measure AQ-2: Require Diesel Particulate Filters on Construction Equipment |
| The project applicant will require that all diesel powered construction equipment install diesel particulate filters to achieve a 75% reduction in PM emissions, compared to the state-wide fleet average, on all construction equipment (California Air Resources Board 2010a). |

| Mitigation Measure BIO-1: Conduct Preconstruction Surveys for California Red-Legged Frog, Tiger Salamander, and Western Pond Turtle |
| A qualified biologist will conduct pre-construction surveys for California red-legged frog, California tiger salamander, and Western Pond Turtle within the vicinity of the project site no earlier than two days before ground-disturbing activities. The survey area will include 300 feet upstream and downstream from the project site. |

<p>| Mitigation Measure BIO-2: Seasonal Restrictions on Scheduling Activities in Frog or Salamander Habitat |
| No activities will occur in suitable frog or salamander habitat after October 15 or the onset of the rainy season, whichever occurs first, until May 1 except for during periods greater than 72 hours without precipitation. Activities can only resume after the 72-hour period or after May 1 following a site inspection by a qualified biologist, in consultation with the U.S. Fish and Wildlife Service (USFWS). The rainy season is defined as a frontal system that results in depositing 0.25 inches or more of precipitation in one event. |</p>
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<tr>
<td>Western pond turtle, California red-legged frog, California tiger salamander, and nesting raptors and other bird species covered by the Migratory Bird Treaty Act (MBTA) could be adversely impacted by project implementation.</td>
<td><strong>Mitigation Measure BIO-3: Relocation of California Red-Legged Frog, Tiger Salamander, and Western Pond Turtle</strong></td>
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<td></td>
<td>If individual pond turtles, California red-legged frogs, or California tiger salamanders are located, they will be captured by a qualified biologist and relocated to the nearest suitable habitat upstream or downstream of the project site. If individuals are relocated, then the contractor will install barrier fencing along each side of the work area to prevent individual animals from re-entering the work area. In the event barrier fencing is installed, the qualified biologist will conduct relocation surveys for three consecutive days to ensure that all animals are removed from the disturbance area.</td>
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<td></td>
<td><strong>Mitigation Measure BIO-4: Restoring Disturbed Habitat</strong></td>
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<td>If suitable red-legged frog habitat or tiger salamander is disturbed or removed, VTA will restore the suitable habitat back to its original value by hydroseeding or covering bare areas with mulch and revegetating all cleared areas with plant native species.</td>
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<td><strong>Mitigation Measure BIO-5: Implement Measures to Avoid Frog, Salamander, and Turtle Entrapment</strong></td>
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<td>If a California red-legged frog, tiger salamander, or western pond turtle is encountered prior to or during project activities, measures to avoid frog and turtle entrapment will be implemented. To prevent accidental entrapment of California red-legged frogs and western pond turtle, all open trenches will be covered at the end of each workday, fully surrounded by silt fences or equipped with earthen escape ramps. Trenches will be inspected daily before construction to ensure that no animals are trapped and that fences or ramps are intact and working properly.</td>
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<td><strong>Mitigation Measure BIO-6: Conduct Preconstruction Clearance Surveys for Nesting Raptors and Other Birds</strong></td>
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<td>Impacts on nesting raptors and other bird species can be avoided through the implementation of one of two impact-avoidance strategies. These strategies include:</td>
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<td>- Schedule construction activities outside of raptor nesting season (January 1 to August 31), or</td>
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focused nesting surveys throughout the site no more than 30 days prior to the start of ground-disturbing activities.

Given the temporal constraint on the project to conduct all in-stream work outside of the steelhead migration window (June 1 to October 15), scheduling construction activities outside of the raptor breeding season will not be possible. Therefore, a preconstruction survey for nesting raptors and other bird species will be conducted.

The survey will be conducted no more than 30 days prior to the initiation of construction. During the survey, the biologist will inspect all trees and electrical towers in, and immediately adjacent to, the project area for raptor nests. If no nesting raptors are found, no further mitigation is warranted.

If an active raptor nest is found close enough to the project area to be disturbed by construction activities, the biologist, in consultation with the California Department of Fish and Game, will determine the extent of a construction-free buffer zone, typically 250 feet, to be established around the nest until the chicks have fledged.

If an active nest is located on or within 250 feet of the project area, or if other raptors are identified nesting within 250 feet of the project site, a no-disturbance buffer will be established for the duration that the nest remains active, as determined by a qualified biologist.

**Mitigation Measure BIO-7: Environmental Biological Resources Training Program**

Prior to construction, VTA will conduct a training program for all supervisory personnel (such as the Resident Engineer, Resident Inspector, Foreman) and construction workers prior to the start of construction to educate and inform VTA staff and contractors about sensitive plant and animal species in the project area and mitigation measure requirements and resources agency permit conditions to avoid or minimize impacts to biological resources. A list of all personnel who received training will be made available upon request by USFWS or CDFG.
Cultural Resources

Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Would the project disturb any human remains, including those interred outside of formal cemeteries?

No archaeological resources were identified in the project area. However, the project area was identified during studies for the Silicon Valley Rapid Transit Corridor (SVRTC) Project, including the SVBX Project (Phase 1 of the larger 16.1-mile SVRTC Project), as having a high potential for buried archaeological deposits (that may meet the definition of historical resource or unique archaeological resource). Such resources could be present below the ground surface and, if present, could be exposed and damaged during proposed grading and construction activities. Damage to or destruction of such resources is considered a potentially significant impact.

Project activities also have the potential to disturb any human remains, should they be present in the project area. Any disturbance of human remains would represent a significant impact.

Mitigation Measure CUL-1: Implement the Cultural Resources Treatment Plan

A Programmatic Agreement (PA) was developed and executed by VTA, the Federal Transit Administration, and the State Historic Preservation Officer on March 25, 2010 for the SVBX Project. The PA is supported by the Cultural Resources Treatment Plan (CRTP), which was developed and will be implemented by VTA in consultation with the appropriate government and historic preservation bodies and Native American community. The PA and CRTP also apply to the proposed project because the Area of Potential Effect (APE) identified in the PA and CRTP encompasses the entire project area.

The CRTP specifies the National Register of Historic Places (NRHP) criteria that will be applicable, the procedures to be used to implement the Section 106 process in the field, and the standards of evaluation that will be appropriate given the locations and kinds of cultural properties predicted. The CRTP also presents methods that combine pre-testing where possible (i.e., on open lots or undeveloped lands), testing after demolition of extant structures but before new ground-disturbing construction begins, construction-phase monitoring where appropriate, and standards for data recovery. In any event, areas within the APE where potential resources have been identified, or that are designated as highly or moderately sensitive, will be field investigated, concentrating on, but not confined to, the area of direct effect. The CRTP meets The Secretary of the Interior’s Standards and Guidelines for Archaeology and Historic Preservation (U.S. Department of the Interior, National Park Service, 1983, as amended and annotated).

Appropriate testing or mitigation measures may include the following:

- Conducting controlled subsurface excavations at prehistoric or historic archaeological resources;
- Conducting subsurface exploratory trenching in large construction-element areas within highly and moderately sensitive zones to determine the presence of buried deposits;
- Undertaking detailed and focused archival research of particular historic archaeological resources;
### Environmental Checklist Item and Impact Summary

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<td>- Protecting sites or portions of sites from intrusion where practical and feasible, to minimize adverse effects;</td>
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<td>- Conducting onsite monitoring during surface-disturbing construction activities;</td>
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<td>- Following procedures established in the CRTP when human remains are encountered;</td>
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<td>- Completing detailed analyses of artifacts and organic remains consistent with the parameters detailed in the CRTP;</td>
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<td>- Preparing and distributing reports and results of the technical studies, as detailed in the CRTP;</td>
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<tr>
<td>- Providing for the curation of archaeological materials recovered from project sites;</td>
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<tr>
<td>- Adhering to the procedures detailed in the CRTP regarding how interested parties will be invited to participate; and</td>
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<tr>
<td>- Providing for a public interpretation component in the technical archaeological studies.</td>
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</tbody>
</table>

### Greenhouse Gas Emissions

**Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Onsite construction equipment, truck trips, and worker trips would temporarily combust both diesel and gasoline fuels, which are carbon-based fossil fuels. However, the BAAQMD does not yet have thresholds for short-term construction activities, but encourages project proponents to incorporate best management practices (BMPS) to reduce greenhouse gas emissions (GHG) emissions during construction.

Long-term maintenance trips and the energy needed to provide irrigation services to the area would result in annual greenhouse gas emissions that are below BAAQMD annual thresholds for GHG emissions from non-stationary source projects. This impact would be less than significant.

**Mitigation Measure GHG-1: Implement the BAAQMD’s Best Management Practices for GHG Emissions**

The project applicant will implement, to the extent feasible, the BAAQMD’s BMPs outlined in their CEQA Guidelines, which include:

- **Using alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment of at least 15% of the fleet;**
- **Using local building materials of at least 10%; and**
- **Recycling or reusing at least 50% of construction waste or demolition materials.** Construction waste and demolition materials recycled and 50% of construction waste diverted from landfill.
Environmental Checklist Item and Impact Summary | Mitigation Measure Summary
---|---
Noise | **Mitigation Measure N-1: Employ Noise-Reducing Construction Practices**
| **Would the project expose persons to or generate noise levels in excess of standards established in a local general plan or noise ordinance or applicable standards of other agencies?** | • Stationary equipment, such as generators and compressors, will be located as far as feasible from noise and vibration sensitive sites, and be acoustically treated. Grout batch plants, and grout silos, mixers, and pumps, and diesel pumping equipment will also be located as far as feasible from noise sensitive sites, and be acoustically treated if necessary.
| Noise from operation of trucks and construction equipment at the project site could temporarily and intermittently raise noise levels at locations of noise-sensitive receivers adjacent to the proposed project. | • Temporary noise barriers or noise control curtains will be constructed in areas between noisy activities and noise-sensitive receptors, where practical and effective. To be most effective, the barrier will be placed as close as possible to the noise source or the sensitive receptor. Temporary barriers tend to be particularly effective because they can be easily moved as work progresses to optimize performance. If temporary noise barriers and site layout do not result in compliance with the noise criteria, retrofitting existing windows and doors with new acoustically rated units may be considered for the residential structures.
| **Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?** | • When feasible, the following equipment will be used: electric powered equipment instead of diesel-powered equipment; hydraulic tools instead of pneumatic impact tools; and electric driven saws instead of air- or gasoline-driven saws.
| Noise from operation of trucks and construction equipment at the project site could temporarily and intermittently raise noise levels at locations of noise-sensitive receivers adjacent to the proposed project. | • Local jurisdiction construction time periods will be adhered to, to the extent feasible, recognizing that nighttime and weekend construction may be necessary and/or preferred by both VTA and local jurisdictions to reduce other related environmental impacts such as traffic. Note that local jurisdictions typically prohibit construction operations between the hours of 7:00 pm and 7:00 am. If necessary to finish on schedule, VTA will work with the local jurisdictions and the affected property owners to determine if the daytime working hours may be extended without severely impacting the nearby residents.
| | • Turn off idling equipment, whenever possible.
| | • Construction-related truck traffic will be routed along roadways that would cause the least disturbance to residents. Loading and unloading zones will be laid out to minimize truck idling near sensitive receptors and to minimize

P0509-D450-RPT- ENV-004 7/20/2011
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<td>truck reversing so back-up alarms do not affect residences.</td>
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<td>• Use back-up alarms that are less intrusive in noise-sensitive areas. At nighttime and weekends, use strobe warning lights and/or back-up observers during any back-up operations, where permitted by the local jurisdiction.</td>
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<td>• Steel and/or concrete plates over excavated holes and trenches will be secured to reduce rattling when vehicles pass over. Use of thicker plates, stiffer beams beneath the plates, and rubber gaskets between the beams and plates will also reduce rattling noise.</td>
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<td>• The contractor will use the best available practices to reduce the potential for excessive noise and vibration from construction activities. This may require the use of equipment with special exhaust silencers, and/or construction of temporary enclosures or noise barriers around activities.</td>
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MITIGATION MONITORING AND REPORTING PROGRAM
FOR THE UPPER PENITENCIA CREEK IMPROVEMENT PROJECT

Introduction
The Santa Clara Valley Transportation Authority, as lead agency for the Upper Penitencia Creek Improvement Project, is responsible for compliance with Section 21081.6 of the California Environmental Quality Act (CEQA), which requires a lead agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) “for the changes made to the project or conditions of project approval adopted in order to mitigate or avoid significant effects on the environment.” The Upper Penitencia Creek Improvement Project Initial Study/Mitigated Negative Declaration (July 2011) identifies the environmental impacts of the project and discusses mitigation measures to reduce the effects.

Program Management
The Upper Penitencia Creek Improvement Project MMRP includes the following elements:

- Identification of mitigation measures, as they appear in the Final Mitigated Negative Declaration;
- Identification of the time frame during which each measure is to be implemented and monitored;
- Identification of the party(ies) responsible for implementing and monitoring each mitigation measure; and
- Documentation of compliance activities in an MMRP Summary Report.

Actions to be performed under the MMRP typically include:

- Actions to be taken prior to construction;
- Actions to be taken during construction; and
- Actions that require monitoring following construction (operations phase).

Designated Monitor
VTA’s Environmental Programs and Resources Management Manager is the Designated Monitor responsible for implementation and enforcement of the mitigation measures for the Upper Penitencia Creek Improvement Project. The Designated Monitor will assign monitoring tasks to field monitors, who are responsible for verifying compliance with specific mitigation measures.

Monitoring Procedures
Mitigation measures will be monitored, as specified in the attached table. Mitigation measures applicable prior to construction will be discussed with the design engineer(s) and other responsible parties or interested stakeholders. Mitigation measures applicable during construction will be discussed with appropriate VTA personnel, construction contractors, and other responsible parties. Mitigation measures applicable following construction will be
discussed with appropriate VTA personnel and other responsible parties. All measures will be monitored as conditions dictate and all parties will be kept informed, as necessary, of compliance status and any corrective action.

**Reporting Requirements**

The Designated Monitor will submit an MMRP Summary Report to VTA management and appropriate staff, and to any individuals and agencies that request monitoring reports, following completion of construction. Copies of reports may be obtained by contacting the VTA Environmental Programs and Resources Management Department, 3331 North First Street, San Jose, CA 95134, (408) 321-5789.

**Non-compliance**

If noncompliance with any mitigation measure is determined, the Designated Monitor will recommend appropriate corrective action to the party(ies) responsible for implementation. Noncompliance and corrective action information will be included in the report.

**Refinement or Addition of Mitigation Measures**

During the Final Design phase, circumstances may arise that require the revision or addition of a mitigation measure. The Designated Monitor will make appropriate recommendations and ensure the implementation and enforcement of any revised MMRP requirements.
### Upper Penitencia Creek Improvement Project Mitigation Monitoring and Reporting Program Summary Table

<table>
<thead>
<tr>
<th>Environmental Issue</th>
<th>Measure #</th>
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<th>Timeframe for Implementation</th>
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<tbody>
<tr>
<td>Air Quality:</td>
<td>AQ-1</td>
<td><em>Implement BAAQMD Basic Construction Mitigation Measures to Control Construction-Related Criteria Pollutants.</em></td>
<td>During construction</td>
<td>VTA Construction, Contractors, and Subcontractors, VTA Community Outreach</td>
<td>VTA Environmental Programs and Resources Management Department</td>
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<tr>
<td>Construction Impacts</td>
<td></td>
<td>• All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</td>
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<td>• All haul trucks transporting soil, sand, or other loose material offsite shall be covered.</td>
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<td>• All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</td>
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<td>• All vehicle speeds on unpaved roads shall be limited to 15 mph.</td>
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<td>• All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.</td>
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<td>• Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</td>
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<td>• All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</td>
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| Air Quality: Diesel Particulate Matter      | AQ-2      | **Require Diesel Particulate Filters on Construction Equipment**  
The project applicant will require that all diesel powered construction equipment install diesel particulate filters to achieve a 75% reduction in PM emissions, compared to the state-wide fleet average, on all construction equipment (California Air Resources Board 2010a). | During construction          | VTA Construction, Contractors, and Subcontractors | VTA Environmental Programs and Resources Management Department |
| Biological Resources: California Red-Legged Frog, California Tiger | BIO-1     | **Conduct Preconstruction Surveys for California Red-Legged Frog, Tiger Salamander, and Western Pond Turtle**  
A qualified biologist will conduct pre-construction surveys for California Red-Legged Frog, Tiger Salamander, and Western Pond Turtle. | Prior to and during construction | VTA Environmental Programs and Resources | VTA Environmental Programs and Resources             |
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<td>Salamander, and Western Pond Turtle</td>
<td>BIO-2</td>
<td><strong>Seasonal Restrictions on Scheduling Activities in Frog or Salamander Habitat</strong>&lt;br&gt; No activities will occur in suitable frog or salamander habitat after October 15 or the onset of the rainy season, whichever occurs first, until May 1 except for during periods greater than 72 hours without precipitation. Activities can only resume after the 72-hour period or after May 1 following a site inspection by a qualified biologist, in consultation with the U.S. Fish and Wildlife Service (USFWS). The rainy season is defined as a frontal system that results in depositing 0.25 inches or more of precipitation in one event.</td>
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<td>Biological Resources: California Red-Legged Frog and California Tiger Salamander</td>
<td>BIO-3</td>
<td><strong>Relocation of California Red-Legged Frog, Tiger Salamander, and Western Pond Turtle</strong>&lt;br&gt; If individual pond turtles, California red-legged frogs, or California tiger salamanders are located, they will be captured by a qualified biologist and relocated to the nearest suitable habitat upstream or downstream of the project site. If individuals are relocated, then the contractor will install barrier fencing along each side of the work area to prevent individual animals from re-entering the work area. In the event barrier fencing is installed, the qualified biologist will conduct relocation surveys for three consecutive days to ensure that all animals are removed from the disturbance area.</td>
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<td>Biological Resources: California Red-Legged Frog and California Tiger Salamander</td>
<td>BIO-4</td>
<td><strong>Restoring Disturbed Habitat</strong>&lt;br&gt; If suitable red-legged frog habitat or tiger salamander is disturbed or removed, VTA will restore the suitable habitat back to its original value by hydroseeding or covering bare areas with mulch and revegetating all cleared areas with plant native species.</td>
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<tr>
<td>Biological Resources: California Red-Legged Frog, California Tiger Salamander, and Western Pond Turtle</td>
<td>BIO-5</td>
<td><strong>Implement Measures to Avoid Frog, Salamander, and Turtle Entrapment</strong>&lt;br&gt; If a California red-legged frog, tiger salamander, or western pond turtle is encountered prior to or during project activities, measures to avoid frog and turtle entrapment will be implemented. To prevent accidental entrapment of California red-legged frogs and western pond turtle, all open trenches will be covered at the end of each workday, fully surrounded by silt fences or equipped with earthen escape ramps. Trenches will be inspected daily before construction to ensure that no animals are trapped and that fences or ramps are intact and working properly.</td>
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<td>Biological Resources: Nesting Raptors and Other Protected Birds</td>
<td>BIO-6</td>
<td><strong>Conduct Preconstruction Clearance Surveys for Nesting Raptors and Other Birds</strong>&lt;br&gt; Impacts on nesting raptors and other bird species can be avoided through the implementation of one of two impact-avoidance strategies. These strategies include:&lt;br&gt; - Schedule construction activities outside of raptor nesting season (January 1 to August 31), or&lt;br&gt; - Retain a qualified biologist with knowledge of avian species to conduct focused nesting surveys throughout the site no more than 30 days prior to the</td>
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<td>Biological Resources:</td>
<td>BIO-7</td>
<td><strong>Environmental Biological Resources Training Program</strong></td>
<td>Prior to and during</td>
<td>VTA Environmental Programs and</td>
<td>VTA Environmental Programs</td>
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<td>Environmental Training</td>
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<td>Prior to construction, VTA will conduct a training program for all supervisory</td>
<td>construction</td>
<td>Resources Management Department</td>
<td>and Resources Management</td>
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<td>and mitigation measure requirements and resources agency permit conditions to avoid</td>
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<td>or minimize impacts to biological resources. A list of all personnel who received</td>
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<td>training will be made available upon request by USFWS</td>
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Given the temporal constraint on the project to conduct all in-stream work outside of the steelhead migration window (June 1 to October 15), scheduling construction activities outside of the raptor breeding season will not be possible. Therefore, a preconstruction survey for nesting raptors and other bird species will be conducted.

The survey will be conducted no more than 30 days prior to the initiation of construction. During the survey, the biologist will inspect all trees and electrical towers in, and immediately adjacent to, the project area for raptor nests. If no nesting raptors are found, no further mitigation is warranted.

If an active raptor nest is found close enough to the project area to be disturbed by construction activities, the biologist, in consultation with the California Department of Fish and Game, will determine the extent of a construction-free buffer zone, typically 250 feet, to be established around the nest until the chicks have fledged.
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<th>Oversight for Implementation</th>
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<tr>
<td>Cultural Resources: Protection and Documentation of Cultural Resources</td>
<td>CUL-1</td>
<td><strong>Implement the Cultural Resources Treatment Plan</strong></td>
<td>Prior to and during construction</td>
<td>VTA Environmental Programs and Resources Management Department</td>
<td>VTA Environmental Programs and Resources Management Department</td>
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A Programmatic Agreement (PA) was developed and executed by VTA, the Federal Transit Administration, and the State Historic Preservation Officer on March 25, 2010 for the SVBX Project. The PA is supported by the Cultural Resources Treatment Plan (CRTP), which was developed and will be implemented by VTA in consultation with the appropriate government and historic preservation bodies and Native American community. The PA and CRTP also apply to the proposed project because the Area of Potential Effect (APE) identified in the PA and CRTP encompasses the entire project area.

The CRTP specifies the National Register of Historic Places (NRHP) criteria that will be applicable, the procedures to be used to implement the Section 106 process in the field, and the standards of evaluation that will be appropriate given the locations and kinds of cultural properties predicted. The CRTP also presents methods that combine pre-testing where possible (i.e., on open lots or undeveloped lands), testing after demolition of extant structures but before new ground-disturbing construction begins, construction-phase monitoring where appropriate, and standards for data recovery. In any event, areas within the APE where potential resources have been identified, or that are designated as highly or moderately sensitive, will be field investigated, concentrating on, but not confined to, the area of direct effect. The CRTP meets The Secretary of the Interior's Standards and Guidelines for Archaeology and Historic
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<th>Environmental Issue</th>
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<td>Appropriate testing or mitigation measures may include the following:</td>
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<td>● Conducting controlled subsurface excavations at prehistoric or historic archaeological resources;</td>
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<td>● Conducting subsurface exploratory trenching in large construction-element areas within highly and moderately sensitive zones to determine the presence of buried deposits;</td>
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<td>● Undertaking detailed and focused archival research of particular historic archaeological resources;</td>
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<td>● Protecting sites or portions of sites from intrusion where practical and feasible, to minimize adverse effects;</td>
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<td>● Conducting onsite monitoring during surface-disturbing construction activities;</td>
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<td>● Following procedures established in the CRTP when human remains are encountered;</td>
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<td>● Completing detailed analyses of artifacts and organic remains consistent with the parameters detailed in the CRTP;</td>
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<td>● Preparing and distributing reports and results of the technical studies, as detailed in the CRTP;</td>
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<td>● Providing for the curation of archaeological materials recovered from project sites;</td>
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<td>● Adhering to the procedures detailed in the CRTP regarding how interested parties will be invited to</td>
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<td>Greenhouse Gas Emissions</td>
<td>GHG-1</td>
<td><strong>Implement the BAAQMD’s Best Management Practices for GHG Emissions</strong></td>
<td>During construction</td>
<td>VTA Construction, Contractors, and Subcontractors</td>
<td>VTA Environmental Programs and Resources Management Department</td>
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<td>- Providing for a public interpretation component in the technical archaeological studies.</td>
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<td>- Using alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment of at least 15% of the fleet;</td>
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<td>- Using local building materials of at least 10%; and</td>
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<td>- Recycling or reusing at least 50% of construction waste or demolition materials.</td>
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<td>Noise: Construction Impacts</td>
<td>N-1</td>
<td><strong>Employ Noise-Reducing Construction Practices</strong></td>
<td>During construction</td>
<td>VTA Construction, Contractors, and Subcontractors</td>
<td>VTA Environmental Programs and Resources Management Department</td>
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<td>- Stationary equipment, such as generators and compressors, will be located as far as feasible from noise and vibration sensitive sites, and be acoustically treated. Grout batch plants, and grout silos, mixers, and pumps, and diesel pumping equipment will also be located as far as feasible from noise sensitive sites, and be acoustically treated if necessary.</td>
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<td>- Temporary noise barriers or noise control curtains will be constructed in areas between noisy activities and noise-sensitive receptors, where practical and effective. To be most effective, the barrier will be placed as close as possible to the noise source or the sensitive receptor. Temporary barriers tend to be</td>
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|                     |          | particularly effective because they can be easily moved as work progresses to optimize performance. If temporary noise barriers and site layout do not result in compliance with the noise criteria, retrofitting existing windows and doors with new acoustically rated units may be considered for the residential structures.  
- When feasible, the following equipment will be used: electric powered equipment instead of diesel-powered equipment; hydraulic tools instead of pneumatic impact tools; and electric driven saws instead of air- or gasoline-driven saws.  
- Local jurisdiction construction time periods will be adhered to, to the extent feasible, recognizing that nighttime and weekend construction may be necessary and/or preferred by both VTA and local jurisdictions to reduce other related environmental impacts such as traffic. Note that local jurisdictions typically prohibit construction operations between the hours of 7:00 pm and 7:00 am. If necessary to finish on schedule, VTA will work with the local jurisdictions and the affected property owners to determine if the daytime working hours may be extended without severely impacting the nearby residents.  
- Turn off idling equipment, whenever possible.  
- Construction-related truck traffic will be routed along roadways that would cause the least disturbance to residents. Loading and unloading zones will be laid out to minimize truck idling near sensitive receptors and to minimize truck reversing so back-up alarms. |
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<td>do not affect residences.</td>
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<td>• Use back-up alarms that are less intrusive in noise-sensitive areas. At nighttime and weekends, use strobe warning lights and/or back-up observers during any back-up operations, where permitted by the local jurisdiction.</td>
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<td>• Steel and/or concrete plates over excavated holes and trenches will be secured to reduce rattling when vehicles pass over. Use of thicker plates, stiffer beams beneath the plates, and rubber gaskets between the beams and plates will also reduce rattling noise.</td>
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<td>• The contractor will use the best available practices to reduce the potential for excessive noise and vibration from construction activities. This may require the use of equipment with special exhaust silencers, and/or construction of temporary enclosures or noise barriers around activities.</td>
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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 July and August 2011, and Supervisor of the Quarter

FOR INFORMATION ONLY

BACKGROUND:

July Employees of the Month and Supervisor of the Quarter:

Ray Franklin, Quality Assurance & Warranty Specialist at River Oaks, is the Administration Award winner for July. Ray has been with VTA since 1997 and has been formally recognized on numerous occasions for his dedication and overall excellent job performance. A true professional, Ray is often called upon to make presentations and train others on the subject of quality assurance. His supervisor notes that his internal and external customer service skills rank high among his many other attributes. Ray truly makes VTA a better place to work. Congratulations to Ray Franklin, Administration Employee of the Month for July!

Shonna Swain, Coach Operator at North Division, is July's Operation Award winner. Shonna consistently provides a high level of customer service, as evidenced by the numerous compliments she has received through the Customer Service Department. One particular compliment noted Shonna as "exceptionally kind, uplifting and caring". During her five years at VTA, Shonna also finds time to coach her fellow employees. She is active in the Joint Workforce Investment Program where she serves as a mentor and role model for both new and experienced operators. Well done Shonna Swain, Operations Employee of the Month for July!

Marc Johnson, Transit Mechanic at Chaboya Division, is our Maintenance Employee of the Month for July. Marc has been responsible for keeping VTA's busses safe and reliable as a mechanic at VTA for over 30 years! He recently accepted a lead role at the beginning of 2011 and has demonstrated an exceptional level of dedication in this leadership position. Marc is always willing and able to meet any challenge presented to him and is highly respected by both management and his peers. Congratulations to Marc Johnson, Maintenance employee of the
Month for July!

Joel Milburn, Transit Maintenance Supervisor at the Guadalupe Division, is the Supervisor of the Quarter for the third quarter of 2011. Joel has been with VTA since 1998 and has exceeded expectations supervising a large facilities maintenance staff. He is a dedicated VTA employee, putting in the necessary time and effort to ensure his team completes the workload in a timely and responsible manner. Joel is available and dependable to respond to emergencies 24 hours a day. He has proven to be a great asset to the maintenance division, earning a recent promotion to Light Rail Power System Supervisor. Congratulations to Joel Milburn, Supervisor of the quarter!

August Employees of the Month:

Shanthi Chatradhi, Associate Transportation Engineer, is the Administration Employee of the Month for August. Shanthi began her VTA career as an intern and became a full time employee in 2006. She recently passed the State of California’s Professional Engineers examination, which certified her as a professional civil engineer. As a result of the certification and strong job performance, Shanthi promoted to Associate Transportation Engineer. In her new role she has masterfully coordinated all the technical information for the State Route 237/I880 Express Connector Project. Shanthi Chatradhi is another VTA success story and is Administration Employee of the Month for August!

Richard Gould, Coach Operator at North Division, is the Operation Award winner for the month of August. Richard is approaching his 14th year at VTA. During this time, he has received several customer compliments that speak to his outstanding customer service, treating his customers with courtesy and respect. He is applauded by his supervisor and peers for his ability to exceed the performance standards of his job and a well-deserving award recipient. Congratulations to Richard Gould, Operations Employee of the Month for August!

Danny Davis, Paint and Body Mechanic is our Maintenance Employee of the Month for August. Danny has been with VTA for nearly 27 years and takes great pride in his work. Danny plays an integral role ensuring VTA coaches are clean and presentable to our riders by getting paint and body repairs to match the original condition of the coach. His attendance is outstanding and his supervisors appreciate his dependability. Danny is an outstanding representative of VTA and upholds VTA’s standards of quality and job performance. Congratulations to Danny Davis, Maintenance Employee of the Month for August!

Prepared By: Christopher Childress
Memo No. 3159
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Recognition to Hien Chu, a Ninth Grade Student from Evergreen Valley High School, as the Winner of VTA’s Earth Day Essay Contest

FOR INFORMATION ONLY

BACKGROUND:

The first Earth Day was announced in 1970 as a call to action. Over forty years later, Earth Day, April 22, continues to inspire and mobilize volunteers worldwide to demonstrate their commitment to the environment.

In honor of Earth Day 2011, VTA’s Sustainability Program and Marketing Department announced two contests. The first contest asked riders to take a pledge to carpool, bike, walk, or take VTA on Earth Day. Each pledge qualified for a drawing to win one of three Clipper Cards preloaded with a VTA monthly pass. The second contest asked high school students to write an essay describing what sustainability means to them. The prize for the winning essay is a Summer Blast Pass, good for unlimited rides on VTA from June to August 2011. This agenda item provides the results of these contests and gives special recognition to winning Earth Day author, Hien Chu, a ninth grade student from Evergreen Valley High School.

DISCUSSION:

VTA’s Sustainability Program and Marketing Department began advertising the Earth Day contests in March 2011. The attached flyer was distributed through a variety of email and mailing lists (Attachment A). In addition, station posters and car-cards were printed and displayed. A VTA news bulletin was released on April 21, 2011, and the campaign was featured on VTA’s Facebook page, website, and Twitter.

A total of 166 pledges were received on VTA’s Earth Day website. The pledge reads:
I pledge to walk, bike, carpool, or take public transit for my transportation needs on Earth Day, April 22, 2011. I recognize that my decision to take alternative modes of transportation conserves resources, reduces greenhouse gases, and spares the air from harmful pollution.

A random drawing of the pledges was conducted. The winners of the Clipper Cards preloaded with a VTA monthly pass were Oscar Ixtupé, Mariana Sánchez-Maciel, and Thien Truong.

All students, ages 14-17 currently enrolled in public, private, and home schools in Santa Clara County, were eligible to enter the Essay Contest. Students were asked to answer the following prompt in 1,000 words or less: “Describe, in your own words, what sustainability means to you. What are some activities that you can do to help the environment in your neighborhood?”

Essays were due by April 29, 2011. A total of four entries were received from the following students:

Richard Lin, Bellarmine College Preparatory, Grade 10
Hien Chu, Evergreen Valley High School, Grade 9
Asucena Carreras, San Jose High School, Grade 11
Maryam Labib, Granada Islamic High School, Grade 10

Two VTA employees from the Sustainability Program and one employee from the Marketing Department evaluated the essay submissions and rated them from a scale of 1 (lowest) to 5 (highest) in the following categories: (1) coherent organization and writing style; (2) complete address of the prompt; (3) clear and effective language, mechanics and grammar; and, (4) creativity. The essays were numbered and the author’s name and personal information was removed during this judging process. Based on the above criteria, the judging committee determined Hien Chu’s essay as the winner (Attachment B).

Hien Chu received a Summer Blast Pass prize in May. In July, he sent the Sustainability Program the following in an email message: “Thanks for the pass! I'm using it a lot, and it's very convenient.”

In addition to the prizes awarded, Earth Day winners will receive recognition in VTA’s various media campaigns, such as the August edition of the “Take-One” brochure and a future posting on “My VTA” webpage.

Prepared By: Lani Ho
Memo No. 3188
Celebrate Earth Day with VTA!

April 22, 2011

Take the VTA Earth Day Pledge...
Walk, Bike or Ride Transit on Friday, April 22

All entries will be entered into a raffle to receive a Clipper card preloaded with a VTA monthly pass. All pledges must be submitted by Thursday, April 21. Visit www.vta.org/earthday for more information.

High School Essay Contest
What does sustainability mean to you?
What can you do to help in your community?

High school students in Santa Clara County between the age of 14-17 are encouraged to enter. Essay deadline is April 29. Visit www.vta.org/earthday for more information.

Go to vta.org to enter today! (408) 321-2300
Having a Sustainable Lifestyle

By:

Hien Chu

2011 Earth Day High School Essay Contest

April 29, 2011
Imagine having to wear special protective clothing to protect from the unshielded sun because the ozone layer disappeared. Imagine gas prices reaching up to $20 a gallon. Imagine children having to walk to school with oxygen tanks on their backs because the air is too polluted for them to breathe normally.

Sustainability to me means preserving the world’s environment. Future generations should be able to enjoy the geological wonders that the Bay Area has to offer. There are numerous ways that anyone can help keep the ecosystem usable for future use, but here are a few.

Eating is something everyone does, and many people eat meat. Vegetarianism is a great way to save resources, because raising animals for food takes a large amount of water, energy, land, and oil. But not everyone has to become vegan. According to the Environmental Defense Fund, “if every American skipped one meal of chicken per week and substituted vegetables and grains, for example, the carbon dioxide savings would be the same as taking more than half a million cars off of U.S. roads.”

Sustainability means saving resources, such as gas and other forms of energy. An amazing way to save thousands of gallons of gas is to buy local as much as possible. According to the Leopold Center for Sustainable Agriculture, most of our produce comes from thousands of miles away. Some even come from the faraway countries, like Chile. Farmers’ markets are great sources of fresh, locally grown produce. I can ask my parents to support them as much as possible.

Every morning I have two choices of transportation to school: car or bicycle. I live less than a mile away from EV, and I can save gas by biking instead of getting a ride. I can
skip the car and take the bus for some trips, and now that VTA has hybrid and clean air buses, the environmental impact of my transportation can be reduced even further.

Three more things I could do would be to follow the three R’s of waste reduction: reduce, reuse, and recycle. I can reduce plastic bag use at the supermarket by bringing my own bags. I can reduce my plastic water bottle use with stainless steel bottles. I can reuse plastic bottles, jars, etc. Going to thrift stores also help. I once visited a Goodwill store and purchased a perfectly tailored suit for an unbelievable price! Recycling is the last part of the three, and I recycle as much as possible.

A final substantial deed I can undertake to help my community be greener is to spread the word about the green cause. If I ask two friends to walk to school more, and they tell another two to come with them, and so on, imagine all the carbon that would be diminished! The sequence of sustainability would never stop.

Some might say that there is no value in a sustainable lifestyle, but it has great benefits. If everyone educated themselves on the environmental issues and switched to a more sustainable lifestyle, the ecosystem will be healthier, the air and water we breath and drink will be healthier, and in turn, we will be healthier. There is no substitute for sustainability.
Works Cited


FOR INFORMATION ONLY

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.

Achivement 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 June and July 2011 include:

**FTA New Starts Activities**

The schedule for the Full Funding Grant Agreement (FFGA) has been finalized and VTA anticipates the FFGA will be executed in late January 2012. FFGA application documents were submitted to FTA on June 3, 2011, and FTA’s Project Management Oversight Contractor (PMOC) is actively working with VTA to review the application documents. FTA has shared the
FFGA agreement template with VTA and is discussing attachments for the agreement that will eventually be submitted to Congress.

VTA has requested a Letter of No Prejudice for the construction of the Kato Road BART bridge. The Letter of No Prejudice allows award of construction for the bridge ahead of the FFGA execution. This work will be included in the Kato Road Grade Separation contract and will result in construction efficiency and cost savings. VTA is awaiting a response from FTA, and preliminary indications from the PMOC show they are recommending that FTA issue the Letter of No Prejudice.

**C700 Design Build Contract**

The C700 package includes the final design and construction of the line, track, stations and systems of the Berryessa Extension. In June, VTA continued to review confidential technical concept alternatives that the pre-qualified teams have presented, which could provide additional reductions in schedule and budget benefits to the project. Additionally, three addendums were issued for the Request for Proposal for the C700 contract package to provide more information to the pre-qualified teams. Proposals are due on August 24, 2011.

**California Public Utilities Commission (CPUC) Coordination**

In November 2010, VTA staff met with the City of Milpitas and CPUC staff regarding the Dixon Landing Road crossing of BART. The meeting was regarding CPUC’s letter dated September 1, 2010 on their preferred Dixon Landing Road configuration of a grade-separation with BART and Union Pacific. Based on VTA and Milpitas discussion at that meeting, CPUC requested a formal letter with supporting documentation be submitted for review and reconsideration.

A formal letter with supporting documentation was sent to CPUC by VTA on December 27, 2010. On June 2, 2011, CPUC provided a response letter to VTA and the City of Milpitas. Although CPUC would prefer to see both BART and UPRR tracks grade separated, given the technical and emergency response concerns that had been raised, as well as the very low train counts and speeds of freight trains on the Union Pacific track, they will no longer object to the configuration which will place the BART alignment in a retained cut beneath Dixon Landing Road with the UP alignment remaining at-grade.

**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 September 2011 meeting.

**BART Silicon Valley Communications and Outreach Update**
Project Communications and Outreach efforts for June and July included presentations and updates given to Sunnyvale Leadership Group, June 2; VTA’s Policy Advisory Committee, June 9; Terrace Gardens Senior Housing (Milpitas) Board of Directors, June 23; and Terrace Gardens Senior Housing residents, July 7. Project staff also manned Project information tables at San Jose’s Juneteenth Festival on June 18-19. Project Communications staff also worked with BART to conduct a BART Seat Lab on June 30 to gain public input for seating and design of new BART trains.

Over a five week period, VTA Outreach staff responded to 238 project inquiries through the project hotline, email, traditional mail, and in person. VTA Outreach staff personally visited 400 homes, made 43 phone calls and issued 54 emails to convey important project information to pertinent stakeholders.

VTA Outreach is supporting the Residential Noise Insulation Program (RNIP). Through this program, 462 residences initially identified as being eligible for noise mitigation will be studied to verify they meet federal criteria for mitigations such as dual pane windows and insulation. To date, nearly 90 percent of residents and or owners have completed permission forms for the required analysis. To achieve this, a total of 780 letters, in three separate mailings were issued and two outreach teams went door-to-door in Fremont, Milpitas and San Jose. In four to six weeks, noise testing appointments will begin and are expected to take 3-4 months to complete.

In preparation for the Kato Road and Mission Boulevard/Warren Avenue Grade Separation projects in the City of Fremont which are anticipated to begin in fall 2011 and summer 2012 respectively, the Outreach and Communications team has began collecting community and stakeholder data to develop extensive public outreach plans for the surrounding communities. The plans will provide advance notification of construction activities and traffic impacts due to roadway closures by way of communications such as mailed fliers, digital message boards, email and website updates.

Prepared By: Kevin Kurimoto
Memo No. 3136
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: Joint Workforce Investment Support - BalancePoint Strategic Services Contract Extension

Policy-Related Action: No

Government Code Section 84308 Applies: Yes

ACTION ITEM

RECOMMENDATION:
Authorize the General Manager to extend the current contract of $462,355, plus an interim 90-day extension for $69,353, with BalancePoint Strategic Services in the amount of $550,000 for a total contract value of $1,081,708 to provide ongoing professional services in support of the Joint Workforce Investment (JWI) project. The term of the extended contract would be from July 1, 2011 through June 30, 2014.

BACKGROUND

The Joint Workforce Investment (JWI), established in 2006, is a partnership between the Santa Clara Valley Transportation Authority (VTA) and the Amalgamated Transit Union, Local 265 (ATU) dedicated to creating a work environment that supports the long-term professional development and health and wellness of employees. The JWI’s goals are to:

- Assure high employee performance, job satisfaction and well-being through professional development and training;
- Equip employees with the skills and support necessary to move up the career ladder;
- Attract well-qualified recruits to entry level careers in public transit;
- Meet VTA’s need to enhance the responsiveness, reliability and attractiveness of public transit service in Santa Clara County;
- Address the shortage of skilled workers in an ever-increasingly technology-driven industry;
- Solve operational problems more effectively at the lowest possible level.
In August 2005, VTA and ATU executed a Memorandum of Understanding to enhance Operator/Passenger relations and improve Operator well-being. ATU recommended and VTA engaged BalancePoint Strategic Services to conduct a needs assessment, the results of which became the JWI project. BalancePoint Strategic Services has a strong track record of designing and implementing effective labor/management joint projects. The initial contract with BalancePoint Strategic Services had a value of $81,150 and expired in October 2007.

In November 2007, VTA entered into a new contract with BalancePoint Strategic Services to continue JWI activities in the amount of $249,000. This contract was amended to add $50,000 in October 2008 to continue JWI activities through 2008, pending consideration of this contract request. Major tasks included in this contract were development and implementation of the Maintenance Career Ladder Training Program (MCLTP), the New Operator/Mentor Pilot Project, and development of the Transit Career Ladder Project (TCLP).

In January 2009, VTA executed another contract with BalancePoint Strategic Services, to continue JWI activities through June 2011. Major tasks included in this $462,355 contract included expanding the New Operator/Mentor program with emphasis on health, wellness, and customer service strategies for operators; incorporating Mentors in VTA’s Verification of Transit Training (VTT) program; completing Introduction to Transit training modules in conjunction with San Jose City College; pursuing and obtaining external funding opportunities for bus operators and maintenance personnel; and generating metrics to gauge success of the program and develop strategies to promote JWI objectives. The contract included a provision for a one-year extension. On June 30, 2011, VTA extended the contract for 90 days, amending the funding allocation by $69,353 to cover the extension.

This action would extend the contract another three years, and add $550,000 in funding for a total contract value, including the 90-day interim extension, of $1,081,708.

DISCUSSION

This sole-source, fixed-fee contract engages BalancePoint Strategic Services to leverage and build upon previous JWI initiatives mentioned above. A sole-source procurement is justified based on BalancePoint’s credibility with strategic funding alliances and its ability to leverage its institutional contacts to search and obtain grant funding opportunities at the state and federal level (over $1.1 million to date. See Attachment A) to support operator and mechanic career and skills training programs. The fees charged by BalancePoint for this work are fair and reasonable based on an independent cost analysis conducted by staff. Additionally, BalancePoint has:

1. Established relationships of mutual understanding and trust within JWI;
2. Maintained a high level of credibility within ATU and VTA Operations management;

BalancePoint has developed a strong track record of successfully building strong relationships with key ATU and VTA staff. BalancePoint is fully endorsed by ATU (see Attachment B), and serves as a third-party neutral facilitator capable of serving as a liaison and coordinator between ATU and VTA management. In addition, because JWI uses a bottom-up approach to organizational optimization, the effectiveness of its programs depends on the strength of these relationships. Key activities in the JWI work plan facilitated by BalancePoint include:
• Institutionalize JWI programs by facilitating VTA/ATU meetings to provide program leadership and policy development.
• Develop baseline metrics for all programs including Maintenance Foreperson/Leads Leadership Academy, Transportation Mentor Leadership Academy, and building the JWI apprenticeship training program called for in the collective bargaining agreement with ATU.
• Expand the New Operator/Mentor Program across three bus operating divisions and to the light rail operating division, including the Operations Control Center (OCC) and other levels of Supervision.
• Conduct strategic planning and mission readiness training to support maintenance skills enhancement and leadership training.

We have included funding in the next two-year budget cycle, in amounts consistent with the scope and effort expended on JWI activities under the current BalancePoint contract. The project will focus on building on the success we have already seen. Initiatives will include expanding the Operator Mentor Program; implementing a Leadership Academy to prepare first-line supervisors for increased supervisory responsibility; and expanding employee health and wellness initiatives including stress reduction, physical fitness education, smoking cessation programs, and customer service training.

ALTERNATIVES:

The Board could choose not to approve the recommended contract for these professional services. However, VTA requires these services to fully develop and implement the JWI project and fulfill the ongoing requirements of the Department of Labor (DOL) and California Employment Training Panel (ETP) grants.

SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION:

Based on the scope of work and no subcontracting opportunities, no specific SBE goal has been established for this project. However, contractor is an SBE and no subcontractors were utilized. SBE commitment for this contract is 100%.

FISCAL IMPACT:

This action will authorize $550,000 for professional services in support of the Joint Workforce Investment (JWI) project for a three-year period. Appropriation for the first two years of the contract is included in the FY 2012 and FY 2013 Adopted VTA Transit Fund Operating Budgets. Appropriation for the third year will be included in the FY 2014 VTA Transit Fund Operating Budget.

Prepared by: Michael Hursh, Deputy Director, Maintenance & Security
Memo No. 3158
BalancePoint Initiated Outside Funding Sources for the Joint Workforce Investment

Governor’s 15% Discretionary Workforce Investment Act (WIA) grant: 2007-2008 (in partnership with the California Labor Federation (CLF); a regional consortium of VTA and Sacramento Regional Transit)

- $600,000 (VTA share $247,934.80 - the rest went to CLF and SacRT)

Job Development Incentive Fund (JDIF) grant from the California Community College Chancellor’s Office (CCCCO): 2008-2010 (in partnership with San José City College)

- $599,998 (reduced by $151,000 in year 2 due to state budget cuts, but VTA subcontract was unchanged) (VTA direct subcontract + SJCC instructors who developed/taught curriculum for VTA) – Final amount to VTA was $357,472.


- $214,000 (direct to VTA)

California Employment Training Panel (ETP)/AB118 grant: 2011-2012 (in partnership with the California Labor Federation; a statewide consortium of VTA, Sacramento Regional Transit, and Los Angeles Metropolitan Transportation Authority)

- $999,460 (VTA share $300,000)

Summary: VTA share/direct beneficiary of grants

$ 247,935  WIA  
$ 357,472  JDIF/CCCCO  
$ 214,000  DOL  
$ 300,000  ETP/AB118  
$1,119,407
AMALGAMATED TRANSIT UNION
LOCAL 265
1590 La Praderia Drive
CAMPBELL, CALIFORNIA 95008-1633
PHONE (408) 874-0900
FAX (408) 874-0907

July 7, 2011

Mr. Michael Burns
General Manager
Santa Clara Valley Transportation Authority
3331 N First Street Bldg B
San Jose, CA 95134

Subject: Contract with Balance Point

Dear Mr. Burns,

Amalgamated Transit Union Local 265 is committed to continuing our highly successful partnership with VTA, Joint Workforce Investment (JWI). We are proud of this six-year collaboration that has resulted in measurable improvements in public service and employee satisfaction through the development of programs for enhanced professionalism, health and wellness, workforce efficiency, and career ladder opportunity.

We wholeheartedly endorse the three year extension of VTA’s contract with Balance Point. The presence of Balance Point as a neutral party and program developer has been critical to the success of JWI, and the relationships of trust it has helped establish are essential to the achievement of its future goals.

If you have any questions, please feel free to call me at (408) 874-0900, or Tom Fink at (408) 386-8907.

Sincerely,

LORETTA SPRINGER
President-Business Agent

TOM FINK
JWI Director
<table>
<thead>
<tr>
<th>Contractor Firm</th>
<th>Contractor Role</th>
<th>Name</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance Point Strategic</td>
<td>Principal Partner</td>
<td>Deborah Moy</td>
<td>1191 Chess Dr. Suite C Foster City</td>
</tr>
<tr>
<td>Services</td>
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<tr>
<td>Balance Point Strategic</td>
<td>Principal Partner</td>
<td>Daniel Johnson</td>
<td>1191 Chess Dr. Suite C Foster City</td>
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<td>Services</td>
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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 – Construction Management Services Contract

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

ACTION ITEM

RECOMMENDATION:
Authorize the General Manager to execute a contract with Ghirardelli Associates, Inc. for  
Construction Management Services for the Freight Railroad Relocation activities including the  
Mission Warren Truck-Rail contract and the Kato Road Grade Separation Project in the amount  
of $7,300,000. The term of the contract will be for four years through June 30, 2015 with  
options for three one-year extensions.

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

The Construction Management Services consultant will assist VTA with the successful  
completion of the FRR activities including the Mission/Warren Truck-Rail (MWT) contract and  
the Kato Road Grade Separation Project. The consultant will provide services including  
construction supervision, field document control, quality assurance program implementation  
coordination, third-party liaison and coordination, utility relocation coordination, railroad  
coordination, permit coordination, and oversight of hazardous materials handling, removal and  
disposal.
The Board authorized the General Manager to execute a contract with URS Corporation for these Construction Management Services in March 2008. Some services have been provided under that contract (supporting the Berryessa Creek/UPRR Relocation and Kato Road Flood Control Improvement construction contracts). However, Legal Counsel has determined that URS Corporation cannot continue to provide Construction Management Services for the FRR activities because they are included in a Design/Build team proposing on the SVBX Project and it would be a conflict of interest. Therefore, VTA staff will contract with another consultant for these services.

DISCUSSION:

In order to select a qualified professional consultant team for Construction Management Services, VTA issued a Request for Proposal (RFP) on March 7, 2011. A Pre-Proposal Conference was held on March 17, 2011 to answer questions and to clarify the terms and conditions of the RFP. Six proposals were received on June 8, 2011, from 4LEAF, Inc.; Valley Facilities Management Corporation; PB Americas, Inc.; Kal Krishnan Consulting Services, Inc.; Ghirardelli Associates, Inc.; and CALTROP Corporation.

The consultant selection process consisted of a review and evaluation of the written proposals followed by oral interviews of those firms whose proposal ranked highest according to established criteria. The evaluation criteria included: qualification of project staff, particularly key personnel and their level of involvement in performing related work; the qualifications of the firm, particularly their depth and breadth of technical experience working with UPRR, Caltrans, transit agencies and other public agencies on managing large transit projects; and a demonstrated understanding of the project requirements and potential problem areas.

VTA’s selection panel consisted of the FRR Program Manager, VTA Contracts Administrator, and representatives from Caltrans and the City of Fremont. Based upon their written proposal and interview, the selection team determined Ghirardelli Associates, Inc. to be the best qualified to provide Construction Management Services on the FRR activities and the Kato Road Grade Separation Project.

The Ghirardelli Associates, Inc. team consists of three subconsultants: S&C Engineers, Alta Vista Solutions, and Parikh Consultants, Inc. Their information is included in Table A. Both Ghirardelli Associates, Inc. and Parikh Consultants have a local presence in Santa Clara County.

The contract amount of $7,300,000 is for approximately 43,000 hours of management services over a term of 4 years in support of the FRR activities and Kato Road Grade Separation Project. The contract contains options for three one-year extensions. Amendments to increase the value of the contract will be necessary at that time, and will be brought to the Board for approval.
ALTERNATIVES:

There are no practical alternatives to the recommended action. VTA has optimized the use of its employees in managing design consultants, providing scheduling and project controls support, contract administration, public outreach, information technology support and clerical support. Additional construction management consultant support services are required for the FRR activities and the Kato Road Grade Separation Project.

FISCAL IMPACT:

This action will authorize up to $7,300,000 for construction management services. Appropriation for these expenditures is included in the FY12 Adopted 2000 Measure A Transit Improvement Program Fund Capital Budget. Financial participation by the City of Fremont (estimated at $750,000) will be included in a separate Construction Cooperative Agreement.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION:

Based on identifiable subcontracting opportunities, a DBE goal of 10% has been established for this contract. Ghirardelli Associates, Inc., the prime contractor, is a certified DBE contractor and has committed to 60% DBE participation on this contract.

Prepared by: Jim Costantini, Deputy Director
Memo No. 2992
<table>
<thead>
<tr>
<th>Contractor Firm</th>
<th>Contractor Role</th>
<th>Name</th>
<th>Location</th>
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<tbody>
<tr>
<td>Ghirardelli Associates, Inc.</td>
<td>Prime Consultant</td>
<td>Randall Bruner</td>
<td>2375 Zanker Road, Suite 235, San Jose, CA 95131</td>
</tr>
<tr>
<td>S&amp;C Engineers</td>
<td>Subconsultant</td>
<td>Michael Chan</td>
<td>111 Broadway #300 Oakland, CA 94607-3730</td>
</tr>
<tr>
<td>Alta Vista Solutions, Inc.</td>
<td>Subconsultant - Specialty Inspection</td>
<td>Mallika Ramachandran</td>
<td>6475 Christie Ave, Suite 425, Emeryville, CA 94608</td>
</tr>
<tr>
<td>Parikh Consultants, Inc.</td>
<td>Subconsultant – Materials Testing</td>
<td>Gary Parikh</td>
<td>360 Qume Drive, Suite A, San Jose, CA</td>
</tr>
</tbody>
</table>
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief SVRT Program Officer, Carolyn M. Gonot

SUBJECT: Silicon Valley Rapid Transit Program – Contract Award for Procurement of 42-Inch Steel Waterline

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with Jifco, Inc., the responsive bidder, in the amount of $835,497 for the procurement of the 42-inch diameter steel pipe for the relocation of the Santa Clara Valley Water District waterline in the Silicon Valley Berryessa project corridor.

BACKGROUND:

In April 2011, FTA granted permission for the BART Silicon Valley Berryessa Extension (SVBX) project to enter the Final Design phase of the New Starts Program. This action positions the project for negotiating a full Funding Grant Agreement with FTA and make the final arrangements for project completion. Entering Final Design also allows for VTA to move on utility relocations and long lead time procurement items in support of the project.

VTA issued a request for qualification to prospective design build entities on October 2010 and the final request for proposal was issued on March 2011. As VTA moves forward with the design-build contract solicitation, procurement of construction materials required to support the selected contractor will also need to move forward.

Within the project corridor, there is a 42-inch diameter waterline owned and operated by the Santa Clara Valley Water District. The relocation for the section of the waterline within the
vicinity of Piper Drive in Milpitas (Figure 1) is on the critical path for delivery of the project. The SVBX Project schedule requires the procurement of this non-standard sized waterline in advance of the award of the C700 design-build contract. This pipe is to be installed prior to April 2012 in order to complete the relocation of Chevron and MCI during their 2012 work season. The construction work window for Chevron and MCI is from April 2012 to October 2012. The completion of the Chevron and MCI relocation work is critical to the timing of the BART trench construction. If the Chevron and MCI work is not completed by the end of October 2012, their relocation work would resume starting April 2013 which will negatively impact the SVBX Project schedule. The segment of 42-inch waterline in the vicinity of Piper Drive will require procurement in advance for the design-build contractor to install.

**DISCUSSION:**

The procurement of the 42-inch pipe for the waterline relocation was originally advertised on June 1, 2011, and original bid opening was July 15, 2011. However, the amount from the sole bidder was more than 15% over the engineer’s estimate. The pipe procurement was advertised for re-bid on July 22, 2011, with a scope reduction compared to the original bid.

Based on the revised scope, VTA received one bid from Jifco, Inc. The bid was opened on August 1, 2011. The bid amount is $835,497 and found to be responsive to the advertisement. The Engineer’s estimate is $747,000. The bid amount is within 12% of the engineer’s estimate. The difference in the bid amount is likely due to the limited scale of the order.

**ALTERNATIVES:**

There are no practical alternatives to the recommended action if VTA is to avoid delays to the SVBX construction schedule.

**FISCAL IMPACT:**

This action will authorize funds for the procurement of 42-inch diameter steel pipe for the relocation of the Santa Clara Valley Water District waterline in the Silicon Valley Berryessa project corridor. Appropriation for this expenditure is included in the FY12 Adopted 2000 Measure A Transit Improvement Program Fund Capital Budget.

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

A Disadvantaged Business Enterprise (DBE) goal was not established for this contract; however, the bidder (Jifco, Inc.) committed to 3.1% DBE participation, but the participation of DBE is not a condition of contract award.

Prepared by: John Donahue
Memo No. 3135
Figure 1
Location of 42” Waterline Relocation at Piper Dr.
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: SR 237/I-880 Express Connectors - Construction Contract

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with RGW, the lowest responsive and responsible bidder, in the amount of $1,982,064, for construction of the SR 237/I-880 Express Connectors. This contract is 80% federally funded.

BACKGROUND:

In December 2008, VTA Board of Directors approved the Silicon Valley Express Lanes Program (Program). The Program, which includes the SR 237/I-880 Express Connectors project (Attachment A), will implement a roadway pricing system to allow single-occupant vehicles to use of available capacity in carpool lanes. Carpoolers and other commuters that already use the carpool lanes for free will be able to continue to use the lanes for free. The fee for solo users will change dynamically in response to congestion levels in the carpool lanes. The lane use fee will be collected electronically using the Bay Area’s FasTrak transponder system. This implementation of roadway pricing is part of the planned Bay Area Express Lanes Network and is included in the Regional Transportation Plan approved by the Metropolitan Transportation Commission in April 2009. The Program will provide long-term mobility benefits to corridor travelers and a funding stream for transportation improvements within the corridor.

In February 2009, the VTA Board authorized the General Manager to execute a contract with PB Americas to design the SR 237/I-880 Express Connectors project, converting the existing carpool lanes to express lanes. Final design has been completed. PB Americas will be providing design services during construction.
On June 3, 2010, the VTA Board authorized the General Manager to execute a contract with TransCore for the Electronic Toll Systems integration on the SR 237/I-880 Express Connectors project. Transcore will continue to provide services through construction and systems testing.

On March 3, 2011, the VTA Board authorized the General Manager to execute a contract with Midstate Barrier, Inc. for the advance sign procurement for the SR 237/I-880 Express Connectors project. This contract will be completed in August, 2011.

The scope of work in the SR 237/I-880 Express Connectors construction contract includes the installation of new signage, sign foundations, striping, vehicle detection sensor units, minor paving and segments of median concrete barrier reconstruction.

The construction contract was previously issued for bid on May 11, 2011, with two bids submitted on June 10, 2011. During the bid review period, it was determined that neither contractor met the Underutilized Disadvantaged Business Enterprise (UDBE) goal of 13%, but both submitted documentation of good faith efforts made to meet the goal. Based on review of the documentation, it was determined that neither contractor made sufficient good faith efforts to comply with the UDBE goal requirements and, on this basis, staff rejected both bids.

**DISCUSSION:**

The SR 237/I-880 Express Connectors construction contract was re-advertised on July 1, 2011. Bids were opened on July 22, 2011 with the following results:

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Bid Amount</th>
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<tbody>
<tr>
<td>RGW</td>
<td>$1,982,064</td>
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<tr>
<td>Gordon N. Ball</td>
<td>$2,148,731</td>
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<tr>
<td>Tennyson Electric</td>
<td>$2,268,454</td>
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<tr>
<td>Engineer’s Estimate</td>
<td>$2,104,483</td>
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</table>

During the bid review process, a protest was submitted by the second low bidder, questioning the qualifications of a subcontractor of the low bidder to perform certain work. After review, VTA staff determined the protest was without merit. The bid review process has now been completed. Staff has determined that RGW is the lowest responsible and responsive bidder. The RGW bid, 6% below the Engineer’s Estimate, is fair and reasonable. Staff recommends award of this contract to RGW.

Construction is scheduled to start in September 2011 with completion in December 2011. Systems testing will follow, with the express lanes becoming operational in early 2012.

**ALTERNATIVES:**

There are no practical alternatives to the recommended action. Rejecting all bids or delaying the award of this contract will delay the delivery of the project.
FISCAL IMPACT:

This action will authorize funds for construction of the SR 237/I-880 Express Connectors. Appropriation for this contract is included in the FY12 Adopted VTP Highway Improvement Program Fund Capital Budget. The contract will be funded by Federal Value Pricing grant funds (80%) with a Local Program Reserve match (20%).

UNDERUTILIZED DISADVANTAGED BUSINESS ENTERPRISE (UDBE) PARTICIPATION:

Based on the identifiable opportunities, an Underutilized Disadvantaged Business Enterprise (UDBE) goal of 10% is established for this contract. RGW met the goal and has committed to 12% participation on this contract.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Congestion Management Program & Planning Committee considered this item on May 20, 2011. It was highlighted in the staff presentation that bids for this contract are scheduled to be received on June 10, 2011. This would allow the bid analysis to be completed and a recommendation to be made at the June 24, 2011 Board meeting. There was no subsequent discussion, and the Committee recommended this item be placed on the next Board agenda. As it turned out, staff rejected the two bids received on June 10, 2011 and re-advertised the contract, so a memorandum was not taken to the Board on June 24th.

Prepared by: Ven Prasad, Engineering Group Manager
Memo No. 2128
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: FY 12 Marketing Plan

FOR INFORMATION ONLY

BACKGROUND:

Every year, VTA staff develops a marketing plan to outline upcoming promotions of VTA fare and service, as well as activities to expand third party advertising on VTA property. For FY 2012, the marketing plan reflects the objectives of the Revenue Enhancement Committee (REC) a subcommittee of the Transit Planning and Operations Committee (TPO), to increase transit ridership and revenues through focused outreach and promotions, based upon market research, and incorporating measurable goals. Market Development and Operations Staff will report on progress in achieving these ridership and revenue goals at the monthly TPO meetings.

DISCUSSION:

Promotional activities described in the FY 2012 Marketing Plan include:

1) Summer Blast Pass - a discounted 3-month pass for youth to be used during the summer months. The pass is valid on all bus and light rail from June to August.

2) New Fare Boxes - Marketing activities will focus on informing the public about the installation and rollout of VTA’s new Fare Boxes, which will dispense “smart” VTA Day Passes.

3) VTA Takes You To - This campaign focuses on taking VTA to leisure destinations throughout the county. One element of the campaign is to blanket the county with bus shelter ads that promote these destinations.

4) App Development Contest - VTA launched an app development contest to generate interest in riding VTA. App developers will be provided VTA’s GTFS data to kick-start the development process to create fun and useful transit apps.
5) Light Rail Wi-Fi - With the launch of VTA’s 4G Wi-Fi on all light rail vehicles, market development is tasked with selling advertisements on the splash page.

6) RTI Campaign - Like VTA’s Wi-Fi, market development is tasked with selling advertisements on VTA’s RTI system.

7) Back to School - Similar to the Summer Blast Pass, VTA will develop and offer a 3-month pass for the youth to be used during the school season. The pass will be valid on all bus and light rail and will be priced the same as the Summer Blast Pass, $75 for 3 months.

8) Express Lanes - Marketing activities will focus on informing the public about the 880/237 Express lanes.

9) Clipper Direct - Market Development will focus on selling Clipper Direct to employers who wish to provide employees transit benefits. Unlike Eco Pass, Clipper Direct allows employers to enroll select employees wishing to use transit. Clipper Direct is a program that provides employees up to $230 in monthly tax-free transit benefits, such as monthly transit passes, or a pre-tax, transit benefit deduction for up to the same amount.

10) Holiday Train - A decorated holiday train will be promoted during the holiday season to spur transit ridership and to promote its use to holiday destinations such as Christmas in the Park.

11) Express Bus Campaign - Express Bus service beginning in January 2012 will enhance VTA’s product portfolio. Express Bus service will include new buses with distinct colors, “business-like” amenities such as Wi-Fi and high-back, face-forward seating and new/improved routes that will attract potential riders to the system. One of the key elements for the success of Express Bus is a strong partnership with employers to promote the service to employees.

12) Frequent Routes Campaign - Modeled after the successful “Frequent Fifteen” campaign launched in 2008, this endeavor will highlight frequent service on select bus and light rail routes. Promoting frequent service also addresses another customer concern, the system’s functionality. Promoting the frequency of service on select routes assures potential riders that service will available when they need it.

13) Rider Recruitment Efforts & Employee Incentive Programs - These 2 campaigns focus on having current riders and VTA employees recruit new riders to the system. If the ridership goals are attained, a reward will be given to participants.

14) Downtown/Community Promos - Similar to the “VTA Takes You To” campaign, the promotion relies on strong partnerships with communities and events to develop and increase ridership.

A goal for increased ridership has been associated with each promotion. It should be noted that in some instances the ridership increase associated with one promotion may be indistinguishable from that of another promotion, for example, the Summer Blast Pass promotion may attract youth riders who wish to use the pass to go to VTA Takes You To popular destinations. For this reason, the ridership goals should not be viewed in isolation, but, rather in the overall context of all VTA promotion efforts.
## FY 2012 Marketing Plan

<table>
<thead>
<tr>
<th>Goals</th>
<th>FY 2012 July</th>
<th>August</th>
<th>September</th>
<th>October</th>
<th>November</th>
<th>December</th>
<th>January</th>
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<th>April</th>
<th>May</th>
<th>June</th>
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<tr>
<td>This is an outreach campaign targeted to all current riders.</td>
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<td>Goal is to sell 2,100 - 2,800 passes</td>
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<td>Boarding goal is a 1% - 4% increase system-wide on weekends.</td>
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<td>Goal is to achieve 7,000 downloads with a goal of 10% - 25% downloaded by new riders.</td>
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<td>Goal is to sell $30K to $75K worth of ads on VTA's wifi splash page</td>
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<td>Goal is to sell $3K to $6K worth of ads on the RTI system</td>
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<tr>
<td>This is an outreach campaign targeted to Santa Clara County residents/workers.</td>
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<td>Goal is to have 200 people purchasing monthly passes on Clipper Direct</td>
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<td>Goal is to achieve a 300 to 1,000 riders every weekend day during the campaign period.</td>
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<td>Boarding goal is a 1% to 3% increase in Express Bus ridership.</td>
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<td>Boarding goal is a 5% to 10% increase in system-wide ridership.</td>
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<tr>
<td>Boarding goal is to for 1 VTA employee to recruit 2 persons to ride at least 20 days.</td>
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<td>This is an outreach campaign targeted to Santa Clara County residents/workers.</td>
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<td>&quot;VTA Takes You To&quot; Campaign</td>
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<td>Light Rail WiFi - [Corporate Sponsorship]</td>
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<td>Employee Incentive Program &amp; Rewarding Excellent Customer Service</td>
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### Partnerships

<table>
<thead>
<tr>
<th>Ad Revenue Expansion</th>
<th>Wi-Fi Sponsorship &amp; Google Ad Sense - Q1</th>
<th>Real Time Information Ads - Q2</th>
<th>Ticket Vending Machine Ads - Q3</th>
<th>Electronic Billboards - Q4</th>
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<tr>
<td>Metro Fountain Blues Festival</td>
<td>San Jose Jazz Festival</td>
<td>Mountain View Art &amp; Wine</td>
<td>San Jose Rock &amp; Roll 1/2 Marathon</td>
<td>Downtown Ice</td>
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<td>Spirit of Japantown</td>
<td>SVLG Turkey Trot</td>
<td>Holiday/New Year's Eve Service</td>
<td>Cinequest Film Festival</td>
<td>Drive Less Challenge</td>
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<td>Bike to Work Day</td>
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<td>Agen Tour of California</td>
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<td>Berryessa Art &amp; Wine Festival</td>
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<td>San Jose Earthquakes partnership</td>
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<td>Left Coast Live</td>
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</tbody>
</table>

### Fare Discount Campaigns

- Senior "Souper Saver" Campaign - Monday through Friday from 11 a.m. to 1 p.m. free for Seniors 65+
- Free Ride Fridays - Fridays only from 4 p.m. to 6 p.m. Free for all riders.

*Note: Dates shown are for example purposes only.*
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:

Using the power of a majority vote that the electorate handed to them last November with the passage of Proposition 25, Democratic lawmakers muscled through the final pieces to an $86 billion state budget for FY 2012. Republicans did not provide a single vote in favor of the package. Gov. Jerry Brown signed the plan into law on June 30, bringing to a close six months of negotiations over tax extensions and reforms that did not make it into the final product. Instead, the Governor and lawmakers relied on $11.8 billion in unexpected revenues, more than $12 billion in spending reductions, and about $3.5 billion in fund shifts and internal borrowing to address the state’s original $26.6 billion deficit, while maintaining a $500 million reserve.

It was the Legislature’s second stab at a budget within a two-week period. Gov. Brown vetoed the first attempt, saying it violated his pledge to put forward an honest spending plan that was absent of gimmicks. It was the first veto of a budget on record in California. Following the Governor’s veto, Controller John Chiang decided to stop paying lawmakers pursuant to a provision in Proposition 25 that requires a spending plan to be approved by the Legislature by June 15. Chiang determined that the plan was not “balanced” and, therefore, did not meet the Proposition 25 requirement for an on-time budget. As a result, senators and Assembly members forfeited nearly $5,000 in pay.
Gov. Brown had hoped to convince four Republicans -- two in the Senate and two in the Assembly -- to allow a special election to be held to extend higher tax rates for income, sales and vehicles. However, GOP demands for a cap on General Fund spending, various changes to public employee pensions and a number of modifications to state regulations that impact businesses proved to be too much for the Governor, Democratic lawmakers and their allies. As a result, those higher tax rates expired at midnight on June 30.

Perhaps the most significant component of the enacted budget is a $4 billion assumption of higher revenues in FY 2012, backed by $2.5 billion in “trigger” cuts in case some or none of that money materializes. The budget requires the Department of Finance to certify on December 15, 2011, whether the $4 billion projection is accurate. The “trigger” cuts are essentially in three tiers, based on how much of the extra $4 billion comes in. If implemented, the “trigger” cuts would impact public education, the University of California, the California State University system, community colleges, public safety programs, and health and human services programs.

Other key features of the enacted budget are as follows:

- $150 million in cuts to state courts.
- $200 million by requiring online retailers, such as Amazon, to collect state sales taxes. Amazon recently announced that it intends to close aspects of its business within California that would subject the company to the tax, meaning the state could end up receiving less money than the $200 million assumed in the budget.
- $300 million by increasing the vehicle registration fee by $12 and transferring these revenues from the Department of Motor Vehicles to the General Fund.
- $50 million by imposing a new fee on rural homeowners who rely on the state Department of Forestry and Fire Prevention for fire protection.
- $1.7 billion by asking redevelopment agencies to contribute money to the state under threat of elimination. This element of the budget is expected to be challenged in court.
- $2.8 billion in deferred payments to K-12 schools and community colleges.
- A 1.06 percentage point sales tax swap that redirects money from the state to local governments for Gov. Brown’s “realignment” plan.
- $448 million in unallocated cuts to Medi-Cal and Healthy Families.
- $310 million in savings achieved by suspending trial court construction.

In terms of transportation, the key elements of the enacted budget are as follows:

- **Proposition 1B Bonds:** The budget appropriates approximately $3.4 billion for Proposition 1B bond programs. This amount includes $1.2 billion for the Corridor Mobility Improvement Account (CMIA), $1.2 billion for the Trade Corridors Improvement Fund (TCIF), $200 million for the State-Local Partnership Program, $392 million for State Route 99 projects, and $102 million for public transit safety/security/disaster response.

- **Fall Bond Sale:** Gov. Brown is suggesting that the state move ahead with a planned bond sale in the fall. He is recommending that the state sell $1.53 billion in bonds in the fall for Proposition 1B and other voter-approved bond programs, and another $2.37 billion
next spring. These amounts are less than originally contemplated.

- **STA**: The State Transit Assistance Program (STA) is projected to receive $416.3 million in FY 2012, which is greater than the $328.8 million estimate in the Governor’s original January budget plan.

- **PIDs**: As part of the budget process, Gov. Brown pushed for a policy change to require local agencies to reimburse Caltrans for its costs related to reviewing and approving project initiation documents (PIDs) for state highway corridors that local agencies undertake. This proposal was rejected by the Legislature. Instead, lawmakers included a State Highway Account appropriation in the FY 2012 budget to cover Caltrans’ costs associated with this work. The Governor, however, used his line-item veto authority to delete this appropriation. As a result, Caltrans will not have the resources to review and approve any local agency PIDs in FY 2012, unless the local agency agrees to reimburse Caltrans for its costs.

- **Proposition 1A Bonds**: Consistent with a three-year program of projects that was approved by the California Transportation Commission (CTC) in 2010, the Legislature appropriated $262 million in Proposition 1A bond funds for intercity, commuter and urban rail projects in FY 2012. However, Gov. Brown vetoed all of this appropriation, except for $28 million that had been programmed by the CTC for positive train control projects.

- **Prior-Year Loans to the General Fund**: The transportation budget trailer bill, AB 115, includes provisions specifying that approximately $1 billion in loans from the State Highway Account to the General Fund that occurred in prior fiscal years are assumed to have been made using vehicle weight fee revenues. Because vehicle weight fees have been identified as the revenue source for paying debt service for transportation-related bonds, AB 115 states that when these loans get repaid, the money would not be returned to the State Highway Account. Instead, the dollars would flow to the Transportation Debt Service Fund to cover future transportation bond debt service payments.

- **High-Speed Rail**: AB 115 requires the California High-Speed Rail Authority to submit the following reports to the Legislature: (a) a public outreach plan for the Bakersfield-to-Los Angeles segment of the state’s proposed high-speed rail system; (b) a full analysis of implementation options for the San Jose-to-San Francisco segment; and (c) a formal response and full analysis of the issues raised in a recent report on high-speed rail that was prepared by the Legislative Analyst’s Office. Under the provisions of AB 115, if the authority fails to submit these reports to the Legislature by October 14, 2011, 50 percent of its budget for FY 2012 would be withheld.

While the enacted budget might be balanced on paper, many of the solutions used to get there will last only one year. Therefore, a new shortfall of at least $6 billion is expected to pop up a year from now. Gov. Brown said he would “look very seriously” at the possibility of qualifying an initiative for the November 2012 ballot to raise taxes to balance the state’s books over the long term.
Meanwhile, several deadlines for moving non-budget-related bills through the legislative process have come and gone. Measures that have not passed their house of origin and the policy committee in the opposite house are now considered to be “two-year bills” and they cannot be considered again until next year. Some of the key transportation-related measures that are still on a “one-year track” are as follows:

**AB 147** (Dickinson): Sponsored by the California State Association of Counties (CSAC), AB 147 expands the existing eligible uses of the fees charged by cities and counties to developers under the Subdivision Map Act to include the construction of public transit, bicycle and pedestrian facilities. Status: Senate Floor. VTA Position: Support.

**AB 426** (B. Lowenthal): This measure provides VTA and several other specified public transit agencies with the flexibility to establish the conditions under which fare evasion and passenger misconduct violations would be handled through an administrative adjudication process or through the traditional criminal court process. Status: Governor’s Desk. VTA Position: Support.

**AB 427** (J. Perez): Spurred on by a recent Bureau of State Audits report, AB 427 makes several technical changes to improve the administration of the Transit System Safety, Security, and Disaster Response Account under Proposition 1B. Status: Senate Appropriations Committee. VTA Position: 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: Senate Floor. VTA Position: Support.

**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: Senate Appropriations Committee. VTA Position: Support.

**AB 710** (Skinner): This legislation prohibits a city or county from requiring a minimum parking standard greater than one parking space per 1,000 square feet of non-residential improvements and one parking space per unit of residential improvements for any new development project located in a transit intensive area. Status: Senate Appropriations Committee. VTA Position: None.

**AB 845** (Ma): Sponsored by BART, AB 845 codifies certain portions of the California Transportation Commission’s guidelines relating to the distribution of Proposition 1A funds under the Commuter/Urban Rail Program. Status: Senate Appropriations 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 until January 1, 2019, 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: Senate Appropriations Committee. VTA Position: None.

AB 1105 (Gordon): This bill allows VTA to convert the entire length of 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: Governor’s Desk. VTA Position: Sponsor.

AB 1164 (Gordon): This legislation allows Caltrans to make loans of federal funds deposited into the State Highway Account to advance Proposition 1B bond projects. Status: Senate Appropriations Committee. VTA Position: None.

AB 1229 (Feuer): Sponsored by the Los Angeles Metropolitan Transportation Authority (LA Metro), AB 1229 allows a regional transportation planning agency (RTPA) to commit up to 50 percent of its share of apportionments of federal Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) dollars to fund projects through the issuance of federal highway grant anticipation notes (GARVEE bonds). Status: Senate Appropriations Committee. VTA Position: None.

AB 1229 (Feuer): Sponsored by the Los Angeles Metropolitan Transportation Authority (LA Metro), AB 1229 allows a regional transportation planning agency (RTPA) to commit up to 50 percent of its share of apportionments of federal Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) dollars to fund projects through the issuance of federal highway grant anticipation notes (GARVEE bonds). Status: Senate Appropriations Committee. VTA Position: None.

SB 310 (Hancock): This legislation seeks to strengthen the limited incentives that SB 375 (Steinberg) put in place to encourage transit-oriented development. It allows cities and counties to offer developers a guaranteed density bonus for so-called “transit priority projects” that meet specified requirements. In addition, SB 310 allows cities and counties to use property tax increment revenues from an infrastructure financing district to reimburse the permit expenses and affordable housing costs incurred by a developer pursuing a transit priority project. Status: Assembly Appropriations Committee. VTA Position: Support.

SB 517 (A. Lowenthal): This measure keeps the High-Speed Rail Authority intact, but places it under the Business, Transportation & Housing Agency. It also restructures the authority’s governing board and requires members to have certain areas of expertise in order to be appointed to the board. In addition, SB 517 includes numerous conflict of interest provisions that would apply to authority board members and employees. Status: Assembly Appropriations Committee. VTA Position: None.

SB 582 (Yee): 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: Assembly Floor. VTA Position: None.
Of note, AB 57 (Beall), which calls for adding two voting seats to MTC to be appointed by the mayors of San Jose and Oakland from the membership of their respective city councils, is now a two-year bill. After passing the Assembly by a bipartisan vote of 71-5, the measure was held up in the Senate Transportation and Housing Committee, largely because of opposition from San Francisco. It is expected that AB 57 will be heard and voted on by this committee next January.

Prepared By: Kurt Evans, Government Affairs Manager
Memo No. 3073
# LEGISLATIVE HISTORY
## 2011 – 2012 State Legislative Session
### July 15, 2011

## State Assembly Bills

<table>
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<tr>
<th>State Assembly Bills</th>
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<tbody>
<tr>
<td><strong>AB 3</strong> (Miller)</td>
<td>Motor Vehicles: Confidential Home Addresses</td>
<td>4/14/11</td>
<td>Assembly Appropriations Committee</td>
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<td>AB 14</td>
<td>Fremont Redevelopment Agency: 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>
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<tr>
<td><strong>AB 16</strong> (Perea)</td>
<td>High-Speed Rail: Rolling Stock and Equipment Purchases</td>
<td>As Introduced</td>
<td>Senate Floor</td>
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<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>
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<td>State Assembly Bills</td>
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| **AB 31**  
(Beall)  
High-Speed Rail: Local Master Plans | 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. | 3/24/11 | Assembly Local Government Committee | Support |
| **AB 41**  
(Hill)  
High-Speed Rail Authority: Conflicts of Interest and Ex Parte Communications | Adds members of the Board of Directors of the California High-Speed Rail Authority to those specified officers who must publicly identify a financial interest giving rise to a conflict of interest or potential conflict of interest, and recuse themselves accordingly. Requires authority Board members to fully disclose and make public any ex parte communication by providing a full report of the communication to the authority’s executive director. Requires the authority’s executive director to place any report of an ex parte communication in the public record. Prohibits an authority Board member from making, participating in or influencing an authority decision about which he or she has knowingly had an ex parte communication that has not been reported. | 6/9/11 | Senate Floor |
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<th>State Assembly Bills</th>
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<th>VTA Position</th>
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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 mayor of San Jose from the San Jose City Council; and (2) one appointed by the mayor of Oakland from the Oakland City Council. Prohibits more than three members of MTC from being residents of the same county.</td>
<td>5/19/11</td>
<td>Senate Transportation and Housing Committee</td>
<td>Support</td>
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<tr>
<td><strong>AB 58</strong>&lt;br&gt;(Galgiani)&lt;br&gt;High-Speed Rail Authority: Staffing and Reporting Requirements</td>
<td>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.</td>
<td>3/16/11</td>
<td>Assembly Transportation Committee</td>
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<td><strong>AB 76</strong>&lt;br&gt;(Harkey)&lt;br&gt;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>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td><strong>AB 133</strong>&lt;br&gt;(Galgiani)&lt;br&gt;High-Speed Rail: Federal Funds</td>
<td>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.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<tr>
<td>AB 145</td>
<td>(Galgiani) High-Speed Rail Authority and Department of High-Speed Trains</td>
<td>7/13/11</td>
<td>Senate Appropriations Committee</td>
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Creates the Department of High-Speed Trains within the Business, Transportation and Housing Agency. Requires the 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) adopt criteria for the selection of 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. Requires the Governor’s appointments to the authority to be confirmed by the Senate. Requires the director of the Department of High-Speed Trains to be appointed by the Governor and confirmed by the Senate. For purposes of managing and administering the ongoing work of the department in implementing the state’s proposed high-speed train project, allows the Governor, upon the recommendation of the department’s director, to appoint up to six additional individuals who would: (a) be exempt from civil service; and (b) serve at the pleasure of the director. Limits the Governor’s authority in this regard to the following positions: (1) chief program manager; (2) up to three regional directors; (3) chief financial officer; and (4) director of risk management and project controls. 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) select franchisees, routes and terminal sites consistent with criteria adopted by the authority; (4) enter into contracts with public and private entities for the preparation of high-speed train system plans; (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 with public or private entities 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. Allows the department to contract with Caltrans to perform project design and engineering services, including construction inspection services. Requires the department to submit a business plan to the Legislature every two years. Requires the business plan to be reviewed and adopted by the authority. Requires the department to submit a high-speed train capital program to the Legislature and Governor each even-numbered year. Requires the capital program to be reviewed and adopted by the authority.
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<th>State Assembly Bills</th>
<th>Subject</th>
<th>Last Amended</th>
<th>Status</th>
<th>VTA Position</th>
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<tr>
<td><strong>AB 147</strong>&lt;br&gt;(Dickinson) Building Permit Fees</td>
<td>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.</td>
<td>5/31/11</td>
<td>Assembly Floor: Concurrence</td>
<td>Support</td>
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<tr>
<td><strong>AB 148</strong>&lt;br&gt;(Smyth) Local Government: Ethics Training</td>
<td>Includes compensation setting guidelines under the definition of “ethics laws.” Requires a local agency to post the ethics training records of all of its elected members on its Internet Web site and to submit a copy of the records to the Controller’s Office. Requires a local agency that has adopted a written attendance compensation policy or written reimbursement policy to post that policy on its Internet Web site and to submit a copy of that policy to the Controller’s Office.</td>
<td>4/14/11</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>AB 162</strong>&lt;br&gt;(Smyth) Local Governments: Financial Audits</td>
<td>If findings are made in a local agency’s annual financial audit prepared pursuant to the federal Single Audit Act of 1984 that there have been possible deficiencies in internal control, fraud, illegal acts, violations of provisions of contracts or grant agreements, or abuses, requires the findings to be sent to the Controller’s Office immediately after the audit has been concluded.</td>
<td></td>
<td>As Introduced</td>
<td>Assembly Local Government Committee</td>
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<td><strong>AB 187</strong>&lt;br&gt;(Lara) High-Risk Local Government Agency Audit Program</td>
<td>Authorizes the Bureau of State Audits to establish a High-Risk Local Government Agency Audit Program for the purpose of identifying, auditing and issuing reports on any local government agency that the bureau identifies as: (a) being at high risk for the potential of waste, fraud, abuse, or mismanagement; or (b) having major challenges associated with its economy, efficiency or effectiveness. For local government agencies identified as high risk, requires the bureau to issue audit reports at least once every two years with recommendations for improvement. Requires the bureau to remove an agency from the program if the agency has taken significant corrective measures for the deficiencies identified by the bureau.</td>
<td>6/22/11</td>
<td>Senate Appropriations Committee</td>
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<td><strong>AB 195</strong>&lt;br&gt;(Hernandez) Public Agencies: Labor Relations</td>
<td>Prohibits a public agency from doing any of the following: (1) imposing or threatening to impose reprisals on employees; discriminating or threatening to discriminate against employees; or otherwise interfering with, restraining or coercing employees because of their exercise of collective bargaining rights guaranteed under state law; (2) denying to employee organizations any collective bargaining rights guaranteed under state law; (3) refusing or failing to meet and negotiate in good faith with a recognized employee organization; (4) dominating or interfering with the formation or administration of any employee organization; contributing financial or other support to any employee organization; or in any way encouraging employees to join any organization in preference to another; and (5) refusing to participate in good faith in an applicable impasse procedure. Specifies that knowingly providing a recognized employee organization with inaccurate information regarding the financial resources of the public employer constitutes a refusal or failure to meet and negotiate in good faith.</td>
<td>7/11/11</td>
<td>Senate Floor</td>
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<td><strong>AB 277</strong>&lt;br&gt;(Galgiani) High-Speed Rail: Power Needs</td>
<td>By May 1, 2012, requires the California Research Bureau to develop and submit to the Legislature and the California High-Speed Rail Authority an energy consumption profile that includes: (a) a forecast of the power needs of the state’s proposed high-speed train system; and (b) an analysis of, and any recommendations for identifying, a carbon-free baseload power supply to be available and operational at the time the high-speed train system commences operation.</td>
<td>4/7/11</td>
<td>Assembly Appropriations Committee</td>
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<td>State Assembly Bills</td>
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| **AB 292** (Galgiani)  
High-Speed Rail Authority: Agricultural Advisory Committee | Requires the California High-Speed Rail Authority to appoint an agricultural advisory committee consisting of nine members selected from a list of nominees recommended by the Department of Food and Agriculture. Specifies that the purpose of the committee is to advise the authority on the impact that the authority’s policies, plans, practices, and procedures will have on the agricultural community. Requires the authority to consult with the committee prior to adopting any policy relevant to agriculture, and to reflect the comments of the committee in any related action item brought before the board of the authority. Requires the authority to provide written responses to the committee’s comments. | 7/11/11 | Senate Appropriations Committee | |
| **AB 294** (Portantino)  
Design-Sequencing Contracts | Until January 1, 2015, allows Caltrans to award design-sequencing contracts for the design and construction of not more than five transportation projects. Defines “design-sequencing” as a method of contracting that enables the sequencing of design activities to permit each construction phase to commence when design for that phase is complete, instead of requiring design for the entire project to be completed before commencing construction. Requires Caltrans to use department employees or consultants under contract with the department to perform all design services related to design-sequencing contracts authorized by this bill, consistent with Article XXII of the California Constitution. | 5/27/11 | Senate Appropriations Committee | |
| **AB 296** (Skinner)  
Cool Pavements Research and Implementation Act | By January 1, 2014, requires Caltrans to publish and make available a Cool Pavements Handbook that incorporates existing specifications, testing protocols and best practices for cool pavement use. Requires Caltrans to implement one or more cool pavement pilot projects, with the goal of completing the construction of those projects no later than January 1, 2015. By January 1, 2018, requires Caltrans to submit a report to the Legislature describing the results of the cool pavement pilot projects. Requires the report to also include the upfront and life-cycle costs, environmental benefits, energy savings, and durability of various pavement options. | 6/21/11 | Senate Appropriations Committee | |
| **AB 333** (Grove)  
Global Warming Solutions Act: Cap-and-Trade Program | No later than July 31, 2011, requires the California Air Resources Board (CARB) to make findings and submit a status report to the Legislature on the readiness of implementing a cap-and-trade program pursuant to the Global Warming Solutions Act of 2006. Once the program is implemented, requires CARB to provide an annual status report to the Legislature. | 5/11/11 | Assembly Natural Resources Committee | |
| **AB 343** (Atkins)  
Redevelopment Plans | Requires a redevelopment plan to be consistent with the regional sustainable communities strategy or alternative planning strategy adopted by the applicable metropolitan planning organization (MPO) pursuant to SB 375 (Steinberg). | 6/14/11 | Senate Governance and Finance Committee | |
| **AB 345** (Atkins)  
Traffic Control Devices: Consultation | Requires Caltrans to consult with groups representing users of streets, roads and highways, including bicyclists, persons with disabilities, motorists, movers of commercial goods, pedestrians, public transit riders, and seniors, when adopting rules and standards for traffic control devices. Requires that any advisory committee that Caltrans establishes for the purpose of developing its traffic control devices include groups representing non-motorizing interests of users of streets, roads and highways. | 6/29/11 | Senate Appropriations Committee | |
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<td>AB 356 (Hill)</td>
<td>Public Works Projects: Local Hiring Policies</td>
<td>4/25/11</td>
<td>Assembly Floor</td>
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<td>Prohibits any local agency from mandating that any portion or percentage of work on a public works project be performed by local residents or persons who reside within particular geographic areas if any portion of that project will take place outside the geographic boundaries of the local agency. Provides that if a local agency receives state funding for a public works project located entirely within its jurisdiction and the agency implements a policy of hiring only local residents, any increase in the cost of the public works project that is attributable to the policy must be funded with local dollars.</td>
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<td>AB 365 (Galgiani)</td>
<td>High-Speed Rail Contracts: Small Business Participation</td>
<td>4/14/11</td>
<td>Assembly Appropriations Committee</td>
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<td>Imposes various penalties for certain unlawful actions on the part of entities that have obtained classification from the California High-Speed Rail Authority as a small business enterprise, microbusiness or disabled veteran business enterprise.</td>
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<td>AB 381 (Alejo)</td>
<td>Caltrans</td>
<td>As Introduced</td>
<td>Assembly Desk</td>
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<td>Makes non-substantive, technical changes to provisions in current law regarding the administration of Caltrans.</td>
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<td>AB 385 (Harkey)</td>
<td>High-Speed Rail: Investment Grade Analysis</td>
<td>4/25/11</td>
<td>Assembly Transportation Committee</td>
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<td>Requires the California High-Speed Rail Authority to approve and submit to the Department of Finance, its independent peer review group and the Legislature an investment grade analysis of the state’s entire high-speed train system.</td>
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<td>AB 426 (B. Lowenthal)</td>
<td>Fare Evasion and Passenger Misconduct: Civil Administrative Penalties</td>
<td>6/10/11</td>
<td>Governor’s Office</td>
<td>Support</td>
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<td>Allows VTA and eight other public transit agencies to enact and enforce an ordinance providing that a person who is cited for fare evasion and various passenger misconduct violations be afforded an opportunity to complete an administrative process that imposes only an administrative penalty enforced in a civil proceeding.</td>
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<td>AB 427 (J. Perez)</td>
<td>Proposition 1B Bonds: Public Transit Safety</td>
<td>7/13/11</td>
<td>Senate Appropriations Committee</td>
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<td>Makes several statutory changes to how the Transit System Safety, Security, and Disaster Response Account under Proposition 1B is administered by the California Emergency Management Agency (Cal-EMA). Specifically, allows intercity and commuter rail operators to receive funding under the formula portion of the account. Requires an entity eligible to receive an allocation of formula funds under the account to submit a document, within 45 days of the Controller’s Office making the list of eligible recipients public, to Cal-EMA indicating the entity’s intent to use its funds. Requires Cal-EMA to notify a regional transportation planning agency (RTPA) if formula funds under the account allocated to an entity within its region are not being used. Requires Cal-EMA to allocate such funds to the RTPA if the latter provides notification, within 30 days, of its intent to distribute the funds within its region. Allows Cal-EMA to reallocate the funds on a competitive basis to an eligible entity in a different region of the state if such notification is not received.</td>
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<td>AB 441 (Monning) Regional Transportation Plans: Health Issues</td>
<td>Requires the California Transportation Commission (CTC) to include health and health equity factors, strategies, goals, and objectives in its guidelines for the preparation of regional transportation plans (RTPs). Requires the Office of Planning and Research to develop guidelines for cities and counties to include in their local general, specific or regional plans health and health equity factors, goals, strategies, and objectives that would improve: (a) community health status; (b) opportunities for recreational and physical activities; (c) the availability of retail food establishments offering fresh produce; (d) health-promoting transportation systems; (d) social networks, capital and civic participation; and (e) economic and community development.</td>
<td>3/24/11</td>
<td>Assembly Appropriations Committee</td>
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<td>AB 471 (B. Lowenthal) High-Speed Rail Authority: Inspector General</td>
<td>Creates an independent Office of the Inspector General to oversee the activities of the California High-Speed Rail Authority. Requires the Governor to appoint the inspector general for a six-year term, subject to confirmation by the Senate. Requires the inspector general to review the authority’s policies and procedures, and to conduct audits and investigations of the authority’s activities.</td>
<td>4/25/11</td>
<td>Assembly Appropriations Committee</td>
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<td>AB 485 (Ma) Infrastructure Financing Districts: Transit Villages</td>
<td>Allows for the formation of an infrastructure financing district, adoption of an infrastructure financing plan, and the issuance of bonds 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. 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. Specifies that the date on which an infrastructure financing district would cease to exist would not be more than 40 years from the date on which the city or county adopted the infrastructure financing district plan. Requires an infrastructure financing district to distribute an annual report to each owner of land within the district and each affected taxing entity. Requires the report to contain all of the following: (1) a summary of the district’s expenditures; (2) a description of the progress made toward the district’s adopted goals; and (3) an assessment of the status regarding completion of the district’s public works projects.</td>
<td>6/29/11</td>
<td>Senate Floor Support</td>
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<td>AB 492 (Galgiani) High-Speed Rail Authority Contracts: Job Creation and Small Business Participation</td>
<td>To the extent permitted by federal and state law, requires the California High-Speed Rail Authority to consider the creation of jobs and participation by small business enterprises in California when awarding major contracts, or when purchasing high-speed trains and related equipment and supplies. Requires the authority to appoint a small business enterprise advisory committee to provide comments and feedback on the implementation of the authority’s small business enterprise policy in order to ensure proper oversight and accountability.</td>
<td>6/27/11</td>
<td>Senate Rules Committee</td>
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| **AB 512**
(Gordon)
Local Government Renewable Energy Self-Generation Program | 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. | 7/12/11 | Senate Floor |  |
| **AB 516**
(V. Perez)
Safe Routes to School | 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 low-income school; and (b) the use of a public participation process by the project sponsor. | 7/14/11 | Senate Floor |  |
| **AB 535**
(Morrell)
State Agency Regulations | Requires a state agency to review and report on regulations that it adopts or amends after January 1, 2012. Requires the review and report to be done five years after a particular regulation was adopted. Requires the review and report to include the following 10 factors: (1) the general and specific statutes authorizing the regulation; (2) the objective of the regulation; (3) the effectiveness of the regulation in achieving the objective; (4) the consistency of the regulation with state and federal statutes; (5) the agency’s enforcement policy; (6) the agency’s view regarding current wisdom of the regulation; (7) the clarity, conciseness and understandability of the regulation; (8) a summary of the written criticisms of the regulation received by the agency; (9) the estimated economic, small business and consumer impact of the regulation; and (10) any course of action that the agency proposes to take regarding the regulation. | As Introduced | Assembly Appropriations Committee |  |
| **AB 551**
(Campos)
Public Contracts: Prevailing Wage Requirements | 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. | 6/29/11 | Senate Appropriations Committee |  |
| **AB 605**
(Dickinson)
CEQA: Greenhouse Gas Emission Reduction Targets | 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). | As Introduced | Assembly Natural Resources Committee |  |
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<th>State Assembly Bills</th>
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| **AB 607**  
(Brownley)  
Public Transit Buses: Using Illuminated Signs for Advertising | 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. | 6/20/11 | Assembly Floor: Concurrence | |
| **AB 615**  
(B. Lowenthal)  
High-Speed Rail Authority: Property-Related Issues | Exempts the California High-Speed Rail Authority from the following: (a) various statutory provisions related to the acquisition and disposal of property requiring the approval of the Department of Finance; (b) securing the approval of the Department of Finance or the state Public Works Board when expending funds appropriated for capital outlay purposes; and (c) securing the approval of the Department of General Services when acquiring an easement or right-of-way.  
Prohibits the Department of General Services from: (a) granting easements across the property of the High-Speed Rail Authority; and (b) maintaining an inventory of the property owned by the authority.  
Allows the High-Speed Rail Authority to negotiate, in the name of the state, access to rights-of-way that it owns.  
Requires the authority to provide a record of real property parcels that it owns to the Department of General Services by July 1, 2014, and annually thereafter.  
Requires payments for leases or other conveyances of property controlled by the authority to be deposited with the authority for use in the development, improvement and maintenance of the state’s proposed high-speed rail system. | 7/13/11 | Senate Appropriations Committee | |
| **AB 646**  
(Atkins)  
Labor Relations: Factfinding Panel | If a recognized public employee organization and public agency reach an impasse in negotiations, and a mediator is unable to effect a settlement within 30 days after his or her appointment, authorizes the employee organization to request that the parties’ differences be submitted to a factfinding panel.  
Requires the factfinding panel to consist of one member selected by each party, as well as a chairperson selected by the Public Employment Relations Board or by agreement of the parties.  
Within 30 days, requires the factfinding panel to make findings of fact and recommend the terms of a settlement, for advisory purposes only.  
Prohibits a public agency from implementing its last, best and final offer until at least 10 days after the factfinding panel’s written findings of fact and recommendations have been submitted to the parties, and the agency has held a public hearing regarding the impasse. | 6/22/11 | Senate Appropriations Committee | |
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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—six to be appointed by the Senate Rules Committee and six by the speaker of the Assembly by January 31, 2012. Requires the task force to issue a written report to the Governor and the Legislature by September 30, 2012. Requires the report to contain findings and recommendations relating to the following: (1) the current state of California’s public transit system; (2) 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; (3) the estimated cost of creating the needed public transit system in the near, mid and long terms; and (4) potential sources of funding to sustain the system’s needs, as well as requirements and methods for attaining that funding. Requires the task force to contract with consultants for expert research, analysis and advice, and to draft the written report. Requires Caltrans to provide administrative staffing to the task force. Appropriates $750,000 from the Public Transportation Account to accomplish the purposes of the task force. Sunsets the task force on March 30, 2013.</td>
<td>6/29/11</td>
<td>Senate Appropriations Committee</td>
<td>Support</td>
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<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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<td><strong>AB 710</strong> (Skinner) Infill and Transit-Oriented Development: Parking Requirements</td>
<td>Except as specified, prohibits a city or county from requiring a minimum parking standard greater than one parking space per 1,000 square feet of non-residential improvements and one parking space per unit of residential improvements for any new development project located in a transit intensive area.</td>
<td>7/12/11</td>
<td>Senate Floor</td>
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<td><strong>AB 716</strong> (Dickinson) Transit Prohibition Orders</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 90 consecutive days, is cited for committing certain acts of passenger misconduct. Provides similar statutory authority for the Bay Area Rapid Transit District (BART). Clarifies existing law to make it a misdemeanor if a person enters or remains on any transit-related property that is used to provide public transportation by rail or passenger bus without permission, or whose entry, presence or conduct on the property interferes with, interrupts or hinders the safe and efficient operation of a transit-related vehicle or facility.</td>
<td>7/12/11</td>
<td>Senate Appropriations Committee</td>
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<td><strong>AB 812</strong> (Ma) Recycled Asphalt</td>
<td>Requires Caltrans to increase the allowable amount of recycled asphalt pavement used in its projects to 50 percent, unless the department determines that using the material is not practical, cost effective or appropriate on a given application.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td><strong>AB 819</strong> (Wieckowski) Bikeways</td>
<td>Creates a new Class IV bikeway category to include a segregated bike lane that provides for exclusive use of bicycles, demarcated by either a physical barrier or distinct paint markings.</td>
<td>3/31/11</td>
<td>Assembly Transportation Committee</td>
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<td>AB 845 (Ma)</td>
<td>Proposition 1A: Commuter and Urban Rail Funds</td>
<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 2007 Data Tables of 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>
<td>5/10/11</td>
<td>Senate Appropriations Committee</td>
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<tr>
<td>AB 890 (Olsen)</td>
<td>CEQA Exemption: Roadway Improvements</td>
<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>
<td>3/29/11</td>
<td>Assembly Natural Resources Committee</td>
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<tr>
<td>AB 892 (Carter)</td>
<td>Caltrans: NEPA Delegation</td>
<td>Until January 1, 2017, 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 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. No later than January 1, 2016, requires Caltrans to submit a report to the Legislature assessing whether NEPA delegation has resulted in a decrease in the amount of time that it takes for projects to receive federal environmental clearance. Requires the report to include both Caltrans- and local agency-sponsored projects.</td>
<td>7/13/11</td>
<td>Senate Appropriations Committee</td>
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<tr>
<td>AB 910 (Torres)</td>
<td>Infrastructure Financing Districts: Affordable Housing and Economic Development</td>
<td>In addition to public capital facilities, allows an infrastructure financing district to be formed to finance affordable housing facilities and economic development projects. 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 an affordable housing or economic development plan.</td>
<td>4/25/11</td>
<td>Senate Governance and Finance Committee</td>
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<tr>
<td>AB 952 (Jones)</td>
<td>High-Speed Rail Authority: Gift Ban and Revolving Door Provisions</td>
<td>Prohibits a Board member, an employee or a consultant of the California High-Speed Rail Authority from being the recipient of any gift. Prohibits a Board member, an employee or consultant 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. Specifies that this prohibition does not apply to a state employee or officer, or to an elected local official who appears before the authority in his or her official capacity on behalf of the public entity that the employee, officer or elected local official represents.</td>
<td>7/5/11</td>
<td>Senate Appropriations Committee</td>
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<td><strong>AB 953</strong> (Jones)</td>
<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>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<tr>
<td><strong>AB 995</strong> (Cedillo)</td>
<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>
<td>As Introduced</td>
<td>Assembly Natural Resources Committee</td>
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<td><strong>AB 1068</strong> (Ma)</td>
<td>Allows any regional public waterborne transit agency that received an allocation of funding under Proposition 1B’s Transit System Safety, Security, and Disaster Response Account prior to June 30, 2011, to have four, rather than three, fiscal years to expend the money.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td><strong>AB 1086</strong> (Wieckowski)</td>
<td>Until January 1, 2014, allows the County of Alameda to impose a transactions and use tax for the support of countywide transportation programs at a rate of not more than 0.5 percent that would, in combination with all other such taxes imposed in the county, exceed the state’s limit of 2 percent, subject to the following conditions: (1) the County of Alameda adopts an ordinance imposing the tax by the appropriate voting approval requirement; and (2) the ordinance is submitted to the county’s electorate on the November 6, 2012, general election ballot and is approved by a two-thirds majority.</td>
<td>6/29/11</td>
<td>Senate Floor</td>
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<td><strong>AB 1092</strong> (B. Lowenthal)</td>
<td>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>Senate Rules Committee</td>
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<td><strong>AB 1097</strong>&lt;br&gt;(Skinner)&lt;br&gt;Public Transit Projects: Buy America Bidding Preference</td>
<td>Requires the secretary of the Business, Transportation &amp; Housing Agency to specifically authorize a state or local agency receiving federal funds for public transit purposes to provide a bidding preference to a bidder who exceeds Buy America requirements applicable to federally funded public transit projects.</td>
<td>6/13/11</td>
<td>Senate Floor</td>
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<td><strong>AB 1099</strong>&lt;br&gt;(B. Lowenthal)&lt;br&gt;Commercial Motor Vehicles: Emission Standards</td>
<td>Effective January 1, 2012, requires the Department of Motor Vehicles (DMV) to refuse registration for a commercial motor vehicle that is of a 1996 or older model year, and that requires a Class A or B commercial driver’s license to operate.</td>
<td>7/12/11</td>
<td>Senate Appropriations Committee</td>
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<td><strong>AB 1105</strong>&lt;br&gt;(Gordon)&lt;br&gt;VTA: Express Lanes</td>
<td>Authorizes the Santa Clara Valley Transportation Authority (VTA) to develop and implement express lanes along the U.S. 101 corridor in San Mateo County, subject to the concurrence of the City/County Association of Governments of San Mateo County.</td>
<td>4/13/11</td>
<td>Governor’s Office</td>
<td>Sponsor</td>
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<td><strong>AB 1134</strong>&lt;br&gt;(Bonilla)&lt;br&gt;Caltrans: Project Study Reports</td>
<td>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>3/21/11</td>
<td>Assembly Appropriations Committee</td>
<td>Support</td>
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<tr>
<td><strong>AB 1164</strong>&lt;br&gt;(Gordon)&lt;br&gt;Federal Transportation Funds</td>
<td>Until September 15, 2015, authorizes Caltrans to make loans of federal transportation funds deposited into the State Highway Account to advance Proposition 1B bond projects that meet certain requirements. Requires the loans to be repaid within three years to the State Highway Account from the proceeds of bonds sold pursuant to Proposition 1B. Requires the repaid funds to be used for State Highway Operation and Protection Program (SHOPP) or Local Assistance Program projects, as specified.</td>
<td>7/12/11</td>
<td>Senate Appropriations Committee</td>
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<td><strong>AB 1206</strong>&lt;br&gt;(Galigan)&lt;br&gt;High-Speed Rail Contracts: Small Business Enterprise Program</td>
<td>Requires the California High-Speed Rail Authority to adopt a Small 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.</td>
<td>3/30/11</td>
<td>Assembly Appropriations Committee</td>
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| **AB 1215** (Blumenfield)  
Motor Vehicles:  
Electronic Processing of Vehicle Registrations | Requires a new motor vehicle dealer to use electronic programs provided by the dealer’s first-line service provider to register any vehicle sold or leased, and to disclose any document processing, electronic registration or transfer fees. Establishes the amounts of those fees that may be charged to the purchaser or lessee of the vehicle. | 6/22/11 | Senate Appropriations Committee |  |
| **AB 1229** (Feuer)  
GARVEE Bonds | Allows for federal highway grant anticipation notes (GARVEE bonds) to be issued for projects programmed by a regional transportation planning agency (RTPA) using its share of apportionments of federal Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) dollars. Provides that no more than 50 percent of the state’s GARVEE bonding capacity may be used for such projects. If an RTPA’s share of STP and CMAQ funds is insufficient to repay the GARVEE bonds, allows the California Transportation Commission (CTC) to use State Transportation Improvement Program (STIP) dollars for the repayment to be counted against the county share for the county in which the project is located. | 6/21/11 | Senate Appropriations Committee |  |
| **AB 1285** (Fuentes)  
Regional Greenhouse Gas Emission Reduction and Sequestration Projects | Requires the California Air Resources Board (CARB) to establish a program to maximize regional greenhouse gas emission reduction and sequestration projects. Requires CARB to establish a system by which emission reductions achieved by projects under this program result in the creation of qualified units of exchange that may be transferred to entities subject to an emissions cap. Conditions the bill’s provisions on the adoption of a market-based compliance mechanism that allows offsets created from greenhouse gas emission reduction or sequestration projects in a sector that is not subject to an emissions cap as part of the market-based compliance mechanism regulation. | 5/11/11 | Assembly Appropriations Committee |  |
| **AB 1287** (Buchanan)  
Local Governments: Audits | Requires local agency financial and compliance audits to be performed in accordance with General Accounting Office standards. | As Introduced | Assembly Local Government Committee | Support |
| **AB 1308** (Miller)  
Highway Users Tax Account | 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. | As Introduced | Assembly Appropriations Committee |  |
| **AB 1332** (Donnelly)  
Abolishment of CARB | Abolishes the California Air Resources Board (CARB), and transfers its authority, duties, power, purposes, responsibilities, and jurisdiction to the California Environmental Protection Agency (CalEPA). | As Introduced | Assembly Natural Resources Committee |  |
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<tr>
<td>ACA 4 (Blumenfield) 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 Appropriations Committee</td>
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<td>AJR 5 (B. Lowenthal) 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>3/29/11</td>
<td>Approved by the Legislature: Chapter #29</td>
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## State Senate Bills

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<td><strong>SB 14</strong></td>
<td>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 a committee of the Legislature to adopt a process, schedule and deadline for reviewing the performance of all state programs at least once every 10 years. Requires the designated committee to undertake this review.</td>
<td>5/19/11</td>
<td>Assembly Budget Committee</td>
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<td><strong>SB 15</strong></td>
<td>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>5/19/11</td>
<td>Assembly Budget Committee</td>
</tr>
<tr>
<td><strong>SB 22</strong></td>
<td>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>3/24/11</td>
<td>Senate Transportation and Housing Committee</td>
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<td><strong>SB 27</strong> (Simitian) Public Employee Retirement: Calculation of Final Compensation</td>
<td>Clarifies and defines which forms of compensation may be included in an employee’s final compensation for purposes of determining a retirement allowance under the California Public Employees’ Retirement System (CalPERS) and the State Teachers’ Retirement System (CalSTRS). Prohibits any compensation determined to have been paid expressly to enhance an employee’s retirement allowance from being included in the calculation. Requires increases to compensation paid during the final compensation period to be consistent with publicly published pay scales and the increases paid to other employees in the same or similar working groups or classes. Prohibits working groups or classes of only one individual. Prohibits any CalPERS member who retires on or after January 1, 2013, from returning to public employment as a part-time worker, a private contractor or an employee of a third-party contractor for 180 days following the date of retirement.</td>
<td>7/7/11</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>SB 28</strong> (Simitian) Electronic Wireless Communications Devices</td>
<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>
<td>7/7/11</td>
<td>Senate Floor: Concurrence</td>
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<td><strong>SB 29</strong> (Simitian) Automated Traffic Enforcement Systems</td>
<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>
<td>5/11/11</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>SB 31</strong> (Correa) Local Government: Lobbyist Registration</td>
<td>Enacts a comprehensive framework for regulating entities that lobby local government agencies, including registration and reporting requirements. Requires each local government agency to create a commission to implement and enforce the provisions of the bill.</td>
<td>3/23/11</td>
<td>Senate Elections and Constitutional Amendments Committee</td>
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| **SB 46** (Correa)  
Public Agencies:  
Compensation Disclosure | Until January 1, 2019, specifies that every person, except a candidate for public office, who is required by state law to file a statement of economic interests must, as part of that filing, include a disclosure form that provides compensation information for the preceding calendar year. By March 1, 2013, requires the Controller’s Office to adopt emergency regulations to implement this bill, including the format of the compensation disclosure form. Requires the form to provide for the disclosure of the following information: (1) the agency’s cost for a person’s annual salary or stipend; (2) the agency’s cost to provide benefits to a person, including deferred compensation or defined benefit plans; (3) the agency’s reimbursement payments to a person for actual and necessary expenses incurred on behalf of the local agency in the performance of official duties; and (4) the agency’s cost to provide a person with any other monetary or non-monetary perquisites of office. By July 1, 2013, requires the Controller’s Office to recommend to the Governor and the Legislature methods for compiling the information contained on compensation disclosure forms in one or more publicly accessible data bases. If an agency maintains an Internet Web site, requires the following information to be posted: (1) the information contained on employee compensation disclosure forms; and (2) its written policy for reimbursement of actual and necessary expenses to employees in the performance of official duties. | 6/2/11 | Senate Floor |  |
| **SB 125** (Emmerson)  
Chronic Toll Evaders | 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. | 4/25/11 | Senate Transportation and Housing Committee |  |
| **SB 126** (Steinberg)  
CTC Guidelines | 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. | As Introduced | Assembly Appropriations Committee |  |
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| **SB 214**  
(Wolk)  
Infrastructure Financing Districts:  
Voter Approval | 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. Prohibits an infrastructure financing district for paying for routine maintenance, repair work, or the costs of ongoing operations or providing services of any kind. Allows a district to finance any projects that implement a sustainable communities strategy. Prohibits a district from providing any form of financial assistance to: (1) a vehicle dealer; (2) a big box retailer; or (3) a business entity that sells or leases land to a vehicle dealer or big box retailer that is relocating from the territorial jurisdiction of one local agency to the territorial jurisdiction of another local agency but within the same market area. Specifies that the date on which an infrastructure financing district would cease to exist would not be more than 40 years from the date on which the city or county adopted the infrastructure financing district plan. Requires an infrastructure financing district to distribute an annual report to each owner of land within the district and each affected taxing entity. Requires the report to contain all of the following: (1) a summary of the district’s expenditures; (2) a description of the progress made toward the district’s adopted goals; and (3) an assessment of the status regarding completion of the district’s public works projects. | 6/21/11 | Assembly Floor | |
| **SB 223**  
(Leno)  
Local Vehicle Assessments | 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. | 7/11/11 | Assembly Appropriations Committee | |
| **SB 241**  
(Cannella)  
CEQA Litigation Protection Pilot Program of 2011 | Establishes the California Environmental Quality Act (CEQA) Litigation Protection Pilot Program. Requires the Business, Transportation & 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 & 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. | As Introduced | Senate Environmental Quality Committee | |
| **SB 310**  
(Hancock)  
Transit Priority Project Program | 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. Establishes the Transit Priority Project Program. Requires a city or county that elects to participate in the program to amend its general plan and community plan, if the city or county has one, to authorize development projects that meet 12 specified requirements to build at an increased height of a minimum of three stories. If a development project is also located entirely within an infrastructure financing district, allows the district to reimburse the developer for any permit expenses incurred or for the cost of constructing affordable housing units. | 6/20/11 | Assembly Floor | Support |
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<td>SB 316 (Emmerson)</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>Revises the state’s Eminent Domain Law to establish requirements for the acquisition of property subject to a conservation easement.</td>
<td>6/22/11</td>
<td>Assembly Floor</td>
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<td>SB 383 (Wolk)</td>
<td>Express the intent of the Legislature to enact a bill to stimulate the development of eligible renewable energy resources by allowing local governments, businesses, residents, and schools to invest in cost-effective, clean and renewable energy, and to create local jobs.</td>
<td>5/27/11</td>
<td>Senate Rules Committee</td>
<td></td>
</tr>
<tr>
<td>SB 468 (Kehoe)</td>
<td>Imposes certain requirements on Caltrans and the San Diego Association of Governments (SANDAG) with respect to specified highway projects on I-5 in San Diego County, known collectively as the North Coast Corridor Project, that are located entirely or partially in the coastal zone. Authorizes SANDAG to implement high-occupancy toll (HOT) lanes on I-5 within San Diego County.</td>
<td>7/13/11</td>
<td>Assembly Appropriations Committee</td>
<td></td>
</tr>
<tr>
<td>SB 475 (Wright)</td>
<td>Clarifies various provisions in existing law relating to public-private infrastructure agreements for local projects. Clarifies that a local agency may, but is not required to, provide for the lease, license or other permissive use of facilities constructed under a public-private infrastructure agreement. Provides more flexibility to a local agency with regard to the selection criteria that it may use in the solicitation documents when selecting a private entity under a public-private infrastructure agreement. Clarifies that a local agency may use public financing without any private financing or in combination with private financing as part of a public-private infrastructure agreement. Specifies that private-sector financing may include cash, cash equivalents, loans, debt assumption, letters of credit, capital investment, in-kind contributions of materials or equipment, construction or equipment financing, carrying costs during construction, or any combination thereof. Clarifies that user fees may be paid to either the local agency or the private entity. Clarifies that the reasonable rate of return to the private entity must be specifically stated in the public-private infrastructure agreement, or included as part of the costs and fees as set during the procurement process. Prior to entering into a public-private infrastructure agreement for a project that includes at least some public financing, requires the local agency to assess whether such agreement provides greater benefit or value as compared with funding the project entirely with public financing and using competitive bidding.</td>
<td>6/20/11</td>
<td>Assembly Local Government Committee</td>
<td></td>
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<tr>
<td>State Senate Bills</td>
<td>Subject</td>
<td>Last Amended</td>
<td>Status</td>
<td>VTA Position</td>
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<tr>
<td>SB 517</td>
<td>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 1, 2012, for staggered terms. Requires members of the authority to have specified experience in order to be appointed. Prohibits a member of the authority from simultaneously holding any other elected or appointed public office. 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.</td>
<td>6/30/11</td>
<td>Assembly Appropriations Committee</td>
<td></td>
</tr>
<tr>
<td>SB 535</td>
<td>Requires a minimum of 10 percent of the fee revenues generated under the California Global Warming Solutions Act of 2006, other than revenues collected by the California Air Resources Board (CARB) for administrative purposes, to be deposited into the California Communities Healthy Air Revitalization Trust. Requires the trust to be administered by CARB. Upon appropriation by the Legislature, requires the revenues in the trust to be used: (a) solely in the most impacted and disadvantaged communities in the state; and (b) to fund programs or projects that reduce greenhouse gas emissions or mitigate the direct health impacts of climate change, through competitive grants, loans or other funding mechanisms. Requires CARB to convene a review panel to make recommendations regarding the development of policies, plans and programs as they relate to the trust.</td>
<td>7/5/11</td>
<td>Assembly Appropriations Committee</td>
<td></td>
</tr>
<tr>
<td>SB 545</td>
<td>Declares the intent of the Legislature to enact a bill enabling the state to examine efficiency in administering solutions to California’s transportation needs.</td>
<td>As Introduced</td>
<td>Senate Rules Committee</td>
<td></td>
</tr>
<tr>
<td>SB 580</td>
<td>Prohibits land acquired for the state park system through public funds, gifts or bequests from being disposed of or used in a way that is incompatible with park purposes without the substitution of other land. In the event that land cannot be acquired to fully meet the substitution eligibility criteria, allows the state Park and Recreation Commission to approve a combination of substitute park land and monetary compensation, if certain conditions are met. Provides that the commission may consider requests only if it determines that all practical alternatives that avoid the proposed disposal or use of park land for incompatible purposes have been considered.</td>
<td>6/20/11</td>
<td>Assembly Water, Parks and Wildlife Committee</td>
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<td>State Senate Bills</td>
<td>Subject</td>
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<tr>
<td><strong>SB 582</strong></td>
<td>Regional Commute Benefit Ordinances</td>
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<tr>
<td>(Yee)</td>
<td>Beginning on January 1, 2013, authorizes a metropolitan planning organization (MPO) jointly 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 the air quality management district with 20 or more employees to offer those employees one of the following three commute benefits: (1) the option to pay for their public transit, vanpooling or bicycling expenses with pre-tax dollars; (2) a subsidy to offset an employee’s monthly cost of commuting by public transit or vanpool; or (3) a free or low-cost shuttle or vanpool operated by or for the employer. Subject to the approval of the MPO, allows an employer to offer a commute benefit that is different from the three specified in the bill. For the San Joaquin Valley Unified Air Pollution Control District, requires the regional commute benefit ordinance to be adopted by the district and all eight MPOs that are partially or wholly within the jurisdiction of the district in order to take effect. Excludes from the provisions of the bill an air district with a trip reduction regulation that was initially adopted prior to the federal Clean Air Act Amendments of 1990 as long as the district continues to have a trip reduction requirement. Prohibits an MPO from using federal planning funds to implement and enforce its regional commute benefit ordinance. At its option, allows an MPO to have the regional commute benefit ordinance apply solely to employers with 50 or more employees, rather than to employers with 20 or more employees. Repeals the provisions of the bill on January 1, 2017, unless that date is deleted or extended through the enactment of subsequent legislation.</td>
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<td><strong>SB 653</strong></td>
<td>Local Taxes</td>
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<tr>
<td>(Steinberg)</td>
<td>Authorizes cities, counties, school districts, community college districts, and county offices of education, subject to constitutional voter approval requirements, to levy, increase or extend the following taxes: (1) a local personal income tax not to exceed 1 percent; (2) an additional transactions and use tax that would be excluded from the current 2 percent combined county/city rate limit; (3) an alcoholic beverage tax of five cents per five ounces and at a proportionate rate for any other quantity; (4) a cigarette and tobacco products tax of up to five cents per cigarette or $1 per pack; (5) an oil severance tax not to exceed 10 percent of the product upon a producer for the privilege of severing oil from the earth or water in the county for sale, transport, consumption, storage, profit, or use; (6) a sweetened beverage tax not to exceed one cent per fluid ounce; and (7) a local medical marijuana tax.</td>
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<tr>
<td><strong>SB 693</strong></td>
<td>Public-Private Partnership Agreements</td>
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<tr>
<td>(Dutton)</td>
<td>Clarifies that Caltrans’ delegation authority to cities and counties in existing law includes the ability to utilize public-private partnership agreements for transportation projects.</td>
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<td><strong>SB 730</strong></td>
<td>Plug-In Electric Vehicle Readiness Pilot Program</td>
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<tr>
<td>(Kehoe)</td>
<td>Establishes the Plug-In Electric Vehicle Readiness Pilot Program to be administered by the state Energy Resources Conservation and Development Commission. Requires the program to include: (1) the development of expedited and streamlined permitting of plug-in electric vehicle residential charging; (2) customer plug-in electric vehicle education and outreach; (3) the provision of information to plug-in electric vehicle owners concerning a point of contact with the appropriate local government entity; (4) public and workplace infrastructure plug-in electric vehicle planning; and (5) utility notification of residential plug-in electric vehicle chargers. In implementing the pilot program, requires the commission to solicit the involvement of cities and counties from throughout the state.</td>
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<thead>
<tr>
<th>Last Amended</th>
<th>Status</th>
<th>VTA Position</th>
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<tbody>
<tr>
<td>7/7/11</td>
<td>Governor’s Office</td>
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<td>6/6/11</td>
<td>Senate Floor</td>
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<tr>
<td>4/13/11</td>
<td>Senate Transportation and Housing Committee</td>
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<tr>
<td>5/11/11</td>
<td>Senate Appropriations Committee</td>
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<tr>
<td>State Senate Bills</td>
<td>Subject</td>
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<tr>
<td><strong>SB 733</strong></td>
<td>In awarding contracts for the construction of California’s proposed high-speed rail system with state or federal funds, requires the California High-Speed Rail Authority to develop a strategy, in conjunction with the Employment Development Department (EDD), to ensure that at least 25 percent of the project workforce used at each authority worksite is from the local workforce. Requires the authority to include in its business plan, or as an addendum to that plan, the following: (1) its local workforce strategy; and (2) a strategy for ensuring the participation of California-certified small businesses in contracts awarded by the authority with state or federal funds during all phases of the high-speed rail project.</td>
<td>5/11/11</td>
</tr>
<tr>
<td><strong>SB 734</strong></td>
<td>Requires the California High-Speed Rail Authority, with the assistance of the Department of General Services, to prepare a small business, microbusiness and disabled veteran business enterprise outreach and retention plan in order to ensure that the percentage of contracts awarded meets certain small business participation goals. Requires the plan to be adopted by the authority by July 31, 2012. Requires all bidders’ conferences convened by the authority to include a presentation of the plan and the state’s small business participation goals. For authority contracts, requires an additional price preference or score of 2.5 percent of the bid amount to be granted to qualified state-certified microbusinesses. Requires the authority to include in its business plan or in an addendum to that plan a strategy for ensuring the participation of California-certified small businesses in contracts awarded by the authority with state or federal funds during all phases of the state’s high-speed rail project.</td>
<td>6/27/11</td>
</tr>
<tr>
<td><strong>SB 739</strong></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>
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<tr>
<td><strong>SB 749</strong></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>
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<td><strong>SB 767</strong></td>
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<tr>
<td><strong>SB 791</strong> (Steinberg) California Transportation Commission: Annual Report</td>
<td>Deletes provisions in current law that require the California Transportation Commission (CTC), in its annual report to the Legislature, to provide a summary and discussion of loans made from transportation accounts to the General Fund.</td>
<td>As Introduced</td>
</tr>
<tr>
<td><strong>SB 800</strong> (Hancock) Voluntary Greenhouse Gas Emission Offset Program Fund</td>
<td>Creates the Voluntary Greenhouse Gas Emission Offset Program Fund. Requires revenues received by the state on a voluntary basis from the federal government, individuals, businesses, organizations, industry, or other sources for the mitigation of climate change impacts related to greenhouse gas emissions to be deposited into the fund. Upon appropriation by the Legislature, allows the money in the fund to be expended by the Natural Resources Agency through a competitive grant process for all of the following purposes: (1) projects that reduce greenhouse gas emissions pursuant to protocols approved by the California Air Resources Board (CARB); (2) projects to protect public trust resources and natural systems from unavoidable impacts of climate change; and (3) urban greening projects, including urban forestry projects. Requires all approved projects to involve collaboration with the California Conservation Corps, local conservation corps, non-profit conservancy organizations, urban forestry non-profit organizations, or other non-profit organizations. Requires all projects to have an education and skills development component in order to further education or employment opportunities. Upon appropriation by the Legislature, requires money in the fund to be directed by the Natural Resources Agency to the California Conservation Corps and local conservation corps for the planting and maintenance of trees and plants in accordance with the protocols established by CARB as having mitigating effects on global warming, or other identified projects consistent with protocols adopted by CARB. By January 1, 2013, requires the Natural Resources Agency to do all of the following: (1) adopt guidelines for the distribution of revenues deposited into the Voluntary Greenhouse Gas Emission Offset Program Fund; and (2) develop strategies for the sale of voluntary greenhouse gas emission offsets by the state.</td>
<td>As Introduced</td>
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<tr>
<td><strong>SB 830</strong> (Wright) Trade Infrastructure Investment Credit</td>
<td>Enacts a trade infrastructure tax credit equal to 50 percent of the total capital costs of a qualifying public port infrastructure project. Allows the credit to be claimed from the 2011 taxable year to the 2020 taxable year. Limits a taxpayer from claiming more than 5 percent of the total credit amount in any given taxable year. Provides that the Franchise Tax Board cannot certify a project for the tax credit unless the public port in which the project is located determines that the state will receive revenues resulting from the project’s economic impact that are sufficient to offset the state cost of the tax credit. Prohibits a taxpayer from claiming the tax credit unless the Legislature enacts a statute specifying the total credit amount available for the preceding taxable year.</td>
<td>4/27/11</td>
</tr>
<tr>
<td><strong>SB 851</strong> (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>
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<tr>
<td>State Senate Bills</td>
<td>Subject</td>
<td>Last Amended</td>
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</table>
| **SB 862**  
(A. Lowenthal)  
Southern California Goods Movement Authority | Creates the Southern California Goods Movement Authority. Requires the authority to establish a priority list of infrastructure and air quality improvement projects related to the movement of port-related cargo and port operations in Southern California. | 4/4/11 | Senate Transportation and Housing Committee | Support |
| **SB 867**  
(Padilla)  
Build California Bonds | 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. | As Introduced | Senate Transportation and Housing Committee | Support |
| **SB 878**  
(DeSaulnier)  
Bay Area Regional Planning | By January 31, 2013, requires the Bay Area’s Joint Policy Committee to prepare and submit a report to the Legislature that addresses all of the following: (1) methods and strategies for developing and promulgating a multi-agency set of policies and guidelines governing the Bay Area’s sustainable communities strategy; (b) methods and strategies for improving the efficiency and effectiveness of policy-setting and managerial coordination among the regional agencies constituting the Joint Policy Committee; (3) methods and strategies for ensuring that the public in the nine counties of the region has an opportunity to comment on the proposed policies and standards that will be promulgated by the Joint Policy Committee for implementing the Bay Area’s sustainable communities strategy; and (4) recommendations on organizational reform to effectuate the above requirements. By January 31, 2013, requires the Joint Policy Committee to prepare and submit a work plan for a nine-county Bay Area economic development strategy to the Legislature that addresses all of the following: (1) coordination of the regional sustainable communities strategy with local goals for recruiting and retaining manufacturing, production facilities, business services, and other business enterprises that provide high quality jobs; (2) regional strategies to ensure the coordination of infrastructure investments for planned employment centers; (3) strategies for ensuring a common regulatory system for the deployment and permitting of energy conservation facilities and improvements; and (4) regional strategies for adaptation to climate change. | 6/9/11 | Senate Transportation and Housing Committee | |
<table>
<thead>
<tr>
<th>State Senate Bills</th>
<th>Subject</th>
<th>Last Amended</th>
<th>Status</th>
<th>VTA Position</th>
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</thead>
<tbody>
<tr>
<td>SB 907 (Evans) Master Plan for</td>
<td>Creates the Master Plan for Infrastructure Financing and Development</td>
<td>5/3/11</td>
<td>Assembly Jobs, Economic</td>
<td></td>
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<tr>
<td>Infrastructure Financing and</td>
<td>Commission. Specifies that the mission of the commission is to develop</td>
<td></td>
<td>Development and the Economy</td>
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<td>Development Commission</td>
<td>and recommend a plan and process to identify, finance, build, and</td>
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<td>Committee</td>
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<td>maintain the infrastructure necessary to meet the needs of Californians</td>
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<td>from the present to the year 2050. At a minimum, requires the plan to</td>
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<td>include: (a) the type, distribution and priority for developing infrastructure projects, and a measurable process to implement the plan; and (b) a process to periodically adjust the type, distribution and priority of infrastructure projects in the coming years to meet changing circumstances. States the intent of the Legislature that the commission provide a long-term plan and strategy to meet California’s infrastructure needs, and a prioritized plan that meets those needs by doing all of the following: (1) project population, social and economic trends through 2050; (2) utilize the projections to identify the type and distribution of the infrastructure that is needed to meet California’s social, economic and resource needs through 2050; (3) assess the state’s capital needs for infrastructure projects through 2050, including opportunities to access private capital to augment or complement public financing; (4) assess the availability of private and public funds, including the status and fiscal value of dedicating future revenues to specific construction and maintenance, to support jointly sponsored projects throughout the period from the present to 2050; and (5) recommend a financing plan for the state’s capital needs through 2050, with a priority plan for each five-year interval, including evaluation and recommendations of various financing methods that are feasible and may be of benefit to the state and local governments, as well as to private entities partnering with the state to implement the strategy. Requires the commission to submit its final report to the Governor and the Legislature by December 1, 2013. Requires the commission to be dissolved within 30 days after the issuance of its final report. Provides that the provisions of the bill would become operative only if the funds required to support the commission are appropriated by the Legislature from the California Debt and Investment Advisory Commission Fund in the annual Budget Act.</td>
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<td>SB 910 (A. Lowenthal) Bicycles:</td>
<td>Requires the driver of a motor vehicle overtaking and passing a bicycle</td>
<td>6/22/11</td>
<td>Assembly Floor</td>
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<tr>
<td>Passing Distances</td>
<td>that is proceeding in the same direction on a highway to pass at a safe</td>
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<td>distance, generally at a minimum clearance of 3 feet or at a speed</td>
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<td>not exceeding 15 miles per hour faster than the bicycle, without</td>
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<td>interfering with the safe operation of the overtaken bicycle.</td>
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<tr>
<td>SB 931 (Vargas) Public Agencies:</td>
<td>Prohibits public agencies from using public funds to pay outside</td>
<td>4/25/11</td>
<td>Assembly Floor</td>
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<tr>
<td>Labor Relations Consultants</td>
<td>consultants or legal advisors for the purpose of counseling the public</td>
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<td>employer about ways to minimize or deter the exercise of collective</td>
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<td>bargaining rights guaranteed under state law.</td>
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<td>DAY</td>
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<tr>
<td>1</td>
<td>Statutes signed into law in 2010 take effect.</td>
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<tr>
<td>3</td>
<td>Legislature reconvenes.</td>
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<tr>
<td>10</td>
<td>Budget must be submitted by the Governor to the Legislature on or before this date.</td>
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<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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<tr>
<th>DAY</th>
<th>APRIL</th>
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</thead>
<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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<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>
</tr>
<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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<tr>
<td>8</td>
<td>Last day for policy committees to hear and report bills introduced in the other house.</td>
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<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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<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>
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<thead>
<tr>
<th>DAY</th>
<th>SEPTEMBER</th>
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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>
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<tr>
<th>DAY</th>
<th>OCTOBER</th>
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<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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<tr>
<th>DAY</th>
<th>JANUARY 2012</th>
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<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>
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</tbody>
</table>
COMMITTEE FOR TRANSIT ACCESSIBILITY

Wednesday, July 13, 2011

NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Committee for Transit Accessibility meeting scheduled for Wednesday, July 13, 2011, at 1:00 p.m. has been cancelled.

The next regular meeting of the Santa Clara Valley Transportation Authority Committee for Transit Accessibility is scheduled for Wednesday, October 12, 2011 at 1:00 p.m., Auditorium, Building A, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

Elaine F. Baltao, Asst. Board Secretary
VTA Office of the Board Secretary
CITIZENS ADVISORY COMMITTEE  
and  
2000 MEASURE A CITIZENS WATCHDOG COMMITTEE 
June 8, 2011

MINUTES

CALL TO ORDER

The Regular Meeting of the Citizens Advisory Committee (CAC) was called to order at 4:35 p.m. by Chairperson Powers, in Conference Room B-104, VTA River Oaks Campus, 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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<tbody>
<tr>
<td>Jeremy Barousse</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Stephen Blaylock</td>
<td>Member</td>
<td>Absent</td>
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<tr>
<td>Clinton Brownley</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Bena Chang</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Chris Elias</td>
<td>Member</td>
<td>Absent</td>
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<tr>
<td>William Hadaya</td>
<td>Member</td>
<td>Absent</td>
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<tr>
<td>Ray Hashimoto</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Roberta Hughan</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Robert Jacobvitz</td>
<td>Vice Chairperson</td>
<td>Absent</td>
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<tr>
<td>Bruce Liedstrand</td>
<td>Member</td>
<td>Absent</td>
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<tr>
<td>Charlotte Powers</td>
<td>Chairperson</td>
<td>Present</td>
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<tr>
<td>Sally Probst</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Connie Rogers</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Martin Schulter</td>
<td>Member</td>
<td>Present</td>
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<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, provided a report, highlighting: 1) The Board approved both the Biennial Budget and the Transit Service Plan for fiscal years 2012 and 2013; 2) The media highlighted VTA’s positive financial condition; 3) The Brookings Institution rated San José (VTA) number two in the nation for connecting people to their jobs in its recently released transit accessibility report; 4) An Express Lanes video is posted on VTA’s website; 5) Beginning July 15, 2011, WiFi will be available on all VTA light rail vehicles; 6) By July 2011, all VTA transit vehicles will be equipped with new fare boxes. A Fare Box video is posted on VTA’s website; 7) VTA’s Juneteenth celebration will be held on June 15, 2011, at VTA’s Chaboya Yard; 8) The CAC/CWC Clipper Tour will be held on July 13, 2011. Attending will be Members Hashimoto, Brownley, Powers, Tebo and Wadler.

On order of Chairperson Powers and there being no objection, the Committee Staff Report was received.

5. Chairperson’s Report

Chairperson Powers provided a report, highlighting: 1) Caltrain will be in operation for another two years, while continuing to seek long-term financing; and 2) The City of San José is considering cancelling the ECO Pass for its employees.

Member Probst noted the City of Palo Alto recently approved a development agreement with Stanford University. Benefits include funding of transportation measures and providing the medical center employees $91 million in Caltrain Go Passes for the next 51 years.

BUSINESS REFERRED TO COMMITTEE BY THE BOARD OF DIRECTORS/GENERAL MANAGER

COMBINED CAC AND 2000 MEASURE A CITIZENS WATCHDOG COMMITTEE CONSENT AGENDAS

6. (Removed from Consent Agenda and placed on Regular Agenda)

Approve the Regular Meeting Minutes of May 11, 2011.

7. (Removed from Consent Agenda and placed on Regular Agenda)

Recommend that the Board of Directors adopt a support position for AB 845 (Ma), which sets forth provisions for governing the distribution of Proposition 1A "connectivity" funds.
The Agenda was taken out of order.

2000 MEASURE A CITIZENS WATCHDOG COMMITTEE REGULAR AGENDA

6. **Regular Meeting Minutes of May 11, 2011**

   M/S/C (Tebo/Wadler) to approve the Regular Meeting Minutes of May 11, 2011.

   Member Chang took her seat at 4:52 p.m.

7. **Bill Position: AB 845 (Ma)**

   Scott Haywood, Policy and Community Relations Manager, provided a brief overview.

   Member Hashimoto noted his concern with the bill not identifying the specific item(s) for which the fees will be used.

   M/S/C (Probst/Brownley) to recommend that the Board of Directors adopt a support position for AB 845 (Ma), which sets forth provisions for governing the distribution of Proposition 1A "connectivity" funds.

COMBINED CAC AND 2000 MEASURE A CITIZENS WATCHDOG COMMITTEE CONSENT AGENDAS

8. **Monthly Legislative History Matrix**

   M/S/C (Wadler/Tebo) to review the Monthly Legislative History Matrix.


   M/S/C (Wadler/Tebo) to receive the Transit Operations Performance Report FY 2011 Third Quarter (July 1, 2010-March 31, 2011).

2000 MEASURE A CITIZENS WATCHDOG COMMITTEE REGULAR AGENDA


    Stephen Flynn, Senior Management Analyst, provided an overview of the publication strategy. A handout of the Draft Annual Report Overview was provided to the Committee.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
Dino Guevarra, Sales and Promotion Supervisor, reviewed the publication options.

Members of the Committee chose the following publishing strategy for the annual report:

1. Advertising Strategy I: 1 Flight for $6,558.90. Ads will be placed after July 4, 2011, to take advantage of lower-level pricing.

2. Mr. Guevarra will notify each newspaper that in addition to the CWC’s FY10 annual report, VTA will be providing a news release.

3. A comprehensive, expanded version of the report with an update on Measure A projects will be posted on the VTA website.

4. Printed copies will be issued for distribution by the Committee and for placement in public buildings throughout Santa Clara County.

M/S/C (Probst/Rogers) for the 2000 Measure A Citizens Watchdog Committee’s (CWC) Annual Report for Fiscal Year 2010, to approve: 1) The content and format of the full report for placement on VTA’s website; 2) The content and format of the abbreviated report for publication in local newspapers; 3) A publication strategy for publishing the abbreviated CWC Annual Report in local newspapers to fulfill the Committee’s ballot-specified responsibility of informing Santa Clara County residents on how Measure A funds are being spent; 4) Other methods of informing Santa Clara County residents on how Measure A funds are being spent and making the CWC Annual Report available to the public; 5) Authorize the expenditure of up to $12,000 in 2000 Measure A Transit Improvement Program funds to implement the publication strategy.

CITIZENS ADVISORY COMMITTEE REGULAR AGENDA

There were no items on the Citizens Advisory Committee Regular Agenda.

COMBINED CAC AND CITIZENS WATCHDOG COMMITTEE ITEMS

11. 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.

Michael T. Burns, General Manager, is tentatively scheduled for the September 7, 2011, meeting.

Update on the I-680 Express Lanes Project will be brought back to the committee at a date yet to be determined.

Ms. Helm showed the Committee a VTA service map detailing the types of transit service for the entire Santa Clara County. Members of the Committee suggested VTA contact Google to request that they include VTA’s transit options/locations on its map.

Member Elias requested via email that his comments be read into the meeting record in praise of General Manager Michael T. Burns and staff for the hard work and sacrifices
that were made to improve VTA’s financial condition, making it the only financially sustainable transit agency in the region.

OTHER

12. ANNOUNCEMENTS

There were no Announcements.

13. ADJOURNMENT

On order of Chairperson Powers and there being no objection, the meeting was adjourned at 5:35 p.m.

Respectfully submitted,

Susan E. Garcia, Board Assistant
VTA Office of the Board Secretary
NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Citizens Advisory Committee and 2000 Measure A Citizens Watchdog Committee meeting scheduled for Wednesday, July 13, 2011 at 4:30 p.m. has been cancelled.

The next regular meeting of the Santa Clara Valley Transportation Authority Citizens Advisory Committee and 2000 Measure A Citizens Watchdog Committee is scheduled for Wednesday, August 10, 2011 at 4:30 p.m. held at VTA River Oaks Campus, Conference Room B-104, 3331 North First Street, San Jose, California.

Michelle M. Garza, Board Assistant
VTA Office of the Board Secretary
NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Bicycle & Pedestrian Advisory Committee meeting scheduled for Wednesday, July 13, 2011, at 6:00 p.m. has been cancelled.

The next regular meeting of the Santa Clara Valley Transportation Authority Bicycle & Pedestrian Advisory Committee is scheduled for Wednesday, August 10, 2011, at 6:00 p.m. in the Auditorium, VTA River Oaks Campus, 3331 North First Street, San Jose, California.

Susan E. Garcia, Board Assistant
VTA Office of the Board Secretary
TECHNICAL ADVISORY COMMITTEE
Thursday, May 12, 2011

MINUTES

CALL TO ORDER

The Regular Meeting of the Technical Advisory Committee (TAC) was called to order at 1:31 p.m. by Chairperson Capurso 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>
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<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>
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<td>Richard Chiu</td>
<td>Town of Los Altos Hills</td>
<td>Present</td>
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<td>Dan Collen, Alternate</td>
<td>County of Santa Clara</td>
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<td>Don Dey</td>
<td>City of Gilroy</td>
<td>Absent</td>
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<tr>
<td>Michelle Quinney</td>
<td>City of Campbell</td>
<td>Present</td>
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<tr>
<td>Helen Kim</td>
<td>City of Mountain View</td>
<td>Present</td>
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<tr>
<td>Larry Lind</td>
<td>City of Los Altos</td>
<td>Present</td>
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<tr>
<td>Jaime Rodriguez</td>
<td>City of Palo Alto</td>
<td>Present</td>
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<tr>
<td>Jim Rowe, Alternate</td>
<td>City of Morgan Hill</td>
<td>Present</td>
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<tr>
<td>Mo Sharma</td>
<td>City of Monte Sereno</td>
<td>Absent</td>
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<tr>
<td>Glenn Goepfert</td>
<td>City of Cupertino</td>
<td>Absent</td>
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<tr>
<td>Lee Taubeneck, Ex-Officio</td>
<td>Dept. of Transportation (Caltrans)</td>
<td>Present</td>
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<tr>
<td>Ben Tripousis</td>
<td>City of San Jose</td>
<td>Absent</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

There was no Committee Staff Report.
5. **Chairperson’s Report**

Chairperson Capurso welcomed new Member Quinney, representing the City of Campbell, to the TAC.

6. **Reports from TAC Working Groups**

   - **Capital Improvement Program (CIP)**

     Celest Fiore, Transportation Planner, reported that the discussion of the April 26, 2011 CIP meeting was focused on the Federal aid delivery process. She added the CIP will schedule workshop meetings in the future. The next CIP meeting is scheduled for May 24, 2011.

   - **Systems Operations and Management (SOM)**

     Eugene Maeda, Senior Transportation Planner, reported that the SOM met on April 27, 2011 and discussed the following: 1) VTA 2010 Model Update; 2) 2010 Monitoring and Conformance report; 3) draft technical memorandum for the Transportation Impact Analysis Guidelines; 4) Transportation Systems Monitoring report for 2011; and, 5) webinars hosted by VTA.

   - **Land Use/Transportation Integration (LUTI)**

     Robert Swierk, Senior Transportation Planner, reported that the LUTI met on May 11, 2011 and discussed the following: 1) parking management initiative, focusing on technology and pricing; 2) work plan and logistics of the working group for the year; and, 3) possible Santa Clara County participation on the grand boulevard initiative.

   **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 High Speed Rail (HSR). He noted the Central Valley has funding to build the starter piece of the HSR Line. He added that there is an effort to define the initial stage of the HSR versus a full build-out. He stated that there is an active effort from South County to make a decision regarding the location of the HSR station. The City of San Jose is currently working with its Citizens Committee on station design guidelines for HSR.

Mr. Fisher recommended moving the HSR/Caltrain Project report quarterly due to inactivity.

**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 April 14, 2011

M/S/C (Batra/Witthaus) to approve the Regular Meeting Minutes of April 14, 2011.

REGULAR AGENDA

9. SR 237/I-880 Express Connectors Operational Procedures

Murali Ramanujam, Senior Transportation Engineer, provided an overview of the staff report.

The Committee discussed the express lanes’ hours of operation, enforcement, and its ability to generate revenue. They also discussed the inability to have an exit on North First Street.

Ex-Officio Member Taubeneck took his seat at 2:04 p.m.

Majority of the Committee recommended the second option for the express lanes’ hours of operation.

Option 2 – Closely matches existing carpool lane hours of 5am to 9 am and 3 pm to 7 pm during weekdays with the exception for SR 237 westbound direction where the morning peak period hours would be extended from 5 am to 10 am.

Extending the hours of operations to 10 am helps to provide travel time reliability where currently there is congestion on both the general purpose lanes and the carpool lane beyond 9 am when the hours of operation for carpool lane ends.

M/S/C (Armendariz/Collen) to recommend that the Board of Directors approve the operational procedures related to setting of the hours of operations and the protocol for calculating the toll rates for the SR 237/I-880 Express Connectors project.

10. 2010 Monitoring and Conformance Report

M/S/C (Batra/Rowe) to recommend that the Board of Directors approve the Draft 2010 Monitoring and Conformance Report.

11. FY 2011/12 TDA 3 Project Priorities

M/S/C (Collen/Witthaus) to recommend that the Board of Directors adopt a resolution approving the project priorities for the FY2011/12 Countywide Transportation Development Act Article 3 Program.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
Member Rodriguez left the meeting at 2:38 p.m.

12. **Proactive CMP Quarterly Report for January – March 2011**

   On order of Chairperson Capurso and there being no objection, the Committee received the Proactive CMP Quarterly Report for January – March 2011.

13. **Programmed Project Monitoring – Quarterly Report**

   On order of Chairperson Capurso and there being no objection, the Committee received the Programmed Project Monitoring – Quarterly Report.

14. **Valley Transportation Plan, Regional Transportation Plan and Sustainable Communities Strategies Updates**

   John Sighamony, Senior Transportation Planner, provided an overview of the staff report and distributed a handout titled, “Draft VTA Principles on Sustainable Communities Strategy and Plan Bay Area.”

   Members of the Committee expressed support to the principle dedicating transportation funds to transportation projects and programs.

   On order of Chairperson Capurso and there being no objection, the Committee received an update on Valley Transportation Plan, Regional Transportation Plan and Sustainable Communities Strategies.

**OTHER**

15. **Metropolitan Transportation Commission (MTC) Activities and Initiatives**

   There was no report on MTC Activities and Initiatives.

16. **Technical Advisory Committee (TAC) Subcommittee Report**

   There was no TAC Subcommittee Report.

17. **Committee Work Plan**

   Mr. Ristow noted that staff will add an item on I-680.

   On order of Chairperson Capurso and there being no objection, the Committee reviewed the Work Plan.

18. **Announcements**

   Member Batra announced that it is a good bidding market. A parking structure project in the City of Santa Clara received six bids which are all below the engineer’s estimate.
19. **ADJOURNMENT**

On order of Chairperson Capurso and there being no objection, the meeting was adjourned at 2:55 p.m.

Respectfully submitted,

Michael Diareseco, Board Assistant  
VTA Office of the Board Secretary
TECHNICAL ADVISORY COMMITTEE

Thursday, June 9, 2011

NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Technical Advisory Committee meeting scheduled for Thursday, June 9, 2011, at 1:30 p.m. has been cancelled.

The next regular meeting of the Santa Clara Valley Transportation Authority Technical Advisory Committee is scheduled for Thursday, July 14, 2011, at 1:30 p.m. in Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

Tracene Y. Crenshaw, Board Assistant
VTA Office of the Board Secretary
The Regular Meeting of the Technical Advisory Committee (TAC) was called to order at 1:33 p.m. by Chairperson Capurso in Conference Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

1. **ROLL CALL**

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<td>City of Palo Alto</td>
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<td>Jack Witthaus</td>
<td>City of Sunnyvale</td>
<td>Absent</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**

Kurt Evans, Government Affairs Manager, provided a legislative update highlighting; 1) State budget, 2) Funds for Proposition 1B transportation programs, 3) State Transit
Member Batra requested an update on a bill being introduced which reduces retention of contractors and noted the potential impact to local agencies and construction management.

5. **Chairperson’s Report**

There was no Chairperson’s Report.

6. **Reports from TAC Working Groups**

- **Capital Improvement Program (CIP)**

  There was no Capital Improvement Program Report.

- **Systems Operations and Management (SOM)**

  Eugene Maeda, Senior Transportation Planner, provided an update highlighting; 1) Regional transportation plan and Sustainable Communities Strategies (SCS), 2) Existing Plus Project Conditions Scenario, 3) City of San Jose’s draft memorandum and local transportation model performance findings, 3) Highway Capacity Manual 2010 methodology, and 4) Presentation on Caltrans southbound I-680 ramp metering project.

  Ex-Officio Member Taubeneck provided additional information and updates on the PID process.

- **Land Use/Transportation Integration (LUTI)**

  Robert Swierk, Senior Transportation Planner, provided an update on LUTI activities highlighting; 1) A web survey taken by members, 2) Workplan for the new year, and 3) The switch to quarterly meetings. He noted the working group suggested interaction with SOM and CIP working groups.

  **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 an update highlighting; 1) Efforts to define phased implementation, 2) Capacity study using rail train modeling, 3) Continuing efforts to define the South Santa Clara County line, and 4) The City of San Jose’s aerial design guidelines.

Member Tripousis announced the City of San Jose has a fully formatted document for review and is working to finish the guidelines and obtain additional design funding to develop an expanded Diridon Station area plan.
Member Dey indicated the City of Gilroy is conducting its first city council study session to discuss the two station options in Gilroy and present information from community meetings.

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 May 12, 2011

M/S/C (Tripousis/Batra) to approve the Regular Meeting Minutes of May 12, 2011.

REGULAR AGENDA

9. VTA’s Sustainable Communities Strategy (SCS) Principles

John Sighamony, Senior Transportation Planner, provided an overview of the staff report.

Member Batra informed the Committee that Kevin Riley, Chairperson of the Santa Clara County Association of Planning Officials (SCCAPO), indicated they have reviewed and concur with the SCS principles.

Member Tripousis noted action was deferred on AB57 (Beall), a bill seeking to add a seat for the City of Oakland and City of San Jose on Metropolitan Transportation Commission (MTC), and commented on the potential impacts. He admonished staff to pay close attention to the specifics of Block Grant programming and the level of regional discretionary funds that remain at MTC.

M/S/C (Tripousis/Armendariz) to recommend that the Board of Directors adopt VTA’s Sustainable Communities Strategy (SCS) Principles as Santa Clara County’s position to ensure proper development of a viable Regional Transportation Plan.

10. CMP Model Conformity Consistency Findings

Member Tripousis provided an introduction to City of San Jose’s development of local travel demand model in concert with the update of the San Jose 2040 general plan.

George Naylor, Principal Transportation Planner, provided brief overview of staff report.

M/S/C (Batra/Dey) to recommend that the VTA Board of Directors accept the CMP Model Conformity Consistency findings for the City of San Jose Local Transportation Model.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
11. **FY 2011/12 TDA 3 Project Priorities**

   Chris Augenstein, Deputy Director, Congestion Management, provided an overview of the staff report.

   **M/S/C (Batra/Tripousis)** to authorize the Chief CMA Officer to provide up to $51,000 in cash matching funds for the Grand Boulevard Initiative TIGER II planning grant from the FY2012 CMP Work Program.

12. **Existing Plus Project Conditions Scenario**

   Mr. Maeda provided an overview of the staff report.

   **On order of Chairperson Capurso** and there being no objection, the Committee received an update on the approach for providing information on the "Existing plus Project Conditions scenario" upheld by the Courts for California Environmental Quality Act (CEQA) documents for use by Member Agencies in conjunction with their use of the Transportation Impact Analysis (TIA) Guidelines.

**OTHER**

13. **Metropolitan Transportation Commission (MTC) Activities and Initiatives**

   Marcella Rensi, Transportation Planning Manager, distributed the One Bay Area Grant proposal handout and requested feedback from the Committee regarding the policy requirements.

   Mr. Augenstein requested more information on the definition of Designated Growth Opportunity areas.

   Member Dey requested an effort to get all of Santa Clara County identified on the map.

14. **Technical Advisory Committee (TAC) Subcommittee Report**

   There was no TAC Subcommittee Report.

15. **Committee Work Plan**

   **On order of Chairperson Capurso** and there being no objection, the Committee reviewed the Work Plan.

16. **Announcements**

   Mr. Batra provided information on changes that will be taking place with the construction of an 1800 space parking garage for the 49ers stadium in Santa Clara.

   Chairperson Capurso indicated he will not be at the August 2011 meeting and Vice Chairperson Armendariz will preside over the meeting.
17. **ADJOURNMENT**

On order of Chairperson Capurso and there being no objection, the meeting was adjourned at 2:55 p.m.

Respectfully submitted,

Menominee McCarter, Board Assistant  
VTA Office of the Board Secretary
The Regular Meeting of the Policy Advisory Committee (PAC) was called to order at 4:06 p.m. by Chairperson Pirzynski in Conference Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

A quorum was present.

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
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<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>
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<tr>
<td>Barry Chang</td>
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<tr>
<td>Orrin Mahoney (Alternate)</td>
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</tr>
<tr>
<td>Cat Tucker</td>
<td>City of Gilroy</td>
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</tr>
<tr>
<td>Dion Bracco (Alternate)</td>
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<tr>
<td>Megan Satterlee, Vice Chairperson</td>
<td>City of Los Altos</td>
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</tr>
<tr>
<td>Jarrett Fishpaw (Alternate)</td>
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<td>NA</td>
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<tr>
<td>Vacant</td>
<td>Town of Los Altos Hills</td>
<td></td>
</tr>
<tr>
<td>Vacant (Alternate)</td>
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<tr>
<td>Joe Pirzynski, Chairperson</td>
<td>Town of Los Gatos</td>
<td>Present</td>
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<tr>
<td>Diane McNutt (Alternate)</td>
<td>Town of Los Gatos</td>
<td>NA</td>
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<tr>
<td>Armando Gomez</td>
<td>City of Milpitas</td>
<td>Absent</td>
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<td>Vacant (Alternate)</td>
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<tr>
<td>Lana Malloy</td>
<td>City of Monte Sereno</td>
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<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>
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<tr>
<td>Rich Constantine (Alternate)</td>
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<tr>
<td>John Inks</td>
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<td>Jae Siegel (Alternate)</td>
<td>City of Mountain View</td>
<td>NA</td>
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<tr>
<td>Gail Price</td>
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<tr>
<td>Nancy Shepherd (Alternate)</td>
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<tr>
<td>Kansen Chu</td>
<td>City of San Jose</td>
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<tr>
<td>Jamie Matthews</td>
<td>City of Santa Clara</td>
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<tr>
<td>Jamie McLeod (Alternate)</td>
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<tr>
<td>Howard Miller</td>
<td>City of Saratoga</td>
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<tr>
<td>Emily Lo (Alternate)</td>
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<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>
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</tr>
<tr>
<td>Mike Wasserman</td>
<td>SCC Board of Supervisors</td>
<td>Present</td>
</tr>
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</table>
2. ORDERS OF THE DAY

Chairperson Pirzynski noted staff’s request to move Agenda Item #11. Silicon Valley Rapid Transit (SVRT) Program Update before Agenda Item #8. VTA Guiding Principles for the Sustainable Communities Strategy (SCS) and Regional Transportation Plan (RTP).

On order of Chairperson Pirzynski and there being no objection, the Committee accepted the Orders of the Day.

3. PUBLIC PRESENTATIONS

There were no Public Presentations.

4. Committee Staff Report

Jim Lawson, Executive Policy Advisory and Staff Liaison, provided a brief overview of the June 2, 2011 Board of Director’s Regular Meeting, highlighting: 1) approved VTA’s Biennial Budget Fiscal Years 2012 and 2013; 2) approved FY 2012 and FY 2013 Annual Transit Service Plan; 3) approved the Noise Reduction Screening Study; 4) commented on the June 24, 2011 Board of Director’s Regular Meeting; 5) Ad-Hoc Revenue Enhancement Committee (REC) is currently working on developing marketing initiatives; and 6) approved the Recommended FY 2012 Internal Audit Work Plan.

Mr. Lawson provided a brief report on the June 2, 2011 Caltrain Board Meeting, noting 1) approved Caltrain’s Fiscal Year 2012 Operating Budget; 2) noted the Caltrain Partners will meet in June to identify solutions to address the following years operating budget; and 3) noted the Silicon Valley Leadership Group (SVLG) and Caltrain Stakeholders Group are scheduled to meet on Monday, June 13, 2011 to discuss the latest polling results to identify a dedicated revenue source for Caltrain operations.

VTA staff is currently researching new vehicles to replace the community bus vehicles.

5. Chairperson’s Report

There was no Chairperson’s Report.

BUSINESS REFERRED TO COMMITTEE BY THE BOARD OF DIRECTORS/ GENERAL MANAGER

CONSENT AGENDA

6. Regular Meeting Minutes of May 12, 2011

M/S/C (Griffith/Price) to approve the Regular Meeting Minutes of May 12, 2011.


Member Matthews arrived and took his seat at 4:15 p.m.

The Agenda was taken out of order.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
11. **Silicon Valley Rapid Transit (SVRT) Program Update**


Ms. Alaniz reported the Berryessa Extension Project was recommended for the Federal Full Funding Grant Agreement in February 2011 and anticipated execution is January 2012.

Ms. Alaniz provided detailed information about the Milpitas and Berryessa Stations.

Members of the Committee requested the following items: 1) SVRT Landscaping Plan for the stations; and 2) Projected Cost of Trenching when the information becomes available to the public.

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

8. **VTA Guiding Principles for the Sustainable Communities Strategy (SCS) and Regional Transportation Plan (RTP)**

Scott Haywood, Policy and Community Relations Manager, provided a brief overview of the staff report and reviewed the four goals put forward by the Sustainable Communities Strategy (SCS).

Mr. Haywood commented on the following three VTA Principles for the SCS and RTP:

1) Discretionary Funding should follow Projected Growth;
2) Regional Vision Setting / maintain Local Decision Making; and
3) Sustainable Communities Strategy must be Practical and Implementable.

Members of the Committee requested that the Guiding Principles for the SCS and RTP include employment growth and further requested that staff provide a red line version of revised items to highlight document changes.

Upon query from Members of the Committee, John Ristow, Chief CMA Officer, responded that Members of the Committee may submit comments on the SCS and RTP principles directly to the Association of Bay Area Governments (ABAG) website.

**M/S/C (Satterlee/Inks)** to recommend that the Board of Directors adopt the VTA’s Sustainable Communities Strategy (SCS) Principles as Santa Clara County’s position to ensure proper development of a viable Regional Transportation Plan.
9. **Annual Transit Service Plan – FY 2012 - 2013**

Jim Unites, Operations Deputy Director, reported the Annual Transit Service Plan was adopted by the Board at its June 2, 2011 Board of Directors Regular Meeting.

The Annual Transit Service Plan was developed in conjunction with VTA’s Biennial Budget. The plan recommends one percent annual service growth; strengthening of core routes; continuance of Light Rail Express; implementation of Express Bus Study; and preparation for Bus Rapid Transit (BRT).

Mr. Unites discussed the revisions to the July 2011 Transit Service Plan based on the comments received from community and public meetings.

Mr. Unites commented on VTA’s Express Buses, noting staff is currently in the process of procuring 20 new vehicles, which will offer the following commuter oriented amenities: high backed seats, Wi-Fi, and other attractive amenities and services to encourage ridership. The goal is to eventually have VTA’s Express Buses on all the routes within the organization.

Upon query from Members of the Committee, Mr. Unites responded that VTA does its due diligence to ensure that sufficient public outreach is conducted within the community.

*On order of Chairperson Pirzynski* and there being no objection, the Committee reviewed the FY2012 and FY2013 Annual Transit Service Plan and the recommended service changes.

10. **Grand Boulevard and El Camino Real Rapid Transit Update**

Mr. Haywood reported that the Grand Boulevard Initiative is a regional collaboration of 19 cities dedicated to the revitalization of the El Camino Real Corridor as it passes through San Mateo and Santa Clara Counties.

The Corridor Plan is a joint effort between San Mateo County Transit District (SamTrans), VTA, City/County Association of Governments of San Mateo County (C/CAG), and other agencies in partnership with and funded by Caltrans. The goal of the Corridor Plan is to facilitate development of a better match for land-use and transportation on the El Camino Real Corridor in support of smart growth.

*On order of Chairperson Pirzynski* and there being no objection, the Committee received an update on the Grand Boulevard Initiative and the El Camino Real Rapid Transit project.

**OTHER**

12. **Committee Work Plan**

Members of the Committee requested the cancellation of the July 14, 2011 PAC meeting.

*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 5:39 p.m.

Respectfully submitted,

Michelle M. Garza, Board Assistant  
VTA Office of the Board Secretary
NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Policy Advisory Committee meeting scheduled for Thursday, July 14, 2011 at 4:00 p.m. has been cancelled.

The next regular meeting of the the Santa Clara Valley Transportation Authority Policy Advisory Committee is scheduled for Thursday, August 11, 2011 at 4:00 p.m. held at VTA River Oaks Campus, Conference Room B-104, 3331 North First Street, San Jose, California.

Michelle M. Garza, Board Assistant
VTA Office of the Board Secretary
NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Diridon Station Joint Policy Advisory Board Meeting scheduled for Friday, June 17, 2011, at 3:00 p.m. has been cancelled.

The next meeting of the Santa Clara Valley Transportation Authority Diridon Station Joint Policy Advisory Board is scheduled for Friday, September 16, 2011, at 3:00 p.m. at San José City Hall, Wing Rooms 119-120, 200 East Santa Clara Street, San Jose, California.

Menominee L. McCarter, Board Assistant
VTA Office of the Board Secretary
1. CALL TO ORDER/ROLL CALL

The Regular Meeting of the Downtown East Valley Policy Advisory Board (DTEV PAB) was called to order at 3:05 p.m. by Chairperson Pro Tem Herrera in the East Wing, Lower Level Conference Room, Santa Clara County Government Center, 70 West Hedding Street, San Jose, California.

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Xavier Campos</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Dave Cortese</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Rose Herrera</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Sam Liccardo</td>
<td>Vice Chairperson</td>
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</tr>
<tr>
<td>George Shirakawa</td>
<td>Member</td>
<td>Absent</td>
</tr>
</tbody>
</table>

A quorum was not present and a Committee of the Whole was declared.

2. PUBLIC PRESENTATIONS

There were no Public Presentations.

The Agenda was taken out of order.

5. 2011 DTEV PAB Meeting Schedule

Chairperson Pro Tem Herrera noted the schedule conflicts with the September 1, 2011 and December 1, 2011, Downtown East Valley Policy Advisory Board (DTEV PAB) meetings.

Member Cortese took his seat at 3:07 p.m. and a quorum was established.

3. Elect a Chairperson and Vice Chairperson for 2011

Chairperson Pro Tem Herrera opened the nominations from the floor for the positions of Chairperson and Vice Chairperson of the DTEV PAB for 2011.

M/S/C (Cortese/Campos) to close nominations and elect Member Herrera as the Chairperson and Member Liccardo as the Vice Chairperson for 2011.

4. Meeting Minutes of September 2, 2010

M/S/C (Cortese/Campos) to approve the Regular Meeting Minutes of September 2, 2010.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
5. **2011 DTEV PAB Meeting Schedule (Continued)**

M/S/C (Cortese/Campos) to direct staff to find alternate meeting dates for the September 1, 2011 and December 1, 2011, DTEV PAB meetings due to scheduling conflicts; and, further requested that the meeting time be moved closer to the start of the VTA Board of Director meetings.

**On Order of Chairperson Herrera** and there being no objection, the Committee deferred the approval of the 2011 Downtown East Valley Policy Advisory Board (DTEV PAB) Meeting Schedule.

6. **Santa Clara-Alum Rock Transit Project Status Update**

Kevin Connolly, Transportation Planning Manager, provided a status report on the Santa Clara-Alum Rock Transit Project. He distributed an updated Santa Clara-Alum Rock Construction and Operation Schedule and provided a brief overview.

Ray Salvano, City of San Jose, reported on the status of the State Route 130 (Alum Rock Avenue) relinquishment. Chairperson Herrera asked that VTA staff contact the City of San Jose staff by August 2011, to inform staff of the relinquishment status and to ask for any assistance.

Member Campos recommended that VTA staff work closely with City of San Jose staff to address bike lane accommodations. He reported that the communities would like the station architecture to relate to their respective communities.

**On Order of Chairperson Herrera** and there being no objection, the status update on the Santa Clara-Alum Rock Bus Rapid Transit Project was received.

7. **Capitol Expressway Improvements Status Report**

Ken Ronsse, Deputy Director, Construction, provided a status report on the Capitol Expressway Light Rail Project Pedestrian and Bus Improvements.

Chairperson Herrera recommended that staff pursue options to protect the pedestrians and bicyclists.

Chairperson Herrera requested that she be kept informed on the discussions held with the Eastridge Mall owner pertaining to the Transit Center improvements.

Member Cortese asked staff to consider placing trees on the Santa Clara Valley Water District side.

**On Order of Chairperson Herrera** and there being no objection, the Capitol Expressway Improvements status report was received.

8. **ADJOURNMENT**

**On Order of Chairperson Herrera** and there being no objection, the meeting was adjourned at 4:11 p.m.

Respectfully submitted,

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