BOARD OF DIRECTORS MEETING

Thursday, November 6, 2008

5:30 P.M. CLOSED SESSION
6:00 P.M. REGULAR SESSION

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

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. 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 the meeting or prior to the Consent Agenda being heard.

- 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.

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 TDD (408) 321-2330. VTA’s Home page is on the Web at: www.vta.org

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

1. Roll Call

2. ADJOURN TO CLOSED SESSION
   A. Anticipated Litigation--Conference with Legal Counsel
      Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: (Two cases)
   B. Existing Litigation - Conference with Legal Counsel
      [Government Code Section 54956.9(a)]
      Name of Case: Erez Batat v. Santa Clara Valley Transportation Authority, Santa Clara Superior Court No. 1-06-CV 073815

RECONVENE TO OPEN SESSION

3. CLOSED SESSION REPORT

4. ORDERS OF THE DAY

5. AWARDS AND COMMENDATIONS
   Employees of the Month for November 2008

6. REPORT FROM THE GENERAL MANAGER (Verbal Report)

7. REPORT FROM THE CHAIRPERSON (Verbal Report)

8. Citizens Advisory Committee (CAC) Chairperson’s Report (Tebo)


CONSENT AGENDA

10. Approve the Board of Directors Regular Meeting Minutes of October 2, 2008.

11. ACTION ITEM - Authorize the General Manager to execute contracts and future extensions thereof with the following law firms in ten specialized areas of law and litigation. Each contract will be for an initial three-year period, with up to two additional one-year terms, in a total amount not to exceed amounts budgeted for such legal services in any given year. A report on the amounts spent on these firms will be provided to the Board every 6 months.
12. ACTION ITEM - Revise the VTA Permit Policy to include the Background Security Check Program and adopt a resolution amending the Permit Fee Schedule, increasing the fees to be collected for Restricted Access Permits and Construction Access Permits, adding fees relating to modified Light Rail and Bus services, and adding a fee relating to the Background Security Check Program.


14. ACTION ITEM - Approve the programming of FY 2009/2011 Lifeline Transportation Program funds as described in the memorandum.

15. ACTION ITEM - Adopt a resolution authorizing the General Manager to execute the Project Baseline Agreement, and any amendments thereto, and any other necessary agreements and documents with the California Department of Transportation and/or the California Transportation Commission relating to the VTA’s role as funding participant and implementing agency for the HRCSA-funded Warren Avenue grade separation project.

16. ACTION ITEM - Authorize the General Manager to execute a Project Implementation Agreement with the City of Fremont for the implementation of the Warren Avenue Grade Separation Project.

17. ACTION ITEM - Adopt a resolution authorizing the General Manager to execute the Project Baseline Agreement, and any amendments thereto, and any other necessary agreements and documents with the California Department of Transportation and/or the California Transportation Commission relating to the VTA’s role as funding agency and implementing agency for the HRCSA-funded Kato Road grade separation project.

18. ACTION ITEM - Authorize the General Manager to execute a Project Implementation Agreement with the City of Fremont for the implementation of the Kato Road Grade Separation Project.

19. ACTION ITEM - Authorize the General Manager to execute a contract amendment with the HNTB Corporation in an amount not to exceed $4.16 million, for a new contract amount of $65.66 million and extend the contract term to December 2009, for design and engineering services necessary to complete 100% design development for the Kato Road Grade Separation Project.

20. ACTION ITEM - Authorize the General Manager to execute a contract amendment with URS Corporation in an amount not to exceed $3,850,000 for a new total contract amount of $5,450,000 and extend the contract term to February 2011, for Construction Management Services on the Freight Rail Relocation Project.

21. ACTION ITEM - Approve changes to the Altamont Commuter Express fares including a 3.2% overall increase and a 3% increase to re-establish Stockton as an independent station in the fare structure.
REGULAR AGENDA

22. ACTION ITEM - Adopt a resolution authorizing the General Manager or Chief Financial Officer to agree to the terms of and execute and deliver documents necessary in connection with the restructuring of certain lease-in-lease-out and lease-to-service contract transactions and to take all actions necessary to complete such restructuring, including ratification of actions taken to date and, furthermore, authorize amendment of the FY2009 VTA Transit Operating Budget in such amount as shall be necessary to fund restructuring efforts, but not to exceed the amount of the benefits derived from the transactions.

23. INFORMATION ITEM - Receive an update on the recent activities and the findings related to the public outreach that has been conducted for the High Occupancy Toll (HOT) Lanes Project.

24. ACTION ITEM - Authorize the General Manager to execute a contract with Viking Construction Company, the lowest responsible bidder, in the amount of $17,401,576 for the construction of the Berryessa Creek Crossing, Abel Street Seismic Retrofit, and UPRR Railroad Relocation (C210).

OTHER ITEMS

25. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

26. MONTHLY LEGISLATIVE HISTORY MATRIX

27. REPORTS (UNAPPROVED MINUTES) FROM STANDING COMMITTEES

A. Administration and Finance Committee
B. Congestion Management Program and Planning Committee
C. Transit Planning and Operations Committee

28. REPORTS (UNAPPROVED MINUTES) FROM ADVISORY COMMITTEES

A. Committee for Transit Accessibility (CTA)
B. Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC)
C. Bicycle & Pedestrian Advisory Committee (BPAC)
D. Technical Advisory Committee (TAC)
E. Policy Advisory Committee (PAC)
29. 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

30. REPORTS FROM VTA POLICY ADVISORY BOARDS (PABs)

A. Vasona Light Rail PAB (No Meeting Scheduled)
B. Silicon Valley Rapid Transit Corridor & BART Warm Springs Extension PAB
C. Downtown East Valley PAB (No Meeting Scheduled)
D. Highway PAB South (No Meeting Scheduled)

31. REPORT FROM THE NOMINATING COMMITTEE

32. PUBLIC PRESENTATIONS

This portion of the meeting is reserved for persons desiring to address the Board of Directors on any item within the Boards 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.

33. ANNOUNCEMENTS

34. ADJOURN
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Administrative Officer, Bill Lopez

SUBJECT: Employees of the Month for November 2008

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FOR INFORMATION ONLY

BACKGROUND:

Lorena Bernal-Vidal, Executive Secretary in the External Affairs Division at River Oaks, is the Administration Award Winner for November. She has been with VTA since 1999. Lorena takes pride in her job performance and consistently provides a high level of service within the dynamic environment of the External Affairs Division. Most recently, Lorena took the lead in the critical task of ensuring that documents produced by VTA’s Government Affairs Unit were formatted to be accessible to all members of the public. Lorena’s dedication and professionalism set a great example for others and help make VTA a better place to work. Congratulations to Lorena Bernal-Vidal, Administration Employee of the Month for November!

Jerry Ausano, Cerone Division Coach Operator, is our November Operations Award Winner. Jerry has over 28 years of service with VTA, and performs his job with the highest standards. He sets a great example as a dedicated Operator, and has received numerous customer compliments for his helpfulness and courtesy. One passenger in particular observed that Jerry was very friendly and respectful to everyone on the bus, especially Seniors. Jerry’s supervisors recognize his positive attitude and extra efforts to ensure that his passengers enjoy riding with VTA. Jerry is committed to quality job performance and is very deserving of this award. Congratulations to Jerry Ausano, Operations Employee of the Month for November!

David Yarber, Electro Mechanic at Guadalupe Division, is our Maintenance Employee of the Month for November. Dave has been with VTA since 1991. In his current assignment as an Electro Mechanic, Dave maintains, repairs and inspects light rail transit vehicles and equipment. He is proactive in identifying and solving mechanical problems as they arise, demonstrating his genuine interest in helping VTA provide consistent, reliable rail service. Recognized by his supervisors for going above and beyond his job duties, Dave upholds VTA’s high standards for professionalism and sets a good example for his fellow employees. Congratulations to David Yarber, Maintenance Employee of the Month for November!
BOARD OF DIRECTORS MEETING
Thursday, October 2, 2008

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 Kniss at 5:35 p.m. in the Board of Supervisors’ Chambers, County Government Center, 70 West Hedding Street, San Jose, California.

1. ROLL CALL

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<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
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<tr>
<td>David Cortese</td>
<td>Alternate Board Member</td>
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<td>Nora Campos</td>
<td>Board Member</td>
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<td>Dean Chu</td>
<td>Ex-Officio Board Member</td>
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<td>Don Gage</td>
<td>Board Member</td>
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<td>Liz Kniss</td>
<td>Chairperson VTA Board of Directors</td>
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<td>Dolly Sandoval</td>
<td>Board Member</td>
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<td>Forrest Williams</td>
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<td>Sam Liccardo</td>
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<td>Nancy Pyle</td>
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<td>Chuck Reed</td>
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<td>David Casas</td>
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<td>Yoriko Kishimoto</td>
<td>Board Member</td>
<td>Present</td>
<td>5:55 p.m.</td>
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<td>Dominic Caserta</td>
<td>Board Member</td>
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<td>Chris Moylan</td>
<td>Alternate Board Member</td>
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Bob Livengood  Alternate Board Member  Present
Greg Sellers  Board Member  Present
Pete McHugh  Alternate Board Member  Present
Chuck Page  Alternate Board Member  Absent
Ken Yeager  Ex-Officio Board Member  Absent

* Alternates do not serve unless participating as a Member.

A quorum was present.

2. ORDERS OF THE DAY

There were no Orders of the Day.

3. AWARDS AND COMMENDATIONS

A. Employees of the Month for October 2008 and Supervisor of the Quarter

Chairperson Kniss recognized and presented an award to Lewis Laptalo, Transportation Superintendent, Chaboya Division, as Supervisor of the Quarter for the fourth quarter of 2008. Dan Collins, Buyer III, River Oaks Administration; Roderick Arms, Coach Operator, Chaboya Division; and Stewart Blocker, Facilities Worker, North Maintenance Division, Employees of the Month for October 2008, were unable to attend.

B. Domestic Violence Awareness Month

Chairperson Kniss noted that October is Domestic Violence Awareness Month and read the resolution as contained in the Agenda Packet.

Upon query of Chairperson Kniss, Board Member Williams noted that the Friday, October 17th San Jose Domestic and Family Violence Advisory Board’s 11th Annual Walk to End Domestic Violence will begin at San Jose City Hall at 11:00 a.m.

M/S/C (Williams/Caserta) to adopt Resolution No. 08.10.26 recognizing October as Domestic Violence Awareness Month.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
4. REPORT FROM THE GENERAL MANAGER

Michael T. Burns, General Manager, reported the following:

- VTA will be receiving an Excellence in Motion Award from the Metropolitan Transportation Commission (MTC). The award will be presented on Wednesday, October 22, 2008, at 8:30 a.m. at the Oakland Museum. This is in recognition of the successful planning and implementation that supported the Comprehensive Operations Analysis (COA).

- VTA systemwide ridership for the month of August 2008 increased by 2.6 percent when compared to August 2007. Systemwide average weekday ridership increased by 6.6 percent. Bus average weekday boardings increased by 8.2 percent and light rail average weekday ridership increased by 2 percent when compared to the same period last year.

- The Silicon Valley Business Journal hosts a Chief Financial Officer (CFO) of the Year Award annually. This prestigious award recognizes leaders in Silicon Valley. VTA Financial Advisor, Jerry Mikolajczyk, is one of two nominees in the category of “CFO For Hire”. Mr. Mikolajczyk is considered for this award due to his strong leadership abilities and his many contributions to VTA. On November 20, 2008, the Business Journal will announce the winner for each of the categories, and the winner will be featured in the Business Journal the following day. VTA is proud of Mr. Mikolajczyk’s work and recognizes his significant contributions to VTA and wishes him the best of luck.

- Due to a change in federal regulations, VTA and all other transit operators are required to offer its special services to private sector operators. Effective October 12, 2008, the Silverado Stage will take over the 49ers Special service provided by VTA. Public outreach will be conducted by VTA informing riders of the service change.

- The San Martin Ribbon Cutting Ceremony will be held on Wednesday, October 8, 2008 at 10:30 a.m., and the De Anza Transit Center Ribbon Cutting Ceremony will be held on Monday, October 20, 2008 at 3:30 p.m.

- Reported VTA staff will provide an overview of VTA’s financial picture and how VTA is impacted and affected by the current financial markets. VTA staff will provide more detailed information at the Administration and Finance (A&F) Committee meeting. Also, provided a status report on the current financial markets. Despite all of the uncertainty and the volatility of the markets, VTA is financially sound and finished Fiscal Year (FY) 2008 with a surplus. However, VTA’s economic outlook is cautious.

Board Member Kishimoto took her seat at 5:55 p.m.
Joseph Smith, Chief Financial Officer, provided a presentation on the Financial Review as of September 30, 2008 - What’s VTA Situation, highlighting: 1) Fiscal Stability - FY 08 Financial Position; 2) FY 09 Budget; 3) State Budget Impacts - Lost Opportunity; 4) Investments; 5) Active Management - Debt; and 6) VTA Exposure.

Chairperson Kniss referenced Slide 6, Active Management - Debt, second bulleted item, “$636 million outstanding debt, and queried about the variable and synthetic fixed debt. Kimberly Koenig, Fiscal Resources Manager, reported that the straight variable rate with no synthetic is about 26 percent of VTA’s debt, so the remaining would be synthetically fixed.

Kurt Evans, Government Affairs Manager, provided a presentation on Key State Legislation, highlighting: 1) State Legislation: Signed into Law (SB 28 - Simitian; SB 375 - Steinberg; and AB 2466 - Laird); 2) State Legislation: Vetoed (AB 117 - Beall; and AB 152 - Beall).

Board Member Caserta queried about the effective date of SB 28 - Simitian. Mr. Evans noted that he would provide a report back.

Board Member Kishimoto queried about the timeline of SB 375 - Steinberg. Mr. Evans noted that the bill has extensive provisions with regards to process. There is a provision in the Legislation that indicates it would take effect the next time the Metropolitan Planning Organizations (MPOs) updates their Regional Transportation Plans (RTPs).

Ralph A. Qualls, Jr., Public Works Director, City of Cupertino, provided a presentation on the Mary Avenue Bridge Construction, highlighting: 1) Steel Tower Installation; 2) Stay Cable Installation; 3) Concrete Precast Deck Panel Installation; and 4) Current Construction Stage.

Upon query of Alternate Board Member Moylan, Mr. Qualls noted that the scheduled completion date of the Mary Avenue Bridge Project is April 2009.

Mr. Qualls provided the following website to access the link to the Mary Avenue Footbridge webcam: www.cupertino.org.

Upon query of Board Member Williams, Mr. Qualls reported on the major steps taken to obtain all of the necessary agreements in order to begin the work on the project.

Vice Chairperson Sandoval thanked Mr. Qualls for the presentation.

5. REPORT FROM THE CHAIRPERSON

A. Nominating Committee for the Election of Chairperson and Vice Chairperson for the 2009 Board of Directors

Chairperson Kniss indicated that it is time to appoint a Nominating Committee to recommend members for the offices of Chairperson and Vice Chairperson for 2009. The Nominating Committee will return at the November 6, 2008 Board of
Directors meeting with recommendations. The election for Chairperson and Vice Chairperson for 2009 will take place at the December 11, 2008 Board of Directors meeting. The new Chairperson and Vice Chairperson will take office in January 2009. The Board of Directors meeting will be held on January 8, 2009.

Chairperson Kniss noted that according to VTA policy, the office of Chairperson for 2009 shall be filled by a Small Cities Group representative and the office of Vice Chairperson by a City of San Jose representative.

Chairperson Kniss appointed herself, Board Members Greg Sellers and Forrest Williams to serve on the Nominating Committee.

Chairperson Kniss noted that Board Members interested in serving as Chairperson or Vice Chairperson should inform the Nominating Committee by October 17, 2008.

On order of Chairperson Kniss, there being no objection, Chairperson Kniss and Board Members Sellers and Williams were appointed to serve on the Nominating Committee for the election of Chairperson and Vice Chairperson for the 2009 Board of Directors.

B. Evaluation Committee for Performance Review of VTA General Manager

Chairperson Kniss indicated that it is also time to begin the process of evaluating the General Manager, Michael T. Burns. All Board Members will be asked, by an independent consultant, to provide their input and advice. Chairperson Kniss indicated to facilitate this process, she is appointing herself, Vice Chairperson Dolly Sandoval, and Board Member Sam Liccardo to serve on the Evaluation Committee for Performance Review of VTA General Manager.

On order of Chairperson Kniss, there being no objection, Chairperson Kniss, Vice Chairperson Sandoval, and Board Member Liccardo were appointed to serve on the Evaluation Committee for Performance Review of VTA General Manager.

Chairperson Kniss thanked Vice Chairperson Sandoval and Board Members Sellers, Williams, and Liccardo for their willingness to work on these important committees.

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

Noel Tebo, CAC Chairperson, provided a report, highlighting the following: 1) CAC is pleased to have an opportunity to provide a verbal report at the VTA Board of Directors meetings; 2) Referenced Board of Directors approval to place Measures C and D on the November 4, 2008 ballot. He expressed concerned that CAC was not given an opportunity to participate in the decision process; 3) In response to the California Bureau of State Audits (BSA) Report, the VTA General Manager has initiated an Advisory Committee Enhancement Program to address issues, roles, processes and goals; 4) Noted
CAC’s eagerness to work with other committees, Board of Directors, and VTA staff; and 5) CAC offers the benefits of an additional perspective on how to improve transportation in the Valley.

Board Member Kishimoto referenced Agenda Item #20., Review the 2000 Measure A Transit Improvement Program Semi-Annual Report - June 2008, and queried if CAC had an opportunity to review the Report. CAC Chairperson Tebo indicated, “yes.”

Board Member Liccardo extended an apology to CAC, noting that he was not aware that CAC was not consulted prior to Board approval to place the Measures on the ballot.

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

Christopher Moylan, PAC Chairperson, provided a report regarding the PAC Meeting on September 11, 2008, highlighting the following: 1) Received presentations and provided feedback on the following: a) Pilot Litter Control Program, and b) High Occupancy Toll (HOT) Lanes-Preliminary Recommendation; 2) Received a presentation on the Highway 9 Safety Improvement Program from Members Glickman, Page, and Wright. This project is a multi-jurisdictional effort to improve bicycle and pedestrian safety along a 2.4-mile stretch of the Highway 9 corridor that links Saratoga, Monte Sereno, and Los Gatos; 3) Recommended that the Board adopt the governance alternative where the PAC selects the small cities’ Board representatives as an interim step with the long-term goal of creating a directly elected Board. The motion passed on a vote of 8 ayes to 3 noes; and 4) Received an update on the Advisory Committee Enhancement Strategy. Members Abe-Koga, Page, and PAC Chairperson Moylan volunteered to serve on a subcommittee to review PAC’s roles, responsibilities and work plan.

CONSENT AGENDA

Chairperson Kniss noted that Michael Ludwig, Interested Citizen, requested to comment on Agenda Item #13., Discussion of the VTP 2035 document outline, structure, key themes and schedule.

Chairperson Kniss referenced the revised version of Agenda Item #11., Approve the cost allocation and budget for the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan. This revision corrects two errors on Page 2, under Discussion. The prior Board action date is corrected to 2007 and the amount of increase is reduced to $111,070.

Mr. Ludwig referenced Agenda Item #13., Discussion of the VTP 2035 document outline, structure, key themes and schedule, and queried if the total amount of bus service in the County of Santa Clara is proposed to stay static over the life of the plan, or is it projected to increase the total amount of bus service in the County of Santa Clara. He referenced the BART extension to Milpitas/San Jose/Santa Clara and queried if other transit modes were reviewed to improve service in the corridor, such as commuter rail. He queried if the cost per passenger would have been lower for commuter rail. Michael T. Burns, General Manager, noted that Chris Augenstein, Deputy Director, Planning, would provide Mr. Ludwig with a response to his questions.
Alternate Board Member Moylan abstained on Agenda Item #8, Approve the Board of Directors Regular Meeting Minutes of September 4, 2008.

Board Member Kishimoto requested that the following items be removed from the Consent Agenda and placed on the Regular Agenda: Agenda Item #10, Approve the process for selecting project review and scoring committees for VTA Congestion Management Agency - Discretionary Grant Funding Programs that specifies a minimum committee size of 3, a maximum size of 10, member agency participation and self-nomination of committee members, as described in the memorandum; and Agenda Item #20, Review the 2000 Measure A Transit Improvement Program Semi-Annual Report - June 2008.

Board Member Sellers abstained on Agenda Item #11, Approve the cost allocation and budget for the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan.

M/S/C (Liccardo/Caserta) to approve the Consent Agenda, as amended.

8. **Regular Meeting Minutes of September 4, 2008**
   M/S/C (Liccardo/Caserta) on a vote of 8 ayes to 0 noes to 1 abstention to approve the Board of Directors Regular Meeting Minutes of September 4, 2008. Alternate Board Member Moylan abstained.

9. **Proactive CMP Reviewed and Approved Project Quarterly Status Report**
   M/S/C (Liccardo/Caserta) to receive the report entitled: Proactive CMP Reviewed and Approved Project Quarterly Status Report.

10. **(Removed from the Consent Agenda and placed on the Regular Agenda.)**
    Approve the process for selecting project review and scoring committees for VTA Congestion Management Agency - Discretionary Grant Funding Programs that specifies a minimum committee size of 3, a maximum size of 10, member agency participation and self-nomination of committee members, as described in the memorandum.

11. **HCP Cost Allocation and Budget Approval**
    M/S/C (Liccardo/Caserta) on a vote of 8 ayes to 0 noes to 1 abstention to approve the cost allocation and budget for the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan. Board Member Sellers abstained.

12. **Lifeline Transportation Program - Cycle 2 Small Urbanized Area**
M/S/C (Liccardo/Caserta) to approve the recommendation for programming of FY 2009/2011 Lifeline Transportation Program JARC funds for Small Urbanized Area as presented in Attachment A.

13. **VTP 2035 Status Update**

M/S/C (Liccardo/Caserta) to discuss the VTP 2035 document outline, structure, key themes and schedule.

14. **Operations Insurance Renewal**

M/S/C (Liccardo/Caserta) to review the final results of the FY 2008-09 insurance policy purchase transactions.

15. **Revised List of Designated Positions in the Conflict of Interest Code**

M/S/C (Liccardo/Caserta) to adopt the amended Appendix of Designated Positions and Disclosure Categories of the Conflict of Interest Code for the Santa Clara Valley Transportation Authority (VTA) and direct the Board Secretary to forward the revised list of designated positions to the Santa Clara County Board of Supervisors for approval.

16. **Employee Health & Welfare Benefits**

M/S/C (Liccardo/Caserta) to authorize the General Manager to renew benefit contracts with Kaiser, PacifiCare, Valley Health Plan, Delta Dental, Pacific Union Dental, Vision Service Plan, and Custom Benefits Administrators for VTA employees and retirees for calendar year 2009.

17. **Contract Amendment - Mercer Investment Consulting, Inc.**

M/S/C (Liccardo/Caserta) to authorize the General Manager to amend an existing contract with Mercer Investment Consulting, Inc. to provide investment related advisory services, increasing the approved contract value by $91,000 for a new contract value of $386,000.

18. **Amendments to Advisory Committee Bylaws**

M/S/C (Liccardo/Caserta) to adopt Resolution No. 08.10.27 amending the bylaws of the Bicycle & Pedestrian Advisory Committee (BPAC), Citizens Advisory Committee (CAC), Policy Advisory Committee (PAC), and Technical Advisory Committee (TAC), as indicated, consisting of:

- Modifying the schedule for election of the chairperson and vice chairperson from January as currently scheduled to the preceding December for the BPAC, CAC and TAC.
- Other minor administrative adjustments to ensure consistency between advisory committees or to delete inapplicable provisions.

19. **October 2008 Service Changes**

M/S/C (Liccardo/Caserta) to receive the October 2008 Service Changes.
20. (Removed from the Consent Agenda and placed on the Regular Agenda.)


REGULAR AGENDA

21. Approval of a Successor Labor Agreement Between the Santa Clara Valley Transportation Authority and Amalgamated Transit Union, Local 265

Michael T. Burns, General Manager, provided background information on the contract negotiations between the Amalgamated Transit Union, Local 265 (ATU) and Santa Clara Valley Transportation Authority (VTA).

Mr. Burns provided a summary of the major changes in the agreement, highlighting: 1) 7 1/2 percent increase over the three-year term of the agreement; 2) Monthly contributions increased from $25 to $35 for health insurance effective June 2009; 3) Healthcare cost coverage capped at the Kaiser Health Plan rate effective June 2010; and 4) Consolidation of Community Bus and Operator classifications into one classification.

Mr. Burns thanked the members of the negotiating team consisting of VTA staff and ATU, Local 265 members.

M/S/C (Sandoval/Williams) to approve and adopt the terms and conditions of a successor labor agreement negotiated between Amalgamated Transit Union Local 265 and Santa Clara Valley Transportation Authority.

22. High Occupancy Toll (HOT) Lanes - Status Report on Program Concept

Michael T. Burns, General Manager, reported that it is a major initiative by VTA to look at the implementation of High Occupancy Toll (HOT) Lanes, noting that VTA has been working on this initiative for approximately two years. VTA staff will be coming back to the Board of Directors in December 2008 to receive direction on moving forward towards the design and implementation of the HOT Lane Project.

Chairperson Kniss referenced Slide 16 - Silicon Valley Express Lanes Projects - SR 237 Express Connectors, “Initial year gross revenue: $1-$2 million”, and queried if comparisons were done within other areas of the country or within California and if the projections tend to line up. Mr. Emoto referenced the HOT Lane on SR 91 in Orange County and noted that the HOT Lane generates about $50 million a year. These are initially numbers for the year of operation. Mr. Emoto noted that VTA is in the process of developing a funding stream.

Board Member Sellers referenced the November 2008 presentation on public outreach and requested that VTA staff heighten the public awareness efforts within the communities. Also, requested information be provided in November 2008 on the public outreach efforts in adjacent counties and other regions.

Upon query of Chairperson Kniss, Mr. Emoto noted that there is about seven miles of carpool lane in San Mateo County on US 101 north of Santa Clara County. The study being conducted is reviewing that area into San Mateo County. Unfortunately, San Mateo County does not have the legislation to implement HOT Lanes at this time. Mr. Emoto indicated that is something that would have to be examined over the next five years, noting that discussions have been held with San Mateo County.

Upon query of Board Member Kishimoto, Mr. Emoto reported on the automatic detection process for detecting carpools.

Alternate Board Member Moylan referenced VTA’s continuing outreach efforts and commented that one way to mitigate the initial reaction from people to whom this is a new concept is to point out it is exactly analogous to peak pricing in phone calls, to peak pricing in train tickets. It is not as revolutionary a concept as it first seems.

Chairperson Kniss commented that there are places that have two Express Lanes and recommended that VTA staff present information on this in November 2008. Mr. Emoto noted that SR 91 in Orange County has two Express Lanes. The cities of Minneapolis and Seattle converted from carpool lanes to Express Lanes.

Chairperson Kniss stressed the importance of outreach, specifically to the community. She noted the importance of starting discussions now to avoid confusion among the public.

Alternate Board Member Moylan asked what will be the determining factor to ensure that the revenue generated to help fund transit improvements stays within the corridor. Chris Augenstein, Deputy Director, Planning, noted that at the Metropolitan Transportation Commission (MTC) level, as part of the Regional Transportation Plan (RTP), the Congestion Management Agencies prepared draft principles and the principles were adopted. The draft principles essentially say that money generated in the corridor will stay in the corridor.
Chairperson Kniss queried if a rental car is used and Fastrak is not available, can the Express Lane be used. Mr. Emoto noted that is another point that would need to be addressed.

On order of Chairperson Kniss, there being no objection, the High Occupancy Toll (HOT) Lanes - Status Report on Program Concept was received.

10. **VTA Discretionary Funding Programs - Composition of Project Scoring Committees**

Board Member Kishimoto referenced the Congestion Management Program and Planning (CMPP) Committee meeting on September 18, 2008, and noted that the Committee requested that the Policy Advisory Committee (PAC) members be given the opportunity to participate in the scoring committee process as observers. Board Member Kishimoto noted that she did not see the request reflected in the summary of the recommendation or procedures listed on Page 2 of the Board Memorandum. Michael T. Burns, General Manager, noted that the request would be included in the recommendation.

M/S/C (Kishimoto/Sellers) to approve the process for selecting project review and scoring committees for VTA Congestion Management Agency - Discretionary Grant Funding Programs that specifies a minimum committee size of 3, a maximum size of 10, member agency participation and self-nomination of committee members, as described in the memorandum.


Board Member Kishimoto requested that comments from the Citizens Advisory Committee and 2000 Measure A Citizens Watchdog Committee be incorporated in the Staff Report.

Board Member Kishimoto referenced the 2000 Measure A Transit Improvement Program Semi-Annual Report-June 2008, projects listed on Page 3-19, Caltrain Service Upgrades, and requested that the dollar breakdown be included.

On order of Chairperson Kniss, there being no objection, the 2000 Measure A Transit Improvement Program Semi-Annual Report - June 2008 was reviewed.

**OTHER ITEMS**

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

There were no Items of Concern and Referral to Administration.

24. **Monthly Legislative History Matrix**

On order of Chairperson Kniss, there being no objection, the Monthly Legislative History Matrix was accepted as contained in the Agenda packet.
25. REPORTS (UNAPPROVED MINUTES) FROM STANDING COMMITTEES

A. Administration and Finance Committee

On order of Chairperson Kniss, there being no objection, the August 21, 2008 and September 18, 2008 Administration and Finance (A&F) Committee Minutes were accepted as contained on the dais.

B. Congestion Management Program and Planning Committee

There was no report from the September 18, 2008 Congestion Management Program and Planning (CMPP) Committee.

C. Transit Planning and Operations Committee

There was no report from the September 18, 2008 Transit Planning and Operations (TP&O) Committee.

D. Audit Committee

On order of Chairperson Kniss, there being no objection, the August 21, 2008 Audit Committee Minutes were accepted as contained on the dais.

26. REPORTS (UNAPPROVED MINUTES) FROM ADVISORY COMMITTEES

A. Committee for Transit Accessibility (CTA)

On order of Chairperson Kniss, there being no objection, the September 10, 2008 Committee for Transit Accessibility (CTA) Minutes were accepted as contained on the dais.

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

On order of Chairperson Kniss, there being no objection, the August 13, 2008 and September 10, 2008 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)

There was no report from the September 10, 2008 Bicycle & Pedestrian Advisory Committee (BPAC).

D. Technical Advisory Committee (TAC)

On order of Chairperson Kniss, there being no objection, the August 14, 2008 Technical Advisory Committee (TAC) Minutes were accepted as contained on the dais. There was no report from the September 11, 2008 TAC.
E. **Policy Advisory Committee (PAC)**

There was no report from the September 11, 2008 Policy Advisory Committee (PAC).

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

A. **Peninsula Corridor JPB**

*On order of Chairperson Kniss,* there being no objection, the October 2, 2008 Summary Notes from the Peninsula Corridor Joint Powers Board were accepted as contained on the dais.

B. **Capitol Corridor JPB**

*On order of Chairperson Kniss,* there being no objection, the September 17, 2008 Summary Notes from the Capitol Corridor JPB were accepted as contained on the dais.

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 Kniss,* there being no objection, the September 24, 2008 Summary Notes from the Metropolitan Transportation Commission (MTC) were accepted as contained on the dais.

E. **Sunol Smart Carpool Lane Joint Powers Authority**

There was no report from the Sunol Smart Carpool Lane Joint Powers Authority.

28. **REPORTS FROM VTA POLICY ADVISORY BOARDS (PABs)**

A. **Vasona Light Rail PAB**

There was no report from the Vasona Light Rail PAB.

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

There was no report from the Silicon Valley Rapid Transit Corridor and BART Warm Springs Extension PAB.
C. **Downtown East Valley PAB**

On order of Chairperson Kniss, there being no objection, the September 4, 2008 Downtown East Valley PAB Minutes were accepted as contained on the dais.

D. **Highway PAB South**

There was no report from the Highway PAB South.

29. **PUBLIC PRESENTATIONS**

There were no Public Presentations.

30. **ANNOUNCEMENTS**

Board Member Kishimoto announced that during the week of September 22, 2008, she had the privilege of joining VTA staff in making a presentation on the community buses at the American Planning Association.

Board Member Kishimoto announced that she had the opportunity to ride the Rapid Bus System in Los Angeles, noting that the bus system works very well.

31. **ADJOURNMENT**

On order of Chairperson Kniss, there being no objection, the meeting was adjourned at 7:15 p.m.

Respectfully Submitted,

Tracene Y. Crenshaw, Board Assistant
VTA Board of Directors
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority  
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Acting General Counsel, Kevin D. Allmand

SUBJECT: Approve List of Specialty-Area Law Firms

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute contracts and future extensions thereof with the following law firms in ten specialized areas of law and litigation. Each contract will be for an initial three-year period, with up to two additional one-year terms, in a total amount not to exceed amounts budgeted for such legal services in any given year. A report on the amounts spent on these firms will be provided to the Board every 6 months.

BACKGROUND and DISCUSSION:

A Request for Proposals (RFP) for outside attorney services was issued on June 18, 2008. The purpose of the RFP was to solicit proposals from law firms with expertise in 10 specified categories of law and litigation to enable VTA to establish a pre-approved attorney panels in each of those areas. The areas are: Public Sector Law; Eminent Domain; Construction Law/Litigation; Environmental Law; Employment Law/Civil Rights Litigation; Real Property Law; Pension and Benefits Law; Railroad and Rail Regulatory Law; Municipal Finance; and Commercial Transactions/Intellectual Property. Once established, General Counsel will select attorneys from each panel when outside counsel with such expertise is required. It is the intention to distribute work to the firms based on an evaluation of the issues to be litigated, the background, experience, and strengths of the attorneys to be used, the resources of the firm, and availability.

On or before July 25, 2008, proposals were received from a total of 29 law firms. Many of the firms submitted a proposal for more than one panel. The attorney selection process consisted of review and evaluation of all written proposals. Each proposal was graded and ranked according to established criteria, which consisted of the qualifications and experience of attorneys who
would be doing the work (45 points), a demonstrated understanding of the legal needs of VTA and potential problem areas and a technical approach to meeting those needs (15 points), the reasonableness of the firm’s pricing and competitiveness with other offers received (30 points). In addition, pursuant to VTA policy, up to 10 points were awarded for Local Firm Preference.

The proposals were evaluated and ranked in each of the categories by panels consisting of a member of VTA’s General Counsel Office, a Contracts Administrator, and a representative from a VTA department impacted by that category of the law. Of the 29 firms submitting proposals, 21 were selected to be on one or more panels, and 8 were not selected due to insufficient ranking in the areas of law proposed. The firms not selected were: Law Offices of Alexis M Chiu; Andrade & Associates; Bullivant, Houser, Bailey PC; Folger, Levin & Kahn, LLP; McDonough, Holland & Allen, PC; Silicon Valley Law Group; Thompson Coburn LLP; and Zent Law Group, Inc.

Contracts with the recommended firms will be entered into as the need arises. Having a pre-qualified list will permit the General Counsel to assign matters that arise during the contract term, and provide for the firms to handle cases to completion. It is anticipated that initial contract amounts will not exceed $250,000 for any firm. No retainer will be paid to the firms for placement or retention on the lists.

**FISCAL IMPACT:**

In the current fiscal year, $235,000 has been budgeted for General Counsel professional services, which includes all outside legal services and expert witnesses. In addition to those yearly budgeted amounts, project-related budget appropriations covering these services in upcoming fiscal years will be included in the appropriate Fiscal Year Capital Budget for each project. The funding may be provided through federal, state or local grants provided directly to VTA or through cooperative agreements with other agencies.

Fees among the firms selected were fairly consistent in each category and ranged generally from $250 to $350 per hour.

**ALTERNATIVES:**

The Board could elect to establish smaller or larger lists of firms, or request General Counsel to seek additional proposals.

**DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION/ SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION:**

Proposing firms were informed that while no specific SBE goal was established for these services, they will be expected to cooperate with VTA in meeting VTA’s overall goal of 15% annual utilization of Small Business Enterprises.

Prepared by: Kevin D. Allmand, Acting General Counsel
### ATTACHMENT A

#### ATTORNEY LIST BY
SPECIALIZED PRACTICE AREAS
(RFP #08-06)

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BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

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

SUBJECT: VTA Permit Policy and Permit Fee Schedule Revisions

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

ACTION ITEM

RECOMMENDATION:

Revise the VTA Permit Policy to include the Background Security Check Program and adopt a resolution amending the Permit Fee Schedule, increasing the fees to be collected for Restricted Access Permits and Construction Access Permits, adding fees relating to modified Light Rail and Bus services, and adding a fee relating to the Background Security Check Program.

BACKGROUND:

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

Government Code Section 66014 provides that if fees are charged by a local agency in connection with permit issuance the fees may not exceed the estimated reasonable cost of providing the service for which the fee is charged. The Board of Directors adopted the current VTA Permit Policy on October 7, 2004, which includes fee schedules used by VTA for issuance of Construction Access Permits and Restricted Access Permits. The fee schedules were amended by the Board on October 5, 2006.

The purpose of the VTA Permit Policy is to protect VTA property, facilities and service by establishing conditions for construction and other activities in proximity to VTA facilities and for VTA to recover the associated costs. In addition to labor costs, cost recovery items may
include bus bridges, rail power downs and power ups, and roadway worker protection training.

**DISCUSSION:**

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

- Addition of the Background Security Check Program for permit applicants (Section 4.4)
- Addition of VTA Background Security Check Standards
- Update of VTA Permit Fee Schedule, increasing fees and adding fees for service impacts and Background Security Checks

The proposed Background Security Check Program for permit applicants allows VTA to require a background security check of permit applicants in accordance with the proposed VTA Background Security Check Standards (attached). This program complies with the recommended practice by the Transportation Security Administration and is consistent with the standard being considered by the APTA Security Risk Management Work Group.

VTA is committed to providing a safe and secure workplace for all employees and permit contractors. This commitment is extended to all permit contractors that may or may not work under our direct supervision. In an effort to ensure that all permit contractors working at or near VTA properties or facilities are in compliance with permit requirements, VTA is implementing a Background Security Check Program that will perform a comprehensive identity and criminal background screening, and require that authorized access credentials (photo identification and access badge) be displayed on the work site.

The proposed Permit Fee Schedule (attached) is based upon the fully allocated costs for issuing permits, performing inspection services and other permit related services. Costs to be charged for various labor services will be calculated on a fully allocated cost basis. Non-labor costs will be directly charged as appropriate. VTA staff has determined the minimum cost of reviewing, processing and monitoring permits. The minimum application and inspection fees for access permits have been increased as a result of increases in labor rates and refined estimates of the minimum work required to issue Restricted Access Permits and Construction Access Permits. The appropriate fee to be collected will be determined when the permit is issued based on the type, anticipated scope and duration of activities.

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

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<th>Service Description</th>
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<td>Light Rail Power Down/Power Up</td>
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<td>Bus Bridge (per hour/bus)</td>
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Modified Light Rail Service (new)
One-car Train NA $ 256.56
Two-car Train NA $ 384.84
Background Security Checks (new) NA $ 50

ALTERNATIVES:

The Board could adopt a different fee structure or choose not to recover fees, but VTA cannot charge more than the estimated reasonable cost of the services provided. The Board could also choose not to implement the recommended Background Security Check Program.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Administration and Finance Committee considered this item on October 16, 2008 and made the following comment:

- Expressed strong support for recovering VTA costs for permit work activities.

The Committee unanimously recommended that the Board approve this item.

FISCAL IMPACT:

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

Attachments:  VTA Permit Policy
               VTA Background Security Check Standards
               VTA Permit Fee Schedule

Prepared by: Mark Robinson
1.0 Purpose:
To safeguard and protect VTA property, services and assets by establishing conditions for construction and/or activities that might or will affect VTA property, services and/or assets, and for VTA to recover the associated costs.

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

3.0 Responsibilities:
3.1 The General Manager or his designee shall enforce this policy.
3.2 Permit holders shall comply with the special and general conditions of their permits.
3.3 VTA Inspectors shall monitor permit activities by inspecting the work site, as appropriate, to ensure permit compliance and that all activities are performed safely and in accordance with all applicable standards and procedures.

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

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

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

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

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

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

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

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

4.1.5 Roadway Worker Protection Training (Restricted Access Permits Only)
No person shall work in or near a restricted access area without first attending VTA Roadway Worker Protection Training. Workers in restricted access areas shall wear VTA issued badges certifying training completion.

4.1.6 Track Allocation Meetings (Restricted Access Permits Only)
Permit holders working in a Restricted Access Area shall attend weekly track allocation meetings. The purpose of the meetings shall be to coordinate all planned traction power, train movement, construction and other activities.

4.2 Enforcement and Penalties
The General Manager shall implement procedures to enforce permit requirements and conditions and adopt penalties for failure to comply.
4.3 Copies of Procedures
Permit applicants shall be provided copies of all applicable rules and procedures.

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

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

6. Summary of Changes:
- Section 1.0 revised including addition of “VTA property, services and assets”.
- Section 2.0 revised including addition of “and enforce rules and regulations that will”.
- Section 4.1.2 change duration of “project” to duration of “activities”.
- Add Section 4.4 Background Security Check.

7. Approval Information

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</tbody>
</table>

Original Date: 10/07/2004
Revision Date: 02
Applicants can be denied if they have:

- A felony conviction within the last 7 years or misdemeanor conviction within 1 year.
- An active warrant.
- Any open court case, out on bail, or other court release.
- A fraud alert and/or release from incarceration within the last 5 years and/or a history of misdemeanors or other crimes of concern.
- A falsification or failure to disclose any and all related information.
- If currently on parole probation or other court required supervision. If individual has not falsified, they will permitted to reapply after their period of supervision is completed.
- If individual has a pending charge. If individual has not falsified and the charges are dropped, they will be OK to use.
- If court supervision was not completed successfully.
- Registered sex, narcotics or arson offender.

The individual may be allowed access to work at a VTA permit site or VTA property if:

- If the individual disclosed/admitted to the charge. The reviewer will look at the nature of the offense and when it was committed.
- If the Non Employee Questionnaire is completed correctly and no adverse criminal record was found.
VTA Permit Fee Schedule

Construction Access Permit Fees
(Effective November 6, 2008)

1. **Application Fee**
   - Administration, Processing and Plan Check Fee
   - $920

2. **Inspection Fee For Underground Utility Light Rail Crossing**
   - Directional Bore Method
   - Jack and Bore Method (Under 12” In Diameter)
   - $2,130

3. **Inspection Fee For Bus and Transit Facility Restorations**
   - Removing and restoring any portion of VTA Portland Cement
   - Concrete (P.C.C.) Bus Pad or a VTA P.C.C. Shelter Pad
   - $1,930

Minimum Fees

<table>
<thead>
<tr>
<th>Minimum Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>$920</td>
</tr>
<tr>
<td>$2,130</td>
</tr>
<tr>
<td>$1,930</td>
</tr>
</tbody>
</table>
### Restricted Access Permit Fees

*(Effective: November 6, 2008)*

<table>
<thead>
<tr>
<th>Minimum Fees</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Restricted Access Permit</strong></td>
<td>$955</td>
</tr>
<tr>
<td>• Application processing, administration, including weekly track allocation meetings, and inspection charges.</td>
<td></td>
</tr>
<tr>
<td><strong>2. Roadway Worker Protection Training Fee</strong></td>
<td>$70</td>
</tr>
<tr>
<td>• Per participant based on attending a regularly scheduled class conducted at a VTA facility</td>
<td></td>
</tr>
<tr>
<td><strong>3. Light Rail Traction Power Down and Power Up Fee</strong></td>
<td>$1,010</td>
</tr>
<tr>
<td>• For Traction Power Down and Power Up if permit activities require VTA to shut down light rail power.</td>
<td></td>
</tr>
<tr>
<td><strong>4. Bus Bridge Fees</strong></td>
<td>$162.33 per hour/bus</td>
</tr>
<tr>
<td>• For supplemental portal to portal bus service required because permit activities disrupt rail services.</td>
<td></td>
</tr>
<tr>
<td><strong>5. Modified Bus and/or Light Rail Services</strong></td>
<td></td>
</tr>
<tr>
<td>The following impact fees are intended to reimburse VTA for the impacts to normal VTA Bus and Rail Operations resulting from construction or other events.</td>
<td></td>
</tr>
<tr>
<td>• Hourly cost for each additional Bus required for service (regular or bus bridge)</td>
<td>$162.33</td>
</tr>
<tr>
<td>• Hourly cost for a one-car Train:</td>
<td>$256.56</td>
</tr>
<tr>
<td>• Hourly cost for a Train with at least 2 cars:</td>
<td>$384.84</td>
</tr>
<tr>
<td><strong>6. Background Security Checks for VTA Permittees</strong></td>
<td></td>
</tr>
<tr>
<td>The permit applicant will be required to have their employees undergo a background security check through a process determined by VTA at the permittee’s cost. VTA reserves the right to decide all aspects of the background security check process, including, but not limited to all costs. Currently the cost to permit applicant is estimated to be $50 per person</td>
<td></td>
</tr>
</tbody>
</table>
Permit Related Rates  
(November 6, 2008)

The services of VTA personnel will be charged in accordance with the following rates. If the services of others not specified herein are required those services will be billed at the existing allocated rates.

### Classification/Type Service

<table>
<thead>
<tr>
<th>Classification/Type Service</th>
<th>Hourly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant Superintendent</td>
<td>$145</td>
</tr>
<tr>
<td>Bus Stop Maintenance Worker</td>
<td>$ 75</td>
</tr>
<tr>
<td>Construction Inspector</td>
<td>$ 100</td>
</tr>
<tr>
<td>Permit Technician</td>
<td>$ 84</td>
</tr>
<tr>
<td>Environmental H &amp; S Supvr</td>
<td>$145</td>
</tr>
<tr>
<td>Light Rail Power Supervisor</td>
<td>$125</td>
</tr>
<tr>
<td>Light Rail Pass. Fac/Mtce/W-Side Supervisor</td>
<td>$125</td>
</tr>
<tr>
<td>Light Rail Signal Supervisor</td>
<td>$125</td>
</tr>
<tr>
<td>Light Rail Superintendent</td>
<td>$167</td>
</tr>
<tr>
<td>Light Rail Track Supervisor</td>
<td>$125</td>
</tr>
<tr>
<td>Maintenance Scheduler</td>
<td>$ 97</td>
</tr>
<tr>
<td>Office Specialist II</td>
<td>$ 77</td>
</tr>
<tr>
<td>Office Support Supervisor</td>
<td>$ 93</td>
</tr>
<tr>
<td>Operations Manager</td>
<td>$184</td>
</tr>
<tr>
<td>Overhead Line Worker</td>
<td>$117</td>
</tr>
<tr>
<td>Principal Construction Inspector</td>
<td>$139</td>
</tr>
<tr>
<td>Senior Construction Inspector</td>
<td>$111</td>
</tr>
<tr>
<td>Senior Engineer</td>
<td>$154</td>
</tr>
<tr>
<td>Senior Real Estate Agent</td>
<td>$ 141</td>
</tr>
<tr>
<td>Sr. Environmental Planner</td>
<td>$146</td>
</tr>
<tr>
<td>Senior Mechanical Engineer</td>
<td>$160</td>
</tr>
<tr>
<td>Substation Maintainer</td>
<td>$117</td>
</tr>
<tr>
<td>Technical Trainer</td>
<td>$133</td>
</tr>
<tr>
<td>Transportation Supervisor</td>
<td>$132</td>
</tr>
<tr>
<td>Way Power &amp; Signal Superintendent</td>
<td>$167</td>
</tr>
<tr>
<td>Non-Revenue Vehicle (Car or Pick Up Truck)</td>
<td>$17.91</td>
</tr>
</tbody>
</table>
Cost Basis for Permit Fee Schedule  
(November 6, 2008)

Construction Access Permit Fees

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

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

<table>
<thead>
<tr>
<th>Classification</th>
<th>Number Of Hours</th>
<th>Allocated Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Inspector</td>
<td>1 hr. X</td>
<td>$100</td>
<td>$100</td>
</tr>
<tr>
<td>Sr. Engineer</td>
<td>1 hr X</td>
<td>$154</td>
<td>$154</td>
</tr>
<tr>
<td>Permit Technician</td>
<td>3 hr X</td>
<td>$84</td>
<td>$252</td>
</tr>
<tr>
<td>Environmental H &amp; S Supvr</td>
<td>¼ hr. X</td>
<td>$145</td>
<td>$36</td>
</tr>
<tr>
<td>Principal Construction Inspector</td>
<td>1 hr. X</td>
<td>$139</td>
<td>$139</td>
</tr>
<tr>
<td>Sr. Construction Inspector</td>
<td>1 hr. X</td>
<td>$111</td>
<td>$111</td>
</tr>
<tr>
<td>Sr Environmental Planner</td>
<td>¼ hr. X</td>
<td>$146</td>
<td>$37</td>
</tr>
<tr>
<td>Sr Real Estate Agent</td>
<td>¼ hr. X</td>
<td>$141</td>
<td>$35</td>
</tr>
<tr>
<td>Cars, Trucks ¾ Ton &amp; Lighter</td>
<td>3 hr. X</td>
<td>$17.91</td>
<td>$53.73</td>
</tr>
</tbody>
</table>

**Total: $917.73 adjusted to $920.00**

*Based on 3 Inspector Hours Above and Caltran’s 2007/2008 Equipment Rental Rates

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

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

<table>
<thead>
<tr>
<th>Classification</th>
<th>Number Of Hours</th>
<th>Allocated Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit Technician</td>
<td>2 hr. X</td>
<td>$84</td>
<td>$168</td>
</tr>
<tr>
<td>Principal Construction Inspector</td>
<td>1 hr. X</td>
<td>$139</td>
<td>$139</td>
</tr>
<tr>
<td>Sr. Construction Inspector</td>
<td>14 hr. X</td>
<td>$111</td>
<td>$1,554.</td>
</tr>
<tr>
<td>Cars, Trucks ¾ Ton &amp; Lighter</td>
<td>15 hr. X</td>
<td>$17.91</td>
<td>$268.65</td>
</tr>
</tbody>
</table>

**Total: $2,129.65 adjust to $2,130**

*Based on 15 Inspector Hours Above
3. **Inspection Fees For Bus and Transit Facility Restorations**

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

<table>
<thead>
<tr>
<th>Classification</th>
<th>Number Of Hours</th>
<th>Allocated Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit Technician</td>
<td>2 hr.</td>
<td>$84</td>
<td>$168</td>
</tr>
<tr>
<td>Principal Construction Inspector</td>
<td>1 hr.</td>
<td>$139</td>
<td>$139</td>
</tr>
<tr>
<td>Sr. Construction Inspector</td>
<td>11 hr.</td>
<td>$111</td>
<td>$1221</td>
</tr>
<tr>
<td>Bus Stop Maintenance Worker</td>
<td>2 hr.</td>
<td>$75</td>
<td>$150</td>
</tr>
<tr>
<td>Cars. Trucks ¾ Ton &amp; Lighter*</td>
<td>14 hr.</td>
<td>$17.91</td>
<td>$250.74</td>
</tr>
</tbody>
</table>

**Total $1,928.74 adjust to $1,930**

*Based on 12 Inspector Hours and 2 Hours Bus Stop Maintenance Above

### Restricted Access Permit Fees

1. **Restricted Access Permit Fee**

Includes administration, processing and inspection charges.

<table>
<thead>
<tr>
<th>Classification</th>
<th>Number Of Hours</th>
<th>Allocated Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant Superintendent</td>
<td>5 ¾ hr.</td>
<td>$145</td>
<td>$834</td>
</tr>
<tr>
<td>Permit Technician</td>
<td>1 hr.</td>
<td>$84</td>
<td>$84</td>
</tr>
<tr>
<td>Cars. Trucks ¾ Ton &amp; Lighter*</td>
<td>2 hr.</td>
<td>$17.91</td>
<td>$35.82</td>
</tr>
</tbody>
</table>

**Total $953.82 to $955**

*Based on 2 Hours Field Review and Inspection

2. **Roadway Worker Protection Training Fee**

<table>
<thead>
<tr>
<th>Classification</th>
<th>Number Of Hours</th>
<th>Allocated Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technical Trainer</td>
<td>6 hr.</td>
<td>$133</td>
<td>$798</td>
</tr>
<tr>
<td>Permit Technician</td>
<td>1 hr.</td>
<td>$84</td>
<td>$84</td>
</tr>
<tr>
<td>Office Support Supervisor</td>
<td>4.5 hr.</td>
<td>$93</td>
<td>$419</td>
</tr>
<tr>
<td>Cars. Trucks ¾ Ton &amp; Lighter*</td>
<td>6 hr.</td>
<td>$17.91</td>
<td>$107.46</td>
</tr>
</tbody>
</table>

**Per Training Class Total $1408.46 adjust to $1,410**

**Per Participant:** $70.00 adjust to $70

*Based on a regularly scheduled class size of a twenty conducted at VTA facilities. Any special training will be charged on an actual cost basis.*
3. **Light Rail Traction Power Down and Power Up Fee**

<table>
<thead>
<tr>
<th>Classification</th>
<th>Number Of</th>
<th>Allocated</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overhead Line Worker</td>
<td>2 hr. X</td>
<td>$234</td>
<td>$234</td>
</tr>
<tr>
<td>Overhead Line Worker</td>
<td>2 hr. X</td>
<td>$234</td>
<td>$234</td>
</tr>
<tr>
<td>Substation Maintainer</td>
<td>2 hr. X</td>
<td>$234</td>
<td>$234</td>
</tr>
<tr>
<td>Substation Maintainer</td>
<td>2 hr. X</td>
<td>$234</td>
<td>$234</td>
</tr>
<tr>
<td>Cars, Trucks ¾ Ton &amp; Lighter*</td>
<td>4 hr. X</td>
<td>$17.91</td>
<td>$71.64</td>
</tr>
</tbody>
</table>

Per Substation Total $1,007.64 adjust to $1010

*Based on 2 Trucks at 2 Hour Each

4. **Bus Bridging Fee**

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

Direct-Transit Operating Cost Per Hour For Bus Service $162.33

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

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

- Hourly cost for each additional Bus required for service (regular or bus bridge): $162.33
- Hourly cost for a one-car Train: $256.56
- Hourly cost for a Train with at least 2 cars: $384.84

6. **Background Security Check**

The permit applicant will be required to have their employees undergo a background security check through a process determined by VTA at the permittee’s cost. VTA reserves the right to decide all aspects of the background security check process, including, but not limited to all costs. Currently the cost to permit applicant is estimated to be $50.00 per person.

The hourly labor rates for the various classification listed herein were rounded up to the nearest dollar and classification totals were rounded off to the nearest five-dollar increments, for ease of calculating fees.
RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY ADOPTING AMENDED VTA PERMIT FEE SCHEDULE

WHEREAS, pursuant to Government Code Sections 66014 and 66016, which authorize a local agency to charge fees for various services, including the issuance of permits and inspections related thereto, not to exceed the estimated reasonable cost of providing the service for which the fee is charged, the Santa Clara Valley Transportation Authority (“VTA”) proposes to adopt an amended VTA Permit Fee Schedule (“Schedule”);

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

WHEREAS, in accordance with Government Code Section 66016, at least 10 days prior to the regularly scheduled meeting of the Board of Directors on November 7, 2008, data, indicating the amount of cost, or estimated costs, required to provide the services for which the fees in the Schedule are to be levied and the revenue sources anticipated to provide the services, including Enterprise Fund revenues, were made available to the public;

WHEREAS, the proposed adoption of the Schedule was agendized for and considered by the Board of Directors at its regularly scheduled meeting on November 7, 2008, which meeting was an open and public meeting, at which oral or written presentations could be made concerning the Schedule; and,

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

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Santa Clara Valley Transportation Authority that the VTA Permit Fee Schedule attached hereto be and hereby is adopted effective November 6, 2008, and that the fees set forth therein shall be charged by VTA for those specified services provided on and after such date.
PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Transportation Authority on November 6, 2008, by the following votes:

AYES:

NOES:

ABSENT:

______________________________
Liz Kniss, Chairperson
Board of Directors

ATTEST:

______________________________
Yolanda L. Cruz, Assistant Board Secretary

APPROVED AS TO FORM:

______________________________
Kevin D. Allmand
Acting 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: Amend FY09 Budget to Include Funding for Advanced ZEB Demo Project

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

ACTION ITEM

RECOMMENDATION:

Amend the FY 2009 VTA Transit Enterprise Fund Capital Budget to add $6.248 million for the Advanced Zero Emissions Bus Demonstration (ZEB Demo) project.

BACKGROUND:

The California Air Resources Board is requiring all large transit operators with exclusively diesel-powered bus fleets to participate in an Advanced Zero Emissions Bus Demonstration (ZEB Demo) project. The requirement applies to VTA, SamTrans, AC Transit and Golden Gate Transit.

At its August 7, 2008 meeting, the VTA Board adopted a strategy of partnering with the other Bay Area transit properties and designating AC Transit as the lead agency for procuring and deploying the Advanced ZEB Demo vehicles. VTA’s participation will be primarily financial.

A total of twelve buses are required for the Advanced ZEB Demo program. AC Transit has ordered eight to date. AC Transit will order the final four following execution of funding agreements with VTA and Samtrans. VTA’s initial payment will be due within fifteen days of the four-bus order, with the balance due upon final delivery and acceptance of the vehicles and fuel cells.

DISCUSSION:

The Metropolitan Transportation Commission has programmed $8.9835M in grant funds to VTA for use in the Advanced ZEB Demo program. VTA will be able to draw $6.248 million in fiscal
year 2009. The balance ($2.7355 million) will be available in fiscal 2010.

Staff is recommending that the initial $6.248 million be amended into the 2009 VTA Transit Enterprise Fund Capital Budget at this time in order to enable VTA to meet its financial commitments on the Advanced ZEB Demo project. The remaining grant funds and ongoing operating support requirements will be added to the project budget as part of the 2010-2011 budgets.

**ALTERNATIVES:**

There are no other practical alternatives in order to comply with California Air Resources Board requirements.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration and Finance Committee considered this item as part of its October 16, 2008 Agenda and approved it unanimously without comment.

**FISCAL IMPACT:**

This action will add $6.248 million to the 2009 Capital budget for the Advanced ZEB demonstration project. There will be no net effect on the Enterprise fund as $6.248 million grant funds have been made available to VTA for the Advanced ZEB Demonstration project, and Measure A will provide $500,000 to augment the existing ZEB Demonstration program.

Prepared by: Marcella Rensi
BOARD MEMORANDUM

TO:        Santa Clara Valley Transportation Authority
           Board of Directors

THROUGH:   General Manager, Michael T. Burns

FROM:      Chief CMA Officer, John Ristow

SUBJECT:   Lifeline Transportation Program -- Cycle 2

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

ACTION ITEM

RECOMMENDATION:

Approve the programming of FY 2009/2011 Lifeline Transportation Program funds as described in the memorandum.

BACKGROUND:

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

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

In June 2008, MTC evaluated the interim Lifeline Program and resolved to continue the program. For the second cycle Call for Projects, the Lifeline Transportation Program is funded through the federal Job Access & Reverse Commute (JARC), State Transit Assistance (STA) and Proposition 1B sources. Approximately $15,800,000 is available for funding projects in Santa Clara County for the 3-year period 2009-2011. Of that amount, $57,977 was approved by the Board of Directors on September 4, 2008 for the Small Urbanized Area from the JARC funds.

DISCUSSION:

VTA and the County of Santa Clara issued the Lifeline Transportation Program Cycle 2 General
Call for Projects on July 28, 2008. The Santa Clara County Department of Social Services hosted a bidder’s workshop on August 15, 2008. The deadline for submitting applications was September 5, 2008.

Project sponsors submitted eight projects with a total grant request of $8,647,140. County and VTA staff determined two proposals, from the Emergency Housing Consortium (EHC Lifebuilders) and the Society of St. Vincent de Paul respectively, did not meet the program criteria for minimum project size. The sponsors were notified in writing and the proposals removed from further consideration. The remaining six proposals were provided to the JLTC for review and evaluation on the guidelines in MTC Resolution 3860.

On September 24, 2008, JLTC met to review and score the projects. Four projects are recommended for funding. The recommendations are shown in Attachment A. A brief description of each project recommended for full or partial funding is shown in Attachment B. The remaining two projects, submitted by VTA, did not receive the minimum score of 73.5 points out of a possible 105 and are not recommended at this time. VTA submitted the proposals in anticipation of needs being identified by the East San Jose Community Transportation Plan which is currently under development. When the plan is complete, VTA will refine these proposals and resubmit them under a future funding cycle.

Proposal #3, OUTREACH’s Family Transportation Services program, is only recommended for partial funding. The project has significant merit. However, some elements of it are only eligible for JARC funding. Some $1,003,122 in eligible JARC funding requests were received. Unfortunately only $574,299 in JARC funds are available. Proposal #3 was the lowest ranked of the JARC requests and could only be partially covered. The project is still viable at the reduced amount.

Staff requests that the VTA Board of Directors approve the funding for these projects. Project submittals are due to MTC on November 30, 2008.

Staff’s recommendation leaves a significant amount of money unprogrammed. While the funds are in no immediate danger of being lost to Santa Clara County, the JLTC has recommended that VTA and the County proceed immediately with a supplemental call for projects for the remaining funds. All eligible proposals resulting from the supplemental call will be brought to the VTA Board at its’ December meeting.

**ALTERNATIVES:**

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

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Congestion Management Planning and Programming Committee considered this item on October 16, 2008 and unanimously recommended VTA Board approval.
FISCAL IMPACT:
This action will make $4,558,299 in grant funds available to four projects. VTA is the sponsor of one of these projects.

Prepared by: Celeste Fiore
## 2009-2011 Lifeline Transportation Program Recommendations

<table>
<thead>
<tr>
<th>Proposal #</th>
<th>Proposal Name</th>
<th>Program Description</th>
<th>Grant Request</th>
<th>Local Match</th>
<th>TOTAL SCORE (Max 105 Points)</th>
<th>Recommended JARC</th>
<th>Recommended STA</th>
<th>Recommended Prop 1B</th>
<th>Total Grant Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal #2: Family &amp; Children Services</td>
<td>Ways to Work Family Loan Program</td>
<td>Proposal provides auto loans to low-income families, along with financial education and comprehensive case management.</td>
<td>$370,846 (JARC)</td>
<td>$370,846</td>
<td>104</td>
<td>$370,846</td>
<td>$</td>
<td>-</td>
<td>$</td>
</tr>
<tr>
<td>Proposal #3: Outreach</td>
<td>Family Transportation Services Program</td>
<td>Program offers individualized transportation plans with flexibility to offer rides for entire family (Guaranteed Ride and LIFT), repair of personal vehicles (JumpStart), and Reach Out.</td>
<td>$632,276 (JARC)</td>
<td>$1,453,796</td>
<td>101.5</td>
<td>$203,453</td>
<td>$1,200,000</td>
<td>-</td>
<td>$</td>
</tr>
<tr>
<td>Proposal #4: Outreach</td>
<td>Senior Transportation Program</td>
<td>Program provides older, minority seniors with a menu of transportation options such as demand-response rides, individualized transportation plans, volunteer driver program.</td>
<td>$1,600,000 (STA)</td>
<td>$798,000</td>
<td>102.5</td>
<td>$</td>
<td>$1,600,000</td>
<td>-</td>
<td>$</td>
</tr>
<tr>
<td>Proposal #8: Santa Clara VTA</td>
<td>Gilroy Community Bus Routes</td>
<td>Improve Community Bus Service on Lines 14 &amp; 17 in Gilroy by operating as two-way routes.</td>
<td>$1,184,000 (STA)</td>
<td>$296,000</td>
<td>94.75</td>
<td>$</td>
<td>$1,184,000</td>
<td>-</td>
<td>$</td>
</tr>
<tr>
<td>Proposal #6: Santa Clara VTA</td>
<td>ADA improved bus stop amenities</td>
<td>Identify, repair and upgrade bus stops, pedestrian and ADA access to improve their transit experience.</td>
<td>$1,756,000 (STA)</td>
<td>$439,000</td>
<td>54.25</td>
<td>$</td>
<td>-</td>
<td>-</td>
<td>$</td>
</tr>
<tr>
<td>Proposal #7: Santa Clara VTA</td>
<td>East San Jose improved Community bus service</td>
<td>Implement improved Community Bus Service in East San Jose, a Community of Concern.</td>
<td>$1,904,018 (STA)</td>
<td>$476,004</td>
<td>57.5</td>
<td>$</td>
<td>-</td>
<td>-</td>
<td>$</td>
</tr>
<tr>
<td>Proposal #5: Society of St.Vincent de Paul</td>
<td>SVDP Transit Passes</td>
<td>Program to provide transit passes to homeless &amp; low-income of the San Jose Parish.</td>
<td>$40,000 (JARC)</td>
<td>$40,000</td>
<td>N/A</td>
<td>$</td>
<td>-</td>
<td>-</td>
<td>$</td>
</tr>
<tr>
<td>Proposal #1: EHC LifeBuilders</td>
<td>Shuttle Service to One-Stop Prevention Center</td>
<td>Purchase two passenger vans for shuttle service among Gilroy's Cold Weather Shelter, Sunnyvale Armories and One-Stop Homeless Prevention Center</td>
<td>$56,000 (JARC)</td>
<td>$14,000</td>
<td>N/A</td>
<td>$</td>
<td>-</td>
<td>-</td>
<td>$</td>
</tr>
</tbody>
</table>

**Total** | $8,647,140.00 | $530,004 | N/A | $574,299 | $3,984,000 | - | $ | 4,558,299 |
Attachment B

Description of Lifeline Transportation Program Projects
Recommended for Full or Partial Funding

Proposal # 2: Family & Children Services Ways to Work Family Loan Program
This is a continuation of the program funded during the interim Lifeline Transportation Program. It funds auto purchase and repair loans for qualified low-income individuals supporting at least one dependent child. The program is available to families throughout the county with increased outreach and services for targeted “Communities of Concern”. In addition to low-interest loans, the program offers financial education, lender services to help repair problematic credit histories and access to Family & Children Services’ broad range of health and human services programs.

Proposal # 3: Outreach Family Transportation Services Program
This is a continuation of the program funded during the interim Lifeline Transportation Program. The program addresses the transportation needs for CalWORKs and other low-income families that have been identified in the County’s Welfare-to-Work Transportation Planning Project. It provides a comprehensive, no-cost menu of transportation solutions including short-term, door-to-door rides to work, training, school and/or support services; preparation of individualized transportation plans that utilize public transit; repair of personal vehicles.

Proposal # 4: Outreach Senior Transportation Program
This is a continuation of the program funded during the interim Lifeline Transportation Program. The program addresses the issues of affordability and availability of transportation for County seniors. It provides door-to-door taxi/non-taxi rides; subsidized ADA paratransit service rider’s fares; individualized transportation plans; financial and technical support for Volunteer Driver Programs serving seniors. The program targets low-income seniors, but all residents age 65 and older are eligible to receive program benefits.

Proposal # 8: Santa Clara Valley Transportation Authority Gilroy Community Bus Routes
This program will provide shuttle service from existing fixed-route bus service to specific medical/healthcare, shopping, residential and social services facilities in Gilroy. Although the services focus on serving low-income residents in Gilroy, it will be available to the entire community. The existing service operates a large one-way loop resulting in inconvenient and infrequent service to most social services. The program proposes to provide two-way service, operating every 30 minutes for line 17 and every 20 minutes for line 14.
ACTION ITEM

RECOMMENDATION:

Adopt a resolution authorizing the General Manager to execute the Project Baseline Agreement, and any amendments thereto, and any other necessary agreements and documents with the California Department of Transportation and/or the California Transportation Commission relating to the VTA’s role as funding participant and implementing agency for the HRCSA-funded Warren Avenue grade separation project.

BACKGROUND:

The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 was approved by voters in California in November 2006 as Proposition 1B. It includes $250M for the Highway-Railroad Crossing Safety Account (HRCSA) Program to fund high-priority grade separation and railroad crossing safety improvements in two parts: Part 1 provides $150 million for grade separation projects on the priority list established by the California Public Utilities Commission (CPUC) through the Streets and Highways Code Section 190 program and Part 2 provides $100 million for railroad crossing improvements including grade separation projects that are not on the priority list.

The California Transportation Commission (Commission) has been designated as the agency responsible for programming HRCSA funds. Through Commission action taken in August 2008, the Warren Avenue grade separation has been programmed for $9.6 million of HRCSA Part 1 funds.
The Commission is authorized to adopt Guidelines for the program which they did in April 2008. The Guidelines include the requirement for a Project Baseline Agreement to be executed by the applicant (referred to as Sponsor Agency in the agreement), all funding agencies, and the implementing agency - for each project for which HRCSA funds are programmed. The Project Baseline Agreement will set forth the project scope, benefits, delivery schedule, and the project budget and funding plan. VTA is the implementing agency for this project and is providing some funding for it along with City of Fremont funds and the HRCSA funds. The City of Fremont is applicant/Sponsor Agency.

DISCUSSION:

VTA, Fremont and the Alameda County Transportation Authority (ACTA) are funding participants on the Warren Avenue grade separation project. VTA has agreed to participate financially because VTA owns the railroad corridor, and there is a value to clearing the right of way and moving traffic from the corridor as would occur with a grade separation. In addition, VTA has agreed to implement the Warren Avenue grade separation through a Project Implementation Agreement with the City of Fremont. The Project Implementation Agreement outlining funding, administration, project management and other roles and responsibilities will be taken to the VTA Board for action as a separate agenda item.

ALTERNATIVES:

The VTA Board may choose not to execute the Project Baseline Agreement; however, this would result in forfeiting the $9.6 million in HRCSA funds programmed for the Warren Avenue separation project as both the Sponsor Agency, City of Fremont, and the implementing agency and funding contributor, VTA, are required to execute the Project Baseline Agreement.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Administration and Finance Committee considered this item as part of its October 16, 2008 agenda and approved it unanimously without comment.

FISCAL IMPACT:

There is no direct impact resulting from the recommended action; however, a separate agenda item on the VTA Board’s November agenda recommends that the Board enter into a Project Implementation Agreement outlining funding, administration, project management and other roles and responsibilities. Approval of that separate agenda item commits VTA funding to the Warren Avenue Grade Separation Project and will be reflected in the fund plan of the Project Baseline Agreement which is the subject of this agenda item.

Prepared by: Liz French
RESOLUTION NO. ____

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA)
AUTHORIZING THE GENERAL MANAGER
TO EXECUTE THE HIGHWAY-RAILROAD CROSSING SAFETY ACCOUNT
(HRCSA)
PROJECT BASELINE AGREEMENT
FOR THE WARREN AVENUE GRADE SEPARATION PROJECT

WHEREAS, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (the Bond Act) was approved by California voters as Proposition 1B on November 7, 2006, and includes $250 million for the Highway-Railroad Crossing Safety Account (HRCSA) Program to fund the completion of high-priority grade separation and railroad crossing safety improvements, and

WHEREAS, the California Transportation Commission (Commission) adopted a list of projects as the Adopted Highway-Railroad Crossing Safety Account (HRCSA) Program on August 28, 2008, and

WHEREAS, the Warren Avenue Grade Separation Project is included on the aforementioned adopted list of projects adopted August 28, 2008 and is programmed for $9.6M of HRCSA funds, and

WHEREAS, VTA is the implementing agency for the Warren Avenue Grade Separation Project and the City of Fremont is the applicant (Sponsor Agency) for the HRCSA funds, and

WHEREAS, VTA, through separate action commits to participating in funding the Warren Avenue Grade Separation Project, and

WHEREAS, in accordance with the HRCSA Program Guidelines as adopted by the Commission; VTA will execute a Project Baseline Agreement setting forth the project scope, benefits, delivery schedule, and project budget and funding plan;

NOW, THEREFORE, BE IT RESOLVED that VTA, the implementing agency, agrees to comply with all conditions and requirements set forth in the baseline and applicable statutes, regulations and guidelines for the Proposition 1B Highway-Railroad Crossing Safety Account Bond-funded projects.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the General Manager is hereby authorized on behalf of VTA to execute the Project Baseline Agreement, and any amendments thereto, and any other necessary agreements and documents with the California Department of Transportation and/or the California Transportation Commission relating to the VTA’s role as implementing agency and funding participant for the HRCSA-funded Warren Avenue grade separation project.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on November 6, 2008 by the following vote:
AYES:

NOES:

ABSENT:

________________________
Liz Kniss, Chairperson
Board of Directors

ATTEST:

_________________________________
Yolanda Cruz, Assistant Board Secretary

APPROVED AS TO FORM:

_______________________
Kevin D. Allmand, Acting General Counsel
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

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

SUBJECT: Project Implementation Agreement with City of Fremont for the Implementation of the Warren Avenue Grade Separation

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a Project Implementation Agreement with the City of Fremont for the implementation of the Warren Avenue Grade Separation Project.

BACKGROUND:

In December 2002, VTA purchased right-of-way from the Union Pacific Railroad (UPRR), for use as a transportation corridor extending approximately 15 miles from Fremont to San Jose. VTA has defined certain activities, identified as Freight Rail Relocation (FRR) activities, which would fulfill VTA obligations under the Purchase and Sale Agreement with UPRR and eliminate ongoing freight operations on VTA property. On June 5, 2008, the VTA Board of Directors authorized the design and construction of FRR activities that were ready to advance to those stages. The FRR activities exclude project-level actions for the Silicon Valley Rapid Transit (SVRT) Project but are compatible with the eventual use of the property as a transportation corridor.

VTA entered into cooperative agreements on February 2, 2006 with Alameda County Transportation Authority (ACTA) for the preliminary engineering activities, and on January 4, 2007 with ACTA and the City of Fremont for final design activities of the combined improvements at Mission Boulevard, Warren Avenue, and other FRR activities. These three projects are collectively known as the Mission/Warren/Truck Rail Program (MWT). VTA has now completed 65% design on the combined MWT Program improvements and will complete bid-ready construction documents in October 2009. The FRR alignment was environmentally cleared by VTA in a Mitigated Negative Declaration, and the FRR Project was defined and the
estimated cost was presented to the VTA Board on June 5, 2008.

The recommended Warren Avenue Grade Separation Project Implementation Agreement would outline roles, responsibilities, and funding.

**DISCUSSION:**

In August 2008, the California Transportation Commission (CTC) programmed $9.6 million of Highway Railroad Safety Crossing Account (HRSCA) funds for the Warren Avenue Grade Separation Project. The Warren Avenue Grade Separation Project is part of a larger project called the Mission Warren Truck Rail (MWT) Program. One of the stipulations of receiving the HRSCA funds is that the applicant agency (Fremont) and the implementing agency (VTA) enter into a “Project Baseline Agreement” within 90 days of the August 2008 action programming the funds. (By separate Board memorandum, the VTA Board is being requested to authorize the General Manager to execute the “Project Baseline Agreement.”) The Project Baseline Agreement will enable Fremont to obtain HRSCA funds, which were included in the Proposition 1B transportation bond measure passed by State voters in 2006.

The recommended Project Implementation Agreement is a necessary pre-requisite to executing the Project Baseline Agreement, which is required to receive HRSCA funds. The State has asked to see the Project Implementation Agreement so that they are assured that all aspects of project implementation are covered and that the project will be completed.

The current configuration of Warren Avenue is at-grade, crosses VTA’s property and will be in conflict with the future use of VTA’s property. When completed, both UPRR’s freight operations and VTA’s future transportation corridor will be grade separated from Warren Avenue. This will greatly enhance the utility of VTA’s property for the intended use as a transportation corridor. Work associated with the Warren Avenue Grade Separation Project includes depressing Warren Avenue and constructing a UPRR bridge across Warren Avenue. VTA will implement the project by advertising, awarding, and administering construction activities, and will take the lead role in coordinating with UPRR and various private utility companies.

The estimated cost of the MWT Program is $159.6 million, with the Warren Avenue grade separation estimated at $53.0 million. VTA’s estimated maximum contribution toward the program is $57.3 million. VTA will agree to pay for cost overruns related to VTA project items.

Using current estimates, the City of Fremont will contribute $22 million for its share of the Warren Avenue Grade Separation Project. VTA will contribute, as its share, $15.4 million. In addition, the parties will seek a 10% cost allocation from UPRR in the amount of $5.3 million and will make up any shortfall in that allocation, and any other project funding shortfall, from funds to be committed to the overall MWT Program.

As will be outlined in the Project Implementation Agreement, the City of Fremont will agree to provide funding for cost overruns related to City of Fremont project items. It is anticipated that the Fremont City Council will act on the Project Implementation Agreement at a meeting in mid-November 2008.
**ALTERNATIVES:**

The Board may decide to forego cooperation with Fremont and do nothing at this time and not outline roles and responsibilities and funding. This would jeopardize availability of the HRCSA funds, defeat the proposed full funding plan for the MWT Program, and jeopardize the current designs and implementation plans for the MWT improvements.

**FISCAL IMPACT:**

The budget for the MWT Program and associated Warren Avenue grade separation was presented before the Board in June 2008. The present action, to execute a Project Implementation Agreement for the Warren Avenue grade separation, will commit VTA to moving ahead with the planned implementation of the entire MWT Program. Measure A funds have been appropriated in FY09 to support MWT Program activities. Future Measure A fund commitments to complete the Program will be requested as part of the regular biennial VTA budget for FY10 and FY11 planned for Board action in June 2009.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Transit Planning and Operations Committee on October 16, 2008 was given a presentation on the Freight Rail Relocation program of activities. The work associated with this item was highlighted in the presentation. The Committee unanimously recommended that the Board approve this item.

Prepared by: John Donahue
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 Authorizing the General Manager to Execute the Highway-Railroad Crossing Safety Account Project Baseline Agreement for the Kato Road Grade Separation Project

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

ACTION ITEM

RECOMMENDATION:

Adopt a resolution authorizing the General Manager to execute the Project Baseline Agreement, and any amendments thereto, and any other necessary agreements and documents with the California Department of Transportation and/or the California Transportation Commission relating to the VTA’s role as funding agency and implementing agency for the HRCSA-funded Kato Road grade separation project.

BACKGROUND:

The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 was approved by voters in California in November 2006 as Proposition 1B. It includes $250M for the Highway-Railroad Crossing Safety Account (HRCSA) Program to fund high-priority grade separation and railroad crossing safety improvements in two parts: Part 1 provides $150 million for grade separation projects on the priority list established by the California Public Utilities Commission (CPUC) through the Streets and Highways Code Section 190 program and Part 2 provides $100 million for railroad crossing improvements including grade separation projects that are not on the priority list.

The California Transportation Commission (Commission) has been designated as the agency responsible for programming HRCSA funds. Through Commission action taken in August 2008, the Kato Road grade separation has been programmed for $10.0 million of HRCSA Part 2 funds.

The Commission is authorized to adopt Guidelines for the program, which they did in April.
2008. The Guidelines include the requirement for a Project Baseline Agreement to be executed by the applicant (referred to as Sponsor Agency in the agreement), all funding agencies, and the implementing agency - for each project for which HRCSA funds are programmed. The Project Baseline Agreement will set forth the project scope, benefits, delivery schedule, and the project budget and funding plan. VTA is the implementing agency for this project and is providing funding for it along with the HRCSA funds. The City of Fremont is applicant/Sponsor Agency.

**DISCUSSION:**

In June 2008, the City of Fremont applied for HRCSA funds for the Kato Road grade separation project located in Fremont. VTA and Fremont are funding participants on the Kato Road grade separation project, and VTA has agreed to participate financially because VTA owns the railroad corridor, and there is a value to clearing the right of way and moving traffic from the corridor as would occur with a grade separation. VTA has agreed to implement the Kato Road grade separation through a Project Implementation Agreement with the City of Fremont. The Project Implementation Agreement outlining funding, administration, project management and other roles and responsibilities will be taken to the VTA Board for action as a separate agenda item. The Project Implementation Agreement outlines funding, administration, project management and other roles and responsibilities; and it will be taken to the VTA Board for action as a separate agenda item.

**ALTERNATIVES:**

The VTA Board may choose not to execute the Project Baseline Agreement; however, this would result in forfeiting the $10 million in HRCSA funds programmed for the Kato Road grade separation project as both the Sponsor Agency, City of Fremont, and the implementing agency and funding contributor, VTA, are required to execute the Project Baseline Agreement.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration and Finance Committee considered this item as part of its October 16, 2008 agenda and approved it unanimously without comment.

**FISCAL IMPACT:**

There is no direct impact resulting from the recommended action; however, a separate agenda item on the VTA Board’s November agenda recommends that the Board authorize the construction of the Kato Road grade separation project and commit Measure A funds to it. Approval of that separate agenda item commits VTA funding to the Kato Road grade separation project and will be reflected in the fund plan of the Project Baseline Agreement which is the subject of this agenda item.

Prepared by: Liz French
RESOLUTION NO. ____

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA)
AUTHORIZING THE GENERAL MANAGER
TO EXECUTE THE HIGHWAY-RAILROAD CROSSING SAFETY ACCOUNT
(HRCSA)
PROJECT BASELINE AGREEMENT
FOR THE KATO ROAD GRADE SEPARATION PROJECT

WHEREAS, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (the Bond Act) was approved by California voters as Proposition 1B on November 7, 2006, and includes $250 million for the Highway-Railroad Crossing Safety Account (HRCSA) Program to fund the completion of high-priority grade separation and railroad crossing safety improvements, and

WHEREAS, the California Transportation Commission (Commission) adopted a list of projects as the Adopted Highway-Railroad Crossing Safety Account (HRCSA) Program on August 28, 2008, and

WHEREAS, the Kato Road Grade Separation Project is included on the aforementioned adopted list of projects adopted August 28, 2008 and is programmed for $10M of HRCSA funds, and

WHEREAS, VTA is the implementing agency for the Kato Road Grade Separation Project and the City of Fremont is the applicant (Sponsor Agency) for the HRCSA funds, and

WHEREAS, VTA, through a separate action commits to funding the Kato Road Grade Separation Project, and

WHEREAS, the VTA agrees to secure funds for any additional costs of the project, and if any of the funding sources being applied for and then are denied, to add funding from other sources to replace the denied funding. Changes to the funding commitments outlined in the Project Baseline Agreement require an amendment, and

WHEREAS, in accordance with the HRCSA Program Guidelines as adopted by the Commission; VTA will execute a project baseline agreement setting forth the project scope, benefits, delivery schedule, and project budget and funding plan;

NOW, THEREFORE, BE IT RESOLVED that VTA, the implementing agency, agrees to comply with all conditions and requirements set forth in the baseline and applicable statutes, regulations and guidelines for the Proposition 1B Highway-Railroad Crossing Safety Account Bond-funded projects.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the General Manager is hereby authorized on behalf of VTA to execute the Project Baseline Agreement, and any amendments thereto, and any other necessary agreements and documents with the California Department of Transportation and/or the California Transportation Commission relating to the VTA’s role as
implementing agency and funding agency for the HRCSA-funded Kato Road grade separation project.

**PASSED AND ADOPTED** by the Santa Clara Valley Transportation Authority Board of Directors on November 6, 2008 by the following vote:

AYES:

NOES:

ABSENT:

_________________________________________________________________
Liz Kniss, Chairperson
Board of Directors

ATTEST:

_________________________________________________________________
Yolanda Cruz, Assistant Board Secretary

APPROVED AS TO FORM:

_________________________________________________________________
Kevin D. Allmand, Acting General Counsel
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

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

SUBJECT: Project Implementation Agreement with City of Fremont for the Implementation of the Kato Road Grade Separation

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a Project Implementation Agreement with the City of Fremont for the implementation of the Kato Road Grade Separation Project.

BACKGROUND:

In December 2002, VTA purchased right-of-way from the Union Pacific Railroad (UPRR), for use as a transportation corridor extending approximately 15 miles from Fremont to San Jose. VTA has defined certain activities, identified as the Freight Rail Relocation (FRR) activities, which would fulfill VTA obligations under the Purchase and Sale Agreement with UPRR and eliminate ongoing freight operations on VTA property. On June 5, 2008, the VTA Board of Directors authorized the design and construction of FRR activities that were ready to advance to those stages. The FRR activities exclude project-level actions for the Silicon Valley Rapid Transit (SVRT) Project but are compatible with the eventual use of the property as a transportation corridor.

In September 2008, the City of Fremont initiated the environmental clearance process for its planned Kato Road Grade Separation Project. VTA’s property crosses Kato Road. The California Transportation Commission (CTC) announced on August 28, 2008 that a $10.0 million grant has been approved for the City of Fremont for construction of the Kato Road Grade Separation Project. The funding is part of the Highway-Railroad Safety Crossing Account (HRSCA) included in the Proposition 1B transportation bonds passed by State voters in 2006, also known as the I-Bond funds. VTA’s use of its property as a transportation corridor would
require the grade separation of Kato Road, and the current availability of funding would reduce VTA funding requirements for these subsequent transit improvements in the future when I-Bond funds might be unavailable. To take advantage of this funding opportunity, the grade separation of Kato Road can be coordinated with the ongoing FRR activities and implemented under a cooperative agreement with the City of Fremont.

**DISCUSSION:**

The current configuration of Kato Road is at-grade, crosses VTA’s property, and will be in conflict with the future use of VTA’s property. The proposed Kato Road Grade Separation Project, when completed, will grade separate both the UPRR’s freight operations and VTA’s future transportation corridor from Kato Road. The Kato Road Grade Separation Project will enhance the utility of VTA’s property as a transportation corridor.

The City of Fremont applied for State I-Bonds for its Kato Road Grade Separation Project. The I-Bonds amount to $10.0 million, which need to be committed for construction by 2010. These funds can only be used for construction activities. The City of Fremont has proposed that VTA complete the design and construction of this grade separation. The City would contribute the State I-Bond funds to the Kato Road Grade Separation Project, and VTA would fund the balance required for design and construction.

One of the stipulations of receiving the I-Bond funds is that the applicant agency (Fremont) and the implementing agency (VTA) enter into a “Project Baseline Agreement” within 90 days of the August 2008 action programming the funds. (By separate Board memorandum, the VTA Board is being requested to authorize the General Manager to execute the “Project Baseline Agreement”.) The Project Baseline Agreement will enable Fremont to obtain State Highway-Railroad Safety Crossing Account (HRSCA) funds, which were included in the Proposition I-B transportation bond measure passed by State voters in 2006.

The recommended Project Implementation Agreement is a necessary pre-requisite to executing the Project Baseline Agreement, which is required to receive HRSCA funds. The State has asked to see the Project Implementation Agreement so that they are assured that all aspects of project implementation are covered and that the project will be completed.

The Kato Road Grade Separation Project is estimated to cost $40.2 million. This cost includes design, construction, utility relocation and right-of-way acquisition. The funding plan for the project is as follows:

- HRSCA Part 2 funds, $10.0 million
- Santa Clara County Measure A funds, $30.2 million by VTA

The benefits from this project include:

- Reduction of the likelihood of collisions between trains and motor vehicles, bicycles and pedestrians.
- Trains will no longer block emergency vehicles responding to incidents on I-880 or elsewhere on the west side of the tracks.
• Higher vehicle throughput and reduced delay since trains will no longer block Kato Road.
• Lower vehicle emissions by eliminating long stops and idling as trains pass.

**ALTERNATIVES:**

The Board could decide not to approve the execution of the Project Implementation Agreement for the design and construction of the Kato Road Grade Separation, which would likely result in forfeiting $10.0 million in HRSCA funds. This would allow the funding to be redistributed by the State for other purposes. If this decision were to be made, VTA would need to grade separate Kato Road in connection with subsequent anticipated uses of the property as a transportation corridor without this allocated $10.0 million in HRSCA funds.

**FISCAL IMPACT:**

No additional SVRT 2008-2009 budget authorization is required to take this action. Future 2000 Measure A fund commitments will be requested as part of the regular biennial VTA budget for FY’10 and FY’11 planned for Board action in June 2009.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Transit Planning and Operations Committee on October 16, 2008 was given a presentation on the Freight Rail Relocation program of activities. The work associated with this item was highlighted in the presentation. The Committee unanimously recommended that the Board approve this item.

Prepared by: John Donahue
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority  
    Board of Directors

THROUGH: General Manager, Michael T. Burns

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

SUBJECT: Kato Road Grade Separation Project - Amendment to Design and Engineering Services Contract

Policy-Related Action: Yes  
Government Code Section 84308 Applies: Yes

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract amendment with the HNTB Corporation in an amount not to exceed $4.16 million, for a new contract amount of $65.66 million and extend the contract term to December 2009, for design and engineering services necessary to complete 100% design development for the Kato Road Grade Separation Project

BACKGROUND:

In December 2002, VTA purchased right-of-way from the Union Pacific Railroad (UPRR), for use as a transportation corridor extending approximately 15 miles from Fremont to San Jose. VTA has defined certain activities, identified as the Freight Rail Relocation (FRR) activities, which would fulfill VTA obligations under the Purchase and Sale Agreement with UPRR, and eliminate ongoing freight operations on VTA property. On June 5, 2008, the VTA Board of Directors authorized the design and construction of FRR activities that were ready to advance to those stages. The FRR activities exclude project-level actions for the Silicon Valley Rapid Transit (SVRT) Project but are compatible with the eventual use of the property as a transportation corridor

In September 2008, the City of Fremont initiated the environmental clearance process for its planned Kato Road Grade Separation Project. VTA’s property crosses Kato Road. The California Transportation Commission (CTC) announced on August 28, 2008 that a $10.0 million grant has been approved for the City of Fremont for construction of the Kato Road Grade Separation Project. The funding is part of the Highway-Railroad Safety Crossing Account (HRSCA) included in the Proposition 1B transportation bonds passed by State voters in 2006,
also known as the I-Bond funds. VTA’s use of its property as a transportation corridor would require the grade separation of Kato Road, and the current availability of funding would reduce VTA funding requirements for these subsequent transit improvements in the future when these funds might be unavailable. To take advantage of this funding opportunity, the grade separation of Kato Road can be coordinated with the ongoing FRR activities and implemented under a cooperative agreement with the City of Fremont.

VTA initiated Preliminary Engineering activities for the SVRT Project in the spring of 2004 by selecting a number of engineering consultants through competitive procurements and awarding contracts to the selected consultants. In April 2004, the Board awarded a contract to HNTB in the amount of $20.0 million to provide engineering services for the surface guideway portions of the project north of US 101, including services related to what is now identified as the FRR activities. In February 2006, the Board authorized an amendment to this contract in the amount of $3.9 million to provide additional preliminary engineering services associated with transportation improvements being implemented by the Alameda County Transportation Authority (ACTA) located along the proposed Project alignment near Warm Springs Boulevard in Fremont. This amendment increased the total authorized for this contract to $23.9 million for Preliminary Engineering, of which $2.6 million was funded by ACTA. Preliminary Engineering was completed in December 2006.

In December 2006, the Board authorized an amendment to HNTB’s contract in an amount not to exceed $36.6 million for design and engineering services to complete 65% design development. The new total contract amount was $60.5 million. This additional design development enabled VTA staff to support the state and federal environmental clearance processes, resolve outstanding third-party coordination issues, and contributed to greater design development in order to fulfill FTA’s May 2006 guidelines for New Starts candidate projects. HNTB is scheduled to complete its primary 65% design engineering work product by December 2008.

**DISCUSSION:**

The current configuration of Kato Road is at-grade, crosses VTA’s property, and will be in conflict with the future use of VTA’s property. The proposed Kato Road Grade Separation Project, when completed, will grade separate both the UPRR’s freight operations and VTA’s future transportation corridor from Kato Road. The Kato Road Grade Separation Project will enhance the utility of VTA’s property as a transportation corridor.

The City of Fremont applied for State I-Bonds for its Kato Road Grade Separation Project. The I-Bonds amount to $10.0 million, which need to be committed for construction by 2010. These funds can only be used for construction activities. The City of Fremont has proposed that VTA complete the design and construction of this grade separation. The City would contribute the State I-Bond funds to the Kato Road Grade Separation Project, and VTA would fund the balance required for design and construction.

The proposed amendment to the HNTB contract will increase the contract by $4.16 million and extend the contract term through December 2009. With approval of this contract amendment, the total agreement amount will be increased to $65.66 million.
HNTB Contract April 2004 agreement: $ 20.0 million
    Contract February 2006 amendment: $ 3.9 million
    Contract December 2006 amendment: $ 36.6 million
    Contract June 2008 amendment $ 1.0 million
    **Proposed amendment:** $ 4.16 million

    Proposed Amended Total: $ 65.66 million

This amendment will allow the design work to begin so VTA can advertise the Kato Grade Separation Project in late 2009 and award the contract by May 2010. This will satisfy the conditions of the I-Bond funds that the City of Fremont has secured.

The HNTB team consists of 10 subconsultants, with a majority of firms having a strong local presence in the Bay Area. Their information is included in Table A.

This will continue to be a Time and Materials (T&M) contract. The contract amendment amount of $4.16 million is for approximately 24,900 hours of design services over an extended term of one additional year.

**ALTERNATIVES:**

The Board could decide not to approve the execution of this contract amendment, which would likely result in forfeiting $10.0 million in I-Bond funds for construction. This would allow the funding to be redistributed by the State for other purposes. If this decision were to be made, VTA would need to complete the design of the Kato Road grade separation in connection with subsequent anticipated uses of the property as a transportation corridor.

**FISCAL IMPACT:**

No additional SVRT 2008-2009 budget authorization is required to complete this task. Previously authorized but uncommitted budget will be transferred from other Freight Rail Relocation and Silicon Valley BART Extension tasks to support the FRR Kato Road Grade Separation Project.

The transfer of the Kato Road Grade Separation Project from SVRT funded projects to FRR funded projects will result in the substitution of $3.6 million in State TCRP funding with 2000 Measure A funding in the same amount as FRR tasks are funded through 2000 Measure A tax receipts and bonds and SVRT design tasks are funded by State TCRP money.

Future 2000 Measure A fund commitments for the balance of $0.56 million will be requested as part of the regular biennial VTA budget for FY’10 and FY’11 planned for final Board action in June 2009.

**SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION:**
Based on identifiable subcontracting opportunities, an SBE goal of 21% has been established for this contract. HNTB achieved 20.4% SBE participation during the 65% design development phase and is committed to exceeding the SBE participation goal for the contract as amended by this recommended action.

TABLE A

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<tr>
<td>HNTB Corporation</td>
<td>Prime Consultant</td>
<td>Steve Whitaker</td>
<td>1330 Broadway Suite 1630 Oakland, CA 94612 510-208-4599</td>
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<td>Biggs Cardosa Associates</td>
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<td>Stephen Biggs</td>
<td>1871 The Alameda Suite 200 San Jose, CA 95126-1752 408-296-5515</td>
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<td>BKF Engineers</td>
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<td>Dave Richwood</td>
<td>1650 Technology Drive Suite 650 San Jose, CA 95110 408-467-9100x16</td>
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<td>Earth Tech</td>
<td>Sub Consultant</td>
<td>David Minister</td>
<td>2101 Webster Street Suite 1000 Oakland, CA 94612-3060 510-419-6000</td>
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<td>HDR</td>
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<td>Greg Chiodo</td>
<td>2121 N. California Blvd., Suite 475 Walnut Creek, CA 94596 925-974-2500</td>
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<td>Parikh Consultants (SBE)</td>
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<td>Gary Parikh</td>
<td>356 S. Milpitas Boulevard Milpitas, CA 95035 408-945-1011</td>
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<td>RTI (SBE)</td>
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<td>Michelle Horan</td>
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<td>Transmetrics Inc. (SBE)</td>
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<td>Mario Baratta</td>
<td>2155 S. Bascom Avenue, #214 Campbell, CA 95008-3279 408-371-6800</td>
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<td>QEI (SBE)</td>
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<td>Chuck Ralston</td>
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STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Transit Planning and Operations Committee on October 16, 2008 was given a presentation
on the Freight Rail Relocation program of activities. The work associated with this item was highlighted in the presentation. The Committee unanimously recommended that the Board approve this item.

Prepared by: John Donahue
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

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

SUBJECT: Freight Rail Relocation Project - Amendment to 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 amendment with URS Corporation in an amount not to exceed $3,850,000 for a new total contract amount of $5,450,000 and extend the contract term to February 2011, for Construction Management Services on the Freight Rail Relocation Project.

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. The land was purchased for future transportation-related improvements. Under the terms of the VTA and UPRR Purchase and Sale Agreement, VTA is obligated to relocate existing freight railroad facilities from the VTA corridor onto adjacent UPRR property. Relocation of the existing freight railroad facilities is identified as the Freight Rail Relocation (FRR) Project.

DISCUSSION:

In March 2008, the Board awarded a contract to URS Corporation in the amount of $1,500,000 to provide Construction Management Services for the FRR Project. Under the original contract amount, URS Corporation performed Construction Management Services for the utility relocation efforts required in advance of major civil construction contracts and the relocation of existing freight railroad facilities. URS Corporation has been instrumental in managing the relocation work of utility contractors for petroleum pipelines and fiber optic lines.
In order to maintain continuity of this team and the ongoing coordination with the affected parties, it is recommended that VTA’s existing contract with URS Corporation be amended in an amount not to exceed $3,850,000 to provide Construction Management Services for the next phase of major civil construction for the FRR Project - the Berryessa Creek Crossing, Abel Street Seismic Retrofit, and UPRR Railroad Relocation (Contract C210). The recommended amendment will increase the total value of the existing URS Corporation contract to $5,450,000.

Contract C210 is the first of several VTA construction contracts for the overall FRR Project. Subsequent FRR Project construction contracts will require additional Construction Management Services from URS Corporation and future amendments to their contract. Additional amendments to increase the value of the contract will continue to be brought to the Board for approval.

Under this amended contract, URS Corporation will assist VTA with the successful completion of the FRR Project’s Contract C210 by providing services including construction supervision, inspection, field document control, quality assurance program implementation coordination, third-party liaison and coordination, existing utility protection, permit coordination, and oversight of hazardous materials handling, removal and disposal.

The URS Corporation team consists of four subconsultants, Ghirardelli Associates, S&C Engineers, MBI Media and Geospatial Corporation, with the first three firms having a strong local presence in the Bay Area. Their information is included in Table A.

This will continue to be a Time and Materials (T&M) contract. The contract amendment amount of $3,850,000 is for approximately 17,900 hours of management services over a extended term of one additional year in support of the FRR Project. The contract contains remaining options for two one-year extensions.

**ALTERNATIVES:**

There are no practical alternatives to the recommended action. Securing the services of another firm could not be done in a timely manner to support the construction schedule. Also, 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 Project.

**FISCAL IMPACT:**

This extension of work was budgeted in the FRR Project Budget Authorizations (Board Action January 4, 2007, June 7, 2007 and June 5, 2008) funded by 2000 Measure A and the Santa Clara Valley Water District. Financial participation by the Santa Clara Valley Water District has been established under a Cooperative Funding Agreement.
Budget

Previous Budget (for UPRR Right-of-Way and FRR Design) $ 89.1 million
FY08/09 Budget $ 45.0 million
2000 Measure A $ 38.4 million
Alameda County Transportation Authority $ 7.9 million
City of Fremont $ 10.1 million
Santa Clara Valley Water District $ 15.6 million
Subtotal June 2008 Board FRR Budget Action $117.0 million

Total Board Approved FRR Budget $206.1 million

Commitments

Committed Through June 30, 2008 $ 78.5 million
C210 Board Memorandum (pending) $ 23.8 million
P0290 CM Board Memorandum (pending) $ 3.9 million

Total Incurred and Pending Commitments $106.2 million

Remaining Uncommitted Budget $ 99.9 million

SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION:

Based on identifiable subcontracting opportunities, a SBE goal of 15% has been established for this contract. URS Corporation is currently achieving 35% SBE participation and has committed to exceed the 15% SBE participation goal on this contract.

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<td>URS Corporation</td>
<td>Prime Consultant</td>
<td>Nicholas Smyth</td>
<td>100 California Street, Suite 500 San Francisco, CA 94111-4510 415-777-0188</td>
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<td>Ghirardelli Assoc., Inc.</td>
<td>Sub-Consultant</td>
<td>Randall Bruner</td>
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STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Transit Planning and Operations Committee on October 16, 2008 was given a presentation on the Freight Rail Relocation program of activities, highlighting the services associated with this consultant contract. A question was posed by the Committee, with staff providing the following response:

- The services being added by this amendment were not included in the original contract amount because cooperative agreements and cost sharing arrangements with our funding partners were not in place at that time to allow for the finalization of the scope and budget.

The Committee unanimously recommended that the Board approve this item.

Prepared by: John Donahue
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: ACE Fare Changes

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

ACTION ITEM

RECOMMENDATION:

Approve changes to the Altamont Commuter Express fares including a 3.2% overall increase and
a 3% increase to re-establish Stockton as an independent station in the fare structure.

BACKGROUND:

VTA has been a partner in the Altamont Commuter Express (ACE) since its inception in October
1998. Since June 2003 a Cooperative Services Agreement among the San Joaquin Regional Rail
Commission (SJRRC), the Alameda County Congestion Management Agency (ACCMA) and
VTA has governed the ACE service. The Cooperative Agreement sets out the service,
governance and operating and capital funding responsibilities for each of the parties. The
SJRRC is designated as the owner, operator and policymaking body for the ACE service.
Currently ACE operates four weekday round trips between Stockton and the San Jose Diridon
Station and carries about 3,500-3,800 daily passengers. Fares are charged on a station-to-station
basis.

Section 6.2.3 of the Cooperative Agreement requires that SJRRC receive approval of certain
changes to the ACE service from ACCMA and VTA before the changes are made. These
changes include funding, reduction or addition of station stops, schedule changes outside the
peak period and fares.

DISCUSSION:

In April 2006, the SJRRC Board approved a restructuring of the ACE Fare Program, which
included the following changes.

- Transition to a point-to-point fare structure versus the previous zone system.
Re-establish Stockton as an independent station in the fare program and incrementally incorporate an 18% fare increase over 4 years. The first year increase would amount to 9% effective July 1, 2006 with 3% increases for the following three subsequent years. These future increases would be subject to board review.

Adopt a 7.5% fare increase and automatic annual adjustments corresponding to the change in the Consumer Price Index (CPI) effective July 1st of each year. Review ACE Service performance and other external conditions annually to determine whether the SJRRC should adopt the fare adjustment based on these other factors.

For Fiscal Year 2008, the SJRRC Board froze ticket prices based upon on-time performance issues the prior year. At their July 2008 meeting the SJRRC Board directed staff to pursue the annual fare increase based on the implementation of system improvement projects that will improve the reliability and run times during the year.

The proposed fare increase is equal to the CPI change of 3.2% (April 2007 to April 2008, San Francisco All Items). Additionally, continuing the reinstatement of the Stockton fare with a 3% increment above the CPI adjustment consistent with the adopted fare program is proposed. Stockton station fares had previously been set lower than other stations due to lower service and performance levels at the station. All increases will be rounded to the nearest $0.25 cent increment.

The ACCMA Board approved the proposed fares on September 25, 2008. The SJRRC Board is scheduled to approve the proposal on October 3, 2008. The new fares would become effective on January 2, 2009. Attached are charts showing the current and proposed fares.

**ALTERNATIVES:**
The Board can choose to not approve changes to the ACE fare program. Fare increases, per the cooperative agreement, require approval of ACCMA and VTA.

**FISCAL IMPACT:**
There is no fiscal impact to VTA.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**
The Transit Planning and Operations Committee met on October 16, 2008 and approved this item unanimously.

Prepared by: Jim Unites, Deputy Director, Service Planning
# ALTAMONT COMMUTER EXPRESS - Existing Fares

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**DISCOUNT FARES** (Seniors, Persons with Disabilities, Children age 12 & under) ARE 50% OF ABOVE
## ALTAMONT COMMUTER EXPRESS - Proposed Fares

**EFFECTIVE JANUARY 2, 2009**

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**DISCOUNT FARES** (Seniors, Persons with Disabilities, Children age 12 & under) ARE 50% OF ABOVE
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Financial Officer, Joseph T. Smith

SUBJECT: 1998 Lease-In-Lease Out Transactions & 2003 Lease-To-Service Contracts

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

ACTION ITEM

RECOMMENDATION:

Adopt a resolution authorizing the General Manager or Chief Financial Officer to agree to the terms of and execute and deliver documents necessary in connection with the restructuring of certain lease-in-lease-out and lease-to-service contract transactions and to take all actions necessary to complete such restructuring, including ratification of actions taken to date and, furthermore, authorize amendment of the FY2009 VTA Transit Operating Budget in such amount as shall be necessary to fund restructuring efforts, but not to exceed the amount of the benefits derived from the transactions.

BACKGROUND:

In 1998, VTA entered into two lease-in-lease-out transactions ("LILOs") and in 2003, entered into an additional four lease-to-service contract transactions ("SILOs"), in each case relating to certain light rail vehicles. American International Group, Inc. ("AIG") and various AIG subsidiaries and affiliates (together with AIG, the "AIG Parties"), Financial Security Assurance Inc. ("FSA") and Ambac Assurance Corporation ("Ambac") (each, a "Provider", and, collectively, the "Providers") provide credit support and defeasance arrangements for these lease transactions. A brief summary of a typical lease transaction is contained in Attachment A.

At the time these lease transactions closed, all of the Providers were rated "Aaa" by Moody’s and "AAA" by S&P. All of the documents entered into in connection with these lease transactions include threshold ratings levels for the Providers. If a Provider's long-term credit ratings are downgraded below the applicable threshold levels, VTA is required to take certain actions within the time frames specified in the applicable document to replace the Providers with alternative arrangements, also specified in the applicable document. Such alternative arrangements include
replacing the credit support and defeasance with either a pledge of U.S. Treasuries (or other securities backed by the full faith and credit of the U.S. government) or with alternative payment arrangements or credit support provided by a highly-rated (at least AA/Aa2) qualifying financial institution.

A general description of the affected documents and agreements are:

**Payment Undertaking Agreement**
A Payment Undertaking Agreement (a “PUA”) is an arrangement under which certain funds generated by the LILO or SILO are paid to a Provider or Providers, who, in turn, agree(s) to make periodic payments that fund VTA’s obligations and options to the lessor during the lease term. These agreements serve to economically defease VTA scheduled lease payments and, if VTA elects to exercise its purchase option, the purchase option price under the leases.

**Credit Support Agreement**
A Credit Support Agreement is an arrangement under which a portion of the funds generated by a transaction are paid to a financial institution, insurance company, or other entity (a “Strip Provider”) that guarantees certain of VTA’s obligations to the lessor(s) in the event of an early termination of the transaction due to an event of default by VTA or destruction of or damage to one or more light rail vehicles which cannot be repaired. Pursuant to the arrangements between VTA and the Strip Provider, VTA is obligated to reimburse the Strip Provider if a credit support payment is made.

**DISCUSSION:**
On September 15, 2008, AIG’s credit rating was downgraded to "A-" by S&P and to "A2" by Moody’s. On October 3, 2008, Moody’s further downgraded AIG to "A3." These downgrades resulted in the ratings assigned to the AIG Parties falling below the required thresholds for three of the four transactions VTA entered into in 2003 (the "AIG Transactions"). As a result, VTA has an obligation to replace the equity PUA and the Credit Support Agreements provided by the AIG Parties in the AIG transactions as early as October 29, 2008. Failure by VTA to meet its replacement obligations triggers a default under the AIG Transactions and may result in the lessors pursuing contractual remedies against VTA, including demanding that VTA pay liquidated damages..

If the ratings assigned to the Providers in the remaining three lease transactions fall below the applicable ratings thresholds and VTA does not meet the applicable replacement requirements, similar defaults would occur under the documents for the remaining transactions and may also result in the lessors pursuing contractual remedies against VTA, including demanding that VTA pay liquidated damages related to these transactions.

Staff has been working with its financial advisor and lease counsel in order to provide and implement replacement arrangements for the AIG Transactions. Implementation of these replacement arrangements may require the amendment of existing documents and will require the execution and delivery of certain additional documents and agreements. In addition, if ratings assigned to any of the other Providers are downgraded below the required thresholds, implementation of the replacement arrangements in those transactions may also require the amendment of existing documents and will require the execution and delivery of certain
additional documents and agreements.

**FISCAL IMPACT:**

The costs associated with the replacement arrangements for the transactions, including fees to new providers, legal counsel (VTA, new providers and lessors), and financial advisory services, will vary on a transaction by transaction basis and are expected to be significant.

Prepared by: Kimberly Koenig, Manager, Department of Finance
Resolution No. ________

Resolution Authorizing The General Manager Or Chief Financial Officer To
Take all Actions Necessary to Provide Alternative Credit Support and
Collateral Arrangements For Certain Lease-In-Lease-Out and Lease-To-
Service Contract Transactions And Authorizing All Actions Necessary In
Connection Therewith

WHEREAS, the Santa Clara Valley Transportation Authority (the "Authority")
has previously entered into certain lease-in-lease-out transactions and certain lease-to-service
contract transactions (hereinafter collectively referred to as the "Lease Transactions");

WHEREAS, American International Group, Inc. ("AIG") and various AIG
subsidiaries and affiliates (together with AIG, the "AIG Parties"), Financial Security Assurance
Inc. and Ambac Assurance Corporation (each, a "Provider" and, collectively, the "Providers")
provide credit support and collateral arrangements for one or more of these Lease Transactions;

WHEREAS, at the time the Authority entered into each of the Lease Transactions,
each of the Providers was rated "Aaa" by Moody's Investors Service and "AAA" by Standard &
Poor's;

WHEREAS, all of the documents entered into in connection with each of the
Lease Transactions include threshold ratings levels for Providers and require that certain actions
be taken by the Authority in the event that the long term ratings assigned to a Provider are
downgraded below the applicable threshold levels;

WHEREAS, such actions include replacement of the existing credit support and
collateral arrangements with alternative arrangements meeting the requirements specified in the
applicable document;

WHEREAS, such alternative arrangements include replacing the existing credit
support and collateral arrangements with either a pledge of U.S. Treasuries or Agencies (or other
securities backed by the full faith and credit of the U.S. government) or with alternative credit
support or payment arrangements provided by a qualifying financial institution meeting the
ratings requirements specified in the applicable document;

WHEREAS, the long term ratings assigned to the AIG Counterparties have been
downgraded and now fall below the required threshold levels with respect to three of the Lease
Transactions;

WHEREAS, the Authority desires to authorize such actions and the execution and
delivery of such documents as shall be necessary to replace the arrangements provided by the
AIG Counterparties or any replacement for any of the AIG Counterparties with respect to these
three Lease Transactions with alternative arrangements (the "Alternative Arrangements"), which
actions may include the amendment of existing documents and/or the execution and delivery of
replacement documents;
WHEREAS, the Authority also desires to authorize such actions and the execution and delivery of such documents as shall be necessary to replace the arrangements provided with respect to the other Lease Transactions with Alternative Arrangements in the event that the long term ratings assigned to the Provider with respect to any of such Lease Transactions or any replacement for any such Provider fall below the required threshold levels, which actions may include the amendment of existing documents and/or the execution and delivery of replacement documents; and

WHEREAS, all things required by law to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby (each, a "Replacement Transaction," and hereinafter collectively referred to as the "Replacement Transactions") do exist, have happened and have been performed as required by law, and the Authority is now duly authorized and empowered to consummate the Replacement Transactions for the purpose, in the manner and upon the terms herein provided;

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Santa Clara Valley Transportation Authority as follows:

Section 1. The General Manager of the Authority or the Chief Financial Officer of the Authority or any designee appointed by either in accordance with Section 3 of this Resolution (each, hereinafter referred to as an "Authorized Officer"), with the advice of Ross Financial (the "Authority Financial Advisor"), is hereby authorized to negotiate with the investors in each of the Lease Transactions with respect to Alternative Arrangements, to execute and deliver such amendments to the existing documents entered into in connection with each of the Lease Transactions as such Authorized Officer determines are appropriate, with the advice of the Authority Financial Advisor, to negotiate with providers of Alternative Arrangements, to secure Alternative Arrangements on such terms as such Authorized Officer, with the advice of the Authority Financial Advisor determines are appropriate, and to execute and deliver such agreements as are deemed necessary or desirable by such Authorized Officer in connection with securing such Alternative Arrangements.

Section 2. All approvals, consents, directions, notices, orders, requests and other actions permitted or required by any of the documents authorized by this Resolution, including, without limitation, any amendment of any of such documents, may be given by either Authorized Officer without further authorization or direction by the Board, and each Authorized Officer acting alone, is hereby authorized and directed to give any such approval, consent, direction, notice, order or request and to take any such action which such Authorized Officer may deem necessary or desirable to further the purposes of this Resolution.

Section 3. Each Authorized Officer and each other appropriate officer of the Authority, are authorized and directed, for and in the name and on behalf of the Authority, to execute and deliver any and all agreements, certificates, documents and instruments, including, without limitation, signature certificates and no-litigation certificates, and to do any and all things and take any and all actions which may be necessary or advisable, in their discretion, to effectuate the actions which the Authority has approved in this Resolution.
Each of the General Manager and the Chief Financial Officer of the Authority may appoint in writing a designee to perform any of the actions which such officer of the Authority may take under this Resolution.

Section 4. The Acting General Counsel of the Authority is authorized and directed to provide such opinions, on behalf of the Authority, as are required to consummate any of the Replacement Transactions authorized by this Resolution.

Section 5. All actions heretofore taken by the members of the Board, each Authorized Officer, the Acting General Counsel of the Authority or any other officers, agents or employees of the Authority, with respect to the Replacement Transactions and the other transactions contemplated hereby are hereby ratified, confirmed and approved.

Section 6. If any section, paragraph clause or provision of this Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph or clause or provision shall not affect any of the remaining provisions of this Resolution.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Transportation Authority this 6th day of November 2008, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAINING:

Liz Kniss, Chairperson
Santa Clara Valley Transportation Authority

ATTEST:

Assistant Board Secretary
Yolanda Cruz

Approved as to Form:

Acting General Counsel
Kevin Allmand
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: High Occupancy Toll (HOT) Lanes - Public Outreach

FOR INFORMATION ONLY

BACKGROUND:

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

The Silicon Valley Express Lanes Program (Program) has been undertaken to provide long-term mobility benefits and to provide another funding stream for transportation improvements. Specifically, the primary objectives of the Program are the following:

1. Provide congestion relief through more effective use of existing roadways;
2. Provide commuters with a new mobility option; and
3. Provide a new funding source for transportation improvements including public transit.

DISCUSSION:

The purpose of this memorandum is to provide an update on the most recent activities of the Program relating to public education and outreach. This memorandum is a continuation of the project team’s efforts to keep the VTA Board updated on the Program’s progress. At the December 2008 Board meeting, the project team will be seeking approval from Board on an implementation plan for the Express Lanes Program.

Update on Express Lanes Program Outreach

The objectives for the Program outreach and opinion research are as follows:
1. To give the general public, potential Express Lanes users and key community and project stakeholders an opportunity to provide comments on the Program.
2. To explore how public opinion toward HOV and HOT lanes affects the proposed Program.
3. To determine the strengths, weaknesses, opportunities and threats facing the Program.
4. To determine how best to educate the general public about the Program while formulating an outreach plan that best addresses the areas of interest to the public, project stakeholders and elected officials.

Among the work completed to date are as follows:
- Interviews with project stakeholders
- Focus Groups with 42 carpoolers and solo drivers
- Presentations to the VTA Advisory and Standing Committees
- Presentation to VTA and City staff, and professional organizations

There are several other outreach efforts that are planned and ongoing to provide information and get feedback. This includes:
- A public opinion survey with 500 SR 85 and US 101 users
- Public open houses
- Presentation to business communities and environmental groups
- Provide information materials at public events (Fact sheet and FAQ’s)
- Interactive website providing program information, on-line survey and program update database
- Project video for SR 85 and US 101

This planned and ongoing outreach will be used to verify the initial findings from interviews and focus group survey. These results will help further shape the education and outreach programs to obtain greater general acceptance for the Program. This will form the basis for the Outreach Plan that will be used throughout the course of the implementation of the Program.

The following are key findings covering broad areas from the focus group surveys and the interviews with stakeholders:

**What is the Congestion Level in Santa Clara County?**
While residents have a good feel for where the traffic hot spots are in the county, views were mixed on the current state of the problem. There was skepticism about growth projections, however most agreed congestion would increase and a solution was needed.

**Will Residents Accept Congestion Pricing?**
Results from outreach show residents in this area are well prepared for congestion pricing and would easily understand the concept. Other key points include:
- The public is able to grasp a great deal of complicated and technical information in a relatively short period of time.
- A strong majority of carpool lane users stated they would likely use the Express lanes in the future.
- Successful examples from other areas are important to demonstrate how congestion
pricing works and can benefit commuters in Santa Clara County.

Where Does the Money Go?
This was the most important concern of both stakeholders and the public. Skepticism and distrust of government at all levels including VTA’s ability to ensure the funds will remain and be reinvested within the corridor was generally raised. This concern remained despite the participants being told that the legislation bill stipulates the revenue to be reinvested within the corridor. The focus group participants highlighted that VTA can build support if the public is convinced that revenue:
- Are effectively spent on additional improvements in the corridor including public transit.
- Are overseen by a citizen’s watchdog committee or independent auditing committee to ensure proper use of revenues.

What about Equity Implications?
Focus groups showed that concerns about equity could be mitigated through a policy that directs that revenues be spent on improving transit service in the corridor. This approach proved very successful in San Diego on the I-15 Express Lanes. Furthermore, experience shows people from all walks of life can obtain access to the lanes through ridesharing and improved transit. Moderate and low-income solo drivers can choose to obtain a transponder and use the lanes when they need reliable travel (i.e., to pick-up a child at day care and avoid stiff overtime penalties that far exceed the toll). Surveys across the country have shown that all income levels support and use Express Lanes on an as-needed basis.

Are Express Lanes Double Taxation?
The initial outreach effort showed that as taxpayers, residents feel they have already paid for the use of highways. By having to pay to use the Express Lanes, it is perceived they are paying for the road twice. There is also a feeling of economic inequity in that only wealthier drivers will be able to afford to use the road. The overriding issue here is that the majority of the public interviewed do not fully understand where transportation funding comes from, what it is used for, and why there is a pressing need to raise more money.

There was general support when it was highlighted that:
- Solo commuters choosing to pay a toll can access the lanes, which they cannot do now.
- The benefits of toll revenues being reinvested in the corridor to provide greater transportation options for all commuters.
- This is a better use of existing roadways and the toll amount would be less than the increase in taxes necessary to build and maintain additional lanes.

How Will Express Lane User Access Be Enforced?
The focus group indicated enforcement is a key factor in the success of the lanes and one that needs to be clearly understood. Many drivers questioned the ability to prevent “cheaters” from using the lanes. Although there was general consensus that the use of revenue to have additional California Highway Patrol (CHP) presence is helpful, it was still not clear to the group if the “cheaters” can be enforced and what the level of disruption would be to general traffic related to enforcement activities.
Are Express Lanes Safe?
Safety was a key factor mentioned at the focus group surveys. Some focus group participants felt that merging in and out of Express Lanes at designated locations could be dangerous. On the contrary, there were others who were more positive towards the striped buffer separation between the general purpose lane and Express Lane. There were others that thought drivers on Express Lanes should be protected when moving faster than other traffic on the roadway using a physical barrier. With no barrier, there is some concern that safety will be jeopardized if people do move in and out of the lanes by crossing the striped buffer.

What Are Other Major Challenges?
As mentioned earlier, the public is able to grasp a great deal of complicated and technical information in a relatively short period of time. However, there is a need to “educate” drivers to the “new” way of using Express Lanes. This includes:

- Explanation of how dynamic pricing works so that prospective users understand and believe it is designed to reduce congestion in all lanes and perhaps more importantly will ensure a reliable trip on Express Lanes.
- Description of how entry and exit to/from Express Lanes work. Communications materials should include maps, diagrams and other illustrations that clearly define the Express Lane access points that will be guided by signage and striping.
- While the use of technology was well received, it is important to educate how to use the FasTrak transponder.

What Was The Preferred Name For HOT Lanes?
“Express Lanes” was the name favored by most focus group participants. It is also the name that is being used by other HOT Lanes projects in this region namely the I-680 and I-580 Express Lanes projects.

Who is VTA?
The public is not generally aware of what VTA does or the purpose of the organization. Consideration should be given to initiating a concerted effort to elevate VTA’s profile in order to build public trust and gain the public and leadership support the organization needs as it implements the Express Lanes project along with other major initiatives in the future.

Summary
Results from the various reports indicate that the public will not have difficulty understanding the project, and once provided with information, they quickly grasp the idea and tend to be open to its possibilities. It is important that motorists need to be informed about physical roadway changes and reassured of safety. Strong, consistent communication will be the key to gaining approval.

Many community leaders already support VTA’s leadership and feel the organization is on the right track. However, it is important to continue to communicate the specifics of the Express Lanes Program because the general awareness about the Express Lanes Program is still at its infancy stage. While there is general agreement, even among carpoolers, that the carpool lanes are underutilized, most people have only a general idea of what is being proposed. Hence there is a need to continue to do outreach at every stage of the Program implementation to ensure
successful implementation.

Next Steps
VTA staff will be incorporating the research findings to implement comprehensive education and outreach efforts moving forward. Planned activities include stakeholder presentations, public open houses, and extensive media relations.

Prepared By: Murali Ramanujam/Russell Bell/Brandi Childress
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

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

SUBJECT: Freight Rail Relocation Project - Contract Award for Construction of Berryessa Creek Crossing, Abel Street Seismic Retrofit, and UPRR Railroad Relocation

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with Viking Construction Company, the lowest responsible bidder, in the amount of $17,401,576 for the construction of the Berryessa Creek Crossing, Abel Street Seismic Retrofit, and UPRR Railroad Relocation (C210).

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. The land was purchased for future transportation-related improvements. Under the terms of the VTA and UPRR Purchase and Sale Agreement, VTA is obligated to relocate existing freight railroad facilities from the VTA corridor onto adjacent UPRR property. Relocation of the existing freight railroad facilities is identified as the Freight Rail Relocation (FRR) Project.

The Berryessa Creek Crossing, Abel Street Seismic Retrofit, and UPRR Railroad Relocation Contract (C210) is the first of several VTA construction contracts for the overall FRR Project. The scope of Contract C210 extends from approximately Scott Creek Road to Montague Expressway and includes the following work activities:

- Earthwork including embankment and subballast within UPRR right-of-way in preparation for the UPRR’s installation of track;
- Replacement of the railroad crossing at Berryessa Creek with a box culvert;
- Seismic retrofit of the Abel Street Overhead, including constructing a skirt wall at one bent to accommodate the widening of Berryessa Creek;
- Construction of pier protection walls at Abel Street Overhead and Calaveras Boulevard Overhead;
- Replacement of the railroad crossing at Scott Creek with a box culvert;
- Construction of an approximately 1,140 foot long retaining wall north of Wrigley Creek culvert;
- Grading and drainage improvements;
- Creek diversions as necessary for the construction;
- Support and protection of existing utilities.

The work will be conducted within an operating rail yard and adjacent to active tracks. Contractor will be subject to restrictions to ensure safety and the continuing yard and freight operations.

Following Contract C210 construction, UPRR forces will perform the track and signal work. Once UPRR work is completed, VTA’s property from Kato Road in Fremont to Curtis Avenue in Milpitas is available for VTA’s use.

Construction under this contract will begin in December 2008 with completion scheduled for January 2011.

The next major FRR Project construction contract will be the Mission Boulevard/Warren Avenue UPRR Railroad Relocation (C101), to be advertised in late 2009.

**DISCUSSION:**

Contract C210 was issued for bid on July 10, 2008 to begin the contractor pre-qualification and bidding phase. Eight bids were submitted on September 12, 2008, with the following results:

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<td>Granite Construction Company</td>
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<td>Engineer’s Estimate</td>
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</table>

VTA staff has completed a bid analysis. Based on the documentation submitted by the contractors, it has been determined that both the apparent low bidder, FCI Contractors, and apparent second low bidder, RGW Construction, Inc. failed to meet the Small Business Enterprise (SBE) goal of 14%. They committed to achieving 3.04% and 0.81%, respectively.
Because the low bidder and second low bidder did not meet the established goal, the VTA Good Faith Efforts (GFE) Committee reviewed the Good Faith Efforts that each firm submitted. Each firm was evaluated separately and in the order of their bids. It was determined by the GFE Committee that neither firm documented Good Faith Efforts towards achieving the goal. Upon being notified, both firms requested an Administrative Reconsideration of the GFE Committee’s determination consistent with VTA policy. The Administrative Reconsideration hearing with the low bidder was held on October 23, 2008. The evidence and testimony presented by the low bidder was not compelling, and the GFE Committee’s finding was upheld. The Administrative Reconsideration hearing with the second low bidder was held on October 27, 2008. The evidence and testimony presented was not compelling, and the GFE Committee’s finding was upheld.

Viking Construction Co. is a certified SBE firm and has achieved 66.27% SBE participation.

The bid analysis has concluded that Viking Construction Co. is the lowest responsible bidder. The bid is 27% below the Engineer’s Estimate. The bid is fair and reasonable, and staff recommends award of this contract to Viking Construction Co. The significant number of bidders and extremely aggressive pricing is a result of the very competitive bidding environment that continues to exist in this region’s construction market.

**ALTERNATIVES:**

The Board could elect to reject all bids and readvertise the contract. This alternative is not recommended as the resulting delay would have the first phase of construction in Berryessa Creek miss the 2009 summer window, delaying the project by 12 months.

**FISCAL IMPACT:**

Sufficient funds are available in the FRR Project budget to perform this work. The budget for this work was included in the FRR Project FY 2009 Budget Amendment (Board Action June 5, 2008). The June 5, 2008 Board action increased the FY2009 2000 Measure A Capital Budget for the FRR Project by $72 million, to be funded by:

<table>
<thead>
<tr>
<th>Budget</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Previous Budget (for UPRR Right-of-Way and FRR Design)</td>
<td>$89.1 million</td>
</tr>
<tr>
<td>FY08/09 Budget</td>
<td>$45.0 million</td>
</tr>
<tr>
<td>2000 Measure A</td>
<td>$38.4 million</td>
</tr>
<tr>
<td>Alameda County Transportation Authority</td>
<td>$7.9 million</td>
</tr>
<tr>
<td>City of Fremont</td>
<td>$10.1 million</td>
</tr>
<tr>
<td>Santa Clara Valley Water District</td>
<td>$15.6 million</td>
</tr>
<tr>
<td>Subtotal June 2008 Board FRR Budget Action</td>
<td>$117.0 million</td>
</tr>
</tbody>
</table>
Total Board Approved FRR Budget $206.1 million

Commitments

Committed Through June 30, 2008 $ 78.5 million
C210 Board Memorandum (pending) $ 23.8 million
P0290 CM Board Memorandum (pending) $ 3.9 million

Total Incurred and Pending Commitments $106.2 million

Uncommitted Budget Remaining $ 99.9 million

For Contract C210, the Santa Clara Valley Water District funds of $15.6 million noted above have been established under a Cooperative Funding Agreement between VTA and Santa Clara Valley Water District. Including the commitment of $23.8 million for Contract C210, and the other identified pending commitment, $99.9 million in uncommitted budget remains in the FRR Project.

SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION:

Based on identifiable subcontracting opportunities, a Small Business Enterprise (SBE) goal of 14% has been established for this contract. Viking Construction Co. met the goal and has committed to 66.27% SBE participation on this contract.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Transit Planning & Operations Committee on October 16, 2008 was given a presentation on the Freight Rail Relocation program of activities, highlighting the work associated with this construction contract. A discussion ensued centering on the analysis of bids and review of Small Business Enterprise (SBE) documentation currently underway. Questions were posed by the Committee, with staff providing the following responses:

- The bidders on this contract are all familiar with VTA and our contracting practices.
- SBE requirements are identified in the bid documents. Resource documents are also referenced.
- Administrative protest procedures for SBE good faith effort determinations are being followed, and may involve a hearing that would be open to the public.
- Extremely competitive bids are not unique to VTA contracts, as both local and regional agencies are experiencing similar bid results.
As this item did not include a request to award to a specific contractor at the time of the meeting, the Committee agreed to forward the item to the Board but without a recommendation.

Prepared by: John Donahue
C-101 & C-210 Project Limits

Grimmer | Mission | Warren | Fremont | Warm Springs Rail Yard
Kato | Dixon | Abel | Milpitas | Milpitas Rail Yard
Montague
San Jose

WSX | C101 | C210 | FRR Project
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 key transportation-related bills that were considered by the California Legislature during 2008. It indicates the status of these measures and any adopted VTA positions with regard to them.

DISCUSSION:

2008 probably will be best remembered as the year in which lawmakers set the record for the longest budget impasse in California history. For months, Democrats and Republicans in the Legislature, and Gov. Arnold Schwarzenegger were at odds over a number of key policy questions related to the development of a spending plan for the fiscal year that began on July 1. Those questions included:

1. Should the projected $15.2 billion General Fund deficit be partially addressed through tax increases?

2. How should a spending cap be put in place and how should the state’s reserve fund be beefed up in order to control expenditures when the economy is strong, and to ensure that adequate money has been put aside to avoid huge budget shortfalls when the economy is sluggish?

3. To what extent should the budget deficit be resolved through spending cuts to state programs?

4. Should money be borrowed from local governments, transportation and other special funds to shore up the General Fund?
5. To what extent should the California Lottery be modernized, and should additional revenues be generated for the General Fund by bonding against the lottery’s future proceeds?

In an attempt to break the deadlock, Gov. Schwarzenegger, in mid-August, released a compromise budget proposal that called for a temporary 1 percent boost to the state sales tax. In addition, he backed off his demand for a strict spending cap and, instead, proposed an expanded budget reserve with restrictions on when it could be tapped. The Governor also renewed his push to borrow against future proceeds from an expanded lottery, and he provided a list of $2 billion in additional spending cuts beyond those outlined earlier by Democratic lawmakers.

After a number of false starts, the Legislature finally responded on September 16 by passing a budget plan that was cobbled together privately by Assembly and Senate leaders without the involvement of Gov. Schwarzenegger. It did not include the Governor’s temporary sales tax increase, but rather attempted to address the daunting shortfall in the following ways: (a) $7.1 billion in spending cuts; (b) $9.3 billion in additional revenues generated by accelerating the collection of income taxes, shifting or borrowing money from special funds, and employing a variety of accounting “gimmicks;” and (c) $1.2 billion in reserves. The Governor was not amused and vowed to veto the plan unless certain changes were made. While he leveled harsh criticisms against numerous aspects of the plan, the Governor was most upset that lawmakers rejected his plea for stiffer rules for when revenues could be withdrawn from the budget reserve.

Just when it appeared that the Legislature’s budget plan would unravel, Assembly and Senate leaders backed down and accepted Gov. Schwarzenegger’s suggested fixes. Finally, on September 23, a record 85 days into the new fiscal year, the Governor signed the budget into law in his office with little fanfare, but not before vetoing $510 million in spending approved by the Legislature in order to boost the reserve to $1.7 billion. In avoiding the more typical celebratory signing ceremony under the Capitol’s rotunda, the Governor commented, “Why I didn’t feel like celebrating in the rotunda is because it’s inexcusable to have a budget that’s three months late. And it is three months late because both Democrats and Republicans in the Legislature stayed in their ideological corners and refused to come out.”

The budget turned out to be a mixed bag for transportation. On the positive side, the transportation community staved off a potential suspension of Proposition 42 and can look forward to a healthy appropriation of Proposition 1B bond funds for the second straight year. On the negative side, the Public Transportation Account (PTA) took it on the chin once again, losing 71 percent of its revenues to cover General Fund obligations.

The end of the budget impasse opened the door for Gov. Schwarzenegger to act on the more than 800 bills that were approved by lawmakers before they officially adjourned the 2007-08 regular session of the Legislature on August 31 as mandated by the California Constitution. As it turned out, he vetoed bills at a rate that has not been seen since Ronald Reagan was running the state. In many cases, Gov. Schwarzenegger’s dissatisfaction with how lawmakers handled the budget caused him to issue the following generic veto message: “The historic delay in passing the 2008-2009 State Budget has forced me to prioritize the bills sent to my desk at the end of the year’s legislative session. Given the delay, I am only signing bills that are the highest priority for
California. This bill does not meet that standard and I cannot sign it at this time.”

Transportation-related measures that fell victim to this veto message included:

**AB 117 (Beall):** VTA partnered with the San Mateo County Transit District (SamTrans); the Alameda-Contra Costa Transit District (AC Transit); and the Golden Gate Bridge, Highway and Transportation District (Golden Gate Transit) on this measure. It would have raised the dollar threshold for when VTA and the other three transit agencies must use the formal competitive bidding process to procure materials, supplies and equipment from $25,000 to $100,000, consistent with federal guidelines. The legislation also would have provided VTA, as well as SamTrans, AC Transit and Golden Gate Transit, with the option to use either low bid or best value when going through the formal bidding process for these types of procurements that exceed $100,000. We plan to reintroduced this bill next year.

**AB 152 (Beall):** This measure called for making several technical changes to VTA’s enabling statutes to ensure that we have the appropriate statutory authority to work with our local jurisdictions on developing funding strategies to address their local street and road maintenance needs. We will reintroduced this legislation next year.

**AB 1221 (Ma):** Sponsored by BART and the California Transit Association, AB 1221 would have allowed local officials to use property tax increment financing to pay for public facilities and amenities within transit village development districts. VTA supported this bill.

**AB 3021 (Nava):** Sponsored by the Treasurer’s Office, this bill called for creating the California Transportation Financing Authority to issue revenue bonds to assist local agencies and Caltrans in funding transportation improvement projects. VTA supported AB 3021.

The Governor vetoed the following bills based on policy grounds:

**AB 2971 (DeSaulnier):** This measure would have required Caltrans to establish guidelines and criteria to ensure that the needs of bicyclists and pedestrians are addressed in the development of the department’s safety programs. In his veto message, the Governor argued that Caltrans already has sufficient authority under current law to meet the intent of the bill and, therefore, AB 2971 was not needed. VTA did not take a position on AB 2971.

**SB 974 (Lowenthal):** This controversial legislation called for imposing a fee on each shipping container processed in the Ports of Los Angeles, Long Beach and Oakland. The revenues generated by such a fee would have been used to fund projects designed to improve the flow of container cargo or to mitigate air pollution caused by the movement of container cargo at these ports. In his veto message, the Governor contended that the bill lacked “necessary assurances that projects will achieve the greatest cost-effectiveness, emission reductions, and public health protection.” He also argued that SB 974 had no means for implementing a long-term, strategic plan for the state’s goods movement infrastructure. Finally, he commented that the bill “misses the opportunity to leverage billions of dollars in available funding through public-private partnerships, which could otherwise increase investments in infrastructure geometrically.” VTA did not take a position on SB 974.
SB 1731 (Yee): This legislation would have authorized MTC to impose a $1 vehicle registration surcharge in the Bay Area in order to implement congestion management strategies in the region, including an expansion of Caltrans’ traffic operations system and more ramp metering. In his veto message, the Governor wrote, “I cannot support the increase of fees as proposed. This bill would extend the local surcharge at the same time the state is increasing vehicle registration fees to fund vital law enforcement services provided by the California Highway Patrol. I am concerned about the overall impact of the increasing costs of fees and gasoline on the motoring public.” VTA did not take a position on SB 1731.

The following transportation-related bills met the Governor’s “test” of being among the highest priorities for California and he signed them into law:

AB 2094 (DeSaulnier): In addition to the Association of Bay Area Governments (ABAG), the Bay Area Air Quality Management District (BAAQMD) and MTC, this legislation requires the San Francisco Bay Conservation and Development Commission (BCDC) to be represented on the Bay Area’s Joint Policy Committee. It also authorizes BCDC to develop regional strategies for addressing the effects of sea level rise and other impacts of global climate change on the San Francisco Bay and its shoreline areas. VTA did not take a position on AB 2094.

AB 2466 (Laird): VTA co-sponsored this legislation with the city of San Jose and the county of Sonoma. It is intended to help local agencies with multiple facilities convert to renewable energy. Specifically, AB 2466 permits a local agency to designate a “benefiting account” to receive a bill credit for electricity supplied to the electric grid by an eligible renewable generating facility. In our case, the legislation allows VTA to generate excess solar power at one of our bus operating divisions and, rather than losing that electricity to the grid without any compensation, to receive a credit on our electric bill at the Guadalupe Light Rail Division, where we do not have the space to install enough solar panels to meet that facility’s electricity needs.

SB 28 (Simitian): As a follow-up to previous legislation banning the use of cell phones without a hands-free device while driving, SB 28 prohibits text-messaging while operating a motor vehicle. VTA did not take a position on this measure.

SB 53 (Ducheny): This bill requires the California Research Bureau to make recommendations on how to improve the oversight and regulatory activities of those state agencies with jurisdiction over passenger and freight rail matters. VTA did not take a position on SB 53.

SB 375 (Steinberg): Perhaps the most significant transportation policy bill to make it through the legislative process this year, SB 375 is an extremely complex, highly controversial bill that attempts to put in place a framework for cutting vehicle miles traveled as a strategy for reducing greenhouse gas emissions from the transportation sector. In general, it requires the metropolitan planning organizations (MPOs) in California, including MTC, to include a “sustainable communities strategy” in their regional transportation plans (RTPs) that would consist of development patterns and transportation measures designed to achieve regional greenhouse gas emissions reduction targets provided by the California Air Resources Board (CARB). In addition, SB 375 requires the allocation of regional housing needs assessment (RHNA) shares to
cities and counties to be consistent with a particular region’s sustainable communities strategy. Finally, it provides California Environmental Quality Act (CEQA) incentives for certain types of development projects in order to encourage local governments to undertake their planning activities in a manner that is consistent with the sustainable communities strategy, and to entice developers to build high-density housing near transit stations. VTA did not take a position on SB 375.

SB 1093 (Wiggins): Intended to calm the storm that erupted last year over the last-minute enactment of controversial legislation dealing with water transit in the Bay Area, SB 1093, among other things, requires the San Francisco Bay Area Water Emergency Transportation Authority (WETA) to prepare a comprehensive transition plan before it can take over the existing ferry services now being operated by the cities of Alameda and Vallejo. VTA did not take a position on SB 1093.

SB 1561 (Steinberg): What started out as a much broader bill got narrowed down in the end to apply to just the Sacramento Regional Transit District and the Fresno Area Express. It allows these two transit operators to issue a “prohibition order” to any person who is cited for committing certain disruptive acts on a bus or rail vehicle. Under such an order, the offender would not be able to enter the property, facilities or vehicles of the public transit agency for a specified period of time. VTA did not take a position on SB 1561.

Prepared By: Kurt Evans
## State Assembly Bills

<table>
<thead>
<tr>
<th>State Assembly Bills</th>
<th>Subject</th>
<th>Last Amended</th>
<th>Status</th>
<th>VTA Position</th>
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<tbody>
<tr>
<td>AB 38 (Nava)</td>
<td>Homeland Security Eliminates the Office of Homeland Security and the Office of Emergency Services, and transfers the responsibilities of these two offices to a newly created California Emergency Management Agency (CalEMA). Provides that CalEMA would be under the supervision of a secretary of California emergency management appointed by the Governor and subject to Senate confirmation. In managing the agency, requires the secretary to coordinate all state disaster response, emergency planning, emergency preparedness, disaster recovery, disaster mitigation, and homeland security activities.</td>
<td>8/18/08</td>
<td>Signed into Law: Chapter #372</td>
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<tr>
<td>AB 109 (Nunez)</td>
<td>Alternative Fuels and Vehicle Technologies Requires the California Energy Commission to implement the existing Alternative and Renewable Fuel and Vehicle Technology Program by regulation pursuant to the rulemaking requirements of the Administrative Procedure Act. Requires the commission to use a public competitive process for the allocation of funding under this program. Expands the existing Air Quality Improvement Program to include revolving loans, loan guarantees, loans, and other appropriate funding measures. Requires the California Air Resources Board (CARB) to develop and adopt guidelines to implement the Air Quality Improvement Program. Requires CARB to use a public competitive process for the allocation of funding under this program. For both programs, makes ineligible any project required to be undertaken pursuant to federal or state law, air district rules or regulations, memoranda of understanding with a governmental entity, or legally binding agreements or documents.</td>
<td>8/19/08</td>
<td>Signed into Law: Chapter #313</td>
<td></td>
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<tr>
<td>AB 117 (Beall)</td>
<td>Contracts: Materials, Supplies and Equipment Amends the enabling statutes of the Santa Clara Valley Transportation Authority (VTA) to raise the dollar threshold for when VTA must use the formal competitive bidding process to procure materials, supplies and equipment from $25,000 to $100,000, consistent with federal regulations. Also includes comparable provisions for: (a) the San Mateo County Transit District (SamTrans); (b) the Alameda-Contra Costa Transit District (AC Transit); and (c) the Golden Gate Bridge, Highway and Transportation District (Golden Gate Transit).</td>
<td>7/7/08</td>
<td>Vetoed by the Governor</td>
<td>Sponsor</td>
</tr>
<tr>
<td>AB 152 (Beall)</td>
<td>Santa Clara Valley Transportation Authority: Local Streets/Roads Funding Makes several technical corrections to the enabling statutes of the Santa Clara Valley Transportation Authority (VTA) to ensure that VTA has the appropriate statutory authority to work with local jurisdictions on developing funding strategies to address their local street and road maintenance and repair needs.</td>
<td>4/7/08</td>
<td>Vetoed by the Governor</td>
<td>Sponsor</td>
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<tr>
<td>State Assembly Bills</td>
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<tr>
<td><strong>AB 387</strong> (Duvall) Design-Build Contracting: Transit Security Projects</td>
<td>Makes several changes to existing state law authorizing the use of design-build contracting for transit projects. Specifically, provides that there is no cost threshold in order to use design-build contracting for the acquisition and installation of technology applications or surveillance equipment designed to enhance safety, disaster preparedness and homeland security efforts.</td>
<td>1/7/08</td>
<td>Signed into Law: Chapter #185</td>
<td>Support</td>
</tr>
<tr>
<td><strong>AB 396</strong> (Hernandez) Public Contracts: Employee Health Care Expenditures Bid Preference</td>
<td>Beginning January 1, 2010, requires a public entity awarding a public works contract to provide a 2.5 percent bid preference to a bidder whose employee health care expenditures, and those of its subcontractors, are at least 6.5 percent of the aggregate Social Security wages paid to its employees in California.</td>
<td>8/4/08</td>
<td>Senate Appropriations Committee: Failed Passage</td>
<td>Support</td>
</tr>
<tr>
<td><strong>AB 444</strong> (Hancock) Vehicle Registration Surcharge</td>
<td>Authorizes the congestion management agency (CMA) in counties of Alameda, Contra Costa, Marin, Santa Clara, and Solano to place a measure before its voters to impose an annual surcharge of up to $10 on each motor vehicle registered within its county to fund a program for managing traffic congestion. Provides that the ballot measure must be approved by a simple majority vote of the county’s electorate before such a surcharge could be imposed. Requires the governing board of the CMA to: (a) adopt a resolution by a majority vote to put the surcharge on the ballot; (b) make a finding of fact by a majority vote that the projects and programs to be funded with surcharge revenues have a relationship or benefit to the persons who will be paying the surcharge; and (c) adopt an expenditure plan programming the surcharge revenues to transportation-related programs and projects that have a relationship or benefit to the persons paying the surcharge. Specifies that the programs and projects included in the expenditure plan may serve the following purposes: (a) providing matching dollars for funding made available under state general obligation bonds for transportation; (b) creating or sustaining congestion mitigation programs and projects; and (c) creating or sustaining pollution mitigation programs and projects. If requested by the Alameda County or Contra Costa County CMA, requires the Department of Motor Vehicles to collect the surcharge approved by the voters upon the registration or renewal of registration of any motor vehicle in the applicable county, except for those vehicles that are expressly exempt from the payment of registration fees. Requires the CMA to pay for the initial set-up and programming costs identified by the Department of Motor Vehicles through a direct contract with the department. Allows the CMA to be reimbursed for these costs through the initial revenues generated by the surcharge.</td>
<td>6/28/07</td>
<td>Senate Revenue and Taxation Committee: Failed Passage</td>
<td>Support</td>
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<tr>
<td>State Assembly Bills</td>
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<td><strong>AB 568</strong>&lt;br&gt;(Karnette)&lt;br&gt;Port Community Advisory Committees</td>
<td>After receiving a petition from a community organization, authorizes the governing authority of a port or harbor in California, at its discretion, to establish a port community advisory committee. If the governing authority of a port or harbor decides to establish a port community advisory committee, requires the authority to adopt an ordinance that determines all of the following: (a) the committee’s membership and the method used to select the committee’s members; (b) the committee’s internal organization, including any officers or subcommittees; (c) the committee’s duties, including the assignment to provide advice to the governing authority regarding the port’s policies, programs or projects; and (d) any other matters that the governing authority considers to be appropriate.</td>
<td>7/2/07</td>
<td>Senate Local Government Committee: Failed Passage</td>
<td></td>
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<tr>
<td><strong>AB 633</strong>&lt;br&gt;(Galgiani)&lt;br&gt;Grade Separation Projects</td>
<td>By September 1, 2008, requires the California Public Utilities Commission (CPUC) and Caltrans to submit a joint report to the appropriate policy and fiscal committees of the Legislature that includes all of the following: (a) an overall evaluation of the state’s existing grade separation funding program; (b) an evaluation of the factors that increase the costs for grade separation projects and suggested actions to lower these costs; (c) recommendations for streamlining and improving the program; and (d) recommendations for establishing a hardship application process under which the California Transportation Commission (CTC) may, in severe circumstances, adjust or defer the requirement for local financial participation.</td>
<td>4/25/07</td>
<td>Senate Transportation and Housing Committee: Failed Passage</td>
<td></td>
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<tr>
<td><strong>AB 642</strong>&lt;br&gt;(Wolk)&lt;br&gt;Design-Build Contracting: Local Agencies</td>
<td>Until January 1, 2016, authorizes any city or county to enter into design-build contracts for the construction of buildings, if the project exceeds $1 million in cost. Until January 1, 2020, authorizes local entities that operate a wastewater facility, solid waste management facility or water recycling facility to enter into design-build contracts for construction projects.</td>
<td>8/5/08</td>
<td>Signed into Law: Chapter #314</td>
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<tr>
<td>State Assembly Bills</td>
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<tr>
<td><strong>AB 660</strong>&lt;br&gt;(Galgiani)&lt;br&gt;Highway-Railroad Grade Crossings</td>
<td>Modifies the California Public Utilities Commission’s (CPUC) Grade Separation Program by modifying eligibility requirements, fixing the maximum amount allocated to grade separation projects, and revising other conditions governing the allocation of funds. Specifies that grade separation projects: (a) at a proposed new grade crossing; or (b) for removing or relocating highways or railroad tracks to eliminate existing grade crossings are not eligible for funding under the Grade Separation Program. Provides that the total allocations for a project under this program shall not exceed $5 million without specific legislative authorization. Also specifies that cumulative allocations to a single project shall not exceed 80 percent of the cost to construct the project. Allows a project costing between $5 million-$20 million to be considered without specific legislative authorization if the project: (a) is included on the CPUC’s priority list; (b) eliminates the need for future related grade separation projects; (c) provides projected cost savings of at least 50 percent to the state or local jurisdiction by eliminating the need for future projects; and (d) alleviates traffic and safety problems, or provides improved rail service not otherwise possible. Requires such projects to be funded over a multi-year period, not to exceed five years, with the allocation for any one year limited to $5 million or less. Prohibits an agency that obtains funding for a project under the CPUC’s grade separation program from being eligible to receive an allocation for another project for a period of 10 years. Requires a railroad’s financial contribution for a grade separation project funded under the program to be calculated based on the cost of the grade separation only, and not on the cost of any other part of the project.</td>
<td>8/6/08</td>
<td>Signed into Law: Chapter #315</td>
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<tr>
<td><strong>AB 842</strong>&lt;br&gt;(Jones)&lt;br&gt;Proposition 1C: Regional Planning, Housing and Infill Incentive Account</td>
<td>With regard to Proposition 1C housing bond revenues, requires the Department of Housing and Community Development to rank applications for the award of capital improvement project grants under the Regional Planning, Housing and Infill Incentive Account based on a reduction in the growth increment in vehicle miles traveled as a result of the project.</td>
<td>8/18/08</td>
<td>Vetoed by the Governor</td>
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<tr>
<td><strong>AB 867</strong>&lt;br&gt;(Davis)&lt;br&gt;Traffic Analysis Zones</td>
<td>In developing its regional transportation plan (RTP), requires a metropolitan planning organization (MPO) or regional transportation planning agency serving an area with a population in excess of 300,000 to factor the mobility of low-income and minority residents into its computer analysis of traffic analysis zones (TAZs) used to estimate travel behavior and traffic generation as part of its transportation demand model.</td>
<td>7/10/07</td>
<td>Senate Appropriations Committee: Failed Passage</td>
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<td><strong>AB 901</strong> (Nunez)</td>
<td>HOT Lanes: I-10 and State Route 110 in Los Angeles County</td>
<td>Until January 15, 2013, authorizes a value pricing and transit development demonstration program involving high-occupancy toll (HOT) lanes to be conducted, administered, developed, and operated on I-10 and State Route 110 in Los Angeles County by the Los Angeles County Metropolitan Transportation Authority (LA Metro). Requires LA Metro to carry out the value pricing and transit development demonstration program pursuant to a cooperative agreement with Caltrans that addresses all matters in connection with the program. Authorizes LA Metro to establish appropriate traffic flow guidelines for the purpose of ensuring optimal use of the express lanes by high-occupancy vehicles without adversely affecting other traffic on the state highway system. Authorizes LA Metro to establish, collect and administer tolls for the HOT lanes on I-10 and State Route 110. Allows LA Metro to use excess toll revenues for preconstruction, construction and other related costs related to high-occupancy vehicle (HOV) facilities, and the improvement of transit service within the I-10 and State Route 110 corridors. Prohibits LA Metro from issuing bonds for the demonstration program.</td>
<td>8/4/08</td>
<td>Senate Rules Committee: Failed Passage</td>
</tr>
<tr>
<td><strong>AB 981</strong> (Leno)</td>
<td>Treasure Island Transportation Management Act</td>
<td>Enacts the Treasure Island Transportation Management Act. Authorizes the San Francisco County Board of Supervisors to designate an entity to act as the transportation management agency for Treasure Island. Authorizes the Treasure Island Transportation Management Agency to recommend a congestion pricing fee structure applicable to residents and other motorists as they enter or exit Treasure Island to generate revenues to be used to implement a transportation program for the island. Requires the congestion pricing fee structure to be approved by the Board of Supervisors and the San Francisco County Transportation Authority. Also allows the Treasure Island Transportation Management Agency to adopt: (a) on-street and off-street parking regulations, fees, fines, and penalties for Treasure Island; and (b) a transit pass fee structure applicable to residents and other users of Treasure Island.</td>
<td>8/6/08</td>
<td>Signed into Law: Chapter #317</td>
</tr>
<tr>
<td><strong>AB 1065</strong> (Lieber)</td>
<td>Building Energy Use Standards</td>
<td>Requires the California Energy Commission to revise its building energy efficiency standards to decrease the energy consumption of new residential and commercial buildings from offsite sources.</td>
<td>7/10/08</td>
<td>Senate Appropriations Committee: Failed Passage</td>
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<td>AB 1077 (Lieber) Plug-In Hybrid Electric Vehicles</td>
<td>Enacts the California Plug-In Hybrid Electric Vehicle Leadership Act of 2007. Establishes the California Plug-In Hybrid Electric Vehicle Coordinating Council to: (a) identify existing and potential barriers to the successful development and commercialization of plug-in hybrid electric vehicles; (b) facilitate the research, development and demonstration of plug-in hybrid electric vehicle technologies; (c) assess factors that will affect consumer demand for plug-in hybrid electric vehicles; (d) examine regulations, incentives and programs to facilitate the market introduction of plug-in hybrid electric vehicles; (e) facilitate interstate coordination for the development and commercialization of plug-in hybrid electric vehicles; (g) consider and recommend, as appropriate, research programs, demonstration programs and incentives to encourage the fueling of plug-in hybrid electric vehicles through sustainable and renewable energy sources, including distributed solar generation and wind power; and (h) by October 1, 2008, identify the percentage or number of plug-in hybrid electric vehicles that could reasonably be added to the state vehicle fleet in the future. By January 1, 2009, requires the California Air Resources Board (CARB) to develop certification testing protocols for emissions, including both criteria pollutants and greenhouse gases, for the different types of plug-in hybrid electric vehicles.</td>
<td>8/1/07</td>
<td>Senate Appropriations Committee: Failed Passage</td>
<td>Support</td>
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<td>AB 1119 (Fuller) Carl Moyer Memorial Air Quality Standards Attainment Program</td>
<td>In developing eligibility criteria for emission control devices that may be funded under emission reduction grant programs, requires the California Air Resources Board (CARB) to take all reasonable steps to consider the number of manufacturers capable of providing verified devices in order to ensure adequate competition among manufacturers and lower prices for these devices.</td>
<td>7/3/07</td>
<td>Senate Environmental Quality Committee: Failed Passage</td>
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<td>AB 1209 (Karnette) HOV Lanes: Hybrid Vehicles</td>
<td>Allows the Department of Motor Vehicles (DMV) to issue a replacement high-occupancy vehicle (HOV) lane decal to an owner of a hybrid vehicle that becomes non-repairable or a total loss salvage vehicle when the owner buys a replacement hybrid vehicle.</td>
<td>7/1/08</td>
<td>Signed into Law: Chapter #4429</td>
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<td>AB 1221 (Ma) Transit Village Developments: Tax Increment Financing</td>
<td>Allows a local government to create an infrastructure financing district and thereby use tax increment financing to pay for public facilities and amenities within a transit village development district. Recasts the area for a transit village plan to include all land within not more than a half mile of the main entrance of a transit station. Requires a transit village plan utilizing an infrastructure financing district to do both of the following: (a) include an increase in the stock of affordable housing or live-travel options for transit-needey groups as one of its five demonstrable public benefits; and (b) include a provision that at least 20 percent of all revenues derived from the infrastructure financing district be dedicated to increasing, improving and preserving 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.</td>
<td>8/14/08</td>
<td>Vetoed by the Governor</td>
<td>Support</td>
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<td>AB 1252 (Caballero) Housing and Transportation Bonds</td>
<td>Appropriates $100 million to the Department of Housing and Community Development from the Regional Planning, Housing and Infill Incentive Account established under the 2006 housing bond measure for the purpose of augmenting the Infill Infrastructure Grant Program Notice of Funding Availability issued by the department on February 28, 2008. Appropriates $50 million to the Department of Housing and Community Development from the Transit-Oriented Development Account established under the 2006 housing bond measure for the purpose of augmenting the Transit-Oriented Development Program Notice of Funding Availability issued by the department on December 7, 2007. Appropriates $63 million from the Highway-Railroad Crossing Safety Account established under the 2006 transportation bond measure for high-priority grade separation and railroad crossing safety improvement projects. Appropriates $87 million from the Local Streets and Road Improvement, Congestion Relief, and Traffic Safety Account established under the 2006 transportation bond measure for allocation to counties for local street and road improvements.</td>
<td>6/19/08</td>
<td>Signed into Law: Chapter #39</td>
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<td>AB 1350 (Nunez)</td>
<td>Requires Proposition 1B transportation infrastructure bond revenues deposited into the Transit System Safety, Security and Disaster Response Account to be allocated for expenditure for eligible projects as follows: (a) 75 percent of the revenues allocated to transit operators located in counties with a population in excess of 250,000 according to the State Transit Assistance Program (STA) formula; and (b) 25 percent of the revenues allocated to transit operators located in counties with a population that is less than 250,000 according to the STA formula. Specifies that projects eligible to receive funding from the Transit System Safety, Security and Disaster Response Account could be either of the following: (a) a capital project that provides increased protection against a security or safety threat; or (b) capital expenditures to increase the capacity of transit operators to develop disaster response transportation systems that can move people, goods, and emergency personnel and equipment during the aftermath of a disaster impairing the mobility of goods, people and equipment. Requires the state Office of Emergency Services to develop guidelines, matching fund requirements, project selection criteria, and the application process for funding available under the Transit System Safety, Security and Disaster Response Account. At a minimum, requires these guidelines to consider: (a) baseline security; (b) risk analysis that assesses risk vulnerability; (c) risk consequences; (d) crisis management capability; and (e) potential risk averted from the funding of the eligible project. Requires a project funded with revenues from the Transit System Safety, Security and Disaster Response Account to be part of an applicant’s comprehensive safety and security plan. Requires an applicant receiving funding from the Transit System Safety, Security and Disaster Response Account to liquidate the money within three fiscal years following the fiscal year in which the funds are allocated. Requires funds remaining unliquidated thereafter to revert to the Office of Emergency Services for reallocation to other eligible projects at its discretion. Defines the process for distributing revenues from the Transit System Safety, Security and Disaster Response Account as follows: (a) no later than July 1 of each year, requires each applicant eligible to receive funding to provide information to the Office of Emergency Services regarding the eligible projects it intends to undertake during the following fiscal year; (b) requires the Office of Emergency Services to annually compile a list of approved projects for the following fiscal year; (c) by September 30 of each year, requires the Office of Emergency Services to provide the Department of Finance, and the Assembly and Senate Budget Committees with information describing the total amount of verified project funding that can reasonably be expected to be expended during the upcoming fiscal year and the amount of each applicant’s individual share of those funds; and (d) after funds are appropriated by the Legislature, requires the Office of Emergency Services, on a quarterly basis, to provide the Controller’s Office with instructions to distribute the money based on the total amount available for allocation and each applicant’s share of those funds.</td>
<td>6/1/07</td>
<td>Senate Appropriations Committee: Failed Passage</td>
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<td>AB 1351 (Levine)</td>
<td>Proposition 1B: State-Local Partnership Program</td>
<td>Creates the State-Local Partnership Program. Declares the intent of the Legislature to appropriate $200 million in Proposition 1B transportation infrastructure bond revenues per year beginning with FY 2011 to implement the program. Requires a project to meet all of the following conditions in order to be eligible to receive an allocation of Proposition 1B bond funding under the State-Local Partnership Program: (a) the project must be sponsored by a local public entity that is authorized to impose a local transportation sales tax and has the responsibility for constructing highways or fixed guideways; (b) by December 1, 2008, the project sponsor has committed or is capable of committing the local share from revenues derived from a locally imposed transportation sales tax to complete the project; (c) the project has a minimum cost of $25 million; and (d) the project sponsor has completed or is capable of completing all project development work so that construction contracts for the project can be awarded no later than an unspecified date of the fiscal year following the year in which the funds are allocated. Limits State-Local Partnership Program funding to state highway and exclusive public mass transit guideway improvement projects. Requires each dollar of Proposition 1B funding under the State-Local Partnership Program to be matched with one dollar of local money. In its Annual Report to the Legislature, requires the California Transportation Commission (CTC) to include a summary of its activities related to its administration of the State-Local Partnership Program. At a minimum, requires this summary to include the following: (a) a description and location of the projects contained in the program; (b) the amount of funds allocated to each project; (c) the status of each project; and (d) a description of the mobility improvements that each project is achieving.</td>
<td>7/12/07</td>
<td>Senate Appropriations Committee: Failed Passage</td>
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<td>AB 1358 (Leno)</td>
<td>General Plans: Circulation Element</td>
<td>Enacts the California Complete Streets Act of 2008. Requires the Office of Planning and Research to prepare or amend guidelines for cities and counties to accommodate the safe and convenient travel of users of streets, roads and highways in a manner that is suitable to the rural, suburban or urban context of their General Plans. In developing these guidelines, requires the Office of Planning and Research to consider how appropriate accommodation varies depending on a local government’s transportation and land-use context, including urban, suburban or rural environments. Beginning January 1, 2011, requires the legislative body of a city or county, upon any revision of the circulation element of its General Plan, to modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads and highways for safe and convenient travel in a manner that is suitable to the rural, suburban or urban context of its General Plan. Defines “users of streets, roads and highways” to mean bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.</td>
<td>8/20/08</td>
<td>Signed into Law: Chapter #657</td>
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<td>AB 1407 (Lieu)</td>
<td>Airline Passenger Rights</td>
<td>Requires an airport in California that serves at least one million passengers per year to publish and update monthly on its Internet Web site both of the following: (a) a list of all frequently delayed flights; and (b) a list of all runway incursions that have occurred at the airport during the prior 10 years.</td>
<td>8/6/08</td>
<td>Vetoed by the Governor</td>
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<td><strong>AB 1590</strong>&lt;br&gt;(Leno)&lt;br&gt;Local Vehicle Assessment: San Francisco</td>
<td>Authorizes the San Francisco Board of Supervisors 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 in San Francisco for general revenue purposes if: (a) the board approves an ordinance to that effect by a two-thirds vote; and (b) the assessment is approved by a majority vote of the electorate.</td>
<td>6/1/07</td>
<td>Senate Revenue and Taxation Committee: Failed Passage</td>
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<td><strong>AB 1602</strong>&lt;br&gt;(Nunez)&lt;br&gt;Sustainable Communities and Urban Greening Grant Program</td>
<td>Establishes the Sustainable Communities and Urban Greening Grant Program within the Resources Agency to be funded with revenues from the Safe Drinking Water, Water Quality and Supply, Flood Control, River, and Coastal Protection Bond Act of 2006, as appropriated by the Legislature. Requires the Resources Agency to administer this program, and to award grants to local public agencies and non-profit organizations for the purpose of improving the sustainability and livability of communities through the development of green infrastructure that provides multiple benefits. Specifies that eligible projects for grant funding under this program shall include all of the following: (a) the development of sustainable community and urban greening plans by local public agencies; (b) improvements to existing and planned public infrastructure projects to provide environmental and community benefits, including improved air and water quality; energy conservation; and community access to parklands and green space through the use of landscaping, tree planting, permeable surfaces, and environmental design; and (c) the development of joint-use projects between two or more public agencies.</td>
<td>As Introduced</td>
<td>Senate Environmental Quality Committee: Failed Passage</td>
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<td><strong>AB 1611</strong>&lt;br&gt;(Leno)&lt;br&gt;San Francisco Bay Area Water Emergency Transportation Authority</td>
<td>Repeals the San Francisco Bay Area Water Transit Authority and replaces it with a new entity called the San Francisco Bay Area Water Emergency Transportation Authority. In general, charges the new authority with the following responsibilities: (a) to consolidate and operate ferry services in the Bay Area; and (b) to plan and respond to emergencies or disasters affecting the region’s transportation system. Requires the authority to develop an emergency water transportation system management plan, as well as a transition/consolidation plan. Requires all public water transit operators in the region, excluding the Golden Gate Bridge, Highway and Transportation District (Golden Gate Transit), to consolidate their operations under the authority, consistent with the transition/consolidation plan. Confers to the authority control over all public transportation ferries within the Bay Area, except for those owned and operated by Golden Gate Transit. Allows the authority to plan, develop and operate all aspects of water transportation activities within the Bay Area, including terminals, parking lots and structures. Allows the authority to levy special benefit assessments consistent with the California Constitution.</td>
<td>9/7/07</td>
<td>Senate Transportation and Housing Committee: Failed Passage</td>
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<td><strong>AB 1711</strong> (Levine) Employee Meal Periods</td>
<td>Revises the statutory requirements for the provision of employee meal periods in the following ways. First, specifies that an off-duty meal period based on working more than five hours in a workday is required to be provided after the employee works third hours, but before the employee completes six hours of work. Second, permits an on-duty meal period for an employee if: (a) it is mutually agreed to in writing by the employee and employer; and (b) the nature of the work prevents the employee from being relieved of all duties based on at least one of certain specified conditions. Third, specifies that the provisions of this bill do not apply to an employee covered by a collective bargaining agreement that expressly provides for meal periods, among other specified working conditions. Fourth, provides that where a collective bargaining agreement exists, any authorized individual waivers of an employer must be exercised by the employee’s authorized representative for collective bargaining purposes. Finally, requires all private and public employers to pay their employees an additional hour of compensation for each split shift day worked.</td>
<td>6/19/08</td>
<td>Senate Labor and Industrial Relations Committee: Failed Passage</td>
<td>Support</td>
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<td><strong>AB 1756</strong> (Caballero) Local Infrastructure: Public-Private Partnerships</td>
<td>Requires the Business, Transportation and Housing Agency to establish the Office of Local Public-Private Partnerships to inform local agencies and other interested stakeholders regarding the role that public-private partnerships can play in financing, constructing, operating, maintaining, and/or managing fee-producing local infrastructure projects. Specifies that the duties of the Office of Local Public-Private Partnerships shall included the following: (a) developing information that would help a local agency determine whether a local infrastructure project would benefit from a public-private partnership approach; (b) providing such information to local agencies and other interested stakeholders through educational seminars, fact sheets and other materials; (c) serving as a clearinghouse of information regarding the use of public-private partnerships for infrastructure projects in this state and elsewhere; and (d) establishing a service to link local agencies with technical and legal resources to assist in developing and evaluating requests for proposals for public-private partnership projects, and to assist in structuring agreements to protect a local agency’s interests in a public-private partnership.</td>
<td>4/3/08</td>
<td>Assembly Business and Professions Committee: Failed Passage</td>
<td>Support</td>
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<td><strong>AB 1815</strong> (Feuer) California Transportation Infrastructure Funding Task Force</td>
<td>Establishes the California Transportation Infrastructure Funding Task Force to report to the Legislature and Governor by January 1, 2010, on alternatives to the current system of taxing road users through per-gallon fuel taxes.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee: Failed Passage</td>
<td>Support</td>
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<td><strong>AB 1836</strong> (Feuer) Infrastructure Financing Districts</td>
<td>Authorizes a city to form an infrastructure financing district to finance public transit facilities without an election. Requires that the date in an infrastructure financing plan specifying when an infrastructure financing district would cease to exist be no more than 40 years from the date when the ordinance forming the district is adopted.</td>
<td>6/23/08</td>
<td>Senate Local Government Committee: Failed Passage</td>
<td>Support</td>
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<td><strong>AB 1845</strong> (Duvall) Highway-Railroad Grade Separations</td>
<td>Makes inoperative the requirement in existing law for Caltrans to include $15 million in its annual budget for railroad-highway grade separation projects on the date that the department notifies the Secretary of State’s Office that all funds made available for grade separation projects by the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 have been fully allocated and expended.</td>
<td>4/16/08</td>
<td>Senate Transportation and Housing Committee: Failed Passage</td>
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<td><strong>AB 1850</strong> (DeVore) Office of Public-Private Partnerships</td>
<td>Creates the Office of Public-Private Partnerships within the Governor’s Office. Authorizes the Office of Public-Private Partnerships to negotiate and enter into partnership agreements between state agencies and private enterprises to construct and maintain infrastructure, subject to the following conditions: (a) the total amount of funds committed by private enterprises in all partnership agreements executed in any single fiscal year must not exceed $25 billion; (b) the state must not incur debt to perform its duties under any partnership agreement; (c) prior to executing a partnership agreement on behalf of the state, the Office of Public-Private Partnerships must provide 90 days’ notice to the Legislature. Repeals the Office of Public-Private Partnerships on January 1, 2019.</td>
<td>As Introduced</td>
<td>Assembly Business and Professions Committee: Failed Passage</td>
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<td><strong>AB 1851</strong> (Nava) Greenhouse Gas Credits</td>
<td>Makes it unlawful for a person to represent in an advertisement, or in any other sales or promotional materials made available to the public for the sale of a greenhouse gas credit or emissions reduction that the credit or reduction reduces greenhouse gas emissions unless certain requirements are met.</td>
<td>8/22/08</td>
<td>Assembly Floor: Concurrence: Failed Passage</td>
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<td><strong>AB 1904</strong> (Torrico) STIP: County Share Calculations</td>
<td>Changes the method for calculating state highway miles for a particular county with regard to its formula share under the State Transportation Improvement Program (STIP). Specifically, provides that the total number of state highway miles must be calculated so that it is not less than the total number of state highway miles that existed in a county on January 1, 2009. Requires the California Transportation Commission (CTC) to develop guidelines establishing a process for a regional transportation planning agency (RTPA) or a countywide transportation planning agency to exchange state transportation funds apportioned to a county under the STIP for federal transportation funds for the purpose of allowing GARVEE bonds to be issued for a project programmed in the STIP.</td>
<td>4/14/08</td>
<td>Assembly Appropriations Committee: Failed Passage</td>
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<td><strong>AB 1937</strong> (Tran) State Highway Facilities</td>
<td>Prior to the state taking possession and assuming ownership of a highway structure or facility from an entity other than a state agency, requires Caltrans and the California Transportation Commission (CTC) to first determine that the structure or facility has been brought into compliance with all existing, applicable standards for state highway facilities.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee: Failed Passage</td>
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<td><strong>AB 1943</strong> (Leno)</td>
<td>Commercial Airlines: Passenger Rights</td>
<td>Whenever passengers have boarded an aircraft whose departure from the airport is delayed by more than three hours, or whenever more than three hours have passed following the landing of an aircraft and passengers have not been able to disembark, requires the air carrier to provide passengers with all of the following: (a) electrical service that is sufficient to provide passengers with fresh air and light; (b) waste removal service for the holding tanks for onboard restrooms; and (c) adequate food, drinking water and other refreshments. Requires an air carrier to provide clear and conspicuous notice regarding passenger or consumer complaint contact information by making available forms and placing signs at all airport service desks and other appropriate areas in the airport as necessary.</td>
<td>4/2/08</td>
<td>Senate Floor: Failed Passage</td>
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<td><strong>AB 1954</strong> (Jeffries)</td>
<td>HOT Lanes: I-15 Corridor in Riverside County</td>
<td>Authorizes a value pricing and transit program involving high-occupancy toll (HOT) lanes to be developed and operated on I-15 in Riverside County by the Riverside County Transportation Commission (RCTC). Requires RCTC to carry out the value pricing and transit program pursuant to a cooperative agreement with Caltrans that addresses all matters related to design, construction, maintenance, and operation of state highway system facilities in connection with the program. Requires RCTC to establish appropriate traffic flow guidelines for the purpose of ensuring optimal use of the express lanes by high-occupancy vehicles without adversely affecting other traffic on the state highway system. Authorizes RCTC to impose tolls and to issue revenue bonds for the HOT lane project. Allows excess toll revenues to be used to: (a) enhance transit service designed to reduce traffic congestion on I-15 or to expand travel options along the I-15 corridor; and (b) make operational or capacity improvements designed to reduce congestion or improve the flow of traffic on I-15.States that RCTC is not entitled to compensation for the adverse effects on HOT lane revenues due to construction of competing facilities by Caltrans or local agencies.</td>
<td>8/6/08</td>
<td>Signed into Law: Chapter #421</td>
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<td><strong>AB 1968</strong> (Jeffries)</td>
<td>Transportation Infrastructure Emergencies</td>
<td>Authorizes the Governor to declare a transportation infrastructure emergency for the purpose of relieving traffic congestion on any specified highway or segment of a highway for which Caltrans has determined that the average daily vehicle hours of delay, excluding weekends, exceeds 3,000. Upon declaration of such an emergency, requires the Governor to direct Caltrans to immediately create and implement an expedited process, and to establish deadlines for the construction of new highways or additional lanes on existing highways.</td>
<td>3/24/08</td>
<td>Assembly Transportation Committee: Failed Passage</td>
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<td><strong>AB 1978</strong> (Solorio)</td>
<td>Public Records: Computer Mapping Systems</td>
<td>Provides that computer-mapping software developed by a state or local agency is not itself a public record subject to the California Public Records Act. Specifies that agencies may sell, lease or license the software for commercial or non-commercial use.</td>
<td>As Introduced</td>
<td>Assembly Governmental Organization Committee: Failed Passage</td>
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<td><strong>AB 2009</strong> (Hernandez)</td>
<td>Utility User Taxes: Public Transit Natural Gas Exemption</td>
<td>Prohibits a utility user tax from being imposed on compressed natural gas dispensed by a gas compressor within a local jurisdiction if that natural gas is: (a) dispensed by a gas compressor that is separately metered; and (b) dedicated to serve the local agency or public transit operator.</td>
<td>6/18/08</td>
<td>Signed into Law: Chapter #221</td>
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<td><strong>AB 2074</strong> (Nava) Caltrans: Encroachment Permits</td>
<td>Requires each Caltrans district office to appoint an ombudsperson to receive and coordinate applications for encroachment permits, and to expedite the review of permit applications.</td>
<td>7/2/08</td>
<td>Senate Floor: Failed Passage</td>
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<td><strong>AB 2093</strong> (Jones) General Plans: Climate Change</td>
<td>Requires climate change to be considered in a local agency’s General Plan in policies to achieve the greenhouse gas emission reductions of the California Global Warming Solutions Act of 2006.</td>
<td>6/19/08</td>
<td>Senate Local Government Committee: Failed Passage</td>
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<td><strong>AB 2094</strong> (DeSaulnier) Joint Policy Committee: Membership</td>
<td>Requires the San Francisco Bay Conservation and Development Commission (BCDC) to be represented on the Bay Area’s Joint Policy Committee in addition to the Association of Bay Area Governments (ABAG), the Bay Area Air Quality Management District (BAAQMD) and the Metropolitan Transportation Commission (MTC). Authorizes BCDC to develop regional strategies for addressing the effects of sea level rise and other impacts of global climate change on the San Francisco Bay and its shoreline areas.</td>
<td>7/1/08</td>
<td>Signed into Law: Chapter #442</td>
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<td><strong>AB 2179</strong> (Furutani) Renewable Diesel Fuel</td>
<td>Requires all diesel-fueled vehicles owned or leased by the state on or after January 1, 2010, to use renewable biomass-based diesel fuel, as determined by the California Air Resources Board (CARB). Specifies that these requirements are applicable only if all of the following conditions are met: (a) renewable biomass-based diesel fuel is readily available, and its cost to the state is equal to or less than the cost of regular diesel fuel, as determined by CARB; (b) CARB finds in a public hearing that the use of renewable biomass-based diesel fuel will not result in any increase in emissions of air pollutants or toxic air contaminants, based on a full fuel-cycle analysis that quantifies and takes into account the emissions from the production, distribution, sale, and use of the fuel; and (c) the use of the renewable biomass-based diesel fuel will not result in the voiding of any warranties for engines or air pollution control equipment.</td>
<td>8/18/08</td>
<td>Vetoed by the Governor</td>
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<td><strong>AB 2195</strong> (Brownley) Rail Transit Safety</td>
<td>Authorizes the California Public Utilities Commission (CPUC) to approve a public transit guideway, or to otherwise carry out its regulatory and oversight duties over public transit guideways, without a hearing.</td>
<td>4/2/08</td>
<td>Assembly Floor: Failed Passage</td>
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<td><strong>AB 2272</strong> (Fuentes) HOV Lanes: Three-Wheeled Motor Vehicles</td>
<td>Permits fully enclosed, three-wheeled motor vehicles to use high-occupancy vehicle (HOV) lanes.</td>
<td>As Introduced</td>
<td>Signed into Law: Chapter #672</td>
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<td>AB 2278 (Caballero)</td>
<td>Local Infrastructure Development: Public-Private Partnerships</td>
<td>Declares the intent of the Legislature that the Office of Planning and Research assist local agencies interested in public-private partnerships by providing information and practical assistance that will help educate local agencies about the appropriate application of public-private partnerships to some types of local infrastructure projects, and help ensure that public-private partnership agreements protect the public interest. Requires the Office of Planning and Research to advise and educate local agencies and other interested stakeholders about the role that public-private partnerships can play in planning, studying, designing, financing, constructing, operating, maintaining, or managing local infrastructure projects. Requires assistance provided by the Office of Planning and Research in this regard to include the following: (a) developing information that would help a local agency determine whether a local infrastructure project would benefit from a public-private partnership that provides an alternative financing and procurement approach; (b) providing such information to local agencies and other interested stakeholders through educational seminars, fact sheets and other materials; (c) serving as a clearinghouse of information regarding the use of public-private partnerships for infrastructure projects in this state and elsewhere; and (d) establishing a service to link local agencies with technical and legal resources to assist in developing and evaluating requests for proposals for public-private partnership projects, and to assist in structuring agreements to protect a local agency’s interests in a public-private partnership.</td>
<td>5/6/08</td>
<td>Assembly Appropriations Committee: Failed Passage</td>
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<td>AB 2295 (Arambula)</td>
<td>STIP: Local Streets and Roads</td>
<td>Allows local roadway rehabilitation projects to be eligible for funding under the State Transportation Improvement Program (STIP).</td>
<td>7/14/08</td>
<td>Vetoed by the Governor</td>
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<td>AB 2316 (Ruskin)</td>
<td>Motor Vehicles: Greenhouse Gas Emissions Reductions</td>
<td>By January 1, 2010, requires the Little Hoover Commission to conduct a study and submit recommendations to the Legislature regarding all of the following: (a) the consolidation of existing vehicle retirement programs; (b) the improvement of vehicle retirement programs; (c) opportunities for vehicle retirement programs to provide greenhouse gas emissions reduction benefits in addition to air quality benefits; and (d) emissions reduction contributions of vehicle retirement programs toward the statewide greenhouse gas emissions goals established in the California Global Warming Solutions Act.</td>
<td>4/7/08</td>
<td>Assembly Appropriations Committee: Failed Passage</td>
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<td>AB 2327 (Caballero)</td>
<td>Emergency Services</td>
<td>Requires all entities providing disaster-related services and assistance to strive to ensure that victims receive the help they need and are eligible to receive. Requires public employees to provide such assistance without eliciting information or documents that are not strictly necessary to determine eligibility under state or federal law.</td>
<td>5/21/08</td>
<td>Signed into Law: Chapter #361</td>
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<td>AB 2332 (Furutani)</td>
<td>Rail Yards</td>
<td>Prohibits the following: (a) construction of a rail yard within 440 yards of a school; and (b) expansion of an existing rail yard if the project would result in the yard being within 440 yards of a school. Beginning January 1, 2009, prohibits an existing rail yard that is located within 440 yards of a school from expanding its facilities that are within 440 yards of the school.</td>
<td>4/8/08</td>
<td>Assembly Transportation Committee: Failed Passage</td>
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<td><strong>AB 2376</strong> (Price) Small and Emerging Contractors Technical Assistance Program</td>
<td>Enacts the Small Business Technical Assistance Act of 2008. Under the act, authorizes Caltrans to establish a Small and Emerging Contractor Technical Assistance Program. Specifies that the purpose of this program is to provide training and technical assistance to small contractors to improve their ability to secure surety bond guarantees offered by the federal Small Business Administration. Requires the program to include small contractor training and technical assistance throughout the state. In implementing the program, requires Caltrans to conduct outreach efforts to inform small contractors about the program and to recruit them for the training. Allows Caltrans to charge a fee to participants not to exceed $50 to offset technical assistance counseling offered under the program.</td>
<td>5/27/08</td>
<td>Signed into Law: Chapter #458</td>
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<td><strong>AB 2388</strong> (Feuer) Vehicle Registrations: Weight and Carbon Fees</td>
<td>Imposes the following with regard to the registration of passenger vehicles: (a) a weight fee for a vehicle operated with an unladen vehicle weight of 10,000 pounds or less according to a specified schedule; and (b) a carbon fee based on the pounds of carbon dioxide emitted by the vehicle. Specifies that these fees would apply to all original registrations beginning July 2010, and to the renewal of registrations for vehicles with expiration dates on or after October 1, 2010.</td>
<td>4/3/08</td>
<td>Assembly Transportation Committee: Failed Passage</td>
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<td><strong>AB 2466</strong> (Laird) Local Government Renewable Energy Self-Generation Program</td>
<td>Allows a local government agency that produces surplus renewable energy at one of its facilities to receive a credit for the excess electricity supplied to the grid on its bill for another one of its facilities.</td>
<td>8/12/08</td>
<td>Signed into Law: Chapter #540</td>
<td>Co-Sponsor</td>
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<td><strong>AB 2492</strong> (Evans) California Transportation Commission: Reports</td>
<td>In addition to those prepared by Caltrans, authorizes the California Transportation Commission (CTC) to request and review reports of other entities, public or private, that pertain to transportation issues and concerns that the commission determines need special study.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee: Failed Passage</td>
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<td><strong>AB 2495</strong> (Feuer) Public-Public Partnerships</td>
<td>Declares the intent of the Legislature to enact a bill to allow the state to establish public-public partnerships with local governmental agencies to create fee-producing infrastructure projects and facilities.</td>
<td>As Introduced</td>
<td>Assembly Desk: Failed Passage</td>
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<td><strong>AB 2500</strong> (Strickland) Grade Separation Projects: Funding</td>
<td>Increases the annual amount required to be budgeted for allocation to highway-railroad grade separation projects from $15 million to $165 million.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee: Failed Passage</td>
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<td><strong>AB 2546</strong> (De La Torre) Toxic Hot Spot Program</td>
<td>Expands the state’s Toxic Hot Spot Program to include emissions of mobile sources located within rail yards.</td>
<td>5/23/08</td>
<td>Senate Appropriations Committee: Failed Passage</td>
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<td>AB 2558 (Feuer)</td>
<td>Climate Protection and System Preservation Fee</td>
<td>Authorizes a “regional transportation agency,” as defined, to impose a climate protection and system preservation fee for a period not to exceed 30 years, subject to majority voter approval. Allows a regional transportation agency to select one of the following mechanisms in implementing the fee: (a) a fee on all motor vehicle fuels sold in its jurisdiction, provided that the fee does not exceed 3 percent of the retail sales price; or (b) an annual per-vehicle fee for each vehicle registered in its jurisdiction that would vary based on the carbon emissions produced by the vehicle, provided that the fee does not exceed $90 on any one vehicle. Requires the regional transportation agency and the applicable air district, by a two-thirds vote of their respective boards of directors, to jointly adopt an expenditure plan for the revenues derived from the fee. To be eligible for inclusion in such an expenditure plan, requires a project or program to meet at least one of the following regional environmental or transportation needs: (a) cost-effectively reduce greenhouse gas emissions directly associated with the operation of motor vehicles; (b) infrastructure to promote safe bicycling and walking; (c) capital or operating expenses of public transit systems; (d) improve the operational efficiency of the existing state highway and local roadway system without a physical expansion of the system; and (e) maintenance and rehabilitation of local streets and roads, the state highway system, sidewalks, or bicycle routes. In adopting the expenditure plan, requires the regional transportation agency and the applicable air district to make a finding that the plan will achieve a nexus between payment of the fee, and the mitigation of greenhouse gas emissions or the other improvements funded by the fee. If the fee is being imposed by a multi-county regional transportation agency, requires project expenditures to reflect an equitable distribution of revenues throughout the region where the fee is being imposed, with not less than 95 percent of the revenues from each county, based on population, being invested over the life of the fee in projects attributable to that county. In addition, during every five-year period, requires no less than 80 percent of the revenues from each county, based on population, to be invested in projects attributable to that county. In developing the expenditure plan, requires the regional transportation agency and the applicable air district to: (a) prioritize expenditures that are the most cost effective at producing reductions in greenhouse gas emissions from motor vehicle use in the regional transportation agency’s jurisdiction, and at addressing the maintenance and rehabilitation needs of the region’s transportation system; and (b) conduct an equity analysis showing the costs and benefits of the plan to each income and geographic group. Allows the regional transportation agency to issue bonds payable from fee revenues to implement the projects and programs in its expenditure plan.</td>
<td>8/19/08</td>
<td>Senate Floor: Failed Passage</td>
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<td>AB 2560 (Lieu)</td>
<td>Medium- and Heavy-Duty Vehicles</td>
<td>By December 31, 2010, requires the Department of General Services to establish criteria to rank the environmental and energy benefits and costs of medium-duty and heavy-duty motor vehicles for potential procurement by the state and local governments. Requires the criteria to include both of the following: (a) the reduction in greenhouse gas emissions, air pollutant emissions and petroleum use on a full fuel cycle basis; and (b) the life cycle costs of the vehicle and fuel, including maintenance. States that the department is not required to comply with the criteria for potential procurement of medium-duty and heavy-duty motor vehicles.</td>
<td>8/11/08</td>
<td>Vetoed by the Governor</td>
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<td>AB 2600 (Niello) Performance-Based Infrastructure Partnerships</td>
<td>Authorizes a project sponsor to procure a private partner and award performance-based infrastructure partnerships. Defines “performance-based infrastructure partnerships” to mean either of the following: (a) an agreement whereby a private partner assists the public sponsor in defining a feasible project, and negotiates fair and reasonable terms for implementing the project; or (b) an agreement whereby a private partner assumes responsibility for delivering, improving, operating, or maintaining infrastructure facilities in accordance with established performance specifications and payment terms. Allows a project sponsor to include any of the following provisions in a performance-based infrastructure partnership agreement: (a) authorizing the private partner to collect user fees, tolls, fares, or similar charges; (b) allowing the public sponsor to accept payments of money and share revenues with the private partner; (c) addressing how the public sponsor and private partner will share development costs and manage project risks; (d) establishing performance criteria and incentives; (e) addressing the acquisition of rights-of-way and other property interests that may be required; (f) addressing the responsibility for reconstruction or renovations that are required in order for the infrastructure facility to meet applicable government standards upon reversion of the facility to public ownership; (g) ensuring patrolling and law enforcement on public facilities; (h) identifying any public sponsor specifications that must be satisfied; (i) requiring a private partner to provide performance and payment security to adequately protect the public sponsor; (j) authorizing the private partner to receive a reasonable rate of return on its investment; and (k) specifying remedies available and dispute resolution procedures. Requires all work created by the private partner under a performance-based infrastructure partnership agreement to be the property of the public sponsor. Allows a public sponsor to accept from federal government agencies funds or credit assistance in order to carry out a performance-based infrastructure partnership, regardless of whether the funds are made available by grant, loan or other financing arrangement. Allows a public sponsor to accept from any source a grant, donation, gift, or other form of conveyance of land, money, other real or personal property, or other valuable thing in order to carry out a performance-based infrastructure partnership.</td>
<td>4/21/08</td>
<td>Assembly Business and Professions Committee: Failed Passage</td>
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<td>AB 2617 (Duvall) HOV Lanes: Motorcycle Use</td>
<td>Where a motorcycle is permitted to use a high-occupancy vehicle (HOV) lane, requires Caltrans or the appropriate local authority to ensure that signs advertising this use along the HOV lanes of the highways under their respective jurisdictions are in place. Allows Caltrans or the local authority to comply with this requirement through the placement of signs, or decals on existing signs or posts, as appropriate.</td>
<td>8/11/08</td>
<td>Vetoed by the Governor</td>
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<td>AB 2638 (Coto) California Air Quality and Environmental Health Act of 2008</td>
<td>Requires the State Board of Equalization to collect a fee in an amount to be determined by the California Air Resources Board (CARB) on the sale or lease of a new passenger motor vehicle that: (a) has a gross vehicle weight rating of 10,000 pounds or less; (b) has a manufacturer’s suggested retail price of more than $80,000; and (c) has a federal fuel economy rating of 15 miles per gallon or less. Requires the revenues from this fee to be deposited into the California Air Quality and Environmental Health Fund to be used by CARB to finance projects and programs that will mitigate or prevent the air pollution harm caused by the motor vehicles that are subject to the fee. Expresses the intent of the Legislature that CARB consider expending some of the fee revenues to finance the state’s Lower-Emission School Bus Program.</td>
<td>3/24/08</td>
<td>Assembly Transportation Committee: Failed Passage</td>
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| **AB 2646**  
(Leno)  
Infrastructure Financing District: San Francisco Waterfront | Authorizes San Francisco to create an infrastructure financing district along its waterfront. | 4/21/08 | Assembly Rules Committee: Failed Passage |  |
| **AB 2650**  
(Carter)  
Caltrans: Environmental Reviews | Until January 1, 2012, 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) for a limited period of time to see if this approach would speed up the delivery of state highway projects without a lessening of environmental protection. 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. | 6/16/08 | Signed into Law: Chapter #248 | Support |
| **AB 2705**  
(Jones)  
Mello-Roos Community Facilities Districts: Public Transit | Adds public transit operations and maintenance to the list of services that may be financed under a Mello-Roos community facilities district. Also authorizes the financing of public transit facilities under a Mello-Roos community facilities district. | As Introduced | Senate Local Government Committee: Failed Passage |  |
| **AB 2716**  
(Ma)  
Paid Sick Days | Provides that an employee who works in California for seven or more days in a calendar year is entitled to paid sick days, which must be accrued at a rate of no less than one hour for every 30 hours worked. Entitles an employee to use accrued sick days beginning on the 90th calendar day of employment. Upon the request of an employee, requires an employer to provide paid sick days for: (a) diagnosis, care or treatment of health conditions of the employee or an employee’s family member; or (b) leave related to domestic violence or sexual assault. Prohibits an employer from discriminating or retaliating against an employee who requests paid sick days. Requires employers to satisfy certain posting and notice, and recordkeeping requirements related to paid sick days. Specifies that the provisions of the bill do not apply to employees covered by a collective bargaining agreement that provides for paid sick days. | 8/4/08 | Senate Appropriations Committee: Failed Passage |  |
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<td>AB 2732 (Levine) Public-Private Partnerships: Study</td>
<td>Requires the Legislative Analyst’s Office to conduct a study regarding the impacts of public-private partnerships for transportation and other types of infrastructure projects. Requires the Legislative Analyst’s Office to complete this study, and to transmit a report of its findings and recommendations to the Legislature by October 1, 2009. Requires the report to include a discussion of all of the following transportation issues: (a) potential advantages and disadvantages of public-private partnerships for transportation projects in the state; (b) cost comparisons of transportation projects utilizing public-private partnerships versus traditionally built transportation projects in the state; (c) public-private partnership transportation project contracts completed on time, ahead of time or late versus traditionally built comparable transportation infrastructure, and the ramifications of any contracts not completed on time for projects in California and in other states; and (d) profit margins for public-private partnership transportation projects that have already occurred in California and in other states. Requires the report to examine the following as they relate to public-private partnerships for transportation and other types of infrastructure projects: (a) impacts of public-private partnerships on public employment; (b) tax consequences of public-private partnerships on General Fund revenues; (c) total costs to the public of public-private partnerships in California; (d) comparison of construction, maintenance and operation of public-private partnership projects versus traditionally built infrastructure projects; and (e) number of successful versus unsuccessful efforts to recover revenues lost due to error or omissions on public-private partnership projects in California and in other states. Requires the report to include an examination of whether public-private partnerships, when used for building roadways, may lead to all of the following: (a) higher rates of accidents; (b) full public access to roadway usage; (c) reduced repair work along alternative routes; and (d) additional traffic on alternative routes. Requires the report to include recommendations on all of the following: (a) appropriate necessary steps to ensure adequate public oversight on public-private partnership projects; (b) measures necessary to ensure accountability of the private partners of public-private partnership projects; (c) measures necessary to ensure that any public-private partnership projects provide a fair, livable wage to all employees associated with the construction, maintenance and operation of the projects; (d) measures necessary to ensure that public-private partnership projects are completed on time; and (e) suggested levels of reasonable returns for private businesses with regard to public-private partnership projects.</td>
<td>4/8/08</td>
<td>Assembly Transportation Committee: Failed Passage</td>
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<td>AB 2744 (Huffman)</td>
<td>Repeals the existing statutory authority of the Metropolitan Transportation Commission (MTC) to impose a regional gas tax. Instead, authorizes MTC to impose a greenhouse gas mitigation fee on each gallon of motor vehicle fuel that is delivered into the fuel supply tank or tanks of a motor vehicle operated in the region. Allows the fee to be levied at a rate established by the commission, but the rate cannot exceed 10 cents per gallon. Allows the fee to be imposed for a period not to exceed 25 years. Requires the fee to be approved by a simple majority vote of the electorate in the Bay Area Region. Prior to imposing the fee, requires MTC and the Bay Area Air Quality Management District (BAAQMD) to jointly adopt a regional transportation and climate protection expenditure plan for the revenues that would be derived from the fee. Requires the plan to fund projects and programs to cost effectively reduce greenhouse gas emissions directly associated with the operation of motor vehicles. Requires adoption of the expenditure plan to include a finding by MTC and BAAQMD that the plan will achieve a nexus between payment of the motor fuel fee and the mitigation of greenhouse gas emissions. In developing the expenditure plan, requires MTC and BAAQMD to prioritize projects and programs that are the most cost-effective at producing reductions in greenhouse gas emissions from motor vehicle use in the Bay Area.</td>
<td>4/8/08</td>
<td>Assembly Transportation Committee: Failed Passage</td>
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<td>AB 2870 (DeSaulnier) California Blueprint Implementation Council</td>
<td>Creates the California Blueprint Implementation Council to: (a) work with regional agencies, such as metropolitan planning organizations (MPOs) and councils of governments (COGs), to facilitate the implementation of regional blueprint projects; and (b) develop recommendations to facilitate the coordination between regional blueprint plans, and state growth and infrastructure plans. Requires the council to perform its functions and duties only to the extent that sufficient funding, as determined by the council, is available for that purpose. Allows the council to seek and receive funding for its operations from existing state resources, and from non-state sources, including from MPOs, COGs and private parties.</td>
<td>6/19/08</td>
<td>Senate Local Government Committee: Failed Passage</td>
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<td>AB 2906 (Tran) HOV Lanes: Buffers</td>
<td>Eliminates provisions in existing law requiring that high-occupancy vehicle (HOV) lanes be separated from adjacent mixed-flow lanes by a buffer area of at least 4 feet in width.</td>
<td>6/6/08</td>
<td>Signed into Law: Chapter #27</td>
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<td>AB 2971 (DeSaulnier) Caltrans Safety Programs: Bicyclists and Pedestrians</td>
<td>By January 1, 2010, requires Caltrans to establish guidelines and criteria to ensure that the needs of bicyclists and pedestrians are addressed in the development of the department’s safety programs. In developing this guidance, requires Caltrans to take into consideration the following factors: (a) the mitigation or amelioration of unsafe conditions that constitute barriers to reasonably safe and convenient highway use by bicyclists or pedestrians; (b) the land-use context of proposed highway safety improvement projects as evidence of the demand for bicycle or pedestrian access; (c) the addition of bicycle and pedestrian safety features to a highway safety project, thereby creating additional benefits to that project and increasing its priority; (d) input from bicycle and pedestrian interest groups; and (e) other factors necessary to evaluate the need for, and benefits of, bicycle or pedestrian safety programs.</td>
<td>8/19/08</td>
<td>Vetoed by the Governor</td>
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<td><strong>AB 3005</strong> (Jones)</td>
<td>When imposing as a condition of approval of a development project an impact fee for mitigating vehicular traffic impacts of a housing development that satisfies certain conditions, requires a local agency to set the fee at a rate that reflects a lower rate of automobile trip generation.</td>
<td>8/27/08</td>
<td>Signed into Law: Chapter #692</td>
<td>Support</td>
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<td><strong>AB 3021</strong> (Nava)</td>
<td>Creates the California Transportation Financing Authority for the purpose of increasing the construction of new capacity or improvements for the state transportation system, in a manner that is consistent with and will help meet the state’s greenhouse gas reduction goals, air quality improvement goals, and natural resource conservation goals, through the issuance of bonds backed, in whole or in part, by various transportation revenue streams. Allows a project sponsor to apply to the authority for bond financing or refinancing of a transportation project that has been approved by Caltrans and the California Transportation Commission (CTC). Prior to issuing bonds for a project, requires the authority to determine that the revenues and other moneys available for that project will be sufficient to pay debt service on the bonds, and to operate and maintain the project over the life of the bonds. Allows the authority to authorize a project sponsor or Caltrans to collect tolls as one source of financing to pay debt service, and to operate and maintain a project under the following conditions: (a) the governing body of the project sponsor, by a majority vote, has approved the imposition of tolls on users of the project, or a majority of the voters within the jurisdiction of the project sponsor has approved a ballot measure imposing the tolls; (b) each highway project for which tolls are imposed must have non-tolled alternative lanes available for public use in the same corridor as the proposed toll project; (c) for highway projects, the road segment is on the state highway system; (d) the approval of the tolls must require that the tolls be set and maintained at a level expected to be sufficient to pay debt service, as well as the operation and maintenance of the project over the life of the bonds; (e) the project’s financial pro forma must incorporate life-cycle costs for the project, including revenues to pay for operation, maintenance and rehabilitation; (f) subject to any constraints in the bond documents necessary to make the bonds marketable, excess revenues from the operation of the project must be used exclusively in the corridor from which the revenues were generated to fund acquisition, construction, improvement, maintenance, or operation of high-occupancy vehicle facilities, other transportation purposes or transit service; and (g) except for purposes of implementing congestion management mechanisms, tolls may not be set to generate more revenue than the expected cost of paying debt service on the bonds, contracts entered into by the authority or project sponsor in connection with the bonds, funding reserves, operating and maintaining the project, repair and rehabilitation of the project, and providing transportation improvements in the corridor. Allows a project sponsor of a project imposing tolls to incorporate congestion management mechanisms to regulate usage and increase mobility, accessibility and environmental benefits. Provides that nothing in the bill shall allow for: (a) the conversion of any existing non-tolled or non-user-fee, mixed-flow lanes into tolled or user-fee lanes; or (b) the imposition of a toll on any local street or road.</td>
<td>8/20/08</td>
<td>Vetoed by the Governor</td>
<td>Support</td>
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<td><strong>AB 3034</strong>&lt;br&gt;(Galgiani)&lt;br&gt;High-Speed Rail</td>
<td>Revises certain provisions contained in the High-Speed Train Bond Act for the 21st Century to be submitted to the voters of California on November 4, 2008, as Proposition 1A. Specifically, refers to construction of a high-speed train system consistent with the California High-Speed Rail Authority’s certified environmental impact report (EIR) of November 2005 and July 9, 2008, rather than with its final business plan of June 2000. Revises the descriptions of route corridors of the proposed high-speed train system. Provides that the bill does not prejudice the authority’s determination and selection of the high-speed train alignment from the Central Valley to the Bay Area and its certification of the EIR. Requires revenues generated by the operation of the high-speed train system above and beyond the amount needed for operating and maintenance costs, and financing obligations to be used to fund the construction, expansion, improvement, replacement, and rehabilitation of the system. Requires $9 billion in bond revenues to be used for the corridor of the high-speed train system between the San Francisco Transbay Terminal, Los Angeles Union Station and Anaheim. If the High-Speed Rail Authority finds that the completion of this phase of the project would not be adversely impacted, allows the authority to request bond funding for the capital costs for other corridors of the high-speed train system. Specifies that no more than 10 percent of $9 billion in bond proceeds can be used for environmental studies and mitigation, planning, preliminary engineering, real property acquisition, rights-of-way improvements, and relocation assistance for displaced property owners and occupants related to the high-speed train system. Requires the High-Speed Rail Authority to complete various funding plans and financial analyses prior to: (a) submitting a request for an appropriation of bond funding for eligible capital costs; and (b) committing bond proceeds for expenditure for construction, real property acquisition and equipment procurements. In selecting corridors, or usable segments thereof, for construction, requires the authority to give priority to those corridors, or usable segments thereof, that are expected to use the least amount of bond funds as a percentage of total construction costs. Among other criteria that it may use for establishing priorities for initiating construction on corridors, or usable segments thereof, requires the authority to include the following: (a) projected ridership and revenue; (b) the need to test and certify trains operating at speeds of 220 miles per hour; (c) the utility of those corridors, or usable segments thereof, for passenger train services other than the high-speed train system that will not result in any unreimbursed operating or maintenance costs to the authority; and (d) the extent to which the corridors include facilities to enhance the connectivity of the high-speed train network to other modes of transit. Provides that there is to be no high-speed rail station between Gilroy and Merced. Requires complementary rail capital improvement projects funded from $950 million in bond proceeds allocated to intercity, commuter and urban rail systems to do the following: (a) provide direct connectivity and benefits to the high-speed train system or its facilities; (b) be part of the construction of the high-speed train system; or (c) provide capacity enhancements and safety improvements. Requires the High-Speed Rail Authority to revise its business plan by September 1, 2008, and submit it to the Legislature. Requires the authority to establish an independent peer review group for the purpose of reviewing the planning, engineering, financing, and other elements of the authority’s plans. Also requires the peer review group to issue an analysis of: (a) the appropriateness and accuracy of the authority’s assumptions; and (b) the viability of the authority’s funding plan for each corridor.</td>
<td>8/6/08</td>
<td>Signed into Law: Chapter #267</td>
<td>Support</td>
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<td>State Assembly Bills</td>
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<td><strong>AB 3039</strong> (Benoit) HOV Lanes</td>
<td>At the request of a county transportation commission or regional transportation planning agency, requires Caltrans to modify existing high-occupancy vehicle (HOV) lanes within the respective jurisdiction of the requesting entity to provide continuous access to buses and other high-occupancy vehicles. Encourages Caltrans to make these modifications in conjunction with planned restriping projects.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee: Failed Passage</td>
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<td><strong>ABX3 3</strong> (Budget Committee) State Budget Reductions</td>
<td>Amends the FY 2008 State Budget Act by reducing appropriations to various state agencies pursuant to the fiscal emergency declared by the Governor by proclamation on January 10. Authorizes the Department of Finance to use $409 million in Public Transportation Account funding to reimburse the General Fund for expenditures related to the costs of providing home-to-school transportation in FY 2008. Specifies that the Legislature hereby finds that transporting students to schools is a component of the state’s mass transportation program.</td>
<td>2/15/08</td>
<td>Signed into Law: Chapter #1</td>
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<td><strong>ABX3 7</strong> (Budget Committee) Highway Users Tax Account</td>
<td>Requires transfers of fuel tax revenues from the Highway Users Tax Account to cities and counties for local streets and roads that would otherwise be made during the months of March through July to be deferred until September.</td>
<td>2/15/08</td>
<td>Signed into Law: Chapter #5</td>
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<td><strong>ACA 2</strong> (Walters) Eminent Domain</td>
<td>Calls for placing before the voters an amendment to the California Constitution that would limit the ability of governmental entities to acquire private property through eminent domain. Specifically, prohibits the taking or damaging of private property through eminent domain for economic development, increasing tax revenues or private use without the express written consent of the owner. Provides that the owner’s acceptance of money deposited in court as the probable amount of just compensation does not prejudice the owner’s right to challenge the amount of compensation or to challenge the taking as being for a private use. Allows private property to be acquired through eminent domain to eliminate a specific, recurring and ongoing threat to public safety, provided that these conditions exist on each parcel to be taken. Specifies that the provisions of this constitutional amendment do not restrict either legislative or administrative powers to take or damage private property through eminent domain under a declared state of emergency or to abate nuisances. Specifies that when property acquired through eminent domain ceases to be used for the public use stated at the time of the taking or fails to be put to that use within 10 years following the date of that taking, the former owner and heirs shall have the right to acquire the property at fair market value at the time of the reconveyance.</td>
<td>7/5/07</td>
<td>Assembly Judiciary Committee: Failed Passage</td>
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<td>ACA 8 (De La Torre)</td>
<td>Eminent Domain: Calls for placing before the voters an amendment to the California Constitution that modifies the ability of governmental entities to acquire private property through eminent domain. Specifically, requires the public use for which the private property is taken to be stated in writing prior to the commencement of eminent domain proceedings. Prohibits the state and local governments from acquiring through eminent domain the following types of property for the purpose of conveying that property to a private person: (a) an owner-occupied residence or real property on which a small business is operated; (b) real property that is used exclusively by the owner for religious worship and is exempt from property taxes; or (c) real property in agricultural use. Provides the following exceptions to this prohibition: (a) if the stated public use is a public work or improvement; or (b) when the state or a local government exercises the power of eminent domain for the purpose of protecting public health and safety; preventing serious, repeated criminal activity; responding to an emergency; or remedying environmental contamination that poses a threat to public health and safety. Provides that if the property ceases to be used for the stated public use, the former owner would have the right to reacquire the property. Provides procedures for reacquisition of the property and for the assessment of the value of the reacquired property.</td>
<td>9/6/07</td>
<td>Assembly Floor: Failed Passage</td>
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<td>ACA 10 (Feuer)</td>
<td>Bonded Indebtedness: Transportation Infrastructure Allows a local agency to impose, extend or increase any special tax for the purpose of paying the principal, interest and redemption charges on bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of transportation infrastructure if the tax is approved by the voters by a 55 percent majority. Allows a local agency to incur indebtedness in the form of general obligation bonds to fund the construction, reconstruction, rehabilitation, or replacement of transportation infrastructure if the bond issuance is approved by the voters by a 55 percent majority.</td>
<td>As Introduced</td>
<td>Assembly Local Government Committee: Failed Passage</td>
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<td>ACR 114 (Fuller)</td>
<td>Home-to-School Transportation Requests the superintendent of Public Instruction to convene a committee to investigate cost savings and best practices for school districts operating home-to-school transportation programs, not including special education transportation.</td>
<td>8/22/08</td>
<td>Approved by the Legislature: Chapter #155</td>
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<td>AJR 53 (Huffman)</td>
<td>Greenhouse Gas Emissions Encourages Congress and the President to support federal legislation that would allow California to implement its state law regarding the reduction of greenhouse gas emissions from motor vehicles.</td>
<td>7/7/08</td>
<td>Approved by the Legislature: Chapter #92</td>
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<td>AJR 71 (Huffman)</td>
<td>Public Transit: Fuel Purchases Urges Congress to pass legislation to provide public transit systems throughout the nation with funds to purchase fuel.</td>
<td>As Introduced</td>
<td>Assembly Desk: Failed Passage</td>
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<td>SB 9 (Lowenthal)</td>
<td>Targets all but $50 million of the $2 billion in Proposition 1B transportation infrastructure bond revenues deposited into the Trade Corridors Improvement Fund for projects in the following four primary trade corridors: (1) the corridor commencing at the Port of Oakland and extending through Donner Pass to the California-Nevada state line; (2) the corridor commencing at the Port of Oakland and extending to the San Joaquin Valley; (3) the corridor commencing at the Ports of Los Angeles and Long Beach, and extending through Los Angeles, Orange, San Bernardino, and Riverside Counties to the California-Nevada state line; and (4) the corridor commencing at the Port of San Diego and the land ports of entry at the California-Mexico border, and extending to the Orange County and Riverside County lines. Requires the California Transportation Commission (CTC) to select eligible projects for Proposition 1B trade corridors funding in a manner that achieves the following objectives: (a) improves the mobility of international, containerized freight through the state’s seaports and land ports of entry, and along the state’s primary trade corridors; (b) reduces the public health risk due to emissions associated with goods movement; (c) ensures that the distribution of mobility and air quality benefits achieved with Proposition 1B trade corridors money reflects the impacts of goods movement in each of the four primary trade corridors; and (d) ensures that funds invested in infrastructure improvements with Proposition 1B trade corridors money yield mobility and emissions benefits that are long term in nature. Requires the CTC to allocate Proposition 1B trade corridors money to eligible projects that have identified and committed supplemental funding from local, state, federal, and private sources, including fees charged for the movement of containerized cargo. Except for border access improvements with committed federal funding and grade separation projects, requires projects receiving Proposition 1B trade corridors money to have supplemental funding that is at least equal to the contribution from Proposition 1B. To be eligible for Proposition 1B trade corridors money, requires an eligible project to be included in a corridor plan that articulates infrastructure improvements for the corridor. Requires projects receiving Proposition 1B trade corridors money to be fully funded and ready for construction by June 30, 2013. Requires $50 million in Proposition 1B trade corridors money to be made available for projects located in areas outside of the four primary trade corridors. Requires agencies applying for Proposition 1B trade corridors funding to submit with their proposals a plan to mitigate the emissions associated with the construction and operation of the project. Limits the use of Proposition 1B trade corridors money to construction costs. By April 1, 2008, requires the CTC to adopt guidelines and criteria for the allocation of Proposition 1B trade corridors money. Requires these guidelines to include the following: (a) the process the CTC will use to select eligible projects for funding; (b) project monitoring and accountability requirements to ensure that the expenditure of funds by recipients meets quantifiable mobility and emission reduction objectives in a timely manner; (c) requirements for agreements executed by the CTC with recipients related to the identification of project implementation milestones; (d) standards for the development and submission of corridor plans; and (e) annual reporting requirements regarding the status of eligible projects, including the achievement of project milestones and performance outcomes.</td>
<td>8/20/07</td>
<td>Assembly Appropriations Committee: Failed Passage</td>
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<td>SB 19 (Lowenthal)</td>
<td>Proposition 1B: Goods Movement Air Quality Projects</td>
<td>7/17/07</td>
<td>Assembly Appropriations Committee: Failed Passage</td>
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<td>Targets all of the $1 billion in Proposition 1B transportation infrastructure bond revenues that are dedicated for goods movement air quality improvements for projects in the following four primary trade regions: (1) San Francisco Bay Area; (2) Los Angeles and the Inland Empire; (3) the Central Valley; and (4) San Diego and the U.S.-Mexican border. Requires the California Air Resources Board (CARB) to use Proposition 1B goods movement air quality improvement money to provide financial incentives, including grants, loans and loan guarantees, for projects in the four primary trade regions that do all of the following: (a) reduce air pollutants or air contaminants not otherwise required by law or regulation in furtherance of achieving state and federal ambient air quality standards and reducing toxic air contaminants; (b) reduce the public health risk associated with the movement of international goods; (c) achieve the earliest feasible health risk reduction in communities most heavily impacted from air pollution associated with the movement of freight through the state’s four primary trade regions; (d) reduce emissions from sources that will contribute to increased public health risk in the future; and (e) ensure that the distribution of air quality benefits achieved with Proposition 1B goods movement air quality improvement money at a minimum reflects the emissions impacts of goods movement in each of the four primary trade regions. Specifies that the following types of projects are eligible to receive Proposition 1B goods movement air quality improvement money: (a) the replacement, repower or retrofit of heavy-duty diesel trucks; (b) the replacement, repower or retrofit of diesel locomotive engines; (c) the replacement, repower or retrofit of harbor craft that operate at the state’s seaports; (d) the provision of onshore electrical power for oceangoing vessels carrying freight and calling at the state’s seaports; (e) mobile or portable shoreside distributed power generation projects; (f) the replacement of cargo-handling equipment that operates at the state’s seaports and rail yards; and (g) electrification infrastructure to reduce engine idling and the use of internal combustion auxiliary power systems at truck stops, intermodal facilities, distribution centers, and other places where trucks congregate. Requires the $1 billion in Proposition 1B goods movement air quality improvement money to be matched by no less than $1 billion from local, state, federal, and private sources. By February 28, 2008, requires CARB to adopt guidelines and criteria for the allocation of Proposition 1B goods movement air quality improvement money. Requires these guidelines to include the following: (a) eligibility criteria to ensure the achievement of emission reductions not otherwise required by law or regulation from activities related to goods movement; (b) accountability and auditing requirements to ensure that the expenditure of funds by recipients meets quantifiable emission reduction objectives in a timely manner; (c) any limits that may apply to the amount of funding allowed per project unit; (d) requirements for agreements executed by CARB with recipients related to the identification of project implementation milestones and project completion; and (e) monitoring requirements for grants, loans, loan guarantees, or other financial incentives awarded or otherwise distributed to provide for the verification that the emission reductions are achieved and to ensure that the emission reductions will continue in California for the project lifetime.</td>
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<td>SB 28 (Simitian)</td>
<td>Text Messaging</td>
<td>8/4/08</td>
<td>Signed into Law: Chapter #270</td>
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<td>Prohibits driving a motor vehicle while using an electronic wireless communications device to write, send or read a text-based communication.</td>
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<td>SB 53 (Ducheny) State Rail-Related Functions</td>
<td>Requires the California Research Bureau to do all of the following: (a) analyze and make recommendations for improving the state’s rail functions; (b) make recommendations regarding the oversight, regulation and efficiency of the state agencies with jurisdiction over rail-related matters in order to improve passenger and freight rail mobility in California; (c) estimate any costs associated with the implementation of its recommendations. Requires the bureau to analyze the following issues: (a) how to improve the efficiency, performance and stability of rail activities funded in part or in whole with state money; (b) the benefits and liabilities of establishing one accountable state commission or department responsible for the oversight, regulation, identification, and prioritization of rail transportation and safety programs and projects, including rail grade crossings and separations, rail equipment procurement and passenger service, the provision of traditional passenger rail and high-speed rail service, and rail safety regulation and oversight; and (c) issues that the Legislature should consider if a bill is introduced to consolidate any or all of the functions, responsibilities or activities of the five state agencies with jurisdiction over rail-related matters into one or more state agencies, commissions or departments. Requires the bureau to report its findings to the Legislature by May 1, 2009.</td>
<td>8/14/08</td>
<td>Signed into Law: Chapter #612</td>
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<td>SB 286 (Lowenthal) Transportation Enhancement Funds: Community Conservation Corps</td>
<td>With respect to federal funds made available to California for transportation enhancement projects, requires transportation planning agencies, county transportation commissions or authorities, and congestion management agencies to utilize criteria developed by Caltrans that give priority in the selection of these projects to the sponsors of eligible projects that partner with, or commit to employ the services of, a community conservation corps or the California Conservation Corps to construct or undertake the project. When developing guidelines for the State Transportation Improvement Program (STIP), and the State Highway Operation and Protection Program (SHOPP), requires the California Transportation Commission (CTC) to include guidance to encourage the allocation of funds for transportation enhancement projects to community conservation corps and the California Conservation Corps as partners with applicants that commit to employ the services of corps members in the construction of those projects.</td>
<td>8/15/08</td>
<td>Signed into Law: Chapter #373</td>
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<td>SB 298 (Ashburn) High-Speed Rail</td>
<td>Postpones until 2010 the scheduled vote on the Safe, Reliable High-Speed Passenger Train Bond Act.</td>
<td>7/14/08</td>
<td>Assembly Transportation Committee: Failed Passage</td>
<td>Oppose</td>
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<td><strong>SB 303</strong></td>
<td>Requires regional transportation planning agencies (RTPAs) in urban areas to prepare an initial</td>
<td>7/1/08</td>
<td>Assembly Appropriations</td>
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<td>(Ducheny)</td>
<td>planning scenario (IPS) as part of their regional transportation plans (RTPs). Requires the IPS to:</td>
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<td>Committee: Failed Passage</td>
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<td>Land-Use Planning:</td>
<td>(a) project land-use and development patterns; (b) provide for sufficient housing; and (c)</td>
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<td>Initial and</td>
<td>establish a regional greenhouse gas emissions target by projecting the Land Use/Transportation</td>
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<td>Alternative Planning Scenarios</td>
<td>(d) prepare an alternate planning scenario (APS) mandatory for RTPAs with a population of more</td>
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<td>than 200,000 and requires the APS to project a LUTCF that is less than that associated with the IPS.</td>
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<td>Defines LUTCF as a region’s per capita or per household carbon emissions calculated using a</td>
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<td>methodology that measures the carbon equivalent of greenhouse gas emissions from personal and</td>
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<td>freight transportation and residential energy use and direct fuel consumption. Requires the APS</td>
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<td>to: (a) project a land-use and development pattern; (b) provide for sufficient housing; and</td>
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<td>(c) rely on the same planning projections and assumptions as used to develop the IPS. Requires</td>
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<td>the APS to consider a range of growth patterns, including accommodating growth in: (a) master-</td>
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<td>planned communities; (b) exurban areas outside existing urban centers; (c) suburban areas near</td>
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<td>urban areas; and (d) urban areas. Allows both the IPS and APS to designate the approximate</td>
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<td>boundaries of potential Transportation Infill Areas (TIAs) within the region that could be</td>
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<td>developed at significantly higher densities to increase the efficiency of the transportation</td>
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<td>network. Allows a city or county to create TIAs in areas designated as such in the RTP.</td>
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<td>Requires the submittal of the IPS and APS to the California Air Resources Board (CARB) for its</td>
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<td>review and assessment of whether the scenarios will inhibit the state from achieving its goals</td>
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<td>under the California Global Warming Solutions Act of 2006.</td>
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<td><strong>SB 344</strong></td>
<td>Provides that the purchase or other acquisition of bonds by or on behalf of the state or a local</td>
<td>3/6/08</td>
<td>Signed into Law: Chapter #3</td>
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<td>(Machado)</td>
<td>government that issued the bonds does not cancel, extinguish or otherwise affect the bonds.</td>
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<td>Public Finance:</td>
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<td>Bond Issuances</td>
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<td><strong>SB 348</strong></td>
<td>Reauthorizes the vehicle registration surcharge imposed by the City/County Association of</td>
<td>4/29/08</td>
<td>Signed into Law: Chapter #377</td>
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<td>(Simitian)</td>
<td>Governments of San Mateo County for traffic congestion management and stormwater pollution</td>
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<td>Vehicle Registration</td>
<td>programs for an additional four years, and specifies that this surcharge shall terminate on</td>
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<td>Mateo County</td>
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<td>SB 375 (Steinberg) Transportation Planning: Sustainable Communities Strategy</td>
<td>Requires the California Transportation Commission (CTC) to maintain guidelines for travel demand models used in the development of regional transportation plans (RTPs) by the state’s 17 metropolitan planning organizations (MPOs). Requires an MPO to adopt as part of its RTPs a “sustainable communities strategy” that: (a) identifies the general location of uses, residential densities and building intensities within the region; (b) identifies areas within the region sufficient to house all of the population of the region, including all economic segments of the population, over the course of the planning period of the RTP taking into account net migration into the region, population growth, household formation, and employment growth; (c) identifies areas within the region sufficient to house an eight-year projection of the regional housing need for the region; (d) identifies a transportation network to service the transportation needs of the region; (e) gathers and considers the best practically available scientific information regarding resource areas and farmland in the region; (f) sets forth a forecasted development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, will reduce greenhouse gas emissions from automobiles and light trucks to achieve, if there is a feasible way to do so, the greenhouse gas emission reduction targets approved by the California Air Resources Board (CARB); and (g) allows the RTP to comply with the federal Clean Air Act. By September 30, 2010, requires CARB to provide the state’s MPOs with greenhouse gas emission reduction targets for the automobile and light truck sectors for 2020 and 2035, and to update these regional targets every eight years, as specified, until 2050. To the extent an MPO’s sustainable communities strategy is unable to achieve the greenhouse gas emission reduction targets, requires the MPO to prepare an alternative planning strategy as a separate document from the RTP showing how the targets would be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies. Requires CARB to review each MPO’s sustainable communities strategy or alternative planning strategy, if any, to determine whether it would achieve the greenhouse gas emission reduction targets, if implemented. Requires a strategy that is found by CARB to be insufficient to be revised by the MPO. Exempts projects programmed for funding before December 31, 2011, from being subject to a sustainable communities strategy if they: (a) are contained in the 2007 or 2009 Federal Statewide Transportation Improvement Program; (b) are funded with Proposition 1B bond revenues; or (c) were specifically listed in a ballot measure prior to December 31, 2008, approving a local sales tax increase for transportation projects. Requires an MPO to adopt a public participation plan for the development of its sustainable communities strategy or alternative planning strategy, if any, that includes consultation with the congestion management agencies, transportation agencies and transportation commissions in its region. Requires regional housing need allocation plans to be consistent with the applicable sustainable communities strategy. Provides a California Environmental Quality Act (CEQA) exemption for a “transit priority project,” as defined, that meets certain requirements and that is consistent with its region’s sustainable communities strategy or alternative planning strategy, if any. Provides a streamlined CEQA process for various other residential and mixed-use residential projects meeting certain requirements if they are consistent with their respective region’s sustainable communities strategy or alternative planning strategy, if any.</td>
<td>8/18/08</td>
<td>Signed into Law: Chapter #728</td>
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<td>SB 445</td>
<td>Authorizes regional transportation agencies, as defined, to impose a greenhouse gas mitigation fee on either: (a) vehicle registrations; or (b) motor vehicle fuel, not to exceed 10 cents per gallon. Requires the implementing agency to adopt an expenditure plan for the use of fee revenues. Requires fee revenues to be used to fund greenhouse gas mitigation projects and programs, including the following: (a) public transit; (b) congestion management; (c) road maintenance and construction; (d) grants or other funding for educational institutions to research ways to reduce greenhouse gas emissions attributed to motor vehicles; (e) conservation incentives for vehicle owners, including rebates for the most fuel-efficient motor vehicles; (f) transit-oriented development; (g) career technical education classes for high schools and community colleges to train students for green collar jobs that support the development and implementation of technologies to reduce greenhouse gases related to transportation; and (h) green building retrofits and new construction. Requires both of the following to occur in order for a greenhouse gas mitigation fee to be impose: (a) the expenditure plan and proposed fee must be approved by a majority vote of the implementing agency’s governing board; and (b) a ballot measure containing the proposed fee and expenditure plan must be approved by the electorate within the jurisdiction of the implementing agency.</td>
<td>5/12/08</td>
<td>Assembly Transportation Committee: Failed Passage</td>
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<td>SB 494</td>
<td>Enacts the Clean Alternative Fuel and Clean Vehicle Act of 2007. By June 30, 2009, requires the California Air Resources Board (CARB) to adopt regulations that would ensure both of the following: (a) commencing January 1, 2015, 25 percent of new passenger vehicles and light-duty trucks sold in California are clean alternative vehicles; and (b) commencing January 1, 2020, 50 percent of new passenger vehicles and light-duty trucks sold in the state are clean alternative vehicles. In developing these regulations, requires CARB to do all of the following: (a) consider the technological and economic feasibility of the regulations; (b) develop and enforce compliance options for eligible clean alternative vehicles that take into account their air quality benefits and the likelihood that the vehicle will actually use clean alternative fuel; and (c) ensure, to the extent technologically and economically feasible, that a clean alternative fuel is made available statewide at retail outlets whenever CARB determines that a sufficient number of motor vehicles certified by the board to run on that fuel has been reached. Specifies that these regulations shall apply only to a motor vehicle manufactured after December 31, 2010.</td>
<td>6/26/07</td>
<td>Assembly Transportation Committee: Failed Passage</td>
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<td>SB 619</td>
<td>For all contracts related to the construction of any public works projects entered into after January 1, 2009, provides that the retention proceeds withheld from any payment by a public entity from the original contractor, by the original contractor from any subcontractor, and by a subcontractor from any other subcontractor shall not exceed 5 percent of the payment.</td>
<td>3/29/07</td>
<td>Assembly Floor: Failed Passage</td>
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<td>SB 716 (Perata)</td>
<td>Proposition 1B: Transit Capital</td>
<td>Specifies the process for allocating Proposition 1B transportation infrastructure bond revenues for public transit capital improvements under the Public Transportation Modernization, Improvement and Service Enhancement Account. Prior to seeking a disbursement of funds from this account, requires a project sponsor to submit to the California Transportation Commission (CTC) a description of the proposed project that it intends to fund with these revenues. Requires this description to include all of the following: (a) a summary of the proposed project and the benefits that it would achieve; (b) the useful life of the project, which must be consistent with the state’s general obligation bond law; (c) the estimated schedule for completing the project; (d) the total cost of the project; and (e) the identification of all funding sources necessary for completing the project. Requires the CTC to review this information solely to determine all of the following: (a) the project is consistent with the requirements for funding under the Public Transportation Modernization, Improvement and Service Enhancement Account; (b) the project is a capital improvement the meets the requirements of the state’s general obligation bond law; (c) the project or useful project component is or would become fully funded with an allocation of money from the Public Transportation Modernization, Improvement and Service Enhancement Account; and (d) the funds could be encumbered within three years of the allocation based on the CTC’s review of the project’s phase or schedule for completion, as submitted by the project sponsor. Upon conducting this review and determining that a proposed project is in compliance with these requirements, specifies that the CTC shall, on a quarterly basis, provide the Controller’s Office with a list of projects and their sponsoring agencies eligible to receive an allocation from the Public Transportation Modernization, Improvement and Service Enhancement Account. Upon receipt of this information from the CTC, requires the Controller’s Office to commence any necessary actions to allocate funds to project sponsors, including seeking the issuance of bonds for that purpose. Provides that total allocations to a project sponsor cannot exceed that project sponsor’s share of funds from the Public Transportation Modernization, Improvement and Service Enhancement Account.</td>
<td>7/11/07</td>
<td>Assembly Appropriations Committee: Failed Passage</td>
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<td>SB 732 (Steinberg)</td>
<td>Strategic Growth Council</td>
<td>Establishes the Strategic Growth Council to do all of the following: (a) identify and review activities and funding programs of member state agencies that may be coordinated to improve air and water quality, improve natural resource protection, increase the availability of affordable housing, improve transportation, and meet the goals of the California Global Warming Solutions Act of 2006; (b) recommend policies, and investment strategies and priorities to encourage the development of sustainable communities; (c) provide, fund and distribute data and information to local governments and regional agencies that will assist in developing and planning sustainable communities; and (d) manage and award grants and loans to support the planning and development of sustainable communities.</td>
<td>8/22/08</td>
<td>Signed into Law: Chapter #729</td>
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<td>State Senate Bills</td>
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| **SB 748**  
(Corbett)  
Proposition 1B:  
State-Local Partnership Program | Declares the intent of the Legislature to establish criteria and conditions for use of Proposition 1B transportation infrastructure bond revenues dedicated to the State-Local Partnership Program. Specifies that eligible local matching funds required to receive an allocation under the State-Local Partnership Program must be obtained from revenues from any voter-approved local or regional tax or fee solely dedicated to transportation improvements, or from uniform developer fees. Defines “tax” or “fee” to mean a countywide or citywide sales tax; a property or parcel tax in a county, counties or district; voter-approved bridge tolls or fees dedicated to specific transportation improvements; and uniform developer fees. Requires a project to provide a match of one dollar of eligible local matching funds for each dollar of state funds made available for the project under the State-Local Partnership Program. In order to be eligible to receive funding under the State-Local Partnership Program, requires a project to be a transportation capital project that is estimated to cost at least $5 million and that is included in a Regional Transportation Plan (RTP). Specifies that eligible projects include all of the following: (a) improvements to the state highway system; (b) improvements to transit facilities; (c) acquisition, retrofit or rehabilitation of rolling stock, buses or other transit equipment with a useful life of at least 10 years; (d) improvements to the local road system; (e) improvements to bicycle or pedestrian safety or mobility with a useful life of at least 15 years; and (f) improvements to mitigate the environmental impacts of new transportation infrastructure on a locality’s or region’s water quality. Specifies that each fiscal year in which funds are appropriated for the program constitutes a funding cycle. To ensure that as many eligible projects as possible may benefit from the State-Local Partnership Program, provides that no single project may receive more than $25 million in a single funding cycle in which program funds are appropriated. Requires each project sponsor desiring to participate in the State-Local Partnership Program in any funding cycle to submit certain specified information to the California Transportation Commission (CTC). For each funding cycle, requires the CTC to adopt a program of projects to receive allocations from the State-Local Partnership Program. In allocating funds to specific projects, requires the CTC to give priority to projects that meet any of the following: (a) the project can commence construction or implementation of the project in a manner to provide the public benefit at the earliest possible date; (b) the project can enhance the leveragability of Proposition 1B bond funds by utilizing a higher proportion of non-bond funds toward a project’s total cost than is otherwise required; or (c) the project can demonstrate quantifiable air quality improvements. Allows the CTC to allocate money to a project in more than one funding cycle. Requires a project receiving an allocation under the State-Local Partnership Program to encumber the funds no later than June 30 of the fiscal year in which an allocation is made by the CTC. In addition, requires allocated funds to be expended within three years of June 30 of the fiscal year in which an allocation is made by the CTC. Requires the CTC to rescind an allocation to a project that fails to comply with these requirements and to reallocate those funds to another project. Requires the CTC to develop and adopt guidelines to implement the State-Local Partnership Program, and to establish the criteria and process for allocating funds to eligible projects under the program. | 7/12/07 | Assembly Appropriations Committee:  
Failed Passage |
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| **SB 889**  
(Maldonado)  
Carpool Education Program | Until January 1, 2011, requires Caltrans to establish and implement the Carpool Education Pilot Program for the purposes of educating the public on the use of highway lanes and ramps for high-occupancy vehicles and encouraging the reporting of an alleged violation involving the unlawful operation of a motor vehicle in a high-occupancy vehicle (HOV) lane or ramp. Requires Caltrans to do all of the following in developing and implementing the program: (a) establish a toll-free telephone number for reporting a violation; (b) establish an Internet Website for reporting an alleged violation, for allowing an alleged offender to dispute a reported violation, and for educating the public on the use of HOV lanes and ramps; (c) publicize and cause the posting of highway signs that provide the toll-free telephone number and the Internet Website address; (d) create an educational brochure containing information on guidelines for using HOV lanes and ramps; (e) keep an individual reporting a violation anonymous; (f) require the reporting of a violation to include the license plate number of the motor vehicle, the time of day and location of the alleged violation, and any other supporting information; and (g) based on the license plate number reported, mail to the current address of the registered owner of the motor vehicle on file with the Department of Motor Vehicles a notice informing the owner that his or her vehicle was reported to have allegedly been seen in an HOV lane or ramp without the requisite number of occupants, as well as the educational brochure. | 7/2/07 | Assembly Appropriations Committee: Failed Passage |
| **SB 947**  
(Hollingsworth)  
CEQA: Highway Facilities | Amends the California Environmental Quality Act (CEQA) to require the lead agency for a project that impacts a highway overpass, on-ramp or off-ramp to consult with the appropriate transportation planning agencies or other public entities during the environmental process. | 4/30/07 | Signed into Law: Chapter #707 |
| **SB 960**  
(Alquist)  
Zero-Emission and Plug-In Hybrid Electric Vehicles | Requires the California Air Resources Board (CARB) to develop and implement regulations that ensure the following: (a) commencing January 1, 2015, 0.5 percent of new passenger vehicles sold in California are zero-emission vehicles; and (b) commencing January 1, 2015, 2.4 percent of new passenger vehicles sold in California are plug-in hybrid electric vehicles. | 5/12/08 | Assembly Transportation Committee: Failed Passage |
| **SB 974**  
(Lowenthal)  
Ports: Container Fees | Imposes a fee of $30 per 20-foot equivalent unit (TEU) on each shipping container processed in the Ports of Los Angeles, Long Beach and Oakland, payable by the owners of container cargo moving through those ports. Requires the fee revenues to be allocated as follows: (a) one half for projects that improve the flow and efficiency of container cargo to and from the Ports of Los Angeles, Long Beach and Oakland; and (b) one half for projects that mitigate air pollution caused by the movement of container cargo to and from those ports. | 7/14/08 | Vetoed by the Governor |
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<td><strong>SB 1093</strong></td>
<td>Makes a number of changes to existing law as it pertains to the San Francisco Bay Area Water Emergency Transportation Authority. Prohibits the authority from compelling property transfers or operational changes to water transportation services provided by other public agencies in the Bay Area prior to the adoption of a transition plan. Requires the transition plan to include all of the following: (a) a description of existing ferry services in the Bay Area Region as of January 1, 2008, that are to be transferred to the authority; (b) a description of any proposed expansion of ferry services in the Bay Area Region; (c) an inventory of the ferry and ferry-related capital assets, leasehold interests, personnel, operating costs, and revenues of public agencies operating public transportation ferries and proving water transportation services as of January 1, 2008, and those facilities that are to be transferred, in whole or in part, to the authority; (d) an operating plan to continue existing ferry services in the Bay Area Region for at least five years, and a detailed description of current and historically available revenues and proposed sources of revenues to meet those anticipated costs; (e) a description of the proposed services, duties, functions, responsibilities, and liabilities of the authority, and those of agencies providing or proposed to provide water transportation services for the authority; (f) an initial five-year Capital Improvement Program detailing how the authority and its local agency partners plan to support financing and completion of capital improvement projects; (g) a description of how existing and expanded water transportation services will provide seamless connections to other transit providers in the Bay Area Region; and (h) the date on which any ferry services are to be transferred to the authority. To the extent that the transition plan includes the transfer of assets or services from a local agency to the authority, requires such transfer to be subject to negotiation and agreement by the local agency. To the extent that the transition plan includes proposed changes to water transportation services or related facilities historically provided by the cities of Vallejo or Alameda, requires those changes to be consistent with those cities’ General Plans, redevelopment plans, and development and disposition agreements for projects related to the provision of water transportation services. In accepting a transfer, specifies that the authority may assume no financial obligations other than those associated with the operation of the ferry services and facilities being transferred to the authority. When feeder transportation services are proposed to be established to or from the facilities operated by the authority, requires the authority to coordinate with the public transit agencies in whose service territories the feeder service would operate. Requires the authority to establish a process for taking public input on ferry rates and schedules that it proposes to establish or change. Requires the authority to be bound by the terms and conditions of employment set forth in any collective bargaining agreement or employment contract between any entity whose services the authority directly assumes, and any labor organization or employee included within the assumption of those services. Requires the allocation of regional toll revenues by the Metropolitan Transportation Commission (MTC) to the authority to begin on the date specified in the transition plan.</td>
<td>8/12/08</td>
<td>Signed into Law: Chapter #387</td>
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<td><strong>SB 1115</strong></td>
<td>Amends existing workers’ compensation law to prohibit race, religious creed, color, national origin, age, gender, marital status, or genetic predisposition from being considered a cause or other factor of disability with regard to any determination of permanent disability.</td>
<td>As Introduced</td>
<td>Vetoed by the Governor</td>
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<td><strong>SB 1143</strong> (Dutton) HOV Lanes</td>
<td>Makes technical, non-substantive changes to state statutes pertaining to the authority of Caltrans and local agencies to establish high-occupancy vehicle (HOV) lanes.</td>
<td>As Introduced</td>
<td>Senate Rules Committee: Failed Passage</td>
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<td><strong>SB 1174</strong> (Lowenthal) Quiet Motorized Road Vehicle and Safe Mobility Committee</td>
<td>Requires the California Energy Resources Conservation and Development Commission to convene a Quiet Motorized Road Vehicle and Safe Mobility Committee. Requires the Quiet Motorized Road Vehicle and Safe Mobility Committee to research, identify and make recommendations to the commission on strategies to ensure that all motorized vehicles, regardless of engine type or configuration, emit sound sufficient to be heard and localized by pedestrians who are blind or visually impaired. Requires the Quiet Motorized Road Vehicle and Safe Mobility Committee’s recommendations to include proposed legislation and regulations, needed research or technology, and funding options for implementing its recommendations. By January 1, 2010, requires the commission to submit a report to the Legislature on the recommendations of the Quiet Motorized Road Vehicle and Safe Mobility Committee.</td>
<td>8/8/08</td>
<td>Vetoed by the Governor</td>
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<td><strong>SB 1192</strong> (Margett) Meal and Rest Periods</td>
<td>Specifies that a payment to an employee for failure by an employer to provide a mandated meal or rest period is a statutory penalty and does not constitute additional wages to the employee. Clarifies that an employer provides a meal or rest period by making one available to the employee without interfering with its use. Provides that a meal period may commence at any time before the start of the sixth hour of work.</td>
<td>As Introduced</td>
<td>Senate Labor and Industrial Relations Committee: Failed Passage</td>
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<td><strong>SB 1316</strong> (Correa) Toll Facilities: Orange and Riverside Counties</td>
<td>Authorizes the Orange County Transportation Authority (OCTA) to eliminate its rights, interests and obligations relative to the Riverside County portion of the State Route 91 toll lane by partial assignment to the Riverside County Transportation Commission or by amendment to the franchise agreement. Authorizes the Riverside County Transportation Commission to impose tolls for 50 years on transportation facilities on its portion of State Route 91. Authorizes these toll revenues to be used for capital and operating expenses of the facilities, including debt service, and for related transportation purposes in the State Route 91 Corridor.</td>
<td>6/23/08</td>
<td>Signed into Law: Chapter #714</td>
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<td><strong>SB 1363</strong> (Perata) Goods Movement Tolling Projects</td>
<td>Changes the deadline for when Caltrans and regional transportation agencies may enter into up to four comprehensive lease agreements with public and private entities for transportation projects primarily designed for the improvement of goods movement that may involve tolls pursuant to existing law from January 1, 2012, to January 1, 2013.</td>
<td>As Introduced</td>
<td>Senate Transportation and Housing Committee: Failed Passage</td>
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<td><strong>SB 1374</strong> (Battin) HOV Lanes: Low-Emission Vehicles</td>
<td>Removes the cap on the number of distinctive decals, labels and other identifiers that are available for specified low-emission vehicles granted access to high-occupancy vehicle (HOV) lanes even though the vehicles do not carry the requisite number of passengers to qualify as high-occupancy vehicles. Requires the Department of Motor Vehicles (DMV) to make the HOV lane decals, labels and other identifiers available for vehicles that have received an offset for their carbon dioxide emissions pursuant to a program certified by the California Air Resources Board (CARB).</td>
<td>4/14/08</td>
<td>Senate Transportation and Housing Committee: Failed Passage</td>
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<td>SB 1422 (Ridley-Thomas) HOT Lanes: I-10 and State Highway Route 110 in Los Angeles County</td>
<td>Until January 15, 2013, authorizes a value pricing and transit development demonstration program involving high-occupancy toll (HOT) lanes to be conducted, administered, developed, and operated on designated high-occupancy vehicle (HOV) lanes on I-10 and State Highway Route 110 in Los Angeles County by the Los Angeles County Metropolitan Transportation Authority (LA Metro). Authorizes LA Metro to carry out the value pricing and transit development demonstration program pursuant to a cooperative agreement with Caltrans that addresses all matters related to the design, construction, maintenance, and operation of state highway system facilities in connection with the program. With the assistance of Caltrans, authorizes LA Metro to establish appropriate traffic flow guidelines for the purpose of ensuring optimal use of the express lanes by high-occupancy vehicles without adversely affecting other traffic on the state highway system. Authorizes LA Metro to establish, collect and administer tolls for the HOT lanes on I-10 and State Highway Route 110. Allows LA Metro to use excess toll revenues generated by these HOT lanes for preconstruction, construction and other related costs of high-occupancy vehicle (HOV) facilities, and the improvement of transit service within the I-10 and State Highway Route 110 corridors. Prohibits LA Metro from issuing bonds for the demonstration program.</td>
<td>8/25/08</td>
<td>Signed into Law: Chapter #547</td>
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<td>SB 1429 (Perata) Bay Area State-Owned Toll Bridges</td>
<td>For Regional Measure 2 projects, requires Caltrans and project sponsors to report to the Bay Area Toll Authority (BATA) concerning funding for these projects obtained from sources other than toll revenues, including the identification of the source of any state matching funds.</td>
<td>4/23/08</td>
<td>Assembly Floor: Failed Passage</td>
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<td>SB 1507 (Oropeza) Highway Construction: School Boundaries</td>
<td>Prohibits the California Transportation Commission (CTC) from authorizing the construction or expansion of an above-ground state highway within ¼ mile of a school boundary. Prohibits Caltrans from constructing or expanding an above-ground state highway within ¼ mile of a school boundary. Prohibits a project that calls for constructing or expanding an above-ground state highway within ¼ mile of a school boundary from being included in a regional transportation improvement program (RTIP). Specifies that these prohibitions do not apply to any of the following state highway projects: (a) operational improvements that do not expand the design capacity of a state highway, and that are intended to improve the flow of traffic or to reduce congestion at specific locations on the state highway system; (b) safety improvements, the primary purpose of which is to reduce the number or severity of collisions on an existing state highway facility; (c) high-occupancy vehicle (HOV) lanes; (d) a segment of a state highway that is in a tunnel; or (e) construction or expansion of state highway facilities that are determined to have a positive air quality impact. Specifies that the provisions of the bill do not apply to projects that are authorized by the CTC prior to September 1, 2009.</td>
<td>6/9/08</td>
<td>Assembly Transportation Committee: Failed Passage</td>
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<td>SB 1539 (Calderon) Employee Meal Periods</td>
<td>Declares the intent of the Legislature to enact a bill to address issues related to meal periods in employment.</td>
<td>4/15/08</td>
<td>Senate Rules Committee: Failed Passage</td>
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<td><strong>SB 1561</strong></td>
<td>Authorizes the Sacramento Regional Transit District and the Fresno Area Express to issue a prohibition order to any person who, on at least three separate occasions within a period of 60 consecutive days, is cited for committing certain prohibited acts. Prohibits a person subject to such a prohibition order from entering the property, facilities or vehicles of the Sacramento Regional Transit District or the Fresno Area Express for specified periods of time up to a maximum of one year. Specifies that no prohibition order issued shall be effective unless the Sacramento Regional Transit District or the Fresno Area Express first affords the person an opportunity to contest the proposed action in accordance with procedures adopted by those transit districts for this purpose. Requires the Sacramento Regional Transit District and the Fresno Area Express to establish an advisory committee, and to ensure that personnel charged with issuing and enforcing prohibition orders receive training as recommended by the advisory committee.</td>
<td>8/15/08</td>
<td>Signed into Law: Chapter #528</td>
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<td><strong>SB 1685</strong></td>
<td>Allows the San Diego Association of Governments (SANDAG) to use its local sales tax authority for the following purposes related to implementing its regional comprehensive plan: (a) open space and natural habitat protection and conservation programs; (b) watershed management; (c) stormwater management and water quality improvement projects; (d) beach sand replenishment projects; and (d) public transit projects that maximize mobility and transportation choices.</td>
<td>4/22/08</td>
<td>Signed into Law: Chapter #83</td>
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<td><strong>SB 1731</strong></td>
<td>Authorizes the Metropolitan Transportation Commission (MTC) to impose a $1 vehicle registration surcharge in the counties under its jurisdiction for the purpose of implementing congestion mitigation strategies within the Bay Area Region, including the expansion of Caltrans’ traffic operations system and ramp metering. Prior to imposing this surcharge, requires MTC to: (a) adopt a program of projects that would be funded with the revenues generated by the surcharge; and (b) make a finding of fact by a majority vote of the commission that the program of projects bears a relationship or benefit to the motor vehicles that are the subject of the fee. For any project to be funded with surcharge revenues that exceed $10 million in cost, requires MTC to adopt performance measures that the project is intended to achieve.</td>
<td>4/23/08</td>
<td>Vetoed by the Governor</td>
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<td><strong>SB 1760</strong></td>
<td>Creates the Climate Action Team to be responsible for coordinating the state’s overall climate change policy. Specifies that the team would consist of the following: (a) the secretary of the California Environmental Protection Agency (CalEPA); (b) the secretary of the Resources Agency; (c) the chairperson of the California Air Resources Board (CARB); (d) the chairperson of the Energy Resources Conservation and Development Commission; (e) the president of the California Public Utilities Commission (CPUC); (f) the secretary of the Business, Transportation and Housing Agency; and (g) the secretary of the Department of Food and Agriculture. By January 1, 2010, and annually thereafter, requires the Climate Action Team to prepare and adopt a strategic research, development and demonstration plan that establishes priorities and identifies key expenditure categories for research, development, demonstration, and deployment funds to be spent in meeting the state’s climate change goals by the agencies represented on the team for the following fiscal year. By January 1, 2010, and annually thereafter, requires the Climate Action Team to prepare and adopt a climate change impact adaptation and protection plan that includes all of the following: (a) an assessment of the current state of climate change impact analysis and an identification of potential climate change impacts that should be included in decision-making related to the management of natural resources or investments in infrastructure; (b) a process for integrating climate change impact information into the planning and decision-making of state agencies as appropriate; and (c) the identification of additional research that could assist and improve state decision-making in future years.</td>
<td>5/27/08</td>
<td>Vetoed by the Governor</td>
<td></td>
</tr>
<tr>
<td><strong>SCA 1</strong></td>
<td>Calls for placing before the voters an amendment to the California Constitution that would limit the ability of governmental entities to acquire private property through eminent domain. Specifically, provides that private property may be taken or damaged through eminent domain only for a stated public use and only when just compensation has been paid to the property owner. Prohibits private property from being taken or damaged through eminent domain for purposes of: (a) economic development; (b) increasing tax revenues; or (c) for any other private use. Prohibits private property from being taken or damaged through eminent domain for maintaining the present use following the acquisition. Requires property taken or damaged through eminent domain to be owned and occupied by the condemner, or by another governmental agency by agreement with the condemner. Allows property taken or damaged through eminent domain to be leased to entities that are regulated by the California Public Utilities Commission (CPUC). Requires all property taken through eminent domain to be used only for the public use stated at the time of the acquisition, except for public or private purposes that are incidental to that use. Provides that if the property taken through eminent domain ceases to be used for the public use stated at the time of the acquisition or fails to be put to that use within 10 years following the date of the acquisition, the former owner of the property shall have the right to reacquire the property at fair market value.</td>
<td>2/5/07</td>
<td>Senate Judiciary Committee: Failed Passage</td>
<td></td>
</tr>
<tr>
<td>State Senate Bills</td>
<td>Subject</td>
<td>Last Amended</td>
<td>Status</td>
<td>VTA Position</td>
</tr>
<tr>
<td>-------------------</td>
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<tr>
<td>SCA 5 (McClintock) State and Local Government Taxation</td>
<td>Calls for placing before the voters an amendment to the California Constitution to establish, for purposes of both state and local taxation, a constitutional definition of what constitutes a “tax.” Recasts the existing definition of a “special tax” as a tax whose revenues are required by law to be expended for a specific purpose or purposes. Beginning January 1, 2007, prohibits the imposition of any new tax or any change in any tax enacted or authorized by a governmental entity that increases the amount of any tax levied upon any taxpayer unless all of the following conditions are met: (a) the measure imposing the increase is approved by two-thirds of the membership of each house of the Legislature in the case of a state tax, and by two-thirds of the membership of the governing body of the local government in the case of a local tax; and (b) the measure imposing the increase is submitted to the electorate of the governmental entity at an election, and is approved by a majority vote in the case of a general tax, and by a two-thirds vote in the case of a special tax.</td>
<td>3/21/07</td>
<td>Senate Revenue and Taxation Committee: Failed Passage</td>
<td></td>
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<tr>
<td>SCA 6 (McClintock) General Obligation Bonds</td>
<td>Calls for placing before the voters an amendment to the California Constitution regarding the issuance of general obligation bonds by the state. Specifically, requires the proceeds from the sale of any general obligation bonds approved by the voters on or after January 1, 2009, to be expended only for the costs of construction or acquisition of tangible physical property that has an expected useful life at least equal to the length of time in which the bonds that are sold to finance that construction or acquisition will reach maturity.</td>
<td>As Introduced</td>
<td>Senate Governmental Organization Committee: Failed Passage</td>
<td></td>
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<tr>
<td>SCA 28 (Wyland) Transportation Investment Fund</td>
<td>Calls for placing before the voters an amendment to the California Constitution to prohibit the Governor and Legislature from suspending Proposition 42. Also prohibits any loans of Proposition 42 revenues transferred to the Transportation Investment Fund (TIF) under any circumstances.</td>
<td>As Introduced</td>
<td>Senate Rules Committee: Failed Passage</td>
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</table>
## 2008 Regular Session Calendar

<table>
<thead>
<tr>
<th>DAY</th>
<th>JANUARY</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Statutes signed into law in 2007 take effect.</td>
</tr>
<tr>
<td>7</td>
<td>Legislature reconvenes.</td>
</tr>
<tr>
<td>10</td>
<td>Budget must be submitted by the Governor to the Legislature on or before this date.</td>
</tr>
<tr>
<td>18</td>
<td>Last day for policy committees to hear and report fiscal bills introduced in their house in 2007.</td>
</tr>
<tr>
<td>25</td>
<td>Last day for any committee to hear and report to the floor bills introduced in their house in 2007.</td>
</tr>
<tr>
<td>25</td>
<td>Last day to submit bill requests to the Legislative Counsel’s Office.</td>
</tr>
<tr>
<td>31</td>
<td>Last day for bills introduced in 2007 to be passed out of their house of origin.</td>
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<table>
<thead>
<tr>
<th>DAY</th>
<th>FEBRUARY</th>
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</thead>
<tbody>
<tr>
<td>22</td>
<td>Last day for new bills to be introduced.</td>
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<thead>
<tr>
<th>DAY</th>
<th>MARCH</th>
</tr>
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<tbody>
<tr>
<td>13</td>
<td>Spring Recess begins upon adjournment.</td>
</tr>
<tr>
<td>24</td>
<td>Legislature reconvenes from Spring Recess.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DAY</th>
<th>APRIL</th>
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<tbody>
<tr>
<td>18</td>
<td>Last day for policy committees to hear and report fiscal bills introduced in their house in 2008.</td>
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<table>
<thead>
<tr>
<th>DAY</th>
<th>MAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Last day for policy committees to hear and report to the floor non-fiscal bills introduced in their house in 2008.</td>
</tr>
<tr>
<td>23</td>
<td>Last day for fiscal committees to hear and report to the floor bills introduced in their house in 2008.</td>
</tr>
<tr>
<td>30</td>
<td>Last day for bills introduced in 2008 to be passed out of their house of origin.</td>
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<table>
<thead>
<tr>
<th>DAY</th>
<th>JUNE</th>
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</thead>
<tbody>
<tr>
<td>15</td>
<td>Budget must be passed by midnight.</td>
</tr>
<tr>
<td>26</td>
<td>Last day for a legislative measure to qualify for placement on the November 4, 2008, general election ballot.</td>
</tr>
<tr>
<td>27</td>
<td>Last day for policy committees to hear and report bills introduced in the other house.</td>
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<thead>
<tr>
<th>DAY</th>
<th>JULY</th>
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<tbody>
<tr>
<td>3</td>
<td>Summer Recess begins upon adjournment, provided the budget bill has been enacted.</td>
</tr>
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<thead>
<tr>
<th>DAY</th>
<th>AUGUST</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Legislature reconvenes from Summer Recess.</td>
</tr>
<tr>
<td>15</td>
<td>Last day for fiscal committees to hear and report to the floor bills introduced in the other house.</td>
</tr>
<tr>
<td>22</td>
<td>Last day to amend bills on the Assembly and Senate floors.</td>
</tr>
<tr>
<td>31</td>
<td>Last day for each house to pass bills. Final Recess begins at the end of this day’s session.</td>
</tr>
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<table>
<thead>
<tr>
<th>DAY</th>
<th>SEPTEMBER</th>
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</thead>
<tbody>
<tr>
<td>30</td>
<td>Last day for the Governor to sign or veto bills passed by the Legislature before September 1, and in his possession after September 1.</td>
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<table>
<thead>
<tr>
<th>DAY</th>
<th>OCTOBER</th>
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<tbody>
<tr>
<td>4</td>
<td>General Election.</td>
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<tr>
<th>DAY</th>
<th>NOVEMBER</th>
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<tbody>
<tr>
<td>4</td>
<td>General Election.</td>
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<thead>
<tr>
<th>DAY</th>
<th>DECEMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The 2009-10 regular legislative session convenes.</td>
</tr>
</tbody>
</table>
CALL TO ORDER

The Regular Meeting of the Administration and Finance Committee (A&F) was called to order at 12:07 p.m. by Chairperson Williams in Room 157, County Government Center, 70 West Hedding Street, San Jose, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
<th>Arrived</th>
</tr>
</thead>
<tbody>
<tr>
<td>David Casas</td>
<td>Board Member</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Don Gage</td>
<td>Board Member</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Chuck Reed</td>
<td>Board Member</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Forrest Williams</td>
<td>Board Member</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>David Cortese</td>
<td>Alternate Board Member</td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td>Pete McHugh</td>
<td>Alternate Board Member</td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td>Chris Moylan</td>
<td>Alternate Board Member</td>
<td>Absent</td>
<td></td>
</tr>
</tbody>
</table>

* Alternates do not serve unless participating as a Member.

A quorum was present.

2. PUBLIC PRESENTATIONS

There were no Public Presentations.

3. ORDERS OF THE DAY

There were no Orders of the Day.

4. ADJOURNED TO CLOSED SESSION at 12:10 p.m.

Anticipated Litigation—Conference with Legal Counsel

Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: (Two cases)
RECONVENCED TO OPEN SESSION at 1:04 p.m.

5. CLOSED SESSION REPORT

Anticipated Litigation--Conference with Legal Counsel

Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: (Two cases)

There was no reportable action taken during Closed Session.

CONSENT AGENDA

6. Regular Meeting Minutes of August 21, 2008

M/S/C (Gage/Reed) to approve the Regular Meeting Minutes of August 21, 2008.

7. Regular Meeting Minutes of September 18, 2008

M/S/C (Gage/Reed) to approve the Regular Meeting Minutes of September 18, 2008.


M/S/C (Gage/Reed) to review the Monthly Investment Report - August 2008.


M/S/C (Gage/Reed) to receive the Annual Swap Report for Period Ending June 30, 2008.

10. Monthly Legislative History Matrix

M/S/C (Gage/Reed) to review the Monthly Legislative History Matrix.

REGULAR AGENDA

11. Governance Presentation for Cities and County

Michael T. Burns, General Manager, reported that at the September 18, 2008 Administration & Finance (A&F) Committee meeting, the Committee directed staff to develop a presentation, which provides an overview of VTA’s governance options to determine if the cities and County have a preferred alternative.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
Mr. Burns reported that the presentation was forwarded to the A&F Committee members and the Governance Subcommittee members for their review. He continued that VTA received comments from Chris Moylan, Policy Advisory Committee (PAC) Chairperson, which were included as part of the item. Mr. Burns stated that staff is seeking the Committee’s input on the presentation.

Board Member Gage stated that the Board has previously approved the following three Governance Structure proposals:

- Eliminate the Rotation Process;
- Encourage Consecutive Four-Year Terms for Members; and
- New Process for Selecting Members within the City Grouping. VTA Board of Directors should have experience and qualifications in transportation.

Board Member Gage stressed the importance to allow the Governance Structure to be tabled for a year then reassess the issue and go back to the cities and the County to receive their input regarding the option they support, which should be conducted before the expiration. Board Member Gage stressed the importance to have a “cooling down period” and noted his support to endorse Option #2 – Reconfigure City Groupings.

Board Member Reed stated that some of the issues identified by the Hay Group have been resolved with the three Governance Structure proposals, which were previously approved by the Board.

Board Member Reed concurred with Board Member Gage and suggested that the Governance Structure item rest for one year then the Board would determine the next steps to move forward.

Chairperson Williams stated that he is not in favor of going out to convince the cities and County on the four options and stressed the importance for the cities to decide what option they prefer.

Vice Chairperson Casas stated that it appears that the Committee has a consensus, noting that it makes sense to table the Governance Structure item for a period of time; however, stressed the importance to manage the stakeholders expectations regarding the Governance options.

Vice Chairperson Casas stressed the importance for VTA and the Board to do their due diligence and develop a plan to ensure that decisions are made in a timely manner. Vice Chairperson Casas stressed the importance to ensure that the stakeholders are briefed on the matter.

Board Member Gage expressed his appreciation to the Governance Subcommittee for their diligent work, time, and effort. Board Member Gage stated that the goal is to gather all the information to formulate a plan. Board Member Gage stressed the importance to allow adequate time to determine if the approved three changes to the Governance item will make a difference.

Mr. Burns responded that staff would provide a schedule of the assessment at the November 20, 2008 A&F Committee meeting.

Vice Chairperson Casas stated that the comments submitted by Chris Moylan should be included as part of the Governance item and stressed the importance to ensure that the
Advisory Committees and Governance Subcommittee are apprised of the plan that is moving forward.

M/S/C (Gage/Reed) to allow the Governance Structure to be tabled for a year then reassess the issue and go back to the cities and the County to receive their input regarding the option they support, which should be conducted before the expiration.

On order of Chairperson Williams, there being no objection, the Committee received information on the requested presentation outlining the four governance options.

12. **Approve List of Specialty – Area Law Firms**

Kevin Allmand, Acting General Counsel, reported that VTA utilizes outside legal services in specialized areas of law or when the volume of work exceeds the capacity of VTA staff. Mr. Allmand stated that staff established a list of qualified firms to select from that would provide the necessary specialized services to VTA.

Mr. Allmand reported that a Request for Proposals (RFP) for outside attorney services was issued on June 18, 2008. The purpose of the RFP was to solicit proposals from law firms with expertise in ten specified categories of law and litigation to enable VTA to establish pre-approved attorney panels in each of those specialized areas.

Mr. Allmand stated that VTA received 29 proposals, which many of the firms submitted a proposal for more than one panel of specialized area. The selection process consisted of review and evaluation where each proposal was graded and ranked according to established criteria.

Mr. Allmand continued that 21 firms were selected to be on one or more panels and added that contracts with the recommended firms will be entered into as the need arises. Funding has been budgeted in the current fiscal year for all outside professional legal services.

Board Member Gage stressed the importance for VTA to hire a large firm with expertise in several areas. Mr. Allmand responded that VTA has received enough firms in each specified category of law.

Board Member Gage stressed the importance for VTA to have in-house expertise. Mr. Allmand responded that VTA tries to complete as much work as possible in-house; however, there may be some areas where staff are not able to complete.

Board Member Gage stressed the importance to assess over a period of time how successful and effective the list of specialty area law firms has been. Board Member Gage stressed the importance to assess if VTA used the outside legal services or if it would have been beneficial to have the expertise in-house.

Board Member Gage requested a report be conducted one year from now and presented to the Board on the assessment of the specialty area law firm’s effectiveness and indicate the funding spent.

Board Members Reed queried about the costs spent on the outside legal services in the course of a year and stressed the importance to determine if it is beneficial for VTA to hire additional lawyers or contract out.
Board Member Gage requested a report that indicates how much money was spent on the outside legal services to be provided every six months to A&F Committee.

M/S/C (Gage/Reed) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute contracts and future extensions thereof with the following law firms in ten specialized areas of law and litigation. Each contract will be for an initial three-year period, with up to two additional one-year terms, in a total amount not to exceed amounts budgeted for such legal services in any given year.

Board Member Reed left the meeting at 1:36 p.m.

13. **VTA Permit Policy and Permit Fee Schedule Revisions**

Bill Kindricks, Business Relations Manager, reported that the purpose of VTA’s Permit Policy is to protect VTA property, facilities, and service by establishing conditions for construction and activities in proximity to VTA facilities as well as for VTA to recover the associated costs.

Mr. Kindricks stated that VTA’s Permit Policy and Permit Fee Schedule proposed revisions include the following:

- Addition of the Background Security Check Program for permit applicants;
- Addition of VTA’s Background Security Check Standards; and
- Update of VTA’s Permit Fee Schedule, increasing fees and adding fees for service impacts and Background Security Checks.

Mr. Kindricks continued that the policy complies with the recommended practice by the Transportation Security Administration and consistent with the standard being considered by the American Public Transit Association (APTA) Security Risk Management Work Group.

Board Member Gage stressed the importance for the organization to recover all costs associated with VTA’s Permit Policy.

M/S/C (Gage/Casas) to approve submitting a recommendation to the Board of Directors to revise the VTA Permit Policy to include the Background Security Check Program and adopt a resolution amending the Permit Fee Schedule, increasing the fees to be collected for Restricted Access Permits and Construction Access Permits, adding fees relating to modified Light Rail and Bus services, and adding a fee relating to the Background Security Check Program.

14. **Amend FY 09 Budget to Include Funding for Advanced Zero Emission Bus (ZEB) Demo Project**

John Ristow, Chief CMA Officer, referenced the August 7, 2008 Board of Directors Regular meeting where the Board adopted the strategy of partnering with the other Bay Area transit properties and designating AC Transit as the lead agency for procuring and deploying the Advanced Zero Emission Bus (ZEB) Demo Program vehicles. Mr. Ristow continued that VTA’s participation in the ZEB Demo Program will be primarily financial.
He stated that the recommendation is to amend VTA’s Fiscal Year 2009 Transit Enterprise Fund Capital Budget to add $6.248 million to enable VTA to meet its financial commitments for the Advanced ZEB Demo Program project.

Mr. Ristow continued that the Metropolitan Transportation Commission (MTC) has programmed $8.9835 million in grant funds to VTA for use in the Advanced ZEB Demo Program project. VTA will receive $6.248 million in Fiscal Year 2009 and the $2.7355 million balance will be available in Fiscal Year 2010.

Board Member Gage stressed the importance for the Board of Directors to be aware of the ZEB Demo Program issues and challenges to determine the practicality of continuing with the program. Michael T. Burns, General Manager, responded that VTA’s ZEB’s were first generation but noted that the AC Transit ZEB’s are newer technology and more reliable.

Mr. Burns stated that there are many challenges associated with the ZEB Demo Program, noting that it is a research and development effort and transit agencies are obligated and required to participate in by the Bay Area Air Quality Management District (BAAQMD).

Board Member Gage expressed concern and stressed the importance for the Board to know if the ZEB’s are not working efficiently before VTA spends its own funds on the program.

Vice Chairperson Casas reference the Committees previous request to forward concerns regarding the ZEB Demo Program to the BAAQMD and expressed concern for VTA to spend funding on a program that is not proving to be effective.

Mr. Burns stated that at this point the funds are not discretionary and have been designated to be used for the ZEB Demo Program through MTC grant funding. He continued that VTA has spent funds on the ZEB Demo Program.

Chairperson Williams stressed the importance for VTA’s Board of Directors to receive progress updates regarding the ZEB Demo Program with AC Transit as the lead agency.

M/S/C (Gage/Casas) to approve submitting a recommendation to the Board of Directors to amend the FY 2009 VTA Transit Enterprise Fund Capital Budget to add $6.248 million for the Advanced Zero Emissions Bus Demonstration (ZEB Demo) project.

OTHER ITEMS

15. FY 2010 and FY 2011 Biennial Budget Assumptions

Joseph Smith, Chief Financial Officer (CFO) and Staff Liaison, reported that staff is currently working on the preparation of the Fiscal Year 2010 and Fiscal Year 2011 Biennial Budget. VTA’s Biennial Budget reflect the business plan of the organization and stated that there will be no significant growth to the service plan.
Mr. Smith reported that the Fiscal Year 2010 and Fiscal Year 2011 Recommended Budget will be published and distributed in April 2009 then it will be forwarded to the Board for consideration at the June 18, 2009 Board of Directors Regular meeting.

Mr. Smith stated that staff will use the following budget assumptions as guidelines to develop the Recommended Budget:

- Wages and Benefits;
- Projected Sales Tax Revenues;
- Diesel Fuel;
- State Transit Assistance (STA) funding level;
- Federal Operating Grants Preventative Maintenance funding level;
- Capital Program funding level; and
- Operating Reserves funding level.

Mr. Smith reported that all currently negotiated contracts with AFSCME, SEIU, TAEA, and ATU will expire before or during the next biennial budget cycle, noting that currently negotiated contract provisions for wage increases will be reflected in the budget. Funding of potential wage increases for represented employees upon expiration of current contracts and for merit increases for non-represented employees will be managed through vacancy savings.

He stated that projected health insurance premium increases will be based on employee benefits broker’s estimate and that all other benefits are projected to increase at the rate of inflation where appropriate.

Mr. Smith stated that Fiscal Year 2009 Projected Sales Tax Revenues percentage increase is at the rate consistent with assumptions used in the AECOM Financial Model, noting that staff will make necessary adjustments with the sales tax growth.

Board Member Gage referenced the sales tax revenues, noting that it could adversely impact VTA’s projections, which would affect VTA’s Capital Budget, Operating, and Maintenance Budgets.

Board Member Gage stressed the importance for the Board to know if VTA’s projects are able to be sustained and added that it is necessary for the Board to have a realistic view of the projections.

Mr. Smith stated that the cost of diesel fuel is volatile and added that staff will continue to monitor the cost of diesel fuel.

Board Member Gage queried about VTA’s diesel fuel storage capacity and queried about VTA’s supply. Michael T. Burns, General Manager, responded that diesel fuel is delivered to VTA a couple of times a week, noting that VTA has a three to four day supply.

Mr. Smith reported that the State Transit Administration (STA) funding will be reflected at the Fiscal Year 2009 funding level. The Federal Transit Administration (FTA) Section 5307 grant program is designed primarily to fund capital acquisitions; however, funds can also be awarded for preventive maintenance activities. He noted that VTA will continue the practice of utilizing FTA 5307 funds to support preventive maintenance activities for Fiscal Year 2010 and Fiscal Year 2011.
Mr. Smith stated that to maintain VTA’s capital infrastructure, balances in the Debt Reduction Fund will be used to backfill the application of FTA 5307 funds to preventive maintenance. He continued that a portion of the maintenance funding will be used to offset the lost in sales tax revenues and VTA will offset the lost in sales tax revenues by continuing to manage VTA’s expense budget.

The FY 2010 and FY 2011 VTA Transit Capital Program will be funded based on the financially constrained Capital Improvement Program in the 2009 Short Range Transit Plan. Operating Reserves will be designated at 15 percent of the Recommended Budget expenditures and any surplus revenues over expenses in excess of the 15 percent goal will be designated to the Debt Reduction Fund for funding of the local portion of future year capital expenditures.

Board Member Gage suggested that the Board revisit the 15 percent goal designated for VTA’s Operating Reserves sometime next year. Board Member Gage stressed the importance for VTA to reduce its debt service instead of placing excess funds into additional capital projects.

On order of Chairperson Williams, there being no objection, the Committee received a report on the FY 2010 and FY 2011 Biennial Budget Assumptions.

16. Items of Concern and Referral to Administration

There were no Items of Concern and Referral to Administration.

17. Committee Work Plan

On order of Chairperson Williams, there being no objection, the Committee reviewed the Committee Work Plan.

18. Committee Staff Report

Michael T. Burns, General Manager, referenced Board Member Liz Kniss’ request to move the Congestion Management Program and Planning (CMPP) Committee to VTA River Oaks Campus, 3331 North First Street, San Jose, CA effective immediately.

Mr. Burns stated that it would be efficient to have all VTA’s Standing Committee meetings conducted at VTA River Oaks Campus.

The Committee agreed to conduct the A&F Committee meetings at VTA River Oaks Campus effective immediately. Mr. Burns responded that the November 20, 2008 CMPP Committee and A&F Committee meetings will be held at VTA River Oaks Campus.

Board Member Gage expressed concern and noted that the CMPP Committee often runs long and overlaps into the Administration and Finance (A&F) Committee meeting time.

Board Member Gage stressed the importance to consider changing the CMPP Committee meeting time from 10:30 a.m. to 10:00 a.m. to address the meeting time overlap between the CMPP Committee and the A&F Committee.
Board Member Gage requested that the Office of the Board Secretary notify County Room Reservation to ensure that the County meeting rooms reserved for the CMPP and A&F Committees are released for the remainder of the year.

Vice Chairperson Casas stressed the importance to have direction signs placed around VTA River Oaks Campus to ensure that Committee Members and interested citizens are able to locate the Committee meeting room.

19. **Chairperson’s Report**

There was no Chairperson’s Report.

Board Member Reed left the meeting at 1:36 p.m.

20. **Determine Consent Agenda for the November 6, 2008 Board Meeting**

**CONSENT:** Agenda Item #12., Authorize the General Manager to execute contracts and future extensions thereof with the following law firms in ten specialized areas of law and litigation. Each contract will be for an initial three-year period, with up to two additional one-year terms, in a total amount not to exceed amounts budgeted for such legal services in any given year; Agenda Item #13., Revise the VTA Permit Policy to include the Background Security Check Program and adopt a resolution amending the Permit Fee Schedule, increasing the fees to be collected for Restricted Access Permits and Construction Access Permits, adding fees relating to modified Light Rail and Bus services, and adding a fee relating to the Background Security Check Program; and Agenda Item #14., Amend the FY 2009 VTA Transit Enterprise Fund Capital Budget to add $6.248 million for the Advanced Zero Emissions Bus Demonstration (ZEB Demo) project.

**REGULAR:** None

21. **Announcements**

There were no Announcements.

22. **ADJOURNMENT**

On order of Chairperson Williams, there being no objection, the meeting was adjourned at 2:01 p.m.

Respectfully submitted,

Michelle M. Garza, Board Assistant
VTA Board of Directors
Congestion Management Program & Planning Committee

Thursday, October 16, 2008

MINUTES

On general consensus, there be no objection, the Committee appointed Member Kniss as Chairperson Pro Tempore.

Call to Order

The Regular Meeting of the Congestion Management Program & Planning Committee (CMPP) was called to order at 10:40 a.m. by Chairperson Pro Tempore Kniss in Room 157, County Government Center, 70 West Hedding Street, San Jose, California.

1. Roll Call

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
<th>Arrived</th>
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</thead>
<tbody>
<tr>
<td>David Cortese</td>
<td>Alternate Board Member</td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td>Nora Campos</td>
<td>Board Member</td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td>Liz Kniss</td>
<td>Board Member</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Sam Liccardo</td>
<td>Board Member</td>
<td>Present</td>
<td>10:51 a.m.</td>
</tr>
<tr>
<td>Yoriko Kishimoto</td>
<td>Board Member</td>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td>Chris Moylan</td>
<td>Alternate Board Member</td>
<td>Present</td>
<td></td>
</tr>
<tr>
<td>Pete McHugh</td>
<td>Alternate Board Member</td>
<td>Absent</td>
<td></td>
</tr>
</tbody>
</table>

* Alternates do not serve unless participating as a Member.

A quorum was not present and a Committee of the Whole was declared.

2. PUBLIC PRESENTATIONS

There were no Public Presentations.

3. ORDERS OF THE DAY

On order of Chairperson Pro Tempore Kniss, there being no objection, the following Agenda item was deferred to the November 20, 2008, meeting: **Agenda Item #8.**, Authorize the General Manager to: (1) negotiate and amend Contract S07065 with URS Corporation to provide Phase II, final plans, specifications, and estimates (PS&E)
services for the US 101 Auxiliary Lanes Project - State Route 85 to Embarcadero Road, and increase the value of the original $2,500,000 contract ceiling by $6,350,000 for a new total contract value $8,850,000; and, (2) extend the contract term by 24 months.

The Agenda was taken out of order.

REGULAR AGENDA

5. Lifeline Transportation Program -- Cycle 2

John Ristow, Chief Congestion Management Agency (CMA) Officer and Staff Liaison, reported:

- VTA and the County of Santa Clara issued the Lifeline Transportation Program Cycle 2 General Call for Projects on July 28, 2008;
- The Santa Clara County Department of Social Services hosted a bidder’s workshop on August 15, 2008;
- The deadline for submitting applications was September 5, 2008;
- Project sponsors submitted eight projects;
- Two projects did not meet the program criteria for minimum project size and the sponsors were notified in writing and the proposals were removed from further consideration;
- The remaining six projects were provided to the Joint Lifeline Transportation Committee (JLTC) to review and score;
- Two projects, submitted by VTA in anticipation of needs being identified by the soon to be completed East San Jose Community Transportation Plan, did not receive the minimum score and will be refined and resubmitted under a future fund cycle;
- Four projects were recommended for funding: 1) Family & Children Services Ways to Work Family Loan Program; 2) Outreach Family Transportation Services Program; 3) Outreach Senior Transportation Program; and 4) Santa Clara VTA Gilroy Community Bus Routes;
- Staff requests that the VTA Board of Directors approve the funding for these four projects;
- Project submittals are due to the Metropolitan Transportation Commission (MTC) on November 30, 2008; and
- The JLTC has recommended an immediate supplemental call for projects for the remaining funds. All eligible proposals resulting from the supplemental call will be brought to the VTA Board at its’ December meeting.

On order of Chairperson Pro Tempore Kniss, there being no objection, the committee received the programming of FY 2009/2011 Lifeline Transportation Program funds as described in the memorandum.
6. **Adopt Bicycle Expenditure Plan (BEP) Evaluation Criteria**

John Ristow, Chief CMA Officer and Staff Liaison, reported that the existing BEP Evaluation Criteria require revision to be consistent with: 1) the 2008 Countywide Bicycle Plan; 2) the Bicycle Technical Guidelines (BTG) adopted by the Board in December 2007; and 3) with other changed background conditions.

Member Liccardo took his seat at 10:51 a.m. and a quorum was declared.

Mr. Ristow noted that this item has been through both the Technical Advisory Committee (TAC) and the Bicycle and Pedestrian Advisory Committee (BPAC) and was unanimously approved and put on consent by both committees.

Alternate Member Moylan queried the proposed criteria points, the relative weighting of utility versus community support points, and suggested that the priority should be based on a project’s usefulness.

Chris Augenstein, Deputy Director, Planning, noted that local agency and community support is extremely important and without them projects can languish. Chairperson Pro Tempore Kniss stated that things do not happen without community support.

Member Liccardo recommended that the weighting be reexamined.

Michael Burns, General Manager, noted that this item does not have a time constraint and recommended that it go back through the TAC and the BPAC for revision. He noted that through discussions within the committees the importance of community support can be better defined.

**M/S/C (Moylan/Kniss)** to send this item back to the TAC and BPAC for revisions on the weighting of the Evaluation Criteria Points.

**CONSENT AGENDA**

4. **Minutes of September 18, 2008**

**M/S/C (Liccardo/Kniss)** to approve the Minutes of September 18, 2008.

**REGULAR AGENDA (continued)**

5. **Lifeline Transportation Program -- Cycle 2 (continued)**

**M/S/C (Liccardo/Kniss)** to approve the programming of FY 2009/2011 Lifeline Transportation Program funds as described in the memorandum.

**NOTE:** M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
7. **Joint Development Policy - Discuss Conceptual Modifications**

Bijal Patel, Deputy Director Property Development and Management, provided a PowerPoint handout entitled “Revisiting the VTA Joint Development (JD) Policy” highlighting an: 1) Overview of VTA Joint Development Program Efforts; 2) Upcoming Board Agenda items; and 3) Discussion of Conceptual Modifications to Joint Development Policy.

Ms. Patel stated that: 1) Several steps should be taken before VTA embarks upon a development path for any more of its JD assets; 2) VTA staff are creating a JD Portfolio and JD Priority Schedule of Assets, all subject to VTA Board approval; and 3) VTA real estate assets must be segregated to identify those that are best suited for transit-oriented/joint development.

Ms. Patel noted that VTA’s existing JD Policy articulates three goals of equal importance: 1) Generate Long Term Revenue; 2) Enhance Transit Operations/Ridership; and 3) Create Community Assets/Transit-Oriented Development (TOD).

Member Liccardo stated that creating community assets is the job of the local jurisdiction. He noted the city process should come first.

Alternate Member Moylan stated that in its role as CMA, the TOD is VTA’s responsibility. He noted that it is the local CMA’s job to influence land development within local jurisdictions to ensure that it is transit oriented.

Ms. Patel noted that this is a work in progress, brought before the CMPP to raise issues and stimulate conversation. She noted that the next step would be drafting provisions. Ms. Patel stated that priority of goals will be clearly articulated within VTA’s policies.

Ms. Patel noted that to decide appropriate metrics, VTA must determine which JD Model it is pursuing. She referenced the JD models for Washington Metropolitan Area Transit Authority (WMATA) and Portland Tri-Met. Chairperson Pro Tempore Kniss recommended adding Boston and Atlanta to the list of JD models. The Committee supported looking at asset usage by these agencies.

**On order of Chairperson Pro Tempore Kniss**, there being no objection, the Committee received the report on the Joint Development Policy - Discuss Conceptual Modifications.

8. **(Deferred to November 20, 2008 CMPP Meeting)**

Authorize the General Manager to: (1) negotiate and amend Contract S07065 with URS Corporation to provide Phase II, final plans, specifications, and estimates (PS&E) services for the US 101 Auxiliary Lanes Project - State Route 85 to Embarcadero Road, and increase the value of the original $2,500,000 contract ceiling by $6,350,000 for a new total contract value $8,850,000, and, (2) extend the contract term by 24 months.

9. **High Occupancy Toll (HOT) Lanes - Public Outreach**

Casey Emoto, Acting Deputy Director of Project Development in the CMA Division, announced The Sierra Club passed a resolution earlier in October supporting VTA's
Express Lane Program. He noted one of the caveats for their support was that a minimum of 50 percent of the net revenue go to the funding of public transportation.

Mr. Emoto then introduced Frank Wilson, of Frank Wilson & Associates, whose company performed public opinion research on VTA’s behalf.

Mr. Wilson provided a Power Point handout and reported that the purpose of this survey was to: 1) give the general public, potential Express Lanes users and key community and project stakeholders an opportunity provide comments on the Program; 2) to explore how public opinion toward HOV and HOT lanes affects the proposed Program; 3) to determine the strengths, weaknesses, opportunities and threats facing the Program; and 4) to determine how best to educate the general public about the Program while formulating an outreach plan that best addresses the areas of interest to the public, project stakeholders and elected officials.

Mr. Wilson stated that those surveyed are supportive of the Express Lanes concept.

Mr. Wilson stated that the findings of the survey are in line with a report that was just released by the Transportation Research Board’s National Cooperative Highway Research Project, where they looked at compilation of public opinion data on tolling and road pricing throughout the United States, as well as internationally. He noted that the findings are also in line with Alameda County’s 2007 survey results.

Mr. Wilson reported that the key preconceptions/concerns expressed were with regard to double taxation and fairness. He noted that at almost two-to-one, people see this as a user fee for solo drivers and not a double tax. Mr. Wilson stated that the focus groups demonstrate that this issue can be mitigated by explaining that the revenue is reinvested back into the corridor. Mr. Wilson noted that the more specificity that you can give on how that money is reinvested, the greater acceptance there is. He then stated that this represents a new choice that commuters do not currently have, especially solo users or carpoolers who occasionally commute solo.

Mr. Wilson stated that 64 percent of Alameda County respondents thought FasTrak was a good idea, as opposed to 56 percent of Santa Clara County respondents, and he believes that is because there are more FasTrak users in Alameda County.

On order of Chairperson Pro Tempore Kniss, there being no objection, the Committee received an update on the recent activities and the findings related to the public outreach that has been conducted for the High Occupancy Toll (HOT) Lanes Project.

OTHER

10. Items of Concern and Referral to Administration

Alternate Member Moylan recommended moving the CMPP and Administration & Finance Committee (A&F) meetings to VTA’s River Oaks facility. Chairperson Pro Tempore Kniss stated that she supported that recommendation, noting that it would save staff time.
11. **Committee Work Plan**

   On order of Chairperson Pro Tempore Kniss, there being no objection, the Committee reviewed the Work Plan.

12. **Committee Staff Report**

   John Ristow, Chief CMA Officer and Staff Liaison, provided a handout for the Committee Staff Report.

   On order of Chairperson Pro Tempore Kniss, there being no objection, the Committee reviewed the Committee Staff Report.

13. **Chairperson’s Report**

   There was no Chairperson’s Report.

14. **Determine Consent Agenda for November 6, 2008 Board of Directors Meeting**

   **CONSENT:** Agenda Item #5., Lifeline Transportation Program -- Cycle 2; Agenda Item #9., High Occupancy Toll (HOT) Lanes - Public Outreach

   **REGULAR:** None

15. **Announcements**

   There were no Announcements.

16. **ADJOURNMENT**

   On order of Chairperson Pro Tempore Kniss, there being no objection, the meeting was adjourned at 12:02 p.m.

   Respectfully submitted,

   Susan Garcia, Board Assistant
   VTA Board of Directors
Transit Planning & Operations (TPO) Meeting
Minutes of October 16, 2008

WILL BE FORWARDED UNDER SEPARATE COVER
Committee for Transit Accessibility

Wednesday, September 10, 2008

MINUTES

NOTE: MEMBERS MAY TAKE ACTION ON ANY ITEM ON THIS AGENDA.

CALL TO ORDER

The Regular Meeting of the Committee for Transit Accessibility (CTA) was called to order at 1:00 p.m. by Chairperson Morrow in Building A, Auditorium, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
<th>Arrived</th>
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<tbody>
<tr>
<td>Lori Arnberg</td>
<td>CTA Member</td>
<td>Present</td>
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<tr>
<td>Linda Gallo</td>
<td>CTA Member</td>
<td>Present</td>
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<tr>
<td>David Grant</td>
<td>CTA Member</td>
<td>Present</td>
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<tr>
<td>Marjorie Jensen</td>
<td>CTA Member</td>
<td>Present</td>
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<tr>
<td>Connie Langford</td>
<td>CTA Member</td>
<td>Present</td>
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<tr>
<td>Laura Michels</td>
<td>CTA Member</td>
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<td></td>
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<tr>
<td>Shawna Nourzaie</td>
<td>CTA Member</td>
<td>Present</td>
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<tr>
<td>Larry Saltman</td>
<td>CTA Member</td>
<td>Present</td>
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<tr>
<td>Emma Eljas</td>
<td>CTA Second Vice Chair</td>
<td>Present</td>
<td></td>
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<tr>
<td>Sandra Gouveia</td>
<td>CTA Member</td>
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<tr>
<td>Troy Hernandez</td>
<td>CTA Member</td>
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<tr>
<td>David Julian</td>
<td>CTA First Vice Chair</td>
<td>Present</td>
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<tr>
<td>Martin Lasich</td>
<td>CTA Member</td>
<td>Present</td>
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</table>
2. INTRODUCTION OF AUDIENCE MEMBERS

Captain Robert Schiller, Protective Services; Dan Smith, Chief Operating Officer; Susan Garcia, Board Assistant; Sandra Weymouth, Policy and Administration Manager; Greta Helm, Chief of External Affairs; Jennie Hwang Loft, Public Information Officer; John Sighamony, Senior Transportation Planner; Dorothy Reyes, Customer Service Supervisor; Camille Williams, Accessible Services Program Manager.

3. PUBLIC PRESENTATIONS:

Larry Saltman, Interested Citizen, provided information regarding a request from the San Jose Office on Aging for two shelters on Chambertine Drive and Dartmouth to provide protection from increment weather for seniors who travel to the facility using public transportation.

4. Minutes of July 9, 2008

M/S/C (Langford/Gouveia) on a vote of 13 Ayes, to 0 Noes, to 3 Abstentions to approve the Minutes of July 9, 2008.

5. Chief Operating Officer’s Report

Dan Smith, Chief Operating Officer, announced the departure of Captain Luther Pugh who was reassigned to head the detective division in the sheriff’s office. Mr. Smith introduced Captain Robert Schiller who has been assigned to head VTA’s Protective Services and will replace Captain Pugh.

Mr. Smith provided a brief update on the Southline Retrofit project noting the completion of phase five with the opening of the Cottle station on September 27, 2008. He indicated that the sixth and final stage will be the Snell and Santa Teresa stations, which are scheduled to be completed on November 27, 2008.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
Mr. Smith provided information on VTA’s role in locating a woman with Alzheimer’s who had been missing for two days. She was discovered at a light rail station and safely returned to her residence.

Mr. Smith indicated that a fare inspection sting was conducted at the Ohlone Chynoweth station. He explained that individuals were checked for valid passes and educated on how to purchase tickets. Mr. Smith noted that no arrests were made but citations were given to several people who had already been warned.

Ex-Officio Member Heatley commented that Germany has posted fake transit signs because people with Alzheimer’s or dementia tend to migrate toward them.

On order of Chairperson Morrow, there being no objection, the committee received the Chief Operating Officer’s Report.

BUSINESS REFERRED TO COMMITTEE BY THE BOARD OF DIRECTORS/GENERAL MANAGER

6. Advisory Committee Enhancement Strategy

Jennie Hwang Loft, Public Information Officer, provided background information on the advisory committees at VTA and their purpose. Ms. Loft indicated that the recent audit reinforced the recommendation from the Hay Group organizational assessment regarding the need to incorporate the advisory committees’ input on the development of policy solutions.

Ms. Loft noted that the overall plan is to improve the operation and effectiveness of the advisory committees. She asked for volunteers to participate in the development of the advisory committee enhancement initiative who will work as a task force to review the Committees’ goals and responsibilities and ensure that they are in line with the new vision and mission statements.

Member Jensen questioned how long the process will be.

Ms. Loft indicated that it is based on the committee members input, but is expected to take no longer than 6-8 months.

Member Grant expressed interest in providing input and noted that he would like the entire committee to contribute to the discussion. He suggested a portion of the regular meeting time be set aside to work on the initiative.

Chairperson Morrow agreed that brainstorming would be done with the entire committee and then paired down to the smaller committee.

Member Jensen commented that she was in favor of making the discussion a part of the regular meeting.

Member Julian indicated his agreement with the suggestion.
Chairperson Morrow noted that the task force meeting would be held right before the CTA meeting. He indicated that he was open to the incorporating it into three CTA meetings and have the subcommittee refine the suggestions report back to the entire committee and proceed from there.

Chairperson Morrow, Ex-Officio Member Heatley, and Members Eljas, Julian, and Stahl volunteered to serve on the subcommittee. Member Saltman volunteered to serve as an alternate.

**On order of Chairperson Morrow,** there being no objection, the committee reviewed the Advisory Committee Enhancement Strategy.

### 7. Committee Workplan

Chairperson Morrow provided a brief update on the committee Workplan noting that an update on the VTP 2035 and information on the grant reporting process are scheduled to be presented in October.

Ex-Officio Member Heatley commented that there needs to be enough time to discuss the advisory committee strategy in October as well.

Member Grant expressed concern regarding the travel patterns item on the Workplan noting that the information provided seemed incomplete. Member Grant questioned if VTA has a list of the different centers which service individuals with disabilities and the routes which serve them. He also questioned if the bus dispatchers have this information to assist them in scheduling buses for those routes. Mr. Grant indicated that low floor vehicles should be used along those routes to assist passengers getting on and off the bus.

Member Grant requested that the item be placed back on the Workplan.

Chairperson Morrow indicated that the information was provided in a spreadsheet which listed all routes and the percentages of lift deployment.

Jim Unites, CTA Staff Liaison indicated that information can be provided on how buses are scheduled and deployed.

Chairperson Morrow indicated that he was okay with bringing the item back to the committee and asked staff to get with Member Grant to work out a plan so that it can be addressed properly.

Ex-Officio Member Heatley commented that the new fare box system will help with getting that data.

Dan Smith, Chief Operating Officer noted that schedulers have a general knowledge of needs in their community. Mr. Smith indicated that the older coaches are in the process of being replaced and that VTA is looking into technology for low floor hybrid community buses. He also indicated that a lift overhaul is being conducted for the 97-98 series coaches, which is the majority of the fleet.
Member Grant questioned if there is a list of centers that is centralized for schedulers.

Mr. Smith commented that Ex-Officio Member Heatley would have that information on the top locations in ridership.

**On order of Chairperson Morrow,** there being no objection, the Committee Work Plan was received.

**8. Motion Tracking Report**

Chairperson Morrow noted that one motion was made in August regarding the development of a set of goals and objectives specific to improving the information to the public on the use of wheelchairs and other devices on public transit. Chairperson Morrow indicated that the item was scheduled to be presented in October, but was being moved to December to allow time to address the advisory enhancement strategy.

**On order of Chairperson Morrow,** there being no objection, the committee received the Motion Tracking Report.

**REPORTS**

**9. City of San Jose Disability Advisory Commission (DAC) Report**

Member Eljas provided a report on the DAC meeting noting that presentations were received on disaster preparedness and low income housing. Member Eljas announced that there will be a Disability Awareness Day fair at San Jose City Hall on October 8, 2008. She noted that many organizations will be there to participate and the focus will be hiring individuals with disabilities.

Chairperson Morrow expanded further noting that there will be vendors as well as employers at the fair.

**On order of Chairperson Morrow,** there being no objection, the committee received the City of San Jose Disability Advisory Commission (DAC) report.

**10. Board of Directors Report**

There was no Board of Directors Report.

**11. Committee Staff Report**

Jim Unites, CTA Staff Liaison, provided an update on youth and senior pass sales noting that the sales have increased 11 percent since the new fees were implemented. Mr. Unites indicated the Bus Stop improvement program items would be brought back to the committee to review the list and make comments.

Ex-Officio Member Heatley questioned when the changes in New Bus Service program were going to be reviewed.
Mr. Unites noted that staff is beginning the data collection and a draft will be out later this year. Mr. Unites indicated that public comment would be taken in early 2009 and the Board will see the proposed changes in April or May.

**On Order of Chairperson Morrow,** there being no objection, the committee received the Committee Staff Report.

12. **Chairperson’s Report**

There was no Chairperson’s Report.

**OTHER**

13. **Announcements**

There were no Announcements.

14. **ADJOURNMENT**

**On order of Chairperson Morrow,** there being no objection, the meeting was adjourned at 1:48 p.m.
CALL TO ORDER

The Regular Meeting of the Valley Transportation Authority (VTA) Bicycle and Pedestrian Advisory Committee (BPAC) was called to order at 6:10 p.m. by Chairperson Swent in Auditorium, Building A, VTA, 3331 North First Street, San Jose, California.

1. ROLL CALL

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<th>Members Present</th>
<th>Representative Cities</th>
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<tbody>
<tr>
<td>Cheryl Bunnell</td>
<td>City of Milpitas</td>
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<tr>
<td>Bruce Entin</td>
<td>Town of Los Gatos</td>
<td>Absent</td>
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<tr>
<td>Chris Fernandez</td>
<td>County of Santa Clara</td>
<td>Present</td>
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<tr>
<td>Carl Hagenmaier</td>
<td>City of Los Altos</td>
<td>Absent</td>
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<tr>
<td>Nancy Ginzton</td>
<td>Town of Los Altos Hills</td>
<td>Present</td>
<td>6:15 PM</td>
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<tr>
<td>William (Bill) Manry</td>
<td>City of Monte Sereno</td>
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<tr>
<td>Jerri-Ann Meyer</td>
<td>City of Mountain View</td>
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<tr>
<td>Thomas Muniz</td>
<td>City of Gilroy</td>
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<tr>
<td>Lane Parker</td>
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<tr>
<td>Marian Sacco</td>
<td>City of Morgan Hill</td>
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<tr>
<td>David Simons</td>
<td>City of Sunnyvale</td>
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<tr>
<td>Jim Stallman</td>
<td>City of Saratoga</td>
<td>Present</td>
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<tr>
<td>John Sullivan</td>
<td>City of Santa Clara</td>
<td>Present</td>
<td>6:12 PM</td>
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<tr>
<td>Herman Wadler</td>
<td>City of Campbell</td>
<td>Present</td>
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<tr>
<td>Richard Swent, Chairperson</td>
<td>City of Palo Alto</td>
<td>Present</td>
<td></td>
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<tr>
<td>Joseph Walton, Vice Chair</td>
<td>City of Cupertino</td>
<td>Present</td>
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</table>
A quorum was not present and a Committee of the Whole was declared.

2. **ORDERS OF THE DAY**

Chairperson Swent noted that the Santa Clara County’s Comprehensive Expressway Planning Study document had some changes since the BPAC action last month. He noted the urgency of adding this as an emergency item to tonight’s agenda because the Policy Advisory Board will consider this item at their meeting the tomorrow night. The Committee can take a vote as soon as a quorum is declared.

Member Stallman requested that the following be moved from the Regular to the Consent Agenda: Agenda Item #11., Adopt the revised Bicycle Expenditure Plan (BEP) Evaluation Criteria.

On order of Chairperson Swent, there being no objection, the Orders of the Day were accepted.

3. **PUBLIC PRESENTATIONS**

Chad Brower, Interested Citizen, noted that there is an increased distribution of higher-speed bikes in the market with speeds of 20 miles per hour or more. He noted that faster bikes should be considered when designing bike systems.

Member Sullivan took his seat at 6:12 p.m. and a quorum was declared.

4. **Committee Staff Report**

Michelle DeRobertis, Senior Transportation Planner, referred to Member Sullivan’s e-mail regarding bikes in buses. She noted that VTA’s policy on bikes in buses has not changed and bikes are still allowed in buses when bike racks are full.

Ms. DeRobertis requested Member Walton to forward to VTA specific language adopted by the City of Cupertino regarding the Bicycle Technical Guidelines (BTG). She added that she will be sending copies of the BTG to each city. Member Walton responded that the City of Cupertino is in the process of updating their bicycle plan and stated that he will forward the draft version to VTA.

Ms. DeRobertis announced that Lincoln and Rocklin has a Neighborhood Electric Vehicle Program. She added that the California Bicycle Advisory Committee will have a field trip in January 2009 to observe the program and the possible dedicated lanes for electric vehicles.

- **Highway Program Update**

There was no report on the Highway Program Update.
• Conditions of Approval Update

There was no report on the Conditions of Approval Update.

• County Report

There was no County Report.

Member Ginzton took her seat at 6:15 p.m.

5. **Chairperson’s Report**

Chairperson Swent thanked Jim Stallman for bringing to the Committee’s attention the signing into law of AB 1358 (Leno) Complete Streets Legislation last October 8, 2008. Chairperson Swent expressed support for AB 1358 noting that it would have a major impact to the policies and plans for the future. He read an excerpt of the bill, “This bill would require, commencing January 1, 2011, that the legislative body of a city or county, upon any substantive revision of the circulation element of the general plan, modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways, defined to include motorists, pedestrians, bicyclists, children, persons with disabilities, seniors, movers of commercial goods, and users of public transportation, in a manner that is suitable to the rural, suburban, or urban context of the general plan. By requiring new duties of local officials, this bill would impose a state-mandated local program.”

CONSENT AGENDA

6. **Minutes of September 10, 2008**

M/S/C (Wadler/Muniz) to approve the Minutes of September 10, 2008.

11. **Adopt Bicycle Expenditure Plan (BEP) Evaluation Criteria**

M/S/C (Wadler/Muniz) to recommend that the Board of Directors to adopt the revised Bicycle Expenditure Plan (BEP) Evaluation Criteria.

REGULAR AGENDA

7. **Election Process for 2009 Chairperson and Vice Chairperson**

M/S/C (Walder/Muniz) to appoint Members Muniz, Walton, and Stallman as the Nominating Subcommittee that will identify Committee members interested in serving as the chairperson or vice chairperson for 2009.

**NOTE:** M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
8. **Presentation on San Jose Airport Construction Project - Pedestrian Access During and After Construction**

Rich Dressler, Mineta San José International Airport Media Relations, provided a presentation highlighting the following: 1) Airport Fast Facts; 2) Current Facilities, including Terminal A, Terminal C, and International Arrivals facilities; 3) New Airport Plans which includes improved roadways, new Terminal B, new consolidated rental car facility; future parking garage, and remodel of Terminal A; 4) Terminal B North Concourse history, planned changes, current construction activities, and expected completion date (2010); and 5) Terminal A history and planned changes to curbside. Mr. Dressler noted that the public can view current construction updates by visiting or subscribing to [www.flysanjose.com](http://www.flysanjose.com) or by calling 408.501.0979.

Upon inquiry of Member Wadler, Harry Freitas, Mineta San Jose International Airport, responded that three raised tabletop crosswalk will be installed for pedestrian crossing. These crosswalks are designed to keep the vehicular speed low. He also explained that pedestrian bridges were not included in the plan because the current plan calls for one area for passenger pick-up and drop-off.

Mr. Freitas presented the “Mineta San Jose Airport - Bicycle and Pedestrian Goals and Objectives” Point. He reviewed the roadway major elements, which include optimized connections to terminals. The goals of the program are to have quality bicycle and pedestrian environment and have connections to trails, regional bicycle networks, and local sidewalk networks. The current plans call for sidewalks throughout the terminal area, bicycle accommodating roadways, pedestrian traffic signals, bike racks in parking garages, and eco-pass program for all employees.

Member Wadler inquired why there are no bike racks that are closer to the airport facilities. Mr. Freitas responded that there was a lot of push back for bicycle lockers from the Transportation Security Administration (TSA) as people can use the lockers as hiding places.

Chairperson Swent recommended that the Airport purchase the best type of bike racks so bicyclists can secure their bikes.

Member Meyer inquired what methodology was used to determine how many bike racks need to be installed. Mr. Freitas commented that bike racks are not utilized to its capacity at this time but noted that more bike racks could be installed, should the need arise.

Mr. Freitas discussed the connections to Guadalupe River Trail and the trail connections at Skyport Drive, Airport Parkway, rental car island, and South Campus, connections to regional bicycle network and local sidewalk network. He noted that there are gaps that are not included in the project which needed to be connected in the future. Mr. Freitas noted that the capital improvement program project is locally funded and a small portion is from federal monies.

Member Sullivan inquired if the Airport will continue to subsidize the airport shuttles after the capital improvement project completion. Mr. Freitas noted that there are no plans of changing the current shuttle service.
Member Stallman inquired about the timeframe for closing the gaps to connect the airport to the regional bicycle network. Mr. Freitas responded that the gap closure is not part of the current project and added that staff needs to search for separate funding to be able to close that gap in the future. Mr. Freitas noted that there are preliminary proposals that are not yet accepted at this time.

Charles Brower, Interested Citizen, expressed concern about the speeds of the motorists in the airport campus. Mr. Freitas noted that the posted speed limit at the airport is 25 miles per hour. There are police officers present to enforce the speed limit.

John Carpenter, Interested Citizen, stressed the urgency of AB 32 (California Global Warming Solutions Act of 2006) and its impacts to the airport improvements. Mr. Freitas noted that the airport has its own green vision that strives for energy efficiency and less congestion and carbon footprint.

Mr. Freitas noted that detailed plans of crosswalks for the airport is available at the back table for interested parties to review.

On order of Chairperson Swent, there being no objection, the Committee received a presentation on the Mineta San Jose International Airport.

12.X. Santa Clara County’s Comprehensive County Expressway Planning Study, Draft 2008 Update

Chairperson Swent noted that a quorum is now present and the Committee can vote to add an emergency item to tonight agenda, per Section 5.8 of the BPAC bylaws. The emergency item to be added is Santa Clara County’s Comprehensive County Expressway Planning Study, Draft 2008 Update.

M/S/C (Stallman/Muniz) to add as an emergency item to tonight’s BPAC agenda as Agenda Item #12.X the reconsideration of Santa Clara County’s Comprehensive County Expressway Planning Study, Draft 2008 Update.

9. Advisory Committee Enhancement Process Update

Jennie Loft, Public Information Officer, reported that each advisory committee formed an Advisory Committee Enhancements subcommittee. Staff will complete the first set of meeting with each subcommittee within the week. Topics of discussion for the first meeting include individual committee bylaws, roles, and responsibilities, mission and vision statements. Each subcommittee is expected to conclude within two to four months and provide update to their respective Advisory Committee. Subsequently, a few members from each subcommittee will form a Taskforce to review the Advisory Committees’ roles and tasks as a whole and present a report to the Board of Directors.

On order of Chairperson Swent, there being no objection, the Committee received an update on the Advisory Committee Enhancements.
10. **Advisory Committee Enhancement Subcommittee Report**

Stephen Flynn, Senior Management Analyst, noted that the Advisory Committee Enhancement Subcommittee Report will be a standing item in the BPAC Agenda to apprise other Members regarding the activities/work of the subcommittee.

Member Stallman noted that the subcommittee developed a draft mission statement that reads, “1. The VTA BPAC advises on the development and implementation of a countywide transportation plan (Valley Transportation Plan); 2. The BPAC coordinates technical and policy matters with member agencies and other organizations; 3) The BPAC also provides input for VTA and the County of Santa Clara for projects affecting bicycle and pedestrian mobility and access including: project origination, design, and prioritization recommendations, punchlist, and final closeouts.; 4) The VTA BPAC also serves as the Bicycle and Pedestrian Advisory Committee for the County of Santa Clara.

Dan Collen, Santa Clara County Roads and Airports Department, clarified that a punchlist is a tool that describes the deficiencies that need to be corrected prior to releasing final payment to the contractor.

**On order of Chairperson Swent**, there being no objection, the Committee received the Advisory Committee Enhancement Subcommittee Report.

11. **BEP Evaluation Criteria**

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

12. **Land Development/Roadway Project Approval Process - Moffett Towers Example**

M/S/C (Wadler/Walton) to defer the Land Development/Roadway Project Approval Process - Moffett Towers Example.

12.X. **Santa Clara County’s Comprehensive County Expressway Planning Study, Draft 2008 Update (continued)**

Mr. Collen stated that the Comprehensive County Expressway Planning Study, Draft 2008 Update will be forwarded for consideration to the Policy Advisory Board (PAB) tomorrow night. Mr. Collen stated that Page 3 of the County of Santa Clara staff report provides the staff response to each of the points raised by the BPAC the previous meeting. Mr. Collen stated that the 2008 update is a supplement and not a replacement of the 2003 Expressway study. He recommended that the BPAC explicitly note which text of the 2003 Study they want to retain.

Chairperson Swent commented that the BPAC action with the inclusion of the three statements from Mr. Akos Szoboszlay including “wide shoulders” were vague and may create confusion. Chairperson Swent further commented that after the BPAC meeting last month, the County of Santa Clara staff added a specific statement that reads, “the 2008 Update Pedestrian Element completely replaces the 2003 Pedestrian Element, including all policies, project lists, and recommendations.” The plan that the PAB will vote on tomorrow is not exactly the same plan that the BPAC voted on last month because the BPAC voted on it as an update not a replacement. Hence, there is a need to
add the County Expressway Planning Study - 2008 Update as an emergency item in tonight’s agenda to revisit and clarify the issues.

Member Stallman stated that if there are County Board of Supervisors adopted policies that the 2008 Plan may undo, the County staff should explicitly state it in the report.

Chairperson Swent commented that the current plan is better for pedestrians because it calls for sidewalks along the whole expressway system rather than utilizing shoulders. He reiterated that only the pedestrian element has significantly changed in the plan. The bicycle element remains the same.

Chairperson Swent noted that the BPAC can take any of the following actions: 1) recommend that the PAB approve the plan that the BPAC approved last month; 2) recommend that the PAB direct staff to bring back the plan to the BPAC; or 3) vote on the added statements as reflected in the staff report.

Mr. Collen noted that the pedestrian prohibitions for using the shoulder vary city-by-city and usually happens when there is no pedestrian facility available in the area.

Member Sullivan commented that there is no basis in saying that using shoulders as pedestrian access is dangerous. He expressed interest in seeing the study that depicts otherwise.

Member Bunnell expressed support for dedicated pedestrian facility along expressways. She noted that the Committee should advocate for a dedicated pedestrian facility rather than using shoulders for pedestrian access along expressways.

Member Stallman stated that his only contention is there should be no pedestrian prohibitions (i.e. there should be no pedestrian prohibition signs) unless the local jurisdiction adopted an ordinance that prohibits the pedestrians from accessing expressways. He added that he does not want to lose the “informal pass.”

Upon inquiry of Member Stallman, Mr. Collen responded that the County staff is not seeking or proposing any new pedestrian prohibition in the plan because prohibition is a city jurisdiction and not the County’s.

M/S/F (Walton/Wadler) on a vote of 8 ayes, 2 noes, and 0 abstention to recommend that the PAB consider the recommendations relating to the Comprehensive County Expressway Planning Study, Draft 2008 Update, with the changes noted in the County staff report dated October 9, 2008. Members Stallman and Sullivan opposed.

13. County Item - San Tomas Expressway/ Hamilton Intersection Improvements

Tong Hong and Christine Li, Santa Clara County Roads and Airports Department, provided a visual and explained the plans for the San Tomas Expressway and Hamilton Avenue Signing and Striping Intersection Improvements. Mr. Hong noted that the objective of this project is to increase the level of service. In order to achieve that goal, the project calls for additional left turn lanes on northbound San Tomas Expressway and eastbound and westbound Hamilton Avenue, modification to signal timing, coordination

NOTE: M/S/C MEANS MOTION SECONDED AND FAILED.
of signals between county and adjacent city signals, and landscaping improvement. In addition, there will be bicycle and pedestrian facilities including the widening of the existing shoulder curb to avoid choke-point and maintain minimum shoulder.

Member Meyer inquired if there will also be loop detectors for bicyclists who will make left turns in the intersection. Mr. Collen responded that the bicycles ride over the vehicle detection sensors. On all four quadrants of the intersection, there are “porkchops” that allow separate bike slots and there will be separate bike detection. Mr. Collen noted that more information is available at www.expressways.info.

Charles Brower, Interested Citizen, expressed concern that there is significant pedestrian traffic in the project area. He referred to San Tomas Expressway and commented that although are bike lanes present, the width become narrow at intersections. He inquired how the project will affect the existing width of the bike lane. He also inquired if there are plans of reducing travel speeds.

Mr. Collen responded that the project will improve the conditions because the width will be five feet. Mr. Collen stated that the vehicle travel speeds on roadways near the expressway are the city’s jurisdiction. He added that the project will do coordination of traffic signals, which will help the travel time and speeds.

On order of Chairperson Swent, there being no objection, the Committee received a presentation from the County on the San Tomas Expressway/ Hamilton Intersection Improvement Project.

OTHER

14. **BPAC Work Plan**

Ms. DeRobertis stated that the Funding Sources and Cash flow for the Bicycle Expenditure Plan will be deferred to a future meeting. The Routine Accommodations will be part of the Complete Streets Program because they are related. Staff can provide information about the DD 64 update as part of this issue.

Chairperson Swent recommended that staff consider adding to the work plan the Bike Sharing Plan.

Member Muniz referred to the Gilroy County Medical Center and expressed concern that there is no pedestrian access plan to get to the hospital and there are gaps in the sidewalks. He requested that staff include this issue in the work plan so that the Committee can find out what happened and avoid the same situation in the future.

On order of Chairperson Swent, there being no objection, the Committee reviewed the work plan.

15. **ANNOUNCEMENTS**

Member Walton announced that the Mary Avenue Bridge in the City of Cupertino is making progress and the ribbon cutting ceremony is slated for April 2009.
Member Muniz stated that the Gilroy Bicycle Pedestrian Advisory Board will meet on October 28, 2008. He solicited help from other Members in obtaining a safety related video that can be used as a link in a web page.

Member Sullivan stated that the Santa Clara BAC will have its last 2008 meeting in two weeks.

Member Bunnell reported that the Milpitas BAC is in the final stages of developing its Bike Master Plan and will present it to the Milpitas City Council by mid November 2009.

Member Stallman commented that the website for the VTP 2035 is a good showcase of all projects. Member Stallman informed members that there is a public meeting on October 29, 2008 in the City of Milpitas regarding the I-880 HOV Lane Widening Project - U.S. 101 to SR 237, which includes the Brokaw Interchange.

Member Meyer announced that the City of Mountain View maintained its Bronze Award Status from the League of American Bicyclists and is still a bike friendly community.

Member Wadler noted that the Campbell BPAC will have a booth at the October 19, 2008 Oktoberfest to talk about bicycles and the Committee’s role in the City. He announced that he reached 20,000 miles on his bike on a period of approximately five years.

Ex Officio Member Chung announced that the SVBC general meeting will be held on October 16, 2008. She encouraged all members to attend. She stated that SVBC is accepting applications for the position of Program Director. She also announced that there is a bike exchange coming up on Saturday at the City of Mountain View.

Chairperson Swent announced that the Palo Alto BAC met last night and set their goals for next year. He stated that bike parking is a big issue at the City of Palo Alto and its schools. He noted that they are coordinating with the Public Arts Commission to discuss the policy of creative bike racks, for which the public arts could help fund.

16. ADJOURNMENT

On order of Chairperson Swent, there being no objection, the meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Elaine F. Baltao, Board Assistant
VTA Board of Directors
Technical Advisory Committee

Thursday, September 11, 2008

MINUTES

CALL TO ORDER

The Regular Meeting of the Technical Advisory Committee (TAC) was called to order at 1:35 p.m. by Chairperson Tripousis in Conference Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

1. ROLL CALL

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<tr>
<th>Attendee Name</th>
<th>Title</th>
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<th>Status</th>
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<tbody>
<tr>
<td>Greg Armendariz</td>
<td>Member</td>
<td>City of Milpitas</td>
<td>Present</td>
<td>1:42 pm</td>
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<tr>
<td>Rajeev Batra</td>
<td>Member</td>
<td>City of Santa Clara</td>
<td>Present</td>
<td>1:45 pm</td>
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<tr>
<td>Dan Collen</td>
<td>Alternate Member</td>
<td>County of Santa Clara</td>
<td>Present</td>
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<tr>
<td>Don Dey</td>
<td>Member</td>
<td>City of Gilroy</td>
<td>Present</td>
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<tr>
<td>Glenn Goepfert</td>
<td>Alternate Member</td>
<td>City of Cupertino</td>
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<tr>
<td>Joan Jenkins</td>
<td>Member</td>
<td>City of Mountain View</td>
<td>Present</td>
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<tr>
<td>Robert Kass</td>
<td>Member</td>
<td>City of Campbell</td>
<td>Present</td>
<td>1:38 pm</td>
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<tr>
<td>Gayle Likens</td>
<td>Member</td>
<td>City of Palo Alto</td>
<td>Present</td>
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<tr>
<td>Jim Rowe</td>
<td>Alternate Member</td>
<td>City of Morgan Hill</td>
<td>Present</td>
<td>1:44 pm</td>
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<tr>
<td>Ben Tripousis</td>
<td>Chairperson</td>
<td>City of San Jose</td>
<td>Present</td>
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<tr>
<td>Jim Gustafson</td>
<td>Alternate Member</td>
<td>City of Los Altos</td>
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<tr>
<td>Richard Chen</td>
<td>Alternate Member</td>
<td>Town of Los Altos Hills</td>
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<td>Todd Capurso</td>
<td>Member</td>
<td>Town of Los Gatos</td>
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<td>Kevin Rohani</td>
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<td>Ed Slintak</td>
<td>Member</td>
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<td>John Cherbone</td>
<td>Member</td>
<td>City of Saratoga</td>
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<td>Jack Witthaus</td>
<td>Vice Chairperson</td>
<td>City of Sunnyvale</td>
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<td>Dennis Ng</td>
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<td>Kevin Connolly</td>
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<td>Lee Taubeneck</td>
<td>Ex-Officio</td>
<td>Dept. of Transportation</td>
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<tr>
<td>Sylvia Fung</td>
<td>Alternate Ex-Officio</td>
<td>Dept. of Transportation</td>
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A quorum was not present and the Committee of the Whole was declared.

2. PUBLIC PRESENTATIONS:

There were no Public Presentations.

3. ORDERS OF THE DAY

On order of Chairperson Tripousis, there being no objection, the following Agenda items were deferred to the October 9, 2008, meeting: Agenda Item #7., Approve the Minutes of August 14, 2008; and Agenda Item #15., Review existing CMP Work Program required activities: System Definition, Level of Service, Multi-Modal Performance Measures.

4. Committee Staff Report

John Ristow, Chief Congestion Management Agency (CMA) Officer and Staff Liaison, praised the efforts of Captain Luther Pugh, the former Chief of Protective Services, and welcomed Captain Pugh’s replacement Captain Robert Schiller of the Santa Clara County Sheriff’s Department.

Member Kass took his seat at 1:38 p.m.

5. Chairperson’s Report

Chairperson Tripousis attended the Silicon Valley Leadership Group’s Projection 2009 event, where panels of elected officials and business leaders from around the region spoke on moving forward with green initiatives.

Chairperson Tripousis stated the importance of transportation initiatives being in synch with climate-change initiatives and of VTA continuing to look at other methods to fund the transportation program.

Member Armendariz took his seat at 1:42 p.m.
6. **Reports from TAC Working Groups**

- **Capital Improvement Program (CIP) Working Group**
  There was no report from the Capital Improvement Program (CIP) Working Group.

- **Systems Operations & Management (SOM) Working Group**
  There was no report from the Systems Operations & Management (SOM) Working Group.

  Member Rowe took his seat at 1:44 p.m. and a quorum was declared.

**BUSINESS REFERRED TO COMMITTEE BY THE BOARD OF DIRECTORS/GENERAL MANAGER**

**CONSENT AGENDA**

7. (Deferred to the October 9, 2008, TAC Meeting)

   Approve the Minutes of August 14, 2008.

   Member Batra took his seat at 1:45 p.m.

8. **Proactive CMP Reviewed and Approved Project Quarterly Status Report**

   M/S/C (Dey/Likens) to receive the Proactive CMP Reviewed and Approved Project Quarterly Status Report.

**REGULAR AGENDA**

9. **VTA Discretionary Funding Programs - Composition of Project Scoring Committees**

   Marcella Rensi, Transportation Planning Manager, reported on the TAC-requested revisions that staff made to the Scoring Committee selection process. Ms. Rensi described the revised proposal as a call for volunteers from TAC, without any geographic or jurisdictional requirements for any particular agency to participate. She noted that the maximum committee size would be limited to 10 member agencies, with a limit of one-per-member-agency, on a first-come, first-serve basis. The minimum committee size would contain at least three non-VTA members.

   Member Dey referenced “Minimum Scoring Committee Size” on page 3 of the Board Memorandum and requested that “No per-agency limits would apply in this case.” Be removed and replaced with “Participation would be limited to one-per-member-agency on a first-come, first serve basis.” Ms. Rensi stated that staff would agree to that change.

**NOTE:** M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
In response to a query from Member Kass, Ms. Rensi confirmed that representatives on the Scoring Committee do not have to be the actual TAC members, but can be their designee's.

**M/S/C (Batra/Goepfert)** to review and recommend the staff recommended process for selecting project review and scoring committees for VTA Congestion Management Program Discretionary Funding programs that specifies committee membership and participation. Further, the committee requested to remove “No per-agency limits would apply in this case.” From the “Minimum Scoring Committee Size” and replace it with “Participation would be limited to one-per-member-agency on a first-come, first serve basis.”

Member Batra left his seat at 1:52 p.m.

10. **Advisory Committee Enhancement**

Jennie Loft, Public Information Officer, noted the purpose of the advisory committees, as indicated in the by-laws, is to provide input and advice to the VTA Board on issues referred to the committee by either the Board or the General Manager. Ms. Loft indicated that the recent State Audit reinforced the recommendation from the Hay Group Assessment regarding the need to incorporate the advisory committees’ input in the development of policy solutions.

Ms. Loft noted that the overall plan is to improve the operation and effectiveness of the advisory committees. She asked the TAC for volunteers to form a TAC subcommittee to participate in the development of the Advisory Committee Enhancement Initiative. The Subcommittee will review TAC’s goals and responsibilities to ensure that they are in line with VTA’s new vision and mission statements. Members from this subcommittee will then join a task force comprised of members from the five advisory committees to review for any committee overlap, to view the role of the advisory committees as a whole, and report back to TAC on the status of the initiative. A full report from the joint task force will be provided to the VTA Board.

Chairperson Tripousis noted that having recently revised their vision and mission statements, the existing TAC Subcommittee will address this enhancement initiative.

Chairperson Tripousis queried regarding the timing for the process. Ms. Loft noted a 1-2 month Subcommittee period, followed by a 2-3 month Task Force information-processing period that will not begin until all subcommittees have completed their work.

Member Batra took his seat at 1:55 pm.

Member Kass queried regarding the Task Force’s report to the Board. Ms. Loft noted that the information and ideas generated from the subcommittees and the task force would be included in the report to the Board.

On order of Chairperson Tripousis, there being no objection, the committee reviewed the Advisory Committee Enhancement Strategy.
11. **Amendment to the Technical Advisory Committee Bylaws**

Stephen Flynn, Senior Management Analyst, stated that by moving the election date from January to December, with the implementation in January, staff could provide orientation and training for incoming chairs prior to their first committee meeting. A December election would put TAC into consistency with the other four advisory committees.

**M/S/C (Dey/Batra)** to approve amending the Technical Advisory Committee bylaws, as indicated in Attachment A, to modify the schedule for election of the chairperson and vice chairperson. This proposed change would move the election from January as currently scheduled to the preceding December.

12. **Noise Reduction Screening Program List of Eligible Locations**

Christina Jaworski, Senior Environmental Planner, reported: 1) 80 locations were reviewed by VTA staff based on the project eligibility criteria approved by the Board of Directors in November of 2003; 2) The CIP Committee reviewed the initial screening process in July and 3) 30 locations were recommended for elimination from the next stage in the screening process based upon: A) if the location was developed after roadway was constructed - based on the date that the last Type 1 roadway project was constructed; B) if there is a planned roadway project in the area in the next 25 years, because there are project areas currently being studied for noise impact; and C) if there are existing sound walls.

Member Jenkins questioned the noise reduction methods being evaluated. Ms. Jaworski stated that VTA has asked the consultant to recommend the most effective and the most cost-effective methods for noise reduction.

**On order of Chairperson Tripousis,** there being no objection, the committee reviewed the Noise Reduction Screening Program List of Eligible Locations.

13. **Litter Control Pilot Program**

Tom Fitzwater, Transportation Planning Manager, reported that VTA conducted a litter control and landscaping study. Two recommendations came out of that study: 1) adopt the minimum visual standard of “slightly littered” on our freeways; and 2) do a pilot study to see what resources are needed to meet this “slightly littered” condition.

Mr. Fitzwater reported that: 1) Caltrans and VTA implemented a 6-month pilot program from October to March; 2) The section of highway selected for the pilot study was approximately 10 miles of U.S. 101 between I-880 and Blossom Hill Road; 3) Caltrans performed litter control, removed the (Caltrans-referenced) homeless debris, swept the highway shoulder and collected all the hours and resources dependent on that; 4) Based on the pilot study Caltrans estimated that approximately $450 thousand is needed to maintain that section of the freeway in a slightly-littered condition, if they use the probationers and Adopt-A-Highway program participants; 5) Based on Caltrans numbers, it would cost approximately $11 million to keep Santa Clara County’s 248 miles of freeways clean to a slightly-littered condition; and 6) If the probationers are not available and Caltrans staff is used the amount increases to almost $19 million.
Mr. Fitzwater noted the next steps are: 1) Litter Control Pilot Program findings will be included in the VTP 2035 under the landscape restoration and litter/graffiti removal program category; 2) Present the findings to the Silicon Valley Anti-Litter Campaign in early November; and 3) Present to the Board.

Members Jenkins and Kass expressed concern regarding the $450 thousand annual-cost estimate for maintaining that segment of the freeway in a slightly-littered condition. Mr. Fitzwater noted that the report reflects a bigger job than Caltrans is currently doing.

Mr. Fitzwater recommended that a determination be made on how the cleanliness of this portion of freeway compares with other portions within the County.

Member Kass referenced the cleanliness of the Caltrans Districts of San Diego and Orange Counties. He questioned the cost to maintain that level of cleanliness. Member Kass noted Caltrans’ proposal of $18 million to maintain the Santa Clara County Freeway System for a one-year period and recommended exploring other methods including: 1) privatizing; 2) using contractors; 3) a self-help program; or 4) some other model.

Member Batra questioned what it took to achieve the baseline. Mr. Fitzwater stated that Caltrans quadrupled its efforts beginning in September 2007 to establish a baseline. He noted from that point forward Caltrans tried to maintain a slightly-littered level.

Member Likens noted a significant cost reduction during the final three months of the study, when Caltrans used a contractor to maintain the freeway in a slightly-littered condition.

Member Kass inquired if during the period of establishing the baseline any segment of the pilot area had an Adopt-A-Highway program established. He then requested staff to contact Caltrans to determine what the Adopt-A-Highway status is for the section of highway used in the pilot study.

Mr. Fitzwater noted that this item will be on the September 11, 2008, Policy Advisory Committee (PAC) Agenda. He then noted that the item will go to the Congestion Management Program and Planning Committee (CMPP) the following week before being finalized for the Board.

Chairperson Tripousis volunteered to attend the PAC meeting to bring forth TAC’s recommendations. He summarized the TAC’s discussion by stating that: 1) TAC recommends the Congestion Management Program and Planning Committee (CMPP) remove this item from the CMPP September 18, 2008, agenda and return the item to staff for further study; 2) TAC will work with staff on action items as follow-up recommendations; 3) TAC will identify the next steps in terms of working with Caltrans and seeking out other resource allocations.

Chairperson Tripousis then noted the TAC would determine: 1) if the Caltrans service delivery model is an adequate model; 2) a more effective way to clean up litter and maintain landscape; 3) if alternative agencies, including non-profit, would be more cost effective; 4) how to encourage broader, more effective Adopt-A-Highway participation; and 5) how to expand education and enforcement.
On order of Chairperson Tripousis, there being no objection, the committee received the report on the Pilot Litter Control Program.

14. **High Occupancy Toll (HOT) Lanes - Status Report on Program Concept**


Mr. Ramanujam highlighted the following benefits of VTA’s Express Lanes:

- Increase efficiency of existing roadways by allowing solo drivers to pay a fee to access express lanes;
- Through the use of dynamic pricing, VTA can manage the amount of traffic in the express lanes and maintain free flowing speeds even when lanes are congested;
- By managing congestion, we are able to conserve fuel, reduce air pollution, and improve the environment; and
- Tolls collected will be used to operate the express lanes and for other transportation improvements in the corridors including transit.

On order of Chairperson Tripousis, there being no objection, the committee received the High Occupancy Toll (HOT) Lanes - Preliminary Recommendation.

15. **(Deferred to October 9, 2008, TAC Meeting)**


16. **MTC Activities and Initiatives**

There were no MTC Activities and Initiatives reported.
OTHER

17. **Technical Advisory Committee (TAC) Subcommittee**

Member Dey reported on the two items that were discussed:

1) Bicycle expenditure plan

   TAC put a hold on the scoring guidelines due to questions regarding screening projects and standards that have been applied. A meeting with VTA resolved those questions. The item will come back to TAC next month for further discussion and action.

2) Federal reauthorization and earmarking funds

   A different approach is being planned to move projects for earmarking that will benefit everyone. Kurt Evans was asked to lead that effort and will bring it before TAC next month.

*On order of Chairperson Tripousis,* there being no objection, the Committee received the TAC Subcommittee Update.

18. **Committee Work Plan**

*On order of Chairperson Tripousis,* there being no objection, the Committee reviewed the Work Plan.

19. **Announcements**

Member Batra reported that AB152, previously funded for VTA transit-related maintenance, has been expanded to include street, sidewalk, and pedestrian-related items. AB152 is currently under “enrolled status” on the Governor’s desk. Member Batra stated that he would like Kurt Evans, Government Affairs Manager, to provide details on how this will benefit the cities.

Member Jenkins reported that the City of Mountain View is recruiting for a full-time Senior Administrative Analyst.

20. **ADJOURNMENT**

*On order of Chairperson Tripousis,* there being no objection, the meeting was adjourned at 3:32 p.m., in memory of those who lost their lives on September 11.

Respectfully submitted,

Susan Garcia, Board Assistant
VTA Board of Directors
CALL TO ORDER

The Regular Meeting of the Technical Advisory Committee (TAC) was called to order at 1:35 p.m. by Chairperson Tripousis in Conference Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
<th>Representing</th>
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</thead>
<tbody>
<tr>
<td>Rajeev Batra</td>
<td>Member</td>
<td>Present</td>
<td>City of Santa Clara</td>
</tr>
<tr>
<td>John Cherbone</td>
<td>Member</td>
<td>Present</td>
<td>City of Saratoga</td>
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<tr>
<td>Kevin Connolly</td>
<td>Alternate Ex-Officio</td>
<td>Present</td>
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<tr>
<td>Don Dey</td>
<td>Member</td>
<td>Present</td>
<td>City of Gilroy</td>
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<tr>
<td>Glenn Goepfert</td>
<td>Member</td>
<td>Present</td>
<td>City of Cupertino</td>
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<tr>
<td>Robert Kass</td>
<td>Member</td>
<td>Present</td>
<td>City of Campbell</td>
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<tr>
<td>Gayle Likens</td>
<td>Member</td>
<td>Present</td>
<td>City of Palo Alto</td>
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<tr>
<td>Michael Murdter</td>
<td>Member</td>
<td>Present</td>
<td>County of Santa Clara</td>
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<tr>
<td>Jaime Rodriguez</td>
<td>Alternate Member</td>
<td>Present</td>
<td>City of Milpitas</td>
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<tr>
<td>Lee Taubeneck</td>
<td>Ex-Officio</td>
<td>Present</td>
<td>Dept. of Transportation</td>
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<tr>
<td>Ben Tripousis</td>
<td>Chairperson</td>
<td>Present</td>
<td>City of San Jose</td>
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<tr>
<td>Jack Witthaus</td>
<td>Vice Chairperson</td>
<td>Present</td>
<td>City of Sunnyvale</td>
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<tr>
<td>Jim Gustafson</td>
<td>Alternate Member</td>
<td>Absent</td>
<td>City of Los Altos</td>
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<tr>
<td>Richard Chen</td>
<td>Alternate Member</td>
<td>Absent</td>
<td>Town of Los Altos Hills</td>
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<td>Todd Capurso</td>
<td>Member</td>
<td>Absent</td>
<td>Town of Los Gatos</td>
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<td>Kevin Rohani</td>
<td>Alternate Member</td>
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<td>Town of Los Gatos</td>
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<td>Attendee Name</td>
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<tr>
<td>Ed Slintak</td>
<td>Member</td>
<td>Absent</td>
<td>City of Monte Sereno</td>
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<tr>
<td>Kathleen Molloy-Previsich</td>
<td>Member</td>
<td>Absent</td>
<td>City of Morgan Hill</td>
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<tr>
<td>Jim Rowe</td>
<td>Alternate Member</td>
<td>Absent</td>
<td>City of Morgan Hill</td>
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<tr>
<td>Joan Jenkins</td>
<td>Member</td>
<td>Absent</td>
<td>City of Mountain View</td>
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<tr>
<td>Cathy Lazarus</td>
<td>Alternate Member</td>
<td>Absent</td>
<td>City of Mountain View</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

Chris Augenstein, Deputy Director, Planning, provided a handout to the TAC entitled “Association of Bay Area Governments (ABAG) Projections 2009 Development and Land Use Dataset Confirmation for Countywide Transportation Model.” Mr. Augenstein gave a brief report stating: 1) ABAG is currently in the process of developing updated Projections 2009 forecasts of population and jobs for the region; 2) In the past there has been considerable review and correction of ABAG datasets to make the forecasts consistent with current development policies and plans for the local jurisdictions; 3) This top down review results in regional forecasts of population and job growth that are not consistent with the local jurisdiction expectations of where growth will occur based on locally adopted planning policies; 4) VTA’s intent is to reorder this series of review to ensure that ABAG and Metropolitan Transportation Commission (MTC) are using the best local planning information available when preparing the new Projections 2009 forecasts; 5) VTA will provide the reviewed datasets to ABAG prior to the adoption of the Projections 2009 datasets to improve consistency between the planning agencies assumptions; and 6) VTA is asking Member Agencies to review and, if necessary, revise the initial VTA allocations by Traffic Analysis Zones (TAZs) for their jurisdiction.

Mr. Augenstein noted that when questioned, ABAG was not able to provide an explanation of the reasons or the methodology for transferring a large quantity of jobs out of Santa Clara County and into San Francisco and Marin Counties.

John Ristow, Chief Congestion Management Agency (CMA) Officer and Staff Liaison, reported on the upcoming November 4, 2008, ballot. He noted VTA’s interest in three Measures: 1) Measure B - seeking authorization for a 1/8th of one percent, 30-year sales
tax for use by the Bay Area Rapid Transit (BART) to operate, maintain and improve the 16.1 mile BART extension to Santa Clara County, to be collected only if sufficient state and federal funds are secured to match local construction dollars.; 2) Measure C - a measure for an advisory vote on a proposed comprehensive transit program; and 3) Measure D - a measure to amend the current ordinance relating to submission of a proposed comprehensive transit program to the voters.

Mr. Ristow reported that all nine CMAs are presently working with MTC to determine the next steps of the Regional Transportation Plan (RTP). He noted one decision will globally determine funding distribution for the major categories of maintenance, capacity expansion, and efficiency.

Mr. Ristow also reported that a proposal for the near-term years, emphasizing “Fix it First,” would put early-resources back into local streets and roads, transit capital, freeway performance initiative, and the Transportation for Livable Communities (TLC) program. Mr. Ristow stated that the proposals would be brought back through the committees for revalidation.

Member Batra queried regarding Measure C. Mr. Augenstein defined Measure C as an advisory measure related to the 1976 Tax Measure that created the transit district. He stated that a “yes” vote would be an affirmation that VTA should continue doing what it is doing.

Vice Chairperson Witthaus reported that some believe Measure C to be a referendum on the plan and the contents of the plan itself. He noted considerable debate and confusion during a recent discussion by Sunnyvale’s City Council members. He stated that the Council eventually opted not to take a position. Mr. Ristow requested Jenny Loft, Public Information Officer, to take note that additional clarification is required.

5. Chairperson’s Report

There was no Chairperson’s Report.

6. Reports from TAC Working Groups

- Capital Improvement Program (CIP) Working Group
  
  There was no report from the Capital Improvement Program (CIP) Working Group.

- Systems Operations & Management (SOM) Working Group
  
  There was no report from the Systems Operations & Management (SOM) Working Group.

BUSINESS REFERRED TO COMMITTEE BY THE BOARD OF DIRECTORS/GENERAL MANAGER
CONSENT AGENDA

7. Minutes of August 14, 2008

M/S/C (Rodriguez/Witthaus) to approve the Minutes of August 14, 2008.

8. (Deferred to November 13, 2008, TAC Meeting)

Approve the Minutes of September 11, 2008.


M/S/C (Rodriguez/Witthaus) to receive a report on the Highway 9 Corridor Transportation Needs, Issues and Priorities from the town of Los Gatos and the cities of Saratoga and Monte Sereno.


REGULAR AGENDA

11. Light Rail Systems Analysis - Kick-Off

Kevin Connolly, Transportation Planning Manager, gave a brief overview of the Light Rail Systems Analysis, reporting that it will consist of three inter-relating components: 1) Market Analysis; 2) Operations Analysis; and 3) Capital Needs.

Mr. Connolly reported that the project kick-off occurred in early October. He then reported that a project team, made up of VTA staff and consultants, has initiated several tasks to analyze boarding activities, park and ride lot utilization, rail-to-rail transfer activities, and existing ridership patterns.


Mr. Connolly noted that at key project milestones, staff will solicit feedback from, and provide updates to, the Transit Planning and Operations Committee (TP&O) and the Technical Advisory Committee (TAC).

On order of Chairperson Tripousis, there being no objection, the committee received information on the Light Rail System Analysis.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
12. **Election Process for 2009 Chairperson and Vice Chairperson**

Stephen Flynn, Senior Management Analyst, described the election process for chairperson and vice chairperson as being comprised of three distinct steps: 1) Appointing the Nominating Subcommittee; 2) Report from the Nominating Subcommittee; and 3) Election of Chairperson and Vice Chairperson. TAC’s recently-amended bylaws specify that the chairperson and vice chairperson elections are held the last meeting of the calendar year (usually December).

Member Dey and Member Batra volunteered to serve as members of the TAC Nominating Subcommittee.

**M/S/C (Witthaus/Rodriguez)** to appoint a nominating subcommittee to identify Committee members interested in serving as the chairperson or vice chairperson for 2009.

13. **Advisory Committee Enhancement Process Update**

Jenny Loft, Public Information Officer, reported that: 1) The Advisory Committee Enhancement Process was launched at the September 2008 advisory committee meetings; 2) Each advisory committee established an Advisory Committee Enhancement Subcommittee.; and 3) Each subcommittee planned to meet prior to the October 2008 advisory committee meetings.

Stephen Flynn, Senior Management Analyst, noted that to keep each committee fully informed of the status of the Advisory Committee Enhancement process, pending each committee’s review and approval, a placeholder item entitled “Advisory Committee Enhancement Subcommittee Report” will be added to each committee’s monthly work plan and agenda through early 2009.

**On order of Chairperson Tripousis**, there being no objection, the committee received a brief update on the status and progress of the Advisory Committee Enhancement process.

14. **Adopt Bicycle Expenditure Plan (BEP) Evaluation Criteria**

Chris Augenstein, Deputy Director, Planning, reported that upon reaching an agreement, the TAC Subcommittee incorporated all of the TAC’s suggestions into the revised BEP. He then announced that the Bicycle and Pedestrian Advisory Committee (BPAC) approved the item at their October 8, 2008, meeting.

**M/S/C (Dey/Goepfert)** to adopt the revised Bicycle Expenditure Plan (BEP) Evaluation Criteria.

15. **CMP Work Program-Review Existing Work Program Required Activities: System Definition, Level of Service, Multi-Modal Performance Measures**

John Ristow, Chief CMA Officer and Staff Liaison, announced that the CMA is undertaking a review of its statutory core and Board-adopted responsibilities. He noted that in advance of next year’s work program, staff is looking for feedback from TAC members on ways to improve the Congestion Management Program (CMP).
Mr. Ristow reported that this would be a TAC agenda item over the next several months. He stated that staff will build the new program and make modifications to the CMP documentation based upon feedback.

Mr. Ristow then introduced Chris Augenstein, Deputy Director, Planning.

A Power Point Presentation was distributed highlighting a review of the required CMP elements: 1) System definition and traffic level of service; 2) Multimodal performance measures; 3) Countywide transportation model; 4) Land use impact analysis; 5) TDM and trip reduction; and 6) Capital Improvement Program (7-year).

Mr. Augenstein reported that “Deficiency Plans,” inadvertently left off of the presentation, should be included in this list of required CMP elements.

Mr. Augenstein stated that: 1) urbanized areas with populations over 50,000 are required to have a CMP; 2) the statute is required to be updated every two years; and 3) the last update was in 2007.

Mr. Augenstein reported that CMP networks include: 1) Roadway/Intersections; 2) Transit; and 3) Bike.

Mr. Augenstein noted that additional CMP elements offered up for consideration include: 1) a pedestrian network; and 2) monitoring certain segments of pedestrian systems around the County.

Mr. Augenstein reported that SOMs is presently working on the TIA guidelines, deficiency plan guidelines, and the model conformity guidelines. He stated that SOMs will be bringing those through the committees in a few months.

On order of Chairperson Tripousis, there being no objection, the committee reviewed existing CMP Work Program required activities: System Definition, Level of Service, Multi-Modal Performance Measures.


John Ristow, Chief CMA Officer and Staff Liaison, reported that The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) will expire at the end of fiscal year 2009. He noted that Congress and the Administration will soon begin working on the Federal Transportation Bill Reauthorization.

Mr. Ristow stated that with previous reauthorizations, the Cities, VTA and the County submitted individual, often similar earmark requests to the legislators. He noted that Kurt Evans, Government Affairs Manager, will be leading this coordination effort proposed by congressional staff members.

Mr. Ristow stated that the proposed schedule is: 1) October 2008 - TAC reviews draft criteria for project selection; 2) November 2008 - TAC approves final criteria and call for projects; 3) December 2008 - TAC scores projects and complete initial project list; 4) January 2009 - TAC finalizes project list; 5) February 2009 - VTA Board approves
Marcella Rensi, Transportation Planning Manager, stated that in the last reauthorization many projects received a small amount of money. Ms. Rensi noted that if all 15 cities, VTA and the County approach the congressional delegation with a coordinated request for a limited number of high-impact, high-profile regional projects, collectively they might succeed. Ms. Rensi proposed looking at the VTP 2035 evaluation criteria previously adopted by the VTA Board. She then requested feedback from the TAC.

Member Likens suggested that an earmark be put into the context of how it relates to the individual cities. She noted that by limiting the earmarks to highway or county expressway projects, it is quite limiting for local agencies.

Chairperson Tripousis noted that this conversation had initiated in the TAC Subcommittee several months ago when Kurt Evans, Government Affairs Manager, asked if the item could be considered as a discussion item for the TAC Agenda. Chairperson Tripousis reported that the TAC Subcommittee felt it was worthy of a discussion.

Chairperson Tripousis stated that the city of San Jose effectively coordinates with VTA on earmark projects, but he foresees significant challenges in trying to formalize the process. He noted that a formal arrangement would not preclude a city from pursuing an earmark on its own, should a project that they are committed to not be included on the collective earmark list, thereby defeating the purpose.

Chairperson Tripousis and Member Likens both suggested that a coordination effort between the cities, VTA and the County would be more feasible than the formal arrangement proposed by staff.

Chairperson Tripousis noted that giving the Board oversight approval on proposed earmarks might not be acceptable to the cities.

Mr. Ristow stated that the intent of this staff proposal was for the larger, regional-in-scope projects. He noted that large appropriation projects would gain significantly greater attention from Congress with multi-agency backing through this proposed coordinated effort.

Member Dey stated his support of VTA taking leadership for the larger, regionally-significant projects. He noted that the current method of fund division among the smaller projects effects the completion of larger projects. Member Dey emphasized the importance of project delivery, noting that success breeds success.

Vice Chairperson Witthaus suggested that a coordination effort among the cities, VTA and the County would eliminate heretofore unknown projects from derailing the regional-planning process and eliminate multiple-agency submittals.

Member Likens queried the need for Board endorsement. Mr. Ristow noted his belief that agency coordination does not need Board approval.
Member Kass queried VTA’s internal guidelines for submitting projects for earmarks, suggesting that a framework and internal guidelines be established. He noted that VTA’s earmarks will carry significant weight beyond that of an individual agency.

On order of Chairperson Tripousis, there being no objection, the committee reviewed and discussed the adoption of eligibility and scoring criteria (Attachment A) used to evaluate and select federal earmark projects for the Federal Transportation Bill Reauthorization for FY2010-2015.

17. **BART Extension Economic Effects Evaluation - Summary of Results**

Kevin Kurimoto, Transportation Planner, introduced Paula Dowell, Vice President of Economics, Freight and Finance, for Wilber Smith Associates. Miss Dowell presented a report detailing the Economics Effects Analysis of the BART Extension including estimations of the potential transportation efficiency gains and the long-term economic impacts resulting from: 1) travel efficiency gains accruing to highway users and potential SVRT BART users; 2) construction, operations, and maintenance expenditures of the SVRT BART Extension; 3) new land developments at future SVRT BART stations; and 4) an expanded labor market attributable to improved worker mobility and accessibility.

Member Witthaus left the meeting at 2:49 p.m.

Ms. Dowell stated that the region analyzed in this study was comprised of Santa Clara, Alameda, Contra Costa, San Francisco, and San Mateo counties.

Ms. Dowell reported that short-term and long-term economic impacts of the proposed SVRT BART Extension were estimated utilizing an economic impact modeling software, developed by Regional Economic Models Inc. (REMI)

Alternate Ex-Officio Connolly left the meeting at 3:02 p.m.

Ex-Officio Troutebeck left the meeting at 3:04 p.m.

Ms. Dowell stated that Key findings from the evaluations were summarized with the analysis results including low and high monetary estimates of the overall economic impacts that the SVRT BART Extension is expected to have on Santa Clara County and the study region from 2008 to 2030.

On order of Chairperson Tripousis, there being no objection, the committee received information on the Bart Extension Economic Effects Evaluation.

18. **High Occupancy Toll (HOT) Lanes - Public Outreach**

On order of Chairperson Tripousis, there being no objection, the High Occupancy Toll (HOT) Lanes - Public Outreach update was deferred to the November 13, 2008, TAC meeting.
OTHER

19. **Receive an update on MTC Activities and Initiatives. (Verbal Report) (Committee)**

   Chairperson Tripousis reported that all nine CMAs are presently working with MTC to determine the next steps of the Regional Transportation Plan (RTP).

   **On order of Chairperson Tripousis,** there being no objection, the Committee received an update on MTC Activities and Initiatives.

20. **TAC Subcommittee**

   Member Dey reported that the TAC Subcommittee discussed two items:

   1) **Pilot Litter Control Program**

      Member Dey reported that Chairperson Tripousis will contact Caltrans to discuss their report. He also reported that staff is looking into alternate-funding options.

   2) **Advisory Committee Enhancement Process**

      Member Dey reported that the Subcommittee reviewed: 1) the TAC mission statement; and 2) the duties and authority of the TAC.

   The TAC Subcommittee will bring their comments back to the TAC in November.

   **On order of Chairperson Tripousis,** there being no objection, the Committee received an update from the TAC Subcommittee.

21. **Committee Work Plan**

   **On order of Chairperson Tripousis,** there being no objection, the Committee reviewed the TAC Committee Work Plan.

22. **Announcements**

   Member Goepfert announced that he had replaced Ralph Qualls Jr. as the representative for Cupertino. He then introduced David Stillman, Senior Traffic Engineer, as the Alternate Member from Cupertino.

   Member Batra announced that Dennis Ng, the former TAC Alternate Member from Sunnyvale, had accepted a position with the City of Santa Clara and would now be the TAC Alternate Member from Santa Clara.

23. **ADJOURNMENT**

   **On order of Chairperson Tripousis,** there being no objection, the meeting was adjourned at 3:13 p.m.

   Respectfully submitted,

   Susan Garcia, Board Assistant
   VTA Board of Directors
POLICY ADVISORY COMMITTEE

Thursday, September 11, 2008

MINUTES

1. CALL TO ORDER

The Regular Meeting of the Valley Transportation Authority (VTA) Policy Advisory Committee (PAC) was called to order at 4:05 p.m. by Chairperson Christopher Moylan in Conference Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

ROLL CALL

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<tr>
<th>Members Present</th>
<th>Representative Cities</th>
<th>Arrived</th>
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<tbody>
<tr>
<td>Margaret Abe-Koga</td>
<td>Mountain View</td>
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<tr>
<td>Sid Espinosa</td>
<td>Palo Alto</td>
<td>4:18 p.m.</td>
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<tr>
<td>Steve Glickman</td>
<td>Los Gatos</td>
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<tr>
<td>Joe Kornder</td>
<td>Santa Clara</td>
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<td>Evan Low</td>
<td>Campbell</td>
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<td>Pete McHugh</td>
<td>Santa Clara County</td>
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<td>Board of Supervisors</td>
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<tr>
<td>Christopher Moylan, Chairperson</td>
<td>Sunnyvale</td>
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<tr>
<td>Pierluigi Oliverio</td>
<td>San Jose</td>
<td>4:19 p.m.</td>
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<tr>
<td>Chuck Page</td>
<td>Saratoga</td>
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<td>Gilbert Wong (Alternate)</td>
<td>Cupertino</td>
<td>4:18 p.m.</td>
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<td>Wright, Curtis</td>
<td>Monte Sereno</td>
<td>4:10 p.m.</td>
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<tr>
<th>Members Absent</th>
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<tr>
<td>Lou Becker</td>
<td>Los Altos</td>
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<tr>
<td>Armando Gomez</td>
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<td>Marby Lee</td>
<td>Morgan Hill</td>
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<td>Perry Woodward</td>
<td>Gilroy</td>
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<tr>
<td>Vacant</td>
<td>Los Altos Hills</td>
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A quorum was not present and the Committee of the Whole was declared.

2. ORDERS OF THE DAY

Chairperson Moylan announced the Governance Committee Proposal is Agenda Item 13X and will be discussed between Items 9 and 10.

On order of Chairperson Moylan, there being no objection, the Committee of the Whole accepted the Orders of the Day.
3. PUBLIC PRESENTATIONS

There were no Public Presentations.

4. Committee Staff Report

Jim Lawson, Senior Policy Advisor and Staff Liaison, reported the following:

1) At the September 4, 2008, Board of Directors meeting, the Board received a progress report on the Mary Avenue Bicycle Pedestrian Bridge; 2) Labor negotiations between VTA and the Amalgamated Transit Union (ATU) are on-going; 3) The Board approved the Scope of Work for the VTA Auditor General Request for Proposal (RFP); 4) The Governance Structure was referred to the Administration & Finance Committee (A&F). Staff was directed to return with the description of four potential scenarios and the methodology needed to arrive at any one of the four scenarios: A) PAC alternative; B) Recommendation from Governance Subcommittee; C) Do nothing scenario; and D) A directly elected Board; 5) The average weekly bus ridership increased by almost 16 percent in July. Rail ridership decreased by .2 percent due to station closures. The overall system increased by 11.4 percent with 153,050 average weekday riders. 6) The Caltrain Board held a public hearing regarding fare increases and is considering a 25% increase on the base in addition to a 25% increase on the base and the zones; 7) The Caltrain Board received a presentation regarding electrification; 8) VTA redeemed bonds in September for $26.5 million. It is estimated that reissuing the bonds will save VTA $5.4 million over the life of the bonds; 9) President Bush declared today, September 11, Patriot’s Day and VTA observed a minute of silence at 5:36 a.m. in honor of those who lost their lives seven-years ago. All buses and light rail vehicles stopped, or pulled to the side of the road, and read a memorial statement; 10) On August 27 VTA dedicated the 152/156 Flyover at the southern part of the County and this $34 million project opened six-weeks ahead of schedule; and 11) Mr. Lawson praised the efforts of Captain Luther Pugh, the former Chief of Protective Services, and welcomed Captain Pugh’s replacement Captain Robert Schiller of the Santa Clara County Sheriff’s Department.

Member Wright took his seat at 4:10 p.m. and a quorum was declared.

Member McHugh queried whether the Highway 152/156 Flyover would solve congestion issues. Mr. Lawson stated that the project is not finished, but a measurable improvement is expected once lane improvement work is completed.

5. Chairperson’s Report

Chairperson Moylan reported that the PAC Chair, Vice Chair, and staff met prior to this meeting to review Agenda Item 10.

6. City Grouping Report

There was no City Grouping Report.

BUSINESS REFERRED TO COMMITTEE BY THE BOARD OF DIRECTORS/GENERAL MANAGER.
CONSENT AGENDA

7. Minutes of August 14, 2008
   M/S/C (Glickman/McHugh) to approve the Minutes of August 14, 2008.

8. Proactive CMP Reviewed and Approved Project Quarterly Status Report
   M/S/C (Glickman/McHugh) on a vote of 7 Ayes to 0 Noes to 1 Abstention to receive the report entitled: Proactive CMP Reviewed and Approved Project Quarterly Status Report. Member Page abstained.

REGULAR AGENDA

   A Power Point Presentation was provided highlighting results of a successful, cooperative effort involving three adjacent cities working together as a cost-effective means of completing the $1.8 million project. PAC Members Steve Glickman of the Town of Los Gatos, Curtis Wright of the City of Monte Sereno, and Chuck Page of the City of Saratoga defined the Highway 9 Safety Improvement Project as an effort to improve bicycle and pedestrian safety along a 2.4 mile stretch of a highway corridor that links the three cities.

   Members Espinosa and Wong took their seats at 4:18 p.m.

   Member Oliverio took his seat at 4:19 p.m.

   Funding for the project was derived from: 1) The Federal Government’s Congestion Mitigation and Air Quality (CMAQ) Grant; 2) Proposition 116 The Rail Transportation Bond Act of 1990; 3) VTA; and 4) the Town of Los Gatos and the Cities of Saratoga and Monte Sereno.

   The completed projects include modifications to signal-light intersections; installation of a pedestrian-activated-light-crossing; road widening; concrete improvements; road restriping; signage added and/or replaced; curb and gutter modifications; enhancements and/or widening of existing bike lanes; and a newly created bike lane. The improvements will allow bicyclists and pedestrians a safe roadway to traverse.

   A consultant will work with the three municipalities in their ongoing efforts to determine the next steps.

   Member Glickman referred to the Highway 9 Project as a successful model for future joint-venture projects involving transportation. Chairperson Moylan referenced the Stevens Creek Trail as a multi-jurisdictional project that is bordered by the Cities of Mountain View, Los Altos, Sunnyvale and Cupertino, where a similar success could be achieved.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
Member Kornder queried regarding the project timeline. Member Glickman stated the project took three years from commitment to completion.

Member Espinosa queried regarding any lessons learned to share with others planning a similar venture. Member Page noted that they had a scope of a project, a timeframe for available financing, an architect’s plan for what could be accomplished if broken down into manageable pieces, and the determination of local agencies and citizens.

Member Kornder queried regarding plans for ongoing maintenance costs. Member Glickman stated funds were set aside from the beginning for that purpose. Member Wright noted that the area is a Caltrans-maintained State Highway.

On order of Chairperson Moylan, there being no objection, the committee received the presentation on Highway 9 Corridor Transportation Needs, Issues & Priorities.

The Agenda was taken out of order.

13X. VTA Governance

Chairperson Moylan summarized the history of the VTA Governance issue, detailed the Governance Subcommittee’s proposal, and queried whether PAC wished to make a recommendation. Chairperson Moylan noted the Governance issue was fully discussed during the July PAC meeting and therefore no information was included within this meeting’s Agenda. He stated that if necessary, more detail would be provided for anyone not present at the July meeting.

Member Wright questioned whether the South County Proposal was still under consideration. Chairperson Moylan stated that it was. Member Wright reiterated that the Monte Sereno City Council is on record as opposing the South County Proposal. Chairperson Moylan noted that the PAC is also on record as opposing the South County Proposal.

Mr. Lawson stated that the four Governance Subcommittee recommendations A&F will be addressing at their meeting next week are: 1) PAC Alternative; 2) Recommendation from the Governance Subcommittee with reference to the city groups; 3) Do nothing; and 4) A directly elected Board.

Mr. Lawson noted that whatever approach is taken will be a complex approach. He reminded the PAC members that they, and through them their councils, will have several more opportunities to weigh-in on this topic.

Member Glickman noted that he supported PAC’s original recommendation of a directly elected Board. He stated that he would support and make a motion on the Governance Subcommittee’s proposal as an interim solution.

Member Espinosa seconded the motion.

Mr. Lawson stated that: 1) the voting by the PAC would be rank order, first, second, third choice; and 2) that the voting would be weighted by the population of the cities.
M/S/C (Glickman/Espinosa) on a vote of 8 Ayes to 3 Noes to 0 Abstentions to make a recommendation to the Administration & Finance Committee on the Governance Subcommittee’s proposal as an interim solution to elect the five seats on the Board that are allocated to the 14 cities and those who would be represented by the five seats on PAC would vote for those five members and that voting by the PAC would be in rank order and the voting would be weighted by the population of the cities. Members Kornder, Low, and Wong opposed.

10. Advisory Committee Enhancement

Jennie Loft, Public Information Officer, noted the purpose of the advisory committees, as indicated in the by-laws, is to provide input and advice to the VTA Board on issues referred to the committee by either the Board or the General Manager. Ms. Loft indicated that the recent State Audit reinforced the recommendation from the Hay Group assessment regarding the need to incorporate the advisory committees’ input in the development of policy solutions.

Ms. Loft noted that the overall plan is to improve the operation and effectiveness of the advisory committees. She asked the PAC for volunteers to form a PAC subcommittee to participate in the development of the Advisory Committee Enhancement Initiative. The Subcommittee will review PAC’s goals and responsibilities to ensure that they are in line with VTA’s new vision and mission statements. Members from this subcommittee will then join a task force comprised of members from the five advisory committees to review for any committee overlap, to view the role of the advisory committees as a whole, and report back to PAC on the status of the initiative. A full report from the joint task force will be provided to the VTA Board.

Member Kornder queried regarding consolidating or combining the advisory committees to avoid repetition. Ms. Loft stated that she encourages the subcommittee members to put the ideas generated from their discussions into their report.

Member Glickman expressed his appreciation that VTA’s General Manager had allocated staff to ensure the task force stays on track.

Chairperson Moylan, Vice Chairperson Abe-Koga and Member Page volunteered to serve as members of the PAC Advisory Committee Enhancement Initiative Subcommittee.

On order of Chairperson Moylan, there being no objection, the committee reviewed the Advisory Committee Enhancement Strategy.

11. Amendments to the Policy Advisory Committee Bylaws

Stephen Flynn, Senior Management Analyst, stated that by moving the election date from January to December, with the implementation in January, staff could provide orientation and training for incoming chairs prior to their first committee meeting. A December election would put PAC into consistency with the other four advisory committees. Mr. Lawson noted it is also consistent with the Board.
Member Glickman noted that some PAC members are appointed by their respective mayors or city councils. He stated that many of those appointments are not made until late December or early January.

Member Page stated that in Saratoga the reorganization occurs in early December, with the mayor having one to two weeks to determine appointments.

Member Wong commented that in Cupertino the appointments are for a one-year period and the city council makes those appointments in January.

M/S/C - (Kornder/McHugh) to recommend not to amend the PAC bylaws at this time, because of the unique nature of the appointment process.

Mr. Flynn noted that the second part of this item is an attendance provision in the PAC Bylaws which is inapplicable for anyone who has alternates provided.

M/S/C - (McHugh/Abe-Koga) to delete the existing attendance provision that is inapplicable for PAC due to members having alternate members.

12. **Pilot Litter Control Program**

Amin Surani, Principal Transportation Planner, reported that two recommendations came out of the VTA conducted litter control and landscaping study: 1) Adopt the minimum visual standard of “slightly littered” on our freeways; and 2) Conduct a pilot study to see what resources are needed to meet this “slightly littered” condition.

Caltrans and VTA implemented a six-month Pilot Litter Control Program from October 2007 to March 2008 on the segment of U.S. 101 between I-880 and Blossom Hill Road: 1) Caltrans performed litter control; 2) Based on the pilot study Caltrans estimated that approximately $450,000 is needed to maintain that segment of the freeway in a slightly-littered condition if Probationers and Adopt-A-Highway Volunteers are used in the cleanup; and 3) Based on Caltrans’ numbers, the annual cost would be approximately $11 million to keep Santa Clara County’s 250 miles of freeways clean to a slightly-littered condition.

Mr. Surani stated that if Caltrans employees are used for the cleanup, the amount increases to $18 million and based on this study the preliminary recommendation is: 1) Work with Caltrans to ensure that resources are increased; and 2) Make the Adopt-A-Highway program more effective.

Mr. Surani noted that the Technical Advisory Committee (TAC) had discussed this item during their meeting earlier this afternoon and would like to provide those recommendations to PAC. Mr. Surani introduced TAC Chairperson Ben Tripousis.

Mr. Tripousis reported that: 1) TAC called for an initial comprehensive study of Caltrans efforts with regard to litter and landscaping and identified significant problems; 2) TAC recommends the Congestion Management Program and Planning Committee (CMPP) remove this item from the CMPP September 18, 2008, agenda and return the item to staff for further study; 3) TAC will work with staff on action items as follow-up
recommendations; and 4) TAC will identify next steps in terms of working with Caltrans and seeking out other resource allocations.

Mr. Tripousis then stated that TAC will determine: 1) if the service delivery model is an adequate model; 2) a more effective way to clean up litter and maintain landscape; 3) if alternative agencies, including non-profit, would be more cost effective; 4) how to encourage broader, more effective adopt-a-highway participation; and 5) how to expand education and enforcement.

Mr. Tripousis then noted that the Pilot Litter Control Program will come back through all of the committees for review and comment.

Member Glickman expressed concern regarding the $11 Million for cleaning 250 miles of highway. Mr. Surani stated the amount is also very high in staff’s estimation.

On order of Chairperson Moylan, there being no objection, the committee received a report on the Pilot Litter Control Program.

Member Low left the meeting at 5:30 p.m.

Member Wong left the meeting at 5:32 p.m.

Member Espinosa left his seat at 5:33 p.m.

13. High Occupancy Toll (HOT) Lanes - Preliminary Recommendation


Member Espinosa took his seat at 5:36 p.m.

Member McHugh left the meeting at 5:39 p.m.

Mr. Ramanujam highlighted the following benefits of VTA’s Express Lanes:
• Increase efficiency of existing roadways by allowing solo drivers to pay a fee to access express lanes;

• Through the use of dynamic pricing, VTA can manage the amount of traffic in the express lanes and maintain free flowing speeds even when lanes are congested;

• By managing congestion, we are able to conserve fuel, reduce air pollution, and improve the environment; and

• Tolls collected will be used to operate the express lanes and for other transportation improvements in the corridors including transit.

On order of Chairperson Moylan, there being no objection, the Committee received the High Occupancy Toll (HOT) Lanes - Preliminary Recommendation.

14. Committee Work Plan

On order of Chairperson Moylan, there being no objection, the Committee reviewed the PAC Work Plan.

15. Announcements

There were no Announcements.

16. ADJOURNMENT

On order of Chairperson Moylan, there being no objection, the meeting was adjourned at 5:50 p.m.

Respectfully submitted,

Susan Garcia, Board Assistant
VTA Board of Directors
Policy Advisory Committee (PAC) Meeting
Minutes of October 9, 2008

WILL BE FORWARDED UNDER SEPARATE COVER
Silicon Valley Rapid Transit Corridor & BART Warm Springs Extension PAB Meeting Minutes of October 15, 2008

WILL BE FORWARDED UNDER SEPARATE COVER
<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
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<tbody>
<tr>
<td>Thursday, January 3</td>
<td>5:30 PM</td>
<td>Regular Board Meeting</td>
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<tr>
<td>Friday, February 1</td>
<td>1:30 PM</td>
<td>*Board Summit</td>
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<td><em>(will be held at this location: Wiegand Room at the Markkula Center Arts and Sciences Building Santa Clara University 500 El Camino Real, Santa Clara, California)</em></td>
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<tr>
<td>Thursday, February 7</td>
<td>5:30 PM</td>
<td>Regular Board Meeting</td>
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<tr>
<td>Thursday, March 6</td>
<td>5:30 PM</td>
<td>Regular Board Meeting</td>
</tr>
<tr>
<td>Thursday, April 3</td>
<td>5:30 PM</td>
<td>Regular Board Meeting</td>
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<tr>
<td>Friday, April 25</td>
<td>9:00 AM</td>
<td>Board Workshop Meeting</td>
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<tr>
<td>Thursday, May 1</td>
<td>5:30 PM</td>
<td>Regular Board Meeting</td>
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<tr>
<td>Thursday, June 5</td>
<td>5:30 PM</td>
<td>Regular Board Meeting</td>
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<tr>
<td>Thursday, June 19</td>
<td>12:00 PM</td>
<td>Board of Directors Special Meeting</td>
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<tr>
<td>Thursday, July 17</td>
<td>12:00 PM</td>
<td>Committee of the Whole Meeting</td>
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<tr>
<td>Thursday, August 7</td>
<td>5:30 PM</td>
<td>Regular Board Meeting</td>
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<tr>
<td>Thursday, September 4</td>
<td>5:30 PM</td>
<td>Regular Board Meeting</td>
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<tr>
<td>Friday, September 5</td>
<td>9:00 AM</td>
<td>Board Workshop Meeting</td>
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<tr>
<td>Friday, September 12</td>
<td>10:30 AM</td>
<td><em>Joint Meeting with BART Board of Directors (CANCELLED)</em></td>
</tr>
<tr>
<td>Thursday, October 2</td>
<td>5:30 PM</td>
<td>Regular Board Meeting</td>
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<tr>
<td>Friday, October 24</td>
<td>9:00 AM</td>
<td>Board Workshop Meeting</td>
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<td>Thursday, November 6</td>
<td>5:30 PM</td>
<td>Regular Board Meeting</td>
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<tr>
<td>Friday, November 14</td>
<td>9:00 AM</td>
<td>Board Workshop Meeting</td>
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<tr>
<td>Thursday, December 11</td>
<td>9:00 AM</td>
<td>Regular Board Meeting</td>
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Unless noted otherwise, Regular Board meetings will be held at:
Board of Supervisors’ Chambers
County Government Center
70 W. Hedding Street, San Jose

Board Workshop Meeting Location is TBD

For additional information: Tel: (408) 321-2300
TDD only: (408) 321-2330
www.vta.org