BOARD OF DIRECTORS MEETING

Thursday, August 6, 2009

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. RECESS TO CLOSED SESSION
   Conference with Labor Negotiators
   [Government Code Section 54957.6]

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

   Employee Organization:
   Amalgamated Transit Union (ATU), Local 265

RECONVENE TO OPEN SESSION

3. CLOSED SESSION REPORT

4. ORDERS OF THE DAY

5. AWARDS AND COMMENDATIONS
   A. ACTION ITEM - Recognize Christina Jaworski, Senior Environmental Planner, River Oaks Administration; Shannon Kirtley, Transit Radio Dispatcher, Guadalupe Division; and Miguel Martinez, Transit Mechanic, Cerone Maintenance Division, as Employees of the Month for July 2009; and Debra Polm, Office Support Supervisor, Chaboya Division, as Supervisor of the Quarter for the third quarter of 2009. Also recognize Minh Nguyen, Information Systems Analyst II, River Oaks Administration; Joseph Bradley, Coach Operator, North Division; and Patrick Mangan, Transit Mechanic, Cerone Maintenance Division, as Employees of the Month for August 2009.

   B. ACTION ITEM - Adopt a Resolution recognizing Jerry Oxsen, Operations Manager, for 37 years of service.

6. 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.

7. REPORT FROM THE GENERAL MANAGER (Verbal Report)

8. REPORT FROM THE CHAIRPERSON (Verbal Report)

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

CONSENT AGENDA

11. Approve the Board of Directors Regular Meeting Minutes of June 4, 2009.


13. ACTION ITEM - Authorize the General Manager to execute a contract with HSQ Technology, the lowest responsible bidder, in the amount of $481,930 for the Guadalupe North Line Public Address System Upgrade Project. This contract is 80% federally funded.

14. ACTION ITEM - Authorize the General Manager to execute a contract with Weber Tractor Service, the lowest responsible bidder, in an amount of $255,781 for the construction of the Bus Stop Pavement Improvements FY09. This contract is 80% federally funded.

15. ACTION ITEM - Recommend that the VTA Board of Directors adopt a support position for AB 1158 (Hayashi), which adds educational facilities and other land uses that link people traveling to and from K-12 schools, community colleges and universities to the list of specified characteristics that a transit village plan may address.

16. ACTION ITEM - Recommend that the VTA Board of Directors adopt a support position for SB 425 (Simitian), which specifies that an employer subject to the requirement to implement a parking cash-out program may not deduct the cost of parking subsidies from its gross income unless it is in compliance with this requirement. In addition, this bill provides a tax credit to small businesses for qualified commute reduction expenditures.

17. ACTION ITEM - Authorize the General Manager to execute a contract with Stacy and Witbeck/Con-Quest (a joint venture), the lowest responsible bidder, in an amount of $1,337,842 for construction of the Rail Rehabilitation - Market Street and Almaden Boulevard Crossings. This contract is 80% federally funded.

18. ACTION ITEM - Authorize the General Manager to submit Federal Fiscal Year (FFY) 2009 grant applications and execute grant agreements with the Federal Transit Administration (FTA) for Section 5307 Urbanized Area Formula, and Section 5309 Fixed Guideway programs.

19. ACTION ITEM - Adopt a resolution authorizing the filing of an annual claim to the Metropolitan Transportation Commission (MTC) for allocation of FY 2009-2010 Transportation Development Act (TDA) and State Transit Assistance (STA) funds.

20. ACTION ITEM - Authorize the General Manager to execute a contract with Con-Quest Contractors Inc., the lowest responsible bidder, in an amount of $343,649 for construction of the Hamilton MSE Wall Stabilization Project improvements.
21. ACTION ITEM - Authorize the General Manager to lease up to $595,650 in electronic "core" network equipment, primarily switches and routers that control and direct electronic data, from Cisco Systems Inc. and AT&T Inc., under cooperative purchasing agreements negotiated by the State of California on behalf of local agencies. This “lease to own” purchase agreement is to be funded via five annual payments of approximately $119,000. At the end of the proposed five year term, and after making the five payments as outlined, the VTA may exercise an option to own the equipment outright.

22. ACTION ITEM - Recommend that the VTA Board of Directors support the County's projects for inclusion in the Federal Surface Transportation Program reauthorization legislation and direct staff to submit a letter of support to the appropriate federal departments.

23. ACTION ITEM - Authorize the General Manager to approve the award of a contract to U. S. Health Works for Substance Abuse Testing, Medical Review Officer Services, and Medical Examination Services for three years at a cost of $877,440, with an option for two one-year extensions priced at $410,132 for a total authorization of $1,287,572.

24. ACTION ITEM - Authorize the General Manager to execute a contract with Mercer Investment Consulting, Inc. (Mercer) to provide investment consulting services, including quarterly evaluations of money manager performance with recommendations to retain or not retain; and, to provide other services (i.e. asset allocation study, money manager searches, etc.) as needed, in an amount not to exceed $235,000 for a period of two years; and, further authorize the General Manager to extend such contract for one year periods not to exceed three additional years with an amount not to exceed $337,000 total for the third, fourth, and fifth year of the contract (five years not to exceed $572,000).

25. ACTION ITEM – 1) Increase the General Manager’s spending authority for Freight Railroad Relocation (FRR) and the WP Milpitas Corridor clearance utility relocations in an amount not to exceed $5 million, for a revised authorized amount of $38.52 million. This authorization increase will complete all utility relocation activities for the FRR and will allow for the commencement of non-FRR preliminary utility relocation design for clearance of the Corridor between Fremont and San Jose; and further, 2) Authorize the General Manager to execute new utility relocation agreements and/or amend existing utility relocation agreements for FRR and non-FRR corridor clearance activities in a total amount not to exceed the Board authorized $38.52 million. A combined utility relocation authorization is recommended for financial flexibility and ease of cost administration.

26. ACTION ITEM - Approve the programming of FY 09/10/11 Lifeline Transportation Program funds as described in the memorandum and as presented in Attachment A.
REGULAR AGENDA

27. ACTION ITEM - Adopt a resolution electing to hear resolutions of necessity for the Mission Warren Truck Rail Program, as required by State law.

28. ACTION ITEM - Authorize the General Manager to approve and formally adopt the amended successor labor agreements negotiated between the Santa Clara Valley Transportation Authority (VTA) and Transportation Authority Engineers and Architects (TAEA), American Federation of State, County and Municipal Employees (AFSCME), and Service Employees International Union, Local 521 (SEIU).

29. ACTION ITEM - Authorize the General Manager to execute a contract for the purchase of up to 107 forty-foot low-floor hybrid diesel-electric buses and related equipment. A combination of federal stimulus money and state Proposition 1B funds will be used for this procurement. **Note: Due to the timing of the procurement negotiations, results will be provided in a revised memorandum to the Board of Directors for the August 6, 2009 meeting.**

30. ACTION ITEM - Adopt a resolution amending Resolution 2009.06.15, Establishing Rates and Fares, to change the effective date to October 1, 2009.


32. ACTION ITEM - Approval of an Addendum to the Labor Agreement between Santa Clara Valley Transportation Authority and the Amalgamated Transit Union (ATU) Local 265.

OTHER ITEMS

33. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

34. MONTHLY LEGISLATIVE HISTORY MATRIX

35. REPORTS (UNAPPROVED MINUTES) FROM STANDING COMMITTEES
   A. Board of Directors Committee of the Whole (COW) in lieu of Board Standing Committees
   B. Administration and Finance Committee
   C. Congestion Management Program and Planning Committee
   D. Transit Planning and Operations Committee
   E. Audit Committee

36. 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)
37. 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

38. REPORTS FROM VTA POLICY ADVISORY BOARDS (PABs)
   A. Vasona Light Rail PAB
   B. Silicon Valley Rapid Transit Corridor & BART Warm Springs Extension PAB
   C. Downtown East Valley PAB
   D. Highway PAB South

39. ANNOUNCEMENTS

40. 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 July and August 2009, and Supervisor of the Quarter

FOR INFORMATION ONLY

BACKGROUND:

July Employees of the Month and Supervisor of the Quarter:

Christina Jaworski, Senior Environmental Planner in the Environmental Programs department at River Oaks, is the Administration Award Winner for July. Christina has been with VTA since 1995. Coworkers view her as an exceptional role model who is willing to share her expertise whenever needed. Christina has been instrumental in advancing VTA’s Sustainability Program, most recently coordinating Earth Day educational activities for employees, overseeing a successful e-waste collection effort, and implementing a composting program at River Oaks. Christina’s success with these programs, and the consistent high quality of her work uphold VTA’s mission of sustainability, and set a great example for her fellow employees. Congratulations to Christina Jaworski, Administration Employee of the Month for July!

Shannon Kirtley, Transit Radio Dispatcher at the Operations Control Center at Guadalupe Division, is July’s Operations Award Winner. Shannon consistently exceeds the high standards of her job. Recognized by her supervisors for her professionalism and positive attitude, Shannon helps make VTA a better place to work. In addition to her dispatch duties at OCC, Shannon serves as a Safety Committee member for the Amalgamated Transit Union, where she has helped implement changes to improve the work environment, such as placing First Aid kits in the Operator Layover break rooms. As a dedicated employee of VTA for over 10 years, Shannon upholds VTA’s commitment to quality work performance, and is very deserving of this award. Congratulations to Shannon Kirtley, Operations Employee of the Month for July!

Miguel Martinez, Transit Mechanic at Cerone Division, is our Maintenance Employee of the Month for July. Miguel has been with VTA since 1991. In his current assignment as a Transit Mechanic, Miguel performs skilled mechanical work to diagnose, maintain, repair and test VTA
buses and support vehicles. Miguel’s coworkers observe that he is a hardworking mechanic who does whatever is needed to ensure that the buses are ready for pull-out, and they appreciate his willingness to share his expertise with others. Noted by his supervisors as a highly respected employee with a great attitude and an exceptional attention to detail, Miguel is a true role model to his fellow employees. Congratulations to Miguel Martinez, Maintenance Employee of the Month for July!

Debra Polm, Office Support Supervisor, Chaboya Division, is our Supervisor of the Quarter for the third quarter of 2009. Debbie has been with VTA for over 13 years. In her current position, Debbie is responsible for supervising and coordinating the daily functions of the operations administration office for the Chaboya Division. Her staff appreciates her team-based approach, her patience and helpfulness in answering questions, and her sense of humor when facing challenging situations. Debbie is considered a key member of her Division, and is viewed by her management as an effective supervisor who operates with a high degree of professionalism, maintains solid working relationships, and is dedicated to helping her staff succeed. Demonstrating these exceptional leadership skills, Debbie is clearly an asset to VTA. Congratulations to Debra Polm, Supervisor of the Quarter!

August Employees of the Month:

Minh Nguyen, Information Systems Analyst II in the Information Technology department at River Oaks, is the Administration Award Winner for August. In his current role, Minh provides technical support for VTA’s computers and networks. As a journey level Information Systems Analyst, he is considered a technical expert who serves as a resource to employees for their installation and trouble shooting issues. Minh has been with VTA for over 7 years, and during that time, has received numerous accolades for his quick response time, his calm, professional demeanor, and his ability to resolve technical problems. Minh’s excellent customer service skills and willingness to assist others truly help to create a supportive work environment at VTA. Congratulations to Minh Nguyen, Administration Employee of the Month for August!

Joseph Bradley, North Division Coach Operator, is August’s Operations Award Winner. Throughout his ten years at VTA, Joseph has consistently met the high performance standards of his job. He has received numerous customer compliments for treating them with courtesy and professionalism. In addition to his Coach Operator duties, Joseph serves as a Steward for his fellow Amalgamated Transit Union employees. Recognized by his supervisors for his positive attitude toward his customers and for making safety a priority, Joseph sets a great example for his fellow Operators. Joseph has repeatedly demonstrated his commitment to VTA’s values of quality, safety and dependability, and is very deserving of this award. Congratulations to Joseph Bradley, Operations Employee of the Month for August!

Patrick Mangan, Transit Mechanic at Cerone Division, is our Maintenance Employee of the Month for August. Patrick has been with VTA for over 6 years. In his current assignment as a Transit Mechanic on the Minor Maintenance Team, Patrick diagnoses problems and performs repairs to ensure that VTA buses operate in a safe and efficient manner. Patrick takes great pride in his work and ensures that the vehicles in his care are maintained in excellent condition for the safety of our passengers. Recognized by his supervisors as a reliable employee with an outstanding work ethic, Patrick is an admirable role model to his coworkers. Whether working
independently or as a member of a team, Patrick upholds VTA’s standards of quality job
performance. Congratulations to Patrick Mangan, Maintenance Employee of the Month for
August!

Prepared By: Mitsuno Baurmeister
Memo No. 2168
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: Resolution for Retiring VTA Employee Jerry Oxsen

Resolution

MEETING

RECOMMENDATION:

Adopt a resolution recognizing Jerry Oxsen, Operations Manager, for 37 years of service.

BACKGROUND:

Jerry Oxsen, Badge 8231 has provided outstanding public service in several positions throughout his distinguished 37 year career with VTA.

Jerry's career began with the Santa Clara County in 1972 as an Eligibility Program Analyst for the Department of Social Services. In 1978 he took the position of Management Analyst for Fleet Operations and in 1981 was promoted to the position of Quality Assurance Manager. Jerry went on to become Transit Maintenance Supervisor in 1985, and in 1989 Jerry again rose through the ranks to Superintendent at the Cerone Overhaul and Repair Division. His excellent service and dedication continued with his rise on the promotional ladder to his most recent position as the Operations Manager of VTA's Rail Maintenance Division.

Jerry's work ethic, dependability and profound background knowledge of VTA has made him an exemplary employee and role model for staff. He is highly respected by all who know and work with him. Jerry will be remembered for his expertise as well as his keen knowledge, which will be missed as he begins a new chapter in his life.

Congratulations to Jerry Oxsen.
FISCAL IMPACT:

N/A

Prepared by: Michael Hursh
Memo No. 2170
RESOLUTION OF COMMENDATION
BY THE BOARD OF DIRECTORS
OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
GIVING SPECIAL TRIBUTE, DUE HONOR, AND RECOGNITION TO
OPERATIONS MANAGER
JERRY OXSEN

WHEREAS, Jerry Oxsen retired from Santa Clara Valley Transportation Authority (VTA) after 37 years of distinguished public service; and,

WHEREAS, Jerry Oxsen promoted to Quality Assurance Manager, to Maintenance Support Services Manager and finished his career as a Operations Manager, Rail Maintenance for Rail Maintenance at VTA; and,

WHEREAS, Jerry Oxsen has served as a role model at all levels at VTA, establishing a strong work ethic, promoting safety, dependability, courtesy, cooperation and professionalism; and,

WHEREAS, Jerry Oxsen as an employee of VTA, was an extraordinarily knowledgeable, skilled and dedicated employee; now,

THEREFORE, BE IT RESOLVED that the Santa Clara Valley Transportation Authority does hereby give special tribute, due honor, and recognition to Jerry Oxsen for 37 years of dedicated public service.

PASS AND ADOPTED by the Santa Clara Valley Transportation Board of Directors on this 6th day of August 2009.

Dolly Sandoval, Chairperson
Santa Clara Valley Transportation Authority

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

Deborah Harrington, Secretary
Board of Directors
BOARD OF DIRECTORS MEETING

Thursday, June 4, 2009

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 Sandoval at 5:33 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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<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
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<tr>
<td>Nora Campos</td>
<td>Board Member</td>
<td>Absent</td>
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<td>Dean Chu</td>
<td>Ex-Officio Board Member</td>
<td>Present</td>
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<td>Don Gage</td>
<td>Board Member</td>
<td>Present</td>
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<td>Liz Kniss</td>
<td>Board Member</td>
<td>Present</td>
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<td>Dolly Sandoval</td>
<td>Chairperson</td>
<td>Present</td>
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<td>Sam Liccardo</td>
<td>Vice Chairperson</td>
<td>Present</td>
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<td>Nancy Pyle</td>
<td>Board Member</td>
<td>Present</td>
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<td>Chuck Reed</td>
<td>Board Member</td>
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<td>David Casas</td>
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<td>Yoriko Kishimoto</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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<td>Bob Livengood</td>
<td>Alternate Board Member</td>
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<td>Greg Sellers</td>
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<tr>
<td>Chuck Page</td>
<td>Alternate Board Member</td>
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<td>Rose Herrera</td>
<td>Board Member</td>
<td>Present</td>
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<td>Ash Kalra</td>
<td>Board Member</td>
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<td>George Shirakawa</td>
<td>Alternate Board Member</td>
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<tr>
<td>Ken Yeager</td>
<td>Ex-Officio Board Member</td>
<td>Absent</td>
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* Alternates do not serve unless participating as a Member.

A quorum was present.
2. **RECESSED TO CLOSED SESSION** at 5:36 p.m.

Board Member Kishimoto arrived at the meeting and entered Closed Session at 5:46 p.m.

Conference with Labor Negotiators
[Government Code Section 54957.6]

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

Employee Organizations:
American Federation of State, County and Municipal Employees (AFSCME)
Amalgamated Transit Union (ATU), Local 265
Service Employees International Union (SEIU), Local 521
Transportation Authority Engineers and Architects Association (TAEA), Local 21

**RECONVENED TO OPEN SESSION** at 5:56 p.m.

3. **CLOSED SESSION REPORT**

Conference with Labor Negotiators
[Government Code Section 54957.6]

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

Employee Organizations:
American Federation of State, County and Municipal Employees (AFSCME)
Amalgamated Transit Union (ATU), Local 265
Service Employees International Union (SEIU), Local 521
Transportation Authority Engineers and Architects Association (TAEA), Local 21

There were no reportable actions taken during Closed Session.

4. **ORDERS OF THE DAY**

There were no Orders of the Day.

5. **AWARDS AND COMMENDATIONS**

A. **Employees of the Month for June 2009**

Chairperson Sandoval recognized and presented an award to Hanh Tran, Project Controls Specialist II Engineering & Construction Division at River Oaks, Administration Employee of the month for June. Alexander Chrisoulis, Cerone Division Bus dispatcher, was the June Operations Employee of the month. Everett Jackman II, Transit Foreperson at Cerone was the Maintenance Employee of the month.
6. PUBLIC PRESENTATIONS

Jim Fink, Interested Citizen, expressed his concern regarding the cancellation of Bus Line # 15 and recommended restoring Bus Line # 27.

Jerry Grace, Interested Citizen, expressed concern with the California legal voting age.

Ross Signorino, Interested Citizen, recommended terminating BART at the San Jose Airport instead of Downtown San Jose and recommended the Citizen Advisory Committee (CAC) reevaluate the 2000 Measure A projects. Mr. Signorino requested staff provide a cost comparison between Bus Rapid Transit (BRT) and Light Rail Transit (LRT).

Torrance Phillips, Interested Citizen, requested staff provide information about VTA’s responsibilities with regard to the Americans with Disabilities Act (ADA) and Paratransit operating hours.

Michael, Ludwig, Interested Citizen, discussed Light Rail restructuring.

Eugene Bradley, Santa Clara VTA Riders Union, expressed concern with service reductions and station closings.

7. REPORT FROM THE GENERAL MANAGER

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

- VTA systemwide ridership for the month of April 2009 decreased due to downturn in the economy. System wide average weekday ridership decreased by 1 percent. Bus average weekday ridership decreased by 1.5 percent and light rail average weekday ridership increased by .7 percent when compared to April 2008. However, 3 stations were closed during April 2008 due to the retrofit project.

- With regards to VTA’s partners, decreases were seen on Caltrain (4.9 percent), Altamont Commuter Express (16.4 percent) and Capitol Corridor (4.6 percent) trains in terms of average weekday ridership.

- Board of Directors received the Santa Clara County Civil Grand Jury Report. VTA staff is preparing a draft response to be presented to the Citizens Watchdog Committee (CWC) for review July 2009 and the report will be provided to the full Board at the August 2009 meeting. Mr. Burns noted there is a 90-day time period to prepare and submit VTA’s response to the Grand Jury.

- Update on BART project: VTA is working with the Federal Transportation Administration (FTA) to meet requirements to re-enter the New Starts Program and move the BART project forward. The Federal Environmental Impact Report (FEIR) is scheduled to be submitted by November 2009 and a Record of Decision (ROD) is expected by February 2010.
• In partnership with Skyline Solar on May 15, 2009, VTA unveiled a 27-kilowatt high beam solar power system at Cerone Division in San Jose. This is an 18-month pilot program.

• In response to VTA rider Alice Frayne, car cards will be displayed in VTA vehicles reminding riders of cell phone etiquette and consideration of others when riding VTA.

• Introduced Bernice Alaniz, Deputy Director Marketing and Publications, provided an overview of various major marketing campaigns and partnerships. She indicated VTA collaborated with other Bay Area transportation agencies: San Francisco Muni, SamTrans, and AC Transit, in a regional campaign with an environmental message theme, “Healthier Planet Healthier You.” She indicated resources were pulled together to create commercials which were broadcasted on KPIX, ABC, Comcast and local television stations. A joint website was also created. VTA was the lead designer of the “Low Car Diet” and “Answer the Call” ads. Ms. Alaniz indicated the plan is to continue the partnerships with the agencies.

Eugene Bradley, Santa Clara VTA Riders Union, expressed concern regarding the Long Term Transit Plan and proposed service reductions.

Jerry Grace, Interested Citizen, congratulated staff for the entertaining television commercial.

8. REPORT FROM THE CHAIRPERSON

Chairperson Sandoval commented on her recent visit to Washington, D.C. and meetings with Kurt Evans Government Affairs Manager, Michael T. Burns, Congressmen Mike Honda and Jerry McNerney. She reported they also met with staff representatives from the offices of Congresswomen Anna Eshoo and Zoe Lofgren, and the offices of United States Senators Barbara Boxer and Diane Feinstein.

The meetings provided an opportunity to brief the congressional delegation on the progress on the BART project, as well as other VTA priorities.

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

Noel Tebo, CAC Chairperson, provided a report highlighting the following: 1) Introduced CAC Vice Chairperson Robert Jacobvitz; and 2) Announced the 2000 Measure A Citizens Watchdog Committee (CWC) invitation to the community to attend a public hearing to discuss the 2000 Measure A Program to be held Wednesday, June 10, 2009, at the County Government Center, 70 West Hedding, Room 157 at 6:00 p.m.


Margaret Abe-Koga, PAC Chairperson, provided a report regarding the PAC Meeting held May 14, 2009, highlighting the following: 1) Reviewed the Fiscal Years 2010 and
2011 Budget; 2) Recommended the Board approve the Fiscal Year 2010 Congestion Management Work Program; 3) Recommended the Board approve the 2009 Bicycle Expenditure Program and the project priorities for the FY 2009/10 Countywide Transportation Development Act Article 3 Program.

Ms. Abe-Koga stated the Committee recommended: 1) The Board implement fare increases as soon as possible; 2) Reevaluate Eco Pass pay structure to ensure VTA is collecting sufficient revenue; 3) Reinstate the Vasona extension and move the Eastridge and Vasona extensions on a parallel schedule to identify any cost savings; and 4) Consider freezing employee pension contributions for 2010 and 2011.

CONSENT AGENDA

Chairperson Sandoval noted the following: 1) Deferral of Item #19 – Lifeline Transportation Program – Supplemental Call for Projects – Cycle 2; 2) Correction on Item #11 – Approve Board of Directors Workshop Minutes of April 24, 2009, Page 7 is available on the dais.

At the request of the public, the following items were removed from the Consent Agenda and placed on the Regular Agenda:
Item #27 - On-Call Consultant Lists for Transit Planning Services.
Item #28 - Conveyance of Property Interests to Peninsula Corridor Joint Powers Board (JPB).
Item #30 - Mission Warren Truck Rail Program – Amendment to the Right-of-Way Acquisition and Utility Relocation Agreement with Alameda County Transportation Authority and City of Fremont; Adoption of Resolution to Hear Resolutions of Necessity
Item #31 - On-Call Consultant Lists for BRT Planning & Design Engineering Services.

Board Member Reed recused himself from Consent Agenda items due to Government Section Code 84308.

Board Member Sellers recused himself from Item #17 - Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan due to Government Section Code 84308.

Vice Chairperson Liccardo recused himself from Item #27 On-Call Consultant Lists for Transit Planning Services, and Item # 31 - On-Call Consultant Lists for BRT Planning & Design Engineering Services due to Government Section Code 84308.

Board Member Reed left his seat at 6:45 p.m.

11. **Workshop Meeting Minutes of April 24, 2009**

   M/S/C (Gage/Pyle) on a vote of 10 ayes and 1 recusal to approve the Revised Workshop Meeting Minutes of April 29, 2009. Board Member Reed recused.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
12. **Regular Meeting Minutes of May 7, 2009**

M/S/C (Gage/Pyle) on a vote of 10 ayes and 1 recusal to approve the Regular Meeting Minutes of May 7, 2009. Board Member Reed recused.

13. **Proactive Development Review Program Enhancements and the Quarterly Report**

M/S/C (Gage/Pyle) on a vote of 10 ayes and 1 recusal to receive a presentation on the Proactive Development Review Program Enhancements and the Quarterly Report. Board Member Reed recused.


M/S/C (Gage/Pyle) on a vote of 10 ayes and 1 recusal to receive the Programmed Projects Quarterly Monitoring Report for January-March 2009. Board Member Reed recused.

15. **Adopt 2009 Bicycle Expenditure Program Project List**

M/S/C (Gage/Pyle) on a vote of 10 ayes and 1 recusal to adopt the 2009 Bicycle Expenditure Program project list. Board Member Reed recused.

16. **2008 Monitoring and Conformance Report**

M/S/C (Gage/Pyle) on a vote of 10 ayes and 1 recusal to approve the Draft 2008 Monitoring and Conformance Report. Board Member Reed recused.

17. **HCP Cost Allocation and Budget Approval**

M/S/C (Gage/Pyle) on a vote of 9 ayes and 2 recusals to approve the cost allocation and budget for the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan. Board Members Reed and Sellers recused.

18. **Execution of Purchase, Possession and Use Agreements for Various Highway Projects and Blossom Hill Road Pedestrian Overcrossing Project**

M/S/C (Gage/Pyle) on a vote of 10 ayes and 1 recusal to authorize the General Manager to execute real property acquisition agreements required for the specific capital projects listed below, where the purchase price equals the statutory offer of just compensation established for the parcel, or where the negotiated purchase price does not exceed $150,000, and with the exception that when any acquisition exceeds $2,000,000, it will require separate Board approval. Further, authorize the General Manager to execute possession and use agreements for these projects. The specific projects are the following:

- US 101 Improvements (I-280 to Yerba Buena Road)
- US 101 Auxiliary Lanes (SR 85 to Embarcadero Road)
- I-880 HOV Lane Widening (SR 237 to US 101)
- I-280/I-880/Stevens Creek Boulevard Improvements
- Blossom Hill Road Pedestrian Overcrossing

Board Member Reed recused.
19. **(Deferred to the August 6, 2009 Board of Directors’ Regular Meeting)**

Approve the programming of FY 09/10/11 Lifeline Transportation Program funds as described in the memorandum and as presented in Attachment A.

20. **FY 2009/10 TDA3 Project Priority**

M/S/C (Gage/Pyle) on a vote of 10 ayes and 1 recusal to adopt a resolution approving the project priorities for the FY2009/10 Countywide Transportation Development Act Article 3 Program. Board Member Reed recused.

21. **Transfer of Easement Parcels for SR 152/156 Project**

M/S/C (Gage/Pyle) on a vote of 10 ayes and 1 recusal to authorize the General Manager to execute grants of fee parcels and utility easements for the SR 152/156 Interchange Improvement Project, at no cost, to Caltrans, the County of Santa Clara and various utility companies. Board Member Reed recused.

22. **CMP Work Program**

M/S/C (Gage/Pyle) on a vote of 10 ayes, and 1 recusal to approve the Fiscal Year 2010 Congestion Management Work Program. Board Member Reed recused.

23. **Silicon Valley Express Lanes Program Update**

M/S/C (Gage/Pyle) on a vote of 10 ayes and 1 recusal to receive information on the Silicon Valley Express Lanes Program. Board Member Reed recused.

24. **Quarterly Revenue & Expense Statement**

M/S/C (Gage/Pyle) on a vote of 10 ayes and 1 recusal to review and accept the Fiscal Year 2009 Quarterly Statement of Revenues and Expenses for the period ending March 31, 2009. Board Member Reed recused.

25. **Bill Position: AB 610 (Caballero)**

M/S/C (Gage/Pyle) on a vote of 10 ayes and 1 recusal to adopt a support position for AB 610 (Caballero), which requires the Office of Planning and Research to assist local agencies interested in pursuing public-private partnerships for local infrastructure projects. Board Member Reed recused.

26. **Reimbursement Resolution-Express Lanes**

M/S/C (Gage/Pyle) on a vote of 10 ayes and 1 recusal to adopt a resolution to preserve the right to use tax-exempt bond proceeds to reimburse the Santa Clara Valley Transportation Authority (VTA) for costs incurred for capital projects and equipment purchases related to Express Lane System, if VTA or a conduit issuer such as MTC/BATA, at a future date decides to issue bonds. Board Member Reed recused.
27. *(Removed from the Consent Agenda and placed on the Regular Agenda.)*

Approve the attached list of consultants, which will be valid for a five-year period. The list will create an eligible pool of consultants to perform transit planning services for a variety of projects in correlation with the 2000 Measure A Transit Improvement Program and other VTA planning activities.

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

Authorize the General Manager to execute a Real Property Transfer Agreement between VTA and the Peninsula Corridor Joint Powers Board (JPB) for the exchange of fee and easement rights for the Vasona Light Rail Project and the Station Platform Expansion Project, and execute all related transfer documents.

29. **Cerone Operating Division High Security Fencing Improvements Contract Award**

M/S/C *(Gage/Pyle)* on a vote of 10 ayes and 1 recusal to authorize the General Manager to execute a contract with Fence Corp, the lowest responsible bidder, in the amount of $642,933 for construction of the Cerone Operating Division High Security Fencing Improvements. This contract is 93% funded by the FY07-08 California Transit Security Grant Program. Board Member Reed recused.

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

Authorize the General Manager to execute an amendment to a combined Right-of-Way Acquisition and Utility Relocation Agreement with the Alameda County Transportation Authority and City of Fremont for the Mission Warren Truck Rail (MWT) Program. The amendment will increase the VTA share of expenses by $6,967,000 to $15,167,000. Further, adopt a resolution electing to hear resolutions of necessity for the MWT Program, as required by State law.

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

Approve the attached list of consultants, which will be valid for a five-year period. The list will create an eligible pool of consultants and consultant teams for future contracts to perform planning and design engineering services for Bus Rapid Transit in correlation with the 2000 Measure A Transit Improvement Program and the Santa Clara County Bus Rapid Transit Strategic Plan.

32. **Diridon Station Area Plan Cooperation and Funding Agreement**

M/S/C *(Gage/Pyle)* on a vote of 10 ayes and 1 recusal to authorize the General Manager to enter into a cooperative agreement with the City of San Jose for the Diridon Station Area Plan that identifies roles and responsibilities of VTA and the City of San Jose in the plan and the contribution of $100,000 from the 2000 Measure A Capital Program. Board Member Reed recused.
33. **March 2009 Facilities Projects Semi-Annual Report**

M/S/C (Gage/Pyle) on a vote of 10 ayes and 1 recusal to receive the Facilities Projects Semi-Annual Report ending March 31, 2009. Board Member Reed recused.

34. **Review and Approve Annual Internal Audit Plan**

M/S/C (Gage/Pyle) on a vote of 10 ayes and 1 recusal to authorize the General Manager to execute one or more task orders with Deloitte & Touche LLP, to conduct the Fiscal Year 2010 internal audit work plan, in an amount not to exceed $225,000. Board Member Reed recused.

Board Member Reed took his seat at 6:52 p.m.

**REGULAR AGENDA**

35. **Fare Increase Proposal**

Michael T. Burns, General Manager, provided an overview regarding the Fiscal Years 2010 and 2011 Biennial Budget. Mr. Burns stated considerable work has been accomplished since the draft budget which was first presented to the Board Workshop on April 24, 2009. He stated budget updates and adjustments have been presented to the standing committees, at the May 2009 Board of Directors meeting, and public meetings held throughout the County.

Mr. Burns stated VTA continues to receive negative news regarding the State Budget. He commented the State projects an 18 percent reduction in sales tax receipts for the third quarter of this fiscal year which represents an 8 percent in VTA budget reductions. He noted VTA is striving to balance revenue shortfalls, cross savings and fare increases.

Mr. Burns stated the projected Biennial Budget strives to achieve objectives established at the outset including: 1) Maintain Core Services; 2) Preserve Jobs; 3) Continue to make infrastructure investments; 4) Advance the Capital Programs – Measure A Program priorities; and 5) Implement a balanced approach to achieve the goals, drawing on revenues and reserves to reduce expenditures and balance the budget for FY 2010 and FY 2011.

Mr. Burns stated not all components of the recommended budget have been achieved. He reported negotiations and discussions are ongoing with labor unions. He noted the Transportation Authority Engineers and Architects Union (TAEA) has reached and ratified an agreement that includes wage freezes and work furlough days. He further stated the American Federation of State, County and Municipal Employees Union (AFSME) have reached a tentative agreement. The non-represented employees will have 12 work furlough days a year and will not receive raises for 2 years. Negotiations and discussions continue with Service Employees International Union (SEIU) and the Amalgamated Transit Union (ATU). The recent actuarial analysis for the ATU
Retirement Program indicates an increase of $3.7 million a year of expenses to cover contributions to the ATU retirement program.

Mr. Burns reported $3 million in stimulus funds will be directed to the operating budget for preventative maintenance and $500,000 from Measure A has been allocated back to the budget for design and development of the City of Mountain View parking structure. At the May 5, 2009 Board of Directors meeting, Chairperson Sandoval recommended the Board reduce their stipend by 20 percent. Mr. Burns thanked the Board for their consideration.

Joseph Smith, Chief Financial Officer, provided an overview regarding the Final Recommended Biennial Budget Fiscal Years 2010 and 2011. He reported public outreach meetings were held throughout the County and comments received from the community are included in the staff report.

Mr. Smith provided a PowerPoint presentation titled, “Final Recommended Biennial Budget Fiscal Years 2010 and 2011 highlighting: 1) Current Versus Proposed Fixed Route Fares; 2) Current Versus Proposed American Disability Act (ADA) Paratransit Fares; and 3) Current Versus Proposed Eco Pass Fares.

Mr. Smith provided Draft Budget updates including: 1) VTA Transit Fund; 2) Paratransit Services; 3) Contingency Plan for the Transit Fund; 4) Congestion Management Agency Revised Sources and Uses; 5) Updates from the Draft Budget regarding the VTP Highway Program; and 6) Final Recommended Biennial Budget Appropriation Summary.

Mr. Smith provided additional updates from the Draft Budget regarding the 2000 Measure A projects highlighting: 1) List of Projects, 2) Revised Total Available Appropriations Schedules; and 3) Revised Sources and Uses.

Jim Unites, Deputy Director Service Planning and Accessible Services, provided an update regarding the Paratransit proposals within the budget process. Mr. Unites stated an objective of the proposals is the alignment of Paratransit services with VTA fixed route buses and Light Rail service. He commented public meetings have been held and the community has provided suggestions and responses to the proposals. He stated VTA worked closely with the Paratransit Outreach broker to develop a plan which maintains premium services. Mr. Unites indicated the community wishes to maintain the option of premium services. Mr. Unites reported the premium service will be available at an increased rate. He noted service modifications and fare increases effective January 1, 2010.

Board Member Herrera expressed her support of the proposed budget. She referenced correspondence from Dave Cortese, County of Santa Clara Supervisor, District Three, supporting the 2000 Measure A funding for the construction of the Light Rail extension to the Eastridge Transit Center. She thanked staff for their hard work to move the project forward. She noted public outreach efforts resulted in informative feedback from the community. She expressed her support of the Highway 101 projects.
Board Member Kalra inquired if the fare increase implementation can be advanced to Fall 2009 instead of January 2010. Mr. Burns responded staff can certainly evaluate advancing the fare increase process but noted VTA must adhere to regulatory and environmental processes when implementing fare structure modifications.

Board Member Sellers requested clarification regarding the Lifeline South County Community Bus program grant. Mr. Unites clarified the Board approved grant will provide improvements to bus stops and community bus routes in the City of Gilroy.

Board Members Herrera and Gage left the meeting at 7:13 p.m.

Board Member Liccardo expressed his appreciation to the AFSCME and TAEA bargaining units for moving negotiations toward resolution. Board Member Liccardo inquired what type of service reductions would be implemented if resolutions could not be reached with ATU and SEIU bargaining units. Mr. Unites stated approximately 8-10 percent reduction of service could be expected.

Jerry Grace, Interested Citizen, expressed concern with the fare increase proposal.

Eugene Bradley, Santa Clara Valley Transportation Authority (VTA) Riders Union, expressed concern with the fare increase proposals and management salaries.

Jim Fink, Interested Citizen, expressed his support of fare increase proposals to meet inflation.

Eyedin Zonobi, representing San Jose State University, expressed concern regarding proposals to increase the Eco Pass fares for students at the University.

Michael Ludwig, Interested Citizen, expressed concern with the proposed fare increases.

Sarah Bronstein, representing the Associated Students of San Jose State University (SJSU), expressed her concern with Eco Pass fare increase proposals for students at the University. She suggested VTA reconsider the Eco Pass fee structure for SJSU students.

36. **Approval of Recommended Biennial Budget for Fiscal Years 2010 and 2011**

Mark Knollmueller, VTA Employee and Executive Board Member SEIU, expressed his concern with proposed budget cuts regarding employee salaries. He commented salary cuts should include upper management employees. He also commented consultants have no vested interest in public service and recommended consultants should be laid off before union employees.

Mark Gordon, VTA Employee, expressed his concern with employee lay offs. He recommended consultants be laid off before union employees.

Jose Padilla, VTA Employee and SEIU Negotiating Team Member, expressed his concern with off shore consultant firms doing business with VTA. He recommended using US firms as a tool to increase revenues and support our local economy.
Jennifer Stanislaw, VTA Employee, expressed concern regarding the proposed layoffs. She suggested VTA consider changing its business model in order to stabilize the agency against economic uncertainty.

Janet McCarthy, VTA Employee, expressed concern with the proposed SEIU lay off notices.

Maria Holman, VTA Employee, expressed concern with allocation of proposed funds for On Call consultant Lists for Transit Planning Services and Bus Rapid Transit (BRT) Planning and Design Engineering Services.

Maria Martinez, VTA Employee, expressed her concern regarding the Equal Employment Opportunity Commission (EEOC) rights violation. She commented consultants are given first opportunity for career advancements.

Lupe Medrano, Interested Citizen, expressed her concern with the Paratransit Premium Service fare increases.

Bonnie Gonzalez, VTA Employee, expressed her concern regarding the proposed layoffs. Ms. Gonzalez encouraged VTA and the SEIU Negotiating Team to continue meeting until a reasonable agreement is reached.

Ruth Farnsworth, VTA Employee, expressed concern regarding proposed employee layoffs and SEIU contract negotiations.

Phil Asgedom, Service Employees International Union (SEIU), Local 521 expressed concern with negotiations between VTA and SEIU.

Ralph Rapp VTA Employee, expressed concern with contract negotiations between VTA and the SEIU bargaining unit.

Karen Grimes, VTA Employee, read comments from an anonymous employee regarding consultants and temporary staff replacing SEIU employees.

Tammy Dhanota, Chief Steward, SEIU, Local 521, expressed concern with good faith bargaining between VTA and the SEIU negotiating team. She commented consultants and contract employees should be laid off before regular employees.

Miroslav Flores, VTA Employee, expressed concern with the good faith bargaining between VTA and SEIU.

Ron Roberts, VTA Employee, expressed concern with good faith bargaining between VTA and the SEIU bargaining unit and recommended job cuts should first be given to consultants.

Donna Varga, VTA Employee, expressed concern consultants and contracted employees are replacing staff.
Patrick Riley, VTA Employee, expressed his concern regarding the proposed employee lay offs.

Pat Smith, Interested Citizen, read a document composed by his wife Judi Smith, VTA Employee. Mr. Smith expressed concern with VTA employee lay offs and the high ratio of management to staff.

Eugene Bradley, VTA’s Riders Union, supports salary reductions for upper all staff.

Laleh Boroumand, VTA Employee, expressed concern with the proposed lay offs for employees.

Haniert Bourshrockn, VTA Employee, expressed concern with taxpayer monies used for off shore consulting firms. She further recommended consultants should remain at VTA for a specific amount of time to complete a project. She recommended VTA implement employee training programs.

Loretta Springer, Representing ATU, expressed her concern regarding employee lay offs, executive management benefit packages, and good faith bargaining between VTA and SEIU.

Gregory Beattie, VTA Employee, expressed concern with negotiations between the VTA collective bargaining unit and SEIU.

Board Member Pyle supports the fare increases and the proposed budget.

M/S/C (Pyle/Kniss) to adopt a finding that a fare increase is necessary to meet operating expenses, including employee wages and fringe benefits and purchasing or leasing supplies, equipment, or materials; 2) Invoke a Statutory Exemption under CEQA, P.R.C. §21080(b)(8) and CEQA Guidelines, 14CCR Section 15273(a) (Rates, Tolls, Fares and Charges) for the purpose of modifying and increasing fares; and 3) Adopt a resolution establishing new rates and fares for VTA bus, light rail, and paratransit services effective January 1, 2010.

Board Member Casas supports the fare increases and the proposed budget.

Board Member Kalra requested clarification regarding the employment of consultants. Mr. Burns responded discussions have ensued with the bargaining units regarding the hiring of consultants.

Board Member Kalra expressed his concern with level of service to customers and loss of jobs. Board Member Kalra urged VTA staff to continue good faith bargaining with SEIU.

Board Member Sellers thanked Board Member Gage for his leadership regarding Caltrain. He commented regarding challenges in the current economy and noted loss of service in areas of South County. He expressed concern with reserve levels and recommended the consideration of alternate reserve policies. He noted the
recommendation of reduction of the stipend to Board Members is a good faith effort. He recommended the use of in house employees rather than outside contractors whenever possible.

Board Member Kishimoto asked if management would also partake in furlough days. Mr. Burns answered management will receive no wage increases for 2 years and must take 12 furlough days per year. Mr. Burns commented consultants would not receive wage increases for 2 years. Board Member Kishimoto requested staff summarize any service changes by regions.

Ex-Officio Board Member Dean Chu expressed kudos to staff for their hard work on the proposed budget and fare increases. He stated his support of Attachment B of the staff report. He commented in regards to State funding cuts many transportation agencies are raising fares and reducing service.

M/S/C (Kniss/Casas) to adopt a Resolution of the Board of Directors of the Santa Clara Valley Transportation Authority adopting a Biennial Budget for the period July 1, 2009 through June 30, 2011.

Board Member Kniss expressed her concern regarding reserve levels and the importance of maintaining favorable bond ratings.

Board Member Reed expressed his appreciation to non-represented employees and other unions who have agreed to wage freezes and furlough days. He recommended VTA resume negotiations and continue good faith bargaining. He stated assumptions may be worst in the coming years.

Board Member Liccardo encouraged labor negotiations to continue good faith bargaining.

Board Member Pyle thanked everyone for attending the meeting. Board Member Pyle noted the passion and compassion demonstrated by the audience and the Board. She encouraged the SEIU bargaining unit and staff work together toward solidarity.

Chairperson Sandoval thanked the speakers and audience for their attendance and concern regarding the propped budget and fare increases. Chairperson Sandoval stated the Board recognizes the economic hardships facing the community. She commented processes and procedures will be evaluated and assessed. Chairperson Sandoval stated she supports the fare increases and Biennial Budget proposals. She urged the bargaining units and staff to move toward a more unified commitment and voice.

37. **Kato Road Flood Control Improvements Contract Award**

Mark S. Robinson, Chief Engineering and Construction Officer, provided an overview of the Kato Road Flood Control Improvements Contract Award stating the staff report has been revised to reflect relieving the lowest bidder, McGuire & Hester from its bid.
because of an error, and authorize the General Manager to execute a contract with Gordon Ball, the lowest responsible bidder.

**M/S/C (Liccardo/Pyle)** The Board consent to relieving the lowest bidder, McGuire & Hester, from its bid because of a mistake, and authorize the General Manager to execute a contract with Gordon Ball, the lowest responsible bidder, on the amount of $2,096,031 for the construction of the Kato Road Flood Control Improvements.

### 38. competitive negotiation resolution for procurement of electronic validating fareboxes and associated revenue transfer equipment and data processing systems

Ali Hudda, Deputy Director of Accounting, provided an overview regarding procurement of electronic validating fareboxes and associated revenue transfer equipment and data processing systems.

Mr. Hudda stated VTA’s bus fareboxes are 20 years old and obsolete. He reported the fareboxes do not provide accurate data and are the main cause of bus road calls.

Ex-Officio Board Member Chu inquired if the new fareboxes would be compatible with the Translink system. Michael T. Burns, General Manager, answered in the affirmative.

Jerry Grace, Interested Citizen, expressed his approval of the new fareboxes.

Michael Ludwig, Interested citizen, expressed his support of electronic fareboxes.

**M/S/C (Pyle/Sellers)** adopt a Resolution upon a two-thirds vote by the Board of Directors finding that a competitive sealed bid process does not constitute a method of procurement adequate for VTA's needs and directing the use of competitive negotiation for the purchase of up to 500 validating electronic fareboxes and associated revenue transfer equipment and data processing systems, as required by Public Contract Code Section 20306.

Board Member Reed left the meeting at 9:07 p.m.

**The Agenda was taken out of order.**

### 27. on-call consultant lists for transit planning services

**M/S/C (Pyle/Sellers)** on a vote of 7 ayes and 1 recusal to approve the attached list of consultants, which will be valid for a five-year period. The list will create an eligible pool of consultants to perform transit planning services for a variety of projects in correlation with the 2000 Measure A Transit Improvement Program and other VTA planning activities. Board Member Liccardo recused.

### 28. conveyance of property interests to JPB

**M/S/C (Casas/Sellers)** on a vote of 8 ayes to authorize the General Manager to execute a Real Property Transfer Agreement between VTA and the Peninsula Corridor Joint
Powers Board (JPB) for the exchange of fee and easement rights for the Vasona Light Rail Project and the Station Platform Expansion Project, and execute all related transfer documents.

30. **Mission Warren Truck Rail Program – Amendment to the Right-of-Way Acquisition and Utility Relocation Agreement with Alameda County Transportation Authority and City of Fremont; Adoption of Resolution to Hear Resolutions of Necessity**

M/S/C (Casas/Pyle) on a vote of 8 ayes to authorize the General Manager to execute an amendment to a combined Right-of-Way Acquisition and Utility Relocation Agreement with the Alameda County Transportation Authority and City of Fremont for the Mission Warren Truck Rail (MWT) Program. The amendment will increase the VTA share of expenses by $6,967,000 to $15,167,000.

**Note:** The Board deferred the resolution electing to hear resolutions of necessity for the MWT Program as required by State law, to the next regular Board of Directors meeting on August 6, 2009.

Board Member Liccardo left the meeting at 9:12 p.m.

31. **On-Call Consultant Lists for BRT Planning & Design Engineering Services**

M/S/C (Sellers/Kniss) on a vote of 7 ayes, to approve the attached list of consultants, which will be valid for a five-year period. The list will create an eligible pool of consultants and consultant teams for future contracts to perform planning and design engineering services for Bus Rapid Transit in correlation with the 2000 Measure A Transit Improvement Program and the Santa Clara County Bus Rapid Transit Strategic Plan.

**OTHER ITEMS**

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

There were no Items of Concern and Referral to Administration.

40. **MONTHLY LEGISLATIVE HISTORY MATRIX**

**On order of Chairperson Sandoval** and there being no objection, the Monthly Legislative History Matrix was accepted as contained in the Agenda packet.

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

A. **Administration and Finance Committee**

**On order of Chairperson Sandoval** and there being no objection, the May 21, 2009 Administration and Finance (A&F) Committee Minutes were accepted as contained in the Agenda packet.
B. **Congestion Management Program and Planning Committee**

On order of Chairperson Sandoval and there being no objection, the May 21, 2009 Congestion Management Program and Planning (CMPP) Committee Minutes were accepted as contained in the Agenda packet.

C. **Transit Planning and Operations Committee**

On order of Chairperson Sandoval and there being no objection, the May 21, 2009 Transit Planning and Operations (TP&O) Committee Minutes were accepted as contained in the Agenda packet.

D. **Audit Committee**

On order of Chairperson Sandoval and there being no objection, the May 7, 2009 Audit Committee Minutes were accepted as contained in the Agenda packet.

42. REPORTS (UNAPPROVED MINUTES) FROM ADVISORY COMMITTEES

A. **Committee for Transit Accessibility (CTA)**

On order of Chairperson Sandoval and there being no objection, the May 13, 2009 Committee for Transit Accessibility (CTA) Minutes were accepted as contained in the Agenda packet.

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

On order of Chairperson Sandoval and there being no objection, the May 13, 2009 Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) Minutes were accepted as contained in the Agenda Packet.

C. **Bicycle & Pedestrian Advisory Committee (BPAC)**

On order of Chairperson Sandoval and there being no objection, the May 13, 2009 Bicycle & Pedestrian Advisory Committee (BPAC) Minutes were accepted as contained in the Agenda packet.

D. **Technical Advisory Committee (TAC)**

On order of Chairperson Sandoval and there being no objection, the May 14, 2009 Technical Advisory Committee (TAC) Minutes were accepted as contained in the Agenda packet.
E. Policy Advisory Committee (PAC)

On order of Chairperson Sandoval and there being no objection, the May 14, 2009 Policy Advisory Committee (PAC) Minutes were accepted as contained in the Agenda packet.

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

A. Peninsula Corridor JPB

On order of Chairperson Sandoval and there being no objection, the June 4, 2009 Summary Notes from the Peninsula Corridor Joint Powers Board were accepted as contained on the dais.

B. Capitol Corridor JPB

There was no report from the Capitol Corridor JPB.

C. Dumbarton Rail Corridor Policy Committee

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

D. Metropolitan Transportation Commission (MTC)

On order of Chairperson Sandoval and there being no objection, the May 27, 2009 Summary Notes from the Metropolitan Transportation Commission (MTC) were accepted as contained on the dais.

E. Sunol Smart Carpool Lane Joint Powers Authority

On order of Chairperson Sandoval and there being no objection, the May 11, 2009 Summary Notes from the Sunol Smart Carpool Lane Joint Powers Authority were accepted as contained on the dais.

44. 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

On order of Chairperson Sandoval and there being no objection, the April 29, 2009 Minutes from the Silicon Valley Rapid Transit Corridor and BART Warm Springs Extension PAB were accepted as contained on the dais.
C. Downtown East Valley PAB

There was no report from the Downtown East Valley PAB.

D. Highway PAB South

There was no report from the Highway PAB South.

45. ANNOUNCEMENTS

Board Member Casas expressed support of household composting to save the environment.

46. ADJOURNMENT

On order of Chairperson Sandoval and there being no objection, the meeting was adjourned at 9:18 p.m.

Respectfully Submitted,

Jacqueline Golzio, Board Assistant
VTA Board of Directors
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Engineering & Construction Officer, Robinson, Chief CMA Officer, Ristow

SUBJECT: VTP Highway Program Semi-Annual Report

FOR INFORMATION ONLY

DISCUSSION:

Please find attached the Semi-Annual Report for the VTP Highway Program for the period ending April 30, 2009. We look forward to your continued feedback on this report as the VTP Highway Program moves forward.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Committee of the Whole received this item as part of its July 16, 2009 Consent Agenda and approved it unanimously without comment.

Prepared By: Tim Phillips, Lead Cost Engineer
Memo No. 1907
Semi-Annual Report
April 2009
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<td>1.2 VTP Highway Projects Identified Funding Levels</td>
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SECTION 1

EXECUTIVE SUMMARY
SECTION 1 – EXECUTIVE SUMMARY

BACKGROUND

The Congestion Management Program (CMP) for Santa Clara County was created in 1990 in response to Proposition 111. It was established as a joint powers authority with a separate governing board. On January 1, 1995, pursuant to the separation of the Santa Clara County Transit District from the County of Santa Clara, the CMP was merged with the Transit District to form the Valley Transportation Authority (VTA) under a new governing Board.

The CMP is currently governed by a joint powers agreement entered into between its 16 member agencies, which are the 15 municipalities within the Santa Clara County and the County of Santa Clara. The Member Agencies are the cities of Campbell, Cupertino, Gilroy, Los Altos, Milpitas, Monte Sereno, Morgan Hill, Mountain View, Palo Alto, Saratoga, San Jose, Santa Clara, and Sunnyvale and the towns of Los Altos Hills and Los Gatos; and the County of Santa Clara. VTA serves as the managing agency of the CMP.

The CMP is responsible for development and implementation of the Valley Transportation Plan (VTP), the comprehensive long-range multimodal transportation plan for the county, and for preparing and implementing the state-mandated CMP. It is also responsible for the programming and monitoring of discretionary federal, state, regional and local funds programmed by the VTA Board of Directors, and for serving as the program manager for certain grant funds, including the Transportation Fund for Clean Air (TFCA) and the Measure B Transportation Improvement Program (MBTIP) Ancillary Program. The CMP is also responsible for preparation and implementation of the Countywide Bicycle Plan, Pedestrian Program and the Intelligent Transportation Systems (ITS) Plan.

The CMP is funded in part by annual fees charged to each Member Agency based on a formula adopted by the VTA governing board. The contribution formula considers each Member Agency’s share of Proposition 111 state gas tax monies, as well as employment within the County. The CMP is also funded by federal and state planning grants and other grant sources, TFCA administration fees and SB45 programmed project monitoring funds. The fiscal resources of the CMP are distinct from those of the VTA Transit Enterprise.

The VTP Highway Program includes projects from the currently approved long range countywide transportation plan for Santa Clara County. The VTP is developed by the CMP, and projects must be included in the plan as a prerequisite for eligibility to receive Federal, State, regional and local discretionary fund programming. One hundred percent of VTP Highway Program expenditures are funded by grants (Federal, State, regional or local) or agreements with the appropriate city. No VTA funds are required for these projects, except where noted.
EXECUTIVE SUMMARY

The Valley Transportation Plan (VTP) Highway Program consists of potentially over $1 billion of highway improvement projects currently in various phases from conceptual study to construction. The projects are located throughout Santa Clara County (and adjoining areas) and seek to improve key elements of the highway transportation system, utilizing a variety of funding sources.

Funding is a key issue for many of the highway projects. VTA, acting as the CMA for Santa Clara County, must assemble a number of funding sources in order to advance each project through its various phases to completion. As a consequence, in this report we refer to several terms associated with a project’s funding level. These terms, arranged in order of increasing certainty of funding availability, are as follows:

1. **Estimated Cost** – An estimate of the total cost of a project given the currently known scope and configuration of the project. For early stage projects, this estimate may be based on very conceptual information and, therefore, has associated with it a high level of uncertainty and a correspondingly low level of accuracy. In the individual project information sheets, we have included the “Estimate Class” in order to give an idea of the level of uncertainty associated with the estimated cost. A more detailed discussion of this topic is included in the appendix.

2. **Identified Funding** – Funding identified as being ultimately available from project funding agencies to complete the work, as of the writing of this report. Depending on the stage of the project, the identified funding may be less than the estimated cost of a project. In such cases, we use the term “To Be Determined” (TBD) funding to describe the difference between the estimated cost and identified funding.

3. **Appropriation** - The most recent Adopted Budget includes appropriations, based on an estimate of expenditures during fiscal years 2008 and 2009, for various VTP Highway Program projects. Since these projects can run beyond FY09, the appropriation amount is only a time-constrained slice of total estimated expenditures.

4. **Secured Funding** – Funding that has been committed by funding agencies and is now available to VTA for project expenditures. In many cases, secured funding is at a lower level than the appropriation in the Adopted Budget. For these projects, it is anticipated that additional funding may be secured during the FY08/09 period. It is important to note that, regardless of the level of appropriation, actual expenditures will not exceed secured funding at any time.
Figure 1.1 shows the total estimated cost of all projects contained in this report, broken down by the currently identified funding sources.

Note the large proportion of funding shown in Figure 1.1 that is designated as “To Be Determined.” Clearly, significant sources of federal, state, and/or local funding will be required to complete many of these projects. VTA’s strategy continues to be to advance a number of projects through the early (and relatively low-cost) stages of project development so that they will be ready to take advantage of funding that may become available in the future.

Figure 1.2, on the next page, shows the projects categorized by phase of development, and shows what portion of the estimated cost has been identified for each project.
### Figure 1.2 - VTP Highway Projects Identified Funding Levels

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<th>Project Name</th>
<th>Portion of Estimated Cost For Which Funding Has Been Identified</th>
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<td>US 101 Implementation - Trimble to Mabury</td>
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<tr>
<td>El Camino Real/Route 85/237/Middlefield</td>
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<td><strong>Environmental/Preliminary Engineering</strong></td>
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<td>Silicon Valley Express Lanes</td>
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<tr>
<td>US 101 Aux Lanes – Embarcadero to Route 85 (CMIA)</td>
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<tr>
<td>I-880 HOV Widening (CMIA)</td>
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<td>I-880/I-280/Stevens Creek Improvements</td>
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<td>US 101 Widening - Monterey Road to Route 129</td>
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<td>US 101 De La Cruz Boulevard/Trimble Road</td>
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<td>Charcot Avenue Extension</td>
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<td>Calaveras Boulevard Improvements</td>
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<td>Mary Avenue Extension</td>
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<td><strong>Projects in Final Design (PS&amp;E)</strong></td>
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<td><strong>Projects Under Construction</strong></td>
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<td>Route 152/156 Interchange</td>
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<td>Route 87 Planting</td>
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<td>Ramp Metering Implementation</td>
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Schedule is also a concern, particularly for the three projects utilizing Corridor Mobility Improvement Account (CMIA) funds for construction phase work: US 101 Auxiliary Lanes – Embarcadero to Route 85, I-880 HOV Widening Project, and US 101 Improvements - I-280 to Yerba Buena. CMIA guidelines require VTA to follow specific schedules in order to remain eligible for this source of construction funding. These schedules are typically quite aggressive, requiring that projects proceed to the construction phase in 2010 or 2011.
Figure 1.3 shows a Summary Master Schedule of the currently-identified VTP Highway projects.

**Figure 1.3 - VTP Highway Program Summary Master Schedule**

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<td>US 101 - Monterey Rd to Rt 129</td>
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<td>US 101 - De La Cruz/Trimble</td>
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Legend:
- Implementation Plan
- Environmental/PE
- Final Design (PS&E)
- Right-of-Way
- Construction
- Plant Establishment
- Funding/scope not identified/defined, schedule is tentative
SECTION 2

PROGRESS SUMMARY
SECTION 2 - PROGRESS SUMMARY

A. CONCEPTUAL STUDY PROJECTS

On the New Route 152 Alignment project, VTA has received $5 million of State funding from ITIP for the Route 152 Trade and Mobility Corridor, matched with VTA Local Program Reserve funding of $5 million. The study of a new alignment for Route 152 between US 101 and Route 156 is part of a larger effort to study Route 152 between US 101 and Route 99. Caltrans has returned the Cooperative Agreement to VTA for signature, and VTA is currently negotiating a professional services contract amendment to provide engineering services.

VTA has completed preliminary traffic studies and conceptual interchange configurations for the US 101 Implementation - Trimble to Mabury project, and the 101 Implementation Plan Report is being drafted. Completion of the Implementation Plan is scheduled for mid 2009. The project schedule beyond the implementation plan will depend on the findings, identified priorities, and funding availability.

VTA is performing conceptual studies within the limits of the El Camino Real/Route 85/237/Middlefield project. The footprint of the ultimate Route 85/Route 237 interchange has been determined, and VTA has been provided a range of options for projects which could be advanced within the study area. Preliminary geotechnical information has been received, Caltrans has approved the traffic model, and traffic studies are ongoing. Funding is actively being pursued, including the preparation of an application for federal earmark funds. The PSR-PDS is expected to be completed in late 2009.

B. PROJECTS IN THE ENVIRONMENTAL/PRELIMINARY ENGINEERING PHASE

The Silicon Valley Express Lanes project consists of three major areas of work:

- Data collection for the Route 237/I-880 Express Connector is complete and work is proceeding to model existing traffic conditions. Preliminary engineering work for the congestion pricing system is underway and coordination with Caltrans and other stakeholders is ongoing. VTA anticipates awarding a systems integration contract in late 2009, with construction and public outreach efforts to occur in 2010.

- Traffic forecasting and operations reports for the Route 85 Express Lanes are under preparation for submittal and approval by Caltrans. Work on the Environmental Document and Preliminary Engineering will commence in early 2010.

- Work on the US 101 Express Lanes continues, with Caltrans approving the traffic forecasts for the mainline segment, and efforts currently underway to obtain approval for the ramp traffic forecasts.
B. PROJECTS IN THE ENVIRONMENTAL/PRELIMINARY ENGINEERING PHASE (Continued)

The US 101 Auxiliary Lanes - Embarcadero to Route 85 project is in the Project Approval/Environmental Document (PA/ED) phase, with the preparation of the ED underway. The documents completed in February 2009 include the Draft ED and the combined Draft Project Study Report/Project Report (PSR/PR). The final engineering design – Plans, Specifications, and Estimate (PS&E) – work has been started with 35% PS&E submittal anticipated to be complete in mid 2009. Final ED and PSR/PR are targeted for completion in mid 2009. The project will require minor amounts of right-of-way acquisition and temporary construction easements.

The I-880 HOV Widening project is in the PA/ED phase, with the preparation of the Environmental Document underway. The documents completed in January 2009 include the Draft ED and the Draft PR. The 35% PS&E work was completed in March 2009. The 65% PS&E submittal is anticipated in late 2009. Final ED and PSR/PR for the PA/ED phase are targeted for completion by mid 2009. This project will require right-of-way acquisition, and coordination work with the Cities of San Jose and Milpitas is ongoing.

VTA is performing preliminary engineering and conceptual design for the I-880/I-280/Stevens Creek Improvements project. Current work includes traffic studies, mapping, and preparation of a Project Study Report. Conceptual design for a new off-ramp connection from northbound I-280 to Winchester Boulevard is included in the draft environmental studies. Additionally, the consultant team is commencing final design for the western half of the I-880/Stevens Creek Boulevard interchange, for which funding construction has been identified. Project schedule and phasing for the other components of the project are dependent upon available funding.

VTA is preparing conceptual design and environmental clearance for the proposed US 101/Route 25 interchange and US 101 Widening from Monterey Road to Route 129. The current studies are looking at access control, freeway alignment, right-of-way, utilities, and a new US 101/Route 25 interchange. The current budget will allow work to be completed through the Draft ED. Additional funding of approximately $0.5 million must be secured to complete the ED.

Work is underway to complete a PSR/PR and ED (State - CEQA only) for the US 101 De La Cruz Boulevard/Trimble Road Interchange Improvements in the City of San Jose.

Current work on the Charcot Avenue Extension project includes surveying, traffic studies, construction cost estimates, as well as environmental technical studies of air, noise, biological, cultural, visual, and community impacts toward preparation of an IS/MND for the environmental document. A combined PSR/PR will be prepared as the project approval document.
B. PROJECTS IN THE ENVIRONMENTAL/PRELIMINARY ENGINEERING PHASE (Continued)

The PSR for the Calaveras Boulevard Improvements project will include three project alternatives: the “widen in,” “widen out,” and “no build” options. Both the “widen in” and “widen out” options include three lanes with auxiliary lanes in each roadway direction. Approval of the final PSR is anticipated in mid 2009.

The Mary Avenue Extension project is currently in the PA/ED phase, with the Final Environmental Impact Report approved in October 2008. The PSR/PR is expected to be finalized in mid 2009. The project is planned to move into the PS&E phase. It has not yet been determined who will administer and fund the next phase of work.

C. PROJECTS IN FINAL DESIGN (PS&E)

The Mitigated Negative Declaration for the US 101 Improvements - I-280 to Yerba Buena Road project was signed by Caltrans on December 1, 2005. Upon project approval, VTA will file the Mitigated Negative Declaration at the County of Santa Clara and at the State Clearinghouse to meet NEPA requirements. The 100% PS&E package was submitted in April 2009. Utilities will have to be relocated, but there are no anticipated easements or acquisitions required as part of this work. Construction administration is planned to be conducted by Caltrans.

The design team for the I-880/Route 237 Planting project is preparing 95/100% design submittals for Caltrans, with completion anticipated in mid 2009. The project is anticipated to be phased to coordinate with the I-880 HOV Widening project in the same corridor.

The I-880/Coleman Avenue Planting project is currently on hold pending resolution of issues related to funding, maintenance, and design elements.

D. PROJECTS UNDER CONSTRUCTION

RGW Construction, Inc. was awarded the construction contract for the Route 152/156 Interchange project, with the first charged day on March 27, 2007. On August 28, 2008, six weeks ahead of schedule, the flyover (overpass) was opened to traffic, just in time for the busy Labor Day weekend. Work continues to finish the final roadway configuration, and to install highway planting, with construction anticipated to be complete in mid 2009.

The bid opening for the Route 87 Planting project occurred on June 25, 2008, and McGuire and Hester was awarded the contract. The first charged day was August 27, 2008. Infrastructure installation activities, including electrical and irrigation work, are nearing completion.
D. PROJECTS UNDER CONSTRUCTION (Continued)

Ramp Metering Implementation plans along the Route 87 and Route 85 corridors were implemented in the first half of 2009. “After” studies on these corridors are being conducted to evaluate the effectiveness of the ramp metering to improve traffic operations. In parallel, ramp metering plans are being developed for the southbound US 101 corridor, with implementation of these plans expected in late 2009.

Figure 2.1, on the next page, provides an overview map of the projects comprising the VTP Highway Program.
Figure 2.1 - VTP Highway Program Overview Map
SECTION 3

PROJECT SUMMARY REPORTS
SECTION 3 - PROJECT SUMMARY REPORTS

A. CONCEPTUAL STUDY PROJECTS
   1. New Route 152 Alignment
   2. US 101 Implementation - Trimble to Mabury/Taylor
   3. El Camino Real/Route 85/237/Middlefield

B. PROJECTS IN THE ENVIRONMENTAL/PRELIMINARY ENGINEERING PHASE
   1. Silicon Valley Express Lanes
   2. US 101 Auxiliary Lanes – Embarcadero to Route 85 (CMIA)
   3. I-880 HOV Widening (CMIA)
   4. I-880/I-280/Stevens Creek Improvements
   5. US 101 Widening - Monterey Road to Route 129
   6. US 101 De La Cruz Boulevard/Trimble Road Interchange
   7. Charcot Avenue Extension
   8. Calaveras Boulevard Improvements
   9. Mary Avenue Extension

C. PROJECTS IN FINAL DESIGN (PS&E)
   1. US 101 Improvements - I-280 to Yerba Buena Road (CMIA)
   2. I-880/Route 237 Planting
   3. I-880/Coleman Avenue Planting

D. PROJECTS UNDER CONSTRUCTION
   1. Route 152/156 Interchange
   2. Route 87 Planting
   3. Ramp Metering Implementation
VTP Highway Projects

New Route 152 Alignment

Estimated Cost:
$300-400 million
Estimate Class 5 (see appendix)

Appropriation through FY 09:
$3.65 million

Secured Funding to Date:
$3.65 million

Year of Completion:
2010 (Traffic and Revenue Study)

Project Manager: Darrell Vice
Designer: HDR

Project Description:
This project is part of a larger effort led by VTA and Caltrans to develop an east-west Trade and Mobility Corridor on Route 152 between US 101 and Route 99. The larger project includes evaluating roadway improvements and financing strategies that could benefit the movement of goods in the corridor.

The New Route 152 Alignment project is intended to enhance travel safety and benefit the movement of goods in the US 101 to Route 156 segment of the overall corridor connecting the Central Valley with silicon Valley.

Project Status:
- VTA received $5 million of State funding from ITIP, matched with VTA LPR funding of $5 million.
- Caltrans has returned the Cooperative Agreement to VTA for signature
- VTA is currently negotiating a professional services contract amendment to provide engineering services.

Project Schedule:

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Secured Funding Incurred 4%
Secured Funding Committed 4%

**NOTE:** All amounts are Year Of Expenditure dollars in $1,000's

### Funding (millions):

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<td>TBD</td>
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<td><strong>Total</strong></td>
<td><strong>$300-400</strong></td>
<td><strong>$3.65</strong></td>
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VTP Highway Projects

US 101 Implementation - Trimble to Mabury/Taylor

**Estimated Cost:** $1.75 million

Estimate Class 5 (see appendix)

**Appropriation through FY 09:** $2.0 million

**Secured Funding to Date:** $1.75 million

**Year of Completion:** 2009 (Conceptual Study)

**Project Manager:** Darrell Vice

**Designer:** T.Y. Lin International

**Project Description:**

*Note:* The description and funding indicated are solely for the production of an Implementation Plan. Any project arising from the Implementation Plan will be defined and scoped separately.

Prepare an Implementation Plan for the US 101 corridor from the Trimble/De La Cruz Interchange to the proposed Taylor/Mabury Interchange. This scope of work requires traffic studies and mapping of the corridor area, and preparation of geometric concepts and phasing implementation plan for the 4th St./Zanker Road, Taylor/Mabury Road, and Old Oakland Road Interchanges. The Implementation Plan will determine which projects should be advanced to the Project Study Report phase, and the timing of those projects.

**Project Status:**

**Implementation Plan:** Preliminary traffic studies and conceptual interchange configurations have been completed. The 101 Implementation Plan Report is being drafted.

Completion of the Implementation Plan is scheduled for mid 2009. The project schedule beyond the implementation plan will depend on the findings, identified priorities, and funding availability.

**Project Schedule:**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start</th>
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<th>2008</th>
<th>2009</th>
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<tbody>
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<td></td>
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Cost:

<table>
<thead>
<tr>
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<th>Secured Funding</th>
<th>Apr-09 Committed Costs</th>
<th>Apr-09 Incurred Costs</th>
<th>Secured Funding Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Real Estate</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>1,750</td>
<td>1,744</td>
<td>1,447</td>
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<tr>
<td>Contingency</td>
<td>-</td>
<td>-</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>1,750</strong></td>
<td><strong>1,744</strong></td>
<td><strong>1,447</strong></td>
<td><strong>303</strong></td>
</tr>
</tbody>
</table>

- Secured Funding Incurred: 83%
- Secured Funding Committed: 100%

NOTE: All amounts are Year Of Expenditure dollars in $1,000’s

Funding (millions):

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Identified</th>
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<tr>
<td>Meas B Swap</td>
<td>$0.50</td>
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</tr>
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<td>Local (San Jose)</td>
<td>1.25</td>
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<td><strong>$1.75</strong></td>
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</table>

Portion of Estimated Cost for which funding has been identified

Existing 4th/Zanker Interchange, from existing 4th Street onramp

US 101 SB Traffic exiting onto Oakland Road
Estimated Cost: $0.75 million  
Estimate Class 5 (see appendix)

Appropriation through FY 09:  
$2.0 million

Secured Funding to Date:  
$0.75 million

Year of Completion: 2009  
(Conceptual Study)

Project Manager: Darrell Vice
Designer: Nolte Associates

Project Description:

Note: The description and funding indicated are solely for the production of a Project Study Report-Project Development Support (PSR-PDS). Any project arising from the Project Study Report will be defined and scoped separately.

Perform Conceptual Studies and prepare a PSR-PDS for improvements on Route 85 and Route 237. Possible alternatives include operational improvements to the El Camino Real/Route 85 Interchange, auxiliary lanes on Route 85 from El Camino Real to the Route 85 / Route 237 Interchange, and operational improvements at the Middlefield Road / Route 237 Interchange.

Project Status:

Project Study Report: The footprint of the ultimate Route 85/Route 237 interchange has been determined, and a range of options for projects which could be advanced within the study area have been provided. Preliminary geotechnical information has been received, Caltrans has approved the traffic model, and traffic studies are ongoing.

Funding is actively being pursued, including the preparation of an application for federal earmark funds.

The PSR-PDS is expected to be completed in late 2009.

Project Schedule:

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<th>2009</th>
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<th>Apr-09 Committed Costs</th>
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<tr>
<td>Construction and Major Procurement</td>
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<td>-</td>
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<tr>
<td>Real Estate</td>
<td>-</td>
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<td>Labor, Services and Support</td>
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<td>748</td>
<td>554</td>
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<tr>
<td>Total</td>
<td>750</td>
<td>748</td>
<td>554</td>
<td>196</td>
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</table>

Secured Funding Incurred 74%
Secured Funding Committed 100%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

### Funding (millions):

<table>
<thead>
<tr>
<th>Funding Source</th>
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<th>Local 100%</th>
<th>100% Portion of Estimated Cost for which funding has been identified</th>
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<tr>
<td>Meas B Swap</td>
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<tr>
<td>Local (Mountain View)</td>
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<tr>
<td>Total</td>
<td>$0.75</td>
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Route 237 looking west towards Route 85
Route 85 Northbound, approaching Route 237/US 101
VTP Highway Projects

Silicon Valley Express Lanes

Estimated Cost:
- Initial Study - $3 million
- 237/880 Express Connector - $7 million
- Route 85 Express Lanes - $96 million
- US 101 Express Lanes - $416 million

Estimate Class 5 (see appendix)

Appropriation through FY 09:
- $12.3 million

Secured Funding to Date:
- $6 million

Year of Completion: 2015

Project Manager: Leo Scott

Designer: URS and PB Americas

Project Description:
Convert existing carpool lanes to Express Lanes at the Route 237/I-880 direct connector, along the entire 24 mile length of Route 85 and along 34 miles of US 101 from Cochrane Road in Morgan Hill to the San Mateo County line. This will allow for:
- More effective use of existing HOV lanes
- Utilization of dynamic pricing to maintain reliability of express lanes
- Generation of toll revenues for transportation and transit improvements in the Express Lane corridor
- Trip time reliability and travel time savings in the corridor

Project Status:
The data collection effort for the Route 237/I-880 Express Connector is complete and work is proceeding to model the existing traffic conditions. Preliminary engineering work for the development of the congestion pricing system is underway, and coordination with Caltrans and other stakeholders is ongoing. VTA anticipates awarding a contract for systems integration in late 2009, with construction and public outreach efforts to occur in 2010.

Traffic forecasting and operations reports for the Route 85 Express Lanes are under preparation for submittal and approval by Caltrans. Work on the Environmental Document and Preliminary Engineering will commence in early 2010.

Work on the US 101 Express Lanes continues, with Caltrans approving the traffic forecasts for the mainline segment, and efforts currently underway to obtain approval for the ramp traffic forecasts.

Project Schedule:

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<td>Preliminary Eng &amp; PA/ED</td>
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<td>Early 2012</td>
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<tr>
<td>237/880 Design (PS&amp;E)</td>
<td>Early 2009</td>
<td>Early 2010</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>237/880 Construction</td>
<td>Early 2010</td>
<td>Late 2010</td>
<td></td>
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<td></td>
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<td>237/880 Tolling Operational</td>
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<tr>
<td>Route 85 Design (PS&amp;E)</td>
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<td>Late 2011</td>
<td></td>
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<tr>
<td>Route 85 Construction</td>
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<td>Mid 2013*</td>
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<tr>
<td>US-101 Design (PS&amp;E)</td>
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<td>Late 2012*</td>
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<tr>
<td>US-101 Tolling Operational</td>
<td>Mid 2015</td>
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<td></td>
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<td></td>
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*Funding not identified, schedule is tentative.
**Cost:**

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<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Apr-09 Committed Costs</th>
<th>Apr-09 Incurred Costs</th>
<th>Secured Funding Balance</th>
<th>d = (a-c)</th>
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<tbody>
<tr>
<td>Construction and Major Procurement</td>
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<td><strong>Total</strong></td>
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<td><strong>3,524</strong></td>
<td><strong>2,466</strong></td>
<td><strong>3,584</strong></td>
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Secured Funding Incurred 41%
Secured Funding Committed 58%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

**Funding (millions):**

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<th>Funding Source</th>
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<tr>
<td></td>
<td>US 101</td>
<td>Route 85</td>
</tr>
<tr>
<td>Local</td>
<td>$3</td>
<td>$12</td>
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<tr>
<td>Federal</td>
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<td>TBD (STIP, Federal)</td>
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<td><strong>Total</strong></td>
<td><strong>$3</strong></td>
<td><strong>$416</strong></td>
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</table>

Portion of Estimated Cost for which funding has been identified

VTA Express Lanes provide improved access and reliable travel for everyone.

- Solo drivers with a prepaid FasTrak transponder can choose to pay a toll and use the Express Lanes.
- Transit vehicles, carpools, vanpools, motorcycles, and eligible hybrids can use the Express Lanes at no charge.

Aerial Photograph of Route 237/I-880 Express Connector Project Area
Estimated Cost: $102 million
   Estimate Class 4 (see appendix)

Appropriation through FY 09: $17.1 million

Secured Funding to Date: $17.1 million

Year of Completion: 2013

Project Manager: Lam Trinh

Designer: URS Corporation

Project Description:
Construct auxiliary lanes and extended dual HOV lanes in each direction of a 3.2 mile segment of US 101 between Route 85 in Mountain View and Embarcadero Road in Palo Alto.

This project has been selected by the California Transportation Commission (CTC) for construction funding through the Corridor Mobility Improvement Account (CMIA) Proposition 1B Funding Program.

Project Status:
Environmental/Preliminary Engineering: The project is in the Environmental/PE phase, with the preparation of the Environmental Document (ED) underway. The documents completed in February 2009 include the Draft ED and the combined Draft Project Study Report/Project Report (PSR/PR). The final engineering design – Plans, Specifications, and Estimate (PS&E) – work has been started with 35% PS&E submittal anticipated to be complete in mid 2009.

Final ED and PSR/PR are targeted for completion in mid 2009. The project will require minor amounts of right-of-way acquisition and temporary construction easements.

Project Schedule:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start</th>
<th>End</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental/PE</td>
<td>Mid 2007</td>
<td>Mid 2009</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Design (PS&amp;E)</td>
<td>Mid 2009</td>
<td>Mid 2011</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right-of-Way</td>
<td>Mid 2009</td>
<td>Late 2010</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Construction</td>
<td>Mid 2011</td>
<td>Mid 2013</td>
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<td></td>
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<tr>
<td>Open to Traffic</td>
<td>Mid 2013</td>
<td>Mid 2013</td>
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<td>Closeout</td>
<td>Mid 2013</td>
<td>Mid 2014</td>
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### Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Apr-09 Committed Costs</th>
<th>Apr-09 Incurred Costs</th>
<th>Secured Funding Balance d = (a-c)</th>
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</thead>
<tbody>
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<td><strong>Total</strong></td>
<td><strong>17,070</strong></td>
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<td><strong>13,080</strong></td>
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Secured Funding Incurred 23%
Secured Funding Committed 60%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

### Funding (millions):

<table>
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<td><strong>$102.0</strong></td>
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</table>

Local 17%
State 83%

Portion of Estimated Cost for which funding has been identified

---

**Southbound travel times with no delay from Embarcadero Road**

**Matadero Creek crossing under US 101**
VTP Highway Projects

**I-880 HOV Widening**

**Estimated Cost:** $95 million

Estimate Class 4 *(see appendix)*

**Appropriation through FY 09:**

$23.4 million

**Secured Funding to Date:** $11.7 million

**Year of Completion:** 2013

**Project Manager:** Lam Trinh

**Designer:** Mark Thomas & Company, Inc.

**Project Description:**

This project will add a High Occupancy Vehicle (HOV) lane in each direction of 4.6 miles of Interstate 880 between US 101 in San Jose and Route 237 in the City of Milpitas.

This project has been selected by the California Transportation Commission (CTC) for partial funds through the Corridor Mobility Improvement Account (CMIA) Proposition 1B Funding Program.

**Project Status:**

In December 2007, the VTA Board authorized a second Measure A/STIP swap that provides an additional $14.9 million in funding. These funds were approved by CTC in May 2008. VTA will make these funds available to the project based on a funding schedule driven by project phase.

**Environmental/Preliminary Engineering:** The project is in the Project Approval/Environmental Document (PA/ED) phase, with the preparation of the Environmental Document underway. The documents completed in January 2009 include the Draft Environmental Document (ED) and the Draft Project Report. The 35% final engineering design - Plans, Specifications, and Estimate (PS&E) – work was also completed in March 2009. The 65% PS&E submittal is anticipated to be complete in late 2009.

Final ED and Project Study Report/Project Report of the PA/ED phase are targeted for completion by mid 2009.

This project will require right-of-way acquisition, and coordination work with the Cities of San Jose and Milpitas is ongoing.

**Project Schedule:**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start</th>
<th>End</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
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<th>2014</th>
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<tbody>
<tr>
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<td>Mid 2009</td>
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<tr>
<td>Design (PS&amp;E)</td>
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<td>Mid 2011</td>
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<td></td>
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<tr>
<td>Right-of-Way</td>
<td>Mid 2009</td>
<td>Late 2010</td>
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<tr>
<td>Construction</td>
<td>Mid 2011</td>
<td>Mid 2013</td>
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<td>Open to Traffic</td>
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## Cost:

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<th>Secured Funding</th>
<th>Apr-09 Committed Costs</th>
<th>Apr-09 Incurred Costs</th>
<th>Secured Funding Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Real Estate</td>
<td>400</td>
<td>94</td>
<td>53</td>
<td>347</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>9,884</td>
<td>8,686</td>
<td>4,652</td>
<td>5,232</td>
</tr>
<tr>
<td>Contingency</td>
<td>1,416</td>
<td>-</td>
<td>-</td>
<td>1,416</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>11,700</strong></td>
<td><strong>8,780</strong></td>
<td><strong>4,705</strong></td>
<td><strong>6,995</strong></td>
</tr>
</tbody>
</table>

Secured Funding Incurred 40%
Secured Funding Committed 75%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

## Funding (millions):

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Identified</th>
<th>Secured</th>
<th>Local 25%</th>
<th>State 75%</th>
<th>100%</th>
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<tr>
<td>Meas A/STIP Swap</td>
<td>$23.4</td>
<td>$11.7</td>
<td>0</td>
<td>100%</td>
<td>Portion of Estimated Cost for which funding has been identified</td>
</tr>
<tr>
<td>State (CMIA)</td>
<td>71.6</td>
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<td>75%</td>
<td>25%</td>
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</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$95.0</strong></td>
<td><strong>$11.7</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Northbound I-880

Brokaw Road Undercrossing / Coyote Creek Bridge
I-880/I-280/Stevens Creek Improvements

Estimated Cost: $130 - $150 million

Appropriation through FY 09: $8.75 million

Secured Funding to Date: $7.1 million

Year of Completion: 2013

Project Manager: Sajeeni DeAlwis-Mima

Designer: Mark Thomas & Company, Inc.

Project Description:

The project improves traffic operations, enhances safety, and improves access between the I-880 and I-280 freeway corridors, including modifications to the Route 17/I-280/I-880 freeway-to-freeway interchange itself, as well as to the two adjacent interchanges at I-880/Stevens Creek Boulevard and I-280/Winchester Boulevard. Specific improvements include:

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

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

- Providing a new point of access by constructing a new northbound I-280 off-ramp at Winchester Blvd.

Project Status:

Environmental/Preliminary Engineering: The consultant team is performing preliminary engineering and conceptual design for the project. Current work includes traffic studies, mapping, and preparation of a Project Study Report. Conceptual design for a new off-ramp connection from northbound I-280 to Winchester Boulevard is included in the environmental studies. Additionally, the consultant team is commencing final design for the western half of the I-880/Stevens Creek Boulevard interchange, for which funding exists through construction. Project schedule and phasing for the other components of the project are dependent upon available funding.

Project Schedule:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start</th>
<th>End</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental/PE</td>
<td>Early 2007</td>
<td>Early 2010</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PHASE 1 SB 1880, Monroe Ramp &amp; Stevens Creek Bridge</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phase 1 Design PS&amp;E</td>
<td>Early 2009</td>
<td>Late 2010</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phase 1 Right-of-Way</td>
<td>Early 2010</td>
<td>Late 2010</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phase 1 Construction</td>
<td>Late 2010*</td>
<td>Late 2011*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phase 1 Open to Traffic</td>
<td>Late 2011</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PHASE 2 NB 1880, NB 280, New Ramp &amp; Direct Connector</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phase 2 Design PS&amp;E</td>
<td>Mid 2009*</td>
<td>Late 2011*</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Phase 2 Right-of-Way</td>
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<td>Mid 2011*</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Phase 2 Construction</td>
<td>Late 2011*</td>
<td>Late 2013*</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Phase 1 Open to Traffic</td>
<td>Late 2013*</td>
<td>Early 2014*</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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*Funding not identified, schedule is tentative.
Cost:

<table>
<thead>
<tr>
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<th>Secured Funding</th>
<th>Apr-09 Committed Costs</th>
<th>Apr-09 Incurred Costs</th>
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<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>-</td>
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</tr>
<tr>
<td>Real Estate</td>
<td>142</td>
<td>52</td>
<td>3.5</td>
<td>139</td>
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<tr>
<td>Labor, Services and Support</td>
<td>4,285</td>
<td>3,991</td>
<td>2,226</td>
<td>2,060</td>
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<td>Contingency</td>
<td>2,688</td>
<td>-</td>
<td>-</td>
<td>2,688</td>
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<tr>
<td>Total</td>
<td>7,116</td>
<td>4,043</td>
<td>2,229</td>
<td>4,887</td>
</tr>
</tbody>
</table>

Secured Funding Incurred 31%
Secured Funding Committed 57%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

Funding (millions):

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Identified</th>
<th>Secured</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meas A/STIP Swap</td>
<td>$0.5</td>
<td>$0.5</td>
</tr>
<tr>
<td>Local (San Jose)</td>
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<td>1.6</td>
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<tr>
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<td>0.0</td>
</tr>
<tr>
<td>Federal (Earmark)</td>
<td>18.3</td>
<td>5.1</td>
</tr>
<tr>
<td>TBD (Future STIP, other)</td>
<td>105-125</td>
<td>-</td>
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<tr>
<td>Total</td>
<td>$130-150</td>
<td>$7.1</td>
</tr>
</tbody>
</table>

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

Portion of Estimated Cost for which funding has been identified
**Estimated Cost:** $370 million  
Estimate Class 4 (see appendix)

**Appropriation through FY 09:** $5.5 million

**Secured Funding to Date:** $5.5 million

**Year of Completion:** 2013

**Project Manager:** Darrell Vice

**Designer:** URS Corporation

**Project Description:**
The project proposes to widen US 101 from four to six lanes in Santa Clara and San Benito Counties to meet future traffic demands and provide access control. The project also includes constructing a new interchange at the intersection of US 101 and Route 25, extending Santa Teresa Boulevard to connect to Route 25 at the Route 25/US 101 Interchange, and improvements on Route 25 required for the operation of the Route 25/US 101 interchange.

The project extends approximately 2.6 miles into San Benito County and approximately 4.1 miles into Santa Clara County. VTA is in partnership with San Benito Council of Government, Caltrans District 4, Caltrans District 5, local agencies and developers to deliver the project.

The project is contemplated to be delivered in two segments after completion of the environmental/PE phase. The first segment extends from the northern limit of the project to the US 101/Route 25 interchange. The second segment extends from just south of the US 101/Route 25 interchange to the US 101/Route 129 interchange.

**Project Status:**

**Environmental/Preliminary Engineering:** Work is underway on conceptual design and environmental clearance for the proposed US 101/Route 25 interchange and US 101 widening from Monterey Road to Route 129. The current studies are looking at access control, freeway alignment, right-of-way, utilities, and a new US 101/Route 25 interchange. The current budget will allow work to be completed through the Draft Environmental Document. Additional funding of approximately $0.5 million must be secured to complete the Environmental Document.

**Project Schedule:**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start</th>
<th>End</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental/PE</td>
<td>Early 2007</td>
<td>Late 2009</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Design (PS&amp;E)</td>
<td>Late 2009*</td>
<td>Mid 2011*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right-of-Way</td>
<td>Late 2009*</td>
<td>Mid 2011*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td>Mid 2011*</td>
<td>Mid 2013*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Open to Traffic</td>
<td>Mid 2013*</td>
<td>Late 2013*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Closeout</td>
<td>Mid 2013*</td>
<td>Late 2013*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Funding not identified, schedule is tentative.*
Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Apr-09 Committed Costs</th>
<th>Apr-09 Incurred Costs</th>
<th>Secured Funding Balance d = (a-c)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Real Estate</td>
<td>158</td>
<td>100</td>
<td>63</td>
<td>95</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>5,288</td>
<td>5,000</td>
<td>3,982</td>
<td>1,307</td>
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<td>Contingency</td>
<td>54</td>
<td>-</td>
<td>-</td>
<td>54</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>5,500</strong></td>
<td><strong>5,100</strong></td>
<td><strong>4,044</strong></td>
<td><strong>1,455</strong></td>
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</table>

Secured Funding Incurred 74%
Secured Funding Committed 93%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

Funding (millions):

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<thead>
<tr>
<th>Funding Source</th>
<th>Identified</th>
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<tbody>
<tr>
<td>Meas A/STIP Swap</td>
<td>$4.5</td>
<td>$4.5</td>
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<tr>
<td>Meas B Swap</td>
<td>1.0</td>
<td>1.0</td>
</tr>
<tr>
<td>TBD</td>
<td>364.5</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$370.0</strong></td>
<td><strong>$5.5</strong></td>
</tr>
</tbody>
</table>

Portion of Estimated Cost for which funding has been identified

Northbound US 101 approaching Route 129 Overcrossing
Northbound US 101 at Route 25 Overcrossing
**US 101 De La Cruz Boulevard/Trimble Road Interchange Improvements**

**Estimated Cost:** $27 million  
Estimate Class 4 (see appendix)

**Appropriation through FY 09:**  
$0.8 million

**Secured Funding to Date:**  
$0.7 million

**Year of Completion:** TBD

**Project Manager:** Sajeeni DeAlwis-Mima

**Designer:** Rajappan & Meyer Consulting Engineers, Inc.

**Project Description:**

The project evaluates improvements to the US 101-De La Cruz Boulevard/Trimble Road interchange, including:

- Replacing the existing US 101 overcrossing
- Widening De La Cruz Blvd/Trimble Road to six travel lanes through the interchange limits
- Reconstructing the southbound exit loop to a partial cloverleaf design and incorporating a new intersection on De La Cruz Boulevard
- Adding a southbound auxiliary lane from De La Cruz Boulevard to the Route 87 exit ramp, depending on results of operational studies
- Configuring ramp termini to be pedestrian and bicycle-friendly

**Project Status:**

**Environmental/Preliminary Engineering:** A Project Study Report/Project Report and Environmental Document (State - CEQA only) for the interchange improvements in the City of San Jose will be completed in mid 2010.

**Project Schedule:**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start</th>
<th>End</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental/PE</td>
<td>Early 2007</td>
<td>Mid 2010</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design &amp; Beyond</td>
<td>TBD</td>
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<td></td>
<td></td>
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*P-0565*
### Cost:

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<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Apr-09 Committed Costs</th>
<th>Apr-09 Incurred Costs</th>
<th>Secured Funding Balance d = (a-c)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Real Estate</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>700</td>
<td>700</td>
<td>476</td>
<td>224</td>
</tr>
<tr>
<td>Contingency</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>700</strong></td>
<td><strong>700</strong></td>
<td><strong>476</strong></td>
<td><strong>224</strong></td>
</tr>
</tbody>
</table>

Secured Funding Incurred: 68%
Secured Funding Committed: 100%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

### Funding (millions):

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Identified</th>
<th>Secured</th>
</tr>
</thead>
<tbody>
<tr>
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<td>$0.7</td>
<td>$0.7</td>
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<tr>
<td>TBD</td>
<td>26.3</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$27.0</strong></td>
<td><strong>$0.7</strong></td>
</tr>
</tbody>
</table>

Portion of Estimated Cost for which funding has been identified

Trimble Road Southbound
Trimble Road Northbound
VTP Highway Projects

Charcot Avenue Extension

**Estimated Cost:** $35 million

Estimate Class 5 (see appendix)

**Appropriation through FY 09:** $0.9 million

**Secured Funding to Date:** $0.8 million

**Year of Completion:** 2009 (Preliminary Engineering and Environmental Document)

**Project Manager:** Michelle Jiang

**Designer:** Parsons Brinkerhoff

**Project Description:**
The Charcot Avenue Extension project proposes to extend Charcot Avenue over Interstate 880 via an overcrossing in the City of San Jose between Old Oakland Road and Paragon Drive. These improvements will provide improved east-west connectivity across the I-880 corridor in the North San Jose region.

The project scope consists of the following:

- An approximately 530-foot long overcrossing bridge over Interstate 880 that will accommodate the future widening of I-880 (one HOV lane in each direction), likely requiring a bridge pier in the median of I-880
- Roadway construction to extend and connect Charcot Avenue from Old Oakland Road to Paragon Drive in the City of San Jose
- Minor improvements on either side of I-880 only as necessary to accommodate a standard overcrossing
- Limited local roadway improvements to conform to existing roads, including the widening of Silk Wood Lane
- Elements, such as sound walls and retaining walls, necessary to complete the project
- Bicycle and pedestrian facilities, including a dedicated bike lane and sidewalk

**Project Status:**

**Preliminary Engineering and Environmental Document:** The current scope includes surveying, traffic studies, construction cost estimates, as well as environmental technical studies of air, noise, biological, cultural, visual, and community impacts toward preparation of an Initial Study and Mitigated Negative Declaration for the environmental document. A combined Project Study Report / Project Report will be prepared as the project approval document.

**Project Schedule:**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start</th>
<th>End</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary Engineering &amp; Environmental Document</td>
<td>Late 2007</td>
<td>Late 2009</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
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Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Apr-09 Committed Costs</th>
<th>Apr-09 Incurred Costs</th>
<th>Secured Funding Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Real Estate</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>800</td>
<td>807</td>
<td>736</td>
<td>64</td>
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<tr>
<td>Contingency</td>
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<tr>
<td>Total</td>
<td>800</td>
<td>807</td>
<td>736</td>
<td>64</td>
</tr>
</tbody>
</table>

Secured Funding Incurred 92%
Secured Funding Committed 101%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

Funding (millions):

<table>
<thead>
<tr>
<th>Funding Source</th>
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</thead>
<tbody>
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<td>TBD</td>
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<td>Total</td>
<td>$35.0</td>
<td>$0.8</td>
</tr>
</tbody>
</table>

Portion of Estimated Cost for which funding has been identified

Proposed overcrossing location, looking north along Otoole Ave at Charcot Ave and I-880

Simulation of overcrossing
**Calaveras Boulevard Improvements**

**Estimated Cost:** $77 million  
Estimate Class 4 (see appendix)

**Appropriation through FY 09:**  
$2.35 million

**Secured Funding to Date:**  
$0.60 million

**Year of Completion:** TBD

**Project Manager:** Darrell Vice  
**Designer:** Nolte Associates, Inc.

**Project Description:**
The work includes widening the existing four-lane facility to six lanes, from Town Center Drive in the east to Abel Street in the west. In addition, the work assumes auxiliary lanes will be added to the current six-lane facility between Abel Street and Abbott Avenue. The proposed widening will require widening/replacement of the bridges over Main Street and the Union Pacific Railroad tracks to accommodate the proposed BART extension.

**Project Status:**

**Conceptual Engineering/Project Study Report:** The Project Study Report will include three project alternatives: the “widen in,” “widen out,” and “no build” options. Both the “widen in” and “widen out” options include three lanes with auxiliary lanes.

Approval of the final PSR is anticipated for mid 2009.

**Project Schedule:**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start</th>
<th>End</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conceptual Eng/PSR</td>
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<td>Mid 2009</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enviromental &amp; Beyond</td>
<td>TBD</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

P-0569 3-23
### Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Apr-09 Committed Costs</th>
<th>Apr-09 Incurred Costs</th>
<th>Secured Funding Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Real Estate</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>600</td>
<td>601</td>
<td>599</td>
<td>1</td>
</tr>
<tr>
<td>Contingency</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>600</strong></td>
<td><strong>601</strong></td>
<td><strong>599</strong></td>
<td><strong>1</strong></td>
</tr>
</tbody>
</table>

Secured Funding Incurred 100%
Secured Funding Committed 100%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

### Funding (millions):

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Identified</th>
<th>Secured</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meas B Swap</td>
<td>$0.15</td>
<td>$0.15</td>
</tr>
<tr>
<td>Local (Milpitas)</td>
<td>0.45</td>
<td>0.45</td>
</tr>
<tr>
<td>TBD</td>
<td>76.40</td>
<td>-</td>
</tr>
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<td><strong>Total</strong></td>
<td><strong>$77.00</strong></td>
<td><strong>$0.60</strong></td>
</tr>
</tbody>
</table>

Portion of Estimated Cost for which funding has been identified

---

**Eastbound Calaveras Blvd.**

**Intersection of Calaveras Blvd. & Abbott Ave. Approaching Route 237 West**
**Estimated Cost:** $72 million

Estimate Class 4 (see appendix)

**Appropriation through FY 09:** $4 million

**Secured Funding to Date:** $1.6 million

**Year of Completion:** TBD

**Project Manager:** Sajeeni DeAlwis-Mima

**Designer:** BKF Engineers

**Project Description:**

Extend Mary Avenue across US 101 and Route 237 to improve traffic operations and circulation and improve access to the Moffett Industrial Park.

Mary Avenue runs from Homestead Road to Almanor Avenue in the City of Sunnyvale. The proposed 0.5-mile extension project will extend Mary Avenue northerly over US 101 and Route 237 to the Moffett Industrial Park area west of Mathilda Avenue.

The proposed roadway section includes four lanes, with bike lanes and sidewalks on both sides. The project will include a 0.25 mile span structure over US 101, Route 237 and the VTA Light Rail Station north of Route 237. Impacts to the freeway system are anticipated to be limited to column placements in the rights-of-way of US 101 and Route 237.

**Project Status:**

**Environmental/Preliminary Engineering:** The Final Environmental Impact Report was approved in October 2008. The combined Project Study Report/Project Report is expected to be finalized in mid 2009.

The project is planned to move into the PS&E phase. It has not yet been determined who will administer and fund the next phase of work.

**Project Schedule:**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start</th>
<th>End</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental/PE</td>
<td>Mid 2005</td>
<td>Mid 2009</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design &amp; Beyond</td>
<td>TBD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Apr-09 Committed Costs</th>
<th>Apr-09 Incurred Costs</th>
<th>Secured Funding Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Real Estate</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>-</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>1,590</td>
<td>1,078</td>
<td>1,014</td>
<td>576</td>
</tr>
<tr>
<td>Contingency</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,590</strong></td>
<td><strong>1,078</strong></td>
<td><strong>1,014</strong></td>
<td><strong>576</strong></td>
</tr>
</tbody>
</table>

Secured Funding Incurred 64%
Secured Funding Committed 68%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

### Funding (millions):

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Identified</th>
<th>Secured</th>
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</thead>
<tbody>
<tr>
<td>Meas B Swap</td>
<td>$0.25</td>
<td>$0.25</td>
</tr>
<tr>
<td>Local (Sunnyvale)</td>
<td>1.34</td>
<td>1.34</td>
</tr>
<tr>
<td>TBD</td>
<td>70.41</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$72.00</strong></td>
<td><strong>$1.59</strong></td>
</tr>
</tbody>
</table>

Portion of Estimated Cost for which funding has been identified 98%

12.a
**VTP Highway Projects**

**US 101 Improvements - I-280 to Yerba Buena Road**

**Estimated Cost:** $63 million  
  Estimate Class 1 (see appendix)

**Appropriation through FY 09:**  
$12.4 million

**Secured Funding to Date:** $7.4 million

**Year of Completion:** 2012

**Project Manager:** Ven Prasad

**Designer:** HMH Engineers

**Project Description:**

Improve operation on US 101 in east San Jose by adding a lane in the southbound direction from south of Story Road to north of Capitol Expressway and reconfigure the US 101/Tully Road interchange from the existing full cloverleaf to a partial cloverleaf interchange.

The balance of the operational improvements between Capital Expressway and Yerba Buena Road covered in the Environmental Document will be addressed in a future project.

Additionally, the proposed project replaces the Tully Road Overcrossing. The project fully accommodates bicyclists and pedestrians with a bike lane and sidewalks on both sides along the full length of Tully Road.

This project has been selected by the California Transportation Commission (CTC) for partial funds through the Corridor Mobility Improvement Account (CMIA) Proposition 1B Funding Program.

**Project Status:**

In December 2007, the VTA Board authorized a second Measure A/STIP swap that provided an additional $5 million in funding for construction. These funds were approved by CTC in May 2008. VTA will make these funds available to the project based on a funding schedule driven by project phase.

**Design (PS&E):** The Mitigated Negative Declaration was signed by Caltrans on December 1, 2005. Upon project approval, VTA will file the Mitigated Negative Declaration at the County of Santa Clara and at the State Clearinghouse to meet NEPA requirements.

The 100% PS&E package was submitted in April 2009. Utilities will have to be relocated, but there are no anticipated easements or acquisitions required as part of this work. Construction administration is planned to be conducted by Caltrans.

**Project Schedule:**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start</th>
<th>End</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental/PE</td>
<td>Mid 2007</td>
<td>Late 2008</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design (PS&amp;E)</td>
<td>Early 2008</td>
<td>Late 2009</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td>Early 2010</td>
<td>Mid 2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Open to Traffic</td>
<td>Mid 2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Closeout</td>
<td>Mid 2013</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

P-0519
### Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Apr-09 Committed Costs</th>
<th>Apr-09 Incurred Costs</th>
<th>Secured Funding Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Real Estate</td>
<td>126</td>
<td>94</td>
<td>56</td>
<td>70</td>
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<td>Labor, Services and Support</td>
<td>7,139</td>
<td>6,843</td>
<td>5,845</td>
<td>1,294</td>
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<td>Contingency</td>
<td>135</td>
<td>-</td>
<td>-</td>
<td>135</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>7,400</strong></td>
<td><strong>6,937</strong></td>
<td><strong>5,901</strong></td>
<td><strong>1,499</strong></td>
</tr>
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</table>

Secured Funding Incurred: 80%
Secured Funding Committed: 94%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

### Funding (millions):

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Identified</th>
<th>Secured</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meas A/STIP Swap</td>
<td>$12.0</td>
<td>$7.0</td>
</tr>
<tr>
<td>Meas B Swap</td>
<td>0.1</td>
<td>0.1</td>
</tr>
<tr>
<td>Local (Other)</td>
<td>12.9</td>
<td>0.3</td>
</tr>
<tr>
<td>State (CMIA)</td>
<td>30.0</td>
<td>-</td>
</tr>
<tr>
<td>State (SHOPP)</td>
<td>1.0</td>
<td>-</td>
</tr>
<tr>
<td>Federal (Earmark)</td>
<td>7.0</td>
<td>-</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$63.0</strong></td>
<td><strong>$7.4</strong></td>
</tr>
</tbody>
</table>

Portion of Estimated Cost for which funding has been identified:
- Local: 40%
- Federal: 11%
- State: 49%
- 100%

### Southbound US 101 at Tully Road

### Southbound US 101 approaching Capitol Expressway/Yerba Buena Road
Estimated Cost: $3.75 million
   Estimate Class 2 (see appendix)

Appropriation through FY 09:
$3.75 million

Secured Funding to Date:
$3.75 million

Year of Completion: 2010

Project Manager: Stuart Bussian

Designer: Parsons Transportation, Orsee Design

Project Description:
The project consists of landscape improvements in the City of Milpitas for the I-880 / Route 237 interchange, and the McCarthy Road Median. Work will include replacement planting, a recycled-water automatic irrigation system, erosion control work, and a 3-year plant establishment maintenance period.

The initial phase includes the western half of the interchange and continues westerly along Route 237 including and ending with two medians at McCarthy Boulevard.

Project Status:

Final Design (PS&E): The design team is preparing 95/100% design submittals for Caltrans, with completion anticipated in mid 2009. Bidding is targeted for late 2009.

The project is anticipated to be phased to coordinate with the I-880 HOV Widening project in the same corridor.

Project Schedule:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start</th>
<th>End</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Design (PS&amp;E)</td>
<td>Early 2008</td>
<td>Late 2009</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planting</td>
<td>Early 2010</td>
<td>Late 2010</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plant Establishment</td>
<td>Late 2010</td>
<td>Late 2013</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Apr-09 Committed Costs</th>
<th>Apr-09 Incurred Costs</th>
<th>Secured Funding Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>2,865</td>
<td>-</td>
<td>-</td>
<td>2,865</td>
</tr>
<tr>
<td>Real Estate</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>885</td>
<td>453</td>
<td>290</td>
<td>595</td>
</tr>
<tr>
<td>Contingency</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>3,750</td>
<td>453</td>
<td>290</td>
<td>3,460</td>
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</table>

Secured Funding Incurred 8%
Secured Funding Committed 12%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

Funding (millions):

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<tr>
<th>Funding Source</th>
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<tbody>
<tr>
<td>Local (Milpitas)</td>
<td>$3.75</td>
<td>$3.75</td>
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<tr>
<td>Total</td>
<td>$3.75</td>
<td>$3.75</td>
</tr>
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</table>
VTP Highway Projects

I-880/Coleman Avenue Planting

**Estimated Cost:** $3.6 million

**Appropriation through FY 09:**
$1.9 million

**Secured Funding to Date:** $0

**Year of Completion:** 2010

**Project Manager:** Ven Prasad / Stuart Bussian

**Designer:** URS Corporation, City of San Jose

**Project Description:**
The Coleman Avenue/I-880 interchange is a major gateway to San Jose Mineta International Airport and downtown San Jose. The project consists of landscape improvements including replacement planting, installation of a reclaimed water automatic irrigation system, erosion control work, and a possible public art installation. In addition to the interchange area, improvements are proposed for Coleman Avenue from McKendrie Street to Newhall Drive.

Final scope will be reflective of the availability of funding and maintenance agreements.

**Project Status:**
The project is currently on hold pending resolution of issues related to funding, maintenance, and design elements.

**Project Schedule:**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start</th>
<th>End</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Design (PS&amp;E)</td>
<td>Early 2007</td>
<td>Early 2010*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planting</td>
<td>Early 2010*</td>
<td>Late 2010*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plant Establishment</td>
<td>Early 2011*</td>
<td>Late 2013*</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Funding/scope not identified/defined, schedule is tentative.
### Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Oct-08 Committed Costs</th>
<th>Oct-08 Incurred Costs</th>
<th>Secured Funding Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Real Estate</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Contingency</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
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<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

**NOTE:** All amounts are Year Of Expenditure dollars in $1,000's

### Funding (millions):

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Identified</th>
<th>Secured</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local (TBD - Match)</td>
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</tr>
<tr>
<td>Federal (Earmark)</td>
<td>0.9</td>
<td>-</td>
</tr>
<tr>
<td>Federal (GARVEE)</td>
<td>1.0</td>
<td>-</td>
</tr>
<tr>
<td>TBD (Other)</td>
<td>1.5</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3.6</strong></td>
<td><strong>$0.0</strong></td>
</tr>
</tbody>
</table>

**NOTE:** Portion of Estimated Cost for which funding has been identified

Funding Source: **Identified** $3.6 **Secured** $0.0

- **Local (TBD - Match)**: $0.2
- **Federal (Earmark)**: $0.9
- **Federal (GARVEE)**: $1.0
- **TBD (Other)**: $1.5

**Total**: $3.6

- **TBD 40%**
- **Federal 60%**
- **Portion of Estimated Cost for which funding has been identified**
VTP Highway Projects

Route 152/156 Interchange

Estimated Cost: $36.7 million
Estimate Class 1 (see appendix)

Appropriation through FY 09:
$36.7 million

Secured Funding to Date: $36.7 million

Year of Completion: 2009

Project Manager: Ven Prasad

Designer: Biggs Cardosa Associates

Contractor: RGW, Inc.

Project Description:
This project provides operational improvements and safety enhancements at the Route 152 / Route 156 intersection by grade separating the left-turn movement from westbound Route 152 to westbound Route 156 and eliminating conflicting traffic movements.

This project's features include:

- Construction of a one-lane elevated flyover structure (overpass) for eastbound Route 152 traffic
- Construction of a ground-level eastbound Route 152 to westbound Route 156 connector ramp
- Reconstruction of the roadway between westbound Route 152 and westbound Route 156 as well as the eastbound and westbound lanes of Route 152
- Landscaping within the intersection area.

Project Status:
Construction: RGW Construction, Inc. was awarded the construction contract for the project, and the first charged day was March 27, 2007.

On August 28, 2008, six weeks ahead of schedule, the flyover (overpass) was opened to traffic, just in time for the busy Labor Day weekend. Work has been completed and the project is being closed out. Plant Establishment is on-going.

Project Schedule:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start</th>
<th>End</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental/PE</td>
<td>Early 2002</td>
<td>Mid 2004</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design (PS&amp;E)</td>
<td>Mid 2004</td>
<td>Early 2007</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right-of-Way</td>
<td>Late 2004</td>
<td>Late 2006</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td>Early 2007</td>
<td>Mid 2009</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Flyover Open to Traffic</td>
<td>Mid 2008</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fully Open to Traffic</td>
<td>Mid 2009</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Closeout</td>
<td>Mid 2009</td>
<td>Mid 2010</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

LEGAL

Route 152/Route 156 Project

Bridge

To GILROY
SAN JOSE

P-0430
Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Apr-09 Committed Costs</th>
<th>Apr-09 Incurred Costs</th>
<th>Secured Funding Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>22,520</td>
<td>19,221</td>
<td>18,738</td>
<td>3,782</td>
</tr>
<tr>
<td>Real Estate</td>
<td>2,093</td>
<td>1,944</td>
<td>1,916</td>
<td>178</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>11,547</td>
<td>11,052</td>
<td>10,781</td>
<td>766</td>
</tr>
<tr>
<td>Contingency</td>
<td>529</td>
<td>-</td>
<td>-</td>
<td>529</td>
</tr>
<tr>
<td>Total</td>
<td>36,689</td>
<td>32,217</td>
<td>31,435</td>
<td>5,254</td>
</tr>
</tbody>
</table>

Secured Funding Incurred 86%
Secured Funding Committed 88%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

Funding (millions):

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Identified</th>
<th>Secured</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meas A/STIP Swap</td>
<td>$1.0</td>
<td>$1.0</td>
</tr>
<tr>
<td>Meas B Swap</td>
<td>7.1</td>
<td>7.1</td>
</tr>
<tr>
<td>State (RIP)</td>
<td>5.9</td>
<td>5.9</td>
</tr>
<tr>
<td>State (ITIP)</td>
<td>5.3</td>
<td>5.3</td>
</tr>
<tr>
<td>Federal (STP)</td>
<td>7.2</td>
<td>7.2</td>
</tr>
<tr>
<td>Federal (Earmark)</td>
<td>10.2</td>
<td>10.2</td>
</tr>
<tr>
<td>Total</td>
<td>$36.7</td>
<td>$36.7</td>
</tr>
</tbody>
</table>

Portion of Estimated Cost for which funding has been identified

Ribbon Cutting Ceremony, August 27, 2008

Completed flyover structure open to traffic
VTP Highway Projects
Route 87 Planting

**Estimated Cost:** $4.9 million

Estimate Class 1 (see appendix)

**Appropriation through FY 09:** $4.9 million

**Secured Funding to Date:** $4.9 million

**Year of Completion:** 2010

**Project Manager:** Ven Prasad

**Designer:** BKF Engineers, Sugimura & Associates

**Contractor:** McGuire and Hester

**Project Description:**
The project consists of landscape improvements including replacement planting, automatic irrigation system, and erosion control work, with a 3-year plant establishment and maintenance period. The proposed project extends from Capitol Expressway to Julian Street in Downtown San Jose, and includes four major interchanges: Capital Expressway, Curtner Avenue, Almaden Expressway, and Julian Street.

**Project Status:**

**Construction:** Bid opening occurred on June 25, 2008. McGuire and Hester was awarded the contract.

The first charged day was August 27, 2008. Infrastructure installation activities, including electrical and irrigation work, are nearing completion.

**Project Schedule:**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start</th>
<th>End</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Design (PS&amp;E)</td>
<td>Mid 2006</td>
<td>Late 2008</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planting</td>
<td>Late 2008</td>
<td>Early 2010</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plant Establishment</td>
<td>Early 2010</td>
<td>Early 2013</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Apr-09 Committed Costs</th>
<th>Apr-09 Incurred Costs</th>
<th>Secured Funding Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>3,683</td>
<td>3,091</td>
<td>1,521</td>
<td>2,162</td>
</tr>
<tr>
<td>Real Estate</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>1,187</td>
<td>723</td>
<td>600</td>
<td>587</td>
</tr>
<tr>
<td>Contingency</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4,870</strong></td>
<td><strong>3,815</strong></td>
<td><strong>2,122</strong></td>
<td><strong>2,748</strong></td>
</tr>
</tbody>
</table>

Secured Funding Incurred 44%
Secured Funding Committed 78%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

Funding (millions):

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Identified</th>
<th>Secured</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meas B Swap</td>
<td>$2.1</td>
<td>$2.1</td>
</tr>
<tr>
<td>Federal (STP Funds)</td>
<td>2.5</td>
<td>2.5</td>
</tr>
<tr>
<td>Federal (GARVEE)</td>
<td>0.3</td>
<td>0.3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$4.9</strong></td>
<td><strong>$4.9</strong></td>
</tr>
</tbody>
</table>

Federal 57%
Local 43%

Portion of Estimated Cost for which funding has been identified
Estimated Cost:
$2.1 million
Estimate Class 4
(see appendix)

Appropriation through FY 09:
$3.5 million

Secured Funding to Date:
$2.1 million

Year of Completion:
2009

Project Manager:
David Kobayashi

Designer:
Mark Thomas & Company

Project Description:
Implement ramp metering along Southbound US 101 between Embarcadero Road and De La Cruz Boulevard, the entire length of Route 87, and Southbound Route 85 between Almaden Expressway and Cottle Road during the AM and PM peak periods.

This project implements ramp metering on corridors that already have existing ramp metering equipment. The project includes some minor construction activity to repair vehicular detection systems and other related equipment to ensure that the ramp metering equipment is in functional order prior to the implementation. The goals of the project are to minimize overall corridor delay by managing access at on-ramps during peak commute periods, and to minimize the impact on local street traffic resulting from the implementation of ramp metering.

Project Status:
Ramp metering plans along the Route 87 and Route 85 corridors were implemented in the first half of 2009. “After” studies on these corridors are being conducted to evaluate the effectiveness of the ramp metering to improve traffic operations.

In parallel, ramp metering plans are being developed for the southbound US 101 corridor, with implementation of these plans expected in late 2009.

Project Schedule:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start</th>
<th>End</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design</td>
<td>Early 2008</td>
<td>Mid 2009</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td>Late 2008</td>
<td>Late 2009</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Evaluation &amp; Closeout</td>
<td>Late 2009</td>
<td>Early 2010</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Apr-09 Committed Costs</th>
<th>Apr-09 Incurred Costs</th>
<th>Secured Funding Balance d = (a-c)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>179</td>
<td>177</td>
<td>12</td>
<td>167</td>
</tr>
<tr>
<td>Real Estate</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>1,492</td>
<td>1,018</td>
<td>685</td>
<td>807</td>
</tr>
<tr>
<td>Contingency</td>
<td>380</td>
<td>-</td>
<td>-</td>
<td>380</td>
</tr>
<tr>
<td>Total</td>
<td>2,051</td>
<td>1,195</td>
<td>697</td>
<td>1,354</td>
</tr>
</tbody>
</table>

- Secured Funding Incurred: 34%
- Secured Funding Committed: 58%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

## Funding (millions):

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Identified</th>
<th>Secured</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal (CMAQ)</td>
<td>$2.1</td>
<td>$2.1</td>
</tr>
<tr>
<td>Total</td>
<td>$2.1</td>
<td>$2.1</td>
</tr>
</tbody>
</table>

100% 100%

Portion of Estimated Cost for which funding has been identified

---

**Ramp Metering Schematic**

(Typical One Lane On-Ramp)

Legend:
- Traffic flow direction
- Advance Warning Device, usually "METER ON" Pad Head
- Ramp Meter Signal Standard, with signal heads and signs
- In-pavement loops
- Ramp Meter Controller cabinet
- Enforcement & Maintenance Pad Out
- Freeway Mainline
- Midline Loops
- Midline Loops

---

P-0655 3-38
Figure 1 shows a mapping of Estimate Class to Level of Project Definition. Intuitively, estimates become more accurate and have less uncertainty as project definition increases. This table provides a rough framework to describe the accuracy of project estimated costs in this report. A discussion of cost estimate classes, in order of increasing accuracy, is presented below:

- **Class 5** (Order-of-Magnitude Estimates) – Order-of-magnitude estimates are sometimes referred to as “conceptual” or “ballpark” estimates. These estimates are made without detailed engineering data using only basic criteria such as area or distance. An estimate of this type would normally be expected to be accurate within +100 percent to -50 percent. Order-of-magnitude estimates are used to quickly screen several types of alternative designs.

- **Classes 4 and 3** (Preliminary Estimates) – Preliminary estimates are prepared once enough preliminary engineering has taken place to further define the project scope. An estimate of this type is normally expected to be accurate within +50 percent to -30 percent. Since the preliminary estimate is more definitive than the order-of-magnitude estimate, it is better suited for determining project feasibility.

- **Classes 2 and 1** (Final Estimates) – Final estimates are prepared from very defined engineering data. This data includes, as a minimum, fairly complete plans and specifications. An estimate of this type is usually expected to be accurate within +15 percent to -15 percent. The final estimate has a level of accuracy that is appropriate for setting project budgets.
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

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

SUBJECT: Guadalupe North Line Public Address System Upgrade Contract Award

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with HSQ Technology, the lowest responsible bidder, in the amount of $481,930 for the Guadalupe North Line Public Address System Upgrade Project. This contract is 80% federally funded.

BACKGROUND:

The existing Guadalupe North Line public address system has the original Guadalupe Corridor Light Rail equipment installed in the early 1980’s. Some of the equipment is no longer manufactured and cannot be replaced in kind. The system also does not have the advanced features required to accommodate planned passenger information system improvements. This contract will upgrade the public address system by replacing existing amplifiers, hardware, speakers, and wiring needed by the Real Time Information (RTI) contract. The RTI contract will provide the software functionality to complete the enhanced information system including separate messaging to each platform and accurate and reliable real-time transit information.

The Guadalupe North Line Public Address System Upgrade contract will also install Voice over Internet Protocol (VoIP) converters for the station maintenance telephone system thereby allowing communications with Younger Maintenance Facility via VoIP over the Ethernet.

DISCUSSION:

The Guadalupe North Line Public Address construction contract was advertised on May 28, 2009. Bids were opened on June 22, 2009 with the following results:
There was only one bidder for this contract. HSQ Technology was the lowest responsible and responsive bidder. The bid is 18% under the Engineer’s Estimate. VTA staff has completed a bid analysis and has determined the bid to be fair and reasonable. HSQ Technology is very familiar with the VTA communications systems having provided similar services as the Public Address System Upgrade subcontractor on the recent Guadalupe Southline Platform Retrofit contract.

In addition to the bid analysis, VTA staff performed the customary due diligence. When receiving only one bid, this includes reviewing the contract specifications and bid timelines to determine if they are restrictive in any way, and contacting all of the plan holders of record to ascertain why they did not bid on the contract. The findings were that only a limited number of firms were qualified for this specialized work, and reasons cited for not bidding were too busy bidding on other larger contracts and scheduling issues with work force and other jobs.

Based on this review, the nature of the work in this contract is sufficiently unique and specialized to explain the single bid. Staff recommends award of this contract to HSQ Technology.

Construction is scheduled to begin in late August 2009 with completion in May 2010.

**ALTERNATIVES:**

There are no practical alternatives to the recommended action.

**FISCAL IMPACT:**

This action will authorize $481,930 for installation of the Guadalupe North Line Public Address System Upgrade. Appropriation for this expenditure is included in the FY09 Adopted VTA Transit Enterprise Fund Capital Budget. This project is funded through 80% Federal Section 5307 Grants (CA-90-Y628-00) and 20% matching local funds.

Operating Budget Impact: The upgraded Public Address System is a part of the entire light rail system, and operating and maintenance costs for the improvements have been included in the Adopted FY10 and FY11 VTA Transit Enterprise Operating Budget.

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

VTA is complying with Federal requirements that the advertisement and award of this contract utilize race-neutral provisions, as this contract will have Federal Financial assistance. There was no DBE contract goal established. DBE participation was not a condition of contract award.
STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Committee of the Whole considered this item at the July 16, 2009 meeting and unanimously recommended the Board approve the staff recommendation for this item to be placed on the Consent Agenda for the August Board meeting.

Prepared by: Ken Ronsse, Deputy Director
Memo No. 1252
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

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

SUBJECT: Bus Stop Pavement Improvements FY09 Contract Award

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with Weber Tractor Service, the lowest responsible bidder, in an amount of $255,781 for the construction of the Bus Stop Pavement Improvements FY09. This contract is 80% federally funded.

BACKGROUND:

The Bus Stop Pavement Improvements FY09 contract is part of the VTA program that provides improvements at bus stops and transit centers. The work included in this contract consists of removing and replacing damaged concrete bus pads and improving sidewalk connections to bus stops to provide ADA access at 15 locations in the cities of Mountain View, Cupertino, Sunnyvale, Milpitas and San Jose. It also includes repairs to the bus area at Snell and Curtner Transit Centers.

This contract will complete the FY09 list of improvements. Previous contracts were issued in May 2008 and January 2009 and included improvements at the Capitol Transit Center, and a total of 30 bus stops in the cities of Mountain View, Sunnyvale, Santa Clara, Milpitas and San Jose.

DISCUSSION:

Bus Stop Pavement Improvements FY09 was advertised on May 15, 2009. Bids were opened on June 16, 2009, with the following results:
<table>
<thead>
<tr>
<th>Company Name</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weber Tractor Service</td>
<td>$255,781</td>
</tr>
<tr>
<td>No Fault Asphalt, Inc.</td>
<td>$267,769</td>
</tr>
<tr>
<td>J.J.R. Construction, Inc.</td>
<td>$273,500</td>
</tr>
<tr>
<td>Sposeto Engineering</td>
<td>$320,183</td>
</tr>
<tr>
<td>Joseph J Albanese, Inc.</td>
<td>$327,631</td>
</tr>
<tr>
<td>George Bianchi Construction</td>
<td>$341,130</td>
</tr>
<tr>
<td>Engineer’s Estimate</td>
<td>$379,000</td>
</tr>
</tbody>
</table>

Weber Tractor Service is the lowest responsible and responsive bidder. The bid is 32% under the Engineer’s Estimate. VTA staff has completed a bid analysis, has determined the bid to be fair and reasonable, and recommends award of this contract to Weber Tractor Service. The multiple low bids can be attributed to the limited construction projects available in the market.

Construction on this contract is scheduled to begin in August 2009 with completion in November 2009.

**ALTERNATIVES:**

The project could be delayed, but this alternative is not recommended since the bids received were extremely competitive and delays would result in a continued inconvenience to our customers using these bus stops.

**FISCAL IMPACT:**

This action will authorize $255,781 for Bus Stop Pavement Improvements FY09. Appropriation for this expenditure is included in the FY09 Adopted VTA Transit Enterprise Fund Capital Budget and is 80% federally funded (CA-90-Y698).

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

VTA is complying with Federal requirements that the advertisement and award of this contract would utilize race-neutral provisions, as this contract will have Federal Financial assistance. There was no DBE contract goal established. DBE participation was not a condition of contract award.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Committee of the Whole considered this item at the July 16, 2009 meeting and unanimously recommended the Board approve the staff recommendation for this item to be placed on the Consent Agenda for the August Board meeting.

Prepared by: Ken Ronsse, Deputy Director
Memo No. 1561
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority  
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief External Affairs Officer, Greta Helm

SUBJECT: Bill Position: AB 1158 (Hayashi)

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

ACTION ITEM

RECOMMENDATION:

Recommend that the VTA Board of Directors adopt a support position for AB 1158 (Hayashi), which adds educational facilities and other land uses that link people traveling to and from K-12 schools, community colleges and universities to the list of specified characteristics that a transit village plan may address.

BACKGROUND:

To encourage mixed-used development at relatively higher densities around transit stations, the Transit Village Development Planning Act was enacted into law in 1994. A transit village is a compact, mixed-use, walkable community centered around a transit station that, by design, invites residents, workers, visitors, and shoppers to use public transit and reduce their dependence on motor vehicles. Under current law, the Transit Village Development Planning Act authorizes a city or county to prepare a plan for a transit village development district that addresses the following characteristics:

- A neighborhood centered around a transit station that is planned and designed so that residents, workers, shoppers, and others find it convenient and attractive to patronize public transit.

- A mix of housing types within not more than a quarter mile of the exterior boundary of the parcel on which the transit station is located.

- Other land uses, including a retail district oriented to the transit station, as well as civic uses such as day care centers and libraries.
• Pedestrian and bicycle access to the transit station, with attractively designed and landscaped pathways.

• A rail transit system that should encourage and facilitate intermodal service and access by modes other than single-occupant vehicles.

• Sites where a density bonus of at least 25 percent may be granted pursuant to performance standards.

In addition, a transit village plan must include at least five of the following 13 demonstrable public benefits beyond an increase in transit usage:

1. Relief of traffic congestion.
2. Improved air quality.
3. Increased transit revenue yields.
4. Increased stock of affordable housing.
5. Redevelopment of depressed and marginal inner-city neighborhoods.
6. Travel options for transit-needy groups.
7. Promotion of infill development and preservation of natural resources.
9. Reduction in travel through the sale of goods and services at transit stations.
10. Promotion of job opportunities.
11. Improved cost-effectiveness through the use of existing infrastructure.
12. Increased sales and property tax revenues.
13. Reduction in energy consumption.

A transit village plan is prepared, adopted and amended by a city or county in the same manner as its general plan. California provides incentives to cities and counties for planning transit village development districts that link mixed-use development to transit stations. Priority funding for transportation improvements is given to local communities for mixed-use development, pedestrian and bicycle improvements, and traffic-calming mechanisms around transit stations. Furthermore, transit village development districts may be eligible for 25 percent development density bonuses, and individual development projects consistent with a transit village plan receive expedited administrative review.

DISCUSSION:

AB 1158 adds educational facilities and other land uses that provide direct linkages for people traveling to and from primary and secondary schools, community colleges and universities to the existing list of transit village characteristics. By concentrating a mix of housing, businesses and community services around transit stations, transit villages provide convenient access to places that residents and visitors need to go. There is no reason why transit villages should not include K-12 schools, community colleges and universities. By locating educational facilities near transit stations, local agencies give students the option to use public transit to get to school. AB 1158 acknowledges that educational facilities are appropriate forms of development to include in transit village plans. We recommend that the Board of Directors support this legislation.
**ALTERNATIVES:**

The Board of Directors could decide to adopt a position for AB 1158 that is different from the one being recommended, or could opt to take no position on this bill at this time.

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

The Committee of the Whole considered this item as part of its consent calendar on July 16, 2009, and unanimously recommended that the Board of Directors support AB 1158.

**FISCAL IMPACT:**

There is no fiscal impact associated with this recommendation.

Prepared by: Kurt Evans, Government Affairs Manager  
Memo No. 1843
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief External Affairs Officer, Greta Helm

SUBJECT: Bill Position: SB 425 (Simitian)

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

ACTION ITEM

RECOMMENDATION:

Recommend that the VTA Board of Directors adopt a support position for SB 425 (Simitian), which specifies that an employer subject to the requirement to implement a parking cash-out program may not deduct the cost of parking subsidies from its gross income unless it is in compliance with this requirement. In addition, this bill provides a tax credit to small businesses for qualified commute reduction expenditures.

BACKGROUND:

The state’s parking cash-out law requires certain employers who provide subsidized parking for their employees to offer a cash allowance in lieu of a parking space as a way to level the playing field between driving and alternative commute methods. The law applies to employers that meet all of the following conditions:

1. They have 50 or more employees, regardless of the number of work sites.

2. Their work sites are located in an air basin designated as non-attainment for any air quality standard.

3. They provide free or subsidize employee parking on land that they do not own.

4. They can calculate the out-of-pocket expense of the parking subsidy that they provide, which means that the parking is leased separately from the building or office space.
5. They can reduce the number of parking spaces in their lease without financial penalty.

The state’s parking cash-out law is administered by the California Air Resources Board (CARB), which has the ability to impose a civil penalty of $500 per vehicle for any violation.

Existing law also allows employers to deduct from their gross income any ordinary and necessary business expenses, including any costs related to commute benefits, and the provision of free or subsidized parking.

SB 425 does two things. First, it prohibits an employer that is subject to the state’s parking cash-out law from claiming a deduction from its gross income for any subsidies paid for employee parking spaces, unless the employer is in compliance with that law. Second, the legislation provides a tax credit to employers with 20 or fewer employees for the costs associated with any of the following:

- Subsidizing employees commuting in vanpools; private commuter buses or buspools; subscription taxipools; or carpools.
- Subsidizing employees commuting on ferries.
- Subsidizing monthly public transit passes used by employees or their dependents.
- Providing free or subsidized parking for carpools, vanpools, or any other vehicle used in a ridesharing arrangement.
- Making facility improvements to encourage employees to use bicycles to commute to and from work.
- Making facility improvements to encourage employees to use alternative methods of transportation that reduce the number of single-occupant vehicle trips to or from work.
- Subsidizing employees who already use alternative commute methods.
- Subsidizing employees who travel to and from a telecommuting facility.

Under the provisions of SB 425, this tax credit would be taken in lieu of any other deduction that the employer may claim for qualified commute reduction expenses. In addition, the tax credit may be carried over to reduce an employer’s net tax in any subsequent taxable year until the credit is exhausted.

**DISCUSSION:**

The state’s parking cash-out law was established through the enactment of AB 2109 (Katz) in 1992 in response to a number of studies indicating that employees were more likely to rideshare, use public transit or carpool when they have to pay the full cost of parking spaces. Furthermore, concerns were raised at the time that employer-subsidized parking distorts the free market and
encourages single-occupant auto trips, thereby contributing to traffic congestion and air pollution.

Several reports have concluded that the state’s parking cash-out law has produced numerous benefits, including:

- Reducing solo driving.
- Increasing the use of carpools, public transit, bicycling, and walking for getting to and from the workplace.
- Reducing vehicle miles traveled.
- Improving air quality.
- Equalizing the commute benefits provided by employers to their employees.
- Reinforcing investments in other travel modes.

Despite these benefits, the state’s parking cash-out law is not well-known and its enforcement has been somewhat limited. Although CARB is the agency responsible for administering the program, there is no requirement for CARB to enforce or monitor it. Moreover, there are no reporting requirements for employers, which makes it difficult for CARB to assess whether an employer is in compliance. By prohibiting an employer from deducing parking subsidies as a qualified business expense unless the employer complies with the state’s parking cash-out law, SB 425 provides a clearer method of enforcement. Furthermore, by allowing a tax credit for small businesses, this legislation provides a direct incentive for these businesses to implement measures designed to reduce single-occupant vehicle trips. Finally, SB 425 is intended to be self-financing, such that the costs associated with the tax credit would be offset by the new revenues resulting from improved enforcement of the state’s parking cash-out law. For these reasons, we recommend that the Board of Directors support this bill.

ALTERNATIVES:

The Board of Directors could decide to adopt a position for SB 425 that is different from the one being recommended, or could opt to take no position on this bill at this time.

ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:

The Committee of the Whole considered this item as part of its consent calendar on July 16, 2009, and unanimously recommended that the Board of Directors support SB 425.

FISCAL IMPACT:

There is no fiscal impact associated with this recommendation.

Prepared by: Kurt Evans, Government Affairs Manager
Memo No. 2147
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

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

SUBJECT: Rail Rehabilitation - Market Street and Almaden Boulevard Crossings Contract Award

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with Stacy and Witbeck/Con-Quest (a joint venture), the lowest responsible bidder, in an amount of $1,337,842 for construction of the Rail Rehabilitation - Market Street and Almaden Boulevard Crossings. This contract is 80% federally funded.

BACKGROUND:

The Rail Rehabilitation - Market Street and Almaden Boulevard Crossings is part of a multi-phase Rail Replacement Program to restore existing light rail track to functional operational levels. Resulting from approximately 20 years of regular use, the running rail for the existing light rail system along the Guadalupe Corridor has experienced significant rail wear, especially at curve locations and sections with high vehicular cross traffic. This rail wear is normal based on the level of light rail use.

Since it is no longer possible to repair the existing rail to a satisfactory level, the impacted rail must be removed and replaced. This contract will replace rail at two intersection crossings in Downtown San Jose (San Carlos Street/Market Street, San Carlos Street/Almaden Boulevard) and along an S-curve (west of San Carlos Street/Market Street). In addition, this contract will install two new rail lubricators (First Street/Devine Street and Second Street/Devine Street).
DISCUSSION:

The Rail Rehabilitation - Market Street and Almaden Boulevard Crossings was advertised on May 8, 2009. The contractor pre-qualification process was not required for this contract. Bids were opened on June 15, 2009, with the following results:

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stacy and Witbeck/Con-Quest (a joint venture)</td>
<td>$1,337,842</td>
</tr>
<tr>
<td>Engineer’s Estimate</td>
<td>$1,148,603</td>
</tr>
</tbody>
</table>

Stacy and Witbeck/Con-Quest (a joint venture) is the lowest responsible and responsive bidder. The bid is 16% above the Engineer’s Estimate. VTA staff has completed a bid analysis and has determined the bid to be fair and reasonable.

In addition to the bid analysis, VTA staff performed the customary due diligence. When receiving only one bid, this includes reviewing the contract specifications and bid timelines to determine if they are restrictive in any way, and contacting all of the plan holders of record to ascertain why they did not bid on the contract. The findings were that only a limited number of firms were qualified for this specialized work, and the primary reason cited for not bidding was scheduling issues with work force and other jobs.

Based on this review, the nature of the work in this contract is sufficiently unique and specialized to explain the single bid. Staff recommends award of this contract to Stacy and Witbeck/Con-Quest (a joint venture).

Construction under this contract is schedule to begin in October 2009, with completion by December 2009. Construction will take place over several weekends with a single weekend shutdown at each location. Bus bridges will be implemented during these construction periods.

ALTERNATIVES:

The Board could choose to readvertise the contract, but this would result in increased operational and maintenance impacts for the areas programmed for rail replacement.

FISCAL IMPACT:

This action will authorize $1,337,842 for rail rehabilitation. Appropriation for this expenditure is included in the FY09 Adopted VTA Transit Enterprise Fund Capital Budget, including 80% Federal Section 5307 Grant funds.
DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION:

VTA is complying with Federal requirements that the advertisement and award of this contract would utilize race-neutral provisions, as this contract will have Federal Financial assistance. While no DBE contract goal has been established, the contractor has committed to a goal of 1.1% DBE participation, but the participation of DBE’s was not a condition of contract award.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Committee of the Whole considered this item at the July 16, 2009 meeting and unanimously recommended the Board approve the staff recommendation for this item to be placed on the Consent Agenda for the August Board meeting.

Prepared by: Ken Ronsse, Deputy Director
Memo No. 2007
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: FY09 Federal Formula Fund Program

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to submit Federal Fiscal Year (FFY) 2009 grant applications and execute grant agreements with the Federal Transit Administration (FTA) for Section 5307 Urbanized Area Formula, and Section 5309 Fixed Guideway programs.

BACKGROUND:

Congress appropriates funds for the FTA grant programs through the enactment of the annual Department of Transportation Appropriations Act. Division I of the “Omnibus Appropriations Act, 2009” (Public Law 111-8), signed into law by President Barack Obama on March 11, 2009, makes funds available for all of the surface transportation programs of the Department of Transportation (DOT) for the Fiscal Year (FY) ending September 30, 2009. The Act supplements the “Division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009” (Public Law 110-329), signed into law by President Bush on September 30, 2008. The amounts available for FTA programs were published in the Federal Registers of December 18, 2008 and April 27, 2009.

DISCUSSION:

A summary of VTA’s proposed grant projects for Federal Fiscal Year (FFY) 2009 is provided below. For the formula programs, which include the Section 5307 Urbanized Area (UZA) Formula Program and the Section 5309 Fixed Guideway programs, the amounts shown are based on the FFY 2009 appropriations for these programs. It is anticipated that minor adjustments to the formula program may be required.
FTA Section 5307 Urbanized Area Formula Grant Program

Of the available Section 5307 UZA Program funds, VTA will use $33,533,923 toward Preventive Maintenance costs and $4,219,420 for ADA Operating Set Aside to help meet its operating needs. VTA will program the remaining $4,440,854 to various projects in its capital program including: Procure Small Capacity Replacement Buses, Bus Surveillance Equipment Replacement, ADA Bus Stop Improvements, and Procure Paratransit Vehicles. See Table 1 for a complete listing of projects and programmed amounts.

FTA Section 5309 Fixed Guideway Formula Grant Program

Under the Section 5309 Program, Fixed Guideway funds in the amount of $15,553,217 will be available to VTA in FFY 2009. The funds are programmed for Guadalupe Light Rail Corridor Platform Retrofit project, Rail Replacement Program, Rail Substation Rehab/Replacement, Rail Overhead Contact System, and Abatement of Light Rail Left-hand Turn & Intrusion. See Table 1 for a complete listing of projects and programmed amounts.

VTA’s proposed FFY 2009 FTA Grant program is summarized in Table 1 below.

Table 1

<table>
<thead>
<tr>
<th>GRANT PROGRAM</th>
<th>FEDERAL</th>
<th>LOCAL</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FTA Section 5307</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preventive Maintenance</td>
<td>33,533,923</td>
<td>8,383,481</td>
<td>41,917,404</td>
</tr>
<tr>
<td>ADA Operating Set Aside</td>
<td>4,219,420</td>
<td>1,054,855</td>
<td>5,274,275</td>
</tr>
<tr>
<td>Procure (12) Small Capacity Replacement Buses</td>
<td>3,000,000</td>
<td>750,000</td>
<td>3,750,000</td>
</tr>
<tr>
<td>Bus Surveillance Equipment Replacement</td>
<td>421,942</td>
<td>105,486</td>
<td>527,428</td>
</tr>
<tr>
<td>ADA Bus Stop Improvements</td>
<td>421,942</td>
<td>105,485</td>
<td>527,427</td>
</tr>
<tr>
<td>Paratransit Vehicles</td>
<td>596,970</td>
<td>149,242</td>
<td>746,212</td>
</tr>
<tr>
<td>Subtotal Section 5307</td>
<td>42,194,197</td>
<td>10,548,549</td>
<td>52,742,746</td>
</tr>
<tr>
<td>FTA Section 5309 - Fixed Guideway</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guadalupe LRC Platform Retrofit</td>
<td>10,019,076</td>
<td>2,504,769</td>
<td>12,523,845</td>
</tr>
<tr>
<td>Rail Replacement Program</td>
<td>1,607,250</td>
<td>401,813</td>
<td>2,009,063</td>
</tr>
<tr>
<td>Rail Substation Rehab/Replacement</td>
<td>2,025,000</td>
<td>506,250</td>
<td>2,531,250</td>
</tr>
<tr>
<td>Rail Overhead Contact System</td>
<td>693,750</td>
<td>173,438</td>
<td>867,188</td>
</tr>
<tr>
<td>Abatement of Light Rail Left-hand Turn &amp; Intrusion</td>
<td>1,208,141</td>
<td>302,035</td>
<td>1,510,176</td>
</tr>
<tr>
<td>Subtotal Section 5309</td>
<td>15,553,217</td>
<td>3,888,305</td>
<td>19,441,522</td>
</tr>
<tr>
<td>Total FY 2009 FTA Grant Program</td>
<td>57,747,414</td>
<td>14,436,854</td>
<td>72,184,268</td>
</tr>
</tbody>
</table>

ALTERNATIVES:

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

VTA will receive $42,194,197 in federal Section 5307 UZA Formula funds and $15,553,217 in Section 5309 Fixed Guideway funds. These funds are included in the adopted FY08-09 and FY10-FY11 VTA budgets.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION**

The Committee of the Whole considered this item at the July 16, 2009 meeting unanimously recommended the Board approve the staff recommendation for this item and be placed on the Consent Agenda for the August Board meeting.

Prepared by: Jeffery Ballou
Memo No. 2160
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: FY10 Transportation Development Act (TDA) Program

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

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a resolution authorizing the filing of an annual claim to the Metropolitan Transportation Commission (MTC) for allocation of FY 2009-2010 Transportation Development Act (TDA) and State Transit Assistance (STA) funds.

BACKGROUND:

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

State Transit Assistance (STA) funds are also derived from the State sales tax. STA funds are distributed statewide to regional transportation planning agencies (e.g., MTC), under Article 6.5 partly on the basis of population (Sect. 99313) and partly on the basis of local revenues (Sect. 99314) used to support regional paratransit and transit operations, respectively. MTC apportions a relatively small amount of STA funds to VTA for paratransit purposes, and a larger amount for general transit operating or capital purposes. VTA’s combined TDA/STA Claim to MTC is made with the understanding that budgeted funding for the paratransit program will be at least as large as the combined total of TDA Article 4.5 and STA paratransit funds. The FY 2009-2010 budget includes approximately $32.1 million for paratransit services.

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

**DISCUSSION:**

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

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>TDA Article 4.0 (Public Transit)</td>
<td>$ 71,488,776</td>
</tr>
<tr>
<td>TDA Article 4.5 (Paratransit)</td>
<td>3,857,756</td>
</tr>
<tr>
<td><strong>Total TDA</strong></td>
<td><strong>75,346,532</strong></td>
</tr>
<tr>
<td>STA VTA Base Revenue Estimate*</td>
<td>$ 0</td>
</tr>
<tr>
<td>STA Paratransit Base Revenue Estimate*</td>
<td>0</td>
</tr>
<tr>
<td>STA ACE Base Revenue Estimate*</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total STA</strong></td>
<td><strong>0</strong></td>
</tr>
<tr>
<td><strong>TOTAL TDA/STA for FY 2009-10</strong></td>
<td><strong>$ 75,346,532</strong></td>
</tr>
</tbody>
</table>

* The State of California has experienced significant budgetary challenges as a severe nationwide economic contraction has reduced state revenues. In response, the California Legislature has opted to eliminate STA funding to transit agencies from FY 2010 through FY 2013. STA funding for Fiscal 2010 is now estimated to be zero.

**ALTERNATIVES:**

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

**FISCAL IMPACT:**

This action will provide $75,346,532 in TDA funds to VTA's Transit Enterprise account. These funds are included in the adopted FY'10 & '11 VTA Operating and Capital budgets.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION**

The Committee of the Whole considered this item at the July 16, 2009 meeting unanimously recommended the Board approve the staff recommendation for this item and be placed on the Consent Agenda for the August Board meeting.

Prepared by: Jeffery Ballou
Memo No. 2070
Resolution No.

RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
AUTHORIZING THE FILING OF A CLAIM WITH THE METROPOLITAN
TRANSPORTATION COMMISSION FOR ALLOCATION OF TRANSPORTATION
DEVELOPMENT ACT AND STATE TRANSIT ASSISTANCE FUNDS
FOR FISCAL YEAR 2009-2010

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

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

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

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

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

WHEREAS, allocations from the Local Transportation Fund of Santa Clara County and the State Transit Assistance Fund will be required by the Santa Clara Valley Transportation Authority (VTA) in Fiscal Year 2009-2010 for the support of public transportation systems; and

WHEREAS, VTA will file a combined claim for TDA Article 4.0 (transit operations) and Article 4.5 (paratransit) funds, and commits to spend an amount at least equal to the total available for paratransit purposes through Public Utilities Code Section 99313, 99313.6 and 99314 to fulfill its commitments toward the implementation of its obligations under the Americans With Disabilities Act (ADA); and
WHEREAS, VTA is an eligible claimant for TDA and STA funds for the purposes set forth in Public Utilities Code Sections 99260(a) and 99275(a) as attested to by the Opinion of Counsel.

NOW, THEREFORE BE IT RESOLVED, by the Board of Directors of the Santa Clara Valley Transportation Authority, that the General Manager is authorized to execute and file the appropriate TDA, LTF and STA claim with all necessary supporting documents, with the Metropolitan Transportation Commission for an allocation of TDA, LTF and STA funds in Fiscal Year 2009-2010; and

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

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

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on August 8, 2009, by the following vote:

AYES: Directors:

NOES: Directors:

ABSENT: Directors:

___________________________________ ____________________________________
Kevin D. Allmand, General Counsel Deborah Harrington, Board Secretary
Santa Clara Valley Transportation Authority Santa Clara Valley Transportation Authority

Dolly Sandoval, Chairperson
Santa Clara Valley Transportation Authority

APPROVED AS TO FORM: ATTEST:

Kevin D. Allmand, General Counsel Deborah Harrington, Board Secretary
Santa Clara Valley Transportation Authority Santa Clara Valley Transportation Authority
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

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

SUBJECT: Vasona LRT Project - Hamilton MSE Wall Stabilization Contract Award

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with Con-Quest Contractors Inc., the lowest responsible bidder, in an amount of $343,649 for construction of the Hamilton MSE Wall Stabilization Project improvements.

BACKGROUND:

Vasona Light Rail revenue service opened on October 1, 2005. Since the completion of the project, the Hamilton Station and Hamilton mechanically stabilized earth (MSE) walls have been experiencing settlement requiring repairs and posing some maintenance issues including frequent track adjustments. The walls and station settlements are being periodically monitored by performing field surveys. Initial steps have been taken to slow the settlement by reducing the amount of water going into MSE fill to avoid hydro compaction.

In October 2007, VTA reassessed the condition of the MSE walls and Hamilton Station. After a thorough review of available reports, survey data, correspondence, construction daily reports and construction photos, site visits were conducted and a Geotechnical Engineering Evaluation of Hamilton Avenue MSE Walls was prepared. Exploratory borings were performed to determine in more detail the characteristics of subgrade soil to estimate future consolidation. A settlement/lateral movement report based upon the exploratory borings identified additional measures to stabilize the MSE walls and station, including reducing the frequency of steam cleaning/pressure washing at the station platform; installing drainage pipes to capture the platform’s surface water without falling into the track bed; grading and drainage improvements near toe of both MSE walls to drain surface water away from the wall foundation; and installing concrete pavers at the refuge area located at the end of the station platform.
These improvements will help address the issues with vertical and lateral settlements of both walls and the station, and thus avoid costly repairs and maintenance issues in the future.

Construction will begin in August 2009, with contract completion scheduled for October 2009. Revenue Service will be impacted during two weekend shutdowns between Bascom and Campbell Stations. A substitute bus service/bus bridge will be provided between affected stations to accommodate transit patrons.

**DISCUSSION:**

The Hamilton MSE Wall Stabilization contract was advertised on May 5, 2009. The contractor pre-qualification process was not required for this contract. Two bids were submitted on June 15, 2009 with the following results:

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Con-Quest Contractors Inc.</td>
<td>$343,649</td>
</tr>
<tr>
<td>Bianchi-Amaker Construction</td>
<td>$619,134</td>
</tr>
<tr>
<td>Engineer’s Estimate</td>
<td>$263,601</td>
</tr>
</tbody>
</table>

Con-Quest Contractors Inc., is the lowest responsible and responsive bidder. The bid is 30% over the Engineers Estimate. VTA has completed a bid analysis and attributes the high bid price to the relatively complex contract work in an operating rail corridor. Con-Quest Contractors Inc. has not performed any work previously for VTA, however, many of its key employees have worked on VTA projects with other contractors with a satisfactory record of performance. Staff recommends award to Con-Quest Contractors Inc.

**ALTERNATIVES:**

The Board could elect to reject all bids and re-advertise the contract. This alternative is not recommended as the resultant delay would not have the improvements in place before the next wet season and further settlements and additional maintenance costs would be experienced.

**FISCAL IMPACT:**

This action will authorize $343,649 for wall stabilization improvements. Appropriation for this expenditure is included in the 1996 Measure B Program Fund Capital Budget.

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

Based on identifiable subcontracting opportunities, a Small Business Enterprise goal of 12% was established for this contract. Contractor has complied with the goal and committed to a goal of 12% participation.

Prepared by: Ehsan Ilyas, Transportation Engineering Manager
Memo No. 2107
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Administrative Officer, Bill Lopez

SUBJECT: Core Network Equipment Leasing

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to lease up to $595,650 in electronic "core" network equipment, primarily switches and routers that control and direct electronic data, from Cisco Systems Inc. and AT&T Inc., under cooperative purchasing agreements negotiated by the State of California on behalf of local agencies. This “lease to own” purchase agreement is to be funded via five annual payments of approximately $119,000. At the end of the proposed five year term, and after making the five payments as outlined, the VTA may exercise an option to own the equipment outright.

BACKGROUND:

VTA computer, security, video, voice, radio, and data systems rely on a number of core network devices, e. g. switches and routers, which are over eight years old, designed for a much lower volume of data traffic and are no longer supported by their manufacturers. As a result of their age and limitations there have been numerous network failures. As these core devices age it is becoming more difficult to anticipate their repair needs, stock appropriate spare parts, and maintain the reliability of the network. On average, switches require three hours, and routers five hours to repair after each failure. To maintain network reliability, core network equipment requires replacement at the end of its useful life. Network failures negatively impact VTA’s operation of mission critical electronic systems, directly and negatively impacting VTA employees and customers.

Core switches are the centralized network devices used to electronically connect VTA staff and customers via computer, video, voice, radio, and data traffic connections to network storage, application servers, and the Internet. For example a local switch connects users in a local site such as a building, or group of buildings, to create a Local Area Network (LAN). Core switches
connect LAN's and route traffic to specific connected computer ports using intelligent route automation. This prevents unnecessary congestion and Technology labor to resolve related problems.

Core routers are network devices used to connect data traffic between sites, for example one router at the River Oaks site connects to another router at the Guadalupe site. Core routers are "intelligent" in the sense that they can discern characteristics of other site routers and adjust and direct data accordingly.

Due to the lack of a full feature set e.g. sufficient bandwidth and security features, and declining performance of the aging equipment, network failure rates have reached unacceptable levels over the past year.

In the past two years, with the help of security grant funding, new security and video surveillance devices have been added. In addition a number of customer and user IT solutions have been upgraded, consuming additional network bandwidth. As security, video, and other service improvements are added the performance of the network solution will continue to decline and may collapse, or use will be severely limited.

Impacts from declining performance include:

- Loss of communication between the Operations Control Center (OCC) and the Data Center
- Operation/Security’s ability to view video cameras in the field can be interrupted
- All VTA computer, security, video, voice, radio, and data users may lose connectivity to critical applications
- At the bus yards, a network outage may require reverting to manual processes to determine buses available for pull-out or to track bus failures

As proposed, the replacement of this core networking infrastructure will also add a layer of redundancy and add the ability to customize network bandwidth control via advanced features. For example, new Network Management software will allow Technology staff to remotely manage the network, added security controls and pro actively manage the network traffic.

This upgrade will provide a robust, reliable, and expandable network platform which will enable VTA’s Technology & Communications staff to support advanced IP network devices as well as planned growth, such as additional security cameras and VoIP networks.

The new core networking equipment will provide the Technology department with savings in the maintenance and support fees currently allocated to the end-of-life core equipment.

**DISCUSSION:**

On behalf of local agencies, the State of California's General Services Agency has negotiated and entered into agreements with electronic suppliers under the WSCA and CALNET agreements. These agreements leverage the collective negotiating power of participants and provide agencies...
like VTA significant discounts. Staff estimates that purchases under these agreements would save VTA 10% to 41% compared to individually negotiated purchases.

VTA has engaged and solicited pricing quotes from the network equipment and installation providers approved under WSCA and CALNET agreements to lease and install the equipment necessary to upgrade the existing network infrastructure. All of the providers used the CALNET agreements for cost estimates.

Staff proposes that the Board authorize the GM to approve a lease up to $595,650 in electronic network equipment from Cisco and installation by AT&T under the cooperative purchasing agreements negotiated by the State of California on behalf of local agencies.

**ALTERNATIVES:**

Electronic network devices that can no longer be maintained or serviced must be replaced. VTA staff could negotiate individual purchase contracts but preliminary analysis shows that this would be a more costly alternative.

**FISCAL IMPACT:**

This action would authorize the “lease to own” of up to $595,650 in electronic network equipment over a five year period. There is sufficient appropriation for the first two lease years in the FY10 and FY11 Adopted VTA Transit Enterprise Fund Operating Budgets. Appropriation for years three through five will be included in subsequent budgets.

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

Based on the limited scope of work and no subcontracting opportunities, no specific goal has been established for this contract. Contractor is encouraged to make reasonable efforts to utilize SBEs in its procurement of ancillary services and products associated with the performance of this contract.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Committee of the Whole considered this item at the July 16, 2009 meeting attended by Director Liccardo, Director Moylan and Director Kalra.

The Committee unanimously recommended that the Board approve the staff recommendations for this item and be placed on the Consent agenda for the August Board meeting.

Prepared by: Gary Miskell
Memo No. 2149
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: County Earmark Proposals for Federal Surface Transportation Program Reauthorization Legislation (County Item)

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

ACTION ITEM

RECOMMENDATION:

Recommend that the VTA Board of Directors support the County's projects for inclusion in the Federal Surface Transportation Program reauthorization legislation and direct staff to submit a letter of support to the appropriate federal departments.

BACKGROUND:

The Federal surface transportation legislation known as SAFETEA-LU authorized programs for highways, highway safety, roadways and transit for the 5-year period 2005-2009. The current authorization expires this year and Congress is currently developing a new federal program. The County of Santa Clara has proposed several projects as high priority projects for consideration of funding in the Federal Surface Transportation Program reauthorization legislation.

DISCUSSION:

The VTA Bicycle and Pedestrian Advisory Committee (BPAC), in its capacity as the County BPAC, was asked to accept and support four projects that the County will recommend for potential sponsorship for any special grants or earmarks in the federal legislation. The BPAC accepted the request for support and requests that the VTA Board of Directors also indicate support for the projects and direct staff to submit a letter of support to appropriate federal agencies. The projects are either already included in VTP 2035, Bicycle Expenditure Program (BEP) or have previously been supported by VTA and considered for funding through the Community Design and Transportation Program and Local Streets and County Roads Programs and therefore, staff supports the request and following Board approval will submit a letter of support for the projects. Attachment A lists the projects submitted by County of Santa Clara.
ALTERNATIVES:

The Board could choose to support fewer or no County projects for inclusion in the Federal legislation.

FISCAL IMPACT:

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

BPAC RECOMMENDATION/DISCUSSION:

At the May 2009 meeting, the Bicycle and Pedestrian Advisory Committee voted unanimously to recommend that the Board support the County's projects for inclusion in the Federal Surface Transportation Program reauthorization legislation. Attachment B provides a letter from the BPAC Chair summarizing the committee's support.

Prepared by: Michelle DeRobertis
Memo No. 2161
County of Santa Clara
Roads & Airports Department

BPAC DATE: May 13, 2009

TO: Bicycle and Pedestrian Advisory Committee

FROM: Michael Murdter, Director Roads & Airports Department

SUBJECT: County Earmark Proposals for Federal Surface Transportation Program Reauthorization Legislation

RECOMMENDED ACTION

Accept report and consider expressing support for the projects. BPAC may wish to recommend VTA Board of Directors take action to support projects.

REASONS FOR RECOMMENDATION

The County, with each legislative cycle, takes the opportunity to communicate projects of unique need, high priority, and outstanding merit to area members of the congressional delegation, for their sponsorship in any special grant process or earmarks under consideration. The road project earmarks proposed for the reauthorization legislation are shown on the attachment. Staff would like the members of the BPAC to be aware that of the four proposals, one is primarily a bike project and one is a pedestrian project. Timelines for selecting and forwarding project proposals did not allow for prior consideration by the BPAC or the Roads Commission. The proposed earmarks are attached.
## COUNTY OF SANTA CLARA
### PROPOSED PROJECTS FOR SAFETEA-LU REAUTHORIZATION

<table>
<thead>
<tr>
<th>Project Name and Description</th>
<th>Funding Request</th>
<th>Local Match</th>
<th>Total Project Cost</th>
<th>Supervisorial District</th>
<th>Congressional District and Member</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Page Mill Road/I-280 Interchange Improvements</strong>&lt;br&gt;Redesign and construction of new interchange to improve traffic flow, reduce congestion, and enhance bicyclist and pedestrian crossings.</td>
<td>$5.28M</td>
<td>$1.32M</td>
<td>$6.6M</td>
<td>5</td>
<td>14 Rep. Eshoo</td>
</tr>
<tr>
<td><strong>San Tomas Box Culvert Repair</strong>&lt;br&gt;Design and construction of first of four phases to repair the culvert that is under portions of San Tomas Expressway. The repairs are necessary to avoid collapse of the structure, which would damage the expressway. Costs to repair the entire structure exceed $10 million.</td>
<td>$3.52M</td>
<td>$.88M</td>
<td>$4.4M</td>
<td>4</td>
<td>15 Rep. Honda</td>
</tr>
<tr>
<td><strong>Capitol Expressway Pedestrian Improvements</strong>&lt;br&gt;Construction of sidewalks in four segments of the expressway to fill sidewalk gaps. The project will expand pedestrian access to the expressway and provide safe walkways.</td>
<td>$1.44M</td>
<td>$.36M</td>
<td>$1.8M</td>
<td>2,3</td>
<td>16 Rep. Lofgren</td>
</tr>
<tr>
<td><strong>DeWitt Avenue S-Curve Realignment</strong>&lt;br&gt;Construction of a road improvement to DeWitt Avenue to straighten an S-Curve. This would enhance road safety by improving the line of sight for motorists, bicyclists, and pedestrians.</td>
<td>$2M</td>
<td>$.5M</td>
<td>$2.5M</td>
<td>1</td>
<td>16* Rep. Lofgren</td>
</tr>
</tbody>
</table>

*Because of its location, DeWitt Avenue is mostly used by residents in CD-11 (Rep. McNerney).*
MEMORANDUM

Date: June 2, 2009

To: Dan Collen, Santa Clara County, Roads and Airports Department

From: Joe Walton, VTA BPAC Chair

Subject: County Project List for Federal Surface Transportation Program
Reauthorization Legislation

As chair of the VTA Bicycle / Pedestrian Advisory Committee (BPAC), I would like to express the BPAC’s support for the County’s list of projects for potential inclusion in the surface transportation program in the reauthorization of the Federal transportation bill. One project in particular is specifically designed to improve bicycle safety at a freeway interchange, and we support the proposed improvements including signals and proposed geometric changes that are more suitable for an urban area. Another project is designed to improve pedestrian connectivity along an important corridor, which the BPAC has supported for years.

The VTA BPAC heard this item at their regular meeting on May 13, 2009. After a few questions of clarification, a motion to recommend that the Board of Directors support the County’s list was passed unanimously. This item was forwarded to the VTA Board of Directors, who is scheduled to hear it on August 6, 2009.

Sincerely,

[Signature]
Joe Walton
Chair, VTA BPAC
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Administrative Officer, Bill Lopez

SUBJECT: Substance Abuse Testing, Medical Review Officer and Medical Examination Services

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to approve the award of a contract to U. S. Health Works for Substance Abuse Testing, Medical Review Officer Services, and Medical Examination Services for three years at a cost of $877,440, with an option for two one-year extensions priced at $410,132 for a total authorization of $1,287,572.

BACKGROUND:

The Federal Transit Administration (FTA) Drug and Alcohol Regulations in Mass Transit requires drug and alcohol testing for safety-sensitive personnel. For the VTA this applies primarily to Coach Operators and Mechanics. The services must be provided by a qualified service agent and reviewed and verified by a qualified Medical Review Officer (MRO). Examples of the duties of the MRO include acting as an independent and impartial "gatekeeper" ensuring the accuracy and integrity of the drug testing process, providing a quality assurance review of the drug testing process, determining whether there is a legitimate medical explanation for confirmed positive test results, and performing all other functions in compliance with Department of Transportation agency regulations. Since the inception of VTA's Substance Abuse program in 1995 the services of a testing facility and a MRO have been provided on a contract basis. The contractor is paid for each drug and alcohol test performed, and for drug tests reviewed by the MRO.

Also provided under this contract are required services for employees holding Commercial Class B licenses in accordance with federal and state laws, as well as Hepatitis (HepB) vaccination and pulmonary function testing.
U. S. Health Works, Inc. is currently VTA's contractor, providing approximately 1,600 urine and 900 breath tests, 200 new physicals for newly hired personnel including pre-employment drug tests, 600 Department of Motor Vehicle Class B license recertification medical examinations, a series of 3 HepB vaccinations to approximately 5 personnel and pulmonary function tests to approximately 25 personnel on an annual basis.

**DISCUSSION:**

A Request for Proposals (RFP) was issued April 6, 2009. Four firms requested copies of the RFP. On May 6, 2009, three firms, U.S. Health Works with multiple testing facilities, Alliance Occupational Medicine with two facilities and eScreen, Inc, submitted proposals.

All proposals were considered and reviewed by a panel consisting of the Substance Abuse Program Manager, a Contracts Administrator II, the Environmental Health and Safety Supervisor and a Senior Human Resources Analyst. Each proposal was evaluated on the basis of technical experience in performing work of this nature, staffing and project organization, demonstrated understanding of the project, cost, and geographical location.

In the course of the review, the panel eliminated Alliance Occupational Medical, Inc. because the after-hours service was assigned to a subcontractor (possibly a sole proprietor) who might not be able to provide the services when called upon, the proposed hourly fee for the MRO service was extremely high, and their project organization lacked an alternate MRO staff member. Also the proposed Work Plan did not address how it would respond to potential problems.

e Screen, Inc was also eliminated by the panel due to features in their business model that were considered to be insufficient for VTA's needs. For example, e Screen does not have medical staff of their own; their approach is to have remote staffing and provide a Service Manager who would oversee the subcontractors responsible for performing the testing and medical services. In addition, their pricing was incomplete. The firm is located in Kansas and they planned to have two local firms perform 75% of the service, although VTA staff could not verify a physical address for either subcontractor.

The scores based on the above criteria were 94.5 for U.S. Health Works, 77.75 for Alliance Occupational Medical, Inc and 60 for eScreen, Inc.

As a result, it was evident that the incumbent, U.S. Health Works, far exceeded the other proposers in all areas. From the review panel's technical evaluations, U. S. Health Works is the most qualified to deliver these services, and they were the only single-solution provider of all proposers. U.S Health Works has 14 years of technical experience in occupational health and medical services. They have held multi-year (7 - 11 years) contracts with other regional public agencies including County of Santa Clara, County of Stanislaus and the City of Berkeley. Their Staffing and Project Organization were thoroughly addressed, the Work Plan had all required elements and demonstrated understanding of the key issues involved in collection procedures: direct observation, refusal to cooperate affidavits and cancelled tests. Additionally, U. S. Health Works has the most collection sites, five in the county to serve VTA, and it is the only proposer
to give VTA prior approval for any new Collector/BAT assigned to our contract.

The estimated cost for drug and alcohol testing and MRO services, pre-employment examinations and testing, HepB vaccinations and Pulmonary Function tests over the next three years is $877,440.00, with two one-year optional extensions for a five year total cost of $1,287,572.00. This estimate is based on 12,500 drug and alcohol tests, related medical review officer services, 2,400 medical examinations and 125 Pulmonary Function tests. The price analysis shows that the total pricing is the most competitive and includes a 3% annual escalation.

**ALTERNATIVES:**

There are no practical alternatives, as FTA regulations require that employees performing safety-sensitive functions be tested for the use of illegal drug and the misuse of alcohol. Pre-employment examinations and testing are required by VTA policy, and the State of California requires medical certificates for Class B driver's licenses, and HepB vaccinations and Pulmonary Function tests are required by VTA policy and the State of California.

**FISCAL IMPACT:**

The estimated cost for drug and alcohol testing and MRO services, pre-employment examinations and testing, HepB vaccinations and Pulmonary Function tests over the next three years is $877,440.00, with two one-year optional extensions totaling $410,132 for a five-year total of $1,287,572.00. Appropriation for the first two years of the contract are included in the adopted FY 2010 & FY 2011 VTA Transit Enterprise Fund Operating Budget. Appropriation for year three of the contract and the two optional years will be included in subsequent budgets.

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

Based on the limited scope of work and lack of subcontracting opportunities, no specific goal has been established for this contract. The contractor is encouraged to make reasonable efforts to utilize SBEs in its procurement of ancillary services and products associated with the performance of this contract.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION**

The Committee of the Whole considered this item at the July 16, 2009 meeting attended by Director Liccardo, Director Kalra, and Director Moylan.

Director Kalra asked, and staff responded to practical questions related to the basis for exercising the option to extend the contract beyond the three years and the utilization of the multiple clinic facilities.

The Committee unanimously recommended that the Board approve the staff recommendations for this item.

Prepared by: Bill Lopez
Memo No. 1748
<table>
<thead>
<tr>
<th>Contractor Firm</th>
<th>Contractor Role</th>
<th>Name</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>U. S. Health Works, Inc.</td>
<td>Regional Vice President, Northern CA</td>
<td>Shelly Neufield</td>
<td>1893 Monterey Road, Suite 200 San Jose, CA 95112</td>
</tr>
</tbody>
</table>
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Financial Officer, Joseph T. Smith

SUBJECT: Investment Consulting Services

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with Mercer Investment Consulting, Inc. (Mercer) to provide investment consulting services, including quarterly evaluations of money manager performance with recommendations to retain or not retain; and, to provide other services (i.e. asset allocation study, money manager searches, etc.) as needed, in an amount not to exceed $235,000 for a period of two years; and, further authorize the General Manager to extend such contract for one year periods not to exceed three additional years with an amount not to exceed $337,000 total for the third, fourth, and fifth year of the contract (five years not to exceed $572,000).

BACKGROUND:

Mercer Investment Consulting has been providing investment consulting services to VTA and the VTA/ATU Pension Board for over 10 years. Their services include on-going money manager performance reviews, money manager searches, and portfolio structuring. The portfolio structuring has served the VTA/ATU Pension Plan very well, particularly in light of the peer comparisons provided to the Administration & Finance Committee in April 2009. However, the current contract expires August 2, 2009. Although Mercer has provided excellent services, prudent procurement practices necessitate the reevaluation of investment consultant services on a periodic basis. Additionally, continual changes in technology, financial markets, and investment consulting structure offer opportunities to reevaluate investment consulting services and costs. To that end, a request for proposal (RFP 09-03) for investment consultant services was advertised in February 2009.
DISCUSSION:

Responses for the Request for Proposals were received March 6, 2009 from:

PFM Asset Management LLC          Wurts Associates
Milliman                           Yanni Partners
Mercer

All proposals received were considered and reviewed by a panel consisting of a Senior Contract Administrator, the Chief Financial Officer, Deputy Director of Accounting, Finance Fiscal Resources Manager, Investment Program Manager, and two ATU representatives. Each proposal was evaluated based on the following criteria:

- Basic cost for evaluating, monitoring, and presenting money managers’ investment performance;
- Experience/qualifications of investment consultant firm to fulfill fiduciary obligations regarding material changes in the regulatory environment that affects the investment objectives and guidelines;
- Research team capabilities and quality of investment firm’s data base;
- Local firm preference.

The written proposals were reviewed and evaluated by the panel members. The panel eliminated Wurts Associates and Yanni Partners, primarily because of their fee structures (which were in excess of 40% above the lowest cost proposal) and decided to interview the following firms:

- Mercer
- PFM Asset Management LLC
- Milliman

Interviews for the three firms (Mercer, PFM and Milliman) were conducted May 6, 2009 and were evaluated by the ATU Investment Committee (two ATU representative, three VTA representative) and two additional VTA employees, based on the following criteria:

- Impression of Principal Consultant
- Quality of presentation
- Content of presentation
- Answers to questions
- Overall impression of the team
- Combined impression of both written proposal and oral interview

Based on the above criteria and assessments by each panel member, Mercer ranked first, followed by PFM. On June 9, 2009, the VTA/ATU Board of Pension approved the motion to hire Mercer.
The contract value includes fees for quarterly performance monitoring and for up to three money manager searches during the first two years of the contract. Quarterly performance reporting, one asset allocation study, and up to two additional money manager searches are assumed for the remaining three years of the contract, if the General Manager exercises renewal options. Approximately 74% of the contract will be funded from ATU Pension Funds.

ALTERNATIVES:

The Board could choose not to enter into a contract for investment consulting services; however, the performance monitoring and money manager searches (if required) are highly specialized areas and provide a valuable tool to meet fiduciary responsibilities for VTA’s and the VTA/ATU Pension Investment portfolios.

COMMITTEE OF THE WHOLE DISCUSSION/RECOMMENDATION:

The Committee of the Whole approved this item be forwarded to the Board of Directors for approval, with no discussion.

FISCAL IMPACT:

This action will authorize up to $572,000 for Investment Consulting Services over the next five years. Total aggregate costs for the first two years of the contract are estimated at $235,000, of which approximately 74% will be funded from ATU Pension funds. Funds for the VTA portion of these services ($60,000) are included in the adopted FY 2010 & FY 2011 VTA Transit Enterprise Fund Operating Budget. Appropriation for the three optional years will be included in subsequent budgets.

Prepared by: Manny Bagnas, Investment Services Manager
Memo No. 1910
### Listing of Consultants

<table>
<thead>
<tr>
<th>Contractor Firm &amp; Location</th>
<th>Contractor Role</th>
<th>Contact Name/Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mercer Investment Consulting, Inc.</td>
<td>Principal</td>
<td>Tom Lightvoet</td>
</tr>
<tr>
<td>777 South Figueroa Street, Suite 1900</td>
<td></td>
<td>(213) 346-2308</td>
</tr>
<tr>
<td>Los Angeles, CA 90017</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mercer Investment Consulting, Inc.</td>
<td>Associate</td>
<td>Ana Tom-Chow</td>
</tr>
<tr>
<td>777 South Figueroa Street, Suite 1900</td>
<td></td>
<td>(213) 346-2315</td>
</tr>
<tr>
<td>Los Angeles, CA 90017</td>
<td></td>
<td></td>
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</tbody>
</table>
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Engineering & Construction Officer, Robinson, Chief SVRT Program Officer, Gonot

SUBJECT: Freight Railroad - Utility Relocation Spending Authority Augmentation

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

ACTION ITEM

RECOMMENDATION:

1. Increase the General Manager’s spending authority for Freight Railroad Relocation (FRR) and the WP Milpitas Corridor clearance utility relocations in an amount not to exceed $5 million, for a revised authorized amount of $38.52 million. This authorization increase will complete all utility relocation activities for the FRR and will allow for the commencement of non-FRR preliminary utility relocation design for clearance of the Corridor between Fremont and San Jose.

2. Authorize the General Manager to execute new utility relocation agreements and/or amend existing utility relocation agreements for FRR and non-FRR corridor clearance activities in a total amount not to exceed the Board authorized $38.52 million. A combined utility relocation authorization is recommended for financial flexibility and ease of cost administration.

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 (the WP Milpitas Corridor). Although VTA plans to use the property for the Silicon Valley Rapid Transit (SVRT) Program, VTA has defined certain activities, identified as Freight Railroad Relocation (FRR) activities, that exclude the BART extension improvements but would fulfill VTA obligations under the Purchase and Sale Agreement with UPRR and eliminate ongoing freight operations on VTA property, and otherwise prepare the property for eventual use as a transportation corridor. In June 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 SVRT Program but are compatible with the eventual use of the property as a transportation corridor.

**DISCUSSION:**

To clear VTA’s corridor, VTA must relocate communication facilities, petroleum pipelines, waterlines, and other utilities in advance of relocating UPRR facilities and utilization of the corridor for future transportation purposes. Budget is in place for a portion of the utility relocation activities required for FRR between Grimmer Boulevard in Fremont and Curtis Avenue in Milpitas. However, an amendment to the previous Board approved spending authorization for utility relocation is required to fund remaining utility relocation activities including engineering services and inspection associated with FRR.

For those utilities that are not relocated for FRR, an amendment to the utility relocation spending authorization is required to fund preliminary engineering services of utility companies requiring relocation to clear the corridor for the SVRT project from Highway 101 north. These utilities include San Jose Water Company, Pacific Gas & Electric, Santa Clara Valley Water District, Milpitas Public Works, Verizon, Air Products, Comcast, AT&T, and others.

The following is a listing of spending authorization to-date for each utility affected by FRR activities:

<table>
<thead>
<tr>
<th>Utility Company</th>
<th>Current Approved Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kinder Morgan Pipeline</td>
<td>$ 9.00M</td>
</tr>
<tr>
<td>AT&amp;T Fiber Optic</td>
<td>$ 0.09M</td>
</tr>
<tr>
<td>Level 3 Fiber Optic</td>
<td>$ 0.98M</td>
</tr>
<tr>
<td>Qwest Fiber Optic</td>
<td>$ 0.47M</td>
</tr>
<tr>
<td>Sprint Fiber Optic</td>
<td>$ 0.68M</td>
</tr>
<tr>
<td>Verizon Fiber Optic</td>
<td>$22.30M</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$33.52M</strong></td>
</tr>
</tbody>
</table>

The recommended action is to establish a Board approved spending authorization for utility relocation and allow the General Manager to execute new and/or amend existing utility relocation agreements with utility companies as needed, subject only to the total Board approved spending authorization. The current approved authorization of $33.52 million will be augmented by increasing the spending authorization by $5 million to a new approved spending authorization of $38.52 million. This recommended utility relocation spending authorization augmentation will satisfy the needs for all remaining utility relocation activities required for FRR and start preliminary utility relocation design for the entire corridor.

**ALTERNATIVES:**

There are no practical alternatives to the recommended action if VTA is to comply with the UPRR Purchase and Sale Agreement, dated December 2002, and otherwise clear the corridor. In lieu of establishing a combined utility relocation budget, project staff could continue to amend agreements with utility companies and request separate Board spending authorization for amendments; however, this would add schedule and coordination issues which could result in
project delays, untimely utility relocations and increased administrative effort.

**FISCAL IMPACT:**

Appropriation for these expenditures is included in the FY 2010 Adopted 2000 Measure A Transit Improvement Program Fund Capital Budget. This action will authorize an additional $5 million for utility relocations for Freight Railroad Relocation and the WP Milpitas Corridor. Funding for the utility relocations will come from 2000 Measure A, the Santa Clara Valley Water District, Alameda County Transportation Authority and the City of Fremont under existing cost share agreements.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Committee of the Whole received a staff report, and asked staff to clarify what costs were covered with the $5 million increased spending authorization. Staff explained that approximately 80% was to cover increased construction costs that were primarily a result of soil conditions encountered in the directional boring activity, requiring longer and deeper bores at two locations. The remaining 20% will be for the new preliminary engineering scope of services.

The Committee of the Whole asked if VTA would be performing soil remediation in the rail corridor in advance of construction. Staff responded that remediation would be performed when contaminated soil is encountered during construction and not in an advanced construction contract.

The Committee of the Whole recommended this item be placed on the Board of Directors’ Consent Agenda for the August 6th meeting.

Prepared by: John Donahue, Engineering Group Manager
Memo No. 2044
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- Supplemental Call for Projects -Cycle 2

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

ACTION ITEM

RECOMMENDATION:

Approve the programming of FY 09/10/11 Lifeline Transportation Program funds as described in
the memorandum and as presented in Attachment A.

BACKGROUND:

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

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

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

JLTC issued a Second Cycle Call for Projects on July 28, 2008 for federal Jobs Access/Reverse
Commute (JARC), State Transit Assistance (STA) and state Proposition 1B funds. On September
24, 2008, the JLTC reviewed and scored six qualified projects. Four projects were recommended
by JLTC for funding and subsequently approved by the Board of Directors on November 6,
2008.
At that time, staff did not receive any eligible requests for the Prop 1B funds, leaving $3.5 million unprogrammed. While the funds were in no immediate danger of being lost to Santa Clara County, the JLTC recommended that VTA and County proceed with a supplemental second cycle call for projects. As a note, Proposition 1B funds are a difficult match with the Lifeline Program because the funds are to be used only for transit capital projects. Most Lifeline Program sponsors submit proposals for operating funds.

**DISCUSSION:**

In addition to the $3.5 million of unprogrammed Proposition 1B funds discussed above, recently, the Metropolitan Transportation Commission (MTC) and Caltrans notified the JLTC that additional $3 million Small Urbanized Area JARC funds were available on a state-wide competition basis.

Based on this information, the JLTC directed Lifeline Program staff to proceed with a Second Cycle Supplemental Call for Projects for the additional JARC funds as well as the unprogrammed Prop 1B funds. The Santa Clara County Department of Social Services hosted a bidder’s workshop on April 10, 2009. The deadline for submitting applications was May 4, 2009.

**Proposition 1B**

Staff received two proposals requesting Prop 1B funds. Outreach and Escort, Inc. submitted a proposal for the "Together We Ride" Program, requesting approximately $3.5 million to purchase hybrid vehicles, wheelchair-lift and multiple passenger vans, and emergency communication equipment. Annually, Outreach and Escort, Inc. estimates "Together We Ride" will provide an estimated 786,240 new passenger trips, reduce gas consumption by 100,000 gallons and reduce carbon emissions by 800 tons.

VTA also submitted a proposal for $3.5 million to replace aging diesel buses with seven new hybrid buses. Annually, VTA estimates the buses will provide 321,300 passenger trips, prevent service delays and run cancellations, reduce gas consumption and greenhouse gas effects.

On May 13, 2009, the JLTC reviewed staff’s draft recommendations and scored the two Prop 1B proposals. Both of the applications ranked very closely, therefore JLTC recommended that both of the applications receive equal funding from the available $3,500,000 resulting in $1,750,000 recommended for programming to each applicant.

Subsequent to the JLTC scoring and the Congestion Management Program & Planning Committee’s unanimous recommendation for approval to the VTA Board, Santa Clara County counsel advised the JLTC that the scoring results were invalid because VTA staff was in the room during the scoring of the VTA proposal. Santa Clara County counsel determined that VTA staff had “remote interest” and their presence compromised scoring results.

The JLTC therefore reconvened on June 4, 2009 to rescore the two Prop 1B proposals. At that time, the JLTC felt special consideration should be given to the underserved homeless population included in Outreach & Escort, Inc’s proposal and recommended the funds be split 60% to the
Outreach proposal for $2,100,741 and 40% to the VTA proposal for $1,400,494. Attachment A shows the final scoring results and fund split.

**Small Urbanized Area JARC funds**
Staff received one proposal from Outreach and Escort, Inc. requesting $130,000 Small Urbanized Area JARC funds for the “Family Transportation Services” program which will serve approximately 150 South County residents, and provide an estimated 2,850 passenger trips to and from employment-related activities. These services include door-to-door demand-response transportation; fully subsidized vehicle repair for CalWORKS participants; guaranteed rides home. This is an existing program and further JARC funds will allow the program to continue.

Staff requests that the VTA Board of Directors approve the funding for these projects. The submittal deadline for all Lifeline projects to MTC is September 11, 2009.

**ALTERNATIVES:**

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

**FISCAL IMPACT:**

VTA will receive $1,400,494 in Lifeline Program funds to purchase hybrid buses. This grant has been included in the Board’s adopted 2010 – 2011 Budget.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Congestion Management Program & Planning Committee met May 21, 2009 and posed the following questions:

- Why is there a difference in estimated new passenger trips between the proposals for Prop 1B funds?
  Outreach & Escort proposed to purchase a larger number of vehicles with additional local match funds, thus estimating a larger number of passenger trips.

- Will both proposals for the Prop 1B funds serve the low-income communities required by the Lifeline Program?
  Both proposals focus on East San Jose and the Gilroy/Morgan Hill areas which have high percentages of low-income and minority populations and each will serve multiple rider groups. These areas fall into the MTC designated Communities of Concern.

The Committee unanimously recommended that the Board approve this item.

Prepared by: Celeste Fiore
Memo No. 2006
## Attachment A
### 2009-2011 Lifeline Transportation Program Recommendations
#### Second Cycle Supplemental Call for Projects

<table>
<thead>
<tr>
<th>Sponsor</th>
<th>Program Name</th>
<th>Program Description</th>
<th>Grant Request</th>
<th>Local Match</th>
<th>Total Score (Max 105)</th>
<th>Recommended JARC</th>
<th>Recommended Prop 1B</th>
<th>Total Grant Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outreach</td>
<td>Family Transportation Services Program</td>
<td>Operation/service funds requested to continue offering individualized transportation plans with flexibility to offer rides for entire family (<em>Guaranteed Ride</em> and <em>Give Kids a LIFT</em>), and repair of personal vehicles (<em>JumpStart</em>) primarily in the South Santa Clara County.</td>
<td>$130,000</td>
<td>$130,000</td>
<td>Unanimous</td>
<td>$130,000</td>
<td>N/A</td>
<td>$130,000</td>
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<tr>
<td>Outreach</td>
<td>Together We Ride</td>
<td>Transit capital funds requested to purchase hybrid sedans and small wheelchair-lift equipped buses. Prop 1B funded equipment can be used for multiple rider groups versus strictly paratransit riders.</td>
<td>$3,465,250</td>
<td>$1,840,400</td>
<td>104</td>
<td>N/A</td>
<td>$2,100,741</td>
<td>$2,100,741</td>
</tr>
<tr>
<td>Santa Clara VTA</td>
<td>Hybrid Bus Purchase</td>
<td>Transit capital funds requested to purchase hybrid transit buses to replace aging models. This procurement will prevent service delays and run cancellations, reduce gas consumption and greenhouse gas effects.</td>
<td>$3,500,000</td>
<td>$875,000</td>
<td>97.8</td>
<td>N/A</td>
<td>$1,400,494</td>
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Revised June 4, 2009
## Contractor Firm

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<tr>
<td>Outreach &amp; Escort Inc.</td>
<td>CEO/President</td>
<td>Dr. Kathryn B. Heatley</td>
<td>926 Rock Avenue Suite 10</td>
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<tr>
<td>Outreach &amp; Escort Inc.</td>
<td>Manager</td>
<td>Paul Tatsuta</td>
<td>San Jose, CA 95131</td>
</tr>
<tr>
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BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

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

SUBJECT: Mission Warren Truck Rail Program – Adoption of Resolution to Hear Resolutions of Necessity

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

ACTION ITEM

RECOMMENDATION:

Adopt a resolution electing to hear resolutions of necessity for the Mission Warren Truck Rail Program, as required by State law.

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. Although VTA plans to use the property for the Silicon Valley Rapid Transit (SVRT) Program, VTA has defined certain activities, identified as Freight Railroad Relocation (FRR) activities, that exclude actions for the SVRT Program and BART extension improvements but would fulfill VTA obligations under the Purchase and Sale Agreement with UPRR. In June 2008, the VTA Board of Directors authorized the design and construction of FRR activities. The FRR activities are compatible with the eventual use of the property as a transportation corridor.

VTA entered into cooperative agreements in February 2006 with the Alameda County Transportation Authority (ACTA) for preliminary engineering, and in January 2007 with ACTA and the City of Fremont (Fremont) for final design of the combined improvements at Mission Boulevard, Warren Avenue, and other FRR activities. These projects are collectively known as the Mission Warren Truck Rail (MWT) Program. VTA has completed 95% design on the combined MWT Program improvements and will complete bid-ready construction documents in September 2009. The FRR activities were environmentally cleared by VTA in a Mitigated Negative Declaration. The FRR activities and cost estimate were presented to the VTA Board in June 2008.
DISCUSSION:

The MWT Program must obtain rights from 15 separate property owners including the State of California, VTA, Fremont, UPRR, and various commercial and industrial properties. In December 2008, the VTA Board of Directors authorized the General Manager to execute a Right-of-Way Acquisition Agreement with ACTA and Fremont for acquisition of the right-of-way required for the MWT Program. The authorization was for $1,530,000, of which VTA’s share was not to exceed $400,000.

At the June 2009 board meeting, it was recommended the Board act on two items. Requiring the vote of only a simple majority, the Board authorized the General Manager to execute an amendment to a combined Right-of-Way Acquisition and Utility Agreement. The second item, adoption of a resolution electing to hear resolutions of necessity for the MWT Program, required a four-fifths vote of the Board. As there were not four-fifths of the Board present at the meeting, the item was deferred to the current meeting for consideration.

Streets and Highways Code Section 760 requires adoption of a resolution by a four-fifths vote of the Board electing to hear resolutions of necessity for the acquisition of property for a State highway project. The right-of-way certification agency for the MWT Program, Caltrans, requires adoption of a Section 760 resolution in the form attached as a pre-requisite for property acquisition by VTA for the MWT Program.

ALTERNATIVES:

The failure to adopt the Section 760 resolution would jeopardize the ability of VTA to obtain right-of-way certification for the Program required to secure grant funding.

FISCAL IMPACT:

There is no fiscal impact associated with the adoption of this resolution.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Transit Planning & Operations Committee, sitting as the Committee of the Whole, received a brief presentation on the Mission Warren Truck Rail Program right-of-way and utility relocation activities. The Committee of the Whole asked staff to clarify the right-of-way appraisal valuations. Staff provided clarification on the damages associated with acquisitions. The Committee of the Whole held no further discussion.

The Committee unanimously recommended approval of the item, and that it be placed on the Regular Agenda for the June 4, 2009 Board of Directors meeting as the adoption of the Section 760 resolution requires a four-fifths vote of the Board.

Prepared by: Mark S. Robinson, E&C Chief
Memo No. 2043
WHEREAS, the Santa Clara Valley Transportation Authority (VTA) is undertaking the Mission Boulevard (Route 262)/Warren Avenue/Truck Rail Transfer Facility Program (“Program”); and

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

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

NOW, THEREFORE, IT IS FOUND, DETERMINED AND ORDERED that the Santa Clara Valley Transportation Authority will hear the Resolutions of Necessity associated with the construction of the Program.

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

AYES: DIRECTORS

NOES: DIRECTORS

ABSENT: DIRECTORS

______________________________
DOLLY SANDOVAL, Chairperson
Board of Directors

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

Dated: ________________

______________________________
DEBORAH HARRINGTON, Secretary
Board of Directors

APPROVED AS TO FORM:

______________________________
Kevin D. Allmand
General Counsel
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Administrative Officer, Bill Lopez

SUBJECT: Approval of the Labor Agreements between Santa Clara Valley Transportation Authority and Transportation Authority Engineers and Architects Association Local 21 (TAEA), American Federation of State County and Municipal Employees, Local 101 (AFSCME) and Service Employees International Union, Local 521 (SEIU).

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

ACTION ITEM

RECOMMENDATION:

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

BACKGROUND:

Contract negotiations with TAEA, AFSCME and SEIU have concluded and tentative agreements between the parties were reached. TAEA membership’s ratification of the agreement took place on June 3, 2009; AFSCME membership ratified its agreement on June 12, 2009; and SEIU membership ratification occurred on June 15, 2009.

DISCUSSION:

The following is a summary of significant negotiated changes:

- The term of these agreements shall be two years - July 1, 2009 through June 30, 2011;
• The salary rates for represented employees shall remain at their present step and there shall be no general wage increase for the duration of term of these agreements;

• Implementation of a mandatory unpaid furlough program:
  o SEIU represented employees whose annual base salary rate is less than or equal to $46,000, shall not be required to participate in the program;
  o SEIU represented employees whose annual base salary rate is more than $46,000 and less than or equal to $65,000 shall take 48 hours of unpaid furlough leave per fiscal year with at least 24 hours taken by the end of the sixth month of the fiscal year.
  o AFSCME represented employees whose annual base salary rate is less than or equal to $65,000 shall take 48 hours of unpaid furlough leave per fiscal year with at least 24 hours taken by the end of the sixth month of the fiscal year;
  o All TAEA represented employees, and those SEIU and AFSCME represented employees whose annual base salary rate is greater than $65,000, shall take 96 hours of unpaid furlough leave per fiscal year with at least 48 hours taken by the end of the sixth month of the fiscal year.

• SEIU and AFSCME represented employees shall not be considered for layoff during the period of July 1, 2009 through June 30, 2011, unless revenues decrease significantly beyond projections and the VTA Board of Directors passes a resolution of economic emergency;

• TAEA represented employees shall not be considered for layoff during the period of July 1, 2009 through June 30, 2011, unless revenues decrease significantly beyond projections and the General Manager determines that a staff reduction/layoff is necessary to achieve a balanced budget;

• SEIU and TAEA agreements provide for a joint review of the intended use contract services to ensure cost effectiveness and to protect against the loss of work that is typically and properly performed by represented classifications. The SEIU agreement provides for a joint review of the use of student interns to ensure they are properly used to advance their educational programs.

• AFSCME represented employees who begin VTA service after January 1, 2010, must complete 15 years of VTA service to be eligible for retiree medical benefits (increased the vesting term from the current eight years).

**ALTERNATIVES:**

Failure to approve the amended contracts will require represented employees to operate under the terms of the current agreements, which would result in lost savings. The Board may instruct staff to return to the negotiation table and continue negotiations.
**FISCAL IMPACT:**

Over the next two fiscal years (FY 2010 and FY 2011), these labor agreements are projected to generate a combined cost savings in the amount of $13,000,000. This figure is consistent with labor savings assumptions relative to the specific bargaining units in the approved FY 10 and FY 11 Transit Operating budget.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Committee of the Whole considered this item as part of its July 16, 2009 Regular Agenda and unanimously recommended that the Board approve this item and be placed on the Consent agenda for the August Board meeting.

The Committee Members extended their appreciation for the collaborative effort given by the bargaining teams from the Unions and VTA staff for working through the difficult economic issues and reaching agreement on new labor contracts.

Prepared by: David J. Terrazas
Memo No. 1819
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: 40-Foot Low-Floor Diesel Hybrid Bus Procurement

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract in the amount of $46,464,153 with the Gillig Corporation of Hayward, California for the purchase of 70 buses, with an option to purchase an additional 37 buses should funding become available, for a total of up to 107 forty-foot low-floor diesel hybrid buses and related equipment. The execution of the award will be subject to compliance with the FTA pre-award requirements and the satisfactory clearance of any protests. The initial 70-bus procurement will be funded with $42.4 million of Federal stimulus American Recovery and Reinvestment Act funds (ARRA) and $4.1 million of VTA Transit funds.

BACKGROUND:

The receipt of federal stimulus funds gives VTA an opportunity to purchase new, forty-foot low-floor diesel hybrid buses and related equipment that comply with the January 2010 new Environmental Protection Agency (EPA) emissions requirements. In January 2011, 15% of all new buses purchased must be zero-emission buses (ZEBs) as required by the California Air Resources Board (CARB). Currently there are few ZEBs available, their reliability is significantly lower than required to operate in a transit environment, and they are nearly four times as expensive.

With this bus purchase, VTA has identified two prominent requirements: (1) to purchase a bus optimized for accessibility; and (2) to buy the most environmentally friendly bus available. It is also important to purchase a bus with reliable mechanical components from a company that is financially strong, priced reasonably, and fully meets the "Buy America" and other federal purchase requirements. There are only a few suppliers that can meet these requirements.
On March 23, 2009, VTA issued a Request for Proposals (RFP) to purchase new buses that will replace older model high-floor buses purchased in 1997 and 1998. The older buses have reached the end of their useful life and present a myriad of maintenance issues; most notable are recurrent lift failures limiting access for our customers who are mobility impaired.

The buses will be powered by hybrid diesel-electric technology, similar to what is available in the most modern hybrid automobiles. This is a responsible, energy-saving alternative to regular diesel buses and is more reliable and cost-effective than zero-emission buses. The new buses will reduce Nitrogen Oxide (NOx) emissions 95% and will reduce Particulate Matter (PM) emissions 80% compared to the buses they will be replacing. Additionally, they will also have significantly lower Greenhouse Gas (GHG) emissions.

In addition to meeting all ADA accessibility requirements, VTA has specified new features that will enhance accessibility of the buses. For example, the grey stop-request pull cords will be replaced with high-visibility bright yellow pull cords and we will add a newer mobility securement system that is more user-friendly with an easier-to-apply three-point securement system. This system will make the process of securing devices more efficient and less intrusive to customers.

The Committee for Transit Accessibility (CTA) received a presentation on this procurement and their comments are reflected at the end of this document. CTA members were asked to provide input on the proposed securement system and were given the opportunity to test the prototype before their May 13th meeting. VTA also provided the CTA with a memorandum that included information about the major accessibility specifications contained within the RFP. (Attachment A)

**DISCUSSION:**

The contract award culminates an extensive procurement process that began with the development of technical specifications describing in detail all the mechanical and design features VTA requires. Once the technical specification was completed, documents were prepared specifying quantities of buses, a manufacturing and delivery schedule, and specific equipment or services (training, spare parts, security equipment) to be provided. VTA then advertised for proposals in trade journals such as APTA’s *Passenger Transport*.

The negotiated procurement process requires potential vendors to submit a proposal consisting of separate packages, including a technical proposal and a price proposal in separately sealed envelopes. The technical proposals received were reviewed and evaluated to determine if the proposals meet the requirements, while the price proposal remained sealed. VTA gave particular scrutiny to mobility device ramp capacity, rear door width, and bike rack space. Each of the manufacturers submitting proposals offered a two-position bike rack, their standard exit door width, and the highest-capacity ramp commercially available.

The technical proposal evaluation included the following criteria:

1. Technical Credibility based on:
- Technical Approach
- System Integration
- Quality Assurance
- System Support

2. Schedule Credibility based on:
   - Management Plans
   - Past Performance

An evaluation team of VTA staff, including personnel from Maintenance Engineering, Quality Assurance, Operations, Mechanics, Purchasing, and Finance conducted an analysis of the proposals. Price proposals were opened only after technical and schedule credibility was established. The final recommended award is based on completion of a full evaluation.

For this procurement, staff developed a plan that included a base bus purchase and an option to purchase additional buses as warranted by fund availability. The procurement was advertised on March 23, 2009, and 27 interested parties downloaded the RFP from VTA’s website, www.vta.org. A pre-bid meeting took place on April 9, 2009, and proposals were due on May 29, 2009. Subsequently, VTA received three proposals to the RFP from:

- Gillig of Hayward, California
- Orion Buses of Oriskany, New York
- New Flyer Industries Limited of St. Cloud, Minnesota

Based on the technical evaluations, VTA invited all three vendors to present their proposals in detail and respond to technical questions raised by the technical evaluation committee. The VTA selection team met with the vendors for clarifications and negotiation. The three vendors then submitted refined technical and best-and-final cost proposals. The best-and-final offers from each vendor were as follows:

- Gillig $70,353,112
- Orion $68,022,713
- New Flyer Industries $72,137,649
- Engineer’s Estimate $70,137,649

The VTA evaluation committee considered the best and final offers and recommends selection of Gillig Corporation, finding its proposal to be most advantageous to VTA based on the evaluation criteria, including price and responsiveness to technical requirements.

The two other vendors, Orion Buses of Oriskany, New York and New Flyer Industries Limited of St. Cloud, Minnesota, were not selected. New Flyer was rejected due to failure to meet the final published specifications and cost. Orion was rejected because of failure to meet the technical specifications calling for a bus length not to exceed 40 feet; and the bus offered by Orion exceeded 40 feet. VTA discussed this noncompliance element with Orion and, while they acknowledged their proposed bus exceeds the VTA specified length, Orion is unwilling to
provide buses meeting the length requirement in the specification.

Gillig Corporation has delivered more than 550 diesel-hybrid-drive buses. The hybrid system is state-of-the-art for environmentally friendly bus propulsion, while still being a proven technology. VTA checked with numerous agencies operating Gillig hybrid buses including Albany, NY; Wilmington, DE; Buffalo, NY; Yosemite, CA; Vancouver, Canada; and Santa Barbara, CA. All reported good performance from the hybrid system and overall satisfaction with Gillig. VTA has done business with Gillig since 1995 and has no reservations about continuing this relationship. VTA currently operates more than 300 diesel buses manufactured by Gillig.

ALTERNATIVES:

There is no reasonable alternative to this action short of losing stimulus funding and procuring buses to meet current CARB 2011 emissions requirements. During the July 23, 2009 Air Resources Board meeting, the Air Resource Board Members heard testimony on the 2011 zero-emission bus purchase rule. The board directed Air Resources Board staff to develop a recommendation to revise the rule, likely extending the deadline requiring agencies to purchase zero-emission buses. The earliest action is likely to be taken to revise the rule is late 2009.

FISCAL IMPACT:

This action will authorize $46,464,153 for the purchase of 70 forty-foot low-floor diesel hybrid buses and related equipment and the option to purchase up to 37 additional buses if funding becomes available. Appropriation for the initial 70 bus procurement is included in the FY10 VTA Transit Capital Budget and is funded by $42.4 million in American Recovery and Reinstatement Act of 2009 (ARRA) funds and $4.1 million in VTA Transit funds.

Option buses will not be purchased unless additional funding is obtained, and additional budget appropriation would be requested as necessary. The pricing for option buses expires September 30, 2009.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION:

The Federal Transit Administration (FTA) requires transit vehicle manufacturers, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that they have an overall annual DBE goal approved by FTA. Pursuant to Federal regulation, VTA does not set a DBE goal on this procurement.

Comments from Committee for Transit Accessibility
At the Committee for Transit Accessibility May 13, 2009 Meeting, the Committee commented that the current low-floor buses have a small entryway and that larger wheelchairs have difficulty boarding. Staff responded that the entryway is designated as 31 inches, which is standard; it conforms to the Americans with Disabilities Act (ADA). Larger openings at the entryway may not be feasible for a number of bus manufacturers due to their designs and is likely to take away passenger space, particularly in the area designated for wheelchairs. It is a delicate balance.
The Committee asked about the wheelchair securement system. Staff responded that the prototype available at the May 13th meeting is being considered. The securement system on the new buses will either be the securement system VTA currently has or the proposed 3-point Q'Straint Q’Pod system.

The Committee asked about the service life of the hybrid diesel-electric buses. Staff responded that the challenge is with the life of the battery and that technology is evolving day-to-day. VTA is hopeful that the service life of these vehicles will be 12 years. Mid-life battery replacement cost will need to be programmed in future years.

The Committee asked what type of batteries would be on the bus. Staff responded it is likely the battery will be lithium ion (Li-ion) or Nickel Metal Hydride (NiMH); it is likely the batteries will be on the roof of the vehicle and the fire suppression system will be located at the rear of the bus. Staff noted that fire hazard has not been an issue for those transit properties who currently operate diesel hybrid buses.

The Committee was in favor of the proposed Q'Straint Q’Pod system restraints demonstrated at the May 2009 meeting.

**Comments from the Committee of the Whole**

At the July 16th meeting of the Committee of the Whole, the Committee heard a brief presentation from staff and inquired about the use of Recovery Relief (ARRA) funds for the purchase of 107 buses and would the ARRA funds be sufficient to purchase 107 buses.

Staff cautioned that VTA is currently engaged in the competitive bid process and cannot go into great detail; however, the RFP has been structured with flexibility to allow for the purchase of these buses in quantity lots. The exact number of buses ultimately purchased depends on securing additional funding.

The Committee of the Whole recommended this item for placement on the Board of Directors' August 6, 2009 Regular Meeting Agenda.

Prepared by: Sandra Weymouth
Memo No. 2099
MEMORANDUM

Writer’s Direct Telephone: 408-321-7005

TO: Committee for Transit Accessibility

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

DATE: April 8, 2009

SUBJECT: Bus Procurement Request for Proposals

In response to Committee inquiries, we are providing the following information on our upcoming bus procurement. VTA is in the process of issuing a request for proposals (RFP) to purchase new low-floor, 40-foot transit buses to replace some of the older model high-floor buses that were purchased in 1997 and 1998. The useful life of the large, forty- and sixty-foot transit buses is 12 years. VTA purchases buses periodically so that all buses do not need to be replaced at one time and it has been 7 years since VTA purchased this type of bus.

A combination of federal stimulus money and local funding will be used to purchase between 50 and 105 buses. The exact quantity will depend on the final amounts of federal money that we are able to obtain. Buses will be required to be kneeling, low-floor buses that have a proven in-service track record.

In addition, the buses must be received by December of 2010 or, by state law, we will be required to purchase up to 15% of the buses as zero-emission buses, which are significantly more expensive, have a shorter range, and are not as reliable. Because all California transit agencies face this deadline, we want to ensure enough manufacturing time to meet the deadline, and therefore need to complete the Request for Proposal process as soon as possible.

Because this is a competitive purchase, the exact manufacturer/supplier will not be known until many factors are considered, including bus features, price, economic strength of the manufacturer and ability to meet “Buy America” requirements (required for buses purchased with federal funding).

These buses will be powered by diesel-electric hybrid technology, similar to what is available in the most modern hybrid automobiles. This decision is being made as a responsible, energy-saving alternative to the regular diesel buses, and as a more reliable and cost-effective choice than zero-emission buses.

In addition to the latest ADA requirements, VTA also has specified new features that we believe will be enhancements to the accessibility of our buses. For example, the grey pull cords will be
replaced with bright yellow cords, and we will add a newer mobility device securement system that eliminates aisleway tripping hazards with a secure three-point securement approach. This new system may make the process of securing devices more efficient and less intrusive. (More information is given below).

The following highlights the major accessibility requirements that all manufacturers will have to comply with if they wish to submit a proposal to VTA. Again, we are requiring all of these specifications for accessibility and will evaluate offers favorably that meet or exceed these requirements and meet cost-effectiveness objectives for purchase price, maintenance, and reliability.

**Compliance with ADA**
The Contractor shall comply with all applicable Federal, State, and Local regulations. The design and construction of the bus shall be in accordance with all requirements defined in 49 CFR, Part 38, Subpart B: ADA Accessibility Specifications for Transportation Vehicles - Buses, Vans and Systems, the latest approved Americans with Disabilities Act Accessibility Guidelines (ADAAG) Board guidelines and California Title 13 standards. Note, however, that the FTA may not make the latest ADAAG guidelines mandatory by the time our buses are built and ADAAG may not release the final guidelines until it is too late to incorporate them into the bus design. However, this is what we are specifying and will keep the Committee advised.

**Entrance**
The edge of the vestibule floor shall conform to ADA requirements. The tread shall have a bright, contrasting yellow band between 2 and 5 inches wide on the full width of the edge. The wheelchair-accessible doorway shall have a clear width no less than 31 inches, including door-mounted passenger assists, with the doors fully open. Height of the floor above the street shall be no more than 15 inches. The interior bus floor shall not have any steps other than at the riser above the drive axle. The floor may be inclined only along the length of the bus and the incline shall be less than 1-1/2 degrees. A kneeling system shall be capable of lowering the bus a minimum of 3 inches during loading or unloading operations. Space and body structural provisions shall be provided at the front door of the bus to accommodate a wheelchair ramp that meets these requirements.

**Lighting**
Lighting at the passenger doors shall comply with ADA requirements and shall activate only when the doors are open and shall illuminate the street surface 3 feet outward from the lowest step tread edge. Whenever the ramp is deployed, the bus four-way flashers shall activate. Lights, in compliance with ADA requirements, shall be provided at the front doorway to floodlight the loading area. Ramp lighting on new buses will be improved in accordance with a new 2006 update of FTA regulations.

**Stop Request**
A passenger “Stop Requested” signal system that complies with applicable ADA requirements defined in 49 CFR, Part 38.37 shall be provided. The system shall consist of pull cords, chimes, and two interior signs, one operated in conjunction with the interior destination display sign, the other a lighted message.
Bright yellow-colored pull cords shall be located the full length of the bus on the sidewalls, towards the ceiling. They shall be easily accessible to all passengers, seated or standing. A vertical pull cord shall be provided at each window mullion and adjacent to each wheelchair parking position and handicap seating positions. A labeled, low-profile push-button exit signal, no less than 5 inches long and 2 inches wide mounted horizontally when the wheelchair seat is in the folded up position, shall be located on the midpoint of the underside of each flip-up seat for use by wheelchair passengers.

A single “Stop Requested” chime shall sound when the system is first activated. A double chime shall sound when the system is first activated from wheelchair passenger areas.

**Announcement System**
A public address system shall be provided that complies with the ADA requirements of 49 CFR, Part 38.35 and enables the operator to address passengers either inside or outside the bus.

A sufficient number of interior speakers shall broadcast, in a clear tone, announcements that are clearly perceived from all seat positions at approximately the same volume level. A speaker shall be provided outside the bus so that announcements can be clearly heard by passengers standing near the front door. The PA system must be arranged so that it cannot override the automatic announcement system. The bus will be equipped with the same automatic passenger stop announcement system that is currently on all VTA buses.

**Wheelchair Area**
Two forward-facing mobility aid securement positions, as close to the wheelchair loading system as practical, shall provide parking space and secure restraints for a passenger in a wheelchair or other commercially available mobility device that fits the definition of a “common wheelchair” per ADA requirements.

Wheelchair restraints shall meet all ADA requirements in effect at the time of bus manufacture. If in production and available, the restraint system shall be the Q’Straint Q’Pod, with integral modesty panel, restraints, an elevated retraction control handle, and passenger lap/shoulder seatbelt system. A video demonstrating the Q’Straint Q’Pod system can be viewed at:

[http://www.youtube.com/watch?v=ZIKGG9d7tPY](http://www.youtube.com/watch?v=ZIKGG9d7tPY)

The Q’Pod system differs from our present securement system in that it only requires a 3-point securement method due to an “anti-tip bumper” located under the bus seat; and it does not have any securement components in the bus aisleway that can cause a tripping hazard or impair maneuverability of mobility devices. The system is designed to be easier for Operators to use and to improve efficiency. For wheelchair passengers, the system provides faster, less-invasive, securement.

VTA is working to arrange an on-site demonstration for interested Committee members to evaluate the system. Using it in this procurement will be decided after a thorough evaluation and determination of availability.
The full ADA wheelchair space, in accord with latest-approved ADAAG Board guidelines, shall be available with the restraints in use.

**Maneuverability**
Maneuvering room inside the bus shall accommodate easy travel for a passenger in a wheelchair from the loading device through the bus to the designated parking area, and back out. No portion of the wheelchair or its occupant shall protrude into the normal aisle of the bus when parked in the designated parking space. As a guide, no width dimension in the wheelchair parking areas inside the bus should be less than 34 inches.

Areas requiring 90-degree turns of wheelchairs should have a clearance dimension no less than 45 inches, and in the parking area where 180-degree turns are expected, space should be clear in a full 60-inch diameter circle. A vertical clearance of 12 inches above the floor surface should be provided on the outside of turning areas for wheelchair footrest.

The selected manufacturer shall provide a plan, including layout drawings for entry maneuvering, parking, and exiting of wheelchair passengers, prior to starting production of the first bus.

**Ramp System**
A ramp system shall provide ingress and egress quickly, safely, comfortably, and in an outward direction for a passenger in a wheelchair from the street level or curb. The ramp shall be “fold-out” style.

The wheelchair loading platform area and aisle shall be no less than 30 inches wide and capable of accommodating a total load of 800 pounds. Please note that no buses currently meet this weight standard. We are specifying this weight, but will update CTA on availability.

Preference will be given for wider ramps. The device shall be prevented from folding when a passenger is on the ramp. A passenger on the ramp shall be able to easily obtain support during the entire loading or unloading operation by grasping the passenger assist located on the doors or other assists provided for this purpose.

The ramp shall extend no less than 18 inches outward of the bus with the transition from the sidewalk to the loading device not exceeding 1/2 inch. The angle of the ramp when deployed to ground level with bus kneeled shall not exceed 9.5 degrees (1:6 height-to-length ratio) – an improvement on the current 14-degree angle 1:4 height-to-length ratio. The ramp shall be designed to protect the device from damage and persons on the sidewalk from injury during deploying. The ramp and passageway shall be covered with a replaceable or renewable, nonskid material and shall be fitted with devices to prevent the wheelchair from rolling off the sides during loading or unloading.

When deployed, the transition from the ramp to the floor shall be smooth. Deployment or storage of the ramp shall require no more than 5 seconds. The device shall function without failure or adjustment for 1500 cycles or 90,000 miles in all weather conditions. A manual override system shall permit unloading a wheelchair and storing the ramp in the event of a primary power failure. The ramp shall meet VTA approval prior to production of the first bus.
Protruding parts on edges of the ramp mechanism shall be avoided. Any ramp or bus parts which could be involved in an impact with the wheelchair passenger shall be padded or with radius. With the ramp in the stowed position, there shall not be any gaps or openings where dirt or debris may collect or where entering or exiting passengers may be injured.

As mentioned, we have included several enhancements to our specifications to improve accessibility. We will keep the CTA advised of changes as the procurement process progresses. Thank you for your valuable ongoing advice on ways to improve accessibility for all of our customers.
<table>
<thead>
<tr>
<th>Contractor Firm</th>
<th>Contractor Role</th>
<th>Name</th>
<th>Location</th>
</tr>
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<tbody>
<tr>
<td>Gillig</td>
<td>President</td>
<td>Dennis L. Howard</td>
<td>P.O. Box 3008 Hayward, California 94540-3008</td>
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<tr>
<td>Gillig</td>
<td>Senior Vice President</td>
<td>Brian MacLeod</td>
<td>P.O. Box 3008 Hayward, California 94540-3008</td>
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<tr>
<td>Gillig</td>
<td>National Sales Manager</td>
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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: Fare Increase Proposal Effective Date Change

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

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a resolution amending Resolution 2009.06.15, Establishing Rates and Fares, to change the effective date to October 1, 2009.

BACKGROUND:

On June 4, 2009 the Santa Clara Valley Transportation Authority Board of Directors adopted a resolution establishing new rates and fares for VTA bus, light rail, and paratransit services effective January 1, 2010. Unfortunately the current fiscal challenge facing VTA has increased even further than was previously forecasted. VTA’s third quarter FY09 sales tax receipts were down 20.9% from third quarter FY08 versus projections of an 8% decrease, for an additional loss in revenues of $5.8 million. Preliminary State Board of Equalization estimates are for fourth quarter receipts to be down as much as 15% from fourth quarter FY08, versus projections of a 5% decrease.

DISCUSSION:

In response to the continuing decrease in sales tax revenues, VTA is now preparing proposed service reductions for January 2010 and it is recommended that the implementation of the fare increase be accelerated to October 2009. Moving the fare increase up to October will generate an additional $1.0 million in FY 2010 which will help offset the additional loss of sales tax and reduce the amount of savings required from service reductions.

Approval of an effective date for fare changes needs to occur at least two months prior to
implementation in order to allow for printing, processing, and timely distribution of VTA monthly passes to third-party consignees who sell these passes to the public. An October 1, 2009 implementation date needs to be approved by the Board no later than early August in order to achieve these milestones.

**ALTERNATIVES:**

The Board could take no action which would leave the effective date for the fare changes as January 1, 2010.

**COMMITTEE OF THE WHOLE DISCUSSION/RECOMMENDATION:**

Member Kalra queried whether the prepaid fare media including monthly passes would be ready for distribution and sale for an October 1, 2009 implementation. Staff indicated that this would be accomplished.

Member Liccardo inquired about public outreach to inform the public about the accelerated fare increase implementation. Staff indicated that an outreach campaign would be implemented after the August Board meeting to include media releases, announcements on the VTA web site, and distribution of flyers on VTA buses and sales outlets.

Alternate member Moylan reminded the Board that the Policy Advisory Committee had recommended that the fare increase be implemented as soon as possible.

The committee unanimously recommended that the Board of Directors approve the staff recommendation to advance the effective date of the fare change.

**FISCAL IMPACT:**

Acceleration of the fare increase to October 2009 will provide an additional $1.0 million in revenues for FY 2010.

Prepared by: David Sausjord, Revenue Services Manager
Memo No. 2157
Resolution No.  2009.06.15-A

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY AMENDING RESOLUTION NO. 2009.06.15 ESTABLISHING RATES AND FARES

WHEREAS, on June 4, 2009, the Board of Directors adopted a finding that a fare increase is necessary to meet operating expenses, including employee wages and fringe benefits and purchasing or leasing supplies, equipment, or materials; and

WHEREAS, on June 4, 2009, the Board of Directors also invoked a statutory exemption under CEQA, PRC §21080(b)(8) and CEQA Guidelines, 14 CCR Section 15273(a) (Rates, Tolls, Fares and Charges) for the purpose of modifying and increasing fares; and

WHEREAS, on June 4, 2009, the Board of Directors adopted Resolution 2009.06.15 establishing new rates and fares for VTA bus, light rail, and paratransit services effective January 1, 2010; and

WHEREAS, the fiscal situation facing VTA continues to deteriorate, with VTA’s third quarter FY09 sales tax receipts down 21% from third quarter FY08 versus forecasts for a decline of 8%, an additional loss of $5.8 million in revenues;

WHEREAS, in order to offset the additional loss of sales tax revenues the Board of Directors now desires to advance the effective date of the fare increase to meet operating expenses, including employee wages and fringe benefits and purchasing or leasing supplies, equipment, or materials;

NOW, THEREFORE BE IT RESOLVED, by the Board of Directors of the Santa Clara Valley Transportation Authority, that Resolution 2009.06.15 is hereby amended to change the effective date of the adopted bus, light rail and paratransit rates and fares, to October 1, 2009.

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

AYES: Directors:

NOES: Directors:

ABSENT: Directors:
Dolly Sandoval, Chairperson
Santa Clara Valley Transportation Authority

APPROVED AS TO FORM:

___________________________________
Kevin D. Allmand, General Counsel
Santa Clara Valley Transportation Authority

ATTEST:

___________________________________
Deborah Harrington, Board Secretary
Santa Clara Valley Transportation Authority
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: N/A

FROM: General Manager, Michael T. Burns

SUBJECT: VTA Response to 2008-09 Santa Clara County Civil Grand Jury Report

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

ACTION ITEM

RECOMMENDATION:

Approve VTA’s response to the 2008-09 Santa Clara County Civil Grand Jury Report.

BACKGROUND:

In 2007, VTA engaged a nationally recognized consulting group to conduct a comprehensive Organization and Financial Assessment. This assessment included a series of recommendations designed to strengthen VTA’s governance, financial management, and organizational effectiveness. Over the past 18 months, VTA has implemented the vast majority of these recommendations and the organization has benefited greatly from the changes. In fact, a recent audit for the California Bureau of State Audits explicitly recognized that progress had been made on many of the areas covered in the Organizational and Financial Assessment. This report complimented VTA on the progress that had been made and presented some additional recommendations that built upon the changes that had already been made.

Around the time of the 2008 general election, the Civil Grand Jury initiated a review of VTA, interviewing staff, Board members, Advisory Committee members and others. A complete listing of interviews and materials reviewed was not included in the report, which is a break from the practice of past Grand Juries. At the time of this review, the Grand Jury was provided and/or had access to relevant board and committee reports, including updates on the implementation of the Organization Assessment recommendations, progress reports submitted to the Bureau of State Audits, and monthly updates on VTA’s Advisory Committee Enhancement Process.

DISCUSSION:
Unlike the professional, objective, and constructive work of the consultant group and the California Bureau of State Audits, the grand jury’s report is replete with errors, omissions, and numerous erroneous and misleading statements. Throughout the report, including the title, this Grand Jury uses inflammatory language that is unsupported by factual information. The report lacks balance, and appears to rely on the type of anti-BART, anti-public transit rhetoric that was circulated by a group that opposed three VTA measures that were on the ballot in the 2008 General Election. After months of intense media coverage and public discussion, the voters soundly rejected these views, supporting all three VTA measures in the November election.

It is important to note that the Grand Jury report finds no wrongdoing or malfeasance on the part of the VTA Board or staff, nevertheless, it is acerbic in tone, and makes recommendations based on incomplete facts and misinformation. Most telling is the fact that the report fails to describe any of the actions that VTA has taken to address the areas of improvement identified by the consultants or the State Audit. In particular, the comprehensive Advisory Committee Enhancement (ACE) Process, which has been under way for almost a year now, is mentioned in only one sentence and disregarded in any findings or recommendations.

It appears that the grand jury was biased in its work, and did not seek and/or accept factual information in response to opinions and statements made by anti-VTA zealots. For example, the 2000 Measure A Citizens Watchdog Committee is singled out as somehow lacking independence and being nothing more than a rubber stamp. Had the Grand Jury attended a meeting, or reviewed the minutes of their meetings, it would have seen ample evidence to the contrary. Not only is this irresponsible to the public, it is also unfair to the many honest, hardworking members of the committee who dedicate their time and contribute regularly to the committee’s work.

The attached response addressed to the presiding judge of the Santa Clara County Superior Court lists VTA’s response to each of the Grand Jury findings and recommendations. Also, attached to the response, is a nine page list of the factual inaccuracies and omissions in the report.

**ALTERNATIVES:**

The Board could revise or change the responses to the findings contained in the report. VTA must submit a response to the presiding judge no later than September 1, 2009.

**FISCAL IMPACT:**

There is no fiscal impact or obligation as a result of this response.

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

The 2000 Measure A Citizens Watchdog Committee (CWC) reviewed the Grand Jury report and VTA’s proposed response to the report at both the June and July meetings. The CWC provided feedback to staff and indicated that they were in general agreement with VTA’s response, however, as an independent body that reports to county residents, the CWC opted to provide its own response to the report.

Prepared by: Michael T. Burns, General Manager
Memo No. 2159
August 7, 2009

Honorable Jamie Jacobs-May  
Presiding Judge  
Santa Clara County Superior Court  
191 North First Street  
San Jose, CA 95113  

Re: Santa Clara Valley Transportation Authority

Dear Judge Jacobs-May:

Per California Penal Code 933 (c), the Santa Clara Valley Transportation Authority (VTA) Board of Directors adopted the following response to the 2008-09 Santa Clara County’s Civil Grand Jury (CGJ) Report. In addition, the report has many factual inaccuracies, misleading statements and exaggerations that are documented in Attachment A.

Finding 1a
The term “watchdog” is a misnomer. The structure and composition of the CWC called for in 2000 Measure A, as well as how the CWC responsibilities are interpreted by VTA staff and the Board, prevents the CWC from performing its duties effectively.

Response
VTA disagrees with the finding. The structure and composition of the CWC is in strict conformance to requirements approved by the voters in the Ballot Measure known as 2000 Measure A. It also conforms to the 1996 Measure B Watchdog Committee, which performed its duties effectively for the citizens of Santa Clara County. It was because of this success that voters elected to have the same structure and composition for the 2000 Measure A CWC. To date, the current CWC is performing its duties effectively and in full conformance with the requirements establishing it.

Finding 1b
Although arguably the CWC may have technically complied with the minimum functions specified in Measure A, the CWC is failing the public by not providing reliable information to make intelligent decisions regarding transit in the county.

Response
VTA disagrees with the finding. As stated above, the structure and composition of the CWC is identical to the 1996 Measure B Watchdog Committee, which performed its duties effectively for the citizens of Santa Clara County. Following this successful model, the current CWC has and continues to provide appropriate information to the public and the VTA Board of Directors (Board). The information is published in
newspapers throughout the community and is easily available on VTA’s website. The statement in the finding that the information provided is not “reliable” is disingenuous at best.

Recommendation 1a
The CWC should reevaluate its scope and expand its functions beyond the minimum standards stated in 2000 Measure A and operate as a true “watchdog” committee.

Response
The CWC provides the public with a valuable service by ensuring that Measure A revenues are spent consistently with what the voters approved in 2000. The CWC provides this oversight for the public through its reviews and independent audits. Expanding the authority of the watchdog committee would require VTA to return to the voters with a list of new responsibilities, the composition, value and utility of which are speculative at best. This statement by the CGJ is a foundationless accusation.

Recommendation 1b
The Board should provide the CWC with independent advisors, including legal counsel, to assist them in this effort.

Response
Per Measure A, the CWC is empowered to and does spend money on an independent compliance auditor. It is unclear why the CWC might need legal counsel or other independent advisors to fulfill their responsibilities. If legal counsel were ever required, VTA’s Board would provide it in the most effective manner available.

Finding 2
The CWC is not independent. CWC members are appointed or have their appointment approved by the VTA Board, the very people they are charged with overseeing. In other transportation agencies in California, citizen oversight bodies are appointed and/or approved by independent third parties (See Appendix A).

Response
VTA disagrees with the finding. While the Board of Directors does ratify CWC appointments, the appointments come from a variety of specified organizations. The model used was the successful Measure B Citizens Watchdog Committee. The Board has never rejected a proposed CWC appointment.

Recommendation 2a
The Grand Jury recognizes that the assignment of members of the CAC as the CWC is part of existing law and cannot be changed without a new ballot measure. However, the Board is at liberty to change the CAC bylaws and hence change who approves membership in this combined committee. The Grand Jury recommends that the Board change the bylaws so that the selection process is conducted by, and selections approved by an independent third party.
Response
VTA disagrees with the finding. Since there is no evidence that the CWC has failed or is likely to fail in its responsibilities, VTA will not change this successful oversight model.

Recommendation 2b
Former elected officials should not be allowed to sit on the Citizens Advisory Committee to eliminate the possibility of bias from prior responsibilities.

Response
VTA disagrees with this finding. It is arbitrary and unclear why allowing former elected officials to serve on the Citizens Advisory Committee (CAC) is detrimental to the committee. Neither the independent organizational assessment conducted by the Hay Group in 2007 nor the California Statue Bureau of Audits analysis in 2008 identified this as a concern. In fact, VTA advisory committees function best when members have a long history of public service, are active in their community and are interested in transportation. Barring former elected officials from serving on the CAC would be pointless.

Recommendation 2c
The CWC should have its own staff, independent of VTA staff, to set meeting agendas, coordinate project investigations, write reports and do other tasks assigned to the CWC.

Response
VTA disagrees with the finding. VTA staff supports all VTA committees, the Board of Directors and most importantly, the citizens of Santa Clara County. The general manager serves at the will of the Board. Therefore, the general manager and the staff support the efforts of the Board and the committees. Through the Board’s leadership and the work carried out by staff, VTA is able provide transportation services to the citizens of Santa Clara County.

Hiring separate staffs for each committee would result in a fractured collection of staff members reporting to various committees. It would create countless inefficiencies and duplicate work efforts. Ultimately, it would not serve the interests of the citizens of Santa Clara County nor result in good government.

Finding 3
The CWC is not in control of its own agenda. CWC bylaws do not explicitly allow members to participate in setting the agenda for their own meeting. Other VTA committees such as the Policy Advisory Committee have this explicit right. The CWC chairperson reviews the staff-proposed agenda in advance and can suggest changes. Other members only view the agenda when formally published.

Response
VTA disagrees with the finding. At each meeting, the CWC agenda includes a standing item to review the committee’s work plan. The work plan lists the items that the
committee will consider over the next several months. Members can and do make
suggestions or add items to the work plan for consideration.

**Recommendation 3**
The bylaws should be amended to allow the CWC to prepare and set their own agenda
without involvement of VTA staff. If VTA staff wishes to place an agenda item, they
should consult with CWC Chairperson, not the other way around.

**Response**
VTA disagrees with the finding. The CWC serves the citizens of Santa Clara County
through 2000 Measure A. The role mandated by the citizens is to ensure that the
revenues collected through Measure A are spent appropriately on Measure A projects.
VTA staff provides the CWC with the necessary information and resources to ensure that
the committee fulfills their mission. If the CWC requires additional information or
resources, VTA provides these needs as well. It is essential that the CWC remain
focused entirely on the assignment mandated through Measure A.

**Finding 4a**
While meeting the minimum requirement, CWC reports to the public have not been
comprehensive, timely or complete. The CWC has published only two three-page status
reports since its inception in July 2006. The financial audit for FY 2007 (June 2007) was
carried out by an independent auditor retained by VTA staff, not an independent auditor
retained by the CWC. In FY 2008, audits of 2000 Measure A expenditures will be
conducted by BOTH an independent auditor retained by VTA and an independent auditor
retained by the CWC.

The CWC has failed to take the opportunity to file more frequent reports on Measure A
2000 expenditures, such as monthly or quarterly reports.

**Response**
VTA disagrees with the finding. The reports produced by the CWC have provided the
necessary independent oversight to ensure the public that Measure A is being spent
appropriately. The compliance auditor hired for the FY 2008 audit was hired by the
CWC for this purpose. Again, these reports are similar to the efforts of the 1996 Measure
B watchdog committee which served the public well.

**Finding 4b**
The CWC has failed to inform the public that the 2000 Measure A sales tax revenue is not
sufficient to complete all of the Measure A programs, and federal and state funding has
not been identified to fill the gap. This has been clear to VTA management for some time.

**Response**
VTA disagrees with the finding. This is not a responsibility of the CWC. They are
mandated to oversee the expenditure of 2000 Measure A funds meet the intent of the
voters.
In response to the baseless accusation in the finding, VTA has made it clear for many years that the 2000 Measure A sales tax revenue will not be sufficient to complete all the projects contained in Measure A. In fact, VTA’s Measure A Revenue & Expenditure (R&E) Plan, which was approved in 2006, stated that VTA would need the equivalent of ¼ cent sales tax to meet the shortfall. Measure A revenues have been the subject of many board workshops and discussions in the media. At the April 25, 2008 Board workshop (a public meeting), the financial consulting firm of AECOM updated the Board on the financial projections for Measure A. Their findings stated that the sales tax projections for Measure A were $4.9 billion less than previously expected.

Recommendation 4a
CWC should independently decide on report frequency and content without VTA staff involvement or supervision.

Response
VTA disagrees with this finding. The CWC already has this authority.

Recommendation 4b
No recommendation

Response
No response.

Finding 5
The VTA staff has forced its own perspective on the CWC regarding committee roles and responsibilities. VTA staff dictates have stifled independent thinking on the part of CWC members.

Response
VTA disagrees with the finding. The role of the CWC is defined by Measure A, not by staff. The CWC is comprised of community leaders who bring a history of community activism and service to the table. To suggest that members do not think independently demonstrates at best a fundamental lack of comprehension by the CGJ or at worst an intentional misrepresentation intended to discredit the organization.

Recommendation 5
The Board should direct VTA staff to revise its training materials and memoranda to include best practices of other transit agency watchdog committees and encourage the CWC to establish its own priorities and responsibilities.

VTA disagrees with the finding. Once again, the role of the CWC is defined by Measure A – not by VTA staff or the members of the CWC. Regarding revising training materials and memorandum, VTA is always pleased to review best practices of other agencies to improve our processes. With reference to Appendix A of the report, we believe CGJ’s own work indicates that VTA’s CWC compares favorably when compared to others.
Finding 6
Board work plans and meeting agendas are developed primarily by VTA staff.

Response
VTA agrees with the finding. VTA staff primarily develops the work plan and agendas. That is the purpose of staff. The staff meets regularly with the chair and vice-chair of the Board to discuss agendas and upcoming policy issues.

Recommendation 6
The VTA Board should prepare its own agenda and work plans. The Chairperson of the Board should consult with Board members, standing and advisory committees and VTA staff to formulate the agenda.

Response
VTA disagrees with the finding. The finding represents a fundamental lack of comprehension of how boards and committees function. As is the case in both the public and private sector, the role of the board of directors is to provide policy direction to the executive management and to make final decisions on these policies. The Board hires a general manager to implement the vision set forth by the Board. The general manager hires professional staff, who provide the board with the technical expertise necessary to carryout the vision. As stated previously, the staff meets regularly with the chair and vice-chair of the Board to discuss agendas and upcoming policy issues.

Finding 7
With the exception of members from San Jose and the County, Board members have inadequate staff support to fully participate in Board activities. The volume of information supplied to Board members can serve to obscure key issue that deserve focus.

Response
VTA disagrees with the finding. While the City of San Jose and the County of Santa Clara do have full-time staff support, the smaller cities all have transportation and/or public works departments who are also full time, professional staff. In addition, board members contact VTA staff on a regular basis for assistance.

The agenda packets are compiled to provide members with the information they need to make decisions, not to obscure key issues. In fact, each agenda item is presented in an orderly fashion and includes: (a) a recommendation from staff; (b) background on the item; (c) discussion on the item; (d) the fiscal impact; and (c) comments provided by the standing committees, and advisory committees, if appropriate; and (d) any relevant attachments.

Recommendation 7
The VTA Board should have its own staff, independent of VTA staff, to set meeting agendas, do project investigations, write reports, publish minutes and do other tasks required by the Board.
Response
VTA disagrees with the finding. The VTA Board has its own staff. Again, the CGJ displays a remarkable lack of understanding of the basic organizational structure of both government and private industry.

As stated earlier, VTA staff supports the Board of Directors and most importantly, the citizens of Santa Clara County. The general manager serves at the pleasure of the Board. Through the Board’s leadership and the work carried out by staff, VTA is able provide transportation services to the citizens of Santa Clara County.

Finding 8
Both the Hay Report and the State Auditor Report recommended that the VTA Board make every effort to insure that new board members have transportation experience by appointing new members with previous transportation experience and reappointing members for multiple terms. Nevertheless the Mayor of San Jose recently appointed two new board members to represent San Jose who have no previous transportation experience.

Response
VTA disagrees with the finding. The mayor of San Jose appointed the members who are experienced in community issues (including transportation), land use and planning. Since a major portion of VTA’s work is planning and congestion management, these skills are excellent preparation for Board service.

Recommendation 8
New VTA Board members must have transit knowledge. The VTA Board should require at least one full year on the PAC or another VTA advisory committee prior to being appointed to the Board.

Response
VTA disagrees with the finding. VTA agrees that having experience in transportation is beneficial to Board members prior to joining the Board. So too is having experience in land use planning, public policy, finance, law and construction. VTA’s responsibilities are far broader and its need for meaningful policy guidance is not constrained to public transit.

Finding 9
VTA failed to provide an updated Measure A Revenue and Expenditure Plan per their published schedule. As a result, voters were deprived of critical information necessary to make an informed decision regarding 2008 Measure B, an additional 1/8-cent sales tax to fund operating costs for a BART extension to San Jose/Santa Clara. The VTA had sufficient time and information to complete this update and made a deliberate decision not to publish it prior to the election. As a result, voters were never told that full funding for the BART extension would jeopardize the completion of other Measure A projects.
Response
VTA disagrees with the finding. VTA elected not to update the Measure A Revenue and Expenditure (R&E) Plan due to the dramatic downturn in the economy and its impact on sales tax receipts. It makes no sense to spend significant resources on developing an expenditure plan while we are in the worst economic times in modern history. VTA has instead adopted a fiscally sound two year budget based on a pay as you go approach to manage our way through this debilitating recession.

Concerning the accusation of the public being unaware that VTA needs additional revenue to complete the Measure A program, as referenced above, VTA has been clear for the past several years that an additional revenue source is needed to complete the Measure A Program. Again, the R&E that was approved in 2006 stated that VTA would need the equivalent of a ¼-cent sales to complete the Measure A Program. And, at the April 25, 2008 Board Workshop, the financial consulting firm of AECOM informed the Board that the sales tax projections were $4.9 billion less than previously expected. This was widely reported in the media.

Recommendation 9a
The VTA Board should explain why these facts were withheld from the public.

Response
VTA disagrees with the finding. The statement is based upon a false premise. No facts were withheld from the public. The shortage of funding required to complete all Measure A projects has been discussed repeatedly during 2008 and was widely reported in the media.

Recommendation 9b
In future elections, the VTA Board should ensure that VTA staff provides the public with a comprehensive explanation of the ramifications of each measure, including the impact on both capital and operating fund, projections and budgets, as well as the effect on other projects.

Response
VTA agrees with the finding. The finding is consistent with the history and policy of VTA. Again, VTA does not withhold information from the public at any time nor will we in the future.

Finding 10
VTA effectively suspended the shovel-ready light rail extension to Eastridge, without informing the VTA Board or the CWC in advance. Additionally, they used evasive language to prevent the Board and the public from understanding the true status (“reaffirming” support) of the project. The people of the east Valley deserve better from the representatives of San Jose on the VTA Board.
Response
VTA disagrees with the finding. Large construction projects are frequently advanced and slowed down due to a variety of factors including but not limited to: funding availability, property acquisition, contractor availability and funding opportunities. The project continues to move forward in a phased approach. Furthermore, VTA is seeking potential funding opportunities and the regional, state and federal levels for this project.

The finding is a politically motivated attack base on unfounded allegations.

Recommendation 10a
The Board should amend the CAC/CWC bylaws to provide the CWC with the authority to review and make recommendations regarding any changes to the priority and status of all 2000 Measure A programs. This is a specific request over and above the responsibilities assigned by the 2000 Measure A ballot wording.

Response
VTA disagrees with the finding. VTA already provides the CWC with regular updates on Measure A projects. The finding is a recommendation that the Board of Director’s give over their oversight responsibility for Measure A projects to the CWC which earlier in their document the CGJ has accused repeatedly of being ineffective.

As stated earlier, the CWC provides the public with a valuable tool in ensuring that Measure A revenues are spent consistent with what the voters approved in 2000. The CWC provides this oversight for the public through its reviews and audits. Expanding the authority of the watchdog committee would require VTA to return to the voters with a list of new responsibilities. Furthermore, suggesting that the CWC prioritize projects removes the independent element of the CWC by asking members to make policy recommendations rather than focusing on ensuring the public’s money is spent appropriately.

Recommendation 10b
The staff should not make unilateral changes regarding Measure A projects without prior CWC review and Board approval. Specific procedures should be put into place to assure that the VTA Board has reviewed and approved all changes to the scope, funding and schedule of Measure A projects before VTA staff proceeds.

Response
VTA disagrees with the finding. Staff does not make unilateral changes to projects without the Board’s approval. All Measure A updates relating to the CWC’s authority are brought to the committee.

Finding 11
The Board approved Measure C and D to be placed on the November 2009 ballot as part of the consent agenda and without prior review by advisory committees. This occurred on the day prior to the deadline for the submittal of ballot measures for the November 2008 election.
Response
VTA agrees with the finding. VTA is required by law to place Measure C on the ballot and did so. Measure D was placed on the ballot as a cost savings mechanism. The Board acted within the scope of their capacity. These accusations are the unsuccessful ballot arguments used against Measures C and D in the 2008 campaign. Furthermore, VTA did take the contents of Measure C (Valley Transportation Plan (VTP) 2035) to the advisory committees multiple times prior to placing Measure C on the ballot. None of the advisory committees expressed significant concern with the contents of VTP 2035.

Recommendation 11
The Board should ensure the ballot measures are submitted for Board approval on the regular agenda (never the consent agenda) after thorough review and discussion at both advisory and standing committee meetings.

Response
VTA disagrees with the finding. This finding again shows a lack of basic understanding on the part of the CGJ. VTA takes agenda items to one of three board standing committees prior to the item moving forward to the full board. The committee considers the item carefully and makes any recommended policy changes to the item. The item is then sent to the full board for their approval. The committee recommends the item be placed either on the consent or regular agenda. Any item on the consent agenda may be removed and placed on the regular agenda by any board member, member of the public or staff request. Committee members use their judgment to determine if an item should be placed on the consent or regular agenda. The authority to place an item on the consent or regular agenda will remain at the discretion of the committee.

Due to issues of timing or the public interest (such as ballot measures) the Board may or may not solicit the input of advisory committees.

Finding 12
The Board put 2008 Measure D on the ballot, assigning the responsibility for citizen review of future VTA long-range strategic plans to the CWC, without notifying the CWC of its intent to do so. In addition, the CWC will cease to exist on June 30, 2036, leaving the subsequent responsibility for review of the long-range plan in limbo.

Response
VTA agrees with the first statement of the finding. Please see the response to “Finding 11” above. The second sentence is simply factually inaccurate. The committee continues to exist as long as it has the legal requirement granted by Measure D to do so.

Recommendation 12
The hastily implemented Measure D needs to be rethought before 2036. The Board should assign the responsibility for reviewing the long-range strategic plan to an organization that will remain in existence permanently.
DRAFT

Response
VTA disagrees with the finding. Measure D was not hastily implemented, in fact it is yet to be implemented as the CWC will not be required to review VTA’s long-range transportation plan for five years. Furthermore, it was not hastily put together either, as the Administration & Finance Committee analyzed the issues carefully.

Finding 13
The Board allowed Measure C to be placed on the November 2008 ballot asking voter approval of the VTP 2035 plan when neither the Board nor the public had seen a draft of the full plan.

Response
VTA disagrees with the finding. The statement by the CGJ is once again, factually incorrect. VTA provided many updates to the board and the advisory committees on the draft plan throughout 2008. Furthermore, draft chapters were available on the website well before the election and VTA held open houses as well as an online survey to solicit input from the public. Had the public rejected Measure C, VTA would have considered reevaluating the long-term plan. However, the public overwhelming approved the plan (by nearly 70%), which sent a message to VTA that the public approved of the direction of the plan. This was taken into account when the Board ultimately approved the full plan in early 2009.

Recommendation 13
The Board should ensure that VTA’s long-range strategic plans are thoroughly reviewed and vetted by the public prior to being offered for approval by whatever body is deemed responsible.

Response
VTA disagrees with the finding. As outlined above, VTA’s long-range plans are thoroughly vetted through the appropriate committees and the public.

Finding 14
Measure A funds were used on non-Measure A projects. The Measure A fund exchange violated to 2000 Measure A ballot requirements that 2000 Measure A revenue was to be spent only on 2000 Measure A programs. But VTA believes it is entitled to use these funds for other programs as long as repayment is certain. It appears that there is in fact repayment uncertainty. Even though the initial $50M swap was approved in February 2007, the CWC certified (over the chairperson’s signature) in the FY 2007 2000 Measure A Status Report that all Measure A revenue was spent only on Measure A programs. It is clear that the CWC does not fully understand its responsibility with respect to this requirement.

Response
VTA disagrees with the finding. VTA does not believe it is entitled to use Measure A funds for other programs. This should have been easy for the CGJ to understand. Measure A is clear regarding which projects may be built with Measure A revenues.
VTA does exchange funds from various local, regional, state and federal sources as a means for advancing projects and finding efficiencies. These exchanges are always approved by the board and provide agencies with the flexibility needed to advance and complete projects. If agencies were not aggressive in identifying funding opportunities, cities and counties would be left with a series of under funded projects that are unable to move forward.

**Recommendation 14**

The Board should give the CWC the opportunity to review all 2000 Measure A fund transfers. The CWC should point out such usage of funds to the public in their reports. The CWC should make a public decision whether this usage of funds is consistent with the intention of the voters with respect to 2000 Measure A.

**Response**

VTA disagrees with the finding. VTA does provide this information to the CWC.

**Finding 15**

Measure B on the 2008 Ballot approved a 1/8-cent sales tax for BART operations. Tax collection is slated to start when the BART project receives full federal and state funding. However, VTA intends to start collecting this tax when only the first 2.2 miles of the BART project are funded, not the complete project.

**Response**

VTA disagrees with the finding. VTA will begin collecting the tax once the requirements contained in Measure B are met.

**Recommendation 15**

The Board should consider the intention of the voters as well as the specifics of the ballot measure when considering the issue. This tax should only be collected when funding for the full 16.1-mile BART extension is obtained from the state and federal government.

**Response**

VTA disagrees with the finding. As stated above, VTA will begin collecting the tax once the requirements contained in Measure B are met.

Sincerely,

Michael T. Burns
General Manager
ATTACHMENT A

VTA Response  
2008-09 Santa Clara County Civil Grand Jury (CGJ) Report  
Errors, Omissions, Exaggerations

NOTE:
The following detailed analysis and responses to the 2008-09 Santa Clara County Civil Grand Jury (CGJ) Report follows the structure of the Grand Jury Report. The specific page number, heading, title, and, where applicable, item number are listed for easy cross-reference to the CGJ Report. Statements quoted from the report are shown in italics.

Page 1
“VTA is a multi-billion dollar enterprise...”
This implies VTA is a company organized for commercial purpose, no mention VTA is a special district, etc.

Page 2
“At any one point in time, nine cities are not represented.”
All cities are in fact represented through their city grouping. The city groupings hold meetings outside of the Board meetings to discuss VTA issues; should state that "...nine cities are not directly represented."

VTA Committee Structure
Regarding the CAC appointment process, it states that “San Jose chooses two, County Board of Supervisors choose one, …” In fact, these entities appoint their members and the Board ratifies the appointment.

Page 3
VTA Committee Structure (continued)
It is stated that the National Association of Industrial and Office Properties (NAIOP) is an appointing authority for CAC, which is incorrect. As point of fact, approximately three years ago (June 2006) the Board approved replacing NAIOP, with Building Owners & Managers Association – Silicon Valley (BOMA-SV). The correct membership structure is reflected multiple places on VTA’s website (roster, CAC bylaws, etc.) and has been since immediately following NAIOP replacement. This blatant inaccuracy undermines the credibility of the report and specifically impugns the depth and quality of the research. On a related note, CAC/CWC Vice Chair Bob Jacobvitz is BOMA’s representative
“Regarding the CWC, … this committee would be comprised of the existing VTA’s Citizen’s Advisory Committee (CAC).” Although the report acknowledges that the ballot established the CWC’s membership structure, later in the report when they state the membership structure is somehow a problem (former elected officials, etc.), they naively simplify, nor mention the cost of a ballot measure that would be required to modify the CWC membership structure.

“The Eastridge light rail extension, which is shovel-ready is on hold.”
The statement is at variance with reality.

“Measure C was an advisory vote. It asked the voters to approve VTP 2035.”
It is not accurate or true that Measure C asked voters to approve VTP 2035. Measure C was an affirmation of VTA and county-wide transportation services, and passed with 69.7% of voters voting in favor. Measure C was required by the 1976 ½ cent sales tax measure. VTP 2035 is not approved by the voters but by the Board.

“Thus even as VTA attempts to reform its governance structure it continues to follow a practice the Hay Group report specifically criticized: namely, advisory committees do not have an opportunity to consider policy and plans in the early stages of development … “
Not true. Examples of early and frequent committee participation are the Comprehensive Operational Analysis (bus), Bus Rapid Transit, HOT Lanes, etc.

“The Hay Report made a number of recommendations that would improve the VTA Board’s ability to exercise its responsibilities with “reasonable care and loyalty”. “
End of statement implies Board of Directors ignored recommendation. Report fails once again to acknowledge Board Workshop on Fiduciary Responsibility and the work of the original Governance Subcommittee on these issues.

City Representation
"San Jose, with five members on the Board, dominates the Board.”
San Jose can not technically dominate the board as they do not hold a majority. A total of seven affirmative votes are required to pass any measure except those with higher threshold requirements mandated by statute. Therefore, this statement is not fact, but opinion.
“For a Board that is pledged to have a countywide outlook irrespective of city boundaries the current structure of representation does not promote this ideal and lends itself to the question of just where allegiances should lie.”

This statement represents an inability by the CGJ to understand the nature and operation of appointed Boards. This allegation is refuted by Light Rail expansion, COA, BART, Caltrain, Capital Corridor, ACE, Highway 17 service, etc.

Page 7

“...was ultimately shuffled to the Audit and Finance Committee for burial.”

This statement is false as well as inflammatory. First, it was sent to the Administration & Finance (A&F) Committee, not "Audit". Second, the A&F Committee discussed the item in August, September and October 2009, as well as in April 2009. The A&F committee has instructed staff to return with the item in August 2009. It is therefore far from "buried."

“Meeting agendas are prepared by VTA staff with input from the Board chairperson.”

This contradicts other statements in report and the report’s “staff driven” connotation. Every Board agenda has a standing item entitled "Items of Concern and Referral to Administration" where members may bring up any item not on the agenda for future discussion.

Token committees

- Does not cite specific examples, although report states, “This Grand Jury uncovered examples that support this conclusion.” Once again the report relies on unsupported and unsupportable allegations.
- The statements “… Committees are presented with items to review only after the Board and/or staff (emphasis added) has already made a decision” and “Thus, the Advisory Committee is only asked to bless the decision after the fact” are grossly inaccurate. Except for unusual circumstances where urgency precludes the normal process, items are vetted with the appropriate Advisory Committee(s) and their input is transmitted to the Board and, in many cases, incorporated into the proposal. Also, the Board is responsible for decisions, not staff
- The report does not reflect Advisory Committee Enhancement (ACE) Process or the changes it has recommended. These include adding Advisory Committee votes and major comments to the Board memo.
- The report manages to ignore the fact that the CAC Chairperson Report and the similar PAC Chairperson Report are standing items on every Board agenda. This provides the Advisory Committee chair the opportunity to apprise the Board of his committee’s comments and concerns on items considered or on future issues. (The CAC Chair Report to the VTA Board was a specific recommendation of the Bureau of State Audits report and the Board approved amending the CAC bylaws to add this provision in September 2008. Both the CAC and PAC Chairperson Reports are standing items on every Board agenda.)
- “VTA’s attitude toward these committees ...” This comment reflects an unacceptable level of gullibility on the part of the CGJ. Accepting as fact the unsupported allegations of some opponents of VTA while ignoring reality is a poor use of the public’s resources. The statement is unverifiable since once again, no specific examples are cited. This is especially true for “retaliation for independent
thinking”. These represent examples of the report’s using unsubstantiated accusations as fact, further undermining the credibility of this report.

- “One of the key criticisms is that the Advisory Committees are presented with items to review only after the Board and/or staff has already made a decision.”
  The statement is false. Wildly inaccurate statements such as this further undermine the credibility of this report.

- “One advisory committee member, responding to the question of whether the Board provided direction to the committee said, ‘The Board does not even know we exist’. ”
  Even if the statement were made by a disaffected committee member, it absurd on its face; examples are ACE process; Chair & Vice-Chair meetings with Advisory Committee chairs, advisory committee meeting minutes in every Board agenda packet, and the orientation and training materials provided to new Board members.

Page 8

**Board/Committee communication**

- Staff collaborates with the Committee chairperson on setting the Advisory Committee meeting agendas. For example, the CAC/CWC Chairperson reviews, provides input, and approves the draft agenda prior to distribution.

- Formal review of the Advisory Committee Work Plan with the committee is done at every meeting to receive committee input and direction. It is a standing item on every agenda, and is the last agenda item in order to incorporate any committee changes or requests made earlier at that meeting.

- The Board Chair reviews and approves the Consolidated Board & Committee Work Plan every six months. This planning document includes the items projected to be reviewed and considered by the Advisories (and Standing Committees) prior to Board consideration, including those requiring Board adoption.

- The report does not reflect the recently-implement ACE recommendation that the vote and the addition of major comments from the Advisory Committees on the memo submitted to the Board and that becomes the official record. Due to timing constraints, the vote and major comments are provided to the Standing Committees via a summary report. Prior to this, Advisory Committees comments were verbally relayed to the Standing Committees.

- It is not correct that “… the PAC and CAC Chairs were recently invited to make a short presentation at each meeting ”. The PAC Chairperson Report was added approximately five years ago and the CAC in September 2008.

**PAC and CAC: Committee views not valued**

- “PAC is the only place in VTA governance where there is equal representation for each city without an overwhelming advantage to San Jose.”
  This is factually inaccurate. There is no advisory committee where the City of San Jose with over fifty percent of the population has “an overwhelming advantage.” The TAC has one member representing each Member Agency (the 15 cities and the County of Santa Clara); TAC members are staff of the Member Agency they represent. The BPAC also has one member representing each Member Agency; BPAC representatives are private citizens
appointed by the Member Agency they represent; CTA membership has representatives from City Groupings.

- “The VTA Board has recently formed ACE, the Advisory Committee Enhancement Committee, to develop a new structure and methodology by which the Advisory Committees can start to provide some form of useful service to the Board.”

This is inaccurate and represents another irresponsible conclusion by this report. Numerous examples can be cited to disprove it. These include but are not limited to the valuable input provided by CAC and PAC on the Comprehensive Operations Analysis, CAC’s initiative to ban smoking at all VTA facilities, the BPAC’s input and expertise on development of technical works such as the Bicycle Technical Guidelines, Pedestrian Technical Guidelines, etc.

- Referencing PAC, “… it frequently serves as a breeding ground for new Board Members.”

This contradicts the statement that Board members have little transit experience.

**Role of the CAC/CWC in VTA Governance**

The CAC bylaws (as well as those for BPAC, PAC and TAC) provide that items may be placed on the agenda by the committee chairperson (which is done consistently and frequently) and by the vote of a majority of the committee.

**The same group of citizens is assigned to both committees**

- This structure was defined by the 2000 Measure A ballot. The voters put it in place and an election would be required to change it. Statements like these in the report further verify the lack of basic comprehension exhibited throughout the document.

- Report fails to delineate the major differences between CAC and CWC: CAC is an advisory committee established by, and reporting to the VTA Board. Membership is derived from a variety of community stakeholder groups including business and labor. The CWC is an oversight committee established by the electorate that reports to county residents, not the VTA Board.

- The statement “… the same people, serving as the CWC, have the duty to communicate to the public, hold hearings, issues reports,…” fails to indicate the understanding that these responsibilities apply only to 2000 Measure A-related activities.

**Page 9**

**CWC Performance**

- “VTA Staff released an audit for FY2008 performed by the VTA auditor (VTD) without review or approval by the CWC.”

This is both false and misleading. First, this was the Comprehensive Annual Financial Report (CAFR), which presents VTA’s financial statements for the period. Second, it was brought to the CWC, as an information item at its 2/11/09 meeting where Leonard Dana, a VTD partner, presented the item and explained the audit’s findings. Third, it is not the purview of the CWC to approve this report since it covers all aspects of VTA (“Comprehensive”), not just Measure A.
• “CWC reports to the public have been neither comprehensive, timely nor complete.”
This is subjective and unsubstantiated. The Committee responsible for preparing them, the CWC, judged they were comprehensive, complete and as timely as possible. Also, neither CWC members or VTA have received negative comments or complaints about the reports.

What’s Wrong with the Citizens Watchdog Committee?
1. *The members of the CAC/CWC interviewed all stated they work for the VTA Board.*
   The primary tenet emphasized at new CAC/CWC orientation is the different, separate duties of the CAC versus the CWC. This includes that CAC is advisory to the VTA Board, reports to the Board, and is free to express opinions and recommendations on Measure A policy decisions (project composition, funding, schedule, etc.). For the CWC, it is made clear that they are established by the electorate, report to the public, not the VTA Board, and that it is not within their purview to express opinions on Measure A policy decisions.

   These points are reiterated and emphasized at annual training provided separately to each committee on its specific duties and responsibilities (the last training on CWC duties and responsibilities was held at the February 2009 meeting: http://www.vta.org/inside/boards/committee_advisory/cac/agendas_minutes/2009/02_feb/cac_021109_fullpacket.pdf).

2. “CAC/CWC members are approved by the Board, compromising independence of thought and action.”
   The Board actually ratifies the appointments made by stakeholder groups, such as BOMA-Silicon Valley or the Chamber of Commerce Coalition; this procedure was in place when voters approved Measure A ballot that established the membership process for the CWC. The assertion that this appointment process compromises *independence of thought and action* is not fact, but opinion, and as importantly, is not substantiated.

3. “Many CAC/CWC members complained and confirmed that the VTA staff shows them little or no respect. The VTA staff does not return their calls or answer their questions.”
   The inclusion of such obviously inane statements demonstrate the paucity of issues and an unseemly willingness by the authors of this report to credit any negative comment no matter how silly.

4. Members have indicated that there is a substantial amount of information contained in their agenda packets but have not stated that it is “overwhelming.” A substantial amount of information in each agenda packet is to be expected since it is for two committees and given the importance and magnitude of the oversight responsibilities of the CWC.

5. CAC/CWC does control its own agenda. The report’s authors fail to comprehend that it is the committee and the committee chair, not individual members, that make the decision. The final item on each agenda is the Committee reviewing and modifying its work plan as it sees fit. It is common for the Committee to add/ delete or change the timing of specific items. In addition, the draft agenda is sent to the committee chair and vice chair each month for review, input and approval prior to publication. Finally, under ORDERS OF THE DAY the Committee has, and often utilizes, the ability to defer or change the sequencing of items on that specific agenda.

6. “A conflict of interest is present, whether actual or perceived, in the discharge of their duties as a member of the CWC.”
This is opinion, not fact, and again is not substantiated. The continued lack of examples is a glaring indication that these are not well-researched or deliberated conclusions but merely rash conjecture. This is especially true for the statements that “The public deserves a watchdog function free of bias” and “the public expects a sentinel guard dog, not a lapdog.”

The statement that the bylaws for the CWC “were written by staff” is incorrect and demonstrates an unbelievable lack of understanding of how staff functions in relation to boards and committees in the public and private sectors. Staff drafted the bylaws and submitted them for Committee review and adoption. The CWC’s bylaws (which are a part of the CAC bylaws) were primarily derived from, and, in many cases, quote the Measure A ballot. The CWC is not free to select duties and responsibilities other than those specified in the ballot.

Page 10

“An additional sales tax of ½ cent was proposed to the voters in November, 2006 but was rejected.”

While the statement is factually accurate it is ridiculous to imply this was a VTA measure. The referenced measure was placed on the ballot by the Santa Clara County Board of Supervisors for general fund purposes, not VTA. While the campaign literature (not in any way connected to VTA) did mention the BART project, the measure was not a VTA ballot measure. Making such a reference in the report further undermines the credibility of this document.

Page 11

Page 12

Date of June 2008 Downtown/East Valley Policy Advisory Board is wrong. (should be June 11)

“Particularly noteworthy was the fact that VTA staff suspended the project (DTEV) without prior Board authorization.”

The comment is nonsensical. Construction projects are frequently advanced and slowed down to account for a variety of factors including but not limited to: funding availability, property acquisition process, contractor availability, competition for resources, etc.

“However, property acquisition, utility relocation construction and completion of bid documents for construction contracts were not authorized.”

The statement is again false and misleading. These items are authorized via adopted budget.

“The public was not informed of the 2000 Measure A 30-year financial situation before the November 2008 election.”

This comment is a sensationalized ballot argument used by the opposition campaign. The Board and public were informed of the financial implications of the economic downturn by VTA and the news media (KCBS, KGO, Mercury News and other local newspapers) even though the full extent was not appreciated during the election season (August – October 2008).
“If the 30-year Revenue and Expenditure Plan had been updated as planned, it likely would have shown that if the BART extension was built as planned, the remaining 2000 Measure A projects would require massive additional investment...”

“If the updated Revenue & Expenditure Plan had been readily available to the public, Measure B might not have passed.”

Speculative comments such as this give the appearance of campaign rhetoric. It demonstrates that this report accepts the unsuccessful allegations of the anti-BART campaign. The fact that more funding is needed to complete Measure A has been stated repeatedly by VTA. In fact, the 2006 Revenue & Expenditure Plan assumed the equivalent funding of revenue equivalent to a new 1/4 cent sales tax to complete the plan. Furthermore, at the April 25, 2008 Board workshop, the financial consulting firm AECOM reported that sales tax projections were $4.9 billion less than previously expected. This was widely reported in the news media and was discussed publically at several VTA Board meetings.

“According to the Measure A Semi-Annual Report (internal) dated June 2008 …”

Implies document was not made available to the public and did not go to the Committee, which is false.

“Now that virtually all Measure A tax revenue is being reserved for the shortened BART extension project, the light rail to Eastridge project has been put on hold until other funding sources can be identified.”

The statement is false and bears no relation to reality.

“The VTA Board has approved the exchange (swap) of approximately $107M of Measure A funds... The payback from the state depends on state approval of two Measure A projects for state (STIP) funding, ...”

The projects have been approved by the state. Copies of the State Transportation funding database listing (CTIPS) are available

“There was no prior discussion or notification to the Citizen Watchdog Committee. The CWC was informed after the fact in a report from VTA staff.”

This is only partially correct. There were two exchange actions. The first, approved by the VTA Board in February 2007, was presented to the CAC at its January 10, 2007 meeting. This item was correctly submitted to CAC for consideration since it provides advice and counsel to VTA Board, whereas the CWC does not. It would be inappropriate for the CWC to provide comment on this item since Measure A policy decisions (project composition, schedules and funding levels) are the responsibility of the VTA Board and the CWC is solely responsible for reviewing Measure A expenditure to ensure they were spent in accordance with the ballot.

The CAC discussed the first exchange at its January 2007 meeting and unanimously recommended approval to the VTA Board, as reflected in the approved minutes. The second exchange did not go to the CWC in advance. The timing of the 2008 STIP information from the State was such that VTA staff was unable to bring the program to any of the VTA advisory committees and standing committees prior to its review and subsequent approval by the VTA Board.
Board in December 2007. VTA staff made a follow-up report to the CWC at its next (January 2008) meeting and there was no comment. Minutes are available.

The CWC subsequently determined that the fund swaps were appropriate as long as the funds were repaid in full, with appropriate interest, and that other projects in Measure A were not adversely affected by the swap. In effect, the swap is a loan subject to future repayment – the funds were loaned to a non-Measure A project and STIP funds will be used to repay Measure A.

Page 14

“At its February 11, 2009 meeting, a discussion regarding the CWC’s responsibilities in this area was initiated by a CWC member, and stifled by VTA staff.”

The report further demonstrates a lack of basic knowledge concerning the governmental process. Items not on the published agenda may not be discussed at the meeting. Allowing the unagendized discussion to move forward would have violated the Brown Act.

Furthermore, this assertion is factually inaccurate. The discussion was not initiated by a CAC/CWC member. Instead, it resulted from a regularly scheduled item – the annual training provided to the Committee on its specific duties and responsibilities. In no way was the Committee’s discussion “stifled”. And the statement that “At and following this meeting two members of the CWC resigned ...” is inflammatory and misleading.

“VTP 2035 was first presented to the public eight days after the November 2008 election.”

The statement is false and misleading. The draft VTP 2035 had been presented to the board, advisory committees and public several times. Also, draft chapters were available online during the fall, before the election. The time frames for formal adoption of VTP 2035 were driven by the Metropolitan Transportation Commission (MTC). This argument was the core of the unsuccessful No on B, C and D campaign. The authors of the report are directed to the ballot arguments.

Page 15

“2008 Measure B Sales Tax – Promised 16.1 miles, Delivering 2.2 miles”

The statement is false, misleading and is apparently a fantasy either created by or believed by the reports authors.

“The Board tolerates behaviors that do not encourage informed public debate...”

Outrageously false and misleading; a statement of opinion in the report further discrediting the authors.

“VTA staff develops plans internally with little or no public (or Board) input at the early stages ...”

Again demonstrates a lack of basic understanding of the role of staff and the Board in public agencies. The statement is unsubstantiated opinion.

“The board has taken a passive role, ...”

Unsubstantiated opinion by the authors/complainants.
Approval of an Addendum to the Labor Agreement between Santa Clara Valley Transportation Authority and the Amalgamated Transit Union (ATU) Local 265

(Lopez)

WILL BE FORWARDED UNDER SEPARATE COVER
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 are being considered by the California Legislature during the 2009-10 session. It indicates the status of these measures and any adopted VTA positions with regard to them.

DISCUSSION:

Gov. Arnold Schwarzenegger and lawmakers failed to come to an agreement on how to close the state’s massive budget deficit prior to the start of the new fiscal year on July 1. As a result, Controller John Chiang began issuing IOUs to contractors, vendors, local governments, and taxpayers expecting refunds. In addition, the Governor announced plans to force 220,000 state workers to take a third unpaid day off per month starting in July. Furthermore, the state forfeited more than $3 billion in budget savings through cuts to K-12 education that had to be made in FY 2009. These cuts to public education cannot be rolled over to the new fiscal year without suspending California’s constitutional funding requirements under Proposition 98 and without losing $10 billion from the federal economic stimulus bill, which requires states to spend a certain amount of money for public education.

Two last-ditch attempts to beat the July 1 “deadline” were not successful. First, over the objections of GOP lawmakers, the Assembly and Senate approved a Democratic 14-bill budget package that included a controversial scheme that called for imposing a new 9.9 percent oil severance tax, increasing the existing excise tax on a pack of cigarettes by $1.50 and imposing a new $15 vehicle registration surcharge, while at the same time, eliminating the state’s 18-cent/gallon excise tax on gasoline. Democratic lawmakers claimed that this approach was “revenue-neutral,” thereby allowing for a simple majority vote. Democrats then used a simple majority vote to pass legislation to replace the gas tax with a new 18-cent/gallon gas fee. Gov.
Schwarzenegger, however, was not amused and he vowed to veto the package, calling it an “illegal tax increase.” Because of the Governor’s pronouncement, the bills were not sent to him.

Legislative leaders then tried to push a three-bill, $5.6 billion stopgap solution that would have freed up enough cash to avoid IOUs through most of July and would have given lawmakers more time to negotiate the rest of the budget package. The trio of bills called for cutting spending on K-12 education in FY 2009; deferring payments to schools, colleges and local governments that are due early in FY 2010 until later in the year; and redirecting money from local redevelopment agencies to school districts. This approach ran into opposition from Republicans in the Senate and Gov. Schwarzenegger, who said he was reluctant to sign anything that did not address the entire problem.

Although the FY 2010 budget was passed in February, the state’s deteriorating economy and voter rejection of significant portions of the budget at a May 19 special election have thrown it out of balance. And so far, Gov. Schwarzenegger and lawmakers have been unable to reach a deal on an overall plan that would be acceptable to Republicans, who want no taxes or fees, and Democrats, who have vowed not to accept deeper cuts in education, and health and human services programs.

With regard to transportation, there are a number of proposals that are still in play. They are:

- Using $336 million in unanticipated Public Transportation Account (PTA) “spillover” revenues that are projected to accrue in FY 2010 to pay debt service on transportation bonds.

- Using $986 million in annual gas tax subvention revenues for local streets/roads to pay debt service on transportation bonds in FY 2010 and another $745 million in FY 2011.

- Significantly reducing the staffing resources in Caltrans’ Planning Department that are dedicated to preparing and reviewing project study reports (PSRs), which are required planning documents for capital improvement projects on the state highway system. In addition, it is being proposed that the costs for preparing and reviewing PSRs for state highway improvements initiated at the local level be shifted to local agencies on a reimbursable basis.

- Delaying the first and second quarter payments under Proposition 42 for local streets/roads to the fourth quarter of the fiscal year.

- Requiring government entities to withhold 3 percent of payments to independent contractors for state income tax purposes.

Amid all of this budget turmoil, lawmakers continued to wade through the several thousand bills that have been introduced since the beginning of the year. Here is a sampling of some of the transportation-related measures that are still winding their way through the legislative process:

**AB 112 (Beall):** This measure calls 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. Status: Enrollment. VTA Position: Sponsor.

AB 116 (Beall): VTA is partnering 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 bill, which raises the dollar threshold for when VTA and the three other 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 provides 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. The intent of AB 116 is to improve our cost efficiencies with regard to materials, supplies and equipment contracts. Status: Senate Floor. VTA Position: Co-sponsor.

AB 266 (Carter): This bill requires the California Transportation Commission (CTC) to develop a statewide assessment of: (a) the unfunded costs of programmed state and federally earmarked transportation projects in California; and (b) available funding for transportation purposes and unmet transportation needs on a statewide basis. The assessment also must include recommendations on how the state and local transportation agencies could address any transportation funding shortfalls and unmet needs that are identified. Under the provisions of AB 266, the CTC would be required to do this assessment every five years. Status: Senate Rules Committee. VTA Position: Support.

AB 338 (Ma): Sponsored by the California Transit Association and BART, this legislation allows local officials to divert property tax increment revenues to pay for new bonds for infrastructure within transit village development districts. Status: Senate Local Government Committee. VTA Position: Support.

AB 672 (Bass): This legislation authorizes a regional or local agency to expend its own funds for a project funded through Proposition 1B transportation infrastructure bonds with the expectation of eventual reimbursement with bond proceeds. The intent of AB 672 is to provide regional and local agencies with a mechanism for ensuring the timely delivery of their Proposition 1B bond projects. Status: Senate Appropriations Committee. VTA Position: Support.

AB 729 (Evans): Sponsored by the California Transit Association, this legislation extends the existing statutory authority for public transit agencies to use design-build contracting for transit capital improvement projects for another four years -- until January 1, 2015. If AB 729 is not enacted, this statutory authority will sunset on January 1, 2011. Status: Senate Floor. VTA Position: Support.

AB 744 (Torrico): Sponsored by the Metropolitan Transportation Commission (MTC), AB 744 is the legislative vehicle for authorizing the development and implementation of a regional express lane network on state highways within the nine-county Bay Area. Status: Senate Transportation and Housing Committee. VTA Position: Support.
AB 798 (Nava): Sponsored by the Treasurer’s Office, this bill creates the California Transportation Financing Authority to assist local and regional agencies in obtaining financing through the issuance of revenue bonds for the construction of improvements to the state’s transportation infrastructure. The measure also allows the authority to permit local and regional agencies, as part of the financing plan for their projects, to impose tolls for the use of the facilities constructed. Status: Senate Appropriations Committee. VTA Position: Support.

AB 1072 (Eng): Established as a new formula program under Proposition 1B, the Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) provides $3.6 billion to public transit operators for transit capital projects. AB 1072 makes several important changes to this program. For example, it fixes the formula factors that would be used to allocate the remaining amount of PTMISEA funding to public transit operators. This would provide certainty to public transit operators as to the total amount of their individual formula shares and, thus, allow them to more effectively plan for how they would use their PTMISEA money. AB 1072 also calls upon each public transit operator to submit to the state an expenditure plan for its remaining formula share so that a statewide program of projects for PTMISEA can be established. This statewide program of projects would provide the Governor and the Legislature with guidance in terms of how much money needs to be appropriated for PTMISEA in any given fiscal year. VTA is co-sponsoring AB 1072 with the California Transit Association. Status: Senate Appropriations Committee.

ACA 15 (Arambula): ACA 15 calls for placing before the voters an amendment to the California Constitution to change the voting requirement for local special taxes for transportation purposes from a two-thirds vote to a 55 percent majority vote. Status: Assembly Floor. VTA Position: Support.

SB 205 (Hancock): Mirroring bills that have been introduced in the past, SB 205 authorizes countywide transportation planning agencies, including VTA, to place a measure before their voters to impose a vehicle registration surcharge to fund transportation-related projects and programs. Status: Assembly Appropriations Committee. VTA Position: Support.

Prepared By: Kurt Evans, Government Affairs Manager
Memo No. 1842
<table>
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<tr>
<th>State Assembly Bills</th>
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<td><strong>AB 112</strong>&lt;br&gt;(Beall)&lt;br&gt;Santa Clara Valley Transportation Authority: Local Streets/Roads Funding</td>
<td>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>3/25/09</td>
<td>Office of the Governor</td>
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<tr>
<td><strong>AB 116</strong>&lt;br&gt;(Beall)&lt;br&gt;Contracts: Materials, Supplies and Equipment</td>
<td>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 guidelines. Allows VTA to award a contract for materials, supplies or equipment exceeding $100,000 either to the lowest responsible bidder or according to best value. For materials, supplies and equipment contracts between $2,500 and $100,000, requires VTA, to the extent practicable, to obtain a minimum of three written or oral quotes that permit prices and terms to be compared, and to award the contract to the lowest responsible bidder. 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>4/21/09</td>
<td>Senate Floor</td>
<td>Sponsor</td>
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<tr>
<td><strong>AB 118</strong>&lt;br&gt;(Logue)&lt;br&gt;Global Warming Solutions Act: Repeal</td>
<td>Repeals the California Global Warming Solutions Act of 2006.</td>
<td>As Introduced</td>
<td>Assembly Natural Resources Committee</td>
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<tr>
<td><strong>AB 153</strong>&lt;br&gt;(Ma)&lt;br&gt;California High-Speed Rail Authority</td>
<td>Specifies that the California High-Speed Rail Authority constitutes a “governing body” for the purpose of adopting a resolution of necessity pursuant to an eminent domain proceeding. Allows the authority to employ its own legal staff or contract with other state agencies for legal services.</td>
<td>As Introduced</td>
<td>Senate Transportation and Housing Committee</td>
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<td><strong>AB 231</strong>&lt;br&gt;(Huffman)&lt;br&gt;Climate Protection Trust Fund</td>
<td>Requires the California Air Resources Board (CARB) to adopt a schedule of fees to be paid by the sources of greenhouse gas emissions regulated pursuant to the California Global Warming Solutions Act of 2006 by March 30, 2010. Requires revenues collected pursuant to compliance mechanisms related to the implementation of the California Global Warming Solutions Act to be deposited in the Climate Protection Trust Fund and to be made available, upon appropriation by the Legislature, for the purpose of carrying out the provisions of the act.</td>
<td>6/26/09</td>
<td>Senate Environmental Quality Committee</td>
<td></td>
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<td>State Assembly Bills</td>
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<td><strong>AB 254</strong> (Jeffries) Emergency Vehicles: Payment of Tolls</td>
<td>Exempts emergency vehicles from any requirement to pay tolls under the following circumstances: (1) the vehicle is properly identified or marked as an emergency vehicle; (2) the vehicle is being driven while responding to or returning from an urgent or emergency call, is engaged in an urgent or emergency response, or is engaged in a fire station coverage assignment directly related to an emergency response; and (3) the driver of the vehicle determines that the use of the toll facility will likely improve the availability or response and arrival time of the emergency vehicle and its delivery of essential public safety services.</td>
<td>6/26/09</td>
<td>Senate Floor</td>
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<td><strong>AB 266</strong> (Carter) Transportation Needs Assessment</td>
<td>Every five years, requires the California Transportation Commission (CTC) to develop an assessment of: (a) the unfunded costs of programmed state and federally earmarked transportation projects in California; and (b) available funding for transportation purposes and unmet transportation needs on a statewide basis. Requires the assessment to include recommendations on how the state and local transportation agencies may address the transportation funding shortfalls and unmet needs that are identified. Requires the results from the initial assessment to be submitted to the Legislature by March 1, 2011.</td>
<td>4/20/09</td>
<td>Senate Rules Committee</td>
<td>Support</td>
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<tr>
<td><strong>AB 277</strong> (Ammiano) Bay Area County Traffic and Transportation Funding Act</td>
<td>Pursuant to the Bay Area County Traffic and Transportation Funding Act in existing law, deletes the option of specifying the membership of a county transportation authority that would administer a local sales tax in the retail transaction and use tax ordinance.</td>
<td>5/11/09</td>
<td>Senate Floor</td>
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<td><strong>AB 286</strong> (Salas) Vehicle Theft Crimes</td>
<td>Extends until January 1, 2018, existing provisions that allow counties to impose a $1 vehicle registration surcharge to fund local programs related to vehicle theft crimes.</td>
<td>6/23/09</td>
<td>Senate Appropriations Committee</td>
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<td><strong>AB 289</strong> (Galgiani) CEQA Exemption: High-Speed Rail Grade Separations</td>
<td>Provides an exemption from the California Environmental Quality Act (CEQA) for grade separation projects that are a component of the California high-speed rail system.</td>
<td>4/14/09</td>
<td>Senate Environmental Quality Committee</td>
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<td>AB 338 (Ma) Transit Village Developments: Infrastructure 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 development plan to include all land within not more than a half mile of the main entrance of a public transit station. Requires a transit village development plan utilizing an infrastructure financing district to all of the following: (a) include an increase in the stock of affordable housing or live-travel options for transit-needy groups as one of its five demonstrable public benefits; (b) use at least 20 percent of all revenues derived from the infrastructure financing district to increase, improve and preserve the supply of low- and moderate-income affordable housing in the district for a period of at least 55 years for rental housing and 45 years for owner-occupied housing; and (c) replace dwelling units at an affordable housing cost when specified dwelling units are destroyed or removed. Eliminates the requirement for voter approval for the formation of an infrastructure financing district, adoption of an infrastructure financing district plan, and the issuance of bonds for implementing an infrastructure financing district plan.</td>
<td>6/25/09</td>
<td>Senate Local Government Committee</td>
<td>Support</td>
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<tr>
<td>AB 497 (Block) HOV Lanes: Physicians</td>
<td>Allows Caltrans and local transportation authorities to permit a vehicle driven by a physician who is traveling in response to an emergency call to use high-occupancy vehicle (HOV) lanes regardless of the number of passengers in the vehicle, provided the vehicle displays an insignia approved by the California Highway Patrol (CHP) indicating that the vehicle is owned by a licensed physician. Specifies that the provisions of the bill would only apply if Caltrans determines that its application would not subject the state to a loss of federal aid for highways.</td>
<td>5/14/09</td>
<td>Senate Transportation and Housing Committee</td>
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<tr>
<td>AB 522 (Blumenfield) Federal Economic Stimulus Money: Proposition 1B Bond Projects</td>
<td>Requires the California Transportation Commission (CTC) to ensure that bond funds previously committed to Proposition 1B transportation projects remain available to the sponsoring agency for another qualifying project if money from any federal economic stimulus legislation enacted in 2009 is used to fund the project.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td>AB 569 (Emmerson) Meal Periods: Transportation Industry</td>
<td>Specifies that provisions in the Industrial Welfare Commission’s wage order pertaining to meal periods do not apply to an employee in the construction industry or a commercial driver in the transportation industry if all of the following conditions are satisfied: (1) the employee is covered by a valid collective bargaining agreement; (2) the valid collective bargaining agreement expressly provides for the wages, hours of work, and working conditions of employees; and (c) the valid collective bargaining agreement expressly provides for meal periods, final and binding arbitration of disputes concerning the application of its meal period provisions, premium wage rates for all overtime hours worked, and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate.</td>
<td>7/1/09</td>
<td>Senate Appropriations Committee</td>
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<td><strong>AB 610</strong>&lt;br&gt;(Caballero)&lt;br&gt;Local Infrastructure: Public-Private Partnerships</td>
<td>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 the assistance provided by the Office of Planning and Research to include the following: (a) developing and disseminating information that would help a local governmental agency determine whether a local infrastructure project would benefit from a public-private partnership that provides an alternative financing and procurement approach; and (b) serving as a clearinghouse of information regarding the use of public-private partnerships in infrastructure projects in California and elsewhere.</td>
<td>As Introduced</td>
<td>Assembly Local Government Committee</td>
<td>Support</td>
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<td><strong>AB 619</strong>&lt;br&gt;(Blumenfield)&lt;br&gt;Federally Funded Transportation Projects</td>
<td>Requires Caltrans to notify the Legislature within 30 days of making a determination that a project will be delayed beyond its scheduled completion date due to state cash flow or other funding issues, if the delay places at risk federal funds, including money earmarked for the project.</td>
<td>As Introduced</td>
<td>Senate Transportation and Housing Committee</td>
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<td><strong>AB 628</strong>&lt;br&gt;(Block)&lt;br&gt;Pay-By-Plate Toll Collection</td>
<td>Authorizes a tolling authority to charge and collect tolls using digital images of license plates.</td>
<td>7/7/09</td>
<td>Senate Transportation and Housing Committee</td>
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<td><strong>AB 652</strong>&lt;br&gt;(Skinner)&lt;br&gt;Bike Racks on Buses</td>
<td>Authorizes the Alameda-Contra Costa Transit District (AC Transit) to install three-position bicycle racks on its buses provided that: (a) the rack does not extend more than 40 inches from the front of the bus when fully deployed; and (b) the handlebars of the bicycle being transported do not extend more than 46 inches from the front of the bus.</td>
<td>6/15/09</td>
<td>Assembly Floor: Concurrence</td>
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<td><strong>AB 670</strong>&lt;br&gt;(Berryhill)&lt;br&gt;HOV Lanes: Veterans</td>
<td>Allows Caltrans and local transportation authorities to permit a vehicle driven by a veteran or active duty member of the U.S. Armed Forces to use high-occupancy vehicle (HOV) lanes regardless of the number of passengers in the vehicle, provided the vehicle displays an insignie approved by the Department of Motor Vehicles (DMV). Specifies that the provisions of the bill would only apply if Caltrans determines that its application would not subject the state to a loss of federal aid for highways.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td><strong>AB 672</strong>&lt;br&gt;(Bass)&lt;br&gt;Proposition 1B Bond Projects: LONPs</td>
<td>Authorizes the lead agency for a project funded through Proposition 1B transportation infrastructure bonds to apply for a letter of no prejudice (LONP) that would allow the agency to expend its own funds for any bond-funded component of the project, subject to later reimbursement from bond proceeds under certain conditions. In the case of the State-Local Partnership Program, requires the California Transportation Commission (CTC), prior to the commencement of each funding cycle, to calculate the amount of bond funds designated for the program that have not been appropriated, and requires the CTC to establish projected targets for the distribution of those funds for purposes of planning projects for which LONPs may be issued.</td>
<td>6/2/09</td>
<td>Senate Transportation and Housing Committee</td>
<td>Support</td>
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<td><strong>AB 726</strong> (Nielsen) Local Roadway Rehabilitation Projects</td>
<td>States that local roadway rehabilitation projects are eligible for funding under the State Transportation Improvement Program (STIP).</td>
<td>As Introduced</td>
<td>Senate Transportation and Housing Committee</td>
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<tr>
<td><strong>AB 729</strong> (Evans) Design-Build Contracting: Transit Projects</td>
<td>Makes permanent the statutory authority for public transit agencies to use design-build contracting for capital improvement projects.</td>
<td>6/30/09</td>
<td>Senate Appropriations Committee</td>
<td>Support</td>
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<tr>
<td><strong>AB 732</strong> (Jeffries) Design-Sequencing Contracts</td>
<td>Extends the authority for Caltrans to use the design-sequencing method of contracting for the design and construction of not more than nine transportation projects from January 1, 2010, to July 1, 2010.</td>
<td>6/16/09</td>
<td>Senate Appropriations Committee</td>
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<td><strong>AB 733</strong> (Galgiani) California High-Speed Rail Authority: Contracts</td>
<td>Allows the California High-Speed Rail Authority to consider, to the extent permitted by federal and state law, the creation of jobs in California when awarding major contracts or purchasing high-speed trains.</td>
<td>As Introduced</td>
<td>Senate Appropriations Committee</td>
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<tr>
<td>AB 744 (Torrico)</td>
<td>Bay Area Express Lane Network</td>
<td>6/23/09</td>
<td>Senate Transportation and Housing Committee</td>
<td>Support</td>
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Authorizes the Bay Area Toll Authority (BATA) to develop and implement a regional express lane network on state highways within the geographic jurisdiction of the Metropolitan Transportation Commission (MTC) in a collaborative manner with the congestion management agencies (CMAs) in the Bay Area, Caltrans and the California Highway Patrol (CHP). Creates the Bay Area Express Lane Network Project Oversight Committee to recommend policies related to the network to BATA, including an express lane development plan. Specifies that the plan would consist of the following two elements: (1) a phasing plan for the development of the express lane network, which would include a definition of the geographic boundaries of each of the express lane corridors in the network; and (2) an operational plan, which would include consistency standards for the network related to geometric design, signage, operations, technology, pricing policies and goals, carpool occupancy requirements, hours of operation, maintenance, enforcement, and marketing. Requires the committee to establish corridor working groups for each express lane corridor. Requires each corridor working group to develop a corridor investment plan that would consist of the following: (a) phased development of the segment of the regional express lane network within the corridor of the group; (b) carpool occupancy and fee policies; (c) local funding for the development of part or all of the segment of the network within the corridor of the group; (d) proposed reimbursement of local agencies for prior expenditures on elements of the network; (e) proposals as to which agencies would perform the work described in the corridor investment plan; (f) an examination of equity considerations; and (g) projects and programs to be funded with any net revenues generated by the corridor. Authorizes BATA to issue revenue bonds to finance the development of the regional express lane network, and to pledge toll revenues from the Bay Area’s state-owned toll bridges as a “backstop” for those bonds. Allows BATA to increase the tolls collected on those bridges if that action is necessary to meet the obligations of the revenue bonds. Requires all revenues generated by the network to be deposited into the Bay Area Express Lane Network Account, which BATA would create. Requires BATA to return 95 percent of any revenues net of operating, maintenance, financing, and administration costs to the corridors where the net revenues are generated for the purpose of funding projects and programs identified in the relevant corridor investment plan. Requires the Santa Clara Valley Transportation Authority (VTA), the Alameda County Congestion Management Agency and the Sunol Smart Carpool Lane Joint Powers Authority to enter into agreements with BATA by January 1, 2011, to provide for the transfer of their rights and obligations relative to express lane projects to BATA.
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<th>State Assembly Bills</th>
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<th>VTA Position</th>
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<tr>
<td>AB 782 (Jeffries)</td>
<td>Provides that upon the acceptance of the California Air Resources Board (CARB) that a sustainable communities strategy or alternative planning strategy, if implemented, will achieve the greenhouse gas emissions reduction targets established by CARB, that acceptance shall be final, and no person or entity may initiate a legal action to review the propriety of CARB’s acceptance. Provides that any local government agency participating in a sustainable communities strategy or alternative planning strategy that subsequently determines that a project proposed for approval within its jurisdiction is consistent with the applicable strategy, that project shall be deemed to be compliant with the California Global Warming Solutions Act of 2006 and SB 375 of 2008, and no person or entity may initiate a legal action to review the propriety of the local government agency’s determination that the project is consistent with the strategy. Requires a metropolitan planning organization (MPO) preparing a sustainable communities strategy or an alternative planning strategy to create a business advisory committee to provide input on the potential impacts of the proposed strategy on business activities and the economy. Exempts all projects funded through Proposition 1B transportation infrastructure bond revenues and the federal American Recovery and Reinvestment Act of 2009, as well as projects listed in local transportation sales tax measures prior to December 31, 2010, from the consistent requirements with regard to sustainable communities strategies.</td>
<td>As Introduced</td>
<td>Assembly Natural Resources Committee</td>
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<td><strong>AB 798</strong> (Nava) California Transportation Financing Authority</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>6/24/09</td>
<td>Senate Appropriations Committee</td>
<td>Support</td>
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<td><strong>AB 878</strong> (Caballero) Infrastructure Financing</td>
<td>Authorizes a local governmental agency to enter into an agreement with a private entity for financing for specified types of revenue-generating infrastructure projects.</td>
<td>4/20/09</td>
<td>Assembly Local Government Committee</td>
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<td><strong>AB 949</strong> (Logue) State-Local Partnership Program</td>
<td>Expands the definition of eligible local matching funds for purposes of the Proposition 1B State-Local Partnership Program to include: (a) developer fees; (b) mineral or resource extraction fees or taxes; and (c) local or regional fees or taxes solely dedicated to transportation improvements within a county or any part thereof by voter approval or by the county board of supervisors.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td>AB 1030 (Blumenfeld)</td>
<td>In consultation with Caltrans, requires the Institute of the Environment at the University of California-Los Angeles (UCLA) to undertake a project for mapping the renewable energy development potential of state-owned real property under the direction and control of Caltrans. Requires Caltrans to respond within 30 days to any proposal to develop a renewable energy project as to whether: (a) the property is available for sale, lease or encroachment permit; and (b) the project would be compatible with the current and projected use of that property.</td>
<td>6/1/09</td>
<td>Senate Energy, Utilities and Communications Committee</td>
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<td>AB 1072 (Eng)</td>
<td>For the remaining Proposition 1B transit capital funds to be appropriated by the Legislature, bases a public transit operator’s formula share on the operator’s average of State Transit Assistance Program (STA) allocations for FY 2005, FY 2006 and FY 2007. Requires a public transit operator to submit to Caltrans an expenditure plan for its remaining formula share of Proposition 1B transit capital funds, so that a statewide program of projects can be established for purposes of guiding annual appropriations for these funds. Under terms and conditions approved by Caltrans, allows a project sponsor, in a particular fiscal year, to loan its allocation of Proposition 1B transit capital funds to another project sponsor in order to ensure that all allocations in that fiscal year are put to use. Allows a project sponsor to use a Proposition 1B transit capital funding allocation in a subsequent fiscal year to complete a project that was approved by Caltrans in a previous fiscal year.</td>
<td>6/18/09</td>
<td>Senate Appropriations Committee</td>
<td>Co-Sponsor</td>
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<td>AB 1104 (Monning)</td>
<td>Expands the period of time during which a review of a parking violation may be requested.</td>
<td>4/14/09</td>
<td>Senate Transportation and Housing Committee</td>
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<td>AB 1135 (Skinner)</td>
<td>Requires California vehicle owners to report the current odometer reading of their vehicles at the time of vehicle registration.</td>
<td>4/13/09</td>
<td>Assembly Appropriations Committee</td>
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<td>AB 1158 (Hayashi)</td>
<td>Adds educational facilities and other land uses that provide direct linkages for people traveling to and from primary and secondary schools, community colleges and universities to the list of specified characteristics that a transit village plan may address.</td>
<td>6/25/09</td>
<td>Senate Floor</td>
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<td><strong>AB 1175</strong></td>
<td>Requires the Controller’s Office to collect unpaid bridge tolls and express lane fees, as well as any relevant interest, penalties, fines, or other charges from money owed to a person or entity from state income or sales tax refunds, or winnings in the state lottery. Adds seismic safety improvement projects on the Antioch and Dumbarton Bridges to the Toll Bridge Seismic Retrofit Program. Redirects surplus cost overrun revenues to be shared between the state and the Bay Area Toll Authority (BATA) to BATA for the seismic safety improvement projects on the Antioch and Dumbarton Bridges. Requires BATA to provide all remaining necessary funds to complete those projects. Allows BATA to increase tolls on all Bay Area state-owned toll bridges for the following purposes: (a) funding the seismic safety improvement projects on the Antioch and Dumbarton Bridges; (b) meeting its obligations and covenants under any bond resolution or indenture of the authority for any outstanding toll bridge revenue bonds issued by the authority; and (c) funding the planning, design, construction, operation, maintenance, repair, replacement, rehabilitation, and seismic retrofit of the Bay Area state-owned toll bridges. Allows BATA to vary its toll structure from bridge to bridge, and to provide discounts for high-occupancy vehicles and for vehicles paying tolls through electronic toll collection. Requires maintenance expenditures funded from toll revenues to be paid for by those toll revenues remaining after payment of all obligations of BATA that are secured by toll revenues. Generally authorizes BATA to submit a regional measure containing a toll increase to the voters of Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Solano Counties to fund infrastructure projects, the acquisition of transit vehicles, transit operating assistance, and other improvement projects intended to reduce congestion and improve travel options on the Bay Area state-owned toll bridges and along transportation corridors associated with those bridges.</td>
<td>6/1/09</td>
<td>Senate Transportation and Housing Committee</td>
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<td><strong>AB 1186</strong></td>
<td>Requires that lease agreements for non-residential buildings occupied by 50 or more persons that offer parking to tenants list separately the costs for parking from other costs included in the lease.</td>
<td>6/24/09</td>
<td>Senate Floor</td>
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<td><strong>AB 1203</strong></td>
<td>Requires the California Emergency Management Agency (Cal EMA) to administer the Proposition 1B bond funds appropriated for the Transit System Safety, Security, and Disaster Response Account, rather than the Office of Emergency Services. No later than February 1 of each year, requires Cal EMA to provide the Controller’s Office with a list of the projects and sponsoring agencies eligible to receive an allocation from the account. Upon receipt of this information, requires the Controller’s Office to commence any necessary actions to allocate the funds to the sponsoring agencies, including seeking the issuance of bonds for that purpose.</td>
<td>As Introduced</td>
<td>Senate Appropriations Committee</td>
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<td>AB 1321 (Eng)</td>
<td>Establishes the Advance Infrastructure Mitigation Program to be administered and implemented by the California Natural Resources Agency. In this regard, authorizes the agency to: (a) prepare, approve and implement regional advance mitigation plans for planned infrastructure projects; (b) acquire, restore, manage, monitor, and preserve lands, waterways, aquatic resources, or fisheries in accordance with a regional advance mitigation plan; (c) establish mitigation or conservation banks; (d) purchase credits at mitigation or conservation banks if it determines that they would provide biologically appropriate mitigation for planned infrastructure projects; and (e) use, or allow infrastructure planning agencies to use, mitigation credits or values created or acquired under the Advance Infrastructure Mitigation Program to fulfill the mitigation requirements of planned infrastructure projects. Specifies that the purposes of a regional advance mitigation plan are to: (1) provide effective mitigation and conservation of natural resources and natural processes on a landscape, regional or statewide scale to expedite the environmental review of planned infrastructure projects; and (2) facilitate the implementation of measures to mitigate the impacts of those projects in advance of project approval. Allows an infrastructure planning agency to identify planned infrastructure projects for the purposes of including them in a regional advance mitigation plan or for other advance mitigation under the Advance Infrastructure Mitigation Program. Specifies that the Advance Infrastructure Mitigation Program is intended to improve the efficiency and efficacy of mitigation only and is not intended to supplant the requirements of the California Environmental Quality Act (CEQA) or any other environmental law.</td>
<td>5/6/09</td>
<td>Assembly Appropriations Committee</td>
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<td>AB 1364 (Evans)</td>
<td>Allows any state agency that has entered into a grant agreement for the expenditure of state bond funds where the state agency or grant recipient may not be able to comply with the terms of that agreement because of the suspension of programs by the Pooled Money Investment Board to address FY 2009 state budget cash-flow problems to do either of the following: (a) renegotiate the deadlines and timetables for deliverables within the grant agreement that may not be met because of the suspension in order to preserve the validity of the agreement; or (b) invalidate the grant agreement.</td>
<td>4/29/09</td>
<td>Senate Appropriations Committee</td>
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<td>State Assembly Bills</td>
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<td>AB 1375 (Galgiani) California High-Speed Rail Authority</td>
<td>Creates the Department of High-Speed Trains within the Business, Transportation and Housing Agency. Requires the California High-Speed Rail Authority to establish policies directing the development and implementation of high-speed train service that is fully integrated with the state’s existing intercity rail and bus network, consisting of interlinked conventional and high-speed train lines and associated feeder buses. Further specifies that the intercity network in turn shall be fully coordinated and connected with commuter train lines and urban transit systems developed by local agencies, through the use of common station facilities whenever possible. Requires the Department of High-Speed Trains to implement these policies. Requires the authority to do all of the following: (1) select the routes of the high-speed train system; (2) determine the priority of construction of the various segments of the high-speed train system; (3) serve as the governing body of the Department of High-Speed Trains; (4) adopt criteria for the awarding of franchises; and (5) set fares or establish guidelines for the setting of fares. By October 1 of each year, requires the authority to adopt and submit to the Governor and the Legislature a high-speed train program that would cover a period of six fiscal years. Requires the program to include a listing of all capital improvement projects that are expected to require an appropriation in the annual Budget Act, including federal, state, local, and private funds, during the following six fiscal years. Requires the director of the Department of High-Speed Trains to be appointed by the authority. Requires the department to do all of the following: (1) conduct engineering and other studies related to the selection and acquisition of rights-of-way, and the selection of a franchisee; (2) evaluate alternative high-speed train technologies, systems and operators, and select an appropriate high-speed train system; (3) award franchises consistent with criteria adopted by the authority; (4) select a proposed franchisee, a proposed route and proposed terminal sites; (5) prepare a detailed financing plan, including any necessary taxes, fees or bonds to pay for the construction of the high-speed train system; (6) enter into contracts for the design, construction and operation of the high-speed train system; (7) acquire rights-of-way through purchase or eminent domain; (8) enter into cooperative or joint development agreements with local governments or private entities; (9) subject to the approval of the authority, issue debt secured by pledges of state funds, federal grants or project revenues; (10) relocate highways and utilities; (11) plan, construct and operate the high-speed train system; (12) acquire, sell and lease passenger rail rolling stock, power units and associated equipment; and (13) acquire, lease, design, construct, and improve track lines and related facilities.</td>
<td>As Introduced</td>
<td>Assembly Appropriations Committee</td>
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<td>AB 1464 (Smyth) Bicycle Routes of National, State or Regional Significance</td>
<td>Authorizes Caltrans to establish a process for identifying and promoting bicycle routes of national, state or regional significance. Allows Caltrans to establish a process whereby local bicycle organizations, private entities, or state or local government entities may nominate a route for inclusion in the system of bicycle routes of national, state or regional significance. Authorizes Caltrans to develop criteria for the design, placement and installation of signs relative to bicycle routes of national, state or regional significance. Allows the applicants or nominating entities to pay the costs for purchasing, erecting and maintaining the signs, as determined by Caltrans. Allows these costs to be reimbursed by Caltrans.</td>
<td>6/30/09</td>
<td>Senate Appropriations Committee</td>
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<td>State Assembly Bills</td>
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<td><strong>AB 1500</strong>&lt;br&gt;(Lieu)&lt;br&gt;HOV Lanes: Low-Emission Vehicles</td>
<td>Unless pre-empted by federal law, extends the authorization for low-emission vehicles to use high-occupancy vehicle (HOV) lanes regardless of the number of vehicle occupants from January 1, 2011, to January 1, 2016.</td>
<td>6/2/09</td>
<td>Senate Transportation and Housing Committee</td>
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<td><strong>AB 1502</strong>&lt;br&gt;(Eng)&lt;br&gt;HOV Lanes: Low-Emission and Hybrid Vehicles</td>
<td>Unless pre-empted by federal law, extends the authorization for certain low-emission vehicles to use high-occupancy vehicle (HOV) lanes regardless of the number of vehicle occupants from January 1, 2011, to January 1, 2017. However, retains the January 1, 2011, sunset date for hybrid vehicles.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td><strong>ACA 9</strong>&lt;br&gt;(Huffman)&lt;br&gt;Local Governments: Special Taxes</td>
<td>Calls for placing before the voters an amendment to the California Constitution to allow a local agency to impose, extend or increase any special tax if the tax is approved by its electorate by a 55 percent majority. Also allows a local agency to incur indebtedness in the form of general obligation bonds to fund any of the following: (a) the construction, reconstruction, rehabilitation, or replacement of public infrastructure improvements, and facilities or buildings used exclusively to provide sheriff, police or fire protection services to the public; (b) the development of affordable housing; and (c) the acquisition or lease of real estate for public infrastructure improvements, public safety facilities or buildings, and affordable housing, if the bond issuance is approved by its electorate by a 55 percent majority. Creates an exception to the 1 percent limit for property tax assessments if the revenues are being used to pay bonded indebtedness, approved by a 55 percent majority vote, to fund any of the following: (a) the construction, reconstruction, rehabilitation, or replacement of public infrastructure improvements, and facilities or buildings used exclusively to provide sheriff, police or fire protection services to the public; (b) the development of affordable housing; and (c) the acquisition or lease of real estate for public infrastructure improvements, public safety facilities or buildings, and affordable housing</td>
<td>6/26/09</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>ACA 15</strong>&lt;br&gt;(Arambula)&lt;br&gt;Local Governments: Transportation Special Taxes</td>
<td>Calls for placing before the voters an amendment to the California Constitution to allow a local agency to impose, extend or increase a special tax for the purpose of providing funding for local transportation projects if the tax is approved by its electorate by a 55 percent majority.</td>
<td>As Introduced</td>
<td>Assembly Floor Support</td>
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<td><strong>ACA 16</strong>&lt;br&gt;(Nestande)&lt;br&gt;State General Obligation Bonds</td>
<td>Calls for placing before the voters an amendment to the California Constitution to allow the Legislature to approve general obligation bond measures only for the purpose of funding long-term infrastructure. Defines “long-term infrastructure” to mean any of the following: (a) the acquisition of land, including easements, rights-of-way and other interests in land; (b) the construction or acquisition of improvements to land, including structures and equipment integral to the operation of those structures; and (c) the construction or acquisition of roadways and water conveyances.</td>
<td>As Introduced</td>
<td>Assembly Appropriations Committee</td>
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<td>ACR 14 (Niello)</td>
<td>Global Warming Solutions Act: Economic Analysis</td>
<td>3/27/09</td>
<td>Assembly Natural Resources Committee</td>
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## State Senate Bills

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<tr>
<td><strong>SB 10</strong> (Leno)</td>
<td>Local Vehicle Assessment Authorizes counties and San Francisco to impose a voter-approved local vehicle assessment at a rate not to exceed 2 percent of the market value of each motor vehicle or trailer coach registered within their respective jurisdictions for general revenue purposes if: (a) the board of supervisors approves an ordinance to that effect by a two-thirds vote; and (b) the assessment is approved by a majority vote of the electorate. Allows counties and San Francisco to assess a lesser amount for low-emission vehicles. Specifies that the bill is not to be construed to supplant any funds that the state apportions to counties and San Francisco, including those apportioned under the Vehicle License Fee Law.</td>
<td>7/8/09</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>SB 31</strong> (Pavley)</td>
<td>Global Warming Solutions Act: Compliance Revenues Requires any revenues collected pursuant to the implementation of the California Global Warming Solutions Act of 2006 that are adopted by the California Air Resources Board (CARB) to be deposited in the Air Pollution Control Fund. Allows these revenues to be used for: (a) renewable energy and energy efficiency programs that reduce greenhouse gas emissions, particularly those programs focusing on low-income consumers; (b) investments in technologies to reduce greenhouse gas emissions, especially technologies that provide pollution reduction co-benefits; and (c) green jobs development and training that will reduce greenhouse gas emissions.</td>
<td>5/5/09</td>
<td>Senate Floor</td>
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<td><strong>SB 104</strong> (Oropeza)</td>
<td>Global Warming Solutions Act: Definition of Greenhouse Gases Subjects nitrogen trifluoride and any other gas designated as a greenhouse gas by the United Nations Framework Convention on Climate Change to the regulatory framework established in the California Global Warming Solutions Act of 2006. Requires the California Air Resources Board (CARB) to adopt emission limits and reduction measures for a gas designated as a greenhouse gas by the United Nations Framework Convention on Climate Change or by CARB within two years of the designation.</td>
<td>4/30/09</td>
<td>Assembly Appropriations Committee</td>
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<td>SB 124 (Oropeza)</td>
<td>Air Pollution: Vehicle Idling at Schools</td>
<td>Codifies into state law administrative regulations adopted by the California Air Resources Board (CARB) limiting the idling of school buses, transit buses and other commercial vehicles near schools. Specifically, requires the operators of school buses, school pupil activity buses, youth buses, and general public paratransit vehicles to turn off their engines when stopping at, or within 100 feet of, a school. Prohibits these operators from turning on the engine more than 30 seconds before beginning to depart from that location. Prohibits the engines of those vehicles from idling at a single location greater than 100 feet from a school for more than five consecutive minutes or for periods aggregating more than five minutes in any one hour. Requires the operators of all other transit buses and commercial motor vehicles to turn off their engines upon stopping at a school and not to turn the engine on more than 30 seconds before beginning to depart from the school. Prohibits these operators from causing or allowing a vehicle to idle at any location within 100 feet of, but not at, a school for more than five consecutive minutes or periods aggregating more than five minutes in any one hour. Requires motor carriers of school buses, school pupil activity buses, youth buses, general public paratransit vehicles, transit buses, and other commercial motor vehicles to ensure that their operators, upon initial employment and at least once per year thereafter, are informed of these requirements. Requires these motor carriers to review all complaints of non-compliance and to take remedial action as necessary. Requires motor carriers to keep records of these actions for at least three years and to make them available or accessible to enforcement personnel within three business days of request. Specifies certain exemptions from the bill’s idling restrictions.</td>
<td>4/30/09</td>
<td>Assembly Floor</td>
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<td>SB 128 (Padilla)</td>
<td>California Climate Change Institute</td>
<td>Creates the California Climate Change Institute to: (a) identify and support climate change research and education to be undertaken at academic and research institutions and laboratories throughout the state; (b) oversee, coordinate and manage a non-duplicative, targeted research and development program for the purposes of achieving the state’s targets for reducing greenhouse gas emissions and mitigating the effects of those emissions; (c) develop effective model education pathways, training, model curriculum, and professional development necessary for emerging green technologies and industries; and (d) ensure that its climate change research is conducted in a manner that is targeted and non-duplicative of other research programs. Specifies that the provisions of the bill would be implemented only to the extent that sufficient funds are appropriated by the Legislature for its purposes.</td>
<td>4/2/09</td>
<td>Senate Appropriations Committee</td>
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<td>SB 205 (Hancock) Vehicle Registration Surcharges</td>
<td>Authorizes a countywide transportation planning agency 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 transportation-related programs and projects. 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 countywide transportation planning agency 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 programs and projects to be funded with surcharge revenues have a relationship or benefit to the persons who will be paying the surcharge, and are consistent with the applicable Regional Transportation Plan (RTP); 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 for transportation programs and projects from state general obligation bonds; (b) creating or sustaining congestion mitigation programs and projects; and (c) creating or sustaining pollution mitigation programs and projects. If requested by a countywide transportation planning agency, 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 countywide transportation planning agency 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 countywide transportation planning agency to be reimbursed for these costs through the initial revenues generated by the surcharge.</td>
<td>4/14/09</td>
<td>5/4/09 Assembly Appropriations Committee</td>
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<td>SB 391 (Liu) California Transportation Plan</td>
<td>Requires Caltrans to update the California Transportation Plan by December 31, 2015, and every five years thereafter. Requires the plan to address how the state would achieve maximum feasible emissions reductions in order to attain a statewide reduction of greenhouse gas emissions to 1990 levels by 2020 as required by the California Global Warming Solutions Act of 2006, and 80 percent below 1990 levels by 2050. Requires the plan to identify the statewide integrated multimodal transportation system needed to achieve these results. Requires the plan to consider all of the following subject areas with regard to the movement of people and freight: (a) mobility and accessibility; (b) integration and connectivity; (c) efficient system management and operation; (d) existing system preservation; (e) safety and security; (f) economic development, including productivity and efficiency; and (g) environmental protection and quality of life. Requires Caltrans to complete an interim report by December 31, 2012. Requires this interim report to include: (a) a list and overview of all sustainable communities strategies and alternative planning strategies that have been prepared; and (b) an assessment of how the implementation of these sustainable communities strategies and alternative planning strategies would influence the configuration of the statewide integrated multimodal transportation system.</td>
<td>6/23/09 Assembly Appropriations Committee</td>
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<td>SB 400 (Corbett) Green Vehicles</td>
<td>Allows the California Alternative Energy and Advanced Transportation Financing Authority to provide financing for the development and commercialization of “California green vehicles,” as defined.</td>
<td>6/23/09 Assembly Appropriations Committee</td>
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<td><strong>SB 406</strong></td>
<td>Requires the Planning Advisory and Assistance Council to: (a) work with regional agencies, such as metropolitan planning organizations (MPOs) and councils of governments (COGs), as well as with cities and counties 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 funding plans. Authorizes an MPO, COG, or county transportation commission and subregional COG jointly preparing a subregional sustainable communities strategy to impose a vehicle registration surcharge of $1 or $2 solely to develop and implement a regional blueprint plan or sustainable communities strategy to identify land-use strategies to reduce the use of motor vehicles in its jurisdiction and thereby reduce emissions into the environment from motor vehicles. If the surcharge exceeds $1, requires all amounts above $1 in a jurisdiction with a population greater than 300,000 to be used to provide grants to cities and counties for planning and projects related to the implementation of a regional blueprint plan. Requires 5 percent of the surcharge revenues to be transmitted to the Planning Advisory and Assistance Council.</td>
<td>7/9/09</td>
<td>Assembly Local Government Committee</td>
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<td><strong>SB 409</strong></td>
<td>Creates the Department of Railroads within the California Business, Transportation and Housing Agency. Specifies that the department would be overseen by a director to be appointed by the governor and confirmed by the Senate. Transfers to the department all state programs and responsibilities related to the following: (1) intercity passenger rail; (2) high-speed rail; (3) rail goods movement; and (4) rail-highway grade crossings and separations. Creates the Division of Railroad-Highway Grade Separation and Grade Crossing Protection within the department. Requires the department to conduct an analysis of the state’s freight rail transportation system every two years. Requires the department to coordinate regional planning efforts throughout the state relative to rail transportation. Specifies that the department shall be the only state agency eligible to apply for and receive grant and loan funds from the federal government or other sources for intercity rail, high-speed rail and freight rail purposes. Establishes the California High-Speed Rail Authority as a division of the department. Requires the chief of this division to be nominated by the director of the Department of Railroads and approved by High-Speed Rail Authority. Requires one of the appointments to the High-Speed Rail Authority to be the director of the Department of Railroads. Requires the director of the Department of Railroads to serve as the chair of the High-Speed Rail Authority.</td>
<td>5/21/09</td>
<td>Senate Appropriations Committee</td>
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<td><strong>SB 425</strong></td>
<td>Authorizes the Franchise Tax Board to deny a deduction for parking as a business expense if the employer is not in compliance with state parking cash-out requirements. Requires any revenues generated by disallowed deductions to be allocated as a tax credit to small business to help them implement and maintain qualified commute trip reduction measures.</td>
<td>6/11/09</td>
<td>Senate Appropriations Committee</td>
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| **SB 455**  
(Lowenthal)  
California High-Speed Rail Authority | Requires the five gubernatorial appointments to the California High-Speed Rail Authority to be confirmed by the Senate. Exempts the High-Speed Rail Authority from the following: (a) various statutory provisions related to the acquisition and disposal of property requiring the approval of the Department of Finance; (b) securing the approval of the Department of Finance or the State Public Works Board when expending funds appropriated for capital outlay purposes; and (c) securing the approval of the Department of General Services when acquiring an easement or right-of-way. Prohibits the Department of General Services from: (a) granting easements across the property of the High-Speed Rail Authority; and (b) maintaining an inventory of the property owned by the authority. Authorizes the High-Speed Rail Authority to negotiate, in the name of the state, access to rights-of-way that it owns. Requires any capital investment made by the High-Speed Rail Authority for Phase 1 of the high-speed train project to be consistent with one or more of the following criteria: (a) enhances railroad access to stations and terminals, with priority being given to those stations and terminals that serve the largest employment centers; (b) improves travel times, service reliability, safety, and service frequency for existing commuter and intercity passenger train services; or (c) improves connections from the San Joaquin Valley to Southern California, or from the San Joaquin Valley to the Bay Area. Requires changes in contracts entered into by the High-Speed Rail Authority to be approved by its governing board. Requires the High-Speed Rail Authority to create an overall schedule with delivery milestones for all aspects of the high-speed train project. | 4/16/09 | Assembly Appropriations Committee |
| **SB 474**  
(Ducheny)  
Innovative Contracting and Financing Pilot Programs | Requires the California Transportation Commission (CTC) to provide an annual consolidated report to the Legislature on the progress of the following pilot programs authorized under current law: (1) public-private partnerships; (2) design-build; and (3) design-sequencing. Prior to awarding any contract or entering into any agreement for a pilot program involving public-private partnerships, design-build or design-sequencing under current law, requires the lead agency for the project to make a finding that the use of the alternative contracting or financing method will provide any of the following benefits to the public when compared to a traditional contracting or financing method: (a) accelerates the project completion date; (b) produces savings in personnel or financial resource; (c) results in lower costs to the users of the facility developed under the method; or (d) brings financial resources to the project that would not otherwise be available. If the project is under joint control of Caltrans and a local agency, requires both to concur in the finding before a contract may be awarded. | 7/9/09 | Senate Appropriations Committee |
| **SB 476**  
(Correa)  
CEQA: Non-Compliance Allegations | Clarifies provisions of the California Environmental Quality Act (CEQA) that prescribe when and how a person may bring an action or a proceeding against a project before a public entity. | 4/30/09 | Assembly Natural Resources Committee |
| **SB 485**  
(Wright)  
SHOPP Funding | Enacts the State Highway Operation and Protection Program Emergency Funding Act. States the intent of the Legislature to provide adequate funding to meet the needs of the State Highway Operation and Protection Program (SHOPP) in FY 2010. | As Introduced | Senate Transportation and Housing Committee |
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<td>SB 518 (Lowenthal) Parking</td>
<td>Beginning January 1, 2011, prohibits state funds from being used, directly or indirectly, to subsidize the construction or operations of parking. Establishes a menu of parking policy reforms with a point score for each reform. By January 1, 2012, authorizes cities and counties within a region covered by a metropolitan planning organization (MPO) to adopt and implement measures from the menu that achieve a total score of at least 20 points. Includes reforms relating to the following as part of the menu: (a) eliminating or reducing minimum parking requirements and/or establishing maximum parking requirements in local zoning ordinances; (b) allowing greater development potential on existing parking lots; (c) requiring that parking costs be unbundled from rent costs in residential or commercial leases; (d) requiring that all new employment contracts charge the full cost of employer-provided parking; (e) requiring employers to offer public transit passes to employees on a pre-tax basis; (f) setting parking meter rates at market rate; (g) installing meters in areas with parking shortages; (h) establishing parking benefit districts to direct new revenues from meters or meter rate increases to the community from which they come; (i) allowing commuters to use surplus spaces in residential permit areas for a price; and (j) dedicating parking revenues to programs that reduce parking demand, including public transit, transportation demand management, and bicycle and pedestrian infrastructure. Requires the California Air Resources Board (CARB) to consider making a city or county that adopts and implements measures that exceed a total score of 20 points eligible to receive carbon reduction credits through its cap-and-trade program for those measures that exceed the 20-point threshold if the granting of those credits does not result in increasing the overall cap on emissions. Requires a city or county that adopts at least 50 points of reforms to receive a 5 percent scoring bonus for any state competitive loan or grant program related to housing, transportation or economic development, or that is funded by a general obligation bond approved by the voters on or after January 1, 2010. Allows any funding apportioned to cities or counties from the Highway Users Tax Account to be expended for implementing transportation demand management measures. Authorizes a local entity to dedicate any portion of the revenues collected from parking meter zones to parking benefit districts or programs that reduce parking demand, including public transit, transportation demand management, or bicycle and pedestrian infrastructure improvements and promotion.</td>
<td>5/28/09</td>
<td>Senate Floor</td>
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<td>SB 526 (Ashburn) Intercity Rail: Altamont Pass Extension</td>
<td>Requires Caltrans to enter into negotiations with the relevant operating freight and passenger commuter railroads for the purpose of developing a service plan and an operating agreement for the extension of at least one San Joaquin Corridor intercity passenger train using the Altamont Corridor to and from San Francisco.</td>
<td>4/2/09</td>
<td>Senate Appropriations Committee</td>
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<td>SB 527 (Kehoe) Bicycles</td>
<td>Prohibits a person from operating a bicycle on a highway if he or she is riding other than upon or astride a permanent and regular seat attached to the bicycle, unless the bicycle was designed by the manufacturer to be ridden without a seat.</td>
<td>5/6/09</td>
<td>Assembly Floor</td>
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<td>SB 535 (Yee) HOV Lanes: Low-Emission Vehicles</td>
<td>Unless pre-empted by federal law, indefinitely extends the authorization for vehicles that meet California’s super ultra-low exhaust emission standard and the federal inherently low-emission evaporative emission standard to use high-occupancy vehicle (HOV) lanes regardless of the number of vehicle occupants.</td>
<td>7/6/09</td>
<td>Assembly Appropriations Committee</td>
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<tr>
<td><strong>SB 555</strong> (Kehoe) Eminent Domain: Conservation Easements</td>
<td>Revises eminent domain law to establish requirements for the acquisition of property subject to a conservation easement. Requires the person seeking to acquire the property through eminent domain to give the holder of the conservation easement a notice containing specified information and an opportunity to state any objections to the acquisition. Requires the holder of the conservation easement to provide notice of the proposed acquisition to any public entity that helped fund the purchase of the easement or that imposed conditions on a project that were satisfied, in whole or in part, by the easement. Requires the person seeking to acquire the property subject to a conservation easement to respond to any objections in writing. Specifies that the holder of a conservation easement is entitled to compensation under eminent domain law.</td>
<td>6/24/09</td>
<td>Assembly Appropriations Committee</td>
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<tr>
<td><strong>SB 575</strong> (Steinberg) Sustainable Communities Strategies</td>
<td>Makes technical changes to several provisions under the Sustainable Communities and Climate Protection Act of 2008, including: (a) the rezoning requirements under housing element law; and (b) housing element due dates.</td>
<td>7/1/09</td>
<td>Assembly Appropriations Committee</td>
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<tr>
<td><strong>SB 626</strong> (Kehoe) Plug-In Hybrid and Electric Vehicles</td>
<td>Requires the California Public Utilities Commission (CPUC) to evaluate policies to develop infrastructure sufficient to overcome any barriers to the widespread deployment and use of plug-in hybrid and electric vehicles. By January 1, 2011, requires the CPUC to adopt rules to address all of the following: (1) the impacts on the state’s electrical infrastructure of the widespread use of plug-in hybrid and electric vehicles; (2) the impact of plug-in hybrid and electric vehicles on grid stability and the integration of renewable energy resources; (3) the technological advances that are needed to ensure the widespread use of plug-in hybrid and electric vehicles, and what role the state should take to support the development of this technology; (4) the existing code and permit requirements that will impact the widespread use of plug-in hybrid and electric vehicles; (5) any recommended changes to existing legal impediments to the widespread use of plug-in hybrid and electric vehicles; (6) the role the state should take to ensure that technologies employed in plug-in hybrid and electric vehicles work in a harmonious manner and across service territories; and (7) the impact of the widespread use of plug-in hybrid and electric vehicles on achieving the state’s greenhouse gas emission reduction goals pursuant to the California Global Warming Solutions Act of 2006, and what steps should be taken to address possibly shifting emissions reduction responsibilities from the transportation sector to the electrical industry.</td>
<td>7/1/09</td>
<td>Assembly Appropriations Committee</td>
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<tr>
<td><strong>SB 632</strong> (Lowenthal) Ports: Infrastructure Needs</td>
<td>Beginning January 1, 2010, requires the ports of Long Beach, Los Angeles and Oakland to assess their infrastructure and air quality improvement needs, including projects that improve the efficiency of the movement of cargo, and that reduce the congestion impacts and pollution associated with the movement of cargo. Requires these assessments to include the total costs of the infrastructure and air quality improvements, possible funding options for these projects, and estimated timelines for their implementation. Requires each port to provide this assessment to the Legislature by July 1, 2010.</td>
<td>4/30/09</td>
<td>Assembly Floor</td>
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<tr>
<td>State Senate Bills</td>
<td>Subject</td>
<td>Last Amended</td>
<td>Status</td>
<td>VTA Position</td>
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| **SB 716**  
(Wolk)  
TDA: Farmworker Vanpool Services | For counties with a population of more than 500,000 as of the 2000 census and each decennial census thereafter, requires Transportation Development Act (TDA) funds to be used solely for public transit and paratransit purposes, as well as for bicycle projects. For other counties, allows TDA funds to be used for the acquisition or lease of vans and related equipment for a farmworker vanpool program, but not for operating costs, if there is a finding by the relevant transportation planning agency that there are no unmet transits needs that are reasonable to meet. | 5/19/09 | Assembly Transportation Committee |
| **SB 728**  
(Lowenthal)  
Parking Cash-Out | Allows cities, counties and air districts to establish, by ordinance or resolution, a penalty or other mechanism to ensure compliance with the state’s parking cash-out law. | 4/27/09 | Assembly Floor |
| **SB 783**  
(Ashburn)  
High-Speed Rail: Business Plan | No later than January 1, 2012, and every two years thereafter, requires the California High-Speed Rail Authority to prepare, publish, adopt, and submit to the Legislature a business plan. Requires the plan to include the following elements: (a) using the most recent patronage forecast for the high-speed rail system, develop a forecast of the expected patronage and service levels for the Phase 1 corridor (San Francisco/San Jose to Los Angeles/Anaheim), and by each segment or combination of segments for which a project-level environmental analysis is being prepared for Phase 1; (b) based on the patronage forecast, develop alternative financial pro formas for the different levels of service, and identify the operating break-even points for each alternative; (c) identify the expected schedule for completing environmental review, and initiating and completing construction for each segment of Phase 1; (d) identify the source of federal, state and local funds available for the project that will augment funds from the high-speed rail bond measure, and the level of confidence for obtaining each type of funding; (e) identify written agreements with public or private entities to fund components of the high-speed rail system and any impediments to the completion of the system, such as the inability to gain access to existing railroad rights-of-way; and (f) identify alternative public-private development strategies for the implementation of Phase 1. | 7/2/09 | Assembly Appropriations Committee |
| **SCA 3**  
(Wyland)  
Proposition 42 Suspensions | Calls for placing before the voters an amendment to the California Constitution to eliminate the ability of the Governor and the Legislature to suspend the transfer of gasoline sales tax revenues pursuant to Proposition 42 from the General Fund to the Transportation Investment Fund (TIF). Prohibits the loaning of TIF revenues under any circumstances. Prohibits the enactment of a statute that would reduce the extent to which gasoline sales tax revenues are deposited into the General Fund for transfer to the TIF for transportation purposes. | As Introduced | Senate Revenue and Taxation Committee |
| **SCA 5**  
(Hancock)  
State Budget | Calls for placing before the voters an amendment to the California Constitution to allow for General Fund appropriations in the state budget bill to be enacted by the Legislature with a majority vote. | As Introduced | Senate Rules Committee |
<table>
<thead>
<tr>
<th>State Senate Bills</th>
<th>Subject</th>
<th>Last Amended</th>
<th>Status</th>
<th>VTA Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCA 10 (Ducheny)</td>
<td>Calls for placing before the voters an amendment to the California Constitution regarding statewide initiative measures. Specifically, requires the Secretary of State’s Office to transmit a copy of an initiative measure certified for the ballot that would amend the constitution to both the Senate and Assembly no later than 176 days prior to the election at which the measure is to be considered by the electorate. Within 30 days, allows the Legislature to propose an amended form of the initiative measure by adopting a concurrent resolution. If the sponsors of the initiative measure accept the proposed amendments, requires the Legislature’s proposal to appear on the ballot in place of the certified initiative measure. If the amended form proposed by the Legislature is not accepted, requires information regarding the proposed amended form to be included in the ballot materials related to the initiative measure.</td>
<td>As Introduced</td>
<td>Senate Appropriations Committee</td>
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<td>DAY</td>
<td>JANUARY</td>
<td>DAY</td>
<td>JULY</td>
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<tr>
<td>1</td>
<td>Statutes signed into law in 2008 take effect.</td>
<td>10</td>
<td>Last day for policy committees to hear and report bills introduced in the other house.</td>
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<tr>
<td>5</td>
<td>Legislature reconvenes.</td>
<td>17</td>
<td>Summer Recess begins upon adjournment, provided that the budget bill has been enacted.</td>
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<tr>
<td>10</td>
<td>Budget must be submitted by the Governor to the Legislature on or before this date.</td>
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<tr>
<td>30</td>
<td>Last day to submit bill requests to the Legislative Counsel’s Office.</td>
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<td></td>
<td></td>
<td>27</td>
<td>Last day for bills to be introduced.</td>
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<tr>
<td>FEBRUARY</td>
<td></td>
<td>28</td>
<td>Last day for fiscal committees to hear and report to the floor bills introduced in the other house.</td>
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<tr>
<td></td>
<td></td>
<td>17</td>
<td>Legislature reconvenes from Summer Recess.</td>
<td></td>
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<tr>
<td>APRIL</td>
<td></td>
<td>13</td>
<td>Legislature reconvenes from Spring Recess.</td>
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<tr>
<td></td>
<td>Spring Recess begins upon adjournment.</td>
<td>15</td>
<td>Last day for policy committees to hear and report to the floor non-fiscal bills introduced in their house.</td>
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<tr>
<td></td>
<td></td>
<td>29</td>
<td>Last day for fiscal committees to hear and report to the floor bills introduced in their house.</td>
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<tr>
<td>MAY</td>
<td></td>
<td>11</td>
<td>Last day for each house to pass bills. Interim Recess begins at the end of this day’s session</td>
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<td></td>
<td>Last day for policy committees to hear and report fiscal bills introduced in their house.</td>
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<td>Last day for policy committees to hear and report to the floor non-fiscal bills introduced in their house.</td>
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<tr>
<td>JUNE</td>
<td></td>
<td>11</td>
<td>Last day for the Governor to sign or veto bills passed by the Legislature before September 11, and in his possession after September 11.</td>
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<tr>
<td>5</td>
<td>Last day for bills to be passed out of their house of origin.</td>
<td>4</td>
<td>Legislature reconvenes.</td>
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<tr>
<td>15</td>
<td>Budget must be passed by midnight.</td>
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</tbody>
</table>
Board of Directors Committee of the Whole

Thursday, July 16, 2009

MINUTES

Call to Order

The Santa Clara Valley Transportation Authority Board of Directors Committee of the Whole (COW) Meeting (In Lieu of Administration and Finance (A&F) Committee, Congestion Management Program and Planning (CMPP) Committee, and Transit Planning and Operations (TP&O) Committee Meetings) was called to order by Member Liccardo at 12:10 p.m. in the Board of Supervisors’ Chambers, County Government Center, 70 West Hedding Street, San Jose, California.

Member Liccardo noted that Committee recommendations would be forwarded for consideration at the August 6, 2009 VTA Regular Board of Directors Meeting.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
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</thead>
<tbody>
<tr>
<td>Nora Campos</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<tr>
<td>David Casas</td>
<td>Board Member</td>
<td>Absent</td>
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<tr>
<td>Dominic Caserta</td>
<td>Board Member</td>
<td>Absent</td>
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<tr>
<td>Don Gage</td>
<td>Board Member</td>
<td>Absent</td>
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<tr>
<td>Rose Herrera</td>
<td>Board Member</td>
<td>Absent</td>
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<tr>
<td>Ash Kalra</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Yoriko Kishimoto</td>
<td>Board Member</td>
<td>Absent</td>
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<tr>
<td>Liz Kniss</td>
<td>Board Member</td>
<td>Absent</td>
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<tr>
<td>Bob Livengood</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<tr>
<td>Chris Moylan</td>
<td>Alternate Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Chuck Page</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<tr>
<td>Nancy Pyle</td>
<td>Board Member</td>
<td>Absent</td>
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<tr>
<td>Chuck Reed</td>
<td>Board Member</td>
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<tr>
<td>Greg Sellers</td>
<td>Board Member</td>
<td>Absent</td>
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<tr>
<td>George Shirakawa</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<tr>
<td>Sam Liccardo</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Dolly Sandoval</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
</tbody>
</table>

2. Election for Chair Pro Tem

M/S (Moylan/Kalra) and there being no objection, to appoint Member Liccardo as Chairperson Pro Tempore.

NOTE: M/S MEANS MOTION SECONDED.
3. **PUBLIC PRESENTATIONS**

David Jensen, Interested Citizen, inquired when will VTA issue a Request for Proposals for office equipment.

4. **ORDERS OF THE DAY**

There were no Orders of the Day.

5. **General Manager’s Report**

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

- More Board Members had planned to attend the meeting, however, some things came up such as Ex-Officio Board Member Chu’s sister being elected to Congress and he is attending her swearing in ceremony.

- VTA sent a letter to stakeholders and residents along the Vasona Light Rail line to remind them to adhere to warning signals and exercise safe behaviors around rail facilities. VTA is reviewing other safety awareness programs in addition to those that are currently in place at rail crossings.

- On June 30, 2009, the Third District Court of Appeals in Sacramento ruled against the State of California on a lawsuit filed by the California Transit Association (CTA) regarding the diversion of transit funds to non-transit uses. The Court has no authority to order repayment of used funds in the past but noted the continued diversion of transit funding is illegal going forward. The State of California indicated it will appeal this decision to the State Supreme Court.

- The State of California budget is still facing a $26 billion shortfall and transit funds can still be used for non-transit uses until the State Supreme Court rules on the appeal noted above.

- There is an active effort to remove the language inserted into the budget bill requiring the High Speed Rail Authority to study alignments other than Caltrain corridor for the San Jose to San Francisco line.

- President Obama and the US Congress will most likely agree to an 18-month extension of the current Surface Transportation Program (STP) to provide ample time to discuss the details of the STP Reauthorization and funding for the program. Staff will provide a report to the Board, when details become available.

- VTA’s finances are deteriorating due to further decline of sales tax receipts. As a result, the following will be implemented, pending approval of the Board: 1) fare change implementation will be accelerated to October 2009; and 2) eight percent bus service reduction and seven percent light rail service reduction in January 2009. VTA will perform outreach efforts to the public and committees for the planned fare increases and transit service cuts.
• Acknowledged labor union groups for their efforts and cooperation with VTA, which reduced the negative impacts of the deteriorating sales tax receipts collection.


CONSENT AGENDA

6. Quarterly Annual Attendance Report

M/S (Moylan/Kalra) and without objection to review the 2009 Quarterly Attendance Report.

7. Monthly Legislative History Matrix

M/S (Moylan/Kalra) and without objection to review the Monthly Legislative History Matrix.

8. Joint Workforce Investment Program Quarterly Report

M/S (Moylan/Kalra) and without objection to receive quarterly report on the progress made on the Joint Workforce Investment (JWI) program from January 1, 2009 through March 31, 2009.


M/S (Moylan/Kalra) and without objection to receive report on Santa Clara Valley Transportation Authority Investments for month of April 2009.


M/S (Moylan/Kalra) and without objection to receive report on Santa Clara Valley Transportation Authority Investments for month of May 2009.

11. VTP Highway Program Semi-Annual Report

M/S (Moylan/Kalra) and without objection to receive the VTP Highway Program Semi-Annual Report.

12. Guadalupe North Line Public Address System Upgrade Contract Award

M/S (Moylan/Kalra) and without objection to recommend the Board of Directors to authorize the General Manager to execute a contract with HSQ Technology, the lowest responsible bidder, in the amount of $481,930 for the Guadalupe North Line Public Address System Upgrade Project. This contract is 80% federally funded.
13. **Guadalupe North Line Public Address System Upgrade Contract Award**

M/S (Moylan/Kalra) and without objection to recommend the Board of Directors to authorize the General Manager to execute a contract with Weber Tractor Service, the lowest responsible bidder, in an amount of $255,781 for the construction of the Bus Stop Pavement Improvements FY09. This contract is 80% federally funded.

14. **Bill Position: AB 1158 (Hayashi)**

M/S (Moylan/Kalra) and without objection to recommend the Board of Directors to adopt a support position for AB 1158 (Hayashi), which adds educational facilities and other land uses that link people traveling to and from K-12 schools, community colleges and universities to the list of specified characteristics that a transit village plan may address.

15. **Bill Position: SB 425 (Simitian)**

M/S (Moylan/Kalra) and without objection to recommend the Board of Directors to adopt a support position for SB 425 (Simitian), which specifies that an employer subject to the requirement to implement a parking cash-out program may not deduct the cost of parking subsidies from its gross income unless it is in compliance with this requirement. In addition, this bill provides a tax credit to small businesses for qualified commute reduction expenditures.

16. **Rail Rehabilitation - Market Street and Almaden Boulevard Crossings Contract Award**

M/S (Moylan/Kalra) and without objection to recommend the Board of Directors to authorize the General Manager to execute a contract with Stacy and Witbeck/Con-Quest (a joint venture), the lowest responsible bidder, in an amount of $1,337,842 for construction of the Rail Rehabilitation - Market Street and Almaden Boulevard Crossings. This contract is 80% federally funded.

17. **FY09 Federal Formula Fund Program**

M/S (Moylan/Kalra) and without objection to recommend the Board of Directors to authorize the General Manager to submit Federal Fiscal Year (FFY) 2009 grant applications and execute grant agreements with the Federal Transit Administration (FTA) for Section 5307 Urbanized Area Formula, and Section 5309 Fixed Guideway programs.

18. **FY10 Transportation Development Act (TDA) Program**

M/S (Moylan/Kalra) and without objection to recommend the Board of Directors to adopt a resolution authorizing the filing of an annual claim to the Metropolitan Transportation Commission (MTC) for allocation of FY 2009-2010 Transportation Development Act (TDA) and State Transit Assistance (STA) funds.
19. **Vasona LRT Project - Hamilton MSE Wall Stabilization Contract Award**

M/S (Moylan/Kalra) and without objection to recommend the Board of Directors to authorize the General Manager to execute a contract with ConQuest Contractors Inc., the lowest responsible bidder, in an amount of $343,649 for construction of the Hamilton MSE Wall Stabilization Project improvements.

20. **Core Network Equipment Leasing**

M/S (Moylan/Kalra) and without objection to recommend the Board of Directors to authorize the General Manager to lease up to $595,650 in electronic "core" network equipment, primarily switches and routers that control and direct electronic data, from Cisco Systems Inc. and AT&T Inc., under cooperative purchasing agreements negotiated by the State of California on behalf of local agencies. This “lease to own” purchase agreement is to be funded via five annual payments of approximately $119,000. At the end of the proposed five year term, and after making the five payments as outlined, the VTA may exercise an option to own the equipment outright.

21. **County Earmark Proposals for Federal Surface Transportation Program Reauthorization Legislation**

M/S (Moylan/Kalra) and without objection to recommend the Board of Directors to support the County's projects for inclusion in the Federal Surface Transportation Program reauthorization legislation and direct staff to submit a letter of support to the appropriate federal departments.

**REGULAR AGENDA**

22. **Committee for Transit Accessibility (CTA) Report**

Jim Unites, Operations Deputy Director, read the CTA report from CTA Chairperson Morrow. The report included CTA’s comments regarding the Presentation of Mobility Option Taskforce. CTA items referred to staff include inquiries regarding VTA paratransit “cost pool” and detailed direct costs of the Accessible Services Budget.

Member Kalra expressed support for educational transit training for seniors.

M/S (Moylan/Kalra) and without objection to receive a report regarding the July 8, 2009 Committee for Transit Accessibility.

23. **Substance Abuse Testing, Medical Review Officer and Medical Examination Services**

Upon inquiry of Member Kalra, Jacquelyn Adams, Senior HR Analyst, responded VTA staff reviews the U.S. Health Works reports on a regular basis to ensure compliance. With regards to clinic locations, VTA employees are sent to U.S. Health Works locations closest to the VTA employee’s worksite.

M/S (Kalra/Moylan) and without objection to recommend the Board of Directors to authorize the General Manager to approve the award of a contract to U. S. Health Works
for Substance Abuse Testing, Medical Review Officer Services, and Medical Examination Services for three years at a cost of $877,440, with an option for two one-year extensions priced at $410,132 for a total authorization of $1,287,572.

24. **Approval of the Labor Agreements between Santa Clara Valley Transportation Authority and Transportation Authority Engineers and Architects Association Local 21 (TAEA), American Federation of State County and Municipal Employees, Local 101 (AFSCME) and Service Employees International Union, Local 521 (SEIU)**

The Committee of the Whole expressed appreciation to the bargaining units for their work and cooperation and also thanked the management team for their diligent work.

M/S (Kalra/Moylan) and without objection to recommend the Board of Directors to authorize the General Manager to approve and formally adopt the amended successor labor agreements negotiated between the the Santa Clara Valley Transportation Authority (VTA) and Transportation Authority Engineers and Architects (TAEA), American Federation of State, County and Municipal Employees (AFSCME), and Service Employees International Union, Local 521 (SEIU).

25. **Investment Consulting Services**

M/S (Kalra/Moylan) and without objection to recommend the Board of Directors to authorize the General Manager to execute a contract with Mercer Investment Consulting, Inc. (Mercer) to provide investment consulting services, including quarterly evaluations of money manager performance with recommendations to retain or not retain; and, to provide other services (i.e. asset allocation study, money manager searches, etc.) as needed, in an amount not to exceed $235,000 for a period of two years; and, further authorize the General Manager to extend such contract for one year periods not to exceed three additional years with an amount not to exceed $337,000 total for the third, fourth, and fifth year of the contract (five years not to exceed $572,000).

26. **Freight Railroad - Utility Relocation Spending Authority Augmentation**

Upon inquiry, Mark Robinson, Chief Engineering and Construction Officer, explained the majority of the requested additional $5 million will be used for increased construction costs due to soil conditions which require longer and deeper bores. He further explained if soil remediation is necessary it will be part of the construction contract and not be in advance of the construction contract.

M/S (Kalra/Moylan) and without objection to recommend the Board of Directors to:

1. Increase the General Manager’s spending authority for Freight Railroad Relocation (FRR) and the WP Milpitas Corridor clearance utility relocations in an amount not to exceed $5 million, for a revised authorized amount of $38.52 million. This authorization increase will complete all utility relocation activities for the FRR and will allow for the commencement of non-FRR preliminary utility relocation design for clearance of the Corridor between Fremont and San Jose.

2. Authorize the General Manager to execute new utility relocation agreements
and/or amend existing utility relocation agreements for FRR and non-FRR corridor clearance activities in a total amount not to exceed the Board authorized $38.52 million. A combined utility relocation authorization is recommended for financial flexibility and ease of cost administration.

27. **Low-Floor Hybrid Electric-Diesel Bus Procurement**

Michael Hursh, Maintenance Deputy Director, noted VTA is currently in a competitive bid process. A revised memorandum with the recommended contractor will be submitted prior to the Board of Directors’ August 2009 meeting after review of the best and final offers received. Mr. Burns added the $47 million stimulus package grant was approved for the purchase of the buses. Ten percent of the $47 million can be used as operating funds.

M/S (Moylan/Kalra) and without objection to recommend the Board of Directors to authorize the General Manager to execute a contract for the purchase of up to 107 forty-foot low-floor hybrid diesel-electric buses and related equipment. A combination of federal stimulus money and state Proposition 1B funds will be used for this procurement.

28. **Fare Increase Proposal Effective Date Change**

Alternate Member Moylan noted the Policy Advisory Committee (PAC) recommended acceleration of the fare increase implementation.

Joseph Smith, Chief Financial Officer, assured all outreach efforts will be accelerated as well to ensure the public is aware of the fare increase.

M/S (Kalra/Moylan) and without objection to recommend the Board of Directors to adopt a resolution amending Resolution 2009.06.15, Establishing Rates and Fares, to change the effective date to October 1, 2009.

**OTHER**

29. **Items of Concern and Referral to Administration**

Alternate Member Moylan recommended future Committee of the Whole meetings be held at VTA River Oaks Campus.

30. **Committee Staff Report**

There was no Committee Staff Report.

31. **Chairperson’s Report**

There was no Chairperson’s Report.

32. **Determine Consent Agenda for the August 6, 2009 Board Meeting**

**CONSENT**

Agenda Item #7, Review the Monthly Legislative History Matrix.
Agenda Item #11, Receive the VTP Highway Program Semi-Annual Report.

Agenda Item #12, Authorize the General Manager to execute a contract with HSQ Technology, the lowest responsible bidder, in the amount of $481,930 for the Guadalupe North Line Public Address System Upgrade Project. This contract is 80% federally funded.

Agenda Item #13, Authorize the General Manager to execute a contract with Weber Tractor Service, the lowest responsible bidder, in an amount of $255,781 for the construction of the Bus Stop Pavement Improvements FY09. This contract is 80% federally funded.

Agenda Item #14, Recommend that the VTA Board of Directors adopt a support position for AB 1158 (Hayashi), which adds educational facilities and other land uses that link people traveling to and from K-12 schools, community colleges and universities to the list of specified characteristics that a transit village plan may address.

Agenda Item #15, Recommend that the VTA Board of Directors adopt a support position for SB 425 (Simitian), which specifies that an employer subject to the requirement to implement a parking cash-out program may not deduct the cost of parking subsidies from its gross income unless it is in compliance with this requirement. In addition, this bill provides a tax credit to small businesses for qualified commute reduction expenditures.

Agenda Item #16, Authorize the General Manager to execute a contract with Stacy and Witbeck/Con-Quest (a joint venture), the lowest responsible bidder, in an amount of $1,337,842 for construction of the Rail Rehabilitation - Market Street and Almaden Boulevard Crossings. This contract is 80% federally funded.

Agenda Item #17, Authorize the General Manager to execute a contract with ConQuest Contractors Inc., the lowest responsible bidder, in an amount of $343,649 for construction of the Hamilton MSE Wall Stabilization Project improvements.

Agenda Item #18, Authorize the General Manager to lease up to $595,650 in electronic "core" network equipment, primarily switches and routers that control and direct electronic data, from Cisco Systems Inc. and AT&T Inc., under cooperative purchasing agreements negotiated by the State of California on behalf of local agencies. This “lease to own” purchase agreement is to be funded via five annual payments of approximately $119,000. At the end of the proposed five year term, and after making the five payments as outlined, the VTA may exercise an option to own the equipment outright.
Agenda Item #21, Recommend that the VTA Board of Directors support the County's projects for inclusion in the Federal Surface Transportation Program reauthorization legislation and direct staff to submit a letter of support to the appropriate federal departments.

Agenda Item #23, Authorize the General Manager to approve the award of a contract to U. S. Health Works for Substance Abuse Testing, Medical Review Officer Services, and Medical Examination Services for three years at a cost of $877,440, with an option for two one-year extensions priced at $410,132 for a total authorization of $1,287,572.

Agenda Item #24, Authorize the General Manager to approve and formally adopt the amended successor labor agreements negotiated between the the Santa Clara Valley Transportation Authority (VTA) and Transportation Authority Engineers and Architects (TAEA), American Federation of State, County and Municipal Employees (AFSCME), and Service Employees International Union, Local 521 (SEIU).

Agenda Item #25, Authorize the General Manager to execute a contract with Mercer Investment Consulting, Inc. (Mercer) to provide investment consulting services, including quarterly evaluations of money manager performance with recommendations to retain or not retain; and, to provide other services (i.e. asset allocation study, money manager searches, etc.) as needed, in an amount not to exceed $235,000 for a period of two years; and, further authorize the General Manager to extend such contract for one year periods not to exceed three additional years with an amount not to exceed $337,000 total for the third, fourth, and fifth year of the contract (five years not to exceed $572,000).

Agenda Item #26, 1) Increase the General Manager’s spending authority for Freight Railroad Relocation (FRR) and the WP Milpitas Corridor clearance utility relocations in an amount not to exceed $5 million, for a revised authorized amount of $38.52 million. This authorization increase will complete all utility relocation activities for the FRR and will allow for the commencement of non-FRR preliminary utility relocation design for clearance of the Corridor between Fremont and San Jose; 2) Authorize the General Manager to execute new utility relocation agreements and/or amend existing utility relocation agreements for FRR and non-FRR corridor clearance activities in a total amount not to exceed the Board authorized $38.52 million. A combined utility relocation authorization is recommended for financial flexibility and ease of cost administration.

REGULAR

Agenda Item #27, Authorize the General Manager to execute a contract for the purchase of up to 107 forty-foot low-floor hybrid diesel-electric buses and related equipment. A combination of federal stimulus money and state Proposition 1B funds will be used for this procurement.

Note: Due to the timing of the procurement negotiations, results will be provided in a revised memorandum to the Board of Directors for the August 6, 2009 meeting.

Agenda Item #28. ACTION ITEM - Adopt a resolution amending Resolution 2009.06.15, Establishing Rates and Fares, to change the effective date to October 1, 2009.
33. ANNOUNCEMENTS

There were no Announcements.

34. RECESS TO CLOSED SESSION at 1:00 p.m.

Conference with Labor Negotiators
[Government Code Section 54957.6]

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

Employee Organizations:
Amalgamated Transit Union (ATU), Local 265

RECONVENED TO OPEN SESSION at 1:12 p.m.

Kevin Allmand, General Counsel, noted there was no reportable action taken during closed session.

35. ADJOURNMENT

On order of Chairperson Pro Tempore Liccardo and there being no objection, the meeting was adjourned at 1:13 p.m.

Respectfully Submitted,

Elaine F. Baltao, Board Assistant
VTA Board of Directors
COMMITTEE FOR TRANSIT ACCESSIBILITY

Wednesday, June 10, 2009

NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Committee for Transit Accessibility meeting scheduled for Wednesday, June 10, 2009, at 1:00 p.m. has been cancelled.

The next regular meeting of the Santa Clara Valley Transportation Authority Committee for Transit Accessibility is scheduled for Wednesday, July 8, 2009, at 1:00 p.m., Auditorium, Building A, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

Menominee L. McCarter, Board Assistant
VTA Board of Directors
Committee for Transit Accessibility

Wednesday, July 8, 2009

MINUTES

CALL TO ORDER

The Regular Meeting of the Committee for Transit Accessibility (CTA) was called to order at 1:04 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>
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<tbody>
<tr>
<td>Lori Arnberg</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Emma Eljas</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Christina Fernandez</td>
<td>Staff Aide to Ex-Officio Board Liaison Reed</td>
<td>Absent</td>
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<tr>
<td>Linda Gallo</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Sandra Gouveia</td>
<td>Second Vice Chairperson</td>
<td>Present</td>
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<tr>
<td>David Grant</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Katie Heatley</td>
<td>Ex-Officio Member</td>
<td>Present</td>
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<tr>
<td>Troy Hernandez</td>
<td>Member</td>
<td>Absent</td>
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<tr>
<td>Marjorie Jensen</td>
<td>Member</td>
<td>Absent</td>
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<tr>
<td>David Julian</td>
<td>First Vice Chairperson</td>
<td>Absent</td>
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<tr>
<td>Connie Langford</td>
<td>Member</td>
<td>Absent</td>
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<tr>
<td>Martin Lasich</td>
<td>Member</td>
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<tr>
<td>Laura Michels</td>
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<tr>
<td>Mike Montague</td>
<td>Member</td>
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<tr>
<td>Aaron Morrow</td>
<td>Chairperson</td>
<td>Present</td>
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<tr>
<td>Shawna Nourzaie</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Larry Saltman</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Dilip Shah</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Thomas Slack</td>
<td>Member</td>
<td>Absent</td>
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<tr>
<td>Barbara Stahl</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>William Zhu</td>
<td>Member</td>
<td>Present</td>
</tr>
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</table>

2. INTRODUCTION OF AUDIENCE MEMBERS

Dan Smith, Chief Operating Officer; Sandra Weymouth, Policy and Administration Manager; Camille Williams, Accessible Services Program Manager; Kevin Welch, Paratransit, Inc.; Jolene Bradford, Paratransit, Inc.; David Ledwitz, Management Analyst; Dino Guevarra, Sales and Promotions Supervisor; Greta Helm, Chief of External Affairs; Jennie Loft, Public Information Officer; Dorothy Reyes, Customer Service Supervisor; and Walter Schinke, South County Advocate.
3. **PUBLIC PRESENTATIONS**

Walter Schinke, Interested Citizen, requested the new schedule for community bus routes in Gilroy. He indicated the bus stop on Santa Teresa Boulevard and Great Oaks, which services the Veterans Clinic, is not accessible and requested VTA coordinate with the City of Gilroy to make the necessary changes.

4. **Minutes of May 13, 2009**

M/S/C (Gouveia/Montague) on a vote of 15 Ayes and 1 Abstention to approve the Minutes of May 13, 2009. Member Gallo abstained.

5. **Chief Operating Officer’s Report**

Dan Smith, Chief Operating Officer, indicated the Chief Operating Officer’s Report was contained in the CTA Agenda packet and highlighted the following:

- Increased presence of Fare Inspectors on the light rail resulting in the reduction of fare evasion rates for passengers checked
- May ridership for the light rail shuttle, Highway 17 Express, Altamont Commuter Express (ACE) Shuttle, and Monterey-San Jose Express
- Deferment of the Quarterly Legislative report to the August meeting due to scheduling conflicts

Member Stahl questioned why reports are read when they are contained in the packet. Mr. Smith indicated it was previously requested. Chairperson Morrow noted the committee would like to continue receiving the verbal reports but would like staff to present different information.

Chairperson Morrow questioned the progress of contract talks with employee bargaining unions. Mr. Smith indicated tentative agreements were reached with several of the unions but he was not at liberty to discuss Amalgamated Transit Union (ATU) negotiations.

Ex-Officio Member Heatley suggested the demand of staff needed at meetings be reviewed and possibly be streamlined. Mr. Smith indicated staff is present at meetings who are qualified to answer questions that may arise.

Member Gouveia indicated she has been receiving her Agenda packet after the CTA meeting. Mr. Morrow requested staff to address the issue with her offline.

Member Grant questioned if the issue of assigning low-floor buses to routes which have a higher population of riders with mobility limitations could be revisited noting the problem was still occurring on Line 81. Jim Unites, Staff Liaison, indicated certain lines are identified as needing low-floor coaches and noted the buses in procurement all have low floors which will help address the issue.

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

**NOTE:** M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
6. **Advisory Committee Enhancement (ACE) Subcommittee Report**

Jenny Loft, Public Information Officer, provided a brief report from the Advisory Committee Enhancement (ACE) subcommittee indicating the goals, ideas and strategies being discussed and pursued. She indicated several ideas were discussed regarding the restructuring of committees. The group expressed interest in periodically holding joint meetings and workshops in lieu of regular scheduled committee meetings.

Member Stahl questioned the possibility of committees meeting as a whole and providing input on issues. Ms. Loft indicated there was commitment from the group to do more information sharing.

Member Grant questioned how the issue of getting advisory committees more involved in the process at the beginning was being addressed. Ms. Loft indicated Chairpersons will be presenting the Board Workplan to committees to allow members to see what is on the horizon.

Member Eljas commented on the need to continue collaboration to affect change.

**On order of Chairperson Morrow** and there being no objection, the Committee received the ACE Subcommittee Report.

7. **Advisory Committee Enhancement (ACE) Process Update**

Jenny Loft, Public Information Officer announced the next meeting is scheduled for July 22nd, and an additional meeting tentatively scheduled for July 29th if needed. The outcomes and suggestions will be presented to the Administration and Finance Committee in August.

Chairperson Morrow indicated he will not be available for the July 29th meeting.

**On Order of Chairperson Morrow** and there being no objection, the Committee received the Advisory Committee Enhancement Process Update.

*The Agenda was taken out of order.*

9. **Committee Work Plan**

Jim Unites, Staff Liaison, indicated several updates to the Workplan including the Legislative Report, Farebox Update, Mobility Options Travel Training Program and the addition of Light Rail Between Car Barriers which addresses the difficulty visually impaired passengers have identifying the space between light rail cars.

Chairperson Morrow requested analysis of the top 15 stops in the system for disabled passengers. Member Eljas requested drivers passing up passengers in wheelchairs be addressed. Mr. Unites indicated the items would be addressed together and placed on the September Agenda.

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

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

Member Eljas provided a brief report on the City of San Jose Disability Advisory Commission meeting noting it is seeking a new Americans with Disabilities Act (ADA) Coordinator. She noted the committee received a report on the accessibility of Community sports fields in San Jose.

**On Order of Chairperson Morrow** and there being no objection, the Committee received the City of San Jose Disability Advisory Commission (DAC) Report.

11. **Board of Directors Report**

There was no Board of Director’s Report.

12. **Committee Staff Report**

There was no Committee Staff Report.

13. **Chairperson’s Report**

Chairperson Morrow indicated the Committee received a letter from Joseph Smith, Chief Financial Officer, regarding paratransit contractor costs. Chairperson Morrow requested the Committee be provided with the following: 1) All VTA public budget documents be transparent to clearly identify contractor’s costs in dollars so the public can see the actual allocation cost to each contract and the size of the allocated pool overall; 2) A total line item detail and direct cost of the accessible services budget and staff that are allocated to the paratransit contact, and explanation of the percentage and method used, the distribution of the remaining 28 percent labor cost and 28 percent fringe, and indicate staff time on the mobility options grant and where it is allocated on the FY 09-10 budget; and, 3) Report back to CTA how much can be saved by eliminating the accessible services department.

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

8. **Mobility Options Program Information**

Jim Unites, CTA Staff Liaison, provided background information and a presentation outlining the Mobility Options and Travel Training Program, New Freedom Grant, various contractors selected, and the marketing and outreach efforts planned. A tour of the mobility options training bus was also provided for the Committee as part of the presentation. Mr. Unites indicated the need for training noting the skills and tools provided to elderly and disabled populations fulfill the Americans with Disabilities Act (ADA) requirements and encourage independence and self sufficiency.

Mr. Unites introduced Kevin Welch, Project Director, and Jolene Bradford, Program Manager, from Paratransit, Inc. Sharon Hudson, Associate Director, Vista Center for the Blind, was also present. The agencies serve as the contractors who provide travel training services for persons with disabilities and seniors.
Chairperson Morrow expressed his concern with the Mobility Options Task Force and the participation of CTA members. He also expressed concern with the dismantling of the CTA travel training subcommittee noting members were informed the staff could no longer support it.

Member Grant questioned how staff would ensure CTA is a part of the process going forward. Mr. Unites indicated a task force was created as requested by former Transit Planning Operations (TPO) Chairperson, Dolly Sandoval that was comprised of VTA staff, CTA members, and outside agencies and indicated the group met quarterly throughout 2008 and 2009.

Member Grant questioned how CTA gets on-board going forward with the direction of the program having already been decided.

Chairperson Morrow expressed concern with CTA members not being given proper notice of meeting schedules and the lack of participation by outside agencies.

Mr. Unites indicated there needs to be a collaborative group with CTA, VTA, and the travel training groups in line with what the Board has asked to be done.

Chairperson Morrow requested time be given at CTA meetings to discuss the Mobility Options Program. Mr. Unites indicated it could be done if it is desired by the Committee.

Ex-Officio Member Heatley suggested the Mobility Options Task Force meet the same day and location as the CTA monthly meeting to allow more involvement from CTA members. She suggested staff provide the rules and processes of the task force to help decide logistics.

Member Grant requested a copy of the agreement with VTA and the contractors to see the scope of work and the details. Mr. Unites indicated that would be provided.

Chairperson Morrow questioned if the person responsible for the travel training portion attended training. Mr. Unites indicated Julia Jones, Senior Management Analyst, had not attended training but works in accessible services and is qualified to fill the role.

Member Grant expressed concern with staff not supporting the CTA travel training subcommittee, but taking time to participate with the Mobility Options Task Force.

Member Stahl expressed concern with staff not consulting CTA.

Chairperson Morrow questioned how participants are found for the program. Mr. Unites indicated outreach ideas need to be crafted and will be worked on by the group.

Ex-Officio Member Heatley suggested the brochure be printed in black and white and in accessible format and distributed in different languages to the community.

Member Eljas suggested having travel trainers who speak different languages.

Member Langford left her seat at 2:45 pm.

Mr. Welch indicated the funding for interpreters is expensive, and requests to have family members translate or community agencies provide translators has proven to be beneficial.
and less costly. Camille Williams, Accessible Services Manager, indicated VTA staff is also utilized to provide translation services when needed.

Member Grant questioned if the bus would be used for travel training or just demonstration. Ms. Bradford commented on the ease of using an out of service bus to train so there would be no other passengers.

Chairperson Morrow requested all meetings going forth be properly noticed. Member Grant questioned the date of the next task force meeting. Mr. Unites indicated there isn’t a meeting scheduled but there should be one in August or September.

On order of Chairperson Morrow and there being no objection, the Committee received the Mobility Options Program Information Update.

OTHER

14. **Announcements**

There were no Announcements.

15. **ADJOURNMENT**

On order of Chairperson Morrow and there being no objection, the meeting was adjourned at 2:50 p.m.

Respectfully submitted,

Menominee McCarter, Board Assistant
VTA Board of Directors
CITIZENS ADVISORY COMMITTEE
and
2000 MEASURE A CITIZENS WATCHDOG COMMITTEE

Wednesday, June 10, 2009

MINUTES

Call to Order

The Regular Meeting of the Citizens Advisory Committee (CAC) was called to order at 5:35 p.m. by Chairperson Tebo in Conference Room 157, Santa Clara County Government Center, 70 West Hedding Street, San José, California.

1. ROLL CALL

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<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
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<tbody>
<tr>
<td>Stephen Blaylock</td>
<td>CAC Member</td>
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<tr>
<td>Chris Elias</td>
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<tr>
<td>Ray Hashimoto</td>
<td>CAC Member</td>
<td>Present</td>
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<tr>
<td>Roberta Hughan</td>
<td>CAC Member</td>
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<tr>
<td>Robert Jacobvitz</td>
<td>CAC Vice Chair</td>
<td>Absent</td>
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<tr>
<td>Erik Larsen</td>
<td>CAC Member</td>
<td>Present</td>
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<tr>
<td>Gaye Morando</td>
<td>CAC Member</td>
<td>Present</td>
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<tr>
<td>Charlotte Powers</td>
<td>CAC Member</td>
<td>Absent</td>
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<tr>
<td>Sally Probst</td>
<td>CAC Member</td>
<td>Present</td>
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<tr>
<td>Connie Rogers</td>
<td>CAC Member</td>
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<tr>
<td>Martin Schulter</td>
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<tr>
<td>Peter Skinner</td>
<td>CAC Member</td>
<td>Present</td>
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<tr>
<td>Noel Tebo</td>
<td>CAC Chair</td>
<td>Present</td>
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A quorum was not present and a Committee of the Whole was declared.

2. ORDERS OF THE DAY

Greta Helm, Chief External Affairs Officer and Staff Liaison, deferred Agenda Item #11, Citizens Watchdog Committee's (CWC) Annual Report for Fiscal Year 2008, review, revise as needed, and approve, to the July 8, 2009, meeting.

Ms. Helm noted Agenda Item #14. Receive a verbal update from the Committee's Advisory Committee Enhancement (ACE) Subcommittee, will not be heard due to the absence of the ACE subcommittee members.

On order of Chairperson Tebo and there being no objection, the Committee accepted the Orders of the Day.
3. **PUBLIC PRESENTATIONS**

There were no Public Presentations.

4. **Committee Staff Report**

Greta Helm, Chief External Affairs Officer and Staff Liaison, reminded the CAC of the BART tour scheduled for August 12, 2009, the same day as the regularly scheduled August CAC meeting. Those taking the tour will meet at VTA's River Oaks Campus at 2:00 p.m. A detailed memo will be sent to the CAC.

**Member Elias took his seat at 5:37 p.m. and a quorum was declared.**

- **Quarterly Report from the General Manager**

   Michael T. Burns, General Manager, noted his purpose in attending the meeting was to provide an update on both recent and upcoming events and to answer any questions the committee members might have.

   Mr. Burns reported: 1) The Board approved a two-year budget at its meeting on June 4, 2009; 2) The budget effectively closes a $70 million shortfall anticipated for the two-year period. 3) Budgets are based upon assumptions, with the understanding things change, unfortunately things are not changing in the right direction; 4) The Board has approved an across-the-board fare increase effective January 1, 2010; 5) The price of the EcoPass has been increased for the first time in five years by 20 percent; 6) Staff will be working with EcoPass customers in hopes of retaining them; 7) The geographic paratransit eligibility has changed; 8) VTA has worked closely with Outreach, its paratransit vendor/broker, and with concerned individuals and to date everyone who presented an issue has been accommodated; 9) There are other services available to those individuals VTA will be unable to accommodate in the future; 10) VTA proposed elimination of some premium services; 11) Due to community input premium services have been retained, but are priced at one consistent fare; 12) Cost saving efficiencies, listed within the budget, have already been implemented; 13) Labor savings is being discussed with our unions; 14) Agreements or tentative agreements that equate to an approximate five-percent reduction in pay over the two year budget period have been reached with four of the units: Non-Represented, TAEA, AFSCME and SEIU; 15) ATU is the only unit under contract and management is currently awaiting their proposal; 16) Service reductions will be implemented should a savings agreement not be reached with ATU; 17) Reserves are being used to balance the budget, reducing reserves from the current 15 percent to 13 percent in 2010 and to 6 percent in 2011; and 18) VTA has an expectation of economic improvements by 2012.

   Mr. Burns noted when preparing the two-year budget VTA believed the sales-tax projection for an eight-percent reduction was conservative. VTA learned on June 10 the third quarter sales tax revenue for Santa Clara County was down 20 percent. Statewide, the sales tax revenues are down approximately 18.8 percent. This will not only affect VTA, but every jurisdiction that receives and relies upon State sales tax revenues. There is also the potential for the State to divert other funds, such as the...
transportation bond gas tax, which will have an impact on the cities, counties and VTA as a result.

Mr. Burns reported: 1) The Measure A Budget was approved as part of VTA’s overall budget; 2) VTA will proceed with the Measure A program, including the BART project, on a pay-as-you-go basis; 3) The freight rail relocation work, as part of the BART project, is continuing; 4) Efforts are on track to reenter the Federal program in the fall and to receive the Federal environmental clearance in January 2010; 5) VTA will be using existing funds and monies collected and will not assume any additional borrowing; 6) VTA hopes to award approximately $20 million in safety projects this fall; 7) The South County double-tracking is still funded and going forward; 8) Improvements to the Santa Clara and Diridon Stations are going forward; 9) The Board has adopted a phased approach to the Capitol Expressway project, the extension of the Light Rail to Eastridge; 10) VTA will be implementing the Light Rail Project’s pedestrian and safety improvements as part of the highly-anticipated Bus Rapid Transit (BRT) Project; 11) VTA is in the process of completing the BRT environmental work; and 12) The Federal environmental work for the Eastridge and Vasona Light Rail Extensions should be completed in early 2010.

The Mountain View parking structure, de-funded due to an unknown impact from the High Speed Rail (HSR), has now been re-funded for development and design at approximately $500,000. Mountain View expects to receive the HSR impact report by year end.

Funding appropriations for the City of San José airport efforts have been increased by $2 million. The City of San José is looking at a different approach to an Airport People Mover involving the surrounding business area and more of a design/build existing technology approach.

VTA will receive $50 million in Federal Stimulus Funds: $47 million will be used to purchase hybrid electric buses to replace older buses; $3 million will be used for preventative maintenance.

Mr. Burns referenced his role as the Chairperson for the California Transit Association (CTA) and noted: 1) VTA is continuing to work with the CTA to secure State transit funding; 2) CTA is working with the legislature to identify opportunities for transit funding; 3) The State has de-funded public transportation operating funds for the next four years; 4) CTA has filed a lawsuit against Governor Schwarzenegger and his Finance Department for using transit funds on items other than transit; 5) The appeal on that lawsuit is being heard in late fall; and 6) CTA is exploring a voter initiative to protect future transportation funds.

Mr. Burns reported Caltrain and VTA are partnered on the HSR Project, with Caltrain taking the lead on the peninsula portion. He noted: 1) Caltrain has a Memorandum of Understanding (MOU) with the HSR Association; 2) Caltrain and VTA have been working with the Metropolitan Transportation Commission (MTC) and HSR cities along the corridor to prepare a regionally-coordinated request for stimulus funds; 3) The HSR Project is still in the environmental process, reviewing the environmental impact statement and going through the environmental impact report preparation;
4) The environmental impact process will not be completed until the end of 2011, beginning of 2012 timeframe; and 5) In order to not prejudice the environmental process and further delay the project, questions posed by the HSR corridor cities have been left unanswered.

CAC has received the 2008-2009 Santa Clara County Civil Grand Jury Report for discussion and for input to VTA’s response. Concern was expressed by many who were interviewed that: 1) The Civil Grand Jury had a specific focus and questioned accordingly; 2) The report sounded very similar to the No on B, C and D Campaign; and 3) The report sounded very similar to the State Audit, repeating or sensationalizing items without providing a balance of information.

Mr. Burns referenced the negative comments the Civil Grand Jury made in reference to the CWC and expressed his appreciation to the CWC for their efforts. He stated the Board also appreciates the efforts of the CWC. Mr. Burns expressed his apologies to the Committee, acknowledging the Committee should have been fully involved in the discussion before the Board made the decision to place Measure D on the ballot.

Mr. Burns referenced potential committee enhancements for the CAC/CWC as a result of the Advisory Committee Enhancement process.

Mr. Burns discussed the timeframe for the response to the Santa Clara County Civil Grand Jury Report.

Chairperson Tebo questioned funding for the Mountain View parking garage. Mr. Burns stated contributions include $400,000 from the City of Mountain View and $100,000 from Measure A funds. He noted work will not begin on the garage until after the HSR provides a potential impact report.

Member Larsen encouraged staff to take the Civil Grand Jury Report seriously. Mr. Burns noted VTA’s response will be factual and respectful. He stated in the past VTA has encouraged independent reviews, valuing constructive input received.

Member Skinner noted this was the second Grand Jury report on VTA issues within the past five years. He stated it was clear the Grand Jury takes to heart the issues of a few people who are always critical of VTA. He noted this is not the opinion of most individuals.

Member Probst questioned VTA applying for additional Federal Stimulus Funds. Mr. Burns noted talk regarding a second round of stimulus funds. He reported on agencies who positioned themselves as being able to meet all of the requirements for the stimulus funds, but who have not yet completed the environmental process. The Federal environmental review is being performed on the Eastridge and Vasona Light Rail Extensions to ensure VTA is prepared to move forward should funding become available.

Member Rogers concurred with the comments of Members Larsen and Skinner. She noted having reviewed the report and discovered truths, untruths, and partial truths. It is important VTA respond in a serious manner to assure the voters the report is not being dismissed.
5. Chairperson’s Report

Chairperson Tebo read to the Committee from his June 4, 2009, report to the Board, which included: 1) information on the recently completed independent auditor’s report; 2) the upcoming CWC public hearing and the advertising thereof; and 3) CAC’s scheduled discussion of the Civil Grand Jury Report at its June meeting.

The Agenda was taken out of order.

2000 MEASURE A CITIZENS WATCHDOG COMMITTEE REGULAR AGENDA

10. Public Hearing of the Citizens Watchdog Committee (CWC)

Chairperson Tebo opened and called the Public Hearing of the Citizens Watchdog Committee (CWC) for the 2000 Measure A Program Expenditures to order to allow members of the public an opportunity to provide their comments.

Chairperson Tebo stated the CWC is conducting a Public Hearing in accordance with the 2000 Measure A ballot. The purpose of the Hearing is to provide the community the opportunity to express its views, opinions, and concerns on 2000 Measure A Program Expenditures, the results of the Annual Independent Audit, and on 2000 Measure A Program Reports for the period of Fiscal Year 2008 (July 1, 2007 – June 30, 2008).

Chairperson Tebo continued by noting the input, combined with other information and data received, will be used by the CWC to form its conclusion on whether 2000 Measure A tax dollars for the period were spent in accordance with the intent of the Measure. Once the CWC has developed its conclusion, it will be published in local newspapers, and placed on VTA’s website to inform the citizens of the County of the CWC’s finding. The CWC’s finding will also be contained in the CWC’s Annual Report on Fiscal Year 2008, which will be placed on VTA’s website.

Chairperson Tebo reported in November 2000 the voters in Santa Clara County approved Measure A, a 30-year half cent sales tax devoted to specified transit projects.

Among the projects specified in the ballot are:

- Extend BART to Silicon Valley;
- Provide connections from Mineta San José International Airport to BART, Caltrain, and VTA light rail;
- Extend Light Rail from Downtown San José to the East Valley;
- Increase Caltrain service and electrify from Palo Alto to Gilroy;
- Construct a new Palo Alto Intermodal Transit Center;
- Improve bus service in major bus corridors;
- Upgrade Altamont Commuter Express (ACE); and
• Purchase Zero Emission Buses (ZEB) and construct service facilities.

Chairperson Tebo reported the 2000 Measure A ballot mandated the Citizens Watchdog Committee (CWC) to:

• Review all 2000 Measure A expenditures;

• Have an audit conducted each fiscal year by an independent auditor to ensure tax dollars are being spent in accordance with the intent of the measure;

• Hold public hearings and issue reports at least annually to inform the Santa Clara County residents how the funds are being spent; and

• Publish the results of the independent audit and the annual report in local newspapers.

Chairperson Tebo stated the importance of noting policy-related decisions for the 2000 Measure A Program, including the composition, implementation and funding level of projects, are the responsibility of the VTA Board of Directors. The Citizens Watchdog Committee’s responsibility is limited to reviewing 2000 Measure A Expenditures to ensure funds are being spent in accordance with the intent of the ballot.

Chairperson Tebo stated because the purpose of the Public Hearing is to receive input exclusively on the 2000 Measure A Program, members of the public wishing to speak will be required to limit their comments to 2000 Measure A Program related issues only.

Chairperson Tebo noted the purpose of the Public Hearing is to receive community input. During the hearing, the CWC does not debate or engage in extended discussion with speakers or other CWC members. CWC members may, however, ask brief questions to clarify a statement or issue. If readily available or easily answered, the CWC or staff may provide very brief answers to a speaker’s questions. All other questions will be referred to staff to formulate a written response from the CWC.

Chairperson Tebo asked staff if any written comments had been received from the public, either via e-mail or US mail. Those comments received will be provided to the CWC and audience and be entered into the official Public Hearing record. Greta Helm, Chief of Internal Affairs and Staff Liaison, responded staff did not receive any written comments from members of the public desiring to speak at the Public Hearing.

Chairperson Tebo asked members of the audience to indicate, by a show of hands, those who wished to speak at the Public Hearing. Chairperson Tebo noted there were two members of the audience desiring to speak at the Public Hearing. He requested each person who wished to speak complete a communications card.

Ross Signorino, Interested Citizen, expressed his concern with bringing BART to Downtown San José via an underground tunnel. Mr. Signorino referenced a San José Mercury News article on the recently discovered Silver Creek fault line underneath Downtown San José.

Mr. Signorino questioned Measure A requirements with regard to San José BART station locations. He noted an alternative to the proposed Downtown San José BART station would be the site of the former FMC plant, near the San José Airport, whose current
proposed site plans include a BART service yard. He asked if Measure A could be taken back to the voters to determine how specifically BART would enter the region.

Chairperson Tebo ensured Mr. Signorino provided his address so staff could respond to his comments.

James P. Wightman, Interested Citizen, questioned when BART would be operational in San José. Ms. Helm noted approximately 2018.

Mr. Wightman questioned the expected timeframe for the Light Rail project to Eastridge and Vasona. Chairperson Tebo noted funds for these projects were included in the 2010/11 Capital Budget.

Mr. Wightman questioned whether BART would go to Milpitas. Chairperson Tebo noted BART and the Light Rail will both have stations at the Great Mall in Milpitas.

Tim L. Ranz, Interested Citizen, reading from the 2008-2009 Santa Clara County Civil Grand Jury Report, noted in response to Mr. Wightman’s inquiry, “All Measure A tax revenue is being reserved for the shortened BART extension project, the light rail to Eastridge project has been put on hold until other funding sources can be identified.”

Chairperson Tebo reported the status for these projects were changed in the final budget adopted by the Board.

Ms. Helm stated the Civil Grand Jury Report was issued prior to the Board finalizing budget decisions.

Chairperson Tebo questioned whether there were any additional members of the public who wished to speak. Hearing no further requests to address the CWC, Chairperson Tebo closed the Public Hearing at 6:29 p.m.

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

COMBINED CITIZENS ADVISORY COMMITTEE AND CITIZENS WATCHDOG COMMITTEE CONSENT AGENDAS

6. Minutes of May 13, 2009

Member Rogers noted her absence at the May 13, 2009, CAC meeting. She referenced Agenda Item #13, Draft Recommended Fiscal Years 2010 and 2011 Biennial Budget Review, from the May 13, 2009, Minutes and noted the comment attributed to her should be amended to read “A member inquired on the possibility of receiving additional stimulus funds.”

M/S/C (Larsen/Rogers) to approve the Minutes of May 13, 2009, with the amendment to Agenda Item #13, Draft Recommended Fiscal Years 2010 and 2011 Biennial Budget Review, “A member inquired on the possibility of receiving additional stimulus funds.”

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


8. **Silicon Valley Express Lanes Program Update**

M/S/C (Larsen/Rogers) to receive information on the Silicon Valley Express Lanes Program.

**CITIZENS ADVISORY COMMITTEE REGULAR AGENDA**

9. **Proactive Development Review Program Enhancements and Quarterly Report**


Member Probst praised VTA’s Community Design & Transportation (CDT) Manual as an excellent manual that has been very helpful to local agencies. Member Probst: 1) Suggested VTA include information about progressive parking policies in the manual; 2) Expressed interest in research showing a car is not needed for every member of the family; and 3) Requested VTA provide CAC with a draft copy of the manual for comments.

Member Hashimoto noted it would be good to have a factual-based report to provide to local neighborhoods and not just tell them parking will “meet city standards.”

Member Hashimoto encouraged VTA to focus its comments, especially regarding transportation demand management, and to provide the cities with a menu of a few specific improvements rather than a lengthy, un-prioritized list.

Member Probst expressed interest in seeing research on elevator parking.

Member Larsen suggested VTA pursue funding from the Silicon Valley Community Foundation for targeted research, such as trip generation and parking rates at transit-oriented developments, tying into their current smart growth emphasis.

Member Elias expressed interest in VTA tracking key conditions of approval related to transit, congestion management, bicycles, and pedestrians, both to see how they are being implemented and, if possible, how effective they have been.

**On order of Chairperson Tebo** and there being no objection, the Committee received a presentation on the Proactive Development Review Program Enhancements and the Quarterly Report.
11. (Deferred to July 8, 2009, Citizens Advisory Committee (CAC) Meeting)

Citizens Watchdog Committee’s (CWC) Annual Report for Fiscal Year 2008, review, revise as needed, and approve.

On order of Chairperson Tebo and there being no objection, the Committee deferred review of the Citizens Watchdog Committee’s Annual Report for Fiscal Year 2008.

12. **Santa Clara County Civil Grand Jury (CGJ) Report**

Greta Helm, Chief Internal Affairs Officer and Staff Liaison, provided a handout including copies of recent news articles on the CGJ Report at the request of Vice Chairperson Jacobvitz.

Member Elias questioned the lack of an appendix to the CGJ Report. Ms. Helm noted the VTA Board Secretary contacted the CGJ regarding the appendix and was told this was something the CGJ opted not to provide with this report.

Chairperson Tebo asked for volunteers to form a CWC subcommittee to review and prepare for VTA CWC’s point-by-point response to the CGJ Report. The subcommittee will report back to the CWC at its July meeting.

Members of the CWC Subcommittee are Members Schulter, Probst and Larsen.

Member Probst noted she had reviewed the report and found it to be disingenuous and poorly organized. She stated much reported was not factual.

Member Probst noted a suggestion in the report, regarding BART, stating no sales tax should be collected until all State and Federal funds are received. She noted such a method would stop the project.

Member Probst expressed strong support for regional transportation and for the BART to Berryessa project. She noted living in Palo Alto BART is not of particular importance to her, but stated it is important to the community as a whole.

Ms. Helm stated the penal code requires VTA to state whether they agree or disagree on an item and if VTA disagrees to provide a factual basis for the disagreement.

Member Skinner suggested the subcommittee review the report and bring point-by-point findings back to the Committee, rather than review the report at the committee level.

Chairperson Tebo noted the subcommittee will review these items. He then asked the Committee if they had any specific comments on any of the findings or recommendations.
Finding 1a

“The term “watchdog” is a misnomer. The structure and composition of the CWC called for in 2000 Measure A, as well as how the CWC responsibilities are interpreted by VTA staff and the Board, prevents the CWC from performing its duties effectively.”

Members of the Committee discussed Finding 1a and expressed general disagreement with the Finding.

Finding 1b

“Although arguably the CWC may have technically complied with the minimum functions specified in Measure A, the CWC is failing the public by not providing reliable information to make intelligent decisions regarding transit in the county.”

Members of the Committee discussed Finding 1b and expressed general disagreement with the Finding.

Recommendation 1a

“The CWC should reevaluate its scope and expand its functions beyond the minimum standards stated in 2000 Measure A and operate as a true “watchdog” committee.”

Members of the Committee referenced the Advisory Committee Enhancement (ACE) process as a method the Committee is using to reevaluate its role.

Members of the Committee discussed Recommendation 1a and expressed general disagreement with the Recommendation.

Recommendation 1b

“The Board should provide the CWC with independent advisors, including legal counsel, to assist them in this effort.”

Members of the Committee expressed their disagreement with Recommendation 1b, stating staff does a good job of providing information when requested.

Members of the Committee discussed Recommendation 1b and expressed general disagreement with the Recommendation.

Finding 2

“The CWC is not independent. CWC members are appointed or have their appointment approved by the VTA board, the very people they are charged with overseeing. In other transportation agencies in California, citizen oversight bodies are appointed and/or approved by independent third parties (See Appendix A).”

Members of the Committee discussed Finding 2 and expressed general disagreement with the Finding.
Recommendation 2a

“The Grand Jury recognizes that the assignment of members of the CAC as the CWC is part of existing law and cannot be changed without a new ballot measure. However, the Board is at liberty to change the CAC bylaws and hence change who approves membership in this combined committee. The Grand Jury recommends that the Board change the bylaws so that the selection process is conducted by, and selections approved by an independent third party.”

Member Tebo noted the CAC/CWC members were each nominated by different organization. Committee members noted the approval process by the Board.

Members of the Committee discussed Recommendation 2a and expressed general disagreement with the Recommendation.

Recommendation 2b

“Former elected officials should not be allowed to sit on the Citizens Advisory Committee to eliminate the possibility of bias from prior responsibilities.”

Members of the Committee noted former elected officials can be very valuable and provide an interest and depth of knowledge.

Members of the Committee discussed Recommendation 2b and expressed general disagreement with the Recommendation.

Recommendation 2c

“The CWC should have its own staff, independent of VTA staff, to set meeting agendas, coordinate project investigations, write reports and do other tasks assigned to the CWC.”

Members of the Committee noted the cost would be prohibitive and would create another layer of bureaucracy. The Committee can utilize staff to meet committee needs.

Members of the Committee discussed Recommendation 2c and expressed general disagreement with the Recommendation.

Finding 3

“The CWC is not in control of its own agenda. CWC bylaws do not explicitly allow members to participate in setting the agenda for their own meeting. Other VTA committees such as the Policy Advisory Committee have this explicit right. The CWC chairperson reviews the staff-proposed agenda in advance and can suggest changes. Other members only view the agenda when formally published.”

The Committee noted every advisory body relies upon staff for research and agenda content. The Committee has the ability to bring items to the attention of the Board and has requested specific items be placed on the agenda.
Ms. Helm noted, as part of the ACE Task Force, all bylaws are being recommended for update.

Members of the Committee discussed Finding 3 and expressed general disagreement with the Finding.

Recommendation 3

“The bylaws should be amended to allow the CWC to prepare and set their own agenda without involvement of VTA Staff. If VTA Staff wishes to place an agenda item, they should consult with the CWC Chairperson, not the other way around.”

Chairperson Tebo noted the Committee requests staff to put specific items on the agenda.

Stephen Flynn, Senior Management Analyst, noted the current agenda item was placed on the CWC Agenda at the request of Chairperson Tebo.

Ms. Helm noted, as a result of the ACE Task Force, the Committee will now have a six-month work plan listing all items for each committee going before the Board.

Member Probst noted an improvement in items coming before the Committee earlier in the process.

Members of the Committee discussed Recommendation 3 and expressed general disagreement with the Recommendation.

Member Elias left the meeting at 7:30 p.m., the quorum was lost, and a Committee of the Whole was declared.

Finding 4a

“While meeting the minimum requirements, CWC reports to the public have not been comprehensive, timely, or complete. The CWC has published only two three-page status reports since its inception in July 2006. The financial audit for FY 2007 (June 2007) was conducted by an independent auditor retained by VTA staff, not an independent auditor retained by the CWC. In FY 2008, audits of 2000 Measure A expenditures will be conducted by BOTH an independent auditor retained by VTA and an independent auditor retained by the CWC.

The CWC has failed to take the opportunity to file more frequent reports on Measure A 2000 expenditures, such as monthly or quarterly reports.”

The Committee acknowledged the use of a staff-retained auditor for the first year, but noted the auditor was an “independent” auditor. A subcommittee was formed to choose an independent CWC-retained auditor for subsequent years.

Members of the Committee discussed Finding 4a and expressed general disagreement with the Finding.
Finding 4b

“The CWC has failed to inform the public that the 2000 Measure A sales tax revenue is not sufficient to complete all of the Measure A programs, and federal and state funding has not been identified to fill the gap. This has been clear to VTA management for some time.”

Chairperson Tebo noted this is the third year of a 30-year tax; changes are to be expected.

Member Rogers noted a need to provide the public with a better explanation with regard to the funding.

Members of the Committee discussed Finding 4b and expressed general disagreement with the Finding.

Recommendation 4a

“CWC should independently decide on report frequency and content without VTA Staff involvement and supervision.”

Member Probst noted, as a matter of cost, her belief the public is not interested in monthly reports. Member Larsen noted monthly reports would be excessive.

Members of the Committee discussed Recommendation 4a and expressed general disagreement with the Recommendation.

Recommendation 4b

“No Recommendation.”

Finding 5

“The VTA staff has forced its own perspective on the CWC regarding committee roles and responsibilities. VTA staff dictates have stifled independent thinking on the part of CWC members.”

Members of the Committee discussed Finding 5 and expressed general disagreement with the Finding.

Recommendation 5

“The Board should direct VTA staff to revise its training materials and memoranda to include best practices of other transit agency watchdog committees and encourage the CWC to establish its own priorities and responsibilities. See Appendix A.”

Member Larsen noted as the most recent member to join the Committee, the orientation did a good job of introducing him to the various committees and the workings of the VTA. No changes are needed.
Members of the Committee discussed Recommendation 5 and expressed general disagreement with the Recommendation.

Finding 6

“Board workplans and meeting agendas are developed primarily by VTA staff.”

Recommendation 6

“The VTA Board should prepare its own agendas and workplans. The Chairperson of the Board should consult with Board members, standing and advisory committees and VTA staff to formulate the agenda.”

Members of the Committee noted this was a Board matter and declined to comment.

Finding 7

“With the exception of members from San Jose and the County, Board members have inadequate staff support to fully participate in Board activities. The volume of information supplied to Board members can serve to obscure key issues that deserve focus.”

Recommendation 7

“The VTA Board should have its own staff, independent of VTA staff, to set meeting agendas, do project investigations, write reports, publish minutes and do other tasks required by the Board.”

Members of the Committee noted this was a Board matter and declined to comment.

Finding 8

“Both the Hay Report and the State Auditor Report recommended that the VTA Board make every effort to insure that new board members have transportation experience by appointing new members with previous transportation experience and reappointing members for multiple terms. Nevertheless the Mayor of San Jose recently appointed two new board members to represent San Jose who have no previous transportation experience.”

Recommendation 8

“New VTA Board members must have transit knowledge. The VTA Board should require at least one full year on the PAC or another VTA advisory committee prior to being appointed to the Board.”

Members of the Committee noted it is up to the cities to ensure those appointed are appropriate.

Members of the Committee noted this was a Board matter and declined to comment further.
Finding 9

“VTA failed to provide an updated Measure A Revenue and Expenditure Plan per their published schedule. As a result, voters were deprived of critical information necessary to make an informed decision regarding 2008 Measure B, an additional 1/8 cent sales tax to fund operating costs for a BART extension to San Jose / Santa Clara. The VTA had sufficient time and information to complete this update and made a deliberate decision not to publish it prior to the election. As a result, voters were never told that full funding for the BART extension would jeopardize the completion of the other Measure A projects.

Recommendation 9a

“The VTA Board should explain why these facts were withheld from the public.”

Members of the Committee noted this was a Board matter and declined to comment.

Recommendation 9b

“In future elections, the VTA Board should ensure that VTA staff provides the public with a comprehensive explanation of the ramifications of each measure, including the impact on both capital and operating funds, projections and budgets, as well as the effect on other projects.”

Members of the Committee noted this was a Board matter and declined to comment.

Finding 10

“VTA effectively suspended the shovel-ready light rail extension to Eastridge, without informing the VTA Board or the CWC in advance. Additionally, they used evasive language to prevent the Board and the public from understanding the true status (“reaffirming” support) of the project. The people of East Valley deserve better from the representatives of San Jose on the VTA Board.”

Members of the Committee noted the project was still in the planning stage and not shovel-ready.

Recommendation 10a

“The Board should amend the CAC/CWC bylaws to provide the CWC with the authority to review and make recommendations regarding any changes to the priority and status of all 2000 Measure A programs. This is a specific request over and above the responsibilities assigned by the 2000 Measure A ballot wording.”

Members of the Committee discussed Recommendation 10a and expressed general disagreement with the Recommendation.
Recommendation 10b

“The staff should not make unilateral changes regarding Measure A projects without prior CWC review and Board approval. Specific procedures should be put into place to assure that the VTA Board has reviewed and approved all changes to the scope, funding and schedule of Measure A projects before VTA staff proceeds.”

Members of the Committee discussed Recommendation 10b and expressed general disagreement with the Recommendation.

Finding 11

“The VTA Board approved Measure C and D to be placed on the November 2008 ballot as part of the consent agenda and without prior review by advisory committees. This occurred on the day prior to the deadline for the submittal of ballot measures for the November 2008 election.”

Members of the Committee discussed Finding 11.

Recommendation 11

“The Board should ensure that ballot measures are submitted for Board approval on the regular agenda (never the consent agenda) after thorough review and discussion at both advisory and standing committee meetings.”

Members of the Committee discussed Recommendation 11.

Finding 12

“The Board put 2008 Measure D on the ballot, assigning the responsibility for citizen review of future VTA long-range strategic plans to the CWC, without notifying the CWC of its intent to do so. In addition, the CWC will cease to exist on June 30, 2036, leaving the subsequent responsibility for review of the long-range plan in limbo.”

Members of the Committee discussed Finding 12.

Recommendation 12

“The hastily implemented Measure D needs to be rethought before 2036. The Board should assign the responsibility for reviewing the long-range strategic plan to an organization that will remain in existence permanently.”

Members of the Committee discussed Recommendation 12.

Finding 13

“The Board allowed Measure C to be placed on the November 2008 ballot asking voter approval of the VTP2035 plan when neither the Board nor the public had seen a draft of the full plan.”
Recommendation 13

“The Board should ensure that VTA’s long range strategic plans are thoroughly reviewed and vetted by the public prior to being offered for approval by whatever body is deemed responsible.”

Members of the Committee noted this was a Board matter and declined to comment.

Finding 14

“Measure A funds were used on non-Measure A projects. The Measure A fund exchange violates the 2000 Measure A ballot requirement that 2000 Measure A revenue was to be spent only on 2000 Measure A programs. But VTA believes it is entitled to use these funds for other programs as long as repayment is certain. It appears that there is in fact repayment uncertainty. Even though the initial $50M swap was approved in February 2007, the CWC certified (over the chairperson’s signature) in the FY 2007 2000 Measure A Status Report that all Measure A revenue was spent only on Measure A programs. It is clear that the CWC does not fully understand its responsibility with respect to this requirement.”

Recommendation 14

“The Board should give the CWC the opportunity to review all 2000 Measure A fund transfers. The CWC should point out such usage of funds to the public in their reports. The CWC should make a public decision whether this usage of funds is consistent with the intention of the voters with respect to 2000 Measure A.”

Members of the Committee discussed Recommendation 14 and expressed general agreement with the Recommendation.

Finding 15

“Measure B on the 2008 Ballot approved a 1/8 cent sales tax for BART operations. Tax collection is slated to start when the BART project receives full federal and state funding. However, VTA intends to start collecting this tax when only the first 2.2 miles of the BART project are funded, not the complete project.”

Members of the Committee noted such a method would stop the project.

Members of the Committee discussed Finding 15 and expressed general disagreement with the Finding.
Recommendation 15

“The Board should consider the intention of the voters as well as the specifics of the ballot measure when considering this issue. This tax should only be collected when funding for the full 16.1 mile BART extension is obtained from the state and federal government.”

Members of the Committee discussed Recommendation 15 and expressed general disagreement with the Recommendation.

**On order of Chairperson Tebo** and there being no objection, the Committee received the 2008/2009 Santa Clara County Civil Grand Jury Report.

**CITIZENS ADVISORY COMMITTEE REGULAR AGENDA (continued)**

13. **Advisory Committee Enhancement (ACE) Update: June**

Greta Helm, Chief of Internal Affairs and Staff Liaison, provided a brief update on the Advisory Committee Enhancement Process highlighting: 1) a review of items agreed upon to date; 2) a discussion of the Task Force’s willingness to look at a consolidated work plan; 3) a consolidated work plan will go to each committee in the month of July; and 4) a discussion on the potential restructuring of the advisory committees.

Ms. Helm noted the next ACE Task Force meeting would be June 24, 2009.

**On order of Chairperson Tebo** and there being no objection, the Committee received a brief update on the status and progress of the Advisory Committee Enhancement process to date.

14. **(Deferred to July 8, 2009, Citizens Advisory Committee (CAC) Meeting)**

Advisory Committee Enhancement (ACE) Subcommittee Report.

**On order of Chairperson Tebo** and there being no objection, the Committee deferred receiving the ACE Subcommittee Report.

**COMBINED CITIZENS ADVISORY COMMITTEE (CAC) AND CITIZENS WATCHDOG COMMITTEE (CWC) ITEMS**

15. **Citizens Advisory Committee and Citizens Watchdog Committee Work Plans**

**On order of Chairperson Tebo** and there being no objection, the Committee reviewed the CAC and CWC Work Plans.
OTHER

16. ANNOUNCEMENTS

There were no Announcements.

17. ADJOURN

On order of Chairperson Tebo and there being no objection, the meeting was adjourned at 8:10 p.m.

Respectfully Submitted,

Susan E. Garcia, Board Assistant
VTA Board of Directors
CITIZENS ADVISORY COMMITTEE
and
2000 MEASURE A CITIZENS WATCHDOG COMMITTEE

Wednesday, July 8, 2009

MINUTES

Call to Order

The Regular Meeting of the Citizens Advisory Committee (CAC) was called to order at 4:34 p.m. by Chairperson Tebo in Conference Room B-104, VTA River Oaks Campus, 3331 North First Street, San Jose, California.

1. ROLL CALL

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<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
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<tr>
<td>Stephen Blaylock</td>
<td>CAC Member</td>
<td>Present</td>
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<tr>
<td>Chris Elias</td>
<td>CAC Member</td>
<td>Present</td>
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<tr>
<td>Ray Hashimoto</td>
<td>CAC Member</td>
<td>Present</td>
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<tr>
<td>Roberta Hughan</td>
<td>CAC Member</td>
<td>Absent</td>
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<tr>
<td>Robert Jacobvitz</td>
<td>CAC Vice Chair</td>
<td>Present</td>
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<tr>
<td>Erik Larsen</td>
<td>CAC Member</td>
<td>Present</td>
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<tr>
<td>Gaye Morando</td>
<td>CAC Member</td>
<td>Absent</td>
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<tr>
<td>Charlotte Powers</td>
<td>CAC Member</td>
<td>Present</td>
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<tr>
<td>Sally Probst</td>
<td>CAC Member</td>
<td>Present</td>
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<tr>
<td>Connie Rogers</td>
<td>CAC Member</td>
<td>Absent</td>
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<td>Martin Schulter</td>
<td>CAC Member</td>
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<td>Peter Skinner</td>
<td>CAC Member</td>
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<td>Noel Tebo</td>
<td>CAC Chair</td>
<td>Present</td>
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A quorum was present.

2. ORDERS OF THE DAY

Chairperson Tebo noted Agenda Item #11, Recommend the VTA Board of Directors approve the attached response to the 2008-09 Santa Clara County Civil Grand Jury Final Report, will be heard immediately following the Consent Agenda.

Member Probst requested Agenda Item #6, Approve the Minutes of June 10, 2009, be moved to the Regular Agenda.

Member Larsen requested Agenda Item #6, Approve the Minutes of June 10, 2009, be heard following Agenda Item #4, Public Presentations.
On order of Chairperson Tebo and there being no objection, the Committee accepted the Orders of the Day.

3. PUBLIC PRESENTATIONS

Isabel Vargas, representing Silicon Valley Independent Living Center (SVILC), expressed concern over the unavailability of bus service for their San Jose facility located at 2306 Zanker Road. Ms. Vargas noted many of SVILC’s approximately 600 physically disabled consumers travel via bus, light rail, or paratransit. Those who travel via bus or light rail must utilize bicycle lanes on Zanker Road due to the unavailability of sidewalks on the east side of Zanker. Ms. Vargas requested a bus route or shuttle service to the facility be established. Ms. Vargas reported SVILC is open five days per week from 9:00 a.m. until 5:00 p.m.

Frances Merrill, representing SVILC, noted a painted crosswalk and pedestrian sign had been added near the SVILC. Ms. Merrill stated multiple traffic lanes create an unsafe environment for those traveling within bicycle lanes and crossing the road. Ms. Merrill noted, although Paratransit is utilized by a portion of SVILC consumers, for many the cost for multiple visits via Paratransit becomes prohibitive. She encouraged the addition of a bus or shuttle service.

Vice Chairperson Jacobvitz confirmed with Ms. Merrill that SVILC funding is predicated on the number of consumers utilizing their services.

Ms. Merrill noted two other local nonprofit facilities affected by this problem are City Team Ministries and Catholic Charities.

Jeff Jokinen, resident of the City of Santa Clara and SVILC consumer, noted he commutes to the SVILC via a combination of VTA light rail and bicycle lanes. Mr. Jokinen expressed concern for the safety of those traveling on Zanker Road without benefit of a motor vehicle.

The Committee expressed their appreciation to Ms. Vargas, Ms. Merrill and Mr. Jokinen for bringing this issue to their attention.

Members of the Committee recommended this issue be brought to the attention of VTA and City of San José staff members.

Members of the Committee recommended staff look into this issue and report back to the CAC at its August meeting.

Member Schulter recommended SVILC executive directors send a letter to VTA, addressed to Chairperson Tebo, indicating the problem and providing statistics.

Stephen Flynn, Senior Management Analyst, stated he would be in contact with the SVILC representatives and provide them with the necessary contact information.

The Agenda was taken out of order.
6. **(Deferred to the August 12, 2009, CAC Meeting)**

Approve the Minutes of Wednesday, June 10, 2009.

Members of the Committee expressed concern that the June 10, 2009, Minutes for Agenda Item #12, Santa Clara County Civil Grand Jury (CGJ) Report, did not fully reflect member comments given during the June CAC meeting. The Committee requested the Minutes be revised to better represent the views expressed by committee members. The Committee requested the revised Minutes for Agenda Item #12 be provided to the CWC Subcommittee for its review.

Member Larsen restated the Committee’s responses during the June meeting for each CGJ finding and recommendation. These responses will be reflected in the revised June 10, 2009, CAC Minutes.

Member Powers questioned whether the Committee’s responses at the June 10, 2009, meeting were via consensus or motion. Chairperson Tebo stated motions were not taken. He noted the Committee discussed each item.

Member Schulter noted, in preparing the CWC’s response to the CGJ, the importance of soliciting comments from the entire Committee as well as utilizing comments made at the June 10, 2009, CWC meeting.

It was determined the Subcommittee would meet in July.

**M/S/C (Larsen/Powers)** to defer approval of the June 10, 2009, Citizens Advisory Committee Minutes until the Minutes are revised, forwarded to the Subcommittee for review, and presented to the Committee for approval at its August 12, 2009, meeting.

11. **VTA Response to 2008-09 Santa Clara County Civil Grand Jury (CGJ) Report**

The Committee discussed VTA’s response to the CGJ Report and determined they would remain independent of VTA’s response.

Chairperson Tebo noted the CWC Subcommittee will be preparing a draft response to the CGJ for the Committee’s review and approval at the August 12, 2009, meeting.

Chairperson Tebo provided the Committee his proposed suggestion to address Finding 14, Recommendation 14 of the CGJ Report:

**Finding 14**

“Measure A funds were used on non-Measure A projects. The Measure A fund exchange violates the 2000 Measure A ballot requirement that 2000 Measure A revenue was to be spent only on 2000 Measure A programs. But VTA believes it is entitled to use these funds for other programs as long as repayment is certain. It appears that there is in fact repayment uncertainty. Even though the initial $50M swap was approved in February 2007, the CWC certified (over the chairperson’s signature) in the FY 2007 2000 Measure A Status Report that all Measure A revenue was spent only on Measure A programs. It is
clear that the CWC does not fully understand its responsibility with respect to this requirement.”

Recommendation 14

“The Board should give the CWC the opportunity to review all 2000 Measure A fund transfers. The CWC should point out such usage of funds to the public in their reports. The CWC should make a public decision whether this usage of funds is consistent with the intention of the voters with respect to 2000 Measure A.”

Chairperson Tebo noted in his handout: 1) The CWC specifically asked their independent auditor to examine the ‘fund swap’ process and procedures during their annual audit; 2) The auditors found the Board had the authority to do fund swaps, but that there were no established policies to assure that Measure A funds were returned promptly and compensate the fund for the money lost over time; 3) The auditors recommended interest payments be included in fund swap reimbursements; 4) Discussion with a previous chair of the 1996 Measure B Sales Tax Citizens Watchdog Committee confirmed they approved fund swaps only when reimbursement was guaranteed as in a fund exchange for immediate benefits to the VTA; 5) No intermediate or long-term borrowing of funds were allowed; and 6) Further, it is suggested that swaps or transfers of funds of a specific voter-approved fund, like Measure A, is likely to lead to public misunderstanding or mistrust as displayed in the Grand Jury Report. Such swaps or borrowing should be avoided.

Chairperson Tebo recommended the Measure A Sales Tax fund specific transit projects and any long-term or intermediate-term swap of funds be prohibited. Interim short-term, temporary transfers may be specifically authorized by the Board for the overall benefit of the VTA if there will be no detrimental impact on Measure A projects. Any funds so transferred will be fully documented, specifying the repayment date and interest to be paid to the Measure A account. Any funds previously transferred should be reimbursed as soon as possible with interest.

Greta Helm, Chief External Affairs Officer and Staff Liaison, reminded the Committee during the fund swap discussion between the CWC, the Congestion Management Agency Chief, and the Auditors, her recollection was a policy would be developed and submitted to the CWC for discussion.

Member Powers noted perhaps reasonable time limits for fund swaps could be considered with a binding guarantee there would be no impact on future Measure A projects.

Member Probst noted the importance of not being too restrictive to the point where the value of fund swaps is lost. She noted that during times of uncertainty, as we are currently experiencing, it makes it even more important not to put handcuffs on the VTA.

Chairperson Tebo disagreed with Member Probst stating it is the CWC’s responsibility to put handcuffs on the VTA.

Member Elias noted, although the Committee may agree with the sentiments of Chairperson Tebo, the Committee’s role is not to handcuff the VTA, but instead to ensure
controls are in place. He suggested the Committee request staff provide an update on the status of the fund swap policy and repayment provisions.

Ms. Helm noted the CGJ Report does not reflect the CWC did their job in giving feedback to VTA with regard to developing a policy. VTA agreed to develop a policy. This was identified, discussed with the auditors and VTA prior to the CGJ report, and will be brought back to the CWC as a recommended policy.

Member Probst noted she would not like Chairperson Tebo’s handout to be presented as a Committee recommendation.

Member Skinner noted his agreement with Member Elias’ comments. Member Skinner recommended the CWC ask staff what the recommended timelines would be for repayment of funds. He noted his hope staff would put in place a reasonable timeline that repays the funds as expected. He noted the CWC should not unduly tie VTA’s hands.

Member Elias stressed the importance of 2000 Measure A Funds being available when needed.

Member Schulter stated it is within the CWC’s role to make an ethical recommendation back to VTA. He noted the CWC wants to partner and work effectively with VTA and it is not the CWC’s intent to put handcuffs on VTA.

Member Schulter expressed concern VTA may be impacting voter approved Measure A projects by potentially increasing future costs as well as delaying product delivery. He noted taxpayer intent was for projects to be completed in a timely fashion without additional costs. He suggested a reasonable policy be established that supports swaps, with the understanding Measure A projects are the priority and not the swaps.

Stephen Flynn, Senior Management Analyst, reminded the Committee they first brought up the need for a fund swap policy at the January and February meetings. John Ristow, Chief Congestion Management Agency Officer, met with the CWC at the February meeting to discuss the fund swap. Mr. Ristow indicated at that time there was no negative impact to the Measure A light rail project.

Chairperson Tebo acknowledged hearing the statement from Mr. Ristow, but noted two months later he learned work had stopped on the Evergreen/Capitol Light Rail because of money concerns.

Mr. Flynn noted perhaps the provisions for repayment of Measure A Funds were not made clear to the Committee. He noted during his meeting with Mr. Ristow prior to the July 8, 2009, CAC meeting he understood Mr. Ristow to say the repayment is programmed in either the 2010/11 or 2011/12 STIP. Mr. Ristow also indicated the repayment was part of the Board’s programming action. Mr. Flynn suggested this information should have been made clearer to the Committee.

Chairperson Tebo stated these factors had not been made clear to the Committee. He noted his issue with the scheduled repayment was the timing of the repayment being several years away.
Member Blaylock stated the Committee would not be having this discussion if the fund swap did not occur. He stated his belief the fund swap should not have happened. He questioned how fund swaps would be perceived in the public realm. He noted the average member of the public does not understand a fund swap and would question the action. Member Blaylock stated the CWC is not trying to put handcuffs on the VTA; it is trying to perform the fiscal business of the public. Member Blaylock noted he would vote for zero fund swaps.

Member Probst stated she completely disagreed with Member Blaylock’s comments.

Member Powers stated the resolution will go to staff for policy determination. She noted there may be a time constraint.

Member Schulter noted the fiscal climate within California’s governmental entities has radically changed since January with all being in worse fiscal shape. He questioned what would happen if the swaps could not be repaid within the expected timeframe. He noted concern that such a scenario would negatively affect Measure A.

Member Schulter stated he does not agree with zero swaps. He suggested an option be found with parameters and policies responsible to Measure A, not to the agenda of other projects. He noted the Committee needs to hear what those policies will be for recommendations. He then noted the suggestions Chairperson Tebo presented are good starting points for recommendations and would encourage further discussion and feedback from staff.

Ms. Helm questioned whether the Committee had additional input on VTA’s report.

Member Powers noted her belief the Committee should agree in some way with VTA’s recommendation, but also noted the Committee will be filing its own report with the CGJ.

Member Larsen stated his belief when the Subcommittee looks at the June 10, 2009, revised CWC Minutes the Subcommittee will note much of the conversation lines up with VTA’s recommendations. Member Larsen noted the Committee should expand on their responses to CGJ Findings 9, 11, 12 and 14.

Chairperson Tebo questioned whether the Committee could express general agreement with the report, but noted the CWC will be submitting its own response due to some specific issues.

Member Powers made a motion, seconded by Member Probst, stating the CWC is in general agreement with the VTA response to the Grand Jury, but the CWC will be submitting its own response to the Civil Grand Jury.

Member Schulter noted he had a problem with Member Powers’ motion, because the Committee had some disagreement with VTA’s response.

Chairperson Tebo stated the Committee is in general agreement, but there are some specific issues of disagreement.
Member Schulter questioned if Member Powers would accept the amended motion.

**M/S/F (Powers/Probst)** the Citizens Watchdog Committee is in general agreement with the VTA response to the Civil Grand Jury, but there are some areas where we are in specific disagreement and the Citizens Watchdog Committee will be submitting its own response to the Civil Grand Jury. Members Blaylock and Skinner abstained.

Member Skinner noted he was not comfortable with a generally agree but generally disagree motion. He would rather not say anything about the Board’s response to the CGJ Report. He felt the CWC should simply state the Committee will be making its own recommendation.

**M/S/C (Elias/Powers)** to restate the motion as the Citizens Watchdog Committee duly notes the draft report by VTA staff for consideration and the Citizens Watchdog Committee will be developing its own response to the Civil Grand Jury.

### 4. Committee Staff Report

There was no Staff Report.

### 5. Chairperson’s Report

There was no Chairperson’s Report.

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

**COMBINED CITIZENS ADVISORY COMMITTEE AND CITIZENS WATCHDOG COMMITTEE CONSENT AGENDAS**

### 7. CAC Quarterly Attendance Report

**M/S/C (Powers/Hashimoto)** to receive the Citizens Advisory Committee Quarterly Attendance Report.

### 8. Monthly Legislative History Matrix

**M/S/C (Powers/Hashimoto)** to receive the Monthly Legislative History Matrix.

### 9. VTP Highway Program Semi-Annual Report

**M/S/C (Powers/Hashimoto)** to receive the VTP Highway Program Semi-Annual Report.

Vice Chairperson Jacobvitz left the meeting at 5:52 p.m.

Members Larsen and Schulter left the meeting at 5:52 p.m., the quorum was lost, and a Committee of the Whole was declared.
CITIZENS WATCHDOG COMMITTEE REGULAR AGENDA

10.  (Deferred to August 12, 2009, Citizens Watchdog Committee (CWC) Meeting)

Citizens Watchdog Committee’s (CWC) Annual Report for Fiscal Year 2008.

On order of Chairperson Tebo and there being no objection, the Committee deferred the recommendation for the Citizens Watchdog Committee’s (CWC) Annual Report for Fiscal Year 2008.

11B.  (Deferred to August 12, 2009, Citizens Watchdog Committee (CWC) Meeting)


On order of Chairperson Tebo and there being no objection, the Committee deferred to discuss and take possible action regarding 2000 Measure A Citizens Watchdog Committee response to 2008-09 Santa Clara County Civil Grand Jury Report.

CITIZENS ADVISORY COMMITTEE REGULAR AGENDA

12.  Advisory Committee Enhancement (ACE) Update: July

Jennie Loft, Public Information Officer, and Stephen Flynn, Senior Management Analyst, provided a brief update on the ACE Task Force.

The goals of ACE process are: 1) the efficient use of resources; 2) looking at enhanced communications; 3) consensus building; and 4) informed discussion.

At the June 24, 2009, ACE meeting the Task Force discussed Agenda Item #2, Continue Discussion of Strategies for Improving Advisory Committee Process with Focus on Increasing Efficiencies, Communication and Collaboration. Carmen Clark facilitated the meeting, as she has done multiple times during the ACE process.

The Task Force reviewed a list of strategies developed from the Hay Group Report and through input from the ACE Subcommittee Members: 1) Combine the PAC and TAC: This idea was not supported by the Task Force; 2) Modifying frequency of meetings: Idea not supported by the Task Force; and 3) Modifying existing committee structures, i.e., grouping the policy committees CAC and PAC and grouping technical groups BPAC, CTA and TAC: Idea partially supported by the Task Force.

Member Powers noted the grouping was not a merging of the committees, but an alignment of committees with similar tasks and different representation to work collaboratively, i.e., the PAC is comprised of council members, with the CAC representing different constituent groups within the community. Ms. Loft noted this was a concept requiring more refinement.
The Task Force discussed holding joint meetings or conducting workshops in lieu of regularly scheduled meetings.

Member Powers noted the Task Force recommended the Committee Chairs and the Board Chair meet on an annual or semi-annual basis to keep communication links open.

The next ACE meeting is scheduled for July 22, 2009, with a follow-up meeting tentatively scheduled for July 29, 2009, if the Task Force deems it necessary.

Member Probst questioned whether new committee appointments were being delayed until completion of the ACE process. Mr. Flynn stated the appointments have been delayed. He noted positions will be filled once a determination is made whether the existing committee structure will be modified or whether a position will be filled from a similarly represented position on another committee (for example, a BPAC member serving in the Bicyclists position on CAC.)

Greta Helm, Chief of External Affairs and Staff Liaison, noted the ACE process has taken longer than anticipated. A decision is expected in August, at which time staff will know whether there will be a recommended change to the committee structure or to proceed with the appointments for all committees.

On order of Chairperson Tebo and there being no objection, the Committee received a brief update on the status and progress of the Advisory Committee Enhancement process to date.

Member Skinner left the meeting at 6:10 p.m.

13. Advisory Committee Enhancement (ACE) Subcommittee Report

On order of Chairperson Tebo and there being no objection, the Committee received a verbal update from the Committee’s Advisory Committee Enhancement (ACE) Subcommittee.

COMBINED CITIZENS ADVISORY COMMITTEE AND CITIZENS WATCHDOG COMMITTEE ITEMS

14. Citizens Advisory Committee and Citizens Watchdog Committee Work Plans

On order of Chairperson Tebo and there being no objection, the Committee reviewed the CAC and CWC Work Plans.

OTHER

15. ANNOUNCEMENTS

Greta Helm, Chief External Affairs Officer and Staff Liaison, announced the CWC BART tour will be held on August 12, 2009, prior to the regular committee meeting. An invitation will be sent to the committee members.
16. ADJOURNMENT

On order of Chairperson Tebo and there being no objection, the meeting was adjourned at 6:12 p.m.

Respectfully Submitted,

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

The Regular Meeting of the Valley Transportation Authority (VTA) Bicycle and Pedestrian Advisory Committee (BPAC) was called to order at 6:02 p.m. by Vice Chairperson Stallman in Auditorium, Building A, VTA, 3331 North First Street, San Jose, California.

1. ROLL CALL

<table>
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<tr>
<th>Attendee Name</th>
<th>Title</th>
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<tr>
<td>Cheryl Bunnell</td>
<td>City of Milpitas</td>
<td>Absent</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>Present</td>
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<tr>
<td>Nancy Ginzton</td>
<td>Town of Los Altos Hills</td>
<td>Present</td>
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<tr>
<td>Jerri-Ann Meyer</td>
<td>City of Mountain View</td>
<td>Present</td>
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<tr>
<td>Thomas Muniz</td>
<td>City of Gilroy</td>
<td>Present</td>
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<tr>
<td>Richard Ruh</td>
<td>City of Monte Sereno</td>
<td>Present</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>
<td>Present</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 Saratoga</td>
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<tr>
<td>Richard Swent</td>
<td>City of Palo Alto</td>
<td>Absent</td>
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<tr>
<td>Herman Wadler</td>
<td>City of Campbell</td>
<td>Present</td>
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<tr>
<td>Joseph Walton</td>
<td>City of Cupertino</td>
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<tr>
<td>Jana Zava</td>
<td>City of San Jose</td>
<td>Absent</td>
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<tr>
<td>Corinne Winter</td>
<td>SVBC</td>
<td>Present</td>
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<tr>
<td>Paul Goldstein</td>
<td>Alt Ex-Officio, SVBC</td>
<td>Present</td>
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A quorum was not present and a Committee of the Whole was declared.

2. ORDERS OF THE DAY

Vice Chairperson Stallman noted Michael T. Burns, General Manager, may be late as he is also attending the 5:30 p.m. Citizens Advisory Committee (CAC) meeting at the County Government Center.

Vice Chairperson Stallman recommended Agenda Item #10, Draft County Ordinance Relating to Special Events on County Roads be heard before Agenda Item # 9, County Ordinance Relating to Bicycles and Skateboards.
3. PUBLIC PRESENTATIONS

There was no Public Presentation.

4. Committee Staff Report

- **County Report**

  Paul Pascoal, Santa Clara County Roads and Airports Department, reported the following: 1) Montague Project (an Economic Stimulus Bill project) was recently advertised and bid opening is scheduled for June 24, 2009; 2) Highland Avenue and Lindell Pedestrian Improvements will have its final walk through tomorrow; 3) Foothill Expressway at Loyola Corners Safety Improvement Project had its pre-construction meeting today; 4) Oregon Expressway/Page Mill Road construction started today; and 5) Capitol Expressway from Highway 87 to Seven Trees Boulevard Pavement and Pedestrian Improvement Project started construction this week.

  Mr. Pascoal noted there were three teams from their group who participated in Bike to Work Challenge. The following teams earned places in national standing: Huffing and Puffing - 31st place, Magnificos - 26th place, and Road Warriors - 12th place.

- **VTA Staff Report**

  Michelle DeRobertis, Senior Transportation Planner, reported the following: 1) Ying Smith’s group came in first place in 3 categories in the VTA CMA Green Commute Challenge: the most multi-modal group, most green group, and best bike to work day effort awards; 2) The Local Streets and Government Commission is having a Complete Streets Workshop on July 10, 2009; 3) E-locker promotion is on-going and VTA is subsidizing the smart cards during the promotion period; 4) Bike Share Study is on-going and an update is scheduled for the BPAC August 2009 meeting.

  Members Sullivan, Ginzton, Meyer and Alternate Ex-Officio Member Goldstein took their seats at 6:07 p.m. and a quorum was declared.

- **City of San Jose Bike Collision Study**

  John Brazil, Bicyclist and Pedestrian Program Coordinator for the City of San Jose, provided a handout and briefly discussed the City’s 2007 Year End Collision Analysis report.

  Mr. Brazil noted the report data were collected from transportation and public safety personnel (i.e. police officers) and public health records. Software tools were used to analyze this data. The goal of the report is to make roads safer by creating facilities or physical barriers and change behaviors of motorists, pedestrians, and bicyclists.
Member Hagenmaier took his seat at 6:15 p.m.

Mr. Brazil reviewed the statistics of who is at fault for bicycle collisions, noting 43 percent of the collisions were bicyclists’ fault while 36 percent were drivers’ fault. The remaining 21 percent is unknown. He also reviewed the following for both bicyclists and pedestrians collisions: collisions types, collision descriptions, who is at fault; map of intersections where most accidents occur in the City of San Jose; and age of at-fault pedestrian/bicyclist.

Ex-Officio Member Goldstein inquired if there were trends during the three years the report was prepared. Mr. Brazil noted there were fewer collisions last year.

Ex-officio Member Goldstein noted Stanford University categorizes the severity of bicycle accidents from Level 1 to 4, with Level 4 as fatal. He noted there were many Level 3 (brain injuries, etc.) accidents. He noted the importance of obtaining those types of data.

Member Wadler noted the report suggests the most common cause of accidents caused by bicyclists is riding on the wrong side of the roadway and inquired if the data in San Jose is different from the national average. Mr. Brazil noted wrong way riding is part of the built-in environment in San Jose because of the wide intersections.

Member Simons noted the need to encourage bicyclists and pedestrians to wear reflective materials considering the speed of bikes and vehicles on roadways. Mr. Brazil noted speed is a major issue and there should be policy decisions that enforce safe driving and adherence to posted speed limits.

Member Sullivan noted based on studies from 1991-2002, bicyclists and motorists have the same amount of responsibility in bike collisions.

Vice Chairperson Stallman thanked Mr. Brazil for providing the report.

Mr. Brazil invited Members to the League of American Bicyclists Smart Cycling Conference which be held in San Jose on June 18-19, 2009.

- **Quarterly Report from the General Manager**

  Michael T. Burns, General Manager reported the Board of Directors approved the Bicycle Expenditure Plan (BEP), which contains 81 projects on June 6, 2009. He thanked the BPAC for their contribution to the BEP and their efforts for the Bike to Work Day. He noted VTA is setting a great example in the region for delivering projects and noted the dedication of the following bicycle/pedestrian projects: Sunnyvale Borregas Bicycle and Pedestrian Bridge in April 2009; Cupertino Mary Avenue Bicycle and Pedestrian Bridge in April 2009; Morgan Hill Little Llagas Creek Trail in June 2009; Mountain View Stevens Creek Trail dedication in June 2009.
Mr. Burns also reported the Board of Directors approved the FY 10-11 budget at their June 2009 meeting. The approved budget includes close to a $70 million shortfall, fare increases, use of reserves, and labor savings, retention of paratransit premium services, and development of paratransit premium rate. Mr. Burns noted four out of five labor groups in VTA have agreed to wage freezes and up to 12 furlough days per year. Mr. Burns noted VTA is still working with the Amalgamated Transit Union (ATU) to identify further labor savings. Mr. Burns cautioned the budget is based on assumptions and VTA’s financial situation may worsen due to the decline of sales tax receipts and the current problem of the California State Budget.

Mr. Burns noted VTA will implement a “pay as you go” for the Measure A program. He provided a status on Measure A projects including: 1) The BART project will continue to move forward and get back to into the Federal Program by 2010; 2) Caltrain was allocated $20 million for safety projects; 3) South County Double Tracking project will proceed; 4) Light Rail to Eastridge will be phased; 5) Vasona to Los Gatos is currently under federal environmental review; and 6) VTA will procure diesel hybrid electric buses using the Stimulus Package funds.

Mr. Burns stated the transportation industry in California lost dollars due to transferring transportation dollars to the general fund. He stated the California Transportation Commission (CTC) filed a lawsuit against the State of California for improper diversion of transit funds. The CTC is also preparing a ballot measure that will protect transportation funding in California.

Mr. Burns noted the VTA is involved in the High Speed Rail (HSR) project through Caltrain. Caltrain entered a Memorandum of Understanding with the HSR Commission and will be the lead organization to bring HSR to the peninsula. Mr. Burns noted the HSR is in the Environmental Impact Review (EIR) process until Year 2011-2012 and thus, by law need to keep all right-of-way alternatives open. VTA, its partners, and stakeholders will request for Stimulus Funding for the HSR, mainly for the Diridon Station in San Jose.

Lastly, Mr. Burns reported VTA saw the first ridership decline in two years in April 2009.

Vice Chairperson Stallman stated transportation is a component of “green building.” He noted “green building” status should include EcoPass component as it will not only help the environment but may help VTA’s revenue as well.

Ex-Officio Member Winter took her seat at 7:02 p.m. and Alternate Ex-Officio Goldstein will represent himself as Interested Citizen.

- **Share the Road Presentation**

Erin McDaniel, Silicon Valley Bicycle Coalition (SVBC), reviewed SVBC’s goals, programs, and responsibilities. She provided a presentation entitled, “Share
the Road – Generating Goodwill Between Motorists and Cyclists.” The information about Share the Road is available at http://wesharetheroad.org.

Ms. McDaniel noted Share the Road is a program that aims to educate both cyclists and motorists, encourage safe roadway behaviors, and promote safety. She reviewed the issues affecting safety in roadways, bicycle crashes causations, and 2007 Bicycle Collisions Statistics. She highlighted the State of California had the second highest number of fatalities and 15 percent of the deceased were under the age of 16.

Ms. McDaniel explained the message of the program is “Everyone Fares Best When All Road Users Act Responsibly.” Everyone must follow the same rules, share the same roads, and have same rights. She briefly discussed the safety tips for both cyclists and motorists, common crashes and avoidance tips, Share the Road immediate goals and long-term goals. She encouraged members to become involved in the Program by contacting SVBC.

Member Simons referred to company bicycle-friendly certifications and inquired if this program has been implemented. Ex-Officio Member Winter responded yes and noted the Program was patterned after the Leadership in Energy & Environmental Design (LEED) program and has the same categories: platinum, gold, and silver. Member Simons suggested communicating the bicycle-friendly standards or point systems for corporation certification to the BPAC. He noted this information can be used and incorporated into the bicycle design guidelines in the future as appropriate.

Member Simons further suggested the presentation should note that SVBC provides letters of support for bicycle friendly projects to cities/county.

Member Ruh noted the intersection sensors should also be improved to recognize bicycles.

On order of Vice Chairperson Stallman, the County Report, VTA Staff Report, City of San Jose Bike Collision Study, General Manager Report, and Share the Road Presentation were received.

5. Chairperson’s Report

Vice Chairperson Stallman reported the following: 1) an appeal was received for the Regional Measure 2 (RM2), project applications; 2) the bus specification is on the VTA website; 3) the O’Toole/Brokaw/I-880 interchange and bicycle/pedestrian access issue should be in the Caltrans District 4 Bicycle Pedestrian Advisory Committee Agenda next month; 4) requested information about the next step for the missing sidewalk from the Airport to Coleman Avenue in San Jose; and 5) requested information on the status of VTA applications for the American Recovery and Reinvestment Act of 2009 (ARRA) funds.
CONSENT AGENDA

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

Approve the Minutes of May 13, 2009.

REGULAR AGENDA

6.  Minutes of May 13, 2009

Ying Smith, Transportation Planning Manager and Staff Liaison noted the following corrections: 1) Page 3 of 6, Item #10, second paragraph, replace the paragraph with “Ying Smith, Transportation Planning Manager, explained the BEP is a long-term planning document. When funds come in for programming, such as the TDA3 funds, that is when the money is available for construction of projects;” 2) On Page 5 of 6, Item 13 and 14, fourth paragraph, strike out the word “collisions;” 3) On Page 5 of 6, Item 17, first paragraph, replace the word “city” with “county.”

Vice Chairperson Stallman noted on Page 1 of 6, Member Wadler should be reflected as City of Campbell’s representative and on Page 4 of 6, Item 12, fourth paragraph, “Wadler” should be replaced with “Walton.”

M/S/C (Simons/Wadler) to approve the minutes as amended.

7.  Advisory Committee Enhancement Update: June

Jennie Loft, Public Information Officer, reported the ACE met on May 27, 2009 and discussed Advisory Committees roles and responsibilities, duplications and redundancies among the Advisory Committees, and how to improve communication to the Board of Directors. Board Vice Chairperson Sam Liccardo was also present and led the discussion about efficiencies and how VTA could cope with the current economic conditions. The next ACE meeting is scheduled on June 24, 2009. Staff will present a report on the status of the ACE recommendations to the Administration and Finance Committee on August 2009.

Ms. Loft thanked the three BPAC members who actively serve and contribute to the ACE.

On order of Vice Chairperson Stallman and there being no objection, the ACE Update for June 2009 was received.

8.  Advisory Committee Enhancement (ACE) Subcommittee Report

Vice Chairperson Stallman expressed concern on the suggestion to combine Advisory Committees to have fewer Advisory Committees.

NOTE:  M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
On order of Vice Chairperson Stallman and there being no objection, the ACE Update for June 2009 was received.

The Agenda was taken out of Order.

10. Draft Ordinance - Special Events (County)

Mr. Pascoal introduced Elizabeth Pianca, Santa Clara County Deputy County Counsel, Captain Chris Forrester and Captain Robert Schiller.

Ms. Pianca reviewed the background and Overview of the Draft Special Events on County Roads Ordinance (Division B3, Chapter VII) and stated the current ordinance does not have a coordinated and effective process to manage special events on county roads. The proposed ordinance seeks a balance between the duty of the county to keep safe operational county roads and the rights of individuals or groups to use roads to express ideas and beliefs. The County Roads and Airports will be the responsible department to oversee the ordinance when implemented. The fee structure will be developed later on in the process. Ms. Pianca noted she is requesting feedback from BPAC.

She provided Section B3-146 definitions for block party, expressive activity, road, special event, minor special event. She noted the conditions that would require a special event permit proposed under Section B3-147 and the exemptions to Section B3-148. She also reviewed the permit application, timeline and review process, denial/revocation process, appeals process, insurance and indemnity, and other provisions.

Carl Hagenmeier suggested there be a minimum number before notification is necessary. As currently written, the ordinance states events with under 200 participants is exempt from requiring a permit but must still notify the department.

Member Wadler expressed opposition to the proposed ordinance but expressed appreciation to the County for bringing the proposal for review to the BPAC. He noted there should be more detail on which special events are exempted from permits. He inquired if there is data supporting the premise that the number of special events has increased over the years and further inquired if the ordinance will increase the County’s revenue. Ms. Pianca responded the County wishes to obtain feedback from the BPAC in order to make necessary revisions as appropriate. She added there is no data that show increased special events but this information can be monitored. She clarified this ordinance is not revenue producing but rather cost-recovery for issuing permits.

Ms. Smith noted Member Swent’s written comments on the issue and noted a copy of his e-mail is provided for each member. Member Swent commented the Draft Special Event Permit Ordinance should have a clear definition of event and the scope of the section need to be narrowed down.

Paul Goldstein, Interested Citizen, recognized the need to keep the county roads safe. He referred to the written comments by Alan Wachtel, which was e-mailed to BPAC Members. He commented the permit exemptions should be revised and should only be required if the special event will require road closure or special sheriff presence.
Member Hagenmaier suggested including “public plaza” in the ordinance to address the allowed short-notice public forum at the County Government Center. He recommended clarity on the language used on Section B3-148 and suggested evaluation of the ordinance impacts, if implemented, to County Roads and Airports’ staff and budget. He further suggested implementing an online permit application option in the future.

Member Simons commented the language specifying 200 participants does not state in one place or throughout the whole day and noted that the maximum congregation size at a particular time is more important than the total participants involved. He added for insurance purposes, there should be clear differentiation between for-profit, non-profit, government-sponsored, or private events.

Ex-Officio Member Winter noted the enforcement challenges of the ordinance if it is implemented as currently written. She suggested including memorial rides as an exemption for permits given since it cannot be scheduled in advance.

Ms. Pianca suggested coming back to the BPAC in July 2009 with a revised draft ordinance, taking into consideration the comments Members made.

Upon inquiry of Vice Chairperson Stallman, Member Wadler volunteered to be a member of the subcommittee who will be the direct contact and resource to Ms. Pianca. Vice Chairperson Stallman noted Member Swent and Mr. Goldstein be nominated and invited to be part of the subcommittee.

Captain Forrester noted this draft ordinance is a living document that aims to provide safety for bicyclists, pedestrians, neighborhoods and motorists.

9. **Regulation of Bicycle Operation: SC County Code Vs. the CVC**

Ms. Pianca noted Member Swent brought to their attention there were outdated provisions in the County Code relating to bicycles and skateboards. The County is currently conducting a comprehensive review of the County’s ordinance codes and there are some codes that need to be revised.

In Member Swent’s prior e-mail he noted the following comments: 1) proposed requirement to lock bicycles should not be mandated; and 2) sidewalk bike riding should be eliminated; and 4) proposed bike registration is ineffective.

Captain Forrester noted the Sheriffs’ Department does not issue bicycle licenses and does not have any interest in doing so therefore, this provision need to be removed.

Vice Chairperson Stallman requested the subcommittee for the Draft County Ordinance – Special Events make recommendations on this item as well. He further suggested the County Sheriff provide input to the draft.
OTHER

11. **County Roads Capital Projects Update**

Mr. Pascoal noted the update was provided at the County Staff report at the beginning of the agenda.

*On order of Vice Chairperson Stallman* and there being no objection, the County Roads Capital Projects Update was received.

12. **BPAC Work Plan**

Ms. Smith noted the new member orientation will be held in July 2009. All members are invited to participate.

Vice Chairperson Stallman suggested addition of the following for the July 2009 or future agenda: RM2 request for project submittals and staff presentation from San Francisco Bay Trail.

*On order of Vice Chairperson Stallman* and there being no objection, the BPAC Work Plan was reviewed.

13. **ANNOUNCEMENTS**

Ex-Officio Member Winter announced there was a 54 percent increase in participants for Bike to Work Day in Santa Clara County. She noted Safe Routes to Transit Grant Applications are available to agencies and offers up to $750,000 for infrastructure and $200,000 for planning grants.

Member Muniz reported the next Gilroy BPAC meeting is scheduled for June 23, 2009 and now reports directly to the Gilroy City Council.

Member Ruh announced his team came in 9th place at the Bike Challenge.

Member Meyer noted the City of Mountain View will have two dedications for two new aspects of Stevens Creek Trail this coming Saturday: 1) New Moffett Bridge and 2) El Camino to Sleeper Avenue. She announced SVBC will have an event at Sports Basement in Sunnyvale on June 16, 2009, from 6:00-8:00 p.m. She thanked all the volunteers for the Over and Under Tour held last May 17, 2009.

Member Wadler announced he trained a new cyclist. He also noted Mr. Brazil, Member Meyer and himself will be hosting one of the break-out sessions for the Smart Cycling Conference.

Paul Goldstein, Interested Citizen, noted the California State legislature passed a law a couple of years ago which mandates all new signal detection devices be sensitive to bicycles and motorcycles. However, this law will not be implemented until Caltrans issue the guidelines. He noted the discussion on the guidelines is on-going at the State level and is expected to be ratified within the next couple of months. Mr. Goldstein noted
the California Environmental Quality Act (CEQA) is currently being reviewed and expressed support for replacement of Level of Service (LOS) to Vehicle Miles Traveled (VMT) as part of the environmental review. He encouraged VTA to monitor the CEQA changes and express support for the removal of LOS from the CEQA guidelines. Lastly, Caltrans is revising Deputy Directive (DD64) to make sure all non-motorized travel is present on all Caltrans activities.

Vice Chairperson Stallman noted the City of Saratoga is applying for the remaining Measure B bicycle racks.

15. ADJOURN

On order of Vice Chairperson Stallman and there being no objection, the meeting was adjourned at 8:52 p.m.

Respectfully submitted,

Elaine F. Baltao, Board Assistant
VTA Board of Directors
Bicycle & Pedestrian Advisory Committee

Wednesday, July 8, 2009

**MINUTES**

**CALL TO ORDER**

The Regular Meeting of the Valley Transportation Authority (VTA) Bicycle and Pedestrian Advisory Committee (BPAC) was called to order at 6:07 p.m. by Chairperson Walton in Auditorium, Building A, VTA, 3331 North First Street, San Jose, California.

1. **ROLL CALL**

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cheryl Bunnell</td>
<td>City of Milpitas</td>
<td>Absent</td>
</tr>
<tr>
<td>Bruce Entin</td>
<td>Town of Los Gatos</td>
<td>Absent</td>
</tr>
<tr>
<td>Chris Fernandez</td>
<td>County of Santa Clara</td>
<td>Present</td>
</tr>
<tr>
<td>Carl Hagenmaier</td>
<td>City of Los Altos</td>
<td>Present</td>
</tr>
<tr>
<td>Nancy Ginzton</td>
<td>Town of Los Altos Hills</td>
<td>Present</td>
</tr>
<tr>
<td>Jerri-Ann Meyer</td>
<td>City of Mountain View</td>
<td>Present</td>
</tr>
<tr>
<td>Thomas Muniz</td>
<td>City of Gilroy</td>
<td>Present</td>
</tr>
<tr>
<td>Richard Ruh</td>
<td>City of Monte Sereno</td>
<td>Present</td>
</tr>
<tr>
<td>Marian Sacco</td>
<td>City of Morgan Hill</td>
<td>Absent</td>
</tr>
<tr>
<td>David Simons</td>
<td>City of Sunnyvale</td>
<td>Present</td>
</tr>
<tr>
<td>Jim Stallman</td>
<td>City of Saratoga</td>
<td>Present</td>
</tr>
<tr>
<td>John Sullivan</td>
<td>City of Santa Clara</td>
<td>Present</td>
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<tr>
<td>Richard Swent</td>
<td>City of Palo Alto</td>
<td>Present</td>
</tr>
<tr>
<td>Herman Wadler</td>
<td>City of Campbell</td>
<td>Present</td>
</tr>
<tr>
<td>Joseph Walton</td>
<td>City of Cupertino</td>
<td>Present</td>
</tr>
<tr>
<td>Jana Zavala</td>
<td>City of San Jose</td>
<td>Absent</td>
</tr>
<tr>
<td>Corinne Winter</td>
<td>SVBC</td>
<td>Absent</td>
</tr>
<tr>
<td>Paul Goldstein</td>
<td>Alt Ex-Officio, SVBC</td>
<td>Present</td>
</tr>
</tbody>
</table>

A quorum was present.

2. **ORDERS OF THE DAY**

There were no Orders of the Day.

3. **PUBLIC PRESENTATIONS**

There was no Public Presentation.
4. **Committee Staff Report**

- **Highway Program Update**
  
  Michelle DeRobertis, Senior Transportation Planner, reported the following:
  1) Valley Transportation Plan (VTP) Highway Program Semi-Annual Report was prepared in April 2009, noting the link will be forwarded to the Committee;
  2) Route 237 Auxiliary Lane project is no longer included in the Highway Program; and
  3) E-locker Program is on-going and E-lockers have been installed at 8 VTA Park and Ride Lots with the goal to install approximately thirty-five more.

  Vice Chairperson Stallman queried about the E-locker Smart Cards. Ying Smith, Transportation Planning Manager and Staff Liaison, responded VTA’s subsidizing is part of a Bike to Work Month Promotion to encourage the use of the E-lockers. Ms. Smith stated the pre-loaded $20.00 E-locker Smart Card was available for purchase for $10.00 through June 30, 2009.

  Ms. DeRobertis noted the City of Gilroy will be revising its Bicycle and Pedestrian Advisory Committee (BPAC) reporting process including its developing and review process.

  Member Muniz stated the goal is to streamline and make the process automatic to allow developers to view the projects and attain project approval through the Gilroy City Planning Commission and City Council.

  Upon query from Vice Chairperson Stallman, Ms. DeRobertis noted the Complete Streets Workshop scheduled on July 10, 2009 in Sacramento will be hosted by the Local Streets and Government Commission.

- **Conditions of Approval Update**
  
  There was no Conditions of Approval Update.

- **County Report**
  
  There was no County Report.

- **Bay Trail Update**
  
  Laura Thompson, Association of Bay Area Governments (ABAG), provided a brief presentation entitled, “San Francisco Bay Trail,” highlighting:
  1) Bay Trail Vision;
  2) Shoreline Recreation;
  3) Transportation;
  4) Bay Trail Statistics;
  5) Bay Trail Non-Profit;
  6) Bay Trail Project Partnerships;
  7) Bay Trail Grant Program;
  8) South Bay Grant Projects; and
  9) Key South Bay Gaps.

  Ms. Thompson reported the Bay Trail is a regional project and when completed the 500 mile trail will form a continuous hiking and biking corridor around San Francisco Bay passing through 47 cities, 9 counties, and crossing 7 toll bridges. The Bay Trail provides Shoreline access for recreation, education, and transportation. The Bay Trail is part of the Metropolitan Transportation Commission (MTC) Regional Bicycle Plan.
Ms. Thompson commented 293 miles of the 500 mile trail system are complete, noting 80 percent of the complete trail segments are paths separated from traffic. In Santa Clara County there are approximately 46 total miles of the Bay Trail spine with 33 miles existing and 13 miles proposed. The primary segments the public visit include Palo Alto Baylands, Mountain View Shoreline, Sunnyvale Baylands, Alviso Marina, and Coyote Creek Trail.

The Bay Trail Projects is a non-profit organization, which is administered by the ABAG and currently has three full time planners that reports to an independent non-profit Board of Directors. The Role of the Bay Trail Project is to provide regional oversight of the project; to coordinate with local governments, regional, and state agencies and park districts; to provide technical assistance; to provide education and outreach to the community; and assist local communities to seek funding for planning and construction of trail segments.

The completion of the Bay Trail segments can only be accomplished through partnerships, which include public agencies at the local, regional, state and federal levels; special districts; private landowners; non-profit organizations; community groups; and individuals. The Bay Trail Project primary partners are the Bay Conservation and Development Commission; Coastal Conservancy; MTC; Transportation Agencies; Park Districts; Land Trusts; and 47 cities and 9 counties.

The Bay Trail Program goals are to speed the construction of the Bay Trail; leverage State funding; to foster project partnership; and complete feasibility studies. The Bay Trail received $21 million from the State over six cycles with Coastal Conservancy oversight. The Bay Trail allocated 112 planning and construction grants to local jurisdictions and land managers in all nine counties. When all the program grants are completed the result will be 53 miles of new trail construction with over 122 miles of planning analysis.

Ms. Thompson noted the South Bay Grant Projects are San Tomas Aquino Trail; Guadalupe River Bridge; Moffett Field; Fremont Gap; Alviso Marina in San Jose; Lockheed Reach in Sunnyvale; and EcoCenter Trail in Palo Alto.

Ms. Thompson commented on the Key South Bay Gaps, noting the obstacles impeding the completion of the following projects: sale and land transfer for Moffett Field; funding shortfalls for the Guadalupe Bridge; funding and project analysis issues for the Zanker Road and Los Esteros Road area; and project delays due to the economy crisis for the Fremont Gap.

Vice Chairperson Stallman noted the importance for the Committee to be apprised of Bay Trail’s projects and funding issues, noting the Committee’s role and responsibility as the Countywide BPAC for Santa Clara County to ensure bicycle and pedestrian projects have the ability to move forward.

Vice Chairperson Stallman requested Ms. Thompson provide a list of projects and project amounts in order for the Committee to forward the information to be considered for inclusion into the Bicycle Expenditure Plan (BEP).

**On order of Chairperson Walton**, the Highway Program Update, Conditions of Approval Update, County Report, and Bay Trail Update were received.
5. **Chairperson’s Report**

Chairperson Walton noted a correction to the June 10, 2009 Minutes to reflect him as absent. He was unable to attend the June 10, 2009 BPAC Meeting due to his wife being injured in a bicycle trail accident and requiring medical attention.

Chairperson Walton reported the following: 1) update from the Subcommittee on the bicycle and pedestrian education, training, and collisions will be provided at the August 12, 2009 BPAC meeting; 2) received a brief report on the Bike Collision Study from John Brazil, City of San Jose, at the June 10, 2009 BPAC meeting; and 3) suggested the bicycle accident prevention item remain on the BPAC agenda for the next meeting.

Vice Chairperson Stallman encouraged Members to seize the opportunity to receive the free bike racks in its community by identifying locations and providing the street name and photo to VTA.

Member Swent stated the City of Palo Alto did receive bike racks but stated the free bike rack program has specific guidelines that must be followed. Ms. DeRobertis stated the Transportation Fund for Clean Air (TFCA) grant was intended for the installation of bike racks where none existed in order to encourage the use of bicycles.

Ms. DeRobertis noted the bike racks need to be installed in places that serve the public and community. VTA submitted its final report on June 30, 2009 deadline for reimbursement of the bike racks and installations.

Upon inquiry from Vice Chairperson Stallman, Ms. Smith responded AB652 relating to three bike racks on the transit system applies only to AC Transit system.

Ms. DeRobertis responded staff will report back to the Committee with additional information related to three bike racks on the transit system.

**CONSENT AGENDA**

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

Approve the Minutes of June 10, 2009.

**REGULAR AGENDA**

6. **Minutes of June 10, 2009**

Vice Chairperson Stallman noted the following correction under Roll Call: Chairperson Walton should be reflected as absent at the June 10, 2009 BPAC Meeting.

M/S/C (Stallman/Wadler) to approve the June 10, 2009 Regular Meeting Minutes as amended.

**NOTE:** M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
7. **Advisory Committee Enhancement Update: July**

Jennie Loft, Public Information Officer, reported the ACE met on June 24, 2009 and discussed strategies to improve the Advisory Committee process with focus on increasing meeting efficiency, communication, and collaboration.

Ms. Loft commented on some of the issues identified as well as possible solutions suggested by the ACE Subcommittee. The ACE Subcommittee did not support the Hay Group recommendation to combine the Policy Advisory Committee (PAC) and Technical Advisory Committee (TAC) into one group. The Citizens Advisory Committee (CAC) serving in the capacity as policy stakeholders was not endorsed by the ACE Subcommittee.

Member Wadler referenced his suggestion to eliminate the bicycle representation position from the CAC and the position given to another unrepresented group to serve on the committee.

Ms. Loft commented the ACE Subcommittee suggested the Bicycle and Pedestrian Advisory Committee (BPAC) and Committee for Transit Accessibility (CTA) should serve in the capacity as expert working groups to the TAC. This suggestion will be further discussed at the next ACE Subcommittee and an update will be presented to the Advisory Committees.

The ACE Subcommittee supported the suggestion to conduct joint meetings and/or workshop meetings in lieu of regular scheduled advisory committee meetings.

The next ACE meeting is scheduled on July 22, 2009 and if needed, a tentative additional meeting is scheduled on July 29, 2009. Staff will present a report on the status of the ACE recommendations at the August 20, 2009 Administration and Finance Committee meeting.

Chairperson Walton encouraged the Committee to provide pictures to display on the back wall of the committee meeting room.

**On order of Chairperson Walton** and there being no objection, the ACE Update for July 2009 was received.

8. **Advisory Committee Enhancement (ACE) Subcommittee Report**

Vice Chairperson Stallman noted the importance for Members to forward comments to its ACE Subcommittee Members for consideration before the July 22, 2009 ACE Subcommittee meeting.

Vice Chairperson Stallman reported many of the ACE Subcommittee suggestions were already in place, such as sharing information between the Committees; the Consolidated Board and Committee Workplan; and the inclusion of Advisory Committee comments in Board Memorandums.

Member Simons noted the ACE Subcommittee will continue to focus on the Advisory Committee structures.

**On order of Chairperson Walton** and there being no objection, the ACE Update for July 2009 was received.
9. **Grant Application – Regional Measure 2 (RM2) – Safe Routes to Transit**

Ms. DeRobertis reported the Regional Measure 2 (RM2) Safe Routes to Transit grant application submittals are due August 12, 2009. VTA intends to apply and submit one grant application. Staff will present the RM2 information at the July 9, 2009 Technical Advisory Committee (TAC) to encourage the cities to apply for the grants. Ms. DeRobertis stated VTA is considering developing a grant application pertaining to the Bicycle Share Program.

Ms. Smith reported the Bicycle Share Program Implementation is ready to move forward for the competitive process.

Vice Chairperson Stallman noted the importance to look for worthy projects that will benefit the community, such as the San Rafael Richmond Bridge by dedicating RM2 grant funding to the project.

**On order of Chairperson Walton** and there being no objection, the Grant Application – Regional Measure 2 (RM2) – Safe Routes to Transit was received.

10. **Revisions to the California Environmental Quality Act (CEQA) Checklist – Transportation Section**

Ms. DeRobertis reported the California Environmental Quality Act (CEQA) Guidelines provide guidance to agencies in assessing environmental impacts from projects. The CEQA checklist is used to assist agencies to assess if a project might have an environmental impact. At this time the CEQA transportation analysis does not contain any questions that pertain to bicycle and pedestrian mobility, transit operations, and traffic safety.

Ms. DeRobertis stated Caltrans submitted a letter to Governor Schwarzenegger’s Office of Planning and Research (OPR) on February 2, 2009 with specific suggestions to improve the transportation section of the CEQA checklist.

Ms. DeRobertis noted VTA intends to provide input during the Natural Resource Agency’s comment period. VTA staff requests the BPAC endorse VTA sending a letter to the Resources Agency supporting the changes suggested by the OPR as well as sending additional proposed recommended changes by VTA staff to the Transportation Section of the CEQA checklist.

Alternate Ex-Officio Member Goldstein directed attention to Attachment 10.c. “OPR Proposed CEQA Guidelines Amendments,” and suggested the wording be revised in Section XVI. Transportation /Traffic to reflect the following: “Exceed the capacity of the existing circulation system, taking into account all modes of transportation, including non-motorized travel and all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.”

The Committee expressed support for VTA staff to send a letter to the Resources Agency supporting the changes suggested by the OPR as well as the proposed recommended changes by VTA staff to the Transportation Section of the CEQA checklist.
Ms. Smith encouraged the Members to urge its cities to send a letter supporting the changes to the Resources Agency. Ms. Smith stated VTA staff is available to provide assistance to the cities in preparing its letter to the Resources Agency.

Ms. DeRobertis noted two public hearings scheduled on August 18, 2009 in Sacramento and the other meeting in Los Angeles.

The Committee requested staff provide the Members with a sample letter and the comment period deadline.

**On order of Chairperson Walton** and there being no objection, the Revisions to the California Environmental Quality Act (CEQA) Checklist – Transportation Section was received.

11. **Draft Ordinance - Special Events (County)**

Chairperson Walton requested an action item be agendized for the August 12, 2009 BPAC Meeting regarding the County Code relating to bicycles and skateboards referenced at the June 10, 2009 BPAC Meeting.

Ms. Smith responded staff will forward the Committee’s action item request to Dan Collen, Santa Clara County representative, in order for the item to be prepared for the August 12, 2009 BPAC Meeting.

**On order of Chairperson Walton** and there being no objection, the Draft Ordinance – Special Events (County) was deferred to the August 12, 2009 BPAC Meeting.

**OTHER**

12. **BPAC Work Plan**

Ms. Smith noted the Committee’s action item request to Dan Collen, Santa Clara County representative, regarding the County Code relating to bicycles and skateboards be agendized on the August 12, 2009 BPAC.

Ms. Smith referenced the BPAC Workplan dated June 24, 2009, noting several of the items should be reflected as Information not Action. Ms. Smith directed attention to the Items in Queue on the Workplan and asked the Committee for input.

Vice Chairperson Stallman referenced Document Id# 2123, noting the request to Bay Trail to provide a list of projects with the project amount to be scheduled for a future BPAC Meeting.

Ms. Smith stated staff will provide a status update on the Bicycle Expenditure Plan (BEP) to be scheduled for a future BPAC Meeting.

**On order of Chairperson Walton** and there being no objection, the BPAC Work Plan was reviewed.
13. ANNOUNCEMENTS

Chairperson Walton announced he and Vice Chairperson Stallman escorted Ying Smith and Michelle DeRobertis over the Mary Avenue Bridge in Cupertino.

Alternate Ex-Officio Member Goldstein urged bicyclist to be careful in Portola Valley due to a concentrated effort by the local police to ticket bicyclists. Alternate Ex-Officio Member Goldstein stated the Silicon Valley Bicycle Coalition (SVBC) will work with Portola Valley and other agencies to address the concern.

Alternate Ex-Officio Member Goldstein announced the appointment of Ina Garhart, new coordinator to Caltrans District 4, noting the next Caltrans District 4 Bicycle quarterly meeting is scheduled for July 15, 2009.

Alternate Ex-Officio Member Goldstein announced SVBC is a recipient of a “Bike to the Movies” grant from REI.

Member Wadler announced he trained two new cyclists. Member Wadler noted the Campbell City Council Meeting is scheduled within the next two weeks. Member Wadler noted the League of American Bicyclist meet two weeks ago, where he co-host a presentation with John Brazil, Bicyclist and Pedestrian Program Coordinator for the City of San Jose.

Member Meyer noted the City of Mountain View 2009 Summer Concert Series “Downtown Thursday Night Live on Castro Street” free evening concerts between 5:00 p.m. and 9:00 p.m. Member Meyer noted the City of Mountain View BPAC is on vacation and the next scheduled meeting is in August.

Chairperson Walton reported Member Meyer was invited to speaker at the League of American Bicyclist Conference.

Member Swent reported Board Member Yoriko Kishimoto will term out as City Council Member for Palo Alto; therefore, Ms. Kishimoto will run for State Legislator.

Member Hagenmaier requested assistance from the Committee Members regarding information on applying for Bike Friendly City designation, noting the information could be provided offline after the meeting.

Member Sullivan announced the San Tomas Creek Trail opening, noting the Ribbon Cutting Event scheduled on Friday, July 10, 2009 at 1:00 p.m. Member Sullivan stated more information is available on the City of Santa Clara website.

Member Muniz reported on his intention to pursue opportunities for pedestrian usage along the maintenance roads for Llagas Creek and Uvas Creek in the South County. The next Gilroy BPAC meeting is scheduled for July 28, 2009.

Member Muniz announced the Gilroy Garlic Festival scheduled from Friday, July 24 through Sunday, July 26, 2009, noting this year there are additional accommodations for bicyclists.

Vice Chairperson Stallman noted the City of Saratoga has received several of the Measure B bicycle racks. Vice Chairperson Stallman offered his advice and guidance to the Members regarding how to deal with Goat Head Puncture Thorns.
Chairperson Walton announced the City of Cupertino Park and Recreation Department will administer enrollment of a Bicycle Educational Training Program for youth and adult participation.

14. ADJOURNMENT

On order of Chairperson Walton and there being no objection, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Michelle M. Garza, Board Assistant
VTA Board of Directors
NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Technical Advisory Committee meeting scheduled for Thursday, June 11, 2009, at 1:30 p.m. has been cancelled.

The next regular meeting of the Santa Clara Valley Transportation Authority Technical Advisory Committee is scheduled for Thursday, July 9, 2009, at 1:30 p.m. in Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

Tracene Y. Crenshaw, Board Assistant
VTA 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 Witthaus in Conference Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

1. ROLL CALL

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<thead>
<tr>
<th>Attendee Name</th>
<th>Representing</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greg Armendariz</td>
<td>City of Milpitas</td>
<td>Present</td>
</tr>
<tr>
<td>Kevin Riley, Alternate</td>
<td>City of Santa Clara</td>
<td>Present</td>
</tr>
<tr>
<td>Shahla Yazdy, Alternate</td>
<td>City of Palo Alto</td>
<td>Present</td>
</tr>
<tr>
<td>Kevin Rohani, Alternate</td>
<td>Town of Los Gatos</td>
<td>Present</td>
</tr>
<tr>
<td>Richard Chen, Alternate</td>
<td>Town of Los Altos Hills</td>
<td>Absent</td>
</tr>
<tr>
<td>John Cherbone</td>
<td>City of Saratoga</td>
<td>Present</td>
</tr>
<tr>
<td>Michael Murdter</td>
<td>County of Santa Clara</td>
<td>Absent</td>
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<tr>
<td>Kevin Connolly, Alt. Ex-Officio</td>
<td>VTA</td>
<td>Absent</td>
</tr>
<tr>
<td>Don Dey</td>
<td>City of Gilroy</td>
<td>Present</td>
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<tr>
<td>Joan Jenkins</td>
<td>City of Mountain View</td>
<td>Absent</td>
</tr>
<tr>
<td>Robert Kass</td>
<td>City of Campbell</td>
<td>Absent</td>
</tr>
<tr>
<td>Ben Tripousis</td>
<td>City of San Jose</td>
<td>Present</td>
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<tr>
<td>Larry Lind</td>
<td>City of Los Altos</td>
<td>Present</td>
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<tr>
<td>Kathy Molloy Previsich</td>
<td>City of Morgan Hill</td>
<td>Absent</td>
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<tr>
<td>Ed Slintak</td>
<td>City of Monte Sereno</td>
<td>Absent</td>
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<tr>
<td>Glenn Goepfert</td>
<td>City of Cupertino</td>
<td>Absent</td>
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<tr>
<td>Lee Taubeneck, Ex-Officio</td>
<td>Dept. of Transportation (Caltrans)</td>
<td>Absent</td>
</tr>
<tr>
<td>Jack Witthaus, Chairperson</td>
<td>City of Sunnyvale</td>
<td>Present</td>
</tr>
</tbody>
</table>

A quorum was present.

2. PUBLIC PRESENTATIONS

There were no Public Presentations.

3. ORDERS OF THE DAY

There were no Orders of the Day.
4. **Committee Staff Report**

John Ristow, Chief CMA Officer and Staff Liaison, provided a report highlighting:
1) Welcomed new Alternate Member Shahla Yazdy, representing the City of Palo Alto;
2) California Transportation Commission (CTC) meetings held the week of July 6, 2009, noting the $40 million allocation for the BART to San Jose Project through Traffic Congestion Relief Program (TCRP) funds was agendized; 3) City of Santa Clara Bicycle Project Ribbon Cutting Ceremony; and 4) Mineta Transportation Institute Graduation Ceremony, noting graduates Matthew Jue, City of Campbell, and Raymond Salvano, City of San Jose.

Alternate Member Yazdy introduced herself and noted Julie Caporgno has been appointed the Member of TAC. Former TAC Vice Chairperson Gayle Likens retired from the City of Palo Alto.

Mr. Ristow noted the election of Vice Chairperson would be agendized at the August 13, 2009 meeting.

**On order of Chairperson Witthaus** and there being no objection, the Committee Staff Report was received.

5. **High Speed Rail/Caltrain Project**

Steven Fisher, Senior Transportation Planner, provided a report on the High Speed Rail/Caltrain Project. He distributed a document entitled, “California High Speed Rail, San Francisco/Silicon Valley Corridor Investment Strategy, June 2009,” and provided an overview of the north segment, highlighting: 1) American Recovery and Reinvestment Act (ARRA) process; and 2) Projects in Phase 1 of the investment package.


Member Dey commented the desired goal is to have grade separation for all modes, Caltrain, Freight, and High Speed Rail.

Member Tripousis referenced the ARRA allocation and noted an indication of how the monies will be allocated is anticipated by the end of August 2009. The initial consideration of the various alternatives along the corridor is anticipated during the September/October 2009 timeframe. The goal is to provide an initial presentation to the High Speed Rail Authority Board on the various alternatives being considered with the mindset of getting to a preferred alternative by January 2010.

Mr. Fisher provided a report on the progress of the south segment, San Jose to Merced, highlighting: 1) Status of formation of Technical Working Groups; 2) Meeting with consultant team week of June 29, 2009; and 3) South segment issues.
In reference to the Technical Working Groups, Member Dey supported the idea of consolidating the transportation agencies and the cities. Member Dey suggested Monterey County be involved in the Technical Working Group Meetings.

Mr. Fisher also provided a report on VTA’s revolving role in High Speed Rail.

**On order of Chairperson Witthaus** and there being no objection, a verbal report on the High Speed Rail/Caltrain Project was received.

6. **Chairperson’s Report**

Chairperson Witthaus noted he recommended the July 9, 2009, TAC meeting be held and expressed his appreciation to TAC Members for attending the meeting.

7. **Reports from TAC Working Groups**

- **Capital Improvement Program (CIP)**

  Celeste Fiore, Transportation Planner II, provided the following highlights from the June 2009, CIP meeting: 1) Transportation Fund for Clean Air Program Manager (TFCA 40%) funds solicitation for comments to be revisited; 2) Discussed Surface Transportation Program funding allocation within County of Santa Clara; 3) Staff given direction by the Metropolitan Transportation Commission (MTC) on how to handle American Recovery and Reinvestment Act (ARRA) cost savings; and 4) Discussed Senate Bill (SB) 286 – Transportation Enhancement Program.

- **Systems Operations & Management (SOM) Working Group**

  There was no Systems Operations & Management (SOM) Working Group Report.

  **On order of Chairperson Witthaus** and there being no objection, the report from the CIP Working Group was received.

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

**CONSENT AGENDA**

8. **Minutes of May 14, 2009**

   M/S/C (Dey/Tripousis) to approve the Minutes of May 14, 2009.

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


Robert Swierk, Senior Transportation Planner, provided a PowerPoint Presentation, entitled “Grand Boulevard Initiative Update,” highlighting: 1) Grand Boulevard Initiative Overview; 2) El Camino Real – State Route 82; 3) Grand Boulevard Task Force; 4) Guiding Principles; 5) Progress to Date; 6) Benefits to VTA and Member Agencies; and 7) Moving Forward (Multimodal Corridor Plan (underway); 2009 Grand Boulevard Awards Program; and Economic and Housing Opportunities (ECHO) Study).

Upon query of Member Dey, Mr. Swierk reported on the support and involvement of Caltrans.

Chairperson Witthaus commented when the Tasman West Light Rail Line was built through the City of Sunnyvale, the construction focused on let’s build the light rail track only, and the end result were stations with no pedestrian access. He queried if the initiative will prompt VTA to consider including broader streetscape improvements in a Bus Rapid Transit (BRT) project to obtain more of a multi-modal project rather than simply a bus way only. Chris Augenstein, Deputy Director, Planning, indicated “yes.”

On order of Chairperson Witthaus and there being no objection, a status report on the Grand Boulevard Initiative was received.


Eugene Maeda, Senior Transportation Planner, introduced Joe Guerre, Consultant with Cambridge Systematics, Inc., who participated in the meeting via teleconference.

Mr. Maeda provided background information on the purpose of developing and implementing a Transportation System Monitoring Program. He provided a PowerPoint Presentation, entitled, “Transportation System Monitoring Program for Santa Clara County,” highlighting: 1) Meeting Objectives; 2) Work to Date; and 3) Status of Surveys.

Mr. Guerre referenced the draft brochure entitled, “Santa Clara County Transportation Monitoring Program,” and provided an overview. The brochure summarized the performance of the transportation network in Santa Clara County. All data contained in the brochure was factual based on data collected to date.

Mr. Guerre referenced the PowerPoint Presentation and continued the presentation, highlighting: 1) Data Gaps in Initial Program; and 2) Final Products (a. Brochure for initial program; and b. Technical report).

Mr. Maeda referenced the PowerPoint Presentation and continued the presentation, highlighting the Schedule as follows: 1) Next steps (a. Revise table and brochure based on today’s discussion, and b. Begin development of technical report; and 2) Milestones (a. Present preliminary program to TAC and the Policy Advisory Committee (PAC) – July/August 2009; and b. Present final program to TAC, PAC, and the Congestion
Mr. Maeda referenced the PowerPoint Presentation, “Example of Available Data on Roadside Assets,” and queried if it would be useful to include the roadside asset expenditures data listed in the brochure. Mr. Guerre noted there is currently no data available to report on the conditions of the roadside assets.

Member Tripousis referenced the brochure, “Sustainability” category, sentence stating: “Number of recorder air quality infractions.” He indicated the word “recorder” should be reflected as “recorded.”

Member Tripousis indicated there is value in having the expenditure data listed on the brochure, but there needs to be something to compare the data to, such as a Metropolitan Transportation Commission (MTC) comparison, a Caltrans evaluation. There should be at least one benchmark to compare the data to, a comparative to each indicator.

Member Dey referenced the brochure, categories such as: “Traffic Signals” and “Lighting,” and recommended the cities be provided a survey wherein the cities would rate their performance level as good, fair, or poor.

Chairperson Witthaus referenced the countywide average of expenditures listed in the brochure and recommended a range be shown instead.

Chairperson Witthaus recommended the Project Team take additional time to search for benchmarking information, to poll the TAC membership inquiring about the kinds of performance measures their Agencies are using that could be considered for a benchmark, and to place the information into a simple self-assessment document.

On order of Chairperson Witthaus and there being no objection, an update on the development of the Transportation System Monitoring Program was received.

11. Revisions to California Environmental Quality Act (CEQA) Checklist - Transportation Section

Michelle DeRobertis, Senior Transportation Planner, distributed the document entitled, “California Natural Resources Agency, California Environmental Resources Evaluation System, California Environmental Quality Act (CEQA) Guidelines, which contained information on the new 2009 proposed rulemaking process.

Member Armendariz left the meeting at 3:07 p.m., the quorum was lost, and a Committee of the Whole was declared.

Member Dey referenced the Staff Report, Page 3 of 3, Section 3. New and revised questions for the Transportation/Traffic section of the checklist, first bulleted item, “Revised: Change the phrase: (Would the project) “Substantially increase hazards” to (Would the project) “Substantially decrease safety” and add another example “e.g.
additional and/or inadequate intersections.” Member Dey expressed concern regarding the words, “add another example “e.g. additional and/or inadequate intersections,” ’ and requested staff clarify its meaning.

Member Dey referenced Section 3, fifth bulleted item, “New: (Would the project) Cause a degradation of the performance or availability of all transit including buses, light or heavy rail (for people or goods movement) as well as bicycle and pedestrian modes.” He requested the words, “as well as bicycle and pedestrian modes,” be removed from the item.

Chairperson Witthaus expressed concern regarding the language used in the recommended changes to the CEQA Checklist, such as the use of the words, “perception” and “inadequate intersections.” He requested the language be improved to avoid any issues and the item be brought back to TAC at its August 13, 2009 meeting for action.

**On order of Chairperson Witthaus** and there being no objection, the Committee of the Whole discussed the proposed revisions to the CEQA checklist.

Alternate Member Yazdy left the meeting at 3:21 p.m.

12. **Grant Application – Regional Measure 2 (RM2) - Safe Routes to Transit**

Michelle DeRobertis, Senior Transportation Planner, distributed a document from the 2008 Santa Clara Countywide Bicycle Plan entitled, “Safe Routes to Transit Projects.” She referenced the Call for Projects: Safe Routes to Transit and noted the Regional Measure 2 (RM2) Safe Routes to Transit grant applications must be submitted by August 12, 2009.

**On order of Chairperson Witthaus** and there being no objection, the Committee of the Whole received a verbal report on the Grant Application - RM2 - Safe Routes to Transit.

13. **MTC Funding**


Ms. Fiore distributed the document entitled, “Metropolitan Transportation Commission, ARRA, Highway Strategic Investments, Prop 1B Backfill, Smart Highways, Safety and Transportation Enhancements, Amend into Federal Transportation Improvement Program (TIP) with Revisions 09-06 (Pending), 09-12 (Approved) and 09-13 (Pending), Status as of July 3, 2009.” She provided an overview, highlighting the status of the Projects contained in the document.
Chairperson Witthaus commented the City of Sunnyvale opened bids on its ARRA project the week of June 29, 2009, noting the project was below the Engineer’s Estimate.

On order of Chairperson Witthaus and there being no objection, the Committee of the Whole received a verbal report on MTC Funding.

Chairperson Witthaus recommended Agenda Items #14 and #15 be combined.

14. **Advisory Committee Enhancement Update: July and**

15. **Advisory Committee Enhancement (ACE) Subcommittee Report**

Stephen Flynn, Senior Management Analyst, reported on the June 24, 2009, Advisory Committee Enhancement (ACE) Task Force meeting, highlighting: 1) Discussed the continuation of the analysis of potential strategies for improving the Advisory Committee process; 2) Reviewed the following proposals: a) Hay Group recommendation to combine the TAC and Policy Advisory Committee (PAC); b) Proposal to modify the frequency of meetings for some or all of the committees; c) Proposals to modify the committee structure; and d) The concept of holding joint meetings where appropriate or to conduct workshops in lieu of scheduled meetings.

Mr. Flynn provided a report on the Task Force’s recommendations pertaining to the proposals, such as: 1) Task Force opposed the Hay Group recommendation to combine the TAC and PAC; 2) Task Force did not embrace the proposal to modify the frequency of meetings for some or all of the committees; and 3) Bicycle and Pedestrian Advisory Committee (BPAC) and Committee for Transit Accessibility (CTA) serve as technical expertise working groups to the TAC.

Mr. Flynn indicated the VTA Board of Directors Vice Chairperson, Sam Liccardo, attended the May 2009 Task Force meeting. He noted Vice Chairperson Liccardo informed the Task Force that VTA is in a severe financial situation, and although, the Advisory Committees provide very valuable input, the Advisory Committees also require much staff support. Vice Chairperson Liccardo strongly recommended the Task Force look at ways of increasing efficiency, economizing, while maintaining the level of input.

Member Tripousis left the meeting at 3:34 p.m.

Mr. Flynn noted the next Task Force meeting is scheduled for July 22, 2009, with a follow-up meeting, if needed, scheduled for July 29, 2009. The Task Force recommendations will be forwarded to the August 20, 2009, Administration and Finance Committee meeting for consideration.

On order of Chairperson Witthaus and there being no objection, the Committee of the Whole received a brief update on the status and progress of the Advisory Committee Enhancement process to date and received a verbal update from the Committee’s Advisory Committee Enhancement (ACE) Subcommittee.
16. **Committee Work Plan**

On order of Chairperson Witthaus and there being no objection, the Committee of the Whole reviewed the Committee Work Plan.

17. **Announcements**

Member Dey announced the City of Gilroy Garlic Festival will be held the last weekend of July 2009.

Chairperson Witthaus announced the City of Sunnyvale was recruiting for the position of Traffic and Transportation Engineer.

18. **ADJOURNMENT**

On order of Chairperson Witthaus and there being no objection, the meeting was adjourned at 3:40 p.m.

Respectfully submitted,

Tracene Y. Crenshaw, Board Assistant
VTA Board of Directors
NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Policy Advisory Committee meeting scheduled for Thursday, June 11, 2009, at 4:00 p.m. has been cancelled.

Jacqueline F. Golzio, Board Assistant
VTA Board of Directors
NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Policy Advisory Committee meeting scheduled for Thursday, July 9, 2009, at 4:00 p.m. has been cancelled.

Michael Diaresco, Board Assistant
VTA Board of Directors