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.
Disclosure of Campaign Contributions to Board Members (Government Code Section 84308)

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

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

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

In compliance with the Americans with Disabilities Act (ADA), those requiring accommodations for this meeting should notify the Board Secretary’s Office 48 hours prior to the meeting at (408) 321-5680 or e-mail: board.secretary@vta.org or 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

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

Name of Case: Robert Goulart v. Santa Clara Valley Transportation Authority
Santa Clara County Superior Court No. 1-08-CV-123755

RECONVENE TO OPEN SESSION

3. CLOSED SESSION REPORT

4. ORDERS OF THE DAY

5. AWARDS AND COMMENDATIONS

A. Recognize Astrid Canales, Office Specialist II, North Yard Administration; Martin Brajkovich, Coach Operator, Cerone Division; and Joseph Atherton, Overhaul & Repair Mechanic, Cerone Maintenance, as Employees of the Month for February 2010.

B. ACTION ITEM - Adopt a resolution recognizing Douglas Willis, Assistant Superintendent of Field Operations, for 38 years of service.

C. ACTION ITEM - Adopt a Resolution recognizing VTA’s Adopt-A-Stop volunteers for their participation in the Adopt-A-Stop program.

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)

- Update on Public Information and Outreach Activities.

8. REPORT FROM THE CHAIRPERSON (Verbal Report)

A. Recognize and thank the individuals who served as Advisory Committee Chairpersons for 2009, and welcome those serving in that capacity for 2010.

C. Chairperson’s Standing Informational Update
   • Express Lanes/High Occupancy Toll (HOT) Lanes


CONSENT AGENDA

11. Approve the Board of Directors Regular Meeting Minutes of January 7, 2010.

12. ACTION ITEM - Ratify the following appointments to the Citizens Advisory Committee:
   • Clinton Brownley to position representing the West Valley Cities; and
   • Herman Wadler to the position representing Bicyclists.

13. ACTION ITEM - Ratify the following new appointment and re-appointment to the Bicycle & Pedestrian Advisory Committee for the current term ending June 2010 and the following term commencing July 1, 2010 until June 30, 2012.

   New Appointment
   • James Wiant, City of Cupertino

   Re-appointment
   • Herman Wadler, City of Campbell

14. ACTION ITEM - Authorize the General Manager to execute an investment management agreement with Robeco Investment Management for the management of the Non-US Equity Emerging Markets asset class within the VTA/ATU Pension Plan investment portfolio.

15. INFORMATION ITEM - Receive an update on SR 237/I-880 Express Connectors operational policies. This initial update will be followed by subsequent operational policy recommendations over the next few months for VTA Board of Directors approval.

16. ACTION ITEM - Adopt a resolution certifying that VTA is an eligible and responsible sponsor for transit operating assistance, preventive maintenance, hybrid bus purchase and highway projects. Authorize the General Manager to submit applications for up to $120,000,000 of Jobs for Main Street Act 2010 funding for these projects and authorize the General Manager to execute agreements with Caltrans as necessary to receive these grants.
17. ACTION ITEM - 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 contract award adequate for VTA's needs and directing the use of competitive negotiation for the award of system integrator contract for SR 237/I-880 Express Connectors project.

18. ACTION ITEM - Adopt a resolution authorizing the General Manager to submit and execute grant applications and agreements, certifications, assurances, and other documents as necessary to the California Emergency Management Agency (Cal EMA) to receive $3,289,948 from the FY09-10 California Transit Security Grant Program-California Transit Assistance Fund (CTSGP-CTAF).

19. ACTION ITEM - Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Wrigley Creek Improvement Project and approve the Project.


REGULAR AGENDA

21. ACTION ITEM - Adopt the 2010 Short Range Transit Plan.

OTHER ITEMS

22. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

23. MONTHLY LEGISLATIVE HISTORY MATRIX

24. REPORTS (UNAPPROVED MINUTES) FROM STANDING COMMITTEES
   A. Administration and Finance Committee
   B. Congestion Management Program and Planning Committee
   C. Transit Planning and Operations Committee
   D. Audit Committee (No Meeting Scheduled in January 2010)

25. 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) (No Meeting Scheduled in January 2010)
   D. Technical Advisory Committee (TAC)
   E. Policy Advisory Committee (PAC)
26. 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

27. REPORTS FROM VTA POLICY ADVISORY BOARDS (PABs)

A. Vasona Light Rail PAB (*No Meeting Scheduled in January 2010*)
B. Silicon Valley Rapid Transit Corridor & BART Warm Springs Extension PAB (*No Meeting Scheduled in January 2010*)
C. Downtown East Valley PAB (*No Meeting Scheduled in January 2010*)

28. ANNOUNCEMENTS

29. 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 February 2010

FOR INFORMATION ONLY

BACKGROUND:

Astrid Canales, Office Specialist II at North Yard, is Administration’s Award Winner for February. Since joining VTA in 1997, Astrid has been known by her coworkers for going out of her way to help others. Coach Operators at North Yard especially appreciate her assistance with their payroll questions. Astrid is regarded highly by her management for being a conscientious worker who is self-motivated and willing to learn new skills and processes. Her exceptional courtesy and high quality of work set a great example for her fellow employees. Congratulations to Astrid Canales, Administration Employee of the Month for February!

Martin Brajkovich, Cerone Division Coach Operator, is February’s Operations Award Winner. Martin has been with VTA for over 12 years, and consistently exceeds the high standards of his job. Martin has received several customer compliments regarding his professional and courteous service, including the observation that he “treats all passengers with respect.” Recognized by his supervisors for his positive attitude and excellent customer service, Martin upholds VTA’s mission to provide community-focused transportation, and is very deserving of this award. Congratulations to Martin Brajkovich, Operations Employee of the Month for February!

Joseph Atherton, Overhaul & Repair Mechanic at Cerone Division, is our Maintenance Employee of the Month for February. Joseph has been with VTA since 1997 and takes great pride in performing critical repairs that return buses in a timely fashion to revenue service. On any given day, Joseph may be responsible for a major disassembly or rebuilding of bus components such as transmissions, hydraulic systems, or fuel metering devices. Valued by his supervisors as a hard worker who is an outstanding role model to his fellow employees, Joseph is truly an asset to his Division. Congratulations to Joseph Atherton, Maintenance Employee of the Month for February!

Prepared By: Mitsuno Baurmeister
Memo No. 2464
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 employee, Assistant Superintendent, Field Supervision, Doug Willis

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

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a resolution recognizing Douglas Willis, Assistant Superintendent of Field Operations, for 38 years of service.

BACKGROUND:

Douglas Willis, Badge 772 has provided outstanding public service in several positions throughout his distinguished 38 year career with VTA.

DISCUSSION:

Doug's career began with the Santa Clara County in 1971 as a Gas Station Attendant for the Social Services and Sheriff’s Department. In 1972 he moved to Valley Medical Center as a Janitor. In 1974 promoted to be an Institutional Driver, picking up passengers and bringing them to and from appointments as well as making medical deliveries. It was the forerunner of our current ADA paratransit service.

In 1978 he took the position of Coach Operator and in 1986 was promoted to the position of Transportation Supervisor. As a Transportation Supervisor he was utilized to work out of class as a Superintendent. His excellent service and dedication continued with his rise on the promotional ladder to his most recent position as the Assistant Superintendent of Field Operations, a position he has held since 2006.
Doug'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; police, fire, and other emergency response personnel, during emergencies at VTA, in his role as VTA’s Incident Commander. Doug 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 Doug Willis.

**ALTERNATIVES:**

N/A

**FISCAL IMPACT:**

N/A

Prepared by: Steve Johnstone
Memo No. 2432
RESOLUTION OF COMMENDATION
BY THE BOARD OF DIRECTORS
OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
GIVING SPECIAL TRIBUTE, DUE HONOR, AND RECOGNITION TO
ASSISTANT SUPERINTENDENT OF FIELD OPERATIONS
DOUG WILLIS

WHEREAS, Doug Willis retired from Santa Clara Valley Transportation Authority (VTA) On December 30, 2009 after 38 years of distinguished public service; and,

WHEREAS, Doug Willis began his career with the County of Santa Clara as a gas station attendant for the Social Services and Sheriff’s Department, he moved to Valley Medical Center as a janitor and then promoted to an Institutional Driver. Doug moved to the Transit District where he took the position of Coach Operator and then promoted to Transportation Supervisor. His excellent service and dedication continued with his rise on the promotion ladder to his most recent position as the Assistant Superintendent of Field Operations, a position he has held since 2006; and,

WHEREAS, Doug Willis as an employee of VTA, had a strong work ethic, was dependable, and had a profound background knowledge of VTA that altogether made him an exemplary employee and role model for staff”; and

WHEREAS, Doug Willis is highly respected by all who know and have worked with him particularly police, fire and other emergency response personnel, during emergencies at VTA, in his role as VTA’s Incident Commander.

THEREFORE, BE IT RESOLVED that the Santa Clara Valley Transportation Authority does hereby give special tribute, due honor, and recognition to Doug Willis for 38 years of dedicated public service.

PASS AND ADOPTED by the Santa Clara Valley Transportation Board of Directors on this 4th day of February, 2010

Sam Liccardo, 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.

Sandra Weymouth
Board Secretary
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: VTA Adopt-A-Stop Volunteers

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

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a Resolution recognizing VTA’s Adopt-A-Stop volunteers for their participation in the Adopt-A-Stop program.

BACKGROUND:

VTA’s Adopt-A-Stop program was first implemented in 1996 to encourage community participation in the maintenance of VTA bus stops throughout Santa Clara County. The first stop was adopted on April 9, 1996. To date, a total of 250 stops are adopted. Adopt-A-Stop volunteers agree to pick up litter and empty trash receptacles at least once a week, and report any graffiti or other concerns about their adopted stops to VTA. In return, VTA recognizes these efforts by installing an Adopt-A-Stop sign at the adopted stop which includes the participant’s name. Adopt-A-Stop volunteers will be invited to attend the February 4th meeting.

DISCUSSION:

The efforts of these hard-working volunteers have made the Adopt-A-Stop program a success. Adopt-A-Stop has proven to be an excellent community-based approach to ensure clean bus stops and passenger facilities throughout Santa Clara County. We recognize and appreciate the dedication of the Adopt-A-Stop volunteers and, upon Board approval, will forward a copy of the Certificate of Appreciation to all volunteers who attend the February 4th meeting.
ALTERNATIVES:

No Alternatives

FISCAL IMPACT:

There is no financial impact to this action.

Prepared by: Angela Sipp
Memo No. 2463
RESOLUTION OF APPRECIATION BY THE BOARD OF DIRECTORS OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY GIVING SPECIAL TRIBUTE, DUE HONOR AND RECOGNITION TO ADOPT-A-STOP VOLUNTEERS

WHEREAS, Adopt-A-Stop Volunteers demonstrate civic pride and concern for the needs of the community; and

WHEREAS, Since the program started, more than 200 Adopt-A-Stop Volunteers have assumed personal responsibility for enhancing their community and VTA’s transit system; and

WHEREAS, Adopt-A-Stop Volunteers generously offer their time and effort toward maintaining 250 stops throughout Santa Clara County; and

WHEREAS, Adopt-A-Stop Volunteers are responsible for the success of the Santa Clara Valley Transportation Authority Adopt-A-Stop program.

NOW, THEREFORE BE IT RESOLVED, by the Board of Directors of the Santa Clara Valley Transportation Authority does hereby give special tribute, due honor and recognition to Adopt-A-Stop Volunteers for their outstanding service to the Adopt-A-Stop program.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on January 7, 2010, by the following vote:

AYES: Directors:

NOES: Directors:

ABSENT: Directors:

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

APPROVED AS TO FORM:  ATTEST:

Sam Liccardo, Chairperson
Santa Clara Valley Transportation Authority

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

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: N/A

FROM: Board Chairperson Sam Liccardo

SUBJECT: Recognition of 2009 Advisory Committee Chairpersons and Introduction of 2010 Chairpersons

BACKGROUND:

VTA values and benefits from the thoughtful input and diverse perspective provided by its five advisory committees: Bicycle & Pedestrian Advisory (BPAC); Citizens Advisory (CAC); Committee for Transit Accessibility (CTA); Policy Advisory (PAC); and the Technical Advisory (TAC). These committees provide a wide spectrum of stakeholder groups with a forum for discussing proposed changes in VTA policy or priorities that potentially impact transit service and transportation projects throughout the county.

The efficient functioning of these committees and the ability to conduct dynamic, respectful discussions yielding productive input is the responsibility of each committee’s chairperson. The chairperson, who is elected by the membership, is responsible for presiding at their respective committee meetings and for representing their committee before the Board of Directors and VTA management. They facilitate their committee meetings in an impartial manner, focusing the discussion while taking the wide range of member perspectives into consideration. The challenging goal for the chairperson is to achieve support and individual responsibility for the collective decision. Leadership is a key component to guiding the discussions of the meeting in an organized and productive manner.

DISCUSSION:

The Board would like to take this opportunity to express its appreciation to the outgoing advisory committee chairpersons for their service to the Board of Directors and the community and for their dedicated leadership. Through the input of their committees, VTA is able to maximize the effectiveness of transportation services, programs and projects provided to the citizens of Santa Clara County. The individuals who served as their committee’s chairperson for 2009 are:
The Board would also like to extend a warm welcome to the 2010 advisory committee chairpersons, as recently elected by the membership of their respective committees, and to thank them for accepting this valuable responsibility. The 2010 advisory committee chairs are:

<table>
<thead>
<tr>
<th>Advisory Committee</th>
<th>2010 Chairperson</th>
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</thead>
<tbody>
<tr>
<td>Bicycle &amp; Pedestrian Advisory Committee (BPAC)</td>
<td>David Simons</td>
</tr>
<tr>
<td>Citizens Advisory Committee (CAC)</td>
<td>Charlotte Powers</td>
</tr>
<tr>
<td>Committee for Transit Accessibility (CTA)</td>
<td>Aaron Morrow</td>
</tr>
<tr>
<td>Policy Advisory Committee (PAC)</td>
<td>Jamie Matthews</td>
</tr>
<tr>
<td>Technical Advisory Committee (TAC)</td>
<td>Rajeev Batra</td>
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</tbody>
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Prepared By: Stephen Flynn, Sr. Management Analyst
Memo No. 2428
BOARD OF DIRECTORS MEETING
Thursday, January 7, 2010

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 Liccardo at 5:40 p.m. in the Board of Supervisors’ Chambers, County Government Center, 70 West Hedding Street, San Jose, California.

1. ADMINISTER OATHS OF OFFICE
Sandra A. Weymouth, VTA Board Secretary, administered the Oath of Office to newly appointed Board Members Margaret Abe-Koga, representing City of Mountain View; Rich Larsen, representing the Town of Los Altos Hills; Jamie Matthews, representing the City of Santa Clara; Pete McHugh, representing the City of Milpitas; and Perry Woodward, representing the City of Gilroy.

2. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Margaret Abe-Koga</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Nora Campos</td>
<td>Alternate Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Dean Chu</td>
<td>Ex-Officio Board Member</td>
<td>Present</td>
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<tr>
<td>Don Gage</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Rose Herrera</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Ash Kalra</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Liz Kniss</td>
<td>Board Member</td>
<td>Absent</td>
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<tr>
<td>Rich Larsen</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Sam Liccardo</td>
<td>Chairperson</td>
<td>Present</td>
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<tr>
<td>Jamie Matthews</td>
<td>Alternate Board Member</td>
<td>Present</td>
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<tr>
<td>Pete McHugh</td>
<td>Alternate Board Member</td>
<td>Present</td>
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<tr>
<td>Chris Moylan</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Chuck Page</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Nancy Pyle</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Chuck Reed</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>George Shirakawa</td>
<td>Alternate Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Perry Woodward</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Ken Yeager</td>
<td>Ex-Officio Board Member</td>
<td>Present</td>
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</tbody>
</table>

* Alternates do not serve unless participating as a Member.

A quorum was present.
3. **RECESSED TO CLOSED SESSION** at 5:44 p.m.
   
   A. Existing Litigation - Conference with Legal Counsel
      [Government Code Section 54956.9(a)]
      
      Name of Case: Tarik Isani v. Santa Clara Valley Transportation Authority
      [Santa Clara Superior Court Case No. 1-08-CV-115577]

   **RECONVENED TO OPEN SESSION** at 5:55 p.m.

4. **CLOSED SESSION REPORT**
   
   A. Existing Litigation - Conference with Legal Counsel
      [Government Code Section 54956.9(a)]
      
      Name of Case: Tarik Isani v. Santa Clara Valley Transportation Authority
      [Santa Clara Superior Court Case No. 1-08-CV-115577]
      
      There was no reportable action taken during Closed Session.

5. **ORDERS OF THE DAY**

Chairperson Liccardo noted the following Agenda Items would be presented by Current
Vice Chairperson Gage: **Agenda Item #6. Report from the Nominating Committee and**
**Agenda Item #7. Election of Chairperson and Vice Chairperson for a term extending**
from January 2010 through December 2010.

Chairperson Liccardo moved the following Agenda Items from the Regular Agenda to
the Consent Agenda: **Agenda Item #23. Adopt a resolution certifying that VTA is an**
eligible and responsible sponsor for the US 101/Capitol Expressway/Yerba Buena
Interchange Modifications project, authorize the General Manager to submit an
application for $5,000,000 of 2009 American Recovery and Reinvestment Act (ARRA)
funding for this project and authorize the General Manager to execute an agreement with
Caltrans as necessary to receive this grant;**

**Agenda Item #24. Receive a report on three regional land use-related initiatives: SB375,**
ABAG FOCUS Program, and Air District Indirect Source Rule; and

**Agenda Item #25. Receive the VTP Highway Program Semi-Annual Report - October 2009.**

Chairperson Liccardo moved the following Agenda Item from the Consent Agenda to the
Regular Agenda: **Agenda Item #17. Silicon Valley Rapid Transit Program – SVBX**
Utility Relocation Agreements with Utility Owners.

Chairperson Liccardo deferred the following Item from the Board Agenda, noting the
Item will be forwarded back through the Standing Committee process and directed to
VTA’s Ad-Hoc Financial Recovery Committee: **Agenda Item #21. Senate Bill 83 –**
Implementation Actions.

**M/S/C (Pyle/Herrera)** to accept the Orders of the Day.

**NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE**
**INDICATED, THE MOTION PASSED UNANIMOUSLY.**
Chairperson Liccardo relinquished his seat as Chairperson at 5:58 p.m., and Current Vice Chairperson Gage presided over the meeting.

Current Vice Chairperson Gage noted upon direction from Kevin Allmand, General Counsel, the election of Chairperson and Vice Chairperson will be conducted separately.

6. REPORT FROM THE NOMINATING COMMITTEE

Current Vice Chairperson Gage reported the VTA Board of Directors appointed Board Members Sellers, Pyle, and himself to serve as the Nominating Committee for the selection of the 2010 Board of Directors Chairperson and Vice Chairperson. The Nominating Committee proposed Sam Liccardo as Chairperson for 2010.

VTA’s Board of Directors accepted the report from the Nominating Committee.

Current Vice Chairperson Gage opened the nominations from the floor for the position of Chairperson for 2010.

Hearing no further nominations from the Board, Current Vice Chairperson Gage closed the nominations for Chairperson.

M/S/C (Abe-Koga/Page) to close the nominations for Chairperson.

7. ELECTION OF CHAIRPERSON FOR A TERM EXTENDING FROM JANUARY 2010 THROUGH DECEMBER 2010

M/S/C (Abe-Koga/Page) to elect Sam Liccardo as VTA Board of Directors Chairperson for a term extending from January 2010 through December 2010.

6. REPORT FROM THE NOMINATING COMMITTEE (continued)

Current Vice Chairperson Gage reported the Nominating Committee proposed Perry Woodward as Vice Chairperson for 2010.

Board Member Pyle reported the Nomination Committee reviewed and discussed the nominations received, noting all the candidates displayed significant qualities. Board Member Pyle stated the Nomination Committee discussed the impact on VTA since the candidate would have a two year commitment.

Board Member Pyle noted Board Member Gage will be leaving VTA’s Board of Directors next year; therefore, VTA’s Board will have only one Board Member representing the South County. The Nominating Committee reviewed the city groupings that have held the Vice Chairperson position in the past, noting the West Valley Grouping has held the seat two out of three times.

Board Member Pyle stated the goal of the Nominating Committee was to be logical as well as considerate and proposed Perry Woodward as Vice Chairperson for 2010.

Current Vice Chairperson Gage opened the nominations from the floor for the position of Vice Chairperson for 2010.

Board Member Larsen nominated Board Member Margaret Abe-Koga as Vice Chairperson for 2010.
Hearing no further nominations from the Board, Current Vice Chairperson Gage closed the nominations for Vice Chairperson.

M/S/C (Herrera/Page) to close the nominations for Vice Chairperson.

M/S/C (Abe-Koga/Page) to approve the slate of nominees for Vice Chairperson.

7. ELECTION OF VICE CHAIRPERSON FOR A TERM EXTENDING FROM JANUARY 2010 THROUGH DECEMBER 2010 (continued)

Current Vice Chairperson Gage stated since the election of Vice Chairperson has more than one nominee then the method of voting would be conducted using a Roll Call Vote, noting each Board Member would be asked to name the nominee they are casting their vote for Vice Chairperson 2010. A nominee must receive the vote of seven directors to be elected.

Current Vice Chairperson Gage asked if there was any discussion regarding the slate of nominees.

Hearing no further discussion from the Board, Current Vice Chairperson Gage asked Sandra A. Weymouth, VTA Board Secretary, to read the slate of nominees then proceed with the Roll Call Vote.

Ms. Weymouth stated for the record, Board Member Perry Woodward was put forth by the Nominating Committee and Board Member Margaret Abe-Koga was put forth by Board Member Larsen.

<table>
<thead>
<tr>
<th>Board Member</th>
<th>Name of Nominee</th>
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<tbody>
<tr>
<td>Margaret Abe-Koga</td>
<td>Abe-Koga</td>
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<tr>
<td>Don Gage</td>
<td>Woodward</td>
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<td>Rose Herrera</td>
<td>Abe-Koga</td>
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<td>Ash Kalra</td>
<td>Abe-Koga</td>
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<td>Rich Larsen</td>
<td>Abe-Koga</td>
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<td>Sam Liccardo</td>
<td>Woodward</td>
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<td>Chris Moylan</td>
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<td>Perry Woodward</td>
<td>Woodward</td>
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M/S/F on a Roll Call Vote to elect the candidate for VTA Board of Directors Vice Chairperson for 2010. Board Member Woodward received 5 votes and Board Member Abe-Koga received 6 votes.

Current Vice Chairperson Gage stated that a Roll Call Vote will continue until one of the nominees received a vote of seven directors to be elected.

Ms. Weymouth stated Board Member Perry Woodward was put forth by the Nominating Committee and Board Member Margaret Abe-Koga was put forth by Board Member Larsen.

NOTE: M/S/F MEANS MOTION SECONDED AND FAILED.
M/S/C on a Roll Call Vote to elect the candidate for VTA Board of Directors Vice Chairperson for 2010. Board Member Woodward received 4 votes and Board Member Abe-Koga received 7 votes.

Ms. Weymouth stated the motion to elect the candidate for VTA Board of Directors Vice Chairperson for 2010 passed in favor of Board Member Abe-Koga.

M/S/C (Pyle/Page) to elect Margaret Abe-Koga as VTA Board of Directors Vice Chairperson for a term extending from January 2010 through December 2010.

Chairperson Liccardo returned to his seat at 6:28 p.m.,
Vice Chairperson Gage relinquished his seat,
Chairperson Liccardo presided for the remainder of the meeting; and
Vice Chairperson Abe-Koga assumed her seat.

Chairperson Liccardo expressed his appreciation for the opportunity to serve as VTA’s Board of Directors Chairperson for 2010. Chairperson Liccardo stated he looks forward to working collaboratively with the Board Members and VTA staff.

Chairperson Liccardo referenced Agenda Item #8.B. Resolution for Retiring VTA Employee Doug Willis, noting Mr. Willis was unable to attend and would be recognized at the February 4, 2010 Board of Directors Regular Meeting.

8. AWARDS AND COMMENDATIONS

A. Employees of the Month for December 2009 and January 2010

Chairperson Liccardo recognized and presented an award to Norma Kwan, Programmer Analyst III, River Oaks Administration; Jill Peterson, Coach Operator, Cerone Division; and Mike Crotts, Transit Mechanic, Cerone Maintenance Division, as Employees of the Month for December 2009.

Chairperson Liccardo recognized and presented an award to Everley Tejamo, Programmer Analyst II, River Oaks Administration; Tom Milanowski, Light Rail Dispatcher, Guadalupe Operations; Jay Operario, Service Mechanic, North Maintenance Division, as Employees of the Month for January 2010.

Dawn Wright, Office Support Supervisor, Cerone Division, as Supervisor of the Quarter for the First Quarter of 2010 was unable to attend.
B. **(Deferred to the February 4, 2010 Board of Directors Regular Meeting.)**

Adopt a resolution recognizing Doug Willis, Assistant Superintendent of Field Operations, for 38 years of service.

C. **Resolution for Retiring VTA Employee Sally Massen**

Chairperson Liccardo recognized and presented an award to Sally Massen, Transportation Supervisor, for 33 years of dedicated public service. Vice Chairperson Abe-Koga read the Resolution to Ms. Massen giving special tribute, honor, and recognition for her outstanding effort and dedication at VTA.

**M/S/C (Page/Herrera)** to adopt a **Resolution No. 2010.01.01** recognizing Sally Massen, Transportation Supervisor, for 33 years of service.

9. **PUBLIC PRESENTATIONS**

Joyce Weissman, Interested Citizen, referenced the November 5, 2009 Board of Directors Regular Meeting when a petition with 303 signatures was presented along with the request to add a 10:00 p.m. southbound trip to Bus Route 63 from downtown San Jose to Almaden Expressway/Camden.

Ms. Weissman referenced 2008, where drastic service changes were implemented during the coldest weather timeframe and urged the Board of Directors to defer these types of drastic service changes until the summer when the weather is warmer.

Alice Frayne, Interested Citizen, referenced the November 5, 2009 Board of Directors Regular Meeting and expressed concern that VTA’s disabled customers appeared to be demeaned, while at the podium.

Mike Ludwig, Interested Citizen, referenced the route switch between Bus Routes 57 and 60 at Old Ironsides and Tasman Drive, noting the automatic announcement is not working properly. Mr. Ludwig expressed concern that the automatic announcement is providing incorrect bus route and destination information, noting the importance to correct the matter as soon as possible.

Mr. Ludwig referenced an article in the Los Angeles Times regarding Governor Arnold Schwarzenegger attempt to take away funding for public transportation and urged the Board of Directors to do everything within their power to oppose the decision.

James Wightman, Interested Citizen, queried when light rail service would travel to the Eastridge Transit Center. Michael T. Burns, General Manager, responded VTA is currently completing improvements on Capitol Expressway and working in conjunction with VTA’s Board of Directors and Downtown East Valley (DTEV) Policy Advisory Board (PAB) approval will work in increments to advance pedestrian and safety improvements associated with the light rail service.

Mr. Burns stated the intent is to initially advance the Bus Rapid Transit (BRT) project, noting there is no definitive time table at this point when there will be light rail service to the Eastridge Transit Center.

Mr. Wightman expressed concern and stressed the importance for VTA to install surveillance cameras at the light rail stations to address vandalism concerns.
10. REPORT FROM THE GENERAL MANAGER

Michael T. Burns, General Manager, wished everyone a Happy New Year and congratulated Chairperson Liccardo and Vice Chairperson Abe-Koga, and welcomed the newly appointed Board Members.

Mr. Burns referenced the Board Orientation for the newly appointed Board Members, noting staff will work with their calendars to schedule the orientation. Mr. Burns noted his schedule to meet with the newly appointed Board Members over the next two weeks. Mr. Burns stated he looks forward to the opportunity to work with the Board Members over the years.

Mr. Burns provided a brief report, highlighting the following:

- VTA systemwide ridership continues to decline for the month of November 2009 when compared to November 2008. VTA systemwide average weekday ridership declined by 7.9 percent. Bus average weekday ridership declined by 7.5 percent and light rail average weekday declined by 9.3 percent.
- VTA’s interagency partners are experiencing significant ridership decreases, such as the Dumbarton Express, which has declined 11.5 percent; Caltrain, which has declined 7.3 percent; and the Altamont Commuter Express (ACE) has declined 21 percent.
- Mr. Burns referenced Board Member Gage’s request to include the impact on revenue with the ridership report, noting it will be consolidated into one report. Mr. Burns reported a revenue increase in 2009 when compared to 2008 largely due to the fare increase implemented in October 2009. Mr. Burns stressed that VTA is still tracking below budget projections for fare revenue by 3 percent.
- Mr. Burns reported on the success of VTA’s free bus and light rail transit service provided on New Year’s Eve, noting a significant increase in light rail ridership, which is a good indication of a positive trend in light rail transit service.
- Mr. Burns reported VTA received a letter on December 17, 2009 from the Federal Transit Administration (FTA) regarding acceptance of the BART project into the New Starts Federal Process, which allows VTA to compete on federal funding and is a prerequisite to proceed with the Final Environmental Impact Statement (EIS). The FTA is scheduled to publish the Notice of Availability on January 15, 2010, which opens the public comment period for the Record of Decision, the federal environmental approval for the project. It will be available in the March or April timeframe. VTA will continue to work with the FTA to move through the process to get to final project design and secure full funding for the project.
- Mr. Burns stated Senator Barbara Boxer will visit VTA’s Cerone facility on Friday, January 15, 2010 to discuss the use of the federal stimulus funding and other federal funding. Mr. Burns extended an invitation to the Board Members to attend the event, noting Chairperson Liccardo and Mayor Reed will participate on behalf of VTA.
- Mr. Burns noted the implementation of VTA’s Service Reductions effective on Monday, January 11, 2010.

Jim Unites, Operations Deputy Director, reported VTA’s Service Reductions are scheduled for implementation on January 11, 2010, which is an overall 8 percent reduction in transit service with most of the changes in service frequencies with some
service route changes, which is estimated to save VTA approximately $6.4 million annually in operating costs with a 2 percent loss in ridership. Some service changes may impact paratransit customers, but paratransit services are aligned with VTA’s fixed route bus and light rail services and OUTREACH Paratransit Services is working with clients to address transit options.

Staff originally anticipated laying off between 70 to 80 operators, but due to recent retirements and vacancies 25 employees are scheduled to be laid off; hopefully, they may return as additional employees retire and vacancies occur within the organization.

Greta Helm, Chief External Affairs Officer, stated VTA conducted comprehensive outreach to ensure the public was aware and prepared for the service changes, which was designed to reach both current customers and the general public.

The outreach efforts included material translations, targeted community organizations, and media outlets. VTA utilized various forms of communication regarding the service changes, such as service change notices displayed in the vehicles as well as at the stations, car cards, Take-One brochures, newsletters, new system maps and schedules, announcements, website banners, Google Trip Planner available on VTA’s website, VTA’s Customer Service Information Service Representatives (ISRs), as well as VTA Employee Ambassadors deployed to various strategic locations affected by the service changes.

Ms. Helm continued that subscribers to VTA’s GovDelivery Service were notified of the service changes, specifically if they subscribed to the routes that had service changes. VTA placed paid advertisements in 15 community newspapers and sent out 9 media releases, which generated 17 stories carried by television, radio, and print media.

VTA staff attended 19 community gatherings and events at libraries, senior centers, and homeowner’s association meetings. Electronic notices were distributed to Eco Pass partners as well as San Jose State University students and major providers within the community. Ms. Helm stated both Yahoo and Mercury News sent out email notifications to individuals who subscribe to their services.

Ms. Helm stated that the initial feedback received by VTA’s Customer Service is that the public appreciates the efforts set forth by VTA to ensure the community is informed regarding the service changes.

Mr. Burns referenced Governor Arnold Schwarzenegger’s budget presentation is scheduled for submittal to the legislature on Friday, January 8, 2010. Mr. Burns reported Governor Schwarzenegger’s budget presentation includes a proposal to eliminate the Public Transportation Account. The budget proposal plans to eliminate the sales tax on gas and diesel fuel and replace the sales tax with a fee; therefore, eradicate the Public Transportation Account from the State budget.

Kurt Evans, Government Affairs Manager, reported California is still currently facing financial challenges even with all the implementations to address the original financial challenges, noting California has a new $21 billion shortfall to address over the next 18 months. It is anticipated that Governor Schwarzenegger will put forth a major restructuring of State funding sources for transportation in a way to benefit the State General Fund, but ultimately disadvantage transportation, particularly transit.
Mr. Evans reported consumers pay two types of State taxes when they purchase gasoline, an 18 cent State axis tax and a transaction sales tax, which serve as the foundation for funding the State Transportation Programs. It is expected that the Governor’s budget proposal will eliminate one of the gasoline sales tax revenue resources.

The Governor’s proposal would be a creative way to acquire transportation funds to pay debt service on General Obligation Bonds, which historically have been covered by the General Fund; therefore, transit would be severely negatively impacted.

Mr. Evans expressed appreciation for Mr. Ludwig’s comments, noting the importance to do everything within our ability to protect State funding for public transit.

Mr. Burns noted the Governor’s budget proposal is the first in a number of steps required to move toward a final adopted budget. Mr. Burns referenced the California Transit Association (CTA) lawsuit regarding the State Transit Assistance (STA) funding, noting the lawsuit addressed Fiscal Year 2008. Mr. Burns stated VTA will be working with the State to achieve the judgment payment obligated to the transit agencies.

Mr. Burns stated staff will continue to make updates to the Board of Directors on the status of VTA’s budget as well as the CTA lawsuit judgment payment.

Ms. Weissman expressed concern regarding the lack of system route schedules available for the public on the bus vehicles. Ms. Weissman stressed the importance for VTA to have the schedules available for the public for the New Year, especially with the service changes being implemented.

Chairperson Liccardo request Mr. Burns send an email to the Board of Directors regarding the situation.

Patrick Griffin, Public Affairs and Customer Information Manager, responded that VTA’s Downtown Customer Service Center and many transit centers have schedules available for the public. During the early stages of service changes keeping inventories supplied is a challenge. He noted staff closely monitors route schedules inventories and would speak with Ms. Weissman to obtain details about her observation and experience.

11. REPORT FROM THE CHAIRPERSON

Chairperson Liccardo referenced VTA’s current financial concerns, noting the difficult decisions implemented by the Board of Directors to address the budget constraints, such as reductions in transit service, programs, and employees. Chairperson Liccardo stated the decisions implemented were difficult, distressing, and impacted the organization as well as the community.

Chairperson Liccardo stressed the importance for VTA’s Board of Directors to integrate a few minutes of discussion at each regular meeting as a way to be innovative to address VTA’s financial concerns. Chairperson Liccardo noted the importance for the Board Members to work collaboratively with individuals who have expertise and experience working with specific issues and topics to assist VTA during this critical situation.

Chairperson Liccardo noted the intent of the addition of the discussion period at each regular meeting is to educate the Board on key issues, which makes it possible to address specific concerns; therefore, alleviate the necessity to schedule Board Workshops.
Chairperson Liccardo recommended the cancellation of the March 26, 2010 Board of Directors Workshop.

A. **Approve Appointments to Board Standing Committees and Joint Powers Boards and Regional Commissions for 2010**

Chairperson Liccardo stressed the importance and noted the vital role of the Board Members who serve on VTA’s Standing Committees and Joint Powers Boards and Regional Commissions.

Board Member Larsen requested Board Member Moylan be reassigned to serve as a Member on the Administration and Finance (A&F) Committee.

Chairperson Liccardo stated the A&F Committee has four Members designated to serve; however, queried if an A&F Committee Member wanted to switch their assigned Committee with Board Member Moylan.

Board Member Moylan noted a conflict with serving on the A&F Committee due to obligations associated with his employment. Michael T. Burns, General Manager, noted the Committees have some flexibility of perhaps changing the Committee meeting time.

Hearing no request from the Board Members to switch their assigned Committee, Chairperson Liccardo queried if Board Member Larsen wanted to withdraw his request to reassign Board Member Moylan to the A&F Committee.

Board Member Larsen responded in the affirmative, noting his intent to withdraw his request.

**M/S/C (Pyle/Herrera)** to approve appointments to Board Standing Committees and Joint Powers Boards and Regional Commissions for 2010.

B. **Approve Appointments to Ad-Hoc Financial Recovery Committee**

Chairperson Liccardo reported at the December 10, 2009 Board of Directors Regular Meeting, the Board approved four strategies relating to VTA’s budget and structural deficit.

Chairperson Liccardo stated one strategy was the creation of an Ad-Hoc Committee to develop recommendations to address VTA’s structural deficit beyond Fiscal Year 2011. The Ad-Hoc Financial Recovery Committee recommendations will be focused on the sustainability of transit services in Santa Clara County and will be utilized to develop future VTA budgets beginning with Fiscal Year 2012. The intent of the Ad-Hoc Committee will be to utilize community stakeholders, such as labor, business, and customers.

Chairperson Liccardo noted the following three Committee Member appointments and nine Key Stakeholders designated to the Ad-Hoc Financial Recovery Committee:

**Committee Members**
- Board Member Gage;
- Board Member Herrera; and
- Vice Chairperson Abe-Koga;
Key Stakeholders

Chairperson or designee from the following VTA Advisory Committees:
- VTA’s Committee for Transit Accessibility (CTA);
- VTA Citizens Advisory Committee and 2000 Measure A Citizens Watchdog Committee (CAC/CWC); and
- VTA’s Policy Advisory Committee (PAC).

(1) Representative from each of the following organizations designated by that organization:
- Santa Clara County city Managers Association;
- Silicon Valley Leadership Group (SVLG); and
- Santa Clara County Chambers of Commerce.

(3) Representative of organized labor designated as follows:
- (1) Amalgamated Transit Union (ATU);
- (1) Other VTA Unions; and
- (1) South Bay AF of L/CIO Labor Council.

M/S (Gage/Pyle) to approve appointments to Ad-Hoc Financial Recovery Committee.

Steve Barber, Technical Project Manager, expressed opposition regarding the merging of Service Employees International Union (SEIU), Transportation Authority Engineers & Architects Association (TAEA), and American Federation of State, County, and Municipal Employees (AFSCME) together and designating only one representative to speak on their behalf on the Ad-Hoc Financial Recovery Committee.

Mr. Barber stressed the importance for fair and reasonable representation of all VTA’s unions, noting that VTA’s unions do work together, but each has its own interests that are not necessarily the same as the other union’s interests.

Mr. Barber stated the union representatives could play a vital role within the Ad-Hoc Committee since they are VTA employees and are aware of the problems that exist within the organization and could have useful information to address the concerns. Mr. Barber urged the Board to allow each union a representative on the Ad-Hoc Financial Recovery Committee.

Marc Delong, Assistant Transportation Engineer and TAEA member, spoke on behalf of the TAEA and expressed support for the Ad-Hoc Committee designating organized labor representation as key stakeholders, but urged the Board to include two additional seats to ensure all VTA unions would have direct representation as well as the opportunity to participate and contribute.

Mr. Delong noted the importance to utilize the labor union representation since they have good insight into the organization from the inside out and would contribute meaningful suggestions to the Ad-Hoc Financial Recovery Committee.
Tammy Dhanota, SEIU Chief Steward, Local 521, welcomed the newly appointed Board Members and congratulated Chairperson Liccardo and Vice Chairperson Abe-Koga.

Ms. Dhanota noted SEIU, TAEA, AFSCME, and ATU have worked diligently together to ensure VTA continues to stay afloat, noting the union’s prior requests for VTA to establish an Ad-Hoc Committee to address VTA’s budget and structural concerns.

Ms. Dhanota stressed the importance that all VTA’s unions have designated representation on the Ad-Hoc Committee from the beginning in order to provide vital contribution.

Ms. Dhanota stated SEIU membership consists of both blue and white collar employees, such as Bus Stop Maintenance, Information Technology (IT), Marketing, Signal Operators, Board Assistants, and Finance Administrative Accounts and urged the Board to include the two additional seats to provide all of VTA’s unions the opportunity to participate and contribute in the Ad-Hoc Committee.

John Carlson, AFSCME President, expressed opposition to the recommended makeup of the key stakeholders having one representative designated for VTA’s other unions. Mr. Carlson stated a third of a voice is not a real voice and urged the Board to include the two additional seats to allow full participation and contribution from the organized union labor stakeholders.

Board Member Moylan noted if the key stakeholder’s main function is to provide input to the Ad-Hoc Financial Recovery Committee then the addition of two seats to the Committee should be considered.

Board Member Herrera concurred with Board Member Moylan, noting the importance for the Committee to receive more input from the key stakeholders from the beginning.

Board Member Herrera noted from her experience VTA’s union representation provides valid input and will play a vital role within the Committee.

Board Member Kalra stated the purpose of the key stakeholders is to provide input to the Ad-Hoc Committee, which would assist to develop suggestions and solutions to address VTA’s budget and structural concerns.

Board Member Kalra noted VTA’s unions have different interests and labor contracts; therefore, he expressed support to allow each union representation on the Ad-Hoc Committee to ensure they have the opportunity to voice their interests.

Board Member Kalra stressed the importance for the Committee and Board of Directors to have all relevant information available to make prudent decisions and noted his support to amendment the appointments to the key stakeholders group by two seats to ensure each union had a seat and voice on the Ad-Hoc Committee.
M/S (Kalra/Herrera) to amend the appointments to the Ad-Hoc Financial Recovery Committee to add two seats to the Organized Labor Union Stakeholder group representation.

Board Member Gage noted the meetings are open to the public; therefore, individuals have the opportunity to attend, participate, and provide input to the Ad-Hoc Committee.

Board Member Gage noted his opposition to add two additional seats to the key stakeholders group, noting the time constraints for the Ad-Hoc Committee to work on VTA’s budget and structural issues. Board Member Gage stressed the importance for the Committee and key stakeholders to work collaboratively and identify the common problems in order to address VTA’s budget and structural issues in a timely manner.

Board Member Gage noted the Ad-Hoc Committee is an advisory committee to the Board and; therefore, will not take any action, but will forward suggestions and recommendations to the Board of Directors for discussion and consideration.

Michael T. Burns, General Manager, stated the Ad-Hoc Financial Recovery Committee was based on the previous Ad-Hoc Financial Stability Committee structure, noting the opportunity for individuals as well as the key stakeholders to participate and provide input to the Ad-Hoc Committee.

Vice Chairperson Abe-Koga expressed support to allow additional key stakeholder representatives the opportunity to participate and provide different perspectives from the beginning of the process. She stressed the importance to gather as much information and input in the beginning due to the time constraints for the Ad-Hoc Committee to work to identify and address the common issues of concern.

Board Member Larsen expressed support to include two additional seats to the key stakeholder group, noting the importance to gather additional input from a larger group to identify solutions to assist the Ad-Hoc Financial Recovery Committee.

Board Member Moylan expressed support to include two additional seats, noting VTA’s employees and unions have made prior sacrifices to assist with VTA’s budget concerns. Board Member Moylan referenced VTA’s union’s track record, adding that they would provide valuable input to the Ad-Hoc Committee discussions.

Board Member Page concurred with Board Member Moylan’s comments, noting the unions are experts in representing individuals and would play an important role in the process. Board Member Page noted the importance to allow two additional representatives the opportunity to participation in the Ad-Hoc Committee.

Board Member Kalra referenced VTA’s unions, noting the employee’s previous contributions and cooperation to assist VTA’s budget crisis.
Board Member Kalra stressed the importance to include the additional seats and to allow VTA’s union representatives an opportunity to provide vital input in the Ad-Hoc Committee discussions.

Mr. Burns stated the Ad-Hoc Committee will look at VTA’s expenses and revenues, noting more than 70 percent of VTA’s revenues are from sales taxes; therefore, stressed the importance to ensure there is balance in the makeup of the Ad-Hoc Committee Key Stakeholder Groups.

Chairperson Liccardo referenced the strong support to include two seats to the key stakeholder group, noting his support as well, but with the understanding that there is not an allocation of one vote one stakeholder. He stated the intent of the Ad-Hoc Committee is to obtain input to develop suggestions and proposals to address VTA’s budget and structural deficit.

Board Member Herrera stated if the Ad-Hoc Committee requires additional input then the Committee would solicit input from businesses and allow these opportunities to obtain the information.

Kevin Allmand, General Counsel, noted the immediate pending motion on the floor is to amend the motion to increase the key stakeholder group with representatives of the unions. Mr. Allmand continued if the amendment passes then the Board of Directors would vote on the main motion.

**M/S/C (Moylan/Page)** on a vote of 10 ayes and 1 noes to amend the appointments to the Ad-Hoc Financial Recovery Committee to add two seats to the Organized Labor Union Stakeholder group representation. The representation for the Organized Labor Union Stakeholder group will be as follows:

- Amalgamated Transit Union (ATU) – 1 representative;
- Service Employees International Union (SEIU) – 1 representative;
- Transportation Authority Engineers & Architects Association (TAEA) – 1 representative;
- American Federation of State, County, and Municipal Employees (AFSCME) – 1 representative; and
- South Bay AFL-CIO Labor Council – 1 representative.

Board Member Woodward opposed.

**M/S/C (Herrera/Page)** to approve appointments to Ad-Hoc Financial Recovery Committee.

Terrence Philips, Interested Citizen, stated if the Ad-Hoc Committee required the employment of consultants then the Committee should solicit consultants working on successful transportation projects outside of the country. Mr. Philips noted it is important for VTA to implement innovation and development in order to obtain successful changes.

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

There was no Citizens Advisory Committee (CAC) Chairperson’s Report.
13. **Policy Advisory Committee (PAC) Chairperson’s Report**

Margaret Abe-Koga, PAC Chairperson, provided a report from the December 10, 2009 Meeting, highlighting the following:

- The PAC Committee recommended the Board approve the implementation actions regarding Senate Bill (SB 83). PAC Members provided comments reflected in the Board memorandum, and requested staff report back to the PAC with the analysis once it was completed;
- Appointed a PAC Nominating Committee to identify members interested in serving as PAC Chairperson and Vice Chairperson for 2010. The PAC Nominating Committee was comprised of Members Abe-Koga, Anstandig, and Satterlee. The PAC Nominating Committee is scheduled to receive information at the January 14, 2010 PAC meeting; and
- The PAC Committee received information on the Silicon Valley Rapid Transit (SVRT) Project; Regional Land Use Initiatives including Senate Bill (SB 375), Association of Bay Area Governments (ABAG) FOCUS Program, and the Air District’s Indirect Source Rule; and Transportation Systems Monitoring Program Progress Report.

Board Member Moylan queried if the Nominating Committee was aware of the member nominees for the PAC Chairperson and Vice Chairperson for 2010. Board Member Moylan noted concern regarding PAC chair and vice chair.

Board Member Reed indicated he would abstain from the Consent Agenda.

Board Member Reed left his seat at 7:14 p.m.

Board Member Herrera expressed appreciation and thanked VTA staff for their diligent work and effort on **Agenda Item #23. Resolution for 2009 American Recovery and Reinvestment Act Funds.**

**CONSENT AGENDA**

14. **Regular Meeting Minutes of December 10, 2009**

M/S/C (Gage/Pyle) on a vote of 10 ayes and 1 abstention to approve the Board of Directors Regular Meeting Minutes of December 10, 2009. Board Member Reed abstained.

15. **Citizens Advisory Committee (CAC) Appointment**

M/S/C (Gage/Pyle) on a vote of 10 ayes and 1 abstention to ratify the nomination of Bruce Liedstrand to the Citizens Advisory Committee, representing the North County Cities. Board Member Reed abstained.
16. **Bicycle and Pedestrian Advisory Committee (BPAC) Member Appointments**

M/S/C (Gage/Pyle) on a vote of 10 ayes and 1 abstention to ratify the following new appointment and re-appointments to the Bicycle & Pedestrian Advisory Committee to a six-month term commencing January 2010 and ending June 30, 2010. Board Member Reed abstained.

**New Appointment**
- Ray Cosyn, City of Saratoga

**Re-appointment**
- Thomas Muniz, City of Gilroy
- John Sullivan, City of Santa Clara
- Richard Swent, City of Palo Alto.

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

Authorize the General Manager to execute master utility relocation agreements with utility owners in order to support the Silicon Valley Berryessa Extension Project (SVBX). These utilities include PG&E, San Jose Water Company, Santa Clara Valley Water District, Milpitas Public Works, Verizon, Air Products, Comcast, AT&T, and others. These agreements may include provisions for design and construction of utility relocation (e.g. determination of percentage cost share liability), but authorization for expenditure commitment is limited to design only; and further; authorize the General Manager’s expenditure commitment authority for SVBX utility relocation advanced design in an amount not to exceed $8.4 million for both preliminary and advanced design effort.

18. **Federal Advocacy Consultant Services Contract**

M/S/C (Gage/Pyle) on a vote of 10 ayes and 1 abstention to authorize the General Manager to execute a contract with Van Scoyoc Associates for federal advocacy consultant services for a period of three years in the amount of $456,000. The term of the contract would be from January 1, 2010, to December 31, 2012. The fixed monthly retainer for this contract would be $12,500 for the first two years and $13,000 for the third year. Further authorize the General Manager, at his discretion, to extend this contract after December 31, 2012, for two additional one-year periods at a fixed retainer rate to be negotiated. Board Member Reed abstained.

19. **2010 Legislative Program**

M/S/C (Gage/Pyle) on a vote of 10 ayes and 1 abstention to recommend that the Board of Directors approve the 2010 Legislative Program for the Santa Clara Valley Transportation Authority (VTA). Board Member Reed abstained.

20. **Advisory Committee Enhancement Process Recommendations**

M/S/C (Gage/Pyle) on a vote of 10 ayes and 1 abstention to approve the indicated modifications to the Advisory Committee Process. Board Member Reed abstained.
23. **Resolution for 2009 American Recovery and Reinvestment Act Funds**

   M/S/C (Gage/Pyle) on a vote of 10 ayes and 1 abstention to adopt a Resolution No. 2010.01.02 certifying that VTA is an eligible and responsible sponsor for the US 101/Capitol Expressway/Yerba Buena Interchange Modifications project, authorize the General Manager to submit an application for $5,000,000 of 2009 American Recovery and Reinvestment Act (ARRA) funding for this project and authorize the General Manager to execute an agreement with Caltrans as necessary to receive this grant. Board Member Reed abstained.

24. **Regional Land Use – Related Initiatives**

   M/S/C (Gage/Pyle) on a vote of 10 ayes and 1 abstention to receive a report on three regional land use-related initiatives: SB375, ABAG FOCUS Program, and Air District Indirect Source Rule. Board Member Reed abstained.


   M/S/C (Gage/Pyle) on a vote of 10 ayes and 1 abstention to receive the VTP Highway Program Semi-Annual Report - October 2009. Board Member Reed abstained.

**REGULAR AGENDA**

21. **Senate Bill 83 – Implementation Actions**

   Recommend that the VTA Board of Directors approve the following tasks relating to SB 83: 1) Authorize the expenditure of up to $30,000 to perform polling in order to determine the feasibility of placing a $10 vehicle registration fee on the ballot for residents of Santa Clara County; 2) Direct staff to develop an expenditure plan to detail the programs and projects that would be developed through the potential vehicle registration fee; and further; 3) Return to the Board in mid 2010 with the draft expenditure plan and the polling results to determine whether or not to place the vehicle registration fee on the November 2010 ballot.

   Board Member Reed returned to his seat at 7:17 p.m.

22. **Santa Clara – Alum Rock Bus Rapid Transit Project Agreement**

   John Ristow, Chief CMA Officer, reported on the Santa Clara – Alum Rock Bus Rapid Transit (BRT) Project Agreement between the City of San Jose and VTA, which is VTA’s first BRT project. The intent of the agreement is to define the project and provide both technical and policy direction as the project moves forward through the development phases.

   Mr. Ristow noted the project agreement was presented and approved at the December 17, 2009 Downtown East Valley (DTEV) Policy Advisory Board (PAB) by the PAB Members. Mr. Ristow stated the project design contract will be forwarded for consideration to the April 1, 2010 Board of Directors Regular meeting.
M/S/C (Page/Herrera) to recommend approval of the Santa Clara-Alum Rock Bus Rapid Transit (BRT) Project Agreement between the City of San Jose and VTA establishing a project description and vision statement for the project.

17. Silicon Valley Rapid Transit Program – SVBX Utility Relocation Agreements with Utility Owners

Carolyn M. Gonot, Chief SVRT Program Officer, reported the recommendation is to authorize the General Manager to execute master utility relocation agreements with utility owners in order to support the Silicon Valley Berryessa Extension Project (SVBX), which is required as VTA moves the project forward towards final design.

Ms. Gonot stated VTA is working collaboratively with the City of Milpitas to remove Milpitas Public Works from the recommendation and utility relocation agreement. Ms. Gonot noted staff will continue to work together with the City of Milpitas to finalize a master agreement and utility agreement, which will be forwarded for consideration to a future Board of Directors Regular Meeting.

M/S/C (Herrera/Gage) to authorize the General Manager to execute master utility relocation agreements with utility owners in order to support the Silicon Valley Berryessa Extension Project (SVBX). These utilities include PG&E, San Jose Water Company, Santa Clara Valley Water District, Verizon, Air Products, Comcast, AT&T, and others. These agreements may include provisions for design and construction of utility relocation (e.g. determination of percentage cost share liability), but authorization for expenditure commitment is limited to design only; and further; authorize the General Manager’s expenditure commitment authority for SVBX utility relocation advanced design in an amount not to exceed $8.4 million for both preliminary and advanced design effort.

OTHER ITEMS

26. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

There were no Items of Concern and Referral to Administration.

27. MONTHLY LEGISLATIVE HISTORY MATRIX

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

28. REPORTS (UNAPPROVED MINUTES) FROM STANDING COMMITTEES

A. Administration and Finance Committee

On order of Chairperson Liccardo and there being no objection, the December 17, 2009 Administration and Finance (A&F) Committee Minutes was accepted as contained on the dais.

B. Congestion Management Program and Planning Committee

On order of Chairperson Liccardo and there being no objection, the December 17, 2009 Congestion Management Program and Planning (CMPP) Committee Cancellation Notice was accepted as contained in the Agenda packet.
C. **Transit Planning and Operations Committee**

*On order of Chairperson Liccardo* and there being no objection, the December 17, 2009 Transit Planning and Operations (TP&O) Committee Cancellation Notice was accepted as contained in the Agenda packet.

D. **Audit Committee**

*On order of Chairperson Liccardo* and there being no objection, the December 10, 2009 Audit Committee Cancellation Notice was accepted as contained in the Agenda packet.

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

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

*On order of Chairperson Liccardo* and there being no objection, the December 9, 2009 Committee for Transit Accessibility (CTA) Cancellation Notice was accepted as contained in the Agenda packet.

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

*On order of Chairperson Liccardo* and there being no objection, the December 9, 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 Liccardo* and there being no objection, the December 9, 2009 Bicycle & Pedestrian Advisory Committee (BPAC) Cancellation Notice was accepted as contained in the Agenda packet.

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

*On order of Chairperson Liccardo* and there being no objection, the December 10, 2009 Technical Advisory Committee (TAC) Minutes were accepted as contained in the Agenda packet.

E. **Policy Advisory Committee (PAC)**

*On order of Chairperson Liccardo* and there being no objection, the December 10, 2009 Policy Advisory Committee (PAC) Minutes were accepted as contained in the Agenda packet.

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

A. **Peninsula Corridor JPB**

*On order of Chairperson Liccardo* and there being no objection, the January 7, 2010 Summary Notes from the Peninsula Corridor Joint Powers Board were accepted as contained on the dais.
Ex-Officio Board Member Yeager referenced the January 7, 2010 Peninsula Corridor JPB meeting, noting it was the last meeting Board Member Gage presided over as the Chairperson. Ex-Officio Board Member Yeager expressed appreciation and thanked Board Member Gage for his diligent work, service, and dedication to Caltrain.

B. **Capitol Corridor JPB**

There was no report from the Capitol Corridor JPB.

C. **Dumbarton Rail Corridor Policy Committee**

On order of Chairperson Liccardo and there being no objection, the December 18, 2009 Summary Notes from the Dumbarton Rail Corridor Policy Committee.

Chairperson Liccardo expressed appreciation and thanked Ex-Officio Board Members Chu and Yeager for their diligent work serving on the Metropolitan Transportation Commission (MTC).

D. **Metropolitan Transportation Commission (MTC)**

On order of Chairperson Liccardo and there being no objection, the December 16, 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 Liccardo and there being no objection, the December 14, 2009 Summary Notes from the Sunol Smart Carpool Lane Joint Powers Authority were accepted as contained on the dais.

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

A. **Vasona Light Rail PAB**

There was no report from the Vasona Light Rail PAB.

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

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

C. **Downtown East Valley PAB**

On order of Chairperson Liccardo and there being no objection, the December 17, 2009 Downtown East Valley PAB Minutes were accepted as contained in the Agenda packet.

D. **Highway PAB South**

There was no report from the Highway PAB South.
32. ANNOUNCEMENTS

There were no Announcements.

33. ADJOURNMENT

On order of Chairperson Liccardo and there being no objection, the meeting was adjourned at 7:33 p.m.

Respectfully Submitted,

Michelle M. Garza, Board Assistant
VTA Office of the Board Secretary
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief External Affairs Officer, Greta Helm

SUBJECT: Citizens Advisory Committee Appointments

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

ACTION ITEM

RECOMMENDATION:

Ratify the following appointments to the Citizens Advisory Committee:

- Clinton Brownley to position representing the West Valley Cities; and
- Herman Wadler to the position representing Bicyclists.

BACKGROUND:

The Citizens Advisory Committee (CAC) is a 17-member committee representing the residents of Santa Clara County, as well as specified community stakeholder groups, including business and labor, with an interest in transportation. The CAC advises the Board and VTA administration on issues impacting the communities and organizations they represent. It also serves as: (1) the ballot-specified Citizens Watchdog Committee for the 2000 Measure A Transit Improvement Program; and (2) the 2008 Measure D ballot-specified advisory body that reviews and comments on VTA’s comprehensive transit program as part of the countywide transportation plan.

The CAC bylaws require that a committee member must be a resident of Santa Clara County while on the committee and cannot concurrently hold elected public office. Committee members cannot be VTA staff or employed by a city they represent. The committee membership term is indefinite, with CAC members serving until resignation or replacement by their appointing organization or the VTA Board.

The process to fill CAC vacancies, as defined by the bylaws, is that member agencies and specified business and labor groups nominate representatives for their respective membership positions. For the six Community Interests positions, VTA’s Administration & Finance
Committee appoints one member per position from nominations submitted by advocacy groups or received at-large. In all cases, the VTA Board must ratify the appointment.

**DISCUSSION:**

The VTA Administrative Code establishes the membership of the CAC. One of the six positions in the Community Interests sections represents bicyclists, and one of the six positions in the City and County Groupings section represents the West Valley Cities of Campbell, Cupertino, Los Gatos, Monte Sereno and Saratoga. Both of these positions are currently vacant, and VTA recommends filling these positions to ensure representation of the respective stakeholder interests.

The Bicyclists position is vacant due to the resignation of its previous representative, Ellen Fletcher, who held the position for 14 years and recently resigned due to health concerns. VTA has received an application from Herman Wadler indicating interest in the Bicyclists position.

Mr. Wadler, who is retired, is a resident of Campbell. During his career, he was in sales, sales training and marketing. He also was a wedding photographer and since his retirement, has developed web pages. He is an avid cyclist, and has been for most of his life.

Mr. Wadler's community involvement includes serving as a member of VTA’s Bicycle & Pedestrian Advisory Committee (BPAC) since 2003, where he acted as chair for 2007 and vice chair for 2006. Mr. Wadler has been a member of Campbell’s bicycle advisory committee for eight years, serving as chairperson for seven of those eight years. He has been a member of the Silicon Valley Bicycle Coalition (SVBC) for seven years, serving on its board for two years. Additionally, he is a member of the Almaden Cycle Touring Club (ACTC), where he served as president for one year. Lastly, he has been a member of the League of American Cyclists for eight years.

Mr. Wadler has resided in California for over 60 years, the last 37 of those in Santa Clara County. He earned his BA degree from the University of San Francisco and his MBA from Santa Clara University.

Due to his extensive experience in bicycle project planning, funding, and design, his knowledge of and experience with VTA, and his long history of community service, staff recommends that the Committee appoint Mr. Wadler to this position and submit this appointment to the Board of Directors for ratification at its February 4, 2010 meeting.

The West Valley Cities has nominated Clinton Brownley as its new CAC representative to replace its former representative, Don Burnett, who resigned due to health issues.

Mr. Brownley, who lives in Cupertino, is a city manager intern (unpaid) for the city of Cupertino. He previously worked as both a financial manager and a customer support analyst for the Washington, D.C. Department of Motor Vehicles. He also was an economic policy fellow for the U.S. Senate HELP Committee, and a paralegal specialist for the U.S. Department of Transportation. Lastly, he served as an adjunct faculty member at the American University School of Public Affairs in Washington, D.C.
Past and current civic and community service includes as a block leader in Cupertino, as the Green Committee Chair for the Cupertino Blackberry Farm Playground Build Day, and as a volunteer summer counselor for the city of Cupertino Parks and Recreation. He is a member of several professional organizations, including the International City/County Management Association, the Municipal Management Association of Northern California, the Association for Public Policy Analysis and Management, and the Project Management Institute.

Mr. Brownley has resided in California for one year, all of it in Santa Clara County. He received his bachelor’s and master’s degrees from Carnegie Mellon University, and is in process of earning his Ph.D. from American University in Washington, D.C. He is also a certified Project Management Professional (PMP).

Based on his qualifications, experience and local community involvement, staff recommends that the Board ratify the West Valley Cities nomination of Clinton Brownley to this position.

**ALTERNATIVES:**
The Board could choose to not ratify the nominations of one or both of these individuals.

**FISCAL IMPACT:**
There is no fiscal impact as a result of these actions.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATIONS:**
On January 21, 2010, the Administration and Finance Committee considered this item as part of its Consent Agenda and unanimously recommended Board approval of the staff recommendation.

Prepared by: Stephen Flynn, Sr. Management Analyst
Memo No. 2424
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: BPAC Member Appointments

Policy-Related Action: No

ACTION ITEM

RECOMMENDATION:

Ratify the following new appointment and re-appointment to the Bicycle & Pedestrian Advisory Committee for the current term ending June 2010 and the following term commencing July 1, 2010 until June 30, 2012.

New Appointment

• James Wiant, City of Cupertino

Re-appointment

• Herman Wadler, City of Campbell

BACKGROUND:

The Bicycle & Pedestrian Advisory Committee (BPAC) advises the VTA Board of Directors on planning and funding for bicycle and pedestrian projects and issues. The BPAC consists of 16 voting members, one appointed by each of VTA’s 16 Member Agencies (the 15 cities in the county and the County of Santa Clara), and one non-voting ex-officio member from the Silicon Valley Bicycle Coalition (SVBC).

The BPAC bylaws specify that each Member Agency appoints one representative to the BPAC and that the SVBC appoints one representative and one alternate. The bylaws also specify that the appointment term is two years and that members may be appointed to successive terms. Committee members must live or work in Santa Clara County during their term. Voting members of the Committee must also be a representative of the Member Agency's local bicycle advisory committee or, for Member Agencies without a local bicycle advisory committee, their
representative must be an individual who lives or works in the local jurisdiction and is interested in bicycle or pedestrian issues. BPAC members are precluded from representing a Member Agency that is their employer.

In accordance with the bylaws, the process to fill BPAC vacancies is that VTA staff notifies the appointing authority of the vacancy and current membership requirements. The appointing authority then appoints one member for the designated membership position. For vacancies occurring in mid-term, the bylaws specify that they be filled for the remainder of the term by the appointing authority. In both cases, the VTA Board must ratify the appointment.

**DISCUSSION:**

Staff notified Member Agencies of their current representatives' term expiration, advised them of their current standing, provided information on the appointment process and requested that they appoint their BPAC representative for a new term. In response, the City of Cupertino appointed a new member and the City of Campbell re-appointed its current member to a new term.

The City of Cupertino appointed James Wiant to replace Joseph Walton, BPAC's current Chair and long time committee member. Mr. Wiant has been working in various areas of software development since the 1970's and is currently a part-time consultant for IBM. As a resident of Cupertino for almost 30 years, Mr. Wiant has been an active advocate of biking and walking; he is serving his second term on Cupertino's Bicycle/Pedestrian Commission, and is a member of several bicycle coalitions including the League of American Bicyclists, for whom he is a League Cyclist Instructor, and both the California and Silicon Valley Bicycle Coalitions.

The City of Campbell wishes to re-appoint Herman Wadler to a new term. Mr. Wadler is a current member in good standing and has served the Committee well.

Staff recommends the Board of Directors ratify these appointments based on the individual's good standing as a current BPAC member and the newly appointed member based on his experience and dedication to bicycling and pedestrian issues.

**ALTERNATIVES:**

The Board could choose to not to ratify one or all of these appointments.

**FISCAL IMPACT:**

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

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration and Finance Committee considered this item as part of its January 21, 2009 Consent Agenda and approved it unanimously without comment.

Prepared by: Aiko Cuenco
Memo No. 2413
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: Contract Award - Money Manager-Emerging Markets

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute an investment management agreement with Robeco Investment Management for the management of the Non-US Equity Emerging Markets asset class within the VTA/ATU Pension Plan investment portfolio.

BACKGROUND:

To enhance the SCVTA - ATU Pension Plan’s asset allocation and align its assets closer to the Plan’s liabilities, the SCVTA - ATU Pension Board (Pension Board) approved an Asset-Liability Study which was completed in January 2008, followed by a Portfolio Structuring Analysis, which was completed in August 2008. Both studies were completed by Mercer Investment Consulting Incorporated (Mercer), as the investment consultant to the Pension Board. Based on the results of the studies Mercer recommended, and the ATU Pension Board approved, that two new asset classes be added to the VTA/ATU Pension Plan Investment Portfolio.

The new asset classes include real estate and emerging markets. By including these two asset classes, the expected annual return increases from 7.93% to 8.32%. Furthermore, the overall risk of the portfolio, as measured by its standard deviation, declines from 11.46% to 11.03%. Standard deviation provides a quantified estimate of the uncertainty of future returns, or how far the value of an investment moves above or below its average value. The wider the range, which means the greater the standard deviation, the riskier an investment is considered to be. The reason for the reduction in risk is the increase in diversification.
DISCUSSION:

On October 14, 2008, VTA engaged Mercer to search for Non-US Equity Emerging Markets managers. Mercer uses a proprietary database called its Global Investment Manager Database (GIMD), which stores information for over 3,300 investment managers including firm-wide demographics, investment product details, performance, independent research including meeting notes, news items and managers ratings. All investment managers who participated in the selection process were asked to access the GIMD and ensure that all details about their firms were correct and up to date. Using the GIMD, Mercer narrowed the search and presented the credentials of six investment management firms to the Pension Board (Aberdeen, AXA Rosenberg, Robeco, and Batterymarch, DFA, and Schroder) for the Non-US emerging markets manager.

The Pension Board decided to interview the top three firms after ranking them based on the following criteria:

**Organization**

1. Firms that have been managing assets for at least five years, preferably longer,
2. Firms with sufficient assets under management, such that our assets would not represent a significant percentage of total assets, and,
3. Firms that produce superior investment returns overtime, with stock and asset selection methods that can increase the probability of investment success.

**Performance**

1. Verifiable track record that demonstrates consistent adherence to the stated investment approach,
2. Risk and return characteristics of historical data that are consistent with the prescribed benchmark, and,
3. Performance that is generally competitive over time when compared to other managers with the same index.

The three firms selected for interview were Robeco, Aberdeen and AXA Rosenberg. Interviews were conducted by a panel consisting of VTA management and ATU representatives using the following evaluation criteria:

1. Impression of the Project Manager
2. Quality of the Team’s Oral Presentation
3. Content of the Team’s Oral Presentation
4. Answers to Questions
5. Project Manager’s ability to work with VTA
6. Overall Impression of the Team (both in written submittal and oral interview)

The firms were ranked following the interviews, with Robeco Investment Management first, followed by Aberdeen and AXA Rosenberg. Robeco's investment philosophy includes an in-
depth top-down analysis, which together with quantitative input, are used to determine the country selection. This is followed by a bottom-up stock selection using fundamental and qualitative analysis, which provides a guard against behavioral biases.

**ALTERNATIVES:**

The Board could request that the Pension Board reevaluate the asset allocation strategy or the selection of the emerging markets fund manager.

**FISCAL IMPACT:**

Annual management fees, which are paid with Pension Plan assets, are estimated to be $150,000 for the $15 million Non-US Equity Emerging Markets portfolio.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration and Finance Committee considered this item at its January 21, 2010 meeting and approved it unanimously without comment.

Prepared by: Manny Bagnas, Investment Services Manager
Memo No. 2426
NON-US EQUITY EMERGING MARKETS
ROBECO INVESTMENT MANAGEMENT
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BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: SR 237/I-880 Express Connectors - Operational Procedures

FOR INFORMATION ONLY

BACKGROUND:

At the December 11, 2008 Board Meeting, the VTA Board of Directors approved the Silicon Valley Express Lanes Program (Program). As part of the Program, the Express Lanes projects (Attachment A) will implement a roadway pricing system to allow for the use of unused capacity in the carpool lanes to provide congestion relief. This means that carpool lanes converted to Express Lane operations would be open for use by commuters meeting the carpool requirement and commuters that pay a fee. The fee would change dynamically in response to existing congestion levels and available capacity in the carpool lanes. Implementation of roadway pricing is also part of the Bay Area Express Lanes Network and the program that was approved by the Metropolitan Transportation Commission in April 2009 as part of their transportation plan.

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

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

DISCUSSION:

The purpose of this memorandum is to provide an overview of operational procedures that will be used in the Express Lanes projects in the region or more specifically the SR 237/I-880 Express Connectors project in Santa Clara County. This memorandum first highlights the procedures that are being developed at the regional level as an information item for discussion.
Upcoming memorandums over the next few months will contain recommendation actions with specific operational procedures for the SR 237/I-880 Express Connectors project requiring VTA Board of Directors action.

I-680 Express Lane is schedule to open in Fall 2010 as the first Express Lanes project in the Bay Area. I-680 Express Lane will convert the existing 14-mile southbound carpool lane between SR 84 in Alameda County and SR 237 in Santa Clara County to Express Lanes. A Joint Powers Authority (JPA) consisting of two members representing Alameda County Transportation Improvement Authority, two members representing Alameda County Congestion Management Agency (ACCMA), and one member representing VTA has been formed to oversee the implementation and operation of the I-680 Express Lane. ACCMA is the lead agency for this project. The SR 237/I-880 Express Connectors project will benefit from the I-680 Express Lane experience. The SR 237/I-880 Express Connectors would also be the first project over which the VTA Board of Directors would have direct authority to establish operating practices and procedures.

The SR 237/I-880 Express Connectors project is a conversion of direct carpool-to-carpool connectors to Express Connectors at SR 237/I-880 interchange. The morning commute direction from southbound I-880 to westbound SR 237 has peak delays of about 10 minutes at the interchange of the two freeways resulting in long back-ups onto the I-880 mainline. The same situation exists in the opposite direction in the evening commute due to the ramp metering on the connector ramp. The total project cost is $8.96 million and is funded by $2.7 million of American Recovery and Reinvestment Act (ARRA) funds, $3.96 million of federal Value Pricing Pilot Program (VPPP) funds ($760,000 VPPP FY06 and $3.2 million VPPP FY09) and $2.3 million of local funds. This project is scheduled to be open to traffic in the summer of 2011.

Remainder of the memorandum covers the following key areas:

- Facility Design
- Operational Procedures and Practice
- Electronic Toll System
- Outreach and Marketing

**Facility Design**

**Attachment B** shows the roadway elements of the SR 237/I-880 Express Connectors project. In the southbound I-880 to westbound SR 237 direction, traffic heading to the Express Connectors would first see advance signing of the Express Connectors one mile ahead of the facility, followed by the price of the toll at one-half mile ahead. Tolls would be deducted automatically without stopping at the entrance of the Express Connector using the FasTrak transponder device in the vehicle. CHP would observe if it is a carpool vehicle or if it is a solo driver. If it is a solo driver, then the officer would check if the vehicle had successfully paid the toll by viewing enforcement beacons.
Access

The Express Connectors would be separated from the General Purpose (GP) lanes by a painted buffer similar to carpool lane operations in Southern California. Any crossing of the painted buffer is a traffic violation.

The SR 237/I-880 Express Connectors toll operations sections would extend from approximately Dixon Landing Road on I-880 to North First Street on SR 237 with conventional carpool lanes continuing from the end of the Express Lane facility. Carpoolers who use the Express Connectors would be able to continue on using the carpool lanes seamlessly while solo occupant vehicles would be required to transition out of the HOV/Express Lane to general purpose lanes at the end of the express lane facility.

Signage

The signage for the SR 237/I-880 Express Connectors would be similar to that being installed for the I-680 Express Lane except that the signage would follow the requirements from the recent update of the Manual on Uniform Traffic Control Devices (MUTCD) on December 16, 2009 for Express Lanes signage and striping. The MUTCD is the national standard for all traffic control devices, including traffic signs, pavement markings, signals and any other devices used to regulate, warn or guide traffic.

Operational Procedures and Practice

Hours of Operation

There are two primary approaches for hours of operation under study: part time operations as with existing carpool facilities and full 24 hours, 7 days a week (24/7) operations. The inclination is for SR 237/I-880 Express Connectors to be part-time to match the existing carpool hours of operation between 5-9 am and 3-7 pm during the peak periods. One of the SR 237/I-880 Express Connectors operational scenarios under study would have operations extended by an additional hour to the current peak period HOV hours. Discussions are underway at the regional level to have all future Express Lanes operate 24/7. Attachment C provides more detailed discussion on the on-going discussions on hours of operations at the regional level.

Toll Policy

The proposal is for toll rate to change dynamically to ensure maintaining the Express Connectors traffic average travel speed at least 45 mph. As the congestion level increases on the Express Connectors, the toll rate would correspondingly increase to ensure 45 mph traffic is maintained. A message sign with toll rate information located about one-quarter to one-half mile upstream of the Express Connectors to inform the motorists of the prevailing toll rate for using the Express Connector. The determination on the maximum toll rate would be decided by the VTA Board. All existing exempted carpool lanes users would be allowed to use the Express Connectors free of charge while solo drivers would have to pay a toll electronically using the same FasTrak transponder system used Bay Bridge motorists.
Customer Service

The Bay Area Toll Authority (BATA) FasTrak Customer Service Center would act as the customer service center for the SR 237/I-880 Express Connectors project inclusive of call center and website servicing. BATA is currently working with their service contractor to include customer service representatives trained to respond to Express Lanes patrons, modifications to their customer service software to accommodate Express Lanes toll charges, a process for responding to disputes, and marketing support.

Maintenance

Express Lanes roadway operations and maintenance requires a higher level of service compared to regular General Purpose (GP) lanes maintenance to ensure that the travel time advantage expected by toll paying customers and carpoolers are maintained. The proposal is for Caltrans to provide regular maintenance (lane pavement, structures, lighting, signage and markings) similar to what is already provided for carpool lanes. Additional requirements beyond the regular maintenance level (such as patch potholes maintenance) would be specified via a joint user agreement with costs for additional services reimbursed by the Express Lane toll revenue.

In the event that Caltrans cannot undertake additional maintenance, on-call contracts would be established as a back-up to ensure the maintenance actions are undertaken promptly.

Maintenance related to tolling equipment and enforcement systems would be covered under the system integrator contract. The system integrator is the contractor that provides the tolling equipment, traffic monitoring, communication and toll calculation software and toll data center. The system integrator contract will include a warranty period (typically for the first two years) after which VTA would have the option to either staff this activity or renew the maintenance contract with the system integrator. Attachment D provides more detailed explanation on the current regional effort to standardize maintenance for Express Lanes.

Incident Management

Incident management would be addressed as per current practices with Caltrans, California Highway Patrol (CHP) and BATA coordinating response to the incident. CHP and Caltrans typically address incident management jointly with the help of BATA’s freeway service patrol when necessary. Attachment E provides more detailed explanation on the current regional effort on incidence response and management of Express Lanes.

Enforcement

The proposal is for CHP to provide enforcement of the facility. The following would be typical of the proposed enforcement procedures:

- A CHP officer would visually check the number of occupants in the vehicle that passes.
- If it is a solo driver, the officer would use the transaction indicator beacon to assess if the driver has a valid transponder read signifying the correct payment of toll.
• If there was an invalid transponder read, the vehicle would be pursued to confirm the number of occupancy in the vehicle.

• If it is a solo driver with a transponder, the officer would use the portable reader device to check when the transponder was last used or if the transponder battery is dead.

• If there was a violation, a citation would be issued.

VTA will sign a joint user agreement with CHP for enforcement. The cost for the additional enforcement specifically related to Express Connectors would be based on the number of officer-hours required for enforcement.

BATA is currently studying the possibility of using switchable transponders that could be used to declare the number of occupants in the car. If implemented, this could allow for fully automated enforcement in the future without CHP officers but would require all users, including carpoolers, of the Express Lanes to carry transponder. Attachments F and G provides more detailed explanation on the regional effort on enforcement.

BATA Back-Office Operations

BATA would be responsible for collection and processing of tolls similar to the services provided for existing Bay Area Bridge tolling. Collection would entail tracking of vehicles through the Express Lane system. The toll rate based on the time of the trip would appear as a single transaction on the customer’s statement. There would be daily reconciliation and auditing of transactions between BATA and VTA.

Although the FasTrak transponder itself is free, a user would have to deposit $20 if the registered account is replenished by a cash/check payment. If the user would register to an account that is automatically replenished by credit card, the $20 deposit will be used as part of the toll balance. The business rules would be similar to those employed for Bay bridge transponder users. Each customer would be sent a regular monthly billing statement on-line showing all trip transactions for the prior period. The statement may be requested by the customer in hard copy via mail for an additional administrative and processing fee.

BATA would be responsible for FasTrak marketing, account management, administration of toll collection and audit functions that comprise the components of revenue generation for the Express Lanes.

Auditing functions would be addressed within a performance monitoring plan and through a Cooperative Agreement between BATA and VTA to preserve the integrity of the financial arrangements. To the extent possible, many aspects of the auditing roles and process would follow protocols already established on Bay bridges and administered by BATA. BATA would maintain an ongoing audit program that includes performance of tolling infrastructure, collection, account management and revenue disbursement through quarterly reporting and an annual report of operations.
Electronic Toll System

The Toll Data Center (TDC) where primary Express Lanes tolling data processing, storage and reporting would take place would be housed at VTA River Oaks Administrative offices. Data communications between TDC and BATA would be accomplished via secured on-line sites. The Caltrans Traffic Management Center (TMC) would be also included in the systems communication network to facilitate transfer of traffic and video data. The TDC would also interface with tolling zone controllers in the field via real-time Ethernet connection. Currently, an option to use a secure wireless communications system between the in-field toll zone equipment and the TDC at River Oaks by mounting equipment on the radio tower at the VTA Cerone yard is being explored as an option.

Outreach and Marketing

VTA is working in conjunction with Alameda County Congestion Management Agency (ACCMA) and BATA on marketing effort to attract customers to use the Express Lanes. The I-680 Express Lanes (led by ACCMA) is expected to open in Fall 2010 and the SR 237/I-880 Express Connectors in summer 2011.

The goals of these marketing activities are to:

1. Inform public on how Express Lanes will operate
2. Educate customers about the benefits of the Express Lanes/Connectors
3. Promote future customers buy toll transponders

Future Items for Board Recommendations

This memorandum is a continuation of the project team’s efforts to keep the VTA Board updated on the Program’s progress. The following is a summary of potential VTA Board actions for SR 237/I-880 Express Connectors that would be sought in the near future:

1. Approve general operational procedures and practice in May 2010
2. Contract authorization to award system integrator contract in June 2010
3. Contract authorization to sign inter-agency agreements with Caltrans, CHP and BATA in September 2010
4. Contract authorization to award roadway contract in December 2010

ADVISORY COMMITTEES DISCUSSION/RECOMMENDATION:

The Citizen Advisory Committee (CAC) considered this item on January 13, 2010. The Committee posed questions related to how Express Connectors would operate. On the question if the existing carpoolers would need to pay a toll, the staff explained that all eligible carpool lane users such as vehicles with two or more occupants, motorcycles, transit buses and hybrid
vehicles will continue to use the Express Connectors free of charge. In addition there were 
questions related to financial feasibility of this project as to whether the project would generate 
net revenue and how the net revenue will be used. The staff explained that generally Express 
Lanes projects throughout the country do generate net revenue after few years of initial 
operation. Currently, the Assembly Bill (AB) 2032 stipulates that the net revenue be used for 
direct expenses related to operation, maintenance and administration of the program. All the 
remaining revenues generated will be used in the corridor where the revenue was generated for 
high occupancy vehicle projects and improvement of transit service.

The Technical Advisory Committee (TAC) considered this item on January 14, 2010. The 
Committee asked question on how enforcement will be undertaken for this project. The staff 
explained that enforcement will be provided by CHP. The CHP services will be funded by the 
revenues generated by the project and the officers would be assisted by devices such as lighted 
beacons and hand held readers to assist with the enforcement. The Committee recommended to 
include performance measures in Joint User Agreement (JUA) with Caltrans for maintenance to 
ensure that the services are provided in a timely manner. Another recommendation was to take 
into consideration the heavy traffic merging in the vicinity of Zanker Road interchange in the 
final design of the Express Connector facility. The Committee expressed concern to ensure that 
the AB 744 adequately clarifies that net revenue from Regional Express Lanes network is 
returned to its individual corridor.

The Policy Advisory Committee (PAC) considered this item on January 14, 2010. The 
Committee provided recommendation that sufficient enforcement presence is key to minimize 
violation. In addition, there was a comment to ensure there was adequate provision for drivers to 
be able to move from right side of the roadway to the left side to use the Express Connector. The 
staff explained that the facility design includes larger character size toll rate information and 
advance place of signages to help commuters using this facility to make operational movements 
well in advance. There were also some clarifications as to why we are having the JUA with the 
different agencies. For example, the JUA with Bay Area Toll Authority (BATA) is called for in 
AB 2032. In addition, it is economical for VTA as we do not have to incur cost to duplicate an 
existing service that is already available at the regional level in the form of FasTrak customer 
service.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Congestion Management Program and Planning Committee (CMPP) considered this item on 
January 21, 2010. The Committee commented that the staff should ensure that the additional 
cost spent to acquire services such as enforcement by CHP officers through Joint User 
Agreements should provide sufficient benefit equivalent to the cost spent. The staff 
acknowledged the comment and commented that the enforcement element is crucial to deter 
cheaters on the Express Lane system. The staff also highlighted the Committee that the VTA 
Board of Directors would receive an update on this item as part of the VTA Board of Directors 
Chairperson’s report at the upcoming February 4, 2010 meeting.

Prepared By: Murali Ramanujam
Memo No. 1754
Silicon Valley Express Lanes Network

Southbound I-680 Express Lanes
SR 84 (Alameda County) to Calaveras Blvd (Santa Clara County)

SR 237 Express Connectors

Silicon Valley Express Lanes Network

SR 85 Express Lanes

US 101 Express Lanes

Palo Alto
Mountain View
Sunnyvale
Santa Clara
San Jose
Campbell
Cupertino
Morgan Hill, Gilroy
SR 237/I-880 Express Connector Project
Roadway Design Elements

Express Lane - SB 1 Mile
Dynamic Toll Rate Sign - SB 1/2 Mile
SB Start Buffer Striping
NB End Buffer Striping
NB CHP Monitoring Station
FasTrak Reader
SB CHP Monitoring Station
FasTrak Reader
GP Connector Ramp Meter
EB Start Buffer Striping
Express Lane - EB 1 Mile
Dynamic Toll Rate Sign - EB 1/4 Mile
WB End Buffer Striping

Roadway Design Elements:
- Express Lane - SB 1 Mile
- Dynamic Toll Rate Sign - SB 1/2 Mile
- SB Start Buffer Striping
- NB End Buffer Striping
- NB CHP Monitoring Station
- FasTrak Reader
- SB CHP Monitoring Station
- FasTrak Reader
- GP Connector Ramp Meter
- EB Start Buffer Striping
- Express Lane - EB 1 Mile
- Dynamic Toll Rate Sign - EB 1/4 Mile
- WB End Buffer Striping

0 0.25 0.5 1
0 0.25 0.5 1 Miles
## Attachment C: Hours of Operations
### Draft MTC Concept of Operations for the Bay Area Express Lane System

<table>
<thead>
<tr>
<th>Express Lanes Maintenance</th>
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</thead>
<tbody>
<tr>
<td><strong>Background</strong></td>
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<tr>
<td>Bay Area HOV lanes currently operate on a part-time basis, reverting to general purpose lanes outside defined peak commute periods. Nationally, about half the nation’s 3000+ HOV lane-miles operate part-time, and about half operate full time (typically on a 7-day, 24 hour basis) with the largest concentration of full time lanes operating in southern California. In general, the policy of part-time versus full time operation for a given region is consistent, even if hours of operation vary from one corridor to another. Some part-time projects function in the peak direction if demand is directional and the off-peak is not routinely congested. California historically has two general philosophies regarding carpool lanes: the northern half of the state typically operates HOV lanes on a peak-only basis, while the southern half typically operates 24/7. There are some exceptions to this strategy, such as SR 14 in Los Angeles County, which operates part-time. Looking forward, most HOT lanes nationally will be operated either 24/7 or for extended daytime hours (i.e. for both peak and non-peak directions, but only during daytime hours).</td>
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</table>

| **Issues**                   |
| Implementing pricing hours may create more motorist confusion, particularly during the transition from priced to unpriced hours—the toll bridges have shown that drivers will park in the shoulder or even in the toll lanes as they wait for the lane to switch from general purpose to carpool mode. Variable pricing can better manage this transition in demand between peak and off-peak periods. Having a consistent policy helps enforcement and may contribute to a better understanding and reliance on the Express Lanes network whenever congestion occurs. However, transitioning from current operational practice to a more expanded restriction will require outreach and public support. |

| **Recommendations**          |
| **Near Term**—Expand to 24/7 operation when tolling is introduced to a corridor. The Corridor Working Group (CWG) will determine the timeline, limits and outreach needed to transition from the current operating period. The basis for making this transition on a specific corridor may include: |
| • opening a new segment of lane as HOT; or |
| • reaching capacity restrictions on a current HOV lane (eg. I-80 through Berkeley) |

**Longer Term**—A system-wide consistent operation policy should be the goal of the region and adjoining CMAs which share the same corridors and customer market base. The effective integration of corridor operation plans rolled to a regional level will be the responsibility of CWG input to the Bay Area Express Lane Network Project Oversight Committee (BAYPOC).
<table>
<thead>
<tr>
<th>Options</th>
<th>Pros</th>
<th>Cons</th>
<th>Experience</th>
</tr>
</thead>
</table>
| 1       | Maintain part-time peak period operation consistent with currently published restrictions for each corridor, 5 days a week. Tolls would only be collected during those periods. | • Consistent with current practice  
• Hours can be expanded as warranted  
• Limits public and political concerns to tolling and limitations imposed on open access  
• Additional O&M and dedicated enforcement only required for restricted periods | • Does not provide a mobility option outside the designated hours, particularly on weekends  
• Will not address growing congestion during many daytime periods in future years  
• Grace period issues with enforcement around periods when restrictions take effect  
• Limits revenue generation | I-394 in Minneapolis (peak direction only) |
| 2       | Expand to all-day operation, 7-days a week in conjunction with the introduction of variable pricing. Tolls would either be collected in accordance with demand at all times or in accordance with a toll schedule matching during peak demand periods. | • Covers periods most likely to generate demand, both now and in the future  
• Limits dedicated enforcement presence (over 24/7 option) | • Adds some confusion to nighttime periods when lanes are open to all  
• Does not provide a benefit to general purpose traffic during remaining non-toll periods | SR 167 in Seattle, I-15 in San Diego—prior to extension opening, I-25 in Denver |
| 3       | Expand to 24/7 operation in conjunction with the introduction of variable pricing. Tolls would either be collected in accordance with a toll schedule during peak demand periods. | • Most consistent since restrictions are in effect at all times.  
• Price will be low enough so as not be an impediment to use during nighttime periods | • Will need to decide if enforcement is needed at all times or if higher violation rates during non-peak hours are acceptable.  
• Higher O&M | I-95 in Miami, SR 91 Orange County, I-10 Houston, I-15 San Diego currently |
## Express Lanes Maintenance

### Summary
Reliability of tolling, ITS, communications infrastructure, and roadway surface condition are critical in meeting operational objectives of Express Lanes and providing a consistent experience to the user. Each must meet certain performance criteria. Because Caltrans’ maintenance forces are resource-limited and subject to effects of State budget crises, recommended is that, post-legislation, all maintenance of the Express Lane Network be contracted out by BATA, as shown in Table 3: Post-Legislation Strategy. Major exceptions are for structural components, which would require Caltrans’ performance of routine and life cycle inspection, repair, and replacement under a joint agreement with BATA.

### Background
Maintenance is defined in this discussion as inspection, assessment, repair or replacement of all technological, functional, and communicative components of the roadway, signing and tolling systems associated with Express Lanes.

While many aspects of Express Lane maintenance are no different than HOV lane maintenance, there are some components, notably tolling, ITS, communications infrastructure, and roadway surface condition that are not found on HOV lanes and are critically important to pricing and preserving level of service benefits. More importantly, reliability of these components is critical in meeting operational objectives, and they must be maintained in working condition. Disruptions and failures of equipment, procedures, and functions can have a detrimental impact upon safety, system capacity, and throughput, all of which may cause the traveling public to lose faith in BATA’s ability to operate and manage the priced transportation network.

The systems to be deployed on the Express Lanes involve highly interdependent components and subsystems – one malfunction can critically impact the ability of the system to perform at a high level. Many electronic field components will be difficult to access without lane closures. This may be due to constrained physical design associated with the Express Lanes being located next to the median barrier without pull-out shoulders, or, the need to assess multiple lanes of travel for in-field equipment. Lane closures for all but emergency situations will likely be limited per Caltrans and partnering agency requirements to periods when freeway and Express Lane use is low. Accordingly, the performance thresholds for maintenance functions will require a very high standard of compliance with built-in redundancy of hypercritical systems. Rigorous analysis of equipment durability, system design redundancies, routine preventative maintenance and other steps will be needed to minimize personnel exposure to traffic and frequency of maintenance activities. Specific protocols will be needed for the performance of routine maintenance and agreed upon periods for this performance. Emergency maintenance needs will also need to be defined. This investigation and recommendation looks at maintenance needs at a system level and provides overall recommendations for the most appropriate division of responsibilities between the partnering agencies likely to be involved.

Funding for maintenance will be subject to the respective agreements associated with project operation and oversight. Performance standards will be needed to ensure system reliability.
Currently Caltrans performs all maintenance on freeways and supporting electronic systems, either with state personnel or through third party maintenance contracts. The I-680 project will rely on Caltrans for most pavement and infrastructure functions, but the tolling system will be maintained by a systems integrator. This issue paper addresses the different business models for maintenance performance associated with Bay Area Express Lanes, which represent a subset of the current freeway roadway environment.

**Issues**

The level of maintenance will become increasingly complicated with the addition of tolling for Express Lanes. With the interdependency of tolling systems and performance monitoring capabilities, the complexity of technological configurations increases. Without a dedicated, sufficient maintenance program, correctly diagnosing problems in the case of failure may be challenged. Yet, given the need for customers to feel confident that their dollars are well spent for time savings, the ability for Caltrans or other implementing entities to meet a high level of system reliability will be critical to the success of Express Lanes in meeting their performance and revenue generation potential.

Tolling algorithms require a significant amount of detector data across multiple lanes of traffic (express lanes + general purpose lanes) in order to operate effectively. This, in turn, requires a higher level of field maintenance than is typically available. Even with augmented funding, Caltrans maintenance forces are resource-limited at present with respect to accommodating additional maintenance needs or a higher standard of maintenance compliancy, at least for functions deemed critical to the intended Express Lanes performance objectives.

**Recommendations**

Recommendations are divided into two timeframes:

- **Current direction (680 / 580 / 880-237):** CMA contracts with tolling systems integrator for the operational systems components (including necessary sensor data across multiple lanes); Caltrans contractor provides maintenance for pavement and structures, including Express Lanes.

**Post-Legislation:** Dedicated contractor(s) responsible for the tolling systems and infrastructure that can be defined as primarily serving the express lane customers, such as signing, sensors,
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<tr>
<th>Options</th>
<th>Pros</th>
<th>Cons</th>
<th>Experience</th>
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</thead>
</table>
| 1 All maintenance activities conducted by Caltrans (and/or Caltrans contractor). Agencies partnering with Caltrans may pay for some or all of the associated Express Lane maintenance from toll revenue. | - Understood by all project partners  
- Acceptable to Caltrans  
- California experiences  
- Integrated with other maintenance activities which may result in fewer lane closures | - Subject to statewide budget and staffing issues  
- Maintenance may not meet required performance standards  
- Unique competencies needed to maintain tolling, ITS, and related systems and functions.  
- Reliance upon vendor-specific maintenance procedures | Current means for handling HOV lane maintenance throughout the state. Caltrans handles Express Lane maintenance for I-15 in San Diego, including many customized traffic control applications. |
| 2 Tolling, signage, and electronic systems maintenance provided by BATA integrator. Surface pavement and markings maintenance provided by separate BATA contractor. Structural pavement, structures, and hard infrastructure provided by Caltrans and/or contractor. The responsibilities would be divided according to the risk associated with failure. | - Balance of technical and experience resources  
- Understood by all project partners  
- Performance standards are established, monitored and met | - BATA shares liability with Caltrans.  
- Requires close communication and coordination between Caltrans, BATA, contractor(s), and operations providers  
- Accountability concerns in areas of overlap (e.g., markings in buffer).  
- Less ability to share common lane closures | Employed on many HOT lanes nationally, including SR 91 in Orange County |
| 3 All maintenance activities conducted by BATA through contractor or a public/private partnership (PPP). For PPP, performance specifications would address system reliability, safety, lane and road closures for routine and extraordinary maintenance. | - Interagency disputes over maintenance responsibilities are eliminated  
- Profit/penalty motive  
- Performance standards are established, monitored and met | - BATA shares liability with Caltrans.  
- Loss of immediate control  
- Coordination with Caltrans  
- Potential mismatch between life-cycle cost of maintaining high resources and cost of repairs | None to date on HOT lanes. This approach is popular for traffic management in other countries (e.g., UK Highways Agency) and in some states for maintenance of ITS systems (New York, Florida) |
**Attachment E: Incident Management**  
**MTC Concept of Operations for the Bay Area Express Lane System**

<table>
<thead>
<tr>
<th>Incident Management</th>
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<tr>
<td><strong>Background</strong></td>
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<tr>
<td>A pivotal issue influencing the efficacy, user demand and resulting revenue of an Express Lane system will be driven by the level of reliability afforded customers. The ability to manage Express Lanes rests not only with the toll algorithms that help regulate demand, but by the ability to quickly detect and respond to incidents that can slow or shut down a physically constrained (typically single-lane) operating environment. The level of roadway detection and monitoring capability may not only need to be better than found on other general purpose lanes, it must be maintained at a high level of functional reliability. These functional requirements need to be defined and implemented as part of the ITS system which supports Express Lanes. The roles of various agencies, level of engagement and dedication within these agencies needs to be assessed to determine the most practicable method for achieving these functional requirements both for near-term and long-term projects. At present the 580/680 project will open with a protocol that calls for the ITS integrator to monitor output from sensors along the Express Lane and to tell the TMC an incident has been detected, and then the TMC determines the appropriate response.</td>
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<tr>
<td><strong>Issues</strong></td>
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<tr>
<td>Sustaining a high level of reliability above that which is currently provided to the area’s freeway system means that monitoring, incident detection and response functions need extraordinary attention, particularly in a highly constrained setting where limited buffers and inside shoulders will be available. Caltrans’ HOV manual, the basis for incident management on the Bay Area’s HOV network, implies that incidents in the Express Lanes will cause travelers to simply merge onto the general purpose lanes as appropriate – an acceptable situation until the incident can be safely and effectively cleared. Express Lane operations, though, require additional attention to sustaining travel time reliability, as a toll payment creates an implicit contract with customers. Responding to the need to effectively, safely, and quickly clear incidents in the Express Lanes, partnering agencies are concerned that the current proposed business model for the I-680 Express Lane does not work, in which a difficult hand-off occurs between those monitoring and responding to incidents. For I-680, a dedicated person will oversee Express Lane operations remotely, report any incidents to the TMC incident manager, who in turn processes this report like any other incident to CHP and other response personnel who mobilize in the field. Under this approach HOT lanes are given no better means of detecting and responding to incidents than the general purpose lanes. Due to the remoteness of the monitoring function, hand-off may not even be as good. Additional statewide staffing issues are hindering dedicated staffing further.</td>
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<tr>
<td><strong>Recommendation</strong></td>
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<tr>
<td>Recommendations are divided into two timeframes:</td>
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<tr>
<td>- <strong>Current direction (680 / 580 / 880-237):</strong> Rely on TMC for incident response with augmented capabilities. The operator will augment TMC capabilities with dedicated personnel to monitor and detect incidents on the Express Lanes, directly notify TMC or affected agency support personnel for minor events, and provide additional resources for in-field response (such as enhancements to freeway service patrol and on-call wrecker services).</td>
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<tr>
<td>- <strong>Post-Legislation:</strong> Dedicated Express Lanes incident surveillance and management housed within the TMC. This operation would be staffed 24 hours per day, 7 days per week by operator staff and/or a third party contractor on a performance-based contract which includes field incident detection systems. This functional system would be separate from the tolling systems integrator role and comprise the incident management for express lane operation.</td>
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<tr>
<td>Options</td>
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| 1 | Implement a separate TMC that addresses Express Lanes, perhaps as part of a PPP for operations and maintenance systemwide. | • Improved accountability for incident response  
• Higher incident detection and reaction time  
• Cost efficiencies if pursued in conjunction with programmatic O&M considerations | • High cost if pursued independently from Express Lanes O&M  
• Need to coordinate many response actions anyway with the TMC for major incidents which affect both facilities  
• Redundancy in corridor incident management investment  
• Overlapping agency roles/functions organizationally | Various PPP endeavors globally, where incident management is self-contained within the operations, as performance triggers are associated with operational data inclusive of incidents. |
| 2 | Implement a PPP as a subset to the existing TMC and related agency functions. This function would also be responsible for hardware and communications interface between the TMC and field equipment for the Express Lanes only. | • Improved accountability for incident response  
• Higher incident detection and reaction time  
• Performance based payments/penalties if a PPP | • Potential high cost (capital and O&M)  
• Need to coordinate many response actions anyway with the TMC for major incidents which affect both facilities  
• Redundancy in corridor incident management investment  
• Overlapping agency roles/functions organizationally | South Florida SunGuide PPP, with contractor providing flexible staffing and resource allocation to project. |
| 3 | Rely on existing TMC staffing structure, with dedicated staffing positions funded by Express Lanes to augment specific needs associated with the Express Lanes system. Handle communication and field equipment needs separately, either through dedicated public agency staff positions, contractor, or PPP. | • Corridor management activities are handled by one entity, reducing overlapping roles  
• Coordination inherently accommodated for incidents on both Express Lanes and general purpose lanes  
• Flexibility in staffing positions | • Established Express Lanes funding may not yield realized staffing  
• No hook (such as performance penalties) for personnel to provide priority treatment to Express Lanes operations  
• Personnel may lack specialized training for Express Lanes management  
• Insufficient resources for in-field response given existing structure  
• Communication complexities | Most contemporary HOT lanes, including SR-167, I-394, I-25, and others. |
<table>
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<tr>
<th>4</th>
<th>Inclusive of Option 3, with additional functions, notably field response through service patrols, for more rapid response time to all minor events not typically handled through the TMC.</th>
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<td>- Corridor management activities are handled by one entity, reducing overlapping roles</td>
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<td>- Communication complexities</td>
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Attachment F: On-Site Enforcement
Draft MTC Concept of Operations for the Bay Area Express Lane System

Role of On-Site Enforcement

Summary
This paper focuses on violation enforcement and outlines the scenarios in which CHP would be needed to cite vehicles. While CHP performs HOV occupancy and moving violation enforcement as part of their current duties on the freeway system, Express Lane projects will require a more active level of enforcement to minimize violators so that the lane maintains a proper level of service to eligible vehicles. By requiring switchable transponders in all vehicles and using a license plate recognition system, the spectrum of violations enforced by CHP is reduced, as is the percentage of non-violators pulled over.

Future updates to this paper will flesh out other roles needed of CHP and the infrastructure that will be in place for CHP to perform their duties. Discussion will continue take place at the Operations Technical Working Group meetings between partner agencies (including CHP), and will include:

- Templates for CHP vehicle observation and enforcement zones based on CHP’s desire to observe in the median and enforce on the right.
- Protocol for closure of an express lane or for redirecting general purpose traffic into an express lane.
- Estimates of necessary CHP staffing levels and reimbursable costs.

Background
In California, early Express Lanes on I-15 in San Diego and SR 91 in Orange County tried to apply technology to best address toll evasion, with a realization that an on-site police presence was needed for occupancy enforcement and a variety of other offenses. While CHP performed HOV occupancy and related enforcement on buffer crossing and speeding as part of other duties on the freeway system, Express Lane projects provided dedicated funding through contracts with CHP for their presence to ensure project operational goals were being met. These early projects employed observation booths at the toll zone to monitor the traffic stream and required self declaration of carpools into a dedicated lane closest to the booth where occupants could be more easily confirmed. Over time, the adaption of beacons in the vicinity of the toll zone allowed officers in patrol cars located downstream to observe who had and had not paid a toll in order to focus only on toll-exempt vehicles to confirm occupancy. Observation booths were relied on less and less, and no new project or project extension is employing them. Later practice on the I-15 extension has added a different colored beacon to distinguish vehicles with active accounts who have paid and those who are traveling the lane without paying a toll. Experience and adopted practice from these projects has created an implicit set of assumed requirements for.
newer projects coming on-line in northern and southern California with respect to enforcement, police roles and infrastructure needs to support those roles.

Assumptions for the Express Lane Network include:

- Some users, typically including HOVs, motorcycles and hybrids, will be allowed free use of the Express Lane.
- Transponders that allow vehicles to self-declare occupancy will be required for all vehicles.
- Toll zones will be located at system entry points. Separation between general purpose and express lanes will be a painted double-solid striped line.
- Dedicated police need to be present for any of a variety of traffic offenses including occupancy violations, buffer crossing and related moving offenses. CHP prefers toll evasion not be in the realm of responsibility for enforcement personnel.
- Fully automated vehicle occupancy verification (AVOV) systems remain a long-term strategy only, and do not constitute a viable option for the short-term concept of operations.

| Issues |

CHP’s preference is to have enforcement in the Express Lane be as close to automated as possible. This is founded in the desire to minimize risk and exposure to on-site enforcement personnel, reduce reliance on dedicated staffing and improve the efficacy of the enforcement monitoring and apprehension process. Operational and design decisions addressed in other ConOps chapters will change the role of enforcement. Some example role changes include the following:

- If all vehicles can be tracked through the lanes using toll and license plate recognition at frequent intervals, is there a need to pursue vehicles for toll evasion?
- If all vehicles are required to carry transponders, is there a need to confirm who has an active account or whether they have paid?
- If switchable transponders are adopted for drivers to self declare their status as an HOV (2-occupant or 3+) or non-HOV, what level of on-site occupancy verification is needed to achieve a desired compliance rate?
- Can changes in the above concepts increase the percentage of positive violations as a result of CHP pullovers?

These decisions will influence, and be influenced by, the design, infrastructure on-site enforcement roles. These roles could again change in the future if a more satisfactory and acceptable means of occupancy enforcement monitoring technology is adopted. The current definition of the Express Lanes network affects how violations are enforced:

- Express Lanes are HOV lanes with a toll-use allowance. Under this definition, the
The express lanes network is essentially an HOV network with a new allowance for toll-paying users. Violations of the facility’s eligibility criteria are occupancy violations, and California statutes determine fines and consequences of violation. The alternative, which is not being pursued in the current legislation, would be if the Express Lanes were toll facilities with an incentive for HOVs. Under this definition, the express lanes network is a toll facility network. HOV users receive an incentive (free use of the facility), but violations of the eligibility criteria are interpreted as toll violations.

**Recommendation**

Recommendations are divided into two timeframes:

- **Current direction (680 / 580 / 880-237):** Without enabling legislation for license-plate recognition, the ability to automatically enforce toll transactions compliance is constrained. Some components will still be available – such as beacons for indicating a successful transaction occurred (including zero dollar transactions) and switchable transponders – without LPR capabilities. In this regard, CHP would operate under contract to provide the following enforcement roles (Option 1): Toll evasion; Occupancy violation; Buffer crossings; and Moving violations.

- **Post-Legislation:** Under contract to BATA, CHP will provide enforcement for occupancy violations and moving violations only (Option 2). Toll evasions will be enforced separately via LPR and other in-field technologies.
<table>
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<tr>
<th>Options</th>
<th>Pros</th>
<th>Cons</th>
<th>Experience</th>
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</table>
| 1 | If assumptions of switchable transponders and license plate recognition are not validated, maintain same approximate level of CHP enforcement under contract as initial projects open with roles not substantially changed, but reduce overall level of staffing as the network expands (more officers cover more miles). | • Current practice.  
• Can be modified as technology develops. | Requires a large and active role for CHP to enforce lanes, thereby ensuring network financial viability.  
• Increased costs (requires both increased infrastructure and O&M) | Adopted on HOT lanes in most locations. |
| 2 | If assumptions of switchable transponders and license plate recognition are validated, focus CHP role on enforcement of occupancy declaration status. Inspection would be primarily at various toll zones using beacons to support the CHP role of occupancy verification of declared vehicles. Vehicles without carpool declaration will be tolled and processed via the transactional system and license plate recognition. BATA would monitor the level of compliance and disposition of citations associated with this offense (when compared to current practice) with the goal of reducing the concentration of dedicated enforcement staffing as the network is expanded. | • Reduces exposure to officers  
• Increases positive-violation rate from CHP pullover actions; reduces false-positives  
• Potential PPP model for the future | May adversely affect citations upheld (buffer crossing vs. occupancy infraction alone)  
• Level of on-site enforcement presence may be less than desired | Used on Bay Bridges, SR 125, TCA toll roads, as well as the I-10 (Houston) and I-95 (Miami) HOT lanes. To be tested on Atlanta HOT lanes. It should be noted that I-10 and I-95 are considered toll facilities free to HOVs, not HOV facilities that permit toll-paying vehicles. |
| 3 | Except for project introduction, do not employ regular dedicated enforcement. Assume electronic monitoring and self declaration through transponders is sufficient to achieve a reasonable level of compliance. | • Reduces exposure to officers  
• Acceptable PPP model  
• Reduced operation cost | Questionable compliance  
• Possible degradations in service or acceptance  
• Need for some on-site enforcement presence | None to date on HOT lanes. Practiced off-peak on TCA toll roads in Orange County, and on some rural toll roads in the US. None involve occupancy enforcement. |
## Toll Enforcement Systems

### Background

Tolling enforcement involves the process of being able to differentiate who has paid and who has violated the Express Lane. Current transponders that are Title 21 compliant have a track record of working reasonably well for electronic toll applications, but do not write to the transponder tag, so there is no information on the tag for instant enforcement verification purposes. The transponders currently do not provide any means of determining or declaring vehicle occupancy, but adopting a switchable transponder could help users self declare. The level of accuracy associated with transponder missed reads is also an issue.

### Issues

While current technology can be applied to promote a high level of tolling enforcement reliability, both buffer crossing and occupancy enforcement must be performed in the field manually by CHP under contract. CHP must be able to detect if a toll was paid and compare that record with the car’s occupancy. It is preferred that CHP know this information in real-time as the traffic is moving past them. The approach most commonly applied is to use beacons that light up depending on whether or not a transaction was made; officers can view the beacons at the toll reader sites. CHP can average 3-4 stops per hour; a more effective means of facilitating enforcement that is less reliant on CHP is sought.

### Recommendation

**Near Term**—

The following measures are recommended:

- License Plate Recognition to augment toll zones
- Beacons for CHP at each toll zone
- On-board mobile tag and account readers (in some form) for CHP.

Most of the options listed are feasible for near-term implementation if no state legislation is required. LPR is practiced on a number of toll roads in the state, as well as on area bridges. The current trend nationally is towards Options 2 and 3 for new HOT lanes being implemented. The preferred approach is Option 4, which would require a combination of Options 1, 2 and 3; this would limit CHP roles, making it easier and more efficient for them to perform the on-site functions that are still needed. Projects need to provide enhanced tools to CHP so they can perform safe monitoring of traffic and eliminate the number of unnecessary stops that result from malfunctioning transponders. Technology could be installed to assist with toll collection and violation processing without CHP presence, which also serves as a deterrent when CHP is not present.
Long Term: 5-10 years out

Ways of testing and adopting automated vehicle occupancy systems to reduce CHP presence and exposure is desired, but no near-term technology or strategy is likely to become prevalent and accepted. Longer term GPS solution or new mileage based tax technology might be available.
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<th>Options</th>
<th>Pros</th>
<th>Cons</th>
<th>Experience</th>
</tr>
</thead>
</table>
| 1       | Rely on current strategies in which dedicated CHP support will be contracted to provide for enforcement of all forms of Express Lane violations. They would be given portable equipment to help identify who has an active transponder account; such equipment could access the transponder database to determine a recent transaction if the offending driver is stopped. Placing a violation beacon on the gantry for CHP monitoring will still result in stops of drivers whose transponders were not read or had malfunctioned. | • Missed tag reads  
• Higher reliance on CHP | Current FasTrak® technology without license plate recognition is the only approach being proposed on Bay Area HOT lanes on I-680. I-394 (Minneapolis) and I-10 (Houston) also rely on this approach. Houston also uses a hotline for civilian enforcement. |
2 Adopt a policy that all HOT vehicle classes must have a transponder, regardless of whether they get discounted or free use. This adoption would not require a change in state legislation and would be consistent with BATA policy being implemented for HOVs in bypass lane approaches to bridge toll plazas. This approach relies on the same enforcement field capabilities as Option 1, but makes it easier for CHP to use portable devices since all vehicles would have active accounts that could be shown on beacons and in-vehicle equipment. Failure rates for missed transponder reads would not be addressed under this option.

- Better HOT lane management
- Easier enforcement for CHP since all users would have tags
- Higher capital and O&M cost to sign up carpoolers.
- Existing HOVs are impacted by a registration requirement
- Vehicle owners who do not want to register will be discouraged from casual carpooling.

A growing number of HOT lane projects require all vehicles to carry a transponder to ease enforcement. The first such project to require transponders for all was SR 91. More recently I-95 (Miami) and I-10 (Houston) require all users to carry transponders, even if they are free. Los Angeles Express Lane projects may also take this approach. In addition, the toll bridges are moving in the direction of requiring all carpoolers to have an account if tolling of carpools begins.
<table>
<thead>
<tr>
<th></th>
<th>Apply License Plate Recognition (LPR) to augment transponder reads. This approach would compensate for any missed tag reads, but requires all vehicles to have transponders similar to Option 2.</th>
<th>McI. lower incidence of missed tolls</th>
<th>Requires legislation if LPR is the primary source of tolling.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Lower enforcement costs and higher effectiveness without as much reliance on CHP.</td>
<td>Higher incremental cost for camera infrastructure investment and O&amp;M (back office processing).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>FasTrak® technology in conjunction with license plate recognition cameras is applied by BATA for bridges. There does not appear to be a need for any change in legislation in applying cameras as a ‘back up’ toll/violation enforcement system.</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Combination of Options 1, 2, and 3 (for cost comparison purposes, this approach would assume a lower level of CHP dedicated presence than for other options). Adoption would represent the highest level of compliance obtainable for current technology.</td>
<td>Most effective means of ensuring toll collection and automating all but occupancy violations.</td>
<td>Requires legislation if LPR is the primary source of tolling.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Reduces CHP enforcement needs to capturing LOVs whose transponders are set to HOV.</td>
<td>Highest cost option</td>
</tr>
<tr>
<td></td>
<td></td>
<td>This combination approach is applied on SR 91, SR 125 and on TCA toll roads in Orange County and will be applied on I-85 HOT lanes in Atlanta.</td>
<td></td>
</tr>
</tbody>
</table>
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority  
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Federal Stimulus II: Jobs for Main Street Act of 2010 - Project Sponsor Resolution

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

ACTION ITEM

RECOMMENDATION:

Adopt a resolution certifying that VTA is an eligible and responsible sponsor for transit operating assistance, preventive maintenance, hybrid bus purchase and highway projects. Authorize the General Manager to submit applications for up to $120,000,000 of Jobs for Main Street Act 2010 funding for these projects and authorize the General Manager to execute agreements with Caltrans as necessary to receive these grants.

BACKGROUND:

On December 15, 2009, the United States House of Representatives passed the Jobs for Main Street Act of 2010, which is intended to provide a second round of Economic Stimulus funding for infrastructure investment.

The Bill provides $27.5 Billion, nationwide, for roadway infrastructure and $8.4 Billion, nationwide, for transit infrastructure. The share of funds coming to California, Santa Clara County and VTA has yet to be determined as of the writing of this memo. However, for planning purposes, the Metropolitan Transportation Commission (MTC), has advised VTA to assume that the same level of funding provided by the American Recovery and Reconstruction Act (ARRA) of 2009 will be available. To date, approximately $60 million has been programmed to VTA-sponsored or VTA-supported transportation projects and activities.

The bill imposes even more stringent timely-use-of-funds requirements than ARRA. One half of
the funds must be under contract within 90 days of apportionment, and the remainder within one year. The anticipated schedule for the Bill is to advance through remaining Congressional steps and be signed by the President by mid-February 2010.

**DISCUSSION:**

In order to meet this short timely use of funds requirements, VTA, as a potential project sponsor, needs to initiate certain administrative processes now, one of which is adopting a resolution of local support for VTA's projects.

VTA anticipates submitting applications for operating assistance, preventive maintenance, additional hybrid bus purchases and highway projects. VTA staff therefore recommends that the VTA Board adopt the resolution included in Attachment A for up to $120 million in new economic stimulus funding for these projects.

As the program is further defined by the final Bill and State and regional guidelines for project selection are established, VTA will produce a specific, final list of candidate projects for submittal to MTC and State Department of Transportation.

**ALTERNATIVES:**

There are no viable alternatives if VTA wishes to apply for new economic stimulus funding.

**FISCAL IMPACT:**

Up to $120 million in new Federal Economic Stimulus funding may be made available to VTA for transit operations, preventive maintenance, highways and other capital projects.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Congestion Management Program & Planning Committee (CMPP) met as a Committee of the Whole on January 21, 2010. The Committee considered this item and recommended it be forwarded to the Board for consideration.

Prepared by: Celeste Fiore
Memo No. 2457
Resolution of Local Support  
Jobs for Main Street Act of 2010 Funding  

Resolution No. 

Authorizing the filing of an application for federal Jobs for Main Street Act of 2010 funding and stating the assurance to complete the project

WHEREAS, Santa Clara Valley Transportation Authority (VTA) (herein referred to as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for up to $120,000,000 in funding from the federal Jobs for Main Street Act of 2010 (herein referred to as the ACT) for TRANSIT OPERATING ASSISTANCE, PREVENTIVE MAINTENANCE, HYBRID BUSES AND HIGHWAY PROJECTS (herein referred to as PROJECTS) for the Metropolitan Transportation Committee (MTC) Regional ARRA Program (MTC Resolution No. 3885) (herein referred to as PROGRAM); and

WHEREAS, pursuant to the ACT, and any regulations and/or guidance promulgated thereunder, eligible project sponsors wishing to receive PROGRAM funds for a project shall submit an application first with the appropriate Metropolitan Planning Organization (MPO) for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the MTC is the MPO for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised applicable to the ACT) and has adopted in MTC Resolution No. 3885 such additional requirements as are necessary or appropriate to meet the obligations/award deadlines in the ACT; and

WHEREAS, ACT funds for transit projects are provided through Federal Transit Administration Formula Programs (23 U.S.C. §53); and

WHEREAS, APPLICANT is an eligible project sponsor for FTA Section 5307, Section 5309 FG, or Section 5311 funds; and

WHEREAS, APPLICANT is an eligible project sponsor for ACT funds; and

WHEREAS, as part of the application for ACT funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

1) that the sponsor understands that the grant funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional ARRA or other MTC-programmed funds; and

2) that PROJECTS will comply with the procedures specified in MTC’s Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and with all project-specific requirements as set forth in MTC’s Resolution No. 3885 and subsequent applicable resolutions; and PROJECTS as described in the application, and if approved, as included in MTC’s TIP; and

3) that PROJECTS will comply with all the project-specific requirements as set forth in the ACT and appropriate applicable regulations or guidance.
NOW, THEREFORE, BE IT RESOLVED that APPLICANT is authorized to execute and file an application for funding under the PROGRAM for PROJECTS; and be it further

RESOLVED that the APPLICANT by adopting this resolution does hereby state that:

1. APPLICANT understands that the grant funding for PROJECTS is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional ACT or MTC-programmed funds; and

2. APPLICANT understands the funding deadlines associated with these funds and will comply with the applicable provisions and requirements of the Regional ARRA Program (MTC Resolution No. 3885) and subsequent applicable resolutions and the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, as revised); and

3. PROJECTS will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP; and

4. PROJECTS will comply with all the project-specific requirements as set forth in the ACT and appropriate applicable regulations or guidance; and be it further

RESOLVED that there is no legal impediment to APPLICANT making applications for the funds; and be it further

RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECTS, or the ability of APPLICANT to deliver such PROJECTS; and be it further

RESOLVED that APPLICANT authorizes General Manager, or his designee to execute and file an application with MTC for ACT funding for the PROJECTS as referenced in this resolution; and be it further

RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and be it further

RESOLVED that the MTC is requested to support the application for the PROJECTS described in the resolution and to include the PROJECTS, if approved, in MTC's TIP.

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

AYES: __________________________
NOES: _______________________
ABSENT: _______________________

Sam Liccardo, Chairperson
Board of Directors

ATTEST: _________________________
Approved as to Form:

Sandra Weymouth, Board Secretary
General Counsel
## ATTACHMENT B
### Santa Clara County Jobs for Main Street Projects

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Total Jobs for Main Street Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Highway Projects</strong></td>
<td></td>
</tr>
<tr>
<td>I-880/Route 237 Highway Interchange Planting - Construction</td>
<td>$2,600,000</td>
</tr>
<tr>
<td>I-280/I-880/Stevens Creek (Phase 3 - NB I-880/SC I/C) - PS&amp;E</td>
<td>$2,500,000</td>
</tr>
<tr>
<td>I-880 Coleman Avenue I/C Replacement Planting</td>
<td>$1,701,000</td>
</tr>
<tr>
<td>SR 237 - Calaveras Blvd Widening - PE</td>
<td>$3,700,000</td>
</tr>
<tr>
<td>Route 237 Express Lanes in Santa Clara County from I-880 to Mathilda Avenue - PE</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Route 237 Express Lanes in Santa Clara County from I-880 to Mathilda Avenue - PE</td>
<td>$4,501,000</td>
</tr>
<tr>
<td>U.S. 101 in Santa Clara County from San Mateo/Santa Clara County line to Cochrane Road - PE</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>US 101 / Mabury Road/East Taylor Interchange - PE</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Widen U.S. 101 between Monterey Highway and Route 25 - PE</td>
<td>$10,500,000</td>
</tr>
<tr>
<td>Local Streets &amp; Roads Rehab projects</td>
<td>$26,460,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$80,962,000</td>
</tr>
</tbody>
</table>

| **Transit Projects**                                                         |                                   |
| Operating 10%                                                                | $4,750,000                        |
| Preventive Maintenance                                                       | $42,754,000                       |
| Bus Fare Box Replacement                                                     | $10,000,000                       |
| Between-Car Barriers                                                        | $1,700,000                        |
| Non-Revenue Vehicle Replacement (CARB mandate)                              | $2,608,000                        |
| Traction Power Substation Rehabilitation                                     | $2,700,000                        |
| Traction Power Substation Replacement Design                                 | $1,000,000                        |
| Rail Rehabilitation Design                                                   | $1,200,000                        |
| Guadalupe Emergency Generator Upgrade                                        | $942,000                          |
| OCS Rehab Design                                                             | $500,000                          |
| UPRR Safety Improvements                                                     | $3,500,000                        |
| JPB Safety Improvements                                                     | $7,500,000                        |
| Tasman Shelter                                                               | $750,000                          |
| LRV Paint Mix Room                                                           | $350,000                          |
| Vasona Safety Improvements                                                   | $400,000                          |
| Chaboya Fence                                                               | $500,000                          |
| Laser Intrusion Detection at Hamilton Light Rail Station                     | $563,000                          |
| Chaboya Yard Hardening                                                       | $982,000                          |
| Cameras on Buses                                                             | $213,000                          |
| Additional Public Address Upgrades (TW Mixers)                               | $175,000                          |
| Traction Rehab. Phase II Design                                              | $500,000                          |
| Bus Stop Improvements                                                        | $1,000,000                        |
| Elevator and Escalator Retrofit                                              | $2,300,000                        |
| **Total**                                                                    | $86,887,000                       |
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Competitive Negotiation Resolution for SR 237/I-880 Express Connectors

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

Resolution

ACTION ITEM

RECOMMENDATION:

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 contract award adequate for VTA's needs and directing the use of competitive negotiation for the award of system integrator contract for SR 237/I-880 Express Connectors project.

BACKGROUND:

At the December 11, 2008 Board Meeting, the VTA Board of Directors approved the Silicon Valley Express Lanes Program (Program). As part of the Program, the SR 237/I-880 Express Connectors project will implement a roadway pricing system to allow for the use of unused capacity in the carpool lanes to provide congestion relief. This means that carpool lanes converted to Express Lane operations would be open for use by commuters meeting the carpool requirement and commuters that pay a fee. The fee would change dynamically in response to existing congestion levels and available capacity in the carpool lanes. Implementation of roadway pricing is also part of the Bay Area Express Lanes Network and the program that was approved by the Metropolitan Transportation Commission in April 2009 as part of their transportation plan.

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

1. Provide congestion relief through more effective use of existing roadways;
2. Provide commuters with a new mobility option; and

3. Provide a new funding source for transportation improvements including public transit.

**DISCUSSION:**

The Public Contract Code specifically authorizes VTA to award a system integrator contract using competitive negotiation upon a vote of two-thirds by the Board of Directors when procurement through normal procedures (e.g., competitive bidding based on price) would not be adequate for VTA’s needs. The competitive negotiation procurement process has previously been used by VTA. This process was used to procure low-floor light rail vehicles, low-floor articulated buses, diesel electric hybrid buses and a new bus fare collection system.

The procurement of the contractor who will perform the final design, installation, and operation of the electronic toll system is best done through competitive negotiation, rather than a competitive bid process. The competitive negotiation process helps to ensure the best value for the investment especially those involving new technologies. The estimated contract value is $2.5 million to $4 million.

In the tolling industry, contracts follow the Systems Engineering process, which first defines how the toll system will operate once installed. This operational definition is then broken down into functional requirements that are used to test the final installation. The request for proposals asks proposers to submit a preliminary concept of how they intend to deliver a system that fulfills the functional requirements. Based upon this concept, the proposers are able to develop their cost and schedule. In addition, this approach allows proposers to utilize their proprietary software and knowledge of the communications and technology industries to propose a cost-effective solution that incorporates current technology.

Inherent in this approach of selecting a contractor is variation in the types of proposed solutions and new ideas not accounted for during the development of the functional requirements. Often these proposals require clarification from the selection team in order to make sure that the functional requirements are fully understood and thereby able to be satisfactorily met. Because of the nature of the process, the best way to secure the best qualified, most cost-effective proposal is to utilize a “Best and Final Offer” (BAFO) approach. This approach permits the selection team to clarify portions of the various proposals, allows proposers to refine their proposals and costs, and typically saves cost on the project while speeding up final negotiations.

This process was recently used to select the contractor responsible for the electronic toll system on I-680 Express Lane project and is being utilized to select the contractor for the I-580 Express Lanes electronic toll system. In the case of I-680 Express Lane project, this BAFO process saved nearly $500,000 of the initial contract price.

The number of system integrators in the tolling industry is limited. However, staff anticipates receiving two to four proposals. After the initial proposals are received, an initial screening will establish a “short list” of system integrators selected for interviews. VTA will then undertake negotiations with one or more of these vendors to refine, clarify and conform initial elements of their proposal. We will then request that each proposer submit their BAFO. This process allows
VTA to consider the essential elements previously referenced as well as the price.

**ALTERNATIVES:**

Electronic toll systems can be competitively bid based on price. However, as previously noted, staff opines that the outcome will not yield the overall best product for VTA.

**FISCAL IMPACT:**

The use of competitive negotiation may result in award to other than the lowest bidder, given that other factors in addition to price are considered as part of the vendor selection process. However, using competitive negotiation is expected to provide the best value for VTA’s investment. The system integrator contract will be funded by American Recovery and Reinvestment Act Funds (ARRA) and will have to be awarded by June.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION**

The Congestion Management Program and Planning Committee met on January 21, 2010 as a Committee of the Whole and considered this item.

Prepared by: Murali Ramanujam, Leo Scott
Memo No. 2460
RESOLUTION OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY BOARD OF DIRECTORS
DIRECTING AWARD OF SYSTEM INTEGRATOR CONTRACT FOR SR 237/I-880 EXPRESS CONNECTORS PROJECT
BY COMPETITIVE NEGOTIATION

WHEREAS, pursuant to Public Contract Code Section 20306, the Board of Directors of the Santa Clara Valley Transportation Authority (VTA) may direct the award of the system integrator contract for SR 237/I-880 Express Connectors project by competitive negotiation upon a finding by two-thirds vote of all members of the Board that the award of the system integrator contract by otherwise applicable contracting provisions does not constitute a method of procurement adequate for VTA’s needs;

WHEREAS, VTA desires to award the system integrator contract for SR 237/I-880 Express Connectors project and to obtain the best value for the investment in such services, equipment and systems, and to do so various factors must be considered and refined in the procurement process, including fitness of purpose, performance reliability, standardization, life cycle costs, and support logistics;

WHEREAS, the award of the system integrator contract for SR 237/I-880 Express Connectors under competitive bidding procedures would not permit adequate consideration of the above-referenced factors;

NOW, THEREFORE BE IT RESOLVED, by the Board of Directors of the Santa Clara Valley Transportation Authority, that the award of the system integrator contract for SR 237/I-880 Express Connectors in compliance with the provisions in the Public Contract Code generally applicable to such contract award does not constitute a method of procurement adequate to VTA’s needs, and the award of the system integrator contract for SR 237/I-880 Express Connectors by competitive negotiation is hereby directed.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Transportation Authority on February 4, 2010, by the following vote:

AYES:

NOES:

ABSENT:

Sam Liccardo, Chairperson
Board of Directors

Sandra Weymouth, Board Secretary

APPROVED AS TO FORM:

Kevin D. Allmand, General Counsel
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: FY09-10 California Transit Security Grant Program - California Transit Assistance Fund (CTSGP-CTAF)

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

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a resolution authorizing the General Manager to submit and execute grant applications and agreements, certifications, assurances, and other documents as necessary to the California Emergency Management Agency (CalEMA) to receive $3,289,948 from the FY09-10 California Transit Security Grant Program-California Transit Assistance Fund (CTSGP-CTAF).

BACKGROUND:

The Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006, approved by California voters as Proposition 1B at the November 7, 2006 general election, authorizes the issuance of nearly $20 billion in general obligation bonds for specified purposes, including grants for transit system safety, security and disaster response projects.

The State of California has appropriated $60 million of the Proposition 1B funds to the FY09-10 California Transit Security Grant Program-California Transit Assistance Fund (CTSGP-CTAF). VTA is eligible to receive $3,289,948 of these funds, which are administered by the California Emergency Management Agency (CalEMA). Funds are allocated to each eligible transit system based on a formula that considers population and relative fare revenue collections.

The FY09-10 CTSGP-CTAF includes a requirement that eligible transit systems applying for
funding adopt a Governing Body Resolution authorizing the submittal and execution of grant applications and agreements, certifications, assurances, and other documents as necessary to obtain financial assistance provided by Cal EMA.

**DISCUSSION:**

Cal EMA has allocated $3,289,948 to VTA to implement transit security projects. The final approval of these funds is pending Cal EMA’s receipt of a VTA Board adopted resolution authorizing the General Manager to execute the grant application and agreement, certifications, assurances, and other necessary documents.

Security projects eligible for these funds include the following:

(A) Capital projects that provide increased protection against a security or safety threat, including, but not limited to the following:

1. Construction or renovation projects that are designed to enhance the security of public transit stations, tunnels, guideways, elevated structures or other transit facilities and equipment.

2. Explosive device mitigation and remediation equipment.

3. Chemical, biological, radiological and nuclear explosives search, rescue or response equipment.

4. Interoperable communications equipment.

5. Physical security enhancement equipment.

6. The installation of fencing, barriers, gates or related security enhancements that are designed to improve the physical security of transit stations, tunnels, guideways, elevated structures or other transit facilities and equipment.

7. Other security related projects approved by Cal EMA.

(B) Capital projects that increase the capacity of transit operators to prepare for disaster-response transportation systems that can move people, goods, emergency personnel and equipment in the aftermath of a disaster.

(C) Other allowable costs under California Government Code 16727 (a) include costs directly
related to construction or acquisition, including, but not limited to, planning, engineering, construction management, architectural, and other design work, environmental impact reports and assessments, required mitigation expenses, appraisals, legal expenses, site acquisitions, and necessary easements.

The specific capital projects to be funded will come from VTA's Security Projects Prioritization Tool, which was completed in March 2009.

**ALTERNATIVES:**

The Board of Directors could choose not to accept the grant or select qualifying security projects. Cal EMA has final approval authority.

**FISCAL IMPACT:**

$3,289,948 will be made available to VTA for capital transit security projects.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION**

The Transportation Planning and Operations Committee considered this item on January 21, 2010 and unanimously recommended that the Board approve it.

Prepared by: Mike Tasosa
Memo No. 2437
RESOLUTION AUTHORIZING THE SUBMITTAL AND EXECUTION OF
GRANT APPLICATIONS AND AGREEMENTS, CERTIFICATIONS AND
ASSURANCES AND OTHER DOCUMENTS AS MAY BE NECESSARY FOR
THE PURPOSE OF OBTAINING FINANCIAL ASSISTANCE PROVIDED BY
THE STATE OF CALIFORNIA EMERGENCY MANAGEMENT AGENCY

WHEREAS, the California Emergency Management Agency (CalEMA) provides financial assistance through the State Transit Assistance (STA) funds to eligible grantees, and

WHEREAS, the Metropolitan Transportation Commission is the recipient of State Transit Assistance funds in the nine-county San Francisco Bay Area, and

WHEREAS, the Santa Clara Valley Transportation Authority (VTA) is an eligible grantee for the California Transit Security Grant Program – California Transit Assistance Fund (CTSGP-CTAF) funding through CalEMA;

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Santa Clara Valley Transportation Authority that the General Manager or the Chief Operating Officer or the Chief Congestion Management Agency Officer are hereby authorized to file and execute grant applications and agreements, certifications and assurances, and other documents as may be necessary for the purpose of obtaining financial assistance provided by the State of California Emergency Management Agency.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on February 4, 2010 by the following vote:

AYES:

NOES:

ABSENT:
Sam Liccardo, 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 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.

Date: _____________

_________________________________________________________________
Sandra Weymouth, Board Secretary

APPROVED AS TO FORM:

_________________________________________________________________
Kevin Allmand, General Counsel
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Adoption of the Wrigley Creek Improvement Project Mitigated Negative Declaration

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

ACTION ITEM

RECOMMENDATION:

Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Wrigley Creek Improvement Project and approve the Project.

BACKGROUND:

The Wrigley Creek Improvement Project (Project) fulfills the mitigation requirements and regulatory agency permit conditions for impacts to biological resources due to the Santa Clara Valley Transportation Authority’s (VTA’s) Freight Railroad Relocation/Lower Berryessa Creek Project.

The Project includes the restoration and enhancement of a portion of Wrigley Creek in the City of Milpitas by realigning the existing straight channel and creating a more natural curvilinear channel. These improvements will enhance the hydrologic and geomorphic functions of the creek such as sediment transport and deposition, fish and wildlife habitats, natural water quality improvement, and flood storage. In addition to the restoration activities, the Project includes maintenance activities requested by the City of Milpitas for sediment removal, vegetation management, and outfall repair along a section of Wrigley Creek north and south of the restoration area. These activities requested by the City are subject to a future Cooperative Agreement to be developed between VTA and the City.

DISCUSSION:

On November 25, 2009, the Santa Clara Valley Transportation Authority prepared an Initial
Study and Proposed Mitigated Negative Declaration (IS/MND) for the Project in accordance with Title 14, California Code of Regulations, Section 15063, of the California Environmental Quality Act (CEQA). The IS/MND evaluates the environmental impacts resulting from the proposed Project and includes mitigation measures to offset those impacts. Attachment A is the Project Location Map, Attachment B is the Executive Summary from the IS/MND, and Attachment C is the Mitigation Monitoring and Reporting Program.

The IS/MND was circulated for agency and public review for 34 days beginning on November 25, 2009, and ending on December 28, 2009. A Notice of Availability (NOA) was distributed through the Office of Planning and Research/State Clearinghouse and filed with the Santa Clara County Clerk on November 25. The NOA was also published in the Milpitas Post on November 26 and mailed to residents and business along the Freight Railroad Relocation/Lower Berryessa Creek Project corridor on November 30.

VTA received two comments on the IS/MND during the public comment period: one from the State Department of Transportation (Caltrans) and one from the City of Milpitas. Caltrans expressed the need for an encroachment permit when working or conducting traffic control within state right-of-way. The City of Milpitas provided updated information on two residential projects approved within their Transit Area Specific Plan. Neither comment changed the analyses or conclusions in the environmental document.

**ALTERNATIVES:**

There are no practical alternatives to the Project. As stated above, the Project fulfills the mitigation requirements and regulatory agency permit conditions for impacts to biological resources due to the Santa Clara Valley Transportation Authority’s (VTA’s) Freight Railroad Relocation/Lower Berryessa Creek Project.

**FISCAL IMPACT:**

There is no direct fiscal impact as a result of this action. The project would be funded from the Measure A funding program for capital projects. The commitment authorization for implementation of the mitigation site, estimated at approximately $2.1 million, will be the subject of a separate board memorandum.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Transit Planning & Operations Committee considered this item on January 21, 2010, and unanimously recommended that the Board of Directors approve the staff recommendation.

At the meeting, Board member Larsen asked whether a trail was considered on the project site. Staff responded that the entire site was needed for mitigation purposes to satisfy regulatory permitting requirements. Board member Larsen also asked if this project were not to go forward would that help with the current VTA budget shortfall. Staff responded that this project is funded from the capital project program, which cannot be used to offset operational costs.

Prepared by: Tom Fitzwater
Memo No. 2391
1.0 EXECUTIVE SUMMARY

This Final Initial Study / Mitigated Negative Declaration describes potential environmental effects that could result from implementation of the proposed Wrigley Creek Improvement Project. As required by the State CEQA Guidelines (Code of Regulations, Title 14, Section 15000 et seq.), the lead agency, the Santa Clara Valley Transportation Authority (VTA), is charged with the responsibility of avoiding or minimizing environmental impacts of proposed projects and balancing public objectives, including economic, social, and environmental issues. This document is intended to inform decision makers, relevant public agencies, and the general public what significant environmental effects might result from the proposed project.

The approximately 8.8-acre Wrigley Creek Improvement Project site is located along a portion of Wrigley Creek within the City of Milpitas, adjacent to Calaveras Boulevard / State Route 237 between Interstates 880 and 680. The project sponsor, VTA, proposes to restore and enhance a section of Wrigley Creek within a portion of the project site area including:

- Realign and create a more natural channel (e.g., add meanders);
- Maintain the presence of Congdon’s tarplant, a special-status plant species;
- Improve hydrologic and geomorphic functions of the creek such as sediment transport and deposition, fish and wildlife habitats, natural water quality improvement, and flood storage.

The project would mitigate for impacts identified in the environmental review of VTA’s Freight Railroad Relocation / Lower Berryessa Creek Project. In addition, VTA proposes to complete requested maintenance activities requested by the City of Milpitas within another portion of Wrigley Creek within the project site boundaries. Chapter 2.0 Description of the Proposed Project describes project components in detail.

A preliminary environmental review of the proposed project (see Chapter 3.0 Environmental Checklist) identified several topical areas that could be adversely affected and warranted additional analyses:

- Water Quality and Hydrology
- Biological Resources
- Air Quality and Climate Change
- Noise
- Aesthetics
- Cultural Resources
- Hazards and Hazardous Materials

For each topical area, environmental planners and technical specialists examined the existing conditions of these resources, evaluated potential significant environmental impacts that would result from project implementation, and identified appropriate mitigation measures for such impacts. These analyses are contained in Chapter 4.0 Environmental Setting, Impacts, and Mitigation Measures. The analyses determined that all potentially significant impacts of the proposed project could be avoided or mitigated to less-than-significant levels (see Exhibit 1.0-1). Therefore, the appropriate CEQA document for environmental review of this project is a Mitigated Negative Declaration (MND). In addition, the analyses determined that the project would result in a number of beneficial effects to Water Quality and Hydrology, Biological Resources, and Aesthetics.

Exhibit 1.0-1 provides a summary of recommended mitigation measures. Please see the appropriate topical area of Chapter 4.0 Environmental Setting, Impacts, and Mitigation Measures for the complete text.
Agency and Public Review of the Draft Environmental Document

The Initial Study / Proposed Mitigated Negative Declaration was circulated for agency and public review for 34 days beginning on November 25, 2009, and ending on December 28, 2009. A Notice of Availability (NOA) was distributed through the Office of Planning and Research / State Clearinghouse and filed with the Santa Clara County Clerk on November 25. The NOA was also published in the Milpitas Post on November 26 and mailed to approximately 4,900 residences and businesses along the Freight Railroad Relocation / Lower Berryessa Creek Project corridor on November 30.

VTA received comments from the California Department of Transportation (Caltrans) and the City of Milpitas on the document during the public comment period. This document includes responses to those comments in Chapter 5.0 Comments and Responses. Revisions to the draft document circulated for public review are shown in this final document in strikeout where text was deleted or underlined where added.
### Biological Resources

**Biology a)** Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?

Implementation of the proposed project could result in a substantial adverse effect to special-status wildlife species: nesting birds, burrowing owl, and roosting bats. This would be a less-than-significant impact with mitigation incorporation.

<table>
<thead>
<tr>
<th>Environmental Checklist Item and Impact Summary</th>
<th>Mitigation Measure Summary</th>
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<tbody>
<tr>
<td><strong>Mitigation Measure Biology-1 (Nesting Birds)</strong> To ensure that no bird nests will be disturbed during construction, a qualified biologist shall conduct preconstruction surveys for nesting birds, including raptors and songbirds, in and immediately adjacent to the impact areas (within 200 feet). Non-disturbance buffer zone(s) shall be established around identified active nests in consultation with the California Department of Fish and Game (CDFG).</td>
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<tr>
<td><strong>Mitigation Measure Biology-2 (Burrowing Owl)</strong> Within two weeks prior to any ground-disturbing project-related construction activity, the project sponsor shall have a qualified biologist conduct preconstruction surveys for burrowing owls in suitable habitat within 250 feet of the project footprint in accordance with CDFG protocol. If occupied burrows are found, impacts to them shall be avoided by establishing a buffer or through the use of passive relocation techniques. The size of the buffer area and types of construction permitted may be adjusted through consultation with CDFG.</td>
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<td><strong>Mitigation Measure Biology-3 (Roosting Bats)</strong> A pre-construction survey for roosting bats shall be performed by a qualified biologist within 30 days prior to removal of trees on the site, and prior to construction activities within 200 feet of the Calaveras Road overpass structure. If either a maternity roost or hibernation structure is present, one or more of the following mitigation measures shall be implemented:</td>
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<td>• Project redesign to avoid tree removal;</td>
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<td>• Revision of project schedule to commence tree removal before maternity colonies form (i.e., prior to March 1) or after (i.e., after July 31) young are volant (i.e., flying);</td>
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<td>• Observance of disturbance-free buffer zones as determined by a qualified biologist.</td>
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</table>
### Environmental Checklist Item and Impact Summary

**Biology a) (continued)**

- biologist in consultation with CDFG during the maternity roost season (March 1 - July 31).
- Safe eviction of individuals found in non-breeding hibernation structures under the direction of a qualified biologist in consultation with CDFG.
- Creation of replacement roosts at a suitable location on site or off site in coordination with a qualified biologist, and CDFG.

**Biology c) Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

While project construction would result in a permanent modification of waters of the State, project implementation would result in a beneficial net increase of this resource. City of Milpitas project activities (e.g., sediment removal) would adversely affect waters of State. This would be a less-than-significant impact with mitigation incorporation.

### Mitigation Measure Summary

**Mitigation Measure Biology-4 (Waters of the State)**

VTA and/or the City of Milpitas shall mitigate for temporary impacts to 1,900 linear feet of Wrigley Creek during sediment removal and other proposed activities by restoring the impact area at a 1:1 replacement. Disturbed areas will be revegetated using a native, erosion control seed mix to stabilize disturbed soils and reduce the input of sediment to the channel. VTA and/or the City of Milpitas shall quantify the amount of wetland vegetation to be removed because of the City of Milpitas project maintenance activities and coordinate with the Regional Water Quality Control Board (RWQCB). Mitigation may include removal of nonnative vegetation and replanting with native vegetation.
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<th>Environmental Checklist Item and Impact Summary</th>
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<tr>
<td><strong>Air Quality and Climate Change</strong></td>
<td>Mitigation Measure Air Quality-1 (Construction Impacts) VTA shall implement BAAQMD-recommended mitigation measures to reduce emissions of fugitive dust ($PM_{10}$ and $PM_{2.5}$) during construction activities. In addition, VTA Community Outreach staff shall be responsible for receiving, documenting, and responding to general construction and air quality concerns (i.e., dust) from neighboring properties and ensuring identified problems are corrected.</td>
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<td>(Checklist items a) through c) are considered together in Section 4.3 Air Quality and Climate Change)</td>
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<td>Air Quality a) Would the project conflict with or obstruct implementation of the applicable air quality plan?</td>
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<td>Air Quality b) Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
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<tr>
<td>Air Quality c) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</td>
<td>Mitigation Measure Air Quality-2 (GHG Emissions) VTA shall implement the following BAAQMD-recommended exhaust emissions mitigation measures during project construction:</td>
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<td>Short-term construction emissions would result in emissions of pollutants that could conflict with or obstruct implementation of the applicable air quality plan, violate or contribute substantially to an existing or projected air quality violation and/or expose sensitive receptors to substantial pollutant concentrations. This would be a less-than-significant impact with mitigation incorporation.</td>
<td>• Alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment of at least 15 percent of the fleet;</td>
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<td>Project implementation would result in construction-related greenhouse gas (GHG) emissions. This would be a less-than significant impact with mitigation incorporation.</td>
<td>• Utilize local building materials and sources (within 100 miles) for at least 10 percent of necessary supplies;</td>
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<td>• Recycle at least 50 percent of construction waste or demolition materials (e.g., sackcrete). VTA and all hired contractors shall divert as much organic or inorganic waste away from landfills, as feasible, up to or exceeding 50 percent of total material removed.</td>
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## Environmental Checklist Item and Impact Summary

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<tr>
<th>Noise</th>
<th>Mitigation Measure Summary *</th>
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| Noise a) Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or in other applicable local, State, or federal standards?  
*Short-term construction activities could result in annoyance and/or sleep disruption to occupants of the nearby existing noise-sensitive land uses and/or create a substantial temporary increase in ambient noise levels in the project vicinity. This would be a less-than-significant impact with mitigation incorporation.* | Mitigation Measure Noise-1 (Construction Impacts) In addition to adherence of provisions set forth in the City of Milpitas Municipal Code, VTA shall mitigate construction noise impacts by implementing measures including proper maintenance of construction equipment, locating temporary stationary noise generating equipment as far as possible from identified sensitive receptors, and utilization of “quiet” equipment. In addition, VTA Community Outreach staff shall be responsible for receiving, documenting, and responding to general construction and noise complaints from neighboring properties and correcting identified problems. |
| Noise d) Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  
*Short-term construction activities could result in annoyance and/or sleep disruption to occupants of the nearby existing noise-sensitive land uses and/or create a substantial temporary increase in ambient noise levels in the project vicinity. This would be a less-than-significant impact with mitigation incorporation.* | Same as Mitigation Measure Noise-1 (Construction Impacts) |
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<th>Cultural Resources</th>
<th>Mitigation Measure Summary</th>
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<td>Cultural Resources a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</td>
<td>Mitigation Measure Cultural Resources-1 (Disturbance of Subsurface Cultural Resources during Project Construction.) If subsurface cultural resources deposits are encountered during construction, work in the immediate vicinity shall be halted until a qualified archaeologist can assess the significance of the finds. The construction contract will include the following specifications regarding archaeological resources: Sub-surface construction activities, including clearing and grubbing, excavation, grading, and other earthmoving or land surface alteration activities, shall be monitored by a VTA archaeologist and/or Native American monitor, as determined by VTA. Should any archaeological or historical artifacts or skeletal material be discovered or unearthed during construction activities, all work within ten meters (~33 feet) of the find shall be halted. The contractor (subcontractor or Resident Inspector, as appropriate) shall immediately notify VTA Environmental Programs and Resources Management Department staff at (408) 321-5789, who will initiate procedures in accordance with 36 CFR 800.11 and State Law (California Public Resources Code, Section 5097.98 and Health and Safety Code, Section 7050.5 and Santa Clara County Ordinance Code Section B6-16 through B6-23). Construction activities within ten meters (~33 feet) of the find shall remain halted until authorization is obtained from the archaeologist or VTA Environmental Programs and Resources Management Department staff that construction in the vicinity of the find may recommence.</td>
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<td>Cultural Resources b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
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<td>Cultural Resources c) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
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<td>Cultural Resources d) Would the project disturb any human remains, including those interred outside of formal cemeteries?</td>
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While no discernible impacts to cultural resources, including historical, archeological, and paleontological resources and / or human remains, are anticipated, the possibility cannot be precluded that such resources are present below the ground surface and could be damaged during proposed grading and construction activities. This would be a less-than-significant impact with mitigation incorporation.
### Environmental Checklist Item and Impact Summary

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<tr>
<th>Hazards and Hazardous Materials</th>
<th>Mitigation Measure Summary *</th>
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<tbody>
<tr>
<td><strong>a)</strong> Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td>Same as Mitigation Measure Air Quality-1 for checklist items a), b), and c).</td>
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<td><strong>b)</strong> Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?</td>
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<td><strong>c)</strong> Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td>Construction and grading activities including the re-use and transport of on-site soils could result in a health risk to site workers or the public. This would be a less-than-significant impact with mitigation incorporation. Proposed construction and future maintenance activities would result in a less-than-significant impact with mitigation incorporation to an identified school within one-quarter mile of the project site.</td>
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a  This text represents a summary of recommended mitigation measures. Please see the appropriate topical area of Chapter 4.0 Environmental Setting, Impacts, and Mitigation Measures for the complete text.
MITIGATION MONITORING AND REPORTING PROGRAM
FOR THE
WRIGLEY CREEK IMPROVEMENT PROJECT

Introduction

The Santa Clara Valley Transportation Authority, as lead agency for the Wrigley Creek Improvement Project, is responsible for compliance with Section 21081.6 of the California Environmental Quality Act (CEQA), which requires a lead agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) “for the changes made to the project or conditions of project approval adopted in order to mitigate or avoid significant effects on the environment.” The Wrigley Creek Improvement Project Initial Study/Mitigated Negative Declaration (February 2010) identifies the environmental impacts of the project and discusses mitigation measures to reduce the effects.

Program Management

The Wrigley Creek Improvement Project MMRP includes the following elements:

- Identification of mitigation measures, as they appear in the Final Mitigated Negative Declaration;
- Identification of the time frame during which each measure is to be implemented and monitored;
- Identification of the party(ies) responsible for implementing and monitoring each mitigation measure; and
- Documentation of compliance activities in an MMRP Summary Report.

Actions to be performed under the MMRP typically include:

- Actions to be taken prior to construction;
- Actions to be taken during construction; and
- Actions that require monitoring following construction (operations phase).

Designated Monitor

VTA’s Environmental Programs and Resources Management Manager is the Designated Monitor responsible for implementation and enforcement of the mitigation measures for the Wrigley Creek Improvement Project. The Designated Monitor will assign monitoring tasks to field monitors, who are responsible for verifying compliance with specific mitigation measures.
Monitoring Procedures

Mitigation measures will be monitored, as specified in the attached table. Mitigation measures applicable prior to construction will be discussed with the design engineer(s) and other responsible parties or interested stakeholders. Mitigation measures applicable during construction will be discussed with appropriate VTA personnel, construction contractors, and other responsible parties. Mitigation measures applicable following construction will be discussed with appropriate VTA personnel and other responsible parties. These measures will be monitored as conditions dictate and all parties will be kept informed, as necessary, of compliance status and any corrective action. Mitigation measures applicable following construction will be monitored with compliance and non-compliance activities communicated to the appropriate parties.

Reporting Requirements

The Designated Monitor will submit an MMRP Summary Report to VTA management and appropriate staff, and to any individuals and agencies that request monitoring reports, following completion of construction. Copies of reports may be obtained by contacting the VTA Environmental Programs and Resources Management Department, 3331 North First Street, San Jose, CA 95134.

Non-compliance

If noncompliance with any mitigation measure is determined, the Designated Monitor will recommend appropriate corrective action to the party(ies) responsible for implementation. Noncompliance and corrective action information will be included in the report.

Refinement or Addition of Mitigation Measures

During the Final Design phase, circumstances may arise that require the revision or addition of a mitigation measure. The Designated Monitor will make appropriate recommendations and ensure the implementation and enforcement of any revised MMRP requirements.
<table>
<thead>
<tr>
<th>Environmental Issue: Nesting Birds</th>
<th>Measure #</th>
<th>Mitigation Measure</th>
<th>Timeframe for Implementation</th>
<th>Responsibility for Implementation</th>
<th>Oversight for Implementation</th>
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<tr>
<td>Biology-1</td>
<td>Biology-1</td>
<td>To ensure that no bird nests will be disturbed during construction, preconstruction surveys for nesting birds, including raptors and songbirds, shall be conducted by a qualified biologist. The surveys will be conducted no more than five days prior to the initiation of construction activities. During these surveys, a qualified biologist shall inspect all potential nesting habitat (e.g., trees, shrubs, grasslands, etc.) in and immediately adjacent to the impact areas (within 200 feet) for nests. A report of the survey findings shall be provided to VTA and CDFG. All vegetation with active nests shall be flagged and an appropriate non-disturbance buffer zone shall be established around the nesting site. The size of the buffer zone will be determined by the project biologist in consultation with CDFG and will depend on the species involved, site conditions, and type of work to be conducted in the area. If cliff swallows are found nesting under the Calaveras Boulevard overpass, a no-disturbance buffer shall be established by the project biologist in consultation with CDFG. Inactive swallow nests can be removed prior to the breeding season. Evidence suggests the swallows previously nested in cavities within the overpass structure, where the nests are inaccessible. Additional measures shall be developed to deter nesting in coordination with CDFG, and may include installation of netting across cavity openings prior to the onset of the breeding season.</td>
<td>Prior to and during construction</td>
<td>VTA Environmental Programs and Resources Management Department</td>
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<td>Biological Resources: Burrowing Owls</td>
<td>Biology-2</td>
<td>Within two weeks prior to any ground-disturbing project-related construction activity, the project sponsor shall have a qualified biologist conduct preconstruction surveys for burrowing owls in suitable habitat within 250 feet of the project footprint. Surveys shall be conducted in accordance with CDFG protocol. If there is more than a two week break in construction activities, surveys will be reinitiated. If no occupied burrows are found in the survey area, a letter report documenting survey methods and findings shall be submitted to CDFG, and no further measures will be necessary. If occupied burrows are found, impacts to them shall be avoided by establishing a buffer of 165 feet during the non-breeding season (i.e., September 1 through January 31) or 250 feet during the breeding season (i.e., February 1 through August 31) for all project-related construction activities. The size of the buffer area may be adjusted if a qualified biologist and CDFG determine project-related construction activities would not be likely to have adverse effects. No project-related construction activity shall commence within the buffer area until a qualified biologist confirms that the burrow is no longer occupied, or consultations with CDFG specifically allow certain construction activities to continue.</td>
<td>Prior to and during construction</td>
<td>VTA Environmental Programs and Resources Management Department</td>
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<td>If avoidance of occupied burrows is infeasible for project-related construction activities, onsite passive relocation techniques approved by CDFG shall be used to encourage owls to move to alternative burrows outside of the impact area. However, no occupied burrows shall be disturbed by project-related construction activities during the nesting season unless a qualified biologist verifies through noninvasive methods that the burrow is no longer occupied. If burrowing owls are found to inhabit the site, contractor education shall be conducted prior to start of construction to inform workers of measures being taken to protect owls onsite and stop work procedures if they move into the construction area.</td>
<td>Prior to and during construction</td>
<td>VTA Environmental Programs and Resources Management Department</td>
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<tr>
<td>Biological Resources: Roosting Bats</td>
<td>Biology-3</td>
<td>A pre-construction survey for roosting bats shall be performed by a qualified biologist within 30 days prior to removal of trees on the site, and prior to construction activities within 200 feet of the Calaveras Road overpass structure. If no active roosts are found, then no further action would be warranted. If either a maternity roost or hibernacula (i.e., structure used by bats for hibernation) is present, the following mitigation measure shall be implemented. If active maternity roosts or hibernacula are found in trees that would be removed as part of project construction, the project shall be redesigned to avoid the loss of the occupied roost if it is possible to do so. If an active maternity roost is located and the project cannot be redesigned to avoid removal of the occupied structure, tree removal will commence before maternity colonies</td>
<td>Prior to and during construction</td>
<td>VTA Environmental Programs and Resources Management Department</td>
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### Environmental Issue

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| **Biological Resources: Waters of the State**  
(impacted due to City Biology-4) | VTA and / or the City of Milpitas shall mitigate for temporary impacts to 1,900 linear feet of Wrigley Creek during sediment removal and other proposed activities by Prior to, during, and following construction | City of Milpitas | VTA Environmental Programs and |
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<td>of Milpitas project component [maintenance activities])</td>
<td>restoring the impact area. Disturbed areas will be seeded with an erosion control seed mix to stabilize disturbed soils and reduce the input of sediment to the channel. The seed mix will include only native species appropriate to the area. Implementation of the SWPPP and BMPs (see Section 4.1 Water Quality and Hydrology) would also minimize impacts to waters of the State. VTA and/or the City of Milpitas shall quantify the amount of wetland vegetation to be removed because of the City of Milpitas project maintenance activities and coordinate with the RWQCB 21 regarding the appropriate mitigation for the temporary loss of wetlands. A minimum of 1:1 replacement shall be required. Mitigation may include removing nonnative vegetation along the 1,900-linear foot section of Wrigley Creek and replanting with native vegetation. This would include planting wetland vegetation to offset any impacts to wetland habitat due to the City of Milpitas project activities.</td>
<td>During construction</td>
<td>VTA Construction, Contractors, and Subcontractors, VTA Community Outreach</td>
<td>Resources Management Department</td>
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| Air Quality: Construction Impacts | Air Quality-1 | VTA shall implement the following BAAQMD-recommended mitigation measures to reduce emissions of fugitive dust (PM10 and PM2.5) during construction activities:  
- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.  
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.  
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry | During construction | VTA Environmental Programs and Resources Management Department |  

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<td>Power Sweeping</td>
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<td>Power sweeping is prohibited.</td>
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<td>▪ All vehicle speeds on unpaved roads shall be limited to 15 mph.</td>
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<td>▪ All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.</td>
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<td>▪ Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</td>
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<td>▪ All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</td>
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<td>▪ VTA Community Outreach staff shall be responsible for receiving, documenting, and responding to general construction and air quality concerns (i.e., dust) from neighboring properties. Community Outreach staff shall consult with the contractor to identify the source of the concerns and determine if proper notification and protocol were issued and followed and if not, implement reasonable measures to correct the problem. VTA shall conspicuously post a telephone number for Community Outreach at the construction site and include it in notices sent to</td>
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| Air Quality:        | Air Quality 2 | VTA shall implement the following BAAQMD-recommended exhaust emissions mitigation measures during project construction:  
- Alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment of at least 15 percent of the fleet;  
- Utilize local building materials and sources (within 100 miles) for at least 10 percent of necessary supplies;  
- Recycle at least 50 percent of construction waste or demolition materials (e.g., sackcrete). VTA and all hired contractors shall divert as much organic or inorganic waste away from landfills, as feasible, up to or exceeding 50 percent of total material removed | During construction         | VTA Construction, Contractors, and Subcontractors                                                   | VTA Environmental Programs and Resources Management Department |
| Greenhouse Gas       |           | neighbors regarding the anticipated scope of work and construction schedule.                                                                                                                                                                                                 |                              |                                                                                                  |                             |
| Emissions           | Noise-1   | In addition to adherence of provisions set forth in the City of Milpitas Municipal Code (discussed above), VTA shall mitigate construction noise impacts by implementing the following measures:  
- Properly maintain construction equipment and equip with appropriate noise control features, such as mufflers, in accordance with manufacturers’ specifications;  
- Locate temporary stationary noise generating equipment as far as possible from identified sensitive receptors; | During construction         | VTA Construction, Contractors, and Subcontractors, VTA Community Outreach                           | VTA Environmental Programs and Resources Management Department |
<p>| | | | | | |
|                      |           |                                                                                                                                                                                                                     |                              |                                                                                                  |                             |</p>
<table>
<thead>
<tr>
<th>Environmental Issue</th>
<th>Measure #</th>
<th>Mitigation Measure</th>
<th>Timeframe for Implementation</th>
<th>Responsibility for Implementation</th>
<th>Oversight for Implementation</th>
</tr>
</thead>
</table>
| Cultural Resources: | Cultural         | - Utilize “quiet” air compressors and other temporary stationary noise sources (e.g., generators) where technology exists;  
- Radios shall be controlled so as not to be audible outside the project site; and  
- VTA Community Outreach staff shall be responsible for receiving, documenting, and responding to general construction and noise-related concerns from neighboring properties. Community Outreach staff shall consult with the contractor to identify the source of the concerns and determine if proper notification and protocol were issued and followed (e.g., compliance with permitted construction hours) and if not, implement reasonable measures to correct the problem. VTA shall conspicuously post a telephone number for Community Outreach at the construction site and include it in notices sent to neighbors regarding the anticipated scope of work and construction schedule. | During construction       | VTA Construction, Contractors, and Subcontractors | VTA Environmental Programs and Resources Management Department |
| Disturbance of     | Resources-1       | If subsurface cultural resources deposits are encountered during construction, work in the immediate vicinity shall be halted until a qualified archaeologist can assess the significance of the finds. The construction contract will include the following specifications regarding archaeological resources:  
Sub-surface construction activities, including clearing and grubbing, excavation, grading, and other earthmoving or land surface alteration activities, shall be monitored by a VTA archaeologist and/or Native |                             |                                 |                               |
<table>
<thead>
<tr>
<th>Environmental Issue</th>
<th>Measure #</th>
<th>Mitigation Measure</th>
<th>Timeframe for Implementation</th>
<th>Responsibility for Implementation</th>
<th>Oversight for Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hazardous Materials: Hazardous Emissions: Soils</td>
<td>Hazardous and Hazardous Materials-1</td>
<td>Same as Mitigation Measure Air Quality-1.</td>
<td>During construction</td>
<td>VTA Construction, Contractors, and Subcontractors</td>
<td>VTA Environmental Programs and Resources Management Department</td>
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</tbody>
</table>

American monitor, as determined by VTA.
Should any archaeological or historical artifacts or skeletal material be discovered or unearthed during construction activities, all work within ten meters (~33 feet) of the find shall be halted. The contractor (subcontractor or Resident Inspector, as appropriate) shall immediately notify VTA Environmental Programs and Resources Management Department staff at (408) 321-5789, who will initiate procedures in accordance with 36 CFR 800.11 and State Law (California Public Resources Code, Section 5097.98 and Health and Safety Code, Section 7050.5 and Santa Clara County Ordinance Code Section B6-16 through B6-23). Construction activities within ten meters (~33 feet) of the find shall remain halted until authorization is obtained from the archaeologist or VTA Environmental Programs and Resources Management Department staff that construction in the vicinity of the find may recommence.
Click here to view the:

Wrigley Creek Improvement Project
Final Initial Study/
Mitigated Negative Declaration
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: 1996 Measure B Transportation Improvement Program Progress Report-
   December 2009

FOR INFORMATION ONLY

DISCUSSION:

Please find attached the Progress Report for the 1996 Measure B Transportation Improvement
Program for December 2009.

This is the third annual report since the execution of Amendment 20 to the Master Agreement
between the County of Santa Clara and VTA for the implementation of the Measure B
Transportation Improvement Program (MBTIP). The report is based on the Program’s fiscal
status as of October 31, 2009 and other key activities through December 31, 2009. It reflects
changes in the Program’s finances and project development since the December 2008 Measure B
Progress Report.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Transit Planning & Operations Committee received this item on January 21, 2010 and was
given a brief staff presentation on the report. The presentation noted that all of the projects in the
Measure B Program have now been completed, and that there was a short list of outstanding
items remaining to be resolved to achieve closeout of the Program.

The Committee moved to place the item on the Consent Agenda for the Board of Directors’
meeting.

Prepared By: John Rowe
Memo No. 2276
1996 Measure B Transportation Improvement Program

December 2009 Progress Report
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>PROGRAM FINANCIAL STATUS</td>
<td></td>
</tr>
<tr>
<td></td>
<td>MBTIP Completion Agreement</td>
<td>1-2</td>
</tr>
<tr>
<td></td>
<td>Sales Tax and Other Revenues</td>
<td>1-3</td>
</tr>
<tr>
<td></td>
<td>Changes Since December 2008</td>
<td>1-3</td>
</tr>
<tr>
<td></td>
<td>Outstanding Issues</td>
<td>1-5</td>
</tr>
<tr>
<td>2</td>
<td>PROGRAM SUMMARY AND COST REPORT</td>
<td></td>
</tr>
<tr>
<td>A.</td>
<td>Program-Wide Issues</td>
<td>2-2</td>
</tr>
<tr>
<td>B.</td>
<td>Rail Program</td>
<td>2-5</td>
</tr>
<tr>
<td>C.</td>
<td>Highway Program</td>
<td>2-9</td>
</tr>
<tr>
<td>D.</td>
<td>Pavement Management Program</td>
<td>2-14</td>
</tr>
<tr>
<td>E.</td>
<td>Bicycle Program</td>
<td>2-15</td>
</tr>
</tbody>
</table>
# TABLE OF CONTENTS (Continued)

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>F. Expressway Signal Synchronization Program</td>
<td>2-18</td>
</tr>
<tr>
<td></td>
<td>Project Milestones</td>
<td>2-18</td>
</tr>
<tr>
<td></td>
<td>Project Development Issues</td>
<td>2-19</td>
</tr>
<tr>
<td>G.</td>
<td>Level of Service Intersection Improvement Program</td>
<td>2-19</td>
</tr>
<tr>
<td></td>
<td>Project Milestones</td>
<td>2-19</td>
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<tr>
<td></td>
<td>Project Development Issues</td>
<td>2-19</td>
</tr>
<tr>
<td>H.</td>
<td>Fund Swap Projects</td>
<td>2-21</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>List of Figures</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1.1 Summary of Revenue and Expenditure Plan Changes Since December 2008</td>
<td>1-4</td>
</tr>
<tr>
<td></td>
<td>1.2 MBTIP Closeout Challenges</td>
<td>1-5</td>
</tr>
<tr>
<td>2</td>
<td>2.1 Rail Program Schedule</td>
<td>2-5</td>
</tr>
<tr>
<td></td>
<td>2.2 Rail Program Cost Status</td>
<td>2-6</td>
</tr>
<tr>
<td></td>
<td>2.3 Rail Program Closeout Schedule</td>
<td>2-8</td>
</tr>
<tr>
<td></td>
<td>2.4 Highway Program Schedule</td>
<td>2-9</td>
</tr>
<tr>
<td></td>
<td>2.5 Highway Program Cost Status</td>
<td>2-10</td>
</tr>
<tr>
<td></td>
<td>2.6 Highway Program Closeout Schedule</td>
<td>2-13</td>
</tr>
<tr>
<td></td>
<td>2.7 Pavement Management Program Disbursements by Jurisdiction</td>
<td>2-14</td>
</tr>
<tr>
<td></td>
<td>2.8 Bicycle Program Programmed Funds by Jurisdiction</td>
<td>2-17</td>
</tr>
<tr>
<td></td>
<td>2.9 Signal Synchronization Projects Funding Plan</td>
<td>2-18</td>
</tr>
<tr>
<td></td>
<td>2.10 Level of Service Projects Funding Plan</td>
<td>2-20</td>
</tr>
<tr>
<td></td>
<td>2.11 1996 Measure B Fund Swap Cost Status</td>
<td>2-22</td>
</tr>
</tbody>
</table>
SECTION 1

PROGRAM FINANCIAL STATUS
SECTION 1

PROGRAM FINANCIAL STATUS

This Progress Report is an informational update of the 1996 Measure B Program prepared by staff and provided to the Valley Transportation Authority (VTA) Board of Directors, the County Board of Supervisors, other key stakeholders and the public. The report is based on the Program’s fiscal status as of October 31, 2009 and other key activities through December 31, 2009. It reflects changes in the Program’s finances and project development since the December 2008 1996 Measure B Progress Report.

MBTIP Completion Agreement

Amendment 20 to the Master Agreement between the County of Santa Clara and VTA for the implementation specific elements of the 1996 Measure B Transportation Improvement Program (MBTIP) was executed in June 2007. That amendment (hereinafter referred to as the MBTIP Completion Agreement) included the following significant terms:

- VTA was paid the value of all approved 1996 MBTIP Project budgets, less the MBTIP funds already paid by the County to VTA, and the net remaining 1996 Measure B funding for Fund Swap Projects and Ancillary Programs administered by VTA.
- A lump sum amount of approximately $4.0 million was also paid to VTA by the County to cover the closeout effort associated with incomplete MBTIP projects.
- Swap Fund Implementation Letter 2004-01 was revised to eliminate the last two payment installments and, in exchange, all residual sales tax collected after March 31, 2006 are being forwarded by the County, as received, to VTA in consideration for VTA assuming the financial risk for the $7.23 million of highway landscaping projects identified in the related Implementation Letter.
- VTA has an obligation to the County to complete the following elements:
  1) To pay the currently identified costs to complete authorized MBTIP Projects, including Fund Swap funded Projects and Ancillary Programs.
  2) To pay future potential costs, identified or unidentified, associated with authorized MBTIP Projects, even if they exceed the currently approved budgets of those projects.
  3) To pay for completion of highway landscaping projects previously identified in Swap Fund Implementation Letter 2004-01.
MBTIP Completion Agreement (Continued)

- If additional savings and/or residual sales tax revenue is realized, VTA will apply funds according to the following priorities:

  1) To reimburse VTA the amount of $1.05 million, representing one-half of the difference between the actual and estimated VTA indirect costs of non-rail MBTIP projects applied as approved in Amendment No. 18 to the Master Agreement through fiscal year 2005.

  2) To pay to the County Roads and Airports Department the amount of $1.5 million for Expressway projects.

  3) To reimburse VTA the amount of $1.05 million, representing one-half of the difference between the actual and estimated VTA indirect costs of non-rail MBTIP projects applied as approved in Amendment No. 18 to the Master Agreement through fiscal year 2005.

  4) To fund additional Caltrain projects and/or Pavement Management projects, at the discretion of the VTA Board.

Sales Tax and Other Revenues

From inception through September 2009, the 1996 Measure B Program has received a total of $1.34 billion in sales tax revenues. $1.33 billion was collected by the Board of Equalization (BOE) through March 2006 (through the expiration of the tax) and received by the County through June 2006. An additional, $7.77 million was collected as residual sales tax revenues and received since June 2006.

Changes Since December 2008

A detailed re-forecasting of all elements of the Program-Wide, Rail, CODE and Highway Programs has been completed as part of this report. These changes are summarized in Figure 1.1 on the next page.

Since the December 2008 Progress Report, the 1996 MBTIP projected ending fund balance has increased by $0.4 million, from $3.4 million to $3.8 million. This increase is the result of a $0.4 million increase in revenues and a $0.0 million increase in expenditures.

The revenue increase is due to an additional $0.4 million in residual sales tax receipts, collected after the ½ cent sales tax expired in March 2006, as well as an additional $0.03 million in projected interest earnings.

Changes to program expenditures resulted in a net zero overall change as project savings were re-deployed to projects that are still underway or, in the case of $0.2 million of Vasona Light Rail Project-Winchester Extension savings, back to the Fund Swap Program. Additionally, $0.2 million of the $4.0 million in closeout funds was utilized to settle a contractor claim and to closeout the Route 87 HOV Widening (North) Project.
## Summary of Revenue and Expenditure Plan Changes Since December 2008

<table>
<thead>
<tr>
<th></th>
<th>Progress Report FY 2009 (in $1,000)</th>
<th>Progress Report FY 2010 (in $1,000)</th>
<th>Variance vs. Dec-08 (in $1,000)</th>
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</thead>
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<tr>
<td><strong>Revenue</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Sales Tax - County (1/2 Cent Sales Tax)</td>
<td>1,335,720</td>
<td>1,335,720</td>
<td>0</td>
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<tr>
<td>Sales Tax - Residuals</td>
<td>7,361</td>
<td>7,769</td>
<td>408</td>
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<tr>
<td>Interest Income - County</td>
<td>74,905</td>
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<tr>
<td>Interest Income</td>
<td>1,274</td>
<td>1,306</td>
<td>31</td>
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<tr>
<td>Bond Proceeds - County</td>
<td>134,267</td>
<td>134,267</td>
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<tr>
<td>Other Funding (see below)</td>
<td>508,935</td>
<td>508,935</td>
<td>0</td>
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<tr>
<td><strong>Total Revenue</strong></td>
<td>$2,062,463</td>
<td>$2,062,902</td>
<td>$440</td>
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<tr>
<td><strong>Expenditures</strong></td>
<td></td>
<td></td>
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<tr>
<td>Highway</td>
<td>504,198</td>
<td>504,523</td>
<td>324</td>
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<tr>
<td>Rail (Less Caltrain Service Improvements)</td>
<td>839,072</td>
<td>839,028</td>
<td>(43)</td>
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<td>Caltrain Service Improvements</td>
<td>70,935</td>
<td>70,710</td>
<td>(224)</td>
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<td>Ancillary Programs - (Pavement Mgmt, Bike)</td>
<td>102,219</td>
<td>102,219</td>
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<td>Ancillary Programs - County (LOS/Signal Synch)</td>
<td>38,582</td>
<td>38,582</td>
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<tr>
<td>CODE</td>
<td>6,467</td>
<td>6,455</td>
<td>(12)</td>
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<tr>
<td>Program Closeout</td>
<td>4,000</td>
<td>3,800</td>
<td>(200)</td>
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<tr>
<td>Fund Swap Projects</td>
<td>328,516</td>
<td>328,671</td>
<td>156</td>
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<td>Program-wide Biological Mitigation Program</td>
<td>7,331</td>
<td>7,331</td>
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<td>Program-wide - County (PMO, Admin)</td>
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<td>Debt Service - County</td>
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<tr>
<td><strong>Total Expenditures</strong></td>
<td>$2,059,066</td>
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<td><strong>Revenue Less Expenditures</strong></td>
<td>$3,397</td>
<td>$3,837</td>
<td>$440</td>
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<td><strong>Other Funding</strong></td>
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<td>Miscellaneous - County Roads &amp; Airports</td>
<td>400</td>
<td>400</td>
<td>0</td>
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<tr>
<td><strong>Rail Program</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Federal/State/Milpitas - Tasman</td>
<td>100,598</td>
<td>100,598</td>
<td>0</td>
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<tr>
<td>VTA, Campbell, Fed/State – Vasona</td>
<td>93,584</td>
<td>93,584</td>
<td>0</td>
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<td>VTA Low Floor Vehicle Contribution</td>
<td>3,848</td>
<td>3,848</td>
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<td>VTA 2001 Series A Sales Tax Revenue Bonds</td>
<td>198,347</td>
<td>198,347</td>
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<td>SCVWD, San Jose Capitol Contribution</td>
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<td>2,738</td>
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<tr>
<td>Caltrain Grants/Other Funds</td>
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<tr>
<td>CODE - Campbell Contribution</td>
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<td>110</td>
<td>0</td>
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<tr>
<td><strong>Subtotal Rail Program</strong></td>
<td>426,239</td>
<td>426,239</td>
<td>0</td>
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<tr>
<td><strong>Highway Program</strong></td>
<td></td>
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<tr>
<td>State - Route 880 Widening - Brokaw Bridge</td>
<td>14,763</td>
<td>14,763</td>
<td>0</td>
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<tr>
<td>State- 85/87 Interchange</td>
<td>3,500</td>
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<tr>
<td>State - Route 101 (S) Widening</td>
<td>4,005</td>
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<tr>
<td>State - Route 85/101N HOV Connector Ramps</td>
<td>2,154</td>
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<tr>
<td>State/Milpitas/Mem B Swap - Route 237 / 880 Interchange</td>
<td>23,575</td>
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<tr>
<td>State/San Jose - Routes 85/101 (S)</td>
<td>25,305</td>
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<td>Mem B Swap - Route 87N HOV Closeout</td>
<td>1,250</td>
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<td>Mem B Swap - Route 87 Planting</td>
<td>2,100</td>
<td>2,100</td>
<td>0</td>
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<td>Gilroy/Federal - Route 152 Improvements</td>
<td>5,494</td>
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<td>Mitigation Site - Butterfly Habitat</td>
<td>150</td>
<td>150</td>
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<td><strong>Subtotal Highway Program</strong></td>
<td>82,296</td>
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<tr>
<td><strong>Total—Other Funding</strong></td>
<td>$508,935</td>
<td>$508,935</td>
<td>$0</td>
</tr>
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</table>

1 The 237/880 Interchange Project budget includes $62,500 paid directly from Santa Clara County to the City of Milpitas.
Outstanding Issues

The efforts of the 1996 Measure B Program continue to be focused on the following areas:

1. Completing 1996 Measure B Projects currently funded for construction
2. Achieving administrative and financial closeout of completed 1996 Measure B Projects

A number of projects are either still underway or in the closeout phase. As a result, closeout challenges still remain, as summarized in Figure 1.2 below and discussed in greater detail in Section 2.

Figure 1.2
MBTIP Closeout Challenges

<table>
<thead>
<tr>
<th>Closeout Challenges</th>
<th>Anticipated Resolution Date</th>
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<tbody>
<tr>
<td><strong>Rail Program</strong></td>
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<tr>
<td>Right-of-Way Transfers/Exchanges on Vasona Project</td>
<td>Mar-10</td>
</tr>
<tr>
<td><strong>Highway Program</strong></td>
<td></td>
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<tr>
<td>Rt 152 PG&amp;E Gas Line Lawsuit</td>
<td>Jun-10</td>
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<tr>
<td>Route 85/101 (N) Interchange Right-of-Way Retrial</td>
<td>Jun-11</td>
</tr>
<tr>
<td>Route 87 HOV (S) Contractor Claim</td>
<td>Jun-11</td>
</tr>
<tr>
<td><strong>Program-Wide Issues</strong></td>
<td></td>
</tr>
<tr>
<td>Maintain Combined Biological Mitigation Site</td>
<td>Mar-16</td>
</tr>
</tbody>
</table>

1 Prior year’s forecast was Mar-09; however City of San Jose and Peninsula Corridor Joint Powers Board transfers have been delayed over a few specific parcels.

2 This is a new item. In Jun-09, VTA received a copy of a lawsuit filed by PG&E against VTA. The lawsuit claims that the new Route 152 alignment impairs PG&E’s ability to access its gas pipeline for maintenance.

3 Prior year’s forecast was Mar-14. Since then, the California Dept of Fish and Game (CDFG) and Regional Water Quality Control Board (RWQCB) directed VTA to extend the monitoring for the Riverside Drive riparian areas for two additional years beyond the original ten years (2014 to 2016).

As a result of these remaining closeout challenges, staff is not recommending advancing any of the savings priorities enumerated in the MBTIP Closeout Agreement at this time.
Outstanding Issues (Continued)

Staff will be re-evaluating the potential availability of funds to the priorities within the MBTIP Closeout Agreement at least semi-annually. While staff will provide the Progress Report to the VTA Board of Directors and County Board of Supervisors annually, at this time staff does not anticipate funds will be identified until 2011 to be applied to any of the additional, optional priorities set forth in the MBTIP Closeout Agreement.

Overall, with just over $2 billion in transportation projects and programs being delivered to the Voters, the 1996 Measure B Program is progressing towards achieving overall (construction, real estate, acceptance, legal, financial, administrative, etc.) closeout.
SECTION 2

PROGRAM SUMMARY AND COST REPORT
SECTION 2

PROGRAM SUMMARY AND COST REPORT

A. PROGRAM-WIDE ISSUES

Collection of regular sales tax for the 1996 Measure B Program ended March 30, 2006. However, residual sales tax revenues continue to be collected based on amended merchant tax returns or from audits of merchants conducted by the Board of Equalization (BOE).

The emphasis has continued to be on controlling the expenditures of the 1996 Measure B Projects currently underway and on achieving administrative and financial closeout of projects already completed. As mentioned in Section 1, the MBTIP Completion Agreement between Santa Clara County and VTA was executed in June 2007, a major step towards closing out the program. Furthermore, all of the major construction contracts to be let by VTA on both the rail and highway programs have been awarded. Forecasts have been re-evaluated on all rail and highway projects.

Closeout of the rail projects continues. Changes in forecasted costs are the result of small savings from closed out projects being transferred to ongoing projects or, in the case of $0.2 million savings related to the Vasona Light Rail Project-Winchester Extension, the savings went back to the Fund Swap Program.

Forecast costs on the Highway Program were affected by a transfer of $0.2 million of the $4.0 million in closeout funds to settle a contractor claim and to closeout the Route 87 HOV Widening (North) Project.

Program-Wide Biological Mitigation Program

Consolidated Biological Mitigation Project (CBMP)

The Consolidated Biological Mitigation Project includes the preservation, creation, and enhancement of wetlands, riparian, and shaded riverine aquatic habitat at two sites on land owned by Santa Clara County Parks and Recreation (County Parks). These two sites are referred to as the Tennant Road site and the Riverside Drive site.

Under the Phase I contract, the noxious, invasive reed Arundo donax (Arundo) was removed from the mitigation areas in and along Coyote Creek. Initial removal of Arundo was concluded in October 2001 and removal of re-sprouts under the maintenance period of the Phase I contract was concluded in August 2003.

Under the Phase II contract, riparian plants were collected from within 10 miles of the mitigation sites and grown from fall 2002 to fall 2003, then planted from October 2003 to February 2004. The three-year plant establishment period for the new plantings began in March 2004. Wild pigs and gophers impacted several planting areas, and replanting was
PROGRAM-WIDE ISSUES (Continued)

performed in February 2005. Also, sycamore plantings that were discovered to be hybrids in 2004 were removed and replaced with native oak acorns in 2005. Additionally, under the Phase II contract, Arundo re-sprouts were removed in both the original removal areas and the new riparian planting areas; however, new Arundo growing within Coyote Creek, originating from plants upstream, was not removed.

Phase III of the project, Mitigation Monitoring and Maintenance began in March 2007. The created wetland at Riverside Drive, the shaded riverine aquatic (SRA) habitat at both sites, and the riparian habitat at Tennant Road are developing well. However, the riparian habitat at Riverside Drive is not meeting the success criteria due to several reasons including: the installation and subsequent removal of hybrid sycamore trees, animal browse, gopher damage, insect damage, irrigation/maintenance practices, and poor soil conditions.

VTA, environmental consultant H.T. Harvey, and staff from the California Department of Fish and Game (CDFG) and the Regional Water Quality Control Board (RWQCB) met on December 11, 2008 and May 28, 2009 to discuss ways to address the Riverside Drive riparian areas. Given the history of the site and the monitoring observations over the past five years, it was determined that the target habitat be redefined as a type more appropriate for site conditions, which are quite different compared to the Tennant Road riparian areas. The Riverside Drive site appears to be more suitable for a combination of Coast Live Oak Riparian Forest and Valley Oak Woodland habitats. Therefore, a significant replanting effort focusing on these habitats will be implemented at Riverside Drive to replace over 500 plants that did not survive during the past five years. In addition, the following changes to the CBMP Mitigation and Monitoring Program will be implemented:

- Cease monitoring the created wetland at Riverside Drive, the SRA habitat at both sites, and the riparian habitat at Tennant Road, and request resource agency sign-off. (Jun-10)

- Modify the monitoring elements and success criteria for the Riverside Drive riparian areas to reflect site conditions. (Dec-09)

- Extend the monitoring for the Riverside Drive riparian areas for two additional years beyond the original ten years (2014 to 2016) in accordance with direction received from CDFG and RWQCB. This equates to monitoring the new plantings for seven years following plant installation in 2009.

VTA will continue to work with CDFG and others to assure the project is a success. In September 2009, VTA received bids on a Long-Term Maintenance contract for the Consolidated Biological Mitigation Project. Three bids were received, and the contract was awarded to Restoration Resources, in the amount of approximately $0.3 million, in November 2009.
Coyote Ridge Butterfly Habitat Management Project

The Coyote Ridge Butterfly Habitat Management Project provides long-term management of bay checkerspot butterfly habitat on approximately 548 acres located on Coyote Ridge in south San Jose. Purchase and management of this habitat was a condition of the Biological Opinion issued by the U.S. Fish and Wildlife Service on February 26, 2001 as compensation for threatened and endangered species impacts from VTA’s construction of the 101 Widening, 85/101 South Interchange, and Consolidated Biological Mitigation Site Projects. VTA purchased the Coyote Ridge property in January 2005 using Measure B swap funds. A Resource Management Plan (RMP) was submitted in August 2005 and accepted by the U.S. Fish and Wildlife Service. The RMP documents how the property will be managed in perpetuity and includes a monitoring and adaptive management program to ensure the long-term survival of the rare and sensitive biological resources on the property including the bay checkerspot butterfly.

Santa Clara Valley Habitat Conservation Plan

In addition to the requirement for butterfly habitat purchase, the U.S. Fish and Wildlife Service permit for the 101 Widening, 85/101 South Interchange, and Consolidated Biological Mitigation Site Projects included the requirement that a Habitat Conservation Plan (HCP) be prepared for the southern portion of Santa Clara County. The Local Partners working on Santa Clara Valley HCP include the City of San Jose, County of the Santa Clara, Santa Clara Valley Water District, City of Gilroy, and City of Morgan Hill, and VTA. The HCP was initiated in July 2005 and the field inventories and mapping have now been completed. Work is now focusing on developing biological goals and objectives for species and conservation principles. The HCP process is scheduled to be completed in late 2010/early 2011. The cost for the HCP is being shared among the Local Partners.

In June 2009, the VTA Board approved a $0.1 million increase in VTA’s contribution to the effort due to the schedule extending by approximately six months, more extensive exploration of development fee alternatives, additional burrowing owl conservation strategy investigations, extending project manager services, and a substantial increase in habitat plan technical analysis and comment response.

Cost Status

The December 2009 Progress Report Budget for Program-wide Biological Mitigation is $7.3 million. Contract commitments through October 2009 total $6.6 million, an increase of $0.7 million from last year. Actual expenditures to date total $6.1 million, which represents a $0.2 million increase since December 2008.
B. RAIL PROGRAM

Rail Program Schedule Status

The summary schedule for the Rail Program is presented in Figure 2.1. The Zanker to I-880 segment of the Tasman East Light Rail Project was opened for revenue service on May 17, 2001. The opening of the remainder of the Tasman East Light Rail Project, which includes the light rail system between the I-880/Milpitas Station and the Hostetter Station, was held on June 23, 2004 concurrent with the opening of the Capitol Light Rail Project. The Vasona Light Rail Project was opened for revenue service on October 1, 2005. Final administrative closeout is planned for Spring 2010, due to ongoing right-of-way transfer efforts.

Delivery of the 30 low-floor light rail vehicles was completed in May 2003.

The schedule for the Caltrain Service Improvements Program reflects all completed projects. All Caltrain projects have been closed out except for the California Avenue and Palo Alto Pedestrian Underpasses, with final administrative closeout forecast to complete in early 2010.

The Fremont South Bay Commuter Rail Project schedule in Figure 2.1 reflects only the right-of-way acquisition support activity, per the June 2002 Joint Board Action which limited the Project to this scope. Real estate acquisition was completed as part of the Silicon Valley Rapid Transit Corridor Project in 2002.

All of the approved Community Oriented Design Enhancements (CODE) projects have been installed and the project has been closed out.

Figure 2.1

Rail Program Schedule
Rail Program Cost Status

Figure 2.2 presents the program funding, budget, commitments, actual costs and forecast cost at completion information for each of the Rail Program projects through October 2009. The December 2008 Progress Report budget was $916.5 million.

Contract commitments through October 2009 total $915.8 million, an increase of $0.3 million over the previous year. Actual expenditures to date total $912.8 million, which represents a $6.1 million increase since December 2008.

The Rail Program forecast cost at completion is $916.2 million, as shown in Figure 2.2, which represents a $0.28 million decrease from the December 2008 budget due primarily to closeout savings on the Caltrain San Martin Parking, Capitol Light Rail, and CODE Projects.

```
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Progress Since December 2008

- In January 2007, the County Board of Supervisors authorized VTA to advance construction on the Caltrain Palo Alto and California Avenue Station Pedestrian Underpasses. A contract including this scope as well as platform work was administered by the Peninsula Corridor Joint Powers Board (PCJPB), and was awarded in September 2007. VTA and PCJPB have executed a cooperative agreement that caps VTA (1996 Measure B) involvement at current funding levels. The Palo Alto Station work was completed in late December 2008, and California Avenue was completed in February 2009. VTA received the final invoice from PCJPB in October 2009, and final administrative closeout efforts are underway.

- The San Martin Parking and Road Widening Project is in the project closeout process. The project was opened for public use in October 2008.
Progress Since December 2008 (Continued)

- On the Vasona Light Rail Project, VTA has been monitoring settlement of the Mechanically Stabilized Earth (MSE) walls at the Hamilton Overcrossing since construction. Settlement to date has been greater than expected. In response, VTA engaged a consultant team and carried out borings and geotechnical tests. The consultants’ opinion was that settlement is substantially complete but that drainage improvements are recommended. Construction of these drainage improvements were completed in November 2009.

- Also on the Vasona Project, work continued on right-of-way closeout items.

- On the Tasman East and Capitol Light Rail Projects, final administrative closeout was achieved in 2009.

- On the Measure B Transit Community Oriented Design Enhancements (CODE) Project, final administrative closeout was achieved in April 2009.

Remaining Activities to Complete

- Complete final administrative closeout on the Caltrain Palo Alto and California Avenue Station Pedestrian Underpasses and the San Martin Parking and Road Widening Project.

- Continue administrative and financial closeout of completed projects, including turnover of right-of-way to third parties on the Vasona Project. Remaining items include negotiating with the City of San Jose for a Pacific Gas and Electric easement across Bascom Park and Ride and two easements along Southwest Expressway for UPRR. The only other ROW issue is the resolution of the Diridon Yard easements from PCJPB.

Closeout Schedule

Figure 2.3 on the next page shows the anticipated project closeout date for each project in the Rail Program. Shaded projects have already been closed. Projects cannot be closed until all expenditures cease and a final accounting of project costs is prepared.

On the Rail Program, once a project is opened to the public, efforts to address and close contractor claims, transfer right-of-way to third parties, and mitigate post construction impacts must be completed before attaining final project closeout.
## Figure 2.3
### Rail Program Closeout Schedule
*(Shaded Projects Have Been Closed)*

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<thead>
<tr>
<th>Project</th>
<th>Anticipated Project Closeout Date</th>
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<tr>
<td>Capitol</td>
<td>Apr-09</td>
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<tr>
<td>Vasona</td>
<td>Jun-10</td>
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<td>Low Floor Vehicles</td>
<td>Jun-07</td>
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<tr>
<td>Caltrain Improvements</td>
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<td>Sunnyvale Parking</td>
<td>Jun-06</td>
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<tr>
<td>Lawrence Bus/Parking</td>
<td>Jun-06</td>
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<tr>
<td>Palo Alto Transit Center</td>
<td>Aug-08</td>
</tr>
<tr>
<td>San Martin Parking</td>
<td>Jan-10</td>
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<tr>
<td>Santa Clara Bus/Parking</td>
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<td>Tamien to Lick</td>
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<td>Palo Alto Ped U/P</td>
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<td>CODE</td>
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C. HIGHWAY PROGRAM

Highway Program Schedule Status

The Summary Schedule for the Highway Program is presented in Figure 2.4.

**Figure 2.4**

Highway Program Schedule

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Legend: 
- Project Time Elapsed
- Project Time Remaining
- PEER/Offspring Cost Start
- Environmental Clearance
- Complete ROW Engineering
- Design Complete
- Begin/Complete Construction
- ROW Acquisition
- Final Administrative Closeout (Measure B Funded Portion)

Note: Schedule does not include project close-out activities

Two highway planting contracts have been completed with the exception of the three-year plant establishment period: Route 85/101 North Interchange, and Route 17. Route 85/101 South Interchange planting was completed in August 2006 with a three-year plant establishment period that expired in August 2009.

The contract for planting on Route 87 HOV began in August 2008, with planting installation completed in October 2009. Route 237/880 Interchange planting is on hold pending securing supplemental funding.

Typically, highway planting contract durations will include an approximately one-year construction period for initial plant establishment. Following construction, a three-year plant establishment period (PEP) begins (one-year for small projects); such work to be accomplished according to Caltrans requirements.

Three projects achieved final administrative closeout in 2009: Route 87 HOV Lanes (South) in March 2009, Route 237/880 Interchange in April 2009, and Route 880 Widening in July 2009.
Highway Program Cost Status

Figure 2.5 presents the program funding, budget, commitments, actual costs and forecast cost at completion information for each of the Highway Program projects through October 2009. The December 2008 Progress Report budget was $504.2 million.

Contract commitments through October 2009 total $503.5 million, an increase of $1.6 million over the previous year. Actual expenditures to date total $501.9 million, which represents a $2.1 million increase since December 2008.

Figure 2.5
Highway Program Cost Status

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Notes:
1. Route 237/880 Interchange budget and forecast includes $62,500 paid directly from Santa Clara County to the City of Milpitas.
2. Route 87 HOV Lanes (South) forecast includes $2.1 million in Measure B Swap funds for highway planting along the entire Route 87 Corridor.
3. Route 87 HOV Lanes (North) forecast includes $1.25 million in Measure B Swap funds for highway construction closeout.

The Highway Program forecast cost at completion is $504.5 million, as shown in Figure 2.5, a $0.33 million increase from the December 2008 budget. Individual project variances resulted from a program re-forecast that was prepared as part of the preparation of this document. A discussion of the reasons for the changes in forecast costs for the various Highway Program budgets follows:

- Route 85/101 Interchange (South): Forecast cost decreased by $0.15 million as contingency was released as the project nears closeout.
- Route 85/101 Interchange (North): Forecast cost increased by $0.28 million due to costs associated with preparing for a right-of-way condemnation re-trial.
- Route 87 HOV Lanes (North): Forecast cost increased by $0.20 million due to costs to settle a contractor civil suit pertaining to un-reimbursed costs from the Owner Controlled Insurance Program (OCIP) carrier due to a bent collapse. VTA settled this lawsuit in January 2009, and final project closeout is underway.
Progress Since December 2008

- On Route 880 Widening, final administrative closeout was achieved in July 2009.
- Route 85/101 (South) Interchange plant establishment period ended in August 2009. Closeout of the highway planting contract as well as final administrative closeout of the project is underway.
- On Route 85/87 Interchange, VTA is working on right-of-way transfers and overall project closeout.
- Route 85/101 (North) Interchange is in the plant establishment phase. With respect to an ongoing right-of-way condemnation trial appeal, in May 2008 the appellate court ruled to remand the case back to Superior Court and ordered a new trial, which is currently expected to begin in spring 2010.
- On the Route 237/880 Interchange, the 1996 Measure B funded portion of work to advance the design of the highway planting work as far as possible was closed out in April 2009. A new non-1996 Measure B project has been opened for design completion and construction.
- Route 17, Project E continued in the plant establishment phase, which is scheduled to be complete in October 2010.
- Route 87 HOV Lanes (South) was opened to traffic in May 2007. The Measure B-funded project comprising the design portion of work achieve final administrative closeout in March 2009. The construction contractor has since filed a sizeable government code claim. Caltrans is administering this contract, and VTA is assisting in the claim defense.
- Route 87 HOV Lanes (North) was opened to traffic in August 2007. The contractor filed a civil suit in June 2007 pertaining to un-reimbursed costs from the Owner Controlled Insurance Program (OCIP) carrier due to a bent collapse. VTA settled this lawsuit in January 2009, and final project closeout is underway.
- Route 87 (North and South) Highway Planting began in August 2008, and was completed in October 2009. The three-year plant establishment phase will end in October 2012.
- Route 152 Improvements, Project B2 was opened to traffic in March 2007. VTA is working on right-of-way transfers and overall project closeout and is defending itself against a Pacific Gas & Electric (PG&E) lawsuit claiming that the new Route 152 alignment impairs PG&E's ability to access its gas pipeline for maintenance.
Remaining Activities to Complete

- On the Route 85/101 (South) Interchange, highway planting contract and overall project closeout is all that remains.

- On Route 85/87 Interchange, right-of-way transfer and final project closeout is all that remains. ROW transfer to Caltrans has been delayed by a dispute with Caltrans over aerial easement language.

- On the Route 85/101 (North) Interchange, the plant establishment period will continue through July 2010. Also, a number of right-of-way parcels remain to be transferred to their final owners. Finally, VTA must resolve the condemnation lawsuit scheduled for re-trial in spring 2010.

- On the Route 237/880 Interchange, the 1996 Measure B funded portion of work has achieved final administrative closeout. (Highway Planting will be carried out under a new, non-1996 Measure B funded project, which is on hold pending identification of funding for construction.)

- On Route 17, Project E the plant establishment period will continue through October 2010.

- On Route 87 HOV Lanes (South) resolution of the contractor’s government code claim remains. Claim resolution is being administered by Caltrans.

- On Route 87 HOV Lanes (North) overall project closeout is all that remains and is expected shortly.

- On Route 87 (North and South) Highway Planting the three-year plant establishment will continue through October 2012.

- On Route 152 Improvements, right-of-way transfers, resolution of the Pacific Gas & Electric lawsuit, and overall project closeout remain. Transfer of right-of-way on Route 152, Project B1 to Caltrans is delayed pending resolution with the Santa Clara Valley Water District (SCVWD) of language in the Joint Use and Maintenance Agreement and draft transfer documents.

Closeout Schedule

Figure 2.6 on the next page shows the anticipated project closeout date for each project in the Highway Program. Shaded projects have already been closed. Projects cannot be closed until all expenditures cease and a final accounting of project costs is prepared.

On the Highway Program, once a project is opened to the public, efforts to address and close contractor claims, transfer right-of-way to third parties, and mitigate post construction impacts must be completed before attaining final project closeout.
### Figure 2.6
Highway Program Closeout Schedule
*Shaded Projects Have Been Closed*

<table>
<thead>
<tr>
<th>Project</th>
<th>Anticipated Project Closeout Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Route 880 Widening</td>
<td>Jul-09</td>
</tr>
<tr>
<td>Route 101 Widening</td>
<td>Jun-06</td>
</tr>
<tr>
<td>Route 85/101 (S) Interchange</td>
<td>Mar-10</td>
</tr>
<tr>
<td>Route 85/87 Interchange</td>
<td>Mar-10</td>
</tr>
<tr>
<td>Route 85/101 (N) Interchange</td>
<td>Jun-11</td>
</tr>
<tr>
<td>Route 237/880 Interchange</td>
<td>Apr-09</td>
</tr>
<tr>
<td>Route 17 Improvements</td>
<td>Jan-11</td>
</tr>
<tr>
<td>Route 87 (N) HOV Lanes</td>
<td>Feb-10</td>
</tr>
<tr>
<td>Route 87 (S) HOV Lanes</td>
<td>Mar-09</td>
</tr>
<tr>
<td>Route 152 Safety Improvements</td>
<td>Apr-10</td>
</tr>
<tr>
<td>Route 85 Noise Mitigation</td>
<td>Oct-07</td>
</tr>
</tbody>
</table>
D. PAVEMENT MANAGEMENT PROGRAM

Program Highlights

Program has been completed.

Program Cost Status

As shown in Figure 2.7, all of the $90 million in Pavement Management funds have been disbursed to jurisdictions.

Figure 2.7

Pavement Management Program Disbursements by Jurisdiction (in $1,000’s)

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Total Program Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campbell</td>
<td>$1,620</td>
</tr>
<tr>
<td>County Roads &amp; Airports</td>
<td>27,000</td>
</tr>
<tr>
<td>Cupertino</td>
<td>1,801</td>
</tr>
<tr>
<td>Gilroy</td>
<td>1,416</td>
</tr>
<tr>
<td>Los Altos</td>
<td>1,178</td>
</tr>
<tr>
<td>Los Altos Hills</td>
<td>329</td>
</tr>
<tr>
<td>Los Gatos</td>
<td>1,224</td>
</tr>
<tr>
<td>Milpitas</td>
<td>2,311</td>
</tr>
<tr>
<td>Monte Sereno</td>
<td>147</td>
</tr>
<tr>
<td>Morgan Hill</td>
<td>1,099</td>
</tr>
<tr>
<td>Mountain View</td>
<td>3,047</td>
</tr>
<tr>
<td>Palo Alto</td>
<td>2,504</td>
</tr>
<tr>
<td>San Jose</td>
<td>35,493</td>
</tr>
<tr>
<td>Santa Clara</td>
<td>4,214</td>
</tr>
<tr>
<td>Saratoga</td>
<td>1,258</td>
</tr>
<tr>
<td>Sunnyvale</td>
<td>5,359</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$90,000</strong></td>
</tr>
</tbody>
</table>

Progress Since December 2008

Program was completed in a prior period.

Remaining Activities to Complete

None
E. BICYCLE PROGRAM

Program Highlights

VTA developed the Countywide Bicycle Plan as part of the Valley Transportation Plan 2020 (VTP 2020). In conjunction with the Countywide Bicycle Plan, a Bicycle Expenditure Program was established. The projects included in this program were updated in the VTP 2030 and a thirty-year program was established, projected at $99 million. The Bicycle Expenditure Program, which includes $12.2 million from the 1996 Measure B Bicycle Program, provides a portion of the funding necessary to implement projects in the Countywide Bicycle Plan.

Program Cost Status

The 1996 MBTIP allocated $12.2 million to the Bicycle Program as of the December 2008 Semi-Annual Report and that amount has not changed over the last year.

The Bicycle Program has programmed approximately $11.8 million of the $12.2 million program total.

Progress Since December 2008

Construction began on the following projects:

- Santa Clara County Roads & Airports Department: Foothill Expressway and Loyola Drive shoulder widening in Los Altos

Construction was completed on the following projects:

- Cupertino: Mary Avenue Bicycle / Pedestrian overcrossing of I-280
- Los Altos: Adobe Creek bridge replacement
- Los Altos Hills: Segment 3 - Moody Road / El Monte Road Improvements
- Morgan Hill: West Little Llagas Creek Trail: Phase 3 - LaCrosse Drive to Watsonville Road
- Sunnyvale: Borregas Avenue Bicycle / Pedestrian overcrossings
- Santa Clara County Roads and Airports Dept: Foothill Expressway and Loyola Drive shoulder widening in Los Altos
- Pilot Bike Parking Project
Progress Since December 2008 (Continued)

Prior to December 2008, the following projects were completed:

- Santa Clara County: Almaden Expressway bike/pedestrian project
- Campbell: Pedestrian-Bike Bridge Replacement-Los Gatos Creek Trail at Camden Ave
- Campbell: Hamilton Avenue Widening Feasibility Study
- Cupertino: De Anza Trail Feasibility Study
- Los Altos: Stevens Creek Trail Feasibility Study
- Los Altos Hills: Segment 1 - Moody Road / El Monte Road Improvements
- Milpitas: Bike Lanes on Piedmont Avenue
- Milpitas: UPRR Bicycle/Pedestrian Overcrossing Feasibility Study
- Milpitas: Coyote Creek Trail between Dixon Landing Road and State Route 237
- Monte Sereno: Highway 9 Feasibility Study
- Morgan Hill: West Little Llagas Creek Trail: Phase 2-Wildlife Trail
- Palo Alto: Homer Avenue Undercrossing of the Caltrain tracks
- San Jose: Los Gatos Creek Trail (Park to Santa Clara) Feasibility study
- Santa Clara: River Oaks Pedestrian-Bike Bridge over Guadalupe River
- Santa Clara: San Tomas Aquino Creek Trail between Scott Boulevard and Monroe St.

Remaining Activities to Complete

Construction will begin on the following project:

- Saratoga: De Anza Trail PG&E Alignment (Joe's Trail)

Funding will be sought for the design and construction of the following project:

- San Jose: Los Gatos Creek Trail (Park to Santa Clara)

Figure 2.8 on the next page presents the Bicycle Projects to which Measure B funds have been programmed through December 2009, as well as the funds remaining to be programmed.
### Figure 2.8

**Bicycle Program Programmed Funds by Jurisdiction (in $1,000’s)**

<table>
<thead>
<tr>
<th>Sponsor</th>
<th>Project Title</th>
<th>Status</th>
<th>Measure B Programmed Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Campbell</strong></td>
<td>Hamilton Avenue Widening Feasibility Study</td>
<td>Completed</td>
<td>$12.0</td>
</tr>
<tr>
<td></td>
<td>Bike Bridge Replacement - Los Gatos Creek Trail at Camden</td>
<td>Completed</td>
<td>$124.4</td>
</tr>
<tr>
<td><strong>County Roads &amp; Airports</strong></td>
<td>Foothill Expwy and Loyola Drive Shoulder Widening</td>
<td>Completed</td>
<td>$50.0</td>
</tr>
<tr>
<td></td>
<td>Almaden Expressway Bike/Pedestrian Project</td>
<td>Completed</td>
<td>$80.0</td>
</tr>
<tr>
<td><strong>Cupertino</strong></td>
<td>Mary Avenue at I-280 Bicycle/Pedestrian Overcrossing</td>
<td>Completed</td>
<td>$5,849.1</td>
</tr>
<tr>
<td></td>
<td>De Anza Trail Feasibility Study</td>
<td>Completed</td>
<td>$157.7</td>
</tr>
<tr>
<td><strong>Los Altos</strong></td>
<td>Adobe Creek Bridge Replacement</td>
<td>Completed</td>
<td>$35.8</td>
</tr>
<tr>
<td></td>
<td>Stevens Creek Trail Feasibility Study</td>
<td>Completed</td>
<td>$80.0</td>
</tr>
<tr>
<td><strong>Los Altos Hills</strong></td>
<td>Moody Rd./El Monte Rd. Bike Improvements - Segments 1-3</td>
<td>Completed</td>
<td>$400.0</td>
</tr>
<tr>
<td><strong>Milpitas</strong></td>
<td>UPRR Bicycle/Pedestrian Overcrossing Feasibility Study</td>
<td>Completed</td>
<td>$194.1</td>
</tr>
<tr>
<td></td>
<td>Coyote Creek Trail, Between Dixon Landing and SR 237</td>
<td>Completed</td>
<td>$160.4</td>
</tr>
<tr>
<td></td>
<td>Bike Lanes on Piedmont Avenue</td>
<td>Ongoing</td>
<td>$41.3</td>
</tr>
<tr>
<td><strong>Morgan Hill</strong></td>
<td>West Little Llagas Creek Trail</td>
<td>Completed</td>
<td>$300.0</td>
</tr>
<tr>
<td><strong>Palo Alto</strong></td>
<td>Homer Avenue Undercrossing of the Caltrain Tracks</td>
<td>Completed</td>
<td>$950.5</td>
</tr>
<tr>
<td><strong>San Jose</strong></td>
<td>Los Gatos Creek Trail (Park to Santa Clara)</td>
<td>Ongoing</td>
<td>$500.0</td>
</tr>
<tr>
<td><strong>Saratoga</strong></td>
<td>De Anza Trail PG&amp;E Alignment (Joe’s Trail)</td>
<td>Ongoing</td>
<td>$380.0</td>
</tr>
<tr>
<td><strong>Monte Sereno</strong></td>
<td>Highway 9 Feasibility Study</td>
<td>Completed</td>
<td>$15.0</td>
</tr>
<tr>
<td><strong>Sunnyvale</strong></td>
<td>Borregas Avenue Bike/Pedestrian Overcrossing</td>
<td>Completed</td>
<td>$285.0</td>
</tr>
<tr>
<td><strong>VTA</strong></td>
<td>Pilot Bicycle Parking Program</td>
<td>Completed</td>
<td>$100.0</td>
</tr>
<tr>
<td><strong>VTA/Santa Clara</strong></td>
<td>River Oaks Ped/Bike Bridge Over the Guadalupe River</td>
<td>Completed</td>
<td>$2,140.9</td>
</tr>
<tr>
<td><strong>Total Programmed</strong></td>
<td></td>
<td></td>
<td><strong>$11,856</strong></td>
</tr>
<tr>
<td><strong>Remaining to be Programmed</strong></td>
<td></td>
<td></td>
<td><strong>$363</strong></td>
</tr>
<tr>
<td><strong>Total Budget</strong></td>
<td></td>
<td></td>
<td><strong>$12,219</strong></td>
</tr>
</tbody>
</table>

1. The majority of completed projects have completed financial closeout; the remainder will be closed in 2010.
2. These MBTIP funds will be programmed by VTA to projects in the Bicycle Expenditure Program.
F. EXPRESSWAY SIGNAL SYNCHRONIZATION PROGRAM

The County Roads & Airports Department has identified expressway signal synchronization projects to improve capacity and operations. In addition, they have prepared an expenditure plan for the proposed improvements. Figure 2.9 presents funding information, including MBTIP participation, for the Signal Synchronization Projects.

**Figure 2.9**

**Signal Synchronization Projects Funding Plan (in $1,000’s)**

<table>
<thead>
<tr>
<th>Description</th>
<th>Project Status</th>
<th>Other Funding</th>
<th>Measure B Funding</th>
<th>Total Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Planning</td>
<td>Completed</td>
<td>$3</td>
<td>$6</td>
<td>$9</td>
</tr>
<tr>
<td>Controller Upgrades  Phase I</td>
<td>Completed</td>
<td>372</td>
<td>150</td>
<td>522</td>
</tr>
<tr>
<td>Fiber Optic Cable Proc I &amp; II</td>
<td>Completed</td>
<td>1</td>
<td>752</td>
<td>753</td>
</tr>
<tr>
<td>Traffic Ops Center Upgrades</td>
<td>Completed</td>
<td>2</td>
<td>429</td>
<td>431</td>
</tr>
<tr>
<td>Lawrence Expwy Segment</td>
<td>Completed</td>
<td>117</td>
<td>1,947</td>
<td>2,064</td>
</tr>
<tr>
<td>Central Expwy Segment</td>
<td>Completed</td>
<td>129</td>
<td>2,933</td>
<td>3,062</td>
</tr>
<tr>
<td>Install FO Cable Conduit on Capitol &amp; Almaden Expwy</td>
<td>Completed</td>
<td>23</td>
<td>131</td>
<td>154</td>
</tr>
<tr>
<td>CCTV Camera Procurement I</td>
<td>Completed</td>
<td>1</td>
<td>235</td>
<td>236</td>
</tr>
<tr>
<td>CCTV Camera Procurement II</td>
<td>Ongoing</td>
<td>2</td>
<td>95</td>
<td>97</td>
</tr>
<tr>
<td>Signal Synch Program Management</td>
<td>Ongoing</td>
<td>69</td>
<td>140</td>
<td>209</td>
</tr>
<tr>
<td>General Design Consultant</td>
<td>Completed</td>
<td>158</td>
<td>3,460</td>
<td>3,618</td>
</tr>
<tr>
<td>San Tomas/Montague Expwy Segment</td>
<td>Completed</td>
<td>254</td>
<td>3,175</td>
<td>3,429</td>
</tr>
<tr>
<td>Oregon/Page Mill Expwy Segment</td>
<td>Completed</td>
<td>141</td>
<td>2,691</td>
<td>2,832</td>
</tr>
<tr>
<td>Almaden Expwy Segment</td>
<td>Completed</td>
<td>143</td>
<td>3,000</td>
<td>3,143</td>
</tr>
<tr>
<td>Foothill Expwy Segment</td>
<td>Completed</td>
<td>179</td>
<td>2,350</td>
<td>2,529</td>
</tr>
<tr>
<td>Lawrence to Almaden Link Segment</td>
<td>Completed</td>
<td>110</td>
<td>1,522</td>
<td>1,632</td>
</tr>
<tr>
<td>Montague Expwy (Capitol - 680)</td>
<td>Completed</td>
<td>354</td>
<td>235</td>
<td>589</td>
</tr>
<tr>
<td>Controller Upgrades  Phase II</td>
<td>Completed</td>
<td>7</td>
<td>299</td>
<td>306</td>
</tr>
<tr>
<td>Montague Expwy (101-First ST)</td>
<td>Ongoing</td>
<td>12,808</td>
<td>150</td>
<td>12,958</td>
</tr>
<tr>
<td>Montague Expwy (Zanker-Plumeria)</td>
<td>Ongoing</td>
<td>1,724</td>
<td>127</td>
<td>1,851</td>
</tr>
<tr>
<td>Central Expwy (San Tomas-De La Cruz)</td>
<td>Completed</td>
<td>6,067</td>
<td>360</td>
<td>6,427</td>
</tr>
<tr>
<td>Central Expwy (ITS West Corridor Proj Cost Share)</td>
<td>Completed</td>
<td>1</td>
<td>88</td>
<td>89</td>
</tr>
<tr>
<td>Traffic Monitoring and Advisory System Construction</td>
<td>Construction</td>
<td>0</td>
<td>800</td>
<td>800</td>
</tr>
<tr>
<td>Contingency</td>
<td>Ongoing</td>
<td>0</td>
<td>360</td>
<td>360</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$22,665</strong></td>
<td><strong>$25,435</strong></td>
<td><strong>$48,100</strong></td>
</tr>
</tbody>
</table>

1 The contingency amount is held until after all projects are accepted and complete project closeout occurs.

**Project Milestones**

All signal synchronization of the major expressway segments under the Measure B Program have been completed. Only minor equipment installation, system integration and clean-up items remain to be completed.
Project Development Issues

Measure B staff and County Roads & Airport staff developed a Closeout Agreement that outlines final commitments and funding related to the Signal Synchronization Program. Staff anticipates bringing this item to the Board of Supervisors in early 2010.

G. LEVEL OF SERVICE INTERSECTION IMPROVEMENT PROGRAM

The County Roads & Airports Department identified an initial list of intersection improvement projects for the Level of Service (LOS) Program to be included in the 1996 Measure B Program. During the development of the Base Case Plan, Roads & Airports reevaluated the LOS program based on current traffic data and a cost/benefit analysis of the projects to formulate a LOS program that would solve as many critical expressway intersection delays as possible.

Project Milestones

With the exception of the Program Management tasks, Contingency, and the project listed below, all work under the Measure B Level of Service Program has been completed.

- Preliminary engineering for the Almaden Expressway project between Branham Lane and Blossom Hill Road is underway. The Environmental document has been approved, and the purchase of right-of-way required for the project is nearing completion. Due to complications of purchasing right-of-way from commercial properties and necessary compliance with Caltrans acquisition procedures, construction is planned for the summer of 2010.

Project Development Issues

Measure B staff and County Roads & Airport staff are developing a Closeout Agreement that outlines final commitments and funding related to the LOS Program. Staff anticipates bringing this item to the Board of Supervisors in early 2010.

Figure 2.10 on the next page presents funding information, including MBTIP participation, for the Signal Synchronization Projects.
## Figure 2.10
Level of Service Projects Funding Plan (in $1,000’s)

<table>
<thead>
<tr>
<th>Description</th>
<th>Status</th>
<th>Other Funding</th>
<th>Measure B Funding</th>
<th>Total Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gen. Expwy. Intersection Project</td>
<td>Completed</td>
<td>$11</td>
<td>$24</td>
<td>$35</td>
</tr>
<tr>
<td>Magdalena Av/Foothill Exp Ped Fac Improv</td>
<td>Completed</td>
<td>1,206</td>
<td>20</td>
<td>1,226</td>
</tr>
<tr>
<td>San Tomas Expwy. &amp; Campbell Avenue</td>
<td>Completed</td>
<td>133</td>
<td>856</td>
<td>989</td>
</tr>
<tr>
<td>San Tomas Expwy. &amp; Hamilton Avenue</td>
<td>Completed</td>
<td>1,203</td>
<td>1,274</td>
<td>2,477</td>
</tr>
<tr>
<td>Capitol Expwy. &amp; McLaughlin Avenue</td>
<td>Completed</td>
<td>15</td>
<td>39</td>
<td>54</td>
</tr>
<tr>
<td>Almaden Expwy. &amp; Hwy. 85 Off Ramp</td>
<td>Completed</td>
<td>50</td>
<td>126</td>
<td>176</td>
</tr>
<tr>
<td>Central Expwy. &amp; Bowers Avenue</td>
<td>Completed</td>
<td>19</td>
<td>143</td>
<td>162</td>
</tr>
<tr>
<td>Almaden Expwy. Blassm Hill to Branham</td>
<td>Design</td>
<td>3,721</td>
<td>1,529</td>
<td>5,250</td>
</tr>
<tr>
<td>Level of Service Program Management</td>
<td>Ongoing</td>
<td>82</td>
<td>170</td>
<td>252</td>
</tr>
<tr>
<td>San Martin &amp; Monterey Hwy¹</td>
<td>Completed</td>
<td>428</td>
<td>237</td>
<td>665</td>
</tr>
<tr>
<td>Foothill Expressway</td>
<td>Completed</td>
<td>69</td>
<td>1,418</td>
<td>1,487</td>
</tr>
<tr>
<td>Montague Expressway Improvement Project</td>
<td>Completed</td>
<td>7,408</td>
<td>2,900</td>
<td>10,308</td>
</tr>
<tr>
<td>Central Expwy. @ Lafayette &amp; De La Cruz</td>
<td>Completed</td>
<td>2,880</td>
<td>3,547</td>
<td>6,427</td>
</tr>
<tr>
<td>Contingency²</td>
<td>Ongoing</td>
<td>0</td>
<td>864</td>
<td>864</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$17,225</strong></td>
<td><strong>$13,147</strong></td>
<td><strong>$30,372</strong></td>
</tr>
</tbody>
</table>

¹ Does not include $672,000 in Measure B funding provided to VTA for completion of San Martin road widening - one of the Caltrain Service Improvements projects.

² The contingency amount is held until after the finalization of federal earmarks and all projects are accepted and complete project closeout occurs.
H. FUND SWAP PROJECTS

To date, fund swap programs related to the Tasman East, Vasona, and Capitol Light Rail Extensions and the State Route 237/880 Interchange Stage C project have been approved. These programs capture federal grants and sales tax revenue bond proceeds for the projects and release 1996 Measure B funds for locally approved projects. To date, VTA has collected all grant revenue and sales tax bond proceeds required for the Swap Program. The locally approved projects include one hundred Low-floor Light Rail Vehicles, Pavement Management Projects, Route 152/156 Interchange Construction, Route 101/U.S. 85 Interchange North HOV Direct Connectors, Downtown/East Valley Light Rail Extension and Vasona Phase II.

In 2004, VTA and the County entered into a fund swap agreement numbered 2004-01. Part one of that agreement provided $22.5 million in STIP funding to the 237/880 Interchange Project in exchange for an equal amount of MBTIP funding to be added to the swap program. Part two of the agreement provided for MBTIP funds reimbursing VTA for $7.23 million of costs incurred for landscaping on MBTIP highway projects. Residual sales tax receipts, collected after the 1996 Measure B sales tax expired in the third quarter of FY06, would fund the reimbursement.

As part of the MBTIP Completion Agreement, VTA assumed the financial risk for completing highway landscaping in exchange for all residual sales tax revenues. In exchange, all residuals sales tax revenues are forwarded from the County to VTA and applied to the Swap Program, up to a total value of $7.23 million. (Beyond that amount, residual sales tax revenues will be applied to the savings priorities outlined in the MBTIP Completion Agreement.) As of October 31, 2009, the cumulative total of residual sales tax received was $7.77 million. Therefore, VTA has received its full $7.23 million compensation for highway landscaping costs, with $0.54 million of residual sales tax proceeds to date and all future such revenues going to the benefit of the 1996 Measure B Program as a whole.

Figure 2.11 on the next page presents the forecast cost at completion for each of the Fund Swap Projects through December 2009. No Swap funds were programmed to individual projects since the December 2008 Progress Report.

$4.8 million in Swap Program funds remains un-programmed at this time, an increase of $0.2 million since December 2009, as Vasona Light Rail Project-Winchester Extension savings were released back to the Fund Swap Program.

As noted, Figure 2.11 does not include the Vasona Light Rail Project ($1.6 million for the Winchester Extension), nor does it include the Route 85/U.S. 101 North Interchange HOV Direct Connector Project ($25 million). These projects and the total funding associated with them are reported elsewhere in this report.
### Figure 2.11

1996 Measure B Fund Swap Cost Status ($’s in millions) See Notes – Next Page

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Current Measure B Swap Funds</th>
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<tr>
<td>Vasona/VTA Operations Fund Swap</td>
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<td>Caltrain Palo Alto/TVM Swap</td>
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<td>TEA-21 Pvmnt Mgmt Program*</td>
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<td>Old SR-85 Relinquishment (Saratoga)</td>
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<td>STIP Equity - Gilroy St. Teresa Blvd. Ext.</td>
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<td>Montague Expressway</td>
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<td>US 101 / Bailey Road Interchange</td>
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<td>Gateway Studies</td>
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<td>VTA Fund Swap Grant Administration</td>
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<td>TDA Article 3 Pgmr Supp - County</td>
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<td>TDA Article 3 Pgmr Supp - Campbell</td>
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<td>Dixon Landing Road Pre-Const. Acts.</td>
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<td>1984 Measure A Project Close-Out Costs</td>
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<tr>
<td>Dumbarton Rail Corridor Study</td>
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<td>Countywide Expressway Study</td>
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<td>Countywide Plan, Program, Monitor</td>
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<td>US-101 North San Jose Corridor</td>
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<td>Mary Ave. Bike/Ped. Bridge</td>
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<td>Almaden Expressway Improvements</td>
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<td>SR 156/Barnheisel Road</td>
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<td>SR 237 Express Connector</td>
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<td>TBD Projects</td>
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<td>100 Additional Low Floor Vehicles</td>
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Grand Total: $328.7
Figure 2.11 (Continued)
1996 Measure B Fund Swap Cost Status

NOTES:

1. This table excludes Vasona Winchester Extension ($1.6 million), and the US-101 / SR 85 Interchange (North) HOV Direct Connectors ($25.0 million) projects. These project amounts are reported as part of the Vasona Light Rail Project and the US-101 / SR 85 Interchange (North) HOV Direct Connectors Project, respectively, in the Rail and Highway Programs.

2. TEA-21 Pvmnt Mgmt Fund Exchange for the County - Cycle 1, Cycle 2 and RABA - VTA BOD actions of 2/4/99, 1/6/00, and 12/14/00 respectively

3. TEA-21 Pvmnt Mgmt Fund Exchange for all cities - Cycle 1, Cycle 2 and RABA - VTA BOD actions of 2/4/99, 1/6/00, and 12/14/00 respectively

4. Includes $1 million from VTA BOD action of 8/3/00 and $300,000 from VTA BOD action of 12/14/00

5. Includes $175,000 from VTA BOD action of 8/3/00 and $225,000 from VTA BOD action of 4/5/01

6. Includes $1 million from VTA BOD action of 6/7/01 and $1 million from VTA BOD action of 9/5/02

7. Includes $245,000, $204,000 and $1.4 million from VTA BOD actions on 10/5/00, 12/14/00, and 6/7/01 respectively

8. Added by VTA BOD as of 3/7/02

9. Includes $3 million from VTA BOD action as of 8/4/05

10. Added by VTA BOD as of 6/3/04

11. Added by VTA BOD as of 12/2/04

12. Added by VTA BOD as of 3/3/05 & 4/6/06

13. Added by VTA BOD as of 3/30/05

14. From Winchester Savings; Added by VTA BOD as of 8/4/05

15. Added by VTA BOD as of 8/4/05

16. Amended by VTA BOD; Gateway Studies completed for $1.85M, Calaveras programmed from $150K remainder

17. Added by VTA BOD 1/15/06

18. VTA BOD actions on 6/5/03 & 8/31/06

19. Added by VTA BOD 11/2/06

20. Added by VTA BOD 11/1/07

21. Added/Reduced by VTA BOD 12/13/07

22. Added/Reduced by VTA BOD 12/11/08
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Short Range Transit Plan 2010

ACTION ITEM

RECOMMENDATION:

Adopt the 2010 Short Range Transit Plan.

BACKGROUND:

The Short Range Transit Plan (SRTP) is a planning document that presents VTA’s plan for transit service over the next ten years. It includes a ten-year projection of transit capital and operating expenses and revenues, along with supporting information about VTA’s services and programs. For Fiscal Year 2010, VTA has produced a SRTP as defined by the Metropolitan Transportation Commission (MTC), which presents the Service Evaluation, Operating Plan, and Capital Improvement Program. At present, MTC requires transit agencies to adopt a SRTP every year.

DISCUSSION:

The most noteworthy information in the 2010 SRTP is presented in the Operating Plan and Capital Improvement Program (CIP). Each chapter presents a 10-year projection of revenues and expenses. The SRTP requires that planned transit services must identify the sources of operating revenues to match those services in order to be included in the plan.

There are two major changes from previous versions of the SRTP. The first change is the incorporation of the Measure A Expenditure Plan into the CIP, rather than showing the Measure A projects in a separate appendix. As such, projects fall into either the Core capital program or the Measure A capital program. The second change is the practice of categorizing each project based on funding constraints. This approach is intended to satisfy the desire to show a
comprehensive capital needs list with the desire to consider the reality of constrained funding. As such, there are two groups of projects: Tier I projects which have a reasonable source of funding identified, and Tier II projects which are unfunded.

The 2010 SRTP is also the first to include BART service in Santa Clara County, scheduled for Fiscal Year 2018. The operating and capital plans both reflect the construction and operation of BART service.

It must be emphasized that the projections contained in the 2010 SRTP represent the most up-to-date information as currently understood by VTA staff. However, financial information is always subject to change, particularly in the out years of the plan as more information is gathered and financial conditions change over subsequent updates of the SRTP.

**ALTERNATIVES:**

The Committee can direct staff to modify the document and recommend Board adoption pending the incorporation of changes. Alternatively, the Committee can direct staff to modify the document and return in February for recommendation at the March Board.

**FISCAL IMPACT:**

There is no direct fiscal impact resulting from approval of the FY 2010-2019 Short Range Transit Plan. The SRTP presents updates to VTA’s Operations Plan and Capital Improvement Program, which may indicate future expenditures for transit operations and capital improvements. Approval of the SRTP document makes VTA eligible for federal transportation grants.

**ADVISORY COMMITTEE DISCUSSION**

The Technical Advisory Committee, Policy Advisory Committee, and the Citizens Advisory Committee each received a staff presentation on the Draft Short Range Transit Plan. Each committee recommended approval of the Plan.

The CAC raised three concerns regarding the VTA operating plan. First, members expressed concern that VTA is drawing down its Core Fund balance to the 15% minimum too quickly and will have little cushion for emergencies. Second, members expressed concern over the use of Federal preventive maintenance funds for operations. Finally, members expressed concern that the price assumption of diesel fuel in the financial projection is too low and exposes VTA to significant risk if the price were to exceed the projection.

The TAC asked questions regarding the process for dealing with low performing routes in the system and the standards that routes are expected to meet. The TAC acknowledged the risks resulting from the document's financial assumptions necessary to produce a balanced forecast, and asked how dismal the projection would be if the assumptions were removed.

The PAC asked about VTA's ability to transition to longer light rail trains, given the Vasona
line's platform length constraints. The PAC also asked how the various Caltrain capital projects relate to the California High Speed Rail project. Finally, the PAC expressed the desire for VTA to be ready to move forward on projects if the financial projections turn out to be too conservative and the economy improves faster than expected.

**STANDING COMMITTEE DISCUSSION**

The Congestion Management Program & Planning Committee, meeting as a Committee of the Whole, received a staff presentation on the Draft Short Range Transit Plan. The members expressed a desire to see improved performance standard measurements for the light rail system (such as measuring performance by comparing light rail travel times to auto travel times).

Members also questioned the assumptions in the financial model, expressing concern that VTA's financial projection is based on several assumptions that may not come true (such as a return of State Transit Assistance funding). The members expressed concern that the Plan's use of the term "assumption" in the financial model is not appropriate and would prefer to discuss the issue with alternate wording. Staff will make improvements to the text of the Plan to reflect the members' concerns.

Prepared by: Jason Tyree
Memo No. 2430
Click here to view the:

Draft Short Range Transit Plan
FY 2010-2019
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief External Affairs Officer, Greta Helm

SUBJECT: Monthly Legislative History Matrix

FOR INFORMATION ONLY

BACKGROUND:

For your information, I am attaching our Monthly Legislative History Matrix, which describes the key transportation-related bills that are being considered by the California State Legislature during the 2009-10 session. It indicates the status of these measures and any adopted VTA positions with regard to them.

DISCUSSION:

As lawmakers make their way back to Sacramento for the second year of the 2009-2010 legislative session, the state’s seemingly never-ending fiscal difficulties will most certainly be at the top of their agenda. Once again, California is facing a mammoth budget deficit and the prospect of more cuts to state services. In a recent report, the Legislative Analyst’s Office (LAO) noted that the General Fund has a $20.7 billion deficit over the next 18 months, and recommended that Gov. Arnold Schwarzenegger and the Legislature start working to fill that gap “as soon as possible.” The LAO pointed out that many of the one-time fixes that state leaders have relied on in the past to close deficits are not available, and further warned that California will face annual deficits in excess of $20 billion through FY 2015 if permanent solutions are not found. The news from the LAO came only four months after lawmakers approved a controversial plan to close a $24 billion shortfall in the current fiscal year.

According to the LAO, the $20.7 billion budget deficit-$6.3 billion in the current fiscal year and $14.4 billion in FY 2011-is the result of a number of factors, including: (a) plans for spending reductions that never materialized, particularly in the case of prisons and Medi-Cal; (b) court rulings that have blocked some anticipated cuts; (c) a nearly $1 billion increase in the Proposition 98 funding guarantee for K-14 education in FY 2010; and (d) an assumption that the state would not be able to sell the State Compensation Insurance Fund, which was expected to bring in about $1 billion this year. In addition, California continues to experience declining
revenues from taxes and other sources due to the recession. According to the Department of Finance, revenues so far are down $596 million for the year.

Complicating matters is a growing concern about the amount of bonded indebtedness that the state is incurring. Before California’s economy sputtered, voters authorized multi-billion-dollar bond measures for a variety of purposes. They approved investments in transportation, schools and levees, as well as for hospitals and stem-cell research. At the time, fiscal experts projected that California, at most, would have to spend roughly 6 percent of its annual budget on debt service payments. Now, with the state’s revenues having plummeted, estimates show that debt service could consume as much as 10 percent of the General Fund by FY 2015, an “unprecedented” ratio, according to the LAO. Treasurer Bill Lockyer commented that a 10 percent debt ratio “would require cutting even deeper into crucial services already reeling from billions of dollars in reductions.” These latest debt warnings came just weeks after Gov. Schwarzenegger and lawmakers decided to place a new $11.1 billion water bond on next November’s ballot.

Both the LAO and Lockyer have suggested that lawmakers re-evaluate the state’s debt situation. For his part, Lockyer has advocated for a “master plan” to direct investments through 2050. One way for the state to reduce its debt service ratio is for the Governor and Legislature to slow down bond spending that has been authorized by the voters. Currently, the state has $53 billion in bonds that had been authorized but not yet issued. In the case of Proposition 1B, the $20 billion transportation bond measure that was approved by the voters in November 2006, only $4.5 billion has been sold. Decisions on the part of the Governor and lawmakers to ratchet back the issuance of additional debt could have implications not only for transportation projects anticipated to be funded through Proposition 1B, but also for California’s proposed high-speed rail system, which is counting on $9 billion in bond revenues from 2008’s Proposition 1A to build the first phase of the project.

Prepared By: Kurt Evans
Memo No. 2313
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<td><strong>AB 118</strong> (Logue)</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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<td><strong>AB 153</strong> (Ma)</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 266</strong> (Carter)</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>
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<td><strong>AB 289</strong> (Galgiani)</td>
<td>Requires the California High-Speed Rail Authority, to the extent possible, to use bond proceeds from the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century to match federal economic stimulus funds made available under the American Recovery and Reinvestment Act of 2009.</td>
<td>8/17/09</td>
<td>Senate Rules Committee</td>
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<td><strong>AB 497</strong> (Block)</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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<td><strong>AB 522</strong> (Blumenfield)</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)</td>
<td>Specifies that provisions in the Industrial Welfare Commission’s wage order pertaining to meal periods do not apply to an employee in a construction occupation, a commercial driver in the transportation industry or an employee in the security services 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>9/11/09</td>
<td>Senate Rules Committee</td>
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<td>AB 610 (Caballero)</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>
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<td>AB 619 (Blumenfield)</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>AB 670 (Berryhill)</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>
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<td>AB 726 (Nielsen)</td>
<td>States that local roadway rehabilitation projects are eligible for funding under the State Transportation Improvement Program (STIP).</td>
<td>As Introduced</td>
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<td>AB 732 (Jeffries)</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>AB 744 (Torrico)</td>
<td>Bay Area Express Lane Network</td>
<td>7/15/09</td>
<td>Senate Appropriations Committee</td>
<td>Support</td>
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Authorizes the Bay Area Toll Authority (BATA) to develop, acquire, administer, operate, and maintain 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, safe and simple operations, technology, pricing policies and goals, carpool occupancy requirements, hours of operation, maintenance, enforcement, marketing, tort liability, and performance standards. Requires the committee to establish corridor working groups for each express lane corridor. Requires each corridor working group to prepare a project initiation document to assess the feasibility and desirability of express lanes in the corridor, as well as to develop a corridor investment plan. Requires the corridor investment plan to 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; (g) a proposal for improving public transit services in the corridor; (h) an examination of safety and operations, including express lane ingress and egress; and (i) projects and programs to be funded with any net revenues generated by the corridor, giving the highest priority to projects and programs that would provide cost-effective transit. 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. Allows BATA to expend toll bridge revenues on the regional express lane network provided that: (a) funding from other sources is not available; and (b) BATA projects that funding the network will not necessitate an increase in bridge toll rates or preclude BATA from upholding its contractual and statutory obligations. Requires all revenues generated by the network to be deposited in 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. Requires BATA to provide vehicle owners with the option of obtaining a FasTrak account using cash or a check, and without having to provide a name or address. Prohibits BATA from converting existing non-tolled general purpose lanes to express lanes.
<table>
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<th>State Assembly Bills</th>
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<tr>
<td>AB 782 (Jeffries) Sustainable Communities Strategies</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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<tr>
<td>AB 810 (Caballero) General Plans: Circulation and Transportation Element</td>
<td>Renames the circulation element of local general plans the “circulation and transportation element.”</td>
<td>As Introduced</td>
<td>Senate Local Government Committee</td>
<td></td>
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<tr>
<td>AB 878 (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>
<td></td>
</tr>
<tr>
<td>AB 922 (Miller) Biodiesel Fuel Tax Exemption</td>
<td>Until June 30, 2014, exempts biomass-based diesel fuel produced in the state with California feedstock from the diesel fuel excise tax.</td>
<td>As Introduced</td>
<td>Assembly Revenue and Taxation Committee</td>
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</tr>
<tr>
<td>AB 949 (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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<tr>
<td>AB 1030 (Blumenfield)</td>
<td>In consultation with Caltrans, authorizes 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 90 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>7/13/09</td>
<td>Senate Appropriations Committee</td>
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<tr>
<td>AB 1091 (Ruskin)</td>
<td>Authorizes the Natural Resources Agency to develop a Climate Change Adaptation Strategy to assess California’s vulnerability to the impacts of climate change, including the impacts of projected sea-level rise, on the state’s physical and natural infrastructure. Requires the strategy to be subject to a multidisciplinary review process prior to adoption to ensure that ecosystems, sensitive species, or other environmentally sensitive resources or habitats are not inadvertently put at risk or adversely impacted.</td>
<td>5/6/09</td>
<td>Assembly Appropriations Committee</td>
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<tr>
<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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<tr>
<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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<tr>
<td>AB 1192 (Strickland)</td>
<td>Prohibits a legislative body of a city from selling or leasing any existing public improvement to a private or public entity for the purposes of renting or leasing back, or repurchasing through installment payments that existing public improvement.</td>
<td>4/20/09</td>
<td>Assembly Local Government Committee</td>
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</tbody>
</table>
AB 1321
(Eng)
Advance Infrastructure Mitigation Program

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.

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<td>AB 1321</td>
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<td>Assembly Appropriations Committee</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 1405 (De Leon) Global Warming Solutions Act: Community Benefits Fund</td>
<td>Requires the California Air Resources Board (CARB) to deposit a minimum of 30 percent of the fee revenues generated under the California Global Warming Solutions Act of 2006, other than revenues collected for administrative purposes, in the Community Benefits Fund. Requires the revenues in the fund to be used solely in the most impacted and disadvantaged communities in the state to accelerate greenhouse gas emission reductions or mitigate direct health impacts of climate change in those communities. Requires the revenues in the fund to be used to provide competitive grants for projects that do any of the following: (a) reduce greenhouse gas emissions while achieving co-benefits, such as reductions in air pollution; (b) increase water and energy efficiency and conservation through retrofitting, replacing or weatherizing activities; (c) install clean distributed generation systems that utilize locally available renewable energy sources, such as solar, wind and geothermal energy; (d) initiate or enhance public mass transit, including fare subsidies to commuters; (e) incentive low-income, public mass transit-oriented housing development; (f) minimize the direct health impacts of climate change and prepare for emergencies from extreme weather events by taking actions such as the operation of air-conditioned cooling centers that are open to the public; or (g) provide community based greening, forestry or water-related projects, such as stormwater capture, tree planting, and water conservation and efficiency measures that have been recognized to reduce greenhouse gas emissions and produce co-benefits. Requires CARB to adopt a methodology to identify the most impacted and disadvantaged communities by June 30, 2010.</td>
<td>9/1/09</td>
<td>Senate Floor</td>
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<tr>
<td>AB 1431 (Hill) Port of Oakland: Emission Reduction Strategies</td>
<td>Requires the Port of Oakland and entities involved in goods movement at that port to establish emission reduction strategies that are no less stringent than those employed at the Ports of Los Angeles and Long Beach.</td>
<td>4/14/09</td>
<td>Assembly Transportation Committee</td>
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<tr>
<td>AB 1500 (Lieu) 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, 2014.</td>
<td>7/14/09</td>
<td>Senate Floor</td>
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<tr>
<td>AB 1502 (Eng) 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>
<td></td>
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<tr>
<td>ACA 3 (Blakeslee) State General Obligation Bonds</td>
<td>Calls for placing before the voters an amendment to the California Constitution to require an initiative measure authorizing the issuance of state general obligation bonds in a total amount exceeding $1 billion to either provide additional tax or fee revenues, eliminate existing programs or both as necessary to fully fund the bonds in order to be placed on the ballot.</td>
<td>6/16/09</td>
<td>Assembly Floor</td>
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<td>ACA 5 (Calderon)</td>
<td>Calls for placing before the voters an amendment to the California Constitution to require an initiative measure authorizing the issuance of state general obligation bonds to be approved by a 55 percent majority of the electorate.</td>
<td>7/14/09</td>
<td>Assembly Floor</td>
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<tr>
<td>ACA 9 (Huffman)</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 primarily to provide sheriff, police or fire protection services to the public; (b) 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 Floor</td>
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<tr>
<td>ACA 13 (Hernandez)</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 an initiative measure to the Legislature prior to certification of the voter signatures that were collected to qualify the measure for the ballot. Allows the Legislature to amend an initiative measure that proposes to change the Constitution by concurrent resolution. If the proponents of the initiative measure accept the amendments of the Legislature, the Legislature may return the measure to the Secretary of State’s Office for possible placement on the ballot. Allows an initiative measure transmitted to the Legislature that only proposes a statute to be introduced in the Legislature as a bill. Provides that if such a bill is enacted and the proponents of the initiative measure accept any amendments of the Legislature, then the Secretary of State’s Office shall not submit the initiative measure to the voters. If the Legislature returns an initiative measure to the Secretary of State’s Office within 30 legislative session days after it has been transmitted to the Legislature and the measure is certified to have been signed by the requisite number of voters, requires the Secretary of State’s Office to place the measure, including any accepted amendments, on the ballot. If the Legislature does not return an initiative measure to the Secretary of State’s Office within 30 legislative session days after it has been transmitted to the Legislature, requires the Secretary of State’s Office to place the measure on the ballot if it is certified to have been signed by the requisite number of voters.</td>
<td>9/4/09</td>
<td>Assembly Floor</td>
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<tr>
<td>ACA 15 (Arambula)</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</td>
<td>Support</td>
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| ACA 16 (Nestande)  
State General Obligation Bonds | 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. | As Introduced | Assembly Appropriations Committee | 
| ACR 14 (Niello)  
Global Warming Solutions Act: Economic Analysis | Prior to any regulatory action being taken consistent with the scoping plan for the California Global Warming Solutions Act of 2006, requires the California Air Resources Board (CARB) to perform an economic analysis that would give the state a more complete and accurate picture of the costs and benefits of the act’s implementation. Calls upon the governor to use the authority granted by the act to adjust any applicable deadlines for regulations. | 3/27/09 | Assembly Natural Resources Committee |
# State Senate Bills

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<tr>
<td>SB 10 (Leno) Local Vehicle Assessment</td>
<td>Authorizes counties and San Francisco to impose a voter-approved local vehicle assessment at a rate not to exceed 2 percent of the market value of each motor vehicle or trailer coach registered within their respective jurisdictions for general revenue purposes if: (a) the board of supervisors approves an ordinance to that effect by a two-thirds vote; and (b) the assessment is approved by a majority vote of the electorate. Specifies that the bill is not to be construed to supplant any funds that the state apportions to counties and San Francisco, including those apportioned under the Vehicle License Fee Law.</td>
<td>7/8/09</td>
<td>Assembly Appropriations Committee</td>
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<tr>
<td>SB 31 (Pavley) Global Warming Solutions Act: Compliance Revenues</td>
<td>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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<tr>
<td>SB 128 (Padilla) 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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<tr>
<td>SB 295 (Dutton) Global Warming Solutions Act: Peer-Reviewed Study</td>
<td>Requires the California Air Resources Board (CARB) to complete a peer-reviewed study to re-evaluate the costs and benefits included in its scoping plan prepared pursuant to the California Global Warming Solutions Act of 2006. Requires this additional study to include all of the following: (1) estimates of the actual costs in every year and for every sector of the economy of the recommendations identified in the scoping plan; (2) estimates of overall costs and savings, as well as the cost-effectiveness of the reductions identified in the scoping plan; (3) estimates of the timing of capital investments, annual expenditures to repay those investments, and the resulting cost savings; (4) sensitivity of the results to changes in key inputs, including energy price forecasts, and estimates of measure costs and savings; (5) impacts on small businesses; (6) the current state of California’s economy; (7) the impact of increased federal funding for green technology as a result of the American Recovery and Reinvestment Act of 2009; (8) estimates of the greenhouse gas emission reductions, and annualized costs and savings that would result if the emission targets were raised and lowered for at least five measures in the scoping plan. Requires CARB to provide this study to the Legislature by October 1, 2009. Requires CARB to report to the Legislature by November 1, 2009, on whether the study will lead to changes to the scoping plan.</td>
<td>5/13/09</td>
<td>Senate Environmental Quality Committee</td>
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| **SB 409**  
(Ducheny)  
Department of Railroads | 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 the 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. | 5/21/09 | Senate Floor |  |
| **SB 425**  
(Simitian)  
Transportation Demand Management Strategies | 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. | 7/23/09 | Senate Appropriations Committee | Support |
| **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 I 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 Floor |  |
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<td>SB 474 (Ducheny)</td>
<td>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. Within 90 days after the award of a contract or after 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 resources; (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 lead agency on a project is not the owner of the facility, requires the owner of the facility to concur with the finding.</td>
<td>8/24/09</td>
<td>Assembly Desk</td>
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<td>SB 476 (Correa)</td>
<td>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.</td>
<td>4/30/09</td>
<td>Assembly Natural Resources Committee</td>
<td></td>
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<tr>
<td>SB 485 (Wright)</td>
<td>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.</td>
<td>As Introduced</td>
<td>Senate Transportation and Housing Committee</td>
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<tr>
<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>
<td></td>
</tr>
<tr>
<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>
<td></td>
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<tr>
<td>SB 528 (Negrete McLeod) Public-Private Partnerships: Lessee Compensation</td>
<td>Prohibits a lease agreement related to a public-private partnership for a transportation facility that is entered into on or after January 1, 2010, from providing for compensation to the private entity for the adverse effects on toll revenues resulting from the development, operation or lease of competing transportation projects.</td>
<td>As Introduced</td>
<td>Senate Transportation and Housing Committee</td>
<td></td>
</tr>
<tr>
<td>State Senate Bills</td>
<td>Subject</td>
<td>Last Amended</td>
<td>Status</td>
<td>VTA Position</td>
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<tr>
<td><strong>SB 535</strong>  &lt;br&gt; (Yee)  &lt;br&gt; HOV Lanes: Low-Emission and Fuel-Efficient 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. In addition, allows certain highly fuel-efficient vehicles to travel in HOV lanes without the required number of passengers, beginning in 2011. However, retains the January 1, 2011, sunset date for hybrid vehicles.</td>
<td>9/4/09</td>
<td>Assembly Floor</td>
<td></td>
</tr>
<tr>
<td><strong>SB 560</strong>  &lt;br&gt; (Ashburn)  &lt;br&gt; Sustainable Communities Strategies</td>
<td>Provides that greenhouse gas emission credits for cities and counties that site and permit commercial wind, solar and biomass projects may be used as credit in the formation of a sustainable communities strategy or an alternative planning strategy. Provides that transportation trips outside of federal lands that are directly related to activities of a federal or state military installation shall not be included in the emissions inventory otherwise required to be considered to achieve any reductions in greenhouse gas emissions.</td>
<td>As Introduced</td>
<td>Senate Environmental Quality Committee</td>
<td></td>
</tr>
<tr>
<td><strong>SB 632</strong>  &lt;br&gt; (Lowenthal)  &lt;br&gt; 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>
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<tr>
<td>SB 721 (Steinberg) Climate Action Team</td>
<td>Creates the Climate Action Team consisting of the following representation: (a) secretary of the California Environmental Protection Agency; (b) secretary of the Natural Resources Agency; (c) chairperson of the California Air Resources Board (CARB); (d) chairperson of the Energy Resources Conservation and Development Commission; (e) president of the California Public Utilities Commission (CPUC); (f) secretary of the Business, Transportation and Housing Agency; (g) secretary of the Department of Food and Agriculture; (h) secretary of the Department of Consumer Affairs; and (i) secretary of the Labor and Workforce Development Agency. Consistent with the California Global Warming Solutions Act of 2006, requires the Climate Action Team to coordinate the state’s overall climate change policy. Requires the Climate Action Team to prepare and adopt a strategic research, development, demonstration, and deployment plan that identifies funds to be expended to: (1) assist in bringing California clean technologies into the marketplace that provide quantifiable reductions in greenhouse gas emissions; (2) encourage behavior changes or changes in consumer preferences that assist California in meeting its climate change targets and requirements; and (3) identify and forecast the impacts of climate change, and identify and research methods to mitigate and adapt to those impacts. Requires the Climate Action Team to coordinate with the Natural Resources Agency to prepare and adopt a climate change impact mitigation and adaptation plan that includes all of the following: (1) an assessment of the current state of climate change impact analysis, and an identification of potential climate change impacts that should be included in decision-making related to the management of natural resources or investment in infrastructure; (2) a process for integrating climate change impact information into the planning and decision-making of state agencies as appropriate; (3) the identification of additional research and research priorities that could assist and improve state decision-making in future years; (4) an evaluation of each sector’s contribution toward meeting the greenhouse gas emission reduction targets established by the Global Warming Solutions Act of 2006; and (5) a review of the best available scientific information regarding projected climate change impacts, risk analysis and best management practices developed to date.</td>
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<tr>
<td>Last Amended</td>
<td>4/23/09</td>
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<tr>
<td>Status</td>
<td>Senate Appropriations Committee</td>
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<tr>
<td>VTA Position</td>
<td>23.a</td>
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</table>

| 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 |

<p>| 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 Floor |</p>
<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) Constitutional Amendments</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 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>8/17/09</td>
<td>Senate Floor</td>
<td></td>
</tr>
<tr>
<td>SCA 14 (Ducheny) Ballot Initiative Costs</td>
<td>Calls for placing before the voters an amendment to the California Constitution regarding the costs associated with statewide initiative measures. Specifically, prohibits an initiative measure that would result in a net increase in state or local government costs other than costs attributable to the issuance, sale or repayment of bonds from being placed on the ballot unless the Legislative Analyst’s Office and the Department of Finance jointly determine that the initiative measure provides for additional revenues in an amount that would meet or exceed the net increase in costs.</td>
<td>8/17/09</td>
<td>Senate Floor</td>
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<tr>
<td>DAY</td>
<td>JANUARY</td>
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<td></td>
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</tr>
<tr>
<td>1</td>
<td>Statutes signed into law in 2009 take effect.</td>
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<tr>
<td>4</td>
<td>Legislature reconvenes.</td>
<td></td>
<td></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>15</td>
<td>Last day for policy committees to hear and report fiscal bills introduced in their house of origin in 2009.</td>
<td></td>
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<tr>
<td>22</td>
<td>Last day for any committee to hear and report to the floor bills introduced in their house of origin in 2009. Last day to submit bill requests to the Legislative Counsel’s Office.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>31</td>
<td>Last day for bills introduced in 2009 to be passed out of their house of origin.</td>
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<table>
<thead>
<tr>
<th>DAY</th>
<th>FEBRUARY</th>
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<tbody>
<tr>
<td>19</td>
<td>Last day for new bills to be introduced.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DAY</th>
<th>MARCH</th>
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<tbody>
<tr>
<td>25</td>
<td>Spring Recess begins upon adjournment.</td>
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</table>

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<thead>
<tr>
<th>DAY</th>
<th>APRIL</th>
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<tbody>
<tr>
<td>5</td>
<td>Legislature reconvenes from Spring Recess.</td>
</tr>
<tr>
<td>23</td>
<td>Last day for policy committees to hear and report fiscal bills introduced in their house of origin in 2010.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DAY</th>
<th>MAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Last day for policy committees to hear and report to the floor non-fiscal bills introduced in their house of origin in 2010.</td>
</tr>
<tr>
<td>28</td>
<td>Last day for fiscal committees to hear and report to the floor bills introduced in their house of origin in 2010.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DAY</th>
<th>JUNE</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Last day for bills introduced in 2010 to be passed out of their house of origin.</td>
</tr>
<tr>
<td>15</td>
<td>Budget must be passed by midnight.</td>
</tr>
<tr>
<td>24</td>
<td>Last day for legislative measures to qualify for placement on the November 2, 2010, general election ballot.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DAY</th>
<th>JULY</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Last day for policy committees to hear and report bills introduced in the other house. Summer Recess begins upon adjournment, provided that the budget bill has been enacted.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DAY</th>
<th>AUGUST</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Legislature reconvenes from Summer Recess.</td>
</tr>
<tr>
<td>13</td>
<td>Last day for fiscal committees to hear and report to the floor bills introduced in the other house.</td>
</tr>
<tr>
<td>20</td>
<td>Last day to amend bills on the Assembly and Senate floors.</td>
</tr>
<tr>
<td>31</td>
<td>Last day for each house to pass bills. Final Recess begins at the end of this day’s session.</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>DAY</th>
<th>SEPTEMBER</th>
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</thead>
<tbody>
<tr>
<td>30</td>
<td>Last day for the Governor to sign or veto bills passed by the Legislature before September 1, and in his possession after September 1.</td>
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<table>
<thead>
<tr>
<th>DAY</th>
<th>OCTOBER</th>
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<table>
<thead>
<tr>
<th>DAY</th>
<th>NOVEMBER</th>
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</thead>
<tbody>
<tr>
<td>2</td>
<td>General Election.</td>
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</table>

<table>
<thead>
<tr>
<th>DAY</th>
<th>DECEMBER</th>
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</thead>
<tbody>
<tr>
<td>6</td>
<td>The 2011-2012 regular legislative session convenes.</td>
</tr>
</tbody>
</table>
CALL TO ORDER

The Regular Meeting of the Administration and Finance Committee (A&F) was called to order at 12:03 p.m. by Chairperson Kniss in Room B-104, VTA River Oaks Campus, 3331 North First Street, San Jose, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Don Gage</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Liz Kniss</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Chuck Reed</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Perry Woodward</td>
<td>Vice Chairperson</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.

M/S/C (Gage/Reed) to approve the orders of the day.

CONSENT AGENDA

4. Minutes of December 17, 2009

M/S/C (Gage/Woodward) to approve the Regular Meeting Minutes of December 17, 2009.


M/S/C (Gage/Woodward) to receive the Report on Santa Clara Valley Transportation Authority Investments for the Month of November 2009.

6. 2009 Year End Attendance Report

M/S/C (Gage/Woodward) to review the 2009 Year End Attendance Report.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
7. **Monthly Legislative History Matrix**

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

8. **Citizens Advisory Committee Appointments**

M/S/C (Gage/Woodward) to take the following actions on appointments to the Citizens Advisory Committee:

(1) Appoint Herman Wadler to the position representing Bicyclists, and submit this appointment to the Board of Directors for ratification; and

(2) Ratify the appointment of Clinton Brownley to represent the West Valley Cities.

9. **BPAC Member Appointments**

M/S/C (Gage/Woodward) to ratify the following new appointment and re-appointment to the Bicycle & Pedestrian Advisory Committee for the current term ending June 2010 and the following term commencing July 1, 2010, until June 30, 2012.

**New Appointment**
- James Wiant, City of Cupertino

**Re-appointment**
- Herman Wadler, City of Campbell

**REGULAR AGENDA**

10. **Elect Standing Committee Vice Chairperson**

Chairperson Kniss opened the nominations from the floor for the position of Administration and Finance Committee Vice Chairperson for 2010.

Member Reed nominated Member Woodward for the position of Administration and Finance Committee Vice Chairperson for 2010.

M/S/C (Gage/Reed) to close the nominations and elect Member Woodward as Administration and Finance (A&F) Committee Vice Chairperson for 2010, on a white ballot.

11. **Contract Award - Money Manager-Emerging Markets**

Board Member Reed recused himself per Government Code Section 84308.

Joseph Smith, Chief Financial Officer and Committee Staff Liaison, reported Mercer Investment Consulting Incorporated (Mercer), the investment consultant to the ATU Pension Board, recommended and the ATU Pension Board approved that two asset classes, real estate and emerging markets, be added to the VTA/ATU Pension Plan Investment Portfolio.
VTA engaged Mercer to search for Non-US Equity Emerging Markets managers. Six investment management firms were presented to the ATU Pension Board and three (3) firms were interviewed. The three (3) firms selected for interview were Robeco, Aberdeen, and AXA Rosenberg.

Interviews were conducted by a panel consisting of three (3) members of VTA management and three (3) ATU representatives. The panel recommended the contract be awarded to Robeco.

Mr. Smith reported Robeco provides good quantitative input and good qualitative analysis in comparison to the other two firms interviewed. He stated Robeco is currently an investment manager for small cap in the ATU fund.

M/S/C (Gage/Woodward) to authorize the General Manager to execute an investment management agreement with Robeco Investment Management for the management of the Non-US Equity Emerging Markets asset class within the VTA/ATU Pension Plan investment portfolio. Member Reed recused.

OTHER ITEMS

12. **Items of Concern and Referral to Administration**

   There were no items of concern or referral to Administration.

13. **Review Committee Work Plan**

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

14. **Committee Staff Report**

   Joseph Smith, Chief Financial Officer and Staff Liaison, provided a handout entitled “FY 2010 Sales Tax Receipts.”

   **Fiscal Year 2010 First Quarter Results**

   VTA 1976 Sales Tax receipts for Fiscal (FY) 2010 first quarter, July 1, 2009, through September 30, 2009, were 9.7 percent less than FY 2009 first quarter sales tax receipts.

   Mr. Smith reported FY 2010 first quarter sales tax receipts reflected positive audit adjustments, without which sales tax receipts would have declined 16.9 percent in lieu of 9.7 percent.

   Mr. Smith reported the previous forecast as of September 2009, by staff with input from Beacon Economics, had forecasted that the FY 2010 first quarter (July 1, 2009, through September 30, 2009) sales tax receipts would decline 20.4 percent.
**Fiscal Year 2010 Forecast**

As of September 2009, staff, with input from Beacon Economics, had forecasted that the FY 2010 sales tax receipts would be 13.1 percent less than the FY 2009 sales tax receipts.

Mr. Smith reported that with the actual receipts for Q1, combined with an updated forecast from Beacon Economics, the forecasted sales tax receipts for FY 2010 has been revised to reflect 8.1% less than the FY 2009 sales tax receipts.

Mr. Smith noted it is anticipated that VTA will continue to experience negative sales tax growth for the next two quarters of FY 2010. He stated Beacon Economics has revised its taxable sales forecast from a negative 4.2 percent decline in FY 2010 fourth quarter to a 3.6% growth.

Member Reed questioned VTA’s cumulative sales tax decline from its peak. Kimberly Koenig, Fiscal Resources Manager, reported an approximate sales tax decline of 25 percent from its peak in FY 2001 of approximately $181 Million to approximately $137 Million in FY 2009.

Chairperson Kniss questioned the approach VTA is taking to get back on track. Michael T. Burns, General Manager, noted VTA has initiated the following: 1) $25 million was transferred from Measure A to the operating budget, with Measure A projects deferred; 2) a fare increase; 3) service cuts accounting for $16 million over a two-year period; 4) budget reduced; 5) layoffs; 6) wage freezes; and 7) furloughs.

Mr. Burns reported stimulus funds that will not have met established deadlines may become available to VTA.

Joseph Smith reported on the reduced appropriation of $15 million - $7.5 million each in fiscal years 2010 and 2011.

Mr. Burns stated the Ad-Hoc Financial Recovery Committee may provide significant recommendations to deal with longer term structural issues.

Chairperson Kniss suggested staff provide a list of action items to the Board. She noted the importance of being proactive in getting information out to the public, especially in light of recent negative articles. External Affairs was requested to provide a memo indicating what steps have been taken to communicate VTA’s situation in a reasonable manner and what the plans are for moving forward in this area.

Mr. Burns noted the challenge of getting the local newspapers to run positive reports on VTA. He mentioned a recent meeting he had with Mercury News reporter Gary Richards regarding VTA’s recent activities; he referenced supportive articles in the Gilroy Dispatch.

Member Reed requested staff provide a single page, bullet-point list of VTA accomplishments to the Board and Policy Advisory Committee, allowing for a more proactive approach by Board and committee members. Member Reed noted he often gives live radio interviews and can highlight VTA’s accomplishments with up-to-date speaking points.
Member Reed requested a detailed accounting of funds the State of California has diverted from VTA locally and from transportation statewide.

Member Gage directed staff use the VTA website as a tool to better communicate information to the public, such as posting the Friends Newsletter detailing VTA actions. He recommended Board Chairperson Liccardo have a space for communicating VTA’s message on the web site. He further suggested Board Members, and the areas they represent, should be on the web site along with a means to communicate with them. He noted VTA should use its own communication tools to communicate with the public on areas of policy and direction.

Chairperson Kniss requested the General Manager provide public-outreach updates to the Board as part of his monthly report.

Chairperson Kniss recommended better communication with the public on the 2000 Measure A funds, clarifying the amount collected per year and reminding the voters what they voted for.

Chairperson Kniss questioned the news clips provided to the Board. Greta Helm, Chief External Affairs Officer, noted the Board is provided with daily news clips regarding VTA and other transit agencies. Members of the Committee requested staff revise the order in which the news clips are presented, to enable the Board to see what items were generated through VTA’s efforts separately from items generated by others.

Member Reed expressed interest in Beacon Economics’ forecasted 3.6% growth in sales tax receipts for FY 2010 fourth quarter. He noted the forecast was good news. Mr. Smith stated Beacon Economics is forecasting an even greater growth in 2011. Mr. Burns noted Beacon Economics has been the most conservative of the economic forecasters and stated his hope they are maintaining that conservative approach. Member Gage noted the importance of ensuring the information is reliable before the news is released.

15. **Chairperson’s Report**

   There was no Chairperson’s report.

16. **Determine Consent Agenda for the February 4, 2010 Board of Directors Meeting**

   **Agenda Item #7.** Review the Monthly Legislative History Matrix.

   **Agenda Item #8.** Take the following actions on appointments to the Citizens Advisory Committee:

   (1) Appoint Herman Wadler to the position representing Bicyclists, and submit this appointment to the Board of Directors for ratification; and

   (2) Ratify the appointment of Clinton Brownley to represent the West Valley Cities.
Agenda Item #9. Ratify the following new appointment and re-appointment to the Bicycle & Pedestrian Advisory Committee for the current term ending June 2010 and the following term commencing July 1, 2010 until June 30, 2012.

**New Appointment**
- James Wiant, City of Cupertino

**Re-appointment**
- Herman Wadler, City of Campbell

Agenda Item #11. Authorize the General Manager to execute an investment management agreement with Robeco Investment Management for the management of the Non-US Equity Emerging Markets asset class within the VTA/ATU Pension Plan investment portfolio.

17. **ANNOUNCEMENTS**

There were no announcements.

18. **ADJOURNMENT**

On order of Chairperson Kniss and there being no objection, the meeting was adjourned at 12:56 p.m.

Respectfully submitted,

Susan E. Garcia, Board Assistant
VTA Office of the Board Secretary
CALL TO ORDER

The Regular Meeting of the Congestion Management Program & Planning Committee (CMPP) was called to order at 10:04 a.m. by Chairperson Pyle in Conference Room B-104, Valley Transportation Authority, River Oaks Campus, 3331 North First Street, San Jose, California.

The Agenda was taken out of order.

9. Litter Control Program Update

Tom Fitzwater, Environmental Planning Manager, provided an overview of the program. He added the Regional Water Quality Control Board came up with new municipal storm water permit requirements which have more stringent rules in dealing with litter and trash. VTA is participating in other efforts addressing litter problems such as Santa Clara Valley Zero Litter Initiative Group and Santa Clara Valley Urban Runoff Pollution Prevention Program.

Chairperson Pyle noted there should be an anti-litter campaign because litter can be a safety issue on roadways and freeways.

On Order of Chairperson Pyle and there being no objection, the Committee of the Whole received the Litter Control Program update.

1. ROLL CALL

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<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rose Herrera</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Chris Moylan</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Chuck Page</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Nancy Pyle</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Nora Campos</td>
<td>Alternate Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Jamie Matthews</td>
<td>Alternate Member</td>
<td>N/A</td>
</tr>
</tbody>
</table>

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

4. Minutes of October 15, 2009

On order of Chairperson Pyle and there being no objection, the Committee of the Whole deferred approval of the Minutes of October 15, 2009.

5. Minutes of November 19, 2009

On order of Chairperson Pyle and there being no objection, the Committee of the Whole deferred approval of the Minutes of November 19, 2009.

REGULAR AGENDA

6. Elect Standing Committee Vice Chairperson

On order of Chairperson Pyle and there being no objection, the Committee of the Whole deferred voting to determine the Committee’s vice chairperson for calendar year 2010.

7. 2010 CMPP Meeting Schedule

The Committee of the Whole expressed concern regarding schedule conflicts of some Committee Members with the 2010 CMPP Meeting Schedule. The Committee of the Whole directed staff to poll members for a possible re-schedule of the CMPP meetings to the third Wednesdays of the month at Noon.

2. PUBLIC PRESENTATIONS

There were no Public Presentations.

3. ORDERS OF THE DAY

John Ristow, Chief CMA Officer and Staff Liaison, noted the addition of Agenda Item #8.X - Federal Stimulus II: Jobs for Main Street Act of 2010 – Project Sponsor Resolution; and 8.X.X - Competitive Negotiation Resolution for SR 237/I-880 Express Connectors.

8. 2010 Short Range Transit Plan

Chris Augenstein, CMA Deputy Director, introduced and thanked Jason Tyree, Project Manager for the Short Range Transit Plan (SRTP). Mr. Augenstein provided a presentation regarding SRTP content; SRTP structure; Bus and Light Rail performance; operating forecasts for service changes, revenue projections, critical assumptions, fare revenue projections; Capital Improvement Program (CIP), Fleet Management Plan; and next steps.

The Committee of the Whole referred to the light rail performance and commented there
is a need for a performance measure which will compare travel time between light rail and private vehicles. Staff responded those policy decisions and strategies for improving light rail service will be made in the near future when the Board considers the Light Rail System Analysis.

The Committee of the Whole noted marketing efforts for light rail should emphasize taking light rail is faster, better, and cheaper than driving personal vehicles.

The Committee of the Whole referred to the Critical Assumptions of the SRTP, and expressed concern that revenue assumptions may not materialize in the future. The Committee of the Whole suggested using the word “goals” in the financial model instead of “assumptions”. The Committee of the Whole also noted there should be more detail regarding unidentified costs savings and actions that can be taken if revenues specified in the plan do not materialize.

**On order of Chairperson Pyle** and there being no objection, Committee of the Whole approved submitting a recommendation to the Board of Directors to adopt the 2010 Short Range Transit Plan.

### 8.X. **Federal Stimulus II: Jobs for Main Street Act of 2010 – Project Sponsor Resolution**

Marcella Rensi, Transportation Planning Manager, provided an overview of the staff report. Ms. Rensi noted this stimulus bill has tighter deadlines; hence VTA staff is working with city staff through the administrative process to assist them in obtaining these funds.

The Committee of the Whole commended staff for having shovel-ready projects and suggested staff back-fill the shovel ready project list to ensure VTA is positioned to apply for funding when other opportunities arise.

**On order of Chairperson Pyle** and there being no objection, Committee of the Whole approved submitting a recommendation to the Board of Directors to adopt a resolution certifying that VTA is an eligible and responsible sponsor for transit operating assistance, preventive maintenance, hybrid bus purchase and highway projects. Authorize the General Manager to submit applications for up to $120,000,000 of Jobs for Main Street Act 2010 funding for these projects and authorize the General Manager to execute agreements with Caltrans as necessary to receive these grants.

### 8.X.X. **Competitive Negotiation Resolution for SR 237/I-880 Express Connectors**

**On order of Chairperson Pyle** and there being no objection, Committee of the Whole approved submitting a recommendation to the Board of Directors to 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 contract award adequate for VTA’s needs and directing the use of competitive negotiation for the award of system integrator contract for SR 237/I-880 Express Connectors project.
OTHER

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

Murali Ramanujam, Senior Transportation Engineer, provided a presentation highlighting the Silicon Valley Express Lanes Operational Procedures, Timeline, electronic toll system design, joint users agreements, and customer service.

Upon inquiry of the Committee of the Whole, staff responded the enforcement fees for the California Highway Patrol (CHP) will be paid out of the revenues of the express lanes. The Committee of the Whole noted staff should ensure there is a benefit to the money spent for enforcement. Staff explained visibility of enforcement officials prevents improper use of express lanes.

**On order of Chairperson Pyle** and there being no objection, the Committee of the Whole received an update on SR 237/I-880 Express Connectors operational policies. This initial update will be followed by subsequent operational policy recommendations over the next few months for VTA Board of Directors approval.

11. **Items of Concern and Referral to Administration**

Member Moylan referred to the lawsuit against the City of Sunnyvale regarding the Environmental Impact Report (EIR) for a proposed bridge at the north end of Mary Avenue. Member Moylan noted there needs to be a clear direction on how the EIR should address the project effects to traffic patterns (VTA versus California Environmental Quality Act way).

12. **Committee Work Plan**

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

13. **Committee Staff Report**

Mr. Ristow noted the written Committee Staff Report is available on the table and highlighted the following: 1) Senator Simitian will be in a meeting in Palo Alto regarding the High Speed Rail Business Plan tonight; 2) VTA hosted Senator Boxer at Cerone Division last January 14, 2010; and 3) VTA will issue several call-for-projects in the near future.

**On order of Chairperson Pyle** and there being no objection, the Committee of the Whole received the Committee Staff Report.

14. **Chairperson’s Report**

Chairperson Pyle noted the City of San Jose delegates will go to Sacramento to communicate the adverse effects of dramatic reductions in revenue to the City. Chairperson Pyle noted the need for a steady flow of income such as the vehicle license fees.
15. **Consent Agenda for February 4, 2010 Board of Directors Meeting**

CONSENT:

**Agenda Item #8.X.** Adopt a resolution certifying that VTA is an eligible and responsible sponsor for transit operating assistance, preventive maintenance, hybrid bus purchase and highway projects. Authorize the General Manager to submit applications for up to $120,000,000 of Jobs for Main Street Act 2010 funding for these projects and authorize the General Manager to execute agreements with Caltrans as necessary to receive these grants.

**Agenda Item #8.X.X.** 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 contract award adequate for VTA's needs and directing the use of competitive negotiation for the award of system integrator contract for SR 237/I-880 Express Connectors project.

**Agenda Item #10.** Receive an update on SR 237/I-880 Express Connectors operational policies. This initial update will be followed by subsequent operational policy recommendations over the next few months for VTA Board of Directors approval.

REGULAR:

**Agenda Item #8.** Adopt the 2010 Short Range Transit Plan.

16. **ANNOUNCEMENTS**

There were no announcements.

17. **ADJOURNMENT**

On order of Chairperson Pyle and there being no objection, the meeting was adjourned at 11:40 a.m.

Respectfully submitted,

Elaine F. Baltao, Board Assistant
Office of the Board Secretary
CALL TO ORDER

The Regular Meeting of the Transit Planning and Operations (TP&O) Committee was called to order at 4:30 p.m. by Chairperson Kalra in Conference Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
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<tbody>
<tr>
<td>Margaret Abe-Koga</td>
<td>Member</td>
<td>P</td>
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<tr>
<td>Ash Kalra</td>
<td>Chairperson</td>
<td>P</td>
</tr>
<tr>
<td>Rich Larsen</td>
<td>Vice Chairperson</td>
<td>P</td>
</tr>
<tr>
<td>Sam Liccardo</td>
<td>Member</td>
<td>P</td>
</tr>
<tr>
<td>Nora Campos</td>
<td>Alternate Member</td>
<td>NA</td>
</tr>
<tr>
<td>Jamie Matthews</td>
<td>Alternate Member</td>
<td>NA</td>
</tr>
</tbody>
</table>

*Alternates do not serve unless participating as a Member.*

A quorum was present.

2. PUBLIC PRESENTATIONS

There were no Public Presentations.

3. ORDERS OF THE DAY

Introduction of VTA staff and committee attendees: 1) Michael T. Burns, General Manager; 2) Kevin D. Allmand, General Counsel; 3) Jim Lawson, Senior Policy Advisor; 4) Jim Unites, Deputy Director for Operations; 5) Michael Hursh, Deputy Director for Operations; 6) John Ristow, Chief CMA Officer; 7) Mark Robinson, Chief Construction Officer; 8) Dan Smith, Chief Operating Officer and Staff Liaison; 9) Michael Diaresco, Board Assistant; 10) Joseph Smith, Chief Financial Officer; 11) Joonie Tolosa, Manager for Operations Analysis and Systems; 12) Aaron Morrow, Committee for Transit Accessibility (CTA) Chairperson; 13) Steve Johnstone, Senior Management Analyst for Operations; 14) Bill Capps, Deputy Director for Operations; 15) Tom Fitzwater, Environmental Planning Manager; 16) Ann Calnan, Environmental Planner; and 17) Tom Fink, Amalgamated Transit Union Local 265.
Introduction of Committee Members: 1) Margaret Abe-Koga, Councilmember City of Mountain View and Vice Chairperson for the VTA Board of Directors; 2) Rich Larsen, Councilmember Town of Los Altos Hills and VTA Board Member; and 3) Ash Kalra, Councilmember City of San Jose, TPO Chairperson and VTA Board Member.

M/S/C (Abe-Koga/Larsen) to approve the Orders of the Day.

CONSENT AGENDA

4. Minutes of November 19, 2009

M/S/C (Abe-Koga/Larsen) to approve the Minutes of November 19, 2009.

REGULAR AGENDA

5. Report from the Committee for Transit Accessibility (CTA) Activities

Aaron Morrow, CTA Chairperson, reported on the following CTA activities: 1) working to establish a relationship with the Bicycle and Pedestrian Advisory Committee (BPAC) and create an evaluation tool to address trail issues; 2) received a presentation on mobility options; 3) Aaron Morrow will be the CTA representative to the Ad Hoc Financial Stability Committee.

On Order of Chairperson Kalra and there being no objection, the report from the Committee for Transit Accessibility Activities was received.

6. Elect Standing Committee Vice Chairperson

M/S/C (Abe-Koga/Larsen) to elect Member Rich Larsen as Vice Chairperson for calendar year 2010.

7. 2010 Transit Planning and Operations (TPO) Committee Meeting Schedule

Chairperson Kalra noted he is unable to attend the March 18, 2010 meeting.

Member Abe-Koga noted she is unable to attend the February 18, 2010 meeting.

The Committee recommended keeping the schedule as is, but might revise it depending on the length of the meetings because Chairperson Kalra and Member Liccardo attends ABAG meetings in Oakland every other month at 7:00pm after the TPO meeting.

M/S/C (Larsen/Abe-Koga) to approve the 2010 Transit Planning and Operations (TPO) Committee Meeting Schedule.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
8. **FY09-10 California Transit Security Grant Program – California Transit Assistance Fund (CTSGP-CTAF)**

John Ristow, Chief CMA Officer, reported on the following: 1) background information about the resolution; 2) source of funding; and 3) types of projects eligible for funding.

Vice Chairperson Larsen inquired about the funds that VTA would receive, the projects that would be eligible for funding, and the security on VTA system.

Mr. Ristow responded from the $60 allocated by the State of California, VTA would receive $3,289,948. Allocation of funds is based on a formula that considers population and revenue collection.

Dan Smith, Chief Operating Officer and Staff Liaison, stated funding received would be used for closed-circuit television (CCTV) equipment, fencing properties, and other security related projects. He noted projects to be funded will come from VTA’s 2008 Transit Security Assessment.

Michael T. Burns, General Manager, stated VTA has a safe system but is not immune to crime and vandalism. He added the CCTV equipment helps mitigate incidents.

Member Abe-Koga inquired about the process of selecting projects for funding.

Mr. Smith responded that once funding is approved, projects will be selected from VTA’s 2008 Transit Security Assessment.

**M/S/C (Abe-Koga/Larsen)** to approve submitting a recommendation to the Board of Directors to adopt a resolution authorizing the General Manager to submit and execute grant applications and agreements, certifications, assurances, and other documents as necessary to the California Emergency Management Agency (Cal EMA) to receive $3,289,948 from the FY09-10 California Transit Security Grant Program-California Transit Assistance Fund (CTSGP-CTAF).

9. **Adoption of the Wrigley Creek Improvement Project Mitigated Negative Declaration**

Tom Fitzwater, Environmental Planning Manager, provided a report highlighting: 1) fulfillment of mitigation requirements and regulatory agency permit conditions; 2) described simulation of the site; and 3) enumerated comments received from the Wrigley Creek Improvement Project Final Initial Study/Mitigated Negative Declaration document.

Members of the Committee inquired if the site would have public access.

Ann Calnan, Environmental Planner, responded there is no public access due to the following reasons: proximity to a future BART Corridor; presence of a Chevron pipeline; and creation of a floodplain.
Member Liccardo took his seat at 5:02 p.m.

Mr. Fitzwater added the site of the creek is on a private property and the City of Milpitas has an easement on the creek.

M/S/C (Abe-Koga/Liccardo) to approve submitting a recommendation to the Board of Directors to adopt the Mitigated Negative Declaration and Mitigation and Reporting Program for the Wrigley Creek Improvement Project within the SVRT Program.

OTHER ITEMS

10. **1996 Measure B Transportation Improvement Program Progress Report-December 2009**

Mark Robinson, Chief Construction Officer, reported on the project list and closeout challenges of the 1996 Measure B Transportation Improvement Program.

Vice Chairperson Larsen inquired on the amount of 1996 Measure B funds invested.

Mr. Robinson responded $1.3 billion was invested on projects. He added small amounts of revenue continue to be received and small projects are being completed.

**On Order of Chairperson Kalra** and there being no objection, the 1996 Measure B Transportation Improvement Program Progress Report-December 2009 was received.

11. **Mobility Options Travel Training Information**

Jim Unites, Deputy Director for Operations, reported on the following: 1) background information on Mobility Options Travel Training Program (MOTTP); 2) source of funding; 3) goal of MOTTP; 4) training contracts; 5) coordination with other agencies; 6) public information; and 7) Senior Daycation Program.

Chairperson Kalra commented the Mobility Options Travel Training classroom-on-wheels bus was introduced to his district and was accepted very well by residents. He recommended Committee Members look at the classroom-on-wheels bus and to introduce it to their respective cities.

Vice Chairperson Larsen expressed concern on the cost of training.

Mr. Unites explained the goal of the program is to train people with disabilities to take fixed route. Compared to paratransit service, use of fixed route has no cost to VTA.

Member Abe-Koga inquired if the pamphlets and training are available in different languages. She also inquired about the details of the training provided to people with disabilities.

Mr. Unites responded the pamphlets are available in different languages. The language barrier regarding the training is being looked at per case basis. Usually a family member of the person with disability provides the translation.
Mr. Unites explained the training includes teaching people with disability how to get to transit stations, determines best routes, and address accessibility issues.

**On Order of Chairperson Kalra** and there being no objection, the Mobility Options Travel Training Information was received.

12. **Joint Workforce Investment (JWI) Quarterly Report**

Michael Hursh, Deputy Director for Operations, provided a report highlighting: 1) goals of JWI; 2) New Operator/Mentor Apprenticeship Project; 3) Health and Wellness Project; 4) Transit Career Ladder Project (TCLP); 5) TCLP Leadership Academy Pilot Project; and 6) JWI Major Activities and Accomplishments.

Member Liccardo inquired on the process selecting individuals eligible for JWI.

Mr. Hursh responded the selection process depends on the initiative. He noted the following criteria were set for the program to qualify maintenance employees to become mechanics: 1) attendance; 2) no substance abuse issue; 3) pass Automotive 101 from San Jose City College. He added staff is transitioning to offer JWI to all operators. Mentors are selected through the partnership of ATU and staff.

**On Order of Chairperson Kalra** and there being no objection, the Joint Workforce Investment Quarterly Report was received.

13. **December 2009 Monthly Ridership and Fare Revenue Performance**

Joonie Tolosa, Manager for Operations Analysis and Systems, provided a presentation highlighting the following: 1) Ridership Collection Methodology; 2) VTA Ridership Facts; 3) VTA Passenger Demographics; 4) December 2009 Ridership; and 5) December 2009 Fare Revenue.

Vice Chairperson Larsen expressed concern on the service provided by light rail vehicles.

Michael T. Burns, General Manager, responded staff is looking at capital improvements for the light rail system. A Light Rail System Benefit Cost Analysis Overview is being conducted to improve the service of the system and will be presented to the Committee at a future meeting. He added that a report on Wifi initiative will also be provided to the Committee.

**On Order of Chairperson Kalra** and there being no objection, the December 2009 Monthly Ridership and Fare Revenue Performance report was received.

14. **Items of Concern and Referral to Administration**

Vice Chairperson Larsen expressed concern about the letter received by the Board from Amalgamated Transit Union.

Michael T. Burns, General Manager, noted the collective bargaining agreement and grievance process would be incorporated in the Board Orientation.
15. **Committee Work Plan**

*On Order of Chairperson Kalra* and there being no objection, the Committee Work Plan was reviewed.

16. **Committee Staff Report**

Dan Smith, Chief Operating Officer and Staff Liaison, provided a handout highlighting the following: 1) Mobility Options; 2) California Public Utilities Commission; 3) Mutual Aid; and 4) Security.

Member Liccardo inquired on the fare evasion rate.

Mr. Smith responded the latest fare evasion rate is 4.7 percent.

*On order of Chairperson Kalra* and there being no objection, the Committee received the Committee Staff Report.

17. **Chairperson’s Report**

Chairperson Kalra expressed appreciation to Member Liccardo for giving him the opportunity to serve as the Chair for TPO. He welcomed new Board Members to the Committee and expressed appreciation to staff.

16. **Determine Consent Agenda for the February 4, 2010 Board of Directors Meeting**

Consent Agenda:

**Agenda Item #8,** Adopt a resolution authorizing the General Manager to submit and execute grant applications and agreements, certifications, assurances, and other documents as necessary to the California Emergency Management Agency (Cal EMA) to receive $3,289,948 from the FY09-10 California Transit Security Grant Program-California Transit Assistance Fund (CTSGP-CTAF).

**Agenda Item #9,** Adopt the Mitigated Negative Declaration and Mitigation and Reporting Program for the Wrigley Creek Improvement Project within the SVRT Program.

**Agenda Item #10,** 1996 Measure B Transportation Improvement Program Progress Report-December 2009.

Regular Agenda:

None

17. **ANNOUNCEMENTS**

There were no announcements.
18. **ADJOURNMENT**

On Order of Chairperson Kalra and there being no objection, the meeting was adjourned at 5:48 p.m.

Respectfully submitted,

Michael Diareseco, Board Assistant
Office of the Board Secretary
Committee for Transit Accessibility

Wednesday, January 13, 2010

MINUTES

CALL TO ORDER

The Regular Meeting of the Committee for Transit Accessibility (CTA) was called to order at 1:05 p.m. by Chairperson Morrow in Building A, Auditorium, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

1. ROLL CALL

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<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
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<tbody>
<tr>
<td>Emma Eljas</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Christina Fernandez</td>
<td>Staff Aide to Ex-Officio Board Liaison Reed</td>
<td>Present</td>
</tr>
<tr>
<td>Sandra Gouveia</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>David Grant</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Margaret Hardy</td>
<td>Member</td>
<td>Absent</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>Present</td>
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<tr>
<td>Donald Hunter</td>
<td>Member</td>
<td>Absent</td>
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<tr>
<td>Marjorie Jensen</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Dennis Kempel</td>
<td>Member</td>
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<tr>
<td>Connie Langford</td>
<td>Member</td>
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<td>Martin Lasich</td>
<td>Member</td>
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<tr>
<td>Laura Michels</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Mike Montague</td>
<td>Member</td>
<td>Absent</td>
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<tr>
<td>Aaron Morrow</td>
<td>Chairperson</td>
<td>Present</td>
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<tr>
<td>Lechi Nguyen</td>
<td>Member</td>
<td>Absent</td>
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<tr>
<td>Larry Saltman</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Walter Schinke</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Dilip Shah</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Thomas Slack</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Barbara Stahl</td>
<td>Member</td>
<td>Present</td>
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2. INTRODUCTION OF AUDIENCE MEMBERS

Sandra Weymouth, Board Secretary; Patrick Griffith, Public Affairs and Customer Information Manager; Steve Johnstone, Senior Management Analyst; David Ledwitz, Management Analyst; Carol Silveria, Interested Citizen; Archana Srivastava,Interested Citizen; S.M. Chadha, Interested Citizen; and, Dhanwant Dhaliwal, Interested Citizen.
3. **PUBLIC PRESENTATIONS**

Carol Silveria, Interested Citizen, expressed appreciation for Outreach Paratransit services; however, she indicated it was becoming increasingly difficult to get to work and home at reasonable times due to route schedules.

Ex-Officio Member Heatley, Outreach Director, indicated she will follow up with Ms. Silveria.

Archana Srivastava, Interested Citizen, expressed concern with bus service in Milpitas and requested an extension of bus routes into the residential areas in Milpitas to better assist with transporting students to and from school.

Dhanwant Dhaliwal, Interested Citizen, expressed concern regarding bus service in Milpitas and requested an extension of bus routes 46, 47, and 66 into newly developed areas to service students and senior citizens and create less traffic and pollution.

S.M. Chadha, Interested Citizen, expressed concern regarding bus routes in Milpitas and requested changes are made soon to assist students.

Chairperson Morrow thanked the members of the public for their feedback, and requested Customer Service staff follows up on the requests and provide a verbal update to the Committee at a future meeting.

4. **Minutes of November 10, 2009**

M/S/C (Morrow/Saltman) on a vote of 11 Ayes, 0 Noes, and 1 Abstention, to approve the minutes of November 10, 2009. Member Stahl abstained.

5. **Chief Operating Officer’s Report**

Dan Smith, Chief Operating Officer, provided an overview of the staff report contained in the Agenda packet.

Chairperson Morrow thanked Mr. Smith for adding the ridership numbers of the Agency partners to his report, and requested information from the Ad-Hoc Financial Recovery Committee be added to future reports.

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

6. **Board of Directors Report**

Christina Fernandez, Staff Aide to Ex-Officio Board Liaison Reed, provided a report on the January Board of Directors Meeting highlighting the appointment of Board Member Sam Liccardo as Chairperson and Board Member Margaret Abe-Koga as Vice-Chairperson for 2010 and the appointment of new members; Rich Larsen, Chris Moylan, Perry Woodward and Chuck Page. She also indicated a representative from CTA will serve on the Ad-Hoc Financial Recovery Committee.

**On order of Chairperson Morrow** and there being no objection, the Committee received the Board of Directors Report.

**NOTE:** M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
BUSINESS REFERRED TO COMMITTEE BY THE BOARD OF DIRECTORS/GENERAL MANAGER

7. **New CTA Members**

Chairperson Morrow introduced and welcomed newly appointed CTA Committee Members, Dennis Kempel, and Walter Schinke.

Member Schinke indicated he lives in Gilroy and is an advocate of people with disabilities in South County and sits on several boards.

Member Kempel indicated he represents HOPE Services, who assists developmentally disabled adults in San Jose and the valley area.

Jim Unites, Staff Liaison, also recognized three new members; Lechi Nguyen, Donald Hunter, and Margaret Hardy, who were unable to attend the meeting.

**On order of Chairperson Morrow** and there being no objection, the Committee received the Introduction of New CTA Members.

Chairperson Morrow left his seat and Member Eljas was appointed Chairperson Pro Tempore to chair the meeting.

8. **Nomination and Election of Chairperson for 2010**

M/S/C (Grant/Stahl) to approve the appointment of Aaron Morrow as CTA Chairperson for 2010.

Chairperson Morrow resumed his seat and thanked Vice Chairperson Eljas for serving as Chairperson Pro Tempore.

9. **Nomination and Election for CTA First Vice Chairperson for 2010**

M/S/C (Grant/Stahl) to approve the appointment of Emma Eljas as CTA First Vice Chairperson for 2010.

10. **Nomination and Election for CTA Second Vice Chairperson for 2010**

M/S/C (Grant/Morrow) to approve the appointment of Barbara Stahl as CTA Second Vice Chairperson for 2010.

11. **Workplan Update and Adopt 2010 CTA Meeting Schedule**

Chairperson Morrow presented the CTA 2010 meeting schedule to the committee. Member Schinke questioned if meetings will still be limited to 2 hours. Chairperson Morrow indicated he was not opposed to extending the time depending on the length of the Agenda.

Chairperson Morrow indicated he would like to see more information on the internet regarding bus stop locations and would like the CTA to be involved with the project.
Chairperson Morrow requested a presentation from the Bicycle and Pedestrian Advisory Committee (BPAC) be added to the CTA Workplan and updates from the Ad-Hoc Financial Recovery Committee and Budget information be presented to the Committee.

Member Grant requested information on the Q’Pod wheelchair securement station be placed on the CTA Workplan.

Member Eljas requested a CTA subcommittee meeting be scheduled before the April meeting to go over items to place on the Agenda.

**M/S/C (Morrow/Grant)** on a vote of 11 Ayes to 1 Noes to adopt the 2010 CTA Meeting Schedule. Member Schinke opposed.

**M/S/C (Grant/Stahl)** on a vote of 11 Ayes to 1 Noes to approve the 2010 CTA Workplan. Member Schinke opposed.

12. **Quarterly Legislative Report**

Scott Haywood, Policy and Community Relations Manager, provided a report on legislative items at the Federal and State level, highlighting; 1) Extension of the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU); 2) Jobs for Main Street Act; and, 3) The proposed State budget.

**On order of Chairperson Morrow** and there being no objection, the Committee received the Quarterly Legislative Report.

13. **Mobility Options Travel Training Program**

Patrick Griffith, Public Affairs and Customer Information Manager, provided an overview of the staff report contained in the Agenda Packet.

Member Grant requested a breakdown of what is involved during training be included in the next report.

Member Slack requested a representative number of visually impaired individuals participate in the program.

**On order of Chairperson Morrow** and there being no objection, the Committee received an update on the Mobility Options Travel Training Program.

**REPORTS**

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

There was no City of San Jose Disability Advisory Commission Report.

13. **Committee Staff Report**

There was no Committee Staff Report.

14. **Chairperson’s Report**

Chairperson Morrow requested a copy of **Agenda Item # 9**, Receive the annual review of the Citizens Watchdog Committee's ballot-specified duties, responsibilities and limitations, from the Citizens Advisory Committee (CAC) January 13, 2010 meeting, be forwarded to the CTA Committee for review.
On order of Chairperson Morrow and there being no objection, the Committee received a report from the Chairperson.

OTHER

15. **Announcements**

Member Slack questioned if an additional increase in paratransit fares is being considered. Chairperson Morrow indicated there is no plan or discussion taking place to change rates.

Chairperson Morrow thanked Staff for providing the Consolidated Board Workplan noting his appreciation for the breakdown of information.

16. **ADJOURNMENT**

On order of Chairperson Morrow and there being no objection, the meeting was adjourned at 2:58 p.m.

Respectfully submitted,

Menominee L. McCarter, Board Assistant
VTA Office of the Board Secretary
CALL TO ORDER

The Regular Meeting of the Citizens Advisory Committee (CAC) was called to order at 4:30 p.m., by Chairperson Powers, in Conference Room B-104, VTA River Oaks Campus, 3331 North First Street, San Jose, California.

1. ROLL CALL

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<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
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<tbody>
<tr>
<td>Stephen Blaylock</td>
<td>CAC Member</td>
<td>Present</td>
</tr>
<tr>
<td>Chris Elias</td>
<td>CAC Member</td>
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</tr>
<tr>
<td>Ray Hashimoto</td>
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</tr>
<tr>
<td>Roberta Hughan</td>
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<td>Present</td>
</tr>
<tr>
<td>Robert Jacobvitz</td>
<td>CAC Vice Chair</td>
<td>Present</td>
</tr>
<tr>
<td>Erik Larsen</td>
<td>CAC Member</td>
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</tr>
<tr>
<td>Bruce Liedstrand</td>
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<td>Present</td>
</tr>
<tr>
<td>Gaye Morando</td>
<td>CAC Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Charlotte Powers</td>
<td>CAC Chair</td>
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</tr>
<tr>
<td>Sally Probst</td>
<td>CAC Member</td>
<td>Present</td>
</tr>
<tr>
<td>Connie Rogers</td>
<td>CAC Member</td>
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<tr>
<td>Martin Schulte</td>
<td>CAC Member</td>
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</tr>
<tr>
<td>Peter Skinner</td>
<td>CAC Member</td>
<td>Present</td>
</tr>
<tr>
<td>Noel Tebo</td>
<td>CAC Member</td>
<td>Present</td>
</tr>
</tbody>
</table>

A quorum was present.

2. ORDERS OF THE DAY

There were no orders of the day.

3. PUBLIC PRESENTATIONS

There were no public presentations.
4. **Committee Staff Report**

Greta Helm, Chief External Affairs Officer and Staff Liaison, reported: 1) Governor Schwarzenegger’s proposed budget submitted on January 8, 2010, included proposals having negative impacts on transportation; 2) the Mercury News and the Bay Area News Group have produced a series of articles on the plight of public transit; 3) the Chair has requested CAC members receive emails with media clips provided to the Board, as well as the Legislative Weekly Report prepared by Kurt Evans, Government Affairs Manager.

At its January meeting, the Board approved: 1) the Advisory Committee Enhancement (ACE) Task Force recommendations; 2) establishment of an Ad-Hoc Financial Recovery Committee to look at additional strategies; and 3) service modifications that were implemented on January 11, 2010.

U.S. Senator Barbara Boxer will visit VTA on Friday, January 15, 2010, to meet with Board and VTA staff to discuss the American Recovery and Reinvestment Act (ARRA) Program.

5. **Chairperson’s Report**

Chairperson Powers reviewed with the Committee the Ad-Hoc Financial Recovery Committee, noting Robert Jacobvitz will represent the CAC.

Chairperson Powers introduced the CAC’s newest member, Bruce Liedstrand, and requested Member Liedstrand provide a brief introduction to the Committee.

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

**COMBINED CAC AND CWC CONSENT AGENDAS**

6. **Minutes of December 9, 2009**

M/S/C (Jacobvitz/Probst) to approve the Regular Meeting Minutes of December 9, 2009.

7. **CAC Quarterly Attendance Report**

On order of Chairperson Powers and there being no objection, the Committee received the CAC Quarterly Attendance Report.

8. **Monthly Legislative History Matrix**

On order of Chairperson Powers and there being no objection, the Committee reviewed the Monthly Legislative History Matrix.

**NOTE:** M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
2000 MEASURE A CITIZENS WATCHDOG COMMITTEE REGULAR AGENDA

9. **CWC Duties, Responsibilities & Limitations**

Stephen Flynn, Senior Management Analyst, provided the staff report.

**On order of Chairperson Powers** and there being no objection, the Committee reviewed the Citizens Watchdog Committee's ballot-specified duties, responsibilities and limitations.

Vice Chairperson Jacobvitz left the meeting at 5:03 p.m.

10. **Compliance Auditor Kickoff of FY09 Audit**

Craig Boyer, CPA, Macias, Gini and O’Connell, LLP provided an overview of the projected scope of the Fiscal Year 2009 (July 1, 2008 – June 30, 2009) Audit.

**On order of Chairperson Powers** and there being no objection, the Committee received a briefing from the 2000 Measure A Citizens Watchdog Committee's independent compliance auditor on the draft audit plan and schedule for performing the compliance audit of FY09.

CITIZENS ADVISORY COMMITTEE REGULAR AGENDA

11. **Short Range Transit Plan (SRTP) 2010**

Jason Tyree, provided a Power Point Presentation highlighting: 1) VTA Valley Transportation Plan 2035; 2) MTC Regional Transportation Plan 2035; 3) VTA Short Range Transit Plan 2019; 4) VTA 2-Year Budget; and 5) VTA Transit Improvement Program.


Member Liedstrand noted three concern areas for him: 1) using up the core fund to the extent that VTA’s fund balance is drawn down to the minimum 15% reserve requirement, thereby removing VTA’s operating cushion; 2) the use of federal preventive maintenance funds on operations (from 2010 through 2017) instead of on preventive maintenance; and 3) the financial model’s assumptions regarding energy costs, particularly the assumptions of the price of diesel fuel. Members expressed concern that the projected price is too low and there is significant risk to VTA if diesel prices were to increase above VTA’s projected price.

M/S/C (Skinner/Tebo) to adopt the 2010 Short Range Transit Plan with an amendment to note Members of the Committee expressed concern with: 1) using the core fund to the extent that VTA’s fund balance is drawn down to the minimum 15% reserve
requirement, thereby removing VTA’s operating cushion; 2) the use of federal preventive maintenance funds on operations (from 2010 through 2017) instead of on preventive maintenance; and 3) the financial model’s assumptions regarding energy costs, particularly the assumptions of the price of diesel fuel. Members expressed concern that the projected price is too low and there is significant risk to VTA if diesel prices were to increase above VTA’s projected price.

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

Murali Ramanujam, Senior Transportation Engineer, provided a PowerPoint Presentation highlighting: 1) Timeline; 2) Silicon Valley Express Lanes Operations; 3) Electronic Toll System Design; 4) Joint Users Agreement; 5) Customer Service; SR 237-I-880 Express Connectors Project Schedule; and 6) I-580 Express Lanes East Bay.

Member Skinner left the meeting at 5:58 p.m., the quorum was lost, and a Committee of the Whole was declared.

**On order of Chairperson Powers** and there being no objection, the Committee of the Whole received an updated on SR 237/I-880 Express Connectors operation policies.

**COMBINED CAC AND CWC COMMITTEE ITEMS**

13. **Citizens Advisory Committee and Citizens Watchdog Committee Work Plans**

**On order of Chairperson Powers** and there being no objection, the Committee of the Whole reviewed the Citizens Advisory Committee and Citizens Watchdog Committee Work Plans.

**OTHER**

14. **ANNOUNCEMENTS**

There were no announcements.

15. **ADJOURNMENT**

**On order of Chairperson Powers** and there being no objection, the meeting was adjourned at 6:13 p.m.

Respectfully submitted,

Susan E. Garcia, Board Assistant
Office of the Board Secretary
TECHNICAL ADVISORY COMMITTEE
Thursday, January 14, 2010

MINUTES

CALL TO ORDER

The Regular Meeting of the Technical Advisory Committee (TAC) was called to order at 1:30 p.m. by Chairperson Batra in Conference Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

Chairperson Batra thanked Member Witthaus for serving as the 2009 Chairperson and for a job well done.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Representing</th>
<th>Status</th>
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</thead>
<tbody>
<tr>
<td>Rajeev Batra, Chairperson</td>
<td>City of Santa Clara</td>
<td>Present</td>
</tr>
<tr>
<td>Julie Caporgno</td>
<td>City of Palo Alto</td>
<td>Present</td>
</tr>
<tr>
<td>Todd Capurso, Vice Chairperson</td>
<td>Town of Los Gatos</td>
<td>Present</td>
</tr>
<tr>
<td>Steve Chan, Alternate</td>
<td>City of Milpitas</td>
<td>Present</td>
</tr>
<tr>
<td>John Cherbone</td>
<td>City of Saratoga</td>
<td>Present</td>
</tr>
<tr>
<td>Richard Chiu</td>
<td>Town of Los Altos Hills</td>
<td>Absent</td>
</tr>
<tr>
<td>Dan Collen, Alternate</td>
<td>County of Santa Clara</td>
<td>Present</td>
</tr>
<tr>
<td>Kevin Connolly, Alt. Ex-Offic</td>
<td>VTA</td>
<td>Present</td>
</tr>
<tr>
<td>Don Dey</td>
<td>City of Gilroy</td>
<td>Present</td>
</tr>
<tr>
<td>Sylvia Fung, Alt. Ex-Offic</td>
<td>Dept. of Transportation (Caltrans)</td>
<td>Absent</td>
</tr>
<tr>
<td>Glenn Goepfert</td>
<td>City of Cupertino</td>
<td>Absent</td>
</tr>
<tr>
<td>Joan Jenkins</td>
<td>City of Mountain View</td>
<td>Present</td>
</tr>
<tr>
<td>Robert Kass</td>
<td>City of Campbell</td>
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</tr>
<tr>
<td>Larry Lind</td>
<td>City of Los Altos</td>
<td>Present</td>
</tr>
<tr>
<td>Jim Rowe, Alternate</td>
<td>City of Morgan Hill</td>
<td>Present</td>
</tr>
<tr>
<td>Mo Sharma</td>
<td>City of Monte Sereno</td>
<td>Absent</td>
</tr>
<tr>
<td>Ben Tripousis</td>
<td>City of San Jose</td>
<td>Present</td>
</tr>
<tr>
<td>Jack Witthaus</td>
<td>City of Sunnyvale</td>
<td>Present</td>
</tr>
</tbody>
</table>

A quorum was present.

2. PUBLIC PRESENTATIONS

There were no Public Presentations.

3. ORDERS OF THE DAY

There were no Orders of the Day.
4. **Committee Staff Report**

Vice Chairperson Capurso took his seat at 1:35 p.m.

Jim Unites, Deputy Director of Service Planning, referenced the Request for Proposals (RFP) for the Transit Shelter Advertising Program and noted the following: 1) VTA sent letters to the City Managers asking for comments, noting comments were received from approximately 3-4 cities; and 2) City of Los Gatos considered entering into the Program.

Mr. Unites queried if any Members of TAC would be interested in serving on the Review Board. John Ristow, Chief CMA Officer and Staff Liaison, noted Member Kass expressed an interest in serving on the Review Board. He informed Members who are interested in serving on the Review Board to inform Chairperson Batra.

Mr. Ristow reported on Senate Bill (SB) 83 as follows: 1) Board Memorandum regarding SB 83 was presented at the December 10, 2009 TAC meeting and pulled from the January 7, 2010 Board Agenda because the item did not go through the Standing Committee process due to meeting cancellations; 2) Board Memorandum contained a recommendation to direct VTA staff to develop an expenditure plan to detail the programs and projects that would be developed through the potential vehicle registration fee; and 3) TAC Working Group would be established to assist VTA staff on the development of an expenditure plan.

Member Tripousis, representing City of San Jose; Alternate Member Collen, representing County of Santa Clara; Member Dey, representing City of Gilroy; and Vice Chairperson Capurso, representing Town of Los Gatos, volunteered to serve on the TAC Working Group. Chairperson Batra indicated the City of Santa Clara also expressed an interest in serving on the Working Group, noting that Members of TAC could ask someone from their respective staff to serve on the Working Group.

Marcella Rensi, Transportation Planning Manager, reported on the information sent to TAC regarding a potential second round of American Recovery and Reinvestment Act (ARRA) funding.

Members of the Committee expressed concern about the opportunity for streamlining the process if the jurisdictions are currently going through the Call for Projects. Mr. Ristow noted staff would send TAC information containing streamlining recommendations on the ARRA delivery.

Alternate Ex-Officio Member Connolly took his seat at 1:42 p.m.

On order of Chairperson Batra and there being no objection, the Committee Staff Report was received.

5. **Chairperson’s Report**

Chairperson Batra provided a report, highlighting: 1) Urged Members to attend the TAC meetings and noted would be sending an e-mail and/or letter to all the cities urging attendance at the meetings; and 2) Determine at a future TAC meeting or subcommittee
meeting topics to be discussed at TAC for 2010; and 3) Focus will be on money coming into the County of Santa Clara and developing formulas to keep money within the County.

6. Reports from TAC Working Groups

- **Capital Improvement Program (CIP)**

  Marcella Rensi, Transportation Planning Manager, reported the Capital Improvement Program (CIP) held a special meeting to discuss the proposed Local Streets and Roads Rehabilitation Fund Distribution.

- **Systems Operations and Management (SOM) Working Group**

  Eugene Maeda, Senior Transportation Planner, reported the Systems Operations and Management (SOM) Working Group held its Annual Luncheon meeting on December 17, 2009.

**On order of Chairperson Batra** and there being no objection, the reports from the TAC Working Groups were received.

7. **High Speed Rail/Caltrain Project**

  John Ristow, Chief CMA Officer and Staff Liaison, provided a verbal report on the High Speed Rail/Caltrain Project, highlighting: 1) Progress of the north and south segments; 2) High Speed Rail released a business plan to the State Legislature; 3) ARRA funding decision due this quarter; 4) VTA participating in the South Terminal Working Group coordinating all future users using tracks at Diridon; 5) High Speed Rail team providing a presentation to the VTA Board of Directors on February 4, 2010; 6) VTA has brought on consultant services on an on-call basis for purposes of reacting to High Speed Rail; and 7) Creation of new Policy Advisory Board to oversee the Diridon Station improvements and first meeting will be held on March 19, 2010, at San Jose City Hall.

Members of the Committee noted another community meeting will be held on January 14, 2010, at Bellarmine High School focusing on the Peninsula and San Jose to Merced segments.

Members of the Committee noted in alignment study is being conducted in South County.

**On order of Chairperson Batra** and there being no objection, a verbal report on the High Speed Rail/Caltrain Project was received.
BUSINESS REFERRED TO COMMITTEE BY THE BOARD OF DIRECTORS/GENERAL MANAGER

CONSENT AGENDA

8. Minutes of December 10, 2009

M/S/C (Tripousis/Capurso) to approve the Minutes of December 10, 2009.

REGULAR AGENDA

9. Short Range Transit Plan 2010

Jason Tyree, Transportation Planner I, provided a presentation on the Short Range Transit Plan (SRTP) FY 2010-2019.

Members of the Committee expressed concern about a recent High Speed Rail meeting discussion where it was mentioned that VTA would be looking at Caltrain service to Gilroy and queried about the Tier 1 Electrification Project moving forward in South County. John Ristow, Chief CMA Officer and Staff Liaison, referenced VTP 2035 and noted VTA does not have any plans in place because it has to determine what happens with High Speed Rail. Chris Augenstein, Deputy Director, Planning, noted the High Speed Rail team is preparing an operating plan to determine how Caltrain will fit in with High Speed Rail and the timeline for completion is currently about four to five months. Further adding that High Speed Rail needs to complete this work and determine and set alignment before VTA can begin looking at options for South County.

Members of the Committee requested that VTA staff discussions with High Speed Rail not preclude a discussion of Caltrain service to south county, noting that the Cities of Gilroy and Morgan Hill want to have the stations co-located in order to have good connections.

Jody Sedrick, representing Zenware, queried if VTA had considered engaging in any type of video recording on its bus system. Mr. Ristow noted staff would address Mr. Sedrick’s question.

M/S/C (Tripousis/Dey) to adopt the 2010 Short Range Transit Plan.

10. SR 237/I-880 Express Connectors – Operational Policies

Murali Ramanujam, Senior Transportation Engineer, provided a presentation on the State Route (SR) 237/I-880 Express Connectors operational policies.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
Members of the Committee recommended that performance measures be included in the Joint User Agreement with Caltrans for maintenance to ensure the services are provided in a timely manner.

**On order of Chairperson Batra** and there being no objection, the Committee received an update on SR 237/I-880 Express Connectors operational policies. This initial update will be followed by subsequent operational policy recommendations over the next few months for VTA Board of Directors approval.

11. **Local Streets & Roads Rehabilitation Fund Distribution Proposal**

Marcella Rensi, Transportation Planning Manager, distributed a memorandum at the meeting regarding New Cycle Surface Transportation Program/Congestion Mitigation Air Quality (STP/CMAQ) Funded “Block Grant” Program and provided an overview of the report.

Alternate Member Collen referenced the distributed document entitled, Options for STP Pavement Rehabilitation Funding for Expressways Prepared by County Roads & Airports Department, and provided an overview. He reported on the three options developed by County of Santa Clara staff for providing STP funding to the expressways.

Members of the Committee provided the following comments:

- City of San Jose could not support the County’s options put forth.
- All Local Agencies need to step up and take responsibility for the expressway system. Commented Option 3 would be the most desirable from City of Gilroy’s perspective.
- There should be some way of compensating the County to maintain the system.
- City of Sunnyvale would probably support Option 3.
- City of Mountain View is sympathetic towards the County and would like to help if possible.

John Ristow, Chief CMA Officer and Staff Liaison, noted the item would be brought back to TAC in February 2010.

**On order of Chairperson Batra** and there being no objection, the Committee received a presentation for a Local Streets & Roads Rehabilitation Fund Distribution formula.

Member Witthaus left the meeting at 3:05 p.m.
OTHER

12. **Metropolitan Transportation Commission (MTC) Activities and Initiatives**

   John Ristow, Chief CMA Officer and Staff Liaison, noted the following activities: 1) Local Streets & Roads Rehabilitation Fund Distribution formula; and 2) American Recovery and Reinvestment Act (ARRA) Stimulus Package.

   **On order of Chairperson Batra** and there being no objection, the Committee received an update on MTC Activities and Initiatives.

13. **Technical Advisory Committee (TAC) Subcommittee Report**

   Chairperson Batra provided a report on the discussions held at the Technical Advisory Committee (TAC) Subcommittee meeting, highlighting: 1) Senate Bill 83; and 2) Local Streets and Roads Needs Assessment Study.

   John Ristow, Chief CMA Officer and Staff Liaison, indicated staff will provide TAC information on the Local Streets and Roads Needs Assessment Study and noted staff will bring an item to a future TAC meeting for discussion.

   **On order of Chairperson Batra** and there being no objection, the Committee received the TAC Subcommittee Report.

14. **Committee Work Plan**

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

15. **Announcements**

   There were no Announcements.

16. **ADJOURNMENT**

   **On order of Chairperson Batra** and there being no objection, the meeting was adjourned at 3:10 p.m.

   Respectfully submitted,

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

Thursday, January 14, 2009

MINUTES

CALL TO ORDER

On general consensus, there being no objection the Committee appointed Member McHugh as Chairperson Pro Tempore. The Regular Meeting of the Valley Transportation Authority (VTA) Policy Advisory Committee (PAC) was called to order at 4:01 p.m. by Chairperson Pro Tempore McHugh in Conference Room B-104 Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

1. ROLL CALL

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<tr>
<td>Jim Griffith</td>
<td>City of Sunnyvale</td>
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<tr>
<td>David Whittum (Alternate)</td>
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<td>Howard Miller</td>
<td>City of Saratoga</td>
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<td>Kathleen King (Alt)</td>
<td>City of Saratoga</td>
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<tr>
<td>Dave Cortese</td>
<td>SCC Board of Supervisors</td>
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<tr>
<td>Michael F. Kotowski</td>
<td>City of Campbell</td>
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<tr>
<td>Jason Baker (Alt)</td>
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<tr>
<td>Gilbert Wong</td>
<td>City of Cupertino</td>
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<td>TBD (Alt)</td>
<td>City of Cupertino</td>
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<td>Cat Tucker</td>
<td>City of Gilroy</td>
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<td>Megan Satterlee</td>
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<td>Val Carpenter (Alt)</td>
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<tr>
<td>Joe Pirzynski</td>
<td>Town of Los Gatos</td>
<td>Present</td>
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<td>Diane McNutt (Alt)</td>
<td>Town of Los Gatos</td>
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<td>Pete McHugh</td>
<td>City of Milpitas</td>
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<td>TBD (Alt)</td>
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<tr>
<td>Marshall Anstandig</td>
<td>City of Monte Sereno</td>
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<td>Curtis Wright (Alt)</td>
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<tr>
<td>Marby Lee</td>
<td>City of Morgan Hill</td>
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<td>Steve Tate (Alt)</td>
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<tr>
<td>John INks</td>
<td>City of Mountain View</td>
<td>Present</td>
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<tr>
<td>Jac Siegel (Alt)</td>
<td>City of Mountain View</td>
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<tr>
<td>Gail Price</td>
<td>City of Palo Alto</td>
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<tr>
<td>Larry Klein (Alt)</td>
<td>City of Palo Alto</td>
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<tr>
<td>Kansen Chu</td>
<td>City of San Jose</td>
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<tr>
<td>Jamie Matthews</td>
<td>City of Santa Clara</td>
<td>Present</td>
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<tr>
<td>Jamie McLeod (Alt)</td>
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<td>N/A</td>
</tr>
<tr>
<td>TBD</td>
<td>Town of Los Altos Hills</td>
<td>Absent</td>
</tr>
</tbody>
</table>

A quorum was present.
2. **ORDERS OF THE DAY**
There were no Orders of the Day.

3. **PUBLIC PRESENTATIONS**
There were no Public Presentations.

4. **Committee Staff Report**
Jim Lawson, Senior Policy Advisor, provided an overview of the Board of Director’s January 7, 2010 meeting. He announced Sam Liccardo is the new VTA Board of Director’s Chairperson and Margaret Abe-Koga is the Vice Chairperson for 2010. Former PAC Committee members Rich Larsen, Chris Moylan, Chuck Page, and Perry Woodward have been appointed to the VTA Board of Directors.

Mr. Lawson commented that service changes went into effect on January 11, 2010.

5. **Chairperson’s Report**
There was no Chairperson’s Report. Chairperson Pro Tempore McHugh welcomed new committee members.

6. **City Grouping Report**
There was no City Grouping Report.

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

**CONSENT AGENDA**

7. **Minutes of December 10, 2009**

   M/S/C (Wong/Wright) to approve the Minutes of December 10, 2009. Members Griffith and Price abstained.

**REGULAR**

8. **Conduct PAC Elections for 2010**
Chairperson Pro Tempore McHugh provided a brief overview of the Nominating Committee Report. He noted Jamie Matthew’s nomination for PAC Chairperson for 2010.

**NOTE:** M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY
The Committee opened nominations from the floor for PAC Chairperson 2010.

The Committee closed nominations from the floor for PAC Chairperson 2010.

**M/S/C (Wong/Kotowski)** to elect Jamie Matthews for PAC Chairperson 2010.

Chairperson Pro Tempore McHugh provided a brief overview on the Nominating Committee Report. He noted Joe Pirzynski’s nomination for PAC Vice Chairperson 2010.

The Committee closed nominations from the floor for PAC Vice Chairperson 2010.

**M/S/C (Wong/Kotowski)** to elect Joe Pirzynski for PAC Vice Chairperson 2010.


Murali Ramanujan, Senior Transportation Engineer, provided an overview of the staff report.

Some members of the Committee expressed concern regarding signage, the need for sufficient enforcement presence to minimize violation and, the need for adequate provisions for drivers to be able to move from the right side of the roadway to the left side of the roadway to use the Express Connector.

Some members of the Committee requested clarification regarding toll fees and revenue.

**On order of Chairperson Pro Tempore McHugh** and there being no objection, the Committee reviewed the SR 237/I-880 Express Connectors – Operational Policies.

10. **Short Range Transit Plan 2010**

Kevin Connolly, Transportation Planning Manager, provided a brief overview of the staff report.

Some members of the Committee inquired about VTA’s ability to transition to longer light rail trains, given the Vasona line’s platform length constraints.

The members asked how the various Caltrain capital projects relate to the California High Speed Rail project.

The Committee recommended VTA be ready to move forward on projects if the financial projections turn out to be too conservative and the economy recovers faster than projected.

**M/S/C (Wong/Pirzynski)** to adopt the 2010 Short Range Transit Plan.
OTHER

11. Committee Work Plan

The Committee reviewed the Work Plan.

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

12. Announcements

There were no Announcements.

13. ADJOURNMENT

On order of Chairperson Pro Tempore McHugh and there being no objection, the meeting was adjourned at 4:57 p.m.

Respectfully submitted,

Jacqueline Golzio, Board Assistant
Office of the Board Secretary