BOARD OF DIRECTORS MEETING

Thursday, November 4, 2010

5:30 P.M.

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

AGENDA

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

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

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

- The Consent Agenda items may be voted on in one motion at the beginning of the meeting. 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 (408) 321-2330 (TTY only). VTA’s Home page is on the Web at: www.vta.org or visit us on Facebook www.facebook.org/scvta.

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

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

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

1. ROLL CALL

2. ORDERS OF THE DAY

3. AWARDS AND COMMENDATIONS

Employees of the Month for November 2010

A. INFORMATION ITEM - Recognize Christopher Valle, Buyer Assistant, River Oaks Administration; Willy Keyner, Coach Operator, North Division; and Rudy Capulong, Transit Mechanic, Chaboya Division, as Employees of the Month for November 2010; and Lucas Perez, Customer Services Supervisor, as Supervisor of the Quarter for the fourth quarter of 2010.

Resolutions of Commendations for outgoing Assembly Members

B. ACTION ITEM - Adopt a Resolution of Commendation for Assembly Member Joe Coto.

C. ACTION ITEM - Adopt a Resolution of Commendation for Assembly Member Alberto Torrico.

D. ACTION ITEM - Adopt a Resolution of Commendation for Assembly Member Ira Ruskin.

Recognize outgoing VTA Board Member Don Gage

E. Presentation by Chairperson Sam Liccardo

   ACTION ITEM - Adopt a Resolution of Commendation for outgoing Board Member Don Gage.

4. PUBLIC PRESENTATIONS

This portion of the meeting is reserved for persons desiring to address the Board of Directors on any item within the Board's jurisdiction. Speakers are limited to 2 minutes. The law does not permit Board action or extended discussion of any item not on the agenda except under special circumstances. If Board action is requested, the matter can be placed on a subsequent agenda. All statements that require a response will be referred to staff for reply in writing.

5. REPORT FROM THE GENERAL MANAGER. (Verbal Report)

6. REPORT FROM THE CHAIRPERSON. (Verbal Report)

A. ACTION ITEM - Approve the appointment of Director Liz Kniss to fill the seat currently held by Director Don Gage on the Peninsula Corridor Joint Powers Board (Caltrain), effective December 3rd, 2010.
B. Appoint Nominating Committee for the election of Chairperson and Vice-Chairperson for the 2011 Board of Directors. (Verbal Report) (Liccardo)

C. INFORMATION ITEM - Receive a federal legislative update from Steve Palmer, Van Scyoc Associates.


CONSENT AGENDA

10. Approve the Board of Directors Regular Meeting Minutes of October 7, 2010.


12. ACTION ITEM - Adopt a resolution amending the VTA Permit Fee Schedule, adjusting fees to be collected for Restricted Access Permits and Construction Access Permits to be consistent with the revision of VTA allocated rates.

13. ACTION ITEM - Approve the Proposed Plan Amendments to the Santa Clara Valley Transportation Authority - Amalgamated Transit Union, Local 265 Pension Plan. In addition, authorize all future Plan amendments as required by the Internal Revenue Service (IRS) to ensure the Plan’s tax compliance.

14. ACTION ITEM - Adopt a resolution to update VTA's implementation of CEQA through: 1) Adoption of Title 14 of the California Code of Regulations, Division 6, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) effective January 1, 2010, and 2) Adoption of a revision to one of the Guidelines (Article 19, Categorical Exemptions, Section 15301, Existing Facilities), by adding the word “purchasing” to the first sentence between the words “leasing” and “licensing” that describes Class 1 activities.

15. ACTION ITEM - Authorize the General Manager to execute contracts of up to $300,000 each, in accordance with the General Manager's administrative authority, from a list of 29 qualified firms for various categories of development services. The list will serve for a 3-year period and may be extended for an additional 2 years at the General Manager's discretion.

16. ACTION ITEM - Adopt a Resolution approving and adopting the Final Relocation Plan for the Silicon Valley Berryessa Extension (SVBX) Project and adopting federal and state relocation assistance laws and regulations as VTA's own rules and regulations for purposes of implementing relocation benefits and administering relocation assistance.
17. **ACTION ITEM** - Authorize the General Manager to approve and execute all real property acquisition and possession and use agreements required for the SVBX Project meeting the following criteria: 1) For any property, where the purchase price equals the statutory offer of just compensation established for the property; 2) For any property, where the negotiated purchase price for the property does not exceed $250,000; and 3) For any property for which the statutory offer of just compensation established for the property is over $250,000 but below $2,000,000, where the negotiated purchase price for the property does not exceed fifteen percent (15%) of said statutory offer of just compensation.

18. **ACTION ITEM** - Authorize the General Manager to execute a Cooperative Agreement with the City of Morgan Hill to engage in a site planning process to determine the optimal replacement parking solution for the Morgan Hill Caltrain ParkNRide Lot.

**REGULAR AGENDA**


20. **ACTION ITEM** - Authorize the General Manager to execute a three year fixed fee contract for $213,060; with two additional one year options at $80,609 for the first optional extension and $75,862 for the second extension; for a grand total of $369,531; with Alliant Insurance Services to provide insurance brokerage and loss control service for VTA operations.

21. **ACTION ITEM** - Authorize the General Manager to enter into an agreement with the City of San Jose to transfer development contributions dedicated for the West San Carlos Light Rail Station to VTA and to collaborate with the City of San Jose to pursue funding for the construction and operation of a new Light Rail Station near West San Carlos Street.

**OTHER ITEMS**

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

23. **INFORMATION ITEM** - Review the 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)
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)
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)
B. Silicon Valley Rapid Transit Corridor & BART Warm Springs Extension PAB (No Meeting Scheduled)
C. Downtown East Valley PAB (No Meeting Scheduled)

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 November 2010 and Supervisor of the Quarter

FOR INFORMATION ONLY

BACKGROUND:

Christopher Valle, a Buyer Assistant in the Purchasing Department at River Oaks, is the Administration Award Winner for November. Chris has been with VTA for over 3 years. In his current role, Chris ensures the accuracy of purchase requisitions, and interacts with vendors and suppliers to address order discrepancies. Chris is recognized by management for his excellent communication skills, and strong attention to detail. His great attitude and professionalism helps create a positive work environment at VTA. Congratulations to Christopher Valle, Administration Employee of the Month for November!

Willy Keyner, Coach Operator at North Division, is November’s Operations Award Winner. In addition to driving a bus, Willy serves as a Mentor in the Joint Workforce Investment Program, helping other drivers improve their customer service skills. He has received compliments from many passengers, with one stating that Willy is “unfailingly courteous” to everyone on his bus. A conscientious and dedicated employee who has been with VTA for 31 years, Willy upholds VTA’s commitment to dependable service, and is very deserving of this award. Congratulations to Willy Keyner, Operations Employee of the Month for November!

Rudy Capulong, Transit Mechanic at Chaboya Division, is our Maintenance Employee of the Month for November. Rudy has been with VTA for over 11 years. In his current assignment as the primary mechanic in the Brake Shop, Rudy diagnoses and repairs bus brake systems to ensure safe and reliable transportation for our passengers. Recognized by his supervisors as an employee who demonstrates a great work ethic and is always willing to help his fellow Mechanics, Rudy exemplifies VTA’s values of safety and quality job performance. Congratulations to Rudy Capulong, Maintenance Employee of the Month for November!

Lucas Perez, Customer Services Supervisor in VTA’s External Affairs Division, is Supervisor of the
Quarter for the fourth quarter of 2010. Lucas joined VTA in 1997 and currently supervises a team of Information Service Representatives who provide excellent customer service to numerous callers each day. Lucas personally handles the more complex issues, speaking directly to customers when needed to help resolve any problem. He is also responsible for ensuring the accuracy and timeliness of information on the VTA.org website. Lucas is highly respected within his Division and throughout the organization, and he inspires positive performance in his staff. Clearly an asset to VTA, Lucas is very deserving of this award. Congratulations to Lucas Perez, Supervisor of the Quarter!

Prepared By: Mitsuno Baurmeister
Memo No. 2865
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: Resolution of Commendation for Assembly Member Joe Coto

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

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a Resolution of Commendation for Assembly Member Joe Coto.

BACKGROUND:

After six years of service, Assembly Member Coto is leaving the California State Assembly this year, due to term limits. As a member of Santa Clara County’s legislative delegation, Assembly Member Coto demonstrated a strong commitment to improving transportation in Silicon Valley. His expertise and leadership will be greatly missed.

DISCUSSION:

It is fitting for the Board of Directors to honor Assembly Member Coto with a Resolution of Commendation for his years of outstanding service and many achievements as a member of the Assembly.

ALTERNATIVES:

A Resolution of Commendation from the VTA Board of Directors to a member of the delegation for their efforts on behalf of transportation, is an appropriate honorarium, and Assembly Member Coto is deserving of this recognition.
FISCAL IMPACT:

There is no financial impact.

Prepared by: Kurt Evans
Memo No. 2731
RESOLUTION OF COMMENDATION BY THE BOARD OF DIRECTORS OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY GIVING SPECIAL TRIBUTE, DUE HONOR AND RECOGNITION TO ASSEMBLY MEMBER JOE COTO

WHEREAS, Joe Coto is leaving the California State Assembly after six years of distinguished public service; and

WHEREAS, Joe Coto was first elected to the Assembly in 2004, and most recently served as an influential member of the Appropriations, Governmental Organization, Local Government, Revenue and Taxation, and Joint Legislative Audit Committees, as well as of the Latino Legislative Caucus; and

WHEREAS, prior to being elected to the Assembly, Joe Coto served as the superintendent of the East Side Union High School District in San Jose, where he was named the 2003 “Superintendent of the Year” by the Association of California School Administrators; and

WHEREAS, throughout his career in the Legislature, Joe Coto supported numerous bills that helped improve the transportation system in Silicon Valley and was a strong advocate for public transit; and

WHEREAS, throughout his career in the Legislature, Joe Coto advocated for state funding for highway and public transit projects in Silicon Valley; and

WHEREAS, as a member of the Assembly, Joe Coto distinguished himself as an extraordinary leader on such issues as transportation, public education, health care, social justice, affordable housing, and economic development.

THEREFORE, BE IT RESOLVED, that the Santa Clara Valley Transportation Authority does hereby give special tribute, due honor and recognition to Joe Coto for his years of distinguished service to Santa Clara County as a member of the California State Assembly.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on this 4th day of November 2010 by the following vote:
AYES: DIRECTORS

NOES: DIRECTORS

ABSENT: DIRECTORS

Sam Liccardo, Chairperson
Board of Directors

ATTEST:

Sandy Weymouth, Secretary
Board of Directors
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: Resolution of Commendation for Assembly Member Alberto Torrico

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

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a Resolution of Commendation for Assembly Member Alberto Torrico.

BACKGROUND:

Because of term limits, Assembly Member Torrico is leaving the California State Assembly this year after six years of service. As a member of Santa Clara County’s legislative delegation, Assembly Member Torrico demonstrated a strong commitment to improving transportation in Silicon Valley. His expertise and leadership will be greatly missed.

DISCUSSION:

It is fitting for the Board of Directors to honor Assembly Member Torrico with a Resolution of Commendation for his years of outstanding service and many achievements as a member of the Assembly.

ALTERNATIVES:

Because of his efforts in transportation during his legislative career, we believe Assembly Member Torrico is deserving of this honor.
FISCAL IMPACT:

There is no financial impact.

Prepared by: Kurt Evans
Memo No. 2732
RESOLUTION OF COMMENDATION BY THE BOARD OF DIRECTORS OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY GIVING SPECIAL TRIBUTE, DUE HONOR AND RECOGNITION TO ASSEMBLY MEMBER ALBERTO TORRICO

WHEREAS, Alberto Torrico is leaving the California State Assembly after six years of distinguished public service; and

WHEREAS, Alberto Torrico was first elected to the Assembly in 2004, and most recently served as chairman of the Public Employees, Retirement and Social Security Committee, the Select Committee on Prison and Rehabilitation Reform, and the Select Committee on Safety and Protection of At-Risk Communities in California; and as an influential member of the Appropriations and Governmental Organization Committees; and

WHEREAS, while serving in the Assembly, Alberto Torrico held various leadership positions, including Majority Leader, and authored bills to increase funding for higher education, protect the rights of renters, create affordable housing, extend health care benefits to foster children, improve conditions at day care centers, and reform California’s prison system; and

WHEREAS, while serving in the Assembly, Alberto Torrico authored a number of important bills relating to transportation, including legislation authorizing the Santa Clara Valley Transportation Authority to self-finance the construction of express lanes in Silicon Valley and allowing revenues generated from the sale of excess property related to the Highway 84 Project to be used to fund improvements to the I-880 Corridor; and

WHEREAS, throughout his career in the Assembly, Alberto Torrico worked to ensure that Santa Clara County received its fair share of state funding for critical highway and transit capital improvement projects, played a leadership role in advancing the BART Extension to Silicon Valley at the state level, and strongly advocated for protecting state funding for public transit; and

WHEREAS, as a member of the Assembly, Alberto Torrico distinguished himself as an extraordinary leader on issues affecting transportation, health care, higher education, housing, public safety, and children.
THEREFORE, BE IT RESOLVED, that the Santa Clara Valley Transportation Authority does hereby give special tribute, due honor and recognition to Alberto Torrico for his years of distinguished service to Santa Clara County as a member of the California State Assembly.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on this 4th day of November 2010 by the following vote:

AYES: DIRECTORS

NOES: DIRECTORS

ABSENT: DIRECTORS

____________________________
Sam Liccardo, Chairperson
Board of Directors

ATTEST:

____________________________
Sandra Weymouth, Secretary
Board of Directors
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: Resolution of Commendation for Assembly Member Ira Ruskin

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

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a Resolution of Commendation for Assembly Member Ira Ruskin.

BACKGROUND:

After six years of service, Assembly Member Ruskin is leaving the California State Assembly this year due to term limits. As a member of Santa Clara County’s legislative delegation, Assembly Member Ruskin demonstrated a strong commitment to improving transportation in Silicon Valley. His expertise and leadership will be greatly missed.

DISCUSSION:

It is fitting for the Board of Directors to honor Assembly Member Ruskin with a Resolution of Commendation for his years of outstanding service and many achievements as a member of the Assembly.

ALTERNATIVES:

Because of his efforts in transportation during his legislative career, we believe Assembly Member Ruskin is deserving of this honor.
FISCAL IMPACT:

There is no financial impact.

Prepared by: Kurt Evans
Memo No. 2733
RESOLUTION OF COMMENDATION BY THE BOARD OF DIRECTORS
OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
GIVING SPECIAL TRIBUTE, DUE HONOR AND RECOGNITION TO
ASSEMBLY MEMBER IRA RUSKIN

WHEREAS, Ira Ruskin is leaving the California State Assembly after six years of
distinguished public service; and

WHEREAS, Ira Ruskin was first elected to the Assembly in 2004, and most recently
served as chairman of the Budget Subcommittee on Resources and the Joint Committee on the
Master Plan for Higher Education, and as an influential member of the Banking and Finance;
Business, Professions and Consumer Protection; Environmental Safety and Toxic Materials; and
Higher Education Committees; and

WHEREAS, prior to being elected to the Assembly, Ira Ruskin served three terms on the
Redwood City Council and was the mayor from 1999-2001, and served as a member of the San
Mateo County Transportation Authority; and

WHEREAS, while serving as chairman of the Budget Subcommittee on Resources, Ira
Ruskin oversaw the implementation of the California Global Warming Solutions Act of 2006;
Proposition 84, the Natural Resources Bond; and Proposition 1E, the Flood Protection Bond; and

WHEREAS, throughout his career in the Legislature, Ira Ruskin supported numerous
bills that helped improve the transportation system in Silicon Valley, was a strong advocate for
public transit, and pushed for legislation that promoted the use of alternative-fueled vehicles; and

WHEREAS, throughout his career in the Legislature, Ira Ruskin advocated for state
funding for highway and public transit projects in Silicon Valley; and

WHEREAS, as a member of the Assembly, Ira Ruskin distinguished himself as an
extraordinary leader on such issues as transportation, environmental safety, water and air quality,
labor and employment, higher education, and consumer affairs.
THEREFORE, BE IT RESOLVED, that the Santa Clara Valley Transportation Authority does hereby give special tribute, due honor and recognition to Ira Ruskin for his years of distinguished service to Santa Clara County as a member of the California State Assembly.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on this 4th day of November 2010 by the following vote:

AYES: DIRECTORS
NOES: DIRECTORS
ABSENT: DIRECTORS

Sam Liccardo, Chairperson
Board of Directors

ATTEST:

Sandy Weymouth, Secretary
Board of Directors
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: N/A

FROM: 

SUBJECT: Resolution for outgoing VTA Board Member Don Gage

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

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a Resolution of Commendation for outgoing Board Member Don Gage.

FISCAL IMPACT:

There is no financial impact.

Prepared by: Elaine Baltao
Memo No. 2868
RESOLUTION

By the Board of Directors of the SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA) a Special District of the State of California relative to commending the

**Honorable Donald F. Gage**

**WHEREAS**, Donald F. Gage is completing his term on the VTA Board of Directors after ten years of dedicated and responsible service representing the County of Santa Clara; *and*,

**WHEREAS**, His ten years of outstanding service to the organization make him the longest-serving Board Member to date; *and*,

**WHEREAS**, He served with distinction as Vice Chair of the Board in 2003 and Chair in 2004; *and*,

**WHEREAS**, His service to VTA in the areas of fiscal resources and organization is amply demonstrated by his active participation on the Administration and Finance Committee, on which he served several terms as chair and vice chair, the Audit Committee where he was a charter member and the first chair, and the Infrastructure Bond Committee; *and*,

**WHEREAS**, In those instances when VTA faced enormous financial challenges, he provided steady leadership as the chair of the Ad Hoc Financial Recovery Committee (2010) and as co-chair of the Ad Hoc Financial Stability Committee (2003); *and*,

**WHEREAS**, As a staunch advocate of rail service, he served on the Peninsula Corridor Joint Powers Board (Caltrain) and was elected vice chair in 2008 and chair in 2009, overseeing a substantial expansion of rail service on the Peninsula through the introduction of Baby Bullet Service; *and*,

**WHEREAS**, As an advocate for South County, he served on the South County Highway Policy Advisory Board; Santa Clara Valley Habitat Conservation Plan Natural Community Conservation Plan Governing Body Liaison Group as well as the Mobility Partnership for SR 152 Trade Corridor Project; *and*,

**WHEREAS**, His opinion was esteemed by his colleagues as shown by his service on the Ad Hoc Restructuring Proposal Committee and the Project Advisory Committee; *and*,

**WHEREAS**, He was frequently chosen by his colleagues to serve on committees vital to the operation of VTA including the Executive Evaluation Committee and the Ad Hoc Selection Committee for both the General Manager and the General Counsel; *and*,
WHEREAS, He tirelessly worked on addressing the transportation needs of all Santa Clara County residents, especially those in South County;

NOW THEREFORE BE IT RESOLVED, that the VTA Board of Directors hereby commends and expresses its sincere appreciation to Donald F. Gage for his exemplary service and dedication; and,

BE IT FURTHER RESOLVED, that this resolution is presented with the thanks and good wishes of the VTA.

ADOPTED by the VTA Board of Directors this Fourth Day of November 2010.

Sam Liccardo, Chairperson
Santa Clara Valley Transportation Authority
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

FROM: Chairperson Sam Liccardo

SUBJECT: 2011 Appointment to Caltrain Board

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

ACTION ITEM

RECOMMENDATION:

Approve the appointment of Director Liz Kniss to fill the seat currently held by Director Don Gage on the Peninsula Corridor Joint Powers Board (Caltrain), effective December 3rd, 2010.

BACKGROUND:

The Santa Clara Valley Transportation Authority (VTA) is a partner agency in Caltrain along with the City and County of San Francisco and the San Mateo County Transit District. Each member agency has three members on the nine member Peninsula Corridor Joint Powers Board. Director Don Gage has served on the Caltrain Board representing VTA since 2001. With his announced resignation effective on December 2nd, 2010, it is necessary to appoint a VTA Board Member to represent the interests of Santa Clara County.

Caltrain is facing significant challenges in the upcoming year in the areas of service delivery and budgeting. Therefore it is prudent to appoint a member who has the necessary background, experience and interest to this position.

Director Kniss has indicated a willingness to undertake this assignment.

DISCUSSION:

The Caltrain system is a vital component of the transportation network on the Peninsula. The Board of Directors is responsible for the operations, maintenance and capital improvement of the system that supports over 40,000 Average Weekday Riders (August 2010). The system is supported by a complex mix of farebox revenues, state and federal funds and contributions from
the partner agencies based upon a ridership formula. The system is impacted by declining ridership and the constrained resources of the partner agencies. In addition, the system must deal with the potential future impacts caused by the anticipated development of High Speed Rail along the Peninsula.

**ALTERNATIVES:**

The Board may request the Chair consider the appointment of a different member of the Board of Directors to this position.

**FISCAL IMPACT:**

While VTA provides a significant portion of Caltrain’s operating and capital funding, there is no fiscal impact to VTA by approving this appointment.

Prepared by: Jim Lawson
Memo No. 2849
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: Van Scoyoc Associates Federal Advocacy Report

FOR INFORMATION ONLY

BACKGROUND:

In January 2010, the Board of Directors authorized the General Manager to execute a contract with Van Scoyoc Associates for federal advocacy consultant services for a period of three years. Under the terms of the contract, Van Scoyoc Associates is responsible for performing the following activities on behalf of VTA in Washington, D.C.:

- Monitoring, analyzing and providing counsel on activities at the congressional and administrative levels affecting VTA’s projects, programs and operations.

- Developing and implementing advocacy strategies designed to advance actions at the federal level that are beneficial to VTA, and its projects and programs.

- Communicating directly with members of Congress and transportation agency officials with respect to VTA’s project and program interests at the federal level.

- Advocating for VTA’s project and program interests in the annual federal transportation appropriations act, in any federal surface transportation authorization legislation, and through any other appropriate congressional and administrative avenues.

- Assisting VTA in advancing the BART Silicon Valley Project through the Federal Transit Administration (FTA) and congressional processes.

Steve Palmer, a vice president at Van Scoyoc Associates, is serving as the project manager for the contract with VTA. For more than 11 years, he has represented the interests of the firm’s public transportation agency clients before Congress and the Executive Branch. Prior to joining Van Scoyoc Associates in 1998, Mr. Palmer served as the assistant secretary for governmental
affairs at the U.S. Department of Transportation, and in senior staff positions with the Senate Commerce, Science and Transportation Committee, and the Senate Budget Committee.

DISCUSSION:

Mr. Palmer will provide the Board of Directors with a brief oral update on surface transportation authorization legislation, the FY 2011 transportation appropriations process, and other key transportation-related issues at the federal level. He also will be available to answer questions from Board members.

Prepared By: Kurt Evans
Memo No. 2734
BOARD OF DIRECTORS MEETING
Thursday, October 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 5:03 p.m. in the Board of Supervisors’ Chambers, County Government Center, 70 West Hedding Street, San Jose, California.

1. ROLL CALL

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

* Alternates do not serve unless participating as a Member.

A quorum was present.

2. RECESS TO CLOSED SESSION at 5:05 p.m.

Board Member Herrera arrived at the meeting and entered Closed Session at 5:05 p.m.
Board Member Page arrived at the meeting and entered Closed Session at 5:08 p.m.
Board Member Woodward arrived at the meeting and entered Closed Session at 5:10 p.m.
Board Member Abe-Koga arrived at the meeting at 5:15 p.m. and did not enter Closed Session.
A. Existing Litigation - Conference with Legal Counsel
   [Government Code Section 54956.9(a)]

   Name of Case: Santa Clara Valley Transportation Authority v. BCRP-Landmark, LLC
   [Santa Clara County Superior Court Case No. 1-10-CV-182021 - Complaint in Eminent Domain]

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

   Property: A parcel of land comprised of .74 acres located at the corner of
   Lawrence Expressway and Moorpark Avenue in the City of San Jose, CA

   Agency negotiator: Bijal Patel, Deputy Director, Property Development & Management

   Negotiating parties: Dr. Ravinder Atwal

   Under Negotiation: Price and terms of payment

RECONVENED TO OPEN SESSION at 5:20 p.m.

3. CLOSED SESSION REPORT

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

   Name of Case: Santa Clara Valley Transportation Authority v. BCRP-Landmark, LLC
   [Santa Clara County Superior Court Case No. 1-10-CV-182021 - Complaint in Eminent Domain]

   Kevin Allmand, General Counsel, reported that Agenda Item #3.A. was not
discussed in Closed Session.

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

   Property: A parcel of land comprised of .74 acres located at the corner of
   Lawrence Expressway and Moorpark Avenue in the City of San Jose, CA

   Agency negotiator: Bijal Patel, Deputy Director, Property Development & Management

   Negotiating parties: Dr. Ravinder Atwal

   Under Negotiation: Price and terms of payment

   Mr. Allmand noted there was no reportable action taken in Closed Session.
4. ORDERS OF THE DAY

Chairperson Liccardo announced the meeting will be adjourned in memory of Former Cupertino Mayor and VTA Advocate Don Burnett.

Chairperson Liccardo stated the Consent Agenda will be approved with Orders of the Day with the same motion.

Board Member Reed noted he will abstain from the Consent Agenda.

M/S/C (Gage/Herrera) on a vote of 10 ayes to 0 no and 1 abstention to accept the Orders of the Day and approve the Consent Agenda. Member Reed abstained.

The Agenda was taken out of Order

CONSENT AGENDA

12. Board of Directors Regular Meeting Minutes of September 2, 2010

M/S/C (Gage/Herrera) on a vote of 10 ayes to 0 no to 1 abstention to approve the Board of Directors Regular Meeting Minutes of September 2, 2010. Member Reed abstained.

13. External Audit Services Contract

M/S/C (Gage/Herrera) on a vote of 10 ayes to 0 no to 1 abstention to authorize the General Manager to execute a contract with Vavrinek, Trine, Day and Co. to provide financial and compliance audit services to Santa Clara Valley Transportation Authority (VTA) for three years starting July 1, 2011 at a cost of $375,000 and two additional one-year extensions at a cost of $125,000 for each year. The total value of the contract for the five year period ending June 30, 2016 is $625,000. Member Reed abstained.

14. Bicycle & Pedestrian Advisory Committee (BPAC) Appointment

M/S/C (Gage/Herrera) on a vote of 10 ayes to 0 no to 1 abstention to ratify the nomination of Melanie Hanssen, Town of Los Gatos to the Bicycle & Pedestrian Advisory Committee (BPAC). Member Reed abstained.

15. Information Technology Consulting and Support Services

M/S/C (Gage/Herrera) on a vote of 10 ayes to 0 no to 1 abstention to authorize the General Manager to enter into contracts and task order agreements with identified technology firms for consulting and support services. Each contract shall be for a maximum three-year period, with an option for two additional years with an aggregate value not to exceed $4,750,000 for all contracts. Member Reed abstained.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
16. **Multifunction Copier Lease**

M/S/C (Gage/Herrera) on a vote of 10 ayes to 0 no to 1 abstention to authorize the General Manager to execute contracts with Ricoh Business Solutions for document copy, scanning, and printing equipment; and for equipment support services. The initial term of the contract is for five years with an option to extend the contract on an annual basis for two additional years. The cost of the initial five year term is $1,095,000, plus an optional $271,000 per year for each of the optional one-year periods, for a total of $1,637,000. Member Reed abstained.

17. **Renewal of Employee Health Benefit Contracts**

M/S/C (Gage/Herrera) on a vote of 10 ayes to 0 no to 1 abstention to authorize the General Manager to renew benefit contracts with Kaiser, United Health Care (dba PacifiCare), Valley Health Plan, Delta Dental, Pacific Union Dental, Vision Service Plan, CIGNA, and Custom Benefits Administrators for VTA employees and retirees for calendar year 2011. Member Reed abstained.

18. **Agreement with San Mateo City/County Association of Governments (C/CAG) for Modeling Services**

M/S/C (Gage/Herrera) on a vote of 10 ayes to 0 no to 1 abstention to authorize the General Manager to enter into an agreement with San Mateo City and County Association of Governments (C/CAG) for purchase of the VTA model, maintenance of model and on-call modeling services. Member Reed abstained.

19. **Rajappan & Meyers Engineers, Contract S06002 Amendment**

M/S/C (Gage/Herrera) on a vote of 10 ayes to 0 no to 1 abstention to authorize the General Manager to execute a contract amendment with Rajappan & Meyer Consulting Engineers, Inc. in an amount not to exceed $100,000 (from $150,000 in funding provided by the City of San Jose), for a new total contract amount of $620,000 for engineering services to finalize preliminary engineering and environmental documentation for the reconfiguration of the US 101/De La Cruz Boulevard interchange. Member Reed abstained.

20. **Senate Bill 83 (SB 83) Administrative Procedures**

M/S/C (Gage/Herrera) on a vote of 10 ayes to 0 no to 1 abstention to adopt administrative procedures for the SB-83 Vehicle Registration Fee (VRF) program. Member Reed abstained.

21. **Closed Circuit Television on Buses Contract Award**

M/S/C (Gege/Herrera) on a vote of 10 ayes to 0 no to 1 abstention to authorize the General Manager to execute a contract with Henry Brothers Electronics in the amount of $2,950,000 for the procurement and installation of mobile CCTV (Closed Circuit Television) systems in 229 buses. Federal grants will provide 86% of the funding for this contract. Member Reed abstained.
22. Project Baseline Agreement for the Kato Road Grade Separation Project

M/S/C (Gage/Herrera) on a vote of 10 ayes to 0 no to 1 abstention to adopt a Resolution No. 2010.10.32 authorizing the General Manager to execute the Project Baseline Agreement, and any amendments thereto, and any other necessary agreements and documents with the California Department of Transportation and/or the California Transportation Commission relating to the VTA’s role as funding agency and implementing agency for the Highway-Railroad Crossing Safety Account (HRCSA)-funded Kato Road grade separation project. Member Reed abstained.

23. Transit Shelter Advertising Program – Extension of Agreement with Clear Channel Outdoor

M/S/C (Gage/Herrera) on a vote of 10 ayes to 0 no to 1 abstention to authorize the General Manager to amend the Transit Shelter Advertising Program Agreement with Clear Channel Outdoor and Implementation Agreement for the Transit Shelter Advertising Program with the participating cities, county and Clear Channel Outdoor. The amendments would extend the agreements two years with modified terms. Member Reed abstained.

24. SAP GRC Segregation of Duties and Sensitive Access Controls Internal Audit

M/S/C (Gage/Herrera) on a vote of 10 ayes to 0 no to 1 abstention the SAP GRC Segregation of Duties and Sensitive Access Controls Internal Audit was received. Member Reed abstained.

25. Ramp Metering Program “After” Studies Southbound SR85 & SR87

M/S/C (Gage/Herrera) on a vote of 10 ayes to 0 no to 1 abstention to and there being no objection, the Ramp Meeting Program “After” Studies Southbound SR85 & SR87 was received. Member Reed abstained.

26. I-680 Express Lanes Update

M/S/C (Gage/Herrera) on a vote of 10 ayes to 0 no to 1 abstention the I-680 Express Lanes Update was received. Member Reed abstained.


M/S/C (Gage/Herrera) on a vote of 10 ayes to 0 no to 1 abstention the 2000 Measure A Transit Improvement Program Semi-Annual Report – June 2010 was received. Member Reed abstained.

Member Reed returned to his seat at 5:30 p.m.
5. AWARDS AND COMMENDATIONS

A. Employees of the Month for October 2010

Chairperson Liccardo recognized and presented an award to Susan Nava,Accountant Assistant, River Oaks, Administration; Award Winner for October 2010; and Corina Wakefield, Transit Radio Dispatcher, Guadalupe Operations; and Ronald Roberts, Senior Signal Maintainer, Guadalupe Maintenance Division, as Employees of the Month for October 2010.

6. PUBLIC PRESENTATIONS

John Rainville, Interested Citizen, expressed concern with the schedule and route of Bus Line #58. He requested more frequent service of Line #58 to accommodate the new development at North First Street.

James Wightman, Interested Citizen, expressed concern regarding the procedure of reporting suspicious bags, packages, or damage at light rail stations.

7. REPORT FROM THE GENERAL MANAGER

Mr. Burns provided a report on the following:

- VTA’s overall average weekday system-wide ridership for August 2010 declined 7.4 percent when compared to August 2009. Bus ridership has decreased by 9.2 percent and light rail ridership has decreased by 1.9 when compared to August 2009. The decline in ridership is attributed to the economy, continued unemployment, as well as the reduction of enrollment at San Jose State University (SJSU).

- Final FY10 revenue and expenditure numbers and VTA ended the year with a positive operating balance of approximately $16 million, which will be applied to the current fiscal year. Projections indicate VTA will end FY11 with a balanced budget and 15 percent operating reserve.

- The debut of Commuter Express Light Rail Express service is on October 4, 2010. Three morning and three afternoon trains will travel non-stop from the Ohlone/Chynoweth Light Rail Station to Downtown San Jose. The launch of free WiFi on board these vehicles has drawn appreciation from riders who wish to surf the internet or work while commuting.

- VTA hosted a BART Silicon Valley Design Build Forum that attracted over 550 members of the contracting community. They received the latest information about the $785 million design build contract for the 10-mile Berryessa Extension project. The forum provided a networking platform for small and disadvantaged businesses to connect with larger contracting firms.

- VTA’s Family Day Picnic was held Saturday, October 2, 2010 at Saratoga Springs Park. The Family Day was organized by the Employee Advisory Committee, and the event was enjoyed by over 700 employees, family members, and friends.
8. Chairperson’s Report

There was no Chairperson’s Report.


Ad-Hoc Chairperson Gage reported at the final Ad-Hoc Financial Recovery Committee meeting on September 1, 2010, the Committee adopted the Ad-Hoc Recovery Final Report that contains financial policies and principles to guide VTA in becoming a more financially stable and sustainable agency.

The report contains deficit reduction targets that include: 1) Internal Efficiencies, 2) Employee Expenses; 3) Service Delivery; and 4) New Revenue.

Chairperson Gage thanked Committee members, Stakeholders, and VTA staff for their cooperation and diligence while serving on the Committee.

Mr. Burns, clarified the report provides a review of the Committee’s recommendations to the Board. The Board will further have the opportunity to study the details and substance of the report at the Board of Directors Workshop/Special Meeting on Friday, October 22, 2010, at the Board of Supervisors Chambers, 70 West Hedding, San Jose, California.

Board Member Herrera thanked the members of the Committee and Stakeholders for their collaborative efforts and professionalism.

Jim Lawson, Senior Policy Advisor, provided an overview of the process and recommendations of the Ad-Hoc Financial Recovery Committee that included: 1) background and need for the Ad-Hoc process; 2) guidance for development of FY2012/FY2013 Biennial Budget; 3) FTA New Starts Financial Plan; 4) proactive approach to address VTA’s long-term structural deficit; and 5) demonstration of sound management practices in the bond market.

Mr. Lawson highlighted the Committee’s prioritization targets, recommendations, and next steps.

Board Member Reed requested clarification regarding internal efficiencies. He requested specifics on the implementation of the internal efficiencies.

Board Member Moylan requested clarification between the connectivity and volatility in the funding source (sales tax revenue) and maintaining prudent operating reserves.
Public Comment:

Eugene Bradley, Silicon Valley Transit Union, expressed concern that target dates for implementation have not been established.

On order of Chairperson Liccardo and there being no objection, the Ad-Hoc Recovery Committee Final Report was received.

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

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

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

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

REGULAR AGENDA

28. SVRT Program Update

Carolyn M. Gonot, Chief SVRT Officer, provided a PowerPoint presentation highlighting: 1) Dixon Landing Road options; 2) overview of the Design-Build Information Forum; and 3) C700 Contract Scope, Systems Elements, Exclusions; and future milestones.

Ms. Gonot noted VTA will issue the Request for Qualifications (RFQ) that begins the Design Build Process for BART SVRT. Responses to the RFQ are due on November 12, 2010. VTA will prequalify firms/teams based on technical design, construction experience, and other non-price factors.

Board Member Reed referenced the trip that he recently made to Washington, D.C. with Board Members Herrera & Liccardo. Member Reed stated funding for the BART Project was among the list of topics discussed with Members of Congress. He commented the Project was well received with the Congressional members they met with.

Board Member Herrera thanked Mayor Reed for his leadership on the BART project and expressed gratitude to Congressman Mike Honda, Congresswoman Zoe Lofgren, and Congressman John Garamendi for their support of the Project.

On order of Chairperson Liccardo and there being no objection, the SVRT Program Update was received.

Board Member Herrera left her seat at 6:07 p.m.
Board Member Herrera returned to her seat at 6:09 p.m.
Board Member Kniss left her seat at 6:12 p.m.
29. **Tamien Station Area Property Sale**

John Ristow, Chief CMA Officer, provided an overview of the staff report highlighting:
1) background and location of the project; 2) park property purchase and sale; 3) property re-appraisal options; and the 4) Tamien Station area development.

Mr. Ristow introduced Ed Shigata, Assistant City Manager, City of San Jose.

Mr. Burns, noted the Board’s previous decision to authorize the General Manager to enter into a three-party agreement with the City of San Jose and Green Valley Corporation for the dedication of VTA property to be used for a public park in return for development rights on the 6.05 acres of vacant property located on the eastern side of the freeway. The agreement also provided partial funding to VTA from the developer in the amount of $1.4 million for the construction of a parking garage replacing the displaced parking site due to the construction of the park. Mr. Burns commented that commitments to the community had been made to construct the park.

Mr. Burns stated the first phase of private development is completed, but due to the present market conditions the second phase of the development has been deferred.

The City of San Jose requested VTA sell property to the City for development of the park consolidating all 3.5 acres into one parcel. The monies from the sale of the property would be paid in cash and Park Development Ordinances (PDO) to VTA.

Ex-Officio Yeager expressed concern with Exhibit B of the staff report entitled, “Plat to Accompany Description of Real Property,” and the area allocated for the proposed park. Ex-Officio Member Yeager recommended including in the Motion the statement, “received PDO credits cannot not be used for the Ohlone Parkland.”

Board Member Kalra requested clarification of terms of the original agreement. He expressed concern with zoning and property reappraisal options.

Board Member Gage left his seat at 6:30 p.m.
Board Member Gage returned to his seat at 6:34 p.m.
Ex-Officio Chu left his seat at 6:35 p.m.
Ex-Officio Board member Chu returned to his seat at 6:37 p.m.

Mr. Ed Shigata, Assistant City Manager, City of San Jose, stated the first agreement resulted in an implicative situation between VTA, the City of San Jose, and Green Valley Corporation.

Chairperson Liccardo clarified there is no certainty when the park will be developed. The City of San Jose does not have the funds to build the park. However, the requested action will allow the City to acquire the land for the future park.
Public Comment

Lorena Jung, Interested Citizen, expressed support for the purchase of land for the proposed park.

Paul Alvarado, Interested Citizen, expressed concern the park has not been built as yet and stressed the importance of parks in the community.

M/S/C (Pyle/Reed) on a vote of 9 ayes 1 no and 0 abstentions to authorize the General Manager to execute a Purchase and Sale Agreement (PSA) with the City of San Jose for 3.5 acres of property located at Lick Avenue near Pepitone Avenue and Goodyear Street, San Jose California, within the Tamien Station Area, comprised of approximately 3.5 acres with the amendment that the future Park Development Ordinance (PDO) credits cannot be used for the Ohlone Project. Member Kalra opposed. Member Kniss was not present for this vote.

Board Member Reed left the meeting at 6:39 p.m.

30. Paratransit Contract Options

Jim Unites, Deputy Director Operations, provided an overview of the staff report. At the VTA Standing Committee meetings staff presented details regarding VTA’s Paratransit brokerage contract with Outreach, Inc. and Escort, Inc.

Mr. Unites stated VTA staff proposes to extend the current contract with Outreach by two years with three one-year options.

Board Member Herrara expressed support for the staff recommendation and thanked staff, and acknowledged Katherine Heatley, President of Outreach, Inc., for the high level of customer service provided to users of the service.

M/S/C (Kalra/Herrera) to authorize the General Manager to enter into a two-year contract extension through June 30, 2013, with three one-year options, with Outreach and Escort, Inc.; and, to send a letter to MTC supporting Outreach’s request for designation as a Consolidated Transportation Services Agency.

OTHER ITEMS

31. 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.
32. **ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION**

Michael Ludwig, Interested Citizen, expressed concern VTA bus shelters do not provide adequate protection from the weather.

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

A. **Administration and Finance Committee**

On order of Chairperson Liccardo and there being no objection, the September 16, 2010 Administration and Finance Committee Minutes were accepted as contained in the Agenda Packet.

B. **Congestion Management Program and Planning Committee**

On order of Chairperson Liccardo and there being no objection, the September 24, 2010 Congestion Management & Planning Committee Minutes as contained on the dais.

C. **Transit Planning and Operations Committee**

On order of Chairperson Liccardo and there being no objection, the September 16, 2010 Transit Planning & Operations Committee were accepted as contained in the Agenda Packet.

D. **Audit Committee**

On order of Chairperson Liccardo and there being no objection, the September 2, 2010, Audit Committee Minutes were accepted as contained in the Agenda packet.

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

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

There was no Report for the Committee for Transit Accessibility (CTA).

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

On order of Chairperson Liccardo and there being no objection, the September 8, 2010 Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) Notice of Cancellation was accepted as contained in the Agenda Packet.

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

On order of Chairperson Liccardo and there being no objection, the September 8, 2010 Bicycle and Pedestrian Advisory Committee Notice of Cancellation was accepted as contained in the Agenda Packet.
D. Technical Advisory Committee (TAC)

On order of Chairperson Liccardo and there being no objection, the September 9, 2010 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 September 9, 2010 Minutes were accepted as contained in the Agenda packet.

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

A. Peninsula Corridor JPB

On order of Chairperson Liccardo and there being no objection, the July 1, 2010, Summary Notes from the Peninsula Corridor Joint Powers Board were accepted as contained on the dais.

B. Capitol Corridor JPB

On order of Chairperson Liccardo and there being no objection, the June 16, 2010, Summary Notes from the Capitol Corridor Joint Powers Board were accepted as contained on the dais.

C. Dumbarton Rail Corridor Policy Committee

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

D. Metropolitan Transportation Commission (MTC)

On order of Chairperson Liccardo and there being no objection, the June 23, 2010 and July 28, 2010 Summary Notes from the Metropolitan Transportation Committee Meeting 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 June 14, 2010 and July 12, 2010 Summary Notes from the Sunol Smart Carpool Lane Joint Powers Authority Governing Board were accepted as contained on the dais.
36. 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 & BART Warm Springs Extension PAB

On order of Chairperson Liccardo and there being no objection, the September 22, 2010 Silicon Valley Rapid Transit Corridor & BART Warm Springs Extension PAB Minutes were accepted as contained in the Agenda packet.

C. Downtown East Valley PAB

On order of Chairperson Liccardo and there being no objection, the September 2, 2010 Downtown East Valley PAB Minutes were accepted as contained in the Agenda packet.

32. ANNOUNCEMENTS

There were no Announcements.

33. ADJOURNMENT

On order of Chairperson Liccardo and there being no objection, the meeting was adjourned in memory of former VTA Board of Director and Advisory Committee Member Don Burnett at 6:54 p.m.

Respectfully submitted,

Jacqueline F. Golzio, 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 Financial Officer, Joseph T. Smith

SUBJECT: Fiscal Year 2010 Quarterly Statement of Revenues and Expenses for the Period Ending June 30, 2010

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

ACTION ITEM

RECOMMENDATION:

Review and accept the Fiscal Year 2010 Quarterly Statement of Revenues and Expenses for the period ending June 30, 2010.

DISCUSSION:

This memorandum provides a brief discussion of significant items and trends on the attached Statement of Revenues and Expenses through June 30, 2010. The schedule has been designed to follow the same company-wide line item rollup as included in the adopted budget. The columns have been designed to provide easy comparison of actual to budget activities for the current fiscal year, along with columns reflecting the dollar and percentage variance from budget. The $7.5M reduction in FY 2010 appropriation approved by the Board of Directors on December 10, 2009 is reflected in the current budget column.

The following are highlights of the current Statement of Revenues and Expenses:

Revenues

Fiscal year-to-date Total Revenues (line 11) are below budget estimates by $2.6M, primarily due to unfavorable variances in Fares (line 1), Sales Tax-based accounts including 1976 Half-Cent Sales Tax (line 2), TDA (line 3), and Measure A Sales Tax Operating Assistance (line 4). This shortfall was partially offset by a positive variance in Federal Operating Grants (line 6).
Fares (line 1) for the year were $1.7M under budget due primarily to decreased ridership.

Sales Tax-based revenues, including 1976 Half-Cent Sales Tax (line 2), TDA (line 3), and Measure A Sales Tax Operating Assistance (line 4), accounted for a collective shortfall of $7.1M below budget estimates. This is a reflection of the impact of a slowing economy upon locally generated taxable sales.

Federal Operating Grants (line 6) shows an increase of $8.2M over budget, the result of utilizing 10% of American Recovery and Reinvestment Act of 2009 (ARRA) funds for operating and reprogramming unused capital grants and supplemental ARRA funds to preventive maintenance.

**Expenses**

Overall, Fiscal year-to-date Total Expenses (line 44) were $15.0M below budget driven primarily by favorable variances in Labor Costs (line 12), Professional & Special Services (line 15), Other Services (line 16), Fuel (line 17), Reimbursements (line 28), Paratransit (line 30), and Debt Service (line 38).

Labor Costs (line 12) had a positive variance of $3.2M primarily due to open positions and slightly lower benefit rates than budgeted.

Professional & Special Services (line 15) and Other Services (line 16) have positive variances of $0.9M and $0.8M respectively, generally due to cost savings measures.

Fuel (line 17) was $0.7M below budget due primarily to lower usage related to service reductions instituted in January 2010.

Reimbursements (line 28) had a favorable variance of $1.8M due to a slight increase in reimbursable activities within the capital program.

Paratransit (line 31) shows a positive variance of $2.9M for the year, the product of continued efficiency strategies to contain costs and a decrease in passenger rides.

Debt Service (line 38) shows a positive variance of $2.9M due to lower than anticipated interest rates on variable rate debt.

**SUMMARY:**

For the fiscal year, revenues fell short of budgeted projections by $2.6M while expenses were $15.0M below budget estimates, for an overall positive variance of revenues over expenses (line 45) of $12.4M.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration and Finance Committee approved this item at its October 21, 2010 meeting and approved it unanimously without discussion.
FISCAL IMPACT:

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

Prepared by: Carol Lawson
Memo No. 2349
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<td>Materials &amp; Supplies</td>
<td>15,537</td>
<td>15,412</td>
<td>(125)</td>
<td>-0.8%</td>
</tr>
<tr>
<td>13</td>
<td>Security</td>
<td>7,273</td>
<td>7,484</td>
<td>211</td>
<td>2.8%</td>
</tr>
<tr>
<td>14</td>
<td>Professional &amp; Special Services</td>
<td>2,788</td>
<td>3,680</td>
<td>892</td>
<td>24.2%</td>
</tr>
<tr>
<td>15</td>
<td>Other Services</td>
<td>7,022</td>
<td>7,863</td>
<td>841</td>
<td>10.7%</td>
</tr>
<tr>
<td>16</td>
<td>Fuel</td>
<td>10,151</td>
<td>10,829</td>
<td>678</td>
<td>6.3%</td>
</tr>
<tr>
<td>17</td>
<td>Traction Power</td>
<td>3,072</td>
<td>3,351</td>
<td>279</td>
<td>8.3%</td>
</tr>
<tr>
<td>18</td>
<td>Tires</td>
<td>1,528</td>
<td>1,597</td>
<td>69</td>
<td>4.3%</td>
</tr>
<tr>
<td>19</td>
<td>Utilities</td>
<td>2,533</td>
<td>2,462</td>
<td>(71)</td>
<td>-2.9%</td>
</tr>
<tr>
<td>20</td>
<td>Insurance</td>
<td>4,689</td>
<td>4,772</td>
<td>83</td>
<td>1.7%</td>
</tr>
<tr>
<td>21</td>
<td>Data Processing</td>
<td>2,134</td>
<td>2,259</td>
<td>125</td>
<td>5.5%</td>
</tr>
<tr>
<td>22</td>
<td>Office Expense</td>
<td>308</td>
<td>347</td>
<td>39</td>
<td>11.2%</td>
</tr>
<tr>
<td>23</td>
<td>Communications</td>
<td>1,113</td>
<td>1,039</td>
<td>(74)</td>
<td>-7.1%</td>
</tr>
<tr>
<td>24</td>
<td>Employee Related Expense</td>
<td>630</td>
<td>828</td>
<td>198</td>
<td>23.9%</td>
</tr>
<tr>
<td>25</td>
<td>Leases &amp; Rents</td>
<td>404</td>
<td>512</td>
<td>108</td>
<td>21.1%</td>
</tr>
<tr>
<td>26</td>
<td>Miscellaneous</td>
<td>539</td>
<td>908</td>
<td>369</td>
<td>40.6%</td>
</tr>
<tr>
<td>27</td>
<td>Reimbursements</td>
<td>(43,441)</td>
<td>(41,603)</td>
<td>1,838</td>
<td>-4.4%</td>
</tr>
<tr>
<td></td>
<td><strong>Subtotal Operating Expense</strong></td>
<td><strong>262,819</strong></td>
<td><strong>271,517</strong></td>
<td><strong>8,698</strong></td>
<td><strong>3.2%</strong></td>
</tr>
<tr>
<td>28</td>
<td>Paratransit²</td>
<td>26,376</td>
<td>29,275</td>
<td>2,899</td>
<td>9.9%</td>
</tr>
<tr>
<td>29</td>
<td>Caltrain²</td>
<td>18,149</td>
<td>18,179</td>
<td>30</td>
<td>0.2%</td>
</tr>
<tr>
<td>30</td>
<td>Light Rail Shuttles²</td>
<td>41</td>
<td>34</td>
<td>(7)</td>
<td>-20.6%</td>
</tr>
<tr>
<td>31</td>
<td>Altamont Commuter Express²</td>
<td>4,389</td>
<td>4,468</td>
<td>79</td>
<td>1.8%</td>
</tr>
<tr>
<td>32</td>
<td>Highway 17 Express²</td>
<td>325</td>
<td>411</td>
<td>86</td>
<td>20.9%</td>
</tr>
<tr>
<td>33</td>
<td>Dumbarton Express²</td>
<td>410</td>
<td>457</td>
<td>47</td>
<td>10.3%</td>
</tr>
<tr>
<td>34</td>
<td>Monterey-San Jose Express Service²</td>
<td>40</td>
<td>46</td>
<td>6</td>
<td>13.0%</td>
</tr>
<tr>
<td>35</td>
<td>Contribution to Other Agencies</td>
<td>588</td>
<td>670</td>
<td>82</td>
<td>12.2%</td>
</tr>
<tr>
<td>36</td>
<td>Debt Service</td>
<td>17,541</td>
<td>20,408</td>
<td>2,867</td>
<td>14.0%</td>
</tr>
<tr>
<td>37</td>
<td>Other Expense</td>
<td>2</td>
<td>0</td>
<td>(2)</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td><strong>Subtotal Other Expense</strong></td>
<td><strong>67,861</strong></td>
<td><strong>73,948</strong></td>
<td><strong>6,087</strong></td>
<td><strong>8.2%</strong></td>
</tr>
<tr>
<td>38</td>
<td>Operating &amp; Other Expenses</td>
<td>330,680</td>
<td>345,465</td>
<td>14,785</td>
<td>4.3%</td>
</tr>
<tr>
<td>39</td>
<td>Contingency</td>
<td>0</td>
<td>250</td>
<td>250</td>
<td>100.0%</td>
</tr>
<tr>
<td>40</td>
<td>Contingency Utilization</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td><strong>Total Expenses</strong></td>
<td><strong>330,680</strong></td>
<td><strong>345,715</strong></td>
<td><strong>15,035</strong></td>
<td><strong>4.3%</strong></td>
</tr>
<tr>
<td>41</td>
<td>Surplus/(Deficit) to Reserves</td>
<td><strong>16,280</strong></td>
<td><strong>3,885</strong></td>
<td><strong>12,395</strong></td>
<td><strong>3.2%</strong></td>
</tr>
</tbody>
</table>

¹ Reflects Adopted Budget approved by the Board on June 4, 2009 less $7.5M reduction approved by Board on December 10, 2009 and $180K transfer to Capital
² Includes allocation of indirect costs
<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>FY 2010 Adopted Budget</th>
<th>FY 2010 Current Budget</th>
<th>FY 2010 Actual</th>
<th>FY 2011 Adopted Budget</th>
<th>FY 2011 Current Budget</th>
<th>FY 2011 Projection</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Total Revenues</td>
<td>349,600</td>
<td>349,600</td>
<td>346,960</td>
<td>336,255</td>
<td>336,255</td>
<td>356,747</td>
</tr>
<tr>
<td>2</td>
<td>Total Operating Expenses</td>
<td>353,395</td>
<td>345,715</td>
<td>330,680</td>
<td>359,529</td>
<td>352,029</td>
<td>343,344</td>
</tr>
<tr>
<td>3</td>
<td>Operating Revenues Over (Under) Expenses</td>
<td>(3,795)</td>
<td>3,885</td>
<td>16,280</td>
<td>(23,274)</td>
<td>(15,774)</td>
<td>13,402</td>
</tr>
<tr>
<td>4</td>
<td>Total VTA Transit Capital</td>
<td>102,481</td>
<td>102,661</td>
<td>102,661</td>
<td>17,228</td>
<td>17,228</td>
<td>17,228</td>
</tr>
<tr>
<td>5</td>
<td>Less: Funding from Grants &amp; Other Sources</td>
<td>(96,040)</td>
<td>(96,040)</td>
<td>(90,931)</td>
<td>(13,403)</td>
<td>(13,403)</td>
<td>(13,403)</td>
</tr>
<tr>
<td>6</td>
<td>VTA Transit Share, drawn from Reserves</td>
<td>6,441</td>
<td>6,621</td>
<td>11,730</td>
<td>3,825</td>
<td>3,825</td>
<td>3,825</td>
</tr>
<tr>
<td>7</td>
<td>Beginning Reserves</td>
<td>46,045</td>
<td>46,045</td>
<td>46,045</td>
<td>42,250</td>
<td>49,930</td>
<td>51,857</td>
</tr>
<tr>
<td>8</td>
<td>Operating Revenues Over (Under) Expenses</td>
<td>(3,795)</td>
<td>3,885</td>
<td>16,280</td>
<td>(23,274)</td>
<td>(15,774)</td>
<td>13,402</td>
</tr>
<tr>
<td>9</td>
<td>From (To) Debt Reduction Fund for Capital</td>
<td>6,441</td>
<td>6,621</td>
<td>1,262</td>
<td>3,825</td>
<td>3,825</td>
<td>(8,630)</td>
</tr>
<tr>
<td>10</td>
<td>VTA Transit Funds, drawn from Reserves for Capital</td>
<td>(6,441)</td>
<td>(6,621)</td>
<td>(11,730)</td>
<td>(3,825)</td>
<td>(3,825)</td>
<td>(3,825)</td>
</tr>
<tr>
<td>11</td>
<td>Projected Ending Operating Reserves</td>
<td>42,250</td>
<td>49,930</td>
<td>51,857</td>
<td>18,976</td>
<td>34,156</td>
<td>52,804</td>
</tr>
<tr>
<td>12</td>
<td>Projected Operating Reserve %</td>
<td>12.0%</td>
<td>14.4%</td>
<td>15.0%</td>
<td>5.3%</td>
<td>9.7%</td>
<td>15.0%</td>
</tr>
</tbody>
</table>

1 Adopted Budget approved by the Board on June 4, 2009
2 Reflects $7.5M reduction approved by the Board on December 10, 2009 for each fiscal year and $180K transfer from Operating Expense (line 2) to Capital (line 4) for FY10
3 Staff projection as of September 23, 2010
4 Line 11 divided by Budgeted Line 2
BOARD MEMORANDUM

TO:         Santa Clara Valley Transportation Authority
            Board of Directors

THROUGH:    General Manager, Michael T. Burns

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

SUBJECT:    VTA Permit Fee Schedule Revisions

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

ACTION ITEM

RECOMMENDATION:

Adopt a resolution amending the VTA Permit Fee Schedule, adjusting fees to be collected for Restricted Access Permits and Construction Access Permits to be consistent with the revision of VTA allocated rates.

BACKGROUND:

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

If fees are charged by a local agency in connection with permit issuance the fees may not exceed the estimated reasonable cost of providing the service for which the fee is charged. The Board of Directors adopted the current VTA Permit Policy on October 7, 2004 which includes fee schedules used by VTA for issuance of Construction Access Permits and Restricted Access Permits. The fee schedules were last amended by the Board of Directors on November 6, 2008.

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

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

- Revision of VTA Background Security Check Standards
- Update of VTA Permit Fee Schedule, revising fees and adding fees for service impacts
- Adjustment of fees consistent with the VTA revised allocated rates

The revised VTA Background Security Check Program Standards are based on the recommended best practices established by the Transportation Security Administration. The revised standards state that applicants can be denied if:

- Convicted of a felony within the last 7 years or misdemeanor within 1 year.
- Under an active warrant.
- Falsify or fail to disclose any and all related information.
- On parole, probation or other court required supervision.
- Registered sex, narcotics or arson offender.

VTA reserves the right to decide all aspects of the Background Security Check Standards.

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

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

<table>
<thead>
<tr>
<th>Service</th>
<th>Current Minimum Fee</th>
<th>Proposed Minimum Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Access Permit Application</td>
<td>$960</td>
<td>$1135</td>
</tr>
<tr>
<td>Inspection Fee for Underground Utility Light Rail Crossing</td>
<td>$2120</td>
<td>$2100</td>
</tr>
<tr>
<td>Inspection Fee for Transit Facility Restorations</td>
<td>$1910</td>
<td>$1855</td>
</tr>
<tr>
<td>Restricted Access Permit Application</td>
<td>$1020</td>
<td>$840</td>
</tr>
<tr>
<td>Roadway Worker Protection Training</td>
<td>$70</td>
<td>$50</td>
</tr>
<tr>
<td>Light Rail Power Down/Power Up</td>
<td>$980</td>
<td>$810</td>
</tr>
<tr>
<td>Bus Bridge (per hour/bus)</td>
<td>$162.33</td>
<td>$161.16</td>
</tr>
<tr>
<td><strong>Modified Light Rail Service</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One Car Train</td>
<td>$256.56</td>
<td>$378.91</td>
</tr>
<tr>
<td>Two Car Train</td>
<td>$384.84</td>
<td>$454.78</td>
</tr>
<tr>
<td>Three Car Train</td>
<td></td>
<td>$530.65</td>
</tr>
</tbody>
</table>
**ALTERNATIVES:**

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

**FISCAL IMPACT:**

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

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration and Finance Committee considered this item at their October 21, 2010 meeting. After discussion concerning the basis for the revised fully allocated rates being proposed, the item was unanimously approved by the Committee to be placed on the Consent Agenda for the November 4, 2010 Board of Directors meeting.

Prepared by: Bill Kindricks, Business Relations Manager
Memo No. 2356
## Attachment A

### VTA Permit Fee Schedule

**Construction Access Permit Fees**  
*(Effective November 4, 2010)*

<table>
<thead>
<tr>
<th>Minimum Fees</th>
<th>Description</th>
</tr>
</thead>
</table>
| $1135 | **Application Fee**  
  • Administration, Processing and Plan Check Fee |
| $2100 | **Inspection Fee For Underground Utility Light Rail Crossing**  
  • Directional Bore Method  
  • Jack and Bore Method (Under 12” In Diameter) |
| $1855 | **Inspection Fee For Bus and Transit Facility Restorations**  
  • Removing and restoring any portion of VTA Portland Cement  
  • Concrete (P.C.C.) Bus Pad or a VTA P.C.C. Shelter Pad |
### Restricted Access Permit Fees
(Effective: November 4, 2010)

<table>
<thead>
<tr>
<th>Fee Description</th>
<th>Minimum Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Restricted Access Permit</strong></td>
<td>$840</td>
</tr>
<tr>
<td>• Application processing, administration, including weekly track allocation meetings, and inspection charges.</td>
<td></td>
</tr>
<tr>
<td><strong>2. Roadway Worker Protection Training Fee</strong></td>
<td>$50</td>
</tr>
<tr>
<td>• Per participant based on attending a regularly scheduled class conducted at a VTA facility</td>
<td></td>
</tr>
<tr>
<td><strong>3. Light Rail Traction Power Down and Power Up Fee</strong></td>
<td>$810</td>
</tr>
<tr>
<td>• For Traction Power Down and Power Up if permit activities require VTA to shut down light rail power.</td>
<td></td>
</tr>
<tr>
<td><strong>4. Bus Bridge Fees</strong></td>
<td>$161.16 per hour/bus</td>
</tr>
<tr>
<td>• For supplemental portal to portal bus service required because permit activities disrupt rail services.</td>
<td></td>
</tr>
<tr>
<td><strong>5. Modified Bus and/or Light Rail Services</strong></td>
<td></td>
</tr>
<tr>
<td>The following impact fees are intended to reimburse VTA for the impacts to normal VTA Bus and Rail Operations resulting from construction or other events.</td>
<td></td>
</tr>
<tr>
<td>• Hourly cost for each additional Bus required for service (regular or bus bridge): $161.16</td>
<td></td>
</tr>
<tr>
<td>• Hourly cost for a one-car Train: $378.91</td>
<td></td>
</tr>
<tr>
<td>• Hourly cost for a two-car Train: $454.78</td>
<td></td>
</tr>
<tr>
<td>• Hourly cost for a three-car Train: $530.65</td>
<td></td>
</tr>
<tr>
<td><strong>6. Background Security Checks for VTA Permittees</strong></td>
<td></td>
</tr>
<tr>
<td>The permit applicant will be required to have their employees undergo a background security check through a process determined by VTA at the Permittee’s cost. VTA reserves the right to decide all aspects of the background security check process, including, but not limited to all costs.</td>
<td></td>
</tr>
</tbody>
</table>
The services of VTA personnel will be charged in accordance with the following rates. If the services of others not specified herein are required those services will be billed at the existing allocated rates.

### Classification/Type Service

<table>
<thead>
<tr>
<th>Classification/Type Service</th>
<th>Hourly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant Superintendent</td>
<td>$103</td>
</tr>
<tr>
<td>Bus Stop Maintenance Worker</td>
<td>$ 53</td>
</tr>
<tr>
<td>Construction Inspector</td>
<td>$ 101</td>
</tr>
<tr>
<td>Environmental H &amp; S Supervisor</td>
<td>$103</td>
</tr>
<tr>
<td>Information Services Representative</td>
<td>$ 58</td>
</tr>
<tr>
<td>Light Rail Power Supervisor</td>
<td>$103</td>
</tr>
<tr>
<td>Light Rail Pass. Fac/Mtce/W-Side Supervisor</td>
<td>$ 94</td>
</tr>
<tr>
<td>Light Rail Signal Supervisor</td>
<td>$103</td>
</tr>
<tr>
<td>Light Rail Superintendent</td>
<td>$114</td>
</tr>
<tr>
<td>Light Rail Track Supervisor</td>
<td>$ 94</td>
</tr>
<tr>
<td>Maintenance Scheduler</td>
<td>$ 70</td>
</tr>
<tr>
<td>Management Analyst</td>
<td>$ 89</td>
</tr>
<tr>
<td>Office Specialist II</td>
<td>$ 55</td>
</tr>
<tr>
<td>Office Support Supervisor</td>
<td>$ 74</td>
</tr>
<tr>
<td>Operations Manager</td>
<td>$142</td>
</tr>
<tr>
<td>Overhead Line Worker</td>
<td>$ 99</td>
</tr>
<tr>
<td>Permit Technician</td>
<td>$ 85</td>
</tr>
<tr>
<td>Principal Construction Inspector</td>
<td>$136</td>
</tr>
<tr>
<td>Public Communications Specialist</td>
<td>$ 82</td>
</tr>
<tr>
<td>Senior Construction Inspector</td>
<td>$111</td>
</tr>
<tr>
<td>Senior Engineer</td>
<td>$152</td>
</tr>
<tr>
<td>Senior Real Estate Agent</td>
<td>$ 133</td>
</tr>
<tr>
<td>Sr. Environmental Planner</td>
<td>$142</td>
</tr>
<tr>
<td>Senior Mechanical Engineer</td>
<td>$123</td>
</tr>
<tr>
<td>Senior Transportation Engineer</td>
<td>$152</td>
</tr>
<tr>
<td>Substation Maintainer</td>
<td>$ 87</td>
</tr>
<tr>
<td>Technical Trainer</td>
<td>$ 96</td>
</tr>
<tr>
<td>Transit Development Specialist I</td>
<td>$ 61</td>
</tr>
<tr>
<td>Transit Development Specialist II</td>
<td>$ 74</td>
</tr>
<tr>
<td>Transportation Supervisor</td>
<td>$103</td>
</tr>
<tr>
<td>Position</td>
<td>Rate</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Way Power &amp; Signal Superintendent</td>
<td>$109</td>
</tr>
<tr>
<td>Deputy Sheriff</td>
<td>$78.04</td>
</tr>
<tr>
<td>Level 1 Reserve Deputy</td>
<td>$51.74</td>
</tr>
<tr>
<td>Armed Patrol Officer – Year 2</td>
<td>$25.04</td>
</tr>
<tr>
<td>Armed Patrol Office OT – Year 2</td>
<td>$37.56</td>
</tr>
<tr>
<td>Armed Patrol Officer – Year 3</td>
<td>$25.79</td>
</tr>
<tr>
<td>Armed Patrol Officer OT- Year 3</td>
<td>$38.69</td>
</tr>
<tr>
<td>Unarmed Officer – Year 2</td>
<td>$17.67</td>
</tr>
<tr>
<td>Unarmed Officer OT – Year 2</td>
<td>$26.51</td>
</tr>
<tr>
<td>Unarmed Officer – Year 3</td>
<td>$18.20</td>
</tr>
<tr>
<td>Unarmed Officer OT – Year 3</td>
<td>$27.30</td>
</tr>
<tr>
<td>Non-Revenue Vehicle (Car or Pick Up Truck)</td>
<td>$15.86</td>
</tr>
</tbody>
</table>
Cost Basis for Permit Fee Schedule  
(November 4, 2010)  

Construction Access Permit Fees  

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

<table>
<thead>
<tr>
<th>Classification</th>
<th>Number of Hours</th>
<th>Allocated Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Inspector</td>
<td>1 hr. X</td>
<td>$101</td>
<td>$101</td>
</tr>
<tr>
<td>Sr. Engineer</td>
<td>1 hr X</td>
<td>$152</td>
<td>$152</td>
</tr>
<tr>
<td>Sr. Transportation Engr.</td>
<td>1 hr. X</td>
<td>$152</td>
<td>$152</td>
</tr>
<tr>
<td>Permit Technician</td>
<td>4 hr X</td>
<td>$ 85</td>
<td>$340</td>
</tr>
<tr>
<td>Environmental H &amp; S Supvr</td>
<td>¼ hr. X</td>
<td>$103</td>
<td>$26</td>
</tr>
<tr>
<td>Principal Construction Inspector</td>
<td>1 hr. X</td>
<td>$136</td>
<td>$136</td>
</tr>
<tr>
<td>Sr. Construction Inspector</td>
<td>1 hr. X</td>
<td>$111</td>
<td>$111</td>
</tr>
<tr>
<td>Sr. Environmental Planner</td>
<td>¼ hr. X</td>
<td>$142</td>
<td>$ 36</td>
</tr>
<tr>
<td>Sr Real Estate Agent</td>
<td>¼ hr. X</td>
<td>$133</td>
<td>$33</td>
</tr>
<tr>
<td>Cars, Trucks ¾ Ton &amp; Lighter*</td>
<td>3 hr. X</td>
<td>$15.86</td>
<td>$47.58</td>
</tr>
</tbody>
</table>

   **Total: $1134.50 adjusted to $1135.00**  

   *Based on 3 Inspector Hours Above and Caltran’s 2010/2011 Equipment Rental Rates*  

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

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

<table>
<thead>
<tr>
<th>Classification</th>
<th>Number of Hours</th>
<th>Allocated Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit Technician</td>
<td>2 hr. X</td>
<td>$85</td>
<td>$170</td>
</tr>
<tr>
<td>Principal Construction Inspector</td>
<td>1 hr. X</td>
<td>$136</td>
<td>$136</td>
</tr>
<tr>
<td>Sr. Construction Inspector</td>
<td>14 hr. X</td>
<td>$111</td>
<td>$1554</td>
</tr>
<tr>
<td>Cars, Trucks ¾ Ton &amp; Lighter*</td>
<td>15 hr. X</td>
<td>$15.86</td>
<td>$237.90</td>
</tr>
</tbody>
</table>

   **Total: $2097.90 adjust to $2100.00**  

   *Based on 15 Inspector Hours Above and Caltrans’ 2010/2011 Equipment Rental Rates*
3. **Inspection Fees For Bus and Transit Facility Restorations**

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

<table>
<thead>
<tr>
<th>Classification</th>
<th>Number of Hours</th>
<th>Allocated Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit Technician</td>
<td>2 hr. X</td>
<td>$85 = $170</td>
<td></td>
</tr>
<tr>
<td>Principal Construction Inspector</td>
<td>1 hr. X</td>
<td>$136 = $136</td>
<td></td>
</tr>
<tr>
<td>Sr. Construction Inspector</td>
<td>11 hr. X</td>
<td>$111 = $1221</td>
<td></td>
</tr>
<tr>
<td>Bus Stop Maintenance Worker</td>
<td>2 hr. X</td>
<td>$53 = $106</td>
<td></td>
</tr>
<tr>
<td>Cars. Trucks ¾ Ton &amp; Lighter*</td>
<td>14 hr. X</td>
<td>$15.86 = $222.04</td>
<td></td>
</tr>
</tbody>
</table>

**Total $1855.04 adjust to $1855**

*Based on 12 Inspector Hours and 2 Hours Bus Stop Maintenance Above and Caltrans’ 2010/2011 Equipment Rental Rates

**Restricted Access Permit Fees**

1. **Restricted Access Permit Fee**

   Includes administration, processing and inspection charges.

<table>
<thead>
<tr>
<th>Classification</th>
<th>Number of Hours</th>
<th>Allocated Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant Superintendent</td>
<td>7 hr. X</td>
<td>$103 = $721</td>
<td></td>
</tr>
<tr>
<td>Permit Technician</td>
<td>1 hr. X</td>
<td>$85 = $85</td>
<td></td>
</tr>
<tr>
<td>Cars. Trucks ¾ Ton &amp; Lighter*</td>
<td>2 hr. X</td>
<td>$15.86 = $31.72</td>
<td></td>
</tr>
</tbody>
</table>

**Total $837.72 to $840**

*Based on 2 Hours Field Review and Inspection and Caltrans’ 2010/2011 Equipment Rental Rates

2. **Roadway Worker Protection Training Fee**

<table>
<thead>
<tr>
<th>Classification</th>
<th>Number of Hours</th>
<th>Allocated Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technical Trainer</td>
<td>6 hr. X</td>
<td>$96 = $576</td>
<td></td>
</tr>
<tr>
<td>Permit Technician</td>
<td>1 hr. X</td>
<td>$85 = $85</td>
<td></td>
</tr>
<tr>
<td>Office Spec II</td>
<td>4 ½ hr. X</td>
<td>$55 = $248</td>
<td></td>
</tr>
<tr>
<td>Cars, Trucks ¾ Ton &amp; Lighter*</td>
<td>6 hr. X</td>
<td>$15.86 = $95.16</td>
<td></td>
</tr>
</tbody>
</table>

**Per Training Class Total $1004.16 adjust to $1005**

Per Participant: **$50.25 adjust to $50**

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

<table>
<thead>
<tr>
<th>Classification</th>
<th>Number of Hours</th>
<th>Allocated Cost</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overhead Line Worker</td>
<td>2 hr.</td>
<td>X $99</td>
<td>$198</td>
</tr>
<tr>
<td>Overhead Line Worker</td>
<td>2 hr.</td>
<td>X $99</td>
<td>$198</td>
</tr>
<tr>
<td>Substation Maintainer</td>
<td>2 hr.</td>
<td>X $87</td>
<td>$174</td>
</tr>
<tr>
<td>Substation Maintainer</td>
<td>2 hr.</td>
<td>X $87</td>
<td>$174</td>
</tr>
<tr>
<td>Cars, Trucks 3/4 Ton &amp; Lighter*</td>
<td>4 hr.</td>
<td>X $15.86</td>
<td>$63.44</td>
</tr>
</tbody>
</table>

Per Substation Total $807.44 adjust to $810

*Based on 2 Trucks at 2 Hours each and Caltrans’ 2010/2011 Equipment Rental Rates

4. **Bus Bridging Fee**

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

Direct-Transit Operating Cost per Hour for Bus Service $161.16

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

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

- Hourly cost for each additional Bus required for service (regular or bus bridge): $161.16
- Hourly cost for a one-car Train: $378.91
- Hourly cost for a two-car Train: $454.78
- Hourly cost for a three-car Train: $530.65

6. **Background Security Check**

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

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

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

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

WHEREAS, prior to the regularly scheduled meeting of the Board of Directors on November 4, 2010, data, indicating the amount of cost, or estimated costs, required to provide the services for which the fees in the Schedule are to be levied and the revenue sources anticipated to provide the services, including Enterprise Fund revenues, were made available to the public;

WHEREAS, the proposed adoption of the Schedule was agendized for and considered by the Board of Directors at its regularly scheduled meeting on November 4, 2010, which meeting was an open and public meeting, at which oral or written presentations could be made concerning the Schedule; and,

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

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Santa Clara Valley Transportation Authority that the VTA Permit Fee Schedule attached hereto be and hereby is adopted effective November 4, 2010, and that the fees set forth therein shall be charged by VTA for those specified services provided on and after such date.
PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Transportation Authority on November 4, 2010, by the following votes:

AYES:

NOES:

ABSENT:

______________________________
Sam Liccardo, Chairperson
Board of Directors

ATTEST:

______________________________
Sandra A. 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 Administrative Officer, Bill Lopez

SUBJECT: SCVTA - ATU, Local 265 Pension Plan Amendments

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

ACTION ITEM

RECOMMENDATION:

Approve the Proposed Plan Amendments to the Santa Clara Valley Transportation Authority - Amalgamated Transit Union, Local 265 Pension Plan. In addition, authorize all future Plan amendments as required by the Internal Revenue Service (IRS) to ensure the Plan’s tax compliance.

BACKGROUND:

The SCVTA - ATU, Local 265 Pension Plan (Plan) was established January 1, 1973. The Plan is administered by the Board of Pensions, which is composed of seven Trustees - three appointed by the Amalgamated Transit Union (ATU), three appointed by VTA, and one jointly appointed by the Union and VTA. In addition, there are four Alternate Trustees - two appointed by the Union and two by VTA. Benefits provided under the Pension Plan are negotiated between the Union and VTA.

The IRS has recommended that public pension plans submit a request for Determination Letter to ensure that their plan is tax compliant. The Plan has not previously been submitted to the IRS for a compliance statement and determination letter. The Board of Pension's outside tax counsel, Ice Miller LLP, was retained to do the following: (a) perform a tax compliance review of the Plan; (b) advise the Board on whether or not to request an IRS determination letter; and (c) advise the Board on whether or not to enter into the IRS’ Voluntary Correction Program (VCP), if necessary. The Voluntary Correction Program permits plans to retroactively correct certain compliance issues without penalty.
Tax counsel completed its review of the Plan and recommended a series of Proposed Plan Amendments in order to comply with IRS requirements. Tax counsel also recommended that the Board of Pensions request a favorable Determination Letter from the IRS and enter into the IRS Voluntary Correction Program. The Board of Pensions approved the Proposed Plan Amendments, agreed to enter into the Voluntary Correction Program, and recommended that the Proposed Plan Amendments be forwarded to the Union and to VTA for discussion and agreement. Following additional legal review by outside tax counsels for both the Union and the VTA, the parties have conferred over the Proposed Plan Amendments and have tentatively agreed to the changes, subject to ratification by their governing boards (ATU Board meets on October 21; VTA Board on November 4). The list of tentatively agreed upon Proposed Plan Amendments is attached.

**DISCUSSION:**

It is recommended that the Board of Directors approve the Proposed Plan Amendments, which are needed in order to ensure the Plan meets IRS requirements. These Proposed Plan Amendments will be submitted with the request for a favorable Determination Letter from the IRS. Based upon the IRS review, additional amendments could be required. It is also recommended that the Board authorize all future Plan amendments required by the IRS that don't affect the level of the pension benefit to ensure the Plan’s tax compliance. This would obviate the need to return to the Board of Directors for technical, non-substantive changes required by the IRS.

The deadline for submission to the IRS during the current review cycle is January 31, 2011. It will be necessary to re-submit the Plan to the IRS during each future five-year filing cycle to ensure ongoing tax compliance.

**ALTERNATIVES:**

The alternative is to not approve the attached Proposed Plan Amendments and to not submit the Plan to the IRS during the current filing cycle. This could potentially expose the Plan to an adverse determination by the IRS that the Plan is not tax exempt. The next scheduled filing cycle during which the Plan could be submitted is February 1, 2013 through January 31, 2014.

**FISCAL IMPACT:**

The IRS fee for submitting the Pension Plan for a Determination Letter and enrollment in the Voluntary Correction Program is $16,000 and will be paid from the Pension Fund.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration and Finance Committee considered this item at the October 21, 2010 meeting attended by Director and Committee Chairperson Kniss, Director Reed, and Director McHugh as part of the Regular Agenda.

Alternate Director McHugh asked how the fee for the IRS review would be paid. Chief Administrative Officer Bill Lopez responded that the fee would be paid from the pension fund. Director Reed, referencing the amendment that affirmed the $200,000 cap on pensionable earnings, commented that
some agencies appear to work around the cap and award pensions based on higher salaries. Director Reed then asked how agencies are able to do that, and whether the ATU/VTA pension provided a benefit on earnings higher than the cap. Lopez responded that many agencies worked around the cap by providing supplemental pension plans for highly paid employees, but that the ATU/VTA pension did not provide a supplemental benefit and the cap was a true cap for the plan's participants. Director Reed then commented that some plans offered Cost of Living Adjustments (COLA's) even if there was no increase in the cost of living, and whether the VTA/ATU pension offered such a COLA. Human Resources Manager Shellie Albright responded that the VTA/ATU Pension Plan did not include a COLA benefit of any kind. Director Reed then asked whether the proposed amendments affected the pension's outstanding obligations in any way. Lopez responded that the amendments would not affect the pension's obligations and that there would be no affect to the level of benefit offered in the Plan.

The Committee unanimously recommended that the Board approve the staff recommendation

Prepared by: Shellie Albright, Human Resources Manager
Memo No. 2710
SUMMARY OF
AMENDMENTS TO SCVTA - ATU, LOCAL 265 PENSION PLAN
REQUIRED TO ENSURE TAX COMPLIANCE
OCTOBER, 2010

Following is a summary of changes to the Plan, which are intended to bring the Plan into compliance with IRS regulations. None of these changes to the Plan are intended to provide new or enhance benefits.

1. Added language declaring that the Plan is intended to be a defined benefit plan and a governmental plan, and is intended to be a collectively bargained plan. This language is needed to ensure that the ATU union officials and clerical staff are permitted to be covered under the Plan.
2. Clarified the effective date of several Plan provisions.
3. Added clarifying language regarding IRS Section 415 compensation and benefit limits. These limits pertain to highly compensated employees only.
4. Added prohibition against engaging in prohibited transactions.
5. Added language to clarify that the Plan meets the required minimum distribution rules.
6. Added language clarifying that all benefits must be distributed over the life expectancy of the Member/Beneficiary/Contingent Annuitant.
7. Confirmed compliance with required distribution timing and procedure for death benefits and that death benefits shall not exceed 25% of the cost of all benefits under the Plan.
8. Confirmed existing vesting schedule and that normal retirement age is age 65 with 10 years of service.
9. Confirmed mortality assumptions that are being used.
10. Confirmed compliance with USERRA requirements and requirements for benefits due by law to survivors of Employee Members who die in military service.
11. Confirmed prohibition on assigning benefits (except by Domestic Relations Order).
12. Confirmed that, after paying reasonable expenses, Plan assets will be used for the exclusive benefit of Members and their Beneficiaries.
PROPOSED AMENDMENT TO ACHIEVE COMPLIANCE WITH THE INTERNAL REVENUE CODE FOR THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY – AMALGAMATED TRANSIT UNION, LOCAL 265 PENSION PLAN

1. Proposed Amendment 1 – Code Section 401(a) – Add to End of Plan Recital:

4. The Plan is established as a qualified governmental defined benefit plan, pursuant to Sections 401(a) and 414(d) of the Internal Revenue Code of 1986, as amended, or any other applicable provision of the Internal Revenue Code, Treasury Regulations, or other guidance.

5. The Plan is intended to be a collectively bargained plan under Section 413 of the Internal Revenue Code and Treasury Regulations prescribed thereunder. Accordingly, all participants of the Plan who are current or former employees of the Union are deemed to be current or former employees of VTA solely for purposes of Sections 401(a) and 414(d) of the Internal Revenue Code.

2. Proposed Amendment 2 – Code Section 401(a)(17) –

a. Amendment to Plan § 1.17.1.

1.17.1 Effective on or after September 1, 2004, Periodic Pensionable Earnings for full-time Union Officials holding seniority in the bargaining unit shall be based on the salary received from the Union or its International Organization during their periods of service with those organizations. Union members shall be deemed to receive the compensation attributable to their job classification at VTA based on seniority under the Collective Bargaining Agreement.

b. Amendment to Plan § 1.17.2.

1.17.2 Effective January 1, 1996, Periodic Pensionable Earnings shall not exceed, on an annualized basis, the applicable limits established in Section 401(a)(17) of the Internal Revenue Code and regulations issued thereunder, as adjusted annually by the Secretary of the Treasury to reflect increases in the cost of living under Section 401(a)(17)(B) of the Internal Revenue Code.

a) Effective with respect to Plan Years beginning on and after January 1, 2002, the annual Periodic Pensionable Earnings of a Member which exceed $200,000 (as adjusted for cost-of-living increases in accordance with Section 401(a)(17)(B) of the Internal Revenue Code) shall not be taken into account in determining benefits due for any Plan Year. Annual Periodic Pensionable Earnings means compensation described under Section 1.17 received during the Plan Year or such other consecutive 12-month period over which annual Periodic Pensionable Earnings is
otherwise determined under the Plan (the determination period). The cost-of-living adjustment in effect for a calendar year applies to annual Periodic Pensionable Earnings for the determination period that begins with or within such calendar year. If the determination period consists of fewer than 12 months, the annual compensation limit is an amount equal to the otherwise applicable annual compensation limit multiplied by a fraction, the numerator of which is the number of months in the short determination period, and the denominator of which is 12. If the Periodic Pensionable Earnings for any prior determination period is taken into account in determining a Member's benefits for the current Plan Year, the Periodic Pensionable Earnings for such prior determination period is subject to the applicable annual compensation limit in effect for that prior period.

b) As used in this Section 1.17.2(b), the term "eligible member" means a person who first became a member of the retirement system prior to the plan year beginning after December 31, 1995. Pursuant to section 13212(d)(3)(A) of OBRA '93, and the regulations issued under that section, eligible members are not subject to the limits of Section 401(a)(17) of the Internal Revenue Code, and the maximum Periodic Pensionable Earnings used in computing benefits due from the Plan for eligible members shall be the maximum amount allowed by the Plan to be so used on July 1, 1993.

c. New Plan § 1.19 (and conformed numbering for current Plan §§ 1.19, 1.20, 1.21, 1.22, 1.23, and 1.24).

1.19 PLAN YEAR means the calendar year.

3. Proposed Amendment 3 – Code Section 503(b) – New Plan § 2.5.

2.5 The Board of Pensions may not engage in a transaction prohibited by Section 503(b) of the Internal Revenue Code.

4. Proposed Amendment 4 – Code Section 401(a)(9) – Amendment to Plan § 3.5.

3.5 Notwithstanding any other provisions of the Plan, a Member's Retirement Benefit shall commence not later than April 1 following the later of (i) the calendar year in which the Member attained age 70½, or (ii) the calendar year in which the Member retired, in accordance with the applicable provisions of Section 401(a)(9) of the Internal Revenue Code and the regulations issued thereunder. If a Member fails to apply for benefits by the later of either of those dates, the Board of Pensions shall begin distribution of the Retirement Benefit as described under Section 3.2 or Section 5.1, as applicable.
3.5.1 The Member's Retirement Benefit must be distributed over the Member's life or the lives of the Member and a Beneficiary or Contingent Annuitant, or over a period not extending beyond the life expectancy of the Member or of the Member and a Beneficiary or Contingent Annuitant.

3.5.2 The Plan pursuant to a qualified domestic relations order may establish separate benefits for a Member and nonmember.

3.5.3 If a Member dies after the required distribution of benefits has begun, any survivor benefit must be distributed at least as rapidly as under the method of distribution before the Member's death, which means monthly.

3.5.4 The amount of an annuity paid to a Beneficiary or Contingent Annuitant may not exceed the maximum determined under the incidental death benefit requirement of Section 401(a)(9)(G) of the Internal Revenue Code, and the minimum distribution incidental benefit rule under Treasury Regulation Section 1.401(a)(9)-6, Q&A-2, or any successor regulation thereeto.

3.5.5 The death and disability benefits provided by the Plan are limited by the incidental death benefit requirement set forth in Section 401(a)(9)(G) of the Internal Revenue Code and Treasury Regulation Section 1.401-1(b)(1)(i) or any successor regulation thereeto. As a result, the total death or disability benefits payable shall not exceed 25% of the cost for all of the Members' benefits received from the Plan.

3.5.6 The provisions of this Section 3.5 apply to any option elected under Section 7.3. For example, period certain benefits must comply with Section 3.5.1 and survivor benefits must comply with Section 3.5.4.

3.5.7 Notwithstanding the other provisions of this Section 3.5 or the provisions of the Treasury Regulations, benefit options may continue so long as the option satisfies Section 401(a)(9) of the Internal Revenue Code based on a reasonable and good faith interpretation of that Section.


3.6 In addition to any other provision of this Plan, a Member shall be fully vested in the Member's Retirement Benefit upon the attainment of normal retirement age, which is age 65, and the completion of 10 years of Eligibility Service.

6. Proposed Amendment 6 – Code Section 401(a)(1) – Amendment to Plan § 7.3.

7.3 SURVIVOR BENEFITS. In lieu of a pension for only the lifetime of the Employee Member (Option A), a pension may be provided to his survivor under one of the following options and his pension shall be actuarially reduced. The actuarial reductions shall be based upon the 1951 Group Annuity Mortality Table.
(the male table for Employee Members and the female table for Contingent
Annuitants) and an interest rate of 5½%. Mortality and interest rate assumptions
specified under Exhibit 2. The provisions of Section 3.5 shall apply to any option
elected under this Section. Options under Sections 7.3.1, 7.3.2, 7.3.3, and 7.3.4
shall be subject to Section 3.5.5. Options under Sections 7.3.5, 7.3.6, 7.3.7, and
7.3.8 shall be subject to Section 3.5.1.

7. Proposed Amendment 7 – Code Sections 401(a)(37) and 414(u) –

a. Amendment to Plan § 1.12.

1.12 ELIGIBILITY SERVICE means, for all service prior to February 16, 2004, any
period as an Employee Member. For all service on or after February 16, 2004,
Eligibility Service excludes any period as an Inactive Member under Section
1.14.1 of the Plan.

Eligibility Service will cease if an Employee Member ceases to be an Employee
Member. Eligibility Service shall include any period of less than 10 years of
Eligibility Service only if the Member has at least one period of Eligibility
Service of 10 or more years. Periods of Eligibility Service (occurring on or after
February 16, 2004) which are interrupted by a period as an Inactive Member shall
be added together for purposes of determining the 10 years of Eligibility Service.
Notwithstanding anything in this Section to the contrary, a Member shall be
credited with Eligibility Service in accordance with Sections 10.4 and 10.5 of the
Plan.

An Employee Member who, on the Effective Date, received credit for seniority in
one or more predecessor companies will have the period from his date of seniority
to the Effective Date included in his first Eligibility Service.

b. New Plan §§ 10.4 and 10.5.

10.4 Effective December 12, 1994, notwithstanding any other provision of the Plan,
contributions, benefits and service credit with respect to qualified military service
are governed by Section 414(u) of the Internal Revenue Code and the Uniformed

10.5 Effective with respect to deaths occurring on or after January 1, 2007, while an
Employee Member is performing qualified military service (as defined in Chapter
43 of Title 38, United States Code), to the extent required by Section 401(a)(37)
of the Internal Revenue Code, survivors of an Employee Member are entitled to
any additional benefits that the Plan would provide if the Employee Member had
resumed employment as an Employee Member and then died, such as survivor
benefits that are contingent on the Employee Member's death while employed. In
any event, a deceased Employee Member's period of qualified military service
shall be counted for vesting purposes.
8. **Proposed Amendment 8 – Code Section 401(a)(2) – Amendment to Plan § 12.4.**

12.4 Notwithstanding any other provision hereof or any amendment hereto to the contrary, at no time shall any of such funds, after paying reasonable administrative expenses, revert to or be receivable by VTA or the Union nor be used for or diverted to purposes other than for the exclusive benefit of Members and their Beneficiaries.

9. **Proposed Amendment 9 – Code Section 415 – Amendment to Plan § 14.**

14.1 The Plan shall limit benefits as provided in Section 415 of the Internal Revenue Code and the regulations issued thereunder. **In no event shall a Member's Annual Benefit (as defined in the Internal Revenue Code and related Treasury Regulations) payable under the Plan in any limitation year (the calendar year) be greater than the limit applicable at the annuity starting date.** The Plan elects to apply the adjusted dollar limitation established each calendar year by the Commissioner of Internal Revenue pursuant to Internal Revenue Code Section 415(d) in lieu of the basic $90,000 dollar limitation under Internal Revenue Code Section 415(b)(1)(A). The adjusted dollar limitation for a calendar year shall apply in determining the amount of all Annual Benefits commencing in that calendar year. In the case of a Member whose Retirement Benefit commences before age 62, the adjusted dollar limitation for the year in which the Member retires shall be reduced. The reduced limitation shall be the greater of (A) $75,000 or (B) the amount determined by treating the adjusted dollar limitation as an annual single-life annuity commencing at age 62 and converting it on an actuarial basis into a single-life annuity that commences at the age of the Member when the Member's Retirement Benefit begins. In calculating the reduced limitation, the 1983 Group Annuity Mortality Table, mixed for 50% male, 50% female rates, and a 5% interest rate shall be applied. If a Member's Annual Benefit would exceed the limitation of this Section 14.1, then that Member's Annual Benefit shall be reduced by reducing the benefits provided under this Plan as necessary to meet the limitation. Mandatory provisions of Internal Revenue Code regulations shall override any conflicting provision of this Plan Document.

14.2 For purposes of this Section 14, a Member's Annual Benefit shall be equal to the sum of the annual Retirement Benefit to which the Member is entitled under this Plan and the aggregate annual retirement benefits (if any) to which the Member is entitled under all other qualified defined-benefit pension plans maintained by VTA, other than benefits attributable to employee contributions. **If the aggregate annual benefit exceeds the Section 415(b) limit (after the reduction provided in Section 8), then any further reduction shall be made by first reducing the Member's Retirement Benefit under this Plan.**

14.3 Adjustments to Basic 415(b) Limitation for Form of Benefit. Effective January 1, 2008, if the Member's Retirement Benefit under the Plan is paid in a manner other than a straight life annuity or a qualified joint and survivor annuity, then, for
testing purposes, the Retirement Benefit shall be adjusted by adjusting the form of benefit to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation section 1.415(b)-1(c)(2)(ii)) that takes into account the additional benefits under the form of benefit that is the greater of:

14.3.1 The annual amount of the straight life annuity (if any) payable to the Member under the Plan commencing at the same annuity starting date as the form of benefit to the Member, or

14.3.2 The annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the form of benefit payable to the Member, computed using a 5% interest assumption (or the applicable statutory interest assumption under the Internal Revenue Code) and (i) for years prior to January 1, 2009, the applicable mortality tables described in Treasury Regulation section 1.417(e)-1(d)(2) (Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the Internal Revenue Code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the Internal Revenue Code).

For testing purposes, the actuary may adjust the limit instead of adjusting the benefit.

14.4 Benefits For Which No Adjustment of 415(b) Benefit is Required. For purposes of this Section 14, the following benefits shall not be taken into account in adjusting the benefits under Section 14.3:

14.4.1 That portion of any joint and survivor annuity that constitutes a qualified joint and survivor annuity;

14.4.2 Any other benefit not required under Section 415(b)(2) of the Internal Revenue Code and Treasury Regulations thereunder to be taken into account for purposes of the limitation of Section 415(b)(1) of the Internal Revenue Code.

14.5 In the event the Member's Retirement Benefit becomes payable before age sixty-two (62), the limit prescribed by Section 14.1 shall be reduced in accordance with Treasury Regulations pursuant to the provisions of Section 415(b) of the Internal Revenue Code, so that such limit (as so reduced) equals an annual straight life annuity benefit (when such retirement income benefit begins) which is equivalent to a one hundred sixty thousand dollar ($160,000) (as adjusted) annual benefit.
beginning at age sixty-two (62). This reduction shall not be applicable to pre-retirement disability benefits or pre-retirement death benefits.

14.6 To the extent permitted by the Internal Revenue Code and the Treasury Regulations thereunder, in the event the Member's Retirement Benefit has an annuity starting date that occurs after the Member attains the age of sixty-five (65), the limit prescribed by Section 14.1 shall be increased in accordance with Treasury Regulations pursuant to the provisions of Section 415(b) of the Internal Revenue Code, so that such limit (as so increased) equals an annual straight life annuity benefit (when such retirement income benefit begins) which is equivalent to a one hundred sixty thousand ($160,000) (as adjusted) annual benefit beginning at age sixty-five (65). This adjustment shall be made using an assumed interest rate of five (5) percent and shall be made in accordance with Treasury Regulations.

14.7 Less than Ten (10) Years of Participation Adjustment for 415(b) Limitations. The maximum retirement benefits payable to any Member who has completed less than ten (10) years of participation in the Plan shall be the amount determined under Section 14.1 multiplied by a fraction, the numerator of which is the number of the Member's years of service and the denominator of which is ten (10). The reduction provided by this subsection cannot reduce the maximum benefit below 10%. The reduction provided for in this subsection shall not be applicable to pre-retirement disability benefits or pre-retirement death benefits.

14.8 Ten Thousand Dollar ($10,000) Limit. Notwithstanding the foregoing, the Retirement Benefit payable with respect to a Member shall be deemed not to exceed the 415(b) limit if the benefits payable, with respect to such Member under this Plan and under all other qualified defined benefit pension plans to which the Member's employer contributes, do not exceed ten thousand dollars ($10,000) for the applicable limitation year and for any prior limitation year and the employer has not at any time maintained a qualified defined contribution plan in which the Member participated.

14.9 Notwithstanding anything in this Section to the contrary, VTA elects to have Section 415(b)(10) apply to the Plan for any Member who first became a Member of the Plan before January 1, 1990. For such Members, the limitation applicable under this Section shall not be less than the accrued benefit of the Member under the Plan (determined without regard to any amendment of the Plan made after October 14, 1987).


11.1 Except to the extent that the following may be contrary to the laws of this state, and except as otherwise provided herein, no Member shall have the right to assign, transfer, encumber, or anticipate his interest in any retirement income being paid therefrom, and such funds and income shall not in any way be subject
to any legal process to levy upon or attach the same for the payment of any claim against such Member.

11.2 Domestic Relations Orders. Notwithstanding Section 11.1, the Plan may pay all or a portion of any benefit payable with respect to a Member to an alternate payee pursuant to a judgment, decree, or order (including approval of a property settlement agreement) ("Domestic Relations Order") issued by a court of competent jurisdiction which (i) relates to the provision of child support, alimony payments, or marital property rights to the alternate payee, (ii) that is made pursuant to state domestic relations laws, and (iii) which creates or recognizes the existence of the alternate payee's right to, or assigns to an alternate payee the right to, receive all or a portion of the benefits payable with respect to the Member under the Plan. If benefits are payable pursuant to a Domestic Relations Order that meets the requirements of a "qualified domestic relations order" as defined in Section 414(p) of the Internal Revenue Code, then the Plan shall comply with the applicable requirements of Section 414(p) of the Internal Revenue Code.
PROPOSED AMENDMENT TO ACHIEVE COMPLIANCE WITH
THE INTERNAL REVENUE CODE
FOR THE
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY –
AMALGAMATED TRANSIT UNION, LOCAL 265 PENSION PLAN

1. Proposed Amendment 1 – Code Section 401(a) – Add to End of Plan Recital:

4. The Plan is established as a qualified governmental defined benefit plan, pursuant to Sections 401(a) and 414(d) of the Internal Revenue Code of 1986, as amended, or any other applicable provision of the Internal Revenue Code, Treasury Regulations, or other guidance.

5. The Plan is intended to be a collectively bargained plan under Section 413 of the Internal Revenue Code and Treasury Regulations prescribed thereunder. Accordingly, all participants of the Plan who are current or former employees of the Union are deemed to be current or former employees of VTA solely for purposes of Sections 401(a) and 414(d) of the Internal Revenue Code.

2. Proposed Amendment 2 – Code Section 401(a)(17) –

a. Amendment to Plan § 1.17.1.

1.17.1 Effective on or after September 1, 2004, Periodic Pensionable Earnings for full-time Union Officials holding seniority in the bargaining unit shall be based on the salary received from the Union or its International Organization during their periods of service with those organizations. Union members shall be deemed to receive the compensation attributable to their job classification at VTA based on seniority under the Collective Bargaining Agreement.

b. Amendment to Plan § 1.17.2.

1.17.2 Effective January 1, 1996, Periodic Pensionable Earnings shall not exceed, on an annualized basis, the applicable limits established in Section 401(a)(17) of the Internal Revenue Code and regulations issued thereunder, as adjusted annually by the Secretary of the Treasury to reflect increases in the cost of living under Section 401(a)(17)(B) of the Internal Revenue Code.

a) Effective with respect to Plan Years beginning on and after January 1, 2002, the annual Periodic Pensionable Earnings of a Member which exceed $200,000 (as adjusted for cost-of-living increases in accordance with Section 401(a)(17)(B) of the Internal Revenue Code) shall not be taken into account in determining benefits due for any Plan Year. Annual Periodic Pensionable Earnings means compensation described under Section 1.17 received during the Plan Year or such other consecutive 12-month period over which annual Periodic Pensionable Earnings is
otherwise determined under the Plan (the determination period). The cost-of-living adjustment in effect for a calendar year applies to annual Periodic Pensionable Earnings for the determination period that begins with or within such calendar year. If the determination period consists of fewer than 12 months, the annual compensation limit is an amount equal to the otherwise applicable annual compensation limit multiplied by a fraction, the numerator of which is the number of months in the short determination period, and the denominator of which is 12. If the Periodic Pensionable Earnings for any prior determination period is taken into account in determining a Member's benefits for the current Plan Year, the Periodic Pensionable Earnings for such prior determination period is subject to the applicable annual compensation limit in effect for that prior period.

b) As used in this Section 1.17.2(b), the term "eligible member" means a person who first became a member of the retirement system prior to the plan year beginning after December 31, 1995. Pursuant to section 13212(d)(3)(A) of OBRA '93, and the regulations issued under that section, eligible members are not subject to the limits of Section 401(a)(17) of the Internal Revenue Code, and the maximum Periodic Pensionable Earnings used in computing benefits due from the Plan for eligible members shall be the maximum amount allowed by the Plan to be so used on July 1, 1993.

c. New Plan § 1.19 (and conformed numbering for current Plan §§ 1.19, 1.20, 1.21, 1.22, 1.23, and 1.24).

1.19 PLAN YEAR means the calendar year.

3. Proposed Amendment 3 – Code Section 503(b) – New Plan § 2.5.

2.5 The Board of Pensions may not engage in a transaction prohibited by Section 503(b) of the Internal Revenue Code.

4. Proposed Amendment 4 – Code Section 401(a)(9) – Amendment to Plan § 3.5.

3.5 Notwithstanding any other provisions of the Plan, a Member's Retirement Benefit shall commence not later than April 1 following the later of (i) the calendar year in which the Member attained age 70½, or (ii) the calendar year in which the Member retired, in accordance with the applicable provisions of Section 401(a)(9) of the Internal Revenue Code and the regulations issued thereunder. If a Member fails to apply for benefits by the later of either of those dates, the Board of Pensions shall begin distribution of the Retirement Benefit as described under Section 3.2 or Section 5.1, as applicable.
3.5.1 The Member's Retirement Benefit must be distributed over the Member’s life or the lives of the Member and a Beneficiary or Contingent Annuitant, or over a period not extending beyond the life expectancy of the Member or of the Member and a Beneficiary or Contingent Annuitant.

3.5.2 The Plan pursuant to a qualified domestic relations order may establish separate benefits for a Member and nonmember.

3.5.3 If a Member dies after the required distribution of benefits has begun, any survivor benefit must be distributed at least as rapidly as under the method of distribution before the Member's death, which means monthly.

3.5.4 The amount of an annuity paid to a Beneficiary or Contingent Annuitant may not exceed the maximum determined under the incidental death benefit requirement of Section 401(a)(9)(G) of the Internal Revenue Code, and the minimum distribution incidental benefit rule under Treasury Regulation Section 1.401(a)(9)-6, Q&A-2, or any successor regulation thereto.

3.5.5 The death and disability benefits provided by the Plan are limited by the incidental death benefit requirement set forth in Section 401(a)(9)(G) of the Internal Revenue Code and Treasury Regulation Section 1.401-1(b)(1)(i) or any successor regulation thereto. As a result, the total death or disability benefits payable shall not exceed 25% of the cost for all of the Members' benefits received from the Plan.

3.5.6 The provisions of this Section 3.5 apply to any option elected under Section 7.3. For example, period certain benefits must comply with Section 3.5.1 and survivor benefits must comply with Section 3.5.4.

3.5.7 Notwithstanding the other provisions of this Section 3.5 or the provisions of the Treasury Regulations, benefit options may continue so long as the option satisfies Section 401(a)(9) of the Internal Revenue Code based on a reasonable and good faith interpretation of that Section.

5. **Proposed Amendment 5 – Code Sections 401(a)(7) – New Plan § 3.6.**

3.6 In addition to any other provision of this Plan, a Member shall be fully vested in the Member's Retirement Benefit upon the attainment of normal retirement age, which is age 65, and the completion of 10 years of Eligibility Service.

6. **Proposed Amendment 6 – Code Section 401(a)(1) – Amendment to Plan § 7.3.**

7.3 SURVIVOR BENEFITS. In lieu of a pension for only the lifetime of the Employee Member (Option A), a pension may be provided to his survivor under one of the following options and his pension shall be actuarially reduced. The actuarial reductions shall be based upon the mortality and interest rate
assumptions specified under Exhibit 2. The provisions of Section 3.5 shall apply to any option elected under this Section. Options under Sections 7.3.1, 7.3.2, 7.3.3, and 7.3.4 shall be subject to Section 3.5.5. Options under Sections 7.3.5, 7.3.6, 7.3.7, and 7.3.8 shall be subject to Section 3.5.1.

7. **Proposed Amendment 7 – Code Sections 401(a)(37) and 414(u)**

a. **Amendment to Plan § 1.12.**

1.12 ELIGIBILITY SERVICE means, for all service prior to February 16, 2004, any period as an Employee Member. For all service on or after February 16, 2004, Eligibility Service excludes any period as an Inactive Member under Section 1.14.1 of the Plan.

Eligibility Service will cease if an Employee Member ceases to be an Employee Member. Eligibility Service shall include any period of less than 10 years of Eligibility Service only if the Member has at least one period of Eligibility Service of 10 or more years. Periods of Eligibility Service (occurring on or after February 16, 2004) which are interrupted by a period as an Inactive Member shall be added together for purposes of determining the 10 years of Eligibility Service. Notwithstanding anything in this Section to the contrary, a Member shall be credited with Eligibility Service in accordance with Sections 10.4 and 10.5 of the Plan.

An Employee Member who, on the Effective Date, received credit for seniority in one or more predecessor companies will have the period from his date of seniority to the Effective Date included in his first Eligibility Service.

b. **New Plan §§ 10.4 and 10.5.**

10.4 Effective December 12, 1994, notwithstanding any other provision of the Plan, contributions, benefits and service credit with respect to qualified military service are governed by Section 414(u) of the Internal Revenue Code and the Uniformed Services Employment and Reemployment Rights Act of 1994.

10.5 Effective with respect to deaths occurring on or after January 1, 2007, while an Employee Member is performing qualified military service (as defined in Chapter 43 of Title 38, United States Code), to the extent required by Section 401(a)(37) of the Internal Revenue Code, survivors of an Employee Member are entitled to any additional benefits that the Plan would provide if the Employee Member had resumed employment as an Employee Member and then died, such as survivor benefits that are contingent on the Employee Member's death while employed. In any event, a deceased Employee Member's period of qualified military service shall be counted for vesting purposes.
8. **Proposed Amendment 8 – Code Section 401(a)(2) – Amendment to Plan § 12.4.**

12.4 Notwithstanding any other provision hereof or any amendment hereto to the contrary, at no time shall any of such funds, after paying reasonable administrative expenses, revert to or be receivable by VTA or the Union nor be used for or diverted to purposes other than for the exclusive benefit of Members and their Beneficiaries.

9. **Proposed Amendment 9 – Code Section 415 – Amendment to Plan § 14.**

14.1 The Plan shall limit benefits as provided in Section 415 of the Internal Revenue Code and the regulations issued thereunder. In no event shall a Member's Annual Benefit (as defined in the Internal Revenue Code and related Treasury Regulations) payable under the Plan in any limitation year (the calendar year) be greater than the limit applicable at the annuity starting date. The Plan elects to apply the adjusted dollar limitation established each calendar year by the Commissioner of Internal Revenue pursuant to Internal Revenue Code Section 415(d) in lieu of the basic dollar limitation under Internal Revenue Code Section 415(b)(1)(A). The adjusted dollar limitation for a calendar year shall apply in determining the amount of all Annual Benefits commencing in that calendar year. If a Member's Annual Benefit would exceed the limitation of this Section 14.1, then that Member's Annual Benefit shall be reduced by reducing the benefits provided under this Plan as necessary to meet the limitation. Mandatory provisions of Internal Revenue Code regulations shall override any conflicting provision of this Plan Document.

14.2 For purposes of this Section 14, a Member's Annual Benefit shall be equal to the sum of the annual Retirement Benefit to which the Member is entitled under this Plan and the aggregate annual retirement benefits (if any) to which the Member is entitled under all other qualified defined-benefit pension plans maintained by VTA, other than benefits attributable to employee contributions. If the aggregate annual benefit exceeds the Section 415(b) limit (after the reduction provided in Section 8), then any further reduction shall be made by first reducing the Member's Retirement Benefit under this Plan.

14.3 Adjustments to Basic 415(b) Limitation for Form of Benefit. Effective January 1, 2008, if the Member's Retirement Benefit under the Plan is paid in a manner other than a straight life annuity or a qualified joint and survivor annuity, then, for testing purposes, the Retirement Benefit shall be adjusted by adjusting the form of benefit to an actuarially equivalent amount (determined using the assumptions specified in Treasury Regulation section 1.415(b)-1(c)(2)(ii)) that takes into account the additional benefits under the form of benefit that is the greater of:

14.3.1 The annual amount of the straight life annuity (if any) payable to the Member under the Plan commencing at the same annuity starting date as the form of benefit to the Member, or
14.3.2 The annual amount of the straight life annuity commencing at the same annuity starting date that has the same actuarial present value as the form of benefit payable to the Member, computed using a 5% interest assumption (or the applicable statutory interest assumption under the Internal Revenue Code) and (i) for years prior to January 1, 2009, the applicable mortality tables described in Treasury Regulation section 1.417(e)-1(d)(2) (Revenue Ruling 2001-62 or any subsequent Revenue Ruling modifying the applicable provisions of Revenue Ruling 2001-62), and (ii) for years after December 31, 2008, the applicable mortality tables described in section 417(e)(3)(B) of the Internal Revenue Code (Notice 2008-85 or any subsequent Internal Revenue Service guidance implementing section 417(e)(3)(B) of the Internal Revenue Code).

For testing purposes, the actuary may adjust the limit instead of adjusting the benefit.

14.4 Benefits For Which No Adjustment of 415(b) Benefit is Required. For purposes of this Section 14, the following benefits shall not be taken into account in adjusting the benefits under Section 14.3:

14.4.1 That portion of any joint and survivor annuity that constitutes a qualified joint and survivor annuity;

14.4.2 Any other benefit not required under Section 415(b)(2) of the Internal Revenue Code and Treasury Regulations thereunder to be taken into account for purposes of the limitation of Section 415(b)(1) of the Internal Revenue Code.

14.5 In the event the Member's Retirement Benefit becomes payable before age sixty-two (62), the limit prescribed by Section 14.1 shall be reduced in accordance with Treasury Regulations pursuant to the provisions of Section 415(b) of the Internal Revenue Code, so that such limit (as so reduced) equals an annual straight life annuity benefit (when such retirement income benefit begins) which is equivalent to a one hundred sixty thousand dollar ($160,000) (as adjusted) annual benefit beginning at age sixty-two (62). This reduction shall not be applicable to pre-retirement disability benefits or pre-retirement death benefits.

14.6 To the extent permitted by the Internal Revenue Code and the Treasury Regulations thereunder, in the event the Member's Retirement Benefit has an annuity starting date that occurs after the Member attains the age of sixty-five (65), the limit prescribed by Section 14.1 shall be increased in accordance with Treasury Regulations pursuant to the provisions of Section 415(b) of the Internal Revenue Code, so that such limit (as so increased) equals an annual straight life annuity benefit (when such retirement income benefit begins) which is equivalent
to a one hundred sixty thousand ($160,000) (as adjusted) annual benefit beginning at age sixty-five (65). This adjustment shall be made using an assumed interest rate of five (5) percent and shall be made in accordance with Treasury Regulations.

14.7 Less than Ten (10) Years of Participation Adjustment for 415(b) Limitations. The maximum retirement benefits payable to any Member who has completed less than ten (10) years of participation in the Plan shall be the amount determined under Section 14.1 multiplied by a fraction, the numerator of which is the number of the Member's years of service and the denominator of which is ten (10). The reduction provided by this subsection cannot reduce the maximum benefit below 10%. The reduction provided for in this subsection shall not be applicable to pre-retirement disability benefits or pre-retirement death benefits.

14.8 Ten Thousand Dollar ($10,000) Limit. Notwithstanding the foregoing, the Retirement Benefit payable with respect to a Member shall be deemed not to exceed the 415(b) limit if the benefits payable, with respect to such Member under this Plan and under all other qualified defined benefit pension plans to which the Member's employer contributes, do not exceed ten thousand dollars ($10,000) for the applicable limitation year and for any prior limitation year and the employer has not at any time maintained a qualified defined contribution plan in which the Member participated.

14.9 Notwithstanding anything in this Section to the contrary, VTA elects to have Section 415(b)(10) apply to the Plan for any Member who first became a Member of the Plan before January 1, 1990. For such Members, the limitation applicable under this Section shall not be less than the accrued benefit of the Member under the Plan (determined without regard to any amendment of the Plan made after October 14, 1987).


11.1 Except to the extent that the following may be contrary to the laws of this state, and except as otherwise provided herein, no Member shall have the right to assign, transfer, encumber, or anticipate his interest in any retirement income being paid therefrom, and such funds and income shall not in any way be subject to any legal process to levy upon or attach the same for the payment of any claim against such Member.

11.2 Domestic Relations Orders. Notwithstanding Section 11.1, the Plan may pay all or a portion of any benefit payable with respect to a Member to an alternate payee pursuant to a judgment, decree, or order (including approval of a property settlement agreement) ("Domestic Relations Order") issued by a court of competent jurisdiction which (i) relates to the provision of child support, alimony payments, or marital property rights to the alternate payee (ii) that is made pursuant to state domestic relations laws (iii) which creates or recognizes the
existence of the alternate payee's right to, or assigns to an alternate payee the right to, receive all or a portion of the benefits payable with respect to the Member under the Plan. If benefits are payable pursuant to a Domestic Relations Order that meets the requirements of a "qualified domestic relations order" as defined in Section 414(p) of the Internal Revenue Code, then the Plan shall comply with the applicable requirements of Section 414(p) of the Internal Revenue Code.
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Update VTA’s California Environmental Quality Act Guidelines

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a resolution to update VTA’s implementation of CEQA through: 1) Adoption of Title 14
of the California Code of Regulations, Division 6, Chapter 3, Guidelines for Implementation of
the California Environmental Quality Act (CEQA) effective January 1, 2010, and 2) Adoption of
a revision to one of the Guidelines (Article 19, Categorical Exemptions, Section 15301, Existing
Facilities), by adding the word “purchasing” to the first sentence between the words “leasing”
and “licensing” that describes Class 1 activities.

BACKGROUND:

Enacted in 1970, the California Environmental Quality Act (CEQA) is the foundation of
environmental law and policy in California. Pursuant to Public Resources Code Section 21082
and the CEQA Guidelines, Section 15022 (a), “Each public agency shall adopt objectives,
criteria, and specific procedures consistent with CEQA and these Guidelines for administering its
responsibilities under CEQA, including the orderly evaluation of projects and preparation of
environmental documents.” In 2001, VTA adopted the 2001 CEQA Guidelines along with
adding the word “purchasing” to Categorical Exemptions, Existing Facilities, Section 15301.
Since that time there have been a number of amendments to the CEQA Guidelines including
major changes in the last year.

In addition to the CEQA Guidelines, VTA also utilizes its Transportation Impact Analysis (TIA)
Guidelines, consistent with its role as the County’s Congestion Management Agency. These
guidelines establish uniform methods for evaluating transportation impacts of land use decisions on the congestion management system. Together with the CEQA Guidelines, the TIA Guidelines are used by VTA to assess traffic, transit, bicycle and pedestrian, access and circulation, and parking impacts.

**DISCUSSION:**

VTA is currently and will in the future be the lead agency for a number of rail, highway, facilities, and other projects. The adopted 2001 CEQA Guidelines are outdated and need to be replaced with existing signed legislative amendments effective through January 1, 2010. Among the changes related to VTA activities are a new Appendix G Environmental Checklist Form that adds criteria for cultural resources, greenhouse gas emissions, and transportation and traffic, new sections on determining the significance of impacts from greenhouse gas emissions and related mitigation measures, and new guidance on determining the significance of impacts on archaeological and historical resources.

The CEQA Guidelines in Section 15022 (b) provide that a public agency may adopt the Guidelines through incorporation by reference. Since public agencies must conform to any statutory changes in the CEQA, VTA would be best served by adopting the State Guidelines as its implementing procedures.

Staff also recommends adopting the following additional highlighted bold text to the first sentence of Section 15301, Existing Facilities, to better describe VTA activities:

> “Class 1 consists of the operation, repair, maintenance, permitting, leasing, purchasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.”

**ALTERNATIVES:**

There are no practical alternatives to the recommended action to remain in compliance with State law and update VTA’s guidelines for implementing CEQA.

**FISCAL IMPACT:**

The adoption of these guidelines would not result in a fiscal impact to VTA. VTA has been implementing these guidelines for past projects.

**ADVISORY COMMITTEE DISCUSSIONS/RECOMMENDATIONS:**

The Technical Advisory Committee (TAC) heard this action item at their October 14, 2010 meeting. The TAC had questions about why "purchasing" was added to the list of Categorical Exemptions and why VTA was adopting the State Guidelines at this time. Staff responded that VTA legal staff requested the addition of the word “purchasing” to the list of activities to better describe VTA’s use of this exemption. The guidelines are being adopted since substantial changes were made to the guidelines in the last year. The TAC recommended approval by the
Board of Directors. The Policy Advisory Committee (PAC) heard this action item at their October 14, 2010 meeting. There was a question regarding options to adopting the State Guidelines. VTA staff responded that adopting the State Guidelines is not required; however, since these are the only guidelines available, they are commonly used throughout the state by public agencies. The PAC recommended approval by the Board of Directors.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Congestion Management Program & Planning Committee considered this item on October 22, 2010 and unanimously recommended that the Board approve this item.

Prepared by: Tom Fitzwater
Memo No. 2845
RESOLUTION NO._______

RESOLUTION ADOPTING CEQA GUIDELINES PURSUANT TO PUBLIC RESOURCES CODE SECTION 21082

WHEREAS, California Public Resources Code Section 21082 and Section 15022(a) of the California Environmental Quality Act (CEQA) Guidelines (Guidelines), Title 14 of California Code of Regulations, Division 6, Chapter 3, require that public agencies adopt objectives, criteria, and specific procedures for administering their responsibilities under CEQA;

WHEREAS, in 2001, the Santa Clara Valley Transportation Authority (VTA) adopted the 2001 Guidelines in accordance with the foregoing requirement, together with the addition of the word “purchasing” to one of the Guidelines, Categorical Exemptions, Existing Facilities, Section 15301;

WHEREAS, VTA now wishes to update its implementation of CEQA by adoption of the current Guidelines, with the aforementioned revision to Section 15301;

NOW THEREFORE BE IT RESOLVED that VTA, pursuant to Public Resources Code Section 21082 and Title 14 of California Code of Regulations, Division 6, Chapter 3, Section 15022(a), hereby adopts the Guidelines effective as of January 1, 2010, as the objectives, criteria, and specific procedures for administering its responsibilities under CEQA;

BE IT FURTHER RESOLVED that VTA hereby adopts a revision to Section 15301 of the Guidelines, Categorical Exemptions, Existing Facilities, by adding the word “purchasing” to the first sentence between the words “leasing” and “licensing” that describes Class 1 activities.

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

AYES: DIRECTORS

NOES: DIRECTORS

ABSENT: DIRECTORS

___________________________________
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, at a meeting of said Board of Directors on the date indicated, as set forth above.

Dated: _______________________

___________________________________
SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

___________________________________
KEVIN D. ALLMAND, General Counsel
BOARD MEMORANDUM

TO:   Santa Clara Valley Transportation Authority
      Board of Directors

THROUGH:   General Manager, Michael T. Burns

FROM:   Chief CMA Officer, John Ristow

SUBJECT: On-Call Consultant List for Land Development Services

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute contracts of up to $300,000 each, in accordance with the General Manager's administrative authority, from a list of 29 qualified firms for various categories of development services. The list will serve for a 3-year period and may be extended for an additional 2 years at the General Manager's discretion.

BACKGROUND:

In November 2009 the VTA Board of Directors approved the Joint Development Policy and Implementation Plan, a listing of assets identified as the RE Inventory, consisting of all VTA-owned property with potential for revenue generation and a subset of the RE Inventory consisting of the assets best suited for development, referred to as the Joint Development Portfolio. The Board also approved in November 2009, a prioritized list of Joint Development Assets referred to as the Priority Sites and in April 2010, also approved a list of surplus properties for permanent disposition.

Many of VTA's property assets have encumbrances that hinder their maximum economic potential for revenue generation through development, especially under current market conditions. Resolving some of these encumbrances and moving key assets towards a development path may require specialized development services that will be necessary to supplement VTA staff expertise and availability.

This Board agenda item authorizes the General Manager to execute contracts of up to $300,000 each with twenty-nine qualified firms for various categories of development services that may be
necessary for further implementation of VTA’s Joint Development goals. This list will serve for a 3-year period and may be extended for 2 years at the discretion of the General Manager. This list will be used primarily for the implementation of the Joint Development Program, but it may also be utilized for other property-related needs, as appropriate. The specific value for each contract executed will be determined in accordance with appropriation levels authorized in the respective VTA Operating and Capital Budgets.

**DISCUSSION:**

On July 22, 2010, VTA issued a combined RFP for the following categories of development services: architecture and land planning; urban design; civil engineering; economic analysis; and general plan amendment and permit processing. The RFP was published in the San Jose Post Record, various trade journals and the VTA website, in accordance with VTA’s competitive solicitation procedures.

A total of forty-two proposals were received, with multiple consultants proposing for two or more categories. The proposals were evaluated based on a standard set of evaluation criteria including the firm’s experience and expertise performing the typical scope of work, experience working with other transportation or public agencies, demonstrated ability to adhere to schedule and budgets, the qualification and applicable experience of the project manager and support staff, and the overall billing rates of the firm. The evaluation panel was comprised of VTA staff from Contracts & Materials Management, Real Estate, Planning and Engineering & Construction sections.

The RFP detailed the following typical services in the solicitation:

**Architecture/Planning Firms:**

- conceptual site plans
- building prototypes
- site constraints analysis
- density modeling & massing
- architectural elevations
- schematic site design
- master plans and specific plans for station areas

**Urban Design Firms:**

- land use studies
- circulation plans
- multi-modal connectivity analysis
- transit ridership analysis
- replacement parking alternatives
- visioning
- community workshops
- design of public spaces

**Civil Engineering Firms:**
- grading, drainage, and water quality plans
- topographic maps
- construction engineering
- structural engineering
- surveying services

Economic Analysis Firms:

- residual land value analysis
- market forecasts and demand analysis for rental and for-sale residential, office and retail development
- revenue projections
- transit benefit fee analysis
- assistance developing ground lease agreements

General Plan Amendments/Permit Processing

- development entitlements, amendments to the general plan land use designations
- processing planned development permits

Previously, VTA has employed on-call lists for Urban Design & Transit Oriented Land Use Studies (RFP 05-02), General Plan Amendment and Permit Processing Services (RFP 06-10), and Economic, Financial and Market Analysis (RFP 05-03). These on-call lists were approved by the Board in 2004 and 2005 and have now expired. The recommended action is necessary to make available an on-call services list that can be used to advance the Joint Development Policy and Implementation Plan.

As development projects are ready to implement, VTA will enter into contracts with one or more firms from the proposed list, based on the respective firms’ suitability for specified tasks. Consideration will be based on criteria such as the firm’s staff qualifications and experience in performing relevant assignments, price competitiveness and the ability of the firm to meet project timelines. VTA’s Disadvantaged and Small Business Enterprise (DBE/SBE) goals will also be taken into consideration in accordance with existing DBE/SBE policies.

The ability to request multiple services in various aspects of development services will enable VTA to aggressively move assets towards a development path, making them well poised for moving forward with development opportunities as they arise.

ALTERNATIVES:

The Board could elect to authorize a shorter list of qualified firms or request staff to seek individual proposals each time a project requires these services. These options would inhibit staff’s ability to advance development projects in a timely manner.

SMALL BUSINES ENTERPRISE (SBE) PARTICIPATION:

There is no specific SBE goal established for this on-call list because the scope of each future
contract or task order will require a review of the SBE goal at the time the contract is executed.

**FISCAL IMPACT:**

This action will authorize the General Manager to execute contracts pursuant to the General Manager's administrative authority of up to $300,000 each for development services, utilizing funds appropriated by the Board from VTA Operating and Capital Budgets, as applicable, for the 2011 Fiscal Year and next five fiscal years. Contracts above $300,000 will require approval from the Board of Directors in future actions, as necessary.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION**

The Congestion Management Program and Planning Committee heard this item at their October 22, 2010 meeting. VTA staff briefed the committee on the how the list of on-call consultants for development services will be used to advance the Joint Development Program. Committee member Hererra had concern regarding the criteria for SBE/DBE registered firms, and staff provided clarification on the VTA policy regarding SBE/DBE goals and will also follow up with a formal memo that will provide specific detail related to the on-call list. Committee member Page asked if there was an estimated budget or projected maximum budget for the anticipated services, and staff explained that a specific budget will be provided on a project by project basis at the time a task order is executed. The item was unanimously recommended to be forwarded to the Board of Directors for approval.

Prepared by: Jennifer Rocci  
Memo No. 2820
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BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief SVRT Program Officer, Carolyn M. Gonot

SUBJECT: Final Relocation Plan for the Silicon Valley Berryessa Extension Project

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a Resolution approving and adopting the Final Relocation Plan for the Silicon Valley Berryessa Extension (SVBX) Project and adopting federal and state relocation assistance laws and regulations as VTA’s own rules and regulations for purposes of implementing relocation benefits and administering relocation assistance.

BACKGROUND:

During the August 5, 2010 VTA Board meeting, the Board received an informational presentation regarding the Draft Relocation Plan for the SVBX Project. While SVBX Project teams continue to work diligently to plan the SVBX Project in a manner that minimizes the number of potential acquisitions and displacements, certain displacements may be unavoidable to bring this major transit asset to the heavily developed Silicon Valley region. Prior to acquiring properties which may cause displacement, federal and state law require public agencies to plan appropriately for persons and businesses that are impacted by the acquisition of property. In California, such planning is required to be documented in a Relocation Plan, which must be formally adopted by the respective agency's legislative body.

Following the August 5th meeting, the Draft Relocation Plan was circulated to the general public for public review and comment until September 10, 2010, in accordance with California law. VTA received a few comments to the Draft Relocation Plan, which was subsequently updated to reflect VTA’s responses to these public comments and now constitutes the proposed Final Relocation Plan. The proposed Final Relocation Plan is being submitted to the VTA Board of
Directors for review and adoption at the November 4, 2010 Board meeting through adoption of the Resolution attached as Attachment A and the Final Relocation Plan attached as Attachment B.

Additionally, the VTA Board is being requested during the November 4, 2010 Board meeting, through adoption of the Resolution, to make certain findings about VTA’s relocation program and to adopt federal and state statutes and regulations pertaining to relocation as VTA’s own rules and regulations for purposes of administering and implementing relocation benefits and assistance for any VTA project or program requiring relocation benefits and assistance under applicable state and federal law.

**DISCUSSION:**

As noted earlier, VTA is planning the SVBX Project in a manner that minimizes the number of properties to be potentially acquired and limits the number of businesses and residences to be potentially displaced. However, certain displacements may be unavoidable to bring this major transit asset to the heavily developed Silicon Valley region. Detailed information about the potential impacts and the availability of suitable relocation sites for impacted occupants is provided in the attached Final Relocation Plan.

The Draft Relocation Plan was made available to the public for review and comment from August 6, 2010 through September 10, 2010. This period was more than the statutorily-required 30-day review and comment period. Additionally, to the extent permitted by property owners, potentially displaced businesses, residents, and storage tenants were notified by mail of the availability of the Draft Plan for their review and comment. Copies of the Draft Plan also were available to the public at VTA offices, the VTA website, the Dr. Marin Luther King Jr. Main Library and the Berryessa Library in the City of San Jose, the Milpitas Public Library, and the Fremont Main Public Library. An electronic copy of the Draft Plan could be obtained upon request by interested parties.

VTA collected comments from the public and responses were prepared. Overall, there were 2 requests for copies of the Draft Relocation Plan, four written comments to the Draft Relocation Plan, and one verbal comment by the Federal Transportation Authority’s project management oversight consultant. The VTA team responded to each of these comments and modified the Draft Plan as noted. Both comments and responses are contained in Appendix G of the Final Relocation Plan that is attached as Attachment B to this memorandum and is being submitted to the Board for review and adoption on November 4, 2010.

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

- A summary of the SVBX Project scope and schedule;
- A commitment that the VTA will have funds available to provide full assistance in compliance with applicable laws and regulations prior to making offers to purchase properties;
- A summary of impact to property owners, businesses, and the one residential occupant that may be affected by the Project;
- An analysis of properties that may serve as replacement sites for the businesses and
residential occupant if they are displaced; and

- An explanation of the VTA’s Relocation Assistance Program, how that Program will provide advisory and monetary assistance to affected occupants, and a commitment to comply with State and Federal relocation laws and regulations, including 42 U.S.C et.seq., 49 CFR 24, California Government Code 7260 et.seq., and California Code of Regulations, Title 25, Chapter 6.

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

The Board is being requested to adopt a Final Relocation Plan for the SVBX Project, which is consistent with state and federal law. The Board also is being requested to adopt state and federal statutes and regulations as VTA’s own rules and regulations for purposes of implementing and administering relocation benefits and assistance for other projects. Finally, the Board is being requested to make certain findings about VTA’s relocation program.

The foregoing Board actions are critical milestones in the SVBX Project schedule, which anticipates that the acquisition process will commence in December, 2010. To ensure that the Project proceeds in a timely manner and meets critical timelines, it is important that the Board adopt the proposed Final Relocation Plan, specified findings and referenced law at the November 4, 2010 Board meeting.

ALTERNATIVES:

The Board could require that the proposed Final Relocation Plan be modified and thereby delay the approval of the Final Relocation Plan, which could cause a delay to the SVBX Project. There are no legal alternatives to not adopting a Final Relocation Plan and rules and regulations implementing and administering relocation benefits and assistance if the SVBX Project is to be constructed.

FISCAL IMPACT:

There is no direct fiscal impact as a result of this action. Budget appropriation for a portion of the relocations costs is available in the FY11 Adopted 2000 Measure A Transit Improvement Program Fund Capital Budget. Appropriation for the remaining relocation costs will be included in the Recommended FY 2012 and FY 2013 2000 Measure A Transit Improvement Program Fund Capital Budget. Adoption of the attached Resolution will enable VTA to acquire properties which may cause displacement, thereby enabling implementation of the SVBX
Delay of approval of the proposed Final Relocation Plan may delay construction, and unknown costs may be associated with a delay.

**STANDING COMMITTEE DISCUSSION / RECOMMENDATION:**

The Transit Planning and Operations Committee received this item at their October 21, 2010 meeting. Board members present had no questions about the item. The item was forwarded to the Board for consideration at its November 4, 2010 meeting without action, as a quorum of the committee was not present.

Prepared by: Bijal Patel
Memo No. 2848
RESOLUTION ADOPTING FINAL RELOCATION PLAN FOR THE BART SILICON VALLEY BERRYESSA EXTENSION PROJECT AND ADOPTING RULES AND REGULATIONS FOR IMPLEMENTING AND ADMINISTERING RELOCATION BENEFITS AND ASSISTANCE FOR ALL VTA PROJECTS OR PROGRAMS

WHEREAS, the Santa Clara Valley Transportation Authority (VTA) is in the process of planning the BART Silicon Valley Berryessa Extension (SVBX) Project;

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

WHEREAS, public agencies undertaking or participating in an activity that results in displacement are required to adopt rules and regulations to implement relocation benefits and administer relocation assistance that are consistent with the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 et.seq.) and its implementing regulations (49 CFR Part 24), and the California Relocation Assistance Act (Gov. Code Section 7260 et.seq.), and California Relocation Assistance and Real Property Acquisition Guidelines (25 California Code of Regulations Section 6000 et.seq.);

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

WHEREAS, on August 5, 2010, a presentation regarding the Draft Relocation Plan for the SVBX Project was made for informational purposes only to the VTA Board of Directors;

WHEREAS, the Draft Relocation Plan for the SVBX Project was circulated to the general public for public review and comment from August 6, 2010 until September 10, 2010 in accordance with California law, which requires a minimum 30 day public circulation period.

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

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

1. Fair and reasonable relocation payments will be provided to eligible persons as required by state and federal law.

2. A relocation assistance program will be established in compliance with state and federal law.

3. Eligible persons will be adequately informed of the assistance, benefits, policies, practices and procedures, including grievance procedures, as required by state and federal law.

4. Comparable replacement dwellings will be available, or provided, if necessary, within a reasonable period of time prior to displacement sufficient in number, size and cost for the eligible persons who require them, in compliance with state and federal law.
5. Adequate provisions have been made to provide orderly, timely, and efficient relocation of eligible persons to comparable replacement housing available without regard to race, color, religion, sex, marital status, or national origin with minimum hardship to those affected.

6. The Board hereby adopts the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 et.seq.) and its implementing regulations (49 CFR Part 24), for projects with federal financial assistance, and the California Relocation Assistance Act (Gov. Code Section 7260 et.seq.) and California Relocation Assistance and Real Property Acquisition Guidelines (25 California Code of Regulations Section 6000 et.seq.), and such amendments that may follow, as VTA’s own rules and regulations for purposes of implementing relocation benefits and administering relocation assistance for the SVBX Project and any other VTA project or program requiring relocation assistance and benefits under applicable state and federal law.

7. The Board hereby approves and adopts the Final Relocation Plan for the SVBX Project on file with the Board Secretary and incorporated by reference herein.

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

AYES: DIRECTORS
NOES: DIRECTORS
ABSENT: DIRECTORS

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.

Dated: ____________________

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

Kevin Allmand, General Counsel
Santa Clara Valley Transportation Authority
BART Silicon Valley Berryessa Extension

Final Relocation Plan

September 29, 2010
Santa Clara Valley Transportation Authority
BART Silicon Valley Berryessa Extension
Final Relocation Plan

Prepared by:
Karen Eddleman 9.30.10
Relocation Planning Consultant

Reviewed by:
Allison Daniels 10/6/10
Program Right of Way Manager

Bijal Patel 10/6/10
Program Real Estate Director

Carolyn M. Gonot 10/6/10
Chief SVRT Program Officer
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1.0 EXECUTIVE SUMMARY

The Santa Clara Valley Transportation Authority (VTA) is bringing the BART Silicon Valley Berryessa Extension (Project), an important transportation option to the congested I-880 and I-680 corridors in Milpitas and San Jose. The Project is the first phase of the BART Silicon Valley Program, which, upon completion, will add 16-miles to the existing BART system. The Project consists of a 10-mile, two-station extension of the regional BART System, beginning in Fremont at the future BART Warm Springs Station and proceeding through Milpitas and temporarily ending in the Berryessa area of north San Jose. The second phase of the Program is planned to extend from the Berryessa area to Santa Clara. A map of the entire Silicon Valley Rapid Transit Program is included in Appendix A.

When planning a project, it is not always possible to avoid impacts to private property. VTA has worked diligently to plan the Project in a manner that minimizes the number of potential acquisitions and displacements. Certain displacements, though, may be unavoidable to bring this major transit asset to the heavily developed Silicon Valley region.

Under federal and State law, the VTA Board is required to adopt a formal Relocation Plan, which documents how VTA is planning for persons and businesses that may be impacted by VTA’s potential acquisition of property. Before adoption of a final Relocation Plan, a Draft Relocation Plan was available for public review and comment from August 6, 2010 through September 10, 2010. Two sample distribution notices are included in Appendix F. The public was given an opportunity to submit comments regarding the Draft Relocation Plan. Comments and responses were incorporated into this final Relocation Plan and are set forth in Appendix G. The Final Plan will be submitted to the VTA Board for review and consideration on November 4, 2010.

The Project will require the acquisition of both publicly and privately held properties. VTA will be responsible to negotiate for the purchase of properties needed for the Project and to provide relocation assistance to persons displaced in compliance with the federal Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended (42 U.S.C.4051 et seq.) and the California Relocation Act (Gov. Code 7260 et seq.).

Based on the current preliminary engineering design, the following is a summary of persons and businesses that may need to relocate in some manner:

- Five property owners who own rental property, but who do not occupy the property, will be impacted;
- Thirty-Seven businesses will need to move from their current locations;
- Three additional businesses will be able to remain on site, but their operations will need to be reconfigured and some of their personal property will need to be moved;
- Approximately 875 storage tenants may be displaced from a self-storage facility;
- Another 15 boat and trailer storage occupants at an outdoor storage facility may need to be relocated onto the remainder of the property;
• Two residential households may be required to move. The first is an owner occupant of a mobile home situated in a mobile home park in Milpitas, the second is a resident manager living in an apartment at a storage facility;

• Certain vendors who store personal property and inventory in moveable storage containers at an outdoor market facility may be impacted. VTA will work with the property owner and market operator to redesign the space to minimize the impact to the occupants and the market.

• Three outdoor advertising signs may be impacted by the Project.
2.0 THE RELOCATION PLAN

2.1 Statutory Requirements

The Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended (Uniform Act) and the California Relocation Act require VTA to prepare a formal Relocation Plan. In accordance with State law, a draft of the Relocation Plan is required to be made available for a 30-day review and comment period prior to submitting it to the agency’s decision making body.

The purpose of the Draft Relocation Plan is to

(a) Describe the transit portion of the project, its schedule and financing plan;
(b) Identify the anticipated impact that the project would have on the occupants of property that may be acquired;
(c) Identify the availability of potential replacement sites for impacted occupants; and
(d) Explain the agency’s Relocation Assistance Program.

The Draft Relocation Plan was circulated for public review and comment for 35 days from August 6 through September 10, 2010. Two sample distribution notices are included in Appendix F. The public was given an opportunity to submit comments regarding the Draft Relocation Plan. Comments and responses were incorporated into this final Relocation Plan and are set forth in Appendix G. The Final Plan will be submitted to the VTA Board for review and consideration on November 4, 2010.

The Draft Relocation Plan was available online at: www.vta.org/bart/documents/reports/draftrelocationplan.pdf.

The Draft Relocation Plan was available at the following locations during normal business hours:

- Santa Clara Valley Transportation Authority River Oaks Administrative Offices
- Dr. Martin Luther King Jr. Main Library
- Berryessa Library
- Milpitas Library
- Fremont Main Library

2.2 Preparing the Relocation Plan

VTA contracted with Associated Right of Way Services, Inc. (AR/WS) to help plan how to assist occupants who may be affected by the Project and to develop a Relocation Plan. VTA developed a list of properties that may be either partially or fully acquired in order to accommodate the Project construction needs. VTA sent letters to the owners and occupants of the affected properties in May 2010. The letters introduced the Project and invited the property owners and occupants to meet
with Relocation Advisors from AR/WS. AR/WS and VTA staff met with each property owner to introduce themselves and to discuss the Relocation Assistance Program as well as the overall Project scope and schedule. Relocation Advisors from AR/WS conducted voluntary interviews with property occupants. Information gathered from those meetings is incorporated into the findings of the Relocation Plan. However, no specific property information or occupant identification is included herein. All property owner and occupant interviews were conducted in May, June and July of 2010. Appendixes B and C contain examples of the initial contact letters VTA sent to affected property owners and tenants.

AR/WS analyzed the characteristics of the occupants to determine replacement site needs, relocation planning needs, and the estimated cost of providing Relocation Assistance under VTA’s Relocation Assistance Program. Information was gathered from occupants on a voluntary basis. Some occupants chose not to participate in the interview process. Additional information was gathered from interviews with VTA staff, appraisers, and property owners.
3.0 BART SILICON VALLEY BERRYESSA EXTENSION

3.1 Project Description
The Santa Clara Valley Transportation Authority (VTA) is bringing an important transportation option to the congested I-880 and I-680 corridors in Milpitas and San Jose. This project is the first phase of BART Silicon Valley, which, upon completion, will add 16-miles to the existing BART system, benefitting commuters, residents and businesses by reducing pollution and traffic congestion, and increasing the region’s economic vitality. The BART Silicon Valley Berryessa Extension is a 10-mile, two-station extension of the regional BART System, beginning in Fremont at the future BART Warm Springs Station and proceeding through Milpitas and temporarily ending in the Berryessa area of north San Jose.

3.2 Project Schedule

- Record of Decision for FEIS issued June 24, 2010
- Individual Meetings with property owners and property occupants who potentially may need to relocate were scheduled in May, June, July 2010
- Draft Relocation Plan was circulated from August 6 to September 10, 2010
- The VTA Board will consider adoption of the Final Relocation Plan on November 4, 2010
- VTA will begin to initiate written offers to property owners in late 2010/early 2011

3.3 Preliminary Relocation Cost Analysis
This preliminary relocation cost analysis was developed from information gathered in property owner and property occupant interviews, research of the area real estate market, federal relocation laws and regulations, and the experience of VTA’s consultant.

Relocation assistance benefits for the two residential occupants are based upon estimated moving costs, estimated replacement housing payments, and an estimate of economic rent for the existing apartment. Relocation assistance payments for business occupants are based upon the actual and reasonable cost to move personal property from the affected site to a replacement site. In addition, VTA will provide assistance to allow the businesses to reestablish at a replacement site and to help with certain costs to search for a replacement site, within limits set by law. Storage tenants will be compensated for actual and reasonable costs to move personal property to a replacement storage facility. A cost to relocate the three advertising signs is not included in this analysis. Instead of relocating the signs, VTA would compensate the sign owners for the depreciated value of the improvements.
The preliminary relocation cost estimate to provide benefits for affected occupants is estimated to be $1,535,000. Payments to potentially displaced occupants are estimated at this time to be between $11,000,000 and $16,000,000. This preliminary analysis is based upon VTA’s current understanding of the affected residents, business operations, outdoor market vendors, and storage tenants. The cost to acquire real property and improvements pertaining to realty, and the cost associated with potential loss of business goodwill are not included in this analysis.

VTA will not proceed with displacement activities until it has secured the funds to pay relocation assistance payments to eligible occupants. Funds will be sufficient to provide full relocation assistance in accordance with VTA’s Relocation Assistance Program.

3.4 Funding for Relocation Assistance

VTA has secured sufficient State and local funding to provide full Relocation Assistance in accordance with VTA’s Relocation Assistance Program. VTA may seek partial or full reimbursement from federal sources if federal funding is secured. VTA funding sources include the following:

**2000 Measure A.** On August 9, 2000, the Santa Clara Valley Transportation Authority Board of Directors voted to place a half-cent sales tax on the November 7, 2000 General Election ballot allowing Santa Clara County voters the opportunity to vote on transportation improvements in the county. Measure A was approved by 70.3% of the voters and collection of the tax began in April of 2006.

**State of California – Traffic Congestion Relief Program (TCRP).** In July of 2009, VTA was allocated $40 million in TCRP funds from the California Transportation Commission. A total of $240 million is anticipated from TCRP funds.

**Federal New Starts Program.** The Federal Transit Administration New Starts Program is the federal government’s primary discretionary financial resource for supporting locally planned, constructed, implemented and operated major transit projects. This program funds new commuter rail, light rail, heavy rail and bus rapid transit projects, streetcars and ferries, as well as extensions to existing transit systems in every area of the country.

3.5 Public and Private Property Acquisitions

VTA is planning the Project in a manner that minimizes the number of properties that would need to be acquired and the number of occupants that would need to be displaced.

Based on the current preliminary engineering design, VTA may attempt to acquire all or a portion of 115 properties. Mostly tenants occupy these properties. The occupants, who potentially may need to relocate in some manner as a result of the Project, include the following:

a) An estimated 42 businesses will need to move from their current locations to accommodate the Project as currently designed. This number includes five entities that lease space to others but do not actually occupy the properties.
b) Seven of the businesses are owner occupants. The remaining 30 occupants lease space.

c) Three additional occupants will be able to remain on site but will need to reconfigure their operations and personal property based on the current engineering design. Two of these occupants are business operations. The third is a public entity’s maintenance yard.

d) Approximately 875 storage tenants would be displaced from a self-storage facility. Another 15 boat and trailer storage occupants at an outdoor storage facility may be able to be accommodated on the remainder of the storage facility’s site.

e) Two residential households may be required to move. The first is an owner occupant of a mobile home situated in a mobile home park in Milpitas, the second is a resident manager living in an apartment in a storage facility.

f) Finally, a potential partial acquisition and temporary construction easement on an outdoor market facility will affect certain vendors who store personal property and inventory in moveable storage containers. If these acquisitions proceed, VTA will work with the property owner and market operator to attempt to move the storage units onto the remainder of the property and to redesign the space in order to minimize the impact on vacant spaces that are rented to vendors when the market is open.

g) Three outdoor advertising signs may be impacted by the Project.

3.6 Concurrent Displacement

Based upon discussions with the California Department of Transportation and local public agencies in Santa Clara County, VTA has determined that there will not be concurrent displacement resulting from public agency generated projects in 2011 and 2012 that would significantly compete for replacement site resources.
4.0 RELOCATION IMPACT

This section of the Relocation Plan addresses the anticipated relocation impact related to the potential acquisition of 115 properties needed for the construction of the Project. The proposed Project may displace as many as two residential occupants, 37 businesses, five entities who lease properties to others, 890 storage tenants, three outdoor advertising signs and potentially 43 outdoor market vendors who store personal property and inventory. The type of potentially impacted businesses include self-storage facilities, freight hauling businesses, truck sales businesses, manufacturing operations, machine shops, electroplating businesses, business offices, food distribution businesses, auto repair facilities, and a recycling business.

VTA is attempting to work with project planners and property owners to minimize displacement and impact to properties. When possible, VTA will acquire only those portions of properties that are necessary and will work with the owners and occupants of those properties to reconfigure the space so that displacement of occupants is minimized or avoided altogether.

Table 4.1 summarizes the occupants that may be displaced by the Project.

**Table 4.1, Summary of Potentially Impacted Occupants**

<table>
<thead>
<tr>
<th></th>
<th>Residential</th>
<th>Business</th>
<th>Non-Occupant Landlords</th>
<th>Businesses Not Displaced (On-Site Reconfiguration)</th>
<th>Storage Tenants</th>
<th>Advertising Signs</th>
<th>Outdoor Market Vendors</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Milpitas Occupants</td>
<td>2</td>
<td>17</td>
<td>2</td>
<td>1</td>
<td>890</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>City of San Jose Occupants</td>
<td>0</td>
<td>20</td>
<td>3</td>
<td>2</td>
<td>0</td>
<td>3</td>
<td>43</td>
</tr>
<tr>
<td>Totals:</td>
<td>2</td>
<td>37</td>
<td>5</td>
<td>3</td>
<td>890</td>
<td>3</td>
<td>43</td>
</tr>
</tbody>
</table>

**City of Milpitas Occupants**

Based on the preliminary engineering design, the potential acquisitions within the City of Milpitas will impact two residential occupants. One household owns and occupies a mobile home situated in a mobile home park. The second household occupies an apartment in a storage facility and is an on-site manager of the self storage facility. Two entities own investment properties but do not occupy the properties. Seventeen businesses potentially will need to relocate to accommodate the Project construction, and approximately 875 storage tenants potentially will be displaced.

Fifteen outdoor storage tenants may be required to move within the storage facility to accommodate the partial acquisition of the property.

The 17 business occupants include seven property owners who occupy the property. The remaining ten businesses are tenant occupants. There were no reported vacancies on the properties potentially needed within the City of Milpitas.
The businesses that potentially will need to relocate from the property to accommodate the Project are described in Table 4.2. The table presents known and estimated information on the property including approximate square footage of their current location and zoning.

**Table 4.2, Potentially Impacted Occupants in the City of Milpitas.**

<table>
<thead>
<tr>
<th>Count</th>
<th>Type</th>
<th>Current Zoning</th>
<th>Description of Space</th>
<th>Size/SF</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Freight hauler</td>
<td>MXD3 - Very High Density Mixed Use</td>
<td>Yard space, storage, shared office space</td>
<td>5 Acres-Shared</td>
</tr>
<tr>
<td>2</td>
<td>Commercial truck sales</td>
<td>MXD3 - Very High Density Mixed Use</td>
<td>Enclosed portion of yard and shared office space</td>
<td>5 Acres-Shared</td>
</tr>
<tr>
<td>3</td>
<td>Freight hauler and fuel sales</td>
<td>MXD3 - Very High Density Mixed Use</td>
<td>Office space, parking for 2 trucks, operates fuel tank on-site</td>
<td>5 Acres-Shared</td>
</tr>
<tr>
<td>4</td>
<td>Commercial truck &amp; vehicle parking and related services.</td>
<td>MXD3 - Very High Density Mixed Use</td>
<td>Mobile office and yard space</td>
<td>5 Acres-Shared</td>
</tr>
<tr>
<td>5</td>
<td>Storage Facility</td>
<td>M2 - Heavy Industrial</td>
<td>Enclosed &quot;mini- storage&quot; facility with gated entry</td>
<td>4.73 Acres</td>
</tr>
<tr>
<td>6</td>
<td>Staffing Service</td>
<td>M2 - Heavy Industrial</td>
<td>Office space and parking</td>
<td>EST- 5,000</td>
</tr>
<tr>
<td>7</td>
<td>Sales</td>
<td>M2 - Heavy Industrial</td>
<td>Office, warehouse and yard space</td>
<td>EST- 25,000</td>
</tr>
<tr>
<td>8</td>
<td>Sales</td>
<td>M2 - Heavy Industrial</td>
<td>Office, warehouse and yard space</td>
<td>EST- 20,000</td>
</tr>
<tr>
<td>9</td>
<td>Logistics</td>
<td>M2 - Heavy Industrial</td>
<td>Office, warehouse and yard space</td>
<td>EST- 25,000-75,000</td>
</tr>
<tr>
<td>10</td>
<td>Manufacturing &amp; Sales</td>
<td>M2 - Heavy Industrial</td>
<td>Office, showroom and warehouse</td>
<td>EST- 25,000</td>
</tr>
<tr>
<td>11</td>
<td>Electroplating</td>
<td>M2 - Heavy Industrial</td>
<td>Office, industrial/manufacturing space, and shipping area</td>
<td>13,190</td>
</tr>
<tr>
<td>12</td>
<td>Machine shop</td>
<td>M1 - Light Industrial</td>
<td>Office and manufacturing/shop space</td>
<td>10,460</td>
</tr>
<tr>
<td>13</td>
<td>Manufacturing &amp; Sales</td>
<td>M1 - Light Industrial</td>
<td>Office and manufacturing space</td>
<td>10,033</td>
</tr>
<tr>
<td>14</td>
<td>Manufacturing &amp; Sales</td>
<td>M2 - Heavy Industrial</td>
<td>Office, industrial manufacturing and distribution space, occupies two other buildings in the vicinity.</td>
<td>14,000 directly impacted (38,500 total sf of all 3 buildings)</td>
</tr>
<tr>
<td>15</td>
<td>Machine shop</td>
<td>M2 - Heavy Industrial</td>
<td>Office and manufacturing/shop space</td>
<td>3,000</td>
</tr>
<tr>
<td>16</td>
<td>Construction business</td>
<td>M2 – Heavy Industrial</td>
<td>Office and parking for construction trucks</td>
<td>3,000</td>
</tr>
<tr>
<td>17</td>
<td>Construction business</td>
<td>M2 – Heavy Industrial</td>
<td>Office space</td>
<td>3,500</td>
</tr>
</tbody>
</table>

**City of San Jose Occupants**

Based on the preliminary engineering design, the proposed acquisitions within the City of San Jose will affect three entities who own investment properties but who do not occupy the properties. Twenty businesses will need to relocate to accommodate the Project construction, and two occupants and the occupants of an outdoor storage facility will be able to remain at their existing locations if they reconfigured personal property and inventory on the sites that they occupy. One of these occupants is a public agency maintenance facility.

Each of the 20 tenants in the San Jose area is a tenant occupant. There are an estimated 15 vacancies on the potentially impacted properties.

Table 4.3 describes the current occupants of the Project area, approximate square footage of their current location and zoning.
Table 4.3, Potentially Impacted Occupants in the City of San Jose.

<table>
<thead>
<tr>
<th>Count</th>
<th>Type</th>
<th>Current Zoning</th>
<th>Description of Space</th>
<th>Size/SF</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mfg</td>
<td>A (PD) - General Industrial</td>
<td>Large industrial space, heavy machinery, tanks, dock, offices</td>
<td>24,700 sf</td>
</tr>
<tr>
<td>2</td>
<td>Print</td>
<td>A (PD) - General Industrial</td>
<td>Office and shop space</td>
<td>4000 sf</td>
</tr>
<tr>
<td>3</td>
<td>Rest</td>
<td>A (PD) - General Industrial</td>
<td>Office, dock, warehouse space</td>
<td>7,500 sf</td>
</tr>
<tr>
<td>4</td>
<td>Log</td>
<td>A (PD) - General Industrial</td>
<td>Office, dock, warehouse space</td>
<td>25,000 sf</td>
</tr>
<tr>
<td>5</td>
<td>Dist</td>
<td>A (PD) - General Industrial</td>
<td>Office, dock, warehouse space</td>
<td>20,000 sf</td>
</tr>
<tr>
<td>6</td>
<td>Whs</td>
<td>A (PD) - General Industrial</td>
<td>Office/ warehouse, dock and showroom space</td>
<td>12,700 sf</td>
</tr>
<tr>
<td>7</td>
<td>Whs</td>
<td>A (PD) - General Industrial</td>
<td>Office/ warehouse, dock and showroom space</td>
<td>30,000 sf</td>
</tr>
<tr>
<td>8</td>
<td>Manu</td>
<td>A (PD) - General Industrial</td>
<td>Office, dock and manufacturing space</td>
<td>5,000 sf</td>
</tr>
<tr>
<td>9</td>
<td>Manu</td>
<td>A (PD) - General Industrial</td>
<td>Office, dock and manufacturing space</td>
<td>5,000 sf</td>
</tr>
<tr>
<td>10</td>
<td>Mfg</td>
<td>IP - Industrial Park</td>
<td>Office, dock and manufacturing space</td>
<td>30,000 sf</td>
</tr>
<tr>
<td>11</td>
<td>Off</td>
<td>IP - Industrial Park</td>
<td>Office space</td>
<td>5,000 sf</td>
</tr>
<tr>
<td>12</td>
<td>Movers</td>
<td>LI – Light Industrial</td>
<td>Commercial warehouse, dock, interior storage and commercial truck parking</td>
<td>32,580 sf</td>
</tr>
<tr>
<td>13</td>
<td>Groc</td>
<td>LI – Light Industrial</td>
<td>Office, dock, warehouse space</td>
<td>10,000 sf</td>
</tr>
<tr>
<td>14</td>
<td>Groc</td>
<td>LI – Light Industrial</td>
<td>Office, dock, warehouse space</td>
<td>10,000 sf</td>
</tr>
<tr>
<td>15</td>
<td>Mfg</td>
<td>IP - Industrial Park</td>
<td>Office, dock and manufacturing space</td>
<td>25,000 sf</td>
</tr>
<tr>
<td>16</td>
<td>Cmpt</td>
<td>IP - Industrial Park</td>
<td>Office, dock warehouse space</td>
<td>10,000 sf</td>
</tr>
<tr>
<td>17</td>
<td>Rec</td>
<td>LI – Light Industrial</td>
<td>Warehouse and dock</td>
<td>5,000 sf</td>
</tr>
<tr>
<td>18</td>
<td>Mach</td>
<td>LI – Light Industrial</td>
<td>Shared space, office and shop</td>
<td>5,000 sf</td>
</tr>
<tr>
<td>19</td>
<td>Auto</td>
<td>LI – Light Industrial</td>
<td>Office, automotive painting, body repair work</td>
<td>Shares 10,982 sf</td>
</tr>
<tr>
<td>20</td>
<td>Auto</td>
<td>LI – Light Industrial</td>
<td>Office, automotive painting, body repair work</td>
<td>Shares 10,982 sf</td>
</tr>
</tbody>
</table>
4.1 Impact to Residential Occupants

The Project may impact one household who owns and occupies a mobile home in a mobile home park in Milpitas. If this household is required to relocate, VTA will assist them in securing a comparable mobile home for sale in a mobile home park. The second residential unit is occupied by an on-site manager who is employed by a storage facility. If an alternative live/work situation cannot be secured with the storage facility, VTA will assist the household in secure a comparable apartment for rent in the area.

When VTA initiates negotiations with the property owner, a Relocation Advisor will meet with each household to determine current housing costs, dwelling characteristics, occupant housing needs, and household income. This information will allow VTA to provide meaningful assistance to the occupants to secure replacement housing and to receive assistance under VTA’s Relocation Assistance Program.

4.2 Overcrowded Conditions for Residential Occupants

It is anticipated that overcrowding does not exist. However, if either household is in need of a larger replacement housing unit in order to meet the standards of decent, safe and sanitary, they will be provided the necessary additional assistance to secure replacement housing that accommodates the size of their household.

4.3 Accessibility Needs

None of the business owners who were interviewed reported having employees with special needs that required handicap access at the existing property or at a future replacement property. Interviews with the residential occupants will provide information as to household accessibility needs. If an occupant reveals that any special needs exist, VTA will provide any additional advisory assistance that is required in order to identify and secure housing that is fully accessible to the occupant.

4.4 Other Special Needs

The majority of impacted businesses will need significant lead-time to allow the business owners to identify adequate replacement sites and to plan for the design, permitting and actual move of personal property and equipment. Relocation Advisors will work closely with the business owners to keep them apprised of the Project schedule. In addition, Relocation Advisors will provide information on available replacement sites and compensation under VTA’s Relocation Assistance Program.

VTA will make each occupant aware of their eligibility to receive relocation assistance as offers are made to the property owners. This will allow the maximum number of months for business to work with their Relocation Advisor to identify and relocate to replacement sites.

4.5 Language

Most occupants speak English as their primary language or are able to communicate in English. If language assistance is necessary, VTA will make every reasonable effort to communicate with those occupants and provide translation and interpretation services.
4.6 Residential Occupancy and Affordability

VTA’s Relocation Assistance Program will provide Replacement Housing Payments to help the occupants with the increased costs related to securing comparable replacement housing.

VTA will provide Rental Assistance to make up the difference between the tenants’ existing rent and utilities and the cost to secure rent and utilities in the area for a comparable replacement dwelling. Rental Assistance for the mobile home occupant will be available if space rent and utility costs for a comparable mobile home space increase after relocation. Rental Assistance for the on-site manager will be available if the cost for rent and utilities for a comparable replacement apartment increase after relocation with consideration given to the economic rent for the unit the manager is occupying. This assistance is provided for a maximum of 42 months. Additional assistance may be available if a household is low-income as determined by the U.S. Department of Housing and Urban Development. The Median Family Income in the County of Santa Clara is $103,500. Federal regulations state that if a tenant-occupied household qualifies as “low-income” then replacement housing costs should not exceed 30% of the household’s monthly gross income. If it is determined that the tenant-occupied household is low-income, VTA will provide assistance so that rent for a comparable replacement dwelling will not exceed 30% of the household’s gross monthly income.

The owner occupant of the mobile home also may be eligible to receive assistance with the increased costs to purchase a comparable replacement mobile home. Additional assistance may be available for incidental expenses and increased loan costs related to purchasing a comparable mobile home.

Rental Assistance is limited to $5,250 and the mobile home Replacement Housing Payment is limited to $22,500 unless households qualify for assistance under VTA’s Last Resort Housing Program that is described in Section 6.4.3 of this Relocation Plan. VTA will make that determination when each household is interviewed and a thorough analysis of available, comparable housing resources is completed.

If VTA provides the assistance as described above, replacement housing should be affordable to the two potentially affected households.

4.7 Transportation

Business owners reported that the majority of employees do not rely on public transportation when commuting to work. It is assumed that the residential occupants rely primarily on private transportation. If occupants request information regarding replacement sites close to public transportation, VTA will work diligently to identify sites that will allow access to public transportation.

4.8 Impact to Business Employees

It is anticipated that the employees of the 37 potentially impacted businesses would be affected if the businesses are required to relocate. If businesses are able to move to sites within Milpitas and San Jose, impact to employees likely will be minimal.
5.0 RELOCATION RESOURCES

As presently planned, VTA will begin negotiations with property owners in late 2010 and early 2011. Relocation Advisors will begin to work with each occupant once VTA presents a written offer to the property owner.

VTA plans to assist the eligible occupants to successfully relocate in the community. Much effort has been made to identify sites in the Cities of Milpitas and San Jose that will accommodate the two displaced households, 37 businesses, and 875 storage tenants who may be required to move from their present locations under the current preliminary design.

VTA also may acquire portions of three properties which VTA will assist in reconfiguring to avoid the need for the occupants to relocate to different properties. Accordingly, this Relocation Plan does not include an analysis of potentially available sites for 43 storage occupants of an outdoor market, the tenants of an outdoor storage facility, and a public agency.

5.1 Mobile Homes for Sale in Mobile Home Parks

The Project may impact one household who owns and occupies a mobile home in a mobile home park in Milpitas. If this household is required to relocate, VTA will assist them in locating a comparable mobile home for sale in a mobile home park. Following is a sampling of mobile homes that are currently listed for sale in the area. No determination has been made as to the direct comparability of these mobile homes to the mobile home that may be impacted by the project. That determination will be made if the Project ultimately affects the dwelling.

Table 5.1, Demonstration of Area Mobile Homes for Sale

<table>
<thead>
<tr>
<th>Address</th>
<th>Bedrooms/Baths</th>
<th>List Price</th>
<th>Monthly Space Rent</th>
</tr>
</thead>
<tbody>
<tr>
<td>120 Dixon Landing Road, #74 Milpitas, CA</td>
<td>3/2</td>
<td>$170,000</td>
<td>$695</td>
</tr>
<tr>
<td>120 Dixon Landing Road, #96 Milpitas, CA</td>
<td>3/2</td>
<td>$168,000</td>
<td>$573</td>
</tr>
<tr>
<td>1515 North Milpitas Blvd., #59 Milpitas, CA</td>
<td>2/2</td>
<td>$160,000</td>
<td>Unknown</td>
</tr>
<tr>
<td>1520 East Capital Expy, #127 San Jose, CA</td>
<td>3/2</td>
<td>$119,900</td>
<td>$733</td>
</tr>
<tr>
<td>141 Chateau La Salle, #141 San Jose, CA</td>
<td>3/2</td>
<td>$185,000</td>
<td>$885</td>
</tr>
</tbody>
</table>

5.2 Residential Two-Bedroom Apartments

If the one on-site manager of the storage facility is required to move, and a similar live/work situation is not available through their employer, that household may need to secure a two-bedroom apartment in the City of Milpitas. Research conducted in June of 2010 identified six available two-bedroom apartments for lease in the City of Milpitas. The information provided in table 5.2 is representative of the properties that might be available at the time that the household would be searching for comparable replacement housing.
Table 5.2, Demonstration of Two-Bedroom Apartments for Rent  
City of Milpitas

<table>
<thead>
<tr>
<th>Address</th>
<th>Rent/mo.</th>
<th>Security Deposit</th>
<th>Description/Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>2021 N. Milpitas Avenue</td>
<td>$1,300</td>
<td>$1,350</td>
<td>Water and garbage included, gated community, assigned parking, washer/dryer hook-up, swimming pool, central A/C</td>
</tr>
<tr>
<td>133 N. Temple Drive</td>
<td>$1,325</td>
<td>$500</td>
<td>Assigned parking space, swimming pool, on-site laundry room</td>
</tr>
<tr>
<td>1147 N. Abbott Avenue</td>
<td>$1,395</td>
<td>$1,395</td>
<td>In unit laundry, pool, remodeled kitchen</td>
</tr>
<tr>
<td>480 Bayview Park Drive</td>
<td>$1,150</td>
<td>$1,400</td>
<td>In unit laundry, pool, renovated units</td>
</tr>
<tr>
<td>231 Dixon Landing Road</td>
<td>$1,250</td>
<td>$800</td>
<td>Washer/dryer hook-ups in unit, balcony, fireplace, pool</td>
</tr>
<tr>
<td>440 Dixon Landing Road</td>
<td>$1,490</td>
<td>Negotiable</td>
<td>Washer/dryer, extra storage space, pool, club house, balcony</td>
</tr>
</tbody>
</table>

The household may not be required to pay rent for the apartment if it is included as part of the on-site manager’s compensation. The exact amount of rent that is compensated may be clear in an employment contract. If not, VTA will determine economic rent for the dwelling.

5.3 Industrial Properties for Lease

Research was conducted in June and July 2010 to determine the types of properties that are available for lease that may accommodate the 17 affected businesses in Milpitas. Ten businesses currently lease space in Milpitas and will need to secure replacement sites that will accommodate their businesses. Those businesses are currently leasing light industrial/warehouse space.

The table below lists industrial properties available for lease in the City of Milpitas. These sites are representative of the properties that may be available at the time the businesses will be seeking replacement sites. It is anticipated that additional properties will become available for lease during the course of the Project and that the affected businesses will have the opportunity to consider similar available sites.
### Table 5.3, Demonstration of Industrial Properties for Lease, City of Milpitas

<table>
<thead>
<tr>
<th>Address</th>
<th>Improvement and Yard Size</th>
<th>Type</th>
<th>Zoning¹</th>
<th>Rent/Mo.</th>
<th>Description/Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>N. Milpitas Blvd.</td>
<td>7,766 sf imp</td>
<td>Office &amp; Warehouse</td>
<td>MP</td>
<td>$5,902</td>
<td>Industrial unit with small office, sprinklered, grade level roll-up door and dock</td>
</tr>
<tr>
<td>1053 Sinclair Frontage</td>
<td>30,200 sf imp 15,000 sf yard</td>
<td>Office &amp; Warehouse</td>
<td>M2</td>
<td>$10,570</td>
<td>Heavy electrical, 2 grade level doors, dock, 1,250 sf of office space, sprinklered, can be combined with 1039 Sinclair for 61,366 sf of space, 15,000 sf yard isn't included in rent but can be added</td>
</tr>
<tr>
<td>1039 Sinclair Frontage</td>
<td>31,166 sf imp 15,000 sf yard</td>
<td>Office &amp; Warehouse</td>
<td>M2</td>
<td>$10,908</td>
<td>Heavy electrical, 2 grade level doors, 800SF of office space, sprinklered, can be combined with 1053 Sinclair for 61,366 sf of space, 15,000 sf yard isn't included in rent but can be added</td>
</tr>
<tr>
<td>1021-1071 Yosemite</td>
<td>25,719 - 169,195 sf imp</td>
<td>Office &amp; Warehouse</td>
<td>M2</td>
<td>$11,573 - $76,137</td>
<td>Industrial warehouse space</td>
</tr>
<tr>
<td>521 Sinclair Frontage</td>
<td>1,716 sf imp</td>
<td>Office &amp; Warehouse</td>
<td>M2</td>
<td>$1,355</td>
<td>Office and warehouse/showroom space, double door main entrance</td>
</tr>
<tr>
<td>487 Los Coches</td>
<td>2,550 sf imp</td>
<td>Office &amp; Warehouse</td>
<td>MP</td>
<td>$1,912</td>
<td>Flex or R&amp;D space, reception area, open work area, private office, grade level door</td>
</tr>
<tr>
<td>765 Ames Avenue</td>
<td>1,810 sf imp</td>
<td>Office &amp; Warehouse</td>
<td>M2</td>
<td>$1,538</td>
<td>Industrial, manufacturing space</td>
</tr>
<tr>
<td>556 S. Milpitas Blvd.</td>
<td>30,813 - 58,048 sf imp</td>
<td>Office &amp; Warehouse</td>
<td>M2</td>
<td>$7,703 - $14,512</td>
<td>Office space, grade level door, 20' clear height warehouse, 1,000 Amps of power</td>
</tr>
<tr>
<td>1039 Montague Expwy</td>
<td>6,400 sf imp</td>
<td>Office &amp; Warehouse</td>
<td>M2</td>
<td>$3,776</td>
<td>500 sf office space with warehouse, dock, truck staging space, 18'-20' clear height</td>
</tr>
<tr>
<td>418-482 Abbott Avenue</td>
<td>10,566-141,658 sf imp</td>
<td>Office &amp; Warehouse</td>
<td>MP</td>
<td>$6,234 - $83,578</td>
<td>Multiple spaces in Calaveras Center, can be combined</td>
</tr>
<tr>
<td>562 S. Milpitas Blvd.</td>
<td>27,235 - 58,048 sf imp</td>
<td>Office &amp; Warehouse</td>
<td>M2</td>
<td>Negotiable</td>
<td>Industrial warehouse space</td>
</tr>
<tr>
<td>1909-1971 Milmont Drive</td>
<td>23,676 sf imp</td>
<td>Office &amp; Warehouse</td>
<td>MLP</td>
<td>$13,968</td>
<td>Industrial, R&amp;D space</td>
</tr>
<tr>
<td>500 Yosemite Drive</td>
<td>6,418 - 16,462 sf imp</td>
<td>Office &amp; Warehouse</td>
<td>M2</td>
<td>$8,022 - $20,577</td>
<td>Industrial, R&amp;D space, currently expanding</td>
</tr>
<tr>
<td>500-530 Alder Drive</td>
<td>4,663 - 31,544 sf imp</td>
<td>Office &amp; Warehouse</td>
<td>MPS</td>
<td>$4,150 - $28,074</td>
<td>Part of 11 building complex Tasman Technology Park, multiple spaces available</td>
</tr>
<tr>
<td>356-374 Milpitas Blvd.</td>
<td>6,117-8,441 sf imp</td>
<td>Office &amp; Warehouse</td>
<td>M2</td>
<td>$4,282 - $5,909</td>
<td>Industrial, R&amp;D space</td>
</tr>
<tr>
<td>575 Cottonwood Drive</td>
<td>50,272 - 154,238 sf imp</td>
<td>Office &amp; Warehouse</td>
<td>MP</td>
<td>$50,271 - $114,136</td>
<td>Part of Oak Creek Business Park, office, lab, assembly space, shipping and receiving docks</td>
</tr>
<tr>
<td>1623 Buckeye Drive</td>
<td>55,612 sf imp</td>
<td>Office &amp; Warehouse</td>
<td>MPS</td>
<td>$36,147</td>
<td>Part of Oak Creek Business Park, grade level doors</td>
</tr>
<tr>
<td>1075 Montague Expwy</td>
<td>33,500 sf imp</td>
<td>Office &amp; Warehouse</td>
<td></td>
<td>$15,075</td>
<td>Industrial warehouse space</td>
</tr>
<tr>
<td>308-396 Abbott Avenue</td>
<td>1,078- 4,580 sf imp</td>
<td>Office</td>
<td>MP</td>
<td>$1,024 - $4,351</td>
<td>Office space in Calaveras Center</td>
</tr>
<tr>
<td>960 Jacklin Road</td>
<td>1,600 - 3,309 sf imp</td>
<td>Office</td>
<td>CO</td>
<td>$2,640 - $5,459</td>
<td>Office space in Jacklin Commons Office Center</td>
</tr>
</tbody>
</table>

¹ City of Milpitas Zoning Districts: **MP(S)** – Industrial Park; **M1** - Light Industrial; **M2** - Heavy Industrial
Twenty businesses currently lease space in San Jose and may need to find replacement sites that will accommodate their businesses. Those businesses are currently leasing light industrial/warehouse space.

The table below lists industrial types of properties available for lease in the City of San Jose for the months of June and July 2010. These sites are representative of the properties that may be available at the time the businesses will be seeking replacement sites. It is anticipated that additional properties will become available for lease during the course of the Project and that the affected businesses will have the opportunity to consider additional available sites. Table 5.4 lists industrial types of properties recently available for lease in the City of San Jose.

### Table 5.4, Demonstration of Industrial Properties for Lease in the City of San Jose

<table>
<thead>
<tr>
<th>Address</th>
<th>Improvement and Yard Size</th>
<th>Type</th>
<th>Zoning</th>
<th>Rent/Mo.</th>
<th>Description/Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1455 N. Milpitas Blvd.</td>
<td>7,766 sf imp</td>
<td>Office &amp; Warehouse</td>
<td>M2 or I</td>
<td>$5,979</td>
<td>Industrial unit, sprinklered, grade level and dock high loading, near 880 and 680</td>
</tr>
<tr>
<td>1603-1629 Main Street</td>
<td>1,000 - 4,000 sf imp</td>
<td>Office &amp; Warehouse</td>
<td>MD</td>
<td>Negotiable</td>
<td>Multiple office units available in South Bay Tech Center</td>
</tr>
<tr>
<td>372 Turquoise Street</td>
<td>9,515 sf imp</td>
<td>Office &amp; Warehouse</td>
<td>M2</td>
<td>$7,136</td>
<td>2 roll-up doors, dock loading, 2 private offices</td>
</tr>
<tr>
<td>1488 Seareel Lane</td>
<td>16,151 imp 5,000 yard</td>
<td>Office &amp; Warehouse Space</td>
<td>IP</td>
<td>$8,883</td>
<td>Building on lot including a 5,000 sf fenced yard, dock and grade level loading</td>
</tr>
<tr>
<td>Paragon Drive @ Charcot</td>
<td>20,710 imp 1 acre yard</td>
<td>Office &amp; Warehouse Space</td>
<td>LI</td>
<td>$11,500</td>
<td>1 Acre lot with fenced yard, 4 grade level doors, small office area in warehouse</td>
</tr>
<tr>
<td>Seareel Lane @ Oakland Road</td>
<td>7,470 imp 10,000 yard</td>
<td>Office &amp; Warehouse Space</td>
<td>LI</td>
<td>$4,900</td>
<td>Former machine shop, includes back-up generator, fenced yard and parking area</td>
</tr>
<tr>
<td>1670 Zanker Road</td>
<td>6,140 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>HI</td>
<td>$3,600</td>
<td>6,140 available for lease, full building is also for sale, plug &amp; play small office, grade level door, parking</td>
</tr>
<tr>
<td>1746 Junction Avenue</td>
<td>10,040 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>HI</td>
<td>$7,530</td>
<td>Includes 5 offices, break room, 4,000 sf warehouse, 1 dock and 2 grade level doors, can be combined with Suites A &amp; B</td>
</tr>
<tr>
<td>1746 Junction Avenue</td>
<td>9,040 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>HI</td>
<td>$6,780</td>
<td>Includes 3 offices, break room, warehouse space with 1 dock, can be combined with Suites A &amp; B</td>
</tr>
<tr>
<td>1670 Las Plumas</td>
<td>12,048 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>LI</td>
<td>Negotiable</td>
<td>860 sf office space, 1 grade level door, 2 dock high doors, sprinklered</td>
</tr>
<tr>
<td>1968 Hartog Drive</td>
<td>4,600 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>LI(PD)</td>
<td>$3,400</td>
<td>15% office space, 200 Amps service, front dock and rear grade level doors</td>
</tr>
<tr>
<td>Paragon Drive @ O'Toole</td>
<td>20,000 imp</td>
<td>Office &amp; Warehouse Space</td>
<td></td>
<td>$10,000</td>
<td>2 grade level doors, 2 fenced yard areas, 18' clear height.</td>
</tr>
</tbody>
</table>

2 City of San Jose Zoning Districts: **IP** - Industrial Park; **LI** - Light Industrial; **HI** - Heavy Industrial; **A(PD)** - Planned Development.
<table>
<thead>
<tr>
<th>Address</th>
<th>Improvement and Yard Size</th>
<th>Type</th>
<th>Zoning</th>
<th>Rent/Mo.</th>
<th>Description/Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>830-6 Jury Court</td>
<td>5,579 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>HI</td>
<td>$5,500</td>
<td>Office area, with lab space including N2 gas and H2O plumbing manifolds, roll-up door, end unit</td>
</tr>
<tr>
<td>215 East Alma</td>
<td>29,850 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>HI</td>
<td>$7,463</td>
<td>Heavy power -1500 Amps, 3 phase, sprinklered, dedicated rail spur</td>
</tr>
<tr>
<td>Oakland Road @ Faulstitch Court</td>
<td>32,891 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>LI</td>
<td>$32,891</td>
<td>Freestanding building, with large yard, dock and grade level loading, 1000 Amps of power, 23' clear height</td>
</tr>
<tr>
<td>1345 Vander Way</td>
<td>3,500 imp 6,000 yard</td>
<td>Office &amp; Warehouse Space</td>
<td>HI</td>
<td>$4,000</td>
<td>Fenced yard, small office space, long-term sublease</td>
</tr>
<tr>
<td>700 Charcot Avenue</td>
<td>1,473 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>IP</td>
<td>$1,090</td>
<td>Flex space in office park setting, office area and warehouse with roll-up door</td>
</tr>
<tr>
<td>2001 O'Toole</td>
<td>1,600 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>IP</td>
<td>$1,184</td>
<td>Flex space in office park setting with reception area, open area, 100 Amps, 1 grade level roll-up door</td>
</tr>
<tr>
<td>Auzerais Street @ Bird Avenue</td>
<td>3,000 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>LI</td>
<td>$2,400</td>
<td>Shop space with small office, roll-up door</td>
</tr>
<tr>
<td>1751 Fox Drive</td>
<td>32,338 - 64,983 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>IP</td>
<td>$27,487 - $55,235</td>
<td>Ridder Park Technology Center</td>
</tr>
<tr>
<td>1705 Junction Court</td>
<td>39,240 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>HI</td>
<td>$17,658</td>
<td>Junction Industrial Park, part of 4 building complex</td>
</tr>
<tr>
<td>1751 Fox Drive</td>
<td>32,338-64,983 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>IP</td>
<td>$24,487 - $64,983</td>
<td>Multiple spaces, can be combined, Ridder Park Technology Center</td>
</tr>
<tr>
<td>199 Martha Street</td>
<td>17,400 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>LI</td>
<td>$9,570</td>
<td>Office 1,000 sf, warehouse 16,400 sf, 18' clear height, sprinklered, 600 Amps, 240 volts, 3 phase power</td>
</tr>
<tr>
<td>587 Cinnabar Street</td>
<td>45,680 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>HI</td>
<td>$22,383</td>
<td>Warehouse or distribution facility, 3 grade level doors, 22' clear height, sprinklered, energy efficient lighting, 700 Amps available</td>
</tr>
<tr>
<td>1635-1695 S 7th Street</td>
<td>12,719 - 55,875 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>HI</td>
<td>$9,539 - $41,906</td>
<td>Monterey Technology Center, shared dock, 20' clear height, sprinklered, 225 Amps, 480 volts, 3 phase power</td>
</tr>
<tr>
<td>119 Component Drive</td>
<td>13,685 - 17,265 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>IP</td>
<td>$5,337 - $6,733</td>
<td>Part of 3 building industrial park, dock and grade level loading</td>
</tr>
<tr>
<td>575 Dado Street</td>
<td>21,936 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>HI</td>
<td>$15,135</td>
<td>800 Amp, 277/480 volts, 2 docks, sprinklered, can include fenced yard space</td>
</tr>
<tr>
<td>1715 Little Orchard Street</td>
<td>2,000 - 6,750 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>HI</td>
<td>$1,600 - $5,400</td>
<td>Roll-up door, office space, 100 Amp, 3 phase 120/208 volt power</td>
</tr>
<tr>
<td>1800 Bering Road</td>
<td>8,000 - 31,415 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>IP</td>
<td>$7,600 - $29,844</td>
<td>Tripoint Business Park, industrial R&amp;D space, near Zanker Road</td>
</tr>
<tr>
<td>230 Devcon Road &amp; 1821 Zanker Road</td>
<td>12,000 - 45,878 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>HI</td>
<td>$11,400 - $43,584</td>
<td>Tripoint Business Park, industrial R&amp;D space, near Zanker Road</td>
</tr>
<tr>
<td>1520 Montague Expwy.</td>
<td>4,050 - 5,200 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>IP</td>
<td>$2,794 - $3,588</td>
<td>Montague Industrial Center, 6 building complex</td>
</tr>
</tbody>
</table>

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Page 17 of 39
<table>
<thead>
<tr>
<th>Address</th>
<th>Improvement and Yard Size</th>
<th>Type</th>
<th>Zoning</th>
<th>Rent/Mo.</th>
<th>Description/Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>2105 Lundy Avenue</td>
<td>11,104 - 35,516 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>IP</td>
<td>$7,772-$24,861</td>
<td>International Business Park, corners on Concourse Drive</td>
</tr>
<tr>
<td>1540 Montague Expwy.</td>
<td>10,500 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>IP</td>
<td>$7,245</td>
<td>Montague Industrial Center, 6 building complex</td>
</tr>
<tr>
<td>1345 N. 10th Street</td>
<td>8,000 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>LI</td>
<td>$4,800</td>
<td>Industrial/manufacturing</td>
</tr>
<tr>
<td>1919 Monterey Road</td>
<td>9,805 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>IP</td>
<td>$6,373</td>
<td>Office, warehouse, showroom, 27' clear height, 4 dock doors</td>
</tr>
<tr>
<td>681 Lenfest Road</td>
<td>11,345 - 12,345 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>LI</td>
<td>$8,281-$16,311</td>
<td>Warehouse and distribution space, 2 levels, 6,400 sf office, grade level truck doors, possible additional yard space</td>
</tr>
<tr>
<td>1885 Las Plumas</td>
<td>65,173 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>LI</td>
<td>$26,069</td>
<td>Food processing with coolers, distribution warehouse</td>
</tr>
<tr>
<td>85 Old Tully Road</td>
<td>1,100 imp, 1 acre yard</td>
<td>Office &amp; Yard</td>
<td>HI</td>
<td>Negotiable</td>
<td>1 acre fence site, grade level door, 400 Amps</td>
</tr>
<tr>
<td>1705 Junction Court</td>
<td>39,240 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>HI</td>
<td>$17,658</td>
<td>Industrial warehouse space, part of a larger 4 building complex, IG</td>
</tr>
<tr>
<td>425 Auzerais Avenue</td>
<td>2,369 - 7,769 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>LI</td>
<td>$1,303-$4,273</td>
<td>Shop space, showroom and office area with street signage available</td>
</tr>
<tr>
<td>2528 Qume Drive</td>
<td>5,481 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>IP</td>
<td>$6,577</td>
<td>Fortune Campus-Qume, R&amp;D space, Industrial Condo complex unit</td>
</tr>
<tr>
<td>2000 Ringwood Avenue</td>
<td>124,500 imp</td>
<td>Office &amp; Warehouse Space</td>
<td></td>
<td>$93,375</td>
<td>R&amp;D manufacturing facility for sale or lease, 41,000 sf of office, 23,000 sf of warehouse with clear height of 28'</td>
</tr>
<tr>
<td>1867 Senter Road</td>
<td>127,710 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>LI</td>
<td>$95,782</td>
<td>Manufacturing facility for sale or lease</td>
</tr>
<tr>
<td>2555 Lafayette Street</td>
<td>1,320 - 8,400 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>Varies</td>
<td></td>
<td>Multiple units available, can be combined, yard space available, showroom space, automotive</td>
</tr>
<tr>
<td>Pacer Lane @ Monterey Road</td>
<td>1,440 imp, 9,000 yard</td>
<td>Yard w/ trailer</td>
<td></td>
<td>$3,500</td>
<td>Fenced and paved yard with 5 room office trailer</td>
</tr>
<tr>
<td>914 Stockton Avenue</td>
<td>1,000 imp, 14,000 yard</td>
<td>Yard w/ trailer</td>
<td>LI</td>
<td>Negotiable</td>
<td>Large fenced yard with trailer for lease or sale, security camera system on-site</td>
</tr>
<tr>
<td>831 S. 2nd Street</td>
<td>7,125 yard</td>
<td>Yard</td>
<td>CN</td>
<td>Negotiable</td>
<td>Fenced yard space, can be combined with a unit on site</td>
</tr>
<tr>
<td>50 S. Montgomery</td>
<td>5,678 yard with trailer</td>
<td>Yard w/ trailer</td>
<td>LI</td>
<td>$2,350</td>
<td>Fenced, paved yard with office trailer</td>
</tr>
<tr>
<td>85 Old Tully Road</td>
<td>1,100 imp, 1 acre yard, 1 Acre</td>
<td>Yard w/ trailer</td>
<td>HI</td>
<td>Negotiable</td>
<td>1 acre fence site, grade level door, 400 amps</td>
</tr>
<tr>
<td>1893 Dobbin Drive</td>
<td>20,000 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>LI</td>
<td>$15,000</td>
<td>16'-18' clear height, heavy power, metal halide lighting, sprinklered, 1 grade level door</td>
</tr>
<tr>
<td>1895 Dobbin Drive</td>
<td>12,500 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>LI</td>
<td>$9,375</td>
<td>Lab space 16'-18' clear height, heavy power, sprinklered, 1 grade level door</td>
</tr>
<tr>
<td>1895 Dobbin Drive</td>
<td>7,500 imp</td>
<td>Office &amp; Warehouse Space</td>
<td>LI</td>
<td>$5,620</td>
<td>18' clear height, heavy power, sprinklered, 1 grade level door</td>
</tr>
</tbody>
</table>
5.4 Industrial Properties for Sale

Research was conducted in June and July 2010 to determine the types of properties that were available for sale that might accommodate the seven owner occupied businesses in Milpitas. Four of the businesses are owned by one property owner/occupant. One potentially impacted business is a large self storage facility. No similar storage facilities were found to be available for purchase in Milpitas during the search period.

The table below lists industrial types of properties available for sale in the City of Milpitas for the months of June and July 2010. These sites are representative of the properties that may be available at the time the businesses will be seeking replacement sites. It is anticipated that additional properties will become available for sale during the course of the Project and that the affected businesses will have the opportunity to consider additional available sites. Table 5.5 lists industrial types of properties recently available for sale in the City of Milpitas.

<table>
<thead>
<tr>
<th>Address</th>
<th>Improvement and Lot Size</th>
<th>Type</th>
<th>Zoning</th>
<th>Rent/Mo.</th>
<th>Description/Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>985 Montague Expwy</td>
<td>9,760 imp 4.6 acre lot</td>
<td>Warehouse &amp; Yard</td>
<td>M25</td>
<td>$6,600,000</td>
<td>Available for purchase or lease, industrial building with docks, corner location, large fenced yard</td>
</tr>
<tr>
<td>370-380 Montague Expwy</td>
<td>14,823 imp</td>
<td>Office &amp; Warehouse</td>
<td>Unverifiable</td>
<td>$2,800,000</td>
<td>Lender owned, single story building currently divided into two units. Built in 1985</td>
</tr>
<tr>
<td>462-472 Vista Way</td>
<td>29,630 imp 50,062 sf lot</td>
<td>Office &amp; Warehouse</td>
<td>M2</td>
<td>$3,644,490</td>
<td>R&amp;D building, divisible in to 5 units, built in 1982, docks and grade level doors, 1,200 Amps, 99 parking spaces</td>
</tr>
<tr>
<td>1600 California Circle</td>
<td>44,820 imp</td>
<td>Office &amp; Warehouse</td>
<td>MP</td>
<td>Not disclosed</td>
<td>Divisible to 24,300 sf and 20,300 SF, 5 grade level doors, two docks, 20’ cleat height, 1,200 Amps, 3-pahse 277/480</td>
</tr>
<tr>
<td>750 E. Capitol Avenue</td>
<td>10,737 imp 5.48 acre lot</td>
<td>Industrial w/truck</td>
<td>M2</td>
<td>Not disclosed</td>
<td>Truck terminal facility situated on 5.48 acres, 7,800 SF dock, 28 loading gaps</td>
</tr>
</tbody>
</table>

Table 5.5, Demonstration of Industrial Properties for Sale in the City of Milpitas
<table>
<thead>
<tr>
<th>Address</th>
<th>Improvement and Lot Size</th>
<th>Type</th>
<th>Zoning</th>
<th>List Price</th>
<th>Description/Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1700 Sango Court</td>
<td>9,600 imp 1.31 acre lot</td>
<td>Office &amp; Warehouse</td>
<td>M25</td>
<td>$2,800,000</td>
<td>Within Milpitas Transit Specific Plan Area, potential residential development</td>
</tr>
<tr>
<td>1004 Hanson Court</td>
<td>9,600 imp</td>
<td>Office &amp; Warehouse</td>
<td>M1</td>
<td>$1,190,000</td>
<td>Concrete tilt-up building, can be divided in two, 2 roll-up grade level doors, 16' clear height, 25% office build-out</td>
</tr>
<tr>
<td>505-517 Fairview Way</td>
<td>7,184 imp</td>
<td>Office &amp; Warehouse</td>
<td>HS</td>
<td>$970,000</td>
<td>Part of a 3 building complex, R&amp;D, shared parking lot, built in 1984</td>
</tr>
</tbody>
</table>

### 5.5 Storage Space for Rent

There are 875 tenants who store personal property in a self-storage facility in Milpitas that potentially will need to relocate their personal property in order to accommodate the Project. VTA will provide those tenants with information on storage facilities with available space.

#### Table 5.6, Demonstration of Storage Facilities and RV Storage Areas in the Milpitas and San Jose Areas

**Indoor Storage Units**

<table>
<thead>
<tr>
<th>Saf Keep Storage</th>
<th>1680 S. Main Street, Milpitas, CA</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 x 5</td>
<td>$38</td>
</tr>
<tr>
<td>10 x 7</td>
<td>$64</td>
</tr>
<tr>
<td>10 x 10</td>
<td>$92</td>
</tr>
<tr>
<td>10 x 13</td>
<td>$103</td>
</tr>
<tr>
<td>12 x 24</td>
<td>$202</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Public Storage</th>
<th>1220 Dempsey Road, Milpitas, CA</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 x 5</td>
<td>$55</td>
</tr>
<tr>
<td>5 x 10</td>
<td>$65</td>
</tr>
<tr>
<td>5 x 15</td>
<td>$101</td>
</tr>
<tr>
<td>10 x 10</td>
<td>$121</td>
</tr>
<tr>
<td>10 x 15</td>
<td>$170</td>
</tr>
<tr>
<td>10 x 20</td>
<td>$189</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Public Storage</th>
<th>1080 Pecten Court, Milpitas, CA</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 x 5</td>
<td>$55</td>
</tr>
<tr>
<td>5 x 10</td>
<td>$65</td>
</tr>
<tr>
<td>5 x 15</td>
<td>$101</td>
</tr>
<tr>
<td>10 x 10</td>
<td>$121</td>
</tr>
<tr>
<td>10 x 15</td>
<td>$170</td>
</tr>
<tr>
<td>10 x 20</td>
<td>$189</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Public Storage</th>
<th>1601 Watson Court, Milpitas, CA</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 x 5</td>
<td>$55</td>
</tr>
<tr>
<td>5 x 10</td>
<td>$76</td>
</tr>
<tr>
<td>10 x 10</td>
<td>$123</td>
</tr>
<tr>
<td>10 x 10</td>
<td>$129</td>
</tr>
<tr>
<td>10 x 15</td>
<td>$160</td>
</tr>
<tr>
<td>10 x 15</td>
<td>$163</td>
</tr>
<tr>
<td>10 x 18</td>
<td>$193</td>
</tr>
<tr>
<td>10 x 30</td>
<td>$335</td>
</tr>
<tr>
<td>12 x 20</td>
<td>$261</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Storage City Self Storage</th>
<th>324 S. Main Street, Milpitas, CA</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 x 5</td>
<td>$59</td>
</tr>
<tr>
<td>5 x 10</td>
<td>$79</td>
</tr>
<tr>
<td>10 x 10</td>
<td>$139</td>
</tr>
<tr>
<td>10 x 15</td>
<td>$209</td>
</tr>
<tr>
<td>10 x 20</td>
<td>$259</td>
</tr>
<tr>
<td>10 x 23</td>
<td>$279</td>
</tr>
<tr>
<td>10 x 30</td>
<td>$369</td>
</tr>
</tbody>
</table>
6.0 RELOCATION ASSISTANCE PROGRAM

This portion of the Relocation Plan summarizes VTA’s Relocation Program for the Project. This summary has been provided for general information purposes only and should not be interpreted as law. Should this summary contain any information inconsistent with the laws governing relocation assistance, the laws will take precedence. VTA’s Relocation Program will be in compliance with federal regulations as cited in the Federal Law (42 U.S.C. 4061 et seq.) and its regulations (49 CFR Part 24) (the Uniform Act), and applicable State of California Relocation Law and Regulations.

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

VTA’s Business Relocation Assistance and Residential Relocation Assistance brochures are contained in Appendixes D and E, respectively.

6.1 Important Terms

Alien Not Lawfully Present. Under federal law, an alien not lawfully present in the United States is not eligible for relocation assistance. As defined by federal law, an alien not lawfully present in the United States includes (1) an alien present in the United States who has not been admitted or paroled in the United States pursuant to the Immigration and Nationality Act and whose stay in the United States has not been authorized by the U.S. Attorney General; or (2) an alien who is present in the United States after the expiration of the period of stay authorized by the U.S. Attorney General and who otherwise violates the terms and conditions of admission, parole or authorization to stay in the United States. (8 CFR Section 103.12).

Business. Any lawful activity, with the exception of a farm operation, conducted primarily for the purchase, sale, lease, and rental of personal or real property; or for the manufacture, processing, or marketing of products, commodities, or any other personal property; or for the sale of services to the public; or an outdoor advertising display or displays, when the display or displays must be moved as a result of acquisition of property for the Project.

Comparable Replacement Dwelling. A dwelling that is of similar size and type to the acquired dwelling. A replacement dwelling must be:

a) Decent, safe, and sanitary as described below.

b) Functionally equivalent to the displacement dwelling. The term “functionally equivalent” means that it performs the same function, provides the same utility, and is capable of contributing to a comparable style of living.
c) In an area not subject to unreasonable adverse environmental conditions from either natural or manmade sources.

d) Available to all persons regardless of race, color, religion, sex, marital status, or national origin.

e) Within the financial means of the displaced person (housing costs do not exceed 30% of the household’s average monthly income, if the household is low-income based on the U.S. Department of Housing and Urban Development income limits), either by the displaced person’s own means or through assistance from the Relocation Program.

**Conditional Entitlement Letter.** A written notice provided by VTA to eligible residential owner- and tenant-occupants of real property, stating their entitlement to receive a Replacement Housing Payment upon completion of a Housing Valuation Study.

**Decent, Safe, & Sanitary.** In order to meet decent, safe, and sanitary requirements, a replacement site must meet the following criteria:

a) Be structurally sound, clean, weather tight, in good repair, and adequately maintained.

b) Contain a safe electrical wiring system adequate for lighting and other devices.

c) Contain a safe heating system capable of sustaining a healthful temperature.

d) Be adequate in size with respect to the number of rooms and area of living space to accommodate the displaced persons.

e) Have a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system.

f) Contain unobstructed egress to safe, open space at ground level. If the dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.

g) Be free of any barriers, which prevent reasonable ingress, egress, or use of the dwelling by such displaced person.

**Displaced Person.** Any lawful person (individual, family, partnership, association or corporation) who moves from real property, or moves personal property from real property, as a direct result of VTA’s written notice of intent to acquire, the initiation of negotiations for, or the acquisition of real property, in whole or in part, for the Project.

**Housing Valuation Study.** A study prepared by VTA, describing the maximum replacement housing payment available to eligible residential owner- and tenant-occupants based on comparable replacement dwellings.

**Nonprofit Organization.** A public or private entity that has established its nonprofit status under applicable federal or state law.
Notice of Eligibility. A written notice provided by VTA to owner- and tenant-occupants of real property at the time VTA makes an offer to the property owner to purchase the property, describing the types of assistance available to the occupants.

Notice to Vacate. A statutorily required written notice provided by VTA to occupants of real property that VTA plans to acquire or has acquired, informing the occupants that they must move from the property within 90 days.

Personal Property. Property that can be moved from real property without damaging the real property or the property moved, including furniture, fixtures and equipment and other movable objects.

Relocation Advisor. A Relocation Advisor is a person who is experienced in providing assistance to occupants in accordance with the Uniform Act. Relocation Advisors will be available to work with each occupant to understand the Relocation Assistance Program, provide Program information in writing, provide information on available replacement sites, and provide analyses of compensable monetary assistance under the Program.

Small Business. A business having not more than 500 employees working at a site, which is the location of economic, activity and which will be acquired or is displaced by the Project. A site occupied solely by outdoor advertising signs, displays, or devices is not a “small business” for purposes of the reestablishment expense benefit of the Uniform Relocation Act and its implementing regulations.

Unlawful Occupant. A person who occupies without property right, title or payment of rent, or a person legally evicted, with no legal rights to occupy a property under state law. An occupant is considered to be in unlawful occupancy if the occupant has been ordered to move by a court of competent jurisdiction or if the occupant’s tenancy has been lawfully terminated by the owner for cause, the tenant has vacated the premises, and the termination was not undertaken for the purpose of evading relocation assistance obligations.

6.2 Eligibility for Relocation Assistance and Timing of Move

To be eligible for relocation assistance, a displaced person must be lawfully occupying the property to be acquired by VTA at the time VTA makes a written offer to the property owner to purchase the property. All occupants of properties that VTA offers to purchase will be notified of VTA’s offer by way of a Notice of Eligibility, which VTA will send to tenants or occupants shortly after it initiates negotiations with a property owner. While VTA is statutorily required to provide only a 90 day written notice of the day the occupant is required to relocate, VTA intends to begin working with each occupant as soon as an offer is presented to the property owner. This will allow each occupant to work with a Relocation Advisor while VTA is negotiating for the purchase of the property. This should provide each occupant an extended period of time to work with a Relocation Advisor to identify and secure a replacement site. VTA’s goal is to work with each occupant to plan appropriately for the move and to understand the assistance that is available under VTA’s Relocation Assistance Program.
Businesses and storage tenants who occupy the property on the date of VTA’s first written offer to the property owner will be eligible to receive assistance in accordance with VTA’s Relocation Assistance Program. Residential tenant occupants must rent and occupy a site for 90 days prior to VTA’s first written offer to be eligible for Replacement Housing Payments. Residential owner occupants must own and occupy a dwelling for 180 days prior to the VTA’s first written offer in order to be eligible to receive Replacement Housing Payments as described in the Relocation Assistance Program.

Residential occupants eligible to receive Replacement Housing Payments will not be required to move prior to receiving a Conditional Entitlement Letter. VTA will send a Conditional Entitlement Letter to eligible residential occupants upon completion of a Housing Valuation Study, which determines the maximum replacement housing payment based on comparable replacement housing.

VTA will make every effort to assist each displaced person in finding reasonably comparable replacement sites. However, for businesses or nonprofit organizations, federal and state laws do not require VTA to guarantee that the business owner will find a replacement site that it finds to be acceptable. Displaced persons ultimately choose their preferred replacement site and their participation in the process is critical to the success of the relocation.

Although an eligible displaced person is not required to move until 90 days after receiving a Notice to Vacate, a displaced person is eligible to receive relocation assistance upon receiving a Notice of Eligibility from VTA. If displaced persons choose to relocate at any time after receiving a Notice of Eligibility, they will be eligible to receive relocation assistance in accordance with VTA’s Relocation Program. If displaced persons move before receiving a written Notice of Eligibility, they will not be eligible for, or provided with relocation assistance.

Although VTA may provide notice to displaced persons that they are eligible to receive relocation assistance from VTA, while occupying their current location, the displaced persons will continue to have the same rights and responsibilities they otherwise would have under any lease or other agreement related to the property; VTA’s Notice of Eligibility does not waive those rights and obligations.

6.3 Relocation Advisory Assistance

VTA’s Relocation Program provides relocation advisory assistance. VTA’s Relocation Advisors are specialized in providing relocation assistance and will administer VTA’s Relocation Program. Each displaced person will be assigned a Relocation Advisor.

6.3.1 Services

The Relocation Advisor will guide each displaced person through the relocation process. The Relocation Advisor will help to locate a decent, safe, and sanitary replacement dwelling for residential occupants and a suitable replacement property for business or nonprofit organizations. It is the Relocation Advisor’s goal and desire to be of service and to assist each displaced person in any way
possible to help the displaced person to successfully relocate. The Relocation Advisor is available to help and to advise the displaced person; therefore, each displaced person should make full use of the available services.

Individuals with disabilities will be provided the assistance needed to understand their rights under VTA’s Relocation Program and assistance to locate and move to a replacement site. A displaced person should notify a Relocation Advisor if additional assistance is needed.

### 6.3.2 Understanding the Relocation Program

During the initial contact meeting, a Relocation Advisor will explain VTA’s Relocation Program. The advisor will interview the displaced person to understand the household characteristics and replacement housing needs, or the business’s current operation, facility, and replacement site needs. The advisor will explain the assistance and payments that the displaced person may claim in accordance with the displaced person’s eligibility. It is important that displaced persons explain any anticipated relocation concerns to their Relocation Advisor. During the initial interview, a Relocation Advisor will ask detailed questions to determine specific relocation needs.

After the initial interview, the Relocation Advisor will deliver written information regarding the displaced person’s eligibility and rights, and forward information regarding available replacement sites as it becomes available. The Relocation Advisor will provide information regarding available replacement properties, maps of replacement properties, and transportation, as needed, to inspect replacement properties, especially if the displaced person is elderly or disabled. Displaced persons are free to use the services of their own real estate agents or brokers.

### 6.3.3 Planning and Preparing to Relocate

A Relocation Advisor will continue to work with each displaced person to help plan the relocation to a replacement site. In particular, a Relocation Advisor will explain which costs are compensable under VTA’s Relocation Program and which costs are not, and assist the displaced person with properly filing and documenting claims for reimbursement of relocation expenses.

A Relocation Advisor will also provide information and assistance to minimize hardships in adjusting to the new location, such as assistance completing rental applications or loan documents; information on typical down payments; information on real property taxes; information on any permits, fees and local planning regulations applicable to the replacement site; information on services provided by others in the community, as well as federal, state, and local programs offering assistance to displaced persons; and consumer education literature. A Relocation Advisor will also help to determine any special need for an outside specialist to help a displaced person plan for the move and if applicable, the reinstallation of personal property. A Relocation Advisor will make every effort to secure the services of those agencies with trained personnel
who have the expertise to help a displaced person through any special concerns related to the relocation.

In addition, a representative of VTA will work with each business owner and the owner of the real property (if the business is a tenant) to identify and to resolve any issues regarding what is “real estate” and what is “personal property” that can be relocated. Each business owner may be asked to provide a copy of the business owner’s lease agreement (if applicable) to help to determine the ownership of the furniture, fixtures, and equipment.

VTA’s goal is for each displaced person to achieve a successful relocation in the community. It is important that each business owner do everything a prudent business owner would do to maintain the business. All displaced persons should work closely with their Relocation Advisor to evaluate and prepare for the move and search leads to available replacement sites.

6.4 Relocation Expenses for Residential Displaced Persons

6.4.1 Actual Moving Expenses

An eligible displaced person may be reimbursed for the actual, reasonable, and necessary cost of the household’s move to a replacement home. Actual, reasonable, and necessary moving expenses may include the following:

(a) Transportation of the displaced household up to 50 miles.
(b) Packing, moving and unpacking household goods.
(c) Disconnecting and reconnecting household appliances and other personal property (e.g., telephone and cable TV).
(d) Storage of household goods, as may be necessary.
(e) Insurance for the replacement value of your property during the move and necessary storage.
(f) The replacement value of property lost, stolen, or damaged in the move (but not through neglect) if insurance is not reasonably available.

Eligible displaced persons may choose from among the following reimbursement options:

Payment for Actual Reasonable Moving and Related Expenses. Payment is made to reimburse actual moving expenses based on the lower of at least two acceptable moving bids from qualified professional moving carriers. Compensable costs include all reasonable costs to pack, move, and unpack all personal property. A direct payment can be made to the professional moving carrier under this option and will allow reimbursement to the displaced person for any one-time utility reconnection fees, such as phone, gas, electricity, and cable.

A Fixed Moving Payment. Displaced persons may choose to move their own personal property to the replacement site and to submit a claim based on the
moving expense and dislocation allowance schedule published by the Code of Federal Regulations shown below.

<table>
<thead>
<tr>
<th>Number of Rooms of Furniture</th>
<th>1 room</th>
<th>2 rooms</th>
<th>3 rooms</th>
<th>4 rooms</th>
<th>5 rooms</th>
<th>6 rooms</th>
<th>7 rooms</th>
<th>8 rooms</th>
<th>Add'l room</th>
<th>1 room no furn.</th>
<th>Add'l room no furn.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Occupant Owns Furniture</td>
<td>$625</td>
<td>$800</td>
<td>$1,175</td>
<td>$1,425</td>
<td>$1,650</td>
<td>$1,900</td>
<td>$2,150</td>
<td>$225</td>
<td>$400</td>
<td>$65</td>
<td></td>
</tr>
<tr>
<td>Occupant does not own furniture</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

A combination of both. A displaced person can be reimbursed using a combination of the two reimbursement options, depending upon specific circumstances.

6.4.2 Replacement Housing Payment for Owner-Occupant of Mobile Home

A Replacement Housing Payment may be provided to eligible owner-occupants of mobile homes to help them purchase a comparable replacement mobile home and to help cover increased costs related to renting a replacement space.

A Price Differential Payment provides assistance to cover the increased cost to purchase a comparable replacement mobile home. The payment equals the difference between the cost of a comparable replacement dwelling, or if less, the cost of the replacement dwelling actually purchase, and the price VTA pays for the existing mobile home.

An Interest Differential Payment is a payment that provides assistance with increased mortgage costs related to the purchase of a comparable replacement mobile home.

An Incidental Cost Payment covers some of the non-recurring closing costs incurred in the purchase of a comparable replacement mobile home.

In addition to the payments provided for above, VTA will provide Rental Assistance Payments to cover the increased costs related to renting a mobile home space for a comparable replacement mobile home. This assistance is provided for 42 months.

There are many options related to purchasing and renting mobile homes and spaces. A Relocation Advisor will discuss these various options in greater detail depending on the interest of the mobile home owner.

Federal law provides that the maximum Replacement Housing Payment that an eligible mobile home owner-occupant can receive is $22,500 for costs associated with the purchase of a replacement mobile home and an additional $5,250 for the costs associated with increased space rent. If the total Replacement Housing Costs are in excess of these statutory limits, the Last Resort Housing Program will be used as described in Section 6.4.3 below.
6.4.3 Replacement Housing Payments for Tenant-Occupants

A Replacement Housing Payment may be provided to eligible tenant-occupants to help them rent or buy a comparable replacement dwelling. To qualify for the Replacement Housing Payment, the tenant-occupants must demonstrate that (1) they have lived in the property as legal residents for at least 90 consecutive days prior to VTA’s initial written offer to purchase the property; and (2) the property was their primary residence for that 90-day period (Eligible Tenant-Occupants). Federal law limits the maximum Replacement Housing Payment to Eligible Tenant-Occupants to a 42-month period, and caps the payment at $5,250 per property.

The Replacement Housing Payment to Eligible Tenant-Occupants is computed in the following manner:

The Replacement Housing Payment for one month is determined by subtracting the base monthly rent for the present home from the cost of rent and utilities for the actual or comparable replacement dwelling, whichever is less. VTA will determine the cost of replacement housing based on a Housing Valuation Study. If the actual or comparable replacement housing cost is greater than the base monthly rent, that difference is multiplied by 42 months to determine the total maximum Replacement Housing Payment amount. If the actual or comparable replacement housing cost is less than the existing housing cost, no Replacement Housing Payment is available.

Generally, the “base monthly rent” for the present home is the lesser of (a) the monthly rent and average monthly cost for utilities during the three months immediately prior to vacation, or (b) 30% of the average monthly gross household income, if the household is low-income based on U.S. Department of Housing and Urban Development income limits. VTA will inform Eligible Tenant-Occupants in writing of the location and cost of comparable replacement housing (Conditional Entitlement Letter), and explain the basis of its determination so that Eligible Tenant-Occupants will know in advance how much assistance they may receive. That information should help Eligible Tenant-Occupants decide how much they wish to pay for replacement housing.

Eligible Tenant-Occupants are free to rent any decent, safe and sanitary housing unit of their choice. The Replacement Housing Payment may be paid directly to the tenant or an authorized designee. VTA will provide the assistance in monthly installments or other periodic payments.

Federal law provides that the maximum Replacement Housing Payment that Eligible Tenant-Occupants can receive is $5,250 per property acquired by VTA (not per tenant). If the total rent differential (without the moving payments) is in excess of $5,250, the Last Resort Housing Program will be used as described in Section 6.4.3 below.

To claim the Replacement Housing Payment, Eligible Tenant-Occupants must rent and occupy a decent, safe, and sanitary replacement dwelling within 12
months after moving from the property acquired by VTA. However, VTA may extend this period for good cause.

**Purchasing a Replacement Dwelling.** If Eligible Tenant-Occupants choose to buy (rather than rent) a replacement dwelling, the Replacement Housing Payment based on the rent differential could be applied toward a down payment and incidental expenses to purchase a decent, safe, and sanitary replacement dwelling within 1 year of the date the household moves from the property acquired by VTA. The Replacement Housing Payment shall not exceed the maximum rent differential (as previously described) or the amount of a reasonable down payment for a comparable replacement dwelling plus expenses incidental to the purchase, whichever is less.

### 6.4.4 Last Resort Housing Program

Whenever a program or project cannot proceed in a timely manner because comparable replacement dwellings are not available within the maximum Replacement Housing Payment of $22,500 for Eligible Owner-Occupants or $5,250 for Eligible Tenant-Occupants, VTA is required to provide additional or alternative assistance under the provisions of 49 CFR 24.404 (Last Resort Housing). Last Resort Housing is a program that allows for the implementation of certain regulations to ensure that comparable replacement housing is within the financial means of the displaced person. Any determination that VTA makes to provide Last Resort Housing assistance must be adequately justified as follows:

On a case-by-case basis, for good cause, which means that appropriate consideration has been given to the following:

- **a.** Availability of comparable replacement housing in the project area;
- **b.** Resources available to provide comparable replacement housing;
- **c.** Individual circumstances of the displaced person;

Or, by determination of the following:

- **a.** Little, if any, comparable replacement housing is available to displaced persons within the entire project area; therefore, Last Resort Housing assistance is necessary for the area as a whole.
- **b.** A project cannot be advanced to completion in a timely manner without Last Resort Housing assistance.
- **c.** The method selected for providing Last Resort Housing assistance is cost effective, considering all elements that contribute to total project costs.

Several methods to provide Last Resort Housing assistance to qualified displaced persons are available. They include the following:
a. Provide supplemental funds in excess of the $22,500 and $5,250 limits to allow eligible occupants to purchase or rent a comparable replacement dwelling. The actual amount of assistance is determined through a Housing Valuation Study.

b. Rehabilitate or create additions to make a replacement dwelling meet DS&S standards.

c. Construct new replacement housing, rehabilitate existing housing, or provide funds for private parties to rehabilitate existing units for occupancy by displaced households. For tenants, rents would be restricted to an amount per month not to exceed 30% of household’s gross monthly income, if the household is low-income based on HUD income limits, for a period of 42 months.

d. Provide a direct loan, which requires regular amortization or deferred repayment. The loan may be unsecured or secured by the real property. The loan may bear interest or be interest-free.

e. Relocate and rehabilitate a dwelling.

f. Purchase land and/or a replacement dwelling and subsequently sell or lease the land to or exchange the land with the displaced person.

g. Remove barriers for persons with disabilities.

All households who are eligible to receive assistance under the Last Resort Housing Program will be notified in writing.

6.5 Relocation Expenses for Business and Nonprofit Organization Displaced Persons

An eligible business or nonprofit organization may request reimbursement of actual, reasonable, and necessary moving costs and related expenses. Under certain circumstances, an eligible business or nonprofit organization may request a fixed payment in lieu of actual moving and related expenses. In addition, certain small businesses and nonprofit organizations may be eligible for reimbursement of actual, reasonable and necessary reestablishment expenses. Related expenses, such as personal property losses and expenses in finding a replacement site, may also be reimbursable.

A business owner must provide a Relocation Advisor with an inventory of the personal property to be moved and advance notice of the approximate date of the move. The Relocation Advisor will need to inspect the personal property at the displacement and replacement sites, and monitor the move in order to assess the business’s eligibility for reimbursement of certain moving expenses.

6.6 Actual Moving Expenses

An eligible business may be reimbursed for the actual, reasonable, and necessary cost of the business’s or organization’s move when the move is performed by a professional or
commercial mover or when the business owner elects to self-move. Any moving expenses for which a business is seeking reimbursement must be supported by paid receipts or other evidence of expenses incurred.

Actual, reasonable and necessary moving expenses may include the following:

a) Transportation of personal property up to 50 miles from the site from which the business or nonprofit organization was displaced, except where relocation beyond 50 miles is justified.

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

c) Storage of personal property for a period up to 12 months, as determined by VTA to be necessary in connection with relocation.

d) Insurance for the replacement value of personal property lost, stolen, or damaged while in storage or transit.

e) Replacement value of property lost, stolen, or damaged (but not through neglect) in the process of moving, where insurance covering such loss, theft, or damage is not reasonably available.

f) Disconnecting, dismantling, removing, reassembling, and reinstalling personal property, such as machinery, equipment, substitute personal property, and other personal property (including goods and inventory kept for sale) and connection to utilities available within the building.

g) Modifications to personal property, including those mandated by federal, state or local law, code or ordinance, necessary to adapt the personal property to the replacement structure, replacement site, or the utilities at the replacement site, and modification necessary to adapt the utilities at the replacement site to the personal property.

h) Any required license, permit, fee, or certification, as necessary, for the reestablishment of the business or organization at a new location. However, payment shall take into account the remaining useful life of any existing license, permit, or certification.

i) Professional services (including, but not limited to, architects’, attorneys’, or engineers’ fees, or consultants’ charges) necessary for planning the move of personal property, moving the personal property, or installing relocated personal property at the replacement site.

j) Professional services in connection with the purchase or lease of a replacement site, including feasibility surveys, soil testing, and marketing studies.

k) Relettering signs and replacing stationery on hand at the time of displacement that is made obsolete as a result of the move.

l) Impact fees or one-time assessments for anticipated heavy utility usage.
VTA will reimburse businesses for moving expenses related to the cost to move personal property from the acquired site to the replacement site. All costs must be actual, reasonable, and necessary to allow the business to reestablish itself at the replacement location.

This is not an inclusive list of moving-related expenses. A Relocation Advisor will provide each business owner with a complete explanation of potentially reimbursable expenses. This list also is not a guarantee of reimbursable moving expenses. Each business owner should work closely with the assigned Relocation Advisor in advance of incurring any costs related to relocation to determine which expenses are likely to be eligible for reimbursement under the Relocation Assistance Program. It is important that each occupant to work closely with their Relocation Advisor so that their advisor so that costs are documented and presented to VTA for review and pre-approval whenever possible. VTA will exercise its discretion to decide which expenses relating to the businesses’ move are eligible for reimbursement.

**Commercial/Professional Move.** A business owner may elect to hire professional or commercial movers to move personal property. VTA may reimburse the business owner for the cost, based on the lower of two bids or estimates.

**Self-Move.** If a business owner agrees to take full responsibility for all or part of the move of the operation, rather than hiring a professional or commercial mover, VTA may approve a payment not to exceed the lower of two acceptable bids or estimates obtained from qualified moving firms, or moving consultants. A low cost or uncomplicated move may be based on a single bid or estimate, at VTA's discretion.

Before a business performs a self-move, the following must be provided to a Relocation Advisor: (a) two acceptable bids or estimates from moving professionals; (b) a certified inventory of all personal property to be moved; (c) the date the business intends to move; (d) the address of the replacement property; and (e) the opportunity to monitor and inspect the move.

**Direct Loss of Tangible Personal Property.** Displaced businesses may be eligible for a payment for the actual direct loss of tangible personal property, which is incurred as a result of the move or discontinuance of the operation. This payment may be based on the lesser of (a) the value of the item for continued use at the displacement site less the proceeds from its sale, or (b) the estimated reasonable cost of moving the item. A Relocation Advisor will explain this procedure in detail if this is a consideration.

**Substitute Personal Property.** Where an item of personal property, which is used in connection with an operation, is not moved but is replaced with a comparable item, the business may request reimbursement in an amount not to exceed the lesser of (a) the replacement cost, minus any net proceeds from its sale, or (b) the estimated cost of moving the original item.

**Low Value High Bulk Property.** If VTA considers a personal property item to be of low value and high bulk (such as minerals, metals, rock, or topsoil), and moving costs are disproportionate to its value, the allowable moving cost payment shall not exceed the lesser of the amount which would be received if the personal property were sold at the
site, or the replacement cost of a comparable quantity delivered to the new business location.

6.6.1 Searching Expenses for Replacement Property

Displaced businesses are entitled to reimbursement for actual, reasonable, and necessary expenses incurred in searching for a replacement property, not to exceed $2,500. Such expenses may include transportation, meals and lodging when away from home, the reasonable value of the time spent during the search, fees paid to real estate agents or brokers to locate a replacement site, the reasonable value of time obtaining permits and attending zoning hearings, and the reasonable value of time spent negotiating the purchase of a replacement site.

6.6.2 Actual Reestablishment Expenses

A small business, as defined in section 5.1, or nonprofit organization may be eligible for reimbursement, not to exceed $10,000, for actual, reasonable, and necessary expenses incurred in relocating and reestablishing the operation at a replacement site.

Reestablishment expenses may include, but are not limited to, the following:

a) Repairs or improvements to the replacement real property required by federal, state, or local laws, codes or ordinances.

b) Modifications to the replacement real property to accommodate the operation or to make the replacement structures suitable for the operation.

c) Construction and installation costs of exterior signs to advertise the operation.

d) Redecoration or replacement of soiled or worn surfaces at the replacement site, such as painting, wallpapering, paneling, or carpeting.

e) Advertisement of the replacement location.

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

The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable and necessary, or otherwise not eligible for reimbursement.

a) Purchase of capital assets, such as office furniture, filing cabinets, machinery, or trade fixtures.
b) Purchase of manufacturing materials, production supplies, production inventory, or other items used in the normal course of the operation.

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

d) Payment to a part-time business in the home that does not contribute materially to the household income.

6.7 Fixed Payment for Moving Expenses (In Lieu Payment)

Displaced businesses and nonprofit organizations may be eligible for a fixed payment in lieu of actual moving expenses, personal property losses, searching expense, and reestablishment expenses. The fixed payment may not be less than $1,000 or more than $20,000. A business or nonprofit organization that is determined to be eligible for a fixed payment will be paid after it moves from the property that VTA is acquiring and submits a claim for payment.

For a business to be eligible for a fixed payment, it must meet the following criteria, as determined by VTA.

a) The business owns or rents personal property that must be moved due to the displacement.

b) The business cannot be relocated without a substantial loss of its existing patronage (e.g., clientele or net earnings).

c) The business is not part of a commercial enterprise having more than three other entities engaged in the same or similar business activity, which are under the same ownership and are not being displaced by VTA.

d) The business is not operated at a displacement site solely for the purpose of renting such site to others.

e) The business contributed materially to the income of the displaced business operator during the two taxable years prior to displacement.

In order to establish eligibility for the fixed payment option, a business must, before its move (a) complete a Request for Determination of Entitlement form, which is available from a Relocation Advisor; (b) provide a written statement of the reasons the operation cannot be relocated without a substantial loss of existing patronage; and (c) provide documentation supporting claimed net earnings for the two previous tax years.

Fixed payment eligibility requirements and payment computation for nonprofit organizations are slightly different from business requirements. The computation for nonprofit organizations differs in that the payment is computed on the basis of average annual gross revenues less administrative expenses for the two-year period specified.

**Computation of the Fixed Payment.** The fixed payment for a displaced business is based on the average annual net earnings of the operation for the two taxable years.
immediately preceding the taxable year in which the business is displaced, or a two-year period deemed more representative by VTA. The average annual net earnings of a business are one-half of its net earnings for the two-year period before federal, state and local income taxes. A business must provide VTA with proof of net earnings to support a request for a fixed payment. Proof of net earnings can be documented by income tax returns, certified financial statements, or other reasonable evidence acceptable to VTA. Table 6.1 shows an example of a fixed moving payment computation.

Table 6.1, Example of a Fixed Moving Payment Computation

<table>
<thead>
<tr>
<th>Year Displaced</th>
<th>Annual Net Earnings (prior two years)</th>
<th>Fixed Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>$16,500 (2004)</td>
<td>$17,500</td>
</tr>
<tr>
<td></td>
<td>$18,500 (2005)</td>
<td>($16,500 + $18,500 = $35,000/2 = $17,500)</td>
</tr>
</tbody>
</table>

6.8 Other Important Information

6.8.1 Move of Personal Property Only

Some persons rent space to store personal property. An owner of personal property has the option of moving the personal property by using a commercial mover or by performing a self-move as described below.

Commercial/Professional Move. An owner of personal property may elect to hire professional or commercial movers to move personal property. VTA may reimburse the storage tenant for the cost, based on the lower of two bids or estimates.

Self-Move. If an owner of personal property agrees to take full responsibility for all or part of the move of the operation, rather than hiring a professional or commercial mover, VTA may approve a payment not to exceed the lower of two acceptable bids or estimates obtained from qualified moving firms, or moving consultants. A low cost or uncomplicated move may be based on a single bid or estimate, at VTA’s discretion.

Before a storage tenant performs a self-move, the following must be provided to a Relocation Advisor: (a) two acceptable bids or estimates from moving professionals; (b) a certified inventory of all personal property to be moved; (c) the date of the intended move; (d) the address of the replacement property; and (e) the opportunity to monitor and inspect the move.

6.8.2 Advertising Signs

The amount of a payment for direct loss of an advertising sign, which is considered personal property shall be the lesser of:

- The depreciated reproduction cost of the sign, as determined by VTA, less any proceeds from its sale; or
- The estimated cost of moving the sign, but with no allowance for storage.
6.8.3 Relocation Site Office

VTA River Oaks Administrative offices are located within five miles of the proposed Project area located within the City of Milpitas and within eight miles of the proposed Project area located in the City of San Jose. Relocation Advisors will meet with occupants at the affected site or at VTA offices. Therefore, no on site Relocation Site Office is required.

6.8.4 Filing Claims

Relocation expenses typically will be reimbursed after displaced persons submit to the Relocation Advisor a signed claim and all required documentation supporting the claim. Claims may be submitted as costs are incurred; displaced persons do not have to wait until their relocation is complete to submit claims for reimbursement.

For tenants of property acquired by VTA, all claims for relocation assistance must be submitted to a Relocation Advisor and filed with VTA within 18 months after the displaced person vacates the property. For owners of property acquired by VTA, all claims for relocation assistance must be submitted to a Relocation Advisor and filed with VTA within 18 months of the later of (a) the date the property is vacated or (b) the date that the owner receives final payment from VTA for acquisition of the property. A Relocation Advisor will work with each displaced person to properly document claims for reimbursement. The Relocation Advisor will submit each complete claim to VTA for review and processing. VTA will make every effort to provide reimbursement for any approved, eligible portion of that claim within approximately 30 working days after approval of the claim.

If VTA denies all or a part of a claim for reimbursement, or if VTA refuses to consider a claim, VTA shall promptly notify the displaced person in writing of its determination, the basis for its determination, and the procedures for appealing the determination.

6.8.5 Relocation Payments Are Not Considered Income

No relocation reimbursement received by a displaced person will be considered as income for the purpose of the Internal Revenue Code, or for determining the eligibility of a person for assistance under the Social Security Act, or any other federal law, except for any federal law providing low-income housing assistance.

Payments made by VTA to a third party can be considered a taxable event. As a result, third-party payments may be subject to an IRS Form 1099 from VTA.
6.8.6 Business Goodwill

Business owners may be eligible to make a claim for loss of goodwill. Such a claim would be separate from any claim for relocation assistance benefits and would not be provided as part of VTA’s Relocation Program. Business owners should contact VTA’s real estate program representative for more information regarding business goodwill.

6.8.7 Nondiscrimination

Under Title VII of the federal Civil Rights Act of 1968, discrimination based on race, color, religion, sex, or national origin in the purchase and rental of most residential units is illegal. The Act ensures that all services and benefits will be administered to the public without regard to race, religious creed, color, medical condition, sex, sexual orientation, gender identity, marital status, parental status, domestic partner status, age, national origin, ancestry, disability, veteran status, or any other basis protected by law.

6.8.8 General Information

This summary of VTA’s Relocation Program has been provided as a courtesy by VTA. It is intended to provide general information concerning VTA’s Relocation Program and to assist displaced persons in understanding their rights and benefits. Questions regarding VTA’s Relocation Program should be directed to a Relocation Advisor once an advisor has been assigned. If questions arise prior to the assigning of a Relocation Advisor, questions should be directed to VTA’s Real Estate Hotline at (408) 934-2650.


6.8.9 Project Assurances

VTA is committed to providing relocation assistance to all eligible occupants who are required to relocate as a result of the Project. VTA is committed to following federal and state laws as they pertain to the acquisition of property for public projects. VTA will not proceed with any phase of the Project or other activity that will result in the displacement of any person, business, or farm until it makes the following determinations:

a) Fair and reasonable relocation payments will be provided to eligible persons in accordance with federal and state laws and guidelines.

b) VTA has established a Relocation Program offering the services described in applicable federal and state law and guidelines.
c) Eligible persons will be adequately informed of the assistance, benefits, policies, practices and procedures, including grievance procedures.

d) Adequate provisions have been made to provide orderly, timely, and efficient relocation of eligible persons without regard to race, color, religion, sex, marital status, or national origin with minimum hardship to those affected.

e) If the Final Relocation Plan is approved by the VTA Board of VTA, VTA attests to its commitment to have funds available to provide relocation assistance in accordance with VTA’s Relocation Program identified herein prior to proceeding with the relocation of an occupant.

f) This Relocation Plan meets the requirements of the California Code of Regulations, Title 25, Chapter 6.

g) VTA will contract with qualified Relocation Advisors for the following services:

1) Provide current and continuing information on the availability, prices, and rentals of comparable residential and commercial properties and locations.

2) Assist each eligible displaced person to complete applications for payments and benefits.

3) Assist each eligible displaced person in obtaining and becoming established in a suitable replacement location.

4) Provide any services required to ensure that the relocation process does not result in different or separate treatment on account of race, color, religion, national origin, sex, marital status, familial status, or any basis protected by state or federal anti-discrimination laws, or any other arbitrary circumstances.

5) Supply to such eligible persons information concerning programs administered by the Federal Small Business Administration, and other federal or state programs, offering assistance to displaced persons.

6) Provide other advisory assistance to eligible persons in order to minimize their hardships. As needed, such assistance may include counseling and referrals with regard to financing, employment, training, health and welfare, as well as other assistance.

7) Inform all persons who are expected to be displaced about the eviction policies to be pursued in carrying out the project.
7.0 RELOCATION APPEAL PROCESS

The Uniform Act provides that a person may file a written appeal to the agency if the person believes that the agency has failed to properly determine the person’s eligibility for, or the amount of a payment authorized, by the Uniform Act. If an individual is dissatisfied, he/she may submit to VTA a letter within 90 days of the claim being rejected, stating all of relevant facts and the reasons he/she believes the claim should be paid or adjusted. VTA will consider a written appeal regardless of form.

VTA will permit the Appellant to inspect and copy all materials pertinent to the appeal, except for materials that have been classified as confidential. In deciding the appeal, VTA will consider all pertinent justification and other material submitted by the Appellant. VTA will then make written determination on the appeal, including an explanation of the basis on which the decision was made, and furnish the appellant a copy. The Appellant will be advised of his/her right to seek judicial review.

The Appellant will be given a prompt and full opportunity to be heard. The Appellant has the right to be represented by legal counsel or other representative in connection with the appeal, (but solely at his/her own expense). The hearing officer will consider all pertinent justification and material submitted by the Appellant and other available information needed to ensure a fair review. The hearing officer will provide a written determination resulting from the appeal with an explanation of the basis for the decision. If the Appellant is still dissatisfied with the relief granted, VTA will advise the appellant that he/she may seek judicial review. The process for an appeal is depicted in the table below.

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<th>Day(s)</th>
<th>Action</th>
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<tbody>
<tr>
<td>1</td>
<td>Appellant files written appeal</td>
</tr>
<tr>
<td>2 to 6</td>
<td>VTA sends Appellant letter regarding appeals process and time frame</td>
</tr>
<tr>
<td>2 to 11</td>
<td>Informal review of appeal held by VTA Real Estate Management. Real Estate Management sends Appellant letter regarding decision.</td>
</tr>
<tr>
<td>22 to 31, but no later than 46</td>
<td>Formal review (hearing) of appeal held by VTA General Manager</td>
</tr>
<tr>
<td>64 to 73, but no later than 88</td>
<td>General Manager sends Appellant letter regarding decision.</td>
</tr>
</tbody>
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Appendix A
Silicon Valley Rapid Transit Program Map
Appendix A

Silicon Valley Rapid Transit Program Map
Appendix B
Sample Initial Contact Letter – Property Owner

April 30, 2010

Owner
Owner Address
Owner City, State ZIP

SUBJECT: Property Address
VTA PIN: PIN

Dear Property Owner:

The Santa Clara Valley Transportation Authority (VTA) is bringing an important transportation option to the I-680 and I-880 corridors in Milpitas and San Jose. BART Silicon Valley will benefit commuters, residents and businesses by reducing pollution and traffic congestion and increasing the region’s economic vitality. The Project will extend the BART regional heavy-rail system from just south of the future Warm Springs Station in Fremont over 16 miles to Milpitas, San Jose and Santa Clara. Please refer to the enclosed fact sheet for more details.

You are receiving this letter because some or all of the property you own is located within the currently proposed Project corridor and is being considered for acquisition. There are a number of activities and legal requirements that VTA will need to complete prior to acquiring any property for this Project. These activities may include, but are not limited to, conducting environmental site assessments, surveying the land areas, locating utilities, and performing an appraisal of the property. You will be further noticed and presented all legally required forms, if warranted, to evaluate your property.

As one of the first steps in the BART to Silicon Valley Real Estate Program, VTA is required by both Federal and State law to prepare an in-depth analysis of all occupied properties, including their respective tenants and lessees, who may be displaced by the Project. This analysis, referred to as a Relocation Plan, is subject to public review (including all involved property owners, tenants, and lessees). When it is finalized, it will be presented to the VTA Board of Directors for approval. The relocation plan describes:

- The circumstances of potentially impacted businesses and residences;
- The availability of replacement housing and commercial properties; and
- The federal and state regulations VTA is required to adhere to for property acquisitions and resident and/or tenant relocations.

I am sure you will have many questions and concerns about the Project’s impact on you and your property. To that end, Bijal Patel, VTA Deputy Director of Property Development and Management, along with a Relocation Advisor from Associated Right of Way Services, would...
April 30, 2010
VTA PIN: PIN
Page 2 of 2

like to meet with you to better understand your property and to answer any questions about the
acquisition schedule and anticipated activities that may occur on your property in the near future.

Please contact Bijal Patel at 408.321.5791 to schedule a convenient time for a telephone
conference or to meet at your property. If you have not been able to contact Ms. Patel by May
10, 2010, she will contact you by either calling you or visiting your property. Please note that if
you have tenants on your property that may be displaced by the Project, they will be receiving a
letter requesting them to contact Associated Right of Way Services who will meet with them also
as a part of the relocation planning. They will arrange their initial meeting with your tenants.

Please refer to the enclosed fact sheet for general information regarding the BART Silicon
Valley Project.

Sincerely,

Carolyn M. Gosset
Chief Program Officer, BART Silicon Valley

Attachments: BART SILICON VALLEY Fact Sheet
Appendix C
Sample Initial Contact Letter – Property Occupant

May 11, 2010

Potential Displacee
Mailing Address
City, State Zip

Subject: Relocation Planning for BART Silicon Valley
Your Occupancy at Potential Displacee Location, CA

Dear Business Owner:

The Santa Clara Valley Transportation Authority (VTA) is bringing an important transportation option to the I-680 and I-880 corridors in Milpitas and San Jose. BART Silicon Valley will benefit commuters, residents and businesses by reducing pollution and traffic congestion and increasing the region’s economic vitality. The Project will extend the BART regional heavy-rail system from just south of the future Warm Springs Station in Fremont over 16 miles to Milpitas, San Jose and Santa Clara. Please refer to the enclosed fact sheet for more details.

You are receiving this letter because the property you occupy at Potential Displacee Location, CA is located within the currently proposed project corridor. At this point, VTA is required by both Federal and State law to prepare an in-depth analysis of all properties, including their respective tenants and lessees that may be displaced by the Project. This analysis, referred to as a Relocation Plan, is subject to public review (including all involved property owners, tenants, and lessees). When it is finalized, it will be presented to the VTA Board of Directors for approval. The Relocation Plan describes:

- The circumstances of potentially impacted businesses and residences;
- The availability of replacement housing and commercial properties; and
- The federal and state regulations VTA is required to adhere to for property acquisitions and resident and/or tenant relocations.

To ensure that VTA understands your business needs, and the impacts of a potential acquisition of the property you occupy, it is extremely important for you to schedule a meeting with a Relocation Advisor from Associated Right of Way Services (AR/WS), VTA’s relocation consultant. The Relocation Advisor will meet you at your convenience and answer your questions about the project and schedule, provide information about relocation assistance benefits and gather general information about your relocation needs.

Please note it is important to understand that preparing and submitting a Relocation Plan to the Board fulfills an administrative requirement, but does not, in itself, constitute a commitment to proceed with the Project. Also, it is important to understand that this notice does not require you to move at this time. This is not a notice to vacate the premises.
Property Occupant
May 11, 2010
Page 2 of 2

Please contact Ms. Jaime Henderson from AR/WS at 1-800-558-5151 by May 21, 2010 to schedule a convenient time to meet you. If you have not made contact with AR/WS by the noted date, a Relocation Advisor will attempt to contact you by phone or visit you at the property you occupy.

Please refer to the enclosed fact sheet for general information regarding the BART Silicon Valley Project. Thank you for working with us through this planning process.

Sincerely,

Bijal Patel
Deputy Director, Property Development and Management

Attachments: BART Silicon Valley Fact Sheet
Appendix D
Business Relocation Assistance Brochure

Relocation Assistance Program for Business, Farms and Non-Profit Organizations Brochure

April 2009
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INTRODUCTION

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

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

BENEFIT ELIGIBILITY

Every owner or tenant who is displaced from property on which they operate their business, farm or non-profit organization, as a result of a VTA transportation project, is protected under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act), corresponding State of California legislation, or both.

Recent Federal legislation specifies that relocation benefits are only available to legal residents of the United States. If Federal funds are involved in a project from which your business is being displaced by VTA, the business owner(s) will be required to certify that they are legal residents before any relocation payments can be made.

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

SUMMARY OF RELOCATION ASSISTANCE

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

A. Payment for your moving expenses, which include either:
   - A payment for Actual Reasonable Moving and Related Expenses, or
   - A Fixed Payment in Lieu of a Payment for Actual Moving and Related Expenses
B. Advisory Assistance to explain the relocation process, the related eligibility requirements and the procedures for obtaining reimbursement for moving expenses.

C. Other help as needed to reestablish your business, farm or non-profit organization to minimize the impact of the move.

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

RELOCATION ADVISORY ASSISTANCE

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

Your Relocation Advisor will:

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

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

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

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

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

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

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

FINANCIAL ASSISTANCE

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

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

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

ACTUAL REASONABLE AND NECESSARY MOVING EXPENSES

All actual, reasonable and necessary moving expenses must be supported by paid receipts or other evidence of expenses incurred. In addition to the cost of transporting your personal property to your replacement site (up to 50 miles), certain other expenses may be reimbursable, such as:

- Packing, unpacking
- Loading, unloading
- Removing and reassembling machinery
- Temporary storage (with prior approval)
- Connection to utilities within the building
- Crating, uncrating
- Disconnecting, dismantling
- Reinstalling relocated machinery
- Reprinting obsolete stationery

Other eligible reimbursable costs may include:

• Any license, permit or certification caused by the move to the extent that the cost is necessary to its reestablishment at the replacement site.

• The reasonable cost of any professional services necessary for planning the move of the personal property, moving the personal property, or installing the relocated personal property at the replacement site.

• Insurance of personal property in connection with the move and required storage (if any).

• The reasonable cost of moving and reinstalling telephone, burglar, fire alarm and other specialty equipment or systems, if not purchased by VTA.

Relocation Assistance Program for Business, Farms and Non-Profit Organizations Brochure
(under federal and federal-aid programs) April 2009
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Moving payments are generally made after the move is completed and the premises are left clean and orderly. Payment typically takes three weeks to process from receipt of a signed claim form with required documentation.

**Estimated Cost Move**

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

**Purchase of Substitute Personal Property**

If an item of personal property which is used as part of a business is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displaced business is entitled to the lesser of:

- The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item, or
- The estimated cost of moving and reinstalling the replaced item, but with no allowance for storage.

**Direct Loss of Tangible Personal Property**

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

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

Payment is computed on the basis of the lesser of:

- The fair market value in place of the item, as is, for continued use, less the proceeds from the sale, or
- The estimated reasonable cost of moving the item, as is, but not including any allowance for storage or for reconnecting the piece of equipment, if the equipment is in storage or not being used at the acquired site.

The reasonable cost incurred in attempting to sell an item that is not to be relocated is also reimbursable. The sales price, if any, and the actual reasonable cost of advertising and conducting the sale of personal property that is not to be relocated must be supported.

Relocation Assistance Program for Business, Farms and Non-Profit Organizations Brochure (under federal and federal-aid programs) April 2009
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by a copy of the bills of sale or similar documents and by copies of any advertisements, offers to sell, auction records, or other data supporting the bona fide nature of the sale.

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

**Low Value-High Bulk Personal Property**

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

- The amount which would be received if the property were sold at the site, or
- The replacement cost of a comparable quantity delivered to the new business location.

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

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

**Searching Expenses for Replacement Property**

Displaced businesses, farms and non-profit organizations are entitled to reimbursement for actual reasonable expenses incurred in searching for a replacement property, in an amount not to exceed $2,500. Such expenses may include mileage, meals and lodging away from home, time spent searching, fees paid to a real estate agent or broker to locate a replacement site (excluding fees or commissions related to the purchase of such sites), time spent in obtaining permits, attending zoning hearings, and negotiating purchase or lease of a replacement site.

Receipted bills or other applicable documentation must support all expenses claimed. Payment for time spent searching must be based on a reasonable hourly wage for the person(s) conducting the search.

**RELATED ELIGIBLE EXPENSES**

In addition to the moving expenses listed above, costs for the following items may be reimbursed if VTA determines they are actual, reasonable and necessary:

- Connection to available nearby utilities from the right-of-way to improvements at the replacement site;
- Professional services performed prior to the purchase or lease of a replacement site to determine a site's suitability for the business operation, including but not
limited to soil testing, feasibility and marketing studies (excluding any fees or
commissions directly related to the purchase or lease of the site);

- Impact fees or one-time assessments for heavy utility usage as determined to be
  necessary by VTA.

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

INELIGIBLE MOVING AND RELATED EXPENSES
The following expenses are not reimbursable:

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

- Interest on a loan to cover moving expenses;

- Loss of goodwill*;

- Loss of profits;

- Loss of trained employees;

- Personal injury;

- Any legal fee or other cost for preparing a claim for relocation payment or for
  representing the business before VTA;

- Expenses in searching for a replacement dwelling;

- Costs for storage of personal property on real property already owned or leased
  by the displaced person;

- Refundable security and utility deposits.

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

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

- Repairs or improvements to the replacement real property required by Federal, State or local laws, code or ordinance.
- Modifications to the replacement real property to accommodate the business or make the structure(s) suitable for the operation.
- Construction and installation costs of exterior advertising signs and advertising of the replacement location.
- Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting.
- Estimated increased costs of operation at the replacement site during the first 2 years for items such as monthly lease or rental costs, personal or real property taxes, insurance premiums, or utility charges.
- Other items which VTA considers essential to the re-establishment of the business.

INELIGIBLE RE-ESTABLISHMENT EXPENSES

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

- Purchase of capital assets, such as office furniture, filing cabinets, and machinery or trade fixtures.
- Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.
- Interest on money borrowed to make the move or purchase the replacement property.
- Payment to a part-time business in the home which does not contribute materially to the household income.

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

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

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

To be eligible, the business, non-profit organization or farm cannot be part of a commercial enterprise having more than three other similar establishments which are not being acquired for the project.

The minimum fixed payment is $1,000 and the maximum fixed payment is $20,000. You must provide VTA with proof of net earnings to support your claim. Proof of net earnings can be documented by income tax returns, certified financial statements, or other reasonable evidence acceptable to VTA. The VTA Relocation Advisor will inform you as to your eligibility for this payment and the documentation you must submit to support your claim.

Example of Computation of a Fixed Payment

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

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

OUTDOOR ADVERTISING SIGNS

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

RELOCATION PAYMENTS NOT CONSIDERED TO BE INCOME

Federal regulations (49 CFR Part 24, Section 24.209) indicates that no payment received under this part shall be considered as income for the purpose of the Internal Revenue Code of 1954, which has been re-designated as the Internal Revenue Code of 1986 (Title 26, U.S. Code), or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act (42 U.S. Code 301, et seq.) or any other Federal law, except for any Federal law providing low-income housing assistance. In addition, California Government Code Section 7269 indicates that no payment received by any person under this chapter shall be considered as income for the purposes of the Personal Income Tax Law, Part 10 (commencing with Section 17001) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax Law, Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code.
This statement is not tendered as legal advice in regard to tax consequences and displaced persons should consult with their own tax advisor or legal counsel to determine the current status of relocation payments.

**FILING OF CLAIMS**

Your Relocation Advisor will assist you in completing the required relocation claims and explain the type of documentation that you must submit in order to receive payment.

If you are a tenant, you must file your claim within eighteen (18) months of the date you move. If you own the property, you must file your claim within eighteen (18) months after the date you move, or the date you receive the final acquisition payment, whichever is later. However, it is to your advantage to file your claim as soon as possible after you move. The sooner you submit the claim, the sooner it can be processed and paid.

**YOUR RIGHT TO APPEAL**

The Uniform Act provides that a person may appeal to the head of the responsible agency if the person believes that the agency has failed to properly determine eligibility for, or the amount of payment authorized by the Act. If you indicate your dissatisfaction, both verbally or in writing, your VTA Relocation Advisor will assist you in filing an appeal and explain the procedure to be followed. You will be given a prompt and full opportunity to be heard. You have the right to be represented by legal counsel or another representative in connection with the appeal (but solely at your own expense).

VTA will consider all pertinent justifications and materials submitted by you and other available information needed to ensure a fair review. VTA will provide you with a written determination resulting from the appeal with an explanation of the basis for the decision. If you are still dissatisfied with the relief granted, you may seek judicial review.

**WHEN VTA BECOMES YOUR LANDLORD**

After VTA purchases the property you occupy, you may become a tenant of VTA. You will be asked to enter into a rental agreement with VTA which specifies the rent to be paid, its due date and the property management policies which will apply to your tenancy.

No person eligible for relocation payments, who is lawfully occupying real property acquired for a VTA transportation project, will be asked to move without first being given at least 90 days advance written notice. However, you may be evicted for the following reasons:

- You received an eviction notice prior to the date VTA made an offer to purchase the property and as a result of that notice you are later evicted;
- Serious or repeated violation of material terms of the rental agreement;

Relocation Assistance Program for Business, Farms and Non-Profit Organizations Brochure (under federal and federal-aid program) April 2009
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- Failure to pay rent, except for just cause acceptable to VTA;
- Performance of a dangerous or illegal act on the premises;
- Maintenance of a nuisance and failure to abate within a reasonable time following notice;
- The eviction is required by State law or County ordinance and cannot be prevented by reasonable efforts on the part of VTA.

ADDITIONAL INFORMATION

This brochure is a general description of VTA’s relocation assistance program and is not intended as a complete statement of all the State and Federal laws and regulations which, if not complied with, could cause loss of or reduction in the amount of relocation benefits a person might otherwise receive. Loss of eligibility may occur if you sell or move from your property without first contacting your Relocation Advisor.

While every effort has been made to assure the accuracy of this brochure, it should be understood that it does not have the force and effect of law, rule, or regulation governing the payment of benefits. Should any difference or error occur, the law will take precedence.

If you have any questions which have not been adequately answered in this informational brochure, please contact your Relocation Advisor or a member of VTA Real Estate Staff at (408) 321-5777.
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Residential Relocation Assistance Brochure

Relocation Assistance Program for Households Brochure

April 2009
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INTRODUCTION

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

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

This brochure provides general information regarding residential relocation services and payments.

Section I contains information important to persons displaced from residences.
Section II provides information about moving costs.
Section III describes the replacement housing payments for tenants and owner occupants
Section IV contains information on relocation advisory services and right to appeal.
If you are required to move as a result of a VTA transportation project, a Relocation Advisor will contact you. The advisor will be able to answer your specific questions and provide additional information.

DECLARATION OF POLICY

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

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

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

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

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

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

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

- Be structurally sound, weather tight, and in good repair;
- Contain a safe electrical wiring system adequate for lighting and other devices;
- Contain a heating system capable of sustaining a healthful temperature (approximately 70 degrees Fahrenheit) except in those areas where local climatic conditions do not require such a system;
• Be adequate in size with respect to the number of rooms and area of living space to accommodate the displaced person;

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

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

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

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

IMPORTANT NOTICE

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

Displaced Person

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

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

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

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

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

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

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

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

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

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

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

VTA will identify comparable replacement housing that is DSS and within the displaced person’s financial means before he/she is required to move. VTA may provide the necessary housing in a number of ways, such as:
• Making a replacement housing payment in excess of the statutory maximums stated above;
• Purchasing an existing comparable residential dwelling and making it available to you in exchange for your dwelling;
• Moving and rehabilitating a dwelling and making it available to you in exchange for your property;
• Purchasing, rehabilitating or reconstructing an existing dwelling to make it comparable to your property;
• Purchasing land and constructing a new replacement dwelling comparable to your dwelling when comparables are not otherwise available;
• Purchasing an existing dwelling, removing barriers or rehabilitating the structure to accommodate a disabled person when a suitable comparable replacement dwelling is not available;
• Providing a direct loan which will enable you to construct or contract for the construction of a DSS replacement dwelling.

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

1. Fee title, a life estate, a land contract, a 99-year lease or a lease including any options for extension with at least 50 years to run from the date of acquisition;
2. An interest in a cooperative housing project which includes the right to occupy a dwelling;
3. A contract to purchase any interest or estate;
4. Any other interest, including a partial interest, which, in the judgment of VTA, warrants consideration as ownership.

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

INFORMATION FOR PERSONS DISPLACED FROM A RESIDENCE

Benefit Eligibility

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

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

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

Filing a Claim

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

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

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

Decent, Safe and Sanitary Reminder

The most important thing to remember is that the replacement dwelling you select must meet basic DSS standards.

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

Fair Housing Laws

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

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

**Non-Discrimination**

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

MOVING EXPENSES

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

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

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

Fixed Moving Cost Schedule for a Self Move

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

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

Actual Reasonable Moving and Related Expenses

Actual moving and related expenses may include expenses for:

- Packing and unpacking personal property
- Transportation of personal property to replacement dwelling
- Disconnecting and reconnecting household appliances
- Temporary storage of personal property, with VTA prior approval
• Insurance while personal property is in storage or transit

**Actual Moving Expenses – Commercial Mover**

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

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

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

REPLACEMENT HOUSING

FREEDOM OF CHOICE

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

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

LENGTH OF OCCUPANCY – BASIC OCCUPANCY REQUIREMENTS

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

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

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

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

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

REPLACEMENT HOUSING PAYMENT – OWNER OCCUPANTS

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

A Replacement Housing Payment has three components:

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

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

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

**Examples of a Price Differential Computation**

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

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

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

<table>
<thead>
<tr>
<th>VTA Computation of Maximum Price Differential Payment</th>
<th>Cost of comparable Replacement Acquisition Price of your Property</th>
<th>$116,500</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Maximum Price Differential Payment</td>
<td>$100,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$16,500</td>
</tr>
</tbody>
</table>

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

|                                                      | Actual Cost of Replacement Property Acquisition Price of your property | $116,500 |
|                                                      | Price Differential Payment                                           | $16,500  |

**Example B**
Purchase Price is more than the cost of the comparable replacement dwelling selected by VTA

|                                                      | Actual Cost of Replacement Property Acquisition Price of your property Difference | $125,000 |
|                                                      | Price Differential Payment You Are Responsible for This Amount | $16,500  |

|                                                      |                                                              | $8,500   |

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

|                                                      | Actual Cost of Replacement Property Acquisition Price of your property | $114,000 |
|                                                      | Price Differential Payment Payment is Based on Actual Cost | $14,000  |
|                                                      |                                                              | - $100,000 |

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

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

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

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

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

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

**Examples of a Rental Assistance Payment Calculation**

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

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

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

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

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

<table>
<thead>
<tr>
<th>Example D</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Payment is based on 30% of gross household income because household income falls within HUD’s “low income” category</td>
<td></td>
</tr>
<tr>
<td>Rent + Utilities for Displacement Unit ($500 + $150)</td>
<td>$650</td>
</tr>
<tr>
<td>Rent + Utilities for Comparable Replacement Unit ($600 + $175)</td>
<td>$775</td>
</tr>
<tr>
<td>Rent + Utilities for Actual Replacement Unit ($600 + $175)</td>
<td>$775</td>
</tr>
<tr>
<td>Lesser of Current Rent + Utilities ($500 + $150 = $650) Or</td>
<td></td>
</tr>
<tr>
<td>30% of gross household income = $500</td>
<td></td>
</tr>
<tr>
<td>Lesser amount is $500</td>
<td></td>
</tr>
<tr>
<td>Difference between ($775 - $500 = $275) x 42 months</td>
<td>$11,550</td>
</tr>
<tr>
<td>Rental Assistance Payment</td>
<td></td>
</tr>
</tbody>
</table>

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

DOWN PAYMENT ASSISTANCE PAYMENT

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

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

RELOCATION ADVISORY SERVICES

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

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

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

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

AND provide information on:

- Security deposits;
- Interest rates and terms;
- Typical down payments;
- Veteran’s Administration and Federal Housing Administration loan requirements;
- Real property taxes;
- Consumer education literature on housing.
If you desire, your Relocation Advisor will give you current listings of other available replacement housing. Transportation will be offered to inspect housing referrals. Though you may use the services of a real estate broker, VTA cannot provide a referral.

Your Relocation Advisor is familiar with the services provided by others in your community and will provide information on other federal, state, and local housing programs offering assistance to displaced persons. If you have special needs, your Relocation Advisor will make every effort to secure the services of those agencies with trained personnel who have the expertise to help you.

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

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

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

RIGHT TO APPEAL

The Uniform Act provides that a person may appeal to the head of the responsible agency if the person believes that the agency has failed to properly determine eligibility for, or the amount of, payment authorized by it. If you indicate your dissatisfaction, either verbally or in writing, VTA will assist you in filing an appeal or explain the procedures to be followed. You will be given a prompt and full opportunity to be heard. You have the right to be represented by legal counsel or another representative in connection with the appeal (but solely at your own expense).

VTA will consider all pertinent justifications and materials submitted by you and other available information needed to ensure a fair review. VTA will provide you with a written determination resulting from the appeal with an explanation of the basis for the decision. If you are still dissatisfied with the relief granted, you may seek judicial review.

For additional information, you may contact your Relocation Advisor or VTA Real Estate Staff at (408) 321-5777.
August 10, 2010

Subject: Notice of Availability of the Draft Relocation Plan for the BART Silicon Valley Berryessa Extension
San Jose Flea Market, San Jose, California

Dear [Name],

The Santa Clara Valley Transportation Authority (VTA) is bringing the BART Silicon Valley Berryessa Extension Project, an important transportation option to the congested I-880 and I-680 corridors in Milpitas and San Jose. The Project is the first phase of the BART Silicon Valley Program, which, upon completion, will add 16 miles to the existing BART system. The Project consists of a 10-mile, two-station extension of the regional BART System, beginning in Fremont at the future BART Warm Springs Station and proceeding through Milpitas and temporarily ending in the Berryessa area of north San Jose. The second phase of the Program is planned to extend from the Berryessa area to Santa Clara.

When planning a project, it is not always possible to avoid impacts to private property. VTA has worked diligently to plan the Project in a manner that minimizes the number of potential acquisitions and displacements. Certain displacements, though, may be unavoidable to bring this major transit asset to the heavily developed Silicon Valley region. VTA continues to plan for the Project, but at this time anticipates that approximately 43 monthly tenant/vendors may be affected by a narrow right of way for the BART project along the far eastern boundary of the Flea Market. You are one of the tenants VTA believes may be affected. VTA is working with the San Jose Flea Market in order to plan how to move your unit to another suitable location.

Under federal and State law, the VTA Board is required to adopt a formal Relocation Plan, which documents how VTA is planning for persons and businesses that may be impacted by VTA’s potential acquisition of property. Before adoption of a final Relocation Plan, a Draft Relocation Plan will be available for public review and comment from August 6, 2010 through September 10, 2010. The public will have an opportunity to submit comments regarding the Draft Relocation Plan. Comments and responses will be incorporated into a final Relocation Plan that will be submitted to the VTA Board for review and consideration on November 4, 2010. If the relocation plan is adopted and if the decision is made to go forward with acquisition of right of way that will cause you to become an eligible displaced person, you will be contacted by VTA and we will work directly with you to provide appropriate assistance.

3331 North First Street • San Jose, CA 95134, 1927 • Administration 408.391.5555 • Customer Service 408.391.2000
Distribution Notices

August 10, 2010
Page 2 of 2

The Draft Relocation Plan is available online at:

www.vta.org/bart/documents/reports/draftherelocationplan.pdf

For questions or to request an electronic copy, please call (408) 934-2650.

The Draft Relocation Plan also can be viewed at the following locations during normal business hours:

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

Milpitas Library  
160 North Main Street  
Milpitas, CA  95035

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

Fremont Main Library  
2400 Stevenson Boulevard  
Fremont, CA  94538

Berryessa Library  
3355 Noble Avenue  
San Jose, CA  95132

Milpitas City Hall  
455 East Calaveras Boulevard  
Milpitas, CA  95035

We encourage you to participate in the Plan review. If you would like to submit any comments on the Plan, please do so by September 10, 2010. Public comments to the Draft Relocation Plan can be made as follows:

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

By phone:  
(408) 934-2650

By facsimile:  
(408) 955-0896

By e-mail:  
RealEstate@vta.org

Sincerely,

Bijal Patel  
Deputy Director, Property Development & Management
BART Silicon Valley Berryessa Extension
Draft Relocation Plan

Available For Public Review and Comment

Under federal and state law, the VTA Board is required to adopt a formal Relocation Plan which documents how VTA is planning for persons and businesses that are impacted by VTA’s potential acquisition of property. The Relocation Plan provides information regarding VTA’s Relocation Assistance Program that would be available to all eligible persons and businesses that would be affected by the Project. The public will have an opportunity to submit comments regarding the Draft Plan and responses will be incorporated into a final Relocation Plan that will be submitted to the VTA Board for review and consideration on November 4, 2010.

Availability of Draft Relocation Plan

The Draft Plan is available for public review and comment from August 6 through September 10, 2010. It can also be viewed at the following locations during normal business hours:

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

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

Berryessa Library
3355 Noble Avenue, San Jose, CA 95132

Milpitas Library
160 North Main Street, Milpitas, CA 95035

Milpitas City Hall
455 Calaveras Boulevard, Milpitas, CA 95035

Fremont Main Library
2400 Stevenson Boulevard, Fremont, CA 94538

Public Comments

Public comments to the Draft Relocation Plan can be made as follows:

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

By phone:
(408) 934-2650

By e-mail:
RealEstate@vta.org

By fax:
(408) 935-0896

Located at 3331 North First Street, San Jose, CA 95124 • (408) 321-2300
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http://www.vta.org/bart/draftrelocationplan.html

9/9/2010
From: Brian Horner  
420 Railroad Ct., Milpitas CA  

To: SCVTA  
Property Development and Management  
3331 N. 1st, Bldg B-2  
San Jose, CA  
RealEstate@VTA.org  

Subject: Santa Clara Valley Transportation Authority  
BART Silicon Valley Berryessa Extension  
Draft Relocation Plan (dated) August 3, 2010  

Following are comments in response to the Draft Relocation Plan dated August 3, 2010, published for the record on the VTA website. I am the owner of property subject to a proposed SVBX Taking, of which references in the Draft Relocation Plan were written for.

I hereby formally request that this Comment Letter be entered into the record for the Relocation Plan as outlined, and for the proposed SVBX Taking related to my property at 420 Railroad Ct. in Milpitas.

COMMENTS:

Sec. 5.0  
The Plan states;  
“VTA also may acquire portions of three properties which VTA will assist in reconfiguring to avoid the need for the occupants to relocate to different properties. Accordingly, this Draft Relocation Plan does not include an analysis of potentially available sites for 43 storage occupants of an outdoor market, the tenants of an outdoor storage facility, and a public agency.”

My property at 420 Railroad Court in Milpitas has been identified and discussed in a face-to-face meeting regarding the Project and Relocation with Ms. Eddleman and Ms. Patel, as the “outdoor storage facility” referred to in Section 5.0 of the Plan.

As noted, there is a potential that affected tenants (“Another 15 boat and trailer storage occupants at an outdoor storage facility may need to be relocated onto the remainder of the property” per Section 1.0) of my business may be relocated onto the remainder of my property currently not being used for tenant storage.

As discussed with Ms. Eddleman and Ms. Patel, the ability to do this must be contingent upon the City of Milpitas approving the use of the portion of my property for this purpose (that portion loosely defined as the southernmost portion of my parcel adjacent to the confluence of Railroad Ave. and the [former] WP tracks, an area now partially being utilized by the prime civil engineering contractor on the FRR Project). Ms. Patel noted in our meeting that she intends to create a cooperative situation with the City of Milpitas – the support of the City of Milpitas in permitting the use of this portion of my property is critical to the reconfiguration needed to relocate those affected tenants elsewhere on my property.

In addition, the ability to do this will require the portion be paved, fenced, and have its storm drainage flow into the existing system – actions which must be undertaken at the expense of the VTA in lieu of relocating the tenants and the affected portions of my business.
Response to Comment Letter P1
Brian Horner (August 3, 2010)

P1.1 VTA is still in the process of determining the right of way required to construct the project. When the foregoing is determined, VTA will work closely with the property owner to determine how the property might be redesigned to accommodate existing storage containers and tenants. The property owner proposed that the adjacent property which he owns might be developed to absorb the tenants who might be required to move from the current site to allow for project development. VTA will consider this proposal along with all other suitable available options.

VTA staff will facilitate a meeting between the property owner and the City of Milpitas to help the property owner understand the permitting and scheduling issues related to the potential redesign of his existing space and the development of his adjacent property. However, the permitting and development of the property owner’s adjacent property remains the responsibility of the property owner. The property owner’s storage business would be eligible to claim assistance under the Relocation Program for actual and reasonable costs associated with moving personal property to accommodate the reconfiguration of his business and certain other expenses as provided for under the Relocation Program. Potentially, certain mitigation costs associated with the property acquisition would be addressed in the appraisal and acquisition process rather than under the Relocation Program.

Each impacted storage tenant would be separately entitled to seek benefits under the Relocation Program and would be made aware of the opportunities to rent storage space at the existing site, the adjacent site, or at other storage facilities in the area. Each eligible storage tenant would be entitled to claim reimbursement for actual and reasonable costs related to the move of their vehicles or personal property in accordance with the Relocation Program.
August 19, 2010

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

Re: VTA Relocation Draft Plan
Kunde Property - 555 E. Capital Avenue, Milpitas, CA
Our File No.: 18903-001

Dear Mr. Patel:

This office represents Armand Kunde, the owner of the above-referenced property in the City of Milpitas.

With reference to the Draft Relocation Plan dated August 3, 2010:

On page 9, Table 4.2, is entitled “Potentially Impacted Occupants in the City of Milpitas.” The first four items listed appear to relate to uses on the Kunde property. This does not appear to be a complete list of the occupants of the property. We would ask that the VTA provide us with the information as to exactly which businesses or occupants are supposedly listed in each row of the table related to the property, and also explain why other occupants do not appear to be listed.

On page 16, Table 5.3, is entitled “Demonstration of Industrial Properties for Lease, City of Milpitas.” From the descriptions, it does not appear that any of these are similar properties to the Kunde property, nor that they would necessarily be usable by the occupants of the Kunde
Bijal Patel  
August 19, 2010  

We would request clarification and an explanation as to which properties, if any, are thought by the VTA to be suitable properties for relocation so that we may evaluate them.

When we get more details, we reserve the right to make further comments on any proposed relocation. This letter is submitted without waiving any rights we may have to challenge any potential acquisition of all or part of the Kunde property.

Thank you for your consideration of these comments. We look forward to your response.

Very truly yours,

BERLINER COHEN

ANDREW L. FABER  
E-Mail: andrew.faber@berliner.com

ALF:cm  
cc: Allison Daniels  
    Kevin Allmand  
    Al Kunde
Response to Comment Letter P2
Andrew L. Faber, Esq. (August 19, 2010)

P2.1 VTA met with the property owner in June of 2010 to explain the proposed relocation impact and to request information regarding property occupants. Based on this meeting, it was understood that the property owner owned each of the four businesses physically occupying the site and that one of the businesses solely provided staffing for the other businesses.

VTA will meet with the property owner/business owner or his representative to clarify occupancy. Each business occupant who legally occupies the space at the time of VTA’s initiation of negotiations and who will be displaced will be eligible to receive assistance under the Relocation Program. One business rents parking spaces for commercial vehicles. Tenants who rent parking spaces may be eligible to receive assistance under the Relocation Program to cover the costs to move their vehicles.

P2.2 The Relocation Plan contains the results of property research conducted in June and July of 2010. It takes into consideration the zoning requirements of the City of Milpitas. The Relocation Plan does include properties that are zoned M1, M2 and MP which might accommodate the uses. Based upon preliminary research, if the businesses were to relocate to one property, they would need to search for properties zoned M2. Several of these properties are listed in the Relocation Plan. VTA will work closely with the property/business owner and the City of Milpitas to confirm zoning requirements for each business. A Relocation Advisor will work with the business owners to search for properties that would accommodate their use.

Federal law requires that VTA provide each occupant with a minimum of 90 days written notice prior to the date they are required to vacate. VTA has planned its project to begin working with each occupant at the time of initiation of formal negotiations with property owners. Therefore, it is anticipated that there will be a minimum of six months for each business to search for and relocate to replacement sites. VTA will work closely with each business to better understand the amount of time needed to relocate and to provide as much lead time as is feasible in light of the project schedule. This longer lead time should allow sufficient time to identify sites in Milpitas that would accommodate the various business uses.
THOMAS J. ZIA
Real Estate & Relocation Consultant
623 Bayview Drive
Aptos, CA 95003
408-390-5055
September 9, 2010

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

RE: Comments to Santa Clara Valley Transportation Authority
BART Silicon Valley Berryessa Extension Draft Relocation Plan

Gentlemen:

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

1. HCD Relocation Regulations Title 25 Section 6038 (b)(1) require a relocation plan to have, “A diagrammatic sketch of the project area.” The only map in the Plan in Appendix “A” is a route map from Milpitas to Santa Clara that does not indicate the project area or where the displacements will occur. A better map showing the station footprints is needed to comply with state regulations.

2. HCD Relocation Regulations Title 25 Section 6038 (b)(2) require a relocation plan to have, “Projected dates of displacement.” The statement in Section 3.2 that VTA will initiate offers in “late 2010/early 2011” does not indicate when the displacements will begin or end or the duration of negotiations. The Plan should explicitly state when relocation contacts will begin, how long they will take, the time allocated for difficult commercial and industrial relocations, when 90-day notices would be issued and when all the sites would be vacated.

3. Section 3.3 Preliminary Relocation Cost Analysis.

The estimated relocation amount of $1,535,000, based upon the assumptions that were given in the Plan, seems extremely low. I estimate the amount will be at least $3,000,000. A partial list of the smaller and easier costs to estimate is as follows:

thomaszia@sbcglobal.net  FAX (408) 516-8305
<table>
<thead>
<tr>
<th>RELOCATION ITEM</th>
<th>UNITS</th>
<th>COST/UNIT</th>
<th>TOTAL COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Relocations (estimated cost)</td>
<td>2</td>
<td>$25,000</td>
<td>$50,000</td>
</tr>
<tr>
<td>Storage Tenants (estimated cost)</td>
<td>890</td>
<td>$500</td>
<td>$445,000</td>
</tr>
<tr>
<td>Searching Costs (statutory amount)</td>
<td>40</td>
<td>$2,500</td>
<td>$100,000</td>
</tr>
<tr>
<td>Reestablishment Costs (statutory amount)</td>
<td>40</td>
<td>$10,000</td>
<td>$400,000</td>
</tr>
<tr>
<td>Total of Partial Costs:</td>
<td></td>
<td></td>
<td>$995,000</td>
</tr>
</tbody>
</table>

After the above costs of $995,000 are accounted for, that leaves $540,000 in budgeted costs for relocating 40 businesses. That means there is an average of $13,500 to relocate each of the 40 businesses. That average amount would have to provide full relocation benefits for at least the following additional costs for each of the 40 businesses:

- Disassembling and reassembling machinery and equipment
- Packing and unpacking
- Reprinting obsolete stationary and promotional items
- Licenses, permits, certifications & plan checking fees
- Utility transfers & reconnection fees
- Reasonable cost of professional services
- Insurance for move
- Moving and reinstalling telephone, burglar, fire alarm and other specialty equipment or systems, if not purchased by VTA
- Temporary storage of inventory and equipment

A field review of the businesses and a review of the business characteristics in Tables 4.2 and 4.3 of the Plan indicate that many of the businesses are machine shops or provide automotive related services. These will be complex and expensive relocations with difficult issues regarding obsolete equipment and complex reinstallation issues that will cause additional expenses to the move. Some of the machinery and equipment will be impossible to move and will have to be replaced with substitute equipment at a substantial cost.

Based upon the Plan's stated assumptions there will be additional costs that are included in the $1,535,000 estimate. For instance, the preliminary cost estimate in the Plan stated:

"The cost to acquire real property and improvements pertaining to realty, and the cost associated with potential loss of business goodwill are not included in this analysis."

The above disclaimer means that the costs to acquire improvements not pertaining to realty, i.e. business fixtures, and the costs for staff and consultants to conduct the

thomaszia@shcglobal.net

FAX (408) 516-8305
relocations is included in the cost estimate. These two costs alone would probably exceed the $1,535,000 estimate.

I estimate the total actual relocation costs would be approximately $4,000,000.

4. HCD Relocation Regulations Title 25 Section 6038 (b)(3) requires “A written analysis of the aggregate relocation needs of all persons [this includes businesses] to be displaced (as required by section 6048) and a detailed explanation as to how these needs are to be met.” The Plan does not have an analysis of the residential occupants as required in section 6048 regarding the needs and preferences of the potentially displaced occupants. This information should have been collected and summarized in the Plan.

In addition, the aggregate relocation needs of the businesses are not analyzed in the Plan. As previously stated many businesses have complex relocation issues and needs that will require a significant amount of time and funds to relocate. Simply listing the use and zoning is not an adequate analysis of the relocation needs. The nature of the business machinery and equipment must be analyzed and relocation problems identified. Also, the Plan should have identified the services that are being delivered and how the project will affect them. The failure to analyze the businesses is the primary reason the relocation costs were underestimated.

5. HCD Relocation Regulations Title 25 Section 6038 (b)(10) requires the Plan to state temporary relocation plans, if any. The Plan did not address this issue.

6. HCD Relocation Regulations Title 25 Section 6038 (b)(13) and Section 6052(d)(3) requires the Plan to take concurrent displacements by other public agencies into account when analyzing the replacement markets. The Plan does not have a discussion of concurrent displacements and therefore may have underestimated the difficulty of providing replacement housing and business resources. Public agencies in Santa Clara County, including CALTRANS, should be contacted to determine their level of displacements. VTA should also discuss their own concurrent displacements.

7. 6.1. Alien Not Lawfully Present. The Plan quotes federal law and states, “an alien not lawfully present in the United States is not eligible for relocation assistance.” However, the Plan does not address how VTA will address the issue of undocumented immigrants who live in or own businesses in the project area. What documentation will VTA require from all displaced? Will undocumented displaced be evicted without being given any benefits? Will business owners not be paid to move and reestablish their operations? Will business owners and their families lose their livelihood? Will VTA give the names of undocumented immigrants in the project area to Immigration

thomaszia@sbcglobal.net  FAX (408) 516-8305
and Customs Enforcement (ICE)? These are all issues that must be addressed and resolved before the VTA Board approves the Plan.

8. 6.8.6 Business Goodwill

The Plan states, “If a property is acquired through condemnation, business owners may be eligible to make a claim for loss of goodwill.” This means that business owners who own the real estate will not be compensated for loss of goodwill if they agree to sell their property to VTA at “fair market value.” This also means that businesses that lease from property owners who voluntarily sell their property at “fair market value” will not be eligible for a loss of goodwill payment.

Code of Civil Procedure, Title 7, Eminent Domain Law, Chapter 9, Article 6, Sections 1263.510, .520, and .530 and CALTRANS Regulations do not have the requirement that a property must be taken through eminent domain for a business to receive a loss of goodwill payment. This item should be changed.

All the above items should be addressed and resolved before this Plan is approved by the VTA Board. I look forward to your response to my comments.

Sincerely,

Thomas Zia
Real Estate & Relocation Consultant

thomaszia@shcglobal.net  FAX (408) 516-8305
Response to Comment Letter P3
Thomas Zia (September 9, 2010)

P3.1 Re: Appendix A. The map included in the Relocation Plan provides information regarding the path of the track lines and the station sites. An additional map has been included to provide clarity.

P3.2 Re: Section 3.2. VTA will begin to initiate negotiations with property owners in late 2010 and early 2011. Federal law requires that VTA provide each occupant with a minimum of 90 days written notice prior to the date the occupants are required to vacate. VTA has planned its project to begin working with each occupant at the time of initiation of formal negotiations with property owners. Therefore, it is anticipated that there will be a minimum of six months for each business to search for and relocate to replacement sites. VTA will work closely with each business to better understand the amount of time needed to relocate and to provide as much lead time as is feasible in light of the project schedule. This longer lead time should allow sufficient time to identify sites in Milpitas that would accommodate the various business uses.

P3.3 Re: Section 3.3. The $1,535,000 cost in Section 3.3 refers to potential staffing costs to provide assistance to occupants. Relocation payments to affected occupants are estimated at this time to be between $11,000,000 and $16,000,000. Paragraph 3.3 has been modified to clarify this point.

P3.4 VTA recognizes that many of the impacted business occupants have sophisticated machinery and equipment that require specific disconnection, reconnection and permitting. VTA’s plans to provide Relocation Advisory Assistance as soon as formal negotiations are initiated should allow for sufficient time to work with each business owner to develop individual work plans related to their moves. Such work plans have not yet been developed and would be particular to each business. Therefore, they have not been included in the Relocation Plan.

P3.5 VTA does not intend to displace occupants temporarily. Therefore, no temporary relocation plan was included.

P3.6 Based upon discussions with the California Department of Transportation and local public agencies in Santa Clara County, VTA has determined that there will not be concurrent displacement resulting from public agency generated projects in 2011 and 2012 that would significantly compete for replacement site resources. Paragraph 3.6 has been added to provide this information.

P3.7 Re: Section 6.1. VTA will present each occupant with a Certification of Legal Residency form. Each occupant will be required to complete the form prior to being made eligible to receive benefits. A greater description of the policy in the Plan is not warranted.

P3.8 Re: Section 6.8.6. It is VTA’s intent to consider claims for loss of business goodwill from all businesses that are made eligible to receive assistance under the Relocation Program. Language in Paragraph 6.8.6 has been modified to clarify VTA’s position.
September 10, 2010

Comments on Draft Relocation Plan for BART Silicon Valley Berryessa Extension

Ms. Patel

As representative of San Jose V Investors LLC, the owner of Berryessa Industrial Park, a property that will be impacted by the proposed BART extension, I would like to provide the following comments based upon our review of the Draft Relocation Plan for the BART Silicon Valley Berryessa Extension dated August 3, 2010.

The draft plan does not contain specificity on the relocation of the property’s occupants. I saw neither a list of tenants in our project by name, nor any specificity as to their operations or space needs. Berryessa Industrial Park is currently 90% leased with fifteen tenants occupying 266,000 square feet of warehouse and flex industrial space; additionally, there is one license operating rooftop telecommunications equipment. These impacted parties are collectively located at the addresses 1610, 1620, 1630, 1640, and 1650 Berryessa Road, and my understanding is that all of them will need to be relocated to accommodate the proposed BART extension. Each tenant’s operation is varied and requires particular attention that is not provided for in the draft plan.

For example, there are tenants whose operations require permits issued by various regulatory agencies. The draft plan fails to identify the time necessary for our tenants to close existing permits at Berryessa Industrial Park and the potentially even greater time necessary for our tenants to open new permits at their relocated premises. Without allowing for continuity between the closure of existing permits and the opening of new permits, the viability of these tenants’ businesses may be jeopardized. For example, one tenant indicated to our property manager that closure of permits at our site and opening permits at a new site could take eight months or more to complete.

Another example of the draft plan’s failure to properly understand particular tenants’ operations is the absence of any discussion about the sophistication of individual tenants’ machinery. The final plan should include an inventory of tenant equipment and address the economic costs of relocating this equipment. Based upon my own observations, the costs to disassemble, move, and reassemble some tenant equipment critical to the operations of tenants at Berryessa could be significant. Some equipment may in fact be entirely cost prohibitive to reasonably relocate and that equipment will
need to be replaced. To this end, the final plan should also analyze the time required to relocate tenants' plant, material and product inventories, and other equipment. The analysis should be sensitive to lead times to order, take delivery, and set-up those items that cannot be reasonably relocated by tenants from Berryessa Industrial Park.

Addressing the above items will help to assure the final plan fully addresses the needs of our tenants, and that they are relocated in such a way that disruptions to their businesses are minimized.

UBS Realty Investors LLC,

John W. Jordan
Associate Director

JWJ

cc Thomas Enger, UBS
Anita Hochstein, UBS
realestate@vta.org
Response to Comment Letter P4
John W. Jordan (September 10, 2010)

P4.1 Only three of the 15 business tenants on this site agreed to be interviewed during the development of the Relocation Plan. Those tenants provided information regarding their equipment and the complexity of moving their businesses. VTA will provide Relocation Advisory Assistance to each business as soon as formal negotiations are initiated with the property owner. This should allow sufficient time to work with each business owner to develop individual work plans related to their moves. Such work plans have not yet been developed and would be particular to each business. Therefore, they have not been included in the Relocation Plan.

P4.2 Each business has been provided with written correspondence and invitations from VTA to meet with Relocation Advisors who are available to discuss the Relocation Program and their concerns regarding the Project. VTA will work to facilitate meetings with businesses owners. Individual business names and addresses were excluded from the Plan to mitigate any adverse effect related to the publication of the Plan.
Response to Verbal Comment P5
Project Management Oversight Consultant (September 10, 2010)

P5.1 PMOC requested that the VTA eliminate the Housing Occupancy Standards Table in Section 6.1. That table has been eliminated from the Plan.
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief SVRT Program Officer, Carolyn M. Gonot

SUBJECT: GM Authority for SVBX Real Estate Acquisitions

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to approve and execute all real property acquisition and possession and use agreements required for the SVBX Project meeting the following criteria:

1) For any property, where the purchase price equals the statutory offer of just compensation established for the property;
2) For any property, where the negotiated purchase price for the property does not exceed $250,000; and
3) For any property for which the statutory offer of just compensation established for the property is over $250,000 but below $2,000,000, where the negotiated purchase price for the property does not exceed fifteen percent (15%) of said statutory offer of just compensation.

BACKGROUND:

On June 24, 2010, the Silicon Valley Berryessa Extension (SVBX) Project was awarded a Record of Decision for its federal environmental document. With this action, VTA may now commence the acquisition of the requisite right of way for the SVBX Project.

The Board, at its discretion, may delegate to the General Manager its power to approve and execute real property purchase and possession and use agreements required for the SVBX Project, pursuant to Section 5-3 of the Administrative Code. Section 5-3 gives the General Manager certain real property powers and duties, among them, the power to “when authorized by the Board, execute real property purchase and possession and use agreements incident to the exercise of eminent domain power by VTA.”
Such a delegation of authority on capital projects is a common practice for the Board, with the threshold amounts of authority given to the General Manager varying depending on the number of properties involved in a particular project or program and their estimated values. The Board delegated this authority to the General Manager most recently on the Freight Railroad Relocation and Lower Berryessa Creek Projects as well as various highway improvement projects funded by Corridor Mobility Improvement Account (CMIA) grants. In 1999, the Board delegated this authority for the 1996 Measure A Projects.

**DISCUSSION:**

VTA anticipates acquiring real property interests from approximately 114 property owners to implement the SVBX Project as currently designed. These acquisitions will be procured through VTA’s comprehensive right-of-way (ROW) acquisition process highlighted to the VTA Board at the August 5, 2010 meeting. Every effort will be made to acquire the requisite rights through negotiations, in a process that is fair and in many instances well beyond applicable statutory requirements.

This process includes ensuring that each offer of property is based upon an approved appraisal, prepared by qualified independent appraisers. Dual appraisals are prepared for any property estimated to be valued over $500,000. Also, VTA’s policy is to have each appraisal peer reviewed by a qualified review appraiser. A Senior Real Property Agent for VTA has the responsibility to establish the amount of “just compensation” or value to be offered to the property owner. The just compensation cannot be less than the approved appraisal amount.

The property interests for the SVBX Project have estimated values ranging from nominal value to over $10 million. As indicated above, a majority of the 114 potential acquisitions are estimated to be less than $250,000 in value. Procuring separate Board approvals for each of the potential 114 acquisitions will create an administrative burden and may also prevent the SVBX Project from staying on schedule, particularly as the Board only meets once each calendar month.

To efficiently and timely acquire the requisite right-of-way for the SVBX Project, staff recommends the Board delegate to the General Manager as recommended. Such a delegation of authority would enable the General Manager to approve and execute property agreements for approximately 100 of the 114 property acquisitions to the extent that the specified criteria are met. While this number may seem very high, the discretion is not as high when viewed against the overall estimated ROW acquisition budget. A small number of properties (14 of the 114) comprise a majority portion of the overall estimated acquisition budget.

Even with this delegation, the Board retains full approval authority over these property acquisitions. Further, where any property acquisition fails to meet the specified criteria, staff will present it to the Board for approval. Staff will provide a written report to the Board every six months summarizing the properties that have been acquired, including their respective just compensation and final negotiated values.

Also, the Board will retain approval authority for Resolutions of Necessity that may be necessary
for properties that have not been acquired through negotiations and for which eminent domain proceedings must be instituted.

In addition to authorization to approve and execute requisite purchase agreements, staff requests that the Board grant the General Manager the authority to execute possession and use agreements pursuant to Section 5-3 of the Administrative Code. Possession and use agreements give VTA immediate access to property to construct the project in the event that negotiations have been unsuccessful. These agreements require VTA to deposit the amount of its offer into escrow for the benefit of the owner, and establish criteria for continued negotiations prior to the institution of eminent domain proceedings. If, after the possession and use agreement is executed, VTA and the owner agree on the price, a purchase agreement will be prepared and approved subject to the authority granted to the General Manager for execution of purchase agreements.

**ALTERNATIVES:**

The Board could decline to provide the requested authorization to the General Manager, or grant the authorization in a lesser or greater amount. Declining to grant or limiting the authority may, however, result in property acquisition delays, causing schedule delays.

**FISCAL IMPACT:**

There is no direct fiscal impact as a result of this action. Budget appropriation for a portion of the property acquisitions is available in the FY11 Adopted 2000 Measure A Transit Improvement Program Fund Capital Budget. Appropriation for the remaining property acquisitions will be included in the Recommended FY 2012 and FY 2013 2000 Measure A Transit Improvement Program Fund Capital Budget.

**STANDING COMMITTEE DISCUSSION / RECOMMENDATION:**

The Transit Planning and Operations Committee received this item at their October 21, 2010 meeting. Board member Larsen inquired as to whether the recommended delegation of authority included protections in the event the General Manager has a potential conflict of interest in any proposed real estate transaction. The General Counsel responded that such protections already exist in the ethics code applicable to the agency. The item was forwarded to the Board for consideration at its November 4, 2010 meeting without action, as a quorum of the committee was not present.

Prepared by: Bijal Patel
Memo No. 2606
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Cooperative Agreement with City of Morgan Hill for Planning Study

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a Cooperative Agreement with the City of Morgan Hill to engage in a site planning process to determine the optimal replacement parking solution for the Morgan Hill Caltrain ParkNRide Lot.

BACKGROUND:

This agenda item facilitates continued implementation of the Joint Development Policy and Implementation Plan adopted by the VTA Board of Directors (“Board”) in April 2009. In November 2009, the Board approved the JD Portfolio, consisting of those VTA real estate assets best suited for joint development, and the JD Priority Schedule, designating those sites that are near-term priorities for VTA. The Morgan Hill Caltrain Station ParkNRide (“Site”) is one of the priority assets approved by the Board in November 2009.

The Site, depicted as Area A in the attached Exhibit A, is a six acre parcel jointly owned by VTA (59%) and the City of Morgan Hill Redevelopment Agency (“City”) (41%). The Site provides parking for Caltrain riders at the Morgan Hill Caltrain Station and is an integral component of the Morgan Hill downtown area. While the Site can be a prime joint development opportunity in favorable market conditions, it cannot be profitably developed without an appropriate solution for the significant replacement parking demands forecasted for this site.

The City of Morgan Hill is actively implementing its Downtown Specific Plan which seeks to develop a vibrant, pedestrian-oriented downtown area. The City has ownership and/or control of
various properties in the vicinity of the Site, depicted as “Areas B-D” on Exhibit A, and is interested in jointly funding a site planning process involving all of these properties to analyze parking, traffic circulation and access.

VTA and City staff have negotiated a draft Cooperative Agreement (“Agreement”) which outlines a process and cost-sharing structure for such a site planning process. The estimated total cost for site planning study is estimated to not exceed $100,000.

Staff recommends the Board authorize the General Manager to enter into this Agreement as it will provide a critical solution to a significant issue impacting the development of the Site.

**DISCUSSION:**

The proposed site planning efforts will be beneficial to both the City and VTA.

As noted above, the Site offers a prime development opportunity in favorable market conditions if the issue of replacement parking is appropriately solved. The Site currently offers 486 parking spaces for users of the Morgan Hill Caltrain Station, of which currently an average of 122 spaces are used. VTA’s 2035 parking demand modeling forecasts a need of 207 parking spaces, which translates into approximately 40% of the land area of the Site if the parking spaces are provided in the current surface parking lot configuration. While converting the surface parking to structured parking would yield more developable space, structured parking is a very expensive solution and, if implemented for this Site alone, would prohibit VTA’s ability to generate net positive revenue from any joint development of the Site.

In recent years, public agencies across the country have considered and implemented shared use parking solutions for providing required parking. Such a shared use solution may exist here with the City, as it owns several parking lots in the vicinity of the Site. The determination of whether such a solution is mutually appropriate, however, can only be made after a proper planning process is undertaken.

The City is interested in being a part of the proposed site planning process for several reasons. As has been widely publicized, the City has actively worked to re-energize its downtown area by implementing the vision laid out in the Morgan Hill Downtown Specific Plan adopted by the City in November 2009. This vision is to strengthen the downtown core as “the gathering place, a connecting force, the social and activity heart of the Morgan Hill….“ Integral to the vision is the development of key properties that bring people to the downtown area. As earlier mentioned, the Site is one such key development property and facilitating its maximum development is consistent with the vision articulated in the Morgan Hill Downtown Specific Plan.

Access to the downtown area along with appropriate circulation and parking are also integral elements of the Morgan Hill Downtown Specific Plan. Currently, vehicular access to the Site, which is located on the east side of the Caltrain station tracks, is obtained from Butterfield Avenue. As reflected on Exhibit A, Butterfield Avenue is away from the downtown area. If a shared parking solution for Caltrain riders were offered on the west side of the tracks, these
riders would circulate through the downtown area to access this west side parking. This new access and circulation would increase opportunities for patronage of downtown area retail and entertainment uses, further reinforcing the vision of the Downtown Specific Plan.

As currently proposed, VTA and the City, with the assistance of a consultant team, will analyze all of the replacement parking options in Areas A-D shown on Exhibit A. The analysis will also include the option of relocating the Caltrain station platform to the west side of the tracks (so as to orient access to it towards the downtown area). The planning efforts will focus on optimal parking configurations and the impact and significance to transit ridership, along with access to downtown Morgan Hill and integration with the adjacent land uses. It will produce a plan showing the optimized location, size and schematic detail of a parking structure along with a multi-modal circulation plan (referred to as the “Site Planning Process”).

VTA staff proposes that VTA take the lead, serving as the primary project manager in the Planning Process and that the City have review authority. Both VTA and the City will provide input for the engaged consultants and will review their work with the objective of arriving at jointly approved recommendations.

VTA staff will solicit proposals from VTA’s approved development services list of on-call consultants to select the consultant(s) who will assist in performing the Planning Process. Should the City not approve of the VTA-selected consultant(s), VTA will issue a Request for Qualifications and/or Request for Proposals. Consultants recommended by the City also will be notified in these requests.

The cost of the Planning Process will be shared equally by VTA and the City, with consultants sending invoices to VTA who will in turn invoice the City for its 50% of the cost. VTA will issue payment to consultants upon receipt of the City’s portion of the invoiced amounts. Staff anticipates the cost of the site planning contract not to exceed $100,000. Staff will return to the Board for approval for a revised agreement should cost exceed this amount. Every effort will be made to reduce VTA’s cost, through competitive solicitations from consultants and active management of the final consultant contract.

The findings of the Planning Process will help determine a parking solution that VTA and the City mutually agree upon for the optimal development of the Site. Subsequent to the Planning Process, the City and VTA will need to engage in a negotiation process regarding an appropriate partnership or transaction agreement between the two agencies as co-owners of the Site. Only with the completion of these actions can the priority site as directed by VTA’s Joint Development Policy and Implementation Plan be appropriately advanced for development.
ALTERNATIVES:

The Board could (a) choose to deem the Planning Process unnecessary; (b) have VTA undertake a percentage of the cost other than 50%; or (c) have VTA pay for 100% of the cost and not give the City review authority.

FISCAL IMPACT:

VTA to equally share (i.e. 50/50) in the cost of a Planning Process with the City of Morgan Hill. Appropriation for this expenditure is included in the FY11 VTA Transit Enterprise Fund Operating Budget.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Committee heard the staff report on this item on August 20, 2010 and unanimously recommended that it be forwarded to the Board for approval.

ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:

The Policy Advisory Committee heard the staff report on this item on October 14, 2010 and asked general questions regarding the Cooperative Agreement and location of a new ParknRide structure with relation to downtown Morgan Hill as well as amenities and services that might be included. PAC unanimously recommended that it be forwarded to the Board for approval.

Prepared by: Timothy Nieuwsma
Memo No. 2705
Exhibit A: Plan Study Area

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<tr>
<th>Santa Clara County</th>
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<td>Assessor Parcel Number</td>
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<td>“Area A” 726-15-071</td>
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<tr>
<td>(ParkNRide)</td>
<td>59% VTA</td>
<td>41% MH-RDA</td>
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<tr>
<td>“Area B” 726-15-012</td>
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<tr>
<td>“Area C” 726-14-061</td>
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<tr>
<td>“Area D” 726-13-047</td>
<td>0.94</td>
<td>fee simple</td>
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<td>Total Area:</td>
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Areas A through D are jointly referred to herein as the “Project Area”.
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief SVRT Program Officer, Carolyn M. Gonot

SUBJECT: SVRT Program Update

FOR INFORMATION ONLY

BACKGROUND:

The Santa Clara Valley Transportation Authority (VTA) Board of Directors has designated BART Silicon Valley as the priority project in the 2000 Measure A Program. The 16-mile extension of Bay Area Rapid Transit (BART) into Santa Clara County is being implemented under agreement with BART, by VTA’s Silicon Valley Rapid Transit Program. The project will be delivered in phases, and progress on the first phase is moving towards full funding and construction award.

The first phase, identified as the Silicon Valley Berryessa Extension (SVBX) Project, is a $2.1 billion, 10-mile, two-station (Milpitas and Berryessa) project. The SVBX project runs in the rail corridor that VTA purchased and extends the regional BART system from the future BART Warm Springs Station in Fremont to the Berryessa area of north San Jose.

Achievement of recent milestones include advancement into the Federal New Starts Program, authority to pursue design build as the project delivery method and receipt of federal environmental clearance. These accomplishments have resulted in an increase of project activities. To ensure the VTA Board of Directors is informed of key project activities, BART Silicon Valley staff will provide monthly program updates.
DISCUSSION:

Significant BART Silicon Valley Project activities and progress during October 2010 include:

**Visit from Transportation Secretary’s Office**

On October 19, 2010, United States Representatives Mike Honda and Zoe Lofgren and several local officials hosted Department of Transportation Under Secretary Roy Kienitz as he toured areas of the corridor being prepared for the BART Silicon Valley Extension. With VTA requesting $900 million in Federal New Starts funding for the Silicon Valley Berryessa Extension, this was an opportunity to highlight the activities and readiness of the BART Silicon Valley Extension for federal funding.

**Quarterly FTA Meeting**

Senior VTA staff recently met with FTA Region IX officials to provide an update on recent project activities. The VTA General Manager gave an update on the agency’s activities, including the upcoming bond issuance, the Board’s Ad Hoc Financial Stability Committee, and the new express light rail service.

Staff also provided an update on the “next steps” for addressing CPUC’s preference on the configuration of Dixon Landing Road. Staff indicated that the City of Milpitas and VTA will meet with CPUC to present the issues the City would face if Dixon Landing Road were grade separated. Concurrently, VTA will formally request CPUC permits required for the Board preferred alternative BART in retained-cut configuration at Dixon Landing Road.

Discussions were initiated on VTA’s request for an FTA Letter of No-Prejudice (LONP) for the construction of an SVBX bridge span over the future Kato Road underpass, ahead of the execution of Full Funding Grant Agreement. If a LONP is issued, VTA will include the construction of the bridge span (that will eventually carry the BART system) in the Kato Road Grade Separation contract that is scheduled to be awarded in the second quarter of 2011.

**Community Outreach Meetings**

VTA held BART Silicon Valley community meetings on October 18 and 27 at the Milpitas and Berryessa libraries. Attendees received a presentation on the overall project, funding status, details of the future Milpitas and Berryessa stations and current and upcoming project activities. After the presentation, participants had the opportunity to visit display stations and meet with project planners, engineers and community outreach staff to share comments and learn more about various aspects of the project.

**Design Build Contract**

The Request for Qualifications notification for SVBX was issued to VTA’s Prospective
Vendors list on October 19, 2010. The Request for Qualifications follows the statutory authority given to VTA to perform design-build activities. Qualifications are due November 19, 2010 for teams desiring to be pre-qualified to receive the Request for Proposals. VTA will issue the Request for Proposals in early 2011 and is tentatively scheduled to award the contract in fall of 2011.

**Vehicle Procurement**

VTA and BART management have been working through a set of principals regarding VTA’s financial participation in the BART vehicle procurement. VTA will need to execute an agreement with BART before BART awards the vehicle procurement contract. BART would include 60 vehicles required for SVBX in the award and Notice to Proceed to the selected contractor. VTA staff will bring forward a recommendation to execute an agreement with BART at the December Board meeting.

**Hayward Maintenance Complex**

As mentioned in previous updates to the Board of Directors, VTA and BART have agreed the Berryessa Extension vehicles will be maintained at the Hayward Facility. This requires an investment in the Hayward Shop to modify existing facilities, and avoids the requirement for VTA to take property and construct a temporary year and maintenance facility at Las Plumas Avenue just south of the Berryessa Station. Recently, BART has initiated community outreach for environmental work associated with Title VI regulations. BART expects to complete the federal environmental process in March 2011.

Prepared By: Kevin Kurimoto
Memo No. 2768
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Administrative Officer, Bill Lopez

SUBJECT: Contract Award for Operations Insurance Broker

Policy-Related Action: No

Government Code Section 84308 Applies: Yes

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a three year fixed fee contract for $213,060; with two additional one year options at $80,609 for the first optional extension and $75,862 for the second extension; for a grand total of $369,531; with Alliant Insurance Services to provide insurance brokerage and loss control service for VTA operations.

BACKGROUND:

VTA utilizes the services of a licensed insurance broker for the procurement and management of the insurance policies that comprise VTA’s Operations Insurance Program. This program provides property insurance coverage for all VTA vehicles, buildings and contents; excess coverage for Public Liability claims (VTA is self-insured for the first $3 Million in public liability losses); and coverage for Property Damage claims and Public Officials Liability Claims. As VTA’s representative in the insurance market, the selected broker markets VTA’s insurance business, evaluates resulting bids and carrier qualifications, and negotiates rates and coverage with finalists. The Operations Insurance Program is marketed annually with the policies renewing each July 1. The broker also provides services such as claims auditing and property valuations for establishing appropriate insurance limits. The current broker contract with Alliant Insurance Services expires on January 31, 2011.
DISCUSSION:

A Request for Proposals (RFP) was issued on July 28, 2010. The RFP was advertised in the San Jose Post Record and on the VTA website. Notices were also sent to 12 prospective proposers. Proposals were received from the following firms, listed in alphabetical order:

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<thead>
<tr>
<th>BROKER</th>
<th>PROPOSED FIXED FEE</th>
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<tr>
<td>*Alliant Insurance Services</td>
<td>$369,530</td>
</tr>
<tr>
<td>Arthur J. Gallagher Risk Management Services</td>
<td>$325,000</td>
</tr>
<tr>
<td>*Keenan and Associates</td>
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<tr>
<td>Poms and Associates Insurance Brokers Inc.</td>
<td>$1,100,000</td>
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<tr>
<td>*Wells Fargo Insurance Services</td>
<td>$386,070</td>
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* Finalists selected for interviews

The selection panel, composed of VTA’s Risk Manager and a Contract Administrator, evaluated the written proposals according to pre-established selection criteria. The criteria included qualifications of the firm, qualifications of key project staff, demonstrated understanding of the project as evidenced in the proposers’ work plans, proposed cost and local business preference.

After the selection panel’s completion of the proposal evaluation process, three proposers, Alliant Insurance Services, Keenan and Associates and Wells Fargo Insurance Services, were selected for interviews which were held on September 22 and 23, 2010. Based on their performance in both the interview and proposal process as measured against the selection criteria, Alliant Insurance Services (Alliant) was selected as the recommended firm for contract award.

While cost was a consideration, the recommended selection was not the lowest cost bidder. However, the lower bidders were, in one case, non-responsive to the RFP requirements; or in the second case had no prior experience with Public Transportation Property and Liability risks, lacked a track record for placing coverage in this market, and if selected VTA would be their only Property/Casualty Public Transportation client.

Conversely, Alliant has an extensive book of public entity business in California, including ten transit properties or transit insurance pools. Alliant's proposed Program Manager has extensive experience with the VTA program and has successfully managed the VTA account for 10 years, and their proposed work plans demonstrated a clear understanding of the project requirements.

ALTERNATIVES:

The Board could direct staff to reconsider the alternative proposers, or to re-issue the RFP.

SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION:

No specific goal has been established for this contract. The contractor has agreed to make every
reasonable effort to utilize SBEs in its procurement of ancillary services and products associated with the performance of this contract.

**FISCAL IMPACT:**

This action will authorize $369,530 for a three-year fixed fee contract with two, one-year options for insurance brokerage and loss control services. Budget appropriation for the work performed through June 2011 is included in the FY11 Adopted VTA Transit Enterprise Fund Operating Budget. Appropriation for the remainder of the contract period will be included in the Recommended FY 2012 and FY 2013 and subsequent Biennial Operating Budgets.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration and Finance Committee considered this item at the October 22, 2010 meeting attended by Director Committee Chairperson Kniss, Director Reed, and Alternate Director McHugh. Director Reed recused himself from the item pursuant to Government Code Section 84308, resulting in a loss of a quorum for the item. The item was presented by Risk Manager Nanci Eksterowicz.

There was no additional discussion.

Absent a quorum, the committee moved to the next item without a vote.

Prepared by: Nanci G. Eksterowicz
Memo No. 2601
Attachment A

Contract Award for Operations Insurance Broker
List of Consultants

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<th>Firm Name</th>
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<tr>
<td>Alliant Insurance</td>
<td>Dennis Mulqueeney,</td>
<td>Practice Consultant</td>
<td>100 Pine Street, 11th floor, 11th floor, San Francisco, Ca 94111</td>
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<td>Services</td>
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<td></td>
<td>Robert Leong</td>
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<td></td>
<td>Account Manager</td>
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<td>Jo Anne Roque</td>
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BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: West San Carlos Station Funding Agreement

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to enter into an agreement with the City of San Jose to transfer development contributions dedicated for the West San Carlos Light Rail Station to VTA and to collaborate with the City of San Jose to pursue funding for the construction and operation of a new Light Rail Station near West San Carlos Street.

BACKGROUND:

The Vasona Light Rail Transit (LRT) Line Environmental Impact Report (EIR) included a potential West San Carlos (WSC) station located near the intersection of Sunol and Auzerais Streets in the City of San Jose. In 2000, when the environmental document was prepared, the area surrounding this location was mostly industrial and identified by the City for infill redevelopment through the Midtown Specific Plan. Subsequently, infill development started in the area led by a KB Homes development on the old Del Monte Cannery site. The City conditioned KB Homes to provide a $1,000,000 contribution toward the construction of a new WSC LRT station. In recent years, other development in the area has prompted renewed interest by the City for VTA to build and operate a new WSC LRT station.

The site for the WSC station is roughly one half mile from the existing Race and Diridon LRT station. Analysis shows that, given current assumptions regarding the expected build out of the area, a WSC station would not meet VTA’s Transit Sustainability Policy (TSP) minimum standards for ridership. However, while a station would not meet VTA’s standard, there may be livability and other community benefits generated by the station. When fully built out of the Midtown Specific Plan this new station is forecast to generate about 650 Light Rail trips per day.
in 2035.

Over the past year, City and VTA staffs have discussed a range of issues and options related to the development of a new WSC LRT station including operational, ridership demand, and station/system design issues. To further these discussions, VTA has conducted initial evaluations of several options for a station, including the development of initial design layouts and conceptual level cost estimates. This information would provide a foundation for additional work as the project proceeds.

**DISCUSSION:**

Funding for a WSC Station would come from non-VTA sources, such as developer contributions or grant funds. The execution of the agreement would allow the City to transfer the $1 million KB Homes contribution to VTA to begin the design and project development process. Since funding will likely come incrementally as the area develops, VTA and the City must develop an implementation strategy to move forward in phases as funding becomes available. VTA’s development responsibilities would include the environmental clearance, design and construction of the station. With the construction of a station, VTA must accept the in-perpetuity cost for operations and maintenance (O&M) of the station. In addition, the station will be designed and constructed to not negatively impact current light rail operations or preclude or limit future operational flexibility.

Accordingly, the Agreement outlines a process for the City and VTA to work collaboratively to pursue capital and O&M funding.

**ALTERNATIVES:**

The Board may choose not to pursue a station at this location and an agreement with the City of San Jose.

**FISCAL IMPACT:**

With this action VTA would commit to building and operating a new LRT station near West San Carlos Street in San Jose if funding for the station and other necessary supporting improvements is secured. Funding for the construction would come from external sources secured by the City of San Jose in collaboration with VTA. Operation and maintenance costs for the new station would be a future VTA responsibility. The appropriation for capital construction and operating and maintenance costs would need to be included in future VTA Capital and Operating budgets.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Committee members had several questions about VTA and City of San Jose roles, process to secure additional funding and other developments in the area and about future VTA Bus Rapid Transit improvements along West San Carlos. The Committee requested that VTA staff contact San Jose to inquire if the $1 million contribution made by KB Homes can be re-directed to BRT improvements on West San Carlos St.
According to San Jose staff, the requirement for contribution was required by a condition of approval on the project and stipulates that the funds be for a Light Rail Station constructed adjacent to the KB Homes site between Auzerais Street and West San Carlos St. along the Vasona LRT alignment. According to San Jose staff, the KB Homes contribution cannot be moved to a different improvement without a modification to their planning permit and conditions of approval. This would require KB Homes to voluntarily agree to modify their permit conditions. Per discussions with the developer over the last few years during project implementation this seems highly unlikely.

The Committee reviewed this item again at their October 21, 2010 meeting. Staff presented a summary of the issues regarding the agreement and station project. Additionally staff provided answers to several questions raised at the September meeting including possible shifting of developer contributions to BRT, a description of the LRT improvements required in order to avoid negative impacts to overall LRT system operations and re-stating that the commitment by VTA is dependent on funding being secured by City for station improvements. The Committee raised additional questions including clarification of the potential for other developments in the area to also contribute funding, a question regarding the need for this action to occur at this time as it relates to the nearby proposed Ohlone development. Manuel Pineda, Deputy Director of Transportation for San José was in attendance and provided answers to Committee questions relating to City issues. The committee was meeting as a Committee of the Whole and forwarded the item to the full Board for consideration at its November 2, 2010 meeting.

Prepared by: Chris Augenstein
Memo No. 2498
FOR INFORMATION ONLY

BACKGROUND:
For your information, I am attaching our Monthly Legislative History Matrix, which describes the key transportation-related bills that were considered by the California State Legislature during the 2009-2010 session. It indicates the status of these measures and any adopted VTA positions with regard to them.

DISCUSSION:
The Senate and Assembly adjourned the 2009-2010 regular session at midnight on August 31. The end of the regular session means that the Legislature can no longer consider any majority-vote bills that were introduced in either 2009 or 2010. However, lawmakers can continue to work on items requiring a two-thirds vote, such as urgency measures and the state budget, until as late as November 30. For majority-vote bills that were approved by the Legislature prior to adjournment of the regular session, Gov. Arnold Schwarzenegger had until midnight on September 30 to act on them.

Some of the key measures that survived the legislative process and then were signed into law by the Governor are:

**AB 987 (Ma):** This measure amends the Transit Village Development Planning Act, which was enacted in 1994 to encourage mixed-use development at relatively higher densities around public transit stations, to allow a city or county to include a larger area in a transit village development district. VTA Position: Support.

**AB 1670 (Beall):** Sponsored by the city of San Jose, AB 1670 allows the California Transportation Commission (CTC) to relinquish the following state highway facilities to the city:
(a) the portion of State Route 82 from U.S. 101 to I-880, which is commonly known as The Alameda/Monterey Highway; and (b) the portion of State Route 130 within the city limits, which is Alum Rock Avenue. VTA Position: Support.

**AB 1784 (Fong):** This bill allows VTA to manage the construction of improvement projects on local roadways under the jurisdiction of the 15 cities within Santa Clara County or the county, if requested by a city or the county to do so. VTA Position: Sponsor.

**AB 2324 (J. Pérez):** Intended to strengthen the safety and security of public transit systems in California, AB 2324 prohibits the following: (a) a person from knowingly possessing specified weapons within a restricted area of a public transit facility; (b) an unauthorized person from knowingly entering a restricted area of a public transit facility; and (c) a person from intentionally avoiding submission to screening and inspection when entering or re-entering a restricted area of a public transit facility. In addition, this measure increases the penalties for repeat fare evasion offenders and for certain acts of public transit passenger misconduct. VTA Position: Support.

**SB 1268 (Simitian):** This legislation prohibits a transportation agency from selling or providing personally identifiable information of a subscriber obtained through his or her participation in an electronic toll collection system. VTA Position: None.

**SB 1320 (Hancock):** This bill allows VTA, the Alameda-Contra Costa Transit District (AC Transit) and several other public transit agencies to impose and enforce civil administrative penalties for fare evasion and passenger misconduct violations in lieu of criminal penalties. VTA Position: Co-Sponsor.

**SB 1371 (Correa):** This legislation authorizes the lead agency for an intercity, commuter or urban rail transit capital improvement project funded through Proposition 1A to apply to the CTC for a letter of no prejudice (LONP) that would allow the agency to expend its own funds for any bond-funded component of the project, subject to later reimbursement from bond proceeds under certain conditions. VTA Position: Support.

The following measures were vetoed by Gov. Schwarzenegger:

**AB 194 (Torrico)/AB 827 (De La Torre):** Seven bills were introduced in response to reports that the city of Bell’s former city manager was paid roughly $800,000 per year and members of its part-time city council each received annual compensation of $100,000. Three of these measures made it to the Governor, two of which would have impacted special districts. AB 194 specified that for purposes of determining a retirement benefit payment for a person who first becomes a member of a public retirement system on or after January 1, 2011, the maximum salary or pay rate upon which retirement benefits may be based could not exceed 125 percent of the salary recommended for the Governor by the California Citizens Compensation Committee. AB 827 would have prohibited the inclusion of automatic renewals and automatic pay increases exceeding the cost of living in the contracts of individual employees who report directly to the governing body of a local agency. It also would have required a performance review for these employees before a local agency governing body could provide an increase in compensation.
above a cost-of-living adjustment. In vetoing AB 194, Gov. Schwarzenegger argued that it “would make a very small dent in the pension problem California faces” and, therefore, “cannot be considered real pension reform.” In the case of AB 827, while the Governor acknowledged that “the scandal with the City of Bell was a disgraceful use of public funds” and that the legislation “presents good public policy,” he was concerned that the bill was limited to certain local agency personnel contracts when it should have been applied to all public employees, including labor unions and state workers. He wrote, “I encourage the Legislature to enact thoughtful and meaningful solutions rather than a rushed proposal that is severely limited in its applicability.” VTA Positions: None.

AB 289 (Galgiani)/SB 965 (DeSaulnier): These two bills got joined at the hip during the last week of the regular session. Both would have provided statutory authorization for the High-Speed Rail Authority to expend the $2.25 billion in federal American Recovery and Reinvestment Act (ARRA) funding that was awarded to California for the state’s high-speed train project. AB 289 would have required these dollars to be used for planning, engineering and construction work related to the first phase of the project running between Anaheim/Los Angeles and the Bay Area. SB 965 would have required the High-Speed Rail Authority to take those actions necessary to ensure that the ARRA funds are obligated and expended in a manner that: (a) meets all applicable federal deadlines; (b) maximizes job creation in California at the earliest feasible time; (c) expedites the completion of vital high-speed rail infrastructure projects that improve rail-highway safety, mobility and performance; and (d) makes the most efficient use of available Proposition 1A high-speed rail bond money. Gov. Schwarzenegger objected to both of these bills because, in his opinion, they “would direct the expenditure of federal funds without going through the regular budget review and development process.” VTA Positions: None.

AB 619 (Blumenfield)/AB 1830 (Jones): Both of these bills dealt with the contracting policies and procedures of the High-Speed Rail Authority. AB 619 would have required any entity applying for a contract with the authority to affirmatively certify in advance of submitting a formal bid whether it had any direct involvement in the deportation of any individuals to concentration or prisoner-of-war camps during World War II. AB 1830 would have required the authority to make every effort to purchase high-speed train rolling stock and related equipment manufactured in California. In his veto message for AB 619, Gov. Schwarzenegger wrote, “While I sympathize with the victims of the Holocaust and other individuals that were transported against their will during World War II, this bill needlessly places the state in a position of acknowledging the activities of companies during that time.” With regard to AB 1830, the Governor contended that the measure “could result in unnecessary additional costs and delays in the constructing of high-speed rail in California.” VTA Positions: None.

SB 964 (Alquist): This bill would have required the High-Speed Rail Authority to contract with the Employment Development Department (EDD) to put together a strategy to facilitate the availability of a skilled, in-state workforce to participate in the construction of the high-speed train project. In vetoing SB 964, Gov. Schwarzenegger contended that the bill would: (a) entail a significant unfunded workload for EDD; and (b) not result in a meaningful product given the bill’s tight timelines. VTA Position: Support.

SB 1205 (Corbett): Sponsored by the Association of Bay Area Governments (ABAG), SB 1205
would have established the Bay Area Disaster Recovery Planning Council to create a long-term regional disaster recovery plan for the Bay Area. In his veto message, Gov. Schwarzenegger argued that because the California Emergency Management Agency is already responsible for state emergency management programs, SB 1205 would, in essence, “establish a parallel or duplicate disaster planning organization and could divert the limited funding currently available for long-term disaster recovery.” VTA Position: None.

Some of the more notable transportation-related bills that did not make it through the legislative process include:

**AB 744 (Torrico):** Sponsored by the Metropolitan Transportation Commission (MTC), AB 744 would have authorized the development and implementation of a regional express lane network on state highways within the Bay Area. This measure died in the Senate Appropriations Committee. VTA Position: Support.

**AB 2620 (Eng):** Sponsored by the Professional Engineers in California Government (PECG), a labor organization that represents Caltrans engineers, AB 2620 essentially would have precluded Caltrans from charging indirect overhead costs for reimbursable work performed by the department on behalf of local agencies for locally funded state highway projects. This bill died in the Senate Appropriations Committee. VTA Position: None.

**SB 409 (Ducheny):** This legislation would have required Caltrans to prepare a five-year Strategic Rail Connectivity Plan in order to identify opportunities for improving the linkage of the state’s various passenger rail systems. SB 409 died in the Assembly Appropriations Committee. VTA Position: None.

**SB 1245 (Simitian):** This measure would have prohibited charging a toll to a vehicle that meets the applicable occupancy level for use of a high-occupancy vehicle (HOV) lane. In addition, it would have allowed for an increase in the vehicle occupancy level for an HOV lane only if Caltrans determined that the change would maximize person throughput with respect to the affected highway. SB 1245 died in the Assembly Transportation Committee. VTA Position: None.

**SB 1299 (Lowenthal):** This bill would have required the Department of Motor Vehicles (DMV) to do an assessment of the issues surrounding the implementation of a vehicle miles traveled (VMT) fee in California. SB 1299 died in the Senate Appropriations Committee. VTA Position: None.

**SB 1418 (Wiggins):** Sponsored by MTC and the Santa Cruz County Regional Transportation Commission, SB 1418 would have increased the maximum amount of the vehicle registration surcharge that a Service Authority for Freeways and Expressways (SAFE) could impose from $1 to $2. This legislation also would have allowed SAFE surcharge revenues to be used for mobile roadside assistance, intelligent transportation systems, incident management programs, traveler information systems, and traffic operation centers in addition to call boxes and freeway service patrols. SB 1418 died in the Assembly Transportation Committee. VTA Position: None.
SB 1445 (DeSaulnier): This legislation would have allowed metropolitan planning organizations (MPOs) and councils of governments (COGs) to impose a vehicle registration surcharge of up to $4 to fund the development and implementation of sustainable communities strategies or regional blueprint plans. SB 1445 died in the Assembly Appropriations Committee. VTA Position: None.

SB 1475 (Simitian): This bill would have increased the penalties for violating the prohibitions in current state law related to wireless telephone usage and text-messaging while operating a motor vehicle. SB 1475 died in the Assembly Appropriations Committee. VTA Position: None.

Prepared By: Kurt Evans
Memo No. 2357
# State Assembly Bills

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<tbody>
<tr>
<td>AB 194 (Torrico) Public Employees Retirement</td>
<td>For purposes of determining a retirement benefit payment paid to a person who first becomes a member of a public retirement system on or after January 1, 2011, provides that the maximum salary or pay rate upon which retirement benefits may be based cannot exceed 125 percent of the salary recommended by the California Citizens Compensation Committee to be paid to the Governor. Requires this amount to be adjusted annually based on changes in the All Urban California Consumer Price Index.</td>
<td>8/27/10</td>
<td>Vetoed by the Governor</td>
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<tr>
<td>AB 231 (Huber) CEQA: Finding of Overriding Consideration</td>
<td>For purposes of complying with the California Environmental Quality Act (CEQA), authorizes a lead agency, until January 1, 2016, to incorporate by reference a finding of overriding consideration made in a prior environmental impact report (EIR) for a later project if certain conditions are met, including that the lead agency determines that the later project’s significant impacts on the environment are no greater than those identified in the prior EIR from which the project is tiered.</td>
<td>8/20/10</td>
<td>Signed into Law: Chapter #432</td>
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<tr>
<td>AB 266 (Carter) Transportation Needs Assessment</td>
<td>Every five years, requires the California Transportation Commission (CTC) to develop an assessment of: (a) the unfunded costs of programmed state and federally earmarked transportation projects in California; and (b) available funding for transportation purposes and unmet transportation needs on a statewide basis. Requires the assessment to include recommendations on how the state and local transportation agencies may address the transportation funding shortfalls and unmet needs that are identified. Requires the results from the initial assessment to be submitted to the Legislature by March 1, 2011.</td>
<td>4/20/09</td>
<td>Senate Rules Committee: Failed Passage</td>
<td>Support</td>
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<tr>
<td>AB 289 (Galgiani) High-Speed Rail: ARRA Funds</td>
<td>Upon appropriation by the Legislature, makes available $2.25 billion in American Recovery and Reinvestment Act (ARRA) high-speed rail funding to the California High-Speed Rail Authority to be used for: (a) planning and engineering for the high-speed train system; and (b) capital costs, consistent with federal guidelines, rules and regulations, and consistent with Proposition 1A. Upon appropriation by the Legislature, requires any funds received by California in FY 2011 from the federal Passenger Rail Investment and Improvement Act of 2008 to be used for planning and engineering work for any of the following corridors: (1) Merced to Sacramento; (2) Los Angeles to San Diego; and (3) the Altamont Corridor. Exempts the executive director of the High-Speed Rail Authority from civil service. For purposes of managing and administering the ongoing work of the High-Speed Rail Authority in implementing the high-speed train project, allows the Governor, upon the recommendation of the authority’s executive director and subject to an appropriation, to appoint up to six additional employees, who would: (a) be exempt from civil service; and (b) serve at the pleasure of the authority’s executive director. States the intent of the Legislature to approve additional positions at the High-Speed Rail Authority for purposes of creating an Office for Project Controls and Risk Management within the authority.</td>
<td>8/27/10</td>
<td>Vetoed by the Governor</td>
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<td><strong>AB 497</strong>&lt;br&gt;(Block)&lt;br&gt;HOV Lanes:&lt;br&gt;Physicians</td>
<td>Allows Caltrans and local transportation authorities to permit a vehicle driven by a physician who is traveling in response to an emergency call to use high-occupancy vehicle (HOV) lanes regardless of the number of passengers in the vehicle, provided the vehicle displays an insignia approved by the California Highway Patrol (CHP) indicating that the vehicle is owned by a licensed physician. Specifies that the provisions of the bill would only apply if Caltrans determines that its application would not subject the state to a loss of federal aid for highways.</td>
<td>5/14/09</td>
<td>Senate Transportation and Housing Committee: Failed Passage</td>
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<td><strong>AB 569</strong>&lt;br&gt;(Emmerson)&lt;br&gt;Meal Periods:&lt;br&gt;Construction and Transportation Industries</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; an employee in the security services industry; an employee of an electrical or gas corporation; or an employee of a local publicly owned electric utility 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>8/20/10</td>
<td>Governor’s Office</td>
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<tr>
<td><strong>AB 619</strong>&lt;br&gt;(Blumenfield)&lt;br&gt;High-Speed Rail:&lt;br&gt;Contracts</td>
<td>Requires any entity applying for a contract with the High-Speed Rail Authority related to the high-speed train network to affirmatively certify in advance of submitting a formal bid whether it had any direct involvement in the deportation of any individuals to extermination camps, work camps, concentration camps, prisoner of war camps, or any similar camps during the period from January 1, 1942, through December 31, 1944.</td>
<td>7/15/10</td>
<td>Vetoed by the Governor</td>
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<tr>
<td><strong>AB 726</strong>&lt;br&gt;(Nielsen)&lt;br&gt;Local Roadway Rehabilitation Projects</td>
<td>States that local roadway rehabilitation projects are eligible for funding under the State Transportation Improvement Program (STIP).</td>
<td>As Introduced</td>
<td>Senate Transportation and Housing Committee: Failed Passage</td>
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<tr>
<td><strong>AB 732</strong>&lt;br&gt;(Jeffries)&lt;br&gt;Design-Sequencing Contracts</td>
<td>Extends the authority for Caltrans to use the design-sequencing method of contracting for the design and construction of not more than nine transportation projects from January 1, 2010, to July 1, 2010.</td>
<td>6/16/09</td>
<td>Senate Appropriations Committee: Failed Passage</td>
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<td>AB 744 (Torrico) Bay Area Express Lane Network</td>
<td>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.</td>
<td>7/15/09</td>
<td>Senate Appropriations Committee: Failed Passage</td>
<td>Support</td>
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<td><strong>AB 827</strong>&lt;br&gt;(De La Torre)&lt;br&gt;Local Public Employees</td>
<td>On or after January 1, 2011, prohibits any contract executed or renewed between a local agency and an excluded employee from including any of the following: (1) an automatic renewal of the contract; (2) an automatic increase in compensation that exceeds a cost-of-living adjustment; (3) an automatic increase in compensation that is linked to another contract; or (4) a maximum cash settlement that exceeds the amounts established in existing law. Requires a performance review to occur prior to increasing the salary of an excluded employee. Defines “excluded employee” as any person who is or will be employed by, and report directly to, the legislative body of a local agency, and is not subject to the Meyers-Milias-Brown Act or the Education Code’s employee relations provisions.</td>
<td>8/27/10</td>
<td>Vetoed by the Governor</td>
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<tr>
<td><strong>AB 987</strong>&lt;br&gt;(Ma)&lt;br&gt;Transit Village Development Districts</td>
<td>Recasts the area included in a transit village development district to include all land within not more than a half mile of the main entrance of a public transit station.</td>
<td>8/18/10</td>
<td>Signed into Law: Chapter #354</td>
<td>Support</td>
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<tr>
<td><strong>AB 1030</strong>&lt;br&gt;(Blumenfield)&lt;br&gt;Caltrans: Renewable Energy Projects</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: Failed Passage</td>
<td></td>
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<td><strong>AB 1375</strong>&lt;br&gt;(Galgiani)&lt;br&gt;California High-Speed Rail Authority: Personnel</td>
<td>Exempts the executive director of the California High-Speed Rail Authority from civil service. For purposes of managing and administering the ongoing work of the High-Speed Rail Authority in implementing the high-speed train project, allows the Governor, upon the recommendation of the authority’s executive director, to appoint up to six additional employees, who would: (a) be exempt from civil service; and (b) serve at the pleasure of the authority’s executive director.</td>
<td>6/22/10</td>
<td>Senate Transportation and Housing Committee: Failed Passage</td>
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<td><strong>AB 1405</strong>&lt;br&gt;(De Leon)&lt;br&gt;Global Warming Solutions Act: California Climate Change Community Benefits Fund</td>
<td>Requires a minimum of 10 percent of the revenues generated each year from the state sale of instruments for market-based compliance mechanisms under the California Global Warming Solutions Act of 2006, other than revenues collected for administrative purposes, to be deposited in the California Climate Change Community Benefits Fund. Requires the revenues in the fund to be used solely in the most impacted and disadvantaged communities in the state to fund programs or projects that reduce greenhouse gas emissions, or mitigate direct health or environmental impacts of climate change in those communities.</td>
<td>8/20/10</td>
<td>Governor’s Office</td>
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<td><strong>AB 1500</strong>&lt;br&gt;(Lieu)&lt;br&gt;HOV Lanes: Low-Emission Vehicles</td>
<td>Unless pre-empted by federal law, extends the authorization for low-emission vehicles to use high-occupancy vehicle (HOV) lanes regardless of the number of vehicle occupants from January 1, 2011, to January 1, 2015.</td>
<td>5/26/10</td>
<td>Signed into Law: Chapter #37</td>
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<td><strong>AB 1670</strong> (Beall)</td>
<td>Relinquishment of State Routes 82 and 130</td>
<td>7/15/10</td>
<td>Signed into Law: Chapter #448</td>
<td>Support</td>
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<tr>
<td><strong>AB 1760</strong> (Blumenfield)</td>
<td>Design-Sequencing Contracts</td>
<td>7/15/10</td>
<td>Vetoed by the Governor</td>
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<td><strong>AB 1784</strong> (Fong)</td>
<td>VTA: Local Roadway Projects</td>
<td>4/12/10</td>
<td>Signed into Law: Chapter #57</td>
<td>Sponsor</td>
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<td><strong>AB 1805</strong> (Calderon)</td>
<td>CEQA Litigation Protection Pilot Program of 2010</td>
<td>As Introduced</td>
<td>Assembly Natural Resources Committee: Failed Passage</td>
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<td><strong>AB 1830</strong> (Jones)</td>
<td>High-Speed Rail: Rolling Stock and Equipment Purchases</td>
<td>8/20/10</td>
<td>Vetoed by the Governor</td>
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<td><strong>AB 1871</strong> (Jones)</td>
<td>Personal Vehicle Sharing</td>
<td>8/20/10</td>
<td>Signed into Law: Chapter #454</td>
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<td><strong>AB 1955</strong> (De La Torre) Local Government: Compensation</td>
<td>Based on a review of public records or reported salary information, requires the Controller’s Office to determine whether a city is an “excess compensation city,” as defined. Once a redevelopment agency has received written notice from the Controller’s Office that its city is an excess compensation city, prohibits the redevelopment agency from: (a) adopting a redevelopment plan for a new project area; (b) amending an existing plan for existing project areas; (c) issuing new bonds, notes, interim certificates, debentures, or other obligations; and (d) encumbering any funds or expending any money from any source except as specified. Requires any individual contract of employment or amendment to a contract of employment with an individual who is employed by, and reports directly to, the legislative body of a local agency to be ratified in an open session of the legislative body after prescribed information regarding the contract or amendment is made available in a conspicuous location on the local agency’s Internet Web site, if it maintains one, and in a location that is freely accessible to the public no later than five days prior to the meeting to ratify or amend the contract.</td>
<td>8/30/10</td>
<td>Senate Floor: Failed Passage</td>
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<tr>
<td><strong>AB 1958</strong> (Caballero) State Departments: Budget Cuts</td>
<td>States the intent of the Legislature to enact a bill to require each state department to make recommendations on reducing its costs by 5 percent, and to use those cost savings to fund pre-approved infrastructure projects not funded by existing bond proceeds.</td>
<td>As Introduced</td>
<td>Assembly Desk: Failed Passage</td>
<td></td>
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<tr>
<td><strong>AB 2064</strong> (Huber) Public Employees: Compensation Disclosure</td>
<td>Requires a county, city, school district, special district, or joint powers agency to post on its official Internet Web site, if it maintains one, annual salary information pertaining to each elected or appointed official, superintendent, deputy superintendent, assistant superintendent, associate superintendent, general manager, city manager, county administrator, and other similar chief administrative officer or executive officer.</td>
<td>8/31/10</td>
<td>Senate Governmental Organization Committee: Failed Passage</td>
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<td><strong>AB 2097</strong> (Miller) Vehicles: Confidential Home Addresses</td>
<td>Requires a person who requests the confidentiality of his or her home address to provide the Department of Motor Vehicles (DMV) with a current employment address for purposes of processing the service and collection of a traffic, parking or toll road violation.</td>
<td>5/28/10</td>
<td>Senate Appropriations Committee: Failed Passage</td>
<td></td>
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<tr>
<td><strong>AB 2098</strong> (Miller) RCTC: Design-Build Contracting</td>
<td>Authorizes the Riverside County Transportation Commission (RCTC), subject to California Transportation Commission (CTC) approval, to utilize design-build contracting for the State Route 91 Corridor Improvements Project on the state highway system. Makes Caltrans responsible for the performance of construction inspection services for the project.</td>
<td>8/20/10</td>
<td>Signed into Law: Chapter #250</td>
<td></td>
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<tr>
<td><strong>AB 2113</strong> (Evans) Local Taxation</td>
<td>Authorizes a county board of supervisors to place on the ballot either or both of the following for consideration by the voters in accordance with all constitutional and statutory requirements: (1) a local personal income tax; or (2) a local vehicle license fee.</td>
<td>As Introduced</td>
<td>Assembly Local Government Committee: Failed Passage</td>
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<td>AB 2121 (Harkey)</td>
<td>High-Speed Rail: Six-Year Program and Annual Report</td>
<td>5/28/10</td>
<td>Senate Rules Committee: Failed Passage</td>
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<td>AB 2124 (Villines)</td>
<td>Caltrans: Damage to Local Roadways</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee: Failed Passage</td>
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<td>AB 2127 (Nestande)</td>
<td>Non-Emergency Medical Transportation</td>
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<td>Assembly Health Committee: Failed Passage</td>
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<td>AB 2147 (V. Perez)</td>
<td>Safe Routes to School</td>
<td>8/20/10</td>
<td>Vetoed by the Governor</td>
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<td>AB 2311 (Mendoza)</td>
<td>Global Warming Solutions Act: Transportation Fuels</td>
<td>4/19/10</td>
<td>Assembly Appropriations Committee: Failed Passage</td>
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<tr>
<td><strong>AB 2313</strong> (Buchanan) CEQA: Greenhouse Gas Emissions</td>
<td>Prior to the adoption of a regional transportation plan (RTP) for a region in which a residential or mixed-use residential project is located, provides that a lead agency, for purposes of complying with the California Environmental Quality Act (CEQA), may use a threshold of significance for greenhouse gas emissions adopted for the project by the air quality management district within which the project is located to determine whether the project may have a significant effect on the environment due to the emission of greenhouse gases.</td>
<td>6/21/10</td>
<td>Senate Environmental Quality Committee: Failed Passage</td>
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<tr>
<td><strong>AB 2324</strong> (J. Perez) Public Transit Facilities</td>
<td>Prohibits the following: (a) a person from knowingly possessing specified weapons within a sterile area of a public transit facility; (b) an unauthorized person from knowingly entering a restricted area of a public transit facility if the area has been posted with notices restricting access to authorized personnel only; and (c) a person from intentionally avoiding submission to screening and inspection when entering or re-entering a sterile area of a public transit facility. Defines “sterile area” to mean any portion of a public transit facility that is generally controlled in a manner consistent with a public transit agency’s security plan. Increases the penalties for repeat fare evasion offenders and for certain acts of public transit passenger misconduct.</td>
<td>8/20/10</td>
<td>Signed into Law: Chapter #675</td>
<td>Support</td>
</tr>
<tr>
<td><strong>AB 2329</strong> (Ruskin) Climate Action Team</td>
<td>Creates the Climate Action Team consisting of the following representation: (a) secretary of the California Environmental Protection Agency (CalEPA); (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; (i) secretary of the Health and Human Services Agency; (j) director of the Office of Planning and Research; and (k) secretary of the Labor and Workforce Development Agency. Consistent with the Global Warming Solutions Act of 2006, requires the Climate Action Team to coordinate the state’s overall climate change policy. To meet the goals of the Global Warming Solutions Act, requires the Climate Action Team to do all of the following: (1) identify and review activities, funding programs and revenues of state agencies that may need to be coordinated; (2) recommend policies, investment strategies and priorities; and (3) provide information to local governments that will assist them with their own climate change efforts. Requires the Natural Resources Agency, by June 1, 2012, to prepare and submit to the Climate Action Team the California Climate Vulnerability and Adaptation Plan, which would provide for the protection of the state’s natural resources, public health, infrastructure, and economic vitality from the ongoing and expected impacts of climate change. Requires the Natural Resources Agency to update the plan every three years in order to incorporate new information regarding the impacts of climate change, as well as new strategies to address adaptation.</td>
<td>8/2/10</td>
<td>Senate Appropriations Committee: Failed Passage</td>
<td></td>
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<tr>
<td><strong>AB 2509</strong> (Hayashi) Transit Village Plans: Educational Facilities</td>
<td>Adds educational facilities and other land uses that provide direct linkages for people traveling to and from primary and secondary schools, community colleges and universities to the list of specified characteristics that a transit village plan may address.</td>
<td>4/8/10</td>
<td>Senate Rules Committee: Failed Passage</td>
<td>Support</td>
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<tr>
<td><strong>State Assembly Bills</strong></td>
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<td><strong>AB 2516</strong> (Hill)</td>
<td>Accessible Housing Task Force</td>
<td>Requires the Department of Housing and Community Development to establish the Accessible Housing Task Force to develop strategies to increase the amount of housing that is both accessible to the elderly and disabled, and located near public transit. Requires the task force to submit a report to the Governor and Legislature no later than June 30, 2012, that does all of the following: (1) recommends strategies to improve the identification and marketing of multifamily dwelling units that comply with the state’s disabled accessibility building standards for multifamily dwelling units; (2) recommends policies that cities, counties and the state could adopt that would encourage the voluntary construction of new units or the retrofit of existing units within a half mile of public transit stations and bus hubs in a manner that provides for live-in occupancy of one or more individuals with severe mobility impairments; and (3) recommends voluntary design options, possible revisions to building code regulations, local incentive options, and any suggested statutory changes that are needed to improve the accessibility of new and existing dwelling units that are located within a half mile of public transit stations or bus hubs.</td>
<td>4/27/10</td>
<td>Assembly Appropriations Committee: Failed Passage</td>
</tr>
<tr>
<td><strong>AB 2518</strong> (V. Perez)</td>
<td>California Infrastructure and Economic Development Bank: Local Assistance Program</td>
<td>Requires the California Infrastructure and Economic Development Bank to establish a local assistance program to provide technical support to the state’s small and rural communities in obtaining financing for local infrastructure projects.</td>
<td>As Introduced</td>
<td>Assembly Appropriations Committee: Failed Passage</td>
</tr>
<tr>
<td><strong>AB 2520</strong> (Solorio)</td>
<td>Proposition 116 Projects</td>
<td>Authorizes the lead agency for a project funded through Proposition 116, the Clean Air and Transportation Improvement Act of 1990, to apply for a letter of no prejudice (LONP) that would allow the agency to expend its own funds for any bond-funded component of the project, subject to later reimbursement from bond proceeds under certain conditions.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee: Failed Passage</td>
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<tr>
<td><strong>AB 2534</strong> (Fuentes)</td>
<td>Global Warming Solutions Act: Impacted Communities</td>
<td>Allows the California Air Resources Board (CARB) to use a portion of the revenues generated from a market-based compliance mechanism established pursuant to the Global Warming Solutions Act of 2006 for expenditure on communities experiencing increased exposure to air pollutants to the extent that CARB determines that this increased exposure is caused by the implementation of the market-based compliance mechanism regulation.</td>
<td>As Introduced</td>
<td>Assembly Natural Resources Committee: Failed Passage</td>
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<tr>
<td>AB 2579 (Evans)</td>
<td>Creates the Master Plan for Infrastructure Financing and Development Commission. Specifies that the mission of the commission is to develop and recommend a plan to be presented to the Governor and Legislature that provides for financing, building and maintaining the infrastructure necessary to meet the needs of Californians from the present to the year 2050. States the intent of the Legislature that the commission provide long-term guidelines for California’s infrastructure needs and a prioritized plan that meets those needs by doing all of the following: (1) project population, social and economic trends through 2050; (2) utilize the projects to assess the state’s capital needs for transportation, education, housing, and water through 2050, including the need for private capital to augment or complement public financing; (3) assess the availability of private and public funds to support jointly sponsored projects throughout the period from the present to 2050; (4) assess the status and fiscal value of dedicating future revenues to specific infrastructure construction and maintenance, including transportation and schools; (5) recommend a financing plan for the state’s capital needs through 2050, with a priority plan for each five-year interval, including evaluation and recommendations of various financing methods that are feasible and may be of benefit to the state and local governments; and (6) incorporate the findings of ongoing state infrastructure planning and reporting requirements. Requires the commission to submit its final report to the Governor and Legislature by December 1, 2012. Requires the commission to be dissolved 30 days after issuance of its final report.</td>
<td>4/19/10</td>
<td>Assembly Appropriations Committee: Failed Passage</td>
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<tr>
<td>AB 2620 (Eng)</td>
<td>Precludes Caltrans from charging indirect overhead costs for reimbursable work performed by the department on behalf of local agencies for locally funded state highway projects.</td>
<td>6/22/10</td>
<td>Senate Appropriations Committee: Failed Passage</td>
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<tr>
<td>AB 2640 (Arambula)</td>
<td>Until January 1, 2016, subjects free or subsidized parking to income taxes by removing its exclusion from the calculation of gross income.</td>
<td>5/18/10</td>
<td>Assembly Appropriations Committee: Failed Passage</td>
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<tr>
<td>AB 2663 (Lowenthal)</td>
<td>Provides that if the Legislature transfers, borrows or suspends allocated revenues from the Highway Users Tax Account (HUTA), the respective transaction would be suspended during the months of July, August and September to alleviate the impact on cities that follow the federal fiscal year.</td>
<td>8/17/10</td>
<td>Vetoed by the Governor</td>
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<tr>
<td>AB 2691 (Hall)</td>
<td>Prohibits a state or local agency from imposing a greenhouse gas emissions fee on a source of greenhouse gas emissions that is subject to either of the following: (a) a market-based compliance mechanism; or (b) a fee regulation adopted by the California Air Resources Board (CARB).</td>
<td>4/6/10</td>
<td>Assembly Natural Resources Committee: Failed Passage</td>
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<td><strong>AB 2703</strong> (J. Perez)</td>
<td>Proposition 1A Rail Transit Projects</td>
<td>Authorizes the lead agency for an intercity, commuter or urban rail transit capital improvement project funded through the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century (Proposition 1A) to apply to the California Transportation Commission (CTC) for a letter of no prejudice (LONP) that would allow the agency to expend its own funds for any bond-funded component of the project, subject to later reimbursement from bond proceeds under certain conditions.</td>
<td>8/3/10</td>
<td>Senate Rules Committee: Failed Passage</td>
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<tr>
<td><strong>AB 2704</strong> (Gaines)</td>
<td>Local Snow Removal Funding</td>
<td>Requires Highway Users Tax Account funding to cities and counties for local snow removal to be maintained, as in effect on January 1, 2010.</td>
<td>4/8/10</td>
<td>Signed into Law: Chapter #101</td>
</tr>
<tr>
<td><strong>AB 2754</strong> (J. Perez)</td>
<td>Planning and State Clearinghouse Unit</td>
<td>Establishes the Planning and State Clearinghouse Unit within the Office of Planning and Research to annually evaluate the functional plans of each state department and agency to assure that they are consistent with the state’s planning goals.</td>
<td>7/15/10</td>
<td>Governor’s Office</td>
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<tr>
<td><strong>ACA 3</strong> (Blakeslee)</td>
<td>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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<tr>
<td><strong>ACA 4</strong> (Feuer)</td>
<td>State and Local Government Reform</td>
<td>Calls for placing before the voters an amendment to the California Constitution that makes a series of changes to various state budget and legislative processes. Specifically, does all of the following: (1) implements a &quot;pay-as-you-go&quot; system for the Governor’s budget, and the majority of legislation and initiatives; (2) limits how one-time state revenues could be expended; (3) requires the Legislature to review state programs once every 10 years; (4) allows the Budget Act to be approved by a simple majority vote of the Legislature; (5) requires a two-thirds majority vote to approve fees when they are being used to fund a program, service or activity that was previously funded by revenues from a tax; (6) forfeits legislator pay, after June 25th, if the Assembly and Senate have not passed the Budget Act; and (7) provides the Governor with mid-year authority to cut the budget if the Legislature does not act prior to the 45th day of a fiscal emergency.</td>
<td>5/10/10</td>
<td>Assembly Budget Committee</td>
</tr>
<tr>
<td><strong>ACA 5</strong> (Calderon)</td>
<td>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 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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<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, if the bond issuance is approved by its electorate by a 55 percent majority. Creates an exception to the 1 percent limit for property tax assessments if the revenues are being used to pay bonded indebtedness, approved by a 55 percent majority vote, to fund any of the following: (a) the construction, reconstruction, rehabilitation, or replacement of public infrastructure improvements, and facilities or buildings used 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>
<td>Support</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 immediately transmit an initiative measure to the Legislature. Allows the Legislature to amend an initiative measure that proposes to change the Constitution and adopt it as a legislative constitutional amendment by concurrent resolution. If the proponents of the initiative measure accept the legislative constitutional amendment in lieu of the initiative measure, the n the legislative constitutional amendment would be submitted to the voters instead of the initiative measure. 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 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>6/1/10</td>
<td>Assembly Floor</td>
<td>Support</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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<td>ACA 16 (Nestande) State General Obligation Bonds</td>
<td>Calls for placing before the voters an amendment to the California Constitution to allow the Legislature to approve general obligation bond measures only for the purpose of funding long-term infrastructure. Defines “long-term infrastructure” to mean any of the following: (a) the acquisition of land, including easements, rights-of-way and other interests in land; (b) the construction or acquisition of improvements to land, including structures and equipment integral to the operation of those structures; and (c) the construction or acquisition of roadways and water conveyances.</td>
<td>As Introduced</td>
<td>Assembly Appropriations Committee</td>
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# State Senate Bills

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<tr>
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<tr>
<td>SB 8 (Huff) Performance-Based Budgeting</td>
<td>Requires the Department of Finance to develop performance budgeting pilot projects under which the budgets of at least four state departments would be analyzed by specific criteria.</td>
<td>3/23/09</td>
<td>Senate Budget and Fiscal Review Committee: Failed Passage</td>
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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 Floor: Failed Passage</td>
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<td>SB 409 (Ducheny) Strategic Rail Connectivity Plan</td>
<td>Requires the five members of the California High-Speed Rail Authority appointed by the Governor to be confirmed by the Senate. Requires the authority to annually adopt and submit a five-year High-Speed Rail Passenger Train Program to the Governor and Legislature. Requires the program to include a listing of all capital improvement projects that are expected to need an appropriation in the annual Budget Act for the following five years. Requires Caltrans to prepare a five-year Strategic Rail Connectivity Plan for the state, the focus of which would be to identify opportunities for passenger rail system improvements and linkages. Requires this plan to: (a) include desirable linkages and feeder opportunities between high-speed rail, and conventional intercity rail, commuter rail and rail transit; (b) identify the coordination in planning and capital investments necessary to maximize the opportunities for each of those services in providing a cohesive, connected and easy-to-use system for Californians; (c) identify future right-of-way needs for passenger rail lines in connection with state and local highway system improvements; and (d) include other matters that offer opportunities for statewide coordination, such as the efficient movement of goods.</td>
<td>8/2/10</td>
<td>Assembly Appropriations Committee: Failed Passage</td>
<td></td>
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<tr>
<td>SB 455 (Lowenthal) California High-Speed Rail Authority: Gubernatorial Appointments</td>
<td>Requires the five gubernatorial appointments to the California High-Speed Rail Authority to be confirmed by the Senate.</td>
<td>8/19/10</td>
<td>Governor’s Office</td>
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<td>SB 474 (Ducheny)</td>
<td>Innovative Contracting and Financing Pilot Programs</td>
<td>Prior to entering into any agreement pursuant to a state pilot program involving public-private partnerships or design-build, requires the lead agency for the project to pass a resolution that identifies the anticipated benefits from using those methods in comparison to using traditional contracting or financing methods.</td>
<td>8/2/10</td>
<td>Vetoed by the Governor</td>
</tr>
<tr>
<td>SB 476 (Correa)</td>
<td>CEQA: Non-Compliance Allegations</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: Failed Passage</td>
</tr>
<tr>
<td>SB 501 (Correa)</td>
<td>Local Government: Compensation Disclosure</td>
<td>Requires elected or appointed officers of a county, city, school district, special district, or joint powers agency who is required by state law to file a statement of economic interests to also annually file a disclosure form that provides compensation information for the preceding year. Requires the following information to be disclosed: (1) annual salary or stipend; (2) local agency payments to the filer’s deferred compensation or defined benefit plans; (3) automobile and equipment allowances; (4) supplemental incentive and bonus payments; and (5) local agency payments to the filer that are in excess of the standard benefits that the local agency offers for all other employees.</td>
<td>8/20/10</td>
<td>Senate Floor: Failed Passage</td>
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<tr>
<td>SB 535 (Yee)</td>
<td>HOV Lanes: Low-Emission and Fuel-Efficient Vehicles</td>
<td>Unless pre-empted by federal law, 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 to January 1, 2015. Between January 1, 2012, and January 1, 2015, allows vehicles that meet California’s enhanced advanced technology partial zero-emission vehicle standard to travel in HOV lanes without the required number of passengers, but limits the number of decals that the Department of Motor Vehicles (DMV) can issue for this privilege to 40,000. Ends the authorization for regular hybrid vehicles to use HOV lanes without the required number of passengers on July 1, 2011.</td>
<td>6/24/10</td>
<td>Signed into Law: Chapter #215</td>
</tr>
<tr>
<td>SB 632 (Correa)</td>
<td>Local Government: Compensation</td>
<td>Based on a review of public records or reported salary information, requires the Controller’s Office to determine whether a city is an “excess compensation city,” as defined. Once a redevelopment agency has received written notice from the Controller’s Office that its city is an excess compensation city, prohibits the redevelopment agency from: (a) adopting a redevelopment plan for a new project area; (b) amending an existing plan for existing project areas; (c) issuing new bonds, notes, interim certificates, debentures, or other obligations; and (d) encumbering any funds or expending any money from any source except as specified. Requires any individual contract of employment or amendment to a contract of employment with an individual who is employed by, and reports directly to, the legislative body of a local agency to be ratified in an open session of the legislative body after prescribed information regarding the contract or amendment is made available in a conspicuous location on the local agency’s Internet Web site, if it maintains one, and in a location that is freely accessible to the public no later than five days prior to the meeting to ratify or amend the contract.</td>
<td>8/31/10</td>
<td>Assembly Floor: Failed Passage</td>
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<td>SB 845 (Budget Committee) Countywide Strategic Action Plan</td>
<td>Authorizes local government entities to develop and implement a Countywide Strategic Action Plan to jointly use existing and additional resources to ensure progress toward common community goals. In counties where a Countywide Strategic Action Plan has been adopted, allows the board of supervisors to place before the voters a local sales tax increase of up to 1 percent. If approved by a simple majority vote, requires the revenues from the sales tax increase to be distributed pursuant to the adopted Countywide Strategic Action Plan.</td>
<td>3/18/10</td>
<td>Senate Budget and Fiscal Review Committee: Failed Passage</td>
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<tr>
<td>SB 879 (Cox) Design-Build Contracting: Counties</td>
<td>Extends the authority of counties to use design-build contracting for construction projects in excess of $2.5 million until July 1, 2014.</td>
<td>8/16/10</td>
<td>Signed into Law: Chapter # 629</td>
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<td>SB 901 (Ashburn) Proposition 1B Grade Separation Projects</td>
<td>Authorizes the lead agency for a grade separation or railroad crossing project funded through the Proposition 1B Highway-Railroad Crossing Safety Account to apply for a letter of no prejudice (LONP) that would allow the agency to expend its own funds for any bond-funded component of the project, subject to later reimbursement from bond proceeds under certain conditions.</td>
<td>As Introduced</td>
<td>Senate Transportation and Housing Committee: Failed Passage</td>
<td>Support</td>
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<tr>
<td>SB 927 (Huff) HOV Lanes</td>
<td>Makes several technical, non-substantive changes to state statutes pertaining to high-occupancy vehicle (HOV) lanes.</td>
<td>As Introduced</td>
<td>Senate Rules Committee: Failed Passage</td>
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<tr>
<td>SB 964 (Alquist) High-Speed Rail: Workforce Development Program</td>
<td>Requires the California High-Speed Rail Authority to contract with the California Employment Development Department to develop a labor market assessment of the workforce, and identify the education and skills needed to: (a) construct a high-speed train system in the state; and (b) operate and maintain a high-speed train system, as necessary to aid the High-Speed Rail Authority in planning the construction of the system. Requires the assessment to include a recommended strategy to ensure that training programs are in place to facilitate the availability of a skilled, in-state workforce to participate, to the maximum extent feasible, in the construction of California’s high-speed train system. Appropriates $500,000 from the amount of Proposition 1A high-speed rail bond funds set aside for environmental studies, planning and preliminary engineering to implement this bill.</td>
<td>6/30/10</td>
<td>Vetoed by the Governor</td>
<td>Support</td>
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<tr>
<td><strong>SB 965</strong>&lt;br&gt;(DeSaulnier)&lt;br&gt;High-Speed Rail: ARRA Funding</td>
<td>Subject to appropriation by the Legislature, requires the California High-Speed Rail Authority to expend federal funds made available to it under the American Recovery and Reinvestment Act (ARRA) for conducting environmental studies, planning analyses and preliminary engineering activities, as well as for implementing capital projects related to the state’s high-speed train system. Requires the High-Speed Rail Authority to use Proposition 1A bond money to match any ARRA funding, if a match is required. Requires the High-Speed Rail Authority to take those actions necessary to ensure that any federal funds appropriated to it are obligated and expended in a manner that: (1) meets all applicable federal deadlines; (2) maximizes job creation in California at the earliest feasible time; (3) expedites the completion of vital high-speed rail infrastructure projects that improve rail-highway safety, mobility and performance; (4) makes the most efficient use of available state bond funds; and (5) is consistent with current state law. Requires the High-Speed Rail Authority to submit to the Legislative Analyst’s Office and to the Legislature an adopted plan for the expenditure of ARRA funds. Requires the plan to include: (1) a description of the projects proposed for funding, including a discussion of each project’s independent utility; (2) the location of each project; (3) the baseline budget for each project, including support costs and estimated capital costs; (4) the amount of federal and state funds, including Proposition 1A bond proceeds and private money, proposed to be committed to each project; (5) the proposed baseline schedule, with project milestones, and the completion date for each project; and (6) the number of jobs that each project is estimated to create or maintain in California. Specifies that the provisions of the bill do not apply to the Transbay Transit Center Project in San Francisco.</td>
<td>8/20/10</td>
<td>Vetoed by the Governor</td>
<td>2009-2010 Legislative History</td>
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<tr>
<td><strong>SB 976</strong>&lt;br&gt;(Hollingsworth)&lt;br&gt;CEQA Exemption: Overpass and Ramp Expansion Projects</td>
<td>Exempts from the California Environmental Quality Act (CEQA) projects that would expand an existing overpass, on-ramp or off-ramp that is built on an easement or right-of-way under the control of Caltrans, a local transportation agency, a city, or a county.</td>
<td>3/22/10</td>
<td>Senate Environmental Quality Committee: Failed Passage</td>
<td>2009-2010 Legislative History</td>
</tr>
<tr>
<td><strong>SB 1010</strong>&lt;br&gt;(Correa)&lt;br&gt;CEQA Litigation Protection Pilot Program of 2010</td>
<td>Establishes the California Environmental Quality Act (CEQA) Litigation Protection Pilot Program. Requires the Business, Transportation &amp; Housing Agency to select 25 projects for each calendar year between 2010 and 2014 to participate in the program. For a project to qualify for the program, requires the lead agency to certify that the environmental impact report (EIR) for the project will be certified within 12 months. In selecting projects for the program, requires the Business, Transportation &amp; Housing Agency to consider the following: (1) the number and quality of jobs that would be created by the project; (2) the amount of capital investment made by the project; and (3) a balance between projects sponsored by public and private entities. Provides that a lead agency’s decision to certify an EIR or to adopt a mitigated negative declaration based on an initial study for a project selected to participate in the pilot program is not subject to judicial review.</td>
<td>As Introduced</td>
<td>Senate Environmental Quality Committee: Failed Passage</td>
<td>2009-2010 Legislative History</td>
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| **SB 1020**  
(Wolk)  
Performance-Based Budgeting | Beginning in FY 2015, requires the budget submitted by the Governor to the Legislature to be developed pursuant to performance-based budgeting for each state agency and department. When preparing their individual budgets, requires state agencies and departments to use performance-based budgeting methods that make it clear to policymakers and the public the value and results of existing operations and proposed changes. Requires agency and departmental budgets to identify and update all of the following: (1) the mission and goals of the agency or department; (2) the activities and programs focused on achieving those goals; (3) performance metrics that reflect desired outcomes for existing and proposed activities, and a targeted performance level for the following year; (4) prior-year performance data and an explanation of deviation from previous-year targets; and (5) proposed changes in statute, including the creation of incentives or the elimination of disincentives that could improve outcomes or hold down costs. Requires the Legislature to establish a process for reviewing the performance of all state programs at least once every 10 years. | 8/2/10 | Assembly Budget Committee:  
Failed Passage |
| **SB 1061**  
(Hancock)  
Bay Bridge: Bicycle-Pedestrian Pathway | Allows a bicycle-pedestrian-maintenance pathway on the San Francisco-Oakland Bay Bridge to be funded with state-owned toll bridge revenues under the jurisdiction of the Bay Area Toll Authority (BATA), provided that the project is included in the adopted Regional Transportation Plan (RTP). Prior to approving the project and authorizing construction, requires BATA to make a finding that the pathway does not fundamentally alter the profile of the bridge. Prohibits BATA from increasing tolls to fund the project. | 5/25/10 | Assembly Appropriations Committee:  
Failed Passage |
| **SB 1120**  
(Dutton)  
California Global Warming Solutions Act: Cap and Trade | Prohibits the California Air Resources Board (CARB) from implementing a market-based compliance mechanism pursuant to the California Global Warming Solutions Act of 2006 that includes caps on greenhouse gas emissions and trading among participants unless it is part of a legally enforceable regional or federal program. | As Introduced | Senate Environmental Quality Committee:  
Failed Passage |
| **SB 1205**  
(Corbett)  
Bay Area Disaster Recovery Planning Council | Establishes the Bay Area Disaster Recovery Planning Council to create a long-term regional disaster recovery plan for the San Francisco Bay Area. In developing the plan, requires the council to cooperate with various stakeholders in the region, including cities, counties, special districts, school districts, emergency managers, hospitals, members of the public, private businesses, and non-governmental organizations. Provides that the scope and purpose of the recovery plan is to enhance the region’s resiliency following a disaster by: (a) increasing the speed of rebuilding lifeline infrastructure; (b) planning for temporary transportation and public transit programs during the repair of the region’s transportation system; (c) enhancing government management capacity for large-scale capital projects and programs; (d) planning for the reconstruction of housing damaged by a disaster; (e) creating mechanisms to assist businesses with temporary relocation and financing; and (f) other issues associated with sustainable redevelopment following a major disaster. Specifies that the recovery plan is not a post-disaster operations plan. Declares the intent of the Legislature that the council complement existing efforts by cities; counties; special districts; and other local, regional and state entities. Requires the council to be funded through federal money, gifts, donations, grants, local bonds, and other types of financial assistance from public and private sources. | 8/16/10 | Vetoed by the Governor |
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<tr>
<td><strong>SB 1215</strong></td>
<td>SB 1215 (Price) Caltrans: Architectural and Engineering Services</td>
<td>4/28/10</td>
<td>Assembly Transportation Committee: Failed Passage</td>
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<tr>
<td>Until January 1, 2014, authorizes Caltrans to establish prequalified lists of architectural and engineering services firms. Requires Caltrans to comply with certain requirements relating to the advertisement and award of contracts in the event the department utilizes the prequalified list.</td>
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<td><strong>SB 1245</strong></td>
<td>SB 1245 (Simitian) Express Lanes: Free Passage</td>
<td>4/22/10</td>
<td>Assembly Transportation Committee: Failed Passage</td>
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<td>Prohibits charging a toll to a vehicle that meets the applicable occupancy level for use of a high-occupancy vehicle (HOV) lane. Specifies that this provision does not apply to toll bridges. Provides that an increase in the vehicle occupancy level for an HOV lane may only be implemented if Caltrans determines that the change will maximize person throughput with respect to the affected highway. Requires Caltrans to obtain the approval of the applicable transportation planning agency and to report to the Legislature before making the change.</td>
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<td><strong>SB 1259</strong></td>
<td>SB 1259 (DeSaulnier) Economic Development and Job Creation Agency</td>
<td>5/24/10</td>
<td>Senate Appropriations Committee: Failed Passage</td>
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<tr>
<td>Establishes the Economic Development and Job Creation Agency within state government. Requires the agency to do all of the following: (1) develop a statewide strategy that identifies California’s goals and objectives for job creation, and that specifies performance measures to assess the state’s progress toward attaining those goals and objectives; (2) create a clearinghouse of accurate data on the state’s economic development activities and their effectiveness; (3) simplify, strengthen and improve the operation and management of economic development programs that provide services to California’s workers and employers; (4) eliminate duplicative duties, achieve cost efficiencies and promote accountability for the attainment of economic development goals and objectives; (5) allow the state to marshal all of its resources to systematically target new industries to site within California; (6) build on California’s educational, workforce and geographic assets to seed innovation; (7) attract new and sustainable industries that will create high-wage, middle-class jobs; and (8) provide a better understanding of federal and state laws that protect workers.</td>
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<td><strong>SB 1263</strong></td>
<td>SB 1263 (Wyland) Global Warming Solutions Act: Inoperative</td>
<td>As Introduced</td>
<td>Senate Environmental Quality Committee: Failed Passage</td>
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<tr>
<td>Makes the provisions of the California Global Warming Solutions Act of 2006 and any regulation adopted by the California Air Resources Board (CARB) pursuant to the act inoperative.</td>
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<td><strong>SB 1264</strong></td>
<td>SB 1264 (Leno) Commercial Airlines: Passenger Rights</td>
<td>6/1/10</td>
<td>Senate Floor: Failed Passage</td>
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<td>Whenever passengers have boarded an aircraft whose departure from the airport is delayed by more than two hours, or whenever more than two hours have passed following the landing of an aircraft and passengers have not been able to disembark, requires the air carrier to provide passengers with all of the following: (1) electrical service that is sufficient to provide passengers with fresh air and light; (2) waste removal service for the holding tanks for onboard restrooms; and (3) adequate food and drinking water, and other refreshments. Requires an air carrier to provide clear and conspicuous notice regarding passenger or consumer complaint contact information by making available forms and placing signs at all airport service desks and other appropriate areas in the airport as necessary.</td>
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<td><strong>SB 1268</strong></td>
<td>(Simitian) Electronic Toll Collection Systems</td>
<td>8/20/10</td>
<td>Signed into Law: Chapter #489</td>
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<tr>
<td><strong>SB 1299</strong></td>
<td>(Lowenthal) Vehicle Miles Traveled Fee</td>
<td>As Introduced</td>
<td>Senate Appropriations Committee: Failed Passage</td>
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<tr>
<td><strong>SB 1305</strong></td>
<td>(Pavley) Global Warming Solutions Act: Compliance Revenues</td>
<td>As Introduced</td>
<td>Senate Environmental Quality Committee: Failed Passage</td>
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**SB 1268**
Prohibits a transportation agency from selling or providing personally identifiable information of a person obtained pursuant to the person’s participation in an electronic toll collection system or use of a toll facility, subject to specified exceptions. Prescribes the circumstances under which a transportation agency may make personally identifiable information available to a law enforcement agency. Requires a transportation agency that employs an electronic toll collection system to establish a privacy policy regarding the collection and use of personally identifiable information. Requires the policy to include a description of the following: (a) the types of personally identifiable information that is collected by the agency; (b) the categories of third-party persons or entities with whom the agency may share personally identifiable information; (c) the process by which a transportation agency notifies subscribers of material changes to its privacy policy; (d) the effective date of the privacy policy; and (e) the process by which a subscriber may review and request changes to any of his or her personally identifiable information. Within practicable business and cost constraints, allows a transportation agency to store only personally identifiable information of a person, such as the account name, credit card number, billing address, vehicle information, and other basic account information, that is required to perform account functions, such as billing, account settlement or enforcement activities. Requires all other information to be discarded no more than four years and six months after the closure date of the billing cycle and the bill has been paid and all toll violations have been resolved. Within practical business and cost constraints, requires a transportation agency to make every effort to purge the personal account information of an account that is closed or terminated. Authorizes a person whose personally identifiable information has been sold or provided in violation of this bill to bring specified actions for recovery of damages, costs and attorney’s fees. Allows a transportation agency that employs an electronic toll collection system to impose an administrative fee on persons who use that system in an amount that is sufficient to cover the costs of implementing the provisions of this bill.

**SB 1299**
By January 1, 2012, requires the Department of Motor Vehicles (DMV) to develop and implement a pilot program designed to assess the following issues related to putting in place a vehicle miles traveled (VMT) fee in California: (1) different methods of calculating mileage; (2) processes for transmitting data to protect the integrity of the data and ensure the privacy of drivers; and (3) the types of equipment that may be required of the state and of drivers in order to implement a VMT fee. Requires the DMV to prepare and submit a report of its findings to the Legislature by June 30, 2012. Requires the report to include all of the following elements: (1) recommendations regarding how best to implement a VMT fee in a manner that minimizes confusion and inconvenience to California’s drivers, while also ensuring their privacy; (2) given the technological and institutional demands associated with implementing a VMT fee, a discussion of different processes that may be used to transition from the fuel tax to a VMT fee over time; and (3) a discussion of issues that the Legislature may wish to consider when evaluating whether and how to implement a VMT fee.

**SB 1305**
Requires revenues generated from: (a) fees to fund expenditures beyond administrative costs related to the implementation of the California Global Warming Solutions Act of 2006; (b) the implementation of market-based compliance mechanisms; or (c) other compliance mechanisms to be appropriated by the Legislature for purposes determined by the Legislature.
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<tr>
<td>SB 1320 (Hancock)</td>
<td>Fare Evasion and Passenger Misconduct: Civil Administrative Penalties</td>
<td>Allows VTA, the Alameda-Contra Costa Transit District (AC Transit), Foothill Transit, Long Beach Transit, and the Sacramento Regional Transit District to impose and enforce civil administrative penalties for fare evasion and passenger misconduct in lieu of criminal penalties.</td>
<td>8/9/10</td>
<td>Signed into Law: Chapter #493</td>
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<td>SB 1348 (Steinberg)</td>
<td>CTC Guidelines</td>
<td>Exempts the adoption of guidelines by the California Transportation Commission (CTC) from the rulemaking provisions of the Administrative Procedure Act. Except in the case of the State Transportation Improvement Program (STIP), specifies a process that the CTC must use when adopting guidelines. Requires the CTC to maintain a guideline adoption file containing: (a) a summary of each objection or recommendation made with regard to a proposed guideline; and (b) an explanation of how the proposed guideline was changed to accommodate each objection or recommendation, or the reasons for making no change. Requires the CTC to include in its annual report to the Legislature a summary of its activities related to the adoption of program or policy guidelines during the previous calendar year.</td>
<td>8/9/10</td>
<td>Governor’s Office</td>
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<td>SB 1351 (Wright)</td>
<td>Global Warming Solutions Act: CARB Regulations</td>
<td>Requires the California Air Resources Board (CARB) to make available to the public, at the time that it adopts a regulation pursuant to the California Global Warming Solutions Act of 2006, any implementation schedule that is needed to comply with that regulation.</td>
<td>8/2/10</td>
<td>Senate Environmental Quality Committee: Failed Passage</td>
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<td>SB 1362 (Simitian)</td>
<td>Automated Traffic Enforcement Systems</td>
<td>Requires the installation of signs at all locations where an automated, camera-based traffic enforcement system is operating. Prior to installing such a system after January 1, 2011, requires the governmental agency to make and adopt a finding of fact establishing that the system is needed at a specific location for reasons related to safety. Prohibits a governmental agency from considering revenue generation, beyond cost recovery, when determining whether to install or operate an automated traffic enforcement system.</td>
<td>8/2/10</td>
<td>Assembly Appropriations Committee: Failed Passage</td>
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<tr>
<td>SB 1371 (Correa)</td>
<td>Proposition 1A Rail Transit Projects</td>
<td>Authorizes the lead agency for an intercity, commuter or urban rail transit capital improvement project funded through the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century (Proposition 1A) to apply to the California Transportation Commission (CTC) for a letter of no prejudice (LONP) that would allow the agency to expend its own funds for any bond-funded component of the project, subject to later reimbursement from bond proceeds under certain conditions.</td>
<td>8/16/10</td>
<td>Signed into Law: Chapter #292</td>
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<td><strong>SB 1418</strong></td>
<td>Increases the maximum amount of the vehicle registration surcharge that a Service Authority for Freeways and Expressways (SAFE) may impose from $1 to $2. Requires SAFE surcharge revenues to be used to implement, maintain and operate a motorist aid system of call boxes. Allows any money received that exceeds the amount needed for full implementation and ongoing costs to maintain and operate motorist aid call boxes to be used for freeway service patrols, mobile roadside assistance systems, intelligent transportation systems, incident management programs and coordination, traveler information system programs, and traffic operation centers. Allows the Metropolitan Transportation Commission (MTC) to use SAFE funds to install call boxes in parking lots and roadway areas in state and federal parks in the Bay Area where telecommunication services are not available.</td>
<td>6/21/10</td>
<td>Assembly Transportation Committee: Failed Passage</td>
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<td><strong>SB 1426</strong></td>
<td>Requires the budget submitted by the Governor to contain itemized statements; provisional language; performance measurement standards for state agencies and programs; recommended state expenditures; and a projection of anticipated state revenues, including revenues anticipated to be available on a one-time basis. Requires the budget to contain an estimate of the total resources available for state expenditures recommended for the budget year and the succeeding fiscal year. If expenditures exceed revenues, requires the Governor to recommend reductions in expenditures or the sources from which additional revenues should be provided, and to include an estimate of the long-term impact that these recommendations would have on the state’s economy. Requires the Governor to submit a five-year capital infrastructure and strategic growth plan together with the budget. If the Governor’s budget proposes: (a) to create a new state program or agency, or to expand the scope of an existing state program or agency, resulting in a net increase in state costs; or (b) to reduce a state tax resulting in a net decrease in state revenues, requires the proposal to be accompanied by a statement identifying state program reductions or sources of additional state revenues in an amount that is equal to or greater than the net increase in state costs or net decrease in state revenues. Declares the intent of the Legislature to establish an oversight process for evaluating and improving the performance of all state programs, whether managed by the state or local agencies.</td>
<td>8/9/10</td>
<td>Senate Budget and Fiscal Review Committee: Failed Passage</td>
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<td><strong>SB 1437</strong></td>
<td>Requires the California Public Utilities Commission (CPUC), by July 1, 2012, to determine for each class of ratepayers the direct costs and benefits associated with the expected additional load from plug-in hybrid and electric vehicles.</td>
<td>6/7/10</td>
<td>Governor’s Office</td>
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<td>SB 1445 (DeSaulnier)</td>
<td>Regional Blueprint Plans</td>
<td>Authorizes a metropolitan planning organization (MPO), council of governments (COG), or a county transportation commission and a subregional COG jointly preparing a subregional sustainable communities strategy to impose a vehicle registration surcharge of up to $4, subject to an aggregate majority vote within its jurisdiction. Requires the revenues generated from such a surcharge to be used to identify land-use strategies, reduce the use of motor vehicles, and carry out applicable transportation-related activities necessary to implement a regional blueprint plan, a sustainable communities strategy or an alternative planning strategy. If the surcharge exceeds $2, requires all amounts above $2 to be used to provide grants to counties, cities and congestion management agencies (CMAs) for planning and projects related to the implementation of a regional blueprint plan or a sustainable communities strategy. Allows an MPO, COG, or county transportation commission and subregional COG jointly preparing a subregional sustainable communities strategy to divide the revenues from the surcharge with the local air quality management district. Requires any surcharge revenues received by a local air quality management district to be used to assist local and regional governments in reducing greenhouse gas emissions.</td>
<td>8/20/10</td>
<td>Assembly Appropriations Committee: Failed Passage</td>
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<tr>
<td>SB 1475 (Simitian)</td>
<td>Electronic Wireless Communications Devices</td>
<td>Requires the driver’s license examination administered by the Department of Motor Vehicles (DMV) to include a test of an applicant’s understanding of the distractions and dangers of handheld cell phone use and text-messaging while operating a motor vehicle. Prohibits a person from riding a bicycle while using a wireless telephone unless that telephone is specifically designed and configured to allow hands-free listening and talking, and is used in that manner. Also prohibits a person from riding a bicycle while using an electronic wireless communications device to write, send or read a text-based message. Increases the penalties for violating the current prohibitions in state law against using wireless telephones and text-messaging while operating a motor vehicle. Requires a portion of the fines collected for these violations to be allocated to the Office of Traffic Safety for an education program on the dangers of cell phone use and text-messaging while driving.</td>
<td>8/2/10</td>
<td>Assembly Appropriations Committee: Failed Passage</td>
</tr>
<tr>
<td>SCA 2 (Wyland)</td>
<td>Legislative Biennial Sessions</td>
<td>Calls for placing before the voters an amendment to the California Constitution to revise the biennial sessions of the Legislature. Specifically, requires legislative sessions held in odd-numbered years to be budget sessions. In a budget session, specifies that the Legislature shall meet only to conduct oversight and review of the revenues and expenditures of the state, and to consider only budget bills and budget implementation bills for the succeeding two fiscal years, and related revenue bills. Provides an exception for bills to enact emergency statutes. In each odd-numbered calendar year, requires the Governor to submit to the Legislature proposed budgets for the two subsequent fiscal years. Requires legislative sessions held in even-numbered years to be general sessions, during which any bill may be considered.</td>
<td>3/16/10</td>
<td>Senate Rules Committee</td>
</tr>
<tr>
<td>SCA 3 (Wyland)</td>
<td>Proposition 42 Suspensions</td>
<td>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.</td>
<td>As Introduced</td>
<td>Senate Revenue and Taxation Committee</td>
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<td>SCA 5 (Hancock)</td>
<td>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.</td>
<td>As Introduced</td>
<td>Senate Floor</td>
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<td>SCA 9 (Ducheny)</td>
<td>Calls for placing before the voters an amendment to the California Constitution to allow for the Budget Act and budget trailer bills to be enacted by the Legislature with a 55 percent majority vote. Repeals the two-thirds majority vote requirement for raising state revenues.</td>
<td>As Introduced</td>
<td>Senate Budget and Fiscal Review Committee</td>
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<td>SCA 10 (Ducheny)</td>
<td>Calls for placing before the voters an amendment to the California Constitution regarding statewide initiative measures. Specifically, requires the Secretary of State’s Office to transmit a copy of an initiative measure certified for the ballot 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>
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<td>SCA 14 (Ducheny)</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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<td>SCA 15 (Calderon)</td>
<td>Calls for placing before the voters an amendment to the California Constitution to waive the two-thirds majority vote requirement for enacting the Budget Act for the upcoming fiscal year if the Legislative Analyst’s Office, on or after May 15, determines that General Fund revenues are five percent below the estimate for the current-year budget.</td>
<td>4/13/09</td>
<td>Senate Budget and Fiscal Review Committee</td>
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<td>SCA 16 (DeSaulnier)</td>
<td>Calls for placing before the voters an amendment to the California Constitution regarding statewide initiative measures. Allows the electors to propose, and to adopt or reject, statutes and amendments to the Constitution pursuant to a process of initial review by the Legislature.</td>
<td>As Introduced</td>
<td>Senate Floor</td>
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<td>SCA 19 (DeSaulnier) State and Local Government Reform</td>
<td>Calls for placing before the voters an amendment to the California Constitution that makes a series of changes to various state budget and legislative processes. Specifically, does all of the following: (1) implements a “pay-as-you-go” system for the Governor’s budget, and the majority of legislation and initiatives; (2) limits how one-time state revenues could be expended; (3) requires the Legislature to review state programs once every 10 years; (4) allows the Budget Act to be approved by a simple majority vote of the Legislature; (5) requires a two-thirds majority vote to approve fees when they are being used to fund a program, service or activity that was previously funded by revenues from a tax; (6) forfeits legislator pay, after June 25th, if the Assembly and Senate have not passed the Budget Act; (7) provides the Governor with mid-year authority to cut the budget if the Legislature does not act prior to the 45th day of a fiscal emergency; (8) eliminates the ability of the state to redirect local property tax revenues to schools; and (9) prohibits the state from reallocating any locally imposed non-ad valorem tax or an assessment levied by a county, city, special district, or any other local or regional government entity. Authorizes local government entities to develop and implement a Countywide Strategic Action Plan to jointly use existing and additional resources to ensure progress toward common community goals. In counties where a Countywide Strategic Action Plan has been adopted, allows the board of supervisors to place before the voters a local sales tax increase of up to 1 percent. If approved by a simple majority vote, requires the revenues from the sales tax increase to be distributed pursuant to the adopted Countywide Strategic Action Plan.</td>
<td>4/8/10</td>
<td>Senate Budget and Fiscal Review Committee</td>
<td></td>
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<tr>
<td>DAY</td>
<td>JANUARY</td>
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<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>
<td></td>
<td></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>
<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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<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>
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<tr>
<th>DAY</th>
<th>MARCH</th>
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<tbody>
<tr>
<td>25</td>
<td>Spring Recess begins upon adjourment.</td>
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<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>
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<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>
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<thead>
<tr>
<th>DAY</th>
<th>JUNE</th>
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<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>
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<thead>
<tr>
<th>DAY</th>
<th>JULY</th>
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<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>
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</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>
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<thead>
<tr>
<th>DAY</th>
<th>SEPTEMBER</th>
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<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>
</tr>
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<thead>
<tr>
<th>DAY</th>
<th>OCTOBER</th>
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<tbody>
<tr>
<td>2</td>
<td>General Election.</td>
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<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 12:07 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>Absent</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>Absent</td>
</tr>
<tr>
<td>Nora Campos</td>
<td>Alternate Board Member</td>
<td>NA</td>
</tr>
<tr>
<td>Pete McHugh</td>
<td>Alternate Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>George Shirakawa</td>
<td>Alternate Board 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

There were no Orders of the Day.

CONSENT AGENDA

4. **Regular Meeting Minutes of September 16, 2010**

M/S/C (McHugh/Reed) to approve the Regular Meeting Minutes of September 16, 2010.

5. **Monthly Legislative History Matrix**

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

6. **Monthly Investment Report – August 2010**

M/S/C (McHugh/Reed) to review the Report on Santa Clara Valley Transportation Authority Investments for the month of August 2010.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
7. Quarterly Attendance Report

M/S/C (McHugh/Reed) to review the 2010 Quarterly Attendance Report for the VTA Board of Directors, Ad-Hoc Committees, Board Standing Committees, and Board Advisory Committees.

REGULAR AGENDA


Carol Lawson, Fiscal Resources Manager, reported that VTA’s Fiscal Year (FY) to date Total Revenues is below budget estimates by $2.6 million due to unfavorable variances in Sales Tax Revenues, Fares, the Transportation Development Act (TDA), and Measure A Sales Tax Operating Assistance.

The revenue shortfall was partially offset with Federal Operating Grants by using 10 percent of the American Recovery and Reinvestment Act (ARRA) funds for operating and reprogramming unused capital grants and supplemental ARRA funds to preventive maintenance.

Ms. Lawson commented that VTA’s FY to date Total Expenses were $15 million below budget due to favorable variances in Labor Costs, Professional and Special Services, Other Services, Fuel, Reimbursement, Paratransit, and Debt Service.

Ms. Lawson stated that VTA’s FY 2010 Actual surplus to reserves was $16 million; therefore, ending at 15 percent operating reserve level.

Joseph Smith, Chief Financial Officer, stated VTA as a whole worked together to aggressively manage expenditures and adjust the budget.

The Committee complimented staff and VTA Board Members for their diligent work during these hard economic times. Their efforts enabled VTA to end FY 10 in a better financial position than anticipated.

Michael T. Burns, General Manager, expressed appreciation to the entire organization for working collaboratively to address the budget concerns.

M/S/C (McHugh/Reed) to review and accept the Fiscal Year 2010 Quarterly Statement of Revenues and Expenses for the period ending June 30, 2010.

9. VTA Permit Fee Schedule

Bill Kindricks, Business Relations Manager, reported VTA’s Permit Policy and Permit Fee Schedule includes the following proposed changes:

- Revision of VTA Background Security Check Standards;
- Update of VTA Permit Fee Schedule, revising fees and adding fees for service impacts; and
- Adjustment of fees consistent with the VTA revised allocated rates.

Upon query from Board Member Reed, Mr. Kindricks responded that the proposed Permit Fee Schedule is based upon the fully allocated costs for issuing permits, performing inspection services, and other permit related services. Costs to be charged for various labor services will be calculated on a fully allocated cost basis.
M/S/C (McHugh/Reed) to approve submitting a recommendation to the Board of Directors to adopt a resolution amending the VTA Permit Fee Schedule, adjusting fees to be collected for Restricted Access Permits and Construction Access Permits to be consistent with the revision of VTA allocated rates.

Board Member Reed indicated he would abstain from **Agenda Item #10. Contract Award for Operations Insurance Broker**.

The quorum was lost and a Committee of the Whole was declared.

10. **Contract Award for Operations Insurance Broker**

Nanci Eksterowicz, Risk Manager, reported that VTA utilizes the services of a licensed insurance broker for the procurement and management of the insurance policies that comprise VTA’s Operations Insurance Program. The Operations Insurance Program is marketed annually with the policies renewing on July 1st. The current broker contact with Alliant Insurance Services expires on January 31, 2011.

VTA issued a Request for Proposals (RFP) on July 28, 2010 and received several proposals. VTA’s selection panel selected three vendors and recommended Alliant Insurance Services for contract award based on performance, experience, and competitive pricing.

The Committee of the Whole recommended forwarding the item for consideration at the November 4, 2010 VTA Board of Directors Regular Meeting: Authorize the General Manager to execute a three year fixed fee contract for $213,060; with two additional one year options at $80,609 for the first optional extension and $75,862 for the second extension; for a grand total of $369,531; with Alliant Insurance Services to provide insurance brokerage and loss control service for VTA operations.

The quorum was re-established.

11. **Measure A Bond Financing**

Mr. Burns noted the Measure A Bond Financing is an action item scheduled for VTA’s Board Workshop/Special Meeting on Friday, October 22, 2010. Mr. Burns stated this will ensure a good position for VTA.

Kim Koenig, Fiscal Resources Manager, reported the recommendation is to authorize the General Manager to issue up to $800,000,000 of Measure A Sales Tax Revenue Bonds, which the proceeds will be used to finance certain Measure A capital expenditures, provide a debt service reserve fund, and to pay the costs of issuance.

Ms. Koenig commented on significant achievements of the BART Silicon Valley Rapid Transit (SVRT) Program including: 1) 65 percent design completion, 2) federal environmental clearance, and 3) the passage of the 2008 Measure B Sales Tax, which is a dedicated funding source for the operations and maintenance of the BART extension to Santa Clara County.

Ms. Koenig continued that development of procurement documents for design build contracts associated with the Berryessa Extension (SVBX) are underway and will result in the release of the first Request for Qualifications (RFQ) on October 21, 2010, which will be followed by a Request for Proposals (RFP) in early 2011.
The significant progress in the SVRT Program places VTA in an excellent position to accelerate the bonding plans before the end of 2010 than issue bonds in FY 2012 and FY 2013.

Ms. Koenig commented on the following advantages to VTA and the Measure A Program:

- Historically low interest rates based on current market conditions;
- Issue Build America Bonds (‘BABs) with a 35 percent federal subsidy prior to the expiration of the authorization of BABs on December 31, 2010;
- Lock in a Measure A funding rate that is significantly lower than assumed for the New Starts financial plan and reducing interest rate risk for the Measure A Program; and
- Strengthen VTA’s case to the Federal Transit Administration (FTA) for the Full Funding Grant Agreement by having the local match funds available, which will attract more favorable construction bids.

Ms. Koenig stated that staff proposes to structure the 2010 Bonds as a combination of fixed rate BABs and tax exempt bonds, which will mature not later than 2036. Staff recommends the use of a negotiated sale for the 2010 Bonds in order to take advantage of low interest rates and BABs authorization.

Ms. Koenig reported that staff issued a task order for Ross Financial to provide financial advisory services as well as contracts with Orrick, Herrington & Sutcliffe LLP and Fulbright & Jaworski LLP for the Bond and Disclosure Counsel, which are included in VTA’s legal services pool. The combined fees will be funded from the 2010 Bond proceeds.

The following underwriters will market and place the 2010 Bonds and are firms included in VTA’s Investment Banking Pool: Barclays Capital and Citigroup Capital Markets and J.P. Morgan, Morgan Stanley, De La Rosa & Co., Stone & Youngberg. Ms. Koenig stated the underwriting fees plus expenses will be funded from the bond proceeds.

Ms. Koenig commented on the following attachments to the Measure A Bond Financing:

- Supplemental Indenture - supplements the Master Indenture by establishing the terms of the 2010 Bonds including provisions related to BABs and the treatment of the federal subsidy payments, principal payment dates, redemption provisions, maturities, and reserve fund requirement;
- Purchase Contract - sets forth the price to be paid for the 2010 Bonds, the interest rates that the bonds will bear and all closing conditions, including required legal opinions and certifications;
- Official Statement – includes a description of the bonds, the purpose of the bonds, what is pledged as security for repayment of the bonds and the risks inherent in owning the bonds. And contains legal issues relevant to the bonds. The final OS will not be completed until after the 2010 Bonds are sold;
- Continuing Disclosure Agreement – summarizes specific operating and financial information that VTA will provide on a continuing basis.

Ms. Koenig continued that the Board of Directors could either choose not to issue the 2010 Bonds or sell the 2010 Bonds using a competitive sale method. However, this would increase the cost of funds for the Measure A Program due to the expiration of the
35 percent Federal Government subsidy as well as potential increases in long term interest rates.

Ms. Koenig stated a competitive sale will prevent VTA the flexibility to respond to market demand or change the allocation between tax exempt and BABs, which would result in a less cost effective financing. The estimated cost of issuance for the 2010 Bonds is approximately $3 million, which will be funded from the bond proceeds and amortized over the life of the bonds.

Mr. Burns stated that the intent is to take advantage of the opportunities that would be beneficial to both VTA and the Measure A Program, such as securing low interest rates and utilizing the BABs 35 percent federal government subsidy.

Upon query from Board Member Reed, Ms. Koenig responded that if the federal government reneges on its contract to provide the 35 percent subsidy, VTA believes the risk to be remote.

Kathleen Leek, Bond Counsel, responded that VTA has the ability to redeem the bonds in the event that there is a change in tax law, noting all the available protections are incorporated within the documents. Ms. Leek noted that the issuance of BABs implies with it that the public agency takes the risk if the federal government reneges on its contract to provide the subsidy; however, this is understood by the issuers in the market place.

Board Member Reed queried about the spend down requirements regarding the federal tax code. Ms. Koenig responded that VTA has to show a reasonable expectation that VTA will be able to spend the bond proceeds within certain time frames, which may be between three and five years and is set once the bonds are issued.

Ms. Koenig reported if VTA does not meet the spend down requirements then the interest earned on the bonds that is over and above what VTA is paying is rebated to the Internal Revenue Service (IRS). Ms. Koenig stated that staff does not anticipate this scenario occurring since VTA will be earning less on the bond funds than what VTA is paying.

Ms. Koenig continued that VTA will spend the funding on good expenditures, such as the Measure A Program projects, Bus Rapid Transit (BRT), and other allowable projects.

Alternate Board Member McHugh expressed his support, noting the huge benefits of moving forward with the recommendation to issue the Measure A Bond Financing.

Board Member Reed suggested that the arbitral provisions within the memorandum be reworded for the October 22, 2010 Board of Directors Workshop/Special Meeting. Mr. Burns responded that staff will provide an explanation at the Board Workshop/Special Meeting scheduled on Friday, October 22, 2010.

M/S/C (McHugh/Reed) to approve submitting a recommendation to the Board of Directors to adopt a Resolution authorizing the General Manager or his designee to take all necessary actions to offer, via negotiated sale, up to $800,000,000 of Measure A Sales Tax Revenue Bonds, Series 2010 (the “2010 Bonds”) in the form of tax-exempt bonds and/or Build America Bonds (“BABs”) to finance certain Measure A capital expenditures, provide a debt service reserve fund, and to pay the costs of issuance.
12. **Santa Clara Valley Transportation Authority (SCVTA) - Amalgamated Transit Union (ATU), Local 265 Pension Plan Amendments**

Bill Lopez, Chief Administrative Officer, reported the proposed plan amendments to the SCVTA – ATU Pension Plan will ensure the Plan is tax compliant as required by the Internal Revenue Service (IRS). The Proposed Plan Amendments will be submitted with the request for a favorable Determination Letter from the IRS. VTA’s Board of Pensions has agreed to enter into the Voluntary Correction Program, which permits plans to retroactively correct certain compliance issues without penalty.

Mr. Lopez noted the recommendation also allows the Board to authorize all future Plan amendments required by the IRS that do not affect the level of the pension benefit to ensure the Plan is tax compliant.

The Proposed Plan Amendments have tentatively been agreed upon and are subject to ratification by the ATU Board on Thursday, October 21, 2010 and VTA’s Board of Directors on Thursday, November 4, 2010.

**M/S/C (Reed/McHugh)** to approve submitting a recommendation to the Board of Directors to approve the Proposed Plan Amendments to the Santa Clara Valley Transportation Authority - Amalgamated Transit Union, Local 265 Pension Plan. In addition, authorize all future Plan amendments as required by the Internal Revenue Service (IRS) to ensure the Plan’s tax compliance.

**OTHER ITEMS**

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

There were no Items of Concern and Referral to Administration.

14. **Committee Work Plan**

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

15. **Committee Staff Report**

Mr. Smith noted the Measure A Bond Financing item would be forwarded for consideration to VTA’s Board of Director Workshop/Special Meeting on Friday, October 22, 2010.

Mr. Smith confirmed that the Board Members received the following Measure A Bond Financing Attachments:

- Attachment 2B – Fourth Supplemental Indenture (Draft dated 10/14/10);
- Attachment 2C – Purchase Contract (Draft dated 10/14/10);
- Attachment 2D – Preliminary Official Statement * (Draft dated 10/11/10);
- Attachment 2E – Continuing Disclosure Certificate (Draft dated 10/10/10); and
- Attachment 2F – Resolution.

Mr. Smith noted that VTA received an unqualified opinion on VTA’s financial statements for FY 2010 from the external auditors. VTA’s credit rating is scheduled to be reviewed on October 28, 2010 with the pricing transaction in November 2010.

Upon query from Board Member Reed, Mr. Burns responded that VTA has been very conservative on sales tax revenue projection analysis.
Ms. Koenig referenced the Measure A Bond Financing, noting VTA’s indenture allows for a 1.3 coverage, which means the sales tax is 130 percent greater than the debt service.

Jim Lawson, Executive Policy Advisor, noted the importance that projections are not accurate; therefore, staff recommends that the Board adopt principles to act on to meet VTA’s financial goals.

16. **Chairperson’s Report**

There was no Chairperson’s Report.

17. **Determine Consent Agenda for the November 4, 2010 Board of Directors Meeting**

CONSENT:  **Agenda Item #8.** Review and accept the Fiscal Year 2010 Quarterly Statement of Revenues and Expenses for the period ending June 30, 2010;

**Agenda Item #9.** Adopt a resolution amending the VTA Permit Fee Schedule, adjusting fees to be collected for Restricted Access Permits and Construction Access Permits to be consistent with the revision of VTA allocated rates;

**Agenda Item #11.** Adopt a Resolution authorizing the General Manager or his designee to take all necessary actions to offer, via negotiated sale, up to $800,000,000 of Measure A Sales Tax Revenue Bonds, Series 2010 (the “2010 Bonds”) in the form of tax-exempt bonds and/or Build America Bonds (“BABs”) to finance certain Measure A capital expenditures, provide a debt service reserve fund, and to pay the costs of issuance; and

**Agenda Item #12.** Approve the Proposed Plan Amendments to the Santa Clara Valley Transportation Authority - Amalgamated Transit Union, Local 265 Pension Plan. In addition, authorize all future Plan amendments as required by the Internal Revenue Service (IRS) to ensure the Plan’s tax compliance.

REGULAR:  **Agenda Item #10.** Authorize the General Manager to execute a three year fixed fee contract for $213,060; with two additional one year options at $80,609 for the first optional extension and $75,862 for the second extension; for a grand total of $369,531; with Alliant Insurance Services to provide insurance brokerage and loss control service for VTA operations.

18. **Announcements**

Chairperson Kniss reminded the Committee Members of VTA’s Board of Director Workshop/Special Meeting scheduled on Friday, October 22, 2010 at 9:00 a.m. held at the County Government Center in the Board of Supervisors Chambers.

Chairperson Kniss reminded the Committee to bring the two Measure A Bond Attachment booklets to VTA’s Board of Directors Workshop/Special Meeting.

19. **ADJOURNMENT**

**On order of Chairperson Kniss** and there being no objection, the Committee meeting was adjourned at 12:55 p.m.

Respectfully submitted,

Michelle M. Garza, Board Assistant
VTA Office of the Board Secretary
CONGESTION MANAGEMENT PROGRAM & PLANNING COMMITTEE

Friday, October 22, 2010

MINUTES

CALL TO ORDER

The Regular Meeting of the Congestion Management Program & Planning Committee (CMPP) was called to order at 11:31 p.m. by Chairperson Pyle in The Board of Supervisors Chambers, County Government Center, 70 West Hedding Street, San Jose, California.

1. ROLL CALL

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<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
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</thead>
<tbody>
<tr>
<td>Rose Herrera</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Chris Moylan</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Chuck Page</td>
<td>Vice Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Nancy Pyle</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Marshall Anstandig</td>
<td>Alternate Member</td>
<td>NA</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>

A quorum was present.

2. PUBLIC PRESENTATIONS

There were no Public Presentations.

3. ORDERS OF THE DAY

There were no Orders of the Day.

CONSENT AGENDA

4. Minutes of August 20, 2010

M/S/C (Page/Herrera) to approve the Minutes of August 20, 2010.

5. Minutes of September 24, 2010

M/S/C (Page/Herrera) to approve the Minutes of September 24, 2010.

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

6. **California Environmental Quality Act (CEQA)**

Tom Fitzwater, Environmental Planning Manager, provided a brief overview of the staff report. He highlighted the addition of a new environmental checklist with criteria for greenhouse gas emissions and transit and pedestrian considerations.

**M/S/C(Herrera/Page)** to approve submitting a recommendation to the Board of Directors to adopt a resolution to update VTA’s implementation of CEQA through: 1) Adoption of Title 14 of the California Code of Regulations, Division 6, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) effective January 1, 2010, and 2) Adoption of a revision to one of the Guidelines (Article 19, Categorical Exemptions, Section 15301, Existing Facilities), by adding the word “purchasing” to the first sentence between the words “leasing” and “licensing” that describes Class 1 activities.

7. **Contracts for Development Services**

Bijal Patel, Deputy Director of Property Development and Management, provided a brief overview of the staff report. She noted there is currently no active on call list and this will enable staff to quickly tap resources, respond to market opportunity, and move the Joint Development Program forward.

Member Herrera requested information on the Small Business Enterprise (SBE) and Disadvantaged Business Enterprise (DBE) programs.

Ms. Patel indicated SBE/DBE goals were not a part of the selection criteria, but companies with a local office were given preference as part of the scoring criteria. Mr. Ristow added staff will provide information regarding the SBE/DBE program and the selection criteria of businesses on the list.

Member Page questioned if there is a maximum budget or an estimate of what the contracts will be worth.

Ms. Patel stated no projects have been budgeted at this point, but they must fit within the approved Professional Services budget of the Joint Development Program.

**M/S/C (Herrera/Moylan)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute contracts of up to $300,000 each, in accordance with the General Manager's administrative authority, from a list of 29 qualified firms for various categories of development services. The list will serve for a 3-year period and may be extended for an additional 2 years at the General Manager's discretion.
OTHER

8. **SB 375 - Sustainable Communities Strategy Update**

John Ristow, Chief Congestion Management Agency (CMA) Officer and Staff Liaison, provided a brief report on the SB 375 Sustainable Communities Strategy Activities highlighting: 1) The performance targets and indicators; 2) Regional housing targets; 3) Leadership roundtable meetings; and 4) Regional Roundtable Summit on November 8, 2010.

Member Moylan indicated it would be helpful for the Committee to receive a brief statement of why staff thinks each of the proposed ideas is feasible, who will be implementing each piece, and the implications for individual cities.

Member Page requested an estimate of what it will cost to meet the targets be brought back to the Committee.

**On order of Chairperson Pyle** and there being no objection, the Committee received a report on the Sustainable Communities Strategy Activities as Part of the Implementation of SB 375.

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

There were no Items of Concern and Referral to Administration.

10. **Committee Work Plan**

John Ristow, CMA Officer and Staff Liaison, reviewed the Committee Work Plan noting several action items on grant programs will be coming forward during the next few months.

11. **Committee Staff Report**

There was no Committee Staff Report.

12. **Chairperson’s Report**

There was no Chairperson’s Report.

13. **Determine Consent Agenda for the November 4, 2010, Board of Directors Meeting**

**CONSENT:**

**Agenda Item #6** - Adopt a resolution to update VTA's implementation of CEQA through: 1) Adoption of Title 14 of the California Code of Regulations, Division 6, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) effective January 1, 2010, and 2) Adoption of a revision to one of the Guidelines
(Article 19, Categorical Exemptions, Section 15301, Existing Facilities), by adding the word “purchasing” to the first sentence between the words “leasing” and “licensing” that describes Class 1 activities.

**Agenda Item #7** - Authorize the General Manager to execute contracts of up to $300,000 each, in accordance with the General Manager's administrative authority, from a list of 29 qualified firms for various categories of development services. The list will serve for a 3-year period and may be extended for an additional 2 years at the General Manager's discretion.

**REGULAR:**

None

14. **ANNOUNCEMENTS**

There were no Announcements.

15. **ADJOURNMENT**

On order of Chairperson Pyle and there being no objection, the meeting was adjourned at 11:50p.m.

Respectfully submitted,

Menominee L. McCarter, Board Assistant
Office of the Board Secretary
Transit Planning & Operations Committee

Thursday, October 21, 2010

MINUTES

CALL TO ORDER

The Regular Meeting of the Transit Planning and Operations (TP&O) Committee was called to order at 4:36 p.m. by Vice Chairperson Larsen 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>
</tr>
</thead>
<tbody>
<tr>
<td>Margaret Abe-Koga</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Ash Kalra</td>
<td>Chairperson</td>
<td>Absent</td>
</tr>
<tr>
<td>Rich Larsen</td>
<td>Vice Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Sam Liccardo</td>
<td>Member</td>
<td>Absent</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>

*Alternates do not serve unless participating as a Member.

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

2. PUBLIC PRESENTATIONS

David Madrano, Interested Citizen, expressed his support for Outreach. He stated that he is against cut-backs on the services provided by Outreach.

3. ORDERS OF THE DAY

There were no Orders of the Day.

CONSENT AGENDA

4. Deferred to the November 22, 2010 TPO meeting

Minutes of September 16, 2010.
REGULAR AGENDA

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

Vice Chairperson Larsen reported on behalf of Aaron Morrow, CTA Chairperson, noting that CTA expresses their appreciation to TPO for supporting the extension of the Outreach-Escort paratransit contract.

6. West San Carlos Station Funding Agreement

John Ristow, Chief CMA Officer, provided an overview of the potential Light Rail Station near West San Carlos Street, and the agreement between VTA and City of San Jose. He noted the $1 million from KB Homes cannot be moved to another project. That funding is locked on the project in expectation of the future station.

Member Abe-Koga expressed concern on the timing of the project and stated that the station may not reach its ridership goals. She requested information on ridership and development of the area. Mr. Ristow responded the following will be conducted for the West San Carlos station: 1) ridership forecast; 2) zoning upgrade; and, 3) funding commitments.

Mr. Ristow expressed the importance of this funding agreement to start the design work and project development that would make it eligible to seek funding.

The Committee of the Whole recommended forwarding the item for consideration at the November 4, 2010 VTA Board of Directors Regular Meeting: Authorize the General Manager to enter into an agreement with the City of San Jose to transfer development contributions dedicated for the West San Carlos Light Rail Station to VTA and to collaborate with the City of San Jose to pursue funding for the construction and operation of a new Light Rail Station near West San Carlos Street.

7. Final Relocation Plan for the Silicon Valley Berryessa Extension Project

The Committee of the Whole recommended forwarding the item for consideration at the November 4, 2010 VTA Board of Directors Regular Meeting: Adopt a Resolution approving and adopting the Final Relocation Plan for the Silicon Valley Berryessa Extension (SVBX) Project and adopting federal and state relocation assistance laws and regulations as VTA’s own rules and regulations for purposes of implementing relocation benefits and administering relocation assistance.

8. GM Authority for SVBX Real Estate Acquisitions

The Committee of the Whole recommended forwarding the item for consideration at the November 4, 2010 VTA Board of Directors Regular Meeting: Authorize the General Manager to approve and execute all real property acquisition and possession and use agreements required for the SVBX Project meeting the following criteria: 1) For any property, where the purchase price equals the statutory offer of just compensation
established for the property; 2) For any property, where the negotiated purchase price for the property does not exceed $250,000; and 3) For any property for which the statutory offer of just compensation established for the property is over $250,000 but below $2,000,000, where the negotiated purchase price for the property does not exceed fifteen percent (15%) of said statutory offer of just compensation.

9. **Measure A Bond Financing**

Kim Koenig, Fiscal Resources Manager, reported on the advantages of accelerating the bonding plans before the end of 2010. She noted the following:

- Historically low interest rates based on current market conditions;
- Issue Build America Bonds (“BABs”) with a 35 percent federal subsidy prior to the expiration of the authorization of BABs on December 31, 2010;
- Lock in a Measure A funding rate that is significantly lower than assumed for the New Starts financial plan and reducing interest rate risk for the Measure A Program; and
- Strengthen VTA’s case to the Federal Transit Administration (FTA) for the Full Funding Grant Agreement by having the local match funds available, which will attract more favorable construction bids.

The Committee of the Whole recommended forwarding the item for consideration at the November 4, 2010 VTA Board of Directors Regular Meeting: Adopt a resolution authorizing the General Manager or his designee to take all necessary actions to offer, via negotiated sale, up to $800,000,000 of Measure A Sales Tax Revenue Bonds, Series 2010 (the “2010 Bonds”) in the form of tax-exempt bonds and/or Build America Bonds (“BABs”) to finance certain Measure A capital expenditures, provide a debt service reserve fund, and to pay the costs of issuance.

**OTHER ITEMS**

10. **Selection of Provider for County Solar Power Purchase Agreement**

Tom Fitzwater, Environmental Planning Manager, reported on the process conducted by VTA and other partner agencies in selecting SunPower for Large Bundle projects. He noted that VTA’s North and Guadalupe Divisions are part of the Large Bundle sites.

Vice Chairperson Larsen expressed his support for going solar. He suggested the following: 1) all VTA facilities go solar in the future; 2) purchase U.S. made solar panels; and, 3) look at marketing opportunities.

**On Order of Vice Chairperson Larsen** and there being no objection, the Selection of Provider for County Solar Power Purchase Agreement was received.

11. **Strategies for Improving VTA Ridership**

Dino Guevarra, Sales & Promotion Supervisor, reported that VTA is conducting the following to improve ridership: 1) surveyed non-riders; 2) implementation of Bus Rapid Transit; 3) Wi-Fi on vehicles; 4) on-going communication with other agencies and business community; 5) reduced fare promotion; and, 6) on-line advertising.
The Committee of the Whole suggested the following marketing strategies: 1) produce a video clip and post online/YouTube; 2) explore partnering opportunities to enhance revenue; 3) create a program and partner with the San Jose Sharks; 4) partner with members of the Silicon Valley Leadership Group and have the CEO’s ride transit; and, 5) explore generating revenue from the use of Wi-Fi on the transit system.

**On Order of Vice Chairperson Larsen** and there being no objection, the Strategies for Improving VTA Ridership was received.

12. **September 2010 Monthly Ridership and Fare Revenue Performance**

Joonie Tolosa, Manager for Operations Analysis and Systems, provided a report highlighting the following: 1) System Ridership; 2) Bus Ridership; 3) Light Rail Ridership; 4) Fare Revenues; 5) Average Fare per Boarding; 6) Average Weekday Ridership; 7) Light Rail Express Service Ridership; 8) Santa Clara County Employment; 9) Unemployment rate; and, 10) factors that affected ridership.

**On Order of Vice Chairperson Larsen** and there being no objection, the October 2010 Monthly Ridership and Fare Revenue Performance report was received.

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

There were no Items of Concern and Referral to Administration.

14. **Committee Work Plan**

Dan Smith, Chief Operating Officer and Staff Liaison, noted that the November TPO meeting was rescheduled from November 18, 2010 to November 22, 2010, at 10:00 a.m.

**On Order of Vice Chairperson Larsen** and there being no objection, the Committee Work Plan was reviewed.

15. **Committee Staff Report**

Dan Smith, Chief Operating Officer and Staff Liaison, provided a handout highlighting the following: 1) Light Rail Express Service launch; 2) hybrid bus delivery; 3) mutual aid; 4) auto break-ins arrest; 5) felony vandalism arrest; 6) Stanford football Line 22 and 522 reroutes; 7) Dalai Lama visit to San Jose; 8) Special Needs Resources Event; 9) Light Rail rehab work; 10) ROAR meeting; 11) SWAT training; 12) 18th Annual Adult Services Resources Faire; 13) fare enforcement operations; 14) commendation; 15) Guadalupe tour; and, 16) special bus request.

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

16. **Chairperson’s Report**

There was no Chairperson’s Report.
17. **Determine Consent Agenda for the November 4, 2010 Board of Directors Meeting**

**Consent Agenda:**

**Agenda Item #7,** Adopt a Resolution approving and adopting the Final Relocation Plan for the Silicon Valley Berryessa Extension (SVBX) Project and adopting federal and state relocation assistance laws and regulations as VTA’s own rules and regulations for purposes of implementing relocation benefits and administering relocation assistance.

**Agenda Item #8,** Authorize the General Manager to approve and execute all real property acquisition and possession and use agreements required for the SVBX Project meeting the following criteria: 1) For any property, where the purchase price equals the statutory offer of just compensation established for the property; 2) For any property, where the negotiated purchase price for the property does not exceed $250,000; and 3) For any property for which the statutory offer of just compensation established for the property is over $250,000 but below $2,000,000, where the negotiated purchase price for the property does not exceed fifteen percent (15%) of said statutory offer of just compensation.

**Regular Agenda:**

**Agenda Item #6,** Authorize the General Manager to enter into an agreement with the City of San Jose to transfer development contributions dedicated for the West San Carlos Light Rail Station to VTA and to collaborate with the City of San Jose to pursue funding for the construction and operation of a new Light Rail Station near West San Carlos Street.

18. **ANNOUNCEMENTS**

There were no Announcements.

19. **ADJOURNMENT**

**On Order of Vice Chairperson Larsen** and there being no objection, the meeting was adjourned at 5:55 p.m.

Respectfully submitted,

Michael Diareasco, Board Assistant  
Office of the Board Secretary
CALL TO ORDER

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

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
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<tbody>
<tr>
<td>Emma Eljas</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Christina Fernandez</td>
<td>Staff Aide to Ex-Officio Board Liaison Reed</td>
<td>Absent</td>
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<tr>
<td>Sandra Gouveia</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>David Grant</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Katie Heatley</td>
<td>Ex-Officio Member</td>
<td>Present</td>
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<tr>
<td>Troy Hernandez</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Dennis Kempel</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Martin Lasich</td>
<td>Member</td>
<td>Absent</td>
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<tr>
<td>Laura Michels</td>
<td>Member</td>
<td>Absent</td>
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<tr>
<td>Aaron Morrow</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Lechi Nguyen</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Jeffrey Ovetz</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>David Robinson</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Larry Saltman</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Dilip Shah</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Vicci Smith</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Barbara Stahl</td>
<td>Member</td>
<td>Present</td>
</tr>
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2. INTRODUCTION OF AUDIENCE MEMBERS

Elaine Baltao, Assistant Board Secretary; Patrick Griffin, Manager Public Affairs and Customer Information; Gary Miskell; Chief Information Officer; Ali Hudda; Deputy Director of Accounting; Jing Quan, Associate Architect; and, Joonie Tolosa, Manager Operations Analysis and Reporting.

3. PUBLIC PRESENTATIONS

David Grant, Interested Citizen, expressed concern with the reduction of bus shelters.

4. Board of Directors Report

There was no Board of Directors report.
BUSINESS REFERRED TO COMMITTEE BY THE BOARD OF DIRECTORS/GENERAL MANAGER

CONSENT AGENDA

5. Minutes of July 7, 2010
   M/S/C (Grant/Gouveia) to approve the Minutes of July 7, 2010.

6. Chief Operating Officer’s Report
   M/S/C (Grant/Gouveia) to receive the Chief Operating Officer’s Report.

   M/S/C (Grant/Gouveia) to receive the Fiscal Year 2010 Annual Transit Operations Performance Report.

8. October 4, 2010 Service Changes
   M/S/C (Grant/Gouveia) to receive a report on Service Changes effective October 4, 2010.

REGULAR AGENDA

9. Nomination Subcommittee for Chairperson and Vice Chairperson for 2011
   Chairperson Morrow asked for volunteers to propose a slate of nominees for CTA officers for 2011. Members Grant and Stahl volunteered and will serve as the nominating subcommittee.
   
   M/S/C (Eljas/Gouveia) to appoint a nomination subcommittee to identify Committee members interested in serving as the Chairperson and Vice Chairperson for 2011.

10. Santa Clara County Local Review Committee (LRC) for the 5310
   Jim Unites, Staff Liaison, provided a brief overview of the 5310 program and duties of the members who serve on the LRC.
   
   Chairperson Morrow asked for volunteers to serve on the LRC 5310 for Fiscal Year 2010. Member Ovetz, Member Saltman, and Chairperson Morrow volunteered and will serve on the committee.
   
   M/S/C (Eljas/Stahl) to appoint three members from the Committee for Transit Accessibility (CTA) to serve as the Santa Clara County Local Review Committee (LRC) to evaluate and rank Fiscal Year 2010 Federal Transit Administration (FTA) Section 5310 Program project applications.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
11. **Outreach and Escort, Inc.**

Jim Unites, Staff Liaison, announced the Board of Directors approved a two-year contract extension through June 30, 2013, with three one-year options, with Outreach and Escort, Inc., and will be submitting a letter to the Metropolitan Transportation Commission to support their request to be the Consolidated Transportation Service Agency (CTSA) for Santa Clara County.

**M/S/C (Saltman/Gouveia)** to support Outreach and Escort, Inc’s request to the San Francisco Bay Area Metropolitan Transportation Commission to be designated the Consolidated Transportation Service Agency (CTSA) for Santa Clara County, dependent on Outreach’s agreement to waive all claims to Transportation Development Act (TDA) and State Transit Assistance (STA) funding.

The Agenda was taken out of order.

14. **Advanced Farebox System Procurement**

David Sausjord, Revenue Services Manager, provided a brief overview and update of the new farebox procurement process. He addressed the Committee’s concern with the height of farebox on hybrid buses and indicated engineers confirmed it is the same as the current farebox but the coin slot was slightly lowered to allow easier access for passengers.

Member Grant expressed concern with the new farebox’s inability to read Outreach cards or accept an additional type of token designated for senior and disabled riders.

Mr. Sausjord stated the farebox contains a smartcard reader and VTA is researching the development of a new card. Ali Hudda, Deputy Director of Accounting, added after the new farebox and the Clipper system are installed, VTA staff will look at additional capabilities of both systems and pursue add-ons.

Chairperson Morrow indicated the need to obtain accurate senior and disabled ridership information and recommended a motion for staff to be forward thinking when looking at different technology.

Member Grant commented the importance of protecting the privacy of riders and stressed the need to collect data on groups and not track individuals.

**M/S/C (Morrow/Eljas)** to request VTA staff to utilize every possible option to incorporate system utilization data for the senior and disabled fare medium.

12. **The County Expressway Pedestrian Improvement Program**

Dawn Cameron, Santa Clara County Consulting Transportation Planner, provided a brief report on planned pedestrian improvements on expressways and an overview of the Comprehensive County Expressway Planning Study.

Member Grant expressed concern with the safety of pedestrians on expressways.

Member Stahl expressed concern with roadway surfaces not being smooth which makes it difficult for people in wheelchairs.

**On order of Chairperson Morrow** and there being no objection, the Committee
received a presentation on The County Expressway Pedestrian Improvement Program.

13. **Quarterly Legislative Report**

Scott Haywood, Policy and Community Relations Manager, provided a brief report highlighting the approval of the State budget, noting there was little impact to the transportation budget.

*On order of Chairperson Morrow* and there being no objection, the Committee received the Quarterly Legislative Report.

15. **VTA Ticket Vending Machine (TVM)**

Gary Miskell, Chief Information Officer, provided an update on the ticket vending machine upgrade noting changes to its design and functionality. He highlighted the protection features against vandalism and credit card information retrieval scams and stated cameras are being added to light rail platforms as well to serve as a deterrent.

*On order of Chairperson Morrow* and there being no objection, the Committee received the report on the VTA Ticket Vending Machine (TVM) Upgrade and Refurbish project.

16. **Bus Stop Improvement Program**

Jing Quan, Associate Architect, provided an update on the Bus Stop Improvement Program, highlighting the focus on bus stops in East San Jose along King Road and Story Road that have been slated for improvements.

Member Ovetz forwarded a concern from a visually impaired rider who requested the bus stop along line 25, located on Peppertree Lane going towards DeAnza College, be moved for accessibility reasons.

Member Stahl expressed concern with the location of bus stop signs noting some are too close to the curb and do not allow enough space for wheelchairs to pass.

Member Shah expressed concern with glass being used for the frame on bus shelters and noted one in Milpitas needs to be repaired.

Member Grant requested an update on the status of bus shelters he requested at previous CTA meetings. He recommended a motion to include bus shelters in the Bus Stop Improvement program.

Mr. Unites addressed Member Grant’s concern with the shelter request and noted staff is working with the property owners to find a solution and he will send an update to the Committee.

Member Ovetz expressed concern about the amount of time it takes to make changes to bus stops.

Chairperson Morrow commented on the addition of solar lights, noting the need to install them at stops system-wide for safety reasons.

**M/S/C (Grant/Stahl)** to include Bus Shelters in the VTA Bus Stop Improvement
Program, with a priority being given to groups that are willing to adopt and maintain these shelters without a cost to VTA.

17. **Workplan Update**

Jim Unites, Staff Liaison, announced the advisory committee joint workshop will be held on December 8, 2010. He noted the next regular CTA meeting will be on January 12, 2011. He also indicated an update on the Clipper Program will be added to the Workplan for April.

Member Saltman requested information brought to Committee about express trains.

Member Grant requested the addition of coordination of VTA farebox upgrade and Outreach cards be added to the Workplan.

Chairperson Morrow requested an informational piece on the Silicon Valley BART project be brought to the Committee.

**REPORTS**

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

Chairperson Morrow indicated the next meeting will be held November 8, 2010, and a report will be provided at the January 12, 2011 meeting.

19. **Committee Staff Report**

There was no Committee Staff Report.

20. **Citizens Advisory Committee/Citizens Watchdog Committee (CAC/CWC) Report**

Chairperson Morrow provided information from the August 11, 2010 CAC/CWC meeting highlighting: 1) Contract renewal of the Macias, Gini & O’Connell, LLP (MGO) Audit team; 2) Grand Boulevard Intermodal Transportation Corridor Project; and 3) An Update on the Silicon Valley BART project.

**On order of Chairperson Morrow** and there being no objection, the Committee received the Citizens Advisory Committee/Citizens Watchdog Committee Report.

21. **Chairperson’s Report**

Chairperson Morrow expressed appreciation to VTA Customer Service Staff for their willingness to respond to driver issues, and thanked the public and community organizations for their support of the extension of the Outreach contract.
OTHER

22. **Announcements**

Member Stahl announced the Santa Clara Disability Advisory Commission will meet before the next CTA meeting and requested time be given to provide a report. Chairperson Morrow indicated it will be added to the Agenda.

23. **ADJOURNMENT**

On order of Chairperson Morrow and there being no objection, the meeting was adjourned at 2:50 p.m.

Respectfully submitted,

Menominee L. McCarter, Board Assistant
VTA Office of the Board Secretary
CITIZENS ADVISORY COMMITTEE
and
2000 MEASURE A CITIZENS WATCHDOG COMMITTEE

Wednesday, October 13, 2010

MINUTES

CALL TO ORDER

The Regular Meeting of the Citizens Advisory Committee (CAC) / Citizens Watchdog Committee (CWC) was called to order at 4:33 p.m. by Chairperson Powers, in Conference Room B-104, VTA River Oaks Campus, 3331 North First Street, San José, California.

1. ROLL CALL

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<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
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<tbody>
<tr>
<td>Jeremy Barousse</td>
<td>CAC Member</td>
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<tr>
<td>Stephen Blaylock</td>
<td>CAC Member</td>
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</tr>
<tr>
<td>Clinton Brownley</td>
<td>CAC Member</td>
<td>Present</td>
</tr>
<tr>
<td>Bena Chang</td>
<td>CAC Member</td>
<td>Present</td>
</tr>
<tr>
<td>Chris Elias</td>
<td>CAC Member</td>
<td>Present</td>
</tr>
<tr>
<td>Ray Hashimoto</td>
<td>CAC Member</td>
<td>Present</td>
</tr>
<tr>
<td>Roberta Hughan</td>
<td>CAC Member</td>
<td>Present</td>
</tr>
<tr>
<td>Robert Jacobvitz</td>
<td>CAC Vice Chairperson</td>
<td>Present</td>
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<tr>
<td>Bruce Liedstrand</td>
<td>CAC Member</td>
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</tr>
<tr>
<td>Aaron Morrow</td>
<td>CAC Member</td>
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<tr>
<td>Charlotte Powers</td>
<td>CAC Chairperson</td>
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<tr>
<td>Sally Probst</td>
<td>CAC Member</td>
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<tr>
<td>Connie Rogers</td>
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<tr>
<td>Martin Schulte</td>
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</tr>
<tr>
<td>Noel Tebo</td>
<td>CAC Member</td>
<td>Present</td>
</tr>
<tr>
<td>Herman Wadler</td>
<td>CAC Member</td>
<td>Present</td>
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</table>

A quorum was present.

2. ORDERS OF THE DAY

Chairperson Powers noted two changes to the agenda: 1) Michael T. Burns, VTA’s General Manager, would be rescheduling his CAC report; and 2) Recognition for former CAC Member Gaye Morando has been rescheduled to the November CAC meeting.

Chairperson Powers announced the CAC meeting would be adjourned in memory of former Cupertino Mayor Don Burnett. She noted Mr. Burnett had served as a VTA Board Member in 1996; a VTA Policy Advisory Committee Member from 1997 to 2000; and a VTA Citizens Advisory Committee Member from 2004 to mid 2008. Chairperson
Powers noted Mr. Burnett was instrumental in the Mary Avenue Footbridge Project, the steel suspension bridge over Interstate 280. She stated Mr. Burnett made many contributions to the community through his political career and the many years he volunteered to county-level advisory groups. Members of the Committee noted Mr. Burnett would be greatly missed.

Member Chang took her seat at 4:34 p.m.
Member Blaylock took his seat at 4:35 p.m.

3. PUBLIC PRESENTATIONS:

There were no Public Presentations.

4. Committee Staff Report

Greta Helm, Chief External Affairs Officer and Staff Liaison, provided the staff report highlighting: 1) The Express Light Rail launched last week with strong ridership; 2) Riders appreciate the free Wi-Fi, with some riders waiting for the Express trains in order to access Wi-Fi; 3) Beginning October 19, 2010, there will be a museum display at the Diridon Station on the history of transportation in the Santa Clara County; 4) A senior citizen summit is being held on October 21, 2010, at the Mountain View Community Center, planning for the needs of a rapidly growing senior population; 5) On November 8, 2010, VTA will launch its new hybrid bus fleet; and 6) On October 22, 2010, the Board of Directors will meet for a Workshop/Special Meeting to discuss the Ad-Hoc Financial Recovery Committee’s recommendations.

Member Hashimoto took his seat at 4:38 p.m.

Member Probst questioned whether hybrid buses would be utilized on the 22 Route. Ms. Helm stated that information would be reported back to the Committee.

5. Chairperson’s Report

Chairperson Powers reminded the Committee that a joint meeting of the VTA advisory committees would be held on December 8, 2010, at 3:00 p.m., in lieu of the individual advisory committee meetings.

Chairperson Powers noted her continued interest in High Speed Rail (HSR). She reported HSR Board Member Rod Diridon Sr. has offered to address the Committee at a future meeting.


Vice Chairperson Jacobvitz provided a handout containing: 1) a copy of the memorandum sent to the Ad-Hoc FRC stakeholders; and 2) the Ad-Hoc FRC recommendation to the Board entitled Guidance on Operating Expenditure Priorities, Key Financial Principles and Deficit Reduction Targets. He gave a brief overview of the discussions held at the September 1, 2010, Ad-Hoc FRC.
Vice Chairperson Jacobvitz reported the Board would be reviewing the Ad Hoc FRC recommendations at its October 22, 2010, workshop and encouraged CAC committee members to attend the workshop. He referenced an October 7, 2010, San Jose Mercury News (SJMN) article on VTA’s budget by columnist Gary Richards. Ms. Helm referenced VTA General Manager Michael T. Burns’ letter to the editor, published in the SJMN on October 10, 2010, in response to Mr. Richards’ article.

Member Brownley questioned whether the inflation rate was accounted for within VTA’s budgetary documentation.

Member Probst referenced Mr. Richards’ article, noted its negative tone, and acknowledged the importance of Mr. Burns’ response. She stated her belief that not everyone reads the SJMN letters to the editor and suggested that VTA prepare a follow-up article to better publicize VTA’s current, more positive budgetary situation. Ms. Helm noted media releases regarding VTA’s budget would be issued in advance of the October 22, 2010, Board Workshop/Special Meeting.

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

COMBINED CAC AND 2000 MEASURE A CITIZENS WATCHDOG COMMITTEE CONSENT AGENDAS

6. Minutes of August 11, 2010

M/S/C (Chang/Tebo) to approve the Regular Meeting Minutes of August 11, 2010.

7. (Removed from the Consent Agenda and Placed on the Regular Agenda)

Monthly Legislative History Matrix.


On order of Chairperson Powers and there being no objection, the Committee received the Fiscal Year 2010 Annual Transit Operations Performance Report.

9. CAC Quarterly Attendance Report

On order of Chairperson Powers and there being no objection, the Committee received the CAC Quarterly Attendance Report.

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

Scott Haywood, Policy and Community Relations Manager, provided the staff report.

Member Elias took his seat at 4:59 p.m.

**On order of Chairperson Powers** and there being no objection, the Committee reviewed the Monthly Legislative History Matrix.


Mark Robinson, Chief Engineering and Construction Officer, provided a handout highlighting: 1) Background; 2) Light Rail Projects; 3) Capitol Expressway Light Rail; 4) Vasona Light Rail; 5) Commuter Rail Projects; 6) Caltrain Safety Improvements; South County Capacity Improvements; 7) Blossom Hill Pedestrian Overcrossing; 8) Bus Rapid Transit (BRT); 9) Santa Clara/Alum Rock BRT; 10) El Camino and Stevens Creek/West San Carlos BRT; 11) BART Silicon Valley; 12) BART Silicon Valley Program Activities; 13) Berryessa Extension Status; and 14) BART Silicon Valley Contracts.

**On order of Chairperson Powers** and there being no objection, the Committee received the 2000 Measure A Semi-Annual Report.

**CITIZENS ADVISORY COMMITTEE REGULAR AGENDA**

11. **Nomination Subcommittee Appointment**

Stephen Flynn, Senior Management Analyst and Staff Liaison, provided a brief overview of the nomination process and questioned whether any members were willing to serve on the nomination subcommittee. Members Probst and Hashimoto volunteered their services.

**M/S/C (Morrow/Wadler)** to appoint Sally Probst and Ray Hashimoto as the nomination subcommittee to identify Committee members interested in serving as the Citizens Advisory Committee chairperson or vice chairperson for 2011.

**COMBINED CAC AND CITIZENS WATCHDOG COMMITTEE ITEMS**

12. **Citizens Advisory Committee and Citizens Watchdog Committee Work Plans**

Members of the Committee recommended the following individuals/items for future CAC agendas: 1) Former CAC Member Gaye Morando – November meeting; 2) General Manager’s Report; 3) HSR - Rod Diridon Sr.; and 4) MTC – proposal to pair transportation with SB375.
On order of Chairperson Powers and there being no objection, the Committee reviewed the Citizens Advisory Committee and Citizens Watchdog Committee Work Plans.

OTHER

13. ANNOUNCEMENTS

14. ADJOURNMENT

On order of Chairperson Powers and there being no objection, the Committee adjourned at 5:39 p.m. in memory of former CAC Member Don Burnett.

Respectfully submitted,

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

The Regular Meeting of the Valley Transportation Authority (VTA) Bicycle and Pedestrian Advisory Committee (BPAC) was called to order at 6:00 p.m. by Chairperson Simons in the Auditorium, VTA, 3331 North First Street, San Jose, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lisa Aragon</td>
<td>City of Morgan Hill</td>
<td>Present</td>
</tr>
<tr>
<td>Jim Bell</td>
<td>City of San Jose</td>
<td>Absent</td>
</tr>
<tr>
<td>Ray Cosyn</td>
<td>City of Saratoga</td>
<td>Absent</td>
</tr>
<tr>
<td>Aaron Faupell</td>
<td>City of Milpitas</td>
<td>Present</td>
</tr>
<tr>
<td>Carl Hagenmaier</td>
<td>City of Los Altos</td>
<td>Present</td>
</tr>
<tr>
<td>Melanie Hanssen</td>
<td>Town of Los Gatos</td>
<td>Present</td>
</tr>
<tr>
<td>Breene Kerr</td>
<td>Town of Los Altos Hills</td>
<td>Present</td>
</tr>
<tr>
<td>Steven Levin</td>
<td>County of Santa Clara</td>
<td>Present</td>
</tr>
<tr>
<td>Jerri-Ann Meyer</td>
<td>City of Mountain View</td>
<td>Present</td>
</tr>
<tr>
<td>Thomas Muniz</td>
<td>City of Gilroy</td>
<td>Present</td>
</tr>
<tr>
<td>Richard Ruh</td>
<td>City of Monte Sereno</td>
<td>Absent</td>
</tr>
<tr>
<td>David Simons</td>
<td>City of Sunnyvale</td>
<td>Present</td>
</tr>
<tr>
<td>John Sullivan</td>
<td>City of Santa Clara</td>
<td>Present</td>
</tr>
<tr>
<td>Richard Swent</td>
<td>City of Palo Alto</td>
<td>Absent</td>
</tr>
<tr>
<td>Herman Wadler</td>
<td>City of Campbell</td>
<td>Present</td>
</tr>
<tr>
<td>James Wiant</td>
<td>City of Cupertino</td>
<td>Present</td>
</tr>
<tr>
<td>Corinne Winter</td>
<td>Ex-Officio, SVBC</td>
<td>N/A</td>
</tr>
<tr>
<td>Paul Goldstein</td>
<td>Alt Ex-Officio, SVBC</td>
<td>Present</td>
</tr>
</tbody>
</table>

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

2. ORDERS OF THE DAY

Members Muniz and Kerr took their seats at 6:02 p.m. and a quorum was declared.

Member Hanssen arrived at 6:03 p.m.

Chairperson Simons explained the process and the action required in appointing a nominating subcommittee.
On order of Chairperson Simons and there being no objections, the Committee received the Orders of the Day.

3. PUBLIC PRESENTATIONS

There were no Public Presentations.

4. Committee Staff Report

Ying Smith, Transportation Planning Manager, welcomed new members and announced the new member orientation scheduled on November 10, 2010, at 5:00 p.m.

- Capital Program Update

Michelle DeRobertis, Senior Transportation Planner, reported that she is attending the Capital projects meeting for the Capitol Expressway Interchange Project. She noted the success of the Electronic Bike Lockers (ELockers), and stated that staff is working with the marketing department to promote the ELockers. She added that more information regarding the ELockers will be provided at the next BPAC meeting.

Alternate Ex-Officio Goldstein requested to receive information regarding the ELockers via email.

Public Comment

Jim Stallman, Interested Citizen, informed the Committee that the Metropolitan Transportation Commission (MTC) published its funding forecast calendar. He stressed the importance of monitoring the following Routine Accommodation (RA) projects: 1) Dela Cruz Boulevard interchange; 2) SR 237 High Occupancy Toll (HOT) Lanes; and 3) Interstate 880 High Occupancy Vehicle (HOV).

Member Sullivan took his seat at 6:17 p.m.

Member Hagenamaier took his seat at 6:18 p.m.

Chairperson Simons suggested inviting Mark Robinson, Chief Construction Officer, to answer the Committee’s questions about the status of the Capital Projects.

Vice Chairperson Meyer requested not to limit the staff report on projects mentioned by Mr. Stallman, but to incorporate all projects on MTC’s list that affect bicycles and pedestrians.

On order of Chairperson Simons and there being no objection, the Committee Staff Reports were received.
5. **Chairperson’s Report**

Chairperson Simons welcomed and introduced new committee members, Melanie Hanssen, representing Town of Los Gatos, and Lisa Aragon, representing City of Morgan Hill.

Chairperson Simons noted that the schedule and the location of the BPAC meetings may be changed.

Chairperson Simons stressed the importance of the work plan in prioritizing projects and issues for year 2011.

- **Stevens Creek Trail access from El Camino Real**

  Vice Chairperson Meyer reported on the status of the Stevens Creek Trail access from El Camino Real. She noted the following: 1) unsuccessful in getting right-of-way; 2) outstanding Water District issues; and 3) potential to get signage to reroute the trail for the short term.

  The Committee provided the following suggestions: 1) agendize the issue for the City of Mountain View BPAC; 2) have City of Mountain View BPAC write a letter to the Water District; and 3) work with the Water District to get access through the property.

6. **BPAC Subcommittee Reports**

Chairperson Simons reported that the Bylaws Review Committee is currently working with staff in updating the BPAC Bylaws.

Vice Chairperson Meyer stressed the importance of monitoring the bike ordinance which is beginning its one year trial period. She noted the San Antonio Valley residents want bicycle events information.

Member Hagenmaier asked about the exclusion of Expressways from the ordinance. Dan Collen, Santa Clara County Roads and Airports Department, responded that County ordinance is limited to the County’s jurisdiction, and it does not have authority over roads, even expressways, in City jurisdiction.

Alternate Ex-Officio Goldstein stressed that the subcommittee needs to conduct outreach to different bicycle groups and inform them about the concerns of the residents of San Antonio Valley. Member Wadler commented that he already informed Almaden Cycle Touring Club (ACTC) and safety classes will be provided.

Mr. Collen commented that the effective date of the ordinance is October 14, 2010. He requested the help of the Committee in doing outreach to ensure that the requirements of the ordinance are met.

The Committee suggested revisiting the County Ordinance item at its August 2011 meeting.
On order of Chairperson Simons and there being no objection, the Committee received the BPAC Subcommittee Reports.

CONSENT AGENDA

7. **Regular Meeting Minutes of August 11, 2010**

   Member Levin referenced the third paragraph under the County Report section on page three of six, and recommended changing the language.

   Member Wadler suggested changing the language to reflect “Mr. Collen indicated county staff was not in favor of supporting a committee meeting.”

   **M/S/C (Wadler/Kerr)** to approve the Regular Meeting Minutes of August 11, 2010, as amended.

REGULAR AGENDA

8. **Appoint a Nominating Subcommittee for BPAC Chair and Vice-Chair**

   Vice Chairperson Meyer announced that the following members were appointed to the nominating subcommittee: Member Swent, Chairperson Simons, and Member Sullivan.

   **M/S/C (Meyer/Wadler)** to appoint a nominating subcommittee who will identify BPAC members interested in serving as the BPAC chairperson and vice chairperson for the calendar year 2011.

   Chairperson Simons provided the subcommittee report, nominating Vice Chairperson Meyer as Chairperson and Alternate Ex-Officio Member Goldstein as Vice Chairperson for year 2011. He noted that nominations will remain open and will be acted upon at the next committee meeting.

9. **Complete Streets Program Development**

   Ms. Smith provided background information about the Complete Streets Program.

   Ms. DeRobertis provided a report highlighting the following: 1) Complete Streets Program Development; 2) VTA Program; 3) AB 1358 California Complete Streets Act of 2008; 4) MTC Routine Accommodation (RA) Checklist; and 5) US 101 Improvements.

   Ms. DeRobertis noted that it will be the Congestion Managements Agency’s (CMA) role to comment on the Office of Planning and Research’s (OPR) guidelines for the general plan circulation element because of the limited 30 day comment period.

**NOTE:** **M/S/C** MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
Chairperson Simons suggested creating a subcommittee that would represent BPAC on the review process. Alternate Ex-Officio Member Goldstein, Member Muniz and Jim Stallman volunteered to participate in the subcommittee.

Vice Chairperson Meyer requested that the Committee receive an email when the OPR guidelines become available. She also requested the Committee receive staff comments about the guidelines.

The Committee stressed the importance of involving the Committee and local BPACs about the MTC RA checklist.

Alternate Ex-Officio Member Goldstein requested agendizing the MTC RA checklist at the next Committee meeting.

Mr. Collen commented that there is an area of vagueness about the definition of a complete rural street. He noted that this issue will be addressed when the County updates its general plan and its transportation element.

Member Wadler commented on the partial clover leaf configuration of Tully Road over US 101, that the bulb-out should not intrude with the bike lanes or it will be a safety concern.

Member Kerr requested that he receive the status of the Page Mill Road and El Monte Road projects. Mr. Collen responded that the Page Mill Road project is currently seeking grant funding for design development to enter Caltrans’ approval process. He noted that no work has been done for El Monte Road.

**Public Comment**

Jim Stallman, Interested Citizen, commented that RA is a MTC resolution stating that funds for bicycles cannot be used unless it is a part of the funding for the entire project. He also informed the Committee that a good way to learn about MTC guidelines is to attend MTC hosted workshops.

Vice Chairperson Meyer requested to receive an electronic copy of the Caltrans Complete Streets Program Development, and US 101 Improvements handouts presented by staff.

**On order of Chairperson Simons** and there being no objection, the discussions on Complete Streets Program Development was conducted.

**SANTA CLARA COUNTY BPAC AGENDA**

10. **County Staff Report**

Mr. Collen reported that the County is working with the City of Palo Alto and Stanford University on the portion of the Stanford trails plan to connect Page Mill and Arastradero Road. The project will go to the County Board for approval early next year.

Member Kerr requested that he receive information regarding that project.
Member Wadler commented on the constructed curb and gutter along San Tomas Expressway and noted that it will be impossible to construct sidewalks along the Expressway. He expressed appreciation for the improved shoulder/bike lanes. Mr. Collen suggested reviewing the pedestrian access plan for San Tomas Expressway. Pedestrian access could have been rerouted to other areas.

OTHER

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

Member Wadler reported that the CAC received a presentation about the 2000 Measure A. He expressed concern that the Committee is not involved on the following projects: 1) Blossom Hill pedestrian overcrossing; and 2) multimodal access on Capitol Expressway. He requested that Mark Robinson, Chief Construction Officer, or Ken Ronsse, Deputy Director for Operations, attend the next BPAC meeting to present and address the concerns of the Committee regarding the two projects.

Ms. Smith announced the December 2010 meeting will be a workshop with all the advisory committees. The workshop will focus on VTA’s FY 2012 and FY 2013 budget.

On order of Chairperson Simons and there being no objection, the Citizens Advisory Committee and 2000 Measure A Citizens Watchdog Committee report was received.

12. **Local Jurisdiction Project Review Section**

Vice Chairperson Meyer noted that the City of Mountain View is conducting the circulation element for their general plan.

Member Hagenmaier noted City of Los Altos is updating its bike plan.

Alternate Ex-Officio Member Goldstein stated that the City of Palo Alto is updating its bicycle transportation plan. His report highlighted the following projects: 1) developments on the Jewish Community Center; and 2) US 101 crossing on Adobe Creek.

Member Faupell expressed concern about the road resurfacing that was conducted along Evans Road in the City of Milpitas. Mr. Collen responded that he will follow up with County staff.

Member Kerr noted that the Town of Los Altos Hills is conducting a major initiative to promote safe routes to school and reduce air pollution.

Member Sullivan reported about the following work in the City of Santa Clara: 1) possible bike issue along San Tomas Aquino Creek Trail during events at the future stadium; 2) construction of pedestrian bridge to serve the stadium; and 3) plans to put bike lanes on Pruneridge Avenue.

On order of Chairperson Simons and there being no objection, the Local Jurisdiction Project Review Section was received.
13. **BPAC Work Plan**

Ms. Smith provided the Committee with the VTA Bicycle and Pedestrian Program work plan.

Vice Chairperson Meyer inquired about the County’s process of bringing the Countywide Trails Master Plan to the Board of Supervisors.

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

14. **ANNOUNCEMENTS**

Alternate Ex-Officio Member Goldstein announced the following: 1) Silicon Valley Bicycle Lane Cycling into the Future event on November 3, 2010 at the City of Santa Clara; and 2) sharrows option.

Member Wadler announced that the City of Campbell changed the name of its Bicycle Advisory Committee to Bicycle and Pedestrian Advisory Committee. It will be voted upon by the City of Campbell at its December meeting. He also reported that he attended the memorial for Don Burnett.

Member Aragon announced that the City of Morgan Hill updated its bike map.

Member Sullivan announced the success of the Santa Clara Arts and Wine Festival, and the high usage of the bike racks at the event.

Vice Chairperson Meyer announced that the City of Mountain View has an updated bike map.

15. **ADJOURNMENT**

**On order of Chairperson Simons** and there being no objection, the Committee meeting adjourned at 9:08 p.m. in memory of Don Burnett.

Respectfully submitted,

Michael Diareseco  
VTA Office of the Board Secretary
TECHNICAL ADVISORY COMMITTEE
Thursday, October 14, 2010

MINUTES

CALL TO ORDER

The Regular Meeting of the Technical Advisory Committee (TAC) was called to order at 1:31 p.m. by Chairperson Batra in Conference Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Representing</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rajeev Batra, Chairperson</td>
<td>City of Santa Clara</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</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>Don Dey</td>
<td>City of Gilroy</td>
<td>Absent</td>
</tr>
<tr>
<td>Glenn Goepfert</td>
<td>City of Cupertino</td>
<td>Present</td>
</tr>
<tr>
<td>Robert Kass</td>
<td>City of Campbell</td>
<td>Absent</td>
</tr>
<tr>
<td>Helen Kim</td>
<td>City of Mountain View</td>
<td>Present</td>
</tr>
<tr>
<td>Larry Lind</td>
<td>City of Los Altos</td>
<td>Absent</td>
</tr>
<tr>
<td>Jaime Rodriguez</td>
<td>City of Palo Alto</td>
<td>Present</td>
</tr>
<tr>
<td>Jim Rowe, Alternate</td>
<td>City of Morgan Hill</td>
<td>Present</td>
</tr>
<tr>
<td>Mo Sharma</td>
<td>City of Monte Sereno</td>
<td>Absent</td>
</tr>
<tr>
<td>Lee Taubeneck, Ex-Officio</td>
<td>Dept. of Transportation (Caltrans)</td>
<td>Present</td>
</tr>
<tr>
<td>Ben Tripousis</td>
<td>City of San Jose</td>
<td>Present</td>
</tr>
<tr>
<td>Jack Witthaus</td>
<td>City of Sunnyvale</td>
<td>Present</td>
</tr>
</tbody>
</table>

A quorum was present.

2. PUBLIC PRESENTATIONS

There were no Public Presentations.

3. ORDERS OF THE DAY

There were no Orders of the Day.

4. Committee Staff Report

John Ristow, Chief CMA Officer and Staff Liaison, provided a report, highlighting: 1) At the October 7, 2010 Board Meeting, VTA’s Board approved Senate Bill 83 Vehicle Registration Fee (VRF) program with the TAC recommendations; 2) commented on Senate Bill 375 Sustainable Communities, noting the October 1, 2010 Santa Clara County Leadership Roundtable all hands meeting. The next Leadership Roundtable meeting is tentatively scheduled later this year to review the sustainable communities’ strategy.
options; and 3) commented on the Federal Highway Administration (FHWA) working to streamline the federal procedures for project delivery.

Member Cherbone arrived at the meeting at 1:33 p.m.

On order of Chairperson Batra and there being no objection, the Committee Staff Report was received.

5. Chairperson’s Report

Chairperson Batra reminded the Committee Members of the Advisory Committee’s Joint Workshop scheduled on Wednesday, December 8, 2010 at 3:00 p.m. held at VTA River Oaks Campus in the Auditorium.

Chairperson Batra referenced the November TAC meeting scheduled for Friday, November 12, 2010 due to Veterans Day Holiday. Members of the Committee noted a schedule conflict and requested that the meeting date be rescheduled to Wednesday, November 10, 2010.

6. Reports from TAC Working Groups

- **Capital Improvement Program (CIP)**
  
  Amin Surani, Principal Transportation Planner, noted the next scheduled meeting is Monday, October 25, 2010.

- **Systems Operations and Management (SOM)**
  
  Eugene Maeda, CMA Senior Transportation Planner, reported that the Systems Operations and Management (SOM) Working Group met on September 22, 2010 and discussed the Traffic Signal Coordination “Best Practices” in Santa Clara County.

  Member Goepfert arrived at the meeting at 1:36 p.m.

- **Land Use/Transportation Integration (LUTI)**
  
  Mr. Ristow reported the next scheduled meeting is Wednesday, November 10, 2010.

  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**

Steven Fisher, Senior Transportation Planner, provided a verbal report on the High Speed Rail/Caltrain Project, highlighting 1) the California High Speed Rail Board regarding the adoption of the project criteria and awarding the American Recovery and Reinvestment Act (ARRA) funding; and 2) Caltrain will reduce the train’s hourly service and increase the zone fares.

On order of Chairperson Batra and there being no objection, the High Speed Rail/Caltrain Project Report was received.

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

8. Minutes of September 9, 2010
M/S/C (Tripousis/Collen) to approve the Regular Meeting Minutes of September 9, 2010.


REGULAR AGENDA

10. Appoint Nomination Subcommittee
Members of the Committee requested that staff email to the Committee a list of the previous Chairperson and Vice Chairperson.

M/S/C (Tripousis/Rowe) to appoint Alternate Member Collen and Member Rodriguez to the nomination subcommittee to identify Committee members interested in serving as the Chairperson and Vice Chairperson for 2011.

11. Update VTA’s California Environmental Quality Act Guidelines
Tom Fitzwater, Environmental Planning Manager, provided an overview of the staff report.

Ex-Officio Caltrans Member Taubeneck arrived at the meeting at 1:52 p.m.

Upon query from Chairperson Batra, Mr. Fitzwater responded that VTA’s Board adopted a Sustainability Policy with goals and strategies in 2008. Mr. Fitzwater stated as part of VTA’s Sustainability Program, VTA retrofit the lighting system and implemented water conservation, which has produced substantial savings in VTA’s operating costs.

Mr. Fitzwater noted the benefit to formally adopt the CEQA Guidelines as a VTA process.

M/S/C (Rowe/Chan) to recommend that the Board of Directors: 1) Rescind VTA’s adoption of the 2001 California Environmental Quality Act (CEQA) Guidelines; and 2) Adopt the Title 14 California Code of Regulations, Chapter 3 Guidelines for Implementation of CEQA effective January 1, 2010 with the following addition: revise Article 19 Categorical Exemptions, Section 15301, Existing Facilities, by adding the word “purchasing” to the first sentence between the words “permitting” and “leasing” that describes Class 1 activities.

OTHER

12. SB 375 – Sustainable Communities Strategy Update
John Sighamony, CMP Senior Transportation Planning, reported with the adoption of SB 375 – Sustainable Communities Strategy (SCS), each Metropolitan Planning Organization (MPO) is required to develop a SCS as part of the next Regional Transportation Plan (RTP).

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
Mr. Sighamony provided a brief report, highlighting: 1) the Regional Housing Targets; 2) the SCS Performance Targets and Indicators; 3) the Planned Priority Development Areas (PDA) Assessment; and 4) the SB 375 Public Participation Plan Update.

Alternate Member Collen commented that the analysis completed by VTA staff was very basic. He stressed the importance of a detailed analysis on the funding included in the next RTP update.

Upon query from Ex-Officio Caltrans Member Taubeneck, Mr. Sighamony responded that additional information regarding the PDA Assessment would be provided by Association of Bay Area Governments (ABAG) and Metropolitan Transportation Commission (MTC) in November 2010.

**On order of Chairperson Batra** and there being no objection, the Committee received an update on the Sustainable Communities Strategy activities as part of the implementation of SB 375.

13. **Metropolitan Transportation Commission (MTC) Activities and Initiatives**

Mr. Ristow commented on the MTC Activities and Initiatives regarding the SCS, noting the importance for continued Committee involvement and participation.

Mr. Ristow referenced Assembly Bill 744 (Torrico) – Transportation: Toll Lanes: Express Lane Network, noting the intent to utilize an existing statute to allow various agencies, such as VTA to implement Express Lanes on State highways.

**On order of Chairperson Batra** and there being no objection, the Committee received an update on MTC Activities and Initiatives.

14. **Technical Advisory Committee (TAC) Subcommittee Report**

Chairperson Batra reported the TAC Subcommittee discussed the following: 1) Senate Bill 83 VRF program and 2) the TAC Nomination Subcommittee.

**On order of Chairperson Batra** and there being no objection, the Committee received the TAC Subcommittee Report.

15. **Committee Work Plan**

Members of the Committee suggested that the November TAC meeting be rescheduled from Friday, November 12, 2010 to Wednesday, November 10, 2010. Mr. Ristow responded that staff will forward the request for consideration.

Member Witthaus requested an update on the I-680 Express Lanes. Mr. Ristow responded that staff will add the item to the TAC Committee Work Plan for a future meeting.

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

16. **Announcements**

Member Witthaus announced that the City of Sunnyvale submitted a recruitment release for a Trafficking Engineer position.

Member Goepfert announced an open director position for the City of Cupertino.
Ex-Officio Caltrans Member Taubeneck inquired about funding for a recycling rehabilitation project. Chris Augenstein, CMPP Deputy Director, responded that staff will look for additional information to forward to the Committee.

17. **ADJOURNMENT**

*On order of Chairperson Batra* and there being no objection, the meeting was adjourned at 2:26 p.m.

Respectfully submitted,

Michelle M. Garza, Board Assistant
VTA Office of the Board Secretary
**CALL TO ORDER**

The Regular Meeting of the Valley Transportation Authority (VTA) Policy Advisory Committee (PAC) was called to order at 4:02 p.m. by Vice Chairperson Joe Pirzynski 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>Jim Griffith</td>
<td>City of Sunnyvale</td>
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<tr>
<td>David Whittum (Alternate)</td>
<td>City of Sunnyvale</td>
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<tr>
<td>Howard Miller</td>
<td>City of Saratoga</td>
<td>Present</td>
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<tr>
<td>Kathleen King (Alt)</td>
<td>City of Saratoga</td>
<td>NA</td>
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<tr>
<td>Dave Cortese</td>
<td>SCC Board of Supervisors</td>
<td>Absent</td>
</tr>
<tr>
<td>Michael F. Kotowski</td>
<td>City of Campbell</td>
<td>Present</td>
</tr>
<tr>
<td>Jason Baker (Alt)</td>
<td>City of Campbell</td>
<td>NA</td>
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<tr>
<td>Gilbert Wong</td>
<td>City of Cupertino</td>
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<tr>
<td>Barry Chang (Alt)</td>
<td>City of Cupertino</td>
<td>Absent</td>
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<tr>
<td>Cat Tucker</td>
<td>City of Gilroy</td>
<td>Present</td>
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<tr>
<td>Dion Bracco (Alt)</td>
<td>City of Gilroy</td>
<td>NA</td>
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<tr>
<td>Megan Satterlee</td>
<td>City of Los Altos</td>
<td>Present</td>
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<tr>
<td>Val Carpenter (Alt)</td>
<td>City of Los Altos</td>
<td>NA</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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<tr>
<td>Vacant</td>
<td>City of Milpitas</td>
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<td>TBD (Alt)</td>
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<td>NA</td>
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<tr>
<td>Marshall Anstandig</td>
<td>City of Monte Sereno</td>
<td>Present</td>
</tr>
<tr>
<td>Curtis Wright (Alt)</td>
<td>City of Monte Sereno</td>
<td>NA</td>
</tr>
<tr>
<td>Marby Lee</td>
<td>City of Morgan Hill</td>
<td>Present</td>
</tr>
<tr>
<td>Steve Tate (Alt)</td>
<td>City of Morgan Hill</td>
<td>NA</td>
</tr>
<tr>
<td>John Inks</td>
<td>City of Mountain View</td>
<td>Present</td>
</tr>
<tr>
<td>Jac Siegel (Alt)</td>
<td>City of Mountain View</td>
<td>NA</td>
</tr>
<tr>
<td>Gail Price</td>
<td>City of Palo Alto</td>
<td>Present</td>
</tr>
<tr>
<td>Larry Klein (Alt)</td>
<td>City of Palo Alto</td>
<td>NA</td>
</tr>
<tr>
<td>Kansen Chu</td>
<td>City of San Jose</td>
<td>Absent</td>
</tr>
<tr>
<td>Jamie Matthews</td>
<td>City of Santa Clara</td>
<td>Absent</td>
</tr>
<tr>
<td>Jamie McLeod (Alt)</td>
<td>City of Santa Clara</td>
<td>Absent</td>
</tr>
<tr>
<td>TBD</td>
<td>Town of Los Altos Hills</td>
<td>NA</td>
</tr>
</tbody>
</table>

A quorum was not present and a Committee of the Whole was declared.
2. ORDERS OF THE DAY

There were no Orders of the Day.

3. PUBLIC PRESENTATIONS

There were no Public Presentations.

4. Committee Staff Report

Member Price took her seat at 4:05 p.m. and a quorum was declared.

Jim Lawson, Executive Policy Advisor and Staff Liaison, provided a report, highlighting:
1) Implementation of VTA’s Light Rail Commuter Express Service on October 4, 2010, with six newly added, peak-hour commute trips from south San Jose, through downtown, to North San Jose, and featuring free WIFI; 2) Peninsula Corridor Joint Powers Board (JPB) approved Caltrain service reductions and fare increases to take place in January 2011, to close a $12 million budget gap for this fiscal year; 3) Status of VTA’s budget, noting there was an increase in sales tax, which enabled VTA to end the year with a positive balance of $16 million. The balance will be applied to the FY 2011; 4) VTA hosted a Design Build Forum at the San Jose Convention Center on September 30, 2010, attended by over 400 contractors interested in submitting bids on the BART Silicon Valley Project; 5) VTA’s Employee Advisory Committee hosted a Family Day on October 2, 2010 for employees; and 6) VTA Board of Directors received a presentation on the Ad Hoc Financial Recovery Committee recommendations at their October 7, 2010 meeting. A Board Workshop/Special Meeting will be held on Friday, October 22, 2010, to discuss recommendations in depth. Also, reported on items approved at the Board meeting.

On order of Vice Chairperson Pirzynski and there being no objection, the Committee received the Committee Staff Report.

5. Chairperson’s Report

Vice Chairperson Pirzynski provided a report, highlighting: 1) December 8, 2010, Joint Advisory Committee Workshop meeting at 3:00 p.m. to discuss VTA’s Budget; and 2) Referenced copies of amended PAC bylaws distributed to the Committee, which highlighted changes made to Section 5.5 –Alternates.

Members of the Committee queried about the timeframe of the December 8, 2010, Joint Advisory Committee Workshop meeting. Mr. Lawson noted meeting timeframe would be provided.

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

CONSENT AGENDA

Member Anstandig took his seat at 4:12 p.m.
6. Minutes of September 9, 2010

M/S/C (Griffith/Inks) to approve the Minutes of September 9, 2010.

7. FY 2010 Annual Transit Operations Performance Report

Upon query of Members of the Committee, Mr. Lawson clarified why the performance against goals data was not contained in the Executive Summary, noting that the information was contained in the actual Report.

M/S/C (Griffith/Inks) to receive the Fiscal Year 2010 Annual Transit Operations Performance Report.

REGULAR AGENDA

8. Appoint Nomination Subcommittee

Member Lee took her seat at 4:17 p.m.

Vice Chairperson Pirzynski provided a report on the responsibilities of the Nomination Subcommittee. He noted the Nomination Subcommittee report would be provided at the November 2010 PAC meeting.

Members Gail Price and Howard Miller volunteered to serve on the Nomination Subcommittee.

Member Miller noted if any Members were interested in serving as Chairperson and/or Vice Chairperson for 2011 to inform the Nomination Subcommittee.

On order of Vice Chairperson Pirzynski and there being no objection, the Committee appointed Members Howard Miller and Gail Price to serve on a nomination subcommittee to identify Committee members interested in serving as the Chairperson and Vice Chairperson for 2011.

9. Cooperative Agreement with City of Morgan Hill for Planning Study

Timothy Nieuwsma, Senior Real Estate Agent, provided an overview of the staff report.

Members of the Committee questioned the location of the ParkNRide lot in relation to downtown Morgan Hill and other services that could be included.

Members of the Committee referenced Area D shown on Exhibit A: Plan Study Area, and commented it does not recommend the area as an option for a major parking structure. Members of the Committee expressed concern regarding the traffic impacts.

M/S/C (Miller/Price) to recommend the Board of Directors to authorize the General Manager to execute a Cooperative Agreement with the City of Morgan Hill to engage in a site planning process to determine the optimal replacement parking solution for the Morgan Hill Caltrain ParkNRide Lot.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY
10. **Update VTA’s California Environmental Quality Act Guidelines**

Upon query of Members of the Committee, Tom Fitzwater, Environmental Planning Manager, indicated adoption of the Guidelines was not a requirement, but noted the Guidelines were commonly used by public agencies throughout the State of California.

**M/S/C (Kotowski/Tucker)** to recommend that the Board of Directors: 1) Rescind VTA’s adoption of the 2001 California Environmental Quality Act (CEQA) Guidelines; and 2) adopt the Title 14 California Code of Regulations, Chapter 3 Guidelines for Implementation of CEQA effective January 1, 2010 with the following addition: revise Article 19 Categorical Exemptions, Section 15301, Existing Facilities, by adding the word “purchasing” to the first sentence between the words “permitting” and “leasing” that describes Class 1 activities.

11. **SB 375 – Sustainable Communities Strategy Update**

John Sighamony, Senior Transportation Planner, provided an overview of the staff report.

Members of the Committee expressed concern that some Sustainable Communities Strategy (SCS)/Regional Transportation Plan (RTP) Performance Targets were not feasible.

Members of the Committee expressed concern regarding the timeframe for the SCS and RTP and questioned the steps Agencies could take to prepare for the update of the RTP.

Members of the Committee expressed concern regarding the housing allocation process and if the process would affect what was currently in City General Plans as well as the General Plans that were in the process of being updated.

Members of the Committee expressed concern regarding the three-tiered SCS/RTP Participation Process and questioned whether the accelerated process would be effective. Scott Haywood, Policy and Communications Manager, reported the process was intended to be inclusive, did not require additional meetings, and uses the existing meeting structures of various local agencies.

Mr. Sighamony noted a Cities Association meeting would be held tonight and would be attended by VTA staff and Association of Bay Area Governments (ABAG).

Mr. Sighamony noted that a SB 375 Summit is anticipated to be held on November 8, 2010. City Council Members, County Board of Supervisors, and senior level planning staff from the local agencies would be attendance to discuss how the County of Santa Clara should address the next RTP update. He recommended PAC’s attendance to provide input.

Mr. Lawson recommended that the SB 375 item be agendized at the November PAC meeting, so that PAC could have a more in depth discussion about the process and actions to be taken in addressing the update of the SCS/RTP.

Members of the Committee recommended PAC involve their planning staff and to report back to VTA staff with issues pertaining to the SCS/RTP.
On order of Vice Chairperson Pirzynski and there being no objection, the Committee received an update on the Sustainable Communities Strategy activities as part of the implementation of SB 375.

12. **Ramp Metering Program “After” Studies Southbound SR 85 & SR87**

David Kobayashi, Senior Transportation Planner, provided an overview of the staff report.

Members of the Committee recommended that PAC monitor ramps in their own communities and inform VTA staff of any traffic back-up issues.

On order of Vice Chairperson Pirzynski and there being no objection, the Committee received a presentation on the results of implementing ramp metering on northbound and southbound SR 87 and southbound SR 85.

13. **Update on the Ad Hoc Financial Recovery Committee**

Mr. Lawson provided an update on the Ad Hoc Financial Recovery Committee, highlighting: 1) Report on why Ad Hoc Financial Recovery Committee was established; 2) Short Range Transit Plan (SRTP) 10-Year Operating Projection used to identify budget deficit; 3) Key operating revenue & cost trends affecting VTA’s financial projections; 4) December 2009 formation of Ad Hoc Financial Recovery Committee and its membership, noting number of meetings held between January and September 2010; 5) Ad Hoc Financial Recovery Committee established goals and priorities; and 6) Ad Hoc Financial Recovery Committee recommendations.

Mr. Lawson noted a VTA Board of Directors Workshop/Special meeting will be held on Friday, October 22, 2010, at 9:00 a.m., Board of Supervisors’ Chambers, County Government Center, to discuss the Ad Hoc Financial Recovery Committee’s recommendations in depth.

Vice Chairperson Pirzynski, a stakeholder on the Ad Hoc Financial Recovery Committee, commented on the process and recommended PAC attend the October 22, 2010, Board of Directors Workshop/Special meeting.

On order of Vice Chairperson Pirzynski and there being no objection, the Committee received an update on the Ad Hoc Financial Recovery Committee.

14. **Update on VTA/High Speed Rail**

Steve Fisher, Senior Transportation Planner, provided an update on VTA/High Speed Rail, highlighting: 1) VTA’s three roles pertaining to the High Speed Rail (HSR) Project; 2) Milestones of HSR Project, noting that Environmental Impact Reports (EIRs) and Environmental Impact Statements (EISs) for the Diridon to San Francisco and Diridon Station to Gilroy segments are anticipated to be released in 2011; and 3) Status of statewide project.

On order of Vice Chairperson Pirzynski and there being no objection, the Committee received an update on VTA/High Speed Rail.
OTHER

15. Committee Work Plan

Mr. Lawson noted the SB 375 – Sustainable Communities Strategy item would be agendized at the November 2010 PAC meeting.

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

16. Announcements

Vice Chairperson Pirzynski announced the passing of former PAC Member Don Burnett. He indicated Mr. Burnett was a long-time member of the Cupertino City Council, an extreme bicycle advocate, noting Mr. Burnett’s exemplary service to VTA.

Vice Chairperson Pirzynski announced the passing of Chief Don Burr, a long-time member of the Campbell City Council, Mayor and Police Chief.

17. ADJOURNMENT

On order of Vice Chairperson Pirzynski and there being no objection, the meeting was adjourned in memory of former Policy Advisory Committee (PAC) Member Don Burnett at 6:00 p.m.

Respectfully submitted,

Tracene Y. Crenshaw, Board Assistant
Office of the Board Secretary