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

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

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

- The Consent Agenda items may be voted on in one motion at the beginning of the meeting under Orders of the Day. If you wish to discuss any of these items, please request the item be removed from the Consent Agenda by completing a blue card at the public information table and handing it to the Board Secretary staff prior to Orders of the Day, Agenda Item #1.2.

* Changes from previous version : 1) Deleted the One Bay Area and Highway Program Updates under the General Manager’s report; 2) Added closed session (Item 3); and 3) Added Caltrain/High Speed Rail Blended System Memorandum of Understanding (MOU) under the General Manager’s report (Item 6.3.B)
• Disclosure of Campaign Contributions to Board Members (Government Code Section 84308)

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

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

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

In compliance with the Americans with Disabilities Act (ADA), those requiring accommodations for this meeting should notify the Board Secretary’s Office 48-hours prior to the meeting at (408) 321-5680 or e-mail: board.secretary@vta.org or (408) 321-2330 (TTY only). VTA’s home page is on the web at: www.vta.org or visit us on Facebook at: www.facebook.com/sevta.

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.
1. CALL TO ORDER AND ROLL CALL

1.1. ROLL CALL

1.2. Orders of the Day - approve Consent Agenda (Item #7)

2. AWARDS AND COMMENDATION

2.1. INFORMATION ITEM - April 2012 Employees of the Month

Recognize Peter Le, Associate Transportation Engineer, River Oaks Administration; Nancy Lopez, Coach Operator, Chaboya Operations; and Patricia Easley-Hill, Service Worker, North Division, as Employees of the Month for April 2012; and Stan Trammell, Transportation Supervisor, Guadalupe Division, as Supervisor of the Quarter for the second quarter of 2012.

3. CLOSED SESSION

3.1 Recess to Closed Session

Conference with Real Property Negotiators
[Government Code Section 54956.8]

Property: Fee title purchase (including appurtenant rights in APNs 254-17-008 and 254-17-083) of property located at 1610, 1620, 1630, 1640 and 1650 Berryessa Road, San Jose, CA (APNs 254-17-066, 254-17-067, 254-17-068, 254-17-069 and 254-17-070)

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

Negotiating Parties: John Jordan, San Jose V Investors, LLC

Under Negotiation: Price and terms of payment

3.2. Reconvene to Open Session

3.3. Closed Session Report

4. PUBLIC COMMENT

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. PUBLIC HEARINGS

There are no public hearings.

6. REPORTS


6.3. General Manager Report. (Verbal Report)

6.3.A. INFORMATION ITEM - Receive BART Silicon Valley Program Update.

6.3.B. INFORMATION ITEM - Update on status of Caltrain/High Speed Rail Blended System Memorandum of Understanding.

6.4. General Counsel - Fiduciary Training (Verbal Report)

6.4.A. Review the VTA Board Member Fiduciary Duties and Code of Ethics (Verbal Report)


6.5. Chairperson’s Report. (Verbal Report)

7. CONSENT AGENDA

7.1. Approve the Board of Directors Regular Meeting Minutes of March 1, 2012.

7.2. ACTION ITEM - Ratify the reappointment of Aaron Faupell to the Bicycle & Pedestrian Advisory Committee representing the City of Milpitas for the remainder of the term ending June 30, 2012 and for the new term ending June 30, 2014.

7.3. ACTION ITEM - Adopt a resolution amending the bylaws for the Bicycle & Pedestrian Advisory and the Policy Advisory Committees, as indicated, to incorporate additional recommendations from the Advisory Committee Enhancement (ACE) process, including a mission statement and other minor changes to clarify and enhance understanding.

7.4. ACTION ITEM - Approve the programming of FY 2012/13 Transportation Fund for Clean Air Program Manager (TFCA 40%) funds to projects.
7.5. ACTION ITEM - Authorize the General Manager to execute an Amendment to the "River Oaks Industrial Park" Covenants, Conditions and Restrictions (CCR) Agreement. The current CCR Agreement provides a Northern Property and a Southern Property for approvals and enforcement; this Amendment terminates the Northern Property in its entirety.

7.6. ACTION ITEM - Authorize the General Manager to enter into a new Cooperative Agreement with the Alameda-Contra Costa Transit District, San Francisco Bay Area Rapid Transit District, City of Union City, and the San Mateo County Transit District to provide the Dumbarton Express (DBX) Service and amend as necessary to address receipt of Regional Measure 2 funds for DBX service expansion.

7.7. ACTION ITEM - Consider the Addendum to the 2nd Supplemental EIR and approve Option 1 as the design change to the BART Silicon Valley Project ("Project"), as discussed in the Addendum.

7.8. INFORMATION ITEM - Review the Monthly Legislative History Matrix.

7.9. INFORMATION ITEM - Receive Status Report on BEP Projects Funding and Delivery.

7.10. INFORMATION ITEM - Receive a report on April 2, 2012 transit service changes.

8. REGULAR AGENDA

Administration and Finance Committee

8.1. ACTION ITEM - Approve the Other Post Employment Benefit (OPEB) Liability Reduction Fund Policy and authorize the General Manager to use such funds for purposes consistent with the policy.

8.2. ACTION ITEM - Approve the VTA Transit Sales Tax Stabilization Fund Policy and authorize the General Manager to use such funds for purposes consistent with the policy.

8.3. ACTION ITEM - Approve the VTA Transit Fund Operating Reserve Policy and authorize the General Manager to use such funds for purposes consistent with the policy.
8.4. ACTION ITEM – Consider the following actions relating to VTA’s Workers’ Compensation Program:

8.4.A. Receive Presentation on Workers Compensation and Transitional Work Programs.

8.4.B. ACTION ITEM - Authorize the General Manager to execute a fixed fee contract with Tristar Risk Management for Workers’ Compensation Third Party Administrator (TPA) claims services for a five year term, from July 1, 2012 through June 30, 2017. The total five year contract cost for claims service is not to exceed $5,179,991.

8.4.C. ACTION ITEM - Authorize the General Manager to execute a contract with GENEX Services, Inc. for Workers’ Compensation Medical Bill Repricing and Medical Management Services for a five-year term, from July 1, 2012 through June 30, 2017. The total five-year contract cost is not to exceed $1,105,000.

9. OTHER ITEMS

9.1. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

9.2. Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions

9.2.A. VTA Standing Committees
9.2.B. VTA Advisory Committees
9.2.C. VTA Policy Advisory Boards (PAB)
9.2.D. Joint Powers Boards and Regional Commissions

9.3. Announcements

10. ADJOURN

Adjourn meeting in memory of Harvey Matthews.
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Administrative Officer, Bill Lopez

SUBJECT: April 2012 Employee of the Month

FOR INFORMATION ONLY

BACKGROUND:

Peter Le, Associate Transportation Engineer in the Engineering and Construction Division at River Oaks, is the Administration Award Winner for April. From the beginning of Peter’s four year career with VTA he has made significant contributions to the highway construction team by designing high impact and successful projects. His experience and knowledge of Caltrans procedures, standards and design have allowed him to proactively address design needs to avoid project delays. He has also demonstrated exceptional leadership skills while working on procurement and civil contracts. Peter has had a positive impact on his department and demonstrated exceptional leadership through his high quality work. Congratulations to Peter Le, Administration Employee of the Month for April!

Nancy Lopez, Chaboya Division Coach Operator, is April’s Operations Award Winner. Nancy is a highly respected 27-year Coach Operator with an excellent attendance record as well as a strong work ethic. Nancy has over 17 years of safe driving and was awarded the 1 Million Mile safety award for her performance. Most notably, she serves as a line instructor where her experience, self motivation, positive attitude and dynamic teaching style make her an excellent role model to new Operators. Nancy cares about her co-workers and students and enjoys giving back to VTA. Congratulations to Nancy Lopez, Operations Employee of the Month for April!

Patricia Easley Hill, Service Worker at North Division, is our Maintenance Employee of the Month. Employed with VTA for over 27 years, Patricia has helped make VTA a better place to work by maintaining an upbeat attitude and readiness to help out her co-workers whenever she’s needed. Patricia and her fellow Service Workers perform a variety of tasks related to maintaining the Division yard and Servicing the Bus or Light Rail fleet. She takes pleasure in knowing that her efforts make a difference and, as a result, takes great pride in accomplishing the tasks at hand. Patricia exemplifies VTA’s value of quality job performance and always puts
VTA’s best foot forward by delivering excellent customer service. Congratulations to Patricia, Maintenance Employee of the Month for April!

Stan Trammell, Transportation Supervisor at the Guadalupe Division, is Supervisor of the Quarter for the second quarter of 2012. Stan joined VTA in 1998 and since that time has been an outstanding VTA ambassador to our passengers. In his capacity as Transportation Supervisor, Stan helps coordinate and direct the movement of VTA public transit vehicles through the supervision of operators. Stan and other transportation Supervisors are typically the first on the scene when operators are in need of assistance and Stan’s steady demeanor and calm interactions with others assist operators responding to their daily challenges. Well liked by his peers, Stan demonstrates a ready willingness to help out his co-workers to get the job done. Congratulations to Stan Trammel, Supervisor of the Quarter!

Prepared By: Christopher Childress
Memo No. 3539
FOR INFORMATION ONLY

The Santa Clara Valley Transportation Authority (VTA) Board of Directors has designated BART Silicon Valley as the priority project in the 2000 Measure A Program. The 16-mile extension of Bay Area Rapid Transit (BART) into Santa Clara County is being implemented under agreement with BART, by VTA’s Silicon Valley Rapid Transit Program.

The project’s first phase, identified as the Silicon Valley Berryessa Extension (SVBX) Project, is a $2.33 billion, 10-mile, and 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 includes receipt of the $900 million Full Funding Grant commitment through the Federal New Starts Program, award of the C700 Line, Track, Systems and Stations Design-Build contract and the D720 Campus, Roadway, and Parking Facilities Design and Engineering Services contract. These accomplishments have resulted in an increase of project activities. To ensure the VTA Board of Directors is informed of key project activities, BART Silicon Valley staff will provide monthly program updates.

Significant BART Silicon Valley Project activities and progress during March 2012 include:

**FTA New Starts Activities**

On March 12, 2012, FTA Deputy Administrator Therese W. McMillan presented the $900 million Full Funding Grant Agreement (FFGA) to VTA General Manager Michael T. Burns for signature at a signing ceremony, which took place at the San Jose City Hall Rotunda. U.S. Congressman Mike Honda, U.S. Congresswoman Zoe Lofgren, Santa Clara County Supervisor and VTA Board Chair Ken Yeager, San Jose Mayor Chuck Reed, and Silicon Valley Leadership Group President and CEO Carl Guardino participated in the program.
The multi-year contractual agreement formally defines the project scope, cost and schedule, and establishes the terms of the federal financial assistance. Execution of the FFGA was the final step before full construction on the 10-mile Berryessa Extension phase of BART Silicon Valley could begin. The project will break ground on April 12, 2012.

In addition to the Full Funding Grant Agreement being signed on March 12, 2012, FTA deposited the first allocation of the grant in the amount of $100 million to VTA.

**SVBX C700 Design Build Contract**

Skanska-Shimmick-Herzog (SSH) continues to focus on preparation of contractually required early deliverables. These deliverables include:

- The Schedule of Values for payment
- The Interim Contract Schedule
- Safety and Security Plans
- Preliminary QC Plan
- Quality Assurance Plan
- Design Management Plan
- DBE Work Plan
- Organization Structure and Staffing Plan

SSH also continued development of early design deliverables including design for work in the Upper Penitencia creek area.

**SVBX Campus and Parking Garages Design Services Contract**

At the March meeting, the Board of Directors authorized the award of a contract to WMH Corporation for engineering and preparation of procurement document services related to the campus areas, roadways and parking structures for the Milpitas and Berryessa Stations. During March, staff negotiated with the consultant team to issue the final contract and Notice to Proceed. A kick-off meeting for the design services was held on March 7, 2012.

**SVBX Residential Noise Insulation Program (RNIP)**

CSDA, the program’s noise and architectural services consultant, developed an RNIP schedule for the full program and divided the 467 potential RNIP candidates into eight groups in an effort to expedite various stages of the work flow. CSDA has completed 68% of the noise testing along the corridor and has been analyzing the collected data for the noise reports. Currently, CSDA is developing the design template based upon meetings with VTA and city staff and anticipates starting architectural assessments in April. Staff continues to coordinate with Fremont, Milpitas and San Jose staff, and provide outreach to potential RNIP residences.

**Mission/Warren/Freight Rail Relocation Program**

In March, the VTA Board adopted a Resolution of Necessity for the acquisition of two properties from Union Pacific Railroad for the Mission Widening Project. VTA continues to work with the
funding authorities to receive allocation/project authorization in late March from the California Transportation Commission. VTA plans to advertise the C101 contract on March 30, 2012.

**Kato Road Grade Separation Project**

Construction and boring of the Deep Soil Mix (DSM) walls for the future depressed Kato Road is expected to be complete in four weeks. Work will begin in mid-April on a culvert storm water box on the south side of Kato Road. Excavation of the north side of Kato Road will begin inside the closed lanes before the end of March. Excavation of the south side will begin when full closure of Kato Road in the project area occurs (scheduled for mid-May). Outreach staff and the construction management team will begin reaching out to residents who will be directly impacted by the storm water culvert work. A mailer notifying nearby businesses and residents is expected to be occur 30 days in advance of the road closure.

**BART Silicon Valley Communications and Outreach Update**

The Project Communications and Outreach team continued proactive communications and outreach activities during the month of March. Staff focused on preparation and execution of the Full Funding Grant Agreement Signing Ceremony on March 12, 2012, which drew a crowd of nearly 300 project stakeholders, partners and supporters.

A news advisory regarding the signing event was released on Thursday, March 8, followed by news releases on March 9 and March 12, 2012. These media outreach efforts resulted in over 60 stories in a wide and diverse range of national and international print and electronic media, including new ethnic media. A front page feature story ran in the Mercury News on Sunday, March 11, 2012, along with an event follow up story on March 13, 2012. In addition 106 mentions and news segments covering the pending FFGA and ceremony ran on 15 local and national television and radio stations. This is the broadest media coverage for a specific milestone, all of it positive, in VTA’s history.

Project staff participated in a VTA Information Day on March 5, 2012, at the Great Mall Transit Center, and also attended the monthly Berryessa Business Association meeting on Thursday, March 15, 2012. A project overview video was completed and is being distributed, and the BART Silicon Valley section of the VTA website is being redesigned to provide easy access to project activities and information during construction.

Additional efforts are being focused on planning for the project groundbreaking, planned for April 12, 2012.

Prepared By: Kevin Kurimoto
Memo No. 3199
1. CALL TO ORDER AND ROLL CALL

The Regular Meeting of the Santa Clara Valley Transportation Authority’s (VTA) Board of Directors was called to order by Chairperson Yeager at 5:38 p.m. in the Board of Supervisors’ Chambers, County Government Center, 70 West Hedding Street, San José, California.

1.1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
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<tbody>
<tr>
<td>Margaret Abe-Koga</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Xavier Campos</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Larry Carr</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<tr>
<td>David Cortese</td>
<td>Ex-Officio Board Member</td>
<td>Present</td>
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<tr>
<td>Rose Herrera</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Ash Kalra</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Liz Kniss</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Sam Liccardo</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Evan Low</td>
<td>Alternate Board Member</td>
<td>Present</td>
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<td>Jamie Matthews</td>
<td>Board Member</td>
<td>Absent</td>
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<tr>
<td>Pete McHugh</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Joe Pirzynski</td>
<td>Vice Chairperson</td>
<td>Present</td>
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<tr>
<td>Gail A. Price</td>
<td>Alternate Board Member</td>
<td>Present</td>
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<tr>
<td>Nancy Pyle</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>George Shirakawa</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<tr>
<td>David Whittum</td>
<td>Alternate Board Member</td>
<td>Present</td>
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<tr>
<td>Perry Woodward</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Ken Yeager</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
</tbody>
</table>

* Alternates do not serve unless participating as a Member.

A quorum was present.
1.2. Orders of the Day

M/S/C/ (Pyle/McHugh) to accept the Orders of the Day, and approve the Consent Agenda.

2. AWARDS AND COMMENDATION

2.1 Employees of the Month for March 2012

Chairperson Yeager recognized Andrew “Kevin” Wilson, Management Analyst, River Oaks Administration; and Sheila Nagore, Coach Operator, North Division, as Employees of the Month for March 2012.

2.2 Employees and Supervisor for 2011

Chairperson Yeager recognized Ray Franklin, Quality Assurance & Warranty Specialist, River Oaks Administration; Shonna Swain, Coach Operator, North Division; and Rey Operario, Service Mechanic, Chaboya Division, as Employees of the Year for 2011; and Russell Anderson, Maintenance Training Supervisor, Chaboya Division, as 2011 Supervisor of the Year.

3. CLOSED SESSION

3.1. Recessed to Closed Session at: 5:41 p.m.

Board Members Herrera, Kniss, and Liccardo arrived at the meeting at 5:45 p.m. and entered Closed Session.

3.1.A. Conference with Real Property Negotiators

[Government Code Section 54956.8]

Property: Fee interests (including appurtenant rights in APN 254-17-034), utility easement interests, temporary construction easement interests, and a roadway easement interest in property located at 1590 Berryessa Road and 1411 Mabury Road, San Jose, CA (APNs 254-17-007, 254-17-053, 254-17-084, and 254-17-095)

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

Negotiating Parties: Brian Bumb, co-owner

Under Negotiation: Price and terms of payment
3.1.B. Conference with Real Property Negotiators

[Government Code Section 54956.8]

Property: Utility easement interests and ingress/egress easement interest in 1655 Berryessa Road, San Jose, CA (APNs 241-03-014, 241-03-015 and 241-03-016)

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

Negotiating Parties: Robert B. Facchino, co-owner

Under Negotiation: Price and terms of payment

3.1.C. Existing Litigation - Conference with Legal Counsel

[Government Code Section 54956.9(a)]

Name of Case: VTA v. Eastridge Shopping Center
Case No: 1-11-CV-209524 (Santa Clara County Superior Court)

Ex-Officio Board Member Cortese took his seat at 5:50 p.m.

3.2. Reconvened to Open Session at: 6:00 p.m.

3.3. Closed Session Report

3.1.A. Conference with Real Property Negotiators

[Government Code Section 54956.8]

Property: Fee interests (including appurtenant rights in APN 254-17-034), utility easement interests, temporary construction easement interests, and a roadway easement interest in property located at 1590 Berryessa Road and 1411 Mabury Road, San Jose, CA (APNs 254-17-007, 254-17-053, 254-17-084, and 254-17-095)

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

Negotiating Parties: Brian Bumb, co-owner

Under Negotiation: Price and terms of payment

Robert Fabela, General Counsel, reported action was taken on 3.1.A with conclusion contingent upon other parties.
3.1.B. Conference with Real Property Negotiators  
[Government Code Section 54956.8]  

Property: Utility easement interests and ingress/egress easement interest in 1655 Berryessa Road, San Jose, CA  
(APNs 241-03-014, 241-03-015 and 241-03-016)  

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

Negotiating Parties: Robert B. Facchino, co-owner  

Under Negotiation: Price and terms of payment  

Robert Fabela, General Counsel, reported action was taken on 3.1.B. with conclusion contingent upon other parties.  

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

Name of Case: VTA v. Eastridge Shopping Center  
Case No: 1-11-CV-209524  
(Santa Clara County Superior Court)  

Robert Fabela, General Counsel, reported no action was taken on this item during Closed Session.  

4. PUBLIC COMMENT  

John Rainville, Interested Citizen, expressed concern with Bus Line #58 and other service schedule changes.  

Priyemka K. Shah, Interested Citizen, inquired about business partnerships with VTA.  

James Wightman, Interested Citizen, raised service related issues.  

Jeff Chen, Interested Citizen, expressed concern with light rail service and scheduling issues.  

Michael Ludwig, Interested Citizen, offered suggestions for bus shelter construction materials that repel rain and service related issues with Bus Line #104.  

Eugene Bradley, Silicon Valley Transit Users, expressed concern regarding transit service interruption announcements.
PUBLIC HEARINGS

5.1. HEARING - NOTICE OF INTENTION TO ADOPT A RESOLUTION OF NECESSITY

Chairperson Yeager stated this was a hearing regarding the intention of the Board to adopt Resolutions of Necessity determining that the public interest and necessity require the acquisition of property interests from three properties owned by: (1) Montague Parkway Associates, LP, located in Milpitas, California, (2) JWMFE Milpitas TP, LLC, located in Milpitas, California; and (3) Parc Metropolitan Community Association, located in Milpitas, California for the BART Silicon Valley (SVBX) Project.

Mr. Fabela announced property identification # B2300 (APNs 254-17-007, 254-17-053, 254-17-084, and 254-17-095) owned by The Flea Market, Inc., Bumb and Associates, and BGT Development, LLC has been removed from the Hearing for the Resolution of Necessity.

He added property identification # B2034 (APNs 241-03-014, 214-03-015 and 241-03-016) owned by The Robert B. Facchino Family Limited Partnership; Maureen Stickler, as Trustee of the Maureen Stickler Revocable Trust 12/18/01; JRD, LLC; JRDK, LLC; and Robert B. Facchino, II and Karisa Shannon Flores, as Co-Trustees of the Karisa Shannon Flores Irrevocable Trust 1/01/05 has been removed from the Hearing for the Resolution of Necessity.

Bijal Patel, Deputy Director of Property Development and Management, provided a PowerPoint presentation highlighting the Resolution of Necessity Hearing for the BART Silicon Valley Berryessa (SVBX) Project: (1) Montague Parkway Associates, LP, located in Milpitas, California, (2) JWMFE Milpitas TP, LLC, located in Milpitas, California; and (3) Parc Metropolitan Community Association, located in Milpitas, California. She highlighted: 1) project map; 2) status of acquisition activities; and 3) key board findings of the three properties.

Public Comment

There was no public comment.

M/S/C (Herrera/Kniss) to close the hearing.

M/S/C (Pyle/Herrera) to adopt Resolutions of Necessity and determining that the public interest and necessity require the acquisition of property interests from three properties owned by: (1) Resolution No.2012.03.16 Montague Parkway Associates, LP, located in Milpitas, California, (2) Resolution No. 2012.03.17 JWMFE Milpitas TP, LLC, located in Milpitas, California; and (4) Resolution No. 2012.03.18 Parc Metropolitan Community Association, located in Milpitas, California. Motion approved by 12 Board Members.
Resolution No. 2012.03.16

Property ID/Assessor’s Parcel Number/Owner

B2250 (APN 092-08-096) owned by Montague Parkway Associates, LP

Resolution No. 2012.03.17

Property ID/Assessor’s Parcel Number/Owner

B2030 (APN 086-24-042) owned by JWMFE Milpitas TP, LLC, a Delaware limited liability company

Resolution No. 2012.03.18

Property ID/Assessor’s Parcel Number/Owner

B2024 (APN NONE (Lot A and Lot G Tract 9147)) owned by Parc Metropolitan Community Association

5.2. HEARING - NOTICE OF INTENTION TO ADOPT RESOLUTION OF NECESSITY

Chairperson Yeager stated this was a hearing regarding the intention of the Board to adopt a Resolution of Necessity determining that the public interest and necessity require the acquisition of property interests from two properties owned by Union Pacific Railroad Company, located in Fremont, California for the Mission Boulevard Widening Project.

Bijal Patel, provided an overview and PowerPoint presentation regarding the intention of the Board to adopt a Resolution of Necessity determining that the public interest and necessity require the acquisition of property interests from two properties owned by Union Pacific Railroad Company, located in Fremont, California for the Mission Boulevard Widening Project. She highlighted: 1) project map; 2) project schedule; 3) status of acquisition activities; 4) key Board findings; and 5) subject property.

Public Comment

There was no Public Comment.

M/S/C (Kniss/Herrera) to close the hearing.

M/S/C (Herrera/Abe-Koga) to adopt a Resolution of Necessity determining that the public interest and necessity require the acquisition of property interests from two properties owned by Union Pacific Railroad Company, located in Fremont, California for the Mission Boulevard Widening Project. **Motion approved by 12 Board Members.**
Resolution No. 2012.03.19

Property IDs/Assessor’s Parcel Numbers/Owner

60798-1 and 60800-1 (APNS 519-0950-007, 519-0950-009, 519-0950-010 and 519-0950-011-02) owned by Union Pacific Railroad Company

6. REPORTS

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

Clinton Brownley, CAC Chairperson provided an overview of the February 8, 2012 meeting.

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

Gail Price, PAC Vice Chairperson, provided an overview of the February 9, 2012 meeting.

3. General Manager Report

Michael T. Burns, General Manager, provided a report highlighting: 1) System wide ridership; 2) New Express buses; 3) Express Lanes; 4) SVBX Full Funding Grant Agreement (FFGA) Ceremony to be held Monday, March 12, 2012 at 10:00 a.m. in the San Jose City Hall Rotunda; and 5) Ground breaking for the SVBX project to be held April 12, 2012.

Board Member McHugh requested staff provide the Board a progress report reflecting the first two months of Express Bus Service.

6.3.A Roles and Responsibilities – Metropolitan Transportation Commission (MTC) and California Transportation Commission (CTC)

John Ristow, Chief Congestion Management Officer, and Scott Haywood, Policy and Community Manager, provided a PowerPoint presentation highlighting roles and responsibilities of the MTC and the CTC.

The CTC, established in 1978, is responsible for programming and allocating funds for construction of Highway, passenger rail, and transit improvements in California. In FY11 the CTC allocated over $5.5 billion in state and federal funding for projects.

The MTC, established in 1970, is the planning and funding agency for the nine Bay Area counties. The MTC programs $1.2 billion annually. Included in MTC Planning and Regional Programs are as follows: 1) Regional Transportation Plan; 2) Sustainable Communities Strategy; 3) technical planning; 4) regional programs; 5) Clipper; 6) 511; and 7) SAFE.
Chairperson Yeager invited Board of Directors to attend an MTC meeting. He noted the importance to understand how MTC funding comes together.

Board Member Kniss expressed concern that term limits contribute to disadvantages in MTC representation for the Bay Area. The Board discussed potential appointees to represent VTA at future MTC or CTC meetings.

**Public Comment**

Eugene Bradley, Interested Citizen, requested information from VTA staff regarding farebox recovery.

Roland LeBrun, Interested Citizen, discussed transportation options for South County.

### 6.3.B. Caltrain & High Speed Rail

Jim Lawson, Senior Policy Advisor, provided a report updating Caltrain and High Speed Rail (CHSR) recent activities. He noted the CHSR Draft Business Plan includes the concept of a Blended System Approach for the northern and southern portions of the project.

To provide near term benefits CHSR Chairperson Dan Richard proposes investments of State Proposition 1A funds for Northern and Southern California. Northern California will receive $1.3 billion. Led by MTC, the region is defining applicable projects and investigating potential local, state (non Proposition 1A) and, federal funds to achieve the necessary match. A draft Memorandum of Understanding (MOU) is in circulation.

Mr. Lawson commented that the intent of the early investment strategy is to: 1) secure at the earliest possible date the benefits of the blended system for the traveling public and; 2) determine strategy for future construction and improvements needed to support and promote high speed train and commute services.

Some Board Members had questions regarding electrification, funding, projected ridership, grade separations, tracking and, Positive Train Control.

**Public Comment**

Roland LeBrun, Interested Citizen, commented about European high speed transit, traffic issues, and high speed options for the South Bay.
6.3.C. **Steve Palmer- Federal Lobbyist**

Steve Palmer, Van Scoyoc Associates, provided a report and PowerPoint presentation highlighting current transportation related activities in Washington, D.C. He discussed the presidential election year legislative gridlock intensification, the FY 2013 budget and the, possible Lame Duck session.

Mr. Palmer discussed Transportation authorization and noted the Highway Trust Fund cannot support current funding. He provided an over view of Senate: MAP – 21 (Boxer/Inhofe). He noted the FY2013 Budget and Appropriations includes President Obama’s priorities for the Department of Transportation (DOT), New Stars, Federal Highway Administration, and the Congressional Appropriations Schedule.

Mr. Palmer provided a brief overview of the American Energy & Infrastructure Jobs Act (MICA).

Members of the Board posed questions regarding New Starts projections, value added tax conversations, and credit funding.

**Public Comment**

Michael Ludwig, Interested Citizen, expressed concern with the projected cost of bringing BART to the South Bay.

Eugene Bradley, Interested Citizen, expressed concern with the proposed cost to bring BART to the South Bay.

6.3.D. **SVRT Program Update**

Accepted as contained in the Agenda packet.

6.4 **Chairperson’s Report**

Chairperson Yeager stated he represented VTA at the dedication of station improvements at the San Jose/Diridon and Santa Clara Caltrain Stations. He reported the ceremony marked the completion of two vital projects providing improved transportation infrastructure in San Jose and Santa Clara. He noted the project will benefit all Caltrain riders and cities along the Corridor.

Chairperson Yeager noted the project also provides infrastructure to support connection to the future BART Station in Santa Clara. He thanked fellow Caltrain Board Members, Ash Kalra, Liz Kniss, as well as the VTA Board of Directors for their support.

**Public Comment**

Eugene Bradley, Interested Citizen, expressed concern with labor and material costs for SVRT from 2010 to the present and requested detailed data resulting in the $2.4 billion expenditure.
7. **CONSENT AGENDA**

7.1. **Board of Directors Regular Meeting Minutes of February 2, 2012**

M/S/C (Pyle/McHugh) to approve the Board of Directors Regular Minutes of February 2, 2012.

7.2. **Bicycle & Pedestrian Advisory Committee Reappointment**

M/S/C (Pyle/McHugh) to ratify the reappointment of Jim Bell to the Bicycle & Pedestrian Advisory Committee representing the City of San Jose for the remainder of the term ending June 30, 2012 and for the new term ending June 30, 2014.

7.3. **Fiscal Year 2012 Quarterly Statement of Revenues and Expenses for the period ending December 31, 2011**

M/S/C (Pyle/McHugh) review and accept the Fiscal Year 2012 Quarterly Statement of Revenues and Expenses for the period ending December 31, 2011.

7.4. **BART Silicon Valley Berryessa Extension Project: Campus, Roadway, and Parking Facilities Design and Engineering Services Contract**

M/S/C (Pyle/McHugh) to authorize the General Manager to execute a contract with WMH Corporation for services for engineering and preparation of procurement documents related to the Campus Area, Roadway and Parking Structures for the Milpitas and Berryessa Stations of the Silicon Valley Berryessa Extension (SVBX) Project in the amount of $6,500,000.

7.5. **Modify FY 2012 Internal Audit Work Plan to add BART Silicon Valley Risk Assessment**

M/S/C (Pyle/McHugh) to amend the FY 2012 Internal Audit Work Plan to add a high-level risk assessment of the BART extension project to identify the project’s various key components and evaluate their relative risk. This project will be accomplished using the existing FY 2012 Internal Audit Work Plan budget; no new funding is required.

7.6. **Local Program Reserve Reallocation**

M/S/C (Pyle/McHugh) to approve reallocation of Local Program Reserve (LPR) savings of $2,260,000 to five identified projects.

7.7. **Paratransit Vehicle Procurement**

M/S/C (Pyle/McHugh) to authorize the General Manager to procure 70 Toyota Prius vehicles for paratransit service using the State of California purchasing contract in an amount not to exceed $1,753,000.
7.8. **Alum Rock Fish Passage Contract**

M/S/C (Pyle/McHugh) to authorize the General Manager to execute a contract with Stevens Creek Quarry Construction, the lowest responsible bidder, in the amount of $894,200 for the construction of the Alum Rock Fish Passage.

7.9. **FY11-112 California Transit Security Grant Program – California Transit Assistance Fund (CTSGP-CTAF)**

M/S/C (Pyle/McHugh) to adopt a resolution Resolution No. 2012.03.20 authorizing the General Manager to submit and execute grant applications and agreements, certifications, assurances, and other documents as necessary to the California Emergency Management Agency (Cal EMA) to receive $3,344,129 from the FY11-12 California Transit Security Grant Program-California Transit Assistance Fund (CTSGP-CTAF).

7.10. **Monthly Legislative History Matrix**

M/S/C (Pyle/McHugh) to review the Monthly Legislative History Matrix.

7.11. **Culmination of Advisory Committee Enhancement (ACE) Process**

M/S/C (Pyle/McHugh) to receive the final report on the Advisory Committee Enhancement (ACE) Process and on changes implemented resulting from it.


M/S/C (Pyle/McHugh) to receive the Proactive CMP Quarterly Report for October through December 2011.

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

M/S/C (Pyle/McHugh) to receive the Programmed Projects Quarterly Monitoring Report for October-December 2011.

7.14. **Express Lanes Update**

M/S/C (Pyle/McHugh) to receive a report on the status of SR 237 Express Lanes project.


M/S/C (Pyle/McHugh) to receive the Semi-Annual Report for the 2000 Measure A Transit Improvement Program through December 2011.

7.16. **Clipper Fare Collection System – Final Launch**

M/S/C (Pyle/McHugh) receive Update on Clipper Fare Collection Project.
8. REGULAR AGENDA

Congestion Management Program and Planning Committee


John Ristow provided a brief overview of the staff report.

Board Member Kniss expressed her support to retain funding for the California Avenue Project if pending litigation is resolved in a timely manner.

M/S/C(Herrera/Pyle) to approve the following actions to fill a funding gap for the US 101/Capitol Interchange project: deprogram $7.8 million in Local Program Reserve (LPR) funding from two soundwall projects on I-280 and I-680 in San Jose; deprogram federal funds of $1.1 million from the Palo Alto's California Avenue Project with the understanding that the project will retain funding if pending litigation is resolved in a timely manner, program $1.52 to 2.63 million LPR funds to the US 101/Capitol Interchange project; and retain a $24 million Corridor Mobility Improvement Account (CMIA) grant.

9. OTHER ITEMS

1. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

There were no Items of Concern and Referral to Administration.

2. Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions

   A. VTA Standing Committees

      • Administration and Finance Committee (A&F) – February 16, 2012 minutes were accepted as contained in the Agenda Packet.

      • Congestion Management Program and Planning Committee (CMPP) – February 16, 2012 Minutes were accepted as contained on the dais.

      • Transit Planning and Operations Committee (TP&O) – February 16, 2012 Minutes were accepted as contained on the dais.

      • Audit Committee – There was no report.
B. **VTA Advisory Committees**

- Committee for Transit Accessibility (CTA) - There was no report.

- Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) – February 8, 2012 Minutes were accepted as contained in the Agenda Packet.

- Bicycle & Pedestrian Advisory Committee (BPAC) - February 8, 2012 Minutes were accepted as contained in the Agenda Packet.

- Technical Advisory Committee (TAC) - February 9, 2012 Minutes were accepted as contained in the Agenda Packet.

- Policy Advisory Committee (PAC) - February 9, 2012 Minutes were accepted as contained in the Agenda Packet.

C. **VTA Policy Advisory Boards (PAB)**

- Diridon Station Joint Policy Advisory Board – There was no report.

- Downtown East Valley PAB - There was no report.

- El Camino Real Rapid Transit PAB - There was no report.

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

D. **Joint Powers Boards and Regional Commissions**

- Peninsula Corridor JPB - Summary Notes were accepted as contained on the dais.

- Capitol Corridor JPB – There was no report.

- Dumbarton Rail Corridor Policy Committee – There was no report.

- Metropolitan Transportation Commission (MTC) - Summary Notes were accepted as contained on the dais.

- Sunol Smart Carpool Lane Joint Powers Authority– There was no report.

- SR 152 Mobility Partnership – There was no report.
9. ANNOUNCEMENTS

There were no Announcements.

10. ADJOURNMENT

On order of Chairperson Yeager and there being no objection, the meeting was adjourned at 7:59 p.m.

Respectfully submitted,

Jacqueline 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: Board Secretary, Sandra Weymouth

SUBJECT: Bicycle & Pedestrian Advisory Committee Reappointment

Policy-Related Action: No

Government Code Section 84308 Applies: No

ACTION ITEM

RECOMMENDATION:

Ratify the reappointment of Aaron Faupell to the Bicycle & Pedestrian Advisory Committee representing the City of Milpitas for the remainder of the term ending June 30, 2012 and for the new term ending June 30, 2014.

BACKGROUND:

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

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

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

DISCUSSION:

In November 2009, the City of Milpitas first appointed Mr. Faupell as its BPAC representative. The term of this appointment was made effective through November 2011.

In February 2012, the City of Milpitas re-appointed Aaron Faupell as its representative on VTA's BPAC for both the remainder of the current term ending June 30, 2012 and for succeeding two-year term that ends June 30, 2014.

Mr. Faupell is a member in good standing and has served the committee well. Staff recommends that the Board ratify this reappointment given Mr. Faupell qualifications, experience, community involvement and knowledge of bicycle, pedestrian, trails and safety issues.

ALTERNATIVES:

The Board could choose to not ratify this appointment.

FISCAL IMPACT:

There is no fiscal impact.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Administration & Finance Committee considered this item as part of its March 15, 2012 Consent Agenda and approved it unanimously without comment.

Prepared by: Stephen Flynn, Advisory Committee Coordinator
Memo No. 3523
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Board Secretary, Sandra Weymouth

SUBJECT: Amendments to the Bylaws for the Bicycle & Pedestrian Advisory and Policy Advisory Committees Incorporating Additional ACE Process Recommendationse

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

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a resolution amending the bylaws for the Bicycle & Pedestrian Advisory and the Policy Advisory Committees, as indicated, to incorporate additional recommendations from the Advisory Committee Enhancement (ACE) process, including a mission statement and other minor changes to clarify and enhance understanding.

BACKGROUND:

The Bicycle and Pedestrian Advisory Committee (BPAC) advises the VTA Board of Directors on planning and funding issues related to bicycle and pedestrian mobility and access. It consists of one member appointed by each of VTA’s Member Agencies, which are the 15 cities within the county and the County of Santa Clara, and one ex-officio representative appointed by the Silicon Valley Bicycle Coalition. The BPAC also serves as the bicycle and pedestrian advisory committee for the County of Santa Clara.

The Policy Advisory Committee (PAC) is a sixteen member committee representing VTA’s Member Agencies. It consists of one elected official from each jurisdiction and advises the VTA Board of Directors on policy issues. Its purpose is to ensure that all jurisdictions within the county have the opportunity to participate in the development of VTA’s policies.
Advisory committee bylaws govern the proceedings of the committee and its meetings and must be consistent with the VTA Administrative Code. All amendments to advisory committee bylaws require VTA Board of Directors approval.

The Advisory Committee Enhancement (ACE) process, completed in 2010, engaged advisory committee members in the development of recommendations for improving the existing advisory committee process, in order to maximize the committees’ efficiency and usefulness to the VTA Board and administration. Over the course of 17 months, members developed a set of recommendations for improving communication with the Board, as well as improving and streamlining the advisory committee process in general while still supporting VTA’s mission and goals. Included in these was having each advisory committee draft a committee mission statement to articulate its role and purpose within VTA, for inclusion in its respective bylaws. In January 2010, the Board of Directors approved these recommendations.

Some changes were administrative and could be implemented immediately. Others required modification to the respective committee’s bylaws, which took time to prepare and submit for required Board approval. The vast majority of the recommendations have been accomplished, with a small number underway.

**DISCUSSION:**

Attached for Board approval are the recommended modifications to the BPAC and PAC bylaws to implement remaining ACE Process recommendations. While most are from the ACE Process, a small number of modifications were proposed subsequently by committee members or staff to improve clarity, presentation or understanding.

The proposed modifications to the BPAC bylaws are shown on Attachment A and those for the PAC on Attachment B (deletions are shown in overstrike and additions are underlined). Those common to both committees include:

- **§2.1 Mission & Duties** -- establishes the respective mission statement for that committee.
- **§6.1, §6.2, and §6.3** - these sections have been re-ordered to affect a more logical and intuitive presentation. In addition, the provision has been added indicating that the respective committee’s mission statement will be included on its agenda. These changes will be applied to VTA’s other three advisory committees in the near future.
- **§6.5** - Provides for meeting notices to be emailed, as opposed to mailed through the U.S. Postal System, to those who request it. This is both an efficiency and cost-savings measure and is being applied to VTA’s remaining advisory committees in the future.

Recommended changes specific to the BPAC include:

- **§2.1 Mission & Duties** -- Updates and clarifies the committee’s duties. This includes providing more emphasis to the Committee’s pedestrian responsibilities and incorporating changes requested by County of Santa Clara staff regarding the Committee’s service as the countywide BPAC for the County and its workflow relationship with the County Roads Commission.
- **§3.1 Membership** - clarifies the duties of each member, including the expectation that
members will keep the appropriate staff of their city and/or their local BPAC informed and facilitate communication between those parties and VTA.

It should be noted that recommended modifications submitted for BPAC consideration included the staff proposal to include in this section a provision precluding appointment of BPAC members who hold public office in the Member Agency they represent. As proposed, it did not prevent all elected official from serving on the BPAC, just ones representing the Member Agency where they were elected. This provision is consistent with the membership requirement of the Citizens Advisory Committee (CAC) and ensures a level playing field among the BPAC representatives and their constituencies, especially given that VTA’s advisory committee structure provides Member Agency governing body input via the Policy Advisory Committee that is comprised only of local elected officials. The recommended provision is similar in purpose and consistent with the current BPAC bylaw provision prohibiting Member Agency staff from serving on the BPAC representing the jurisdiction they work for. Another reason for this provision was to ensure that all BPAC members met the eligibility requirements to serve as the BPAC representative on the CAC, since the CAC bylaws prohibit membership on that committee while holding elected public office.

However, the BPAC did not approve this provision, indicating that they felt it disproportionally negatively affected the smaller Member Agencies by restricting their pool of potential BPAC representatives.

- **§5.1 Regular Meetings** - as requested by the BPAC to save costs, the meeting location is being permanently moved back to Conference Room B-104. To accommodate this since the Citizens Advisory Committee meets in the same room prior to the BPAC, the starting time for the BPAC meeting is being adjusted slightly to 6:30 p.m.
- **§5.1A Workshop Meetings** - defines and provides the parameters and requirements for a workshop meeting, which was another ACE Process recommendation to save cost.
- **§5.3 Calling and Noticing of Meetings** - defines the ACE Recommendation previously agreed to by both the Board and BPAC of that committee conducting a maximum combination of 10 regular and workshop meetings per year.

The PAC approved the proposed bylaws changes at its February 9, 2012 meeting. The BPAC, at its February 8, 2012 meeting, approved the proposed revisions to its bylaws except for the previously discussed provision precluding appointment of members who hold public office in the Member Agency they represent. This provision was subsequently removed. Staff recommends ratification of the proposed bylaw modifications, as indicated.

**ALTERNATIVES:**

The Board could choose to modify or not approve one or more of the proposed amendments.

**FISCAL IMPACT:**
There is no fiscal impact associated with these proposed amendments to advisory committee bylaws.

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

The BPAC considered the proposed modifications to its bylaws on February 8, 2012. On a vote of 10 ayes, 3 noes and one abstention, the Committee approved the proposed revisions except for the provision in §3.1 - Membership that would have precluded appointment of members who hold public office in the Member Agency they represent. The Committee felt this provision disproportionally negatively affected the smaller Member Agencies by restricting their pool of potential BPAC representatives, and asked that it be deleted. This provision was subsequently removed.

The Policy Advisory Committee considered the proposed modifications to its bylaws on February 9, 2012 as part of its Consent Agenda and unanimously approved them without comment.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration & Finance Committee considered this item as part of its March 15, 2012 Consent Agenda and approved it unanimously without comment.

Prepared by: Stephen Flynn, Advisory Committee Coordinator
Memo No. 3540
BYLAWS FOR BICYCLE & PEDESTRIAN ADVISORY COMMITTEE

Article I
GENERAL PROVISIONS

§1.1 Purpose

These Bylaws govern the proceedings of the VTA Bicycle & Pedestrian Advisory Committee (BPAC), an advisory Committee established by the Board of Directors of the Santa Clara Valley Transportation Authority (VTA).

§1.2 Construction of Bylaws

Unless the provisions or the context of these Bylaws otherwise require, the general provisions, rules of construction and definitions set forth in Chapter 1 of the VTA Administrative Code shall govern the construction of these Bylaws. As used in these Bylaws, “Committee” means the VTA Bicycle & Pedestrian Advisory Committee. These Bylaws shall govern the Committee’s proceedings to the extent they are not inconsistent with VTA’s Administrative Code, or law.

§1.3 Definitions

a. As used in these Bylaws, “chairperson” means the chairperson of the Committee.

b. As used in these Bylaws, “secretary” means the secretary of the Committee.

c. As used in these Bylaws, “Member Agency” means the County of Santa Clara or a city within the County.

Article II
DUTIES AND AUTHORITY

§2.1 Mission and Duties

The BPAC is an advisory committee to the Board of Directors. The mission and duties of the Committee shall be as follows:
MISSION:
The VTA BPAC provides expertise and guidance to the Board of Directors on promoting and enhancing non-motorized transportation opportunities throughout Santa Clara County and serves as liaison between VTA and the Member Agency bicycle and pedestrian advisory committees.

DUTIES:

a. Provides advice to the Board of Directors regarding funding priorities for bicycle and pedestrian projects in the county.

b. Reviews and provides comments to VTA Congestion Management Program staff regarding plans and designs for an effective countywide bikeway and pedestrian system, updates of the Countywide Bicycle Plan and Countywide Bicycle Map, bicycle and pedestrian element of the Countywide transportation plan, Bicycle Expenditure Plan, and bicycle-related issues affecting the transit system.

c. Make recommendations to the Board of Directors and County Board of Supervisors through the Roads Commission regarding the Countywide annual priority list of bicycle and pedestrian projects for the TDA Article 3 program, and regarding the annual Expressway Sidewalk Program project selections.

d. Coordinate with bicycle and pedestrian advisory committees of other agencies on multi-jurisdictional bicycle and pedestrian issues.

e. Coordinate work and meet as needed with the County Trails Committee.

f. Serve as the countywide bicycle and pedestrian advisory committee for the County of Santa Clara, providing input and recommendations through the Roads Commission.

§2.2 Limitations

The Committee shall serve in an advisory capacity to the Board of Directors. It shall have no independent duties and no authority to take actions that bind VTA or the Board of Directors. No expenditures or requisitions for services and supplies shall be made by the Committee and no individual member thereof shall be entitled to reimbursement for travel or other expenses except as authorized by the Board of Directors.

Article III
MEMBERSHIP

§3.1 Membership

The Committee shall be composed of 16 voting members and one ex-officio member who are bicyclists or pedestrians. Each Member Agency shall appoint one member. All members shall live or work, or both, in Santa Clara County during their terms on the Committee. VTA employees are not eligible for membership. The Board of Directors shall ratify the appointments of all members of the Committee.

It is the expectation that each member will keep the appropriate staff of their appointing Member Agency informed of key issues, facilitate communication between those entities and VTA, and help resolve and build general consensus on issues pertinent to the Committee.

It shall also be each member’s responsibility to actively and reliably participate in the BPAC’s execution of its Mission and Duties.

Voting Members

Committee members shall be representatives of local bicycle or pedestrian advisory committees, or, for Member Agencies that do not have a local bicycle or pedestrian advisory committee, shall be other individuals interested in bicycle or pedestrian issues. Each Member Agency shall appoint one member. Committee members may not be an employee of the Member Agencies they represent. In addition, the Silicon Valley Bicycle Coalition (SVBC) may appoint one ex-officio member and one alternate, who shall not be counted for purposes of establishing a quorum and who shall have no voting rights. VTA employees are not eligible for membership.

The Board of Directors shall ratify the appointments of all members of the Committee.

Ex-officio Member

The Silicon Valley Bicycle Coalition (SVBC) may appoint one ex-officio member and one alternate, who shall not be counted for purposes of establishing a quorum and who shall have no voting rights.

§3.2 Members’ Terms

The term of membership of each Committee member shall be two fiscal years, commencing on July 1 of even-numbered years and ending on the second successive June 30. Members may be appointed to successive terms.

§3.3 Vacancies

Page A3 of 10
A vacancy in a member’s position shall be filled for the remainder of the term by the Member Agency or other body which made the original appointment.

§3.4 Representative to Citizens Advisory Committee

The Committee shall also appoint one individual from its membership to serve as a voting member of VTA’s Citizens Advisory Committee (CAC), to provide communication and collaboration between the two committees. Appointment of this position is subject to the following provisions:

a. The representative must be a voting BPAC member while on the CAC and must be in good standing.
b. The representative must meet all established CAC membership requirements during their term on the CAC.
c. The term of appointment shall be two years, commencing on July 1 of even-numbered years. The representative may be reappointed for successive terms.
d. The representative shall serve on the CAC until resignation from the position or the BPAC, or removal by the Committee or the Board.
e. Appointment by the Committee requires approval by the membership as provided in Section 5.4.
f. Appointment requires ratification by the Board of Directors.
g. Vacancies shall be filled for the remainder of the term by the Committee following the established appointment process and all established criteria for the position.
Article IV
OFFICERS

§4.1 Chairperson and Vice Chairperson

The Committee shall elect from its membership a chairperson and a vice chairperson at its last meeting of the calendar year, to serve for a one year term effective January 1 of the next calendar year. In the event of a vacancy in the chairperson’s position, the vice chairperson shall succeed as chairperson for the balance of the chairperson’s term and the Committee shall elect a successor to fill the vacancy in the vice chairperson’s position as provided below. In the event of a vacancy in the vice chairperson’s position, the Committee shall elect a successor from its membership to fill the vice chairperson’s position for the remainder of the vice chairperson’s term.

The chairperson shall preside at all meetings of the Committee and represent the Committee before the Board of Directors. The chairperson, in consultation with the Committee staff liaison, may identify items of interest for future agendas that are relevant to the Committee’s duties and responsibilities.

The vice chairperson shall perform the duties of the chairperson when the chairperson is absent.

The Committee shall appoint a nominating committee to nominate Committee members for the positions of chairperson and vice chairperson. Members willing to serve in either of these positions may submit their names to the nominating committee for nomination. Members may also submit names of other members for nomination. The nominating committee shall verify that members whose names have been submitted are willing serve in those positions. The nominating committee shall submit to the Committee the names of those members whom it has nominated and recommends for election. Notwithstanding these procedures, any member may nominate a member from the floor.

§4.2 Secretary

The General Manager shall furnish staff services to prepare and distribute the Committee’s agendas, notices, minutes, correspondence, and other documents and will assign an employee to attend each regular meeting of the Committee to serve in the capacity as the Committee’s secretary. The secretary shall maintain a record of all proceedings of the Committee as required by law and shall perform other duties as provided by these Bylaws.
Article V
MEETINGS

§5.1 Regular Meetings

Regular meetings of the Committee shall generally be held on the Wednesday following the first Thursday of each month. The committee meeting shall commence at 6:30 p.m. at the VTA Administrative Offices, 3331 North First Street, San Jose, California. Whenever a regular meeting falls on a holiday observed by VTA, the meeting shall be held on another day or cancelled at the direction of the Committee. Meetings that last beyond 8:00 p.m. may have agenda items postponed to a future meeting, to be decided by the committee chairperson in consultation with the committee staff liaison and the Board Secretary or representative. A rescheduled regular meeting shall be designated a regular meeting.

§5.1A Workshop Meetings

Workshop meetings of the Committee are meetings in which agenda does not call for the Committee to take action (no voting is conducted). Because no action by the Committee will take place, the Board Secretary may choose to provide limited support. Workshops shall generally be held in lieu of a regular meeting and, where possible, be conducted at the normal regular meeting time. The workshop meeting shall be called and noticed as provided in Section 5.3.

§5.2 Special Meetings

A special meeting may be called by the chairperson with the approval of the General Manager. The meeting shall be called and noticed as provided in Section 5.3 below. (For a general description of the noticing procedures, see the Rules of Procedure of the Board of Directors.)

§5.3 Calling and Noticing of Meetings

All meetings shall be called, noticed, and conducted in accordance with the applicable provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code). The General Manager and General Counsel shall be given notice of all meetings. The Committee shall conduct a maximum combination of 10 regular and workshop meetings per year. For purposes of this limit, regular and workshop meetings held on the same day will be considered one event. The Committee shall meet conduct at least one meeting every three months, unless the Committee’s activities are suspended.
§5.4 Quorum; Vote; Committee of the Whole

The presence of nine members shall constitute a quorum for the transaction of business. All acts of the Committee shall require the presence of a quorum and the affirmative vote of a majority of the total membership. At any regularly called meeting not held because of a lack of quorum, the members present may constitute themselves a “committee of the whole” for the purpose of discussing matters on the agenda of interest to the Committee members present. The committee of the whole shall automatically cease to exist if a quorum is present at the meeting.

§5.5 [Reserved]

§5.6 Thirty Minute Rule

If a quorum has not been established within thirty minutes of the noticed starting time for the regular meeting, the clerical support Board Office staff may be excused from further attendance at the meeting.

§5.7 Absences

If a member is absent from four Committee meetings (regular and workshop; attendance is not counted for special meetings) in any twelve-month period, the position shall automatically be vacated, and a successor shall be appointed to fill the remainder of that member’s term.

§5.8 Matters Not Listed on the Agenda Requiring Committee Action

Except as provided below, a matter requiring Committee action shall be listed on the posted agenda before the Committee may act upon it. The Committee may take action on items not appearing on the posted agenda only upon a determination by a two-thirds vote of the Committee, or if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action AND the need to take action came to the attention of the Committee subsequent to the agenda being posted.

§5.9 Time Limits for Speakers

Each member of the public appearing at a Committee meeting shall be limited to two minutes in his or her presentation, unless the chairperson, at his or her discretion, permits further remarks to be made. Any person addressing the Committee may submit written statements, petitions, or other documents to complement his or her presentation.
§5.10 Impertinence; Disturbance of Meeting

Any person making personal, impertinent or indecorous remarks while addressing the Committee may be barred by the chairperson from further appearance before the Committee at that meeting, unless permission to continue is granted by an affirmative vote of the Committee. The chairperson may order any person removed from the Committee meeting who causes a disturbance or interferes with the conduct of the meeting, and the chairperson may direct the meeting room cleared when deemed necessary to maintain order.

§5.11 Access to Public Records Distributed at Meeting

Writings which are public records and which are distributed during a committee meeting shall be made available for public inspection at the meeting if prepared by VTA or a member of the Committee, or after the meeting if prepared by some other person.

Article VI
AGENDAS AND MEETING NOTICES

§6.24 Agenda Format & Development

The agenda shall specify the starting time and location of the meeting and shall contain a brief general description of each item of business to be transacted or discussed at the meeting. The description shall be reasonably calculated to adequately inform the public of the subject matter of each agenda item. The agenda shall also display the Board-adopted mission statement for the Committee.

Items may be referred for inclusion on an agenda by: (1) the Board of Directors; (2) the General Manager; (3) the Committee Chairperson; and (4) the Committee, with a quorum present and upon the affirmative vote of a majority of the members present. The order of business shall be established by the secretary with the approval of the chairperson.

§6.32 Public Presentations

Each agenda for a regular meeting shall provide an opportunity for members of the public to address the Committee on matters of interest to the public either before or during the Committee’s consideration of the item, if it is listed on the agenda, or, if it is not listed on the agenda but is within the jurisdiction of the Committee, under the agenda item heading “Public Presentations.” The Committee shall not act upon an item that is not listed on the agenda except as provided under Section 5.8. Each notice for a special meeting shall provide an opportunity for members of the public to directly address the Committee concerning any item that has been described in the notice for the meeting before or during consideration of that item.

§6.13 Agenda Preparation
The secretary shall prepare the agenda for each meeting in consultation with VTA staff and the chairperson. Material intended for placement on the agenda shall be delivered to the secretary on or before 12:00 Noon on the date established as the agenda deadline for the forthcoming meeting. The secretary may withhold placement on the agenda of any matter which is not timely received, lacks sufficient information, or is in need of staff review and report prior to Committee consideration. Any member of the Committee may request that such withheld matter be placed on the agenda by contacting the secretary in advance of the meeting.

§6.4 Agenda Posting and Delivery

The written agenda for each regular meeting and each meeting continued for more than five calendar days shall be posted by the secretary at least 72 hours before the meeting is scheduled to begin. The written agenda for every special meeting shall be posted by the secretary at least 24 hours before the special meeting is scheduled to begin. The agenda shall be posted in a location that is freely accessible to members of the public. The agenda together with supporting documents shall be delivered to each Committee member, the General Manager, and General Counsel at least five days before each regular meeting and at least 24 hours before each special meeting.

§6.5 Meeting Notices

The secretary shall mail notice of every regular meeting, and every special meeting which is called at least one week prior to the date set for the meeting, to each person which has filed with VTA a written request for notice as provided in Section 54954.1 of the Government Code. The notice shall be mailed at least one week 72 hours prior to the date set for the meeting, in accordance with the Ralph M. Brown Act. In lieu of mailing, notices may be emailed to any person who so requests in writing. Notice of special meetings called less than seven days prior to the date set for the meeting shall be given as the secretary deems practical.

Article VII
MISCELLANEOUS

§7.1 Adoption and Amendment of Bylaws

These Bylaws may be amended by the Committee by the affirmative vote of a majority of its total authorized membership and with the approval of the Board of Directors.

§7.2 Robert’s Rules

All rules of order not herein provided for shall be determined in accordance with Robert’s Rules of Order, latest edition.
Adopted by Board of Directors: December 10, 1998

Amended by Board of Directors: December 14, 2000
Amended by Board of Directors: June 5, 2003
Amended by Board of Directors: March 4, 2004
Amended by Board of Directors: September 1, 2005
Amended by Board of Directors: March 1, 2007
Amended by Board of Directors: October 2, 2008
Amended by Board of Directors: June 3, 2010

(1) In 2010, the Board of Directors, based on recommendations from the Advisory Committee Enhancement Process, approved converting two existing VTA Citizens Advisory Committee (CAC) positions to two voting members appointed by the Committee for Transit Accessibility (CTA) and the Bicycle & Pedestrian Advisory Committee (BPAC). These representatives will be from the respective committee’s current membership and must meet established CAC membership requirements, including Board of Directors approval.
BYLAWS FOR THE POLICY ADVISORY COMMITTEE

Article I
GENERAL PROVISIONS

§1.1 Purpose

These Bylaws govern the proceedings of the Policy Advisory Committee (PAC), an advisory committee established by the Board of Directors of the Santa Clara Valley Transportation Authority (VTA).

§1.2 Construction of Bylaws

Unless the provisions or the context of these Bylaws otherwise require, the general provisions, rules of construction and definitions set forth in Chapter 1 of the VTA Administrative Code shall govern the construction of these Bylaws. As used in these Bylaws, “Committee” means the Policy Advisory Committee. These Bylaws shall govern the Committee’s proceedings to the extent they are not inconsistent with VTA’s Administrative Code or law.

§1.3 Definitions

a. As used in these Bylaws, “chairperson” means the chairperson of the Committee.

b. As used in these Bylaws, “secretary” means the secretary of the Committee.

c. As used in these Bylaws, “Member Agency” means the County of Santa Clara or a city within the County.

d. As used in these Bylaws, “policy” issues include questions of policy as generally described in Public Utilities Code (PUC) §100071 and excludes administrative issues as generally described in PUC §100100.

Article II
DUTIES AND AUTHORITY

§2.1 Mission and Duties

The Committee shall advise the Board of Directors on: The PAC is an advisory committee to the Board of Directors. The mission and duties of the Committee shall be:
MISSION:

The Policy Advisory Committee (PAC) represents the prioritized transportation policy views of the Member Agencies, individually and collectively, to the VTA Board of Directors. The PAC proposes approaches to transportation issues identified by the Board, VTA staff, and the PAC itself.

DUTIES:

The Committee shall advise the Board of Directors on:

a. Policy issues referred to the Committee by either the Board or the General Manager.

b. The countywide transportation plan (Valley Transportation Plan), the Short-Range Transit Plan (SRTP), development of the annual or biennial budget, and tariff and service modifications.

The Committee may also advise the Board of Directors with respect to any policy matter the members determine to be relevant to their Member Agency or to VTA.

It shall be the members’ responsibility to keep their respective appointing agencies informed of key issues, facilitate communication between those agencies and VTA, and to help build the consensus necessary to make policy decisions.

§2.2 Limitations on Authority

The Committee shall serve in an advisory capacity to the Board of Directors. It shall have no independent duties and no authority to take actions that bind VTA or the Board of Directors. No expenditures or requisitions for services and supplies shall be made by the Committee and no individual member thereof shall be entitled to reimbursement for travel or other expenses except as authorized by the Board of Directors.

Article III
MEMBERSHIP

§3.1 Membership

The Committee shall be composed of 16 members and their alternates as follows: one member from each Member Agency governing board and an alternate for each member, who also shall be a Member Agency governing board member. Members and alternates shall be appointed by their respective governing boards. The alternate representing the County Board of Supervisors may be selected from a Member Agency city council. If a member or an alternate ceases to hold office on the governing board from which he or she was appointed, the appointing body shall appoint another member
or alternate for the remainder of the term. No member of the Board of Directors shall be appointed to serve on the Committee, although Board alternates may be appointed to the Committee. VTA employees are not eligible for membership.

§3.2 Members’ Terms

The term of membership of each Committee member and alternate shall be two years, commencing on January 1 and ending on December 31 of the following year. Members and alternates may be appointed to successive terms.

§3.3 Vacancies

A vacancy shall exist whenever a member or alternate ceases to hold elected office on the governing board from which he or she was appointed. Vacancies shall be filled for the remainder of the term by the body which made the original appointment.

Article IV
OFFICERS

§4.1 Chairperson and Vice Chairperson

The Committee shall elect from its membership a chairperson and a vice chairperson at its first meeting of the calendar year, to serve for one-year terms. In the event of a vacancy in the chairperson’s position, the vice chairperson shall succeed as chairperson for the balance of the chairperson’s term and the Committee shall elect a successor to fill the vacancy in the vice chairperson’s position as provided below. In the event of a vacancy in the vice chairperson’s position, the Committee shall elect a successor from its membership to fill the vice chairperson’s position for the remainder of the vice chairperson’s term.

The chairperson shall preside at all meetings of the Committee and represent the Committee before the Board of Directors. The PAC chairperson shall consult and collaborate with the chairperson of the Board of Directors on a regular basis to coordinate and align the PAC Work Plan with the objectives and needs of the Board and shall provide to the Board at each of its meetings a verbal report on the previous PAC meeting and any concerns of that committee. If the number of votes approving a recommendation was less than a quorum, the Chairperson shall bring this to the attention of the Board.

The chairperson, in consultation with the Committee staff liaison, may identify items of interest for future agendas that are relevant to the Committee’s duties and responsibilities.
The vice chairperson shall perform the duties of the chairperson when the chairperson is absent.

The Committee shall appoint a nominating committee to nominate Committee members for the positions of chairperson and vice chairperson. Members willing to serve in either of these positions may submit their names to the nominating committee for nomination. Members may also submit names of other members for nomination. The nominating committee shall verify that members whose names have been submitted are willing serve in those positions. The nominating committee shall submit to the Committee the names of those members whom it has nominated and recommends for election. Notwithstanding these procedures, any member may nominate a member from the floor.

§4.2 Secretary

The Secretary of the Board of Directors shall furnish clerical services to prepare and distribute the Committee’s agendas, notices, minutes, correspondence and other documents and shall assign an employee to attend each meeting of the Committee to serve in the capacity as the Committee’s secretary. The secretary shall maintain a record of all proceedings of the Committee as required by law and shall perform other duties as provided in these Bylaws.

Article V
MEETINGS

§5.1 Regular Meetings

Regular meetings of the Committee shall be held on the second Thursday of each month. The committee meeting shall commence at 4:00 p.m. at the VTA Administrative Offices, 3331 North First Street, San Jose, California. Whenever a regular meeting falls on a holiday observed by VTA, the meeting shall be held on another day or cancelled at the direction of the Committee. A rescheduled regular meeting shall be designated a regular meeting.

§5.2 Special Meetings

A special meeting may be called by the chairperson in accordance with the Ralph M. Brown Act. The meeting shall be called and noticed as provided in Section 5.3 below. (For a general description of the noticing procedures, see the Rules of Procedure of the Board of Directors.)
§5.3 Calling and Noticing of Meetings

All meetings shall be called, noticed and conducted in accordance with the applicable provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code). The General Manager and General Counsel shall be given notice of all meetings. The Committee shall meet at least once every three months, unless the Committee’s activities are suspended.

§5.4 Quorum; Vote; Committee of the Whole

The presence of a majority of appointed members or seven members, whichever is greater, shall constitute a quorum for the transaction of business. All acts of the Committee shall require the presence of a quorum and the affirmative vote of a majority of the quorum. If the number of votes approving a recommendation is less than a quorum, the minutes of the meeting shall contain a notation that the item was passed by less than a majority of the total appointed membership.

§5.5 Alternates

If a Committee member is absent from all or a portion of a meeting, the alternate shall be seated in that Committee member’s seat and vote in the place of the absent member. An alternate shall be counted as part of the Committee quorum only when seated in the place of an absent member. When not serving in place of the absent member, the alternate is a member of the public and accordingly shall sit with the audience and follow the procedures for the public to address the Committee, as provided under Sections 5.9 and 6.2

§5.6 Thirty Minute Rule

If a quorum has not been established within thirty minutes of the noticed starting time for the meeting, the secretary and clerical support staff may be excused from further attendance at the meeting.

§5.7 [Reserved]

§5.8 Matters Not Listed On the Agenda Requiring Committee Action

Except as provided below, a matter requiring Committee action shall be listed on the posted agenda before the Committee may act upon it. The Committee may take action on items not appearing on the posted agenda only upon a determination by a two-thirds vote of the Committee, or if less than two-thirds of the members are present, a unanimous vote of those members present, there is a need to take immediate action AND the need to take action came to the attention of the Committee subsequent to the agenda being posted.
§5.9 Time Limits for Speakers

Each member of the public appearing at a Committee meeting shall be limited to two minutes in his or her presentation, unless the chairperson, at his or her discretion, permits further remarks to be made. Any person addressing the Committee may submit written statements, petitions or other documents to complement his or her presentation.

§5.10 Impertinence; Disturbance of Meeting

Any person making personal, impertinent or indecorous remarks while addressing the Committee may be barred by the chairperson from further appearance before the Committee at that meeting, unless permission to continue is granted by an affirmative vote of the Committee. The chairperson may order any person removed from the Committee meeting who causes a disturbance or interferes with the conduct of the meeting, and the chairperson may direct the meeting room cleared when deemed necessary to maintain order.

§5.11 Access to Public Records Distributed at Meeting

Writings which are public records and which are distributed during a Committee meeting shall be made available for public inspection at the meeting if prepared by VTA or a member of the Committee, or after the meeting if prepared by some other person.

Article VI
AGENDAS AND MEETING NOTICES

§6.2 Agenda Format and Development

The agenda shall specify the starting time and location of the meeting and shall contain a brief general description of each item of business to be transacted or discussed at the meeting. The description shall be reasonably calculated to adequately inform the public of the subject matter of each agenda item. The agenda shall also display the Board-adopted mission statement for the Committee.

Items may be referred for inclusion on an agenda by: (1) the Board of Directors; (2) the General Manager; (3) the Committee Chairperson; and (4) the Committee, upon the affirmative vote of a majority of the total authorized membership. The order of business shall be established by the secretary with the approval of the chairperson.

§6.3 Public Presentations

Each agenda for a regular meeting shall provide an opportunity for members of the public to address the Committee on matters of interest to the public either before or during the Committee’s consideration of the item, if it is listed on the agenda, or, if it is
not listed on the agenda but is within the jurisdiction of the Committee, under the agenda item heading “Public Presentations.” The Committee shall not act upon an item that is not listed on the agenda except as provided for under Section 5.8. Each notice for a special meeting shall provide an opportunity for members of the public to directly address the Committee concerning any item that has been described in the notice for the meeting before or during consideration of that item.

§6.13 Agenda Preparation

The secretary shall prepare the agenda for each meeting in consultation with VTA staff and the chairperson.

Material intended for placement on the agenda shall be delivered to the secretary on or before 12:00 Noon on the date established as the agenda deadline for the forthcoming meeting.

§6.4 Agenda Posting and Delivery

The written agenda for each regular meeting and each meeting continued for more than five calendar days shall be posted by the secretary at least 72 hours before the meeting is scheduled to begin. The written agenda for every special meeting shall be posted by the secretary at least 24 hours before the special meeting is scheduled to begin. The agenda shall be posted in a location that is freely accessible to members of the public. The agenda together with supporting documents shall be delivered to each Committee member, the General Manager and General Counsel at least five days before each regular meeting and at least 24 hours before each special meeting.

§6.5 Meeting Notices

The secretary shall mail notice of every regular meeting, and every special meeting which is called at least one week prior to the date set for the meeting, to each person who has filed with VTA a written request for notice as provided in Section 54954.1 of the Government Code. The notice shall be mailed at least 72 hours one week prior to the date set for the meeting, in accordance with the Ralph M. Brown Act. In Lieu of mailing, notices may be emailed to any person who requests so in writing. Notice of special meetings called less than seven days prior to the date set for the meeting shall be given as the secretary deems practical.
Article VII
MISCELLANEOUS

§7.1 Adoption and Amendment of Bylaws

These Bylaws shall be adopted and amended by the Committee by the affirmative vote of a majority if its membership and with the approval of the Board of Directors.

§7.2 Robert’s Rules

All rules of order not herein provided for shall be determined in accordance with Robert’s Rules of Order, latest edition.

Adopted by Board of Directors: May 2, 1996
Amended by Board of Directors: December 12, 2002
Amended by Board of Directors: June 5, 2003
Amended by Board of Directors: March 30, 2005
Amended by Board of Directors: November 1, 2007
Amended by Board of Directors: October 2, 2008
Amended by Board of Directors: June 3, 2010

Amended by Board of Directors:
RESOLUTION AMENDING THE BYLAWS FOR THE BICYCLE & PEDESTRIAN ADVISORY COMMITTEE (BPAC) AND THE POLICY ADVISORY COMMITTEE (PAC) TO INCORPORATE ADDITIONAL RECOMMENDATIONS FROM THE ADVISORY COMMITTEE ENHANCEMENT PROCESS, AND TO IMPLEMENT MINOR TECHNICAL ADJUSTMENTS THERETO

WHEREAS, the Advisory Committee Enhancement (ACE) Process engaged advisory committee members in the development of recommendations for improving the existing advisory committee process, in order to maximize the committees’ efficiency and usefulness to the VTA Board and administration;

WHEREAS, some of the recommended modifications were administrative and could be implemented immediately, whereas others required modification to the respective committee’s bylaws;

WHEREAS, many of the required advisory committee bylaw modifications were approved by the Board of Directors on June 3, 2010, consisting of those most urgent or requiring minimal development;

WHEREAS, the remaining bylaw modifications required additional time for development, review and consideration by the respective advisory committees;

WHEREAS, it is beneficial to more clearly define the roles and responsibilities of members of the BPAC and the PAC, including establishing a mission statement for each committee;

WHEREAS, it is advantageous to implement measures that increase advisory committee effectiveness or reduce costs;

WHEREAS, it is in the VTA’s best interest to implement other minor technical adjustments to advisory committee bylaws to aid presentation and increase understanding;

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of the Santa Clara Valley Transportation Authority does hereby amend:

• Section 2.1 – Duties of both the Bicycle & Pedestrian Advisory Committee and Policy Advisory Committee bylaws to establish the respective mission statement for each committee, as set forth in Attachments A and B hereto.

• Section 3.1– Membership of the Bicycle & Pedestrian Advisory Committee bylaws to clarify the duties of each member, including the expectation that members will keep the appropriate staff of their city and/or their local BPAC informed and facilitate communication between those parties and VTA, as set forth in Attachment A hereto.

• Section 5.1-- Regular Meetings of the Bicycle & Pedestrian Advisory Committee bylaws to change the meeting time and location, as set forth in Attachment A hereto.

• §5.1A -- Workshop Meetings of the Bicycle & Pedestrian Advisory Committee bylaws to define and provide the parameters and requirements for a workshop meeting, which is a cost-saving measure, as set forth in Attachment A hereto.
• §5.3-- Calling and Noticing of Meetings of the Bicycle & Pedestrian Advisory Committee bylaws to modify the meeting schedule, in order to save costs, to a maximum combination of 10 regular and workshop meetings per year, as set forth in Attachment A hereto.

• Sections 6.1 -- Agenda Format, 6.2 – Public Presentations, and 6.3 – Agenda Preparation of both the Bicycle & Pedestrian Advisory Committee and Policy Advisory Committee bylaws to affect a more logical, intuitive presentation and to provide that the respective committee’s mission statement will be included on its agenda, as set forth in Attachments A and B hereto.

• Section 6.5 – Meeting Notices of both the Bicycle & Pedestrian Advisory Committee and Policy Advisory Committee bylaws to, as both an efficiency and cost-savings measure, provide for meeting notices to be emailed to those who requesting it, as set forth in Attachments A and B hereto.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Transportation Authority on April 3, 2012 by the following vote:

AYES:

NOES:

ABSENT:

______________________________
Ken Yeager, 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 the Board of Directors of the Santa Clara Valley Transportation Authority, California, at a meeting of said Board of Directors on the date indicated, as set forth above.

Date: ________________

______________________________
Sandra Weymouth, Secretary
Board of Directors

APPROVED AS TO FORM:

______________________________
Robert Fabela
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: 2012 TFCA Program Manager Fund

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

ACTION ITEM

RECOMMENDATION:

Approve the programming of FY 2012/13 Transportation Fund for Clean Air Program Manager (TFCA 40%) funds to projects.

BACKGROUND:

The Transportation Fund for Clean Air (TFCA) is generated by a $4.00 surcharge on vehicle registrations. The Bay Area Air Quality Management District (BAAQMD) administers TFCA funds in the nine-county Bay Area. Money is available for allocation to alternative fuels, arterial management, bicycle, and trip-reduction projects that reduce vehicle emissions. State law is very specific as to how the funds may be spent.

BAAQMD returns 40% of TFCA funds to the county in which they are collected for allocation by a "program manager." This fund is called the TFCA Program Manager Fund (TFCA 40%). VTA is the program manager for Santa Clara County and project sponsors apply directly to VTA for funding. The VTA Board of Directors allocates these funds to projects in Santa Clara County, subject to approval by BAAQMD. To be approved by BAAQMD, all TFCA projects must conform to BAAQMD's board-adopted policies, cost-effectiveness requirements, and the County Program Manager Fund Expenditure Plan Guidance-Fiscal Year Ending 2013.

At its December 9, 2004 meeting, the VTA Board of Directors set aside up to 25% of the annual TFCA 40% allocation to bicycle projects in the Countywide Bicycle Expenditure Plan (BEP) for FY2010/11-FY2029/30. Eligible BEP projects are funded "off the top" subject to VTA Board-adopted screening criteria and BAAQMD policies cited above. Since TFCA 40% funds cannot
be "banked" from year to year, if less than the set-aside amount can be programmed to qualified BEP projects, the remainder is programmed via the competitive process.

Competitive projects are evaluated by a scoring subcommittee of the Technical Advisory Committee's Capital Improvement Program Working Group. Each year, this group meets, reviews project applications and ranks the projects subject to the BAAQMD policies and the VTA Board of Directors' TFCA 40% Screening/Scoring Criteria, as adopted on December 8, 2011.

**DISCUSSION:**

There is a total of $2,214,487 available for TFCA 40% projects this year. VTA received 7 applications from project sponsors requesting a total of $2,914,600. Of these applications, 1 was for a BEP project and 6 were for competitive projects as discussed below:

**BEP Projects:**

This year, project sponsors submitted one BEP project, Sunnyvale’s Mathilda Avenue Bike Lanes. The request for this project is $80,000 and staff recommends funding it as requested.

**Competitive Projects:**

The total grant request for the 6 competitive project applications was $2,834,600, significantly greater than the $2,134,487 remaining available funds. One application, San Jose’s St. John Street Sidewalk Improvement project, was disqualified because it did not meet BAAQMD’s policy requiring environmental clearance for “smart growth” projects. San Jose was encouraged to apply for the upcoming OneBayArea grant cycle, for which this project could be a better match.

On February 15, 2012, a scoring subcommittee of the Technical Advisory Committee's Capital Improvement Program Working Group met to evaluate the remaining five competitive applications. The committee evaluated and ranked these projects. Attachment A presents staff's entire recommended FY 2012/13 TFCA 40% program, including both BEP and competitive projects and Attachment B provides a brief description of each recommended project.

Because the BAAQMD expects Program Managers to “Allocate (program) all new TFCA funds within six months of the date of the Air District’s approval of the Expenditure Plan,” in some cases the recommended grant amounts in Attachment A have been adjusted slightly upward to comply with this policy.

**ALTERNATIVES:**

The VTA Board may request other programming alternatives. However, all projects submitted for consideration in the TFCA program must adhere to state law and the BAAQMD policies.
cited above.

**FISCAL IMPACT:**

As the program manager for Santa Clara County, VTA distributes the TFCA 40% grant funds directly to the project sponsors, retaining 5% to cover administrative expenses. The projected expense and revenue reimbursement is included in the FY2012/13 Adopted Congestion Management Program Fund Operating Budget. The grant revenue for the Light Rail Shuttles project, for which VTA is the project sponsor, is reflected in the FY2012/13 Adopted VTA Transit Fund Operating Budget.

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

The Bicycle & Pedestrian Advisory Committee received this item at its March 7, 2012 meeting. The Technical Advisory Committee and Policy Advisory Committee received this item at their March 8, 2012 meetings. After brief discussion, the committees voted to forward the staff recommendation to the VTA Board.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Congestion Management Program & Planning Committee reviewed this item at its March 15, 2012 meeting. The committee requested additional information on Santa Clara’s Lafayette Street Signal timing project and Santa Clara County’s TFCA 60% Regional Fund projects. After a brief discussion, the committee voted to forward the staff recommendation to the VTA Board.

Prepared by: Bill Hough
Memo No. 3506
## Attachment A
Santa Clara County FY 2012/13 TFCA 40% Program

<table>
<thead>
<tr>
<th>Rank</th>
<th>Sponsor</th>
<th>Project Name</th>
<th>Total Cost</th>
<th>Grant Request</th>
<th>Grant Recommended *</th>
<th>Match</th>
<th>Match %</th>
<th>TFCA Cost/Ton</th>
<th>Total Score</th>
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<tbody>
<tr>
<td>1</td>
<td>San Jose</td>
<td>Public Bike Racks</td>
<td>$48,000</td>
<td>$33,600</td>
<td>$48,000</td>
<td>$0</td>
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<td>$21,172</td>
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<td>2</td>
<td>VTA</td>
<td>Light Rail Shuttles</td>
<td>$1,606,065</td>
<td>$665,000</td>
<td>$665,000</td>
<td>$941,065</td>
<td>59%</td>
<td>$89,598</td>
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<tr>
<td>3tie</td>
<td>Santa Clara</td>
<td>Lafayette Street Signal Timing</td>
<td>$1,913,500</td>
<td>$1,320,000</td>
<td>$1,344,237</td>
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<td>3tie</td>
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<td>San Tomas Weekend Signal Timing</td>
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<td>4</td>
<td>Sunnyvale</td>
<td>Wildwood Avenue Bike Lanes</td>
<td>$30,000</td>
<td>$24,000</td>
<td>$24,000</td>
<td>$6,000</td>
<td>20%</td>
<td>$44,560</td>
<td>57</td>
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Subtotal Competitive: $3,657,565 $2,084,600 $2,134,487 $1,523,078

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<tr>
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<tbody>
<tr>
<td></td>
<td>Sunnyvale Mathilda Avenue Bike Lanes</td>
<td>$100,000</td>
<td>$80,000</td>
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<td>$20,000</td>
<td>20%</td>
<td>$67,335</td>
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</tbody>
</table>

Subtotal BEP: $100,000 $80,000 $80,000 $20,000

Total $3,757,565 $2,164,600 $2,214,487 $1,543,078

*NOTE: “Grant Recommended” amounts differ from “Grant Request” amounts in order to fully utilize this year’s entire estimated total TFCA funds available for projects and are subject to adjustment and BAAQMD review.
**San Jose Public Bike Racks**
City will purchase and install approximately 200 bike racks at various locations throughout the City of San Jose.

**VTA-Light Rail Shuttles**
VTA will use TFCA funds to help support operations of Downtown Area Shuttle (DASH) and the IBM/Hitachi shuttles in San Jose.

**Lafayette Street Signal Timing**
Santa Clara will install communications infrastructure for traffic signals, allowing for interconnection, coordination, management, proactive and reactive adjustment of traffic signal timing. Project limits will be Lafayette Street from Yerba Buena Way to Reed Street.

**San Tomas Weekend Signal Timing**
Santa Clara County will develop and implement weekend traffic responsive (TR) signal timing system on San Tomas Expressway. A total of 19 signalized intersections will be included, for a total of 8.2 miles.

**Wildwood Avenue Bike Lanes**
Sunnyvale will install bike lanes on Wildwood Avenue from Lawrence Expressway to Santa Clara City limits.

**Mathilda Avenue Bike Lanes**
Sunnyvale will install bike lanes on Mathilda Avenue from California Avenue to Maude Avenue.
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Amendment #6: River Oaks Industrial Park CCR’s

Action Item

Recommendation:
Authorize the General Manager to execute an Amendment to the "River Oaks Industrial Park" CCR Agreement. The current CCR Agreement provides a Northern Property and a Southern Property for approvals and enforcement; this Amendment terminates the Northern Property in its entirety.

Background:
VTA is the property owner of 3331 N. First Street, and is a member of a Covenants, Conditions and Restrictions (CCR) Agreement that includes the adjoining properties bounded by North First Street, Guadalupe River, Montague Expressway and Rio Robles in San Jose (as depicted in Exhibit A). The original CCR Agreement was created in order to manage the development standards for the area, referred to as “River Oaks Industrial Park”. Recorded in 1979 between the various property owners, the Agreement has since undergone multiple changes in ownership and amendments. A chronological account of the CCR Agreement to date is described in Exhibit B.

In 1983 a significant amendment occurred, referred to as the 4th Amendment, which split the Declarant enforcement powers of the Northern Property owned by ROHM at that time (now WTI and the City of San Jose) and the Southern Property owned by Spectra-Physics (now VTA, Fortunefirst, Hyundai and Hynix).

Recently, WTI has proposed a 6th Amendment that will completely terminate the Northern Property from the original CCR Agreement. WTI intends to record a new CCR specific to their property for the City-approved planned mixed-use development and seeks VTA’s approval of the 6th Amendment.
DISCUSSION:

The original CCR Agreement was recorded in 1979 in order to provide a uniform approval process with regard to any future development. The CCR Agreement requires that all improvements or changes to the property must first receive approval from the Owners. Approval is based on a discretionary evaluation of the structural design, site dimensions, location of proposed development and other similar criteria to meet the intent of the CCR Agreement.

The CCR Agreement also provides development standards, setback requirements, landscape requirements, sign uniformity and parking requirements. The benefit of entering into the CCR Agreement is that all parties work in good faith to maintain the integrity of the Agreement. If any Owner fails to comply with any part of the CCR Agreement, they are notified per the terms of the Agreement. Repairs can be made by any other Owner following the period of time to cure and charged to the original owner in addition to a service fee.

Since 1979, the CCR Agreement has had five amendments to modify the agreement to reflect changes in ownership and modifications to the development standards. As noted above, a significant amendment occurred in 1983, the 4th Amendment, which divided the CCR Agreement into a Northern Property and Southern Property. From that point forward, the Northern and Southern Properties no longer required approval from each other nor could they enforce the terms of the CCR Agreement onto the other property.

WTI approached VTA in the Fall of 2011 to present their future mixed-use development plans and to propose a 6th Amendment to the CCR Agreement to terminate the Northern Property (their property) from the original CCR Agreement. The original agreement has undergone so many modifications over the last 30 years that it is now burdensome to development and convolutes the development process. WTI is requesting to terminate the Northern Property from the CCR Agreement to remedy this problem and intends on recording a new CCR Agreement specific to their proposed development. They are requesting approval from all Owners from the CCR Agreement as amended. The Agreement requires written consent from the Owners of 80% of the subject property, based on the number of square feet compared to the total square footage of the CCR Agreement property. VTA makes up approximately 22% of the total square footage.

VTA Real Estate has concluded that signing the 6th Amendment will not have an adverse effect on the VTA’s interest. Under the 4th Amendment, the Northern and Southern property owners have already established separate enforcement powers from the original CCR agreement. Since WTI’s new planned project requires an entirely new set of CCR’s, the 6th Amendment is necessary to eliminate any encumbrances that were put in place by the original CCR more than 30 years ago. In addition, this is a condition for the development to move forward and VTA is working in good-faith to assist their effort.

ALTERNATIVES:

The alternative would be to not approve the 6th Amendment. Depending on whether or not WTI receives approval from the other Owners, the 6th Amendment may still be approved. If WTI does not successfully achieve 80% approval from the Owners, the CCR Agreement will remain intact as amended.
**FISCAL IMPACT:**

There is no financial impact from executing the 6th Amendment since the 4th Amendment separated the Northern Property from the Southern Property in 1983.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration & Finance Committee unanimously approved the item and recommended it be placed on the consent agenda at the Board of Directors meeting. There was no further discussion on the item.

Prepared by: Jennifer Rocci
Memo No. 3529
Exhibit A: River Oaks Industrial Park CCR’s

Property formerly a part of CCR’s (removed in Amend. #1)

Northern Property

VTA Property

Southern Property
Exhibit B
River Oaks Industrial Park Chronological History

On October 10, 1979, a **CCR agreement** was recorded on all the parcels of land west of North First to the Guadalupe River and north of Montague Expressway to south of Rio Robles.

On January 30th, 1980, the **1st Amendment** removed the current parcel (now owned by City of San Jose) west of the current WYSE property from the CCR agreement.

On March 5th, 1980, a **Northern Boundary Easement and Maintenance Agreement** was recorded between ROHM and River Oaks Associates that give reciprocal ingress and egress easement rights across River Oaks Parkway which is split down the middle and owned equally by both parties. In addition, the maintenance agreement called for joint maintenance of the street split evenly by both parties.

On October 16th, 1980, the **2nd Amendment** revised the setback requirements for all property owners.

On May 4th, 1981, the **3rd Amendment** made small fee revisions to new development within the CCR.

On July 28th, 1983, the **4th Amendment** split the Declarant enforcement powers of the Northern Property owned by ROHM at the time (now WYSE and City of San Jose) and the Southern Property owned by Spectra-Physics at the time (now VTA, FortuneFirst, Hyundai and Hynix).

On April 1st, 1991, Spectra Physics assigns its Declarant rights of the Southern Property to VTA under the **Assignment of Interest** clause in CCR.

On December 23rd, 1993, VTA and Ciba-Geigy Corporation split their Declarant rights applicable to the Southern Property under the **Release, Termination and Assignment of Rights** in CCR.

On January 5th, 1995, Ciba-Geigy waives its Declarant rights with respect to the Hyundai property, including approval rights and the rights to impose any restrictions.

On July 21st, 2006, the **5th Amendment** signed by all CCR property owners allows for residential and retail use within all the CCR area.

WTI (formerly WYSE) has proposed a **6th Amendment** that will completely terminate the Northern Property from the original CCR agreement. WTI intends to record a new CCR for the planned mixed-use development and seeks VTA’s approval of the 6th Amendment. WTI also will be seeking the signatures of all the other property owners in the original CCR.
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

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

SUBJECT: Cooperative Agreement for Dumbarton Express Bus Service

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to enter into a new Cooperative Agreement with the Alameda-Contra Costa Transit District, San Francisco Bay Area Rapid Transit District, City of Union City, and the San Mateo County Transit District to provide the Dumbarton Express (DBX) Service and amend as necessary to address receipt of Regional Measure 2 funds for DBX service expansion.

BACKGROUND:

The Dumbarton Express (DBX) service is a regional commuter bus service established in 1990 through a Cooperative Agreement between VTA, the Alameda-Contra Costa Transit District (AC Transit), San Mateo County Transit District (SamTrans), the San Francisco Bay Area Rapid Transit District (BART), and the City of Union City, collectively known as the Consortium. The DBX operates two lines from the Union City BART Station, across the Dumbarton Bridge, and into Palo Alto. This all-day service connects East Bay commuters with the Palo Alto Caltrain Station and serves many major employment, health and educational centers on the peninsula, such as Facebook, Hewlett-Packard, Varian, Stanford University, the Stanford Research Park, Palo Alto Veterans Hospital, and the VA Medical Center in Menlo Park.

The DBX operated as a contracted service for over 15 years, through March 2005, with AC Transit as the contract administrator. AC Transit was then authorized by the Consortium Agencies’ General Managers to operate and maintain the DB Express service under a contract that expired on December 16, 2011. In an effort to significantly reduce operating costs, the Consortium directed that DBX operations and maintenance be outsourced after the expiration of
AC Transit’s contract. A contract was awarded to MV Transportation to commence operations and maintenance of the DBX on December 19, 2011 for a five-year term through 2016, with a five-year option through 2021.

The DBX service currently provides 48 weekday trips utilizing nine 40-foot coaches with WiFi and Clipper capabilities. Service operates weekdays from approximately 5:30 a.m. to 8:00 p.m., with service frequencies of 15 to 30 minutes during peak periods and 60 to 90 minutes during off-peak periods. Real-time bus information will be activated on this service in the near future. Ridership for Fiscal Year 2012, as of December 2011, has averaged 1,072 passengers per day, a 5.7% increase over the previous year.

Each participating transit system/consortium member provides an operating subsidy to fund the difference between operating expenses and actual farebox receipts, based on the origin of transit riders for all hours of the service. The following percentages currently apply: AC Transit 18.79%, BART 23.08%, SamTrans 12.72%, VTA 41.12% and Union City 4.29%. In the first full year of contracting the service through MV Transportation and having AC Transit as the administrator, the total operating expenses for the service is projected to be $1.37 million, of which VTA’s share is $357,000.

**DISCUSSION:**

**Cooperative Agreement**

AC Transit was appointed by the Consortium to administer the DBX contracted service through 2016. To successfully complete its duties as Administrator of the DB Express, AC Transit has assumed management of the contract with MV Transportation. Under the proposed Cooperative Agreement, the Consortium would reimburse AC Transit’s annual administrative cost according to rates specified in the agreement. Some of AC Transit’s administrative duties for the DB Express service specified in the new cooperative agreement include: meeting coordination, posting schedules on 511.org, vendor management and invoices, reporting service statistics, recapitulation of revenues, budget estimates, minor service and schedule changes, timetable printing, record keeping, and customer service. One change related to Administrative Duties under this proposed agreement is that some functions are specified as “not included” in the annual reimbursement rate. These functions could be requested by the Consortium, but AC Transit would be reimbursed on a full-cost recovery basis. Some of the administrative duties not covered by the annual fee include extensive planning and scheduling of service changes, marketing, outreach, and surveys that the Consortium may decide to pursue.

The term of the Cooperative Agreement is from December 19, 2011 through December 31, 2016. The first year reimbursement to AC Transit is $87,500 with annual CPI increases, and each Consortium party is responsible for its share based on the percentages discussed earlier. VTA’s share is therefore $35,980 for the first year, which is included in our total subsidy of $357,000.

**Regional Measure 2 (RM2) Funding**

Concurrent with this change in service operator and updated Cooperative Agreement, efforts have been underway to expand the Dumbarton Express bus service with additional resources through use of Regional Measure 2 (RM2) funding. Given that the Dumbarton Rail project is experiencing financing obstacles making the project completion unrealistic at this time, enhanced
express bus operations in the corridor have been proposed using the RM2 funding previously allocated to the rail project. This proposal was supported by the Dumbarton Rail Corridor Policy Advisory Committee. On January 25, 2012, the Metropolitan Transportation Commission adopted a resolution amending the RM2 funding program to allow these funds (up to $5.5 million annually) to be used to support the existing and expanded bus service along with ancillary operating expenses such as AC Transit’s administration, real-time transit information and Wi-Fi service. The funding will be effective upon commencement of the expanded service. Based on this availability of RM2 funding, the Cooperative Agreement would be amended effective May 29, 2012 (the start of use of the RM2 funds) to remove the need for each of the participating transit agencies to provide a subsidy for the DBX. This would save VTA about $357,000 annually.

Service Expansion
A DBX service expansion is planned effective May 29, 2012 using the Regional Measure Two (RM2) funds to underwrite the costs associated with administering, operating and maintaining the full DBX service. In accordance with the Dumbarton Bridge Express Service Cooperative Agreement, all service changes are to be implemented consistent with AC Transit’s current policies and practices.

Currently, there are 53.48 revenue hours of daily service and the service expansion plan would increase that to 97.62 per day, representing an 83% increase in hours. A public hearing is required. Proposed changes to the DBX service are detailed below:

**Line DB**
- Line DB routing will be restructured. Attachment A shows the proposed new routing, operating between Union City BART and Palo Alto Caltrain via Willow Rd, Middlefield Rd and Lytton Rd (as today). All segments of the existing route south of Palo Alto Caltrain will be discontinued. The route will then be extended from the Palo Alto Caltrain to the Stanford Oval inside Stanford University.
- Service will continue to operate at 30-minute frequency in the peak periods.

The proposed modified DB route will seek to capture the additional ridership demand from the East Bay to Stanford University, specifically from Union City BART and Ardenwood Park and Ride. Given that AC Transit Line U also operates through Ardenwood and faces much of its capacity problems there, this additional service also provides relief to the Line U, while providing passengers a direct connection to the Peninsula from more northern areas of the East Bay.

The segment between Palo Alto Caltrain and Page Mill Road that is being proposed for elimination affects 65 trips. These trips account for 10% of the ridership on the current DB route. This segment is also served by VTA Line 22 at a 10-minute frequency. Passengers will be able to transfer to/from the DB at Palo Alto Caltrain and to/from the DB1 at Page Mill Road using VTA Line 22.

Service south of Page Mill Rd will be covered by the proposed DB1 service as outlined below:
**Line DB1**

- The routing will remain constant, operating via the Oregon Expressway onto Page Mill Road.
- Service frequency will be increased from 2 buses per hour to 3 buses per hour, providing 20-minute headways in the peak periods only.
- The Line will now operate in-service in both directions.

The increase in frequency accounts for the discontinuation of Line DB service to areas south of Page Mill Road. Currently, passengers have the option to take either an express (DB1) or a local (DB) to reach this area of the Peninsula. Both routes operate at 30-minute frequencies from Union City BART and the schedules are staggered so a bus leaves approximately every 15 minutes.

The proposed DB1 service will provide an increase of express trips between the East Bay and areas south of Page Mill Road from 12 to 26 trips in the commute direction. The proposal also provides passengers with more express trips that enter the VA Hospital in Palo Alto. The DB1 has always provided more of a focus on express Transbay riders, with the local ridership comprising just 3% across both commutes. In comparison, the local ridership on the DB totals 18% eastbound and 12% westbound.

The proposed schedule takes into consideration specific connections to and from BART, minimizing wait time between DBX and BART. Westbound morning commute service is tied to arriving BART trains; eastbound service in the afternoon is tied to departing BART trains. Staff shift schedules at the VA Hospital are also taken into account in the proposed schedule.

Ridership on the DB and DB1 totals 682 and 404 daily boardings, respectively. Frequency is being increased to existing locations, and additional generators are being added to the service. These changes should result in an increase in ridership and increased satisfaction for the majority of existing passengers.

The implementation schedule associated with the consideration of the service changes for the Dumbarton Express service is shown below.

<table>
<thead>
<tr>
<th>Task</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Set Public Hearing</td>
<td>March 14, 2012</td>
</tr>
<tr>
<td>Public Comment Period</td>
<td>March 14, 2012 through April 11, 2012</td>
</tr>
<tr>
<td>Public Hearing</td>
<td>April 11, 2012</td>
</tr>
<tr>
<td>ACT Board Consideration</td>
<td>April 25, 2012</td>
</tr>
<tr>
<td>Implementation</td>
<td>May 29, 2012</td>
</tr>
</tbody>
</table>

AC Transit would amend the contract with MV Transportation for the new hours, service changes, costs, and leased expansion vehicles.

**ALTERNATIVES:**

Given its history of administering the service for the last 22 years, staff recommends that AC Transit continues the administration function as described under the terms of the new agreement. The Board could decide that another administrative party or approach is more appropriate, but
this would require negotiation and agreement amongst the five Consortium members.

**FISCAL IMPACT:**

Appropriation for VTA’s portion of the Dumbarton Express service expenses through June 30, 2013 is included in the FY12 and FY13 Adopted VTA Transit Fund Operating Budgets. The proposed actions relative to the RM2 funding will eliminate the need for VTA to subsidize the DBX service after May 29, 2012, saving VTA $357,000 annually.

**STANDING COMMITTEE RECOMMENDATION:**

The Transit Planning & Operations Committee unanimously approved this item at its March 15, 2012 meeting. Director Liccardo expressed concern over the long-term viability of using RM2 funds for the Dumbarton Express bus service, as other projects such as High-Speed Rail might pursue use of these funds. He also asked why AC Transit was the administrator for the service and staff responded that it was mainly because most of the passengers originate from and/or reside in AC Transit’s service area.

Prepared by: Jim Unites, Deputy Director, Service and Operations Planning
Memo No. 3526
Map of the Dumbarton Express Reconfiguration Routing, Including Line U
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: Addendum to the 2011 2nd Supplemental Environmental Impact Report for the BART Silicon Valley Berryessa Extension Project

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

ACTION ITEM

RECOMMENDATION:

Consider the Addendum to the 2nd Supplemental EIR and approve Option 1 as the design change to the BART Silicon Valley Project ("Project"), as discussed in the Addendum.

BACKGROUND:

In December 2004, the VTA Board of Directors certified the Silicon Valley Rapid Transit Corridor BART Extension to Milpitas, San Jose, and Santa Clara Final Environmental Impact Report (FEIR) for the BART Silicon Valley Project. The analysis in the FEIR was based on early (10 percent) design plans prepared during the conceptual engineering design phase of the Project.

In June 2007, after 35 percent design plans were prepared during the preliminary engineering design phase of the Project, the VTA Board of Directors certified the Supplemental Environmental Impact Report (SEIR-1).

In March 2009, VTA and the U.S. Department of Transportation Federal Transit Administration (FTA) released the Draft Environmental Impact Statement (EIS) for the Project under NEPA. The EIS was based on the Project analyzed in the FEIR and the SEIR-1, but also evaluated further design changes based on the 65 percent design plans then available. The FTA issued a Final EIS and a Record of Decision approving the Project on March 24, 2010.

On March 3, 2011, VTA certified 2nd Supplemental Environmental Impact Report (SEIR-2). The
SEIR-2 updated the information presented in the FEIR and the SEIR-1, and considered 25 design changes that were identified when the design plans progressed from the 35 percent level to the 65 percent level.

DISCUSSION:

The utilities design of the Project has progressed since the SEIR-2 was approved in March 2011. The design modifications to the Project include new utility easements identified after the certification of the SEIR-2 in March 2011. These utilities include sanitary sewer, storm water drainage, potable water, power, and telecommunications services for the Systems Railroad (SRR) and Systems Railroad Court (SRC) systems facilities located near Railroad Court in Milpitas. These utility services are required per the BART Facility Standards to accommodate the ancillary facilities and battery rooms with potable water (e.g., to support eyewash and lavatory fixtures), sanitary sewer, electricity, and telecommunications. The utilities would be placed underground and connect to existing utility mains. The nearest connection point for these services is Railroad Court, approximately 700 feet to the south of the SRR and SRC sites. After construction, the sites will be restored to their original condition.

Several options were evaluated in the Addendum (see Attachment 1). Staff recommends the selection of Option 1 as the preferred option for the routing of the new utility easements for the reasons set forth in the Addendum.

Regardless of the option selected, the Addendum concludes that no significant impact would result from the proposed design modifications to route utility services to the SRR and SRC Systems Facilities located near Railroad Court. All mitigation measures described in the SEIR-2 are still applicable.

ALTERNATIVES:

The Board could decide to approve one of the other Design Change Options, or not to approve any of the Design Change Options. These actions could impact the schedule, and most likely will increase Project cost.

FISCAL IMPACT:

There are no additional fiscal impacts to the project budget associated with the design change under consideration.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Transportation Planning and Operations Committee considered this item on March 15, 2012. A Walton property representative affected by the action spoke with concerns about truck-turning, weight of trucks over temporary trench plates, and loss of tenants. The Committee unanimously recommended that the Board approve the staff recommendation.

Prepared by: Carolyn Gonot Memo No. 3530
Table of Contents

SECTION 1.0  INTRODUCTION ................................................................................................. 1
  1.1 PURPOSE OF THE ADDENDUM ...................................................................................... 1
  1.2 OVERVIEW OF THE BART SILICON VALLEY PROJECT .................................................... 1
  1.3 PREVIOUS ENVIRONMENTAL STUDIES ......................................................................... 3
    1.3.1 Prior Environmental Review For Project Activities Relating to Horner and Walton
          Properties ......................................................................................................................... 3
  1.4 SCOPE OF THIS ADDENDUM ........................................................................................... 5

SECTION 2.0  PROPOSED MODIFICATIONS TO THE PROJECT ........................................... 5
  2.1 MODIFICATION TO SYSTEM FACILITIES AND NEW UTILITY EASEMENTS ANALYZED
       IN THIS ADDENDUM ........................................................................................................... 5
  2.2 DESCRIPTION OF DESIGN CHANGE OPTIONS .................................................................. 6
    2.2.1 Utility Configuration - Option 1................................................................................... 7
    2.2.2 Utility Configuration - Option 2................................................................................... 7
    2.2.3 Utility Configuration - Option 3................................................................................... 7
    2.2.4 Utility Configuration - Option 4................................................................................... 7
    2.2.5 VTA's Coordination with Property Owners ...................................................................... 8

SECTION 3.0  ENVIRONMENTAL EVALUATION ....................................................................... 8
  3.1 EXISTING CONDITIONS ...................................................................................................... 8
    3.1.1 The Walton Property, 386 Railroad Court, APN 028-23-012 ........................................... 9
    3.1.2 The Horner Property, 420 Railroad Court, APN 022-31-030 .......................................... 10
    3.1.3 UPRR, APN 028-23-011 ............................................................................................... 10
    3.1.4 Beresford Master et al., 028-27-000 .............................................................................. 10
  3.2 IMPACTS DISCUSSION ....................................................................................................... 11
    3.2.1 Utility Configuration ...................................................................................................... 12
  3.3 CONCLUSION ..................................................................................................................... 20

SECTION 4.0  ENVIRONMENTAL DETERMINATION ............................................................. 21
SECTION 1.0 INTRODUCTION

1.1 Purpose of the Addendum

The California Environmental Quality Act (CEQA) recognizes that between the date a project is approved and the date a project is constructed, one or more of the following changes may occur: 1) the scope of the project may change, 2) the environmental setting in which the project is located may change, 3) certain environmental laws, regulations, or policies may change, and 4) previously unknown information may be identified. CEQA requires that lead agencies evaluate these changes to determine whether or not they are significant.

The mechanism for assessing the significance of these changes is found in CEQA Guidelines Sections 15162 – 15164. Under these Guidelines, a lead agency should prepare a subsequent or supplemental CEQA document if the triggering criteria set forth in CEQA Guidelines Section 15162 and 15163 are met. These criteria include a determination whether any changes to the project, or the circumstances under which the project will be undertaken, involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In addition, a subsequent or supplemental CEQA document may be prepared if “new information” meeting certain standards under Guidelines Section 15162 is presented. If the changes do not meet these criteria, or if no “new information of substantial importance” is presented, then an Addendum per CEQA Guidelines Section 15164 is prepared to document any minor corrections to the Environmental Impact Report (EIR) or Initial Study/Mitigated Negative Declaration (MND). CEQA does not require that an Addendum be circulated for public review.

1.2 Overview of the BART Silicon Valley Project

The BART Silicon Valley Project would begin at the BART Warm Springs Station in the City of Fremont and proceed on the former Union Pacific railroad right-of-way through the City of Milpitas to near Las Plumas Avenue in the City of San Jose. The Project would then descend into a subway tunnel, continue through downtown San Jose, and terminate at grade in the City of Santa Clara near the Caltrain Station. The total length of the alignment would be 16.1 miles.

This Addendum addresses changes since the VTA Board of Director’s certification of the 2nd Supplemental EIR in March 2011 for Phase I only. Phase I consists of the first 9.9 miles of BART Silicon Valley, beginning at the current planned terminus at the BART Warm Springs Station in Fremont, through Milpitas, to near Las Plumas Avenue in San Jose, and includes 2 stations: Milpitas Station in the City of Milpitas and Berryessa Station in the City of San Jose. See Figure 1. BART Silicon Valley – Phase I - Berryessa Extension (note that all exhibits are provided at the end).
1.3 Previous Environmental Studies


*Silicon Valley Rapid Transit Corridor – BART Extension to Milpitas, San Jose, and Santa Clara, Final Environmental Impact Report, November 2004*

*Silicon Valley Rapid Transit Corridor – BART Extension to Milpitas, San Jose, and Santa Clara, Draft Supplemental Environmental Impact Report, January 2007*

*Silicon Valley Rapid Transit Corridor – BART Extension to Milpitas, San Jose, and Santa Clara, Final Supplemental Environmental Impact Report, May 2007*

*Silicon Valley Rapid Transit Corridor – BART Extension to Milpitas, San Jose, and Santa Clara, Addendum to the Supplemental Environmental Impact Report, September 2010*

*BART Silicon Valley, Phase I – Berryessa Extension, Draft 2nd Supplemental Environmental Impact Report, November 2010*

*BART Silicon Valley, Phase I – Berryessa Extension, Final 2nd Supplemental Environmental Impact Report, March 2011*

*Silicon Valley Rapid Transit Corridor – BART Extension to Milpitas, San Jose, and Santa Clara, Addendum to the 2nd Supplemental Environmental Impact Report, August 2011*

1.3.1 Prior Environmental Review For Project Activities Relating to Systems Facilities near Railroad Court

This Addendum evaluates changes to the Project feature referred to as Systems Facilities that are located nearest to Railroad Court in Milpitas. These System Facilities include a high-voltage substation, traction power substation, train control house, switching station, and supporting underground utilities and easements. The Systems Facilities is located west of the BART Silicon Valley Phase I Berryessa Extension alignment on two industrial properties referred to as Horner and Walton.

The following is a summary of the environmental analysis under CEQA for the Systems Facilities and related Ingress and Egress Easements (IEEs) on the Horner and Walton properties.

In December 2004, the VTA Board of Directors certified the Final Environmental Impact Report (EIR) for the BART Silicon Valley Project which described the extension of the BART

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1 This Addendum did not address any changes to either the Horner or Walton properties.
system from its current planned terminus in Fremont (to be implemented in 2014) through Milpitas and San Jose to Santa Clara. The analysis in the Final EIR was based on early (10 percent) design plans prepared during the conceptual engineering design phase of the Project.

The Final EIR identified the location for the proposed SRR and SRC System Facilities (Systems Facilities) within the same general area as the current designed location. Specifically, the Final EIR discussed the impacts associated with displacement of half of the recreational vehicle (RV) storage area on the Horner property, which would be approximately 70 storage units, and some parking from an adjacent industrial use at the Walton property that could affect the property’s conformance with the zoning code and may require approval of a variance. In addition to the Systems Facilities, an IEE was identified on the Horner property to provide long-term access to the permanent facilities.

In June 2007, the VTA Board of Directors certified the Final Supplemental Environmental Impact Report (SEIR-1). Analysis of the Project in the Final SEIR-1 was based on approximately 35 percent design plans prepared during the preliminary engineering design phase of the Project. As described in the Final SEIR-1, the location of the System Facilities was maintained with an access easement/road connecting the site with Railroad Court. The Final SEIR-1 disclosed the impacts associated with the displacement of the entire RV storage business, which included 135 storage tenants on the Horner property and no change to the impacts to the Walton property.

In March 2009, VTA and the U.S. Department of Transportation Federal Transit Administration (FTA) released the Draft Environmental Impact Statement (EIS) for the Project under the National Environmental Policy Act (NEPA). The Draft EIS was based on the Project analyzed in the Final EIR and the Final SEIR-1, but also evaluated further design changes based on the 65 percent design plans then available.

The Draft EIS explained that the System Facilities would cause the displacement of one light industrial (RV storage) business, which included approximately 175-200 storage units, and one residence (the residence was thought to be a grounds keeper unit on-site) on the Horner property. The facilities would also cause the displacement of approximately 20 parking spaces from an adjacent industrial use on the Walton property; however, the loss of parking would not cause the displacement of this industrial business.

The Final EIS was released for public circulation by the FTA on March 31, 2010. The Final EIS described that, in response to property owner concerns, the location of the System Facilities had been shifted approximately 100 feet to the south of the location described in the Draft EIS. In addition, the configuration of the buildings housing the System Facilities had been reconfigured and the Train Control Building was modified from a one-story to a two-story structure. The FTA issued a Record of Decision approving the Project on June 24, 2010.

On November 1, 2010, VTA issued a Public Notice of Availability and published the Draft 2nd Supplemental Environmental Impact Report (SEIR-2) for the Project. The Draft SEIR-2 updated the information presented in the Final EIR and the Final SEIR-1, and considered 25
design changes identified when the design plans progressed from the 35 percent level to the 65 percent level. One such change was Design Change #10 (DC 10), involving an Alternative “Location B” for the System Facilities. This was the same change in location and layout evaluated in the prior approved EIS which shifted the location of the System Facilities about 100 feet to the south. The Draft SEIR-2 analyzed the environmental impacts of DC 10 under visual quality, noise and vibration and construction related noise and vibration impacts, and found no significant impacts. Though not required by CEQA, the Draft SEIR-2 also described the socioeconomic impact of the change. In addition to DC 10, the IEE on the Horner property did not change and in Appendix H of the Draft SEIR-2, an IEE was shown on the Walton property.

On February 9, 2011, VTA published the Final SEIR-2. The Final SEIR-2 stated that DC 10 was a “minor change” from the previously approved location and would only shift the location approximately 100 feet to the south. The Final SEIR-2 also described that, in response to property-owner concerns, the layout was modified and the location of the Systems Facilities was shifted 32 feet north from the previous location environmentally cleared in the Final EIS. Thus, the Design Change would only shift the location south by approximately 68 feet from its original location in the 2004 Final EIR and 2007 Final SEIR-1. The Final SEIR-2 provided further analysis of this change, and concluded that it would not result in any new significant environmental impacts. On March 3, 2011, the VTA Board of Directors certified SEIR-2.

1.4 Scope of this Addendum

This Addendum is limited in scope to an evaluation of the proposed design modifications to the Project for the System Facilities site plan refinements, service utilities and related utility easements, and to determine whether the modifications result in any substantial change to the environmental setting, impacts, and mitigation measures as previously described in the approved EIR, Supplemental EIR, and 2nd Supplemental EIR.

SECTION 2.0 PROPOSED MODIFICATIONS TO THE PROJECT

2.1 Modification to System Facilities and New Utility Easements

Analyzed in this Addendum

The design of the Project has progressed since the Final SEIR-2 was approved by the VTA Board of Directors in March 2011. The design modifications to the Project discussed in this Addendum include a redesign of the layout of the Systems Facilities buildings into a smaller footprint and the shift in the location of the Systems Facilities approximately 57 feet north of the location and layout in the approved Final SEIR-2. Thus, the current location of the Systems Facilities was shifted south from its original location in the 2004 Final EIR and 2007 Final SEIR-1 by 11 feet. This Addendum also includes the addition of new utilities to support the Systems Facilities. These include a sanitary sewer, storm water drainage, potable water, power, and telecommunications services for the SRR and SRC Systems Facilities located near Railroad Court in Milpitas. These utility services are required per the BART Facility Standards to meet the safety requirement for an emergency eyewash (which necessitates
water and sewer) and to provide telecommunications for emergency calls and power for facility lighting (see BFS Criteria Mechanical Line Section, Article 4.2.1. Table 1 - Plumbing and Drainage Equipment and Devices). Typically, the services are small in size and connect to utility mains in nearby streets. For the SRR and SRC sites, the nearest connection point for these services is Railroad Court, approximately 700 feet to the south. This Addendum analyzes the above described design modifications to the following private properties (described in much greater detail in Section 3.1 below):

- 420 Railroad Court, APN 022-31-030, Property Owner: Horner.
- 386 Railroad Court, APN 028-23-012, Property Owner: Walton.
- Union Pacific Railroad, 028-23-011.
- Beresford Master et al., 028-27-000.

### 2.2 Description of Design Change Options

In the 2007 Draft and Final SEIR-1, the 2009 Draft and 2010 Final EIS, and the 2010 Draft and 2011 Final SEIR-2, a permanent Ingress and Egress Easement (IEE) between the SRR and SRC Systems Facilities and Railroad Court was identified on the Horner property (Figure 2). The permanent IEE was identified on the Walton property in the 2010 Draft and 2011 FSEIR-2 (Figure 3). Therefore, these two IEEs are considered to be environmentally cleared in previous environmental documents. The discussion below describes easements that were not identified in previous environmental documents. However, the new easements were designed within the footprint of the previously environmentally cleared footprint of the IEEs where possible. Under all Options, utilities are located within the IEE on Walton Property and, to the extent feasible, within IEE on Horner property. Since the Final SEIR-2 was certified in March 2011, there have been no changed circumstances related to this project feature other than the changes described below. The intended uses of the proposed Systems Facilities have not changed. The background conditions of the project are still substantially the same because less than one year has passed.

The layout of the Systems Facilities as approved in the 2011 Final SEIR-2 is shown in Figure 4. After the VTA Board of Directors certified the Final SEIR-2 in March of 2011, the configuration of the Systems Facilities buildings was modified again. The proposed new layout of the Systems Facilities is shown in Figures 5 through 8. As the figures show, the two-story Train Control Building was moved north of the High Voltage Substation Site SRC (SRC) and the Switching Station SRR (SRR). SRC and SRR were redesigned to sit parallel and adjacent to each other; whereas they were adjacent but in a tandem linear configuration. By modifying the layout of these Systems Facilities, the overall footprint of the site was reduced as described above in Section 1.3.1. The modified layout of the facilities resulted in 17 fewer parking spaces lost on the Walton property. However, the facilities were shifted slightly west taking an additional 5 storage spaces from the Horner property.

In addition to the modified Systems Facilities layout configuration described above, new utilities have been identified to serve these facilities since the Board certified the Final SEIR-2 in March of 2011. There are four options for the location/configuration of these new utilities described below.
2.2.1 Utility Configuration - Option 1

Under this design change option, the utilities would be routed through two properties. On the Walton property, construction would include a connection to the existing storm drain and the routing potable water and joint trench (telecommunications/electrical) utilities through the drive aisle within the previously environmentally cleared (in the 2010 Draft and 2011 Final SEIR-2) Ingress and Egress Easement. Construction of the new utilities within the Walton property would take up to 6 months. On the Horner property, the sanitary sewer line would be routed through the drive aisle within the previously environmentally cleared IEE (in the SEIR-1, EIS, and SEIR-2). Construction of the new utility within the Horner property would take up to 3 months. A map of the proposed locations of the above described easements is attached as Figure 5.

2.2.2 Utility Configuration - Option 2

This design change option would construct a storm drainage line from the Systems Facilities to connect to the existing storm drain that runs through the Walton property. Construction of this connection would take up to 2 months. On the Horner property, the sanitary sewer, potable water, and joint trench (telecommunications/electrical) utilities would be routed through the drive aisle, but fall outside of and parallel to the previously environmentally cleared IEE due to the number of utilities required and the minimum separation widths between each utility. Construction of the new utilities within the Horner property would take up to 6 months. A map of the proposed locations of the above described easements is attached as Figure 6.

2.2.3 Utility Configuration - Option 3

This design change option would construct a storm drainage line from the Systems Facilities to connect to the existing storm drain within the Walton property, and would take up to 2 months, similar to Option 2 above. On the Horner property, the sanitary sewer, potable water, and joint trench (telecommunications/electrical) utilities would be routed through the drive aisle but would fall outside of and parallel to the previously environmentally cleared IEE due to the number of utilities required, the minimum separation widths between each utility, and also leaving the existing ATT/Sprint telecommunications line in place. Construction of the new utilities within the Horner property would take up to 6 months. A map of the proposed locations of the above described easements is attached as Figure 7.

2.2.4 Utility Configuration - Option 4

This design change option would construct a storm drainage line from the Systems Facilities to connect to the existing storm drain within the Walton property similar to Options 2 and 3 above. Construction of the new utilities within the Walton property would take up to 2 months. On the Horner property, the potable water and joint trench (telecommunications/electrical) utilities would be routed through the drive aisle but would fall outside of and parallel to the previously environmentally cleared IEE due to the number of utilities required, the minimum separation widths between each utility, and also leaving the existing ATT/Sprint telecommunications line in place, similar to options 1 and 3 above. Construction of the new utilities within the Horner property would take up to 6 months. The sanitary sewer would be routed east of the systems facility under the UPRR tracks, under the VTA property, then to
2.2.5 VTA’s Coordination with Property Owners

Regardless of option chosen, VTA will work with the property owners to coordinate construction scheduling to minimize disruption to the existing businesses on-site such as maintaining access to parking, providing space for truck turn-around (on the Walton property), and maintaining access to the site through the driveways on Railroad Court. Trench plates/covers will be used to cover open trenches while not in use to provide access to parking spaces on Walton and storage spaces on Horner. The trench plates/covers are designed to hold the maximum traffic load at each property including large trucks/trailers. Construction workers will not utilize the business area for parking and construction equipment and materials will be staged offsite. During normal 8:00AM to 5:00PM business hours, while crews are excavating the trench, temporary trench plates/covers will be used to minimize the number of parking spaces blocked by the active trench. On the Horner property, notices of temporary delays and anticipated dates of work will be provided to vehicle owners prior to start of work. On the Walton property, VTA will work with the property owner to ensure that truck loading docks are accessible for business use at mutually agreed upon times specified by the operating tenant, and will schedule trenching work that affects use of the loading dock and truck turning/access areas during mutually agreed upon times and dates that allow for a reasonable construction work window and will not prevent the necessary turning radius for delivery trucks. This may require night or weekend construction work. VTA will work with the Walton property owner to ensure that driveway access from Railroad Court is maintained during normal facility business hours, typically weekday Monday thru Friday 8:00AM to 5:00PM. VTA will work with the Horner property owner to ensure that driveway access to and from Railroad Court is maintained at all times to allow vehicle owners to move their vehicles with minor delays while work is ongoing, since the storage facility’s normal business hours are 24 hours a day, 7 days a week. Possible construction measures to allow access could include: phased construction, flaggers, use of temporary trench plates/covers, or comparable methods.

SECTION 3.0 ENVIRONMENTAL EVALUATION

3.1 Existing Conditions

The location of the SRR and SRC Systems Facilities, which was previously environmentally cleared in the SEIR2, is located in an area with existing site constraints that limit the available options for locating utility connections to the Systems Facilities.

As shown in Figure 9, the site is bounded on both sides by existing railroad tracks that are currently utilized by freight operations. The track to the west of the Systems Facilities site, which generally runs north to south, is the Union Pacific Railroad (UPRR) Warm Spring Subdivision track and is used daily by UPRR and Burlington Northern Santa Fe (BNSF). The
two tracks immediately to the east of the Systems Facilities site, which run more northwest to southwest than the Warm Spring Subdivision track, are the new/relocated UPRR Milpitas Lead tracks. These tracks are used daily by UPRR and BNSF. The track farthest to the east (and east of the new/relocated UPRR Milpitas Lead tracks) is the old Milpitas Line. This track is owned by the VTA and is currently out-of-service; however, UP has operating rights until abandonment later in 2012. Coordination with UPRR and BNSF requires lengthy lead times for any work proposed within the area of influence of the operational freight tracks. Any construction within the area of influence must be reviewed and approved by UPRR, and may require a UPRR flagman be assigned full-time during field work.

There is an existing AT&T/Sprint fiber optic telecommunications line that runs along the length of the Horner property from under the UPRR tracks to the north through the drive aisle to Railroad Court to the south. The existing utility corridor is approximately 6 feet wide, as it is sized to accommodate eighteen 4-inch fiber optic cables. Depending on the option, this utility may or may not have to be relocated on the Horner property. To relocate this utility would require coordination with the utility providers to minimize service disruption throughout construction. The relocation of this utility would require a longer construction period.

A 10-foot minimum separation between potable water and sanitary must be maintained in accordance with the Department of Public Health Water Works Standards, California Code of Regulations, Title 22, Division 4, Chapter 16, Article 4, Section 64572.

In order to analyze the impacts of the reconfigured Systems Facilities layout and of the construction of underground utilities between the SRR and SRC Systems Facilities and Railroad Court, a brief description of the operation of each business is provided below:

3.1.1 Walton Property, 386-404 Railroad Court, APN 028-23-012

This property is approximately 4.2 acres and has a mixture of light-industrial and warehouse uses on-site. The property is bounded by the existing UPRR freight tracks located to the east, by a vehicle storage business to the west, and by Wrigley Creek to the south. Access to this property is from two driveways from Railroad Court within the City of Milpitas. Within the property at 386-404 Railroad Court, there are several businesses with different addresses and separate access via two driveways off of Railroad Court.

The construction of additional utilities would affect only the northernmost driveway businesses, with addresses of 396-398 Railroad Court. The new utilities would not affect the internal circulation of the businesses located off of the southern driveway at 386-392 Railroad Court because each property has its own separate access driveway off of Railroad Court. These properties are connected by a narrow drive aisle; in order to move from one business

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2 NOTE: South of Wrigley Creek is another property owned by Walton at 206-230 Railroad Avenue, APN 028-23-021. This property is approximately 10.62 acres, also has light-industrial/warehouse uses on-site, and has its own access via driveways off of Railroad Avenue. The construction of additional utilities within 386-404 Railroad Court would not affect the property located at 206-230 Railroad Avenue because each property has its own separate access and parking off of Railroad Court and Railroad Avenue, respectively, separated by Wrigley Creek.
to the other, one can either use the drive aisle or exit each property and drive on Railroad Court.

There are approximately 135 existing parking spaces to support these businesses at 386-404 Railroad Court. There are loading docks for each business, though only one loading area would be affected by the new utilities (396-398 Railroad Court). The tenant(s) of the affected properties operate electroplating business (398 Railroad Court), and are for lease/not currently an operating business (396 Railroad Court), respectively. Normal business hours are 8:00AM to 5:00 PM, Monday through Friday. Existing on-site loading docks adjacent to the vehicle parking spaces are utilized for trucks loading and unloading. Parking spaces are utilized for cars during the hours of 8:00AM to 5:00 PM, Monday through Friday by both employees and customers/clients. They are also utilized for delivery trucks 24 hours a day 7 days a week for staging and maneuvering. Limited street parking is available on Railroad Court in the event that parking spots are impacted by construction.

The SRR and SRC Systems Facilities would be located at the northern end of the 386 Railroad Court property adjacent to the existing UPRR freight tracks in an existing parking area.

3.1.2 The Horner Property, 420 Railroad Court, APN 022-31-030

This property is approximately 4.1 acres and is a long and narrow parcel bounded by a light-industrial/warehouse business to the east, Railroad Court to the south, and the existing UPRR freight tracks to the west and north. Access to this property is from one driveway on Railroad Court. The owner of this property operates a recreational/large vehicle and boat storage business. Normal business hours are 24 hours a day, 7 days a week, as are guaranteed to access their vehicles and remove them from the storage business at all times. The use of parking spaces on this property is for long-term storage of recreational vehicles such as RVs and boats. Storage spaces are larger than standard auto parking, and as a result, there is minimal personal car parking for customers. Street parking is thus not a viable alternative for this business.

The SRR and SRC Systems Facilities would be located at the northern end of the 420 Railroad Court property adjacent to the existing UPRR freight tracks on the site of existing storage stalls.

3.1.3 UPRR, APN 028-23-011

This property is an existing freight railroad corridor running generally from north to south and is located east of both the Horner and Walton properties within the City of Milpitas. The tracks continue northward and southward beyond the limits of this area.

3.1.4 Beresford Master et al., 028-27-000

This property is a private residential development located east of the UPRR tracks within the City of Milpitas and contains Edgewater Drive as the northern most street in the development. The development includes a “Fitness Loop” hike and bike trail and private park adjacent to the UPRR tracks.
3.2 Impacts Discussion

The design modifications described above would not create the potential for new significant environmental impacts, nor would they cause a substantial increase in the severity of any previously identified significant impacts previously documented in the CEQA documents certified for the Project. The modification to the layout of the Systems Facilities has consolidated the footprint of the buildings into a much smaller space than previously approved and has not changed the size or appearance of these buildings. The changed configuration would cause no new significant impacts, nor would they increase the severity of previously evaluated significant impacts. They also would not create the need for any additional mitigation measures beyond those described in the SEIR-2. The only change to the Systems Facilities configuration warranting discussion is a shift of the facility footprint to the west causing the displacement of 5 storage spaces on the Horner property. These impacts are discussed below under the Transportation Section along with the temporary parking impacts associated with the new utilities. The new utilities would be located underground within the drive aisles of both properties. After construction, the properties would be restored to pre-construction condition. Once the utilities are constructed and the properties are restored to their pre-construction condition, the properties would not be affected during the long-term operation of the project except for infrequent maintenance or repairs, as allowed by the terms of the IEEs.

The discussion that follows focuses on short-term, construction related environmental subject areas: air quality, hazardous materials; noise; socioeconomics\(^3\); transportation; and utilities. No additional information or changes in other subject areas that include biological resources and wetlands; community services and facilities; cultural resources, geology, seismicity, and soils; land use; vibration; visual quality and aesthetics; water resources, water quality, and floodplains; cumulative impacts; and growth-inducing impacts is necessary due to the design modifications described in this Addendum. The affected parcels, impacts, and environmental evaluation are described below.

Previous environmental documents discussed the environmental impacts associated with the fee take for the System Facilities and IEE on both the Walton and Horner properties. However, previous environmental documents did not discuss the impacts associated with the construction of underground utilities required to serve the System Facilities through the Walton, Horner, UPRR, or Beresford properties.

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\(^3\) Impacts on socioeconomics alone without any accompanying physical impact is not required to be analyzed under CEQA. Therefore, the information on purely socioeconomic impacts in this Addendum is provided only for informational purposes. However, the Addendum analyzes whether any socioeconomic impact will result in a physical impact (such as blight or urban decay).
3.2.1 Utility Configuration

3.2.1.1 Construction - Air Quality

Under all four options, the construction of utilities would require the use of mid-sized construction equipment, such as a saw cutter, excavator, back hoe, trencher, and dump truck, as well as paving and striping machines (to restore the parking area pavement upon completion of work). Construction-related air quality impacts were previously evaluated in the 2010 Draft and 2011 Final SEIR-2. The mitigation measures identified in the SEIR-2 such as those related to construction emissions, dust control watering, and equipment idling that apply to the operation of this type of equipment during construction are still applicable. The BAAQMD issued new CEQA Air Quality Guidelines in May of 2011, after the VTA Board of Directors certified the Final 2nd SEIR and approved the Project. However, the new guidelines are substantively similar to the old guidelines. In addition, the design change has only added the need for a new and very small surface area to be disturbed to construct the utilities compared to the approved Project. This additional area to be disturbed does not result in any new construction related air quality impacts; therefore, no new mitigation is warranted.

3.2.1.2 Construction - Hazardous Materials

Under all four options, a project-wide Contaminant Management Plan (CMP) and a Remedial Action Plan (RAP), as described in the 2010 Draft 2nd SEIR, have been prepared for the BART Silicon Valley Project. These plans provide the framework for identifying and handling contaminated/hazardous materials within the Project area and how to dispose of them properly and in accordance with applicable laws and regulations. The Contaminant Management Plan establishes the criteria and classifications for reuse of soils within the project limits, such as unrestricted on-site reuse, reuse only under encapsulation with clean fill, etc. The Remedial Action Plan identifies specific locations within the project where soils fall within these classifications, and outlines how the CMP will be implemented on site. The mitigation measures identified in the CMP detail requirements for the management for soil and railroad ballast, groundwater as part of dewatering activities, and building materials. In addition, a site-specific hazardous materials investigation will be performed prior to construction of the Systems Facilities and supporting utilities. In the event any soils or materials are encountered in the subsurface that may be contaminated or hazardous, it would be stockpiled in accordance with the RAP, sampled, and disposed of off-site at a soil disposal facility as required by law. Clean soils and/or gravel would then be imported to use to backfill the utility trenches. If excess material is excavated that is not used in the backfill, it will be sampled and disposed of off-site at a soil disposal facility in accordance with the CMP and RAP, or if uncontaminated, it may be used as fill for a construction project at the contractor's discretion. Therefore, no new or substantially more severe significant impacts would result during construction due to hazardous materials and all previously environmentally cleared and applicable mitigation measures in prior environmental documents remain applicable to the Project.

3.2.1.3 Construction - Noise

Under all four options, the construction of utilities would require the use of noise generating mid-sized construction equipment, such as a saw cutter, excavator, back hoe, trencher, and dump truck, as well as paving and striping machines (to restore the parking area pavement
upon completion of work). Noise impacts associated with this type of equipment during construction were previously evaluated in the EIR, SEIR-1 and SEIR-2. Specific construction noise mitigation measures are identified in Section 4.18.5.7 of the SEIR-2. The mitigation measures identified include complying with Federal Transit Administration construction noise guidelines and complying with local jurisdiction construction hours where feasible. Under Option 4, construction noise would occur within a private residential recreation area near a residential neighborhood. Therefore, VTA would implement previously identified mitigation measures, which were environmentally cleared in Section 4.18.5.7 of the SEIR-2, such as noise monitoring and locating noisy equipment away from sensitive receptors. Therefore, no new construction related noise impacts would result from this design change, and no new mitigation is warranted.

3.2.1.4 Transportation.

The following discussion describes the potential transportation impacts including parking, truck-turn around, and access, associated with each of the four options. Table 1, below, shows a comparison of the location of utility, construction period, and permanent and temporary parking loss for each of the four options.
### Table 1. TRANSPORTATION IMPACTS OF SYSTEMS FACILITY RECONFIGURATION AND UTILITY LOCATION OPTIONS IN ADDENDUM #3 COMPARED TO APPROVED 2011 SEIR-2

<table>
<thead>
<tr>
<th>LOCATION OF UTILITY</th>
<th>Option 1</th>
<th>Option 2</th>
<th>Option 3</th>
<th>Option 4</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Walton-storm drainage, water, electrical, and telecom</td>
<td>Walton-storm drain</td>
<td>Walton-storm drain</td>
<td>Walton-storm drainage</td>
</tr>
<tr>
<td></td>
<td>Existing fiber optic line (Sprint) on Horner NOT relocated</td>
<td>Existing fiber optic line (Sprint) on Horner to be relocated within Horner property</td>
<td>Existing fiber optic line (Sprint) on Horner NOT relocated</td>
<td>Existing fiber optic line (Sprint) on Horner NOT relocated</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Utilities Construction Period</th>
<th>Walton</th>
<th>Horner</th>
<th>UPRR</th>
<th>Beresford</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 months</td>
<td>3 months</td>
<td>2 months</td>
<td>6 months</td>
<td>2 months</td>
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<tr>
<td>3 months</td>
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<tr>
<td>2 months</td>
<td>6 months</td>
<td>-</td>
<td>-</td>
<td>4 months</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking-Permanent Loss: Walton-spaces*</th>
<th>17 fewer displaced</th>
<th>17 fewer displaced</th>
<th>17 fewer displaced</th>
<th>17 fewer displaced</th>
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</thead>
<tbody>
<tr>
<td>Parking-Temporary Loss: Walton-blocked</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Horner-storage</td>
<td>0</td>
<td>14</td>
<td>26</td>
<td>29</td>
</tr>
<tr>
<td>Horner-blocked***</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
</tbody>
</table>

* - Walton parking spaces are sized typical of personal vehicle parking spaces, approximately 10’x18’
** - Horner storage spaces are wider and deeper than standard parking stalls, and are approximately 12’x40’
*** - blocked only until construction workers can clear access for stored vehicles to exit or for vehicle to access storage parking space, estimated at less than one hour.

Table 2, below, shows the available parking spaces under Existing No Project conditions, under the approved project from the Final SEIR-2, and under the proposed design changes in this Addendum.
Table 2. COMPARISON OF AVAILABLE PARKING SPACES

<table>
<thead>
<tr>
<th></th>
<th>Walton Parking Spaces</th>
<th>Horner Rental Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing w/out Project</td>
<td>135*</td>
<td>175</td>
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<tr>
<td>Final SEIR-2 Approved Design</td>
<td>105</td>
<td>150</td>
</tr>
<tr>
<td>Addendum No, 3 to SEIR-2</td>
<td>-</td>
<td>-</td>
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<tr>
<td>w/Systems Facilities and IEE (permanent)²</td>
<td>122</td>
<td>145</td>
</tr>
<tr>
<td>w/Utility Easements (temporary)³</td>
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<td>-</td>
</tr>
<tr>
<td>Option 1</td>
<td>117</td>
<td>140</td>
</tr>
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<td>Option 2</td>
<td>117</td>
<td>126</td>
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<td>117</td>
<td>114</td>
</tr>
<tr>
<td>Option 4</td>
<td>117</td>
<td>111</td>
</tr>
</tbody>
</table>

* Within APN 028-23-012.
1. The Walton and Horner properties start out with 135 and 175 parking spaces respectively.
2. The Systems Facilities remove 13 and 30 parking spaces respectively as of the current design.
3. During construction and installation of the utility easements, there will be a temporary loss of an additional 5 parking spaces from Walton and a loss of 5, 19, 26, and 29 parking spaces from Horner under Options 1, 2, 3, and 4, respectively. Once construction is completed, Walton will have 122 spaces and Horner will have 145 spaces.

Walton Property

Permanent Parking Impacts. Under all four options, the reconfiguration of the Systems Facilities layout would cause the permanent displacement of 17 fewer parking spaces in comparison to the approved Project from the SEIR-2. As a result, there are no new or substantially more severe impacts on permanent parking than analyzed in the prior environmental documents. In fact, impact will be less than that previously identified because 17 fewer permanent parking spaces would be lost.

Temporary Parking Impacts. Under all four options, as described in Section 2.2.5 above temporary trench plates/covers would be used to cover trenches while not in use to provide access to parking spaces adjacent to the trench. VTA will ensure that access is maintained to a minimum of 117 parking spaces, of the 122 spaces, over the active trench at any given time. In addition, construction workers will not utilize the business area for parking and construction equipment and materials will be staged offsite. Therefore, no new significant impacts, nor the increased severity of previously disclosed significant impacts, would result from the four design change options and no new mitigation is necessary.

Truck Turn-Around and Loading. Under all four options, as described in Section 2.2.5 above, VTA will work with the property owner to ensure that truck loading docks are accessible for business use to minimize disruption to the business operations during construction. Therefore, no new significant impacts, nor the increased severity of previously disclosed significant impacts, would result from the four design change options and no new mitigation is necessary.

Access to/from Railroad Court. Under all four options, as described in Section 2.2.5 above, VTA will work with the property owner to ensure that driveway access from Railroad Court is maintained to minimize disruption to the business operations during construction. Therefore, no new significant impacts, nor the increased severity of previously disclosed significant
impacts, would result from the four design change options and no new mitigation is necessary.

Construction Traffic. Under all four options, the construction of utilities would require the use of mid-sized construction equipment, such as a saw cutter, excavator, back hoe, trencher, and dump truck, as well as paving and striping machines (to restore the parking area pavement upon completion of work). VTA will ensure that the use of these types of equipment will be phased so that a minimum of 117 parking spaces, of the 122 spaces, will be available at any given time during construction. Therefore, no new significant impacts, nor the increased severity of previously disclosed significant impacts, would result from the four design change options and no new mitigation is necessary.

Spill Over Parking onto Railroad Court. Under all four options, there would be 12 more parking spaces during construction than were approved in the Final SEIR-2. As stated on pages 4-106 and 4-107 of the Final SEIR-2, according to the Milpitas City Ordinance, Title XI, Section 53, Table 53.09-1, manufacturing and warehousing facilities require a minimum of one parking space per 1,500 square feet and office space requires a minimum of one parking space per 350 square feet. According to James Lindsay, Planning and Neighborhood Services Director of the City of Milpitas at that time, City planning files documented that the property has 13,358 square feet of office and 42,042 square feet of warehouse, generating a requirement of 67 parking spaces. The 1991 plans for the property on file with the City indicate that 137 parking spaces are supplied. With the temporary loss of the 5 spaces during construction for up to 6 months, the property will have an ample supply of well over 67 parking spaces during construction. Therefore, the construction of these utilities would not conflict with City of Milpitas parking requirements and would not result in any new significant impacts, or increases to previously-identified significant impacts, and no new mitigation measures are necessary.

Therefore, the transportation impacts to the property during construction will be minimized and would cause a less-than-significant impact.

Horner Property

Permanent Parking Impacts. Under all four options, the reconfiguration of the Systems Facilities layout would cause the permanent displacement of 5 additional storage spaces in comparison to the approved Project from the SEIR-2. The loss of 5 storage spaces out of 135 storage spaces is a loss of 3.7% of the existing total of storage spaces. The permanent loss of 5 storage spaces would not cause a new significant impact because VTA would comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as described in Section 4.15.3 of the SEIR-2, and would compensate the property owner for the loss of his property. Therefore, no new significant impacts, nor the increased severity of previously disclosed significant impacts, would result from the four design change options and no new mitigation is necessary.
**Temporary Parking Impacts.**

**ALL OPTIONS** - Under all four options, at any given time, a maximum of 5 vehicle storage spaces would be temporarily blocked while crews are excavating. As mentioned in Section 2.2.5 above, trench plates/covers will be used to cover open trenches while not in use to provide access to storage spaces during construction. Minor delays of 30 minutes to one hour may be required to allow crews to safely cover the open trench to allow for vehicle entry and exit. In addition, notices of the temporary delays and anticipated dates of work will be provided to vehicle owners prior to start of work. The loss of 5 storage spaces for up to 6 months would not cause a new significant impact because VTA would comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as described in Section 4.15.3 of the SEIR-2, and would compensate the property owner for the loss of his property. Therefore, no new significant impacts, nor the increased severity of previously disclosed significant impacts, would result from the four design change options and no new mitigation is necessary.

**OPTION 1** – Under this option, there are no additional storage space displacements than those described above.

**OPTION 2** – Under this option, the existing ATT/Sprint fiber optic line would be relocated on-site. Telecommunications service for the facility would be located in a joint trench with the electrical utilities within the drive aisle along with the water and sanitary sewer utilities. Compared to Option 1, a much wider utility pathway would be required to fit all of the utilities proposed for this property, plus the minimum separation widths between each utility. In addition to the 5 blocked spaces described above, the wider pathway for utilities under this option would impact up to 14 additional storage spaces for the entire 6 months of construction. The vehicles stored within these spaces would have to be relocated off-site to another storage location. The loss of up to 14 storage spaces for up to 6 months would not cause a new significant impact because VTA would comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as described in Section 4.15.3 of the SEIR-2, and would compensate the property owner for the loss of his property.

**OPTION 3** – This option also requires the placement of water, sanitary sewer, telecom, and electrical utilities within this property. However, this design option allows the ATT/Sprint line to remain in place on-site. Therefore, with the ATT/Sprint line to be protected in-place during construction of the new water, sanitary sewer, electrical and new fiber optic line. A much wider utility pathway is required, in comparison to Option 2, to fit all of the utilities and minimum separation widths between each utility. The wider pathway for utilities would impact up to 26 of the storage spaces on the Horner property for the 6 months of construction. The vehicles stored within these spaces would have to be relocated off-site to another storage location. The loss of up to 26 storage spaces for up to 6 months would not cause a new significant impact because VTA would comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as described in Section 4.15.3 of the SEIR-2, and would compensate the property owner for the loss of his property. **OPTION 4** - This design option is similar to Option 3 in that it allows the ATT/Sprint line to remain in place on-site. However, the sanitary sewer would be routed east of the Systems Facilities and not on the Horner property as under Options 2 and 3. Because ATT/Sprint would remain in place...
on-site, a much wider utility pathway is required to fit all of the utilities and minimum separation widths between each utility. A wider pathway for utilities would impact up to 29 of the storage spaces on the Horner property for the entire 6 months of construction. The vehicles stored within these spaces would have to be relocated off-site to another storage location. The loss of up to 29 storage spaces for up to 6 months would not cause a new significant impact because VTA would comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as described in Section 4.15.3 of the SEIR-2, and compensate the property owner for the loss of his property.

Construction Traffic. Under all four options, the construction of utilities would require the use of mid-sized construction equipment, such as a saw cutter, excavator, back hoe, trencher, and dump truck, as well as paving and striping machines (to restore the parking area pavement upon completion of work). VTA will ensure that the use of these types of equipment will be phased so that a maximum of 5 storage spaces will be blocked at any given time during construction. Therefore, no new significant impacts, nor the increased severity of previously disclosed significant impacts, would result from the four design change options and no new mitigation is necessary.

Access to/from Railroad Court. As mentioned in Section 2.2.5 above, VTA will work with the property owner to ensure that driveway access to and from Railroad Court is maintained at all times to allow vehicle owners to move their vehicles with minor delays while work is ongoing. Possible construction measures to allow access could include: phased construction, flaggers, use of temporary trench plates/covers, or comparable methods. Therefore, there are no new significant impacts, nor increased severity of previously disclosed significant impacts from the four design change options and no new mitigation is necessary.

UPRR Property

Options 1 through 3 do not impact UPRR service because no utilities are proposed within the property. Under Option 4, construction would take up to 4 months on the UPRR Property. VTA will coordinate with UPRR prior to and during construction of the sanitary sewer line under the existing and operational freight tracks so as to minimize impacts to freight service. Construction methodology may include trenchless installation such as directional drilling or jack-and-bore technology to allow UPRR service to continue uninterrupted over the line. Construction work may be limited to evening, night-time, or weekend work, or may require temporary restrictions on freight operations to construct the sanitary sewer. Therefore, there are no new significant impacts, nor increased severity of previously disclosed significant impacts from the four design change options and no new mitigation is necessary.

Beresford Property

Options 1 through 3 do not impact the Beresford Property because no utilities are proposed within the property. Under Option 4, the sanitary sewer would be constructed through the residential recreation area and connect to an existing sanitary sewer line within Edgewater Drive. Construction of Option 4 would take up to 4 months on the Beresford Property. Up to one lane on Edgewater Drive at a time would be closed during 7AM to 5PM business hours to construct the connection to the sewer within the street ROW. Therefore, there are no new
significant impacts, nor increased severity of previously disclosed significant impacts from the four design change options and no new mitigation is necessary.

Therefore, the impacts to the property during construction will be minimized and would cause a less-than-significant impact.

3.2.1.5 Socioeconomics

Because the footprint of the Systems Facilities was shifted north, 17 fewer permanent parking spaces would be lost on the Walton property compared to the previously analyzed design in the SEIR-2. Therefore, the socioeconomic impact on the Walton property due to loss of permanent parking is less than that disclosed and approved in the SEIR-2. There are no significant physical impacts resulting from any economic impacts of the Project on the Walton property from the loss of permanent parking spaces (ex. blight or urban decay). This conclusion is based on the fact that 117 parking spaces remain which far exceeds the city parking requirement for the property (refer to Section 3.2.1.4 Transportation and Table 2). For the Horner property, the reconfiguration of the Systems Facilities would cause a permanent displacement of 5 additional storage spaces than that previously analyzed under the SEIR-2. This is a loss of 3.7% of the available storages spaces on the property. Such loss would not cause a new significant socioeconomic impact because VTA would comply with the Uniform Relocation assistance and Real Property Acquisition Policies Act of 1970, and would compensate the owner for the loss of his property. There are no significant physical impacts resulting from the economic impacts of the Project on the Horner property from the loss of permanent parking spaces (ex. blight or urban decay). In addition to the permanent displacement of parking on the Walton and storage spaces on the Horner properties, there will be a temporary surface disturbance and loss of 5 parking/storage spaces during construction of the utilities for up to 6 months on the Horner property and 2 to 6 months on the Walton property, depending on the option selected. During construction, crews will use plates/covers to cover open trenches while not in use to provide access to storage/parking spaces during construction. The loss of 5 storage spaces for up to 6 months on the Horner property and the loss of 5 parking spaces for 2 to 6 month on the Walton property would not cause a new significant economic impact because VTA would compensate the properties for the temporary loss of the spaces. There are no significant physical impacts resulting from the economic impacts of the Project on the Horner property or Walton property from the temporary loss of parking spaces (ex. blight or urban decay).

3.2.1.6 Construction - Utilities

Under all four options, the new utility connections are needed to support the Train Control Building, which requires electricity, a telephone line, an eye wash, and one restroom. The water, sanitary sewer, telecom, and electrical needs of the Train Control Building are very minor and are commensurate with a single family home. To provide services to this building would not cause a strain on the existing services. The connections would be made to existing services that have the capacity to support the additional needs associated with the construction of a new single family home or the Train Control Building. Therefore, there are no new significant impacts, nor increased severity of previously disclosed significant impacts from the four design change options and no new mitigation is necessary.
Walton Property

The only existing utility within the drive aisle of this property where the new utilities are proposed is an existing storm drain. Under all four options the Systems Facilities require a connection to the existing storm drain on-site. As described on pages 4.19-40 and 4.19-41 of the SEIR-2, (regardless of option chosen) this project will implement measures to avoid or minimize degradation of storm water quality during construction with the implementation of a Storm Water Pollution Prevention Plan (SWPPP) on all properties within the Project. With the implementation of a SWPPP, the construction of this project, including the utilities described above, would not cause a new significant impact to storm water quality, nor would it cause an increase in any previously disclosed significant impacts, and no new mitigations are necessary.

Therefore, the impacts to the existing utilities will be minimized and would cause a less-than-significant impact.

Horner Property

OPTIONS 1, 3 & 4 - These design options allows the existing ATT/Sprint line to remain in place on-site. As stated on page 4.19-88 of the 2004 DRAFT EIS/DRAFT EIR as a mitigation measure for impacts to utilities, VTA will coordinate with the utility provider to identify the existing fiber optic telecommunications line in the field prior to construction. It will be protected in place during construction of the sanitary sewer line. VTA will coordinate with the utility provider to minimize disruption to service through construction. Therefore, the impacts to the existing utilities will be minimized and would cause a less-than-significant impact and no new mitigation is necessary.

OPTION 2 - This design option requires the ATT/Sprint line to be relocated on-site in a joint trench with the electrical utilities to allow for the construction of the water, sanitary sewer, and electrical lines. This may cause service disruptions to customers served by this utility and will require further coordination with the telecommunications utility provider. VTA will coordinate with the utility provider to identify the existing fiber optic telecommunications line in the field prior to construction. VTA will coordinate with the utility provider to minimize disruption to service through construction. Therefore, the impacts to the existing utilities will be minimized and would cause a less-than-significant impact and no new mitigation is necessary.

3.3 Conclusion

Staff recommends the selection of Option 1 as the preferred option for the routing of the new utility easements because (1) it does not require the relocation of the existing fiber optics line; (2) separates the sanitary sewer and water lines; (3) maintains all the utility easements within the IEE footprints; and (4) does all of the foregoing with the least displacement of parking spaces on both properties.

The final easements and acquisitions that are required may change (i.e., increase or decrease in size, change type, and/or change from permanent to temporary, etc.) during final design while being within the scope of the project and minor in nature. These changes can
be a result of working with utility companies to relocate their facilities. It is the intent of this Addendum and previous environmental documents adopted by VTA to fully disclose the potential environmental impacts of the easements and other acquisitions that are generally indicative of the type of work required, recognizing some adjustments may be necessary based on final design and/or working with individual property owners during the real estate acquisition process. Should additional modifications beyond the scope of the project trigger the need for additional environmental review pursuant to CEQA Guidelines Section 15162 and other applicable provisions of CEQA, VTA will prepare the necessary additional environmental analysis.

In conclusion, no new significant or substantially more severe impacts would result from the proposed design modifications including the modification to the layout of the Systems Facilities or the routing of utility services to the SRR and SRC Systems Facilities located near Railroad Court under Options 1-4. All mitigation measures described in the SEIR-2 are still applicable.

SECTION 4.0 ENVIRONMENTAL DETERMINATION

Based upon the evaluation of the proposed design modifications to the approved BART Silicon Valley Project, the Addendum No. 3 to the Project has not identified any new significant adverse impacts nor any substantial increase in the severity of any previously identified significant adverse impacts previously documented for the Project, nor has any “new information of substantial importance” been presented pursuant the CEQA Guidelines Section 15162. Therefore, an Addendum to the previous EIR, SEIR-1 and SEIR-2 is the appropriate environmental document.

Thomas W. Fitzwater, Manager  
Environmental Programs and Resources Management  
Santa Clara Valley Transportation Authority  

3-16-2012  
Date
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief External Affairs Officer, Greta Helm

SUBJECT: Monthly Legislative History Matrix

FOR INFORMATION ONLY

BACKGROUND:

The attached Monthly Legislative History Matrix describes the key transportation-related bills that are being considered by the California State Legislature during the 2011-2012 regular session. The matrix indicates the status of these measures and any adopted VTA positions with regard to them.

DISCUSSION:

**HUTA:** On February 3, Gov. Jerry Brown signed into law SB 95 (Budget and Fiscal Review Committee), a comprehensive General Fund cash management measure that is designed to fix a number of unintended problems caused by Proposition 22 that inhibit the state’s ability to address the mismatch between when the General Fund receives its revenues and when bills need to be paid. Specifically, the legislation allows for short-term, cash-flow loans to be made to the General Fund from various transportation accounts and other special funds only in those instances when the General Fund is exhausted, but the state needs money to pay its bills. It requires the money to be returned to the accounts/special funds from which the loans were made, with interest, as soon as the General Fund has accumulated a cash balance to be able to do so. These types of loans were inadvertently prohibited when California voters approved Proposition 22 in November 2010.

In addition, SB 95 eliminates the annual “hold” on gas tax revenues that occurs when enactment of the state budget is late. Under current law, gas tax revenues are collected and deposited into the Highway Users Tax Account (HUTA). During budget impasses, these revenues get held in the account because there is no legal authority to allocate the money to cities and counties for local roadways, or to the State Highway Account for project work on the state highway system. In the past, this situation has resulted in project work getting stopped and contractors not getting...
paid. SB 95 contains language that allows HUTA gas tax revenues to flow, even if the budget has not been enacted by the start of the new fiscal year.

**State Budget:** On January 5, Gov. Brown released a spending plan for the next 18 months that calls for another round of cuts to health and human services programs, a reduction in funding for K-12 schools and community colleges resulting from adjustments to the Proposition 98 guarantee, a continuation of the realignment of certain state programs to local governments, a reorganization of a number of state agencies, and a ballot measure to temporarily raise income and sales taxes.

The Governor noted that although significant progress has been made in tackling the General Fund’s structural deficit, the state is still facing a budget shortfall of $9.2 billion over the next 18 months. This amount breaks down to a current-year gap of $4.1 billion and an FY 2013 deficit of $5.1 billion. In his FY 2013 budget, Gov. Brown is proposing $10.3 billion in cuts and new revenues to balance the budget and to build a $1.1 billion reserve. The key feature is an assumption of new revenues resulting from the passage of a ballot measure in November to temporarily raise the state sales tax and income taxes on the wealthiest Californians. The Governor’s budget also includes $5.4 billion in “trigger cuts” to take effect on January 1, 2013, if the voters do not approve the tax initiative. Proposition 98 funding for K-12 schools and community colleges would bear the brunt of these trigger cuts.

While transportation is spared from cuts, Gov. Brown’s FY 2013 budget does present a number of key issues for consideration by the Legislature, as follows:

**State Government Reorganization:** The Governor is proposing a reorganization of state government that calls for reducing the number of cabinet-level agencies from 12 to 10; eliminating 39 boards, commissions and departments; and phasing out nine programs. As part of this reorganization, the Governor is recommending breaking apart the Business, Transportation & Housing Agency, and consolidating transportation functions into a new, cabinet-level Transportation Agency. This agency would include Caltrans, the Department of Motor Vehicles (DMV), the California Highway Patrol (CHP), the California High-Speed Rail Authority, the California Transportation Commission (CTC), and the Board of Pilot Commissioners.

While a stand-alone Transportation Agency does have merit in terms of the focus it would bring to state transportation issues, this restructuring is likely to generate a considerable amount of discussion within the Legislature regarding how it would affect the roles of the CTC and the High-Speed Rail Authority, both of which have been operating as independent entities with their own governing boards. Under the Governor’s proposal, the CTC and the High-Speed Rail Authority would be brought under an agency umbrella and overseen by a secretary of transportation.

**High-Speed Rail:** Last November, the High-Speed Rail Authority released a draft updated business plan. This draft plan describes a phased approach to constructing a high-speed rail system running between San Francisco, San Jose, the Central Valley, Los Angeles, and Anaheim. It also provides updated cost estimates, ridership figures and funding expectations. Gov. Brown’s FY 2013 budget notes that Proposition 1A provides for a 90-day review period to
evaluate the plan before capital funding can be proposed. It further indicates that the Department of Finance is in the process of conducting a comprehensive review of the authority’s plan, and that the administration will propose “a complete capital outlay and support funding plan early in 2012.”

Although the budget document is somewhat vague on the topic of high-speed rail, the Governor did use his State of the State Address as an opportunity to assume ownership of the project. He forcefully defended the project and urged the Legislature to appropriate $2.7 billion in Proposition 1A bond revenues in order to allow construction to begin on the first 130-mile segment in the Central Valley. “If you believe that California will continue to grow, as I do, and that millions more people will be living in our state, this is a wise investment,” the Governor said. “Building new runways and expanding our airports and highways is the only alternative. That is not cheaper and will face even more political opposition.” He drew parallels between high-speed rail and other massive infrastructure advances of past decades, including the Panama Canal, the Bay Area Rapid Transit (BART) system, and the interstate highway system, noting that all of these projects were derided in their time. “The critics were wrong then and they’re wrong now,” he commented.

A critical decision about high-speed rail is facing the Legislature. California has been awarded approximately $3.5 billion in federal funding that is specifically targeted for the Central Valley segment and is tied to some fairly tight deadlines. There is a risk that the state could lose this federal money if the Legislature does not appropriate Proposition 1A bond funds as a match. While it appears that a majority of the Legislature supports high-speed rail, more and more members of the Assembly and Senate are growing nervous about the project. Some are raising concerns about the 25-year price tag and where future funding is going to come from. Others are questioning whether it makes sense to put all of the initial investment in high-speed rail in the Central Valley. In response, Gov. Brown is actively working with the High-Speed Rail Authority to revise the draft business plan in a way that would draw enough support from lawmakers to approve the needed Proposition 1A bond funds. Along these lines, there are discussions under way about appropriating a larger amount of Proposition 1A bond funds, perhaps as much as $5 billion, and directing some of the money to the two urban ends of the system -- the Peninsula Corridor in the Bay Area and the Los Angeles-Anaheim Corridor in Southern California.

Climate Change: Gov. Brown’s FY 2103 budget reflects the first year of implementation of the AB 32 cap-and-trade program. This program, which is a critical component of the state’s efforts to reduce greenhouse gas emissions, was adopted by the California Air Resources Board (CARB) late last year. The Governor’s budget projects that the program would generate about $1 billion in the upcoming fiscal year. The budget document suggests using the money to “invest in clean energy, low-carbon transportation, natural resource protection, and sustainable infrastructure.”

Since the release of Gov. Brown’s budget, Assembly Speaker John Perez (D-Los Angeles) has introduced AB 1532, which is being viewed as the legislative vehicle for defining specifically how cap-and-trade revenues would be allocated. Meanwhile, the Governor has indicated that he wants to use half of the $1 billion to offset General Fund expenditures related to reducing
greenhouse gas emissions. In addition, he has publicly stated that cap-and-trade revenues could be used as a source of funding for high-speed rail. Needless to say, the discussions about this issue within the Legislature are likely to be somewhat contentious, given the number of interests, including transportation, that will be competing for a piece of the pie.

**Tax Initiatives:** In order to address projected General Fund shortfalls over the next five years, Gov. Brown proposed as part of his FY 2013 budget an initiative for the November general election ballot that is intended to raise $7 billion annually through temporary sales and income tax increases. Specifically, the Governor is calling for imposing a half-cent sales tax increase starting in 2013 and a tax hike on high-income earners (single filers with incomes above $250,000 and joint filers with incomes above $300,000) retroactive to January 2012. Both would expire at the end of 2016.

Gov. Brown is working to qualify the initiative through a signature-gathering effort, rather than trying to cobble together the two-thirds vote that would be needed for the Legislature to put it on the ballot. In addition, the Governor is seeking to clear the field of several competing tax initiatives that are also vying for a spot on the November ballot, contending that multiple measures would create confusion and could cause voters to reject them all. He recently was successful in persuading the Think Long Committee for California, a bipartisan coalition led by billionaire investor Nicolas Berggruen, to suspend its campaign to place a complex tax reform plan on the ballot. The committee had been pushing a package that called for extending the sales tax to services and simplifying the state’s income tax structure in order to raise an additional $10 billion annually for the General Fund.

So far, however, wealthy civil rights attorney and education advocate Molly Munger is not backing down. Munger is trying to qualify an initiative that would increase personal income tax rates on all but the poorest Californians in order to generate about $10 billion a year in additional funding for K-12 schools and early childhood development programs. The daughter of billionaire investor Charles Munger, Warren Buffet’s chief business partner, she has already contributed $800,000 of her own money to the campaign for this initiative.

Similarly, the California Federation of Teachers still plans to move ahead with its own proposal, which calls for raising the marginal income tax rate by 3 percentage points on incomes between $1 million and $2 million, and by 5 percentage points on incomes of more than $2 million. Under this proposal, 60 percent of the money would go to K-12 schools and higher education, 25 percent to local governments to provide services to children and seniors, 10 percent to local governments for public safety, and 5 percent to counties (but not cities) for county roadway and bridge maintenance.

**Public Employee Pensions:** Gov. Brown has sent statutory language for his 12-point pension reform plan to the Legislature’s Conference Committee on Public Employee Pensions. The details track with the general outline that the Governor unveiled last October. Because the proposed changes require the state Constitution to be amended, they will need support from two-thirds of the members of both the Assembly and Senate to be placed on the November ballot.

The statutory language, which would kick in January 1, 2013, if enacted, includes the following:
• Requires current and future public employees and their employers to share at least equally in monthly pension contributions, and prohibits employers from picking up the employee share.

• Replaces defined-benefit pensions for new public employees with a mandatory “hybrid” system that combines: (a) a smaller, defined benefit; (b) Social Security; and (c) a 401(k)-style benefit. The intent of the new hybrid system is to replace 75 percent of an employee’s income after 30 years of service and a retirement age of 57 for public safety employees, and 35 years of service at age 67 for all other workers.

• For new public employees, requires pension calculations to be based on the average of the three highest years of pay versus single highest year.

• Excludes special bonuses, unused vacation time, overtime, and other pay “perks” from figuring into the pension calculations for current and future public employees.

• Prohibits the purchase of additional retirement service credit, or “airtime.”

• Prohibits applying pension increases retroactively.

• Places limits on post-retirement employment for both current and future public employees.

• Forfeits all or part of the pensions for elected officials and civil servants who are convicted of a felony associated with their offices or jobs.

• Reshapes the governing board of the California Public Employees’ Retirement System (PERS).

In his State of the State Address, Gov. Brown pressed lawmakers to seriously consider his plan, stating: “Examine it. Improve it. But please take up the issue and do something real.” From a political standpoint, the Governor wants a pension reform measure on the November ballot to illustrate the state’s seriousness about reducing the costs of government at the same time he is asking voters to approve his tax initiative.

Redevelopment Agencies: On February 1, redevelopment agencies were officially terminated in response to actions that were enacted as part of the FY 2012 budget package and a legal decision that was recently rendered by the California Supreme Court. Last December, the high court ruled that lawmakers had the authority to divert $1.7 billion in redevelopment agency money to shore up the General Fund. At the same time, the justices struck down a separate law approved as part of the FY 2012 budget package that would have allowed redevelopment agencies to stay in business if they agree to relinquish a large share of their funding to the state.

Given that they do not have a pot of money to pay for urban renewal, affordable housing and other projects comparable to the property taxes that supported redevelopment activities, cities are
urging the Legislature to act in some way to compensate for the loss of redevelopment agencies. Right now, however, it is unclear what may unfold next. SB 654 (Steinberg) was recently amended to allow cities to retain property tax dollars contained in the low- and moderate-income housing funds of redevelopment agencies. Under current law, these funds must be redirected to schools or other local government functions as part of the process for shutting down redevelopment agencies. Also under consideration is loosening the rules governing infrastructure financing districts (IFD), which are more limited in scope than redevelopment agencies and require certain approvals, including a two-thirds vote of affected property owners. A big question mark is whether Gov. Brown would be willing to entertain creating some sort of substitute for redevelopment agencies, given that he aggressively pushed for their elimination.

Prepared By: Kurt Evans, Government Affairs Manager
Memo No. 3333
## State Assembly Bills

<table>
<thead>
<tr>
<th>State Assembly Bills</th>
<th>Subject</th>
<th>Last Amended</th>
<th>Status</th>
<th>VTA Position</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AB 16</strong> (Perea)</td>
<td>High-Speed Rail: Rolling Stock and Equipment Purchases</td>
<td>As Introduced</td>
<td>Senate Floor</td>
<td></td>
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<tr>
<td></td>
<td>Requires the California High-Speed Rail Authority to make every effort to purchase high-speed train rolling stock and related equipment manufactured in the state, consistent with federal and state laws.</td>
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<tr>
<td><strong>AB 41</strong> (Hill)</td>
<td>High-Speed Rail Authority: Conflicts of Interest and Ex Parte Communications</td>
<td>2/15/12</td>
<td>Senate Appropriations Committee</td>
<td></td>
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<td>Adds members of the Board of Directors of the California High-Speed Rail Authority to those specified officers who must publicly identify a financial interest giving rise to a conflict of interest or potential conflict of interest, and recuse themselves accordingly. Requires High-Speed Rail Authority Board members to fully disclose and make public any ex parte communication by providing a full report of the communication to the authority’s executive director. Requires the authority’s executive director to place any report of an ex parte communication in the public record. Prohibits a High-Speed Rail Authority Board member from making, participating in or influencing an authority decision about which he or she has knowingly had an ex parte communication that has not been reported.</td>
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<tr>
<td><strong>AB 57</strong> (Beall)</td>
<td>Metropolitan Transportation Commission: Governance</td>
<td>5/19/11</td>
<td>Senate Transportation and Housing Committee</td>
<td>Support</td>
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<td>Adds two seats to the Metropolitan Transportation Commission (MTC) as follows: (1) one appointed by the mayor of San Jose from the San Jose City Council; and (2) one appointed by the mayor of Oakland from the Oakland City Council. Prohibits more than three members of MTC from being residents of the same county.</td>
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<td>State Assembly Bills</td>
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| **AB 145**  
(Galgiani)  
High-Speed Rail Authority: Organizational Structure | Places the California High-Speed Rail Authority within the Business, Transportation and Housing Agency. Requires the authority to establish policies directing the development and implementation of intercity high-speed train service that is fully integrated with the state’s existing intercity rail and bus network, consisting of interlinked conventional and high-speed train lines and associated feeder buses. Further specifies that the intercity network in turn shall be fully coordinated and connected with commuter train lines and urban transit systems developed by local agencies, through the use of common station facilities wherever possible. Requires the authority to do all of the following: (1) select the alignments for the routes of the state’s high-speed train system; (2) advise the secretary of the Business, Transportation and Housing Agency concerning high-speed rail matters; (3) adopt criteria for the awarding of franchises; and (4) set fares or establish guidelines for the setting of fares. Requires the Governor’s appointments to the authority to be confirmed by the Senate. For purposes of managing and administering the ongoing work of the authority in implementing the state’s high-speed train project, allows the Governor, upon the recommendation of the authority’s executive director, to appoint up to six additional individuals who would: (a) be exempt from civil service; and (b) serve at the pleasure of the executive director. Limits the Governor’s authority in this regard to the following positions: (1) chief program manager; (2) up to three regional directors; (3) chief financial officer; and (4) director of risk management and project controls. Requires the authority to submit a business plan to the Legislature every two years. Requires the authority to submit a high-speed train capital program to the Legislature and Governor each even-numbered year. | 7/13/11 | Senate Appropriations Committee |
| **AB 292**  
(Galgiani)  
High-Speed Rail Authority: Agricultural Advisory Committee | Requires the California High-Speed Rail Authority to appoint an agricultural advisory committee consisting of nine members selected from a list of nominees recommended by the Department of Food and Agriculture. Specifies that the purpose of the committee is to advise the authority on the impact that the authority’s policies, plans, practices, and procedures will have on the agricultural community. Requires the authority to consult with the committee prior to adopting any policy relevant to agriculture, and to reflect the comments of the committee in any related action item brought before the board of the authority. Requires the authority to provide written responses to the committee’s comments. | 8/16/11 | Senate Appropriations Committee |
| **AB 294**  
(Portantino)  
Transportation Projects: Procurement | Until January 1, 2015, allows Caltrans to award design-sequencing contracts for the design and construction of not more than five transportation projects. Defines “design-sequencing” as a method of contracting that enables the sequencing of design activities to permit each construction phase to commence when design for that phase is complete, instead of requiring design for the entire project to be completed before commencing construction. Requires Caltrans to use department employees or consultants under contract with the department to perform all design services related to design-sequencing contracts authorized by this bill, consistent with Article XXII of the California Constitution. Requires Caltrans to use its own employees or its own consultants to perform all project development and construction inspection services for projects on the state highway system utilizing public-private partnerships or design-build contracting under SB 4 (Chapter 2, Statutes of 2009 Second Extraordinary Session). | 8/31/11 | Senate Appropriations Committee | Oppose |
<table>
<thead>
<tr>
<th>State Assembly Bills</th>
<th>Subject</th>
<th>Last Amended</th>
<th>Status</th>
<th>VTA Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>AB 296 (Skinner)</td>
<td>Cool Pavements Research and Implementation Act By January 1, 2014, requires Caltrans to publish and make available a Cool Pavements Handbook that incorporates existing specifications, testing protocols and best practices for cool pavement use. Requires Caltrans to implement one or more cool pavement pilot projects, with the goal of completing the construction of those projects no later than January 1, 2015. By January 1, 2018, requires Caltrans to submit a report to the Legislature describing the results of the cool pavement pilot projects. Requires the report to also include the upfront and life-cycle costs, environmental benefits, energy savings, and durability of various pavement options.</td>
<td>6/21/11</td>
<td>Senate Appropriations Committee</td>
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<td>AB 343 (Atkins)</td>
<td>Redevelopment Plans Requires a redevelopment plan to be consistent with the regional sustainable communities strategy or alternative planning strategy adopted by the applicable metropolitan planning organization (MPO) pursuant to SB 375 (Steinberg).</td>
<td>6/14/11</td>
<td>Senate Governance and Finance Committee</td>
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<td>AB 345 (Atkins)</td>
<td>Traffic Control Devices: Consultation Requires Caltrans to consult with groups representing users of streets, roads and highways, including bicyclists, persons with disabilities, motorists, movers of commercial goods, pedestrians, public transit riders, and seniors, when adopting rules and standards for traffic control devices. Requires that any advisory committee that Caltrans establishes for the purpose of developing its traffic control devices include groups representing non-motorized interests of users of streets, roads and highways.</td>
<td>6/29/11</td>
<td>Senate Appropriations Committee</td>
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<td>AB 441 (Monning)</td>
<td>Regional Transportation Plans: Health Issues Requires the California Transportation Commission (CTC) to include voluntary health and health equity factors, strategies, goals, and objectives in its guidelines for the preparation of regional transportation plans (RTPs).</td>
<td>1/23/12</td>
<td>Senate Transportation and Housing Committee</td>
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<td>State Assembly Bills</td>
<td>Subject</td>
<td>Last Amended</td>
<td>Status</td>
<td>VTA Position</td>
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<td><strong>AB 485</strong>&lt;br&gt;(Ma)&lt;br&gt;Infrastructure Financing Districts: Transit Villages</td>
<td>Allows for the formation of an infrastructure financing district, adoption of an infrastructure financing plan, and the issuance of bonds to implement a transit village development plan. Requires a transit village development plan utilizing an infrastructure financing district to do all of the following: (1) use at least 20 percent of all revenues derived from the infrastructure financing district to increase, improve and preserve the supply of low- and moderate-income affordable housing in the district for a period of at least 55 years for rental housing and 45 years for owner-occupied housing; (2) replace dwelling units at an affordable housing cost when specified dwelling units are destroyed or removed; and (3) include either an increased stock of affordable housing or live-travel options for transit-needy groups as one of its five demonstrable public benefits. Declares the intent of the Legislature that the development of transit village development districts throughout the state be environmentally conscious and sustainable, and that related construction meet or exceed the requirements of the California Green Building Standards Code. Eliminates the requirement for voter approval for the formation of an infrastructure financing district, adoption of an infrastructure financing district plan, and the issuance of bonds for implementing an infrastructure financing district plan. Specifies that the date on which an infrastructure financing district would cease to exist would not be more than 40 years from the date on which the city or county adopted the infrastructure financing district plan. Requires an infrastructure financing district to distribute an annual report to each owner of land within the district and each affected taxing entity. Requires the report to contain all of the following: (1) a summary of the district’s expenditures; (2) a description of the progress made toward the district’s adopted goals; and (3) an assessment of the status regarding completion of the district’s public works projects.</td>
<td>6/29/11</td>
<td>Senate Governance and Finance Committee</td>
<td>Support</td>
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<td><strong>AB 492</strong>&lt;br&gt;(Galgiani)&lt;br&gt;High-Speed Rail Contracts: Job Creation and Small Business Participation</td>
<td>To the extent permitted by federal and state law, requires the California High-Speed Rail Authority to consider the creation of jobs and participation by small business enterprises in California when awarding major contracts, or when purchasing high-speed trains and related equipment and supplies. Requires the authority to appoint a small business enterprise advisory committee to provide comments and feedback on the implementation of the authority’s small business enterprise policy in order to ensure proper oversight and accountability.</td>
<td>6/27/11</td>
<td>Senate Rules Committee</td>
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<td><strong>AB 710</strong>&lt;br&gt;(Skinner)&lt;br&gt;Infill and Transit-Oriented Development: Parking Requirements</td>
<td>Except as specified, prohibits a city or county from requiring a minimum parking standard greater than one parking space per 1,000 square feet of non-residential improvements and one parking space per unit of residential improvements for any new development project located in a transit intensive area.</td>
<td>8/18/11</td>
<td>Senate Governance and Finance Committee</td>
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<td><strong>AB 812</strong>&lt;br&gt;(Ma)&lt;br&gt;Recycled Asphalt</td>
<td>Authorizes Caltrans to establish specifications for the use of reclaimed asphalt pavement (RAP) of up to 40 percent for hot mix asphalt mixes.</td>
<td>1/12/12</td>
<td>Senate Transportation and Housing Committee</td>
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<td>State Assembly Bills</td>
<td>Subject</td>
<td>Last Amended</td>
<td>Status</td>
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<td>AB 819 (Wieckowski)</td>
<td>Bikeways: Requires Caltrans to establish procedures for local agencies to request approval to use non-standard planning, design and construction features in the construction of bikeways or roadways, as well as to use non-standard signs, markers and traffic control devices, where bicycle travel is permitted for purposes of research, experimentation and verification.</td>
<td>1/11/12</td>
<td>Senate Transportation and Housing Committee</td>
<td>7.8.a</td>
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<td>AB 845 (Ma)</td>
<td>Proposition 1A: Commuter and Urban Rail Funds: With regard to the $950 million in Proposition 1A funds that are available for capital improvements to commuter rail lines and urban rail transit systems, requires the guidelines adopted by the California Transportation Commission (CTC) to determine the funding share for each eligible commuter rail and urban rail transit recipient by using the distribution factors gathered from the 2007 Data Tables of the National Transit Database of the Federal Transit Administration (FTA). Requires the CTC to accept from each eligible recipient a priority list of projects up to the target amount expected to be available for the recipient. Requires the matching funds provided by the recipient to be from “non-state” funds, which are defined as local, federal and private funds, as well as state funds available to the recipient that are not subject to allocation by the CTC.</td>
<td>5/10/11</td>
<td>Senate Appropriations Committee</td>
<td>Support</td>
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<td>AB 890 (Olsen)</td>
<td>CEQA Exemption: Roadway Improvements: Until January 1, 2016, exempts from the California Environmental Quality Act (CEQA) a project or activity to repair, maintain or make minor alterations to an existing roadway if all of the following conditions are met: (1) the project is initiated by a city or county to improve public safety; (2) the project does not cross a waterway; and (3) the project involves negligible or no expansion of an existing use.</td>
<td>1/13/12</td>
<td>Senate Environmental Quality Committee</td>
<td>7.8.a</td>
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<td>AB 910 (Torres)</td>
<td>Infrastructure Financing Districts: Affordable Housing and Economic Development: In addition to public capital facilities, allows an infrastructure financing district to be formed to finance affordable housing facilities and economic development projects. Eliminates the requirement for voter approval for the formation of an infrastructure financing district, adoption of an infrastructure financing plan, and the issuance of bonds if the district is being proposed to implement an affordable housing or economic development plan.</td>
<td>4/25/11</td>
<td>Senate Governance and Finance Committee</td>
<td>7.8.a</td>
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<td>AB 1092 (B. Lowenthal)</td>
<td>High-Speed Rail Authority: Biannual Report to the Legislature: Beginning March 1, 2012, requires the California High-Speed Rail Authority to report biannually to the Legislature on the development and implementation of the state’s proposed high-speed rail project. Requires the report to include all of the following: (1) a summary describing the overall progress of the project; (2) the baseline budget for all project phase costs, by segment or contract, beginning with the authority’s 2009 Business Plan; (3) the current and projected budget, by segment or contract, for all project phase costs; (4) expenditures to date, by segment or contract, for all project phase costs; (5) a comparison of the current and projected work schedule and the baseline schedule contained in the authority’s 2009 Business Plan; (6) a summary of the milestones achieved during the prior year and milestones expected to be reached in the coming year; (7) any issues identified during the prior year and actions taken to address those issues; and (8) a thorough discussion of various risks to the project and steps taken to mitigate those risks.</td>
<td>As Introduced</td>
<td>Senate Rules Committee</td>
<td>7.8.a</td>
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<td><strong>AB 1099</strong>&lt;br&gt;(B. Lowenthal)&lt;br&gt;Commercial Motor Vehicles: Emission Standards</td>
<td>Requires the Department of Motor Vehicles (DMV) to refuse registration for any commercial motor vehicle that is of a 1996 or older model year with a gross vehicle weight rating of more than 26,000 pounds.</td>
<td>7/12/11</td>
<td>Senate Appropriations Committee</td>
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<td><strong>AB 1229</strong>&lt;br&gt;(Feuer)&lt;br&gt;GARVEE Bonds</td>
<td>Allows for federal highway grant anticipation notes (GARVEE bonds) to be issued for projects programmed by a regional transportation planning agency (RTPA) using its share of apportionments of federal Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) dollars. Provides that no more than 50 percent of the state’s GARVEE bonding capacity may be used for such projects. If an RTPA’s share of STP and CMAQ funds is insufficient to repay the GARVEE bonds, allows the California Transportation Commission (CTC) to use State Transportation Improvement Program (STIP) dollars for the repayment to be counted against the county share for the county in which the project is located.</td>
<td>6/21/11</td>
<td>Senate Appropriations Committee</td>
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<td><strong>AB 1444</strong>&lt;br&gt;(Feuer)&lt;br&gt;CEQA Expedited Judicial Review: Public Rail Transit Projects</td>
<td>Declares the intent of the Legislature to enact a bill to provide the benefits of the Jobs and Economic Improvement Through Environmental Leadership Act of 2011 for new public rail transit infrastructure projects.</td>
<td>As Introduced</td>
<td>Assembly Desk</td>
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<td><strong>AB 1448</strong>&lt;br&gt;(Furutani)&lt;br&gt;Home-to-School Transportation Funding</td>
<td>Declares the intent of the Legislature to fund home-to-school transportation at least at the level that was approved in the FY 2011 budget. Appropriates $248 million from the General Fund for home-to-school transportation in FY 2012.</td>
<td>As Introduced</td>
<td>Assembly Education Committee</td>
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<td><strong>AB 1455</strong>&lt;br&gt;(Harkey)&lt;br&gt;High-Speed Rail: Proposition 1A Bonds</td>
<td>Reduces the amount of general obligation bond debt authorized pursuant to Proposition 1A for high-speed rail purposes to the amount contracted as of January 1, 2013. Specifies that the provisions of the bill do not apply to Proposition 1A bond funds dedicated for intercity, commuter and urban passenger rail purposes.</td>
<td>2/9/12</td>
<td>Assembly Transportation Committee</td>
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<td><strong>AB 1523</strong>&lt;br&gt;(Perea)&lt;br&gt;High-Speed Rail: Workforce Training</td>
<td>Appropriates $2 million in Proposition 1A bond revenues to the California High-Speed Rail Authority to fund a three-year pilot project in the Central Valley to train unemployed workers for high-speed rail construction jobs. Requires the authority to work with various labor organizations to train a total of 400 clients in preapprenticeship programs that will lead to direct referrals to building trades unions.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td>AB 1532 (J. Perez)</td>
<td>Cap-and-Trade Revenues</td>
<td>Creates the Greenhouse Gas Reduction Account within the Air Pollution Control Fund. Requires all revenues collected pursuant to a market-based compliance mechanism established to reduce greenhouse gas emissions under the California Global Warming Solutions Act of 2006 to be deposited into the account. Subject to appropriations by the Legislature, requires the California Air Resources Board (CARB) to expend the funds in the account for measures and programs that reduce greenhouse gas emissions to achieve any of the following: (1) clean and efficient energy through energy efficiency, clean and renewable distributed energy generation, and related activities; (2) low-carbon transportation through the development of state-of-the-art systems to move goods and freight, deploy advanced technology vehicles and vehicle infrastructure, produce and use advanced biofuels, and increase the availability of low-carbon and public transportation; (3) natural resource protection through measures associated with water use and supply, land and natural resource conservation and management, and sustainable agriculture; or (4) sustainable infrastructure development through strategic planning and development of major infrastructure, including transportation and housing.</td>
<td>As Introduced</td>
<td>Assembly Natural Resources Committee</td>
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<td>AB 1535 (Halderman)</td>
<td>HOV Lanes: Signage</td>
<td>When replacing signs designating high-occupancy vehicle (HOV) lane use in an area that allows motorcycles to use such lanes, requires Caltrans or the local authority to include language on the new signs stating that motorcycles are permitted in the HOV lanes.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td>AB 1570 (Perea)</td>
<td>CEQA: Record of Proceedings</td>
<td>At the request of a project applicant, requires the lead agency for California Environmental Quality Act (CEQA) purposes to prepare a record of proceedings concurrently with the preparation and certification of an environmental impact report (EIR) for the project.</td>
<td>As Introduced</td>
<td>Assembly Natural Resources Committee</td>
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<td>State Assembly Bills</td>
<td>Subject</td>
<td>Last Amended</td>
<td>Status</td>
<td>VTA Position</td>
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<td>AB 1574 (Galgiani)</td>
<td>High-Speed Rail: Organizational Structure</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td>Places the California High-Speed Rail Authority within the Business, Transportation &amp; Housing</td>
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<td>Agency. Requires the authority to establish policies directing the development and implementation</td>
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<td>of intercity high-speed train service that is fully integrated with the state’s existing</td>
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<td>intercity rail and bus network, consisting of interlinked conventional and high-speed train</td>
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<td>lines and associated feeder buses. Further specifies that the intercity network in turn shall</td>
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<td>be fully coordinated and connected with commuter train lines, urban transit systems and other</td>
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<td>transit services developed by local agencies, through the use of common station facilities</td>
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<td>whenever possible. Requires the authority to do all of the following: (1) select the</td>
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<td>alignments for the routes of the state’s high-speed train system; (2) advise the</td>
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<td>secretary of the Business, Transportation &amp; Housing Agency concerning high-speed rail</td>
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<td>matters; (3) adopt criteria for the awarding of franchises; and (4) set fares or establish</td>
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<td>guidelines for the setting of fares. Requires the Governor’s appointments to the</td>
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<td>authority’s Board of Directors to be confirmed by the Senate. For purposes of managing and</td>
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<td>administering the ongoing work of the authority in implementing the state’s high-speed train</td>
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<td>project, allows the Governor, upon the recommendation of the authority’s executive director, to</td>
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<td>appoint up to six additional individuals who would: (1) be exempt from civil service; and (2)</td>
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<td>serve at the pleasure of the executive director. Limits the Governor’s ability in this regard</td>
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<td>to the following positions: (1) chief program manager; (2) up to three regional directors;</td>
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<td>(3) chief financial officer; and (4) director of risk management and project controls. Requires</td>
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<td>the High-Speed Rail Authority to conduct a salary survey to determine the compensation for the</td>
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<td>executive director and these additional officers, and requires their salaries to be approved</td>
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<td>by the Department of Personnel Administration. Requires the authority to submit a business plan</td>
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<td>to the Legislature every two years. Requires the authority to submit a high-speed train capital</td>
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<td>program to the Legislature and Governor each even-numbered year.</td>
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<td>AB 1633 (Wagner)</td>
<td>Public Employees Retirement: Maximum Allowable Benefits</td>
<td>As Introduced</td>
<td>Assembly Public Employees Retirement and</td>
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<td>Social Security Committee</td>
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<tr>
<td>AB 1645 (Norby)</td>
<td>Naming of State Highways</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td>Transfers the authority for naming highways, bridges, pathways, and other transportation</td>
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<td>infrastructure from the Legislature to the California Transportation Commission (CTC).</td>
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<td>AB 1665 Galgiani</td>
<td>CEQA Exemption: Railroad Crossings</td>
<td>As Introduced</td>
<td>Assembly Natural Resources Committee</td>
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<td>Exempts from the California Environmental Quality Act (CEQA) a railroad grade separation</td>
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<td>project that consists of the elimination of an existing at-grade crossing.</td>
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<td>AB 1706 (Eng)</td>
<td>Includes batteries among those items included as the basis for determining the unladen weight of a vehicle.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td>AB 1770 (B. Lowenthal) California Transportation Financing Authority</td>
<td>Makes rail rolling stock procurements eligible for financing through the California Transportation Financing Authority.</td>
<td>As Introduced</td>
<td>Assembly Desk</td>
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<td>AB 1780 (Bonilla) Project Study Reports (PSRs)</td>
<td>Makes technical, non-substantive changes to provisions in the Government Code relating to project study reports (PSRs) for state highway projects.</td>
<td>As Introduced</td>
<td>Assembly Desk</td>
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<td>AB 1890 (Solorio) Toll Highways: Motorcycles</td>
<td>If using a transponder or other electronic toll payment device to lawfully enter a vehicle crossing or toll highway, requires a motorcyclist to do one of the following: (a) place the transponder or other electronic toll payment device in his or her pocket; (b) place the transponder or other electronic toll payment device inside a cycle net that drapes over the gas tank of the motorcycle; (c) mount the transponder or other electronic toll payment device on license plate devices provided by the toll operator; or (d) keep the transponder or other electronic toll payment device in the glove compartment of the motorcycle.</td>
<td>As Introduced</td>
<td>Assembly Desk</td>
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<td>AB 2173 (Skinner) MTC: Regional Gas Tax</td>
<td>Makes several changes to the existing authority of the Metropolitan Transportation Commission (MTC) to impose a regional gas tax. Specifically, allows MTC to submit a proposed ballot measure for a regional gas tax to the voters of one or more counties in the Bay Area, rather than to all nine counties in the region. Allows the tax to be levied at a rate that may vary from year to year, but may not exceed 10 cents per gallon. Provides that the ballot measure shall be identified, worded and described in a manner determined by MTC. Enacts new provisions authorizing MTC to issue bonds secured by all or a portion of net regional gas tax revenues. Provides that interest earned on any of these bonds is free from state personal and corporate income taxes.</td>
<td>As Introduced</td>
<td>Assembly Desk</td>
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<td>AB 2200 (Ma) High-Occupancy Vehicle Lanes</td>
<td>Declares the intent of the Legislature to enact a bill relating to high-occupancy vehicle (HOV) lanes.</td>
<td>As Introduced</td>
<td>Assembly Desk</td>
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<td>AB 2245 (Smyth) CEQA Exemption: Bikeway Projects</td>
<td>Exempts from the California Environmental Quality Act (CEQA) a bikeway project undertaken by a city or county within an existing road right-of-way.</td>
<td>As Introduced</td>
<td>Assembly Desk</td>
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<td>AB 2247 (B. Lowenthal) Public Transit: Violations</td>
<td>Provides that selling or peddling any goods, merchandise, property, or services on the facilities, vehicles or property of a public transit agency without the express written consent of that agency or its duly authorized representative is an infraction for the first two violations, and a misdemeanor for the third or subsequent violation.</td>
<td>As Introduced</td>
<td>Assembly Desk</td>
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<td>AB 2277 (Hueso) Adopt a Highway Program: Courtesy Signs</td>
<td>Requires Caltrans to notify and obtain the approval of the applicable local governing body prior to posting a courtesy sign identifying a group that is providing litter abatement services under the Adopt a Highway Program.</td>
<td>As Introduced</td>
<td>Assembly Desk</td>
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<td>AB 2382 (Gordon) Innovation District Demonstration Project</td>
<td>Requires Caltrans to work in partnership with the Santa Clara Valley Transportation Authority (VTA) to establish the Innovation District Demonstration Project. Requires the Innovation District Demonstration Project to be designed to do both of the following: (1) operate under a new and innovative business model for delivering transportation projects and services in Santa Clara County in a more responsive, cost-effective and efficient manner; and (2) serve as a mechanism for trying out new approaches for project delivery, local assistance and transportation operations through streamlined processes, improved management techniques and advanced technologies, with the goal of expediting project delivery and increasing the efficiency of Caltrans. Requires Caltrans and VTA to jointly conduct an evaluation of the demonstration project in order to determine its effectiveness. By January 1, 2018, requires Caltrans to submit a report to the Legislature summarizing the results of the evaluation, together with recommendations as to whether the demonstration project should be continued. Also requires the report to identify those elements of the demonstration project business model that are suitable for application by Caltrans throughout its operations.</td>
<td>As Introduced</td>
<td>Assembly Desk</td>
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<td>AB 2405 (Blumenfield) Express Lanes: Clean-Fuel Vehicles</td>
<td>Exempts a vehicle that meets California’s enhanced advanced technology partial zero-emission vehicle (enhanced AT PZEV) standard from toll charges imposed on single-occupant vehicles in lanes designated for tolls unless prohibited by federal law.</td>
<td>As Introduced</td>
<td>Assembly Desk</td>
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<td>ACA 4 (Blumenfield) Local Governments: Special Taxes</td>
<td>Calls for placing before the voters an amendment to the California Constitution to allow a local agency to incur indebtedness in the form of general obligation bonds, if approved by its electorate by a 55 percent majority, to fund the construction, reconstruction, rehabilitation, or replacement of: (1) public improvements, including improvements to transportation infrastructure, streets, highways, sewer systems, water systems, wastewater systems, and park and recreation facilities; and (2) facilities or buildings used primarily to provide sheriff, police or fire protection services to the public. Creates an exception to the 1 percent limit for property tax assessments if the revenues are being used to pay bonded indebtedness, approved by a 55 percent vote, to fund the construction, reconstruction, rehabilitation, or replacement of: (1) public improvements, including improvements to transportation infrastructure, streets, highways, sewer systems, water systems, wastewater systems, and park and recreation facilities; and (2) facilities or buildings used primarily to provide sheriff, police or fire protection services to the public.</td>
<td>As Introduced</td>
<td>Assembly Appropriations Committee</td>
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<td>ACA 23 (Perea) Local Government Transportation Projects</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 approved by a 55 percent majority vote.</td>
<td>As Introduced</td>
<td>Assembly Desk</td>
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<td><strong>SB 27</strong></td>
<td>Clarifies and defines which forms of compensation may be included in an employee’s final compensation for purposes of determining a retirement allowance under the California Public Employees’ Retirement System (CalPERS) and the State Teachers’ Retirement System (CalSTRS). Prohibits any compensation determined to have been paid expressly to enhance an employee’s retirement allowance from being included in the calculation. Requires increases to compensation paid during the final compensation period to be consistent with publicly published pay scales and the increases paid to other employees in the same or similar working groups or classes. Prohibits working groups or classes of only one individual. Prohibits any CalPERS member who retires on or after January 1, 2013, from returning to public employment as a part-time worker, a private contractor or an employee of a third-party contractor for 180 days following the date of retirement.</td>
<td>8/15/11</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>SB 31</strong></td>
<td>Applies the current post-government employment restrictions in the Political Reform Act of 1974 to public officials serving as members of local governing boards or commissions with decision-making authority.</td>
<td>1/10/12</td>
<td>Assembly Desk</td>
<td>6/2/11</td>
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<td><strong>SB 46</strong></td>
<td>Until January 1, 2019, specifies that every person, except a candidate for public office, who is required by state law to file a statement of economic interests must, as part of that filing, include a disclosure form that provides compensation information for the preceding calendar year. By March 1, 2013, requires the Controller’s Office to adopt emergency regulations to implement this bill, including the format of the compensation disclosure form. Requires the form to provide for the disclosure of the following information: (1) the agency’s cost for a person’s annual salary or stipend; (2) the agency’s cost to provide benefits to a person, including deferred compensation or defined benefit plans; (3) the agency’s reimbursement payments to a person for actual and necessary expenses incurred on behalf of the local agency in the performance of official duties; and (4) the agency’s cost to provide a person with any other monetary or non-monetary perquisites of office. By July 1, 2013, requires the Controller’s Office to recommend to the Governor and the Legislature methods for compiling the information contained on compensation disclosure forms in one or more publicly accessible databases. If an agency maintains an Internet Web site, requires the following information to be posted: (1) the information contained on employee compensation disclosure forms; and (2) its written policy for reimbursement of actual and necessary expenses to employees in the performance of official duties.</td>
<td>6/2/11</td>
<td>Assembly Desk</td>
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<td><strong>SB 214</strong> (Wolk)</td>
<td><strong>Infrastructure Financing Districts: Voter Approval</strong></td>
<td>Eliminates the requirement for voter approval for the formation of an infrastructure financing district, adoption of an infrastructure financing district plan, and the issuance of bonds for implementing an infrastructure financing district plan. Prohibits an infrastructure financing district for paying for routine maintenance, repair work, or the costs of ongoing operations or providing services of any kind. Allows a district to finance any projects that implement a sustainable communities strategy. Prohibits a district from providing any form of financial assistance to: (1) a vehicle dealer; (2) a big box retailer; or (3) a business entity that sells or leases land to a vehicle dealer or big box retailer that is relocating from the territorial jurisdiction of one local agency to the territorial jurisdiction of another local agency but within the same market area. Specifies that the date on which an infrastructure financing district would cease to exist would not be more than 40 years from the date on which the city or county adopted the infrastructure financing district plan. Requires an infrastructure financing district to distribute an annual report to each owner of land within the district and each affected taxing entity. Requires the report to contain all of the following: (1) a summary of the district’s expenditures; (2) a description of the progress made toward the district’s adopted goals; and (3) an assessment of the status regarding completion of the district’s public works projects.</td>
<td>6/21/11</td>
<td>Assembly Floor</td>
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<td><strong>SB 475</strong> (Wright)</td>
<td><strong>Public-Private Infrastructure Agreements</strong></td>
<td>Clarifies various provisions in existing law relating to public-private infrastructure agreements for local projects. Clarifies that a local agency may, but is not required to, provide for the lease, license or other permissive use of facilities constructed under a public-private infrastructure agreement. Provides more flexibility to a local agency with regard to the selection criteria that it may use in the solicitation documents when selecting a private entity under a public-private infrastructure agreement. Clarifies that a local agency may use public financing without any private financing or in combination with private financing as part of a public-private infrastructure agreement. Specifies that private-sector financing may include cash, cash equivalents, loans, debt assumption, letters of credit, capital investment, in-kind contributions of materials or equipment, construction or equipment financing, carrying costs during construction, or any combination thereof. Clarifies that user fees may be paid to either the local agency or the private entity. Clarifies that the reasonable rate of return to the private entity must be specifically stated in the public-private infrastructure agreement, or included as part of the costs and fees as set during the procurement process. Prior to entering into a public-private infrastructure agreement for a project that includes at least some public financing, requires the local agency to assess whether such agreement provides greater benefit or value as compared with funding the project entirely with public financing and using competitive bidding.</td>
<td>6/20/11</td>
<td>Assembly Local Government Committee</td>
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<td><strong>SB 517</strong> (A. Lowenthal)</td>
<td><strong>High-Speed Rail Authority: Organizational Structure</strong></td>
<td>Places the California High-Speed Rail Authority within the Business, Transportation and Housing Agency. Requires the secretary of the Business, Transportation and Housing Agency to propose an annual budget for the authority. Requires the Governor’s appointments to the authority to be confirmed by the Senate. Vacates the current membership of the authority, and provides for the appointment or reappointment of members as of January 1, 2012, for staggered terms. Requires members of the authority to have specified experience in order to be appointed. Prohibits a member of the authority from simultaneously holding any other elected or appointed public office. Requires the executive director of the authority to be confirmed by the Senate. Prohibits the employment agreement for the executive director from being executed without Senate confirmation. Enacts various conflict-of-interest provisions applicable to members of the authority and its staff.</td>
<td>6/30/11</td>
<td>Assembly Appropriations Committee</td>
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| **SB 535**
(De Leon)
Global Warming
Solutions Act:
Communities
Healthy Air
Revitalization Trust | Requires a minimum of 10 percent of the fee revenues generated under the California Global Warming Solutions Act of 2006, other than revenues collected by the California Air Resources Board (CARB) for administrative purposes, to be deposited into the California Communities Healthy Air Revitalization Trust. Requires the trust to be administered by CARB. Upon appropriation by the Legislature, requires the revenues in the trust to be used: (a) solely in the most impacted and disadvantaged communities in the state; and (b) to fund programs or projects that reduce greenhouse gas emissions or mitigate the direct health impacts of climate change, through competitive grants, loans or other funding mechanisms. Requires CARB to convene a review panel to make recommendations regarding the development of policies, plans and programs as they relate to the trust. | 7/5/11 | Assembly Appropriations Committee |
| **SB 580**
(Wolk)
State Park Land | Prohibits land acquired for the state park system through public funds, gifts or bequests from being disposed of or used in a way that is incompatible with park purposes without the substitution of other land. In the event that land cannot be acquired to fully meet the substitution eligibility criteria, allows the state Park and Recreation Commission to approve a combination of substitute park land and monetary compensation, if certain conditions are met. Provides that the commission may consider requests only if it determines that all practical alternatives that avoid the proposed disposal or use of park land for incompatible purposes have been considered. | 6/20/11 | Assembly Water, Parks and Wildlife Committee |
| **SB 653**
(Steinberg)
Local Taxes | Authorizes cities, counties, school districts, community college districts, and county offices of education, subject to constitutional voter approval requirements, to levy, increase or extend the following taxes: (1) a local personal income tax not to exceed 1 percent; (2) an additional transactions and use tax that would be excluded from the current 2 percent combined county/city rate limit; (3) an alcoholic beverage tax of five cents per five ounces and at a proportionate rate for any other quantity; (4) a cigarette and tobacco products tax of up to five cents per cigarette or $1 per pack; (5) an oil severance tax not to exceed 10 percent of the product upon a producer for the privilege of severing oil from the earth or water in the county for sale, transport, consumption, storage, profit, or use; (6) a sweetened beverage tax not to exceed one cent per fluid ounce; and (7) a local medical marijuana tax. | 6/6/11 | Senate Appropriations Committee |
| **SB 749**
(Steinberg)
CTC Guidelines | Exempts the adoption of guidelines by the California Transportation Commission (CTC) from the rulemaking provisions of the Administrative Procedure Act. Except in the case of the State Transportation Improvement Program (STIP), specifies a process that the CTC must use when adopting guidelines. Requires the CTC to maintain a guideline adoption file containing: (a) a summary of each objection or recommendation made with regard to a proposed guideline; and (b) an explanation of how the proposed guideline was changed to accommodate each objection or recommendation, or the reasons for making no change. Requires the CTC to include in its annual report to the Legislature a summary of its activities related to the adoption of program or policy guidelines during the previous calendar year. | 1/4/12 | Assembly Desk |
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<td><strong>SB 830</strong></td>
<td>(Wright) Trade Infrastructure Investment Credit Enacts a trade infrastructure tax credit equal to 50 percent of the total capital costs of a qualifying public port infrastructure project. Allows the credit to be claimed from the 2011 taxable year to the 2020 taxable year. Limits a taxpayer from claiming more than 5 percent of the total credit amount in any given taxable year. Provides that the Franchise Tax Board cannot certify a project for the tax credit unless the public port in which the project is located determines that the state will receive revenues resulting from the project’s economic impact that are sufficient to offset the state cost of the tax credit. Prohibits a taxpayer from claiming the tax credit unless the Legislature enacts a statute specifying the total credit amount available for the preceding taxable year.</td>
<td>4/27/11</td>
<td>Senate Governance and Finance Committee</td>
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<td><strong>SB 843</strong></td>
<td>(Wolk) Renewable Energy Repeals the state’s Local Government Renewable Energy Self-Generation Program and replaces it with the Community-Based Renewable Energy Self-Generation Program. Under this new program, authorizes a retail customer of an electric utility to purchase a subscription in a community facility for the purpose of receiving a bill credit to offset all or a portion of the customer’s electricity usage.</td>
<td>6/21/11</td>
<td>Assembly Utilities and Commerce Committee</td>
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<td><strong>SB 878</strong></td>
<td>(DeSaulnier) Bay Area Regional Planning By January 31, 2013, requires the Bay Area’s Joint Policy Committee to prepare and submit a report to the Legislature that addresses all of the following: (1) methods and strategies for developing and promulgating a multi-agency set of policies and guidelines governing the Bay Area’s sustainable communities strategy; (b) methods and strategies for improving the efficiency and effectiveness of policy-setting and managerial coordination among the regional agencies constituting the Joint Policy Committee; (3) methods and strategies for ensuring that the public in the nine counties of the region has an opportunity to comment on the proposed policies and standards that will be promulgated by the Joint Policy Committee for implementing the Bay Area’s sustainable communities strategy; and (4) recommendations on organizational reform to effectuate the above requirements. By January 31, 2013, requires the Joint Policy Committee to prepare and submit a work plan for a nine-county Bay Area economic development strategy to the Legislature that addresses all of the following: (1) coordination of the regional sustainable communities strategy with local goals for recruiting and retaining manufacturing, production facilities, business services, and other business enterprises that provide high quality jobs; (2) regional strategies to ensure the coordination of infrastructure investments for planned employment centers; (3) strategies for ensuring a common regulatory system for the deployment and permitting of energy conservation facilities and improvements; and (4) regional strategies for adaptation to climate change.</td>
<td>6/9/11</td>
<td>Assembly Desk</td>
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<td>SB 907 (Evans)</td>
<td>Master Plan for Infrastructure Financing and Development Commission</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 and process to identify, finance, build, and maintain the infrastructure necessary to meet the needs of Californians from the present to the year 2050. At a minimum, requires the plan to include: (a) the type, distribution and priority for developing infrastructure projects, and a measurable process to implement the plan; and (b) a process to periodically adjust the type, distribution and priority of infrastructure projects in the coming years to meet changing circumstances. States the intent of the Legislature that the commission provide a long-term plan and strategy to meet California’s infrastructure needs, and a prioritized plan that meets those needs by doing all of the following: (1) project population, social and economic trends through 2050; (2) utilize the projections to identify the type and distribution of the infrastructure that is needed to meet California’s social, economic and resource needs through 2050; (3) assess the state’s capital needs for infrastructure projects through 2050, including opportunities to access private capital to augment or complement public financing; (4) assess the availability of private and public funds, including the status and fiscal value of dedicating future revenues to specific construction and maintenance, to support jointly sponsored projects throughout the period from the present to 2050; and (5) recommend a financing plan for the state’s capital needs through 2050, with a priority plan for each five-year interval, including evaluation and recommendations of various financing methods that are feasible and may be of benefit to the state and local governments, as well as to private entities partnering with the state to implement the strategy. Requires the commission to submit its final report to the Governor and the Legislature by December 1, 2013. Requires the commission to be dissolved within 30 days after the issuance of its final report. Provides that the provisions of the bill would become operative only if the funds required to support the commission are appropriated by the Legislature from the California Debt and Investment Advisory Commission Fund in the annual Budget Act.</td>
<td>5/3/11</td>
<td>Assembly Jobs, Economic Development and the Economy Committee</td>
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<td>SB 984 (Simitian)</td>
<td>CEQA: Record of Proceedings</td>
<td>At the request of a project applicant, requires the lead agency for California Environmental Quality Act (CEQA) purposes to prepare a record of proceedings concurrently with the preparation and certification of an environmental impact report (EIR) for the project.</td>
<td>As Introduced</td>
<td>Senate Environmental Quality Committee</td>
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<td>SB 985 (La Malfa)</td>
<td>High-Speed Rail: Proposition 1A Bonds</td>
<td>Prohibits the issuance of any more general obligation bonds for high-speed rail and related rail purposes under Proposition 1A. Amends the bond act to authorize the redirection of the net proceeds received from outstanding bonds issued and sold prior to the effective date of this bill, upon appropriation by the Legislature, from those high-speed rail purposes to retiring debt.</td>
<td>As Introduced</td>
<td>Senate Transportation and Housing Committee</td>
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<td>SB 1102 (DeSaulnier)</td>
<td>STIP: Construction Support Costs</td>
<td>As part of its annual project delivery report, requires Caltrans to report on the difference between the original allocation made by the California Transportation Commission (CTC) and the actual construction capital and support costs at project close for all State Transportation Improvement Program (STIP) projects completed during the previous fiscal year. Requires the CTC to allocate construction support costs for a STIP project at the time of allocation of construction capital costs. Provides that the CTC must require a supplemental project allocation request for a STIP project that experiences construction support costs equal to or greater than 120 percent of the amount originally allocated.</td>
<td>As Introduced</td>
<td>Senate Rules Committee</td>
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<td>SB 1117 (DeSaulnier) Statewide Passenger Rail Transportation Plan</td>
<td>Requires the California Transportation Commission (CTC) to prepare a Statewide Passenger Rail Transportation Plan.</td>
<td>As Introduced</td>
<td>Senate Rules Committee</td>
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<td>SB 1149 (DeSaulnier) Metropolitan Transportation Commission (MTC)</td>
<td>Deletes obsolete provisions in the enabling statutes of the Metropolitan Transportation Commission (MTC).</td>
<td>As Introduced</td>
<td>Senate Rules Committee</td>
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<td>SB 1214 (Cannella) CEQA: Judicial Review</td>
<td>Except for a high-speed rail project, requires a judicial proceeding challenging a project under the California Environmental Quality Act (CEQA) that is located in a distressed county to be filed with the Court of Appeal with geographic jurisdiction over the project. Requires a county to meet two of the following criteria in order to be considered “distressed” for purposes of this bill: (a) the county has an unemployment rate higher than the statewide average for three consecutive months during the pendency of the administrative proceeding pursuant to CEQA; (b) the poverty level in the county is higher than the statewide average during the pendency of the administrative proceeding pursuant to CEQA; or (c) the foreclosure rate in the county is higher than the statewide average during the pendency of the administrative proceeding pursuant to CEQA.</td>
<td>As Introduced</td>
<td>Senate Rules Committee</td>
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<td>SB 1221 (Lieu) Air Quality</td>
<td>Declares the intent of the Legislature to enact a bill to ensure that adverse effects of public health from air pollution are minimized at regional sources, such as airports, ports and highways.</td>
<td>As Introduced</td>
<td>Senate Rules Committee</td>
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<td>SB 1269 (Fuller) Income Tax Credit: Highway Maintenance and Enhancement</td>
<td>For each taxable year beginning on or after January 1, 2013, and before January 1, 2017, authorizes an income tax credit equal to 50 percent of the amount paid or incurred, and of the value of materials, equipment or services donated by the taxpayer during the taxable year for maintenance or roadside enhancement of a section of a state highway.</td>
<td>As Introduced</td>
<td>Senate Rules Committee</td>
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<tr>
<td>SB 1499 (Anderson) STIP: Construction Support Costs</td>
<td>As part of its annual project delivery report, requires Caltrans to report on the difference between the original allocation made by the California Transportation Commission (CTC) and the actual construction capital and support costs at project close for all State Transportation Improvement Program (STIP) projects completed during the previous fiscal year. Requires the CTC to identify the amount of construction support costs for a STIP project at the time the allocation of construction capital costs is made. Provides that the CTC must require a supplemental project allocation request for a STIP project where the construction support costs are equal to or greater than 120 percent of the original allocation amount.</td>
<td>As Introduced</td>
<td>Senate Desk</td>
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<td>SB 1545 (DeSaulnier) MTC: Office Building</td>
<td>Prohibits public money from being used for the development and improvement of an office building located at 390 Main Street in San Francisco until after the Bureau of State Audits has completed an audit approved by the Joint Legislative Audit Committee regarding moving the headquarters of the Metropolitan Transportation Commission (MTC). Requires the issues raised in the audit to be addressed and a report in that regard to be submitted to the Legislature prior to any future expenditure of public money for the office building. Specifies that the provisions of the bill apply not only to MTC, but also to the Bay Area Toll Authority (BATA) and the Bay Area Headquarters Authority.</td>
<td>As Introduced</td>
<td>Senate Desk</td>
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## 2012 Regular Session Calendar

### January
- **1**: Statutes signed into law in 2011 take effect.
- **4**: Legislature reconvenes.
- **10**: Budget must be submitted by the Governor to the Legislature on or before this date.
- **13**: Last day for policy committees to hear and report fiscal bills introduced in their house of origin in 2011.
- **20**: Last day for any committee to hear and report to the floor bills introduced in their house of origin in 2011.
- **27**: Last day to submit bill requests to the Legislative Counsel’s Office.
- **31**: Last day for bills introduced in 2011 to be passed out of their house of origin.

### February
- **24**: Last day for new bills to be introduced.

### March
- **29**: Spring Recess begins upon adjournment.

### April
- **9**: Legislature reconvenes from Spring Recess.
- **27**: Last day for policy committees to hear and report fiscal bills introduced in their house of origin in 2012.

### May
- **11**: Last day for policy committees to hear and report to the floor non-fiscal bills introduced in their house of origin in 2012.
- **25**: Last day for fiscal committees to hear and report to the floor bills introduced in their house of origin in 2012.

### June
- **1**: Last day for bills introduced in 2012 to be passed out of their house of origin.
- **15**: Budget must be passed by midnight.
- **28**: Last day for legislative measures to qualify for placement on the November 6, 2012, general election ballot.

### July
- **6**: 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.

### August
- **6**: Legislature reconvenes from Summer Recess.
- **17**: Last day for fiscal committees to hear and report to the floor bills introduced in the other house.
- **24**: Last day to amend bills on the Assembly and Senate floors.
- **31**: Last day for each house to pass bills. Final Recess begins at the end of this day’s session.

### September
- **30**: Last day for the Governor to sign or veto bills passed by the Legislature before September 1, and in his possession after September 1.

### December
- **3**: The 2013-2014 regular legislative session convenes.

### January 2013
- **1**: Statutes signed into law in 2012 take effect.
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: BEP Project Status Semi Annual Update (Funding & Delivery)

FOR INFORMATION ONLY

BACKGROUND:

VTA’s long-range transportation plan, the Valley Transportation Plan (VTP) 2035, adopted in December 2008, included an allocation of $160 million in future funding commitments to 81 bicycle projects throughout Santa Clara County. This funding program is referred to as the Bicycle Expenditure Program (BEP) and is the implementation plan for regional and countywide bicycle projects in Santa Clara County. It is governed by a set of policies adopted by the VTA Board of Directors including criteria for evaluating and scoring potential bicycle projects to include in the BEP. This memorandum is intended to provide a status report on the progress of projects within the plan. This report was last presented to the committees in September 2011.

DISCUSSION:

Overall, Cities and County are making good progress in project development; they and VTA have an admirable track record for planning, funding, and building bicycle projects.

Table 1 shows the funding status of the 81 projects compared to that of 6 and 12 months ago; the projects are categorized as completed, active, and no progress. Active projects are further broken down as fully funded, funded with BEP funds, and funded with only non-BEP funds.

Since the last report in September, 2011, four of the fully funded projects have been completed:

- Campbell: Campbell Avenue bridge widening for bike lanes over Los Gatos Creek
- Morgan Hill: West Little Llagas Creek Trail Phase 4 (Spring Rd to Edes)
- Santa Clara: San Tomas Aquino Trail from Monroe Ave. to southwest city limit
- Saratoga: Joe’s Trail (on the PG&E right of way)
Two projects have moved out of the No Funding Category (Group E) into Active projects (Group D) with funding from their respective cities. The City of San José has completed the Master Plan for Reach 1 of the Penitencia Creek trail and the City of Sunnyvale has just begun the feasibility study for Stevens Creek trail connector. The City of Sunnyvale’s East Channel trail project moved back into the No Funding category due to changing city priorities.

In all, 47 of the 81 projects are either completed or in some stage of implementation. Thirteen projects are completed, ten projects are fully funded and are under development (Groups B and C), and twenty-four (Group D) are in progress but are not fully funded. This latter group of active projects will need funding in the upcoming cycles. The remaining 34 projects (Group E) are currently not funded.

Table 1
Summary of BEP Project Funding Status

<table>
<thead>
<tr>
<th>Group</th>
<th>Funding Status</th>
<th># of Projects</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Feb-11</td>
</tr>
<tr>
<td>A</td>
<td>Completed</td>
<td>8</td>
</tr>
<tr>
<td>B</td>
<td>Active: Fully funded and in progress w/o BEP funding</td>
<td>4</td>
</tr>
<tr>
<td>C</td>
<td>Active: Fully funded and in progress with BEP funding</td>
<td>11</td>
</tr>
<tr>
<td>D</td>
<td>Active: In progress but not fully funded</td>
<td>18</td>
</tr>
<tr>
<td>E</td>
<td>No funding</td>
<td>40</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td><strong>81</strong></td>
</tr>
</tbody>
</table>

Attachment A presents the list of projects in each of the funding status groups. Attachment B presents the progress of the BEP projects by jurisdiction. Of note, many jurisdictions continue to be successful in obtaining funds outside of the BEP (in Groups B and D), such as Bicycle Transportation Account funds from Caltrans (County Bike Detection on Expressways) and Safe Routes to School funds (Los Gatos’ Blossom Hill Road Bike Lanes).

It appears that many BEP projects will be ready to award a construction contract in the next one or two funding cycles. If all of these projects progress according to current schedules, VTA anticipates that at least $16 million will be needed in the two fiscal years beginning July 2012. This does not include any BEP projects that may want to begin project development or design in the next two years. The estimated funding available for BEP projects is approximately $5-8 million during the same time period. The proposed new One Bay Area Grant proposal, with increased funding and more flexibility, may help with some of this shortfall but not all. Accordingly, VTA may need to develop additional criteria to select projects to receive BEP funding in the event the program becomes over-subscribed in the near-term.

ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:

The BPAC received this item at their March 7, 2012, meeting. Member Swent asked why the Loyola Bridge replacement at Foothill Expressway was asking for BEP funds, and expressed his
opinion that in the future such a project would provide bike and pedestrian facilities as part of complete streets policies. Chairperson Goldstein asked if the completion dates of the completed projects could be included in the report. The TAC received this item under the Consent Agenda at their March 8, 2012, meeting and had no comments.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The CMPP received this item at their March 15, 2012, meeting. The committee was pleased to hear of the four recent project openings and the general progress of the BEP. Board Member Matthews also commented on the recent opening of the Caltrain pedestrian tunnel at the Santa Clara Caltrain station, and Mr. Burns responded that the tunnel would be extended fully to the east side of the UPRR tracks. Staff added that a funding resolution for a portion of construction funds from the Safe Routes to Transit program would be on the Board's May 2012 Agenda. The Committee unanimously recommended approval of this item.

Prepared By: Michelle DeRobertis
Memo No. 3515
## BEP Project List Funding Status

<table>
<thead>
<tr>
<th>Project Sponsor</th>
<th>VTP 2035ID</th>
<th>Project Title</th>
<th>Total Project Cost</th>
<th>Current BEP Request</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Campbell</em></td>
<td>35-B01</td>
<td>Campbell Ave. Widening over Los Gatos Creek</td>
<td>$1,500,000</td>
<td>NA</td>
</tr>
<tr>
<td><em>County Roads&amp;Airports</em></td>
<td>35-B32</td>
<td>Foothill - Loyola Bridge(8)—Short-term</td>
<td>$460,000</td>
<td>NA</td>
</tr>
<tr>
<td><em>Cupertino</em></td>
<td>35-B03</td>
<td>Mary Ave. at I-280 Bicycle/Pedestrian Overcrossing</td>
<td>$15,400,000</td>
<td>NA</td>
</tr>
<tr>
<td><em>Gilroy</em></td>
<td>35-B04</td>
<td>Tier 2-Uvas Creek Trail Feasibility Study</td>
<td>$150,000</td>
<td>$120,000</td>
</tr>
<tr>
<td><em>Los Altos</em></td>
<td>35-B05</td>
<td>Adobe Creek Bike/Ped Bridge Replacement</td>
<td>$500,000</td>
<td>NA</td>
</tr>
<tr>
<td><em>Los Altos Hills</em></td>
<td>35-B06</td>
<td>Moody Rd./El Monte Rd. Bike Improvements - Segments 1-3</td>
<td>$3,500,000</td>
<td>NA</td>
</tr>
<tr>
<td><em>Morgan Hill</em></td>
<td>35-B08</td>
<td>West Little Llagas Creek Trail Phase 4 (Spring Rd to Edes)</td>
<td>$650,000</td>
<td>$500,000</td>
</tr>
<tr>
<td><em>Santa Clara</em></td>
<td>35-B22</td>
<td>San Tomas Aquino Creek Trail - North of Monroe Ave. to SR 237</td>
<td>$10,000,000</td>
<td>NA</td>
</tr>
<tr>
<td><em>Santa Clara</em></td>
<td>35-B23</td>
<td>San Tomas Aquino Creek Trail - Monroe Ave. to south/west city limit</td>
<td>$1,600,000</td>
<td>$1,300,000</td>
</tr>
<tr>
<td><em>Saratoga</em></td>
<td>35-B24</td>
<td>PG&amp;E De Anza Trail (Reach 3) Joe's Trail</td>
<td>$2,497,000</td>
<td>$220,000</td>
</tr>
<tr>
<td><em>Sunnyvale</em></td>
<td>35-B27</td>
<td>Borregas Bike Lanes between Weddell and Persian</td>
<td>$60,000</td>
<td>$50,000</td>
</tr>
<tr>
<td><em>Sunnyvale</em></td>
<td>35-B28</td>
<td>Borregas Bicycle Bridge Over US 101 and SR 237</td>
<td>$8,700,000</td>
<td>NA</td>
</tr>
<tr>
<td><em>VTA</em></td>
<td>35-B36</td>
<td>Pilot Bicycle Parking Program (didn’t have VTP #)</td>
<td>$250,000</td>
<td>$30,000</td>
</tr>
</tbody>
</table>

### Funding progress: Group A completed

- Number of Projects: 13
- Total: $45,267,000
- Out of BEP-IP: $2,220,000

### Funding progress: Group B Fully Funded w/o BEP-IP

- Number of Projects: 3
- Total: $11,200,000
- Out of BEP-IP: $3,460,000
- **In Construction**

### Funding progress: Group C Fully Funded-IP

- Number of Projects: 3
- Total: $10,000,000
- Out of BEP-IP: $7,000,000
- **In Construction unless noted.**
- Out of bid: $2,620,000
- NA: $2,700,000

---

**Tuesday, March 06, 2012**
<table>
<thead>
<tr>
<th>Project Sponsor</th>
<th>VTP 2035 ID</th>
<th>Project Title</th>
<th>Total Project Cost</th>
<th>Current BEP Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sunnyvale</td>
<td>35-B80</td>
<td>Pastoria Avenue, Bike Lanes from El Camino Real to Evelyn Avenue</td>
<td>$237,000</td>
<td>$190,000</td>
</tr>
<tr>
<td>Sunnyvale</td>
<td>35-B81</td>
<td>Hendy Avenue, Bike Lanes from Sunnyvale Avenue to Fair Oaks Avenue</td>
<td>$670,000</td>
<td>$540,000</td>
</tr>
<tr>
<td>Sunnyvale</td>
<td>35-B76</td>
<td>Mary Avenue, Bike Lanes from Evelyn to Fremont</td>
<td>$519,800</td>
<td>$420,000</td>
</tr>
<tr>
<td>VTA</td>
<td>35-B35</td>
<td>Santa Clara Caltrain Undercrossing Extension</td>
<td>$8,000,000</td>
<td>$2,730,000</td>
</tr>
<tr>
<td>County Roads &amp; Airports</td>
<td>35-B33</td>
<td>Loyola bridge over Foothill Expressway: Long term</td>
<td>$7,000,000</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Palo Alto</td>
<td>35-B59</td>
<td>Highway 101 Pedestrian/Bicycle Grade Separation</td>
<td>$13,000,000</td>
<td>$10,400,000</td>
</tr>
<tr>
<td>San Jose (Parks)</td>
<td>35-B13</td>
<td>Almaden Expwy. Bike/Ped Overcrossing</td>
<td>$5,700,000</td>
<td>$4,600,000</td>
</tr>
<tr>
<td>San Jose (Parks)</td>
<td>35-B17</td>
<td>Coyote Creek Trail (Montague Expwy. to Oakland Rd.)</td>
<td>$7,500,000</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>San Jose (Parks)</td>
<td>35-B18</td>
<td>Coyote Creek Trail (Oakland Rd. to Watson Park)</td>
<td>$7,500,000</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>San Jose (Parks)</td>
<td>35-B19</td>
<td>Tier 2-Coyote Creek Trail (Watson Park to Williams St. Park)</td>
<td>$5,000,000</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>San Jose (Parks)</td>
<td>35-B20</td>
<td>Coyote Creek Trail (Williams St. Park to Kelley Park/Story Road)</td>
<td>$2,500,000</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>San Jose (Parks)</td>
<td>35-B71</td>
<td>Penitencia Creek Trail (Coyote Creek to King Rd) - Berryessa BART Station Segment</td>
<td>$3,750,000</td>
<td>$3,000,000</td>
</tr>
</tbody>
</table>

Number of Projects: **7**  
Total: **$19,707,000**  
Current BEP Request: **$11,230,000**

Funding progress: Group D-1 - IP-BEP funds  
Planning or design phase

Number of Projects: **13**  
Total: **$37,419,800**  
Current BEP Request: **$25,160,000**

Funding progress: Group D-2 - IP-Local funds  
All in planning phase

Tuesday, March 06, 2012
<table>
<thead>
<tr>
<th>Project Sponsor</th>
<th>VTP 2035ID</th>
<th>Project Title</th>
<th>Total Project Cost</th>
<th>Current BEP Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Jose (Parks)</td>
<td>35-B72</td>
<td>Thompson Creek Trail from Tully Road to the County Line</td>
<td>$6,400,000</td>
<td>$4,250,000</td>
</tr>
<tr>
<td>San Jose (Parks)</td>
<td>35-B73</td>
<td>Three Creeks Trail from Lonus Street to Coyote Creek (formerly Willow Glen Spur Trail)</td>
<td>$2,500,000</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Sunnyvale</td>
<td>35-B78</td>
<td>Stevens Creek Trail Connector—Provides access to Mountain View Reach 4 trail.</td>
<td>$1,400,000</td>
<td>$1,120,000</td>
</tr>
<tr>
<td>San Jose (DOT)</td>
<td>35-B21</td>
<td>Branham Ln-Edenvale./US 101 Bicycle/Pedestrian Undercrossing</td>
<td>$7,000,000</td>
<td>$5,600,000</td>
</tr>
<tr>
<td>San Jose (DOT)</td>
<td>35-B21</td>
<td>Blossom Hill - Calero Bikeways</td>
<td>$300,000</td>
<td>$240,000</td>
</tr>
<tr>
<td>San Jose (DOT)</td>
<td>35-B62</td>
<td>Brokaw-Coleman-Airport Bikeway</td>
<td>$1,000,000</td>
<td>$800,000</td>
</tr>
<tr>
<td>San Jose (DOT)</td>
<td>35-B63</td>
<td>Capitol Ave./Capitol Expwy. Bikeway</td>
<td>$300,000</td>
<td>$240,000</td>
</tr>
</tbody>
</table>

**Funding progress:** Group **E** Not Funded  **No progress to date**

Total: $62,250,000 $44,370,000

**Number of Projects:** 11
<table>
<thead>
<tr>
<th>Project Sponsor</th>
<th>VTP2035ID</th>
<th>Project Title</th>
<th>Total Project Cost</th>
<th>Current BEP Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Jose (DOT)</td>
<td>35-B64</td>
<td>Charcot Bikeway</td>
<td>$400,000</td>
<td>$320,000</td>
</tr>
<tr>
<td>San Jose (DOT)</td>
<td>35-B68</td>
<td>Monroe Bikeway</td>
<td>$100,000</td>
<td>$80,000</td>
</tr>
<tr>
<td>San Jose (DOT)</td>
<td>35-B69</td>
<td>Newhall St. Bike/Ped Overcrossing over Caltrain ROW</td>
<td>$7,000,000</td>
<td>$5,600,000</td>
</tr>
<tr>
<td>San Jose (Parks)</td>
<td>35-B65</td>
<td>Five Wounds Trail (Watson Park to Williams St. Park)</td>
<td>$5,000,000</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>San Jose (Parks)</td>
<td>35-B67</td>
<td>Hwy 237 Bikeway (onstreet portion of the northside Trail)</td>
<td>$400,000</td>
<td>$320,000</td>
</tr>
<tr>
<td>Saratoga</td>
<td>35-B75</td>
<td>Blue Hills School RR XING SAFETY PROJECT Bicycle and Pedestrian Rail Crossing</td>
<td>$380,000</td>
<td>$300,000</td>
</tr>
<tr>
<td>Sunnyvale</td>
<td>35-B26</td>
<td>Sunnyvale East Channel Trail</td>
<td>$1,330,000</td>
<td>$1,040,000</td>
</tr>
<tr>
<td>Sunnyvale</td>
<td>35-B29</td>
<td>Bernardo Ave. Caltrain Undercrossing</td>
<td>$8,500,000</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Sunnyvale</td>
<td>35-B77</td>
<td>Maude Ave, Bike Lanes from Mathilda to Wolfe; 30 mph posted spd</td>
<td>$221,000</td>
<td>$180,000</td>
</tr>
<tr>
<td>Sunnyvale</td>
<td>35-B79</td>
<td>Mathilda Avenue, Bike Lanes from US 101 to El Camino Real</td>
<td>$3,900,000</td>
<td>$3,120,000</td>
</tr>
<tr>
<td>VTA</td>
<td>35-B96</td>
<td>Capitol Caltrain Station Crossing</td>
<td>$8,500,000</td>
<td>$1,000,000</td>
</tr>
</tbody>
</table>

**Number of Projects** 34

**Total:**

<table>
<thead>
<tr>
<th>Total Project Cost</th>
<th>Current BEP Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>$118,351,000</td>
<td>$73,610,000</td>
</tr>
<tr>
<td>$294,374,800</td>
<td>$160,050,000</td>
</tr>
</tbody>
</table>

**Funding Progress options:**

- **Completed**: Project has completed construction and is open to the public.
- **FF**: Fully Funded: project has received all of its BEP funding allocation or is otherwise fully funded.
- **IP**: Project is In Progress/Active project, in some level of implementation.
- **Not Funded**: City has not allocated any funds to date.
# Attachment B

## City Progress on BEP Projects

<table>
<thead>
<tr>
<th>City</th>
<th># BEP Projects</th>
<th># Active Projects partially &amp; fully funded</th>
<th># Active and fully funded</th>
<th># Completed Projects</th>
<th># Inactive Projects</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Campbell</td>
<td>5</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>3</td>
<td>Campbell Av bridge widening was completed.</td>
</tr>
<tr>
<td>2 Cupertino</td>
<td>1</td>
<td>0</td>
<td></td>
<td>1</td>
<td>0</td>
<td>Loyola bridge is in design with HBP funds. Expressway signals has three more expressways to go.</td>
</tr>
<tr>
<td>3a County Roads</td>
<td>6</td>
<td>2</td>
<td></td>
<td>1</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>3b County Parks</td>
<td>2</td>
<td>0</td>
<td></td>
<td>0</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>4 Gilroy</td>
<td>7</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>One of these active is fully funded w/o bep funds</td>
</tr>
<tr>
<td>5 Los Altos</td>
<td>3</td>
<td>0</td>
<td></td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>6 Los Altos Hills</td>
<td>2</td>
<td>0</td>
<td></td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>7 Los Gatos</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>This one active is fully funded w/o bep funds.</td>
</tr>
<tr>
<td>8 Milpitas</td>
<td>1</td>
<td>0</td>
<td></td>
<td>0</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>9 Monte Sereno</td>
<td>0</td>
<td>0</td>
<td></td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>10 Morgan Hill</td>
<td>3</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>These two active are fully funded, w/ partial BEP funds. West Little Llagas Creek trail was completed</td>
</tr>
<tr>
<td>11 Mountain View</td>
<td>5</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>3</td>
<td>The two active projects are fully funded, one w/o bep funds.</td>
</tr>
<tr>
<td>12 Palo Alto</td>
<td>3</td>
<td>2</td>
<td></td>
<td>0</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>13a San Jose Roads</td>
<td>9</td>
<td>2</td>
<td></td>
<td>0</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>13b San Jose Parks</td>
<td>13</td>
<td>11</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>Pen Crk Trail Reach1 is now master planned</td>
</tr>
<tr>
<td>14 Santa Clara</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>0</td>
<td>STA Creek Trail - Monroe Ave. to south/west city limit was completed</td>
</tr>
<tr>
<td>15 Saratoga</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>Active project (SR9) is fully funded and almost completed; Joe's trail was completed Nov 2011.</td>
</tr>
<tr>
<td>16 Sunnyvale</td>
<td>10</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>Two of these active are fully funded, East Channel Trail was de-funded. Just starting feas for ST Crk Tr</td>
</tr>
<tr>
<td>17 VTA</td>
<td>3</td>
<td>1</td>
<td></td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

| Total | 81 | 34 | 10 | 13 | 34 |
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

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

SUBJECT: April 2012 Transit Service Changes

FOR INFORMATION ONLY

BACKGROUND:

VTA implements bus and light rail service changes quarterly (January, April, July, and October). Major changes are typically planned for January and July, while minor changes are implemented in April and October. Proposed service changes that meet any of the criteria listed below are submitted to the VTA Board of Directors for review and approval per Board adopted policy. Changes requiring formal approval include:

- The establishment of a new transit line or service.
- The elimination of a transit line or service.
- A route change that impacts 25% or more of a line’s route miles.
- Span of service or frequency changes affecting 25% or more of a line’s revenue vehicle hours.
- Proposed changes anticipated to be controversial with a particular community or interested parties.

Service change proposals not meeting the criteria for formal approvals described above are handled at staff level and are still subject to an appropriate level of public and community review and comment. The transit service changes being implemented in April 2012 are minor in nature and therefore do not require VTA Board of Directors approval.
DISCUSSION:

The following service changes will take effect on Monday, April 2, 2012:

- Airport Flyer Line 10: Weekday and weekend schedule changes will be made to improve connections with light rail and Caltrain.
- Line 25 (DeAnza College - Alum Rock Transit Center): Minor weekday and weekend schedule changes will be made mostly to accommodate construction and new bus stops at the Valley Medical Center.
- Line 55 (DeAnza College - Great America), 60 (Winchester Transit Center - Great America), 63 (Almaden/Camden - SJSU): Minor weekday schedule changes will be made.
- Line 70 (Capitol Light Rail - Great Mall): Minor weekday and weekend schedule changes will be made.
- Express 102 (South San Jose - Palo Alto): A new sixth afternoon trip will be added leaving Hansen & Page Mill at 4:03 p.m. due to high ridership demand.
- Express 104 (Penitencia Creek Transit Center - Palo Alto): The afternoon trips will be modified to depart Deer Creek at 4:01 p.m. and 4:28 p.m. Other minor schedule changes will be made.
- Express 120 (Fremont BART - Lockheed/Shoreline): A new fifth morning trip will be added leaving Fremont BART at 8:13 a.m. due to high ridership demand. Other minor schedule changes will be made.
- Express 122 (South San Jose - Lockheed/Moffett Park): Minor schedule changes will be made to the southbound trip leaving Lockheed Martin at 6:07 p.m.
- Express 182 (Palo Alto - IBM Bailey): The morning southbound trip will be adjusted to leave El Camino & Page Mill at 7:27 a.m. and arrive at IBM Bailey at 8:34 a.m. Minor running time adjustments will also be made to the afternoon trip and the stop at Stevens Creek & Lawrence is being deleted.
- DASH: Minor schedule changes will be made to improve connections with Caltrain.

Note that many of the changes are to some of VTA’s 13 Express lines which underwent significant modifications this January. In January, Express routes started operating with 20 new diesel-electric hybrid buses with Free WIFI service, reclining, high back seats, overhead racks, footrests and reading lights. The new buses operate on Express Lines 102, 103, 120, 121, 122, 182 and 183. There were many changes to the express routes in terms of routing, number of trips, scheduled times and stops observed. One new express Line 183 started operating between Evergreen/East San Jose and Fremont BART. The April changes to Express lines include two new trips to address high ridership demand and modifying the schedule on other routes to better meet passenger travel times. The proposed changes are minor in nature and can be accommodated in the Adopted VTA Transit Fund Operating Budget.

All VTA transit service changes are communicated to VTA passengers, potential new passengers and the community at large. The April transit service changes communications plans includes an article in the March 1 edition of VTA Take-One and interior carcards mounted in each bus and light rail vehicle. These both include translations in Chinese, Korean, Spanish, Tagalog and Vietnamese. Other methods include proving information on the changes through route specific flyers, Gov Delivery, VTA’s website, automated messages on VTA’s customer service telephone
system, news releases, Facebook and email blasts to schools, employers, EcoPass members and community organizations.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Transit Planning and Operations Committee received this item at its March 15, 2012 meeting. There were no comments or recommendations. The Committee forwarded this item to the Board's consent agenda.

Prepared By: Jim Unites, Deputy Director, Service and Operations Planning
Memo No. 3214
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: Other Post Employment Benefit (OPEB) Liability Reduction Fund Policy

POLICY-RELATED ACTION: Yes  GOVERNMENT CODE SECTION 84308 APPLIES: No

ACTION ITEM

RECOMMENDATION:

Approve the Other Post Employment Benefit (OPEB) Liability Reduction Fund Policy and authorize the General Manager to use such funds for purposes consistent with the policy.

BACKGROUND:

In June 2010, VTA received updated actuarial analyses of the Self-Insured Workers’ Compensation and Self-Insured General Liability Programs. Based on changes to the actuarial assumption for confidence level from 90% to 60% to better reflect historical experience, as well as favorable actual results in the Workers’ Compensation Program, a total of $26.65 million in surplus funds was identified in the two reserves. In addition, a $10.0 million of surplus reserves was identified in the Compensated Absences and State Unemployment Reserves for a total of $36.65 million in VTA Transit Fund surplus reserves.

At the April 22, 2011 Board Workshop on the FY 2012 and FY 2013 Draft Recommended Biennial Budget, staff recommended that the surplus reserves be transferred to the Other Post Employment Benefit (OPEB) Trust in order to increase the value of assets in the trust and therefore reduce the amount of unfunded liability. Based on actuarial data as of July 1, 2010, a $36.65 million transfer into the Trust would increase the funded percentage from 53% to 69%. However, several members of the Board suggested a balanced distribution of the surplus reserves

1 The estimated probability that a given dollar amount will cover a specific group of open or unreported claims.
including the creation of a Sales Tax Stabilization Fund rather than transferring 100% to the OPEB Trust.

In response to the Board’s suggestions, a revised staff recommendation was presented to the Board Standing Committees in May 2011 and to the Board of Directors on June 2, 2011 in conjunction with the adoption of the FY 2012 and FY 2013 Biennial Budget. The revised staff recommendation called for the establishment of two new designated reserves; a VTA Transit Sales Tax Stabilization Fund of $16.0 million, and an OPEB Liability Reduction Fund of $20.65 million.

The Board concurred with the revised recommendation with the understanding that policies outlining the appropriate sources and uses of each reserve would be brought to the Board for approval at a later date.

**DISCUSSION:**

The objective of the OPEB Liability Reduction Fund is to enhance VTA’s fiduciary governance practices by allocating $20.65 million of one-time funds to facilitate a reduction in unfunded OPEB obligations. As of the latest OPEB Actuarial Review and Analysis (July 1, 2011), VTA’s Unfunded Accrued Liability was $103.4 million. The Unfunded Accrued Liability represents the difference between the present value of projected benefits and expenditures (Actuarial Accrued Liability), and the value of cash and investments belonging to the OPEB Trust (Market Value of Assets). As of July 1, 2011 the OPEB Trust was 59% funded.

The OPEB Liability Reduction Fund Policy (Attachment A) outlines the appropriate uses of the Fund including actions that would increase the Market Value of Assets in the OPEB Trust or decrease the Actuarial Accrued Liability of the OPEB Trust, either of which would serve to reduce the Unfunded Accrued Liability. In addition, the policy delineates the responsibilities of the General Manager and Chief Financial Officer regarding the administration and management of the Fund.

As with any Board adopted policy, the Board could, at a future date, chose to approve a deviation from the OPEB Liability Reduction Fund Policy.

**ALTERNATIVES:**

The Board could amend the policy or choose not to adopt an OPEB Liability Reduction Fund Policy.

**FISCAL IMPACT:**

Having a Board adopted OPEB Liability Reduction Fund Policy will help to ensure consistent administration of the fund.

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

The Policy Advisory Committee considered this item at its October 13, 2011 meeting. The
committee suggested setting a target minimum for the fund. The committee asked if the use of
the fund was at the General Manager’s or the Board of Directors’ discretion. The committee
expressed concern that as written, the policy allowed too much discretion for the General
Manager and amended the recommendation to read “Approve the Other Post Employment
Benefit (OPEB) Liability Reduction Fund Policy and authorize the General Manager to
recommend to the Board of Directors the use of such funds for purposes consistent with the
policy.” The item was approved unanimously as amended.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Administration and Finance Committee, sitting as a Committee of the Whole, considered
this item at its October 20, 2011 meeting. The item was referred to the Board of Directors
without discussion.

The Transit Planning & Operations Committee considered this item at its October 20, 2011
meeting. The committee inquired what the overall cost savings would be if the full $36.65
million was transferred to the OPEB Trust rather than $20.65 million. Staff responded that
depositing the full $36.65 million directly into the Trust would result in annual contribution
savings of $3.4 million. The committee requested that the initial distribution of funds between
the OPEB Liability Reduction Fund and the Sales Tax Stabilization Fund be brought back for
discussion. The item was approved unanimously.

The Congestion Management Program & Planning Committee considered this item at its March
15, 2012 meeting and approved it unanimously without comment.

The Administration and Finance Committee considered this item at its March 15, 2012 meeting.
The committee discussed the Policy Advisory Committee amended recommendation giving the
General Manager less discretion (see above) and member McHugh asked that it be reflected in
the Recommendation and Policy taken to the full Board. Member Kalra stated he felt there was
enough structure in the policy to give the General Manager the necessary guidance without
annual Board authorization. The committee felt the issue should be discussed with the full Board
and approved the item with the amended language.

The Transit Planning & Operations Committee considered this item at its March 15, 2012
meeting. Member Liccardo suggested revisiting the split of the $36.65M between the OPEB
Liability Reduction Fund and the Sales Tax Stabilization Fund citing the additional $1.4M
projected annual savings from depositing 100% into the OPEB Trust. The item was approved by
a vote of 3-1. Member Liccardo opposed.

Prepared by: Carol Lawson, Fiscal Resources Manager
Memo No. 3161
1.0 Policy:

It is the policy of VTA to accumulate a prudent level of reserves by establishing and maintaining an Other Post Employment Benefit (OPEB) Liability Reduction Fund in order to facilitate a reduction in unfunded OPEB obligations.

2.0 Responsibilities:

2.1 The General Manager shall:

2.1.1 Periodically approve funds, if any, to be allocated to the OPEB Liability Reduction Fund.

2.1.2 Approve the use of the OPEB Liability Reduction Fund.

2.2 The Chief Financial Officer shall:

2.2.1 Establish the OPEB Liability Reduction Fund.

2.2.2 Periodically review and recommend changes to this policy if necessary.

2.2.3 Periodically recommend to the General Manager an appropriate amount of funds, if any, to be allocated to the OPEB Liability Reduction Fund.

2.2.4 Recommend appropriate uses of funds in the OPEB Liability Reduction Fund, in order to:

2.2.4.1 Increase the Market Value of Assets in the Other Post Employment Benefit (OPEB) Trust;

2.2.4.2 Decrease the Actuarial Accrued Liability of the OPEB Trust.

2.2.5 Ensure funds held in the OPEB Liability Reduction Fund are invested according to the applicable VTA Investment Policy.

3.0 Definitions:

Actuarial Accrued Liability: The portion of the actuarial present value of projected benefits and expenditures, as determined under a particular actuarial cost method, which is not provided for by future employer or employee contributions.
**Other Post Employment Benefit (OPEB) Liability Reduction Fund**

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<thead>
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<th>POLICY</th>
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<tr>
<td>Document Number:</td>
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<td>Version Number:</td>
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</table>

Market Value of Assets: The value of cash, investments, and other property belonging to a plan.

Other Post Employment Benefit: Benefits, other than pension, that an employee will begin to receive at the start of retirement.

Other Post Employment Benefit Trust: A single employer defined benefit health plan administered by VTA.
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: VTA Transit Sales Tax Stabilization Fund Policy

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

ACTION ITEM

RECOMMENDATION:

Approve the VTA Transit Sales Tax Stabilization Fund Policy and authorize the General Manager to use such funds for purposes consistent with the policy.

BACKGROUND:

In June 2010, VTA received updated actuarial analyses of the Self-Insured Workers’ Compensation and Self-Insured General Liability Programs. Based on changes to the actuarial assumption for confidence level\textsuperscript{1} from 90\% to 60\% to better reflect historical experience, as well as favorable actual results in the Workers’ Compensation Program, a total of $26.65 million in surplus funds was identified in the two reserves. In addition, a $10.0 million of surplus reserves was identified in the Compensated Absences and State Unemployment Reserves for a total of $36.65 million in VTA Transit Fund surplus reserves.

At the April 22, 2011 Board Workshop on the FY 2012 and FY 2013 Draft Recommended Biennial Budget, staff recommended that the surplus reserves be transferred to the Other Post Employment Benefit (OPEB) Trust in order to increase the value of assets in the trust and therefore reduce the amount of unfunded liability. Based on actuarial data as of July 1, 2010, a $36.65 million transfer into the Trust would increase the funded percentage from 53\% to 69\%. However, several members of the Board suggested a balanced distribution of the surplus reserves including the creation of a Sales Tax Stabilization Fund rather than transferring 100\% to the OPEB Trust.

\textsuperscript{1} The estimated probability that a given dollar amount will cover a specific group of open or unreported claims.
In response to the Board’s suggestions, a revised staff recommendation was presented to the Board Standing Committees in May 2011 and to the Board of Directors on June 2, 2011 in conjunction with the adoption of the FY 2012 and FY 2013 Biennial Budget. The revised staff recommendation called for the establishment of two new designated reserves; a VTA Transit Sales Tax Stabilization Fund of $16.0 million, and an Other Post Employment Benefit (OPEB) Liability Reduction Fund of $20.65 million.

The Board concurred with the revised recommendation with the understanding that policies outlining the appropriate sources and uses of each reserve would be brought to the Board for approval at a later date.

**DISCUSSION:**

The primary purpose of the VTA Transit Sales Tax Stabilization Fund is to mitigate the impact of sales tax receipt volatility on service levels and the VTA Transit Fund Operating Budget. Sales tax based revenues for the VTA Transit Fund include the 1976 half-cent local sales tax, a quarter-cent state sales tax (from Transportation Development Act or TDA), and 2000 Measure A Sales Tax-Operating Assistance which is derived from 18.5% of 2000 Measure A half-cent sales tax revenues. Approximately 71% of the VTA Transit Fund operating revenues are generated from these sales tax sources, the proceeds from which are driven by the local economy and therefore subject to the fluctuations of economic cycles.

The VTA Transit Sales Tax Stabilization Fund is distinguished from the 15% Transit Enterprise Operating Reserve in that the Operating Reserve is designed to ensure that sufficient funds are available in the event of either unavoidable expenditure needs or unanticipated revenue shortfalls from sources other than sales tax based revenues.

The VTA Transit Sales Tax Stabilization Fund Policy (Attachment A) outlines the specific guidelines for deposits and withdrawals from the Fund, as well as delineating responsibilities of the General Manager and Chief Financial Officer regarding the administration and management of the Fund.

As with any Board adopted policy, the Board could, at a future date, chose to approve a deviation from the VTA Transit Sales Tax Stabilization Fund Policy.

**ALTERNATIVES:**

The Board could amend the policy or choose not to adopt a VTA Transit Sales Tax Stabilization Fund Policy.

**FISCAL IMPACT:**

Having a Board adopted VTA Transit Sales Tax Stabilization Fund Policy will help to ensure consistent administration of the fund.
**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

The Policy Advisory Committee considered this item at its October 13, 2011 meeting. The committee suggested setting a target minimum for the fund. The committee asked if the use of the fund was at the General Manager’s or the Board of Directors’ discretion. The committee expressed concern that as written, the policy allowed too much discretion for the General Manager and amended the recommendation to read “Approve the VTA Transit Sales Tax Stabilization Fund Policy and authorize the General Manager to recommend to the Board of Directors the use of such funds for purposes consistent with the policy.” The item was approved unanimously as amended.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration and Finance Committee, sitting as a Committee of the Whole, considered this item at its October 20, 2011 meeting. The committee suggested setting a cap for the fund. The item was referred to the Board of Directors.

The Transit Planning & Operations Committee considered this item at its October 20, 2011 meeting. Member Liccardo suggested increasing the level of the Operating Reserve in lieu of creating this new fund. The item was approved unanimously.

The Congestion Management Program & Planning Committee considered this item at its March 15, 2012 meeting and approved it unanimously without comment.

The Administration and Finance Committee considered this item at its March 15, 2012 meeting. The committee discussed the Policy Advisory Committee amended recommendation giving the General Manager less discretion (see above) and member McHugh asked that it be reflected in the Recommendation and Policy taken to the full Board. Staff indicated that requiring annual Board approval for uses of the fund would negatively impact the timely production of audited financial statements. Member Kalra stated he felt there was enough structure in the policy to give the General Manager the necessary guidance without annual Board authorization. The committee felt the issue should be discussed with the full Board and approved the item with the amended language.

The Transit Planning & Operations Committee considered this item at its March 15, 2012 meeting. Member Liccardo suggested increasing the level of the Operating Reserve in lieu of creating this new fund. Member Liccardo also suggested revisiting the split of the $36.65M between the OPEB Liability Reduction Fund and the Sales Tax Stabilization Fund citing the additional $1.4M projected annual savings from depositing 100% into the OPEB Trust. The item was approved by a vote of 3-1. Member Liccardo opposed.

Prepared by: Carol Lawson, Fiscal Resources Manager
Memo No. 3160
1.0 Policy:

It is the policy of VTA to accumulate a prudent level of reserves by establishing and maintaining a VTA Transit Sales Tax Stabilization Fund in order to mitigate the impact of the volatility of sales tax based revenues on service levels and the operating budget.

If during development of the biennial budget, VTA Transit Fund sales tax based revenues are projected to decline, VTA Transit Sales Tax Stabilization Funds may be used to supplement projected revenues in order to address any resulting structural imbalance between revenues and expenditures.

In the event that the VTA Transit Fund sales tax based revenues received for a fiscal year are in excess of the amount budgeted, the excess shall be transferred to the VTA Transit Sales Tax Stabilization Fund up to a maximum Fund balance of $35 million.

In the event that the VTA Transit Fund sales tax based revenues received for a fiscal year are less than the amount budgeted and the ending VTA Transit Operating Reserve for the fiscal year is below the 15 percent (15%) target, funds would be available to be transferred from the VTA Transit Sales Tax Stabilization Fund to the VTA Transit Fund Operating Reserve.

The Board of Directors shall approve any projected fiscal year-end allocation to, or withdrawal from, the VTA Transit Sales Tax Stabilization Fund, subject to actual receipts, no later than the September Board meeting.

2.0 Responsibilities:

2.1 The Board of Directors shall:

2.1.1 Approve the allocation of funds to the VTA Transit Sales Tax Stabilization Fund.

2.1.2 Approve the withdrawal of funds from the VTA Transit Sales Tax Stabilization Fund.

2.2.2 The General Manager shall:

2.2.2.1 Recommend to the Board the appropriate amount of funds to be allocated. Approve the allocation of funds to the VTA Transit Sales Tax Stabilization Fund.
2.1.2 Recommend to the Board the appropriate amount of funds to be withdrawn. Approve the withdrawal of funds from the VTA Transit Sales Tax Stabilization Fund.

2.2.2 The Chief Financial Officer shall:

2.2.2.1 Establish the VTA Transit Sales Tax Stabilization Fund.

2.2.2.2 Periodically review and recommend changes to this policy if necessary.

2.2.2.3 Recommend to the General Manager the appropriate amount of funds to be allocated to the VTA Transit Sales Tax Stabilization Fund, if any.

2.2.2.4 Recommend to the General Manager the appropriate amount of funds to be withdrawn from the VTA Transit Sales Tax Stabilization Fund, in order to:

2.2.2.4.1 Supplement budgeted declines in sales tax based revenues;

2.2.2.4.2 Offset declines in actual sales tax based revenue receipts.

2.2.2.5 Ensure funds held in the VTA Transit Sales Tax Stabilization Fund are invested according to the applicable VTA Investment Policy.

3.0 Definitions:

Sales Tax Based Revenues: VTA Transit Fund revenues that are directly or indirectly derived from Santa Clara County Sales Tax including 1976 half-cent sales tax, Transportation Development Act (TDA) funds, and 2000 Measure A Operating Assistance.
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: VTA Transit Fund Operating Reserve Policy

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

ACTION ITEM

RECOMMENDATION:

Approve the VTA Transit Fund Operating Reserve Policy and authorize the General Manager to use such funds for purposes consistent with the policy.

BACKGROUND:

Since 1991, VTA has based its financial plans on the premise that each year’s budget would maintain reserves equal to a minimum of 15% of the VTA Transit Fund operating budget. In addition, the Ad Hoc Financial Recovery Committee’s Key Financial Principles adopted by the Board on December 9, 2010 addresses the 15% Operating Reserves target. Key Financial Principle Number 1 states, in part: “VTA shall take the necessary steps to protect its financial liquidity by building and maintaining an Operating Reserve equal to 15% of annual operating expenses, which is equal to just under two months of operating cash flow requirements.”

DISCUSSION:

Although it has been VTA’s long standing practice to maintain a 15% Operating Reserve, and the Ad Hoc Financial Recovery Committee’s Key Financial Principle Number 1 reiterates the goal, staff recommends adopting a formal policy that guides the administration and maintenance of the Operating Reserve. This formal policy will also help to differentiate the uses of the VTA Transit Fund Operating Reserve from the VTA Transit Sales Tax Stabilization Fund (see separate Board action on this agenda).

The purpose of the VTA Transit Fund Operating Reserve is to ensure that sufficient funds are
always available in the event of either unavoidable expenditure needs or unanticipated revenue shortfalls from sources other than sales tax based revenues. These funds are to remain unappropriated for any operating or capital use except to meet emergency needs that cannot be funded from any other source. Without such a reserve, these types of needs could only be met by sharp and immediate transit service reductions, which would be contrary to the central mission of the organization.

The VTA Transit Fund Operating Reserve Policy (Attachment A) outlines the appropriate sources and uses of the Operating Reserve, as well as delineating responsibilities of the General Manager and Chief Financial Officer regarding the administration and management of the Operating Reserve. In addition, the Policy describes the measures to be taken if the VTA Transit Fund Operating Reserve level falls below the 15% target at the end of a fiscal year.

As with any Board adopted policy, the Board could, at a future date, choose to approve a deviation from the VTA Transit Fund Operating Reserve Policy.

**ALTERNATIVES:**

The Board could amend the policy or choose not to adopt a VTA Transit Fund Operating Reserve Policy.

**FISCAL IMPACT:**

Having a Board adopted VTA Transit Fund Operating Reserve Policy will help to ensure consistent administration of the fund.

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

The Policy Advisory Committee considered this item at its October 13, 2011 meeting. The committee discussed whether the 15% level of reserves was adequate or too high. It was suggested that staff review the historic need for reserves taking into account a worst case scenario in order to fine tune the appropriate percentage level. The committee inquired as to whether there is a best practice for reserve levels specific to transit agencies. The committee asked if the use of the reserves was at the General Manager’s or the Board of Directors’ discretion. The committee expressed concern that as written, the policy allowed too much discretion for the General Manager and amended the recommendation to read “Approve the VTA Transit Fund Operating Reserve Policy and authorize the General Manager to recommend to the Board of Directors the use of such funds for purposes consistent with the policy.” The item was approved unanimously as amended.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration and Finance Committee, sitting as a Committee of the Whole, considered this item at its October 20, 2011 meeting. The committee inquired as to other agencies’ level of reserves. The committee requested clarification on the 3-year plan for replenishment required in the policy. The item was referred to the Board of Directors.
The Transit Planning & Operations Committee considered this item at its October 20, 2011 meeting. Member Liccardo suggested increasing the level of the Operating Reserve in lieu of creating a new Sales Tax Stabilization Fund. The item was approved unanimously.

The Congestion Management Program & Planning Committee considered this item at its March 15, 2012 meeting and approved it unanimously without comment.

The Administration and Finance Committee considered this item at its March 15, 2012 meeting. The committee inquired as to whether the Government Finance Officers Association (GFOA) had a recommended best practice specifically for transit agencies. The committee discussed the Policy Advisory Committee amended recommendation giving the General Manager less discretion (see above) and member McHugh asked that it be reflected in the Recommendation and Policy taken to the full Board. Staff indicated that requiring annual Board approval for uses of the fund would negatively impact the timely production of audited financial statements. Member Kalra stated he felt there was enough structure in the policy to give the General Manager the necessary guidance without annual Board authorization. The committee felt the issue should be discussed with the full Board and approved the item with the amended language.

The Transit Planning & Operations Committee considered this item at its March 15, 2012 meeting. Member Liccardo suggested increasing the level of the Operating Reserve in lieu of creating a new Sales Tax Stabilization Fund. The item was approved by a vote of 3-1. Member Liccardo opposed.

Prepared by: Carol Lawson, Fiscal Resources Manager
Memo No. 3162
1.0 Policy:

It is the policy of VTA to accumulate a prudent level of reserves by building and maintaining a VTA Transit Fund Operating Reserve equal to 15 percent (15%) of the annual operating budget for the VTA Transit Fund. These Operating Reserves shall remain unappropriated for any operating or capital use except to meet emergency needs that cannot be funded from any other source. The purpose of this reserve is to ensure that sufficient funds are always available in the event of either unavoidable expenditure needs or unanticipated revenue shortfalls from sources other than sales tax based revenues. Revenue shortfalls from sales tax based sources are addressed by the VTA Transit Sales Tax Stabilization Fund, the use of which is governed by the VTA Transit Sales Tax Stabilization Fund Policy.

In the event that the VTA Transit Fund sales tax based revenues received for a fiscal year are less than the amount budgeted and the ending Operating Reserve for the fiscal year is below the 15% target, funds would be available to be transferred from the VTA Transit Sales Tax Stabilization Fund to the Operating Reserve.

In the event that the VTA Transit Fund sales tax based revenues received for a fiscal year are less than the amount budgeted and the ending Operating Reserve for the fiscal year is above the 15% target, the excess Operating Reserve would be available to be transferred to the Transit Enterprise Debt Reduction Fund, the use of which is governed by the Transit Enterprise Debt Reduction Fund Policy.

In the event that the VTA Transit Fund sales tax based revenues received for a fiscal year are greater than or equal to the amount budgeted and if after any sales tax based revenue difference has been transferred to the VTA Transit Sales Tax Stabilization Fund per the Sales Tax Stabilization Fund Policy the ending Operating Reserve for the fiscal year is above the 15% target, the remaining excess Operating Reserve would be available to be transferred to the Transit Enterprise Debt Reduction Fund, the use of which is governed by the Transit Enterprise Debt Reduction Fund Policy.

The Board of Directors shall approve any projected fiscal year-end allocation to, or withdrawal from, the VTA Transit Fund Operating Reserve, subject to actual receipts and expenditures, no later than the September Board meeting.

In the event that after all transfers discussed above, the VTA Transit Fund Operating Reserve level falls below the 15% target at the end of a fiscal year, necessary measures shall be identified during the next biennial budget process to reach the 15% threshold within a 3-year period, and implementation of some or all of those measures shall begin during the next biennial budget.
process. To the greatest extent possible, implementation of service reductions as a means of achieving the 15% operating reserve target shall be avoided.

2.0 Responsibilities:

2.1 The Board of Directors shall:

2.1.1 Approve the allocation of funds to the VTA Transit Fund Operating Reserve.

2.1.2 Approve the withdrawal of funds from the VTA Transit Fund Operating Reserve.

2.2.2 The General Manager shall:

2.1.2.1 Recommend to the Board the appropriate amount of funds to be allocated to the VTA Transit Fund Operating Reserve.

2.1.2.2 Recommend to the Board the appropriate amount of funds to be withdrawn from the VTA Transit Fund Operating Reserve.

2.2.3 The Chief Financial Officer shall:

2.2.1.1 Administer the VTA Transit Fund Operating Reserve.

2.2.1.2 Periodically review and recommend changes to this policy if necessary.

2.2.1.3 Recommend the allocation of funds to the VTA Transit Fund Operating Reserve.

2.2.1.4 Recommend the use of funds in the VTA Transit Fund Operating Reserve.

2.2.1.5 Ensure funds in the VTA Transit Fund Operating Reserve are invested according to the applicable VTA Investment Policy.
3.0 Definitions:

Sales Tax Based Revenues: VTA Transit Fund revenues that are directly or indirectly derived from Santa Clara County Sales Tax including 1976 one-half cent sales tax, Transportation Development Act (TDA) funds, and 2000 Measure A Operating Assistance.
WORKERS COMPENSATION CLAIMS PROGRAM PERFORMANCE OVERVIEW

Presenter: Nanci Eksterowicz
WC Program Structure

• Self insured

• Managed by the Risk Management Department

• Claims adjusted in compliance with the CA. Labor Code through a contract with a Third Party Administrator

• Medical Bill Re-pricing and Medical Management performed by a second contractor
Cost Reduction Strategies

• Transitional Work Program to address Abusive Claims Absence patterns rolled out in January of 2005

• Loss Control Programs commenced 2005

• New Medical Bill Re-Pricing and Medical Management Techniques introduced January 2007
## WC PROGRAM RESULTS

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<th>Program Element</th>
<th>FY 2004</th>
<th>FY 2011</th>
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<tr>
<td>VTA Employees</td>
<td>2,224</td>
<td>1,988</td>
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<tr>
<td>New Claims</td>
<td>480</td>
<td>292</td>
<td>(39.17)</td>
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<tr>
<td>Recurrences</td>
<td>250</td>
<td>66</td>
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<td>Temporary Disability Payments</td>
<td>$2,573,171</td>
<td>$670,390</td>
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<tr>
<td>Medical Payments</td>
<td>$4,993,887</td>
<td>$1,576,782</td>
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<tr>
<td>Lost Time Work Days</td>
<td>31,173</td>
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<td>Open Claims Inventory</td>
<td>1,201</td>
<td>491</td>
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BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Administrative Officer, Bill Lopez

SUBJECT: Contract for Workers’ Compensation Third Party Administrator Services

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a fixed fee contract with Tristar Risk Management for Workers’ Compensation Third Party Administrator (TPA) claims services for a five year term, from July 1, 2012 through June 30, 2017. The total five year contract cost for claims service is not to exceed $5,179,991.

BACKGROUND:

VTA’s Workers’ Compensation (WC) Program is self-insured and utilizes the services of a TPA for WC claims administration services. The TPA administers WC benefits for industrially injured employees as required by the California Labor Code, including investigation, adjustment, and resolution of litigated and non-litigated claims. The current TPA contract will expire at the end of this fiscal year. The successor TPA contractor will handle approximately 325 new claims per year and assume responsibility for 500 pending WC claims.

On May 3, 2007, the VTA Board of Directors awarded a three-year contract with two, one-year options to Tristar Risk Management for TPA services for the period from July 1, 2007 through June 30, 2012. The two, one year options were exercised for a total authorized contract value of $5,896,708.

DISCUSSION:

A request for Proposals for TPA services was issued on November 8, 2011 and notices were sent directly to 13 firms. In addition, advertisements soliciting proposals were placed in Business
Insurance Magazine, (a weekly national insurance professional publication), the San Jose Business Journal and listed on VTA.org.

A Pre-proposal Conference was held on December 1, 2011. Representatives from three firms attended the conference. On December 15, 2011, the deadline for proposals, VTA received one proposal as follows:

<table>
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<th>PROPOSER</th>
<th>5 YEAR FIXED FEE</th>
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<tr>
<td>Tristar Risk Management (Incumbent)</td>
<td>5,179,991</td>
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</table>

A selection panel composed of the VTA’s Risk Manager, Claims Supervisor, WC Claims Analyst and Contract Administrator evaluated the written proposal according to pre-determined selection criteria. The selection criteria included: qualifications of the firm, qualifications of key project staff, demonstrated understanding of the project as evidenced by the proposer’s work plans, local business preference and cost.

While the cost of the TPA services contract is important, the costs of claims are typically much larger and the ability of the proposer to contain claims costs is given great consideration in the proposal review process. This ability was evaluated by assessing the technical experience, quality, stability and complement of the claims examining staff. In addition a versatile information system is required to produce the reports and analysis to identify loss control issues, payments and processing improvements. The TPA must have sound financial controls in place to support banking arrangements, and prevent overpayments or duplicate payments in the processing of over 750 VTA checks per month.

On January 9, 2012 the panel members conducted an interview and technical testing of key staff. Based on their performance in both the interview and proposal process as measured against the selection criteria, Tristar Risk Management has been selected as the recommended firm for contract award. The panel also took into consideration the performance and service that Tristar has provided to VTA over the last five years, which has satisfied all contract requirements.

Staff was concerned about having a single respondent to the RFP and surveyed the 13 California firms that were directly recruited to inquire about their reasons for not submitting proposals. The reasons varied in detail, but generally reflected their belief that given the time and expense of preparing a proposal, and the performance of the incumbent firm (as evidenced by claims data included in the RFP), they could not be sufficiently competitive to justify a proposal. Some firms also cited the fact that VTA contracts for TPA services separately from Bill Repricing and Medical Management services. This "unbundled" structure is viewed as less profitable than a "bundled" structure wherein these services are provided under single contract (conversely, the unbundled approach is more cost effective for VTA). Another factor may be the consolidation of TPA firms in California. When the last RFP was issued in 2007, there were 25 identified firms in California. For this RFP, there were only 13 California firms identified.

Tristar Risk Management was established in 1987 and is the tenth largest third party administrator in the United States. The firm employs more than 600 employees. They are privately owned, and headquartered in Long Beach, California with 9 other claims offices in the
state. They have both public entity, (Transit, County and School District) and private transportation clients and experience working with a unionized workforce. Tristar’s work plan demonstrates a clear understanding of the project requirements and the proposed cost is competitive. Tristar has an established office in the Bay Area and the existing staff to continue to provide all required services.

Tristar has strong financial security and banking procedures. They use a claims administration system that exceeds VTA’s Risk Management reporting requirements. The system is the latest version of well-recognized software developed specifically for the administration of California self-insured WC claims. See Attachment A for Firm contact and location information.

**ALTERNATIVES:**

An alternative would be to reject the recommended proposer and direct staff to conduct a new RFP process. This would require an extension of the existing Tristar contract to afford time for the process, the expense of an additional RFP process, and would likely yield the same results.

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

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

**FISCAL IMPACT:**

This action will authorize $5,179,991 for Workers’ Compensation Third Party Administrator (TPA) claims services for a five year term. Appropriation for the first year of the contract is included in the FY 13 Adopted VTA Transit Fund Operating Budget. Appropriation for the remaining contract years will be included in subsequent Biennial Budgets.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration and Finance Committee considered this item at the March 15, 2012 meeting.

Prior to hearing the item the Committee received a Workers Compensation Program performance report depicting cost reduction strategies and annual claims and cost data going back to 2004. Board Member Kniss questioned the types of work provided to employees as "light duty" in the Transitional Work Program (TWP), stating that the assigned work should be meaningful and not simply "make work". Risk Manager Nanci Eksterowicz responded that all TWP assignments fulfill a VTA business need.

The Committee commended the improved performance and requested that the report be presented as part of the Board of Directors’ regular agenda at the April 5, 2012 meeting. The Committee had no further questions and voted to recommend approval of both the Workers Compensation Third Party Administrator contract and the Medical Bill Repricing contract to the full Board of Directors.
RISK MANAGEMENT DEPARTMENT

Listing of Recommended Vendor for RFP 11-20
Workers Compensation Third Party
Claims Administration Services

Tristar Risk Management
2325 Clayton Road
Concord, CA 94520
Phone: (888) 339-8822
Fax: (925) 349-7628
Contact: Jim Kerr
Director, Sales and Client Services
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 for Workers’ Compensation Medical Management Services and Medical Bill Repricing Services

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with GENEX Services, Inc. for Workers’ Compensation Medical Bill Repricing and Medical Management Services for a five-year term, from July 1, 2012 through June 30, 2017. The total five-year contract cost is not to exceed $1,105,000.

BACKGROUND:

VTA’s Workers’ Compensation (WC) Program is self-insured and utilizes the services of a Third Party Administrator (TPA) for WC claims administration services. The WC Medical Management Services and Medical Bill Repricing Services aspects of the program are provided under a separate contract. These services were formerly provided by the TPA as part of a "bundled" services contract. An internal review and an external assessment both concluded that it would be more cost effective to unbundle these services, which was done with the last set of contracts. The unbundled approach has, in fact, proven to be more cost effective than a bundled service contract.

The function of Medical Bill Repricing services is to review medical bills, and through several techniques (e.g. state fee schedules, Preferred Provider Organization and negotiated discounts) reprice these bills in order to reduce final medical payments to medical providers. Medical Bill Repricing services are evaluated primarily on these cost reduction capabilities, as well as general operational efficiency and service fee competitiveness.
The function of Medical Management Services is to prospectively review proposed WC medical treatment and to oversee the delivery of ongoing treatment services through the use of nurse field and telephone case management. This service assures appropriate treatment for injured employees and controls the medical costs incurred by VTA. Medical Management services are evaluated primarily on the quality and expertise of the clinical nursing staff offered by a vendor; the vendor’s timely service reporting, and the overall operating efficiency and service cost.

On May 3, 2007, the Board of Directors awarded three-year contracts with two, one-year options to Genex for Medical Bill Repricing Services and to Monitor Integrated Services for Medical Management Services. These contracts were both for the period from July 1, 2007 through June 30, 2012. The option years were exercised in both contracts resulting in a total paid of $909,646.

DISCUSSION:

A Request For Proposals (RFP) for Medical Management Services and Medical Bill Repricing Services was issued on November 8, 2011 and notices were sent directly to 13 firms. In addition, advertisements soliciting proposals were placed in Business Insurance Magazine, (a weekly professional publication), the San Jose Post Record and listed on VTA.org. The RFP allowed responding firms to bid on either Medical Bill Repricing or Medical Management Services, or both functions. All respondents proposed to contract for both services together under a single contract.

A Preproposal Conference was held on December 1, 2011. Representatives from three prospective proposers attended the conference. On December 15, 2011 VTA received two proposals as follows:

<table>
<thead>
<tr>
<th>PROPOSER</th>
<th>FIVE YEAR ESTIMATED FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Genex Services (Incumbent)</td>
<td>$1,105,000</td>
</tr>
<tr>
<td>Comprehensive Cost Solutions, Inc.</td>
<td>$1,125,000</td>
</tr>
</tbody>
</table>

A selection panel composed of the VTA’s Risk Manager, Claims Supervisor, Claims Analyst, Contract Administrator, and an independent consulting firm, David Donn Consulting Incorporated, evaluated written proposals according to established selection criteria. The selection criteria included qualifications of the firm, qualifications of key project staff, demonstrated understanding of the project as evidenced by the proposer’s work plans, proposed cost and local business preference.

On January 9, 2012, after the selection panel’s completion of the proposal evaluation process, both firms, GENEX Services (GENEX) and Comprehensive Cost Solutions, Inc. were interviewed. Based on their performance in both the interview and proposal process as measured against the selection criteria, GENEX was selected as the recommended firm for contract award.

GENEX was established in 1978 and is one of the nation’s largest WC managed care service providers, with $2.7 billion in client medical bill dollars reviewed. GENEX employs 2,677 employees in 120 service locations throughout the United States. GENEX has both public entity and transportation clients and experience in unionized environments. See Attachment A for Firm
contact and location information.

GENEX will provide a dedicated repricing staff working from their established Anaheim, California office. The work plan demonstrates a clear understanding of the project requirements and the GENEX proposed cost is the most favorable among the proposers. Finally, through financial projections, GENEX demonstrated the highest projected medical cost reduction capabilities of the proposers.

GENEX is the incumbent and has performed in compliance with the contract requirements over the last five years.

GENEX clients with unionized workforces and operational structures similar to VTA were contacted for references. GENEX has maintained three to four year relationships with each of these clients. The references expressed a high degree of satisfaction with GENEX service quality and financial performance.

**ALTERNATIVES:**

An alternative is to reject the recommended proposer and direct staff to conduct a new RFP process. This would require an extension of the current contract, the expense of an additional RFP process, and likely would yield the same results.

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

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

**FISCAL IMPACT:**

This action will authorize $1,105,000 for Medical Bill Repricing and Medical Management Services over a five year period. Appropriation for the first year of the contract is included in the FY 13 Adopted VTA Transit Fund Operating Budget. Appropriation for the remaining contract years will be included in subsequent Biennial Budgets.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration and Finance Committee considered this item at the March 15, 2012 meeting.

Prior to hearing the item the Committee received a Workers Compensation Program performance report depicting cost reduction strategies and annual claims and cost data going back to 2004. Board Member Kniss questioned the types of work provided to employees as "light duty" in the Transitional Work Program (TWP), stating that the assigned work should be meaningful and not simply "make work". Risk Manager Nanci Eksterowicz responded that all TWP assignments fulfill a VTA business need.

The Committee commended the improved performance and requested that the report be
presented as part of the Board of Directors' regular agenda at the April 5, 2012 meeting. The Committee had no further questions and voted to recommend approval of both the Workers Compensation Third Party Administrator contract and the Medical Bill Repricing contract to the full Board of Directors.

Prepared by: Nanci G. Eksterowicz
Memo No. 3498
RISK MANAGEMENT DEPARTMENT

Listing of Recommended Vendor for RFP 11-20
Workers Compensation Managed Care Services

Genex Services Inc.
1745 West Orangewood Ave #119
Orange, CA 92868
Phone: (714) 978-2005
Fax: (888) 349-7628
Contact: Schadell Elizalde
         Regional Account Executive
CALL TO ORDER

The Regular Meeting of the Administration and Finance Committee (A&F) was called to order at 12:08 p.m. by Chairperson Kniss in Room B-104, VTA River Oaks Campus, 3331 North First Street, San Jose, California.

1. ROLL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
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</thead>
<tbody>
<tr>
<td>Ash Kalra</td>
<td>Vice Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Liz Kniss</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Pete McHugh</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Perry Woodward</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>George Shirakawa</td>
<td>Alternate Board Member</td>
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<tr>
<td>David Whittum</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 February 16, 2012

M/S/C (McHugh/Woodward) to approve the Regular Meeting Minutes of February 16, 2012.

5. Monthly Legislative History Matrix

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


M/S/C (McHugh/Woodward) to receive a Report on Santa Clara Valley Transportation Authority Investments for the Month of January 2012.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
7. **Bicycle and Pedestrian Advisory Committee (BPAC) Reappointment**

M/S/C (McHugh/Woodward) to ratify the reappointment of Aaron Faupell to the Bicycle & Pedestrian Advisory Committee representing the City of Milpitas for the remainder of the term ending June 30, 2012 and for the new term ending June 30, 2014.

8. **Amendments to the bylaws for the Bicycle and Pedestrian Advisory and Policy Advisory Committees Incorporating Additional Advisory Committee Enhancement (ACE) Process Recommendations**

M/S/C (McHugh/Woodward) to approve amending the bylaws for the Bicycle & Pedestrian Advisory and the Policy Advisory Committees, as indicated, to incorporate additional recommendations from the Advisory Committee Enhancement (ACE) process, including a mission statement and other minor changes to clarify and enhance understanding.

Vice Chairperson Kalra arrived at the meeting and took his seat at 12:11 p.m.

**REGULAR AGENDA**

Chairperson Kniss noted Items #9 through #11 will be heard together.

9. **Other Post Employment Benefit (OPEB) Liability Reduction Fund Policy**

10. **VTA Transit Sales Tax Stabilization Fund Policy**

11. **VTA Transit Fund Operating Reserve Policy**

Carol Lawson, Fiscal Resources Manager, provided an overview on the handout presentations entitled, “Reserve Policies,” and “Reserve Policy Summary.” As part of the biennial budget process in 2010, the VTA Board of Directors directed staff to create the following two new reserves: 1) VTA Transit Sales Tax Stabilization Fund in the amount of $16 million; and 2) Other Post Employment Benefit (OPEB) Liability Reduction Fund in the amount of $20.65 million.

Ms. Lawson reviewed the background, rationale, objectives, and highlights of the following: 1) VTA Transit Sales Tax Stabilization Fund; 2) Other Post Employment Benefits (OPEB) Liability Reduction Fund Policy; and 3) VTA Transit Fund Operating Reserve.

Board Member McHugh requested that the suggestions from the Policy Advisory Committee (PAC) regarding an adequate target level and questioned the policy allowing too much discretion for the General Manager to use the funds in the policies. He requested that PAC’s suggested language be included in the recommendation.

Michael T. Burns, General Manager, responded that staff will work to identify appropriate language to address the PAC suggestions regarding the policies.

Vice Chairperson Kalra stressed the importance for the Board to implement the fiscal policies, noting the policy structure as written will provide guidance and support to the Board of Directors.
Committee Members expressed appreciation to staff for the diligent work and effort to create a proactive approach to address challenging financial issues as well as provide a cushion that will protect the organization, VTA’s transit services, and VTA’s employees.

Mr. Burns expressed appreciation and acknowledged VTA’s employees for their diligent work to address the financial challenges, noting the result is credited to hard work and sacrifices within the organization.

9. **Other Post Employment Benefit (OPEB) Liability Reduction Fund Policy**

M/S/C (McHugh/Woodward) to approve forwarding to the Board of Directors for discussion and approval of the Other Post Employment Benefit (OPEB) Liability Reduction Fund Policy.

10. **VTA Transit Sales Tax Stabilization Fund Policy**

M/S/C (McHugh/Woodward) to approve forwarding to the Board of Directors for discussion and approval of the VTA Transit Sales Tax Stabilization Fund Policy.

11. **VTA Transit Fund Operating Reserve Policy**

M/S/C (McHugh/Woodward) to approve forwarding to the Board of Directors for discussion and approval of the VTA Transit Fund Operating Reserve Policy.

12. **Amendment #6: River Oaks Industrial Park Covenants, Conditions and Restrictions (CCR)’s**

Bijal Patel, Property Development and Management Deputy Director, provided an overview of the staff report. She referred to the recently proposed 6th Amendment, which would terminate the Northern Property from the original CCR Agreement. VTA’s Real Estate Department has concluded that signing the 6th Amendment will not have an adverse effect on VTA’s interest.

M/S/C (McHugh/Kalra) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute an Amendment to the “River Oaks Industrial Park” CCR Agreement. The current CCR Agreement provides a Northern Property and a Southern Property for approvals and enforcement; this Amendment terminates the Northern Property in its entirety.

13. **Contract for Workers’ Compensation Third Party Administrator Services**


Committee Members expressed appreciation and thanked staff for the diligent work and effort to implement significant strategies to reduce costs and improve the Workers Compensation Program. The Committee recommended the presentation be presented to the full Board to advise them of the good news.

M/S/C (Kalra/McHugh) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a fixed fee contract with Tristar Risk Management for Workers’ Compensation Third Party Administrator (TPA) claims.
services for a five year term, from July 1, 2012 through June 30, 2017. The total five year contract cost for claims service is not to exceed $5,179,991.

14. **Contract for Workers’ Compensation Medical Management Services and Medical Bill Repricing Services**

Ms. Eksterowicz reported that VTA’s Workers Compensation Program is self insured and uses the services of a Third Party Administrator for Workers Compensation Claims Administration Services. The Workers Compensation Medical Management Services and Medical Bill Repricing Services were previously provided as part of a bundled services contract. Ms. Eksterowicz stated that an internal review and external assessment concluded that it would be cost effective to unbundle the services. She reviewed the selection process that led to the staff recommended firm for contract award.

**M/S/C (Kalra/McHugh)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract with GENEX Services, Inc. for Workers’ Compensation Medical Bill Repricing and Medical Management Services for a five-year term, from July 1, 2012 through June 30, 2017. The total five-year contract cost is not to exceed $1,105,000.

**OTHER ITEMS**

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

There were no Items of Concern and Referral to Administration.

16. **Committee Work Plan**

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

17. **Committee Staff**

There was no Committee Staff Report.

18. **Chairperson’s Report**

There was no Chairperson’ Report.

19. **Determine Consent Agenda for the April 5, 2012 Board of Directors Meeting**

**CONSENT:**

**Agenda Item # 7.** Ratify the reappointment of Aaron Faupell to the Bicycle & Pedestrian Advisory Committee representing the City of Milpitas for the remainder of the term ending June 30, 2012 and for the new term ending June 30, 2014;

**Agenda Item # 8.** Approve amending the bylaws for the Bicycle & Pedestrian Advisory and the Policy Advisory Committees, as indicated, to incorporate additional recommendations from the Advisory Committee Enhancement (ACE) process, including a mission statement and other minor changes to clarify and enhance understanding; and

**Agenda Item # 12.** Authorize the General Manager to execute an Amendment to the "River Oaks Industrial Park" CCR Agreement. The current CCR Agreement provides a Northern Property and a Southern Property for approvals and enforcement; this Amendment terminates the Northern Property in its entirety.
REGULAR:

**Agenda Item # 9.** Approve the Other Post Employment Benefit (OPEB) Liability Reduction Fund Policy and authorize the General Manager to use such funds for purposes consistent with the policy;

**Agenda Item # 10.** Approve the VTA Transit Sales Tax Stabilization Fund Policy and authorize the General Manager to use such funds for purposes consistent with the policy;

**Agenda Item # 11.** Approve the VTA Transit Fund Operating Reserve Policy and authorize the General Manager to use such funds for purposes consistent with the policy;

**Agenda Item # 13.** Authorize the General Manager to execute a fixed fee contract with Tristar Risk Management for Workers’ Compensation Third Party Administrator (TPA) claims services for a five year term, from July 1, 2012 through June 30, 2017. The total five year contract cost for claims service is not to exceed $5,179,991; and

**Agenda Item # 14.** Authorize the General Manager to execute a contract with GENEX Services, Inc. for Workers’ Compensation Medical Bill Repricing and Medical Management Services for a five-year term, from July 1, 2012 through June 30, 2017. The total five-year contract cost is not to exceed $1,105,000.

20. **Announcements**

Michael T. Burns, General Manager, expressed his appreciation and thanked the Board Members for their attendance and participation at the BART Silicon Valley Full Funding Grant Agreement signing ceremony held on Monday, March 12, 2012, noting the event was a great success.

21. **ADJOURNMENT**

**On order of Chairperson Kniss** and there being no objection, the Committee meeting was adjourned at 1:05 p.m.

Respectfully submitted,

Michelle M. Garza, Board Assistant
VTA Office of the Board Secretary
CONGESTION MANAGEMENT PROGRAM & PLANNING COMMITTEE
Thursday, March 15, 2012

MINUTES

CALL TO ORDER

The Regular Meeting of the Congestion Management Program & Planning Committee (CMPP) was called to order at 10:00 a.m. by Chairperson Pirzynski in VTA Conference Room B-104, 3331 North First Street, San Jose, California.

1. ROLL CALL

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<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
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<tbody>
<tr>
<td>Xavier Campos</td>
<td>Vice Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Jamie Matthews</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Joe Pirzynski</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Ken Yeager</td>
<td>Member</td>
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<tr>
<td>Evan Low</td>
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<td>George Shirakawa</td>
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<tr>
<td>David Whittum</td>
<td>Alternate Member</td>
<td>N/A</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 February 16, 2012

M/S/C (Yeager/Campos) to approve the Regular Meeting Minutes of February 16, 2012.

REGULAR AGENDA

Agenda Items #5, #6, and #7 were heard together.

5. Other Post Employment Benefit (OPEB) Liability Reduction Fund Policy

6. VTA Transit Sales Tax Stabilization Fund Policy

7. VTA Transit Fund Operating Reserve Policy

Carol Lawson, Fiscal Resources Manager, provided an overview of the presentations entitled, “Reserve Policies” and “Reserve Policy Summary,” highlighting: 1) Background; 2) Reserves: a. VTA Transit Sales Tax Stabilization Fund; b. Other Post
Employment Benefit (OPEB) Liability Reduction Fund; and c. VTA Transit Fund Operating Reserve.

As part of the biennial budget process in 2010, the VTA Board of Directors directed staff to create the VTA Transit Sales Tax Stabilization Fund in the amount of $16 million; and Other Post Employment Benefit (OPEB) Liability Reduction Fund in the amount of $20.65 million.

Ms. Lawson reported on the Reserve Rationale and Objective, and Policy Highlights for each of the three Reserves.

Member Matthews took his seat at 10:13 a.m.

M/S/C (Campos/Yeager) to approve Agenda Items #5, #6, and #7 as follows:

5. M/S/C (Campos/Yeager) to recommend that the Board of Directors approve the Other Post Employment Benefit (OPEB) Liability Reduction Fund Policy and authorize the General Manager to use such funds for purposes consistent with the policy.

6. M/S/C (Campos/Yeager) to recommend that the Board of Directors approve the VTA Transit Sales Tax Stabilization Fund Policy and authorize the General Manager to use such funds for purposes consistent with the policy.

7. M/S/C (Campos/Yeager) to recommend that the Board of Directors approve the VTA Transit Fund Operating Reserve Policy and authorize the General Manager to use such funds for purposes consistent with the policy.

8. **2012 Transportation Fund for Clean Air (TFCA) Program Manager Fund**
   
   Amin Surani, Principal Transportation Planner, provided an overview of the staff report.
   
   The Committee requested additional information about the Lafayette Street Signal Timing project and Santa Clara County projects funded by the TFCA Regional Fund. Staff noted the information would be provided to the Committee.

   M/S/C (Matthews/Campos) to recommend that the Board of Directors approve the programming of FY 2012/13 Transportation Fund for Clean Air Program Manager (TFCA 40%) funds to projects.

9. **BEP Project Status Semi-Annual Update (Funding & Delivery)**
   
   Michelle DeRobertis, Senior Transportation Planner, provided an overview of the staff report.

   **On order of Chairperson Pirzynski** and there being no objection, the Committee received a status report on BEP Projects Funding and Delivery.

10. **Update on VTP/RTP/SCS Activities**
    
    Chris Augenstein, Deputy Director, Planning, provided the staff report, highlighting: 1) OneBay Area Grant (OBAG); 2) Investment Tradeoffs/Final Constrained Project List; 3) Compelling Case Review; and 4) Sustainable Communities Strategy (SCS).

    **On order of Chairperson Pirzynski** and there being no objection, the Committee received a verbal update on the Valley Transportation Plan, Regional Transportation Plan and Sustainable Communities Strategy activities.
OTHER ITEMS

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

   There were no Items of Concern and Referral to Administration.

12. **Committee Work Plan**

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

13. **Committee Staff Report**

   John Ristow, Chief CMA Officer and Staff Liaison, provided a written report to the Committee containing information on local events, MTC, State and Federal activities, and VTA Congestion Management Agency. He highlighted the following: 1) SR 237/I-880 Express Lanes opening delayed until Tuesday, March 20, 2012; 2) Items considered for approval at the March 28-29, 2012, California Transportation Commission (CTC) meeting; 3) In March, VTA will issue draft funding agreements to each city and the County of Santa Clara for the SB 83 Vehicle Registration Fee (VRF) funds for the 80 percent direct subvention formula fund for local roadway projects; and 4) In April, VTA staff will present a draft 15 percent countywide SB 83 VRF program for consideration to VTA Advisory Committees, CMPP, and Board of Directors.

   Mr. Ristow also noted the following: 1) VTA staff attendance at the April 11, 2012 City Managers meeting to discuss the OBAG; and 2) Thanked Board Chairperson Yeager for his presentation at the South Bay Transportation Officials Association meeting earlier this week where he talked about his goals for VTA.

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

14. **Chairperson’s Report**

   Chairperson Pirzynski commented on the success of the March 12, 2012, VTA Full Funding Grant Agreement Ceremony for BART Silicon Valley and gave kudos to the organizers.

   Michael T. Burns, General Manager, thanked the Members for attending the ceremony and noted the Measure B Sales Tax is scheduled to take effect on July 1st.

15. **Determine Consent Agenda for the April 5, 2012 Board of Directors Meeting**

   **CONSENT:**

   **Agenda Item #5.** Approve the Other Post Employment Benefit (OPEB) Liability Reduction Fund Policy and authorize the General Manager to use such funds for purposes consistent with the policy.

   **Agenda Item #6.** Approve the VTA Transit Sales Tax Stabilization Fund Policy and authorize the General Manager to use such funds for purposes consistent with the policy.

   **Agenda Item #7.** Approve the VTA Transit Fund Operating Reserve Policy and authorize the General Manager to use such funds for purposes consistent with the policy.

   **Agenda Item #8.** Approve the programming of FY 2012/13 Transportation Fund for Clean Air Program Manager (TFCA 40%) funds to projects.

   **Agenda Item #9.** Receive Status Report on BEP Projects Funding and Delivery.
REGULAR: None

16. ANNOUNCEMENTS

There were no Announcements.

17. ADJOURNMENT

On order of Chairperson Pirzynski and there being no objection, the meeting was adjourned at 10:49 a.m.

Respectfully submitted,

Tracene Y. Crenshaw, Board Assistant
VTA Office of the Board Secretary
CALL TO ORDER

The Regular Meeting of the Transit Planning and Operations (TP&O) Committee was called to order at 4:14 p.m. by Chairperson Herrera in Conference Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

1. ROLL CALL

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<tr>
<td>Margaret Abe-Koga</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Rose Herrera</td>
<td>Chairperson</td>
<td>Present</td>
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<td>Sam Liccardo</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Nancy Pyle</td>
<td>Member</td>
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</tr>
<tr>
<td>Gail A. Price</td>
<td>Alternate Member</td>
<td>N/A</td>
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</table>

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

A quorum was present.

2. PUBLIC PRESENTATIONS

Ali Alkhatib, Interested Citizen, expressed concern with buses serving Foothill Community College being at capacity and skipping stops. He suggested VTA work with Foothill College to address this service issue.

Member Liccardo requested staff provide information on the regularity of stop skipping.

Kashyap Garimella and Brandon Bejinez, Interested Citizens, suggested service be added to west Almaden and frequency increased around rush hours to encourage students ridership. They requested a bus stop near William Elementary School in San Jose, CA.

3. ORDERS OF THE DAY

M/S/C (Pyle /Abe-Koga) to accept the Orders of the Day.

CONSENT AGENDA

4. **Regular Meeting Minutes of February 16, 2012**
   M/S/C (Pyle/Liccardo) to approve the TPO regular meeting minutes of February 16, 2012.

REGULAR AGENDA

5. **Committee for Transit Accessibility Activities**
   There was no report from the Committee for Transit Accessibility.

6. **Other Post Employment Benefit (OPEB) Liability Reduction Fund Policy**
   Carol Lawson, Fiscal Services Manager, provided an overview of the staff report and a presentation, highlighting: 1) Reserve Policies Background; 2) VTA Transit Sales Tax Stabilization Fund; 3) Other Post Employment Benefit (OPEB) Liability Reduction Fund; 4) VTA Transit Fund Operating Reserve; and, 5) Reserve Policy Summary.
   
   Member Liccardo expressed concern with the loss of $1.4 million in savings with diverting funds from OPEB to the Tax Stabilization Fund. He discussed several options, including establishing three funds and lowering the percentage of the Tax Stabilization Fund or increasing the Operating Reserve instead of creating a Tax Stabilization Fund.

   **M/S/C (Pyle/Liccardo)** on a vote of 3 ayes to 1 no to 0 abstentions to approve submitting a recommendation to the Board of Directors to approve the Other Post Employment Benefit (OPEB) Liability Reduction Fund Policy and authorize the General Manager to use such funds for purposes consistent with the policy. Member Liccardo opposed.

7. **VTA Transit Sales Tax Stabilization Fund Policy**
   **M/S/C (Pyle/Liccardo)** on a vote of 3 ayes to 1 no to 0 abstentions to approve submitting a recommendation to the Board of Directors to Approve the VTA Transit Sales Tax Stabilization Fund Policy and authorize the General Manager to use such funds for purposes consistent with the policy. Member Liccardo opposed.

**NOTE:** M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
8. **VTA Transit Fund Operating Reserve Policy**

M/S/C (Pyle/Liccardo) on a vote of 3 ayes to 1 no to 0 abstentions to approve submitting a recommendation to the Board of Directors to approve the VTA Transit Fund Operating Reserve Policy and authorize the General Manager to use such funds for purposes consistent with the policy. Member Liccardo opposed.

9. **Dumbarton Express (DBX) Service Cooperative Agreement**

Jim Unites, Deputy Director, Operations, provided an overview of the staff report.

The Committee expressed concern regarding the long-term viability of using RM2 funds for the Dumbarton Express bus service.

M/S/C (Pyle/Abe-Koga) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to enter into a new Cooperative Agreement with the Alameda-Contra Costa Transit District, San Francisco Bay Area Rapid Transit District, City of Union City, and the San Mateo County Transit District to provide the Dumbarton Express (DBX) Service and amend as necessary to address receipt of Regional Measure 2 funds for DBX service expansion.

10. **BART Silicon Valley Project Supplemental EIR Addendum**

Tom Fitzwater, Environmental Services Manager, provided an overview of the staff report.

Thomas Hwang, Senior Vice President for WCV Commercial Properties, expressed concern with the following: 1) Untimely receipt of the proposed SEIR addendum; and, 2) Consequences to the Walton Property if the Board approves the SEIR addendum.

M/S/C (Liccardo/Pyle) to submit a recommendation to the Board of Directors to consider the Addendum to the 2nd Supplemental EIR and approve Option 1 as the design change to the BART Silicon Valley Project (“Project”), as discussed in the Addendum.

**OTHER ITEMS**

The Agenda was taken out of order.

Member Liccardo left his seat at 5:10 p.m.

12. **EcoPass Program Evaluation**

Lilia Scott, Senior Transportation Planner, provided an overview of the report and a presentation, highlighting: 1) Project structure; 2) Internal Stakeholders; 3) Examples from survey results applied to peer systems; 4) Examples from survey results; 5) Eco
Pass bus utilization and revenue/ride; 6) Eco Pass Organization locations Light Rail and (future) BRT routes; and, 6) Eco Pass Utilization by route.

The Committee discussed program alternatives, including price increases and more flexibility with employers.

**On Order of Chairperson Herrera** and there being no objection, the Committee received a report on the EcoPass Program Evaluation.

11. **April 2, 2012 Transit Service Changes**

Jim Unites, Deputy Director, Operations, provided an overview of the staff report.

**On order of Chairperson Herrera** and there being no objection, the Committee received a report on the April 2, 2012 Transit Service Changes.

13. **February 2012 Monthly Ridership and Fare Revenue Performance**

Joonie Tolosa, Manager, Operations Analysis and Reporting, provided the February 2012 Monthly Ridership and Fare Revenue performance report.

**On order of Chairperson Herrera** and there being no objection, the Committee received the January 2012 Monthly Ridership and Fare Revenue Performance Report.

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

Member Liccardo requested staff provide a report on the frequency of buses being at capacity and skipping stops.

15. **Committee Work Plan**

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

16. **Committee Staff Report**

Dan Smith, TPO Committee Liaison and Chief Operations Officer, provided a written report to the Committee.

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

17. **Chairperson’s Report**

There was no report from the Chairperson.

18. **Determine Consent Agenda for the April 5, 2012 Board of Directors Meeting**

**CONSENT:**
Agenda Item #9., Authorize the General Manager to enter into a new Cooperative Agreement with the Alameda-Contra Costa Transit District, San Francisco Bay Area Rapid Transit District, City of Union City, and the San Mateo County Transit District to provide the Dumbarton Express (DBX) Service and amend as necessary to address receipt of Regional Measure 2 funds for DBX service expansion.

Agenda Item #10., Consider the Addendum to the 2nd Supplemental EIR and approve Option 1 as the design change to the BART Silicon Valley Project (“Project”), as discussed in the Addendum.

REGULAR:

Agenda Item #6., Approve the Other Post Employment Benefit (OPEB) Liability Reduction Fund Policy and authorize the General Manager to use such funds for purposes consistent with the policy.

Agenda Item #7., Approve the VTA Transit Sales Tax Stabilization Fund Policy and authorize the General Manager to use such funds for purposes consistent with the policy.

Agenda Item #8., Approve the VTA Transit Fund Operating Reserve Policy and authorize the General Manager to use such funds for purposes consistent with the policy.

19. ANNOUNCEMENTS

Michael T. Burns, General Manager, thanked the Committee members for attending the signing ceremony for the Full Funding Grant Agreement for the BART project. He announced the Groundbreaking ceremony will take place on April 12, 2012.

20. ADJOURNED

On order of Chairperson Herrera and there being no objection, the meeting was adjourned at 5:32 p.m.

Respectfully submitted,

Menominee McCarter, Board Assistant
Office of the Board Secretary
CITIZENS ADVISORY COMMITTEE
and
2000 MEASURE A CITIZENS WATCHDOG COMMITTEE

Wednesday, March 7, 2012

NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Citizens Advisory Committee and 2000 Measure A Citizens Watchdog Committee meeting scheduled for Wednesday, March 7, 2012, at 4:00 p.m. has been cancelled.

The next regular meeting of the Santa Clara Valley Transportation Authority Citizens Advisory Committee and 2000 Measure A Citizens Watchdog Committee is scheduled for Wednesday, April 11, 2012, at 4:00 p.m. held at VTA River Oaks Campus, Conference Room B-104, 3331 North First Street, San Jose, California.

Menominee L. McCarter, 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 6:34 p.m. by Chairperson Goldstein in Building B, Conference Room B-104, 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>Jim Bell, Vice Chairperson</td>
<td>City of San Jose</td>
<td>Present</td>
</tr>
<tr>
<td>Wes Brinsfield</td>
<td>City of Los Altos</td>
<td>Present</td>
</tr>
<tr>
<td>Ray Cosyn</td>
<td>City of Saratoga</td>
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</tr>
<tr>
<td>Aaron Faupell</td>
<td>City of Milpitas</td>
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<tr>
<td>Paul Goldstein, Chairperson</td>
<td>Ex-Officio, SVBC</td>
<td>Present</td>
</tr>
<tr>
<td>Melanie Hanssen</td>
<td>Town of Los Gatos</td>
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<tr>
<td>Breene Kerr</td>
<td>Town of Los Altos Hills</td>
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</tr>
<tr>
<td>Steven Levin</td>
<td>County of Santa Clara</td>
<td>Present</td>
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<tr>
<td>Vacant</td>
<td>City of Morgan Hill</td>
<td>Absent</td>
</tr>
<tr>
<td>Jerri-Ann Meyer</td>
<td>City of Mountain View</td>
<td>Absent</td>
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<tr>
<td>Thomas Muniz</td>
<td>City of Gilroy</td>
<td>Absent</td>
</tr>
<tr>
<td>Richard Ruh</td>
<td>City of Monte Sereno</td>
<td>Present</td>
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<tr>
<td>David Simons</td>
<td>City of Sunnyvale</td>
<td>Present</td>
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<tr>
<td>John Sullivan</td>
<td>City of Santa Clara</td>
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<tr>
<td>Richard Swent</td>
<td>City of Palo Alto</td>
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</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>Alt Ex-Officio, SVBC</td>
<td>NA</td>
</tr>
</tbody>
</table>

A quorum was present.

2. ORDERS OF THE DAY

There were no Orders of the Day.

3. PUBLIC PRESENTATIONS

There were no Public Presentations.
4. **Committee Staff Report**

Stephen Flynn, Advisory Committee Coordinator, introduced Robert Fabela, VTA General Counsel.

Mr. Fabela provided a brief overview of his background before joining VTA.

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

5. **Chairperson’s Report**

Chairperson Goldstein provided a report highlighting: 1) carpooling options for committee members; 2) recommended committee members email BPAC inquiries/concerns to Ying Smith/Michelle DeRobertis prior to the meeting; and 3) bicycle advocacy information.

6. **BPAC Subcommittee Reports**

Michelle DeRobertis reported the Bicycle Guidelines will be reviewed at the BPAC Workshop immediately following the BPAC regular meeting.

**On order of Chairperson Goldstein** and there being no objection, the Committee received the BPAC Subcommittee Reports.

**CONSENT AGENDA**

7. **Minutes of February 8, 2012**

M/S/C (Brinsfield/Wiant) to approve the Minutes of February 8, 2012.

**REGULAR AGENDA**

8. **2012 TFCA Program Manager Fund**

Marcella Rensi, Transportation Planning Manager, provided an overview of the staff report.

Member Levin commented that large companies should not receive public funds for shuttles.

Some committee members requested clarification regarding the call for projects timeline.

M/S/C (Simons/Swent) on a vote of 10 ayes to 0 no to 1 abstention to recommend that the VTA Board of Directors approve the programming of FY2012/13 Transportation Fund for Clean Air Program Manager (TFCA 40%) funds to projects. Member Levin abstained.
9. **BEP Project Status Semi Annual Update (Funding & Delivery)**

Michelle DeRobertis, provided an overview of the staff report. She noted the completion of following projects: a) Campbell Avenue Bridge widening project for bike lanes over Los Gatos Creek, and b) the Morgan Hill West Little Llagas Creek Trail Phase 4 (Spring Road to Edes).

Chairperson Goldstein requested staff provide the committee completion dates for other projects.

On order of Chairperson Goldstein and there being no objection, the Committee received the BEP Project Semi-Annual Update (Funding & Delivery).

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**SANTA CLARA COUNTY BPAC AGENDA**

10. **County Staff Report**

Dawn Cameron, Santa Clara County Roads and Airports Department, provided a report highlighting: 1) completion of letter of appreciation for former County Liaison Dan Collen; 2) updated information regarding the Popular Country Roads educational workshop sponsored by Santa Clara County Department of Public Health scheduled for July 18, 2012; and 3) update of Page Mill Road/280 interchange project. A feasibility study is ongoing with the County and City of Palo Alto.

Chairperson Goldstein requested clarification regarding the goal of the upcoming workshop.

On Order of Chairperson Goldstein, and there being no objection, the Committee received the County Staff Report.

11. **Pedestrian Expressway Sidewalk Funding for Santa Clara County Roads and Airports**

Ms. Cameron provided an update of the County report regarding the FY2012/13 Expressway Pedestrian Program. The County issued a call for projects for the FY2013 program on January 10, 2012, February 17, 2012, and February 17, 2012. No applications for the FY2013 program were submitted.

The Roads and Airports Department identified a project the meets the Expressway Pedestrian Program criteria. The project calls for a sidewalk along the south side of Capitol Expressway from South Jackson Avenue to Excaliber Drive. The project will improve pedestrian access to the bus route and commercial areas along Jackson Avenue and to the light rail station on south Capitol Avenue.

The project is funded as follows:

- $150,000 TDA funds allocated by VTA for the Expressway Pedestrian Program
- $150,000 County Road Fund designated for the Expressway Pedestrian Program
- $150,000 Measure B Surplus Funding allocated for District 2 pedestrian projects.

M/S/C (Levin/Ruh) to recommend that the County Board of Supervisors approve the top candidate for funding through the FY2012/13 County Expressway Sidewalk Program.
12. **Santa Teresa/Hale Pavement Rehabilitation and Capitol Expressway Pavement Rehabilitation**

Ms. Cameron introduced County staff Michael Griffis, Paul Pascoal, and Bernadine Caceres who provided a presentation and overview of the County staff report.

Chairperson Goldstein requested clarification why bikes lanes are not configured in the plans.

**On Order of Chairperson Goldstein** and there being no objection the Committee received the Road project Design Review report on the Santa Teresa/Hale and Capital Expressway Pavement Rehabilitation Projects.

**OTHER**

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

There was no report from the Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC).

14. **Local Jurisdiction Project Review Section**

Members Bell, Brinsfield, Hanssen, Simons, Wadler, and Wiant provided updates on bicycle/ pedestrian activities within their respective cities.

**On order of Chairperson Goldstein** and there being no objection, the Committee received the report on the Local Jurisdiction Project Review Section.

15. **BPAC Work Plan**

Ms. DeRobertis stated the updated workplan will be distributed with the April 2012 BPAC Agenda packet.

Ms. DeRobertis recommended BPAC meet as a workshop for the April 13, 2012 meeting.

**On order of Chairperson Goldstein** and there being no objection, the Committee reviewed the BPAC work plan.

16. **ANNOUNCEMENTS**

Member Brinsfield commented Los Altos BPAC is no longer considered a subcommittee and reports directly to the City Council.

Member Hanssen discussed bicycle advocacy in the Town of Los Gatos.

Member Wiant, discussed bicycle and pedestrian advocacy in the City of Cupertino.

Chairperson Goldstein commented about a SVBC study regarding effectiveness of BPAC committees.
17. **ADJOURNMENT**

On order of Chairperson Goldstein and there being no objection, the Committee meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Jacqueline F. Golzio, Board Assistant
VTA Office of the Board Secretary
CALL TO ORDER

The Regular Meeting of the Policy Advisory Committee (PAC) was called to order at 4:01 p.m. by Chairperson Satterlee in Conference Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

1. ROLL CALL

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<thead>
<tr>
<th>Attendee Name</th>
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<tbody>
<tr>
<td>Jeffrey Cristina</td>
<td>City of Campbell</td>
<td>Absent</td>
</tr>
<tr>
<td>Michael Kotowski (Alternate)</td>
<td>City of Campbell</td>
<td>Present</td>
</tr>
<tr>
<td>Orrin Mahoney</td>
<td>City of Cupertino</td>
<td>Present</td>
</tr>
<tr>
<td>Rod Sinks (Alternate)</td>
<td>City of Cupertino</td>
<td>NA</td>
</tr>
<tr>
<td>Cat Tucker</td>
<td>City of Gilroy</td>
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<tr>
<td>Dion Bracco (Alternate)</td>
<td>City of Gilroy</td>
<td>NA</td>
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<tr>
<td>Megan Satterlee, Vice Chairperson</td>
<td>City of Los Altos</td>
<td>Present</td>
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<tr>
<td>Jarrett Fishpaw (Alternate)</td>
<td>City of Los Altos</td>
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<tr>
<td>Vacant</td>
<td>Town of Los Altos Hills</td>
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<tr>
<td>Vacant (Alternate)</td>
<td>Town of Los Altos Hills</td>
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<tr>
<td>Steve Leonardis</td>
<td>Town of Los Gatos</td>
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<td>Steve Rice (Alternate)</td>
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<tr>
<td>Armando Gomez</td>
<td>City of Milpitas</td>
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<tr>
<td>Vacant (Alternate)</td>
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<tr>
<td>Burton Craig</td>
<td>City of Monte Sereno</td>
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<tr>
<td>Marshall Anstandig (Alternate)</td>
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<tr>
<td>Larry Carr</td>
<td>City of Morgan Hill</td>
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<tr>
<td>Rich Constantine (Alternate)</td>
<td>City of Morgan Hill</td>
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<tr>
<td>John Inks</td>
<td>City of Mountain View</td>
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<tr>
<td>Jac Siegel (Alternate)</td>
<td>City of Mountain View</td>
<td>NA</td>
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<tr>
<td>Gail A. Price</td>
<td>City of Palo Alto</td>
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<tr>
<td>Nancy Shepherd (Alternate)</td>
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<tr>
<td>Kansen Chu</td>
<td>City of San Jose</td>
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<tr>
<td>Member TBD</td>
<td>City of Santa Clara</td>
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<tr>
<td>Jamie McLeod (Alternate)</td>
<td>City of Santa Clara</td>
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<tr>
<td>Howard Miller</td>
<td>City of Saratoga</td>
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<tr>
<td>Chuck Page (Alternate)</td>
<td>City of Saratoga</td>
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<td>David Whittum</td>
<td>City of Sunnyvale</td>
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<td>Jim Davis (Alternate)</td>
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<tr>
<td>Mike Wasserman</td>
<td>SCC Board of Supervisors</td>
<td>Absent</td>
</tr>
</tbody>
</table>

A quorum was present.

2. ORDERS OF THE DAY

There were no Orders of the Day.
3. **PUBLIC PRESENTATIONS**

There were no Public Presentations.

4. **Committee Staff Report**

Jim Lawson, Executive Policy Analysis and Staff Liaison, announced the Santa Clara and San Jose Diridon Station Improvements Opening Event scheduled for March 29, 2012; invitation to attend VTA’s Full Funding Grant Agreement (FFGA) Ceremony for BART Silicon Valley scheduled for Monday, March 12, 2012, 10:00 a.m., at the Rotunda in San Jose City Hall; and BART Silicon Valley Berryessa Extension (SVBX) Project Groundbreaking Event scheduled for Thursday, April 12, 2012, 2:00 p.m. at 1404 Mabury Road in San Jose.

Member Carr arrived at the meeting and took his seat at 4:06 p.m.

Mr. Lawson provided an overview of the March 1, 2012 Board of Director’s Regular Meeting, highlighting: 1) approved a funding gap for the US 101/Capitol Interchange Project; 2) awarded a contract with WMH Corporation for services for the Milpitas and Berryessa Stations of the Silicon Valley Berryessa Extension (SVBX) Project; 3) commented on the 237/880 Interchange Express Lanes opening on March 15, 2012; and 4) provided a report on Caltrain and High Speed Rail (HSR) Blended Approach.

Alternate Member McLeod arrived at the meeting and took her seat at 4:07 p.m.

**Introduction of new VTA General Counsel Robert Fabela**

Mr. Lawson introduced Robert Fabela, VTA General Counsel. Mr. Fabela commented that he began his responsibilities as VTA General Counsel on January 24, 2012 and looks forward to working with VTA’s Board of Directors and its committees.

Chairperson Satterlee and Committee Members welcomed Mr. Fabela to VTA.

5. **Chairperson’s Report**

Chairperson Satterlee congratulated the following member cities for their attendance and participation within the PAC: Morgan Hill, Mountain View, Saratoga, Palo Alto, Sunnyvale, and Los Altos.

Chairperson Satterlee noted that members representing the cities of Monte Sereno and Milpitas have not attended the PAC meetings.

There was no Chairperson’s Report.

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

**CONSENT AGENDA**

6. **Regular Meeting Minutes of February 9, 2012**

M/S/C (Miller/Whittum) on a vote of 10 ayes to 1 abstention to approve the Regular Meeting Minutes of February 9, 2012. Alternate Member McLeod abstained.

7. **Fiscal Year 2012 Second Quarter Transit Operations Performance Report**

On order of Chairperson Satterlee and there being no objection, the Committee received the Fiscal Year 2012 Second Quarter Transit Operations Performance Report.

**NOTE:** M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
The Agenda was taken out of order.

REGULAR AGENDA

9. 2012 Transportation Fund for Clean Air (TFCA) Program Manager Fund

Bill Hough, Transportation Planner III, provided a brief staff report.

Chairperson Satterlee requested staff provide a definition of the Bicycle Expenditure Plan (BEP) projects and queried why the Wildwood Avenue Bicycle Lanes project was not included in the Countywide BEP.

M/S/C (Tucker/Price) to recommend that the VTA Board of Directors approve the programming of FY 2012/2013 Transportation Fund for Clean Air Program Manager (TFCA 40 percent) funds to projects.

8. Regional Reports

Scott Haywood, Policy and Community Relations Manager, provided a brief overview on the handout presentation entitled, “California Transportation Commission (CTC) and Metropolitan Transportation Commission (MTC) – an overview of roles and responsibilities.”

A. California Transportation Commission (CTC)
   - CTC was established in 1978;
   - CTC is responsible for programming and allocating funds for construction of highway, passenger rail, and transit improvements in California;
   - In FY 2011 the CTC allocated over $5.5 billion in State and Federal funding;
   - Consists of 11 Voting Members and 2 Ex-Officio Non-Voting Members; and
   - CTC meets every five weeks throughout California.

Mr. Haywood commented on the CTC issues, noting the Corridor Mobility Improvement Account (CMIA) Savings and Funding imbalance.

Member Leonardis arrived at the meeting and took his seat at 4:21 p.m.

B. Metropolitan Transportation Commission (MTC)
   - MTC was established in 1970;
   - Transportation planning and funding agency for the nine Bay Area counties;
   - Metropolitan Planning Organization & Regional Transportation Planning Agency;
   - MTC programs $1.2 billion annually;
   - Consists of 16 Voting Members and 3 Non-Voting Members;
   - MTC has a strong committee structure and meets monthly;
   - MTC serves as the Bay Area Toll Authority (BATA); and
   - MTC is responsible for the following planning and regional programs: Regional Transportation Plan (RTP), Sustainable Communities Strategy (SCS), Technical Planning, and Regional Programs.

Mr. Haywood commented on the MTC issues, noting the inequitable Santa Clara County Representation on MTC; Regional Transportation Plan (RTP) project performance justification, State Bill (SB) 375 Sustainable Communities Strategy (SCS); History of funding inequities; One Bay Area Grant Program; Relationship of Measurable Performance Object (MPO) and Regional Transportation Planning Agency (RTPA); and Transit Sustainability Project.

On order of Chairperson Satterlee and there being no objection, the Committee received the Metropolitan Transportation Commission (MTC) Regional Report.
10. **Update on the Valley Transportation Plan (VTP)/Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) Activities**

    John Sighamony, Senior Transportation Planner, briefly discussed the following: 1) VTP/RTP/SCS Activities Summary; 2) Summary of Agency Comments on Analysis of the SCS Alternatives; 3) Investment Trade-Offs, Project Lists, and Compelling Cases; and 4) Multimodal Transportation Investments (MTI).

    Chairperson Satterlee requested that staff provide to the Committee a map of projects within VTP 2035, which would serve a Priority Development Area (PDA).

    **On order of Chairperson Satterlee** and there being no objection, the Committee received the update on the Valley Transportation Plan (VTP)/Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) Activities.

11. **ECO Pass Study**

    Kevin Connolly, Transportation Planning Manager, provided an overview on the handout presentations entitled, “Eco Pass Program Evaluation Existing Conditions,” highlighting: 1) Project Structure; 2) Task 1: Internal Stakeholders Eco Pass Program Goals; 3) Task 2 and 4: Examples from Survey Results applied to Peer Systems; 4) Eco Pass Bus Utilization and Revenue/Ride; and 5) Task 6: Operation and Ridership.

    Mr. Connolly stated that staff will come back to the Committee with updates on the Eco Pass surveys, peer review, alternative analyst, and implications for the policy. The policy goals of the Eco Pass Program are to increase VTA ridership, establish revenue neutrality, and to meet farebox recovery goals of 20 – 25 percent.

    Alternate Member Kotowski left the meeting at 5:08 p.m.

    Mr. Connolly reported that DeAnza Community College and San Jose State University are the biggest users of the Eco Pass Program.

    Member Leonardis left the meeting at 5:12 p.m.

    **On order of Chairperson Satterlee** and there being no objection, the Committee received the ECO Pass Study.

**OTHER**

12. **Committee Work Plan**

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

13. **Announcement**

    There were no Announcements.

14. **ADJOURNMENT**

    **On order of Chairperson Satterlee** and there being no objection, the Committee Meeting was adjourned at 5:19 p.m.

    Respectfully submitted,

    Michelle M. Garza, Board Assistant
    VTA Office of the Board Secretary
TECHNICAL ADVISORY COMMITTEE
Thursday, March 8, 2012

MINUTES

CALL TO ORDER

The Regular Meeting of the Technical Advisory Committee (TAC) was called to order at 1:32 p.m. by Vice Chairperson Collen in Conference Room B-104, Santa Clara Valley Transportation Authority (VTA), 3331 North First Street, San José, California.

1. ROLL CALL

<table>
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<tr>
<th>Attendee Name</th>
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<th>Status</th>
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<tr>
<td>Greg Armendariz</td>
<td>Chairperson</td>
<td>City of Milpitas</td>
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<td>Steve Chang</td>
<td>Alternate Member</td>
<td>City of Milpitas</td>
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<tr>
<td>Rajeev Batra</td>
<td>Member</td>
<td>City of Santa Clara</td>
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<tr>
<td>Scott Creer</td>
<td>Alternate Member</td>
<td>City of Morgan Hill</td>
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<tr>
<td>Timm Borden</td>
<td>Member</td>
<td>City of Cupertino</td>
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<tr>
<td>Todd Capurso</td>
<td>Member</td>
<td>Town of Los Gatos</td>
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<td>John Cherbone</td>
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<td>City of Saratoga</td>
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<td>Richard Chiu</td>
<td>Member</td>
<td>Town of Los Altos Hills</td>
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<td>Dan Collen</td>
<td>Member</td>
<td>County of Santa Clara</td>
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<td>Don Dey</td>
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<td>Helen Kim</td>
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<td>Larry Lind</td>
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<td>City of Los Altos</td>
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<td>Michelle Quinney</td>
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<td>Jaime Rodriguez</td>
<td>Member</td>
<td>City of Palo Alto</td>
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<td>Mo Sharma</td>
<td>Member</td>
<td>City of Monte Sereno</td>
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<tr>
<td>Lee Taubeneck</td>
<td>Ex-Officio Member</td>
<td>Dept. of Transportation (Caltrans)</td>
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<tr>
<td>Ben Tripousis</td>
<td>Member</td>
<td>City of San José</td>
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<tr>
<td>Jack Witthaus</td>
<td>Member</td>
<td>City of Sunnyvale</td>
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2. PUBLIC PRESENTATIONS

There were no Public Presentations.

3. ORDERS OF THE DAY

Vice Chairperson Collen requested Agenda Item #11, *BEP Project Status Semi Annual Update (Funding & Delivery)*, be moved to the Consent Agenda.

M/S/C (Tripousis/Dey) to move Agenda Item #11, *BEP Project Status Semi Annual Update (Funding & Delivery)*, from the Regular Agenda to the Consent Agenda.
4. Committee Staff Report

John Ristow, Chief Congestion Management Agency (CMA) Officer and Staff Liaison, reported: 1) The SVBX Groundbreaking Ceremony will be held at 2:00 p.m. on April 12, 2012; 2) TAC Members will be polled to determine their availability for a 1:00 p.m. start time for the April 12, 2012, TAC meeting; 3) The 237 Express Lane is scheduled to open at 5:00 a.m. on March 15, 2012; 4) Caltrans is updating the Highway Design Manual and VTA will copy TAC members on its response to Caltrans; 5) Staff is seeking volunteers for a TAC informational video; and 6) An update on the One Bay Area Grant (OBAG) activity will be provided at an upcoming meeting.

Member Borden took his seat at 1:35 p.m.

- Introduction of new VTA General Counsel Robert Fabela

  Mr. Fabela provided a brief overview of his employment history and noted he was available as a resource to the VTA committees.

Members of the Committee referenced a letter staff is preparing regarding the OBAG Program and suggested that the following city-wide programs be exempted from the Priority Development Areas (PDA) requirements: 1) Bicycle Trails; 2) Bike Lanes; 3) Local Road Rehabilitation; and 4) Safe Routes to School.

5. Chairperson's Report

There was no Chairperson's Report.

6. Reports from TAC Working Groups

- Capital Improvement Program (CIP)

  Marcella Rensi, Transportation Planning Manager, reported the CIP met on February 28, 2012, and discussed the Transportation Fund for Clean Air Program Manager (TFCA 40%) funds.

  Caltrans’ Local Assistance staff gave a presentation to the CIP.

  Caltrans’ Environmental Section will meet with the CIP at 9:30 a.m. on March 21, 2012, in VTA's auditorium.

- Systems Operations & Management (SOM)

  Eugene Maeda, Senior Transportation Planner, reported the SOM met on February 29, 2012, and received a demonstration on Crossroads Software, a traffic accident reporting software that imports data from the Statewide Integrated Traffic Records System.

  The SOM discussed changes to VTA's Bicycle Technical Guidelines.

  The next SOM meeting will be held on March 20, 2012.
• Land Use/Transportation Integration (LUTI)

Mr. Maeda reported a LUTI meeting was not held in February. The next LUTI meeting is scheduled for May 9, 2012.

7. High Speed Rail (HSR)/Caltrain Project

Steven Fisher, Senior Transportation Planner, provided the staff report. He noted: 1) The California High Speed Rail Authority (CHSRA) had a reorganization, with Dan Richard appointed as the CHSRA Chair; 2) On behalf of the CHSRA, Mr. Richard proposed to modify the Central Valley HSR segment by shortening the segment and adding the electric infrastructure, using American Recovery and Reinvestment Act (ARRA) funds, which would allow trains to operate in the Central Valley; 4) Mr. Richard has recommended negotiations with Los Angeles and the San Francisco Bay Area to release Proposition 1A funds (that must be matched dollar for dollar) to: a) upgrade the local systems in preparation for HSR; and b) to upgrade the existing Metrolink and Caltrain; 5) Los Angeles has completed a Memorandum of Understanding (MOU) and will receive $800 million of ARRA funds that will be matched by other funds; 6) The Metropolitan Transportation Commission (MTC) and the Joint Powers Board (JPB) are discussing a proposal for positive train control on the Peninsula system from San Jose’s Tamien station to San Francisco, as a core system improvement, for the Prop 1A money that has to be met for Caltrain. MTC and JPB want the electrification projects completed before any of the other projects.

The CHSRA has heard, but not yet approved the Southern California MOU. The CHSRA wants to hear the Bay Area’s MOU at its April meeting.

Member Dey reported the Gilroy City Council held a special meeting on February 27, 2012, and chose a Downtown HSR Train Station. Member Dey encouraged Morgan Hill to make utilization of the existing Union Pacific tracks a unanimous local-decision.

Member Dey question whether Federal Railroad Administration monies could be matched. Mr. Fisher noted he would seek an answer and respond back to the committee.

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

CONSENT AGENDA

8. Regular Meeting Minutes of February 9, 2012

M/S/C (Batra /Trip) to approve the Regular Meeting Minutes of February 9, 2012.


On order of Vice Chairperson Collen and there being no objection, the Committee received FY 2012 Second Quarter Transit Operations Performance Report.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
11. **BEP Project Status Semi Annual Update (Funding & Delivery)**

On order of Vice Chairperson Colleen and there being no objection, the Committee received a Status Report on Bicycle Expenditure Program (BEP) Projects Funding and Delivery.

**REGULAR AGENDA**

10. **2012 TFCA Program Manager Fund**

Bill Hough, Transportation Planner, provided the staff report.

M/S/C (Withhaus/Batra) to approve the programming of FY 2012/13 Transportation Fund for Clean Air Program Manager (TFCA 40%) funds to projects.

11. **(Moved to the Consent Agenda.)**

Status Report on Bicycle Expenditure Program (BEP) Projects Funding and Delivery.

12. **Update on VTP/RTP/SCS Activities**

Chris Augenstein provided the staff report.

Jaime Rodriguez took his seat at 2:00 pm.

On order of Vice Chairperson Colleen and there being no objection, the Committee received a verbal update on the Valley Transportation Plan, Regional Transportation Plan and Sustainable Communities Strategy activities.

**OTHER**

13. **MTC Activities and Initiatives**

An update on MTC Activities and Initiatives was not provided.

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

Vice Chairperson Colleen reported the TAC Subcommittee met at 12:30 p.m., prior to the current March 8, 2012, TAC meeting to receive an update on legislation to support the formation of a Caltrans Innovative District, or iDistrict. He noted ideas regarding the County-wide portion of the vehicle registration fee will be presented at the next TAC meeting.

On order of Vice Chairperson Colleen and there being no objection, the Committee received an update from the Technical Advisory Committee (TAC) Subcommittee.

15. **TAC Committee Work Plan**

On order of Vice Chairperson Colleen and there being no objection, the Committee reviewed the TAC Committee Work Plan.
16. ANNOUNCEMENTS

Member Batra provided an update on the Santa Clara stadium project.

17. ADJOURNMENT

On order of Vice Chairperson Collen and there being no objection, the meeting was adjourned at 2:28 p.m.

Respectfully submitted,

Susan E. Garcia, Board Assistant
VTA Office of the Board Secretary
DIRIDON STATION JOINT POLICY ADVISORY BOARD

Friday, March 16, 2012

NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Diridon Station Joint Policy Advisory Board meeting scheduled for 3:00 p.m. on Friday, March 16, 2012, has been cancelled.

The next meeting of the Santa Clara Valley Transportation Authority Diridon Station Joint Policy Advisory Board is scheduled for 3:00 p.m. on Friday, June 15, 2012, in Wing Room 120, San José City Hall, 200 E. Santa Clara Street, San José, California.

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