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) Agenda language updated to reflect change in contract amount for Agenda Item #8.1 – SVBX Floodplain Analysis; and 2) Agenda language updated to reflect lowest responsive and responsible bidder and contract amount for Agenda Item #8.3 – US 101/Capitol Expressway – Yerba Buena Road Interchange Improvements Contract Award.
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 accordance with the Americans with Disabilities Act (ADA) and Title VI of the Civil Rights Act of 1964, VTA will make reasonable arrangements to ensure meaningful access to its meetings for persons who have disabilities and for persons with limited English proficiency who need translation and interpretation services. Individuals requiring ADA accommodations should notify the Board Secretary’s Office at least 48-hours prior to the meeting. Individuals requiring language assistance should notify the Board Secretary’s Office at least 72-hours prior to the meeting. The Board Secretary may be contacted 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/scvta.

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

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

For trip planning information, contact our Customer Service Department at (408) 321-2300 between the hours of 6:00 a.m. to 7:00 p.m. Monday through Friday and 7:30 a.m. to 4:00 p.m. on Saturday. Schedule information is also available on our website, www.vta.org.
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 - Recognize Robert “Bob” Magliocco, Associate Systems Design Engineer, River Oaks Administration; William Estavillo, Coach Operator, North Division; Andrew Paul, Transit Mechanic, North Maintenance Division, as Employees of the Month for July 2012; and recognize Bill Maslak, Transportation Supervisor, Cerone Division, as Supervisor of the Quarter for the third quarter of 2012.

Recognize David Kobayashi, Sr. Transportation Planner, River Oaks Administration; Stan Marshall, Coach Operator, Cerone Division; and Jeff Poyer, Transit Mechanic, Chaboya Maintenance, as Employees of the Month for August 2012.

3. CLOSED SESSION

3.1. Recess to Closed Session

3.1.A Conference with Real Property Negotiators

[Government Code Section 54956.8]

Property: Fee interest in property located at 2755 El Camino Real, Palo Alto, California (APN 132-36-084)

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

Negotiating Parties: Keith Claxton, Pollock Realty Corporation, a California corporation

Under Negotiation: Price and terms of payment
3.1 B. Conference with Legal Counsel - Anticipated Litigation
[Government Code Section 54956.9]

3.1.B.i. Potential Litigation - Government Code Section 54956.9(b)(1)

One case whose facts and circumstances are not disclosed pursuant to Government Code Section 54956.9(b)(3)(A).

3.1.B.ii. Potential Litigation/Possible Litigation and/or Settlement Authority - Government Code Sections 54956.9(b)(1) and 54956.9(c).

One case involving agreement with Union Pacific Railroad.

3.1.B.iii. Possible Litigation - Government Code Section 54956.9(c)

One case involving possible breach of contract.

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

5.1 HEARING - NOTICE OF INTENTION TO ADOPT RESOLUTIONS OF NECESSITY

ACTION ITEM - Close Hearing and adopt Resolutions of Necessity determining that the public interest and necessity require the acquisition of property interests from nine properties owned by: (1) Limar Realty Corp., #2, a California Corporation, located in Milpitas, California; (2) Union Bank, a California corporation, located in Milpitas, California; (3) George L. Quinn, Jr., Trustee of the Quinn Family Trust dated August 6, 1984, and amended and restated June 26, 1988, located in Fremont, California; (4) Pritpal Singh and Manjit Kaur, Trustees of the Singh 2003 Trust, dated January 4, 2003; Nghi Ngo and Nancy Chu; Bhopinder Singh Sandhu and Narinder Paul Sandhu; Steve S. Chiang and Marilyn H. Chen, Trustees of the Chiang-Chen Living Trust, dated February 28, 2008, located in Fremont, California; (5) John Scott Kolander a.k.a John S. Kolander and Jacqueline Dyna Kolander a.k.a Jacqueline D. Kolander, located in San Jose, California; (6) Westcore Milpitas, LLC, a Delaware limited liability company, located in Milpitas, California; (7) The heirs or devisees of Marion Elisabeth Weller, deceased, located in Milpitas, California; (8) Milpitas Station (San Jose) Venture, L.L.L.P., a Delaware limited liability limited partnership, located in Milpitas, California; and (9) The heirs or devisees of James T. Murphy, deceased, located in Milpitas, California, for the BART Silicon Valley Berryessa Extension (SVBX) Project.

Note: Motion must be approved by at least 2/3 of the Board (8 members).

Property ID/Assessor’s Parcel Number/Owner

B2222A (APN 086-28-041) owned by Limar Realty Corp., #2, a California Corporation

B2224A (APN 086-28-040) owned by Union Bank, a California corporation

B2005 (APN 519-0850-067) owned by George L. Quinn, Jr., Trustee of the Quinn Family Trust dated August 6, 1984, and amended and restated June 26, 1988


B3012 (APNs 254-03-007 and 254-03-027) owned by John Scott Kolander a.k.a John S. Kolander and Jacqueline Dyna Kolander a.k.a Jacqueline D. Kolander

B2026 (APN 086-42-035) owned by Westcore Milpitas, LLC, a Delaware limited liability company

B2603A (APN None) owned by the heirs or devisees of Marion Elisabeth Weller, deceased

B2239 (APN 086-32-043) owned by Milpitas Station (San Jose) Venture, L.L.L.P., a Delaware limited liability limited partnership

B3623 (APN None) owned by the heirs or devisees of James T. Murphy, deceased
6. REPORTS


6.3. General Manager Report. (Verbal Report)
   6.3.A. Receive information on Veterans Transportation and Community Living Initiative.
   6.3.B. Fare Program Update (Verbal Report)
   6.3.C. Legislative Update (Verbal Report)
       - California Assembly Bill 57 (Beall) - Adds a seat on the Metropolitan Transportation Commission for the City of San José.
       - California Assembly Bill 2382 (Alejo and Gordon) - Requires VTA and Caltrans to implement the Innovative Delivery Team Demonstration Program to improve project delivery and local assistance services.
       - Moving Ahead for Progress in the 21st Century (MAP-21) - Authorizes federal surface transportation programs for a two-year period.
   6.3.E. Caltrain / High Speed Rail Update (Verbal Report)
   6.3.F. Receive updates regarding Metropolitan Transportation Commission (MTC) and California Transportation Commission (CTC) activities.


7. CONSENT AGENDA

7.1. Approve the Board of Directors Regular Meeting Minutes of June 7, 2012.

7.2. ACTION ITEM - Ratify the appointments/re-appointments of the following individuals to the Bicycle & Pedestrian Advisory Committee for the two-year term ending June 30, 2014:

   New Appointment:
   • Dr. Jeffrey Balfus, representing the City of Monte Sereno
   • Christine Cooley, representing the City of Saratoga
   • Paul Goldstein, representing the City of Palo Alto
   • Dale Schouten, representing the City of Santa Clara

   Re-appointment:
   • David Simons, representing the City of Sunnyvale
   • Melanie Hannsen, representing the Town of Los Gatos
7.3. ACTION ITEM - Authorize the General Manager to execute a contract with Beck’s Shoes, Inc. to provide protective footwear to all employees in job classifications that require such protection, at an estimated cost of $624,375 over five years.

7.4. ACTION ITEM - Authorize the General Manager to procure 42 Non-Revenue Vehicles in the amount of $1,405,000 using the State of California purchasing contract.

7.5. ACTION ITEM - Authorize the General Manager to submit federal Fiscal Year 2012 grant applications and execute grant agreements with the Federal Transit Administration (FTA) for Section 5307 Urbanized Area Formula, Section 5309 Fixed Guideway.

7.6. ACTION ITEM - Approve the allocation of up to $2.5 million Local Program Reserve (LPR) to the SR 237 Express Lanes Project’s Approval and Environmental Document Phase (PA/ED); $1.175 million LPR and/or Transportation Enhancement (TE) Funds to Palo Alto’s California Avenue Transit Hub project; and deprogram $1.2 million from the US 101/Trimble Road/De La Cruz Blvd/Central Expressway Interchange Improvements project.

7.7. ACTION ITEM - Adopt a resolution authorizing the execution of the One Bay Area Transit Performance Initiative grant for the VTA Light Rail and Stevens Creek Transit Signal Priority Improvement Projects, authorize the General Manager to enter into a fund transfer cooperative agreement with the Metropolitan Transportation Commission (MTC), and amend the FY 2013 VTA Transit Fund Capital Budget to add $1,792,813 for the Light Rail Transit Signal Priority (TSP) Improvement Project.

Note: Motion must be approved by at least 2/3 of the Board (8 members).

7.8. ACTION ITEM - Adopt a support position for AB 2247 (B. Lowenthal), which increases the penalties for the unauthorized sale or peddling of any goods, merchandise, property, or services in a public transit facility or vehicle.

7.9. ACTION ITEM - Adopt a support position for AB 2245 (Smyth), which exempts a bike lane project undertaken within an existing road right-of-way from the California Environmental Quality Act (CEQA).

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

8. REGULAR AGENDA

8.1. ACTION ITEM - Authorize the General Manager to execute a contract with Schaaf & Wheeler Civil Engineers, for services associated with preparing an updated regional flood insurance study for the watersheds affecting the SVBX Project in the amount of $450,130.

8.2. ACTION ITEM - Authorize the General Manager to utilize existing pre-negotiated Western States Contracting Alliance (WSCA) contracts and pricing for the procurement of voice, data, and video network equipment and services. The estimated cost of the four-year term is $1,400,000 for all WSCA networking procurements.

8.3. ACTION ITEM - Authorize the General Manager to execute a contract with Granite Rock Co. dba Pavex Construction, the lowest responsive and responsible bidder, in the amount of $19,523,851 for construction of the US 101/Capitol Expressway - Yerba Buena Road Interchange Improvements.

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
BOARD MEMORANDUM

TO:        Santa Clara Valley Transportation Authority
           Board of Directors

THROUGH:   General Manager, Michael T. Burns

FROM:      Chief Administrative Officer, Bill Lopez

SUBJECT:   July/August 2012 Employees of the Month

FOR INFORMATION ONLY

BACKGROUND:

July Employees of the Month and Supervisor of the third Quarter of 2012:

Robert “Bob” Magliocco, Associate Systems Design Engineer in the Engineering and Construction Division, is the Administration Award winner for July. Bob has been with VTA for more than 12 years. He is a member of the Capitol Expressway Light Rail corridor and Eastridge Transit Center Improvements team where he plays an integral role in performing electrical design work. In addition to his superior technical skills, Bob possesses outstanding interpersonal skills which contribute to a close-knit and efficient project team. Bob’s affable yet professional demeanor helps make VTA a better place to work. Congratulations to Bob Magliocco, Administration Employee of the Month for July!

William Estavillo, Coach Operator at North Division, is July's Operations award winner. William has worked with VTA for 6 years. His strong work ethic and optimistic attitude have been a highlight of his performance during his tenure. Also, William’s commitment to service has had a positive influence on his fellow co-workers as well as the public. He is an exemplary representative of VTA, by regularly providing outstanding customer service and upholding high standards of quality and job performance in all that he does. William is a true professional and very deserving of this award. Congratulations to William Estavillo, Operations Employee of the Month for July!

Andrew Paul, Transit Mechanic at North Maintenance Division, has been a mechanic at VTA for over 29 years. Some of his duties include skilled mechanical work, diagnosing, maintaining, and repairing VTA buses and support vehicles. Andrew is a very meticulous and efficient mechanic, who prides himself on doing his job with the utmost of quality. He also capably serves as the weekend Transit Foreman among his other duties. Andrew’s experience,
dependability and leadership skills have earned the respect of his peers and make him an excellent role model for all employees. Congratulations to Andrew Paul, Maintenance Employee of the Month for July!

Bill Maslak, Transportation Supervisor at Cerone Division, is the Supervisor of the Quarter for the third quarter. Bill has been with VTA since 1989. During this time he has worked as a dispatcher and coach operator, prior to serving in his current position as a Transportation Supervisor. Through this experience, Bill has attained a wealth of knowledge which has helped to guide his department and improve VTA services. Bill always seems to know the right thing to do at the right time and recognized as an effective leader. Bill maintains high standards for his team and, by doing so, improves VTA services for our customers. Congratulations to Bill Maslak, Supervisor of the third quarter for 2012!

August Employees of the Month:

David Kobayashi, Sr. Transportation Planner at River Oaks is the Administration Employee of the Month for August. David began his career at VTA as a Sr. Transportation Planner in 2007 and currently supervises activities related to transportation engineering and planning and Intelligent Transportation Systems. For example, David leads the implementation and management of the ramp metering system in Santa Clara County. He is also the project manager for deployment of the Bay Area’s first GPS-based bus signal priority system for VTA’s Rapid 522. David is a very knowledgeable employee and committed to helping relieve traffic congestion throughout the County. Congratulations to David Kobayashi, Administration Employee of the Month for August!

Stan Marshall, Coach Operator at Cerone Division, is the Operations award winner for the month of August. Stan has worked at VTA for over 15 years. He is an accomplished Coach Operator recently recognized for driving 13 years without a preventable accident. Stan also served as a Line Instructor for 3 years, utilizing his skills conveying highly technical knowledge to new operators in a non-technical manner. Stan’s positive attitude, extensive knowledge of the job and his willingness to assist his colleagues are just a few of the ways he helps create and maintain a positive VTA work environment. Congratulations to Stan Marshall, Maintenance Employee of the Month for August!

Jeff Poyer, Transit Mechanic at Chaboya is our Maintenance Employee of the Month for August. Jeff has been with VTA for 22 years. He is the epitome of a great mechanic and is one of the Divisions experts when it comes to air conditioning systems. Jeff is always engaged in his work and consistently seeks new ways to improve and hone his skills as a mechanic. He has excellent working relationships with his co-workers and supervisors and always willing to help fellow employees. Jeff welcomes the challenge to work on special projects and is one of the “go to” people when you need to identify a quick solution to an array of mechanical problems. Congratulations to Jeff Poyer, Maintenance Employee of the Month for August!

Prepared By: Christopher Childress
Memo No. 3665
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: SVBX Resolution of Necessity

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

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt Resolutions of Necessity determining that the public interest and necessity require the acquisition of properties for the BART Silicon Valley Berryessa Extension (SVBX) Project.

BACKGROUND:

The BART Silicon Valley Program is an extension of the existing BART regional heavy rail system to Milpitas, San Jose and Santa Clara, which will be delivered through a phased approach. The first phase is the Silicon Valley Berryessa Extension (SVBX) Project, a 10-mile, two-station project, which will extend the existing BART system and provide service to the Cities of Milpitas and San Jose in Santa Clara County.

The SVBX Project will begin south of the future BART Warm Springs Station in Fremont and proceed on the WP Milpitas Corridor purchased by VTA from the Union Pacific Railroad in 2002, through Milpitas, and end in the Berryessa area of north San Jose at Las Plumas Avenue. (See Project Map attached hereto.) Engineering on the SVBX Project is advancing, and major utility relocations and full construction activities are scheduled to begin this year. Full and partial property acquisitions are required from approximately 102 property owners in order to construct the SVBX Project.

These acquisitions are being pursued in accordance with state and federal law, and diligent efforts are being made to acquire them through negotiated settlement. However, negotiated settlements may not be achievable in all instances and some of the acquisitions may need to be
acquired through a timely condemnation process, particularly to ensure that the Project can stay on schedule.

A prerequisite to commencement of eminent domain proceedings by a public entity is adoption of a Resolution of Necessity (California Code Civil Procedure section 1245.220). As discussed below, staff is recommending the Board to adopt Resolution of Necessity for 9 property acquisitions to enable commencement of eminent domain proceedings.

**DISCUSSION:**

Among the approximately 102 property acquisitions required for the Project, staff is recommending that Resolutions of Necessity be adopted for the following properties:

1. **Property owned by Limar Realty Corp., #2, a California corporation (B2222A):**
   This property is located at 31 South Milpitas Boulevard, in the City of Milpitas. The larger parcel consists of approximately 7.43 acres and is currently improved with a R&D/office building and parking.

   The proposed acquisition consists of a 13,268 sq. ft. permanent ingress/egress easement (B2222A-02) that is required to provide access for the construction of the gap breaker facility and subsequent permanent access to the facility. The easement lies within an encumbered semi-private road that is physically separated from the useable portion of the property by curbs and paving.

   The property was appraised and reviewed by a review appraiser, and VTA staff set just compensation. An offer based on the recommended appraisal was made on April 5, 2012. To date, negotiations with the owner to acquire the property have been unsuccessful even though the real estate team has diligently worked to acquire the property through negotiated settlement with the property owner. The team will continue to work with the property owner to reach a negotiated settlement even after adoption of a Resolution of Necessity.

2. **Property owned by Union Bank, a California corporation (B2224A):**
   This property is located at 11 South Milpitas Boulevard, in the City of Milpitas. The larger parcel consists of approximately 39,971 sq.ft and is currently improved with a bank building with a drive-through lane.

   The proposed acquisition consists of a permanent ingress/egress easement (B2224A-02) of 1,565 sq.ft. within an access driveway that is presently encumbered with several existing easements. It is required to provide access for the construction of the gap breaker facility and subsequent permanent access to the facility.

   The property was appraised and reviewed by a review appraiser, and VTA staff set just compensation. An offer based on the recommended appraisal was made on April 5, 2012. To date, negotiations with the owner to acquire the property have been unsuccessful even though the real estate team has diligently worked to acquire the property through
negotiated settlement with the property owner. The team will continue to work with the property owner to reach a negotiated settlement even after adoption of a Resolution of Necessity.

3. Property owned by George L. Quinn, Jr., Trustee of the Quinn Family Trust dated August 6, 1984, and amended and restated June 26, 1988 (B2005):
The property is located at 46025 Warm Springs Boulevard, in the City of Fremont and consists of approximately 3.87 acres. The larger parcel is currently improved with a Multi unit industrial warehouse building.

The proposed acquisition consists of a 805 sq.ft. partial fee acquisition (B2005-01) that is required to increase the width of the BART corridor to accommodate access to utilities within the corridor. The proposed acquisition is located in an unimproved portion of the larger parcel at the back of the property that is encumbered by existing easements.

The property was appraised and reviewed by a review appraiser, and VTA staff set just compensation. An offer based on the recommended appraisal was made on May 31, 2012. To date, negotiations with the owner to acquire the property have been unsuccessful even though the real estate team has diligently worked to acquire the property through negotiated settlement with the property owner. The team will continue to work with the property owner to reach a negotiated settlement even after adoption of a Resolution of Necessity.

This property is located at 1501- 1555 Fulton Place, in the City of Fremont and consists of approximately 42,006 sq.ft. The larger parcel is improved with ten industrial condominium units with a common area.

The proposed acquisition consists of a 732 sq. ft. partial fee acquisition (B2006-01) located within an encumbered, unimproved portion of the larger parcel at the back of the property. The proposed easement is required to increase the width of the BART corridor to accommodate access to utilities within the corridor.

The property was appraised and reviewed by a review appraiser, and VTA staff set just compensation. An offer based on the recommended appraisal was made on May 31, 2012. To date, negotiations with the owner to acquire the property have been unsuccessful even though the real estate team has diligently worked to acquire the property through negotiated settlement with the property owner. The team will continue to work with the property owner to reach a negotiated settlement even after adoption of a Resolution of Necessity.

5. Property owned by John Scott Kolander a.k.a John S. Kolander and Jacquline Dyna Kolander a.k.a Jacquline D. Kolander (B3012):
This property is located at 545 Nipper Avenue, in the City of San Jose. The larger parcel
consists of approximately 1.701 acres and is currently improved with a metal warehouse building and a rail spur.

The proposed acquisition consists of a 1,816 sq.ft. public service easement (B3012-02) that is located in an unimproved portion of the larger parcel, which the owner uses to store dirt. The proposed easement is required for construction of duct banks for electrical and communication facilities within the BART guideway.

The property was appraised and reviewed by a review appraiser, and VTA staff set just compensation. An offer based on the recommended appraisal was made on April 12, 2012. To date, negotiations with the owner to acquire the property have been unsuccessful even though the real estate team has diligently worked to acquire the property through negotiated settlement with the property owner. The team will continue to work with the property owner to reach a negotiated settlement even after adoption of a Resolution of Necessity.

6. Property owned by Westcore Milpitas, LLC, a Delaware limited liability company (B2026):
This property is located at 847 Gibraltar Drive, in the City of Milpitas. The larger parcel consists of approximately 33.52 acres and is currently improved with five R&D/industrial buildings.

The proposed acquisitions consist of two storm drain easements (420 sq.ft and 368 sq.ft), a three month temporary construction easement (60 sq.ft) and a six month temporary construction easement (750 sq.ft).

The two storm drain easements (B2026-02 and B2026-04) are required for installation of storm drain outlets to discharge water from the BART corridor into a nearby creek. The two temporary construction easements (B2026-03 and B2026-06) are required for the directional drilling operations needed to relocate underground electrical powerlines under the VTA Corridor.

The property was appraised and reviewed by a review appraiser, and VTA staff set just compensation. An offer based on the recommended appraisal was made on May 24, 2012. To date, negotiations with the owner to acquire the property have been unsuccessful even though the real estate team has diligently worked to acquire the property through negotiated settlement with the property owner. The team will continue to work with the property owner to reach a negotiated settlement even after adoption of a Resolution of Necessity.

7. Property owned by The heirs or devisees of Marion Elisabeth Weller, deceased (B2603A):
The proposed acquisition consists of a permanent ingress/egress easement (B2603A-02) of 2,398 sq.ft and is located within a vacant strip of property at the end of Hanson Court in the City of Milpitas. The property lies within a portion of North Main Street, which the City vacated in 1975, but reserved an easement to construct and operate utilities. The proposed permanent ingress/egress easement is required to provide periodic access to the...
corridor for operations, inspections and maintenance of facilities located within the corridor.

The property was appraised, reviewed and VTA staff set just compensation. No offer was made due to the inability of staff to definitively identify the heirs or devisees of Marion Elisabeth Weller. After exercising reasonable diligence to locate the subject heirs, staff was able to identify possible heirs, but was unable to obtain sufficient documentation confirming that the persons were in fact heirs to the estate. Accordingly, no offer was made, but the possible heir identified by staff has been advised of the hearing on this Resolution of Necessity.

8. **Property owned by Milpitas Station (San Jose) Venture, L.L.L.P., a Delaware limited liability limited partnership (B2239):**
   This property is located at 1250 Piper Drive, in the City of Milpitas. The larger parcel consists of approximately 10.86 acres and is currently improved with three R&D/Industrial buildings, paved parking lots and landscaped areas.

   The proposed acquisitions on this property consist of three utility easements (415 sq.ft, 5040 sq.ft and 2,832 sq.ft), a sanitary sewer easement (397 sq.ft) and a roadway easement (1,322 sq.ft).

   The three utility easements are required for the following reasons: (1) (B2239-02 -- 415 sq.ft) -- to relocate a nitrogen gas pipeline; (2) (B2239-03 - 5,040 sq.ft) -- to accommodate the overhang of the conductor sway of the relocated overhead electrical line and (3) (B2239-07 - 2,832 sq.ft) -- to relocate an overhead power distribution line and an underground gas pipeline. The gas pipelines and power distribution lines are being relocated to the east of the VTA corridor in order to accommodate for the BART guideway facilities. The sanitary sewer easement (B2239-04 - 397 sq.ft) is required to relocate a City sanitary sewer pipeline to accommodate the BART guideway facilities and the roadway easement (B2239-06 - 1,322 sq.ft) is required to accommodate the reduction in the width of Piper Drive due to facilities required for the BART corridor.

   The property was appraised and reviewed by a review appraiser, and VTA staff set just compensation. An offer based on the recommended appraisal was made on May 30, 2012. To date, negotiations with the owner to acquire the property have been unsuccessful even though the real estate team has diligently worked to acquire the property through negotiated settlement with the property owner. The team will continue to work with the property owner to reach a negotiated settlement even after adoption of a Resolution of Necessity.

9. **Property Owned by The heirs or devisees of James T. Murphy, deceased (B3623):**
   This property is located at the intersection of Piper Drive and Montague Expressway, in the City of Milpitas. The subject property lies within the boundaries of Montague Expressway.

   The proposed acquisitions consist of a pipeline easement (212 sq.ft) and a joint utility easement (626 sq.ft). The pipeline easement (B3623-02), is needed to relocate a nitrogen
gas pipeline and the joint utility easement (B3623-03), is needed to relocate fiber optics facilities and a gas pipeline. The utilities are being relocated in order to accommodate for the alignment of the BART guideway.

The property was appraised, reviewed and VTA staff set just compensation. No offer was made due to the inability of staff to definitively identify the heirs or devisees of James T. Murphy. After exercising reasonable diligence to locate the subject heirs, staff was able to identify possible heirs, but was unable to obtain sufficient documentation confirming that the persons were in fact heirs to the estate. Accordingly, no offer was made, but the possible heirs identified by staff have been advised of the hearing on this Resolution of Necessity.

VTA must take action to acquire the above-referenced properties through eminent domain proceedings in order to ensure that construction can timely begin and the construction schedule remains intact.

As noted above, a prerequisite to commencement of eminent domain proceedings by a public entity is adoption of a Resolution of Necessity. This statutory requirement is designed to ensure that public entities verify and confirm the validity of their intended use of the power of eminent domain. A resolution of necessity must contain a general statement of the public use for which the property is taken, a reference to the authorizing statutes, a description of property, and a declaration stating that each of the following have been found and determined to be true:

1. The public interest and necessity require the proposed project;
2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
3. The property described in the resolution is necessary for the proposed project; and
4. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, has been made to the owner or owners of record, which offer and statement were in a format and contained the information required by Government Code Section 7267.2, or the offer has not been made because the owner cannot be located with reasonable diligence.

Further information addressing each of these items and any additional findings that must be made are included in a staff report attached hereto. The staff report also contains specific information on the properties impacted.

**ALTERNATIVES:**

The properties that are subject to the Resolutions of Necessity before the Board are necessary for the Project and condemnation actions must be initiated in order to obtain possession of the parcel if the Project schedule is to be maintained. The Board may, in its discretion, decide not to adopt the Resolution of Necessity. However, this would necessitate either some delay and/or a
possible redesign, which could impact the schedule and, most likely, increase the costs of the Project.

**FISCAL IMPACT:**

Appropriation for the costs associated with acquisition of these properties is included in the FY13 Adopted 2000 Measure A Transit Improvement Program Fund Capital Budget.

Prepared by: Bijal Patel
Memo No. 3242
SVBX Property Acquisition Staff Report

INTRODUCTION

This staff report is submitted for review by the Board of Directors prior to the recommended adoption of a resolution of necessity for the acquisition of property for the BART Silicon Valley Berryessa Extension (SVBX) Project.

For each property interest to be acquired, a resolution of necessity must be adopted prior to the commencement of eminent domain proceedings. (Code of Civil Procedure Section 1245.220.) The statutory requirement that a public entity adopt a resolution of necessity before initiating a condemnation action “is designed to ensure that public entities will verify and confirm the validity of their intended use of the power of eminent domain prior to the application of that power in any one particular instance.” San Bernardino County Flood Control Dist. v. Grabowski (1988) 205 Cal.App.3d 885, 897.

Thus, a resolution of necessity must contain a general statement of the public use for which the property is to be taken, a reference to the statute authorizing the exercise of eminent domain, a description of the property, and a declaration stating that each of the following have been found and determined by the Board to be the case:

1. The public interest and necessity require the proposed project;
2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
3. The property described in the resolution is necessary for the proposed project; and,
4. That either the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner cannot be located with reasonable diligence.

(Code of Civil Procedure Section 1245.230.)

Also, for those parcels to be acquired as public service public utility easements, the resolution of necessity will state that such property is being acquired pursuant to the provisions of Code of Civil Procedure Sections 1240.320, 1240.330, and 1240.350, as substitute property necessary for acquisition or exchange with regard to affected public utilities, for relocation of such utilities, or to provide utility service to the remaining property, as the case may be. For such property, the Board will be further finding and determining that the taking of said substitute property is necessary for each of the purposes specified in Sections 1240.320, 1240.330, and 1240.350.

Further, insofar as any of the property to be acquired has heretofore been dedicated to public use, the resolution of necessity will find that the acquisition of such property by VTA for the Project is for a more necessary public use to which the property has already been appropriated or is a compatible public use pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610.
This report provides data and information addressing each of these items. Section 1 generally describes the public use for which the property is to be taken and sets forth the statutory authority for VTA’s exercise of eminent domain. Sections 3, 4, and 5 provide facts pertinent to public interest and necessity (Finding #1) and the planning and location of the SVBX Project (Finding #2). Section 6 also contains a property data sheet and other material discussing the necessity for acquiring the specific property interests that are the subject of the resolutions of necessity (Finding #3). Section 2 provides information concerning the offers made to the property owners pursuant to Government Code Section 7267.2 (Finding #4).

This evidentiary factual record will assist the Board in determining whether the requirements of Section 1245.230 have been met, and whether the other findings specified above, as applicable, can be made. If the Board determines that all requirements have been met, and that all findings can be made, it is recommended that the Board adopt resolutions of necessity for each of the parcels listed on the Board Meeting Agenda. The resolutions of necessity scheduled to be heard by the Board are attached to this staff report.

SECTION 1

GENERAL STATEMENT OF PUBLIC USE

Each of the parcels of property that are the subject of the recommended resolutions of necessity are to be acquired for the construction of the SVBX Project, a 10-mile, two-station, first phase of the 16-mile BART Silicon Valley Program.

STATUTORY AUTHORIZATION FOR EXERCISE OF EMINENT DOMAIN

Under its enabling legislation, VTA is authorized to acquire property for mass transit purposes by eminent domain. Public Utilities Code Section 100130, which sets forth the general powers of VTA, provides in pertinent part that: “The district may take by grant, purchase, devise, or lease, or condemn in proceedings under eminent domain, or otherwise acquire, and hold and enjoy, real and personal property of every kind within or without the district necessary to the full or convenient exercise of its powers.” One of the main functions of VTA is to provide transit service. (Public Utilities Code Sections 100160, 100161.)

Public Utilities Code Section 100131 provides further authority for the taking of property by VTA through eminent domain. It states in pertinent part that: “The district may exercise the right of eminent domain to take any property necessary or convenient to the exercise of the powers granted in this part.”

In addition, the Eminent Domain Law, Code of Civil Procedure Sections 1230.010 et seq., gives entities authorized by statute the right to use eminent domain to acquire property for public use, and specifies the procedures for the exercise of that right.
SECTION 2

GOVERNMENT CODE OFFERS

The owners of the properties that are the subject of the resolutions were made an offer by VTA for the purchase of the property unless they could not be located with reasonable diligence as required by Government Code Section 7267.2. Sections 7267.2(a), (b) and (c) state that:

(a) (1) Prior to adopting a resolution of necessity pursuant to Section 1245.230 of the Code of Civil Procedure and initiating negotiations for the acquisition of real property, the public entity shall establish an amount that it believes to be just compensation therefor, and shall made an offer to the owner or owners of record to acquire the property for the full amount so established, unless the owner cannot be located with reasonable diligence. The offer may be conditioned upon the legislative body’s ratification of the offer by execution of a contract of acquisition or adoption of a resolution of necessity or both. The amount shall not be less than the public entity’s approved appraisal of the fair market value of the property. Any increase or decrease in the fair market value of real property to be acquired prior to the date of valuation caused by the public improvement for which the property is acquired, or by the likelihood that the property would be acquired for the improvement, other than that due to physical deterioration within the reasonable control of the owner or occupant, shall be disregarded in determining the compensation for the real property.

(2) At the time of making the offer described in paragraph (1), the public entity shall provide the property owner with an informational pamphlet detailing the process of eminent domain and the property owner’s rights under the Eminent Domain Law.

(b) The public entity shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount it established as just compensation. The written statement summary shall contain detail sufficient to indicate clearly the basis for the offer, including, but not limited to, all of the following information:

(1) The date of valuation, highest and best use, and applicable zoning of property.
(2) The principal transactions, reproduction or replacement cost analysis, or capitalization analysis, supporting the determination of value.

(3) If appropriate, the just compensation for the real property acquired and for damages to remaining real property shall be separately stated and shall include the calculations and narrative explanation supporting the compensation, including any offsetting benefits.

(c) Where the property involved is owner-occupied residential property and contains no more than four residential units, the homeowner shall, upon request, be allowed to review a copy of the appraisal upon which the offer is based. The public entity may, but is not required to, satisfy the written statement, summary, and review requirements of this section by providing the owner a copy of the appraisal on which the offer is based. Each property owner that could be located after reasonable diligence was presented with a written offer in an amount not less than the approved appraisal for the property, and a statement and summary of the basis of the offer, comprised of an Appraisal Summary Statement. The Appraisal Summary Statement provided the following information: name of owner; property address; parcel and APN number; locale; applicable zoning; date of valuation, present use; highest and best use; total property area; area to be acquired; type of interest to be acquired; improvements and access impacted; damages incurred and, as appropriate, separately stated with calculations and narrative explanation; total payment; and a description of the market value, reproduction or replacement cost analysis, or capitalization analysis, used to determine just compensation; and a summary of comparable sales, including the location, date of sale and sales price of properties used in the appraisal process. The date that the offer was made to the property owner is specified on the Property Fact Sheet contained in Section 6 of this report.

Not all of the property owners, however, could be located after reasonable diligence. The preliminary title reports show that the owners of some of the properties subject to Resolutions of Necessity before the Board are the unnamed heirs of certain deceased persons. After exercising reasonable diligence to locate the subject heirs, VTA staff was able to identify potential heirs, but was unable to obtain sufficient documentation confirming that these persons were in fact heirs of the decedents. Accordingly, no offers were made as the owners could not be located.
SECTION 3

SVBX PROJECT OVERVIEW, PURPOSE AND NEED

Project Description

BART Silicon Valley is an extension of the existing BART regional heavy rail system to Milpitas, San Jose and Santa Clara. The 16-mile BART Silicon Valley Program will be delivered through a phased approach.

The Silicon Valley Berryessa Extension (SVBX) Project is a 10-mile, two-station, first phase of BART Silicon Valley. SVBX is being implemented in cooperation with the Federal Transit Administration’s (FTA) New Starts Program, and will be a fully operable extension of the existing BART system with service to the cities of Milpitas and San Jose in Santa Clara County.

This extension of the BART system will begin south of the future BART Warm Springs Station in Fremont and proceed on the WP Milpitas Corridor purchased by VTA from the Union Pacific Railroad in 2002, through Milpitas, and end in the Berryessa area of north San Jose at Las Plumas Avenue. Engineering on the project is advancing, and full construction activities are scheduled to begin in 2012.

The two SVBX stations will feature:

- Parking structures
- Bus transit centers
- Bike and pedestrian connections
- Convenient access to BART System:
  - Half-mile walk for nearly 30,000 residents
  - Less than 12-minute bike ride for 260,000
  - 15-minutes via public transit or automobiles for more than 1,007,000 local residents

Purpose of the Project

The project is intended to achieve the following objectives:

- Improve public transit service and increase ridership in this severely, and ever-increasing, congested corridor by providing expanded transit capacity and faster, convenient access to and from major Santa Clara County employment and activity centers for corridor residents and residents from throughout the Bay Area and portions of the Central Valley of California.
• Enhance regional connectivity by expanding and interconnecting BART rapid transit service with VTA light rail, Amtrak, ACE, Caltrain, and VTA bus services in Santa Clara County; improve intermodal transit hubs where rail, bus, auto, bicycle and pedestrian links meet.

• Expand transportation solutions that will be instrumental in maintaining the economic vitality and continuing development of Silicon Valley.

• Improve mobility options to employment, education, medical, and retail centers for corridor residents, in particular low-income, youth, elderly, disabled, and ethnic minority populations.

• Improve regional air quality by reducing auto emissions.

• Support local and regional land use plans and facilitate corridor cities’ efforts to direct business and residential investments in transit oriented development. More efficient growth and sustainable development patterns are necessary to reduce impacts to the local and global environmental, such as adverse climate change.

Improved transit in the BART Silicon Valley Corridor is consistent with the goals established in prior corridor studies and responds to the long-range Valley Transportation Plan 2035 (VTP 2035), adopted by VTA in January 2009. The primary goal of the long-range plan is to provide transportation facilities and services that support and enhance Santa Clara County’s high quality of life and vibrant economy.

Need for the Project

The SVBX Project is critical to improving mobility between the East Bay and South Bay regions of the San Francisco Bay Area, as well as between eastern Santa Clara County and San Francisco. The project corridor, including the 1-880 and 1-680 freeways, is already very congested, with roadway conditions projected to steadily worsen as Santa Clara County and the greater Bay Area continue to grow. Travelers on the roadway network experience excessive delays currently and can expect delays on the typical weekday to increase in the absence of the proposed improvements.

SVBX is the initial segment of a planned BART extension to downtown San Jose and Santa Clara. The full extension will complete a major link in a regional high-speed, high capacity transit network that will circle lower San Francisco Bay. Regional connectivity is important to the future of Silicon Valley, the high-technology and venture capital center of the nation and a major provider of biotechnology products and services.
BART is the only modal alternative that produces a better balance between transit and auto modes; significantly facilitates transit-oriented development; and moves large numbers of commuters and discretionary travelers alike quickly and reliably. Other transportation improvement alternatives to the proposed project are not adequate for addressing current and future needs. Transportation system management/baseline improvements in the form of expanded express bus services and preferential treatments for transit do not reduce travel time delays significantly. Although increased higher density, mixed-use developments around light rail stations would increase the viability of a light rail option, it is oriented to intra-county travel. Frequent station stops and at-grade running tend to slow travel speeds, and train capacity will become constrained by the maximum allowable three-car train consists. Existing commuter rail services in the corridor are also capacity constrained due to the limited service frequencies that remain when sharing trackage with freight trains. No other transit modes can match the regional connectivity provided by a BART extension and therefore they perform poorly in accommodating the rapid growth of regional travel in the San Francisco Bay Area.

SECTION 4

PROJECT PLANNING AND IMPLEMENTATION

Alternatives Analysis

A BART extension was selected as the Locally Preferred Alternative (LPA) following completion of the Major Investment Study (MIS)/Alternatives Analysis (MIS/AA) in November 2001. The study evaluated 11 alternatives for the Silicon Valley Rapid Transit Corridor, representing various modes of travel including express bus, bus rapid transit, commuter rail, diesel and electric light rail, and BART. The LPA was chosen after an extensive review process, including technical analysis, 12 public meetings, and more than 15 Community Working Group meetings.

In October 2001, the Policy Advisory Board (PAB) voted unanimously to recommend to the VTA Board that the BART on the UPRR Alignment alternative be carried forward into the EIS/EIR phase along with the FTA-required Baseline Alternative. Since the VTA-BART property negotiations were still unresolved at the time, the PAB also recommended carrying forward a BART-Compatible alternative.

On November 9, 2001, the VTA Board unanimously selected BART on the UPRR Alignment as the Preferred Investment Strategy for the Silicon Valley Rapid Transit Corridor, citing its overall ranking of “High” in comparison to the other alternatives. The Board instructed that, in addition to the BART Alternative, the Baseline (Expanded Bus) Alternative be carried forward into the environmental compliance phase to fulfill FTA project development guidelines. The Board also approved an agreement with BART to identify the terms and conditions for implementing the
Preferred Investment Strategy in concert with BART. On November 12, 2001, the BART Board also adopted the terms and conditions for the agreement.

When compared with the other alternatives, the BART Alternative offered:

- Fastest travel times to passenger destinations
- Highest ridership projections
- Greatest congestion relief
- Best access to jobs, education, medical, retail and entertainment centers throughout the Bay Area
- Regional connectivity with no transfers to the BART system
- Opportunities for transit-oriented development in conjunction with local land use planning efforts.

Station Area Planning

Station area planning for the new BART stations is an important element of the SVBX Project. VTA is working with the cities and stakeholders to develop transit-supportive station campuses, access, circulation, and land uses in the station areas that would increase transit ridership, create vibrant communities, ease the housing shortage, and promote multi-modal access to and from the stations.

The City of Milpitas has adopted a specific plan for the area surrounding the proposed BART Milpitas Station. The Milpitas Transit Sub Area Specific Plan, as adopted by the Milpitas City Council, would create mixed land uses near two VTA LRT stations and the future Milpitas BART station at Montague Expressway and Piper Drive.

Station area land use plans are guided, in part, by the Metropolitan Transportation Commission (MTC) Regional Transit Expansion Program policy, Resolution 3434, which includes provisions for transit-oriented development within a half-mile radius of transit stations.

Project Funding

The total SVBX Project cost is estimated at approximately $2.1 billion based on most current engineering cost estimates for project construction. Funding for the SVBX Project will come through multiple revenue streams including the 2000 Measure A, 1/2 cent sales tax and other local sources, the State of California and its Traffic Congestion Relief Program (TCRP), and federal grants including the New Starts Program. VTA requested $900 million in FTA New Starts funding, which it secured through execution of a full Funding Grant Agreement (FFGA) in March, 2012. The FFGA is a multi-year contractual agreement between the FTA and VTA that formally defines the project scope, cost and schedule, and establishes the terms of the $900 million in federal financial assistance.
Engineering design

The engineering and design of BART Silicon Valley is developed in various phases of project development in conjunction with the environmental process. Engineering phases include Conceptual Engineering (10% design), Preliminary Engineering (35% design), 65% design, and Final Engineering (100% design). These design phases represent a progression of engineering throughout project development.

Conceptual Engineering and Preliminary Engineering (PE) phases occur during the development of draft and final environmental documents, and together are generally referred to as the PE phase. The 65% design phase allows for a further refinement to project definition and the design of the facilities and systems.

In December 2006, the technical PE phase was completed. The 65% Engineering phase was completed in December 2008. Said engineering designs are hereby incorporated herein by reference. Final design will advance the project development to 100% completion following the selection of a Design-Build contractor as discussed in the section below.

Design-Build Contract Procurement

In May 2010, the VTA Board of Directors authorized VTA’s General Manager to pursue Design-Build as the delivery method for SVBX. The Design-Build method of project delivery involves selecting a contractor to perform both final design and construction under a single contract. Analysis of Design-Build as the delivery method for the project versus the traditional design, bid, build showed potential cost savings of $75 million, a 6 month acceleration of project delivery and reduced risks to VTA. This is VTA’s first Design-Build contract.

VTA issued the Request for Proposals (RFP) for the C700 Line, Track, Stations, and Systems (LTSS) contract in March 2011 to pre-qualified teams. The pre-qualified teams are KSG Constructors, Skanska-Shimmick-Herzog, Tutor Perini and Parsons SVBX, and Walsh/Flatiron/Comstock. On December 8, 2011, the Board awarded the C700 contract to Skanska-Shimmick-Herzog.

SECTION 5

ENVIRONMENTAL CLEARANCE AND REVIEW

Environmental Clearance

The Berryessa Extension Project is defined in the BART Silicon Valley Final Environmental Impact Statement (2010). FTA, in coordination with VTA, circulated an Environmental Impact
Statement in accordance with the National Environmental Policy Act (NEPA) in 2009. The Final Environmental Impact Statement was released in March 2010. A Record of Decision was issued in June 2010.

VTA released a Draft Second Supplemental Environmental Impact Report (SEIR) in November 2010 to address proposed project changes since the certification of the last environmental document in 2007 under the California Environmental Quality Act (CEQA). The Final Second SEIR was circulated to the public in February 2011 and certified at the March 2011 VTA Board of Directors meeting.

Environmental Review Summary

Environmental impacts were discussed in detail in the following California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) documents prepared during the planning and environmental review phases of the Project. Said documents are available for the Board's review & consideration and are incorporated by reference herein. Many of these documents, and other information concerning the Project, are available through the VTA website, vta.org.

- Major Investment Study Final Report, November 2001 (NEPA)
- 2004 Final Environmental Impact Report (CEQA)
- 2007 Draft Supplemental Environmental Impact Report (CEQA)
- 2007 Final Supplemental Environmental Impact Report (CEQA)
- 2009 Draft Environmental Impact Statement (NEPA)
- 2010 Final Environmental Impact Statement (NEPA)
- 2010 Addendum to the 2007 FSEIR (CEQA)
- 2010 Draft Second Supplemental Environmental Impact Report (CEQA)
- 2011 Final Second Supplemental Environmental Impact Report (CEQA)
- 2011 Addendum to the 2011 FSEIR (CEQA)
• 2012 Addendum No. 2 to the 2011 FSEIR (CEQA)

• 2012 Addendum No. 3 to the 2011 FSEIR (CEQA)

SECTION 6

SPECIFIC PROPERTY ACQUISITIONS

Detailed property fact sheets and aerial photographs of the parcels required for this Project follow. Overall property requirements and project related costs have been minimized as much as possible. Offers were made to the owners of property as follows: (1) B2222A -- on or about April 5, 2012; (2) B2224A-- on or about April 5, 2012; (3) B2005-- on or about May 31, 2012; (4) B2006-- on or about May 31, 2012; (5) B3012-- on or about April 12, 2012; (6) B2026 -- on or about May 24, 2012 ; and (7) B2239-- on or about May 30, 2012, said offer packages incorporated herein by reference. Notices of Intention to Adopt Resolution of Necessity, incorporated herein by reference, were sent to each of these property owners of properties on July 13, 2012.

An offer was not made to the owners of properties identified as B2603A and B3623 because the owners could not be located with reasonable diligence. The preliminary title reports show that the owners of these properties are the unnamed heirs of certain deceased persons. After exercising reasonable diligence to locate the subject heirs, staff was able to identify potential heirs, but was unable to obtain sufficient documentation confirming that these persons were in fact the heirs of the decedents. Nevertheless, the potential heirs that VTA staff was able to locate were sent a letter on July 16, 2012, advising them that the Board intended to consider adopting Resolutions of Necessity.
The subject property is owned by Limar Realty Corp., #2, a California corporation, and is located at 31 South Milpitas Boulevard, in the City of Milpitas. The larger parcel consists of approximately 7.43 acres and is currently improved with a R&D/office building and parking.

The proposed acquisition consists of a 13,268 sq. ft. permanent ingress/egress easement (B2222A-02) that is required to provide access for the construction of the gap breaker facility and subsequent permanent access to the facility. The easement lies within an encumbered semi-private road that is physically separated from the useable portion of the property by curbs and paving.
BART SILICON VALLEY BERRYESSA EXTENSION PROJECT

PROPERTY FACT SHEET – B2224A

Owner: Union Bank, a California corporation

Property Address: 11 South Milpitas Boulevard

Locale: Milpitas, CA

Present Use: Bank building

Total Property Area: 39,971 sq.ft.

Area to be Acquired: Permanent ingress/egress easement (B2224A-02) - 1,565 sq.ft

Date of Offer: April 5, 2012

The subject property is owned by Union Bank, a California corporation, and is located at 11 South Milpitas Boulevard, in the City of Milpitas. The larger parcel consists of approximately 39,971 sq.ft and is currently improved with a bank building with a drive-through lane.

The proposed acquisition consists of a permanent ingress/egress easement (B2224A-02) of 1,565 sq.ft. within an access driveway that is presently encumbered with several existing easements. It is required to provide access for the construction of the gap breaker facility and subsequent permanent access to the facility.
Owner: George L. Quinn, Jr., Trustee of the Quinn Family Trust dated August 6, 1984, and amended and restated June 26, 1988

Property Address: 46025 Warm Springs Boulevard

Locale: Fremont, CA

Present Use: Multi unit industrial warehouse building.

Total Property Area: 3.87 acres.

Area to be Acquired: Partial Fee acquisition (B2005-01) - 805 sq.ft

Date of Offer: May 31, 2012

The subject property is owned by George L. Quinn, Jr., Trustee of the Quinn Family Trust dated August 6, 1984, and amended and restated June 26, 1988, and is located at 46025 Warm Springs Boulevard, in the City of Fremont. The larger parcel consists of approximately 3.87 acres and is currently improved with a multi-unit industrial warehouse building.

The proposed acquisition consists of a 805 sq.ft. partial fee acquisition (B2005-01) that is required to increase the width of the BART corridor to accommodate access to utilities within the corridor. The proposed acquisition is located in an unimproved portion of the larger parcel at the back of the property that is encumbered by existing easements.
BART SILICON VALLEY BERRYESSA EXTENSION PROJECT

PROPERTY FACT SHEET – B2006

Owner: Pritpal Singh and Manjit Kaur, Trustees of the Singh 2003 Trust, dated 1/04/03; Nghi Ngo and Nancy Chu; Bhopinder Singh Sandhu and Narinder Paul Sandhu; Steve S. Chiang and Marilyn H. Chen, Trustees of the Chiang-Chen Living Trust, dated 2/28/2008

Property Address: 1501-1555 Fulton Place

Locale: Fremont, CA

Present Use: Ten industrial condominium units with a common area

Total Property Area: 42,006 sq.ft.

Area to be Acquired: Partial Fee acquisition (B2006-01) - 732 sq.ft

Date of Offer: May 31, 2012

The subject property is owned by Pritpal Singh and Manjit Kaur, Trustees of the Singh 2003 Trust, dated 1/04/03; Nghi Ngo and Nancy Chu; Bhopinder Singh Sandhu and Narinder Paul Sandhu; Steve S. Chiang and Marilyn H. Chen, Trustees of the Chiang-Chen Living Trust, dated 2/28/2008, and is located at 1501-1555 Fulton Place, in the City of Fremont. The larger parcel consists of approximately 42,006 sq.ft. and is improved with ten industrial condominium units with a common area.

The proposed acquisition consists of a 732 sq. ft. partial fee acquisition (B2006-01) located within an encumbered, unimproved portion of the larger parcel at the back of the property. The proposed easement is required to increase the width of the BART corridor to accommodate access to utilities within the corridor.
Owner: John Scott Kolander a.k.a John S. Kolander and Jacqueline Dynea Kolander a.k.a Jacqueline D. Kolander

Property Address: 545 Nipper Avenue

Locale: San Jose, CA

Present Use: Metal warehouse building/Material and equipment storage

Total Property Area: 1.701 acres.

Area to be Acquired: Public service easement (B3012-02) - 1,816 sq.ft

Date of Offer: April 12, 2012

The subject property is owned by John Scott Kolander a.k.a John S. Kolander and Jacqueline Dynea Kolander a.k.a Jacqueline D. Kolander, and is located at 545 Nipper Avenue, in the City of San Jose. The larger parcel consists of approximately 1.701 acres and is currently improved with a metal warehouse building and a rail spur.

The proposed acquisition consists of a 1,816 sq.ft. public service easement (B3012-02) that is located in an unimproved portion of the larger parcel, which the owner uses to store dirt. The proposed easement is required for construction of duct banks for electrical and communication facilities within the BART guideway.
The subject property is owned by Westcore Milpitas, LLC, a Delaware limited liability company and located at 847 Gibraltar Drive in the City of Milpitas. The larger parcel consists of approximately 33.52 acres and is currently improved with five R&D/industrial buildings.

The two storm drain easements (B2026-02 and B2026-04) are required for installation of storm drain outlets to discharge water from the BART corridor into a nearby creek. The two temporary construction easements (B2026-03 and B2026-06) are required for the directional drilling operations needed to relocate underground electrical powerlines under the VTA Corridor.
LEGEND

TCE -      TEMPORARY CONSTRUCTION EASEMENT AREA 03=60 SQ. FT.
SDE -      STORM DRAIN EASEMENT AREA 02=420 SQ. FT.

SVBX - C700
PHOTO-EXHIBITS

B2026
APN: 086-42-035
SHEET 1 OF 3

SCALE 1"=80' Date: 3-26-12
B2026_EHbtPls-1 Modified By: Ronaldo Estrada

Checke by Stan Heffner
The subject property is owned by the heirs or devisees of Marion Elisabeth Weller, deceased. It is a vacant piece of land located in the City of Milpitas, within a portion of North Main Street, which the City vacated, but reserved an easement to construct and operate utilities.

The proposed Permanent Ingress/Egress Easement (B2603A-02) of 2,398 sq.ft, is required to provide periodic access to the corridor for operations, inspections and maintenance of facilities located within the corridor.
BART SILICON VALLEY BERRYESSA EXTENSION PROJECT

PROPERTY FACT SHEET – B2239

Owner: Milpitas Station (San Jose) Venture, L.L.L.P., a Delaware limited liability limited partnership

Property Address: 1250 Piper Drive

Locale: Milpitas, CA

Present Use: R&D/industrial buildings

Total Property Area: 10.86 acres.

Area to be Acquired:

Three utility easements:
(B2239-02) – 415 sq.ft
(B2239-03) – 5,040 sq.ft
(B2239-07) – 2,832 sq.ft

Sanitary sewer easement: (B2239-04) - 397 sq.ft

Roadway easement: (B2239-06) - 1,322 sq.ft

Date of Offer: May 30, 2012

The subject property is owned by Milpitas Station (San Jose) Venture, L.L.L.P., a Delaware limited liability limited partnership and is located at 1250 Piper Drive, in the City of Milpitas. The larger parcel consists of approximately 10.86 acres and is currently improved with three R&D/Industrial buildings, paved parking lots and landscaped areas.

The three utility easements are required for the following reasons: (1) (B2239-02 -- 415 sq.ft) -- to relocate a nitrogen gas pipeline; (2) (B2239-03 – 5,040 sq.ft) -- to accommodate the overhang of the conductor sway of the relocated overhead electrical line and (3) (B2239-07 – 2,832 sq.ft) - - to relocate an overhead power distribution line and an underground gas pipeline. The gas pipelines and power distribution lines are being relocated to the east of the VTA corridor in order to accommodate for the BART guideway facilities. The sanitary sewer easement (B2239-04 – 397 sq.ft) is required to relocate a City sanitary sewer pipeline to accommodate the BART guideway facilities and the roadway easement (B2239-06 – 1,322 sq.ft) is required to accommodate the reduction in the width of Piper Drive due to facilities required for the BART corridor.
BART SILICON VALLEY BERRYESSA EXTENSION PROJECT

PROPERTY FACT SHEET – B3623

Owner: The heirs or devisees of James T. Murphy, deceased

Property Address: Intersection of Piper Drive and Montague Expressway

Locale: Milpitas, CA

Present Use: Roadway (Montague Expressway)

Area to be Acquired: Pipeline easement (B3623-02) - 212 sq.ft
Joint utility easement (B3623-03) – 626 sq.ft

The subject property is owned by the heirs or devisees of James T. Murphy, deceased. It is located at or near the intersection of Piper Drive and Montague Expressway in the City of Milpitas. The subject property lies within the boundaries of Montague Expressway.

The pipeline easement (B3623-02) of 212 sq.ft, is needed to relocate a nitrogen gas pipeline and the joint utility easement (B3623-03) of 626 sq.ft, is needed to relocate fiber optics facilities and a gas pipeline. The utilities are being relocated in order to accommodate for the alignment of the BART guideway.
RESOLUTION OF NECESSITY DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS

WHEREAS, the BART Silicon Valley Berryessa Extension Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire an Ingress Egress Easement interest in certain property more particularly described in Exhibit “A” (B2222A-02), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to the owner(s) of the property herein, all of whom have been given a reasonable opportunity to appear and be heard before the Board of Directors of VTA at the time and place set forth in said notice, regarding the matters specified therein.

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

1. The recitals contained herein are true and correct.
2. Upon examination of the alternatives, VTA requires the property for the Project.
3. VTA is authorized to acquire the property and exercise the power of eminent domain pursuant to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law, Code of Civil Procedure Sections 1230.010 et seq., and Sections 100130 and 100131 of the Public Utilities Code.
4. The public interest and necessity require the Project.
5. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
6. An Ingress Egress Easement interest in property described in Exhibit “A” is necessary for the Project.
7. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, has been made to the owner or owners of record, which offer and statement were in a format and contained the
information required by Government Code Section 7267.2, or the offer has not been made because the owner cannot be located with reasonable diligence.

8. VTA has complied with all conditions and statutory requirements, including those prescribed by CEQA, NEPA, and that are necessary for approval and adoption of the Project.

9. All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the property described herein have been complied with by VTA.

10. Insofar as the property or the larger parcel of which it is a part has heretofore been appropriated for public use, the proposed use set forth herein will not unreasonably interfere with or impair the continuation of the public use as it exists or may reasonably be expected to exist in the future, and is therefore a compatible public use pursuant to Code of Civil Procedure Section 1240.510, or, as applicable, constitutes a more necessary public use to which the property is appropriated pursuant to Code of Civil Procedure Section 1240.610.

11. General Counsel or General Counsel’s duly authorized designee is hereby authorized and directed to institute and conduct to conclusion eminent domain proceedings to acquire an Ingress Egress Easement interest in property described in Exhibit “A, and to take such actions that counsel deems advisable or necessary in connection therewith, and may deposit the probable amount of compensation and obtain an order for prejudgment possession of the subject property.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on August 2, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

________________________________
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 two-thirds or more of the Board of Directors of the Santa Clara Valley Transportation Authority, California, at a meeting of said Board of Directors on the date indicated, as set forth above.

Dated: ______________________
SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

________________________________
ROBERT FABELA
General Counsel
EXHIBIT “A”

INGRESS EGRESS EASEMENT

A permanent, non-exclusive ingress/egress easement and incidents thereto, for the purpose of vehicular and pedestrian ingress and egress on, over, across, that certain real property, situated in the City of Milpitas, County of Santa Clara, State of California, being described and depicted as Parcel B2222A-02 on Exhibit “1” attached hereto and made a part hereof.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.
EXHIBIT “1”

Parcel 2222A-02
4/18/2011
IEE

LEGAL DESCRIPTION
APN 086-28-041

All that certain real property situated in the City of Milpitas, County of Santa Clara, State of California, described as follows:

Being a portion of that certain parcel of land designated as Parcel B, as said Parcel is shown on that certain map entitled “PARCEL MAP” filed November 16, 1981 in Book 492 of Maps, at page 39, Official Records of said County, being more particularly described as follows:

BEGINNING at a point in the westerly line of said Parcel B, from which the northwesterly corner thereof bears North 23°00’44” West 5.06 feet:

1. Thence leaving last said line, North 75°28’40” East 475.72 feet to the beginning of a non-tangent curve concave southerly and having a radius of 104.82 feet (a radial line of said curve through said point bearing North 14°38’02” West);
2. Thence easterly and southeasterly 118.71 feet along said curve through a central angle of 64°53’39” to the easterly line of said Parcel B;
3. Thence South 14°31’02” East 163.74 feet along said easterly line of Parcel B to the beginning of a non-tangent curve concave northeasterly and having a radius of 55.20 feet (a radial line of said curve through said point bearing South 40°05’39” West);
4. Thence leaving last said line, northwesterly 34.92 feet along said curve through a central angle of 36°14’42”;
5. Thence North 14°23’21” West 86.08 feet to the beginning of a curve concave southwesterly and having a radius of 84.82 feet;
6. Thence northwesterly and westerly 133.62 feet along said curve through a central angle of 90°15’25”;
7. Thence South 75°28’40” West 472.76 feet to said westerly line of Parcel B;
8. Thence North 23°00’44” West 20.22 feet along last said line to the POINT OF BEGINNING.

Containing 13,268 square feet more or less.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone III, epoch 1998.5. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.00005333.

[Signature]

Dan S. Scott III, FLS 7840
My License Expires on 12/31/2012
RESOLUTION OF NECESSITY DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS

WHEREAS, the BART Silicon Valley Berryessa Extension Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire an Ingress Egress Easement interest in certain property more particularly described in Exhibit “A” (B2224A-02), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to the owner(s) of the property herein, all of whom have been given a reasonable opportunity to appear and be heard before the Board of Directors of VTA at the time and place set forth in said notice, regarding the matters specified therein.

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

1. The recitals contained herein are true and correct.
2. Upon examination of the alternatives, VTA requires the property for the Project.
3. VTA is authorized to acquire the property and exercise the power of eminent domain pursuant to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law, Code of Civil Procedure Sections 1230.010 et seq., and Sections 100130 and 100131 of the Public Utilities Code.
4. The public interest and necessity require the Project.
5. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
6. An Ingress Egress Easement interest in property described in Exhibit “A” is necessary for the Project.
7. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, has been made to the owner or owners of record, which offer and statement were in a format and contained the information required by Government Code Section 7267.2, or the offer has not been made because the owner cannot be located with reasonable diligence.
8. VTA has complied with all conditions and statutory requirements, including those prescribed by CEQA, NEPA, and that are necessary for approval and adoption of the Project.

9. All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the property described herein have been complied with by VTA.

10. Insofar as the property or the larger parcel of which it is a part has heretofore been appropriated for public use, the proposed use set forth herein will not unreasonably interfere with or impair the continuation of the public use as it exists or may reasonably be expected to exist in the future, and is therefore a compatible public use pursuant to Code of Civil Procedure Section 1240.510, or, as applicable, constitutes a more necessary public use to which the property is appropriated pursuant to Code of Civil Procedure Section 1240.610.

11. General Counsel or General Counsel’s duly authorized designee is hereby authorized and directed to institute and conduct to conclusion eminent domain proceedings to acquire an Ingress Egress Easement interest in property described in Exhibit “A, and to take such actions that counsel deems advisable or necessary in connection therewith, and may deposit the probable amount of compensation and obtain an order for prejudgment possession of the subject property.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on August 2, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

________________________________________
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 two-thirds or more of the Board of Directors of the Santa Clara Valley Transportation Authority, California, at a meeting of said Board of Directors on the date indicated, as set forth above.

Dated: ______________________
SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

________________________________________
ROBERT FABELA
General Counsel
EXHIBIT “A”

INGRESS EGRESS EASEMENT

A permanent, non-exclusive ingress/egress easement and incidents thereto, for the purpose of vehicular and pedestrian ingress and egress on, over, across, that certain real property, situated in the City of Milpitas, County of Santa Clara, State of California, being described and depicted as Parcel B2224A-02 on Exhibit “1” attached hereto and made a part hereof.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.
EXHIBIT “1”

Parcel B2224A-02
4/18/2011
IEE

LEGAL DESCRIPTION
APN 086-28-040

All that certain real property situated in the City of Milpitas, County of Santa Clara, State of California, described as follows:

Being a portion of that certain parcel of land designated as Parcel A, as said Parcel is shown on that certain map entitled “PARCEL MAP” filed May 13, 1980 in Book 463 of Maps, at page 22, Official Records of said County, being more particularly described as follows:

BEGINNING at the northeasterly corner of said Parcel A;

1. Thence South 14°31'02" East 10.00 feet along the easterly line of said Parcel A to a line that is parallel and lying 10.00 feet southerly of the northerly line of said Parcel A;

2. Thence South 75°28'58" West 134.99 feet along said parallel line to the beginning of a curve concave northerly and having a radius of 55.20 feet;

3. Thence westerly 33.75 feet along said curve through a central angle of 35°01'54" to said northerly line of Parcel A;

4. Thence North 75°28'58" East 166.68 feet along last said line to the POINT OF BEGINNING.

Containing 1,565 square feet more or less.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone III, epoch 1998.5. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.00005333.

[Signature]
Dan S. Scott III, PLS 7840
My License Expires on 12/31/2012
LEGEND
POB = POINT OF BEGINNING

ALL BearingS AND distances SHowN ON THIS Exhibit ARE
BASED UPON THE NORTH AMERICAN DATUM OF 1983 (NAD83).
ZONE III, EPOCH 1998.5. ALL DISTANCES SHOWN ON THIS EXHIBIT
ARE GRID distances. TO CONVERT GRID distances TO GROUND
DISTANCES, MULTIPLY EXRESSED distances BY 1.00005333.

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<th>Plot to Accompany Legal Description</th>
<th>APN: 086-28-040</th>
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<td>Date: April 18, 2011</td>
<td>STATE OF CALIFORNIA</td>
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5.1.d
RESOLUTION OF NECESSITY DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS

WHEREAS, the BART Silicon Valley Berryessa Extension Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a Partial Fee interest in certain property more particularly described in Exhibit “A” (B2005-01), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to the owner(s) of the property herein, all of whom have been given a reasonable opportunity to appear and be heard before the Board of Directors of VTA at the time and place set forth in said notice, regarding the matters specified therein.

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

1. The recitals contained herein are true and correct.

2. Upon examination of the alternatives, VTA requires the Property for the Project.

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

4. The public interest and necessity require the Project.

5. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

6. A Partial Fee interest in property described in Exhibit “A” is necessary for the Project.

7. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, has been made to the owner or owners of record, which offer and statement were in a format and contained the information required by Government Code Section 7267.2, or the offer has not been made because the owner cannot be located with reasonable diligence.
8. VTA has complied with all conditions and statutory requirements, including those prescribed by CEQA, NEPA, and that are necessary for approval and adoption of the Project.

9. All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the property described herein have been complied with by VTA.

10. Insofar as the property or the larger parcel of which it is a part has heretofore been appropriated for public use, the proposed use set forth herein will not unreasonably interfere with or impair the continuation of the public use as it exists or may reasonably be expected to exist in the future, and is therefore a compatible public use pursuant to Code of Civil Procedure Section 1240.510, or, as applicable, constitutes a more necessary public use to which the property is appropriated pursuant to Code of Civil Procedure Section 1240.610.

11. General Counsel or General Counsel’s duly authorized designee is hereby authorized and directed to institute and conduct to conclusion eminent domain proceedings to acquire a Partial Fee interest in property described in Exhibit “A”, and to take such actions that counsel deems advisable or necessary in connection therewith, and may deposit the probable amount of compensation and obtain an order for prejudgment possession of the subject property.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on August 2, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

__________________________________________
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 two-thirds or more of the Board of Directors of the Santa Clara Valley Transportation Authority, California, at a meeting of said Board of Directors on the date indicated, as set forth above.

Dated: ____________________________________
SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

__________________________________________
ROBERT FABELA
General Counsel
EXHIBIT “A”
Property Description

LEGAL DESCRIPTION
APN 519-0850-067

All that certain real property situated in the City of Fremont, County of Alameda, State of California, described as follows:

Being a portion of that certain parcel of land described in the Grant Deed to George L. Quinn, Jr., Trustee of the Quinn Family Trust dated August 6, 1984, and amended and restated June 26, 1988, recorded September 13, 2000 under Recorder’s Series Number 2000-275381, Official Records of said County, being more particularly described as follows:

BEGINNING at the northwest corner of said lands of the Quinn Family Trust, said point being coincident with the easterly line of that certain parcel of land designated as Parcel 24, as said parcel is shown on that certain map entitled “RECORD OF SURVEY VTA-BART EXTENSION” filed December 7, 2007 in Book 821 of Maps, at Pages 1 through 51 inclusive, Official Records of said County;

1. Thence North 74°28’55” East 4.42 feet along the northerly of said lands of the Quinn Family Trust;
2. Thence leaving last said line, South 21°54’26” East 145.08 feet;
3. Thence South 22°21’43” East 94.89 feet to the southerly line of said lands of the Quinn Family Trust;
4. Thence South 74°28’55” West 2.79 feet along last said line to said easterly line of Parcel 24;
5. Thence North 22°28’20” West 240.15 feet along last said line to the POINT OF BEGINNING;

Containing 805 square feet more or less.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone III, epoch 1998.5. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.00005333.

[Signature]
March 11, 2011

Dan S. Scott III, PLS 7640
My License Expires on 12/31/2012
RESOLUTION OF NECESSITY DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS

WHEREAS, the BART Silicon Valley Berryessa Extension Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a Partial Fee interest in certain property more particularly described in Exhibit “A” (B2006-01), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to the owner(s) of the property herein, all of whom have been given a reasonable opportunity to appear and be heard before the Board of Directors of VTA at the time and place set forth in said notice, regarding the matters specified therein.

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

1. The recitals contained herein are true and correct.

2. Upon examination of the alternatives, VTA requires the Property for the Project.

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

4. The public interest and necessity require the Project.

5. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

6. A Partial Fee interest in property described in Exhibit “A” is necessary for the Project.

7. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, has been made to the owner or owners of record, which offer and statement were in a format and contained the information required by Government Code Section 7267.2, or the offer has not been made because the owner cannot be located with reasonable diligence.
8. VTA has complied with all conditions and statutory requirements, including those prescribed by CEQA, NEPA, and that are necessary for approval and adoption of the Project.

9. All conditions and statutory requirements necessary to exercise the power of eminent domain (“the right to take”) to acquire the property described herein have been complied with by VTA.

10. Insofar as the property or the larger parcel of which it is a part has heretofore been appropriated for public use, the proposed use set forth herein will not unreasonably interfere with or impair the continuation of the public use as it exists or may reasonably be expected to exist in the future, and is therefore a compatible public use pursuant to Code of Civil Procedure Section 1240.510, or, as applicable, constitutes a more necessary public use to which the property is appropriated pursuant to Code of Civil Procedure Section 1240.610.

11. General Counsel or General Counsel’s duly authorized designee is hereby authorized and directed to institute and conduct to conclusion eminent domain proceedings to acquire a Partial Fee interest in property described in Exhibit “A”, and to take such actions that counsel deems advisable or necessary in connection therewith, and may deposit the probable amount of compensation and obtain an order for prejudgment possession of the subject property.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on August 2, 2012, by the following vote:

AYES: DIRECTORS: 

NOES: DIRECTORS: 

ABSENT: DIRECTORS: 

__________________________________________
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 two-thirds or more of the Board of Directors of the Santa Clara Valley Transportation Authority, California, at a meeting of said Board of Directors on the date indicated, as set forth above.

Dated: ____________________________________
SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM: 

__________________________________________
ROBERT FABELA
General Counsel
EXHIBIT “A”
Property Description

LEGAL DESCRIPTION
APN 519-1688-025

All that certain real property situated in the City of Fremont, County of Alameda, State of California, described as follows:

Being a portion of that certain parcel of land designated as Parcel 1, as said parcel is shown on that certain map entitled "PARCEL MAP 3933 FOR CONDOMINIUM PURPOSES" filed July 12, 1983 in Book 138 of Parcel Maps at Page 71, Official Records of said County, more particularly described as follows:

BEGINNING at the northwest corner of said Parcel 1, said point being coincident with the easterly line of that certain parcel of land designated as Parcel 24, as said parcel is shown on that certain map entitled "RECORD OF SURVEY VTA-BART EXTENSION" filed December 7, 2007 in Book 821 of Maps, at Pages 1 through 51 inclusive, Official Records of said County;

1. Thence North 74°28'55" East 2.79 feet along the northerly of said Parcel 1;
2. Thence leaving last said line, South 22°21'43" East 293.70 feet to the southerly line of said Parcel 1;
3. Thence South 67°31'40" West 2.21 feet along last said line to said easterly line of Parcel 24;
4. Thence North 22°28'20" West 294.03 feet along last said line to the POINT OF BEGINNING;

Containing 732 square feet more or less.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone III, epoch 1998.5. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.00005333.

[Signature]
May, 11, 2011

Dan S. Scott III, PLS 7840
My License Expires on 12/31/2012
RESOLUTION OF NECESSITY DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS

WHEREAS, the BART Silicon Valley Berryessa Extension Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a Public Service Easement interest in certain property more particularly described in Exhibit “A” (B3012-02), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to the owner(s) of the property herein, all of whom have been given a reasonable opportunity to appear and be heard before the Board of Directors of VTA at the time and place set forth in said notice, regarding the matters specified therein.

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

1. The recitals contained herein are true and correct.

2. Upon examination of the alternatives, VTA requires the property for the Project.

3. VTA is authorized to acquire the property and exercise the power of eminent domain pursuant to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law, Code of Civil Procedure Sections 1230.010 et seq., and Sections 100130 and 100131 of the Public Utilities Code.
4. The public interest and necessity require the Project.

5. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

6. A Public Service Easement interest in property described in Exhibit “A” is necessary for the Project.

7. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, has been made to the owner or owners of record, which offer and statement were in a format and contained the information required by Government Code Section 7267.2, or the offer has not been made because the owner cannot be located with reasonable diligence.

8. VTA has complied with all conditions and statutory requirements, including those prescribed by CEQA, NEPA, and that are necessary for approval and adoption of the Project.

9. All conditions and statutory requirements necessary to exercise the power of eminent domain (“the right to take”) to acquire the property described herein have been complied with by VTA.

10. Insofar as the property or the larger parcel of which it is a part has heretofore been appropriated for public use, the proposed use set forth herein will not unreasonably interfere with or impair the continuation of the public use as it exists or may reasonably be expected to exist in the future, and is therefore a compatible public use pursuant to Code of Civil Procedure Section 1240.510, or, as applicable, constitutes a more necessary public use to which the property is appropriated pursuant to Code of Civil Procedure Section 1240.610.
11. General Counsel or General Counsel’s duly authorized designee is hereby authorized and directed to institute and conduct to conclusion eminent domain proceedings to acquire a Public Service Easement interest in property described in Exhibit “A”, and to take such actions that counsel deems advisable or necessary in connection therewith, and may deposit the probable amount of compensation and obtain an order for prejudgment possession of the subject property.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on August 2, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

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 two-thirds or more of the Board of Directors of the Santa Clara Valley Transportation Authority, California, at a meeting of said Board of Directors on the date indicated, as set forth above.

Dated: ______________________
SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

ROBERT FABELA
General Counsel
EXHIBIT “A”

PUBLIC SERVICE EASEMENT

A permanent, non-exclusive easement (the “Public Service Easement”) to construct, build, install, repair, reconstruct, and perpetually use, maintain, and operate a subsurface utility line and such fixtures and appurtenances as Grantee deems necessary or convenient thereto (collectively, the “Utility Facilities”) on, over, under, across, and through Grantor’s property described in Grant Deed recorded on February 26, 1999, as Document No. 14675643, and as described in Quitclaim Deed recorded on December 20, 2007, as Document No. 19688561, said Public Service Easement being described and depicted on Exhibit “1” attached hereto and made a part hereof, together with the right of ingress and egress over Grantor’s property to and from the Public Service Easement for the purpose of constructing, reconstructing, installing, operating, inspecting, repairing, maintaining, removing and replacing the Utility Facilities.

At no time shall Grantor, its successors or assigns, interfere with or construct permanent structures on the Public Service Easement or act in such a way as to endanger the Utility Facilities.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.
EXHIBIT "1"

LEGAL DESCRIPTION
APN 254-03-007, APN 254-03-027

All that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described as follows:

Being a portion of that certain parcel of land described in the Grant Deed to John S. and Jacqueline D. Kolander, recorded February 26, 1999 under Recorder's Serial Number 14675643, together with a portion of that certain parcel of land described in Exhibit A of the Quitclaim Deed recorded December 20, 2007 under Recorder's Serial Number 19688561, both of Official Records of said County, being more particularly described as follows:

BEGINNING at a point lying on the westerly line of that certain parcel designated as Parcel 2, as said parcel is shown on that certain map entitled "PARCEL MAP" filed November 3, 1981 in Book 491 of Maps at Page 46, Official Records of said County, from which the northerly terminus of that certain course shown as North 46°54'52" West 146.26 feet (the bearing of North 45°58'32" West being taken for the purpose of this description) bears North 45°58'32" West 71.44 feet;

1. Thence leaving said westerly line, South 87°39'59" East 65.65 feet to the northerly line of said Grant Deed to Kolander, said point also being the beginning of a non-tangent curve concave northerly and having a radius of 315.88 feet (a radial line of said curve through said point bearing South 22°49'58" West);

2. Thence southeasterly and easterly 111.82 feet along said curve and said northerly line through a central angle of 20°16'58";

3. Thence leaving last said line, North 87°39'59" West 152.62 feet to said westerly line of Parcel 2;

4. Thence North 45°58'32" West 30.07 feet along last said line to the POINT OF BEGINNING;

Containing 1,816 square feet more or less.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone III, epoch 1998.5. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.00005333.

Dan S. Scott III, PLS 7840
My License Expires on 12/31/2012
RESOLUTION OF NECESSITY DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS

WHEREAS, the BART Silicon Valley Berryessa Extension Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire two Storm Drain Easement interests in certain property more particularly described in Exhibit “A” (B2026-02) and Exhibit “B” (B2026-04) and two Temporary Construction Easement interests in certain property more particularly described in Exhibit “C” (B2026-03) and Exhibit “D” (B2026-06), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to the owner(s) of the property herein, all of whom have been given a reasonable opportunity to appear and be heard before the Board of Directors of VTA at the time and place set forth in said notice, regarding the matters specified therein.

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

1. The recitals contained herein are true and correct.

2. Upon examination of the alternatives, VTA requires the property for the Project.

3. VTA is authorized to acquire the property and exercise the power of eminent domain pursuant to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law, Code of Civil Procedure Sections 1230.010 et seq., and Sections 100130 and 100131 of the Public Utilities Code.
4. The public interest and necessity require the Project.

5. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

6. Two Storm Drain Easement interests in property described in Exhibit “A” and Exhibit “B” and two Temporary Construction Easement interests in property described in Exhibit “C” and Exhibit “D” are necessary for the Project.

7. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, has been made to the owner or owners of record, which offer and statement were in a format and contained the information required by Government Code Section 7267.2, or the offer has not been made because the owner cannot be located with reasonable diligence.

8. VTA has complied with all conditions and statutory requirements, including those prescribed by CEQA, NEPA, and that are necessary for approval and adoption of the Project.

9. All conditions and statutory requirements necessary to exercise the power of eminent domain (“the right to take”) to acquire the property described herein have been complied with by VTA.

10. Insofar as the property or the larger parcel of which it is a part has heretofore been appropriated for public use, the proposed use set forth herein will not unreasonably interfere with or impair the continuation of the public use as it exists or may reasonably be expected to exist in the future, and is therefore a compatible public use pursuant to Code of Civil Procedure Section 1240.510, or, as applicable, constitutes a more necessary public use to which the property is appropriated pursuant to Code of Civil Procedure Section 1240.610.

11. The parcels described in Exhibits “C” and “D” are being acquired in whole or in part pursuant to the provisions of Code of Civil Procedure Sections 1240.320, 1240.330 and 1240.350, as the case may be, as substitute property necessary for either the relocation of public utility facilities or to provide utility service to the remainder property. It is further found and determined that the taking of said substitute property is necessary for the purpose specified is Sections 1240.320, 1240.330 and/or 1240.350.
12. General Counsel or General Counsel’s duly authorized designee is hereby authorized and directed to institute and conduct to conclusion eminent domain proceedings to acquire two Storm Drain Easement interests in property described in Exhibit “A” and Exhibit “B” and two Temporary Construction Easement interests in property described in Exhibit “C” and Exhibit “D”, and to take such actions that counsel deems advisable or necessary in connection therewith, and may deposit the probable amount of compensation and obtain an order for prejudgment possession of the subject property.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on August 2, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

________________________________________
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 two-thirds or more of the Board of Directors of the Santa Clara Valley Transportation Authority, California, at a meeting of said Board of Directors on the date indicated, as set forth above.

Dated: ______________________
SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

________________________________________
ROBERT FABELA
General Counsel
EXHIBIT “A”

STORM DRAIN EASEMENT

A Storm Drain Easement for the construction, maintenance, and replacement of a storm drainage structure or structures and appurtenances under, upon, above or across that certain real property, situated in the City of Milpitas, County of Santa Clara, State of California, designated as “SDE” (Storm Drain Easement), and more particularly described in Exhibit “1” attached hereto and made a part hereof.

The herein described easement shall be kept free of buildings, except lawful unsupported roof overhangs, and obstructions that impair the intended use of or are inconsistent with the purposes of the Easement. This Easement shall carry with it the right to use existing roads or other practical route(s) to reach the Easement to carry out the rights granted hereunder.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.
EXHIBIT “1”

LEGAL DESCRIPTION
APN 086-42-035

All that certain real property situated in the City of Milpitas, County of Santa Clara, State of California, described as follows:

Being a portion of that certain parcel of land as described in the Grant Deed to Westcore Milpitas, LLC, recorded December 24, 2007 under Recorder’s Series Number 19692365, Official Records of said County, more particularly described as follows:

COMMENCING at the intersection of the southerly line of that certain parcel designated as Parcel 1, as said Parcel is described in the Grant Deed to the City of Milpitas recorded May 31, 1989 under Recorder’s Series Number 10126185, with the westerly line of that certain parcel of land designated as Parcel D, as said parcel is shown on that certain map entitled “PARCEL MAP” filed May 8, 1985 in Book 542 of Maps at Pages 50 and 51, both of Official Records of said County,

1. Thence South 23°00'49" East 754.13 feet along said westerly line of Parcel D to the TRUE POINT OF BEGINNING;
2. Thence leaving last said line, North 67°05'21" East 35.00 feet;
3. Thence South 23°00'49" East 12.00 feet;
4. Thence South 67°05'21" West 35.00 feet to said westerly line of Parcel D;
5. Thence North 23°00'49" West 12.00 feet along last said line to the TRUE POINT OF BEGINNING.

Containing 420 square feet more or less.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone III, epoch 1996.5. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.00005333.

Dan S. Scott III, PLS 7840
My License Expires on 12/31/2012

5
EXHIBIT “B”

STORM DRAIN EASEMENT

A Storm Drain Easement for the construction, maintenance, and replacement of a storm drainage structure or structures and appurtenances under, upon, above or across that certain real property, situated in the City of Milpitas, County of Santa Clara, State of California, designated as “SDE” (Storm Drain Easement), and more particularly described in Exhibit “1” attached hereto and made a part hereof.

The herein described easement shall be kept free of buildings, except lawful unsupported roof overhangs, and obstructions that impair the intended use of or are inconsistent with the purposes of the Easement. This Easement shall carry with it the right to use existing roads or other practical route(s) to reach the Easement to carry out the rights granted hereunder.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.
EXHIBIT “1”

LEGAL DESCRIPTION
APN 086-42-035

All that certain real property situated in the City of Milpitas, County of Santa Clara, State of California, described as follows:

Being a portion of that certain parcel of land as described in the Grant Deed to Westcore Milpitas, LLC, recorded December 24, 2007 under Recorder’s Series Number 19692365, Official Records of said County, more particularly described as follows:

BEGINNING at a point on the southerly line of that certain parcel of land designated as Parcel D, as said parcel is shown on that certain map entitled "PARCEL MAP" filed May 8, 1985 in Book 542 of Maps at Pages 50 and 51, Official Records of said County, from which the southwest corner of said Parcel D bears South 66°58’44” West 3.29 feet; thence

1. North 23°09’49” West 24.49 feet; thence
2. North 66°50’11” East 15.00 feet; thence
3. South 23°09’49” East 24.53 feet to said southerly line of Parcel D; thence
4. South 66°58’44” West 15.00 feet along last said line to the POINT OF BEGINNING.

Containing 368 square feet more or less.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone III, epoch 1996.s. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.000005333.

John W. Pettley, PLS 6202
My License Expires on 03/31/2012
EXHIBIT “C”

TEMPORARY CONSTRUCTION EASEMENT

A Temporary Construction Easement for the construction (and other related activities incidental to construction) of the Silicon Valley Berryessa Extension Project (SVBX), under, upon, over and across that certain real property, situated in the City of Milpitas, County of Santa Clara, State of California, and more particularly described in Exhibit “1” attached hereto and made a part hereof.

This Temporary Construction Easement will begin on or after December 1, 2012, when the property is first occupied for use for SVBX civil construction, and will continue for a duration of three continuous months, ending no later than September 30, 2013.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.
LEGAL DESCRIPTION
APN 086-42-035

All that certain real property situated in the City of Milpitas, County of Santa Clara, State of California, described as follows:

Being a portion of that certain parcel of land as described in the Grant Deed to Westcore Milpitas, LLC, recorded December 24, 2007 under Recorder's Series Number 19692365, Official Records of said County, more particularly described as follows:

COMMENCING at a westerly corner of that certain parcel of land designated as Parcel D, as said parcel is shown on that certain map entitled "PARCEL MAP" filed May 8, 1985 in Book 542 of Maps at Pages 50 and 51, Official Records of said County, said point also lying on the easterly line of that parcel of land designated as Parcel 13, as shown on Record of Survey Map No. 2076 filed in Book 821 of Maps, at Page 1, Official Records of said County; thence along the westerly line of said Parcel D, also being said easterly line of Parcel 13

   a) South 23°00'49" East 520.25; thence leaving said westerly and easterly lines
   b) North 66°58'32" East 0.84 feet to the TRUE POINT OF BEGINNING; thence
      1) North 66°58'32" East 6.00 feet; thence
      2) South 23°00'49" East 10.00 feet; thence
      3) South 66°58'32" West 6.00 feet; thence
      4) North 23°00'49" West 10.00 feet to the POINT OF BEGINNING.

Containing 60 square feet more or less.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone III, epoch 1988.5. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.00005333.

John W. Pettley, PLS 6202
My License Expires on 03/31/2012
LEGEND

POC = POINT OF COMMENCEMENT
TPOB = TRUE POINT OF BEGINNING
SCVTA = SANTA CLARA VALLEY TRANSPORTATION AUTHORITY

ALL Bearings and Distances shown on this exhibit
are based upon the North American Datum of 1983 (NAD83),
Zone III, Epoch 1995-3. All Distances shown on this exhibit
are grid distances. To convert grid distances to ground
Distances, multiply expressed distances by 1.00095393.

Scale: 1" = 100'  Plat to Accompany Legal Description  APN: 086-42-035
Date: Sept. 16, 2011  CITY OF MILPITAS, COUNTY OF SANTA CLARA  B2026-03 TCE
STATE OF CALIFORNIA
EXHIBIT “D”
TEMPORARY CONSTRUCTION EASEMENT

A Temporary Construction Easement for the construction (and other related activities incidental to construction) of the Silicon Valley Berryessa Extension Project (SVBX), under, upon, over and across that certain real property, situated in the City of Milpitas, County of Santa Clara, State of California, and more particularly described in Exhibit “1” attached hereto and made a part hereof.

This Temporary Construction Easement will begin on or after December 1, 2012, when the property is first occupied for use for SVBX civil construction, and will continue for a duration of six continuous months, ending no later than September 30, 2013.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.
EXHIBIT “1”

LEGAL DESCRIPTION
APN 086-42-035

Parcel B2026-06
3/13/2012
TCE

All that certain real property situated in the City of Milpitas, County of Santa Clara, State of California, described as follows:

Being a portion of that certain parcel of land as described in the Grant Deed to Westcore Milpitas, LLC, recorded December 24, 2007 under Recorder’s Series Number 19692315, Official Records of said County, more particularly described as follows:

COMMENCING at the southerly corner of that certain parcel of land designated as Parcel D, as said parcel is shown on that certain map entitled “PARCEL MAP” filed May 8, 1985 in Book 542 of Maps at Pages 50 and 51, Official Records of said County, said corner also lying on the easterly line of that parcel of land designated as Parcel 13, as shown on Record of Survey Map No. 2076 filed in Book 821 of Maps, at Page 1, Official Records of said County; thence

a) North 23°00’49” West 677.48 feet along the westerly line of said Parcel D, also being the easterly line of said Parcel 13; thence leaving said westerly and easterly lines

b) North 67°50’39” East 67.36 feet to the TRUE POINT OF BEGINNING; thence

1) North 22°09’21” West 15.00 feet; thence

2) North 67°50’39” East 50.00 feet; thence

3) South 22°09’21” East 15.00 feet; thence

4) South 67°50’39” West 50.00 feet to the POINT OF BEGINNING.

Containing 750 square feet more or less.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone III, epoch 1998.5. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.00005333.

John W. Pettley, PLS 6202
My License Expires on 03/31/2012
GIBRALTAR DRIVE

B2026-06 TCE
Area = 750 Sq. Ft.

S22°09'21"E
15.00'
S67°50'39"W
50.00'
TPOB
B2026-06 TCE
N67°50'39"E
67.36'
N23°00'49"W
677.48'

POC
B2026-06 TCE

N22°09'21"W
15.00'

086-42-035
WESTCORE MILPITAS, LLC
DOC NO. 19692365
PARCEL D
542 M 50

SCVTA, PARCEL 13
POS 2076, 821 M 1

086-24-004
086-24-060
MILPITAS MILLS
LIMITED PARTNERSHIP
PARCEL 11
652 M 35

LEGEND
POC = POINT OF COMMENCEMENT
TPOB = TRUE POINT OF BEGINNING
SCVTA = SANTA CLARA VALLEY TRANSPORTATION AUTHORITY

ALL BEARINGS AND DISTANCES SHOWN ON THIS EXHIBIT ARE BASED UPON THE NORTH AMERICAN DATUM OF 1983 (NA83), ZONE III, EPOCH 1995.5. ALL DISTANCES SHOWN ON THIS EXHIBIT ARE GRID DISTANCES. TO CONVERT GRID DISTANCES TO GROUND DISTANCES, MULTIPLY EXPRESSED DISTANCES BY 1.00000333.

Scale: 1" = 100'

Plat to Accompany Legal Description
CITY OF MILPITAS, COUNTY OF SANTA CLARA
STATE OF CALIFORNIA
APN: 086-42-035

Date: March 13, 2012

B2026-06 TCE
RESOLUTION OF NECESSITY DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS

WHEREAS, the BART Silicon Valley Berryessa Extension Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a permanent ingress/egress easement interest in certain property more particularly described in Exhibit “A” (B2603A-02), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

WHEREAS, if the owner has been located with reasonable diligence, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to the owner(s) of the property herein, all of whom have been given a reasonable opportunity to appear and be heard before the Board of Directors of VTA at the time and place set forth in said notice, regarding the matters specified therein.

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

1. The recitals contained herein are true and correct.

2. Upon examination of the alternatives, VTA requires the property for the Project.

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

4. The public interest and necessity require the Project.

5. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

6. A permanent ingress/egress easement interest in property described in Exhibit “A” is necessary for the Project.

7. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, has been made to the owner or owners of record, which offer and statement were in a format and contained the
information required by Government Code Section 7267.2, or the offer has not been made because the owner cannot be located with reasonable diligence.

8. VTA has complied with all conditions and statutory requirements, including those prescribed by CEQA, NEPA, and that are necessary for approval and adoption of the Project.

9. All conditions and statutory requirements necessary to exercise the power of eminent domain (“the right to take”) to acquire the property described herein have been complied with by VTA.

10. Insofar as the property or the larger parcel of which it is a part has heretofore been appropriated for public use, the proposed use set forth herein will not unreasonably interfere with or impair the continuation of the public use as it exists or may reasonably be expected to exist in the future, and is therefore a compatible public use pursuant to Code of Civil Procedure Section 1240.510, or, as applicable, constitutes a more necessary public use to which the property is appropriated pursuant to Code of Civil Procedure Section 1240.610.

11. General Counsel or General Counsel’s duly authorized designee is hereby authorized and directed to institute and conduct to conclusion eminent domain proceedings to acquire a permanent ingress/egress easement interest in property described in Exhibit “A” and to take such actions that counsel deems advisable or necessary in connection therewith, and may deposit the probable amount of compensation and obtain an order for prejudgment possession of the subject property.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on August 2, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

__________________________________________
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 two-thirds or more of the Board of Directors of the Santa Clara Valley Transportation Authority, California, at a meeting of said Board of Directors on the date indicated, as set forth above.

Dated: ______________________

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

ROBERT FABELA
General Counsel
A permanent non-exclusive ingress/egress access easement (the “Access Easement”) to construct, build, install, repair, reconstruct, and perpetually use, maintain, and operate a vehicular and pedestrian access easement and incidents thereto on, over, across, and through Grantor’s property situated in the County of Santa Clara, State of California, described in deed recorded on March 7, 1908, in Book 330, Page 131, said Access Easement being described and depicted as Parcel Number 022-31-000 on Exhibit “1” attached hereto and made a part hereof.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.
LEGAL DESCRIPTION
APN—NONE

All that certain real property situated in the County of Santa Clara, State of California, described as follows:

Being a portion of that certain parcel of land described in Resolution No. 2626, Resolution and Order Vacating Portions of North Main Street recorded August 13, 1976 in Book C214 at page 614, Official Records of said County; being more particularly described as follows:

COMMENCING at the northeasterly corner of said Resolution No. 2626, said point also being the beginning of a non-tangent curve concave northerly and having a radius of 70.00 feet (a radial line of said curve through said point bearing South 37°10'13" East); thence

a) Southwesterly and westerly 25.47 feet along the northerly line of said Resolution No. 2626 and said curve through a central angle of 20°50'57" to the TRUE POINT OF BEGINNING; thence leaving said northerly line

1) South 10°00'12" East, a distance of 112.60 feet to the northerly line of Abel Street as described in said Resolution No. 2626; thence running along said line

2) South 55°56'41" West, a distance of 47.75 feet; thence leaving said line

3) North 47°14'50" East, a distance of 22.61 feet; thence

4) Northerly, a distance of 9.99 feet along a curve to the left having a radius of 10.00 feet and a central angle of 57°15'02"; thence

5) North 10°00'12" West, a distance of 112.08 feet to the northerly line of said Resolution 2626; thence running along said line

6) Easterly, a distance of 20.08 feet along a non-tangent curve to the left from which the radius point bears North 00°08'52" East, a radial distance of 70.00 feet, and having a central angle of 16°26'08" to the TRUE POINT OF BEGINNING.

Containing 2,398 square feet more or less.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone III, epoch 1998.5. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.00005333.

John W. Pettley, PLS 6202
My License Expires on 03/31/2012
RESOLUTION OF NECESSITY DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS

WHEREAS, the BART Silicon Valley Berryessa Extension Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire Utility Easement interests in certain property more particularly described in Exhibit “A” (B2239-02), Exhibit “B” (B2239-03), and Exhibit “E” (B2239-07); a Sanitary Sewer Easement interest in certain property more particularly described in Exhibit “C” (B2239-04) and a Roadway Easement interest in certain property more particularly described in Exhibit “D” (B2239-06), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to the owner(s) of the property herein, all of whom have been given a reasonable opportunity to appear and be heard before the Board of Directors of VTA at the time and place set forth in said notice, regarding the matters specified therein.

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

1. The recitals contained herein are true and correct.

2. Upon examination of the alternatives, VTA requires the Property for the Project.

3. VTA is authorized to acquire the Property and exercise the power of eminent domain pursuant to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law, Code of Civil Procedure Sections 1230.010 et seq., and Sections 100130 and 100131 of the Public Utilities Code.
4. The public interest and necessity require the Project.

5. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

6. Utility Easement interests in property described in Exhibit “A”, Exhibit “B”, and Exhibit “E”; a Sanitary Sewer Easement interest in property described in Exhibit “C” and a Roadway Easement interest in property described in Exhibit “D”, are necessary for the Project.

7. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, has been made to the owner or owners of record, which offer and statement were in a format and contained the information required by Government Code Section 7267.2, or the offer has not been made because the owner cannot be located with reasonable diligence.

8. VTA has complied with all conditions and statutory requirements, including those prescribed by CEQA, NEPA, and that are necessary for approval and adoption of the Project.

9. All conditions and statutory requirements necessary to exercise the power of eminent domain (“the right to take”) to acquire the property described herein have been complied with by VTA.

10. Insofar as the property or the larger parcel of which it is a part has heretofore been appropriated for public use, the proposed use set forth herein will not unreasonably interfere with or impair the continuation of the public use as it exists or may reasonably be expected to exist in the future, and is therefore a compatible public use pursuant to Code of Civil Procedure Section 1240.510, or, as applicable, constitutes a more necessary public use to which the property is appropriated pursuant to Code of Civil Procedure Section 1240.610.

11. The parcels described in Exhibits “A”, “B”, “C”, “D”, and “E” are being acquired in whole or in part pursuant to the provisions of Code of Civil Procedure Sections 1240.320, 1240.330 and 1240.350, as the case may be, as substitute property necessary for a public use or for the relocation of public utility facilities or to provide utility service to the remainder property. It is further found and determined that the taking of said substitute property is necessary for the purpose specified is Sections 1240.320, 1240.330 and/or 1240.350.

12. General Counsel or General Counsel’s duly authorized designee is hereby authorized and directed to institute and conduct to conclusion eminent domain proceedings to acquire Utility Easement interests in property described in Exhibit “A”, Exhibit “B”, and Exhibit “E”; a Sanitary Sewer Easement interest in property described in Exhibit
“C” and a Roadway Easement interest in property described in Exhibit “D”, and to take such actions that counsel deems advisable or necessary in connection therewith, and may deposit the probable amount of compensation and obtain an order for prejudgment possession of the subject property.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on August 2, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

____________________________
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 two-thirds or more of the Board of Directors of the Santa Clara Valley Transportation Authority, California, at a meeting of said Board of Directors on the date indicated, as set forth above.

Dated: ______________________

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

____________________________
ROBERT FABELA
General Counsel
EXHIBIT “A”

PIPELINE EASEMENT

A nonexclusive easement, in perpetuity, over, under and through certain land, situated in the County of Santa Clara, State of California, with said easement described more particularly in Exhibit “1” which is attached hereto (“Easement”) and as follows.

1. Easement Rights

Grantee shall have the right from time to time in the Easement to survey, lay, construct, maintain, repair, renew, replace, protect, inspect, operate, increase or decrease the size of or number of, idle, and/or remove (collectively and singly, “Operation”) one six-inch (6”) pipeline for the transmission of nitrogen gas together with all necessary appliances and/or fixtures for use in connection with said facilities (“Facilities”), in and upon a portion of Grantor's Property. Grantee shall have the right to use such portions of Grantor's land contiguous to said right of way as may be reasonable and necessary for the initial construction and for purposes of reconstruction, replacement, repair, removal and maintenance of said facilities. Said use of contiguous land shall extend to the right to use the area necessary to install underground facilities by bore-and-jack across streets or railroads. At the completion of the construction, reconstruction, replacement, repair, removal and/or maintenance of the facilities, Grantee shall promptly restore the area, as nearly as practicable, to the condition in which it existed immediately prior to the commencement of the work, normal wear and tear excepted.

Grantee shall have the right of ingress to and egress from the right of way and any facilities installed in the right of way over and across Grantor's property by such routes as shall occasion the least practicable damage and inconvenience to Grantor.

Said rights granted above shall not be deemed abandoned or forfeited by Grantee due to the temporary idling, nonuse, abandonment, or removal of any or all Facilities or the nonuse of the rights granted herein for any period of time.

2. Use of Property By Grantor; No Impairment.

Grantor reserves the right to the full use and enjoyment of the Property except for the use by Grantee as specified herein. Grantor shall not, however, use the surface or other portions of the Property in a manner that would hinder, conflict or interfere with the use of the Property by Grantee. Grantee’s use of the Property shall not unreasonably interfere with the ordinary use of the surface of the Property by Grantor or by the public.
3. Facilities Ownership

The Facilities shall at all times remain the personal property of Grantee, notwithstanding that they may be annexed or fixed to the land and may at any time and from time to time be removed in whole or in part by Grantee.

4. Assignment

This Easement and the rights herein granted may be assigned by Grantee together or separately in whole or in part at any time without the consent of Grantor.
EXHIBIT "1"

DESCRIPTION OF EASEMENT

LEGAL DESCRIPTION
APN 086-32-043

All that certain real property situated in the City of Milpitas, County of Santa Clara, State of California, described as follows:

Being a portion of that certain parcel of land designated as Parcel 1A, as said parcel is described in the Grant Deed to Milpitas Station (San Jose) Venture, LLLP, recorded September 10, 2009 under Recorder's Series Number 20027536, Official Records of said County, being more particularly described as follows:

COMMENCING at the northwest corner of said Parcel 1A, said point also being coincident with the easterly line of that certain Roadway Easement described in the deed to the City of Milpitas recorded April 7, 1967 in Book 7687 at Page 57, Official Records of said County;

1. Thence North 79°04′40″ East 4.11 feet along the northerly line of said Parcel 1A to the TRUE POINT OF BEGINNING;
2. Thence continuing North 79°04′40″ East 5.11 feet along said northerly line of Parcel 1A;
3. Thence leaving last said line, South 23°01′33″ East 82.43 feet to said easterly line of that certain Roadway Easement;
4. Thence South 66°59′11″ West 5.00 feet along said easterly line of that certain Roadway Easement;
5. Thence leaving last said line, North 23°01′33″ West 83.50 feet to said northerly line Parcel 1A and the TRUE POINT OF BEGINNING;

Containing 415 square feet more or less.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone III, epoch 1996.5. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.000005333.

Dan S. Scott III, PLS 7940
My License Expires on 12/31/2012
EXHIBIT “B”

ELECTRIC OVERHANG EASEMENT

An electric overhang easement, in perpetuity, for the right from time to time to suspend, replace, remove, maintain and use such crossarms, wires and cables (supported by or suspended from poles, towers, or other structures located on lands adjacent to the hereinafter described lands) as VTA, its successors, assigns and transferees (collectively “VTA”), shall from time to time deem to be reasonably required for the transmission and distribution of electric energy, and for communication purposes, together with a right of way, on, along and in all of the easement area described and depicted in Exhibit 1, attached hereto and made a part hereof.

VTA further shall have:

a) The right of ingress to and egress from said easement area over and across Grantor’s remainder property by means of roads and lanes thereon, if such there be, otherwise by such route or routes as shall occasion the least practicable damage and inconvenience to Grantor, provided, that such right of ingress and egress shall not extend to any portion of said lands which is isolated from said easement area by any public road or highway, now crossing or hereafter crossing said lands;

b) The right, from time to time, to trim or to cut down any and all trees and brush now or hereafter within said easement area, and shall have the further right, from time to time, to trim and cut down trees and brush along each side of said easement area which now or hereafter in the opinion of Grantee may interfere with or be a hazard to the facilities installed hereunder, or as Grantee deems necessary to comply with applicable state or federal regulations;

c) The right to install, maintain and use gates in all fences which now cross or shall hereafter cross said easement area;

d) The right to mark the location of said easement area by suitable markers set in the ground; provided that said markers shall be placed in fences or other locations which will not interfere with any reasonable use Grantor shall make of said easement area; and

e) The right to assign all right, title and interest in and to the easement being acquired hereunder.

VTA shall not fence the easement area and shall repair any damage it shall do to Grantor's private roads or lanes on said lands;

VTA shall indemnify Grantor against any loss and damage which shall be caused by any wrongful or negligent act or omission of Grantee or of its agents or employees in the course of their employment, provided, however, that this indemnity shall not extend to that portion of such
loss or damage that shall have been caused by Grantor's comparative negligence or willful misconduct.

Grantor shall continue to have the right to use said easement area for purposes which will not interfere with VTA’s full enjoyment of the rights hereby granted; provided that Grantor shall not erect or construct any building or other structure, or drill or operate any well, or construct any reservoir or other obstruction within said easement area, or diminish or substantially add to the ground cover in said easement area, or construct any fences that will interfere with the maintenance and operation of said facilities.
EXHIBIT "1"

DESCRIPTION OF EASEMENT

LEGAL DESCRIPTION
APN 086-32-043

All that certain real property situated in the City of Milpitas, County of Santa Clara, State of California, described as follows:

Being a portion of that certain parcel of land designated as Parcel 1A, as said parcel is described in the Grant Deed to Milpitas Station (San Jose) Venture, LLC, recorded September 10, 2009 under Recorder's Series Number 2009-7536, Official Records of said County, being more particularly described as follows:

BEGINNING at the southwest corner of Parcel A as said parcel is shown upon that map entitled "PARCEL MAP, PORTION OF LOT 30 OF MULIPLAS RANCH", recorded November 20, 1987 in Book 580 of Maps, Pages 49 and 50, Official Records of said County; thence

1) North 21°00'49" West 180.34 feet along the easterly line of those certain roadway easements described in the deeds to the City of Milpitas recorded February 19, 1965 in Book 6856 at Page 526, and recorded April 7, 1967, in Book 7687 at Page 57, both of Official Records of said County; thence

2) South 66°59'11" West 16.00 feet; thence

3) North 23°00'49" West 84.36 feet to the northwest corner of said Parcel A; thence

4) North 79°04'40" East 30.72 feet along the northwesterly line of said Parcel A; thence leaving said northwesterly line

5) South 23°13'29" East, a distance of 74.68 feet; thence

6) South 23°01'49" East, a distance of 157.33 feet; thence

7) South 23°57'45" East, a distance of 26.06 feet to a point on the southerly line of said Parcel A; thence along said southerly line

8) South 69°45'40" West 14.39 feet to the POINT OF BEGINNING;

Containing 5,040 square feet more or less.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83). Zone III, epoch 1988.5. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.00005333.

John W. Pettley
My License Expires on 3/31/2012
EXHIBIT “C”

SANITARY SEWER EASEMENT

A Sanitary Sewer Easement, for the construction, maintenance, and replacement of sanitary sewer facilities, and all appurtenances thereto under, upon, above or across that certain real property, situated in the City of Milpitas, County of Santa Clara, State of California, designated as “SSE” (Sanitary Sewer Easement), and more particularly described in Exhibit “1” attached hereto and made a part hereof.

The herein described Sanitary Sewer Easement shall be kept free of buildings, except lawful unsupported roof overhangs, and obstructions that impair the intended use of or are inconsistent with the purposes of said easement.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.
EXHIBIT “1”

DESCRIPTION OF EASEMENT

LEGAL DESCRIPTION
APN 086-32-043

All that certain real property situated in the City of Milpitas, County of Santa Clara, State of California, described as follows:

Being a portion of that certain parcel of land designated as Parcel 1A, as said parcel is described in the Grant Deed to Milpitas Station (San Jose) Venture, LLP, recorded September 10, 2009 under Recorder’s Series Number 20427536, Official Records of said County, being more particularly described as follows:

BEGINNING at the northwest corner of said Parcel 1A, said point also being coincident with the easterly line of that certain Roadway Easement described in the deed to the City of Milpitas recorded April 7, 1967 in Book 7687 at Page 57, Official Records of said County;

1. Thence North 79°04’40” East 4.83 feet along the northerly line of said Parcel 1A;
2. Thence leaving last said line, South 23°01’33” East 83.35 feet to said easterly line of that certain Roadway Easement;

Thence along last said line the following two (2) courses:

3. South 66°59’11” West 4.74 feet;
4. North 23°00’49” West 84.36 feet to the POINT OF BEGINNING;

Containing 397 square feet more or less.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone III, epoch 1998.5. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.00005333.

[Signature]
June 10, 2011

Dan S. Scott III, PLS 7840
My License Expires on 12/31/2012
LEGEND
POB = POINT OF BEGINNING
SCVTA = SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
ALL BEARINGS AND DISTANCES SHOWN ON THIS EXHIBIT ARE
BASED UPON THE NORTH AMERICAN DATUM OF 1983 (NAD83),
ZONE 13, EPOCH 1996.5. ALL DISTANCES SHOWN ON THIS EXHIBIT
ARE GRID DISTANCES. TO CONVERT GRID DISTANCES TO GROUND
DISTANCES, MULTIPLY EXPRESSED DISTANCES BY 1.000005333.

Scale: 1" = 30’
Date: June 10, 2011

Plat to Accompany Legal Description
CITY OF MILPITAS, COUNTY OF SANTA CLARA
STATE OF CALIFORNIA

APN: 086-32-043

B2239-04 SSE
EXHIBIT “D”

ROADWAY EASEMENT

A Roadway Easement for the purpose of constructing and maintaining a public roadway and incidents thereto, including the installation and maintenance of public utilities and sidewalks, under, upon, over, and across that certain real property, situated in the City of Milpitas, County of Santa Clara, State of California, and more particularly described in Exhibit “1” attached hereto and made a part hereof.

The herein described Roadway Easement shall be kept free of buildings, except lawful unsupported roof overhangs, and obstructions that impair the intended use of or are inconsistent with the purpose of said easement.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.
EXHIBIT "1"

DESCRIPTION OF EASEMENT

LEGAL DESCRIPTION
APN 086-32-043

All that certain real property situated in the City of Milpitas, County of Santa Clara, State of California, described as follows:

Being a portion of that certain parcel of land designated as Parcel 1A, as said parcel is described in the Grant Deed to Milpitas Station (San Jose) Venture, LLLP, recorded September 10, 2009 under Recorder’s Series Number 20427536, Official Records of said County, being more particularly described as follows:

BEGINNING at the northwest corner of said Parcel 1A, said point also being coincident with the easterly line of that certain Roadway Easement described in the deed to the City of Milpitas recorded April 7, 1967 in Book 7687 at Page 57, Official Records of said County;

1. Thence North 79°04'40" East 16.36 feet along the northerly line of said Parcel 1A to a line that is parallel with and lying 16.00 feet easterly of said easterly line of that certain Roadway Easement;

2. Thence leaving said northerly line of Parcel 1A, South 23°00'49" East 80.93 feet along said parallel line to said easterly line of that certain Roadway Easement;

Thence along last said line the following two (2) courses:

3. South 66°59'11" West 16.00 feet;

4. North 23°00'49" West 84.36 feet to the POINT OF BEGINNING;

Containing 1,322 square feet more or less.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone III, epoch 1998.5. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.00005333.

[Signature]

Dan S. Scott III, PLS 7840
My License Expires on 12/31/2012
EXHIBIT “E”

UTILITY EASEMENT

A gas and power easement, which shall include the right from time to time to construct, reconstruct, install, inspect, maintain, replace, remove, and use facilities of the type hereinafter specified, together with a right of way therefor, within the easement area described and depicted in Exhibit “1”, attached hereto and incorporated herein, and also ingress thereto and egress therefrom, over and across Grantor’s remainder property.

Said facilities within the easement area are described as follows:

Such poles, aerial wires, cables, electrical conductors with associated crossarms, braces, transformers, anchors, guy wires and cables, aboveground marker posts, risers, service pedestals, switches, fuses, terminals, and transformers with associated concrete pads; and fixtures and appurtenances necessary to any and all thereof, as VTA, its successors, assigns and transferees (collectively “VTA”) deems necessary for the distribution of electric energy and for communication purposes; and one or more underground pipes with suitable service pipes and connections, as VTA deems necessary for the conveyance of gas.

VTA further shall have the right, from time to time, to trim or to cut down any and all trees and brush now or hereafter within said easement area, and shall have the further right, from time to time, to trim and cut down trees and brush along each side of said easement area which now or hereafter in the opinion of VTA may interfere with or be a hazard to the facilities installed hereunder, or as VTA deems necessary to comply with applicable state or federal regulations.

Grantor shall not erect or construct any building or other structure or drill or operate any well within said easement area.

VTA further shall have the right to assign to another public utility as defined in Section 216 of the California Public Utilities Code the right to install, inspect, maintain, replace, remove and use communications facilities within said easement area (including ingress thereto and egress therefrom).
EXHIBIT "1"

DESCRIPTION OF EASEMENT

LEGAL DESCRIPTION
APN 086-32-043

All that certain real property situated in the City of Milpitas, County of Santa Clara, State of California, described as follows:

Being a portion of that certain parcel of land designated as Parcel IA, as said parcel is described in the Grant Deed to Milpitas Station (San Jose) Venture, L.L.P., recorded September 10, 2009 under Recorder's Series Number 20427536, Official Records of said County, being more particularly described as follows:

BEGINNING at the southwest corner of Parcel A as said parcel is shown upon that map entitled "PARCEL MAP, PORTION OF LOT 30 OF THE MILPITAS RANCHO", recorded November 20, 1987 in Book 580 of Maps, Pages 49 and 50, Official Records of said County; thence

1. North 23°00'49" West 180.34 feet along the easterly line of those certain Roadway Easements described in the deeds to the City of Milpitas recorded February 19, 1965 in Book 6856 at Page 526, and recorded April 7, 1967, in Book 7687 at Page 57, both of Official Records of said County; thence

2. South 66°59'11" West 5.68 feet; thence leaving said easterly line

3. North 23°01'49" West, a distance of 3.22 feet; thence

4. North 23°13'29" West, a distance of 78.99 feet; thence

5. North 79°04'40" East 15.35 feet along said northerly line; thence leaving said line

6. South 23°01'11" East 259.78 feet to a point on the southeasterly line of said Parcel A; thence running along said line

7. South 69°45'40" West 9.07 feet to the POINT OF BEGINNING;

Containing 2,832 square feet more or less.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone III, epoch 1998.5. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.0000333.

John W. Pettley
My License Expires on 3/31/2012
RESOLUTION OF NECESSITY DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS

WHEREAS, the BART Silicon Valley Berryessa Extension Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a Pipeline Easement interest in certain property more particularly described in Exhibit “A” (B3623-02) and a Joint Utility Easement interest in certain property more particularly described in Exhibit “B” (B3623-03), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to the owner(s) of the property herein, all of whom have been given a reasonable opportunity to appear and be heard before the Board of Directors of VTA at the time and place set forth in said notice, regarding the matters specified therein.

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

1. The recitals contained herein are true and correct.

2. Upon examination of the alternatives, VTA requires the property for the Project.

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

4. The public interest and necessity require the Project.
5. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

6. A pipeline easement interest in property described in Exhibit “A” and a joint utility easement interest in property described in Exhibit “B” are necessary for the Project.

7. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, has been made to the owner or owners of record, which offer and statement were in a format and contained the information required by Government Code Section 7267.2, or the offer has not been made because the owner cannot be located with reasonable diligence.

8. VTA has complied with all conditions and statutory requirements, including those prescribed by CEQA, NEPA, and that are necessary for approval and adoption of the Project.

9. All conditions and statutory requirements necessary to exercise the power of eminent domain (“the right to take”) to acquire the property described herein have been complied with by VTA.

10. Insofar as the property or the larger parcel of which it is a part has heretofore been appropriated for public use, the proposed use set forth herein will not unreasonably interfere with or impair the continuation of the public use as it exists or may reasonably be expected to exist in the future, and is therefore a compatible public use pursuant to Code of Civil Procedure Section 1240.510, or, as applicable, constitutes a more necessary public use to which the property is appropriated pursuant to Code of Civil Procedure Section 1240.610.

11. The parcels described in Exhibits “A” and “B” are being acquired in whole or in part pursuant to the provisions of Code of Civil Procedure Sections 1240.320, 1240.330 and 1240.350, as the case may be, as substitute property necessary for either the relocation of public utility facilities or to provide utility service to the remainder property. It is further found and determined that the taking of said substitute property is necessary for the purpose specified is Sections 1240.320, 1240.330 and/or 1240.350.
12. General Counsel or General Counsel’s duly authorized designee is hereby authorized and directed to institute and conduct to conclusion eminent domain proceedings to acquire a Pipeline Easement interest in property described in Exhibit “A” and a Joint Utility Easement interest in property described in Exhibit “B”, and to take such actions that counsel deems advisable or necessary in connection therewith, and may deposit the probable amount of compensation and obtain an order for prejudgment possession of the subject property.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on August 2, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

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 two-thirds or more of the Board of Directors of the Santa Clara Valley Transportation Authority, California, at a meeting of said Board of Directors on the date indicated, as set forth above.

Dated: ______________________

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

ROBERT FABELA
General Counsel
EXHIBIT “A”

PIPELINE EASEMENT

A nonexclusive easement, in perpetuity, over, under and through certain land, situated in the County of Santa Clara, State of California, with said easement described more particularly in Exhibit “1” which is attached hereto (“Easement”) and as follows.

1. Easement Rights

Grantee shall have the right from time to time in the Easement to survey, lay, construct, maintain, repair, renew, replace, protect, inspect, operate, increase or decrease the size of or number of, idle, and/or remove (collectively and singly, “Operation”) one six-inch (6”) pipeline for the transmission of nitrogen gas together with all necessary appliances and/or fixtures for use in connection with said facilities (“Facilities”), in and upon a portion of Grantor's Property. Grantee shall have the right to use such portions of Grantor's land contiguous to said right of way as may be reasonable and necessary for the initial construction and for purposes of reconstruction, replacement, repair, removal and maintenance of said facilities. Said use of contiguous land shall extend to the right to use the area necessary to install underground facilities by bore-and-jack across streets or railroads. At the completion of the construction, reconstruction, replacement, repair, removal and/or maintenance of the facilities, Grantee shall promptly restore the area, as nearly as practicable, to the condition in which it existed immediately prior to the commencement of the work, normal wear and tear excepted.

Grantee shall have the right of ingress to and egress from the right of way and any facilities installed in the right of way over and across Grantor's property by such routes as shall occasion the least practicable damage and inconvenience to Grantor.

Said rights granted above shall not be deemed abandoned or forfeited by Grantee due to the temporary idling, nonuse, abandonment, or removal of any or all Facilities or the nonuse of the rights granted herein for any period of time.

2. Use of Property by Grantor; No Impairment.

Grantor reserves the right to the full use and enjoyment of the Property except for the use by Grantee as specified herein. Grantor shall not, however, use the surface or other portions of the Property in a manner that would hinder, conflict, or interfere with the use of the Property by Grantee. Grantee’s use of the Property shall not unreasonably interfere with the ordinary use of the surface of the Property, including use of the Easement Area as a roadway, by Grantor or by the public.
3. Facilities Ownership

The Facilities shall at all times remain the personal property of Grantee, notwithstanding that they may be annexed or fixed to the land and may at any time and from time to time be removed in whole or in part by Grantee.

4. Assignment

This Easement and the rights herein granted may be assigned by Grantee together or separately in whole or in part at any time without the consent of Grantor.
LEGAL DESCRIPTION
APN - NONE

All that certain real property situated in the City of Milpitas, County of Santa Clara, State of California, described as follows:

A strip of land, 5 feet in width, being a portion of that parcel of land described in the Deed to James T. Murphy recorded July 10, 1897 in Book 200 of Deeds, Page 173, Official Records of said County, lying within Montague Expressway, formerly Landess Avenue, more particularly described as follows:

COMMENCING at the southeast corner of that parcel of land described in a grant of easement from Western Pacific Railroad Company to the City of Milpitas, recorded February 19, 1965 in Book 6856 at Page 526, Official Records of Santa Clara County; thence North 69°45'40" East 16.90 feet along the southerly line of the parcel of land described in the deed to the County of Santa Clara recorded June 22, 1973 in Book 6036 at Page 167, of Official Records of said County, to the TRUE POINT OF BEGINNING; thence continuing along said southerly line

1. North 69°45'40" East 5.34 feet to the beginning of a non-tangent curve to the left, the center of which bears North 49°02'57" East 597.50 feet; thence

2. Southeasterly 5.28 feet along said curve through a central angle of 0°30'24" to a tangent curve to the right, with a radius of 602.50 feet; thence

3. Southeasterly 37.20 feet along said curve through a central angle of 3°32'14" to the northwesterly line of Parcel 2, as said parcel is described in the Grant Deed to the County of Santa Clara, recorded March 9, 1973 in Book 0271, Page 324, Official Records of said County; thence along said northwesterly line

4. South 69°45'40" West 5.25 feet to the beginning of a non-tangent curve to the left, the center of which bears South 51°55'36" West 597.50 feet; thence leaving said northwesterly line

5. Northwesterly 35.29 feet along said curve through a central angle of 3°23'03" to a tangent curve to the right, with radius of 602.50 feet; thence

6. Northwesterly 7.22 feet along said curve through a central angle of 0°41'11" to the TRUE POINT OF BEGINNING.

Containing 212 square feet more or less.

A Plat Map is attached hereto and made a part hereof.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone 3, epoch 1998.5. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.00005333.

John W. Pettley, PLS 6202
(My License Expires on 3/31/2012)
EXHIBIT “B”

JOINT UTILITY EASEMENT

A nonexclusive joint utility easement, in perpetuity, over, under and through certain land, situated in the County of Santa Clara, State of California, with said easement described more particularly in Exhibit “1” which is attached hereto (“Easement”) and as follows.

1. **Easement Rights**
   Grantee shall have the right from time to time in the Easement to survey, lay, construct, maintain, repair, renew, replace, protect, inspect, operate, increase or decrease the size of or number of, idle, and/or remove pipelines (“Operation”) for transporting petroleum or petroleum products, including but not limited to gasoline, natural gas, liquefied petroleum gas, and crude oil, or for other uses including but not limited to telephone lines, fiber optics, electrical cable, and water. Subject to the provisions set forth herein, said pipelines shall include all surface and subsurface appurtenances and facilities as are reasonably necessary or required in the judgment of Grantee for the Operation of said pipelines, including, but not limited to, valves, fittings, metering equipment, pipeline markers, electrical cable, and cathodic protection equipment. Said pipelines, facilities, and appurtenances are hereinafter collectively referred to as “Pipeline Facilities.”

   Grantee also shall have the right from time to time in the Easement to survey, lay, construct, maintain, repair, renew, replace, protect, inspect, operate, increase or decrease the size of or number of, idle, and/or remove underground communications conduits and fiber optic cables (“Fiber System”). Subject to the provisions set forth herein, said Fiber System shall include all surface and subsurface appurtenances and facilities as are reasonably necessary or required in the judgment of Grantee for the Operation of said Fiber System, including, but not limited to, manholes, pull boxes, splice boxes, conduit markers, and cathodic protection equipment. Said Fiber System, facilities, and appurtenances are hereinafter collectively referred to as “Fiber System Facilities.”

   Grantee’s use of the Easement shall be in common with the public’s use of the surface of the Easement area for and as a roadway.

   Said rights granted above shall not be deemed abandoned or forfeited by Grantee due to the temporary idling, nonuse, abandonment, or removal of any or all Pipeline Facilities or Fiber System Facilities or the nonuse of the rights granted herein for any period of time.

2. **Responsibility for Expenses/Costs**
   The Operation of Grantee’s Pipeline Facilities or Fiber System Facilities shall be at Grantee’s sole cost and expense, except as set forth in Section 3 (Relocation), and except to the extent such Operation by Grantee is required as a result of the acts, omissions, negligence, willful misconduct, or breach of this Agreement by Grantors or by Grantor’s agents, invitees, employees, or contractors.
3. **Relocation**
   Should Grantors or any third party, including, but not limited to, any governmental entity, at any future date, reasonably desire that Grantee relocate any portion of the Pipeline Facilities or Fiber System Facilities, which shall include, but not be limited to, a lowering of the Pipeline Facilities or Fiber System Facilities, and including any additional pipelines or conduits added to the Easement subsequent to the date of this Agreement, said relocation shall be performed by Grantee at the sole cost and expense of Grantors or such third party, including all liability arising out of or resulting from such relocation. The new easement shall be granted to Grantee at no cost, and the new location shall be mutually agreed upon by Grantors and Grantee, in the reasonable exercise of their discretion. Grantors or such third party shall provide Grantee with a minimum of 180 days’ written notice of its desire to have Grantee relocate its Pipeline Facilities or Fiber System Facilities.

4. **Additional Pipeline Facilities or Fiber System Facilities**
   This Easement provides Grantee with the right to lay additional pipelines or conduits of any diameter within the Easement at routes selected by Grantee at no additional consideration.

5. **Damages**
   Grantee shall repair, restore or compensate Grantors for all damage to growing crops, pasture, timber, fences, buildings, wildlife, livestock, improvements, canals, roads, and landscaping caused by Grantee’s usage of the Easement, except to the extent: (a) such damage is caused by the acts, omissions, negligence or willful misconduct of Grantors, its agents, invitees, employees, or contractors, or (b) such damage is caused by or to an unauthorized improvement to the Easement as prohibited under Section 6 (Keep Easement Area Clear).

6. **Keep Easement Area Clear and No Impairment by Grantor**
   Grantors agree that it will not in any way impair, interfere with, build an improvement on, cover or obstruct the Easement granted herein, including, but not limited to, planting trees or deep-rooted plants and/or vines, building, excavating, constructing, installing, erecting, piling, or creating any foundations, dumps, mounds, buildings, structures, or improvements on the Easement, or change the grade over any of the Pipeline Facilities or Fiber System Facilities constructed hereunder (“Obstruction”) without the prior written consent of Grantee. Should Grantors violate the provisions of this Section, Grantee shall have the right to clear or remove said Obstruction, or recover damages from Grantors. Notwithstanding the foregoing, Grantors shall have the right to landscape the Easement with ground cover, and the further right to pave the ground surface over the Easement for driveway and/or parking and/or roadway purposes, provided Grantee retains the ability to access the Pipeline and Fiber System Facilities. Grantors shall indemnify, defend, and hold Grantee and its affiliates harmless from and against any and all loss, cost, damage, or expense, including reasonable attorneys’ fees that may arise from Grantor’s breach of its obligations under this Section.

7. **Facility Ownership**
   Unless the Parties otherwise agree in writing, the Pipeline Facilities or Fiber System Facilities shall at all times remain the personal property of Grantee, notwithstanding that
they may be annexed or fixed to the land and may at any time and from time to time be removed in whole or in part by Grantee.

8. **Binding Obligation**
   All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, devisees, legal representatives, successors, and assigns of the Parties, including all other rights and benefits necessary or convenient for the full enjoyment or use of the rights herein granted.

9. **Assignment**
   This Easement and the rights herein granted may be assigned by Grantee together or separately in whole or in part at any time without the consent of Grantor.
LEGAL DESCRIPTION
APN - NONE

All that certain real property situated in the City of Milpitas, County of Santa Clara, State of California, described as follows:

A strip of land, 15 feet in width, being a portion of that parcel of land described in the Deed to James T. Murphy recorded July 10, 1897 in Book 200 of Deeds, Page 173, Official Records of said County, lying within Montague Expressway, formerly Landess Avenue, more particularly described as follows:

COMMENCING at the southeast corner of Parcel Fourteen, as said parcel is described in Document Number 16678056, Official Records of said County; thence North 69°45'40" East 17.22 feet along the southeasterly line of that certain parcel of land described in a grant of easement from Western Pacific Railroad Company to the City of Milpitas, recorded February 19, 1965 in Book 6856 at Page 526, Official Records of said County, to the TRUE POINT OF BEGINNING; thence continuing along said southeasterly line

1. North 69°45'40" East 15.65 feet; thence leaving said line

2. South 36°49'32" East 41.74 feet to the northwesterly line of Parcel 2 as said parcel is described in the Grant Deed to the County of Santa Clara, recorded March 9, 1973 in Book 0271, Page 324, Official Records of said County; thence along said line

3. South 69°45'40" West 15.65 feet; thence leaving said line

4. North 36°49'32" West 41.74 feet to the TRUE POINT OF BEGINNING.

Containing 626 square feet more or less.

A Plat Map is attached hereto and made a part hereof.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone 3, epoch 1988.5. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.00005333.

[Signature]
John W. Pettley, PLS 6202
My License Expires on 3/31/2015.
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Operating Officer, Michael A. Hursh

SUBJECT: Veterans Transportation and Community Living Initiative

FOR INFORMATION ONLY

BACKGROUND:

On July 2, 2012, U.S. Transportation Secretary LaHood announced $29 million in grants to provide improved access to local transportation for veterans, their families and other military personnel. The grants will support 64 projects in 33 states. The Veterans Transportation and Community Living Initiative (VTCLI), funded and managed by the Federal Transit Administration (FTA), supports efforts by local governments and transit agencies to implement technologies (one call/one click call centers) that make it easier for veterans and others to access and schedule rides on available buses, vans, taxis, paratransit and other transportation systems.

VTA partnered with OUTREACH, VTA’s paratransit provider, on a grant application that will expand and update OUTREACH’s existing one-call/one-click center (OC/OCC). This will improve access to a wide array of transportation resources that are available for veterans, military personnel and their families in Santa Clara County and other northern California areas, which are home to about 20 percent of veterans in California. Only two grants were awarded in California, the other in San Diego for a similar project. VTA and San Diego were awarded $1,650,000 each, the largest awards nationwide; $400,000 of Toll Revenue Credits would be used as the required 20% match, essentially this project is 100% federally funded.

VTA has had a successful partnership with OUTREACH since 1993 providing Americans with Disabilities Act (ADA) required paratransit services throughout Santa Clara County. We have partnered on other grants in the past that provide for non-ADA transportation services, for example seniors or welfare to work participants, where VTA is the federal grantee and Outreach is the subrecipient and implementing agency for the project. OUTREACH is a Consolidated Transportation Services Agency, tasked with improving transportation options for seniors, persons with disabilities, low income persons and other low mobility groups.
The VTCLI project will:

- Implement a new telephone system to expand and update the existing OC/OCC. This replaces an 18-year old system that is also used for the ADA paratransit program.

- Link the OC/OCC to the project partners, such as other transit agencies and the veteran's organizations.

- Facilitate internet access for agencies and individuals to use OUTREACH’s Mobility Management Together We Ride web portal (TripNet) to manage their own travel needs.

- Improve the Transportation Resources and Community Information Searchable Database which includes verified transportation resources as well as health and human services resources.

- Establish a social network for veterans and others to discuss and share information on community and transportation resources.

- Provide these services and create partnerships among transportation organizations and veterans/military communities throughout a multicounty region. Monterey Salinas Transit, Marin Transit and Santa Rosa Transit are current project partners along with the Office of Veterans Services for Santa Clara County, Sonoma County and Main County; VA Health System in Palo Alto, American GI Forum; Vets Connect, Council on Aging and others.

- Increase involvement of the veterans/military communities in the updates of regional public transit/human services transportation plans.

Prepared By: Jim Unites
Memo No. 3667
CONSTRUCTION AND FIELD ACTIVITIES

Berryessa Extension Project pre-construction and construction activities ramped up in June 2012. The following are activities that occurred during the June and July timeframe.

Berryessa Station Area

In late June, Skanska-Shimmick-Herzog (SSH) began removal of Union Pacific Railroad (UPRR) signal gate structures and tracks south of Trade Zone Boulevard where UPRR freight service is now out of commission. This work continued through July.

Demolition of several vacated buildings within the future Berryessa Station area began on July 19, in preparation for Upper Penitencia Creek mitigation. Prior to demolition, several of the vacated buildings were made available to local police and fire departments for training exercises. The training exercises continued into early July, just prior to building demolition. Additionally, Sound barrier panels have been installed around the construction site to shield the Salamoni Court neighborhood from dust and construction noise.

Upper Penitencia Mitigation

Upper Penitencia Creek will be restored ecologically to a more natural state as an environmental mitigation for the Berryessa Extension Project. Prior to the above-mentioned building demolition, trees between the creek and vacated buildings were completely removed. Trees that have been removed are being processed on site into green waste for reuse such as mulch and other various reusable products.
In mid-June, piping and pumping equipment were installed to bypass a portion of the creek, and divert water further downstream to allow for the creek’s reconstruction. Mass excavation which will realign a portion of the creek and create a floodplain adjacent to the station is anticipated to begin at the end of July.

**Kato Road Grade Separation**

Work to depress Kato Road underneath the existing UPRR tracks and future BART system is progressing rapidly. Roadway excavation is complete and installation of sub-surface structural supports and drainage has begun. Excavation of a storm drain culvert box near residential homes is also complete. Rebar forming and box construction is moving forward.

A new UPRR bridge has been placed over Kato Road and became operational as of mid-July.

**Milpitas Station Area**

Utility relocation work continues along the project corridor and near the future Milpitas Station area. Recently, construction of a 42-inch water line on Piper Drive was completed and a cutover to the new water line was successfully completed on July 18. Completion of Piper Dr. utility relocations by the end of July is critical so that the area can be turned over to Chevron for their utility relocations, which are scheduled to begin in early August.

Baseline noise monitoring and building abatement began in mid-July in the area of the future Milpitas Station. These activities were conducted in preparation for building demolition scheduled to take place in during the last week of July for utility relocation activities.

**SVBX Residential Noise Insulation Program (RNIP) and Preconstruction Surveys**

CSDA, the program’s noise and architectural services consultant, has completed 98 percent of the noise testing and has provided 94 percent of the noise reports indicating eligibility along the corridor. The consultant is scheduling the final few remaining noise tests and VTA has been notifying potential RNIP candidates of their RNIP eligibility status. All potential RNIP candidate locations in Fremont have been analyzed and there are no Fremont residences requiring any noise mitigation.

CSDA has completed 90% design for the first eligible group of residences and has begun the 65% design phase for the second group. Staff continues to coordinate with Milpitas and San Jose staff, and provide outreach to eligible RNIP residences.

In July, VTA hosted a third Community Outreach meeting for the third group of eligible residences to explain the design process and the next steps in the program. Preconstruction Surveys have also been completed at 65 properties within the project corridor documenting
existing conditions prior to construction.

**Communications and Outreach**

Project Communications and Outreach ramped up concurrently with project activities to ensure all stakeholders received comprehensive, pertinent and timely project information. Communications and Outreach efforts included:

- Five separate distributions of construction update fliers to residences and businesses in the Berryessa and Milpitas Station area neighborhoods
- Project corridor tour given to the SVRT Program Working Committee on June 4, 2012
- Four construction notices, two traffic advisories and two news releases issued
- Project update presentation to the Milpitas City Council on June 19, 2012
- Two public meetings at the Milpitas Branch Library on Tuesday, June 26, 2012, regarding upcoming construction activities at and near the future Berryessa Station and Milpitas Station Areas
- Attended the monthly Berryessa Business Association meeting on June 21, 2012
- Responded to over 75 inquiries from members of the public via the BART Silicon Valley Community Outreach Hotline, emails and phone calls.
- Media Photo Opportunity/Event for Berryessa Station area Hard Demolition on July 19, 2012
- Attending the Fremont Art and Wine Festival on August 4-5, 2012
- Providing a project update to the CAC on August 8, 2012 at the BART Silicon Valley Project Office in Milpitas.


BART Silicon Valley was mentioned in 32 broadcast segments that ran on KNTV, KTVU, KRXI, KDTV (Univision), KSTS (Telemundo), KGO Radio, and KLIV. The media focused on
near-term construction, the public meetings in Milpitas, construction contracts, and lane closures near the future Berryessa Station area.

Prepared By: Kevin Kurimoto
Memo No. 3204
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 5:32 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>Present</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>Absent</td>
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<tr>
<td>Jamie Matthews</td>
<td>Board Member</td>
<td>Present</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>Absent</td>
</tr>
<tr>
<td>Ken Yeager</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
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</table>

* Alternates do not serve unless participating as a Member.

A quorum was present.

Chairperson Yeager stated that the meeting would adjourn in memory of Rayfield “Ray” Halsell, Transit Division Supervisor, and Michael “Pito” Torres, Bus Dispatcher at Cerone Operations.

Chairperson Yeager stated that Ray Halsell dedicated 14 years to VTA, first as a Coach Operator and then later as a Transit Division Supervisor, since 2006. VTA’s Board of Directors recognized Ray as the Employee of the Month in October 2002; and in April 2008, for his selfless act of heroism in coming to the aid of a mother and six-month-old child involved in a car accident on the Altamont Pass in Tracy. He received the Good Samaritan Adult Hero Award from the American Red Cross Santa Clara Valley Chapter recognized Ray for his act of heroism. Ray also served as Chairperson to VTA’s
Employee Advisory Committee for the past two years and will forever be known for his upbeat spirit, positive attitude, caring heart, and excellent customer service.

Chairperson Yeager stated that Michael “Pito” Torres had served 30 years at VTA starting as a Coach Operator in July 1980, where he provided safe, courteous, service, while operating VTA coaches out of Cerone Division for 20 years. “Pito” sought more challenges in his career and was promoted to Bus Dispatcher in November 2004. “Pito” was known by his friends and co-workers for the passion that he had for life, along with his desire to make VTA service the best it could be when “he was on watch”.

Chairperson Yeager and VTA’s Board Members extended their condolences to the families of Ray and “Pito”.

Board Member Liccardo arrived at the meeting and took his seat at 5:33 p.m.

Board Member Kniss arrived at the meeting and took her seat at 5:34 p.m.

Chairperson Yeager noted staff request to remove the following Items from the Board Agenda: Agenda Item #5.1. Hearing - Notice of Intention to Adopt Resolution of Necessity determining that the public interest and necessity require the acquisition of property for the BART Silicon Valley Berryessa Extension (SVBX) Project; and Agenda Item # 7.4. Adopt the amended Conflict of Interest Code for the Santa Clara Valley Transportation Authority (VTA) and its Appendix of Designated Positions and Disclosure Categories and direct the Board Secretary to submit the revised Conflict of Interest Code and the list of designated positions to the Santa Clara County Board of Supervisors for approval.

Chairperson Yeager noted requests to move the following Items from the Consent Agenda to the Regular Agenda: Agenda Item #7.5. Adopt a support position for SB 1380 (Rubio), which exempts the preparation and adoption of a bicycle transportation plan from the California Environmental Quality Act (CEQA) under certain circumstances; and Agenda Item #7.7. Adopt an initial three-year plan for Vehicle Registration Fee (VRF) Countywide Program funds, approve scoring criteria for evaluating VRF-funded ITS projects and authorize the General Manager to execute funding agreements with Member Agencies as necessary to implement the VRF program.

Board Member McHugh arrived at the meeting and took his seat at 5:36 p.m. and Alternate Board Member Whittum relinquished his seat on the dais.

1.2. Orders of the Day
M/S/C (Herrera/Pirzynski) to accept the Orders of the Day, and approve the Consent Agenda, as amended.

2. AWARDS AND COMMENDATION

2.1 Employees of the Month for June 2012
Chairperson Yeager recognized Robert Regalado, Coach Operator, Cerone Division, as Employee of the Month for June 2012.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
My-Lan "Mimi" Nguyen, Information Services Representative, Downtown Customer Service Center; and Stewart Blocker, Guadalupe Facilities Maintenance were unable to attend.

3. CLOSED SESSION

3.1. Recessed to Closed Session at 5:37 p.m.

Public Employee Performance Evaluation
[Government Code Section 54957]
Title: General Manager

Alternate Board Member Price arrived at the meeting at 5:40 p.m.

Board Member Abe-Koga arrived at the meeting and entered Closed Session at 5:42 p.m.

Board Member Kalra arrived at meeting and entered Closed Session at 5:53 p.m.

Board Member Pyle left the meeting at 5:54 p.m.

3.2. Reconvened to Open Session at 5:56 p.m.

3.3. Closed Session Report

Public Employee Performance Evaluation
[Government Code Section 54957]
Title: General Manager

Chairperson Yeager reported that no reportable action was taken during Closed Session.

3.4. Second Amendment to Employment Contract for General Manager Michael T. Burns

Chairperson Yeager reported that the VTA Board appointed Michael T. Burns as General Manager effective August 22, 2005; and the initial employment contract expired on August 31, 2010. Last year, the VTA Board adopted the first amendment to Mr. Burns’ employment contract extending it to August 31, 2015.

Chairperson Yeager stated Mr. Burns consistently accomplished Board directed goals and always received superior performance evaluations in the last seven years at VTA. Chairperson Yeager continued Mr. Burns voluntarily participated in VTA’s salary reductions through unpaid furloughs and declined consideration for salary increases reflected in his employment contract.

The second amendment to Mr. Burns’ contract recommends that he receive the same salary increase scheduled for VTA employees on July 9, 2012.

M/S/C (Matthews/McHugh) to adopt Second Amendment to Employment Agreement between Santa Clara Valley Transportation Authority (VTA) and General Manager Michael T. Burns (attached), and approve the same 3% salary increase for Mr. Burns to coincide with the 3% salary increase due to employees pursuant to labor contracts, effective July 9, 2012.
4. PUBLIC COMMENT

Pat Plant, People Acting in Community Together (PACT) leader, expressed appreciation to VTA staff for their work in responding to the PACT issues related to affordable transportation. She expressed concern PACT was not given the opportunity to provide input on VTA’s transit affordability pilot program proposal to Metropolitan Transportation Commission (MTC). Ms. Plant stressed the importance of making public transportation affordable for low income people in Santa Clara County.

Anita Miles, PACT member, stressed the importance for VTA to offer a reduced fare for low income individuals.

Charlie Craig, PACT member, stated that the VTA pilot program and other reduced fare proposals for low income should not undermine the UPLIFT free transportation pass program.

Adrian Ramirez, Interested Citizen, expressed concern about transportation service reductions and impacts to individuals with disabilities. Mr. Ramirez urged the Board to reexamine service cutbacks and restore service.

Chairperson Yeager requested Patrick Griffin, Public Affairs and Customer Information Manager, speak with Mr. Ramirez.

Michael T. Burns, General Manager, responded to the PACT representative’s comments, noting VTA staff submitted a funding request to MTC for the low income fare pilot project. Staff is currently working to get funding for the project and a meeting between VTA staff and PACT representatives is scheduled for Monday, June 11, 2012.

Jim Lawson, Executive Policy Advisory, added staff will provide the Board pilot project status updates. Staff will work with the consultant and engage PACT and other stakeholders to develop a final recommendation for the Board’s consideration.

Board Member Liccardo stated everyone involved with the pilot project is working to identify funding and work out the issues before MTC makes their final decision.

Michael Ludwig, Interested Citizen, distributed copies of the following letters to VTA’s Board of Directors for consideration: 1) Limited Stop Route 323 along Steven Creek Boulevard and San Carlos Street and 2) Highway 237 Express Lanes Project. He also expressed concern regarding escalator operations at Tamien Station.

Roland Lebrun, Interested Citizen, made the following suggestions to VTA’s Board of Directors: 1) increase the parking spaces at the Tamien Station; 2) invest the $4.5 million received from the City of San Jose to construct a multi-story parking garage at the Westside of Highway 87; 3) extend Caltrain Electrification Project to Blossom Hill then continue to Gilroy; 4) increase train traffic from 6 to 20 trains per day; 5) extend the platform from both sides of the tracks at the Blossom Hill Station; and 6) partner with Hitachi for pedestrian bridge on Monterey Highway.
5. PUBLIC HEARINGS

5.1. (Removed from the Board Agenda.)

HEARING - NOTICE OF INTENTION TO ADOPT RESOLUTION OF NECESSITY

Adopt Resolution of Necessity determining that the public interest and necessity require the acquisition of property for the BART Silicon Valley Berryessa Extension (SVBX) Project.

Property ID/Assessor’s Parcel Number/Owner

B2603A (APN- None) owned by the heirs or devisees of Marion Elisabeth Weller, deceased.

6. REPORTS

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

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

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

Gail Price, PAC Vice Chairperson, provided a report on the May 10, 2012, Policy Advisory Committee (PAC) meeting, highlighting: 1) FY 2012-13 Countywide Transportation Development Act Article 3 Program; 2) Vehicle Registration Fee (VRF) Countywide Program funds. Discussion on the good-faith effort included in the VRF program will be continued at the June 14th PAC meeting; 3) report on the Implementation of the I-District; 4) update on the Valley Transportation Plan, Regional Transportation Plan and Sustainable Communities Strategy; and 5) update on the 237 Express Lanes Project.

6.3. General Manager’s Report

Mr. Burns provided a report, highlighting:

• VTA’s overall system-wide ridership decreased 2 percent, which can be attributed to bad weather conditions; Bus and light rail boardings decrease 3 percent and 1 percent while Express Buses and Light Rail Express ridership increased 15 percent and 5 percent, respectively;
• VTA procured 154 vehicles for Paratransit Services, which include 70 Prius’, 60 Mini-vans, and 24 Cut-away buses to replace older vehicles. The Paratransit Services vehicles were purchased with grant funding from Proposition 1B;
• a likely Board Workshop scheduled for September 21, 2012 to discuss and assess options on the El Camino Real BRT Project;
• Conversion of monthly passes to Clipper Card effective July 1, 2012;
• Ticket Vending Machines (TVM) add value functionality available by late August 2012; and
• Announced the appointment of Jeff Morales as the new Chief Executive Officer of the California High Speed Rail Authority.
6.3.A. **BART Silicon Valley Program Update**

Carolyn Gonot, Chief SVRT Program Officer, provided a brief overview on the presentation entitled, “BART Silicon Valley Construction Update: Current and Near Term Construction Activities,” highlighting: 1) Site Preparation; 2) Upper Penitencia Creek; 3) Berryessa Road Reconstruction Improvements; 4) Utility Relocations; 5) Future Construction Areas; and 6) One-Year Construction Look Ahead.

**On order of Chairperson Yeager** and there being no objection, the Silicon Valley Rapid Transit (SVRT) Program Update was received.

6.3.B. **Metropolitan Transportation Commission (MTC) and California Transportation Commission (CTC) Activities**

Scott Haywood, Policy and Community Relations Manager, provided a report on the MTC Activities, highlighting: 1) MTC approved the final recommendations for the Transit Sustainability Project (TSP); and 2) MTC staff recommends $1 million funding for Santa Clara County and $4 million for San Francisco for the Low Cost Transit Fare Program. VTA staff is working with MTC to explore other funding opportunities to address the funding shortfall.

John Ristow, Chief CMA Officer, provided a report on the California Transportation Commission (CTC) Activities, highlighting: 1) State approved allocation of $24 million in Proposition 1B - Corridor Mobility Improvement Account (CMIA) funds for the U.S. 101/Capitol Expressway Interchange Project; 2) State approved allocation of $41.275 million in Proposition 1B - CMIA funds for the I-280/880 Stevens Creek Boulevard Interchange Project; and 3) MTC approved the One Bay Area Grant (OBAG) Program on May 17, 2012. VTA will collaboratively work with the Technical Advisory Committee (TAC) Working Group to revise the program criteria for Board consideration in August or September 2012. Subsequently, staff will issue a call for projects.

Mr. Burns announced the U.S. 101 Tully Road Ribbon Cutting Celebration event scheduled on Friday, June 15, 2012.

**On order of Chairperson Yeager** and there being no objection, the Metropolitan Transportation Commission (MTC) and California Transportation Commission (CTC) Activities report was received.

6.4. **Chairperson’s Report**

Chairperson Yeager provided a report, highlighting: 1) May 10, 2012 Bike to Work Day, which had over 100 energizer stations in the Silicon Valley Bay Area; 2) June 4, 2012 Silicon Valley Rapid Transit (SVRT) Program Working Committee meeting and tour of the project sites. VTA’s Board of Directors are invited to take the tour by contacting the Office of the Board Secretary; and 3) referenced the California Air Resources Board (CARB) meeting regarding general discussion on cap and trade to set priorities on future projects, noting the importance to allocate funding to transit agencies for projects.
7. CONSENT AGENDA

7.1. Board of Directors Regular Meeting Minutes of May 3, 2012

M/S/C (Herrera/Pirzynski) to approve the Board of Directors Regular Meeting Minutes of May 3, 2012.

7.2. Bicycle and Pedestrian Advisory Committee Appointments/Re-appointments

M/S/C (Herrera/Pirzynski) to ratify the appointments/re-appointments of the following individuals to the Bicycle & Pedestrian Advisory Committee for the two-year term ending June 30, 2014:

New Appointment:
• Marc Roddin, representing the City of Mountain View (limited by appointing authority to 12/31/12)

Re-appointment:
• Thomas Muniz, representing the City of Gilroy
• Herman Wadler, representing the City of Campbell
• Jim Wiant, representing the City of Cupertino
• Breene Kerr, representing the Town of Los Altos Hills
• Paul Goldstein, ex-officio member, and Corinne Winter, ex-officio alternate member, representing the Silicon Valley Bicycle Coalition.

7.3. Fiscal Year 2012 Quarterly Statement of Revenues and Expenses for the Period Ending March 31, 2012

M/S/C (Herrera/Pirzynski) to review and accept the Fiscal Year 2012 Quarterly Statement of Revenues and Expenses for the period ending March 31, 2012.

7.4. (Removed from the Board Agenda.)

Amended Conflict of Interest Code, Designated Positions and Disclosure Categories

Adopt the amended Conflict of Interest Code for the Santa Clara Valley Transportation Authority (VTA) and its Appendix of Designated Positions and Disclosure Categories and direct the Board Secretary to submit the revised Conflict of Interest Code and the list of designated positions to the Santa Clara County Board of Supervisors for approval.

7.5. (Moved from the Consent Agenda and placed on the Regular Agenda.)

Bill Position: SB 1380 (Rubio)

Adopt a support position for SB 1380 (Rubio), which exempts the preparation and adoption of a bicycle transportation plan from the California Environmental Quality Act (CEQA) under certain circumstances.
7.6. **Bill Position: AB 1770 (B. Lowenthal)**

M/S/C (Herrera/Pirzynski) to adopt a support position for AB 1770 (B. Lowenthal), which clarifies that the California Transportation Financing Authority may issue bonds for rail transit projects that include the acquisition of rolling stock.

7.7. **(Moved from the Consent Agenda and placed on the Regular Agenda.) 2010 Measure B Vehicle Registration Fee Update**

Adopt an initial three-year plan for Vehicle Registration Fee (VRF) Countywide Program funds, approve scoring criteria for evaluating VRF-funded ITS projects and authorize the General Manager to execute funding agreements with Member Agencies as necessary to implement the VRF program.

7.8. **Fiscal Year 2013 TDA/STA Claim**

M/S/C (Herrera/Pirzynski) to adopt Resolution No. 2012.06.28 authorizing the filing of an annual claim to the Metropolitan Transportation Commission (MTC) for allocation of FY 2012-2013 Transportation Development Act (TDA) and State Transit Assistance (STA) funds.

7.9. **Fiscal Year 2012/2013 TDA3 Project Priorities**

M/S/C (Herrera/Pirzynski) to adopt Resolution No. 2012.06.29 approving the project priorities for the FY2012/13 Countywide Transportation Development Act Article 3 Program. Approve the City of Palo Alto's project request pending its submission by June 20, 2012 to the VTA of a certified copy of a resolution establishing support and CEQA clearance for its project.

7.10. **Implementation Plan for Highway Projects in Santa Clara County**

M/S/C (Herrera/Pirzynski) to approve the Implementation Plan for VTP 2040 Highway Projects in Santa Clara County.

7.11. **2011 CMP Monitoring and Conformance Report**

M/S/C (Herrera/Pirzynski) to approve the conformance findings in the Draft 2011 CMP Monitoring and Conformance Report.

7.12. **Mission/Warren/Freight Railroad Relocation – Amendment to Design Service Contract with HNTB Corporation**

M/S/C (Herrera/Pirzynski) to authorize the General Manager to execute a contract amendment with HNTB Corporation, in an amount not to exceed $2,000,000, for a new contract total of $94,565,225 for design services during construction of the Mission/Warren/Freight Railroad Relocation Program improvements.

7.13. **Information Technology Organizational Assessment**

M/S/C (Herrera/Pirzynski) to review and receive the Auditor General's report on the VTA Information Technology Organizational Assessment.

M/S/C (Herrera/Pirzynski) to review and receive the Auditor General's follow-up report on the implementation status of management's action plans contained in the Investment Controls Internal Audit.

7.15. **SVRT Program Risk Assessment**

M/S/C (Herrera/Pirzynski) to review and receive the Auditor General's report on the SVRT Program Risk Assessment.

7.16. **AG Recommended Fiscal Year 2013 Internal Audit Work Plan**

M/S/C (Herrera/Pirzynski) to approve the Fiscal Year 2013 (FY13) Internal Audit Work Plan developed by the VTA Auditor General for a maximum amount of $359,500; and 2) To enable completion, authorize the General Manager to amend the task order contract with Deloitte & Touche LLP for Auditor General/internal audit services, increasing the amount by $184,500 for a revised not-to-exceed amount of $1,135,000.

7.17. **Proactive CMP Quarterly Report for January to March 2012**

M/S/C (Herrera/Pirzynski) to receive the Proactive CMP Quarterly Report for January through March 2012.

7.18. **Update of iDistrict Implementation**

M/S/C (Herrera/Pirzynski) to receive update on implementation of iDistrict.


M/S/C (Herrera/Pirzynski) to receive the three-year Project Initiation Document Work Plan for Santa Clara County.

7.20. **Monthly Legislative History Matrix**

M/S/C (Herrera/Pirzynski) to review the Monthly Legislative History Matrix.


M/S/C (Herrera/Pirzynski) to receive the Semi-Annual Report for the Facilities Program for the period ending March 31, 2012.

7.22. **Sustainability Program Update**

M/S/C (Herrera/Pirzynski) to receive an update on the Sustainability Program.

Member Pyle arrived at the meeting and took her seat at 6:46 p.m.

8. **REGULAR AGENDA**

8.1. **Sheriff's Contract Extension for Transit Operations**

Michael Hursh, Chief Operating Officer, reported that the Sheriff's Office provides system-wide law enforcement services to VTA facilities as well as on board bus and light rail vehicles. He reviewed the transit detective services,
special enforcement services, and investigative services included in the Sheriff’s contract with VTA.

Board Member Liccardo referenced safety issues and requested increased security to address the challenges in San Jose downtown area. Mr. Hursh responded that VTA’s law enforcement is working diligently to identify and address all types of crime instances including fare evasion.

Upon query form Board Member Herrera, Mr. Hursh responded that the contract would be forwarded to VTA’s Board for consideration if there were changes in the contract costs and/or changes to the terms of the agreement.

Public Presentation

Michael Ludwig, Interested Citizen, expressed support of the contract agreement and suggested that uniformed security personnel board VTA’s bus and light rail vehicles to ensure better security for passengers.

M/S/C (Herrera/Abe-Koga) to authorize the General Manager to execute a contract with the County of Santa Clara Office of the Sheriff for law enforcement services for a period of five years at current staffing levels for a total estimated contract value of $21,492,330.

8.2. Mission/Warren/Freight Railroad Relocation Program Contract Award

Mark Robinson, Chief Engineering and Construction Officer, reported that the Mission Boulevard/Warren Avenue/Freight Railroad Relocation (MWT) Program is a joint effort with the City of Fremont, Alameda County Transportation Commission, and VTA. Mr. Robinson noted VTA’s bid review process determined that RGW Construction, Inc. was the lowest responsible and responsive bidder. RGW previously worked on VTA’s State Route (SR) 152/SR 156 and U.S. 101/Tully Highway Interchange Projects.

Mr. Robinson continued that the MWT Program construction is anticipated to begin in July 2012 with a completion date of January 2015.

M/S/C (McHugh/Herrera) to authorize the General Manager to execute a contract with RGW Construction, Inc., the lowest responsible bidder, in the amount of $45,040,277 for the construction of Mission Boulevard/ Warren Avenue/Freight Railroad Relocation Program improvements.

8.3. Capital Expressway Light Rail Project Pedestrian Improvements – Amendment 2 to the Construction Contract

Mr. Robinson explained the proposed 2nd Amendment to the Capital Expressway Light Rail Project Pedestrian Improvements construction contract will include bus stop improvements at Story Road and Ocala Avenue. The 2nd amendment will include these additional improvements by change order to the current phase of construction to fully utilize grant funding and to avoid future impacts to the project construction phase. If the Board approves the amendment, project completion is scheduled for fall 2012.
Public Presentation

Michael Ludwig, Interested Citizen, expressed his support for the project construction contract and queried if the contract includes the widening of the median on Capital Expressway. Mr. Burns responded that the widening is not part of the construction contract.

Mr. Burns commented on the attractiveness of the project but more importantly noted the safety improvement aspects of the project.

Board Member Herrera expressed her support of the project improvement. She expressed her appreciation to staff for their diligent work and effort to move the project forward. She noted the project safety features, which will provide additional protection for the community.

M/S/C (Herrera/Campos) to authorize the General Manager to amend the Capitol Expressway Light Rail Project Pedestrian Improvements construction contract with Gordon N. Ball Inc. to include bus stop improvements in the amount of $1,500,000 for new contract amount of $11,416,860.

7.5. Bill Position: SB 1380 (Rubio)

Alternate Board Member Whittum expressed his opposition to exempt projects from the California Environmental Quality Act (CEQA), noting the importance to examine projects on a case by case basis.

M/S/C (Kalra/Liccardo) to adopt a support position for SB 1380 (Rubio), which exempts the preparation and adoption of a bicycle transportation plan from the California Environmental Quality Act (CEQA) under certain circumstances.

7.7. 2010 Measure B Vehicle Registration Fee Update

Upon query from Board Member Liccardo, Mr. Ristow responded that the ballot measure included an expenditure plan that allocated revenues to transportation related projects and programs, which designated 15 percent of the revenue from the Vehicle Registration Fee (VRF) for the Countywide Program.

Board Member Liccardo commented the all of the 15 percent County-wide program monies should be used as matching funds to allow Cities/County to leverage and compete better for federal/state/regional funding.

M/S/C (Pirzynski/Herrera) adopt an initial three-year plan for Vehicle Registration Fee (VRF) Countywide Program funds, approve scoring criteria for evaluating VRF-funded ITS projects and authorize the General Manager to execute funding agreements with Member Agencies as necessary to implement the VRF program.

9. OTHER ITEMS

9.1. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

There were no 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

- Administration and Finance Committee (A&F) – May 17, 2012
  Cancellation Notice was accepted as contained in the Agenda Packet.

- Congestion Management Program and Planning Committee (CMPP)
  – May 17, 2012 Minutes were accepted as contained on the dais.

- Transit Planning and Operations Committee (TP&O) – May 17, 2012
  Minutes were accepted as contained on the dais.

- Audit Committee – May 3, 2012 Minutes were accepted as contained in the Agenda Packet.

- Silicon Valley Rapid Transit Program Working Committee –
  There was no report.

9.2.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)
  – May 9, 2012 Minutes were accepted as contained in the Agenda Packet.

- Bicycle & Pedestrian Advisory Committee (BPAC) – May 9, 2012
  Minutes were accepted as contained in the Agenda Packet.

- Technical Advisory Committee (TAC) – May 10, 2012 Minutes were accepted as contained in the Agenda Packet.

- Policy Advisory Committee (PAC) – May 10, 2012 Minutes were accepted as contained in the Agenda Packet.

9.2.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 – May 23, 2012
  Cancellation Notice was accepted as contained in the Agenda Packet.

9.2.D. Joint Powers Boards and Regional Commissions

- Peninsula Corridor JPB - June 7, 2012 Meeting 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) - May 17, 2012 and May 23, 2012 Meeting Summary Notes were accepted as contained on the dais.

• Sunol Smart Carpool Lane Joint Powers Authority – May 14, 2012 Summary Notes were accepted as contained on the dais.

• SR 152 Mobility Partnership – There was no report.

9.3. ANNOUNCEMENTS

There were no Announcements.

10. ADJOURNMENT

On order of Chairperson Yeager and there being no objection, the meeting was adjourned in memory of Rayfield “Ray” Halsell, Transit Division Supervisor, and Michael “Pito” Torres, Bus Dispatcher Cerone Operations at 7:12 p.m.

Respectfully submitted,

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

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Board Secretary, Sandra Weymouth

SUBJECT: Bicycle & Pedestrian Advisory Committee Appointments/Re-appointments

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

ACTION ITEM

RECOMMENDATION:

Ratify the appointments/re-appointments of the following individuals to the Bicycle & Pedestrian Advisory Committee for the two-year term ending June 30, 2014:

New Appointment:
- Dr. Jeffrey Balfus, representing the City of Monte Sereno
- Christine Cooley, representing the City of Saratoga
- Paul Goldstein, representing the City of Palo Alto
- Dale Schouten, representing the City of Santa Clara

Re-appointment:
- David Simons, representing the City of Sunnyvale
- Melanie Hannsen, representing the Town of Los Gatos

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 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:**

The last BPAC term ended on June 30 and the next two-year term started July 1, 2012. In March 2012, VTA staff notified appointing authorities on the upcoming term expiration, advised them on their current representative’s standing, provided information on the appointment process and requested that they appoint their BPAC representative for the new term.

In response, the indicated appointing authority appointed the following individual to serve as its BPAC representative for the new term commencing July 1, 2012. Several are current members of the BPAC. The specific appointments are:

**Re-appointment**

- The City of Sunnyvale reappointed David Simons, who was first appointed in 2000.
- The Town of Los Gatos reappointed Melanie Hannsen, who was first appointed in 2010.

The aforementioned individuals are members in good standing and have served the committee well. Staff recommends that the Board ratify the reappointment of these individuals due to their qualifications, experience, community involvement, knowledge of bicycle, pedestrian, trails and safety issues, and their proven service to the committee and the Board.
New Appointment

- Dr. Jeffrey Balfus, appointed by the City of Monte Sereno
- Christine Cooley, appointed by the City of Saratoga
- Dale Schouten, appointed by the City of Santa Clara
- Paul Goldstein, appointed by the City of Palo Alto

Dr. Jeffrey Balfus, who is retired, is originally from New York City, moved to the Bay Area in 1970 and has been a resident of Monte Sereno since 1979. Dr. Balfus was Head of the Anesthesia Department and Chief of Staff at Kaiser Santa Teresa having previously served his internship and residency in Pediatrics at Stanford University, and, served his Anesthesia Residency at Santa Clara Valley Medical Center. He also had a private practice in anesthesia at Kaiser Santa Teresa starting in 1974 and later joined the Pain Management Associates group practice until 1996.

Dr. Balfus is an avid cyclist and ride leader, he has covered most roads in the county, and is a member of the Almaden Cycling Touring Club (ACTC). He is president of the La Rinconada Country Club Seniors, and has served in that position for the last seven years. In addition, he serves on the Monte Sereno Cultural Commission and provides service part-time at Willow Glen Bicycles.

Christine Cooley has lived in Santa Clara County most of her life, the last two spent in Saratoga. Ms. Cooley earned her Bachelor of Arts degree in Media Studies from Pomona College and currently works as an independent marketing consultant having worked at various start-up companies in Silicon Valley as well as at Google and the San Jose Metro Newspaper. She is an avid cyclist and rides extensively on both roadways and trails.

Dale Schouten has lived and worked in the City of Santa Clara for over 15 years. He attended the University of Illinois where he earned a PhD in Computer Science and currently works as a software engineer at Intel Corporation. Mr. Schouten has been riding bicycles for transportation and recreation for over 30 years. He currently serves on the Santa Clara Bicycle Advisory Committee and is a member of the Silicon Valley Bicycle Coalition.

Paul Goldstein currently serves on the VTA BPAC as the ex-officio representative from the Silicon Valley Bicycle Coalition (SVBC). He is currently the BPAC chairperson and previously served as the vice chairperson. The City of Palo Alto has appointed him to serve as its BPAC representative.

Mr. Goldstein, who is semi-retired, is originally from New York City and moved to Santa Clara County in 1964, living in Palo Alto since then. He earned his Bachelor’s of Arts degree from Oberlin College, did graduate work in England, and earned his Master of Science degree from Stanford University. After working in various positions at Stanford University for 35 years, he retired in 2009 and became an emeritus staff member. He currently works in the Budget Office at Stanford University.

Mr. Goldstein is an active cyclist, recently completing a bicycling tour of Spain. He has been active in many bicycling organizations whose purpose is to make bicycling safer and promote
bicycling as a healthy form of transportation. He is a current member of the City of Palo Alto’s Bicycle Advisory Committee, having previously served as that committee’s chairperson; he is a member of the SVBC and served on its Board of Directors for ten years. In addition, Mr. Goldstein also serves on the Caltrans District 4 Bicycle Advisory Committee.

Staff recommends that the Board ratify the appointment of the four aforementioned individuals due to their qualifications, experience, community involvement, and knowledge of bicycle, pedestrian, trails and safety issues.

**ALTERNATIVES:**

The Board could choose to not ratify these appointments.

**FISCAL IMPACT:**

There is no fiscal impact.

Prepared by: Stephen Flynn, Advisory Committee Coordinator
Memo No. 3623
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Operating Officer, Michael A. Hursh

SUBJECT: Protective Wear - Safety Shoes Contract

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with Beck’s Shoes, Inc. to provide protective footwear to all employees in job classifications that require such protection, at an estimated cost of $624,375 over five years.

BACKGROUND:

In accordance with Section 1 of VTA Procedure AS-RM-IIPP-1502: Protective Footwear & Safety Shoe Program, and requirements included in all four collective bargaining agreements (AFSCME, ATU, SEIU, and TAEA), VTA is obligated to “to provide employees with proper foot protection in order to reduce the number and severity of foot, ankle and toe injuries.” Section 2 of VTA Procedure AS-RM-IIPP-1502 states, “This program applies to designated positions whose regular duties continuously expose them to potential foot injuries.” A copy of the most current list of designated positions is included.

DISCUSSION:

VTA issued a Request for Proposal on 4/16/2012 that included five criteria on which proposers would be rated. These criteria were: past performance, qualifications, facilities/staffing, product, and price. Two responsive and responsible proposals were received.

Independent reviews of both proposals were conducted by the members of the review team (the Safety Shoe Program Coordinator, the Contract Administrator, the Environmental Health and Safety Supervisor, and the Acting Deputy Director of Maintenance) during the week of June 18,
2012. The table below shows the Overall Evaluation Score for each proposer. While the Overall Evaluation Score was extremely close, Beck’s Shoes is recommended because it had a significantly larger number of shoe brands within an acceptable price range from which to choose, offering better selection to meet the various needs of employees, and a higher overall score. That information is shown in the table below:

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Number of Brands</th>
<th>Number of Styles</th>
<th>Estimated Average Cost*</th>
<th>Overall Evaluation Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beck’s Shoes</td>
<td>15</td>
<td>209</td>
<td>$137.00</td>
<td>565</td>
</tr>
<tr>
<td>Red Wing Shoes</td>
<td>3</td>
<td>231</td>
<td>$125.91</td>
<td>564</td>
</tr>
</tbody>
</table>

*The actual average cost per pair over the last three years was:  
$134.59 in fiscal year 2010  
$137.15 in fiscal year 2011  
$146.07 in fiscal year 2012

The evaluation team recommends awarding the protective footwear contract to Beck’s Shoes, Inc.

The $624,375 five-year cost for safety shoes was based on a maximum voucher value of $185.00 (tax included) per pair of shoes (amount is per the terms of the collective bargaining agreements; only actual cost, if below $185.00 per pair of shoes, is billed to VTA), for an estimated 675 employees each year.

**ALTERNATIVES:**

The Board of Directors could request another Request for Proposal. However, VTA is contractually obligated to provide vouchers for the purchase of safety shoes to employees in designated positions each October. A new Request for Proposal process is not recommended as VTA would not be able to meet its obligations as described in the collective bargaining unit agreements.

**FISCAL IMPACT:**

This action will authorize the purchase of protective footwear for employees in designated job classifications for a term of five years. Appropriation for expenditures from the contract effective date through June 30, 2013 is included in the Adopted FY 2013 VTA Transit Fund Operating Budget. Appropriation for the remainder of the contract period will be included in subsequent Biennial Budgets.

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

There is no SBE goal for this project.

Prepared by: Gail Laberdie
Memo No. 3653
Current VTA Classifications Requiring Safety Shoes

Attachment A

SPECIFICATION 1: ASTM F2413-05 certified, C75 rated, slip and oil resistant soles, minimum 85% leather uppers.

Automotive Attendant
Bus Stop Maintenance Worker
Communications Systems Analyst
Communications Systems Manager
Engineer, Mechanical - Auto Systems, Associate
Engineer, Mechanical - Auto Systems, Senior
Engineer, Systems, Associate
Environmental Health/Safety Specialist
Environmental Health/Safety Supervisor
Facilities Maintenance Assistant
Facilities Maintenance Coordinator
Facilities Maintenance Manager
Facilities Maintenance Representative
Facilities Worker
General Maintenance Mechanic
Janitor
Janitor – unclassified
Lead Bus Stop Maintenance Worker
Lead Reproduction Services Specialist
Lead Transit Center Maintenance Worker
Maintenance Scheduler
Maintenance Superintendent
Materials & Warranty Manager
Messenger Driver
Messenger Driver
Office Support Supervisor - Money Room
Operations Manager, Bus and Rail Maintenance
Operations Manager, Engineering
Operations Program Manager
Overhead & Repair Mechanic
Paint & Body Foreperson
Paint & Body Worker
Parts Clerk
Parts Foreperson
Quality Assurance & Warranty Manager
Quality Assurance & Warranty Specialist
Reproduction Services Specialist (I, II)
Risk Manager
Service Mechanic
Service Worker
Service Worker Foreperson
Storekeeper
Storekeeper, Lead
Support Mechanic
Transit Center Maintenance Worker
Transit Foreperson
Transit Maintenance Supervisor
Transit Mechanic - Hydrogen
Transit Mechanic (TRM-G)
Transit Safety Officer
Transit System Safety Supervisor
Upholsterer
Upholstery Foreperson
Utility Coordinator
Utility Worker
Vault Room Worker
Office Support Supervisor – Vault Room
Vehicle Parts Supervisor
Warranty Coordinator

SPECIFICATION 2: ASTM F2413-05 certified, C75 rated, slip and oil resistant soles, minimum 85% leather uppers. Minimum 6" high lace boots with defined heel.

Architect, Assistant
Architect, Associate
Architect, Senior
Construction Inspector
Construction Inspector, Manager
Construction Inspector, Principal
Construction Inspector, Senior
Construction Inspector, Senior - Lead
Coordinator, Cost & Schedule
Coordinator, Cost & Schedule, Senior
Engineer, Civil, Assistant
Engineer, Civil, Associate
Engineer, Electrical, Associate
Engineer, Environmental, Senior
Engineer, Mechanical, Associate
Engineer, Systems Design, Associate
Engineer, Systems Design, Senior
Engineer, Transportation, Assistant
Engineer, Transportation, Associate
Engineer, Transportation, Senior
Engineering Aide
Engineering Technician I
Engineering Technician II
Engineering Technician III
Permit Technician
Survey and Mapping Manager

SPECIFICATION 3: ASTM F2413-05 certified, Electrical Hazard certified, C75 rated, slip and oil resistant soles, minimum 85% leather uppers. Minimum 6" high lace boots with defined heel; non-conductive, shock-resistant soles and heels.

Assistant Superintendent, Service Management
Electrician - Facilities
Electro - Mechanic
Electronic Technician
Environmental Planner, II and III (alternately staffed, same job code)
Environmental Planner, Senior
Foreperson - LRT
Lead Maintenance Worker - LRT
Light Rail Equipment Superintendent
Light Rail Power Foreperson
Light Rail Power Supervisor
Light Rail Signal Maintainer
Light Rail Signal Maintainer, Senior
Light Rail Signal Supervisor
Light Rail Technician
Light Rail Technical Trainer, Supervising
Light Rail Track Maintenance Supervisor
Light Rail Way, Power & Signal Supt
Maintenance Instructor - Bus
Maintenance Instructor - LRT
Maintenance Worker - LRT
Overhead Line Worker
Paint & Body Foreperson - LRT
Paint & Body Worker - LRT
Passenger Facilities & Wayside Mice Supvr
Rail Integration/Activation Manager
Substation Maintainer
Supervising Maintenance Instructor
Supervising Maintenance Instructor - LRT
Track Worker
Track Worker, Senior
Transit Maintenance Supervisor - LRT
Transportation Superintendent, Service Management
Transportation Supervisor, Service Management

revised 6/2012
Attachment B

Protective Wear – Safety Shoes Contract
Beck’s Shoes

<table>
<thead>
<tr>
<th>Firm Name</th>
<th>Name</th>
<th>Role</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beck’s Shoes</td>
<td>Brian Baumert</td>
<td>General Manager – Retail</td>
<td>Campbell, CA</td>
</tr>
<tr>
<td></td>
<td>Blain Beck</td>
<td>President</td>
<td>Campbell, CA</td>
</tr>
</tbody>
</table>
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Operating Officer, Michael A. Hursh

SUBJECT: Non-Revenue Vehicle Procurement

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to procure 42 Non-Revenue Vehicles in the amount of $1,405,000 using the State of California purchasing contract.

BACKGROUND:

VTA operates a fleet of Non-Revenue Vehicles (NRVs) in support of its transit, construction, highways, and support programs. These vehicles are assigned to support Protective Services; Bus and LR vehicle maintenance activities; Right of Way and Facilities Maintenance; Construction Inspection; Technology; Revenue Collection; Field Supervision; and Operator Field Relief, among others. The current active NRV fleet includes 262 vehicles.

DISCUSSION:

At its meeting on June 2, 2011, the VTA Board of Directors approved the Fiscal Years 2012 and 2013 Capital Improvement budget, which included a $1,931,430 capital procurement project to replace 75 NRVs. At the time, these vehicles had an average life of 13 years and had been driven an average of over 117,000 miles. This group of vehicles primarily supports Way Power and Signal Right of Way Maintenance, Field Supervision, and Protective Services, ensuring transit service safety and reliability throughout the county.

Since June 2011, these vehicles have become older, have accumulated more miles, and have become increasingly costly to repair. In fact, 25 of these vehicles have been decommissioned due to major mechanical malfunctions, which were considered too costly to repair considering the age and overall condition of the vehicles. Consequently, it has become increasingly difficult...
to provide adequate field transit, security and maintenance support.

VTA uses the State of California vehicle procurement contracts for non-revenue vehicles. The State contracts provide for a competitive purchasing environment with statewide competition, while ensuring all federal and state grant requirements are addressed. Utilizing the state contract enables VTA to purchase a wide variety of vehicles at the best possible price. A list of approved vendors is attached for your reference.

At this time, VTA is proposing to purchase 42 vehicles including three operator relief passenger vans, five ramp-equipped handi-vans for Field Supervision, 17 hybrid-electric sedans for Protective Services and the Operations Control Center (OCC), and 17 light and medium duty cargo vans for Way, Power, and Signal maintenance. This purchase is funded 100% by a state I-Bond grant through the Public Transportation, Modernization, Improvement, and Service Enhancement Account (PTMISEA) program. VTA has received pre-award authority to proceed with the procurement of these vehicles.

**ALTERNATIVES:**

The VTA Board may decide not to purchase the 42 vehicles, or direct staff to use a different procurement method. However, doing so will reduce service quality and reliability due to operating with an increasingly older vehicle fleet. Staff also doesn’t anticipate that other procurement methods will result in lower prices.

**SBE/DBE REQUIREMENTS:**

Based on review of the scope, no Disadvantaged Business Enterprise (DBE) goal has been set.

**FISCAL IMPACT:**

This action will authorize up to $1,405,000 to procure 42 Non-Revenue Vehicles (NRVs). Appropriation for this expenditure is included in the FY2013 Adopted VTA Transit Fund Capital Budget. These vehicles will be funded 100% through the PTMISEA program.

Prepared by: Steve Johnstone  
Memo No. 3666
<table>
<thead>
<tr>
<th>Contract Number</th>
<th>Description</th>
<th>Supplier</th>
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<tr>
<td>1-11-23-20</td>
<td>Trucks, Vans and Sport Utility Vehicles</td>
<td>1013022 - DOWNTOWN FORD SALES</td>
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<tr>
<td></td>
<td></td>
<td>1000621 - Hoblit Motors</td>
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<tr>
<td></td>
<td></td>
<td>1023200 - McPeek's Dodge of Anaheim</td>
</tr>
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<td></td>
<td></td>
<td>1000706 - Riverview International Trucks, LLC</td>
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<td></td>
<td></td>
<td>18106 - SWIFT JEEP CHRYSLER PLYMOUTH DODGE</td>
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<td></td>
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<td>36646 - Winner Chevrolet</td>
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<td>1184120 - Wondries Fleet Group</td>
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<td>1-11-23-11</td>
<td>Vehicles - Hybrids</td>
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<td>1072004 - Elk Grove Auto Group</td>
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<td>36646 - Winner Chevrolet</td>
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BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Federal Fiscal Year 2012 Federal Transit Administration (FTA) Grants

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to submit federal Fiscal Year 2012 grant applications and execute grant agreements with the Federal Transit Administration (FTA) for Section 5307 Urbanized Area Formula, Section 5309 Fixed Guideway.

BACKGROUND:

FTA’s funding authorization, Moving Ahead for Progress in the 21st Century (MAP -21) signed by President Obama enacted on July 6, 2012, replacing the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU), which expired September 30, 2009. MAP-21 extended the provisions of SAFETEA-LU through September 30, 2012 as well as covering the next two years.

DISCUSSION:

A summary of VTA’s proposed grant projects for FFY 2012 is provided below. For the formula programs, which include the Section 5307 Urbanized Area (UZA) Formula Program and the Section 5309 Fixed Guideway programs, the amounts shown are based on the anticipated FFY 2012 appropriations for these programs, as adopted in the Metropolitan Transportation Commission (MTC)'s 2012 Federal Formula Program of Projects (POP).

FTA Section 5307 Urbanized Area Formula Grant Program

VTA proposes to use $37,218,157 towards Preventive Maintenance costs and $3,519,993 for
ADA Operating Set Aside to help meet its operating needs in FY 2012. The remaining funds will go to ADA Bus Stop Improvements to meet the 1% Section 5307 enhancement requirement. See Table 1 for a complete listing of projects and programmed amounts.

**FTA Section 5309 Fixed Guideway Formula Grant Program**

Under the Section 5309 Program, Fixed Guideway funds in the amount of $15,416,783 will be available to VTA in FFY 2012. See Table 1 for a complete listing of projects and programmed amounts.

**Table 1
FFY 2012 Federal Transit Grant Program Summary**

<table>
<thead>
<tr>
<th>GRANT PROGRAM</th>
<th>FEDERAL</th>
<th>LOCAL</th>
<th>TOTAL</th>
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<tr>
<td><strong>FTA Section 5307</strong></td>
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<tr>
<td>Preventive Maintenance</td>
<td>38,286,489</td>
<td>9,571,622</td>
<td>47,858,111</td>
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<td>ADA Operating Set Aside</td>
<td>3,638,697</td>
<td>909,764</td>
<td>4,548,371</td>
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<td>ADA Bus Stop Improvements</td>
<td>460,559</td>
<td>115,140</td>
<td>575,699</td>
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<td><strong>Subtotal Section 5307</strong></td>
<td>42,385,745</td>
<td>10,596,436</td>
<td>52,982,181</td>
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<tr>
<td><strong>FTA Section 5309 - Fixed Guideway</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Rail Substation Rehabilitation/Replacement</td>
<td>978,000</td>
<td>244,500</td>
<td>1,222,500</td>
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<tr>
<td>Kinkisharyo LRV Overhaul Program</td>
<td>1,029,600</td>
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<td>1,287,000</td>
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<td>OCS Rehabilitation and Replacement</td>
<td>2,209,701</td>
<td>552,425</td>
<td>2,762,126</td>
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<td>Rail Rehabilitation and Replacement Program</td>
<td>2,586,048</td>
<td>646,512</td>
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<td>LRV Bodyshop Dust Separation Wall</td>
<td>436,000</td>
<td>109,000</td>
<td>545,000</td>
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<td>Light Rail Bridge and Structure Repair</td>
<td>1,360,000</td>
<td>340,000</td>
<td>1,700,000</td>
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<td>LRV Maintenance Shop Hoist</td>
<td>2,749,856</td>
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<td>LR Signal Assess./SCADA System Replace</td>
<td>2,800,000</td>
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<td>3,500,000</td>
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<td>Light Rail Track Crossovers &amp; Switches</td>
<td>579,578</td>
<td>144,895</td>
<td>724,473</td>
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<td>Update Santa Teresa Interlock Signal House</td>
<td>688,000</td>
<td>172,000</td>
<td>860,000</td>
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<tr>
<td><strong>Subtotal Section 5309</strong></td>
<td>15,416,783</td>
<td>3,854,196</td>
<td>19,270,979</td>
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<td><strong>Total FY 2012 FTA Grant Program</strong></td>
<td>57,802,528</td>
<td>14,450,632</td>
<td>72,253,160</td>
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</tbody>
</table>

**Alternatives:**

The VTA Board may select other projects.

**Fiscal Impact:**

The current fund estimates for the grant formula programs indicate that VTA will receive an estimated $42,385,745 in federal Section 5307 UZA Formula funds and $15,416,783 in Section
5309 Fixed Guideway funds. The required local match for Preventive Maintenance and the ADA Operating Set Aside is $10,481,386; these local match funds are included in the Adopted FY 2012 VTA Transit Fund Operating Budget. The required local match for VTA’s capital program projects is $3,969,336; these local match funds are included in the Adopted FY 2012 and FY 2013 VTA Transit Fund Capital Budget.

Prepared by: Marcella Rensi
Memo No. 3644
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Local Program Reserve Programming Actions

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

ACTION ITEM

RECOMMENDATION:

Approve the allocation of up to $2.5 million Local Program Reserve (LPR) to the SR 237 Express Lanes Project's Approval and Environmental Document Phase (PA/ED); $1.175 million LPR and/or Transportation Enhancement (TE) Funds to Palo Alto's California Avenue Transit Hub project; and deprogram $1.2 million from the US 101/Trimble Road/De La Cruz Blvd/Central Expressway Interchange Improvements project.

BACKGROUND:

On March 1, 2012, VTA Board of Directors approved the programming of $50,000 in Local Program Reserve (LPR) Funds to Phase II of the SR 237 Express Lanes project. These funds were needed to develop the specific scope for the environmental clearance and initial design needed to extend the Express Lanes from their current end points to west of Mathilda Avenue in Sunnyvale.

Further, on March 1, 2012 the VTA Board of Directors approved the reprogramming of $1.1 million in Federal funds from the City of Palo Alto’s California Avenue Transit Hub project to the US 101 - Capitol/Yerba Buena Interchange project, pending resolution of outstanding litigation against Palo Alto.

On May 3, 2012, VTA Board of Directors programmed $1.2 million in Local Program Reserve funds to the US 101/Trimble Road/De La Cruz Blvd/Central Expressway Interchange Improvements project for completion of preliminary engineering and Design-Build procurement packaging. The intent was to match $3 million provided by the City of San Jose, and quickly
prepare the project to compete for potential savings from the State's Corridor Mobility Improvement Account (CMIA) bond fund.

**DISCUSSION:**

**US 101/Trimble Road/De La Cruz Blvd/Central Expressway Interchange Improvements:** The preliminary engineering phase work will not be completed in time to compete for State bond funds, and the City of San Jose is re-directing its $3 million to other pressing commitments. The environmental impacts will be completed with local funds. Therefore, VTA staff recommends that the Board deprogram $1.2 million and return the funds to the Local Program Reserve.

Requested Amount: -$1.2 million

**SR 237 Express Lanes-Project Approval and Environmental Document (PA/ED) Phase:** The work for which the VTA Board provided $50,000 has been completed, and VTA is ready to begin the design and environmental work required to extend the Express lanes approximately 4 miles west of the Mathilda Interchange. This project will manage congestion and provide commuters with a new travel option. By converting the SR 237 carpool lanes to Express Lanes and implementing roadway pricing, this option will offer solo drivers a choice to pay a fee and use the available capacity to save time. Work will take place from SR 237 Middlefield to Zanker Road.

There will be some focus beyond the limits on SR 237 and I-880 for traffic operations and advance signage. The cost of this work is estimated to be $2.5 million, and VTA staff recommends programming $2.5 million for that purpose from the Local Program Reserve. Staff contemplates returning in the future to the Board with a request for supplemental funds for design and construction.

Requested Amount: $2.5 million

**Palo Alto’s California Avenue Transit Hub Project:** The project will integrate land uses with bicycle/pedestrian traffic traveling between transit alternatives on El Camino Real (SR82) and the California Avenue Caltrain Station - Park Blvd Plaza. The project includes community identity markers; traffic calming treatments including intersection bulb-outs, mid-block planter islands, reducing 4-lane road to 2-lane road diet; streetscape amenities including outdoor seating areas and enhanced bicycle parking; and community-focused enhancements to the Park Blvd Plaza.

The legal challenges pending against this project have been resolved, and the City is ready to begin construction as soon as funding becomes available. VTA staff recommends restoring $1.175 million to the project from one or both of these funding sources.

(1) **Transportation Enhancement Funds (TE):** VTA staff recommends programming up to $1.175 million of TE funds to the project, subject to regional, state and Federal eligibility requirements. VTA staff believes that approximately 50% of the project scope is TE eligible.

(2) **Local Program Reserve:** VTA staff recommends programming up to $1.175 million of LPR
funds to the project to cover the non-TE eligible elements.

VTA's total commitment to the project will not exceed $1.175 million, regardless of the funding source.

Requested Amount: $1.175 million

**ALTERNATIVES:**

The VTA Board of Directors may choose not to program funds as recommended, or may request modified programming alternatives.

**FISCAL IMPACT:**

This action will provide $2.5 million in Local Program Reserve funds to VTA's Highway Program budget for the SR-237 Phase II project, and release $1.2 million previously programmed for the US 101/Trimble Road/De La Cruz Boulevard Interchange. There is sufficient appropriation for these expenditures. This action also will provide up to $1.175 million to the City of Palo Alto.

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

The Technical Advisory Committee reviewed this item at its July 12, 2012 meeting. The Committee asked for clarification in the memorandum's text on the two funding sources for the Palo Alto project. The Committee unanimously approved the staff recommendation and forwarded it to the VTA Board for approval as part of the Board's consent calendar.

Prepared by: Celeste Fiore
Memo No. 3639
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Transit Performance Initiative Grants: Project Sponsor Resolution of Support

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a resolution authorizing the execution of the One Bay Area Transit Performance Initiative grant for the VTA Light Rail and Stevens Creek Transit Signal Priority Improvement Projects, authorize the General Manager to enter into a fund transfer cooperative agreement with the Metropolitan Transportation Commission (MTC), and amend the FY 2013 VTA Transit Fund Capital Budget to add $1,792,813 for the Light Rail Transit Signal Priority (TSP) Improvement Project.

BACKGROUND:

The Metropolitan Transportation Commission (MTC) has proposed to fund service improvements on major bus and light rail corridors as regional component of the One Bay Area Grant program. The Transit Performance Initiative (TPI) program is a pilot program to fund low-cost capital improvements that improve operations and customer experience in this network. On January 25, 2012, MTC authorized the release of a call for projects focusing the initial $30 million on the largest bus and light rail systems with high ridership urban trunk routes: AC Transit, SFMTA, SamTrans, and VTA.

MTC issued a call for projects in February and received five applications from three agencies: AC Transit, SFMTA and VTA. MTC staff convened an evaluation team and applications were evaluated based on project readiness and project management capacity with priority given to projects that could be implemented within 12-24 months of grant award and that had evidence of engineering and operational support from local jurisdictions. Additionally, cost-effectiveness and
performance indicators like travel time savings and operating cost savings were considered with priority given to corridors with more frequent service.

In response to MTCs’ call for applications, VTA staff submitted a grant application for the VTA Light Rail Transit Signal Priority (TSP) Improvement Project that would implement real-time, reliable transit signal prioritization and light rail vehicle detection system. VTA was awarded $1,587,176 by MTC for the Light Rail TSP Improvement Project. MTC requires an 11.47% local match, so VTA will need to provide $205,637, for a total project budget of $1,792,813. Matching funds will come from the VTA Transit Fund. The system-wide improvements will enable the Cities of San Jose, Santa Clara, Sunnyvale, Milpitas and the County to cooperate to provide live real-time train arrival management and prioritization.

Staff also submitted an application for the Stevens Creek Limited 323 Transit Signal Priority (TSP) Improvement Project, a component of the Stevens Creek Bus Rapid Transit program which would implement real-time transit signal prioritization along Stevens Creek Boulevard and West San Carlos. This will benefit the initial Limited 323 service and future full BRT service in the corridor. VTA was awarded $712,888 by MTC for the Stevens Creek Limited 323 TSP Improvement Project. MTC requires an 11.47% local match, so VTA will need to provide $92,362, for a total project budget of $805,250. Local match will be provided by the 2000 Measure A Fund. The system-wide improvements will enable the Cities of San Jose, Santa Clara and Cupertino to assist VTA in providing real-time transit arrival management and prioritization.

**DISCUSSION:**

The VTA Light Rail Transit Signal Priority Improvement project will implement a real-time, reliable transit signal prioritization and light rail vehicle detection system that enables multiple city and county stakeholders to cooperate in providing live real-time train arrival management and prioritization. Transit Signal Priority improvements will position VTA Light Rail Transit to better serve existing riders and increase ridership in the core system, where market analysis demonstrates potential for growth. This project will complement the VTA Light Rail Efficiency Project, a coordinated program of capital projects that will speed up the system and increase service hours, introduce a new line of service and expand express service.

The Stevens Creek Limited 323 Transit Signal Priority Improvement project would implement transit signal priority for the Limited 323 service, which begins October 1, 2012. This project will implement transit signal priority along Stevens Creek Boulevard and West San Carlos, which will reduce the travel time on the Limited 323. The Stevens Creek Limited 323 Priority Improvement project will implement a real-time, reliable transit signal prioritization and vehicle detection system that enables multiple city stakeholders to cooperate in providing live real-time transit management and prioritization. VTA hopes to replicate the travel time improvements for the Limited 323 that occurred with the introduction of the Rapid 522 in 2005. The Rapid 522 provided a limited stop service and transit signal priority in the corridor and improved operating speed over the local service (Line 22) by 36% during the a.m. peak, 40% during the midday, and 34% during the pm peak. By making these simple improvements the Rapid 522 became 34% faster than the local, which is what VTA would expect to happen with the Limited 323.

Both projects have the potential to reduce operating costs by reducing travel times on the Light
Rail and Limited 323 service.

**ALTERNATIVES:**

There are no practical alternatives. By choosing not to adopt the sponsoring agency resolution, VTA would lose the Metropolitan Transportation Commission OneBayArea Transit Performance grants.

**FISCAL IMPACT:**

This action will make $2,300,065 in Federal grant funds available to VTA for two capital projects. This action will also add $1,792,813 to the FY 2013 VTA Transit Fund Capital Budget for the Light Rail Transit Signal Priority (TSP) Improvement Project. There is sufficient appropriation for the Stevens Creek Limited 323 Transit Signal Priority Improvement Project in the FY 2013 2000 Measure A Transit Improvement Program Fund Capital Budget.

Prepared by: Marcella Rensi
Memo No. 3641
Resolution of Local Support
STP/CMAQ Funding
Resolution No.

Authorizing the filing of an application for federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement (CMAQ) funding and committing the necessary non-federal match and stating the assurance to complete the project

WHEREAS, the Santa Clara Valley Transportation Authority (herein referred to as VTA) is submitting an application to the Metropolitan Transportation Commission (MTC) for funding from the federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement (CMAQ) program in the amounts of $712,888, and $1,587,177 for the Stevens Creek – Limited 323 Transit Signal Priority Project and the Light Rail Transit Signal Priority Improvements Project respectively (herein referred to as PROJECTS, from the MTC Resolution, No. 3925, New Federal Surface Transportation Act (FY 2009-10, FY 2010-11 and FY 2011-12) Cycle 1 STP/CMAQ Program: Project Selection Criteria, Policy, Procedures and Programming (herein referred to as PROGRAM); and

WHEREAS, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA) (Public Law 109-59, August 10, 2005) authorized the Surface Transportation Program (23 U.S.C. § 133) and the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) through September 30, 2009; and

WHEREAS, SAFETEA has been extended through June 30, 2012 and may be subsequently extended pending enactment of successor legislation for continued funding; and

WHEREAS, pursuant to SAFETEA, and the regulations promulgated thereunder, eligible project sponsors wishing to receive federal Surface Transportation Program and/or Congestion Mitigation and Air Quality Improvement Program (STP/CMAQ) funds for a project shall submit an application first with the appropriate Metropolitan Planning Organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission (MTC) is the MPO for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of STP/CMAQ funds; and

WHEREAS, VTA is an eligible project sponsor for STP/CMAQ funds; and
WHEREAS, as part of the application for STP/CMAQ funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

1. the commitment of necessary local matching funds of at least 11.47%; and
2. that the sponsor understands that the STP/CMAQ funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional STP/CMAQ funds; and
3. that the PROJECTS will comply with the procedures specified in Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
4. the assurance of the sponsor to complete the PROJECTS as described in the application, and if approved, as included in MTC’s TIP; and
5. that the PROJECTS will comply with all the project-specific requirements as set forth in the PROGRAM.; and
6. that the PROJECTS (transit only) will comply with MTC Resolution No. 3866, which sets forth the requirements of MTC’s Transit Coordination Implementation Plan to more efficiently deliver transit projects in the region.

NOW, THEREFORE, BE IT RESOLVED that VTA is authorized to execute and file an application for funding for the PROJECTS under the Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) of SAFETEA, any extensions of SAFETEA or any successor legislation for continued funding; and be it further

RESOLVED that VTA by adopting this resolution does hereby state that:

7. VTA will provide $297,998.00 in non-federal matching funds; and
8. VTA understands that the STP/CMAQ funding for the PROJECTS is fixed at the MTC approved programmed amount, and that any cost increases must be funded by VTA from other funds, and that VTA does not expect any cost increases to be funded with additional STP/CMAQ funding; and
9. VTA understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, as revised); and
10. The PROJECTS will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP; and
11. VTA (for a transit project only) agrees to comply with the requirements of MTC’s Transit Coordination Implementation Plan as set forth in MTC Resolution 3866; and
12. VTA and the PROJECTS will comply with the requirements as set forth in the program; and therefore be it further

RESOLVED that VTA is an eligible sponsor of STP/CMAQ funded projects; and be it further

RESOLVED that VTA is authorized to submit an application for STP/CMAQ funds for the PROJECT; and be it further

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

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

RESOLVED that VTA authorizes its' General Manager, or designee to execute and file an application with MTC for STP/CMAQ funding for the PROJECTS as referenced in this resolution; and be it further

RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and be it further
RESOLVED that the MTC is requested to support the application for the PROJECTS described in the resolution and to include the PROJECTS, if approved, in MTC’s TIP.

Passed and adopted by the Board of Directors of the Santa Clara Valley Transportation Authority on ______________________ by the following Vote:

AYES:

NOES:

ABSENT:

____________________________________  KEN YEAGER, Chairperson
Board of Directors

ATTEST:

____________________________________  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 External Affairs Officer, Greta Helm

SUBJECT: Bill Position: AB 2247 (B. Lowenthal)

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

ACTION ITEM

RECOMMENDATION:

Adopt a support position for AB 2247 (B. Lowenthal), which increases the penalties for the unauthorized sale or peddling of any goods, merchandise, property, or services in a public transit facility or vehicle.

BACKGROUND:

Authored by Assembly Transportation Committee Chairperson Bonnie Lowenthal (D-Long Beach), AB 2247 makes unauthorized peddling on or in a public transit facility or vehicle an infraction punishable by a fine not to exceed $250 and by community service not to exceed 48 hours for the first and second offenses. A third or subsequent violation would constitute a misdemeanor, punishable by a fine of not more than $400 and/or imprisonment in a county jail for a period of not more than 90 days. The legislation is primarily intended to make it easier for passengers to ride rail transit without being set upon by so-called pirate vendors, who sell bootlegged DVDs and other items from platforms or by going car to car.

Under the provisions of AB 2247, unauthorized peddling would be handled in the same manner as fare evasion and passenger misconduct infractions for the first and second violations. Under current law, the courts typically have jurisdiction over these offenses. The standard way to enforce public transit criminal infractions is for the transit security officer to give the alleged offender a citation with a court date, which the offender signs, promising to appear. The court later sends a notice to the alleged offender, reminding him or her of the court date, listing the bail amount, and stating that he/she must appear unless the bail is paid.

Existing law also allows certain public transit agencies, including VTA, to establish an
alternative civil infraction process for fare evasion and passenger misconduct violations, effectively moving the adjudication of these violations from the courts to an administrative venue. Several advantages have been cited for this approach. For example, an administrative adjudication process does not require the transit security officer to appear, whereas a court trial does. Thus, transit security officers would be able to spend less time in court and more time on patrol, thereby enhancing the safety and security of their systems. In addition, an administrative adjudication process would allow a public transit agency to have immediate access to information on the status of individual citations and the penalties assessed, rather than having to try to track this information down from the county courts. Finally, an administrative adjudication process would offer violators a less confrontational setting than a criminal proceeding, while still affording them the right to a full hearing should they so choose.

DISCUSSION:

The problem of illegal sales or peddling has increased as public transit systems have grown. Illegal peddlers are sometimes aggressive and disrupt a passenger’s public transit experience. They often sell pirated items, which undermines legitimate businesses and manufacturers, as well as contributes to a loss of state and local government tax revenues on these items. They also are selling consumable food items without proper licensing, which poses a threat to public health and safety. According to the Los Angeles County Sheriff’s Department, the sponsor of AB 2247, the bill would help address this growing problem, and create a safer and more comfortable public transit experience. Therefore, staff recommends that the Board of Directors support this legislation.

ALTERNATIVES:

The Board of Directors could decide to adopt a position for AB 2247 that is different from the one being recommended, or could opt to take no position on this bill at this time.

FISCAL IMPACT:

There is no fiscal impact associated with this recommendation.

Prepared by: Kurt Evans, Government Affairs Manager
Memo No. 3628
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief External Affairs Officer, Greta Helm

SUBJECT: Bill Position: AB 2245 (Smyth)

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

ACTION ITEM

RECOMMENDATION:

Adopt a support position for AB 2245 (Smyth), which exempts a bike lane project undertaken within an existing road right-of-way from the California Environmental Quality Act (CEQA).

BACKGROUND:

CEQA was enacted into law in 1970 in recognition that protecting California’s environment is a matter of statewide concern. The act provides a process for evaluating the environmental impacts of a proposed project. If a project is not exempt from CEQA, the lead agency with the principal responsibility for carrying out or approving the project prepares an initial study to determine whether the project may have a significant impact on the environment. If the initial study shows that there would not be a significant impact, the lead agency prepares a negative declaration. If the opposite is true, the lead agency is required to prepare an environmental impact report (EIR). In general, an EIR describes the proposed project, identifies and analyzes each significant environmental impact expected to result from the project, identifies mitigation measures to reduce those impacts to the extent feasible, and evaluates a range of reasonable alternatives to the project. Prior to approving any project that has undergone an environmental review, the lead agency is required make certain findings. If mitigation measures are required or incorporated into the project, the lead agency must adopt a reporting or monitoring program to ensure compliance with those measures.

Over the past 40 years, guidelines implementing CEQA have evolved and expanded. Today, the guidelines require project impacts to be evaluated based on 84 criteria covering 17 topical areas. These topical areas range from air quality, greenhouse gas emissions, hazardous materials,
biological and cultural resources to water quality, traffic, noise, and land-use planning.

In addition to the guidelines, Congress and the California State Legislature each have adopted dozens of laws to protect environmental quality in 14 of the 17 topical areas. In the case of the three topical areas for which Congress has not taken any action, the Legislature has passed environmental protection laws affecting those areas. In some cases, the state has enacted laws that are more stringent than those in place at the federal level. Environmental laws and regulations designed to implement those laws identify compliance obligations that apply uniformly to similarly situated projects and activities, thereby providing greater clarity than the project-by-project ad hoc review process created by CEQA.

AB 2245 exempts a bike lane established by restriping an existing roadway from CEQA. Under the provisions of the bill, this exemption would end on January 1, 2017, unless extended by the Legislature through the enactment of a subsequent measure.

**DISCUSSION:**

In California, many local and regional agencies are looking to undertake bicycle projects for the purpose of achieving a number of transportation, environmental, health, and safety goals. Providing affordable transportation alternatives, mitigating the negative effects of traffic congestion, reducing greenhouse gas emissions, improving air quality, conserving energy, improving the health and physical fitness of residents, and creating more livable neighborhoods are all benefits that can be realized by increasing bicycle usage in urban areas.

However, one of the biggest impediments to implementing bicycle projects is the cost associated with completing the necessary reviews and analyses. In fact, it is not unusual for the cost associated with completing the CEQA process to be more expensive than an actual bicycle project, thereby serving as a deterrent to project completion, particularly when resources are limited. The intent of AB 2245 is to help address this problem by providing a CEQA exemption for a project that consists of simply restriping an existing roadway to create a dedicated lane for bicycle travel. It is reasonable to conclude that these types of projects would not have a significant negative impact to the environment and, therefore, should not be subjected to CEQA review. We recommend that the Board of Directors support this legislation.

**ALTERNATIVES:**

The Board of Directors could decide to adopt a position for AB 2245 that is different from the one being recommended, or could opt to take no position on this bill at this time.

**FISCAL IMPACT:**

There is no fiscal impact associated with this recommendation.

Prepared by: Kurt Evans, Government Affairs Manager
Memo No. 3629
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THRU: 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:

State Budget: Gov. Jerry Brown signed into law a $92 billion spending plan for FY 2013. To close a General Fund shortfall estimated at $15.7 billion, the enacted budget includes the following key elements:

- Makes another round of cuts to health and human services programs.
- Reduces compensation for state workers by 5 percent to be achieved through furloughs.
- Eliminates Cal Grants for students at schools with low graduation rates and high rates of student debt default.
- Uses local reserves to offset General Fund costs for trial courts.
- Suspends trial court construction activities for a year.
- Uses proceeds from the recent National Mortgage Settlement to offset General Fund costs for debt service related to housing bonds.
- Uses cash assets and property tax revenues from redevelopment agencies to offset General Fund costs for core public services.

The budget assumes $5.9 billion in new revenues that would result if the voters approve a November ballot initiative to temporarily raise income and sales taxes. If this measure fails at the polls, the budget includes approximately $6.1 billion in “trigger” cuts to K-12 public schools,
community colleges, the University of California, and the California State University system. These cuts would go into effect on January 1, 2013.

Here is a recap of the transportation-related elements of the FY 2013 budget:

**Vehicle Weight Fee Revenues:** The budget calls for transferring vehicle weight fee revenues from the State Highway Account to the General Fund to pay for debt service related to general obligation bonds that have been issued for transportation purposes. This action is consistent with intent of the complex restructuring of transportation funding sources that was originally enacted in 2010, and then reaffirmed in 2011 in order to fix a series of problems that resulted from the passage of Propositions 22 and 26.

**STA:** Revenues for the State Transit Assistance Program (STA) are derived entirely from the sales tax on diesel fuel. For FY 2013, the budget projects $420 million for STA, which is slightly more than the amount for the current fiscal year.

**Climate Change:** In FY 2013, the California Air Resources Board (CARB) will begin auctioning greenhouse gas emissions allowances as part of the cap-and-trade program it adopted last December. The first auction is scheduled to take place in November, with subsequent auctions to be held in February and May 2013. As part of the regulation establishing the program, CARB has set a floor price of $10 per ton of emissions and a ceiling of $50 per ton. Based on the 66 million allowances that CARB plans to sell in FY 2013, between $660 million to $3.3 billion could be generated in the upcoming fiscal year. The budget dedicates at least $500 million toward eligible General Fund expenditures in order to help reduce the deficit. It further states that the appropriation of additional cap-and-trade funds beyond those used to offset General Fund expenditures will be contingent upon the enactment of future legislation.

**Tribal Gaming Revenues:** In 2004, legislation was enacted to provide for the use of revenues from renegotiated gaming compacts between the state and a number of Native American tribes to pay back previous loans from various transportation accounts to the General Fund. The bill also authorized the state to issue bonds backed by these revenues to allow for the repayments to occur sooner. This bonding authority was challenged in court. Although the lawsuit was eventually resolved in favor of the state, tribal gaming revenues have been used to balance the General Fund, rather than to pay back prior-year transportation loans, and no bonds have been issued. The budget calls for continuing this trend through FY 2016. Therefore, about $100 million in FY 2013 tribal gaming money will be transferred to the General Fund.

**Off-Highway Gas Tax Revenues:** The budget transfers $312 million in gasoline excise tax revenues generated from the purchase of fuel for off-highway vehicles to the General Fund. Whereas gas tax revenues collected from vehicles that drive on highways and local streets/roads are dedicated to transportation by the state Constitution, gasoline purchased for use in off-road vehicles is not protected. The transfer of these revenues to the General Fund will result in a loss of funding for the State Transportation Improvement Program (STIP) and local streets/roads.

**Caltrans Capital Outlay Support:** Given that Caltrans’ workload is expected to decrease as projects funded with federal ARRA dollars wind down, the budget reflects the elimination of
roughly 300 engineering, design and construction oversight positions within the department.

**PID:** Lawmakers included a State Highway Account appropriation in the FY 2013 budget to cover Caltrans’ costs for reviewing and approving project initiation documents (PIDs) for state highway corridors that local agencies undertake. However, Gov. Brown used his line-item veto authority to delete this appropriation, as he did last year. As a result, for the second year in a row, Caltrans will not have the resources to review and approve any local agency PIDs in FY 2013, unless the local agency agrees to reimburse the department for its costs.

**High-Speed Rail:** As requested by Gov. Brown, the Legislature approved SB 1029, which provides approximately $8 billion in spending authority in FY 2013 to begin construction of California’s proposed high-speed rail system, as well as for intercity, commuter and urban rail projects that are geared toward improving connectivity with high-speed rail or preparing corridors for “blended operations” between high-speed rail and regional passenger rail services.

The vote in the Assembly was 52-28, a much wider margin than in the Senate, where the outcome was in doubt up until the last minute. With all 15 Republican senators opposed to high-speed rail and several Democrats wavering, Senate President Pro Tempore Darrell Steinberg (D-Sacramento) had to scramble to muster support from at least 21 out of the chamber’s 25 Democrats. After a two-hour floor debate, the Senate passed the bill by a tally of 21-16, with Democratic Sens. Mark DeSaulnier (Concord), Alan Lowenthal (Long Beach), Fran Pavley (Agoura Hills), and Joe Simitian (Palo Alto) breaking ranks and voting “no.”

Specifically, SB 1029 appropriates the following:

- $5.85 billion ($2.61 billion in Proposition 1A bond funds matched with $3.24 billion in federal money) to begin building a 130-mile segment of California’s high-speed rail system in the Central Valley.

- $1.1 billion in Proposition 1A bond funds to be made available by the California High-Speed Rail Authority for early investment in the Peninsula Corridor and in the Los Angeles Basin to prepare for “blended operations” between high-speed rail, and Caltrain in the Bay Area and Metrolink in Southern California.

- $819 million in Proposition 1A “connectivity” funds, including $106 million for intercity rail, and $713 million for local and regional rail. Under the provisions of Proposition 1A, $950 million in bond proceeds was set aside to be allocated on a formula basis to intercity, commuter and urban rail operators for projects that either: (a) provide or improve connectivity to high-speed rail; or (b) enhance the capacity and improve the safety of intercity, commuter and urban rail systems. Of this amount, $131 million was appropriated by the Legislature in prior fiscal years. SB 1029 appropriates the remainder, which would be allocated by the California Transportation Commission (CTC) according to the program of projects that it adopted last month.

- $252.5 million ($204.2 million in Proposition 1A bond funds and $48.3 million in federal money) to complete preliminary engineering work and environmental review for other
segments of the high-speed rail system.

In the Bay Area, a memorandum of understanding (MOU) that was executed by the Metropolitan Transportation Commission (MTC); five Bay Area transportation agencies, including VTA; two municipalities, including the city of San Jose; and the High-Speed Rail Authority sets up a framework for early investment in the Peninsula Corridor. The MOU includes a comprehensive financial strategy that contemplates investing a total of $1.456 billion in the near term to modernize and electrify the Peninsula Corridor, thereby significantly improving Caltrain and preparing the corridor for future implementation of “blended” Caltrain and high-speed rail operations. The financial strategy in the MOU identifies $106 million in Proposition 1A connectivity funds from the formula shares for VTA, Caltrain and BART, and calls for the High-Speed Authority to contribute $600 million of its Proposition 1A money. SB 1029 appropriates these funds.

**State Government Reorganization:** In the absence of a negative vote in either the Assembly or the Senate, Gov. Brown’s plan to reorganize state government became effective on July 3. To allow time to transition to the new structure, the plan will become operative on July 1, 2013. The Commission on California State Government Organization and Economy (“Little Hoover Commission”) had previously released a report on the plan, recommending that it be allowed to go into effect.

In general, the Governor’s plan eliminates two cabinet-level agencies, as well as approximately 40 boards, commissions and departments. In the case of transportation, it breaks apart the Business, Transportation & Housing Agency, and consolidates transportation functions into a stand-alone, cabinet-level Transportation Agency to be overseen by a transportation secretary. This new agency will consist of Caltrans, the Department of Motor Vehicles (DMV), the California Highway Patrol (CHP), the California High-Speed Rail Authority, the CTC, the Board of Pilot Commissioners, and the Office of Traffic Safety. Meanwhile, state entities related to business and housing will be consolidated with those that deal with consumer issues into a new Business, Consumer Services & Housing Agency.

During legislative hearings on Gov. Brown’s reorganization plan, lawmakers raised concerns about how the CTC, which has been operating as an independent entity with its own governing board, would be impacted. Although administration officials noted that pulling the CTC under an agency umbrella does not change its statutorily defined functions, AB 1458 (Buchanan) has been amended to make it explicit that the commission would retain its independent authority to perform its duties as prescribed under state law. Gov. Brown has signaled that he would sign the bill if it passes the Legislature.

**Pension Reform:** Gov. Brown and Democratic lawmakers continue to be at odds over various aspects of public employee pensions. For the Governor, enacting pension reform legislation remains a high priority, primarily because he sees it as a way to sell his November tax initiative to the voters.

Last December, Gov. Brown issued a 12-point plan for reforming pensions for both state and local government workers. The centerpiece of his plan consists of replacing defined-benefit
pensions for new public employees with a mandatory “hybrid” system that combines a small, defined benefit with Social Security and a 401(k)-style benefit. While many of Gov. Brown’s proposed changes would affect new hires, he does want both current and future public employees to contribute more to their pensions, and he is pushing to curb practices that have been used by some workers to spike their pensions.

According to Democratic legislative leaders, lawmakers are in “common agreement” on most of Gov. Brown’s proposals, including calculating pension benefits for new hires based on the highest average income over a three-year period, rather than on the single highest year; excluding unused sick and vacation time, bonuses, and overtime pay from figuring into the pension calculations in the case of all employees; and prohibiting the purchase of additional service credits, or “air time.” However, Democrats and the Governor still disagree on the hybrid concept; the ways in which the state would increase the retirement age for future employees; and how to increase contribution requirements for existing workers.

Prepared By: Kurt Evans, Government Affairs Manager
Memo No. 3659
### State Assembly Bills

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<th>State Assembly Bills</th>
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<tr>
<td>AB 16 (Perea) High-Speed Rail: Rolling Stock and Equipment Purchases</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>
<td>As Introduced</td>
<td>Senate Floor</td>
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<td>AB 41 (Hill) High-Speed Rail Authority: Conflicts of Interest</td>
<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. Specifies that each employee of a contractor or subcontractor to the High-Speed Rail Authority who serves in a peer review capacity is deemed to be a designated employee of the authority and, thus, is subject to the authority’s conflict of interest code and to the various other restrictions that apply to designated employees of a state agency.</td>
<td>4/30/12</td>
<td>Senate Floor</td>
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<tr>
<td>AB 57 (Beall) Metropolitan Transportation Commission: Governance</td>
<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. Requires the MTC representative appointed by the Bay Conservation and Development Commission (BCDC) to be a member of the commission and a resident of San Francisco. Also requires the BCDC appointment to be approved by the mayor of San Francisco. Prohibits more than three members of MTC from being residents of the same county.</td>
<td>6/20/12</td>
<td>Governor’s Office</td>
<td>Support</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 Floor Oppose | |
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<td><strong>AB 296</strong>&lt;br&gt; (Skinner)&lt;br&gt;Cool Pavements Research and Implementation Act</td>
<td>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><strong>AB 343</strong>&lt;br&gt; (Atkins)&lt;br&gt;Redevelopment Plans</td>
<td>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><strong>AB 345</strong>&lt;br&gt; (Atkins)&lt;br&gt;Traffic Control Devices: Consultation</td>
<td>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><strong>AB 441</strong>&lt;br&gt; (Monning)&lt;br&gt;Regional Transportation Plans: Health Issues</td>
<td>Requires the California Transportation Commission (CTC) to include in an attachment to the next revision of its guidelines for the preparation of regional transportation plans (RTPs) a summary of the policies, practices or projects that have been employed by metropolitan planning organizations (MPOs) to promote health and health equity.</td>
<td>6/4/12</td>
<td>Senate Appropriations Committee</td>
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<td><strong>AB 485</strong>  (Ma) 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 Floor</td>
<td>Support</td>
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<td><strong>AB 539</strong>  (Williams) Electronic Toll Collection Systems</td>
<td>Allows a transportation agency or its designee to share data with another transportation agency solely to comply with interoperability specifications and standards related to electronic toll collection devices and technologies. Also allows a transportation agency to participate in a nationwide interoperability program with toll collection agencies in other states, to which the agency may provide only the following information regarding a vehicle’s use of the toll facility: (a) license plate number; (b) transponder identification number; (c) date and time of transaction; and (d) identity of the agency operating the toll facility.</td>
<td>6/27/12</td>
<td>Senate Transportation and Housing Committee</td>
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<td><strong>AB 710</strong>  (Skinner) 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 Floor</td>
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<td><strong>AB 812</strong>  (Ma) 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 Environmental Quality Committee</td>
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<td><strong>AB 819</strong>&lt;br&gt;(Wieckowski)&lt;br&gt;Bikeways</td>
<td>Requires Caltrans to establish procedures for local agencies to be granted exceptions from the requirement in current law to use standard planning, design and construction features for bikeways, and standard signs, markers and traffic control devices for roadways where bicycle travel is permitted for purposes of research, experimentation, testing, evaluation, or verification.</td>
<td>5/8/12</td>
<td>Senate Appropriations Committee</td>
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<td><strong>AB 845</strong>&lt;br&gt;(Ma)&lt;br&gt;Proposition 1A: Commuter and Urban Rail Funds</td>
<td>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><strong>AB 890</strong>&lt;br&gt;(Olsen)&lt;br&gt;CEQA Exemption: Roadway Improvements</td>
<td>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>
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<td><strong>AB 904</strong>&lt;br&gt;(Skinner)&lt;br&gt;Sustainable Minimum Parking Requirements Act of 2012</td>
<td>States the intent of the Legislature to eliminate minimum parking requirements for infill and transit-oriented development. Beginning January 1, 2014, prohibits a city or county from requiring a minimum number of off-street parking spaces in transit-intensive areas, as defined, greater than the following: (a) two parking spaces per thousand square feet of non-residential development of 20,000 square feet or less on a single property; (b) one parking space per unit for non-income-restricted residential projects; (c) three-quarters parking spaces per unit for projects that include both income-restricted and non-income-restricted residential units; and (d) one-half parking spaces per unit for residential units that are restricted by a recorded covenant or a deed lasting at least 55 years to rents or prices affordable to persons and families making less than 60 percent of the area median income.</td>
<td>7/5/12</td>
<td>Senate Governance and Finance Committee</td>
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<td><strong>AB 910</strong>&lt;br&gt;(Torres)&lt;br&gt;Infrastructure Financing Districts: Affordable Housing and Economic Development</td>
<td>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>
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<td><strong>AB 1092</strong>&lt;br&gt;(B. Lowenthal)&lt;br&gt;High-Speed Rail Authority: Biannual Report to the Legislature</td>
<td>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>
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<tr>
<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: Record of Proceedings</td>
<td>At the request of a project applicant and subject to the project applicant’s agreeing to bear the costs incurred by the lead agency, requires the lead agency for California Environmental Quality Act (CEQA) purposes to prepare a record of proceedings concurrently with the preparation, adoption or certification of an environmental document for a project, as specified. With regard to a legal challenge filed against a lead agency’s action pursuant to CEQA, requires the court to schedule a hearing within 30 days of the filing of the statement of issues regarding the record of proceedings. Sunsets the provisions of the bill on January 1, 2016.</td>
<td>5/1/12</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>AB 1448</strong>&lt;br&gt;(Furutani)&lt;br&gt;Home-to-School Transportation Funding</td>
<td>Prohibits the Legislature from reducing funding for home-to-school transportation below the amount established in the Budget Act of 2011.</td>
<td>3/19/12</td>
<td>Assembly Appropriations 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>AB 1458 (Buchanan)</td>
<td>Makes it explicit that the California Transportation Commission (CTC) will retain its independent authority to perform its powers, duties and functions as prescribed under state law regardless of the fact that the Governor’s Reorganization Plan places it in a new Transportation Agency under the authority of a transportation secretary. Provides that this bill will become operative on July 1, 2013, and only if the Governor’s Reorganization Plan takes effect.</td>
<td>6/28/12</td>
<td>Governor’s Office</td>
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<td>AB 1523 (Perea)</td>
<td>Commencing with the 2013-14 school year, when funds become available for additional partnership academies, requires the superintendent of public instruction to issue grants for the establishment of partnership academies. Requires the superintendent of public instruction to give priority to partnership academies dedicated to educating pupils in transportation for the 21st century until no less than one such academy has been established in each geographical area of the California High-Speed Rail Authority’s planned 10 project sections. In order for a school district to be eligible for funding for a Transportation for the 21st Century Partnership Academy, requires the coursework, and internship or pre-apprenticeship programs of the proposed academy to focus on the use of environmentally sound technologies and practices.</td>
<td>5/2/12</td>
<td>Assembly Appropriations 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) and any other state administering agency to expend the funds in the account for measures and programs that would facilitate the achievement of feasible and cost-effective reductions of greenhouse gas emissions, and, where applicable and to the extent feasible, do all of the following: (1) maximize economic, environmental and public health benefits to the state; (2) foster job creation by promoting in-state greenhouse gas emissions reduction projects carried out by California workers and businesses; (3) complement efforts to improve air quality; (4) direct investment toward the most disadvantaged communities and households in the state; and (5) provide opportunities for small businesses, schools, affordable housing developers, water agencies, local governments, and other community institutions to participate in and benefit from statewide efforts to reduce greenhouse gas emissions. Provides that money in the Greenhouse Gas Reduction Account may be allocated for investments in any of the following: (1) clean and efficient energy; (2) low-carbon transportation and infrastructure, including public transportation; sustainable transportation and infrastructure development; programs for clean vehicles and the advancement of transportation technologies; advanced transportation and fueling infrastructure; and local and regional sustainable development efforts that are consistent with a sustainable communities strategy or alternative planning strategy adopted pursuant to SB 375; (3) natural resource protection; or (4) research, development and deployment of innovative technologies, measures and practices. Prohibits the state from allocating money from the account for a measure or program that is inconsistent with the California Supreme Court’s decision in <em>Sinclair Paint Co. v. State Bd. of Equalization</em>. Requires CARB or any other state administering agency to allocate money from the account through competitive grants, revolving loans, loan guarantees, loans, credit enhancements, or other appropriate funding measures to qualified recipients to reduce greenhouse gas emissions. Requires CARB to adopt guidelines regarding the allocation and allowable uses of money from the account. Beginning April 1, 2013, requires CARB to adopt three investment plans for the following time periods: (1) 2013 to 2014; (2) 2015 to 2017; and (3) 2018 to 2020. As part of his/her annual budget, requires the Governor to submit to the Legislature proposed appropriations from the Greenhouse Gas Reduction Account, consistent with the relevant investment plan. Requires the Legislature to consider adopting the appropriations submitted by the Governor as part of the annual Budget Act. Exempts the investment plan from the California Environmental Quality Act (CEQA), but does not provide a CEQA exemption for any individual project funded consistent with the investment plan.</td>
<td>6/18/12</td>
<td>Senate Environmental Quality Committee</td>
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<td>AB 1535 (Halderman)</td>
<td>HOV Lanes: Signage</td>
<td>If replacing signs designating high-occupancy vehicle (HOV) lane use in an area that allows motorcycles to use such lanes, requires Caltrans or a local authority to include language on the new signs stating that motorcycles are permitted in the HOV lanes.</td>
<td>3/14/12</td>
<td>Assembly Appropriations Committee</td>
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| **AB 1536**  
(Miller)  
Electronic Wireless Communications Devices | Clarifies that a person is prohibited from driving a motor vehicle while using an electronic wireless communications device to write, send or read a text-based communication, unless the device is specifically designed and configured to allow voice-operated and hands-free operation to dictate, send or listen to a text-based communication, and it is used in that manner while driving. | 5/3/12 | Governor’s Office | |
| **AB 1570**  
(Perea)  
CEQA: Record of Proceedings | 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 of a negative declaration, mitigated negative declaration, environmental impact report (EIR), or other environmental documents for the project, as specified. Repeals the provisions of the bill on January 1, 2016, unless that date is deleted or extended through the enactment of subsequent legislation. | 4/10/12 | Senate Environmental Quality Committee | |
| **AB 1574**  
(Galgiani)  
High-Speed Rail: Organizational Structure | Places the California High-Speed Rail Authority within the Business, Transportation & 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, urban transit systems and other transit services developed by local agencies, through the use of common station facilities whenever 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 & 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’s Board of Directors 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: (1) be exempt from civil service; and (2) serve at the pleasure of the executive director. Limits the Governor’s ability 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 High-Speed Rail Authority to conduct a salary survey to determine the compensation for the executive director and these additional officers, and requires their salaries to be approved by the Department of Personnel Administration. 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. | As Introduced | Assembly Transportation Committee | |
| **AB 1618**  
(Galgiani)  
High-Speed Rail: Workforce Education Needs | Requires the California High-Speed Rail Authority to consult with the University of California, the California State University and the California Community Colleges to determine how the state can best meet the educational needs for the future high-speed rail design, construction, operations, and maintenance workforce. Requires the High-Speed Rail Authority to seek federal funding for this purpose. Requires the High-Speed Rail Authority to report to the Governor and Legislature on this matter by July 1, 2014. | 5/1/12 | Assembly Appropriations Committee | |
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| **AB 1627**  
(Dickinson)  
Vehicle Miles Traveled | By January 1, 2014, requires the Office of Planning and Research to prepare and make available a manual designed to be used by local agencies and project developers to evaluate and incorporate measures and strategies to reduce vehicle miles traveled in new residential and commercial building projects. | 4/10/12 | Assembly Business, Professions and Consumer Protection Committee | |
| **AB 1633**  
(Wagner)  
Public Employees’ Retirement: Maximum Allowable Benefits | Prohibits the retirement benefit paid to a member of any public retirement system whose service is not included in the federal Social Security System from exceeding $100,000. Prohibits the retirement benefit paid to a member of any public retirement system whose service is included in the federal Social Security System from exceeding $80,000. Allows those amounts to be adjusted annually using the Consumer Price Index. Specifies that the provisions of the bill apply to a public employee who is first employed by a public agency and becomes a member of any public retirement system on or after January 1, 2013. | As Introduced | Assembly Rules Committee | |
| **AB 1639**  
(Hill)  
Public Employees’ Retirement: Determination of Benefits | For purposes of determining a retirement benefit paid to a person who first becomes a member of a public retirement system on or after January 1, 2013, prohibits that the maximum salary, compensation or pay rate taken into account under the plan for any year from exceeding the amount permitted to be taken into account under federal Internal Revenue Code. | As Introduced | Assembly Rules Committee | |
| **AB 1645**  
(Norby)  
Naming of State Highways | Transfers the authority for naming highways, bridges, pathways, and other transportation infrastructure from the Legislature to the California Transportation Commission (CTC). | As Introduced | Assembly Transportation Committee | |
| **AB 1655**  
(Dickinson)  
State Public Employees’ Bill of Rights Act | Enacts the Public Employees’ Bill of Rights Act. Specifies various rights and terms of employment for state public employees. Among other things, provides that state employees shall be entitled to priority over contractors in filling permanent, overtime and on-call positions. | 3/20/12 | Assembly Appropriations Committee | |
| **AB 1665**  
(Galgiani)  
CEQA Exemption: Railroad Crossings | Exempts from the California Environmental Quality Act (CEQA) the closure of a railroad grade crossing by order of the California Public Utilities Commission (CPUC), if commission finds that the crossing presents a threat to public safety. | 4/18/12 | Senate Environmental Quality Committee | |
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<td>AB 1706</td>
<td>Exempts the current bus fleets of public transit agencies from the 20,500 single axle weight limit in the Vehicle Code, as well as any new buses being procured through a solicitation that was issued before January 1, 2013. Sets a new state weight limit on a single axle of a public transit bus at 21,000 pounds unladen weight and 24,000 pounds gross weight, beginning in 2019. Between January 1, 2013, and January 1, 2019, prohibits a public transit agency from procuring a new bus whose unladen weight on any one axle exceeds 21,000 pounds or whose gross weight on any one axle exceeds 24,000 pounds, unless every city and county through which the bus would operate has approved the procurement or the operation of the bus. Exempts public transit buses operated in compliance with state and federal air quality regulations requiring a demonstration program, including hydrogen fuel cell buses, and other zero emission or near zero emission buses, from the 20,500-pound limit, as well as from the provisions of this bill. Prohibits the operation of any public transit bus on the Interstate system that exceeds the federal single axle weight limit of 24,000. Automatically conforms state law to federal law should federal weight limits be changed in the future. Requires state agencies to take into consideration vehicle weight impacts and the ability of vehicle manufacturers and operators to comply with laws limiting the weight of vehicles when promulgating regulations that would affect vehicle weights.</td>
<td>6/26/12</td>
<td>Senate Transportation and Housing Committee</td>
<td>Support</td>
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<td>AB 1722</td>
<td>Prior to June 30, 2013, requires Caltrans to update its internal policies to allow displays of the following types of messages on changeable roadside message signs: (1) safety messages; (2) transportation-related messages; (3) reminders to register to vote; and (4) reminders to vote as elections approach.</td>
<td>4/9/12</td>
<td>Assembly Transportation Committee</td>
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<td>AB 1770</td>
<td>Makes rail rolling stock procurements eligible for financing through the California Transportation Financing Authority.</td>
<td>As Introduced</td>
<td>Senate Appropriations Committee</td>
<td>Support</td>
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<td>AB 1779</td>
<td>Creates the San Joaquin Joint Powers Authority (JPA). Authorizes Caltrans to enter into an agreement to transfer to the JPA all responsibility for administering the San Joaquin Corridor Intercity Rail Service, if it is determined by the secretary of the Business, Transportation &amp; Housing Agency that the transfer would result in administrative and operating cost reductions. Requires this interagency agreement to be executed by December 31, 2013. As a condition of entering into an operating agreement with the JPA to provide intercity passenger rail service, requires a contractor to agree that its labor relations will be governed by the federal Railway Labor Act. With regard to the San Joaquin Corridor, provides that local resources shall not be available for expenditure to offset any redirection, elimination, reduction, or reclassification of state resources for operating intercity passenger rail services.</td>
<td>6/27/12</td>
<td>Senate Transportation and Housing Committee</td>
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<td>AB 1780 (Bonilla)</td>
<td>Project Study Reports (PSRs) Requires project study reports (PSRs) or equivalent planning documents for state highway projects to include a cost estimate, schedule and other information at a level deemed necessary to form a sound basis for the commitment of future state funding and project delivery. For a state highway project that is in an adopted regional transportation plan (RTP), a voter-approved county sales tax measure expenditure plan or other voter-approved transportation program, provides that Caltrans’ costs for review and approval of the applicable PSR or equivalent planning document shall be at the department’s expense. For other projects, requires the local entity performing the work to reimburse Caltrans for the costs for reviewing and approving the PSR or equivalent planning document. Allows a local entity to prepare a PSR or equivalent planning document at its own expense if Caltrans cannot complete it in a timely manner.</td>
<td>3/29/12</td>
<td>Senate Appropriations Committee</td>
<td>Support</td>
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<td>AB 1831 (Dickinson)</td>
<td>Local Agencies: Hiring Practices Prohibits a local agency from inquiring into or considering the criminal history of an applicant, or including any inquiry about criminal history on any initial employment application. Allows a local agency to inquire into or consider an applicant’s criminal history after his or her qualifications have been screened, and the agency has determined that the applicant meets the minimum employment requirements, as stated in any notice issued for the positions. Specifies that the provisions of the bill do not apply to a position for which a local agency is otherwise required by law to conduct a criminal background check, or to any position or individual working within a criminal justice agency.</td>
<td>6/11/12</td>
<td>Senate Governance and Finance Committee</td>
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<td>AB 1890 (Solorio)</td>
<td>Toll Highways: Motorcycles 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 as long as the transponder or device is able to be read by the toll operator’s detection equipment: (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, if the toll operator provides such devices; (d) keep the transponder or other electronic toll payment device in the glove or storage compartment of the motorcycle; or (e) mount the transponder or other electronic toll payment device on the windshield of the motorcycle.</td>
<td>6/6/12</td>
<td>Governor’s Office</td>
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<td>AB 1915 (Alejo)</td>
<td>Safe Routes to School Program Allows up to 10 percent of funding under the state’s Safe Routes to School Program to be used to assist eligible recipients in making infrastructure improvements, other than school bus shelters, that create safe routes to schoolbus stops that are located outside the vicinity of schools.</td>
<td>6/26/12</td>
<td>Senate Appropriations Committee</td>
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<td>AB 1971 (Buchanan)</td>
<td>Copper Theft Involving Public Transit Property Clarifies that the theft or attempted theft of copper resulting in damage to public transit property and facilities; public parks property and facilities; and public utilities and water property and facilities constitutes vandalism. Increases the maximum fine from $250 to $1,000 for a person who knowingly buys copper without verifying that it has been legally obtained.</td>
<td>4/30/12</td>
<td>Governor’s Office</td>
<td>Support</td>
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<td><strong>AB 1989</strong> (Carter)</td>
<td>State Parks: Bicycle Facilities</td>
<td>Beginning July 1, 2013, imposes a surcharge on every retailer for the privilege of selling a new bicycle in California at the rate of $2 per new bicycle. Requires the revenues generated by this surcharge to be deposited into the State Park Bicycle Facilities Fund. Upon appropriation by the Legislature, requires the Department of Parks and Recreation to use 60 percent of the surcharge revenues to: (1) establish a local assistance program to distribute grants, on a competitive basis, to local jurisdictions and non-profit organizations for the creation or maintenance of bicycle trails and paths, and related signage and facilities; and (2) encourage joint partnership projects between two or more entities. Requires the department to use 40 percent of the surcharge revenues to pay for maintenance of the following within units of the state park system: (1) bicycle trails and paths; (2) signage with respect to bicycle trails and paths; and (3) bicycle facilities, including bicycle parking facilities.</td>
<td>4/18/12</td>
<td>Assembly Water, Parks and Wildlife Committee</td>
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<td><strong>AB 2095</strong> (Campos)</td>
<td>State Highways: Signs for Culturally Unique and Historically Significant Communities</td>
<td>Authorizes Caltrans to erect signs on the state highway system directing motorists to culturally unique and historically significant communities if the department receives: (1) a resolution of support from the county; and (2) a letter of non-opposition from the city in which the community is located.</td>
<td>6/27/12</td>
<td>Senate Appropriations Committee</td>
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<td><strong>AB 2144</strong> (J. Perez)</td>
<td>Infrastructure and Revitalization Financing Districts</td>
<td>Changes the name “infrastructure financing district” to “infrastructure and revitalization financing district.” Expands the list of projects that a district may finance to include: (1) watershed land used for the collection and treatment of water for urban uses; (2) flood management; (3) habitat restoration; (4) brownfields restoration and other environmental mitigation; (5) purchase of land and property for development purposes and related site improvements; (6) acquisition, construction or repair of housing for rental or purchase, including multipurpose facilities; (7) acquisition, construction or repair of commercial or industrial structures for private use; (8) projects on a former military base; and (9) projects that implement a sustainable communities strategy prepared pursuant to SB 375. Deletes the prohibition on a district’s including any portion of a redevelopment project area, and allows a district to finance projects in such areas. Authorizes the creation of a district, adoption of a financing plan, and the issuance of bonds for implementing a financing plan with a 55 percent, rather than a two-thirds, vote. Allows a district to be created for up to 40, rather than 30, years. Allows a district to issue debt with a final maturity date of up to 30 years.</td>
<td>7/3/12</td>
<td>Senate Appropriations Committee</td>
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<td><strong>AB 2147</strong> (Cedillo)</td>
<td>Automated Rail and Fixed Guideway Enforcement Systems</td>
<td>Allows a governmental agency to equip a railroad or fixed guideway crossing with an automated enforcement system that photographically records the presence of a vehicle that enters into a gated or ungated crossing, if the system is identified by signs that are visible to traffic approaching from each direction. Specifies the procedures to be used by a governmental agency for the processing of a notice of violation based on evidence from an automated rail or fixed guideway enforcement system.</td>
<td>3/29/12</td>
<td>Assembly Transportation Committee</td>
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<td><strong>AB 2163</strong>&lt;br&gt;(Knight)&lt;br&gt;Jobs and Economic Improvement Through Environmental Leadership Act of 2011</td>
<td>Makes several changes to the Jobs and Economic Improvement Through Environmental Leadership Act of 2011, which established streamlined procedures for the judicial review of the environmental impact report (EIR) and approvals granted for so-called “environmental leadership development projects.” Expands the list of environmental leadership development projects that would be eligible for the streamlined procedures under the act to include: (a) commercial development projects exceeding 125,000 square feet; (b) residential development projects exceeding 50 units; and (c) recreational use projects with more than 20 acres of cultivated development. Repeals the requirements that an environmental leadership development project must result in a minimum investment of $100 million, be located in an infill site and be certified by the Governor. Requires a project eligible for the streamlined procedures under the act to be designed to meet or exceed the standards for the CalGreen Tier 1 building as provided in the California Green Building Standard.</td>
<td>As Introduced</td>
<td>Assembly Natural Resources Committee</td>
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<td><strong>AB 2173</strong>&lt;br&gt;(Skinner)&lt;br&gt;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 Transportation Committee</td>
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<td><strong>AB 2192</strong>&lt;br&gt;(Miller)&lt;br&gt;Motor Vehicles: Confidential Home Addresses</td>
<td>Requires a person who requests the confidentiality of his or her home address to provide the Department of Motor Vehicles (DMV) with a current employment address for purposes of processing the service and collection of a traffic, parking or toll road violation. Requires a person who has requested such confidentiality to notify the DMV of any change in his or her employment address within 10 days. Requires the DMV to refuse to renew the registration of a vehicle owned or leased by such person if: (a) the person has been mailed a notice of delinquent parking violation or a failure to pay a traffic citation; (b) the processing agency has filed or electronically transmitted to the department an itemization of the unpaid parking or traffic citation penalty, including the administrative fee; and (c) the person has not paid the penalty and administrative fee.</td>
<td>3/29/12</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>AB 2200</strong>&lt;br&gt;(Ma)&lt;br&gt;High-Occupancy Vehicle Lanes: I-80 Corridor</td>
<td>If consistent with the State Implementation Plan (SIP) for the Bay Area adopted pursuant to the federal Clean Air Act, suspends the hours of operation for highway lanes designated for high-occupancy vehicles (HOVs) in the I-80 Corridor within the jurisdiction of the Metropolitan Transportation Commission (MTC) during the reverse commute direction. Sunsets the provisions of the bill on January 1, 2020.</td>
<td>5/1/12</td>
<td>Senate Transportation and Housing Committee</td>
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| **AB 2224**  
(Smyth and Conway)  
Public Employees’ Retirement | Makes various changes to state statutes pertaining to public employee pensions. For all public employees: (1) prohibits any enhancement to an employee’s retirement formula or benefit from being applied to any service performed prior to the operative date of the enhancement; (2) requires public employees to contribute at least one half of the annual actuarially determined normal costs of any defined benefit plan or component; (3) prohibits a public employer from paying on behalf of an employee any of his or her required employee contribution; and (4) prohibits a public retirement system from allowing the purchase of non-qualified, additional retirement service credit, however that service credit may be denominated. Requires a public employer to offer to its employees first hired on and after July 1, 2013, only a hybrid pension plan made available by the public retirement system. Requires such a hybrid pension plan to: (1) consist of a defined benefit component, a defined contribution component or alternative plan component; and (2) be designated with the goal of providing annually during retirement replacement income of 75 percent of a public employee’s final compensation, based on a full career in public service. Defines “full career in public service” to mean 30 years of credited service and a normal retirement age of 57 for public employees in safety member classifications and 35 years of credited service and a normal retirement age of 67 for all other public employees. For a defined benefit for retirement for public employees hired on and after January 1, 2013, requires final compensation to be calculated using the employee’s highest average pay rate during at least a consecutive 36-month period of service, not including bonuses, unplanned overtime, severance pay, or payments for accrued vacation, sick leave or leave of any form. Provides that the provisions of this bill shall become operative on January 1, 2013, only if SCA 18 is approved by the voters at the November 6, 2012, statewide general election. | As Introduced | Assembly Public Employees Retirement and Social Security Committee |
| **AB 2231**  
(Fuentes)  
Sidewalk Repairs | Provides that if a city or county has an ordinance in place requiring the repair of sidewalks, the ordinance may not be repealed unless approved by a majority vote of the electorate. Also prohibits a city or county that has such an ordinance in place from imposing a fee, charge or assessment for sidewalk repairs against an owner of private property fronting on any portion of a sidewalk unless a repeal of the ordinance is approved by the voters. | 6/28/12 | Senate Appropriations Committee |
| **AB 2245**  
(Smyth)  
CEQA Exemption: Bikeway Projects | Exempts from the California Environmental Quality Act (CEQA) a Class II bikeway project undertaken by a city or county within an existing road right-of-way. Repeals the provisions of the bill on January 1, 2017, unless that date is deleted or extended through the enactment of subsequent legislation. | 5/15/12 | Senate Environmental Quality Committee |
| **AB 2247**  
(B. Lowenthal)  
Public Transit: Violations | 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. | 6/26/12 | Senate Appropriations Committee |
| **AB 2277**  
(Hueso)  
Adopt a Highway Program: Courtesy Signs | 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. | As Introduced | Assembly Transportation Committee |
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<th>State Assembly</th>
<th>Subject</th>
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<th>Status</th>
<th>VTA Position</th>
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<tr>
<td>AB 2298</td>
<td>Requires the Board of State and Community Corrections to establish a Metal Theft Task Force Program to administer grants to applicant regional task forces for purposes of providing local law enforcement and district attorneys with the tools necessary to successfully interdict the commission of metal theft and related recycling crimes. Establishes the Metal Theft Task Force Fund, which shall consist of money provided by the federal government, industry and citizen sources. Upon appropriation by the Legislature, makes the money in the fund available for the program. Provides that the program shall not be implemented until the Department of Finance determines that sufficient funding has been deposited into the Metal Theft Task Force Fund and the money has been made available upon appropriation by the Legislature.</td>
<td>6/25/12</td>
<td>Senate Public Safety Committee</td>
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<td>AB 2382</td>
<td>By July 1, 2013, requires Caltrans and the Santa Clara Valley Transportation Authority (VTA) to enter into a memorandum of understanding (MOU) to implement the Innovative Delivery Team Demonstration Program. Requires Caltrans and VTA to develop the demonstration program to: (1) operate under a different business model with the goal of delivering transportation projects and local assistance services in Santa Clara County in a more responsive, cost-effective and efficient manner; (2) serve as a mechanism for testing out innovative approaches for improving project delivery and local assistance; and (3) identify those innovative approaches that are suitable for application by Caltrans in other parts of the state. Requires the MOU, at a minimum, to define roles, responsibilities, conflict resolution, delegation of authority, empowerment, performance metrics, and financial support for the purpose of implementing the demonstration program. Requires Caltrans, from existing staff, to assign the necessary resources to the demonstration program as referenced in the MOU, which, at a minimum, shall include a program manager, a local assistance liaison and at least one project manager. Requires Caltrans to locate these staff resources at VTA’s headquarters facility. For purposes of implementing the demonstration program, requires VTA to be responsible for, and take the lead on, the following with respect to projects on the state highway system in Santa Clara County: (1) prepare and certify project study reports or equivalent planning documents; (2) serve as the lead agency for environmental review; (3) acquire and certify rights-of-way; and (4) advertise, award and administer construction contracts. Also requires VTA to manage the local assistance process under the demonstration program. Requires VTA, in consultation with Caltrans, to evaluate the demonstration program to determine its effectiveness. By January 1, 2018, requires VTA to submit a report to the Legislature containing the results of the evaluation, together with recommendations as to whether the demonstration program should be continued. Also requires the report to identify those elements of the demonstration program that are suitable for application by Caltrans in other parts of the state. Sunsets the provisions of the bill on January 1, 2020, unless a later enacted statute deletes or extends that date.</td>
<td>6/26/12</td>
<td>Senate Appropriations Committee</td>
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<td>AB 2404</td>
<td>Creates the Local Emission Reduction Program to be administered by the Strategic Growth Council. Allows 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 made available, upon appropriation by the Legislature, for the program. Requires the Strategic Growth Council to use funds appropriated for the program to award grants on a competitive basis to local and regional agencies for measures and programs that are consistent with a locally adopted greenhouse gas emission reduction plan.</td>
<td>5/1/12</td>
<td>Assembly Appropriations Committee</td>
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<td>AB 2405</td>
<td>Exempts all of the low emission and hybrid vehicles eligible to use high-occupancy vehicle (HOV) lanes without carrying the requisite number of passengers from paying the fees imposed on single-occupant vehicles to use express lanes, unless prohibited by federal law. Excludes from this exemption: (1) a toll imposed for passage on a toll road or a toll highway that is not an express lane; and (2) a toll imposed to cross a state-owned toll bridge.</td>
<td>6/27/12</td>
<td>Senate Floor</td>
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<td>AB 2498</td>
<td>Authorizes Caltrans to use the Construction Manager/General Contractor project delivery method for the construction of no more than four projects on the state highway system, at least three of which must have construction costs greater than $10 million. Specifies that the Construction Manager/General Contractor method may be used when it is anticipated that it will reduce project costs or expedite project completion in a manner that is not achievable through the design-bid-build method. Defines “Construction Manager/General Contractor” to mean a project delivery method in which a construction manager is procured to provide preconstruction services during the design phase of the project and construction services during the construction phase of the project. Defines “construction manager” to mean a partnership, corporation or other legal entity that is able to provide appropriately licensed contracting and engineering services as needed pursuant to a Construction Manager/General Contractor contract. Establishes a request for qualifications (RFQ) process that Caltrans would be required to use for evaluating and selecting a construction manager. Allows for the contract for construction services to be entered into at the same time as the contract for preconstruction services, or at a later time.</td>
<td>6/15/12</td>
<td>Senate Appropriations Committee</td>
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<td>AB 2545</td>
<td>Requires non-emergency medical transportation services provided to Medi-Cal beneficiaries by managed care organizations directly or under contractual arrangements to be subject to the same personnel, equipment and inspection requirements as non-emergency medical transportation services provided by fee-for-service enrolled providers.</td>
<td>4/18/12</td>
<td>Assembly Health Committee</td>
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<td>AB 2551</td>
<td>Allows a city to form an infrastructure financing district in renewable energy infrastructure areas for the purpose of promoting renewable energy projects. Defines “renewable energy infrastructure area” to mean an area that contains a proposed development project or projects that would generate in total more than 10 megawatts of electricity using an eligible renewable energy resource. 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 for renewable energy infrastructure areas.</td>
<td>6/21/12</td>
<td>Senate Governance and Finance Committee</td>
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<td>AB 2583 (Blumenfield) Advanced Technology Vehicle Parking Incentives</td>
<td>Requires the Department of General Services and Caltrans to develop and implement advanced technology vehicle parking incentive programs at public parking facilities of 50 spaces or more operated by the Department of General Services and park-and-ride lots operated by Caltrans in order to incentivize the purchase and use of alternatively fueled vehicles in the state. Provides that the incentives may include preferential spaces, reduced fees and fueling infrastructure for alternatively fueled vehicles that use these parking facilities or park-and-ride lots.</td>
<td>7/6/12</td>
<td>Senate Appropriations Committee</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 Floor</td>
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<td>ACA 22 (Smyth and Conway) Public Employees’ Retirement</td>
<td>Calls for placing before the voters an amendment to the California Constitution that would make a number of changes to public employee pensions. Requires each public retirement system to develop one or more hybrid pension plans for each public employer that provides its employees a defined benefit plan administered by the public retirement system. Requires such a hybrid pension plan to: (1) consist of a defined benefit component, a defined contribution component or alternative plan component; and (2) be designated with the goal of providing annually during retirement replacement income of 75 percent of a public employee’s final compensation, based on a full career in public service. Defines “full career in public service” to mean 30 years of credited service and a normal retirement age of 57 for public employees in safety member classifications and 35 years of credited service and a normal retirement age of 67 for all other public employees. Beginning July 1, 2013, requires each public retirement system to administer and make available to each public employer that provides a defined benefit pension plan one or more hybrid pension plans for public employees hired in each member classification in the public retirement system. Requires a public employer to offer to its employees first hired on and after July 1, 2013, only a hybrid pension plan made available by the public retirement system. For a defined benefit for retirement for public employees hired on and after January 1, 2013, requires final compensation to be calculated using the employee’s highest average pay rate during at least a consecutive 36-month period of service, not including bonuses, unplanned overtime, or payments for unused sick leave or vacation. For all public employees: (1) prohibits any change to a formula or benefit that results in an increase in an employee’s pension benefits from being applied to any service performed prior to the operative date of the change; (2) requires public employees to contribute at least one half of the annual actuarially determined normal costs of any defined benefit plan or component; (3) prohibits a public employer from paying on behalf of an employee any of his or her required employee contribution; and (4) prohibits granting to a public employee non-qualified service credit.</td>
<td>As Introduced</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 Appropriations Committee</td>
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<td><strong>SB 27</strong> (Simitian) Public Employees’ Retirement: Calculation of Final Compensation</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> (Correa) Post-Government Employment Restrictions</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>6/27/12</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>SB 46</strong> (Correa) Public Agencies: Compensation Disclosure</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 data bases. 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 52</strong> (Steinberg) Jobs and Economic Improvement Through Environmental Leadership Act of 2011</td>
<td>Amends the Jobs and Economic Improvement Through Environmental Leadership Act of 2011, which established streamlined procedures for the judicial review of the environmental impact report (EIR) and approvals granted for so-called “environmental leadership development projects.” Specifically, requires the lead agency for an environmental leadership development project to place the highest priority on feasibility measures that will reduce greenhouse gas emissions on the project site and in the neighboring communities of the project site.</td>
<td>6/26/12</td>
<td>Assembly Jobs, Economic Development and the Economy Committee</td>
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<td><strong>SB 214</strong></td>
<td>Eliminates the requirement for voter approval for the creation of an infrastructure financing district, adoption of an infrastructure financing plan, and the issuance of bonds for implementing an infrastructure financing plan. Instead, provides that the legislative body of a city, at the conclusion of a public hearing, may adopt a resolution establishing an infrastructure financing district based upon a finding that: (1) the goals of the district are consistent with the city’s General Plan; and (2) the financing programs undertaken by the district are an efficient means of implementing the goals of the district. Requires a public financing authority to be created to serve as the legislative body of an infrastructure financing district. Requires the public financing authority to be comprised of members of the city council or board of supervisors that established the infrastructure financing district. Allows for the public financing authority to adopt the infrastructure financing plan and to issue bonds by a majority vote of the authority. If an infrastructure financing plan provides for the division of taxes of any affected taxing entity, requires a public accountability committee to be created to review the actions of the public financing authority. Requires the committee to be comprised of a representative from each affected taxing entity that has agreed to the division of its taxes, a representative of the public financing authority, and one or more public members. Generally prohibits an infrastructure financing district from paying for routine maintenance, repair work, or the costs of ongoing operations or providing services of any kind. Clarifies that an infrastructure financing district shall finance only structural and non-structural public capital facilities that either benefit properties within the district or make facilities available to those properties. Allows an infrastructure financing district to finance any project that implements a transit priority project. Prohibits an infrastructure financing 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 the public financing authority adopted the infrastructure financing 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>6/18/12</td>
<td>Assembly Local Government Committee</td>
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<td><strong>SB 517</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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<td><strong>SB 535</strong> (De Leon) Global Warming Solutions Act: Communities Healthy Air Revitalization Trust</td>
<td>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.</td>
<td>7/5/11</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>SB 580</strong> (Wolk) State Park Land</td>
<td>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.</td>
<td>6/14/12</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>SB 594</strong> (Wolk) Energy: Net Energy Metering</td>
<td>Authorizes an eligible customer-generator with multiple meters to elect to aggregate the electrical load of the meters located on the property where the generation facility is located and on all property adjacent or contiguous to the property on which the generation facility is located, if those properties are solely owned by the eligible customer-generator.</td>
<td>5/15/12</td>
<td>Assembly Utilities and Commerce Committee</td>
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<td><strong>SB 654</strong> (Steinberg) Redevelopment</td>
<td>Provides that any amounts on deposit in the Low and Moderate Income Housing Fund of a dissolved redevelopment agency may be transferred to a host city or county for developing affordable housing.</td>
<td>1/31/12</td>
<td>Assembly Housing and Community Development Committee</td>
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<td><strong>SB 749</strong> (Steinberg) CTC Guidelines</td>
<td>Exempts the adoption of guidelines by the California Transportation Commission (CTC) from the rulemaking provisions of the Administrative Procedure Act. Except in the case of the State Transportation Improvement Program (STIP), specifies a process that the CTC must use when adopting guidelines. Requires the CTC to maintain a guideline adoption file containing: (a) a summary of each objection or recommendation made with regard to a proposed guideline; and (b) an explanation of how the proposed guideline was changed to accommodate each objection or recommendation, or the reasons for making no change. Requires the CTC to include in its annual report to the Legislature a summary of its activities related to the adoption of program or policy guidelines during the previous calendar year.</td>
<td>1/4/12</td>
<td>Assembly Transportation Committee</td>
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<td><strong>SB 829</strong> (Rubio) Project Labor Agreements</td>
<td>Specifies that if a charter provision, initiative or ordinance of a charter city prohibits, limits or constrains in any way the governing board’s authority or discretion to adopt, require or utilize a project labor agreement that includes specified taxpayer protection provisions for some or all of the construction projects to be awarded by the city, state funding or financial assistance may not be used to support any construction projects awarded by the city.</td>
<td>4/9/12</td>
<td>Signed into Law: Chapter #11</td>
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<td>SB 878 (DeSaulnier) California Transportation Commission: Inspector General</td>
<td>Requires the California Transportation Commission (CTC) to undertake a study to assess the appropriateness of establishing an Office of Inspector General within state government to ensure that Caltrans and transportation agencies with projects funded completely or in part through the State Transportation Improvement Program (STIP) are operating efficiently, effectively, and in compliance with federal and state laws governing the performance of such agencies. Requires the CTC to prepare and submit a written report on the advisability of creating an Office of Inspector General to the Governor and the Legislature by January 31, 2014.</td>
<td>6/25/12</td>
<td>Assembly Appropriations Committee</td>
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<td>SB 907 (Evans) 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) 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 of a negative declaration, mitigated negative declaration, environmental impact report (EIR), or other environmental documents for the project, as specified. Repeals the provisions of the bill on January 1, 2016, unless that date is deleted or extended through the enactment of subsequent legislation.</td>
<td>4/9/12</td>
<td>Assembly Appropriations Committee</td>
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<td>SB 985 (La Malfa) 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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| **SB 1102**  
(DeSaulnier)  
STIP: Construction Support Costs | 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. Beginning January 1, 2013, 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. | 5/31/12 | Assembly Appropriations Committee | |
| **SB 1117**  
(DeSaulnier)  
Passenger Rail Planning | Requires the California Transportation Commission (CTC) to include in its guidelines for the preparation of regional transportation plans (RTPs) policy direction regarding the integration of all passenger rail services, including high-speed, intercity, commuter, and urban rail transit services, into a coordinated system with an emphasis on: (1) intermodal facilities connecting the various passenger rail systems with each other, as well as with the overall transportation system; and (2) provision of cost-effective passenger rail services that contribute to climate stabilization, job access, environmental enhancements, and improved mobility. Requires the 10-year State Rail Plan prepared biennially by Caltrans to include a passenger rail element that does all of the following: (1) complies with the requirements set forth in the federal Passenger Rail Investment and Improvement Act of 2008; (2) includes plans for a comprehensive and integrated statewide passenger rail system, including high-speed rail, conventional intercity and commuter rail, and connections to urban rail systems; (3) reviews all high-speed rail routes, the rail freight system, conventional intercity and commuter rail systems, and connections to urban rail systems; (4) identifies improvements that have utility for both rail freight and passenger rail services; (5) includes an inventory of the existing rail transportation system, and rail services and facilities in the state; and (6) includes an analysis of the role of rail transportation within the state’s overall transportation system. Requires the California High-Speed Rail Authority to plan for the implementation of blended systems, consistent with its business plan. Requires this blended program to include, at a minimum, both of the following: (1) identification of investments in passenger rail projects in the Phase I high-speed rail corridor (San Francisco to Los Angeles/Anaheim) that benefit intercity and commuter rail services that are compatible with being upgraded to high-speed rail service in the future; and (2) investments in operable segments in the Phase I high-speed rail corridor that generate sufficient passenger revenues to be attractive to private investors. Requires the High-Speed Rail Authority to submit a draft of its blended program to the California Transportation Commission (CTC) and the Legislature by December 31, 2013. Requires the authority to incorporate the blended program into its business plan. | 7/5/12 | Assembly Appropriations Committee | |
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<td><strong>SB 1149</strong></td>
<td>Creates the Bay Area Regional Commission with an unspecified governing board structure to replace the Joint Policy Committee. Requires federal and state funds made available to the Metropolitan Transportation Commission (MTC) for transportation planning to be budgeted to the Bay Area Regional Commission. Requires the Bay Area Regional Commission to appoint an executive director, a legal counsel and a chief financial officer. Requires the executive director of the Bay Area Regional Commission to prepare a regional reorganization plan to include an approach for consolidating the functions that are common to MTC, the Bay Area Toll Authority (BATA), the Bay Area Quality Management District (BAAQMD), the Bay Conservation and Development Commission (BCDC), and the Association of Bay Area Governments (ABAG). Requires the Bay Area Regional Commission to serve as the fiscal agent for MTC, BATA, BAAQMD, BCDC, and ABAG, responsible for preparing the annual budget and managing the financial resources for each entity. Requires the Bay Area Regional Commission’s executive director to: (1) prepare an annual integrated budget to include the budgets of MTC, BATA, BAAQMD, BCDC, and ABAG; (2) organize MTC, BATA, BAAQMD, BCDC, and ABAG as divisions of the regional commission, with each entity to continue to be governed by its existing board; and (3) recommend a candidate for the executive director of each entity as positions become vacant. Requires the Bay Area Regional Commission to review the policies and plans, and associated regulations of MTC, BATA, BAAQMD, BCDC, and ABAG. Requires the review to include an assessment of the consistency of the policies, plans and regulations among these entities with the requirements of SB 375 (Steinberg). Requires MTC, BATA, BAAQMD, BCDC, and ABAG to submit their functional plans to the Bay Area Regional Commission for adoption. Requires the Bay Area Regional Commission to prepare a 20-year regional economic development strategy, to be updated every four years, that addresses the ability of the regional economy to adapt to changes in technology, market demand, and direction of the national and international economies. Requires toll revenues managed by BATA to be used only to: (1) acquire, construct, manage, maintain, lease, or operate facilities required for the management of the state-owned toll bridges in the Bay Area; (2) for improvements to the toll bridges; (3) to provide access to the toll bridges; or (4) for associated transportation projects specifically authorized to be undertaken with bridge toll revenues pursuant to the relevant provisions of the Streets and Highways Code.</td>
<td>5/15/12</td>
<td>Senate Appropriations Committee</td>
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<td><strong>SB 1151</strong></td>
<td>Allows a city or county to retain the assets of a former redevelopment agency for specified economic development and affordable housing purposes by establishing a Sustainable Economic Development and Housing Trust Fund to serve as a repository for the unencumbered balances and assets of the former redevelopment agency. Requires the money in a Sustainable Economic Development and Housing Trust Fund to be administered by a Sustainable Communities Investment Authority that has been formed pursuant to a joint powers agreement between a city and county, or by a county alone in the case of an unincorporated area. Requires a Sustainable Communities Investment Authority to prepare a long-range asset management plan to govern the disposition and ongoing use of its Sustainable Economic Development and Housing Trust Fund, and to submit that plan to the Department of Finance for approval.</td>
<td>5/29/12</td>
<td>Assembly Housing and Community Development Committee</td>
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<td><strong>SB 1156</strong></td>
<td>Authorizes the legislative body of a city or county of a sustainable communities investment area, as described, to elect to form a Sustainable Communities Investment Authority after July 1, 2012, to carry out the provisions of the state’s Community Redevelopment Law. Allows an authority to adopt a plan for a sustainable communities investment area, as specified, without having to make a determination regarding blight. Allows such a plan to include a provision for the receipt of tax increment funds, if the local government with land-use jurisdiction has adopted all of the following: (1) a sustainable parking standards ordinance that restricts parking in transit priority project areas to encourage public transit use to the greatest extent possible; (2) an ordinance creating a jobs plan; and (3) for transit priority areas and small walkable communities within a metropolitan planning organization (MPO), a plan consistent with the use designation, density, building intensity, and applicable policies specified for the sustainable communities investment area in the sustainable communities strategy and that, for new residential construction, provides a density of at least 20 dwelling units per net acre and for non-residential uses, provides a minimum floor area ratio of 0.75. Allows a state or local pension fund system to invest capital in the public infrastructure projects, and private commercial and residential developments undertaken by an authority. Allow an authority to implement a local transactions and use tax, and to issue bonds. Allows an authority to enter into financial and other agreements with community colleges, K-12 school districts, and private businesses to facilitate the development and operation of articulated career technical education pathways.</td>
<td>6/27/12</td>
<td>Assembly Appropriations Committee</td>
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<td>(Steinberg)</td>
<td>Sustainable Communities Investment Authorities</td>
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<td><strong>SB 1160</strong></td>
<td>Prohibits a governmental entity, as well as a provider of communications service acting at the request of a governmental entity, from interrupting communications service in order to protect public safety or prevent the use of communications service for an illegal purpose, except pursuant to an order signed by a judicial officer. Specifies that good faith reliance upon an order of a judicial officer constitutes a complete defense for any communications provider served with an order that meets the requirements of this bill against any action brought as a result of the interruption to communications service as directed by that order.</td>
<td>7/5/12</td>
<td>Assembly Judiciary Committee</td>
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<td>(Padilla)</td>
<td>Communications: Service Interruptions</td>
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| **SB 1176**  
(Huff)  
Public Employees’ Retirement | Makes various changes to state statutes pertaining to public employee pensions. For all public employees:  
(1) prohibits any enhancement to an employee’s retirement formula or benefit from being applied to any service performed prior to the operative date of the enhancement;  
(2) requires public employees to contribute at least one half of the annual actuarially determined normal costs of any defined benefit plan or component;  
(3) prohibits a public employer from paying on behalf of an employee any of his or her required employee contribution; and  
(4) prohibits a public retirement system from allowing the purchase of non-qualified, additional retirement service credit, however that service credit may be denominated. Requires a public employer to offer to its employees first hired on and after July 1, 2013, only a hybrid pension plan made available by the public retirement system. Requires such a hybrid pension plan to:  
(1) consist of a defined benefit component, a defined contribution component or alternative plan component; and  
(2) be designated with the goal of providing annually during retirement replacement income of 75 percent of a public employee’s final compensation, based on a full career in public service. Defines “full career in public service” to mean 30 years of credited service and a normal retirement age of 57 for public employees in safety member classifications and 35 years of credited service and a normal retirement age of 67 for all other public employees. For a defined benefit for retirement for public employees hired on and after January 1, 2013, requires final compensation to be calculated using the employee’s highest average pay rate during at least a consecutive 36-month period of service, not including bonuses, unplanned overtime, severance pay, or payments for accrued vacation, sick leave or leave of any form. Provides that the provisions of this bill shall become operative on January 1, 2013, only if SCA 18 is approved by the voters at the November 6, 2012, statewide general election. | As Introduced | Senate Public Employment and Retirement Committee |
| **SB 1189**  
(Hancock)  
Proposition 1A:  
Commuter and Urban Rail Funds | Appropriates $523.4 million in Proposition 1A bond funds that are available for capital improvements to commuter rail lines and urban rail transit systems for allocation by the California Transportation Commission (CTC) pursuant to its guidelines. | 3/26/12 | Senate Appropriations Committee | Support |
| **SB 1214**  
(Cannella)  
CEQA:  
Judicial Review | 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. | As Introduced | Senate Environmental Quality Committee |
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<td><strong>SB 1225</strong>&lt;br&gt;(Padilla)&lt;br&gt;Intercity Rail Agreements: LOSSAN Corridor</td>
<td>Specifies that for not less than a three-year period, the level of state funding for each of California’s three intercity rail corridors should be maintained at a level equal to at least the current level of service in a particular corridor, thus providing fiscal stability that would allow appropriate planning and operation of these services. Authorizes Caltrans, with the approval of the secretary of the Business, Transportation &amp; Housing Agency (BT&amp;H), to enter into an interagency transfer agreement to transfer all responsibility for administering the Los Angeles-San Diego-San Luis Obispo (LOSSAN) Intercity Rail Service to the LOSSAN Agency, if that agency: (a) amends its existing joint power agreement (JPA) to expand its authority to permit it to administer state-funded intercity passenger rail service on the LOSSAN Corridor; and (b) the amended JPA is approved by the governing board of each member agency. Specifies that this interagency transfer agreement shall cover the initial three-year period after the transfer, but may be extended thereafter by mutual agreement. Requires this interagency transfer agreement to be entered into on or before June 30, 2014. Specifies that the level of service funded by the state for the LOSSAN Corridor shall be at an appropriate level as determined in the interagency transfer agreement, and the funding provided by the state for the corridor shall in no case be less than the funding level provided in the FY 2013 operating contract between Caltrans and Amtrak. With regard to the LOSSAN Corridor, provides that local resources shall not be available for expenditure to offset any redirection, elimination, reduction, or reclassification of state resources for operating intercity passenger rail services. Prohibits the termination of feeder bus services that provide connections for intercity rail passengers from the LOSSAN Corridor to the state-supported San Joaquin Corridor Intercity Rail Service, unless the bus services fail to meet specified cost-effectiveness standards. Requires the equipment regularly used for intercity passenger rail service on the LOSSAN Corridor to be the same type of equipment regularly used on other intercity corridors funded by the state.</td>
<td>6/27/12</td>
<td>Assembly Appropriations Committee.</td>
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<td><strong>SB 1252</strong>&lt;br&gt;(Rubio)&lt;br&gt;State Infrastructure Projects Fund</td>
<td>By February 1, 2013, requires the Department of Finance to estimate and report to the Controller’s Office the amount of revenues expected to be derived from taxes imposed on income generated as a result of capital gains in the 2012 calendar year from the initial public offering by Facebook, Inc. By March 1, 2013, requires the Controller’s Office to transfer these revenues from the General Fund to the State Infrastructure Projects Fund. By December, 2013, requires the Department of Finance to reconcile and report to the Controller’s Office the final increase in revenues derived from Facebook’s public offering. By January 31, 2014, requires the Controller’s Office to transfer from the General Fund to the State Infrastructure Projects Fund an amount equal to the difference between the estimated and final increase in revenues. Upon appropriation by the Legislature, requires the money in the State Infrastructure Projects Fund to be allocated for transportation projects; and for the erection, construction, alteration, repair, or improvement of: (a) dams; (b) levees; (c) buildings or structures of rail lines, rail beds, stations, platforms, switches, yards, terminals, parking lots, and any other facilities and equipment necessary for the conduct of rail transit service; (d) facilities consisting of the means and equipment necessary for the movement of passengers or goods via public transit; and (e) water treatment facilities.</td>
<td>4/9/12</td>
<td>Senate Governance and Finance Committee</td>
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| **SB 1269**  
(Fuller)  
Income Tax Credit:  
Highway Maintenance and Enhancement | 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. | As Introduced | Senate Governance and Finance Committee | |
| **SB 1276**  
(Wyland)  
Design Professionals:  
Indemnity | Unless otherwise expressly agreed to by written contract, provides that a design professional’s duty to defend a public agency against a claim alleging the negligent performance of professional services by the design professional shall include only the reimbursement of those defense costs incurred by the public agency that were caused by the design professional’s actual negligence. | 3/26/12 | Senate Judiciary Committee | |
| **SB 1303**  
(Simitian)  
Automated Traffic Enforcement Systems | Requires the installation of signs within 200 feet of an intersection where an automated, camera-based traffic enforcement system is operating and being utilized to issue citations. Prior to installing such a system after January 1, 2013, requires the governmental agency to make and adopt a finding of fact establishing that the system is needed at a specific location for reasons related to safety. Prohibits a governmental agency from considering revenue generation, beyond cost recovery, when determining whether to install or operate an automated traffic enforcement system within its local jurisdiction. | 6/26/12 | Assembly Judiciary Committee | |
| **SB 1310**  
(Simitian)  
Electronic Wireless Communications Devices | Requires the driver’s license examination administered by the Department of Motor Vehicles (DMV) to include a test of an applicant’s understanding of the distractions and dangers of handheld cellular phone use and text-messaging while operating a motor vehicle. Prohibits a person from riding a bicycle while using a wireless telephone unless that telephone is specifically designed and configured to allow hands-free listening and talking, and is used in that manner while riding a bicycle. Also prohibits a person from riding a bicycle while using an electronic wireless communications device to write, send or read a text-based message. Increases the penalties for violating current prohibitions in state law against using wireless telephones and against text-messaging while operating a motor vehicle. Requires a portion of the fines collected for these violations to be allocated by a county treasurer to the Office of Traffic Safety for an education program on the dangers of cellular phone use and text-messaging while driving. | 4/25/12 | Assembly Appropriations Committee | |
| **SB 1330**  
(Simitian)  
License Plate Recognition Technology | Requires a person who uses license plate recognition (LPR) technology to comply with all of the following: (1) retain license plate data captured by LPR technology for not more than 60 days; (2) not sell LPR data for any purpose, and not make the data available to an agency that is not a law enforcement entity or to an individual who is not a law enforcement officer; (3) make LPR data available to a law enforcement agency only pursuant to a search warrant, unless a peace officer is conducting a criminal or traffic collision investigation and has good cause to believe that a delay in obtaining this information by seeking a search warrant would have an adverse result; (4) monitor the internal use of LPR data to prevent its unauthorized use; (5) adopt a privacy policy to ensure that personally identifiable information is not unlawfully disclosed; and (6) report its LPR practices and usage annually to the Department of Justice. Allows a person to sell or distribute LPR data to a public parking authority if the use of the data pertains to the collection of outstanding parking tickets or the enforcement of local parking ordinances. | 5/29/12 | Senate Floor | |
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| **SB 1339** (Yee)  
Bay Area Commute Benefit Ordinance | Authorizes the Metropolitan Transportation Commission (MTC) and the Bay Area Air Quality Management District (BAAQMD) to jointly adopt a regional commute benefit ordinance that requires employers operating within the common jurisdiction of the two agencies with 50 or more employees to offer those employees one of the following three commute benefits: (1) the option to pay for their public transit, vanpooling or bicycling commuting expenses with pre-tax dollars up to the maximum amount allowed by federal tax law; (2) a subsidy to offset an employee’s monthly cost of commuting by public transit or vanpool; or (3) a free or low-cost shuttle or vanpool offered by or for the employer. Subject to the approval of MTC or BAAQMD, allows an employer to offer a commute benefit that is different from the three specified in the bill. Gives covered employers at least six months to comply after the ordinance is adopted. Prohibits MTC from using federal planning funds to implement the regional commute benefit ordinance. Repeals the provisions of the bill on January 1, 2017, unless that date is deleted or extended through the enactment of subsequent legislation. | As Introduced | Governor’s Office |               |
| **SB 1380** (Rubio)  
CEQA: Bicycle Transportation Plans | Exempts from California Environmental Quality Act (CEQA) a bicycle transportation plan prepared for an urbanized area for restriping of streets and highways; bicycle parking and storage; signal timing to improve street and highway intersection operations; and related signage for bicycles, pedestrians and vehicles. Repeals the provisions of the bill on January 1, 2018, unless that date is deleted or extended through the enactment of subsequent legislation. | 5/3/12 | Assembly Natural Resources Committee | Support |
| **SB 1396** (Dutton)  
Sales Tax on Gasoline and Diesel Fuel | Prohibits charging sales taxes on the amount of the retail price of gasoline that exceeds $3.88 per gallon, including federal and state excise taxes. Prohibits charging sales taxes on the amount of the retail price of diesel fuel that exceeds $3.52 per gallon, including federal and state excise taxes. Caps the state excise tax on gasoline at 35.7 cents per gallon. Directs the Board of Equalization to adjust the amount of the state excise tax on gasoline to reflect price drops that would have lowered the sales tax, but not price increases that would have raised the sales tax. Caps the state excise tax on diesel fuel at 13 cents per gallon. Directs the Board of Equalization to decrease the amount of the state excise tax charged per gallon of diesel fuel to reflect increased revenues from the additional sales tax resulting from price increases, but not to adjust the excise tax up when lower prices result in decreased sales tax revenues. | 4/11/12 | Senate Transportation and Housing Committee |               |
| **SB 1464** (A. Lowenthal)  
Bicycles: Passing Distances | Requires the driver of a motor vehicle overtaking and passing a bicycle that is proceeding in the same direction on a highway to pass at a safe distance, generally at a minimum clearance of three feet, and without interfering with the safe operation of the bicycle. Provides that if the driver of a motor vehicle is unable to comply with this requirement because of traffic or roadway conditions, the driver must slow to a speed that is reasonable and prudent, and may pass only when doing so would not endanger the safety of the operator of the bicycle, taking into account the size and speed of the motor vehicle and bicycle, traffic conditions, weather, and surface and width of the highway. | 6/19/12 | Assembly Appropriations Committee |               |
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<td>SB 1499 (Anderson)</td>
<td>STIP: Construction Support Costs</td>
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<td>SB 1545 (DeSaulnier)</td>
<td>Metropolitan Transportation Commission: Office Building</td>
<td>6/26/12</td>
<td>Assembly Transportation Committee</td>
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<td>SB 1549 (Vargas)</td>
<td>Construction Manager/General Contractor Project Delivery Method</td>
<td>7/5/12</td>
<td>Assembly Appropriations Committee</td>
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<tr>
<td>SB 1572 (Pavley)</td>
<td>Cap-and-Trade Revenues</td>
<td>6/25/12</td>
<td>Assembly Appropriations Committee</td>
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SB 1492 (Leno) Local Vehicle Assessment

Authorizes the City/County of San Francisco to impose a voter-approved local vehicle assessment at a rate not to exceed 2 percent of the market value of each motor vehicle or trailer coach registered within the city/county for general purposes, if: (a) the board of supervisors approves an ordinance to that effect by two-thirds vote; (b) the assessment is approved by a majority vote of the electorate; and (c) the ordinance proposing the assessment does not create different classes of vehicles for differential taxation. Specifies that the bill is not to be construed to supplant any funds that the state apportions to San Francisco, including those apportioned under the Vehicle License Fee Law.

SB 1499 (Anderson) STIP: Construction Support Costs

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.

SB 1545 (DeSaulnier) Metropolitan Transportation Commission: Office Building

Unless the Bureau of State Audits finds that the Metropolitan Transportation Commission (MTC) and the Bay Area Toll Authority, acting through the Bay Area Headquarters Authority, clearly had the authority to: (a) purchase an office building located at 390 Main Street in San Francisco; and (b) use toll revenues for that purchase, requires MTC to bring an action in superior court for the judicial validation of those two matters. Prohibits MTC from using toll revenues for the validation action. Prohibits MTC from entering into any additional contracts with respect to the office building until the validation action is complete.

SB 1549 (Vargas) Construction Manager/General Contractor Project Delivery Method

Authorizes the San Diego Association of Governments (SANDAG) to use either the design-sequencing or Construction Manager/General Contractor project delivery methods for public transit projects within its jurisdiction. Defines “Construction Manager/General Contractor” to mean a project delivery method using a best value procurement process in which a construction manager is procured to provide preconstruction services during the design phase of the project and construction services during the construction phase of the project. Defines “design sequencing” to mean a method of project delivery that enables the sequencing of design activities to permit each construction phase to commence when the design for that phase is complete, instead of requiring design for the entire project to be completed before commencing construction. Requires SANDAG to make a written finding that the use of either design-sequencing or Construction Manager/General Contractor for a particular project will accomplish one or more of the following objectives: (a) reduce project costs; (b) expedite the project’s completion; or (c) provide features not achievable through the design-bid-build method.

SB 1572 (Pavley) Cap-and-Trade Revenues

Creates the Greenhouse Gas Reduction 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 fund. Subject to appropriations by the Legislature, requires the revenues in the fund to be used for measures and programs that reduce greenhouse gas emissions.
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<td>SCA 18 (Huff)</td>
<td>Public Employees’ Retirement Calls for placing before the voters an amendment to the California Constitution that would make a number of changes to public employee pensions. Requires each public retirement system to develop one or more hybrid pension plans for each public employer that provides its employees a defined benefit plan administered by the public retirement system. Requires such a hybrid pension plan to: (1) consist of a defined benefit component, a defined contribution component or alternative plan component; and (2) be designated with the goal of providing annually during retirement replacement income of 75 percent of a public employee’s final compensation, based on a full career in public service. Defines “full career in public service” to mean 30 years of credited service and a normal retirement age of 57 for public employees in safety member classifications and 35 years of credited service and a normal retirement age of 67 for all other public employees. Beginning July 1, 2013, requires each public retirement system to administer and make available to each public employer that provides a defined benefit pension plan one or more hybrid pension plans for public employees hired in each member classification in the public retirement system. Requires a public employer to offer to its employees first hired on and after July 1, 2013, only a hybrid pension plan made available by the public retirement system. For a defined benefit for retirement for public employees hired on and after January 1, 2013, requires final compensation to be calculated using the employee’s highest average pay rate during at least a consecutive 36-month period of service, not including bonuses, unplanned overtime, or payments for unused sick leave or vacation. For all public employees: (1) prohibits any change to a formula or benefit that results in an increase in an employee’s pension benefits from being applied to any service performed prior to the operative date of the change; (2) requires public employees to contribute at least one half of the annual actuarially determined normal costs of any defined benefit plan or component; (3) prohibits a public employer from paying on behalf of an employee any of his or her required employee contribution; and (4) prohibits granting to a public employee non-qualified service credit.</td>
<td>As Introduced</td>
<td>Senate Public Employment and Retirement Committee</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: Programmed Project Monitoring-Quarterly Report

FOR INFORMATION ONLY

Every quarter, the Programmed Projects Quarterly Monitoring Report is presented to PAC, TAC, BPAC and the VTA Board of Directors. The objective of the report is to assist the VTA Board, advisory committees, staff and project sponsors in tracking progress of the projects funded through programming actions of the VTA Board.

The Programmed Projects Quarterly Monitoring Report for January - March 2012 is attached for review. This report provides the latest status on discretionary funded projects. A project summary sheet highlighting status of projects with funds expiring in FY 2011/12 is also attached.

The project summary sheet identifies projects in three categories:

- Red - Projects at the risk of losing funds due to delivery difficulties.
- Yellow - Projects that may need extra attention or will risk running into difficulties.
- Green - Projects are progressing smoothly.

One project, San Jose’s San Carlos Street Streetscape Improvements Phase 2, is labeled red. San Jose staff is working with Caltrans to resolve utility issues on San Carlos Street so that this project can move forward.

The next Programmed Projects Quarterly Monitoring Report will cover the quarter between April and June 2012.

ADVISORY COMMITTEE DISCUSSION/RECOMMENDATIONS:

The Bicycle & Pedestrian Advisory (BPAC) and Technical Advisory (TAC) Committees reviewed and accepted this information item as part of their consent calendars at their respective July 2012 meetings.
**Attachment A: Progress Summary Sheet**

Red = Project at risk of losing funds due to delivery difficulties.
Yellow = Project may need extra attention or will risk running into difficulties.
Green = Project is progressing smoothly.

<table>
<thead>
<tr>
<th>Project Title</th>
<th>Status</th>
<th>Project Number</th>
<th>Federal-State Funds for 2011</th>
<th>E76 request due to Caltrans</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campbell-Citywide Citywide Arterials and Collectors Rehab</td>
<td>Green</td>
<td>SCL110021</td>
<td>$500,000</td>
<td>02/01/12</td>
<td>Obligated 3/16/2012.</td>
</tr>
<tr>
<td>Campbell-Winchester Blvd Streetscape Phase 2</td>
<td>Green</td>
<td>SCL110039</td>
<td>$1,500,000</td>
<td>02/01/12</td>
<td>Obligated 02/16/12.</td>
</tr>
<tr>
<td>Cupertino-Various Streets Rehabilitation</td>
<td>Green</td>
<td>SCL110022</td>
<td>$500,000</td>
<td>02/01/12</td>
<td>Obligated 5/11/2012</td>
</tr>
<tr>
<td>Gilroy-School Crossings, Sidewalks &amp; Bicycle Lanes</td>
<td>Green</td>
<td>SCL110049</td>
<td>$697,000</td>
<td>02/01/12</td>
<td>City has received the E-76.</td>
</tr>
<tr>
<td>SR2 Los Altos Hills Schools</td>
<td>Green</td>
<td>SCL110056</td>
<td>$800,000</td>
<td>12/01/11</td>
<td>Obligated 6/27/2012.</td>
</tr>
<tr>
<td>Los Gatos-University Avenue Rehabilitation</td>
<td>Green</td>
<td>SCL110025</td>
<td>$500,000</td>
<td>02/01/12</td>
<td>Obligated 3/16/2012.</td>
</tr>
<tr>
<td>Milpitas-Abel Street Pedestrian Improvements</td>
<td>Green</td>
<td>SCL110026</td>
<td>$788,000</td>
<td>02/01/12</td>
<td>City awarded the project in May.</td>
</tr>
<tr>
<td>Milpitas-Escuela Parkway Pedestrian and Bicycle Enhancement</td>
<td>Green</td>
<td>SCL110055</td>
<td>$501,000</td>
<td>12/01/11</td>
<td>City awarded the project on April 30th.</td>
</tr>
<tr>
<td>Mountain View-Church Street Improvements</td>
<td>Green</td>
<td>SCL110018</td>
<td>$530,000</td>
<td>02/01/12</td>
<td>Obligated 3/16/2012.</td>
</tr>
<tr>
<td>Palo Alto-2011 Pavement Program</td>
<td>Green</td>
<td>SCL110019</td>
<td>$549,000</td>
<td>02/01/12</td>
<td>Obligated 3/16/2012.</td>
</tr>
<tr>
<td>San Jose-Alameda - A Plan for The Beautiful Way</td>
<td>Green</td>
<td>SCL110001</td>
<td>$3,132,000</td>
<td>02/01/12</td>
<td>Obligated 4/4/2012.</td>
</tr>
<tr>
<td>San Jose-San Carlos Street Streetscape Improvements Phase 1</td>
<td>Green</td>
<td>SCL090045</td>
<td>$1,500,000</td>
<td>12/01/11</td>
<td>Obligated/awarded.</td>
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<tr>
<td>San Jose-Innovative Bicycle Detection System</td>
<td>Green</td>
<td>SCL110016</td>
<td>$1,500,000</td>
<td>02/01/12</td>
<td>Obligated 5/15/2012.</td>
</tr>
<tr>
<td>San Jose-Lower Guadalupe River/Tasman Drive Underpass</td>
<td>Green</td>
<td>SCL090046</td>
<td>$660,000</td>
<td>12/01/11</td>
<td>City received 12-month time extension from CTC.</td>
</tr>
<tr>
<td>San Jose-San Fernando Street Enhanced Bikeway &amp; Ped Access</td>
<td>Green</td>
<td>SCL110033</td>
<td>$1,425,000</td>
<td>02/01/12</td>
<td>Obligated 6/6/2012.</td>
</tr>
<tr>
<td>San Jose-San Carlos Street Streetscape Improvements Phase 2</td>
<td>Red</td>
<td>SCL110034</td>
<td>$2,024,000</td>
<td>02/01/12</td>
<td>Responding to comments from Caltrans.</td>
</tr>
<tr>
<td>San Jose-2012 Streets Resurfacing and Rehab</td>
<td>Green</td>
<td>SCL110035</td>
<td>$7,588,000</td>
<td>02/01/12</td>
<td>Obligated 4/12/2012.</td>
</tr>
<tr>
<td>Santa Clara-San Tomas Aquino Creek Trail Reach 4</td>
<td>Green</td>
<td>SCL110030</td>
<td>$1,258,000</td>
<td>02/01/12</td>
<td>Obligated 5/4/2012.</td>
</tr>
<tr>
<td>Santa Clara-San Tomas Aquino Creek Spur Trail Imps</td>
<td>Green</td>
<td>SCL110031</td>
<td>$1,081,000</td>
<td>02/01/12</td>
<td>Obligated 5/11/2012</td>
</tr>
<tr>
<td>Santa Clara County-Santa Teresa/Hale Rehab</td>
<td>Green</td>
<td>SCL110012</td>
<td>$3,048,000</td>
<td>02/01/12</td>
<td>Obligated 4/4/2012.</td>
</tr>
<tr>
<td>Santa Clara County-Expressways Pavement Rehab</td>
<td>Green</td>
<td>SCL110013</td>
<td>$486,000</td>
<td>02/01/12</td>
<td>Obligated 3/16/2012.</td>
</tr>
<tr>
<td>Santa Clara County-Almaden Expressway Bicycle Signal Detection</td>
<td>Green</td>
<td>SCL110015</td>
<td>$420,000</td>
<td>02/01/12</td>
<td>Obligated 02/17/12.</td>
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<tr>
<td>Saratoga-Saratoga Village Ped Enhancement Phase 2</td>
<td>Green</td>
<td>SCL110017</td>
<td>$1,027,000</td>
<td>02/01/12</td>
<td>Obligated 5/10/2012.</td>
</tr>
<tr>
<td>Sunnyvale-Hendy Ave Complete Street Improvements</td>
<td>Green</td>
<td>SCL110014</td>
<td>$2,077,000</td>
<td>02/01/12</td>
<td>Obligated</td>
</tr>
<tr>
<td>Sunnyvale-Sunnyvale Ave/Old San Francisco Road IC Reconst.</td>
<td>Green</td>
<td>SCL110024</td>
<td>$638,000</td>
<td>02/01/12</td>
<td>Obligated 3/16/2012.</td>
</tr>
<tr>
<td>Sunnyvale Downtown Streetscape</td>
<td>Green</td>
<td>SCL110038</td>
<td>$594,000</td>
<td>02/01/12</td>
<td>Obligated 3/16/2012.</td>
</tr>
</tbody>
</table>
### Winchester Boulevard Streetscape

<table>
<thead>
<tr>
<th>Project No</th>
<th>Project Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCL090047</td>
<td>In Campbell: Winchester Blvd. from Latimer Ave to Budd Ave; pedestrian enhancements; install landscaped median; install decorative street lights.</td>
</tr>
</tbody>
</table>

| Fund Source | Local $280 STP/TE $1120 |

| Manager Name | Fredrick Ho |

| Phone/Fax    | 408-866-2156 |

| E-Mail       | fredh@cityofcampbell.com |

<table>
<thead>
<tr>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Schedule</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PE/ENV</td>
<td>$110</td>
<td>2010</td>
<td>complete</td>
</tr>
<tr>
<td>Right of Way</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Programmed Year</th>
<th>Current</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Programmed</td>
<td>Start</td>
<td>End</td>
</tr>
<tr>
<td>Year</td>
<td>10/2011</td>
<td>7/2012</td>
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</table>

<table>
<thead>
<tr>
<th>Programmed Year</th>
<th>Current</th>
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<tbody>
<tr>
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<td>End</td>
</tr>
<tr>
<td>Year</td>
<td>6/15/2011</td>
<td>4/30/2012</td>
</tr>
</tbody>
</table>

| Fund Source | Local $172 STP $500 |

| Manager Name | Fred Ho |

| Phone/Fax    | 408-866-2156 |

| E-Mail       | fredh@cityofcampbell.com |

### Citywide Arterials and Collectors Rehab

<table>
<thead>
<tr>
<th>Project No</th>
<th>Project Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCL110021</td>
<td>Perform AC digouts, install AC overlay, apply surface sealing, repair PCC improvements, install ADA curb ramps, perform all other incidental tasks.</td>
</tr>
</tbody>
</table>

| Fund Source | Local $172 STP $500 |

| Manager Name | Fred Ho |

| Phone/Fax    | 408-866-2156 |

| E-Mail       | fredh@cityofcampbell.com |

<table>
<thead>
<tr>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Schedule</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PE/ENV</td>
<td>$56</td>
<td>2011</td>
<td>complete</td>
</tr>
<tr>
<td>Right of Way</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Programmed Year</th>
<th>Current</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Programmed</td>
<td>Start</td>
<td>End</td>
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<tr>
<td>Year</td>
<td>8/12</td>
<td>12/12</td>
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<table>
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<th>Programmed Year</th>
<th>Current</th>
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</thead>
<tbody>
<tr>
<td>Programmed</td>
<td>Start</td>
<td>End</td>
</tr>
<tr>
<td>Year</td>
<td>4/2012</td>
<td>3/16/2012</td>
</tr>
</tbody>
</table>

| Fund Source | Local $172 STP $500 |

| Manager Name | Fred Ho |

| Phone/Fax    | 408-866-2156 |

| E-Mail       | fredh@cityofcampbell.com |

### Funding Information

- **Total Funds ($000)**: $1,400

Last updated: 5/1/2011

City of Campbell
# Programmed Projects Quarterly Monitoring Report

## Jan-March 2012

### Campbell Avenue Portals Bike/Ped Facilities

<table>
<thead>
<tr>
<th>Project No</th>
<th>Project Description</th>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Schedule</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCL110028</td>
<td>Preliminary Engineering phase only to widen north and south sides to include a bicycle lane; install new sidewalk; replace existing abutment walls with new retaining and wing walls.</td>
<td>Planning</td>
<td>$0</td>
<td>2011</td>
<td>2011</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PE/ENV</td>
<td>$530</td>
<td>2011</td>
<td>2013</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Right of Way</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Programmed Year</td>
<td>Current</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Start</td>
<td>End</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Programmed Year</td>
<td>Current</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Start</td>
<td>End</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>PE obligated 3/18/2011.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Manager Name</th>
<th>Design</th>
<th>$0</th>
<th>2012</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lisa Petersen</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phone/Fax</th>
<th>Construction</th>
<th>$3,670</th>
<th>2017</th>
<th>2018</th>
<th>Funds Expire</th>
<th>PE obligated</th>
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</thead>
<tbody>
<tr>
<td>408-866-2190</td>
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<table>
<thead>
<tr>
<th>E-Mail</th>
<th>Total</th>
<th>$4,200</th>
<th>E76 Date(Exp./Actual)</th>
<th>Last Updated</th>
<th>5/7/2012</th>
</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:lisap@cityofcampbell.com">lisap@cityofcampbell.com</a></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Winchester Blvd Streetscape Phase 2

<table>
<thead>
<tr>
<th>Project No</th>
<th>Project Description</th>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Schedule</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCL110039</td>
<td>Provide aesthetic and pedestrian-friendly enhancements to Winchester Blvd between Campbell and Camden Aves and on Budd Ave from Winchester to California.</td>
<td>Planning</td>
<td>$0</td>
<td>2011</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Right of Way</td>
<td>$0</td>
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<td>Start</td>
<td>End</td>
</tr>
<tr>
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<td></td>
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<td>Programmed Year</td>
<td>Current</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Start</td>
<td>End</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CON funds obligated on 02/16/2012.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Manager Name</th>
<th>Design</th>
<th>$0</th>
<th>5/2011</th>
<th>3/2012</th>
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<tbody>
<tr>
<td>Lisa Petersen</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Phone/Fax</th>
<th>Construction</th>
<th>$1,770</th>
<th>2012</th>
<th>9/2012</th>
<th>6/2013</th>
<th>Funds Expire</th>
<th>obligated</th>
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<tbody>
<tr>
<td>(408) 866-2190</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<table>
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<th>E-Mail</th>
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<th>E76 Date(Exp./Actual)</th>
<th>Last Updated</th>
<th>3/13/2012</th>
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</thead>
<tbody>
<tr>
<td><a href="mailto:lisap@cityofcampbell.com">lisap@cityofcampbell.com</a></td>
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<td></td>
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</tr>
</tbody>
</table>
**City of Cupertino**

<table>
<thead>
<tr>
<th>Sponsor:</th>
<th>City of Cupertino</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Project Title:</strong></td>
<td>Cupertino Various Streets Rehabilitation</td>
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</table>

<table>
<thead>
<tr>
<th>1 of 1</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Project No</td>
<td>SCL110022</td>
</tr>
<tr>
<td>Project Description</td>
<td>Pavement rehab at locations along Bubb, McClellan and Wolfe roads in Cupertino.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fund Source</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Local $74</td>
<td></td>
</tr>
<tr>
<td>STP $500</td>
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</table>

<table>
<thead>
<tr>
<th>Manager Name</th>
<th>Glenn Goepfert</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design</td>
<td>$0</td>
</tr>
<tr>
<td>complete</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phone/Fax</th>
<th>408-777-3244</th>
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</thead>
<tbody>
<tr>
<td>Construction</td>
<td>$574</td>
</tr>
<tr>
<td>2012</td>
<td>5/2012</td>
</tr>
<tr>
<td>12/2012</td>
<td></td>
</tr>
<tr>
<td>Funds Expire</td>
<td>obligated</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
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<th><a href="mailto:glenn@cupertino.org">glenn@cupertino.org</a></th>
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</thead>
<tbody>
<tr>
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<td>$574</td>
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<tr>
<td>E76 Date(Exp./Actual)</td>
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<tr>
<td>Last Updated</td>
<td>5/14/2012</td>
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<tr>
<td>Last Invoice</td>
<td>N.A.</td>
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**Comments:** Obligated 5/11/2012.
### Programmed Projects Quarterly Monitoring Report
#### Jan-March 2012

#### Wren Ave and Church Street Resurfacing

<table>
<thead>
<tr>
<th>Project No</th>
<th>Project Description</th>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Schedule</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCL110026</td>
<td>Remove and replace roadway pavement, slurry seal, remove curb, gutter &amp; sidewalk to install ADA compliant curb ramps, signing, striping, replace damaged traffic loops, and raise/lower utility rims.</td>
<td>Planning</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PE/ENV</td>
<td>$71</td>
<td>2011</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Right of Way</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- **Fund Source**: Local $153
- **STP**: $614

<table>
<thead>
<tr>
<th>Manager Name</th>
<th>Design</th>
<th>Phone/Fax</th>
<th>Phone/Fax</th>
<th>E-Mail</th>
<th>Total</th>
<th>E76 Date(Exp./Actual)</th>
<th>Last Invoice</th>
<th>Last Updated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Don Dey</td>
<td>$0</td>
<td>408-846-0451</td>
<td><a href="mailto:don.dey@ci.gilroy.ca.us">don.dey@ci.gilroy.ca.us</a></td>
<td>$767</td>
<td>4/14/2010</td>
<td>N.A.</td>
<td>4/12/2012</td>
<td></td>
</tr>
</tbody>
</table>

#### New Ronan Channel and Lions Creek Trail

<table>
<thead>
<tr>
<th>Project No</th>
<th>Project Description</th>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Schedule</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCL110032</td>
<td>Project will convert existing unpaved creek-side maintenance road closed to the public to a multi-use public trail</td>
<td>Planning</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>PE/ENV</td>
<td>$759</td>
<td>2011</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Right of Way</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- **Fund Source**: CMAQ $578 (TLC)
- **CMAQ**: $594 (BEP)
- **Local**: $87

<table>
<thead>
<tr>
<th>Manager Name</th>
<th>Design</th>
<th>Phone/Fax</th>
<th>Phone/Fax</th>
<th>E-Mail</th>
<th>Total</th>
<th>E76 Date(Exp./Actual)</th>
<th>Last Invoice</th>
<th>Last Updated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Don Dey</td>
<td>$0</td>
<td>408-846-0451</td>
<td><a href="mailto:don.dey@ci.gilroy.ca.us">don.dey@ci.gilroy.ca.us</a></td>
<td>$4,161</td>
<td>4/5/2011</td>
<td>5/7/2012</td>
<td>12/19/2011</td>
<td></td>
</tr>
</tbody>
</table>
## Programmed Projects Quarterly Monitoring Report

**Jan-March 2012**

### Project No: SCL110049
**School Crossings, Sidewalks & Bicycle Lanes**

<table>
<thead>
<tr>
<th>Project No</th>
<th>Project Description</th>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Schedule</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCL110049</td>
<td>Provide school crossing improvements, fill in sidewalk gaps, and extend bicycle lanes.</td>
<td>Planning</td>
<td>$0</td>
<td></td>
<td>City has received the E-76.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PE/ENV</td>
<td>$150</td>
<td>2011</td>
<td>10/2011</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Right of Way</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fund Source</th>
<th>Manager Name</th>
<th>Phone/Fax</th>
<th>Construction</th>
<th>Manager Name</th>
<th>Phone/Fax</th>
<th>E-Mail</th>
<th>Project Title</th>
<th>Funds Expire</th>
<th>obliged</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local $241</td>
<td>Don Dey</td>
<td>408-846-0451</td>
<td>$788</td>
<td>$0</td>
<td><a href="mailto:don.dey@ci.gilroy.ca.us">don.dey@ci.gilroy.ca.us</a></td>
<td>School Crossings, Sidewalks &amp; Bicycle Lanes</td>
<td>4/2012</td>
<td>7/17/2012</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Last Updated</th>
<th>Last Invoice</th>
<th>E76 Date(Exp./Actual)</th>
<th>Total</th>
<th>$938</th>
</tr>
</thead>
</table>
### Abel Street Pedestrian Improvements

<table>
<thead>
<tr>
<th>Project No</th>
<th>Project Description</th>
<th>Fund Source</th>
<th>Manager Name</th>
<th>Phone/Fax</th>
<th>E-Mail</th>
<th>Project Title</th>
<th>Fund Source</th>
<th>Completed Date</th>
<th>Current Date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCL110036</td>
<td>Build pedestrian infrastructure improvements on both sides of Abel St between Great Mall Parkway and Capital Ave in the City of Milpitas.</td>
<td>CMAQ 5788</td>
<td>Fariborz Heydari</td>
<td>408-586-3303</td>
<td><a href="mailto:fheydari@ci.milpitas.ca.gov">fheydari@ci.milpitas.ca.gov</a></td>
<td>$985</td>
<td>4/4/2012</td>
<td>5/9/2012</td>
<td>CON funds awarded in May.</td>
<td></td>
</tr>
</tbody>
</table>

### Escuela Parkway Pedestrian and Bicycle Enhancement

<table>
<thead>
<tr>
<th>Project No</th>
<th>Project Description</th>
<th>Fund Source</th>
<th>Manager Name</th>
<th>Phone/Fax</th>
<th>E-Mail</th>
<th>Project Title</th>
<th>Fund Source</th>
<th>Completed Date</th>
<th>Current Date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCL110055</td>
<td>Widen sidewalk along the eastside of the Parkway, install shade trees and irrigation, and provide bus pullout on the westside of the Parkway.</td>
<td>Local S65 STIP-TE $501</td>
<td>Julie Waldron</td>
<td>408-586-3314</td>
<td><a href="mailto:jwaldron@ci.milpitas.ca.gov">jwaldron@ci.milpitas.ca.gov</a></td>
<td>$566</td>
<td>3/30/2012</td>
<td>5/8/2012</td>
<td>City awarded the project on April 30th.</td>
<td></td>
</tr>
</tbody>
</table>
**Programmed Projects Quarterly Monitoring Report**  
Jan-March 2012

<table>
<thead>
<tr>
<th>Sponsor:</th>
<th>City of Mountain View</th>
<th>Project Title:</th>
<th>Church Street Improvements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 of 1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project No</td>
<td>Project Description</td>
<td>Project Phase</td>
<td>Funds ($000)</td>
</tr>
<tr>
<td>SCL110018</td>
<td>Church Street improvements from Calderon Ave to Castro Street.</td>
<td>Planning</td>
<td>$0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PE/ENV</td>
<td>$160</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Right of Way</td>
<td>$0</td>
</tr>
<tr>
<td>Manager Name</td>
<td>Sean Rose</td>
<td>Design</td>
<td>$0</td>
</tr>
<tr>
<td>Phone/Fax</td>
<td>650-903-6311</td>
<td>Construction</td>
<td>$775</td>
</tr>
<tr>
<td>E-Mail</td>
<td><a href="mailto:Sean.Rose@mountainview.gov">Sean.Rose@mountainview.gov</a></td>
<td>Total</td>
<td>$935</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Last Invoice</td>
<td>N.A.</td>
</tr>
<tr>
<td>Fund Source</td>
<td>Local $405</td>
<td>STP $530</td>
<td></td>
</tr>
<tr>
<td>Sponsor: City of Palo Alto</td>
<td>Project Title: Traffic Signal Central System Upgrade</td>
<td></td>
<td></td>
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<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Project No</td>
<td>SCL050091</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Description</td>
<td>Replacement of the City's existing traffic signal central system and up to 35 traffic signal field controllers with associated communications gear.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fund Source</td>
<td>Earmark $365, Local $93</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Phase</td>
<td>Schedule</td>
<td>Comments</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Programmed Year</td>
</tr>
<tr>
<td>Planning</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PE/ENV</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right of Way</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The City has contracted with BKF Engineers to complete the Caltrans Local Assistance documents for the project. A submittal to Caltrans is anticipated in January 2012. A CEQA Categorical Exemption was completed and filed with the County of Santa Clara in January 2012.</td>
</tr>
<tr>
<td>Manager Name</td>
<td>Jaime Rodriguez</td>
<td>Design</td>
<td>$0</td>
</tr>
<tr>
<td>Phone/Fax</td>
<td>650-329-2136</td>
<td>Construction</td>
<td>$458</td>
</tr>
<tr>
<td>E-Mail</td>
<td><a href="mailto:jaime.rodriguez@cityofpaloalto.org">jaime.rodriguez@cityofpaloalto.org</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sponsor: City of Palo Alto</td>
<td>Project Title: 2011 Pavement Program</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project No</td>
<td>SCL110019</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Description</td>
<td>Rehab and replace AC overlay, AC pavement repair and associated minor concrete curbs, gutters, sidewalks, driveways, ADA ramp upgrades and retrofits and renewed thermoplastic striping.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fund Source</td>
<td>Local $81 STP $549</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project Phase</td>
<td>Funds ($000)</td>
<td>Schedule</td>
<td>Comments</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Programmed Year</td>
<td>Current</td>
</tr>
<tr>
<td>Planning</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PE/ENV</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right of Way</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>CON funds obligated on 03/16/2012.</td>
</tr>
<tr>
<td>Manager Name</td>
<td>Elizabeth Ames</td>
<td>Design</td>
<td>$0</td>
</tr>
<tr>
<td>Phone/Fax</td>
<td>650-326-2502</td>
<td>Construction</td>
<td>$630</td>
</tr>
<tr>
<td>E-Mail</td>
<td><a href="mailto:elizabeth.ames@cityofpaloalto.org">elizabeth.ames@cityofpaloalto.org</a></td>
<td>Total</td>
<td>$630</td>
</tr>
</tbody>
</table>
# Programmed Projects Quarterly Monitoring Report
Jan-March 2012

<table>
<thead>
<tr>
<th>Sponsor: City of Palo Alto</th>
<th>Project Title: California Avenue Transit Hub</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project No SCL110037</td>
<td>Project Description: On California Ave between El Camino Real (SR82) and the California Avenue - Park Blvd Plaza; streetscape, traffic calming, and Park Bvd Plaza improvements.</td>
</tr>
<tr>
<td>Fund Source</td>
<td>California Avenue - Park Blvd Plaza; streetscape, traffic calming, and Park Bvd Plaza improvements.</td>
</tr>
<tr>
<td>Funds ($000)</td>
<td>Planning: $0, PE/ENV: $200, Right of Way: $0</td>
</tr>
<tr>
<td>Programmed Year</td>
<td>Current</td>
</tr>
<tr>
<td></td>
<td>Start</td>
</tr>
<tr>
<td>Total</td>
<td></td>
</tr>
<tr>
<td>Comments</td>
<td>RBF Consultant Design Team selected for project. Design process started in August 2011 and will continue through the Summer 2012. The City is responding to litigation from project area merchants.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sponsor: City of Palo Alto</th>
<th>Project Title: Palo Alto Safe Routes to School</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project No SCL110054</td>
<td>Project Description: Safe Routes to School Program for all public schools in the city including walking/biking maps, education, and encouragement events.</td>
</tr>
<tr>
<td>Fund Source</td>
<td>CMAQ $528, Local $132</td>
</tr>
<tr>
<td>Funds ($000)</td>
<td>Planning: $0, PE/ENV: $0, Right of Way: $0</td>
</tr>
<tr>
<td>Programmed Year</td>
<td>Current</td>
</tr>
<tr>
<td></td>
<td>Start</td>
</tr>
<tr>
<td>Total</td>
<td></td>
</tr>
<tr>
<td>Comments</td>
<td>Alta Design + Planning selected for project, City Council award anticipated in February 2012. Project will begin in March 2012.</td>
</tr>
</tbody>
</table>
## Programmed Projects Quarterly Monitoring Report
### Jan-March 2012

### Almaden Expressway Pedestrian Bridge (BEP Project)

**Project No**: SCL050039  
**Project Description**: Almaden Expressway, near Coleman Rd; Construct a 360 ft. Ped Bridge over Almaden Expressway to connect nearby trails and to the Almaden Light Rail Station.

<table>
<thead>
<tr>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Schedule</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PE/ENV</td>
<td>$113</td>
<td>07/08</td>
<td>9/08</td>
</tr>
<tr>
<td>Right of Way</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fund Source</th>
<th>Manager Name</th>
<th>Phone/Fax</th>
<th>E-Mail</th>
<th>Total</th>
<th>Last Updated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Earmark $496</td>
<td>Yves Zsutty</td>
<td>(408) 793-5561</td>
<td><a href="mailto:yves.zsutty@sanjoseca.gov">yves.zsutty@sanjoseca.gov</a></td>
<td>$9,352</td>
<td>5/2/2012</td>
</tr>
</tbody>
</table>

### Silicon Valley TIMC

**Project No**: SCL050079  
**Project Description**: Transportation Incident Management Center: Implement subregional hub for traffic management activities including arterial traffic, incident management, traveler information and emergency incident management center. HPP #2017

<table>
<thead>
<tr>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Schedule</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning</td>
<td>$0</td>
<td></td>
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</tr>
<tr>
<td>PE/ENV</td>
<td>$3,562</td>
<td></td>
<td>completed</td>
</tr>
<tr>
<td>Right of Way</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fund Source</th>
<th>Manager Name</th>
<th>Phone/Fax</th>
<th>E-Mail</th>
<th>Total</th>
<th>Last Updated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Earmark $6,038</td>
<td>Kenneth Jung</td>
<td>(408) 975-3262</td>
<td><a href="mailto:kenneth.jung@sanjoseca.gov">kenneth.jung@sanjoseca.gov</a></td>
<td>$10,153</td>
<td>5/14/2011</td>
</tr>
</tbody>
</table>
## Programmed Projects Quarterly Monitoring Report

### Jan-March 2012

---

### Lower Guadalupe River Trail (BEP Project)

<table>
<thead>
<tr>
<th>Project No</th>
<th>Description</th>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Schedule</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCL050081</td>
<td>Construct 6.4 mile trail including safety enhancement and improvements from I-880 to Bay Trail 9B ped bridge in San Jose.</td>
<td>Planning</td>
<td>$0</td>
<td>Programmed Year: 2012, Current: 6/2012</td>
<td>City Council awarded construction contract on 4/24. Expect construction to begin in June with a 10 month duration</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PE/ENV</td>
<td>$219</td>
<td>Prior Years</td>
<td>complete</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Right of Way</td>
<td>$0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manager Name</td>
<td>Yves Zsutty</td>
<td>Design</td>
<td>$1,718</td>
<td>Prior Years</td>
<td>complete</td>
</tr>
<tr>
<td>Phone/Fax</td>
<td>(408) 793-5561</td>
<td>Construction</td>
<td>$4,698</td>
<td>2012, 6/2012</td>
<td>4/2013</td>
</tr>
<tr>
<td>E-Mail</td>
<td><a href="mailto:yves.zsutty@sanjoseca.gov">yves.zsutty@sanjoseca.gov</a></td>
<td>Total</td>
<td>$6,635</td>
<td>E76 Date (Exp./Actual): 03/08</td>
<td>Last Updated: 5/2/2012</td>
</tr>
</tbody>
</table>

---

### Bay Trail Reach 9B

<table>
<thead>
<tr>
<th>Project No</th>
<th>Description</th>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Schedule</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCL050082</td>
<td>Preparation of CON and ENV documents for 1.2 miles of trail, a pedestrian bridge, and underpass with safety and enhancement improvements.</td>
<td>Planning</td>
<td>$0</td>
<td>Programmed Year: 3/08, Current: 9/12</td>
<td>CEQA was approved on Dec 17, 2010. NEPA in progress; CON documents being prepared to 60% stage.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PE/ENV</td>
<td>$180</td>
<td>06/07</td>
<td>3/08</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Right of Way</td>
<td>$63</td>
<td>08/09</td>
<td></td>
</tr>
<tr>
<td>Manager Name</td>
<td>Yves Zsutty</td>
<td>Design</td>
<td>$635</td>
<td>08/09</td>
<td>9/12</td>
</tr>
<tr>
<td>Phone/Fax</td>
<td>(408) 793-5561</td>
<td>Construction</td>
<td>$7</td>
<td>11/12</td>
<td></td>
</tr>
<tr>
<td>E-Mail</td>
<td><a href="mailto:yves.zsutty@sanjoseca.gov">yves.zsutty@sanjoseca.gov</a></td>
<td>Total</td>
<td>$885</td>
<td>E76 Date (Exp./Actual): 01/08</td>
<td>Last Updated: 5/2/2012</td>
</tr>
</tbody>
</table>
### Coyote Creek Trail (BEP Project)

<table>
<thead>
<tr>
<th>Sponsor</th>
<th>City of San Jose</th>
<th>Project Title: Coyote Creek Trail (BEP Project)</th>
<th>Project No</th>
<th>Project Description</th>
<th>Fund Source</th>
<th>Manager Name</th>
<th>Phone/Fax</th>
<th>E-Mail</th>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Schedule</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>SCL050083</td>
<td>Master Plan, design of 9.8 miles transportation trail, including safety and improvements between SR 237 and Story Rd.</td>
<td>Earmark $3,674, Local $5,095, RTP-LRP $6,000</td>
<td>Yves Zsutty</td>
<td>(408) 793-5561</td>
<td><a href="mailto:yves.zsutty@sanjoseca.gov">yves.zsutty@sanjoseca.gov</a></td>
<td>Planning</td>
<td>$0</td>
<td>Programmed Year: 8/10 - 8/12</td>
<td>NEPA study relative to SJ high school building underway. Master plan adopted on September 13.</td>
</tr>
<tr>
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<td>PE/ENV</td>
<td>$572</td>
<td>08/09 - 9/08</td>
<td>9/12</td>
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<td>Right of Way</td>
<td>$0</td>
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<td>$14,769</td>
<td>E76 Date (Exp./Actual): 08/08</td>
<td>Last Updated: 5/2/2012</td>
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### San Carlos Street Multimodal Streetscape Improvements Phase 1

<table>
<thead>
<tr>
<th>Sponsor</th>
<th>City of San Jose</th>
<th>Project Title: San Carlos Street Multimodal Streetscape Improvements Phase 1</th>
<th>Project No</th>
<th>Project Description</th>
<th>Fund Source</th>
<th>Manager Name</th>
<th>Phone/Fax</th>
<th>E-Mail</th>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Schedule</th>
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<tbody>
<tr>
<td></td>
<td></td>
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<td>SCL090045</td>
<td>In San Jose: pedestrian-oriented improvements to enhance pedestrian accessibility to public transit including VTA's light rail and bus system that will link San Jose State University and Downtown San Jose.</td>
<td>Local $343, STIP/TE $1,500</td>
<td>Zahir Gulzadah</td>
<td>408-975-3257</td>
<td><a href="mailto:zahir.gulzadah@sanjoseca.gov">zahir.gulzadah@sanjoseca.gov</a></td>
<td>Planning</td>
<td>$343</td>
<td>Programmed Year: 2010</td>
<td>- Awarded in April 2012. - Construction to begin in June 2012.</td>
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<td>PE/ENV</td>
<td>$0</td>
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<td>$1,843</td>
<td>E76 Date (Exp./Actual): 9/2011</td>
<td>Last Updated: 5/8/2012</td>
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Last Invoice: n.a.
### Programmed Projects Quarterly Monitoring Report
#### Jan-March 2012

#### Lower Guadalupe River Trail-Tasman Drive Underpass

<table>
<thead>
<tr>
<th>Project No</th>
<th>Project Description</th>
<th>Project Phase</th>
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<tbody>
<tr>
<td>SCL090046</td>
<td>Improve Lower Guadalupe River Trail's Tasman Drive underpass.</td>
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<td>City received 12-month time extension from CTC.</td>
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<td>Planning</td>
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<td></td>
<td>complete</td>
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<td></td>
<td></td>
<td>PE/ENV</td>
<td>$0</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Right of Way</td>
<td>$0</td>
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<td></td>
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</tr>
</tbody>
</table>

| Manager Name | Yves Zsutty | Design | $0 | complete | Fund Source | Local $1,165 | STIP/TE $660 |
|              |             |        |    |          |             |             |              |
| Phone/Fax    | 408-793-5561|        |    |          |             |             |              |
| E-Mail       | yves.zsutty@sanjoseca.gov |       |    |          |             |             |              |
|             |             |        |    |          |             |             |              |
|             |             |        |    |          |             |             |              |
|             |             |        |    |          |             |             |              |
|             |             |        |    |          |             |             |              |
|             |             |        |    |          |             |             |              |

| Fund Source |             |        |    |          |             |             |              |
|             |             |        |    |          |             |             |              |
|             |             |        |    |          |             |             |              |
|             |             |        |    |          |             |             |              |
|             |             |        |    |          |             |             |              |

| Last Updated | 5/24/2012 | Last Invoice | n.a. |          |             |             |              |

#### Alameda - A Plan for The Beautiful Way

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<th>Project No</th>
<th>Project Description</th>
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<th>Schedule</th>
<th>Comments</th>
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</thead>
<tbody>
<tr>
<td>SCL110001</td>
<td>Along Alameda from Stockton Ave to Fremont St.; improve pedestrian mobility with improved facilities including enhanced crosswalks, sidewalks and signage.</td>
<td></td>
<td></td>
<td></td>
<td>CON funds obligated on 4/4/2012. Design being finalized. CON scheduled to begin in 2013.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Planning</td>
<td>$0</td>
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<td></td>
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<td>PE/ENV</td>
<td>$685</td>
<td>2011</td>
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<td>Right of Way</td>
<td>$100</td>
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</tr>
</tbody>
</table>

| Manager Name | Jesse Quirion | Design | $0 |          | Fund Source | Local $1,291 | STP $3,132 |
|              |              |        |    |          |             |             |              |
| Phone/Fax    | 408-975-3299 |        |    |          |             |             |              |
| E-Mail       | jesse.quirion@sanjoseca.gov |       |    |          |             |             |              |
|             |              |        |    |          |             |             |              |
|             |              |        |    |          |             |             |              |
|             |              |        |    |          |             |             |              |
|             |              |        |    |          |             |             |              |

| Last Updated | 4/11/2012 | Last Invoice | n.a. |          |             |             |              |

City of San Jose
### Innovative Bicycle Detection System

**Project No:** SCL110016  
**Project Description:** Test technologies on San Fernando Street and William/Bollinger streets, identify "best" technology, implement on additional city bikeways.

| Fund Source | CMAQ $1,500  
Local $210  
| Manager Name | Ken Salvail  
| Phone/Fax | 408-975-3705  
| E-Mail | ken.salvail@sanjoseca.gov  

#### Schedule

<table>
<thead>
<tr>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Programmed Year</th>
<th>Current</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Planning</td>
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<tr>
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</tr>
<tr>
<td>Right of Way</td>
<td>$0</td>
<td></td>
<td></td>
<td>Obligated 5/15/2012.</td>
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**Total:** $1,710

**Last Updated:** 5/22/2012

### Los Gatos Creek Reach 5 Bridge Crossings

**Project No:** SCL110029  
**Project Description:** Develop construction drawings for trail improvements.

| Fund Source | CMAQ $1,250  
Local $350  
RTP-LRP $3,000  
| Manager Name | Yves Zutty  
| Phone/Fax | 408-793-5561  
| E-Mail | yves.zutty@sanjoseca.gov  

#### Schedule

<table>
<thead>
<tr>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Programmed Year</th>
<th>Current</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Planning</td>
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</tr>
<tr>
<td>PE/ENV</td>
<td>$1,450</td>
<td>2011</td>
<td>3/11</td>
<td>6/13</td>
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<td>Right of Way</td>
<td>$150</td>
<td>2013</td>
<td>TBD</td>
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**Total:** $4,600

**Last Updated:** 5/30/2012
### Programmed Projects Quarterly Monitoring Report

**Jan-March 2012**

<table>
<thead>
<tr>
<th>Sponsor: City of San Jose</th>
<th>Project Title: San Fernando Street Enhanced Bikeway &amp; Ped Access</th>
<th>Project No: SCL110033</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Project Description</strong></td>
<td>Enhance pedestrian and bicycle accessibility along San Fernando Street between Cahill Street and 10th Street.</td>
<td><strong>Project Phase</strong></td>
</tr>
<tr>
<td>Fund Source</td>
<td>Local $301, STP $1,425</td>
<td><strong>Funds ($000)</strong></td>
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<td>Planning: $0</td>
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<td>PE/ENV: $117, 2011</td>
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<tr>
<td></td>
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<td>Right of Way: $0</td>
</tr>
<tr>
<td>Manager Name</td>
<td>Zahir Gulzadah</td>
<td><strong>Schedule</strong></td>
</tr>
<tr>
<td>Phone/Fax</td>
<td>408-975-3257</td>
<td>Programmed Year:</td>
</tr>
<tr>
<td>E-Mail</td>
<td><a href="mailto:zahir.gulzadah@sanjoseca.gov">zahir.gulzadah@sanjoseca.gov</a></td>
<td>Current:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Start: 7/2012</td>
</tr>
<tr>
<td></td>
<td></td>
<td>End: 1/2013</td>
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<tr>
<td></td>
<td></td>
<td>Comments: Obligated 6/6/2012.</td>
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<table>
<thead>
<tr>
<th>Sponsor: City of San Jose</th>
<th>Project Title: San Carlos Street Streetscape Improvements Phase 2</th>
<th>Project No: SCL110034</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Project Description</strong></td>
<td>Pedestrian-oriented improvements along the south side of San Carlos Street between Second Street and Market Street.</td>
<td><strong>Project Phase</strong></td>
</tr>
<tr>
<td>Fund Source</td>
<td>Local $622, STP $2,024</td>
<td><strong>Funds ($000)</strong></td>
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<td>Planning: $0</td>
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<td></td>
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<td>PE/ENV: $359, 2011</td>
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<td>Right of Way: $0</td>
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<tr>
<td>Manager Name</td>
<td>Zahir Gulzadah</td>
<td><strong>Schedule</strong></td>
</tr>
<tr>
<td>Phone/Fax</td>
<td>408-975-3257</td>
<td>Programmed Year:</td>
</tr>
<tr>
<td>E-Mail</td>
<td><a href="mailto:zahir.gulzadah@sanjoseca.gov">zahir.gulzadah@sanjoseca.gov</a></td>
<td>Current:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Start: 10/2012</td>
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<tr>
<td></td>
<td></td>
<td>End: 10/2013</td>
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<tr>
<td></td>
<td></td>
<td>Comments: City submitted the request for the Utility E-76 to Caltrans; now responding to comments.</td>
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City of San Jose
### Programmed Projects Quarterly Monitoring Report

**Jan-March 2012**

**Table 1: 2012 Streets Resurfacing and Rehab**

<table>
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<tr>
<th>Sponsor: City of San Jose</th>
<th>Project Title:</th>
<th>Funds ($000)</th>
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<th>Comments</th>
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<tbody>
<tr>
<td><strong>Project No</strong></td>
<td><strong>Project Description</strong></td>
<td><strong>Phase</strong></td>
<td><strong>Programmed Year</strong></td>
<td><strong>Current</strong></td>
</tr>
<tr>
<td>SCL110035</td>
<td>Rehab and resurfacing Los Gatos Almaden Road, Monterey Hwy, Quimby Road, Santa Teresa Blvd, Redmond Avenue.</td>
<td>Planning</td>
<td>2011</td>
<td>CON funds obligated on 4/12/2012.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PE/ENV</td>
<td>2011</td>
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<td>Right of Way</td>
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<td><strong>Total</strong></td>
<td><strong>$9,022</strong></td>
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**Fund Source:** Local $1,035, STP $7,987

**Manager Name:** Michael Witkovski

**Phone/Fax:** 408-794-1955

**E-Mail:** michael.witkovski@sanjoseca.gov

**Project Title:** 4/12/2012

**Project Title:** E76 Date(Exp./Actual) 4/12/2012

**Last Updated:** 4/13/2012

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**Table 2: Walk N Roll - Safe Access**

<table>
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<tr>
<th>Sponsor: City of San Jose</th>
<th>Project Title:</th>
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<th>Schedule</th>
<th>Comments</th>
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<tbody>
<tr>
<td><strong>Project No</strong></td>
<td><strong>Project Description</strong></td>
<td><strong>Phase</strong></td>
<td><strong>Programmed Year</strong></td>
<td><strong>Current</strong></td>
</tr>
<tr>
<td>SCL110057</td>
<td>Encourage and promote pedestrian and bicycle safety along SRTS by installing low cost enhancements.</td>
<td>Planning</td>
<td>2011</td>
<td>Construction funds moved to 2013.</td>
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<tr>
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<td>PE/ENV</td>
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**Fund Source:** CMAQ $568, Local $85

**Manager Name:** Winnie Pagan

**Phone/Fax:** 408-535-6824

**E-Mail:** Winnie.pagan@sanjoseca.gov

**Project Title:** E76 Date(Exp./Actual) 8/5/2011

**Last Updated:** 5/30/2012

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**City of San Jose**
### Programmed Projects Quarterly Monitoring Report

**Jan-March 2012**

**City of Santa Clara**

<table>
<thead>
<tr>
<th>Project No</th>
<th>Project Description</th>
<th>Project Title:</th>
<th>Fund Source</th>
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<th>Comments</th>
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</thead>
<tbody>
<tr>
<td>SCL110030</td>
<td>Install dedicated bicycle facilities, pedestrian improvements, and signage.</td>
<td>San Tomas Aquino Creek Trail Reach 4</td>
<td>CMAQ $1,258 (BEP)[0, 0]Local $545</td>
<td>Planning</td>
<td>funds expire obligated 5/4/2012.</td>
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<td>PE/ENV</td>
<td>complete</td>
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<td></td>
<td></td>
<td>Right of Way</td>
<td>complete</td>
</tr>
<tr>
<td>Manager Name</td>
<td>Dennis Ng</td>
<td></td>
<td></td>
<td>Design</td>
<td>$0</td>
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<tr>
<td>Phone/Fax</td>
<td>408-615-3021</td>
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<td>Construction</td>
<td>$1,583 [0, 0]2012 5/2012</td>
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<tr>
<th>Project No</th>
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<th>Project Title:</th>
<th>Fund Source</th>
<th>Schedule</th>
<th>Comments</th>
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</thead>
<tbody>
<tr>
<td>SCL110031</td>
<td>Widen and pave with AC; signage, striping, landscaping and protective fencing.</td>
<td>San Tomas Aquino Creek Spur Trail</td>
<td>CMAQ $505 (BEP)[0, 0]CMAQ $576 (TLC)Local $369 TDA3 $300 TPCA $260</td>
<td>Planning</td>
<td>funds expire obligated 5/11/2012.</td>
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<td>Dennis Ng</td>
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<td>Phone/Fax</td>
<td>408-615-3021</td>
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<td>Construction</td>
<td>$1,780 [0, 0]2012 6/2012 8/2013</td>
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<td><a href="mailto:dng@santaclaraca.gov">dng@santaclaraca.gov</a></td>
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**City of Santa Clara**
# Programmed Projects Quarterly Monitoring Report
## Jan-March 2012

### Sponsor: City of Saratoga

<table>
<thead>
<tr>
<th>Project No</th>
<th>Project Description</th>
<th>Project Title</th>
<th>Highway 9 Safety Improvements (BEP Project)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCL070050</td>
<td>Construct bike/ped safety improvements on SR9 in Saratoga.</td>
<td><strong>Project No</strong></td>
<td><strong>Project Description</strong></td>
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<tr>
<td></td>
<td>CMAQ $462, HSIP $900, Local $100, Local $60</td>
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<td><strong>Highway 9 Safety Improvements (BEP Project)</strong></td>
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<td><strong>Fund Source:</strong></td>
<td><strong>Project Phase</strong></td>
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<td></td>
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<td>PE/ENV</td>
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<td>Right of Way</td>
<td>$0</td>
</tr>
<tr>
<td></td>
<td><strong>Manager Name:</strong> Iveta Harvancik</td>
<td><strong>Design</strong></td>
<td>$0</td>
</tr>
<tr>
<td></td>
<td><strong>Phone/Fax:</strong> 408-868-1274</td>
<td><strong>Construction</strong></td>
<td>$1,000</td>
</tr>
<tr>
<td></td>
<td>E-Mail: <a href="mailto:iharvancik@saratoga.ca.us">iharvancik@saratoga.ca.us</a></td>
<td><strong>Total</strong></td>
<td>$1,522</td>
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### Sponsor: City of Saratoga

<table>
<thead>
<tr>
<th>Project No</th>
<th>Project Description</th>
<th>Project Title:</th>
<th>Saratoga Village Ped Enhancement Phase 2</th>
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<tbody>
<tr>
<td>SCL110017</td>
<td>Pedestrian enhancements in Downtown Saratoga</td>
<td><strong>Project No</strong></td>
<td><strong>Project Description</strong></td>
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<tr>
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<td>CMAQ $1,160 (TLC)</td>
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<td><strong>Funds ($000)</strong></td>
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<tr>
<td></td>
<td><strong>Manager Name:</strong> Macedonio Nunez</td>
<td><strong>Design</strong></td>
<td>$0</td>
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<td></td>
<td><strong>Phone/Fax:</strong> 408-868-1218</td>
<td><strong>Construction</strong></td>
<td>$1,284</td>
</tr>
<tr>
<td></td>
<td>E-Mail: <a href="mailto:mnunez@saratoga.ca.us">mnunez@saratoga.ca.us</a></td>
<td><strong>Total</strong></td>
<td>$1,451</td>
</tr>
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</table>

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**City of Saratoga**

Page 18 of 30
# Programmed Projects Quarterly Monitoring Report
## Jan-March 2012

### Mathilda Avenue Bridge Replacement

**Project No**: SCL050006  
**Project Description**: On Mathilda Avenue, over Caltrain/UPRR at Evelyn Ave. Widen structure along both sides, add south bound aux lane, realign, replace.  
**Fund Source**: HBRR (10/11) $28,826  
Local $3,735  
**Manager Name**: Nasser Fakih  
**Phone/Fax**: 408-730-7617  
**E-Mail**: nfakih@ci.sunnyvale.ca.us  
**Sponsor**: City of Sunnyvale  
**Project Phase** | **Funds ($000)** | **Programmed Year** | **Current** | **Start** | **End** | **Comments**  
--- | --- | --- | --- | --- | --- | ---  
Planning | $0 | | | | |  
PE/ENV | $3,533 | | complete | 2006 | |  
Right of Way | $84 | | complete | 2007 | |  
**Total**: $29,087  
**E76 Date (Exp./Actual)**: 9/10/2009  
**Last Updated**: 5/1/2012  
**Funds Expire**: awarded  
**Comments**: Under construction-completion anticipated for 6/2012.

### Sunnyvale Downtown Streetscape

**Project No**: SCL090042  
**Project Description**: In Sunnyvale: implement the Downtown Specific Plan and adopted streetscape design standards.  
**Fund Source**: CMAQ $594  
Local $524  
STIP/TE $1,500  
**Manager Name**: Jennifer Ng  
**Phone/Fax**: 408-730-7830  
**E-Mail**: jng@ci.sunnyvale.ca.us  
**Sponsor**: City of Sunnyvale  
**Project Phase** | **Funds ($000)** | **Programmed Year** | **Current** | **Start** | **End** | **Comments**  
--- | --- | --- | --- | --- | --- | ---  
Planning | $0 | | | | |  
PE/ENV | $281 | | complete | 2011 | |  
Right of Way | $0 | | | | |  
**Total**: $2,618  
**E76 Date (Exp./Actual)**: 3/16/2012  
**Last Updated**: 5/1/2012  
**Funds Expire**: obligated  
**Comments**: CON funds obligated on 03/16/2012.
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<td>Project No</td>
<td>Project Description</td>
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<tr>
<td>SCL110014</td>
<td>Reconstruct Hendy Avenue to provide new and reconstructed sidewalk, bike lanes, and enhanced streetscape features consistent with downtown Sunnyvale design standards.</td>
<td></td>
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<tr>
<td>Fund Source</td>
<td>CMAQ $1,460 Local $673 STP $617</td>
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<td>PE/ENV</td>
<td>10/2012 6/2013</td>
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<tr>
<td>Right of Way</td>
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<tr>
<td>Manager Name</td>
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<td></td>
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<tr>
<td>Design</td>
<td>$0</td>
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<tr>
<td>Phone/Fax</td>
<td>408-730-7330</td>
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<td>Phone/Fax</td>
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<td>Project Title: Sunnyvale Ave/Old San Francisco Road IC Reconst.</td>
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</tr>
<tr>
<td>Project No</td>
<td>Sunnyvale Ave/Old San Francisco Rd and Sunnyvale Avenue/El Camino Real Ics, replace obsolete traffic signals, provide new signalized access, reconstruct medians and rehab pavement</td>
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<td>Project Phase</td>
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<td>Planning</td>
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<tr>
<td>Right of Way</td>
<td>Last Invoice N.A.</td>
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</tbody>
</table>
# Programmed Projects Quarterly Monitoring Report
## Jan-March 2012

### Oregon-Page Mill Expressway Improvements

**Project No**: SCL050080  
**Project Description**: Traffic improvements including traffic signal upgrade, optimizing timing plans & bike and pedestrian facilities on Oregon-Page Mill Expressway between US 101 and SR 82.  
**Fund Source**:  
- Earmark $3,020  
- Local $780  

**Manager Name**: Mike Griffis  
**Phone/Fax**: 408-573-2492/408-441-0276  
**E-Mail**: mike.griffis@rda.sccgov.org  

**Comments**: Preliminary engineering is underway. Receiving E76 for Construction is dependant on completion of Caltrans Environmental process, which is still underway.

<table>
<thead>
<tr>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Programmed Year</th>
<th>Current</th>
<th>End</th>
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<td>6/2012</td>
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**Total**: $4,300  
**E76 Date (Exp./Actual)**: 5/2012  
**Last Updated**: 5/3/2012  
**Funds Expire**: no expiration  

### Santa Teresa/Hale Rehab

**Project No**: SCL110012  
**Project Description**: On Santa Teresa Blvd/Hale Avenue, Bowden Avenue, and Alamitos Road, rehabilitate road pavement including improvements to facilitate complete streets development.  
**Fund Source**:  
- Local $600  
- STP $3,198  

**Manager Name**: Mike Griffis  
**Phone/Fax**: 408-573-2447  
**E-Mail**: mike.griffis@rda.sccgov.org  

**Comments**: CON funds obligated on 4/4/2012.

<table>
<thead>
<tr>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Programmed Year</th>
<th>Current</th>
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**Total**: $3,798  
**E76 Date (Exp./Actual)**: 4/4/2012  
**Last Updated**: 5/3/2012  
**Funds Expire**: obligated  

---

*County of Santa Clara*

Page 21 of 30
<table>
<thead>
<tr>
<th>Sponsor: County of Santa Clara</th>
<th>Project Title: Expressways Pavement Rehab</th>
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<td>Project No</td>
<td>SCL110013</td>
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<tr>
<td>Project Description</td>
<td>Rehabilitate roadway on Capitol Expressway in San Jose between Quimby Road and Silver Creek Road.</td>
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<tr>
<td>Fund Source</td>
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<td>STP $530</td>
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</tr>
<tr>
<td>Manager Name</td>
<td>Mike Griffis</td>
<td></td>
</tr>
<tr>
<td>Phone/Fax</td>
<td>408-573-2447</td>
<td></td>
</tr>
<tr>
<td>E-Mail</td>
<td><a href="mailto:mike.griffis@rda.sccgov.org">mike.griffis@rda.sccgov.org</a></td>
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<td>Project Phase</td>
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<td>Schedule</td>
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<td>5/3/2012</td>
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CON funds obligated on 03/16/2012.
<table>
<thead>
<tr>
<th>Sponsor:</th>
<th>Department of Transport</th>
<th>Project Title:</th>
<th>US-101/Tully Road Interchange Modifications</th>
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<tbody>
<tr>
<td>SCL050033</td>
<td>Project Phase</td>
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Fund Source:
- ARRA $4,356
- Earmark $7,199
- Local $20,664
- Other: I-BOND-CMIA $30,000
- SHOPP $2,155

Manager Name: Gene Gonzalo
Phone/Fax: 510-622-0810
E-Mail: gene.gonzalo@dot.ca.gov
<table>
<thead>
<tr>
<th>Sponsor:</th>
<th>Town of Los Altos Hills</th>
<th>Project Title:</th>
<th>SR2 Los Altos Hills Schools</th>
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<td>Project Phase</td>
<td>Funds ($000)</td>
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<tr>
<td>SCL110056</td>
<td>Install 5 to 6 foot wide unpaved pathway in each direction of traffic on West Fremont Road between Concepcion Rd and Edith Ave., and paved pathway, 6 to 13 foot wide, in &quot;S&quot; curve near the south end of the project where roadway is steep and curvy.</td>
<td>Planning</td>
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<tr>
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<td>STIP-TE $800</td>
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<tr>
<td>Manager Name</td>
<td>Richard Chiu</td>
<td></td>
<td></td>
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<tr>
<td>Phone/Fax</td>
<td>650-941-7222</td>
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<td>E-Mail</td>
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<td>Town of Los Altos Hills</td>
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Programmed Projects Quarterly Monitoring Report
Jan-March 2012

<table>
<thead>
<tr>
<th>Sponsor: Town of Los Gatos</th>
<th>Project Title: University Avenue Rehabilitation</th>
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<tbody>
<tr>
<td><strong>Project No</strong></td>
<td><strong>Project Description</strong></td>
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<tr>
<td>SCL110025</td>
<td>Rehab University Avenue between Shelburne Way and Vasona Dam with length of 0.8 miles and about 180,000 sq ft of asphalt overlay.</td>
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</table>

<table>
<thead>
<tr>
<th>Project Phase</th>
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**Funds Source**
- Local $100
- STP $500

**Funds Expire obliged**

**Manager Name** | Kevin Rohani
**Design** | $0
**Phone/Fax** | 408-399-5773
**Construction** | $600 2012
**E-Mail** | krohani@losgatosca.gov
**Total** | $600

**Comments**
- CON funds obligated on 03/16/2012. City expects to take the project to Council June 4th for advertising, then award July 2. Construction can start mid July and generate an invoice by August.

**E76 Date(Exp./Actual)** | 3/16/2012
**Last Invoice** | 8/2012
**Last Updated** | 5/7/2012

---

**Town of Los Gatos**
<table>
<thead>
<tr>
<th>Sponsor: VTA</th>
<th>Project Title: US 101 / Capitol-Yerba Buena I/C Modifications</th>
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<tbody>
<tr>
<td>Project No</td>
<td>SCL050034 Project Description: Modify interchange, aux lanes and ramps.</td>
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<tr>
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<td>Manager Name</td>
<td>Ven Prasad Design $0</td>
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<td>Phone/Fax</td>
<td>Construction $28,200 2012 Funds Expire</td>
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<td>Total $33,556 E76 Date(Exp./Actual) Last Updated 5/11/2012</td>
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<td>Sponsor: VTA</td>
<td>Project Title: I-880/Stevens Creek Interchange Improvements</td>
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<td>Project No</td>
<td>SCL070002 Project Description: Interchange improvements at the I-280/I-880/Stevens Creek Blvd interchange.</td>
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<td>CMIA $30,975</td>
<td>Planning $0 VTA received additional $31 million of CMIA for this project. This project is in PAED phase. PE obligated on 06/13/2011.</td>
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<td>E-Mail</td>
<td>Total $70,705 E76 Date(Exp./Actual) 6/13/2011 (PE) Last Updated 5/10/2012</td>
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Last Invoice
### Programmed Projects Quarterly Monitoring Report
#### Jan-March 2012

**Project No:** SCL070016  
**Project Description:** San Jose/Milpitas: On I-880 btw SR 237 & US 101; Operational and safety improvements including widening to accommodate HOV lanes in both directions.  
**Contract approved:** 1/5/2012, Revised Construction’s 1st working date is 4/2/2012. Civil construction is anticipated to be completed in late summer 2013 with project completion by Fall 2014. Amendment to de-allocate CMIA construction fund (due to bid savings) completed.

<table>
<thead>
<tr>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Schedule</th>
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**Manager Name:** Lam Trinh  
**Phone/Fax:** 408-952-4217  
**E-Mail:** Lam.Trinh@vta.org  
**Fund Source:**  
Local ($19,084)  
Other I-Bond/CMIA ($45,929)

---

**Project No:** SCL070024  
**Project Description:** Santa Clara County: US 101 between Route 85 and Embarcadero Road; Construct auxiliary lanes.  
**Contract approved:** 12/13/2011, Construction began 2/27/2012 and administered by Caltrans. Civil construction is anticipated to be completed Fall 2013 with project completion by September 2014. Amendment to de-allocate CMIA construction fund (due to bid savings) completed.

<table>
<thead>
<tr>
<th>Project Phase</th>
<th>Funds ($000)</th>
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**Manager Name:** Lam Trinh  
**Phone/Fax:** 408-952-4217  
**E-Mail:** lam.trinh@vta.org  
**Fund Source:**  
Local ($15,567)  
Other: I-bond/CMIA ($55,871)
**Programmed Projects Quarterly Monitoring Report**
Jan-March 2012

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<tr>
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<tr>
<td><strong>Project Description:</strong></td>
<td>Route 152 new alignment from Rte 101 to Rte 156. Realign highway and evaluate route management strategies, including potential roadway pricing. Also includes SR152 &quot;trade corridor&quot; study from 101 to SR99.</td>
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<td><strong>Fund Source:</strong></td>
<td>RPF S5 Local S5</td>
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<td><strong>Manager Name:</strong></td>
<td>Darrell Vice</td>
</tr>
<tr>
<td><strong>Phone/Fax:</strong></td>
<td>408-952-4214</td>
</tr>
<tr>
<td><strong>E-Mail:</strong></td>
<td><a href="mailto:darrell.vice@vta.org">darrell.vice@vta.org</a></td>
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**Project Title:** SR 85 Express Lanes

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<tr>
<td><strong>Manager Name:</strong></td>
<td>Jane Yu</td>
</tr>
<tr>
<td><strong>Phone/Fax:</strong></td>
<td>408-321-5983</td>
</tr>
<tr>
<td><strong>E-Mail:</strong></td>
<td><a href="mailto:jane.yu@vta.org">jane.yu@vta.org</a></td>
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## Programmed Projects Quarterly Monitoring Report
### Jan-March 2012

### Santa Clara Caltrain Station Pedestrian Grade Separated Crossing

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<th>Project No</th>
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<td>Manager Name</td>
<td>Ken Ronsse</td>
<td>Design</td>
<td>$1,974</td>
<td>2009</td>
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<tr>
<td>Phone/Fax</td>
<td>(408) 952-4129</td>
<td>Construction</td>
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<td><a href="mailto:ken.ronsse@vta.org">ken.ronsse@vta.org</a></td>
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### Regional Planning Activities and PPM - Santa Clara

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<tr>
<td>Manager Name</td>
<td>Amin Surani</td>
<td>Design</td>
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<td>Phone/Fax</td>
<td>(408) 546-7989</td>
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<td>E-Mail</td>
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Programmed Projects Quarterly Monitoring Report
Jan-March 2012

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Fund Source
Local $5,665

Manager Name
Lam Trinh

Phone/Fax
408-952-4217

E-Mail
lam.trinh@vta.org

Total $5,665

E76 Date(Exp./Actual) N.A.
Last Invoice N.A.

Last Updated 5/2/2012

Project is in PA/ED Phase. Concurrently, Project is finalizing a PSR/PDS for the Project Initiation Documents (PID) Phase per Caltrans request. Supplemental LPR funding for PA/ED phase approved in March 2012. Additional funding will be needed to complete funding plan for the PA/ED phase.
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: SVBX Floodplain Analysis

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with Schaaf & Wheeler Civil Engineers, for services associated with preparing an updated regional flood insurance study for the watersheds affecting the SVBX Project in the amount of $450,130.

BACKGROUND:

The future Milpitas BART Station is located within a floodplain and is subject to inundation in the event of a 100-year flood event, unless protective measures are put in place. Protective measures such as flood walls along the guideway trench have the potential to divert flood waters and cause damage to adjacent areas.

The Federal Emergency Management Agency (FEMA) manages the national flood insurance program. As part of this program, FEMA has prepared technical studies to identify the extent and severity of flooding in all insured communities. Local agencies are obligated under FEMA regulations to verify that new construction will not have an adverse impact to flood conditions. This is done by using the existing flood insurance study as a baseline, and then analyzing the effect of the proposed work on flood elevations.

Based on the review of flood impact studies, it became apparent that the City of Milpitas would be unable to verify the impact of SVBX because the existing regional flood study is outdated and contains significant errors in the vicinity of the SVBX project such that it cannot serve as a reasonable baseline for comparison. The existing study does not reflect the extensive new development in the watershed and some of the physical features of the surrounding floodplain.
channels are incorrectly modeled. Because of these discrepancies in the existing flood study, it is not clear whether the BART station is truly affected by the flooding, or to what extent. Therefore, before the impact of SVBX can be determined, an update to the regional flood insurance study must be completed. The need for this re-study has been acknowledged by staff members at the City of Milpitas and the Santa Clara Valley Water District, as well as by VTA’s SVBX team.

**DISCUSSION:**

The timing of the study completion is critical for two reasons. First, the City of Milpitas will be unable to issue encroachment permits for any work in its right-of-way until the project’s flood impacts can be assessed. This has the potential to delay construction for both C700 and C720 contracts. Second, the design of the project must incorporate measures to protect the BART improvements from flooding. This design cannot be performed without an accurate and reliable analysis of the flood conditions at the site. Because the Design-Build Contractor has already received a Notice to Proceed, their design work could be delayed pending completion of the flood study.

The revised study will need to be approved by FEMA before the City of Milpitas can rely upon it to assess project impacts. It is anticipated that this will take approximately six months, with an additional six to eight months required to obtain FEMA approval of project impacts and flood protection measures (although project design could proceed “at risk” during this period). For these reasons, it is extremely critical to advance the flood study as quickly as possible. Although the need for this study may cause delay to the project, requiring a competitive bid process to select a qualified firm would cause several months of additional delay. This would likely result in the Design-Build Contractor submitting delay claims and delivering the project later than scheduled.

As part of the effort to expedite this work, Schaaf & Wheeler has been identified as a sole-source contractor to perform the study. Schaaf & Wheeler is currently under contract with the City of Milpitas to perform water resources work related to the Berryessa Extension Project, and in that capacity they have performed the reviews of VTA’s submittals to date. In addition to this prior knowledge of the project, their close working relationship with the City of Milpitas is expected to result in expedited approvals of the study. The staffs of all three agencies involved in the flood study (VTA, City of Milpitas and the Water District) have agreed that Schaaf and Wheeler is the most suitable firm to perform the work. Regardless of whether they are selected to perform the new baseline flood study, as the city’s on-call consultant, they would be the firm responsible for reviewing and approving analysis performed by any other firm selected by VTA. By selecting Schaaf & Wheeler, additional time savings will be gained in providing the study to the Design-Build Contractor for completion of the Milpitas Station design.

The scope of the proposed sole-source contract is summarized as follows:

- Identify locations where additional field surveys are required to supplement or correct the existing hydraulic modeling. (VTA would perform the actual field surveys using its existing on-call firms for the project.)
• Perform hydraulic modeling and analysis to FEMA standards for all creeks within the study area. This task would identify locations where the creeks overflow into the surrounding communities, including locations where the overflow directly impacts SVBX. Delineate the areas inundated by the flood overflows, and the depths/quantities of flood waters.
• Work with VTA’s project team and Design-Build contractor to identify potential flood protection measures and test their effectiveness using the new hydraulic modeling.
• Prepare the updated Flood Insurance Study in the proper format for submittal and review/approval by FEMA.
• Prepare Conditional Letter(s) of Map Revision (CLOMR(s)) for the project segments within the re-studied watershed. The CLOMR(s) would be submitted to FEMA to obtain approval of project improvements as they affect flood conditions.
• Perform liaison duties with FEMA to expedite reviews and obtain approvals of the above studies.

The value of the contract would be for an amount of $450,130. However, the actual contract costs could be lower following final contract negotiations and further refinement of the consultant work plan. Work will be authorized on a time and materials basis.

ALTERNATIVES:

The Board can elect not to authorize award of this contract and ask staff to consider additional firms included in Board approved on-call lists through a competitive bid process. However, requiring a competitive bid process would cause several months of additional delay and likely result in delay claims and late project delivery by the Design-Build contractor.

FISCAL IMPACT:

This action will authorize $450,130 for preparing an updated regional flood insurance study for the watersheds affecting the SVBX Project. Appropriation for this expenditure is available in the FY13 Adopted 2000 Measure A Transit Improvement Program Fund Capital Budget.

SBE/DBE REQUIREMENTS:
Based on review of the scope, no Disadvantaged Business Enterprise (DBE) goal has been set.

Prepared by: Carolyn Gonot
Memo No. 3651
Attachment A

SVBX Floodplain Analysis
List of Consultant(s)/Contractor(s)

<table>
<thead>
<tr>
<th>Firm Name</th>
<th>Name</th>
<th>Role</th>
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<tr>
<td>Schaaf and Wheeler</td>
<td>Chuck Anderson</td>
<td>Project Manager</td>
<td>Santa Clara, CA</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: WSCA Contracts and Pricing for Network Equipment and Services

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to utilize existing pre-negotiated Western States Contracting Alliance (WSCA) contracts and pricing for the procurement of voice, data, and video network equipment and services. The estimated cost of the four-year term is $1,400,000 for all WSCA networking procurements.

BACKGROUND:

Since 2004, the VTA Board of Directors has approved the purchase of various equipment and services under a cooperative purchase agreement utilizing the Western States Contracting Alliance (WSCA). WSCA is a 15-state consortium whose primary purpose is to use the members’ collective purchasing power to achieve cost-effective and efficient acquisition of quality products and services. VTA currently uses multiple WSCA contracts to expedite the procurement of some technology products, such as computer hardware and cellular services, as well as other products for various functions throughout the organization.

This new authorization will expand the use of WSCA within VTA and allow its use for the procurement of networking equipment and services. This will augment VTA’s existing procurement process with the ability to gain cost savings and other favorable terms from the regional WSCA agreements, for a four-year period.

The contracts will include WSCA discounted pricing and terms which have been negotiated by the State of Utah, which acted as the lead agency for this procurement. (See http://www.aboutwsca.org/content.cfm/id/wsca_current_contracts)
WSCA and its member agencies, including VTA, developed the networking master agreement with the objective of maximizing cost savings through pricing plans based on the WSCA agencies’ aggregate procurements and economies of scale, which provides for a deeper discounts than VTA would be able to negotiate acting alone. VTA’s procurement and contracts department has reviewed in detail the process and procedures followed during the Request for Pricing (RFP) and selection process. Staff believes that the process clearly meets or exceeds VTA's procurement and contracting standards.

**DISCUSSION:**

The State of Utah’s General Services Agency, acting as the lead WSCA entity, conducted a formal RFP process in May 2010 for the procurement of networking equipment and services. Bids were received from 13 qualified companies interested in the opportunity. Each of the bidders provided the State of Utah with their proposed quantity discount rate, below manufacturer’s suggested retail pricing, for which they would be able to sell a variety of networking equipment, professional services and warranty plans. Each of the bidders has also agreed to enhanced terms and conditions which are more beneficial to VTA than staff has been able to negotiate independently.

VTA has an ongoing need for networking equipment and services for approved projects such as:

- Real Time Information
- Express Lanes Networking
- Ticket Vending Machine Credit Cards
- Clipper Ticket Vending Machine installation
- Closed Circuit Television, Fixed and Mobile
- Clipper Site Preparation
- Credit Card Security Standards Compliance
- Network Upgrade

VTA currently procures networking equipment and services for these listed projects, as well as others, from multiple resellers, following VTA procurement procedures. Without Board authorization, the procurement policies and procedures do not allow for direct WSCA acquisitions for network equipment, and therefore prohibit the realization of quantity discounts or WSCA pre-approved terms and conditions.

The proposed WSCA networking contract would provide a pre-qualified list of vendors whose expertise spans a broad range of networking and information technology services. For example VTA would be able to purchase the following types of equipment under these contracts:

- Routers
- Firewalls
- Video networking devices
- Network monitoring appliances
- Network Maintenance and support
- Switches
- Wireless telecom devices
- Network monitoring software
- Audio distribution / Private Phone Exchange
Through VTA’s technology governance process, staff has scheduled or is planning technology capital projects over the course of the next few years. These projects are budgeted in VTA’s capital budget and form the foundation of our Technology Capital Plan. These and other ongoing projects will require additional networking equipment and services. The authorization to utilize existing approved WSCA contracts, pricing, and terms and conditions for technology projects will allow VTA to procure the equipment and services required to execute these projects in a more efficient, lower cost per device, lower service contracted amount, cost-effective and timely manner.

Staff recommends authorizing the General Manager to utilize existing pre-negotiated WSCA contracts, pricing, and terms for four years. The cost of all networking equipment and services procured under this authorized WSCA process will not exceed $1,400,000 for the next four years.

**ALTERNATIVES:**

The Board of Directors could choose to continue to procure networking equipment and services in the existing ad hoc manner. This option eliminates many opportunities for efficiencies, VTA labor savings and cost savings due to quantity discounts and favorable terms of the WCSA agreements. It would also create additional risks to vital core technology systems and programs during emergencies by limiting VTA’s ability to quickly and efficiently procure these products and service.

**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.

**FISCAL IMPACT:**

This action will authorize the procurement of voice, data, and video network equipment and services for a period of seven years. Appropriation for expenditures incurred in FY 2013 is included in the Adopted FY 2013 operating and capital budgets for the projects’ respective Fund. Appropriation for the remainder of the term will be included in subsequent Biennial Budgets.

Prepared by: Richard Bertalan
Memo No. 3615
### Partial List of Approved WSCA Contractors

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<th>Firm Name</th>
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<tr>
<td>BEAR Data</td>
<td>Al Gonzalez</td>
<td>Principal</td>
<td>Santa Clara, CA</td>
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<td>CDWG</td>
<td>Vanessa Seidel</td>
<td>Sales Manager</td>
<td>Chicago, IL</td>
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<td>Comp-U-Com</td>
<td>M. Wayne Dohnt</td>
<td>Senior Account Exec</td>
<td>San Jose, CA</td>
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<tr>
<td>NEC</td>
<td>Denise Corwin</td>
<td>Sales Manager</td>
<td>Santa Clara, CA</td>
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<tr>
<td>NetXperts</td>
<td>Brian Mickel</td>
<td>Govt Account Rep</td>
<td>San Ramon, CA</td>
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BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

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

SUBJECT: US 101/Capitol Expressway - Yerba Buena Road Interchange Improvements Contract Award

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with Granite Rock Co. dba Pavex Construction, the lowest responsive and responsible bidder, in the amount of $19,523,851 for construction of the US 101/Capitol Expressway - Yerba Buena Road Interchange Improvements.

BACKGROUND:

As part of the State Proposition 1B bond measure, Corridor Mobility Improvement Account (CMIA) program, VTA nominated and the California Transportation Commission (CTC) approved programming the US 101 Operational Improvements Project between I-280/680 and Yerba Buena Road in February 2007. Due to limited availability of CMIA funds, the project was split into two phases. The Phase 1 project (US 101/Tully Road Interchange Improvements) added a general purpose lane on US 101 in the southbound direction from south of Story Road to north of Capitol Expressway and reconfigured the US 101/Tully Road interchange by replacing the Tully Road overcrossing. The Phase 1 project was completed in June of this year.

The Phase 2 project (US 101/Capitol Expressway - Yerba Buena Road Interchange Improvements) includes the reconfiguration of the US 101/Capitol Expressway Interchange to a partial cloverleaf interchange, the addition of a southbound auxiliary lane on US 101, modifications to the Yerba Buena Road Interchange with the addition of a new off-ramp, and landscaping improvements along the entire length of the Phase 1 and Phase 2 projects (Exhibit A).
In March 2010, the VTA Board authorized the General Manager to execute a contract with HMH Engineers for final design of Phase 2, US 101/Capitol Expressway - Yerba Buena Road Interchange Improvements. Final design was completed in February 2012.

On May 23, 2012 the CTC allocated $24 million in CMIA funds for the construction of Phase 2 - US 101/Capitol Expressway - Yerba Buena Road Interchange Improvements Project.

DISCUSSION

The US 101/Capitol Expressway - Yerba Buena Road Interchange Improvements contract was advertised on June 12, 2012. Contractor pre-qualification was required for this contract. Six bids were submitted on July 23, 2012 with the following results:

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<td>DeSilva Gates Construction</td>
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<td>Top Grade Construction</td>
<td>$19,691,011</td>
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<td>O.C. Jones &amp; Sons, Inc.</td>
<td>$20,114,564</td>
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<td>RGW Construction, Inc.</td>
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<td>Granite Construction</td>
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<td>Engineer’s Estimate</td>
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VTA staff has completed the bid review process and has determined that Granite Rock Co. dba Pavex Construction is the lowest responsible and responsive bidder. The bid, 9% below the Engineer’s Estimate, is fair and reasonable. Staff recommends award of this contract to Granite Rock Co. dba Pavex Construction. VTA continues to experience favorable pricing on infrastructure improvement contracts as a result of the competitive bidding environment in this region. Granite Rock Co. dba Pavex Construction has successfully completed work for VTA in the past.

Construction is scheduled to start in September 2012 and will be completed in December 2014.

ALTERNATIVES:

There are no practical alternatives to the recommended action. Rejecting all bids or delaying the award of this contract will delay the delivery of the project, and risk meeting the schedule requirements of the CMIA funds.

FISCAL IMPACT:

This action will authorize funds for US 101/Capitol Expressway - Yerba Buena Road Interchange Improvements construction. Budget appropriation for this contract is included in the FY13 Adopted VTP Highway Improvement Program Fund Capital Budget. Funding for this contract is derived from Federal, CMIA funds, and VTA Local Program Reserves.
UNDERUTILIZED DISADVANTAGED BUSINESS ENTERPRISE (UDBE) PARTICIPATION:

Based on the identifiable opportunities, an Underutilized Disadvantaged Business Enterprise (UDBE) goal of 4.7% is established for this contract. The contractor has committed to 5.09% UDBE participation on this contract.

Prepared by: Ven Prasad, Engineering Group Manager
Memo No. 3563
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

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

SUBJECT: US 101/Capitol Expressway - Yerba Buena Road Interchange Improvements Contract Award

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with the lowest responsive and responsible bidder for construction of the US 101/Capitol Expressway - Yerba Buena Road Interchange Improvements.

Note: Due to the timing of the bid opening (July 23, 2012), this recommendation is preliminary. Following a bid review, a final recommendation will be presented in a revised memorandum provided to the Board prior to the August 2, 2012 meeting.

BACKGROUND:

As part of the State Proposition 1B bond measure, Corridor Mobility Improvement Account (CMIA) program, VTA nominated and the California Transportation Commission (CTC) approved programming the US 101 Operational Improvements Project between I-280/680 and Yerba Buena Road in February 2007. Due to limited availability of CMIA funds, the project was split into two phases. The Phase 1 project (US 101/Tully Road Interchange Improvements) added a general purpose lane on US 101 in the southbound direction from south of Story Road to north of Capitol Expressway and reconfigured the US 101/Tully Road interchange by replacing the Tully Road overcrossing. The Phase 1 project was completed in June of this year.

The Phase 2 project (US 101/Capitol Expressway - Yerba Buena Road Interchange Improvements) includes the reconfiguration of the US 101/Capitol Expressway Interchange to a partial cloverleaf interchange, the addition of a southbound auxiliary lane on US 101, modifications to
the Yerba Buena Road Interchange with the addition of a new off-ramp, and landscaping improvements along the entire length of the Phase 1 and Phase 2 projects (Exhibit A).

In March 2010, the VTA Board authorized the General Manager to execute a contract with HMH Engineers for final design of Phase 2, US 101/Capitol Expressway - Yerba Buena Road Interchange Improvements. Final design was completed in February 2012.

On May 23, 2012 the CTC allocated $24 million in CMIA funds for the construction of Phase 2 - US 101/Capitol Expressway - Yerba Buena Road Interchange Improvements Project.

DISCUSSION

The US 101/Capitol Expressway - Yerba Buena Road Interchange Improvements contract was advertised on June 12, 2012. Contractor pre-qualification was required for this contract. Bids were submitted on July 23, 2012 with the following results:

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Granite Rock Co. dba Pavex Construction</td>
<td>$19,523,951</td>
</tr>
<tr>
<td>DeSilva Gates Construction</td>
<td>$19,525,555</td>
</tr>
<tr>
<td>Top Grade Construction</td>
<td>$19,691,011</td>
</tr>
<tr>
<td>O.C. Jones &amp; Sons, Inc.</td>
<td>$20,114,564</td>
</tr>
<tr>
<td>RGW Construction, Inc.</td>
<td>$20,146,723</td>
</tr>
<tr>
<td>Granite Construction</td>
<td>$22,834,918</td>
</tr>
<tr>
<td>Engineer’s Estimate</td>
<td>$21,439,483</td>
</tr>
</tbody>
</table>

VTA staff is currently performing a bid analysis. When the bid analysis is completed, a staff recommendation to award the contract will be presented in a revised Board memorandum to be distributed on or about August 1, 2012.

The significant number of bidders and aggressive pricing is a result of the competitive bidding environment that continues to exist in this region’s construction market.

Construction is scheduled to start in September 2012 and will be completed in December 2014.

ALTERNATIVES:

There are no practical alternatives to the recommended action. Rejecting all bids or delaying the award of this contract will delay the delivery of the project, and risk meeting the schedule requirements of the CMIA funds.

FISCAL IMPACT:

This action will authorize funds for US 101/Capitol Expressway - Yerba Buena Road Interchange Improvements construction. Budget appropriation for this contract is included in the FY13 Adopted VTP Highway Improvement Program Fund Capital Budget. Funding for this contract is derived from Federal, CMIA funds, and VTA Local Program Reserves.
UNDERUTILIZED DISADVANTAGED BUSINESS ENTERPRISE (UDBE) PARTICIPATION:

Based on the identifiable opportunities, an Underutilized Disadvantaged Business Enterprise (UDBE) goal of 4.7% is established for this contract.

Prepared by: Ven Prasad, Engineering Group Manager
Memo No. 3563
Exhibit A

ROUTE 101/ Capitol Expressway - Yerba Buena Road Interchange Improvements (Phase 2)
SILICON VALLEY RAPID TRANSIT PROGRAM WORKING COMMITTEE

Monday, June 4, 2012

MINUTES

CALL TO ORDER

The Regular Meeting of the Silicon Valley Rapid Transit (SVRT) Program Working Committee was called to order at 10:05 a.m. by Chairperson Yeager in California Circle Presentation Room 101, SVRT Program Offices, 1436 California Circle, Milpitas, California.

1. ROLL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Xavier Campos</td>
<td>Vice Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Sam Liccardo</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Pete McHugh</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Ken Yeager</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>George Shirakawa</td>
<td>Alternate Member</td>
<td>NA</td>
</tr>
<tr>
<td>David Whittum</td>
<td>Alternate Member</td>
<td>NA</td>
</tr>
</tbody>
</table>

* Alternates do not serve unless participating as a Member.

A quorum was present.

2. PUBLIC PRESENTATIONS

There were no Public Presentations.

3. Minutes of April 9, 2012

M/S/C (Campos/McHugh) to accept the minutes of April 9, 2012.

Member Liccardo arrived at 10:07 a.m.

4. Adjournment

On order of Chairperson Yeager and there being no objection, the meeting was adjourned to a Tour of the VTA BART Silicon Valley Berryessa Extension Project at 10:08 a.m.

Respectfully submitted,

Elaine F. Baltao, Assistant Board Secretary
VTA Office of the Board Secretary

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
The Silicon Valley Rapid Transit Program Working Committee adjourned their June 4, 2012, meeting to a project tour of the VTA BART Silicon Valley Berryessa Extension Project.

The project tour commenced at the SVRT Program Offices in Milpitas, California. The tour bus departed at 10:10 a.m.

The following were present:

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Xavier Campos</td>
<td>Board Member</td>
</tr>
<tr>
<td>Sam Liccardo</td>
<td>Board Member</td>
</tr>
<tr>
<td>Ken Yeager</td>
<td>Board Member</td>
</tr>
<tr>
<td>Joseph Sanchez</td>
<td>Staff Aide to Xavier Campos</td>
</tr>
<tr>
<td>Michael T. Burns</td>
<td>VTA General Manager</td>
</tr>
<tr>
<td>Sandra Weymouth</td>
<td>VTA Board Secretary</td>
</tr>
<tr>
<td>Carolyn Gonot</td>
<td>VTA Chief SVRT Program Officer</td>
</tr>
<tr>
<td>Dennis Ratcliffe</td>
<td>VTA SVRT Program Office Deputy Director</td>
</tr>
<tr>
<td>Bernice Alaniz</td>
<td>Communications Director, BART Silicon Valley</td>
</tr>
<tr>
<td>Brent Pearse</td>
<td>VTA Public Communications Specialist</td>
</tr>
<tr>
<td>David Sousa</td>
<td>VTA Bus Operator</td>
</tr>
</tbody>
</table>

The following location/project sites were visited:

- City of Fremont
  - Mission Boulevard Widening
  - Warren Avenue Grade Separation
  - Kato Road Grade Separation

- City of Milpitas
  - Lower Berryessa Creek Project
  - Piper Drive Construction/Union Pacific Wye
  - Milpitas Station

- City of San Jose
  - Sierra/Lundy Intersection
  - Berryessa Station
  - Upper Penitencia Creek Improvements

The project tour concluded at the SVRT Program Offices in Milpitas, California at 11:58 a.m.
COMMITTEE FOR TRANSIT ACCESSIBILITY

Wednesday, June 13, 2012

RESCHEDULE MEETING NOTICE

NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Committee for Transit Accessibility meeting scheduled for Wednesday, June 13, 2012, at 1:00 p.m. has been rescheduled to Wednesday, August 8, 2012, at 1:00 p.m., Auditorium, Building A, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

Menominee L. McCarter, Board Assistant
VTA Office of the Board Secretary
CALL TO ORDER
The Regular Meeting of the Citizens Advisory Committee (CAC) was called to order at 4:00 p.m. by Chairperson Brownley, in Conference Room B-104, VTA River Oaks Campus, 3331 North First Street, San Jose, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jeremy Barousse</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Stephen Blaylock</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Clinton Brownley</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Bena Chang</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Chris Elias</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>William Hadaya</td>
<td>Vice Chairperson</td>
<td>Absent</td>
</tr>
<tr>
<td>Ray Hashimoto</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Roberta Hughan</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Aaron Morrow</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Charlotte Powers</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Connie Rogers</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Martin Schulter</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Noel Tebo</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Herman Wadler</td>
<td>Member</td>
<td>Present</td>
</tr>
</tbody>
</table>

A quorum was present.

2. ORDERS OF THE DAY
There were no Orders of the Day.

3. PUBLIC PRESENTATIONS
There were no Public Presentations.

4. Committee Staff Report

- **Introduction of new Chief Operating Officer Michael Hursh**

  Scott Haywood, Policy and Community Relations Manager and Acting Staff Liaison, introduced recently appointed Chief Operating Officer, Michael Hursh.

  Mr. Hursh provided his professional background. Mr. Hursh thanked the Committee for all of their work.
The Committee congratulated Mr. Hursh on his promotion.

Mr. Haywood reminded the Committee of their invitation to the Friday, June, 15, 2012, U.S. 101/Tully Road Improvement Project Ribbon Cutting Celebration to be held at 10:00 a.m. at the Caltrans Knox Avenue Construction Office.

On order of Chairperson Brownley and there being no objection, the Committee Staff Report was received.

5. Chairperson’s Report

There was no Chairperson’s Report.

6. Committee for Transit Accessibility (CTA) Report

There was no CTA Report.

7. Bicycle and Pedestrian Advisory Committee (BPAC) Report

There was no BPAC Report.

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

The Agenda was taken out of order.

CITIZENS ADVISORY COMMITTEE REGULAR AGENDA

9. Monthly Legislative History Matrix

Upon query of Members of the Committee, Mr. Haywood provided a brief status report on the State Budget pertaining to transportation and High Speed Rail.

On order of Chairperson Brownley and there being no objection, the Committee reviewed the Monthly Legislative History Matrix.


Members of the Committee referenced the Staff Report, Page 2 of 3, Key Performance Indicators, “Unscheduled absenteeism for all Operators and Maintenance met established goals,” and queried about the goals. Staff noted that a response would be provided.

On order of Chairperson Brownley and there being no objection, the Committee received the FY 2012 Third Quarter Transit Operations Performance Report.

COMBINED CAC AND 2000 MEASURE A CITIZENS WATCHDOG COMMITTEE CONSENT AGENDAS

8. Regular Meeting Minutes of May 9, 2012

M/S/C (Morrow/Hashimoto) to approve the Regular Meeting Minutes of May 9, 2012.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
9. (Removed from the Consent Agenda and placed on the Citizens Advisory Committee Regular Agenda.)

Review the Monthly Legislative History Matrix.

10. (Removed from the Consent Agenda and placed on the Citizens Advisory Committee Regular Agenda.)


2000 MEASURE A CITIZENS WATCHDOG COMMITTEE REGULAR AGENDA


Stephen Flynn, Advisory Committee Coordinator, provided the staff report. He referenced the updated comprehensive version of the draft “2000 Measure A Transit Improvement Program CWC Annual Report on Fiscal Year 2011,” which was provided for the Committee’s review. Mr. Flynn noted the additional changes that will be incorporated into the report prior to placement on VTA’s website. The finalized Annual Report would be provided to the Committee for distribution to their communities and stakeholders.

Dino Guevarra, Market Development Manager, introduced Maria Cambra, Sales and Promotions Supervisor, noting that Ms. Cambra would be reporting on the publication strategy in the future.

Mr. Guevarra reported on the publication strategy for the Annual Report, noting the timeframe of the placement of the advertisement.

Members of the Committee made the following comments: 1) requested information on the amount of persons who clicked on the CWC advertisement on VTA’s website within the last couple of years; 2) requested VTA prepare and distribute a press release; 3) recommended that the Annual Report reflect the most current project milestones; and 4) to make the reporting period of July 1, 2010 - June 30, 2011 more visible.

M/S/C (Rogers/Barousse) For the Citizens Watchdog Committee’s (CWC) Annual Report for Fiscal Year 2011, to approve: 1. The content and format of the full report for placement on VTA’s website; 2. The content and format of the abbreviated report for publication in local newspapers; 3. A publication strategy for publishing the abbreviated CWC Annual Report in local newspapers to fulfill the Committee’s ballot-specified responsibility of informing Santa Clara County residents on how Measure A funds are being spent; 4. Other methods of informing Santa Clara County residents on how Measure A funds are being spent and making the CWC Annual Report available to the public; and further, to include a press release.

M/S/C (Powers/Wadler) to 5. Authorize the expenditure of up to $12,000 in 2000 Measure A Transit Improvement Program funds to implement the publication strategy.
12. **One Bay Area Grant (OBAG): Local Program Development - Structure**

Marcella Rensi, Transportation Planning Manager, provided the staff report.

Member Chang took her seat at 4:35 p.m.

**M/S/C (Chang/Barousse)** to recommend approval of the Santa Clara OBAG Program Structure. Further, the Committee asked that VTA staff consider, both for the formula and competitive criteria, inclusion of a strong nexus between the housing element of the overall regional OBAG program with the amounts of money that individual jurisdictions would receive.

13. **Citizens Advisory Committee and Citizens Watchdog Committee Work Plans**

Members of the Committee requested the 49ers Stadium and San Jose Earthquakes Stadium Transit Plans be tentatively agendized for the September 12, 2012 meeting.

Upon staff suggestion, the Committee concurred holding the August 8, 2012 meeting at the BART Silicon Valley Program Offices in the City of Milpitas.

On behalf of former Member Sally Probst, Mr. Flynn expressed her gratitude to the Committee for the farewell event at the May 9, 2012 meeting.

On order of Chairperson Brownley and there being no objection, the Committee reviewed the Citizens Advisory Committee and Citizens Watchdog Committee Work Plans.

14. **ANNOUNCEMENTS**

Member Chang announced the Friday, June 15, 2012 Silicon Valley Leadership Group California Environmental Quality Act (CEQA) Tour to be held from 9:00 a.m. to 1:00 p.m. at SunPower.

15. **ADJOURNMENT**

On order of Chairperson Brownley and there being no objection, the meeting was adjourned at 5:17 p.m.

Respectfully submitted,

Tracene Y. Crenshaw, Board Assistant
VTA Office of the Board Secretary
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, July 11, 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, August 8, 2012, at 4:00 p.m. held at the BART Silicon Valley Program Offices, Presentation Room 101, 1436 California Circle, Milpitas, California.

Tracene Y. Crenshaw, 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 6:38 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>Vacant</td>
<td>City of Saratoga</td>
<td>Absent</td>
</tr>
<tr>
<td>Aaron Faupell</td>
<td>City of Milpitas</td>
<td>Present</td>
</tr>
<tr>
<td>Paul Goldstein, Chairperson</td>
<td>Ex-Officio, SVBC</td>
<td>Present</td>
</tr>
<tr>
<td>Melanie Hanssen</td>
<td>Town of Los Gatos</td>
<td>Present</td>
</tr>
<tr>
<td>Breene Kerr</td>
<td>Town of Los Altos Hills</td>
<td>Present</td>
</tr>
<tr>
<td>Vacant</td>
<td>County of Santa Clara</td>
<td>Absent</td>
</tr>
<tr>
<td>Vacant</td>
<td>City of Morgan Hill</td>
<td>Absent</td>
</tr>
<tr>
<td>Marc Roddin</td>
<td>City of Mountain View</td>
<td>Absent</td>
</tr>
<tr>
<td>Thomas Muniz</td>
<td>City of Gilroy</td>
<td>Present</td>
</tr>
<tr>
<td>Vacant</td>
<td>City of Monte Sereno</td>
<td>Absent</td>
</tr>
<tr>
<td>David Simons</td>
<td>City of Sunnyvale</td>
<td>Present</td>
</tr>
<tr>
<td>Vacant</td>
<td>City of Santa Clara</td>
<td>Absent</td>
</tr>
<tr>
<td>Vacant</td>
<td>City of Palo Alto</td>
<td>Absent</td>
</tr>
<tr>
<td>Herman Wadler</td>
<td>City of Campbell</td>
<td>Present</td>
</tr>
<tr>
<td>James Wiant</td>
<td>City of Cupertino</td>
<td>Absent</td>
</tr>
<tr>
<td>Corinne Winter</td>
<td>Alt Ex-Officio, SVBC</td>
<td>NA</td>
</tr>
</tbody>
</table>

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

2. ORDERS OF THE DAY

There were no Orders of the Day.

3. PUBLIC PRESENTATIONS

Cor Van De Water, Interested Citizen, expressed concern with bicycle, pedestrian and vehicle safety issues regarding the Central Expressway Auxiliary Lane project. Staff indicated this item will be agendized for a future meeting.
4. **Committee Staff Report**

Ying Smith, Transportation Planning Manager and Staff Liaison, provided an overview and update of the Bike Share Program.

Michelle DeRobertis, Senior Transportation Planner, provided an overview and update of the Bicycle Technical Guidelines.

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

5. **Chairperson’s Report**

Chairperson Goldstein highlighted: 1) call for members to carpool to BPAC meeting; 2) introduction of prospective Saratoga and County BPAC members Christie Cooley and Alan Dang; 3) City of Palo Alto appointed Member Goldstein to the VTA BPAC; 4) overview of bicycling vacation in Spain; and 5) City of Palo Alto Bicycle/Pedestrian Plan approval.

6. **BPAC Subcommittee Reports**

Dawn Cameron, County Staff Liaison, invited BPAC members to participate in the California Department of Public Health’s sponsored Pedestrian and Bicycle Safety: Risk, Response and Change free training workshop scheduled for Wednesday, July 18, 2012 from 10:00 am – 3:00 pm at the Sobrato Center for Nonprofits in San Jose, 1400 Parkmoor Avenue, San Jose, CA95126.

**On order of Chairperson Goldstein** and there being no objection, the Committee of the Whole received the BPAC Subcommittee Report.

**CONSENT AGENDA**

7. **Regular Meeting Minutes of May 9, 2012**

**On order of Chairperson Goldstein** and there being no objection, the Committee of the Whole deferred the Regular Meeting Minutes of May 9, 2012.


**On order of Chairperson Goldstein** and there being no objection, the Committee of the Whole received the Programmed Projects Quarterly Monitoring Report for January – March 2012.

**REGULAR AGENDA**

9. **OneBayArea Grant (OBAG): Local Program Development – Formula**

Marcella Rensi, Programming & Grants Manager, provided an overview of the staff report.

Chairperson Goldstein requested consideration of a distribution formula that includes daytime population versus residency.
Some Committee Members expressed concern that OBAG’s provision for Preferred Development Area (PDA) restriction (70%) an non-PDA restricted funds (30%) could limit the ability of cities and the County to construct bicycle facilities in more rural areas.

On order of Chairperson Goldstein and there being no objection the Committee of the Whole received the OneBayArea Grant (OBAG): Local Program Development – Formula.

SANTA CLARA COUNTY BPAC AGENDA

10. **County Staff Report**

   Dawn Cameron, County Staff Liaison, provided an overview of the County staff report highlighting: 1) Almaden Expressway Bicycle Signal Detection project awarded to Amland Corporation; 2) Page Mill/ Buena Vista/ Moody Roads safety issues; 3) Pacific Gas and Electric (PG&E) pipeline project along Foothill Expressway and Junipero Serra Boulevard that will require road closures; 4) Safe Routes to School Grant Award presented to East San Jose; and 5) opening of portion of Almaden Expressway on July 3, 2012 with added pedestrian and bicycle safety features.

   On order of Chairperson Goldstein and there being no objection the Committee of the Whole received the County Staff Report.

OTHER

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

   There was no Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) Report.

12. **Local Jurisdiction Project Review Section**

   Members Bell, Brinsfield, Kerr, Hanssen, Muniz, and Simons provided updates on bicycle/pedestrian activities within their respective cities.

   On order of Chairperson Goldstein and there being no objection, the Committee of the Whole received the report on the Local Jurisdiction Project Review Section.

13. **BPAC Work Plan**

   On order of Chairperson Goldstein and there being no objection, the Committee of the Whole reviewed the BPAC work plan.

14. **ANNOUNCEMENTS**

   There were no Announcements.
15. ADJOURNMENT

On order of Chairperson Goldstein and there being no objection, the Committee meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Jacqueline F. Golzio, Board Assistant
VTA Office of the Board Secretary
TECHNICAL ADVISORY COMMITTEE  
Thursday, June 14, 2012

REVISED MINUTES

CALL TO ORDER

The Regular Meeting of the Technical Advisory Committee (TAC) was called to order at 1:32 p.m. by Chairperson Collen in Conference Room B-104, Santa Clara Valley Transportation Authority (VTA), 3331 North First Street, San José, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Representing</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rajeev Batra</td>
<td>Member</td>
<td>City of Santa Clara</td>
</tr>
<tr>
<td>Karl Bjarke</td>
<td>Member</td>
<td>City of Morgan Hill</td>
</tr>
<tr>
<td>Timm Borden</td>
<td>Member</td>
<td>City of Cupertino</td>
</tr>
<tr>
<td>Steve Chan</td>
<td>Alternate Member</td>
<td>City of Milpitas</td>
</tr>
<tr>
<td>Scott Creer</td>
<td>Alternate Member</td>
<td>City of Morgan Hill</td>
</tr>
<tr>
<td>Todd Capurso</td>
<td>Member</td>
<td>Town of Los Gatos</td>
</tr>
<tr>
<td>John Cherbone</td>
<td>Member</td>
<td>City of Saratoga</td>
</tr>
<tr>
<td>Richard Chiu</td>
<td>Member</td>
<td>Town of Los Altos Hills</td>
</tr>
<tr>
<td>Dan Collen</td>
<td>Chairperson</td>
<td>County of Santa Clara</td>
</tr>
<tr>
<td>Don Dey</td>
<td>Member</td>
<td>City of Gilroy</td>
</tr>
<tr>
<td>Helen Kim</td>
<td>Member</td>
<td>City of Mountain View</td>
</tr>
<tr>
<td>Larry Lind</td>
<td>Member</td>
<td>City of Los Altos</td>
</tr>
<tr>
<td>Michelle Quinney</td>
<td>Member</td>
<td>City of Campbell</td>
</tr>
<tr>
<td>Jaime Rodriguez</td>
<td>Member</td>
<td>City of Palo Alto</td>
</tr>
<tr>
<td>Mo Sharma</td>
<td>Member</td>
<td>City of Monte Sereno</td>
</tr>
<tr>
<td>David Stillman</td>
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<td>City of Cupertino</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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<tr>
<td>Shahla Yazdy</td>
<td>Alternate Member</td>
<td>City of Palo Alto</td>
</tr>
<tr>
<td>Stephen Yokoi</td>
<td>Alternate Ex-Officio</td>
<td>Dept. of Transportation (Caltrans)</td>
</tr>
</tbody>
</table>

A quorum was present.

2. PUBLIC PRESENTATIONS

There were no Public Presentations.
3. **ORDERS OF THE DAY**

Chairperson Collen noted an appreciation letter for Former TAC Member Armendariz would be circulated for member signatures during the meeting.

4. **Committee Staff Report**

Michael Hursh, newly appointed Chief Operating Officer, provided a brief summary of his work history and stated his commitment to ensure VTA will continue to provide the best service possible.

John Ristow, Chief Congestion Management Agency Officer and Staff Liaison, provided an update on current projects, including: 1) the BART extension is progressing with both line and systems work beginning in Milpitas, Fremont and San José; 2) the ribbon cutting ceremony for the US 101/Tully Road Project will be held on Friday, June 15, 2012; and 3) the I-280/I-880 project will go out to bid within a few weeks.

5. **Chairperson’s Report**

There was no Chairperson’s Report.

6. **TAC Working Groups**

- **Capital Improvement Program (CIP)**
  
  Celeste Fiore, Transportation Planner III, reported the CIP will have a busy year with the One Bay Area Grant (OBAG) program development. The next CIP meeting will be held on June 26, 2012, at 9:30 a.m., to discuss OBAG draft formula proposals and criteria. Ms. Fiore encouraged the Committee to ensure their assigned staff attends the June CIP meeting.

- **Systems Operations & Management (SOM)**
  
  Ying Smith, Transportation Planning Manager, reported the SOM met on May 30, 2012. The SOM: 1) discussed the proposed change to the Bicycle Technical Guidelines; 2) received an update on the performance of the SR 237 Express Lanes; and 3) received a presentation on the Santa Clara County Traffic Responsive Coordination System.

  VTA staff is planning a joint SOM and Land Use/Transportation Integration (LUTI) workshop to be held at VTA on July 18, 2012, from 10:00 a.m. to 12 noon to review the Highway Capacity 2010 and Multimodal Performance Measures.

  July 6, 2012, is the deadline to complete and submit the Roadside Asset Self Assessment Survey that was emailed to the Committee on June 13, 2012.

- **Land Use/Transportation Integration (LUTI)**
  
  Ms. Smith reported a LUTI meeting was not held in May 2012. The next scheduled meeting is August 8, 2012, at 1:00 p.m.
BUSINESS REFERRED TO COMMITTEE BY THE BOARD OF DIRECTORS/GENERAL MANAGER

CONSENT AGENDA

7. (Moved From the Consent Agenda to the Regular Agenda.)
   Approve the Regular Meeting Minutes of May 10, 2012.

   
   On order of Chairperson Collen and there being no objection, the Committee received the FY 2012 Third Quarter Transit Operations Performance Report.

REGULAR AGENDA

7. **Regular Meeting Minutes of May 10, 2012**
   Members of the Committee requested revisions on the following sections of the May 10, 2012, Regular Meeting Minutes:
   
   - **Agenda Item #22**, Announcements, to reflect the Almaden Expressway Project rather than the Almaden Boulevard Project; and
   
   - **Agenda Item #11**, 2010 Measure B Vehicle Registration Fee (VRF) Update, to reflect the discussion regarding Sunnyvale’s advance rehabilitation of roadways.

   M/S/C (Batra/Witthaus) to approve the Regular Meeting Minutes of May 10, 2012, as amended.

9. **Nomination Subcommittee Report**
   Member Capurso reported the subcommittee nominated Timm Borden for the position of Vice Chairperson for the remainder of 2012.

   On order of Chairperson Collen and there being no objection, the Committee received the Nomination Subcommittee Report.

10. **Conduct Election to Select Successor TAC Vice Chairperson**
    Chairperson Collen opened the floor for additional nominations for the TAC 2012 Vice Chairperson and noted there were no additional nominations for the position.

    M/S/C (Capurso/Quinney) to close nominations and elect Timm Borden as the Vice Chairperson for the remainder of 2012.

11. **One Bay Area Grant (OBAG): Local Program Development Structure**
    Marcella Rensi, Transportation Planning Manager, provided the staff report.

**NOTE:** M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
Ms. Rensi noted VTA’s sample Complete Streets Resolution has been circulated to staff within each city. Due to numerous compliance questions received and to ease the process, VTA is working on a checklist to provide to the cities.

Members of the Committee confirmed with staff that if a city does not adopt resolutions ensuring compliance with the Complete Streets Act of 2008 by January 1, 2013, and have General Plan Housing Elements certified to be in compliance with the 2007-14 Regional Housing Needs Allocation (RHNA) by January 31, 2013, the city will lose 100 percent of the funding.

Mr. Ristow noted that up to four cities are working toward the State Housing Community Development (HCD) requirement, with an undetermined amount of cities attempting to comply with the Complete Streets Act of 2008. Mr. Ristow stated that the cities would be working on the Local Program Development Structure within the VTA working groups.

Members of the Committee confirmed with Ms. Rensi that the earliest the funds might be available is fall of 2013.

M/S/C (Tripousis/Capurso) to recommend approval of the Santa Clara OBAG Program Structure.

12. Update on VTP/RTP/SCS Activities

John Sighamony, Senior Transportation Planner, provided an update on the Regional Transportation Plan (RTP) schedule, noting: 1) In May 2012 the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) adopted the OBAG and the investment strategy for the RTP; 2) In June 2012 there will be a release of the Notice of Preparation (NOP) for the EIR; 3) on June 21, 2012, a public meeting will be held on the release of the NOP at San José’s Martin Luther King Jr. Library; and 4) On June 19, 2012, an EIR meeting will be held between Metropolitan Transportation Commission (MTC), Association of Bay Area Governments (ABAG) and the Congestion Management Agencies.

Mr. Sighamony provided a brief overview of the RTP development activities and schedule including: 1) Regional Housing Needs Allocation (RHNA) methodology; 2) SCS development and public hearing; 3) Draft RTP and Draft EIR circulation; and 4) Final RTP adoption.

Mr. Sighamony provided an update on the April 2012 joint ABAG/VTA letter regarding the inclusion of the Community Design & Transportation (CDT) Cores, Corridors and Station Areas as Potential PDAs within the ABAG framework. He noted staff would provide the Committee with a PDA map showing the data.

Mr. Sighamony reported ABAG and MTC have developed new PDA designations for the purposes of the OBAG: 1) employment investment areas; and 2) rural community investment areas. A series of requirements must be met within the employment investment areas, with the requirements for rural areas based upon the size of acreage.
Member Dey referenced qualifying criteria, questioned why the South County does not qualify as a Rural Investment Area, and then requested that Mr. Sighamony contact him outside of the meeting to provide examples.

Members of the Committee questioned the ability to designate potential employment investment areas. Justin Fried, Regional Planner, ABAG, stated the timeframe for designating such places had passed; he noted there might be an opportunity in the next cycle.

On order of Chairperson Collen 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 Update

On order of Chairperson Collen and there being no objection, the Committee received an update on MTC Activities and Initiatives.

14. Technical Advisory Committee (TAC) Subcommittee Report

Chairperson Collen reported the TAC Subcommittee met at 12:30 p.m. on June 14, 2012, to discuss: 1) the good faith effort with funding for the vehicle registration fee; 2) OBAG and 3) Complete Streets policy resolution.

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

16. Announcements

Member Kim distributed the City of Mountain View’s press release for the June 23, 2012, dedication ceremony for the newly completed segment of the Stevens Creek Trail.

Member Batra noted the Silicon Valley Chapter of the American Public Works Association (APWA) would be holding its annual workshop on June 20, 2012, to discuss: 1) the new guidelines for the Americans with Disability Act; and 2) Hot Mix Asphalt. He requested that each agency be represented in support of this effort.

Chairperson Collen reported the ribbon-cutting ceremony to celebrate the completion of the Almaden Expressway Improvements Project would be held on July 3, 2012, at 10:00 a.m.
17. ADJOURN

On order of Chairperson Collen and there being no objection, the meeting was adjourned at 2:24 p.m.

Respectfully submitted,

Susan E. Garcia, Board Assistant
VTA Office of the Board Secretary
TECHNICAL ADVISORY COMMITTEE

Thursday, July 12, 2012

MINUTES

CALL TO ORDER

The Regular Meeting of the Technical Advisory Committee (TAC) was called to order at 1:33 p.m. by Vice Chairperson Borden in Conference Room B-104, Santa Clara Valley Transportation Authority (VTA), 3331 North First Street, San José, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Representing</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rajeev Batra</td>
<td>Member</td>
<td>City of Santa Clara</td>
</tr>
<tr>
<td>Karl Bjarke</td>
<td>Member</td>
<td>City of Morgan Hill</td>
</tr>
<tr>
<td>Timm Borden</td>
<td>Member</td>
<td>City of Cupertino</td>
</tr>
<tr>
<td>Dawn Cameron</td>
<td>Alternate Member</td>
<td>County of Santa Clara</td>
</tr>
<tr>
<td>Todd Capurso</td>
<td>Member</td>
<td>Town of Los Gatos</td>
</tr>
<tr>
<td>Steve Chan</td>
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<td>City of Milpitas</td>
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<tr>
<td>John Cherbone</td>
<td>Member</td>
<td>City of Saratoga</td>
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<tr>
<td>Richard Chiu</td>
<td>Member</td>
<td>Town of Los Altos Hills</td>
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<tr>
<td>Dan Collen</td>
<td>Chairperson</td>
<td>County of Santa Clara</td>
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<tr>
<td>Scott Creer</td>
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<tr>
<td>Don Dey</td>
<td>Member</td>
<td>City of Gilroy</td>
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<tr>
<td>Heba El-Guendy</td>
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<td>City of Sunnyvale</td>
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<tr>
<td>Helen Kim</td>
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<td>City of Mountain View</td>
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<tr>
<td>Larry Lind</td>
<td>Member</td>
<td>City of Los Altos</td>
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<tr>
<td>Michelle Quinney</td>
<td>Member</td>
<td>City of Campbell</td>
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<tr>
<td>Jaime Rodriguez</td>
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<td>Kevin Rohani</td>
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<td>Dept. of Transportation (Caltrans)</td>
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<td>Member</td>
<td>City of San José</td>
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<td>Jack Witthaus</td>
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<tr>
<td>Shahla Yazdy</td>
<td>Alternate Member</td>
<td>City of Palo Alto</td>
</tr>
<tr>
<td>Stephen Yokoi</td>
<td>Alternate Ex-Officio Member</td>
<td>Dept of Transportation (Caltrans)</td>
</tr>
</tbody>
</table>

2. PUBLIC PRESENTATIONS

There were no Public Presentations.
3. **ORDERS OF THE DAY**

There were no Orders of the Day.

4. **Committee Staff Report**

Marcella Rensi, Transportation Planning Manager and Acting Staff Liaison, reminded the Committee to complete an ethics training course and submit a proof of participation certificate to the Board Secretary’s Office.

Kurt Evans, Government Affairs Manager, State and Federal, provided a handout entitled, “Summary of MAP-21,” and reviewed the Moving Ahead for Progress in the 21st Century (MAP-21) surface transportation authorization bill signed into law by President Obama on July 6, 2012.

Eugene Maeda, Senior Transportation Planner, reported California State Assembly Bill (AB) 1780 (Bonilla), a bill that would allow the California Department of Transportation (Caltrans) to prepare study reports for projects on the state highway system, was vetoed by California Governor Brown (“the Governor”) on June 28, 2012.

Mr. Maeda reported: 1) To preserve state funds, the Governor reduced Caltrans’ budget by $4.5 million and eliminated 23 positions; 2) The Governor retained $3.8 million and 28 positions statewide to complete work on projects already underway with executed cooperative agreements with Caltrans to provide reimbursement; and 3) To date, Santa Clara County has four active projects with executed cooperative agreements with Caltrans and seven new Project Initiation Documents (PIDs) planned for this fiscal year.

Patrick Pang, District 4 Planning Office, Caltrans, noted: 1) Caltrans will be paying for the Independent Quality Assurance (IQA) effort for existing cooperative agreements; 2) Caltrans’ resources are tied to the budget for the current fiscal year; 3) Caltrans does not have the resources to meet the needs for all existing projects; 4) Caltrans’ staff is awaiting direction from its regional director on how funding for PID work will be handled this fiscal year; and 5) Caltrans is working with VTA to generate a 3-year project initiation list.

On order of Vice Chairperson Borden and there being no objection, the Committee received the Committee Staff Report.

5. **Chairperson’s Report**

There was no Chairperson’s Report.

6. **TAC Working Groups Reports**

- **Capital Improvement Program (CIP)**

  Celeste Fiore, Transportation Planner III, reported the CIP met on June 26, 2012, and discussed: 1) One Bay Area Grant (OBAG); and 2) the Vehicle Registration Fee Program. Ms. Fiore extended an invitation to the TAC member agencies to attend the CIP meetings. The next meeting will be held on July 24, 2012.
• **Systems Operations & Management (SOM)**

Mr. Maeda reported: 1) The SOM Working Group did not meet in June. The next SOM meeting is scheduled to be held on July 25, 2012; 2) CMP staff has planned a Joint SOM and LUTI Working Group Multimodal Performance Workshop, scheduled for July 18, 2012, based on the recent 2010 Highway Capacity Manual methodologies. The workshop features two guest speakers with extensive background and experience in this area. Mr. Maeda encouraged each VTA member agency to have at least one representative attend the workshop; and 3) Mr. Maeda provided a status update on the 2012 Roadside Asset Condition Self Assessment Surveys and requested any outstanding surveys be completed and returned as soon as possible.

• **Land Use/Transportation Integration (LUTI)**

LUTI meetings are held quarterly. The next LUTI meeting is scheduled for August 8, 2012.

**On order of Vice Chairperson Borden** and there being no objection, the Committee received the TAC Working Group Reports.

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

**CONSENT AGENDA**

7. **Regular Meeting Minutes of June 14, 2012**

   M/S/C (Batra/Tripousis) to approve the Regular Meeting Minutes of June 14, 2012, as revised.

8. **Programmed Projects Quarterly Monitoring Report**

   **On order of Vice Chairperson Borden** and there being no objection, the Committee received the Programmed Projects Quarterly Monitoring Report for January - March 2012.

**REGULAR AGENDA**

9. **Local Program Reserve Programming Actions**

   Amin Surani, Principal Transportation Planner, provided the staff report.

   M/S/C (Batra/Dey) to recommend the allocation of up to $3.6 million Local Program Reserve (LPR) and Transportation Enhancement (TE) funds to two identified projects; deprogram $1.2 million from the US 101/Trimble Road/De La Cruz Blvd/ Central Expressway Interchange Improvements project.

   **NOTE:** M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
10. **One Bay Area Grant (OBAG): Local Program Development - Formula**

Ms. Rensi provided the staff report.

M/S/C (Tripousis/Dey) to recommend approval of the Santa Clara One Bay Area Grant (OBAG) Guarantee Program Distribution Formula.

**OTHER**

11. **Metropolitan Transportation Commission (MTC) Activities and Initiatives**

There was no update on MTC Activities and Initiatives.

12. **TAC Subcommittee Report**

Ms. Rensi reported the TAC Subcommittee: 1) discussed OBAG; 2) received an update on how vehicle registration fees are being spent; and 3) received a presentation on an item under development regarding how to deal with OBAG complete streets requirements.

On order of Vice Chairperson Borden and there being no objection, the Committee received the TAC Subcommittee Report.

13. **TAC Committee Work Plan**

Members of the Committee recommended that an invitation be extended to Caltrain staff to discuss improvements and electrification.

On order of Vice Chairperson Borden and there being no objection, the Committee received the TAC Committee Work Plan.

14. **Announcements**

There were no announcements.

15. **ADJOURNMENT**

On order of Vice Chairperson Borden 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
POLICY ADVISORY COMMITTEE
Thursday, June 14, 2012

MINUTES

CALL TO ORDER

The Regular Meeting of the Policy Advisory Committee (PAC) was called to order at 4:05 p.m. by Chairperson Satterlee in Conference Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

1. ROLL CALL

<table>
<thead>
<tr>
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<th>Title</th>
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</thead>
<tbody>
<tr>
<td>Jeffrey Cristin</td>
<td>City of Campbell</td>
<td>Present</td>
</tr>
<tr>
<td>Michael Kotowski (Alternate)</td>
<td>City of Campbell</td>
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<tr>
<td>Orrin Mahoney</td>
<td>City of Cupertino</td>
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<td>Rod Sinks (Alternate)</td>
<td>City of Cupertino</td>
<td>NA</td>
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<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>Absent</td>
</tr>
<tr>
<td>Megan Satterlee, 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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<td>Vacant (Alternate)</td>
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<td>Steve Leonardis</td>
<td>Town of Los Gatos</td>
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<td>Steve Rice (Alternate)</td>
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<td>Armando Gomez</td>
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<tr>
<td>Burton Craig</td>
<td>City of Monte Sereno</td>
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<td>Marshall Anstandig (Alternate)</td>
<td>City of Monte Sereno</td>
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<td>Larry Carr</td>
<td>City of Morgan Hill</td>
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<td>Rich Constantine (Alternate)</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>
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<tr>
<td>Gail A. Price, Vice Chairperson</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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<td>Jamie McLeod (Alternate)</td>
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<td>Howard Miller</td>
<td>City of Saratoga</td>
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<tr>
<td>Chuck Page (Alternate)</td>
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<td>David Whittum</td>
<td>City of Sunnyvale</td>
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<td>Jim Davis (Alternate)</td>
<td>City of Sunnyvale</td>
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</tr>
<tr>
<td>Mike Wasserman</td>
<td>SCC Board of Supervisors</td>
<td>Present</td>
</tr>
</tbody>
</table>

A quorum was not present and a Committee of the Whole was declared.
2. **ORDERS OF THE DAY**

Jim Lawson, Executive Policy Advisor and PAC Liaison, noted the addition of **Agenda Item #11X.**, Discuss and provide relevant input to staff regarding the Good Faith Effort Requirement for Vehicle Registration Fee.

**On order of Chairperson Satterlee** and there being no objection, the Committee accepted the Orders of the Day.

3. **PUBLIC PRESENTATIONS**

There were no Public Presentations.

4. **Committee Staff Report**

Michael Hursh, Chief Operations Officer, introduced himself and briefly addressed the Committee.

Mr. Lawson provided a report on action taken by the Board of Directors at the June 7, 2012 Board Meeting, highlighting: 1) approval of salary increase for Michael T. Burns, General Manager; 2) adoption of the initial plan for Vehicle Registration Fee as recommended by PAC; 3) approval the Audit Work Plan; 4) approval of Santa Clara County Sheriff’s office contract for law enforcement services at VTA; and, 5) approval of the contract award to RGW Construction for the rail relocation MWT Contract.

Mr. Lawson also reported briefly on ridership and VTA events.

5. **Chairperson’s Report**

Chairperson Satterlee reminded Members the next PAC meeting will be held on August 9, 2012.

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

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

**REGULAR AGENDA**

Member Page arrived at the meeting at 4:10 p.m. and a quorum was established.

8. **Regional Reports**

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

Scott Haywood, Policy and Community Relations Manager, provided a brief report, highlighting: 1) The Transit Sustainability Project, noting the final recommendations were adopted in May which require the top seven transit agencies demonstrate a five percent reduction in one of three areas over a five year period; and, 2) MTC subsidy for reduced or free transit plan program for low income and youth. Mr. Haywood noted VTA is working with People Acting in Community Together (PACT) to see how a similar program might be implemented in Santa Clara County.

Member Wasserman arrived at the meeting at 4:12 p.m.
B. **California Transportation Commission (CTC)**

Mr. Haywood provided a brief report highlighting: 1) funds allocated for US/101 Capitol Expressway Interchange; and, 2) funds allocated for 280/880 Stevens Creek Interchange project.

On order of Chairperson Satterlee and there being no objection, the Committee received the Metropolitan Transportation Commission (MTC) Regional Report.

**CONSENT AGENDA**

6. **Regular Meeting Minutes of May 10, 2012**

Chairperson Satterlee requested a revision to the May Meeting Minutes indicating Agenda Item #10., 2010 Measure B Vehicle Registration Fee (VRF) Update, did not reflect the Committee’s request to add the Good Faith Effort Requirement for Vehicle Registration Fee item to the June Agenda.

**M/S/C (Page/Price)** to approve the Regular Meeting Minutes of May 10, 2012 as amended.

7. **FY 2012 Third Quarter Transit Operations Performance Report**

**M/S/C (Page/Price)** to receive the FY 2012 Third Quarter Transit Operations Performance Report.

Alternate Member McLeod arrived at the meeting at 4:20 p.m.

**REGULAR AGENDA (continued)**

9. **Santa Clara OneBayArea Grant (OBAG) Program Structure**

Marcella Rensi, Transportation Planning Manager, provided an overview of the staff report noting MTC adopted the OBAG program.

Chairperson Satterlee requested staff provide a copy of VTA’s sample resolution to the Committee.

Committee members discussed the issues with the culvert beneath San Tomas Aquino Expressway in Santa Clara and questioned construction options and design issues. Ms. Rensi indicated she will request additional information from County staff.

Chairperson Satterlee expressed concern with the equity of the County receiving $10 million for the San Tomas project and remaining eligible to compete for the Complete Streets funds. She requested the concern be communicated to the Board along with PAC’s recommendation.

Member Wasserman provided clarification on the County’s role and responsibility with regards to improvements on expressways.

**M/S/C (Page/Inks)** to recommend approval of the Santa Clara OBAG Program Structure and forward the Committees equity concerns involving the County’s eligibility to compete for Complete Streets funds.

**NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.**
10. **Valley Transportation Plan, Regional Transportation Plan and Sustainable Communities Strategy activities**

Ying Smith, Transportation Planning Manager, provided a brief overview of the staff report highlighting: 1) Joint ABAG and MTC Committee’s adoption of the OBAG Program and Transportation Investment Strategy; 2) MTC’s release of the notice of preparation of Environmental Impact Report (EIR); 3) MTC looking at the following scenarios: Jobs Housing Connection Scenario; Lower Priority Development Area (PDA) Growth Scenario; Eliminate Inter-Regional Commute Scenario; and, Environment Equity and Jobs Scenario; and, 4) ABAG proposal of two new PDA destinations: Employment Investment Areas, and Rural Community Investment Areas.

The Committee discussed the additional criteria and process and expressed concern with the dissemination of information and communication with cities. They suggested more collaboration as a region to better compete for funds.

**On Order of Chairperson Satterlee and** there being no objection, the Committee received a verbal update on the Valley Transportation Plan, Regional Transportation Plan and Sustainable Communities Strategy activities.

11. **Eco Pass Program Evaluation Update**

Jason Kim, Transportation Planner, provided an overview of the staff report and a presentation entitled, “Eco Pass Program Evaluation Alternatives Development”, highlighting: 1) Schedule; 2) Goals and objectives; 3) Select findings; 4) Alternatives assumptions; 5) Alternatives considered; 6) Status quo alternative; 7) Modified status quo alternative; 8) Usage-based approach; 9) Discounted bulk sales of passes; 10) Cancel program/rely on Clipper Direct; and, 10) Next steps.

Member Price questioned the typical annual revenue for the EcoPass program. Mr. Lawson noted staff will follow up with the Committee.

Chairperson Satterlee requested staff provide a clear objective statement and priority for the program.

**On order of Chairperson Satterlee** and there being no objection, the Committee received the Eco Pass Program Evaluation Update.

11.X **Vehicle Registration Fee Good Faith Effort**

Ms. Rensi provided an update on good faith effort SB83 eligible activities and distributed a report highlighting: 1) Pavement rehabilitation/reconstruction; 2) Traffic control signals, traveler information, and safety devices; 3) Curb and gutter rehabilitation/reconstruction; 4) Roadway related facilities to improve safety; and, 5) Automobile related environmental mitigation, including roadway sweeping and litter control.

**On order of Chairperson Satterlee** and there being no objection, the Committee discussed and provided relevant input to staff regarding the Good Faith Effort Requirement for Vehicle Registration Fee.
12. **Committee Work Plan**

Mr. Lawson distributed a new Work Plan to the Committee and indicated two new items were added.

Committee Members agreed to bring back the El Camino Real BRT as general discussion when the project is underway.

Member Price recommended an overview of Measure A be added to the Work Plan to educate the Committee on the different projects. Chairperson Satterlee indicated it will be added as an information item.

**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 5:43 p.m.

Respectfully submitted,

Menominee L. McCarter, Board Assistant  
VTA Office of the Board Secretary
POLICY ADVISORY COMMITTEE

Thursday, July 12, 2012

NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Policy Advisory Committee meeting scheduled for Thursday, July 12, 2012 at 4:00 p.m. has been cancelled.

The next regular meeting of the Santa Clara Valley Transportation Authority Policy Advisory Committee is scheduled for Thursday, August 9, 2012 at 4:00 p.m. held at VTA River Oaks Campus, Conference Room B-104, 3331 North First Street, San Jose, California.

Michelle M. Garza, Board Assistant
VTA Office of the Board Secretary
CALL TO ORDER

The Regular Meeting of the Diridon Station Joint Policy Advisory Board (“Committee”) was called to order at 3:07 p.m. by Chairperson Reed in Wing Room 120, San José City Hall, 200 East Santa Clara Street, San José, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jim Beall</td>
<td>Ex-Officio</td>
<td>Absent</td>
</tr>
<tr>
<td>Tom Blalock</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Rod Diridon, Sr.</td>
<td>Ex-Officio</td>
<td>Present</td>
</tr>
<tr>
<td>Ash Kalra</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Sam Liccardo</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Pierluigi Oliverio</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Chuck Reed</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Ken Yeager</td>
<td>Vice Chairperson</td>
<td>Absent</td>
</tr>
</tbody>
</table>

A quorum was present.

2. PUBLIC PRESENTATIONS

There were no Public Presentations.

3. Regular Meeting Minutes of December 16, 2011

M/S/C (Kalra/Liccardo) to approve the Regular Meeting Minutes of December 16, 2011.

4. California High Speed Rail Authority’s (CHSRA) Early Investment Memorandum of Understanding, Caltrain Electrification and Advanced Signal System Projects

Jim Lawson, VTA Executive Policy Advisor and Staff Liaison, provided the staff report.

M/S/C (Liccardo/Kalra) to receive and recommend the Report on California High Speed Rail Authority’s Early Investment Memorandum of Understanding, Caltrain Electrification and Advanced Signal System Projects.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
5. **High Speed Rail System-Wide Activities**


Ex-Officio Member Diridon noted, at its June 15, 2012, meeting, the California State Legislature voted to delay taking action on a number of bills, including the High Speed Rail funding bill.

**On order of Chairperson Reed** and there being no objection, the Committee received an Update on High Speed Rail System-Wide Activities.

6. **High Speed Rail (HSR) Business Plan and Funding**

Katherine Strehl, CHSRA, confirmed: 1) California Governor Brown, together with the state legislative leadership, made the decision to separate the HSR bill from the state budget deliberations; and 2) there is considerable support for the HSR from around the state, with stakeholders contacting their legislative representatives urging allocation of the Proposition 1A funds that will be used for initial construction and early investments. Ms. Strehl noted there is particular interest in the Caltrain modernization program.

**Public Comment**

Roland Lebrun, Interested Citizen: 1) referenced the upcoming Caltrain electrification in preparation for HSR and questioned the need for passengers to change trains at the Diridon Station; 2) questioned whether there would still be a Blossom Hill Caltrain Station when the HSR is completed; 3) requested copies of the PowerPoint presentations be provided for the public; and 4) stated his belief that Caltrain will be electrified without bond appropriation.

**On order of Chairperson Reed** and there being no objection, the Committee received an Update on High Speed Rail Business Plan and Funding.

7. **Legislative Update**

Scott Haywood, VTA Policy and Community Relations Manager, acknowledged the comments of Mr. Diridon and Ms. Strehl and noted there was nothing further to report.

**On order of Chairperson Reed** and there being no objection, the Committee received a Legislative Update.
8. **Announcements**

There were no announcements.

9. **ADJOURNMENT**

*On order of Chairperson Reed* and there being no objection, the meeting was adjourned at 3:54 p.m.

Respectfully submitted,

Susan E. Garcia, Board Assistant  
VTA Office of the Board Secretary
Downtown East Valley Policy Advisory Board

Thursday, June 7, 2012

MINUTES

CALL TO ORDER

The Regular Meeting of the Downtown East Valley Policy Advisory Board (DTEV PAB) was called to order at 4:36 p.m. by Chairperson Herrera in the East Wing, Lower Level Conference Room, Santa Clara County Government Center, 70 West Hedding Street, San Jose, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Xavier Campos</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Dave Cortese</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Rose Herrera</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Sam Liccardo</td>
<td>Vice Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>George Shirakawa</td>
<td>Member</td>
<td>Absent</td>
</tr>
</tbody>
</table>

A quorum was present.

2. PUBLIC PRESENTATIONS

There were no Public Presentations.

3. Meeting Minutes of April 5, 2012

M/S/C (Liccardo/Campos) to approve the Regular Meeting Minutes April 5, 2012.

4. Santa Clara-Alum Rock Bus Rapid Transit Project Status Update

Ken Ronsse, Deputy Director of Construction and Engineering, provided a status update on the Santa Clara-Alum Rock Bus Rapid Transit (BRT) Project Status Update.

Mr. Ronsse noted preliminary engineering is complete and work has transitioned into final engineering.

He noted recent project highlights include: 1) negotiations with San Francisco Planning & Urban Research Association – San Jose Chapter (SPUR) to define Santa Clara Station alternative; 2) property acquisition for 33 parcels has begun; Resolutions of Necessity are anticipated in September 2012; 3) utility relocation has been initiated with completion planned for fall 2012; 4) negotiations between City of San Jose to provide Final Engineering support for traffic signal and street light design is ongoing; 5) evaluation and development of scope for an Agreement with the City of San Jose for pavement repair costs; and 6) public meetings for coordination of utility relocation and station personalization will be held during final engineering phase.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
Mr. Ronsse provided a brief overview of project activities along Santa Clara Street and Alum Rock Avenue.

On order of Chairperson Herrera and there being no objection, the Committee received the Santa Clara-Alum Rock Bus Rapid Transit Project Update.

5. Capitol Expressway Light Rail Project Improvements

Mr. Ronsse provided an overview of the staff report highlighting: 1) Pedestrian and Bus Improvements; and 2) Light Rail Extension – Phase 2.

Mr. Ronsse provided a document with construction photos of the project improvements highlighting the following: 1) landscape buffers; 2) sidewalk/planting options; 3) proposed pedestrian streetlight procurement; and 4) methods of pavement surfacing utilized in the project.

Mr. Ronsse noted acquisition for the Eastridge Transit Center continues with eminent domain proceedings.

On Order of Chairperson Herrera and there being no objection, the Committee reviewed the Capitol Expressway Light Rail Project Improvements.

6. ADJOURNMENT

On Order of Chairperson Herrera and there being no objection, the meeting was adjourned at 5:01 p.m.

Respectfully submitted,

Jacqueline F. Golzio, Board Assistant
VTA Office of the Board Secretary
NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority El Camino Real Rapid Transit Policy Advisory Board Meeting scheduled for 10:00 a.m. on Friday, June 8, 2012, has been cancelled.

The next meeting of the Santa Clara Valley Transportation Authority El Camino Real Rapid Transit Policy Advisory Board is scheduled for 10:00 a.m. on Friday, September 14, 2012, in Council Chambers, Sunnyvale City Hall, 456 West Olive Avenue, Sunnyvale, California.

Susan E. Garcia, Board Assistant
VTA Office of the Board Secretary
NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the State Route 152 Trade Corridor Project Mobility Partnership meeting scheduled for Friday, July 13, 2012, at 1:00 p.m. has been cancelled.

Elaine F. Baltao, Assistant Board Secretary
VTA Office of the Board Secretary