BOARD OF DIRECTORS MEETING

Thursday, September 2, 2010

5:30 P.M.
The Regular Session will commence immediately following the conclusion of the Closed Session.

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

AGENDA

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

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

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

- The Consent Agenda items may be voted on in one motion at the beginning of the meeting. If you wish to discuss any of these items, please request the item be removed from the Consent Agenda by completing a blue card at the public information table and handing it to the Board Secretary staff prior to the meeting or prior to the Consent Agenda being heard.
• **Disclosure of Campaign Contributions to Board Members** (Government Code Section 84308)

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

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

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

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

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

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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 thought Friday and 7:30 a.m. to 4:00 p.m. on Saturday. Schedule Information is also available on our website, [www.vta.org](http://www.vta.org).
CALL TO ORDER

1. ROLL CALL

2. RECESS TO CLOSED SESSION

   A. Anticipated Litigation - Conference with Legal Counsel
      [Government Code Section 54956.9(b)]
      Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9:
      One case involving termination of freight rail service to Clean Harbors Environmental Services, Inc.

   B. Anticipated Litigation - Conference with Legal Counsel
      Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9: Four Potential Cases

RECONVENE TO OPEN SESSION

3. CLOSED SESSION REPORT

4. ORDERS OF THE DAY

5. AWARDS AND COMMENDATIONS

   Employees of the Month for September 2010

   INFORMATION ITEM - Recognize Sue Niemiste, Office Specialist II, External Affairs, River Oaks Administration; Glen Rands, Coach Operator, Chaboya Operations Division; and Ernie Avila, Service Worker, Guadalupe Light Rail Maintenance Division, as Employees of the Month for September 2010.

6. PUBLIC PRESENTATIONS

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

7. HEARING - NOTICE OF INTENTION TO ADOPT RESOLUTIONS OF NECESSITY

   ACTION ITEM - 1) Close Hearing and adopt a resolution electing to hear Resolutions of Necessity for the US 101 Auxiliary Lanes Project, as required by State law. Note: Motion must be approved by at least 4/5 of the Board (10 members).

   ACTION ITEM - 2) Close Hearing and adopt Resolutions of Necessity determining that the public interest and necessity require the acquisition of highway easement and temporary construction easement property interests from five parcels of land owned by:
BRCP-Landmark, LLC; Google, Inc.; Richard T. Peery & John Arrillaga (two properties); and the Santa Clara Valley Water District, located in Mountain View and Palo Alto, for the US 101 Auxiliary Lanes Project. **Note:** Motion must be approved by at least 2/3 of the Board (8 members).

**Property ID/Assessor’s Parcel Number/Owner**

61917 (APN 116-08-100) owned by BRCP-Landmark, LLC

**Property ID/Assessor’s Parcel Number/Owner**

61918 (APN 116-13-033) owned by Google, Inc.

**Property ID/Assessor’s Parcel Number/Owner**

61922 (APN 116-03-026) owned by Richard T. Peery & John Arrillaga

**Property ID/Assessor’s Parcel Number/Owner**

61927 (APN 116-09-094) owned by Santa Clara Valley Water District

**Property ID/Assessor’s Parcel Number/Owner**

61928 (APN 116-09-140) owned by Richard T. Peery & John Arrillaga

8. **HEARING - NOTICE OF INTENTION TO ADOPT RESOLUTIONS OF NECESSITY**

ACTION ITEM - 1) Close Hearing and adopt a resolution electing to hear Resolutions of Necessity for the I-880 HOV Lane Widening Project, as required by State law. **Note:** Motion must be approved by at least 4/5 of the Board (10 members).

ACTION ITEM - 2) Close Hearing and adopt Resolutions of Necessity determining that the public interest and necessity require the acquisition of fee, utility easement and temporary construction easement property interests from two parcels of land owned by: Caracol Ltd. and MVFT, LLC, located in San Jose, for the I-880 HOV Lane Widening Project. **Note:** Motion must be approved by at least 2/3 of the Board (8 members).

**Property ID/Assessor’s Parcel Number/Owner**

61815 (APN 237-08-075) owned by Caracol Ltd.

**Property ID/Assessor’s Parcel Number/Owner**

61816 (APN 237-08-076) owned by MVFT, LLC

9. **REPORT FROM THE GENERAL MANAGER.** (Verbal Report)

10. **REPORT FROM THE CHAIRPERSON.** (Verbal Report)


CONSENT AGENDA


15. ACTION ITEM - 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.

16. ACTION ITEM - Adopt a resolution authorizing the General Manager and Chairperson of the Board to issue Commendations on behalf of VTA for the Employee Retirement Recognition Program.

17. ACTION ITEM - Authorize the General Manager to execute contracts with Sprint (Nextel of California, Inc.) and AT&T Mobility for cellular voice and data services. The initial term for each contract will be three years with an option to extend the contract on an annual basis for two additional years. The cost of the initial three year term is $809,750 for both firms, plus an optional $296,000 per year for each of optional one-year periods, for a total of $1,401,750.

18. ACTION ITEM - Adopt a Resolution and authorize the General Manager to enter into a funding agreement with the Metropolitan Transportation Commission (MTC) to accept $500,000 in RM2 Safe Routes to Transit funds for the purpose of implementing a pilot bike share program in Santa Clara County.

19. ACTION ITEM - Approve the evaluation criteria and procedures for selecting projects and awarding Vehicle Emissions Reductions Based at Schools (VERBS) Program grants.

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

21. ACTION ITEM - Adopt the updated VTA Deficiency Plan Requirements document.

22. INFORMATION ITEM - Receive a report on the Grand Boulevard Initiative Multimodal Transportation Corridor Plan.

23. INFORMATION ITEM - Receive the Proactive CMP Quarterly Report for April through June 2010.


25. INFORMATION ITEM - Receive report on Service Changes effective October 4, 2010.

REGULAR AGENDA

26. Receive the Silicon Valley Rapid Transit Program (SVRT) Update.

28. INFORMATION ITEM - Receive a status report on SR 152 Trade Corridor Project.

OTHER ITEMS

29. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

30. INFORMATION ITEM - Review Monthly Legislative History Matrix.

31. REPORTS (UNAPPROVED MINUTES) FROM STANDING COMMITTEES
   A. Administration and Finance Committee
   B. Congestion Management Program and Planning Committee
   C. Transit Planning and Operations Committee
   D. Audit Committee

32. REPORTS (UNAPPROVED MINUTES) FROM ADVISORY COMMITTEES
   A. Committee for Transit Accessibility (CTA) *(No Meeting Scheduled for August)*
   B. Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC)
   C. Bicycle & Pedestrian Advisory Committee (BPAC)
   D. Technical Advisory Committee (TAC)
   E. Policy Advisory Committee (PAC) *(August Meeting Cancelled)*

33. REPORTS FROM JOINT POWERS BOARDS (JPBs) & REGIONAL COMMISSIONS
   A. Peninsula Corridor JPB
   B. Capitol Corridor JPB
   C. Dumbarton Rail Corridor Policy Committee
   D. Metropolitan Transportation Commission (MTC)
   E. Sunol Smart Carpool Lane Joint Powers Authority

34. REPORTS FROM VTA POLICY ADVISORY BOARDS (PABs)
   A. Vasona Light Rail PAB *(No Meeting Scheduled)*
   B. Silicon Valley Rapid Transit Corridor & BART Warm Springs Extension PAB *(No Meeting Scheduled)*
   C. Downtown East Valley PAB *(No Meeting Scheduled)*

35. ANNOUNCEMENTS

36. ADJOURN
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Administrative Officer, Bill Lopez

SUBJECT: Employees of the Month for September 2010

FOR INFORMATION ONLY

BACKGROUND:

Sue Niemiste, Office Specialist II in the External Affairs Division at River Oaks, is the Administration Award Winner for September. Sue has over 15 years of dedicated service with VTA. In her current role Sue performs a variety of duties, such as tracking call center statistics and running reports from the Customer Service database. Sue’s management recognizes her initiative and commitment to teamwork. Her willingness to assist others helps create a positive work environment at VTA and sets a great example for her fellow employees. Congratulations to Sue Niemiste, Administration Employee of the Month for September!

Glen Rands, Chaboya Division Coach Operator, is September’s Operations Award Winner. With 8 years of service at VTA, Glen is regarded as a conscientious and dedicated employee who works with high performance standards, setting a great example for his fellow Operators. Recognized by his supervisors for his exceptional professionalism and cheerful disposition toward passengers, Glen upholds VTA’s commitment to community-focused transportation, and is very deserving of this award. Congratulations to Glen Rands, Operations Employee of the Month for September!

Ernie Avila, Service Worker for Guadalupe Light Rail Maintenance, is our Maintenance Employee of the Month for September. An employee of VTA since 1998, Ernie services and cleans the interior and exterior of light rail cars, reporting any problems he observes so they can be corrected immediately. He takes pride in his work, ensuring that our light rail vehicles are clean and in excellent condition for VTA customers. Recognized by his supervisors as a well-respected employee with a positive attitude, Ernie is a great role model to his coworkers. Congratulations to Ernie Avila, Maintenance Employee of the Month for September!

Prepared By: Mitsuno Baurmeister
Memo No. 2741
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Resolutions of Necessity for the US 101 Auxiliary Lanes Project

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

Resolution

ACTION ITEM

RECOMMENDATION:

1) Adopt a resolution electing to hear Resolutions of Necessity for the US 101 Auxiliary Lanes Project, as required by State law.

2) Adopt Resolutions of Necessity determining that the public interest and necessity require the acquisition of highway easement and temporary construction easement property interests from five parcels of land owned by: BRCP-Landmark, LLC; Google, Inc.; Richard T. Peery & John Arrillaga (two properties); and the Santa Clara Valley Water District, located in Mountain View and Palo Alto, for the US 101 Auxiliary Lanes Project.

BACKGROUND:

The US 101 Auxiliary Lanes Project, will add auxiliary lanes, extend existing dual high occupancy vehicle (HOV) lanes, and undertake associated ramp improvements, including ramp widening and installing/activating ramp metering, in both directions of US 101 between the State Route 85 interchange in the City of Mountain View and the Embarcadero Road interchange in the City of Palo Alto. Attachment 1 is the fact sheet for the US 101 Auxiliary Lanes Project.

To construct the US 101 Auxiliary Lanes Project, the acquisition of highway easements and temporary construction easements are required from several property owners, including BRCP-Landmark, LLC; Google, Inc.; Richard T. Peery & John Arrillaga (two properties); and the Santa Clara Valley Water District. VTA will be purchasing permanent highway easements for this...
project, as opposed to fee-takes, due to the potential for underground contamination. These properties will be acquired by VTA, then transferred to the State within one year after the completion of the project.

**DISCUSSION:**

The following are the properties affected by the US 101 Auxiliary Lanes project:

1. For the BRCP-Landmark, LLC property, a highway easement totaling 3,347 square feet is required to accommodate the widening of northbound US 101. Existing improvements contained in the acquisition area include landscaping, fencing, concrete curb, and asphalt with striping. In addition to the highway easement, three temporary construction easements (TCEs) totaling 7,845 square feet are also required. Existing improvements contained within the TCEs include landscaping, fencing and a sign. The duration of the TCEs will be thirty-one months, upon which rights will revert back to the current property owner.

The appraisal of the BRCP-Landmark, LLC property was approved on April 29, 2010. An offer, based on the approved appraisal, was made to the owner on May 20, 2010. To date, negotiations with the owner to acquire the property interests have not been successful.

2. For the Google, Inc. property, a highway easement totaling 1,951 square feet is required to accommodate the widening of northbound US 101. Existing improvements contained in the acquisition area include landscaping and parking. In addition to the highway easement, a 2,473 square foot TCE is also required. Existing improvements contained within the TCE include landscaping and parking. The duration of the TCE will be thirty-one months, upon which rights will revert back to the current property owner.

The appraisal of the Google, Inc. property was approved on April 21, 2010. An offer, based on the approved appraisal, was made to the owner on May 5, 2010. To date, negotiations with the owner to acquire the property interests have not been successful.

3. For the first Richard T. Peery & John Arrillaga property, a highway easement totaling 1,032 square feet is required to accommodate the widening of northbound US 101. Improvements contained in the acquisition area include four redwood trees. In addition to the highway easement, a 1,901 square foot TCE is also required. Existing improvements contained within the TCE include five coast redwood trees and concrete sidewalk. The duration of the TCE will be thirty-one months, upon which rights will revert back to the current property owner.

The appraisal of the first Richard T. Peery & John Arrillaga property was approved on April 22, 2010. An offer, based on the approved appraisal, was made to the owner on May 18, 2010. To date, negotiations with the owner to acquire the property interests have not been successful.

For the second Richard T. Peery & John Arrillaga property, a 474 square foot TCE is required to accommodate the widening of northbound US 101. There are no improvements contained within the TCE. The duration of the TCE will be thirty-one months, upon which rights will revert back to the current property owner.
The appraisal of the second Richard T. Peery & John Arrillaga property was approved on April 2, 2010. An offer, based on the approved appraisal, was made to the owner on June 15, 2010. To date, negotiations with the owner to acquire the property interests have not been successful.

4. For the Santa Clara Valley Water District property, a highway easement totaling 447 square feet is required to accommodate the widening of northbound US 101. There are no improvements contained within the highway easement.

The appraisal of the Santa Clara Valley Water District property was approved on June 5, 2010. An offer, based on the approved appraisal, was made to the owner on June 25, 2010. To date, negotiations with the owner to acquire the property interests have not been successful.

Funding for construction of the project is subject to deadlines imposed by the California Transportation Commission as required by Proposition 1B. The project team has diligently worked to acquire the requisite property through negotiated settlements with respective property owners. Since to date negotiations have not been successful, in order to ensure that funding for the project is not jeopardized, VTA must take the action to acquire the needed property through eminent domain proceedings. A prerequisite to commencement of eminent domain proceedings by a public entity is adoption of a Resolution of Necessity (1245.220). This statutory requirement is designed to ensure that public entities will verify and confirm the validity of their intended use of the power of eminent domain.

In addition, Streets & Highways Code Section 760 requires adoption of a resolution by a four-fifths vote of the Board, electing to hear Resolutions of Necessity for the acquisition of property for a State highway project. Caltrans, the right-of-way certification agency for this project, requires adoption of a Section 760 resolution in the form attached prior to the adoption of Resolutions of Necessity required for property acquisition.

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. 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.

Further information addressing each of these items is included in a staff report (provided under separate cover). The staff report also contains specific information on the property impacted.

**ALTERNATIVES:**

There are no practical alternatives to the recommended action if the project is to be constructed...
as designed. The property is required for the project and a condemnation action must be initiated in order to obtain possession of the parcels and achieve right of way certification prior to construction.

**FISCAL IMPACT:**

Appropriation for the costs associated with this eminent domain action is included in the FY11 Adopted VTP Highway Improvement Program Fund Capital Budget.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATIONS**

The Transit Planning and Operations Committee heard this item as part of its August 19, 2010 agenda as an Information Item.

Prepared by: Brad Dexter
Memo No. 2701
Overview
The project will construct auxiliary lanes and extend existing second high-occupancy vehicle (HOV) lanes in each direction of a 3.2-mile segment of U.S. 101 between State Route 85 in Mountain View and Embarcadero Road in Palo Alto.

Objective
The purpose of this project is to relieve existing and future traffic congestion along U.S. 101 between State Route 85 in Mountain View and Embarcadero Road in Palo Alto, and to enhance safety along the U.S. 101 corridor in Santa Clara County by eliminating bottlenecks while providing additional capacity for vehicles to merge.

Project Features
The proposed improvements would:

- Construct auxiliary lanes between on-ramps and off-ramps;
- Extend existing second HOV lanes;
- Widen and modify on-ramps and off-ramps at each interchange to improve efficiency of the auxiliary lanes;
- Improve traffic operations on the freeway by providing more room for traffic entering and exiting the freeway at each interchange;
- Allow traffic traveling from one interchange to the next interchange to use the freeway without impacting the main through lanes.

Maintenance of Traffic Flow
For the safety of the public and construction workers, traffic control measures (such as temporary lane closures and detours) will be used as needed. Contractors will be required to make every effort to maintain access and minimize disruptions. The public will be notified before traffic control measures are implemented.

Operations
Upon completion, Caltrans will operate and maintain the highway improvements.

Capital Cost/Project Funding
$102 million: $84.9 million from State’s Corridor Mobility Improvement Account (CMIA) Funds and $17.3 million from VTA Local Program Reserve Funds.

Project Schedule
Construction Begins: Summer 2011
Construction Completes: Summer 2014

How to Reach Us
For more information on this project, please call VTA’s Community Outreach at (408) 321-7575, TTY for the hearing-impaired (408) 321-2330. You may also visit us on the web at www.vta.org, or e-mail us at community.outreach@vta.org.
VTA Mission: VTA provides sustainable, accessible, community-focused transportation options that are innovative, environmentally responsible, and promote the vitality of our region.
RESOLUTION OF SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
ELECTING TO HEAR RESOLUTIONS OF NECESSITY FOR
THE US 101 AUXILIARY LAKES PROJECT

WHEREAS, the Santa Clara Valley Transportation (VTA) is undertaking the US 101
Auxiliary Lanes Project ("Project"); and

WHEREAS, VTA is authorized to acquire property and exercise the power of eminent
domain pursuant to and in accordance with Article I, Section 19 of the California Constitution,
the California Eminent Domain Law, Code of Civil Procedure Sections 1230.010 et seq., and
Sections 100130, 100131, and 100161 of the Public Utilities Code; and

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

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

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

AYES: DIRECTORS
NOES: DIRECTORS
ABSENT: DIRECTORS

SAM LICCARDO, Chairperson
Board of Directors

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

Dated: ____________________________

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

_______________________________
KEVIN D. ALLMAND
General Counsel
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 US 101 Auxiliary Lanes 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 certain property, more particularly described in Exhibits “A” and “B”, (61917-1, -2, -3 & -4), 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 public interest and necessity require the Project.

2. The 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 Exhibits “A” and “B” is necessary for the Project.

4. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, was 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.
5. 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.

6. 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 the property described in Exhibits “A” and “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 September 2, 2010, by the following vote:

AYES: DIRECTORS

NOES: DIRECTORS

ABSENT: DIRECTORS

______________________________
SAM LICCARDO, Chairperson
Board of Directors

I HEREBY CERTIFY AND ATTEST that the foregoing resolution was duly and regularly introduced, passed and adopted by the vote of 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:

______________________________
Counsel
EXHIBIT “A”

All that certain real property situate in the City of Mountain View, County of Santa Clara, State of California being a portion of Lot One as shown on the map of Tract No. 7492 which map was filed for record September 13, 1983 in Book 517 of Maps at pages 37-41, Santa Clara County Records described as follows:

The right of way and incidents thereto for a public highway upon, over and across that certain real property described as follows:

BEGINNING at a point in the southwesterly line of said Lot One; said point being the southeasterly terminus of the course shown as “N47°37’07”W 409.57” on said map; thence from said POINT OF BEGINNING, along said southwesterly line the following two courses: N46°42’26”W 409.55 feet and along a tangent curve to the right with a radius of 170.00 feet, through a central angle of 21°20’37” for an arc length of 63.33 feet; thence leaving said southeasterly line S44°53’25”E 171.98 feet; thence S46°42’29”E 345.06 feet to a point in said southeasterly line; thence along said southeasterly line, from a tangent bearing of N62°14’32”W along a curve to the right with a radius of 170.00 feet, through a central angle of 15°32’06” for an arc length of 46.09 feet to the POINT OF BEGINNING.

Containing 3,347 square feet, more or less.

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter’s rights including access rights, appurtenant to grantor’s remaining property, in and to said freeway.

Bearings and distances used in the above descriptions are on the California Coordinate System of 1983, Zone 3, Epoch 1991.35. Multiply distances shown by 1.0000455 to obtain ground level distances.

This description was prepared by me or under my direct supervision

[Signature]
licensed land surveyor

7/13/10
date

Prepared by the firm of
Dillon Surveys
Morgan Hill, California
Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-HPGN, Epoch 1993.5. Distances are U.S. Survey Feet unless otherwise noted. Distances and stationing are grid distances. Multiply distances by 0.0000455 to obtain ground level distances.

TRACT NO. 7492
517 M 37-41
LOT ONE

BRCP-LANDMARK, LLC
DOC. NO. 19618832
APN 116-08-100

LEGEND

ACCESS CONTROLLED
DIMENSION POINT
AREA TO BE CONVEYED
PARCEL NUMBER
POINT OF BEGINNING

R = 170.00'
\( \Delta = 08'33"15' \)
L = 25.38'

S64' 01'10"W(R)

S44' 53'25"E 171.98'

\( R = 170.00' \)
\( \Delta = 14'04"20' \)
L = 41.75'

S27' 45'28"W(R)

S46' 42'29"E 345.06'

\( \text{"RSN" 174+97.15 END} \)

\( \text{"RSN" LINE 4} \)

4840.52'

ROUTE 101
BAYSHORE FREEWAY

THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

DENNIS A. DILLON, PLS 4526
DATE 3/30/10

DILLON SURVEYS, INC
16207 VINEYARD BLVD.
MORGAN HILL, CA 95037
(408) 778-3258

DATE: 3/19/10
SCALE: 1"=50'
JOB NO: 1069-00

PLAT TO ACCOMPANY DESCRIPTION
A HIGHWAY EASEMENT OVER THE LANDS OF BRCP-LANDMARK, LLC TO BE CONVEYED TO SANTA CLARA VALLEY TRANSPORTATION AUTHORITY PARCEL NO. 6197-1

CITY OF MOUNTAIN VIEW
CALIFORNIA

4526
Expires 09-30-10
STATE OF CALIFORNIA

DENNIS A. DILLON
CERTIFICATE OF AUTHORITY
4526
EXHIBIT “A”

All that certain real property situate in the City of Mountain View, County of Santa Clara, State of California being a portion of Lot One as shown on the map of Tract No. 7492 which map was filed for record September 13, 1983 in Book 517 of Maps at pages 37-41, Santa Clara County Records described as follows:

A TEMPORARY EASEMENT to terminate December 31, 2013 for construction purposes and incidents thereto, under, upon, over and across that certain real property described as follows:

BEGINNING at the most southerly corner of said Lot One; thence from said POINT OF BEGINNING, along the southwesterly line of said Lot One N46°42'37"W 30.23 feet; thence leaving said southwesterly line, at right angles, N43°17'23"E 6.20 feet; thence S87°12'06"E 18.24 feet to a point in the southeasterly line of said Lot One; thence along said southeasterly line S1°05'19"W 24.35 feet to the POINT OF BEGINNING.

Containing 316 square feet, more or less.

Bearings and distances used in the above descriptions are on the California Coordinate System of 1983, Zone 3, Epoch 1991.35. Multiply distances shown by 1.0000455 to obtain ground level distances.

This description was prepared by me or under my direct supervision

[Signature]

licensed land surveyor

3/30/10

date

Prepared by the firm of

Dillon Surveys

Morgan Hill, California
Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-HPGN, Epoch 1991.5. Distances are U.S. Survey Feet unless otherwise noted. Distances and stationing are grid distances, multiply distances by 1.000055 to obtain ground level distances.

TRACT NO. 7492
517 M 37-41
LOT ONE
<br cp-LANDMARK, LLC
APN 116-08-100

N46°42'37"W 729.46'

<61917>

P.O.B. SCVWD IEE
5217 OR 176

SCVWD IEE
Doc. No. 1246729

COORDINATES, BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 3, CA-HPGN, EPOCH 1991.5. DISTANCES ARE U.S. SURVEY FEET UNLESS OTHERWISE NOTED. DISTANCES AND STATIONING ARE GRID DISTANCES, MULTIPLY DISTANCES BY 1.000055 TO OBTAIN GROUND LEVEL DISTANCES.

ROUTE 101
BAYSHORE FREEWAY

THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

DENNIS A. DILLON, PLS
4526
STATE OF CALIFORNIA

PLAT TO ACCOMPANY DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT OVER THE LANDS OF BRCP-LANDMARK, LLC TO BE CONVEYED TO SANTA CLARA VALLEY TRANSPORTATION AUTHORITY PARCEL NO. 61917-2

CITY OF MOUNTAIN VIEW CALIFORNIA

DILLON SURVEYS, INC
18075 VINEYARD BLVD.
MORGAN HILL, CA 95037
(408) 778-3258

DATE: 3/3/10 SCALE: F=20' JOB NO: 1083-00
EXHIBIT “A”

All that certain real property situate in the City of Mountain View, County of Santa Clara, State of California being a portion of Lot One as shown on the map of Tract No. 7492 which map was filed for record September 13, 1983 in Book 517 of Maps at pages 37-41, Santa Clara County Records described as follows:

A TEMPORARY EASEMENT to terminate December 31, 2013 for construction purposes and incidents thereto, under, upon, over and across that certain real property described as follows:

BEGINNING at a point in the southwesterly line of said Lot One; said point being the southeasterly terminus of the course shown as “N47°37’07”W 409.57” on said map; thence from said POINT OF BEGINNING, along said southwesterly line, from a tangent bearing of S46°42’26”E along a curve to the left with a radius of 170.00 feet, through a central angle of 15°32’06” for an arc length of 46.09 feet to the TRUE POINT OF BEGINNING for this description; thence from said TRUE POINT OF BEGINNING, N46°42’29”W 345.06 feet; thence N44°53’25”W 171.98 feet to a point in said southwesterly line; thence along said southwesterly line, from a tangent bearing of N25°21’50”W along a curve to the right with a radius of 170.00 feet, through a central angle of 8°23’10” for an arc length of 24.88 feet to the intersection thereof with a line parallel with and distant 10.00 feet northeasterly, measured at right angles, from above said course with a length of 171.98 feet; thence leaving said southwesterly line, along said parallel line and a line parallel with and distant 10.00 feet northeasterly, measured at right angles, from above said course with a length of 345.06 feet the following two courses: S44°53’25”E 194.58 feet and S46°42’29”E 371.82 feet to a point in said southwesterly line; thence leaving said parallel line, along said southwesterly line, from a tangent bearing of N71°55’56”W, along a curve to the right with a radius of 170.00 feet, through a central angle of 9°41’24” for an arc length of 28.75 feet to the TRUE POINT OF BEGINNING.

Containing 5,436 square feet, more or less.

Bearings and distances used in the above descriptions are on the California Coordinate System of 1983, Zone 3, Epoch 1991.35. Multiply distances shown by 1.0000455 to obtain ground level distances.

This description was prepared by me or under my direct supervision

[Signature]

licensed land surveyor

4/22/10

date

Prepared by the firm of
Dillon Surveys
Morgan Hill, California
EXHIBIT "A"

All that certain real property situate in the City of Mountain View, County of Santa Clara, State of California being a portion of Lot One as shown on the map of Tract No. 7492 which map was filed for record September 13, 1983 in Book 517 of Maps at pages 37-41, Santa Clara County Records described as follows:

A TEMPORARY EASEMENT to terminate December 31, 2013 for construction purposes and incidents thereto, under, upon, over and across that certain real property described as follows:

BEGINNING at the southwest corner of said Lot One; thence from said POINT OF BEGINNING along the southwesterly line of said Lot One S43°05'42"E 123.59 feet and S46°42'37"E 158.59 feet; thence leaving said southwesterly line N43°05'42"W 294.92 feet to a point in the westerly line of said Lot One; thence along said westerly line S5°38'43"E 16.45 feet to the POINT OF BEGINNING.

Containing 2,093 square feet, more or less.

Bearings and distances used in the above descriptions are on the California Coordinate System of 1983, Zone 3, Epoch 1991.35. Multiply distances shown by 1.0000455 to obtain ground level distances.

This description was prepared by me or under my direct supervision

[Signature]

licensed land surveyor

4/16/10
date

Prepared by the firm of
Dillon Surveys
Morgan Hill, California
Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-HPGN, Epoch 1991.35. Distances are U.S. Survey Feet unless otherwise noted. Distances and stationing are grid distances. Multiply distances by 1,000,0455 to obtain ground level distances.

CITY OF MOUNTAIN VIEW

TRACT NO. 7492
517 M 37-41
LOT ONE

61917
BRCP-LANDMARK, LLC
DOC. NO. 19618832
APN 116-08-100

61917-4
TCE
TERM 12/31/13
2,093 SQ.FT.

P.O.B.
N43°05'42"W
294.92'
S43°05'42"E I23.59'

SO5°38'43"E
16.45'

"ANF" 172+35.77 END

ROUTE 101
BAYSHORE FREEWAY

THIS PLAT WAS PREPARED BY ME
OR UNDER MY DIRECT SUPERVISION.

DENNIS A. DILLON, PLS 4526
DATE 4/16/10

DENNIS A. DILLON, PLS 4526
4526 EXPIRES: 09-30-10
STATE OF CALIFORNIA

DILLON SURVEYS, INC
1607 VINEYARD BLVD.
MORGAN HILL, CA 95037
(408) 778-3258

DATE: 4/16/10 SCALE: ft+40' JOB NO: 1969-00
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 US 101 Auxiliary Lanes 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 certain property, more particularly
described in Exhibits "A" and "B", (Property ID. No. 61918-1 & -2), 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 public interest and necessity require the Project.

2. The 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 Exhibits "A" and "B" is necessary for the
Project.

4. The offer required by Section 7267.2 of the Government Code, together
with the accompanying statement of the amount established as just compensation, was
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.
5. 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.

6. 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 the property described in Exhibits "A" and "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 September 2, 2010, by the following vote:

AYES: DIRECTORS

NOES: DIRECTORS

ABSENT: DIRECTORS

__________________________
SAM LICCARDO, Chairperson
Board of Directors

I HEREBY CERTIFY AND ATTEST that the foregoing resolution was duly and regularly introduced, passed and adopted by the vote of 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:

__________________________
Counsel

2
EXHIBIT “A”

All that certain real property situate in the City of Mountain View, County of Santa Clara, State of California being a portion of Parcel “A” as shown on that certain Parcel Map filed for record in Book 590 of Maps at pages 41 and 42, Santa Clara County Records described as follows:

The right of way and incidents thereto for a public highway upon, over and across that certain real property described as follows:

BEGINNING at the most westerly corner of that certain highway easement described in the Highway Easement Deed from John Michael Sobrato, as trustee, to the Santa Clara Valley Transportation Authority, recorded October 17, 2003 as Recorder’s Document No. 17423305, Santa Clara County Records; thence from said POINT OF BEGINNING, along the northeasterly line of said highway easement the following courses: S47°51'11"E 116.64 feet; from a tangent bearing of S49°45'50"E, along a curve to the left with a radius of 3254.14 feet, through a central angle of 2°44'11" for an arc length of 155.41 feet; thence leaving said northeasterly line N47°51'13"W 121.73 feet; thence N44°56'26"W 19.28 feet; thence N47°51'13"W 16.00 feet; thence N50°46'01"W 20.20 feet; thence N47°51'14"W 115.05 feet to a point in the southwesterly line of said Parcel “A”; thence along said southwesterly line, from a tangent bearing of S18°38'56"E along a curve to the left with a radius of 110.00 feet, through a central angle of 11°36'43" for an arc length of 22.29 feet to the POINT OF BEGINNING.

Containing 1,951 square feet, more or less.

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights including access rights, appurtenant to grantor's remaining property, in and to said freeway.

Bearings and distances used in the above descriptions are on the California Coordinate System of 1983, Zone 3, Epoch 1991.33. Multiply distances shown by 1.0000455 to obtain ground level distances.

This description was prepared by me or under my direct supervision

\[Signature\]
licensed land surveyor

7/13/10

\[Stamp\]
PROFESSIONAL LAND SURVEYOR

DATE

Prepared by the firm of
Dillon Surveys
Morgan Hill, California
Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-HPGN, Epoch 1991.35. Distances are U.S. Survey Feet unless otherwise noted. Distances and staking are grid distances. Multiply distances by 1.0000455 to obtain ground level distances.

PARCEL 2
DOC. NO. 18962782

61918-1
HIGHWAY ESMT 1,951 SQ. FT.

N47°51'14"W 115.05'

N50° 46'08"W 20.22'

N44°56'26"W 19.28'

N47° 51'13"W 121.73'

N47° 51'13"W 16.00'

S71° 21'04"W(R)

S47° 51'13"W 16.04'

S50° 46'08"W(R)

S46° 42'29"E

ROUTE 101
BAYSHORE FREeways

PARCEL MAP I.E.E. = INGRESS/EGRESS EASEMENT
EX. I.E.E. CITY OF MT. VIEW
J240 O.R. 309

PCL. A

S47° 51'13"E

EXHIBIT B

PLAT TO ACCOMPANY DESCRIPTION
HIGHWAY EASEMENT OVER THE LANDS OF GOOGLE, INC.
TO BE CONVEYED TO SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
PARCEL NO. 6/3841

CITY OF MOUNTAIN VIEW
CALIFORNIA

DILLON SURVEYS, INC
16075 VINEYARD BLVD.
MORGAN HILL, CA 95037
(408) 778-3258

DATE: 3/30/10
SCALE: 1"=40'
JOB NO: G1-0901-043
EXHIBIT "A"

All that certain real property situate in the City of Mountain View, County of Santa Clara, State of California being a portion of Parcel "A" as shown on that certain Parcel Map filed for record in Book 590 of Maps at pages 41 and 42, Santa Clara County Records described as follows:

A TEMPORARY EASEMENT for construction purposes and incidents thereto, under, upon, over and across that certain real property described as follows:

BEGINNING at the most westerly corner of that certain highway easement described in the Highway Easement Deed from John Michael Sobrato, as trustee, to the Santa Clara Valley Transportation Authority, recorded October 17, 2003 as Recorder's Document No. 17423305, Santa Clara County Records; thence from said POINT OF BEGINNING, along a southwesterly line of said Parcel "A", from a tangent bearing of N30°15'39"W along a curve to the right with a radius of 110.00 feet, through a central angle of 11°36'43" for an arc length of 22.29 feet to the TRUE POINT OF BEGINNING for this description; thence from said TRUE POINT OF BEGINNING, S47°51'14"E 115.05 feet; thence S50°46'01"E 20.20 feet; thence S47°51'13"E 16.00 feet; thence S44°56'26"E 19.28 feet; thence S47°51'13"E 121.73 feet to a point in the northeasterly line of said highway easement; thence along said northeasterly line the following two courses: from a tangent bearing of S52°30'01"E, along a curve to the left with a radius of 3254.14 feet, through a central angle of 0°08'10" for an arc length of 7.73 feet and S52°37'58"E 10.00 feet; thence leaving said northeasterly line N37°21'49"E 3.94 feet; thence N49°28'45"W 64.82 feet; thence N47°51'13"W 41.09 feet; thence N42°08'47"E 6.39 feet; thence N47°51'14"W 199.01 feet to a point in a southwesterly line of said Parcel "A"; thence along said southwesterly line the following courses: S72°28'11"W 2.00 feet; N46°42'37"W 16.77 feet and from a tangent bearing of S10°28'23"E along a curve to the left with a radius of 110.00 feet, through a central angle of 8°10'33" for an arc length of 15.70 feet to the TRUE POINT OF BEGINNING.

Containing 2,473 square feet, more or less.

Bearings and distances used in the above descriptions are on the California Coordinate System of 1983, Zone 3, Epoch 1991.35. Multiply distances shown by 1.0000455 to obtain ground level distances.

This description was prepared by me or under my direct supervision

[Signature]

licensed land surveyor

4/02/10

date

Prepared by the firm of
Dillon Surveys
Morgan Hill, California
Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-HPGN, Epoch 1991.35. Distances are U.S. Survey Feet unless otherwise noted. Distances and stationing are grid distances. Multiply distances by 1.0000455 to obtain ground level distances.

CITY OF MOUNTAIN VIEW

PARCEL A
PM 590 M 41242
61918
GOOGLE, INC.
DOC. NO. I8876497
APN 116-13-033

PARCEL 2
DOC. NO. I8962782

ALTA AVENUE

SEE DETAIL ABOVE
N47°51'14"W
61918-2
TCE
TERM 12/31/13
2,473 50. FT.

SECTOR 4
4 BLK 12
LOT 1
PARCEL A

R=110.00'
\( \Delta = \theta \times 10.33" \)
L=15.70'
'

R=110.00'
\( \Delta = \theta \times 36°43'31" \)
L=22.29'
'

\( S47°51'13"E \)
115.05'

\( S47°51'14"E \)
115.05'

\( S47°51'14"W \)
199.01'

\( S47°51'14"W \)
199.01'

\( S47°51'14"E \)
115.05'

\( S47°51'13"E \)
115.05'

\( N47°51'14"W \)
20.20'

\( S50°46'00"E \)
16.00'

\( S47°51'13"E \)
19.28'

\( N42°08'47"E \)
6.39'

\( S47°51'13"E \)
193+3+6.7 BEG

"SHNN" 193+3+6.7 BEG

Ex. Hwy. Esmt to VTA
DOC. NO. I7423305

ROUTE 101
BAYSHORE FREEWAY

CURVE TABLE

CURVE  RADIUS  DELTA  LENGTH
CI   3254.14'  00°08'40"  7.73'

"C" LINE
4  4840.52'

3/30/10
DENNIS A. DILLON, PLS 4526
DATE

PROFESSIONAL LAND SURVEYOR
DENNIS A. DILLON
STATE OF CALIFORNIA

PLAT TO ACCOMPANY DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT OVER THE LANDS OF GOOGLE, INC.
TO BE CONVEYED TO SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
PARCEL NO. 6961-2

CITY OF MOUNTAIN VIEW

DILLON SURVEYS, INC
16075 VINEYARD BLVD.
MORGAN HILL, CA 95037
(408) 778-3258

DATE: MARCH 22, 2010
SCALE: 1"=40'
JOB NO: GI-0901-043
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 US 101 Auxiliary Lanes 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 certain property, more particularly described in Exhibits “A” and “B”, (Property ID. 61922-1 & -2), 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 public interest and necessity require the Project.

2. The 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 Exhibits “A” and “B” is necessary for the Project.

4. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, was 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.
5. 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.

6. 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 the property described in Exhibits "A" and "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 September 2, 2010, by the following vote:

AYES: DIRECTORS

NOES: DIRECTORS

ABSENT: DIRECTORS

______________________________________________
SAM LICCARDO, Chairperson
Board of Directors

I HEREBY CERTIFY AND ATTEST that the foregoing resolution was duly and regularly introduced, passed and adopted by the vote of 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 WEYMOOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

______________________________________________
Counsel
EXHIBIT “A”

All that certain real property situate in the City of Mountain View, County of Santa Clara, State of California being a portion of Lot One as shown on that certain Parcel Map filed for record February 7, 1985 in Book 539 of Maps at page 19 Santa Clara County Records described as follows:

The right of way and incidents thereto for a public highway upon, over and across that certain real property described as follows:

BEGINNING at the most southerly corner of said Lot One; thence from said POINT OF BEGINNING, along a southwesterly line of said Lot One N44°51'36"W 20.27 feet; thence leaving said southwesterly line N76°29'17"E 118.37 feet to a point in the southeasterly line of said Lot One; thence along said southeasterly line S67°17'43"W 109.15 feet to the POINT OF BEGINNING.

Containing 1,032 square feet, more or less.

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights including access rights, appurtenant to grantor's remaining property, in and to said freeway.

Bearings and distances used in the above descriptions are on the California Coordinate System of 1983, Zone 3, Epoch 1991.35. Multiply distances shown by 1.0000455 to obtain ground level distances.

This description was prepared by me or under my direct supervision

[Signature]

licensed land surveyor

7/15/10
date

Prepared by the firm of
Dillon Surveys
Morgan Hill, California
Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-HPGN, Epoch 1991.35. Distances are U.S. Survey Feet unless otherwise noted. Distances and stationing are grid distances. Multiply distances by 1.0000455 to obtain ground level distances.

61922
RICHARD T. PEERY, TRUSTEE, ET AL
DOC. NO. 581506 (D211 O.R. 267)
APN 116-03-026

PM 539 M. 19
LOT ONE

61922-1
Highway Easement
1,032 SQ. FT,

N44°51'36"W
20.42'

P.O.B.

"ANN" 160+79.39 EC

"ANN" 161+96.13 END

ROUTE 101
BAYSHORE FREEWAY

THIS PLAT WAS PREPARED BY ME
OR UNDER MY DIRECT SUPERVISION.

Dennis A. Dillon, PLS 4526

LEGEND

ACCESS CONTROLLED
= DIMENSION POINT
= AREA TO BE CONVEYED
XXXXX = PARCEL NUMBER
P.O.B. = POINT OF BEGINNING

PLAT TO ACCOMPANY DESCRIPTION
HIGHWAY EASEMENT OVER LANDS OF PEERY, TRUSTEE, ET AL
TO BE CONVEYED TO VIA
PARCEL NO. 61922-1

4526
EXPRESS
09-30-10

PROFESSIONAL LAND SURVEYOR
DENNIS A. DILLON
STATE OF CALIFORNIA

A-10449.9 SHEET 1 OF 1

EXHIBIT B

CITY OF MOUNTAIN VIEW

DILLON SURVEYS, INC
1607 VINEYARD BLVD,
MORGAN HILL, CA 95037
(408) 778-3258

DATE: 4/02/10
SCALE: 1"=30'
EXHIBIT "A"

All that certain real property situate in the City of Mountain View, County of Santa Clara, State of California being a portion of Lot One as shown on that certain Parcel Map filed for record February 7, 1985 in Book 359 of Maps at page 19 Santa Clara County Records described as follows:

A TEMPORARY EASEMENT to terminate December 31 2013, for construction purposes and incidents thereto, under, upon, over and across that certain real property described as follows:

BEGINNING at the most westerly corner of said Lot One; thence from said POINT OF BEGINNING, along the southwesterly lines of said Lot One the following courses: S48°58'42"E 57.13 feet; along a tangent curve to the left with a radius of 418.00 feet, through a central angle of 20°25'22" for an arc length of 148.99 feet; thence leaving said southwesterly line, radially, N20°35'56"E 10.00 feet; thence concentric with and parallel with and distant 10.00 feet northeasterly, measured radially and at right angles, from above said courses with lengths of 57.13 feet and 148.99 feet the following courses: from a tangent bearing of N69°24'04"W along a curve to the right with a radius of 408.00 feet, through a central angle of 20°25'22" for an arc length of 145.43 feet and N48°58'42"W 30.33 feet to the intersection thereof with the southerly line of Salado Drive as shown on said map; thence leaving said parallel line, along said southerly line, from a tangent bearing of N73°00'25"W, along a curve to the right with a radius of 229.99 feet, through a central angle of 7°07'50" for an arc length of 28.62 feet to the POINT OF BEGINNING.

Containing 1,901 square feet, more or less.

Bearings and distances used in the above descriptions are on the California Coordinate System of 1983, Zone 3, Epoch 1991.35. Multiply distances shown by 1.0000455 to obtain ground level distances.

This description was prepared by me or under my direct supervision

\[Signature\]

licensed land surveyor

4/05/10

date

Prepared by the firm of
Dillon Surveys
Morgan Hill, California
Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-HPGN, Epoch 1988.35. Distances are U.S. Survey Feet unless otherwise noted. Distances and stationing are grid distances. Multiply distances by 0.0000455 to obtain ground level distances.

CITY OF MOUNTAIN VIEW

ROUTES 101
BAYSHORE FREEWAY

LEGEND

ACCESS CONTROLLED
DIMENSION POINT
AREA TO BE CONVEYED
PARCEL NUMBER
POINT OF BEGINNING

PLAT TO ACCOMPANY DESCRIPTION

TEMPORARY CONSTRUCTION EASEMENT OVER THE LANDS OF RICHARD T. PEERY, TRUSTEE, ET AL TO BE CONVEYED TO VTA

PARCEL NO. 61922-2

CITY OF MOUNTAIN VIEW

DILLON SURVEYS, INC
15075 VINEYARD BLVD.
MORGAN HILL, CA 95037
(408) 776-3258

DATE: 4/05/10
SCALE: 1"=30'
JOB NO: 1569-00
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 US 101 Auxiliary Lanes 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 certain property, more particularly described in Exhibits “A” and “B”, (61927-1), 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 public interest and necessity require the Project.

2. The 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 Exhibits “A” and “B” is necessary for the Project.

4. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, was 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.

5. 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.

6. 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.

7. 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 the property described in Exhibits “A” and “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 September 2, 2010, by the following vote:

AYES: DIRECTORS

NOES: DIRECTORS

ABSENT: DIRECTORS

SAM LICCARDO, Chairperson
Board of Directors

I HEREBY CERTIFY AND ATTEST that the foregoing resolution was duly and regularly introduced, passed and adopted by the vote of 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:

________________________

Counsel
EXHIBIT “A”

All that certain real property situate in the City of Mountain View, County of Santa Clara, State of California being a portion of that certain parcel of land described in the Grant Deed from Gladys M. Riemland, et al, to the Santa Clara County Flood Control and Water Conservation District, recorded April 29, 1959 in Book 4400 of Official Records at page 66 Santa Clara County Records, described as follows:

The right of way and incidents thereto for a public highway upon, over and across that certain real property described as follows:

BEGINNING at the point of intersection of the easterly line of said parcel conveyed to the Santa Clara County Flood Control and Water Conservation District with the northeasterly line of that certain parcel of land described in the Deed from A.T. Hine, a widower, to the State of California, recorded June 30, 1958 in Book 3995 of Official Records at page 404, Santa Clara County Records; thence from said POINT OF BEGINNING, along said northeasterly line, N46°42'37"W 29.30 feet; thence leaving said northeasterly line N40°49'02"E 22.96 feet; thence S49°10'48"E 9.14 feet to a point in said easterly line; thence along said easterly line S1°06'00"W 31.50 feet to the POINT OF BEGINNING.

Containing 447 square feet, more or less.

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter’s rights including access rights, appurtenant to grantor’s remaining property, in and to said freeway.

Bearings and distances used in the above descriptions are on the California Coordinate System of 1983, Zone 3, Epoch 1991.35. Multiply distances shown by 1.0000455 to obtain ground level distances.

This description was prepared by me or under my direct supervision

[Signature]

licensed land surveyor

7/13/10

date

Prepared by the firm of
Dillon Surveys
Morgan Hill, California
Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-HPGN, Epoch 1991.35. Distances are U.S. Survey Feet unless otherwise noted. Distances and stationing are grid distances. Multiply distances by 0.0000455 to obtain ground level distances.

ROUTE 101
BAYSHORE FREEWAY

THIS PLAT WAS PREPARED BY ME
OR UNDER MY DIRECT SUPERVISION.

DENNIS A. DILLON, PLS 4526

A-10449.12 SHEET 1 OF 1

PLAT TO ACCOMPANY DESCRIPTION

HIGHWAY EASEMENT OVER THE LANDS OF SCVWD
TO BE CONVEYED TO VTA
PARCEL NO. 09374

DENNIS A. DILLON, PLS 4526

EXHIBIT B

DILLON SURVEYS, INC
16975 VINEYARD BLVD.
MORGAN HILL, CA 95037
(408) 715-3258

DATE: JUNE 4, 2010
SCALE: F"=20'
JOB NO: 1069-00
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 US 101 Auxiliary Lanes 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 certain property, more particularly described in Exhibits “A” and “B”, (Property ID. 61928-1), 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 public interest and necessity require the Project.

2. The 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 Exhibits “A” and “B” is necessary for the Project.

4. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, was 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.
5. 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.

6. 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 the property described in Exhibits "A" and "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 September 2, 2010, by the following vote:

AYES: DIRECTORS
NOES: DIRECTORS
ABSENT: DIRECTORS

______________________________
SAM LICCARDO, Chairperson
Board of Directors

I HEREBY CERTIFY AND ATTEST that the foregoing resolution was duly and regularly introduced, passed and adopted by the vote of 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:

______________________________
Counsel
EXHIBIT "A"

All that certain real property situate in the City of Mountain View, County of Santa Clara, State of California being a portion of Parcel 1 as shown on that certain Parcel Map filed for record August 12, 1993 in Book 649 of Maps at pages 22 and 23 Santa Clara County Records described as follows:

A TEMPORARY EASEMENT to terminate December 31, 2013, for construction purposes and incidents thereto, under, upon, over and across that certain real property described as follows:

BEGINNING at the southwest corner of said Parcel 1; thence from said POINT OF BEGINNING, along the general westerly line of said Parcel 1 the following courses: N1°06'00"E 40.49 feet and S46°42'37"E 16.21 feet; thence leaving said general westerly line, parallel with above said course with a length of 40.49 feet, S1°06'00"W 33.59 feet; thence leaving said parallel line S43°17'23"W 5.11 feet to a point in the southerly line of said Parcel 1; thence along said southerly line N46°42'37"W 11.58 feet to the POINT OF BEGINNING.

Containing 474 square feet, more or less.

Bearings and distances used in the above descriptions are on the California Coordinate System of 1983, Zone 3, Epoch 1991.35. Multiply distances shown by 1.0000455 to obtain ground level distances.

This description was prepared by me or under my direct supervision

[Signature]

licensed land surveyor

4/05/10 date

Prepared by the firm of
Dillon Surveys
Morgan Hill, California
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority  
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Resolutions of Necessity for the I-880 HOV Lanes Project

Resolution

ACTION ITEM

RECOMMENDATION:

1) Adopt a resolution electing to hear Resolutions of Necessity for the I-880 HOV Lane Widening Project, as required by State law.

2) Adopt Resolutions of Necessity determining that the public interest and necessity require the acquisition of fee, utility easement and temporary construction easement property interests from two parcels of land owned by: Caracol Ltd. and MVFT, LLC, located in San Jose, for the I-880 HOV Lane Widening Project.

BACKGROUND:

The I-880 HOV Lane Widening Project will construct high-occupancy vehicle (HOV) lanes on I-880 between US 101 in the City of San Jose, and State Route 237 in the City of Milpitas. The project will widen I-880 providing one HOV lane in each direction for approximately 4.6 miles. The improvements include mainline widening, shoulder improvements, modification of on- and off-ramps, traffic signals, freeway lighting, overhead signs, ramp metering, traffic operation system field elements, highway plantings, irrigation and drainage systems, and construction of retaining walls. Attachment 1 is the fact sheet for the I-880 HOV Lane Widening Project.

To construct the I-880 HOV Lane Widening Project, partial property acquisitions are required from several property owners, including Caracol Ltd. and MVFT, LLC. These properties will be
acquired by VTA, then transferred to the state, and in one instance to PG&E, upon or within one year after the completion of the project.

DISCUSSION:

The following are the properties affected by the I-880 HOV Lane Widening Project:

1. For the Caracol Ltd. property, a total of 3,455 square feet in fee is required to accommodate improvements to the eastbound Brokaw Road on-ramp to southbound I-880. Existing improvements contained in the acquisition area include landscaping only. In addition to the fee take, a 3,600 square foot temporary construction easement (TCE) is also required. Improvements contained within the TCE include landscaping, concrete curb, parking and two light poles. The duration of the TCE will be thirty-one months, upon which rights will revert back to the current property owner.

The appraisal of the Caracol Ltd. property was approved on April 19, 2010. The appraisal was later updated and approved on June 8, 2010. An offer, based on the approved appraisal, was made to the owner on April 22, 2010. To date, negotiations with the owner to acquire the property interests have not been successful.

2. For the MVFT, LLC property, a total of 2,496 square feet in fee is required to accommodate improvements to the eastbound Brokaw Road on-ramp to southbound I-880. Improvements contained in the acquisition area include asphalt paving. A 4,709 square foot utility easement is also required to provide electrical service to billboards located on this property, as well as on the adjacent property. The utility easement will be purchased by VTA, then transferred to PG&E upon completion of the project. A 4,709 square foot TCE is also required. Existing improvements contained within the TCE include two billboards and parking. The billboards will be relocated within the property prior to construction. The duration of the TCE will be thirty-one months, upon which rights will revert back to the current property owner.

The appraisal of the MVFT, LLC property was approved on March 15, 2010. An offer, based on the approved appraisal, was made to the owner on April 16, 2010. To date, negotiations with the owner to acquire the property interests have not been successful.

Funding for construction of the project is subject to deadlines imposed by the California Transportation Commission as required by Proposition 1B. The project team has diligently worked to acquire the requisite property through negotiated settlements with respective property owners. Since to date negotiations have not been successful, in order to ensure that funding for the project is not jeopardized, VTA must take the action to acquire the needed property through eminent domain proceedings. A prerequisite to commencement of eminent domain proceedings by a public entity is adoption of a Resolution of Necessity (1245.220). This statutory requirement is designed to ensure that public entities will verify and confirm the validity of their intended use of the power of eminent domain.

In addition, Streets & Highways Code Section 760 requires adoption of a resolution by a four-fifths vote of the Board, electing to hear Resolutions of Necessity for the acquisition of property
for a State highway project. Caltrans, the right-of-way certification agency for this project, requires adoption of a Section 760 resolution in the form attached prior to the adoption of Resolutions of Necessity required for property acquisition.

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. 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.

Further information addressing each of these items is included in a staff report (provided under separate cover). The staff report also contains specific information on the property impacted.

**ALTERNATIVES:**

There are no practical alternatives to the recommended action if the project is to be constructed as designed. The property is required for the project and a condemnation action must be initiated in order to obtain possession of the parcels and right of way certification prior to construction.

**FISCAL IMPACT:**

Appropriation for the costs associated with the eminent domain action is included in the FY11 Adopted VTP Highway Improvement Program Fund Capital Budget.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATIONS**

The Transit Planning and Operations Committee heard this item as part of its August 19, 2010 agenda as an Information Item.

Prepared by: Brad Dexter
Memo No. 2700
Overview
This project will add approximately 4.6 miles of high-occupancy vehicle (HOV, or carpool) lane in both directions of I-880 between U.S. 101 and State Route 237 interchanges.

Objective
The purpose of this project is to reduce traffic congestion, provide a commute alternative and enhance safety for those commuting into, out of and through Santa Clara County via I-880.

Project Features
The proposed improvements would:
- Widen I-880 from a six- to an eight-lane freeway within the existing corridor creating an HOV lane. High-occupancy vehicles, HOVs, are those cars with two or more occupants, shuttles and buses
- Modify existing on and off ramps in the corridor
- Construct retaining walls throughout the corridor

Maintenance of Traffic Flow
For the safety of the public and construction workers, traffic control measures (such as temporary lane closures and detours) will be used as needed. Contractors will be required to make every effort to maintain access and minimize disruptions. The public will be notified before traffic control measures are implemented.

Operations
Upon completion, Caltrans will operate and maintain the highway improvements.

Capital Cost/Project Funding
$95 million: $71.6 million from State’s Corridor Mobility Improvement Account (CMIA) Funds and $23.4 million from VTA Local Program Reserve Funds.

Project Schedule
Construction Begins: Summer 2011
Construction Completes: Summer 2014

How to Reach Us
For more information on this project, please call VTA’s Community Outreach at (408) 321-7575, TTY for the hearing-impaired (408) 321-2330. You may also visit us on the web at www.vta.org, or e-mail us at community.outreach@vta.org.
**VTA Mission:** VTA provides sustainable, accessible, community-focused transportation options that are innovative, environmentally responsible, and promote the vitality of our region.
RESOLUTION OF SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
ELECTING TO HEAR RESOLUTIONS OF NECESSITY FOR
THE I-880 HOV LANES PROJECT

WHEREAS, the Santa Clara Valley Transportation (VTA) is undertaking the I-880 HOV Lanes Project ("Project"); and

WHEREAS, VTA is authorized to acquire property and exercise the power of eminent domain pursuant to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law, Code of Civil Procedure Sections 1230.010 et seq., and Sections 100130, 100131, and 100161 of the Public Utilities Code; and

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

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

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

AYES: DIRECTORS

NOES: DIRECTORS

ABSENT: DIRECTORS

______________________________________________
SAM LICCARDO, Chairperson
Board of Directors

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

Dated: ________________________________

______________________________________________
SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

______________________________________________
KEVIN D. ALLMAND
General Counsel
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 I-880 HOV Lane Widening 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 certain property, more particularly described in Exhibits “A” and “B”, (61815-1 & -2), 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 public interest and necessity require the Project.

2. The 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 Exhibits “A” and “B” is necessary for the Project.

4. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, was 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.
5. 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.

6. 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 the property described in Exhibits “A” and “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 September 2, 2010, by the following vote:

AYES: DIRECTORS

NOES: DIRECTORS

ABSENT: DIRECTORS

__________________________
SAM LICCARDO, Chairperson
Board of Directors

I HEREBY CERTIFY AND ATTEST that the foregoing resolution was duly and regularly introduced, passed and adopted by the vote of 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:

__________________________
Counsel
EXHIBIT "A"

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California being a portion of Parcel 2 as shown on that certain Parcel Map filed for record September 14, 1976 in Book 379 of Maps at page 27, Santa Clara County Records described as follows:

BEGINNING at a northeast corner of said Parcel 2; said point being at the northerly terminus of the course shown as "N14°21'31"W 78.18" on said map; thence from said POINT OF BEGINNING, along the easterly line of said Parcel 2 the following two courses: S13°33'40"E 78.16 feet and S9°44'49"E 258.19 feet; thence leaving said easterly line, N19°18'36"W 25.69 feet; thence N15°31'16"W 100.97 feet; thence N5°02'06"E 31.33 feet; thence N15°31'16"W 69.50 feet; thence N11°42'25"W 104.68 feet to a point in a northerly line of said Parcel 2; thence along said northerly line N52°04'14"E 13.39 feet to the POINT OF BEGINNING.

Containing 3,455 square feet of land, more or less.

This conveyance is made for the purpose of a freeway and grantor hereby releases and relinquishes to the grantee any and all abutter's rights including access rights, appurtenant to grantor's remaining property, in and to said freeway.

Bearings and distances used in the above descriptions are on the California Coordinate System of 1983, Zone 3, Epoch 1991.35. Multiply distances shown by 1.0000492 to obtain ground level distances.

This description was prepared by me or under my direct supervision

[Signature]

licensed land surveyor

4/09/10
date

Prepared by the firm of
Dillon Surveys
Morgan Hill, California
EXHIBIT "A"

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California being a portion of Parcel 2 as shown on that certain Parcel Map filed for record September 14, 1976 in Book 379 of Maps at page 27, Santa Clara County Records described as follows:

A TEMPORARY EASEMENT to terminate December 31, 2013 for construction purposes and incidents thereto, under, upon, over and across that certain real property described as follows:

BEGINNING at a point in a northerly line of said Parcel 2; said point bears, along said northerly line, S52°04'14"W 13.39 feet from the northerly terminus of the course shown on said map as “N14°21'31"W 78.18’”; thence from said POINT OF BEGINNING, S11°42'25"E 104.68 feet; thence S15°31'16"E 69.50 feet; thence S5°02'06"W 31.33 feet; thence S15°31'16"E 100.97 feet; thence S19°18'36"E 25.69 feet to a point in the easterly line of said Parcel 2; thence along said easterly line S9°44'49"E 60.19 feet to the intersection thereof with a line parallel with and distant 10.00 feet westerly, measured at right angles, from above said course with a length of 25.69 feet; thence leaving said easterly line, along said parallel line, and lines parallel with and distant 10.00 feet westerly, measured at right angles, from above said courses with lengths of 100.97 feet, 31.33 feet, 69.50 feet and 104.68 feet the following courses: N19°18'36"W 85.37 feet; N15°31'16"W 103.12 feet; N5°02'06"E 31.33 feet; N15°31'16"W 68.02 feet and N11°42'25"W 100.09 feet to the intersection thereof with said northerly line; thence leaving said parallel line, along said northerly line N52°04'14"E 11.15 feet to the POINT OF BEGINNING.

Containing 3,600 square feet, more or less.

Bearings and distances used in the above description are on the California Coordinate System of 1983, Zone 3, Epoch 1991.35. Multiply distances shown by 1.0000492 to obtain ground level distances.

This description was prepared by me or under my direct supervision

[signature]

licensed land surveyor

4/09/10

4526
Expires 09-30-10

Prepared by the firm of
Dillon Surveys
Morgan Hill, California
Coordinates, bearings and distances shown are on the California Coordinate System of 1983, Zone 3, Epoch 1991.30. Multiply distances shown by 1.0000492 to obtain ground level distances.

EXHIBIT "B"

CITY OF SAN JOSE

ROUTE 880
NIMITZ FREeway

PLAT TO ACCOMPANY DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT OVER LANDS OF CARACOL LTD
TO BE CONVEYED TO VALLEY TRANSPORTATION AUTHORITY
PARCEL 61815-2

SAN JOSE CALIFORNIA

DILLON SURVEYS
LAND SURVEYING • RIGHT OF WAY ENGINEERING
18075 VINEYARD BLVD
MORGAN HILL, CALIFORNIA 95037
(408) 778-3253

DATE 1/29/10 SCALE 1"=100' JOB NO. 1067-00

Dennis A. Dillon, PLL 4526

This plat was prepared by me or under my direct supervision.

Date 4/09/10

PLAT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION

4526
Expires 09-30-10

STATE OF CALIFORNIA

PLAT TO ACCOMPANY DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT OVER LANDS OF CARACOL LTD
TO BE CONVEYED TO VALLEY TRANSPORTATION AUTHORITY
PARCEL 61815-2

SAN JOSE CALIFORNIA

DILLON SURVEYS
LAND SURVEYING • RIGHT OF WAY ENGINEERING
18075 VINEYARD BLVD
MORGAN HILL, CALIFORNIA 95037
(408) 778-3253

DATE 1/29/10 SCALE 1"=100' JOB NO. 1067-00

Dennis A. Dillon, PLL 4526

This plat was prepared by me or under my direct supervision.

Date 4/09/10
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 I-880 HOV Lane Widening 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 certain property, more particularly described in Exhibits "A" and "B", (Parcels 61816-1, 61816-2 and 61816-3), 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 public interest and necessity require the Project.

2. The 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 Exhibits “A” and “B” is necessary for the Project.

4. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, was 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.
5. The parcel described in Exhibits “A” and “B” as an electrical distribution easement is 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 purposes specified in Sections 1240.320, 1240.330, and/or 1240.350.

6. 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.

7. 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 the property described in Exhibits “A” and “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 September 2, 2010, by the following vote:

AYES: DIRECTORS
NOES: DIRECTORS
ABSENT: DIRECTORS

SAM LICCARDO, Chairperson
Board of Directors

I HEREBY CERTIFY AND ATTEST that the foregoing resolution was duly and regularly introduced, passed and adopted by the vote of 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:

__________________________
Counsel
EXHIBIT “A”

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California being a portion of that certain parcel of land described in the Deed from Ernest A. Speno and Lucille Speno, husband and wife to MVFT, LLC, a California limited liability company recorded July 3, 2008 as Recorder’s Document No. 19906506, Santa Clara County Records described as follows:

BEGINNING at the southeast corner of said parcel conveyed by Speno; thence from said POINT OF BEGINNING, along the easterly line of said parcel conveyed by Speno the following two courses: N13°33’40"W 382.53 feet and along a tangent curve to the left with a radius of 150.00 feet, through a central angle of 22°12’03" for an arc length of 58.12 feet; thence leaving said easterly line, from a tangent bearing of S24°52’13"E along a curve to the right with a radius of 506.50 feet, through a central angle of 13°09’48" for an arc length of 116.37 feet; thence S11°42’25"E 329.19 feet to a point in the southerly line of said parcel conveyed by Speno; thence along said southerly line N52°04’14"E 13.39 feet to the POINT OF BEGINNING.

Containing 2,496 square feet of land, more or less.

This conveyance is made for the purpose of a freeway and grantor hereby releases and relinquishes to the grantee any and all abutter’s rights including access rights, appurtenant to grantor’s remaining property, in and to said freeway.

Bearings and distances used in the above descriptions are on the California Coordinate System of 1983, Zone 3, Epoch 1991.35. Multiply distances shown by 1.0000492 to obtain ground level distances.

This description was prepared by me or under my direct supervision.

[Signature]

Dennis A. Dillon

licensed land surveyor

4/09/10

date

Prepared by the firm of Dillon Surveys
Morgan Hill, California
CITY OF SAN JOSE

313-08-076
LANDS OF WFT, LLC
DOC. NO. 19966546

ROUTE 880
NIMITZ FREEWAY

EXHIBIT "B"

PLAT TO ACCOMPANY DESCRIPTION

LANDS OF WFT, LLC
TO BE CONVEYED TO VALLEY TRANSPORTATION AUTHORITY.
PARCEL 61816-1

SAN JOSE, CALIFORNIA

DILLON SURVEYS

LAND SURVEYING - RIGHT OF WAY ENGINEERING
16075 VINEYARD BLVD.
MORGAN HILL, CALIFORNIA 95037
(408) 778-3258

DATE: Rev. 1/25/10 SCALE: 1"=100'
JOB NO.: 1067-00

THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

DENNIS A. DILLON, PLS, 4526

EDIT: 9-30-10

Coordinates, bearings and distances shown are on the California Coordinate System of 1883,
Zone 3, Epoch 1995.55. Multiply distances shown by 1.0000492 to obtain ground level
distances.
EXHIBIT “A”

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California being a portion of that certain parcel of land described in the Deed from Ernest A. Speno and Lucille Speno, husband and wife to MVFT, LLC, a California limited liability company recorded July 3, 2008 as Recorder’s Document No. 19906506, Santa Clara County Records described as follows:

An EASEMENT for the right from time to time to construct, reconstruct, install, inspect, maintain, replace, remove, and use such poles, aerial wires, cables, electrical conductors with associated crossarms, braces, transformars, anchors, guy wires and cables, underground conduits, pipes, manholes, service boxes, wires, cables, and electrical conductors; aboveground marker posts, risers, and service pedestals; underground and aboveground switches, fuses, terminals, and transformers with associated concrete pads; and fixtures and appurtenances necessary to any and all thereof, as Grantee deems necessary for the distribution of electric energy and communication purposes located together with a right of way, on, along and in all of the hereinafter area described as follows:

Beginning at a point in the southerly line of said parcel conveyed by Speno; said point bears, along said southeasterly line, S52°40'14"W 13.39 feet from the southeast corner of said parcel conveyed by Speno; thence from said POINT OF BEGINNING N11°42'25"W 329.19 feet; thence along a tangent curve to the left with a radius of 506.50 feet, through a central angle of 13°09'48" for an arc length of 116.37 feet to a point in the easterly line of said parcel conveyed by Speno; thence along said easterly line the following two courses: from a tangent bearing of N35°45'43"W along a curve to the left with a radius of 150.00 feet, through a central angle of 3°11'09" for an arc length of 8.34 feet and N38°56'52"W 44.72 feet to the intersection thereof with a line concentric with and distant 10.00 feet westerly, measured radially, from above said course with a length of 116.37 feet; thence leaving said easterly line, along said concentric line and a line parallel with and distant 10.00 feet westerly, measured at right angles, from above said course with a length of 329.19 feet the following two courses: from a tangent bearing of S30°49'35"E along a curve to the right with a radius of 496.50 feet, through a central angle of 19°07'10" for an arc length of 165.68 feet and S11°42'25"E 334.12 feet to the intersection thereof with said southerly line; thence leaving said parallel line, along said southerly line N52°04'14"E 11.15 feet to the POINT OF BEGINNING.

Containing 4,709 square feet, more or less.

Together with:

(a) the right of ingress to and egress from said easement area over and across the parcel of land described in said deed from Speno to MVFT, LLC 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 parcel of land which is isolated from said easement area by any public road or highway, now crossing or hereafter crossing said parcel of land; and

(b) the right from time to time to trim and to cut down and clear away or otherwise destroy any and all trees and brush now or hereafter on said easement area and to trim and to cut down and clear away any trees on either side of said easement area which now or hereafter in the opinion of Grantee may be a hazard to the facilities installed hereunder by reason of the danger of
Parcel 61816-2 (cont’d)
Page 2 of 2

falling thereon, or may interfere with the exercise of Grantee’s rights hereunder; provided, however, that all trees which Grantee is hereby authorized to cut and remove, if valuable for timber or wood, shall continue to be the property of Grantor, but all branches, brush, and refuse wood shall be burned, removed, or chipped and scattered by Grantee.

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

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto.

Bearings and distances used in the above descriptions are on the California Coordinate System of 1983, Zone 3, Epoch 1991.35. Multiply distances shown by 1.0000492 to obtain ground level distances.

This description was prepared by me or under my direct supervision.

[Signature]

licensed land surveyor

4/15/10

date

Prepared by the firm of
Dillon Surveys
Morgan Hill, California
Coordinates, bearings and distances shown are on the California Coordinate system of 1983, Zone 3, Epoch 1991.35. Multiply distances shown by 1.0000492 to obtain ground level distances.

CITY OF SAN JOSE

ROUTE 880
NIMITZ FREEWAY

EXHIBIT "B"

PLAT TO ACCOMPANY DESCRIPTION

ELECTRICAL DISTRIBUTION EASEMENT OVER LANDS OF WFT, LLC
TO BE CONVEYED TO VALLEY TRANSPORTATION AUTHORITY
PARCEL 61816-2

SAN JOSE  CALIFORNIA

DILLON SURVEYS

LAND SURVEYING • RIGHT OF WAY ENGINEERING
16076 VINEYARD BLVD.
MORGAN HILL, CALIFORNIA 95037
(408) 775-3258

DATE: Rev 2/23/10  SCALE: 1"=100'  JOB NO: 1057-00

4/9/2010 12:04:41 PM PST
EXHIBIT “A”

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California being a portion of that certain parcel of land described in the Deed from Ernest A. Speno and Lucille Speno, husband and wife to MVFT, LLC, a California limited liability company recorded July 3, 2008 as Recorder’s Document No. 19906506, Santa Clara County Records described as follows:

A TEMPORARY EASEMENT to terminate December 31, 2013 for construction purposes and incidents thereto, under, upon, over and across that certain real property described as follows:

Beginning at a point in the southerly line of said parcel conveyed by Speno; said point bears, along said southeasterly line, S52°04'14"W 13.39 feet from the southeast corner of said parcel conveyed by Speno; thence from said POINT OF BEGINNING N11°42'25"W 329.19 feet; thence along a tangent curve to the left with a radius of 506.50 feet, through a central angle of 13°09'48" for an arc length of 116.37 feet to a point in the easterly line of said parcel conveyed by Speno; thence along said easterly line the following two courses: from a tangent bearing of N35°45'43"W along a curve to the left with a radius of 150.00 feet, through a central angle of 3°11'09" for an arc length of 8.34 feet and N38°56'52"W 44.72 feet to the intersection thereof with a line concentric with and distant 10.00 feet westerly, measured radially, from above said course with a length of 116.37 feet; thence leaving said easterly line, along said concentric line and a line parallel with and distant 10.00 feet westerly, measured at right angles, from above said course with a length of 329.19 feet the following two courses: from a tangent bearing of S30°49'35"E along a curve to the right with a radius of 496.50 feet, through a central angle of 19°07'10" for an arc length of 165.68 feet and S11°42'25"E 334.12 feet to the intersection thereof with said southerly line; thence leaving said parallel line, along said southerly line N52°04'14"E 11.15 feet to the POINT OF BEGINNING.

Containing 4,709 square feet, more or less.

Bearings and distances used in the above descriptions are on the California Coordinate System of 1983, Zone 3, Epoch 1991.35. Multiply distances shown by 1.0000492 to obtain ground level distances.

This description was prepared by me or under my direct supervision.

Dennis A. Dillon
licensed land surveyor

4/09/10

date

Prepared by the firm of
Dillon Surveys
Morgan Hill, California
CITY OF SAN JOSE

ROUTE 880
NIMITZ FREEWAY

EXHIBIT "B"

PLAT TO ACCOMPANY DESCRIPTION
TEMPORARY CONSTRUCTION EASEMENT OVER LANDS OF UWFT, LLC
TO BE CONVEYED TO VALLEY TRANSPORTATION AUTHORITY
PARCEL 61816-3

SAN JOSE
CALIFORNIA

DILLON SURVEYS
LAND SURVEYING • RIGHT OF WAY ENGINEERING
10078 YNESTAD RD.
MORGAN HILL, CALIFORNIA 95037
(408) 778-3258

DATE: Rec 2/9/10
SCALE: 1"=100'
JOB NO. 1067-00
BOARD OF DIRECTORS MEETING  
Thursday, August 5, 2010  
MINUTES

CALL TO ORDER

The Regular Meeting of the Santa Clara Valley Transportation Authority’s (VTA) Board of Directors was called to order by Chairperson Liccardo at 5:37 p.m. in the Board of Supervisors’ Chambers, 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>Margaret Abe-Koga</td>
<td>Vice Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Marshall Anstandig</td>
<td>Alternate Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Nora Campos</td>
<td>Alternate Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Dean Chu</td>
<td>Ex-Officio Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Don Gage</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Rose Herrera</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Ash Kalra</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Liz Kniss</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Rich Larsen</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Sam Liccardo</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Jamie Matthews</td>
<td>Alternate Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Pete McHugh</td>
<td>Alternate Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Chris Moylan</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Chuck Page</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Nancy Pyle</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Chuck Reed</td>
<td>Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>George Shirakawa</td>
<td>Alternate Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Perry Woodward</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Ken Yeager</td>
<td>Ex-Officio Board Member</td>
<td>Absent</td>
</tr>
</tbody>
</table>

* Alternates do not serve unless participating as a Member.

A quorum was present.

2. RECESS TO CLOSED SESSION at 5:38 p.m.

Alternate Board Member Matthews entered Closed Session at 5:40 p.m.
Board Member Abe-Koga entered Closed Session at 5:45 p.m.
Alternate Board Member Matthews left Closed Session at 5:45 p.m.
A. Existing Litigation - Conference with Legal Counsel
[Government Code Section 54956.9(a)]

Name of Case: Sharon Reed vs. J. Chow and Valley Transit
(Santa Clara Superior Court No.: 1-09-CV-158800)

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

Name of Case: Benito Rabaria v. Santa Clara Valley Transportation Authority
(Santa Clara Superior Court Case No.: 1-08-CV-125642)

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

Name of Case: Fernando Sanchez v. Santa Clara Valley Transportation Authority
(Santa Clara Superior Court Case No.: 1-08-CV-122114)

D. Anticipated Litigation - Conference with Legal Counsel

Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9: Six Potential Cases

E. Anticipated Litigation-Conference with Legal Counsel
[Government Code Section 54956.9(b)]

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: One case involving termination of freight rail service to Clean Harbors Environmental Services, Inc.

RECONVENED TO OPEN SESSION at 6:09 p.m.

3. CLOSED SESSION REPORT

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

Name of Case: Sharon Reed vs. J. Chow and Valley Transit
(Santa Clara Superior Court No.: 1-09-CV-158800)

There was no reportable action taken during Closed Session.

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

Name of Case: Benito Rabaria v. Santa Clara Valley Transportation Authority
(Santa Clara Superior Court Case No.: 1-08-CV-125642)

There was no reportable action taken during Closed Session.
C. Existing Litigation - Conference with Legal Counsel  
[Government Code Section 54956.9(a)]

Name of Case: Fernando Sanchez v. Santa Clara Valley Transportation Authority  
(Santa Clara Superior Court Case No.: 1-08-CV-122114)

There was no reportable action taken during Closed Session.

D. Anticipated Litigation - Conference with Legal Counsel

Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9: Six Potential Cases

There was no reportable action taken during Closed Session.

E. Anticipated Litigation - Conference with Legal Counsel  
[Government Code Section 54956.9(b)]

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: One case involving termination of freight rail service to Clean Harbors Environmental Services, Inc.

There was no reportable action taken during Closed Session.

4. ORDERS OF THE DAY

Chairperson Liccardo reported Staff requested the following:

- Move the following Agenda Items from the Regular Agenda and place on the Consent Agenda: **Item #22.** Authorize the General Manager to execute an Amendment to the Cooperative Agreement with Santa Clara Valley Water District Regarding the Combined Transportation and Flood Control Protection Improvements Across Lower Berryessa Creek adding the Wrigley Creek Improvements to the scope of the Agreement. The proposed amendment will be for $3.26 million, of which VTA's share is $2.35 million and the Santa Clara Valley Water District's share is $0.91 million. VTA's share is 100% funded from the 2000 Measure A Program; and **Item #23.** Approve the recommended 2010 CMA Block Grant program of projects that includes the Local Streets and Roads Program, Community Design and Transportation Program, and Bicycle Expenditure Program.

- Remove from the Agenda: **Item #17.** Authorize the General Manager to grant an Easement to AT&T for a fee of $24,000, for the placement of conduit beneath VTA's light rail tracks at Leigh Ave and Southwest Expressway.

Chairperson Liccardo requested that **Item #8.** Report from the Chairperson, Right-of-Way Acquisition Process, be moved to the Regular Agenda and heard right before **Item #25.** SVBX Draft Relocation Plan.
Chairperson Liccardo noted that the meeting would adjourn in memory of Father Paul Locatelli, who passed away on July 12, 2010. Father Paul Locatelli was a great supporter of VTA and the BART Project.

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

5. AWARDS AND COMMENDATIONS

A. Employees of the Month for July and August 2010, and Supervisor of the Quarter

Chairperson Liccardo recognized and presented an award to Emma Bryant-Madrid, Coach Operator, Chaboya Division; and Guy Bavoukian, Transit Foreperson, Chaboya Maintenance Division, as Employees of the Month for July 2010; and Lalitha Konanur, Operations System Supervisor, River Oaks, as Supervisor of the Quarter for the third quarter of 2010. Silvia Ramirez, Information Services Representative, River Oaks Administration, was unable to attend.

Chairperson Liccardo also recognized and presented an award to Jeff Larner, Transit Mechanic, Cerone Maintenance Division, as Employee of the Month for August 2010. Robert Belden, Communications Systems Analyst, River Oaks Administration; and Mehran Adl, Light Rail Operator, Guadalupe Division, were unable to attend.

Board Member Kalra took his seat at 6:16 p.m.

B. Resolution for Retiring Employee, Facilities Maintenance Assistant, Diane Alves

Chairperson Liccardo recognized and presented an award to Diane Alves, Facilities Maintenance Assistant, for 38 years of outstanding service.

On order of Chairperson Liccardo and there being no objection, the Board of Directors adopted Resolution No. 2010.08.19 recognizing Diane Alves, Facilities Maintenance Assistant, for 38 years of service.

6. PUBLIC PRESENTATIONS

Deni Urosevic, Interested Citizen, expressed concern regarding the time schedule conflicts of VTA bus lines 48 and 49 to Los Gatos from the Winchester Light Rail Station and bus line 82 at Hamilton Light Rail Station. He indicated the light rail arrives after the buses have departed and recommended the schedules be adjusted to make it convenient for riders.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
James Wightman, Interested Citizen, expressed concern regarding graffiti at the Great America Light Rail Station and plans for the 49ers Stadium. Chairperson Liccardo requested that VTA staff speak with Mr. Wightman to answer his questions.

Alice Frayne, Interested Citizen, noted since March 2010, she has discussed the issue of legislation without representation. She expressed concern regarding the lack of VTA routes covering the County building on Thursday evenings, noting it prevents citizens from voicing their concerns at the meetings where VTA policies are determined. Ms. Frayne requested that VTA provide personal transportation for anyone who cannot get home after the Board of Directors’ evening meetings.

Michael Ludwig, Interested Citizen, expressed concern regarding the automated announcement system on VTA buses and recommended that announcements should only be made when the front doors are opened.

Omar Chatty, Interested Citizen, referenced Senate Bill 83 – Vehicle Registration Fee and queried about the allocated $1 million to be used for placing the measure on the ballot and which Measure B Program the funds would be coming from. Mr. Chatty expressed his opposition to a toll road on State Route 152 and requested a resolution from VTA indicating that a toll road not be placed on the route. Mr. Chatty queried about the schedule of the Route 152 Trade Corridor Project Mobility Partnership Briefing meetings.

Jim Fink, Interested Citizen, urged the restoration of bus line 76 and a segment of line 27 on Highway 9 going into Saratoga, noting that the service no longer existed. He noted that bus line 37 serving West Valley College was not adequate if someone wanted to travel to central Saratoga. He recommended that service be placed on Foxworthy Avenue between Lee and Meridian. Mr. Fink also expressed concern regarding VTA’s financial situation and asked why VTA could not receive federal funding to restore its service.

7. REPORT FROM THE GENERAL MANAGER

Mr. Burns provided a report on the following:

- VTA’s overall system-wide ridership for June 2010 declined 7.5 percent when compared to June 2009. Bus and Light Rail average weekday ridership declined 8.7 percent and 3.7 percent, respectively. The decline in ridership is attributed to the economy, continued unemployment, one fewer school week in June this year, and fewer summer school programs. Noted there was an increase in average weekday ridership for May 2010 compared to May 2009.

- Sales tax receipts for Fiscal Year (FY) 10 currently projected to reflect about a three percent decline overall, down from the six percent projected decline in June 2010. FY 10 sales tax revenues will be finalized in mid-September 2010, and VTA expects to meet its FY 10 budget targets primarily through the implementation of cost-cutting measures, including eight percent service cuts, labor savings, and the maximization of one-time sources. As a result, VTA will have a slight positive balance in the budget for FY 10, approximately $6 million. VTA is still projecting an $8 million deficit for
2011, down from $23 million in the original budget.

- The first pilot Low-emission Diesel Electric Hybrid bus deliveries have begun. VTA is undergoing a series of inspections and tests, and VTA personnel will receive training on the new hybrid technology. The pilot hybrid bus will be viewed by several of the Advisory and Standing Committees in August 2010, and at the Board of Directors meeting on September 2, 2010. Production of the hybrid buses will begin on September 13, 2010, and will be produced at a rate of approximately one per day. Delivery will begin in early October 2010 and continuing in early January 2011. The first hybrid buses will be available for revenue service starting in mid-October and all 70 hybrid buses will be in revenue service by end of January 2011. Also, VTA received stimulus funds as a result of the Oakland Airport Connector being delayed. Initially, the Board of Directors adopted a position to use those funds for maintenance, but the Federal Transit Administration (FTA) informed VTA that the additional funds were restricted to the original grant for bus purchase. Through financial swaps VTA will be able to use the funds to purchase an additional 20 hybrid buses for a total of 90 hybrid buses in its fleet.

- In July 2010, bids for the Highway 101 Tully Road Interchange Project were opened. The apparent low bidder was RGW Construction for $26,299,496, representing more than a $10 million savings when compared to the Engineer’s Estimate. The Project is funded by Corridor Mobility Improvement Account (CMIA) funds; construction is anticipated to begin in the fall and completed by summer 2012. VTA is working with the Metropolitan Transportation Commission (MTC) and Caltrans to apply the savings to the next phase of the Highway 101 improvements, which is improving traffic conditions at Capitol Expressway and Yerba Buena Road.

- VTA is partnering with the AT&T San Jose Jazz Festival on August 13–15, 2010. Chairperson Liccardo will be introducing the opening performance act.

- Father Paul Locatelli passed away on July 12, 2010. Father Locatelli served as President of Santa Clara University for over 20 years and was a strong supporter of VTA. The memorial service was held on July 16, 2010, and was attended by over a thousand people. VTA sent flowers on behalf of the Board of Directors and staff. The VTA Board of Directors would be adjourning tonight’s meeting in honor of Father Locatelli.

Vice Chairperson Abe-Koga requested updated information on VTA’s ten-year operating projections.

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

REPORT FROM THE CHAIRPERSON

- Right-of-Way Acquisition Process
9. **Update on Caltrans District 4 Activities in Santa Clara County**

Bijan Sartipi, Caltrans District 4 Director, provided an update on Caltrans District 4 activities, highlighting: 1) District Overview; 2) Status of major projects: Corridor Mobility Improvement Account (CMIA), American Recovery and Reinvestment (ARRA), State and local; 3) Right of Way Relinquishment; 4) Maintenance efforts; and 5) Operations.

Board Member Page thanked Mr. Sartipi and the Caltrans team for all of their hard work in working with the surrounding community to address issues with regards to projects on Highway 9. With regards to improvements on the hillside of Highway 9, he recommended that stronger outreach efforts be made to communicate with the surrounding community located down the hillside.

Board Member Kalra referenced the project at the pedestrian overcrossing just south of Blossom Hill at Monterey Highway and expressed concern regarding the delays in the project. He recommended that Caltrans take the necessary steps to advance the project.

Board Member Herrera expressed the excitement of residents regarding the Highway 101 project improvements. She commended the Caltrans staff for a job well done and thanked Mr. Sartipi for going to the California Transportation Commission (CTC) to ask for $10 million to fund the Highway 101 – Capitol Expressway/Yerba Buena project and offered her assistance.

Chairperson Liccardo thanked Mr. Sartipi for his leadership on the development of transportation operations in Santa Clara County.

Mr. Sartipi thanked John Ristow, Chief CMA Officer, and staff for their support.

**Public Comment:**

Omar Chatty, Interested Citizen, expressed opposition to the route relinquishment of State Route (SR) 82 and SR 130. He asked what it would take to convert the Intelligent Transportation System (ITS) into a vehicle miles traveled (VMT) tracking system. He noted the importance of SR 130, stating the benefits include mileage savings, congestion relief, and balancing the transportation system.


Board Member Gage provided a report on the August 4, 2010 Ad-Hoc Financial Recovery Committee meeting, highlighting: 1) Committee approved a revised Workplan and Process through the end of August 2010; 2) Committee agreed to meet weekly in August 2010, to come to a conclusion by the September 2, 2010 Board Meeting. The Committee’s intention is to provide the Board with policy level recommendations. If the Board adopts these policy recommendations, then the Board will direct VTA staff to develop the FY2012-2013 budget in a way that meaningfully controls VTA’s costs; 3) Committee received a presentation from consultant, Bob Kuo, that dramatically showed how VTA’s costs, particularly the wages and benefits, continually outstrip
VTA’s revenue; and 4) Committee approved Priorities to guide the discussions that places Preservation of Service as the first priority.

Board Member Gage directed attention to the document containing the Objectives and Process the Committee adopted on August 4, 2010, and the Workplan which included a high level description of the areas the Committee will provide policy recommendations to the Board. On August 11, 2010, the Committee will complete the discussion on the use of Capital Funds and discuss Internal Efficiencies.

Board Members Moylan and Kniss expressed concern regarding labor/benefits costs. Board Member Gage noted all of the details pertaining to benefits cost would be presented at the August 18, 2010 Ad-Hoc Financial Recovery Committee meeting. A report containing the Committee’s policy recommendations would be provided at the September 2, 2010 Board of Directors meeting.

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

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

12. **Policy Advisory Committee (PAC) Chairperson’s Report**

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

**CONSENT AGENDA**

M/S/C (Kniss/Gage) to approve the Consent Agenda, as amended.

13. **Board of Directors Regular Meeting Minutes of June 3, 2010**

M/S/C (Kniss/Gage) to approve the Board of Directors Regular Meeting Minutes of June 3, 2010.

14. **BPAC Appointments and Re-Appointments**

M/S/C (Kniss/Gage) to ratify the following appointments and re-appointments to the Bicycle & Pedestrian Advisory Committee (BPAC):

**New Appointments:**
- Lisa Aragon, City of Morgan Hill and Steven Levin, County of Santa Clara, for term commencing August 2010 to June 30, 2012.

**Reappointments:**
- David Simons, City of Sunnyvale and Richard Ruh, City of Monte Sereno, for term commencing August 2010 to June 30, 2012.
15. **Citizens Advisory Committee Appointment**

M/S/C (Kniss/Gage) to ratify the nomination of Jeremy Barousse to the Citizens Advisory Committee representing the South Bay AFL-CIO Labor Council.

16. **TIGER II Grant Application – BART Hayward Yard**

M/S/C (Kniss/Gage) to adopt a sponsoring agency Resolution No. 2010.08.20 for Transportation Infrastructure Generating Recovery (TIGER) grant funds for VTA's joint application with Bay Area Rapid Transit (BART) for the BART Hayward Yard Reconstruction project; and further, authorized the General Manager to enter into any necessary agreements with BART, the State of California and/or the Federal Department of Transportation to receive these funds and implement this project.

17. **(Removed from the Agenda.)**

Authorize the General Manager to grant an Easement to AT&T for a fee of $24,000, for the placement of conduit beneath VTA's light rail tracks at Leigh Ave and Southwest Expressway.

18. **Investment Controls Internal Audit**

M/S/C (Kniss/Gage) to receive a Report on the Investment Controls Internal Audit.


M/S/C (Kniss/Gage) to receive the VTP Highway Program Semi-Annual Report - April 2010.

22. **Freight Railroad Relocation: Cost Share Agreement with Santa Clara Valley Water District for Wrigley Creek**

M/S/C (Kniss/Gage) to authorize the General Manager to execute an Amendment to the Cooperative Agreement with Santa Clara Valley Water District Regarding the Combined Transportation and Flood Control Protection Improvements Across Lower Berryessa Creek adding the Wrigley Creek Improvements to the scope of the Agreement. The proposed amendment will be for $3.26 million, of which VTA’s share is $2.35 million and the Santa Clara Valley Water District's share is $0.91 million. VTA's share is 100% funded from the 2000 Measure A Program.

23. **2010 CMA Block Grant Awards**

M/S/C (Kniss/Gage) to approve the recommended 2010 CMA Block Grant program of projects that includes the Local Streets and Roads Program, Community Design and Transportation Program, and Bicycle Expenditure Program.
REGULAR AGENDA

20. **Review and Approve FY 11 Internal Audit Plan**

Michael T. Burns, General Manager, introduced Greg Thomas, Auditor General, and Farah Faruqui, Partner, of Deloitte & Touche, LLP. Mr. Thomas replaced retired Auditor General Pat Hagan. Mr. Thomas is a Principal in Deloitte & Touche’s Enterprise Risk Services Practice.

Greg Thomas, Auditor General, reported that a risk assessment was conducted to identify the risks of the organization. From the assessment, a two-year audit plan was developed and the FY 2010 internal audit work plan was approved, which included five audit projects. The following two audit projects were deferred and are planned to be completed in FY 2011: 1) SVRT contract compliance; and 2) Investment control design assessment. He reported on the FY 2011 internal audit plan budget and timeline.

Board Member Moylan referenced the audit on the SVRT contract compliance and asked why the assessment to be conducted was considered a high priority. Ms. Faruqui noted any construction project was typically considered to be risky and given the magnitude of the SVRT project, it was important to have an independent view of processes.

M/S/C (Herrera/Pyle) to approve the Fiscal Year 2011 (FY11) Internal Audit Plan developed by the VTA Auditor General, and authorize the General Manager to execute all necessary task orders with Deloitte & Touche LLP to conduct the projects under the FY11 internal audit work plan.

21. **Clipper Fare Collection System MOU**

Ali Hudda, Deputy Director of Accounting, reported the Clipper Fare Collection System (Clipper) formerly known as TransLink is a regional electronic transit fare collection system sponsored by MTC.

Mr. Hudda reported that MTC remained the manager of the Clipper Fare Contract since its initial development in 1999. In December 2003, MTC and six Bay Area transit operators entered into an Interagency Participation Agreement (IPA) creating the TransLink Consortium. In November 2009, MTC gave notice to the transit operators that unless another party agreed to take over management of the contract, MTC would withdraw from the Translink Consortium on June 30, 2010. MTC has since withdrawn from the Translink Consortium and terminated the IPA. In place of the IPA, MTC has proposed a Memorandum of Understanding (MOU), which will provide the means for MTC and the operators to agree to their continuing roles and obligations regarding the implementation, operation, and maintenance of Clipper.

With respect to VTA’s implementation of the Clipper, when the item was forwarded by the Administration and Finance Committee in May 2010, there were three open issues. Two have been resolved to VTA’s satisfaction, specifically pertaining to the Independent Verification of Fare Revenue and Funding for Ticket Vending Machine Integration. The third issue pertaining to the VTA Fare Products (Day Pass) remains open, noting progress
has been made since May 2010. This issue is a high priority with both MTC and Cubic Transportation Systems. Cubic has submitted a proposal, which is presently being reviewed by MTC and VTA.

Board Member Larsen expressed concern about VTA’s share of the operating cost. Mr. Hudda indicated VTA’s payments do not begin until the Clipper System is fully implemented, noting the fiscal impact.

Chairperson Liccardo referenced VTA’s total share of the Clipper operating costs from FY 2011 through 2019 and expressed concern regarding the additional expenses VTA will incur for staff support of Clipper activities, including training, coordination, marketing, accounting, equipment maintenance, and customer service. He queried if VTA was negotiating a cap on the expenditures. Mr. Hudda reported on MTC’s cost sharing obligations, noting the support of the Clipper costs is being covered by MTC. Chairperson Liccardo requested a report in writing indicating that MTC would cover the costs.

Vice Chairperson Abe-Koga expressed concern about the five-year delay of the Clipper System implementation and queried about the risk of the technology being outdated by the time of roll out. Mr. Hudda noted the program is managed by MTC and that MTC has provisions for upgrades.

Ex-Officio Board Member Chu noted that MTC has an implementation plan for all of the major transit operators within the Bay Area and noted one of the penalties was potentially withholding operating funds allocated by MTC.

Board Member Moylan stressed the importance of VTA being part of the program, noting the whole goal is to increase ridership.

M/S/C (Herrera/Moylan) to authorize the General Manager to execute a Memorandum of Understanding with the Metropolitan Transportation Commission and other transit operators to implement the Clipper fare collection system at VTA.

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

Authorize the General Manager to execute an Amendment to the Cooperative Agreement with Santa Clara Valley Water District Regarding the Combined Transportation and Flood Control Protection Improvements Across Lower Berryessa Creek adding the Wrigley Creek Improvements to the scope of the Agreement. The proposed amendment will be for $3.26 million, of which VTA’s share is $2.35 million and the Santa Clara Valley Water District’s share is $0.91 million. VTA’s share is 100% funded from the 2000 Measure A Program.

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

Approve the recommended 2010 CMA Block Grant program of projects that includes the Local Streets and Roads Program, Community Design and Transportation Program, and Bicycle Expenditure Program.
24. **Silicon Valley Rapid Transit Master Agreement between VTA and City of Milpitas**

Carolyn Gonot, Chief SVRT Program Officer, provided an overview of the Silicon Valley Rapid Transit Master Agreement between VTA and the City of Milpitas supporting the BART Silicon Valley Project. A report was provided indicating project features referenced in the Master Agreement and to inform the Board of Directors about the implementation strategies discussed between VTA and the City of Milpitas. The Master Agreement was approved by the Milpitas City Council on August 3, 2010.

M/S/C (Gage/Woodward) to authorize the General Manager to enter into a master agreement with the City of Milpitas in support of the BART Silicon Valley Project. This agreement will include provisions to ensure a commitment of cooperation from both parties.

8. **REPORT FROM THE CHAIRPERSON**

- **Right-of-Way Acquisition Process**

  Bijal Patel, Deputy Director of Property Development and Management, provided a presentation on VTA’s Right-Of-Way Acquisition Process, highlighting: 1) Legal Framework (Eminent Domain/Condemnation); 2) General Steps: a. Appraisal process; b. Negotiations and Settlement; c. Property Owner Outreach; d. Resolution of Necessity (RON); e. Legal Proceedings (Condemnation); 3) Role of VTA Board of Directors in the Right-Of-Way Process; and 4) Report on Near Term Projects that are actively in the process of either acquiring right-of-way, have already acquired right-of-way, or nearing completion of negotiations.

  Board Member Moylan expressed concern regarding the property owners’ rights in the appraisal process.

  Board Member Larsen expressed concern regarding the outreach efforts conducted in the process.

  **On order of Chairperson Liccardo** and there being no objection, the presentation on the Right-of-Way Acquisition Process was received.

25. **SVBX Draft Relocation Plan**

Carolyn Gonot, Chief SVRT Program Officer, reported the Silicon Valley Berryessa Extension (SVBX) Project was awarded a Record of Decision (ROD) for its federal environmental document on June 24, 2010. With this action, VTA can now begin the acquisition of the requisite right-of-way for the Project.

Ms. Gonot reported on the diligent work of the SVBX Project team to plan the Project in a manner that will minimize the number of potential acquisitions and displacements. But certain displacements may be unavoidable. Prior to acquiring property that may cause displacement, federal and state law requires a public agency to plan appropriately for
persons and businesses that are impacted by public agencies acquisitions of property. In California such planning is required to be documented in a Relocation Plan and formally adopted by the respective agencies’ legislative body.

Bijal Patel, Deputy Director of Property Development and Management, provided a presentation on the BART SVBX Draft Relocation Plan, highlighting: 1) Statutory Requirements at both the Federal and State level; and 2) General Requirements. Ms. Patel reported the Draft Relocation Plan will be available to the public for review/comment beginning on August 6, 2010 through September 10, 2010. VTA staff will then respond to comments and will present a final Relocation Plan to the Board of Directors for review and adoption in November 2010. The law requires that prior to proceeding with any displacement activities that a Relocation Plan must be adopted. The current project schedule has acquisitions for the first phase of the project starting in December 2010.

Karen Eddleman, SVBX Project Team, continued the presentation on the Draft Relocation Plan, highlighting: 1) Relocation Plan Preparation (Property Owner/Tenant Outreach and Relocation Plan Research); 2) Summary of Potential Impacts; and 3) Relocation Assistance Program.

On order of Chairperson Liccardo and there being no objection, an informational presentation on Silicon Valley Berryessa Extension (SVBX) Draft Relocation Plan was received.

OTHER ITEMS

26. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

Chairperson Liccardo requested a report back on increasing safety for passengers standing on VTA articulated buses.

27. MONTHLY LEGISLATIVE HISTORY MATRIX

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

28. REPORTS (UNAPPROVED MINUTES) FROM STANDING COMMITTEES

A. Administration and Finance Committee

There was no report from the Administration and Finance Committee.

B. Congestion Management Program and Planning Committee

There was no report from the Congestion Management Program and Planning Committee.
C. **Transit Planning and Operations Committee**

There was no report from the Transit Planning and Operations Committee.

D. **Audit Committee**

On order of Chairperson Liccardo and there being no objection, the June 3, 2010, Audit Committee Minutes were accepted as contained in the Agenda packet.

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

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

On order of Chairperson Liccardo and there being no objection, the July 7, 2010 Committee for Transit Accessibility (CTA) Minutes were accepted as contained in the Agenda packet.

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

On order of Chairperson Liccardo and there being no objection, the June 9, 2010 Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) Minutes and July 7, 2010 Notice of Cancellation were accepted as contained in the Agenda Packet.

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

On order of Chairperson Liccardo and there being no objection, the June 9, 2010 and July 7, 2010 Bicycle & Pedestrian Advisory Committee (BPAC) Minutes were accepted as contained in the Agenda packet.

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

On order of Chairperson Liccardo and there being no objection, the June 10, 2010 Technical Advisory Committee (TAC) Notice of Cancellation and July 8, 2010 Minutes were accepted as contained in the Agenda packet.

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

On order of Chairperson Liccardo and there being no objection, the June 10, 2010 and July 8, 2010 Policy Advisory Committee (PAC) Notices of Cancellation were accepted as contained in the Agenda packet.
30. REPORTS FROM JOINT POWERS BOARDS (JPBs) & REGIONAL COMMISSIONS

A. Peninsula Corridor JPB

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

B. Capitol Corridor JPB

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

C. Dumbarton Rail Corridor Policy Committee

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

D. Metropolitan Transportation Commission (MTC)

On order of Chairperson Liccardo and there being no objection, the June 23, 2010 and July 28, 2010 Summary Notes from the Metropolitan Transportation Committee Meeting were accepted as contained on the dais.

E. Sunol Smart Carpool Lane Joint Powers Authority

On order of Chairperson Liccardo and there being no objection, the June 14, 2010 and July 12, 2010 Summary Notes from the Sunol Smart Carpool Lane Joint Powers Authority Governing Board were accepted as contained on the dais.

31. REPORTS FROM VTA POLICY ADVISORY BOARDS (PABs)

A. Vasona Light Rail PAB

There was no report from the Vasona Light Rail PAB.

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

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

C. Downtown East Valley PAB

There was no report from the Downtown East Valley PAB.
32. ANNOUNCEMENTS

There were no Announcements.

33. ADJOURNMENT

On order of Chairperson Liccardo and there being no objection, the meeting was adjourned at 8:29 p.m. in memory of Father Paul Locatelli.

Respectfully submitted,

Tracene Y. Crenshaw, 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: Amended Conflict of Interest Code, Designated Positions and Disclosure Categories

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

ACTION ITEM

RECOMMENDATION:

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.

BACKGROUND:

The Political Reform Act of 1974 requires every local and state governmental agency to adopt a Conflict of Interest Code and to designate those positions which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest. Following adoption by VTA's Board of Directors, the Code and Appendix must be submitted to a code-reviewing body for approval. In VTA's case, this is the Santa Clara County Board of Supervisors.

The Act requires each agency to revise its Code as circumstances change, such as the creation of new positions, deletion of positions and changes in duties assigned to existing positions. The Code must be amended to incorporate these changes and then forwarded to the code-reviewing body for approval. (Government Code Section 87306.)
DISCUSSION:

The list of designated positions in the VTA Conflict of Interest Code needs to be amended to add new positions, incorporate changed position titles, and to delete some positions, reflecting the changed circumstances in the organization over the past two-year period. A revised Code incorporating these changes is attached. (A redlined draft of the revised Appendix to the Code shows the position changes.)

ALTERNATIVES:

State law mandates the foregoing action.

FISCAL IMPACT:

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

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Administration and Finance Committee approved this item on their Consent Agenda and forwarded it to the Consent Agenda for the September 2, 2010, Board of Directors meeting.

Prepared by: Susan Garcia, Board Assistant
Memo No. 1849
CONFLICT OF INTEREST CODE FOR THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA)

The provisions of 2 Cal. Code of Regs. Section 18730 and any subsequent amendments thereto duly adopted by the California Fair Political Practices Commission are hereby adopted and incorporated by reference and, along with the provisions contained in this page and the attached Appendix, constitute the Conflict of Interest Code for the Santa Clara Valley Transportation Authority.

A. Designation of Employees and Disclosure Categories

The persons holding the positions listed in the Appendix attached hereto and incorporated herein are “designated employees” for the purposes of this Conflict of Interest Code. The disclosure categories set forth in the Appendix specify the kinds of financial interests that are reportable. All positions listed on the Santa Clara Valley Transportation Authority Conflict of Interest Code are entered into the County of Santa Clara’s electronic system for compliance recordkeeping.

B. Filing of Statements of Economic Interests

Designated employees shall file statements of economic interest with the Secretary of the Board of Directors of the Santa Clara Valley Transportation Authority. The Secretary of the Board of Directors shall make and retain a copy of the statements of the members and alternates of the Board of Directors and the General Manager and forward the originals of those statements to the Clerk of the Board of Supervisors of the County of Santa Clara. The statements for all other designated employees shall be retained in the office of the Secretary of the Board of Directors to the County of Santa Clara Clerk of the Board of Supervisors.

Adopted: 03/20/00
Revised: 03/07/02
Revised: 09/02/04
Revised: 08/31/06
Revised: 10/02/08
Revised: 09/02/10
CONFLICT OF INTEREST CODE FOR THE
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA)

APPENDIX

DESIGNATED POSITIONS
AND DISCLOSURE CATEGORIES 01-03

A. Disclosure Categories

Category (1) public officials, and employees and contractors shall disclose any reportable all investments, interests in real property, and income, as designated in each Schedule of the Statement of Economic Interests, and all positions held as a director, officer, partner, trustee, employee, or other management position in any business entity.

Category (2) public officials, and employees and contractors shall disclose any reportable all interests in real property, investments in any business entity whose primary business activity includes real estate sales or real estate brokerage or management services, and income furnished by, or on behalf of, any source which sells real estate or provides real estate brokerage or management services, as designated in each Schedule of the Statement of Economic Interests, and positions held as a director, officer, partner, trustee, employee, or other management position in any business entity whose primary business activity includes real estate sales or real estate brokerage or management services.

Category (3) consultants** shall disclose any reportable all investments, interests in real property, and income, as designated in each Schedule of the Statement of Economic Interests, and all positions held as a director, officer, partner, trustee, employee, or other management position in any business entity.

B. Designated Positions

All public officials, employees, and contractors consultants holding the following designated positions shall file a statement of economic interests, as provided in this Conflict of Interest Code. The applicable disclosure category is shown as a numeral (1), or (2) or (3) following the listed position.

Public Officials
Board Members and Alternates (1) 2
Board Member (1) 2
Alternate Board Member (1) 2
Member of the VTA Advisory Committees, Boards and Commissions as appropriate (1) 3
Member of Citizens Watchdog Committee (1) 3
Member of SCVTA-ATU Local 265 Board of Pensions (1) 3
Alternate Member of SCVTA-ATU Local 265 Board of Pensions (1) 3
Member of SCVTA-ATU Local 265 Board of Pensions Investment Committee (1) 3
Member of VTA Deferred Compensation Committee (1) 3
General Manager’s Office
General Manager (1)
Executive Assistant to the General Manager (1)
Executive Policy Advisor (1)
Board Secretary (1)
Assistant Board Secretary (1)

General Counsel’s Office
General Counsel (1)
Assistant General Counsel (1)
Senior Assistant Counsel (1)
Assistant Counsel (1)

External Affairs
Chief of External Affairs (1)
Government Affairs Manager – State and Federal (1)
Board Secretary (1)
Assistant Board Secretary (1)
Deputy Director, Marketing and Public Affairs (1)
Manager, Public Affairs and Customer Information (1)
Manager, Market Development (1)
Public Information Officer (1)
Creative Services Manager (1)
Media Spokesperson (1)
Policy and Community Relations Manager (1)

Administrative Services
Chief Administrative Officer (1)
Chief Information Officer (1)
Technology Manager (1)
SAP Deployment Manager (1)
Deputy Director of IT Applications (1)
Human Resources Manager (1)
Employee Relations Manager (1)
Safety Manager – Administrative Services (1)
Environmental Health & Safety Supervisor (1)
Transit Systems Safety Supervisor (1)
Labor Relations Supervisor (1)
Labor Relations Program Manager (1)
Senior Human Resources Analyst – Retirement Services (1)
EFI Actuary (1)
Risk Manager (1)
Claims Supervisor (1)
**Engineering and Construction**

Chief Construction Officer (1)
Business Relations Manager (1)
Systems Design Manager (1)
Quality Assurance & Warranty Manager (1)
Senior Systems Design Engineer (1)
Associate Systems Design Engineer (1)
Transportation Engineering Manager (1)
Engineering Group Manager – Highways (1)
Engineering Group Manager – Line Segment (1)
Engineering Group Manager – Transit Facilities (1)
Engineering Group Manager – Tunnel (1)
Senior Transportation Engineer (1)
Utilities Coordination Manager (1)
Principal Construction Inspector (1)
Manager, Construction Inspection (1)
Senior Construction Inspector – Lead (1)
Senior Construction Inspector (1)
Construction Inspector (1)
Deputy Director, Construction (1)
Senior Architect (1)
Project Controls Manager (1)
Systems Engineer (1)

**Congestion Management Agency**

Chief Congestion Management Agency Officer (1)
Deputy Director, Planning (1)
Deputy Director, Property Development and Management (1)
Deputy Director, Programming & Project Development (1)
Transportation Planning Manager (1)
Transportation Planning Manager – Environmental Resource Planning (1)
Transportation Planning Manager – TDM, R&A (1)
Principal Transportation Planner (1)
Principal Transportation Planner (Programming & Grants) (1)
Manager, Real Estate and Project Administration (2)
Senior Real Estate Agent (2)
Associate Real Estate Agent (2)
Assistant Real Estate Agent (2)
Transportation Planning Manager – P&G (1)
Policy and Community Relations Manager (1)
Senior Transportation Engineer (1)
Transportation Engineering Manager (1)

**Silicon Valley Rapid Transit (SVRT) Program Office**

Chief SVRT Program Officer (1)
Deputy Director, SVRT Program Office (1)
**Fiscal Resources**
Chief Financial Officer (1)
Deputy Director of Accounting (1)
Asset & Capital Budget Manager (1)
Risk Manager (1)
Claims Supervisor (1)
Financial Accounting Manager (1)
Purchasing & Materials Manager (1)
Contracts Manager (1)
Senior Construction Contracts Administrator (1)
Construction Contracts Administrator II (1)
Construction Contracts Administrator I (1)
Senior Contracts Administrator (1)
Contracts Administrator II (1)
Contracts Administrator I (1)
Purchasing Manager (1)
Buyer I, II, III (1)
Senior Management Analyst (DBE Administrator) (1)
Investment Program Manager (1)
Revenue Services Manager (1)
Fiscal Resources Manager (1)
Senior Auditor (1)
Manager, Budget Administration (1)
Compliance Review Manager (1)
Disbursement Manager (1)
Contracts Program Manager (1)
Manager of Highway Construction Contracts (1)
Accessible Services Program Manager (1)

**Operations**
Chief Operating Officer (1)
Deputy Director, Operations (1)
Accessible Services Program Manager (1)
Transportation Superintendent (1)
Assistant Superintendent, Field Operations (1)
Assistant Superintendent, Service Management (1)
Assistant Superintendent, Transit Communications (1)
Operations Manager (1)
Maintenance Superintendent (1)
Light Rail Equipment Superintendent (1)
Light Rail Way, Power & Signal Superintendent (1)
Facilities Maintenance Manager (1)
Facilities Maintenance Coordinator (1)
Warranty Coordinator (1)
Operations Manager, Engineering (1)
Operations (continued)
Senior Mechanical Engineer Automotive Systems (1)
Materials & Warranty Manager (1)
Policy & Administration Manager – Operations (1)
Senior Systems Engineer (1)
Manager, Operations Analysis, Reporting & Systems (1)
Transportation Superintendent, Service Management (1)
Operations Manager, Facilities Maintenance & Security (1)

Consultants (3)

*Unsalaried members of Santa Clara Valley Transportation Authority’s (VTA) advisory committees, boards, and commissions: Board of Directors, VTA Deferred Compensation Committee, SCVTA-ATU Local 265 Board of Pensions, SCVTA-ATU Local 265 Board of Pensions Investment Committee, and the Citizens Watchdog Committee will be required to file statements of economic interest only if because they make or participate in making governmental decisions as provided in Title 2, California Code of Regulations, Section 18700-18702.

**“Consultant” means an individual who, pursuant to a contract with a state or local governmental agency, makes a governmental decision, as provided in Title 2, California Code of Regulations, Section 18700 or serves in a staff capacity with VTA and in that capacity participates in making a governmental decision or performs the same or substantially all the same duties for VTA that would otherwise be performed by an individual holding a designated position specified in this Conflict of Interest Code.

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1 The category Consultants was added to Disclosure Categories.
2 Strikeouts indicates deleted positions, italics indicate added positions. Designation of “Board Members and Alternates” was revised to state two separate individual positions of “Board Members” and “Alternate Board Members”.
3 Designation of “Member of VTA Advisory Committees, Boards and Commissions as appropriate” was revised to list each individual reporting VTA Advisory Committee, Board and Commission.
4 Position of Board Secretary moved from External Affairs to General Manager’s Office.
5 Position of Assistant Board Secretary moved from External Affairs to General Manager’s Office.
6 Position of Media Spokesperson was added to External Affairs.
7 Title of SAP Deployment Manager was revised to Deputy Director of IT Applications.
8 Position of Employee Relations Manager was deleted from Administrative Services.
9 Title of Safety Manager – Administrative Services was revised to Safety Manager.
10 Title of Labor Relations Supervisor was revised to Labor Relations Program Manager.
11 Position of EFI Actuary was deleted from Administrative Services because position is filing under Consultant.
12 Position of Risk Manager was moved from Fiscal Resources to Administrative Services.
13 Position of Claims Supervisor was moved from Fiscal Resources to Administrative Services.
14 Title corrected from System Design Manager to Systems Design Manager.
15 Position of Engineering Group Manager – Transit Facilities was deleted from Engineering and Construction.
16 Position of Engineering Group Manager – Tunnel was added to Engineering and Construction.
17 Position of Systems Engineer was deleted from Engineering and Construction, because position is filing under Consultant.
18 Title of Deputy Director, Programming & Project Development was revised to Deputy Director, Project Development.
19 Position of Transportation Planning Manager – TDM, R&A was added to Congestion Management Agency.
20 Position of Policy and Community Relations Manager was moved from Congestion Management Agency to
   External Affairs.
21 Position of Senior Transportation Engineer was added to Congestion Management Agency.
22 Position of Transportation Engineering Manager was added to Congestion Management Agency.
23 Added “(1)” to denote Disclosure Category.
24 Position of Asset & Capital Budget Manager was deleted from Fiscal Resources.
25 Title and classification change from Purchasing Supervisor to Purchasing Manager.
26 Position of Contracts Program Manager was added to Fiscal Resources.
27 Position of Manager of Highway Construction Contracts was added to Fiscal Resources.
28 Position of Accessible Services Program Manager was moved from Operations to Fiscal Resources.
29 Title of Assistant Superintendent, Field Operations was changed to Assistant Superintendent, Service
   Management.
30 Title of Facilities Maintenance Manager was changed to Operations Manager, Facilities Maintenance &
   Security.
31 The word Auto was corrected to Automotive in the title “Senior Mechanical Engineer Automotive Systems”.
32 The word “and” in the Division title was changed to “&”.
33 The position is no longer designated under the Conflicts of Interest Code because the person does not make or
   participate in the making of governmental decisions.

Revised: 08/01/06
Revised: 10/02/08
Revised: 09/02/10
CONFLICT OF INTEREST CODE FOR THE
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA)

The provisions of 2 Cal. Code of Regs. Section 18730 and any subsequent amendments thereto duly adopted by the California Fair Political Practices Commission are hereby adopted and incorporated by reference and, along with the provisions contained in this page and the attached Appendix, constitute the Conflict of Interest Code for the Santa Clara Valley Transportation Authority.

A. Designation of Employees and Disclosure Categories

The persons holding the positions listed in the Appendix attached hereto and incorporated herein are “designated employees” for the purposes of this Conflict of Interest Code. The disclosure categories set forth in the Appendix specify the kinds of financial interests that are reportable. All positions listed on the Santa Clara Valley Transportation Authority Conflict of Interest Code are entered into the County of Santa Clara’s electronic system for compliance recordkeeping.

B. Filing of Statements of Economic Interests

Designated employees shall file statements of economic interest with the Secretary of the Board of Directors of the Santa Clara Valley Transportation Authority. The Secretary of the Board of Directors shall make and retain a copy of the statements and forward the originals to the County of Santa Clara Clerk of the Board of Supervisors.
CONFLICT OF INTEREST CODE FOR THE
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA)

APPENDIX

DESIGNATED POSITIONS
AND DISCLOSURE CATEGORIES 01-03

A. Disclosure Categories

Category (1) public officials and employees shall disclose all investments, interests in real property, and income, as designated in each Schedule of the Statement of Economic Interests, and all positions held as a director, officer, partner, trustee, employee or other management position in any business entity.

Category (2) public officials and employees shall disclose all interests in real property, investments in any business entity whose primary business activity includes real estate sales or real estate brokerage or management services, and income furnished by, or on behalf of, any source which sells real estate or provides real estate brokerage or management services, as designated in each Schedule of the Statement of Economic Interests, and positions held as a director, officer, partner, trustee, employee, or other management position in any business entity whose primary business activity includes real estate sales or real estate brokerage or management services.

Category (3) consultants** shall disclose all investments, interests in real property, and income, as designated in each Schedule of the Statement of Economic Interests, and all positions held as a director, officer, partner, trustee, employee or other management position in any business entity.

B. Designated Positions

All public officials, employees, and consultants holding the following designated positions shall file a statement of economic interests, as provided in this Conflict of Interest Code. The applicable disclosure category is shown as a numeral (1), (2) or (3) following the listed position. Strikeouts indicates deleted positions, italics indicate added positions.

Public Officials
Board Member (1)
Alternate Board Member (1)
Member of Citizens Watchdog Committee (1)
Member of SCVTA-ATU Local 265 Board of Pensions (1)
Alternate Member of SCVTA-ATU Local 265 Board of Pensions (1)
Member of SCVTA-ATU Local 265 Board of Pensions Investment Committee (1)
Member of VTA Deferred Compensation Committee (1)
**General Manager’s Office**
General Manager (1)
Executive Assistant to the General Manager (1)
Executive Policy Advisor (1)
Board Secretary (1)
Assistant Board Secretary (1)

**General Counsel’s Office**
General Counsel (1)
Assistant General Counsel (1)
Senior Assistant Counsel (1)
Assistant Counsel (1)

**External Affairs**
Chief of External Affairs (1)
Government Affairs Manager – State and Federal (1)
Deputy Director, Marketing and Public Affairs (1)
Manager, Public Affairs and Customer Information (1)
Manager, Market Development (1)
Public Information Officer (1)
Creative Services Manager (1)
Media Spokesperson (1)
Policy and Community Relations Manager (1)

**Administrative Services**
Chief Administrative Officer (1)
Chief Information Officer (1)
Technology Manager (1)
Deputy Director of IT Applications (1)
Human Resources Manager (1)
Safety Manager (1)
Environmental Health & Safety Supervisor (1)
Transit Systems Safety Supervisor (1)
Labor Relations Program Manager (1)
Senior Human Resources Analyst – Retirement Services (1)
Risk Manager (1)
Claims Supervisor (1)

**Engineering & Construction**
Chief Construction Officer (1)
Business Relations Manager (1)
Systems Design Manager (1)
Engineering & Construction (continued)
Quality Assurance & Warranty Manager (1)
Senior Systems Design Engineer (1)
Transportation Engineering Manager (1)
Engineering Group Manager – Highways (1)
Engineering Group Manager – Line Segment (1)
Engineering Group Manager – Tunnel (1)
Senior Transportation Engineer (1)
Utilities Coordination Manager (1)
Principal Construction Inspector (1)
Manager, Construction Inspection (1)
Senior Construction Inspector – Lead (1)
Senior Construction Inspector (1)
Construction Inspector (1)
Deputy Director, Construction (1)
Senior Architect (1)
Project Controls Manager (1)

Congestion Management Agency
Chief Congestion Management Agency Officer (1)
Deputy Director, Planning (1)
Deputy Director, Property Development and Management (1)
Deputy Director, Project Development (1)
Transportation Planning Manager (1)
Transportation Planning Manager – Environmental Resource Planning (1)
Transportation Planning Manager – TDM, R&A (1)
Principal Transportation Planner (1)
Principal Transportation Planner (Programming & Grants) (1)
Manager, Real Estate and Project Administration (2)
Senior Real Estate Agent (2)
Associate Real Estate Agent (2)
Assistant Real Estate Agent (2)
Transportation Planning Manager – P&G (1)
Senior Transportation Engineer (1)
Transportation Engineering Manager (1)

Silicon Valley Rapid Transit (SVRT) Program Office
Chief SVRT Program Officer (1)
Deputy Director, SVRT Program Office (1)
**Fiscal Resources**
Chief Financial Officer (1)
Deputy Director of Accounting (1)
Financial Accounting Manager (1)
Purchasing & Materials Manager (1)
Contracts Manager (1)
Senior Construction Contracts Administrator (1)
Construction Contracts Administrator II (1)
Construction Contracts Administrator I (1)
Senior Contracts Administrator (1)
Contracts Administrator II (1)
Contracts Administrator I (1)
Purchasing Manager (1)
Buyer I, II, III (1)
Senior Management Analyst (DBE Administrator) (1)
Investment Program Manager (1)
Revenue Services Manager (1)
Fiscal Resources Manager (1)
Senior Auditor (1)
Manager, Budget Administration (1)
Compliance Review Manager (1)
Disbursement Manager (1)
Contracts Program Manager (1)
Manager of Highway Construction Contracts (1)
Accessible Services Program Manager (1)

**Operations**
Chief Operating Officer (1)
Deputy Director, Operations (1)
Transportation Superintendent (1)
Assistant Superintendent, Service Management (1)
Assistant Superintendent, Transit Communications (1)
Operations Manager (1)
Maintenance Superintendent (1)
Light Rail Equipment Superintendent (1)
Light Rail Way, Power & Signal Superintendent (1)
Facilities Maintenance Coordinator (1)
Warranty Coordinator (1)
Operations Manager, Engineering (1)
Senior Mechanical Engineer Automotive Systems (1)
Materials & Warranty Manager (1)
Policy & Administration Manager – Operations (1)
Senior Systems Engineer (1)
Manager, Operations Analysis, Reporting & Systems (1)
Transportation Superintendent, Service Management (1)
Operations Manager, Facilities Maintenance & Security (1)
**Consultants** (3)

*Unsalaried members of Santa Clara Valley Transportation Authority’s (VTA) Board of Directors, VTA Deferred Compensation Committee, SCVTA-ATU Local 265 Board of Pensions, SCVTA-ATU Local 265 Board of Pensions Investment Committee, and the Citizens Watchdog Committee are required to file statements of economic interest because they make or participate in making governmental decisions as provided in Title 2, California Code of Regulations, Section 18702.

***“Consultant” means an individual who, pursuant to a contract with a state or local governmental agency, makes a governmental decision, or serves in a staff capacity with VTA and in that capacity participates in making a governmental decision or performs the same or substantially all the same duties for VTA that would otherwise be performed by an individual holding a position specified in this Conflict of Interest Code.

Revised: 08/01/06
Revised: 10/02/08
Revised: 09/02/10
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Administrative Officer, Bill Lopez

SUBJECT: Retirement Recognition Program Resolution

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

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a resolution authorizing the General Manager and Chairperson of the Board to issue Commendations on behalf of VTA for the Employee Retirement Recognition Program.

BACKGROUND:

VTA currently recognizes the retirement of long tenured employees in various ways, including recognition and resolutions at Board of Director meetings. The practice has been inconsistent and sometimes perceived as arbitrary. The proposed resolution will provide consistency and structure to the current practice. The intent also is to change the award presentations from Board meetings to presentations by Division Chiefs at appropriate meetings.

DISCUSSION:

The purpose of the resolution is to ensure consistent recognition of employees retiring from the VTA who meet eligibility criteria, including 25 or more years of exemplary service. Eligible employees will be identified in accordance with the “Employee Retirement Recognition Procedure” developed and administered by the Administrative Services Division.

The resolution will grant authority to the General Manager and Chairperson of the Board of Directors to issue Commendations for Employee Retirement Recognition, on behalf of the Board of Directors, to be presented to each eligible employee by the appropriate Division Chief at an
appropriate time and location. Recognition at Board meetings for all eligible employees was considered but rejected as too time consuming. If all employees with 25 or more years of service were to receive resolutions at Board meetings, there would be an estimated 50 per year over the next two years.

Upon approval of the resolution, the General Manager and Chairperson of the Board of Directors will be authorized without further action of the Board of Directors to issue Commendations on behalf of VTA for the Employee Retirement Recognition Program.

**ALTERNATIVES:**

Continue to recognize the retirements of long tenured employees in a variety of ways under the current ad hoc basis, including recognition at the Board of Directors meetings.

**FISCAL IMPACT:**

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

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration and Finance Committee considered this item at the August 19, 2010 meeting attended by Director Gage, Director Reed, and Alternate Director McHugh. Following the staff presentation, there were no questions or comments and the committee unanimously approved the staff recommendation.

Prepared by: Mitsuno Baurmeister
Memo No. 2730
RESOLUTION
OF THE BOARD OF DIRECTORS
OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
GIVING AUTHORITY TO THE GENERAL MANAGER AND CHAIRPERSON OF
THE BOARD TO ISSUE COMMENDATIONS FOR THE EMPLOYEE
RETIREMENT RECOGNITION PROGRAM

WHEREAS, the purpose of this resolution is to ensure consistent recognition of employees retiring from the Santa Clara Valley Transportation Authority (VTA) who meet eligibility criteria, including 25 or more years of service and exemplary service to the agency; and

WHEREAS, eligible employees will be identified in accordance with the “Employee Retirement Recognition Procedure” developed and administered by the Administrative Services Division; and,

WHEREAS, this resolution will grant authority to the General Manager and Chairperson of the Board of Directors to issue Commendations for Employee Retirement Recognition, to be presented to each eligible employee by the appropriate Division Chief at an appropriate time and location;

THEREFORE, BE IT RESOLVED that the General Manager and Chairperson of the Board of Directors are hereby authorized without further action of the Board of Directors to issue Commendations on behalf of VTA for the Employee Retirement Recognition Program.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Board of Directors on this 2nd day of September, 2010.

AYES: Directors:

NOES: Directors:

ABSENT: Directors:

Sam Liccardo, Chairperson
Santa Clara Valley Transportation Authority

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

APPROVED AS TO FORM:

________________________
Kevin D. Allmand
General Counsel
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Administrative Officer, Bill Lopez

SUBJECT: Award of Contracts for VTA Cellular Phone Equipment & Services

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute contracts with Sprint (Nextel of California, Inc.) and AT&T Mobility for cellular voice and data services. The initial term for each contract will be three years with an option to extend the contract on an annual basis for two additional years. The cost of the initial three year term is $809,750 for both firms, plus an optional $296,000 per year for each of optional one-year periods, for a total of $1,401,750.

BACKGROUND:

In 2004, the VTA Board of Directors approved the purchase of wireless equipment and services with Cingular (now AT&T) under a cooperative purchase agreement utilizing the Western States Contracting Alliance (WSCA). WSCA is a consortium of fifteen states whose primary purpose is to use their collective purchasing power to achieve cost effective and efficient acquisition of quality products and services. VTA currently operates under a contract with AT&T using WSCA pricing, which has been extended three times. The most recent extension was approved by the Board of Directors on June 3, 2010 pending selection of a vendor(s) from the 2010 Request For Proposal (RFP) process.

The new contract with Sprint would replace VTA’s existing contract with AT&T as the primary service provider, while a secondary contract with AT&T would be maintained to provide a smaller range of services and to serve as a back-up to the primary service provider. Both contracts would have a three-year term, with two optional one-year extensions, and would utilize either WSCA or State of California Wireless Contract discounted pricing and terms.
**DISCUSSION:**

The VTA developed a Request for Proposals (RFP) with the objectives of maximize cost savings through rate plans based on the VTA's aggregate usage, simplify the rate plan structure to better align with the VTA's usage requirements, and improving the processes to facilitate the ongoing management of the program.

The RFP was advertised in local media and on the VTA's website on April 8, 2010. In addition, the RFP announcement was sent directly to twelve cell phone service providers. There were a total of thirteen firms responding to the RFP. Representatives from four major firms attended the pre-proposal conference held on April 15, 2010. The same four firms submitted proposals by the May 5, 2010 deadline, and three participated in oral interviews on May 20, 2010. The four firms that submitted proposals:

- AT&T Mobility National Accounts LLC (dba AT&T Mobility)
- Nextel of California, Inc. (Sprint)
- Cellco Partnership (dba Verizon Wireless)
- T-Mobile USA, Inc.

A VTA evaluation team consisting of two Communications System Analysts, the Communications Manager, the Technology Manager, and the Contracts Administrator conducted an evaluation of the proposals. The proposals were evaluated based on the following criteria outlined in the RFP:

1. **Qualifications of the Firm**
2. **Staffing and Project Organization**
3. **Demonstrated Understanding**
4. **Cost and Price**
5. **Local Firm Preference**

**Evaluation Summary:**

The Evaluation Team gave the highest ratings to the proposals submitted by AT&T Mobility and Sprint, concluding that they offered the most flexibility for the VTA's business environment and provided the most cost effective rates. The selection of two vendors affords VTA the opportunity to use either the cooperative agreement between the State of California, or WSCA, or both.

The Sprint agreement will cover most of the VTA's wireless service needs for voice, “smartphone”, and wireless broadband. However, in the event that Sprint is unable to meet unique requirements of the VTA, staff proposes to purchase cellular wireless services and equipment from AT&T on an as needed basis. Entering into contracts with both firms will provide VTA redundancy and reliability in the event of network outages or larger emergencies.
Rate Plan Analysis:

Cellular service providers offer large customers the opportunity for favorable pricing based on “pooled” voice minutes with no limit to maximum usage of minutes. Through this proposed pooled pricing structure with Sprint, VTA would pay a fixed cost for an agreed upon threshold of aggregate minutes, with an incremental charge for minutes exceeding the threshold, but no penalties. Therefore, the annual program cost is estimated to be $89,556 compared to the current annual cost of $94,464 (or a savings of at least 5%).

With Sprint’s pricing proposal, VTA can achieve a substantial savings on text messaging charges. There would be no charge for 300 monthly mobile device data text messages per line, compared to a cost of $25,000 for 200 monthly mobile device data messages per line from the next most competitive vendor (or a savings of at least $25,000 per year).

Sprint has also offered VTA an enhanced pricing plan for unlimited mobile device data connectivity. Under the proposed contract, the annual program cost for unlimited mobile device data connectivity is estimated to be $23,994, compared to current annual cost of $31,494 (or a savings of at least 23%).

Transition Plan:

Upon Board approval and contract execution, staff will immediately begin work with Sprint to develop a detailed transition and implementation plan to minimize any disruption. Staff estimates that approximately 350 cell phones/mobile devices from the current service providers will need to be transitioned from AT&T to Sprint. There will be no additional activation, account setup, and/or transition charges owed to Sprint, instead each newly activated “line” of service will accrue a $150 credit to VTA. This is estimated to result in $50,000 in credits to be applied to future service charges.

Wireless Broadband Data:

While the requirements of this RFP were for very basic voice and smartphone/PDA services, VTA also has requirements for wireless data network communications. For example, the Real Time Information (RTI) project, Light Rail Vehicle telemetry, non-Revenue vehicle, and the deployment of laptop computers for staff enables VTA to extend and access wireless data network communications to existing VTA systems such as email, databases, AVL, etc. The use of a mobile wireless data network supports technologies for security services and supervisory personnel including automated field reporting, and field connectivity to other VTA databases and applications.

ALTERNATIVES:

The Board of Directors could choose to continue to amend and extend the contract of the current wireless service and equipment provider, AT&T. However, this option would eliminate many opportunities for efficiencies, cost savings, and reliability. By not having a secondary and redundant service contract, VTA would have additional risks to vital core communications systems and programs during emergencies by limiting VTA to a single and unique wireless provider.
FISCAL IMPACT:

Appropriation for this expenditure is included in the FY11 Adopted VTA Transit Enterprise Fund Operating Budget.

STANDING COMMITTEE DISCUSSION / RECOMMENDATION:

The Administration and Finance Committee considered this item at the August 19th meeting, attended by Director Reed, Director Gage, and Alternate Director McHugh. Director Reed recused himself from the discussion pursuant Government Code Section 84308. Absent a quorum, the discussion proceeded as a Committee of the Whole. Board Member McHugh asked about why VTA would need a second or alternate wireless provider. Chief Information Officer Miskell responded that in the event that Sprint services and coverage were to be lacking in an area or capability, an alternate device and carrier could be used. Staff expects that 90% or more of the spending for the services will be with Sprint. During Public Comments, Tammy Dhanota, Chief Union Steward for SEIU Local 521 distributed a list of questions and comments regarding cell phone users, phone use tracking, Nextel Push to talk capabilities, and cost of the contracts. Ms. Dhanota questioned the cost of the proposed contracts and stated her belief that the City of San Jose had a contract with better terms and a policy with better controls. Both Mr. Miskell and General Manager Michael Burns responded to Ms. Dhanota’s questions. Mr. Miskell requested that Ms. Dhanota provide her contact information so that staff could compare information. Mr. Miskell also noted that the proposed contracts would result in significant savings for the VTA compared to the existing contract.

Board member Gage noted that absent a quorum the committee could not approve the staff recommendation and the item would proceed to the Board of Directors for review and action at the September meeting.

Prepared by: Richard Bertalan
Memo No. 2570
Attachment to Award Contract for VTA Cellular Phone Equipment & Services

AT&T California
1 River Oaks, Room 1600
San Jose, CA 95134

Phone numbers  408-493-8363
                 650-483-0862
                 408-439-3792

Yvonne Stone – Senior Account Manager, Public Sector Bay Area
Juan Sebastian – Mobility Consultant, Government, Education & Medical
Ralph de la Vega - President and CEO, AT&T Mobility and Consumer Markets

SPRINT Nextel
12657 Alcosta Blvd
San Ramon, CA  94583

Phone numbers  925-984-1999
                 925-457-7415
                 510-774-6555

John Salamida - Sr. Government Account Manager – Bay Area
Cindy Caldwell – Public Sector Sales Manager
Christine Colins – Indirect Channel Manager, Business Solutions
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Resolution to Accept Regional Measure 2 Safe Routes to Transit (SRTT) Funds for the VTA Pilot Bike Share Program

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

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a Resolution and authorize the General Manager to enter into a funding agreement with the Metropolitan Transportation Commission (MTC) to accept $500,000 in RM2 Safe Routes to Transit funds for the purpose of implementing a pilot bike share program in Santa Clara County.

BACKGROUND:

In January 2009, VTA’s Board of Directors directed staff to conduct a feasibility study for bike sharing opportunities in Santa Clara County. Between April 2009 and April 2010, VTA staff and consultants evaluated the market potential and feasibility of centering a bike sharing system on three Caltrain stations: San Jose Diridon, Mountain View and Palo Alto. These stations would be the main bike sharing “hubs” with multiple docking stations or “pods” located at other major destinations within a three-mile radius. The feasibility study was accepted by the Board at its June 2010 meeting. It found that there is demand for bike sharing at all three Caltrain stations, and that bike sharing has a good probability of being financially sustainable through user fees and advertising. Since the completion of the feasibility study staff has prepared an Implementation Plan, which is scheduled for the Committees’ and Board’s consideration in August and September.

DISCUSSION:

In August 2009, staff applied for a grant of $500,000 from the Regional Measure 2 (RM2) Safe
Routes to Transit (SRTT) program to fund a Pilot Bike Share Program in Santa Clara County. In December 2009, the Metropolitan Transportation Commission (MTC) approved the VTA Pilot Bike Share Program for funding in the 2009/10 SRTT cycle. For the RM2 funds to be allocated to VTA, the VTA Board of Directors must adopt a resolution and an Initial Project Report (IPR) which must then be approved by the Metropolitan Transportation Commission (MTC). The IPR describes the scope of the Pilot Bike Share Program that will be funded by the grant. The resolution and opinion of counsel are provided in Attachments A and B, and the IPR is presented in Attachments C and D. VTA has three years from December 2009 to expend these funds on the project.

The scope of work to be funded by the SRTT grant is summarized below.

**Task 1- Start-up Efforts**

Start-up expenses will incur before the bike share program is deployed. VTA will complete the start-up tasks necessary to begin operations. VTA will also need to analyze and select the key product features to be included in the Request for Proposals (RFP) and Invitation for Bid (IFB) and develop measures to target the initial market.

- Advertise and hold publicity events for the bike share program prior to opening day.
- Solicit donations and sponsors to support and participate in the program.
- Select a contractor(s) who will be responsible for bicycle maintenance, rebalance the supply of bikes at the end of each day, clean the stations.
- Site selection and preparation
- Determine pricing structure
- Understand/learn from existing bike share systems in the U.S. of start-up problems and issues from the users’ perspective;
- Determine who VTA’s initial users are most likely to be (the “early adopters”) so that we can most effectively target our pilot program;
- Assess community impressions of other stakeholders and local businesses to find out the initial impressions of bike share; and how to market so that it has a favorable impression in order to deflect potential opposition.

**Deliverable:** Guidelines for program administration, pricing structure, sponsors from private resources, program marketing and outreach activities, and administration and maintenance contractors identified. Selection of key elements of the public bike share that will be used for developing product specifications including bike style and bike components, payment schedule and methodology, and user interface elements.

**Task 2 - Station Signs and Way-finding Signs and/or Pavement Markings:**

This task is the design, manufacture and installation of prominent signs/banners at all the pod
locations as well as wayfinding between pods. Wayfinding between pods may be done by either signage and/or pavement markings; the method will be chosen in consultation with staff from Cities of San Jose, Mountain View and Palo Alto. VTA staff will work with our partner cities to design, manufacture, locate and install the signs and/or markings.

**Deliverable:** Signs/banners at stations and wayfinding indications as signs or pavement markings.

### Task 3-Procurement and Installation of Bike Share Pods for Public Launch

This task includes actual procurement of the bikes, docks and associated electronics and technology for the bike-share system such as software licenses, proprietary and non-proprietary technology and the membership database software. VTA will issue an RFP and IFB and will lead the evaluation and selection process. VTA will contract with and procure the bike-share bikes and docks; the electronics technology for bike locking, bike retrieval and payment; and membership database software. Warranties, technical service and technical support will be included for approximately three years. The desirable features to include in an RFP are currently being evaluated by the parallel process VTA is conducting with the VTA Bike Share Working Group and will also be influenced by the findings of Task 1.

**Deliverable:** At least 100 bikes and 150 docks for bike sharing and the back end software and membership databases; warranty and technical service for approximately three years.

### ALTERNATIVES:

The Board of Directors could choose to decline the grant and VTA would not pursue implementation of the Bike Share Pilot Program.

### FISCAL IMPACT:

This action will make $500,000 available to VTA for the initial capital purchase for the Pilot Bike Share Program. On-going operating and maintenance costs are estimated at $150,000 per year and are expected to be covered by revenues generated from user fees, sponsorships and/or advertising revenue.

### STANDING/ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:

At CMPP, staff provided a brief update to efforts related to the bike share pilot program and a background introduction to this item. The Committee asked if staff could streamline the Board approval process for similar action items that request authorization to receive funding. Staff clarified that this was a MTC requirement but would also investigate an alternative process. The Committee unanimously recommended approval for this action.

Prepared by: Michelle DeRobertis
Memo No. 2484
RESOLUTION NO.______

RESOLUTION OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY REGARDING RM2 REGIONAL TRAFFIC RELIEF PLAN FUNDS

Whereas, SB 916 (Chapter 715, Statutes 2004), commonly referred to as Regional Measure 2, identified projects eligible to receive funding under the Regional Traffic Relief Plan; and

Whereas, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 2 funds, pursuant to Streets and Highways Code Section 30914(c) and (d); and

Whereas, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 2 funding; and

Whereas, allocations to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 2 Policy and Procedures; and

Whereas, the Santa Clara Valley Transportation Authority (VTA) is an eligible sponsor of transportation project(s) in Regional Measure 2, Regional Traffic Relief Plan funds; and

Whereas, the VTA Bike Share Pilot Project is eligible for consideration in the Regional Traffic Relief Plan of Regional Measure 2, as identified in California Streets and Highways Code Section 30914(c) or (d); and

Whereas, the Regional Measure 2 allocation request, attached hereto in the Initial Project Report and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which VTA is requesting that MTC allocate Regional Measure 2 funds; and

Resolved, that VTA, and its agents shall comply with the provisions of the Metropolitan Transportation Commission’s Regional Measure 2 Policy Guidance (MTC Resolution No. 3636); and be it further

Resolved, that VTA certifies that the project is consistent with the Regional Transportation Plan (RTP).

Resolved, that the year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project.

Resolved, that the Regional Measure 2 phase or segment is fully funded, and results in an operable and useable segment.
Resolved, that VTA approves the updated Initial Project Report, attached to this resolution; and be it further

Resolved, that VTA approves the cash flow plan, attached to this resolution; and be it further

Resolved, that VTA has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the updated Initial Project Report attached to this resolution; and be it further

Resolved, that VTA is an eligible sponsor of projects in the Regional Measure 2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code 30914(c); and be it further

Resolved, that VTA is authorized to submit an application for Regional Measure 2 funds for the VTA Bike Share Pilot Project in accordance with California Streets and Highways Code 30914(c); and be it further

Resolved, that VTA certifies that the projects and purposes for which RM2 funds are being requested is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et. seq. and the applicable regulations thereunder; and be it further

Resolved, that there is no legal impediment to VTA making allocation requests for Regional Measure 2 funds; and be it further

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

Resolved that VTA indemnifies and holds harmless MTC, its Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of VTA, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM2 funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM2 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages, and be it further

Resolved, that VTA shall, if any revenues or profits from any non-governmental use of property (or project) are collected, that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC’s percentage participation in the projects(s); and be it further
Resolved, that assets purchased with RM2 funds including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for its useful life, that the Metropolitan Transportation Commission (MTC) shall be entitled to a present day value refund or credit (at MTC’s option) based on MTC’s share of the Fair Market Value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC in the same proportion that Regional Measure 2 funds were originally used; and be it further

Resolved, that VTA shall post on both ends of the construction site(s) at least two signs visible to the public stating that the Project is funded with Regional Measure 2 Toll Revenues; and be it further

Resolved, that VTA authorizes its General Manager, or his designee, to execute and submit an allocation request with MTC for Regional Measure 2 funds in the amount of ($500,000), for the project, purposes and amounts included in the project application attached to this resolution; and be it further

Resolved, that the General Manager, or his designee, is hereby delegated the authority to make non-substantive changes or minor amendments to the IPR as he deems appropriate.

Resolved, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the VTA application referenced herein.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority
Board of Directors this ________ day of __________________, 2010, by the following vote:

AYES: DIRECTORS

NOES: DIRECTORS

ABSENT: DIRECTORS

Sam Liccardo, Chairperson
Board of Directors

ATTEST: APPROVED AS TO FORM:

Sandra Weymouth, Board Secretary
Kevin D. Allmand, General Counsel
(Date)

To: Metropolitan Transportation Commission

Fr: Santa Clara Valley Transportation Authority

Re: Eligibility for Regional Measure 2 funds

This communication will serve as the requisite opinion of counsel in connection with the allocation of Santa Clara Valley Transportation Authority (VTA) for funding from Regional Measure 2 Regional Traffic Relief Plan made available pursuant to Streets and Highways Code Section 30914(c)(d) for the *VTA Bike Sharing Pilot Project*.

1. VTA is an eligible sponsor for the Regional Measure 2 funding.

2. VTA is authorized to submit an allocation request for Regional Measure 2 funding for *VTA Bike Sharing Pilot Project*

3. I have reviewed the pertinent state laws and I am of the opinion that there is no legal impediment to VTA making applications for Regional Measure 2 funds. Furthermore, as a result of my examinations, I find that there is no pending or threatened litigation that might in any way adversely affect the proposed projects, or the ability of VTA to carry out such projects.

Sincerely,

_______________________
Legal Counsel

_______________________
Print name
# Regional Measure 2
## Initial Project Report (IPR)

**Project Title:** VTA Pilot Bike Sharing Project  
**RM2 Project No.:** 20.311

### Allocation History:

<table>
<thead>
<tr>
<th>MTC Approval Date</th>
<th>Amount</th>
<th>Phase</th>
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</thead>
<tbody>
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<td>#3</td>
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**Total:** $

### Current Allocation Request:

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<tr>
<th>IPR Revision Date</th>
<th>Amount Being Requested</th>
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<tbody>
<tr>
<td></td>
<td>$500,000</td>
<td>All</td>
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</table>
I. OVERALL PROJECT INFORMATION

A. Project Sponsor / Co-sponsor(s) / Implementing Agency

Santa Clara Valley Transportation Authority (VTA) will be the implementing agency. Our co-sponsors are the cities of Palo Alto, Mountain View and San Jose.

B. Project Purpose

The purpose of the project is to conduct a Proof of Concept Pilot Program for bike sharing in Santa Clara County. This “pilot project” is necessary because Santa Clara County in general, and even downtown areas of individual cities, do not have the land-use density of a Paris, London or San Francisco. VTA and its three co-sponsors would like to test a transit-based bike share program at the three highest ridership locations. It is hoped that the following transportation issues can be partially addressed by bike-sharing:

- **Bike bumping**: This problem was thoroughly documented in the Caltrain *Bike Access and Parking Plan (pp 6-7 and Appendix E)*. Briefly, Caltrain has been very successful in attracting passenger-cyclists. However, onboard capacity for bikes on trains is limited and many bicyclists are left behind or have discontinued bringing their bikes on Caltrain; some have stopped riding Caltrain altogether.

- **First and last “mile” access to Caltrain/VTA Transit Centers from surrounding land uses**: We have chosen the three highest ridership stations/transit centers in Santa Clara County to address the issue of providing access to and from major rail stations and the surrounding land uses located between roughly one and three miles from the station.

- **Infrequent transit service in non peak periods**: Providing increased transit service during nonpeak periods is cost prohibitive especially in these times of service reductions and decreased revenues. Bike share would fill in the gaps in service that are not covered by scheduled transit or employer shuttles.

- **Congestion and limited parking in downtown areas**: Bike share provides a green alternative to driving and parking in the downtown areas.
C. Project Description (please provide details)

The VTA Pilot Bike Share Project would provide a bike-sharing program centered at one to three Caltrain stations, specifically Palo Alto, Mountain View and/or San Jose-Diridon. Bike sharing is the placement of publicly available “bike-share bikes” and corresponding places to securely lock the bikes where others can retrieve them. The place where a bike is parked, whether empty or occupied, will be referred to as a “dock” and a cluster of docks at a single location will be hereafter referred to as a “pod”. People who register in advance to participate in the program are called “subscribers” and we anticipate allowing subscribers to be able to use the bike at no charge (other than their subscriber fee) for the first half hour (up to approximately 2.5 hours). We also hope to accommodate “single-day” or “walk-up” users.

There are three tasks to the VTA Pilot Bike Share Project:

**Task 1- Start-up Efforts/Design**

Start-up expenses will incur before the bike share program is deployed. VTA will complete the start-up tasks necessary to begin operations. VTA will also need to analyze and select the key product features to be included in the Request for Proposals (RFP) and Invitation for Bid (IFB) and develop measures to target the initial market.

- Advertise and hold publicity events for the bike share program prior to opening day.
- Solicit donations and sponsors to support and participate in the program.
- Select a contractor(s) who will be responsible for bicycle maintenance, rebalance the supply of bikes at the end of each day, and clean the stations.
- Site selection and preparation
- Determine pricing structure
- Understand/learn from existing bike share systems in the U.S. of start-up problems and issues from the users’ perspective;
- Determine who VTA's initial users are most likely to be (the “early adopters”) so that we can most effectively target our pilot program;
- Assess community impressions of other stakeholders and local businesses to find out the initial impressions of bike share; and how to market so that it has a favorable impression in order to deflect potential opposition.

**Deliverable:** Guidelines for program administration, pricing structure, sponsors from private resources, program marketing and outreach activities, and administration and maintenance contractors identified. Selection of key elements of the public bike share that will be used for developing product specifications including bike style and bike components, payment schedule and methodology, and user interface element
**Task 2 - Station Signs and Way-finding Signs and/or Pavement Markings:**
This task is the design, manufacture and installation of prominent signs/banners at all the pod locations as well as wayfinding between pods. Wayfinding between pods may be done by either signage and/or pavement markings; the method will be chosen in consultation with the individual city co-sponsors. VTA staff will work with our partner cities to design, manufacture, locate and install the signs and/or markings.

**Deliverable: Signs /banners at stations and wayfinding indications**

**Task 3-Procurement and Installation of Bike Share Pods for Public Launch (using remainder of grant funds)**

The bulk of the SRTT grant would procure the actual bikes, docks and inclusive electronics and technology for the bike-share system such as software licenses, proprietary and nonproprietary technology and the membership database software. VTA will issue an RFP and IFB and will lead the evaluation and selection process. VTA will contract with and procure the bike-share bikes and docks; the electronics technology for bike locking, bike retrieval and payment; and membership database software. Warranties, technical service and technical support will be included for approximately three years. The desirable features to include in an RFP are currently being evaluated by the parallel process VTA is conducting with the VTA Bike Share Working Group and will also be influenced by the findings of Task 2.

Concurrently with this task, VTA will identify the pod locations, and then work with Caltrain and the city(ies) to ensure that the specific sites are ready for pod installations.

**Deliverable:** At least 100 bikes and 150 docks for bike sharing and the backend software and membership databases; warranty and technical service for approximately three years.

**D. Impediments to Project Completion**

Resolution of liability concerns and cost of insurance.

**E. Operability**

Operations and maintenance (O&M) costs after Month 4 will be funded through revenues generated by the membership subscriptions and rental fees and possibly additional outside grants. VTA and a contractor(s) would operate and maintain the Bike Share Program, as discussed below.

The specific responsibilities of each party will be developed during negotiations with the contractor(s). At this point in time it is envisioned that the major responsibilities will include:

1) Capital procurement and program administration set-up including agreements between the contractor(s) and VTA for maintenance of the rolling stock, docks and the proprietary systems;
2) Maintenance and repairs of the proprietary technology and other electronics through a warranty/technical service/technical support contract as part of the capital costs.
3) Day-to-day operations as well as bike maintenance and repairs; pod maintenance; monitoring status and location of the bicycles, rebalancing the locations of the bikes when necessary; customer service; insurance and liability; and marketing and advertising.
II. PROJECT PHASE DESCRIPTION and STATUS

F. Environmental or Planning Tasks

- This project is categorically exempt, from CEQA; see attached determination.

- Planning work completed to-date: the VTA Bike Share Market Research Study; VTA Review of Features and Technologies and VTA Bike Share Business Plan; provided under separate cover.

- “Planning” work to be done in this phase includes Task 1A- the branding/ marketing tasks necessary prior to the launch of the bike share program as well as hiring/recruiting and/ or training the maintenance staff for the bikes and the bike share pods and other Tasks listed in Task 1A.

G. Design

There are two distinct design elements, Task 1B -Human Factors and the design portion of Task 2 – Signs and wayfinding; neither task has begun.

- **Task 1B**: Prelaunch Design and Human Factors Evaluation related components of bike share systems: bike and bike components, payment systems, locking mechanism, maintenance options.

- **Task 2A**: Design of station signs and way-finding signage / pavement markings to advertise the locations of the pods and to mark the way to and from Caltrain stations and the bike-share pods.

H. Right-of-Way Activities / Acquisition

At this time, it is anticipated that the Bike Pods will be placed on property in right-of-way (ROW) owned by either VTA, Caltrain, or the cities of Palo Alto, Mountain View or San Jose. No ROW will need to be purchased or acquired. VTA/Caltrain/Cities will prepare pod sites for installation of docks at their own expense.

I. Construction / Vehicle Acquisition -

**Task 2B** - Manufacture and installation of signage and/or pavement markings.

**Task 3** - Procurement of as many bike-share bikes and docks as allowable with our grant funds. We anticipate this to be a minimum of 100 bike-share bikes and docks at a ratio of 1.5 docks to each bike-share bike. Contract to include approximately three-year warranty and tech support.
### III. PROJECT BUDGET

#### J. Project Budget (Escalated to year of expenditure)

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<tr>
<th>Phase</th>
<th>Total Amount - Escalated - (Thousands)</th>
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</thead>
<tbody>
<tr>
<td>Environmental Studies &amp; Preliminary Eng (ENV / PE / PA&amp;ED) Task 1A- Start-up:</td>
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<tr>
<td>Design - Plans, Specifications and Estimates (PS&amp;E) Task 1B- Design/Engineering/Human Factors</td>
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<tr>
<td>Task 2A- Design of signs and/or pavement markings</td>
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<tr>
<td>Right-of-Way Activities /Acquisition (R/W) (VTA/JPB/Cities to prepare for locations for pod installation)</td>
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<tr>
<td>Construction Task 2B- Manufacture and installation of signs and/or pavement markings</td>
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<td>Construction / Rolling Stock Acquisition (CON) Task 3- Capital purchase</td>
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<td><strong>Total Project Budget (in thousands)</strong></td>
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#### K. Project Budget (De-escalated to current year)

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<td>Design - Plans, Specifications and Estimates (PS&amp;E) Task 1B- Design/Engineering/Human factors</td>
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<td>Right-of-Way Activities /Acquisition (R/W) (VTA/JPB/Cities to prepare for locations for pod installation)</td>
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## IV. OVERALL PROJECT SCHEDULE

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<td>Environmental Studies, Preliminary Eng. (ENV / PE / PA&amp;ED) Task 1A- Start-up</td>
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<td>Final Design - Plan, Specs. &amp; Estimates (PS&amp;E) Task 1B- Design/Engineering/Human Factors Task 2A-Sign and pavement marking design</td>
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<td>10/1/10</td>
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<td>Construction Task 2B- Manufacture and installation prelaunch station and wayfinding signage and pavement markings</td>
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<td>Construction (Begin – Open for Use) / Acquisition / Operating Service (CON) Task 3- Capital Purchase/Rolling Stock Acquisition</td>
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## V. ALLOCATION REQUEST INFORMATION

### L. Detailed Description of Allocation Request

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<th>Details</th>
<th>Value</th>
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<td>Project Phase being requested</td>
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<tr>
<td>Are there other fund sources involved in this phase?</td>
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<tr>
<td>Date of anticipated Implementing Agency Board approval the RM2 IPR Resolution for the allocation being requested</td>
<td>9/2/10</td>
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<tr>
<td>Month/year being requested for MTC Commission approval of allocation</td>
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### M. Status of Previous Allocations (if any)

NA
N. Workplan

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<th>Description</th>
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<td>Start-up /pre-opening day tasks</td>
<td>Marketing &amp; outreach; maintenance contracts/ training.</td>
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<td>1B</td>
<td>Design</td>
<td>Design /RFP Recommendations</td>
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<td>2</td>
<td>Wayfinding signs</td>
<td>Design, manufacture and installation of signs and pavement markings</td>
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<td>3</td>
<td>Rolling Stock Acquisition</td>
<td>Minimum of 100 bikes/ 150 docks of bike sharing equipment</td>
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</tr>
</tbody>
</table>

O. Impediments to Allocation Implementation

We will be dependent on responses to our RFP and/or IFB for a bike share system.

VI. RM-2 FUNDING INFORMATION

P. RM-2 Funding Expenditures for funds being allocated

☒ The companion Microsoft Excel Project Funding Spreadsheet to this IPR is included

Next Anticipated RM-2 Funding Allocation Request

none

VII. GOVERNING BOARD ACTION

Check the box that applies:

☒ Governing Board Resolution attached

☐ Governing Board Resolution to be provided on or before:
Regional Measure 2 – INITIAL PROJECT REPORT

VIII. CONTACT / PREPARATION INFORMATION

Contact for Applicant’s Agency
Name: Ying Smith
Phone: 408-321-5770
Title: Transportation Planning Manager
E-mail: Ying.Smith@vta.org
Address: 3331 N. First Street, Building B2, San Jose Ca 95134

Information on Person Preparing IPR
Name: Michelle DeRobertis
Phone: 408-321-5716
Title: Sr. Transportation Planner
E-mail: Michelle.DeRobertis@vta.org
Address: 3331 N. First Street, Building B2, San Jose Ca 95134

Applicant Agency’s Accounting Contact
Name: Grace Salandanan
Phone: 408 321-7019
Title: Fiscal Resources Manager – Financial Accounting
E-mail: Grace.Salandanan@vta.org
Address: 3331 N. First Street, Building A, San Jose Ca 95134

Revised IPR 120905.doc
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<td><strong>FUNDING SOURCE STILL TO BE DETERMINED (LIST POTENTIAL SOURCES THAT WILL LIKELY BE PURSUED)</strong></td>
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**TOTAL PROJECT: COMMITTED + UNCOMMITTED + TBD FUNDING TOTAL**

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Comments:

- high end of range for env
- estimated O&M
- estimated O&M
- estimated O&M

Costs indicated are estimated maximum for that phase, extra dollars will go into the capital costs for procuring bike share equipment.

Enter all funding for the project - both Committed and Uncommitted. Enter amounts in thousands and escalated to the year of funding.

Eligible Phases: ENV (or PA&ED), P&E, R/W or CON. For planning activities use ENV. For Vehicles, Equipment or Operating use CON. OK to use CT R/W SUP or CT CON SUP for Caltrans support, but not necessary (optional).
# RM-2 Initial Project Report

## EXPENDITURES TO-DATE BY PHASE AND FUND SOURCES

<table>
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<tr>
<th>Phase</th>
<th>Fund Source</th>
<th>Date of Last Expenditure</th>
<th>Amount Expended to date (Thousands)</th>
<th>Available Balance Remaining (Thousands)</th>
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<td></td>
<td>$64,595</td>
<td><strong>$500,000</strong></td>
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</tbody>
</table>

Comments:

As required by RM-2 Legislation, provide funds expended to date for the total project. Provide both expenditure by Fund Source and Expenditure by Phase, with the date of the last expenditure, and any available balance remaining to be expended.

Project ID: 20.311  
Date: 7/14/2010
**RM-2 Initial Project Report**

**RM-2 FUNDING CASH FLOW PLAN For Allocation**

(AMOUNTS ESCALATED IN THOUSANDS)

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**RM-2 Cash Flow Plan Total**

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<td>$ 500,000</td>
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</table>

**Comments:**

Exact amount per phase may vary as described in the IPR

Provide the expected RM-2 expenditures – by phase and year. (This is the amount of the allocation needed for that fiscal year to cover expenditures through June 30th of that fiscal year).

Enter RM-2 amounts in thousands and escalated to the year of funding. The total amount cannot exceed the amount identified in the RM-2 legislation.

Eligible Phases: ENV (or PA&ED), PS&E, R/W or CON. For planning activities use ENV. For Vehicles, Equipment or Operating use CON. OK to use CT R/W SUP or CT CON SUP for Caltrans support, but not necessary (optional).
Please complete this form based on the proposed allocation for your project. The scope should be consistent with the funding you are requesting the MTC allocate. Projects with complementary fund sources, should list the estimated cost of the entire work scope. Note that this information may not only represent the RM2 funding. A separate EBP needs to be completed for each allocation request or each phase of such request.

<table>
<thead>
<tr>
<th>TITLE OF PROJECT</th>
<th>RM2 Legislation ID (and project subelements if any)</th>
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</thead>
<tbody>
<tr>
<td>VTA Pilot Bike Sharing Project SIGNS (design and capital)</td>
<td>20.311</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NAME AND ADDRESS OF IMPLEMENTING AGENCY</th>
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<tbody>
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<thead>
<tr>
<th>DETAIL DESCRIPTION</th>
<th>ESTIMATED HOURS</th>
<th>RATE/HOUR</th>
<th>TOTAL ESTIMATED COST (Dollars)</th>
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</thead>
<tbody>
<tr>
<td>1. DIRECT LABOR of Implementing Agency (Specify by task)</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Task 2A Design, signs and/or pavement markings</td>
<td>40</td>
<td>50.00</td>
<td>2,000</td>
</tr>
<tr>
<td>Task 2B Installation signs and/or pavement markings</td>
<td>200</td>
<td>40.00</td>
<td>8,000</td>
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<td>TOTAL DIRECT LABOR</td>
<td>10,000</td>
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<tr>
<td>2. DIRECT BENEFITS (Specify)</td>
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<tr>
<td>Benefit Rate</td>
<td>160%</td>
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<tr>
<td>X BASE</td>
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<tr>
<td>TOTAL BENEFIT</td>
<td>16,000</td>
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<tr>
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<tr>
<td>Unit (if applicable)</td>
<td>Cost per Unit ($)</td>
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<tr>
<td>TOTAL DIRECT CAPITAL COSTS</td>
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<tr>
<td>4. CONSULTANTS (Identify purpose and or consultant)</td>
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<tr>
<td>TOTAL CONSULTANTS</td>
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<td>5. OTHER DIRECT COSTS (Specify - explain costs, if any)</td>
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<tr>
<td>Task 3 Materials for signs and markings</td>
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<td>TOTAL OTHER DIRECT COSTS</td>
<td>24,000</td>
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<td>6. TOTAL ESTIMATED COST</td>
<td>$ 50,000.00</td>
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</table>

Comments: 

Date: 8/5/2010
Please complete this form based on the proposed allocation for your project. The scope should be consistent with the funding you are requesting the MTC allocate. Projects with complementary fund sources, should list the estimated cost of the entire work scope. Note that this information may not only represent the RM2 funding. A separate EBP needs to be completed for each allocation request or each phase of such request.

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<tbody>
<tr>
<td>VTA Pilot Bike Sharing Project  DESIGN</td>
<td>20.311</td>
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<tr>
<th>DETAIL DESCRIPTION</th>
<th>ESTIMATED HOURS</th>
<th>RATE/HOUR</th>
<th>TOTAL ESTIMATED COST (Dollars)</th>
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<tbody>
<tr>
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<td>TOTAL DIRECT LABOR</td>
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<td>2. DIRECT BENEFITS (Specify)</td>
<td>Benefit Rate</td>
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<td>3. DIRECT CAPITAL COSTS (include construction, right-of-way, or vehicle acquisition)</td>
<td>Unit (if applicable)</td>
<td>Cost per Unit ($)</td>
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<tr>
<td>TOTAL DIRECT CAPITAL COSTS</td>
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<tr>
<td>4. CONSULTANTS (Identify purpose and or consultant)</td>
<td>Task1B -Pre-launch Design Evaluation and Human Factors Study</td>
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<td>5. OTHER DIRECT COSTS (Specify - explain costs, if any)</td>
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<td>TOTAL OTHER DIRECT COSTS</td>
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<tr>
<td>1. DIRECT LABOR of Implementing Agency (Specify by task)</td>
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<tr>
<td>Task 1A Start up Costs</td>
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<tr>
<td>2. DIRECT BENEFITS (Specify)</td>
<td>Benefit Rate X BASE</td>
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<tr>
<td>3. DIRECT CAPITAL COSTS (include construction, right-of-way, or vehicle acquisition)</td>
<td>Unit (if applicable)</td>
<td>Cost per Unit ($)</td>
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<tr>
<td>4. CONSULTANTS (Identify purpose and or consultant)</td>
<td>Task 1 Start up</td>
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<td>5. OTHER DIRECT COSTS (Specify - explain costs, if any)</td>
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<td>6. TOTAL ESTIMATED COST</td>
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<td>$ 50,000.00</td>
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Comments:

Date: 8/5/2010

TITLE OF PROJECT
VTA Pilot Bike Sharing Project Env PLANNING

RM2 Legislation ID (and project subelements if any)
20.311

NAME AND ADDRESS OF IMPLEMENTING AGENCY
Santa Clara Valley Transportation Authority
3331 N. First Street
San Jose CA 95134
Regional Measure 2 Program
Estimated Budget Plan

Please complete this form based on the proposed allocation for your project. The scope should be consistent with the funding you are requesting the MTC allocate. Projects with complementary fund sources, should list the estimated cost of the entire work scope. Note that this information may not only represent the RM2 funding. A separate EBP needs to be completed for each allocation request or each phase of such request.

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<tr>
<td>VTA Pilot Bike Sharing Project (CON)</td>
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<td>1. DIRECT LABOR of Implementing Agency (Specify by task)</td>
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<tr>
<td>2. DIRECT BENEFITS (Specify)</td>
<td>Benefit Rate X BASE</td>
<td>0</td>
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<tr>
<td>3. DIRECT CAPITAL COSTS (include construction, right-of-way, or vehicle acquisition)</td>
<td>Unit (if applicable)</td>
<td>Cost per Unit ($)</td>
<td>350,000.00</td>
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<td>TOTAL DIRECT LABOR</td>
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<td>TOTAL DIRECT CAPITAL COSTS</td>
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<td>4. CONSULTANTS (Identify purpose and or consultant)</td>
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<td>TOTAL CONSULTANTS</td>
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<tr>
<td>5. OTHER DIRECT COSTS (Specify - explain costs, if any)</td>
<td>Task 3- Rolling stock acquisition and warranties, bikes and dock with a ratio of 1 bike-share bike to 1.5 docks; complete with rental and payment software, and other backend software and license costs</td>
<td>100 (min.)</td>
<td>$ 3,500</td>
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<tr>
<td>TOTAL OTHER DIRECT COSTS</td>
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<td>6. TOTAL ESTIMATED COST</td>
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Comments:

Date: 8/5/2010
DATE: August 23, 2010
Current Meeting: September 2, 2010
Board Meeting: September 2, 2010

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Vehicle Emissions Reduction Based at Schools (VERBS) Program

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

ACTION ITEM

RECOMMENDATION:

Approve the evaluation criteria and procedures for selecting projects and awarding Vehicle Emissions Reductions Based at Schools (VERBS) Program grants.

BACKGROUND:

The Metropolitan Transportation Commission (MTC) recently created a new funding program that focuses on reducing greenhouse gases (GHG) by promoting walking, biking, transit, and carpooling to school. MTC has directed each county’s congestion management agency (CMA) to develop an approach to administer this program within its jurisdiction, and to determine how funds will be distributed.

The Santa Clara Valley Transportation Authority (VTA) is the CMA for Santa Clara County. Approximately $4 Million in Federal Congestion Mitigation and Air Quality (CMAQ) funding is available, which must be programmed and obligated by June 30, 2012.

DISCUSSION:

VTA developed the proposed Vehicle Emissions Reductions Based at Schools (VERBS) program in consultation with the Capital Improvement Program Working Group (CIPWG) of VTA’s Technical Advisory Committee (TAC), and other stakeholders including representatives from Traffic Safe Communities Network (TSCN), City of San Jose’s Safe Streets program, Silicon Valley Bicycle Coalition (SVBC) and Gilroy Unified School District.
The program will build on and expand the existing Safe Routes to School Program efforts and successes within the Santa Clara County by providing additional funds and expanding coverage to high schools. The program will fund both infrastructure and non-infrastructure projects. Both elements are necessary to create a county-wide program strong enough to further reduce GHG emissions.

Consistent with Federal funding requirements and MTC guidance, the minimum grant request will be $500,000 and an 11.47% non-federal match is required. VTA proposes a per-project maximum grant of $1,000,000.

Eligible non-infrastructure projects include public education and outreach as well as Travel Demand Management activities. Eligible infrastructure projects include bicycle and pedestrian facilities, traffic calming measures, and new construction.

Attachment A sets forth the specific project selection procedures and criteria.

With the adoption of these criteria and procedures, it is anticipated that VTA will issue a Call-for-Projects in September 2010. Prior to the application deadline, VTA will be available to assist project sponsors with their applications. VTA will present the proposed project list to the Board of Directors in December 2010.

**ALTERNATIVES:**

The VTA Board of Directors may decide to approve other criteria and procedures.

**FISCAL IMPACT:**

All projects recommended by the Vehicle Emissions Reductions Based at Schools of Santa Clara County (VERBS) Program will receive their allocated funding through the Federal Highway Administration process administered by Caltrans. There is no fiscal impact to VTA as a result of this action.

**ADVISORY/STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Technical Advisory Committee (TAC) considered this item at the August 12, 2010 meeting and recommended it to the full Board for approval. City of Milpitas suggested the infrastructure and non-infrastructure scoring criteria include a Cost/Benefit Analysis category. Committee members requested that VTA staff follow-up with MTC with a request to lower the minimum grant amount. City of Milpitas opposed the motion to recommend the action.

The Bicycle & Pedestrian Advisory Committee (BPAC) considered this item at the August 11, 2010 meeting and unanimously recommended it to the full Board for approval. Committee members requested that MTC be approached to lower the minimum grant amount. Members requested clarification of the Communities of Concern.

The Congestion Management Planning and Programming Committee (CMPP) considered and unanimously approved this item at its August 20, 2010, meeting. A member recommended
changing the name of the program from School Based Vehicle Emissions Reductions (SBVER) to Vehicle Emissions Reductions Based at Schools (VERBS).

Prepared by: Celeste Fiore
Memo No. 2691
PROGRAM DESCRIPTION AND PURPOSES
Within the Climate Initiative Program, Metropolitan Transportation Commission (MTC) recently created a new funding program focused on reducing greenhouse gases by promoting walking, biking, transit, and carpooling to school. Each county Congestion Management Agency (CMA) is required to determine how to allocate these funds, within the limits of the Congestion Mitigation and Air Quality (CMAQ) federal funding source, and to submit its program to MTC. The Santa Clara Valley Transportation Authority (VTA) is the CMA for Santa Clara County.

The overall program proposal will be one cohesive program, with all elements integrated and coordinated, even if implemented by different entities and in phases. The program proposes to benefit children targeted in grades K-12. The program will build on and expand the existing Safe Routes to School Program efforts and successes within the Santa Clara County.

The Vehicle Emissions Reductions Based at Schools (VERBS) will be consistent with the MTC purpose for which the program was created, and the intent of the Federal monies with which it is funded. Therefore, the purposes of the program shall be-

1. to facilitate the planning, development, and implementation of a project and/or activity that will reduce traffic, fuel consumption and air pollution in the vicinity of schools; and
2. to reduce traffic related injuries and fatalities to school children; and
3. to enable and encourage children, including those with disabilities, to walk and bicycle to school; and
4. to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age.

WHO CAN APPLY, AND HOW FUNDS ARE AWARDED?
Federally eligible applicants are VTA, County of Santa Clara, its cities and towns, and the departments of transportation and public works in the county experienced in meeting federal transportation requirements. Nonprofit organizations, school districts, public health departments and Native American Tribes must partner with one of the federally eligible agencies.

HOW MUCH FUNDING IS AVAILABLE?
VTA has $4.04 million in CMAQ funds available for Santa Clara County in Cycle 1 (FY’11 & FY’12). Project sponsors may request a minimum of $500,000 and a maximum of $1,000,000 per project. The requested grant funds may be awarded wholly or in part.

The funds will be split 50/50 into two categories: infrastructure and non-infrastructure which have separate evaluation criteria. Unprogrammed funds in either category may be available for the other category as needed.

LOCAL MATCH
Local match is defined as the dollars used to match the requested grant amount. The match must consist of a minimum of 11.47% in cash. An agency may contribute additional cash or in-kind support, defined as activities or materials which would have been eligible, prior to project development, or ineligible but integral to the project.
ELIGIBLE PROJECTS
Projects must meet all Federal CMAQ requirements. All CMAQ-funded projects need to complete National Environmental Policy Act (NEPA) requirements and meet basic eligibility requirements for funding under titles 23 and 49 of the United States Code. Projects also need to meet MTC Project Delivery requirements as stated in MTC Resolution No. 3606. (http://www.mtc.ca.gov/funding/delivery/MTC_Res_3606.pdf)

NON-INFRASTRUCTURE IMPROVEMENTS (approximately $2M)
Public Education and Outreach Activities
Public education and outreach can help communities reduce emissions, congestion and accidents by inducing drivers, parents and students to change their transportation choices and behaviors.

- Air quality public education messages: Long-term public education and outreach can be effective in raising awareness that can lead to changes in travel behavior and ongoing emissions reductions; therefore, these activities may be funded.
- Activities that promote new or existing public or group transportation services, developing messages and advertising materials (including market research, focus groups, and creative), placing messages and materials, evaluating message and material dissemination and public awareness, technical assistance, and any other activities that help forward less-polluting transportation options.
- Non-construction public outreach related to safe bicycle and pedestrian use.
- Travel Demand Management Activities including traveler information services, shuttle services, carpools, vanpools, parking pricing, etc.

INFRASTRUCTURE IMPROVEMENTS (approximately $2M)
Eligible infrastructure (capital) projects must pertain to a physical setting where deficiencies or barriers exist to children walking or bicycling to school.

Bicycle/Pedestrian Use
- New construction of bicycle and pedestrian facilities (paths, bike racks, support facilities, etc.) that are not exclusively recreational and reduce vehicle trips.
- Secure bicycle storage facilities and other facilities, including bicycle lanes, for the convenience and protection of bicyclists, in both public and private areas.
- New construction and major reconstructions of paths, tracks, or areas solely for the use by pedestrian or other non-motorized means of transportation.
- Traffic calming measures

INELIGIBLE PROJECTS
The following projects and activities are ineligible for VERBS funding:
- Projects that do not directly benefit or serve the targeted population of a particular school
- Projects that cause any emissions increases
- Light-duty vehicle scrappage programs
- Projects that add new capacity for automobiles
- Routine maintenance and rehabilitation projects
- Stand-alone projects to purchase fuel
- Transit Fare Subsidies
- Projects that do not meet the eligibility requirements of title 23 and 49 U.S.C.
- General planning activities outside a specific project development
- Crossing guards
- Mobile radar trailers
EVALUATION CRITERIA & PROCEDURES

Project Evaluation
A project must obtain an overall minimum score of 50 out of 100 points to be eligible for funding. Receipt of at least 50 points does not guarantee funding. Each project will be screened to ensure that it has all of the screening criteria (pass/fail). If the project passes, then it will be scored.

Screening Criteria
(1) Clearly identified project Purpose, Need and desired Outcomes
(2) Proposed method to evaluate the reduction in criteria pollutants and congestion
(3) Consultation and Letters of Support for projects from school officials, as well as school-based associations, local traffic engineers, local elected officials, law enforcement agencies, and other relevant community stakeholders.

Scoring Criteria

<table>
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<tr>
<th>NON-INFRASTRUCTURE IMPROVEMENTS SCORING</th>
<th>(Max Pts)</th>
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<tbody>
<tr>
<td>1. Identification &amp; justification for the proposed project</td>
<td>High: Project clearly identifies a significant problem and proposes an appropriate and effective solution. Up to 25 pts</td>
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<td></td>
<td>Medium: Project identifies a moderate problem and proposes an appropriate solution. Up to 16 pts</td>
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<td>Low: Project identifies a problem and proposes a solution. Up to 8 pts</td>
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<tr>
<td>2. New or increased number of students/schools/school grades anticipated to participate</td>
<td>High: Project will significantly increase the number of students participating in the program. Up to 20 pts</td>
</tr>
<tr>
<td></td>
<td>Medium: Project will moderately increase the number of students participating in the program. Up to 13 pts</td>
</tr>
<tr>
<td></td>
<td>Low: Project will increase the number of students participating in the program. Up to 6 pts</td>
</tr>
<tr>
<td>3. Air Quality Improvements</td>
<td>High: Project significantly improves air quality. Up to 20 pts</td>
</tr>
<tr>
<td></td>
<td>Medium: Project moderately improves air quality. Up to 13 pts</td>
</tr>
<tr>
<td></td>
<td>Low: Project improves air quality. Up to 6 pts</td>
</tr>
<tr>
<td>4. Multi-Agency Collaboration</td>
<td>Project is jointly implemented by two or more legal entities.</td>
</tr>
<tr>
<td>5. Local Match</td>
<td>High: Project can commit ≥30% of the total project cost from non-federal sources. Up to 10 pts</td>
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<tr>
<td></td>
<td>Medium: Project can commit 20% to 29% of total project cost from non-federal sources. Up to 6 pts</td>
</tr>
<tr>
<td></td>
<td>Low: Project can commit 13% to 19% of total project cost from non-federal sources. Up to 3 pts</td>
</tr>
<tr>
<td>6. Innovative public outreach/education</td>
<td>Project is innovative; has potential to be replicated elsewhere.</td>
</tr>
<tr>
<td>7. Project Readiness</td>
<td>High: Project will be ready to start in three months from E-76. 10 pts</td>
</tr>
<tr>
<td></td>
<td>Medium: Project will be ready to start in six months from E-76. 6 pts</td>
</tr>
<tr>
<td></td>
<td>Low: Project will be ready to start in nine months from E-76. 3 pts</td>
</tr>
</tbody>
</table>
### INFRASTRUCTURE IMPROVEMENTS SCORING

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Up to</th>
<th>Max Pts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Gap Closure</td>
<td>Project proposes a shorter bicycle or pedestrian route. Score 2 points for each 0.10 mile shorter distance.</td>
<td></td>
<td>15</td>
</tr>
</tbody>
</table>
| 2. Access to/from school | **High**: Project will significantly improve access to a school. Project will be within 1/3 mile in actual walking/biking distance from a school.  
**Medium**: Project will moderately improve access to a school. Project will be within 2/3 mile in actual walking/biking distance from a school.  
**Low**: Project will improve upon limited existing access. Project will be 1 mile in actual walking/biking distance from a school. |       | 20      |
| 3. Safety | **High**: Project will significantly improve a demonstrated safety issue with a proven or demonstrated countermeasure. |       | 15      |
|            | **Medium**: Project will moderately improve a situation with some safety issues (e.g. some reported collisions, conflicts, near-misses, or evidence of high vehicle traffic volume or speed). |       |         |
|            | **Low**: Project will improve safety, even though there are no known problems. Project will reduce exposure/risk of conflicts between motor-vehicles and bike/pedestrians. |       |         |
| 4. Air Quality Improvements | **High**: Project will significantly improve air quality. |       | 20      |
|            | **Medium**: Project will moderately improve air quality. |       |         |
|            | **Low**: Project will improve air quality. |       |         |
| 5. Community of Concern | Project is in a Community of Concern, which identifies transportation needs and potential social impacts on minority and low-income communities. |       | 5       |
| 6. Local Plan(s) | Is the project in a local, county or community-based plan, such as adopted Bicycle Plans, General Plans, Capital Improvement programs, Specific Plans, Park/Trail Master Plans? |       | 5       |
| 7. Local Match | **High**: Project can commit ≥30% of the total project cost from non-federal sources. |       | 10      |
|             | **Medium**: Project can commit 20% to 29% of the total project cost from non-federal sources. |       |         |
|             | **Low**: Project can commit 13% to 19% of the total project cost from non-federal sources. |       |         |
| 8. Project Readiness | **High**: NEPA, Design and ROW complete. |       | 10      |
|             | **Medium**: NEPA complete and ROW complete. |       |         |
|             | **Low**: ROW complete. |       |         |
SPONSOR CHECKLIST

<table>
<thead>
<tr>
<th>CMAQ Eligibility Criteria</th>
<th>Meets criteria Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submit completed obligation/transfer package to Caltrans for federally funded phase(s) by February 1, of the year of funding.</td>
<td></td>
</tr>
<tr>
<td>Provide at least 11.47% in non-federal cash match for each grant funded phase.</td>
<td></td>
</tr>
<tr>
<td>Complete a federal environmental document.</td>
<td></td>
</tr>
<tr>
<td>Meet all requirements of the MTC Regional Project Delivery Policy. (<a href="http://www.mtc.ca.gov/funding/delivery/MTC_Res_3606.pdf">http://www.mtc.ca.gov/funding/delivery/MTC_Res_3606.pdf</a>)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MTC Eligibility Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request a minimum grant of $500,000.</td>
</tr>
<tr>
<td>Meet school-based vehicle emissions reduction criteria.</td>
</tr>
<tr>
<td>Submit Resolution of Local Support.</td>
</tr>
<tr>
<td>Submit a Complete Streets questionnaire for Bicyclists and Pedestrian.</td>
</tr>
<tr>
<td>Projects must be consistent with the adopted Regional Transportation Plan.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VTA Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design and construct a bicycle capital project in accordance with the VTA Bicycle Technical Guidelines (where applicable). (<a href="http://www.vta.org/schedules/bikeways_program.html">http://www.vta.org/schedules/bikeways_program.html</a>)</td>
</tr>
<tr>
<td>Provide at least 11.47% of total project cost.</td>
</tr>
<tr>
<td>Submit Reports to VTA and Invoicing to Caltrans.</td>
</tr>
</tbody>
</table>

VERBS GRANT PROGRAM – OVERALL PROGRAM EVALUATION
Project sponsor will propose a method for evaluating the amount of emissions reduced. At the end of the first year, project sponsors will submit a report to VTA to review and access the progress of each project. This evaluation will inform VTA of which type of project has fulfilled the overall goals of the School-Based Vehicle Emissions Reduction Program. This approach allows VTA to adjust the program as it matures.

PROJECT REPORTING

**Infrastructure Projects**
Minimum requirement: Must report to VTA the pre-construction and post-construction bicycle and pedestrian counts one year after completion.

**Non-Infrastructure Projects**
Minimum requirement: Must report to VTA the target population that was contacted, as well as the results of annual mode surveys taken of the target population.
<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Improvement Program Working Group Review - Program</td>
<td>July 27, 2010</td>
</tr>
<tr>
<td>Bicycle &amp; Pedestrian Advisory Committee Approval - Program</td>
<td>August 11, 2010</td>
</tr>
<tr>
<td>Technical Advisory Committee Approval - Program</td>
<td>August 12, 2010</td>
</tr>
<tr>
<td>Congestion Management Planning and Programming Committee</td>
<td>August 20, 2010</td>
</tr>
<tr>
<td>VTA Board Approval – VERBS Program</td>
<td>September 2, 2010</td>
</tr>
<tr>
<td>Call for Projects Released</td>
<td>September 3, 2010</td>
</tr>
<tr>
<td>Application Deadline</td>
<td>October 4, 2010</td>
</tr>
<tr>
<td>Scoring Committee Reviews Proposals</td>
<td>October 12-15, 2010</td>
</tr>
<tr>
<td>Capital Improvement Program Working Group Review - Projects</td>
<td>October 26, 2010</td>
</tr>
<tr>
<td>Bicycle &amp; Pedestrian Advisory Committee Approval - Projects</td>
<td>November 10, 2010</td>
</tr>
<tr>
<td>Technical Advisory Committee Approval - Projects</td>
<td>November 12, 2010</td>
</tr>
<tr>
<td>Congestion Management Planning and Programming Committee</td>
<td>November 19, 2010</td>
</tr>
<tr>
<td>VTA Board Approval - Project Lists</td>
<td>December 9, 2010</td>
</tr>
<tr>
<td>Resolution of Local Support to CMA</td>
<td>December 9, 2010</td>
</tr>
<tr>
<td>FHWA/FTA anticipated 2011 TIP approval</td>
<td>December 14, 2010</td>
</tr>
<tr>
<td>Obligation/FTA transfer request submittal to Caltrans February 1st of the programming year</td>
<td>February 1, 2011 or 2012</td>
</tr>
</tbody>
</table>
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Cooperative Agreement with City of Morgan Hill for Site Planning

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

ACTION ITEM

RECOMMENDATION:

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

BACKGROUND:

This agenda item facilitates continued implementation of the Joint Development Policy and Implementation Plan adopted by the VTA Board of Directors (‘Board”) in April 2009. In November 2009, the Board approved the JD Portfolio, consisting of those VTA real estate assets best suited for joint development, and the JD Priority Schedule, designating those sites that are near-term priorities for VTA. The Morgan Hill Caltrain Station ParkNRide (“Site”) is one of the priority assets approved by the Board in November 2009.

The Site, depicted as Area A in the attached Exhibit A, is a six acre parcel jointly owned by VTA (59%) and the City of Morgan Hill Redevelopment Agency (“City”) (41%). The Site provides parking for Caltrain riders at the Morgan Hill Caltrain Station and is an integral component of the Morgan Hill downtown area. While the Site can be a prime joint development opportunity in favorable market conditions, it cannot be profitably developed without an appropriate solution for the significant replacement parking demands forecasted for this site.

The City of Morgan Hill is actively implementing its Downtown Specific Plan which seeks to develop a vibrant, pedestrian-oriented downtown area. The City has ownership and/or control of
various properties in the vicinity of the Site, depicted as “Areas B-E” on Exhibit A, and is interested in jointly funding a site planning process involving all of these properties to analyze parking, traffic circulation and access.

VTA and City staff have negotiated a draft Cooperative Agreement (“Agreement”) which outlines a process and cost-sharing structure for such a site planning process. The estimated total cost for site planning study is estimated to not exceed $100,000.

Staff recommends the Board authorize the General Manager to enter into this Agreement as it will provide a critical solution to a significant issue impacting the development of the Site.

**DISCUSSION:**

The proposed site planning efforts will be beneficial to both the City and VTA.

As noted above, the Site offers a prime development opportunity in favorable market conditions if the issue of replacement parking is appropriately solved. The Site currently offers 486 parking spaces for users of the Morgan Hill Caltrain Station, of which currently an average of 122 spaces are used. VTA’s 2035 parking demand modeling forecasts a need of 207 parking spaces, which translates into approximately 40% of the land area of the Site if the parking spaces are provided in the current surface parking lot configuration. While converting the surface parking to structured parking would yield more developable space, structured parking is a very expensive solution and, if implemented for this Site alone, would prohibit VTA’s ability to generate net positive revenue from any joint development of the Site.

In recent years, public agencies across the country have considered and implemented shared use parking solutions for providing required parking. Such a shared use solution may exist here with the City, as it owns several parking lots in the vicinity of the Site. The determination of whether such a solution is mutually appropriate, however, can only be made after a proper planning process is undertaken.

The City is interested in being a part of the proposed site planning process for several reasons. As has been widely publicized, the City has actively worked to re-energize its downtown area by implementing the vision laid out in the Morgan Hill Downtown Specific Plan adopted by the City in November 2009. This vision is to strengthen the downtown core as “the gathering place, a connecting force, the social and activity heart of the Morgan Hill…..” Integral to the vision is the development of key properties that bring people to the downtown area. As earlier mentioned, the Site is one such key development property and facilitating its maximum development is consistent with the vision articulated in the Morgan Hill Downtown Specific Plan.

Access to the downtown area along with appropriate circulation and parking are also integral elements of the Downtown Specific Plan. Currently, vehicular access to the Site, which is located on the east side of the Caltrain station tracks, is obtained from Butterfield Avenue. As reflected on Exhibit A, Butterfield Avenue is away from the downtown area. If a shared parking solution for Caltrain riders were offered on the west side of the tracks, these riders would
circulate through the downtown area to access this west side parking. This new access and circulation would increase opportunities for patronage of downtown area retail and entertainment uses, further reinforcing the vision of the Downtown Specific Plan.

As currently proposed, VTA and the City, with the assistance of a consultant team, will analyze all of the replacement parking options in Areas A-E shown on Exhibit A. The analysis will also include the option of relocating the Caltrain station platform to the west side of the tracks (so as to orient access to it towards the downtown area). The site planning efforts will focus on optimal parking configurations and the impact and significance to transit ridership, along with access to downtown Morgan Hill and integration with the adjacent land uses. It will produce two to three alternative recommendations, each showing the optimized location, size and schematic detail of a parking structure along with a multi-modal circulation plan for each recommendation (referred to as the “Site Planning Process”).

VTA staff proposes that VTA take the lead, serving as the primary project manager in the Site Planning Process and that the City have review authority. Both VTA and the City will provide input for the engaged consultants and will review their work with the objective of arriving at jointly approved recommendations.

VTA staff will solicit proposals from VTA’s approved development services list of on-call consultants to select the consultant(s) who will assist in performing the Site Planning Process. Should the City not approve of the VTA-selected consultant(s), VTA will issue a Request for Qualifications and/or Request for Proposals. Consultants recommended by the City also will be notified in these requests.

The cost of the Site Planning Process will be shared equally by VTA and the City, with consultants sending invoices to VTA who will in turn invoice the City for its 50% of the cost. VTA will issue payment to consultants upon receipt of the City’s portion of the invoiced amounts. Staff anticipates the cost of the site planning contract not to exceed $100,000. Staff will return to the Board for approval for a revised agreement should cost exceed this amount. Every effort will be made to reduce VTA’s cost, through competitive solicitations from consultants and active management of the final consultant contract.

The findings of the Site Planning Process will help determine a parking solution that VTA and the City mutually agree upon for the optimal development of the Site. Subsequent to the Site Planning Process, the City and VTA will need to engage in a negotiation process regarding an appropriate partnership or transaction agreement between the two agencies as co-owners of the Site. Only with the completion of these actions can the priority site as directed by VTA’s Joint Development Policy and Implementation Plan be appropriately advanced for development.

**ALTERNATIVES:**

The Board could (a) choose to deem the Site Planning Process unnecessary; (b) have VTA undertake a percentage of the cost other than 50%; or (c) have VTA pay for 100% of the cost and not give the City review authority.
FISCAL IMPACT:

VTA to equally share (i.e. 50/50) in the cost of a Site Planning Process with the City of Morgan Hill. Appropriation for this expenditure is included in the FY11 VTA Transit Enterprise Fund Operating Budget.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Committee heard the staff report on this item on August 20, 2010 and unanimously recommended that it be forwarded to the Board for approval.

Prepared by: Timothy Nieuwsma
Memo No. 2705
### Exhibit A: Parking Study Area

**Santa Clara County**

<table>
<thead>
<tr>
<th>Assessor Parcel Number</th>
<th>Acreage</th>
<th>Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;Area A&quot;: 726-15-071</td>
<td>6.07</td>
<td>fee simple</td>
</tr>
<tr>
<td>(ParkNRide)</td>
<td></td>
<td>59% VTA 41% MH-RDA</td>
</tr>
<tr>
<td>&quot;Area B&quot;: 726-15-012</td>
<td>2.0</td>
<td>fee simple</td>
</tr>
<tr>
<td>&quot;Area C&quot;: 726-14-061</td>
<td>1.13</td>
<td>fee simple</td>
</tr>
<tr>
<td>&quot;Area D&quot;: 726-13-047</td>
<td>0.94</td>
<td>fee simple</td>
</tr>
<tr>
<td>&quot;Area E&quot;: 726-14-001</td>
<td>0.82</td>
<td>Option to Purchase</td>
</tr>
</tbody>
</table>

**Total Area:** 10.96

---

**Image:** Map of the parking study area with areas labeled A, B, C, D, E, and surrounding landmarks.
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: VTA Deficiency Plan Requirements Update

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

ACTION ITEM

RECOMMENDATION:
Adopt the updated VTA Deficiency Plan Requirements document.

BACKGROUND:

VTA, as the Congestion Management Agency (CMA) for Santa Clara County, is responsible for updating the Congestion Management Program including the technical standards and guidelines. The Congestion Management Program (CMP) legislation requires Member Agencies to prepare deficiency plans for CMP System facilities located within their jurisdictions that exceed the CMP traffic level of service (LOS) standard, which is E in Santa Clara County. If a CMP System facility exceeds the LOS standard and does not have a VTA approved deficiency plan, then the local jurisdiction in which the facility is located is at risk of losing gas tax revenues provided from Proposition 111.

In the situations where meeting traffic LOS standards may be impossible or undesirable, deficiency plans allow local jurisdictions to adopt innovative and comprehensive transportation strategies for improving mobility options and improving air quality. Deficiency plans allow Member Agencies to trade off a potential traffic LOS standard violation on a CMP System facility for transportation system improvements to other facilities or services (e.g., transit, bicycle, pedestrian, and transportation demand management).

The VTA Deficiency Plan Requirements document has been updated in response to the recent interest from Member Agencies to develop deficiency plans. To date, two cities have developed...
deficiency plans: City of Sunnyvale (an areawide deficiency plan) and City of San Jose (a specific area deficiency plan for the North San Jose area). Other cities that are either in the process or considering developing deficiency plans are the City of Milpitas and City of Santa Clara.

The Deficiency Plan Requirements document is an update to the November 1992 document and follows the regional guidelines set forth by the Bay Area Air Quality Management District (Air District). The purpose of the Deficiency Plan Requirements is to provide Member Agencies with specific details on deficiency plan preparation, content requirements, approval process, monitoring and on-going responsibilities associated with having a deficiency plan in place. The summary of the proposed changes are described in the discussion below and the specific updates are presented in the attached draft document (Attachment A). For reference purposes, maps of the CMP Intersections and Freeways operating at LOS E-F in the 2008-2009 periods are also attached as Attachment B.

**DISCUSSION:**

There were three basic objectives in updating the Deficiency Plan Requirements document:

1. Simplify the existing document to make it more user friendly with a focus on providing more specific instructions to Member Agencies on how to develop deficiency plans.

2. Update the existing language and references to reflect existing practices, technical standards, and policies.

3. Update the document to be consistent with the recently updated Transportation Impact Analysis (TIA) Guidelines.

Below is a summary of key changes to the Deficiency Plan Requirements:

- **Removal of reference to development of a subregional/countywide deficiency plan.** The previous version assumed that a countywide deficiency plan would be developed in the near future and included interim solutions.

- **Introduction of a Mini Deficiency Plan option.** This is a streamlined process that allows the submittal of a deficiency plan with a TIA report for a development project. After consultation with VTA staff, a TIA with a deficiency plan would then be submitted for review and approval through VTA committees and Board.

- **Combining of the Immediate Action List and Deferred Action List into a single list with reference and footnotes to the Air District’s adopted “Deficiency List” document.** The Air District requires that CMAs use the deficiency plan actions identified in its existing deficiency plan action list. Actions not on the Air District list are subject to review and approval by the Air District’s Board. VTA’s existing Deficiency Plan Requirements
identify two action lists which led to confusion. The reference to a single list should reduce confusion in selecting action items when developing deficiency plans.

- Revision to the deficiency plan monitoring and revision requirements. The existing requirements require that deficiency plans be updated every three years. Staff from Member Agencies have expressed concern with the resources and preparations required to provide updates on deficiency plans every three years. As a result, this requirement was revised to require updates when there are significant changes to the deficiency plan area from the original assumptions incorporated in the deficiency plan.

- Introduction of a Conflict Resolution Process. The CMP statute requires that CMAs provide a process for handling conflicts that may arise between jurisdictions during the development of deficiency plans. This is an item that is not in the existing requirements.

- A new section on Exempt/Protected Intersections was added for informational purposes for agencies developing a deficiency plan. The "protected intersection" concept is one that agencies have used in conjunction with their land use development processes.

The update to the Deficiency Plan Requirements document was an 18-month effort that included collaboration with the VTA Technical Advisory Committee (TAC), the TAC’s System Operations & Management Working Group (SOMWG) and VTA’s Legal Counsel.

ALTERNATIVES:

The Board may request staff to make changes to the updated Deficiency Plan Requirements document or defer the action.

FISCAL IMPACT:

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

STANDING/ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:

The Technical Advisory Committee (TAC) reviewed this item on August 12, 2010. Member Collen requested that a footnote be added to Section 2.3 Deficiency Plan Preparation Responsibilities to clarify that the cities are responsible for preparing deficiency plans that affect the CMP facilities along the County expressways and expressway intersections and a notation that the County be involved in the development of the deficiency plan. Member Dey requested that reference to Morgan Hill’s tiered LOS standard be removed from Section 7.2 Local Intersection Management Strategies as it is not a “protected intersection” policy. The TAC also briefly discussed Section 7.1 Conflict Resolution Process and its application when conflicts arise between jurisdictions during the development of a deficiency plan.

This action was approved by all of the TAC Members present with the exception of Member Row, who abstained from voting.
The Congestion Management Program and Planning Committee (CMPP) reviewed this item on August 20, 2010. The CMPP had general inquiries about the Deficiency Plan Action List and process for updating the list of monitored CMP intersections/facilities. Member Moylan had a specific question about the historical level-of-service trend at the CMP intersection on Lawrence Expressway /Homestead Road in Sunnyvale. Staff responded that they would research his inquiry and provide an update to him.

The CMPP unanimously approved the adoption of the update to the Deficiency Plan Requirements document.

Prepared by: Eugene Maeda
Memo No. 2127
DEFICIENCY PLAN REQUIREMENTS UPDATE

SANTA CLARA VALLEY TRANSPORTATION AUTHORITY

CONGESTION MANAGEMENT PROGRAM

DRAFT | AUGUST 2010
Santa Clara Valley of Transportation Authority

DEFICIENCY PLAN REQUIREMENTS UPDATE (DRAFT)

Specific details on deficiency plan preparation, content requirements, approval process and monitoring

August 18, 2010
# TABLE OF CONTENTS

**EXECUTIVE SUMMARY** .......................................................................................................................... 1

**CHAPTER 1  PURPOSE AND POLICY GUIDANCE** .................................................................................. 5

1.1 Legislative Requirements .................................................................................................................. 5

1.2 Document Conventions .................................................................................................................. 5

**CHAPTER 2  DEFICIENCY PLAN PREPARATION** .................................................................................. 7

2.1 Conditions Requiring the Development of a Deficiency Plan ......................................................... 7

2.2 Types of Deficiency Plans ............................................................................................................. 7

2.3 Deficiency Plan Preparation Responsibilities .................................................................................. 8

**CHAPTER 3  DEFICIENCY PLAN CONTENT REQUIREMENTS** .......................................................... 11

3.1 Deficiency Plan Requirements ........................................................................................................ 11

3.2 Action Plan and Nexus Requirements ............................................................................................ 14

**CHAPTER 4  DEFICIENCY PLAN ACTION LIST AND IMPLEMENTATION STANDARDS** .............. 17

4.1 Deficiency Plan Action List ............................................................................................................ 17

4.2 Implementation Strategies .............................................................................................................. 17

4.3 Infeasible Actions ............................................................................................................................ 21

4.4 Deficiency Plan Implementation Guidelines and Standards ......................................................... 21

**CHAPTER 5  DEFICIENCY PLAN EVALUATION AND APPROVAL PROCESS** .......................... 25

5.1 Deficiency Plan Evaluation ............................................................................................................ 25

5.2 Deficiency Plans and the Land-Use Approval Process ................................................................... 26

5.3 Interjurisdiction Land-Use Issues ................................................................................................... 28

5.4 Future Development Projections .................................................................................................... 30

**CHAPTER 6  DEFICIENCY PLAN MONITORING** .............................................................................. 31

6.1 Deficiency Plan Implementation Monitoring Program ....................................................................... 31

6.2 Deficiency Plan Implementation Status Report ............................................................................... 33

6.3 Approval of Deficiency Plan Progress ........................................................................................... 33

6.4 Evaluation of Effectiveness ............................................................................................................. 33

**CHAPTER 7  OTHER CONSIDERATIONS** ......................................................................................... 35

7.1 Conflict Resolution Process ........................................................................................................... 35

7.2 Local Intersection Management Strategies .................................................................................... 36
EXECUTIVE SUMMARY

Deficiency plans, as it relates to traffic congestion management, are plans that identify offsetting measures to improve transportation conditions on the Congestion Management Program (CMP) facility in lieu of making physical traffic capacity improvements such as widening an intersection or roadway.

Background

The CMP legislation requires Member Agencies to prepare deficiency plans for CMP System facilities located within their jurisdictions that exceed the CMP traffic Level-of-Service (LOS) standard. The traffic LOS standard for Santa Clara County is LOS E. The legislation requires that deficiency plans improve systemwide traffic level of service and contribute to a significant improvement in air quality. If a CMP System facility exceeds the LOS standard and does not have a Congestion Management Agency (CMA) approved deficiency plan, then the local jurisdiction in which the facility is located is at risk of losing new gas tax revenues provided from Proposition 111.

Deficiency Plans were not included in the original CMP legislation, AB 471 (Katz). AB 471 required that all CMP System facilities maintain the adopted LOS standard, or the local jurisdiction would lose its new gas tax revenues. Deficiency plans were added as an amendment (AB 1791) to allow local jurisdictions to proceed with development projects even if strict adherence to CMP traffic LOS standards could not be achieved for each CMP facility.

Deficiency Plans are a logical addition to the CMP traffic LOS standards, because in some situations, meeting LOS standards may be impossible or undesirable. For these situations, deficiency plans allow local jurisdictions to adopt innovative and comprehensive transportation strategies for improving systemwide LOS rather than adhering to strict traffic LOS standards that may contradict with other community goals. Deficiency plans allow Member Agencies to trade off a traffic LOS violation on one particular CMP System facility for transportation system improvements to other facilities or services.

The purpose of this document is to provide Member Agencies with specific details on deficiency plan preparations, content requirements, approval process, monitoring, and responsibilities.

Regional Conformance

The VTA Deficiency Plan Requirements presented in this document is an update to the existing “Requirements for Deficiency Plans” document adopted on November 18, 1992. VTA’s updated Deficiency Plan Requirements document is consistent with the regional guidelines established by the Bay Area Air Quality Management District (BAAQMD) in its “Deficiency List: Programs, Actions and Improvements for Inclusion in Congestion Management Program Deficiency Plans,” adopted on November 4, 1992.
Changes from the Existing Document

The existing VTA Requirements for Deficiency Plans guidelines document has been updated in response to the recent interest from Member Agencies to develop deficiency plans. To date, two cities have developed deficiency plans: City of Sunnyvale (an areawide deficiency plan) and City of San Jose (a specific area deficiency plan for the North San Jose area). Other cities that are in the process of developing deficiency plans or considering deficiency plans are Milpitas and Santa Clara.

The VTA Deficiency Plan Requirements has been simplified and updated to focus on providing instructions on developing deficiency plans, to reflect current practices, policies, and procedures that were not yet established when the existing document was developed, and to be consistent with the recently updated VTA Transportation Impact Analysis (TIA) Guidelines. The following is a summary of the key changes made to the existing document:

- Removal of reference to the assumed development of a subregional/countywide deficiency plan.
- Addition of a Mini Deficiency Plan option. This option allows the submittal of a deficiency plan with a Transportation Impact Analysis (TIA) Report for a development project.
- Combining of the existing Immediate Action List with the Deferred Action List into a single list that references the Bay Area Air Quality Management District’s (BAQMD’s) Deficiency List policy document.
- Revision to the frequency of updates of deficiency plans from three years to when there are significant changes in the deficiency plan assumptions.
- Addition of a conflict resolution process as required by CMP statute.
- Addition of a section on local intersection management policies for informational purposes.

VTA’s Approach to Deficiency Planning

VTA has been proactive in the development of guidelines and standards for land-use development in Santa Clara County. VTA encourages Member Agencies to develop deficiency plans for their respective jurisdictions to reduce potential delays in approving development projects that impact CMP facilities. If deficiency plans were prepared in advance of deficiencies, then development projects could conform to the deficiency plan and be easily approved. Conversely, if there are no deficiency plans in place, proposed developments could be stopped until a deficiency plan was prepared and approved by the VTA Board.
Below is a brief summary of VTA’s approach to preparing deficiency plans:

- A consultation with VTA prior to development of deficiency plans.

- An assessment of the appropriate type of deficiency plan to be developed (3 types):
  
  1. Mini Deficiency Plan: A mini deficiency plan is prepared to address a single CMP intersection or roadway facility, typically in conjunction with a Transportation Impact Analysis (TIA) Report for a single development project.

  2. Specific Area Deficiency Plan: A specific deficiency plan is prepared to address a CMP System roadway segment or intersection within a specific area such as a downtown area or special district.

  3. Areawide Deficiency Plan: An areawide deficiency plan is prepared to address all the CMP System roadways or intersections included in an identified area such as an entire city or an area that covers multiple jurisdictions and/or cities.

These deficiency plans are described in more detail in Chapter 2 - Deficiency Plan Preparations.

- A requirement that each deficiency plan include implementation of all feasible and applicable actions listed on the Deficiency Action List. Member Agencies must identify how all of these specific actions will be implemented as part of the deficiency plan.

- A requirement that each deficiency plan demonstrate, to the extent practical, how the identified physical improvements and offsetting measures will improve CMP system wide level of service and improve the air quality.

Organization

The Requirements for Deficiency Plans document is divided into seven chapters with four appendices. The chapters are as follows:

Chapter 1 describes the Purpose and Policy Guidance of the document. This chapter has information regarding the legislative requirements of deficiency plans. Again, the purpose of this document is to assist Member Agencies in preparing and implementing deficiency plans. It also provides definitions and terminology used in the document.

Chapter 2 describes Deficiency Plan preparation. The chapter focuses on the requirements for the implementation of a deficiency plan, types of deficiency plans, and the responsibility of the lead agency to prepare a deficiency plan.

Chapter 3 describes Deficiency Plan Content Requirements. Chapter 3 goes in to detail on the elements of a deficiency plan, including the State of California’s legislative requirements of what is included when it is being prepared.
Chapter 4 describes Deficiency Plan Action Lists and Implementation Standards. Each deficiency plan created must include a set of actions to address the deficiency. Chapter 4 provides guidance from the Bay Area Air Quality Management District (BAAQMD) on specific measures to be included as part of an action, as well as resources available through the VTA.

Chapter 5 describes the Deficiency Plan Evaluation and Approval Process. This is for VTA to use when reviewing a Member Agency’s deficiency plan. CMP legislation requires that a Member Agency must adopt Deficiency Plans at a noticed public hearing and then be approved by a CMA. It also shows a process to follow when dealing with interjurisdictional land use issues.

Chapter 6 describes Deficiency Plan Monitoring. This chapter discusses VTA’s two-part monitoring and evaluation process. Member Agencies are required under these guidelines to monitor the implementation of the actions in a deficiency plan. As part of the CMP Monitoring Process, VTA will then evaluate the effectiveness of a deficiency plan.

Chapter 7 describes Other Considerations. This chapter explains a four phase process for the resolution of any conflicts, as required by CMP legislation. Also included, is a new section on Local Intersection Management Strategies. This section has been added for informational purposes and briefly describes the concept of exempting local intersections from traffic LOS standard policies for Member Agencies that are considering deficiency plans.

Appendix A presents a Glossary that includes many definitions that are included throughout the document. Appendix B contains the Congestion Management Program and Deficiency Plan Statute. Appendix C contains the Deficiency Plan Action List. Finally Appendix D contains an example of a local intersection management strategy implemented by the City of San Jose.
CHAPTER 1 PURPOSE AND POLICY GUIDANCE

This document describes the requirements for developing deficiency plans in Santa Clara County. The purpose of this document is to assist Member Agencies in preparing and successfully implementing deficiency plans for their respective jurisdictions.

1.1 Legislative Requirements

In accordance with California Government Code Section 65088, VTA, as the designated Congestion Management Agency (CMA) for Santa Clara County, has established a process for developing deficiency plans as part of its Congestion Management Program (CMP) that is updated biennially.

The California Congestion Management Program legislation requires Member Agencies to prepare deficiency plans for CMP System facilities located within their jurisdictions that exceed, or are expected to exceed in the future, the CMP traffic level-of-service (LOS) standard [California Government Code Section 65089.4]. The CMP traffic LOS standard for Santa Clara County is LOS E. The CMP statute also requires that deficiency plans improve system wide traffic level of service and contribute to significant improvement in air quality. If a CMP System facility exceeds the LOS standard and does not have an approved deficiency plan, then the local jurisdiction with the deficient CMP facility is at risk of losing gas tax revenue generated from Proposition 111.

In addition, CMP legislation also requires Member Agencies to follow processes established by the CMAs for evaluating, approving, and monitoring deficiency plans.

1.2 Document Conventions

A. Unless explicitly stated, all references to documents in the VTA Deficiency Plans Requirements document shall mean the most recent published document version.

B. In this document, the word “should” is used to indicate recommended actions. The words “shall” or “must” are used to indicate required actions or requirements.

C. The term “CMP System” or “CMP facility” refers to any transportation facility included in the CMP Roadway System as defined in VTA’s Congestion Management Program. These facilities include freeways, expressways, state highways, arterials and arterial segments, and selected intersections.

D. “Project impact” means when the analysis shows that the project will cause the LOS to deteriorate by a given threshold amount. The threshold amounts for each of the three CMP facility types are described as follows:

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1 Proposition 111 – A California transportation bill, also known as the Traffic Congestion Relief and Spending Limitation Act of 1990, is a gas tax that was enacted statewide to relieve traffic congestion by establishing a funding program to improve the state highway, local streets and roads, and public mass transit facilities.
1. Intersections at LOS F: A project is said to impact an intersection determined to have been at LOS F under background conditions if:
   - addition of the project traffic increases the average control delay for critical movements by four (4) seconds or more, and
   - project traffic increases the critical v/c value by 0.01 or more.

The exception to this threshold is when the addition of project traffic reduces the amount of average control delay for critical movements, i.e., the change in average control delay for critical movements are negative. In this case, the threshold is when the project increases the critical v/c value by 0.01 or more.

2. Freeway Segments at LOS F: A project is said to impact a freeway segment determined to have been at LOS F under existing or background conditions, if the number of new trips added by the project is more than one percent of the freeway capacity. This calculation shall be for each direction of travel.

3. Rural Highway at LOS F: A project is said to impact a rural highway determined to have been at LOS F under existing or background conditions, if the number of new trips added by the project is more than one percent of the rural highway capacity. This calculation shall consider both directions of travel.

E. “Lead Agency” or “Member Agency” is defined as the local jurisdiction with the identified deficient CMP facility and is responsible for the development and implementation of a deficiency plan.

F. “Finding of non-conformance” refers to analysis that identifies a CMP facility falling below the established LOS standard.

G. Reference to the “Bay Area Air Quality Management District (BAAQMD)” is also referred to as the “Air District” in this document.

Additional definitions and terminology referenced in this document are listed in Appendix A.
CHAPTER 2 DEFICIENCY PLAN PREPARATION

This chapter describes when deficiency plans should be prepared, the three types of deficiency plans, and the process for preparing deficiency plans in Santa Clara County.

2.1 Conditions Requiring the Development of a Deficiency Plan

Deficiency plans must be prepared and revised by Member Agencies under the following conditions:

A. When a CMP System roadway or intersection that was operating at LOS E or better in the previous baseline year is currently monitored as operating at LOS F;

B. When the development project’s transportation impact analysis indicates that any CMP facility will operate at LOS F following the occupancy of the development project;

C. When a violation of the CMP traffic LOS standard is imminent. This will minimize delay in the land-use approval process and help to ensure that deficiency plans are implemented equitably;

D. When transportation conditions of existing deficiency plans are projected to dramatically change; or

E. When transportation conditions of existing deficiency plans are projected to dramatically change where new analysis of existing and future scenarios would be required and Action List items revised.

2.2 Types of Deficiency Plans

There are three types of deficiency plans that can be developed depending on the Member Agencies’ needs: 1) Mini Deficiency Plan; 2) Specific Area Deficiency Plan; 3) Areawide Deficiency Plan.

Below are descriptions of each of these plans:

1. **Mini Deficiency Plan** – The mini deficiency plan is appropriate for addressing a single CMP facility that has fallen or forecasted to fall below the CMP standard of LOS E. This approach allows project developers and Lead Agencies to submit a deficiency plan as part of a Transportation Impact Analysis (TIA) report. The development of a mini deficiency plan allows developers and Lead Agencies to identify impacted areas, mitigation measures and propose deficiency implementation action items in a single document that can be approved by the VTA Board on an annual basis.

2. **Specific Area Deficiency Plan** – A Specific Area Deficiency Plan is appropriate for addressing transportation impacts to CMP roadways or intersections that will not be mitigated back to conformance within the CMP LOS standards within a defined area. This type of deficiency plan is ideal for covering a localized specific area or special district.
An example of a Specific Area Deficiency Plan is the City of San Jose’s North San Jose Deficiency Plan that was approved in January 2006.

3. **Areawide Deficiency Plan** – Similar to the Specific Area Deficiency Plan, the Areawide Deficiency Plan addresses transportation impacts to all the CMP facilities within a jurisdiction or multiple jurisdictions.

An example of an Areawide Deficiency Plan is the City of Sunnyvale’s citywide Deficiency Plan that was approved in November 2004.

In general, VTA recommends that Member Agencies prepare Specific Area and Areawide Deficiency Plans whenever possible. This will reduce the number of deficiency plans prepared and lead to implementation of comprehensive solutions that addresses land use development and transportation impacts.

The CMP legislation requires that each deficiency plan include implementation of all feasible and applicable actions from the Deficiency Plan Action List (Table 4-1). Member Agencies must identify how all of the identified specific actions will be implemented as part of the deficiency plan.

### 2.3 Deficiency Plan Preparation Responsibilities

This section describes general responsibilities by the Lead Agency for the preparation of deficiency plans.

- **A.** Deficiency plans should be prepared by the Member Agency in which the deficient CMP System facility or set of facilities is located.

- **B.** Member Agencies should consult with the Santa Clara Valley Transportation Authority and other appropriate agencies when developing a deficiency plan.

- **C.** If a CMP System facility is located in more than one jurisdiction within Santa Clara County, a single deficiency plan should be prepared for that facility. In this case, all jurisdictions affected by the facility should participate in development of the deficiency plan.\(^2\)

- **D.** If a CMP System facility is impacted by traffic from several jurisdictions, the Member Agencies involved should work together to prepare the deficiency plan.

- **E.** Deficiency plan actions and requirements are interjurisdictional. For example, a development project located in City A that impacts a CMP facility in City B would be subject to City B’s deficiency plan (assuming that City B already has an adopted deficiency plan or will be developing one as a result of the development project in City

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\(^2\) Deficiency plan preparation for County expressways and expressway intersections within the CMP System are the responsibility of the cities through which the expressways travel. The city preparing a deficiency plan for an expressway or expressway intersection will involve the County in the development of the deficiency plan.
A) for that facility. In this example, the development project must implement actions in City B’s deficiency plan.

F. VTA will not perform environmental review of locally prepared deficiency plans. The Member Agencies are responsible for preparing the appropriate level of environmental review (e.g. following the California Quality Environmental Act requirements) of the deficiency plan prior to deficiency plan approval. Any environmental documentation that is necessary for the deficiency plan must be included with the deficiency plan prior to consideration of approval by VTA.

G. Member Agencies may hire consultants to prepare deficiency plans; however, the Member Agency remains responsible for the contents, implementation, and public notification of the deficiency plan.

H. The Member Agency responsible for preparing the deficiency plan may require a development project or projects to help pay for preparation of the deficiency plan.

I. Member Agencies are responsible for using the appropriate technical guidelines from VTA’s Technical Standards and Procedures for Santa Clara County and other applicable guidelines when developing deficiency plans.
Figure 1: Deficiency Plan Development Process

Is the CMP System facility in violation of the traffic LOS standard?*  

No  

Continue to monitor facility as part of Annual LOS Monitoring Program

Yes  

VTA finds Member Agency in non-conformance with CMP  

Member Agency may lose Proposition 111 gas tax revenues

Prepare deficiency plan** (Local Government)  

VTA determines if deficiency plan meet CMA standards?  

Doesn’t Meet Standards

Meets Standards  

Member Agency implements deficiency plan actions  

See Monitoring Flowchart

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* VTA recommends that Member Agencies prepare deficiency plans in advance of measuring a traffic LOS violation on the CMP System. Preparing deficiency plans in advance will ensure that land-use development projects are not delayed waiting for preparation and approval of deficiency plans.

** Deficiency plans are developed using data from the VTA Transportation Database, VTA Land-Use Database, VTA Deficiency Plan Guidelines, Deficiency Plan Action Item List and input from other jurisdictions/agencies affected by deficient facility.
CHAPTER 3  DEFICIENCY PLAN CONTENT REQUIREMENTS

CMP statute (California Government Code Section 65089.4) defines the contents that must be included in a deficiency plan. This chapter describes the deficiency plan contents. An outline of a deficiency plan is shown in Table 3-1, Page 15.

3.1 Deficiency Plan Requirements

Below is a description of the elements required in deficiency plans for Santa Clara County:

A. Introduction:

The deficiency plan shall include an introduction that describes the specific facility or area boundaries included in the deficiency plan, existing transportation conditions in the area, and provide general background information about the deficiency plan.

In addition, the introduction must include the objective(s) of the deficiency plan; a description of the deficient facilities, a description of projected transportation conditions based upon future development conditions and traffic growth, and a list of government agencies responsible for the facilities and of the agencies that took part in the preparation of the deficiency plan.

B. Deficiency Analysis/Cause:

An analysis of the causes of the deficiency. This analysis shall include the following: (A) Identification of the cause of the deficiency. (B) Identification of the impacts of those local jurisdictions within the jurisdiction of the agency that contribute to the deficiency... [California Government Code Section 65089.4 (c)(1)(A)(B)].

If a deficiency plan is prepared in anticipation of a deficiency, then the most likely cause(s) of the deficiency should be noted, including the impacts. For example, identify the amount of development potential for the area and the restrictions that prohibit growth such as limited right-of-way available for widening the CMP roadway.

All deficiency plans must be prepared based upon transportation forecasts for a minimum of 10 years of future development that is projected to impact the deficient facility (ies). These forecasts may be in the form of traffic growth projections and/or specific project traffic estimates. The forecasts must be based upon the VTA-approved ABAG projections, unless more accurate local projections are available.

C. Improvement List:

A list of the improvements necessary for the deficient segment or intersection to maintain the minimum level of service otherwise required and the estimated costs of the improvements. [California Government Code Section 65089.4 (c)(2)].
Improvements presented in this list are all the mitigation measures (physical improvements) that were explored but were difficult or impossible to implement, for example, adding a lane to a major freeway that has no available right of way.

This section must also include explanations why the improvements necessary to maintain the CMP traffic LOS standard cannot be implemented.

Cost estimates included in deficiency plans may be based on planning-level rather than engineering-level cost analyses.

D. Deficiency Plan Action List:

The Deficiency Plan Action List is a list of improvements, programs, and actions that include cost estimates to implement as part of the deficiency plan.

A list of improvements, programs, or actions, and estimates of costs that will (A) measurably improve multimodal performance,...and (B) contribute to significant improvements in air quality such as improved public transit service and facilities, high occupancy vehicle facilities, parking cash-out programs, and transportation control measures. [California Government Code Section 65089.4 (c)(3)].

The CMP legislation further states:

The air quality management district or the air pollution control district shall establish and periodically revise a list of approved improvements, programs, and actions that meet the scope of this paragraph. If an improvement, program, or action is on the approved list and has not yet been fully implemented, it shall be deemed to contribute to significant improvements in air quality. If an improvement, program, or action is not on the approved list, it shall not be implemented unless approved by the local air quality management district or air pollution control district. [California Government Code Section 65089.4 (c)(3)(B)].

The Air District developed a Deficiency Plan Action List in November 1992 that contains actions, improvements, and programs (herein referred to as “actions”) for use in local deficiency plans. Member Agencies shall use the Air District’s most current Deficiency List to develop their deficiency plans. These actions are summarized in Table 3-1.

The Action List section of a deficiency plan must also include the following:

1. All feasible and applicable deficiency plan actions from the most current version of the Air District’s Deficiency List developed in collaboration with VTA.

2. Actions on the implementation action list are inapplicable to the project, Member Agencies must illustrate to VTA that the action was explored and must receive approval from VTA staff that the finding of inapplicability is technically correct. The Member Agencies may then work with VTA staff to identify alternative actions that are appropriate for the specific project. The Member Agency must document that
they evaluated the actions on the improvement action list and provide justification for why these projects were insufficient.

3. An exact description of how all actions included in the deficiency plan will be implemented. This description must include: the cost to implement and sustain the action; the expected benefits of the action in terms of improving CMP System transportation conditions.

4. A qualitative description and explanation of how the actions implemented will contribute to improving the CMP system traffic LOS over the condition that would exist without implementing the actions.

E. Action Plan:

The Action Plan is an implementation program for all actions on the Action List.

An action plan...consisting of improvements identified in improvements identified in paragraph (2. List of improvements necessary...), or improvements, programs, or actions identified in paragraph (3. A list of improvements, programs, or actions, and estimates of costs...), that are found by the agency to be in the interest of the public’s health, safety and welfare. The action plan shall include a specific implementation schedule... [California Government Code Section 65089.3 (b) (1) (D)]

The Action Plan must summarize how each action in the deficiency plan will be implemented, who is responsible for implementing it, how funds will be collected and expended to implement the actions, and a schedule for its implementation.

F. Deficiency Plan Monitoring Program:

The deficiency plan must state how the Member Agency will monitor implementation of the deficiency plan actions. The implementation monitoring plan must also correspond to the Member Agency’s implementation schedule as outlined in the Action Plan for all actions, programs and improvements included in the deficiency plan.

G. Environmental Documentation:

The Lead Agency is responsible for performing the appropriate level of environmental review, including following the California Environmental Quality Act (CEQA) guidelines, on the deficiency plan before adopting it. The deficiency plan should include a description of any environmental analysis performed by the Member Agency on the deficiency plan.

H. Multi-jurisdictional Participation and Coordination:

The Lead Agency should include a description of the process used to involve other agencies, including their roles, in the analysis of and development of the deficiency plan.
3.2 Action Plan and Nexus Requirements

This section identifies the government code that jurisdictions can use to collect fees to fund deficiency plan action plans. As part of the deficiency plan requirements, the Action Plan must identify funding sources for each of the proposed action plan items such as a local capital improvement program, transportation impact fees, or developer fees.

CMP legislation specifically allows deficiency plans to be funded with developer fees. Chapter 5 of the California Government Code Section 66000, “Fees for Development Projects,” provides a detailed description of the nexus requirements that jurisdictions must follow for implementing and collecting fees on development projects or funding action plans of deficiency plans. Below is a summary of the nexus requirements:

A. Identify the purpose of the fee;

B. Identify the use to which the fee will be put (e.g. identify the facilities to be constructed or the programs to be funded; the identification may be by reference to a capital improvement plan);

C. Determine how there is a reasonable relationship between the fee’s use and the type of development project on which it is imposed;

D. Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which it is imposed; and

E. Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility attributable to the development on which the fee is imposed.

A copy of this legislation that includes additional information on the requirements is provided in Appendix B.
Table 3-1
Sample Deficiency Plan Outline

A. **Introduction** – This section describes the facility (facilities or area) for which the deficiency plan is being prepared. It should include the following:

1. Deficiency plan objectives;
2. Description of the facility or area’s configuration and location;
3. Map of facility or area location and a description of the deficiency plan boundaries;
4. Description of existing transportation conditions;
5. Description of projected future transportation conditions based upon development projections and traffic growth; and
6. Listing of government agencies responsible for the facilities and the agencies that took part in preparation of the deficiency plan.

B. **Deficiency Analysis/Cause** – This section describes the type and cause of the deficiency. If the deficiency plan is being prepared in anticipation of a deficiency, then the likely cause should be identified.

C. **Improvement List** – This section describes the mitigation measures (physical improvements), estimated cost that would be necessary to maintain the CMP traffic LOS standard on the subject facility (-ies) and difficult or impossible to implement.

D. **Deficiency Plan Action List** - This section describes the improvements, actions and programs proposed for improving CMP System LOS and contributing to air quality improvement. The following information must be provided for each action included in the deficiency plan:

1. A description of the action;
2. Cost to implement and sustain the action;
3. A description of the action’s effectiveness at improving the CMP System LOS and regional air quality; and
4. A schedule for implementing the action items.

E. **Action Plan** – This section describes how the deficiency plan actions will be implemented. It must list who is responsible for implementing each action, how the action will be paid for, and when each action will be implemented.

F. **Deficiency Plan Monitoring Program** – This section describes how the Member Agency plans to evaluate the implementation of deficiency plan actions:

G. **Environmental Documentation** – This section describes the environmental analysis performed by the Member Agency on the deficiency plan.

H. **Multijurisdictional Participation and Coordination** – This section describes the process used to involve other agencies in the analysis and development of the deficiency plan.
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CHAPTER 4  DEFICIENCY PLAN ACTION LIST AND IMPLEMENTATION STANDARDS

CMP legislation [California Government Code Section 65089.4 (c)(3)] requires congestion management agencies to follow the deficiency planning guidelines and use the action items from the Deficiency Action List developed by the local air quality management district. The statute also states that “If an improvement, program or action is not on the approved list, it shall not be implemented unless approved by the local air quality management district or air pollution district.” This chapter presents a summary of the Deficiency Plan Action List and describes VTA’s implementation standards.

4.1 Deficiency Plan Action List

Member Agencies, in collaboration with VTA and other participating agencies, shall include programs, actions and improvements selected from the Air District’s most recent Deficiency List and transportation control measures listed in the Air District’s most recent Clean Air Plan. Table 4-1 on the next page shows a summary of Air District’s Deficiency Plan Action List. A detailed description of the individual action items and improvement programs are in Appendix B.

4.2 Implementation Strategies

Deficiency plans must include an action plan and implementation schedule. Deficiency plan actions can be implemented in various ways. Below are several examples of implementation strategies:

Capital Improvement/Investment Program

Certain deficiency plan actions could be implemented as part of VTA’s Capital Investment Program (e.g. VTP 2035) or Member Agencies’ capital improvement programs. Examples include transit improvements, HOV facilities, new transit facilities, transit corridor development projects, and roadway improvements.

Transportation Demand Management Program

Transportation Demand Management Programs are essentially programs that promote alternative transportation modes, including, but not limited to carpools, van pools, transit, bicycles, and park-and-ride lots; and other strategies such as promotion of flexible work hours, telecommuting, and congestion pricing. These types of programs may be included in action plans of deficiency plans.

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3 The air quality management district for Santa Clara County is the Bay Area Air Quality Management District (BAAQMD). The BAAQMD includes the following counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, the western area of Solano, and the southern area of Sonoma Counties.

Phasing

VTA recognizes that the funding of action plans, specifically for Specific Area and Areawide Deficiency Plans are dependent on future and sometimes uncertain economic conditions relating to land use development growth. Member Agencies may include a phased approach that identifies the timing and thresholds when specific deficiency plan action items would be implemented.
Table 4-1
Deficiency Plan Action List

A. BICYCLE AND PEDESTRIAN MEASURES
A1. Improved Roadway Bicycle Facilities and Bike Paths
A2. Transit and Bicycle Integration
A3. Bicycle Lockers and Racks at Park and Ride Lots
A4. Bicycle Facilities and Showers at Developments
A5. Improved Pedestrian Facilities
A6. Pedestrian Signals
A7. Lighting for Pedestrian Safety

B. TRANSIT
B1. Improvement of Bus, Rail, and Ferry Transit Service
B2. Expansion of Rail Transit Service
B3. Expansion of Ferry Services
B4. Preferential Treatment for Buses and In-Street Light Rail Vehicle (LRVs)
B5. Transit Information and Promotion
B6. Transit Pricing Strategies to Encourage Ridership and Reduce Transit Vehicle Crowding
B7. Transit Fare Subsidy Programs
B8. Transit Centers
B9. Improved and Expanded Timed Transfer Programs
B10. Improved and Expanded Fare Coordination
B11. Signal Preemption by Transit Vehicles
B12. Bus Stop Bulbs
B13. School Bus Transit Service

C. CARPOOLING, BUSPOOLING, VANPOOLING, TAXIPOOLING, JITNEYS, CASUAL CARPOOLS AND OTHER SHARED RIDES (Ridesharing)
C1. Preferential Treatment for Shared Ride Vehicles
C2. Increased Use of Commuter/Employer Services

D. HIGH OCCUPANCY VEHICLE (HOV) FACILITIES
D1. Preferential Treatment for HOVs
D2. Bus and Carpool/Buspool/Vanpool/Taxipool Priority Lanes on Local Arterials
D3. Accelerated Implementation of the 2005 HOV Master Plan
D4. HOV to HOV Facilities
D5. Direct HOV Lane Entrance/Exit Ramps to Arterials and Space Generators

E. OTHER TCMs, RELATED MEASURES
E1. Stricter Travel Demand Management/Trip Reduction Ordinance
E2. Expanded Public Education Programs
E3. Child Care Facilities at or close to Employment Sites, Transit Centers and Park and Ride Lots
E4. Retail Services at or close to Employment Sites, Transit Centers and Park and Ride Lots
E5. Telecommuting Centers and Work-at-Home Programs
E6. Parking Management
### F. TRAFFIC FLOW IMPROVEMENTS

| F1. | Preferential Treatment of HOVs (See measures B4 and C1) |
| F2. | Ramp Metering |
| F3. | Auxiliary Lanes |
| F4. | Signalization Improvements |
| F5. | Computerized Traffic and Transit Control/Management on Arterials |
| F6. | Turn Lanes at Intersections |
| F7. | Turn Restrictions at intersections |
| F8. | Reversible Lanes |
| F9. | One-Way Streets |
| F10. | Targeted Traffic Enforcement Programs |
| F11. | Restrictions on Curb Side Deliveries and On-Street Parking |
4.3 Infeasible Actions

In certain instances, actions on the Air District’s Action List may be infeasible for a local jurisdiction. For example, it may be infeasible to install bicycle lockers at light rail stations that are located in the middle of the street because of space restrictions. Prior to determining an action as infeasible, the Member Agency should consult with VTA staff to ascertain that the finding of infeasibility is technically correct.

4.4 Deficiency Plan Implementation Guidelines and Standards

Member Agencies shall follow the appropriate current guidelines standards such as VTA’s Technical Standards and Procedures technical documents or adopted local policies for implementing specific items from the deficiency plan action plan. Below are examples of established guidelines and standards typically used in Santa Clara County:5

- VTA Community Design and Transportation Best Practices Manual
- VTA Bicycle Technical Guidelines
- VTA Pedestrian Technical Guidelines
- Caltrans Highway Design Manual
- Highway Capacity Manual
- Manual on Uniform Traffic Control Devices

The implementation standards for each action item shall be described and presented in the following format6:

1. Measure category (e.g. A. Bicycle and Pedestrian Action);
2. Specific control measures (e.g. A1. Improved Roadway Bicycle Facilities and Bike Paths);
3. Description – a description of the action;
4. Intent – a description of what the action is intended to achieve;
5. Standards – the Member Agency’s requirements to implement the action;
6. Timing/Phasing – a description of what must be included in the deficiency plan and when the action must be implemented; and

5 The technical documents presented in this list are not inclusive as there may be other established standards that may be appropriate for use in Santa Clara County depending on the specific situation.

6 Examples of the first two descriptions can be found in Table 4-1. Deficiency Plan Action List and in Section 1 of the BAAQMD’s 1992 Deficiency List located in Appendix A of this document.
7. Approval Criteria – a basic description of what VTA will be looking for from Member Agencies in approving Deficiency Plans. The specific description will be developed upon consultation with VTA.

The timing of when sufficient resources can be allocated to fund specific Deficiency Plan Action Items may be difficult to predict. VTA will be flexible in applying timing requirements. If Member Agencies can justify not meeting specific timing requirements in the standard, VTA may grant an extension to the Member Agency applicant.

Table 4-2 on the next page provides an example of Action Item Implementation Standard Description.
### Table 4-2: Action Item Implementation Description Example

#### A. BICYCLE AND PEDESTRIAN ACTIONS

**A-2: Bicycle Storage Facilities at Transit Centers**

**Description:** This action consists of adding bicycle storage facilities at designated transit centers including park and ride lots, rail transit stations, and regional and Subregional transfer points.

VTA will work with Member Agencies in designating transit centers appropriate for adding bicycle storage facilities within the Deficiency Plan area. In some cases, bicycle storage facilities might more appropriately be added at existing transit stations outside the deficiency plan area to better achieve the deficiency plan goals. For example: if the deficiency plan area contained all employment centers with few transit centers in existing residential areas, where workers live, as part of the deficiency plan.

Bicycle storage facilities shall include bicycle lockers, secured rooms, bicycle racks and equipment storage lockers for bicyclists.

**Intent:** To facilitate the use of bicycles for commuting and other trips.

**Standards:**

1. A minimum of 10 bicycle lockers shall be provided at all designated transit centers within the deficiency plan area, and at identified transit centers outside the deficiency plan area.

2. Secure and protected bicycle racks shall be provided at transit centers where necessary and feasible. Bicycle racks must allow use of U-type bike locks.

3. Storage lockers for bicyclists shall be provided at transit centers wherever possible.

**Timing/Phasing:** The deficiency plan must include a list of all transit centers that will be improved as part of the deficiency plan and an implementation plan as well as funding sources and schedules for installing the bicycle storage facilities.

**Approval Criteria:** VTA will require that these actions be implemented at all appropriate transit centers as quickly as possible. The plan should include installing equipment at all transit centers in the deficiency plan within 24 months.

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7 VTA has developed the Bicycle Technical Guidelines document and the Countywide Bicycle Plan, the Bicycle element of the Valley Transportation Plan (VTP 2020). Member Agencies should consult these reference materials when planning, siting, and estimating the number and type of bicycle storage deemed appropriate for specific development projects.
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CHAPTER 5  DEFICIENCY PLAN EVALUATION AND APPROVAL PROCESS

The evaluation and approval of deficiency plans is dictated by CMP legislation\(^8\). This chapter describes the deficiency plan evaluation, criteria, and approval process.

5.1  Deficiency Plan Evaluation

Member Agencies must prepare deficiency plans and adopt them at a noticed public hearing. The Deficiency Plan is then submitted to VTA. According to CMP legislation:

\[
A \text{ city or county shall forward its adopted deficiency plan to the agency within 12 months of the identification of a deficiency. The agency shall hold a noticed public hearing within 60 days of receiving the deficiency plan. Following the hearing, the agency shall either accept or reject the deficiency plan in its entirety, but the agency may not modify the deficiency plan. If the agency rejects the plan, it shall notify the city or county of the reasons for that rejection.}^9
\]

The Requirements for Deficiency Plans define the criteria that will be used to approve or reject deficiency plans. VTA staff will analyze deficiency plans submitted by Member Agencies using the adopted criteria, and present a report to the VTA Board that documents their findings and contains a recommendation to approve or reject the Deficiency Plan.

The following criteria will be used when evaluating deficiency plans:

1. Are all actions on the most current version of the Immediate Implementation Action List that are applicable and feasible included in the Deficiency Plan? Are the reasons why any actions found to be inapplicable or infeasible adequate?

2. Are sufficient actions included in the deficiency plan to compensate for the deficient facility’s unacceptable LOS? Are these actions on the Deficiency Plan Action List or have they been approved by the Air District? Is the technical analysis of physical improvements included in the Deficiency Plan adequate?

3. Does the Deficiency Plan include a workable program to guarantee implementation of all actions and improvements included in the Deficiency Plan?

4. Are the costs for implementation of the Deficiency Plan actions reliably estimated? Does the Deficiency Plan include an adequate method for financing the actions and improvements?

5. Are the Deficiency Plan actions and improvements consistent with all appropriate regional and local plans? (i.e. the Regional Clean Air Plan, the Regional Transportation Plan, the Regional Transportation Improvement Program, the BAAQMD’s Deficiency Plan Action List and any subsequent requirements, and applicable General Plans).

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\(^8\) California Government Code Section 65089.4.

\(^9\) California Government Code Section 65089.4(d)
6. Did the local jurisdiction consult with all appropriate neighboring jurisdictions and agencies when preparing the Deficiency Plan?

7. Does the Deficiency Plan include a monitoring program that will assess whether Deficiency Plan actions and improvements have been implemented?

8. Did the Member Agency prepare an adequate environmental analysis of the Deficiency Plan?

In accordance with CMP legislation, VTA will consider the adequacy of deficiency plans at a noticed public hearing. If a deficiency plan is rejected, VTA will provide a written report that documents its reasons for rejecting the deficiency plan.

5.2 Deficiency Plans and the Land-Use Approval Process

VTA’s Deficiency Plan Requirements require that a development project participate in implementation of deficiency plans in the following three situations:

1. The development project is located within a deficiency plan area;

2. The development project will impact a deficient CMP System roadway or intersection; and/or,

3. The development project or land-use decision will cause a deficiency on a CMP System roadway or intersection. 10 (Cause is defined as making a CMP System roadway or intersection(s) go from an acceptable LOS to an unacceptable LOS.)

For projects that must participate in the deficiency plan, there are two potential scenarios:

1. A VTA-approved deficiency plan exists for the area, or

2. A deficiency plan does not exist.

If a VTA approved deficiency plan exists for the area, the development project incorporates and implements the appropriate deficiency plan actions as part of its conditions of approval. The project may then be approved by the Member Agency.

If a VTA approved deficiency plan does not exist for the area, there are three options:

1. The project’s developer can wait until the deficiency plan is adopted by the city and approved by the CMP, prior to the jurisdiction considering approval of the project;

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10 The question of whether a project will impact a deficient facility or will cause a deficiency will be determined through the project’s transportation impact analysis and/or the annual CMP Monitoring Report. All transportation impact analyses must be prepared using the CMP’s Transportation Impact Analysis Methodology.
2. A deficiency plan can be prepared by the Member Agency concurrent with the development project’s transportation impact analysis, and the project would be considered for approval after VTA adoption of the deficiency plan; or

3. The project’s developer may agree in advance to participate in implementation of the deficiency plan once it is adopted and approved. In this case, the Member Agency must ensure that the project’s developer participates in implementing all appropriate actions in the latest version of the Requirements for Deficiency Plans, and agrees to participate in any specific actions that are developed as part of a deficiency plan for the area.

When this process is followed, secure financial commitment from the developer for the implementation of the deficiency plan should be required by the Member Agency. Furthermore, adequate safeguards such as conditioning the permit of occupancy must be included into the approval process to make certain the developer participates in the implementation of the deficiency plan.
5.3 Interjurisdiction Land-Use Issues

The CMP requirements for maintaining the CMP traffic LOS standard and participation in deficiency plans are multi-jurisdictional. In other words, if a development project in City A is shown to impact a CMP System roadway in City B, which has a deficiency plan, then City A is responsible for ensuring that the development project either mitigates its impact on the deficient facility or participates fully in City B’s deficiency plan.

In some situations, a land-use development project in one city will be projected to impact or cause a deficiency on a CMP System roadway or intersection in an adjacent jurisdiction, which may not have a deficiency plan. In this case, the process described below shall be used:

1. City A must prepare a deficiency plan for the area in which the project is located. This deficiency plan will include all the actions on the CMP’s Deficiency Action List. (Preferably, City A will have prepared this deficiency plan in advance.)

   The development project’s transportation impact analysis will identify improvements to the deficient CMP System roadways and intersections as well as specific deficiency plan actions that can be implemented as part of a deficiency plan for the adjacent city.

2. City A will then obtain a secure financial commitment for the project’s proportional share of the cost of City B’s improvements and actions from the project’s developer. City A can then approve the project.

3. City B has the option of preparing a deficiency plan for the facility affected by the project. The deficiency plan includes improvements identified in the project’s transportation impact analysis.

This process is also shown in Figure 2 on the next page.

Furthermore, CMP legislation states that if it is determined that more than one local jurisdiction is responsible for causing a deficient segment or intersection, all responsible local jurisdictions shall participate in the development of a deficiency plan to be adopted by all participating local jurisdictions.¹¹

When the adjacent jurisdiction has a deficiency plan approved by VTA, it can receive funds held from the development project by City A for use in implementing the deficiency plan. However, VTA prefers that a single deficiency plan be developed when there is a situation such as this, preferably by City A with considerable input from City B.

In the event that conflicts arise between jurisdictions when developing deficiency plans, there is a conflict resolution process that Member Agencies may choose to follow. This conflict resolution process is described in Chapter 7 of this document.

¹¹ California Government Code Section 6089.4 (e)(1)
Figure 2: Interjurisdictional Deficiency Plan and Land-Use Approval Process

NOTES:
City "A" = City where project is located
City "B" = City with deficiency that is impacted/cause by project
TIA = Transportation Impact Analysis Report
1. It is assumed that City "A" has a CMA-approved deficiency plan for the project area. If not, City "A" must follow process in Figure 4.
2. City "B" may include the specific actions identified in the TIA, or use the money for other purposes in the deficiency plan.
5.4 Future Development Projections

All deficiency plans must include traffic projections for future development that is expected to impact deficient facilities. These projections must include development from neighboring jurisdictions as well as the jurisdiction preparing the deficiency plan. The projections must be based upon an approximately ten-year forecast of development and be consistent with the CMP-approved ABAG projections from the CMP’s Countywide Transportation Model, unless more accurate local projections are available. The word *approximately* is used because in some cases the appropriate CMP-approved development projections will be for slightly more or fewer than ten years.

Deficiency plans prepared using this process will serve as an fundamental foundation for performing cumulative transportation analyses of development projects, which is required under the CMP’s Transportation Impact Analysis Methodology. Including future traffic projections in a deficiency plan based upon overall growth assumptions rather than a detailed description of future projects will allow Member Agencies to prepare deficiency plans that will be more effective over the long term. Additionally, it will help prevent situations where the last project approved is forced to shoulder the burden for all the actions and improvements required as part of the deficiency plan.
CHAPTER 6  DEFICIENCY PLAN MONITORING

The CMP legislation requires that all elements of the CMP, including deficiency plans, be monitored at a minimum, on a biennial basis. For local jurisdictions, the most important part of the planning process is monitoring, because monitoring helps them determine how successful their plans are at meeting their objectives, and provides information on how to improve the effectiveness of deficiency plans.

VTA has developed a two-part monitoring and evaluation process for deficiency plans. As with other elements of the CMP, both Member Agencies and VTA have a role in monitoring. First, Member Agencies will monitor their implementation of the actions contained in their deficiency plan(s). Second, as part of the overall CMP monitoring program, VTA will evaluate the cumulative effectiveness of deficiency plans in improving systemwide LOS and air quality.

Figure 3 on the next page illustrates the deficiency plan monitoring process. This chapter describes both parts of the monitoring and evaluation process and presents examples for use by Member Agencies in monitoring deficiency plans.

6.1  Deficiency Plan Implementation Monitoring Program

All deficiency plans must include a Deficiency Plan Implementation Monitoring Program. This program outlines how the Member Agency will evaluate the scheduled implementation of actions as contained in the Action Plan section of the deficiency plan.

The following example illustrates what must be included in a Deficiency Plan Implementation Monitoring Program for each deficiency plan action.

Example: Implementation Monitoring Program

Action A-3: Adding bicycle lockers and racks at major transit centers—there are a total of five (5) identified transit centers in Silicon City. The city will add lockers and racks at two transfer centers each year. At each center, ten (10) lockers and twenty (20) bicycle racks will be installed. The actual number of lockers and racks at each center should be justified based upon the CMP’s Implementation Standards for each action). This action will be implemented as part of the city’s Capital Improvement Program.

A similar description for each action item must be included in the Deficiency Plan Implementation Monitoring Program.
**Chapter 6 Deficiency Plan Monitoring**

**Figure 3: Deficiency Plan Monitoring Process**

1. Member Agency prepares deficiency plan that includes an Implementation Monitoring Plan
2. CMA approves deficiency plan
3. Member Agency implements deficiency plan

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**Deficiency Plan Monitoring — Annual Process**

1. VTA monitors compliance of approved deficiency plan implementation schedule
2. VTA determines whether Member Agency is properly implementing deficiency plan as approved by CMA
   - Yes: VTA finds Member Agency in conformance with CMP
   - No: Member Agency is required to re-establish schedule within “x” months
3. VTA determines whether Member Agency is on schedule
   - Yes: Member Agency may lose Proposition 111 gas tax revenues
   - No: VTA finds Member Agency in non-conformance
6.2 Deficiency Plan Implementation Status Report

Member Agencies must submit a Deficiency Plan Implementation Status Report as part of the monitoring and conformance process for the CMP. These reports will describe the progress on the implementation of all the improvements and actions included in a deficiency plan. These reports will be based upon the Implementation Monitoring Program as contained in the deficiency plan.

The following example illustrates a status report for one action from a deficiency plan. A similar status report must be provided to the CMP for all actions included in the deficiency plan(s).

Example: Implementation Status Report

Action F-3: Improved Traffic Signal Coordination—The traffic signal coordination program described in the deficiency plan for “B” Street is 90% complete. The deficiency plan’s Action Plan projected that the traffic signal coordination program would be complete this year. Unfortunately, the manufacturer could not provide the necessary equipment in time to meet that schedule. However, the equipment has been received and the program should be completed within two months.

If a Member Agency has more than one deficiency plan, it may provide VTA with one Deficiency Plan Implementation Status Report that includes all of the necessary information for all deficiency plans.

In addition to the status report provided for each action, the Member Agency must include a financial report for deficiency plan implementation. The report should indicate the source of funds collected for implementing the deficiency plan actions (i.e. ISTEA funds, city capital improvement fund, or developer fees) as well as how these funds were spent.

6.3 Approval of Deficiency Plan Progress

As part of its annual monitoring process, VTA will review Member Agencies’ Deficiency Plan Implementation Status Reports for purposes of determining conformance with the CMP.

If a Member Agency is not meeting the implementation schedule it set forth in a deficiency plan, VTA may require the Member Agency to expedite the implementation schedule, or otherwise find the Member Agency in nonconformance with the CMP.

6.4 Evaluation of Effectiveness

The purpose of deficiency plans is to improve CMP System level of service and contribute to an improvement in regional air quality. Since both of these goals are countywide in nature, VTA will evaluate the effectiveness of deficiency plans as part of its monitoring program.

VTA will use a couple of types of quantitative data to analyze overall CMP effectiveness. This data will include LOS data submitted to the VTA by Member Agencies as part of the LOS monitoring program and modeling data, such as vehicle miles traveled and auto trip reductions gathered from the VTA’s Countywide Transportation Model. VTA recognizes that it will be
difficult to measure the actual effectiveness of individual actions or even of individual deficiency plans, particularly since most of the actions are designed to achieve maximum effectiveness over a long period of time.
CHAPTER 7 OTHER CONSIDERATIONS

This chapter includes two new sections to VTA’s Deficiency Plan Requirements: Conflict Resolution, as required by California State CMP Statute, and Local Intersection Management Strategies. The policy discussion on agencies exempting specific local intersections from their LOS policy is still under development. In the interim, an example of an adopted local intersection management policy is being provided in this section for information.

7.1 Conflict Resolution Process

CMP Statute requires Congestion Management Agencies to “establish a conflict resolution process for addressing conflicts or disputes between local jurisdictions in meeting the multijurisdictional deficiency plan responsibilities of this section.” [California Government Code Section 65089.4(e)(3)]

The intent of the conflict resolution process is to help local jurisdictions resolve conflicts that arise through a useful, flexible process, one that is not overly rigid so that it can respond to the particulars of the jurisdictions involved. This process can be used in two types of conflicts. The first type of conflict arises when one jurisdiction questions another’s compliance with either the Congestion Management Program. In these conflicts, VTA has an obligation to determine a jurisdiction’s compliance. The second type of conflict arises where disputes between jurisdictions hinder the implementation of VTA’s programs, although they do not affect a jurisdiction’s compliance with the CMP. In the first type of conflict, participation is mandatory. In the second, it is voluntary.

Three principles underlie the conflict resolution process. First, consensus at the local level on the resolution of conflicts is encouraged through VTA’s Technical Advisory Committee (TAC). Second, when the TAC is unable to reach consensus, VTA will look for evidence of “good faith” among the parties involved when determining compliance. Finally, VTA’s determination of compliance will affect the allocation of CMP funds but will not affect local agencies’ land use authority or require programs that conflict with a community’s fundamental socioeconomic or environmental character.

The conflict resolution process has four phases. In the first phase, project initiation, the initiating party asks the VTA Board to approve the initiation of the process and outlines the issues needing resolution. In the second phase, VTA staff or consultant will meet with the parties involved to assess the issues in the dispute and its appropriateness for the conflict resolution process. The third phase involves the settlement sessions among the parties involved and the development of a settlement agreement. The final phase involves the implementation and monitoring of the agreement and VTA’s assessment of good faith by the parties involved.

It should be noted that each situation that occurs may be different. Conflict resolution is a process that can be adjusted to meet the needs of Member Agencies. The process outlined above is a basic method to address conflict issues between two Member Agencies and there may be another process that can be agreed upon based on the situation.
7.2 Local Intersection Management Strategies

This section is for informational purposes for agencies developing a deficiency plan. The development of local intersection management strategies or "protected intersection" concept is one that agencies have used in conjunction with their land use development processes.

VTA encourages land use intensification—particularly in urban cores, transit corridors and station areas—as an effective way to encourage walking and transit and to accommodate future growth while minimizing the increase in vehicle demand. It is also the desire of many local jurisdictions as land use intensification also allows cities to create affordable, accessible and vibrant urban spaces.

Strictly maintaining traffic levels of service standards can sometimes conflict with land-use policies that promote the sustainable communities, especially in areas like urban cores and transit corridors, where higher densities are preferable. To address this issue, cities in Santa Clara County have begun modifying city-imposed level of service requirements on intersections in designated infill areas. These policies are used as a planning tool to help cities concentrate growth in established cores such as downtowns and specific designated high density areas.

City of San Jose already has an adopted transportation impact policy that includes protected intersections in designated areas such as downtown. A copy of the City of San Jose’s “protected intersection” policy is provided in Appendix D.

The above examples do not involve any CMP intersections, which require special considerations. When CMP intersections are involved, a deficiency plan for these intersections will be required. The deficiency planning process allows Member Agencies to exempt CMP intersections from the LOS E requirement. This process requires the city/developer to demonstrate that vehicle-based mitigations are financially or physically unfeasible then to identify feasible, non-vehicle-based mitigations which must be approved and adopted by the lead agency and the CMA.

As more Cities consider similar policies that may result in additional local protected intersections, the performance of nearby CMP facilities may be affected. It should be emphasized that should these CMP intersections fall below the LOS standard, the jurisdiction with the deficient CMP facility will be required to develop a deficiency plan.

VTA strongly recommends Member Agencies to consult with VTA staff before considering pursuing Exempt/Protected Intersection policies.
APPENDIX A:

GLOSSARY

The following definitions apply to the VTA Deficiency Plan Requirements document:

Approved project: Any land-use projects expected to generate trips on the designated CMP System. “Approved projects” may include such land-use approvals as planned development zonings, planned development permits, site and architectural permits, conditional permits, and other approvals that represent a comparable degree of land-use entitlement.

Bay Area Air Quality Management District (BAAQMD): The regional, government agency that regulates sources of air pollution within the nine San Francisco Bay Area Counties, also referred to as the “Air District.”

Baseline LOS: A description of the physical environmental conditions in the vicinity of the project that exists at the time of the Notice of Project as described in the California Environmental Quality Act Guidelines (Section 15125). This is essentially the base line LOS in the No Project Conditions scenario.

Bicycle Technical Guidelines: The VTA document that provides a uniform set of optimum standards for the planning, design, and construction of bicycle projects in Santa Clara County.

Capital Improvement Program (CIP): A multiyear program of projects to maintain or improve the traffic level of service and/or transit performance.

CEQA: California Environmental Quality Act.

CMA: Santa Clara County’s Congestion Management Agency.

CMP: Santa Clara County’s Congestion Management Program.

CMP facility: A transportation facility included in the CMP Roadway System as defined in VTA’s Congestion Management Program. These facilities include freeways, expressways, state highways, arterials, and arterial segments, and selected intersections.

Community Design and Transportation (CDT) Program: VTA’s Board-adopted program for integrating transportation and land use.

Deficiency plans: Plans that identify offsetting measures to improve transportation conditions on the CMP facility in lieu of making physical traffic capacity improvements such as widening an intersection or roadway. These plans are reviewed and approved by the VTA Board.

Exempt Intersection: For the purpose of this document, “exempt intersections” are intersections that have been exempt from CMP level of service standards since the CMP baseline standard was established in 1991.
Funded transportation projects: Projects with identified funding for construction. This includes all projects in the State Transportation Improvement Program (STIP).

Project Impact: For purposes of deficiency plans shall be defined as using greater than 1% facility capacity (roadway or intersection), as defined in VTA’s Transportation Impact Analysis Guidelines, Chapter 9 – Project Impacts.

ITE: Institute of Transportation Engineers.

Internal trips: Trips that are expected to have both their origin and destination within specific development projects. For example, if a project consists of office space and residential space, internal trips shall consist of trips by residents of the development project to offices within the development project. The purpose of estimating internal trips is to prevent double counting of trips in trip generation; in the example above, if one trip was assumed to come from the housing and one trip was assumed to come to the office, when in fact it was the same trip, the estimated trip generation from the project would be too high.

Lead Agency: The local jurisdiction that has the responsibility for certifying a land-use development project’s CEQA environmental analysis, and preparing deficiency plans.

LOS: Level of Service. A measure used by transportation engineers to grade the performance of transportation facilities. LOS is graded on a scale of “A” (the best performance) to “F” (the worst performance).

Major bus stop: A bus stop that is served by at least 6 public transit buses per hour per direction during peak periods.

Member Agency: A local jurisdiction that is a signatory for the CMA’s Joint Powers Agreement.

Passer-by trips: Trips that are estimated to be generated by a development project that will come from traffic already on the transportation system and will merely “stop on its way.” Passer-by trips are important for shopping and commercial developments, where it is likely that people on their way home from work will stop without generating a new trip.

Peak Hour: The hour during which the traffic volumes in the area surrounding the project are the highest.

Peak Periods: The hours during which the traffic volumes are at the highest which is typically between 6 a.m. and 9 a.m. for the AM and between 3:00 p.m. and 7:00 p.m. for the PM on non-holiday weekdays.

Pedestrian Technical Guidelines: An adopted technical document that described the key principles for planning for pedestrian-supportive environments in Santa Clara County.

Project: A land-use decision including site-specific land-use approvals, as well as more general planning decisions such as General Plan Amendments.
Proposition 111: A California transportation bill that is a gas tax enacted statewide to relieve traffic congestion by establishing a funding program to improve the state highway, local streets and roads, and public mass transit facilities.

Protected Intersections: Non-CMP intersections that local agencies have exempted in identified high density/infill areas from conforming to locally adopted LOS standards.

Regional Clean Air Plan: The Air District’s guidelines that update the Bay Area 2005 Ozone Strategy in accordance with the requirements of the California Clean Air Act to implement all measures to reduce ozone and provide a strategy to reduce ozone, particulate matter, air toxics, and greenhouse gases in a single plan.

Requirements: Procedures and processes set forth the CMP legislation in reference to the preparation and development of deficiency plans.

Responsible Jurisdiction: The local jurisdiction responsible for preparing the deficiency plan (the city or county in which the deficient facility is located).

Transportation Demand Management (TDM): This is a term used to describe policies and programs (non engineering solutions) to reduce the number of cars on the road. Examples of transportation demand management include flextime, ridesharing, and telecommuting.

Transportation Facility: Any part of the designated CMP System including roadways, intersections, freeways, bicycle facilities, pedestrian facilities, and transit facilities.


Santa Clara Valley Transportation Authority (VTA): The designated congestion management agency for Santa Clara County.

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APPENDIX B:

CALIFORNIA GOVERNMENT CODE RELEVANT TO THE CONGESTION MANAGEMENT PROGRAM AND DEFICIENCY PLANS

Congestion Management

65088. The Legislature finds and declares all of the following:

(a) Although California’s economy is critically dependent upon transportation, its current transportation system relies primarily upon a street and highway system designed to accommodate far fewer vehicles than are currently using the system.

(b) California’s transportation system is characterized by fragmented planning, both among jurisdictions involved and among the means of available transport.

(c) The lack of an integrated system and the increase in the number of vehicles are causing traffic congestion that each day results in 400,000 hours lost in traffic, 200 tons of pollutants released into the air we breathe, and three million one hundred thousand dollars ($3,100,000) added costs to the motoring public.

(d) To keep California moving, all methods and means of transport between major destinations must be coordinated to connect our vital economic and population centers.

(e) In order to develop the California economy to its full potential, it is intended that federal, state, and local agencies join with transit districts, business, private and environmental interests to develop and implement comprehensive strategies needed to develop appropriate responses to transportation needs.

(f) In addition to solving California’s traffic congestion crisis, rebuilding California’s cities and suburbs, particularly with affordable housing and more walkable neighborhoods, is an important part of accommodating future increases in the state’s population because homeownership is only now available to most Californians who are on the fringes of metropolitan areas and far from employment centers.

(g) The Legislature intends to do everything within its power to remove regulatory barriers around the development of infill housing, transit-oriented development, and mixed use commercial development in order to reduce regional traffic congestion and provide more housing choices for all Californians.

(h) The removal of regulatory barriers to promote infill housing, transit-oriented development, or mixed use commercial development does not preclude a city or county from holding a public hearing nor finding that an individual infill project would be adversely impacted by the surrounding environment or transportation patterns.
Appendix B: California Government Code Relevant to the Congestion Management Program and Deficiency Plans

65088.1. As used in this chapter the following terms have the following meanings:

(a) Unless the context requires otherwise, “regional agency” means the agency responsible for preparation of the regional transportation improvement program.

(b) Unless the context requires otherwise, “agency” means the agency responsible for the preparation and adoption of the congestion management program.

(c) “Commission” means the California Transportation Commission.

(d) “Department” means the Department of Transportation.

(e) “Local jurisdiction” means a city, a county, or a city and county.

(f) “Parking cash-out program” means an employer-funded program under which an employer offers to provide a cash allowance to an employee equivalent to the parking subsidy that the employer would otherwise pay to provide the employee with a parking space. “Parking subsidy” means the difference between the out-of-pocket amount paid by an employer on a regular basis in order to secure the availability of an employee parking space not owned by the employer and the price, if any, charged to an employee for use of that space.

A parking cash-out program may include a requirement that employee participants certify that they will comply with guidelines established by the employer designed to avoid neighborhood-parking problems, with a provision that employees not complying with the guidelines will no longer be eligible for the parking cash-out program.

(g) “Infill opportunity zone” means a specific area designated by a city or county, pursuant to subdivision (c) of Section 65088.4, zoned for new compact residential or mixed use development within one-third mile of a site with an existing or future rail transit station, a ferry terminal served by either a bus or rail transit service, an intersection of at least two major bus routes, or within 300 feet of a bus rapid transit corridor, in counties with a population over 400,000. The mixed use development zoning shall consist of three or more land uses that facilitate significant human interaction in close proximity, with residential use as the primary land use supported by other land uses such as office, hotel, health care, hospital, entertainment, restaurant, retail, and service uses. The transit service shall have maximum scheduled headways of 15 minutes for at least 5 hours per day. A qualifying future rail station shall have broken ground on construction of the station and programmed operational funds to provide maximum scheduled headways of 15 minutes for at least 5 hours per day.\(^\text{12}\)

(h) “Interregional travel” means any trips that originate outside the boundary of the agency. A “trip” means a one-direction vehicle movement. The origin of any trip is the starting point of that trip. A roundtrip consists of two individual trips.

Appendix B: California Government Code Relevant to the Congestion Management Program and Deficiency Plans

(i) “Level of Service Standard” is a threshold that defines a deficiency on the congestion management program highway and roadway system, which requires the preparation of a deficiency plan. It is the intent of the Legislature that the agency shall use all elements of the program to implement strategies and actions that avoid the creation of deficiencies and to improve multimodal mobility.

(j) “Multimodal” means the utilization of all available modes of travel that enhance the movement of people and goods, including, but not limited to, highway, transit, non-motorized and demand management strategies including, but not limited to, telecommuting. The availability and practicality of specific multimodal systems, projects, and strategies varies by county and region in accordance with the size and complexity of different urbanized areas.

(k) “Performance measure” is an analytical planning tool that is used to quantitatively evaluate transportation improvements and to assist in determining effective implementation actions, considering all modes and strategies. Use of a performance measure as part of the program does not trigger the requirement for the preparation of deficiency plans.

(l) “Urbanized area” has the same meaning as is defined in the 1990 federal census for urbanized areas of more than 50,000 population.

(m) “Bus rapid transit corridor” means a bus service that includes at least four of the following attributes:

1. Coordination with land use planning.
2. Exclusive right-of-way.
3. Improved passenger boarding facilities.
4. Limited stops.
5. Passenger boarding at the same height as the bus.
6. Prepaid fares.
7. Real-time passenger information.
8. Traffic priority at intersections.
10. Unique vehicles.

65088.3. This chapter does not apply in a county in which a majority of local governments collectively comprised of the city councils and the county board of supervisors, which in total also represent a majority of the population in the county, each adopt resolutions electing to be exempt from the congestion management program.
65088.4.

(a) It is the intent of the Legislature to balance the need for level of service standards for traffic with the need to build infill housing and mixed use commercial developments within walking distance of mass transit facilities, downtowns, and town centers and to provide greater flexibility to local governments to balance these sometimes competing needs.

(b) Notwithstanding any other provision of law, level of service standards described in Section 65089 shall not apply to the streets and highways within an infill opportunity zone. The city or county shall do either of the following:

(1) Include these streets and highways under an alternative area-wide level of service standard or multimodal composite or personal level of service standard that takes into account both of the following:

(A) The broader benefits of regional traffic congestion reduction by setting new residential development within walking distance of, and no more than one-third mile from, mass transit stations, shops, and services, in a manner that reduces the need for long vehicle commutes and improves the jobs-housing balance.

(B) Increased use of alternative transportation modes, such as mass transit, bicycling, and walking.

(2) Approve a list of flexible level of service mitigation options that includes roadway expansion and investments in alternate modes of transportation that may include, but are not limited to, transit infrastructure, pedestrian infrastructure, and ridesharing, vanpool, or shuttle programs.

(c) The city or county may designate an infill opportunity zone by adopting a resolution after determining that the infill opportunity zone is consistent with the general plan and any applicable specific plan. A city or county may not designate an infill opportunity zone after December 31, 2009.

(d) The city or county in which the infill opportunity zone is located shall ensure that a development project shall be completed within the infill opportunity zone not more than four years after the date on which the city or county adopted its resolution pursuant to subdivision (c). If no development project is completed within an infill opportunity zone by the time limit imposed by this subdivision, the infill opportunity zone shall automatically terminate.

65088.5. Congestion management programs, if prepared by county transportation commissions and transportation authorities created pursuant to Division 12 (commencing with Section 130000) of the Public Utilities Code, shall be used by the regional transportation-planning agency to meet federal requirements for a congestion management system, and shall be incorporated into the congestion management system.

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Congestion Management Program

65089.

(a) A congestion management program shall be developed, adopted, and updated biennially, consistent with the schedule for adopting and updating the regional transportation improvement program, for every county that includes an urbanized area, and shall include every city and the county. The program shall be adopted at a noticed public hearing of the agency. The program shall be developed in consultation with, and with the cooperation of, the transportation planning agency, regional transportation providers, local governments, the department, and the air pollution control district or the air quality management district, either by the county transportation commission, or by another public agency, as designated by resolutions adopted by the county board of supervisors and the city councils of a majority of the cities representing a majority of the population in the incorporated area of the county.

(b) The program shall contain all of the following elements:

(1) (A) Traffic level of service standards established for a system of highways and roadways designated by the agency. The highway and roadway system shall include at a minimum all state highways and principal arterials. No highway or roadway designated, as a part of the system shall be removed from the system. All new state highways and principal arterials shall be designated as part of the system, except when it is within an infill opportunity zone. Level of service (LOS) shall be measured by Circular 212, by the most recent version of the Highway Capacity Manual, or by a uniform methodology adopted by the agency that is consistent with the Highway Capacity Manual. The determination as to whether an alternative method is consistent with the Highway Capacity Manual shall be made by the regional agency, except that the department instead shall make this determination if either (i) the regional agency is also the agency, as those terms are defined in Section 65088.1, or (ii) the department is responsible for preparing the regional transportation improvement plan for the county.

(B) In no case shall the LOS standards established be below the level of service E or the current level, whichever is farthest from level of service A except when the area is in an infill opportunity zone. When the level of service on a segment or at an intersection fails to attain the established level of service standard outside an infill opportunity zone, a deficiency plan shall be adopted pursuant to Section 65089.4.

(2) A performance element that includes performance measures to evaluate current and future multimodal system performance for the movement of people and goods. At a minimum, these performance measures shall incorporate highway and roadway system performance, and measures established for the frequency and routing of public transit, and for the coordination of

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transit service provided by separate operators. These performance measures shall support mobility, air quality, land use, and economic objectives, and shall be used in the development of the capital improvement program required pursuant to paragraph (5), deficiency plans required pursuant to Section 65089.4, and the land use analysis program required pursuant to paragraph (4).

(3) A travel demand element that promotes alternative transportation methods, including, but not limited to, carpools, vanpools, transit, bicycles, and park-and-ride lots; improvements in the balance between jobs and housing; and other strategies, including, but not limited to, flexible work hours, telecommuting, and parking management programs. The agency shall consider parking cash-out programs during the development and update of the travel demand element.

(4) A program to analyze the impacts of land use decisions made by local jurisdictions on regional transportation systems, including an estimate of the costs associated with mitigating those impacts. This program shall measure, to the extent possible, the impact to the transportation system using the performance measures described in paragraph (2). In no case shall the program include an estimate of the costs of mitigating the impacts of interregional travel. The program shall provide credit for local public and private contributions to improvements to regional transportation systems. However, in the case of toll road facilities, credit shall only be allowed for local public and private contributions, which are nonreimbursed from toll revenues or other state or federal sources. The agency shall calculate the amount of the credit to be provided. The program defined under this section may require implementation through the requirements and analysis of the California Environmental Quality Act, in order to avoid duplication.

(5) A seven-year capital improvement program, developed using the performance measures described in paragraph (2) to determine effective projects that maintain or improve the performance of the multimodal system for the movement of people and goods, to mitigate regional transportation impacts identified pursuant to paragraph (4). The program shall conform to transportation-related vehicle emission air quality mitigation measures, and include any project that will increase the capacity of the multimodal system. It is the intent of the Legislature that, when roadway projects are identified in the program, consideration be given for maintaining bicycle access and safety at a level comparable to that which existed prior to the improvement or alternative. The capital improvement program may also include safety, maintenance, and rehabilitation projects that do not enhance the capacity of the system but are necessary to preserve the investment in existing facilities.

(c) The agency, in consultation with the regional agency, cities, and the county, shall develop a uniform data base on traffic impacts for use in a countywide transportation computer model and shall approve transportation computer models of specific areas within the county that will be used by local jurisdictions to determine the quantitative impacts of development on the circulation system that are based on the countywide model and standardized modeling assumptions and conventions. The computer models shall be consistent with the modeling methodology adopted by the regional planning agency. The data bases used in the models shall be consistent with the databases used by the regional planning agency. Where the regional agency has jurisdiction over two or more counties, the databases used by the agency shall be consistent with the databases used by the regional agency.
(d) (1) The city or county in which a commercial development will implement a parking cash-out program that is included in a congestion management program pursuant to subdivision (b), or in a deficiency plan pursuant to Section 65089.4, shall grant to that development an appropriate reduction in the parking requirements otherwise in effect for new commercial development.

(2) At the request of an existing commercial development that has implemented a parking cash-out program, the city or county shall grant an appropriate reduction in the parking requirements otherwise applicable based on the demonstrated reduced need for parking, and the space no longer needed for parking purposes may be used for other appropriate purposes.

(e) Pursuant to the federal Intermodal Surface Transportation Efficiency Act of 1991 and regulations adopted pursuant to the act, the department shall submit a request to the Federal Highway Administration Division Administrator to accept the congestion management program in lieu of development of a new congestion management system otherwise required by the act.

65089.1.

(a) For purposes of this section, “plan” means a trip reduction plan or a related or similar proposal submitted by an employer to a local public agency for adoption or approval that is designed to facilitate employee ridesharing, the use of public transit, and other means of travel that do not employ a single-occupant vehicle.

(b) An agency may require an employer to provide rideshare data bases; an emergency ride program; a preferential parking program; a transportation information program; a parking cash-out program, as defined in subdivision (f) of Section 65088.1; a public transit subsidy in an amount to be determined by the employer; bicycle parking areas; and other noncash value programs which encourage or facilitate the use of alternatives to driving alone. An employer may offer, but no agency shall require an employer to offer, cash, prizes, or items with cash value to employees to encourage participation in a trip reduction program as a condition of approving a plan.

(c) Employers shall provide employees reasonable notice of the content of a proposed plan and shall provide the employees an opportunity to comment prior to submittal of the plan to the agency for adoption.

(d) Each agency shall modify existing programs to conform to this section not later than June 30, 1995. Any plan adopted by an agency prior to January 1, 1994, shall remain in effect until adoption by the agency of a modified plan pursuant to this section.

(e) Employers may include disincentives in their plans that do not create a widespread and substantial disproportionate impact on ethnic or racial minorities, women, or low-income or disabled employees.

(f) This section shall not be interpreted to relieve any employer of the responsibility to prepare a plan that conforms with trip reduction goals specified in Division 26 (commencing with Section 39000) of the Health and Safety Code, or the Clean Air Act (42 U.S.C. Sec. 7401 et seq.).
(g) This section only applies to agencies and employers within the South Coast Air Quality Management District.

65089.2.

(a) Congestion management programs shall be submitted to the regional agency. The regional agency shall evaluate the consistency between the program and the regional transportation plans required pursuant to Section 65080. In the case of a multi-county regional transportation planning agency, that agency shall evaluate the consistency and compatibility of the programs within the region.

(b) The regional agency, upon finding that the program is consistent, shall incorporate the program into the regional transportation improvement program as provided for in Section 65082. If the regional agency finds the program is inconsistent, it may exclude any project in the congestion management program from inclusion in the regional transportation improvement program.

(c) (1) The regional agency shall not program any surface transportation program funds and congestion mitigation and air quality funds pursuant to Section 182.6 and 182.7 of the Streets and Highways Code in a county unless a congestion management program has been adopted by December 31, 1992, as required pursuant to Section 65089. No surface transportation program funds or congestion mitigation and air quality funds shall be programmed for a project in a local jurisdiction that has been found to be in nonconformance with a congestion management program pursuant to Section 65089.5 unless the agency finds that the project is of regional significance.

(2) Notwithstanding any other provision of law, upon the designation of an urbanized area, pursuant to the 1990 federal census or a subsequent federal census, within a county which previously did not include an urbanized area, a congestion management program as required pursuant to Section 65089 shall be adopted within a period of 18 months after designation by the Governor.

(d) (1) It is the intent of the Legislature that the regional agency, when its boundaries include areas in more than one county, should resolve inconsistencies and mediate disputes, which arise between agencies, related to congestion management programs adopted for those areas.

(2) It is the further intent of the Legislature that disputes which may arise between regional agencies, or agencies which are not within the boundaries of a multi-county regional transportation planning agency, should be mediated and resolved by the Secretary of Business, Housing and Transportation Agency, or an employee of that agency designated by the secretary, in consultation with the air pollution control district or air quality management district within whose boundaries the regional agency or agencies are located.

(e) At the request of the agency, a local jurisdiction that owns, or is responsible for operation of, a trip-generating facility in another county shall participate in the congestion management program of the county where the facility is located. If a dispute arises involving a local jurisdiction, the agency may request the regional agency to mediate the dispute through procedures pursuant to subdivision (d) of Section 65089.2. Failure to resolve the dispute does not invalidate the congestion management program.
65089.3. The agency shall monitor the implementation of all elements of the congestion management program. The department is responsible for data collection and analysis on state highways, unless the agency designates that responsibility to another entity. The agency may also assign data collection and analysis responsibilities to other owners and operators of facilities or services if the responsibilities are specified in its adopted program. The agency shall consult with the department and other affected owners and operators in developing data collection and analysis procedures and schedules prior to program adoption. At least biennially, the agency shall determine if the county and cities are conforming to the congestion management program, including, but not limited to, all of the following:

(a) Consistency with levels of service standards, except as provided in Section 65089.4.

(b) Adoption and implementation of a program to analyze the impacts of land use decisions, including the estimate of the costs associated with mitigating these impacts.

(c) Adoption and implementation of a deficiency plan pursuant to Section 65089.4 when highway and roadway level of service standards are not maintained on portions of the designated system.

Deficiency Plans

65089.4.

(a) A local jurisdiction shall prepare a deficiency plan when highway or roadway level of service standards are not maintained on segments or intersections of the designated system. The deficiency plan shall be adopted by the city or county at a noticed public hearing.

(b) The agency shall calculate the impacts subject to exclusion pursuant to subdivision (f) of this section, after consultation with the regional agency, the department, and the local Air Pollution Control District. If the calculated traffic level of service following exclusion of these impacts is consistent with the level of service standard, the agency shall make a finding at a publicly noticed meeting that no deficiency plan is required and so notify the affected local jurisdiction.

(c) The agency shall be responsible for preparing and adopting procedures for local deficiency plan development and implementation responsibilities, consistent with the requirements of this section. The deficiency plan shall include all of the following:

(1) An analysis of the cause of the deficiency. This analysis shall include the following:

(A) Identification of the cause of the deficiency.

(B) Identification of the impacts of those local jurisdictions within the jurisdiction of the agency that contribute to the deficiency. These impacts shall be identified only if the calculated traffic level of service following exclusion of impacts pursuant to subdivision (f) indicates that the level of service standard has not been maintained, and shall be limited to impacts not subject to exclusion.
(2) A list of improvements necessary for the deficient segment or intersection to maintain the minimum level of service otherwise required and the estimated costs of the improvements.

(3) A list of improvements, programs, or actions, and estimates of costs, that will (A) measurably improve multimodal performance, using measures defined in paragraphs (1) and (2) of subdivision (b) of Section 65089, and (B) contribute to significant improvements in air quality, such as improved public transit service and facilities, improved non-motorized transportation facilities, high occupancy vehicle facilities, parking cash-out programs, and transportation control measures. The Air Pollution Control District shall establish and periodically revise a list of approved improvements, programs, and actions that meet the scope of this paragraph. If an improvement, program, or action on the approved list has not been fully implemented, it shall be deemed to contribute to significant improvements in air quality. If an improvement, program, or action is not on the approved list, it shall not be implemented unless approved by the local air quality management district or air pollution control district.

(4) An action plan, consistent with the provisions of Chapter 5 (commencing with Section 66000), that shall be implemented, consisting of improvements identified in paragraph (2), or improvements, programs, or actions identified in paragraph (3), that are found by the agency to be in the interest of the public health, safety, and welfare. The action plan shall include a specific implementation schedule. The action plan shall include implementation strategies for those jurisdictions that have contributed to the cause of the deficiency in accordance with the agency’s deficiency plan procedures. The action plan need not mitigate the impacts of any exclusions identified in subdivision (f). Action plan strategies shall identify the most effective implementation strategies for improving current and future system performance.

(d) A local jurisdiction shall forward its adopted deficiency plan to the agency within 12 months of the identification of a deficiency. The agency shall hold a noticed public hearing within 60 days of receiving the deficiency plan. Following that hearing, the agency shall either accept or reject the deficiency plan in its entirety but the agency may not modify the deficiency plan. If the agency rejects the plan, it shall notify the local jurisdiction of the reasons for that rejection, and the local jurisdiction shall submit a revised plan within 90 days addressing the agency’s concerns. Failure of a local jurisdiction to comply with the schedule and requirements of this section shall be considered to be nonconformance for the purposes of Section 65089.5.

(e) The agency shall incorporate into its deficiency plan procedures, a methodology for determining if deficiency impacts are caused by more than one local jurisdiction within the boundaries of the agency.

(1) If, according to the agency’s methodology, it is determined that more than one local jurisdiction is responsible for causing a deficient segment or intersection, all responsible local jurisdictions shall participate in the development of a deficiency plan to be adopted by all participating local jurisdictions.

(2) The local jurisdiction in which the deficiency occurs shall have lead responsibility for developing the deficiency plan and for coordinating with other impacting local jurisdictions. If a local jurisdiction responsible for participating in a multi-jurisdictional deficiency plan does not adopt the deficiency plan in accordance with the schedule and requirements of paragraph (a) of
this section, that jurisdiction shall be considered in nonconformance with the program for purposes of Section 65089.5.

(3) The agency shall establish a conflict resolution process for addressing conflicts or disputes between local jurisdictions in meeting the multi-jurisdictional deficiency plan responsibilities of this section.

(f) The analysis of the cause of the deficiency prepared pursuant to paragraph (1) of subdivision (c) shall exclude the following:

(1) Interregional travel.

(2) Construction, rehabilitation, or maintenance of facilities that impact the system.

(3) Freeway ramp metering.

(4) Traffic signal coordination by the state or multi-jurisdictional agencies.

(5) Traffic generated by the provision of low-income and very low income housing.

(6) (A) Traffic generated by high-density residential development located within one-fourth mile of a fixed rail passenger station, and

(B) Traffic generated by any mixed use development located within one-fourth mile of a fixed rail passenger station, if more than half of the land area, or floor area, of the mixed use development is used for high density residential housing, as determined by the agency.

(g) For the purposes of this section, the following terms have the following meanings:

(1) “High density” means residential density development which contains a minimum of 24 dwelling units per acre and a minimum density per acre which is equal to or greater than 120 percent of the maximum residential density allowed under the local general plan and zoning ordinance. A project providing a minimum of 75 dwelling units per acre shall automatically be considered high density.

(2) “Mixed use development” means development which integrates compatible commercial or retail uses, or both, with residential uses, and which, due to the proximity of job locations, shopping opportunities, and residences, will discourage new trip generation.

65089.5.

(a) If, pursuant to the monitoring provided for in Section 65089.3 the agency determines, following a noticed public hearing, that a city or county is not conforming with the requirements of the congestion management program, the agency shall notify the city or county in writing of the specific areas of nonconformance. If, within 90 days of the receipt of the written notice of nonconformance, the city or county has not come into conformance with the congestion
management program, the governing body of the agency shall make a finding of nonconformance and shall submit the finding to the commission and to the Controller.

(b) (1) Upon receiving notice from the agency of nonconformance, the Controller shall withhold apportionments of funds required to be apportioned to that nonconforming city or county by Section 2105 of the Streets and Highways Code.

(2) If, within the 12-month period following the receipt of a notice of nonconformance, the Controller is notified by the agency that the city or county is in conformance, the Controller shall allocate the apportionments withheld pursuant to this section to the city or county.

(3) If the Controller is not notified by the agency that the city or county is in conformance pursuant to paragraph (2), the Controller shall allocate the apportionments withheld pursuant to this section to the agency.

(c) The agency shall use funds apportioned under this section for projects of regional significance which are included in the capital improvement program required by paragraph (5) of subdivision (b) of Section 65089, or in a deficiency plan which has been adopted by the agency. The agency shall not use these funds for administration or planning purposes.

65089.6. Failure to complete or implement a congestion management program shall not give rise to a cause of action against a city or county for failing to conform with its general plan, unless the city or county incorporates the congestion management program into the circulation element of its general plan.

65089.7. A proposed development specified in a development agreement entered into prior to July 10, 1989, shall not be subject to any action taken to comply with this chapter, except actions required to be taken with respect to the trip reduction and travel demand element of a congestion management program pursuant to paragraph (3) of subdivision (b) of Section 65089.

65089.9. The study steering committee established pursuant to Section 6 of Chapter 444 of the Statutes of 1992 may designate at least two congestion management agencies to participate in a demonstration study comparing multimodal performance standards to highway level of service standards. The department shall make available, from existing resources, fifty thousand dollars ($50,000) from the Transportation Planning and Development Account in the State Transportation Fund to fund each of the demonstration projects. The designated agencies shall submit a report to the Legislature not later than June 30, 1997, regarding the findings of each demonstration project.

65089.10. Any congestion management agency that is located in the Bay Area Air Quality Management District and receives funds pursuant to Section 44241 of the Health and Safety Code for the purpose of implementing paragraph (3) of subdivision (b) of Section 65089 shall ensure that those funds are expended as part of an overall program for improving air quality and for the purposes of this chapter.
Fees for Development Projects

66000.

(a) "Development project" means any project undertaken for the purpose of development. "Development project" includes a project involving the issuance of a permit for construction or reconstruction, but not a permit to operate.

(b) "Fee" means a monetary exaction other than a tax or special assessment, whether established for a broad class of projects by legislation of general applicability or imposed on a specific project on an ad hoc basis, that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project, but does not include fees specified in Section 66477, fees for processing applications for governmental regulatory actions or approvals, fees collected under development agreements adopted pursuant to Article 2.5 (commencing with Section 65864) of Chapter 4, or fees collected pursuant to agreements with redevelopment agencies which provide for the redevelopment of property in furtherance or for the benefit of a redevelopment project for which a redevelopment plan has been adopted pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code.

(c) "Local agency" means a county, city, whether general law or chartered, city and county, school district, special district, authority, agency, any other municipal public corporation or district, or other political subdivision of the state.

(d) "Public facilities" includes public improvements, public services and community amenities.

66000.5. This chapter, Chapter 6 (commencing with Section 66010), Chapter 7 (commencing with Section 66012), Chapter 8 (commencing with Section 66016), and Chapter 9 (commencing with Section 66020) shall be known and may be cited as the Mitigation Fee Act.

66001.

(a) In any action establishing, increasing, or imposing a fee as a condition of approval of a development project by a local agency on or after January 1, 1989, the local agency shall do all of the following:

(1) Identify the purpose of the fee.

(2) Identify the use to which the fee is to be put. If the use is financing public facilities, the facilities shall be identified. That identification may, but need not, be made by reference to a capital improvement plan as specified in Section 65403 or 66002, may be made in applicable general or specific plan requirements, or may be made in other public documents that identify the public facilities for which the fee is charged.

(3) Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.

(4) Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

(b) In any action imposing a fee as a condition of approval of a development project by a local agency on or after January 1, 1989, the local agency shall determine how there is a reasonable relationship
between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

(c) Upon receipt of a fee subject to this section, the local agency shall deposit, invest, account for, and expend the fees pursuant to Section 66006.

(d) For the fifth fiscal year following the first deposit into the account or fund, and every five years thereafter, the local agency shall make all of the following findings with respect to that portion of the account or fund remaining unexpended, whether committed or uncommitted:

1. Identify the purpose to which the fee is to be put.

2. Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.

3. Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements identified in paragraph (2) of subdivision (a).

4. Designate the approximate dates on which the funding referred to in paragraph (3) is expected to be deposited into the appropriate account or fund. When findings are required by this subdivision, they shall be made in connection with the public information required by subdivision (b) of Section 66006. The findings required by this subdivision need only be made for moneys in possession of the local agency, and need not be made with respect to letters of credit, bonds, or other instruments taken to secure payment of the fee at a future date. If the findings are not made as required by this subdivision, the local agency shall refund the moneys in the account or fund as provided in subdivision (e).

(e) Except as provided in subdivision (f), when sufficient funds have been collected, as determined pursuant to subparagraph (F) of paragraph (1) of subdivision (b) of Section 66006, to complete financing on incomplete public improvements identified in paragraph (2) of subdivision (a), and the public improvements remain incomplete, the local agency shall identify, within 180 days of the determination that sufficient funds have been collected, an approximate date by which the construction of the public improvement will be commenced, or shall refund to the then current record owner or owners of the lots or units, as identified on the last equalized assessment roll, of the development project or projects on a prorated basis, the unexpended portion of the fee, and any interest accrued thereon. By means consistent with the intent of this section, a local agency may refund the unexpended revenues by direct payment, by providing a temporary suspension of fees, or by any other reasonable means. The determination by the governing body of the local agency of the means by which those revenues are to be refunded is a legislative act.

(f) If the administrative costs of refunding unexpended revenues pursuant to subdivision (e) exceed the amount to be refunded, the local agency, after a public hearing, notice of which has been published pursuant to Section 6061 and posted in three prominent places within the area of the development project, may determine that the revenues shall be allocated for some other purpose for which fees are collected subject to this chapter and which serves the project on which the fee was originally imposed.
66002.

(a) Any local agency which levies a fee subject to Section 66001 may adopt a capital improvement plan, which shall indicate the approximate location, size, time of availability, and estimates of cost for all facilities or improvements to be financed with the fees.

(b) The capital improvement plan shall be adopted by, and shall be annually updated by, a resolution of the governing body of the local agency adopted at a noticed public hearing. Notice of the hearing shall be given pursuant to Section 65090. In addition, mailed notice shall be given to any city or county which may be significantly affected by the capital improvement plan. This notice shall be given no later than the date the local agency notices the public hearing pursuant to Section 65090. The information in the notice shall be not less than the information contained in the notice of public hearing and shall be given by first-class mail or personal delivery.

(c) "Facility" or "improvement," as used in this section means any of the following:

(1) Public buildings, including schools and related facilities; provided that school facilities shall not be included if Senate Bill 97 of the 1987-88 Regular Session is enacted and becomes effective on or before January 1, 1988.

(2) Facilities for the storage, treatment, and distribution of nonagricultural water.

(3) Facilities for the collection, treatment, reclamation, and disposal of sewage.

(4) Facilities for the collection and disposal of storm waters and for flood control purposes.

(5) Facilities for the generation of electricity and the distribution of gas and electricity.

(6) Transportation and transit facilities, including but not limited to streets and supporting improvements, roads, overpasses, bridges, harbors, ports, airports, and related facilities.

(7) Parks and recreation facilities.

(8) Any other capital project identified in the capital facilities plan adopted pursuant to Section 66002.

66003. Sections 66001 and 66002 do not apply to a fee imposed pursuant to a reimbursement agreement by and between a local agency and a property owner or developer for that portion of the cost of a public facility paid by the property owner or developer which exceeds the need for the public facility attributable to and reasonably related to the development. This chapter shall become operative on January 1, 1989.

66004. The establishment or increase of any fee pursuant to this chapter shall be subject to the requirements of Section 66018.

66005.

(a) When a local agency imposes any fee or exaction as a condition of approval of a proposed development, as defined by Section 65927, or development project, those fees or exactions shall not exceed the estimated reasonable cost of providing the service or facility for which the fee or exaction is imposed.
Appendix B: California Government Code Relevant to the Congestion Management Program and Deficiency Plans

(b) This section does not apply to fees or monetary exactions expressly authorized to be imposed under Sections 66475.1 and 66477.

c) It is the intent of the Legislature in adding this section to codify existing constitutional and decisional law with respect to the imposition of development fees and monetary exactions on developments by local agencies. This section is declaratory of existing law and shall not be construed or interpreted as creating new law or as modifying or changing existing law.

66006.

(a) If a local agency requires the payment of a fee specified in subdivision (c) in connection with the approval of a development project, the local agency receiving the fee shall deposit it with the other fees for the improvement in a separate capital facilities account or fund in a manner to avoid any commingling of the fees with other revenues and funds of the local agency, except for temporary investments, and expend those fees solely for the purpose for which the fee was collected. Any interest income earned by moneys in the capital facilities account or fund shall also be deposited in that account or fund and shall be expended only for the purpose for which the fee was originally collected.

(b) (1) For each separate account or fund established pursuant to subdivision (a), the local agency shall, within 180 days after the last day of each fiscal year, make available to the public the following information for the fiscal year:

(A) A brief description of the type of fee in the account or fund.

(B) The amount of the fee.

(C) The beginning and ending balance of the account or fund.

(D) The amount of the fees collected and the interest earned.

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.

(H) The amount of refunds made pursuant to subdivision (e) of Section 66001 and any allocations pursuant to subdivision (f) of Section 66001.

(2) The local agency shall review the information made available to the public pursuant to paragraph (1) at the next regularly scheduled public meeting not less than 15 days after this

VTA Deficiency Plan Requirements Update Draft Page 56 8/18/2010
information is made available to the public, as required by this subdivision. Notice of the time and place of the meeting, including the address where this information may be reviewed, shall be mailed, at least 15 days prior to the meeting, to any interested party who files a written request with the local agency for mailed notice of the meeting. Any written request for mailed notices shall be valid for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service.

(c) For purposes of this section, "fee" means any fee imposed to provide for an improvement to be constructed to serve a development project, or which is a fee for public improvements within the meaning of subdivision (b) of Section 66000, and that is imposed by the local agency as a condition of approving the development project.

(d) Any person may request an audit of any local agency fee or charge that is subject to Section 66023, including fees or charges of school districts, in accordance with that section.

(e) The Legislature finds and declares that untimely or improper allocation of development fees hinders economic growth and is, therefore, a matter of statewide interest and concern. It is, therefore, the intent of the Legislature that this section shall supersede all conflicting local laws and shall apply in charter cities.

(f) At the time the local agency imposes a fee for public improvements on a specific development project, it shall identify the public improvement that the fee will be used to finance.

66006.5.

(a) A city or county which imposes an assessment, fee, or charge, other than a tax, for transportation purposes may, by ordinance, prescribe conditions and procedures allowing real property which is needed by the city or county for local transportation purposes, or by the state for transportation projects which will not receive any federal funds, to be donated by the obligor in satisfaction or partial satisfaction of the assessment, fee, or charge.

(b) To facilitate the implementation of subdivision (a), the Department of Transportation shall do all of the following:

(1) Give priority to the refinement, modification, and enhancement of procedures and policies dealing with right-of-way donations in order to encourage and facilitate those donations.

(2) Reduce or simplify paperwork requirements involving right-of-way procurement.

(3) Increase communication and education efforts as a means to solicit and encourage voluntary right-of-way donations.

(4) Enhance communication and coordination with local public entities through agreements of understanding that address state acceptance of right-of-way donations.

66007.

(a) Except as otherwise provided in subdivision (b), any local agency that imposes any fees or charges on a residential development for the construction of public improvements or facilities shall not
require the payment of those fees or charges, notwithstanding any other provision of law, until the date of the final inspection, or the date the certificate of occupancy is issued, whichever occurs first. However, utility service fees may be collected at the time an application for utility service is received. If the residential development contains more than one dwelling, the local agency may determine whether the fees or charges shall be paid on a pro rata basis for each dwelling when it receives its final inspection or certificate of occupancy, whichever occurs first; on a pro rata basis when a certain percentage of the dwellings have received their final inspection or certificate of occupancy, whichever occurs first; or on a lump-sum basis when the first dwelling in the development receives its final inspection or certificate of occupancy, whichever occurs first.

(b) Notwithstanding subdivision (a), the local agency may require the payment of those fees or charges at an earlier time if (1) the local agency determines that the fees or charges will be collected for public improvements or facilities for which an account has been established and funds appropriated and for which the local agency has adopted a proposed construction schedule or plan prior to final inspection or issuance of the certificate of occupancy or (2) the fees or charges are to reimburse the local agency for expenditures previously made. "Appropriated," as used in this subdivision, means authorization by the governing body of the local agency for which the fee is collected to make expenditures and incur obligations for specific purposes.

(c) (1) If any fee or charge specified in subdivision (a) is not fully paid prior to issuance of a building permit for construction of any portion of the residential development encumbered thereby, the local agency issuing the building permit may require the property owner, or lessee if the lessee's interest appears of record, as a condition of issuance of the building permit, to execute a contract to pay the fee or charge, or applicable portion thereof, within the time specified in subdivision (a). If the fee or charge is prorated pursuant to subdivision (a), the obligation under the contract shall be similarly prorated.

(2) The obligation to pay the fee or charge shall inure to the benefit of, and be enforceable by, the local agency that imposed the fee or charge, regardless of whether it is a party to the contract. The contract shall contain a legal description of the property affected, shall be recorded in the office of the county recorder of the county and, from the date of recordation, shall constitute a lien for the payment of the fee or charge, which shall be enforceable against successors in interest to the property owner or lessee at the time of issuance of the building permit. The contract shall be recorded in the grantor-grantee index in the name of the public agency issuing the building permit as grantee and in the name of the property owner or lessee as grantor. The local agency shall record a release of the obligation, containing a legal description of the property, in the event the obligation is paid in full, or a partial release in the event the fee or charge is prorated pursuant to subdivision (a).

(3) The contract may require the property owner or lessee to provide appropriate notification of the opening of any escrow for the sale of the property for which the building permit was issued and to provide in the escrow instructions that the fee or charge be paid to the local agency imposing the same from the sale proceeds in escrow prior to disbursing proceeds to the seller.

(d) This section applies only to fees collected by a local agency to fund the construction of public improvements or facilities. It does not apply to fees collected to cover the cost of code enforcement or inspection services, or to other fees collected to pay for the cost of enforcement of local ordinances or state law.
Appendix B: California Government Code Relevant to the Congestion Management Program and Deficiency Plans

(e) "Final inspection" or "certificate of occupancy," as used in this section, have the same meaning as described in Sections 305 and 307 of the Uniform Building Code, International Conference of Building Officials, 1985 edition.

(f) Methods of complying with the requirement in subdivision (b) that a proposed construction schedule or plan be adopted, include, but are not limited to, (1) the adoption of the capital improvement plan described in Section 66002, or (2) the submittal of a five-year plan for construction and rehabilitation of school facilities pursuant to subdivision (c) of Section 17017.5 of the Education Code.

66008. A local agency shall expend a fee for public improvements, as accounted for pursuant to Section 66006, solely and exclusively for the purpose or purposes, as identified in subdivision (f) of Section 66006, for which the fee was collected. The fee shall not be levied, collected, or imposed for general revenue purposes.
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APPENDIX C: BAY AREA AIR QUALITY MANAGEMENT DISTRICT (BAAQMD) DEFICIENCY LIST

Notes:

• The Air District’s Deficiency List document has not been updated since its adoption on November 4, 1992. Where appropriate, edits have been made to the Air District’s Deficiency List to reflect current standards and practices applicable to Santa Clara County. These edits are highlighted as bold text.

• A copy of BAAQMD’s current Deficiency Plan List policy can be requested from their web site at <www.baaqmd.gov>, through their Public Records Request web page at: <http://www.baaqmd.gov/Divisions/Legal/Public-Records-Request.aspx> (last accessed on July, 23, 2010).
SECTION I

LIST OF PROGRAMS, ACTIONS, AND IMPROVEMENTS FOR INCLUSION IN DEFICIENCY PLANS

Cities/Counties/CMAs' use is mandatory (required by California law)

The items that comprise the list of programs, actions and improvements that cities and counties can incorporate into Deficiency Plans are described below. Each description indicates whether the item is most suitable for local implementation, county wide or corridor level implementation.

Although the items have been grouped into six categories, many are complementary and their individual effectiveness will be increased if undertaken together. For instance, the success and advantages of High Occupancy Vehicle lanes will be enhanced if preferential treatment of buses, carpoolers and van pools is designed into parking areas, local arterials and freeway on- and off-ramps.

Each category is preceded with a listing of the Transportation Control Measures (TCM) from the '91 Clean Air Plan that will be directly implemented or in some fashion be supported by the items on the list. The development and implementation of Deficiency Plans is not viewed as the main avenue for the implementation of the TCMs in the '91 Clean Air Plan. Clearly though, implementation of system-wide improvements through Deficiency Plans can only benefit the success of the strategies set forth in the TCMs.

It should be noted that this list is based on the Clean Air Plan from 1991. There is a newer version of the Clean Air Plan adopted in spring 2010. Much of the same elements remain however, there are certain elements that are not specific to Santa Clara County.

A. BICYCLE AND PEDESTRIAN MEASURES

A 1. Improved Roadway Bicycle Facilities and Bike Paths. Roadways could be improved to provide increased safety and convenience for bicyclists. Improvements include:

- widening shoulders or curb side pavement
- lane re-striping and/or removal of on-street parking to create a wider outside (right) lane for bicycles thus reducing bicycle and automobile conflicts

16 All bicycle design features may require consultation with VTA’s Bicycle Technical Guidelines
• installing, marking and/or modifying sensitivity of detection loops at intersections to trigger light changes and allow bicycles to clear the intersection
• completing and expanding Class I bike paths and Class II bicycle lanes that are in the circulation elements of general plans

Caltrans standards, VTA’s Bicycle and Pedestrian Standards, and the Manual for Uniform Traffic Control Devices (MUTCD) shall be followed in designing and constructing bicycle improvements. This measure is suitable for both local and system-wide implementation.

A2. Transit and Bicycle Integration. This measure is intended to increase the number of bus and train routes capable of transporting bicycle riders, as well as improving interconnection between the two modes. Communities in San Mateo, Santa Clara and San Francisco Counties could work with the CALTRAIN Joint Powers Board to allow bicycles on CALTRAIN and to assure peak period bicycle accommodation on the new California cars (when acquired). Communities within the BART service area could work with BART to better accommodate bicycles during commute periods through downtown Oakland and San Francisco, as well as shortening or eliminating the periods during which bicycles are barred from the BART system. An alternative could be to provide special peak-period BART runs in the commute direction that accommodates bicycles. Communities, working with relevant transit districts, could work to increase the number of bus routes and rail services allowing access to bicyclists, as well as providing increased numbers of bicycle lockers (for regular users) and racks that allow use of the U-Bar style locks (for occasional users) at transit transfer centers and other interconnection points. This measure should be implemented on a system-wide basis since most transit service is on a multi-city basis. Local governments that operate their own transit service should implement this measure locally.

The VTA has standards based on the Bicycle Technical Guidelines that may also be consulted when working on the integration of Transit and Bicycles.

A3. Bicycle lockers and Racks at Park and Ride lots. Park and ride lots accessible to bicycles should contain bicycle lockers (for regular users) and racks that allow use of the U-Bar style locks (for occasional users). Jurisdictions will have to include in their Deficiency Plans the initial number of storage spaces and criteria for installing additional spaces. Communities can also consider establishing -Bike and Ride- lots: areas along major transit routes designated for bicycle storage only, separate from automobile parking lots. This measure can be implemented on a local basis.

A4. Bicycle Facilities and Showers at Developments. As part of any new office/industrial/commercial/school/special generator and multi-family (four or more units) residential development generating more than 50 person trips per day, cities and counties could require the inclusion of bicycle storage facilities and, for office/industrial/commercial/school/special generator developments employing more than 100
employees, showering and changing rooms. Bicycle storage facilities include bicycle lockers and racks (must allow use of the U-Bar style locks) which are located close to the main entrances or inside of buildings. Existing sites should add bicycle storage facilities and, for developments/buildings/sites employing more than 100 employees, showering and changing rooms where feasible. This measure can be implemented on a local basis.

A5. Improved Pedestrian Facilities. It is the general practice for new development to include sidewalks and other pedestrian facilities. However, efforts can be made to improve and expand upon current requirements and practices to make walking a more integral part of the transportation system. City and county zoning ordinances and design standards should be revised as appropriate to ensure safe, convenient and direct pathways for pedestrians between their residences, shopping and recreational areas, and work sites. Other efforts include requiring, where appropriate, the provision of walkways in commercial and residential areas linking building entrances to street sidewalks and crossings, and linking building entrances to adjacent building entrances and activity centers. Communities can also require continuous and clearly marked pathways across parking lots between sidewalks and building entrances. A preferable approach is to locate entrances and building fronts along street sidewalks, with parking spaces at the sides and rears of buildings. This measure is suitable for local implementation. See also Land Use Measures (E-8) and VTA’s Pedestrian Technical Guidelines.

A6. Pedestrian Signals. To encourage more walk trips, pedestrian signals should be added on major arterials to enhance safety. This measure should be implemented locally.

A7. Lighting for Pedestrian Safety. Communities can require and install adequate lighting for sidewalks, bus stops, bicycle parking areas and vehicle parking lots to create conditions that are safe for pedestrians. There may be special hardware requirements that must be met for implementation 07 this measure in proximity to facilities sensitive to light pollution (e.g., Lick Observatory). This measure is suitable for local implementation.

B. TRANSIT (Includes bus, rail and ferry services)

B1. Improvement of Bus, Rail and Ferry Transit Services. This measure is directed at improving public and private transit service. Cities, counties and employers will need to (1) work with the relevant transit districts and private operators to identify appropriate routes for reducing headways, extending service, improving transfers, and coordinating project design and services to new development; and (2) contribute financially toward both capital and operating costs of service improvements. Emphasis should be placed on providing service that will reduce peak period automobile trips (e.g., express and commuter bus/rail/ferry service). Service expansion

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17 Ferry Transit Service may not apply in Santa Clara County
should be coordinated with the relevant Short Range Transit Plan(s) and also support local and regional trip reduction efforts. This measure should be implemented on a system-wide basis.

**B2. Expansion of Rail Transit Service.** This measure is directed at extending or expanding rail transit beyond the projects included in MTC’s New Rail Starts Program outlined in MTC Resolution 1876. Emphasis should be placed on expanding rail service to corridors not included in Resolution 1876 that will experience rapid growth in peak period automobile trips. Cities and counties will need to work with local, regional, state and federal transportation agencies to define projects and establish institutional arrangements to construct and operate the services, and fund operating costs. This measure can be implemented locally and on a system-wide basis, and should be considered in conjunction with Improvement of Bus, Rail and Ferry Transit Services (B1).

**B3. Expansion of Ferry Services.** Freeways, bridges and transit connections around and across San Francisco Bay are heavily congested. High speed ferry service offers an efficient and comfortable transportation alternative. New or enhanced service should focus on peak period travel when congestion is greatest. An example would be to provide high speed commuter ferry service between Vallejo and the San Francisco Ferry Terminal as a reliever of peak period congestion on 1-80 in Contra Costa and Alameda counties. This measure should be implemented on a corridor or system-wide basis.

**B4. Preferential Treatment for Buses and In-Street Light Rail Vehicles (LRVs).** This measure includes strategies that give preference to buses and in-street light rail vehicles, including transit stops at building entrances, bus shelters, LRV platform boarding areas, direct HOV to HOV connecting lanes and ramps, exclusive bus/LRV lanes, bypass lanes at metered freeway ramps, including reserved lanes around any queues that may form on connecting streets or at congested off-ramps. These strategies should be a part of a coordinated regional and/or county HOV system, with individual communities assisting with changes that affect local streets or development review/approval. This measure can be implemented both locally and on a system-wide basis.

**B5. Transit Information and Promotion.** This measure is intended to work with the Transit and Bicycle Integration (A2), Stricter Travel Demand Management/Trip Reduction Ordinances (E1) and Public Education Programs (E2). Cities and counties can:

- advertise the availability of transit in their communities
- post transit schedules at bus stops
- enhance access to transit via non-motorized modes-(e.g., bicycling and walking)
- provide for special accommodation of clean fuel/electric vehicles at rail and ferry stations (e.g., preferential parking and free electric outlets)

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18 *Whenever Rail Transit Service is being considered, consultation with VTA must occur.*

19 *Ferry Service may not apply in Santa Clara County.*

20 *Consider signal pre-emption where there is conflict with VTA light rail transit.*
Cities and counties must coordinate their recommendations with relevant organizations such as local transit district(s), MTC, RIDES for Bay Area Commuters, Inc., Berkeley TRIP, San Benito Rideshare, Santa Clara County's Commuter Network, Santa Cruz Share-a-Ride, Solano Commuter Information and the BAAQMD for enhancements to existing programs or implementation of new programs. Promotional activities should be directed at all trips, including those for shopping, recreation, commuting and school. This measure can be implemented both locally and on a system-wide basis.

B6. Transit Pricing Strategies to Encourage Ridership and, where applicable, Reduce Transit Vehicle Crowding. Pricing incentives and alternative fare structures can encourage ridership and, where necessary, reduce transit vehicle crowding. These incentives and strategies include subsidy from alternative revenue sources to reduce fares, zonal fares, peak hour fares, elimination of discounts for elder citizens who travel at peak times and free or reduced cost transit on “Spare the Air” day. Transit pricing changes should ideally be done in conjunction with service improvements. Communities can work with neighboring cities and transit agencies to identify and subsidize appropriate incentive programs. This measure, especially appropriate for cities or counties that operate their own transit system, should be implemented on a system-wide basis.

B7. Transit Fare Subsidy Programs. These programs generally are implemented at employment sites in the form of direct employer subsidy of employee transit fares, usually with some monthly or yearly ceiling. Where cities/counties require employers to subsidize transit fares to meet trip reduction requirements, such programs must also equally subsidize persons who use non-motorized modes (e.g., bicycle or walk). Other subsidy programs could be directed towards school, recreational and shopping trips. This program can be implemented locally for a city or county's own employees, or a city or county can include a transit fare subsidy requirement for employers in its local trip reduction ordinance, or a city or county can condition new development to include such programs as a part of the city or county's development approval process.

B8. Transit Centers. To assist current and potential riders in obtaining route information, schedules, and passes, cities and counties would establish (or provide funds for transit agencies

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21 RIDES Bay Area has been replaced with the greater 511.org which covers the greater 9-county Bay Area.

22 San Benito County, Santa Cruz County and eastern Solano County are outside the BAAQMD’s jurisdiction. Reference is made to services offered in these jurisdictions since they are considered within the commute shed of the greater Bay Area.

23 Depending on how the strategies are constructed, they have potential to significantly impact operating revenue. Any proposal should fully evaluate the impact on operating revenue and identify replacement revenue to cover any potential loss to the transit operator(s). “Spare the Air” day occurs when BAAQMD forecasts that atmospheric conditions on the following day are likely to result in an exceedance of the health based State ozone standard. Major employers and the media are notified to advise employees and the general public activities contributing to ozone formation should be limited.
to establish) transit centers. The centers can be patterned after Berkeley TRIP. Another option is a mobile, clean fueled/electric “commute store” that would visit activity centers and employment sites to disseminate transit, ridesharing, and non-motorized travel information (e.g., maps of bike routes, bicycle commuter handbooks, and city walking guides). A second option is to install electronic kiosk centers, which are able to dispense tickets, route information, and in some cases, assist with ride matching operations. Another option is to franchise out the centers to mailbox services, photocopying centers, or other such establishments. Centers could also be established at community centers. Centers should be established at all major transit transfer points. This measure can be implemented both locally and on a system-wide basis. The VTA must be consulted during the development of transit centers.

B9. Improved and Expanded Timed Transfer Programs. Shortening the time passengers wait when transferring between buses, from bus to train or vice-versa, and between transit systems is an important improvement to transit service. Working with the relevant transit districts, cities and counties would need to identify the best locations for timed transfers and which routes would be best suited for schedule adjustments. Current plans to institute timed transfers should be considered for accelerated implementation. This measure should be implemented on a system-wide basis.

B10. Improved and Expanded Fare Coordination. Through the encouragement of MTC, BART and several Bay Area transit operators have developed a fare card that is used to debit fares on BART and also serve as a semi-monthly “flash pass” on major Bay Area bus systems. Each month more people purchase this card, demonstrating the public's desire for a simplified Bay Area transit fare structure. MTC is working diligently with transit operators to test and implement a “universal” fare card. Cities and counties can work in partnership with MTC, CMAs and relevant transit districts to develop and implement fare coordination agreements, and contribute financially to the necessary hardware, software, equipment maintenance and, where applicable, operator subsidies. The VTA has implemented its Eco Pass program which employers can purchase sticker passes for their employees to ride VTA bus and transit.

B11. Signal Preemption by Transit Vehicles. Transit vehicles could be equipped with preemption devices that hold or trigger a green light in order to avoid delays at intersections. Since implementation of this measure could be highly disruptive to traffic flow in an optimally timed, signalized corridor, and thus increase emissions, affected local governments should work closely with transit agencies to implement signal preemption only where most appropriate. This measure should be implemented on a system-wide or corridor basis.

B12. Bus Stop Bulbs. A strategy to improve passenger pickup and off-loading is to extend sidewalks across the parking lane to the first through traffic lane. Such an extension is called a bus stop bulb. With bus stop bulbs, buses are not delayed merging back into traffic after stops,

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24 VTA encourages employers to provide subsidies through the Eco-Pass Program.
25 This is currently in place on the VTA Line 22 and Line 522 in certain locations along El Camino Real.
and cars are prevented from blocking the stops, both of which improve bus travel time. Some transit agencies prefer bus turn outs (which remove the bus from the traffic stream for passenger loading to minimize delay to motorists and allow the bus to reenter the traffic stream only when an adequate gap in traffic becomes available), while others prefer neither bus turn outs nor bus bulbs. Cities or counties that want to implement Bus Stop Bulbs (B11) should work closely with their respective transit agency (ies). The District does not consider bus turn outs as an appropriate alternative to bus stop bulbs since turn outs favor single occupant vehicles and lengthen bus travel times. This measure can be implemented both locally and on a system-wide basis.

B13. School Bus Transit Service. This measure is directed at establishing school bus services in school districts where bus service has been reduced or eliminated. Reinstating or expanding school bus service would provide an alternative to many students who drive to school or are driven to school by others. Reinstating or expanding school bus service would also provide capacity on existing public bus services for commuters displaced by student riders. Cities and counties will need to work with school districts to establish arrangements for funding the service. This measure would be implemented locally or system-wide.

C. CARPOOLING, BUSPOOLING, VANPOOLING, TAXIPOOLING, JITNEYS, CASUAL CARPOOLING AND OTHER SHARED RIDES (Ridesharing)

C1. Preferential Treatment for Shared Ride Vehicles. This measure includes strategies that give preference to carpools, buspools, vanpools, taxipools, jitneys and other shared rides, including reserved parking spaces next to building entrances, transit stops at building entrances, direct HOV to HOV connecting lanes and ramps, bypass lanes at metered freeway ramps, including reserved lanes around any queues that may form on connecting streets or at congested off-ramps. These strategies should be a part of a coordinated regional and/or county HOV system, with individual communities assisting with changes that affect local streets or development review/approval. This measure can be implemented both locally or on a system-wide basis.

C2. Increased use of Commuter/Employer Services. To increase the number of carpools and vanpools, commuters and employers should be encouraged to use the free computerized ridematching services provided by RIDES for Bay Area Commuters, Inc., Berkeley TRiP, San Benito Rideshare, Santa Clara County’s Commuter Network, Santa Cruz Share-a-Ride and Solano Commuter Information. RIDES maintains a database that serves commuters in the nine Bay

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26 This is in reference to VTA HOV Program and the current MTC Regional Freeway Performance Initiative (FPI).
27 511.org has replaced RIDES Bay Area.
28 San Benito County, Santa Cruz County and eastern Solano County are outside the BAAQMD’s jurisdiction. Reference is made to services offered in these jurisdictions since they are considered within the commute shed of the greater Bay Area.
Area counties and several outlying counties. RIDES' database is electronically linked to ridesharing programs in San Benito County, Santa Clara County, Santa Cruz County, Solano County and the City of Berkeley as well as to ridesharing programs of several Bay Area employers. As an integral part or cities' and counties' trip reduction efforts, employers of all sizes should encourage their employees to take advantage of these services. In addition, employer services offered by RIDES, Santa Clara County's Commuter Network, Solano Commuter Information and Berkeley TRIP could serve as an integral part of training, education and outreach efforts for employee transportation coordinators. This measure can be implemented -locally or on a system-wide basis.

D. HIGH OCCUPANCY VEHICLE (HOV) FACILITIES

D1. Preferential Treatment for HOVs. See measures B4 and C1

D2. Bus and Carpool/Buspool/Vanpool/Taxipool Priorities Lanes on Local Arterials. This measure is aimed at providing time savings for buses and car/bus/Van/taxipools on local arterials. Many peak period commute trips occur on congested local streets. Provision of the Priority lanes during the commute periods will act as an incentive for ridesharing. In some instances, this measure can be combined with Restrictions on Curb-Side Deliveries and On-Street Parking (F11) to provide lanes without taking away mixed flow capacity. (However, streets with existing or planned bicycle lanes should not have the parking lane converted, as this could cause conflicts between bicyclists and motor vehicles.) Cities and counties incorporating this measure in their Deficiency Plan should indicate how any proposed priority lanes will supplement or otherwise support any county-wide or regional HOV plans. This measure should be implemented on a system-wide basis.

D3. Accelerated Implementation of the 2005 HOV Master Plan. The Metropolitan Transportation Commission (MTC), Caltrans, and the California Highway Patrol (CHP) have identified a regional system of High Occupancy Vehicle Lanes. Some of the projects have already been programmed for funding and completion by 1995. The remainder are assumed for completion by 2005. Communities can place a greater priority on these projects so that they can be constructed before the year 2005. For areas, such as Solano County, which are not included in the 2005 HOV Master Plan, emphasis can be placed on developing HOV lanes identified in another study, such as the I-80 Strategic Plan. Cities and counties should work with MTC, Caltrans and the CHP to evaluate H.OV lanes on freeway segments not included in the 2005 HOV Master Plan.

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29 The Regional Freeway Performance Initiative (FPI) has replaced the HOV Master Plan. It should also be noted that VTA is currently implementing its Express Lane Program, which may include construction of additional HOV lanes in some locations.
The technical analysis accompanying the 2005 HOV Master Plan indicated that successful HOV lanes require support facilities, such as park and ride lots, express bus service and exclusive HOV bypass lanes and connecting ramps. It is recommended that Deficiency Plans incorporating this measure focus on providing support facilities for HOV lanes. Some, such as by-pass lanes and connecting ramps, would be constructed at the time the HOV lane is constructed. Others, such as park and ride lots and improved transit service should be implemented prior to the opening of the HOV facility. This measure can largely be implemented on a system-wide basis, although supporting actions can be done on a local basis. (See note on page 3 regarding this measure.)

D4. HOV to HOV Facilities. Local government work with Caltrans and CMAs to identify and program for construction ramps that provide a direct connection between HOV facilities. This could significantly reduce travel time for HOVs that otherwise would be required to negotiate a very slow merge across three or four lanes of single occupant vehicle (SOV) traffic twice in order to exit one freeway and enter another. This measure can be implemented on a system-wide basis.

D5. Direct HOV Lane Entrance/Exit Ramps to Arterials and Special Generators. Where high volumes of HOVs would benefit from direct access to freeway or expressway HOV lanes, direct HOV ramps should be provided for (1) arterials that provide access to major activity centers and (2) connecting roadways to special generators (e.g., airports, stadiums, universities, military facilities, etc.). This measure could be implemented region-wide or locally.

E. OTHER TCMS, RELATED MEASURES.

E1. Stricter Travel Demand Management/Trip Reduction Ordinance. As part of a Deficiency Plan, a city or county will modify their mandated Trip Reduction Ordinance to include requirements beyond those either currently identified or recommended in their county’s CMP. After the adoption of the BAAQMD’s Employer-Based Trip Reduction Rule, jurisdictions would revise their programs to go beyond the requirements embodied in the District’s rule and other local trip reduction requirements, where applicable. This program can be implemented locally.

E2. Expanded Public Education Programs. A Public Education program should be an essential part of any Deficiency Plan. Jurisdictions can include educational materials regarding air quality and congestion relief and the use of the automobile with programs dealing with waste recycling, water conservation, etc. The conservation of air quality and the efficient use of the transportation system are messages compatible with other waste reduction and resource conservation programs. Public education programs might include the following topics:

- health effects of air pollution and traffic congestion
- the air pollution effects of older cars and cars that are out of tune
• list of available low emission vehicles (electric, natural gas, methanol, etc.) and their sellers
• the air pollution effects of cold starts and short trips
• the benefits of linking trips for shopping, errands, recreation, work, particularly during the afternoon on weekdays and during the weekend
• the role of alternative means of transportation in improved regional air quality, local congestion relief, and reduced energy use
• the benefits of compact development, particularly near transit stations
• the benefits of leaving the car at home at least one or two days a week
• the benefits of taking feeder buses, bicycling or walking to regional rail or bus transfer centers and other destinations
• advertising the location, cost and availability of discount transit tickets
• educational materials designed for use in school curricula

The BAAQMD has already begun a public education program for the region. Materials developed as part of the program will be available to cities and counties. RIDES for Bay Area Commuters, Inc., Berkeley TRIP, San Benito Rideshare, Santa Clara County’s Commuter Network, Santa Cruz Dial-a-Ride, and Solano Commuter Information each provide a variety of public information and services available to cities, counties, CMAs, transit agencies, employers and other transportation agencies/organizations.14 Educational materials should also be developed for planning and zoning commissions and governing boards that make land use and transportation decisions impacting air quality. This program can be implemented locally.

E3. Child Care Facilities at or close to Employment Sites, Transit Centers and Park and Ride Lots. Many commuters need to drop off and pickup their children at child care. The intent of this measure is for jurisdictions to facilitate the location of child care facilities at, or more likely, close to employment sites, major transit centers (e.g., BART, CAL TRAIN and Santa Clara Light Rail stations, and park and ride lots. The intent is to shorten or eliminate the automobile portion of the commute trip. Jurisdictions and employers may need to provide financial incentives to operators of such facilities. This program can be implemented locally. (See also Land Use Measures [E8].)

E4. Retail Services at or close to Employment Sites, Transit Centers and Park and Ride Lots. Trips could be eliminated and perceived transit waiting time would be reduced if retail services (e.g., automated bank teller machines (ATMs), dry-cleaners, coffee shops, book stores, etc.) were offered in conjunction with employment sites, transit centers and park and ride lots. Jurisdictions could provide incentives for and work with transit operators to encourage development at or in immediate proximity to areas where people wait to take a bus or train. Activity at or near a transit center or park and ride lot would also enhance safety and thus increase patronage. (See also Land Use Measures [E8].)
E5. Telecommuting Centers and Work-at-Home Programs. Under this measure, jurisdictions and employers would facilitate through discussions with major employers:

- the creation of centers in their communities for telecommuting
- implementation of programs that allow employees to work at home

Businesses would rent space in the center for their employees to work, being connected by telephone wires to the main office and/or allow their employees where appropriate to work at home one or two (or more) days per week. This program can be implemented locally.

E6. Parking Management. 30 This is a broad measure, overlapping with measures dealing with employer-based trip reduction and traffic flow improvements. Jurisdictions can implement parking charges, restrict parking during peak hours along busy corridors, require preferential parking for carpools and van pools at major activity centers, require shared parking arrangements at developments, land bank parking space, establish automobile free zones, parking standards in zoning ordinances to discourage vehicle trips (e.g., establish maximum parking ratios rather than minimum ratios, revise minimum ratios to require fewer spaces, etc.). This program can be implemented locally.

E7. Parking “Cash-Out” Program/Travel Allowance. AB 2109 (Katz, Ch. 92-0554) requires employers of 50 persons or more who provide a parking subsidy to employees to offer a parking cash-out program. Under a parking cash-out program, the employer offers to provide a cash allowance to an employee equivalent to the parking subsidy 31 that the employer would otherwise pay to provide the employee with a parking space. 32 Employees who wish to continue to drive will receive a parking space in lieu of the cash allowance. Employees who forego the use of parking can use the travel allowance for any purpose, including subsidizing the use of alternative transportation modes. Employers may also offer transit passes or ridesharing subsidies as all or part of the travel allowance to help reduce the tax impact on employees. 33

30 Parking management decisions are the responsibility of the Local Agency implementing the development. Local agencies should always consider parking strategies where appropriate.

31 “Parking Subsidy” is defined as the difference between the out-of-pocket amount paid by an employer on a regular basis in order to secure the availability of an employee parking space and the price, if any, charged to the employee for use of that space.

32 AB 2109 also requires cities and counties in which a commercial development will implement a parking cash-out program which is included in a CMP pursuant to subdivision (b) of Government Code Section 65089 or a deficiency plan pursuant to Government Code 65089.3 to grant that development an appropriate reduction in the parking requirements otherwise in effect for new commercial development.

33 Under State and Federal law a cash travel allowance is considered gross income and is therefore taxable. Transit subsidies and some other ridesharing subsidies are not taxable up to varying amounts, depending upon State or Federal tax law.
As part of a deficiency plan, a city or county could pass an ordinance, amend its trip reduction-ordinalance, or work with employers to implement parking cash-out programs that go beyond this new State requirement.\textsuperscript{34} Examples include:

- include employers with fewer than 50 employees
- include employers that own their own parking spaces, using the market rate for parking in the area as the cost of parking and the amount of the cash travel allowance
- require or encourage building owners to separate the cost of parking from the cost of leasing office space, thereby facilitating/requiring parking cash-out programs in multi-
tenant office complexes
- implement a parking cash-out program at city/county employment sites as a model for other employers

This program, which should be implemented locally, must be designed to minimize any adverse impact on parking in neighborhoods adjacent to the participating employment sites.

\textbf{E8. Land Use Measures.}\textsuperscript{35} Land use exerts a strong influence on travel patterns and transportation mode choice. Site design strategies (e.g., clustering and minimizing walk distance to transit) also influence mode choice. Strategies which local governments can undertake include revising general plan policies and land use designations, zoning ordinances and design standards to provide for:

- phase development to occur near current transit service (i.e., infill)
- mixed land uses where residences, work places and services are located close enough together to minimize the need for private motorized transportation between them\textsuperscript{36}
- pedestrian oriented design, such as sidewalks, adequate crosswalks on major streets, building entries near sidewalks rather than behind parking lots, and convenient transit stops
- affordable housing near major employment sites
- incentives for infill development

\textsuperscript{34} To meet the requirements of this Deficiency List, cities and counties must require that the employer program not to be designed to disproportionately favor use of any alternative mode (e.g., giving a travel allowance to the employee in the form of a “Commute Check” that can be used for public transit only, and offering no equivalent monetary benefit for those who rideshare, bicycle or walk).

\textsuperscript{35} In locations where a development is located near a VTA designated core, corridor, or station area; VTA suggests you use the Community Design and Transportation (CDT) Manual for guidance on Land Use Design standards.

\textsuperscript{36}Cities and counties, prior to zoning for or approving housing or other sensitive receptors (e.g., schools, hospitals or convalescent facilities) near industry should consider the nature of activity that may occur and whether that activity does/could pose a risk of nuisance (e.g., odors) or potential public health problems. Similar care should be taken when considering locating industry or related land uses near residences and other sensitive receptors. BAAQMD Planning Division staff is available in such cases to advise cities and counties of appropriate action and mitigation strategies (e.g., buffer zones) where feasible.
higher densities at transit stops and along major transit lines
sites for alternative fuel vehicle fueling facilities

This measure can be implemented both locally and on a system-wide basis. (See also Improved Pedestrian Facilities [A51. Child Care Facilities at or close to Employment Sites, Transit Centers and Park and Ride Lots [D3] and Retail Services at or close to Employment Sites. Transit Centers and Park and Ride Lots [D4].)

F. TRAFFIC FLOW IMPROVEMENTS.

F1. Preferential Treatment of HOVs. See measure B4 and C1

F2. Ramp Metering. 37 Caltrans District 4 is currently working on a comprehensive ramp metering program for the region's freeways. Ramp metering must include bypass lanes for buses and carpools. Jurisdictions placing this measure in their Deficiency Plans must show how they will work with Caltrans and MTC to help fund and assist in expediting the implementation of ramp metering on freeway ramps within their community. Solano County would coordinate with any ramp metering plans developed by Caltrans, District 10. This measure would be implemented on a system-wide basis. (See note on page 3 regarding this measure.)

F3. Auxiliary Lanes of Up to One Mile in Length Where HOV Lanes are Provided. This measure would allow the addition of freeway auxiliary lanes between interchanges of not more than one mile in length (i.e., in locations with closely spaced interchanges) to promote ease of HOV lane access and egress and provide for safe merging of conflicting traffic. This measure is for freeways only (not expressways), since expressway auxiliary lanes would diminish the safety of bicyclists. This measure would be implemented on a system-wide basis. (See note on page 3 regarding this measure.)

F4. Signalization Improvements. 38 Jurisdictions would be expected to improve signal timing and sequencing to smooth traffic flow and increase average speeds during the peak periods. Jurisdictions could identify roadways to undergo signalization improvements, as well as a timetable for doing so. Jurisdictions that have planned improvements can use those programs. Signalization improvements should be coordinated with any programs to improve signalization and preemption advantages for transit vehicles. This measure would be implemented on a system-wide basis. (See note on page 3 regarding this measure.)

37 Currently MTC has initiated the Freeway Performance Initiative (FPI) to address HOV lanes and Ramp Metering improvements. Similarly, VTA has an Intelligent Transportation Systems (ITS) program which promotes operating systems improvements on freeway ramps and major roadways.

38 This is another reference to the ITS improvements developed by the VTA.
F5. Computerized Traffic and Transit Control/Management on Arterials. This measure includes installing traffic sensors, closed circuit television, low wattage “highway-advisory radio” broadcasts, and centrally controlled changeable message signs on local arterials to convey current traffic and transit information. This driver and transit rider information system will supply travelers with real-time traffic and transit information to assist them in planning routes and times of travel. This will be especially helpful in reducing congestion from surges of traffic such as special events, sporting events and parades. (See note on page 3 regarding this measure.)

F6. Turn Lanes at Intersections. This measure would be applicable on arterials where placement of a maximum of one left turn lane and/or a maximum of one right turn lane per approach would significantly reduce average stopped delay at an intersection. Double left- or double-right turn lanes would not be appropriate at intersections or freeway/arterial on/off ramps since these create an unfriendly environment for trips by non-motorized modes (pedestrian, bicycle and other travel). This measure would be implemented locally.

F7. Turn Restrictions at Intersections. This measure consists of restricting turns at some intersections throughout the day or during peak periods only. This measure can be implemented locally.

F8. Reversible Lanes. This measure is applicable on arterials in areas of employment concentration, where congestion occurs in the inbound direction in the morning and the outbound direction during the afternoon. It consists of temporarily increasing the capacity of the congested direction, with the reversed lane dedicated as an exclusive lane for buses, carpools and vanpools. This program can be implemented locally.

F9. One Way Streets. In areas of high traffic volumes, jurisdictions can convert roadways to one-way streets. This measure has been employed in many of the larger central business districts within the Bay Area. Jurisdictions using this measure should identify streets to be converted to one-way and an implementation schedule. However, streets should not have the parking lane taken away where this would cause conflicts between bicyclists and motor vehicles by decreasing the lane area for bicyclists. This program can be implemented locally.

F10. Targeted Traffic Enforcement Programs. Where double parking, parking in bus stops, “gridlock” or illegal use of HOV lanes pose a problem, jurisdictions can provide additional

39 An exception to the double turn lane restriction for arterial/arterial intersections would be appropriate only in cases where all of the following criteria are met: (1) the curb to curb distance remains the same for all approaches after changes to intersection geometry; (2) the width of the median (if any), which serves as a pedestrian refuge, is not reduced to accommodate changes to intersection geometry; (3) the signal cycle length is reduced so pedestrians have more frequent opportunities to cross the intersection; (4) the minimum green time in each phase (for pedestrian crossing) is maintained or increased; and (5) the width of the right most through lane is maintained or increased from its width prior to changes to intersection geometry (for bicyclists’ safety).

40 A combination bus and bike lane would be acceptable since the frequency of buses is limited.
parking and traffic enforcement to help manage congestion. This program can be implemented locally.

F11. Restrictions on Curb Side Deliveries and On-Street Parking. This measure is intended as a peak hour measure. The intent is to handle peak flows without adding permanent capacity to the roadway. It is expected that this measure would be used in conjunction with measures to provide arterial HOV lanes or transit priority lanes facilities. In some instances, restrictions may only apply to one-side or for a portion of a roadway/arterial, depending on the peak-flow. This measure may also be useful in handling congestion around commercial areas during their peak period. Jurisdictions may require that all deliveries be made at the rear of buildings, if space and building lot design allows. This program can be implemented locally.
APPENDIX D:

EXAMPLE OF A LOCAL INTERSECTION MANAGEMENT STRATEGY - CITY OF SAN JOSE’S TRANSPORTATION IMPACT POLICY (PROTECTED INTERSECTIONS)
City of San José, California

COUNCIL POLICY

<table>
<thead>
<tr>
<th>TITLE</th>
<th>TRANSPORTATION IMPACT POLICY</th>
</tr>
</thead>
<tbody>
<tr>
<td>PAGE</td>
<td>1 of 11</td>
</tr>
<tr>
<td>POLICY NUMBER</td>
<td>5-3</td>
</tr>
</tbody>
</table>

EFFECTIVE DATE: September 5, 1978
REVISED DATE: June 21, 2005
APPROVED BY COUNCIL ACTION: September 5, 1978; Revised August 26, 1980; Revised by Resolution 72766.1 on June 21, 2005.

BACKGROUND

The San José City Council adopted the following City Policy on June 21, 2005. This policy repeals and replaces previously adopted Council Policies 5-3, "transportation Level of Service" and 5-4, "Alternate Traffic Mitigation Measures".

PURPOSE

The purpose of this Policy is to guide analyses and determinations regarding the overall conformance of a proposed development with the City’s various General Plan multi-modal transportation policies, which together seek to provide a safe, efficient, and environmentally sensitive transportation system for the movement of people and goods.

POLICY

I. TRANSPORTATION POLICIES AND PROGRAMS

A. General Plan and Adopted Council Policies

Specific multi-modal transportation policies that are included in the City’s adopted General Plan, or have otherwise been formally adopted by the City Council include the following:

- **Pedestrians**: General Plan policies encourage pedestrian travel between high density residential and commercial areas throughout the City. Pedestrian access is particularly encouraged for access to facilities such as schools, parks and transit stations, and in neighborhood business districts. [General Plan Transportation Policy 16]

- **Bicycles**: General Plan policies encourage a safe, direct and well-maintained bicycle network that links residences with employment centers, schools, parks, and transit facilities. Bicycle lanes are considered appropriate on arterials and major collectors. Bicycle safety is to be considered in any improvements to the roadway system undertaken for traffic operations purposes. [General Plan Transportation Policies 41, 42, and 46]

- **Neighborhood Streets**: General Plan policies discourage inter-neighborhood movement of people and goods on neighborhood streets. Streets are to be designed for vehicular, bicycle and pedestrian safety. Neighborhood streets should discourage both through vehicular traffic and unsafe speeds. [General Plan Transportation Policies 1, 8 and 9]

- **Private Developments**: When a Transportation Impact Analysis finds that a proposed development project would create an adverse traffic condition within an existing neighborhood, the City’s Department of Transportation, other City staff, and the developers’ consultants will work to ensure that the development will include appropriate measures, including traffic calming measures where appropriate, to minimize the adverse impacts to the neighborhood.
New development should create a pedestrian friendly environment that is safe, convenient, pleasant, and accessible to people with disabilities. Connections should be made between the new development and adjoining neighborhoods, transit access points, community facilities, and nearby commercial areas. [Council Policy 5-6: Traffic Calming adopted 4/28/00 and revised 8/26/01]

**Transit Facilities** General Plan policies state that all segments of the City's population are to be provided access to transit. Public transit systems should be designed to be attractive, convenient, dependable and safe. [General Plan Transportation Policy 11]

**Vehicular Traffic** The General Plan provides that the minimum overall performance of signalized intersections within the City should achieve a minimum level of service. A development that would cause the performance of an intersection to fall below the minimum level of service needs to provide vehicular related improvements aimed at maintaining the minimum level of service. If necessary to reinforce neighborhood preservation objectives and meet other General Plan policies, the Council may adopt a policy to establish alternative mitigation measures. [General Plan Transportation Policy 5]

**Regional Freeways** General Plan policies encourage the City's continued participation in inter-jurisdictional efforts, such as the Santa Clara County Congestion Management Agency to develop and implement appropriate techniques to improve the regional transportation system. [General Plan Transportation Policy 20]

**B. Implementation Programs**

In support of these policies, the City relies upon a number of Implementation policies, ordinances, programs, and development processes to maintain and improve the multi-modal transportation system. Specific techniques for protecting neighborhoods from significant traffic effects, and for ensuring that the burden of serving new development does not fall disproportionately upon existing neighborhoods and businesses, presently include the following:

(a) requiring that all new developments improve their own public street frontage;

(b) requiring that all new developments maintain an overall standard of Level of Service D or better at signalized intersections unless the intersections are covered by an Area Development Policy or are otherwise designated by the City Council as exempt from this policy;

(c) collecting taxes from new development for the purpose of maintaining existing streets and roadways. Existing taxes include the Building and Structure Construction Tax (SJMC § 4.46), Residential Construction Tax (SJMC § 4.64), and the Construction Tax (SJMC § 4.64)

(d) implementing a Council "Traffic Calming Policy" (Council Policy 5-6) that provides City resources to prevent, offset, or minimize adverse effects of vehicular cut-through traffic on residential neighborhoods.

**II. TRAFFIC LEVEL OF SERVICE**

The following language addresses the specific methods for implementing item (b), the City's adopted General Plan Level of Service Policy for Traffic, including its applicability and scope and an explanation of relevant concepts. This policy serves as a growth management tool. It establishes a threshold for environmental impact, and requires new developments to mitigate significant impacts. This policy serves the City by helping to protect neighborhoods, manage congestion, and build transportation infrastructure.

**A. Application Of Policy**

1. **Geographic Areas**

   This Policy applies to all geographic areas of the City with the following exceptions:

   a. The Downtown Core Area, as defined by the City's General Plan. The Downtown Core Area is exempt from the City's Transportation Level of Service Policy.
### Appendix D: Example of a Local Intersection Management Strategy Implemented by the City of San Jose

#### 2. Types of Developments

This Policy applies to all developments within the applicable geographic areas, except the following types of infill projects shall be exempted from Section 17.6 of this Policy, because the Council finds that these projects, individually and cumulatively, will not cause a significant degradation of transportation level of service and subject projects will further other City goals and policies:

- All retail commercial buildings containing (5,000) square feet of gross area or less.
- All office buildings containing (10,000) square feet of gross area or less.
- All industrial buildings of (30,000) square feet or less.
- All single-family detached residential projects of (15) dwelling units or less.
- All single-family attached or multi-family residential projects of (25) units or less.

In no case shall any of these above types of infill projects be exempted if they are increments of a larger project or parcel.

#### B. Policy Implementation

1. **Level Of Service**

   As used in this Policy, Level of Service is a measure of traffic congestion at those signalized intersections that are within the areas subject to this policy. The standards used by the City of San José to measure the Level of Service are described in the following table.

   The City's goal is to achieve an overall Level of Service of "D" at signalized intersections. City staff shall determine the appropriate methodology for determining the Level of Service, and shall apply that methodology in a consistent manner.

   **Level of Service**

<table>
<thead>
<tr>
<th>Level of Service</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>No congestion. All vehicles clear in a single signal cycle.</td>
</tr>
<tr>
<td>B</td>
<td>Very light congestion. All vehicles clear in a single signal cycle.</td>
</tr>
<tr>
<td>C</td>
<td>Light congestion. Occasional back-ups on some approaches or turn pockets.</td>
</tr>
<tr>
<td>D</td>
<td>Significant congestion on some approaches, but intersection is functional. Vehicles required to wait through more than one cycle during short peaks.</td>
</tr>
<tr>
<td>E</td>
<td>Severe congestion with some long back-ups. Blockage of intersection may occur. Vehicles are required to wait through more than one cycle.</td>
</tr>
<tr>
<td>F</td>
<td>Total breakdown. Stop and go conditions.</td>
</tr>
</tbody>
</table>

2. **Transportation Impact Analysis**

   When the City determines through the application of its technical methodology that a proposed development may result in a substantial increase in traffic congestion, the applicant must prepare a Transportation Impact Analysis (TIA) to evaluate those project impacts. The TIA must comply with relevant professional standards and the methodology promulgated by City staff. In addition to
describing the existing vehicular transportation facilities in the project area, the TIA must also identify the existence, status, and condition of pedestrian, bicycle, and transit systems and facilities that would serve, or will be impacted by, the proposed development.

The developer must complete the proposed TIA prior to or in conjunction with the analysis of environmental impacts prepared to satisfy the requirements of the California Environmental Quality Act (CEQA).

a. Significant LOS Impacts

A significant LOS impact occurs when the TIA demonstrates that the proposed development would either: (1) cause the level of service at an intersection to fall below LOS D, or (2) contribute the equivalent of 1% or more to existing traffic congestion at an intersection already operating at LOS E or F.

It has long been San José's Policy that adding 1% or more to an already congested intersection is a substantial increase in congestion and constitutes a significant impact, and that is still the intention of this Policy.

When a significant impact occurs, then the TIA must also identify improvements that would reduce traffic congestion so that the intersection operates at the level that would exist without the proposed project. These traffic improvements will be referred to as LOS Traffic Improvements.

b. Mitigation for LOS Impacts

The proposed development is required to include construction of all LOS Traffic Improvements identified in the TIA as necessary to mitigate the significant LOS impacts, unless the TIA demonstrates that these improvements would have an unacceptable impact on other transportation facilities (such as pedestrian, bicycle, and transit systems and facilities), as such impacts are described in the next section of this policy. Implementing mitigation measures that cause unacceptable impacts in order to reduce the impacts of traffic congestion from a new development is not consistent with the City's General Plan policies. In order to achieve conformance with the City's General Plan Traffic Level of Service and other transportation policies, alternative mitigation measure(s) that do not have unacceptable impacts, and that would reduce traffic congestion so that the intersection operates at the level that would exist without the proposed project, must be identified and implemented.

3. Unacceptable Impacts of Mitigation

For purposes of this Council Policy, an LOS Traffic Improvement has an unacceptable impact if the TIA demonstrates that the improvement would result in a physical reduction in the capacity and/or a substantial deterioration in the quality (aesthetic or otherwise) of any other planned or existing transportation facilities (such as pedestrian, bicycle, and transit systems and facilities). The following are examples of the kinds of impacts that would be considered unacceptable.

- reducing the width of a sidewalk below minimum city standard
- eliminating a bicycle lane or reducing its width below city standard
- eliminating a bus stop or eliminating a parking lane that accommodates a bus stop
- eliminating a parking strip (between sidewalk and street) that contains mature trees
- encouraging substantial neighborhood cut-through traffic
- creating unsafe pedestrian and/or automobile operating conditions.
Appendix D: Example of a Local Intersection Management Strategy Implemented by the City of San Jose

III. SPECIAL STRATEGY AREAS

A. Background

To continue to expand local intersections in order to increase their vehicular capacity may, under certain circumstances, result in a deterioration of the local environmental conditions near those intersections, and an erosion of the City's ability to both encourage infill in designated Special Strategy Areas, and to support a variety of multi-modal transportation systems.

The City of San José has identified certain local intersections for which no further physical improvement is planned. These specific intersections, because of the presence of substantial transit improvements, adjacent private development, or a combination of both circumstances, cannot be modified to accommodate additional traffic and operate at LOS D or better, in conformance with all relevant General Plan policies. These intersections are all well within the Urban Service Area and the Greenline Urban Growth Boundary of the City. Future infill development that is otherwise consistent with other General Plan policies encouraging Smart Growth may, therefore, generate additional traffic through these intersections, resulting in a level of congestion that would not otherwise be consistent with the rest of this Policy.

B. Application

Any intersection that is added to the List of Protected Intersections must be within designated Special Planning Areas as shown in Exhibit I attached to this Policy, and consistent with the General Plan. The process of adding to the List of Protected Intersections is described in greater detail in the Implementation Procedures in Appendix A of this Policy.

C. Protected Intersections

This Policy therefore acknowledges that exceptions to the City's policy of maintaining LOS D at local intersections will be made for certain Protected Intersections that have been built to their planned maximum capacity. A list of these intersections will be approved by the City Council, subsequent to completion of the appropriate CEQA review. The list may be modified by the Council in the future. Any decision to modify the list will only be made after appropriate public review and consideration of any adverse impacts that might result from such a decision.

If a proposed development project would cause a significant LOS impact (as defined in Section II(B)(2) above) at one or more of these Protected intersections, the proposed development will include construction of specific improvements to other segments of the citywide transportation system, in order to improve system capacity and/or enhance non-auto travel modes.

The physical improvements that would be included in the proposed development will be capacity enhancing improvements to the citywide transportation systems. First priority for such improvements will be those improvements identified that would be proximate to the neighborhoods impacted by the development project traffic. The process for identifying and approving these improvements is described in Appendix A of this Policy.

By funding these improvements to the City's overall multi-modal transportation system, the development project will contribute substantially to achieving General Plan goals for improving and expanding the City's multi-modal transportation system. The development project would, therefore, be consistent with the City's General Plan multi-modal Transportation Policies, including the Traffic Level of Service Policy.

D. Applicability to Subsequent Projects

A determination of General Plan conformance for a particular development project would not be applicable to subsequent, different development projects that have LOS impacts on the same Protected intersection. Any individual project that would result in LOS impacts must be evaluated in the context of its own impacts and its own efforts to conform to this Policy.
APPENDIX A
TO COUNCIL POLICY 5-3
POLICY IMPLEMENTATION PROCEDURES

The applicant for any proposed development project that might generate a substantial amount of traffic is required to submit a Traffic Impact Analysis (TIA) that identifies (a) project traffic impacts on nearby intersections, and (b) mitigation for any impact identified as significant. The TIA must be prepared by a qualified traffic engineer to the satisfaction of the Director of Public Works and needs to identify not only impacts from project traffic but also possible impacts from any proposed mitigation measures. This must include impacts on roadways and roadway capacity, and on any facilities or systems for alternative forms of transportation (such as transit stops, sidewalks, bicycle lanes, etc.), whether within the public right-of-way or not.

If the TIA concludes that the project would not result in significant traffic Level of Service (LOS) impacts to any intersections or freeway segments, or impacts to any alternative transportation modes, the project can be identified as conforming to the General Plan Traffic LOS Policy. If the project would result in a significant traffic LOS impact, and its proposed LOS mitigation would have unacceptable impacts on other transportation facilities, or if the project itself would result in an unacceptable impact on other transportation facilities, the project would need to be modified in order to avoid both the significant traffic LOS impact and the unacceptable impact(s) on other transportation facilities. The modification could be one or a combination of the following:

1. a reduction in the size of the project (less square footage or number of units proposed, etc.) to a degree that would avoid the need for traffic LOS mitigation, or
2. the identification of a different mitigation measure that would reduce the traffic LOS impact to an acceptable level and would not itself have unacceptable impacts, or
3. modification of the project design to avoid the significant traffic LOS impact and/or the unacceptable impact(s) on other transportation facilities.

Please see the following discussion for a description of what constitutes an unacceptable impact.

The directions for preparing a TIA, including the thresholds for triggering its preparation and the criteria used both to determine the significance of traffic impacts and to evaluate the effectiveness of mitigation measures, are described in the detailed methodology prepared and maintained by the City’s Department of Transportation, consistent with prevailing professional standards in the field.

Unacceptable Mitigation Measures - Citywide

Unacceptable mitigation measures include any LOS Traffic Improvement that would result in substantial degradation of or a reduction in capacity for alternative transportation modes. If any of the LOS Traffic Improvements that are necessary to avoid significant traffic impacts could, themselves, have unacceptable impacts on other existing or planned transportation facilities, those improvements will not be allowed. An unacceptable impact on other existing or planned transportation facilities is defined as reducing any physical dimension of a transportation facility below the City’s stated minimum design standard, or causing a substantial deterioration in the quality of any other planned or existing transportation facilities, including pedestrian, bicycle, and transit systems and facilities, as determined by the Director of Transportation. Examples of unacceptable impacts would include:

- reducing the width of a sidewalk below minimum City standard;
- eliminating a bicycle lane or reducing its width below minimum City standard;
- eliminating a bus stop, or eliminating a parking lane that accommodates a bus stop;
- eliminating a park strip (between sidewalk and street) that contains mature trees that shade and protect the sidewalk;
- encouraging substantial neighborhood cut-through traffic;
COUNCIL POLICY MANUAL

- creating unsafe pedestrian and/or automobile operating conditions.

If an LOS Traffic Improvement proposed to mitigate a project impact would itself have unacceptable impacts, the applicant must identify another mitigation measure. If any LOS Traffic Improvement/mitigation measure proposed requires acquisition of right-of-way and/or affects an existing private development near the intersection or elsewhere, sufficient information about the all of the impacts of right-of-way acquisition and redesign of the intersection must also be provided so that the City decision makers and the public will know what the full effects of the mitigation measure would be.

If a proposed project fails to provide acceptable mitigation for significant traffic impacts (at other than Protected Intersections), in other words, if the proposed project does not avoid significant impacts to both roadways and other modes of transportation in a manner that is acceptable under the Policy - it cannot be found under this Policy to conform to General Plan transportation policies, or to have less than significant impacts on the physical environment.

List of Protected Intersections

The City Council has approved a List of Protected Intersections that have been built to their planned maximum capacity, as stated in this Policy. It is the City's intention that no further expansion of those intersections will occur. In creating this list, an environmental impact report ("EIR") was prepared and that EIR was certified by the City Council, all as required under the provisions of the California Environmental Quality Act of 1970, as amended ("CEQA"), that acknowledged that traffic congestion at those Protected Intersections will eventually exceed the City LOS standard of D.

Additions to List of Protected Intersections

The City Council may decide in the future, based on recommendations from City staff or others, that one or more additional intersections should be added to the List of Protected Intersections. To be eligible for the list, intersections must be at infill locations and within designated Special Planning Areas as shown in Exhibit 1 attached to the Council Policy, and consistent with the General Plan. Special planning areas may include designations such as the following:

- Transit-Oriented Development Corridors;
- Planned Residential/Community Areas;
- Neighborhood Business Districts;
- Downtown Gateways

Any addition to the List of Protected Intersections must be approved by the City Council. Any revision will undergo the appropriate CEQA review, including an analysis of future conditions that include traffic from planned and reasonably foreseeable development. The current list will be maintained and promulgated by the Director of Transportation. Intersections that are added to the list will be already built to their maximum capacity, where further expansion would cause significant adverse effects upon existing or approved transit or other multimodal facilities, nearby land uses, or local neighborhoods.

Intersections added to the List of Protected Intersections that are also designated on the Santa Clara County Congestion Management Plan must still meet CMP requirements.

Impacts to Protected Intersections

If a TIA is prepared and identifies a significant LOS impact to a Protected Intersection that is on the Council-approved List of Protected Intersections, the project would not be required in that particular instance to provide further vehicular capacity-enhancing improvements to that intersection in order for the City to find project conformance with the General Plan. Instead, as described below, General Plan conformance could still
Appendix D: Example of a Local Intersection Management Strategy Implemented by the City of San Jose

City of San José, California

be found if the applicant chooses to provide improvements to other parts of the citywide transportation system in order to improve transportation-system-wide roadway capacity or to enhance non-auto travel modes in furtherance of the General Plan goals and policies described in this Council Policy. The improvements would be within the project site vicinity or within the area affected by the project's vehicular traffic impacts. With the provision of such other transportation infrastructure improvements, the project would not be required to provide any mitigation for vehicular traffic impacts to the listed intersection in order to conform to the General Plan. The threshold of significance for protected intersections is one-half that of non-protected intersections.

Transportation System Improvements

Improvements made to the Citywide transportation system under the provisions of this Policy may be to either the roadway system or to other elements of the City's overall transportation infrastructure. The specific improvements proposed should generally be identified prior to project approval. Priority will be given to improvements identified in previously adopted plans such as area-wide specific or master plans, Redevelopment Plans, or plans prepared through the Strong Neighborhoods Initiative. Neighborhood outreach will occur prior to and concurrent with the project review and approval process.

In determining the extent, number, and location of the Transportation System Improvements, should an applicant choose this option of addressing unacceptable transportation system impacts created by a proposed project, the process described in this Appendix will be followed in order to assure consistency in the application of this Policy. The total value of improvements proposed to be constructed by a particular project having significant LOS impacts on a Protected Intersection will be determined initially by multiplying $2,000 by the total number of peak hour project trips generated by the project, after all vehicular traffic credits have been assigned. The peak hour used as the basis for calculating this value will be the one (AM or PM) having the highest number of net trips after assignment of credits. The $2,000 base amount will automatically increase 3.5 percent per year, to ensure that the amount remains at a consistent level over time. The total amount of this calculated value will create the budget for construction of the Transportation System Improvements for a project. The improvements must be implemented within the area proximate to the Special Planning Area affected, as shown on the Improvement Zone Map maintained by the City's Department of Transportation in order to maximize the benefit of the traffic improvements on the same area impacted by the project traffic.

There are caps on the maximum value of Transportation System Improvements that would be required for impacts from a single project on a single Protected Intersection, and for impacts from a single project on two or more Protected Intersections. The maximum values are as shown:

<table>
<thead>
<tr>
<th>Project Size</th>
<th>1 Impact</th>
<th>2+ Impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 400 trips</td>
<td>$2,000 per trip</td>
<td>TBD during CEQA process</td>
</tr>
<tr>
<td>Over 400 trips</td>
<td>TBD during CEQA process</td>
<td>TBD during CEQA process</td>
</tr>
</tbody>
</table>

The value, location and specific type of improvements, may be some of the information that would be available to the public during the community outreach process that takes place prior to project approval. However, specific improvements can be determined/financed during subsequent planning permit stages.

For purposes of clarification, building improvements to the Citywide transportation system is not "mitigation" for significant traffic LOS impacts, as mitigation is defined by CEQA. Such improvements would not reduce or avoid the significance of the impacts to the listed intersections. Rather, the improvements accomplished in this way would be a means of providing substantial additional benefit to the community by improving the overall multi-modal transportation system in the area, which the decision makers would consider in deciding whether or not to approve the proposed project. The fact that such improvements would be built if an applicant chose to proceed with a project having an unacceptable impact at a Protected Intersection under the provisions of this Policy were identified in the EIR that addressed the impacts of designating Protected Intersections, [and the benefits of these anticipated improvements were addressed in the Statement of Overriding Considerations adopted by the City Council in approving the revised Level of Service Policy.] In approving this Policy, the City
COUNCIL POLICY MANUAL

has determined that building such improvements will contribute substantially to achieving General Plan goals for improving and expanding the City's multi-modal transportation system. A development project that conforms to this Policy could, therefore, be found to be consistent with the City's General Plan multi-modal Transportation Policies, including the Traffic LOS Policy.

CEQA Process for Subsequent Projects

A traffic LOS impact to a Protected Intersection will still be considered a significant impact for the purposes of CEQA. A development project that conforms to this Policy which results in significant traffic impacts at one or more of the Protected Intersections will not normally be required to prepare a separate EIR just to address its impacts at one of the listed Protected Intersections. It is anticipated that the project-specific environmental review may be able to use the EIR certified for the purpose of placing the impacted intersection on the Council-adopted list of Protected intersections as a base and “tier” off it, as allowed by CEQA and the City’s Environmental Review Ordinance. The EIR certified for the Protected Intersection(s) will, however, be used only for the purpose of addressing the impacts of traffic at one or more Protected Intersections. The project-specific environmental document, whether an Initial Study or Subsequent/Supplemental EIR, will include analysis of all other impacts, including other traffic impacts, as required by CEQA. If the project also has a significant impact at another (non-protected) intersection, that impact and its mitigation(s) will be addressed as they have been in the past under existing policies. If the impact is fully mitigated in a fashion that is consistent with the General Plan and the adopted Council Transportation Impact Policy, it will not trigger preparation of an EIR.

If an applicant for a project found to have a significant impact on one of the listed Protected Intersections chooses not to construct other transportation system improvements, the other alternative method available for finding that project consistent with the General Plan would be to downsize the proposed project, so that it would not result in a significant impact at the listed intersection. If the applicant chooses not to implement transportation system improvements as allowed for under this Policy or to downsize the project in order to eliminate the significant LOS impact at the Protected Intersection, then the project could not be found to be consistent with the City's General Plan and could not be approved. The project would also have a significant unavoidable CEQA impact.

1 Except as otherwise noted in this Appendix, terms used herein shall have the meanings described within the Policy.
2 For this Policy, the term “applicant” refers to someone that has requested an entitlement or discretionary approval from the City of San José.
3 A park strip with mature trees provides a substantial physical separation between pedestrians and vehicular traffic, adds a degree of protection to the sidewalk, and creates a more comfortable environment for pedestrians, especially children.
4 Credits, or reductions in the net number of trips generated by a proposed development project, can be based on factors such as existing development on the project site that will be removed if the proposed project is implemented and/or reductions in trip generation rates assumed consistent with policies of the Congestion Management Agency or assumptions based on studies conducted by the City or the Institute of Transportation Engineers.
5 The 3.5 percent cost escalation adjustment is based on a 20-year average construction cost factor. The adjustment will take effect annually on July 1st, beginning in 2006.
6 The Environmental Review Ordinance is contained at Title 21 of the San José Municipal Code.
Community Improvement Zones

Improvement Areas for Multi-Modal Transportation Enhancements for Traffic Level of Service Impacts

City of San José, California
ACKNOWLEDGEMENTS

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**Contributing Participants**

VTA System Operations & Management Working Group (SOMWG)

VTA SOMWG Deficiency Plan Sub-working Group:  
Heba El Gundy, City of Sunnyvale  
Steven Chan, City of Milpitas  
Casey Hirasaki, City of San Jose  
Paul Ma, City of San Jose

Robert Del Rio, Hexagon Transportation Consultants, Inc.

Sohrab Rashid, Fehr & Peers Transportation Consultants
CONGESTION MANAGEMENT PROGRAM (CMP) INTERSECTIONS

- There are 252 CMP Intersections in Santa Clara County.
- The CMP Intersections are monitored every two years. The last year the CMP Intersections were monitored in 2008. Data for the CMP Intersections is tentatively scheduled to be collected in September – October of this year, 2010.
- In 2008, 36 CMP Intersections were operating at LOS E; 5 CMP Intersections were operating at LOS F. The combined CMP Intersections operating at LOS E or F represent 16% of Santa Clara County’s CMP Intersections.
- The location and number of CMP Intersections operating at LOS E or F are listed below and shown on a map in Figure 1:
  - City of Campbell ................................................................. 6
  - CMP Intersections boarding City of Campbell/City of San Jose ......................................................... 1
  - City of Los Altos ................................................................. 1
  - City of Los Gatos ................................................................. 1
  - City of Milpitas ................................................................. 1
  - CMP Intersections boarding City of Milpitas/City of San Jose ......................................................... 3
  - City of Mountain View .......................................................... 1
  - City of Palo Alto ............................................................... 2
  - City of San Jose ............................................................... 15
  - City of Santa Clara ............................................................... 7
  - CMP Intersections boarding City of Santa Clara/City of San Jose ......................................................... 1
  - City of Sunnyvale ............................................................... 2

Total 41

Source: VTA 2008 Monitoring and Conformance Report
FIGURE 1. 2008 CMP INTERSECTION LEVEL OF SERVICE
CONGESTION MANAGEMENT PROGRAM (CMP) FREEWAYS

- There are approximately 155 miles of freeway in Santa Clara County. Two travel directions for each freeway segment that equals approximately 310 direction miles.
- The CMP Freeways are monitored annually. Data for the CMP Freeways, in addition to the CMP Intersections, is tentatively scheduled to be collected in September –October of this year, 2010.
- For the AM peak period in 2009, 24 freeway segments of mixed flow lanes operated at LOS E and 71 freeway segments operated at LOS F (out of 266 total segments). This represents approximately 71% of the freeway segments in Santa Clara County.
- For the PM peak period in 2009, 20 freeway segments of mixed flow lanes operated at LOS E and 40 freeway segments operated at LOS F (out of 266 total segments). This represents approximately 23% of the freeway segments in Santa Clara County.
- For reference purposes, the locations and LOS of the freeway segments monitored are shown on maps in Figures 2 and 3 for both the AM and PM peak periods.

Source: VTA 2009 Monitoring and Conformance Report
FIGURE 2. 2009 CMP FREEWAY SEGMENTS OPERATING AT LOS E-F (AM PEAK PERIOD)
FIGURE 3. 2009 CMP FREEWAY SEGMENTS OPERATING AT LOS E-F (PM PEAK PERIOD)
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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: Grand Boulevard Initiative - Multimodal Transportation Corridor Plan

FOR INFORMATION ONLY

BACKGROUND:

The Grand Boulevard Initiative (GBI) is a collaboration of 19 cities, San Mateo and Santa Clara counties, and other agencies and stakeholders united to improve the performance, safety and aesthetics of the El Camino Real corridor. The Grand Boulevard corridor runs for 43 miles through Santa Clara and San Mateo Counties, from Diridon Station in San Jose up to the Daly City/San Francisco border. This effort is being led by VTA, SamTrans, the City/County Association of Governments of San Mateo County (C/CAG), Joint Venture Silicon Valley, and the San Mateo County Economic Development Association (SAMCEDA).

The Grand Boulevard Initiative is directed by a Task Force with approximately 45 representatives from cities, counties, regional agencies, and labor, business, housing and environmental groups. Accomplishments of the Initiative to date include adopting a Vision and Challenge Statement, adopting a set of 10 Guiding Principles, developing an Existing Conditions Report, developing a website and Google Maps project list, developing a 2008 Progress Report, and conducting two rounds of awards competition to recognize exemplary projects and plans.

DISCUSSION:

Over the past year and a half, VTA, SamTrans and C/CAG have conducted a Multimodal Transportation Corridor Plan for the GBI corridor. The goal of this Corridor Plan is to facilitate development of a better match between land use and transportation on the El Camino Real/The Alameda corridor. The plan is intended to guide the transformation of the roadway into a pedestrian and transit-friendly, high-performing multimodal arterial where all modes of transportation move efficiently and safely.
The scope of the Multimodal Transportation Corridor Plan included five key components:

- Development of a multimodal access strategy for the corridor
- Development of multimodal street design guidelines, prototypes, and guidance regarding the Caltrans highway design process to assist local agencies when they initiate projects
- Analysis of future transit and land use scenarios to explore the potential benefits of enhanced transit and intensified land use along the corridor
- Analysis of future transit needs and recommended service for the corridor
- Identification of policy options and best practices for overall operations and management of the corridor

A draft Multimodal Transportation Corridor Plan report has been developed based on the findings of the above work efforts, and has been made available to the Grand Boulevard Task Force as well as agency staff and other stakeholders through the Grand Boulevard website. The draft report can be downloaded at the following address: www.grandboulevard.net/projects/multi-modal-corridor-plan. It is anticipated that the Grand Boulevard Task Force will adopt the Corridor Plan at its next meeting in mid-September.

The key findings and recommendations of the Corridor Plan include the following:

**Multimodal Access Strategy and Design Guidelines:**

- The recommended multimodal access strategy for the GBI corridor has four components:
  1. Create space within the Right-of-Way for multiple travel modes
  2. Provide the facilities needed to promote multimodal travel
  3. Differential mobility policies to reflect corridor development policies
  4. Apply GBI-based performance measures in project planning and evaluation

- Greater flexibility in the Caltrans design standards for the corridor will facilitate the long-term street improvements needed to achieve the GBI vision.

**Analysis of Future Transit and Land Use Scenarios:**

- There are synergies to changing land use and transit service together.

- The lowest daily Vehicle-Miles-Traveled (VMT) per household can be achieved with a combination of enhanced land use and enhanced transit.

- Bus Rapid Transit (BRT) can effectively mitigate the traffic volume increases caused by land use intensification.
• Planning for growth in the corridor needs to be done in a more aggressive manner - with the highest land use intensification comes the greatest benefits.

Future Transit Needs and Recommended Service:

• In Santa Clara County: VTA should continue with implementing BRT service along the El Camino Real/The Alameda corridor.

• In San Mateo County: BRT holds great promise for the San Mateo County portion of the corridor; more detailed study should proceed with SamTrans' upcoming Comprehensive Operations Analysis.

• Cross-county enhanced transit service: Further study of the potential benefits, costs, and logistics of such a service is needed.

Corridor Operations and Management:

• A number of models for multi-agency collaboration exist in the vicinity of the GBI corridor and elsewhere in the Bay Area. These include the Peninsula Rail Corridor Joint Powers Board for Caltrain, coordination to provide the Dumbarton Express and Highway 17 Express, the Silicon Valley Intelligent Transportation Systems (ITS) Program, and the San Mateo County Smart Corridor project.

• Potential areas of agency collaboration and action along the GBI corridor include enhanced transit services, transit signal priority, traffic management, parking management, linking land use & transportation, and a funding strategy and incentives to meet the GBI vision.

In Santa Clara County, VTA recently began Conceptual Engineering for the El Camino Real Bus Rapid Transit (BRT) project. The Multimodal Transportation Corridor Plan will provide planning groundwork for the El Camino Real BRT project.

At the August CAC, TAC and CMPP meetings and September PAC meeting, staff will give a brief presentation on the status of the Grand Boulevard Initiative, with an emphasis on the recently-released draft Multimodal Transportation Corridor Plan and VTA's involvement in the initiative.

STANDING/ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:

This item was on the regular agenda as an Information item at the August CAC, TAC and CMPP meetings.

At CAC, staff gave a brief presentation on this item, and the committee had several questions and comments. One member commented that cross-county bus or BRT service along El Camino Real would be desirable, and that the agencies should be able to work out logistical considerations, for instance by instituting a zone-based fare. There were several questions about how a BRT service along El Camino Real would be designed. Staff noted that Conceptual Engineering for the El Camino Real BRT project has begun, and that process will begin to get
more specific on station locations, station design, and other issues. A question was asked about whether the Grand Boulevard Initiative (GBI) partners were aware of and sharing information about Federal and state funding opportunities; staff replied that this is definitely happening, and that information sharing is one of the strengths of the Initiative. A comment was offered about taking into account operational constraints such as bus turning movements when considering pedestrian bulb-outs and other design features. Another member noted that the GBI addresses land use as well as transportation, and includes an emphasis on housing near the corridor. One member suggested that the GBI partners should be sensitive to the historical importance of the name El Camino Real.

At TAC, staff gave a brief presentation on this item, and there was no discussion on the item.

At CMPP, staff gave a brief presentation on this item, and the committee had several questions and comments. Board Member Page stated that he was impressed by the Grand Boulevard website as well as the overall Initiative. Board Member Herrera asked if there has been discussion about relinquishment of the roadway beyond the City of San Jose. Staff replied that the City of Santa Clara has discussed a policy about exploring options for relinquishment as part of their General Plan update. Board Member Herrera noted that based on the modeling summary, it appears that land use plays a large role in determining transit ridership on the corridor. Member Herrera also asked whether the GBI is looking at economic development and encouraging job creation, because these go hand-in-hand with transportation and land use policies. Staff replied that there is a parallel effort under the GBI called the Economic and Housing Opportunities (ECHO) study that is looking more at the economic feasibility, opportunities, and challenges to achieve the GBI vision. Committee Chair Pyle asked whether the GBI represents a step toward regionalism. Staff replied that this is in the same spirit, but that the agencies involved have taken a bottom-up approach; the GBI could also be a model for corridor planning in the SB 375 / Sustainable Communities Strategy process.

Prepared By: Robert Swierk
Memo No. 2402
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Proactive CMP Quarterly Report for April - June 2010

FOR INFORMATION ONLY

BACKGROUND:

VTA has two programs through which it reviews and comments on development and transportation projects occurring in and adjacent to Santa Clara County: 1) the Development Review Program which reviews environmental documents and development proposals submitted by Member Agencies; and 2) the review of Transportation Impact Analysis (TIA) reports for proposed projects meeting the Congestion Management Program (CMP) TIA Guideline requirements.

The Proactive CMP (“Proactive”) process integrates these two VTA review processes prior to project development approval by Member Agencies. The objectives of the Proactive process include improving land use/transportation coordination, promoting alternative travel modes, and encouraging a balanced approach to addressing congestion. As part of the Proactive process, VTA produces quarterly reports on land-use proposals highlighting two sets of projects and types of information:

- **Projects Reviewed by VTA & VTA Comments:** For projects reviewed by VTA staff under the Congestion Management Program and Development Review Program in the past quarter, relevant VTA comments are summarized.

- **Projects Approved by Local Agencies & City/County Responses:** For projects approved by local agencies in the past quarter, relevant VTA comments and the Member Agency responses are summarized.

The Discussion section below contains a summary of the April through June 2010 Proactive CMP Quarterly Report. The summary highlights key themes and topics contained in the report, which is provided as an attachment. The report includes a table summarizing all of the reviewed and approved projects, and a reference map showing the locations of these projects.
DISCUSSION:

Summary of the Proactive CMP Quarterly Report - April through June 2010

The following are highlights of key items in this edition of the Proactive CMP Quarterly Report:

• VTA commented on 14 projects through the Proactive CMP process between April and June 2010, and six projects upon which VTA had previously commented were approved by local agencies during this period. The largest number of projects was in the City of Mountain View and the Town of Los Gatos (3 projects each).

• Out of the 14 projects that VTA commented on this quarter, 7 projects involved environmental documents such as Environmental Impact Reports (EIRs), and Negative Declarations or Mitigated Negative Declarations. Two projects involved stand-alone TIA reports, and 5 involved other documents such as Tentative Maps, plan sets, or bus stop designs.

• Two of the 14 projects that VTA commented on this quarter were public facility or infrastructure projects. This includes the Mitchell Park Library & Community Center in Palo Alto and the San Jose City College Facilities Master Plan Update in San Jose. The projects reviewed this quarter also included a below-market-rate housing development in Mountain View and the Town of Los Gatos General Plan Update. The remaining items were private development proposals.

• The 6 projects that were approved this quarter included several private development proposals, the Milpitas Water and Sewer Master Plan Update, the Downtown Family below-market-rate development in Mountain View, and the Diridon Baseball Stadium in San Jose (for which the Supplemental EIR was certified this past quarter).

Key projects and plans that VTA reviewed and commented on during the past quarter included the following:

• **Safeway Shopping Center, Campbell:** This project on Hamilton Avenue would involve the replacement of a vacant 75,000 square foot retail building with a 56,275 square foot Safeway store, 18,900 square feet of specialty retail, a retail pad building, and a gas station. The City circulated a draft TIA report for the project in early May 2010. VTA's comments on the TIA focused on the vehicular trip generation and reductions, pedestrian and bicycle accommodations around the project site, and the location of the bus stop near the project. The City Council approved the project on June 29th.

• **Downtown Family Development, Mountain View:** This development would provide 51 below-market-rate residential units on a City-owned parcel located one block from Castro Street and with close proximity to the Mountain View Transit Center. The City circulated an Initial Study/Mitigated Negative Declaration and TIA Report in April 2010. VTA's comments on these documents supported the proposed density given the project's location,
discussed transit incentives, and provided clarifications on the parking impact analysis that was conducted along with the environmental documents. The City responded to VTA's comments in mid-June, noting that a recommendation about transit incentives would be included in the project management plan, and the City Council approved the project on June 22nd.

- **Los Gatos 2020 General Plan Update**: The Town of Los Gatos is in the process of conducting a focused update of its General Plan through the year 2020. The Town released a draft 2020 General Plan document and accompanying Draft EIR in March 2010. VTA provided comments on the two documents in April 2010, supporting the multimodal approach adopted by the Town in the Transportation and Circulation Element, and discussing the relationship between the future planned land uses in the Vasona Light Rail and Highway 85 Element of the General Plan and VTA's Transit Sustainability Policy & Service Design Guidelines (TSP/SDG). VTA noted that the land use designations in this element of the General Plan would result in an overall density far below what would be required to support an extension of a light rail line under the TSP/SDG, and encouraged the Town to re-examine the opportunities around the potential Highway 85 station area to intensify and diversify land use development to support a potential light rail extension in the future. City staff indicated that they would like to continue a dialogue with VTA on this topic, and noted that a number of the Town's affordable housing sites in the draft Housing Element are included in the Vasona Light Rail area so the discussion is timely.

As noted above, six projects that VTA previously provided comments for were approved during this past quarter. The following is a brief summary of key VTA comments and the local agency responses on several of these projects.

- **425 & 455 West Evelyn Avenue, Mountain View**: An Initial Study/Mitigated Negative Declaration and TIA report were circulated in January 2010 for this residential development project, which would demolish the existing Minton's Lumber to construct approximately 213 residential units on 3.5 acres directly across the street from the Mountain View Transit Center. In early February 2010, VTA submitted a comment letter that supported the proposed land use and density given the project's strategic location and confirmed that the TIA was prepared in accordance with CMP TIA Guidelines, among other topics. In March and April 2010, a VTA staff representative attended the Environmental Planning Commission and City Council hearings on the project and made brief statements highlighting points in VTA's comment letter. The environmental documents were certified and this project was approved by the Mountain View City Council in April 2010. The City's staff report for the Council hearing noted that the project incorporated a number of Transit-Oriented features including a transit pass subsidy for the first three years, spaces for car-sharing vehicles, secure bicycle parking for every unit, on-site transit information, and other items.

- **Yahoo! Office Campus, Santa Clara**: This project will ultimately involve the phased redevelopment of a 48.6 acre site near the Old Ironsides light rail station with approximately 3.2 million square feet of new office space and auxiliary buildings, and demolition of 10 existing R&D buildings totaling approximately 640,000 square feet. VTA's comments on the
DEIR and TIA for this project emphasized the opportunity it presents for reducing single-occupant trips, encouraging Transportation Demand Management (TDM) measures, and parking management measures; discussed the proposed freeway & other roadway mitigation measures; and discussed pedestrian impacts, bus stop improvements, and bicycle accommodations. The EIR for this project was certified and this project was approved by the Santa Clara City Council in May 2010. In the Response to Comments in the Final EIR, the City noted that the TDM measures described in the EIR will be required as a condition of approval, noted that the project was approved with a slightly reduced parking ratio and parking management strategies including preferential parking for carpools and vanpools, and monthly vanpool subsidies. The project will also add sidewalks along portions of the perimeter roadways that currently lack sidewalks.

- **Baseball Stadium in Diridon/Arena Area, San Jose:** The City of San Jose circulated a Draft Supplemental EIR and Supplemental TIA report for this project in February 2010. The revised/supplemental documents concerned the modification of a 2006 proposal for a baseball stadium in the Diridon/Arena area, to include a maximum seating capacity of 36,000, one of three parking structure options, and realignment of South Autumn Street. VTA’s comments focused on reducing single-occupant trips; bus & shuttle operations near the site and on Montgomery & Autumn Streets; light rail operations & capacity; the relationship of the project to the Diridon Station Area Plan; High Speed Rail, and the BART Silicon Valley extension; auto parking; and TDM measures. The City issued a 1st Amendment to the Supplemental EIR in mid-May 2010, and VTA submitted a letter concurring with most of the responses to comments and clarifying several points shortly afterward. The San Jose City Council certified the Supplemental EIR in June 2010; however, no further project approvals were granted at that point.

**STANDING/ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

This item was on the regular agenda as an Information item at the August CAC and BPAC meetings, and on the consent agenda as an Information item at the August TAC and CMPP meetings.

At CAC, staff gave a brief presentation on this item, and the committee had several questions and comments. A question was asked about how the planned 49ers stadium and the recently-approved Yahoo! office campus might interact in terms of transportation. Staff noted that most games at the stadium would occur on weekends so there would be little impact, but the infrequent weekday evening games would require additional coordination. Another member asked about the site design of the Yahoo! office campus. Staff noted that the conceptual site plan was included in the EIR, and contained a number of transit, pedestrian and bicycle-friendly features including buildings located along the site perimeter, underground parking, pedestrian and bicycle paths, and a gateway path leading to the Old Ironsides light rail station.

At BPAC, staff briefly introduced this item and requested committee member input. Staff provided a brief clarification on the report in response to a question, but there was no further discussion of the item.

At TAC, this item was received as part of the consent agenda and there was no discussion on the item.
At CMPP, this item was received as part of the consent agenda and there was no discussion on the item.

Prepared By: Robert Swierk
Memo No. 2689
VTA Development Review Program

Proactive CMP Quarterly Report
April, May and June of 2010
## Development Review Projects Summary

April – June of 2010

<table>
<thead>
<tr>
<th>Map No.</th>
<th>Lead Agency</th>
<th>CMP ID</th>
<th>Project Name/Location</th>
<th>Project Description</th>
<th>Doc. Type</th>
<th>Comments this quarter?</th>
<th>Approved this quarter?</th>
<th>VTA Comment Topics</th>
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<tbody>
<tr>
<td>1</td>
<td>City of Campbell</td>
<td>CM1001</td>
<td>Safeway Shopping Center/Hamilton Avenue</td>
<td>Replace existing 75,000 SF retail building with 56,275 SF grocery store, 18,900 SF of specialty retail, retail pad, and gas station</td>
<td>TIA</td>
<td>Y</td>
<td>Y</td>
<td>Trip reductions, analysis period, pedestrian and bicycle accommodations, transit operations/bus stop relocation</td>
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<td>2</td>
<td>City of Gilroy</td>
<td>GI0505</td>
<td>Machado Subdivision/East of 101, north of SR 152</td>
<td>Construction of a 16-lot commercial/industrial subdivision on a 59.7-acre lot</td>
<td>DEIR</td>
<td>Y</td>
<td></td>
<td>Pedestrian &amp; bicycle accommodations, roadway mitigation measures, description of exist. transit</td>
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<td>3</td>
<td>City of Morgan Hill</td>
<td>MH1002</td>
<td>Madrone Village/between Hale Ave. &amp; Monterey Rd.</td>
<td>104 residential units on 30 acres</td>
<td>GP Amendment</td>
<td>Y</td>
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<td>Relationship to CA high-speed rail project, circulation &amp; multimodal streets, bus service</td>
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<td>4</td>
<td>City of Milpitas</td>
<td>ML0806</td>
<td>Milpitas Water and Sewer Master Plan Update/Entire city</td>
<td>EIR for a Water and Sewer Master Plan Update</td>
<td>FEIR</td>
<td>Y</td>
<td></td>
<td>Potential impacts to transit service, bus stops</td>
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<td>5</td>
<td>City of Milpitas</td>
<td>ML0902</td>
<td>Milpitas Walmart Expansion Project/North McCarthy Boulevard</td>
<td>Addition of 18,500 SF of building area to existing Walmart store</td>
<td>FEIR</td>
<td>Y</td>
<td></td>
<td>Concurrence with Final EIR responses to VTA comments, clarification of three items</td>
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<td>City of Mountain View</td>
<td>MV0901</td>
<td>425 &amp; 455 W. Evelyn Avenue residential</td>
<td>Demolish existing Minton's Lumber to construct residential development totaling 213 units on 3.5 acres</td>
<td>Initial Study/ Mit. Neg. Dec., TIA</td>
<td>Y</td>
<td></td>
<td>Project location &amp; density; Transportation Impact Analysis report: automobile parking, bicycle parking &amp; transit incentives: site design &amp; proximity to transit</td>
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<td>7</td>
<td>City of Mountain View</td>
<td>MV0907</td>
<td>209 – 405 W. Evelyn Avenue residential</td>
<td>Planned Community Permit for 67 residential units</td>
<td>Initial Study/ Mit. Neg. Dec.</td>
<td>Y</td>
<td></td>
<td>Land use mix &amp; density, site design &amp; proximity to transit, TDM &amp; transit incentives</td>
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<td>8</td>
<td>City of Mountain View</td>
<td>MV1001</td>
<td>Downtown Family Development project/W. Evelyn Ave. &amp; Franklin St.</td>
<td>51 Below-Market-Rate residential units on 1.03 acres</td>
<td>Initial Study/ Mit. Neg. Dec., TIA</td>
<td>Y</td>
<td></td>
<td>Project location &amp; density, transit incentives, Parking Study Phase 2 – Downtown Parking Impact Analysis, TIA report – trip generation, site design &amp; proximity to transit</td>
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<td>9</td>
<td>City of Palo Alto</td>
<td>PA0902</td>
<td>Mitchell Park Library/Community Center/Middlefield Road</td>
<td>Replacement of existing facilities with larger buildings, with associated signal and intersection changes</td>
<td>Other/Bus Stop</td>
<td>Y</td>
<td></td>
<td>Bus Stop location and design</td>
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<td>10</td>
<td>City of Santa Clara</td>
<td>SC0805</td>
<td>49ers Stadium Project/Tasman Drive</td>
<td>Construction of a 68,500 seat football stadium, relocation of an existing electric substation, arrangements for off-site surface parking, and construction of a six-story parking garage.</td>
<td>Plan set for Project Clearance Committee</td>
<td>Y</td>
<td></td>
<td>Bicycle &amp; pedestrian accommodations, proposed at-grade pedestrian crossing of Tasman Drive</td>
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<td>11</td>
<td>City of Santa Clara</td>
<td>SC0808</td>
<td>Yahoo! Santa Clara Campus/Tasman Drive</td>
<td>Phased redevelopment of a 48.6 acre site with approx. 3.2 million square feet of new office space and auxiliary buildings, and demolition of 10 existing R&amp;D buildings totaling approx. 640,000 square feet.</td>
<td>FEIR</td>
<td>Y</td>
<td></td>
<td>TDM measures; reducing single-occupant vehicle trips; parking management; TIA report; freeway &amp; other roadway mitigation measures; pedestrian impacts – removal of Democracy Way; bus stop improvements; bicycle accommodations</td>
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<td>12</td>
<td>City of San Jose</td>
<td>SJ0550</td>
<td>Baseball Stadium in the Diridon/Arena Area</td>
<td>Modification of a 2006 proposal for a baseball stadium in the Diridon/Arena Area to include max. seating of 36,000, one of 3 parking structure options, realignment of S. Autumn St.</td>
<td>1st Amend. to EIR, Final EIR</td>
<td>Y</td>
<td>Y</td>
<td>Concurrence with responses to VTA comments in the First Amendment to the Supplemental EIR, follow-up on 2 items: potential impacts of veh. &amp; ped. traffic on bus and shuttle operations, effect of stadium transit usage on light rail ops. &amp; capacity</td>
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<td>13</td>
<td>City of San Jose</td>
<td>SJ1001</td>
<td>Calvary Retail Center/Almaden Expressway &amp; Foxworthy Ave.</td>
<td>Construction of 24,000 SF of retail space</td>
<td>TIA</td>
<td>Y</td>
<td></td>
<td>Transit accommodations, roadway analysis – recommendations, pedestrian &amp; bicycle accommodations</td>
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<td>14</td>
<td>San Jose/ Evergreen Community College</td>
<td>SJEG0801</td>
<td>San Jose City College Facilities Master Plan Update 2011/ near Moorpark &amp;</td>
<td>Revised Draft Subsequent Environmental Impact Report for San Jose City College Facilities Master Plan Update</td>
<td>Revised Draft Subsequent EIR, TIA</td>
<td>Y</td>
<td></td>
<td>TIA report - existing intersection lane geometries, existing freeway segment levels of service, freeway impacts and mitigation measures</td>
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<td>Approved this quarter?</td>
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<td></td>
<td>District</td>
<td>South Bascom</td>
<td>2011</td>
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<td>15</td>
<td>Town of Los Gatos</td>
<td>LG0703</td>
<td>16005 Los Gatos Boulevard</td>
<td>Construction of 47 single-family units, 10 senior units, and 2 commercial buildings on 4.49 acres</td>
<td>Tentative Map</td>
<td>Y</td>
<td>Land use mix &amp; site design, pedestrian &amp; bicycle accommodations</td>
<td></td>
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<td>17</td>
<td>Town of Los Gatos</td>
<td>LG1001</td>
<td>16213 Los Gatos Boulevard</td>
<td>24-lot subdivision on 1.9 acres</td>
<td>Other/Bus Stop</td>
<td>Y</td>
<td>Transit service/bus stop location and design</td>
<td></td>
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<tr>
<td>Abbreviation</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: Programmed Projects Quarterly Monitoring Report

---

FOR INFORMATION ONLY

Every quarter, the Programmed Projects Quarterly Monitoring Report is presented to the VTA Board of Directors and the Policy and Technical Advisory Committees. The objective of the report is to assist VTA staff, the Advisory Committees, the VTA Board and project sponsors in tracking progress of the projects funded through programming actions of the VTA Board.

The Programmed Projects Quarterly Monitoring Report for April-June 2010 is attached for review. This report provides the latest status on discretionary funded projects.

All of the projects with 2009 fund deadlines are progressing smoothly.

There are no programmed projects with 2010 or 2011 Federal deadlines in this report. However, the Board acted on a new program of projects at its August 2010 meeting. Several of those projects have 2011 deadlines, and they will be added to the next Programmed Projects Quarterly Monitoring Report, which will cover the quarter between July and September 2010.

ADVISORY/STANDING COMMITTEE REVIEW/RECOMMENDATION:

The Technical Advisory Committee received this item at its August 12, 2010 meeting. The committee voted to forward the report to the Board.

The Congestion Management Planning and Programming Committee received this item at its August 20, 2010 meeting and forwarded it, without comment, to the full Board for approval.

Prepared By: Bill Hough
Memo No. 2704
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.

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<th>Federal/State Funds</th>
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<td>Awaiting NMFS and FPUC approval of 95% PSE before proceeding with bid package.</td>
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## Programmed Projects Quarterly Monitoring Report

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<tr>
<td>Sponsor:</td>
<td>Caltrans</td>
<td>Project Title:</td>
<td>US 101/SR 87 Trimble Road Landscaping</td>
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<tr>
<td>Project No</td>
<td>SCL050013</td>
<td>Project Description</td>
<td>US 101 from SR 87 interchange to 0.4 km north of Trimble Road. Landscape mitigation.</td>
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<tr>
<td>Project Phase</td>
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<tr>
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<td>Design</td>
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### Route 680 Southbound HOV Lane Between Route 84 and Route 237

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<table>
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<tr>
<th>Sponsor: Caltrans</th>
<th>Project Description: Construct final southbound HOV lane on I-680 between Rte 84 and Rte 237, including aux. lanes &amp; ramp metering.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project No</td>
<td>SCL991077</td>
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<tr>
<td>Project Description</td>
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<tr>
<td>Fund Source</td>
<td>RTIP $11,102</td>
</tr>
<tr>
<td>Manager Name</td>
<td>Emily Landin-Lowe</td>
</tr>
<tr>
<td>Phone/Fax</td>
<td>(510) 286-5124</td>
</tr>
<tr>
<td>E-Mail</td>
<td><a href="mailto:emily_landin-lowe@dot.ca.gov">emily_landin-lowe@dot.ca.gov</a></td>
</tr>
<tr>
<td>Project Phase</td>
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<td>PE/ENV</td>
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<td>Design</td>
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<th>Project Description: Construct final southbound HOV lane on I-680 between Rte 84 and Rte 237, including aux. lanes &amp; ramp metering.</th>
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<tr>
<td>Project Description</td>
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</tr>
<tr>
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<td>RTIP $11,102</td>
</tr>
<tr>
<td>Manager Name</td>
<td>Emily Landin-Lowe</td>
</tr>
<tr>
<td>Phone/Fax</td>
<td>(510) 286-5124</td>
</tr>
<tr>
<td>E-Mail</td>
<td><a href="mailto:emily_landin-lowe@dot.ca.gov">emily_landin-lowe@dot.ca.gov</a></td>
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<tr>
<td>Project Phase</td>
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<td>PE/ENV</td>
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<td>Construction</td>
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<tr>
<td>Total</td>
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<table>
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<tr>
<th>Sponsor: Caltrans</th>
<th>Project Description: Construct final southbound HOV lane on I-680 between Rte 84 and Rte 237, including aux. lanes &amp; ramp metering.</th>
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</thead>
<tbody>
<tr>
<td>Project No</td>
<td>SCL991077</td>
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<tr>
<td>Project Description</td>
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<tr>
<td>Fund Source</td>
<td>RTIP $11,102</td>
</tr>
<tr>
<td>Manager Name</td>
<td>Emily Landin-Lowe</td>
</tr>
<tr>
<td>Phone/Fax</td>
<td>(510) 286-5124</td>
</tr>
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<td>E-Mail</td>
<td><a href="mailto:emily_landin-lowe@dot.ca.gov">emily_landin-lowe@dot.ca.gov</a></td>
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<td>Funds ($000)</td>
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<tr>
<td>Planning</td>
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</tr>
<tr>
<td>PE/ENV</td>
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<p>| RTIP $11,102 | 07/08 5/09 11/11 | | |
| E76 Date(Exp./Actual) | N.A. |  |
| Last Invoice | N.A. |  |
| Last Updated | 7/14/2010 |  |</p>
<table>
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<tr>
<th>Sponsor:</th>
<th>City of Campbell</th>
<th>Project Title:</th>
<th>East Campbell Avenue Master Plan Project (BEP Project)</th>
</tr>
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<tbody>
<tr>
<td>1 of 2</td>
<td>SCL070022</td>
<td>Project Description</td>
<td>East Campbell Ave from Railroad Ave to Union Ave; Reconfiguring intersection, widen the bridge over Los Gatos Creek, install bike lanes where feasible plus landscaping, streetscaping &amp; public art.</td>
</tr>
<tr>
<td>Project No</td>
<td>Fund Source</td>
<td>Project Phase</td>
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<tr>
<td>SCL070022</td>
<td>ARRA $2,160</td>
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<td>BTA $270</td>
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<tr>
<td>Manager Name</td>
<td>Matthew Jue</td>
<td>Design</td>
<td>$0</td>
</tr>
<tr>
<td>Phone/Fax</td>
<td>408-866-2154</td>
<td>Construction</td>
<td>$2,996</td>
</tr>
<tr>
<td>E-Mail</td>
<td><a href="mailto:MATTHEWJ@ci.campbell.ca.u">MATTHEWJ@ci.campbell.ca.u</a></td>
<td>Total</td>
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<table>
<thead>
<tr>
<th>Sponsor:</th>
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<th>Project Title:</th>
<th>Winchester Boulevard Improvement Project</th>
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<tbody>
<tr>
<td>2 of 2</td>
<td>SCL090047</td>
<td>Project Description</td>
<td>In Campbell: Winchester Blvd. from Latimer Ave to Budd Ave; pedestrian enhancements; install landscaped median; install decorative street lights.</td>
</tr>
<tr>
<td>Project No</td>
<td>Fund Source</td>
<td>Project Phase</td>
<td>Funds ($000)</td>
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<td>SCL090047</td>
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<tr>
<td>Manager Name</td>
<td>Fredrick Ho</td>
<td>Design</td>
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</tr>
<tr>
<td>Phone/Fax</td>
<td>408-866-2156</td>
<td>Construction</td>
<td>$1,290</td>
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<tr>
<td>E-Mail</td>
<td><a href="mailto:fredh@cityofcampbell.com">fredh@cityofcampbell.com</a></td>
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<td>Sponsor:</td>
<td>City of Gilroy</td>
<td>Project Title:</td>
<td>Gilroy 6th Street Streetscape West/East</td>
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</tr>
<tr>
<td>1 of 1</td>
<td>Project No</td>
<td>Project Description</td>
<td>Fund Source</td>
</tr>
<tr>
<td>SCL070039</td>
<td>On 6th St. btw Egleberry &amp; Monterey St. and Monterey &amp; Railroad Street; streetscape enhancements including decorative sidewalks, curb bulbouts, pedestrian lighting, banners, shade trees, bike racks &amp; street furniture.</td>
<td>CMAQ $1174 Local $197</td>
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<tr>
<td>Manager Name</td>
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<td>$0</td>
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<td>Phone/Fax</td>
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City Council awarded project in June.
## Programmed Projects Quarterly Monitoring Report

**April-June 2010**

<table>
<thead>
<tr>
<th>Sponsor:</th>
<th>City of Palo Alto</th>
<th>Project Title:</th>
<th>Citywide Traffic Signal Upgrade</th>
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<tr>
<td>Project No</td>
<td>Project Description</td>
<td>Project Phase</td>
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<td>SCL050091</td>
<td>Traffic signal upgrades requiring the installation of hardware and software at 9 major intersections in Palo Alto.</td>
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<td>Local $98</td>
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<tr>
<td></td>
<td>Manager Name</td>
<td>Sam Peiris</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Phone/Fax</td>
<td>650-329-2425</td>
<td></td>
</tr>
<tr>
<td></td>
<td>E-Mail</td>
<td><a href="mailto:Sam.Peiris@CityofPaloAlto.org">Sam.Peiris@CityofPaloAlto.org</a></td>
<td></td>
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<th>Stanford Avenue-El Camino Real Intersection Project</th>
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<tr>
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<td>Project Description</td>
<td>Project Phase</td>
<td>Funds ($000)</td>
</tr>
<tr>
<td>SCL070023</td>
<td>Palo Alto: Intersection of Stanford Ave and El Camino Real; Design and Construction of intersection improvements including bulbouts, enhanced paving, lighting and storm drain outlet</td>
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<td>$140</td>
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<td>TE ($1,334)</td>
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<tr>
<td></td>
<td>Manager Name</td>
<td>Shahla Yazdy</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Phone/Fax</td>
<td>650-617-3151</td>
<td></td>
</tr>
<tr>
<td></td>
<td>E-Mail</td>
<td><a href="mailto:Shahla.Yazdy@CityofPaloAlto.org">Shahla.Yazdy@CityofPaloAlto.org</a></td>
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<td>7/22/2010</td>
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</table>
## Programmed Projects Quarterly Monitoring Report

April-June 2010

### Silicon Valley Transportation Management Center (TMC)

**Project No**: SCL010041

**Project Description**: Construct a new regional Traffic Management Center in the SJ Civic Center that will allow for better integration of local & regional traffic management

<table>
<thead>
<tr>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Programmed Year</th>
<th>Current</th>
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<tr>
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</table>

**Manager Name**: Lily Lim-Tsao

**Fund Source**: City Funds $300

Fed ITS $580

TPCA $280 (2002)

**Schedule**

- Programmed Year: 12/10
- Start: 2/11
- End: 3/11

**Comments**: Sv-ITS WAN Consultant selected 1/10 and contract executed 3/10. Currently in design-anticipated completion in 12/10. Construction on this project=installation of network equipment.

**Fund Source**: Design $0

**Funds ($000)**

- Total: $1,158

**Last Updated**: 8/3/2010

**E-Mail**: lily.lim-tsao@sanjoseca.gov

### 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>Programmed Year</th>
<th>Current</th>
</tr>
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<tbody>
<tr>
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<td>Start</td>
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<tr>
<td>Planning</td>
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<tr>
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</table>

**Manager Name**: Yves Zsutty

**Fund Source**: Earmark $496

**Schedule**

- Programmed Year: 12/10
- Start: 07/08
- End: 12/10

**Comments**: Design work underway on 35% PS&E package.

**Fund Source**: PE/ENV $113

**Funds ($000)**

- Total: $496

**Last Updated**: 7/28/2010

**E-Mail**: yves.zsutty@sanjoseca.gov

**Phone/Fax**: (408) 793-5561

**Funds Expire**: no expiration

**Last Invoice**: 7/28/2010
## 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  
**Architectural agreement executed 6/09. System Manager hired 5/10. Concept of Ops is expected to be complete in 10/10.**

<table>
<thead>
<tr>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Schedule</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
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<td>Right of Way</td>
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<table>
<thead>
<tr>
<th>Manager Name</th>
<th>Devin Gianchandani</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phone/Fax</td>
<td>(408) 975-3254/ 292-6093</td>
</tr>
<tr>
<td>E-Mail</td>
<td><a href="mailto:devin.gianchandani@sanjoseca.gov">devin.gianchandani@sanjoseca.gov</a></td>
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<thead>
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<tbody>
<tr>
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</table>

## Lower Guadalupe River Trail (BEP Project)

**Project Title:** Construct 6.4 mile trail including safety enhancement and improvements from I-880 to Bay Trail 9B ped bridge in San Jose.  
**Awaiting NMFS and SFPUC approval of 95% PSE before proceeding with bid package.**

<table>
<thead>
<tr>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Schedule</th>
<th>Comments</th>
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</thead>
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<table>
<thead>
<tr>
<th>Manager Name</th>
<th>Yves Zsutty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phone/Fax</td>
<td>(408) 793-5561</td>
</tr>
<tr>
<td>E-Mail</td>
<td><a href="mailto:yves.zsutty@sanjoseca.gov">yves.zsutty@sanjoseca.gov</a></td>
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<table>
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<tr>
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</thead>
<tbody>
<tr>
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<td></td>
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</tbody>
</table>
### Bay Trail Reach 9

**Project No:** SCL050082  
**Project Description:** Preparation of CNST and ENV documents for 1.2 miles of trail, a pedestrian bridge, and underpass with safety and enhancement improvements.  
**Fund Source:**  
- Earmark $675  
- Local $2,365  

**Manager Name:** Yves Zsutty  
**Phone/Fax:** (408) 793-5561  
**E-Mail:** yves.zsutty@sanjoseca.gov  

<table>
<thead>
<tr>
<th>Project Phase</th>
<th>Funds ($000)</th>
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<th>Programmed Year End</th>
<th>Current Start</th>
<th>Current End</th>
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<tr>
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<td></td>
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<td></td>
<td>PE and NEPA related studies underway.</td>
</tr>
<tr>
<td>PE/ENV</td>
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<tr>
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<td>06/07</td>
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<tr>
<td>Design</td>
<td>$800</td>
<td>07/08</td>
<td>3/08</td>
<td>9/11</td>
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**Funds ($000):**  
- Total: $7,030  

**Funds Expire:** No expiration  
**Last Updated:** 7/28/2010  
**Last Invoice:**

---

### Coyote Creek Trail (BEP Project)

**Project No:** SCL050083  
**Project Description:** Master Plan, design of 9.8 miles transportation trail, including safety and improvements between SR 237 and Story Rd.  
**Fund Source:**  
- Earmark $3,774  
- Local $5,095  

**Manager Name:** Yves Zsutty  
**Phone/Fax:** (408) 793-5561  
**E-Mail:** yves.zsutty@sanjoseca.gov  

<table>
<thead>
<tr>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Programmed Year Start</th>
<th>Programmed Year End</th>
<th>Current Start</th>
<th>Current End</th>
<th>Comments</th>
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<tbody>
<tr>
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<td>CSF planning reviewing ADIS.</td>
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**Funds Expire:** No expiration  
**Last Updated:** 7/28/2010  
**Last Invoice:**

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**City of San Jose**
## Programmed Projects Quarterly Monitoring Report
### April-June 2010

### San Carlos Multimodal Streetscape Improvements

<table>
<thead>
<tr>
<th>Project No</th>
<th>Project Description</th>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Programmed Year</th>
<th>Current</th>
<th>Comments</th>
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</thead>
<tbody>
<tr>
<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>Planning</td>
<td>$343</td>
<td></td>
<td></td>
<td>Field Review meeting with Caltrans completed May 6. Preparation of final plans, specifications and NEPA clearance now underway.</td>
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<td>Right of Way $0</td>
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<td>E76 Date(Exp./Actual)</td>
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<td>7/19/2010</td>
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### Lower Guadalupe River Trail-Tasman Drive Underpass

<table>
<thead>
<tr>
<th>Project No</th>
<th>Project Description</th>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Programmed Year</th>
<th>Current</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCL090046</td>
<td>Improve Lower Guadalupe River Trail's Tasman Drive underpass.</td>
<td>Planning</td>
<td>$0</td>
<td></td>
<td>complete</td>
<td>Awaiting final NEPA/Plan comments from Caltrans and resource agencies prior to finalization of PS&amp;E Awaiting notice of CDT grant execution.</td>
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<tr>
<td>PE/ENV $0</td>
<td></td>
<td>7/2005</td>
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<tr>
<td>Right of Way $0</td>
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City of San Jose
### Programmed Projects Quarterly Monitoring Report

**April-June 2010**

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<tr>
<th>Sponsor:</th>
<th>City of San Jose</th>
<th>Project Title:</th>
<th><strong>Silicon Valley Smart Corridor - Highway 880 Enhancement</strong></th>
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</thead>
<tbody>
<tr>
<td><strong>Project No</strong></td>
<td>SCL976002</td>
<td><strong>Project Description</strong></td>
<td>Silicon Valley Smart Corridor, various highways, expressways and arterials - fiber optics, video cameras, changeable message signals, traffic sensors, data collection stations &amp; software upgrades.</td>
</tr>
<tr>
<td><strong>Project Phase</strong></td>
<td><strong>Funds ($000)</strong></td>
<td><strong>Schedule</strong></td>
<td><strong>Comments</strong></td>
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<tr>
<td>Planning</td>
<td>$3,931</td>
<td>Programmed Year: 09/10</td>
<td>Current: 06/11</td>
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<td>PE/ENV</td>
<td></td>
<td>Start: 09/10</td>
<td>End: 06/11</td>
</tr>
<tr>
<td>Right of Way</td>
<td></td>
<td></td>
<td>City advertised construction on 5/7/10 and awarded on 7/6/10. Construction scheduled to begin on 9/15/10.</td>
</tr>
<tr>
<td><strong>Manager Name</strong></td>
<td>Lily Lim-Tsao</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Phone/Fax</strong></td>
<td>(408) 277-2549</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>E-Mail</strong></td>
<td><a href="mailto:lily.lim-tsao@sanjoseca.gov">lily.lim-tsao@sanjoseca.gov</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Funds Expire</strong></td>
<td>obligated</td>
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<tr>
<td><strong>Last Updated</strong></td>
<td>8/3/2010</td>
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### DeAnza Trail (BEP Project)

<table>
<thead>
<tr>
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<th>Project Description</th>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Schedule</th>
<th>Comments</th>
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<tbody>
<tr>
<td>SCL070026</td>
<td>Saratoga: DeAnza Trail between Saratoga-Sunnyvale Rd and Saratoga Ave; Development and construct bike/pedestrian trail.</td>
<td>Planning</td>
<td>$0</td>
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<tr>
<td></td>
<td></td>
<td>PE/ENV</td>
<td>$225</td>
<td>2006/2007</td>
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<td>Right of Way</td>
<td>$190</td>
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<tr>
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<tr>
<th>Phone/Fax</th>
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<tr>
<td><a href="mailto:mnunez@saratoga.ca.us">mnunez@saratoga.ca.us</a></td>
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**Construction contract awarded 4/7/2010.**

### Saratoga Village Pedestrian Enhancements

<table>
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<tr>
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<th>Schedule</th>
<th>Comments</th>
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</thead>
<tbody>
<tr>
<td>SCL070038</td>
<td>Downtown; Bike/Ped enhancements including street crossing improvements minor sidewalk repair, bike racks, bus shelters and other enhanced pedestrian travel routes to bus stops.</td>
<td>Planning</td>
<td>$0</td>
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<td></td>
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<td>PE/ENV</td>
<td>$30</td>
<td>2008</td>
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<table>
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<tr>
<th>Manager Name</th>
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<table>
<thead>
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<th>Phone/Fax</th>
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<th>E-Mail</th>
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<td><a href="mailto:mnunez@saratoga.ca.us">mnunez@saratoga.ca.us</a></td>
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**Construction contract awarded April 2010.**

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**City of Saratoga**
<table>
<thead>
<tr>
<th>Sponsor:</th>
<th>City of Saratoga</th>
<th>Project Title: Highway 9 Safety Improvements (BEP Project)</th>
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<tbody>
<tr>
<td>Project No</td>
<td>SCL070050</td>
<td>Project Description: Construct bike/ped safety improvements on SR9</td>
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### Project Phase Fund Source

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<tr>
<td>Right of Way</td>
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</table>

### Manager Name

- Iveta Harvancik

### Phone/Fax

- 408-868-1274/408-868-1281

### E-Mail

- iharvancik@saratoga.ca.us

### Funds Expire

- obligated

### Last Updated

- 7/30/2010

### Last Invoice

- 6/2/2010
### Programmed Projects Quarterly Monitoring Report

**April-June 2010**

<table>
<thead>
<tr>
<th>Sponsor: City of Sunnyvale</th>
<th>Project Title: Mathilda Avenue Bridge Replacement</th>
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</thead>
<tbody>
<tr>
<td><strong>Project No</strong></td>
<td>SCL05006</td>
</tr>
<tr>
<td><strong>Project Description</strong></td>
<td>On Mathilda Avenue, over Caltrain/UPRR at Evelyn Ave. Widen structure along both sides, add south bound aux lane, realign, replace.</td>
</tr>
<tr>
<td><strong>Project Phase</strong></td>
<td>Planning</td>
</tr>
<tr>
<td><strong>Funds ($000)</strong></td>
<td>$0</td>
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<td><strong>Schedule</strong></td>
<td>Programmed Year:</td>
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<td><strong>Comments</strong></td>
<td>Construction under way.</td>
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<tr>
<td><strong>Programmed Year</strong></td>
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<tr>
<td><strong>End</strong></td>
<td>1/12</td>
</tr>
<tr>
<td><strong>Start</strong></td>
<td>1/10</td>
</tr>
<tr>
<td><strong>Fund Source</strong></td>
<td>HBBR (10/11) $28,826 Local $3,735</td>
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<tr>
<td><strong>Manager Name</strong></td>
<td>Manny Kadkhodayam</td>
</tr>
<tr>
<td><strong>Design</strong></td>
<td>$3,533</td>
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<td><strong>Comments</strong></td>
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<tr>
<td><strong>Phone/Fax</strong></td>
<td>408-730-7430</td>
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<table>
<thead>
<tr>
<th>Sponsor: City of Sunnyvale</th>
<th>Project Title: Sunnyvale Downtown Streetscape Improvements</th>
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<tbody>
<tr>
<td><strong>Project No</strong></td>
<td>SCL090042</td>
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<tr>
<td><strong>Project Description</strong></td>
<td>In Sunnyvale: implement the Downtown Specific Plan and adopted streetscape design standards.</td>
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<td><strong>Start</strong></td>
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<td><strong>Fund Source</strong></td>
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<td>Jack Witthaus</td>
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<td><strong>Last Invoice</strong></td>
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# Programmed Projects Quarterly Monitoring Report
## April-June 2010

### Various Non-Expressway Rehab

<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>
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</thead>
<tbody>
<tr>
<td>SCL050076</td>
<td>Various non-expressway roadways; Rehabilitation of pavement on various federal-aid</td>
<td>Planning</td>
<td>$0</td>
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<td>Phase 1 construction complete. Phase 2 awarded in May; construction</td>
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<tr>
<td></td>
<td>eligible arterial/collectors.</td>
<td>PE/ENV</td>
<td>$25</td>
<td>07/08 &amp; 08/09</td>
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<table>
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<tr>
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<table>
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<tbody>
<tr>
<td>Khoa Vo</td>
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<td>$25</td>
<td>07/08 &amp; 08/09</td>
<td>complete</td>
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<td><a href="mailto:khoa.vo@rda.sccgov.org">khoa.vo@rda.sccgov.org</a></td>
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<table>
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### Oregon-Page Mill Expressway Improvements

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<th>Project Phase</th>
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</thead>
<tbody>
<tr>
<td>SCL050080</td>
<td>Traffic improvements including traffic signal upgrade, optimizing timing plans &amp;</td>
<td>Planning</td>
<td>$0</td>
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<td>Preliminary engineering is underway.</td>
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<tr>
<td></td>
<td>bike and pedestrian facilities on Oregon-Page Mill Expressway between US 101 and</td>
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<td>SR 82.</td>
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<table>
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<table>
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<tr>
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<th>Design</th>
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<tbody>
<tr>
<td>Mike Griffis</td>
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<td>$300</td>
<td>06/07</td>
<td>2/10</td>
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<td>408-573-2492/408-441-0276</td>
<td><a href="mailto:mike.griffis@rda.sccgov.org">mike.griffis@rda.sccgov.org</a></td>
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<table>
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</thead>
<tbody>
<tr>
<td>$4,300</td>
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<td>7/19/2010</td>
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</table>
## Programmed Projects Quarterly Monitoring Report

**April-June 2010**

### Almaden Expressway Improvements

**Project No**
SCL070005

**Project Description**
Various improvements including adding northbound and southbound auxiliary lanes on Almaden Expressway from north of Branham Lane to south of Blossom Hill Road.

<table>
<thead>
<tr>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Programmed Year</th>
<th>Current</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning</td>
<td>$0</td>
<td></td>
<td></td>
<td>complete</td>
</tr>
<tr>
<td>PE/ENV</td>
<td>$0</td>
<td></td>
<td></td>
<td>complete</td>
</tr>
<tr>
<td>Right of Way</td>
<td>$450</td>
<td>2007</td>
<td>7/08</td>
<td>9/10</td>
</tr>
</tbody>
</table>

**Manager Name**
Mike Griffis

**Phone/Fax**
408-573-2492/408-441-0276

**E-Mail**
mike.griffis@rda.sccgov.org

**Funds ($000)**

<table>
<thead>
<tr>
<th>Fund Source</th>
<th>Total</th>
<th>Last Invoice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Earmark</td>
<td>$5,429</td>
<td>10/2010</td>
</tr>
</tbody>
</table>

**Fund Source**
Earmark $2,642
Local $2,215

**Comments**
Property acquisition and design underway.
Construction is scheduled in fall 2010.

### San Tomas Bicycle Shoulder Delineation - Phase 2

**Project No**
SCL070042

**Project Description**
Stripe bicycle delineation along San Tomas Expressway and Camden Avenue in Campbell.

<table>
<thead>
<tr>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Programmed Year</th>
<th>Current</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning</td>
<td>$11</td>
<td>2006</td>
<td>complete</td>
<td></td>
</tr>
<tr>
<td>PE/ENV</td>
<td>$3</td>
<td>2006</td>
<td>complete</td>
<td></td>
</tr>
<tr>
<td>Right of Way</td>
<td>$0</td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

**Manager Name**
Dan Collen

**Phone/Fax**
408-573-2492

**E-Mail**
dan.collen@rda.sccgov.org

**Funds ($000)**

<table>
<thead>
<tr>
<th>Fund Source</th>
<th>Total</th>
<th>Last Invoice</th>
</tr>
</thead>
<tbody>
<tr>
<td>CMAQ</td>
<td>$399</td>
<td>2/10/2009</td>
</tr>
</tbody>
</table>

**Fund Source**
CMAQ $249
Local $25
TDA3 $125

**Comments**
Project awarded in June, construction began in July.

**Funds Expire**
obligated

---

**Sponsor:**
County of Santa Clara

**Project Title:**

**County of Santa Clara**

**Project Title:**
San Tomas Bicycle Shoulder Delineation - Phase 2

**Manager Name**
Mike Griffis

**Phone/Fax**
408-573-2492/408-441-0276

**E-Mail**
mike.griffis@rda.sccgov.org

**Funds ($000)**

<table>
<thead>
<tr>
<th>Fund Source</th>
<th>Total</th>
<th>Last Invoice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Earmark</td>
<td>$5,429</td>
<td>10/2010</td>
</tr>
</tbody>
</table>

---

**Sponsor:**
County of Santa Clara

**Project Title:**
San Tomas Bicycle Shoulder Delineation - Phase 2

**Manager Name**
Dan Collen

**Phone/Fax**
408-573-2492

**E-Mail**
dan.collen@rda.sccgov.org

**Funds ($000)**

<table>
<thead>
<tr>
<th>Fund Source</th>
<th>Total</th>
<th>Last Invoice</th>
</tr>
</thead>
<tbody>
<tr>
<td>CMAQ</td>
<td>$399</td>
<td>2/10/2009</td>
</tr>
</tbody>
</table>
### Diridon Station Track/Signal/Terminal Upgrade

**Project No:** JPB991001  
**Project Description:** Rebuild track, platforms, terminal facilities and pedestrian subways at the San Jose Diridon Station to improve operations for all users (Caltrain, Amtrak, Capitol Corridor, ICE and UPRR).  
**Manager Name:** Joel Slavit  
**Phone/Fax:** (650) 508-6476  
**E-Mail:** slavitj@samtrans.com  
**Fund Source:**  
- CMAQ $6,593  
- Local $857  
- STIP $2,626  
**Funds ($000):** $10,056  
**Schedule:**  
- Programmed Year:  
  - Start: 12/09  
  - End: 12/11  
- Current:  
  - Planning: $0  
  - PE/ENV: $0  
  - Right of Way: $0  
- Comments: All required administrative contract documents were submitted by the construction contractor and the Notice to Proceed for the main construction contract was issued on May 3, 2010. Clearing and grading work were underway and foundation work for a new signal house, required for track work associated with the new platforms at the Diridon Station, was completed. Track panels, which will be used for a shoefly, were delivered to the Santa Clara Station.

### Caltrain/ACE Santa Clara Train Station

**Project No:** SCL991060  
**Project Description:** Rebuild the track and passenger platforms and construct track connections to enable ACE trains to stop at the Santa Clara Station.  
**Manager Name:** Joel Slavit  
**Phone/Fax:** (650) 508-5476  
**E-Mail:** slavitj@samtrans.com  
**Fund Source:**  
- CMAQ $3,998 (2000)  
- Local $403  
**Funds ($000):** $3,501  
**Schedule:**  
- Programmed Year:  
  - Start: 00/01  
  - End: complete  
- Current:  
  - Planning: $0  
  - PE/ENV: $0  
  - Right of Way: $0  
- Comments: All required administrative contract documents were submitted by the construction contractor and the Notice to Proceed for the main construction contract was issued on May 3, 2010. Clearing and grading work were underway and foundation work for a new signal house, required for track work associated with the new platforms at the Diridon Station, was completed. Track panels, which will be used for a shoefly, were delivered to the Santa Clara Station.
### Project Title: US-101/Tully Road Interchange Modifications

<table>
<thead>
<tr>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Schedule</th>
<th>Comments</th>
</tr>
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<tbody>
<tr>
<td>Planning</td>
<td>$0</td>
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<tr>
<td>PE/ENV</td>
<td>$3,320</td>
<td>2008</td>
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<tr>
<td>Right of Way</td>
<td>$1,850</td>
<td>2009</td>
<td>complete</td>
</tr>
</tbody>
</table>

- **Programmed Year Start**:
  - Planning: 04/10
  - Construction: 04/10

- **Programmed Year End**:
  - Planning: 01/14
  - Construction: 01/14

**Funds Expire**: Obligated

**Last Updated**: 7/30/2010

**Comments**: Design complete. Construction expected to begin in Summer 2010.

### Project Title: I-880/I-280/Stevens Creek Interchange Improvements

<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>
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<tr>
<td>PE/ENV</td>
<td>$5,000</td>
<td>06/07</td>
<td>3/06</td>
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<tr>
<td>Right of Way</td>
<td>$4,879</td>
<td>07/08</td>
<td>3/10</td>
</tr>
</tbody>
</table>

- **Programmed Year Start**:
  - Planning: 08/09
  - Construction: 08/09

- **Programmed Year End**:
  - Planning: 10/12
  - Construction: 12/14

**Funds Expire**: No expiration

**Last Updated**: 7/20/2010

**Comments**: VTA received additional $31 million of CMIA for this project.
Programmed Projects Quarterly Monitoring Report
April-June 2010

**I-880 Widening - SR237 to US101**

<table>
<thead>
<tr>
<th>Sponsor:</th>
<th>VTA</th>
<th>Project Title:</th>
<th>Project Description</th>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Schedule</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 of 10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SCL070016</td>
<td></td>
<td></td>
<td>San Jose/Milpitas: On I-880 btw SR 237 &amp; US 101; Operational and safety improvements including widening to accommodate HOV lanes in both directions.</td>
<td>Project</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fund Source</td>
<td></td>
<td></td>
<td></td>
<td>Planning</td>
<td>$0</td>
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<tr>
<td></td>
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<td></td>
<td></td>
<td>PE/ENV</td>
<td>$3,160</td>
<td>2008 complete</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Right of Way</td>
<td>$8,100</td>
<td>2009 06/09 02/11</td>
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</tr>
<tr>
<td>Manager Name</td>
<td>Lam Trinh</td>
<td>Design</td>
<td>$8,540</td>
<td>2009 11/07 02/11</td>
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<tr>
<td>Phone/Fax</td>
<td>408-952-4217</td>
<td>Construction</td>
<td>$75,200</td>
<td>2010 06/11 07/13</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>E-Mail</td>
<td><a href="mailto:lam.trinh@vta.org">lam.trinh@vta.org</a></td>
<td></td>
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<tr>
<td>Last Updated</td>
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<td>Last Invoice</td>
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**US101 Auxiliary Lanes- SR85 to Embarcadero Road**

<table>
<thead>
<tr>
<th>Sponsor:</th>
<th>VTA</th>
<th>Project Title:</th>
<th>Project Description</th>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Schedule</th>
<th>Comments</th>
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</thead>
<tbody>
<tr>
<td>4 of 10</td>
<td></td>
<td></td>
<td>Santa Clara County: US 101 between Route 85 and Embarcadero Road; Construct auxiliary lanes.</td>
<td>Project</td>
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<tr>
<td>SCL070024</td>
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<td>Planning</td>
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<td>Fund Source</td>
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<td>Right of Way</td>
<td>$5,177</td>
<td>2009 07/09 11/10</td>
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<tr>
<td>Manager Name</td>
<td>Lam Trinh</td>
<td>Design</td>
<td>$8,180</td>
<td>2009 01/09 02/11</td>
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<tr>
<td>Phone/Fax</td>
<td>408-952-4217</td>
<td>Construction</td>
<td>$84,930</td>
<td>2010 06/11 08/13</td>
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<td>E-Mail</td>
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<tr>
<td>Last Updated</td>
<td>7/14/2010</td>
<td>Last Invoice</td>
<td>N.A.</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

Completed 95% final design. Project 100% PS&E is on schedule for October 2010 submittal. A Program Change Request (PCR) to transfer local funds of $2,340,000 from the underrun PE/ENV phase to the Design phase has been approved by Caltrans. The new estimated amount for each phase is reflected on this report. This fund transfer does not change VTA's overall funding contribution to the Project.

Fund Source:
- Local ($23,400)
- Other I-Bond/CMIA ($71,600)

Funds Expire 2010
## Programmed Projects Quarterly Monitoring Report
### April-June 2010

<table>
<thead>
<tr>
<th>Sponsor:</th>
<th>Project Title:</th>
<th><strong>Route 152 new alignment</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>VTA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project No</td>
<td>Project Description</td>
<td></td>
</tr>
<tr>
<td>SCL090016</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>
<td></td>
</tr>
<tr>
<td>Fund Source</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HIP $5 Local $5</td>
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<tr>
<td>Project Phase</td>
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<td>Schedule</td>
</tr>
<tr>
<td>Planning</td>
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<td>08/09</td>
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<td>PE/ENV</td>
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<tr>
<td>Right of Way</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>Programmed Year</td>
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<tr>
<td>Programmed Year</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Start</td>
<td>6/09</td>
<td>3/12</td>
</tr>
<tr>
<td>End</td>
<td>3/12</td>
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<tr>
<td>Project Title:</td>
<td>E76 Date(Exp./Actual)</td>
<td>Last Updated</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$10</td>
<td>Last Invoice</td>
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</table>

<table>
<thead>
<tr>
<th>Sponsor:</th>
<th>Project Title:</th>
<th><strong>SR 237/I-880 Express Connectors</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>VTA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Project No</td>
<td>Project Description</td>
<td></td>
</tr>
<tr>
<td>SCL090029</td>
<td>Implement roadway pricing on the carpool lane-to-carpool lane direct connectors between SR 237 and I-880.</td>
<td></td>
</tr>
<tr>
<td>Fund Source</td>
<td></td>
<td></td>
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<tr>
<td>ARRA $2,700 Local $4,340 VPPP $3,960</td>
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<tr>
<td>Project Phase</td>
<td>Funds ($000)</td>
<td>Schedule</td>
</tr>
<tr>
<td>Planning</td>
<td>$0</td>
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<tr>
<td>Current</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Start</td>
<td></td>
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<tr>
<td>End</td>
<td></td>
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<tr>
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<td><strong>Total</strong></td>
<td>$11,000</td>
<td>Last Invoice</td>
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</tbody>
</table>

**Manager Name:** Darrell Vice
**Phone/Fax:** 408-952-4214
**E-Mail:** darrell.vice@vta.org

**Manager Name:** Leo Scott
**Phone/Fax:** 408-321-5972
**E-Mail:** leo.scott@vta.org

**Last Updated:** 7/28/2010
### Sponsor: VTA

### Project Title:

#### Santa Clara Caltrain Station Pedestrian Grade Separated Crossing

<table>
<thead>
<tr>
<th>Project Phase</th>
<th>Funds ($000)</th>
<th>Schedule</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning</td>
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</tr>
<tr>
<td>PE/ENV</td>
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<td>160</td>
<td>10/08</td>
</tr>
<tr>
<td>Right of Way</td>
<td>$0</td>
<td></td>
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</tbody>
</table>

**Total** $0

- **Fund Source:** CMAQ $1,468
- **Manager Name:** Ken Ronsse
- **Phone/Fax:** (408) 952-4129
- **E-Mail:** ken.ronsse@vta.org
- **Sponsor:** VTA
- **Comments:** CMAQ funds have been obligated.

#### Regional Planning Activities and PPM - Santa Clara

<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>$7,478</td>
<td>10/11-14/15</td>
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</tr>
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<td>PE/ENV</td>
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<td></td>
<td></td>
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<tr>
<td>Right of Way</td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

**Total** $7,478

- **Fund Source:** STIP $3,478, STP $4,000
- **Manager Name:** Amin Surani
- **Phone/Fax:** (408) 546-7989
- **E-Mail:** amin.surani@vta.org
- **Sponsor:** VTA
- **Comments:** E76 Date(Exp./Actual), Last Invoice, Funds Expire obrigated.
<table>
<thead>
<tr>
<th>Sponsor: VTA</th>
<th>Project Title: I-880 Smart Park Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project No</td>
<td>SCL991013</td>
</tr>
<tr>
<td>Project Description</td>
<td>Develop Smart Park at Tasman Drive and other I-880 Smart Corridor locations which incorporates various ITS features.</td>
</tr>
<tr>
<td>Fund Source</td>
<td>CMAQ $780 (2000); Local $165</td>
</tr>
<tr>
<td>Manager Name</td>
<td>Keith Roan</td>
</tr>
<tr>
<td>Phone/Fax</td>
<td>(408) 321-7109</td>
</tr>
<tr>
<td>E-Mail</td>
<td><a href="mailto:keith.roan@vta.org">keith.roan@vta.org</a></td>
</tr>
<tr>
<td>Project Phase</td>
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</tr>
<tr>
<td>Planning</td>
<td>$0</td>
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<tr>
<td>PE/ENV</td>
<td>$0</td>
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<tr>
<td>Right of Way</td>
<td>$0</td>
</tr>
<tr>
<td>Programmed Year</td>
<td>Current Start</td>
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<td>Programmed Year</td>
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<tr>
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<tr>
<td>E76 Date (Exp./Actual)</td>
<td>Last Updated</td>
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<tr>
<td>Funds Expire</td>
<td>6/10/2010</td>
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</table>

<table>
<thead>
<tr>
<th>Sponsor: VTA</th>
<th>Project Title: Integrated ITS Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project No</td>
<td>SCL991057</td>
</tr>
<tr>
<td>Project Description</td>
<td>Develop an integrated Intelligent Transportation System (ITS) for VTA services.</td>
</tr>
<tr>
<td>Fund Source</td>
<td>C208 ITS $1,573 (2000); Local $629</td>
</tr>
<tr>
<td>Manager Name</td>
<td>Keith Roan</td>
</tr>
<tr>
<td>Phone/Fax</td>
<td>(408) 321-7109</td>
</tr>
<tr>
<td>E-Mail</td>
<td><a href="mailto:keith.roan@vta.org">keith.roan@vta.org</a></td>
</tr>
<tr>
<td>Project Phase</td>
<td>Funds ($000)</td>
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<tr>
<td>Planning</td>
<td>$0</td>
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<tr>
<td>PE/ENV</td>
<td>$0</td>
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<tr>
<td>Right of Way</td>
<td>$0</td>
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<td>Programmed Year</td>
<td>Current Start</td>
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<tr>
<td>Funds Expire</td>
<td>6/20/2010</td>
</tr>
</tbody>
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BOARD MEMORANDUM

TO:                Santa Clara Valley Transportation Authority
                  Board of Directors

THROUGH:              General Manager, Michael T. Burns

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

SUBJECT:            October 2010 Service Changes

FOR INFORMATION ONLY

BACKGROUND:

VTA implements service changes quarterly (January, April, July, October). Major changes are typically planned for January and July, while minor changes are implemented in April and October. Proposed service changes that meet any of the criteria listed below are submitted to the VTA Board of Directors for review and approval. The formal approval process typically takes place with approval of the Annual Transit Service Plan. Changes requiring formal approval include:

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

Service change proposals not meeting the criteria for formal approvals described above are handled at staff level. However, these proposals are still subject to an appropriate level of public and community review and comment. The changes listed do not require VTA Board approval.

DISCUSSION:

Light Rail Peak Period Express - On October 4, 2010, VTA will start operating a new weekday, peak-hour express light rail service between the Santa Teresa and Baypointe light rail stations. Three trains will operate northbound during the peak morning hours and southbound
during the afternoon peak period. Trains would make all stops between Santa Teresa and Ohlone/Chynoweth, then operate non-stop to Convention Center. From Convention Center, all regular stops will resume until the final stop at Baypointe. This new service provides reduced travel time, and offers additional trips that augment the existing schedule. These express trains are being inserted into the regular schedule, so the rest of the regular train times will remain the same.

Northbound express trains will leave Santa Teresa weekdays at 7:16 a.m., 7:46 a.m. and 8:16 a.m.
Southbound express trains will leave Baypointe weekdays at 4:07 p.m., 4:37 p.m. and 5:07 p.m.

The express trips will save an estimated 5 to 6 minutes of running time between Ohlone/Chynoweth and Convention Center stations. This is a 36% travel time savings for riders traveling between these two stations. For passengers taking the complete trips from Santa Teresa to Baypointe, it is a 12% savings.

This express service is a first-step service change from the Light Rail System Analysis, adopted by the VTA Board of Directors in May. The final product of the Light Rail System Analysis is an investment program which identifies capital and operating improvements for the system over the next 20 years. The study recommends making improvements in two phases. Phase I is designed for near-term implementation (within the next several years), while Phase II is designed to complement the introduction of BART service to East San Jose in 2018. For complete information on the Light Rail System Analysis, see VTA’s web site at <http://www.vta.org/studies/lrt_system_analysis/index.html>.

The express service will give our riders a new travel choice and provide valuable operational and passenger feedback for VTA to consider as it moves towards implementing improvements to the light rail system. In the next couple of months, look for upcoming news on how VTA will market and promote this new service. The attached map depicts the new service.

**Light Rail Night Service** - The 9:51 p.m. and 10:21 p.m. northbound trips leaving Winchester will be extended to the Baypointe Station instead of terminating at Civic Center on weekdays and Saturdays. This will benefit passengers returning home after Sharks games, work or other late events and also make easier connections with bus Line 200 to Mountain View.

**Line 200 (Baypointe to Mountain View)** - Minor weekday and weekend schedule changes will be made to coordinate with changes to the light rail schedule.

**STANDING COMMITTEE COMMENTS:**
Committee had positive comments about the initiation of Light Rail Express service. Chairperson Kalra requested that flyers be electronically provided to the VTA Board so they may share them their constituents. General Manager Burns also commented that the light rail express vehicles used for this service will have a special “wrap” so passengers may identify the express
trains. A promotional/outreach campaign is also being planned targeting residents and businesses along the line.

Member Liccardo asked if ridership information from Community Bus Line 11 was available yet. This line underwent significant changes (along with Community Bus Line 34) in July. The changes were made midway through July, so August ridership data will be the first month that provides valid information. Staff will provide this information to committee when available.

Prepared By: James Unites, Deputy Director, Service and Operations Planning
Memo No. 2261
Silicon Valley Rapid Transit Program (SVRT) Update.

WILL BE FORWARDED UNDER SEPARATE COVER
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Financial Officer, Joseph T. Smith

SUBJECT: VTA-ATU Pension Plan Actuarial Valuation

FOR INFORMATION ONLY

BACKGROUND:

In accord with state law applicable to all public pension plans and as required by the collectively bargained terms of the VTA-ATU Pension Plan (Plan), EFI Actuaries prepared the actuarial valuation report of the Plan as of January 1, 2010. The actuarial valuation is performed annually to determine the financial condition and contribution requirements of the Plan, to project and analyze trends in plan cost, and to present those items required for disclosure under Statement No. 25 of the Governmental Accounting Standards Board (GASB).

DISCUSSION:

EFI Actuaries have recommended that the Plan contribution rate be decreased from 18.25% of covered payroll to 17.99% for FY 2011. Better than expected investment experience in 2009 was the primary cause of the decrease.

The Plan had Actuarial assets of $354.8 Million and Actuarial Accrued Liability of $462.9 Million. This resulted in a decrease in Unfunded Actuarial Accrued Liability (UAAL) to $108.1 Million from $117.6 Million in the previous year and a funded ratio of 77%, an increase from 73%. The UAAL is amortized over a period of 20 years using the level dollar open method providing for a mechanism to fund the UAAL in a manner accepted by the GASB.

The Board of Pensions reviewed key economic assumptions for the plan with the actuary including the assumed rate of return for the plan and determined that given the very long term horizon of the plan (twenty-thirty years), the current 8% assumed rate of return was appropriate.
STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Administration and Finance Committee received this report at its August 19, 2010 meeting and moved it to the regular agenda for the September 2, 2010 Board meeting.

Prepared By: Ali Hudda, Deputy Director of Accounting
Memo No. 2344
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority  
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: State Route 152 Trade Corridor Project Status

FOR INFORMATION ONLY

BACKGROUND:

At the request of the California Transportation Commission (CTC), Santa Clara Valley Transportation Authority (VTA), in coordination with the California Department of Transportation (Caltrans), is leading the improvement of State Route 152 (SR 152) between US 101 and SR 99 as an east-west Trade and Mobility Corridor.

In March 2007, VTA approved a contract with HDR Engineering (HDR) to evaluate the feasibility of providing a new SR 152 alignment in the unincorporated areas of Santa Clara and San Benito counties from the SR 152/156 interchange to SR 25. In 2008, VTA submitted a Proposition 1B Trade Corridor Improvement Fund (TCIF) grant to study a new alignment for SR 152 between US 101 and SR 156. The project was not selected for funding; however, in December 2008, the CTC awarded $5 million in Interregional Transportation Improvement Program (ITIP) funds to study SR 152 between US 101 in Santa Clara County and SR 99 in Madera County. In February 2009, VTA Board of Directors approved $5 million in local funds to match the $5 million from ITIP and authorized the General Manager to negotiate and amend the contract with HDR to a maximum amount of $6,500,000.

The SR 152 Trade Corridor project was commenced in July 2009. The first phase of work over the past year has focused on evaluation of existing conditions, outreach to interested stakeholders, high level assessment of improvement alternatives, and an assessment of possible approaches for financing improvements. This work has been collaborative with input from the California Transportation Commission; Caltrans Districts 4, 5, 6 and 10; the cities of Gilroy and Los Banos; the counties of Santa Clara, San Benito, Merced, and Madera; and other interested parties through a series of Technical Working Group (TWG) meetings and workshop style meetings. Progress and direction on this effort from a policy level has been monitored and guided by the Mobility Partnership consisting of elected officials from Santa Clara County and
DISCUSSION:

Within the study area, SR 152 is part of the California Freeway and Expressway System, the Interregional Road System (IRRS), and is a Terminal Access Route. SR 152 is further classified as a Focus Route in the Caltrans Interregional Transportation Strategic Plan, meaning the roadway is especially important for goods movement, has interregional and statewide significance, and the highest priority for completion to minimum facility standards.

SR 152 serves commuter, recreational and commercial traffic. The route is a major international highway trade corridor intersecting the north-south trade corridor backbones of US 101, I-5 and SR 99. Along with the I-80 and I-580/I-205/I-238/I-880 corridors, SR 152 provides a critical east-west connection between the San Francisco Bay Area and the Central Valley. SR 152 is a vital link for Monterey Peninsula traffic. SR 152 is the only major east-west route between I-580 to the north and SR 46 to the south, covering a distance that spans 180 miles. SR 152 is also the only continuous east-west route connecting SR 99 and US 101.

SR 152 is a vital artery for the movement of agricultural foods and other products. It provides the only direct agricultural and goods movement route between the North Central Coast and the Central Valley, linking SR 99, I-5 and US 101 to the high growth technology businesses of the Silicon Valley and Monterey Bay area agribusiness. The value of agricultural production generated from counties along or adjacent to SR 152 was approximately 47 percent ($17.2 billion) of the State’s total agricultural production in 2008.

The purpose of the project is to improve SR 152 between US 101 and SR 99 as an east-west Trade and Mobility Corridor. The specific work elements include evaluating highway improvements to support trade traffic and greater area mobility and investigating tolling as a possible source of funding for construction, operation, and maintenance of the proposed improvements. The project includes a more focused evaluation for a new SR 152 alignment between US 101 and SR 156.

VTA has completed an initial Traffic and Revenue Feasibility Study (T&R). The study evaluated ten different tolling alternatives along the corridor including the infrastructure improvements necessary to implement the project. Major infrastructure improvements required include the realignment of SR152 between the SR152/SR156 Interchange and the SR25/US101 Interchange, Pacheco Pass Eastbound Truck Climbing Lanes, and the Los Banos Bypass. The results of the T&R study indicated that it is feasible to construct the project with financing from tolls. HDR is currently preparing the Corridor Study Report summarizing the results of the stakeholder outreach, engineering and planning studies.

Currently VTA is negotiating with HDR to provide engineering and environmental services necessary for the preparation of the Project Approvals and Environmental Documentation of the Project. Efforts in the next phase of the project will include continued stakeholder outreach, completion of the Corridor Report, Elected Official Policy Decisions including the formation of a Joint Powers Authority, Environmental Documentation, further refinement of the Traffic and Revenue Study, and securing additional funding.
The next phase of work is focused on the environmental clearance of the project.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Congestion Management Program & Planning Committee received a presentation on this information item at its August 20, 2010 meeting. Staff briefed the committee on background on the project, accomplishments in the past year since starting work in the summer of 2009, and next steps for the project. The committee expressed support for continued work on the project, while asking questions regarding its relationship with high speed rail, VTA's current lead role on the project, the cost for possible improvements, and possible funding sources that were answered by staff.

Prepared By: Darrell Vice
Memo No. 2660
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief External Affairs Officer, Greta Helm

SUBJECT: Monthly Legislative History Matrix

FOR INFORMATION ONLY

BACKGROUND:

For your information, I am attaching our Monthly Legislative History Matrix, which describes the key transportation-related bills that are being considered by the California State Legislature during the 2009-2010 session. It indicates the status of these measures and any adopted VTA positions with regard to them.

DISCUSSION:

California entered FY 2011 without a new budget in place, the 19th time that has occurred in the last 25 years. While the courts have determined that California can still pay off debt, provide about two-thirds of K-12 school funding, and send out SSI/SSP grants to low-income disabled and elderly people despite not having enacted a budget for the new fiscal year, the state has stopped making payments to vendors, local governments and community colleges, and has begun withholding salary and per diem checks for legislators and their aides. In addition, Gov. Arnold Schwarzenegger has issued an order to Controller John Chiang to reduce the pay of roughly 200,000 state workers to the federal minimum wage level of $7.25 per hour and to withhold their remaining salary as long as there is no budget. Chiang, however, has refused to comply unless a court tells him to do so, setting up a legal battle with the Governor. In the meantime, the Governor has reinstated a furlough policy that requires about 156,000 state employees to take three unpaid days off per month. The furloughs, which are estimated to reduce the state’s monthly payroll costs by about $147.2 million, would end when an FY 2011 budget is enacted.

Gov. Schwarzenegger and lawmakers remain far apart on how to bridge the estimated $19.1 billion General Fund deficit. As part of his May Revision, the Governor proposed closing the shortfall primarily through expenditure reductions, including: (a) eliminating the state’s welfare-to-work program, called the California Work Opportunity and Responsibility to Kids
(CalWORKs) Program; (b) eliminating child care programs, with the exception of pre-school and after-school care; (c) reducing funding for local mental health services by 60 percent; and (d) cutting $637 million from the In-Home Supportive Services Program. Democratic legislative leaders have vowed not to decimate the state’s safety net for the neediest Californians and, instead, are pushing a plan that includes: (a) a deferral of previously approved corporate tax breaks; (b) a new tax on oil production; and (c) a complex swap involving an increase in personal income taxes and the vehicle license fee, and a decrease in the state sales tax rate.

Despite the controversy, the transportation elements of the budget appear to be resolved. For the most part, transportation was addressed in March, when Gov. Schwarzenegger and the Legislature reached an agreement on a complex swap that involved replacing the sales tax on gasoline with a 17.3-cent-per-gallon increase in the gasoline excise tax. The motivation behind the swap was a desire on the part of lawmakers to achieve roughly $1 billion in annual budget savings by relieving the General Fund of the obligation of having to pay for transportation bond debt service. While the Governor’s May Revision included a number of transportation-related proposals, they did not generate any controversy and were embraced by the Legislature. These proposals include:

- Borrowing $650 million from the Highway Users Tax Account (HUTA) for the General Fund to be repaid by June 30, 2013. This $650 million is excess, uncommitted money resulting from the swap. It is available on a one-time basis. When repaid, it would be used to fund rehabilitation projects on the state highway system under the State Highway Operation and Protection Program (SHOPP).

- Transferring $72.2 million in non-Article XIX revenues to the General Fund. This money, which comes primarily from the leasing and sale of Caltrans property, originally was targeted to provide a bump in funding for the state’s intercity rail system.

- Extending the repayment date for $230 million in past loans that were made from various transportation accounts to the General Fund from June 2011 to June 2012.

- Providing an increase of $100.2 million in high-speed rail funding to meet federal matching requirements necessary to use the American Recovery and Reinvestment Act (ARRA) money that was awarded to California.

- Redirecting a portion of funding from Caltrans’ Capital Outlay Support Program to state highway maintenance activities. These capital outlay expense savings would come from engineering staff reductions, an increase in the use of contracted services and project delivery efficiencies.

Meanwhile, lawmakers continue to work on legislation. August 31 is the deadline for sending bills to the Governor for his consideration. Some key transportation-related measures that are still alive in the process are:

**AB 987 (Ma) and AB 2509 (Hayashi):** Both of these measures amend the Transit Village Development Planning Act, which was enacted in 1994 to encourage mixed-use development at
relatively higher densities around public transit stations. AB 987 allows a city or county to include a larger area in a transit village development district, while AB 2509 adds educational facilities and other land uses that link people traveling to and from K-12 schools, community colleges and universities to the list of specified characteristics that a transit village plan may address. Both AB 987 and AB 2509 are pending on the Senate floor. VTA Position: Support for both bills.

AB 1670 (Beall): Sponsored by the city of San Jose, AB 1670 allows the California Transportation Commission (CTC) to relinquish the following state highway facilities to the city: (a) the portion of State Route 82 from U.S. 101 to I-880, which is commonly known as The Alameda/Monterey Highway; and (b) the portion of State Route 130 within the city limits, which is Alum Rock Avenue. Status: Senate Appropriations Committee. VTA Position: Support.

AB 1784 (Fong): This bill allows VTA to manage the construction of improvement projects on local roadways under the jurisdiction of the 15 cities within Santa Clara County or the county, if requested by a city or the county to do so. Status: Signed into law. VTA Position: Sponsor.

AB 2324 (J. Perez): This legislation is intended to strengthen the safety and security of public transit systems in California by prohibiting the possession of dangerous weapons in certain areas of a public transit facility, and by prohibiting individuals from intentionally engaging in certain activities that could jeopardize the safety of passengers, operators and the public. Specifically, AB 2324 prohibits the following: (a) a person from knowingly possessing specified weapons within a restricted area of a public transit facility; (b) an unauthorized person from knowingly entering a restricted area of a public transit facility; and (c) a person from intentionally avoiding submission to screening and inspection when entering or re-entering a restricted area of a public transit facility. In addition, this measure increases the penalties for repeat fare evasion offenders and for certain acts of public transit passenger misconduct. Status: Senate floor. VTA Position: Support.

AB 2620 (Eng): Sponsored by the Professional Engineers in California Government (PECG), the labor organization that represents Caltrans engineers, AB 2620 essentially precludes Caltrans from charging indirect overhead costs for reimbursable work performed by the department on behalf of local agencies for locally funded state highway projects. Status: Senate Appropriations Committee. VTA Position: None.

SB 409 (Ducheny): This legislation calls for placing the California High-Speed Rail Authority within the Business, Transportation and Housing Agency, rather than having it continue to operate as an independent entity. SB 409 also requires the Business, Transportation and Housing Agency to prepare a five-year Strategic Rail Connectivity Plan, the focus of which would be to identify opportunities for improving the linkage of the state’s various passenger rail systems. Status: Assembly Appropriations Committee. VTA Position: None.

SB 964 (Alquist): This bill requires the High-Speed Rail Authority to contract with the Employment Development Department to put together a strategy to facilitate the availability of a skilled, in-state workforce to participate in the construction of the state’s high-speed rail system.

**SB 965 (DeSaulnier):** SB 965 allows the High-Speed Rail Authority to expend the federal ARRA funds awarded to California, subject to appropriation by the Legislature. It also requires the High-Speed Rail Authority to take those actions necessary to ensure that ARRA high-speed rail funds are obligated and expended in a manner that: (a) meets all applicable federal deadlines; (b) maximizes job creation in California at the earliest feasible time; (c) expedites the completion of vital high-speed rail infrastructure projects that improve rail-highway safety, mobility and performance; and (d) makes the most efficient use of available Proposition 1A bond funds. Status: Assembly Appropriations Committee. VTA Position: None.

**SB 1205 (Corbett):** Sponsored by the Association of Bay Area Governments (ABAG), this legislation establishes the Bay Area Disaster Recovery Planning Council to create a long-term regional disaster recovery plan for the San Francisco Bay Area. Status: Assembly Appropriations Committee. VTA Position: None.

**SB 1268 (Simitian):** Introduced to address privacy issues, SB 1268 prohibits a transportation agency from selling or providing personally identifiable information of a subscriber obtained through his or her participation in an electronic toll collection system. Status: Assembly floor. VTA Position: None.

**SB 1320 (Hancock):** This bill allows VTA, the Alameda-Contra Costa Transit District (AC Transit) and several other transit agencies to impose and enforce civil administrative penalties for fare evasion and passenger misconduct violations in lieu of criminal penalties. Status: Senate floor. VTA Position: Co-Sponsor.

**SB 1362 (Simitian):** Among other things, SB 1362 limits the circumstances under which a governmental agency may install an automated, camera-based traffic enforcement system to when the data indicate that there is a significant amount of collisions that occur as a result of the type of violation sought to be enforced. Status: Assembly Appropriations Committee. VTA Position: None.

**SB 1445 (DeSaulnier):** This legislation calls for imposing a statewide vehicle registration surcharge of $1 until January 1, 2016, with the revenues going to metropolitan planning organizations (MPOs), councils of governments (COGs) and transportation planning agencies to develop and implement sustainable communities strategies or regional blueprint plans. Status: Assembly Appropriations Committee. VTA Position: None.

**SB 1475 (Simitian):** This measure increases the penalties for violating the prohibitions in state law related to the use of wireless telephones and text-messaging while operating a motor vehicle. Status: Assembly Appropriations Committee. VTA Position: None.

Prepared By: Kurt Evans
Memo No. 2343
### State Assembly Bills

<table>
<thead>
<tr>
<th>State Assembly Bills</th>
<th>Subject</th>
<th>Last Amended</th>
<th>Status</th>
<th>VTA Position</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>AB 153</strong>&lt;br&gt;(Ma)&lt;br&gt;Regional Blueprint Plans and Sustainable Communities Strategies</td>
<td>Authorizes a metropolitan planning organization (MPO), council of governments (COG), or a county transportation commission and a sub regional COG jointly preparing a subregional sustainable communities strategy to impose a vehicle registration surcharge of up to $4, subject to a majority vote within its jurisdiction. Requires the revenues generated from such a surcharge to be used to identify land-use strategies, reduce the use of motor vehicles, and carry out applicable transportation-related activities necessary to implement a regional blueprint plan, a sustainable communities strategy or an alternative planning strategy. In the Bay Area, requires the surcharge to be jointly imposed by the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG), and the revenues from the surcharge to be divided in accordance with an agreement between those two entities. If the surcharge exceeds $2, requires all amounts above $2 to be used to provide grants to counties, cities and congestion management agencies (CMAs) for planning and projects related to the implementation of a regional blueprint plan or a sustainable communities strategy. Allows an MPO, COG, or county transportation commission and subregional COG jointly preparing a subregional sustainable communities strategy to divide the revenues from the surcharge with the local air quality management district. Requires any revenues received by a local air quality management district to be used to assist local and regional governments in reducing greenhouse gas emissions.</td>
<td>6/21/10</td>
<td>Senate Rules Committee</td>
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<tr>
<td><strong>AB 231</strong>&lt;br&gt;(Huber)&lt;br&gt;CEQA: Finding of Overriding Consideration</td>
<td>For purposes of complying with the California Environmental Quality Act (CEQA), authorizes a lead agency to rely on a finding of overriding consideration made in a prior environmental impact report (EIR) for a later project if the lead agency determines that the later project’s significant impacts on the environment are no greater than those identified in the prior EIR from which the project is tiered.</td>
<td>6/23/10</td>
<td>Senate Appropriations Committee</td>
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<tr>
<td><strong>AB 266</strong>&lt;br&gt;(Carter)&lt;br&gt;Transportation Needs Assessment</td>
<td>Every five years, requires the California Transportation Commission (CTC) to develop an assessment of: (a) the unfunded costs of programmed state and federally earmarked transportation projects in California; and (b) available funding for transportation purposes and unmet transportation needs on a statewide basis. Requires the assessment to include recommendations on how the state and local transportation agencies may address the transportation funding shortfalls and unmet needs that are identified. Requires the results from the initial assessment to be submitted to the Legislature by March 1, 2011.</td>
<td>4/20/09</td>
<td>Senate Rules Committee</td>
<td>Support</td>
</tr>
<tr>
<td>State Assembly Bills</td>
<td>Subject</td>
<td>Last Amended</td>
<td>Status</td>
<td>VTA Position</td>
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<td>AB 289 (Galgiani)</td>
<td>High-Speed Rail: ARRA Funds</td>
<td>Upon appropriation by the Legislature, makes available $2.25 billion in American Recovery and Reinvestment Act (ARRA) high-speed rail funding to the California High-Speed Rail Authority to be used for: (a) planning and engineering for the high-speed train system; and (b) capital costs, consistent with federal guidelines, rules and regulations, and consistent with Proposition 1A. Requires the High-Speed Rail Authority to take those actions necessary to ensure that federal ARRA funds awarded to California for high-speed rail purposes are expended and used in a manner that meets all applicable federal guidelines, rules and regulations. Requires these ARRA funds to be made available for preliminary engineering, project-level environmental work, mitigation, final design, and construction for the following corridors: (1) San Francisco to San Jose; (2) Merced to Fresno; (3) Fresno to Bakersfield; and (4) Los Angeles to Anaheim. Requires these funds to be appropriated and made available for obligation and expenditure by the dates specified in ARRA. Requires any funds received by California in FY 2011 from the federal Passenger Rail Investment and Improvement Act of 2008 to be used for planning and engineering work for any of the following corridors: (1) Merced to Sacramento; (2) Los Angeles to San Diego; and (3) the Altamont Corridor. Specifies that the provisions of the bill do not apply to the ARRA high-speed rail funds awarded to the Transbay Joint Powers Authority for purposes of constructing the Transbay Terminal in San Francisco. Exempts the executive director of the High-Speed Rail Authority from civil service. For purposes of managing and administering the ongoing work of the High-Speed Rail Authority in implementing the high-speed train project, allows the Governor, upon the recommendation of the authority’s executive director, to appoint up to six additional employees, who would: (a) be exempt from civil service; and (b) serve at the pleasure of the authority’s executive director.</td>
<td>8/2/10</td>
<td>Senate Appropriations Committee</td>
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<tr>
<td>AB 497 (Block)</td>
<td>HOV Lanes: Physicians</td>
<td>Allows Caltrans and local transportation authorities to permit a vehicle driven by a physician who is traveling in response to an emergency call to use high-occupancy vehicle (HOV) lanes regardless of the number of passengers in the vehicle, provided the vehicle displays an insignia approved by the California Highway Patrol (CHP) indicating that the vehicle is owned by a licensed physician. Specifies that the provisions of the bill would only apply if Caltrans determines that its application would not subject the state to a loss of federal aid for highways.</td>
<td>5/14/09</td>
<td>Senate Transportation and Housing Committee</td>
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<tr>
<td>AB 569 (Emmerson)</td>
<td>Meal Periods: Construction and Transportation Industries</td>
<td>Specifies that provisions in the Industrial Welfare Commission’s wage order pertaining to meal periods do not apply to an employee in a construction occupation; a commercial driver in the transportation industry; an employee in the security services industry; an employee of an electrical or gas corporation; or an employee of a local publicly owned electric utility if all of the following conditions are satisfied: (1) the employee is covered by a valid collective bargaining agreement; (2) the valid collective bargaining agreement expressly provides for the wages, hours of work, and working conditions of employees; and (c) the valid collective bargaining agreement expressly provides for meal periods, final and binding arbitration of disputes concerning the application of its meal period provisions, premium wage rates for all overtime hours worked, and a regular hourly rate of pay of not less than 30 percent more than the state minimum wage rate.</td>
<td>6/16/10</td>
<td>Senate Floor</td>
</tr>
<tr>
<td>State Assembly Bills</td>
<td>Subject</td>
<td>Last Amended</td>
<td>Status</td>
<td>VTA Position</td>
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| **AB 619**  
(Blumenfield)  
High-Speed Rail: Contracts | Requires any entity applying for a contract with the High-Speed Rail Authority related to the high-speed train network to affirmatively certify in advance of submitting a formal bid whether it had any direct involvement in the deportation of any individuals to extermination camps, work camps, concentration camps, prisoner of war camps, or any similar camps during the period from January 1, 1942, through December 31, 1944. | 7/15/10       | Senate Floor                  |                                   |
| **AB 726**  
(Nielsen)  
Local Roadway Rehabilitation Projects | States that local roadway rehabilitation projects are eligible for funding under the State Transportation Improvement Program (STIP). | As Introduced | Senate Transportation and Housing Committee |                                   |
| **AB 732**  
(Jeffries)  
Design-Sequencing Contracts | Extends the authority for Caltrans to use the design-sequencing method of contracting for the design and construction of not more than nine transportation projects from January 1, 2010, to July 1, 2010. | 6/16/09       | Senate Appropriations Committee |                                   |
<table>
<thead>
<tr>
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<th>Subject</th>
<th>Last Amended</th>
<th>Status</th>
<th>VTA Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>AB 744 (Torrico)</td>
<td>Bay Area Express Lane Network</td>
<td>7/15/09</td>
<td>Senate Appropriations Committee</td>
<td>Support</td>
</tr>
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Authorizes the Bay Area Toll Authority (BATA) to develop, acquire, administer, operate, and maintain a regional express lane network on state highways within the geographic jurisdiction of the Metropolitan Transportation Commission (MTC) in a collaborative manner with the congestion management agencies (CMAs) in the Bay Area, Caltrans and the California Highway Patrol (CHP). Creates the Bay Area Express Lane Network Project Oversight Committee to recommend policies related to the network to BATA, including an express lane development plan. Specifies that the plan would consist of the following two elements: (1) a phasing plan for the development of the express lane network, which would include a definition of the geographic boundaries of each of the express lane corridors in the network; and (2) an operational plan, which would include consistency standards for the network related to geometric design, signage, safe and simple operations, technology, pricing policies and goals, carpool occupancy requirements, hours of operation, maintenance, enforcement, marketing, tort liability, and performance standards. Requires the committee to establish corridor working groups for each express lane corridor. Requires each corridor working group to prepare a project initiation document to assess the feasibility and desirability of express lanes in the corridor, as well as to develop a corridor investment plan. Requires the corridor investment plan to consist of the following: (a) phased development of the segment of the regional express lane network within the corridor of the group; (b) carpool occupancy and fee policies; (c) local funding for the development of part or all of the segment of the network within the corridor of the group; (d) proposed reimbursement of local agencies for prior expenditures on elements of the network; (e) proposals as to which agencies would perform the work described in the corridor investment plan; (f) an examination of equity considerations; (g) a proposal for improving public transit services in the corridor; (h) an examination of safety and operations, including express lane ingress and egress; and (i) projects and programs to be funded with any net revenues generated by the corridor, giving the highest priority to projects and programs that would provide cost-effective transit. Authorizes BATA to issue revenue bonds to finance the development of the regional express lane network, and to pledge toll revenues from the Bay Area’s state-owned toll bridges as a “backstop” for those bonds. Allows BATA to increase the tolls collected on those bridges if that action is necessary to meet the obligations of the revenue bonds. Allows BATA to expend toll bridge revenues on the regional express lane network provided that: (a) funding from other sources is not available; and (b) BATA projects that funding the network will not necessitate an increase in bridge toll rates or preclude BATA from upholding its contractual and statutory obligations. Requires all revenues generated by the network to be deposited in the Bay Area Express Lane Network Account, which BATA would create. Requires BATA to return 95 percent of any revenues net of operating, maintenance, financing, and administration costs to the corridors where the net revenues are generated for the purpose of funding projects and programs identified in the relevant corridor investment plan. Requires the Santa Clara Valley Transportation Authority (VTA), the Alameda County Congestion Management Agency and the Sunol Smart Carpool Lane Joint Powers Authority to enter into agreements with BATA by January 1, 2011, to provide for the transfer of their rights and obligations relative to express lane projects to BATA. Requires BATA to provide vehicle owners with the option of obtaining a FasTrak account using cash or a check, and without having to provide a name or address. Prohibits BATA from converting existing non-tolled general purpose lanes to express lanes.
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| **AB 987 (Ma)**  
Transit Village Development Districts | Recasts the area included in a transit village development district to include all land within not more than a half mile of the main entrance of a public transit station. | 5/20/10 | Senate Floor | Support |
| **AB 1030 (Blumenfield)**  
Caltrans: Renewable Energy Projects | In consultation with Caltrans, authorizes the Institute of the Environment at the University of California-Los Angeles (UCLA) to undertake a project for mapping the renewable energy development potential of state-owned real property under the direction and control of Caltrans. Requires Caltrans to respond within 90 days to any proposal to develop a renewable energy project as to whether: (a) the property is available for sale, lease or encroachment permit; and (b) the project would be compatible with the current and projected use of that property. | 7/13/09 | Senate Appropriations Committee |
| **AB 1375 (Galgiani)**  
California High-Speed Rail Authority: Personnel | Exempts the executive director of the California High-Speed Rail Authority from civil service. For purposes of managing and administering the ongoing work of the High-Speed Rail Authority in implementing the high-speed train project, allows the Governor, upon the recommendation of the authority’s executive director, to appoint up to six additional employees, who would: (a) be exempt from civil service; and (b) serve at the pleasure of the authority’s executive director. | 6/22/10 | Senate Transportation and Housing Committee |
| **AB 1405 (De Leon)**  
Global Warming Solutions Act: Community Benefits Fund | Requires the California Air Resources Board (CARB) to deposit a minimum of 30 percent of the fee revenues generated under the California Global Warming Solutions Act of 2006, other than revenues collected for administrative purposes, in the Community Benefits Fund. Requires the revenues in the fund to be used solely in the most impacted and disadvantaged communities in the state to accelerate greenhouse gas emission reductions or mitigate direct health impacts of climate change in those communities. Requires the revenues in the fund to be used to provide competitive grants for projects that do any of the following: (a) reduce greenhouse gas emissions while achieving co-benefits, such as reductions in air pollution; (b) increase water and energy efficiency and conservation through retrofitting, replacing or weatherizing activities; (c) install clean distributed generation systems that utilize locally available renewable energy sources, such as solar, wind and geothermal energy; (d) initiate or enhance public mass transit, including fare subsidies to commuters; (e) incentive low-income, public mass transit-oriented housing development; (f) minimize the direct health impacts of climate change and prepare for emergencies from extreme weather events by taking actions such as the operation of air-conditioned cooling centers that are open to the public; or (g) provide community based greening, forestry or water-related projects, such as stormwater capture, tree planting, and water conservation and efficiency measures that have been recognized to reduce greenhouse gas emissions and produce co-benefits. Requires CARB to adopt a methodology to identify the most impacted and disadvantaged communities by June 30, 2010. | 9/1/09 | Senate Floor |
| **AB 1500 (Lieu)**  
HOV Lanes: Low-Emission Vehicles | Unless pre-empted by federal law, extends the authorization for low-emission vehicles to use high-occupancy vehicle (HOV) lanes regardless of the number of vehicle occupants from January 1, 2011, to January 1, 2015. | 5/26/10 | Signed into Law: Chapter #37 |
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<tr>
<td>AB 1670 (Beall)</td>
<td>Relinquishment of State Routes 82 and 130 Authorizes the California Transportation Commission (CTC) to relinquish the following to the city of San Jose: (a) the portion of State Route 82 from U.S. 101 to I-880; and (b) the portion of State Route 130 within the city limits.</td>
<td>7/15/10</td>
<td>Senate Appropriations Committee</td>
<td>Support</td>
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<td>AB 1747 (Galgiani)</td>
<td>High-Speed Rail: Contracts Allows the California High-Speed Rail Authority to consider, to the extent permitted by federal and state law, the creation of jobs in the state when awarding major contracts, including for the purchase of high-speed trains and related equipment and supplies.</td>
<td>4/14/10</td>
<td>Senate Rules Committee</td>
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<td>AB 1760 (Blumenfield)</td>
<td>Design-Sequencing Contracts Authorizes Caltrans to award design-sequencing contracts for the design and construction of not more than five transportation projects until January 1, 2014. 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. Provides that under a design-sequencing contract, Caltrans would serve as the responsible agency for the performance of design work. In selecting projects for design-sequencing, requires Caltrans to attempt to: (a) balance geographical areas among projects; (b) pursue diversity in the types of projects undertaken; and (c) consider selecting projects that improve interregional and intercounty routes. Allows Caltrans to use employees or consultants for design-sequencing contracts, consistent with the provisions in the state Constitution.</td>
<td>7/15/10</td>
<td>Senate Appropriations Committee</td>
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<td>AB 1784 (Fong)</td>
<td>VTA: Local Roadway Projects Authorizes the Santa Clara Valley Transportation Authority (VTA) to manage the construction of improvement projects on local roadways under the jurisdiction of the 15 cities within Santa Clara County or the county, if requested by a city or the county to do so.</td>
<td>4/12/10</td>
<td>Signed into Law: Chapter #57</td>
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<td>AB 1805 (Calderon)</td>
<td>CEQA Litigation Protection Pilot Program of 2010 Establishes the California Environmental Quality Act (CEQA) Litigation Protection Pilot Program. Requires the Business, Transportation &amp; Housing Agency to select 25 projects for each calendar year between 2010 and 2014 to participate in the program. For a project to qualify for the program, requires the lead agency to certify that the environmental impact report (EIR) for the project will be certified within 12 months. In selecting projects for the program, requires the Business, Transportation &amp; Housing Agency to consider the following: (1) the number and quality of jobs that would be created by the project; (2) the amount of capital investment made by the project; and (3) a balance between projects sponsored by public and private entities. Provides that a lead agency’s decision to certify an EIR or to adopt a mitigated negative declaration based on an initial study for a project selected to participate in the pilot program is not subject to judicial review.</td>
<td>As Introduced</td>
<td>Assembly Natural Resources Committee</td>
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<td>AB 1830 (Jones)</td>
<td>High-Speed Rail: Rolling Stock and Equipment Purchases 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, provided it is consistent with federal law.</td>
<td>8/2/10</td>
<td>Senate Appropriations Committee</td>
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<td>AB 1871</td>
<td>Authorizes private passenger vehicle owners to make their cars available for use by a vehicle sharing program without impacting their private passenger automobile insurance policy.</td>
<td>6/10/10</td>
<td>Senate Floor</td>
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<td>AB 1955</td>
<td>Provides that the following are examples of situations when two public offices are incompatible: (1) an office has the power of eminent domain over property that is under the geographic jurisdiction of the other office; and (2) an office has the power to set a fee or a rate, or to impose a tax or a levy that may directly or indirectly affect the other office.</td>
<td>6/23/10</td>
<td>Senate Local Government Committee</td>
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<td>AB 1958</td>
<td>States the intent of the Legislature to enact a bill to require each state department to make recommendations on reducing its costs by 5 percent, and to use those cost savings to fund pre-approved infrastructure projects not funded by existing bond proceeds.</td>
<td>As Introduced</td>
<td>Assembly Desk</td>
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<td>AB 2097</td>
<td>Requires a person who requests the confidentiality of his or her home address to provide the Department of Motor Vehicles (DMV) with a current employment address for purposes of processing the service and collection of a traffic, parking or toll road violation.</td>
<td>5/28/10</td>
<td>Senate Appropriations Committee</td>
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<td>AB 2113</td>
<td>Authorizes a county board of supervisors to place on the ballot either or both of the following for consideration by the voters in accordance with all constitutional and statutory requirements: (1) a local personal income tax, or (2) a local vehicle license fee.</td>
<td>As Introduced</td>
<td>Assembly Local Government Committee</td>
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<td>AB 2121</td>
<td>Requires the California High-Speed Rail Authority to annually adopt a six-year high-speed train program for submission to the Legislature. Requires the program to include a listing of all capital improvement projects that are expected to need an appropriation in the annual Budget Act during the next six fiscal years. Requires the High-Speed Rail Authority to prepare and submit to the Legislature an annual report. Requires the report to include all of the following: (1) a description of the progress made for each project within each high-speed train segment; (2) the baseline budget for support and capital outlay construction costs for each segment; (3) the current or projected program budget for support or capital outlay construction costs for each segment; (4) expenditures to date for support and capital outlay construction costs for each segment; (5) a comparison of the current or projected schedule and the baseline schedule; (6) a summary of the milestones achieved for each segment during the annual period, and any issues identified and actions taken to address those issues; and (7) a detailed financial plan, including any necessary taxes, fees, bonds, or other indebtedness to pay for the construction of the high-speed train network.</td>
<td>5/28/10</td>
<td>Senate Rules Committee</td>
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<td>AB 2124</td>
<td>Specifies that Caltrans shall be responsible for damage inflicted on any roadway under the jurisdiction of a local agency resulting from activities performed by the department’s own employees or its contractors during maintenance or construction work on a state highway.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td>AB 2127 (Nestande)</td>
<td>Requires the Department of Health Care Services to establish a two-year pilot program in at least three counties to evaluate a non-emergency medical transportation model in which the state would contract with a broker to manage the provision of non-emergency medical transportation services to Medi-Cal beneficiaries. Requires the department to monitor the pilot program, evaluate the outcomes and savings, and provide the fiscal committees of the Legislature with a report on its findings and recommendations. If it determines that the pilot program is cost effective, authorizes the department to implement the program statewide at any time and to continue the operation of the program indefinitely.</td>
<td>As Introduced</td>
<td>Assembly Health Committee</td>
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<td>AB 2147 (V. Perez)</td>
<td>In awarding grants to local governmental agencies, including to a school in cooperation with a local transportation agency, under the Safe Routes to School Program, requires Caltrans, as part of the rating process, to consider: (a) the benefit of a particular project to a low-income school; (b) consultation and support from school-based associations, local traffic engineers, local elected officials, law enforcement agencies, school officials, and other relevant community stakeholders; and (c) the use of a public participation process.</td>
<td>7/15/10</td>
<td>Senate Floor</td>
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<td>AB 2311 (Mendoza)</td>
<td>Requires the executive officer of the California Air Resources Board (CARB) to conduct three reviews on the implementation of the low-carbon fuel standard regulations adopted by CARB to regulate greenhouse gas emissions from transportation fuels. Requires the CARB executive officer to establish a Low-Carbon Fuel Standard Advisory Panel for purposes of participating in the reviews.</td>
<td>4/19/10</td>
<td>Assembly Appropriations Committee</td>
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<td>AB 2313 (Buchanan)</td>
<td>Prior to the adoption of a regional transportation plan (RTP) for a region in which a residential or mixed-use residential project is located, provides that a lead agency, for purposes of complying with the California Environmental Quality Act (CEQA), may use a threshold of significance for greenhouse gas emissions adopted for the project by the air quality management district within which the project is located to determine whether the project may have a significant effect on the environment due to the emission of greenhouse gases.</td>
<td>6/21/10</td>
<td>Senate Environmental Quality Committee</td>
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<td>AB 2324 (J. Perez)</td>
<td>Prohibits the following: (a) a person from knowingly possessing specified weapons within a sterile area of a public transit facility; (b) an unauthorized person from knowingly entering a restricted area of a public transit facility if the area has been posted with notices restricting access to authorized personnel only; and (c) a person from intentionally avoiding submission to screening and inspection when entering or re-entering a sterile area of a public transit facility. Defines “sterile area” to mean any portion of a public transit facility that is generally controlled in a manner consistent with a public transit agency’s security plan. Increases the penalties for repeat fare evasion offenders and for certain acts of public transit passenger misconduct.</td>
<td>6/10/10</td>
<td>Senate Appropriations Committee</td>
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<td><strong>AB 2329</strong> (Ruskin) Climate Action Team</td>
<td>Creates the Climate Action Team consisting of the following representation: (a) secretary of the California Environmental Protection Agency (CalEPA); (b) secretary of the Natural Resources Agency; (c) chairperson of the California Air Resources Board (CARB); (d) chairperson of the Energy Resources Conservation and Development Commission; (e) president of the California Public Utilities Commission (CPUC); (f) secretary of the Business, Transportation and Housing Agency; (g) secretary of the Department of Food and Agriculture; (h) secretary of the Department of Consumer Affairs; (i) secretary of the Health and Human Services Agency; (j) director of the Office of Planning and Research; and (k) secretary of the Labor and Workforce Development Agency. Consistent with the Global Warming Solutions Act of 2006, requires the Climate Action Team to coordinate the state’s overall climate change policy. To meet the goals of the Global Warming Solutions Act, requires the Climate Action Team to do all of the following: (1) identify and review activities, funding programs and revenues of state agencies that may need to be coordinated; (2) recommend policies, investment strategies and priorities; and (3) provide information to local governments that will assist them with their own climate change efforts. Requires the Natural Resources Agency, by June 1, 2012, to prepare and submit to the Climate Action Team the California Climate Vulnerability and Adaptation Plan, which would provide for the protection of the state’s natural resources, public health, infrastructure, and economic vitality from the ongoing and expected impacts of climate change. Requires the Natural Resources Agency to update the plan every three years in order to incorporate new information regarding the impacts of climate change, as well as new strategies to address adaptation.</td>
<td>8/2/10</td>
<td>Senate Appropriations Committee</td>
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<td><strong>AB 2509</strong> (Hayashi) Transit Village Plans: Educational Facilities</td>
<td>Adds educational facilities and other land uses that provide direct linkages for people traveling to and from primary and secondary schools, community colleges and universities to the list of specified characteristics that a transit village plan may address.</td>
<td>4/8/10</td>
<td>Senate Floor Support</td>
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<td><strong>AB 2516</strong> (Hill) Accessible Housing Task Force</td>
<td>Requires the Department of Housing and Community Development to establish the Accessible Housing Task Force to develop strategies to increase the amount of housing that is both accessible to the elderly and disabled, and located near public transit. Requires the task force to submit a report to the Governor and Legislature no later than June 30, 2012, that does all of the following: (1) recommends strategies to improve the identification and marketing of multifamily dwelling units that comply with the state’s disabled accessibility building standards for multifamily dwelling units; (2) recommends policies that cities, counties and the state could adopt that would encourage the voluntary construction of new units or the retrofit of existing units within a half mile of public transit stations and bus hubs in a manner that provides for live-in occupancy of one or more individuals with severe mobility impairments; and (3) recommends voluntary design options, possible revisions to building code regulations, local incentive options, and any suggested statutory changes that are needed to improve the accessibility of new and existing dwelling units that are located within a half mile of public transit stations or bus hubs.</td>
<td>4/27/10</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>AB 2518</strong>&lt;br&gt;(V. Perez)&lt;br&gt;California Infrastructure and Economic Development Bank: Local Assistance Program</td>
<td>Requires the California Infrastructure and Economic Development Bank to establish a local assistance program to provide technical support to the state’s small and rural communities in obtaining financing for local infrastructure projects.</td>
<td>As Introduced</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>AB 2520</strong>&lt;br&gt;(Solorio)&lt;br&gt;Proposition 116 Projects</td>
<td>Authorizes the lead agency for a project funded through Proposition 116, the Clean Air and Transportation Improvement Act of 1990, to apply for a letter of no prejudice (LONP) that would allow the agency to expend its own funds for any bond-funded component of the project, subject to later reimbursement from bond proceeds under certain conditions.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td><strong>AB 2534</strong>&lt;br&gt;(Fuentes)&lt;br&gt;Global Warming Solutions Act: Impacted Communities</td>
<td>Allows the California Air Resources Board (CARB) to use a portion of the revenues generated from a market-based compliance mechanism established pursuant to the Global Warming Solutions Act of 2006 for expenditure on communities experiencing increased exposure to air pollutants to the extent that CARB determines that this increased exposure is caused by the implementation of the market-based compliance mechanism regulation.</td>
<td>As Introduced</td>
<td>Assembly Natural Resources Committee</td>
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<td><strong>AB 2579</strong>&lt;br&gt;(Evans)&lt;br&gt;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 to be presented to the Governor and Legislature that provides for financing, building and maintaining the infrastructure necessary to meet the needs of Californians from the present to the year 2050. States the intent of the Legislature that the commission provide long-term guidelines for California’s infrastructure needs and a prioritized plan that meets those needs by doing all of the following: (1) project population, social and economic trends through 2050; (2) utilize the projects to assess the state’s capital needs for transportation, education, housing, and water through 2050, including the need for private capital to augment or complement public financing; (3) assess the availability of private and public funds to support jointly sponsored projects throughout the period from the present to 2050; (4) assess the status and fiscal value of dedicating future revenues to specific infrastructure construction and maintenance, including transportation and schools; (5) recommend a financing plan for the state’s capital needs through 2050, with a priority plan for each five-year interval, including evaluation and recommendations of various financing methods that are feasible and may be of benefit to the state and local governments; and (6) incorporate the findings of ongoing state infrastructure planning and reporting requirements. Requires the commission to submit its final report to the Governor and Legislature by December 1, 2012. Requires the commission to be dissolved 30 days after issuance of its final report.</td>
<td>4/19/10</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>AB 2620</strong>&lt;br&gt;(Eng)&lt;br&gt;Caltrans: Indirect Overhead Costs</td>
<td>Precludes Caltrans from charging indirect overhead costs for reimbursable work performed by the department on behalf of local agencies for locally funded state highway projects.</td>
<td>6/22/10</td>
<td>Senate Appropriations Committee</td>
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<td>AB 2640</td>
<td>Until January 1, 2016, subjects free or subsidized parking to income taxes by removing its exclusion from the calculation of gross income.</td>
<td>5/18/10</td>
<td>Assembly Appropriations Committee</td>
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<td>AB 2663</td>
<td>Provides that if the Legislature transfers, borrows or suspends allocated revenues from the Highway Users Tax Account (HUTA), the respective transaction would be suspended during the months of July, August and September to alleviate the impact on cities that follow the federal fiscal year.</td>
<td>6/22/10</td>
<td>Senate Appropriations Committee</td>
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<td>AB 2691</td>
<td>Prohibits a state or local agency from imposing a greenhouse gas emissions fee on a source of greenhouse gas emissions that is subject to either of the following: (a) a market-based compliance mechanism; or (b) a fee regulation adopted by the California Air Resources Board (CARB).</td>
<td>4/6/10</td>
<td>Assembly Natural Resources Committee</td>
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<td>AB 2703</td>
<td>Authorizes the lead agency for an intercity, commuter or urban rail transit capital improvement project funded through the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century (Proposition 1A) to apply to the California Transportation Commission (CTC) for a letter of no prejudice (LONP) that would allow the agency to expend its own funds for any bond-funded component of the project, subject to later reimbursement from bond proceeds under certain conditions.</td>
<td>8/3/10</td>
<td>Senate Rules Committee Support</td>
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<td>AB 2704</td>
<td>Requires Highway Users Tax Account funding to cities and counties for local snow removal to be maintained, as in effect on January 1, 2010.</td>
<td>4/8/10</td>
<td>Signed into Law: Chapter #101</td>
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<td>AB 2754</td>
<td>Establishes the Planning and State Clearinghouse Unit within the Office of Planning and Research to annually evaluate the functional plans of each state department and agency to assure that they are consistent with the state’s planning goals.</td>
<td>7/15/10</td>
<td>Senate Appropriations Committee</td>
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<td>ACA 3</td>
<td>Calls for placing before the voters an amendment to the California Constitution to require an initiative measure authorizing the issuance of state general obligation bonds in a total amount exceeding $1 billion to either provide additional tax or fee revenues, eliminate existing programs or both as necessary to fully fund the bonds in order to be placed on the ballot.</td>
<td>6/16/09</td>
<td>Assembly Floor</td>
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<td>ACA 4 (Feuer)</td>
<td>Calls for placing before the voters an amendment to the California Constitution that makes a series of changes to various state budget and legislative processes. Specifically, does all of the following: (1) implements a “pay-as-you-go” system for the Governor’s budget, and the majority of legislation and initiatives; (2) limits how one-time state revenues could be expended; (3) requires the Legislature to review state programs once every 10 years; (4) allows the Budget Act to be approved by a simple majority vote of the Legislature; (5) requires a two-thirds majority vote to approve fees when they are being used to fund a program, service or activity that was previously funded by revenues from a tax; (6) forfeits legislator pay, after June 25th, if the Assembly and Senate have not passed the Budget Act; and (7) provides the Governor with mid-year authority to cut the budget if the Legislature does not act prior to the 45th day of a fiscal emergency.</td>
<td>5/10/10</td>
<td>Assembly Budget Committee</td>
<td></td>
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<td>ACA 5 (Calderon)</td>
<td>Calls for placing before the voters an amendment to the California Constitution to require an initiative measure authorizing the issuance of state general obligation bonds to be approved by a 55 percent majority of the electorate.</td>
<td>7/14/09</td>
<td>Assembly Floor</td>
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<td>ACA 9 (Huffman)</td>
<td>Calls for placing before the voters an amendment to the California Constitution to allow a local agency to impose, extend or increase any special tax if the tax is approved by its electorate by a 55 percent majority. Also allows a local agency to incur indebtedness in the form of general obligation bonds to fund any of the following: (a) the construction, reconstruction, rehabilitation, or replacement of public infrastructure improvements, and facilities or buildings used primarily to provide sheriff, police or fire protection services to the public; (b) affordable housing; and (c) the acquisition or lease of real estate for public infrastructure improvements, public safety facilities or buildings, and affordable housing, if the bond issuance is approved by its electorate by a 55 percent majority. Creates an exception to the 1 percent limit for property tax assessments if the revenues are being used to pay bonded indebtedness, approved by a 55 percent majority vote, to fund any of the following: (a) the construction, reconstruction, rehabilitation, or replacement of public infrastructure improvements, and facilities or buildings used primarily to provide sheriff, police or fire protection services to the public; (b) affordable housing; and (c) the acquisition or lease of real estate for public infrastructure improvements, public safety facilities or buildings, and affordable housing.</td>
<td>6/26/09</td>
<td>Assembly Floor Support</td>
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<td>ACA 13 (Hernandez) Initiatives</td>
<td>Calls for placing before the voters an amendment to the California Constitution regarding statewide initiative measures. Specifically, requires the Secretary of State’s Office to immediately transmit an initiative measure to the Legislature. Allows the Legislature to amend an initiative measure that proposes to change the Constitution and adopt it as a legislative constitutional amendment by concurrent resolution. If the proponents of the initiative measure accept the legislative constitutional amendment in lieu of the initiative measure, the n the legislative constitutional amendment would be submitted to the voters instead of the initiative measure. Allows an initiative measure transmitted to the Legislature that only proposes a statute to be introduced in the Legislature as a bill. Provides that if such a bill is enacted and the proponents of the initiative measure accept any amendments of the Legislature, then the Secretary of State’s Office shall not submit the initiative measure to the voters. If the Legislature returns an initiative measure to the Secretary of State’s Office within 30 legislative session days after it has been transmitted to the Legislature and the measure is certified to have been signed by the requisite number of voters, requires the Secretary of State’s Office to place the measure on the ballot. If the Legislature does not return an initiative measure to the Secretary of State’s Office within 30 legislative session days after it has been transmitted to the Legislature, requires the Secretary of State’s Office to place the measure on the ballot if it is certified to have been signed by the requisite number of voters.</td>
<td>6/1/10</td>
<td>Assembly Floor</td>
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<td>ACA 15 (Arambula) Local Governments: Transportation Special Taxes</td>
<td>Calls for placing before the voters an amendment to the California Constitution to allow a local agency to impose, extend or increase a special tax for the purpose of providing funding for local transportation projects if the tax is approved by its electorate by a 55 percent majority.</td>
<td>As Introduced</td>
<td>Assembly Floor</td>
<td>Support</td>
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<td>ACA 16 (Nestande) State General Obligation Bonds</td>
<td>Calls for placing before the voters an amendment to the California Constitution to allow the Legislature to approve general obligation bond measures only for the purpose of funding long-term infrastructure. Defines “long-term infrastructure” to mean any of the following: (a) the acquisition of land, including easements, rights-of-way and other interests in land; (b) the construction or acquisition of improvements to land, including structures and equipment integral to the operation of those structures; and (c) the construction or acquisition of roadways and water conveyances.</td>
<td>As Introduced</td>
<td>Assembly Appropriations Committee</td>
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<td>State Senate Bills</td>
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<td>SB 8 (Huff)</td>
<td>Requires the Department of Finance to develop performance budgeting pilot projects under which the budgets of at least four state departments would be analyzed by specific criteria.</td>
<td>3/23/09</td>
<td>Senate Budget and Fiscal Review Committee</td>
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<td>SB 10 (Leno)</td>
<td>Authorizes counties and San Francisco to impose a voter-approved local vehicle assessment at a rate not to exceed 2 percent of the market value of each motor vehicle or trailer coach registered within their respective jurisdictions for general revenue purposes if: (a) the board of supervisors approves an ordinance to that effect by a two-thirds vote; and (b) the assessment is approved by a majority vote of the electorate. Specifies that the bill is not to be construed to supplant any funds that the state apportions to counties and San Francisco, including those apportioned under the Vehicle License Fee Law.</td>
<td>7/8/09</td>
<td>Assembly Floor</td>
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<td>SB 409 (Ducheny)</td>
<td>Places the California High-Speed Rail Authority within the Business, Transportation and Housing Agency. Requires the five members of the High-Speed Rail Authority appointed by the Governor to be confirmed by the Senate. Requires the authority to annually submit a funding plan to the California Transportation Commission (CTC) for approval. Requires the funding plan to identify the need for investments during the fiscal year and the amount of bond sales necessary to accommodate those investments. Requires the Business, Transportation and Housing Agency to prepare a five-year Strategic Rail Connectivity Plan for the state, the focus of which would be to identify opportunities for passenger rail system improvements and linkages. Requires this plan to: (a) include desirable linkages and feeder opportunities between high-speed rail, and conventional intercity rail, commuter rail and rail transit; (b) identify the coordination in planning and capital investments necessary to maximize the opportunities for each of those services in providing a cohesive, connected and easy-to-use system for Californians; (c) identify future right-of-way needs for passenger rail lines in connection with state and local highway system improvements; and (d) include other matters that offer opportunities for statewide coordination, such as the efficient movement of goods. Requires the strategic plan to be submitted to the CTC for approval on September 1, 2011, and every five years thereafter.</td>
<td>8/2/10</td>
<td>Assembly Appropriations Committee</td>
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| **SB 455**  
(Lowenthal)  
California High-Speed Rail Authority | Requires the five gubernatorial appointments to the California High-Speed Rail Authority to be confirmed by the Senate. Exempts the High-Speed Rail Authority from the following: (a) various statutory provisions related to the acquisition and disposal of property requiring the approval of the Department of Finance; (b) securing the approval of the Department of Finance or the State Public Works Board when expending funds appropriated for capital outlay purposes; and (c) securing the approval of the Department of General Services when acquiring an easement or right-of-way. Prohibits the Department of General Services from: (a) granting easements across the property of the High-Speed Rail Authority; and (b) maintaining an inventory of the property owned by the authority. Authorizes the High-Speed Rail Authority to negotiate, in the name of the state, access to rights-of-way that it owns. Requires any capital investment made by the High-Speed Rail Authority for Phase 1 of the high-speed train project to be consistent with one or more of the following criteria: (a) enhances railroad access to stations and terminals, with priority being given to those stations and terminals that serve the largest employment centers; (b) improves travel times, service reliability, safety, and service frequency for existing commuter and intercity passenger train services; or (c) improves connections from the San Joaquin Valley to Southern California, or from the San Joaquin Valley to the Bay Area. Requires changes in contracts entered into by the High-Speed Rail Authority to be approved by its governing board. Requires the High-Speed Rail Authority to create an overall schedule with delivery milestones for all aspects of the high-speed train project. | 4/16/09 | Assembly Floor |
| **SB 474**  
(Ducheny)  
Innovative Contracting and Financing Pilot Programs | Requires the California Transportation Commission (CTC) to provide an annual consolidated report to the Legislature on the progress of the following pilot programs authorized under current law: (1) public-private partnerships; (2) design-build; and (3) design-sequencing. Within 90 days after the award of a contract or after entering into any agreement for a pilot program involving public-private partnerships, design-build or design-sequencing under current law, requires the lead agency for the project to make a finding that the use of the alternative contracting or financing method will provide any of the following benefits to the public when compared to a traditional contracting or financing method: (a) accelerates the project completion date; (b) produces savings in personnel or financial resources; (c) results in lower costs to the users of the facility developed under the method; or (d) brings financial resources to the project that would not otherwise be available. If the lead agency on a project is not the owner of the facility, requires the owner of the facility to concur with the finding. | 8/2/10 | Assembly Appropriations Committee |
| **SB 476**  
(Correa)  
CEQA: Non-Compliance Allegations | Clarifies provisions of the California Environmental Quality Act (CEQA) that prescribe when and how a person may bring an action or a proceeding against a project before a public entity. | 4/30/09 | Assembly Natural Resources Committee |
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<th>Subject</th>
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<td><strong>SB 535</strong>&lt;br&gt;(Yee)&lt;br&gt;HOV Lanes: Low-Emission and Fuel-Efficient Vehicles</td>
<td>Unless pre-empted by federal law, extends the authorization for vehicles that meet California’s super ultra-low exhaust emission standard and the federal inherently low-emission evaporative emission standard to use high-occupancy vehicle (HOV) lanes regardless of the number of vehicle occupants to January 1, 2015. Between January 1, 2012, and January 1, 2015, allows vehicles that meet California’s enhanced advanced technology partial zero-emission vehicle standard to travel in HOV lanes without the required number of passengers, but limits the number of decals that the Department of Motor Vehicles (DMV) can issue for this privilege to 40,000. Ends the authorization for regular hybrid vehicles to use HOV lanes without the required number of passengers on July 1, 2011.</td>
<td>6/24/10</td>
<td>Senate Transportation and Housing Committee</td>
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<td><strong>SB 632</strong>&lt;br&gt;(Lowenthal)&lt;br&gt;Ports: Infrastructure Needs</td>
<td>Beginning January 1, 2010, requires the ports of Long Beach, Los Angeles and Oakland to assess their infrastructure and air quality improvement needs, including projects that improve the efficiency of the movement of cargo, and that reduce the congestion impacts and pollution associated with the movement of cargo. Requires these assessments to include the total costs of the infrastructure and air quality improvements, possible funding options for these projects, and estimated timelines for their implementation. Requires each port to provide this assessment to the Legislature by July 1, 2010.</td>
<td>4/30/09</td>
<td>Assembly Floor</td>
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<td><strong>SB 845</strong>&lt;br&gt;(Budget Committee)&lt;br&gt;Countywide Strategic Action Plan</td>
<td>Authorizes local government entities to develop and implement a Countywide Strategic Action Plan to jointly use existing and additional resources to ensure progress toward common community goals. In counties where a Countywide Strategic Action Plan has been adopted, allows the board of supervisors to place before the voters a local sales tax increase of up to 1 percent. If approved by a simple majority vote, requires the revenues from the sales tax increase to be distributed pursuant to the adopted Countywide Strategic Action Plan.</td>
<td>3/18/10</td>
<td>Senate Budget and Fiscal Review Committee</td>
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<td><strong>SB 879</strong>&lt;br&gt;(Cox)&lt;br&gt;Design-Build Contracting: Counties</td>
<td>Allows counties to use design-build contracting for construction projects in excess of $1 million.</td>
<td>8/2/10</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>SB 901</strong>&lt;br&gt;(Ashburn)&lt;br&gt;Proposition 1B Grade Separation Projects</td>
<td>Authorizes the lead agency for a grade separation or railroad crossing project funded through the Proposition 1B Highway-Railroad Crossing Safety Account to apply for a letter of no prejudice (LONP) that would allow the agency to expend its own funds for any bond-funded component of the project, subject to later reimbursement from bond proceeds under certain conditions.</td>
<td>As Introduced</td>
<td>Senate Transportation and Housing Committee</td>
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<td><strong>SB 927</strong>&lt;br&gt;(Huff)&lt;br&gt;HOV Lanes</td>
<td>Makes several technical, non-substantive changes to state statutes pertaining to high-occupancy vehicle (HOV) lanes.</td>
<td>As Introduced</td>
<td>Senate Rules Committee</td>
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| **SB 964**  
(Alquist)  
High-Speed Rail:  
Workforce Development Program | Requires the California High-Speed Rail Authority to contract with the California Employment Development Department to develop a labor market assessment of the workforce, and identify the education and skills needed to: (a) construct a high-speed train system in the state; and (b) operate and maintain a high-speed train system, as necessary to aid the High-Speed Rail Authority in planning the construction of the system. Requires the assessment to include a recommended strategy to ensure that training programs are in place to facilitate the availability of a skilled, in-state workforce to participate, to the maximum extent feasible, in the construction of California’s high-speed train system. Appropriates $500,000 from the amount of Proposition 1A high-speed rail bond funds set aside for environmental studies, planning and preliminary engineering to implement this bill. | 6/30/10 | Assembly Appropriations Committee | Support |
| **SB 965**  
(DeSaulnier)  
High-Speed Rail:  
ARRA Funding | Subject to appropriation by the Legislature, requires the California High-Speed Rail Authority to expend federal funds made available to it under the American Recovery and Reinvestment Act (ARRA) for conducting environmental studies, planning analyses and preliminary engineering activities, as well as for implementing capital projects related to the state’s high-speed train system. Requires the High-Speed Rail Authority to use Proposition 1A bond money to match any ARRA funding, if a match is required. Requires the High-Speed Rail Authority to take those actions necessary to ensure that any federal funds appropriated to it are obligated and expended in a manner that: (1) meets all applicable federal deadlines; (2) maximizes job creation in California at the earliest feasible time; (3) expedites the completion of vital high-speed rail infrastructure projects that improve rail-highway safety, mobility and performance; (4) makes the most efficient use of available state bond funds; and (5) is consistent with current state law. Requires the High-Speed Rail Authority to submit to the Legislative Analyst’s Office and to the Legislature an adopted plan for the expenditure of ARRA funds. Requires the plan to include: (1) a description of the projects proposed for funding, including a discussion of each project’s independent utility; (2) the location of each project; (3) the baseline budget for each project, including support costs and estimated capital costs; (4) the amount of federal and state funds, including Proposition 1A bond proceeds and private money, proposed to be committed to each project; (5) the proposed baseline schedule, with project milestones, and the completion date for each project; and (6) the number of jobs that each project is estimated to create or maintain in California. | 6/21/10 | Assembly Appropriations Committee | |
| **SB 976**  
(Hollingsworth)  
CEQA Exemption:  
Overpass and Ramp Expansion Projects | Exempts from the California Environmental Quality Act (CEQA) projects that would expand an existing overpass, on-ramp or off-ramp that is built on an easement or right-of-way under the control of Caltrans, a local transportation agency, a city, or a county. | 3/22/10 | Senate Environmental Quality Committee | |
| **SB 1006**  
(Pavley)  
Climate Change Adaptation Strategies | Requires the Strategic Growth Council to provide, fund and distribute data and information to local governments and regional agencies that will assist in developing and planning sustainable communities. | 6/21/10 | Assembly Appropriations Committee | |
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<th>State Senate Bills</th>
<th>Subject</th>
<th>Last Amended</th>
<th>Status</th>
<th>VTA Position</th>
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<td>SB 1010 (Correa)</td>
<td>CEQA Litigation Protection Pilot Program of 2010</td>
<td>As Introduced</td>
<td>Senate Environmental Quality Committee</td>
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<td>Establishes the California Environmental Quality Act (CEQA) Litigation Protection Pilot Program. Requires the Business, Transportation &amp; Housing Agency to select 25 projects for each calendar year between 2010 and 2014 to participate in the program. For a project to qualify for the program, requires the lead agency to certify that the environmental impact report (EIR) for the project will be certified within 12 months. In selecting projects for the program, requires the Business, Transportation &amp; Housing Agency to consider the following: (1) the number and quality of jobs that would be created by the project; (2) the amount of capital investment made by the project; and (3) a balance between projects sponsored by public and private entities. Provides that a lead agency’s decision to certify an EIR or to adopt a mitigated negative declaration based on an initial study for a project selected to participate in the pilot program is not subject to judicial review.</td>
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<td>SB 1020 (Wolk)</td>
<td>Performance-Based Budgeting</td>
<td>8/2/10</td>
<td>Assembly Budget Committee</td>
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<td>Beginning in FY 2015, requires the budget submitted by the Governor to the Legislature to be developed pursuant to performance-based budgeting for each state agency and department. When preparing their individual budgets, requires state agencies and departments to use performance-based budgeting methods that make it clear to policymakers and the public the value and results of existing operations and proposed changes. Requires agency and departmental budgets to identify and update all of the following: (1) the mission and goals of the agency or department; (2) the activities and programs focused on achieving those goals; (3) performance metrics that reflect desired outcomes for existing and proposed activities, and a targeted performance level for the following year; (4) prior-year performance data and an explanation of deviation from previous-year targets; and (5) proposed changes in statute, including the creation of incentives or the elimination of disincentives that could improve outcomes or hold down costs. Requires the Legislature to establish a process for reviewing the performance of all state programs at least once every 10 years.</td>
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<td>SB 1061 (Hancock)</td>
<td>Bay Bridge: Bicycle-Pedestrian Pathway</td>
<td>5/25/10</td>
<td>Assembly Appropriations Committee</td>
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<td>Allows a bicycle-pedestrian-maintenance pathway on the San Francisco-Oakland Bay Bridge to be funded with state-owned toll bridge revenues under the jurisdiction of the Bay Area Toll Authority (BATA), provided that the project is included in the adopted Regional Transportation Plan (RTP). Prior to approving the project and authorizing construction, requires BATA to make a finding that the pathway does not fundamentally alter the profile of the bridge. Prohibits BATA from increasing tolls to fund the project.</td>
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<td>SB 1120 (Dutton)</td>
<td>California Global Warming Solutions Act: Cap and Trade</td>
<td>As Introduced</td>
<td>Senate Environmental Quality Committee</td>
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<td>Prohibits the California Air Resources Board (CARB) from implementing a market-based compliance mechanism pursuant to the California Global Warming Solutions Act of 2006 that includes caps on greenhouse gas emissions and trading among participants unless it is part of a legally enforceable regional or federal program.</td>
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| **SB 1205**  
(ʻCorbett)  
Bay Area Disaster Recovery Planning Council | Establishes the Bay Area Disaster Recovery Planning Council to create a long-term regional disaster recovery plan for the San Francisco Bay Area. In developing the plan, requires the council to cooperate with various stakeholders in the region, including cities, counties, special districts, school districts, emergency managers, hospitals, members of the public, private businesses, and non-governmental organizations. Provides that the scope and purpose of the recovery plan is to enhance the region’s resiliency following a disaster by: (a) increasing the speed of rebuilding lifeline infrastructure; (b) planning for temporary transportation and public transit programs during the repair of the region’s transportation system; (c) enhancing government management capacity for large-scale capital projects and programs; (d) planning for the reconstruction of housing damaged by a disaster; (e) creating mechanisms to assist businesses with temporary relocation and financing; and (f) other issues associated with sustainable redevelopment following a major disaster. Specifies that the recovery plan is not a post-disaster operations plan. Declares the intent of the Legislature that the council complement existing efforts by cities; counties; special districts; and other local, regional and state entities. | 6/10/10 | Assembly Appropriations Committee | |
| **SB 1215**  
(ʻPrice)  
Caltrans: Architectural and Engineering Services | Until January 1, 2014, authorizes Caltrans to establish prequalified lists of architectural and engineering services firms. Requires Caltrans to comply with certain requirements relating to the advertisement and award of contracts in the event the department utilizes the prequalified list. | 4/28/10 | Assembly Transportation Committee | |
| **SB 1245**  
(ʻSimitian)  
Express Lanes: Free Passage | Prohibits charging a toll to a vehicle that meets the applicable occupancy level for use of a high-occupancy vehicle (HOV) lane. Specifies that this provision does not apply to toll bridges. Provides that an increase in the vehicle occupancy level for an HOV lane may only be implemented if Caltrans determines that the change will maximize person throughput with respect to the affected highway. Requires Caltrans to obtain the approval of the applicable transportation planning agency and to report to the Legislature before making the change. | 4/22/10 | Assembly Transportation Committee | |
| **SB 1259**  
(ʻDeSaulnier)  
Economic Development and Job Creation Agency | Establishes the Economic Development and Job Creation Agency within state government. Requires the agency to do all of the following: (1) develop a statewide strategy that identifies California’s goals and objectives for job creation, and that specifies performance measures to assess the state’s progress toward attaining those goals and objectives; (2) create a clearinghouse of accurate data on the state’s economic development activities and their effectiveness; (3) simplify, strengthen and improve the operation and management of economic development programs that provide services to California’s workers and employers; (4) eliminate duplicative duties, achieve cost efficiencies and promote accountability for the attainment of economic development goals and objectives; (5) allow the state to marshal all of its resources to systematically target new industries to site within California; (6) build on California’s educational, workforce and geographic assets to seed innovation; (7) attract new and sustainable industries that will create high-wage, middle-class jobs; and (8) provide a better understanding of federal and state laws that protect workers. | 5/24/10 | Senate Appropriations Committee | |
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<td>SB 1263 (Wyland)</td>
<td>Makes the provisions of the California Global Warming Solutions Act of 2006 and any regulation adopted by the California Air Resources Board (CARB) pursuant to the act inoperative.</td>
<td>As Introduced</td>
<td>Senate Environmental Quality Committee</td>
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<td>SB 1264 (Leno)</td>
<td>Whenever passengers have boarded an aircraft whose departure from the airport is delayed by more than two hours, or whenever more than two hours have passed following the landing of an aircraft and passengers have not been able to disembark, requires the air carrier to provide passengers with all of the following: (1) electrical service that is sufficient to provide passengers with fresh air and light; (2) waste removal service for the holding tanks for onboard restrooms; and (3) adequate food and drinking water, and other refreshments. Requires an air carrier to provide clear and conspicuous notice regarding passenger or consumer complaint contact information by making available forms and placing signs at all airport service desks and other appropriate areas in the airport as necessary.</td>
<td>6/1/10</td>
<td>Senate Floor</td>
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<td>SB 1268 (Simitian)</td>
<td>Prohibits a transportation agency from selling or providing personally identifiable information of a person obtained pursuant to the person’s participation in an electronic toll collection system or use of a toll facility, subject to specified exceptions. Requires a transportation agency that employs an electronic toll collection system to establish a privacy policy regarding the collection and use of personally identifiable information. Requires the policy to include a description of the following: (a) the types of personally identifiable information that is collected by the agency; (b) the categories of third-party persons or entities with whom the agency may share personally identifiable information; (c) the process by which a transportation agency notifies subscribers of material changes to its privacy policy; (d) the effective date of the privacy policy; and (e) the process by which a subscriber may request changes to any of his or her personally identifiable information. Within practicable business and cost constraints, allows a transportation agency to store only personally identifiable information of a person, such as the account name, credit card number, billing address, vehicle information, and other basic account information, that is required to perform account functions, such as billing, account settlement or enforcement activities. Requires all other information to be discarded within six months after the closure date of the billing cycle or 60 days after the bill has been paid, whichever occurs last. Within practical business and cost constraints, requires a transportation agency to make every effort to purge the personal account information of an account within 60 days after the date the account is closed or terminated. Authorizes a person whose personally identifiable information has been sold or provided in violation of this bill to bring specified actions for recovery of damages, costs and attorney’s fees. Allows a transportation agency that employs an electronic toll collection system to impose an administrative fee on persons who use that system in an amount that is sufficient to cover the costs of implementing the provisions of this bill.</td>
<td>8/2/10</td>
<td>Assembly Appropriations Committee</td>
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<td>SB 1299 (Lowenthal) Vehicle Miles Traveled Fee</td>
<td>By January 1, 2012, requires the Department of Motor Vehicles (DMV) to develop and implement a pilot program designed to assess the following issues related to putting in place a vehicle miles traveled (VMT) fee in California: (1) different methods of calculating mileage; (2) processes for transmitting data to protect the integrity of the data and ensure the privacy of drivers; and (3) the types of equipment that may be required of the state and of drivers in order to implement a VMT fee. Requires the DMV to prepare and submit a report of its findings to the Legislature by June 30, 2012. Requires the report to include all of the following elements: (1) recommendations regarding how best to implement a VMT fee in a manner that minimizes confusion and inconvenience to California’s drivers, while also ensuring their privacy; (2) given the technological and institutional demands associated with implementing a VMT fee, a discussion of different processes that may be used to transition from the fuel tax to a VMT fee over time; and (3) a discussion of issues that the Legislature may wish to consider when evaluating whether and how to implement a VMT fee.</td>
<td>As Introduced</td>
<td>Senate Appropriations Committee</td>
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<td>SB 1305 (Pavley) Global Warming Solutions Act: Compliance Revenues</td>
<td>Requires revenues generated from: (a) fees to fund expenditures beyond administrative costs related to the implementation of the California Global Warming Solutions Act of 2006; (b) the implementation of market-based compliance mechanisms; or (c) other compliance mechanisms to be appropriated by the Legislature for purposes determined by the Legislature.</td>
<td>As Introduced</td>
<td>Senate Environmental Quality Committee</td>
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</tr>
<tr>
<td>SB 1320 (Hancock) Fare Evasion and Passenger Misconduct: Civil Administrative Penalties</td>
<td>Allows VTA, the Alameda-Contra Costa Transit District (AC Transit) and Foothill Transit to impose and enforce civil administrative penalties for fare evasion and passenger misconduct in lieu of criminal penalties.</td>
<td>6/21/10</td>
<td>Assembly Floor</td>
<td>Co-Sponsor</td>
</tr>
<tr>
<td>SB 1348 (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>6/17/10</td>
<td>Assembly Floor</td>
<td></td>
</tr>
<tr>
<td>SB 1351 (Wright) Global Warming Solutions Act: CARB Regulations</td>
<td>Requires the California Air Resources Board (CARB) to make available to the public, at the time that it adopts a regulation pursuant to the California Global Warming Solutions Act of 2006, any implementation schedule that is needed to comply with that regulation.</td>
<td>8/2/10</td>
<td>Assembly Appropriations Committee</td>
<td></td>
</tr>
<tr>
<td>State Senate Bills</td>
<td>Subject</td>
<td>Last Amended</td>
<td>Status</td>
<td>VTA Position</td>
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</tbody>
</table>
| **SB 1362**  
(Simitian)  
Automated Traffic Enforcement Systems | Requires the installation of signs at all locations where an automated, camera-based traffic enforcement system is operating. Prior to installing such a system, 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 an automated traffic enforcement system. | 8/2/10 | Assembly Appropriations Committee |  |
| **SB 1371**  
(Correa)  
Proposition 1A Rail Transit Projects | Authorizes the lead agency for an intercity, commuter or urban rail transit capital improvement project funded through the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century (Proposition 1A) to apply to the California Transportation Commission (CTC) for a letter of no prejudice (LONP) that would allow the agency to expend its own funds for any bond-funded component of the project, subject to later reimbursement from bond proceeds under certain conditions. | 6/16/10 | Assembly Floor | Support |
| **SB 1418**  
(Wiggins)  
SAFE Program | Increases the maximum amount of the vehicle registration surcharge that a Service Authority for Freeways and Expressways (SAFE) may impose from $1 to $2. Requires SAFE surcharge revenues to be used to implement, maintain and operate a motorist aid system of call boxes. Allows any money received that exceeds the amount needed for full implementation and ongoing costs to maintain and operate motorist aid call boxes to be used for freeway service patrols, mobile roadside assistance systems, intelligent transportation systems, incident management programs and coordination, traveler information system programs, and traffic operation centers. Allows the Metropolitan Transportation Commission (MTC) to use SAFE funds to install call boxes in parking lots and roadway areas in state and federal parks in the Bay Area where telecommunication services are not available. | 6/21/10 | Assembly Transportation Committee |  |
| **SB 1426**  
(DeSaulnier)  
State Budget Process | Requires the budget submitted by the Governor to contain itemized statements; provisional language; performance measurement standards for state agencies and programs; recommended state expenditures; and a projection of anticipated state revenues, including revenues anticipated to be available on a one-time basis. Requires the budget to contain an estimate of the total resources available for state expenditures recommended for the budget year and the succeeding fiscal year. If expenditures exceed revenues, requires the Governor to recommend reductions in expenditures or the sources from which additional revenues should be provided, and to include an estimate of the long-term impact that these recommendations would have on the state’s economy. Requires the Governor to submit a five-year capital infrastructure and strategic growth plan together with the budget. If the Governor’s budget proposes: (a) to create a new state program or agency, or to expand the scope of an existing state program or agency, resulting in a net increase in state costs; or (b) to reduce a state tax resulting in a net decrease in state revenues, requires the proposal to be accompanied by a statement identifying state program reductions or sources of additional state revenues in an amount that is equal to or greater than the net increase in state costs or net decrease in state revenues. Declares the intent of the Legislature to establish an oversight process for evaluating and improving the performance of all state programs, whether managed by the state or local agencies. | 5/26/10 | Assembly Budget Committee |  |
| **SB 1437**  
(Kehoe)  
Electricity: Plug-In Hybrids and Electric Vehicles | Requires the California Public Utilities Commission (CPUC), by July 1, 2012, to determine for each class of ratepayers the direct costs and benefits associated with the expected additional load from plug-in hybrid and electric vehicles. | 6/7/10 | Assembly Floor |  |
<table>
<thead>
<tr>
<th>State Senate Bills</th>
<th>Subject</th>
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<th>Status</th>
<th>VTA Position</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SB 1445</strong></td>
<td>Requires the Planning Advisory and Assistance Council in the Office of Planning and Research to: (1) work with the Strategic Growth Council, regional agencies, cities, and counties to facilitate the implementation of regional blueprint plans; and (2) develop and propose recommendations to facilitate coordination between regional blueprint plans, state growth and infrastructure funding plans, and programs that facilitate the implementation of regional blueprint plans. Until January 1, 2016, imposes a vehicle registration surcharge of $1. Requires the Department of Motor Vehicles (DMV), after deducting its administrative costs, to deposit 1 percent of the net revenues from the surcharge into the Planning Advisory and Assistance Council Fund, and to make those revenues available to the Planning Advisory and Assistance Council upon appropriation by the Legislature. Requires the DMV to allocate the remaining net revenues to metropolitan planning organizations (MPOs), councils of governments (COGs), and transportation planning agencies in areas outside of MPOs and COGs based on the amount of surcharge revenues collected from motor vehicles registered within each jurisdiction. Requires MPOs, COGs and transportation planning agencies to use their surcharge revenues to: (a) develop and implement a sustainable communities strategy, regional blueprint plan or rural transportation plan element that is consistent with guidelines developed by Caltrans for regional blueprints; and (b) to provide grants to cities, counties and congestion management agencies for planning and projects related to the implementation of a regional blueprint plan.</td>
<td>8/2/10</td>
<td>Assembly Appropriations Committee</td>
<td></td>
</tr>
<tr>
<td><strong>SB 1475</strong></td>
<td>Requires the driver’s license examination administered by the Department of Motor Vehicles (DMV) to include a test of an applicant’s understanding of the distractions and dangers of handheld cell phone use and text-messaging while operating a motor vehicle. Prohibits a person from riding a bicycle while using a wireless telephone unless that telephone is specifically designed and configured to allow hands-free listening and talking, and is used in that manner. Also prohibits a person from riding a bicycle while using an electronic wireless communications device to write, send or read a text-based message. Increases the penalties for violating the current prohibitions in state law against using wireless telephones and text-messaging while operating a motor vehicle. Requires a portion of the fines collected for these violations to be allocated to the Office of Traffic Safety for an education program on the dangers of cell phone use and text-messaging while driving.</td>
<td>8/2/10</td>
<td>Assembly Appropriations Committee</td>
<td></td>
</tr>
<tr>
<td><strong>SCA 2</strong></td>
<td>Calls for placing before the voters an amendment to the California Constitution to revise the biennial sessions of the Legislature. Specifically, requires legislative sessions held in odd-numbered years to be budget sessions. In a budget session, specifies that the Legislature shall meet only to conduct oversight and review of the revenues and expenditures of the state, and to consider only budget bills and budget implementation bills for the succeeding two fiscal years, and related revenue bills. Provides an exception for bills to enact emergency statutes. In each odd-numbered calendar year, requires the Governor to submit to the Legislature proposed budgets for the two subsequent fiscal years. Requires legislative sessions held in even-numbered years to be general sessions, during which any bill may be considered.</td>
<td>3/16/10</td>
<td>Senate Rules Committee</td>
<td></td>
</tr>
<tr>
<td>State Senate Bills</td>
<td>Subject</td>
<td>Last Amended</td>
<td>Status</td>
<td>VTA Position</td>
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</tbody>
</table>
| **SCA 3**  
(Wyland)  
Proposition 42 Suspensions | Calls for placing before the voters an amendment to the California Constitution to eliminate the ability of the Governor and the Legislature to suspend the transfer of gasoline sales tax revenues pursuant to Proposition 42 from the General Fund to the Transportation Investment Fund (TIF). Prohibits the loaning of TIF revenues under any circumstances. Prohibits the enactment of a statute that would reduce the extent to which gasoline sales tax revenues are deposited into the General Fund for transfer to the TIF for transportation purposes. | As Introduced | Senate Revenue and Taxation Committee |
| **SCA 5**  
(Hancock)  
State Budget: Voting Requirement | Calls for placing before the voters an amendment to the California Constitution to allow for General Fund appropriations in the state budget bill to be enacted by the Legislature with a majority vote. | As Introduced | Senate Floor |
| **SCA 9**  
(Ducheny)  
State Budget: Voting Requirement | Calls for placing before the voters an amendment to the California Constitution to allow for the Budget Act and budget trailer bills to be enacted by the Legislature with a 55 percent majority vote. Repeals the two-thirds majority vote requirement for raising state revenues. | As Introduced | Senate Budget and Fiscal Review Committee |
| **SCA 10**  
(Ducheny)  
Constitutional Amendments | Calls for placing before the voters an amendment to the California Constitution regarding statewide initiative measures. Specifically, requires the Secretary of State’s Office to transmit a copy of an initiative measure certified for the ballot to both the Senate and Assembly no later than 176 days prior to the election at which the measure is to be considered by the electorate. Within 30 days, allows the Legislature to propose an amended form of the initiative measure by adopting a concurrent resolution. If the sponsors of the initiative measure accept the proposed amendments, requires the Legislature’s proposal to appear on the ballot in place of the certified initiative measure. If the amended form proposed by the Legislature is not accepted, requires information regarding the proposed amended form to be included in the ballot materials related to the initiative measure. | 8/17/09 | Senate Floor |
| **SCA 14**  
(Ducheny)  
Ballot Initiative Costs | Calls for placing before the voters an amendment to the California Constitution regarding the costs associated with statewide initiative measures. Specifically, prohibits an initiative measure that would result in a net increase in state or local government costs other than costs attributable to the issuance, sale or repayment of bonds from being placed on the ballot unless the Legislative Analyst’s Office and the Department of Finance jointly determine that the initiative measure provides for additional revenues in an amount that would meet or exceed the net increase in costs. | 8/17/09 | Senate Floor |
| **SCA 15**  
(Calderon)  
State Budget: Voting Requirement | Calls for placing before the voters an amendment to the California Constitution to waive the two-thirds majority vote requirement for enacting the Budget Act for the upcoming fiscal year if the Legislative Analyst’s Office, on or after May 15, determines that General Fund revenues are five percent below the estimate for the current-year budget. | 4/13/09 | Senate Budget and Fiscal Review Committee |
| **SCA 16**  
(DeSaulnier)  
Indirect Initiatives | Calls for placing before the voters an amendment to the California Constitution regarding statewide initiative measures. Allows the electors to propose, and to adopt or reject, statutes and amendments to the Constitution pursuant to a process of initial review by the Legislature. | As Introduced | Senate Floor |
<table>
<thead>
<tr>
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<th>Status</th>
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</tr>
</thead>
<tbody>
<tr>
<td>SCA 19 (DeSaulnier)</td>
<td>State and Local Government Reform Calls for placing before the voters an amendment to the California Constitution that makes a series of changes to various state budget and legislative processes. Specifically, does all of the following: (1) implements a “pay-as-you-go” system for the Governor’s budget, and the majority of legislation and initiatives; (2) limits how one-time state revenues could be expended; (3) requires the Legislature to review state programs once every 10 years; (4) allows the Budget Act to be approved by a simple majority vote of the Legislature; (5) requires a two-thirds majority vote to approve fees when they are being used to fund a program, service or activity that was previously funded by revenues from a tax; (6) forfeits legislator pay, after June 25th, if the Assembly and Senate have not passed the Budget Act; (7) provides the Governor with mid-year authority to cut the budget if the Legislature does not act prior to the 45th day of a fiscal emergency; (8) eliminates the ability of the state to redirect local property tax revenues to schools; and (9) prohibits the state from reallocating any locally imposed non-ad valorem tax or an assessment levied by a county, city, special district, or any other local or regional government entity. Authorizes local government entities to develop and implement a Countywide Strategic Action Plan to jointly use existing and additional resources to ensure progress toward common community goals. In counties where a Countywide Strategic Action Plan has been adopted, allows the board of supervisors to place before the voters a local sales tax increase of up to 1 percent. If approved by a simple majority vote, requires the revenues from the sales tax increase to be distributed pursuant to the adopted Countywide Strategic Action Plan.</td>
<td>4/8/10</td>
<td>Senate Budget and Fiscal Review Committee</td>
<td></td>
</tr>
</tbody>
</table>
### January

<table>
<thead>
<tr>
<th>Day</th>
<th>January</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Statutes signed into law in 2009 take effect.</td>
</tr>
<tr>
<td>4</td>
<td>Legislature reconvenes.</td>
</tr>
<tr>
<td>10</td>
<td>Budget must be submitted by the Governor to the Legislature on or before this date.</td>
</tr>
<tr>
<td>15</td>
<td>Last day for policy committees to hear and report fiscal bills introduced in their house of origin in 2009.</td>
</tr>
<tr>
<td>22</td>
<td>Last day for any committee to hear and report to the floor bills introduced in their house of origin in 2009. Last day to submit bill requests to the Legislative Counsel’s Office.</td>
</tr>
<tr>
<td>31</td>
<td>Last day for bills introduced in 2009 to be passed out of their house of origin.</td>
</tr>
</tbody>
</table>

### February

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<thead>
<tr>
<th>Day</th>
<th>February</th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>Last day for new bills to be introduced.</td>
</tr>
</tbody>
</table>

### March

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

### April

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

### May

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

### June

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

### July

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

### August

<table>
<thead>
<tr>
<th>Day</th>
<th>August</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Legislature reconvenes from Summer Recess.</td>
</tr>
<tr>
<td>13</td>
<td>Last day for fiscal committees to hear and report to the floor bills introduced in the other house.</td>
</tr>
<tr>
<td>20</td>
<td>Last day to amend bills on the Assembly and Senate floors.</td>
</tr>
<tr>
<td>31</td>
<td>Last day for each house to pass bills. Final Recess begins at the end of this day’s session.</td>
</tr>
</tbody>
</table>

### September

<table>
<thead>
<tr>
<th>Day</th>
<th>September</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>Last day for the Governor to sign or veto bills passed by the Legislature before September 1, and in his possession after September 1.</td>
</tr>
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</table>

### October

<table>
<thead>
<tr>
<th>Day</th>
<th>October</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>General Election.</td>
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</tbody>
</table>

### December

<table>
<thead>
<tr>
<th>Day</th>
<th>December</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>The 2011-2012 regular legislative session convenes.</td>
</tr>
</tbody>
</table>
MINUTES

On General Consensus and there being no objection, the Committee of the Whole appointed Board Member Gage as Chairperson Pro Tempore.

CALL TO ORDER

The Regular Meeting of the Administration and Finance Committee (A&F) was called to order at 12:05 p.m. by Chairperson Pro Tempore Gage in Room B-104, VTA River Oaks Campus, 3331 North First Street, San Jose, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Don Gage</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Liz Kniss</td>
<td>Chairperson</td>
<td>Absent</td>
</tr>
<tr>
<td>Chuck Reed</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Perry Woodward</td>
<td>Vice Chairperson</td>
<td>Absent</td>
</tr>
<tr>
<td>Nora Campos</td>
<td>Alternate Board Member</td>
<td>NA</td>
</tr>
<tr>
<td>Pete McHugh</td>
<td>Alternate Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>George Shirakawa</td>
<td>Alternate Board Member</td>
<td>NA</td>
</tr>
</tbody>
</table>

* Alternates do not serve unless participating as a Member.

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

2. PUBLIC PRESENTATIONS

There were no Public Presentations.

3. ORDERS OF THE DAY

Chairperson Pro Tempore Gage noted staff’s request to remove the following Agenda Item from the August 19, 2010 A&F Committee Agenda: Agenda Item #12. Information Technology Consulting and Support Services.

Chairperson Pro Tempore Gage referenced Agenda Item #10. Amended Conflict of Interest Code, Designated Positions and Disclosure Categories, noting minor edits were made to Attachment A. Appendix, Designated Positions and Disclosure Categories.

On order of Chairperson Pro Tempore Gage and there being no objection, the Committee of the Whole accepted the Orders of the Day.

Chairperson Pro Tempore Gage requested a recess until a quorum was established.

The Committee of the Whole Meeting recessed at 12:08 p.m.
The Committee of the Whole Meeting reconvened at 12:11 p.m.

Board Member Reed arrived at the meeting and took his seat at 12:11 p.m. and a quorum was established.
CONSENT AGENDA

4. **Regular Meeting Minutes of May 20, 2010**
   M/S/C (Reed/McHugh) to approve the Regular Meeting Minutes of May 20, 2010.

5. **Monthly Legislative History Matrix**
   M/S/C (Reed/McHugh) to review the Monthly Legislative History Matrix.

   M/S/C (Reed/McHugh) to review the Report on Santa Clara Valley Transportation Authority Investments for the month of June 2010.

7. **Quarterly Purchasing Report – April 1 through June 30, 2010**
   M/S/C (Reed/McHugh) to review the Quarterly Purchasing Report – April 1 through June 30, 2010.

8. **Fourth Quarter and Fiscal Year 2010 Year End Report of Public Liability/Property Damage Claims Activity**
   M/S/C (Reed/McHugh) to review the Fourth Quarter and Fiscal Year 2010 Year End Report of Public Liability/Property Damage Claims Activity.

   M/S/C (Reed/McHugh) to review the Fourth Quarter and Fiscal Year 2010 Year End Report of Workers’ Compensation Claims and Transitional Work Program.

10. **Amended Conflict of Interest Code, Designated Positions and Disclosure Categories**
    M/S/C (Reed/McHugh) to approve submitting a recommendation to the Board of Directors to 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.

REGULAR AGENDA

11. **Retirement Recognition Program Resolution**
    Bill Lopez, Chief Administrative Officer, reported the action is to authorize the General Manager and VTA Chairperson of the Board of Directors to issue Commendations on behalf of VTA for the Employee Retirement Recognition Program. The intent of the resolution is to ensure consistency and structure to the current practice as well as change the award recognition from Board meetings to presentations by Division Chiefs at appropriate meetings.

    M/S/C (McHugh/Reed) to approve submitting a recommendation to the Board of Directors to adopt a resolution authorizing the General Manager and Chairperson of the Board to issue Commendations on behalf of VTA for the Employee Retirement Recognition Program.

**NOTE:** M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
12. **(Item Removed from the August 19, 2010 A&F Committee Meeting and moved to the September 16, 2010 A&F Committee Meeting.)**

Authorize the General Manager to enter into contracts and task order agreements with the technology firms listed in exhibit A for consulting and support services. Each contract shall be for a maximum three-year period, with an option for two additional years with an aggregate value not to exceed $4,750,000 for all agreements.

Board Member Reed indicated he would abstain from Agenda Item #13, Award of Contracts for VTA Cellular Phone Equipment and Services.

13. **Award of Contracts for VTA Cellular Phone Equipment and Services**

Gary Miskell, Chief Information Officer, reported VTA developed a Request for Proposal (RFP) with the goal of maximizing cost savings and improving the management program process. The RFP was advertised on April 8, 2010. While four firms submitted proposals only three participated in oral interviews. VTA’s evaluation team selected Nextel of California, Inc. (Sprint) and AT&T Mobility for cellular voice and data services.

The Sprint agreement will cover most of VTA’s wireless service requirements for voice, “smart phone,” and wireless broadband; however, in the event that Sprint is unable to meet VTA’s unique requirements, staff proposes to purchase cellular wireless services and equipment from AT&T Mobility.

Mr. Miskell continued that VTA will achieve $37,500 per year in savings with the Sprint mobile device data rate plan. Approximately, 350 cell phones and mobile devices will need to be transitioned from AT&T to Sprint; however, there will be no additional activation, account setup, and/or transition charges owed to Sprint. Each newly activated “line” of service will accrue a $150 credit to VTA, which is estimated to result in $50,000 in credits to be applied to future service charges.

**Public Presentation**

Tammy Dhanota, Chief Steward of Services Employees International Union (SEIU) Local 521, distributed information related to cellular phone usage, and urged the Committee Members to renegotiate the contract agreement to achieve a better bid proposal.

Ms. Dhanota expressed concern that the contract agreement for cellular phone equipment and services was not a good use of public funds. Ms. Dhanota noted that VTA does not have a signoff policy to verify business and personal calls made using VTA’s employee assigned cellular phone.

Ms. Dhanota urged the Committee Members to look for other options to save funding within the organization.

Mr. Miskell stated that staff has had discussions with the County and City of San Jose regarding their cellular phone equipment and services, noting VTA is in line with their cost for equipment and services. Sprint offered the most cost effective rates.

Mr. Burns stated the contract award was conducted using the competitive bid process and VTA’s evaluation team selected the vendor with the highest ratings.
Board Member Reed left his seat at 12:27 p.m. and the quorum was lost; and a Committee of the Whole was declared.

Mr. Miskell continued that Technology staff reviews VTA’s consolidated wireless bill monthly to identify misuse. Also, the Sprint contract agreement offers an on line electronic billing feature that could be used to better inform the phone users and managers of cellular phone usage.

Mr. Miskell noted that staff negotiated a special discount offer for employees who activate a new “line” with Sprint.

The Committee of the Whole recommended forwarding the item for consideration at the September 2, 2010 VTA Board of Directors Regular Meeting: Authorize the General Manager to execute contracts with Sprint (Nextel of California, Inc.) and AT&T Mobility for cellular voice and data services. The initial term for each contract will be three years with an option to extend the contract on an annual basis for two additional years. The cost of the initial three year term is $809,750 for both firms, plus an optional $296,000 per year for each of optional one-year periods, for a total of $1,401,750.

Board Member Reed took his seat at 12:30 p.m. and a quorum was established.

OTHER ITEMS

14. Removal of Credit Support Provider for Interest Rate Swaps
Kim Koenig, Fiscal Resources Manager, reported that in 2005 and 2006, VTA issued several variable rate bonds that saved VTA in excess of $9 million in interest expense associated with long-term debt obligations.

Ms. Koenig continued that Ambac provided credit support for the Swaps as part of the overall insurance package for the variable rate bonds, which eliminated VTA’s need to post collateral. In June 2009, Ambac’s long term credit rating fell below the required limit; therefore, in VTA is subject to the collateral posting requirements.

On March 24, 2010, the Commissioner of Insurance for the State of Wisconsin placed a segregated account of Ambac into court supervised rehabilitation, which effectively removes their value as VTA’s credit support provider.

Staff has successfully negotiated with the swap counterparties to eliminate Ambac as VTA’s credit support provider to eliminate the potential risk of termination due to Ambac’s court supervised rehabilitation.

Ms. Koenig stated that the changes to the agreements related to the elimination of Ambac as VTA’s credit support provider will not result in any changes to the terms of the Swaps. Ambac’s rehabilitation proceedings are anticipated to be complete in September 2010.

On order of Chairperson Pro Tempore Gage and there being no objection, the Committee received the report on the removal of Credit Support Provider for Interest Rate Swaps.

15. Valley Transportation Authority (VTA) – Amalgamated Transit Union (ATU) Pension Plan Actuarial Valuation
Ali Hudda, Deputy Director of Accounting, reported the VTA/Amalgamated Transit Union (ATU) Pension Plan Actuarial Valuation is performed annually to determine the financial condition and contribution requirements of the Plan, to project
and analyze trends in plan cost, and to present the items required for disclosure under Statement No. 25 of the Governmental Accounting Standards Board (GASB).

Mr. Hudda introduced Graham Schmidt, EFI Actuaries Representative, who provided a brief overview of the presentation entitled, “VTA/ATU Pension Plan - 2010 Actuarial Valuation,” highlighting: 1) Plan Cost; 2) Funded Status; 3) Peer Group Comparisons; 4) Economic Assumptions; and 5) GASB Preliminary Views.

Board Member Reed referenced the third bullet on slide 5 – Funded Status, noting the statement is unclear and requested the slide be updated for clarity.

Chairperson Pro Tempore Gage suggested that slide 5 – Funded Status be updated to address the concerns before it is presented at the September 2, 2010 Board Meeting. Mr. Burns responded in the affirmative, noting the presentation would be updated for the September 2, 2010 Board of Directors Regular Meeting.

EFI Actuaries has recommended that the Plan contribution rate decrease from 18.25 percent of covered payroll to 17.99 percent for FY 2011 due to an improved investment experience in 2009.

The Plan had Actuarial Assets of $354.8 million and Actuarial Accrued Liability (AAL) of $462.9 million, which resulted in a decrease in the Unfunded Actuarial Accrued Liability (UAAL) to $108.1 million from $117.6 million in the previous year with a funded ratio of 77 percent. The UAAL is amortized over a period of 20 years using the level dollar open method providing for a mechanism to fund the UAAL in a manner accepted by the GASB.

VTA’s Board of Pensions reviewed key economic assumptions for the Plan and determined the current 8 percent assumed rate of return was appropriate.

**On order of Chairperson Pro Tempore Gage** and there being no objection, the Committee received the report on the VTA – ATU Pension Plan Actuarial Valuation.

### 16. Items of Concern and Referral to Administration

There were no Items of Concern and Referral to Administration.

### 17. Committee Work Plan

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

### 18. Committee Staff Report

Joe Smith, Chief Financial Officer, noted the first Low-Emission Diesel Electric Hybrid Bus is available for viewing in VTA’s Visitor Parking Lot. Mr. Smith stated that Dan Smith, Chief Operating Officer, and Michael Hursh, Operations Deputy Director, are available to point out the vehicle features and answer questions.

### 19. Chairperson’s Report

There was no Chairperson’s Report.
20. Determine Consent Agenda for the September 2, 2010 Board of Directors Meeting

CONSENT: Agenda Item #10. 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;

Agenda Item #11. Adopt a resolution authorizing the General Manager and Chairperson of the Board to issue Commendations on behalf of VTA for the Employee Retirement Recognition Program;

Agenda Item #13. Authorize the General Manager to execute contracts with Sprint (Nextel of California, Inc.) and AT&T Mobility for cellular voice and data services. The initial term for each contract will be three years with an option to extend the contract on an annual basis for two additional years. The cost of the initial three year term is $809,750 for both firms, plus an optional $296,000 per year for each of optional one-year periods, for a total of $1,401,750; and


REGULAR: No Items were moved to the Regular Agenda.

Moved to the September 16, 2010 A&F Committee Meeting

Agenda Item #12. Authorize the General Manager to enter into contracts and task order agreements with the technology firms listed in exhibit A for consulting and support services. Each contract shall be for a maximum three-year period, with an option for two additional years with an aggregate value not to exceed $4,750,000 for all agreements.

21. Announcements

Mr. Hursh reported that VTA utilized federal funding from the American Recovery and Reinvestment Act (ARRA) and the California Proposition 1B funds to purchase 90 Low-Emission Diesel Electric Hybrid Buses.

The hybrid buses are Americans with Disabilities Act (ADA) accessible, have an upgraded wheelchair ramp, new less intrusive three point wheelchair securement system, rear doorways are wider, and include other various safety components.

Mr. Hursh stated the hybrid buses are built by Gillig LLC in Hayward, California and meet the newest clean air standards issued by the federal Environmental Protection Agency (EPA). He invited the Committee Members to view the Hybrid bus on display in the Visitors parking Area.

22. ADJOURNMENT

On order of Chairperson Pro Tempore Gage and there being no objection, the Committee meeting was adjourned at 1:01 p.m.

Respectfully submitted,

Michelle M. Garza, Board Assistant
VTA Office of the Board Secretary
CALL TO ORDER

The Regular Meeting of the Congestion Management Program & Planning Committee (CMPP) was called to order at 12:03 p.m. by Chairperson Pyle in Conference Room B-104, Santa Clara Valley Transportation Authority, River Oaks Campus, 3331 North First Street, San Jose, California.

1. ROLL CALL

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<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
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<tbody>
<tr>
<td>Rose Herrera</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Chris Moylan</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Chuck Page</td>
<td>Vice Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Nancy Pyle</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Marshall Anstandig</td>
<td>Alternate Member</td>
<td>NA</td>
</tr>
<tr>
<td>Nora Campos</td>
<td>Alternate Member</td>
<td>NA</td>
</tr>
<tr>
<td>Jamie Matthews</td>
<td>Alternate Member</td>
<td>NA</td>
</tr>
</tbody>
</table>

A quorum was present.

2. PUBLIC PRESENTATIONS

There were no Public Presentations.

3. ORDERS OF THE DAY

John Ristow, Chief Congestion Management Agency (CMA) Officer and Staff Liaison, requested that Agenda Item #10, SB-83 Vehicle Registration Fee (VRF) Program, be changed from an action item to an information item. He noted this item will come back through the Technical Advisory Committee (TAC) and the CMPP in September.

M/S/C (Page/Moylan) to accept the Orders of the Day.

CONSENT AGENDA

4. Minutes of May 21, 2010

M/S/C (Moylan/Pyle) to approve the Regular Meeting Minutes of May 21, 2010.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
5. **Proactive CMP Quarterly Report for April through June 2010**

*On order of Chairperson Pyle and there being no objection, the Committee received the Proactive CMP Quarterly Report for April through June 2010.*

6. **Programmed Projects Quarterly Monitoring Report for April 2010 - June 2010**

*On order of Chairperson Pyle and there being no objection, the Committee received the Programmed Projects Quarterly Monitoring Report for April 2010 - June 2010.*

**REGULAR AGENDA**

7. **Resolution to Accept Safe Route to Transit Funds for the VTA Plot Bike Share Program**

Ying Smith, Transportation Planning Manager, provided the staff report.

John Ristow noted that the Metropolitan Transportation Commission (MTC) requires all project applicants to adopt a resolution prior to submitting a project application for grant funding. He noted MTC has requested a much more detailed description for this project than usual. Mr. Ristow stated, although VTA may potentially be the recipient for additional funds for program expansion, the current resolution is for $500,000 in Regional Measure 2 (RM2) Safe Route to Transit funds. He noted should more funds become available staff will come back to the Board.

Member Moylan suggested the Board determine a better way to streamline the process for submitting these grant applications, especially for those requiring a quick-turnaround time. Michael T. Burns, General Manager, noted this would require a Board action delegating this authorization to the General Manager.

Member Moylan noted his comments were not solely directed toward MTC, but for all potential grants. He stated if the Board has already identified a specific project to staff as a priority, and staff has the ability to obtain grant funding for that project, staff should not have to take the time to bring the request back before the Board. Vice Chairperson Page noted his agreement with Member Moylan’s comments.

M/S/C (Page/Moylan) to approve submitting a recommendation to the Board to adopt a resolution and authorize the General Manager to enter into a funding agreement with the Metropolitan Transportation Commission (MTC) to accept $500,000 in RM2 Safe Routes to Transit funds for the purpose of implementing a pilot bike share program in Santa Clara County.

8. **School-Based Vehicle Emissions Reduction Program**

Marcella Rensi, Transportation Planning Manager, provided the staff report.

Ms. Rensi noted MTC has set aside approximately $4 million in Federal Congestion Mitigation and Air Quality (CMAQ) funding for this program. She stated VTA must establish a process and criteria for evaluating this project. Ms. Rensi identified this as an air quality program with its primary goal to reduce emissions by encouraging individuals
to walk, bicycle, or carpool to school.

Member Herrera took her seat at 12:15 p.m.

Ms. Rensi noted the program will fund both infrastructure and non-infrastructure projects. She identified non-infrastructure projects as including education through training programs, with infrastructure projects to include, for example, building a bridge across a creek that would save a mile of walking.

Members Moylan and Herrera noted this was a good program, especially at the elementary school level. They suggested the use of incentives, such as tokens for free lunches, would motivate the children to walk to school.

Member Herrera stated school principals are concerned that traffic in the school parking lots are creating unsafe conditions for students. She also noted the safety concerns parents have with children who walk to school.

Member Page questioned how air quality improvements would be measured. Ms. Rensi stated VTA would be drawing on the Air District’s experience.

Member Herrera confirmed with Ms. Rensi that part of the infrastructure work would include the restriping of crosswalks and bicycle lanes.

Member Moylan questioned the mechanism for refining this project. Mr. Ristow noted everything is dependent upon data received. He stated upon Board approval a call for projects will go out the next day.

Vice Chairperson Page recommended changing the name of the program from School Based Vehicle Emissions Reductions (SBVER) to Vehicle Emissions Reductions Based at Schools (VERBS).

M/S/C (Page/Herrera) to approve submitting a recommendation to the Board to approve the evaluation criteria and procedures for selecting projects and awarding School-Based Vehicle Emissions Reduction Program grants.

9. **Cooperative Site Plan Agreement with City of Morgan Hill**

Mr. Ristow provided the staff report.

Revised Agenda Item #9a was provided as a handout. The revisions to this handout, a map defining the Downtown Morgan Hill area bordered by Depot Street, E. Main Avenue, and Butterfield Boulevard, included adding streets names, as well as the (former) location of the Superior Court Building.

M/S/C (Herrera/Page) to approve submitting a recommendation to the Board to authorize the General Manager to execute a Cooperative Agreement with the City of Morgan Hill to engage in a site planning process to determine the optimal replacement parking solution for the Morgan Hill Caltrain ParkNRide Lot.
10. **SB-83 Vehicle Registration Fee (VRF) program**

Mr. Ristow provided the staff report.

He noted this item was changed from an action to an information item under the Orders of the Day.

Mr. Ristow stated upon reviewing this item the TAC determined they had a number of questions that require answers prior to moving this item forward to the Board.

Member Moylan questioned why the same criterion was not used to determine the share of funds for the cities and the County. Mr. Ristow stated staff believes the best metric is via registered vehicles within the jurisdiction, but the zip codes do not follow jurisdictional lines. Staff’s second choice was via population, but the County has a lower population and relatively higher vehicle miles. Ultimately, the TAC membership recommended and the Board adopted the existing criterion when the expenditure plan was established. Mr. Ristow stated the goal is to eventually modify the criterion and base it upon vehicle registration.

**On order of Chairperson Pyle** and there being no objection, the Committee received a presentation on the SB-83 Vehicle Registration Fee (VRF) program.

11. **VTA Deficiency Plan Requirements Update**

Eugene Maeda, Senior Transportation Planner, provided the staff report.

Two handouts were provided to the Committee: Attachment A: Draft Deficiency Plan Requirements Update – August 2010; and Attachment B, highlighting: 1) Congestion Management Program (CMP) Intersections; 2) Figure 1: 2008 CMP Intersection Level of Service; 3) Congestion Management Program (CMP) Freeways; 4) Figure 2: 2009 CMP Freeway Segments Operating at level of service (LOS) E-F (AM Peak Period); and Figure 3: 2009 CMP Freeway Segments Operating at LOS E-F (PM Peak Period).

Member Moylan noted when he was on the County’s Expressway Policy Board they reversed a decision not allowing vehicles to make a left turn from the Kaiser Permanente Hospital property onto Homestead Road. He asked staff for a current LOS report for the Homestead Road/Lawrence Expressway intersection, questioning whether the LOS had improved once that change had been made. Mr. Ristow noted staff would provide this information to Member Moylan.

**M/S/C (Herrera/Page)** to approve submitting a recommendation to the Board to adopt the updated VTA Deficiency Plan Requirements document.

**OTHER**

12. **Grand Boulevard Initiative Multimodal Transportation Corridor Plan**

Robert Swierk, Senior Transportation Planner, provided a handout entitled, “Grand Boulevard Initiative Multimodal Transportation Corridor Plan – August 2010, highlighting: 1) Grand Boulevard Initiative Overview; 2) El Camino State Route 82;

Vice Chairperson Page noted he had visited the Grand Boulevard Initiative (GBI) website and was impressed both by the website and the overall initiative.

Chairperson Pyle questioned whether the GBI was a push toward regionalism. Mr. Ristow defined the GBI as regional coordination.

Chairperson Pyle stated she was pleased with the historical aspect of the GBI and is excited about this project.

Member Herrera questioned whether any cities beyond San José had discussed relinquishment of the roadway. Mr. Swierk noted the City of Santa Clara has discussed options for relinquishment as part of their General Plan update.

Member Herrera noted, based on the modeling summary, land use appears to play a large role in determining transit ridership on the corridor.

Member Herrera questioned whether the GBI is looking at economic development and encouraging job creation, because these go hand-in-hand with transportation and land-use policies. Mr. Swierk noted there is a parallel effort under the GBI called the Economic and Housing Opportunities (ECHO) study that is looking at the economic feasibility, opportunities, and challenges to achieve the GBI vision.

Chairperson Pyle questioned whether the GBI represents a step toward regionalism. Mr. Swierk stated it is in the same spirit, but the agencies involved have taken a bottom-up approach. He noted the GBI could also be a model for corridor planning in the SB 375 / Sustainable Communities Strategy process.

On order of Chairperson Pyle and there being no objection, the Committee received a report on the Grand Boulevard Initiative Multimodal Transportation Corridor Plan.

13. **SR 152 Trade Corridor Project**

Casey Emoto, Deputy Director Project Development, provided the staff report.

Two handouts were provided. The first, entitled SR152 Trade Corridor Project Status – September 2, 2010, highlighted: 1) Project Goals & Objectives; 2) Corridor Significance; 3) Project Description Route Characteristics; 4) Truck Data: E-W Crossing Distribution; 5) Need For Corridor Improvements; 6) Highway Improvements – Traffic and Revenue Study; 7) Order of Magnitude Costs; 8) Tolling Alternatives – Full Corridor & Western Alignment; 9) Financing Capacity Assessment; 10) Traffic & Revenue Study Summary; 11) Alternative 3-A (Shared Corridor); 12) Stakeholder Outreach; 13) Schedule Overview; and 14) Next Steps – SR 152.
The second handout, entitled Fact Sheet: Highways, Route 152 Trade Corridor Project, highlighted: 1) Project Description; 2) Objectives; 3) Project Funding; 4) Project Schedule; 5) How to Reach Us; and 6) A map of the Route 152 Trade Corridor Project.

Members of the Committee expressed support for continued work on the project.

**On order of Chairperson Pyle** and there being no objection, the Committee received a status report on SR 152 Trade Corridor Project.

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

The Committee requested VTA look at ways to streamline the process to receive grants from MTC.

Member Moylan asked staff to look at current level of service at Homestead Road and Lawrence Expressway, near Kaiser Hospital.

**15. Committee Work Plan**

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

**16. Committee Staff Report**

Mr. Ristow provided a handout to the Committee noting: 1) VTA received the first delivery of the new hybrid buses scheduled for deployment into revenue service in November 2010; 2) Proposed new pedestrian overcrossing at Monterey Highway and the Union Pacific Railroad tracks at Blossom Hill Road in South San Jose is scheduled to be released for construction bids on September 3, 2010, with construction to commence later in the year; 3) On September 3, 2010, VTA will host the Association of Bay Area Governments (ABAG) and MTC for a leadership roundtable on the development of Sustainable Communities Strategy following the requirement of SB375. The VTA Board Chairperson, Vice Chairperson, Santa Clara County elected offices that serve on regional boards of ABAG, MTC, Bay Area Air Quality Management District (BAAQMD), and the San Francisco Bay Conservation and Development Commission (BCDC) are invited to attend along with planning officials from the County of Santa Clara and the cities within Santa Clara County; 4) VTA received a Record of Decision (ROD) for the Silicon Valley Rapid Transit Extension to Berryessa project; 5) VTA will begin the first phase of implementation from the Light Rail Systems Analysis by operating peak period express trains from south San Jose into downtown in October, 2010; 6) High Speed Rail released proposed alternative analysis reports for both San Jose to Merced and San Jose to San Francisco segments. The alternatives described will be what are carried forth for review within the environmental documents for the project; 7) The I-680 Express Lanes project is scheduled to open for toll operations on September 20, 2010; 8) At its September 2010 meeting, the California Transportation Commission (CTC) is scheduled to consider project funding allocations for the first phases of the Capital Expressway pedestrian improvement construction and right of way acquisition; 9) Bids received on CMIA funded Route 101 Tully Improvement project came in at $23,500,000 – approximately 35% under the Engineer’s estimate; 10) Seven of the nine Bay Area CMAs adopted SB83 resolutions placing the measure on the November 2010 ballot. Counties not moving
forward with ballot measures were Napa and Solano; 11) VTA issued a call for projects for the second round of funding for the Community Design and Transportation Program grants on August 6, 2010, and project applications are due October 4, 2010.

17. Chairperson’s Report

Chairperson Pyle noted staff has a hybrid bus in the parking lot available for the Committee to tour.

Mike Hursh, Deputy Director Maintenance & Security, reported that VTA utilized federal funding from the American Recovery Reinvestment Act (ARRA) and the California Proposition 1B funds to purchase 90 Low-Emission Diesel Electric Hybrid Buses. The hybrid buses are built by Gillig LLC in Hayward, California, and meet the newest clean air standards issued by the Federal Environmental Protection Agency (EPA). Mr. Hursh reviewed the features of the hybrid bus.

18. Consent Agenda for the September 2, 2010, Board of Directors Meeting

CONSENT:

Agenda Item #5. Receive a presentation on the Proactive CMP Quarterly Report for April through June 2010.


Agenda Item #7. Adopt a Resolution and authorize the General Manager to enter into a funding agreement with the Metropolitan Transportation Commission (MTC) to accept $500,000 in RM2 Safe Routes to Transit funds for the purpose of implementing a pilot bike share program in Santa Clara County.

Agenda Item #8. Approve the evaluation criteria and procedures for selecting projects and awarding School-Based Vehicle Emissions Reduction Program grants.

Agenda Item #9. Authorize the General Manager to execute a Cooperative Agreement with the City of Morgan Hill to engage in a site planning process to determine the optimal replacement parking solution for the Morgan Hill Caltrain ParkNRide Lot.

Agenda Item #11. Adopt the updated VTA Deficiency Plan Requirements document.

Agenda Item #12. Receive a report on the Grand Boulevard Initiative Multimodal Transportation Corridor Plan.

Agenda Item #13. Receive a status report on SR 152 Trade Corridor Project.

REGULAR: No items were moved to the Regular Agenda.
Moved to September 17, 2010, CMPP Committee Meeting

**Agenda Item #10.** Adopt administrative procedures for the SB-83 Vehicle Registration Fee (VRF) program.

19. **ANNOUNCEMENTS**

There were no Announcements.

20. **ADJOURNMENT**

On order of Chairperson Pyle and there being no objection, the meeting was adjourned at 1:25 p.m.

Respectfully submitted,

Susan E. Garcia, Board Assistant
Office of the Board Secretary
Transit Planning & Operations Committee

Thursday, August 19, 2010

MINUTES

CALL TO ORDER

The Regular Meeting of the Transit Planning and Operations (TP&O) Committee was called to order at 4:34 p.m. by Chairperson Kalra in Conference Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

1. ROLL CALL

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<tr>
<td>Margaret Abe-Koga</td>
<td>Member</td>
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<tr>
<td>Ash Kalra</td>
<td>Chairperson</td>
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<tr>
<td>Rich Larsen</td>
<td>Vice Chairperson</td>
<td>Absent</td>
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<tr>
<td>Sam Liccardo</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Nora Campos</td>
<td>Alternate Member</td>
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</tr>
<tr>
<td>Jamie Matthews</td>
<td>Alternate Member</td>
<td>Present</td>
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*Alternates do not serve unless participating as a Member.*

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

2. PUBLIC PRESENTATIONS

There were no Public Presentations.

3. ORDERS OF THE DAY

There were no Orders of the Day.

The Agenda was taken out of order.

REGULAR AGENDA

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

There was no report from the Committee for Transit Accessibility (CTA) Activities.

Member Liccardo took his seat at 4:36 p.m. and a quorum was declared.
CONSENT AGENDA

4. Minutes of May 20, 2010

M/S/C (Liccardo/Matthews) to approve the Minutes of April 15, 2010.

REGULAR AGENDA (continued)

6. October 2010 Service Changes

Jim Unites, Deputy Director for Operations, provided details about the Light Rail Peak Period Express that will be implemented on October 4, 2010. He noted staff is currently conducting planning, training, and marketing to inform the public about the new express service.

Chairperson Kalra requested advance information and flyers regarding the new express service. Mr. Unites responded advance information will be provided.

Michael T. Burns, General Manager, noted that the beginning phase of the new express service, dedicated trains with unique identifiers will be used to help riders distinguish express trains.

Member Liccardo inquired if trains dedicated to the new express service will have special wraps on them. Mr. Burns responded placards will be placed in front of new express service trains to conserve cost.

Chairperson Kalra recommended staff evaluate how Caltrain labels their trains so the new express service will not have to dedicate trains.

On Order of Chairperson Kalra and there being no objection, the October 2010 Service Changes was received.

7. Resolutions of Necessity for US 101 Auxiliary Project

Bijal Patel, Deputy Director of Property Development and Management, provided background information regarding the US 101 Auxiliary Project. She stated the project will impact eight properties where two or three may not settle. Staff is still actively negotiating. She added that the Board will be asked at its September 2, 2010 meeting to adopt a Resolution electing to hear resolutions of necessity under Streets and Highway Code 760, per Caltrans requirement.

Member Liccardo inquired about the VTA Board’s right to declare resolutions of necessity. Kevin D. Allmand, General Counsel, noted that condemnation to proceed will not occur if a trial court judge finds that the Board does not have the authority to adopt resolutions of necessity. He added that there is no liability risk for VTA except for the attorney fees needed to abandon the proceedings.

On Order of Chairperson Kalra and there being no objection, the Resolutions of Necessity for US 101 Auxiliary Project was received.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
8. **Resolutions of Necessity for I-880 HOV Lanes Project**

Bijal Patel, Deputy Director of Property Development and Management, provided background information regarding the I-880 HOV Lanes Project. She stated the project will impact five properties where one may not settle. Staff is still actively negotiating. She added that the Board will be asked at its September 2, 2010 meeting to adopt a Resolution electing to hear resolutions of necessity under Streets and Highway Code 760, per Caltrans requirement.

*On Order of Chairperson Kalra* and there being no objection, the Resolutions of Necessity for I-880 HOV Lanes Project was received.

**OTHER ITEMS**

9. **Quarterly Marketing Report and Presentation, Fourth Quarter, FY 2010**

Dino Guevarra, Sales and Promotion Supervisor, provided a report highlighting: 1) Summer Blast Pass; 2) VTA’s Facebook Page and other social media sites; 3) 2010 Dump the Pump Day; 4) 2010 July Service Changes; 5) Line 11; 6) Line 34; 7) New Movers Campaign; 8) 2010 Direct Sales; and 9) current and recent partnership.

*On Order of Chairperson Kalra* and there being no objection, the Quarterly Marketing Report and Presentation, Fourth Quarter, FY 2010 was received.

10. **July 2010 Monthly Ridership and Fare Revenue Performance**

Joonie Tolosa, Manager for Operations Analysis and Systems, provided a report highlighting the following: 1) System Ridership; 2) Bus Ridership; 3) Light Rail Ridership; 4) Fare Revenues; 5) Average Fare per Boarding; 6) Average Weekday Ridership and Santa Clara County Employment; and 7) Unemployment rate.

Member Liccardo requested ridership figures for Line 11. Mr. Tolosa responded that the information will be provided.

*On Order of Chairperson Kalra* and there being no objection, the July 2010 Monthly Ridership and Fare Revenue Performance report was received.

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

There were no Items of Concern and Referral to Administration.

12. **Committee Work Plan**

Dan Smith, Chief Operating Officer, stated the Committee is going to have a full agenda at its September 2010 meeting. He noted that one agenda item, paratransit contract, will involve policy decision and will require the Committee’s direction.

*On Order of Chairperson Kalra* and there being no objection, the Committee Work Plan was reviewed.
13. **Committee Staff Report**

Dan Smith, Chief Operating Officer and Staff Liaison, provided a handout highlighting the following: 1) Hybrid Electric Diesel Bus Arrival; 2) Music in the Park; 3) Ross Store grand opening event; 4) San Jose Jazz Festival; 5) Stanford Football Games; 6) Committee for Transit Accessibility Orientation; 7) Mutual Aid; 8) Courtesy Media Assistance; 9) Law Enforcement Training; 10) Mobility Options Travel Training; 11) Special Bus Requests; 12) Arrests/Crime Resolution; 13) World Conference on Disaster Management; 14) AT&T Business Continuity and Disaster Recovery Exercise; 15) FTA State of Good Repair Roundtable; 16) Police Response in South County; and 17) Fare Enforcement Operations.

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

14. **Chairperson’s Report**

Chairperson Kalra urged Committee to look at the new hybrid bus on display in the visitors parking area.

Michael Hursh, Deputy Director for Operations, provided the features of the new hybrid bus.

15. **Determine Consent Agenda for the September 2, 2010 Board of Directors Meeting**

Consent Agenda:

**Agenda Item #6**, Receive report on Service Changes effective October 4, 2010.

Regular Agenda:

**Agenda Item #7**, Receive a report on potential Resolutions of Necessity for the US 101 Auxiliary Lanes Project.

**Agenda Item #8**, Receive a report on potential Resolutions of Necessity for the I-880 HOV Lane Widening Project.

16. **ANNOUNCEMENTS**

There were no Announcements.

17. **ADJOURNMENT**

On Order of Chairperson Kalra and there being no objection, the meeting was adjourned at 5:02 p.m.

Respectfully submitted,

Michael Diareasco, Board Assistant
Office of the Board Secretary
CITIZENS ADVISORY COMMITTEE  and  2000 MEASURE A CITIZENS WATCHDOG COMMITTEE

Wednesday, August 11, 2010

MINUTES

CALL TO ORDER

The Regular Meeting of the Citizens Advisory Committee (CAC) was called to order at 4:35 p.m. by Chairperson Powers, in Conference Room B-104, VTA River Oaks Campus, 3331 North First Street, San José, California.

Chairperson Powers introduced CAC’s newest member, Jeremy Barousse, representing the South Bay AFL-CIO Labor Council. She then announced longtime member Gaye Morando had resigned from the CAC.

1. ROLL CALL

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<tr>
<td>Jeremy Barousse</td>
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<td>Clinton Brownley</td>
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<td>Bena Chang</td>
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<td>Chris Elias</td>
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<td>Ray Hashimoto</td>
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<td>Roberta Hughan</td>
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<td>Robert Jacobvitz</td>
<td>CAC Vice Chairperson</td>
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<td>Bruce Liedstrand</td>
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<td>Aaron Morrow</td>
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<td>Charlotte Powers</td>
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<tr>
<td>Sally Probst</td>
<td>CAC Member</td>
<td>Present</td>
</tr>
<tr>
<td>Connie Rogers</td>
<td>CAC Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Martin Schultner</td>
<td>CAC Member</td>
<td>Present</td>
</tr>
<tr>
<td>Noel Tebo</td>
<td>CAC Member</td>
<td>Present</td>
</tr>
<tr>
<td>Herman Wadler</td>
<td>CAC Member</td>
<td>Present</td>
</tr>
</tbody>
</table>

A quorum was present.

2. ORDERS OF THE DAY

There were no Orders of the Day.
3. **PUBLIC PRESENTATIONS**

James Wightman, Interested Citizen, noted VTA has a new express light rail service. Mr. Wightman then expressed interest in receiving an update on BART. Chairperson Powers noted the BART presentation would be heard on Agenda Item #11.

4. **Committee Staff Report**

Greta Helm, Chief External Affairs Officer and Staff Liaison, reported:

Express light rail service will begin on October 4, 2010, and VTA hopes this additional service will increase ridership.

VTA’s new hybrid bus was on display prior to the start of the CAC meeting, allowing VTA advisory committee members the opportunity to tour the bus.

The Board Office provided a handout with regard to VTA’s ethics training requirement, reminding committee members how they can fulfill that obligation.

Gary Richards, San Jose Mercury News Columnist, will be hosting an online-chat session. VTA has been invited to participate and provide information on the Express Lanes Connector on 237. The CAC will be notified of the specific date and time for this session.

Marketing has started an outreach campaign to new residents within the County. Committee members are encouraged to distribute cards, entitled “VTA Welcomes you to the Neighborhood,” to new citizens within their communities. The cards are available through Ms. Helm.

5. **Chairperson’s Report**

Chairperson Powers noted those on the committee who have not yet registered for an ethics training course should contact Susan Garcia, in VTA’s Board Office, no later than September 8, 2010.

Member Tebo took his seat at 4:42 p.m.

Chairperson Powers requested that each CAC member introduce themselves to Member Barousse and identify which constituency they represent.

- **Financial Recovery Committee Member Report**

  Vice Chairperson Jacobvitz stated the Ad Hoc Financial Recovery Committee (Ad Hoc FRC) received a handout entitled “Cost of Wages and Benefits Review” an analysis of the labor benefits cost centers.

  Member Chang and Vice Chairperson Jacobvitz noted the Ad FRC will meet weekly, during the month of August. The three representatives of the Board, Members Abe-Koga, Gage, and Herrera will make their recommendation to the entire Board in September.
CAC Stakeholder Representation Subcommittee Report

Member Tebo directed the Committee’s attention to Agenda Item #12, “Amendment to the Citizens Advisory Committee Bylaws to Establish a Position Representing Higher Education in Santa Clara County.” He noted the importance of including the Higher Education constituency on the CAC.

Member Tebo then noted two additional community groups identified by the subcommittee as being able to provide valuable insight and prospective in the area of county transportation needs are the Tri-County Apartment Owners and the Joint Venture Silicon Valley. He stated discussions would be held with these two groups.

Chairperson Powers noted members of the committee have requested time be set aside at a future meeting to discuss other constituencies the CAC might include for consideration.

Chairperson Powers reported she continues to attend the High Speed Rail meetings, as well as the Diridon Station Joint Policy Advisory Board meetings. She noted San Francisco has broken ground on their $800 million multi-model terminal.

BUSINESS REFERRED TO COMMITTEE BY THE BOARD OF DIRECTORS/GENERAL MANAGER

COMBINED CAC AND 2000 MEASURE A CITIZENS WATCHDOG COMMITTEE CONSENT AGENDAS

Member Morrow requested Agenda Item #9, VTP Highway Program Semi-Annual Report – April 2010, be removed from the Consent Agenda.

6. Minutes of June 9, 2010

M/S/C (Tebo/Hashimoto) to approve the Regular Meeting Minutes of June 9, 2010.

7. CAC Quarterly Attendance Report

On order of Chairperson Powers and there being no objection, the Committee received the CAC Quarterly Attendance Report.

8. Monthly Legislative History Matrix

On order of Chairperson Powers and there being no objection, the Committee reviewed the Monthly Legislative History Matrix.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
2000 MEASURE A CITIZENS WATCHDOG COMMITTEE REGULAR
AGENDA


Mark Robinson, Chief Engineering & Construction Officer, reported the Engineering and Construction Division issues three (3) semi-annual reports on VTA-related issues: 1) VTP Highway Program Semi-Annual Report; 2) Facilities Semi-Annual Report; and 3) Measure A Semi-Annual Report.

Member Morrow questioned the purpose for the VTP Highway Program Semi-Annual Report.

Mr. Robinson reported there are periodic audits and assessments on how VTA conducts business. The assessment noted VTA has been diligent in reporting its major capital improvement projects, Measures A & B, and suggested VTA should provide a similar level of reporting on its capital improvement programs.

Mr. Robinson noted over twenty active projects are currently in various stages of development, from the earliest of environmental works coming out of the planning process to project study reports and advanced conceptual engineering work on a number of interchanges. VTA is in the right-of-way access process for three (3) major I-Bond funded (Highway Safety Traffic Reduction Air Quality and Port Security Bond Act of 2006) projects: 1) 101 improvements at Tully Road; 2) 880 HOV Lanes, between 101 and 237; and 3) Highway 101 Auxiliary Lanes at Highway 85 in the Mountain View area.

Mr. Robinson stated semi-annual reports allow VTA to bring all of its projects to a similar level of visibility and to communicate VTA’s progress to its committees and constituents.

Members of the Committee questioned the 101 improvements at Tully Road. Mr. Robinson noted the bridge will be widened to accommodate vehicles, pedestrians and bicyclists. He touted VTA’s multi-modal approach to design. He noted ground-breaking would begin in the September/October timeframe.


10. **Renew contract with Macias, Gini & O’Connell, LLP (MGO) for independent compliance auditing services to the 2000 Measure A Citizens Watchdog Committee (CWC)**

Stephen Flynn, Senior Management Analyst, defined the options before the Committee.

*M/S/C (Jacobvitz/Probst)* – to exercise option to renew a two-year contract with Macias, Gini & O’Connell, LLP (MGO) for independent compliance auditing services to the 2000 Measure A Citizens Watchdog Committee (CWC).
11. **BART Silicon Valley Update**

Bernice Alaniz, Deputy Director Marketing & Public Affairs, provided the staff report.

Ms. Alaniz provided a handout highlighting: 1) Enhancing Regional Connectivity; 2) Critical Link; 3) Project Features; 4) Phase 1: Berryessa Extension Project; 5) The Next 6 Miles; 6) Project Status; 7) Benefits; 8) Silicon Valley Rapid Transit (SVRT) Program Cost Estimate; 9) Support and Funding for Project; 10) SVRT Milestones Met; 11) Corridor Preparation; 12) Silicon Valley Berryessa Extension (SVBX) Design Build Procurement; 13) Save the Date – Bart Silicon Valley Berryessa Extension Project Design Build Contract Information Forum; and 14) In Summary – BART Silicon Valley.

James Wightman, Interested Citizen, recommended utilizing the light rail to connect the Norman Y. Mineta San José International Airport to BART.

**On order of Chairperson Powers** and there being no objection, the Committee received the BART Silicon Valley Update.

**CITIZENS ADVISORY COMMITTEE REGULAR AGENDA**

12. **Amending the Citizens Advisory Committee (CAC) bylaws to modify the membership structure by converting the existing Disabled Persons position to Higher Education that will represent post-secondary education in Santa Clara County**

Member Schulter discussed his plan to organize a transportation consortium of students attending the colleges and universities located within Santa Clara County, should the Board approve this conversion.

Ms. Helm requested that details for this plan be prepared and submitted in the memo to the Board for its September meeting.

**M/S/C (Tebo/Wadler)** – to recommend to the Board that they approve amending the Citizens Advisory Committee (CAC) bylaws to modify the membership structure by converting the existing Disabled Persons position to Higher Education that will represent post-secondary education in Santa Clara County.

Member Wadler left the meeting at 5:58 p.m.

13. **Grand Boulevard Initiative Multimodal Transportation Corridor Plan**

Robert Swierk, Senior Transportation Planner, provided the staff report.

On order of Chairperson Powers and there being no objection, the Committee received a report on the Grand Boulevard Initiative Multimodal Transportation Corridor Plan.

14. Proactive CMP Quarterly Report for April through June 2010

Robert Swierk, Senior Transportation Planner, provided the staff report.

On order of Chairperson Powers and there being no objection, the Committee received a presentation on the Proactive CMP Quarterly Report for April through June 2010.

COMBINED CAC AND CITIZENS WATCHDOG COMMITTEE ITEMS

15. Citizens Advisory Committee and Citizens Watchdog Committee Work Plans

Stephen Flynn, Senior Management Analyst, announced: 1) a discussion on the tax stakeholder representation will be held at the September CAC meeting; and 2) at Chairperson Powers suggestions, there will be a farewell celebration for Gaye Morando at the September meeting.

Chairperson Powers requested, once scheduled, the joint advisory meeting be added to the work plan.

Member Tebo recommended the CAC invite former CAC member and City of San José employee Laura Stuchinsky to speak on the connection between the Norman Y. Mineta San José International Airport and BART.

Chairperson Powers recommended the CAC invite Rod Diridon Sr., chair emeritus and member of the California High Speed Rail Authority Board, to speak to the CAC.

On order of Chairperson Powers and there being no objection, the Committee reviewed the Citizens Advisory Committee and Citizens Watchdog Committee Work Plans.

OTHER

16. ANNOUNCEMENTS

There were no Announcements.

17. ADJOURNMENT

On order of Chairperson Powers, there being no objection, the meeting was adjourned at 6:38 p.m.

Respectfully submitted,

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

The Regular Meeting of the Valley Transportation Authority (VTA) Bicycle and Pedestrian Advisory Committee (BPAC) was called to order at 6:05 p.m. by Chairperson Simons in the Auditorium, VTA, 3331 North First Street, San Jose, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lisa Aragon</td>
<td>City of Morgan Hill</td>
<td>Absent</td>
</tr>
<tr>
<td>Jim Bell</td>
<td>City of San Jose</td>
<td>Present</td>
</tr>
<tr>
<td>Ray Cosyn</td>
<td>City of Saratoga</td>
<td>Present</td>
</tr>
<tr>
<td>Aaron Faupell</td>
<td>City of Milpitas</td>
<td>Present</td>
</tr>
<tr>
<td>Carl Hagenmaier</td>
<td>City of Los Altos</td>
<td>Absent</td>
</tr>
<tr>
<td>Breene Kerr</td>
<td>Town of Los Altos Hills</td>
<td>Present</td>
</tr>
<tr>
<td>Steven Levin</td>
<td>County of Santa Clara</td>
<td>Absent</td>
</tr>
<tr>
<td>Jerri-Ann Meyer</td>
<td>City of Mountain View</td>
<td>Present</td>
</tr>
<tr>
<td>Thomas Muniz</td>
<td>City of Gilroy</td>
<td>Present</td>
</tr>
<tr>
<td>Richard Ruh</td>
<td>City of Monte Sereno</td>
<td>Present</td>
</tr>
<tr>
<td>David Simons</td>
<td>City of Sunnyvale</td>
<td>Present</td>
</tr>
<tr>
<td>John Sullivan</td>
<td>City of Santa Clara</td>
<td>Present</td>
</tr>
<tr>
<td>Richard Swent</td>
<td>City of Palo Alto</td>
<td>Present</td>
</tr>
<tr>
<td>Herman Wadler</td>
<td>City of Campbell</td>
<td>Absent</td>
</tr>
<tr>
<td>James Wiant</td>
<td>City of Cupertino</td>
<td>Present</td>
</tr>
<tr>
<td>Erik Wilhelmsen</td>
<td>Town of Los Gatos</td>
<td>Absent</td>
</tr>
<tr>
<td>Corinne Winter</td>
<td>SVBC</td>
<td>N/A</td>
</tr>
<tr>
<td>Paul Goldstein</td>
<td>Alt Ex-Officio, SVBC</td>
<td>Present</td>
</tr>
</tbody>
</table>

A quorum was present.

2. ORDERS OF THE DAY

Staff requested Item #8, Recommend the evaluation criteria and procedures for selecting projects and awarding School-Based Vehicle Emissions Reduction Program grants and forward to the VTA Board of Directors for approval, be moved to the beginning of the Agenda.

On order of Chairperson Simons and there being no objections, the Committee received the Orders of the Day.
The Agenda was taken out of order.

8. **School-Based Vehicle Emissions Reduction Program**

Celeste Fiore, Transportation Planner II, provided an overview of the Santa Clara County School-Based Vehicle Emissions Reduction program staff report as contained in the Agenda Packet. She noted the program consists of both infrastructure and non-infrastructure projects aimed at reducing greenhouse gases by promoting walking, biking, transit, and carpooling to school.

Member Meyer questioned how often the communities of concern are updated by Metropolitan Transportation Commission (MTC). Ms. Fiore indicated she will research the information and report back to the Committee.

Member Meyer requested a reference to the VTA Pedestrian Technical Guidelines be added to the VTA criteria on the Sponsor Checklist.

Member Kerr indicated the Committee requested the minimum grant be lowered and noted there was no change. Ms. Fiore indicated staff proposed allowing a lower threshold of $250,000 for grants from smaller agencies and is awaiting a response from MTC.

**M/S/C(Swent/Muniz)** to recommend the evaluation criteria and procedures for selecting projects and awarding School-Based Vehicle Emissions Reduction Program grants and forward to the VTA Board of Directors for approval

3. **PUBLIC PRESENTATIONS:**

James Wightman, Interested Citizen, questioned the completion date of the Forty-Niner stadium and installation of Closed Circuit Television (CCTV) on light rail platforms. Member Sullivan indicated there was no firm date.

Chairperson Simons requested staff follow-up on Mr. Wightman’s concerns regarding CCTV.

4. **Committee Staff Report**

Michelle DeRobertis, Senior Transportation Planner, announced the City of San Jose will be conducting trail counts on September 15, 2010.

- **Capital Program Update**
  
  There was no Capital Program Update

**NOTE:** **M/S/C** MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
• **Complete Streets Checklist for Metropolitan Transportation Commission (MTC) Block Grants**

Ms. DeRobertis distributed a memo which provided a list of Santa Clara County projects approved for MTC Block Grants and the status of their checklists as of August 3, 2010. Ms. DeRobertis recommended each BPAC Member review projects in his or her jurisdiction.

Member Muniz questioned when this item will be agendized. Ms. DeRobertis indicated now is the time to review the checklists and if there are questions or comments, they can be addressed and forwarded to MTC.

Chairperson Simons requested it be added to the workplan for October’s Agenda.

• **Bike Share Update**

Ms. DeRobertis indicated there was a delay in submitting the implementation plan for the Bike Share program to the Board. Ying Smith, Transportation Planning Manager, indicated VTA is combining efforts with the Bay Area Air Quality Management District, Caltrain and Samtrans to create a bigger pilot program with more than 400 bikes. Staff will email the Committee to solicit feedback and agendize it for the October meeting.

• **County Report (Collen)**

Dan Collen, Santa Clara County Roads and Airports Department, indicated the County Board of Supervisors considered the Special Events Ordinance in June and will hear the item again on August 24, 2010.

Chairperson Simons expressed the need to have a countywide BPAC workshop.

Mr. Collen indicated county staff was not in favor of supporting a new committee.

**On order of Chairperson Simons** and there being no objection, the Committee Staff Reports were received.

5. **Chairperson’s Report**

Chairperson Simons reminded Committee members about the ethics training requirement and indicated it can be completed online or through the County in September.

Chairperson Simons indicated he created a new subcommittee consisting of the chairperson, vice chairperson, past chairperson and an additional member of the Committee to review Advisory Committee Enhancement recommendations, Agendas, and follow through on multi-year projects.

6. **BPAC Subcommittee Reports**

• **Santa Clara County Special Event Ordinance Subcommittee**

Ex-Officio Member Goldstein provided a brief report from the Special Event Ordinance Subcommittee. He indicated county staff accepted all recommendations
with the exception that notification be given for events with over 50 riders instead of the proposed 200. He also indicated that although notification of events is voluntary, staff requested Bicycle and Pedestrian Advisory Committees take a proactive role in encouraging it.

Member Meyer noted the ordinance is going to County Board on August 24, 2010 for approval. She indicated the subcommittee will remain in existence as long as the item is still going forth and will remain in effect for the amount of time required to monitor potential feedback.

Chairperson Simons expressed his appreciation to the subcommittee for their work on the ordinance.

**On order of Chairperson Simons** and there being no objection, the Committee received the BPAC Subcommittee Reports.

**CONSENT AGENDA**

**7. Regular Meeting Minutes of July 7, 2010**

Ex-Officio Member Goldstein recommended minor changes to Item# 8, 2010 CMA Block Grant Awards, to read “Members noted trail operation hours is an important issue in Santa Clara County. It was suggested there should be discussion with the city staff who are applying for this grant funding.”

M/S/C(Muniz/Ruh) to approve the Regular Meeting Minutes of July 7, 2010 with recommended changes. Member Faupell abstained.

**REGULAR AGENDA**

**9. Proactive CMP Quarterly Report for April through June 2010**

Ying Smith, provided brief information on the Proactive CMP Quarterly Report for April through June 2010.

**On order of Chairperson Simons** and there being no objection, the Proactive CMP Quarterly Report for April through June 2010 was received.

**OTHER**

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

There was no Citizens Advisory Committee and 2000 Measure A Citizens Watchdog Committee report.
11. **Local Jurisdiction Project Review Section**

Member Meyer announced the City of Mountain View is updating its general plan which includes a large transportation section, and there is an effort to implement a second bike boulevard.

Chairperson Simons announced Sunnyvale is in process of adding new signage for bike riders.

**On order of Chairperson Simons** and there being no objection, the Local Jurisdiction Project Review Section was received.

12. **BPAC Work Plan**

Ying Smith briefly discussed future agenda items including, the elections schedule, joint workshop with advisory committees in December, and the Bike Share Program.

Chairperson Simons asked for volunteers to serve on the Nominating Committee for the election of Chairpersons for 2011. Members Swent, Sullivan, and Simons volunteered.

Ex-Officio Goldstein noted the Committee’s request to add the Local Streets and Roads Checklist to the Agenda in October.

Member Kerr suggested the issue of improving bicycle and vehicle interaction on County Roads and access to trails and recreational resources be added to the work plan.

Member Kerr expressed concern with and provided pictures of a portion of the El Camino trail which is blocked off by fencing from the Santa Clara County Water District. He requested VTA Staff work with the District to replace fencing with guardrails to allow access.

Ex-Officio Member Goldstein requested the issue of reimbursement for committee members who commute to meetings via bicycle be addressed by the Board.

Ms. Smith indicated she will refer the item to the Board office for response.

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

13. **ANNOUNCEMENTS**

Member Meyer announced the City of Mountain View published a new bike map. She also noted Caltrain has a new Bicycle Advisory Committee and their first meeting August 25, 2010.

Member Kerr provided an update on the progress of the new Stanford Trail.

Member Muniz announced the City of Gilroy is bidding for three trail projects and is pursuing bicycle friendly community status.
Member Cosyn announced the City of Saratoga is working on a new bike trail and a self guided bike rides have been developed to visit historic homes and places in the city.

Member Swent announced the City of Palo Alto is updating its bike plan. He noted Jaime Rodriguez has been named the New Transportation Manager for the City of Palo Alto.

Member Wiant indicated the City of Cupertino is working on its bike plan and working on their list of improvements. The City Council and Commissions of Cupertino are meeting to seek ways to better collaborate.

Ex-Officio Member Goldstein indicated he attended a joint breakfast meeting sponsored by the Silicon Valley Bicycle Coalition and Silicon Valley Leadership Group with executives of area companies. They focused on getting the culture to embrace bicycling as a way of commuting to work.

14. ADJOURNMENT

On order of Chairperson Simons and there being no objection, the Committee meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Menominee L. McCarter
VTA Office of the Board Secretary
TECHNICAL ADVISORY COMMITTEE

Thursday, August 12, 2010

MINUTES

CALL TO ORDER

The Regular Meeting of the Technical Advisory Committee (TAC) was called to order at 1:34 p.m. by Chairperson Batra in Conference Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Representing</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rajeev Batra, Chairperson</td>
<td>City of Santa Clara</td>
<td>Present</td>
</tr>
<tr>
<td>Steve Chan, Alternate</td>
<td>City of Milpitas</td>
<td>Present</td>
</tr>
<tr>
<td>John Cherbone</td>
<td>City of Saratoga</td>
<td>Absent</td>
</tr>
<tr>
<td>Richard Chiu</td>
<td>Town of Los Altos Hills</td>
<td>Absent</td>
</tr>
<tr>
<td>Dan Collen, Alternate</td>
<td>County of Santa Clara</td>
<td>Present</td>
</tr>
<tr>
<td>Don Dey</td>
<td>City of Gilroy</td>
<td>Present</td>
</tr>
<tr>
<td>Sylvia Fung, Alt. Ex-Officio</td>
<td>Dept. of Transportation (Caltrans)</td>
<td>Absent</td>
</tr>
<tr>
<td>Glenn Goepfert</td>
<td>City of Cupertino</td>
<td>Absent</td>
</tr>
<tr>
<td>Robert Kass</td>
<td>City of Campbell</td>
<td>Present</td>
</tr>
<tr>
<td>Helen Kim</td>
<td>City of Mountain View</td>
<td>Present</td>
</tr>
<tr>
<td>Larry Lind</td>
<td>City of Los Altos</td>
<td>Present</td>
</tr>
<tr>
<td>Jaime Rodriguez</td>
<td>City of Palo Alto</td>
<td>Present</td>
</tr>
<tr>
<td>Kevin Rohani, Alternate</td>
<td>Town of Los Gatos</td>
<td>Present</td>
</tr>
<tr>
<td>Jim Rowe, Alternate</td>
<td>City of Morgan Hill</td>
<td>Present</td>
</tr>
<tr>
<td>Mo Sharma</td>
<td>City of Monte Sereno</td>
<td>Absent</td>
</tr>
<tr>
<td>Ben Tripousis</td>
<td>City of San Jose</td>
<td>Present</td>
</tr>
<tr>
<td>Jack Witthaus</td>
<td>City of Sunnyvale</td>
<td>Present</td>
</tr>
</tbody>
</table>

A quorum was present.

2. PUBLIC PRESENTATIONS

There were no Public Presentations.

3. ORDERS OF THE DAY

There were no Orders of the Day.

4. Committee Staff Report

John Ristow, Chief CMA Officer and Staff Liaison, reminded the Committee Members of their duty and responsibility as local agency officials serving on the Technical Advisory Committee (TAC) to complete the Ethics Training course. Mr. Ristow continued that Committee Members must submit their copy of the signed Ethics Training Certificate to VTA’s Office of the Board Secretary.
Mr. Ristow provided a brief report, highlighting: 1) City of San Jose will conduct bicycle and pedestrian counts at five locations on several trails beginning September 15, 2010; 2) VTA will conduct a bicycle and pedestrian count at the River Oaks Bicycle and Pedestrian Bridge; 3) VTA will conduct a Disadvantage Business Enterprise (DBE) and Small Business Enterprise (SBE) Certification Workshop on Thursday, August 26, 2010 at VTA River Oaks Campus; 4) Senate Bill (SB) 83 was submitted for placement on the November Ballot; and 5) Announced the appointment of Jaime Rodriguez, representing the City of Palo Alto, to the Committee.

On order of Chairperson Batra and there being no objection, the Committee Staff Report was received.

5. Chairperson’s Report

There was no Chairperson’s Report.

6. Reports from TAC Working Groups

   • **Capital Improvement Program (CIP)**
     
     Celeste Fiore, Transportation Planner II, reported the Capital Improvement Program (CIP) Working Group discussed the Metropolitan Transportation Commission (MTC) Safe Routes to School Program – School Based Vehicle Emissions Reduction Program at their July 27, 2010 meeting. The working group will discuss the Transportation Fund for Clean Air (TFCA) at their August 24, 2010 meeting.

   • **Systems Operations and Management (SOM)**
     
     Eugene Maeda, Senior Transportation Planner, reported the Systems Operations and Management (SOM) Working Group held a special meeting on August 5, 2010 to discuss the Deficiency Plan Guidelines.

   • **Land Use/Transportation Integration (LUTI)**
     
     Robert Swierk, Senior Transportation Planner, reported on the July 14, 2010, Land Use/Transportation Integration (LUTI) Working Group meeting, highlighting: 1) Discussed the Transportation Impact Analysis (TIA) Guidelines; 2) City of Santa Clara currently updating their General Plan; and 3) Discussed the SB 375: Redesigning Communities to Reduce Greenhouse Gases.

On order of Chairperson Batra and there being no objection, the reports from the TAC Working Groups were received.

7. **High Speed Rail/Caltrain Project**

   Steven Fisher, Senior Transportation Planner, provided a verbal report on the High Speed Rail/Caltrain Project, highlighting 1) Distributed letter addressed to Mr. Roelof van Ark, California High-Speed Rail Authority Executive Director, dated August 4, 2010 regarding the phased implementation of the Peninsula Rail Program; 2) American Recovery and Reinvestment Act (ARRA); 3) August 25, 2010 Technical Working Group (TWG) meeting; and 4) Caltrain to conduct four community meetings to receive public comments about proposed fare increases and service reductions.

   Members of the Committee noted the San Jose to Merced Segment is planning to release their Supplemental Alternatives Analysis in October 2010.
On order of Chairperson Batra and there being no objection, the High Speed Rail/Caltrain Project Report was received.

BUSINESS REFERRED TO COMMITTEE BY THE BOARD OF DIRECTORS/GENERAL MANAGER

CONSENT AGENDA

8. Minutes of July 8, 2010
M/S/C (Tripousis/Dey) to approve the Regular Meeting Minutes of July 8, 2010.

Bill Hough, Transportation Planner III, provided an overview of the staff report.


REGULAR AGENDA

12. Santa Clara County School-Based Vehicle Emissions Reduction (SBVER) Program
Celeste Fiore, Transportation Planner II, provided an overview of the staff report.

Members of the Committee recommended the following: 1) both infrastructure and non-infrastructure scoring criteria include a cost benefit category; and 2) VTA staff work with the MTC to develop guidelines and to request lowering the minimum grant amount.

Members of the Committee noted the importance to conduct further analysis to modify the process in the future to make it equitable and amendable for the smaller jurisdictions.

M/S/C (Tripousis/Witthaus) on a vote of 11 Ayes to 1 Noes to recommend the evaluation criteria and procedures for selecting projects and awarding School-Based Vehicle Emissions Reduction Program grants and forward to the VTA Board of Directors for approval. Alternate Member Chan opposed.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
13. **VTA Deficiency Plan Requirements Update**

Eugene Maeda, Senior Transportation Planner, provided an overview of the staff report.

Members of the Committee noted the importance of and requested that a footnote be added to Section 2.3 Deficiency Plan Preparation Responsibilities to clarify that the cities are responsible for preparing deficiency plans that affect the Congestion Management Program (CMP) facilities along the County expressways and expressway intersections; and further, include a notation that the County be involved in the development of the deficiency plan.

John Ristow, Chief CMA Officer and Staff Liaison, referenced Section 7.1 Conflict Resolution Process, noting the dispute resolution function is included in the deficiency plan document.

Members of the Committee requested that reference to Morgan Hill’s tiered Level of Service (LOS) standard be removed from Section 7.2 Local Intersection Management Strategies since it is not a “protected intersection” policy.

**M/S/C (Dey/Chan)** on a vote of 11 Ayes to 1 Abstention to recommend the VTA Board of Directors to adopt the updated VTA Deficiency Plan Requirements document, as amended with the proposed changes. Alternate Member Rowe abstained.

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

Amin Surani, Principal Transportation Planner, provided an overview of the staff report.

Members of the Committee expressed opposition to include the Maintenance of Effort (MOE) Certification as part of the administrative procedures for the Senate Bill (SB) 83 Vehicle Registration Fee (VRF) Program.

**Public Presentation**

Jerry Burgess, City of Mountain View Senior Administrative Analyst, referenced SB 83 Draft Expenditure Plan, noting the City of Mountain View strongly opposes the inclusion of the MOE Certification requirement. The City of Mountain View believes the requirement is a penalty to agencies that have maintained their local streets at a high level and would lock agencies into a level that may not be appropriate.

John Ristow, Chief CMA Officer and Staff Liaison, stated SB 83 Administrative Procedures would be agendized for further review and action at the September 9, 2010 TAC meeting.

Members of the Committee stressed the importance and recommended eliminating the MOE Certification requirement from the SB 83 Administrative Procedures.

**M/S/C (Kass/Witthaus)** to recommend the VTA Board of Directors to adopt administrative procedures for the SB-83 Vehicle Registration Fee (VRF) program, as amended.

15. **Grand Boulevard Initiative Multimodal Transportation Corridor Plan**

Robert Swierk, Senior Transportation Planner, reported on the Grand Boulevard Initiative Multimodal Transportation Corridor Plan, highlighting: 1) Grand Boulevard Initiative Overview; 2) El Camino Real – State Route 82; 3) Grand Boulevard Multimodal Corridor Plan; 4) Existing Conditions and Planned Improvements; 5) Multimodal Access and Design; 6) Street Design Prototypes – Examples; 7) Analysis of Future Transit and
Land Use; 8) Future Transit Needs and Recommend Service; 9) Corridor Operations and Management; and 10) Moving Forward – Corridor Plan and Implementation.

Committee Member Witthaus left the meeting at 3:02 p.m.

On order of Chairperson Batra and there being no objection, the Committee received a report on the Grand Boulevard Initiative Multimodal Transportation Corridor Plan.

Committee Member Kass left the meeting at 3:04 p.m.

16. **SB 375 – Sustainable Communities Strategy Update**

John Sighamony, Senior Transportation Planning, provided a brief report, highlighting:
1) California Air Resources Board (CARB) Greenhouse Gas Targets; 2) Regional Housing Needs Allocation (RHNA); and 3) Senate Bill (SB) 375 Public Participation Plan.

Members of the Committee stated the MTC Local Streets and Roads Working Group is currently working on updating the Local Street and Roads Strategic Plan by incorporating bicycle and pedestrian elements as part of a complete roadway model. The goal is to secure maintenance funds and continue expanding the discretionary federal funds amount allocated to Local Streets and Roads. The Local Street and Roads Strategic Plan will be forwarded to the TAC Committee when the MTC releases the document for public comment.

Members of the Committee stressed the importance to work collaboratively and advocate for project funding at the regional level.

Mr. Ristow noted that SB 375 Sustainable Communities Strategy Update will be a reoccurring standing item on future TAC meeting agendas.

On order of Chairperson Batra and there being no objection, the Committee received an update on the Sustainable Communities Strategy activities as part of the implementation of SB 375.

**OTHER**

17. **Metropolitan Transportation Commission (MTC) Activities and Initiatives**

Mr. Ristow provided an update of the following: 1) Federal Funding; and 2) MTC and Association of Bay Area Governments (ABAG)’s update on SB 375.

On order of Chairperson Batra and there being no objection, the Committee received an update on MTC Activities and Initiatives.

18. **Technical Advisory Committee (TAC) Subcommittee Report**

Chairperson Batra reported the following: 1) SB 83; and 2) VTA’s Deficiency Plan Requirements.

On order of Chairperson Batra and there being no objection, the Committee received the TAC Subcommittee Report.

19. **Committee Work Plan**

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

There were no Announcements.

21. **ADJOURNMENT**

On order of Chairperson Batra and there being no objection, the meeting was adjourned at 3:26 p.m.

Respectfully submitted,

Michelle M. Garza, Board Assistant
VTA Office of the Board Secretary
NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Policy Advisory Committee meeting scheduled for Thursday, August 12, 2010 at 4:00 p.m. has been cancelled.

Jacqueline F. Golzio, Board Assistant VTA, Office of the Board Secretary