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 under Orders of the Day. If you wish to discuss any of these items, please request the item be removed from the Consent Agenda by completing a blue card at the public information table and handing it to the Board Secretary staff prior to Orders of the Day, Agenda Item #9.
• Disclosure of Campaign Contributions to Board Members (Government Code Section 84308)

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

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

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

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

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

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

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

1. ADMINISTER OATHS OF OFFICE to newly appointed Board Members.

2. ROLL CALL

3. AWARDS AND COMMENDATION
   A. INFORMATION ITEM - Employees of the Month for December 2011 and January 2012; and Supervisor of the Quarter for the fourth quarter 2011 and first quarter 2012.
   B. ACTION ITEM - Adopt the resolution of appreciation for 2011 VTA Board Chairperson Margaret Abe-Koga.
   C. ACTION ITEM - Adopt the resolution of appreciation for outgoing VTA Board Member Chris Moylan.


6. HEARING - NOTICE OF INTENTION TO ADOPT RESOLUTIONS OF NECESSITY
   ACTION ITEM - Close Hearing and adopt Resolutions of Necessity determining that the public interest and necessity require the acquisition of property interest in San Jose, California from Meng Hsia Chen and property interests in Milpitas, California from Orinda Equity Partners and Beresford Terrace Owners Association, for the BART Silicon Valley Berryessa Extension (SVBX) Project.

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

   Property ID/Assessor’s Parcel Number/Owner
   B2100-04 (APN 244-12-088) owned by Meng Hsia Chen
   B2583-02 (APN 086-42-016) owned by Orinda Equity Partners, LLC
   B2595-02 (APN 028-28-000) owned by Beresford Terrace Owners Association

7. HEARING - NOTICE OF INTENTION TO ADOPT RESOLUTIONS OF NECESSITY
   ACTION ITEM - Close Hearing and adopt Resolutions of Necessity determining that the public interest and necessity require the acquisition of property interests in San Jose, California from Macy’s Primary Real Estate, Inc. and property interests in Santa Clara County, California from Brian A. McBerrry and Kimberly A. McBerrry; Stephen Dyer, Trustee, Anthea M. Worley, Co-Trustee and Margo V. Fancher, Co-Trustee; Linda K. Kincaid; Adam Hughes and Tracy Hughes; and Ali Heidari for the I-280/I-880/Stevens Creek Boulevard Improvements Project.

   Note: Motion must be approved by at least 2/3 of the Board (8 members).
Property ID/Assessor’s Parcel Number/Owner
62382-1, -2, & -3 (APN 274-43-031 and -035) owned by Macy’s Primary Real Estate, Inc.
62366-1 (APN 277-032-039) owned by Brian A. McA In and Kimberly A. McA In
62367-1 (APN 277-32-038) owned by Stephen Dyer, Trustee, Anthea M. Worley,
Co-Trustee and Margo V. Fancher, Co-Trustee
62377-1 (APN 277-01-011) owned by Linda K. Kincaid
62378-1 (APN 277-01-010) owned by Adam Hughes and Tracy Hughes
62380-1 (APN 277-01-001) owned by Ali Heidari

8. 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.

9. ORDERS OF THE DAY - The Consent Agenda is approved with Orders of the Day.

CONSENT AGENDA

10. Approve the Board of Directors Regular Meeting Minutes of December 8, 2011.

Administration and Finance Committee

The Administration and Finance Committee did not meet in December 2011.

11. ACTION ITEM - Ratify the reappointment of Jerri-Ann Meyer to the Bicycle & Pedestrian Advisory Committee representing the City of Mountain View for the remainder of the term ending June 30, 2012.

12. ACTION ITEM - For the Committee for Transit Accessibility, approve the following for the two-year term ending December 31, 2013: 1) Reappointment of current members Emma Eljas, Barbara Stahl and Dilip Shah to represent persons with disabilities; 2) Reappointment of the Vista Center for the Blind & Visually Impaired, Hope Services, City of San Jose Senior Citizens Commission, the Barbara Lee Senior Center in Milpitas, and DeAnza Students Unlimited; and 3) Appointment of Cam Acker to represent persons with disabilities.

Congestion Management Program and Planning Committee

Items submitted for the Consent Agenda by the Congestion Management Program and Planning Committee.


14. ACTION ITEM - Authorize the General Manager to execute a five-year license agreement, with four options to renew at five year increments, with AT&T for the
construction and use of a 68 foot high telecommunications monopole along with supportive attached antennas and 400 square feet of ground-level equipment cabinets at VTA’s Chaboya Maintenance Yard. The starting annual license fee is $38,480 with 4% increases annually thereafter.

Transit Planning and Operations Committee

*Items submitted for the Consent Agenda by the Transit Planning and Operations Committee.*

15. **ACTION ITEM** - Authorize the General Manager to execute a contract with GEMs Environmental, the lowest responsible bidder, in the amount of $679,278 for the procurement and installation of an emergency generator at the Guadalupe Division Rail Repair Facility.

16. **ACTION ITEM** - Authorize the General Manager to execute a contract with NetXperts in the amount of $367,324.00 for the procurement and installation of a new core switch for the Supervisory Control and Data Acquisition (SCADA) system that is used to control the Light Rail system.

17. **ACTION ITEM** - Authorize the General Manager to execute a contract amendment with CH2MHill, Inc. in the amount of $7,000,000 for a new contract total amount of $11,835,168 and extend the contract term to July 31, 2013 to perform final design services for the Santa Clara Alum Rock Bus Rapid Transit Project.

18. **ACTION ITEM** - Authorize the General Manager to execute an amendment to the Cooperative Agreement Regarding Implementation of Kato Road Grade Separation with the City of Fremont, in the amount of $750,000, to perform additional right-of-way acquisition services on the Kato Road Grade Separation Project for a total contract amount of $1,750,000.

Audit Committee

*The Audit Committee did not meet in December 2011.*

### SPECIAL REPORTS

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<td>19. REPORT FROM THE GENERAL MANAGER. (Verbal Report)</td>
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<td>A.</td>
<td>INFORMATION ITEM - Receive information on January 2012 Service Changes.</td>
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<td>B.</td>
<td>INFORMATION ITEM - Receive a report on the status of Express Lanes projects within Santa Clara County.</td>
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<td>20. REPORT FROM THE CHAIRPERSON. (Verbal Report)</td>
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<tr>
<td>A.</td>
<td>Receive remarks from incoming Chairperson Ken Yeager.</td>
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<td>B.</td>
<td>Approve Appointments to Board Standing Committees, Joint Powers Boards and Regional Commission.</td>
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<tr>
<td>C.</td>
<td>ACTION ITEM - Approve the employment contract with Robert Fabela for the position of General Counsel and authorize the Board Chair to execute the contract on behalf of the Board.</td>
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</table>
REGULAR AGENDA

21. INFORMATION ITEM - Receive BART Silicon Valley Rapid Transit (SVRT) Program Update.

Administration and Finance Committee

The Administration and Finance Committee did not meet in December 2011.

22. ACTION ITEM - 1) Approve resolutions adopting ICMA Retirement Corporation’s (ICMA-RC) VantageCare Retirement Health Savings (RHS) Plan for employees represented by AFSCME, Local 101; SEIU, Local 521; TAEA; and for Non-Represented employees; 2) Authorize staff to execute all necessary documents including Adoption Agreements, Administrative Services Agreements, Integral Part Trust documents, Retiree Welfare Benefits Plan documents and all other documents required for implementation of the RHS Plan for each group; and 3) Authorize staff to amend plan documents, as needed, to incorporate plan changes and to maintain compliance with Internal Revenue Service regulations and tax laws.

Congestion Management Program and Planning Committee

Item submitted for the Regular Agenda by the Congestion Management Program and Planning Committee.

23. ACTION ITEM – 1) Approve a revenue strategy for the Valley Transportation Plan 2040 (VTP 2040); 2) Approve the Capital Program Funding Program Area Allocation; and 3) Approve the financially constrained project lists to be submitted to the Metropolitan Transportation Commission for the inclusion in the Regional Transportation Plan.

Transit Planning and Operations Committee

There were no items submitted for the Regular Agenda by the Transit Planning and Operations Committee.

Audit Committee

The Audit Committee did not meet in December 2011.

OTHER ITEMS

24. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

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

26. REPORTS (UNAPPROVED MINUTES) FROM STANDING COMMITTEES
   A. Administration and Finance Committee (Meeting Cancelled)
   B. Congestion Management Program and Planning Committee
   C. Transit Planning and Operations Committee
   D. Audit Committee (No Meeting Scheduled)
27. REPORTS (UNAPPROVED MINUTES) FROM ADVISORY COMMITTEES
   A. Committee for Transit Accessibility (No Meeting Scheduled)
   B. Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC)
   C. Bicycle & Pedestrian Advisory Committee (BPAC) (No Meeting Scheduled)
   D. Technical Advisory Committee (TAC)
   E. Policy Advisory Committee (PAC)

28. 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
   F. SR 152 Mobility Partnership

29. REPORTS FROM VTA POLICY ADVISORY BOARDS (PABs)
   A. Diridon Station Joint Policy Advisory Board
   B. Downtown East Valley PAB (Meeting Cancelled)
   C. El Camino Real Rapid Transit PAB
   D. Silicon Valley Rapid Transit Corridor & BART Warm Springs Extension PAB (Meeting Cancelled)

30. ANNOUNCEMENTS

31. ADJOURN
BOARD OF DIRECTORS MEETING

Thursday, January 5, 2012
5:30 PM

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

ADDENDA TO AGENDA

5.X RECESS TO CLOSED SESSION

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

   Property: Full take acquisition of real property located at
   517 Parkmoor Avenue, San Jose, CA

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

   Negotiating Parties: Brian A. McBerry

   Under Negotiation: Price and terms of payment

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

   Property: Full take acquisition of real property located at
   501 Parkmoor Avenue, San Jose, CA

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

   Negotiating Parties: Anthea M. Worley, Co-Trustee

   Under Negotiation: Price and terms of payment
C. Anticipated Litigation - Conference with Legal Counsel
[Government Code Section 54956.9(c)]

Initiation of litigation pursuant to subdivision (c) of Section 54956.9: One case concerning the removal of encroachments on VTA-owned property near Hostetter Road.

RECONVENE TO OPEN SESSION

5.X.X CLOSED SESSION REPORT

23.X Authorize the General Manager to execute a contract with Republic ITS, the lowest responsive and responsible bidder, in the amount of $277,195 for the procurement and installation of Closed Circuit Television at Race and Winchester Light Rail Stations.
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 December 2011 and January 2012, and Supervisor of the Quarter

FOR INFORMATION ONLY

BACKGROUND:

December 2011 Employees of the Month:

Virginia Bautista, Management Analyst in Operations is this month’s Administration Award recipient. Virginia has been a VTA employee since 1995. In addition to her overall excellent work, she demonstrates a keen eye for detail and careful analysis. For example, as a result of her research in 2006 she discovered VTA could qualify for a 6 cents per gallon tax refund for certain types of fuel purchases. She worked with other VTA departments to submit the required documents, and VTA has now saved $72,000 as a result. More recently, Virginia corrected an overlooked vendor error which resulted in a credit to VTA for approximately $20,000. Virginia’s diligence and attention to detail are greatly appreciated. Congratulations to Virginia Bautista, Administration Employee of the Month for December!

Robert Joyce, Dispatcher at Chaboya Division, is this month’s Operations Award recipient. Robert has served as a dispatcher for 23 of his 33 years of VTA employment. His co-workers say Robert places their needs and agency goals above his personal interests and has established a superior work performance record. He strives for continuous improvement in his skills and will frequently take on special Operator scheduling projects, which help ensure VTA meets and exceeds operational performance standards. Robert maintains a strong work ethic and works at a work site with some of the most challenging assignments. Congratulations Robert Joyce, Operations Employee of the Month for December!

Jeff Cronin, Overhaul and Repair Mechanic at Cerone Division, is this month’s Maintenance Award recipient. Jeff has previously served as a Transit Mechanic and currently serves as a Mechanic at Cerone’s Overhaul & Repair facility. In his present assignment, Jeff performs...
skilled mechanical work to diagnose, maintain, repair and test VTA buses and support vehicles. He has quickly gained the respect of his co-workers with his tireless work and positive attitude. Jeff’s coworkers comment that he is a “hardworking mechanic who always gets the job done right!” Jeff’s work ethic and exceptional job performance are just a few examples why Jeff is deserving of this honor. Congratulations Jeff Cronin, Maintenance Employee of the Month for December!

January 2012 Employees of the Month:

Hong Lei “Connie” Yu, Accountant III at River Oaks, is the Administration Award winner for January. Connie began her career at VTA in 2008 and has performed her assignments with great skill and expertise throughout her employment. A true professional, Connie has excellent knowledge of accounting processes and always completes her projects on time, with minimal supervision. She is a team player who has received positive feedback from other departments regarding her excellent customer service skills. Connie sets a great example of quality and accountability for fellow employees. Congratulations to Connie Yu, Administration Employee of the Month for January!

Thomas Dominguez, Coach Operator at Chaboya Division, is the Operations Award Winner for January. Thomas is a highly respected and conscientious operator and a good role model for his fellow drivers. For over 12 years, Thomas has consistently exceeded the standards of his job by maintaining a high level of customer service and focus on VTA rider satisfaction. Thomas enjoys his job and feels he makes a difference in the community every day. This sentiment is reflected in the numerous customer compliments he has received regarding his professional and courteous service. Congratulations to Thomas Dominguez, Operations Employee of the Month for January!

Kulvinder Janda, Transit Mechanic at Chaboya (Maintenance) Division is our Maintenance Employee of the Month for January. Kulvinder's management says that he is always willing to step up to the plate to do whatever is necessary to get the job done. A dedicated worker, Kulvinder brings tremendous energy to the job and readily accepts new assignments. His enthusiasm and excellent work ethic bring value to his department and make Ray an outstanding and worthy recipient. Congratulations to Kulvinder Janda, Maintenance Employee of the Month for January!

Supervisor of the Quarter

Russell Anderson, Maintenance Training Supervisor, at Chaboya Division, is the Supervisor of the Quarter for the fourth quarter of 2011. Russell has been employed with VTA for more than 33 years and has demonstrated exemplary leadership and commitment to VTA. He has developed and delivered multiple maintenance training programs which have helped VTA workers develop advanced technical skills and to promote to positions of greater responsibility. Most recently, Russell successfully led the creation and delivery of training programs required to place the new hybrid bus fleet into service, training over 300 maintenance employees on safe and effective hybrid bus maintenance practices. Congratulations to Russell Anderson, Supervisor of the Quarter for the fourth quarter of 2011.
Tabby Davenport, Cerone Transportation Supervisor, is the Supervisor of the Quarter for the first quarter of 2012. Since joining VTA in 1997, Tabby has consistently met project objectives and commitments on a regular basis. Tabby helped develop new training programs for Field Supervisors and assisted in the development of new electronic report forms which help make the task of completing reports on-time easier and more efficient. These projects and Tabby’s successful results have helped VTA to readily accomplish service objectives. Congratulations to Tabby Davenport, Supervisor of the Quarter for the first quarter of 2012!

Prepared By: Christopher Childress
Memo No. 3428
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Board Secretary, Sandra Weymouth

SUBJECT: Board Resolution of Appreciation

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt the resolution of appreciation for 2011 VTA Board Chairperson Margaret Abe-Koga.

BACKGROUND:

VTA benefits from local elected officials willing to serve on the VTA Board of Directors. Serving as Board Chairperson Board requires leadership, dedication, time and energy beyond their regular duties as council members.

DISCUSSION:

The attached resolution expresses VTA's appreciation for the diligent service of 2011 Board Chairperson Margaret Abe-Koga. Her leadership enabled VTA to provide transportation services, programs and projects to the residents of Santa Clara County.

FISCAL IMPACT:

There is no fiscal impact.

Prepared by: Colleen Valles
Resolution

By the Board of Directors of the Santa Clara Valley Transportation Authority (VTA) a Special District of the State of California relative to commending the

Honorable Margaret Abe-Koga

Whereas, Margaret Abe-Koga is completing her term as chair of the VTA Board of Directors for 2011; and

Whereas, She served with distinction as vice chair for 2010 of the VTA Board of Directors; and

Whereas, She was a leading voice on the Ad Hoc Financial Recovery Committee and as chair, she implemented the recommendations of the Committee resulting in a balanced two-year budget with fully funded reserves; and

Whereas, She tirelessly worked to advance the BART Silicon Valley Program including the approval of VTA’s first design-build contract to construct the Line, Track, Stations and Systems elements of the project;

Whereas, She oversaw the selection of the new General Counsel to guide VTA over the coming years; and

Whereas, She led the effort for the establishment of VTA’s first Project Labor Agreement; and

Whereas, She represented VTA at hearings on regional government by the California State Senate;

Now therefore be it resolved, that the VTA Board of Directors hereby commends and expresses its sincere appreciation to Margaret Abe-Koga for her exemplary service; and

Be it further resolved, that this resolution is presented with the thanks and good wishes of the VTA.

Adopted by the VTA Board of Directors this fifth day of January 2012.

_____________________________
Ken Yeager, Chairperson
Santa Clara Valley Transportation Authority

3.B.a
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Board Secretary, Sandra Weymouth

SUBJECT: Board Resolution of Appreciation

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

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt the resolution of appreciation for outgoing VTA Board Member Chris Moylan.

BACKGROUND:

VTA benefits from local elected officials willing to serve on the VTA Board of Directors. Serving on the Board requires dedication, time and energy beyond their regular duties as council members.

DISCUSSION:

The attached resolution expresses VTA's appreciation for the diligent service of outgoing board member Chris Moylan. His leadership enabled VTA to provide transportation services, programs and projects to the residents of Santa Clara County.

FISCAL IMPACT:

There is no fiscal impact.

Prepared by: Colleen Valles
Resolution

By the Board of Directors of the Santa Clara Valley Transportation Authority (VTA) a Special District of the State of California relative to commending the

Honorable Christopher Moylan, Phd.

Whereas, Christopher Moylan is completing his term on the VTA Board of Directors many years of dedicated and responsible service representing the Cities of Los Altos, Santa Clara, Sunnyvale, Mountain View, and Palo Alto; and the Town of Los Altos Hills.

Whereas, He served as a dedicated member of the Policy Advisory Committee from 2006 through 2009 and served as the committee chair in 2007 and 2008; and

Whereas, He tirelessly encouraged the active participation of all VTA advisory committees; and

Whereas, He ably served as an alternate member to the Administration and Finance and Transit Planning and Operations Committees; and

Whereas, He served with distinction on the Congestion Management Program & Planning Committee first as an alternate and later as a member and vice chair; and

Whereas, He promoted the Transit Sales Tax Stabilization Fund Policy to improve VTA’s financial viability; and

Whereas, He led the efforts of the El Camino Real Bus Rapid Transit Project; and

Now therefore be it resolved, that the VTA Board of Directors hereby commends and expresses its sincere appreciation to Christopher Moylan for his exemplary service; and

Be it further resolved, that this resolution is presented with the thanks and good wishes of the VTA.

Adopted by the VTA Board of Directors this fifth day of January 2012.

_____________________________
Ken Yeager, Chairperson
Santa Clara Valley Transportation Authority
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief SVRT Program Officer, Carolyn M. Gonot

SUBJECT: Resolutions of Necessity for BART Silicon Valley Berryessa Extension Project

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

Resolution

ACTION ITEM

RECOMMENDATION:

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

BACKGROUND:

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

The SVBX Project will begin south of the future BART Warm Springs Station in Fremont and proceed on the WP Milpitas Corridor purchased by VTA from the Union Pacific Railroad in 2002, through Milpitas, and end in the Berryessa area of north San Jose at Las Plumas Avenue. (See Project Map attached hereto.) Engineering on the SVBX Project is advancing, and major utility relocations and full construction activities are scheduled to begin in 2012. Full and partial property acquisitions are required from approximately 100 property owners in order to construct the SVBX Project.

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

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

**DISCUSSION:**

Among the approximately 100 property acquisitions required for the Project, staff is recommending that a Resolution of Necessity be adopted for the following properties:

1. **Property owned by Meng Hsia Chen (B2100):** A Temporary Ingress/Egress Easement of 10,171 square feet is needed on this property consisting of approximately 0.64 acres. The property is located at 1941 Hostetter Road in the City of San Jose and is currently being used as a residence and office. The temporary access is needed for the construction of the guideway, which will cross underneath Hostetter Road at this juncture. Additionally, six trees that straddle the property line between the VTA owned rail corridor and the property owned by Meng Hsia Chen need to be acquired and removed because the portion of the trees located within the corridor are within the area where the Chevron/MCI facilities are being relocated. Removal of only portions of the trees within the corridor will weaken the integrity of the trees, thereby creating potential safety hazards and liability.

   The property was appraised and reviewed by a review appraiser and VTA staff, which set just compensation. An offer based on the recommended appraisal was made on October 13, 2011. To date, negotiations with the owner to acquire the property have been unsuccessful even though the real estate team has diligently worked to acquire the property through negotiated settlement with the property owner. The team will continue to work with the property owner to reach a negotiated settlement even after adoption of a Resolution of Necessity.

2. **Property Owned by Orinda Equity Partners, LLC (B2583):** A Storm Drain Easement consisting of 160 square feet is required on this property located at 461 S. Milpitas Boulevard in the City of Milpitas. Although the property, which consists of 11.35 acres, is improved with an industrial building, the storm drain easement is in an unimproved area that is already encumbered by a stream channel easement for Wrigley Creek. The property is needed to construct a storm drain outfall to transport water runoff within the corridor.

   The property was appraised and reviewed by a review appraiser and VTA staff, which set just compensation. An offer based on the recommended appraisal was made on August 24, 2011. To date, negotiations with the owner to acquire the property have been unsuccessful even though the real estate team has diligently worked to acquire the property through negotiated settlement with the property owner. The team will continue to work with the property owner to reach a negotiated settlement even after adoption of a Resolution of Necessity.
Resolution of Necessity.

3. **Property Owned by Beresford Terrace Owners Association (B2595):** A Storm Drain Easement of 100 square feet is required on this property located at Meadowland Drive in the City of Milpitas. Although the larger parcel consisting of 31.4 acres is improved with single family homes, the storm drain easement is located in an unimproved area along a sound wall barrier near the property line. The property is needed to construct a storm drain outfall to transport water runoff within the corridor.

The property was appraised and reviewed by a review appraiser and VTA staff, which set just compensation. An offer based on the recommended appraisal was made on August 24, 2011. To date, negotiations with the owner to acquire the property have been unsuccessful even though the real estate team has diligently worked to acquire the property through negotiated settlement with the property owner. The team will continue to work with the property owner to reach a negotiated settlement even after adoption of a Resolution of Necessity.

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

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

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

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

**ALTERNATIVES:**

There are no practical alternatives to the recommended action if the SVBX Project schedule is to be maintained and the SVBX Project is to be constructed as designed. The property that is
subject to the Resolution of Necessity before the Board is required for the Project and a condemnation action must be initiated in order to obtain possession of each parcel.

**FISCAL IMPACT:**

Appropriation for the costs associated with acquisition of these properties is included in the FY12 Adopted 2000 Measure A Transit Improvement Program Fund Capital Budget.

Prepared by: Bijal Patel
Memo No. 3236
SVBX Property Acquisition Staff Report

INTRODUCTION

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

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

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

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

(Code of Civil Procedure Section 1245.230.)

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

Further, insofar as any of the property to be acquired has heretofore been dedicated to public use, the resolution of necessity will find that the acquisition of such property by VTA for the Project is for a more necessary public use to which the property has already been appropriated or is a compatible public use pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610.

This report provides data and information addressing each of these items. Section 1 generally
describes the public use for which the property is to be taken and sets forth the statutory authority for VTA’s exercise of eminent domain. Sections 3, 4, and 5 provide facts pertinent to public interest and necessity (Finding #1) and the planning and location of the SVBX Project (Finding #2). Section 6 also contains a property data sheet and other material discussing the necessity for acquiring the specific property interests that are the subject of the resolutions of necessity (Finding #3). Section 2 provides information concerning the offers made to the property owners pursuant to Government Code Section 7267.2 (Finding #4).

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

SECTION 1

GENERAL STATEMENT OF PUBLIC USE

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

STATUTORY AUTHORIZATION FOR EXERCISE OF EMINENT DOMAIN

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

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

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

GOVERNMENT CODE OFFERS

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

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

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

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

(1) The date of valuation, highest and best use, and applicable zoning of property.

(2) The principal transactions, reproduction or replacement cost analysis, or capitalization analysis, supporting the determination of value.

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

(c) Where the property involved is owner-occupied residential property and contains no more than four residential units, the homeowner shall, upon request, be allowed to review a copy of the appraisal upon which the offer is based. The public entity may, but is not required to, satisfy the written statement, summary, and review requirements of this section by providing the owner a copy of the appraisal on which the offer is based.

Each property owner that could be located after reasonable diligence was presented with a written offer in an amount not less than the approved appraisal for the property, and a statement and summary of the basis of the offer, comprised of an Appraisal Summary Statement. The Appraisal Summary Statement provided the following information: name of owner; property address; parcel and APN number; locale; applicable zoning; date of valuation, present use; highest and best use; total property area; area to be acquired; type of interest to be acquired; improvements and access impacted; damages incurred and, as appropriate, separately stated with calculations and narrative explanation; total payment; and a description of the market value, reproduction or replacement cost analysis, or capitalization analysis, used to determine just compensation; and a summary of comparable sales, including the location, date of sale and sales price of properties used in the appraisal process. The date that the offer was made to each property owner is specified on the Property Fact Sheet contained in Section 6 of this report.

SECTION 3

SVBX PROJECT OVERVIEW, PURPOSE AND NEED

Project Description

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

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

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

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

**Purpose of the Project**

The project is intended to achieve the following objectives:

- Improve public transit service and increase ridership in this severely, and ever-increasing, congested corridor by providing expanded transit capacity and faster, convenient access to and from major Santa Clara County employment and activity centers for corridor residents and residents from throughout the Bay Area and portions of the Central Valley of California.

- Enhance regional connectivity by expanding and interconnecting BART rapid transit service with VTA light rail, Amtrak, ACE, Caltrain, and VTA bus services in Santa Clara County; improve intermodal transit hubs where rail, bus, auto, bicycle and pedestrian links meet.

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

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

- Improve regional air quality by reducing auto emissions.

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

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

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

SVBX is the initial segment of a planned BART extension to downtown San Jose and Santa Clara. The full extension will complete a major link in a regional high-speed, high capacity transit network that will circle lower San Francisco Bay. Regional connectivity is important to the future of Silicon Valley, the high-technology and venture capital center of the nation and a major provider of biotechnology products and services.

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

SECTION 4

PROJECT PLANNING AND IMPLEMENTATION

Alternatives Analysis

A BART extension was selected as the Locally Preferred Alternative (LPA) following completion of the Major Investment Study (MIS)/Alternatives Analysis (MIS/AA) in November 2001. The study evaluated 11 alternatives for the Silicon Valley Rapid Transit Corridor, representing various modes of travel including express bus, bus rapid transit, commuter rail, diesel and electric light rail, and BART. The LPA was chosen after an extensive review process, including technical analysis, 12 public meetings, and more than 15 Community Working Group meetings.
In October 2001, the Policy Advisory Board (PAB) voted unanimously to recommend to the VTA Board that the BART on the UPRR Alignment alternative be carried forward into the EIS/EIR phase along with the FTA-required Baseline Alternative. Since the VTA-BART property negotiations were still unresolved at the time, the PAB also recommended carrying forward a BART-Compatible alternative.

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

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

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

Station Area Planning

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

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

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

Project Funding
The total SVBX Project cost is estimated at approximately $2.1 billion based on most current engineering cost estimates for project construction. Funding for the SVBX Project will come through multiple revenue streams including the 2000 Measure A, 1/2 cent sales tax and other local sources, the State of California and its Traffic Congestion Relief Program (TCRP), and federal grants including the New Starts Program.

SVBX has advanced into the Federal Transit Administration’s (FTA) New Starts Program Final Design phase. Final Design is the last step in the federal program required to qualify for funding. VTA is requesting $900 million in FTA New Starts funding and is scheduled to submit documentation identified for federal funding to FTA in June 2011. Further, in his annual budget to Congress, the President in February 2011 recommended $130 million for SVBX from federal grants.

Entering into Final Design allows VTA to complete the project’s design and purchase long-lead time materials such as rails, ties and other specialized equipment. Securing the federal money is anticipated early next year through the execution of a Full Funding Grant Agreement (FFGA). The FFGA is the multi-year contractual agreement between the FTA and VTA that will formally define the project scope, cost and schedule, and establish the terms of the $900 million in federal financial assistance.

**Engineering design**

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

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

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

**Design-Build Contract Procurement**

In May 2010, the VTA Board of Directors authorized VTA’s General Manager to pursue Design-Build as the delivery method for SVBX. The Design-Build method of project delivery involves selecting a contractor to perform both final design and construction under a single contract. Analysis of Design-Build as the delivery method for the project versus the traditional design, bid, build showed potential cost savings of $75 million, a 6 month acceleration of project delivery and reduced risks to VTA. This is VTA’s first Design-Build contract.
VTA issued the Request for Proposals (RFP) for the C700 Line, Track, Stations, and Systems (LTSS) contract in March 2011 to pre-qualified teams. The pre-qualified teams are KSG Constructors, Skanska-Shimmick-Herzog, Tutor Perini and Parsons SVBX, and Walsh/Flattiron/Comstock. On December 8, 2011, the Board awarded the C700 contract to Skanska-Shimmick-Herzog.

SECTION 5
ENVIRONMENTAL CLEARANCE AND REVIEW

Environmental Clearance

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

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

Environmental Review Summary

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

- Major Investment Study Final Report, November 2001 (NEPA)
- 2004 Final Environmental Impact Statement (NEPA)
- 2007 Draft Supplemental Environmental Impact Report (CEQA)
- 2007 Final Supplemental Environmental Impact Report (CEQA)
- 2009 Draft Environmental Impact Statement (NEPA)
- 2010 Final Environmental Impact Statement (NEPA)
SECTION 6

SPECIFIC PROPERTY ACQUISITIONS

Detailed property fact sheets and pictures of the parcels required for this Project follow. Overall property requirements and project related costs have been minimized as much as possible. An offer was made to the owner of property identified as B2100 on or about October 13, 2011, said offer package incorporated herein by reference. Offers also were made to the owners of property identified as B2583 and as B2595 on or about August 24, 2011, said offer packages incorporated herein by reference. On December 16, 2011, Notices of Intention to Adopt Resolution of Necessity, incorporated herein by reference, were sent to the owners of property identified as B2100, B2583 and B2595.
BART SILICON VALLEY BERRYESSA EXTENSION PROJECT

PROPERTY FACT SHEET – B2100

Owner: Meng Hsia Chen

Property Address: 1941 Hostetter Road

Locale: San Jose, CA

Zoning: R-1-8 – Medium-Low Density Residential

Present Use: Residence and office

Total Property Area: 28,030 sq.ft.

Area to be Acquired: Temporary ingress/egress easement-10,171 sq.ft.

Improvements to be acquired: Six trees (4 Walnut, 1 palm, 1 yucca) that straddle the property line between the VTA owned rail corridor and the larger parcel

Date of Offer: October 13, 2011

The subject property is owned by Meng Hsia Chen and is located at 1941 Hostetter Road in the City of San Jose. The property currently is being used as a residence and office. A 10,171 sq.ft temporary ingress/egress easement is needed on this property consisting of 28,030 sq.ft. in order to provide access to construct the guideway, which will cross underneath Hostetter Road at this juncture. Additionally, six trees that straddle the property line between the VTA owned rail corridor and the subject property need to be acquired and removed because the portion of the trees located within the corridor are within the area where Chevron/MCI facilities are being relocated. Removal of only portions of the trees that are within the corridor will weaken the integrity of the trees, thereby creating potential safety hazards and liability.
BART SILICON VALLEY BERRYESSA EXTENSION PROJECT

PROPERTY FACT SHEET – B2583

<table>
<thead>
<tr>
<th>Description</th>
<th>Details</th>
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<tbody>
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<td>Owner</td>
<td>Orinda Equity Partners, LLC, a California limited liability company</td>
</tr>
<tr>
<td>Property Address</td>
<td>461 S. Milpitas Boulevard</td>
</tr>
<tr>
<td>Locale</td>
<td>Milpitas, CA</td>
</tr>
<tr>
<td>Zoning</td>
<td>M2 – Heavy Manufacturing</td>
</tr>
<tr>
<td>Present Use</td>
<td>Industrial</td>
</tr>
<tr>
<td>Total Property Area</td>
<td>Approximately 11.35 acres</td>
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<tr>
<td>Area to be Acquired</td>
<td>Storm drain easement- 160 square feet</td>
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<tr>
<td>Improvements to be Acquired</td>
<td>None</td>
</tr>
<tr>
<td>Date of Offer</td>
<td>August 24, 2011</td>
</tr>
</tbody>
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The subject property is owned by Orinda Equity Partners, LLC and is located at 461 S. Milpitas Boulevard in the City of Milpitas. Although the property, which consists of approximately 11.35 acres, is improved with an industrial building, the proposed storm drain easement is located in an unimproved area that is already encumbered by a stream channel easement for Wrigley Creek. The property is needed to construct a storm drain outfall to transport water runoff within the corridor.
BART SILICON VALLEY BERRYESSA EXTENSION PROJECT

PROPERTY FACT SHEET – B2595

Owner: Beresford Terrace Owners Association, a California non-profit mutual benefit corporation

Property Address: Meadowland Drive

Locale: Milpitas, CA

Zoning: Single-Family Home PUD

Present Use: Unimproved area along sound wall within planned residential development

Total Property Area: Approximately 31.4 acres

Area to be Acquired: Storm drainage easement- 100 square feet

Improvements to be Acquired: None

Date of Offer: August 24, 2011

The subject property is owned by Beresford Terrace Owners Association, a California non-profit mutual benefit corporation, and is located on Meadowland Drive in the City of Milpitas along a sound wall barrier. Although the larger parcel consisting of approximately 31.4 acres is improved with single family homes, the storm drain easement is located in an unimproved area along a sound wall barrier near the property line. The subject property is needed to construct a storm drain outfall to transport water runoff within the corridor.
RESOLUTION OF NECESSITY DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS

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

WHEREAS, in order to construct the Project, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a Temporary Ingress/Egress Easement interest (“TIEE”) within the larger parcel located at 1941 Hostetter Road in the City of San Jose (“Property”) and more particularly described in Exhibit “A” (B2100-04), attached hereto and made a part hereof by this reference, in addition to six trees, consisting of 4 walnut trees, 1 palm tree, and one yucca tree, located outside the TIEE that straddle the property line between the corridor owned by VTA and the Property; 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 Temporary Ingress/Egress Easement Interest described in Exhibit “A” and six trees that straddle the property line between the VTA corridor and the larger parcel are necessary for construction of 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, has been made to the owner or owners of record, which offer and statement were in a format
and contained the information required by Government Code Section 7267.2, or the offer has not been made because the owner cannot be located with reasonable diligence.

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. 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.

7. The six trees that straddle the property line between the VTA corridor and larger parcel are being acquired in whole or in part pursuant to the provisions of Code of Civil Procedure Section 1240.110.

8. General Counsel or General Counsel’s duly authorized designee is hereby authorized and directed to institute and conduct to conclusion eminent domain proceedings to acquire a Temporary Ingress/Egress Easement interest in property described in Exhibit “A”, in addition to the Six Trees referenced herein that straddle the property line between the VTA corridor and larger parcel, 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 January 5, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

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

Dated: ______________________

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

__________________________________________
KATHY PAUL
Interim General Counsel
TEMPORARY INGRESS/EGRESS EASEMENT

A Temporary Ingress/Egress Easement to construct and maintain a drivable surface for the access way, and a temporary construction fence and gate, over that certain real property, situated in the City of San Jose, County of Santa Clara, State of California, and more particularly described in Exhibit 1 attached hereto and made a part hereof.

This Temporary Ingress/Egress Easement will begin on or after July 1, 2012, when the property is first occupied for use for Silicon Valley Berryessa Extension Project construction, and will continue for a duration of thirty continuous months, ending no later than June 30, 2016.

The herein described easement shall be kept free of buildings, except lawful unsupported roof overhangs, and obstructions that impair the intended use of or are inconsistent with the purposes of the easement. This Easement shall carry with it the right to use existing roads or other practical route(s) to reach the Easement to carry out the rights granted hereunder.
EXHIBIT "1"

Parcel B2100-04
4/04/2011
TIEE

LEGAL DESCRIPTION
APN 244-12-088

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

Being a portions of that certain parcel of land designated as Parcel One, as said parcel is described in the Grant Deed to Meng Hsia Chen recorded December 31, 2008 under Recorder's Series Number 20081912, Official Records of said County, more particularly described as follows:

BEGINNING at an angle point in the westerly boundary line of that certain map entitled "Tract No. 5303", filed January 29, 1973 in Book 315 of Maps, at Pages 41 and 42, Official Records of said County, said point being on the easterly line of Parcel 27, as said parcel is shown that certain map entitled "RECORD OF SURVEY VTA-BART EXTENSION" filed December 7, 2007 in Book 821 of Maps at Pages 1 through 51 inclusive, Official Records of said County;

1. Thence South 33°00'29" East 377.61 feet along said westerly boundary line to the northerly line of Hostetter Road, as said Road is shown on said map entitled "RECORD OF SURVEY VTA-BART EXTENSION";

2. Thence South 38°33'53" West 31.62 feet along said northerly line to a point on a line that is parallel with and lying 30.00 feet westerly of said westerly boundary line;

3. Thence North 33°00'29" West 300.48 feet along said parallel line to said easterly line of Parcel 27;

4. Thence North 14°00'28" West 92.15 feet along said easterly line of Parcel 27 to the POINT OF BEGINNING;

Containing 10,171 square feet more or less.

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

[Signature]

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

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

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a Storm Drain Easement interest in certain property more particularly described in Exhibit “A” (B2583-02), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

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

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

1. The 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. A Storm Drain Easement Interest in property described in Exhibit “A” 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, has been made to the owner or owners of record, which offer and statement were in a format and contained the information required by Government Code Section 7267.2, or the offer has not been made because the owner cannot be located with reasonable diligence.
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. 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.

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 a Storm Drain Easement interest in property described in Exhibit “A”, and to take such actions that counsel deems advisable or necessary in connection therewith, and may deposit the probable amount of compensation and obtain an order for prejudgment possession of the subject property.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on January 5, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

KEN YEAGER, Chairperson
Board of Directors

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

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

____________________________  
KATHY PAUL
Interim General Counsel
EXHIBIT “A”

STORM DRAIN EASEMENT

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

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

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

LEGAL DESCRIPTION
APN 086-42-016

3/28/2011
SDE

Parcel B2583-02

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

Being a portion of that certain parcel of land described in the Grant Deed to Orinda Equity Partners, LLC recorded October 29, 2004 under Recorder’s Series Number 18072923, Official Records of said County, being more particularly described as follows:

BEGINNING at a point on the westerly line of that certain parcel of land designated as Parcel A, as said parcel is shown on that certain map entitled “PARCEL MAP” filed May 8, 1985 in Book 542 of Maps, Pages 50 and 51, Official Records of said County, from which the southwesterly corner thereof bears South 23°00'49" East 89.34 feet;

1. Thence North 23°00'49" West 10.00 feet along said westerly line of Parcel A;
2. Thence leaving last said line, North 66°59'11" East 16.00 feet to a line that is parallel with and lying 15.00 feet easterly of said westerly line of Parcel A;
3. Thence South 23°00'49" East 10.00 feet along said parallel line;
4. Thence leaving last said line, South 66°59'11" West 16.00 feet to said westerly line of Parcel A and the POINT OF BEGINNING;

Containing 160 square feet more or less.

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

Signature: [Signature]

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

[Stamp]
RESOLUTION OF NECESSITY DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS

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

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a Storm Drain Easement interest in certain property more particularly described in Exhibit “A” (B2595-02), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

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

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

1. The 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. A Storm Drain Easement Interest in property described in Exhibit “A” 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, has been made to the owner or owners of record, which offer and statement were in a format and contained the information required by Government Code Section 7267.2, or the offer has not been made because the owner cannot be located with reasonable diligence.
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. 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.

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 a Storm Drain Easement interest in property described in Exhibit “A”, and to take such actions that counsel deems advisable or necessary in connection therewith, and may deposit the probable amount of compensation and obtain an order for prejudgment possession of the subject property.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on January 5, 2012, by the following vote:

AYES: DIRECTORS:
NOES: DIRECTORS:
ABSENT: DIRECTORS:

KEN YEAGER, Chairperson
Board of Directors

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

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

____________________________
KATHY PAUL
Interim General Counsel
EXHIBIT “A”

STORM DRAIN EASEMENT

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

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

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

Parcel 82595-02
3/28/2011
SDE

LEGAL DESCRIPTION
APN 028-28-000

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

Being a portion of that certain parcel of land described in the Grant Deed to Beresford Terrace Owners Association recorded November 16, 1994 under Recorder’s Series Number 12722765, Official Records of said County, being more particularly described as follows:

BEGINNING at a point on the westerly line of that certain parcel of land designated as Lot E, as said lot is shown on that certain map entitled "TRACT 8441 BERESFORD TERRACE" filed April 2, 1993 in Book 645 of Maps, Pages 29 through 36 inclusive, Official Records of said County, from which the northwesterly corner thereof bears North 23°00’01” West 51.17 feet;

1. Thence leaving last said line, North 66°59’50” East 10.00 feet to a line that is parallel with and lying 10.00 feet easterly of said westerly line of Lot E;
2. Thence South 23°00’10” East 10.00 feet along said parallel line;
3. Thence leaving last said line, South 66°59’50” West 10.00 feet to said westerly line of Lot E;
4. Thence North 23°00’10” West 10.00 feet along last said line to the POINT OF BEGINNING;

Containing 100 square feet more or less.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone III, epoch 1998.S. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.00005333.

[Signature]
March 29, 2011

Dan S. Scott III, PLS 7840
My License Expires on 12/31/2012
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-280/I-880/Stevens Creek Boulevard Improvements Project

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt Resolutions of Necessity determining that the public interest and necessity require the acquisition of fee and temporary construction easement property interests from six parcels for the I-280/I-880/Stevens Creek Boulevard Improvements Project.

BACKGROUND:

The I-280/I-880/Stevens Creek Boulevard Improvements Project (Project) is located at the connection of SR-17, I-280 and I-880 freeways in the City of San Jose. The Project will:

- Improve traffic operations and safety on the freeways and local roadways in the area;
- Improve traffic circulation, and land uses for the neighborhoods, retail corridors and medical and shopping centers in the vicinity of the interchanges; and
- Reduce traffic congestion and delay in the project area.

The two major components of the Project are the reconfiguration of the I-880/Stevens Creek Boulevard interchange and the construction of a direct connector ramp from northbound I-280 to northbound I-880. For more information on the Project, a Project Fact Sheet is attached as Exhibit A.
In order to accommodate a dedicated lane from the southbound I-880 off-ramp to Monroe Street, two partial property acquisitions and a temporary construction easement are required from Macy’s Primary Real Estate, Inc. In order to construct the direct connector, three properties will be impacted completely, including those owned by: Brian A. McBerrry and Kimberly A. McBerrry and Stephen Dyer, Trustee, Anthea M. Worley, Co-Trustee and Margo V. Fancher, Co-Trustee. These acquisitions will require the owners and tenants to permanently relocate. The Final Relocation Plan for this Project was approved by the Board on August 4, 2011. These properties will be acquired by VTA, then transferred to the State, upon or within one year after the completion of the Project. Several additional commercial and residential properties will be impacted temporarily.

DISCUSSION:

The following are the properties affected by the I-280/I-880/Stevens Creek Boulevard Improvements Project:

1. For the Macy’s Primary Real Estate, Inc. property, two partial property acquisitions totaling 6,168 square feet in fee are required to accommodate a dedicated lane from the southbound I-880 off-ramp to Monroe Street. The first fee-take contains 1,871 square feet, and includes asphalt, concrete curbs and landscaping. The second fee-take contains 4,297 square feet, and is encumbered by a roadway easement granted to the City of San Jose. In addition to the fee takes, a 3,133 square foot temporary construction easement (TCE) is also required. Improvements contained within the TCE include two parking spaces. The duration of the TCE will be twelve months, upon which rights will revert back to the current property owner. An offer, based on the appraisal, was made to the owner on September 30, 2011.

2. For the Brian A. McBerrry and Kimberly A. McBerrry property, a full-take of 8,401 square feet in fee is required to construct the direct connector ramp from northbound I-280 to northbound I-880. Improvements contained in the acquisition area include a single-family residence, which will require the owner-occupants to be permanently relocated. The property owners have been notified, and will be relocated in accordance with federal and state relocation requirements. An offer, based on the appraisal, was made to the owner on October 4, 2011.

3. For the Stephen Dyer, Trustee, Anthea M. Worley, Co-Trustee and Margo V. Fancher, Co-Trustee property, a full-take of 11,963 square feet in fee is required to construct the direct connector ramp from northbound I-280 to northbound I-880. Improvements contained in the acquisition area include a single-family residence, which will require the two tenant-occupants to be permanently relocated. The tenants have been notified, and will be relocated in accordance with federal and state relocation requirements. An offer, based on the appraisal, was made to the owner on September 30, 2011.

4. For the Linda K. Kincaid property, a TCE of 183 square feet is required to construct a soundwall along the northbound I-880 to Stevens Creek Boulevard off-ramp. The only improvement in the easement area is wood fencing. There is no landscaping in the easement area. The duration of the TCE will be seventeen months, upon which rights will revert back to the current property owner. An offer, based on the appraisal, was made to the owner on October 7, 2011.
5. For the Adam Hughes and Tracy Hughes property, a TCE of 186 square feet is required to construct a soundwall along the northbound I-880 to Stevens Creek Boulevard off-ramp. Improvements contained in the easement area include landscaping and wood fencing. The duration of the TCE will be seventeen months, upon which rights will revert back to the current property owner. An offer, based on the appraisal, was made to the owner on October 4, 2011.

6. For the Ali Heidari property, a TCE of 720 square feet is required to construct a soundwall along the northbound I-880 to Stevens Creek Boulevard off-ramp. The only improvement in the easement area is irrigated landscaping. The duration of the TCE will be seventeen months, upon which rights will revert back to the current property owner. An offer, based on the appraisal, was made to the owner on October 6, 2011.

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. Settlements have been reached with eleven additional property owners. Since to date negotiations have not been successful with the above property owners, 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.

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.

For locations of the above parcels, a location map is attached as Exhibit B. 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 properties that are subject to the Resolutions of Necessity are required for the Project and a condemnation action must be initiated in order to obtain possession of each parcel.
prior to construction.

**FISCAL IMPACT:**

There is no direct fiscal impact as a result of this action. Budget appropriation for relocation costs and acquisitions are included in the FY12 Adopted VTP Highway Improvement Program Fund Capital Budget.

Prepared by: Brad Dexter
Memo No. 3414
**Overview**

The project proposes to improve traffic flow, safety and access between the Interstate 280 (I-280) and Interstate 880 (I-880) freeway corridors near Stevens Creek Boulevard, including modifications to the freeway-to-freeway intersection of I-280/I-880 freeway interchange, as well as the adjacent interchanges at I-880/Stevens Creek Boulevard.

Specific improvements include:

- Reconfiguring the existing full cloverleaf I-880/Stevens Creek Boulevard interchange to improve traffic flow in the surrounding interchange area by widening and realigning ramps, widening the overcrossing structure at Stevens Creek Boulevard over I-880, improving intersections and providing enhanced access for pedestrians and bicyclists.
- Separating freeway-to-freeway traffic from local traffic by constructing a new direct connector from northbound I-280 to northbound I-880.

**Objective**

To improve overall safety and traffic flow, enhance pedestrian friendly features along Stevens Creek Blvd., separate regional freeway-to-freeway traffic from local traffic and reduce queuing and traffic backups onto northbound I-280 from the connecting ramps to I-880 and Stevens Creek Blvd.

**Operations**

Upon completion, Caltrans will operate and maintain the improved highway interchanges. The City of San Jose will operate and maintain the local streets outside of Caltrans right-of-way limits.

**Capital Cost/Project Funding**

$64.6 million (currently not fully funded)/ $54.2 million is currently funded in a combination of federal, CMIA funds, City of San Jose and VTA funds have been designated for an initial phase focused on the northbound I-280 to northbound I-880 connection as well as the eastern half of the I-880/Stevens Creek Boulevard Interchange. Project partners continue to seek additional funding for the remaining portion of the project, which includes the western half of I-880/Stevens Creek Boulevard Interchange including the Monroe Loop off-ramp from southbound I-880.

**Project Schedule**

- Environmental: Summer 2011
- Design: Mid 2012*
- Right-of-Way: Mid 2012*
- Construction Start: Late 2012*

* Schedule may be further refined. Note that funding has not been identified for all phases of the project.

**How to Reach Us**

If you have any questions about the I-880/I-280/Stevens Creek Improvements Project, please call VTA’s Community Outreach Department 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 email 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 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-280/I-880/Stevens Creek Boulevard Improvements 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”, (62382-1, -2 & -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. 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 January 5, 2012, by the following vote:

AYES: DIRECTORS

NOES: DIRECTORS

ABSENT: DIRECTORS

KEN YEAGER, Chairperson
Board of Directors

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

Dated: _________________

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

KATHY PAUL
Interim General Counsel
EXHIBIT "A"

PARCEL 1

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California being a portion of Parcel 1 as shown on that certain Parcel Map filed in Book 547 of Maps at pages 19-22, Santa Clara County Records described as follows:

BEGINNING at a point in the southeasterly line of said Parcel 1, at the southwesterly terminus of the course shown as “S48°34'47"W 176.60’’ on said map; thence from said POINT OF BEGINNING along said southeasterly line the following courses: from a tangent bearing of S49°07'28"W along a curve to the left with a radius of 250.00 feet, through a central angle of 16°05'12" for an arc length of 70.19 feet; S33°02'16"W 67.71 feet and along a tangent curve to the right with a radius of 240.00 feet, through a central angle of 7°20'06” for an arc length of 30.72 feet; thence leaving said southeasterly line from a tangent bearing of N5°36'37”W along a curve to the right with a radius of 131.00 feet, through a central angle of 22°28'59” for an arc length of 51.41 feet; thence N49°07'28”E 127.26 feet to the POINT OF BEGINNING.

Containing 1,871 square feet of land, more or less.

PARCEL 2

All that certain real property situate in the City of San Jose, County of Santa Clara, State of California being a portion of “Monroe St.” as delineated on that certain Parcel Map filed in Book 547 of Maps at pages 19-22, Santa Clara County Records described as follows:

BEGINNING at the southwesterly terminus of the course shown as “S48°34'47"W 176.60 feet” on said Parcel Map; thence from said POINT OF BEGINNING along the southeasterly line of said Monroe St., S49°07'28"W 127.26 feet; thence leaving said southeasterly line, from a tangent bearing of N16°52'22”E, along a curve to the right with a radius of 131.00 feet, through a central angle of 3°48'48” for an arc length of 8.72 feet; thence N51°25'11”W 0.78 feet; thence from a tangent bearing of N38°34'49”E, along a curve to the left with a radius of 184.00 feet, through a central angle of 3°45'33” for an arc length of 12.07 feet to a point of reverse curvature; thence along a tangent curve to the right with a radius of 176.00 feet, through a central angle of 14°25'51” for an arc length of 44.33 feet; thence N49°15'08”E 309.42 feet to a point in said southeasterly line; thence along said southeasterly line the following two courses: from a tangent bearing of S28°24'49”W along a curve to the right with a radius of 194.00 feet, through a central angle of 20°42'39” for an arc length of 70.13 feet and S49°07'28”W 176.59 feet to the POINT OF BEGINNING.

Containing 4,297 square feet of land, more or less.
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 1 as shown on that certain Parcel Map filed in Book 547 of Maps at pages 19-22, 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 parcel of land described as follows:

BEGINNING at the southwesterly terminus of the course described as “S49°02’38”W 82.60 feet” in Parcel-1B in the Final Order of Condemnation recorded October 31, 1963 in Book 6256 of Official Records at Page 64, Santa Clara County Records; thence from said POINT OF BEGINNING along the northwesterly line of said Parcel-1B the following courses: from a tangent bearing of S49°07’28”W along a curve to the left with a radius of 250.00 feet, through a central angle of 16°05’12” for an arc length of 70.19 feet; S33°02’16”W 67.71 feet and along a tangent curve to the right with a radius of 240.00 feet, through a central angle of 7°20’06” for an arc length of 30.72 feet to the TRUE POINT OF BEGINNING for this description; thence from said TRUE POINT OF BEGINNING, along said northwesterly line, from a tangent bearing of S40°22’21”W along a curve to the right with a radius of 240.00 feet, through a central angle of 18°45’09” for an arc length of 78.55 feet; thence leaving said northwesterly line NORTH 56.56 feet to a point in the southerly line of Monroe Street as shown on said Parcel Map; thence along said southerly line the following two courses: from a tangent bearing of N65°41’25”E along a curve to the left with a radius of 203.93 feet, through a central angle of 16°33’57” for an arc length of 58.96 feet and N49°07’28”E 20.09 feet; thence leaving said southerly line, from a tangent bearing of S16°52’22”W along a curve to the left with a radius of 131.00 feet, through a central angle of 22°28’59” for an arc length of 51.41 feet to the TRUE POINT OF BEGINNING.

Containing 3,133 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 1.0000479 to obtain ground level distances.

This description was prepared by me or under my direct supervision

[Signature]
licensed land surveyor

8/09/11
date

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

Coordinates, bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-HPEN, Epoch 1983.5. Distances are U.S. Survey Feet unless otherwise noted. Distances and bearings are grid distances. Multiply distances by 0.00000409 to obtain ground level distances.

**LEGEND**

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

7.c

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**CITY OF SAN JOSE**

**SEE DETAIL "A"**

**MACY'S PRIMARY REAL ESTATE, INC. SUCCESSOR BY MERGER WITH VAL-FAR SHOPPING CENTER**

**DOC. NO. 7335908-VAL-FAR SHOPPING CENTER DOC. NO. 12908450**

**N73°57'28"W(R) 1871 SQ. FT.**

**N69°18'50"W(R)**

**R-131,00'**

**Δ26°11'47"**

**L=60.12'(T)**

**R=184,00'**

**Δ03°45'33"**

**L=12.07'**

**R=176,00'**

**Δ14°25'51"**

**L=44.43'**

**R=240.00'**

**Δ07°20'06"**

**L=30.72'**

**R=240.00'**

**Δ07°20'06"**

**L=30.72'**

**P.O.B.**

**N69°18'50"W(R) 1871 SQ. FT.**

**N73°57'28"W(R) 1871 SQ. FT.**

**"ML" 78-00.13 BC**

**MAL**

**FINAL ORDER OF CONDEMNATION 6256 OR 64**

**ROUTE 880**

**LINE TABLE**

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**CURVE TABLE**

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**PLAT TO ACCOMPANY DESCRIPTION**

**LANDS OF MACY'S PRIMARY REAL ESTATE, INC. TO BE ACQUIRED BY SANTA CLARA VALLEY TRANSPORTATION AUTHORITY**

**PARCEL NO. 6282-1**

**DILLON SURVEYS, INC.**

**4526**

**DATE: 5/20/11**

**SCALE P = 40'**

**JOB 6x2064-00**

---

**DENNIS A. DILLON, PLS 4526**

**DILLON SURVEYS, INC.**

**4526**

**STATE OF CALIFORNIA**

---

---
This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutters' 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 1.0000479 to obtain ground level distances.

This description was prepared by me or under my direct supervision

[Signature]
licensed land surveyor

8/05/11
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, NAD 83, Epoch 1983.0. Distances are U.S. Survey Feet unless otherwise noted. Distances and elevations are grid distances. Multiply distances by 0.0000479 to obtain ground level distances.

циально, el número de parcela es 62382-2.

LEGEND
- ACCESS CONTROLLED
- AREAS TO BE CONVEYED
- DIMENSION POINT
- (XXXXX) = PARCEL NUMBER
- P.O.B. = POINT OF BEGINNING

LINE TABLE

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CURVE TABLE

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A-10495.3  SHEET 1 OF 1

PLAT TO ACCOMPANY DESCRIPTION

LANDS OF MACY'S PRIMARY REAL ESTATE, INC. TO BE ACQUIRED BY SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
PARCEL NO. 62382-2

DILLON SURVEYS, INC
1095 VINEYARD BLVD.
MORGAN HILL, CA 95037
(408) 778-3258

DILLON, Aug 09, 2011 - 10:42am M:\Projects\680-280\Parcels\6238202382-2 Plot.dwg
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-280/I-880/Stevens Creek Boulevard Improvements 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”, (62366-1), 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 January 5, 2012, by the following vote:

AYES: DIRECTORS

NOES: DIRECTORS

ABSENT: DIRECTORS

KEN YEAGER, Chairperson
Board of Directors

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

Dated: ________________

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

__________________________
KATHY PAUL
Interim General Counsel
EXHIBIT “A”

All that certain real property situate in the unincorporated area of Santa Clara County, State of California being Lot 42 as shown on Tract No. 590 Orchard Dell Tract, the map of which was filed for record in Book 20 of Maps at page 56, Santa Clara County Records.

Prepared by the firm of Dillon Surveys
Morgan Hill, California
Coordinates, bearings and distances are based on the California Coordinate System of 1883, Zone 3, CA-MGCN, Epoch 1983.35. Distances are U.S. Survey Feet. Unless otherwise noted, distances and stationing are grid distances. Multiply distances by 0.3048 to obtain ground level distances.

**Legend**
- **▲** = ACCESS CONTROLLED
- **□** = AREA TO BE CONVEYED
- ** pedigree** = DIMENSION POINT
- **<xxxxx>** = PARCEL NUMBER
- **P.O.B.** = POINT OF BEGINNING

**City of San Jose**

**Route 280**

**Route 880**

**Tract No. 590**
"Orchard Dell Tract"
20 M 56

**Tract No. 497**
"Bascum Manor"
18 M 30

**Curve Table**

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

**Dennis A. Dillon, PLS 4526**

**Plat to Accompany Description**

**Unincorporated County of Santa Clara, California**

**Dillon Surveys, Inc.**

**Date: 5/19/11**

**Scale: 1" = 40'**
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-280/I-880/Stevens Creek Boulevard Improvements 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”, (62367-1), 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 January 5, 2012, by the following vote:

AYES: DIRECTORS

NOES: DIRECTORS

ABSENT: DIRECTORS

__________________________________
KEN YEAGER, Chairperson
Board of Directors

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

Dated: _________________

__________________________________
SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

__________________________________
KATHY PAUL
Interim General Counsel
EXHIBIT "A"

All that certain real property situate in the unincorporated area of Santa Clara County, State of California being that certain parcel of land described in the Director's Deed from the State of California to Stephen Dyer and Florence S. Dyer, his wife recorded February 27, 1966 in Book 8037 of Official Records at page 407 Santa Clara County Records described as follows:

BEGINNING at the most southerly corner of said parcel conveyed to Dyer; thence from said POINT OF BEGINNING, along the southwesterly line of said parcel conveyed to Dyer N28°09'09"W 242.78 feet to a northerly corner of said parcel conveyed to Dyer; thence along the northerly line of said parcel conveyed to Dyer, from a tangent bearing of N24°47'24"E along a curve to the right with a radius of 20.00 feet, through a central angle of 78°39'00", for an arc length of 27.45 feet to a point of compound curvature in the northeasterly line of said parcel conveyed to Dyer; thence, along said northeasterly line, from a tangent bearing of S76°33'36"E along a curve to the right with a radius of 242.40 feet, through a central angle of 24°38'12" for an arc length of 104.23 feet to the northeast corner of said parcel conveyed to Dyer; thence along the easterly line of said parcel conveyed to Dyer S00°26'51"W 180.19 feet to the POINT OF BEGINNING.

Containing 11,963 square feet of land, more or less.

Bearings and distances used in the above descriptions are on the California Coordinate System of 1983, Zone 3, Epoch 1991.55. Multiply distances shown by 1.0000479 to obtain ground level distances.

This description was prepared by me or under my direct supervision

[Signature]

licensed land surveyor

[Stamp: PROFESSIONAL LAND SURVEYOR]

7/21/11 date

Prepared by the firm of Dillon Surveys
Morgan Hill, California
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-280/I-880/Stevens Creek Boulevard Improvements 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”, (62377-1), 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 January 5, 2012, by the following vote:

AYES: DIRECTORS
NOES: DIRECTORS
ABSENT: DIRECTORS

__________________________________
KEN YEAGER, Chairperson
Board of Directors

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

Dated: _________________

__________________________________
SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

__________________________________
KATHY PAUL
Interim General Counsel
EXHIBIT "A"

All that certain real property situate in the County of Santa Clara, State of California being a portion of Lot 518 as shown on the map of Tract No. 243, Bradley Manor-Unit No. 4 which map was filed for record in Book 8 of Maps at page 20, 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 parcel of land described as follows:

BEGINNING at the most westerly corner of said Lot 518; thence from said POINT OF BEGINNING, along the northwesterly line of said Lot 518, N46°29'00"E 54.99 feet to the most northerly corner of said Lot 518; thence along the northeasterly line of said Lot 518, S43°33'11"E 5.00 feet; thence leaving said northeasterly line, parallel to said northwesterly line S46°29'00"W 3.72 feet; thence leaving said parallel line, at right angles, N43°31'00"W 4.00 feet; thence, at right angles, S46°29'00"W 23.11 feet; thence, at right angles, S43°31'00"E 4.00 feet; thence parallel to said northwesterly line S46°29'00"W 28.16 feet to the intersection thereof with the southwesterly line of said Lot 518; thence leaving said parallel line, along said southwesterly line N43°33'43"W 5.00 feet to the POINT OF BEGINNING.

Containing 183 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 1.0000479 to obtain ground level distances.

This description was prepared by me or under my direct supervision

[Signature]

licensed land surveyor

7/25/11

date

Prepared by the firm of Dillon Surveys
Morgan Hill, California
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-280/I-880/Stevens Creek Boulevard Improvements 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”, (62378-1), 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 January 5, 2012, by the following vote:

AYES: DIRECTORS
NOES: DIRECTORS
ABSENT: DIRECTORS

________________________________
KEN YEAGER, Chairperson
Board of Directors

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

Dated: _________________

________________________________
SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

________________________________
KATHY PAUL
Interim General Counsel
EXHIBIT "A"

All that certain real property situate in the County of Santa Clara, State of California being a portion of Lot 519 as shown on the map of Tract No. 243, Bradley Manor-Unit No. 4 which map was filed for record in Book 8 of Maps at page 20, 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 parcel of land described as follows:

BEGINNING at the most westerly corner of said Lot 519; thence from said POINT OF BEGINNING, along the northwesterly line of said Lot 519, N46°29'00"E 54.99 feet to the most northerly corner of said Lot 519; thence along the northeasterly line of said Lot 519, S43°32'39"E 5.00 feet; thence leaving said northeasterly line, parallel to said northwesterly line S46°29'00"W 3.52 feet; thence leaving said parallel line N43°33'11"W 4.00 feet; thence parallel to said northwesterly line S46°29'00"W 22.12 feet; thence leaving said parallel line S43°33'11"E 4.00 feet; thence parallel to said northwesterly line S46°29'00"W 29.35 feet to the intersection thereof with the southwesterly line of said Lot 519; thence leaving said parallel line, along said southwesterly line N43°33'11"W 5.00 feet to the POINT OF BEGINNING.

Containing 186 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 1.0000479 to obtain ground level distances.

This description was prepared by me or under my direct supervision

[Signature]
licensed land surveyor

8/02/11

[Seal]

Prepared by the firm of
Dillon Surveys
Morgan Hill, California
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-280/I-880/Stevens Creek Boulevard Improvements 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”, (62380-1), 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.

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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 January 5, 2012, by the following vote:

AYES: DIRECTORS

NOES: DIRECTORS

ABSENT: DIRECTORS

__________________________________
KEN YEAGER, Chairperson
Board of Directors

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

Dated: ________________

__________________________________
SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

__________________________________
KATHY PAUL
Interim General 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 Grant Deed from PMG Holdings, Inc. to Ali Heidari, an unmarried man recorded June 29, 2007 as Recorder’s Document Number 19488927, 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 parcel of land described as follows:

BEGINNING at the most southerly corner of said parcel conveyed to Heidari; thence from said POINT OF BEGINNING, along the southwesterly and northwesterly lines of said parcel conveyed to Heidari the following two courses: N43°31′00″W 20.93 feet and N30°22′14″E 126.76 feet; thence leaving said northwesterly line, at right angles, S39°37′46″E 5.00 feet; thence parallel with and distant 5.00 feet southeasterly and northeasterly, measured at right angles, from above said courses with lengths of 126.76 feet and 20.93 feet the following two courses: S30°22′14″W 123.00 feet and S43°31′00″E 17.17 feet to the intersection thereof with the southeasterly line of said parcel conveyed to Heidari; thence leaving said parallel line, along said southeasterly line S46°29′00″W 5.00 feet to the POINT OF BEGINNING.

Containing 720 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 1.0000479 to obtain ground level distances.

This description was prepared by me or under my direct supervision

[Signature] 9/08/11 date

[Stamp]

Prepared by the firm of
Dillon Surveys
Morgan Hill, California
INTRODUCTION

This staff report is submitted for review by the Board of Directors prior to the recommended adoption of resolutions of necessity for the acquisition of property for the I-280/I-880/Stevens Creek Boulevard Improvements Project.

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

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

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

(Code of Civil Procedure Section 1245.230.)

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

Further, insofar as any of the property to be acquired has heretofore been dedicated to public use, the resolution of necessity will find that the acquisition of such property by VTA for the Project is for a more necessary public use to which the property has already been appropriated or is a compatible public use pursuant to Code of Civil Procedure Sections 1240.510 and 1240.610.
This report provides data and information addressing each of these items. Section 1 generally describes the public use for which the property is to be taken and sets forth the statutory authority for VTA’s exercise of eminent domain. Sections 3, 4, 5 and 6 provide facts pertinent to public interest and necessity and the planning and location of the I-280/I-880/Stevens Creek Boulevard Improvements Project. Section 7 contains a property data sheet and other material discussing the necessity for acquiring the specific property interests that are the subject of the resolutions of necessity. Section 2 provides information concerning the offers made to the property owners pursuant to Government Code Section 7267.2.

This evidentiary factual record will assist the Board in determining whether the four requirements of Section 1245.230, and the other requirements specified above as applicable, have been met. If the Board determines that those requirements have been established, it is recommended that the Board adopt a resolution of necessity for each of the parcels listed on the Board Meeting Agenda.
SECTION 1

GENERAL STATEMENT OF PUBLIC USE

The property that is the subject of the recommended resolution of necessity is to be taken for the construction of the I-280/I-880/Stevens Creek Boulevard Improvements Project (Project) in the City of San Jose. This project proposes to reconfigure the I-880/Stevens Creek Boulevard Interchange and construct the northbound I-280 to northbound I-880 direct connector ramp.

STATUTORY AUTHORIZATION FOR EXERCISE OF EMINENT DOMAIN

Under its enabling legislation, VTA is authorized to acquire property by eminent domain. Public Utilities Code Section 100130, which sets forth the general powers of VTA, provides in pertinent part that: “The district may take by grant, purchase, devise, or lease, or condemn in proceedings under eminent domain, or otherwise acquire, and hold and enjoy, real and personal property of every kind within or without the district necessary to the full or convenient exercise of its powers.” VTA is authorized by virtue of Public Utilities Code Section 100161(b) to acquire facilities necessary or convenient for vehicular transportation, and may exercise the power of eminent domain to acquire property for highway projects under Article I, Chapter 4, Division 1 of the Streets and Highways Code.

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

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

GOVERNMENT CODE OFFERS

The owner of the property that is the subject of the resolution of necessity was made an offer by VTA for the purchase of the property as required by Government Code Section 7267.2. Section 7267.2 states that:

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

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

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

(1) The date of valuation, highest and best use, and applicable zoning of property.

(2) The principal transactions, reproduction or replacement cost analysis, or capitalization analysis, supporting the determination of value.

(3) If appropriate, the just compensation for the real property acquired and for damages to remaining real property shall be separately stated and shall include the calculations and narrative explanation supporting the compensation, including any offsetting benefits.
(c) Where the property involved is owner-occupied residential property and contains no more than four residential units, the homeowner shall, upon request, be allowed to review a copy of the appraisal upon which the offer is based. The public entity may, but is not required to, satisfy the written statement, summary, and review requirements of this section by providing the owner a copy of the appraisal on which the offer is based.

(d) Notwithstanding subdivision (a), a public entity may make an offer to the owner or owners of record to acquire real property for less than an amount that it believes to be just compensation therefor if (1) the real property is offered for sale by the owner at a specified price less than the amount the public entity believes to be just compensation therefor, (2) the public entity offers a price that is equal to the specified price for which the property is being offered by the landowner, and (3) no federal funds are involved in the acquisition, construction, or project development.

(e) As used in subdivision (d), "offered for sale" means any of the following:
   (1) Directly offered by the landowner to the public entity for a specified price in advance of negotiations by the public entity.
   (2) Offered for sale to the general public at an advertised or published specified price, set no more than six months prior to, and still available at, the time the public entity initiates contact with the landowner regarding the public entity's possible acquisition of the property.

Each of the subject property owners was presented with the written offer and the basis for the offer -- the Appraisal Report. The Appraisal Report provided the following pertinent information: name of owner, property address, parcel and APN number, locale, zoning, present use, best use, total property area, area to be acquired, type of interest to be acquired, improvements and access impacted, damages incurred, comparable sales (including the location, date of sale and sales price of properties used in the appraisal process), total payment and a description of the market value analysis used to determine just compensation. The date that the offer was made to the property owner is specified on the Property Fact Sheet contained in Section 7 of this report.
SECTION 3

DESCRIPTION OF THE PROJECT

3.1 PROJECT OVERVIEW

The Project is located at the connection of SR-17, I-280 and I-880 freeways in the City of San Jose. The Project will:

- Improve traffic operations and safety on the freeways and local roadways in the area;
- Improve traffic circulation, and land uses for the neighborhoods, retail corridors and medical and shopping centers in the vicinity of the interchanges; and
- Reduce traffic congestion and delay in the project area.

3.2 DESCRIPTION OF THE PROJECT

3.2.1 Engineering Features

The two major components of the project include the reconfiguration of the I-880/Stevens Creek Boulevard Interchange and the construction of a direct connector ramp from northbound I-280 to northbound I-880.

Reconfiguration of I-880/Stevens Creek Boulevard Interchange:

The reconfiguration of I-880/Stevens Creek Boulevard Interchange improvements consist of the following elements:

a) Remove the existing loop off-ramp from northbound I-880 to westbound Stevens Creek Boulevard in the northeast quadrant of the interchange.

b) Remove the existing loop off-ramp from southbound I-880 to eastbound Stevens Creek Boulevard in the southwest quadrant of the interchange.

c) Remove the existing loop on-ramp from westbound Stevens Creek Boulevard to southbound I-880 in the northwest quadrant of the interchange.

d) Widen and realign the existing diagonal off-ramp to a tight diamond configuration from southbound I-880 to westbound Stevens Creek Boulevard.

e) Construct a dedicated lane directly onto Monroe Street from the realigned southbound I-880/Stevens Creek Boulevard off-ramp.

f) Reconfigure a portion of Monroe Street to accommodate the dedicated lane from the southbound I-880 off-ramp.

g) Realign and widen the southbound diagonal on-ramp from eastbound Stevens Creek Boulevard.
Boulevard to southbound I-880.

h) Realign and widen the existing off-ramp from northbound SR-17/I-880 and northbound I-280 to Stevens Creek Boulevard and realign to a spread diamond-configured off-ramp that intersects Stevens Creek Boulevard at approximately a 90-degree angle.

i) Widen the existing loop on-ramp from eastbound Stevens Creek Boulevard to northbound I-880 and realign the ramp entrance to provide a more pedestrian and bicycle friendly condition at the intersection with Stevens Creek Boulevard.

j) Realign the existing on-ramp from westbound Stevens Creek Boulevard to northbound I-880 westerly.

k) Widen the existing Stevens Creek Boulevard Overcrossing by varying width to accommodate the left turn lane from westbound Stevens Creek Boulevard to southbound I-880, designated bicycle lanes on both sides of Stevens Creek Boulevard, wider sidewalks and future Bus Rapid Transit (BRT).

l) Widen westbound Stevens Creek Boulevard from Di Salvo Avenue to the overcrossing (east side of the overcrossing) to provide for a third through lane.

m) Widen westbound Stevens Creek Boulevard from the overcrossing (west side of the overcrossing) to S. Monroe Street to provide for a fourth lane that would become the dedicated right turn lane to Monroe Street.

n) Widen eastbound Stevens Creek Boulevard from S. Monroe Street to the overcrossing (west side of the overcrossing) to provide for a third lane.

o) Provide Class 2 bicycle lanes in both directions on Stevens Creek Boulevard between Di Salvo Avenue and S. Monroe Street.

p) Reconstruct sidewalks on both sides of Stevens Creek Boulevard.

Construction of Northbound I-280 to Northbound I-880 Direct Connector Ramp:

Construction of northbound I-280 to northbound I-880 direct connector ramp involves the following elements:

a) Construct a flyover direct connector ramp adjacent to the existing northbound I-280 to southbound SR-17 connector ramp, starting north of the existing I-280/MacArthur Avenue Overcrossing to the existing southbound I-280 to northbound I-880 connector ramp. The new connector ramp would merge with the existing southbound I-280 to northbound I-880 connector ramp. The connector would be metered prior to merging with the southbound I-280 to northbound I-880 connector.

b) Realign the southbound I-280 to northbound I-880 connector ramp westerly for about 2 feet between the I-880 gore and the new northbound I-280 to northbound I-880 connector. Prior to merging with the northbound I-280 to northbound I-880 connector ramp, this connector ramp would be metered as a two-lane on-ramp. This ramp, after merging with the northbound I-280 to northbound I-880 connector ramp, would eventually merge onto the extended northbound I-880 auxiliary lane.

c) Extend the northbound I-880 auxiliary lane south from the northbound I-880/Stevens
Creek Boulevard on-ramp to the southbound/northbound I-280 to northbound I-880 connector ramps for approximately 1,200 feet.

**Improvements Common to the Two Components of the Build Alternative:**
Reconfiguration of I-880/Stevens Creek Boulevard Interchange and construction of the northbound I-280 to northbound I-880 direct connector ramp also includes the following improvements:

a) Construction of soundwalls;
b) Construction of retaining walls;
c) Modification of portions of northbound I-880 from south of the Stevens Creek Boulevard Overcrossing to the beginning (south side) of the Forest Avenue undercrossing.

### 3.2.2 Drainage

Existing drainage along I-880, from the SR-17/I-280/I-880 Interchange to the Forest Avenue undercrossing, gravity flows from south to north. Runoff, collected at the existing four I-880/Stevens Creek Boulevard Interchange quadrants, then converges into an existing 27-inch reinforced concrete pipe culvert, which runs longitudinally alongside the southbound I-880/Stevens Creek Boulevard diagonal off-ramp. The runoff is then conveyed into a pump station near Forest Avenue before eventually discharged into Guadalupe River near the San Jose International Airport.

The proposed drainage for I-880 will follow the existing drainage patterns. New inlets and biofiltration swales or closed culvert systems will be constructed where additional impervious surfaces are proposed. Inlets within the existing loop ramps at the southbound interchange quadrants will be relocated to accommodate the new southbound I-880/Stevens Creek Boulevard diagonal on- and off-ramps. The existing 27-inch culvert along the southbound Stevens Creek Boulevard diagonal off-ramp will be abandoned in place of a new 42-inch alternative pipe culvert. Other existing systems will be upsized where applicable. It is anticipated that the existing pump station is adequate of handling the additional flow from the proposed improvements.

Majority of the drainage runoff's at the SR-17/I-280/I-880 Interchange discharge to systems that run eastward (southbound) along I-280 before eventually discharged into Los Gatos Creek. However, some areas at the northeast quadrant of the SR-17/I-280/I-880 Interchange drain to the City of San Jose drainage system at Scott Street.

The proposed drainage for majority of the SR-17/I-280/I-880 Interchange will match the existing drainage patterns. Inlets and biofiltration swales or closed culvert systems along the proposed northbound I-280 to northbound I-880 freeway-to freeway connector ramp and other realigned ramps will be relocated to accommodate the new alignments. The systems that comingle with the City of San Jose system will be re-routed to Caltrans systems. Other existing systems will be upsized where applicable.
3.2.3 High Occupancy Vehicle (HOV) Lanes

Within the project limits, HOV lanes exist on I-280; however, there are no existing or proposed HOV mainline lanes on SR-17 or I-880. In addition, there are no existing or proposed HOV preferential lanes on I-280, SR-17 or I-880. The exception for no HOV preferential lanes within the project limits has been submitted to Caltrans.

3.2.4 Ramp Metering/Traffic Operations Systems

Ramp metering will be provided at the northbound and southbound I-880/Stevens Creek Boulevard on-ramps. These locations currently have ramp metering. Additionally, a new two-lane ramp meter would be installed at the existing southbound I-280 to northbound I-880 connector ramp while the proposed northbound I-280 to northbound I-880 connector ramp would be metered as a single-lane on-ramp.

All existing and operational traffic operations system elements and ramp metering equipment will be kept operational throughout the construction phase. Any traffic operations system elements that may be affected by this Project will be relocated, modified, or fully replaced as necessary.

3.2.5 Highway Planting

A Landscaped Freeway is a section of freeway, generally in urban areas, which has been landscaped within the State right of way. I-280 within PM 2.31 to 17.70, SR-17 within PM 6.07 to 13.95 and I-880 within PM 0.00 to 5.05 are classified “Landscaped Freeways” according to the State of California’s Classified “Landscaped Freeways” listing, dated June 24, 2009. The total length of Landscaped Freeway within the project limits is 0.80 mile.

The existing vegetation within the project limits is classified as ornamental/ruderal grassland habitat. This habitat is characterized by mulched chip landscaping and gravelly soils with patches dominated by iceplant, weedy grasses and ornamental trees. These trees are planted near the overpasses and the weedy grass species form the understory. Dense clusters of mature trees exist on the north side of I-280 between I-880 and Winchester Boulevard. There are no freeway plantings located in the median; concrete barrier separates the freeway.

In order to accommodate the proposed modifications to the I-880/Stevens Creek Boulevard and SR-17/I-280/I-880 interchanges, the existing vegetation on both sides of I-880, on northbound I-280 and on any of the on- and off-ramps to be modified or reconfigured will be removed. There may also be additional removal of existing vegetation within other areas of the I-880/Stevens Creek Boulevard and SR-17/I-280/I-880 interchanges for construction staging. Approximately 12 acres of landscaped area will be impacted, which includes the Classified Landscaped Freeway areas within I-280 and I-880.
There are areas where replacement planting can be re-established along the project limits. These areas include the I-880/Stevens Creek Boulevard interchange and the SR-17/I-280/I-880 interchange. Replacement planting is targeted to be implemented within two years after the highway construction is completed, under a separate replacement planting contract, and will have a three-year plant establishment period.

3.2.6 Erosion Control

All graded and disturbed areas will receive erosion control treatment to minimize surface erosion and to comply with Caltrans policy. For slopes steeper than 4:1, slope stabilization will be implemented, which may include placement of helical coil and netting stabilization or other means to stabilize surface slope.

During construction, temporary water pollution control measures will be implemented, which may include the use of temporary silt fence, retention of existing vegetation, temporary check dams, temporary plastic cover, temporary drainage inlet protection and temporary erosion control blanket.

3.2.7 Noise Barriers (Sound walls)

The existing soundwall along the northwest quadrant of the SR-17/I-280/I-880 interchange starting from the end of S. Daniel Way to Dudley Avenue will remain in place in accordance with the recommendation and conclusion of the Noise Study completed for this Project.

The Noise Abatement Decision Report, approved on April 14, 2010, recommended that the following new noise barriers be constructed:

1) A 14-foot-high and approximately 1,200-foot-long soundwall along the east side of S. Daniel Way that will terminate at the existing soundwall at the northwest quadrant of the SR-17/I-280/I-880 interchange.

2) A 6 to 12-foot-high and approximately 1,100-foot-long soundwall located between the northbound I-280 to northbound I-880 direct connector ramp and Parkmoor Avenue, starting west of MacArthur Avenue at approximately the same elevation as Parkmoor Avenue and then continuing up along the north side of the direct connector ramp.

3) A 10 to 14-foot-high and approximately 2,070-foot-long soundwall located between the northbound I-280 to northbound I-880/Stevens Creek Boulevard interchange ramps and the residential properties adjacent to Parkmoor Avenue, starting approximately 750 feet west of MacArthur Avenue and ending at Stevens Creek Boulevard.

3.2.8 Park and Ride Facilities

There is no existing State or VTA-owned Park and Ride facility within the project limits and no new Park and Ride facilities are proposed for this Project.
3.2.9 Non-Motorized and Pedestrian Features

The Project would provide for Class 2 bicycle lanes in both directions on Stevens Creek Boulevard between Di Salvo Avenue and S. Monroe Street. These lanes would complete one segment of the countywide bicycle master plan that will ultimately include 11 miles of bicycle lanes on Stevens Creek Boulevard/San Carlos Street between Cupertino on the west and Downtown San Jose on the east. The proposed bicycle lanes would vary from 6 feet to 8 feet in width. Appropriate bicycle detection technology would be provided to detect bicycles when vehicle traffic may not be present and appropriate signage and pavement delineation would be provided to alert motorists and assist bicyclists when bicyclists cross vehicular traffic.

The Project would reconstruct sidewalks on both sides of Stevens Creek Boulevard to provide for 12-foot-wide sidewalks with tree wells, except on the bridge where the minimum width provided would be 6 feet. New sidewalk along the north side of Stevens Creek Boulevard between the new northbound I-880 on-ramp intersection and Di Salvo Road would also be constructed. All ramp intersections would be squared up with Stevens Creek Boulevard as much as possible to make the crosswalks shorter. All intersection curb return radii are designed to allow no more than 15 mph (fastest path) for vehicular traffic. Pedestrian refuge areas would be constructed where appropriate. All pedestrian facilities will be designed to meet the latest Americans with Disabilities Act requirements.
SECTION 4

PURPOSE OF AND NEED FOR THE PROJECT

4.1 PURPOSE OF PROJECT

The project has the following purposes:

- Improve operations and safety on the freeways and local roadways in the vicinity of the closely-spaced I-880/Stevens Creek Boulevard and SR-17/I-280/I-880 interchanges.
- Improve traffic circulation between the I-280/I-880 freeway corridors and the land uses that are located in the vicinity of these interchanges, including residential neighborhoods in the Cities of San Jose and Santa Clara, several major shopping centers and retail corridors, and two hospitals.
- Reduce traffic congestion and delay in the project area.

4.2 NEED FOR PROJECT

Traffic congestion in the project area is significant due to a combination of high demand and limitations on capacity. These factors, in turn, lead to delays, lost productivity, higher emissions, and the increased potential for accidents. Specific factors include the following:

- **Substantial regional growth has occurred along the SR-17, I-880, and I-280 corridors.** Traffic volumes on these freeways have increased substantially as a result of the region’s growth.

- **Substantial residential and commercial growth has occurred in the area of the Stevens Creek Boulevard corridor.** Included in this growth are several expansions of a large regional shopping mall (Westfield Valley Fair) and the construction of a large mixed-use development (Santana Row). High traffic volumes have resulted from this growth.

- **Proximity of the SR-17/I-280/I-880 freeway-to-freeway interchange to the adjacent I-880/Stevens Creek Boulevard interchange, which connects to a major arterial street.** This requires substantial merging and weaving within short distances. When combined with high traffic volumes, the short merge and weave distances produce congestion and delay, which increases the potential for accidents to occur.

- **Substantial Peak-Period Congestion.** Significant weaving conflicts occur on the northbound I-880 collector-distributor roadway.

- **Deficiencies of the Cloverleaf Interchange Design at I-880/Stevens Creek Boulevard.** The full cloverleaf design results in operational and safety problems when traffic volumes are high, as is the situation at the I-880/Stevens Creek Boulevard interchange.
4.2.1 Traffic

Current and Forecasted Traffic

Alternatives in the Traffic Report:
The Traffic Operations Analysis Report prepared for the Improvements at SR-17/I-280/I-880 Interchange, I-280/Winchester Boulevard Interchange and I-880/Stevens Creek Boulevard Interchange project (TOAR) analyzed three primary 2035 alternatives, which included design variations for each alternative. The base improvements include the improvements conditioned for the Valley Fair Expansion, which were approved by the City of San Jose. These improvements include providing for second left turn lane at southbound Winchester Boulevard to eastbound Stevens Creek Boulevard and realignment of the north approaches at Santana Row and Baywood Avenue to eliminate the offsets in the geometry. The existing 3 through lanes along westbound Stevens Creek Boulevard, 2 left and 1 right turn bays at the intersection with Monroe Street, 1 left and right turn bays at the intersection with Baywood Avenue and 2 left and 1 right turn bays at the intersection with Santana Row will remain. The base improvements also include the construction of the dedicated access lane to Monroe Street from the southbound I-880 off-ramp to Stevens Creek Boulevard.

As a result of the initial circulation of the draft environmental document, input from the general public and concerns about nonstandard design features, alternatives that included the northbound I-280/Winchester Boulevard off-ramp design options have been eliminated from consideration. Hence, only the following alternatives are applicable for this Project:

- 2035 No Build – Existing plus Base improvements;
- 2035 No Build Option A – 2035 No Build excluding Monroe Street dedicated lane;
- 2035 Build 1 – Base + I-880/Stevens Creek Boulevard Interchange improvements;
- 2035 Build 1 Option A – 2035 Build 1 excluding Monroe Street dedicated lane

A complimentary local improvement to provide for a continuous westbound fourth lane as a shared through/right turn lane from west of the Stevens Creek Boulevard/Monroe Street intersection to just west of the Stevens Creek Boulevard/Winchester Boulevard intersection was evaluated against the existing westbound configuration which includes right turn bays. The operational analysis indicated only modest benefit during certain peak times. A more detailed design and geometric assessment would need to be conducted to balance future BRT and vehicular operations along Stevens Creek Boulevard.

Applicable Peak Hourly Volume from the TOAR:
The peak period demands were analyzed during the weekday AM, weekday PM and Saturday midday. The weekend peak period was also studied since significant congestion is experienced due to a number of retail developments located adjacent to the project site.
Applicable Weekday AM peak period from the TOAR for this Project:
Demand on I-880 is forecasted to increase by over 40 percent in the southbound direction and 10 percent in the northbound direction under 2035 No Build Alternatives. The demand for all study arterials will also increase significantly and that volumes on Stevens Creek Boulevard will experience approximately 100 percent increase at most locations.

Applicable Weekday PM peak period from the TOAR for this Project:
Demand on I-880 is forecasted to increase by 12 percent and 17 percent in the southbound and northbound direction respectively under 2035 No Build and 2035 Build 1 Alternatives. Approximately 20 percent to 90 percent increase in traffic demand is projected for the study arterials.

Applicable Saturday midday peak period from the TOAR for this Project:
Demand on I-880 is forecasted to increase by approximately 30 percent in the southbound direction and 20 percent in the northbound direction under 2035 No Build and Build 1 Alternatives.

The demand for all study arterials will also increase significantly. In particular, Stevens Creek Boulevard between Winchester Boulevard and the I-880 interchange will experience an increase of 30 to 40 percent.

HOV Data:
For northbound I-280 mainline, the projected 2035 AM peak is 16 percent and the PM peak is six percent. For southbound I-280 mainline, the projected 2035 AM peak is six percent and the PM peak is 15 percent.

4.2.2 Accident Rates and High Accident Location

Accident data for the freeway segments and associated ramps within the project area was obtained for the three-year period from April 1, 2006 to March 31, 2009 except for the associated ramps for I-280 where the accident data was obtained for the three-year period from January 1, 2006 to December 31, 2008. The accident data is broken down by either mainline or ramp locations.

Mainline Accident Information:
Although only the northbound I-280 segment has an accident rate greater than the statewide average for similar facilities, the rates on southbound I-880 and southbound I-280 are just below their respective state averages. In all cases, rear-ends represent the primary collision type (ranging between 48 and 70 percent) and speeding is the primary collision factor (44 to 65 percent). Weather or unusual conditions do not appear to have contributed significantly to the accident rates for any of the study segments. Two fatalities were reported on southbound I-280.

For most segments, about 30 percent of the accidents occurred between 6 a.m. and 10 a.m., 25 percent occurred between 3 p.m. and 7 p.m., and 15 percent occurred during the weekend. Notable exception includes southbound I-280 where about only 12 percent of the accidents
occurred between 6 a.m. and 10 a.m., but around 50 percent occurred between 3 p.m. and 7 p.m. For the weekends, higher percentages were observed on northbound I-280 (31 percent) and southbound I-880 (25 percent). These directional freeway segments are the ones most likely to experience congestion during the weekends.

**Ramp Accident Information:**
Only ramps that are to be re-aligned or that precede the proposed re-aligned ramps were reviewed. Based on the analysis, 11 of the 20 ramps reviewed have accident rates higher than the statewide average. Of the ramps with higher than average accident rates, ten ramps are within the I-880/Stevens Creek interchange and collector-distributor roadways. Of the ramps reported, there was no fatality involved.

The overall type of collision involved were rear ends, hit objects and sideswipes. The top three primary collision factors were speeding, improper turns and other violations. In some instances, alcohol was also a factor in the accident reported. Majority of the reported accidents occurred in the afternoon and early evening. Weather or unusual conditions do not appear to have contributed significantly to the accident rates.

**Higher than Statewide Average Fatality + Injury Accident Rate:**
Of the eight locations studied (between April 1, 2006 and March 31, 2009) with higher than statewide average F+I accident rates, one is along northbound I-280 between Meridian Avenue and Saratoga Avenue. Majority of the mainline accidents involved rear ends with speeding as the primary collision factor. Almost 70 percent of the accidents occurred on the weekday with 65 percent of the collisions occurring on the interior lanes. Approximately 90 percent of the accidents were proceeding straight before the collision.

The remaining seven locations are located within the I-880/Stevens Creek Boulevard Interchange. One of the accidents on I-880 is located outside of project limits (I-880 southbound off-ramp to southbound I-280, PM 0.091). Of the six that are within the project limits, the majority of the accidents involved rear ends with speeding as the primary collision factor. All were proceeding straight before the collision.

The projected reduction in congestion on northbound I-280 due to the proposed improvements at the northbound I-280 to northbound I-880 connector ramp and the reconfiguration of the northbound I-880/Stevens Creek Boulevard quadrant is expected to result in a reduction in rear-end collisions; thus, reducing the accident rate for the segment as well as the segment from Meridian Avenue to the I-880/SR-17 junction. The reconfiguration of the existing full cloverleaf interchange at I-880/Stevens Creek Boulevard, which will eliminate the merging/weaving conflicts, will expectedly reduce congestion and in turn should result in a reduction in rear-end collisions on the interchange ramps; thus, reducing the accident rates at these locations.
SECTION 5
PROJECT PLANNING

5.1 CURRENT STATUS OF THE PROJECT

5.1.1 Project History

In January 2002, the City of San Jose initiated a Project Study Report (PSR) to address only the northbound congestion at the I-880/Stevens Creek Boulevard interchange. The PSR studied three alternatives: a “No Build” alternative, an at-grade improvement alternative and a grade separation alternative. The Project was discontinued as Caltrans and VTA decided to study a more comprehensive solution for the area.

In July 2003, VTA prepared a Conceptual Engineering Report for the entire I-880/Stevens Creek Boulevard and the SR-17/I-280/I-880 interchanges. The report presented five alternatives and concluded that the common improvements needed for the interchanges included the following:

1. Widening of Stevens Creek Boulevard overcrossing,
2. Reconfiguration of the northbound I-880/Stevens Creek Boulevard interchange quadrants to a partial cloverleaf configuration,
3. Conversion of the southbound I-880/Stevens Creek Boulevard interchange quadrants to a tight diamond configuration, and
4. Addition of an auxiliary lane for the northbound I-280 to northbound I-880 connector ramp.

On March 27, 2008, VTA completed a corridor study on I-880 between US 101 and I-280. The study considered the feasibilities of widening the freeway to provide either High Occupancy Vehicle (HOV) lanes or auxiliary lanes, in either direction. The I-880/Stevens Creek Boulevard and SR-17/I-280/I-880 interchanges were within the limits of this study. Analysis was conducted using a network micro-simulation model (CORSIM) that covered both freeway and arterial network elements. The concept of providing an off-ramp to Winchester Boulevard from northbound I-280 was developed from the corridor study; however, the traffic operations analyses were not performed then. The Traffic Operations Analysis Report prepared for the Improvements at SR-17/I-280/I-880 Interchange, I-280/Winchester Boulevard Interchange and I-880/Stevens Creek Boulevard Interchange project analyzed the traffic operations for the northbound I-280/Winchester Boulevard off-ramp. The analysis, results, and tools from the I-880 Corridor Study were used as the basis for the Traffic Operations Analysis Report conducted for this Project.
The PSR for the improvements at SR-17/I-280/I-880 Interchange, I-280/Winchester Boulevard Interchange and I-880/Stevens Creek Boulevard Interchange was approved on October 29, 2010. The PSR contained a No-Build and one Build Alternative. The build alternative in the approved PSR consisted of the reconfiguration of the I-880/Stevens Creek Boulevard interchange, construction of a direct connector ramp from northbound I-280 to northbound I-880, and a connection to Winchester Boulevard from northbound I-280 with two design options.

On November 3, 2010, a Draft Project Report (DPR) for the improvements at SR-17/I-280/I-880 Interchange, I-280/Winchester Boulevard Interchange and I-880/Stevens Creek Boulevard Interchange was approved. The DPR evaluated the same alternatives (No-Build and one Build Alternative with two design options) as in the approved PSR. A public hearing was held on December 8, 2010. Several public and adjacent property owners were opposed to the five-legged design option due to the resulting changes in local traffic circulation and property access. Caltrans had concerns about nonstandard design features associated with the hook ramp design option. Due to lack of support for both of the design options, the connection to Winchester Boulevard from northbound I-280 was dropped from the Project. Hence, a Supplemental Draft Project Report was prepared to consider a build alternative consisting of only the I-880/Stevens Creek Boulevard interchange reconfiguration and construction of a direct connector ramp from northbound I-280 to northbound I-880. The Supplemental Draft Project Report was approved on April 14, 2011.

5.1.2 Community Interaction

The City of San Jose has expressed its support for the Project and city representatives have attended Project Development Team meetings.

An Environmental Scoping Meeting was held on January 28, 2009 to discuss the planned improvements and seek input from the community. This meeting was organized by VTA, Caltrans, City of San Jose and consultant staff. Local elected officials, residents and local business representatives attended the meeting.

Separate meetings with the Eden Neighborhood Association, Lynhaven Neighborhood Association, Burbank Community Association, Winchester Neighborhood Action Coalition, and Westfield Valley Fair Shopping Center and Santana Row owners/operators were held in 2009.

Updated project information such as schedule of approvals, construction and listing of upcoming public meetings, including contact information for comments and questions, are available to the public via the VTA website.

A Public Hearing was held on December 8, 2010 for the proposed improvements at SR-17/I-280/I-880 Interchange, I-280/Winchester Boulevard Interchange and I-880/Stevens Creek Boulevard Interchange. This meeting was organized by VTA, Caltrans, City of San Jose and consultant staff. Local elected officials, residents and local business representatives attended the meeting. The northbound I-280/Winchester Boulevard interchange component of the build alternative was dismissed due to comments received during the draft environmental document
circulation and Caltrans concerns on the nonstandard design features for a hook ramp design. It was decided that a revised & re-circulated draft environmental document would replace and supersede the earlier draft in its entirety and that comments submitted on the November 2010 draft environmental document would not be responded to. As required by CEQA guideline, a notice to this decision was sent to all that commented on the earlier draft.

The Project was presented to VTA’s Bicycle & Pedestrian Advisory Committee during the February 9, 2011 meeting.

The revised draft environmental document was made available for public review and comment during the 30-day circulation period (April 18, 2011 through May 18, 2011). The public hearing to review the remaining viable alternatives was held at Castlemont Elementary School on May 4, 2011. More than 40 members of the community attended and nine provided verbal comments. In addition to the oral comments, 20 written comments were received during the circulation period of the revised & re-circulated draft environmental document. Based on all the comments received, revisions (corrections and clarifications) were made to the Environmental Document and the Final Environmental Document was approved on July 8, 2011.

5.2 ALTERNATIVES THAT WERE STUDIED BUT NOT ADOPTED

5.2.1 No Build Alternative

The No-Build Alternative includes all currently planned and programmed projects in the project area. It assumes that the proposed project, in its entirety, will not be built. This alternative provides a basis of comparison with the build alternatives in the future analysis year.

5.3 CONFORMANCE WITH RELEVANT PLANS, GOALS, AND POLICIES

5.3.1 Identify Systems

I-280 and I-880 are part of the Federal-Aid Interstate System, which in turn is part of a belt route around the San Francisco Bay Area (i.e. I-80, I-880 and I-280). Within the project area, I-280 and I-880 are located entirely within an urbanized area.

5.3.2 Federal Planning

The SAFETEA-LU Act, enacted in August 2005 as the reauthorization of TEA-21, provided partial funding for this Project. This federal surface transportation act authorized billions in spending for the six-year period between 2004 and 2009 for numerous surface transportation programs such as highways, transit, freight, safety and research.

5.3.3 State Planning
The Governor’s SGP (Strategic Growth Plan 2006) calls for an infrastructure improvement program that includes a major transportation component (GoCalifornia). The SGP is based on the premise that investments in mobility throughout the system will yield significant improvements in congestion relief. It calls for transportation infrastructure improvements that are designed to decrease congestion, improve travel times and safety, while accommodating growth in the economy and population.

State Proposition 1B, enacted by Senate Bill 1266 and approved by California voters in November of 2007, gave the State authority to sell approximately $20 billion of general obligation bonds to fund transportation projects that are consistent with the purposes of the Governor’s Strategic Growth Plan over the next ten years.

On March 15, 2007, the CTC adopted Resolution CMIA-P-0607-02. In Sections 2.12 and 2.13 of this resolution, the CTC resolved that “the Commission expects Caltrans and regional agencies to preserve the mobility gains of urban corridor capacity improvements over time that will be described in Corridor System Management Plans (CSMPs)” A CSMP is a transportation planning document that will study the facility based on comprehensive performance assessments and evaluations. The strategies are phased and include both operational and more traditional long-range capital expansion strategies. The strategies take into account transit usage and projections and interactions with arterial network and connection to State Highways. Each CSMP presents an analysis of existing and future traffic conditions and proposes traffic management strategies and capital improvements to maintain and enhance mobility within each corridor. The SR-17/I-280/I-880 Interchange Project is acknowledged as part of the corridor management strategy for I-880, as noted in the I-880 CSMP completed by Caltrans in September 2010.

5.3.4 Regional Planning

Metropolitan Transportation Commission (MTC) functions as both the regional transportation planning agency — a state designation – and, for federal purposes, as the region's metropolitan planning organization (MPO). As the MPO for the nine-county San Francisco metropolitan area, MTC is responsible for regularly updating the region’s Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle and pedestrian facilities. The Commission also screens requests from local agencies for state and federal grants for transportation projects to determine their compatibility with the plan. MTC also plays a major role in building regional consensus among the region’s transit systems. State and federal laws have given MTC a key role in financing Bay Area transportation improvements. MTC’s currently approved Regional Transportation Plan (T2035) lists programmed and planned projects within a 25-year planning horizon. The I-880/I-280/Stevens Creek Boulevard interchange improvements project was listed in the T2035 Plan. The proposed Project is also included in MTC’s 2011 Transportation Improvement Plan (TIP).

5.3.5 Local Planning

VTA’s Valley Transportation Plan (VTP) 2035 is the countywide transportation plan for Santa
Clara County for the next 25 years. It was adopted by the VTA Board of Directors in January 2009. The plan includes the countywide vision for transportation, support for the regional (Bay Area) vision for transportation and outline transportation planning projects and programs for Santa Clara County. This project is listed as project #H73 (I-280/I-880/Stevens Creek Boulevard Interchange Improvements) and #H70 (I-280 Northbound Winchester Boulevard Interchange Improvements) with $64 million and $59 million VTP allocation in 2008 dollars, respectively.

A Bus Rapid Transit (BRT) project on the Stevens Creek Boulevard/San Carlos Street Corridor from Diridon Station in Downtown San Jose to De Anza College in Cupertino is in its development stage. The BRT project is listed in VTA’s VTP 2035. The proposed widening of the Stevens Creek Boulevard overcrossing would accommodate the future traffic demand as well as future implementation of BRT along Stevens Creek Boulevard.
SECTION 6

ENVIRONMENTAL REVIEW

A combined Revised and Re-circulated Draft Environmental Impact Report and Environmental Assessment (EIR/EA) document was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA), respectively. Following receipt of public comments on the draft EIR/EA and preparation of the final environmental document, Caltrans has certified that the Project complies with CEQA and adopted findings for all significant impacts identified. A Finding of No Significant Impact (FONSI) was issued by Caltrans in accordance with NEPA. The Final EIR/EA was approved on July 8, 2011.

The following detailed technical studies, and relevant addendums, have been prepared to support the Environmental Document:

- Air Quality Report
- Archaeological Survey Report
- Community Impact Assessment
- Historic Properties Survey Report
- Historic Resources Evaluation Report
- Initial Site Assessment
- Mobile Source Air Toxics Report
- Natural Environment Study
- Noise Study Report
- Noise Abatement Decision Report
- Preliminary Geotechnical Report
- Relocation Impact Memorandum
- Traffic Operations Analysis Report
- Storm Water Data Report
- Visual Impact Assessment
- Water Quality Report
SECTION 7

SPECIFIC PROPERTY ACQUISITIONS

The following property interests are required for the Project. Detailed property fact sheets and pictures follow. In general, overall property requirements and project related costs were minimized as much as possible. Notices of Intention to Adopt Resolutions of Necessity were sent to the owners of Parcels 62366, 62367, 62377, 62378, 62380 and 62382 on November 18, 2011.
I-280/I-880/STEVENS CREEK BLVD IMPROVEMENTS PROJECT

PROPERTY FACT SHEET – 62366-1

Owner: Brian A. McBerry and Kimberly A. McBerry
Property Address: 517 Parkmoor Avenue
Locale: San Jose, California
Zone: R-1 – Single Family Residential

Present Use: Single Family Residence
Total Property Area: 8,401 sq. ft.
Area to be Acquired: 8,401 sq. ft. – Fee Take
Improvements to be Acquired: Single family residence, concrete curb, fencing and landscaping
Date of Offer: October 4, 2011

PARCEL 62366-1: Brian A. McBerry and Kimberly A. McBerry

The subject property is located at 517 Parkmoor Avenue and is under the ownership of Brian A. McBerry and Kimberly A. McBerry. The property is improved with a single family residence.

In order to construct the direct connector ramp from northbound I-280 to northbound I-880, a full-take of 8,401 square feet is required.

Improvements situated within the acquisition area include a single family residence, which will require the owner-occupants to be permanently relocated. The property owners have been notified and will be relocated in accordance with federal and state relocation requirements.
Figure 1
I-280/I-880/STEVENS CREEK BOULEVARD IMPROVEMENTS PROJECT

PROPERTY FACT SHEET – 62367-1

Owner: Stephen Dyer, Trustee, Andrea M. Worley, Co-Trustee and Margo V. Fancher, Co-Trustee

Property Address: 501 Parkmoor Avenue
Locale: San Jose, California
Zone: R-1 – Single Family Residential

Present Use: Single Family Residence

Total Property Area: 11,963 sq. ft.

Area to be Acquired: 11,963 sq. ft. – Fee Take

Improvements to be Acquired: Single family residence, concrete curb, fencing and landscaping

Date of Offer: September 30, 2011

PARCEL 62367-1: Stephen Dyer, Trustee, Andrea M. Worley, Co-Trustee and Margo V. Fancher, Co-Trustee

The subject property is located at 501 Parkmoor Avenue and is under the ownership of Stephen Dyer, Trustee, Andrea M. Worley, Co-Trustee and Margo V. Fancher, Co-Trustee. The property is improved with a single family residence.

In order to construct the direct connector ramp from northbound I-280 to northbound I-880, a full-take of 11,963 square feet is required.

Improvements situated within the acquisition area include a single family residence, which will require the two tenant-occupants to be permanently relocated. The tenants have been notified and will be relocated in accordance with federal and state relocation requirements.
Figure 2
PARCEL 62377-1: Linda K. Kincaid

The subject property is located at 2579 Los Coches Avenue and is under the ownership of Linda K. Kincaid. The property is improved with a single family residence.

In order to construct a soundwall along the northbound I-880 to Stevens Creek Boulevard off-ramp, a temporary construction easement of 183 square feet is required.

Improvements situated within the acquisition area include wooden fencing.
Figure 3
## I-280/I-880/STEVENS CREEK BLVD IMPROVEMENTS PROJECT

### PROPERTY FACT SHEET – 62378-1

<table>
<thead>
<tr>
<th><strong>Owner:</strong></th>
<th>Adam Hughes and Tracy Hughes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Property Address:</strong></td>
<td>2571 Los Coches Avenue</td>
</tr>
<tr>
<td><strong>Locale:</strong></td>
<td>San Jose, California</td>
</tr>
<tr>
<td><strong>Zone:</strong></td>
<td>R-1 – Single Family Residential</td>
</tr>
<tr>
<td><strong>Present Use:</strong></td>
<td>Single Family Residence</td>
</tr>
<tr>
<td><strong>Total Property Area:</strong></td>
<td>5,767 sq. ft.</td>
</tr>
<tr>
<td><strong>Area to be Acquired:</strong></td>
<td>186 sq. ft. – Temporary Construction Easement</td>
</tr>
<tr>
<td><strong>Improvements to be Acquired:</strong></td>
<td>Landscaping and wood fencing</td>
</tr>
<tr>
<td><strong>Date of Offer:</strong></td>
<td>October 4, 2011</td>
</tr>
</tbody>
</table>

### PARCEL 62378-1: Adam Hughes and Tracy Hughes

The subject property is located at 2571 Los Coches Avenue and is under the ownership of Adam Hughes and Tracy Hughes. The property is improved with a single family residence.

In order to construct a soundwall along the northbound I-880 to Stevens Creek Boulevard off-ramp, a temporary construction easement of 186 square feet is required.

Improvements situated within the acquisition area include landscaping and wooden fencing.
Figure 4
Owner: Ali Heidari
Property Address: 2510 Stevens Creek Boulevard
Locale: San Jose, California
Zone: CO – Commercial Office
Present Use: Office/Commercial
Total Property Area: 18,731 sq. ft.
Area to be Acquired: 720 sq. ft. – Temporary Construction Easement
Improvements to be Acquired: Landscaping
Date of Offer: October 6, 2011

PARCEL 62380-1: Ali Heidari

The subject property is located at 2510 Stevens Creek Boulevard and is under the ownership of Ali Heidari. The property is improved with an office building.

In order to construct a soundwall along the northbound I-880 to Stevens Creek Boulevard off-ramp, a temporary construction easement of 720 square feet is required.

Improvements situated within the acquisition area include landscaping.
Figure 5
I-280/I-880/STEVENS CREEK BLVD IMPROVEMENTS PROJECT

PROPERTY FACT SHEET – 62382-1, -2 & -3

Owner: Macy’s Primary Real Estate, Inc.
Property Address: 2801 Stevens Creek Boulevard
Locale: San Jose, California
Zone: CG – Commercial General

Present Use: Commercial
Total Property Area: 67.328 Ac.

Area to be Acquired:
- 1,871 sq. ft. – Fee
- 4,297 sq. ft. – Fee
- 3,133 sq. ft. – Temporary Construction Easement

Improvements to be Acquired: Asphalt, curbs, landscaping, parking
Date of Offer: September 30, 2011

PARCEL 62382-1, -2 & -3: Macy’s Primary Real Estate, Inc.

The subject property is located at 2801 Stevens Creek Boulevard and is under the ownership of Macy’s Primary Real Estate, Inc. The property is improved with a shopping mall.

In order to accommodate a dedicated lane from the southbound I-880 off-ramp to Monroe Street, two partial property acquisitions, totaling 6,168 sq. ft. in fee, are required. Improvements situated within the first fee-take include asphalt, concrete curbs and landscaping. The second fee take is encumbered by a roadway easement granted to the City of San Jose.

A temporary construction easement of 3,133 square feet is also required. Improvements situated within the acquisition area include two parking spaces.
CALL TO ORDER

The Regular Meeting of the Santa Clara Valley Transportation Authority (VTA) Board of Directors was called to order by Chairperson Abe-Koga at 8:40 a.m. in the Board of Supervisors’ Chambers, County Government Center, 70 West Hedding Street, San José, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Margaret Abe-Koga</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Marshall Anstandig</td>
<td>Alternate Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Xavier Campos</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Dave Cortese</td>
<td>Ex-Officio Board Member</td>
<td>Absent</td>
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<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>
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<tr>
<td>Liz Kniss</td>
<td>Board Member</td>
<td>Absent</td>
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<tr>
<td>Rich Larsen</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Sam Liccardo</td>
<td>Board Member</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>Present</td>
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<tr>
<td>Chris Moylan</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Chuck Page</td>
<td>Board Member</td>
<td>Present</td>
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<tr>
<td>Nancy Pyle</td>
<td>Alternate Board Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Chuck Reed</td>
<td>Board Member</td>
<td>Present</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>Vice Chairperson</td>
<td>Present</td>
</tr>
</tbody>
</table>

* Alternates do not serve unless participating as a Member.

A quorum was present.

Chairperson Abe-Koga noted Agenda Item #2.A, Anticipated Litigation - Conference with Legal Counsel, was resolved and removed from the Closed Session Agenda.
2. RECESSED TO CLOSED SESSION at: 8:42 a.m.
   A. (Removed from the Agenda.)

       Anticipated Litigation - Conference with Legal Counsel
       [Government Code Section 54956.9(c)]

       Initiation of litigation pursuant to subdivision (c) of Section 54956.9: One case
       involving Piper Drive Utility Relocations and City of Milpitas

   B. Public Employee Appointment
       [Government Code Section 54957]
       1) General Counsel
       2) Interim General Counsel

       Alternate Board Member Matthews arrived at the meeting at 8:53 a.m.
       and entered Closed Session.

       Board Member Herrera arrived at the meeting at 8:54 a.m.
       and entered Closed Session.

RECONVENED TO OPEN SESSION at: 8:55 a.m.

3. CLOSED SESSION REPORT
   A. (Removed from the Agenda.)

       Anticipated Litigation - Conference with Legal Counsel
       [Government Code Section 54956.9(c)]

       Initiation of litigation pursuant to subdivision (c) of Section 54956.9: One case
       involving Piper Drive Utility Relocations and City of Milpitas.

   B. Public Employee Appointment
       [Government Code Section 54957]
       1) General Counsel
       2) Interim General Counsel

       Chairperson Abe-Koga stated Closed Session will be continued later in the
       meeting.

4. AWARDS AND COMMENDATION
   A. Resolutions of Appreciation for outgoing Board Members Larsen and Page

       Board Member Larsen expressed appreciation to the Board and VTA staff for the
       experience and noted he was grateful to be a part of major projects and proud to
       be given a voice.
Board Member Kalra took his seat at 9:07 a.m.

Board Member Page commended the Board for always working together toward the right objectives and expressed appreciation to VTA Staff for their assistance.

Chairperson Abe-Koga announced Board Member Moylan’s term as a regular Board member is ending but he may continue to serve on the Board as an alternate member.

Board Member McHugh thanked the Michael T. Burns, General Manager, and Kevin Allmand, General Counsel, for working with the City of Milpitas to resolve the Piper Drive Utility Relocations issue.

Alternate Board Member McHugh relinquished his seat to Board Member Woodward at 9:12 a.m.


B. Resolution of Appreciation for outgoing VTA General Counsel, Kevin D. Allmand

M/S/C (Herrera/Yeager) to adopt a Resolution No. 2011.12.41 for outgoing VTA General Counsel, Kevin D. Allmand.

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

CAC Chairperson, Charlotte Powers, introduced Clinton Brownley, who was elected to serve as the CAC Chairperson for 2012, and announced William Hedaya was elected as Vice Chairperson for 2012. Chairperson Powers provided a brief report from the CAC meeting, highlighting; 1) VTP 2040 and constrained list of projects, and 2) Cooperative finance agreements between VTA and Alameda County Transportation Commission (ACTC).

Alternate Board Member Matthews relinquished his seat to Board Member Moylan at 9:15 a.m.

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

PAC Chairperson, Joe Pirzynski, provided a brief report from the PAC meeting, highlighting; 1) Criteria used to evaluate and select projects for TFCA program, 2) iDistrict - Proposed Caltrans District for Santa Clara County, 3) Caltrain and High Speed Rail blended system study, 4) Valley Transportation Plan (VTP) and Regional Transportation Plan (RTP), and 5) Proactive Congestion Management Program (CMP) report.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
7. ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON FOR 2012

Chairperson Abe-Koga indicated Ken Yeager expressed interest in serving as Chairperson for 2012 and Joe Pirzynski expressed interest in serving as Vice Chairperson for 2012.

Chairperson Abe-Koga opened the nominations from the floor for the positions of Chairperson and Vice Chairperson for 2012 and there were no further nominations.

M/S/C (Page/Larsen) to close nominations.

M/S/C (Larsen/Liccardo) to elect Ken Yeager to serve as VTA Board of Directors Chairperson for a term extending from January 2012 through December 2012 and to elect Joe Pirzynski to serve as VTA Board of Directors Vice Chairperson for a term extending from January 2012 through December 2012.

8. PUBLIC PRESENTATIONS

Ross Signorino, Interested Citizen, thanked Mr. Burns for his guidance and leadership and innovative ways of utilizing the infrastructure for transportation.

James Wightman, Interested Citizen, questioned the completion on construction at the San Jose Caltrain light rail station, and the effective date of January service changes.

Mr. Burns stated Caltrain construction is expected to be complete in January and the Service changes go into effect on January 9, 2012.

Jim Fink, Interested Citizen, expressed concern with being escorted off of a bus for intervening in a situation involving customers who were being rude to other passengers.

Mr. Burns extended an apology to Mr. Fink, and indicated staff will check the recording if available, and provide follow-up.

The Agenda was taken out of order.

4. AWARDS AND COMMENDATIONS (Continued)

Chairperson Abe-Koga announced Board Member Moylan would not be returning to the Board as an alternate as previously reported.

Board Member Moylan expressed appreciation to Board and thanked them for supporting the creation of a sales tax stabilization fund and hopes it will be utilized to help maintain service levels if needed.

Chairperson Abe-Koga expressed her appreciation for Board Member Moylan’s service on the PAC and the Board.

9. ORDERS OF THE DAY

Chairperson Abe-Koga announced the meeting will adjourn in memory of Steve Glickman, Sheila Concepcion, and Officer Rodney Scott Rancourt.
Board Member Moylan shared kind words and expressed appreciation for Mr. Glickman’s guidance, and noted several contributions he made to PAC and VTA.

Board Member Liccardo requested Item # 16., Approve the 2012 Legislative Program for the Santa Clara Valley Transportation Authority (VTA), be removed from the Consent Agenda and placed on the Regular Agenda.

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

### CONSENT AGENDA

10. **Regular Meeting Minutes of November 3, 2011**

   M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to approve the Board of Directors Regular Meeting Minutes of November 3, 2011. Board Member Reed abstained.

**Administration and Finance Committee**  
*Items submitted for the Consent Agenda by the Administration and Finance Committee.*

11. **Fiscal Year 2012 Quarterly Statement of Revenues and Expenses for the period ending September 30, 2011.**

   M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to review and accept the Fiscal Year 2012 Quarterly Statement of Revenues and Expenses for the period ending September 30, 2011. Board Member Reed abstained.

12. **BPAC Appointments**

   M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to ratify the appointment of Wesley (Wes) Brinsfield to the Bicycle & Pedestrian Advisory Committee representing the City of Los Altos for the remainder of the term ending June 30, 2012 and for the new term ending June 30, 2014. Board Member Reed abstained.

13. **CTA Appointments**

   M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to approve the appointment of Kathy Bonilla to the Committee for Transit Accessibility representing persons with disabilities for the two-year term ending December 31, 2013. Board Member Reed abstained.

14. **VTA BART Operating and Maintenance Transactions and Use Tax Ordinance**

   M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to 1) Adopt a Resolution No. 2011.12.42 authorizing the General Manager to execute agreements with the State Board of Equalization to prepare and administer the administration of, the VTA BART Operating and Maintenance Transactions and Use Tax Ordinance; and, 2) Adopt a
separate Resolution No. 2011.12.43 authorizing VTA's transaction and use tax auditor, MuniServices, LLC and designated VTA staff to examine transaction and use tax records; and, 3) Approve an increase of $175,000 to the Adopted FY 2012 or FY 2013 BART Operating Sales Tax Program Budget, depending on the actual start date of the VTA BART Operating and Maintenance Transactions and Use Tax. Board Member Reed abstained.

15. **Full Funding Grant Agreement (FFGA) United States Department of Transportation**

M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to adopt a Resolution No. 2011.12.44 authorizing the General Manager to execute a Full Funding Grant Agreement (FFGA) with the United States Department of Transportation, Federal Transit Administration (FTA) to support the design and construction of the Silicon Valley Berryessa Extension Project (SVBX) up to a maximum federal New Starts financial contribution of $900 million in capital New Starts funds. Board Member Reed abstained.

16. (Removed from Consent and placed on the regular Agenda.)

Approve the 2012 Legislative Program for the Santa Clara Valley Transportation Authority (VTA).

**Transit Planning and Operations Committee**

*Items submitted for the Consent Agenda by the Transit Planning and Operations Committee.*

17. **Semi-Annual Report for the Facilities Program**

M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to receive the Semi-Annual Report for the Facilities Program for the period ending September 30, 2011. Board Member Reed abstained.

**Congestion Management Program and Planning Committee**

*Items submitted for the Consent Agenda by the Congestion Management Program and Planning Committee.*

18. **Eligible list of consultants**

M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to approve an eligible list of consultants to perform highway planning and engineering, transit engineering, and facilities architecture and engineering services for a variety of projects. The list will be valid for a five-year period. Board Member Reed abstained.

19. **Transportation Fund for Clean Air (TFCA) Program Manager Fund**

M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to review and approve the criteria used to evaluate and select projects for the Transportation Fund for
20. **2011 VTA Congestion Management Program (CMP)**
   
   M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to adopt the 2011 VTA Congestion Management Program. Board Member Reed abstained.

21. **Proactive CMP Quarterly Report for July through September 2011**
   
   M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to receive the Proactive CMP Quarterly Report for July through September 2011. Board Member Reed abstained.

22. **Programmed Projects Quarterly Monitoring Report for July-September 2011**
   
   M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to receive the Programmed Projects Quarterly Monitoring Report for July-September 2011. Board Member Reed abstained.

23. **New Model for Caltrans Services for Santa Clara County**
   
   M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to receive a report on proposed New Model for Caltrans Services for Santa Clara County. Board Member Reed abstained.

**Audit Committee**

*Items submitted by the Audit Committee for the Consent Agenda.*

   
   M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to review and receive the audited Comprehensive Annual Financial Report for the Santa Clara Valley Transportation Authority, and the Santa Clara Valley Transportation Authority Amalgamated Transit Union Pension Plan Report for Fiscal Year 2011. Board Member Reed abstained.

   
   M/S/C (Larsen/Liccardo) on a vote of 10 ayes to 0 no to 1 abstention to review and receive the Audited Financial Report for Fiscal Year 2011 of the Santa Clara Valley Transportation Authority Retirees’ Other Post Employment Benefits Trust (Trust). Board Member Reed abstained.
26. **REPORT FROM THE GENERAL MANAGER**

Mr. Burns thanked Directors Larsen, Page, and Moylan for their valuable contributions to VTA. He expressed appreciation for Chairperson Abe-Koga’s service and hard work in 2011. He welcomed Vice Chairperson Yeager and Mr. Pirzynski as Chairperson and Vice Chairperson for 2012. Mr. Burns thanked Mr. Allmand for his many years of service to VTA and wished him well.

Mr. Burns provided a report, highlighting: 1) Ridership for October 2011 and growth in Clipper usage, 2) January 2012 service changes, which includes the introduction of new hybrid buses for express bus service and a new route to Fremont BART, 3) Participation in several events including, Veteran’s Day parade, Thanksgiving Turkey Trot, VTA Candyland Express Historic Trolley Service, and Stuff the bus initiative with the U.S. Marines, and 5) Free service after 7:00 p.m. on New Year’s Eve with extended service hours on route 181 to Fremont BART.

Mr. Burns introduced a presentation on the Solar Power Initiative partnership with SunPower which will provide renewable power for all 3 bus operating divisions. Solar panels are expected to be fully operational by the end of the year.

Tom Fitzwater, Environmental Planning Manager, provided a presentation on the VTA Solar Panel installation program with SunPower, highlighting: 1) Purchase Power Agreement, Cerone Division bus parking canopies, Chaboya Division employee parking canopies, North Division bus parking canopies, 5) Schedule of rebate inspections, system turnover, project closeout, and dedication event.

Board Member Liccardo expressed appreciation for Mr. Allmand’s service, noting his competence and effectiveness.

27. **REPORT FROM THE CHAIRPERSON**

Chairperson Abe-Koga thanked the Board and staff for their support during her year as Chairperson. She expressed gratitude for being a part of the Board during the advancement of several projects including, BART to San Jose, introduction of new service, and development of Bus Rapid Transit. She expressed her appreciation to the Board for making Caltrain a priority. She congratulated the Board and staff for working together to pass a stable budget, work on cost containment measures, and reach agreements during recent Labor negotiations.

**VTA Board of Directors Meeting Schedule for calendar year 2012**

M/S/C (Liccardo/Reed) to approve the VTA Board of Directors Meeting Schedule for calendar year 2012.
Administration and Finance Committee

Items submitted for the Regular Agenda by the Administration and Finance Committee.

28. Retail Transactions and Use Tax Ordinance

Public Comment

Mr. Carl Guardino, Silicon Valley Leadership Group (SVLG) and the California Transportation Commission (CTC) urged the Board to vote yes on the item and thanked them for continuing to champion the will of the voters of Santa Clara County.

The Board of Directors thanked Mr. Guardino for his leadership.

Sandra Weymouth, Board Secretary, provided the second reading of the ordinance title, as: “An Ordinance of the Santa Clara Valley Transportation Authority Imposing a Transactions and Use Tax to be administered by the state Board of Equalization. This Ordinance shall be known as the Santa Clara Valley Transportation Authority BART Operating and Maintenance Transactions and Use Tax Ordinance. This ordinance shall be applicable to the territory of VTA which is incorporated and unincorporated territory of the County of Santa Clara hereinafter Territory.”

Chairperson Abe-Koga stated once the ordinance is passed, the tax will take effect July 1, 2012, following the receipt of the Full Funding Grant Agreement from the federal government.

The Board of Directors acknowledged the commitment of the voters to bring BART to San Jose.

M/S/C (Liccardo/Herrera) to 1.) Read title of proposed Retail Transactions and Use Tax Ordinance; 2) Order further reading of the Ordinance be waived; and 3) Adopt a Retail Transactions and Use Tax Ordinance No. 2011.01, in the form attached hereto, which imposes (a) a tax for the privilege of selling tangible personal property at retail upon every retailer in Santa Clara County, the territory of VTA, at the rate of one-eighth of one percent on the gross receipts of the retailer from the sale of all tangible personal property sold at retail in the territory of VTA, and (b) a complimentary tax upon the storage, use or other consumptions in Santa Clara County, the territory of VTA, at the rate of one-eighth of one percent of the sales price of the property whose storage, use, or other consumption is subject to the tax, for a period not to exceed 30 years, such tax to take effect on July 1, 2012, following execution of a Full Funding Grant Agreement.

16. 2012 Legislative Program for the Santa Clara Valley Transportation Authority (VTA)

Board Member Liccardo questioned why language supporting other methods for tax increment financing that would support transit oriented development and affordable high density housing was not included as part of the slate of State legislative issues. He asked that the motion include the addition of this specific language, noting its importance to
Kurt Evans, Government Affairs Manager, noted generic language was used, but VTA is on record supporting bills relating to transit oriented development. Mr. Evans indicated more specific language will be added per this discussion.

**M/S/C (Liccardo/Herrera)** to approve the 2012 Legislative Program for the Santa Clara Valley Transportation Authority (VTA).

### Transit Planning and Operations Committee

*Items submitted for the Regular Agenda by the Transit Planning and Operations Committee.*

**Agenda Items #29 – #30 were heard together**

**Agenda Items #29 through #30**

29. **BART Silicon Valley Program Update**

Mr. Burns introduced the following SVRT items and thanked those who have been involved in bringing the project to this point. He noted the Project Labor Agreement (PLA) has been signed and fully executed by all of the trades. Meetings with Federal Transit Administration (FTA) have been positive and the Full Funding Grant Agreement should be in place by the end of February 2012. He noted staff is working diligently and moving forward to be ready to begin construction when the agreement is received.


Ms. Gonot introduced Mark Massman, SVBX Project Director, Hatch Mott/Bechtel and Todd Sutton, Senior Vice President, Skanska. Mr. Sutton introduced Jeff Lessman, Executive Vice President, Shimmick Construction Company; Scott Norman, Vice President Project Development, Herzog; and several members of the team. He thanked the VTA team for their work and the Board for their vision.

Board Member Moylan expressed concern with the process of approving stipend payments to unsuccessful bidders, noting the Board was unaware they were a part of the Design-Build contract. He suggested for future projects, this discussion be held before the commitment is made.

Mr. Burns indicated staff is working to establish a committee of the Board that will be involved in the details as the project moves forward. He noted the successful bid was 10 percent lower than the engineers estimate.

Board Member Larsen echoed the concerns of Board Member Moylan in terms of process, but noted having the stipend in place allowed VTA to receive quality bids and
better pricing.

Board Member Herrera validated Board Member Moylan’s point regarding the process, but also noted VTA owns all of the proposals, which gives the additional benefit of utilizing information from other engineers.

**Public Comment**

Carl Guardino, SVLG and CTC, congratulated the Board and thanked them for their leadership.

Ross Signorino, Interested Citizen, expressed appreciation for the Board’s work with bringing BART to Berryessa. He suggested connecting BART to the Airport for better connectivity.

Board Member Liccardo congratulated staff for guiding the process and bringing the contract in $75 million under budget and over a year ahead of schedule. He thanked Board Member Reed for his leadership and advocacy work in Washington, DC.

Board Member Campos noted this is the largest public works project in the area since the San Jose Airport and is needed to put local people to work. The approval of the PLA ensures the project will come in early, under budget, and be done with the highest quality of work. He pointed out the 18 percent Disadvantaged Business Enterprise (DBE) goal which ensures minority businesses are given them the opportunity to participate in the project.

Board Member Herrera expressed gratitude for being a part of the Board that is making the final vote to move the project forward. She congratulated voters for seeing the value of transit.

**On order of Chairperson Abe-Koga** and there being no objection, the Board received an update on the BART Silicon Valley Program.

### Agenda Items #31 A-D through #32

#### 30. C700 DESIGN-BUILD CONTRACT AWARD

M/S/C (Liccardo/Herrera) to adopt a Resolution No. 2011.12.45 finding that the proposal submitted to VTA by Skanska-Shimmick-Herzog a Joint Venture for the final design and construction of the Line, Track, Stations, and Systems elements of the Silicon Valley Berryessa Extension Project represents the best-value proposal for this work; awarding the C700 Design-Build Contract to the Skanska-Shimmick-Herzog a Joint Venture with a contract price of $772,227,000; and authorizing the General Manager to execute such Contract.

**Agenda Items #31 A-D and #32 were heard together**

#### 31. Silicon Valley Rapid Transit Project:

Ms. Gonot provided a presentation entitled, “Berryessa Extension (SVBX) Professional
Services Contracts”, highlighting: 1) SVRT program costs, 2) SVBX Project functional responsibilities, 3) VTA, BART and contract resources, 4) Project management responsibilities, 5) Engineering support responsibilities, and 6) SVRT major consultant contracts.

Board Member Liccardo questioned the period of time prohibiting the solicitation of fundraising.

Board Member Herrera questioned if it included generating money for non-profits.

Mr. Allmand stated government code 84308 prohibits any receipt of more than $250 for three months, but does not include non-profits.

A. M/S/C (Larsen/Campos) to authorize the General Manager to execute a contract amendment with HMM/Bechtel, a Joint Venture, for project management services supporting Silicon Valley Rapid Transit Program (SVRT) in the amount of $74,500,000; extending the contract term to June 2017; and increasing the total agreement value to $200,000,000.

B. M/S/C (Larsen/Campos) to authorize the General Manager to execute a contract amendment with Kimley-Horn and Associates, Inc. to provide continued planning, conceptual engineering, technical, and management services in support of the Silicon Valley Berryessa Extension Project (SVBX) in the amount of $7,378,000; extending the contract term to December 31, 2017; and increasing the total agreement value to $20,268,000.

C. M/S/C (Larsen/Campos) to authorize the General Manager to execute a contract amendment with AECOM Technical Services, Inc., for engineering services in support of the Silicon Valley Berryessa Extension Project (SVBX) in the amount of $690,000; extending the contract term to June 2016; and increasing the total agreement value to $50,990,000.

D. M/S/C (Larsen/Campos) to authorize the General Manager to execute a contract amendment with CH2M HILL, Inc. for design review and design review administration services in support of the Silicon Valley Berryessa Extension Project (SVBX) in the amount of $3,220,000; extending the contract term to June 2016; and increasing the total agreement value to $23,410,000.

32. Construction Management Services for the BART Silicon Valley Berryessa Extension (SVBX)

M/S/C (Larsen/Campos) to authorize the General Manager to execute a contract with PGH Wong Engineering, Inc. to perform construction management services for the BART Silicon Valley Berryessa Extension (SVBX) in an amount not to exceed $27,000,000. The term of the contract will be until June 30, 2018, the anticipated duration of the construction and implementation of the SVBX Project including closeout activities; if the required contract services duration exceeds June 30, 2018, an extension to the term may be authorized by amendment to coincide with the completion of the project.
33. **Alameda County Transportation Commission (ACTC)**

Ms. Gonot provided a presentation entitled, “AB 1462 Local Advancement of Funding for Mission/Warren/Truck-Rail Facility (MWT)”, highlighting; 1) MWT program summary, 2) MWT program location map, 3) MWT institutional arrangements, funding responsibility plan by partner, 4) AB1462 LATIP Funds, 5) AB1462 Advancement Issues, 6) Summary Schedule, 7) Current Status of MWT Program, 8) Early Construction Work, 9) MWT Construction Sequence, and 10) AB1462 Advancement Considerations.

Board Member Liccardo questioned what incentive Caltrans has to sell the land knowing the first $42 million is going to another agency.

Ms. Gonot stated the land is in a residential area, and the City of Fremont wants it developed. Caltrans is working with the timing of the market and doesn’t want to sell at its lowest point.

Mr. Burns stated the land valuation is over $90 million, which is $48 million higher than they owe.

John Ristow, Chief CMA Officer, indicated the Mission project is set up to receive funds from the sale first.

**M/S/C (Liccardo/Larsen)** to authorize the General Manager to execute a cooperative agreement with the Alameda County Transportation Commission (ACTC) providing for an advancement of funding by VTA in the amount of $42.35 million for the construction of the Mission/Warren/Truck-Rail Program in exchange for future reimbursement of revenues from the sale of excess properties pursuant to Government Code § 14528.55.

2. **RECESSED TO CLOSED SESSION at: 10:57 a.m.**

RECONVENED TO OPEN SESSION at 11:14 a.m.

3. **CLOSED SESSION REPORT**

B. **Public Employee Appointment**

[Government Code Section 54957]

1) General Counsel
2) Interim General Counsel

Chairperson Abe-Koga announced the Board voted unanimously to appoint Mr. Robert Fabela to the position of General Counsel for VTA. The Board also appointed Senior Assistant Counsel, Kathleene Paul, as Interim General Counsel.

**Congestion Management Program and Planning Committee**

*Items submitted for the Regular Agenda by the Congestion Management Program and Planning Committee.*
34. **Ramp Metering Evaluation Studies**

Board Member Moylan questioned the use of metering lights where metering did not have the intended reduction in travel delays. He admonished the Board to monitor progress going forward. He noted staff pointed out there is a bottleneck at SB 101 and SB 87 which is contributing to the delay.

Board Member Liccardo noted the cost to eliminate the bottleneck is not minimal and questioned if expansion is possible.

Mr. Ristow indicated VTA is in design on a project to widen the off-ramp but the issue is securing funding for construction.

**On order of Chairperson Abe-Koga** and there being no objection, receive summary findings from the completion of southbound US 101 ramp metering between Embarcadero Road and De La Cruz Boulevard and southbound I-880 ramp metering between Dixon Landing Road and I-280.

**Audit Committee**

*There were no items submitted for the Regular Agenda by the Audit Committee.*

**OTHER ITEMS**

35. **Monthly Legislative History Matrix**

*On order of Chairperson Abe-Koga* and there being no objection, the Monthly Legislative History Matrix was accepted as contained in the agenda packet.

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

There were no Items of Concern and Referral to Administration.

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

A. **Administration and Finance Committee**

*On order of Chairperson Abe-Koga* and there being no objection, the November 17, 2011, Administration and Finance Committee Minutes were accepted as contained in the agenda packet.

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

*On order of Chairperson Abe-Koga* and there being no objection, the November 18, 2011, Notice of Cancellation was accepted as contained in the agenda packet.
C. **Transit Planning and Operations Committee**

On order of Chairperson Abe-Koga and there being no objection, the November 17, 2011, Transit Planning and Operations Committee Minutes were accepted as contained in the agenda packet.

D. **Audit Committee**

There was no report from the Audit Committee.

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

A. **Committee for Transit Accessibility**

There was no report from the Committee for Transit Accessibility.

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

On order of Chairperson Abe-Koga and there being no objection, the Citizens Advisory Committee and 2000 Measure A Citizens Watchdog Committee Notice of Cancellation was accepted as contained in the agenda packet.

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

On order of Chairperson Abe-Koga and there being no objection, the November 9, 2011, Bicycle and Pedestrian Advisory Committee Minutes were accepted as contained in the agenda packet.

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

On order of Chairperson Abe-Koga and there being no objection, the November 10, 2011, Technical Advisory Committee Minutes were accepted as contained in the agenda packet.

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

On order of Chairperson Abe-Koga and there being no objection, the November 10, 2011, Policy Advisory Committee Minutes were accepted as contained in the agenda packet.

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

A. **Peninsula Corridor JPB**

On order of Chairperson Abe-Koga and there being no objection, the December 1, 2011, Peninsula Corridor JPB Summary Notes were accepted as provided on the dais.
B. Capitol Corridor JPB

On order of Chairperson Abe-Koga and there being no objection, the November 16, 2011, Capitol Corridor JPB Summary Notes were accepted as provided 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 Abe-Koga and there being no objection, the November 16, 2011, Metropolitan Transportation Commission Summary Notes were accepted as provided on the dais.

E. Sunol Smart Carpool Lane Joint Powers Authority

On order of Chairperson Abe-Koga and there being no objection, the November 7, Sunol Smart Carpool Lane Joint Powers Authority Summary Notes were accepted as provided on the dais.

F. SR 152 Mobility Partnership

There was no report from the Mobility Partnership for SR 152 Trade Corridor Project.

30. REPORTS FROM VTA POLICY ADVISORY BOARDS (PABs)

A. Diridon Station Joint Policy Advisory Board

There was no report from the Diridon Station Joint Policy Advisory Board.

B. Downtown East Valley PAB

There was no report from the Downtown East Valley PAB.

C. El Camino Real Rapid Transit PAB

There was no report from the El Camino Real Rapid Transit PAB.

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

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

31. ANNOUNCEMENTS

There were no Announcements.
32. ADJOURNMENT

On order of Chairperson Abe-Koga and there being no objection, the meeting was adjourned at 11:22 a.m. in memory of Steve Glickman, Sheila Concepcion, and Officer Rodney Scott Rancourt.

Respectfully submitted,

Menominee L McCarter, Board Assistant
VTA Office of the Board Secretary
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Board Secretary, Sandra Weymouth

SUBJECT: Bicycle & Pedestrian Advisory Committee Appointment

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

ACTION ITEM

RECOMMENDATION:

Ratify the reappointment of Jerri-Ann Meyer to the Bicycle & Pedestrian Advisory Committee representing the City of Mountain View for the remainder of the term ending June 30, 2012.

BACKGROUND:

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

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

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

**DISCUSSION:**

In 2010, the City of Mountain View appointed Jerri-Ann Meyer as its BPAC representative for the current term (July 1, 2010 - June 30, 2012). However, at that time Mountain View requested that the appointment be limited to December 31, 2011, since it intended on appointing a new representative at that time.

Recently, Mountain View decided to reappoint Ms. Meyer to complete the remainder of the current term and to appoint a new representative to coincide with the upcoming two-year term starting July 1, 2012.

Ms. Meyer is a member in good standing and has served the committee well. She served as the BPAC chairperson for 2011. Staff recommends that the Board ratify this reappointment given Ms. Meyer’s qualifications, experience, community involvement and knowledge of bicycle, pedestrian, trails and safety.

**ALTERNATIVES:**

The Board could choose to not ratify this appointment.

**FISCAL IMPACT:**

There is no fiscal impact.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The December 15, 2011 Administration & Finance Committee (A&F) meeting was cancelled and due to this, the committee did not consider this item. As a result, it is being forwarded without A&F recommendation for Board consideration on its January 5, 2012 Consent Agenda.

Prepared by: Stephen Flynn, Advisory Committee Coordinator
Memo No. 3420
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Board Secretary, Sandra Weymouth

SUBJECT: Committee for Transit Accessibility Appointments

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

ACTION ITEM

RECOMMENDATION:

For the Committee for Transit Accessibility, approve the following for the two-year term ending December 31, 2013:

• Reappointment of current members Emma Eljas, Barbara Stahl and Dilip Shah to represent persons with disabilities.

• Reappointment of the Vista Center for the Blind & Visually Impaired, Hope Services, City of San Jose Senior Citizens Commission, the Barbara Lee Senior Center in Milpitas, and DeAnza Students Unlimited.

• Appointment of Cam Acker to represent persons with disabilities.

BACKGROUND:

VTA’s five advisory committees provide input, perspective and technical expertise on proposed changes to VTA policy or priorities potentially impacting transit service and transportation projects throughout the county.

The Committee for Transit Accessibility (CTA) advises the Board of Directors on bus and rail system accessibility issues, paratransit service, and transportation accessibility matters in Santa Clara County. The committee has 21 voting and two ex-officio, non-voting members. The voting membership consists of 12 individuals with disabilities and nine individuals that represent agencies or businesses that serve older adults or persons with disabilities.
The CTA bylaws require each Board Member to nominate individual committee members and
the Board Chairperson to nominate agency or business members. Members serve two-year terms
that are staggered and are eligible for reappointment to successive terms. Members from the
individuals with disabilities category must reside within the county during their term. All
appointments require the approval of the Board of Directors.

DISCUSSION:

The following agencies or businesses and individuals with disabilities have been nominated to
serve on the CTA for the two year term of January 1, 2012 - December 21, 2013:

Current CTA members Emma Eljas, Barbara Stahl and Dilip Shah have been nominated for
reappointment to represent persons with disabilities. Ms. Eljas was nominated by Director Rose
Herrera, Ms. Stahl was nominated by Board Chairperson Margaret Abe-Koga, and Mr. Shah was
nominated by Director Perry Woodward. All three nominees are members in good standing and
have served the committee well. Staff recommends their reappointment.

Board Chairperson Abe-Koga has nominated for reappointment five agencies or businesses
serving older adults or persons with disabilities: Vista Center for the Blind & Visually Impaired;
Hope Services; City of San Jose Senior Citizens Commission; Barbara Lee Senior Center in
Milpitas; and DeAnza Students Unlimited. These nominees are members in good standing and
have served the committee well. Staff recommends their reappointment.

Director Liz Kniss has nominated Cam Acker to fill a vacant position representing persons with
disabilities. Ms. Acker, who lives in Mountain View, uses fixed route transit service daily,
including VTA, SamTrans and Caltrain. She works with individuals with sight disabilities at the
Vista Center for the Blind & Visually Impaired, and serves as an interested disabled
representative for SamTrans and Caltrain. Ms. Acker satisfies the membership criteria as
specified in the CTA Bylaws. Based on her knowledge, qualifications and community
involvement, staff recommends approval of Ms. Acker’s nomination.

ALTERNATIVES:

The Board could choose to not approve any or all of the appointments.

FISCAL IMPACT:

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

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The December 15, 2011 Administration & Finance Committee (A&F) meeting was cancelled
and due to this, the committee did not consider this item. As a result, it is being forwarded
without A&F recommendation for Board consideration on its January 5, 2012 Consent Agenda.
Prepared by: Stephen Flynn, Advisory Committee Coordinator
Memo No. 3445
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, Ristow, Chief Engineering & Construction Officer, Robinson

SUBJECT: VTP Highway Program Semi-Annual Report

FOR INFORMATION ONLY

DISCUSSION:

Please find attached the Semi-Annual Report for the VTP Highway Program for the period ending October 31, 2011. We look forward to your continued feedback on this report as the VTP Highway Program moves forward.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Congestion Management Program and Planning Committee received this item on its December 16, 2011 Consent Agenda. There was no discussion on this item, and the Committee moved to place it on the Consent Agenda for the January 5, 2012 Board of Directors meeting.

Prepared By: John Rowe
Memo No. 2951
Semi-Annual Report
October 2011
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<td>4. Route 87 Planting</td>
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<td>5. Ramp Metering Implementation</td>
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<td>E. Silicon Valley Express Lanes Program</td>
<td></td>
</tr>
<tr>
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<td>4. US 101 Express Lanes</td>
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A APPENDIX – COST ESTIMATE CLASSES A-1
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<td>A</td>
<td>Cost Estimate Classification Matrix</td>
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SECTION 1

EXECUTIVE SUMMARY
SECTION 1 – EXECUTIVE SUMMARY

A. BACKGROUND

The VTP Highway Program includes projects from the currently approved long range countywide transportation plan, Valley Transportation Plan 2035 (VTP), for Santa Clara County. The VTP is developed by VTA, and projects must be included in the VTP as a prerequisite for eligibility to receive Federal, State, regional and local discretionary fund programming. One hundred percent of VTP Highway Program expenditures are funded by grants (Federal, State, regional or local) or other local funding. No VTA funds are required for these projects, except where noted.
EXECUTIVE SUMMARY

The Valley Transportation Plan (VTP) Highway Program consists of potentially over $1 billion of highway improvement projects currently in various phases from conceptual study to construction. The projects are located throughout Santa Clara County (and adjoining areas) and seek to improve key elements of the highway transportation system, utilizing a variety of funding sources.

Funding is a key issue for many of the highway projects. VTA, acting as the CMA for Santa Clara County, assembles funding from a variety of sources as needed in order to advance each project through its various phases to completion. As a consequence, in this report there are references to several terms associated with a project’s funding level. These terms, arranged in order of increasing certainty of funding availability, are as follows:

1. **Estimated Cost** – An estimate of the total cost of a project given the currently known scope and configuration of the project. For early stage projects, this estimate may be based on very conceptual information and, therefore, has associated with it a high level of uncertainty and a correspondingly low level of accuracy. In the individual project information sheets, we have included the “Estimate Class” in order to give an idea of the level of uncertainty associated with the estimated cost. A more detailed discussion of this topic is included in the appendix.

2. **Identified Funding** – Funding identified as being ultimately available from project funding agencies to complete the work, as of the writing of this report. Depending on the stage of the project, the identified funding may be less than the estimated cost of a project. In such cases, we use the term “To Be Determined” (TBD) funding to describe the difference between the estimated cost and identified funding.

3. **Appropriation** – The most recent Adopted Budget includes appropriations, based on an estimate of expenditures during fiscal years 2012 and 2013, for various VTP Highway Program projects. Since these projects can run beyond FY13, the appropriation amount is only a time-constrained slice of total estimated expenditures.

4. **Secured Funding** – Funding that has been committed by funding agencies and is now available to VTA for project expenditures. In many cases, secured funding is at a lower level than the appropriation in the Adopted Budget. For these projects, it is anticipated that additional funding may be secured during the FY12/13 period. It is important to note that, regardless of the level of appropriation, actual expenditures will not exceed secured funding at any time.
Figure 1.1 shows the total estimated cost of all projects contained in this report, broken down by the currently identified funding sources.

![Figure 1.1](image-url)

Note the large proportion of funding shown in Figure 1.1 that is designated as “To Be Determined.” Clearly, significant sources of federal, state, and/or local funding will be required to complete many of these projects. VTA’s strategy continues to be to advance a number of projects through the early (and relatively low-cost) stages of project development so that they will be ready to take advantage of funding that may become available in the future.

Figure 1.2, on the next page, shows the projects categorized by phase of development, and shows what portion of the estimated cost has been identified for each project.
Figure 1.2

VTP Highway Projects Identified Funding Levels

### Project Name

#### Conceptual Study Projects*
- El Camino Real/Route 85/237/Middlefield

#### Environmental/Preliminary Engineering
- Freeway Performance Initiative (Design only)
- Route 152 Trade Corridor
- US 101 Widening - Monterey Road to Route 129
- US 101 De La Cruz Boulevard/Trimble Road
- Route 85 Express Lanes
- US 101 Express Lanes

#### Projects in Final Design (PS&E)
- US 101 Capitol Expwy – Yerba Buena Interchange
- I-880/I-280/Stevens Creek Improvements (CMIA)
- Route 237 Planting

#### Projects Under Construction
- US 101 Aux Lanes – Embarcadero to Route 85 (CMIA)
- I-880 HOV Widening (CMIA)
- US 101 Improvements - I-280 to Yerba Buena (CMIA)
- Route 87 Planting
- Ramp Metering Implementation
- Route 237/I-880 Express Connectors

*Estimated cost for projects in the Conceptual Study category includes only the conceptual study. Estimated cost for projects in other categories covers entire scope through construction, except where noted.

** (Identified Funding) / (Estimated Cost) x 100%

See page 1-3 for definitions of Identified Funding and Estimated Cost.
By way of a brief progress report, during the six month period covered by this report:

- On the **I-880/I-280/Stevens Creek Improvements** project, the Project Report and Environmental Document were approved in mid-2011. Final Design and Right-of-Way efforts are underway for the project.

- On the **US 101 Capitol Expressway – Yerba Buena Interchange** project, the 95% Design was completed in October 2011. The project has been recommended by Caltrans for programming of $24 million in CMIA project savings funds for construction. Project partners are working to fund the additional $7 million estimated to be required for construction.

- On the **US 101 Auxiliary Lanes –Embarcadero Road to Route 85** project, bid opening occurred on November 1, 2011. Seven bids were received, all of them significantly below the engineer’s estimate and the CMIA budget. Construction is expected to begin in early 2012.

- On the **I-880 HOV Widening** project, bid opening occurred on October 25, 2011. Six bids were received, all of them significantly below the engineer’s estimate and the CMIA budget. Construction is expected to begin in early 2012.

- On the **Route 237/I-880 Express Connectors** project, VTA awarded a contract for civil construction to RGW Construction in August 2011. Field work began in late September 2011 and is scheduled to be completed in December 2011. Toll equipment installation will begin at the conclusion of civil construction. Following systems testing, tolling is forecast to be operational in February or March 2012.

### B. SECURED FUNDING

Figure 1.3 shows the prior and current period appropriations for the VTP Highway projects. Secured funding increased by a net $12.0 million during the report period, as discussed below:

#### Changes in Secured Funding

1. **Conceptual Study Projects**

   Secured funding remains unchanged at $0.8 million.

2. **Projects in the Environmental/Preliminary Engineering Phase**

   Secured funding increased by $4.4 million to a new total of $18.2 million. This was the result of the VTA Board’s adoption of the FY12/13 Biennial Budget, which increased the secured budget for **Route 152 Trade Corridor** project by $4.4 million, to a new value of $10.15 million.
C. SECURED FUNDING, Continued

3. Projects in Final Design (PS&E)

Secured funding increased by $7.1 million to a new total of $20.5 million. This was due to VTA receiving two additional tranches of federal Earmark funds on the I-880/I-280/Stevens Creek project: one to complete design and the other to start the right-of-way phase.

4. Projects Under Construction

Secured funding increased by $0.5 million to a new total of $50.7 million due to the addition of CMAQ funds for the next phase of the Ramp Metering Implementation project.

5. Silicon Valley Express Lanes

The net secured funding was unchanged, but two adjustments were made at the project level:

a. $0.5 million in additional Local Program Reserve funds were added to SR237/I-880 Express Connectors to address an increased cost estimate.

b. $0.5 million in Local Program Reserve funds were transferred from the US101 Express Lanes project to the SR237/I-880 Express Connectors project.

The following project has been removed from this report:

- Mary Avenue Extension
## Figure 1.3

### VTP Highway Program Secured Funding

<table>
<thead>
<tr>
<th>Project/Category</th>
<th>Apr-11</th>
<th>Oct-11</th>
<th>c = (b - a)</th>
<th>d Text</th>
<th>Reference</th>
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<td><strong>Conceptual Study Projects</strong></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>El Camino Real/Route 85/237/Middlefield</td>
<td>$0.8</td>
<td>$0.8</td>
<td>$0.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$0.8</td>
<td>$0.8</td>
<td>$0.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Projects in the Environmental/Preliminary Engineering Phase</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Freeway Performance Initiative</td>
<td>$1.6</td>
<td>$1.6</td>
<td>$0.0</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Route 152 Trade Corridor</td>
<td>$5.8</td>
<td>$10.2</td>
<td>$4.4</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>US 101 Widening - Monterey Rd to Route 129</td>
<td>$5.5</td>
<td>$5.5</td>
<td>$0.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>US101 De La Cruz Blvd/Trimble Rd</td>
<td>$0.9</td>
<td>$0.9</td>
<td>$0.0</td>
<td></td>
<td></td>
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<tr>
<td><strong>Total</strong></td>
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<td>$18.2</td>
<td>$4.4</td>
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<td><strong>Projects In Final Design (PS&amp;E)</strong></td>
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<td></td>
</tr>
<tr>
<td>US 101 Capitol Expressway-Yerba Buena Interchange</td>
<td>$4.4</td>
<td>$4.4</td>
<td>$0.0</td>
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<td></td>
</tr>
<tr>
<td>I-880/I-280/Steves Creek Improvements (CMIA)</td>
<td>$7.7</td>
<td>$14.8</td>
<td>$7.1</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Route 237 Planting</td>
<td>$1.3</td>
<td>$1.3</td>
<td>$0.0</td>
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<tr>
<td><strong>Total</strong></td>
<td>$13.4</td>
<td>$20.5</td>
<td>$7.1</td>
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<td></td>
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<tr>
<td>US 101 Auxiliary Lanes - Embarcadero to Rt. 85 (CMIA)</td>
<td>$15.7</td>
<td>$15.7</td>
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<td>I-880 HOV Widening (CMIA)</td>
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<td>$17.3</td>
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<tr>
<td>US 101 Improvements I-280 to Yerba Buena (CMIA)</td>
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<td>$10.2</td>
<td>$0.0</td>
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</tr>
<tr>
<td>Route 87 Planting</td>
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<td>$4.9</td>
<td>$0.0</td>
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<tr>
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<tr>
<td>SVEL Program Development</td>
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<td>$3.0</td>
<td>$0.0</td>
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<td>5.a</td>
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<td>$11.8</td>
<td>$0.5</td>
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<tr>
<td>Rt 85 Express Lanes</td>
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<tr>
<td>US 101 Express Lanes</td>
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<td>$4.2</td>
<td>($0.5)</td>
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<td>5.b</td>
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<td><strong>GRAND TOTAL</strong></td>
<td>$102.1</td>
<td>$114.1</td>
<td>$12.0</td>
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D. INCURRED COSTS

Figure 1.4 below shows the incurred costs for the VTP Highway Program at the beginning and end of the period as well as the percent of the project appropriation incurred as of October 31, 2011.

Figure 1.4

VTP Highway Program Incurred Costs

<table>
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<tr>
<th>Project/Category</th>
<th>a Incurred Costs Through Apr-11</th>
<th>b Incurred Costs Through Oct-11</th>
<th>c = (b - a) Incurred Costs This Period</th>
<th>d Percent of Secured Funding Incurred Oct-11</th>
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<tr>
<td><strong>Conceptual Study Projects</strong></td>
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<tr>
<td>El Camino Real/Route 85/237/Middlefield</td>
<td>$0.6</td>
<td>$0.6</td>
<td>$0.0</td>
<td>82.8%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$0.6</td>
<td>$0.6</td>
<td>$0.0</td>
<td>82.8%</td>
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<td><strong>Projects in the Environmental/Preliminary Engineering Phase</strong></td>
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<td></td>
</tr>
<tr>
<td>Freeway Performance Initiative</td>
<td>$0.0</td>
<td>$0.0</td>
<td>$0.0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Route 152 Trade Corridor</td>
<td>$4.0</td>
<td>$5.7</td>
<td>$1.7</td>
<td>55.9%</td>
</tr>
<tr>
<td>US 101 Widening - Monterey Rd to Route 129</td>
<td>$5.3</td>
<td>$5.4</td>
<td>$0.1</td>
<td>97.3%</td>
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<tr>
<td>US101 De La Cruz Blvd/Trimble Rd</td>
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<td>$0.5</td>
<td>$0.0</td>
<td>63.5%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$9.8</td>
<td>$11.6</td>
<td>$1.8</td>
<td>64.1%</td>
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<td><strong>Projects In Final Design (PS&amp;E)</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>US 101 Capitol Expressway - Yerba Buena Interchange</td>
<td>$1.3</td>
<td>$2.7</td>
<td>$1.4</td>
<td>62.3%</td>
</tr>
<tr>
<td>I-880/I-280/Stevens Creek Improvements (CMIA)</td>
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<td>$8.1</td>
<td>$2.1</td>
<td>55.0%</td>
</tr>
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<td>Route 237 Planting</td>
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<td>$0.1</td>
<td>56.2%</td>
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<td><strong>Total</strong></td>
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<td>$11.5</td>
<td>$3.6</td>
<td>56.6%</td>
</tr>
<tr>
<td><strong>Projects Under Construction</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>US 101 Auxiliary Lanes - Embarcadero to Rt. 85 (CMIA)</td>
<td>$12.9</td>
<td>$13.5</td>
<td>$0.7</td>
<td>87.1%</td>
</tr>
<tr>
<td>I-880 HOV Widening (CMIA)</td>
<td>$14.6</td>
<td>$14.9</td>
<td>$0.3</td>
<td>86.3%</td>
</tr>
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<td>US 101 Improvements-I-280 to Yerba Buena (CMIA)</td>
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<td>$8.9</td>
<td>$0.1</td>
<td>87.1%</td>
</tr>
<tr>
<td>Route 87 Planting</td>
<td>$4.4</td>
<td>$4.5</td>
<td>$0.1</td>
<td>93.0%</td>
</tr>
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<td>Ramp Metering Implementation</td>
<td>$1.9</td>
<td>$2.0</td>
<td>$0.1</td>
<td>79.4%</td>
</tr>
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<td><strong>Total</strong></td>
<td>$42.6</td>
<td>$43.9</td>
<td>$1.3</td>
<td>87.0%</td>
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<td><strong>Silicon Valley Express Lanes Program</strong></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SVEL Program Development</td>
<td>$2.9</td>
<td>$2.9</td>
<td>$0.0</td>
<td>99.4%</td>
</tr>
<tr>
<td>SR237/I-880 Express Connectors</td>
<td>$4.0</td>
<td>$6.2</td>
<td>$2.2</td>
<td>52.8%</td>
</tr>
<tr>
<td>Rt 85 Express Lanes</td>
<td>$1.7</td>
<td>$2.4</td>
<td>$0.7</td>
<td>47.9%</td>
</tr>
<tr>
<td>US 101 Express Lanes</td>
<td>$0.1</td>
<td>$0.5</td>
<td>$0.4</td>
<td>11.6%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$8.7</td>
<td>$12.0</td>
<td>$3.3</td>
<td>50.4%</td>
</tr>
</tbody>
</table>

**GRAND TOTAL** $69.6 $79.6 $10.0 70.2%
Figure 1.5 - VTP Highway Program Overview Map
SECTION 2

PROJECT SUMMARY REPORTS
VTP HIGHWAY PROJECT SUMMARY REPORTS

A. CONCEPTUAL STUDY PROJECTS
   1. El Camino Real/Route 85/237/Middlefield

B. PROJECTS IN THE ENVIRONMENTAL/PRELIMINARY ENGINEERING PHASE
   1. Freeway Performance Initiative
   2. Route 152 Trade Corridor
   3. US 101 Widening - Monterey Road to Route 129
   4. US 101 De La Cruz Boulevard/Trimble Road Interchange

C. PROJECTS IN FINAL DESIGN (PS&E)
   1. US 101 Capitol Expressway – Yerba Buena Interchange
   2. I-880/I-280/Stevens Creek Improvements (CMIA)
   3. Route 237 Planting

D. PROJECTS UNDER CONSTRUCTION
   1. US 101 Auxiliary Lanes – Embarcadero to Route 85 (CMIA)
   2. I-880 HOV Widening (CMIA)
   3. US 101 Improvements - I-280 to Yerba Buena Road (CMIA)
   4. Route 87 Planting
   5. Ramp Metering Implementation

E. SILICON VALLEY EXPRESS LANES PROGRAM
   1. Program Overview
   2. Route 237/I-880 Express Connectors
   3. Route 85 Express Lanes
   4. US 101 Express Lanes
VTP Highway Projects

El Camino Real/Route 85/237/Middlefield

**Estimated Cost:**
$0.75 million (Conceptual Study)

  Estimate Class 2 (see appendix)

**Appropriation through FY 13:**
$2.0 million

**Secured Funding to Date:**
$0.75 million

**Year of Completion:**
2012 (Conceptual Study)

**Project Manager:** Darrell Vice

**Designer:** Nolte Associates

---

**Project Description:**

*Note: The description and funding indicated are solely for the production of a Project Study Report/Project Development Support (PSR/PDS). Any project arising from the Project Study Report will be defined and scoped separately.*

Perform Conceptual Studies and prepare a PSR/PDS for improvements on Route 85 and Route 237. Possible alternatives include operational improvements to the El Camino Real/Route 85 Interchange, auxiliary lanes on Route 85 from El Camino Real to the Route 85 / Route 237 Interchange, and operational improvements at the Middlefield Road / Route 237 Interchange.

---

**Project Status:**

The draft Project Study Report/Preliminary Development Study – PSR/PDS – will be finalized in late 2011.

VTA is negotiating a cooperative agreement and compensation to engage Caltrans in reviewing the PSR(PDS). The team is targeting mid-2012 for completion of PA/ED.

---

**Project Schedule:**

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<th>Activity</th>
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<th>End</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
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<tr>
<td>PSR-PDS</td>
<td>Mid 2006</td>
<td>Mid 2012</td>
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<td></td>
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### Cost:

<table>
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<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Oct-11 Committed Costs</th>
<th>Oct-11 Incurred Costs</th>
<th>Secured Funding Balance</th>
</tr>
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<tbody>
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<td>Construction and Major Procurement</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Real Estate</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>750</td>
<td>750</td>
<td>621</td>
<td>129</td>
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<tr>
<td>Contingency</td>
<td>-</td>
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<tr>
<td>Total</td>
<td>750</td>
<td>750</td>
<td>621</td>
<td>129</td>
</tr>
</tbody>
</table>

- Secured Funding Incurred: 83%
- Secured Funding Committed: 100%

**NOTE:** All amounts are Year Of Expenditure dollars in $1,000's

### Funding (millions):

<table>
<thead>
<tr>
<th>Funding Source</th>
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<tbody>
<tr>
<td>Meas B Swap</td>
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<td>$0.50</td>
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<tr>
<td>Local (Mountain View)</td>
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<tr>
<td>Total</td>
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<td>$0.75</td>
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</table>

Portion of Estimated Cost for which funding has been identified

---

**Route 237 looking west towards Route 85**

**Route 85 Northbound, approaching Route 237/US 101**
VTP Highway Projects

Freeway Performance Initiative

October 2011

Estimated Cost: $1.6 million

Appropriation through FY 13:
$1.6 million

Secured Funding to Date:
$1.6 million

Year of Completion:
2012

Project Manager:
David Kobayashi

Designers:
URS Corporation
BKF Engineers

Project Description:

As part of MTC’s Freeway Performance Initiative, this program will include a variety of projects to improve highway operations along six freeway corridors within Santa Clara County: Routes 87, 17, 237, I-280, I-880, and US 101.

VTA, at the request of MTC and Caltrans, will act as the project manager to design proposed freeway improvements including on- and off-ramp widening, additional on- and off-ramp metering, and other Intelligent Transportation Systems (ITS) to gain additional throughput on the existing freeway systems.

Project Status:

The project is funded through the environmental and design phases, with construction funding to be identified in the future.

The URS Corporation and BKF Engineers teams have begun environmental, data collection, and preliminary design efforts.

Project Schedule:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start</th>
<th>End</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
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<tbody>
<tr>
<td>Environmental</td>
<td>Mid 2011</td>
<td>Late 2011</td>
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<tr>
<td>Design (PS&amp;E)</td>
<td>Early 2012</td>
<td>Late 2012</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Construction</td>
<td>Early 2013*</td>
<td>Mid 2014*</td>
<td></td>
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<tr>
<td>Open to Traffic</td>
<td>Mid 2014*</td>
<td>Late 2014*</td>
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<tr>
<td>Closeout</td>
<td>Mid 2014*</td>
<td>Late 2014*</td>
<td></td>
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* Funding not identified schedule is tentative
### Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Oct-11 Committed Costs</th>
<th>Oct-11 Incurred Costs</th>
<th>Secured Funding Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Real Estate</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>1,463</td>
<td>1,093</td>
<td>12</td>
<td>1,450</td>
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<tr>
<td>Contingency</td>
<td>100</td>
<td>-</td>
<td>-</td>
<td>100</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>1,563</strong></td>
<td><strong>1,093</strong></td>
<td><strong>12</strong></td>
<td><strong>1,550</strong></td>
</tr>
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</table>

Secured Funding Incurred: 1%
Secured Funding Committed: 70%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

### Funding (millions):

<table>
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<tr>
<th>Funding Source</th>
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<tr>
<td>Federal</td>
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<td><strong>Total</strong></td>
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<td><strong>$1.6</strong></td>
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</table>

Federal 100%

Portion of Estimated Cost for which funding has been identified

Typical Configuration of Freeway On-ramp Layout with Ramp Metering
VTP Highway Projects
Route 152 Trade Corridor

Estimated Cost: $1.7 billion
Estimate Class 5 (see appendix)

Appropriation through FY 13:
$25.15 million

Secured Funding to Date:
$10.15 million

Year of Completion:
2014 – PA/ED

Project Manager:
Darrell Vice

Designer: HDR

Project Description:
VTA, under the guidance of the Mobility Partnership, is studying the development of an east-west trade and mobility corridor on Route 152 between US 101 and Route 99. This study was requested by CTC.

The study will evaluate highway improvements and financing strategies that could benefit the movement of goods throughout the corridor and the mobility of commuters. It includes evaluation of Route 152 realignment alternatives between US 101 and Route 156 to enhance travel safety and improve travel times while upgrading to expressway standards.

Major improvements within Santa Clara County include:
- New Alignment of Route 152 from US 101 to Route 156, including the Route 25/US 101 interchange, safety and operational improvements from Route 156 to Pacheco Pass, and new Eastbound Pacheco Pass climbing lanes.

Major improvements outside Santa Clara County may include: improvements to the Route 152/I-5 interchange, a Los Banos Bypass, improvements to the Route 152/US 99 interchange, and other safety and operational improvements along the corridor.

Project Status:
Recent accomplishments include:
- Preparation of a Preliminary Traffic and Revenue (T&R) Analysis
- Performance of a Peer Review of T&R Analysis to confirm feasibility
- Initiation of Preliminary Engineering and Environmental Documentation
- Engaging in Ongoing Stakeholder Outreach (see next page for a list of outreach efforts)
- Formation of a 4-County Mobility Partnership of Santa Clara, San Benito, Merced and Madera Counties
- Formation of Governing Body through Development of a Joint Powers Agreement
- Development of a range of Corridor Improvements

The Next Steps are to:
- Adopt Joint Powers Agreement
- Develop Corridor Implementation Strategy
- Continue Stakeholder Outreach
- Complete Environmental Clearance
- Gain Support for Project

Project Schedule:

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>PA/ED</td>
<td>Early 2011</td>
<td>Late 2014*</td>
<td></td>
<td></td>
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<tr>
<td>Funding Alloc.</td>
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<td></td>
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<td></td>
<td></td>
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<td>Procurement</td>
<td>Late 2013*</td>
<td>Early 2015*</td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Right-of-Way</td>
<td>Early 2015*</td>
<td>Late 2016*</td>
<td></td>
<td></td>
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<tr>
<td>Design-Build</td>
<td>Early 2015*</td>
<td>Early 2020*</td>
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*Funding not identified, schedule is tentative.
Cost:

<table>
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<th>Oct-11 Committed Costs</th>
<th>Oct-11 Incurred Costs</th>
<th>Secured Funding Balance</th>
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</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Real Estate</td>
<td>-</td>
<td>-</td>
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<td>-</td>
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<tr>
<td>Labor, Services and Support</td>
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<td>6,502</td>
<td>5,678</td>
<td>4,042</td>
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<tr>
<td>Contingency</td>
<td>430</td>
<td>-</td>
<td>-</td>
<td>430</td>
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<td><strong>Total</strong></td>
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<td><strong>6,502</strong></td>
<td><strong>5,678</strong></td>
<td><strong>4,472</strong></td>
</tr>
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Secured Funding Incurred: 56%
Secured Funding Committed: 64%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

Funding (millions):

<table>
<thead>
<tr>
<th>Funding Source</th>
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</thead>
<tbody>
<tr>
<td>Local (Other)</td>
<td>$0.15</td>
<td>$0.15</td>
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<tr>
<td>Measure A/STIP Swap</td>
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<td>State - STIP</td>
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<tr>
<td>TBD</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$1,700</strong></td>
<td><strong>$10.15</strong></td>
</tr>
</tbody>
</table>

Secured Funding Incurred: 56%
Secured Funding Committed: 64%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

Stakeholder Outreach Efforts:

- Caltrans Headquarters, Districts 4, 5, 6 & 10
- California Transportation Commission Staff
- Cities of Gilroy, Hollister, San Juan Bautista, and Los Banos
- Metropolitan Transp. Commission Staff
- Counties of Santa Clara, San Benito, Merced, Madera and Monterey
- Madera County Transportation Commission (MCTC)
- Santa Clara Valley Water District
- California High Speed Rail Authority Staff
- Council of San Benito County Governments (SBtCOG)
- California Highway Patrol
- Transportation Agency for Monterey County (TAMC)
- Merced County Association of Governments (MCAG)
- Pajaro River Watershed Flood Prevention Authority
- County Farm Bureaus
- California Trucking Association

Existing Route 152 Trade Corridor
VTP Highway Projects

US 101 Widening - Monterey Road to Route 129

Estimated Cost: $450 million

Estimate Class 4 (see appendix)

Appropriation through FY 13: $11.1 million

Secured Funding to Date: $5.5 million

Year of Completion: TBD

Project Manager: Darrell Vice

Designer: URS Corporation

Project Description:
The project proposes to widen US 101 from four to six lanes in Santa Clara and San Benito Counties to meet future traffic demands and to provide access control. The project also includes constructing a new interchange at the intersection of US 101 and Route 25, extending Santa Teresa Boulevard to connect to Route 25 at the Route 25/US 101 Interchange, and improvements on Route 25 required for the operation of the Route 25/US 101 interchange.

The project extends approximately 2.6 miles into San Benito County and approximately 4.1 miles into Santa Clara County. VTA is in partnership with San Benito Council of Government, Caltrans District 4, Caltrans District 5, local agencies and developers to deliver the project.

The project is contemplated to be delivered in two segments after completion of the environmental/PE phase. The first segment extends from the northern limit of the project to the US 101/Route 25 interchange. The second segment extends from just south of the US 101/Route 25 interchange to the US 101/Route 129 interchange.

The Route 25/US 101 Interchange reconstruction is a central element to both the US 101 Widening Project and the Route 152 Trade Corridor Project. The interchange construction is included in the description of both VTP Highway Project Descriptions as it is crucial to improve operations of both of the proposed projects.

Project Status:

Environmental/Preliminary Engineering: The Administrative Draft EIR and Draft Project Report were submitted to Caltrans in October 2011. VTA is now completing the Draft Right-of-Way data sheets which document Right-of-Way/utility impacts.

The current budget will allow work to be completed through the Draft Environmental Document. Additional funding of approximately $0.75 million must be secured to complete the Environmental Document.

Project Schedule:

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<thead>
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</tr>
<tr>
<td>Environmental Doc.</td>
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<td>Early 2013*</td>
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<td></td>
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<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Design (PS&amp;E)</td>
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<td>Late 2014*</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Right-of-Way</td>
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<td>Late 2014*</td>
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<tr>
<td>Construction</td>
<td>Early 2015*</td>
<td>Late 2016*</td>
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<td></td>
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<tr>
<td>Open to Traffic</td>
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*Funding not identified, schedule is tentative.
## Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Oct-11 Committed Costs</th>
<th>Oct-11 Incurred Costs</th>
<th>Secured Funding Balance</th>
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<tbody>
<tr>
<td>Construction and Major Procurement</td>
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<tr>
<td>Real Estate</td>
<td>68</td>
<td>68</td>
<td>68</td>
<td>-</td>
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<td>Labor, Services and Support</td>
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<td>5,432</td>
<td>5,284</td>
<td>148</td>
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<td>Contingency</td>
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<td><strong>Total</strong></td>
<td>5,500</td>
<td>5,500</td>
<td>5,352</td>
<td>148</td>
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Secured Funding Incurred: 97%
Secured Funding Committed: 100%

NOTE: All amounts are Year Of Expenditure dollars in $1,000’s

## Funding (millions):

<table>
<thead>
<tr>
<th>Funding Source</th>
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<tbody>
<tr>
<td>Meas A/STIP Swap</td>
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<tr>
<td>Meas B Swap</td>
<td>1.0</td>
<td>1.0</td>
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<tr>
<td>TBD</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$450.0</strong></td>
<td><strong>$5.5</strong></td>
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</table>

Local 1%
TBD 99%

Portion of Estimated Cost for which funding has been identified

---

Northbound US 101 approaching Route 129 Overcrossing

Northbound US 101 at Route 25 Overcrossing
VTP Highway Projects

US 101 De La Cruz Boulevard/Trimble Road Interchange Improvements

Estimated Cost: $27 million
   Estimate Class 4 (see appendix)

Appropriation through FY 13:
   $4.9 million

Secured Funding to Date:
   $0.85 million

Year of Completion: TBD

Project Manager:
   David Kobayashi

Designer: Rajappan & Meyer Consulting Engineers, Inc.

Project Description:
The project evaluates improvements to the US 101-De La Cruz Boulevard/Trimble Road interchange, including:

- Replacing the existing US 101 overcrossing
- Widening De La Cruz Blvd/Trimble Road to six travel lanes through the interchange limits
- Reconstructing the southbound exit loop to a partial cloverleaf design and incorporating a new intersection on De La Cruz Boulevard
- Adding a southbound auxiliary lane from De La Cruz Boulevard to the Route 87 exit ramp, depending on results of operational studies
- Configuring interchange and surface street improvements for multi-modal uses, including pedestrian and bicycle users.

Project Status:
The project will produce a Project Study Report/Preliminary Development Study (PSR/PDS) prior to producing a Project Report and Environmental Document (State-CEQA only) for the interchange improvements in the City of San Jose.

VTA is negotiating a cooperative agreement and compensation to engage Caltrans in reviewing the PSR/PDS. The team is targeting mid-2012 for completion of PA/ED.

Project Schedule:

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<th>Activity</th>
<th>Start</th>
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<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
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<tbody>
<tr>
<td>Environmental/PE</td>
<td>Early 2007</td>
<td>Mid 2012</td>
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<td></td>
<td></td>
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<tr>
<td>Design &amp; Beyond</td>
<td>TBD</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
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</table>
### Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Oct-11 Committed Costs</th>
<th>Oct-11 Incurred Costs</th>
<th>Secured Funding Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>850</td>
<td>820</td>
<td>310</td>
</tr>
<tr>
<td>Real Estate</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>850</td>
<td>540</td>
<td>310</td>
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<tr>
<td>Contingency</td>
<td>850</td>
<td>540</td>
<td>310</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>850</strong></td>
<td><strong>820</strong></td>
<td><strong>310</strong></td>
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Secured Funding Incurred: 64%
Secured Funding Committed: 96%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

### Funding (millions):

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<th>Funding Source</th>
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<tr>
<td>Local (San Jose)</td>
<td>$4.8</td>
<td>$0.9</td>
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<td>TBD</td>
<td>22.2</td>
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<td><strong>Total</strong></td>
<td><strong>$27.0</strong></td>
<td><strong>$0.9</strong></td>
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</tbody>
</table>

Approaching the bridge over US 101

Trimble/De La Cruz bridge from US 101 Northbound
VTP Highway Projects

US 101 Capitol Expwy – Yerba Buena Interchange

**Estimated Cost:** $35.5 million

Estimated Class 3 *(see appendix)*

**Appropriation through FY 13:**
$35.4 million

**Secured Funding to Date:** $4.4 million

**Year of Completion:** TBD

**Project Manager:** Ven Prasad

**Designer:** HMH Engineers

**Project Description:**

This project complements the US 101 Improvements – I-280 to Yerba Buena Road project *(see page 2-23)*, and its environmental clearance was approved in the same environmental document as US 101 Improvements – I-280 to Yerba Buena Road.

This project will improve highway operations along US 101 by reducing congestion at the Capitol Expressway and Yerba Buena Road Interchanges. The anticipated improvements include:

- Modifying the Capitol Expressway Interchange from full cloverleaf to partial cloverleaf
- Extending the fifth southbound lane from north of Capitol Expressway to Yerba Buena Road
- Modifying the northbound on-ramp from Yerba Buena Road and constructing northbound slip on-ramp from northbound collector distributor road
- Adding a southbound auxiliary lane between Capitol Expressway and Yerba Buena Road
- Constructing two-lane southbound off-ramp to Yerba Buena Road
- Landscaping design is being completed for the corridor from Tully to Yerba Buena

**Project Status:**

**PS&E:** HMH Engineers is proceeding with final design. 95% Design was completed in October 2011.

The project has been recommended by Caltrans for programming of $24 million in CMIA project savings funds for construction starting in June 2012. Project partners are working to fund the additional $7 million estimated to be required for construction.

**Project Schedule:**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start</th>
<th>End</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
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<tbody>
<tr>
<td>Design</td>
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<td>Mid 2012</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Construction</td>
<td>Mid 2012</td>
<td>Late 2013</td>
<td></td>
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</table>

*This is Phase 2 of a US 101 Improvements effort; see page 2-23 for Phase 1.*
## Cost:

<table>
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<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Oct-11 Committed Costs</th>
<th>Oct-11 Incurred Costs</th>
<th>Secured Funding Balance d = (a-c)</th>
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<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>300</td>
<td>-</td>
<td>-</td>
<td>300</td>
</tr>
<tr>
<td>Real Estate</td>
<td>25</td>
<td>10</td>
<td>-</td>
<td>25</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>3,987</td>
<td>3,191</td>
<td>2,714</td>
<td>1,273</td>
</tr>
<tr>
<td>Contingency</td>
<td>44</td>
<td>-</td>
<td>-</td>
<td>44</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>4,356</strong></td>
<td><strong>3,201</strong></td>
<td><strong>2,714</strong></td>
<td><strong>1,642</strong></td>
</tr>
</tbody>
</table>

Secured Funding Incurred 62%
Secured Funding Committed 73%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

### Funding (millions):

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Identified</th>
<th>Secured</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meas A/STIP Swap</td>
<td>$2.8</td>
<td>$4.4</td>
</tr>
<tr>
<td>City of San Jose</td>
<td>1.6</td>
<td></td>
</tr>
<tr>
<td>State (CMIA)</td>
<td>$24.0</td>
<td></td>
</tr>
<tr>
<td>TBD</td>
<td>7.1</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$35.5</strong></td>
<td><strong>$4.4</strong></td>
</tr>
</tbody>
</table>

Portion of Estimated Cost for which funding has been identified

Current US 101-Capitol Expressway Interchange
**VTP Highway Projects**

**I-880/I-280/Stevens Creek Improvements**

**Estimated Cost:** $65 million  
  Estimate Class 1 (see appendix)

**Appropriation through FY 13:** $53.8 million

**Secured Funding to Date:** $14.8 million

**Year of Completion:** 2014

**Project Manager:** Ven Prasad

**Designer:** Mark Thomas & Company, Inc.

**Project Description:**

The project improves traffic operations, enhances safety, and improves access between the I-880 and I-280 freeway corridors, including modifications to the Route 17/I-280/I-880 freeway-to-freeway interchange itself, as well as to the two adjacent interchanges at I-880/Stevens Creek Boulevard. Specific improvements include:

- **Reconfiguring** the existing full cloverleaf I-880/Stevens Creek Boulevard Interchange to improve traffic flow in the interchange area by widening and realigning ramps, widening the overcrossing structure at Stevens Creek Boulevard over I-880, improving intersections, and providing enhanced access to pedestrians and bicyclists.

- **Separating** freeway-to-freeway traffic from local traffic by constructing a new direct connector from northbound I-280 to northbound I-880.

**Project Status:**

**Environmental/Preliminary Engineering:** The Project Report and Environmental Document were approved in mid-2011.

Final Design and Right-of-Way efforts are underway for the project.

The project has been recommended by Caltrans for programming of an initial $31 million in CMIA project savings funds for construction.

**Project Schedule:**

<table>
<thead>
<tr>
<th></th>
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<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental/PE</td>
<td>Early 2007</td>
<td>Mid 2011</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design PS&amp;E</td>
<td>Early 2009</td>
<td>Mid 2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right-of-Way</td>
<td>Early 2011</td>
<td>Mid 2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td>Mid 2012</td>
<td>Late 2014</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Open to Traffic</td>
<td>Late 2014</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Closeout</td>
<td>Early 2015</td>
<td>Late 2015</td>
<td></td>
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</tr>
</tbody>
</table>

*P-0455*
### Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Oct-11 Committed Costs</th>
<th>Oct-11 Incurred Costs</th>
<th>Secured Funding Balance (d = (a+c))</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Real Estate</td>
<td>3,265</td>
<td>170</td>
<td>132</td>
<td>3,132</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>11,361</td>
<td>10,258</td>
<td>7,984</td>
<td>3,377</td>
</tr>
<tr>
<td>Contingency</td>
<td>141</td>
<td>-</td>
<td>-</td>
<td>141</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>14,767</strong></td>
<td><strong>10,428</strong></td>
<td><strong>8,117</strong></td>
<td><strong>6,650</strong></td>
</tr>
</tbody>
</table>

- Secured Funding Incurred: 55%
- Secured Funding Committed: 71%

NOTE: All amounts are Year Of Expenditure dollars in $1,000’s

### Funding (millions):

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Identified</th>
<th>Secured</th>
<th>TBD (STIP, Other)</th>
<th>Local</th>
<th>Federal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meas B/STIP Swap</td>
<td>3.2</td>
<td>2.2</td>
<td>14%</td>
<td>7%</td>
<td>31%</td>
</tr>
<tr>
<td>Local (San Jose)</td>
<td>1.6</td>
<td>1.6</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>State (CMIA)</td>
<td>31.0</td>
<td>0.0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal (Earmark, STP)</td>
<td>19.9</td>
<td>11.1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TBD (Future STIP, other)</td>
<td>9.4</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$65.0</strong></td>
<td><strong>$14.8</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Portion of Estimated Cost for which funding has been identified:

- State: 48%
- Federal: 31%
- TBD (STIP, Other): 14%
- Local: 7%

NOTE: All amounts are Year Of Expenditure dollars in $1,000’s.
**Estimated Cost:** $1.29 million

Estimated Class 1 *(see appendix)*

**Appropriation through FY 13:**

$3.29 million

**Secured Funding to Date:**

$1.29 million

**Year of Completion:** TBD

2011 (Construction)

2012 (Plant Establishment)

**Project Managers:**

Ven Prasad

Stuart Bussian

**Designers:**

Parsons Transportation

Orsee Design

---

**Project Description:**

The project consists of landscape improvements in the City of Milpitas at Route 237 and McCarthy Boulevard Medians. Work will include tree planting, a recycled-water automatic irrigation system, and a 1-year plant establishment maintenance period.

It has not been determined whether a follow-on 2-year plant establishment period will be required.

---

**Project Status:**

**Final Design (PS&E):** Design is bid-ready, with the next step to obtain encroachment permits from Caltrans and the City of Milpitas.

The project is being phased to coordinate with the I-880 HOV Widening project limits in the same corridor.

---

**Project Schedule:**

Schedule to be finalized pending consensus on required PEP duration.
Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Oct-11 Committed Costs</th>
<th>Oct-11 Incurred Costs</th>
<th>Secured Funding Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>300</td>
<td>-</td>
<td>-</td>
<td>300</td>
</tr>
<tr>
<td>Real Estate</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>985</td>
<td>725</td>
<td>722</td>
<td>263</td>
</tr>
<tr>
<td>Contingency</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,285</strong></td>
<td><strong>725</strong></td>
<td><strong>722</strong></td>
<td><strong>563</strong></td>
</tr>
</tbody>
</table>

Secured Funding Incurred: 56%
Secured Funding Committed: 56%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

Funding (millions):

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Identified</th>
<th>Secured</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local (Milpitas)</td>
<td>$1.29</td>
<td>$1.29</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1.29</strong></td>
<td><strong>$1.29</strong></td>
</tr>
</tbody>
</table>

I-880/Route 237 Interchange

Typical Landscaping
VTP Highway Projects

US 101 Auxiliary Lanes – Embarcadero Rd to Route 85

**Estimated Cost:** $72.0 million

Estimate Class 1 (see appendix)

**Appropriation through FY 13:**

$100.9 million

**Secured Funding to Date:**

$15.7 million

**Year of Completion:** 2013

**Project Manager:** Lam Trinh

**Designer:** URS Corporation

**Project Description:**

Construct auxiliary lanes and extended dual HOV lanes in each direction of a 3.2 mile segment of US 101 between Route 85 in Mountain View and Embarcadero Road in Palo Alto.

This project has been selected by the California Transportation Commission (CTC) for construction funding through the Corridor Mobility Improvement Account (CMIA) Proposition 1B Funding Program.

**Project Status:**

**Environmental/Preliminary Engineering:** The Environmental Document and Project Study Report/Project Report were approved in July 2009.

**Final Design:** The final engineering design – Plans, Specifications, and Estimate (PS&E) – work was completed in July 2011.

**Construction and Right-of-Way:** Right-of-way certification was achieved in May 2011. VTA is coordinating early utility relocations, which should be completed by late 2011. Bid opening occurred on November 1, 2011. Seven bids were received, all of them significantly below the engineer’s estimate and the CMIA budget. Construction is expected to begin in early 2012.

**Project Schedule:**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start</th>
<th>End</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental/PE</td>
<td>Mid 2007</td>
<td>Mid 2009</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design (PS&amp;E)</td>
<td>Mid 2009</td>
<td>Mid 2011</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right-of-Way</td>
<td>Mid 2009</td>
<td>Mid 2011</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right-of-Way Certification</td>
<td>Mid 2011</td>
<td>Late 2011</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Caltrans Bidding Process</td>
<td>Mid 2011</td>
<td>Late 2011</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td>Early 2012</td>
<td>Late 2013</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Open to Traffic</td>
<td>Late 2013</td>
<td>Late 2013</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Closeout</td>
<td>Late 2014</td>
<td>Late 2014</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>
Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding a</th>
<th>Oct-11 Committed Costs b</th>
<th>Oct-11 Incurred Costs c</th>
<th>Secured Funding Balance d = (a+c)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>1,472</td>
<td>812</td>
<td>284</td>
<td>1,188</td>
</tr>
<tr>
<td>Real Estate</td>
<td>1,575</td>
<td>1,288</td>
<td>1,267</td>
<td>308</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>12,615</td>
<td>12,559</td>
<td>12,094</td>
<td>521</td>
</tr>
<tr>
<td>Contingency</td>
<td>7</td>
<td>-</td>
<td>-</td>
<td>7</td>
</tr>
<tr>
<td>Total</td>
<td>15,670</td>
<td>14,660</td>
<td>13,646</td>
<td>2,024</td>
</tr>
</tbody>
</table>

Secured Funding Incurred: 87%
Secured Funding Committed: 94%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

Funding (millions):

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Identified</th>
<th>Secured</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meas A/STIP Swap</td>
<td>$15.9</td>
<td>$15.7</td>
</tr>
<tr>
<td>State (CMIA)</td>
<td>56.1</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>$72.0</td>
<td>$15.7</td>
</tr>
</tbody>
</table>

Portion of Estimated Cost for which funding has been identified:
- State 78%
- Local 22%
- 0%

Double HOV lanes south of Old Middlefield Way

US 101 – Route 85 Interchange
**I-880 HOV Widening**

**Estimated Cost:** $67.0 million

Estimate Class 1 (see appendix)

**Appropriation through FY 13:**

$92.5 million

**Secured Funding to Date:** $17.3 million

**Year of Completion:** 2013

**Project Manager:** Lam Trinh

**Designer:** Mark Thomas & Company, Inc.

**Project Description:**

This project will add a High Occupancy Vehicle (HOV) lane in each direction of 4.6 miles of Interstate 880 between US 101 in San Jose and Route 237 in the City of Milpitas.

This project has been selected by the California Transportation Commission (CTC) for construction funding through the Corridor Mobility Improvement Account (CMIA) Proposition 1B Funding Program.

**Project Status:**

**Environmental/Preliminary Engineering:** The Environmental Document and Project Study Report/Project Report were approved in June 2009.

**Final Design:** The final engineering design – Plans, Specifications, and Estimate (PS&E) – work was completed in July 2011.

**Construction and Right-of-Way:** Right-of-way certification was achieved in May 2011. VTA completed early utility relocations in October 2011.

Bid opening occurred on October 25, 2011. Six bids were received, all of them significantly below the engineer’s estimate and the CMIA budget. Construction is expected to begin in early 2012.

**Project Schedule:**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start</th>
<th>End</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental/PE</td>
<td>Mid 2007</td>
<td>Mid 2009</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design (PS&amp;E)</td>
<td>Mid 2009</td>
<td>Mid 2011</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Right-of-Way</td>
<td>Mid 2009</td>
<td>Mid 2011</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Right-of-Way Certification</td>
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<td>Late 2011</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Caltrans Bidding Process</td>
<td>Mid 2011</td>
<td>Late 2011</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td>Early 2012</td>
<td>Mid 2013</td>
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<tr>
<td>Open to Traffic</td>
<td>Mid 2013</td>
<td>Late 2014</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Closeout</td>
<td>Mid 2013</td>
<td>Late 2014</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>
Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Oct-11 Committed Costs</th>
<th>Oct-11 Incurred Costs</th>
<th>Secured Funding Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>1,624</td>
<td>843</td>
<td>791</td>
<td>833</td>
</tr>
<tr>
<td>Real Estate</td>
<td>4,169</td>
<td>3,764</td>
<td>3,743</td>
<td>425</td>
</tr>
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<td>Labor, Services and Support</td>
<td>11,045</td>
<td>10,512</td>
<td>10,390</td>
<td>656</td>
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<tr>
<td>Contingency</td>
<td>462</td>
<td>-</td>
<td>-</td>
<td>462</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>17,300</strong></td>
<td><strong>15,119</strong></td>
<td><strong>14,924</strong></td>
<td><strong>2,376</strong></td>
</tr>
</tbody>
</table>

Secured Funding Incurred: 86%
Secured Funding Committed: 87%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

Funding (millions)*:

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Identified</th>
<th>Secured</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meas A/STIP Swap</td>
<td>$19.5</td>
<td>$17.3</td>
</tr>
<tr>
<td>State (CMIA)</td>
<td>47.5</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$67.0</strong></td>
<td><strong>$17.3</strong></td>
</tr>
</tbody>
</table>

*Meas A/STIP Swap participation subject to change pending negotiations with Caltrans

I-880/Brokaw Road Interchange

I-880/Route 237 Interchange
VTP Highway Projects

US 101 Improvements - I-280 to Yerba Buena Road

Estimated Cost: $42 million
   Estimate Class 1 (see appendix)

Appropriation through FY 13:
   $61.3 million

Secured Funding to Date: $10.2 million

Year of Completion: 2012

Project Manager: Ven Prasad

Designer: HMH Engineers

Project Description:

Improve operation on US 101 in east San Jose by adding a lane in the southbound direction from south of Story Road to north of Capitol Expressway and reconfigure the US 101/Tully Road interchange from the existing full cloverleaf to a partial cloverleaf interchange.

The balance of the operational improvements between Capital Expressway and Yerba Buena Road covered in the Environmental Document will be addressed in a separate project.

Additionally, the proposed project replaces the Tully Road Overcrossing. The project fully accommodates bicyclists and pedestrians with a bike lane and sidewalk on both sides along the full length of Tully Road.

This project has been selected by the California Transportation Commission (CTC) for partial funding through the Corridor Mobility Improvement Account (CMIA) Proposition 1B Funding Program.

Project Status:

Construction: The contract was awarded in late 2010 to RGW Construction, Inc. Construction is now underway on the initial phase to construct the southern half of the new Tully Road overcrossing. Construction of the northern half started in mid 2011. The targeted completion date is early 2012.

Utility relocations will continue through late 2011.

Construction administration is being conducted by Caltrans.

Project Schedule:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start</th>
<th>End</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental/PE</td>
<td>Mid 2007</td>
<td>Early 2009</td>
<td>[ ]</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design (PS&amp;E)</td>
<td>Early 2008</td>
<td>Early 2010</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>Construction</td>
<td>Mid 2010</td>
<td>Mid 2012</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>Open to Traffic</td>
<td>Mid 2012</td>
<td>Mid 2013</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>Closeout</td>
<td>Mid 2012</td>
<td>Mid 2013</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

This is Phase 1 of a US 101 Improvements effort; see page 2-13 for Phase 2.
Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Oct-11 Committed Costs</th>
<th>Oct-11 Incurred Costs</th>
<th>Secured Funding Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>1,520</td>
<td>1,510</td>
<td>1,091</td>
<td>429</td>
</tr>
<tr>
<td>Real Estate</td>
<td>446</td>
<td>446</td>
<td>445</td>
<td>1</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>8,249</td>
<td>7,676</td>
<td>7,360</td>
<td>889</td>
</tr>
<tr>
<td>Contingency</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>10,215</td>
<td>9,632</td>
<td>8,896</td>
<td>1,319</td>
</tr>
</tbody>
</table>

Secured Funding Incurred: 87%
Secured Funding Committed: 94%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

Funding (millions):

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Identified</th>
<th>VTA Administered</th>
<th>Administered By Others</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meas A/STIP Swap</td>
<td>$5.9</td>
<td>$4.6</td>
<td>$1.3</td>
<td>$5.9</td>
</tr>
<tr>
<td>Meas B Swap</td>
<td>0.1</td>
<td>0.1</td>
<td>-</td>
<td>0.1</td>
</tr>
<tr>
<td>Local (CSJ)</td>
<td>6.6</td>
<td>4.0</td>
<td>2.6</td>
<td>6.6</td>
</tr>
<tr>
<td>Local (Other)</td>
<td>0.3</td>
<td>0.3</td>
<td>-</td>
<td>0.3</td>
</tr>
<tr>
<td>State (CMIA)</td>
<td>16.9</td>
<td>1.2</td>
<td>15.7</td>
<td>16.9</td>
</tr>
<tr>
<td>State (SHOPP)</td>
<td>1.2</td>
<td>-</td>
<td>1.2</td>
<td>1.2</td>
</tr>
<tr>
<td>Federal (ARRA)</td>
<td>4.1</td>
<td>-</td>
<td>4.1</td>
<td>4.1</td>
</tr>
<tr>
<td>Federal (Earmark)</td>
<td>7.2</td>
<td>-</td>
<td>7.2</td>
<td>7.2</td>
</tr>
<tr>
<td>Total</td>
<td>$42.3</td>
<td>$10.2</td>
<td>$32.1</td>
<td>$42.3</td>
</tr>
</tbody>
</table>

Secured Funding Incurred: 87%
Secured Funding Committed: 94%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

(13.a) Reinforcing steel placement and concrete placement preparation

(12.24) Column forming
VTP Highway Projects
Route 87 Planting

Estimated Cost: $4.9 million

Estimate Class 1 (see appendix)

Appropriation through FY 13:
$4.9 million

Secured Funding to Date:
$4.9 million

Year of Completion:
2009 (Construction)
2012 (Plant Establishment)

Project Manager: Ven Prasad
Designer: BKF Engineers, Sugimura & Assoc.
Contractor: McGuire and Hester

Project Description:
The project consists of landscape improvements including replacement planting, automatic irrigation system, and erosion control work, with a 3-year plant establishment and maintenance period. The project extends from Capitol Expressway to Julian Street in Downtown San Jose, and includes four major interchanges: Capital Expressway, Curtner Avenue, Almaden Expressway, and Julian Street.

Project Status:
Construction: Construction started in August 2008 and was completed in October 2009, two months ahead of schedule.

The three-year Plant Establishment Phase runs from October 2009 through October 2012.

Project Schedule:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start</th>
<th>End</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Design (PS&amp;E)</td>
<td>Mid 2006</td>
<td>Late 2008</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planting</td>
<td>Late 2008</td>
<td>Late 2009</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plant Establishment</td>
<td>Late 2009</td>
<td>Late 2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Oct-11 Committed Costs</th>
<th>Oct-11 Incurred Costs</th>
<th>Secured Funding Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>3,385</td>
<td>3,285</td>
<td>3,135</td>
<td>250</td>
</tr>
<tr>
<td>Real Estate</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>1,485</td>
<td>1,424</td>
<td>1,394</td>
<td>91</td>
</tr>
<tr>
<td>Contingency</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4,870</strong></td>
<td><strong>4,709</strong></td>
<td><strong>4,529</strong></td>
<td><strong>341</strong></td>
</tr>
</tbody>
</table>

Secured Funding Incurred 93%
Secured Funding Committed 97%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

Funding (millions):

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Identified</th>
<th>Secured</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meas B Swap</td>
<td>$2.1</td>
<td>$2.1</td>
</tr>
<tr>
<td>Federal (STP Funds)</td>
<td>2.5</td>
<td>2.5</td>
</tr>
<tr>
<td>Federal (GARVEE)</td>
<td>0.3</td>
<td>0.3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$4.9</strong></td>
<td><strong>$4.9</strong></td>
</tr>
</tbody>
</table>

Local 43%
Federal 57%

100%

Portion of Estimated Cost for which funding has been identified

New Planting at Julian Blvd. Interchange – Southbound onramp

New Planting at Julian Blvd. Interchange – Northbound onramp
VTP Highway Projects

Ramp Metering Implementation

**Estimated Cost:**
$2.6 million
Estimate Class 1
*(see appendix)*

**Appropriation through FY 13:**
$11.8 million

**Secured Funding to Date:**
$2.6 million

**Year of Completion:**
2012

**Project Manager:**
David Kobayashi

**Designer:**
Mark Thomas & Company

**Project Description:**
Implement ramp metering along Southbound US 101 between Embarcadero Road and De La Cruz Boulevard, the entire length of Route 87, and Southbound Route 85 between Almaden Expressway and Cottle Road during the AM and PM peak periods. Ramp metering improvements to the I-880 corridor between Route 237 and Interstate 280 were subsequently added and implemented. Caltrans has recently requested assistance with similar ramp metering improvements on the I-280 corridor between US 101 and I-880.

The goals of the project are to minimize overall corridor delay by managing access at on-ramps during peak commute periods, and to minimize the impact on local street traffic resulting from the implementation of ramp metering.

**Project Status:**
Ramp metering plans along the Route 87 and Route 85 corridors were implemented in the first half of 2009, and the “After” studies on these corridors to evaluate the effectiveness of the ramp metering to improve traffic operations have been completed. Ramp metering plans along southbound US 101 were implemented in late 2009, and the I-880 implementation was completed in early 2011. “After” studies for ramp metering along the completed southbound US 101 and I-880 corridors were completed in Fall 2011.

Improvements along these corridors were successfully deployed with reductions in travel delays as high as 40 percent. Work is underway to develop new metering plans by the end of 2011 for I-280 ramps between US 101 and I-880 in support of ramp improvements being constructed by Caltrans. Implementation is forecast for early 2012, with “after” studies following in mid-2012.

**Project Schedule:**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start</th>
<th>End</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>US 101, Route 87, I-880, and Route 85</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design</td>
<td>Early 2008</td>
<td>Late 2010</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td>Late 2008</td>
<td>Early 2011</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Evaluation &amp; Closeout</td>
<td>Mid 2010</td>
<td>Late 2011</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>I-280 Corridor</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design</td>
<td>Mid 2011</td>
<td>Late 2011</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td>Early 2012</td>
<td>Mid 2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Evaluation &amp; Closeout</td>
<td>Mid 2012</td>
<td>Late 2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
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</table>
Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Oct-11 Committed Costs</th>
<th>Oct-11 Incurred Costs</th>
<th>Secured Funding Balance $ a-c $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>191</td>
<td>191</td>
<td>191</td>
<td>-</td>
</tr>
<tr>
<td>Real Estate</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>2,339</td>
<td>2,284</td>
<td>1,842</td>
<td>497</td>
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<tr>
<td>Contingency</td>
<td>31</td>
<td>-</td>
<td>-</td>
<td>31</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2,561</strong></td>
<td><strong>2,475</strong></td>
<td><strong>2,034</strong></td>
<td><strong>527</strong></td>
</tr>
</tbody>
</table>

Secured Funding Incurred 79%
Secured Funding Committed 97%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

Funding (millions):

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Identified</th>
<th>Secured</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal (CMAQ)</td>
<td>$2.6</td>
<td>$2.6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2.6</strong></td>
<td><strong>$2.6</strong></td>
</tr>
</tbody>
</table>

Federal 100%

Portion of Estimated Cost for which funding has been identified

Ramp Metering Schematic

Ramp Metering Hardware Example (Typical One Lane On-Ramp)

13.a
**Program Overview**

**Estimated Cost:**
- **Initial Study** - $3 million, Estimate Class 1
- **237/880 Express Connector** - $12 million, Estimate Class 1
- **Route 85 Express Lanes** - $181 million, Estimate Class 5
- **US 101 Express Lanes** - $425 million, Estimate Class 5

See appendix for description of estimate classes

**Appropriation through FY 13:**
- $45 million

**Secured Funding to Date:**
- $24 million

**Year of Completion / Target Opening Year:**
- 237/880 Express Connectors - 2011
- Route 85 Express Lanes – 2014
- US 101 Express Lanes - 2016

**Project Managers:**
- 237/880 Express Connectors - Leo Scott
- Route 85 Express Lanes – Jane Yu
- US 101 Express Lanes – Lam Trinh

**Designers:**
- 237/880 Expr. Conn: PB Americas
- Route 85 & US 101: URS Corp

**Program Overview:**

The benefits of the Silicon Valley Express Lanes program include:

- **Increased efficiency of existing roadway** - Carpool lanes are underutilized and have the capacity to accommodate more vehicles. By encouraging transit and carpools, and allowing solo drivers to pay a fee to access the lanes, we can make more efficient use of existing roadways.

- **Option for reliable travel** - Through the use of dynamic pricing, VTA can manage the amount of traffic in the express lanes and maintain free-flowing speeds even when the general purpose lanes are congested. Motorists who choose to use the Express Lanes can count on reliable travel times.

- **Revenue reinvested in the corridor** - Tolls collected will be used to operate the lanes and for other transportation improvements in the Express Lanes corridors including transit.

Tolls for solo drivers will vary based on the level of congestion in the lanes, and will be adjusted to maintain a minimum speed of 45 miles per hour in the lanes. When traffic is light, toll prices are low. When congestion increases, toll prices go up to regulate the number of drivers entering the express lanes. The California Highway Patrol (CHP) will provide enforcement of express lanes using a combination of new technologies and visual checks for occupancy (as with HOV lanes).
Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding a</th>
<th>Oct-11 Committed Costs b</th>
<th>Oct-11 Incurred Costs c</th>
<th>Secured Funding Balance d = (a-c)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>6,394</td>
<td>5,198</td>
<td>1,778</td>
<td>4,616</td>
</tr>
<tr>
<td>Real Estate</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>16,754</td>
<td>14,313</td>
<td>10,214</td>
<td>6,540</td>
</tr>
<tr>
<td>Contingency</td>
<td>652</td>
<td>-</td>
<td>-</td>
<td>652</td>
</tr>
<tr>
<td>Total</td>
<td>23,800</td>
<td>19,511</td>
<td>11,993</td>
<td>11,807</td>
</tr>
</tbody>
</table>

- Secured Funding Incurred 50%
- Secured Funding Committed 82%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

Funding (millions):

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Identified Source</th>
<th>US 101 Initial Study</th>
<th>Route 85 Express Lanes</th>
<th>237 I-880 Conn.</th>
<th>Total Identified</th>
<th>Secured</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local</td>
<td></td>
<td>$3</td>
<td>$6.2</td>
<td>$1</td>
<td>$4</td>
<td>$15</td>
</tr>
<tr>
<td>Federal</td>
<td></td>
<td>-</td>
<td>-</td>
<td>4</td>
<td>7</td>
<td>11</td>
</tr>
<tr>
<td>TBD</td>
<td></td>
<td>-</td>
<td>419</td>
<td>176</td>
<td>-</td>
<td>595</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$3</td>
<td>$425</td>
<td>$181</td>
<td>$12</td>
<td>$621</td>
</tr>
</tbody>
</table>

- Portion of Estimated Cost for which funding has been identified

VTA Express Lanes provide improved access and reliable travel for everyone.

- Solo drivers with a prepaid FasTrak transponder can choose to pay a toll and use the Express Lanes.
- Transit vehicles, carpools, vanpools, motorcycles, and eligible hybrids can use the Express Lanes at no charge.
**Estimated Cost:** $11.8 Million, Estimate Class 1

**Appropriation through FY 13:**
$11.8 Million

**Secured Funding to Date:**
$11.8 Million

**Year of Completion:** 2012

**Project Manager:** Leo Scott

**Designer:** PB Americas

**Project Description:**
The Route 237/I-880 Express Connectors project will convert the direct carpool lane to carpool lane connector ramps at the Route 237/I-880 interchange to Express Lanes operation. This project is funded through local and federal funds, including the American Recovery and Reinvestment Act (ARRA), and the Value Pricing Pilot Program.

**Project Status:**
VTA awarded a contract for systems integration in June 2010. The Advanced Sign Structure procurement package was completed in May 2011.

VTA awarded a contract for civil construction to RGW Construction in August 2011. Field work began in late September 2011 and is scheduled to be completed in December 2011. Toll equipment installation will begin at the conclusion of civil construction.

Following systems testing, tolling is forecast to be operational in February or March 2012.

**Project Schedule:**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start</th>
<th>End</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preliminary Engineering</td>
<td>Early 2007</td>
<td>Late 2008</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design</td>
<td>Early 2009</td>
<td>Mid 2011</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td>Mid 2011</td>
<td>Early 2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tolling Operational</td>
<td>Early 2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Oct-11 Committed Costs</th>
<th>Oct-11 Incurred Costs</th>
<th>Secured Funding Balance d = (a-c)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>6,394</td>
<td>5,198</td>
<td>1,778</td>
<td>4,616</td>
</tr>
<tr>
<td>Real Estate</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>5,240</td>
<td>4,709</td>
<td>4,437</td>
<td>803</td>
</tr>
<tr>
<td>Contingency</td>
<td>126</td>
<td>-</td>
<td>-</td>
<td>126</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>11,760</strong></td>
<td><strong>9,907</strong></td>
<td><strong>6,215</strong></td>
<td><strong>5,545</strong></td>
</tr>
</tbody>
</table>

Secured Funding Incurred 53%
Secured Funding Committed 84%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

## Funding (millions):

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Identified</th>
<th>Secured</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local</td>
<td>$4.3</td>
<td>$4.3</td>
</tr>
<tr>
<td>Federal</td>
<td>7.5</td>
<td>7.5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$11.8</strong></td>
<td><strong>$11.8</strong></td>
</tr>
</tbody>
</table>

Local 37%
Fed 63%

Portion of Estimated Cost for which funding has been identified
VTP Highway – Silicon Valley Express Lanes

Route 85 Express Lanes

Estimated Cost: $181 Million
Estimate Class 5
Appropriation through FY 13:
$12.3 million
Secured Funding to Date:
$4.9 Million
Year of Completion: TBD
Project Manager: Jane Yu
Designer: URS Corporation

Project Description:
This project includes conversion of 23.7 miles of the existing high-occupancy vehicle (HOV) lanes along SR 85 to combination HOV/Express Lanes. The proposed facility would allow single occupancy vehicles to gain access to the combination HOV/express lanes by paying a toll. An additional Express Lane would also be added to create a double Express Lane along a portion of the corridor to provide added congestion relief and operational benefits to users. The project would also include the continuation of the Express Lanes for 3.3 miles to US 101 in South San Jose, through the SR85/US101 Interchange, for a total of 27 miles.

The project is a recipient of federal ARRA and earmark funds that will be used for the preliminary engineering and environmental clearance.

Project Status:
Environmental/Preliminary Engineering: Work on traffic data collection, traffic validation, and traffic forecasting as required for the PA/ED phase are underway. Preliminary conceptual engineering drawings are also under development to identify design exceptions to be approved by Caltrans. The Draft Environmental Document is scheduled to be completed by mid 2012, with the PA/ED phase expected to be completed by late 2012.

VTA is looking for supplemental funding for a 1-lane initial project in order to continue into the design phase and is exploring options for bonding in order to finance construction.

A Design-Build delivery model is being explored.

Project Schedule:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start</th>
<th>End</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Design, ROW, Construction, Closeout</td>
<td>Early 2010</td>
<td>Late 2012</td>
<td></td>
<td></td>
<td></td>
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Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Oct-11 Committed Costs</th>
<th>Oct-11 Incurred Costs</th>
<th>Secured Funding Balance</th>
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<tr>
<td>Construction and Major Procurement</td>
<td>-</td>
<td>-</td>
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<td>-</td>
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<tr>
<td>Real Estate</td>
<td>-</td>
<td>-</td>
<td></td>
<td>-</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>4,434</td>
<td>3,090</td>
<td>2,365</td>
<td>2,070</td>
</tr>
<tr>
<td>Contingency</td>
<td>506</td>
<td>-</td>
<td>-</td>
<td>506</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4,940</strong></td>
<td><strong>3,090</strong></td>
<td><strong>2,365</strong></td>
<td><strong>2,575</strong></td>
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Secured Funding Incurred 48%
Secured Funding Committed 63%

NOTE: All amounts are Year Of Expenditure dollars in $1,000's

Funding (millions):

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<thead>
<tr>
<th>Funding Source</th>
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<th>Secured</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local</td>
<td>$1.2</td>
<td>$1.2</td>
</tr>
<tr>
<td>Federal</td>
<td>3.8</td>
<td>3.8</td>
</tr>
<tr>
<td>TBD</td>
<td>176.1</td>
<td>0.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$181.0</strong></td>
<td><strong>$4.9</strong></td>
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</tbody>
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Aerial view of Route 85 - US 101 Interchange in South San Jose
VTP Highway – Silicon Valley Express Lanes

US 101 Express Lanes

Estimated Cost: $425 Million
Estimate Class 5
Appropriation through FY 13: $18.4 million
Secured Funding to Date: $4.2 million
Year of Completion: 2016
Project Manager: Lam Trinh
Designer: URS Corporation

Project Description:
The project involves converting 34 miles of the existing carpool network on US 101 between Dunne Avenue in Morgan Hill and the San Mateo County line to Express Lane operation.

The current recommendation is to implement two lanes of Express Lanes within the existing footprint to accommodate the projected travel demand for US 101.

Project Status:
In December 2010, the Project Team began work on the initial phase of the Project Approval/Environmental Document (PA/ED) for the Project.

Environmental/Preliminary Engineering: Work on traffic data collection, traffic validation, and traffic forecasting as required for the PA/ED phase are underway. Preliminary conceptual engineering drawings are also under development to identify design exceptions to be approved by Caltrans. Project will produce a Project Study Report/Preliminary Development Study - PSR(PDS) - prior to producing a Project Report and Environmental Document. VTA is negotiating a cooperative agreement and compensation to engage Caltrans in reviewing the PSR(PDS). The Draft Environmental Document is scheduled to be completed by late 2012, with the PA/ED phase expected to be completed by spring 2013.

Project Schedule:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start</th>
<th>End</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental</td>
<td>Early 2011</td>
<td>Early 2013</td>
</tr>
<tr>
<td>Design (PS&amp;E)</td>
<td>Early 2013*</td>
<td>Late 2014*</td>
</tr>
<tr>
<td>Right-of-Way</td>
<td>Early 2013*</td>
<td>Late 2014*</td>
</tr>
<tr>
<td>Construction</td>
<td>Early 2015*</td>
<td>Late 2016*</td>
</tr>
<tr>
<td>Open to Traffic</td>
<td>Late 2016*</td>
<td>Mid 2017*</td>
</tr>
<tr>
<td>Closeout</td>
<td>Late 2016*</td>
<td></td>
</tr>
</tbody>
</table>

* Funding not identified, schedule is tentative
Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding (a)</th>
<th>Oct-11 Committed Costs (b)</th>
<th>Oct-11 Incurred Costs (c)</th>
<th>Secured Funding Balance (d = a+c)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Real Estate</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>4,130</td>
<td>3,578</td>
<td>481</td>
<td>3,649</td>
</tr>
<tr>
<td>Contingency</td>
<td>20</td>
<td>-</td>
<td>-</td>
<td>20</td>
</tr>
<tr>
<td>Total</td>
<td>4,150</td>
<td>3,578</td>
<td>481</td>
<td>3,669</td>
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Secured Funding Incurred: 12%
Secured Funding Committed: 86%

NOTE: All amounts are Year Of Expenditure dollars in $1,000’s

Funding (millions):

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Identified</th>
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</thead>
<tbody>
<tr>
<td>Local</td>
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<tr>
<td>TBD</td>
<td>418.8</td>
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<tr>
<td>Total</td>
<td>$425.0</td>
<td>$4.2</td>
</tr>
</tbody>
</table>

Northern US 101/Route 85 Interchange

Express Lanes Conceptual Rendering
Figure 1.5 – Cost Estimate Classification Matrix
(Adapted from AACE Skills & Knowledge of Cost Engineering, 4th ed., Chapter 1)

<table>
<thead>
<tr>
<th>Estimate Class</th>
<th>Level of Project Definition</th>
<th>Expected Accuracy Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class 5</td>
<td>0% to 5%</td>
<td>-50% to +100%</td>
</tr>
<tr>
<td>Class 4</td>
<td>5% to 25%</td>
<td>-30% to +50%</td>
</tr>
<tr>
<td>Class 3</td>
<td>35%</td>
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</tr>
<tr>
<td>Class 2</td>
<td>65%</td>
<td>-15% to +20%</td>
</tr>
<tr>
<td>Class 1</td>
<td>90% to 100%</td>
<td>-10% to +15%</td>
</tr>
</tbody>
</table>

Figure 1.5 shows a mapping of Estimate Class to Level of Project Definition. Intuitively, estimates become more accurate and have less uncertainty as project definition increases. This table provides a rough framework to describe the accuracy of project estimated costs in this report. A discussion of cost estimate classes, in order of increasing accuracy, is presented below:

- **Class 5** (Order-of-Magnitude Estimates) – Order-of-magnitude estimates are sometimes referred to as “conceptual” or “ballpark” estimates. These estimates are made without detailed engineering data using only basic criteria such as area or distance. An estimate of this type would normally be expected to be accurate within +100 percent to -50 percent. Order-of-magnitude estimates are used to quickly screen several types of alternative designs.

- **Classes 4 and 3** (Preliminary Estimates) – Preliminary estimates are prepared once enough preliminary engineering has taken place to further define the project scope. An estimate of this type is normally expected to be accurate within +50 percent to -30 percent. Since the preliminary estimate is more definitive than the order-of-magnitude estimate, it is better suited for determining project feasibility.

- **Classes 2 and 1** (Final Estimates) – Final estimates are prepared from very defined engineering data. This data includes, as a minimum, fairly complete plans and specifications. An estimate of this type is usually expected to be accurate within +15 percent to -15 percent. The final estimate has a level of accuracy that is appropriate for setting project budgets.
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: AT&T License Agreement at Chaboya Yard

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a five-year license agreement, with four options to renew at five year increments, with AT&T for the construction and use of a 68 foot high telecommunications monopole along with supportive attached antennas and 400 square feet of ground-level equipment cabinets at VTA’s Chaboya Maintenance Yard. The starting annual license fee is $38,480 with 4% increases annually thereafter.

BACKGROUND:

Located at 2440 S. 10th Street in San Jose, the 19-acre Chaboya Yard serves as a storage, maintenance and training facility for VTA’s bus fleet. VTA was approached by AT&T with interest in utilizing the location in order to bolster the telecommunications network in the surrounding area. A site plan of the proposed AT&T telecommunication location at Chaboya Yard is shown on the attached Exhibit A. This proposed location is currently vacant raw land adjacent to the training facility parking lot and will not be needed for future VTA operations.

The existing land use at Chaboya Yard is designated as Heavy Industrial under the approved City of San Jose’s Envision 2040 General Plan and the zoning allows for wireless telecommunication facilities. AT&T is currently obtaining all necessary land use approvals with the City of San Jose.
DISCUSSION:

Under the proposal, AT&T will design, build and fund the construction and maintenance costs of the monopole and associated equipment. AT&T will be responsible for the maintenance of its own telecommunication equipment and pay for its utility costs. When construction is complete, AT&T will own and control the monopole and equipment.

Currently, VTA also operates its own Advanced Communication System (ACS) on top of a telecommunications monopole at Chaboya Yard that also allows Sprint-Nextel and T-Mobile carrier antennas to co-locate through respective license agreements. The proposed AT&T infrastructure will not interfere with either VTA’s or the other carrier frequencies, and the monopole and equipment will be built approximately 150 feet to the south of the existing monopole (as indicated on Exhibit A).

Proposed Terms

**Annual Starting License Fee:** $38,480 with 4% increases annually thereafter

**Term:** 5 years with four (4) - five (5) year renewal options

**Infrastructure:** 68 foot monopole, 9 flush-mounted antennas, ancillary equipment and cabinets

**Other Terms:** Any new antennas added after License commencement date will require additional fees from AT&T concurrent with VTA’s Telecommunication Fee Schedule.

Valuation

Staff believes the annual license fee proposed to AT&T is in line with market comparables that other governmental agencies in Northern California are charging for telecommunication antennas and towers on public land. This research is based on a market poll and the standard fee schedule is available on VTA's Real Estate website at www.vta.org/realestate. The standard fee schedule provides the necessary framework for a consistent policy regarding telecommunication rates and procedure.

Costs

There is no direct cost to VTA. All of the construction costs, including the utility connections with PG&E at 7th Street, will be at AT&T’s sole responsibility. In addition, all monthly electrical bills will be paid directly by AT&T.

Next Steps

If approved by the VTA Board, construction will begin in early February 2012. Subsequent to establishing the necessary infrastructure, the license commencement date is estimated for June 2012.
**ALTERNATIVES:**

The Board can deny the license agreement with AT&T, preventing VTA from realizing any revenue potential.

**FISCAL IMPACT:**

Approval of the AT&T Agreement with VTA at Chaboya Yard will generate $38,480 in the first year with the potential to generate more than $1.6 Million in revenue over 25 years.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

Board members inquired about the permit status of the licensee. Board member Herrera commented that the proposed location was a suitable location for the telecommunications tower as it was in an industrial area. The CMPP Committee unanimously approved the item at its December 16, 2011 meeting.

Prepared by: Kevin Balak
Memo No. 3444
Exhibit “B”

Title: AT&T License Agreement at Chaboya Yard
Department: Dept - Property Development & Management
Category: Agreements
Meeting: Thursday, January 5, 2012 5:30 PM

Per Government Code, Section 84308:

Contact: Jake Wooten
Trillium Consulting
7901 Stoneridge Drive, Suite 503
Pleasanton, CA 94588
(714) 717-6113
jwooten@trillumcos.com
AT&T Proposed Location
at Chaboya Division
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

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

SUBJECT: Guadalupe Emergency Generator Upgrade Contract

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with GEMs Environmental, the lowest responsible bidder, in the amount of $679,278 for the procurement and installation of an emergency generator at the Guadalupe Division Rail Repair Facility.

BACKGROUND:

As a result of significant bid savings on several recent Transit Security Grant funded projects, most notably the Closed Circuit Television contracts and Chaboya Division Perimeter Security Access Control Improvements contract, grant funds remain available to VTA if eligible contracts can be let and work can be accomplished by the grant funding deadline of April 2012. In order to utilize all of the grant funds available, VTA is expediting the advertisement and award of the high priority Guadalupe Emergency Generator Upgrade contract. This contract will replace the existing emergency generator with a new 1200 kilovolt-ampere emergency generator that is sufficient to provide the VTA Guadalupe Division with emergency power to operate the division should normal power go out of service.

During regular daily operations, the Guadalupe Division uses electrical power to serve the Way, Power and Signal Department, light rail maintenance facilities, and operations of the light rail Operations Control Center (OCC). In case of significant emergency or disaster, the Guadalupe Operating Division responsibility expands to become the home of the Emergency Operations Center (EOC). The EOC takes over responsibility for VTA business recovery, the operation of the radio communications system, and coordination with external agencies. The EOC is responsible for creating a general framework and organizational structure required for restoring
essential transportation services in Santa Clara County.

In event of an electrical power outage, the Guadalupe Division is equipped with a 300 kilovolt-ampere emergency generator. However, the existing generator capacity is not adequate to support the VTA normal operations since it can only power approximately 20% of the yard, the OCC and selected emergency lights. The existing generator would not be able to support the operations of the maintenance department, nor provide lighting to continue operations of the division facilities should normal power go down. The 1200 kilovolt-ampere generator will support these operations.

This contract will replace the existing emergency generator with a new 1200 kilovolt-ampere emergency generator that is sufficient to provide the VTA Guadalupe Division with the emergency power to operate the division until normal power is restored.

**DISCUSSION:**

The Guadalupe Emergency Generator Upgrade contract was advertised on November 16, 2011. Bids were opened on December 8, 2011 with the following results:

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>GEMs Environmental</td>
<td>$679,278</td>
</tr>
<tr>
<td>Dan Electric</td>
<td>$708,700</td>
</tr>
<tr>
<td>West Star Environmental</td>
<td>$728,500</td>
</tr>
<tr>
<td>Koch &amp; Koch, Inc.</td>
<td>$734,240</td>
</tr>
<tr>
<td>Cupertino Electric</td>
<td>$749,600</td>
</tr>
<tr>
<td>Rodan Builders</td>
<td>$815,000</td>
</tr>
<tr>
<td>BBJ Electric</td>
<td>$877,858</td>
</tr>
<tr>
<td>Pacific Infrastructure</td>
<td>$914,000</td>
</tr>
<tr>
<td>Engineer’s Estimate</td>
<td>$705,115</td>
</tr>
</tbody>
</table>

VTA staff has completed the bid review process and has determined that GEMs Environmental is the lowest responsible and responsive bidder. The GEMs Environmental bid, 4% below the Engineer’s Estimate, is fair and reasonable. Staff recommends awarding this contract to GEMs Environmental.

Construction is scheduled to begin in January 2012 with completion in March 2012.

**ALTERNATIVES:**

Award of this contract will allow VTA to take advantage of available grant money and complete construction of the project by April 2012, the deadline in the state grant funding requirement. If this does not happen, VTA will forfeit the state grant and will need to find other sources of funding for this important project.
FISCAL IMPACT:
This action will authorize $679,278 for the procurement and installation of an emergency generator at the Guadalupe Division Rail Repair Facility. Appropriation for this project is included in the FY 2012 Adopted VTA Transit Fund Capital Budget. The contract is 100% funded by a Prop 1B California Transit Security Grant.

SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION:
This contract was bid with a race-neutral SBE goal of 8%. The prime is both a DBE and an SBE and has committed to doing 89% of the work. This contract has attained 100% SBE participation.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:
The Transit Planning & Operations (TPO) Committee, meeting as a Committee of the Whole, considered this item on December 15, 2011. Staff reiterated to the Committee that to meet the requirement for available grant funding, the advertisement and award of this contract was expedited. At the time of the TPO meeting, staff did not have a recommended contractor identified due to the timing of the bid opening. However, staff noted that at the end of the protest period on December 19, 2011, the Board memo recommendation will be updated with specific contractor name and contract amount and the Small Business Enterprise (SBE) Participation will be updated to reflect the contractor SBE commitment. The Committee had no questions regarding this item and recommended the item be placed on the Consent Agenda for the January 5, 2011 Board of Directors meeting.

Prepared by: Ken Ronsse, Deputy Director
Memo No. 3446
ATTACHMENT A
GUADALUPE EMERGENCY GENERATOR UPGRADE

NEW GENERATOR REPLACING EXISTING

GUADALUPE DIVISION BUILDING A

N SAN PEDRO ST
W YOUNG AVE
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: SCADA Core Switch Replacement

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with NetXperts in the amount of $367,324.00 for the procurement and installation of a new core switch for the Supervisory Control and Data Acquisition (SCADA) system that is used to control the Light Rail system.

BACKGROUND:

The VTA SCADA system controls light rail train movements and related signals and switches. The system is in operation 24 hours a day, 7 days a week and is a critical component in providing safe, reliable light rail transportation to VTA’s customers. In March 2010, the US Department of Homeland Security (DHS), Transportation Security Administration (TSA) Transportation Security Network Management (TSNM) Mass Transit Division conducted a Field Operational Risk and Criticality Evaluation (FORCE) assessment to examine prevailing threats to VTA’s transportation system. The SCADA system was identified as a “Security Control Point” by DHS/TSA.

The current SCADA core switch is approaching 10 years of service and does not offer the reliability and latest security features that are required to meet the agency’s needs. This switch provides the connectivity between all the field equipment and the local system of servers and workstations that make up the SCADA system. VTA must harden its SCADA system by integrating new upgrades and replacing obsolete equipment comprising core network upgrades, wireless system integration, network monitoring and network access protection.

This contract will provide, install, and configure a new SCADA core switch, a new VPN (Virtual...
Private Network) appliance for protected remote access, and will provide a number of new security features to protect the SCADA network.

SCADA systems are used to monitor and control plants or equipment in a variety of industries such as telecommunications, water and waste control, energy, oil and gas refining and transportation. A SCADA system gathers information, transfers the information back to a central site, alerting the home station that an anomaly has occurred, carries out necessary analysis and control, such as determining if the incident is critical, and displays the information in a logical and organized fashion. The central control or human-monitored home station can then respond resources to address issues that arise. In VTA’s case, the SCADA system monitors critical components of our light rail system infrastructure such as track switches, signals, power control, communications, and train locations. SCADA is critical to VTA’s Operations and Emergency Operations Control Centers and Way, Power & Signals for safe train movement and efficiently deploying limited resources in the field.

SCADA systems have been in use since the 1960s and were considered to be “isolated” systems that didn’t really require much in terms of security. After the September 11, 2001 attacks on the World Trade Center, these systems came under scrutiny because technology has advanced considerably and SCADA systems today utilize less proprietary hardware and software and are becoming less “isolated” and more networked. They don’t, however, share the same protections as other computer networked systems – regular operating system patches and updates, software updates, firewalls, and other regular improvements that protect systems from cyber attacks.

The newest components of VTA’s system, for example, are nearing the end of their life expectancy and are running on systems more than 8 years old (Windows 2000 and Windows Server 2000 operating systems, for example). The oldest hardware components of VTA’s system along the Guadalupe Line are more than 20 years old (switches and other network components). This project is the first phase of upgrading the SCADA system to include newer components that include safety features recommended today such as redundancy. In addition to security, the updates improve reliability by replacing end-of-life components.

**DISCUSSION:**

The formal Request for Proposals for the SCADA Core Switch and Security Upgrade was issued on October 20, 2011. The pre-proposal conference was held on November 3, 2011 to answer any questions and to clarify the terms and conditions of the RFP. Four proposals were received on November 18, 2011 from NetXperts, HSQ Technology, GE Transportation Systems, and AMS.Net.

VTA’s Review Board consisted of the Deputy Director of Maintenance, the Light Rail Maintenance Operations Manager, the Maintenance Engineering Operations Manager, and a Contract Administrator. The Review Board evaluated the written proposals using pre-established criteria including: Qualifications of the Firm, Staffing and Project Organization, Project Understanding, and Cost and Price. Based on the evaluation of the written proposals, the Review Board determined that a final round of interviews would be held with all four firms. Interviews were held on December 1, 2011.

NetXperts was the highest-ranking firm and VTA is recommending award of a contract to them
in the total amount of $367,324.

NetXperts is based in San Ramon, California and has successfully delivered projects of similar scope for Mineta San Jose International Airport, San Francisco International Airport, and University of California San Francisco Medical Center, among others.

The Cisco Systems switch proposed by NetXperts offers greater reliability and throughput than the one lower-cost solution offered by another proposal. The NetXpert solution is more flexible and offers greater security because it provides the ability to virtualize the switch to accommodate different authorization levels to manage different parts of the network – compartmentalizing access. The NetXperts solution also offered a single vendor solution for both networking and security appliances.

Work is scheduled to begin in January 2012 with completion in March 2012.

**ALTERNATIVES:**

VTA could elect to delay these upgrades, however concerns with risk of failure and the potential security vulnerabilities outweigh this alternative.

**FISCAL IMPACT:**

This action will authorize $367,324.00 for procurement and installation of a new core switch for the Supervisory Control and Data Acquisition (SCADA) system. Appropriation for this expenditure is included in the FY 2012 Adopted VTA Transit Fund Capital Budget. The funding for this project is 80% FTA Section 5307 funds with a 20% local funds match.

**DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION:**

Based on identifiable subcontracting opportunities, a Disadvantaged Business Enterprise (DBE) goal of 2% has been established for this contract. The contractor has committed to a 2% DBE participation on this contract.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

This item was presented to the Transit Planning and Operations (TPO) Committee at its December 15, 2011 meeting. The committee met as a Committee of the Whole and forwarded this item for Board consideration.

Prepared by: George Sandoval
Memo No. 3321
<table>
<thead>
<tr>
<th>Contractor Firm</th>
<th>Contractor Role</th>
<th>Name</th>
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<tbody>
<tr>
<td>NetXperts, Inc.</td>
<td>President and CEO</td>
<td>Gary Nordine</td>
<td>San Ramon, CA</td>
</tr>
</tbody>
</table>
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

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

SUBJECT: Santa Clara Alum Rock Bus Rapid Transit Project - Amendment for Final Design Services with CH2MHill, Inc.

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract amendment with CH2MHill, Inc. in the amount of $7,000,000 for a new contract total amount of $11,835,168 and extend the contract term to July 31, 2013 to perform final design services for the Santa Clara Alum Rock Bus Rapid Transit Project.

BACKGROUND:

In December 2008, the VTA Board of Directors approved the Santa Clara Alum Rock Bus Rapid Transit (BRT) Project Environmental Impact Report defining the 7 mile project in the City of San Jose. The project extends from the western terminus at the San Jose Arena on Santa Clara Street, to the Alum Rock Transit Center on Capitol Avenue, to the eastern terminus at the Eastridge Transit Center. Ten new BRT stations are included along the alignment plus one station at the Eastridge Transit Center (Attachment A).

The Santa Clara Alum Rock BRT Project will add a critical link to the existing regional transit system. The project corridor is the primary direct roadway link between the heart of downtown San Jose and the East Valley, and is the most heavily used corridor in VTA’s transit system. The project will improve the effectiveness of the entire VTA system by providing increased access to VTA’s current light rail system by connecting to the Capitol light rail line on the east and the Guadalupe and Vasona light rail lines on the west.
In March 2010, the Board authorized a three-year contract in the amount of $4,886,000 to CH2M Hill, Inc. to perform preliminary engineering on the Santa Clara Alum Rock BRT Project. Future contract amendments for final design and design support during construction would be considered upon satisfactory completion of preliminary engineering.

On September 13, 2010 the contract was amended in the amount of $43,000 to perform additional surveying and utility mapping.

The consultant completed preliminary engineering in September 2011. In December 2011, a contract amendment in the amount of $750,000 was executed for additional preliminary engineering services to support additional potholing, surveying and utility mapping, and preliminary engineering refinement. Currently the project team is advancing specific tasks in anticipation of starting final design in early 2012.

**DISCUSSION:**

The proposed amendment with CH2M Hill will provide sufficient contract authorization to perform final design services and prepare construction documents for the Santa Clara Alum Rock BRT Project. Proceeding now with final design of the project will allow work to progress without interruption, on a schedule consistent with the priorities set for the transit program.

The proposed contract amendment will increase the contract by $7,000,000, extend the contract term to July 31, 2013, and provide an estimated 40,000 hours of final design services. Construction contract documents for the project are scheduled to be completed by end March 2013.

The proposed contract amendment will be structured as a cost-plus fixed-fee type contract. The professional fixed-fee for this amendment is estimated to be $650,000, including the fixed-fee of sub-consultants on the CH2M Hill, Inc. team (Attachment B).

The total contract amount for design services is within the project budget for the Santa Clara Alum Rock BRT Project.

**ALTERNATIVES:**

This contract amendment will allow VTA to proceed into final design, meet the established completion date of 2016 and use State Transportation Improvement Program (STIP) funding programmed for the project. Delaying the amendment could jeopardize the state funding and delay completion of the project.

**FISCAL IMPACT:**

This action will authorize up to an additional $7,000,000 for final design of the Santa Clara Alum Rock BRT Project. Appropriation for these expenditures is included in the FY 2012 Adopted 2000 Measure A Transit Improvement Program Capital Budget. This contract amendment will be funded with a combination of 2000 Measure A and State STIP funds.
SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION:

Based on identifiable subcontracting opportunities, a SBE goal of 17% has been established for this contract. Contractor met the goal established for preliminary engineering services contract and has committed to continue this level of SBE participation for this contract amendment.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Transit Planning & Operations Committee, meeting as a Committee of the Whole, considered this item on December 15, 2011. The Committee supported the amendment with the CH2M Hill, Inc. for final design engineering services. Regarding a specific project issue in Downtown San Jose, the Committee asked about the schedule for confirming the layout of the Santa Clara BRT station between 1st and 2nd Streets. Staff responded that the project will experience a delay to opening if the layout is not confirmed at the beginning of final design in mid January 2012 since this location requires utility relocation design and construction that must be completed prior to the BRT roadway and station work. The Committee directed staff to arrange a meeting between San Jose Department of Transportation staff, Board Member Sam Licardo and VTA project staff prior to mid January 2012 to discuss and resolve this issue. The Committee then recommended the item be placed on the Consent Agenda for the January 5, 2012 Board of Directors meeting.

Prepared by: Ken Ronsse, Deputy Director
Memo No. 3455
## ATTACHMENT B
### Listing of Recommended Prime and Sub-Consultants

<table>
<thead>
<tr>
<th>Consultant Firm</th>
<th>Contact Person</th>
<th>Location</th>
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<tbody>
<tr>
<td>Prime CH2MHIll</td>
<td>Deborah Gagang</td>
<td>San Jose</td>
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<td>Sub-Consultant IBI Group</td>
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<td>Callander Associates</td>
<td>D. Ruben</td>
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BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

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

SUBJECT: Kato Road Grade Separation - Amendment to Cooperative Agreement with the City of Fremont

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute an amendment to the Cooperative Agreement Regarding Implementation of Kato Road Grade Separation with the City of Fremont, in the amount of $750,000, to perform additional right-of-way acquisition services on the Kato Road Grade Separation Project for a total contract amount of $1,750,000.

BACKGROUND:

The Kato Road Grade Separation (KGS) Project is a joint effort between the City of Fremont and VTA, to grade separate Kato Road from the Union Pacific Railroad freight tracks and future BART tracks. The grade separation is located between Warm Springs Boulevard and Milmont Drive in southern Fremont (Attachment A).

In November 2008, VTA entered into a Cooperative Agreement with the City for the KGS Project. In accordance with the Agreement, City responsibilities included being the applicant for Highway-Railroad Crossing Safety Account (HCRSA) Program funds and being responsible for the acquisition of the private property required to construct the KGS Project. VTA responsibilities are to design and construct the project.

Funding for the Kato Road grade separation is comprised of the secured HCRSA Program funds and VTA funds. VTA has agreed to participate financially because there is a value to clearing the right-of-way and removing traffic from the railroad corridor to be used by the SVBX Project.
The City has acquired all property rights for construction and in September 2011 the Board authorized the General Manager to execute a contract with Gordon N. Ball for the construction of the KGS Project.

**DISCUSSION:**

Although the property rights to allow construction have been acquired, the City has been unable to reach a settlement with two of the property owners. The City continues to negotiate with the intent to reach settlement, but there is now the potential that one or both will go to trial.

Under the Agreement, the City was to provide these right-of-way acquisition services within the General Manager’s authority of $1,000,000. However, because of the litigious nature of the property owners, the cost to provide these services has increased significantly, resulting in the need to amend the City’s budget beyond the General Manager’s authority.

The City has estimated that this additional effort will cost $750,000, including pre-trial and trial expenses.

**ALTERNATIVES:**

The Board could decide not to approve the amendment to the Cooperative Agreement with the City and direct VTA staff to perform the services. This could delay the process as VTA staff has not been actively involved in the negotiations and is already committed to other projects. VTA would require the services of outside legal counsel to provide expertise during the condemnation proceedings.

**FISCAL IMPACT:**

This action will authorize an additional $750,000 for City of Fremont right-of-way services related to the KGS Project. Appropriation for these expenditures is available in the 2000 Measure A Transit Improvement Program FY12/13 Adopted Biennial Budget.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Transit Planning & Operations Committee, meeting as a Committee of the Whole, considered this item on December 15, 2011. The Committee had no questions regarding this item and recommended the item be placed on the Consent Agenda for the January 5, 2012 Board Meeting.

Prepared by: Jim Costantini, Deputy Director
Memo No. 2947
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: January 2012 Service Changes

FOR INFORMATION ONLY

BACKGROUND:

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

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

Service change proposals not meeting the criteria for formal approvals described above are handled at staff level and are still subject to an appropriate level of public and community review and comment.

DISCUSSION:

The major transit service changes presented here were included in VTA’s FY2012-FY2013 Annual Transit Service Plan (ATSP), which was approved by the Board of Directors on June 2,
2011. The ATSP is developed to correspond with the FY2012 and FY2013 budget cycle and contains service changes to be implemented throughout the two fiscal years.

The ATSP development included an extensive public outreach process, advisory and standing committee review, and modifications to the original staff recommendations based on community and Board input. The Plan also included an assessment of the service changes on persons who use VTA’s paratransit services and a Title VI analysis to comply with Federal Transit Administration (FTA) requirements to determine whether the changes have a discriminatory impact on minority and low-income populations.

The following transit service changes will be implemented on Monday, January 9, 2012.

**EXPRESS SERVICE**

In January, VTA will begin operating 20 new diesel-electric hybrid buses designed specifically for VTA Express service – with free wi-fi service, reclining, high-back seats, overhead racks, footrests, and reading lights. The new buses will operate on Express Lines 102, 103, 120, 121, 122, 182, and 183. VTA acquired these new low-emission, diesel-electric hybrid buses with an American Recovery and Reinvestment Act grant, combined with California Proposition 1B funding. These 20 new hybrid buses, which are being manufactured by Gillig Corp. in Hayward, CA will be phased into service upon delivery in January and February. VTA plans to replace all express buses with new vehicles as funding becomes available. There will be many changes to the existing express routes in terms of routing, number of trips, scheduled times, and stops observed. One new Express Line 183 will operate between Evergreen/East San Jose and Fremont BART. These service modifications are all part of the Express Bus Business Plan approved by the VTA Board of Directors on March 3, 2011.

**Line 101** - An additional trip will be added in each direction. Morning buses will leave Camden & Hwy. 85 at 6:16 a.m. and 7:08 a.m., and afternoon buses will leave Hansen & Page Mill at 4:10 p.m. and 5:10 p.m. The following northbound stops will no longer be observed: Camden & Donna, Winchester & Campbell, Hamilton & Millich, Hamilton & Darryl, Campbell & Saratoga, Stevens Creek & Lawrence and Stevens Creek & Finch. The following southbound stops will no longer be observed: Stevens Creek & Finch, Hamilton & Llewellyn, Winchester & Campbell, and Camden & Leigh.

**Line 102** - This line will operate with the new express vehicles. An additional morning trip will be added, leaving Santa Teresa Light Rail Station at 5:49 a.m.; and a new afternoon trip will
leave Hansen & Page Mill at 3:25 p.m. The stop at Santa Teresa & Lean will no longer be observed. Other minor schedule changes will be made.

**Line 103** - This line will operate with the new express vehicles. Minor schedule changes will be made.

**Line 104** - Major schedule changes will be made. Morning buses will leave Penitencia Creek Light Rail Station at 5:56 a.m. and 6:47 a.m., and afternoon buses will leave Deer Creek at 4:05 p.m. and 5:05 p.m. The eastbound routing will be streamlined to use Charleston and North Rengstorff onto Highway 101. The stops on Old Middlefield and San Antonio in both directions will no longer be observed.

**Line 120** - This line will operate with the new express vehicles. The route will extend to Shoreline Research Park via Mathilda, Moffett Park, Hwy 101 NB, Shoreline, and Charleston, onto Garcia, Marine, Casey, and San Antonio. Other minor schedule changes will be made.

**Line 121** - This line will operate with the new express vehicles. Minor schedule changes will be made.

**Line 122** - This line will operate with the new express vehicles and an additional trip will be added in each direction. Morning buses will leave Santa Teresa Light Rail Station at 5:53 a.m. and 7:32 a.m., and afternoon buses will leave Lockheed Martin at 4:48 p.m. and 6:07 p.m. The following stops will no longer be observed: Santa Teresa & Lean, Snell & Chynoweth, and Capitol & Senter.

**Line 140** - Major schedule changes will be made. Morning buses will leave Fremont BART at 7:12 a.m., 7:57 a.m. and 8:42 a.m., and afternoon buses will leave Mission College & Montague at 4:22 p.m., 5:15 p.m. and 6:06 p.m.

**Line 168** - An additional trip will be added in both directions. Morning buses will leave Gilroy Transit Center at 5:42 a.m., 6:07 a.m., 6:24 a.m., 6:48 a.m., 7:16 a.m. and 7:44 a.m. Afternoon buses will leave San Jose Diridon Station at 3:33 p.m., 4:03 p.m., 4:33 p.m., 4:55 p.m., 5:10 p.m. and 5:40 p.m.
**Line 180** - Minor morning schedule changes will be made in the southbound direction.

**Line 181** - Two extra northbound buses will be added between 1:15 p.m. and 2:45 p.m. to improve frequency. Extra service buses will operate southbound in the morning from Monday through Thursday when San Jose State University is in session to help ease overloads on selected trips. Other minor weekday schedule changes will be made.

**Line 182** - This line will operate with the new express vehicles. Only one trip will operate in each direction. The morning bus will leave El Camino & Page Mill at 7:23 a.m. and the afternoon bus will leave IBM Bailey at 5:05 p.m. The following stops will no longer be observed: Santa Teresa & Cottle/Camino Verde; Wolfe Rd. at Vallco; and all stops on California St., Hanover Ave., and Page Mill Rd.

**Line 183** - This new line will operate between Aborn & White and Fremont BART with the new express vehicles. Three northbound morning trips will leave Aborn & White at 5:11 a.m., 6:06 a.m. and 6:50 a.m. Three southbound afternoon trips will leave Fremont BART at 5:13 p.m., 6:14 p.m. and 6:58 p.m. The following stops will be observed: Aborn & White, Eastridge Transit Center, Capitol & Story, Hostetter Transit Center, and Fremont BART.

**MAJOR SERVICE CHANGES**

**Line 16** - Midday service (between 9:30 a.m. and 2:00 p.m.) will be discontinued.

**Line 23** - Weekday frequency will be improved to operate every 10 minutes between 6:00 a.m. and 6:30 p.m. An extra westbound trip will be added between 6:00 p.m. and 8:00 p.m., and an extra eastbound trip will be added between 8:00 p.m. and 9:30 p.m. to improve the frequency of service. Minor weekend schedule changes will be made.

**Line 26** - New peak hour trips will be added to improve frequency from 30 to 15 minutes between Wolfe & El Camino and Lockheed Martin. Three new westbound trips will operate in
the morning and three new eastbound trips will operate in the afternoon. The 6:02 a.m. eastbound trip will be discontinued. Other minor weekday and weekend schedule changes will be made.

**Line 32** - The routing will be changed in downtown Sunnyvale to operate only on Mathilda and Evelyn Aves. The Line 32 stops on Frances St. will be moved to Evelyn Ave. Minor weekday and Saturday schedule changes will be made.

**Line 39** - The routing will be changed to operate on Delta Rd. and Ruby Ave. instead of Fowler Rd. and Classico Ave. Minor weekday and weekend schedule changes will be made.

**Line 45** - On weekdays, the 7:20 p.m. southbound and the 7:39 p.m. northbound trips will be discontinued. Other minor weekday schedule changes will be made. Saturday service will be discontinued.
The southbound routing will be changed in downtown Sunnyvale to operate via Mathilda, Evelyn, Frances, and Washington, back to Mathilda. The southbound bus stop will be located on the opposite side of the street on Frances. Minor weekday and weekend schedule changes will be made.

The first eastbound weekday trip will be moved 3 minutes earlier. Sunday service will be discontinued.

Light Rail - Minor weekday and weekend schedule changes will be made on both the Santa Teresa-Alum Rock and Winchester-Mountain View lines to improve schedule reliability. The afternoon express trains will be changed to leave Baypointe at 4:10 p.m., 4:41 p.m., and 5:11 p.m. Minor weekend schedule changes will be made on the Almaden-Ohlone/Chynoweth line.

MINOR SERVICE CHANGES

Line 14, 17, 19, 27, 34, 35, 37, 42, 51, 52, 55, 89, 304, 321, 522 - Minor schedule changes will be made.

Line 13 - The 5:47 a.m. southbound and 5:55 a.m. northbound trips will be discontinued. The trips after 3:30 p.m. will be moved 15 minutes later.

Line 18 - On weekdays, the 6:44 p.m. southbound and the 6:55 p.m. northbound trips will be discontinued. Other minor weekday schedule changes will be made.

Line 22 - On weekdays, an extra westbound trip will be added between 9:00 p.m. and 10:30 p.m. to improve the frequency of service from 30 to 20 minutes. Other minor weekday schedule changes will be made. On Sundays, an extra eastbound trip will be added between 9:00 p.m. and 10:30 p.m. to improve the frequency of service from 30 to 20 minutes.

Line 25 - Minor weekday and weekend schedule changes will be made due to long-term construction reroutes in the Valley Medical Center area. On weekdays, an additional westbound trip will be added to improve frequency between 5:45 a.m. and 6:45 a.m. One trip will be
removed in the eastbound direction between 6:00 p.m. and 7:30 p.m.

**Line 31** - On weekdays, the 6:39 a.m. northbound trip will be discontinued. Other minor weekday and weekend schedule changes will be made.

**Line 46** - Minor weekday schedule changes will be made. On Saturdays, the 8:49 a.m. northbound trip will be discontinued.

**Line 48** - On weekdays, the 6:59 p.m. northbound trip will be discontinued. On Saturdays, the 7:55 a.m. southbound trip will be discontinued. Other minor weekday and weekend schedule changes will be made.

**Line 49** - On weekdays, the 7:34 p.m. southbound trip will be discontinued. On Saturdays, the 8:21 a.m. northbound trip will be discontinued. On Sundays, the 5:45 p.m. southbound trip will be discontinued. Other minor weekday and weekend schedule changes will be made.

**Line 57** - On weekdays, the 6:54 p.m. and 7:24 p.m. southbound trips will be combined into a new trip leaving Old Ironsides & Tasman at 7:09 p.m. The 6:24 a.m. southbound trip will be moved 6 minutes earlier. Other minor schedule changes will be made on weekdays. On Saturdays, the 8:23 a.m., 5:50 p.m., and 6:55 p.m. northbound trips and the 8:27 a.m. and 6:54 p.m. southbound trips will be discontinued. The 7:24 p.m. and 8:22 p.m. southbound trips will end at Saratoga & Prospect. On Sundays, the 6:53 p.m. southbound trip will end at Saratoga & Prospect.

**Line 58** - The 5:50 a.m. and 6:50 p.m. southbound trips will be discontinued. The 6:30 a.m. northbound trip will start at Saratoga & Campbell, and the 7:30 p.m. southbound trip will end at Saratoga & Prospect. Other minor schedule changes will be made.

**Line 60** - On weekdays, the 5:59 a.m. and 6:18 a.m. southbound trips will be combined into a new trip leaving Old Ironsides & Tasman at 6:11 a.m. The 8:32 a.m. southbound trip will be discontinued. Other minor weekday and Sunday schedule changes will be made.

**Line 61** - Major weekday and minor weekend schedule changes will be made. On Saturdays, the 8:53 p.m. southbound trip will be discontinued. On Sundays, the 8:25 p.m. northbound trip will be discontinued.

**Line 62** - Major weekday and minor weekend schedule changes will be made. On weekdays, the 5:51 a.m. northbound and the 10:08 p.m. southbound trips will be discontinued. On Sundays, the 6:33 a.m. northbound trip will be discontinued.

**Line 64** - On weekdays, the 6:45 a.m. northbound trip will be discontinued. On Saturdays, the 6:13 a.m. and 6:53 a.m. northbound trips will be combined into a new trip leaving Almaden Light Rail Station at 6:28 a.m. The 7:20 p.m. and 7:50 p.m. northbound trips will be combined into a new trip leaving Almaden Light Rail Station at 7:35 p.m. The 6:01 a.m. southbound trip will be discontinued. On Sundays, the 7:21 p.m. and 7:51 p.m. northbound trips will be combined into a new trip leaving Almaden Light Rail Station at 7:36 p.m.

**Line 65** - The 6:33 a.m. southbound trip will start at 2nd & Santa Clara. Other minor schedule changes will be made.
On weekdays, an extra southbound trip will be added between 12:30 p.m. and 1:30 p.m. to improve frequency. Other minor weekday schedule changes will be made. On Saturdays, the 5:37 a.m. northbound trip will be discontinued and the 5:41 a.m. southbound trip will start at the Great Mall. On Sundays, the 5:46 a.m. southbound trip will be discontinued.

An additional northbound trip will be added leaving Almaden & Camden at 6:45 a.m. Other minor schedule changes will also be made.

An additional later trip will be added in each direction. Morning buses will leave Almaden & Camden at 6:12 a.m. and 7:28 a.m., and afternoon buses will leave Lockheed Martin at 5:07 p.m. and 6:10 p.m.

An additional northbound trip will be added leaving Almaden & Camden at 6:45 a.m. Other minor schedule changes will also be made.

A wide-reaching and comprehensive marketing and communications plan has been developed to ensure VTA passengers, potential new passengers, and the community at large are aware of the service changes and the new Express service.

The plan for the service changes, in general, includes the following elements:

- **Service Change Brochure:** Distributed to customers onboard all buses and light rail vehicles. Brochures are also distributed at the Downtown Customer Service Center, many public libraries, community centers, and other community locations throughout Santa Clara County. The brochure includes translations in the following languages: Spanish, Chinese, Vietnamese, Korean, and Tagalog.
• **December VTA Take-One:** This passenger newsletter is a monthly publication distributed on board all VTA vehicles at the beginning of the month. The December issue will include an article about the proposed service changes.

• **Route-Specific Flyers:** Flyers with specific information are distributed on bus routes with major changes.

• **Interior Carcards:** These special information cards are posted in all VTA Buses and Light Rail Vehicles to notify passengers of upcoming changes. Information is printed in three sets of carcards: English/Spanish, Chinese/Vietnamese, and Korean/Tagalog.

• **Email Blasts:** To SJSU and DeAnza College students, EcoPass members, Council and Board member offices, Title VI community organizations, schools, school districts, and the Back-to-School Pass database.

• **News Releases:** Media releases sent to newspapers, broadcast media, multilingual media, and daily publications.

• **Website:** Information and service changes posted on homepage of VTA.org.

• **GOV Delivery:** Information advisories distributed to customers who subscribe to VTA’s Gov Delivery communication system.

• **IVR Messaging:** Automated messages on VTA’s customer service telephone system updated to inform customers about the service changes.

• **Facebook/Social Media:** Postings updated with service change information.

• **Light Rail Vehicle Wi-fi:** Includes advertisement on the changes.

• **Station Information:** Light rail station visual message boards includes announcements on the changes, A-frame notices posted at key locations, and VTA staff deployed at Mountain View Transit Center to inform passengers of light rail service changes in particular.

The Express Bus Marketing Plan includes all of the general outreach and communications methods deployed above. In addition, numerous other efforts are underway to ensure our passengers are aware of the new services and, more importantly, to attract new riders to the Express service. Some of these activities include:

• Targeted emails to employers along the express routes

• Geo-targeted online ads through Yahoo, BANG, Linkedin, Facebook

• Promotional brochure distributed to businesses

• Billboard advertisement next to SR237

• Business Outreach events
• Bus Shelter posters
• Coffee sleeve messages at select coffee houses
• Media event to reveal new bus
• Direct email to employees along route with online offer to redeem 5 special Express day passes
• Gas station video advertisements
• Advertisement inside HP Pavilion
• Radio advertisements during drive-time

Prepared By: Jim Unites
Memo No. 3213
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Express Lanes Update

FOR INFORMATION ONLY

BACKGROUND:

The Silicon Valley Express Lanes Program has been under development since 2003. At the December 2008 Board Meeting, the Santa Clara Valley Transportation Authority (VTA) Board of Directors approved the Silicon Valley Express Lanes Program (Program). As part of the Program, the Express Lanes projects (Attachment A) will implement a roadway pricing system to allow for the use of unused capacity in the carpool lanes to provide congestion relief. The roadway pricing system will allow solo commuters to use the available capacity in the carpool lanes for a fee. The fee would change dynamically in response to existing congestion levels and available capacity in the carpool lanes. Implementation of roadway pricing is also part of the Bay Area Regional Transportation Plan that was approved by the Metropolitan Transportation Commission (MTC) in April 2009.

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

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

DISCUSSION:

The purpose of this memorandum is to provide an update on the most recent activities of the Program. The memorandum covers the following topics:

- Update on Santa Clara County Express Lanes Projects
- Update on Express Lanes efforts elsewhere in the Bay Area
Update on Santa Clara County Express Lanes Projects

SR 237/I-880 Express Connectors

The SR 237/I-880 Express Connectors project is the first phase of the SR 237 Express Lanes project that is converting the carpool lane connector ramps at the SR 237/I-880 interchange to express lanes operations (Attachment B). In the morning commute, the southbound I-880 to westbound SR 237 travel direction generally has peak delays of about 5 to 10 minutes at the interchange of the two freeways resulting in lengthy back-ups onto the I-880 mainline. Similar conditions exist in the opposite direction in the evening commute due to the high volumes on the metered connector ramp. This $11.8 million project, with $3.5 million of American Recovery and Reinvestment Act (ARRA) funds and $4 million of Value Pricing Pilot Program funds, is scheduled to open in early 2012.

Staff has been working to address several key aspects of the project including the documentation of existing congestion levels, completion of ramp metering within the corridor, and outreach efforts to the public.

The key parameters to help understand the ultimate design include travel time, bottleneck location, and queuing conditions in the corridor. VTA staff has undertaken the effort to document pre-project conditions during the spring (May) and fall (October) periods of 2011. A total of six new overhead sign structures were installed in November. The new sign panels on the overhead structures are currently covered with planks and will be removed when ready for tolling.

Staff is continuing to do outreach for the project through the media and business community. VTA staff met with Brocade representatives in November, Juniper Network representative in December, to provide details on the project including access arrangements to/from the Express Lanes. There was also an interview with media by Caltrans and VTA staff on the project.

Additional media and business community outreach is planned leading up to the opening of the project. One of the key outreach tools will be the placement of banners on the new sign panels in January 2012 for the project to inform commuters of the upcoming express lanes project.

In addition, extensive media and business community outreach will be undertaken to announce ahead of time the introduction of buffer striping on the corridor at the end of January 2012. This will be done in parallel configuring toll equipment also in January 2012 ahead of the turn on of the system about late February.

The new striping will be completed about a month prior to actual tolling commence. One of the key focus messages is to let the public know that crossing the double white line is a moving violation. Double white lanes are intended to control traffic movements into and out of the express lane and are a crucial element to ensure the express lane can maintain at least 45 mph. This striping change will result in three motorist groups being affected namely:
• Carpoolers traveling from southbound I-880 to westbound SR 237 in the carpool lane today will not be able to legally exit from the carpool lane to Zanker Road and North 1st Street (these carpoolers will have to use the general purpose connector)
• Carpoolers entering onto eastbound SR 237 from Zanker Road will not be able to legally enter into the carpool lane and
• Carpoolers traveling from westbound Calaveras Boulevard onto the westbound SR 237 freeway will have to travel a little longer past the part that is striped with double white lines to enter into the carpool lane.

Another congestion relief effort underway in the SR 237 corridor is the repair of ramp metering equipment at Calaveras Boulevard and McCarthy Boulevard to help manage the bottleneck that currently exists between Zanker Road and McCarthy Boulevard. The metering at these two locations will help augment the existing ramp metering in the SR 237 corridor. The metering plans are targeted to be implemented in the January/February 2012 timeframe with City of Milpitas staff being informed of the work progress. The ramp metering is expected to provide benefits to the corridor particularly in the beginning and tail ends of the morning peak period.

The upcoming project schedule of deliverables includes:
• Repair of ramp metering equipment at Calaveras Boulevard and McCarthy Boulevard (December 2011)
• Completion of the painted buffer introducing limited access operations (January 2012)
• Ramp metering installation at Calaveras Boulevard and McCarthy Boulevard (January/February 2012)
• Installation and testing of electronic toll system (January/February 2012)
• Opening of express lanes to traffic (February/March 2012)

US 101/SR 85 Express Lanes

US 101/SR 85 is the second corridor under the enabling legislation allowing VTA to convert carpool lanes to express lanes operations. The US 101/SR 85 express lanes corridor consists of 58 miles of existing carpool lanes (US 101 between Cochrane Road in Morgan Hill and the San Mateo County line, and SR 85 between Mountain View and south San Jose). The project will also include the carpool lane-to-carpool lane direct connectors at the two US 101/SR 85 interchanges (similar to the SR 237/I-880 Express Connectors project). The planned enhancements to the US 101/SR 85 corridor include implementing where feasible two lanes of express lanes within the existing freeway footprint to accommodate added congestion relief and operational benefits to users. It is expected that the majority of the US 101 segments as well as the middle segments of SR 85 between SR 87 and I-280 will be two-lane express lanes.
Assembly Bill (AB) 1105 signed into law in July 2011 allows VTA to extend the US 101 Express Lanes into San Mateo County (7 miles to Whipple Avenue). In addition, this bill corrected a conflict in the California Vehicle Code. VTA has also submitted an application to pursue funding through the third round of the Transportation Investment Generating Economic Recovery (TIGER) grant program for SR 85 Express Lanes from the U.S. Department of Transportation (USDOT). The application seeks funds to help implement the first phase of the SR 85 Express Lanes project to convert the existing carpool lanes to express lanes operations.

I-680 Express Lanes

The I-680 Express Lanes project between SR 84 in Alameda County and SR 237 in Santa Clara County (about 14 miles in the southbound direction with approximately 20 percent of the corridor in Santa Clara County) completed its first year of operations on September 20, 2011 (Attachment C). A Joint Powers Authority (JPA) consisting of members representing Alameda County Transportation Commission (ACTC) and VTA oversee the operation of the I-680 Express Lanes. ACTC is the lead agency for this project.

Total revenue for FY 2011 (September 20, 2011 through June 30, 2011) of almost $658,000 exceeded the projected amount of $630,000. The FY 2010/2011 budget for expenses was approximately $2 million. About $1.75 million of grant funds was capitalized for operating expenditures. The approved forecasted revenue in June 2011 for FY 2011/2012 is $853,000. This matches the $858,000 revenue generated during its first year of operation (September 20, 2010 through September 20, 2011) carrying a total of 370,000 toll trips on the Express Lane. The approved expense budget for FY 2011/2012 is $1.895 million. The project is expected to break even in FY 2014/2015 or sooner without any need for additional funding as the initial capitalization of $1.75 million provides adequate fund balance to cover any shortfall.

Express Lane speeds are about 10 mph faster than the speeds in the general purpose lanes during the morning commute. Most drivers use the Express Lane an average of twice a month, with fewer than 200 using the lane three or more days per week. Table 1 summarizes the operations of the I-680 Express Lane for the month of October 2011.

Table 1: I-680 Express Lanes Operations Summary

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<td>Average Number of Trips Per Day</td>
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<tr>
<td>Average Toll</td>
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<tr>
<td>Average Peak Period Toll</td>
</tr>
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<td>Average Off-Peak Period Toll</td>
</tr>
</tbody>
</table>
The I-680 Express Lane has achieved several key milestones. Among them are:

- Cumulative gross revenue has exceeded $1 million
- Highest toll rate to-date has been $7.50.
- Daily revenue is averaging approximately $5,000.

**Update on Express Lanes Efforts Elsewhere in the Bay Area**

**MTC Application to Use Assembly Bill 1467**

The California Transportation Commission (CTC) found the Metropolitan Transportation Commission (MTC) application eligible to develop and operate express lanes in the Bay Area through the use of already existing statute provided through AB 1467 eligible at its October 2011 meeting. The sunset date for the AB 1467 legislation is January 1, 2012. CTC is expected to formalize the final approval following a hearing in Southern California in December. Included as Attachment D is a map displaying the proposed corridors in which MTC is seeking express lane authority.

Santa Clara and Alameda counties already have such legislation through AB 2032 and the follow up AB 574 to develop and operate express lanes in up to two corridors each. SR 237 and US 101/SR 85 are the two corridors targeted for express lanes development in Santa Clara County and I-680 and I-580 are the two corridors in Alameda County. AB 2032 essentially allows VTA Board to have final authority for setting policies and procedures for express lane facilities in Santa Clara County for the corridors to which the legislation is applied, and the current work by MTC would not change this.

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

The Citizen Advisory Committee approved this item on December 7, 2011 as a consent item.

The Technical Advisory Committee heard this item on December 8, 2011 without any comments.

The Policy Advisory Committee heard this item on December 8, 2011. The Committee members had a few questions related to the usage of transponders.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Congestion Management Program and Planning Committee received this item on December 16, 2011. The Committee asked about the lessons learned from other Express Lanes implementation. The staff explained that the pro-active outreach to business community along SR 237, implementation of double white lines ahead of tolling and augmenting ramp metering in the corridor all were attributed to lessons learned from projects elsewhere. The staff explained that the introduction of limited access and tolling in phases allows for easier transition for public to get used to the new driving options available to them. The staff noted it is important to not make any immediate policy or design changes upon implementation as commuters require time to get used to the new changes within the corridor. This is typical of all roadway pricing projects.
The Committee commented that it would be prudent to pursue usage of universal smart cards to combine both tolling and transit use. The staff clarified that this is the long-term direction being pursued where potential trip credits can also be offered to transit riders who used Express Lanes.

The Committee also had enquired if the MTC’s eligibility to develop and operate Express Lanes under AB 1467 will affect the revenues from VTA Express Lanes program to stay within the county. The staff clarified that the MTC application translates to two seamless Bay Express Lanes systems with the southern part consisting of Santa Clara County, San Mateo and parts of Alameda County as one region. The VTA Board of Directors has full authority on the policies and the expenditure plans of the Silicon Valley Express Lanes Program.

Prepared By: Murali Ramanujam
Memo No. 3290
Corridors for which new authority is being requested from CTC

“Operational” gap closures

Corridors already authorized in statute
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

FROM: General Counsel Search Committee

SUBJECT: General Counsel Appointment

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

ACTION ITEM

RECOMMENDATION:

Approve the employment contract with Robert Fabela for the position of General Counsel and authorize the Board Chair to execute the contract on behalf of the Board.

BACKGROUND:

In July of 2011 VTA's former General Counsel, Kevin Allmand, notified the Board of Directors of his intent to retire effective December 11, 2011. Following the notification, the Board approved a General Counsel Search Committee consisting of Margaret Abe-Koga, Sam Liccardo, and Ken Yeager to oversee and participate in the recruitment and selection of a new General Counsel. An executive recruitment firm, Avery and Associates, was engaged to conduct a recruitment and selection process.

DISCUSSION:

Following an extensive recruitment and screening effort by Avery and Associates, a number of qualified candidates were presented to VTA for consideration. From these, a smaller number were selected to interview with executive staff and the General Counsel Search Committee. The committee recommended Robert Fabela to the Board in Closed Session at the December 8, 2011 meeting. The General Counsel Search Committee and VTA's executive staff were impressed with Mr. Fabela's breadth of legal experience as a counselor, advocate, and litigation team leader; his personal performance in the selection process; and his excellent references.
The Board approved the recommendation to hire Mr. Fabela, subject to reaching agreement on an employment contract. VTA and Mr. Fabela have reached a tentative agreement on a contract, which is now presented to the Board for approval. The contract is attached. The major elements of the contract are as follows:

- **Effective date:** January 24, 2012. Three year contract term.
- **Salary:** $200,000 per year
- **Deferred Compensation:** VTA to contribute $5,000 annually to a 457(b) deferred compensation account in Mr. Fabela’s name.
- **Defined Benefit Pension Contribution:** Fabela to contribute 6% of his salary (consistent with VTA policy for employees hired after January 1, 2012.)
- **Employment is “At-Will”; serves at the pleasure of the Board of Directors**
- **Severance:** If employment is terminated by VTA prior to expiration of contract, Mr. Fabela receives pay equal to the remaining months of contract, but no more than six months. No severance is offered if termination is due to malfeasance or abuse of his office or position.

**ALTERNATIVES:**

The Board may reject or amend the terms of the contract. Any amendments would be subject to agreement by Mr. Fabela.

**FISCAL IMPACT:**

This action will authorize $200,000 per year plus benefits for the position of General Counsel through January 24, 2015. Appropriation for the value of this contract through June 30, 2013 is included in the Adopted FY 2012 and FY 2013 VTA Transit Fund Operating Budget. Appropriation for the remainder of the contract term will be included in subsequent Biennial Operating Budgets.

Prepared by: Bill Lopez
Memo No. 3382
EMPLOYMENT AGREEMENT
BETWEEN
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
AND
ROBERT FABELA

This is an Agreement between the Santa Clara Valley Transportation Authority (VTA) and Robert Fabela (Fabela).

WHEREAS:

A. VTA desires to appoint an experienced person to fill the position of General Counsel.

B. Fabela is experienced and qualified as an attorney and is able to provide such services to VTA.

C. Agreement has been reached by the Santa Clara Valley Transportation Authority Board of Directors for Fabela to be employed by VTA and appointed to serve in the position of General Counsel under the terms and conditions contained herein.

NOW, THEREFORE, in consideration of the mutual promises and conditions contained herein, the parties agree as follows:

1. VTA hereby appoints and employs Fabela as General Counsel of VTA and Fabela hereby accepts such employment. Fabela shall report to and be subject to the general direction of the VTA Board of Directors.

2. Fabela agrees to take full responsibility for the performance of all duties required of this position, as set forth in Chapter 6 of the Santa Clara Valley Transportation Authority Administrative Code.

3. The term of this Agreement shall be three years, commencing January 24, 2012 and expiring on January 23, 2015.

4. The employment of Fabela is "at-will." He serves at the pleasure of the Board of Directors and may be terminated by the Board in its sole discretion.

5. This Agreement may be terminated by VTA prior to its expiration upon 30 days' written notice. If this Agreement is terminated by VTA prior to its expiration, Fabela shall be paid severance equal to six months of his then-applicable base salary. However, if the Agreement is terminated less than six months prior to its expiration, Fabela shall receive a severance payment in an amount equal to his then-applicable monthly base salary multiplied by the number of months left on the unexpired term of the Agreement. Fabela shall not be entitled to any severance payment in the event of termination of this Agreement by VTA prior to its expiration, if such termination is due to his malfeasance or abuse of his office or position.

6. If Fabela resigns prior to the expiration of this Agreement, he shall provide VTA with 30 days' written notice thereof. Fabela shall not be entitled to any severance payment in the event of his resignation.
7. Pursuant to Government Code sections 53243, 53243.1 and 53243.2, if Fabela is convicted of a crime involving an abuse of his office or position, Fabela shall reimburse VTA for any paid leave salary provided pending an investigation, any funds provided for his legal criminal defense and any cash settlement from VTA related to his termination.

8. Fabela shall receive a base salary of $200,000.00 per year, and such other compensation or benefits as may be provided to those persons comprising VTA’s Executive Management Group. Notwithstanding anything to the contrary as to other compensation and benefits provided to VTA’s Executive Management Group, Fabela shall contribute 6% of his base salary toward the required employee contribution to PERS, and VTA shall pay the balance of the required employee contribution to PERS. In addition, VTA shall contribute for the benefit of Fabela the sum of $5,000.00 per year to the VTA 457 Deferred Compensation Program, provided that such benefit remains available by law. This contribution shall be pro-rated by pay period for any year in which Fabela is employed as VTA General Counsel for less than the entire year.

9. The Board of Directors shall review Fabela’s performance and compensation annually, on a fiscal year basis. Any salary adjustment shall be effective September 1.

10. Fabela agrees that he has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of the services to be performed hereunder for VTA.

11. This written Agreement constitutes the sole understanding of the parties hereto and supersedes all prior negotiations, statements, instruction, representation or agreements, whether written or oral. This Agreement shall be amended only by a written instrument approved and executed by both parties.

12. Fabela acknowledges that he has had a sufficient opportunity to consult with counsel of his own choice with respect to the terms and meaning of this Agreement.

IN WITNESS WHEREOF, the parties hereto have approved this Employment Agreement as of

SANTA CLARA VALLEY
TRANSPORTATION AUTHORITY

By:_________________________________  ______________________________
Chairperson      Robert Fabela
Board of Directors

ATTEST:

____________________________________
Board Secretary
Santa Clara Valley Transportation Authority
The Santa Clara Valley Transportation Authority (VTA) Board of Directors has designated BART Silicon Valley as the priority project in the 2000 Measure A Program. The 16-mile extension of Bay Area Rapid Transit (BART) into Santa Clara County is being implemented under agreement with BART, by VTA’s Silicon Valley Rapid Transit Program. The project will be delivered in phases, and progress on the first phase is moving towards full funding and construction.

The first phase, identified as the Silicon Valley Berryessa Extension (SVBX) Project, is a $2.1 billion, 10-mile, two-station (Milpitas and Berryessa) project. The SVBX project runs in the rail corridor that VTA purchased and extends the regional BART system from the future BART Warm Springs Station in Fremont to the Berryessa area of north San Jose.

Achievement of recent milestones includes receipt of federal environmental clearance, advancement within the Federal New Starts Program, and award of the C700 Line, Track, Systems and Stations Design-Build contract. These accomplishments have resulted in an increase of project activities. To ensure the VTA Board of Directors is informed of key project activities, BART Silicon Valley staff will provide monthly program updates.

Significant BART Silicon Valley Project activities and progress during December 2011 include:

**FTA New Starts Activities**

The schedule for the Full Funding Grant Agreement (FFGA) remains on track, with anticipation that it will be executed in early 2012. After review by the Office of Management and Budget and the Office of the Secretary of Transportation, the FFGA Package will be submitted to Congress for a 60-day Notification period.
SVBX C700 Design Build Contract

After receiving award of the C700 Line, Track, Systems and Stations contract, the joint venture of Skanska-Shimmick-Herzog submitted bonds and insurance information to VTA. With the contract executed at the end of December, VTA will issue a limited Notice-to-Proceed in February.

SVBX Residential Noise Insulation Program (RNIP)

CSDA, the program’s noise and architectural services consultant, developed an RNIP schedule for the full program and divided the 467 potential RNIP candidates into nine groups in an effort to expedite various stages of the work flow. CSDA has completed noise testing in Fremont. Currently, CSDA is conducting noise testing in Milpitas and anticipates starting noise testing in San Jose around mid-January 2012. Staff coordinated and provided program updates to staff at the cities of Fremont, Milpitas, and San Jose; and with San Jose Councilmember Chu’s office. Staff continues to develop the RNIP Policies and Procedures manual, coordinate with three cities and outreach to the potential RNIP residences.

SVBX Campus and Parking Garages Design Services Contract

VTA issued a Request for Proposal in mid-November to complete design of the Milpitas and Berryessa campuses, and move design forward on the station parking garages. Proposals are due in early January, with interviews of proposers taking place at the end of January. It is anticipated that the Board of Directors will authorize award of contract and issue a Notice of Award in February 2012.

Mission/Warren/Truck-rail Program

In December, VTA and Alameda County Transportation Commission submitted a joint request to California Transportation Commission to advance the construction of MWT with local funds. As programmed in the Local Area Transportation Improvement Program, the local funds are to be reimbursed by the State when the proceeds from the sale of excess property acquired for the construction of State Route 84 become available. This joint request follows the VTA December Board’s approval regarding an advancement of funding by VTA for the construction of MWT. Efforts to get the allocation of funding from other sources for the MWT progressed. The allocation requests are expected to be approved in March 2012.

The Construction and Maintenance agreements for the Union Pacific (UP) structures at Mission Boulevard and Warren Avenue were executed during the month. Also executed during the month are the Right-of-Entry Agreements required from UP by Caltrans and City of Fremont, paving the way for the Right-of-Way certification in January 2012.

VTA initiated the work on federal environmental clearance with Caltrans and anticipates approval in early-January. The construction contract is scheduled to be advertised in late-March with an award anticipated in early-June.
BART Silicon Valley Communications and Outreach Update

The Project communications and outreach team conducted significant communications and project outreach activities during December 2011.

Media outreach was conducted for the award of the $772 million Design Build Contract for the line, track, systems and stations. Desk side briefings and interviews were conducted with media prior to the Board vote to award the contract to Skanska-Shimmick-Herzog, JV. Also prior to the board vote a press release was issued on the procurement and evaluation process, ranking of selected firm and jobs spurred by project. The release prompted 45 broadcast segments on local television and radio stations and 14 print and online articles.

A total of 650 interested/impacted individuals and agencies were mailed fact sheets on clean up plans for the remediation of contaminated soils. The remediation plan addresses the former UPRR trackways for portions of the Berryessa Extension Project and the Mission Warren Improvement Project and will be available for a 30 day review and comment period December 7-January 7, 2012.

Staff attended the monthly Berryessa Business Association meeting on Thursday, December 15 and manned an Info table at the Milpitas Library on Wed., December 28 from 11 a.m. - 1 p.m.

VTA Outreach prepared for the first traffic modification for the Kato Road Grade Separation Project. Visual message Boards and traffic advisories were issued and direct outreach to local businesses and residents in Fremont was conducted prior to the partial closure of Kato Road which began on December 5, 2011.

The majority of inquiries via the project hotline and email were about the Residential Noise Insulation Program, Kato Road Grade Separation Activities and the Design Build Contract.

Outreach Inquiries/Cases
• 11 email
• 11 phone calls
• 2 in person
• 3 mail/letter

Outreach Attempts 244 (VTA Driven)
• 16 emails
• 113 phone calls
• 0 door knocks
• 33 letters mailed

Residential Noise Insulation Program (RNIP) Specific Info:
• 467 total units in the program
• 97.9% of Permission for Sound Study (PSS) forms processed
• 10 remaining residences
• 1% we have not made contact with (5 constituents)
• 46 RNIP Noise Assessments scheduled
• 36 RNIP Noise Assessments completed

Prepared By: Kevin Kurimoto
Memo No. 3196
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Administrative Officer, Bill Lopez

SUBJECT: Adoption of ICMA Retirement Corporation’s VantageCare Retirement Health Savings (RHS) Plan

Policy-Related Action: Yes
Government Code Section 84308 Applies: Yes

Resolution

ACTION ITEM

RECOMMENDATION:

1) Approve resolutions adopting ICMA Retirement Corporation’s (ICMA-RC) VantageCare Retirement Health Savings (RHS) Plan for employees represented by AFSCME, Local 101; SEIU, Local 521; TAEA; and for Non-Represented employees.
2) Authorize staff to execute all necessary documents including Adoption Agreements, Administrative Services Agreements, Integral Part Trust documents, Retiree Welfare Benefits Plan documents and all other documents required for implementation of the RHS Plan for each group.
3) Authorize staff to amend plan documents, as needed, to incorporate plan changes and to maintain compliance with Internal Revenue Service regulations and tax laws.

BACKGROUND:

VTA currently provides retiree medical benefits through a defined benefit retiree medical program to eligible employees who retire directly from VTA through CalPERS or the SCVTA - ATU, Local 265 Pension Plan. Provisions for coverage eligibility and for contributions toward coverage costs are collectively bargained. Current VTA employees will continue to participate in the defined benefit retiree medical program.

As a result of recently concluded collective bargaining, effective January 1, 2012 newly hired and re-hired employees represented by AFSCME, SEIU and TAEA will have the option, upon
completion of their probationary period, to choose to participate in a defined contribution VantageCare Retirement Health Savings (RHS) Plan through ICMA-RC, rather than the existing defined benefit retiree medical program. This option will also be offered to newly hired or re-hired Non-Represented employees under the same terms. The defined contribution option will provide cost savings for the VTA, and an option for a portable retiree health care benefit for new employees.

**DISCUSSION:**

Pursuant to labor agreements, VTA will contribute $400 per month, pre-tax, to the RHS Plan for each eligible employee who elects to participate, with an increase of 2% in the VTA monthly contribution each January. Participants will be offered investment options for the accumulating funds in much the same manner as currently offered for employee deferred compensation savings plans. The RHS Plan will have a graduated vesting schedule whereby the participant will be 100% vested after 10 years of service.

Upon separation from VTA service, participants in the RHS Plan will be eligible to purchase health care benefits using funds from their defined contribution account. The size of the account will be based on the employer contributions, investment earnings, fees, and the employee's vesting schedule. Should a vested participant die, remaining funds may be used by eligible survivors. All forfeited VTA contributions (those that are not vested or where there is no eligible survivor) will be returned to VTA.

The RHS Plan will be administered by ICMA-RC, the current provider for VTA's 457 Deferred Compensation Plan and 401(a) Money Purchase Plan. There is no cost to VTA for these services; all fees are paid by participants.

In order to implement the VantageCare Retirement Health Savings Plan for each union and Non-Represented group, independent resolutions for plans and agreements for each group must be adopted by the Board.

**ALTERNATIVES:**

The Board could recommend that the RHS Plans not be adopted. However, this benefit was agreed to between the parties as part of the recently approved collective bargaining agreements.

**FISCAL IMPACT:**

There is no fiscal impact to VTA, as ICMA-RC does not charge administration fees for these services. All fees are paid by participants.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Transit Planning and Operations Committee heard this as an Information Item at the December 15, 2011 meeting attended by Director Liccardo and Director Campos sitting as a Committee of the Whole. Director Liccardo asked about how funds were vested for the participating employee. Chief Administrative Officer Bill Lopez responded that an employee
will vest on a graduated schedule; after five years of participation the employee is 50% vested and after 10 years the employee is 100% vested for the accumulated funds. Director Campos asked whether the funds were available only after retirement; Lopez responded that once an employee is vested to any degree, the vested funds are available upon any type of separation from VTA employment.

The Congestion Management Program and Planning Committee also heard this as an Information Item at the December 16, 2011 meeting attended by Director Yeager, Director Page, Director Moylan, and Director Herrera. Director Moylan asked Chief Administrative Officer Bill Lopez to clarify the Board actions to be requested. Lopez responded that the Board would be asked to approve a series of resolutions and authority to enter into agreements with ICMA Retirement Corporation necessary to implement the program.

Prepared by: Carol Horner
Memo No. 3397
RESOLUTION NO._______

RESOLUTION OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY FOR ADOPTION OF THE VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS) PLAN

Plan Number: 803302

Name of Employer: Santa Clara Valley Transportation Authority (VTA)       State: CA

WHEREAS, VTA has employees rendering valuable services; and

WHEREAS, the establishment of a retiree health savings plan for such employees serves the interests of VTA by enabling it to provide reasonable security regarding such employees’ health needs during retirement, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

WHEREAS, VTA has determined that the establishment of the retiree health savings plan (the “Plan”) serves the above objectives;

NOW THEREFORE BE IT RESOLVED that VTA hereby adopts the Plan in the form of the ICMA Retirement Corporation’s VantageCare Retirement Health Savings Plan.

BE IT FURTHER RESOLVED that the assets of the Plan shall be held in trust, with VTA serving as trustee for the exclusive benefit of Plan participants and their survivors, and the assets of the Plan shall not be diverted to any other purpose prior to the satisfaction of all liabilities of the Plan. VTA shall execute the Declaration of Trust of the Santa Clara Valley Transportation Authority Integral Part Trust in the form of the model trust made available by the ICMA Retirement Corporation.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors this 5th day of January, 2012 by the following votes:

AYES:           DIRECTORS

NOES:            DIRECTORS

ABSENT:          DIRECTORS
Ken Yeager, Chairperson
Board of Directors

ATTEST:

__________________________
Sandra Weymouth, Board Secretary

APPROVED AS TO FORM:

__________________________
Kathy Paul, Interim General Counsel
RESOLUTION NO._______

RESOLUTION OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY FOR ADOPTION OF THE VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS) PLAN

Plan Number: 803313

Name of Employer: Santa Clara Valley Transportation Authority (VTA) State: CA

WHEREAS, VTA has employees rendering valuable services; and

WHEREAS, the establishment of a retiree health savings plan for such employees serves the interests of VTA by enabling it to provide reasonable security regarding such employees’ health needs during retirement, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

WHEREAS, VTA has determined that the establishment of the retiree health savings plan (the “Plan”) serves the above objectives;

NOW THEREFORE BE IT RESOLVED that VTA hereby adopts the Plan in the form of the ICMA Retirement Corporation’s VantageCare Retirement Health Savings Plan.

BE IT FURTHER RESOLVED that the assets of the Plan shall be held in trust, with VTA serving as trustee for the exclusive benefit of Plan participants and their survivors, and the assets of the Plan shall not be diverted to any other purpose prior to the satisfaction of all liabilities of the Plan. VTA shall execute the Declaration of Trust of the Santa Clara Valley Transportation Authority Integral Part Trust in the form of the model trust made available by the ICMA Retirement Corporation.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors this 5th day of January, 2012 by the following votes:

AYES: DIRECTORS

NOES: DIRECTORS

ABSENT: DIRECTORS
Ken Yeager, Chairperson
Board of Directors

ATTEST:

Sandra Weymouth, Board Secretary

APPROVED AS TO FORM:

Kathy Paul, Interim General Counsel
RESOLUTION NO._______

RESOLUTION OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY FOR ADOPTION OF THE VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS) PLAN

Plan Number: 803314

Name of Employer: Santa Clara Valley Transportation Authority (VTA) State: CA

WHEREAS, VTA has employees rendering valuable services; and

WHEREAS, the establishment of a retiree health savings plan for such employees serves the interests of VTA by enabling it to provide reasonable security regarding such employees’ health needs during retirement, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

WHEREAS, VTA has determined that the establishment of the retiree health savings plan (the “Plan”) serves the above objectives;

NOW THEREFORE BE IT RESOLVED that VTA hereby adopts the Plan in the form of the ICMA Retirement Corporation’s VantageCare Retirement Health Savings Plan.

BE IT FURTHER RESOLVED that the assets of the Plan shall be held in trust, with VTA serving as trustee for the exclusive benefit of Plan participants and their survivors, and the assets of the Plan shall not be diverted to any other purpose prior to the satisfaction of all liabilities of the Plan. VTA shall execute the Declaration of Trust of the Santa Clara Valley Transportation Authority Integral Part Trust in the form of the model trust made available by the ICMA Retirement Corporation.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors this 5th day of January, 2012 by the following votes:

AYES: DIRECTORS

NOES: DIRECTORS

ABSENT: DIRECTORS
ATTEST:

Sandra Weymouth, Board Secretary

APPROVED AS TO FORM:

Kathy Paul, Interim General Counsel
RESOLUTION NO._______

RESOLUTION OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY FOR ADOPTION OF THE VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS) PLAN

Plan Number: 803315

Name of Employer: Santa Clara Valley Transportation Authority (VTA)    State: CA

WHEREAS, VTA has employees rendering valuable services; and

WHEREAS, the establishment of a retiree health savings plan for such employees serves the interests of VTA by enabling it to provide reasonable security regarding such employees’ health needs during retirement, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

WHEREAS, VTA has determined that the establishment of the retiree health savings plan (the “Plan”) serves the above objectives;

NOW THEREFORE BE IT RESOLVED that VTA hereby adopts the Plan in the form of the ICMA Retirement Corporation’s VantageCare Retirement Health Savings Plan.

BE IT FURTHER RESOLVED that the assets of the Plan shall be held in trust, with VTA serving as trustee for the exclusive benefit of Plan participants and their survivors, and the assets of the Plan shall not be diverted to any other purpose prior to the satisfaction of all liabilities of the Plan. VTA shall execute the Declaration of Trust of the Santa Clara Valley Transportation Authority Integral Part Trust in the form of the model trust made available by the ICMA Retirement Corporation.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors this 5th day of January, 2012 by the following votes:

AYES: DIRECTORS

NOES: DIRECTORS

ABSENT: DIRECTORS
Ken Yeager, Chairperson
Board of Directors

ATTEST:

Sandra Weymouth, Board Secretary

APPROVED AS TO FORM:

Kathy Paul, Interim General Counsel
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<tr>
<td>ICMA Retirement Corporation (ICMA-RC)</td>
<td>President and Chief Executive Officer</td>
<td>Joan McCallen</td>
<td>777 North Capitol Street, NE Suite 600</td>
</tr>
<tr>
<td></td>
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EMPLOYER VANTAGECARE
RETIREMENT HEALTH SAVINGS (RHS) PLAN
ADOPTION AGREEMENT
EMPLOYER VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS) PLAN ADOPTION AGREEMENT

Plan Number: 8 03302 Check one: ☑ New Plan ☐ Amendment to Existing Plan

Employer Retirement Health Savings Plan Name:

I. Employer Name: Santa Clara Valley Transportation Authority (VTA) State: CA

II. The Employer hereby attests that it is a unit of a state or local government or an agency or instrumentality of one or more units of a state or local government.

III. Effective Date of the Plan: January 1, 2012

IV. The Employer intends to utilize the Trust to fund only welfare benefits pursuant to the following welfare benefit plan(s) established by the Employer: Santa Clara Valley Transportation Authority (VTA) Railfee Welfare Benefits Plan

V. Eligible Groups, Participation and Participant Eligibility Requirements

A. Eligible Groups

   The following group or groups of Employees are eligible to participate in the VantageCare Retirement Health Savings Plan (check all applicable boxes):
   ☐ All Employees
   ☐ All Full-Time Employees
   ☐ Non-Union Employees
   ☐ Public Safety Employees – Police
   ☐ Public Safety Employees – Firefighters
   ☐ General Employees
   ☐ Collectively-Bargained Employees (Specify unit(s))
   ☑ Other (specify group(s))

   Non-Represented employees hired or rehired on or after January 1, 2012 who elect to participate in the Plan

   The Employee group(s) specified must correspond to a group(s) of the same designation that is defined in the statutes, ordinances, rules, regulations, personnel manuals or other documents or provisions in effect in the state or locality of the Employer.

B. Participation

   Mandatory Participation: All Employees in the covered group(s) are required to participate in the Plan and shall receive contributions pursuant to Section VI.

   If the Employer’s underlying welfare benefit plan or funding under this VantageCare Retirement Health Savings Plan is in whole or part a non-collectively bargained, self-insured plan, the nondiscrimination requirements of Internal Revenue Code (IRC) Section 105(h) will apply. These rules may impose taxation on the benefits received by highly compensated individuals if the Plan discriminates in favor of highly compensated individuals in terms of eligibility or benefits. The Employer should discuss these rules with appropriate counsel.

C. Participant Eligibility Requirements

1. Minimum service: The minimum period of service required for participation is probation (write N/A if no minimum service is required).

2. Minimum age: The minimum age required for eligibility to participate is N/A (write N/A if no minimum age is required).
VI. Contribution Sources and Amounts

A. Definition of Earnings

The definition of Earnings will apply to all RHS Contribution Features that reference "Earnings", including Direct Employer Contributions (Section VI.B.1.) and Mandatory Employee Compensation Contributions (Section VI.B.2.).

Definition of earnings: Direct Employer Contributions

B. Direct Employer Contributions and Mandatory Contributions

1. Direct Employer Contributions

   The Employer shall contribute on behalf of each Participant:

   ☐ _________ % of Earnings
   ☐ $_________ each Plan Year

   ☐ A discretionary amount to be determined each Plan Year
   ☑ Other (describe): $400/month increased by 2% each January. VTA may, at any time and in its sole discretion, reduce or eliminate the contributions, but only to the extent these changes do not violate any MOUs or other employee agreement.

2. Mandatory Employee Compensation Contributions

   The Employer will make mandatory contributions of Employee compensation as follows:

   ☐ Reduction in Salary - _________ % of Earnings or $_________ will be contributed for the Plan Year.

   ☑ Decreased Merit or Pay Plan Adjustment - All or a portion of the Employees’ annual merit or pay plan adjustment will be contributed as follows:

       An Employee shall not have the right to discontinue or vary the rate of Mandatory Contributions of Employee Compensation.

3. Mandatory Employee Leave Contributions

   The Employer will make mandatory contributions of accrued leave as follows (provide formula for determining Mandatory Employee Leave contributions):

   ☐ Accrued Sick Leave

   ☐ Accrued Vacation Leave

   ☐ Other (specify type of leave) Accrued _________ Leave

   An Employee shall not have the right to discontinue or vary the rate of mandatory leave contributions.

C. Limits on Total Contributions (check one box)

   The total contribution by the Employer on behalf of each Participant (including Direct Employer and Mandatory Employee Contributions) for each Plan Year shall not exceed the following limit(s) below. Limits on individual contribution types are defined within the appropriate section above.
There is no Plan-defined limit on the percentage or dollar amount of earnings that may be contributed. $ _______ for the Plan year.

See Section V.B. for a discussion of nondiscrimination rules that may apply to non-collectively bargained self-insured Plans.

VII. Vesting for Direct Employer Contributions

A. Vesting Schedule (check one box)

☐ The account is 100% vested at all times.
☑ The following vesting schedule shall apply to Direct Employer Contributions as outlined in Section VI.B.1:

<table>
<thead>
<tr>
<th>Years of Service Completed</th>
<th>Vesting Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
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<tr>
<td>9</td>
<td>90%</td>
</tr>
<tr>
<td>10</td>
<td>100%</td>
</tr>
</tbody>
</table>

B. The account will become 100% vested upon the death, disability, retirement*, or attainment of benefit eligibility (as outlined in Section IX) by a Participant.

*Definition of retirement (check one box):

☐ Retirement as defined in the primary retirement plan of the Employer
☐ Separation from service
☑ Other

C. Any period of service by a Participant prior to a rehire of the Participant by the Employer shall not count toward the vesting schedule outlined in A above.

VIII. Forfeiture Provisions

Upon separation from the service of the Employer prior to attainment of benefit eligibility (as outlined in Section IX), or upon reversion to the Trust of a Participant’s account assets remaining upon the participant’s death (as outlined in Section XI), a Participant’s non-vested funds shall (check one box):

☐ Remain in the Trust to be reallocated among all remaining Employees participating in the Plan as Direct Employer Contributions for the next and succeeding contribution cycle(s).

☐ Remain in the Trust to be reallocated on an equal dollar basis among all Plan Participants.

☑ Remain in the Trust to be reallocated among all Plan Participants based upon Participant account balances.

☐ Revert to the Employer.
IX. Eligibility Requirements to Receive Medical Benefit Payments from the VantageCare Retirement Health Savings Plan

A. A Participant is eligible to receive benefits:

- At retirement only (also complete Section B.)
  - Definition of retirement:
    - Same as Section VII.B.
    - Other

- At separation from service with the following restrictions
  - No restrictions
  - Other (The account shall become vested upon attainment of 5 years of service as outlined in Section VIII. A. The account shall not vest upon death, disability, or retirement of a participant as outlined in Section VII.B.)

- At age __________ only

- At retirement and age __________ (also complete section B)
  - Definition of retirement:
    - Same as Section VII.B.
    - Other

- At retirement or age __________
  - Definition of retirement:
    - Same as Section VII.B.
    - Other

- Other, specified as follows (also complete Section B if applicable):

B. Termination prior to general benefit eligibility: In the case where the general benefit eligibility as outlined in Section IX.A includes a retirement component, a Participant who separates from the service of the Employer prior to retirement will be eligible to receive benefits:

- Immediately upon separation from service.
- At age ______________, .

C. A Participant that becomes totally and permanently disabled

- as defined by the Social Security Administration
- as defined by the Employer's primary retirement plan
- other

will become immediately eligible to receive medical benefit payments from his/her VantageCare Retirement Health Savings Plan account.

D. Upon the death of the Participant, benefits shall become payable as outlined in Section XI.
X. Permissible Medical Benefit Payments

Benefits eligible for reimbursement consist of:

☑ All Medical Expenses eligible under IRC Section 213* other than direct long-term care expenses, and including non-prescription medications allowed under IRS guidance.

☐ The following Medical Expenses (select only the expenses you wish to cover under the VantageCare Retirement Health Savings Plan):

☐ Medical Insurance Premiums
☐ Medical Out-of-Pocket Expenses*
☐ Medicare Part B Insurance Premiums
☐ Medicare Part D Insurance Premiums
☐ Medicare Supplemental Insurance Premiums
☐ Prescription Drug Insurance Premiums
☐ COBRA Insurance Premiums
☐ Dental Insurance Premiums
☐ Dental Out-of-Pocket Expenses*
☐ Vision Insurance Premiums
☐ Vision Out-of-Pocket Expenses*
☐ Qualified Long-Term Care Insurance Premiums
☐ Non-Prescription medications allowed under IRS guidance*
☐ Other qualifying medical expenses (describe)*

* See Section V.A. for a discussion of nondiscrimination rules which may apply to non-collectively bargained, self-insured Plans.

XI. Benefits After the Death of the Participant

In the event of a Participant's death, the following shall apply:

A. Surviving Spouse and/or Surviving Dependents

The surviving spouse and/or surviving eligible dependents (as defined in Section XII.D.) of the deceased Participant are immediately eligible to maintain the account and utilize it to fund eligible medical benefits specified in Section X above.

Upon notification of a Participant's death, the Participant's account balance will be transferred into the Vantagepoint Money Market Fund* (or another fund selected by the Employer). The account balance may be reallocated by the surviving spouse or dependents.

* Please read the current Vantagepoint Mutual Funds prospectus carefully prior to investing. An investment in this fund is neither insured nor guaranteed and there can be no assurance that the Fund will be able to maintain a stable net asset value of $1.00 per share. Vantagepoint Mutual Funds are distributed by ICMA-RC Services, LLC, a wholly-owned broker-dealer affiliate of ICMA Retirement Corporation. Member FINRA/SIPC.

If a Participant’s account balance has not been fully utilized upon the death of the eligible spouse, the account balance may continue to be utilized to pay benefits of eligible dependents. Upon the death of all eligible dependents, the account will revert to the Plan to be applied as specified in Section VIII.
B. No Surviving Spouse or Surviving Dependents

If there are no living spouse or dependents at the time of death of the Participant, the account will revert to the Plan to be applied as specified in Section VIII.

XII. The Plan will operate according to the following provisions:

A. Employer Responsibilities

1. The Employer will submit all VantageCare Retirement Health Savings Plan contribution data via electronic submission.

2. The Employer will submit all VantageCare Retirement Health Savings Plan Participant status updates or personal information updates via electronic submission. This includes but is not limited to termination notification and benefit eligibility notification.

B. Participant account administration and asset-based fees will be paid through the redemption of Participant account shares, unless agreed upon otherwise in the Administrative Services Agreement.

C. Assignment of benefits is not permitted. Benefits will be paid only to the Participant, his/her Survivors, the Employer, or an insurance provider (as allowed by the claims administrator). Payments to an third-party payee (e.g., medical service provider) are not permitted with the exception of reimbursement to the Employer or insurance provider (as allowed by the claims administrator).

D. An eligible dependent is the Participant’s lawful spouse and any other individual who is a person described in IRC Section 152(a), as clarified by Internal Revenue Service Notice 2004-79.

E. The Employer will be responsible for withholding, reporting and remitting any applicable taxes for payments which are deemed to be discriminatory under IRC Section 105(h), as outlined in the VantageCare Retirement Health Savings Plan Employer Manual.

XIII. Employer Acknowledgements

A. The Employer hereby acknowledges it understands that failure to properly fill out this Employer VantageCare Retirement Health Savings Plan Adoption Agreement may result in the loss of tax exemption of the Trust and/or loss of tax-deferred status for Employer contributions.

B. ☐ Check this box if you are including supporting documents that include plan provisions.

EMPLOYER SIGNATURE

By: ____________________________ Date: ____________________________
Title: __________________________

Attest: __________________________ Date: __________________________
Title: __________________________

Accepted: VANTAGEPOINT TRANSFER AGENTS, LLC

[Signature]

Assistant Secretary, ICMA-RC
EMPLOYER VANTAGECARE
RETIREMENT HEALTH SAVINGS (RHS) PLAN
ADOPTION AGREEMENT
EMPLOYER VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS) PLAN
ADOPTION AGREEMENT

Plan Number: 803313

Check one: [ ] New Plan [ ] Amendment to Existing Plan

Employer Retirement Health Savings Plan Name:

I. Employer Name: Santa Clara Valley Transportation Authority (VTA)  State: CA

II. The Employer hereby attests that it is a unit of a state or local government or an agency or instrumentality of one or more units of a state or local government.

III. Effective Date of the Plan: January 1, 2012

IV. The Employer intends to utilize the Trust to fund only welfare benefits pursuant to the following welfare benefit plan(s) established by the Employer: Santa Clara Valley Transportation Authority (VTA) Retiree Welfare Benefits Plan

V. Eligible Groups, Participation and Participant Eligibility Requirements

A. Eligible Groups

The following group or groups of Employees are eligible to participate in the VantageCare Retirement Health Savings Plan (check all applicable boxes):

☐ All Employees
☐ All Full-Time Employees
☐ Non-Union Employees
☐ Public Safety Employees -- Police
☐ Public Safety Employees -- Firefighters
☐ General Employees
☐ Collectively-Bargained Employees (Specify unit(s))
☐ Other (specify group(s)) AFSCME, Local 161 represented employees hired or rehired on or after January 1, 2012 who elected to participate in the Plan

The Employee group(s) specified must correspond to a group(s) of the same designation that is defined in the statutes, ordinances, rules, regulations, personnel manuals or other documents or provisions in effect in the state or locality of the Employer.

B. Participation

Mandatory Participation: All Employees in the covered group(s) are required to participate in the Plan and shall receive contributions pursuant to Section VI.

C. Participant Eligibility Requirements

1. Minimum service: The minimum period of service required for participation is probation (write N/A if no minimum service is required).

2. Minimum age: The minimum age required for eligibility to participate is N/A (write N/A if no minimum age is required).
VI. Contribution Sources and Amounts

A. Definition of Earnings

The definition of Earnings will apply to all RHS Contribution Features that reference "Earnings", including Direct Employer Contributions (Section VI.B.1.) and Mandatory Employee Compensation Contributions (Section VI.B.2.).

Definition of earnings

B. Direct Employer Contributions and Mandatory Contributions

1. Direct Employer Contributions

   The Employer shall contribute on behalf of each Participant

   □ _________ % of Earnings
   □ $ _________ each Plan Year
   □ A discretionary amount to be determined each Plan Year
   □ Other (describe): $400/month increased by 2% each January. VTA may, at any time and in its sole discretion, reduce or eliminate the contributions, but only to the extent these changes do not violate any MOUs or other employee agreement.

2. Mandatory Employee Compensation Contributions

   The Employer will make mandatory contributions of Employee compensation as follows:

   □ Reduction in Salary - _________ % of Earnings or $ _________ will be contributed for the Plan Year.

   □ Decreased Merit or Pay Plan Adjustment - All or a portion of the Employees' annual merit or pay plan adjustment will be contributed as follows:

      An Employee shall not have the right to discontinue or vary the rate of Mandatory Contributions of Employee Compensation.

3. Mandatory Employee Leave Contributions

   The Employer will make mandatory contributions of accrued leave as follows (provide formula for determining Mandatory Employee Leave contributions):

   □ Accrued Sick Leave

   □ Accrued Vacation Leave

   □ Other (specify type of leave) Accrued _______ Leave

      An Employee shall not have the right to discontinue or vary the rate of mandatory leave contributions.

C. Limits on Total Contributions (check one box)

   The total contribution by the Employer on behalf of each Participant (including Direct Employer and Mandatory Employee Contributions) for each Plan Year shall not exceed the following limit(s) below. Limits on individual contribution types are defined within the appropriate section above.
There is no Plan-defined limit on the percentage or dollar amount of earnings that may be contributed.  
☐ ________% of earnings*
*Definition of earnings:  ☐ Same as Section VI.A.  ☐ Other
☐ $_________ for the Plan year.

See Section V.B. for a discussion of nondiscrimination rules that may apply to non-collectively bargained self-insured Plans.

VII. Vesting for Direct Employer Contributions

A. Vesting Schedule (check one box)

☐ The account is 100% vested at all times.
☑ The following vesting schedule shall apply to Direct Employer Contributions as outlined in Section VI.B.1.:

<table>
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<td>9</td>
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</tr>
<tr>
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<td>100 %</td>
</tr>
</tbody>
</table>

B. The account will become 100% vested upon the death, disability, retirement*, or attainment of benefit eligibility (as outlined in Section IX) by a Participant.

*Definition of retirement (check one box):

☐ Retirement as defined in the primary retirement plan of the Employer
☐ Separation from service
☑ Other

C. Any period of service by a Participant prior to a rehire of the Participant by the Employer shall not count toward the vesting schedule outlined in A above.

VIII. Forfeiture Provisions

Upon separation from the service of the Employer prior to attainment of benefit eligibility (as outlined in Section IX), or upon reversion to the Trust of a Participant's account assets remaining upon the participant's death (as outlined in Section XI), a Participant's non-vested funds shall (check one box):

☐ Remain in the Trust to be reallocated among all remaining Employees participating in the Plan as Direct Employer Contributions for the next and succeeding contribution cycle(s).

☐ Remain in the Trust to be reallocated on an equal dollar basis among all Plan Participants.

☐ Remain in the Trust to be reallocated among all Plan Participants based upon Participant account balances.
✓ Revert to the Employer.
IX. Eligibility Requirements to Receive Medical Benefit Payments from the VantageCare Retirement Health Savings Plan

A. A Participant is eligible to receive benefits:

☐ At retirement only (also complete Section B.)
Definition of retirement:
☐ Same as Section VII.B.
☐ Other ________________________________

☐ At separation from service with the following restrictions
☐ No restrictions
☐ Other The Account shall become void upon retirement or at death of a participant or upon death or retirement of a participant as outlined in Section VII.B.

☐ At age _________ only
☐ At retirement and age _________ (also complete section B)
Definition of retirement:
☐ Same as Section VII.B.
☐ Other ________________________________

☐ At retirement or age _________
Definition of retirement:
☐ Same as Section VII.B.
☐ Other ________________________________

☐ Other, specified as follows (also complete Section B if applicable):

B. Termination prior to general benefit eligibility: In the case where the general benefit eligibility as outlined in Section IX.A includes a retirement component, a Participant who separates from the service of the Employer prior to retirement will be eligible to receive benefits:

☐ immediately upon separation from service.
☐ At age ________________________________.

C. A Participant that becomes totally and permanently disabled

☐ as defined by the Social Security Administration
☐ as defined by the Employer's primary retirement plan
☐ other ________________________________

will become immediately eligible to receive medical benefit payments from his/her VantageCare Retirement Health Savings Plan account.

D. Upon the death of the Participant, benefits shall become payable as outlined in Section XI.
X. Permissible Medical Benefit Payments

Benefits eligible for reimbursement consist of:

☑ All Medical Expenses eligible under IRC Section 213* other than direct long-term care expenses, and including non-prescription medications allowed under IRS guidance.

☐ The following Medical Expenses (select only the expenses you wish to cover under the VantageCare Retirement Health Savings Plan):

☐ Medical Insurance Premiums
☐ Medical Out-of-Pocket Expenses*
☐ Medicare Part B Insurance Premiums
☐ Medicare Part D Insurance Premiums
☐ Medicare Supplemental Insurance Premiums
☐ Prescription Drug Insurance Premiums
☐ COBRA Insurance Premiums
☐ Dental Insurance Premiums
☐ Dental Out-of-Pocket Expenses*
☐ Vision Insurance Premiums
☐ Vision Out-of-Pocket Expenses*
☐ Qualified Long-Term Care Insurance Premiums
☐ Non-Prescription medications allowed under IRS guidance*
☐ Other qualifying medical expenses (describe) *

*See Section V.A. for a discussion of nondiscrimination rules which may apply to non-collectively bargained, self-insured Plans.

XI. Benefits After the Death of the Participant

In the event of a Participant's death, the following shall apply:

A. Surviving Spouse and/or Surviving Dependents

The surviving spouse and/or surviving eligible dependents (as defined in Section XII.D.) of the deceased Participant are immediately eligible to maintain the account and utilize it to fund eligible medical benefits specified in Section X above.

Upon notification of a Participant's death, the Participant's account balance will be transferred into the Vantagepoint Money Market Fund* (or another fund selected by the Employer). The account balance may be reallocated by the surviving spouse or dependents.

* Please read the current Vantagepoint Mutual Funds prospectus carefully prior to investing. An investment in this fund is neither insured nor guaranteed and there can be no assurance that the Fund will be able to maintain a stable net asset value of $1.00 per share. Vantagepoint Mutual Funds are distributed by ICMA-RC Services, LLC, a wholly-owned broker-dealer affiliate of ICMA Retirement Corporation. Member FINRA/SIPC.

If a Participant's account balance has not been fully utilized upon the death of the eligible spouse, the account balance may continue to be utilized to pay benefits of eligible dependents. Upon the death of all eligible dependents, the account will revert to the Plan to be applied as specified in Section VIII.
B. No Surviving Spouse or Surviving Dependents

If there are no living spouse or dependents at the time of death of the Participant, the account will revert to the Plan to be applied as specified in Section VIII.

XII. The Plan will operate according to the following provisions:

A. Employer Responsibilities

1. The Employer will submit all VantageCare Retirement Health Savings Plan contribution data via electronic submission.

2. The Employer will submit all VantageCare Retirement Health Savings Plan Participant status updates or personal information updates via electronic submission. This includes but is not limited to termination notification and benefit eligibility notification.

B. Participant account administration and asset-based fees will be paid through the redemption of Participant account shares, unless agreed upon otherwise in the Administrative Services Agreement.

C. Assignment of benefits is not permitted. Benefits will be paid only to the Participant, his/her Survivors, the Employer, or an insurance provider (as allowed by the claims administrator). Payments to a third-party payee (e.g., medical service provider) are not permitted with the exception of reimbursement to the Employer or insurance provider (as allowed by the claims administrator).

D. An eligible dependent is the Participant’s lawful spouse and any other individual who is a person described in IRC Section 152(a), as clarified by Internal Revenue Service Notice 2004-79.

E. The Employer will be responsible for withholding, reporting and remitting any applicable taxes for payments which are deemed to be discriminatory under IRC Section 105(h), as outlined in the VantageCare Retirement Health Savings Plan Employer Manual.

XIII. Employer Acknowledgements

A. The Employer hereby acknowledges it understands that failure to properly fill out this Employer VantageCare Retirement Health Savings Plan Adoption Agreement may result in the loss of tax exemption of the Trust and/or loss of tax-deferred status for Employer contributions.

B. [ ] Check this box if you are including supporting documents that include plan provisions.

EMPLOYER SIGNATURE

By: ____________________________ Date: ____________________________

Title: ____________________________

Attest: ____________________________ Date: ____________________________

Title: ____________________________

Accepted: VANTAGEPOINT TRANSFER AGENTS, LLC

[Signature]

Assistant Secretary, ICMA-RC
EMPLOYER VANTAGECARE
RETIREMENT HEALTH SAVINGS (RHS) PLAN
ADOPTION AGREEMENT
EMPLOYER VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS) PLAN ADOPTION AGREEMENT

Plan Number: 8 03314 Check one: ☑ New Plan ☐ Amendment to Existing Plan

Employer Retirement Health Savings Plan Name:

I. Employer Name: Santa Clara Valley Transportation Authority (VTA) State: CA

II. The Employer hereby attests that it is a unit of a state or local government or an agency or instrumentality of one or more units of a state or local government.

III. Effective Date of the Plan: January 1, 2012

IV. The Employer intends to utilize the Trust to fund only welfare benefits pursuant to the following welfare benefit plan(s) established by the Employer: Santa Clara Valley Transportation Authority (VTA) Retiree Welfare Benefits Plan

V. Eligible Groups, Participation and Participant Eligibility Requirements

A. Eligible Groups

The following group or groups of Employees are eligible to participate in the VantageCare Retirement Health Savings Plan (check all applicable boxes):

☐ All Employees
☐ All Full-Time Employees
☐ Non-Union Employees
☐ Public Safety Employees – Police
☐ Public Safety Employees – Firefighters
☐ General Employees
☐ Collectively-Bargained Employees (Specify union(s))
☑ Other (specify group(s)) SEIU, Local 821 represented employees hired or retired on or after January 1, 2012 who elect to participate in the Plan

The Employee group(s) specified must correspond to a group(s) of the same designation that is defined in the statutes, ordinances, rules, regulations, personnel manuals or other documents or provisions in effect in the state or locality of the Employer.

B. Participation

Mandatory Participation: All Employees in the covered group(s) are required to participate in the Plan and shall receive contributions pursuant to Section VI.

If the Employer’s underlying welfare benefit plan or funding under this VantageCare Retirement Health Savings Plan is in whole or part a non-collectively bargained, self-insured plan, the nondiscrimination requirements of Internal Revenue Code (IRC) Section 105(h) will apply. These rules may impose taxation on the benefits received by highly compensated individuals if the Plan discriminates in favor of highly compensated individuals in terms of eligibility or benefits. The Employer should discuss these rules with appropriate counsel.

C. Participant Eligibility Requirements

1. Minimum service: The minimum period of service required for participation is probation (write N/A if no minimum service is required).

2. Minimum age: The minimum age required for eligibility to participate is N/A (write N/A if no minimum age is required).
VI. Contribution Sources and Amounts

A. Definition of Earnings

The definition of Earnings will apply to all RHS Contribution Features that reference "Earnings", including Direct Employer Contributions (Section VI.B.1.) and Mandatory Employee Compensation Contributions (Section VI.B.2.).

B. Direct Employer Contributions and Mandatory Contributions

1. Direct Employer Contributions

The Employer shall contribute on behalf of each Participant:

☐ ________% of Earnings
☐ $________ each Plan Year
☐ A discretionary amount to be determined each Plan Year
☐ Other (describe): $400/month increased by 2% each January. VTA may, at any time and in its sole discretion, reduce or eliminate the contributions, but only to the extent these changes do not violate any MOUs or other employee agreement.

2. Mandatory Employee Compensation Contributions

The Employer will make mandatory contributions of Employee compensation as follows:

☐ Reduction in Salary - ________% of Earnings or $________ will be contributed for the Plan Year.

☐ Decreased Merit or Pay Plan Adjustment - All or a portion of the Employees' annual merit or pay plan adjustment will be contributed as follows:

An Employee shall not have the right to discontinue or vary the rate of Mandatory Contributions of Employee Compensation.

3. Mandatory Employee Leave Contributions

The Employer will make mandatory contributions of accrued leave as follows (provide formula for determining Mandatory Employee Leave contributions):

☐ Accrued Sick Leave

☐ Accrued Vacation Leave

☐ Other (specify type of leave) Accrued ________ Leave

An Employee shall not have the right to discontinue or vary the rate of mandatory leave contributions.

C. Limits on Total Contributions (check one box)

The total contribution by the Employer on behalf of each Participant (including Direct Employer and Mandatory Employee Contributions) for each Plan Year shall not exceed the following limit(s) below. Limits on individual contribution types are defined within the appropriate section above.
There is no Plan-defined limit on the percentage or dollar amount of earnings that may be contributed.

☐ % of earnings

*Definition of earnings: ☐ Same as Section VI.A. ☐ Other

☐ $ _________ for the Plan year.

See Section V.B. for a discussion of nondiscrimination rules that may apply to non-collectively bargained self-insured Plans.

VII. Vesting for Direct Employer Contributions

A. Vesting Schedule (check one box)

☐ The account is 100% vested at all times.

☑ The following vesting schedule shall apply to Direct Employer Contributions as outlined in Section VI.B.1.: 

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<th>Years of Service Completed</th>
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<td>100 %</td>
</tr>
</tbody>
</table>

B. The account will become 100% vested upon the death, disability, retirement*, or attainment of benefit eligibility (as outlined in Section IX) by a Participant.

*Definition of retirement (check one box):

☐ Retirement as defined in the primary retirement plan of the Employer
☐ Separation from service
☑ Other

The amount shall become vested upon attainment of years of service as outlined in Section VIII.A. The account shall not vest upon the death, disability or retirement of a participant as outlined in Section VII.B.

C. Any period of service by a Participant prior to a rehire of the Participant by the Employer shall not count toward the vesting schedule outlined in A above.

VIII. Forfeiture Provisions

Upon separation from the service of the Employer prior to attainment of benefit eligibility (as outlined in Section IX), or upon reversion to the Trust of a Participant's account assets remaining upon the participant's death (as outlined in Section XI), a Participant's non-vested funds shall (check one box):

☐ Remain in the Trust to be reallocated among all remaining Employees participating in the Plan as Direct Employer Contributions for the next and succeeding contribution cycle(s).

☐ Remain in the Trust to be reallocated on an equal dollar basis among all Plan Participants.
☐ Remain in the Trust to be reallocated among all Plan Participants based upon Participant account balances.
☑ Revert to the Employer.
IX. Eligibility Requirements to Receive Medical Benefit Payments from the VantageCare Retirement Health Savings Plan

A. A Participant is eligible to receive benefits:

☐ At retirement only (also complete Section B.)
   Definition of retirement:
   ☐ Same as Section VII.B.
   ☐ Other ________________________________

☐ At separation from service with the following restrictions
   ☐ No restrictions
   ☒ Other ________________________________

☐ At age __________ only

☐ At retirement and age __________ (also complete section B)
   Definition of retirement:
   ☐ Same as Section VII.B.
   ☐ Other ________________________________

☐ At retirement or age __________
   Definition of retirement:
   ☐ Same as Section VII.B.
   ☐ Other ________________________________

☐ Other, specified as follows (also complete Section B if applicable):
   ________________________________

B. Termination prior to general benefit eligibility: In the case where the general benefit eligibility as outlined in Section IX.A includes a retirement component, a Participant who separates from the service of the Employer prior to retirement will be eligible to receive benefits:

☐ Immediately upon separation from service.

☐ At age ____________________________.

C. A Participant that becomes totally and permanently disabled

☐ as defined by the Social Security Administration

☐ as defined by the Employer's primary retirement plan

☐ other ________________________________

will become immediately eligible to receive medical benefit payments from his/her VantageCare Retirement Health Savings Plan account.

D. Upon the death of the Participant, benefits shall become payable as outlined in Section XI.
X. Permissible Medical Benefit Payments

Benefits eligible for reimbursement consist of:

☑ All Medical Expenses eligible under IRC Section 213* other than direct long-term care expenses, and including non-prescription medications allowed under IRS guidance.

☐ The following Medical Expenses (select only the expenses you wish to cover under the VantageCare Retirement Health Savings Plan):
  ☐ Medical Insurance Premiums
  ☐ Medical Out-of-Pocket Expenses*
  ☐ Medicare Part B Insurance Premiums
  ☐ Medicare Part D Insurance Premiums
  ☐ Medicare Supplemental Insurance Premiums
  ☐ Prescription Drug Insurance Premiums
  ☐ COBRA Insurance Premiums
  ☐ Dental Insurance Premiums
  ☐ Dental Out-of-Pocket Expenses*
  ☐ Vision Insurance Premiums
  ☐ Vision Out-of-Pocket Expenses*
  ☐ Qualified Long-Term Care Insurance Premiums
  ☐ Non-Prescription medications allowed under IRS guidance*
  ☐ Other qualifying medical expenses (describe)*

* See Section V.A. for a discussion of nondiscrimination rules which may apply to non-collectively bargained, self-insured Plans.

XI. Benefits After the Death of the Participant

In the event of a Participant’s death, the following shall apply:

A. Surviving Spouse and/or Surviving Dependents

The surviving spouse and/or surviving eligible dependents (as defined in Section XII.D.) of the deceased Participant are immediately eligible to maintain the account and utilize it to fund eligible medical benefits specified in Section X above.

Upon notification of a Participant’s death, the Participant’s account balance will be transferred into the Vantagepoint Money Market Fund* (or another fund selected by the Employer). The account balance may be reallocated by the surviving spouse or dependents.

* Please read the current Vantagepoint Mutual Funds prospectus carefully prior to investing. An investment in this fund is neither insured nor guaranteed and there can be no assurance that the Fund will be able to maintain a stable net asset value of $1.00 per share. Vantagepoint Mutual Funds are distributed by ICMA-RC Services, LLC, a wholly-owned broker-dealer affiliate of ICMA Retirement Corporation. Member FINRA/SIPC.

If a Participant’s account balance has not been fully utilized upon the death of the eligible spouse, the account balance may continue to be utilized to pay benefits of eligible dependents. Upon the death of all eligible dependents, the account will revert to the Plan to be applied as specified in Section VIII.
B. No Surviving Spouse or Surviving Dependents

If there are no living spouse or dependents at the time of death of the Participant, the account will revert to the Plan to be applied as specified in Section VIII.

XII. The Plan will operate according to the following provisions:

A. Employer Responsibilities

1. The Employer will submit all VantageCare Retirement Health Savings Plan contribution data via electronic submission.

2. The Employer will submit all VantageCare Retirement Health Savings Plan Participant status updates or personal information updates via electronic submission. This includes but is not limited to termination notification and benefit eligibility notification.

B. Participant account administration and asset-based fees will be paid through the redemption of Participant account shares, unless agreed upon otherwise in the Administrative Services Agreement.

C. Assignment of benefits is not permitted. Benefits will be paid only to the Participant, his/her Survivors, the Employer, or an insurance provider (as allowed by the claims administrator). Payments to a third-party payee (e.g., medical service provider) are not permitted with the exception of reimbursement to the Employer or insurance provider (as allowed by the claims administrator).

D. An eligible dependent is the Participant's lawful spouse and any other individual who is a person described in IRC Section 152(a), as clarified by Internal Revenue Service Notice 2004-79.

E. The Employer will be responsible for withholding, reporting and remitting any applicable taxes for payments which are deemed to be discriminatory under IRC Section 105(h), as outlined in the VantageCare Retirement Health Savings Plan Employer Manual.

XIII. Employer Acknowledgements

A. The Employer hereby acknowledges it understands that failure to properly fill out this Employer VantageCare Retirement Health Savings Plan Adoption Agreement may result in the loss of tax exemption of the Trust and/or loss of tax-deferred status for Employer contributions.

B. Check this box if you are including supporting documents that include plan provisions.

**EMPLOYER SIGNATURE**

By:__________________________________________ Date:________________________

Title:________________________________________

Attest:_______________________________________ Date:________________________

Title:________________________________________

Accepted: VANTAGEPOINT TRANSFER AGENTS, LLC

[Signature]

Assistant Secretary, ICMA-RC
EMPLOYER VANTAGECARE
RETIREMENT HEALTH SAVINGS (RHS) PLAN
ADOPTION AGREEMENT
EMPLOYER VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS) PLAN ADOPTION AGREEMENT

Plan Number: 8 03315
Check one: ☑ New Plan ☐ Amendment to Existing Plan

Employer Retirement Health Savings Plan Name:
I. Employer Name: Santa Clara Valley Transportation Authority (VTA) State: CA

II. The Employer hereby attests that it is a unit of a state or local government or an agency or instrumentality of one or more units of a state or local government.

III. Effective Date of the Plan: January 1, 2012

IV. The Employer intends to utilize the Trust to fund only welfare benefits pursuant to the following welfare benefit plan(s) established by the Employer: Santa Clara Valley Transportation Authority (VTA) Retiree Welfare Benefits Plan

V. Eligible Groups, Participation and Participant Eligibility Requirements

A. Eligible Groups

The following group or groups of Employees are eligible to participate in the VantageCare Retirement Health Savings Plan (check all applicable boxes):

- ☐ All Employees
- ☐ All Full-Time Employees
- ☐ Non-Union Employees
- ☐ Public Safety Employees – Police
- ☐ Public Safety Employees – Firefighters
- ☐ General Employees
- ☐ Collectively-Bargained Employees (Specify unit(s))
- ☑ Other (specify group(s)) TAEA represented employees hired or retired on or after January 1, 2012 who elect to participate in the Plan

The Employee group(s) specified must correspond to a group(s) of the same designation that is defined in the statutes, ordinances, rules, regulations, personnel manuals or other documents or provisions in effect in the state or locality of the Employer.

B. Participation

Mandatory Participation: All Employees in the covered group(s) are required to participate in the Plan and shall receive contributions pursuant to Section VI.

If the Employer's underlying welfare benefit plan or funding under this VantageCare Retirement Health Savings Plan is in whole or part a non-collectively bargained, self-insured plan, the nondiscrimination requirements of Internal Revenue Code (IRC) Section 105(h) will apply. These rules may impose taxation on the benefits received by highly compensated individuals if the Plan discriminates in favor of highly compensated individuals in terms of eligibility or benefits. The Employer should discuss these rules with appropriate counsel.

C. Participant Eligibility Requirements

1. Minimum service: The minimum period of service required for participation is probation (write N/A if no minimum service is required).

2. Minimum age: The minimum age required for eligibility to participate is N/A (write N/A if no minimum age is required).
VI. Contribution Sources and Amounts

A. Definition of Earnings

The definition of Earnings will apply to all RHS Contribution Features that reference "Earnings", including Direct Employer Contributions (Section VI.B.1.) and Mandatory Employee Compensation Contributions (Section VI.B.2.).

Definition of earnings: Direct Employer Contributions

B. Direct Employer Contributions and Mandatory Contributions

1. Direct Employer Contributions

   The Employer shall contribute on behalf of each Participant

   □ ________ % of Earnings
   □ $_________ each Plan Year
   □ A discretionary amount to be determined each Plan Year
   □ Other (describe): $400/month increased by 2% each January. VTA may, at any time and in its sole discretion, reduce or eliminate the contributions, but only to the extent these changes do not violate any MOUs or other employee agreements.

2. Mandatory Employee Compensation Contributions

   The Employer will make mandatory contributions of Employee compensation as follows:

   □ Reduction in Salary - ________ % of Earnings or $ ________ will be contributed for the Plan Year.

   □ Decreased Merit or Pay Plan Adjustment - All or a portion of the Employees’ annual merit or pay plan adjustment will be contributed as follows:

   An Employee shall not have the right to discontinue or vary the rate of Mandatory Contributions of Employee Compensation.

3. Mandatory Employee Leave Contributions

   The Employer will make mandatory contributions of accrued leave as follows (provide formula for determining Mandatory Employee Leave contributions):

   □ Accrued Sick Leave

   □ Accrued Vacation Leave

   □ Other (specify type of leave) Accrued ________ Leave

An Employee shall not have the right to discontinue or vary the rate of mandatory leave contributions.

C. Limits on Total Contributions (check one box)

   The total contribution by the Employer on behalf of each Participant (including Direct Employer and Mandatory Employee Contributions) for each Plan Year shall not exceed the following limit(s) below. Limits on individual contribution types are defined within the appropriate section above.
☐ There is no Plan-defined limit on the percentage or dollar amount of earnings that may be contributed.

☐ ________ % of earnings*

*Definition of earnings: ☐ Same as Section VI.A. ☐ Other

☐ $_________ for the Plan year.

See Section V.B. for a discussion of nondiscrimination rules that may apply to non-collectively bargained self-insured Plans.

VII. Vesting for Direct Employer Contributions

A. Vesting Schedule (check one box)

☐ The account is 100% vested at all times.

☑ The following vesting schedule shall apply to Direct Employer Contributions as outlined in Section VI.B.1.:

<table>
<thead>
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<th>Years of Service Completed</th>
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<tr>
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B. The account will become 100% vested upon the death, disability, retirement*, or attainment of benefit eligibility (as outlined in Section IX) by a Participant.

*Definition of retirement (check one box):

☐ Retirement as defined in the primary retirement plan of the Employer

☐ Separation from service

☑ Other

The amount shall become vested upon attainment of years of service as outlined in Section VIII. The account shall also vest upon the death, disability, or retirement of a participant as outlined in Section VIII.

C. Any period of service by a Participant prior to a rehire of the Participant by the Employer shall not count toward the vesting schedule outlined in A above.

VIII. Forfeiture Provisions

Upon separation from the service of the Employer prior to attainment of benefit eligibility (as outlined in Section IX), or upon reversion to the Trust of a Participant’s account assets remaining upon the participant’s death (as outlined in Section XI), a Participant’s non-vested funds shall (check one box):

☐ Remain in the Trust to be reallocated among all remaining Employees participating in the Plan as Direct Employer Contributions for the next and succeeding contribution cycle(s).

☐ Remain in the Trust to be reallocated on an equal dollar basis among all Plan Participants.

☐ Remain in the Trust to be reallocated among all Plan Participants based upon Participant account balances.

☐ Revert to the Employer.
IX. Eligibility Requirements to Receive Medical Benefit Payments from the VantageCare Retirement Health Savings Plan

A. A Participant is eligible to receive benefits:

☐ At retirement only (also complete Section B.)
Definition of retirement:
☐ Same as Section VII.B.
☐ Other ____________________________

☐ At separation from service with the following restrictions
☐ No restrictions
☐ Other ____________________________

☐ At age ________ only

☐ At retirement and age ________ (also complete section B)
Definition of retirement:
☐ Same as Section VII.B.
☐ Other ____________________________

☐ At retirement or age ________
Definition of retirement:
☐ Same as Section VII.B.
☐ Other ____________________________

☐ Other, specified as follows (also complete Section B if applicable): ____________________________

B. Termination prior to general benefit eligibility: In the case where the general benefit eligibility as outlined in Section IX.A includes a retirement component, a Participant who separates from the service of the Employer prior to retirement will be eligible to receive benefits:

☐ Immediately upon separation from service.
☐ At age ____________________________.

C. A Participant that becomes totally and permanently disabled

☐ as defined by the Social Security Administration
☐ as defined by the Employer's primary retirement plan
☐ other ____________________________

will become immediately eligible to receive medical benefit payments from his/her VantageCare Retirement Health Savings Plan account.

D. Upon the death of the Participant, benefits shall become payable as outlined in Section XI.
X. Permissible Medical Benefit Payments

Benefits eligible for reimbursement consist of:

☑ All Medical Expenses eligible under IRC Section 213* other than direct long-term care expenses, and including non-prescription medications allowed under IRS guidance.

☐ The following Medical Expenses (select only the expenses you wish to cover under the VantageCare Retirement Health Savings Plan):

☐ Medical Insurance Premiums
☐ Medical Out-of-Pocket Expenses*
☐ Medicare Part B Insurance Premiums
☐ Medicare Part D Insurance Premiums
☐ Medicare Supplemental Insurance Premiums
☐ Prescription Drug Insurance Premiums
☐ COBRA Insurance Premiums
☐ Dental Insurance Premiums
☐ Dental Out-of-Pocket Expenses*
☐ Vision Insurance Premiums
☐ Vision Out-of-Pocket Expenses*
☐ Qualified Long-Term Care Insurance Premiums
☐ Non-Prescription medications allowed under IRS guidance*
☐ Other qualifying medical expenses (describe)*

* See Section V.A. for a discussion of nondiscrimination rules which may apply to non-collectively bargained, self-insured Plans.

XI. Benefits After the Death of the Participant

In the event of a Participant’s death, the following shall apply:

A. Surviving Spouse and/or Surviving Dependents

The surviving spouse and/or surviving eligible dependents (as defined in Section XII.D.) of the deceased Participant are immediately eligible to maintain the account and utilize it to fund eligible medical benefits specified in Section X above.

Upon notification of a Participant’s death, the Participant’s account balance will be transferred into the Vantagepoint Money Market Fund* (or another fund selected by the Employer). The account balance may be reallocated by the surviving spouse or dependents.

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E. The Employer will be responsible for withholding, reporting and remitting any applicable taxes for payments which are deemed to be discriminatory under IRC Section 105(h), as outlined in the VantageCare Retirement Health Savings Plan Employer Manual.

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A. The Employer hereby acknowledges it understands that failure to properly fill out this Employer VantageCare Retirement Health Savings Plan Adoption Agreement may result in the loss of tax exemption of the Trust and/or loss of tax-deferred status for Employer contributions.

B. □ Check this box if you are including supporting documents that include plan provisions.

EMPLOYER SIGNATURE

By: ____________________________ Date: ____________________________
Title: ____________________________

Attest: ____________________________ Date: ____________________________
Title: ____________________________

Accepted: VANTAGEPOINT TRANSFER AGENTS, LLC

[Signature]
Assistant Secretary, ICMA-RC
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: VTP 2040 Project Lists

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

ACTION ITEM

RECOMMENDATION:

1. Approve a revenue strategy for the Valley Transportation Plan 2040 (VTP 2040);
2. Approve the Capital Program Funding Program Area Allocation;
3. Approve the financially constrained project lists to be submitted to the Metropolitan Transportation Commission for the inclusion in the Regional Transportation Plan.

BACKGROUND:

As the Congestion Management Agency (CMA) for Santa Clara County, VTA is in the process of developing the countywide, long-range transportation plan: Valley Transportation Plan (VTP) 2040. This is an update to VTP 2035 adopted by the VTA Board of Directors in February 2009. The VTP provides a framework for making key transportation decisions, serves as a plan for investing in our transportation system, and provides strategic direction for VTA’s involvement in land use and other livability issues. VTP projects and programs also serve as VTA’s input to the Regional Transportation Plan (RTP). The next RTP is scheduled for adoption by the Metropolitan Transportation Commission (MTC) in April 2013.

DISCUSSION:

As part of the overall process of project inclusion in the RTP, in May 2011 the VTA Board submitted a financially unconstrained list of projects at the May 2011 meeting. At the time of submittal, it was understood that the Board would need to submit financially constrained project lists when more refined fund estimates became available. In late October 2011, MTC requested
the Bay Area CMAs develop constrained project lists and provide those to MTC by December 2011. Due to the compressed timeline VTA will provide the draft constrained lists to MTC in December and provide any corrections in January that may come from Board action in early January 2012.

1. Fund Estimates and Revenue Strategy

The financially constrained project lists contain projects that can be funded within the 2040 horizon based on projected revenue. As the first step in developing the constrained project lists, revenue needs to be projected based on available information and reasonable assumptions. In July 2011, MTC provided all Congestion Management Agencies county-level draft fund estimates for developing preliminary project lists. This fund estimate was used as the starting point to develop the constrained project lists. VTA staff then adjusted the fund estimate using local sources that fit into specific program areas, as shown in Attachment A. Staff further recommends augmenting and adjusting the base MTC fund estimate with additional funding sources that staff reasonably believes would be available to Santa Clara County over the next 28 years. Revenue for transportation projects in Santa Clara County from all fund sources is estimated to be roughly $11 billion over the 28-year plan period, from 2013 to 2040. This fund estimate provides the basis of the financially constrained project lists and will be used to determine the fund sources for the VTP document.

The revenue sources include base sources such as existing State and Federal discretionary grants, and our current locally generated funding such as Santa Clara County’s existing sales taxes, city transportation improvement funds (“developer fees”) and the new 2010 Measure B Vehicle Registration fee. Augmented revenue sources include revenue from future Express Lanes, future tolls from the State Route 152 Corridor, future Federal participation in Bus Rapid Transit and rail expansions, new City and County transportation impact fees, and a reasonable share of any new funding that comes to the Bay Region through High Speed Rail or other revenue controlled or influenced by MTC. The augmented revenue is not currently recognized by MTC and will require VTA advocacy. However, staff believes the basis for the assumptions are sound, is consistent with MTC’s formal actions, and is key to continuing several significant voter and Board approved transportation programs in this planning cycle.

2. Capital Program Funding Program Area Allocation

Attachment A shows the fund estimates and program area allocations. This provides the basis for establishing the upper funding limit of the financially constrained capital project lists. For organizational purposes, revenues for capital projects are presented in three main areas: Transit, Highways, and Local System. The program areas were used to match the funding source with the project where appropriate and will be used as an advocacy piece to show the overall transportation funding needs of Santa Clara County.

As the VTP is developed, a similar table will be provided to illustrate the needs and revenue for operating and maintenance (O&M) purposes. The O&M table will include shortfalls and needs for the local streets and roads pavement maintenance, highway operations, transit operations and maintenance, transit vehicle replacement, and landscape/graffiti. The intent of the O&M table is to provide a basis for an advocacy piece to identify the full needs of Santa Clara County in order to operate and maintain a complete transportation system.
3. **Constrained Project Lists**

In order to match the program areas, projects were grouped into the three main categories: Transit, Highways, and Local System. The Transit category includes Light Rail, Bus, Heavy Rail, and Bus Rapid Transit projects. The Highway category relates to all Freeway improvements and Express Lane development. The Local System category relates to all County Expressway projects, local streets and roads, and Multimodal Transportation Investments. The last category includes bicycles, Intelligent Transportation System, safety improvements, and the Community Design for Transportation.

In developing the constrained project lists, VTA staff contacted its Member Agencies to determine which projects would move forward to the constrained piece of the plan. The project lists and the fund estimates will be reviewed by the Technical Advisory Committee’s working groups prior to the advisory committee meetings. VTA staff will also hold public workshops before the VTA Board’s action in January 2012.

The Capital Program Funding Program Area Allocation Fund Estimate is provided as Attachment A and the Constrained Project Lists is provided as Attachment B.

Staff is seeking the Board’s direction on its revenue strategy and constrained project lists. In addition, input from the public, Member Agencies and other stakeholders will help guide this decision-making process. With this plan, VTA and its project development partners can continue to work together to aggressively seek and secure transportation funding and deliver projects.

**ALTERNATIVES:**

The Board may recommend modifications to the revenue strategy, the Capital Program Funding Program Area Allocation, or the Financially Constrained VTP 2040 project lists.

**FISCAL IMPACT:**

There is no direct fiscal impact from the adoption of the VTP 2040 project list and fund estimates. However, projects must be included in the VTP 2040 as a pre-requisite for eligibility to receive federal, state, regional, and local discretionary fund programming.

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

Citizens Advisory Committee Comments

Member Chang asked whether the fund estimates were reasonable since the express lane revenue seems rather large. Staff responded that the estimates were based on detailed analysis from the express lane study conducted by a consultant firm. The projections are simply a forecast and can be updated every time there is an update to the VTP based on new project information.

Chair Powers asked how projects were selected. Staff responded that the projects were chosen through conversations with Member Agencies using the fund sources present. There was no time to go through Board adopted criteria.
Member Chang also asked how the plan is addressing the requirements of SB375. Staff responded that this plan allocates a large portion of funding to the transit category so it shows VTA’s commitment to the transit program. The transit projects on the list are the ones with the highest ridership and other benefits. However, we haven’t completed the scenario testing yet because MTC’s process didn’t allow it. The modeling work will be done on this current plan.

Chair Powers asked if there were any major criteria, such as environmental considerations, in the determination of projects. Staff responded that due to the limited amount of time to develop project lists given by MTC, that projects were selected based on input from Member Agencies and available resources.

Member Rogers asked if the decisions were permanent. Staff responded that the plan is revisited every four to five years and projects are either updated or removed, based on available information.

The CAC unanimously approved the item.

**Technical Advisory Committee**

Member Tripousis asked whether there is an indication from MTC in regards to the augmented revenues. Staff responded that the discussions were ongoing, especially regarding the status of express lanes and Federal New Starts. However, staff will know more once we present the fund estimates to MTC staff. Member Tripousis then noted that there are many projects on the project list that would be funded entirely through local funding efforts and that these should be part of the discussions with MTC staff.

Member Collen asked for clarifications on the Prop. 1A and 1B and the RTIP funding for transit. Staff responded that Prop. 1A funds were part of the 2008 HSR Bond and Prop. 1B funds were in reference to the CMIA Highway projects. The RTIP funding were dollars that were already programmed as a payback from original commitments.

Member Taubeneck asked what the ITIP funding was in reference to. Staff responded that the ITIP funds were related to two major projects in South County: the SR 152 Corridor Mobility project and the US 101 Widening from Gilroy to the Southern County line. These assumptions are being considered by Caltrans.

Member Witthaus asked if there was any flexibility to move projects forward into the constrained list. He mentioned that there were three Auxiliary Lane projects on SR 237 and 101 that were needed improvements to relieve congestion near the Moffett Business Park. Staff responded that they would work City staff to re-adjust funding to include these three Auxiliary lane projects.

The TAC moved approval of the item unanimously, with the inclusion of the request by the City of Sunnyvale.

**Policy Advisory Committee**

The Policy Advisory Committee received a presentation and discussed the actions one at a time.
On Action 1, Revenue Strategy, Vice Chair Satterlee asked for clarification on the operating hours assumed for the Express Lanes revenues and expressed concern regarding this decision would commit the Board on policy regarding express lanes. She further indicated her opposition against creating congesting to generate revenue. Staff responded that this is a long-range planning document and not an implementation plan that dictates the operating hours. It does not assume any policy decisions regarding the Express Lanes program operations.

Member Griffith also expressed concern that the express lane revenue be used for purposes other than congestion management. Staff responded the statute authorizes VTA to build the Express Lanes allows to the use of the revenue for both highway and transit improvements. The goal is to ease congestion in the corridors.

Member Tucker expressed concern that there is a projection of tolls from a future SR 152 improvement. Staff responded again that this is again a projection for a plan that allows us to secure funding for projects.

Member Wasserman asked staff’s clarification on the purpose of the VTP, knowing that our decisions now are based on forecasts that may or may not occur. He didn’t want to see us creating hypothetical revenue to justify spending.

Member Collins expressed her support for the action.

Member Miller stated that he was comfortable with projections since they contain all Member Agency requests and feels that these projections would allow for a plan of projects. He stated that it was useful to have a projection of funds so as to help Member Agencies plan for future improvements.

Vice Chair Satterlee re-emphasized that the action doesn’t imply any policy decisions regarding the Express Lanes program.

On Action 2, Funding Allocations, Vice Chair Satterlee asked about the nexus between the transit projects and the use of the Express Lanes revenue. Staff responded that it is critical to fund the Measure A program.

Member Tucker asked whether there was an opportunity to add another project to the transit list. The future Gilroy High Speed Rail Station is a project that the City of Gilroy would want to move forward since there are Station Improvements for the Diridon Station. Staff responded that it could have been an oversight on Staff’s part to have that project not included in the list. Staff will work to see if the project can be included in the final draft before the Board meeting.

Member Collins stated that the revenue and cost figures presented before the PAC are possibilities and do not represent actual numbers that will occur when it comes time to implement the projects.

During the discussion on Action 3, Constrained Project Lists, Vice Chair Satterlee asked how transit projects were chosen. Staff responded that the VTA has a Board-adopted Transit Sustainability Policy (TSP). Transit projects went through performance evaluation. The projects chosen were the ones with the highest ridership and other benefits.
Member Griffith requested staff to see whether there can be a geographical equity analysis to show how the funds are going to be distributed. Staff responded that although for most program areas it could be done, they questioned the value of such an analysis as transportation projects, by definition, improve the mobility for traveling between jurisdictions. Member Griffith also asked if there is a regional bias since the interchange project at SR 237 and US 101 was not included in the constrained list. Staff indicated that there is no such a bias. Staff further explained that this project is considered a long-term one that could be implemented beyond the 2040 horizon. However, it can be re-evaluated in the next VTP update in four years. In responding to Member Griffith question about the Multimodal Transportation Investment category, staff provided additional information.

Vice Chair Satterlee asked how MTC’s performance results played a role in VTA’s decision to choose projects. Staff responded that the MTC effort had very little to do with the selection of projects as this is a new methodology that hasn’t been tested. MTC is still refining the results. Two VTA projects on the constrained list did not score well under this performance assessment. Staff confirmed that the results would not stop VTA from submitting the projects that were beneficial to Santa Clara County regardless of the score received from MTC.

Member Price asked whether the MTC performance results would be a determining factor in choosing projects as part of the RTP. Staff stated that VTA would advocate for projects that was adopted by our Board direction.

The PAC approved the item unanimously.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

**Congestion Management Program & Planning (CMPP) Committee**

Staff provided a presentation to the Committee as part of it regular agenda. Vice Chair Moylan expressed concern that approximately 13% of the Express Lanes revenue did not going back to the freeway. General Manager Michael Burns explained that the statue authorizes VTA to build the Express Lanes allows the use of the revenue for both highway and transit improvements in the corridors. Member Yeager indicated that there was an argument for investing in transit improvements to ease congestion in the corridors. Staff further offered that VTA’s outreach efforts show the public supports improvements in the corridors, including transit improvements. Vice Chair Moylan asked staff for clarification on how the funding level to the transit category was determined. He confirmed with Member Yeager the use of revenue in the corridor matches the public’s expectation.

Member Herrera asked staff to clarify that the reason why the U.S. 101 projects were not included was because they are fully funded. She expressed her appreciation for staff and the Board to include the Capitol Expressway Light Rail project on the list. She emphasized the importance of connecting this community to BART and wanted to see VTA having the ability to fund this project within the VTP time frame.

The CMPP Committee approved the item unanimously.
## PROGRAM AREAS

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### Notes on Program Areas:

1. Caltrain/ACE/HSR: Capital improvements and station area improvements for Caltrain, Altamont Commuter Express or High Speed Rail
2. Multimodal Transportation Investments subcategory includes Community Design and Transportation (CDT), Bicycle Expenditure Program (BEP), Intelligent Transportation Systems (ITS), Vehicle Emissions Reductions Based at Schools (VERBS) and other multimodal programs. Further discussions will be required to determine these subcategories.

### Notes on Fund Sources:

1. Federal/New/Small Starts: the current Federal grant toward the SVRT Phase 1 project and future Federal participation in Bus Rapid Transit and rail expansions
2. Measure A and Renewal: the ½ cent Measure A sales tax and the assumed renewal starting 2034
3. 2000 TCIP: Traffic Congestion Relief Program
4. High-Speed Rail: a reasonable share of additional fund sources associated with the High-Speed Rail project
5. RTIP: Regional Transportation Improvement Program based on MTC estimates
6. ITP: Interregional Transportation Improvement Program
7. CMAQ: Congestion Mitigation and Air Quality based on MTC estimates
8. TE+TFCA+TDA: the total estimated amount of the Transportation Enhancements, Transportation Fund for Clean Air, and Transportation Development Act programs based on MTC estimates
9. Express lane/toll revenues: toll revenue from future Express Lanes and the State Route 152 Corridor
10. Local TIF Committed: local transportation improvement funds ("developer fees") that are already committed to specific improvements
11. Regional Anticipated Unspecified: new City and County transportation impact fees and other locally generated revenues
12. Freeway Performance Initiative: a reasonable assumption of the amount that will be available for Santa Clara County projects from this regional program
## Preliminary Financially Constrained Project List

### Transit

<table>
<thead>
<tr>
<th>Sponsor</th>
<th>RTP ID</th>
<th>Transit Projects</th>
<th>Cost (2013 $M)</th>
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**Total Constrained Transit Projects**: $7,929
## Highways and Express Lanes / Toll Facilities

**Preliminary Financially Constrained Project List**

### Express Lanes / Toll Facilities Projects

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<th>RTP ID</th>
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<th>Project Description</th>
<th>Cost (2013 $M)</th>
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<tbody>
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<td>SR 85</td>
<td>SR 85 Express Lanes: US 101 (South San Jose to Mountain View)</td>
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<td>SR 87 Express Lanes: SR 85 to US 101</td>
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<td>240466</td>
<td>US 101</td>
<td>Convert existing HOV lanes to express lanes on US 101 from Whipple Avenue in SMC to Cochrane Road in Morgan Hill</td>
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<td>SR 237 Express Lanes: North First Street to Mathilda Avenue</td>
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<td>240477</td>
<td>SR 237</td>
<td>SR 237 Express Lanes: Mathilda Avenue to SR 85</td>
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<td>US 101</td>
<td>US 101 Express Lanes: Cochrane Road to Masten Avenue</td>
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**Express Lanes Projects Total** $2,282

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## Local Streets and County Roads

### Preliminary Financially Constrained Project List

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**Total Constrained Local Streets and County Roads**: $781.0

DRAFT - For discussion only 12.05.11
## Expressways

### RTP ID | Expressways Projects                                                                 | Cost (2013 $M) |
--- | --- | --- |
22175 | Almaden Expwy – Widen Coleman to Blossom Hill | $14.1 |
22180 | Central Expwy – Auxiliary lanes between Mary Ave and Lawrence Expwy | $22.8 |
22839 | Central Expwy – Convert Measure B HOV lane between De La Cruz Blvd and San Tomas Expwy | $0.1 |
22179 | Central Expwy – Six lanes from Lawrence Expwy to San Tomas Expwy | $18.3 |
22814 | Foothill Expwy – Extend deceleration lane at San Antonio Rd | $0.9 |
22873 | Foothill Expwy – Loyola Bridge | $9.4 |
230246 | Lawrence Expwy – Additional left turn lane at Prospect | $3.5 |
22883 | Lawrence Expwy – Close median, right in/out | $2.0 |
230356 | Lawrence Expwy – Arques Square Loop Grade Separation | $60.5 |
22843 | Lawrence Expwy – Expand to eight lanes from Moorpark Ave to south of Calvert Dr. | $7.0 |
230267 | Montague Expwy – Eight lanes from Lick Mill Blvd to Trade Zone Blvd | $16.1 |
230269 | Montague Expwy – Trimble Rd Flyover | $43.0 |
230273 | Montague Expwy – Eight lanes from Trade Zone Blvd to I-680 | $15.3 |
230265 | Montague Expwy – Mission College Blvd At-Grade Improvements | $5.7 |
22854 | Oregon Expwy/Page Mill Rd – I-280 Page Mill Rd Modification | $8.9 |
22895 | San Tomas Expwy – SR 17/San Tomas Expwy Improvements | $3.5 |
230210 | San Tomas Expwy – Box Culvert | $17.7 |
22186 | San Tomas Expwy – Eight lanes between Williams Rd and El Camino | $54.7 |
22925 | Santa Teresa Blvd/Hale Ave Corridor - Realign DeWitt Ave S-Curve | $3.4 |

**Total Constrained Expressway Projects** | **$307.0**
## MTI (Multimodal Transportation Investment) Preliminary Financially Constrained Project List

### DRAFT - For Discussion Only

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<th>Sponsor</th>
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<th>Local System Projects</th>
<th>Cost (2013 $M)</th>
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<td>$9.9</td>
</tr>
<tr>
<td></td>
<td>240509</td>
<td>Stevens Creek Trail Connector</td>
<td>$1.6</td>
</tr>
<tr>
<td></td>
<td>240509</td>
<td>Mathilda Ave. Bike Lanes: US 101 to El Camino Real</td>
<td>$4.3</td>
</tr>
<tr>
<td></td>
<td>240509</td>
<td>Maude Ave. Bike Lanes: Mathilda to Wolfe</td>
<td>$0.2</td>
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<tr>
<td></td>
<td>230539</td>
<td>Sunnyvale Downtown Specific Plan Improvements</td>
<td>$15.1</td>
</tr>
<tr>
<td></td>
<td>240470</td>
<td>Installation of Ped Countdown Signals</td>
<td>$0.2</td>
</tr>
<tr>
<td></td>
<td>240494</td>
<td>Traffic Adaptive Signal Controller Update</td>
<td>$4.0</td>
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<td></td>
<td>240494</td>
<td>Citywide CCTV Camera Deployment</td>
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<tr>
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<td>240494</td>
<td>Citywide Traffic Signal Controller Update</td>
<td>$0.7</td>
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<td></td>
<td>240494</td>
<td>Citywide Count and Speed Monitoring Stations</td>
<td>$1.2</td>
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<td></td>
<td>240494</td>
<td>Citywide ITS Communications Infrastructure</td>
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<tr>
<td></td>
<td>240494</td>
<td>Traffic Management Center Integration</td>
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<tr>
<td></td>
<td>240494</td>
<td>Emergency Preemption Receiver Installation</td>
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<tr>
<td></td>
<td>240509</td>
<td>Mary Ave. Bike Lanes Fremont to Evelyn</td>
<td>$0.6</td>
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<tr>
<td>County</td>
<td>240509</td>
<td>Los Gatos Creek Trail – Lark Ave to Blossom Hill Dr.</td>
<td>$1.6</td>
</tr>
<tr>
<td></td>
<td>240509</td>
<td>Coyote Creek Trail – Silicon Valley Blvd to Metcalf Rd.</td>
<td>$1.0</td>
</tr>
<tr>
<td></td>
<td>22829</td>
<td>Fitzgerald Ave/Masten Ave Realignment at Monterey</td>
<td>$0.7</td>
</tr>
</tbody>
</table>
### Attachment B: Preliminary Financially Constrained Project List

<table>
<thead>
<tr>
<th>Sponsor</th>
<th>RTP ID</th>
<th>Local System Projects</th>
<th>Cost (2013 $M)</th>
</tr>
</thead>
<tbody>
<tr>
<td>County</td>
<td>230266</td>
<td>Santa Teresa Blvd &amp; Tilton Ave Traffic Signal Improvements</td>
<td>$0.7</td>
</tr>
<tr>
<td>Continued</td>
<td>22811</td>
<td>Railroad Crossing Improvements at Church Ave and Monterey Hwy</td>
<td>$0.8</td>
</tr>
<tr>
<td></td>
<td>230255</td>
<td>Santa Teresa Blvd &amp; San Martin Ave Traffic Signal Improvements</td>
<td>$0.7</td>
</tr>
<tr>
<td></td>
<td>230286</td>
<td>Doyle Rd Bicycle and Pedestrian Trail Connection</td>
<td>$0.5</td>
</tr>
<tr>
<td></td>
<td>230242</td>
<td>Capitol Expwy – TOS infrastructure</td>
<td>$3.8</td>
</tr>
<tr>
<td></td>
<td>22910</td>
<td>Santa Teresa Blvd/Hale Ave Corridor - TOS Infrastructure Improvements</td>
<td>$5.8</td>
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<tr>
<td></td>
<td>22822</td>
<td>SCC Motorist Traffic Information &amp; Advisory Systems</td>
<td>$5.8</td>
</tr>
<tr>
<td></td>
<td>230292</td>
<td>Signal Coordination/Interconnect with Cross Streets</td>
<td>$5.8</td>
</tr>
<tr>
<td></td>
<td>230251</td>
<td>TOS Infrastructure Improvements</td>
<td>$11.6</td>
</tr>
<tr>
<td></td>
<td>22873</td>
<td>Foothill Expwy./Loyola Bridge</td>
<td>$1.2</td>
</tr>
<tr>
<td></td>
<td>240494</td>
<td>Capitol Expwy. TOS</td>
<td>$5.5</td>
</tr>
<tr>
<td></td>
<td>240494</td>
<td>TOS Infrastructure Improvements</td>
<td>$12.0</td>
</tr>
<tr>
<td></td>
<td>240494</td>
<td>Signal Coordination/Interconnect with Cross Streets</td>
<td>$6.0</td>
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<tr>
<td></td>
<td>240494</td>
<td>SCC Motorist Traffic Information and Advisory Systems</td>
<td>$6.0</td>
</tr>
<tr>
<td></td>
<td>240494</td>
<td>Expressway Adaptive Pedestrian Timing Project</td>
<td>$2.2</td>
</tr>
<tr>
<td></td>
<td>240494</td>
<td>Expressway and Santa Teresa Corridor Bike Detection</td>
<td>$2.5</td>
</tr>
<tr>
<td><strong>Total Constrained MTI Projects</strong></td>
<td><strong>$580.4</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Pavement projects and fully-funded projects are not included.
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

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

SUBJECT: Closed Circuit Television at Race and Winchester Light Rail Stations Contract

Policy-Related Action: No

Government Code Section 84308 Applies: No

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with Republic ITS, the lowest responsive and responsible bidder, in the amount of $277,195 for the procurement and installation of Closed Circuit Television at Race and Winchester Light Rail Stations.

BACKGROUND:

In order to enhance the safety and security of the VTA light rail system, VTA has been working for the past several years to install Closed Circuit Television (CCTV) at critical facilities and light rail stations. VTA now has CCTV at 22 of the total 62 light rail stations.

As a result of significant bid savings on several recent Transit Security Grant funded projects, most notably past Closed Circuit Television contracts and the Chaboya Division Perimeter Security Access Control Improvements contract, grant funds remain available to VTA if eligible contracts can be awarded and work can be accomplished by the grant funding deadline of April 2012. In order to utilize all of the grant funds available, VTA is expediting the advertisement and award of the contract for CCTV at Race and Winchester Light Rail Stations.

This contract will enhance and expand the CCTV video-on-demand program by adding CCTV at the Race and Winchester Light Rail Stations (Attachments A and B respectively). The CCTV video-on-demand system directs live video stream via network connection from the light rail stations to the VTA Light Rail Operations Protective Services Department located at the River Oaks Administration facility. The video improvements allow continuous monitoring as well as retrieval by date and time query.
**DISCUSSION:**

Staff was unable to determine if there would be sufficient funding for this project until bids for the other security-grant funded projects were opened and after opening those bids in August, staff determined that sufficient grant funding remained available for this project. Staff then accelerated the design and advertised the project in order to meet the April 2012 completion date required by the grant. In order to meet that deadline, the Board would need to award the contract in January 2012, or forfeit those funds, and thus forego the project.

The CCTV at Race and Winchester Light Rail Stations construction contract was advertised on November 14, 2011. Bids were opened on December 5, 2011 with the following results:

<table>
<thead>
<tr>
<th>Bidders’ Name</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cal Coast Telecom</td>
<td>$229,380</td>
</tr>
<tr>
<td>NEMA Construction</td>
<td>$260,882</td>
</tr>
<tr>
<td>Republic ITS</td>
<td>$277,195</td>
</tr>
<tr>
<td>CF Contracting</td>
<td>$279,450</td>
</tr>
<tr>
<td>Tennyson Electric</td>
<td>$477,325</td>
</tr>
<tr>
<td>Engineer's Estimate</td>
<td>$288,000</td>
</tr>
</tbody>
</table>

Because the apparent low bid at the time of the December 15, 2011, Transportation, Planning and Operations (TP&O) Standing Committee meeting was in an amount that was within the General Manager's authority to award, this item was not brought before the Committee. However, subsequent to the TP&O meeting, VTA staff completed the bid analysis for this contract and concluded that the two lowest bidders failed to meet the Disadvantaged Business Enterprise established contract goal of 6% and were not successful in establishing a good faith effort to meet the goal. Therefore, the two lowest bidders are non-responsive and have been disqualified.

Based on bid analysis, VTA staff has determined that Republic ITS is the lowest responsive and responsible bidder. While the bid amount for the third-lowest bid exceeds the General Manager's authority, it is 3.5% under the Engineer's Estimate and VTA staff has determined that the bid is fair and reasonable. Therefore, VTA staff recommends award of this contract to Republic ITS. This contractor has achieved a 25% DBE goal and has recently completed another electrical construction project successfully for VTA.

NEMA Construction submitted a request for an Administrative Reconsideration of the Good Faith Efforts determination. The initial determination resulted in their disqualification as non-responsive. The Administrative Reconsideration Hearing was held December 28, with the final determination upholding the Good Faith Efforts Review committee’s findings and rejecting the bid as non-responsive.

Construction is scheduled to begin in January 2012 with completion in April 2012.
ALTERNATIVES:
If the award of this contract is delayed, it will jeopardize the ability of VTA to complete the construction by April 2012, as required by the state grant, and VTA will forfeit the funding for this project.

FISCAL IMPACT:
This action will authorize $277,195 for procurement and installation of CCTV at Race and Winchester Light Rail Stations. Appropriation for this project is included in the FY2012 Adopted VTA Transit Fund Capital Budget. The contract is 100% funded by the Federal Department of Homeland Security Transit Security Grant and Prop 1B California Transit Security Grant Programs.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION:
Based on identifiable subcontracting opportunities, a Disadvantaged Business Enterprise (DBE) goal of 6% has been established for this contract. Contractor has met the goal and has committed to a 25% DBE participation on this contract.

Prepared by: Ken Ronsse, Deputy Director
Memo No. 3284
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief External Affairs Officer, Greta Helm

SUBJECT: Monthly Legislative History Matrix

FOR INFORMATION ONLY

BACKGROUND:

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

DISCUSSION:

The Legislature currently is in recess. On January 4, 2012, lawmakers will return to Sacramento for the second year of the 2011-2012 regular session. Immediately, the Assembly and Senate will need to begin work on pieces of legislation left over from 2011. January 31 is the deadline for moving these so-called “two-year” bills out of their house of origin. Also in January, Gov. Jerry Brown will submit his FY 2013 budget to the Legislature. It is expected that the Governor and lawmakers will once again be faced with a significant General Fund deficit.

Some of the more interesting transportation-related measures left over from 2011 are:

AB 31 (Beall): This legislation authorizes the cities and counties in the Central Valley that have an approved high-speed rail station to prepare and adopt a master plan for development of the area surrounding their stations. Status: Assembly Local Government Committee. VTA Position: Support.

AB 57 (Beall): This measure makes several adjustments to the governing board of the Metropolitan Transportation Commission (MTC). Under current law, the mayor of San Francisco is able to appoint one voting member to the commission. AB 57 adds two voting seats to the commission to be appointed by the mayors of San Jose and Oakland from the membership
of their respective city councils. The legislation also provides that no more than three voting members of the commission may be residents of the same county. Status: Senate Transportation and Housing Committee. VTA Position: Support.

AB 294 (Portantino): Backed by the Professional Engineers in California Government (PECG), which represents Caltrans engineers, AB 294 includes provisions that would restrict Caltrans to having to use its own employees or its own consultants to perform all project development and construction inspection services for projects on the state highway system utilizing public-private partnerships or design-build contracting. Status: Senate Transportation. VTA Position: Support.

AB 485 (Ma): Sponsored by the Bay Area Rapid Transit District (BART), AB 485 allows for the use of infrastructure financing districts to implement a transit village development plan. Status: Senate Floor. VTA Position: Support.

AB 710 (Skinner): Except as specified, AB 710 prohibits a city or county from requiring a minimum parking standard greater than one parking space per 1,000 square feet of non-residential improvements and one parking space per unit of residential improvements for any new development project located in a transit intensive area. Status: Senate Floor. VTA Position: None.

AB 845 (Ma): This legislation codifies certain portions of the guidelines adopted by the California Transportation Commission (CTC) relating to the distribution of Proposition 1A funds under the Commuter/Urban Rail Program. For the past two fiscal years, the Legislature has appropriated Proposition 1A bond funds consistent with the CTC’s program of projects for the Commuter/Urban Rail Program. However, Governors Arnold Schwarzenegger and Brown have vetoed all of these appropriations, except for the amount programmed by the CTC for positive train control projects. Because certain ambiguities have arisen as a result of these vetoes, AB 845 was introduced to clarify that Proposition 1A Commuter/Urban Rail Program funds can be used for projects that either: (a) provide or improve connectivity to the state’s high-speed rail system; or (b) enhance the capacity and improve the safety of commuter, urban and intercity rail systems. Status: Senate Floor. VTA Position: Support.

SB 214 (Wolk): This bill eliminates the requirement for voter approval for the formation of an infrastructure financing district, adoption of an infrastructure financing district plan, and the issuance of bonds for implementing an infrastructure financing district plan. In addition, SB 214 prohibits an infrastructure financing district from paying for routine maintenance, repair work, or the costs of ongoing operations. Status: Senate Floor. VTA Position: None.

SB 843 (Wolk): This measure establishes the Community-Based Renewable Energy Self-Generation Program. Under this new program, which would replace the state’s existing Local Government Renewable Energy Self-Generation Program, a retail customer of an electric utility would be authorized to purchase a subscription in a community facility for the purpose of receiving a bill credit to offset all or a portion of the customer’s electricity usage. Status: Senate Utilities and Commerce Committee. VTA Position: None.

SB 867 (Padilla): Sponsored by the Los Angeles Metropolitan Transportation Authority (LAMTA)
Metro), SB 867 allows the California Transportation Financing Authority to issue non-refundable tax credit bonds for transportation capital improvement projects. Status: Senate Transportation and Housing Committee. VTA Position: Support.

SB 878 (DeSaulnier): This legislation requires the Bay Area’s Joint Policy Committee to come up with strategies for: (a) developing and promulgating a multi-agency set of policies and guidelines governing the region’s sustainable communities strategy; and (b) improving the efficiency and effectiveness of policy-setting and managerial coordination among the regional agencies constituting the Joint Policy Committee. In addition, SB 878 requires the Joint Policy Committee to put together a work plan for a nine-county Bay Area economic development strategy. Status: Senate Transportation and Housing Committee. VTA Position: None.

SB 907 (Evans): Sponsored by the Treasurer’s Office, SB 907 creates the Master Plan for Infrastructure Financing and Development Commission to recommend a plan for identifying, financing, building, and maintaining the infrastructure necessary to meet the needs of California from the present to 2050. Status: Assembly Jobs, Economic Development and the Economy Committee. VTA Position: Support.

In addition, there are numerous left-over bills pertaining to high-speed rail that address a wide range of subjects, including: (a) the organizational structure of the California High-Speed Rail Authority; (b) the authority’s contracting and procurement policies; (c) conflicts of interest of authority Board members; (d) ex parte communications; (e) the use of federal funds awarded to California for high-speed rail purposes; (f) the electrical power needs of the state’s proposed high-speed rail system; (g) the auditing of the High-Speed Rail Authority’s activities; and (h) small business participation in the high-speed rail project.

Prepared By: Kurt Evans, Government Affairs Manager
Memo No. 3330
# LEGISLATIVE HISTORY
## 2011 – 2012 State Legislative Session
### November 18, 2011

## State Assembly Bills

<table>
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<tr>
<th>State Assembly Bills</th>
<th>Subject</th>
<th>Last Amended</th>
<th>Status</th>
<th>VTA Position</th>
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</thead>
<tbody>
<tr>
<td><strong>AB 3</strong> (Miller)</td>
<td>Motor Vehicles: Confidential Home Addresses</td>
<td>As part of its vehicle registration renewal process, requires the Department of Motor Vehicles (DMV) to provide a person who requests a confidential home address with any outstanding notices of toll evasion violations that appear in the person’s record with the department. Requires the DMV to refuse to renew the registration of a vehicle if: (a) the processing agency has filed or electronically transmitted to the department an itemization of unpaid toll violations; (b) the DMV has mailed a notice of toll evasion violations to the person; and (c) the person has not paid the penalty.</td>
<td>4/14/11</td>
<td>Assembly Appropriations Committee</td>
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<tr>
<td><strong>AB 14</strong> (Wieckowski) Fremont Redevelopment Agency</td>
<td>Authorizes the Fremont Redevelopment Agency to adopt a redevelopment plan for a project area encompassing or surrounding the New United Motor Manufacturing, Inc., (NUMMI) automobile plant and the Warm Springs Bay Area Rapid Transit (BART) Station. Sets forth alternative conditions that cause blight for purposes of adopting this redevelopment plan. Authorizes the Fremont Redevelopment Agency to use tax increment revenues derived from the project area to assist in funding school facilities that will serve the future residents of the project area. Upon the request of the agency, allows the city of Fremont to impose a higher maximum school facilities development impact fee with respect to residential developments in the project area than what is provided for under existing law.</td>
<td>As Introduced</td>
<td>Assembly Housing and Community Development Committee</td>
<td></td>
</tr>
<tr>
<td><strong>AB 16</strong> (Perea)</td>
<td>High-Speed Rail: Rolling Stock and Equipment Purchases</td>
<td>Requires the California High-Speed Rail Authority to make every effort to purchase high-speed train rolling stock and related equipment manufactured in the state, consistent with federal and state laws.</td>
<td>As Introduced</td>
<td>Senate Floor</td>
</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>---------------------</td>
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</tr>
<tr>
<td>AB 31 (Beall)</td>
<td>Establishes the High-Speed Rail Local Master Plan Pilot Program. Authorizes the cities and counties in the Central Valley that have an approved station for California’s high-speed rail system to participate in the pilot program. Authorizes the planning agency of each participating jurisdiction to prepare and adopt a master plan for development of the areas surrounding its high-speed rail station. Allows the high-speed rail master plan to include incentives for encouraging investment and coherent growth in the areas surrounding the high-speed rail stations. Authorizes each participating jurisdiction to collaborate with the California Air Resources Board (CARB) to develop incentives to encourage development while concurrently reducing greenhouse gas emissions. Requires a participating jurisdiction to prepare an environmental impact report (EIR) for its high-speed rail master plan in accordance with the California Environmental Quality Act (CEQA). Allows a participating jurisdiction that prepares and adopts a high-speed rail master plan to finance any publicly owned facility or amenity necessary to implement the plan through an infrastructure financing district. Eliminates the requirement for voter approval for the formation of an infrastructure financing district, adoption of an infrastructure financing plan, and the issuance of bonds if the district is being proposed to implement a high-speed rail master plan. Prohibits the formation of this type of infrastructure financing district unless the city or county has prepared an EIR that provides that the base population density within the area covered by the high-speed rail master plan has increased. Exempts development projects within the area covered by the infrastructure financing district and consistent with the high-speed rail master plan from CEQA for the 10 years following the start of construction of the first building. Requires a transit village development plan utilizing an infrastructure financing district to do all of the following: (1) use at least 20 percent of all revenues derived from the infrastructure financing district to increase, improve and preserve the supply of low- and moderate-income affordable housing in the district for a period of at least 55 years for rental housing and 45 years for owner-occupied housing; (2) replace dwelling units at an affordable housing cost when specified dwelling units are destroyed or removed; and (3) include either an increased stock of affordable housing or live-travel options for transit-needy groups as one of its five demonstrable public benefits. In preparing its sustainable communities strategy pursuant to SB 375, allows a metropolitan planning organization (MPO) to consider the high-speed rail system, any high-speed rail station established within the region, and any associated effects of either that bears relation to the sustainable communities strategy.</td>
<td>3/24/11</td>
<td>Assembly Local Government Committee</td>
<td>Support</td>
</tr>
<tr>
<td>AB 41 (Hill)</td>
<td>Adds members of the Board of Directors of the California High-Speed Rail Authority to those specified officers who must publicly identify a financial interest giving rise to a conflict of interest or potential conflict of interest, and recuse themselves accordingly. Requires authority Board members to fully disclose and make public any ex parte communication by providing a full report of the communication to the authority’s executive director. Requires the authority’s executive director to place any report of an ex parte communication in the public record. Prohibits an authority Board member from making, participating in or influencing an authority decision about which he or she has knowingly had an ex parte communication that has not been reported.</td>
<td>8/22/11</td>
<td>Assembly Floor</td>
<td></td>
</tr>
<tr>
<td>State Assembly Bills</td>
<td>Subject</td>
<td>Last Amended</td>
<td>Status</td>
<td>VTA Position</td>
</tr>
<tr>
<td>---------------------</td>
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</tr>
</tbody>
</table>
| **AB 57**  
(Beall)  
Metropolitan Transportation Commission: Governance | Adds two seats to the Metropolitan Transportation Commission (MTC) as follows: (1) one appointed by the mayor of San Jose from the San Jose City Council; and (2) one appointed by the mayor of Oakland from the Oakland City Council. Prohibits more than three members of MTC from being residents of the same county. | 5/19/11 | Senate Transportation and Housing Committee | Support |
| **AB 58**  
(Galgiani)  
High-Speed Rail Authority: Staffing and Reporting Requirements | For purposes of managing and administering the ongoing work of the California High-Speed Rail Authority in implementing the state’s proposed high-speed train project, allows the Governor, upon the recommendation of the authority’s executive director, to appoint up to six additional officers who would: (a) be exempt from civil service; and (b) serve at the pleasure of the executive director. Limits the Governor’s authority in this regard to the following positions: (1) chief program manager; (2) regional director; (3) chief financial officer; and (4) director of risk management and project controls. Requires the High-Speed Rail Authority to conduct a salary survey to determine the compensation for the executive director and these additional officers, and requires their salaries to be established by the authority and approved by the Department of Personnel Administration. Beginning March 1, 2012, requires the California High-Speed Rail Authority to report biannually to the Legislature on the development and implementation of the state’s proposed high-speed rail project. Requires the report to include all of the following: (1) a summary describing the overall progress of the project; (2) the baseline budget for all project phase costs, by segment or contract, beginning with the authority’s 2009 Business Plan; (3) the current and projected budget, by segment or contract, for all project phase costs; (4) expenditures to date, by segment or contract, for all project phase costs; (5) a comparison of the current and projected work schedule and the baseline schedule contained in the authority’s 2009 Business Plan; (6) a summary of the milestones achieved during the prior year and milestones expected to be reached in the coming year; (7) any issues identified during the prior year and actions taken to address those issues; and (8) a thorough discussion of various risks to the project and steps taken to mitigate those risks. | 3/16/11 | Assembly Transportation Committee |  |
| **AB 76**  
(Harkey)  
High-Speed Rail: Proposition 1A Bonds | Reduces the amount of general obligation bond debt authorized pursuant to Proposition 1A to the amount contracted as of January 1, 2012. | As Introduced | Assembly Transportation Committee |  |
| **AB 133**  
(Galgiani)  
High-Speed Rail: Federal Funds | Upon appropriation by the Legislature, requires any federal funds made available to California for high-speed rail purposes to be used for preliminary engineering, project-level environmental work, mitigation, final design, and construction for any of the following corridors: (1) San Francisco to San Jose; (2) Merced to Fresno; (3) Fresno to Bakersfield; and (4) Los Angeles to Anaheim. | As Introduced | Assembly Transportation Committee |  |
<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 145</strong>&lt;br&gt;(Galgiani)&lt;br&gt;High-Speed Rail Authority: Organizational Structure</td>
<td>Places the California High-Speed Rail Authority within the Business, Transportation and Housing Agency. Requires the authority to establish policies directing the development and implementation of intercity high-speed train service that is fully integrated with the state’s existing intercity rail and bus network, consisting of interlinked conventional and high-speed train lines and associated feeder buses. Further specifies that the intercity network in turn shall be fully coordinated and connected with commuter train lines and urban transit systems developed by local agencies, through the use of common station facilities wherever possible. Requires the authority to do all of the following: (1) select the alignments for the routes of the state’s high-speed train system; (2) advise the secretary of the Business, Transportation and Housing Agency concerning high-speed rail matters; (3) adopt criteria for the awarding of franchises; and (4) set fares or establish guidelines for the setting of fares. Requires the Governor’s appointments to the authority to be confirmed by the Senate. For purposes of managing and administering the ongoing work of the authority in implementing the state’s high-speed train project, allows the Governor, upon the recommendation of the authority’s executive director, to appoint up to six additional individuals who would: (a) be exempt from civil service; and (b) serve at the pleasure of the executive director. Limits the Governor’s authority in this regard to the following positions: (1) chief program manager; (2) up to three regional directors; (3) chief financial officer; and (4) director of risk management and project controls. Requires the authority to submit a business plan to the Legislature every two years. Requires the authority to submit a high-speed train capital program to the Legislature and Governor each even-numbered year.</td>
<td>7/13/11</td>
<td>Senate Appropriations Committee</td>
<td></td>
</tr>
<tr>
<td><strong>AB 148</strong>&lt;br&gt;(Smyth)&lt;br&gt;Local Government: Ethics Training</td>
<td>Includes compensation-setting guidelines under the definition of “ethics laws.” Requires a local agency to post the ethics training records of all of its elected members on its Web site and to submit a copy of the records to the Controller’s Office. Requires a local agency that has adopted a written attendance compensation policy or written reimbursement policy to post that policy on its Web site and to submit a copy of that policy to the Controller’s Office.</td>
<td>4/14/11</td>
<td>Assembly Appropriations Committee</td>
<td></td>
</tr>
<tr>
<td><strong>AB 162</strong>&lt;br&gt;(Smyth)&lt;br&gt;Local Governments: Financial Audits</td>
<td>If findings are made in a local agency’s annual financial audit prepared pursuant to the federal Single Audit Act of 1984 that there have been possible deficiencies in internal control, fraud, illegal acts, violations of provisions of contracts or grant agreements, or abuses, requires the findings to be sent to the Controller’s Office immediately after the audit has been concluded.</td>
<td>As Introduced</td>
<td>Assembly Local Government Committee</td>
<td></td>
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<tr>
<td><strong>AB 277</strong>&lt;br&gt;(Galgiani)&lt;br&gt;High-Speed Rail: Power Needs</td>
<td>By May 1, 2012, requires the California Research Bureau to develop and submit to the Legislature and the California High-Speed Rail Authority an energy consumption profile that includes: (a) a forecast of the power needs of the state’s proposed high-speed train system; and (b) an analysis of, and any recommendations for identifying, a carbon-free baseload power supply to be available and operational at the time the high-speed train system commences operation.</td>
<td>4/7/11</td>
<td>Assembly Appropriations Committee</td>
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<td>State Assembly Bills</td>
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<td><strong>AB 292</strong> (Galgiani) High-Speed Rail Authority: Agricultural Advisory Committee</td>
<td>Requires the California High-Speed Rail Authority to appoint an agricultural advisory committee consisting of nine members selected from a list of nominees recommended by the Department of Food and Agriculture. Specifies that the purpose of the committee is to advise the authority on the impact that the authority’s policies, plans, practices, and procedures will have on the agricultural community. Requires the authority to consult with the committee prior to adopting any policy relevant to agriculture, and to reflect the comments of the committee in any related action item brought before the board of the authority. Requires the authority to provide written responses to the committee’s comments.</td>
<td>8/16/11</td>
<td>Senate Floor</td>
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<tr>
<td><strong>AB 294</strong> (Portantino) Transportation Projects: Procurement</td>
<td>Until January 1, 2015, allows Caltrans to award design-sequencing contracts for the design and construction of not more than five transportation projects. Defines “design-sequencing” as a method of contracting that enables the sequencing of design activities to permit each construction phase to commence when design for that phase is complete, instead of requiring design for the entire project to be completed before commencing construction. Requires Caltrans to use department employees or consultants under contract with the department to perform all design services related to design-sequencing contracts authorized by this bill, consistent with Article XXII of the California Constitution. Requires Caltrans to use its own employees or its own consultants to perform all project development and construction inspection services for projects on the state highway system utilizing public-private partnerships or design-build contracting under SB 4 (Chapter 2, Statutes of 2009 Second Extraordinary Session).</td>
<td>8/31/11</td>
<td>Senate Floor</td>
<td>Oppose</td>
</tr>
<tr>
<td><strong>AB 296</strong> (Skinner) Cool Pavements Research and Implementation Act</td>
<td>By January 1, 2014, requires Caltrans to publish and make available a Cool Pavements Handbook that incorporates existing specifications, testing protocols and best practices for cool pavement use. Requires Caltrans to implement one or more cool pavement pilot projects, with the goal of completing the construction of those projects no later than January 1, 2015. By January 1, 2018, requires Caltrans to submit a report to the Legislature describing the results of the cool pavement pilot projects. Requires the report to also include the upfront and life-cycle costs, environmental benefits, energy savings, and durability of various pavement options.</td>
<td>6/21/11</td>
<td>Senate Appropriations Committee</td>
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<tr>
<td><strong>AB 333</strong> (Grove) Global Warming Solutions Act: Cap-and-Trade Program</td>
<td>No later than July 31, 2011, requires the California Air Resources Board (CARB) to make findings and submit a status report to the Legislature on the readiness of implementing a cap-and-trade program pursuant to the Global Warming Solutions Act of 2006. Once the program is implemented, requires CARB to provide an annual status report to the Legislature.</td>
<td>5/11/11</td>
<td>Assembly Natural Resources Committee</td>
<td></td>
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<tr>
<td><strong>AB 343</strong> (Atkins) Redevelopment Plans</td>
<td>Requires a redevelopment plan to be consistent with the regional sustainable communities strategy or alternative planning strategy adopted by the applicable metropolitan planning organization (MPO) pursuant to SB 375 (Steinberg).</td>
<td>6/14/11</td>
<td>Senate Governance and Finance Committee</td>
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<td><strong>AB 345</strong>&lt;br&gt;(Atkins)&lt;br&gt;Traffic Control Devices: Consultation</td>
<td>Requires Caltrans to consult with groups representing users of streets, roads and highways, including bicyclists, persons with disabilities, motorists, movers of commercial goods, pedestrians, public transit riders, and seniors, when adopting rules and standards for traffic control devices. Requires that any advisory committee that Caltrans establishes for the purpose of developing its traffic control devices include groups representing non-motorized interests of users of streets, roads and highways.</td>
<td>6/29/11</td>
<td>Senate Floor</td>
<td></td>
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<tr>
<td><strong>AB 356</strong>&lt;br&gt;(Hill)&lt;br&gt;Public Works Projects: Local Hiring Policies</td>
<td>Prohibits any local agency from mandating that any portion or percentage of work on a public works project be performed by local residents or persons who reside within particular geographic areas if any portion of that project will take place outside the geographic boundaries of the local agency. Provides that if a local agency receives state funding for a public works project located entirely within its jurisdiction and the agency implements a policy of hiring only local residents, any increase in the cost of the public works project that is attributable to the policy must be funded with local dollars.</td>
<td>4/25/11</td>
<td>Assembly Floor</td>
<td></td>
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<tr>
<td><strong>AB 365</strong>&lt;br&gt;(Galgiani)&lt;br&gt;High-Speed Rail Contracts: Small Business Participation</td>
<td>Imposes various penalties for certain unlawful actions on the part of entities that have obtained classification from the California High-Speed Rail Authority as a small business enterprise, microbusiness or disabled veteran business enterprise.</td>
<td>4/14/11</td>
<td>Assembly Appropriations Committee</td>
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<tr>
<td><strong>AB 381</strong>&lt;br&gt;(Alejo)&lt;br&gt;Caltrans</td>
<td>Makes non-substantive, technical changes to provisions in current law regarding the administration of Caltrans.</td>
<td>As Introduced</td>
<td>Assembly Desk</td>
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<tr>
<td><strong>AB 385</strong>&lt;br&gt;(Harkey)&lt;br&gt;High-Speed Rail: Investment Grade Analysis</td>
<td>Requires the California High-Speed Rail Authority to approve and submit to the Department of Finance, its independent peer review group and the Legislature an investment grade analysis of the state’s entire high-speed train system.</td>
<td>4/25/11</td>
<td>Assembly Transportation Committee</td>
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<tr>
<td><strong>AB 441</strong>&lt;br&gt;(Monning)&lt;br&gt;Regional Transportation Plans: Health Issues</td>
<td>Requires the California Transportation Commission (CTC) to include health and health equity factors, strategies, goals, and objectives in its guidelines for the preparation of regional transportation plans (RTPs). Requires the Office of Planning and Research to develop guidelines for cities and counties to include in their local general, specific or regional plans health and health equity factors, goals, strategies, and objectives that would improve: (a) community health status; (b) opportunities for recreational and physical activities; (c) the availability of retail food establishments offering fresh produce; (d) health-promoting transportation systems; (d) social networks, capital and civic participation; and (e) economic and community development.</td>
<td>3/24/11</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>AB 471</strong>&lt;br&gt;(B. Lowenthal)&lt;br&gt;High-Speed Rail Authority: Inspector General</td>
<td>Creates an independent Office of the Inspector General to oversee the activities of the California High-Speed Rail Authority. Requires the Governor to appoint the inspector general for a six-year term, subject to confirmation by the Senate. Requires the inspector general to review the authority’s policies and procedures, and to conduct audits and investigations of the authority’s activities.</td>
<td>4/25/11</td>
<td>Assembly Appropriations Committee</td>
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<td>AB 485 (Ma)</td>
<td>Allows for the formation of an infrastructure financing district, adoption of an infrastructure financing plan, and the issuance of bonds to implement a transit village development plan. Requires a transit village development plan utilizing an infrastructure financing district to do all of the following: (1) use at least 20 percent of all revenues derived from the infrastructure financing district to increase, improve and preserve the supply of low- and moderate-income affordable housing in the district for a period of at least 55 years for rental housing and 45 years for owner-occupied housing; (2) replace dwelling units at an affordable housing cost when specified dwelling units are destroyed or removed; and (3) include either an increased stock of affordable housing or live-travel options for transit-needy groups as one of its five demonstrable public benefits. Declares the intent of the Legislature that the development of transit village development districts throughout the state be environmentally conscious and sustainable, and that related construction meet or exceed the requirements of the California Green Building Standards Code. Eliminates the requirement for voter approval for the formation of an infrastructure financing district, adoption of an infrastructure financing district plan, and the issuance of bonds for implementing an infrastructure financing district plan. Specifies that the date on which an infrastructure financing district would cease to exist would not be more than 40 years from the date on which the city or county adopted the infrastructure financing district plan. Requires an infrastructure financing district to distribute an annual report to each owner of land within the district and each affected taxing entity. Requires the report to contain all of the following: (1) a summary of the district’s expenditures; (2) a description of the progress made toward the district’s adopted goals; and (3) an assessment of the status regarding completion of the district’s public works projects.</td>
<td>6/29/11</td>
<td>Senate Floor</td>
<td>Support</td>
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<td>AB 492 (Galgiani)</td>
<td>To the extent permitted by federal and state law, requires the California High-Speed Rail Authority to consider the creation of jobs and participation by small business enterprises in California when awarding major contracts, or when purchasing high-speed trains and related equipment and supplies. Requires the authority to appoint a small business enterprise advisory committee to provide comments and feedback on the implementation of the authority’s small business enterprise policy in order to ensure proper oversight and accountability.</td>
<td>6/27/11</td>
<td>Senate Rules Committee</td>
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<td>AB 535 (Morrell)</td>
<td>Requires a state agency to review and report on regulations that it adopts or amends after January 1, 2012. Requires the review and report to be done five years after a particular regulation was adopted. Requires the review and report to include the following 10 factors: (1) the general and specific statutes authorizing the regulation; (2) the objective of the regulation; (3) the effectiveness of the regulation in achieving the objective; (4) the consistency of the regulation with state and federal statutes; (5) the agency’s enforcement policy; (6) the agency’s view regarding current wisdom of the regulation; (7) the clarity, conciseness and understandability of the regulation; (8) a summary of the written criticisms of the regulation received by the agency; (9) the estimated economic, small business and consumer impact of the regulation; and (10) any course of action that the agency proposes to take regarding the regulation.</td>
<td>As Introduced</td>
<td>Assembly Appropriations Committee</td>
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<td>AB 605 (Dickinson) CEQA: Greenhouse Gas Emission Reduction Targets</td>
<td>Requires the Office of Planning and Research to prepare and adopt guidelines to do all of the following: (1) determine the statewide averages for trip generation and vehicle miles traveled for various types of projects; (2) determine the projected trip generation and vehicle miles traveled that a project might have; (3) establish the percentage reduction in the projected trip generation and vehicle miles traveled of a project as compared to the average for trip generation and vehicle miles traveled for the project type that would assist a region in meeting its greenhouse gas emission reduction targets; and (4) develop a list of mitigation measures that a project may incorporate to reduce the project’s anticipated trip generation and vehicle miles traveled. Specifies that a project that either: (a) meets or exceeds the percentage reduction in trip generation and vehicle miles traveled established by the Office of Planning and Research; or (b) incorporates mitigation measures from the list developed by the Office of Planning and Research shall not be required to consider the transportation-related impacts of the project in an environmental document prepared pursuant to the California Environmental Quality Act (CEQA).</td>
<td>As Introduced</td>
<td>Assembly Natural Resources Committee</td>
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<td>AB 676 (Torres) State Transportation Improvement Program</td>
<td>Specifies that State Transportation Improvement Program (STIP) funds can be used for the study of, and the development and implementation of, capital improvement projects.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td>AB 710 (Skinner) Infill and Transit-Oriented Development: Parking Requirements</td>
<td>Except as specified, prohibits a city or county from requiring a minimum parking standard greater than one parking space per 1,000 square feet of non-residential improvements and one parking space per unit of residential improvements for any new development project located in a transit intensive area.</td>
<td>8/18/11</td>
<td>Senate Floor</td>
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<td>AB 812 (Ma) Recycled Asphalt</td>
<td>Requires Caltrans to increase the allowable amount of recycled asphalt pavement used in its projects to 50 percent, unless the department determines that using the material is not practical, cost effective or appropriate on a given application.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td>AB 819 (Wieckowski) Bikeways</td>
<td>Creates a new Class IV bikeway category to include a segregated bike lane that provides for exclusive use of bicycles, demarcated by either a physical barrier or distinct paint markings.</td>
<td>3/31/11</td>
<td>Assembly Transportation Committee</td>
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<tr>
<td>AB 845 (Ma) Proposition 1A: Commuter and Urban Rail Funds</td>
<td>With regard to the $950 million in Proposition 1A funds that are available for capital improvements to commuter rail lines and urban rail transit systems, requires the guidelines adopted by the California Transportation Commission (CTC) to determine the funding share for each eligible commuter rail and urban rail transit recipient by using the distribution factors gathered from the 2007 Data Tables of the National Transit Database of the Federal Transit Administration (FTA). Requires the CTC to accept from each eligible recipient a priority list of projects up to the target amount expected to be available for the recipient. Requires the matching funds provided by the recipient to be from &quot;non-state&quot; funds, which are defined as local, federal and private funds, as well as state funds available to the recipient that are not subject to allocation by the CTC.</td>
<td>5/10/11</td>
<td>Senate Floor</td>
<td>Support</td>
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<td><strong>AB 890</strong></td>
<td>Exempts from the California Environmental Quality Act (CEQA) roadway improvement projects undertaken by a city or county within an existing road right-of-way.</td>
<td>3/29/11</td>
<td>Assembly Natural Resources Committee</td>
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<td>(Olsen) CEQA Exemption: Roadway Improvements</td>
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<td><strong>AB 910</strong></td>
<td>In addition to public capital facilities, allows an infrastructure financing district to be formed to finance affordable housing facilities and economic development projects. Eliminates the requirement for voter approval for the formation of an infrastructure financing district, adoption of an infrastructure financing plan, and the issuance of bonds if the district is being proposed to implement an affordable housing or economic development plan.</td>
<td>4/25/11</td>
<td>Senate Governance and Finance Committee</td>
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<td>(Torres) Infrastructure Financing Districts: Affordable Housing and Economic Development</td>
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<td><strong>AB 953</strong></td>
<td>Provides that no funds from Proposition 1A shall be available to the California High-Speed Rail Authority for construction of the state’s proposed high-speed train system until adequate environmental studies are completed based on a new ridership study that uses an acceptable ridership evaluation methodology. Requires the authority to contract with the Institute of Transportation Studies at the University of California at Berkeley to complete a revised ridership study, using the ridership methodology of the institute. Requires the authority to use that ridership study as the basis for subsequent environmental studies. Requires the authority to reconsider its adoption of the optimal high-speed rail route based both on the new ridership study and the ridership methodology.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td>(Jones) High-Speed Rail: Ridership Study</td>
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<td><strong>AB 995</strong></td>
<td>By July 1, 2012, requires the Office of Planning and Research to prepare and submit to the Legislature a report containing recommendations for expedited environmental review for transit-oriented development under the California Environmental Quality Act (CEQA).</td>
<td>As Introduced</td>
<td>Assembly Natural Resources Committee</td>
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<td>(Cedillo) CEQA: Transit-Oriented Development</td>
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<td><strong>AB 1068</strong></td>
<td>Allows any regional public waterborne transit agency that received an allocation of funding under Proposition 1B’s Transit System Safety, Security, and Disaster Response Account prior to June 30, 2011, to have four, rather than three, fiscal years to expend the money.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td>(Ma) Proposition 1B Bonds: Waterborne Transit</td>
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<td><strong>AB 1092</strong></td>
<td>(B. Lowenthal) High-Speed Rail Authority: Biannual Report to the Legislature</td>
<td>Beginning March 1, 2012, requires the California High-Speed Rail Authority to report biannually to the Legislature on the development and implementation of the state’s proposed high-speed rail project. Requires the report to include all of the following: (1) a summary describing the overall progress of the project; (2) the baseline budget for all project phase costs, by segment or contract, beginning with the authority’s 2009 Business Plan; (3) the current and projected budget, by segment or contract, for all project phase costs; (4) expenditures to date, by segment or contract, for all project phase costs; (5) a comparison of the current and projected work schedule and the baseline schedule contained in the authority’s 2009 Business Plan; (6) a summary of the milestones achieved during the prior year and milestones expected to be reached in the coming year; (7) any issues identified during the prior year and actions taken to address those issues; and (8) a thorough discussion of various risks to the project and steps taken to mitigate those risks.</td>
<td>As Introduced</td>
<td>Senate Rules Committee</td>
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<td><strong>AB 1099</strong></td>
<td>(B. Lowenthal) Commercial Motor Vehicles: Emission Standards</td>
<td>Requires the Department of Motor Vehicles (DMV) to refuse registration for any commercial motor vehicle that is of a 1996 or older model year with a gross vehicle weight rating of more than 26,000 pounds.</td>
<td>7/12/11</td>
<td>Senate Appropriations Committee</td>
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<td><strong>AB 1134</strong></td>
<td>(Bonilla) Caltrans: Project Study Reports</td>
<td>Requires project study reports prepared for state highway projects to include a cost estimate, schedule, and other information deemed necessary to form a sound basis for the commitment of future state funding and project delivery. For a state highway project that is in an adopted regional transportation plan (RTP), a voter-approved county sales tax measure expenditure plan or other voter-approved transportation program, provides that Caltrans’ costs for review and approval of the applicable project study report shall be at the department’s expense. For other projects, requires the local entity performing the work to reimburse Caltrans for the costs of reviewing and approving the report. Allows a local entity to prepare a project study report at its own expense if Caltrans cannot complete it in a timely manner. Requires Caltrans to prepare draft revised guidelines for the preparation of project study reports and to submit those guidelines to the California Transportation Commission (CTC) by July 1, 2012. Requires the CTC to adopt final guidelines by October 1, 2012.</td>
<td>3/21/11</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>AB 1206</strong></td>
<td>(Galgiani) High-Speed Rail Contracts: Small Business Enterprise Program</td>
<td>Requires the California High-Speed Rail Authority to adopt a Small Business Enterprise Program as part of contracts to be awarded by the authority relative to the development and construction of the state’s proposed high-speed train system.</td>
<td>3/30/11</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>AB 1229</strong> (Feuer) GARVEE Bonds</td>
<td>Allows for federal highway grant anticipation notes (GARVEE bonds) to be issued for projects programmed by a regional transportation planning agency (RTPA) using its share of apportionments of federal Surface Transportation Program (STP) and Congestion Mitigation and Air Quality Improvement Program (CMAQ) dollars. Provides that no more than 50 percent of the state’s GARVEE bonding capacity may be used for such projects. If an RTPA’s share of STP and CMAQ funds is insufficient to repay the GARVEE bonds, allows the California Transportation Commission (CTC) to use State Transportation Improvement Program (STIP) dollars for the repayment to be counted against the county share for the county in which the project is located.</td>
<td>6/21/11</td>
<td>Senate Appropriations Committee</td>
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<td><strong>AB 1285</strong> (Fuentes) Regional Greenhouse Gas Emission Reduction and Sequestration Projects</td>
<td>Requires the California Air Resources Board (CARB) to establish a program to maximize regional greenhouse gas emission reduction and sequestration projects. Requires CARB to establish a system by which emission reductions achieved by projects under this program result in the creation of qualified units of exchange that may be transferred to entities subject to an emissions cap. Conditions the bill’s provisions on the adoption of a market-based compliance mechanism that allows offsets created from greenhouse gas emission reduction or sequestration projects in a sector that is not subject to an emissions cap as part of the market-based compliance mechanism regulation.</td>
<td>5/11/11</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>AB 1287</strong> (Buchanan) Local Governments: Audits</td>
<td>Requires local agency financial and compliance audits to be performed in accordance with General Accounting Office standards.</td>
<td>As Introduced</td>
<td>Assembly Local Government Committee</td>
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<td><strong>AB 1308</strong> (Miller) Highway Users Tax Account</td>
<td>Provides that in any year in which the Budget Act has not been enacted by July 1, funds in the Highway Users Tax Account (HUTA) are continuously appropriated and may be encumbered until the Budget Act is enacted.</td>
<td>As Introduced</td>
<td>Assembly Appropriations Committee</td>
<td>Support</td>
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<tr>
<td><strong>AB 1332</strong> (Donnelly) Abolishment of CARB</td>
<td>Abolishes the California Air Resources Board (CARB), and transfers its authority, duties, power, purposes, responsibilities, and jurisdiction to the California Environmental Protection Agency (CalEPA).</td>
<td>As Introduced</td>
<td>Assembly Natural Resources Committee</td>
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<td>ACA 4 (Blumenfield)</td>
<td>Calls for placing before the voters an amendment to the California Constitution to allow a local agency to incur indebtedness in the form of general obligation bonds, if approved by its electorate by a 55 percent majority, to fund the construction, reconstruction, rehabilitation, or replacement of: (1) public improvements, including improvements to transportation infrastructure, streets, highways, sewer systems, water systems, wastewater systems, and park and recreation facilities; and (2) facilities or buildings used primarily to provide sheriff, police or fire protection services to the public. Creates an exception to the 1 percent limit for property tax assessments if the revenues are being used to pay bonded indebtedness, approved by a 55 percent vote, to fund the construction, reconstruction, rehabilitation, or replacement of: (1) public improvements, including improvements to transportation infrastructure, streets, highways, sewer systems, water systems, wastewater systems, and park and recreation facilities; and (2) facilities or buildings used primarily to provide sheriff, police or fire protection services to the public.</td>
<td>As Introduced</td>
<td>Assembly Appropriations Committee</td>
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## State Senate Bills

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<tr>
<td><strong>SB 22</strong>&lt;br&gt;(La Malfa)&lt;br&gt;High-Speed Rail: Proposition 1A Bonds</td>
<td>Reduces the amount of general obligation bond debt authorized pursuant to Proposition 1A to the amount contracted as of January 1, 2012.</td>
<td>3/24/11</td>
<td>Senate Transportation and Housing Committee</td>
<td></td>
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<tr>
<td><strong>SB 27</strong>&lt;br&gt;(Simitian)&lt;br&gt;Public Employee Retirement: Calculation of Final Compensation</td>
<td>Clarifies and defines which forms of compensation may be included in an employee’s final compensation for purposes of determining a retirement allowance under the California Public Employees’ Retirement System (CalPERS) and the State Teachers’ Retirement System (CalSTRS). Prohibits any compensation determined to have been paid expressly to enhance an employee’s retirement allowance from being included in the calculation. Requires increases to compensation paid during the final compensation period to be consistent with publicly published pay scales and the increases paid to other employees in the same or similar working groups or classes. Prohibits working groups or classes of only one individual. Prohibits any CalPERS member who retires on or after January 1, 2013, from returning to public employment as a part-time worker, a private contractor or an employee of a third-party contractor for 180 days following the date of retirement.</td>
<td>8/15/11</td>
<td>Assembly Appropriations Committee</td>
<td></td>
</tr>
<tr>
<td><strong>SB 31</strong>&lt;br&gt;(Correa)&lt;br&gt;Local Government: Lobbyist Registration</td>
<td>Enacts a comprehensive framework for regulating entities that lobby local government agencies, including registration and reporting requirements. Requires each local government agency to create a commission to implement and enforce the provisions of the bill.</td>
<td>3/23/11</td>
<td>Senate Elections and Constitutional Amendments Committee</td>
<td></td>
</tr>
<tr>
<td><strong>SB 46</strong>&lt;br&gt;(Correa)&lt;br&gt;Public Agencies: Compensation Disclosure</td>
<td>Until January 1, 2019, specifies that every person, except a candidate for public office, who is required by state law to file a statement of economic interests must, as part of that filing, include a disclosure form that provides compensation information for the preceding calendar year. By March 1, 2013, requires the Controller’s Office to adopt emergency regulations to implement this bill, including the format of the compensation disclosure form. Requires the form to provide for the disclosure of the following information: (1) the agency’s cost for a person’s annual salary or stipend; (2) the agency’s cost to provide benefits to a person, including deferred compensation or defined benefit plans; (3) the agency’s reimbursement payments to a person for actual and necessary expenses incurred on behalf of the local agency in the performance of official duties; and (4) the agency’s cost to provide a person with any other monetary or non-monetary perquisites of office. By July 1, 2013, requires the Controller’s Office to recommend to the Governor and the Legislature methods for compiling the information contained on compensation disclosure forms in one or more publicly accessible data bases. If an agency maintains an Internet Web site, requires the following information to be posted: (1) the information contained on employee compensation disclosure forms; and (2) its written policy for reimbursement of actual and necessary expenses to employees in the performance of official duties.</td>
<td>6/2/11</td>
<td>Assembly Desk</td>
<td></td>
</tr>
<tr>
<td>State Senate Bills</td>
<td>Subject</td>
<td>Last Amended</td>
<td>Status</td>
<td>VTA Position</td>
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<tr>
<td>SB 125 (Emmerson)</td>
<td>Chronic Toll Evaders</td>
<td>4/25/11</td>
<td>Senate Transportation and Housing Committee</td>
<td></td>
</tr>
<tr>
<td>SB 214 (Wolk)</td>
<td>Infrastructure Financing Districts: Voter Approval</td>
<td>6/21/11</td>
<td>Assembly Floor</td>
<td></td>
</tr>
<tr>
<td>SB 241 (Cannella)</td>
<td>CEQA Litigation Protection Pilot Program of 2011</td>
<td>As Introduced</td>
<td>Senate Environmental Quality Committee</td>
<td></td>
</tr>
<tr>
<td>SB 316 (Emmerson)</td>
<td>Meal Periods: Transportation Industry</td>
<td>As Introduced</td>
<td>Senate Labor and Industrial Relations Committee</td>
<td></td>
</tr>
<tr>
<td>SB 383 (Wolk)</td>
<td>Renewable Energy</td>
<td>5/27/11</td>
<td>Senate Rules Committee</td>
<td></td>
</tr>
<tr>
<td>State Senate Bills</td>
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</tbody>
</table>
| **SB 475**  
(Wright)  
Public-Private  
Infrastructure  
Agreements | Clarifies various provisions in existing law relating to public-private infrastructure agreements for local projects. Clarifies that a local agency may, but is not required to, provide for the lease, license or other permissive use of facilities constructed under a public-private infrastructure agreement. Provides more flexibility to a local agency with regard to the selection criteria that it may use in the solicitation documents when selecting a private entity under a public-private infrastructure agreement. Clarifies that a local agency may use public financing without any private financing or in combination with private financing as part of a public-private infrastructure agreement. Specifies that private-sector financing may include cash, cash equivalents, loans, debt assumption, letters of credit, capital investment, in-kind contributions of materials or equipment, construction or equipment financing, carrying costs during construction, or any combination thereof. Clarifies that user fees may be paid to either the local agency or the private entity. Clarifies that the reasonable rate of return to the private entity must be specifically stated in the public-private infrastructure agreement, or included as part of the costs and fees as set during the procurement process. Prior to entering into a public-private infrastructure agreement for a project that includes at least some public financing, requires the local agency to assess whether such agreement provides greater benefit or value as compared with funding the project entirely with public financing and using competitive bidding. | 6/20/11 | Assembly Local Government Committee |
| **SB 517**  
(A. Lowenthal)  
High-Speed Rail Authority:  
Organizational  
Structure | Places the California High-Speed Rail Authority within the Business, Transportation and Housing Agency. Requires the secretary of the Business, Transportation and Housing Agency to propose an annual budget for the authority. Requires the Governor’s appointments to the authority to be confirmed by the Senate. Vacates the current membership of the authority, and provides for the appointment or reappointment of members as of January 1, 2012, for staggered terms. Requires members of the authority to have specified experience in order to be appointed. Prohibits a member of the authority from simultaneously holding any other elected or appointed public office. Requires the executive director of the authority to be confirmed by the Senate. Prohibits the employment agreement for the executive director from being executed without Senate confirmation. Enacts various conflict-of-interest provisions applicable to members of the authority and its staff. | 6/30/11 | Assembly Appropriations Committee |
| **SB 535**  
(De Leon)  
Global Warming  
Solutions Act:  
Communities  
Healthy Air  
Revitalization Trust | Requires a minimum of 10 percent of the fee revenues generated under the California Global Warming Solutions Act of 2006, other than revenues collected by the California Air Resources Board (CARB) for administrative purposes, to be deposited into the California Communities Healthy Air Revitalization Trust. Requires the trust to be administered by CARB. Upon appropriation by the Legislature, requires the revenues in the trust to be used: (a) solely in the most impacted and disadvantaged communities in the state; and (b) to fund programs or projects that reduce greenhouse gas emissions or mitigate the direct health impacts of climate change, through competitive grants, loans or other funding mechanisms. Requires CARB to convene a review panel to make recommendations regarding the development of policies, plans and programs as they relate to the trust. | 7/5/11 | Assembly Appropriations Committee |
| **SB 545**  
(Anderson)  
California’s  
Transportation  
Needs | Declares the intent of the Legislature to enact a bill enabling the state to examine efficiency in administering solutions to California’s transportation needs. | As Introduced | Senate Rules Committee |
<table>
<thead>
<tr>
<th>State Senate Bills</th>
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<th>Status</th>
<th>VTA Position</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SB 580</strong></td>
<td>(Wolk) State Park Land Prohibits land acquired for the state park system</td>
<td>6/20/11</td>
<td>Assembly Water, Parks and Wildlife</td>
<td></td>
</tr>
<tr>
<td><strong>SB 653</strong></td>
<td>(Steinberg) Local Taxes Authorizes cities, counties, school districts,</td>
<td>6/6/11</td>
<td>Senate Floor</td>
<td></td>
</tr>
<tr>
<td><strong>SB 693</strong></td>
<td>(Dutton) Public-Private Partnership Agreements Clarifies that Caltrans'</td>
<td>4/13/11</td>
<td>Senate Transportation and Housing</td>
<td></td>
</tr>
<tr>
<td><strong>SB 730</strong></td>
<td>(Kehoe) Plug-In Electric Vehicle Readiness Pilot Program Establishes the</td>
<td>5/11/11</td>
<td>Appropriations Committee</td>
<td></td>
</tr>
<tr>
<td><strong>SB 733</strong></td>
<td>(Price) High-Speed Rail Contracts: Local Workforce and Small Business Participation Strategies In awarding contracts for the construction of California’s proposed high-speed rail system with state or federal funds, requires the California High-Speed Rail Authority to develop a strategy, in conjunction with the Employment Development Department (EDD), to ensure that at least 25 percent of the project workforce used at each authority worksite is from the local workforce. Requires the authority to include in its business plan, or as an addendum to that plan, the following: (1) its local workforce strategy; and (2) a strategy for ensuring the participation of California-certified small businesses in contracts awarded by the authority with state or federal funds during all phases of the high-speed rail project.</td>
<td>5/11/11</td>
<td>Senate Appropriations Committee</td>
<td></td>
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<tr>
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</table>
| SB 749 (Steinberg)  
High-Speed Rail Authority: Senate Confirmation of Board Members | Requires the Governor’s appointments to the California High-Speed Rail Authority to be confirmed by the Senate.                                                                                       | As Introduced     | Senate Transportation and Housing Committee |               |
| SB 767 (Harman)  
Vehicles: Radio Frequency Identification Technology | Authorizes a local governmental entity to participate in a local traffic safety program that uses radio frequency identification technology in order to aid law enforcement efforts; promote environmental initiatives, including congestion mitigation; and enhance revenue collections of unpaid fines and penalties. | As Introduced     | Senate Transportation and Housing Committee |               |
| SB 800 (Hancock)  
Voluntary Greenhouse Gas Emission Offset Program Fund | Creates the Voluntary Greenhouse Gas Emission Offset Program Fund. Requires revenues received by the state on a voluntary basis from the federal government, individuals, businesses, organizations, industry, or other sources for the mitigation of climate change impacts related to greenhouse gas emissions to be deposited into the fund. Upon appropriation by the Legislature, allows the money in the fund to be expended by the Natural Resources Agency through a competitive grant process for all of the following purposes: (1) projects that reduce greenhouse gas emissions pursuant to protocols approved by the California Air Resources Board (CARB); (2) projects to protect public trust resources and natural systems from unavoidable impacts of climate change; and (3) urban greening projects, including urban forestry projects. Requires all approved projects to involve collaboration with the California Conservation Corps, local conservation corps, non-profit conservancy organizations, urban forestry non-profit organizations, or other non-profit organizations. Requires all projects to have an education and skills development component in order to further education or employment opportunities. Upon appropriation by the Legislature, requires money in the fund to be directed by the Natural Resources Agency to the California Conservation Corps and local conservation corps for the planting and maintenance of trees and plants in accordance with the protocols established by CARB as having mitigating effects on global warming, or other identified projects consistent with protocols adopted by CARB. By January 1, 2013, requires the Natural Resources Agency to do all of the following: (1) adopt guidelines for the distribution of revenues deposited into the Voluntary Greenhouse Gas Emission Offset Program Fund; and (2) develop strategies for the sale of voluntary greenhouse gas emission offsets by the state. | As Introduced     | Senate Environmental Quality Committee                        |               |
| SB 830 (Wright)  
Trade Infrastructure Investment Credit | Enacts a trade infrastructure tax credit equal to 50 percent of the total capital costs of a qualifying public port infrastructure project. Allows the credit to be claimed from the 2011 taxable year to the 2020 taxable year. Limits a taxpayer from claiming more than 5 percent of the total credit amount in any given taxable year. Provides that the Franchise Tax Board cannot certify a project for the tax credit unless the public port in which the project is located determines that the state will receive revenues resulting from the project’s economic impact that are sufficient to offset the state cost of the tax credit. Prohibits a taxpayer from claiming the tax credit unless the Legislature enacts a statute specifying the total credit amount available for the preceding taxable year. | 4/27/11           | Senate Governance and Finance Committee                       |               |
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>SB 843 (Wolk)</td>
<td>Renewable Energy</td>
<td>6/21/11</td>
<td>Assembly Utilities and Commerce Committee</td>
<td></td>
</tr>
<tr>
<td>SB 851 (Anderson)</td>
<td>Highway Construction</td>
<td>As Introduced</td>
<td>Senate Rules Committee</td>
<td></td>
</tr>
<tr>
<td>SB 862 (A. Lowenthal)</td>
<td>Southern California Goods Movement Authority</td>
<td>4/4/11</td>
<td>Senate Transportation and Housing Committee</td>
<td></td>
</tr>
<tr>
<td>SB 867 (Padilla)</td>
<td>Build California Bonds</td>
<td>As Introduced</td>
<td>Senate Transportation and Housing Committee</td>
<td>Support</td>
</tr>
<tr>
<td>SB 878 (DeSaulnier)</td>
<td>Bay Area Regional Planning</td>
<td>6/9/11</td>
<td>Senate Transportation and Housing Committee</td>
<td></td>
</tr>
</tbody>
</table>

SB 843 (Wolk)
Renewable Energy

Repeals the state’s Local Government Renewable Energy Self-Generation Program and replaces it with the Community-Based Renewable Energy Self-Generation Program. Under this new program, authorizes a retail customer of an electric utility to purchase a subscription in a community facility for the purpose of receiving a bill credit to offset all or a portion of the customer’s electricity usage.

SB 851 (Anderson)
Highway Construction

Declares the intent of the Legislature to enact a bill that would address the need for highway construction.

SB 862 (A. Lowenthal) Southern California Goods Movement Authority

Creates the Southern California Goods Movement Authority. Requires the authority to establish a priority list of infrastructure and air quality improvement projects related to the movement of port-related cargo and port operations in Southern California.

SB 867 (Padilla) Build California Bonds

Allows the California Transportation Financing Authority to issue Build California Bonds, the proceeds of which would be used for transportation capital improvement projects. Provides that bondholders would be entitled to non-refundable tax credits against their personal income tax or corporate tax liability. Provides for the authority to enter into financing agreements with participating local transportation authorities for the purpose of financing or refinancing transportation projects. Limits the principal amount of bonds to be issued by the authority to $5 billion over a five-year period commencing January 1, 2012.

SB 878 (DeSaulnier) Bay Area Regional Planning

By January 31, 2013, requires the Bay Area’s Joint Policy Committee to prepare and submit a report to the Legislature that addresses all of the following: (1) methods and strategies for developing and promulgating a multi-agency set of policies and guidelines governing the Bay Area’s sustainable communities strategy; (b) methods and strategies for improving the efficiency and effectiveness of policy-setting and managerial coordination among the regional agencies constituting the Joint Policy Committee; (3) methods and strategies for ensuring that the public in the nine counties of the region has an opportunity to comment on the proposed policies and standards that will be promulgated by the Joint Policy Committee for implementing the Bay Area’s sustainable communities strategy; and (4) recommendations on organizational reform to effectuate the above requirements. By January 31, 2013, requires the Joint Policy Committee to prepare and submit a work plan for a nine-county Bay Area economic development strategy to the Legislature that addresses all of the following: (1) coordination of the regional sustainable communities strategy with local goals for recruiting and retaining manufacturing, production facilities, business services, and other business enterprises that provide high quality jobs; (2) regional strategies to ensure the coordination of infrastructure investments for planned employment centers; (3) strategies for ensuring a common regulatory system for the deployment and permitting of energy conservation facilities and improvements; and (4) regional strategies for adaptation to climate change.
<table>
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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>SB 907</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 and process to identify, finance, build, and maintain the infrastructure necessary to meet the needs of Californians from the present to the year 2050. At a minimum, requires the plan to include: (a) the type, distribution and priority for developing infrastructure projects, and a measurable process to implement the plan; and (b) a process to periodically adjust the type, distribution and priority of infrastructure projects in the coming years to meet changing circumstances. States the intent of the Legislature that the commission provide a long-term plan and strategy to meet California’s infrastructure needs, and a prioritized plan that meets those needs by doing all of the following: (1) project population, social and economic trends through 2050; (2) utilize the projections to identify the type and distribution of the infrastructure that is needed to meet California’s social, economic and resource needs through 2050; (3) assess the state’s capital needs for infrastructure projects through 2050, including opportunities to access private capital to augment or complement public financing; (4) assess the availability of private and public funds, including the status and fiscal value of dedicating future revenues to specific construction and maintenance, to support jointly sponsored projects throughout the period from the present to 2050; and (5) recommend a financing plan for the state’s capital needs through 2050, with a priority plan for each five-year interval, including evaluation and recommendations of various financing methods that are feasible and may be of benefit to the state and local governments, as well as to private entities partnering with the state to implement the strategy. Requires the commission to submit its final report to the Governor and the Legislature by December 1, 2013. Requires the commission to be dissolved within 30 days after the issuance of its final report. Provides that the provisions of the bill would become operative only if the funds required to support the commission are appropriated by the Legislature from the California Debt and Investment Advisory Commission Fund in the annual Budget Act.</td>
<td>5/3/11</td>
<td>Assembly Jobs, Economic Development and the Economy Committee</td>
<td></td>
</tr>
</tbody>
</table>
### 2012 Regular Session Calendar

<table>
<thead>
<tr>
<th>DAY</th>
<th>JANUARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Statutes signed into law in 2011 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>13</td>
<td>Last day for policy committees to hear and report fiscal bills introduced in their house of origin in 2011.</td>
</tr>
<tr>
<td>20</td>
<td>Last day for any committee to hear and report to the floor bills introduced in their house of origin in 2011.</td>
</tr>
<tr>
<td>27</td>
<td>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 2011 to be passed out of their house of origin.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>DAY</th>
<th>FEBRUARY</th>
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<tbody>
<tr>
<td>24</td>
<td>Last day for new bills to be introduced.</td>
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</table>

<table>
<thead>
<tr>
<th>DAY</th>
<th>MARCH</th>
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<tbody>
<tr>
<td>29</td>
<td>Spring Recess begins upon adjournment.</td>
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</table>

<table>
<thead>
<tr>
<th>DAY</th>
<th>APRIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>Legislature reconvenes from Spring Recess.</td>
</tr>
<tr>
<td>27</td>
<td>Last day for policy committees to hear and report fiscal bills introduced in their house of origin in 2012.</td>
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</table>

<table>
<thead>
<tr>
<th>DAY</th>
<th>MAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>Last day for policy committees to hear and report to the floor non-fiscal bills introduced in their house of origin in 2012.</td>
</tr>
<tr>
<td>25</td>
<td>Last day for fiscal committees to hear and report to the floor bills introduced in their house of origin in 2012.</td>
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</table>

<table>
<thead>
<tr>
<th>DAY</th>
<th>JUNE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Last day for bills introduced in 2012 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>28</td>
<td>Last day for legislative measures to qualify for placement on the November 6, 2012, general election ballot.</td>
</tr>
</tbody>
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<thead>
<tr>
<th>DAY</th>
<th>JULY</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</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>
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</table>

<table>
<thead>
<tr>
<th>DAY</th>
<th>AUGUST</th>
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</thead>
<tbody>
<tr>
<td>6</td>
<td>Legislature reconvenes from Summer Recess.</td>
</tr>
<tr>
<td>17</td>
<td>Last day for fiscal committees to hear and report to the floor bills introduced in the other house.</td>
</tr>
<tr>
<td>24</td>
<td>Last day to amend bills on the Assembly and Senate floors.</td>
</tr>
<tr>
<td>31</td>
<td>Last day for each house to pass bills. Final Recess begins at the end of this day’s session.</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>DAY</th>
<th>SEPTEMBER</th>
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<tbody>
<tr>
<td>30</td>
<td>Last day for the Governor to sign or veto bills passed by the Legislature before September 1, and in his possession after September 1.</td>
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</table>

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<thead>
<tr>
<th>DAY</th>
<th>DECEMBER</th>
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<tbody>
<tr>
<td>3</td>
<td>The 2013-2014 regular legislative session convenes.</td>
</tr>
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<table>
<thead>
<tr>
<th>DAY</th>
<th>JANUARY 2013</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Statutes signed into law in 2012 take effect.</td>
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</table>
ADMINISTRATION AND FINANCE COMMITTEE

Thursday, December 15, 2011

NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Administration and Finance Committee Meeting scheduled for Thursday, December 15, 2011, at 12:00 p.m. has been cancelled.

The next meeting of the Santa Clara Valley Transportation Authority Administration and Finance Committee is scheduled for Thursday, January 19, 2012, at 12:00 p.m. at VTA River Oaks Campus, 3331 North First Street, Conference Room B-104, San Jose, California.

Michelle M. Garza, Board Assistant
VTA Office of the Board Secretary
Congestion Management Program and Planning Committee Minutes of December 16, 2011

WILL BE FORWARDED UNDER SEPARATE COVER
Transit Planning and Operations Committee
Minutes of December 15, 2011

WILL BE FORWARDED UNDER SEPARATE COVER
CALL TO ORDER

The Regular Meeting of the Citizens Advisory Committee (CAC) was called to order at 4:30 p.m. by Chairperson Powers, in Conference Room B-104, VTA River Oaks Campus, 3331 North First Street, San Jose, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jeremy Barousse</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Stephen Blaylock</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Clinton Brownley</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Bena Chang</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Chris Elias</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>William Hadaya</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Ray Hashimoto</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Roberta Hughan</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Robert Jacobvitz</td>
<td>Vice Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Aaron Morrow</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Charlotte Powers</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Sally Probst</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Connie Rogers</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Martin Schulter</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Noel Tebo</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Herman Wadler</td>
<td>Member</td>
<td>Present</td>
</tr>
</tbody>
</table>

A quorum was present.

2. ORDERS OF THE DAY

Chairperson Powers noted that the following Agenda Items would be moved towards the front of the Agenda: Item #5. Chairperson’s Report - Recognition of retiring Member Bob Jacobvitz, and Item #13. Valley Transportation Plan (VTP) 2040 Project Lists.

M/S/C (Hadaya/Hashimoto) to accept the Orders of the Day.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
3. PUBLIC PRESENTATIONS

There were no Public Presentations.

The Agenda was taken out of order.

5. Chairperson’s Report

- Recognition of retiring Member Bob Jacobvitz

Michael T. Burns, VTA General Manager, recognized Vice Chairperson Bob Jacobvitz for all of his contributions to VTA and service at the Building Owners and Managers Association (BOMA) – Silicon Valley.

4. Committee Staff Report

Member Barousse took his seat at 4:38 p.m.

Greta Helm, Chief External Affairs Officer and Staff Liaison, provided a report, highlighting: 1) VTA’s Historic Trolley “Candyland Express” in operation during the holiday season; 2) Take VTA to the Global Winter Wonderland event at Great America in Santa Clara; 3) December 10, 2011, Stuff the VTA Bus (annual Toys for Tots Drive) event in downtown San Jose; 4) VTA’s free service on New Year’s Eve; and 5) Implementation of VTA’s service changes on January 9, 2012.

Staff indicated that the Bicycle and Pedestrian Advisory Committee (BPAC) would be moving their 2012 meetings to Conference Room B-104 with a meeting start time of 6:30 p.m., and asked if the CAC Members would be willing to move their meeting time from 4:30 p.m. to 4:00 p.m. to accommodate BPAC.

Member Chang commented that she was unable to make the 4:00 p.m. meeting time due to another meeting conflict.

M/S/C (Tebo/Probst) on a vote of 11 ayes to 1 no to 1 abstention to commence the 2012 CAC meetings at 4:00 p.m. effective January 2012. Member Chang opposed and Member Wadler abstained.

On order of Chairperson Powers and there being no objection, the Committee Staff Report was received.

BUSINESS REFERRED TO COMMITTEE BY THE BOARD OF DIRECTORS/GENERAL MANAGER

CITIZENS ADVISORY COMMITTEE REGULAR AGENDA

7. Monthly Legislative History Matrix

Kurt Evans, Government Affairs Manager, reported on the California High Speed Rail Authority’s Draft 2012 Business Plan and the impacts to Caltrain if the High Speed Rail system is not constructed.

On order of Chairperson Powers and there being no objection, the Committee reviewed the Monthly Legislative History Matrix.
COMBINED CAC AND 2000 MEASURE A CITIZENS WATCHDOG COMMITTEE CONSENT AGENDAS

6. Regular Meeting Minutes of October 12, 2011
   M/S/C (Tebo/Brownley) to approve the Regular Meeting Minutes of October 12, 2011.

7. (Removed from the Consent Agenda and placed on the Regular Agenda.)
   Review the Monthly Legislative History Matrix.

8. Citizens Advisory Committee Quarterly Attendance Report
   M/S/C (Tebo/Brownley) to receive the Citizens Advisory Committee (CAC) Quarterly Attendance Report.

   M/S/C (Tebo/Brownley) to receive FY 2012 First Quarter Transit Operations Performance Report.

10. Express Lanes Update
    M/S/C (Tebo/Brownley) to receive a report on the status of Express Lanes projects within Santa Clara County.

5. Chairperson’s Report (Continued)

On behalf of the Committee, Chairperson Powers presented a Letter of Appreciation to Vice Chairperson Jacobvitz.

Chairperson Powers referenced the discussion held at the People Acting in Community Together (PACT) meeting regarding poor and homeless persons asking Members of the VTA Board of Directors for a reduction in fares and/or free transportation, noting that the Committee would be kept informed of the issue.

Members of the Committee suggested providing the discounted and/or free tickets to agencies to dispense to individuals.

2000 MEASURE A CITIZENS WATCHDOG COMMITTEE REGULAR AGENDA

11. Cooperative Financing Agreement Between VTA and the Alameda County Transportation Commission

John Ristow, Chief CMA Officer, provided a presentation on the AB 1462 Local Advancement of Funding for Mission/Warren/Truck-Rail (MWT) Facility. He noted that the following item was forwarded to the VTA Board of Directors for consideration at their December 8, 2011 meeting: “Cooperative Agreement between VTA and the Alameda County Transportation Commission on MWT Rail Program.”
On order of Chairperson Powers and there being no objection, the Committee received a report on the Cooperative Financing Agreement between VTA and the Alameda County Transportation Commission.

CITIZENS ADVISORY COMMITTEE REGULAR AGENDA (continued)

13. **VTP 2040 Project Lists**

Ying Smith, Transportation Planning Manager, provided the staff report, highlighting the following: 1) Fund Estimates and Revenue Strategy; 2) Capital Program Funding Program Area Allocation; 3) Financially Constrained VTP 2040 Project Lists; and 4) Upcoming VTP 2040 Project public meetings.

M/S/C (Jacobvitz/Hadaya) to recommend that the Board of Directors: 1. Approve a revenue strategy for the Valley Transportation Plan 2040 (VTP 2040); 2. Approve the Capital Program Funding Program Area Allocation; and 3. Approve the financially constrained project lists to be submitted to the Metropolitan Transportation Commission for the inclusion in the Regional Transportation Plan.

12. **Nomination Subcommittee Report**

Member Tebo distributed a formal report to the Committee entitled, “Report from the Nomination Committee of the CAC,” which contained the following persons interested in serving as Chairperson and/or Vice Chairperson and Member comments/recommendations to the incoming Chairperson/Vice Chairperson:

**Chairperson**
Clinton Brownley
Herman Wadler

**Vice Chairperson**
Jeremy Barousse
William Hadaya
Aaron Morrow
Clinton Brownley
Herman Wadler

Member Barousse respectfully withdrew his nomination for Vice Chairperson.

Chairperson Powers asked if there were any nominations from the floor for both the positions of Chairperson and Vice Chairperson and closed nominations.

On order of Chairperson Powers and there being no objection, the Committee received the Nomination Subcommittee Report.

15. **Election Process for 2012 CAC Committee Leadership: Conduct Elections**

M/S/C (Tebo/Hashimoto) on a vote of 10 ayes to 3 noes to 0 abstentions to close nominations and elect Clinton Brownley as the Chairperson for 2012.

M/S/C (Tebo/Hashimoto) on a vote of 9 ayes to 4 noes to 0 abstentions to close nominations and elect William Hadaya as the Vice Chairperson for 2012.

Robert Swierk, Senior Transportation Planner, provided the staff report.

Members of the Committee expressed concern regarding the 101 Lytton Avenue Mixed-Use Project in the City of Palo Alto and queried about VTA’s comments pertaining to the Project. Staff reported on VTA’s comments, noting that additional comments would be provided on the project once the Environmental Impact Report (EIR) was completed.

On order of Chairperson Powers and there being no objection, the Committee received the Proactive CMP Quarterly Report for July through September 2011.

**COMBINED CAC AND CITIZENS WATCHDOG COMMITTEE ITEMS**

16. **Citizens Advisory Committee and Citizens Watchdog Committee Work Plans**

On order of Chairperson Powers and there being no objection, the Committee reviewed the Citizens Advisory Committee and Citizens Watchdog Committee Work Plans.

**OTHER**

17. **ANNOUNCEMENTS**

Vice Chairperson Jacobvitz expressed his gratitude for the opportunity to serve as the Committee’s Vice Chairperson and expressed his appreciation to VTA staff for being so supportive.

On behalf of VTA staff, Stephen Flynn, Advisory Committee Coordinator, thanked Chairperson Powers and Vice Chairperson Jacobvitz for their leadership.

18. **ADJOURNMENT**

On order of Chairperson Powers and there being no objection, the meeting was adjourned at 6:21 p.m.

Respectfully submitted,

Tracene Y. Crenshaw, Board Assistant
VTA Office of the Board Secretary
TECHNICAL ADVISORY COMMITTEE

Thursday, December 8, 2011

MINUTES

CALL TO ORDER

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Representing</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Cherbone</td>
<td>Member City of Saratoga</td>
<td>Absent</td>
</tr>
<tr>
<td>Richard Chiu</td>
<td>Member Town of Los Altos Hills</td>
<td>Present</td>
</tr>
<tr>
<td>Dan Collen</td>
<td>Member County of Santa Clara</td>
<td>Present</td>
</tr>
<tr>
<td>Scott Creer</td>
<td>Alternate Member City of Morgan Hill</td>
<td>Present</td>
</tr>
<tr>
<td>Don Dey</td>
<td>Member City of Gilroy</td>
<td>Present</td>
</tr>
<tr>
<td>Helen Kim</td>
<td>Member City of Mountain View</td>
<td>Present</td>
</tr>
<tr>
<td>Larry Lind</td>
<td>Member City of Los Altos</td>
<td>Present</td>
</tr>
<tr>
<td>Michelle Quinney</td>
<td>Member City of Campbell</td>
<td>Present</td>
</tr>
<tr>
<td>Kevin Riley</td>
<td>Alternate Member City of Santa Clara</td>
<td>Present</td>
</tr>
<tr>
<td>Mo Sharma</td>
<td>Member City of Monte Sereno</td>
<td>Absent</td>
</tr>
<tr>
<td>David Stillman</td>
<td>Alternate Member City of Cupertino</td>
<td>Present</td>
</tr>
<tr>
<td>Lee Taubeneck</td>
<td>Ex-Officio Member Dept. of Transportation (Caltrans)</td>
<td>Present</td>
</tr>
<tr>
<td>Ben Tripousis</td>
<td>Member City of San Jose</td>
<td>Present</td>
</tr>
<tr>
<td>Jack Witthaus</td>
<td>Member City of Sunnyvale</td>
<td>Present</td>
</tr>
<tr>
<td>Shahla Yazdy</td>
<td>Alternate Member City of Palo Alto</td>
<td>Present</td>
</tr>
<tr>
<td>Greg Armendariz</td>
<td>Vice Chairperson City of Milpitas</td>
<td>Present</td>
</tr>
<tr>
<td>Todd Capurso</td>
<td>Chairperson Town of Los Gatos</td>
<td>Present</td>
</tr>
</tbody>
</table>

A quorum was present.

2. PUBLIC PRESENTATIONS

There were no Public Presentations.

3. ORDERS OF THE DAY

Chairperson Capurso noted Agenda Item #13, Election Process for 2012 Committee Leadership: Conduct Elections, would follow Agenda Item #10.

4. Committee Staff Report

John Ristow, Chief Congestion Management Agency (CMA) Officer and Staff Liaison, provided a report highlighting: 1) On December 8, 2011, the VTA Board awarded a $772,227,000 C700 Design-Build Contract to the Skanska-Shimmick-Herzog for the final design and construction of the Line, Track, Stations, and Systems elements of the Silicon Valley Berryessa Extension Project; 2) The VTA Board voted to increase its contract with HMM/Bechtel by $74,500,000, for a total of $200,000,000, for project management services supporting the Silicon Valley Rapid Transit Program; 3) Receipts from Senate Bill
(SB) 83, the vehicle registration fee, have provided approximately $4.6 million in funding over an 85-month period: a) VTA was reimbursed for the cost of putting SB-83 on the ballot; b) The SB-83 funds are being received at an approximate rate of $1.1 million per month; and c) Project funds will be issued beginning FY2013.

Member Dey confirmed with Mr. Ristow that staff would be providing the cities with a list of reporting requirements to ensure eligibility for the 80 percent SB-83 funds returned to the cities.

On order of Chairperson Capurso and there being no objection, the Committee Staff Report was received.

5. Chairperson’s Report

Chairperson Capurso noted a change in representation from the County of Santa Clara: Dan Collen has been appointed as the Member and Dawn Cameron as the Alternate Member.

Member Lind took his seat at 1:35 p.m.

6. Reports from TAC Working Groups

- **Capital Improvement Program (CIP)**
  
  Amin Surani, Principal Transportation Planner, reported the CIP met on December 1, 2011, and discussed the VTP 2040. The next CIP meeting will be held on January 24, 2012.

- **Systems Operations and Management (SOM)**
  
  Ying Smith, Transportation Planning Manager, reported the SOM met on November 30, 2011, and discussed: 1) Update from County staff on the Crossroads traffic accident reporting system software database. This item will come back to the Committee in January 2012; 2) VTP 2040; 3) Presentation from Caltrans staff on current and planned ramp metering projects in Santa Clara County; and 4) The SOM reviewed the work plan for the next year.

- **Land Use/Transportation Integration (LUTI)**
  
  Ms. Smith reported the LUTI Subcommittee did not meet in November 2011. The next LUTI meeting is scheduled for February 8, 2012.

On order of Chairperson Capurso and there being no objection, the reports from the TAC Working Groups were received.

7. High Speed Rail (HSR)/Caltrain Project

Steve Fisher, Senior Transportation Planner, provided an update on the California HSR highlighting: 1) The State Legislature is holding hearings on the HSR business plan to determine whether the Legislature will support bond sales as part of the funding for the Central Valley Segment; and 2) A series of studies have been initiated, using a computer simulated railroad systems modeling exercise, to determine the feasibility of HSR in the Caltrain right-of-way along the peninsula corridor.
Alternate Member Yazdy took her seat at 1:40 p.m.

Member Tripousis reported the City of San José (San José) has completed its *Visual Design Guidelines for California High-Speed Train Infrastructure*. On December 8, 2011, San José, the California High Speed Rail Authority (CHSRA), and the San José Downtown Association are hosting a joint community meeting to provide a brief HSR update on: 1) business plan; 2) dual design guidelines; 3) document finalization; 4) next steps; and 5) a modified tunnel option. Member Tripousis noted the purpose for the meeting is to provide a question and answer forum regarding HSR alignment and tunnel configuration.

Ex-Officio Taubeneck took his seat at 1:43 p.m.

Member Dey provided an update on an evaluation report and community impacts with regard to the HSR station in Gilroy.

**Public Speaker**

Roland Lebrun, Interested Citizen, encouraged committee members to attend the San José - CHSRA December 8, 2011, meeting.

**On order of Chairperson Capurso** 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. **Regular Meeting Minutes of November 10, 2011**

   M/S/C (Collen/Witthaus) to approve the Regular Meeting Minutes of November 10, 2011.

9. **Transit Operations Performance Report – Fiscal Year (FY) 2012 First Quarter**

   On order of Chairperson Capurso and there being no objection, the Committee received the FY 2012 First Quarter Transit Operations Performance Report.

**REGULAR AGENDA**

10. **Nomination Subcommittee Report**

    Chairperson Capurso reported the subcommittee nominated Vice Chairperson Greg Armendariz for the position of Chairperson and Member Dan Collen for the position of Vice Chairperson for 2012.

    **On order of Chairperson Capurso** and there being no objection, the Committee received the Nomination Subcommittee Report.

**NOTE:** M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
The Agenda was taken out of order.

13. **Election Process for 2012 Committee Leadership: Conduct Elections**

Chairperson Capurso opened the floor for additional nominations for the TAC 2012 Chairperson and TAC 2012 Vice Chairperson and noted there were no additional nominations for the positions.

**M/S/C (Tripousis/Dey)** to close nominations and elect Greg Armendariz as the Chairperson for 2012.

**M/S/C (Tripousis/Dey)** to close nominations and elect Dan Collen as the Vice Chairperson for 2012.

11. **Valley Transportation Plan 2040 (VTP 2040) Project Lists**

Ms. Smith provided the staff report.

Updates to Attachment A, *Funding Program Area Allocation – Capital Program*, and Attachment B, *Preliminary Financially Constrained Project List*, were provided as handouts to the Committee.

Member Tripousis reminded the Committee that locally-funded projects, not part of the constrained plan, will need to be referenced in the Regional Transportation Plan (RTP) in order to be funded. Mr. Ristow stated staff has communicated with each local agency to include all regionally-significant projects, even those funded by locally-controlled sources, to ensure eligibility for federal environmental clearance and/or funding. Mr. Ristow stated these projects cannot move forward unless they are included in VTP 2040.

Member Witthaus referenced three (3) auxiliary lane projects listed on Page 2 of Revised Attachment B2: 1) RTP-230411 SR 237 Eastbound Auxiliary Lanes: Mathilda Avenue to Fair Oaks Avenue; 2) RTP-230410 US 101 Southbound Auxiliary Lane: Great America Parkway to Lawrence Expressway; and 3) RTP-22845 US 101 Southbound Auxiliary Lane Improvement Between Ellis Street and SR 237. He noted in VTP 2035 these three (3) projects were included on the constrained list, but in VTP 2040 they are being proposed for the unconstrained list. Member Witthaus noted these projects are in areas where fairly-significant growth is planned. He noted his understanding that there is some flexibility to move funds from one category to another (from local to highway).

Mr. Ristow reported the discussion with Sunnyvale is to utilize Regional Transportation Improvement Program (RTIP) funds from a local Sunnyvale project for the three (3) highway projects, which would increase the highway total funded by RTIP. He noted VTA is agreeable to the change if it is feasible. He suggested that Member Witthaus list these three (3) projects as part of the recommendation.

**M/S/C (Witthaus/Tripousis)** to recommend that the Board of Directors: 1) Approve a revenue strategy for the Valley Transportation Plan 2040 (VTP 2040); 2) Approve the Capital Program Funding Program Area Allocation; 3) Approve the financially constrained project lists to be submitted to the Metropolitan Transportation Commission for the inclusion in the Regional Transportation Plan (RTP), with the caveat that staff work with...
the City of Sunnyvale to identify funding to move the following three (3) auxiliary lane projects to the constrained list: 1) RTP-230411 - SR 237 Eastbound Auxiliary Lanes: Mathilda Avenue to Fair Oaks Avenue; 2) RTP-230410 - US 101 Southbound Auxiliary Lane: Great America Parkway to Lawrence Expressway; and 3) RTP-22845 - US 101 Southbound Auxiliary Lane Improvement Between Ellis Street and SR 237.

12. **Express Lanes Update**

Murali Ramanujam, Transportation Engineering Manager, provided the staff report.

Member Collen left the meeting at 2:18 p.m.
Member Tripousis left the meeting at 2:20 p.m.

**On order of Chairperson Capurso** and there being no objection, the Committee received a report on the status of Express Lanes projects within Santa Clara County.

**OTHER**

14. **Metropolitan Transportation Commission (MTC) Activities and Initiatives**

Mr. Ristow praised input received from the cities and committees with regard to the One Bay Area Grant (OBAG) and noted: 1) A copy of the letter sent to MTC will be forwarded to the Committee via email; 2) Due to the feedback received, MTC has delayed the OBAG until the April 2012 timeframe; and 3) The Bay Area CMA Directors will meet with MTC’s Executive Director on December 20, 2011; and 4) An OBAG update will be provided to the TAC at its January meeting.

**On order of Chairperson Capurso** and there being no objection, the Committee received an update on MTC Activities and Initiatives.

15. **Technical Advisory Committee (TAC) Subcommittee**

Chairperson Capurso reported the TAC Subcommittee met on December 8, 2011. Discussion highlights included: 1) Caltrans local assistance and potential changes; 2) VTP 2040 funding program allocations and the constrained list; and 3) How the cities are undertaking the Climate Action Plan, individually, and the potential benefit of letting the County of Santa Clara take the initial lead.

**On order of Chairperson Capurso** and there being no objection, the Committee received an update from the TAC Subcommittee.

16. **TAC Committee Work Plan**

Chairperson Capurso requested that a SB-83 update be added to the work plan.

**On order of Chairperson Capurso** and there being no objection, the Committee reviewed the TAC Committee Work Plan.
17. ANNOUNCEMENTS

There were no announcements.

18. ADJOURNMENT

On order of Chairperson Capurso and there being no objection, the meeting was adjourned at 2:32 p.m.

Respectfully submitted,

Susan E. Garcia, Board Assistant
VTA Office of the Board Secretary
CALL TO ORDER
The Regular Meeting of the Policy Advisory Committee (PAC) was called to order at 4:10 p.m. by Chairperson Pirzynski in Conference Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

1. ROLL CALL

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<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
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<tbody>
<tr>
<td>Jeffrey Cristina</td>
<td>City of Campbell</td>
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<tr>
<td>Michael Kotowski (Alternate)</td>
<td>City of Campbell</td>
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<tr>
<td>Barry Chang</td>
<td>City of Cupertino</td>
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</tr>
<tr>
<td>Orrin Mahoney (Alternate)</td>
<td>City of Cupertino</td>
<td>Present</td>
</tr>
<tr>
<td>Cat Tucker</td>
<td>City of Gilroy</td>
<td>Present</td>
</tr>
<tr>
<td>Dion Bracco (Alternate)</td>
<td>City of Gilroy</td>
<td>Absent</td>
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<tr>
<td>Megan Satterlee, Vice Chairperson</td>
<td>City of Los Altos</td>
<td>Present</td>
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<tr>
<td>Jarrett Fishpaw (Alternate)</td>
<td>City of Los Altos</td>
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<tr>
<td>Vacant</td>
<td>Town of Los Altos Hills</td>
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<tr>
<td>Vacant (Alternate)</td>
<td>Town of Los Altos Hills</td>
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<tr>
<td>Joe Pirzynski, Chairperson</td>
<td>Town of Los Gatos</td>
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<td>Diane McNutt (Alternate)</td>
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<tr>
<td>Armando Gomez</td>
<td>City of Milpitas</td>
<td>Absent</td>
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<tr>
<td>Vacant (Alternate)</td>
<td>City of Milpitas</td>
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<td>Lana Malloy</td>
<td>City of Monte Sereno</td>
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<td>Burton Craig (Alternate)</td>
<td>City of Monte Sereno</td>
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<tr>
<td>Larry Carr</td>
<td>City of Morgan Hill</td>
<td>Present</td>
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<td>Rich Constantine (Alternate)</td>
<td>City of Morgan Hill</td>
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<tr>
<td>John Inks</td>
<td>City of Mountain View</td>
<td>Present</td>
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<tr>
<td>Jae Siegel (Alternate)</td>
<td>City of Mountain View</td>
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<tr>
<td>Gail Price</td>
<td>City of Palo Alto</td>
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<td>Nancy Shepherd (Alternate)</td>
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<tr>
<td>Kansen Chu</td>
<td>City of San Jose</td>
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<tr>
<td>Jamie Matthews</td>
<td>City of Santa Clara</td>
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<tr>
<td>Jamie McLeod (Alternate)</td>
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<tr>
<td>Howard Miller</td>
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<td>Emily Lo (Alternate)</td>
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<tr>
<td>Jim Griffith</td>
<td>City of Sunnyvale</td>
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<td>David Whittum (Alternate)</td>
<td>City of Sunnyvale</td>
<td>NA</td>
</tr>
<tr>
<td>Mike Wasserman</td>
<td>SCC Board of Supervisors</td>
<td>Present</td>
</tr>
</tbody>
</table>

A quorum was present.
2. **ORDERS OF THE DAY**

   There were no Orders of the Day.

3. **PUBLIC PRESENTATIONS**

   There were no Public Presentations.

4. **Committee Staff Report**

   Jim Lawson, Executive Policy Advisor and Staff Liaison, provided an overview of the December 8, 2011 Board of Director’s Regular Meeting, highlighting: 1) recognition for Outgoing VTA Board Members Rich Larsen and Chuck Page; 2) Kevin Allmand’s retirement from VTA; 3) appointment of Robert Fabela as VTA’s new General Counsel; 4) appointment of Ken Yeager as VTA’s Board Chairperson for 2012 and Joe Pirzynski as Vice Chairperson for 2012; 5) VTA’s partnership with the Marine Corps for the annual Toys for Tots Drive “Stuff the VTA Bus” event; 6) Approval of the Retail Transactions and Use Tax Ordinance; and 7) Approval of several contract amendments associated with the BART Silicon Valley Rapid Transit (SVRT) Project.

   Member Carr and Alternate Member Mahoney arrived at the meeting and took their seats at 4:17 p.m.

5. **Chairperson’s Report**

   There was no Chairperson’s Report.

**BUSINESS REFERRED TO COMMITTEE BY THE BOARD OF DIRECTORS/ GENERAL MANAGER**

**CONSENT AGENDA**

6. **Regular Meeting Minutes of October 13, 2011**

   M/S/C (Griffith/Price) to approve the Regular Meeting Minutes of October 13, 2011.

7. **Regular Meeting Minutes of November 10, 2011**

   M/S/C (Griffith/Price) to approve the Regular Meeting Minutes of November 10, 2011.

8. **Transit Operations Performance Report – FY 2012 Quarter 1**

   On order of Chairperson Pirzynski and there being no objection, the Committee received the Transit Operations Performance Report – FY 2012 Quarter 1.

**REGULAR AGENDA**

9. **Nomination Subcommittee Report**

   Member Miller and Chairperson Pirzynski provided a brief overview on the Nomination Subcommittee Report for PAC Chairperson and Vice Chairperson for 2012.

   Member Miller reported that Member Satterlee’s nomination for Chairperson for 2012 and Member Price’s nomination for Vice Chairperson for 2012.

   Chairperson Pirzynski noted that the Committee would accept nominations from the floor at the January 12, 2012 PAC meeting.

   On order of Chairperson Pirzynski and there being no objection, the Committee accepted the Nomination Subcommittee Report.

**NOTE:** M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
Member Inks arrived at the meeting and took his seat at 4:31 p.m.

10. **VTP 2040 Project Lists**

Ying Smith, Transportation Planner Manager, provided a staff report.

Members of the Committee expressed concern regarding the following: 1) the recommendation would commit VTA’s Board of Directors to a policy regarding the express lanes; 2) noted opposition to implement a plan that will create congestion in an attempt to generate revenue; 3) revenues generated from the express lanes would be used for purposes other than congestion management; and 4) the revenue strategy lists future tolls from the State Route (SR) 152 Corridor.

Upon query from Members of the Committee, Mr. Lawson responded that the recommendation does not assume any policy decisions regarding the Express Lanes Program.

Upon query from Members of the Committee, John Ristow, Chief CMA Officer, responded that the bill allows the use of revenues generated from the express lanes to be used for both highway and transit improvements, with the goal to relieve congestion within the corridors.

Mr. Ristow continued that the forecast of the plan allows VTA to secure funding for the projects and serves as a plan for investing in the transportation system.

Member Wasserman left the meeting at 4:55 p.m.

Vice Chairperson Satterlee noted her support of the recommendation if it didn’t involve policy decisions regarding the Express Lanes Program.

**M/S/C (Miller/Price)** to recommend that the Board of Directors: 1) Approve a revenue strategy for the Valley Transportation Plan 2040 (VTP 2040).

Upon query from Member Tucker, Mr. Ristow responded that staff will include the future Gilroy High Speed Rail Station project in the final draft before the item is forwarded for consideration to the January 5, 2012 Board of Directors Regular Meeting.

**M/S/C (Miller/Price)** to recommend that the Board of Directors: 2) Approve the Capital Program Funding Program Area Allocation.

Members of the Committee requested a tutorial on the Metropolitan Transportation Commission (MTC) Methodology. Mr. Lawson responded that staff will arrange the tutorial for a future meeting next year.

**M/S/C (Miller/Tucker)** to recommend that the Board of Directors: 3) Approve the financially constrained project lists to be submitted to the Metropolitan Transportation Commission for the inclusion in the Regional Transportation Plan.

11. **Express Lanes Update**

Murali Ramanujam, Transportation Engineer Manager, reported on the timeline and efforts for the State Route (SR) 237/I-880 Express Connectors and US 101/SR 85 Express Lanes projects. He also provided an update on the revenue generated for the I-680 Express Lanes.

**On order of Chairperson Pirzynski** and there being no objection, the Committee received a report on the status of Express Lanes projects within Santa Clara County and other Express Lanes efforts within the Bay Area and California.
OTHER

12. Committee Work Plan
Committee Members requested that the Committee review the 2012 PAC Schedule at the January 12, 2012 meeting.

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

13. Announcements
There were no Announcements.

14. ADJOURNMENT
On order of Chairperson Pirzynski and there being no objection, the Committee Meeting was adjourned at 5:40 p.m.

Respectfully submitted,

Michelle M. Garza, Board Assistant
VTA Office of the Board Secretary
NOTICE IS HEREBY GIVEN that the Downtown East Valley Policy Advisory Board Meeting scheduled for 3:00 p.m. on Thursday, December 1, 2011, has been cancelled.

For more information about project status, please visit:

[Signature]
Jacqueline F. Golzio, Board Assistant
VTA Office of the Board Secretary
CALL TO ORDER

The Regular Meeting of the El Camino Real Rapid Transit (ECRRT) Joint Policy Advisory Board (“Committee”) was called to order at 10:05 a.m. by Chairperson Yeager at the VTA River Oaks Campus, Conference Room B-104, 3331 North First Street, San Jose, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Representing</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Margaret Abe-Koga</td>
<td>Member</td>
<td>Santa Clara Valley Transportation Authority</td>
<td>Present</td>
</tr>
<tr>
<td>Jarrett Fishpaw</td>
<td>Member</td>
<td>City of Los Altos</td>
<td>Present</td>
</tr>
<tr>
<td>Liz Kniss</td>
<td>Member</td>
<td>County of Santa Clara</td>
<td>Absent</td>
</tr>
<tr>
<td>Laura Macias</td>
<td>Member</td>
<td>City of Mountain View</td>
<td>Present</td>
</tr>
<tr>
<td>Jamie Matthews</td>
<td>Member</td>
<td>City of Santa Clara</td>
<td>Present</td>
</tr>
<tr>
<td>Chris Moylan</td>
<td>Vice Chairperson</td>
<td>City of Sunnyvale</td>
<td>Present</td>
</tr>
<tr>
<td>Pierluigi Oliverio</td>
<td>Member</td>
<td>City of San José</td>
<td>Present</td>
</tr>
<tr>
<td>Nancy Shepherd</td>
<td>Member</td>
<td>City of Palo Alto</td>
<td>Present</td>
</tr>
<tr>
<td>Ken Yeager</td>
<td>Chairperson</td>
<td>County of Santa Clara</td>
<td>Present</td>
</tr>
</tbody>
</table>

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

2. PUBLIC PRESENTATION

There were no Public Presentations.

3. ORDERS OF THE DAY

On order of Chairperson Yeager and there being no objection, the Committee of the Whole deferred Agenda Item #4, Approve the Regular Meeting Minutes of September 9, 2011, until a quorum was achieved.

The Agenda was taken out of order.
REGULAR AGENDA

5. **Project Status Report**

Steve Fisher, Senior Transportation Planner, provided a presentation highlighting Bus Rapid Transit. He discussed the Preferred Investment Strategy Decision.

Vice Chairperson Moylan expressed concern with Page 3 of the presentation. He stated columns 1 and 3 on the page should be reversed. He commented that the item should first receive Board decision before going to committees.

Discussion by the PAB members ensued and the Committee commented that changes in a project should be considered at the beginning of the project. The Committee noted this is a cost effective method.

Member Abe-Koga took her seat at 10:07 a.m. and a quorum was declared. Member Matthews took his seat at 10:10 a.m.

**On order of Chairperson Yeager** and there being no objection, the Committee received the Project Status Report.

CONSENT AGENDA

4. **Regular Meeting Minutes of September 9, 2011**

M/S/C (Shepherd/Macias) to approve the Regular Meeting Minutes of September 9, 2011.

REGULAR AGENDA

6. **Report on Community Outreach**

Mr. Fisher provided a presentation regarding El Camino Real Bus Rapid Transit Public Meetings. He discussed public outreach efforts and feedback from stakeholders.

The Committee discussed pedestrian, dedicated, and mixed flow traffic concerns.

**On order of Chairperson Yeager** and there being no objection, the Committee received the Project Status Report.

**NOTE:** M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
7. **Preliminary Investment Strategy for El Camino Real Bus Rapid Transit**

Mr. Fisher provided an overview of the staff report.

The Committee discussed the analysis of the alternatives of the three potential configurations within the 120 feet of right-of-way on El Camino Real: 1) Six travel lanes with buses operating in mixed-flow and curb side bulb-out stations; 2) Four Travel lanes with buses operating in dedicated transit lanes and center median stations; and 3) Six travel lanes with dedicated center median transit lanes and median stations.

Members of the Committee provided input regarding mixed flow, and dedicated transit lanes, alternatives. They identified El Camino as a barrier in communities for pedestrians, citing the lack of adequate crosswalks.

Vice Chairperson Moylan expressed concern with Page 5 of 6 of the staff report regarding the Association of Bay Area Governments (ABAG) growth projections.

**M/S/C (Shepherd/Moylan)** to recommend that the VTA Board of Directors adopt a Preliminary Investment Strategy for the El Camino Real Bus Rapid Transit Project.

8. **ANNOUNCEMENTS**

Member Oliverio announced the City of San Jose unanimously adopted a policy lowering the traffic speed near schools.

9. **ADJOURNMENT**

**On order of Chairperson Yeager** and there being no objection, the meeting was adjourned at 11:22 a.m.

Respectfully submitted,

Jacqueline F. Golzio, Board Assistant  
VTA Office of the Board Secretary
NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Silicon Valley Rapid Transit Corridor and BART Warm Springs Extension Policy Advisory Board Meeting scheduled for Wednesday, December 14, 2011, at 3:00 p.m. has been cancelled.

Jacqueline Golzio, Board Assistant
VTA Office of the Board Secretary