BOARD OF DIRECTORS MEETING

Thursday, September 6, 2012

5:30 P.M.

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

*REVISED 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 #1.2.

*Changes from previous version: 1) Agenda language updated to reflect change in heading for Agenda Item #5.1 – Public Hearings; and 2) Agenda language updated to reflect lowest responsive and responsible bidder and contract amount for Agenda Item #8.1 – I-280/I-880/Stevens Creek Boulevard Interchange Improvements Contract Award.*
• Disclosure of Campaign Contributions to Board Members (Government Code Section 84308)

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

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

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

In accordance with the Americans with Disabilities Act (ADA) and Title VI of the Civil Rights Act of 1964, VTA will make reasonable arrangements to ensure meaningful access to its meetings for persons who have disabilities and for persons with limited English proficiency who need translation and interpretation services. Individuals requiring ADA accommodations should notify the Board Secretary’s Office at least 48-hours prior to the meeting. Individuals requiring language assistance should notify the Board Secretary’s Office at least 72-hours prior to the meeting. The Board Secretary may be contacted at (408) 321-5680 or e-mail: board.secretary@vta.org or (408) 321-2330 (TTY only). VTA’s home page is on the web at: www.vta.org or visit us on Facebook at: www.facebook.com/scvta. (408) 321-2300: 中文 / Español / 日本語 / 한국어 / tiếng Việt / Tagalog.

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

70 West Hedding St., San Jose, California is served by bus lines *61, 62, 66, 181, and Light Rail. (*61 Southbound last trip is at 8:55 pm for this location.) For trip planning information, contact our Customer Service Department at (408) 321-2300 between the hours of 6:00 a.m. to 7:00 p.m. Monday through Friday and 7:30 a.m. to 4:00 p.m. on Saturday. Schedule information is also available on our website, www.vta.org.
1. CALL TO ORDER AND ROLL CALL

1.1. ROLL CALL

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

2. AWARDS AND COMMENDATION

2.1. INFORMATION ITEM - Recognize Vijay Saini, Vault Room Worker, River Oaks Administration; Rosanna Arjil, Transit Radio Dispatcher, Operations Control Center; and Joseph Garcia, Light Rail Maintenance Worker, Guadalupe Division, as Employees of the Month for September 2012.

3. CLOSED SESSION

3.1. Recess to Closed Session

3.1.A Conference with Real Property Negotiators

[Government Code Section 54956.8]

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

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

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

Under Negotiation: Price and terms of payment

3.1.B Conference with Real Property Negotiators

[Government Code Section 54956.8]

Property: Property for a grade-separated underpass crossing located on SR 262 (Mission Boulevard), Railroad Milepost 6.37, in Fremont, CA

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

Negotiating Parties: Michael Wallenstein, legal counsel for Union Pacific Railroad Company

Under Negotiation: Price and terms

3.2. Reconvene to Open Session

3.3. Closed Session Report
4. PUBLIC COMMENT

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

5. PUBLIC HEARINGS

5.1 HEARING - NOTICE OF INTENTION TO ADOPT RESOLUTIONS OF NECESSITY


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

Property ID/Assessor’s Parcel Number/Owner

SCAR001 (APN - 481-12-062) owned by Iglesia del Dios Vivo La Luz del Mundo

SCAR002 (APN - 481-12-063) owned by Binh Thanh Nguyen and Helena Hiep Tran
SCAR003 (APN - 481-12-106) owned by Genevieve C. Martina, Trustee of the Martina Family Trust

SCAR004 (APN - 481-63-001 to 481-63-024) owned by Clinson Tan, et al. (24 condominium unit holders)

SCAR005 (APN - 481-07-030) owned by Jesus Fernandez and Virginia Fernandez

SCAR006 (APN - 481-07-025) owned by Oliver De Silva Inc., a California corporation, doing business as CONEXCO, a Division of Oliver de Silva, Inc., a California corporation

SCAR007 (APN - 481-07-023) owned by Jesus Fernandez and Virginia Fernandez, Trustees of the Fernandez Family Living Trust created September 1, 2000

SCAR008 (APN - 481-07-021) owned by Gene L. and Carol King, his wife, as community property, and as Trustees of that certain Revocable Trust executed on June 19, 1987

SCAR009 (APN - 481-07-020) owned by Cortez Enterprises, Inc.

SCAR011 (APN - 481-22-033) owned by Cortez Enterprises, Inc.

SCAR013 (APN - 481-22-072) owned by Daniel M. Valencia

SCAR014 (APN - 481-06-020) owned by Louis Carrillo, Trustee of the Louis Carrillo Revocable Living Trust DTD 3-26-91 and William Sanchez, Successor Trustee of the Luis Carrillo Trust DTD 3-26-91

SCAR016 (APN - 481-22-054) owned by Jafar Kangarloo and Nasrin Kangarloo, Trustees of the Kangarloo Family 2002 Trust dated June 6, 2002

SCAR017 (APN - 481-22-049) owned by Minh Nguyen and Thanh P. Nguyen

SCAR021 (APN - 484-01-039) owned by Central California Conference Association of the Seventh-Day Adventists

SCAR023 (APN - 484-42-011) owned by Nakash Enterprises, LLC

SCAR025 (APN - 484-50-001 to 484-50-072) owned by Grace Pinhwa Yu (72 condominium unit holders including)

SCAR028 (APN - 484-43-115) owned by Alum Rock Group Properties, LLC

SCAR032 (APN - 467-24-110) owned by Bale Properties

SCAR033 (APN - 467-18-087 to 487-18-089) owned by George Chang and Jenny Chang, as Trustees of the George Chang and Jenny Chang 2006 Revocable Trust
6. REPORTS


6.3. General Manager Report. (Verbal Report)

   6.3.A. INFORMATION ITEM - Receive information on Veterans Transportation and Community Living Initiative.

   6.3.B. INFORMATION ITEM - Receive Silicon Valley Rapid Transit (SVRT) Program Update.

   6.3.C. Receive an update on Light Rail Transit. (Verbal Report) (Ristow)

   6.3.D. Receive an update on AB 2382 (Alejo and Gordon) Innovative Delivery Team Demonstration Program (iTeam). (Verbal Report) (Ristow)

   6.3.E. Receive updates regarding Metropolitan Transportation Commission (MTC) and California Transportation Commission (CTC) activities.


7. CONSENT AGENDA

7.1. Approve the Board of Directors Regular Meeting Minutes of August 2, 2012.

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

7.3. ACTION ITEM - Approve the annual allocation of funds to the VTA Transit Fund Operating Reserve and VTA Transit Sales Tax Stabilization Fund.

7.4. ACTION ITEM - Adopt a Resolution authorizing the submittal and execution of grant applications and agreements, certifications and assurances and other documents as necessary to obtain federal financial assistance provided by the Federal Transit Administration (FTA) FY2012 State of Good Repair (SGR) Program Discretionary Grant. The SGR grant will consist of $7,390,000 of Section 5309 Bus and Bus Facility (BBF) federal funding, with a $1,847,500 required local match, for a total of $9,237,500. In addition amend the FY 2013 VTA Transit Fund Capital Budget to add $9,237,500 for the purchase of up to 15 forty-foot hybrid buses to replace similar buses that have reached the end of their useful life.

Note: Motion must be approved by at least 2/3 of the Board (8 members).
7.5. ACTION ITEM - Adopt a Resolution, upon a two-thirds vote of the Board of Directors, finding that a competitive sealed bid process does not constitute a method of procurement adequate for VTA’s needs and directing the use of competitive negotiation for the purchase of up to 15 forty-foot hybrid buses to replace similar buses that have reached the end of their useful life, as required by Public Contract Code Sections 20216 and 20217.

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

7.6. ACTION ITEM - Adopt a Resolution, upon a two-thirds vote of the Board of Directors, finding that a competitive sealed bid process does not constitute a method of procurement adequate for VTA’s needs and directing the use of competitive negotiation for the purchase of up to 20 low-floor buses for VTA’s Express Bus service, as required by Public Contract Code Sections 20216 and 20217.

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

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

7.8. INFORMATION ITEM - Receive the Proactive CMP Quarterly Report for April through June 2012.


7.10. INFORMATION ITEM - Receive a report on Complete Streets in Santa Clara County.

7.11. INFORMATION ITEM - Receive an update regarding the performance of the SR 237 Express Lanes project for Fiscal Year 2012.

7.12. INFORMATION ITEM - Receive an update on the Fare Program.

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8. **REGULAR AGENDA**

_**Congestion Management Program and Planning Committee**_

8.1. ACTION ITEM - Authorize the General Manager to execute a contract with DeSilva Gates Construction, the lowest responsive and responsible bidder, in the amount of $33,582,063, for construction of the I-280/I-880/Stevens Creek Boulevard Interchange Improvements.

8.2. ACTION ITEM - Approve the Santa Clara One Bay Area Grant (OBAG) Guarantee Program Distribution Structure and Formula.
Transit Planning and Operations Committee

8.3. ACTION ITEM - Authorize the General Manager to amend the Transit Shelter Advertising Program Agreement with Clear Channel Outdoor and Implementation Agreement for the Transit Shelter Advertising Program with the participating cities, county, and Clear Channel Outdoor, extending the agreements three years through October 31, 2015 with two option years and modified terms.

9. OTHER ITEMS

9.1. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

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

9.3. Announcements

10. ADJOURN
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
       Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Administrative Officer, Bill Lopez

SUBJECT: September 2012 Employees of the Month

FOR INFORMATION ONLY

BACKGROUND:

Vijay Saini, Vault Room Worker at River Oaks, has been employed with VTA for six years. In his role as Vault Room Worker, Vijay counts, sorts and prepares fare revenue for daily bank deposits. This work requires the ability to accurately process large volumes of cash and coin in order to meet stringent operational deadlines. Vijay has performed these tasks commendably and proven to be a valuable asset, showing care and great skill in the completion of his assignments. Also, Vijay’s friendly personality contributes to a cohesive team atmosphere in the Vault Room. Congratulations to Vijay Saini, Administration Employee of the Month for September!

Rosanna Arjil, Transit Radio Dispatcher in the Operation Control Center at Guadalupe, has over 13 years of service with VTA. In her role as a Transit Radio Dispatcher she is responsible for the communication and coordination of operational and emergency messages with appropriate transit units and external agencies. Despite the challenging work environment, Rosanna’s efficient and effective decision-making, demonstrate tremendous professionalism, and strong leadership skills at all times. Moreover, Rosanna’s friendly demeanor and positive attitude help create a positive work environment. Congratulations to Rosanna Arjil, Operations Employee of the Month for September!

Joseph Garcia, Light Rail Maintenance Worker at Guadalupe Division, has been a VTA employee since 2007. Joseph performs maintenance and repair functions at light rail stations, park and ride lots, and other trackside areas with extremely high standards of care. The results of his efforts are visible to VTA customers daily with clean and well maintained facilities. Joseph’s diligent and conscientious work exemplifies VTA’s focus on its customers, and his exemplary performance warrants this recognition. Congratulations to Joseph Garcia, Maintenance Employee of the Month for September!
To: VTA Board Members

Through: Michael Burns, General Manager
         Robert Fabela, General Counsel
         Sandra Weymouth, Board Secretary

From: Bijal Patel, Deputy Director, Property Development & Management

Date: February 1, 2012

Re: Right-of-Way Acquisitions and Resolutions of Necessity

As you may be aware, VTA is actively pursuing right-of-way acquisitions for four major capital projects. These projects, listed below, involve complex real estate acquisitions that must be acquired within scheduled timeframes to enable achievement of respective project funding and/or delivery commitments.

1) BART Silicon Valley Berryessa Extension Project
2) Capitol Expressway Light Rail Project Phase I
3) Santa Clara Alum Rock Bus Rapid Transit Project
4) I-280/I-880/Stevens Creek Interchange Project

All right-of-way acquisitions (and relocations where applicable) will occur in compliance with state and federal law. Good faith efforts will be made to acquire the requisite real estate through negotiated settlement within this legal framework. However, such negotiated settlements may not always be achievable within the scheduled timeframes established by the respective capital projects. As a result, VTA may need to initiate condemnation proceedings to acquire some of the needed right-of-way.

Under California law, a resolution of necessity (RON) must be adopted prior to the commencement of condemnation proceedings for any given property interest. You, as members of the VTA Board, will be asked to consider and adopt such RONs at upcoming monthly Board meetings for the above capital projects. These requests will be made only as needed, where good faith efforts of reaching settlement have been unsuccessful. However, your adoption of a RON will not stall our negotiation efforts, and we will continue our efforts to reach a negotiated settlement with each property owner throughout the condemnation process.

Please note that a property owner has a right to be heard at the Board meeting at which you consider and adopt the relevant RON. Some of the property owners will exercise this right. However, it is important for you to understand that in considering the adoption of a RON, you will be making very specific factual findings required by law. These factual findings, in almost
all of the cases, will not relate to issues likely to be raised by property owners and should not be considered by you in adopting a RON.

For your reference, an overview of the VTA right-of-way process and the statutory foundation for the actions you will be asked to take, as we move forward in the acquisition process for these capital projects., may be found on VTA’s website at:


We are always available to answer any questions or concerns you may have about the process generally or any particular property acquisition.

Right-of-way acquisition for capital projects is truly a team effort and you, through the consideration and adoption of RONs as requested, play a critical role in ensuring that the respective capital projects can stay on schedule and be delivered as committed. We thank you for your efforts.

Bijal Patel
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority  
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: BRT Resolutions of Necessity

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt Resolutions of Necessity determining that the public interest and necessity require the acquisition of property for the Santa Clara-Alum Rock Bus Rapid Transit Project.

BACKGROUND:

The Santa Clara-Alum Rock Bus Rapid Transit Project (BRT) will provide limited-stop rapid transit service for 7.2 miles from the HP Pavilion to the Eastridge Transit Center using Santa Clara Street, Alum Rock Avenue and Capitol Expressway in San Jose (see Project Map attached hereto). Two separate BRT lines (the 522 El Camino and the 523 Stevens Creek) will operate between the downtown Transit Mall and the Eastridge Transit Center. At the Transit mall, the two lines will split with the BRT 522 continuing service to the Palo Alto Transit Center and the BRT 523 continuing service to De Anza College in Cupertino. Approximately 31 partial acquisitions of land will be required in order to construct the BRT Project as currently designed.

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 Resolution of Necessity for four property acquisitions to enable commencement of eminent domain proceedings.

**DISCUSSION:**

Among the approximately 31 property acquisitions required for the Project, staff is recommending that Resolution of Necessity be adopted for the following properties:

1. **Property owned by Iglesia Del Dios Vivo La Luz Del Mundo (SCAR001):**
   The property is located at 1675 Alum Rock Avenue, in San Jose and consists of 14,779 sq.ft. The larger parcel is improved with a building that is used as a religious facility.

   The proposed acquisitions consist of a public street easement (502 sq.ft.) and a temporary construction easement (164 sq.ft.). The public street easement (SCAR001-01) is needed for widening of Alum Rock Avenue right-of-way in order to accommodate a dedicated busway and a station platform in the middle of the street. The temporary construction easement (SCAR001-02) is needed to construct the street improvements including sidewalk.

   The property was appraised and reviewed by a review appraiser, and VTA staff set just compensation. An offer based on the recommended appraisal was made on December 5, 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 Binh Thanh Nguyen and Helena Hiep Tran (SCAR002):**
   The property is located at 1665 Alum Rock Avenue, in San Jose and consists of 20,336 sq.ft. The property is improved with a building which is utilized as a sales office for a used car sales facility and with a garage that is used by a window tinting business.

   The proposed acquisitions consist of a public street easement (97 sq.ft.) and a temporary construction easement (268 sq.ft.). The public street easement (SCAR002-01) is needed for widening of Alum Rock Avenue right-of-way in order to accommodate a dedicated busway and a station platform in the middle of the street. The temporary construction easement (SCAR002-02) is needed to construct the street improvements including sidewalk.

   The property was appraised and reviewed by a review appraiser, and VTA staff set just compensation. An offer based on the recommended appraisal was made on December 14, 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.
3. Property owned by Genevieve C. Martina, Trustee of the Martina Family Trust initially created on February 2, 2000:

The property is located at 16695 Alum Rock Avenue, in San Jose and consists of 36,177 sq.ft. The property is improved with a 10,699 sq.ft. multi-tenant commercial retail/office building. Eight tenants will need to be permanently relocated and a sign board will need to be removed from the property.

The proposed acquisitions consist of a public street easement (3,753 sq.ft.) and a temporary construction easement (626 sq.ft.). The public street easement (SCAR003-01) is needed for widening of Alum Rock Avenue right-of-way in order to accommodate a dedicated busway and a station platform in the middle of the street. The temporary construction easement (SCAR003-02) is needed to construct the street improvements including sidewalk. The public street easement and the temporary construction easement will require the demolition of part or all of the building.

The property was appraised and reviewed by a review appraiser, and VTA staff set just compensation. An offer based on the recommended appraisal was made on March 19, 2012. To date, negotiations with the owner to acquire the property have been unsuccessful even though the real estate team has diligently worked to acquire the property through negotiated settlement with the property owner. The team will continue to work with the property owner to reach a negotiated settlement even after adoption of a Resolution of Necessity.
4. Property owned by 24 condominium owners including Clinson Tan, *et al.* [See property fact sheet in the attached Staff Report for full list of property owners’ names] (SCAR004):
The property is located at the northeast corner of Alum Rock Avenue and Checkers Drive in the City of San Jose. The Castlemont residential condominium complex contains 178,160 square feet, contains four lots and is improved with 96 condominium units. The impacted area is a portion of one of the lots, which contains 43,504 square feet, and is owned by 24 condominium owners. The addresses for these owners include 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30 and 32 Castlecrest Drive and 2014, 2016, 2018, 2020, 2022, 2024, 2026, 2028, 2030, 2032, 2034 and 2036 Castlebury Drive, in San Jose.

The proposed acquisitions consist of the public street easement (SCAR004-01) is needed for widening of Alum Rock Avenue right-of-way in order to accommodate a dedicated busway in the middle of the street. The temporary construction easement (SCAR004-02) is needed to construct the street improvements including sidewalk. The communications facilities easement (SCAR004-03) is needed to relocate AT&T facilities

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 to each owner on March 24 and May 21, 2012. Offer packages were sent to subsequent owners as VTA became aware of changes in ownership. Due to the complexities of this acquisition which include the title company’s concerns regarding the limited powers of the homeowners association to negotiate on behalf of the owners, initiation of foreclosure activity and clearing title of multiple loans and other liens, VTA staff seek to acquire the required right-of-way via the condemnation process.

5. Property owned by Jesus Fernandez and Virginia Fernandez (SCAR005):
The property is located at 1991 Alum Rock Avenue, in San Jose and consists of 16,441 sq.ft. The larger parcel is improved with two automobile related retail service buildings. It is anticipated that one tenant will need to relocate equipment within his leasehold and that some modification to the building may be required.

The proposed acquisitions consist of a public street easement (1,440 sq.ft.), a temporary construction easement (330 sq.ft.) and relinquishment of abutter’s rights of access (21.65 lineal feet). The public street easement (SCAR005-01) is needed for widening of Alum Rock Avenue right-of-way in order to accommodate a dedicated busway in the middle of the street. The temporary construction easement (SCAR005-02) is needed to construct the street improvements including sidewalk. The relinquishment of abutter’s rights of access (SCAR005-03) will close one existing driveway on Sunset Avenue. The public street easement and the temporary construction easement will require the demolition/removal of an awning on the south side of the building.

The property was appraised and reviewed by a review appraiser, and VTA staff set just compensation. An offer based on the recommended appraisal was made on January 18, 2012. To date, negotiations with the owner to acquire the property have been unsuccessful even though the real estate team has diligently worked to acquire the property through negotiated settlement with the property owner. The team will continue
to work with the property owner to reach a negotiated settlement even after adoption of a Resolution of Necessity.

6. Property owned by Oliver de Silva, Inc., a California corporation, doing business as CONEXCO, a Division of Oliver de Silva, Inc., a California corporation:
The property is located at 2003 Alum Rock Avenue, in San Jose and consists of 24,232 sq.ft. The property is used for parking and storage for a construction company.

The proposed acquisitions consist of a public street easement (1,154 sq.ft.) and a temporary construction easement (256 sq.ft.). The public street easement (SCAR006-01) is needed for widening of Alum Rock Avenue right-of-way in order to accommodate a dedicated busway in the middle of the street. The temporary construction easement (SCAR006-02) is needed to construct the street improvements including sidewalk.

The property was appraised and reviewed by a review appraiser, and VTA staff set just compensation. An offer based on the recommended appraisal was made on December 14, 2012. To date, negotiations with the owner to acquire the property have been unsuccessful even though the real estate team has diligently worked to acquire the property through negotiated settlement with the property owner. The team will continue to work with the property owner to reach a negotiated settlement even after adoption of a Resolution of Necessity.

7. Property owned by Jesus Fernandez and Virginia Fernandez, Trustees of the Fernandez Family Living Trust created September 1, 2000 (SCAR007):
The property is located at 2021 Alum Rock Avenue, in San Jose and consists of 7,500 sq.ft. The property is improved with a 3,221 sq. ft. building which is utilized as a bar and night club.

The proposed acquisitions consist of a public street easement (700 sq.ft.) and a temporary construction easement (150 sq.ft.). The public street easement (SCAR007-01) is needed for widening of Alum Rock Avenue right-of-way in order to accommodate a dedicated busway in the middle of the street. The temporary construction easement (SCAR007-02) is needed to construct the street improvements including sidewalk. The public street easement will eliminate 4 off-street parking spaces.

The property was appraised and reviewed by a review appraiser, and VTA staff set just compensation. An offer based on the recommended appraisal was made on November 7, 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.
8. Property owned by Gene L. King and Carol King, his wife as community property, and as Trustees of that certain Revocable Trust executed on June 19, 1987 (SCAR008):
The property is located at 2029 Alum Rock Avenue, in San Jose and consists of 15,246 sq.ft. The property is improved with a 10,587 square foot multi-tenant commercial retail/warehouse building.

The proposed acquisitions consist of a public street easement (1,417 sq.ft.) and a temporary construction easement (306 sq.ft.). The public street easement (SCAR008-01) is needed for widening of Alum Rock Avenue right-of-way in order to accommodate a dedicated busway in the middle of the street. The temporary construction easement (SCAR008-02) is needed to construct the street improvements including sidewalk. The public street easement will eliminate 7 off-street parking spaces.

The property was appraised and reviewed by a review appraiser, and VTA staff set just compensation. An offer based on the recommended appraisal was made on November 23, 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.

9. Property owned by Cortez Enterprises, Inc. (SCAR009):
The property is located at 2055 Alum Rock Avenue, in San Jose and consists of 54,695 sq.ft. The property is improved with a service commercial warehouse and attached office on the front portion of the property, with an automotive service building and a light industrial storage building in the rear.

The proposed acquisitions consist of a public street easement (1,015 sq.ft.) and a temporary construction easement (306 sq.ft.). The public street easement (SCAR009-01) is needed for widening of Alum Rock Avenue right-of-way in order to accommodate a dedicated busway in the middle of the street. The temporary construction easement (SCAR009-02) is needed to construct the street improvements including sidewalk. The public street easement will eliminate 3 off-street parking spaces.

The property was appraised and reviewed by a review appraiser, and VTA staff set just compensation. An offer based on the recommended appraisal was made on November 18, 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.

The property is located at 2240 Alum Rock Avenue, in San Jose and consists of 10,499 sq.ft. The property is improved with a tire shop.

The proposed acquisitions consist of a public street easement (393 sq.ft.) and a temporary...
construction easement (208 sq.ft.). The public street easement (SCAR011-01) is needed for widening of Alum Rock Avenue right-of-way in order to accommodate a dedicated busway in the middle of the street. The temporary construction easement (SCAR011-02) is needed to construct the street improvements including sidewalk.

The property was appraised and reviewed by a review appraiser, and VTA staff set just compensation. An offer based on the recommended appraisal was made on December 14, 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.

11. Property owned by Daniel M. Valencia (SCAR013):
The property is located at 2254 Alum Rock Avenue, in San Jose and consists of 31,447 sq.ft. The property is improved with a mixed-use commercial/residential building with a stand-alone two-car garage.

The proposed acquisitions consist of a public street easement (2,021 sq.ft.) and a temporary construction easement (628 sq.ft.). The public street easement (SCAR013-01) is needed for widening of Alum Rock Avenue right-of-way in order to accommodate a dedicated busway and a station platform in the middle of the street. The temporary construction easement (SCAR013-02) is needed to construct the street improvements including sidewalk.

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

12. Property owned by Louis Carrillo, Trustee of the Louis Carrillo Revocable Living Trust DTD 3-26-91 and William Sanchez, Successor Trustee of the Luis Carrillo Trust DTD 3-26-91:
The property is located at 2263 Alum Rock Avenue, in San Jose and consists of 9,034 sq.ft. The property is improved with a mixed-use commercial/residential building.

The proposed acquisitions consist of a public street easement (1sq.ft.) and a temporary construction easement (104 sq.ft.). The public street easement (SCAR014-01) is needed for widening of Alum Rock Avenue right-of-way in order to accommodate a dedicated busway and a station platform in the middle of the street. The temporary construction easement (SCAR014-02) is needed to construct the street improvements including sidewalk.

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

13. Property owned by Jafar Kangarloo and Nasrin Kangarloo, Trustees of the Kangarloo Family 2002 Trust dated June 6, 2002:
The property is located at 2274 Alum Rock Avenue, in San Jose and consists of 8,642 sq.ft. The property is improved with a commercial retail building.

The proposed acquisitions consist of a public street easement (550 sq.ft.) and a temporary construction easement (152 sq.ft.). The public street easement (SCAR016-01) is needed for widening of Alum Rock Avenue right-of-way in order to accommodate a dedicated busway and a station platform in the middle of the street. The temporary construction easement (SCAR016-02) is needed to construct the street improvements including sidewalk. Two legally non-conforming off street parking spaces will be reconfigured on the remainder property.

The property was appraised and reviewed by a review appraiser, and VTA staff set just compensation. An offer based on the recommended appraisal was made on January 16, 2012. To date, negotiations with the owner to acquire the property have been unsuccessful even though the real estate team has diligently worked to acquire the property through negotiated settlement with the property owner. The team will continue to work with the property owner to reach a negotiated settlement even after adoption of a Resolution of Necessity.

14. Property owned by Minh Nguyen and Thanh P. Nguyen (SCAR017):
The property is located at 2284 Alum Rock Avenue, in San Jose and consists of 21,999 sq.ft.
The property is improved with a gas station and a building which contains a convenience store and automotive service facilities.

The proposed acquisitions consist of a public street easement (1,350 sq.ft.) and a temporary construction easement (403 sq.ft.). The public street easement (SCAR017-01) is needed for widening of Alum Rock Avenue right-of-way in order to accommodate a dedicated busway and a station platform in the middle of the street. The temporary construction easement (SCAR017-02) is needed to construct the street improvements including sidewalk.

The property was appraised and reviewed by a review appraiser, and VTA staff set just compensation. An offer based on the recommended appraisal was made on November 22, 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.

15. Property owned by Central California Conference Association of the Seventh-Day Adventists (SCAR021):
The property is located at 2345 Alum Rock Avenue, in San Jose and consists of 68,468 sq.ft. The property is improved with a religious facility.

The proposed acquisitions consist of a fee take (208 sq.ft.), a public street easement (264 sq.ft.) and a temporary construction easement (203 sq.ft.). The fee take (62027) and the public street easement (SCAR021-01) are needed for widening of Alum Rock Avenue right-of-way in order to accommodate a dedicated busway and a station platform in the middle of the street. The temporary construction easement (SCAR021-02) is needed to construct the street improvements including sidewalk.

The property was appraised and reviewed by a review appraiser, and VTA staff set just compensation. An offer based on the recommended appraisal was made on February 14, 2012. To date, negotiations with the owner to acquire the property have been unsuccessful even though the real estate team has diligently worked to acquire the property through negotiated settlement with the property owner. The team will continue to work with the property owner to reach a negotiated settlement even after adoption of a Resolution of Necessity.

16. Property owned by Nakash Enterprises, LLC (SCAR023):
The property is located at 2510 Alum Rock Avenue, in San Jose and consists of 32,739 sq.ft. The property is improved with a gas station, car wash and mini mart.

The proposed acquisitions consist of a fee take (35 sq.ft.), a public street easement (687 sq.ft.) and two temporary construction easements (108 sq. ft. and 359 sq.ft.). The fee take (62028) and the public street easement (SCAR023-01) are needed for widening of Alum Rock Avenue right-of-way in order to accommodate a dedicated busway in the middle of the street. The temporary construction easements (SCAR023-02 and SCAR023-03) are needed to construct the street improvements including sidewalk.

The property was appraised and reviewed by a review appraiser, and VTA staff set just compensation. An offer based on the recommended appraisal was made on February 13, 2012. To date, negotiations with the owner to acquire the property have been unsuccessful even though the real estate team has diligently worked to acquire the property through negotiated settlement with the property owner. The team will continue to work with the property owner to reach a negotiated settlement even after adoption of a Resolution of Necessity.

17. Property owned by 72 condominium owners including Grace Pinghwa Yu, et al. [See property fact sheet in the attached Staff Report for full list of property owners’ names] (SCAR025):
The property is located at the southwest corner of Alum Rock Avenue and Muirfield Drive in the City of San Jose. The impacted area is a portion of the common area of the Muirfield Estates residential condominium complex. The condominium complex
contains 154,209 sq.ft. and is improved with 72 condominium units with street addresses of 1 through 72 Muirfield Court.

The proposed acquisitions consist of a public street easement (3,434 sq.ft.) and a temporary construction easement (545 sq.ft.). The public street easement (SCAR025-01) is needed for widening of Alum Rock Avenue right-of-way in order to accommodate a dedicated busway in the middle of the street. The temporary construction easement (SCAR025-02) is needed to construct the street improvements including sidewalk.

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 to each owner on March 23, March 24, May 21, June 27, July 27 and August 1, 2012. Offer packages were sent out to subsequent owners as VTA became aware of changes in ownership. To date, VTA staff has been in discussion with the homeowners association to determine the necessary steps and documentation that will enable VTA to negotiate directly with the homeowners association instead of the 72 condominium owners and enable VTA to obtain clear title to the right-of-way. If successful, VTA staff will continue to work with the homeowners association to reach a negotiated settlement even after adoption of a Resolution of Necessity. VTA staff is proceeding with the condemnation action against the 72 condominium owners in order to obtain title to the required right-of-way and to clear title of multiple loans and other liens.

18. Property owned by Alum Rock Group Properties, LLC (SCAR028):

The property is located at 2606 Alum Rock Avenue, in San Jose and consists of 23,965 sq.ft. The property is improved with a retail building.

The proposed acquisitions consist of a public street easement (1,801 sq.ft.) and a temporary construction easement (449 sq.ft.). The public street easement (SCAR028-01) is needed for widening of Alum Rock Avenue right-of-way in order to accommodate a dedicated busway in the middle of the street. The temporary construction easement (SCAR028-02) is needed to construct the street improvements including sidewalk.

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

19. Property owned by Bale Properties (SCAR032):

The property is located at 268 East Santa Clara Street, in San Jose and consists of 35,688 sq.ft. The property is improved with a neighborhood retail strip center and a restaurant building.

The proposed acquisition consists of a relinquishment of abutter’s rights of access 32.79 lineal feet). A portion of the station platform will be constructed across an existing
driveway. The relinquishment of abutter’s rights of access (SCAR032-03) is needed to close this driveway. The property has driveways on an adjoining street.

The property was appraised and reviewed by a review appraiser, and VTA staff set just compensation. An offer based on the recommended appraisal was made on November 30, 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.

20. Property owned by George Chang and Jenny Chang, as Trustees of the George Chang and Jenny Chang 2006 Revocable Trust (SCAR033):
The property is located at 329-347 East Santa Clara Street, in San Jose and consists of 27,609 sq.ft. The property is improved with an office building.

The proposed acquisition consists of a relinquishment of abutter’s rights of access 26.09 lineal feet). A portion of the station platform will be constructed across an existing driveway. The relinquishment of abutter’s rights of access (SCAR033-03) is needed to close this driveway. A new driveway will be constructed to the owner’s remainder property.

The property was appraised and reviewed by a review appraiser, and VTA staff set just compensation. An offer based on the recommended appraisal was made on December 8, 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:**

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

**FISCAL IMPACT:**

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

Prepared by: Juanita Villemaire  
Memo No. 3603
Santa Clara – Alum Rock Bus Rapid Transit Project Map

**11 Stations in Total**
- Bulb-out Station
- Sidewalk Station
- Dedicated Median Station
- Transit Center Station

**Mixed Flow Traffic Lanes**
- Dedicated Bus Lanes

**Stations:**
- Santa Clara – Alum Rock
- 24th St
- 17th St
- HP Pavilion
- Jackson St
- Alum Rock Ave
- Capitol Expressway
- Eastridge Transit Center
- Santa Clara St
- 7th St
- 13th St
- 20th St

**Directional Indicators:**
- Eastridge
- Mixed Flow Traffic Lanes
- Dedicated Bus Lanes
SANTA CLARA – ALUM ROCK
BUS RAPID TRANSIT PROJECT

Resolutions of Necessity

Staff Report

Board Meeting: September 6, 2012
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 Santa Clara-Alum Rock Bus Rapid Transit (BRT) Project (Project).

For each of 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 property, and a declaration stating that each of the following has 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 for the relocation of public utility facilities, or to provide utility service to the remaining property, the resolution of necessity will state that such property is being acquired as substitute property necessary for such purposes pursuant to the provisions of Code of Civil Procedure 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 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; substitute property; more necessary or compatible public use). 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 a resolution of necessity for each of the parcels listed on the Board Meeting Agenda.

SECTION 1

GENERAL STATEMENT OF PUBLIC USE

The property interests that are the subject of the recommended resolutions of necessity are to be acquired for the construction of the Project. The objective of the Project is to improve mobility by providing direct, convenient, time competitive transit service with connections to exiting and programmed element of VTA’s rapid transit network and to increase transit ridership by serving high-density corridors demonstrating strong transit use.

The Project is located in the City of San Jose and County of Santa Clara and includes a rapid transit link from Downtown San Jose to the San Jose East Valley and future connection to Bay Area Rapid Transit (BART). This is accomplished with the construction of a transit corridor that includes a BRT guideway and stations along Santa Clara Street, Alum Rock Avenue, Capitol Avenue and Capitol Expressway and connection to the transit hub at the end of the line at the Eastridge Transit Center.

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

Provided they could be located with reasonable due diligence, the owners of the properties that are the subject of the resolutions were made an offer by VTA for the purchase of the property 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 therefore, 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.

The property owners that could be located were presented with the 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 Sheet and a summary of comparable sales used in the appraisal. The Appraisal Summary Sheets 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. The summary of comparable sales described the location, date of sale and sales price of properties used in the appraisal process. The date that the offer was made to each of the property owners is specified on the Property Fact Sheets contained in Section 7 of this report.

SECTION 3

PROJECT OVERVIEW, PURPOSE AND NEED

OVERVIEW

General

The Project is included as part of the VTA 2000 Measure A Transit Improvement Program. The property acquisition and construction for the project is funded with monies from State Proposition 1B and 2000 Measure A Transit Improvement Program. Funding has been approved to purchase the required right-of-way for the Project. The property acquisition process for the Project started in Spring 2011 and is scheduled to complete by late 2012.

The Project consists of VTA BRT service in the City of San Jose along the 4.3 mile section of Santa Clara Street and Alum Rock Avenue and continues 2.9 miles along Capitol Avenue and Capitol Expressway. This overall service area is named the Santa Clara – Alum Rock Corridor (Corridor).
The Corridor generally begins near the San Jose Diridon Station on the west end and runs in the east-west direction along Santa Clara Street and Alum Rock Avenue. The Corridor continues in the north-south direction from the Alum Rock Avenue/Capitol Avenue intersection along Capitol Avenue and Capitol Expressway to the east terminus at the Eastridge Transit Center just south of Tully Road. Eleven (11) new BRT stations are included along Santa Clara Street, Alum Rock Avenue, Capitol Avenue and Capitol Expressway and at the Eastridge Transit Center.

Specialized BRT vehicles with unique features and brand identity will be a component of the BRT service. With implementation of the Project, BRT connections in both directions along the Corridor will be improved with convenient pedestrian connection to the adjacent communities. The BRT stations along the Corridor support up to seven bus routes, including the popular 522 bus line that travels from the Palo Alto Transit Center to the Eastridge Transit Center. BRT vehicles will operate in the curb lane along Santa Clara Street, in a median bus way along Alum Rock Avenue, and along the curb lane for the remainder of the Capitol Avenue and Capitol Expressway alignment. The Project will also include transit priority measures such as signal priority.

The Project will be engineered to allow for the implementation of a potential future project that would upgrade the BRT service improvements (guideway and stations) along Santa Clara Street and Alum Rock Avenue with Single Car Light Rail (LRT) service. Pending service demand and future planning approvals, if implemented, the light rail phase would modify the BRT stations for light rail operations along Santa Clara Street and Alum Rock Avenue and would utilize the proposed stations on the future Capitol Expressway Corridor LRT alignment. The proposed future light rail upgrade of this Corridor would include a single car LRT service that would utilize low floor vehicles operating as a single car running at 15 minute headways through the Corridor between the Diridon LRT station and Eastridge Transit Center during peak periods.

BRT Stations

As part of the Project, a total of 11 new BRT stations will be constructed at San Jose Arena, Santa Clara Street, 7th Street, 17th Street, 24th Street, King Road, Jackson Avenue, Capitol Avenue, Story Road, Ocala Avenue and Eastridge Transit Center. The stations will include a distinctive BRT identity and amenities similar to light rail stations with 10-foot wide platforms, special BRT canopies, ticket vending machines, real time information, closed circuit television.

The stations along Santa Clara Street will be constructed such that the platforms will extend to the buses in the outside lane with a defined station bulbout (the sidewalk will bulb out into the roadway serving as the platform area). The BRT stations along Alum Rock Avenue will include median platforms located at select intersections. To facilitate the proposed BRT improvements, the Project includes relocation of utilities in conflict with the platform areas; roadway widening with traffic signal and street lighting construction for the dedicated median bus way; concrete paving for the exclusive bus median; and platform construction with shelters, lighting and passenger amenities.
Utility Relocation

The construction of BRT in the Corridor will require some utility relocation by third party utility companies and VTA. In addition, new service connections and rearrangements for electrical, water and communication will be needed for the Project. Any property acquisition needs for utility work has been included in the Project property acquisition process. All other utility work will be performed within the public right of way.

Cost and Schedule

The total cost for the design, construction and implementation of the Project is estimated to be approximately $129 million with revenue service beginning late 2014 along Santa Clara Street and mid 2015 for the Alum Rock Avenue segment. Proceeding now with the final design of the Project will allow work to progress without interruption, on a schedule consistent with the priorities in the transit program.

PURPOSE AND NEED

Growth in the Downtown/East Valley area is expected to increase vehicular congestion in the area, especially along the Capitol Expressway corridor. Transit service within this area is limited to two routes and a few express routes that do not serve the entire corridor. There is a need to improve public transit service in the corridor with additional bus service and a light rail extension.

Project Benefits

This Project will provide several benefits to the community that address transportation and community needs. Approximately 19,000 to 35,000 vehicles per day travel the roadway segments in the Corridor. Traffic volumes are within the carrying capacity of the roadway; however, on-street parking and frequent traffic signals and access points (i.e., driveways) and cross traffic tend to reduce the roadway capacity and likely increase the perceived level of traffic congestion in the Corridor.

The Corridor also exhibits an extremely high level of current transit use, with 12,000 daily transit boardings occurring in the four-mile segment between Capitol Avenue and the San Jose Diridon Station area. Compared to the rest of the Downtown East Valley Study Area, the Corridor contains the largest number of households with lower incomes and zero autos, which indicates a highly transit dependent population and strong potential market for transit services. The Major Investment Study completed in 2000 determined that there were approximately 16,000 total households within a half-mile of potential boarding points. Of this total number, 1,300 were low-income and 1,100 were zero-auto households. The Project would serve a large number of these transit dependent households and benefit existing riders by providing high quality, increased frequency of service and faster travel times within the Corridor.
With the highest transit ridership in the County, the commuter volume in the Corridor is projected to continue to grow. Implementation of the proposed Project would provide increased transit capacity and regional connectivity to major employment and activity centers, as well as meet the demand for shorter trips. Implementation of the Project would reduce dependence on the automobile by providing compelling alternative modes of transit and by encouraging the development of pedestrian friendly streets and neighborhoods. The Project would reduce travel time while retaining adequate traffic capacity to meet 2030 demand.

The Project will add a critical link to the exiting 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 transit corridor in VTA’s transit system. The Project will also improve the effectiveness of the entire VTA transit system by providing increased access to the existing Guadalupe and Vasona light rail lines at the west end of the Corridor and the existing Capitol Avenue light rail on the east end of Alum Rock Avenue.

The project would provide residents of Downtown and east San Jose more efficient access to existing and future transit services. For example, study area residents could travel to south San Jose, Downtown San Jose, and to the cities of Santa Clara, Campbell, Sunnyvale, and Mountain View via improved connections to the Alum Rock-Santa Teresa and Mountain View-Winchester LRT lines. Improved linkages to commuter rail services at the Diridon Station provide access to San Francisco, Oakland, and the Central Valley. Future transit and commuter rail improvements include the extension of BART service to three stations in the Corridor: Downtown San Jose and Diridon Station. An LRT extension along Capitol Expressway would extend LRT service to the Eastridge Transit Center. In addition, a future BRT network of lines operating on El Camino Real, The Alameda, Stevens Creek Boulevard, and West San Carlos Street would be made possible through the development of BRT facilities in the Corridor. Finally, there are plans for future High Speed Rail service linking San Francisco, Los Angeles, and San Jose through an expanded Diridon Station.

The Corridor is characterized by many small businesses and established residential neighborhoods. Portions of the Corridor, especially on Santa Clara Street, are characterized by a strong pedestrian and transit orientation, and moderate traffic levels and speeds. Alum Rock Avenue functions as a significant traffic thoroughfare linking downtown San Jose to two interstate freeways. Land uses on Alum Rock Avenue are a mix of retail, industrial and residential. Both segments of the Corridor exhibit an extremely high level of current transit use. By increasing transit availability in the Corridor, implementation of the proposed project would help accommodate the projected increase in transit demand. In addition, the project objective is consistent with a number of Core Principles from the VTA Service Design Guidelines that focus on faster, more reliable, and frequent service.

The central location of the proposed project would provide additional transit access for study area residents to adjacent areas of Santa Clara County with minimal transfer
requirements. Connecting the LRT system and providing BRT services in an improved east/west transit line would also improve the mobility of residents in the vicinity of Capitol Avenue. The Corridor links residential neighborhoods in East San Jose to job centers and educational institutions in Downtown San Jose and areas west of downtown along Stevens Creek Boulevard and El Camino Real. The project would also link East Valley residents to future job centers in North San Jose along the North First Street corridor. The proposed project would provide improved access to economic generators such as Downtown San Jose, the Valley Fair/Santana Row shopping complex, and smaller downtowns in Santa Clara, Sunnyvale, Mountain View, and Palo Alto. Educational institutions served directly or through a transfer by the proposed project include San Jose State, Santa Clara and Stanford universities, along with De Anza Community College, San Jose City College, and Evergreen College. In addition, government, entertainment, and cultural destinations such as the new City Hall, HP Pavilion, and the Mexican Heritage Plaza would be served directly by the proposed project.

Benefits of this project include the following:

- Provide improvements to address the transportation needs of the community;
- Increase transit capacity and regional connectivity to major employment and activity centers;
- Help offset future impacts of congested conditions expected from growth in the area;
- Enhance safe pedestrian mobility along the Corridor;
- Enhance regional connectivity with more accessible bus stops and increased bus service through the corridor; and
- Improve air quality by reducing single driver trips and increasing transit ridership.

SECTION 4

PROJECT PLANNING

The engineering of the Project is developed in various phases of project development in conjunction with the environmental process. Engineering phases include Conceptual, Preliminary and Final Engineering. These design phases represent a progression of engineering throughout project development.

In addition, the engineering is related to several other primary activities that must be performed in sequence for the implementation of the Project. The overall Project sequence can be summarized as follows:

1) Completion of conceptual and preliminary engineering;
2) Acquisition of right-of-way;
3) Relocation of third party utilities;
4) Completion of final engineering; and
5) Construction of BRT facilities.

For the BRT Project, conceptual engineering was completed in October 2009 with preliminary engineering beginning in March 2010. The package for preliminary engineering was prepared by a VTA consultant and was issued to VTA in October 2011. This package included the specific layout for the various project components, including platform locations and utility conflicts with proposed BRT facilities, and the related Project property acquisition needs. Property acquisition proceeded in early 2012 using the products prepared during this phase. Currently, final design is underway for utility relocation and BRT construction. Utility relocation work is anticipated to begin by late 2012 (for locations that do not require property acquisition; locations that require property acquisition are scheduled to begin after receipt of property rights) with BRT final engineering scheduled for completion in early 2013.

As noted above, property acquisition is a critical element for project progression since it is required for the relocation of certain third party utilities and the construction of BRT facilities.

SECTION 5

ENVIRONMENTAL REVIEW

Environmental impacts were discussed in detail in the following documents prepared during the planning and environmental review phases of the Project, which are incorporated herein by reference.

- An Environmental Impact Report (EIR) was prepared to study BRT and LRT alternatives. A Draft EIR was circulated for public review and comments from July 7, 2008 to August 20, 2008.
- A Final EIR was presented to the VTA Board of Directors and certified on December 11, 2008.
- An Addendum to the Final Environmental Impact Report was approved in July 2011 to address design changes including relocation of BRT Stations, lane configuration changes, removal of landscaping, and right-of-way changes.

SECTION 6

SPECIFIC PROPERTY ACQUISITIONS

Detailed property fact sheets and pictures of the parcels follow. Overall property requirements and project related costs have been minimized as much as possible. Notices of Intention to Adopt Resolutions of Necessity were sent to the owners of Parcels SCAR001, SCAR002, SCAR003, SCAR004, SCAR005, SCAR006, SCAR007, SCAR008, SCAR009, SCAR011, SCAR013, SCAR014, SCAR016, SCAR017, SCAR021, SCAR023, SCAR025, SCAR028, SCAR032 and SCAR033 on August 15, 2012
**SANTA CLARA-ALUM ROCK BUS RAPID TRANSIT PROJECT**

**PROPERTY FACT SHEET – PROPERTY ID NO. SCAR001**

| Property Address: | 1675 Alum Rock Avenue, San Jose, CA 95116 |
| Locale: | San Jose |
| Zone: | CG, R2 |
| Present Use: | Religious Facility |
| Total Property Area: | 14,779 square feet |
| Area to be Acquired: | SCAR001-01: 502 sq.ft. Public Street Easement  
SCAR001-02: 164 sq.ft. Temporary Construction Easement |
| Improvements to be Acquired: | Asphalt, concrete and shrubbery |
| Date of Offer: | December 5, 2011 |
| Date of Notice of Intention to Adopt Resolution of Necessity mailed: | August 15, 2012 |

The larger parcel is located on Alum Rock Avenue between North King Road and North 34th Street. It contains approximately 14,779 square feet, and is improved with a religious facility.

The proposed easements include a 502 square foot public street easement and a 164 square foot temporary construction easement within the southerly portion of the property. The easements are needed to widen Alum Rock Avenue right-of-way in order to accommodate a dedicated busway in the middle of the street.
PARCEL EXHIBIT
Santa Clara-Alum Rock
Bus Rapid Transit (BRT) Project
SCAR001-01, SCAR001-02
Owner: Binh Thanh Nguyen and Helena Hiep Tran
Property Address: 1665 Alum Rock Avenue, San Jose, CA 95116
Locale: San Jose
Zone: CP
Present Use: Commercial Retail
Total Property Area: 20,336 square feet
Area to be Acquired:
  SCAR002-01: 97 sq.ft. public street easement
  SCAR002-02: 268 sq.ft. temporary construction easement
Improvements to be Acquired: Asphalt Pavement
Date of Offer: December 14, 2011
Date of Notice of Intention to Adopt Resolution of Necessity mailed: August 15, 2012

The subject property is located on Alum Rock Avenue between North King Road and North 34th Street. It contains approximately 20,336 square feet and is currently improved with a used car sales facility.

The proposed easements include a 97 square foot public street easement and a 268 square foot temporary construction easement within the southern portion of the property. The easements are needed to widen Alum Rock Avenue right-of-way in order to accommodate a dedicated busway in the middle of the street.
Santa Clara-Alum Rock
PARCEL EXHIBIT
Bus Rapid Transit (BRT) Project
SCAR002-01, SCAR002-02
SANTA CLARA-ALUM ROCK BUS RAPID TRANSIT PROJECT

PROPERTY FACT SHEET – PROPERTY ID NO. SCAR003

Owner: Genevieve C. Martina, Trustee of the Martina Family Trust
initially created On February 2, 2000
Property Address: 1695 Alum Rock Avenue, San Jose, CA 94087
Locale: San Jose
Zone: CN: Neighborhood Commercial
Present Use: Medical/Dental & Retail Services Offices
Total Property Area: 36,177 square feet
Area to be Acquired: SCAR003-01: 3,753 sq.ft. Public Street Easement
                     SCAR003-02: 626 sq.ft. Temporary Construction Easement
Improvements to be Acquired: Landscape, metal fence, 2 man gates, masonry wall & driveway
Date of Offer: March 19, 2011
Date of Notice of Intention to Adopt Resolution of Necessity mailed: August 15, 2012

The subject property is located on the northwest corner of Alum Rock Avenue and North King Road. It comprises a lot of approximately 36,177 square feet and is improved with a multi-tenant commercial retail service/office building with off-street parking.

The proposed easements include a 3,753 square foot for a public street easement and a 626 square foot temporary construction easement within the southern portion of the property. The easements are needed to widen Alum Rock Avenue right-of-way in order to accommodate a dedicated busway in the middle of the street. The proposed easements impact the southerly portion of a multi-tenant building and will require the removal of all or part of the building.
SANTA CLARA-ALUM ROCK BUS RAPID TRANSIT PROJECT

PROPERTY FACT SHEET – PROPERTY ID NO. SCAR004

Owner: Clinson Tan; Ho Vu and Thanh-Tam Nguyen; Thuan Xuong La and Hang Thi Nguyen; Steven Paul McChesney; Rod Furumasu; William C. Wong; Rosa D. Escalante; Massoud Ghassemi and Babak Ghassemi; Larry I. Irving, Jr.; Valerie Maria Wright and Christopher Tim Corrales; Carlos B. Torreblanca; Mirasol Borja De Jesus, Trustee of the De Jesus Revocable Trust dated November 8, 2002; Minghua Zhu; Chuong Van Pham; Roselito V. Estrada and Rowena V. Estrada; Filomena Silva; Maggie Mei Chi Lo; Nghia T. Tran and Loan Ly; Delia Amparo; Francis M. Mocek; Charles Albert Allen as Trustee of The Charles Albert Allen Revocable Trust dtd 10/118/00; Bruce Lane Arvin; Cuong Quoc Lu and Xue Qin Yan; Valdimir Y. Stepin and Shawna Stepin

Property Address: Common area associated with one lot of the Castlemont condominium complex and with 24 condominium units with the following street addresses:
10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30 and 32 Castlecrest Drive and
2014, 2016, 2018, 2020, 2022, 2024, 2026, 2028, 2030, 2032, 2034 and 2036 Castlebury Drive

Locale: San Jose, California
Zone: A-PD
Present Use: Condominiums
Total Property Area: The Castlemont condominium complex contains 178,160 sq.ft. The area of the impacted lot is 43,504 sq.ft.

Area to be Acquired: SCAR004-01: 1,280 sq.ft. Public Street Easement
SCAR004-02: 889 sq. ft Temporary Construction Easement.
SCAR004-03: 120 sq. ft. Communications Facilities Easement

Improvements to be Acquired: Irrigated landscaping and pavement

Date of Offer: March 24 and May 21, 2012. Offer packages were sent out to subsequent owners as VTA became aware of changes in ownership.

Date of Notice of Intention to Adopt Resolution of Necessity mailed: August 15, 2012

The subject property is located on the corner of Alum Rock Avenue and Checkers Drive. It is an irregularly shaped lot. The Castlemont residential condominium complex contains 178,160 square feet, contains four lots and is improved with 96 condominium units. The impacted area is a portion of one of the lots, which contains 43,504 square feet, and is owned by 24 condominiums owners.

The proposed easements include a 1,280 square foot public street easement (PSE), a 889 square foot temporary construction easement and a 120 square foot communications facilities easement. The PSE and TCE are needed to widen Alum Rock Avenue right-of-way in order to accommodate a dedicated busway in the middle of the street. The communication facilities easement is needed to relocate AT&T facilities. The proposed easements are within the southerly portion of the property within the common area.
SANTA CLARA-ALUM ROCK BUS RAPID TRANSIT PROJECT

PROPERTY FACT SHEET – PROPERTY ID NO. SCAR005

Owner: Jesus Fernandez and Virginia Fernandez
Property Address: 1991 Alum Rock Avenue, San Jose, CA 95116
Locale: San Jose
Zone: LI
Present Use: Automobile related retail service facility
Total Property Area: 16,441 square feet
Area to be Acquired: SCAR005-01: 1,440 sq.ft. public street easement
                                      SCAR005-02: 330 sq.ft. temporary construction easement
                                      SCAR005-03: 21.65 lineal feet relinquishment of abutter’s rights of access
Improvements to be Acquired: Concrete and a canopy
Date of Offer: January 18, 2012

Date of Notice of Intention to Adopt Resolution of Necessity mailed: August 15, 2012

The subject property is located at the northwest corner of Alum Rock Avenue and North Sunset Avenue. It contains approximately 16,441 square feet and is improved with an automobile related retail service facility.

The proposed easements include a 1,440 square foot public street (PSE), a 330 square foot temporary construction easement (TCE) and a 21.65 lineal feet relinquishment of abutter’s rights of access to Sunset Avenue within the southern portion of the parcel. The PSE and TCE are needed to widen Alum Rock Avenue in order to accommodate a dedicated busway in the middle of the street. The relinquishment of abutter’s rights of access is needed to close an existing driveway to Sunset Avenue.
SANTA CLARA-ALUM ROCK BUS RAPID TRANSIT PROJECT

PROPERTY FACT SHEET – PROPERTY ID NO. SCAR006

Owner: Oliver de Silva, Inc., A California corporation, doing business as CONEXCO, a Division of Oliver de Silva, Inc., a California corporation

Property Address: 2003 Alum Rock Avenue, San Jose, CA 95116

Locale: San Jose

Zone: L1

Present Use: Parking and storage

Total Property Area: 24,232 square feet

Area to be Acquired:

SCAR006-01: 1,154 sq.ft. Public Street Easement

SCAR006-02: 256 sq.ft. Temporary construction Easement

Improvements to be Acquired: Rock base

Date of Offer: December 14, 2011

Date of Notice of Intention to Adopt Resolution of Necessity mailed: August 15, 2012

The subject property is located at the northeast corner of Alum Rock Avenue and North Sunset Avenue. It contains 24,232 square feet of land and is used for vehicle parking and storage of material.

The proposed easements a 1,154 square foot public street easement and a 256 square foot temporary construction easement within the southern portion of parcel. The easements are needed to widen Alum Rock Avenue right-of-way in order to accommodate a dedicated busway in the middle of the street.
SCAR006
APN 481-07-025
2003 ALUM ROCK AVE
OLIVER DE SILVA INC

LEGEND

TEMPORARY CONSTRUCTION EASEMENT (TCE) 256 Sq.Ft. ±
R/W TAKE 1,154 Sq.Ft. ±

PARCEL EXHIBIT
Santa Clara-Alum Rock
Bus Rapid Transit (RT) Project
SCAR006-01, SCAR006-02
Owner: Jesus Fernandez and Virginia Fernandez, Trustees of the Fernandez Family Living Trust created on September 1, 2000.

Property Address: 2021 Alum Rock Avenue, San Jose, CA 95116

Locale: San Jose

Zone: LI: Light Industrial

Present Use: Retail (Night Club and Bar)

Total Property Area: 7,500 square feet

Area to be Acquired: SCAR007-01: 700 sq.ft. Public Street Easement

SCAR007-02: 150 sq.ft. Temporary Construction Easement

Improvements to be Acquired: Asphalt and other minor improvements

Date of Offer: November 7, 2011

Date of Notice of Intention to Adopt Resolution of Necessity mailed: August 15, 2012

The subject property is located on Alum Rock Avenue between North Sunset Avenue and Jose Figueres Avenue. It contains 7,500 square feet and is improved with a night club/bar.

The proposed easements include a 700 square foot public street easement and a 150 square foot temporary construction easement within the southern portion of the property. The easements are needed to widen Alum Rock Avenue right-of-way in order to accommodate a dedicated busway in the middle of the street. The public street easement will eliminate four off-street parking spaces.
SANTA CLARA-ALUM ROCK BUS RAPID TRANSIT PROJECT
PROPERTY FACT SHEET – PROPERTY ID NO. SCAR008

Owner: Gene L. King and Carol King, his wife, as community property, and as Trustees of that certain Revocable Trust executed on June 19, 1987

Property Address: 2029 Alum Rock Avenue, San Jose, CA 95116
Locale: San Jose
Zone: LI: Light Industrial
Present Use: Retail
Total Property Area: 15,246 square feet
Area to be Acquired: SCAR008-01: 1,417 sq.ft. Public Street Easement
                     SCAR008-02: 306 sq.ft. Temporary Construction Easement
Improvements to be Acquired: Asphalt and minor improvements

Date of Offer: November 23, 2011

Date of Notice of Intention to Adopt Resolution of Necessity mailed: August 15, 2012

The subject property is located on Alum Rock Avenue between North Sunset Avenue and Jose Figueres Avenue. It contains 15,246 square feet and is improved with a multi-tenant commercial retail/warehouse building with off-street parking.

The proposed easements include a 1,417 square foot public street easement and a 306 square foot temporary construction easement within the southern portion of the property. The easements are needed to widen Alum Rock Avenue right-of-way in order to accommodate a dedicated busway in the middle of the street. The public street easement will eliminate seven off-street parking spaces.
Owner: Cortez Enterprises, Inc.
Property Address: 2055 Alum Rock Avenue, San Jose, CA 95116
Locale: San Jose
Zone: CG
Present Use: Mixed service commercial with retail distribution, office, and automotive repair
Total Property Area: 56,695 square feet
Area to be Acquired: SCAR009-01: 1,015 sq.ft. Public Street Easement
                      SCAR009-02: 294 sq.ft. Temporary construction Easement
Improvements to be Acquired: Pavement
Date of Offer: January 18, 2012
Date of Notice of Intention to Adopt Resolution of Necessity mailed: August 15, 2012

The subject property is located on Alum Rock Avenue between North Sunset Avenue and Jose Figueres Avenue. It contains 54,695 square feet and is improved with a commercial building, a building used for automobile repair and an industrial building.

The proposed easements include a 1,015 square foot public street easement and a 294 square foot temporary construction easement within the southern portion of the property. The easements are needed to widen Alum Rock Avenue right-of-way in order to accommodate a dedicated busway in the middle of the street. The public street easement will eliminate three off-street parking spaces.
Owner: Cortez Enterprises, Inc.
Property Address: 2240 Alum Rock Avenue, San Jose, CA 95116
Locale: San Jose
Zone: CG
Present Use: Tire Shop
Total Property Area: 10,499 square feet
Area to be Acquired: SCAR011-01: 393 sq.ft. Public Street Easement
                                 SCAR011-02: 208 sq.ft. Temporary construction Easement
Improvements to be Acquired: Landscaping
Date of Offer: December 14, 2011
Date of Notice of Intention to Adopt Resolution of Necessity mailed: August 15, 2012

The subject property is located at the southeast corner of Alum Rock Avenue and Scharff Avenue. It contains 10,499 square feet and is improved with a tire shop.

The proposed easements include a 393 square foot public street easement and a 208 square foot temporary construction easement within the northern portion of the property. The easements are needed to widen Alum Rock Avenue right-of-way in order to accommodate a dedicated busway in the middle of the street.
SANTA CLARA-ALUM ROCK BUS RAPID TRANSIT PROJECT

PROPERTY FACT SHEET – PROPERTY ID NO. SCAR013

Owner: Daniel M. Valencia
Property Address: 2254 Alum Rock Avenue, San Jose, CA 95116
Locale: San Jose
Zone: CG
Present Use: Mixed commercial and residential use
Property Area: 31,447 square feet
Area to be Acquired: SCAR013-01: 2,021 square feet Public Street Easement
                     SCAR013-02: 628 square feet Temporary Construction Easement
Improvements to be Acquired: Pavement
Date of Offer: January 12, 2012
Date of Notice of Intention to Adopt Resolution of Necessity mailed: August 15, 2012

The subject property is located on Alum Rock Avenue between Scharff Avenue and South Jackson Avenue. It contains 31,447 square feet and is improved with a two story building. Commercial office space occupies the first floor and two units on the second floor. Two apartments are located on the second floor. A portion of the property is utilized as a used car sales facility.

The proposed easements include a 2,021 square foot public street easement and a 628 square foot temporary construction easement within the northern portion of the property. The easements are needed to widen Alum Rock Avenue right-of-way in order to accommodate a dedicated busway in the middle of the street. The public street easement will eliminate 15 to 16 off-street parking spaces.
SANTA CLARA-ALUM ROCK BUS RAPID TRANSIT PROJECT

PROPERTY FACT SHEET – PROPERTY ID NO. SCAR014

Owner: Louis Carrillo, Trustee of the Louis Carrillo Revocable Living Trust DTD 3-26-91 and William Sanchez, Successor Trustee of the Luis Carrillo Trust DTD 3-26-91

Property Address: 2263 Alum Rock Avenue, San Jose, CA 95116
Locale: San Jose
Zone: CG
Present Use: Mixed use commercial/residential
Total Property Area: 9,034 square foot
Area to be Acquired: SCAR014-01: 1 sq.ft. Public Street Easement
SCAR014-02: 104 sq.ft. Temporary construction Easement
Improvements to be Acquired: Pavement

Date of Offer: November 22, 2011

Date of Notice of Intention to Adopt Resolution of Necessity mailed: August 15, 2012

The subject property is located on Alum Rock Avenue between Scharff Avenue and North Jackson Avenue. It contains 9,034 square feet and is improved with a mixed-use retail and multi-family residential building.

The proposed easements include a 1 square foot public street easement and a 104 square foot temporary construction easement within the southern portion of the property. The easements are needed to widen Alum Rock Avenue right-of-way in order to accommodate a dedicated busway in the middle of the street.
PARCEL EXHIBIT
Santa Clara-Alum Rock
Bus Rapid Transit (RT) Project
SCAR014-01, SCAR014-02

LEGEND

TEMPORARY CONSTRUCTION EASEMENT (TCE) 104 Sq.Ft. ±
R/W TAKE 1 Sq.Ft. ±

APN 481-06-020
2263 ALUM ROCK AVE
LOUIS CARRILLO

ALUM ROCK AVENUE

204+00

GRAPHIC SCALE

1"=20'

5.1.b
Owner: Jafar Kangarloo and Nasrin Kangarloo, Trustees of the Kangarloo Family 2002 Trust dated June 6, 2002
Property Address: 2274 Alum Rock Avenue, San Jose, CA 95116
Locale: San Jose
Zone: CG: Commercial General
Present Use: Retail Store
Total Property Area: 8,642 square feet
Area to be Acquired: SCAR016-01: 550 sq.ft. Public Street Easement
                     SCAR016-02: 152 sq.ft. Temporary Construction Easement
Improvements to be Acquired: Pavement

Date of Offer: January 16, 2012

Date of Notice of Intention to Adopt Resolution of Necessity mailed: August 15, 2012

The subject property is on Alum Rock Avenue between Scharff Avenue and South Jackson Avenue. It contains 8,642 square feet and a single tenant commercial retail store.

The proposed easements include a 550 square foot public street easement and a 152 square foot temporary construction easement within the northern portion of the property. The easements are needed to widen Alum Rock Avenue right-of-way in order to accommodate a dedicated busway in the middle of the street. The public street easement will require the reconfiguration of two off street parking spaces.
SANTA CLARA-ALUM ROCK BUS RAPID TRANSIT PROJECT

PROPERTY FACT SHEET – PROPERTY ID NO. SCAR017

Owner: Minh Nguyen and Thanh P. Nguyen
Property Address: 2290 Alum Rock Avenue, San Jose, CA 95116
Locale: San Jose
Zone: CG
Present Use: Gas Station with convenience store and automotive service facilities
Total Property Area: 21,999 square feet
Area to be Acquired: SCAR017-01: 1,350 sq.ft. Public Street Easement
SCAR017-02: 403 sq.ft. Temporary Construction Easement
Improvements to be Acquired: Pavement and landscaping
Date of Offer: November 22, 2011
Date of Notice of Intention to Adopt Resolution of Necessity mailed: August 15, 2012

The subject property is located at the southwest corner of Alum Rock Avenue and South Jackson Avenue. It contains 21,999 square feet and is improved with a gas station, a small convenience store and automotive service facilities.

The proposed easements include a 1,350 square foot public street easement and a 403 square foot temporary construction easement within the northern portion of the property. The easements are needed to widen Alum Rock Avenue right-of-way in order to accommodate a dedicated busway in the middle of the street.
SANTA CLARA-ALUM ROCK BUS RAPID TRANSIT PROJECT

PROPERTY FACT SHEET – PROPERTY ID NO. SCAR021

Owner: Central California Conference Association of the Seventh Day Adventist
Property Address: 2345 Alum Rock Avenue, San Jose, CA 95116
Locale: San Jose
Zone: CN
Present Use: Church
Total Property Area: 68,468 square feet
Area to be Acquired: 62627: 208 sq.ft. Fee
SCAR021-01: 264 sq.ft. Public Street Easement
SCAR021-02: 203 sq.ft. Temporary construction Easement
Improvements to be Acquired: Paving and Landscaping
Date of Offer: February 14, 2012
Date of Notice of Intention to Adopt Resolution of Necessity mailed: August 15, 2012

The subject property is located on Alum Rock Avenue between North Jackson Avenue and Route 680. It contains 68,648 square feet and is improved with a religious facility.

The proposed interests include a 208 square foot fee, a 208 square foot public street easement and a 203 square foot temporary construction easement within the southern portion of the property. The fee and easements are needed to widen Alum Rock Avenue right-of-way in order to accommodate a dedicated busway in the middle of the street. The fee is located within the Route 680 interchange and will be subsequently conveyed to Caltrans.
SANTA CLARA-ALUM ROCK BUS RAPID TRANSIT PROJECT

PROPERTY FACT SHEET – PROPERTY ID NO. SCAR023

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<thead>
<tr>
<th>Owner:</th>
<th>Nakash Enterprises, LLC</th>
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<tr>
<td>Property Address:</td>
<td>2510 Alum Rock Avenue, San Jose, CA 95116</td>
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<tr>
<td>Locale:</td>
<td>San Jose</td>
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<tr>
<td>Zone:</td>
<td>A (PD) 87082</td>
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<tr>
<td>Present Use:</td>
<td>Gas Station with car wash and mini mart</td>
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<tr>
<td>Total Property Area:</td>
<td>32,739 square feet</td>
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<td>Area to be Acquired:</td>
<td>62628: 35 sq.ft. Fee</td>
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<td>SCAR023-01: 687 sq.ft. Public Street Easement</td>
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<td>SCAR023-02: 108 sq.ft. Temporary Construction Easement</td>
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<td></td>
<td>SCAR023-03: 359 sq.ft. Temporary Construction Easement</td>
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<td>Improvements to be Acquired:</td>
<td>Landscaping and pavement</td>
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<td>Date of Offer:</td>
<td>February 13, 2012</td>
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Date of Notice of Intention to Adopt Resolution of Necessity mailed:

The subject property is located on Alum Rock Avenue between Route 680 and Muirfield Drive. It contains 32,739 square feet and is improved with a gas station, car wash and mini mart.

The proposed interests include a 35 square foot fee, a 687 square foot public street easement, a 108 square foot temporary construction easement and a 359 square foot temporary construction easement within the northern portion of the property. The fee and easements are needed to widen Alum Rock Avenue right-of-way in order to accommodate a dedicated busway in the middle of the street. The fee is located within the Route 680 interchange and will be subsequently conveyed to Caltrans.
SANTA CLARA-ALUM ROCK BUS RAPID TRANSIT PROJECT

PROPERTY FACT SHEET – PROPERTY ID NO. SCAR025

Owner: Grace Pinghwa Yu, Yu Yu and Emily Susan Yu; Steve Melton; Elizabeth J. Waldera and Kathryn A. Waldera; Harmin Sainion and Davinder Kaur; Qin Yu and Yin Yuan; Hieu Dinh; Xiangbling Li and Ling Zhuang; Alior Jayme, Jolivette R. Jayme, Ysolde Jayme and Mathan Jayme; Timothy Thoai Nguyen, DDS, Pension Plan; Josephine Nanquil, Jose G. Nanquil, Jr. and Carmencita Nanquil; James Nguyen and Tram Nguyen; Oleg Wolwacz, II; Catherine A. Rose and Miller Hodges; Tam Hong and Hieu Nguyen; Thao Nguyen; Marcus Antonius Mira and Elvira Mira; Ceferino Q. Olalia, Jr. and Jocelyn C. Olalia; Joanna Zeng; Roberto Caballo, Consolacion Caballo and Albert Caballo; Catalino T. Collado, Jr. and Emily M. Collado, Trustees and Successor Trustees of The Collado Family Living Trust dated September 2, 2009; Julio M. De Leon, Emma D. De Leon, Julian Bollozos, Helen Canas-Bollozos, Roque Ebalo, Aurora Ebalo, Mario M. Camat and Martina O. Camat; Giang Lam; Fred Amores and Juliet Amores; Chau Phi Le; Santokh S. Dheri and Daljit Kaur; Hong K. Truong; Nick E. Cabral and Georgeta A. Cabral; Jessica Lizaola; Thomas J. Ollive; Carla Joy Jackson; Rosario R. Lamsin, as Trustee of The Rosario R. Lamsin Revocable Inter-Vivos Family Trust, dated June 15, 2000; Agustin Rodriguez, III, and Daniella Rodriguez; Elvira Ilusorio; Emma Caliva; Robert W. Evans; Woon Ying Cheng Fong, Trustee of The Bing Chew Fong and Woon Ying Cheng Fong Revocable Bypass Trust; Babak Rahebi and Nazanin Morshed; Zhenyu Zha; Alfredo Gutierrez; Karl I. Seabrook, Larry L. White and Shedra L. White; Aurora Bank FSB; Santokh S. Dheri and Daljit Kaur; Minh Q. Nugyen and Annie Nguyen; Thong Nguyen; Christine Meya, Trustee of The Christine Meya Living Trust dated October 14, 1998; Trong N. Le; Canfeng Lai and Shaowen Zhu; Kenny Hau Duc Pham and Mai Nhu Tran; Federal National Mortgage Association; Alberto Mercado-Loza and Enrique Gonzalez-Valdez; Leonel Gonzalez and Gabriela Ron; Victorino B. Tomista and Margarita G. Tomista; IRA Services Trust Company, a South Dakota Trust Corporation custodian for benefit of John Choi IRA and Sharon S. Choi; Cynthia Y. Rodriguez; Tuquyen Duong Nguyen; Hanh Thi Tran, as Trustee of The Hanh Thi Tran Living Trust, u/a dated 8-25-2009; Charlie H. Chavez and Beatriz Chavez; Alice Gonzalez; Solomon T. Langley and Deborah R. Langley, Trustee of The Langley Family Trust u.d.t. (“Under Declaration of Trust”) dated June 24, 1998; Vivian Torres; Tarlok Kahlon and Balbir Kaur; Norminda P. Diamante and Noel P. Diamante; Sonuyen T. Nguyen; Ronnie S. Garcia; Dung Tran; Francisco J. Medina and Leticia H. Medina; Manuel A. Joaquin, Jr. and Salud C. Joaquin; Helen Thi My Chiem and Vinh Van Vo; Edward Nhon Huynh; Haitao Zhang; Gudelia Lilian Mamaril; and Hui Chen

Property Address: Common area of condominium complex associated with 1 through 72 Muirfield Court, San Jose.
Locale: San Jose, California
Zone: A-PD
Present Use: Condominiums
Total Property Area: 154,209 square feet
Area to be Acquired: SCAR025-01: 3,434 sq.ft. Public Street Easement
SCAR025-02: 545 sq.ft. Temporary Construction Easement
Improvements to be Acquired: Irrigated landscaping
Date of Offers: March 23, March 24, June 27, July 27 and August 1, 2012. Offer packages were sent out to subsequent owners as VTA became aware of changes in ownership.

Date of Notice of Intention to Adopt Resolution of Necessity mailed: August 15, 2012

The subject property is located at the southwest corner of Alum Rock Avenue and Muirfield Drive. The subject property contains 154,209 square feet and is improved with 72 condominium units.

The proposed easements include a 3,434 square foot public street easement and a 545 square foot temporary construction easement within the northern portion of the property. The easements are needed to widen Alum Rock Avenue right-of-way in order to accommodate a dedicated busway in the middle of the street.
SCAR025
APN 484-50-(1-72)
MURFIELD ESTATES TRACT 7030

LEGEND

TEMPORARY CONSTRUCTION EASEMENT (TCE) 545 Sq.Ft. ±
R/W TAKE 3,434 Sq.FT. ±

PARCEL EXHIBIT
Santa Clara-Alum Rock
Bus Rapid Transit (RT) Project
SCAR025-01, SCAR025-02
SANTA CLARA-ALUM ROCK BUS RAPID TRANSIT PROJECT

PROPERTY FACT SHEET – PROPERTY ID NO. SCAR028

Owner: Alum Rock Property Group, LLC
Property Address: 2606 Alum Rock Avenue, San Jose, CA 95116
Locale: San Jose
Zone: CG
Present Use: Retail building
Total Property Area: 23,965 square feet
Area to be Acquired:
- SCAR028-01: 1,801 sq.ft. Public Street Easement
- SCAR028-02: 449 sq.ft. Temporary Construction Easement
Improvements to be Acquired:
- Landscaping and pavement.

Date of Offer: January 31, 2012

Date of Notice of Intention to Adopt Resolution of Necessity mailed: August 15, 2012

The subject property is located on Alum Rock Avenue between Muirfield Drive and South Capitol Avenue. It contains 23,965 square feet and is improved with a single tenant retail building.

The proposed easements include a 1,801 square foot public street easement and a 449 square foot temporary construction easement in the northern portion of the property. The easements are needed to widen Alum Rock Avenue right-of-way in order to accommodate a dedicated busway in the middle of the street.
Owner: Bale Properties
Property Address: 268 E. Santa Clara Street, San Jose, CA 95116
Locale: San Jose
Zone: CG
Present Use: Retail Center
Total Property Area: 35,688 square feet
Area to be Acquired: SCAR032-03: 32.79 lineal ft. Relinquishment of Abutter’s Rights of Access
Improvements to be Acquired: None

Date of Offer: November 30, 2011

Date of Notice of Intention to Adopt Resolution of Necessity mailed: August 15, 2012

The subject property is located at the southeast corner of East Santa Clara Street and South 6th Street. It contains 35,688 square feet and is improved with a neighborhood retail strip center and a restaurant building.

The proposed acquisition includes a 32.79 lineal foot relinquishment of abutter’s rights of access. The relinquishment of abutter’s rights of access is needed to close a driveway to East Santa Clara Street. The subject property is served by other driveways.
SANTA CLARA-ALUM ROCK BUS RAPID TRANSIT PROJECT

PROPERTY FACT SHEET – PROPERTY ID NO. SCAR033

Owner: George Chang and Jenny Chang, as Trustees of the George Chang and Jenny Chang 2006 Revocable Trust
Property Address: 329 to 347 E. Santa Clara Street, San Jose, CA  95116
Locale: San Jose
Zone: CG
Present Use: Office Building
Total Property Area: 27,609 square feet
Area to be Acquired: SCAR033-03: 26.09 lineal ft. Relinquishment of Abutter’s Rights of Access Deed
Improvements to be Acquired: None
Date of Offer: December 8, 2011

Date of Notice of Intention to Adopt Resolution of Necessity mailed: August 15, 2012

The subject property is located at the northwest corner of East Santa Clara Street and North 7th Street. It contains 27,609 square feet and is improved with a multi-tenant office building.

The proposed acquisition includes a 26.09 lineal foot relinquishment of abutter’s rights of access. The relinquishment of abutter’s rights of access is needed to close a driveway to East Santa Clara Street. A new driveway will be constructed westerly of the office building.
SCAR033
APN 467-18-087
APN 467-18-088
APN 467-18-089
329 - 347 E. SANTA CLARA ST,
GEORGE & JENNY CHANG
TRUSTEE

EXIST RAW

E. SANTA CLARA STREET

LEGEND

ACCESS CONTROL 26.09 Ft.

PARCEL EXHIBIT
Santa Clara-Alum Rock
Bus Rapid Transit (RT) Project
SCAR033-03
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 Santa Clara-Alum Rock Bus Rapid Transit Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a Public Street Easement interest in certain property more particularly described in Exhibit “A” (SCAR001-01), and a Temporary Construction Easement interest in certain property more particularly described in Exhibit “B” (SCAR001-02), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

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

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

1. The recitals contained herein are true and correct.
2. Upon examination of the alternatives, VTA requires the property for the Project.
3. VTA is authorized to acquire the property and exercise the power of eminent domain pursuant to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law, Code of Civil Procedure
Sections 1230.010 *et seq.*, and Sections 100130 and 100131 of the Public Utilities Code.

4. The public interest and necessity require the Project.

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

6. A Public Street Easement interest in property described in Exhibit “A”, and a Temporary Construction Easement interest described in Exhibit “B” are necessary for the Project.

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

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

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

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

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

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on September 6, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

KEN YEAGER, Chairperson
Board of Directors

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

Dated: ______________________

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

_____________________________
ROBERT FABELA
General Counsel
EXHIBIT “A”

PUBLIC STREET EASEMENT

An easement for installation, maintenance, operation, replacement, repair, relocation, and use of a public street, sidewalk, curb, gutter, street lights, wheelchair ramps, traffic signal poles and equipment, pull boxes, conductors, storm drain inlets, utilities and all necessary appurtenances thereto on, under, over, and through the real property situate in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.
Exhibit "1"

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 481-12-062
PROPERTY I.D. NO. SCAR001-01
PUBLIC STREET EASEMENT

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land described in the deed recorded January 19, 2005, in Document No. 18195767 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the southerly corner of said parcel of land, being on the northwesterly line of Alum Rock Avenue;

Thence along the southwesterly line of said parcel of land, North 37°12'45" West, 5.28 feet;

Thence North 51°54'29" East, 54.56 feet, to the northeasterly line of said parcel of land;

Thence along said northeasterly line, South 37°12'45" East, 13.12 feet, to the northwesterly line of Alum Rock Avenue;

Thence along said northwesterly line, South 60°06'10" West, 55.00 feet, to the POINT OF BEGINNING.

Containing 502 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5106
License expires 06-30-2011

3-24-11
BASIS OF BEARINGS:
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), epoch 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, Book 821 of Maps, Pages 1–51, Santa Clara County Records.

NOTE:
Distances shown hereon are grid. Multiply distances by 1.00004711 to obtain ground distances.

Exhibit "1"

PROP. I.D. SCAR002
A.P.N. 481-12-063

PROP. I.D. SCAR001
A.P.N. 481-12-062

PROP. I.D. SCAR003
A.P.N. 481-12-106

SCAR001–01
±502 SF

N37°12′45″W
5.28′

P.O.B.

S60°06′10″W
55.00′

N51°54′29″E
54.56′

S37°12′45″E
13.12′

EXIST R/W

ALUM ROCK AVENUE
(State Route 130)

Plat to accompany description:
PROPERTY I.D. SCAR001–01
PUBLIC STREET EASEMENT
SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA
EXHIBIT “B”

TEMPORARY CONSTRUCTION EASEMENT

A Temporary Construction Easement (TCE), for the construction (and other related activities related to construction) of the Santa Clara-Alum Rock Rapid Transit Project, under, upon, over and across that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.

This TCE is for a period of two continuous years within the time period from March 1, 2013 through February 28, 2015, commencing on the date Grantee takes possession of the TCE. Grantee shall within 14 days of the termination of the TCE, record a Quitclaim Deed for the TCE.
Exhibit "1"

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 481-12-062
PROPERTY I.D. NO. SCAR001-02
TEMPORARY CONSTRUCTION EASEMENT

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land described in the deed recorded January 19, 2005, in Document No. 18195767 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the southerly corner of said parcel of land, being on the northwesterly line of Alum Rock Avenue;

Thence along the southwesterly line of said parcel of land, North 37°12′45″ West, 5.28 feet, to the TRUE POINT OF BEGINNING;

Thence North 51°54′29″ East, 54.56 feet, to the northeasterly line of said parcel of land;

Thence along said northeasterly line, North 37°12′45″ West, 3.00 feet;

Thence South 51°54′29″ West, 54.56 feet, to the southwesterly line of said parcel of land;

Thence along said southwesterly line, South 37°12′45″ East, 3.00 feet, to the TRUE POINT OF BEGINNING.

Containing 164 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5106
License expires 06-30-2011

3. 24 - 11
Basis of Bearings:
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), Epoch 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, Book 821 of Maps, Pages 1–51, Santa Clara County Records.

Note:
Distances shown hereon are grid. Multiply distances by 1.00004711 to obtain ground distances.

Exhibit "1"

PROP. I.D. SCAR002
A.P.N. 481-12-063

PROP. I.D. SCAR001
A.P.N. 481-12-062

PROP. I.D. SCAR003
A.P.N. 481-12-106

SCAR001–02
±164 SF

S37°12'45"E
3.00'
T.P.O.B.

S51°54'29"W
54.56'

N37°12'45"W
5.28'

N51°54'29"E
54.56'

P.O.B.

Exist R/W

Alum Rock Avenue
(STATE ROUTE 130)

Sheet 1 of 1

Plat to accompany description:
PROPERTY I.D. SCAR001–02
TEMPORARY CONSTRUCTION EASEMENT
SAN JOSE, SANTA CLARA COUNTY, 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 Santa Clara-Alum Rock Bus Rapid Transit Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a Public Street Easement interest in certain property more particularly described in Exhibit “A” (SCAR002-01), and a Temporary Construction Easement interest in certain property more particularly described in Exhibit “B” (SCAR002-02), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

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

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

1. The recitals contained herein are true and correct.

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

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

4. The public interest and necessity require the Project.

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

6. A Public Street Easement interest in property described in Exhibit “A”, and a Temporary Construction Easement interest described in Exhibit “B” are necessary for the Project.

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

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

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

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

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

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on September 6, 2012, by the following vote:

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

KEN YEAGER, Chairperson
Board of Directors

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

Dated: ________________          SANDRA WEYMOUTH, Secretary
                                          Board of Directors

APPROVED AS TO FORM:

________________________
ROBERT FABELA
General Counsel
EXHIBIT “A”

PUBLIC STREET EASEMENT

An easement for installation, maintenance, operation, replacement, repair, relocation, and use of a public street, sidewalk, curb, gutter, street lights, wheelchair ramps, traffic signal poles and equipment, pull boxes, conductors, storm drain inlets, utilities and all necessary appurtenances thereto on, under, over, and through the real property situate in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.
LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 481-12-063
PROPERTY I.D. NO. SCAR002-01
PUBLIC STREET EASEMENT

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land described in the deed recorded May 23, 2005, in Document No. 18382904 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the easterly corner of said parcel of land, being on the northwesterly line of Alum Rock Avenue;

Thence along the northeasterly line of said parcel of land, North 37°12'45" West, 5.28 feet;

Thence South 51°54'29" West, 36.75 feet, to the northwesterly line of Alum Rock Avenue;

Thence along said northwesterly line, North 60°06'10" East, 37.05 feet, to the POINT OF BEGINNING.

Containing 97 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5106
License expires 06-30-2011
**Basis of Bearings:**
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), Epoch 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, Book 821 of Maps, Pages 1–51, Santa Clara County Records.

**Note:**
Distances shown hereon are grid. Multiply distances by 1.00004711 to obtain ground distances.

**Prop. I.D. SCAR002**
A.P.N. 481–12–063

**Prop. I.D. SCAR001**
A.P.N. 481–12–062

**SCAR002–01**
±97 SF
S51°54'29"W
36.75'
N60°06'10"E
37.05'

**Exist R/W**

**Alum Rock Avenue**
(State Route 130)

**Sheet 1 of 1**

Plat to accompany description:
PROPERTY I.D. SCAR002–01
PUBLIC STREET EASEMENT
SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA
EXHIBIT “B”

TEMPORARY CONSTRUCTION EASEMENT

A Temporary Construction Easement (TCE), for the construction (and other related activities related to construction) of the Santa Clara-Alum Rock Rapid Transit Project, under, upon, over and across that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.

This TCE is for a period of two continuous years within the time period from March 1, 2013 through February 28, 2015, commencing on the date Grantee takes possession of the TCE. Grantee shall within 14 days of the termination of the TCE, record a Quitclaim Deed for the TCE.
Exhibit "1"

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 481-12-063
PROPERTY I.D. NO. SCAR002-02
TEMPORARY CONSTRUCTION EASEMENT

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land described in the deed recorded May 23, 2005, in Document No. 18382904 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the easterly corner of said parcel of land, being on the northwesterly line of Alum Rock Avenue;

Thence along the northeasterly line of said parcel of land, North 37°12'45" West, 5.28 feet, to the TRUE POINT OF BEGINNING;

Thence South 51°54'29" West, 36.75 feet, to the northwesterly line of Alum Rock Avenue;

Thence along said northwesterly line, South 60°06'10" West, 52.94 feet, to the southwesterly line of said parcel of land;

Thence along said southwesterly line, North 29°53'50" West, 3.00 feet;

Thence North 60°06'10" East, 52.73 feet;

Thence North 51°54'29" East, 36.58 feet, to the northeasterly line of said parcel of land;

Thence along said northeasterly line, South 37°12'45" East, 3.00 feet, to the TRUE POINT OF BEGINNING.

Containing 268 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5106
License expires 06-30-2011
3-24-11

SCAR002002.doc
BASIS OF BEARINGS:
THE BEARINGS SHOWN HEREON ARE BASED
UPON THE NORTH AMERICAN DATUM OF 1983
(NAD83), EPOCH 1998.50, CALIFORNIA STATE
PLANE COORDINATE ZONE 3, BASED LOCALLY
UPON THE COORDINATES SHOWN ON A RECORD
OF SURVEY, BOOK 821 OF MAPS, PAGES 1–51,
SANTA CLARA COUNTY RECORDS.

NOTE:
DISTANCES SHOWN HEREON ARE GRID,
MULTIPLY DISTANCES BY 1.00004711 TO
OBTAIN GROUND DISTANCES.

Exhibit "1"

PROP. I.D. SCAR002
A.P.N. 481–12–063

PROP. I.D. SCAR001
A.P.N. 481–12–062

SCAR002–02
±268 SF

N29°53'50"W
3.00'

N60°06'10"E 52.73'
S60°06'10"W 52.94'
S51°54'29"W 36.75'

S37°12'45"E
3.00'

N37°12'45"W 5.28'

EXIST R/W

T.P.O.B.

P.O.B.

ALUM ROCK AVENUE
(STATE ROUTE 130)

Date: 01–24–11
Scale: 1" = 30'
Designed: TG
Drawn: SD
Checked: —

Plat to accompany description:
PROPERTY I.D. SCAR002–02
TEMPORARY CONSTRUCTION EASEMENT
SAN JOSE, SANTA CLARA COUNTY, 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 Santa Clara-Alum Rock Bus Rapid Transit Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a Public Street Easement interest in certain property more particularly described in Exhibit “A” (SCAR003-01), and a Temporary Construction Easement interest in certain property more particularly described in Exhibit “B” (SCAR003-02), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

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

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

1. The recitals contained herein are true and correct.

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

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

4. The public interest and necessity require the Project.

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

6. A Public Street Easement interest in property described in Exhibit “A”, and a Temporary Construction Easement interest described in Exhibit “B” are necessary for the Project.

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

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

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

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

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

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on September 6, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

____________________________
KEN YEAGER, Chairperson
Board of Directors

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

Dated: ______________________

____________________________
SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

____________________________
ROBERT FABELA
General Counsel
EXHIBIT “A”

PUBLIC STREET EASEMENT

An easement for installation, maintenance, operation, replacement, repair, relocation, and use of a public street, sidewalk, curb, gutter, street lights, wheelchair ramps, traffic signal poles and equipment, pull boxes, conductors, storm drain inlets, utilities and all necessary appurtenances thereto on, under, over, and through the real property situate in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.
Exhibit "1"

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 481-12-106
PROPERTY I.D. NO. SCAR003-01
PUBLIC STREET EASEMENT

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land described in the deed recorded December 28, 2006, in Document No. 19242110 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the southerly corner of said parcel of land, being on the northwesterly line of Alum Rock Avenue;

Thence along the southwesterly line of said parcel of land, North 37°12'45" West, 13.12 feet;

Thence North 51°54'29" East, 63.06 feet;

Thence North 60°06'10" East, 121.25 feet;

Thence along a tangent curve to the left, having a radius of 21.41 feet, through a central angle of 45°28'50" for an arc length of 16.99 feet, to the northwesterly line of Alum Rock Avenue;

Thence along said northwesterly line, the following two courses:
1. Thence southwesterly, along a non-tangent curve to the right, having a radius of 50.00 feet, whose center bears South 85°41'44" West, through a central angle of 64°24'26" for an arc length of 56.21 feet;
2. Thence South 60°06'10" West, 152.16 feet, to the POINT OF BEGINNING.

Containing 3,753 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

[Signature]

Steve W. Danner, LS 5106
License expires 06-30-2011
3-24-11
Basis of Bearings:
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), Epoch 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, Book 821 of Maps, Pages 1–51, Santa Clara County Records.

Note:
Distances shown hereon are grid. Multiply distances by 1.00004711 to obtain ground distances.

1 in. = 30 ft.

Prop. I.D. SCAR003
A.P.N. 481-12-106

±3753 SF

ALUM ROCK AVENUE
(STATE ROUTE 130)

Sheet 1 of 1

Plat to accompany description:
PROPERTY I.D. SCAR003-01
PUBLIC STREET EASEMENT
SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA
EXHIBIT “B”

TEMPORARY CONSTRUCTION EASEMENT

A Temporary Construction Easement (TCE), for the construction (and other related activities related to construction) of the Santa Clara-Alum Rock Rapid Transit Project, under, upon, over and across that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.

This TCE is for a period of two continuous years within the time period from March 1, 2013 through February 28, 2015, commencing on the date Grantee takes possession of the TCE. Grantee shall within 14 days of the termination of the TCE, record a Quitclaim Deed for the TCE.
LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 481-12-106
PROPERTY I.D. NO. SCAR003-02
TEMPORARY CONSTRUCTION EASEMENT

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land described in the deed recorded December 28, 2006, in Document No. 19242110 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the southerly corner of said parcel of land, being on the northwesterly line of Alum Rock Avenue;

Thence along the southwesterly line of said parcel of land, North 37°12'45" West, 13.12 feet, to the TRUE POINT OF BEGINNING;

Thence North 51°54'29" East, 63.06 feet;

Thence North 60°06'10" East, 121.25 feet;

Thence along a tangent curve to the left, having a radius of 21.41 feet, through a central angle of 45°28'50" for an arc length of 16.99 feet, to the northwesterly line of Alum Rock Avenue;

Thence along said northwesterly line, northerly, along a non-tangent curve to the left, having a radius of 50.00 feet, whose center bears South 85°41'44" West, through a central angle of 20°45'04" for an arc length of 18.11 feet;

Thence South 54°39'42" West, 1.50 feet;

Thence southerly, along a non-tangent curve to the right, having a radius of 19.00 feet, whose center bears South 54°39'42" West, through a central angle of 51°09'38" for an arc length of 16.97 feet;

Thence along a compound curve to the right, having a radius of 18.41 feet, through a central angle of 44°16'50" for an arc length of 14.23 feet;

Thence South 60°06'10" West, 121.46 feet;

Thence South 51°54'29" West, 63.23 feet, to the southwesterly line of said parcel of land;

Thence along said southwesterly line, South 37°12'45" East, 3.00 feet, to the TRUE POINT OF BEGINNING.

Containing 626 square feet, more or less.
Exhibit "1"

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5106
License expires 06-30-2011
3-24-11
**Basis of Bearings:**
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), Epoch 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, Book 821 of Maps, Pages 1-51, Santa Clara County Records.

**Note:**
Distances shown hereon are grid. Multiply distances by 1.00004711 to obtain ground distances.

**Exhibit "1"**

1 IN. = 30 FT.

---

**Curve Table**

<table>
<thead>
<tr>
<th>No.</th>
<th>Radius</th>
<th>Delta</th>
<th>Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>50.00'</td>
<td>20' 45&quot;04'</td>
<td>18.11'</td>
</tr>
<tr>
<td>C2</td>
<td>19.00'</td>
<td>51'09&quot;38&quot;</td>
<td>16.97'</td>
</tr>
<tr>
<td>C3</td>
<td>18.41'</td>
<td>44'16&quot;50&quot;</td>
<td>14.23'</td>
</tr>
</tbody>
</table>

**Prop. I.D. Scar003**

A.P.N. 481-12-106
(2005-2006)

**SCAR003-02**

±626 SF

---

**ALUM ROCK AVENUE**

(State Route 130)

---

Plat to accompany description:

PROPERTY I.D. SCAR003-02
TEMPORARY CONSTRUCTION EASEMENT
SAN JOSE, SANTA CLARA COUNTY, 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 Santa Clara-Alum Rock Bus Rapid Transit Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a Public Street Easement interest in certain property more particularly described in Exhibit “A” (SCAR004-01), a Temporary Construction Easement interest in certain property more particularly described in Exhibit “B” (SCAR004-002), and a Communications Facilities Easement interest in certain property more particularly described in Exhibit “C” (SCAR004-003), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

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

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

1. The recitals contained herein are true and correct.

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

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

4. The public interest and necessity require the Project.

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

6. A Public Street Easement interest in property described in Exhibit “A”, a Temporary Construction Easement in property described in Exhibit “B”, and a Communications Facilities Easement described in Exhibit “C” are necessary for the Project.

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

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

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

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

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

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

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on ____________ September 6, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

KEN YEAGER, Chairperson
Board of Directors

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

Dated: ______________________

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

ROBERT FABELA
General Counsel
EXHIBIT “A”

PUBLIC STREET EASEMENT

An easement for installation, maintenance, operation, replacement, repair, relocation, and use of a public street, sidewalk, curb, gutter, street lights, wheelchair ramps, traffic signal poles and equipment, pull boxes, conductors, storm drain inlets, utilities and all necessary appurtenances thereto on, under, over, and through the real property situate in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.
REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of Lot 4 as shown on that Map of Tract 7384 filed for record on September 21, 1982, in Book 504 of Maps, pages 25 and 26, Santa Clara County Records, described as follows:

BEGINNING at the easterly corner of said Lot 4, being on the northwesterly line of Alum Rock Avenue;

Thence along said northwesterly line of Alum Rock Avenue and the northeasterly line of Checkers Drive, the following three courses:

1. Thence South 60°04'26" West, 99.96 feet;
2. Thence along a tangent curve to the right, having a radius of 24.00 feet, through a central angle of 78°18'51" for an arc length of 32.80 feet;
3. Thence along a reverse curve to the left, having a radius of 384.98 feet, through a central angle of 00°05'44" for an arc length of 0.64 feet;

Thence easterly, along a non-tangent curve to the left, having a radius of 22.50 feet, whose center bears North 32°33'59" East, through a central angle of 66°55'17" for an arc length of 26.28 feet;

Thence North 55°38'42" East, 81.28 feet;

Thence along a line parallel with and 14.00 feet northwesterly, measured at right angles, to the northwesterly line of Alum Rock Avenue, North 60°04'26" East, 19.07 feet, to the northeasterly line of said Lot 4;

Thence along said northeasterly line, South 37°14'04" East, 14.12 feet, to the POINT OF BEGINNING;

Containing 1,280 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00005333 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.
BASIS OF Bearings:
The bearings shown hereon are based upon the North American datum of 1983 (NAD83), epoch 1998.50, California state plane coordinate zone 3, based locally upon the coordinates shown on a record of survey, book 821 of maps, pages 1-51, Santa Clara County Records.

NOTE:
Distances shown hereon are grid. Multiply distances by 1.000005333 to obtain ground distances.

1 IN. = 30 FT.

PUBLIC SERVICE ESMT
6202 O.R. 112

CHECKER'S DRIVE

PRIVATE STREET

PRIVATE STREET

CASTLECREST DRIVE

PROP. I.D. SCAR004
A.P.N. 481-63-001 THRU 024

PROP. I.D. SCAR005
A.P.N. 481-07-030
(2005-2009)

SCAR004-01
±1,280 SF

ALUM ROCK AVENUE
(STATE ROUTE 130)

Date: 5-09-2012
Scale: 1 = 20'

Plat to accompany description:
PROPERTY I.D. SCAR004-01
PUBLIC STREET EASEMENT
SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA
EXHIBIT “B”

TEMPORARY CONSTRUCTION EASEMENT

A Temporary Construction Easement (TCE), for the construction (and other related activities related to construction) of the Santa Clara-Alum Rock Rapid Transit Project, under, upon, over and across that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.

This TCE is for a period of two continuous years within the time period from March 1, 2013 through February 28, 2015, commencing on the date Grantee takes possession of the TCE. Grantee shall within 14 days of the termination of the TCE, record a Quitclaim Deed for the TCE.
LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 481-63-001 THRU 024
PROPERTY I.D. NO. SCAR004-02
TEMPORARY CONSTRUCTION EASEMENT

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of Lot 4 as shown on that Map of Tract 7384 filed for record on September 21, 1982, in Book 504 of Maps, pages 25 and 26, Santa Clara County Records, described as follows:

BEGINNING at the easterly corner of said Lot 4, being on the northwesterly line of Alum Rock Avenue;

Thence along the northeasterly line of said Lot 4, North 37°14'04" West, 14.12 feet, to the TRUE POINT OF BEGINNING;

Thence along a line parallel with and 14.00 feet northwesterly, measured at right angles, to the northwesterly line of Alum Rock Avenue, South 60°00'26" West, 19.07 feet;

Thence South 55°38'42" West, 81.28 feet;

Thence along a tangent curve to the right, having a radius of 22.50 feet, through a central angle of 66°55'17" for an arc length of 26.28 feet, to the northeasterly line of Checkers Drive;

Thence along said northeasterly line, northwesterly, along a non-tangent curve to the left, having a radius of 384.98 feet, whose center bears South 48°17'33" West, through a central angle of 05°51'52" for an arc length of 39.40 feet;

Thence South 48°37'15" East, 35.84 feet;

Thence North 41°22'45" East, 7.00 feet;

Thence easterly, along a non-tangent curve to the left, having a radius of 12.70 feet, whose center bears North 42°32'13" East, through a central angle of 76°53'31" for an arc length of 17.04 feet;

Thence North 55°38'42" East, 49.52 feet;

Thence South 37°03'04" East, 6.61 feet;

Thence North 55°38'42" East, 31.31 feet;

Thence North 60°04'26" East, 18.80 feet, to the northeasterly line of said Lot 4;

Thence along said northeasterly line, South 37°14'04" East, 3.02 feet, to the TRUE POINT OF BEGINNING.
Exhibit "1"

May 09, 2012
VTA BRT-SCAR
Page 2 of 2

 Containing 889 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00005333 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Stan Heffner, LS 6791
License expires 09-30-2012
5.1.f

LINE TABLE

<table>
<thead>
<tr>
<th>No.</th>
<th>Bearing</th>
<th>Length</th>
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</thead>
<tbody>
<tr>
<td>L1</td>
<td>N37°14'04&quot;W</td>
<td>14.12'</td>
</tr>
<tr>
<td>L2</td>
<td>N41°22'45&quot;E</td>
<td>7.00'</td>
</tr>
<tr>
<td>L3</td>
<td>S37°03'04&quot;E</td>
<td>6.61'</td>
</tr>
</tbody>
</table>

DISTANCES SHOWN HEREON ARE GRID. MULTIPLY DISTANCES BY 1.000005333 TO OBTAIN GROUND DISTANCES.

1 IN. = 30 FT.
EXHIBIT “C”

COMMUNICATIONS FACILITIES EASEMENT

An Exclusive Easement to construct, reconstruct, and maintain (place, operate, inspect, repair, replace, and remove) such communication facilities as Grantee(s) from time to time require, (including ingress thereto and egress therefrom) consisting of conduits, pipes, handholes, service boxes, aboveground markers, risers, service pedestals, underground and aboveground switches, fuses, terminals, terminal equipment cabinets, structures with electronic communication equipment therein, fixtures and appurtenances necessary to any and all thereof, together with the right of way therefor in, over, under, and upon that certain real property situated in the City of San Jose, County of Santa Clara, State of California, and described in Exhibit “1” attached hereto and incorporated herein.

This description was prepared pursuant to Section 8730(c) of the Business and Professions Code.

Grantor reserves the right to use said easement area for purposes which will not interfere with Grantee’s full enjoyment of the rights hereby granted; provided that Grantor shall not construct any buildings, fences or other structures that will interfere with the maintenance and operation of said facilities.

Grantor(s) also grant(s) to Grantee(s) the right to trim such trees and other foliage and to cut such limbs and roots on said property as may be necessary for the protection of said facilities.

Grantor(s) also grant(s) to Grantee(s) the right to cut, fill or otherwise change the grade of said property and to place such drainage and retaining structures thereon, as Grantee(s) may elect for the protection of such facilities.

Grantor(s) also grant(s) to Grantee(s) the right to receive municipal service and commercial power service from the appropriate utility company serving the area, together with the right for such utility company to place their respective service facilities upon and within said easement.

Grantor(s), his/her/their successors and assigns, shall not erect or construct any building or other structure or drill or operate any well within said easement.

Grantee(s) shall be responsible for damage caused intentionally or by any negligent act or omission of Grantee(s), its agents or employees, while exercising the rights granted herein.

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
ALUM ROCK BUS RAPID TRANSIT
APN: 481-63-001 THRU 048
PROPERTY I.D. NO. SCAR004-03
COMMUNICATIONS FACILITIES EASEMENT

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of Lot 4 as shown on that Map of Tract 7384 filed for record on September 21, 1982, in Book 504 of Maps, pages 25 and 26, Santa Clara County Records, described as follows:

BEGINNING at the easterly corner of said Lot 4, being on the northwesterly line of Alum Rock Avenue;

Thence along the northeasterly line of said Lot 4, North 37°14'04" West, 14.12 feet, to the TRUE POINT OF BEGINNING;

Thence along a line parallel with and 14.00 feet northwesterly, measured at right angles, to the northwesterly line of Alum Rock Avenue, South 60°04'26" West, 19.07 feet;

Thence South 55°38'42" West, 1.41 feet;

Thence North 29°58'13" West, 6.09 feet;

Thence North 60°01'47" East, 19.71 feet, to the northeasterly line of said Lot 4;

Thence along said northeasterly line, South 37°14'04" East, 6.05 feet, to the TRUE POINT OF BEGINNING.

Containing 120 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00005333 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Stan Heffner, LS 6791
License expires 09-30-2012
BASIS OF BEARINGS:
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), Epoch 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, Book 821 of Maps, Pages 1-51, Santa Clara County Records.

NOTE:
Distances shown hereon are grid. Multiply distances by 1.00005333 to obtain ground distances.

Exhibit "1"

LINE TABLE

<table>
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<tr>
<th>No.</th>
<th>Bearing</th>
<th>Length</th>
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<tbody>
<tr>
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<td>N37°14'04&quot;W</td>
<td>14.12'</td>
</tr>
<tr>
<td>L2</td>
<td>S80°04'26&quot;W</td>
<td>19.07'</td>
</tr>
<tr>
<td>L3</td>
<td>S55°38'42&quot;W</td>
<td>1.41'</td>
</tr>
<tr>
<td>L4</td>
<td>N60°01'47&quot;E</td>
<td>19.71'</td>
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</tbody>
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PUBLIC SERVICE ESMT
6202 C.R. 112

CHECKER'S DRIVE

CASTLECREST DRIVE
PRIVATE STREET
504-N-25

PUBLIC SERVICE ESMT
6202 C.R. 112

ALUM ROCK AVENUE
(State Route 130)

PROP. I.D. SCAR004
A.P.N. 481-63-001 THRU 048
(2004-2005)

PROP. I.D. SCAR005
A.P.N. 481-07-030
(2008-2009)

±120 SF

EXIST R/W

EXIST R/W

50'

Plat to accompany description:
PROPERTY I.D. SCAR004-03
COMMUNICATIONS FACILITIES EASEMENT
SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA
Property ID: SCAR005

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 Santa Clara-Alum Rock Bus Rapid Transit Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a Public Street Easement interest in certain property more particularly described in Exhibit “A” (SCAR005-01), a Temporary Construction Easement interest in certain property more particularly described in Exhibit “B” (SCAR005-02), and Relinquishment of Abutter’s Rights of Access interest in certain property more particularly described in Exhibit “C” (SCAR005-03), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

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

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

1. The recitals contained herein are true and correct.

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

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

4. The public interest and necessity require the Project.

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

6. A Public Street Easement interest in property described in Exhibit “A”, a Temporary Construction Easement interest described in Exhibit “B”, and a Relinquishment of Abutter’s Rights of Access described in Exhibit “C”, are necessary for the Project.

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

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

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

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

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

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on September 6, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

KEN YEAGER, Chairperson
Board of Directors

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

Dated: ______________________

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

ROBERT FABELA
General Counsel
EXHIBIT “A”

PUBLIC STREET EASEMENT

An easement for installation, maintenance, operation, replacement, repair, relocation, and use of a public street, sidewalk, curb, gutter, street lights, wheelchair ramps, traffic signal poles and equipment, pull boxes, conductors, storm drain inlets, utilities and all necessary appurtenances thereto on, under, over, and through the real property situate in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.
Exhibit "1"

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 481-07-030
PROPERTY I.D. NO. SCAR005-01
PUBLIC STREET EASEMENT

REAL PROPERTY situate in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land as described in the deed recorded August 31, 2007, under Recorder’s Serial Number 19571715 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the southeasterly corner of said parcel of land, said corner also being the point of intersection of the northwesterly right of way line of Alum Rock Avenue (State Route 130) with the southwesterly line of North Sunset Avenue;

Thence along said northwesterly right of way line of Alum Rock Avenue, South 60°04'26" West, 100.00 feet to the southwesterly corner of said parcel of land;

Thence along the southwesterly line of said parcel of land, North 37°14'04" West, 14.12 feet;

Thence leaving said southwesterly line, along a line parallel with and 14.00 feet northwesterly, measured at right angles, to said northwesterly right of way line of Alum Rock Avenue, North 60°04'26" East, 90.42 feet;

Thence along a tangent curve to the left, having a radius of 11.50 feet, through a central angle of 81°31'40" for an arc length of 16.36 feet to a point on said southwesterly right of way line of North Sunset Avenue;

Thence along said southwesterly right of way line of North Sunset Avenue, South 29°55'34" East, 23.81 feet to the POINT OF BEGINNING;

Containing 1,440 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5106
License expires 06-30-2011
3-24-11

LICENSED LAND SURVEYOR
No. 5106
Exp. 6-30-4

STATE OF CALIFORNIA
Basis of Bearings:
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), Epoch 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, Book 821 of Maps, Pages 1-51, Santa Clara County Records.

Prop. I.D. SCAR005
A.P.N. 481-07-030
(2008-2009)

Prop. I.D. SCAR004
A.P.N. 481-63-001 thru 048
(2008-2009)

Prop. I.D. SCAR005-01
±1,440 SF

N37°14'04"W 14.12'
N60°04'26"E 90.42'

Exist R/W

S60°04'26"W 100.00'

Δ=81°31’40”
R=11.50’
L=16.36’

ALUM ROCK AVENUE
(STATE ROUTE 130)

NOTE:
Distances shown hereon are grid. Multiply distances by 1.00004711 to obtain ground distances.

50’

N. SUNSET AVENUE

P.O.B.

23.81'

29°55’34”E
EXHIBIT “B”

TEMPORARY CONSTRUCTION EASEMENT

A Temporary Construction Easement (TCE), for the construction (and other related activities related to construction) of the Santa Clara-Alum Rock Rapid Transit Project, under, upon, over and across that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.

This TCE is for a period of two continuous years within the time period from March 1, 2013 through February 28, 2015, commencing on the date Grantee takes possession of the TCE. Grantee shall within 14 days of the termination of the TCE, record a Quitclaim Deed for the TCE.
LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 481-07-030
PROPERTY I.D. NO. SCAR005-02
TEMPORARY CONSTRUCTION EASEMENT

REAL PROPERTY situate in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land as described in the deed recorded August 31, 2007, under Recorder’s Serial Number 19571715 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the southeasterly corner of said parcel of land, said corner also being the point of intersection of the northwesterly right of way line of Alum Rock Avenue (State Route 130) with the southwesterly line of North Sunset Avenue;

Thence along said northwesterly right of way line of Alum Rock Avenue, South 60°04'26" West, 100.00 feet to the southwesterly corner of said parcel of land;

Thence along the southwesterly line of said parcel of land, North 37°14'04" West, 14.12 feet, to the TRUE POINT OF beginning;

Thence leaving said southwesterly line, along a line parallel with and 14.00 feet northwesterly, measured at right angles, to said northwesterly right of way line of Alum Rock Avenue, North 60°04'26" East, 90.42 feet;

Thence along a tangent curve to the left, having a radius of 11.50 feet, through a central angle of 81°31'40" for an arc length of 16.36 feet to a point on said southwesterly right of way line of North Sunset Avenue;

Thence along said southwesterly right of way line of North Sunset Avenue, North 29°55'34" West, 5.29 feet;

Thence leaving said southwesterly right of way line, South 59°07'49" West, 3.00 feet;

Thence South 29°55'34" East, 5.00 feet;

Thence southerly, along a non-tangent curve to the right, having a radius of 8.50 feet, whose center bears South 69°55'53" West, through a central angle of 80°08'33" for an arc length of 11.89 feet;

Thence South 60°04'26" West, 90.80 feet, to the southwesterly line of said parcel of land;

Thence along said southwesterly line, South 37°14'04" East, 3.02 feet, to the TRUE POINT OF BEGINNING;

Containing 330 square feet, more or less.
Exhibit "1"

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

[Signature]

Steve W. Danner, LS 5106
License expires 06-30-2011

[Stamp]

LICENSED LAND SURVEYOR
No. 5106
Exp. 6-30-11
STATE OF CALIFORNIA
BASIS OF BEARINGS:
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), Epoch 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, Book 821 of Maps, Pages 1-51, Santa Clara County Records.

NOTE:
Distances shown hereon are grid. Multiply distances by 1.00004711 to obtain ground distances.

Exhibit "1"

1 IN. = 30 FT.

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<td>L3</td>
<td>S29°55'34&quot;E</td>
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PROP. I.D. SCAR004
A.P.N. 481-63-001 thru 048
(2008-2009)

PROP. I.D. SCAR005
A.P.N. 481-07-030
(2008-2009)

EXIST R/W
S60°04'26"W 90.80'

T.P.O.B.
N37°14'04"W 14.12'

SCAR005-02
±330 SF

S60°04'26"W 100.00'

P.O.B.

ALUM ROCK AVENUE
(State Route 130)

Plat to accompany description:
PROPERTY I.D. SCAR005-02
TEMPORARY CONSTRUCTION EASEMENT
SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA
EXHIBIT “C”

RELINQUISMENT OF ABUTTER’S RIGHTS OF ACCESS

The release and relinquishment of any and all vehicular rights of access in and to the adjacent _Sunset Avenue right of way, appurtenant to that certain property described Exhibit “1”, attached hereto and incorporated herein. Pedestrian access shall be allowed within said street right of way, pursuant to accessing sidewalks.
Exhibit "1"

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 481-07-030
PROPERTY I.D. NO. SCAR005-03
ACCESS CONTROL

REAL PROPERTY situate in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land as described in the deed recorded August 31, 2007, under Recorder’s Serial Number 19571715 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the southeasterly corner of said parcel of land, said corner also being the point of intersection of the northwesterly right of way line of Alum Rock Avenue (State Route 130) with the southwesterly line of North Sunset Avenue;

Thence along said northwesterly right of way line of Alum Rock Avenue, South 60°04’26” West, 100.00 feet to the southwesterly corner of said parcel of land;

Thence along the southwesterly line of said parcel of land, North 37°14’04” West, 14.12 feet;

Thence leaving said southwesterly line, along a line parallel with and 14.00 feet northwesterly, measured at right angles, to said northwesterly right of way line of Alum Rock Avenue, North 60°04’26” East, 90.42 feet, to the TRUE POINT OF BEGINNING;

Thence along a tangent curve to the left, having a radius of 11.50 feet, through a central angle of 81°31’40” for an arc length of 16.36 feet to a point on said southwesterly right of way line of North Sunset Avenue;

Thence along said southwesterly right of way line of North Sunset Avenue, North 29°55’34” West, 5.29 feet, to the terminus point.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5106
License expires 06-30-2011
4-25-11
Basis of bearings:
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), epoch 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, book 821 of maps, pages 1-51, Santa Clara County records.

Note:
Distances shown hereon are grid. Multiply distances by 1.00004711 to obtain ground distances.

Exhibit "1"

LINE TABLE

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<th>No.</th>
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<th>Length</th>
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<tbody>
<tr>
<td>L1</td>
<td>N29°55'34&quot;W</td>
<td>5.29'</td>
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CURVE TABLE

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<tr>
<th>No.</th>
<th>Radius</th>
<th>Delta</th>
<th>Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>11.50'</td>
<td>81°31'41&quot;</td>
<td>16.36'</td>
</tr>
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</table>

Prop. I.D. SCAR004
A.P.N. 481-07-030
(2008-2009)

Prop. I.D. SCAR005
A.P.N. 481-07-030
(2008-2009)

Alum Rock Avenue
(State Route 130)

Sheet 1 of 1

Plat to accompany description:
PROPERTY I.D. SCAR005-03
ACCESS CONTROL
SAN JOSE, SANTA CLARA COUNTY, 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 Santa Clara-Alum Rock Bus Rapid Transit Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a Public Street Easement interest in certain property more particularly described in Exhibit “A” (SCAR006-01), and a Temporary Construction Easement interest in certain property more particularly described in Exhibit “B” (SCAR006-02), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

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

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

1. The recitals contained herein are true and correct.

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

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

4. The public interest and necessity require the Project.

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

6. A Public Street Easement interest in property described in Exhibit “A”, and a Temporary Construction Easement interest described in Exhibit “B” are necessary for the Project.

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

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

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

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

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

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on September 6, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

KEN YEAGER, Chairperson
Board of Directors

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

Dated: ______________________

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

___________________________
ROBERT FABELA
General Counsel
EXHIBIT “A”

PUBLIC STREET EASEMENT

An easement for installation, maintenance, operation, replacement, repair, relocation, and use of a public street, sidewalk, curb, gutter, street lights, wheelchair ramps, traffic signal poles and equipment, pull boxes, conductors, storm drain inlets, utilities and all necessary appurtenances thereto on, under, over, and through the real property situate in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.
REAL PROPERTY situate in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land as described in the deed recorded March 29, 1984, in Book "I"412 of Official Records, page 117 under Recorder's Serial Number 8018424, Santa Clara County Records, described as follows:

BEGINNING at the southeasterly corner of said parcel of land, said corner also being the point on the northwesterly right of way line of Alum Rock Avenue (State Route 130);

Thence along said northwesterly right of way line of Alum Rock Avenue, South 60°04'26" West, 80.78 feet to the southwesterly corner of said parcel of land, said corner being the intersection of said northwesterly right of way line of Alum Rock Avenue with the northeasterly right of way line of North Sunset Avenue;

Thence along said northeasterly right of way line of North Sunset Avenue, North 29°55'34" West, 22.10 feet;

Thence leaving said northeasterly right of way line of North Sunset Avenue, easterly along a non-tangent curve to the left, whose center bears North 42°53'19" East, having a radius of 11.50 feet, through a central angle of 72°48'53" for an arc length of 14.61 feet;

Thence along a line parallel with and 14.00 feet northwesterly, measured at right angles, to said northwesterly right of way line of Alum Rock Avenue, North 60°04'26" East, 69.79 feet to the intersection with the northeasterly line of said parcel;

Thence along said northeasterly line, South 29°55'34" East, 14.00 feet to the POINT OF BEGINNING.

Containing 1,154 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5106
License expires 06-30-2011
3-24-11
Basis of Bearings:
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), Epoch 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, book 821 of maps, pages 1–51, Santa Clara County records.

Note:
Distances shown hereon are grid. Multiply distances by 1.00004711 to obtain ground distances.

1 IN. = 30 FT.

Prop. I.D. SCAR006
A.P.N. 481–07–025
(2008–2009)

Prop. I.D. SCAR007
A.P.N. 481–07–023
(2008–2009)

SCAR006–01
±1,154 SF

ALUM ROCK AVENUE
(STATE ROUTE 130)

P.O.B.
EXIST R/W
EXHIBIT “B”

TEMPORARY CONSTRUCTION EASEMENT

A Temporary Construction Easement (TCE), for the construction (and other related activities related to construction) of the Santa Clara-Alum Rock Rapid Transit Project, under, upon, over and across that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.

This TCE is for a period of two continuous years within the time period from March 1, 2013 through February 28, 2015, commencing on the date Grantee takes possession of the TCE. Grantee shall within 14 days of the termination of the TCE, record a Quitclaim Deed for the TCE.
LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 481-07-025
PROPERTY I.D. NO. SCAR006-02
TEMPORARY CONSTRUCTION EASEMENT

REAL PROPERTY situate in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land as described in the deed recorded March 29, 1984, in Book "I"412 of Official Records, page 117 under Recorder’s Serial Number 8018424, Santa Clara County Records, described as follows:

BEGINNING at the southeasterly corner of said parcel of land, said corner also being the point on the northwesterly right of way line of Alum Rock Avenue (State Route 130);

Thence along said northwesterly right of way line of Alum Rock Avenue, South 60°04’26” West, 80.78 feet to the southwesterly corner of said parcel of land, said corner being the intersection of said northwesterly right of way line of Alum Rock Avenue with the northeasterly right of way line of North Sunset Avenue;

Thence along said northeasterly right of way line of North Sunset Avenue, North 29°55’34” West, 22.10 feet, to the TRUE POINT OF BEGINNING;

Thence leaving said northeasterly right of way line of North Sunset Avenue, easterly along a non-tangent curve to the left, whose center bears North 42°53’19” East, having a radius of 11.50 feet, through a central angle of 72°48’53” for an arc length of 14.61 feet;

Thence along a line parallel with and 14.00 feet northwesterly, measured at right angles, to said northwesterly right of way line of Alum Rock Avenue, North 60°04’26” East, 69.79 feet to the northeasterly line of said parcel;

Thence along said northeasterly line, North 29°55’34” West, 3.00 feet;

Thence leaving said northeasterly line, South 60°04’26” West, 69.79 feet;

Thence along a tangent curve to the right, having a radius of 8.50 feet, through a central angle of 90°26’35” for an arc length of 13.42 feet;

Thence South 60°31’01” West, 2.49 feet, to the northeasterly right of way line of North Sunset Avenue;

Thence along said northeasterly right of way line of North Sunset Avenue, South 29°55’34” East, 3.48 feet, to the TRUE POINT OF BEGINNING.

Containing 256 square feet, more or less.
Exhibit "1"

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5106
License expires 06-30-2011

March 24, 2011
HMH 3080.48.214
Page 2 of 2
BASIS OF BEAINGS:
THE BEAINGS SHOWN HEREON ARE BASED
UPON THE NORTH AMERICAN DATUM OF 1983
(NAD83), EPOCH 1998.50, CALIFORNIA STATE
PLANE COORDINATE ZONE 3, BASED LOCALLY
UPON THE COORDINATES SHOWN ON A RECORD
OF SURVEY, BOOK 821 OF MAPS, PAGES 1-51,
SANTA CLARA COUNTY RECORDS.

NOTE:
DISTANCES SHOWN HEREON ARE GRID,
MULTIPLY DISTANCES BY 1.00004711 TO
OBTAIN GROUND DISTANCES.

Exhibit 1

1 IN. = 30 FT.

LINE TABLE

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CURVE TABLE

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<td>8.50'</td>
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<td>13.42'</td>
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PROP. I.D. SCAR006
A.P.N. 481-07-025
(2008-2009)

PROP. I.D. SCAR007
A.P.N. 481-07-023
(2008-2009)

SCAR006-02
±256 SF

ALUM ROCK AVENUE
(STATE ROUTE 130)

Sheets 1 of 1

Plat to accompany description:
PROPERTY I.D. SCAR006-02
TEMPORARY CONSTRUCTION EASEMENT
SAN JOSE, SANTA CLARA COUNTY, 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 Santa Clara-Alum Rock Bus Rapid Transit Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a Public Street Easement interest in certain property more particularly described in Exhibit “A” (SCAR007-01), and a Temporary Construction Easement interest in certain property more particularly described in Exhibit “B” (SCAR007-02), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

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

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

1. The recitals contained herein are true and correct.

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

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

4. The public interest and necessity require the Project.

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

6. A Public Street Easement interest in property described in Exhibit “A”, and a Temporary Construction Easement interest described in Exhibit “B”, are necessary for the Project.

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

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

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

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

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

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on September 6, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

KEN YEAGER, Chairperson
Board of Directors

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

Dated: ______________________

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

ROBERT FABELA
General Counsel
EXHIBIT “A”

PUBLIC STREET EASEMENT

An easement for installation, maintenance, operation, replacement, repair, relocation, and use of a public street, sidewalk, curb, gutter, street lights, wheelchair ramps, traffic signal poles and equipment, pull boxes, conductors, storm drain inlets, utilities and all necessary appurtenances thereto on, under, over, and through the real property situate in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.
Exhibit "1"

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 481-07-023
PROPERTY I.D. NO. SCAR007-01
PUBLIC STREET EASEMENT

REAL PROPERTY situate in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land as described in the deed recorded September 18, 2000, under Recorder’s Serial Number 15393299 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the intersection of the northeasterly line of said parcel of land with the northwesterly right of way line of Alum Rock Avenue (State Route 130);

Thence along said northwesterly right of way line of Alum Rock Avenue, South 60°04′26″ West, 50.00 feet to the southwesterly line of said parcel of land;

Thence along said southwesterly line of said parcel of land, North 29°55′34″ West, 14.00 feet;

Thence leaving said southwesterly line, along a line parallel with and 14.00 feet northwesterly, measured at right angles, to said northwesterly right of way line of Alum Rock Avenue, North 60°04′26″ East, 50.00 feet to said northeasterly line;

Thence along said northeasterly line, South 29°55′34″ East, 14.00 feet to the POINT OF BEGINNING;

Containing 700 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

[Signature]

Steve W. Danner, LS 5106
License expires 06-30-2011

3-24-11

LICENSED LAND SURVEYOR
No. 5106
Exp. 6-30-11

STATE OF CALIFORNIA
BASIS OF BEARINGS:
THE BEARINGS SHOWN HEREON ARE BASED UPON THE NORTH AMERICAN DATUM OF 1983 (NAD83), EPOCH 1998.50, CALIFORNIA STATE PLANE COORDINATE ZONE 3, BASED LOCALLY UPON THE COORDINATES SHOWN ON A RECORD OF SURVEY, BOOK 821 OF MAPS, PAGES 1-51, SANTA CLARA COUNTY RECORDS.

NOTE:
DISTANCES SHOWN HEREON ARE GRID. MULTIPLY DISTANCES BY 1.00004711 TO OBTAIN GROUND DISTANCES.

1 IN. = 30 FT.

PROP. I.D. SCAR006
A.P.N. 481-07-025
(2008-2009)

PROP. I.D. SCAR007
A.P.N. 481-07-023
(2008-2009)

PROP. I.D. SCAR008
A.P.N. 481-07-021
(2008-2009)

SCAR007-01
±700 SF
N60°04'26"E
50.00'
N29°55'34"W
14.00'

S60°04'26"W
50.00'

P.O.B.
EXIST R/W

ALUM ROCK AVENUE
(STATE ROUTE 130)

SHEET 1 OF 1

Plat to accompany description:
PROPERTY I.D. SCAR007-01
PUBLIC STREET EASEMENT
SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA
A Temporary Construction Easement (TCE), for the construction (and other related activities related to construction) of the Santa Clara-Alum Rock Rapid Transit Project, under, upon, over and across that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.

This TCE is for a period of two continuous years within the time period from March 1, 2013 through February 28, 2015, commencing on the date Grantee takes possession of the TCE. Grantee shall within 14 days of the termination of the TCE, record a Quitclaim Deed for the TCE.
Exhibit "1"

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 481-07-023
PROPERTY I.D. NO. SCAR007-02
TEMPORARY CONSTRUCTION EASEMENT

REAL PROPERTY situate in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land as described in the deed recorded September 18, 2000, under Recorder's Serial Number 15393299 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the intersection of the northeasterly line of said parcel of land with the northwesterly right of way line of Alum Rock Avenue (State Route 130);

Thence along said northwesterly right of way line of Alum Rock Avenue, South 60°04'26" West, 50.00 feet to the southwesterly line of said parcel of land;

Thence along said southwesterly line of said parcel of land, North 29°55'34" West, 14.00 feet, to the TRUE POINT OF BEGINNING;

Thence leaving said southwesterly line, along a line parallel with and 14.00 feet northwesterly, measured at right angles, to said northwesterly right of way line of Alum Rock Avenue, North 60°04'26" East, 50.00 feet to the intersection with said northeasterly line of said parcel;

Thence along said northeasterly line, North 29°55'34" West, 3.00 feet;

Thence leaving said northeasterly line, South 60°04'26" West, 50.00 feet, to the southwesterly line of said parcel of land;

Thence along said southwesterly line, South 29°55'34" East, 3.00 feet, to the TRUE POINT OF BEGINNING.

Containing 150 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5106
License expires 06-30-2011
3-24-11

LICENSED LAND SURVEYOR
No. 5106
Exp. 6-30-11
STATE OF 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 Santa Clara-Alum Rock Bus Rapid Transit Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a Public Street Easement interest in certain property more particularly described in Exhibit “A” (SCAR008-01), and a Temporary Construction Easement interest in certain property more particularly described in Exhibit “B” (SCAR008-02), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

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

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

1. The recitals contained herein are true and correct.

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

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

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

6. A Public Street Easement interest in property described in Exhibit “A”, and a Temporary Construction Easement interest described in Exhibit “B” are necessary for the Project.

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

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

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

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

11. General Counsel or General Counsel’s duly authorized designee is hereby authorized and directed to institute and conduct to conclusion eminent domain proceedings to acquire a Public Street Easement interest in property described in Exhibit “A”, and a Temporary Construction Easement interest described in Exhibit “B”, and to take such actions that counsel deems advisable or necessary in connection therewith, and may deposit the probable amount of compensation and obtain an order for prejudgment possession of the subject property.
PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on September 6, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

______________________________________
KEN YEAGER, Chairperson
Board of Directors

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

Dated: ______________________

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

__________________________
ROBERT FABELA
General Counsel
EXHIBIT “A”

PUBLIC STREET EASEMENT

An easement for installation, maintenance, operation, replacement, repair, relocation, and use of a public street, sidewalk, curb, gutter, street lights, wheelchair ramps, traffic signal poles and equipment, pull boxes, conductors, storm drain inlets, utilities and all necessary appurtenances thereto on, under, over, and through the real property situate in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.
Exhibit "1"

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 481-07-021
PROPERTY I.D. NO. SCAR008-01
PUBLIC STREET EASEMENT

REAL PROPERTY situate in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land as described in the deed recorded July 15, 1987, in Book K224 of Official Records, page 955, under Recorder's Serial Number 9353544, Santa Clara County Records, described as follows:

BEGINNING at the intersection of the northeasterly line of said parcel of land with the northwesterly right of way line of Alum Rock Avenue (State Route 130);

Thence along said northwesterly right of way line of Alum Rock Avenue, South 60°04'26" West, 102.00 feet to the intersection with the southwesterly line of said parcel of land;

Thence along said southwesterly line of said parcel of land, North 29°55'34" West, 14.00 feet;

Thence leaving said southwesterly line, along a line parallel with and 14.00 feet northwesterly, measured at right angles, to said northwesterly right of way line of Alum Rock Avenue, North 60°04'26" East, 81.86 feet;

Thence North 63°05'38" East, 20.17 feet, to said northeasterly line;

Thence along said northeasterly line, South 29°55'34" East, 12.94 feet to the POINT OF BEGINNING.

Containing 1,417 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5106
License expires 06-30-2011
3-29-11

LICENSED LAND SURVEYOR
No. 5106
Exp 6-30-11

STATE OF CALIFORNIA
BASIS OF BEARINGS:
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), epoch 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, book 821 of maps, pages 1-51, Santa Clara County records.

NOTE:
Distances shown hereon are grid. Multiply distances by 1.00004711 to obtain ground distances.

1 IN. = 30 FT.

INGRESS & EGRESS ESMT
1735 O.R. 559

PROP. I.D. SCAR007
A.P.N. 481-07-023
(2008-2009)

PROP. I.D. SCAR008
A.P.N. 481-07-021
(2008-2009)

PROP. I.D. SCAR009
A.P.N. 481-07-020
(2008-2009)

SCAR008-01
±1,417 SF

N29°55'34"W 14.00'
S60°04'26"W 102.00'

N60°04'26"E 81.86'
N63°05'38"E 20.17'

S29°55'34"E 12.94'
P.O.B.
EXIST R/W

ALUM ROCK AVENUE
(STATE ROUTE 130)

Plat to accompany description:
PROPERTY I.D. SCAR008-01
PUBLIC STREET EASEMENT
SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA
A Temporary Construction Easement (TCE), for the construction (and other related activities related to construction) of the Santa Clara-Alum Rock Rapid Transit Project, under, upon, over and across that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.

This TCE is for a period of two continuous years within the time period from March 1, 2013 through February 28, 2015, commencing on the date Grantee takes possession of the TCE. Grantee shall within 14 days of the termination of the TCE, record a Quitclaim Deed for the TCE.
Exhibit "1"

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 481-07-021
PROPERTY I.D. NO. SCAR008-02
TEMPORARY CONSTRUCTION EASEMENT

REAL PROPERTY situate in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land as described in the deed recorded July 15, 1987, in Book K224 of Official Records, page 955, under Recorder's Serial Number 9353544, Santa Clara County Records, described as follows:

BEGINNING at the intersection of the northeasterly line of said parcel of land with the northwesterly right of way line of Alum Rock Avenue (State Route 130);

Thence along said northwesterly right of way line of Alum Rock Avenue, South 60°04'26" West, 102.00 feet to the southwesterly line of said parcel of land;

Thence along said southwesterly line of said parcel of land, North 29°55'34" West, 14.00 feet, to the TRUE POINT OF BEGINNING;

Thence leaving said southwesterly line, along a line parallel with and 14.00 feet northwesterly, measured at right angles, to said northwesterly right of way line of Alum Rock Avenue, North 60°04'26" East, 81.86 feet;

Thence North 63°05'38" East, 20.17 feet, to said northeasterly line;

Thence along said northeasterly line, North 29°55'34" West, 3.00 feet;

Thence South 63°05'38" West, 20.09 feet;

Thence South 60°04'26" West, 81.94 feet, to the southwesterly line of said parcel of land;

Thence along said southwesterly line, South 29°55'34" East, 3.00 feet, to the TRUE POINT OF BEGINNING.

Containing 306 square feet, more or less.

NOTE:  Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.
Basis of Bearings:
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), Epoch 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, Book 821 of Maps, Pages 1-51, Santa Clara County Records.

Note:
Distances shown hereon are grid. Multiply distances by 1.00004711 to obtain ground distances.

Exhibit "1"

1 IN. = 30 FT.

Ingress & Egress ESMT 1735 O.R. 559

Prop. I.D. SCAR007
A.P.N. 481-07-023
(2008-2009)

Prop. I.D. SCAR008
A.P.N. 481-07-021
(2008-2009)

Prop. I.D. SCAR009
A.P.N. 481-07-020
(2008-2009)

SCAR008-02
± 306 SF

T.P.O.B.
N29° 55' 34" W 14.00'

S60° 04'26" W 81.94'

S63° 05'38" E 20.09'

N60° 04'26" E 81.86'

N63° 05'38" E 20.17'

S60°04'26" W 102.00'

N29° 55' 34" W 3.00'

P.O.B.

ALUM ROCK AVENUE
(State Route 130)

Plat to accompany description:
PROPERTY I.D. SCAR008-02
TEMPORARY CONSTRUCTION EASEMENT
SAN JOSE, SANTA CLARA COUNTY, 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 Santa Clara-Alum Rock Bus Rapid Transit Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a Public Street Easement interest in certain property more particularly described in Exhibit “A” (SCAR009-01), and a Temporary Construction Easement interest in certain property more particularly described in Exhibit “B” (SCAR009-02), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

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

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

1. The recitals contained herein are true and correct.

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

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

4. The public interest and necessity require the Project.

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

6. A Public Street Easement interest in property described in Exhibit “A”, and a Temporary Construction Easement interest described in Exhibit “B” are necessary for the Project.

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

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

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

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

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

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on September 6, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

KEN YEAGER, Chairperson
Board of Directors

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

Dated: ______________________

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

ROBERT FABELA
General Counsel
EXHIBIT “A”

PUBLIC STREET EASEMENT

An easement for installation, maintenance, operation, replacement, repair, relocation, and use of a public street, sidewalk, curb, gutter, street lights, wheelchair ramps, traffic signal poles and equipment, pull boxes, conductors, storm drain inlets, utilities and all necessary appurtenances thereto on, under, over, and through the real property situate in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.
Exhibit "1"

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 481-07-020
PROPERTY I.D. NO. SCAR009-01
PUBLIC STREET EASEMENT

REAL PROPERTY situate in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land as described in the deed recorded December 19, 1986, in Book J966 of Official Records, page 1225, under Recorder’s Serial Number 9075501, Santa Clara County Records, described as follows:

BEGINNING at the intersection of the northeasterly line of said parcel of land with the northwesterly right of way line of Alum Rock Avenue (State Route 130);

Thence along said northwesterly right of way line of Alum Rock Avenue, South 60°04’26” West, 98.00 feet to the southwesterly line of said parcel of land;

Thence along said southwesterly line of said parcel of land, North 29°55’34” West, 12.94 feet;

Thence leaving said southwesterly line, North 63°05’38” East, 98.13 feet, to the northeasterly line of said parcel;

Thence along said northeasterly line, South 29°55’34” East, 7.77 feet to the POINT OF BEGINNING.

Containing 1,015 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5106
License expires 06-30-2011
**Basis of Bearings:**
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), Epoch 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, Book 821 of Maps, Pages 1–51, Santa Clara County Records.

**NOTE:**
Distances shown hereon are grid distances; multiply distances by 1.00004711 to obtain ground distances.

1 in. = 30 ft.

**Ingress & Egress Elevation:**
1735 O.R. 559

**Properties:**
- **Prop. I.D. SCAR008**
  - A.P.N. 481-07-021
  - (2008–2009)

- **Prop. I.D. SCAR009**
  - A.P.N. 481-07-020
  - (2008–2009)

- **Prop. I.D. SCAR010**
  - A.P.N. 481-07-019
  - (2008–2009)

**Lot Dimensions:**
- **SCAR009-01**
  - ±1,015 SF
  - N29°55′34″W 12.94′
  - N63°05′38″E 98.13′
  - S60°04′26″W 98.00′
  - S29°55′34″E 7.77′

**Public Street Easement:**
- **Alum Rock Avenue**
  - (State Route 130)

**Plat to accompany description:**
Prop. I.D. SCAR009-01
Public Street Easement
San Jose, Santa Clara County, California

**Date:** 03–24–11
**Scale:** 1′=30′
**Designed:**
**Drawn:**
**Checked:**
**Proj. Eng.:**
SCAR009001

1570 Oakland Road
San Jose, CA 95131
(408) 487-2200
HMHtica.com
EXHIBIT “B”

TEMPORARY CONSTRUCTION EASEMENT

A Temporary Construction Easement (TCE), for the construction (and other related activities related to construction) of the Santa Clara-Alum Rock Rapid Transit Project, under, upon, over and across that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.

This TCE is for a period of two continuous years within the time period from March 1, 2013 through February 28, 2015, commencing on the date Grantee takes possession of the TCE. Grantee shall within 14 days of the termination of the TCE, record a Quitclaim Deed for the TCE.
Exhibit "1"

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 481-07-020
PROPERTY I.D. NO. SCAR009-02
TEMPORARY CONSTRUCTION EASEMENT

REAL PROPERTY situate in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land as described in the deed recorded December 19, 1986, in Book J966 of Official Records, page 1225, under Recorder’s Serial Number 9075501, Santa Clara County Records, described as follows:

BEGINNING at the intersection of the northeasterly line of said parcel of land with the northwesterly right of way line of Alum Rock Avenue (State Route 130);

Thence along said northwesterly right of way line of Alum Rock Avenue, South 60°04'26" West, 98.00 feet to the southwesterly line of said parcel of land;

Thence along said southwesterly line of said parcel of land, North 29°55'34" West, 12.94 feet, to the TRUE POINT OF BEGINNING;

Thence leaving said southwesterly line, North 63°05'38" East, 98.13 feet, to the northeasterly line of said parcel;

Thence along said northeasterly line, North 29°55'34" West, 3.00 feet;

Thence South 63°05'38" West, 98.13 feet, to the southwesterly line of said parcel;

Thence along said southwesterly line, South 29°55'34" East, 3.00 feet, to the TRUE POINT OF BEGINNING.

Containing 294 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5106
License expires 06-30-2011
3-24-11

LICENSED LAND SURVEYOR
No. 5106
Exp. 6-30-11
STATE OF CALIFORNIA
Basis of Bearings:
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), Epoch 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, book 821 of maps, pages 1-51, Santa Clara County Records.

Exhibit "1"

1 IN. = 30 FT.

5.1.k

NOTE:
Distances shown hereon are grid, multiply distances by 1.00004711 to obtain ground distances.

ALUM ROCK AVENUE
(STATE ROUTE 130)

Plat to accompany description:
PROPERTY I.D. SCAR009-02
TEMPORARY CONSTRUCTION EASEMENT
SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA
Property ID: SCAR011

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 Santa Clara-Alum Rock Bus Rapid Transit Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a Public Street Easement interest in certain property more particularly described in Exhibit “A” (SCAR011-01), and a Temporary Construction Easement interest in certain property more particularly described in Exhibit “B” (SCAR011-02), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

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

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

1. The recitals contained herein are true and correct.

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

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

4. The public interest and necessity require the Project.

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

6. A Public Street Easement interest in property described in Exhibit “A”, and a Temporary Construction Easement interest described in Exhibit “B” are necessary for the Project.

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

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

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

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

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

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on September 6, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

KEN YEAGER, Chairperson
Board of Directors

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

Dated: ______________________

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

_________________________
ROBERT FABELA
General Counsel
EXHIBIT “A”

PUBLIC STREET EASEMENT

An easement for installation, maintenance, operation, replacement, repair, relocation, and use of a public street, sidewalk, curb, gutter, street lights, wheelchair ramps, traffic signal poles and equipment, pull boxes, conductors, storm drain inlets, utilities and all necessary appurtenances thereto on, under, over, and through the real property situate in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.
Exhibit "1"

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 481-22-033
PROPERTY I.D. NO. SCAR011-01
PUBLIC STREET EASEMENT

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land described in the deed recorded April 28, 1980, in Book F295 of Official Records, page 349, Santa Clara County Records, described as follows:

BEGINNING at the westerly corner of said parcel of land, being the intersection of the southeasterly line of Alum Rock Avenue and the northeasterly line of Scharff Avenue;

Thence along said northeasterly line, South 29°53'57" East, 4.49 feet;

Thence North 61°54'46" East, 70.03 feet, to the northeasterly line of said parcel of land;

Thence along said northeasterly line, North 29°53'57" West, 6.74 feet, to the southeasterly line of Alum Rock Avenue;

Thence along said southeasterly line, South 60°04'26" West, 70.00 feet, to the POINT OF BEGINNING.

Containing 393 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

[Signature]
Steve W. Danner, LS 5106
License expires 06-30-2011
3-24-11

[Stamp]
LICENSED LAND SURVEYOR
No. 5106
Exp 6-30-11
STATE OF CALIFORNIA
**Basis of Bearings:**

The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), Epoch 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, Book 821 of Maps, Pages 1-51, Santa Clara County Records.

**Note:**

Distances shown hereon are grid. Multiply distances by 1.00004711 to obtain ground distances.

1 in. = 30 ft.

**Alum Rock Avenue**

(State Route 130)

P.O.B. S29'53"57'E 4.49' S60'04"26"W 70.00'

30'

N29'53"57"W 6.74' N61'54"46"E 70.03'

±393 SF

**Prop. I.D. SCAR011**


**Prop. I.D. SCAR013**


Sheet 1 of 1

Plot to accompany description:

Property I.D. SCAR011-01

Public Street Easement

San Jose, Santa Clara County, California
A Temporary Construction Easement (TCE), for the construction (and other related activities related to construction) of the Santa Clara-Alum Rock Rapid Transit Project, under, upon, over and across that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.

This TCE is for a period of two continuous years within the time period from March 1, 2013 through February 28, 2015, commencing on the date Grantee takes possession of the TCE. Grantee shall within 14 days of the termination of the TCE, record a Quitclaim Deed for the TCE.
Exhibit "1"

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 481-22-033
PROPERTY I.D. NO. SCAR011-02
TEMPORARY CONSTRUCTION EASEMENT

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land described in the deed recorded April 28, 1980, in Book F295 of Official Records, page 349, Santa Clara County Records, described as follows:

BEGINNING at the westerly corner of said parcel of land, being the intersection of the southeasterly line of Alum Rock Avenue and the northeasterly line of Scharff Avenue;

Thence along said northeasterly line, South 29°53'57" East, 4.49 feet, to the TRUE POINT OF BEGINNING;

Thence North 61°54'46" East, 70.03 feet, to the northeasterly line of said parcel of land;

Thence along said northeasterly line, South 29°53'57" East, 2.98 feet;

Thence South 61°55'15" West, 70.03 feet, to the northeasterly line of Scharff Avenue;

Thence along said northeasterly line, North 29°53'57" West, 2.97 feet, to the TRUE POINT OF BEGINNING.

Containing 208 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

[Signature]

Steve W. Danner, LS 5106
License expires 06-30-2011

LICENCED LAND SURVEYOR
No. 5106
Exp. 6-30-11
STATE OF CALIFORNIA
ALUM ROCK AVENUE
(STATE ROUTE 130)

S29°53′57″E 4.49′
P.O.B.

T.P.O.B.
N29°53′57″W 2.97′

EXIST R/W

S61°54′46″E 70.03′

S61°55′15″W 70.03′

S29°53′57″E 2.98′

SCAR011-02
±208 SF

PROP. I.D. SCAR011
A.P.N. 481-22-033
(2007-2008)

PROP. I.D. SCAR013
A.P.N. 481-22-072
(2007-2008)

BASIS OF BEARINGS:
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), Epoch 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, book 821 of Maps, pages 1-51, Santa Clara County Records.

NOTE:
Distances shown hereon are grid. Multiply distances by 1.00004711 to obtain ground distances.

Exhibit "1"
1 IN. = 30 FT.
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 Santa Clara-Alum Rock Bus Rapid Transit Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a Public Street Easement interest in certain property more particularly described in Exhibit “A” (SCAR013-01), and a Temporary Construction Easement interest in certain property more particularly described in Exhibit “B” (SCAR013-02), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

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

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

1. The recitals contained herein are true and correct.

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

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

4. The public interest and necessity require the Project.

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

6. A Public Street Easement interest in property described in Exhibit “A”, and a Temporary Construction Easement interest described in Exhibit “B” are necessary for the Project.

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

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

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

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

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

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on September 6, 2012, by the following vote:

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

KEN YEAGER, Chairperson
Board of Directors

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

Dated: ______________________

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

ROBERT FABELA
General Counsel
An easement for installation, maintenance, operation, replacement, repair, relocation, and use of a public street, sidewalk, curb, gutter, street lights, wheelchair ramps, traffic signal poles and equipment, pull boxes, conductors, storm drain inlets, utilities and all necessary appurtenances thereto on, under, over, and through the real property situate in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.
Exhibit "1"

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 481-22-072
PROPERTY I.D. NO. SCAR013-01
PUBLIC STREET EASEMENT

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land described in the deed recorded April 30, 2010, in Document No. 20696070 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the westerly corner of said parcel of land, being on the southeasterly line of Alum Rock Avenue;

Thence along the southwesterly line of said parcel of land, South 29°53'57" East, 6.74 feet;

Thence North 61°54'46" East, 132.86 feet;

Thence North 60°04'26" East, 76.70 feet, to the northeasterly line of said parcel of land;

Thence along said northeasterly line, North 29°53'57" West, 11.00 feet, to the southeasterly line of Alum Rock Avenue;

Thence along said southeasterly line, South 60°04'26" West, 209.49 feet, to the POINT OF BEGINNING.

Containing 2,021 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5106
License expires 06-30-2011
7-24-11

SCAR013001.doc
BASIS OF BEARINGS:
THE BEARINGS SHOWN HEREON ARE BASED UPON THE NORTH AMERICAN DATUM OF 1983 (NAD83), EPOCH 1998.50, CALIFORNIA STATE PLANE COORDINATE ZONE 3, BASED LOCALLY UPON THE COORDINATES SHOWN ON A RECORD OF SURVEY, BOOK 821 OF MAPS, PAGES 1-51, SANTA CLARA COUNTY RECORDS.

NOTE:
DISTANCES SHOWN HEREON ARE GRID. MULTIPLY DISTANCES BY 1.00004711 TO OBTAIN GROUND DISTANCES.

1 IN. = 40 FT.

ALUM ROCK AVENUE
(STATE ROUTE 130)

P.O.B.
S29°53'57"E 6.74'
S60°04'26"W 209.49'

N61°54'46"E 132.86'
N60°04'26"E 76.70'

EXIST R/W
N29°53'57"W 11.00'

SCAR013-01
±2,021 SF

PROP. I.D. SCAR011
A.P.N. 481-22-033
(2007-2008)

PROP. I.D. SCAR013
A.P.N. 481-22-072
(2007-2008)

PROP. I.D. SCAR016
A.P.N. 481-20-034
(2007-2008)

SHEET 1 OF 1

Plat to accompany description:
PROPERTY I.D. SCAR013-01
PUBLIC STREET EASEMENT
SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA
EXHIBIT “B”

TEMPORARY CONSTRUCTION EASEMENT

A Temporary Construction Easement (TCE), for the construction (and other related activities related to construction) of the Santa Clara-Alum Rock Rapid Transit Project, under, upon, over and across that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.

This TCE is for a period of two continuous years within the time period from March 1, 2013 through February 28, 2015, commencing on the date Grantee takes possession of the TCE. Grantee shall within 14 days of the termination of the TCE, record a Quitclaim Deed for the TCE.
LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 481-22-072
PROPERTY I.D. NO. SCAR013-02
TEMPORARY CONSTRUCTION EASEMENT

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land described in the deed recorded April 30, 2010, in Document No. 20696070 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the westerly corner of said parcel of land, being on the southeasterly line of Alum Rock Avenue;

Thence along the southwesterly line of said parcel of land, South 29°53'57" East, 6.74 feet, to the TRUE POINT OF BEGINNING;

Thence North 61°54'46" East, 132.86 feet;
Thence North 60°04'26" East, 76.70 feet, to the northeasterly line of said parcel of land;

Thence along said northeasterly line, South 29°53'57" East, 3.00 feet;

Thence South 60°04'26" West, 76.82 feet;

Thence South 61°55'15" West, 132.74 feet, to the southwesterly line of said parcel of land;

Thence along said southwesterly line, North 29°53'57" West, 2.98 feet, to the TRUE POINT OF BEGINNING.

Containing 628 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5106
License expires 06-30-2011
3-24-11

LICENCED LAND SURVEYOR
No. 5106
Exp. 6-30-11
STATE OF CALIFORNIA
BASIS OF BEARINGS:
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), Epoch 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, Book 821 of Maps, Pages 1-51, Santa Clara County Records.

NOTE:
Distances shown hereon are grid. Multiply distances by 1.00004711 to obtain ground distances.

Exhibit "1"

1 IN. = 40 FT.

ALUM ROCK AVENUE
(STATE ROUTE 130)

S29°53'57"E
6.74'

N29°53'57"W
2.98'

P.O.B.

N61°54'46"E
132.86'

S61°55'15"W
132.74'

T.P.O.B.

N60°04'26"E
76.70'

S60°04'26"W
76.82'

S29°53'57"E
3.00'

EXIST R/W

SCAR013-02
±628 SF

PROP. I.D. SCAR013
A.P.N. 481-22-072
(2007-2008)

PROP. I.D. SCAR016
A.P.N. 481-22-033
(2007-2008)

Prop. I.D. SCAR011
A.P.N. 481-22-033
(2007-2008)

Plat to accompany description:
PROPERTY I.D. SCAR013-02
TEMPORARY CONSTRUCTION EASEMENT
SAN JOSE, SANTA CLARA COUNTY, 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 Santa Clara-Alum Rock Bus Rapid Transit Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a Public Street Easement interest in certain property more particularly described in Exhibit “A” (SCAR014-01), and a Temporary Construction Easement interest in certain property more particularly described in Exhibit “B” (SCAR014-02), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

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

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

1. The recitals contained herein are true and correct.

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

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

4. The public interest and necessity require the Project.

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

6. A Public Street Easement interest in property described in Exhibit “A”, and a Temporary Construction Easement interest described in Exhibit “B” are necessary for the Project.

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

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

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

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

11. General Counsel or General Counsel’s duly authorized designee is hereby authorized and directed to institute and conduct to conclusion eminent domain proceedings to acquire a Public Street Easement interest in property described in Exhibit “A”, and a Temporary Construction Easement interest described in Exhibit “B”, and to take such actions that counsel deems advisable or necessary in
PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on September 6, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

KEN YEAGER, Chairperson
Board of Directors

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

Dated: ______________________

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

______________________________
ROBERT FABELA
General Counsel
EXHIBIT “A”

PUBLIC STREET EASEMENT

An easement for installation, maintenance, operation, replacement, repair, relocation, and use of a public street, sidewalk, curb, gutter, street lights, wheelchair ramps, traffic signal poles and equipment, pull boxes, conductors, storm drain inlets, utilities and all necessary appurtenances thereto on, under, over, and through the real property situate in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.
Exhibit "1"

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 481-06-020
PROPERTY I.D. NO. SCAR014-01
PUBLIC STREET EASEMENT

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of Parcel One as described in the deed recorded July 15, 2004, in Document No. 18468071 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the intersection of the northeasterly line of said Parcel One and the northwesterly line of Alum Rock Avenue;

Thence along said northeasterly line, North 29°55'34" West, 0.32 feet;

Thence South 57°16'57" West, 6.59 feet, to the northwesterly line of Alum Rock Avenue;

Thence along said northwesterly line, North 60°04'26" East, 6.58 feet, to the POINT OF BEGINNING.

Containing 1 square foot, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5106
License expires 06-30-2011
3-24-11

LICENSED LAND SURVEYOR
No. 5106
Exp. 6-30-11
BASIS OF BEARINGS:
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), EPOCH 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, Book 821 of Maps, Pages 1–51, Santa Clara County Records.

NOTE:
Distances shown hereon are grid. Multiply distances by 1.00004711 to obtain ground distances.

1 IN. = 20 FT.

PROP. I.D. SCAR015
A.P.N. 481–06–019
(2006–2007)

S57°16'57"W
6.59'

N29°55'34"W
0.32'

N60°04'26"E
6.58'

P.O.B.

DETAIL
NOT TO SCALE

EXIST R/W

P.O.B.

ALUM ROCK AVENUE
(State Route 130)

SHEET 1 OF 1

Plat to accompany description:
PROPERTY I.D. SCAR014–01
PUBLIC STREET EASEMENT
SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA
A Temporary Construction Easement (TCE), for the construction (and other related activities related to construction) of the Santa Clara-Alum Rock Rapid Transit Project, under, upon, over and across that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.

This TCE is for a period of two continuous years within the time period from March 1, 2013 through February 28, 2015, commencing on the date Grantee takes possession of the TCE. Grantee shall within 14 days of the termination of the TCE, record a Quitclaim Deed for the TCE.
Exhibit "1"

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 481-06-020
PROPERTY I.D. NO. SCAR014-02
TEMPORARY CONSTRUCTION EASEMENT

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of Parcel One as described in the deed recorded July 15, 2004, in Document No. 18468071 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the intersection of the northeasterly line of said Parcel One and the northwesterly line of Alum Rock Avenue;

Thence along said northeasterly line, North 29°55'34" West, 0.32 feet, to the TRUE POINT OF BEGINNING;

Thence South 57°16'57" West, 6.59 feet, to the northwesterly line of Alum Rock Avenue;

Thence along said northwesterly line, South 60°04'26" West, 28.17 feet, to the southwesterly line of said Parcel One;

Thence along said southwesterly line, North 29°55'34" West, 3.00 feet;

Thence North 60°01'47" East, 30.88 feet;

Thence North 57°16'57" East, 3.87 feet, to the northeasterly line of said Parcel One;

Thence along said northeasterly line, South 29°55'34" East, 2.89 feet, to the TRUE POINT OF BEGINNING.

Containing 104 square foot, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5106
License expires 06-30-2011
BASIS OF BEARINGS:
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), Epoch 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, Book 821 of Maps, Pages 1-51, Santa Clara County Records.

NOTE:
Distances shown hereon are grid. Multiply distances by 1.00004711 to obtain ground distances.

Exhibit "1"

1 IN. = 20 FT.

PROP. I.D. SCAR012
A.P.N. 481-06-021
(2006-2007)

PROP. I.D. SCAR014
A.P.N. 481-06-020
(2006-2007)

SCAR014-02
±104 SF

N29°55'34"W
3.00'

N60°01'47"E
30.88'

S60°04'26"W
28.17'

P.O.B.

ALUM ROCK AVENUE
(STATE ROUTE 130)

P.O.B.

N29°55'34"W
S29°55'34"E
N57°16'57"E
S57°16'57"W

3.87'
6.59'
2.89'

T.P.O.B.

0.32'

EXIST R/W

Detail
Not to Scale

PROP. I.D. SCAR015
A.P.N. 481-06-019
(2006-2007)

Plat to accompany description:
PROPERTY I.D. SCAR014-02
TEMPORARY CONSTRUCTION EASEMENT
SAN JOSE, SANTA CLARA COUNTY, 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 Santa Clara-Alum Rock Bus Rapid Transit Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a Public Street Easement interest in certain property more particularly described in Exhibit “A” (SCAR016-01), and a Temporary Construction Easement interest in certain property more particularly described in Exhibit “B” (SCAR016-02), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

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

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

1. The recitals contained herein are true and correct.

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

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

4. The public interest and necessity require the Project.

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

6. A Public Street Easement interest in property described in Exhibit “A”, and a Temporary Construction Easement interest described in Exhibit “B” are necessary for the Project.

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

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

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

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

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

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on September 6, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

KEN YEAGER, Chairperson
Board of Directors

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

Dated: ______________________

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

ROBERT FABELA
General Counsel
EXHIBIT “A”

PUBLIC STREET EASEMENT

An easement for installation, maintenance, operation, replacement, repair, relocation, and use of a public street, sidewalk, curb, gutter, street lights, wheelchair ramps, traffic signal poles and equipment, pull boxes, conductors, storm drain inlets, utilities and all necessary appurtenances thereto on, under, over, and through the real property situate in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.
LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 481-22-054
PROPERTY I.D. NO. SCAR016-01
PUBLIC STREET EASEMENT

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of Parcel One as described in the deed recorded June 17, 2002, in Document No. 16316810 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the westerly corner of said Parcel One, being on the southeasterly line of Alum Rock Avenue;

Thence along the southwesterly line of said Parcel One, South 29°53'57" East, 11.00 feet;

Thence North 60°04'26" East, 50.60 feet, to the northeasterly line of said Parcel One;

Thence along said northeasterly line, North 36°18'34" West, 11.07 feet, to the southeasterly line of Alum Rock Avenue;

Thence along said southeasterly line, South 60°04'26" West, 49.36 feet, to the POINT OF BEGINNING.

Containing 550 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5106
License expires 06-30-2011
EXHIBIT “B”

TEMPORARY CONSTRUCTION EASEMENT

A Temporary Construction Easement (TCE), for the construction (and other related activities related to construction) of the Santa Clara-Alum Rock Rapid Transit Project, under, upon, over and across that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.

This TCE is for a period of two continuous years within the time period from March 1, 2013 through February 28, 2015, commencing on the date Grantee takes possession of the TCE. Grantee shall within 14 days of the termination of the TCE, record a Quitclaim Deed for the TCE.
Exhibit "1"

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 481-22-054
PROPERTY I.D. NO. SCAR016-02
TEMPORARY CONSTRUCTION EASEMENT

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of Parcel One as described in the deed recorded June 17, 2002, in Document No. 16316810 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the westerly corner of said Parcel One, being on the southeasterly line of Alum Rock Avenue;

Thence along the southwesterly line of said Parcel One, South 29°53'57" East, 11.00 feet, to the TRUE POINT OF BEGINNING;

Thence North 60°04'26" East, 50.60 feet, to the northeasterly line of said Parcel One;

Thence along said northeasterly line, South 36°18'34" East, 3.02 feet;

Thence South 60°04'26" West, 50.93, to the southwesterly line of said Parcel One;

Thence along said southwesterly line, North 29°53'57" West, 3.00 feet, to the TRUE POINT OF BEGINNING.

Containing 152 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5106
License expires 06-30-2011
3.24.11

LICENSED LAND SURVEYOR
No. 5106
Exp. 6.20.11
STATE OF CALIFORNIA
BASIS OF BEARINGS:
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), Epoch 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, Book 821 of Maps, Pages 1-51, Santa Clara County Records.

NOTE:
Distances shown hereon are Grid. Multiply distances by 1.00004711 to obtain ground distances.

Exhibit "1"

0 10 20
1 IN. = 20 FT.

ALUM ROCK AVENUE
(STATE ROUTE 130)

P.O.B.

S29°53′57″E
11.00′
T.P.O.B.

N29°53′57″W
3.00′

N6°04′26″E
50.60′

S6°04′26″W
50.93′

S36°18′34″E
3.02′

EXIST R/W

UTILITY ESMT
7188 O.R. 5

EXIST R/W

SCAR016—02

±152 SF

INGRESS & EGRESS ESMT
7188 O.R. 5

PROP. I.D. SCAR013
A.P.N. 481-22-072

PROP. I.D. SCAR016
A.P.N. 481-22-054

PROP. I.D. SCAR017
A.P.N. 481-22-049

Plat to accompany description:
PROPERTY I.D. SCAR016—02
TEMPORARY CONSTRUCTION EASEMENT
SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA
Property ID: SCAR017

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 Santa Clara-Alum Rock Bus Rapid Transit Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a Public Street Easement interest in certain property more particularly described in Exhibit “A” (SCAR017-01), and a Temporary Construction Easement interest in certain property more particularly described in Exhibit “B” (SCAR017-02), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

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

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

1. The recitals contained herein are true and correct.

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

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

4. The public interest and necessity require the Project.

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

6. A Public Street Easement interest in property described in Exhibit “A”, and a Temporary Construction Easement interest described in Exhibit “B” are necessary for the Project.

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

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

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

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

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

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on September 6, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

KEN YEAGER, Chairperson
Board of Directors

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

Dated: ______________________

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

__________________________
ROBERT FABELA
General Counsel
An easement for installation, maintenance, operation, replacement, repair, relocation, and use of a public street, sidewalk, curb, gutter, street lights, wheelchair ramps, traffic signal poles and equipment, pull boxes, conductors, storm drain inlets, utilities and all necessary appurtenances thereto on, under, over, and through the real property situate in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.
Exhibit "1"

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 481-22-049
PROPERTY I.D. NO. SCAR017-01
PUBLIC STREET EASEMENT

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of Parcel One as described in the deed recorded August 2, 1995, in Book N945 of Official Records, page 449, Santa Clara County Records, described as follows:

BEGINNING at the westerly corner of said Parcel One, being on the southeasterly line of Alum Rock Avenue;

Thence along the southwesterly line of said Parcel One, South 36°18'34" East, 11.07 feet;

Thence North 60°04'26" East, 132.58 feet, to the southeasterly line of Alum Rock Avenue;

Thence along said southeasterly line, the following two courses:

1. Thence westerly, along a non-tangent curve to the left, having a radius of 55.00 feet, whose center bears South 06°56'58" West, through a central angle of 36°52'32" for an arc length of 35.40 feet;

2. Thence South 60°04'26" West, 100.80 feet, to the POINT OF BEGINNING.

Containing 1,350 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5106
License expires 06-30-2011
7-24-11
BASIS OF BEARINGS:
THE BEARINGS SHOWN HEREON ARE BASED
UPON THE NORTH AMERICAN DATUM OF 1983
(NAD83), EPOCH 1998.50, CALIFORNIA STATE
PLANE COORDINATE ZONE 3, BASED LOCALLY
UPON THE COORDINATES SHOWN ON A RECORD
OF SURVEY, BOOK 821 OF MAPS, PAGES 1-51,
SANTA CLARA COUNTY RECORDS.

NOTE:
DISTANCES SHOWN HEREON ARE GRID,
MULTIPLY DISTANCES BY 1.00004711 TO
OBTAIN GROUND DISTANCES.

1 IN. = 30 FT.

ALUM ROCK AVENUE
(STATE ROUTE 130)

P.O.B.
S36°18'34"E 11.07'
S60°04'26"W 100.80'
EXIST R/W
Δ=36°52'37" R=55.00' L=35.40'
N60°04'26"E 132.58'

SCAR017-01
±1,350 SF

PROP. I.D. SCAR016
A.P.N. 481-22-054
(2007-2008)

PROP. I.D. SCAR017
A.P.N. 481-22-049
(2007-2008)

DRIVEWAY ESMT
7188 O.R. 5

S. JACKSON AVENUE

Plat to accompany description:
PROPERTY I.D. SCAR017-01
PUBLIC STREET EASEMENT
SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA
A Temporary Construction Easement (TCE), for the construction (and other related activities related to construction) of the Santa Clara-Alum Rock Rapid Transit Project, under, upon, over and across that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.

This TCE is for a period of two continuous years within the time period from March 1, 2013 through February 28, 2015, commencing on the date Grantee takes possession of the TCE. Grantee shall within 14 days of the termination of the TCE, record a Quitclaim Deed for the TCE.
Exhibit "1"

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 481-22-049
PROPERTY I.D. NO. SCAR017-02
TEMPORARY CONSTRUCTION EASEMENT

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of Parcel One as described in the deed recorded August 2, 1995, in Book N945 of Official Records, page 449, Santa Clara County Records, described as follows:

BEGINNING at the westerly corner of said Parcel One, being on the southeasterly line of Alum Rock Avenue;

Thence along the southeasterly line of said Parcel One, South 36°18'34" East, 11.07 feet, to the TRUE POINT OF BEGINNING;

Thence North 60°04'26" East, 132.58 feet, to the southeasterly line of Alum Rock Avenue;

Thence along said southeasterly line, easterly, along a non-tangent curve to the right, having a radius of 55.00 feet, whose center bears South 06°56'58" West, through a central angle of 04°55'39" for an arc length of 4.73 feet;

Thence South 60°04'26" West, 135.90 feet, to the southeasterly line of said Parcel One;

Thence along said southeasterly line, North 36°18'34" West, 3.02 feet, to the TRUE POINT OF BEGINNING.

Containing 403 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5106
License expires 06-30-2011
3-24-11

LICENSED LAND SURVEYOR
No. 5106
Exp 6-20-11
STATE OF CALIFORNIA

SCAR017002.doc
1576 Oakland Road | San Jose, California 95131 | (408) 457-2200 | (408) 457-2222 Fax | www.HMHca.com
BASIS OF BEARINGS:
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), Epoch 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, Book 821 of Maps, Pages 1-51, Santa Clara County Records.

NOTE:
Distances shown hereon are grid. Multiply distances by 1.00004711 to obtain ground distances.

Exhibit "1"

1 IN. = 30 FT.

ALUM ROCK AVENUE
(State Route 130)

P.O.B.

T.P.O.B.

S36°18'34"E 11.07'
S36°18'34"E 3.02'

N60°04'26"E 132.58'
S60°04'26"W 135.90'

SCAR017–02
±403 SF

PROP. I.D. SCAR016
A.P.N. 481–22–054

PROP. I.D. SCAR017
A.P.N. 481–22–049

DRIVEWAY ESMT
7188 O.R. 5

Δ=4'55.39"
R=55.00'
L=4.73'

Sheet 1 of 1

Plat to accompany description:
PROPERTY I.D. SCAR017–02
TEMPORARY CONSTRUCTION EASEMENT
SAN JOSE, SANTA CLARA COUNTY, 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 Santa Clara-Alum Rock Bus Rapid Transit Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a Public Street Easement interest in certain property more particularly described in Exhibit “A” (SCAR021-01), a Temporary Construction Easement interest in certain property more particularly described in Exhibit “B” (SCAR021-02), and a Fee interest in certain property more particularly described in Exhibit “C” (62627), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

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

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

1. The recitals contained herein are true and correct.

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

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

4. The public interest and necessity require the Project.

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

6. A Public Street Easement interest in property described in Exhibit “A”, a Temporary Construction Easement interest described in Exhibit “B”, and a Fee interest described in Exhibit “C” are necessary for the Project.

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

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

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

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

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

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on September 6, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

KEN YEAGER, Chairperson
Board of Directors

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

Dated: ______________________

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

___________________________
ROBERT FABELA
General Counsel
EXHIBIT “A”

PUBLIC STREET EASEMENT

An easement for installation, maintenance, operation, replacement, repair, relocation, and use of a public street, sidewalk, curb, gutter, street lights, wheelchair ramps, traffic signal poles and equipment, pull boxes, conductors, storm drain inlets, utilities and all necessary appurtenances thereto on, under, over, and through the real property situate in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “I” attached hereto and incorporated herein.
Exhibit "1"

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 484-01-039
PROPERTY I.D. NO. SCAR021-01
PUBLIC STREET EASEMENT

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land described in the deed recorded January 31, 1989, in Book K834 of Official Records, page 475, Santa Clara County Records, described as follows:

BEGINNING at the most southerly corner of said parcel of land, being on the northwesterly line of Alum Rock Avenue;

Thence along the southwesterly line of said parcel of land, North 36°58'11" West, 7.06 feet;

Thence North 60°09'49" East, 38.21 feet;

Thence South 29°50'11" East, 7.00 feet, to the northwesterly line of Alum Rock Avenue;

Thence along said northwesterly line, South 60°09'49" West, 37.34 feet, to the POINT OF BEGINNING.

Containing 264 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00005333 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

[Signature]
Steve W. Danner, LS 5106
License expires 06-30-2011
11-17-11

LICENSED LAND SURVEYOR
No. 5106
Exp. 6-30-13
STATE OF CALIFORNIA
ASIS OF Bearings:
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), Epoch 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, Book 821 of Maps, Pages 1-51, Santa Clara County Records.

NOTE:
Distances shown hereon are grid. Multiply distances by 1.00005333 to obtain ground distances.

1 IN. = 20 FT.

PROP. I.D. SCAR021
A.P.N. 484-01-039
(2004-2005)

RELINQUISHMENT OF ABUTTER’S RIGHTS
C551 O.R. 426

SCAR021-01
±264 SF

N36°58’11”W  7.06’
S60°09’49”W  37.34’

S29°50’11”E  7.00’
N60°09’49”E  38.21’

EXIST R/W

ALUM ROCK AVENUE
(STATE ROUTE 130)

Plat to accompany description:
PROPERTY I.D. SCAR021-01
PUBLIC STREET EASEMENT
SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA
EXHIBIT “B”

TEMPORARY CONSTRUCTION EASEMENT

A Temporary Construction Easement (TCE), for the construction (and other related activities related to construction) of the Santa Clara-Alum Rock Rapid Transit Project, under, upon, over and across that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.

This TCE is for a period of two continuous years within the time period from March 1, 2013 through February 28, 2015, commencing on the date Grantee takes possession of the TCE. Grantee shall within 14 days of the termination of the TCE, record a Quitclaim Deed for the TCE.
Exhibit 1

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 484-01-039
PROPERTY I.D. NO. SCAR021-02
TEMPORARY CONSTRUCTION EASEMENT

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land described in the deed recorded January 31, 1989, in Book K834 of Official Records, page 475, Santa Clara County Records, described as follows:

BEGINNING at the most southerly corner of said parcel of land, being on the northwesterly line of Alum Rock Avenue;

Thence along the southwesterly line of said parcel of land, North 36°58'11" West, 7.06 feet, to the TRUE POINT OF BEGINNING;

Thence North 60°09'49" East, 67.61 feet, to southwesterly line of Route 680;

Thence along said southwesterly line, North 34°43'14" West, 3.01 feet;

Thence South 60°09'49" West, 67.73 feet, to the southwesterly line of said parcel of land;

Thence along said southwesterly line, South 36°58'11" East, 3.02 feet, to the TRUE POINT OF BEGINNING.

Containing 203 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

[Signature]
Steve W. Danner, LS 5106
License expires 06-30-2011
3-24-11
BASIS OF BEARINGS:
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), Epoch 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, Book 821 of Maps, Pages 1–51, Santa Clara County Records.

NOTE:
Distances shown hereon are grid. Multiply distances by 1.00004711 to obtain ground distances.

Exhibit 1

1 IN. = 20 FT.

Prop. I.D. SCAR021
A.P.N. 484-01-039

Relinquishment of Abutter's Rights
C551 O.R. 426

Scar021-02
±203 SF

S36°58'11"E 3.02'
N36°58'11"W 7.06'
P.O.B.

T.P.O.B.

S60°09'49"W 67.73'
N60°09'49"E 67.61'

Exist R/W

Alum Rock Avenue
(State Route 130)

Plot to accompany description:
Property I.D. SCAR021-02
Temporary Construction Easement
San Jose, Santa Clara County, California
EXHIBIT “C”
PROPERTY DESCRIPTION

November 10, 2011
HMH 3080.48.214
Page 1 of 1

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 484-01-039
PROPERTY I.D. NO. 62627

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land described in the deed recorded January 31, 1989, in Book K334 of Official Records, page 475, Santa Clara County Records, described as follows:

BEGINNING at the most southerly corner of said parcel of land, being on the northwesterly line of Alum Rock Avenue;

Thence along said northwesterly line, North 60°09′49″ East, 37.34 feet, to the TRUE POINT OF BEGINNING;

Thence continuing along said northwesterly line, North 60°09′49″ East, 30.00 feet, to southwesterly line of Route 680;

Thence along said southwesterly line, North 34°43′14″ West, 7.03 feet;

Thence South 60°09′49″ West, 29.40 feet;

Thence South 29°50′11″ East, 7.00 feet, to the TRUE POINT OF BEGINNING.

Containing 208 square feet, more or less.

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter’s rights including access rights, appurtenant to grantor’s remaining property, in and to said freeway over and across the following described line: The northeasterly 21.85 feet of the course described as South 60°09′49″ West, 29.40 feet.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00005333 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

[Signature]

Licensed Land Surveyor
License expires 06-30-2011
No 5106-13
Exp 12-13

SCARP62627.doc

1570 Oakland Road | San Jose, California 95131 | (408) 483-2300 | (408) 487-2222 Fax | www.scarpco.com
BASIS OF BEARINGS:
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), Epoch 1996.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, Book 821 of Maps, Pages 1-51, Santa Clara County Records.

NOTE:
Distances shown hereon are grid. Multiply distances by 1.00008333 to obtain ground distances.

1 IN. = 20 FT.

PROP. I.D. 62627
A.P.N. 484-01-039
(2004-2005)

RELINQUISHMENT OF
ABUTTER'S RIGHTS
0551 O.R. 426

62627
±208 SF
S60°09'49"W
21.83'
S29°50'11"E
7.00'
N80°09'49"E
37.34'
30.00'
N80°09'49"E
7.03'

EXIST R/W

ALUM ROCK AVENUE
(STATE ROUTE 130)

Plat to accompany description:
PROPERTY I.D. 62627
SAN JOSE, SANTA CLARA COUNTY, 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 Santa Clara-Alum Rock Bus Rapid Transit Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a Public Street Easement interest in certain property more particularly described in Exhibit “A” (SCAR023-01), two Temporary Construction Easements interest in certain property more particularly described in Exhibit “B” (SCAR023-02 and SCAR023-003), and a Fee interest in certain property more particularly described in Exhibit “C” (62628), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

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

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

1. The recitals contained herein are true and correct.

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

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

4. The public interest and necessity require the Project.

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

6. A Public Street Easement interest in property described in Exhibit “A”, two Temporary Construction Easement interests described in Exhibit “B”, and a Fee interest described in Exhibit “C” are necessary for the Project.

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

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

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

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

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

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on September 6, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

_____________________________________
KEN YEAGER, Chairperson
Board of Directors

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

Dated: ______________________

_____________________________________
SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

_____________________________________
ROBERT FABELA
General Counsel
EXHIBIT “A”

PUBLIC STREET EASEMENT

An easement for installation, maintenance, operation, replacement, repair, relocation, and use of a public street, sidewalk, curb, gutter, street lights, wheelchair ramps, traffic signal poles and equipment, pull boxes, conductors, storm drain inlets, utilities and all necessary appurtenances thereto on, under, over, and through the real property situate in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.
Exhibit "1"

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 484-42-011
PROPERTY I.D. NO. SCAR023-01
PUBLIC STREET EASEMENT

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of Parcel 1 as described in the deed recorded April 14, 2010, in Document No. 20677375 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the northerly corner of said Parcel 1, being on the southeasterly line of Alum Rock Avenue;

Thence along the northeasterly line of said Parcel 1, South 37°00’11" East, 8.83 feet;

Thence South 63°11’01" West, 129.64 feet

Thence North 29°50’11” West, 1.93 feet, to the southeasterly line of Alum Rock Avenue;

Thence along said southeasterly line, North 60°09’49" East, 128.35 feet, to the POINT OF BEGINNING.

Containing 687 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00005333 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5406
License expires 06-30-2011
11-7-11
BASIS OF BEARINGS:
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), epoch 1996.50, California state plane coordinate zone 3, based locally upon the coordinates shown on a record of survey, book 821 of maps, pages 1-51, Santa Clara County records.

NOTE:
Distances shown hereon are grid. Multiply distances by 1.00005333 to obtain ground distances.

1 IN. = 40 FT.

ALUM ROCK AVENUE
(STATE ROUTE 130)

EXIST R/W

P.O.B.

S37°00′11″E
8.83′

N60°09′49″E
128.35′

N29°50′11″W
1.93′

S63°11′01″W
129.64′

GAS LINE ESMT
9467 O.R. 541

RELINQUISHMENT OF ABUTTER'S RIGHTS
9166 O.R. 350

PROP. I.D. SCAR023
A.P.N. 484-42-011
(2004-2005)

A.P.N. 484-50-014
(2004-2005)

PG&E ELECTRIC ESMT
9181 O.R. 43

PROP. I.D. SCAR025
A.P.N. 484-50-000
(2004-2005)

INGRESS & EGRESS ESMT
9467 O.R. 538

±687 SF
EXHIBIT “B”

TEMPORARY CONSTRUCTION EASEMENT

A Temporary Construction Easement (TCE), for the construction (and other related activities related to construction) of the Santa Clara-Alum Rock Rapid Transit Project, under, upon, over and across that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.

This TCE is for a period of two continuous years within the time period from March 1, 2013 through February 28, 2015, commencing on the date Grantee takes possession of the TCE. Grantee shall within 14 days of the termination of the TCE, record a Quitclaim Deed for the TCE.
LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 484-42-011
PROPERTY I.D. NO. SCAR023-02 & SCAR023-003
TEMPORARY CONSTRUCTION EASEMENT

PROPERTY I.D. NO. SCAR023-02

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of Parcel 1 as described in the deed recorded April 14, 2010, in Document No. 20677375 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the northerly corner of said Parcel 1, being on the southeasterly line of Alum Rock Avenue;

Thence along the northeasterly line of said Parcel 1, South 37°00'11" East, 8.83 feet, to the TRUE POINT OF BEGINNING;

Thence South 63°11'01" West, 35.71 feet, to Point A designated hereon;

Thence South 30°56'16" East, 3.01 feet;

Thence North 63°11'01" East, 36.03 feet, to the northeasterly line of said Parcel 1;

Thence along said northeasterly line, North 37°00'11" West, 3.05 feet, to the TRUE POINT OF BEGINNING.

Containing 108 square feet, more or less.

PROPERTY I.D. NO. SCAR023-03

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of Parcel 1 as described in the deed recorded April 14, 2010, in Document No. 20677375 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at Point A designated in Property I.D. No. SCAR023-02A as described above;

Thence South 63°11'01" West, 7.07 feet, to the TRUE POINT OF BEGINNING;

Thence South 63°11'01" West, 119.72 feet;

Thence South 29°50'11" East, 3.00 feet;

Thence North 63°11'01" East, 119.69 feet;
Exhibit "1"

Thence North 29°23'36" West, 3.00 feet, to the TRUE POINT OF BEGINNING.

Containing 359 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5106
License expires 06-30-2011

Licensed Land Surveyor
No. 5106
Exp. 6-30-4
BASIS OF BEARINGS:
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), Epoch 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, Book 821 of Maps, Pages 1–51, Santa Clara County Records.

NOTE:
Distances shown hereon are grid. Multiply distances by 1.00004711 to obtain ground distances.

1 IN. = 40 FT.

ALUM ROCK AVENUE
STATE ROUTE 130

EXIST R/W

GAS LINE ESMT
9467 O.R. 541

S29°50'11"E
3.00'

S63°11'01"W
119.72'

N63°11'01"E
119.69'

P.O.B.

S37°00'11"E
8.83'

T.P.O.B.

L1

L3

SEE DETAIL

SCAR023-03
±359 SF

SCAR023-02
±108 SF

PROP. I.D. SCAR023
A.P.N. 484-42-011

PROP. I.D. SCAR025
A.P.N. 484-50-000

LEGEND

A.P.N.
484-50-014

A.P.N.
9166 O.R. 350

P.G.A.E. ELECTRIC ESMT
9181 O.R. 43

RELINQUISHMENT OF-

ABUTTERS RIGHTS

T.P.O.B.

PT.A

L4

L1

L3

N63°11'01"E
119.72'

119.69'

119.72'

119.69'

LINE TABLE

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DETAIL
NOT TO SCALE

Plat to accompany description:
PROPERTY I.D. SCAR023-02 & SCAR023-03
TEMPORARY CONSTRUCTION EASEMENT
SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA

DATE: 04–22–11
SCALE: 1"=40'

HMHca.com
1570 Oakland Road
San Jose, CA 95131
(408) 487-2200
Exhibit "C"

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 484-42-011
PROPERTY I.D. NO. 62628

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of Parcel 1 as described in the deed recorded April 14, 2010, in Document No. 20677375 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the northerly corner of said Parcel 1, being on the southeasterly line of Alum Rock Avenue;

Thence along said southeasterly line, South 60°09'49" West, 128.35 feet, to the TRUE POINT OF BEGINNING;

Thence continuing along said southeasterly line, South 60°09'49" West, 36.59 feet;

Thence North 63°11'01" East, 36.64 feet;

Thence North 29°50'11" West, 1.93 feet, to the TRUE POINT OF BEGINNING.

Containing 35 square feet, more or less.

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights including access rights, appurtenant to grantor's remaining property, in and to said freeway over and across the following described line: The southwesterly 15.67 feet of the course described as North 63°11'01" East, 36.64 feet.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00005333 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5106
License expires 06-30-2011

[Signature]

LICENSED LAND SURVEYOR
No. 5106
Exp 6-30-17
STATE OF CALIFORNIA
**Basis of Bearings:**
The bearings shown hereon are based upon the North American datum of 1983 (NAD83), epoch 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, Book 821 of Maps, Pages 1–51, Santa Clara County Records.

**Note:**
Distances shown hereon are grid. Multiply distances by 1.00005333 to obtain ground distances.

**Exhibit "C"**

0  20  40

1 IN. = 40 FT.

---

**ALUM ROCK AVENUE**

(State Route 130)

---

**T.P.O.B.**

S60°09'49"W 128.35'

**P.O.B.**

EXIST R/W

**GAS LINE ESMT**

9467 O.R. 541

**±35 SF**

SEE DETAIL

**PROP. I.D. 62628**

A.P.N. 484–50–014


**PROP. I.D. SCAR025**

A.P.N. 484–50–000


---

**PG&E Electric ESMT**

9166 O.R. 350

**Abutting Rights**

9181 O.R. 43

---

**Ingress & Egress ESMT**

9467 O.R. 538

---

**Detail**

NOT TO SCALE

---

**5.1.r**

Date: 11–17–11

Scale: 1" = 40'

Designed:

Drawn:

Checked:

Proj. No.:

1570 Oakland Road
San Jose, CA 95131
(408) 487-3200
HMHca.com

Plat to accompany description:

PROPERTY I.D. 62628

SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA
Property ID: SCAR025

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 Santa Clara-Alum Rock Bus Rapid Transit Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a Public Street Easement interest in certain property more particularly described in Exhibit “A” (SCAR025-01), and a Temporary Construction Easement interest in certain property more particularly described in Exhibit “B” (SCAR025-02), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

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

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

1. The recitals contained herein are true and correct.

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

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

4. The public interest and necessity require the Project.

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

6. A Public Street Easement interest in property described in Exhibit “A”, and a Temporary Construction Easement interest described in Exhibit “B” are necessary for the Project.

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

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

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

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

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

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on September 6, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

KEN YEAGER, Chairperson
Board of Directors

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

Dated: ______________________

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

ROBERT FABELA
General Counsel
EXHIBIT “A”

PUBLIC STREET EASEMENT

An easement for installation, maintenance, operation, replacement, repair, relocation, and use of a public street, sidewalk, curb, gutter, street lights, wheelchair ramps, traffic signal poles and equipment, pull boxes, conductors, storm drain inlets, utilities and all necessary appurtenances thereto on, under, over, and through the real property situate in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.
LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 484-50-001 THRU 072
PROPERTY I.D. NO. SCAR025-01
PUBLIC STREET EASEMENT

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of Lot 1 as shown on that Map of Tract 7030 filed for record on April 23, 1981, in Book 483 of Maps, pages 17 and 18, Santa Clara County Records, described as follows:

BEGINNING at the northwesterly corner of said Lot 1, being on the southeasterly line of Alum Rock Avenue, as said Avenue is shown on said Tract Map;

Thence along the southwesterly line of said Lot 1, South 37°00'11" East, 8.83 feet;

Thence leaving said southwesterly line and proceeding North 63°11'01" East, 42.56 feet;

Thence North 60°09'49" East, 258.84 feet;

Thence along a tangent curve to the right, having a radius of 22.50 feet, through a central angle of 57°50'34" for an arc length of 22.71 feet, to the southwesterly line of Muirfield Drive, as said Drive is shown on said Tract Map;

Thence along said southwesterly line of Muirfield Drive and said southeasterly line of Alum Rock Avenue, the following three courses:

1. North 37°02'08" West, 2.30 feet to the beginning of a curve to the left;
2. Along said curve to the left, having a radius of 22.00 feet, through a central angle of 82°48'03" for an arc length of 31.79 feet;
3. South 60°09'49" West, 299.37 feet, to the POINT OF BEGINNING.

Containing 3,434 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00005333 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Stan Heffner, LS 6791
License expires 09-30-2012
5.1.s

BASIS OF BEARINGS:
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), Epoch 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, Book 821 of Maps, Pages 1–51, Santa Clara County Records.

NOTE:
Distances shown hereon are grid. Multiply distances by 1.00005333 to obtain ground distances.

1 IN. = 60 FT.

ALUM ROCK AVENUE
(State Route 130)

P.O.B.
S37°00'11"E 8.83'
N63°11'01"E 42.56'

EXIST R/W
S60°09'49"W 299.37'
N60°09'49"E 258.84'

PUBLIC SERVICE ESMT
483-M-17

PUBLIC SERVICE ESMT
483-M-17

INGRESS & EGRESS ESMT
9467 O.R. 538

SCAR025-01
±3,434 SF

PROP. I.D. SCAR025
A.P.N. 484-50-001 THRU 072

PROP. I.D. SCAR023
A.P.N. 484-42-011

Δ=82°48'03"
R=22.00'
L=31.79'

Δ=57°50'34"
R=22.50'
L=22.71'

10' PUBLIC SERVICE EASEMENT
483-M-17

MURFIELD DRIVE

Date: 04–27–11
Scale: 1"=60'

Plat to accompany description:
PROPERTY I.D. SCAR025-01
PUBLIC STREET EASEMENT
SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA
EXHIBIT “B”

TEMPORARY CONSTRUCTION EASEMENT

A Temporary Construction Easement (TCE), for the construction (and other related activities related to construction) of the Santa Clara-Alum Rock Rapid Transit Project, under, upon, over and across that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.

This TCE is for a period of two continuous years within the time period from March 1, 2013 through February 28, 2015, commencing on the date Grantee takes possession of the TCE. Grantee shall within 14 days of the termination of the TCE, record a Quitclaim Deed for the TCE.
LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 484-50-001 THRU 072
PROPERTY I.D. NO. SCAR025-02
TEMPORARY CONSTRUCTION EASEMENT

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of Lot 1 as shown on that Map of Tract 7030 filed for record on April 23, 1981, in Book 483 of Maps, pages 17 and 18, Santa Clara County Records, described as follows:

BEGINNING at the northwesterly corner of said Lot 1, being on the southeasterly line of Alum Rock Avenue, as said Avenue is shown on said Tract Map;

Thence along the southeasterly line of said Lot 1, South 37°00'11" East, 8.83 feet, to the TRUE POINT OF BEGINNING;

Thence North 63°11'01" East, 42.56 feet;

Thence North 60°09'49" East, 258.84 feet;

Thence along a tangent curve to the right, having a radius of 22.50 feet, through a central angle of 57°50'34" for an arc length of 22.71 feet, to the southeasterly line of Muirfield Drive, as said Drive is shown on said Tract Map;

Thence along said southeasterly line, South 37°02'08" East, 10.77 feet;

Thence leaving said southeasterly line and proceeding South 54°14'38" West, 0.92 feet;

Thence North 35°45'17" West, 0.82 feet;

Thence along a tangent curve to the left, having a radius of 19.50 feet, through a central angle of 84°04'54" for an arc length of 28.62 feet;

Thence South 60°09'49" West, 59.63 feet;

Thence North 29°58'42" West, 1.81 feet;

Thence South 60°01'10" West, 40.79 feet;

Thence South 46°57'03" West, 5.11 feet;

Thence South 60°11'19" West, 40.58 feet;

Thence South 69°41'42" West, 5.23 feet;
Thence South 60°06'44" West, 40.59 feet; EXHIBIT "1"

Thence South 64°44'03" West, 5.13 feet;

Thence South 60°09'20" West, 40.81 feet;

Thence South 56°36'27" West, 4.65 feet;

Thence South 60°29'52" West, 40.67 feet;

Thence South 29°30'05" East, 0.47 feet;

Thence South 63°11'01" West, 18.02 feet, to the southwesterly line of said Lot 1;

Thence along said southwesterly line, North 37°00'11" West, 3.05 feet, to the TRUE POINT OF BEGINNING.

Containing 681 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00005333 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

[Signature]

Stan Heffner, LS 6791
License expires 09-30-2012

[Stamp]

SCAR025002.doc
5.1.s

EXHIBIT "1"

1 IN. = 60 FT.

ALUM ROCK AVENUE
(STATE ROUTE 130)

PROP. I.D. SCAR023
A.P.N. 484-42-011
(2004-2005)

PROP. I.D. SCAR025
A.P.N. 484-50-001 THRU 072
(2004-2005)

LINE TABLE

<table>
<thead>
<tr>
<th>No.</th>
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<tr>
<td>L1</td>
<td>S54°14'38&quot;W</td>
<td>0.92&quot;</td>
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<tr>
<td>L2</td>
<td>S35°45'17&quot;E</td>
<td>0.82&quot;</td>
</tr>
<tr>
<td>L3</td>
<td>S60°09'49&quot;W</td>
<td>59.63'</td>
</tr>
<tr>
<td>L4</td>
<td>N29°58'42&quot;W</td>
<td>1.81&quot;</td>
</tr>
<tr>
<td>L5</td>
<td>S60°01'10&quot;W</td>
<td>40.79'</td>
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<tr>
<td>L6</td>
<td>S46°57'03&quot;W</td>
<td>5.11&quot;</td>
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<tr>
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<td>S64°44'03&quot;W</td>
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<td>S63°11'01&quot;W</td>
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EXHIBIT "1"

1 IN. = 60 FT.

ALUM ROCK AVENUE
(STATE ROUTE 130)

PROP. I.D. SCAR023
A.P.N. 484-42-011
(2004-2005)

PROP. I.D. SCAR025
A.P.N. 484-50-001 THRU 072
(2004-2005)

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<td>S63°11'01&quot;W</td>
<td>18.02'</td>
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</tbody>
</table>

5.1.s

EXHIBIT "1"

1 IN. = 60 FT.

ALUM ROCK AVENUE
(STATE ROUTE 130)

PROP. I.D. SCAR023
A.P.N. 484-42-011
(2004-2005)

PROP. I.D. SCAR025
A.P.N. 484-50-001 THRU 072
(2004-2005)
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 Santa Clara-Alum Rock Bus Rapid Transit Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire a Public Street Easement interest in certain property more particularly described in Exhibit “A” (SCAR028-01), and a Temporary Construction Easement interest in certain property more particularly described in Exhibit “B” (SCAR028-02), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

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

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

1. The recitals contained herein are true and correct.

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

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

4. The public interest and necessity require the Project.

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

6. A Public Street Easement interest in property described in Exhibit “A”, and a Temporary Construction Easement interest described in Exhibit “B” are necessary for the Project.

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

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

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

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

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

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on September 6, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

KEN YEAGER, Chairperson
Board of Directors

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

Dated: ______________________

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

__________________________
ROBERT FABELA
General Counsel
EXHIBIT “A”

PUBLIC STREET EASEMENT

An easement for installation, maintenance, operation, replacement, repair, relocation, and use of a public street, sidewalk, curb, gutter, street lights, wheelchair ramps, traffic signal poles and equipment, pull boxes, conductors, storm drain inlets, utilities and all necessary appurtenances thereto on, under, over, and through the real property situate in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.
Exhibit "1"

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 484-43-115
PROPERTY I.D. NO. SCAR028-01
PUBLIC STREET EASEMENT

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of Parcel 2 as shown on that certain Parcel Map filed for record on April 22, 1980, in Book 462 of Maps, pages 26 through 28, Santa Clara County Records, described as follows:

BEGINNING at the westerly corner of said Parcel 2, being on the southeasterly line of Alum Rock Avenue;

Thence along the southwesterly line of said Parcel 2, South 29°50'11" East, 12.00 feet;

Thence North 60°09'49" East, 142.10 feet;

Thence North 60°30'14" East, 7.90 feet, to the northeasterly line of said Parcel 2;

Thence along said northeasterly line, North 29°50'11" West, 12.05 feet, to the southeasterly line of Alum Rock Avenue;

Thence along said southeasterly line, South 60°09'49" West, 150.00 feet, to the POINT OF BEGINNING.

Containing 1,801 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5106
License expires 06-30-2011
3-24-11
ALUM ROCK AVENUE
(STATE ROUTE 130)

P.O.B.

EXIST R/W

S29°50'11"E 12.00'

N60°09'49"W 150.00'

N29°50'11"W 12.05'

N60°30'14"E 7.90'

10' PUBLIC SERVICE EASEMENT
435-M-47
462-M-28

PROP. I.D. SCAR027
A.P.N. 484-43-114
(2006-2007)

PROP. I.D. SCAR028
A.P.N. 484-43-115
(2006-2007)

PROP. I.D. SCAR027
A.P.N. 484-43-121
(2006-2007)

INGRESS & EGRESS
UTILITY ESMT.
F-480 O.R. 187

STORM DRAIN ESMT
E297 O.R. 581/585

±1,801 SF

5.1.t

BASIS OF BEARINGS:
THE BEARINGS SHOWN HEREON ARE BASED
UPON THE NORTH AMERICAN DATUM OF 1983
(NAD83), EPOCH 1998.50, CALIFORNIA STATE
PLANE COORDINATE ZONE 3, BASED LOCALLY
UPON THE COORDINATES SHOWN ON A RECORD
OF SURVEY, BOOK 821 OF MAPS, PAGES 1-51,
SANTA CLARA COUNTY RECORDS.

NOTE:
DISTANCES SHOWN HEREON ARE GRID,
MULTIPLY DISTANCES BY 1.00004711 TO
OBTAIN GROUND DISTANCES.

1 IN. = 40 FT.

Sheet 1 of 1

Plat to accompany description:
PROPERTY I.D. SCAR028-01
PUBLIC STREET EASEMENT
SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA
EXHIBIT “B”

TEMPORARY CONSTRUCTION EASEMENT

A Temporary Construction Easement (TCE), for the construction (and other related activities related to construction) of the Santa Clara-Alum Rock Rapid Transit Project, under, upon, over and across that certain real property situated in the City of San Jose, County of Santa Clara, State of California, described in Exhibit “1” attached hereto and incorporated herein.

This TCE is for a period of two continuous years within the time period from March 1, 2013 through February 28, 2015, commencing on the date Grantee takes possession of the TCE. Grantee shall within 14 days of the termination of the TCE, record a Quitclaim Deed for the TCE.
Exhibit "1"

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 484-43-115
PROPERTY I.D. NO. SCAR028-02
TEMPORARY CONSTRUCTION EASEMENT

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of Parcel 2 as shown on that certain Parcel Map filed for record on April 22, 1980, in Book 462 of Maps, pages 26 through 28, Santa Clara County Records, described as follows:

BEGINNING at the westerly corner of said Parcel 2, being on the southeasterly line of Alum Rock Avenue;

Thence along the southwesterly line of said Parcel 2, South 29°50'11" East, 12.00 feet, to the TRUE POINT OF BEGINNING;

Thence North 60°09'49" East, 142.10 feet;

Thence North 60°30'14" East, 7.90 feet, to the northeasterly line of said Parcel 2;

Thence along said northeasterly line, South 29°50'11" East, 2.95 feet;

Thence South 60°09'49" West, 88.09 feet;

Thence South 60°09'45" West, 61.91 feet, to the southwesterly line of said Parcel 2;

Thence along said southwesterly line, North 29°50'11" West, 3.00 feet, to the TRUE POINT OF BEGINNING.

Containing 449 square feet, more or less.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5106
License expires 06-30-2011
BASIS OF BEARINGS:
THE BEARINGS SHOWN HEREON ARE BASED
UPON THE NORTH AMERICAN DATUM OF 1983
(NAD83), EPOCH 1998.50, CALIFORNIA STATE
PLANE COORDINATE ZONE 3, BASED LOCALLY
UPON THE COORDINATES SHOWN ON A RECORD
OF SURVEY, BOOK 821 OF MAPS, PAGES 1–51,
SANTA CLARA COUNTY RECORDS.

NOTE:
DISTANCES SHOWN HEREON ARE GRID.
MULTIPLY DISTANCES BY 1.00004711 TO
OBTAIN GROUND DISTANCES.

Exhibit "1"

1 IN. = 40 FT.

ALUM ROCK AVENUE
(STATE ROUTE 130)

10' PUBLIC SERVICE
EASEMENT
435–M-47
462–M-28

P.O.B.
EXIST R/W
S29°50'11"E
T.P.O.B.
12.00'
N60°09'49"E
N29°50'11"W
3.00'
S60°09'45"W
61.91'
S60°09'49"W
88.09'
S29°50'11"E
7.90'
2.95'

PROPS. I.D. SCAR027
A.P.N. 484-43-114
(2006–2007)

PROPS. I.D. SCAR028
A.P.N. 484-43-115
(2006–2007)

STORM DRAIN ESMT
E297 O.R. 581/585

±449 SF

PROPS. I.D. SCAR027
A.P.N. 484-43-121
(2006–2007)

Sheet 1 of 1

Plat to accompany description:
PROPERTY I.D. SCAR028–02
TEMPORARY CONSTRUCTION EASEMENT
SAN JOSE, SANTA CLARA COUNTY, 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 Santa Clara-Alum Rock Bus Rapid Transit 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 Relinquishment of Abutter’s Rights of Access interest in certain property more particularly described in Exhibit “A” (SCAR032-03), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

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

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

1. The recitals contained herein are true and correct.

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

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

4. The public interest and necessity require the Project.

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

6. A Relinquishment of Abutter’s Rights of Access interest in property described in Exhibit “A” is necessary for the Project.

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

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

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

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

11. General Counsel or General Counsel’s duly authorized designee is hereby authorized and directed to institute and conduct to conclusion eminent domain proceedings to acquire a Relinquishment of Abutter’s Rights of Access 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 September 6, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

KEN YEAGER, Chairperson
Board of Directors

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

Dated: _________________

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

ROBERT FABELA
General Counsel
EXHIBIT “A”

RELINQUISHMENT OF ABUTTER’S RIGHTS OF ACCESS

The release and relinquishment of any and all vehicular rights of access in and to the adjacent _Sunset Avenue right of way, appurtenant to that certain property described Exhibit “1”, attached hereto and incorporated herein. Pedestrian access shall be allowed within said street right of way, pursuant to accessing sidewalks.
LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 467-24-110
PROPERTY I.D. NO. SCAR032-03
ACCESS CONTROL

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of that parcel of land described in the deed recorded April 10, 1987, in Book K103 of Official Records, page 1369, Santa Clara County Records, described as follows:

BEGINNING at the most northerly corner of said parcel of land, being on the southeasterly line of E. Santa Clara Street;

Thence along said southeasterly line, South 60°06'57" West, 1.76 feet, to the TRUE POINT OF BEGINNING;

Thence South 60°06'57" West, 32.79 feet, to the terminus point.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5106
License expires 06-30-2011

4-25-11
Basis of Bearings:
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), Epoch 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, Book 821 of Maps, Pages 1–51, Santa Clara County Records.

Note:
Distances shown hereon are grid. Multiply distances by 1.00004711 to obtain ground distances.

1 IN. = 30 FT.

E. SANTA CLARA STREET

S60°06′57″W 32.79′
S60°06′57″W 1.76′

T.P.O.B.  P.O.B.

EXIST R/W

Prop. I.D. SCAR032
A.P.N. 467–24–110
(2008–2009)

A.P.N. 467–18–111
(2008–2009)

Sheet 1 of 1

Plat to accompany description:
PROPERTY I.D. SCAR032–03
ACCESS CONTROL
SAN JOSE, SANTA CLARA COUNTY, 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 Santa Clara-Alum Rock Bus Rapid Transit Project (the “Project”) is being undertaken for the purpose of easing traffic congestion, improving area-wide mobility, and otherwise furthering the public health, safety and welfare; and

WHEREAS, it is desirable and necessary for the Santa Clara Valley Transportation Authority (“VTA”) to acquire an Relinquishment of Abutter’s Rights of Access interest in certain property more particularly described in Exhibit “A” (SCAR033-03), attached hereto and made a part hereof by this reference, as right of way for the Project and the construction thereof; and

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

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

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

1. The recitals contained herein are true and correct.

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

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

4. The public interest and necessity require the Project.

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

6. A Relinquishment of Abutter’s Rights of Access interest in property described in Exhibit “A” is necessary for the Project.

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

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

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

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

11. General Counsel or General Counsel’s duly authorized designee is hereby authorized and directed to institute and conduct to conclusion eminent domain proceedings to acquire a Relinquishment of Abutter’s Rights of Access 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 September 6, 2012, by the following vote:

AYES: DIRECTORS:

NOES: DIRECTORS:

ABSENT: DIRECTORS:

KEN YEAGER, Chairperson
Board of Directors

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

Dated: ______________________

SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS TO FORM:

ROBERT FABELA
General Counsel
EXHIBIT “A”

RELINQUISHMENT OF ABUTTER’S RIGHTS OF ACCESS

The release and relinquishment of any and all vehicular rights of access in and to the adjacent Sunset Avenue right of way, appurtenant to that certain property described Exhibit “1”, attached hereto and incorporated herein. Pedestrian access shall be allowed within said street right of way, pursuant to accessing sidewalks.
Exhibit "1"

LEGAL DESCRIPTION
ALUM ROCK BUS RAPID TRANSIT
APN: 467-18-089
PROPERTY I.D. NO. SCAR033-03
ACCESS CONTROL

REAL PROPERTY in the City of San Jose, County of Santa Clara, State of California, being a portion of Parcel Three as described in the deed recorded March 1, 2006, in Document No. 18826429 of Official Records, Santa Clara County Records, described as follows:

BEGINNING at the most southerly corner of said Parcel Three, being on the northwesterly line of E. Santa Clara Street;

Thence along said northwesterly line, North 60°06'57" East, 19.95 feet, to the TRUE POINT OF BEGINNING;

Thence North 60°06'57" East, 26.09 feet, to the terminus point.

NOTE: Bearings and distances described herein are based on the California Coordinate System of 1983, Zone 3. Multiply herein described distances by 1.00004711 to obtain ground level distances.

EXHIBIT attached and by this reference made a part thereof.

Steve W. Danner, LS 5106
License expires 06-30-2011

4-25-11
BASIS OF BEARINGS:
The bearings shown hereon are based upon the North American Datum of 1983 (NAD83), Epoch 1998.50, California State Plane Coordinate Zone 3, based locally upon the coordinates shown on a record of survey, Book 821 of Maps, Pages 1–51, Santa Clara County Records.

NOTE:
Distances shown hereon are grid. Multiply distances by 1.00004711 to obtain ground distances.

1 IN. = 30 FT.

A.P.N. 467-18-090
(2008–2009)

PROP. I.D. SCAR033
A.P.N. 467-18-089
(2008–2009)

PROP. I.D. SCAR033
A.P.N. 467-18-088
(2008–2009)

SCAR033-03
N60°06'57"E
26.09'

EXIST R/W
P.O.B.

N60°06'57"E
19.95'

T.P.O.B.

E. SANTA CLARA STREET

Plat to accompany description:
PROPERTY I.D. SCAR033-03
ACCESS CONTROL
SAN JOSE, SANTA CLARA COUNTY, CALIFORNIA
NAKASH Enterprises

August 24, 2012

Santa Clara Valley Transportation Authority
ATTN: Board Secretary
3331 North First Street
Building B, Second Floor
San Jose, CA 95134-1906

Re: Request to appear and be heard on all matters concerning the adoption of Resolution of Necessity (Property Identification No. SCAR023)

Dear Board Secretary:

I am general counsel of Nakash Enterprises, LLC, fee title owner of that certain property commonly known as 2510 Alum Rock Avenue, San Jose CA 95116 (the "Property"). Nakash Enterprises, LLC hereby invokes its right to appear and be heard at the Santa Clara Valley Transportation Authority Board of Directors Meeting scheduled for September 6, 2012, at 5:30 p.m. Accordingly, this letter serves as Nakash Enterprises, LLC's written request to appear and be heard on all matters concerning the adoption of Resolution of Necessity (Property Identification No. SCAR023).

Sincerely,

[Signature]
Klipsh Goyal
August 21, 2012

Ms. Pamela Samms
Real Estate Agent
Consultant to Santa Clara VTA
Paragon Partners, Ltd.
1111 Howe Avenue, Suite 510
Sacramento, CA 95825

Dear Ms. Samms:

Re: Santa Clara – Alum Rock Rapid Transit
Property Id No.: SCAR006
Owner: CONEXCO / Oliver de Silva, Inc.

On August 15, 2012, we provided you with an offer of settlement in the above matter. We have this date received a copy of the Notice of Intention to Adopt Resolution of Necessity which is set for September 6, 2012. If there is any hope of resolving this matter, we would like to have that public hearing moved for at least two weeks to 30 days. We will await your thoughts.

Very truly yours,

VARNI, FRASER, HARTWELL & RODGERS

Anthony B. Varni

ABV/chz/14
santa clara VTA.tm
cc: Client
Sandra Weymouth, Secretary
Board of Directors, Santa Clara VTA
August 20, 2012

Board of Secretary of the Santa Clara Valley Transportation Authority

3331 North First Street, building B, Second floor

San Jose, CA 95134-1906

Dear Sir/Madam,

We received the attached letter stating you will hold a regular meeting on 70 West Hedding Street, San Jose, CA for the acquisition of our property in connection with the construction of the Santa Clara-Alum Rock Bus Rapid Transit Project on September 6, 2012 at 5:30pm.

We would like to attend this meeting. Please let me know if you have any questions. We can be contacted at 408-926-5463 after 5pm.

Sincerely,

Cuong Lu & Xue Yan
August 30, 2012

Board Secretary of the SC Valley Transportation Authority
3331 North First Street
Building B, Second Floor
San Jose CA 95134-1906

Re: Request to Appear

To Whom It May Concern:

I am requesting a spot to appear at the hearing scheduled for September 6, 2012 at 5:30pm.

My name is Marianne Hill. I represent Genevieve Martina, Trustee of the Martina Family Trust.

The address of the property owned by the Martina Family:

1695 Alum Rock Ave. San Jose CA
APN#481-12-106
Property ID #: SCAR003

Thank you,

Marianne Hill
Owner-Broker
Hill & Co. Realtors
To: Valley Transportation

I, Massoud Ghassemi own the property on 22 Castlecrest Dr, Sanjov, CA. I received your letter in regards to rapid transit project. I request to appear on the meeting on sept 6, 2012 concerning the property identification # 5CAR 004.

If you have any question, you call me at 408-806-3401 or you can write to my mailing address: P.O. Box 4514, Walnut Creek, CA. 94596.

Massoud Ghassemi

RECEIVED
AUG 30 2012

REAL ESTATE & PROJECT ADMINISTRATION
Date: August 30th, 2012

From: Joseph Lynn
(408) 258-1639
General Manager / Business Owner
Tire Outlet Store
2240 Alum Rock Av. San Jose, CA 95116

Re: Meeting regarding VTA Express Bus Lane and Property Recess

To Whom It May Concern,

My name is Joseph Lynn and I own a business nearby Alum Rock and Jackson Ave. I just found out a meeting regarding VTA’s project that may affect my business operation. I am writing to inform you that I will come to the meeting and hopefully I have my right to give my opinions.

Also if you can please call me to confirm about my enrollment to this meeting; I was told from business owners around my office that the meeting will be on Sept. 6th, 5:30pm, at 3331 N. 1st Street, 2nd Floor.

Please call me so I can be sure about this meeting.

Joseph Lynn
General Manager,
Tire Outlet Store
(408)258-1639
Aug 30, 2012

To Board Secretary of the Santa Clara Valley Transportation Authority,

We at 2274 Alum Rock Ave., property identification no. SCAR016, would like to exercise our rights to appear and be heard at the September 6, 2012 meeting.

Thank You,

Jafar Kangarloo
Trustees of the Kangarloo Family 2002

Nasrin Kangarloo
August 30th, 2012

Minh Nguyen
2290 Alum Rock Ave.
San Jose, Ca. 95116

RE: Request to appear and be heard at Santa Clara Valley Transportation.

My name Minh Nguyen requests to appear and be heard at the Santa Clara Valley Transportation Authority Board of Directors at the Board of Supervisors Chambers, County Government Center, 70 West Hedding St. Meeting scheduled for September 6, 2012.

Sincerely,

Minh Nguyen
August 28, 2012

Attn: Board Secretary
Santa Clara Valley Transportation Authority
3331 North First Street, Building B, Second Floor
San Jose, CA 95134-1906

RE: WRITTEN REQUEST TO APPEAR AND BE HEARD AT THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY BOARD OF DIRECTORS MEETING SCHEDULED FOR SEPTEMBER 6, 2012 CONCERNING PROPERTY IDENTIFICATION NO. SCAR033

Dear Board Secretary:

We, GEORGE and JENNY CHANG as well as WILLIAM CHANG, owners and property manager respectively of the property located at 345 E. Santa Clara St., San Jose, CA 95113, do hereby formally submit our written request to appear and be heard at the Santa Clara Valley Transportation Authority Board of Directors Meeting scheduled for September 6, 2012 regarding the above-referenced matter.

We strongly oppose and object to the proposed project since the project is NOT planned or located in a manner that will be most compatible with the greatest public good and the least private injury. We have a whole host and array of problems, concerns, issues, and agenda topics which we will raise, outline, and detail at the upcoming board of directors meeting.

Thank you for your kind consideration. Your cooperation and understanding will be greatly appreciated.

Respectfully yours,

GEORGE CHANG

JENNY CHANG

WILLIAM CHANG

1929 Irving St., Suite #307
San Francisco, CA 94122
August 29, 2012

George Chang and Jenny Chang
as Trustees of the George Chang and
Jenny Chang 2006 Revocable Trust
1929 Irving Street, #307
San Francisco, CA 94122

RE: Property SCAR033, Notice of Intention to Adopt Resolution
of Necessity (RON Hearing)

Dear George and Jenny Chang:

We are in receipt of your correspondence pertaining to the scheduled RON Hearing for
September 6, 2012. This is to notify you that we will be deferring this matter to a later date and
will inform you of any rescheduled hearing date.

Sincerely,

Bijal Patel
Deputy Director
Property Development and Management

copy: William Chang
BOARD MEMORANDUM

TO:  Santa Clara Valley Transportation Authority
      Board of Directors

THROUGH:  General Manager, Michael T. Burns

FROM:  Chief Operating Officer, Michael A. Hursh

SUBJECT:  Veterans Transportation and Community Living Initiative

FOR INFORMATION ONLY

BACKGROUND:

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

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

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

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

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

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

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

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

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

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

Prepared By: Jim Unites
Memo No. 3667
FOR INFORMATION ONLY

Significant BART Silicon Valley activities and progress during August 2012 include:

San Jose Area Construction Activities

Freight service south of Trade Zone Boulevard is no longer active. The contractor has removed the Union Pacific Railroad (UPRR) signal gate structures and track. Installation of the new MCI fiber optic duct took place in the vicinity of the City of San Jose yard and the San Jose Flea Market and between Trade Zone Boulevard and the Sierra/Lundy intersection. Additionally, Chevron has started mobilizing to begin their pipeline relocation work between Curtis Avenue and the Sierra/Lundy intersection.

Demolition of the former industrial park buildings and UPRR bridge over Penitencia Creek in the Berryessa Station area took place throughout August. Mass excavation of the creek bed continues and pile driving for the new Berryessa Station Way bridge structure began in mid-August.

Milpitas Area

Pre-demolition activities, including abatement, of the buildings at the future Milpitas Station area have been completed. Demolition of a former trucking warehouse facility and partial demolition of a storage unit facility are anticipated to take place in late August in advance of utility relocations that will take place within the Milpitas Station area.

Removal of freight track from the project alignment is scheduled to begin in late August. These activities will begin just north of Dixon Landing Road, and continue south along the corridor. Railroad crossing gates at Dixon Landing Road have been relocated to accommodate the remaining freight track on the west side of the project. Storm drain relocation is also occurring north of Dixon Landing Rd. and is anticipated to be completed by the end of August.
Kato Road Grade Separation
Roadway excavation continued during the month of August and is now complete. Work progressed on the roadway retaining walls, including waterproofing and construction of the drainage system. Work on the storm drain culvert is complete.

Bridge abutments were poured, and form work was started for the Union Pacific Railroad (UPRR) maintenance roadway access and BART bridges. UPRR is fully operational on the new freight railroad bridge.

Mission/Warren/Freight Railroad Relocation Program
All documents were submitted by the contractor and the full Notice to Proceed was issued on August 13, 2012. The contractor has removed the old WP Line tracks in VTA’s right-of-way and the signal and crossing gate at Warren Ave. have been removed.

Track work for the south entry to the truck-rail handling facility has been completed and is operational, and the truck-rail handling facility scale has been relocated. The Kinder Morgan pipeline north of Mission Blvd. has been protected with a concrete cap. The MCI fiber optic cable north of Mission Blvd. in conflict with the Agua Caliente creek improvements has been relocated. Micro-tunneling for the Agua Caliente creek culvert began in early August and will be completed in early September.

SVBX Residential Noise Insulation Program (RNIP) and Preconstruction Surveys
CSDA, the program’s noise and architectural services consultant, has completed 100 percent of the noise testing on the 517 potential RNIP candidates, and has provided 98 percent of the noise reports indicating eligibility along the corridor. VTA hosted three community outreach meetings for Milpitas and San Jose eligible residences to explain the design process and the next steps in the program.

Communications and Outreach
BART Silicon Valley Communications and Outreach strives to ensure all stakeholders receive comprehensive, pertinent and timely project information. Efforts for the month of August include:

- Project tours for staff from the offices of Congresswoman Lofgren, Senator Boxer, and FTA
- Presentations to the August Citizens Advisory Committee and Policy Advisory Committee
- Participation at Fremont Festival of Arts on August 4-5
- Attendance at the monthly Berryessa Business Association meeting on August 16
- Senator Barbara Boxer Visit on August 21
- Responded to over 111 inquiries from members of the public via the BART Silicon Valley Community Outreach Hotline, emails and phone calls
- Three separate distributions of construction update fliers to residents and businesses in the Berryessa and Milpitas Station area neighborhoods
• Distribution of news release/traffic advisory on demolition activities planned at the future Milpitas Station.

During August, BART Silicon Valley was included in three articles from the following publications/news outlets: The San Jose Mercury News, Tri-City Voice and CBS/KCBS San Francisco. BART Silicon Valley was mentioned in nine broadcast segments that ran on ABC/KGO, the reports focused on construction activities near the future Berryessa Station area.

Prepared By: Kevin Kurimoto
Memo No. 3205
BOARD OF DIRECTORS MEETING

Thursday, August 2, 2012

MINUTES

1. CALL TO ORDER AND ROLL CALL

The Regular Meeting of the Santa Clara Valley Transportation Authority’s (VTA) Board of Directors was called to order by Chairperson Yeager at 5:35 p.m. in the Board of Supervisors’ Chambers, County Government Center, 70 West Hedding Street, San José, California.

1.1. ROLL CALL

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

* Alternates do not serve unless participating as a Member.

A quorum was present.

Chairperson Yeager noted staff request to remove the following item from the Board Agenda: Agenda Item #3.1.B.i, Potential Litigation - Government Code Section 54956.9(b)(1) One case whose facts and circumstances are not disclosed pursuant to Government Code Section 54956.9(b)(3)(A).

M/S/C (Herrera/Pirzynski) to remove from the Board Agenda, Agenda Item #3.1.B.i, Potential Litigation - Government Code Section 54956.9(b)(1) One case whose facts and circumstances are not disclosed pursuant to Government Code Section 54956.9(b)(3)(A).
The Agenda was taken out of order.

3. CLOSED SESSION

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

3.1.A. Conference with Real Property Negotiators

[Government Code Section 54956.8]

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

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

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

Under Negotiation: Price and terms of payment

3.1.B. Conference with Legal Counsel - Anticipated Litigation

[Government Code Section 54956.9]

3.1.B.i. (Item removed from Board Agenda)

Potential Litigation - Government Code Section 54956.9(b)(1)

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

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

One case involving agreement with Union Pacific Railroad.

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

One case involving possible breach of contract.

Member Kalra arrived at the meeting and entered Closed Session at 5:40 p.m.

3.2. Reconvened to Open Session at 6:10 p.m.

3.3. Closed Session Report

Robert Fabela, General Counsel, reported that: 1) Agenda Item #3.1.A, Conference with Real Property Negotiators, was removed from the agenda; 2) Agenda Item #3.1 B, Conference with Legal Counsel - Anticipated Litigation, the Board approved settlement pending approval from a third party; and 3) Agenda Item #3.1.B.iii, Possible Litigation - Government Code Section 54956.9(c), the Board approved the termination of the agreement with the general auditor and approved the initiation of an RFP.
1.2. **Orders of the Day**

Chairperson Yeager noted the Board Agenda was revised to reflect two changes:

1) a lesser contract amount for **Agenda Item #8.1**, Silicon Valley Berryessa Extension Project Floodplain Analysis contract; and
2) a recommended contractor and contract amount for **Agenda Item #8.3**, US 101/Capitol Expressway – Yerba Buena Road Interchange Improvements Contract Award.

Chairperson Yeager noted staff requested the removal of two properties under **Agenda Item #5.1**, Hearing – Notice of Intention to Adopt Resolutions of Necessity. The properties are identified as: 1) B2222A (APN 086-28-041) owned by Limar Realty Corp.; and 2) B2224A (APN 086-28-040) owned by Union Bank, a California corporation.

Chairperson Yeager noted the General Manager’s request to defer **Agenda Item #6.3.A.**, Receive Information on Veterans Transportation and Community Living Initiative, to the September 6, 2012, Board of Directors Meeting.

**Public Comment**

Omar Chatty, Interested Citizen, spoke to **Agenda Item #7.6**, Local Program Reserve Programming Actions, and requested that funding earmarked for roads and transportation not be used for removing lanes and increasing sidewalks on Palo Alto’s California Avenue. He encouraged: 1) a direct connection from Central Expressway to Highway 87; 2) monies to be used for road repairs on Santa Teresa Boulevard; and 3) no reduction of lanes on El Camino Real for a Bus Rapid Transit.

**Correction to Closed Session Report**

Mr. Fabela corrected the Closed Session Report to read as follows:

1) **Agenda Item #3.1.A.**, Conference with Real Property Negotiators, there was nothing to report; 2) **Agenda Item #3.1.B.i**, One case whose facts and circumstances are not disclosed pursuant to Government Code Section 54956.9(b)(3)(A), the item was removed from the Board Agenda; 3) **Agenda Item #3.1.B.ii**, Potential Litigation/Possible Litigation and/or Settlement Authority - Government Code Sections 54956.9(b)(1) and 54956.9(c), the Board approved settlement pending approval from a third party; and 4) **Agenda Item #3.1.B.iii**, Possible Litigation - Government Code Section 54956.9(c), the Board approved the termination of the agreement with the general auditor and approved the initiation of a Request for Proposal (RFP).

**M/S/C (Herrera/McHugh)** to accept the Orders of the Day and approve the Consent Agenda.
2. **AWARDS AND COMMENDATION**

2.1. **Employees of the Month for July and August 2012**

Chairperson Yeager recognized Robert “Bob” Magliocco, Associate Systems Design Engineer; William Estavillo, Coach Operator; and Andrew Paul, Transit Mechanic, as Employees of the Month for July 2012; and Bill Maslak, Transportation Supervisor, as Supervisor of the Quarter for the third quarter of 2012.

Chairperson Yeager recognized David Kobayashi, Sr. Transportation Planner; Stan Marshall, Coach Operator; Jeff Poyer, Transit Mechanic, as Employees of the Month for August 2012.

4. **PUBLIC COMMENT**

James Wightman, Interested Citizen: 1) offered suggestions for the Santa Clara 49er Stadium bus route; and 2) questioned 2013 transit route changes.

Joyce Weissman, Interested Citizen, provided a petition signed by 154 transit riders requesting that a southbound Bus Line 63 be made available on Saturdays and Sundays between the hours of 8:00 p.m. and 10:00 p.m.

Omar Chatty, Interested Citizen, noted his opposition of toll lanes and the allocation of revenue.

Chuck Johnson, Interested Citizen, noted that although he had experienced foul language and violence on the 23 route during his commute that evening, ordinarily he enjoys his transit commute; and 2) he suggested the use of color coding as a method for identifying the various transit routes on the printed schedules. Mr. Johnson encouraged others to commute via transit.

5. **PUBLIC HEARINGS**

5.1 **HEARING - NOTICE OF INTENTION TO ADOPT RESOLUTIONS OF NECESSITY**

Chairperson Yeager reminded the Board that the properties owned by Limar Realty Corporation and Union Bank had been removed from this item under Orders of the Day.

Bijal Patel, Deputy Director Property Development and Management, provided a PowerPoint presentation, highlighting: 1) Project Map; 2) Status of Acquisition Activities; 3) Key Board Findings; and 4) RON Hearing Properties.

Ms. Patel noted need and necessity was described in great detail within the staff report and that all of the owners had been notified with the exception of b2603A (Weller) and b3623 (Murphy). She reported staff had sent notifications to those they had identified as potential heirs of Ms. Weller and Mr. Murphy.
Chairperson Yeager declared the Hearing formally open and asked if there were any property owners, or their representatives, in the audience who would like to address the Board.

M/S/C (Carr/Herrera) to close the Hearing.

M/S/C (Liccardo/Herrera) to adopt Resolutions of Necessity determining that the public interest and necessity require the acquisition of property interests from nine properties owned by: (1) George L. Quinn, Jr., Trustee of the Quinn Family Trust dated August 6, 1984, and amended and restated June 26, 1988, located in Fremont, California; (2) Pritpal Singh and Manjit Kaur, Trustees of the Singh 2003 Trust, dated January 4, 2003; Nghi Ngo and Nancy Chu; Bhopinder Singh Sandhu and Narinder Paul Sandhu; Steve S. Chiang and Marilyn H. Chen; Trustees of the Chiang-Chen Living Trust, dated February 28, 2008, located in Fremont, California; (3) John Scott Kolander a.k.a John S. Kolander and Jacqueline Dynea Kolander a.k.a Jacqueline D. Kolander, located in San José, California; (4) Westcore Milpitas, LLC, a Delaware limited liability company, located in Milpitas, California; (5) The heirs or devisees of Marion Elisabeth Weller, deceased, located in Milpitas, California; (6) Milpitas Station (San Jose) Venture, L.L.L.P., a Delaware limited liability limited partnership, located in Milpitas, California; and (7) The heirs or devisees of James T. Murphy, deceased, located in Milpitas, California, for the BART Silicon Valley Berryessa Extension (SVBX) Project. Motion approved by 11 Board Members.

Resolution No. 2012.08.31

Property ID/Assessor’s Parcel Number/Owner

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

Resolution No. 2012.08.32

Property ID/Assessor’s Parcel Number/Owner


Resolution No. 2012.08.33

Property ID/Assessor’s Parcel Number/Owner

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

Resolution No. 2012.08.34

Property ID/Assessor’s Parcel Number/Owner

B2026 (APN 086-42-035) owned by Westcore Milpitas, LLC, a Delaware limited liability company
Resolution No. 2012.08.35

Property ID/Assessor’s Parcel Number/Owner
B2603A (APN None) owned by the heirs or devisees of Marion Elisabeth Weller, deceased

Resolution No. 2012.08.36

Property ID/Assessor’s Parcel Number/Owner
B2239 (APN 086-32-043) owned by Milpitas Station (San Jose) Venture, L.L.L.P., a Delaware limited liability limited partnership

Resolution No. 2012.08.37

Property ID/Assessor’s Parcel Number/Owner
B3623 (APN None) owned by the heirs or devisees of James T. Murphy, deceased

(Item removed from Board Agenda)

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

(Item removed from Board Agenda)

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

6. REPORTS

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

There was no CAC report.

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

There was no PAC report.

6.3. General Manager’s Report

Michael T. Burns, General Manager, provided a report, highlighting:

- Comparison of June 2012 and June 2011 ridership shows a 0.7 percent reduction, which is a flat ridership month-to-month comparison. The fiscal year ridership overall increase of 2.4 percent exceeded the budgeted projection. Light rail and bus ridership were up 2.7 percent and 2.3 percent respectively.

- Status of the Blossom Hill Pedestrian Crossing Project, highlighting the three steel framing sections fabricated with the Buy American guidelines that were delivered from the Arizona manufacturer the week of July 30, 2012, and will be installed from August 17 through August 19, 2012.

- VTA’s vehicle replacement project received $3.75 million in funding under the State of Good Repair category.
• VTA employees participated in the Milpitas Family Giving Tree’s Back-to-School Backpack Drive, donating over $1500 in cash donations and 71 backpacks.

6.3.A. (Deferred to the September 6, 2012, Board of Directors Meeting)

Receive information on Veterans Transportation and Community Living Initiative.

6.3.B. Fare Program Update

Mr. Burns provided a Fare Program update, highlighting:

• As of July 1, 2012, VTA successfully converted 96 percent of the Adult Monthly Passes, 83 percent of the Adult Express Passes, and 90 percent of the senior passes to Clipper Cards;

• The youth pass conversion fell short of expectation due to a combination of the Summer Blast Pass program and summer vacations; Student outreach will continue as the school year begins;

• Prior to the conversion date, staff was available at light rail stations to inform riders about the transition to Clipper and to answer any questions;

• As of the end of June 2012, approximately 15 percent of the transit riders were using Clipper and that number is expected to substantially increase in July 2012;

• Staff is researching the feasibility of installing more card readers on platforms for a more convenient method of tagging Clipper Cards, particularly at transfer points; and

• VTA Ticket Vending Machines (TVMs) are now accepting credit cards.

A more in-depth report on the fare programs will be presented to the Transit Planning and Operations Committee in August and to the Board in September.

6.3.C. Legislative Update

Kurt Evans, Government Affairs Manager, provided a Legislative Update, highlighting:

• California Assembly Bill 57 (Beall): 1) adds one seat on the Metropolitan Transportation Commission (MTC) for the City of San José and one seat for the City of Oakland; and 2) gives San Francisco control of the Bay Conservation and Development Commission (BCDC), because the appointee must be from
San Francisco; and no county can have more than 3 seats on the MTC Commission;

- California Assembly Bill 2382 (Alejo and Gordon): requires that VTA and Caltrans implement the Innovative Delivery Team Demonstration Program to improve project delivery and local assistance services. The measure passed assembly in May and is now awaiting consideration by the senate appropriations committee prior to going before the Governor.

- Moving Ahead for Progress in the 21st Century (MAP-21) authorizes federal surface transportation programs for a two-year period, federal fiscal years 2013 and 2014, and will take effect October 1, 2012.

6.3.D. Silicon Valley Rapid Transit (SVRT) Program Update

Carolyn Gonot, Chief SVRT Officer, provided a PowerPoint presentation highlighting: 1) Berryessa Station Area: a) Demolition begins at future Berryessa Station; b) Media photo opportunity event; c) Union Pacific Railroad (UPRR) signal, gate and track removal; d) Police and fire training exercises; 2) Upper Penitencia Creek Mitigation: a) Tree trimming and removal; b) Creek water diverted downstream; 3) Milpitas Station Area: a) Completion of UPRR bridge; and b) Evacuation of storm drain culvert; and 4) Residential Noise Insulation Program (RNIP).

6.3.E. Caltrain/High Speed Rail (HSR) Update

Jim Lawson, Executive Policy Advisor, provided a report on Caltrain, highlighting:

- June average weekday ridership passed the 50,000 mark;

- Caltrain’s operating budget of $111 million and capital budget of $39 million was approved at its June 2012 meeting;

- VTA's contribution to the operating budget will be $13.7 million, and $4.3 million to the capital budget; and

- The operating budget includes the addition of six trains to the operating schedule in an attempt to relieve the currently-overcrowded conditions on the Caltrain line.

Mr. Lawson provided a report on HSR, highlighting:

- The new HSR business plan calls for construction of a HSR segment in the Central Valley and a significant investment in the existing rail service in the northern and southern ends of the state;
• The legislature passed and the governor approved the California HSR budget in mid-July; and on July 31, 2012, the legislature approved releasing $2.7 billion in bond funds to support moving the project forward;

• VTA, Caltrain, MTC and other local stakeholders entered into a memorandum of understanding (MOU) to provide a 50 percent local match for the state’s investment in infrastructure on the Caltrain line for Electrification and the Advanced Signal System or Positive Train Control;

• Provided status of Caltrain Electrification Project and the Advanced Signal System Positive Train Control including project costs, project benefits, project milestones, and schedule.

Public Presentation

Omar Chatty, Interested Citizen, expressed his belief that BART is safer than Caltrain and encouraged a continuation of the BART track to fully “ring the bay”.

6.3.F. Metropolitan Transportation Commission (MTC) and California Transportation Commission (CTC) activities.

Scott Haywood, Policy and Community Relations Manager, provided a report on the MTC Activities. MTC Staff presented the commission with three options at its July meeting. MTC chose to take action only on Option 2, which included the following: 1) The San Francisco Municipal Transportation Agency (SF Muni) effort to provide free fares for low-income youth; 2) VTA’s application for a $2 million grant to support a pilot project for reduced fares for low-income riders; and 3) An unspecified future pilot program from Alameda Contra Costa Transit District (AC Transit).

Mr. Haywood reported that despite strong support from MTC Commissioners David Cortese and Sam Liccardo, the motion failed by one vote.

Mr. Haywood noted that VTA has been working on this issue with People Acting in Community Together (PACT) since the fall of 2011 and will continue to work with PACT and VTA’s Transit Planning & Operations Committee to develop a recommendation for the Board to consider later this year.

Board Member Liccardo noted this issue may be seen again within the next few months; MTC Board Members and staff expressed an interest in seeing a reformulation of the proposals. He encouraged the VTA Board to work together to prepare a competitive proposal in the coming months.

John Ristow, Chief Congestion Management Agency (CMA) Officer, provided a report, highlighting: 1) MTC and the Association of Bay Area
Governments (ABAG) approved the One Bay Area Grant (OBAG) program on May 17, 2012; 2) VTA staff and advisory committees have been working to develop the program; 3) The first pieces of the OBAG, addressing the formula and structure for distributing the federal funding to the cities and the County, will be brought to the Board next month; 4) OBAG will require that each CMA prepare and have its Board approve a priority development growth strategy by April 2013; 5) Ezra Rapport, Executive Director, ABAG, will attend the September PAC to provide ABAG’s overview of the OBAG requirement; and 6) An update on this effort will be brought to the Board each month through April 2013.

Public Comment

Michael Ludwig, Interested Citizen, expressed concern that low-floor buses decrease the senior and disabled seating at the front of the bus, as well as decreasing the overall capacity on the bus. He suggested VTA purchase traditional buses.

Mr. Ludwig noted, in response to Mr. Chatty’s comments regarding Caltrain safety under Agenda Item #6.3.E., that Caltrain can be improved.

6.4. Chairperson's Report

Chairperson Yeager reminded the Board that a Board Workshop will be held at 9:00 a.m. on September 21, 2012, in the County Board of Supervisors’ Chambers.

7. CONSENT AGENDA

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

M/S/C (Herrera/McHugh) to approve the Board of Directors Regular Meeting Minutes of June 7, 2012.

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

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

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

Re-appointment:
- David Simons, representing the City of Sunnyvale
- Melanie Hannsen, representing the Town of Los Gatos
7.3. **Protective Wear – Safety Shoe Contract**

M/S/C (*Herrera/McHugh*) to authorize the General Manager to execute a contract with Beck’s Shoes, Inc. to provide protective footwear to all employees in job classifications that require such protection, at an estimated cost of $624,375 over five years.

7.4. **Non-Revenue Vehicle Procurement**

M/S/C (*Herrera/McHugh*) to authorize the General Manager to procure 42 Non-Revenue Vehicles in the amount of $1,405,000 using the State of California purchasing contract.

7.5. **Federal Fiscal Year 2012 Federal Transit Administration (FTA) Grants**

M/S/C (*Herrera/McHugh*) to authorize the General Manager to submit federal Fiscal Year 2012 grant applications and execute grant agreements with the Federal Transit Administration (FTA) for Section 5307 Urbanized Area Formula, Section 5309 Fixed Guideway.

7.6. **Local Program Reserve Programming Actions**

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

7.7. **Transit Performance Initiative Grants: Project Sponsor Resolution of Support**

M/S/C (*Herrera/McHugh*) to adopt Resolution No. 2012.08.30 authorizing the execution of the One Bay Area Transit Performance Initiative grant for the VTA Light Rail and Stevens Creek Transit Signal Priority Improvement Projects, authorize the General Manager to enter into a fund transfer cooperative agreement with the Metropolitan Transportation Commission (MTC), and amend the FY 2013 VTA Transit Fund Capital Budget to add $1,792,813 for the Light Rail Transit Signal Priority (TSP) Improvement Project. **Motion approved by 11 Board Members.**

7.8. **Bill Position: AB 2247 (B. Lowenthal)**

M/S/C (*Herrera/McHugh*) to adopt a support position for AB 2247 (B. Lowenthal), which increases the penalties for the unauthorized sale or peddling of any goods, merchandise, property, or services in a public transit facility or vehicle.
7.9. **Bill Position: AB 2245 (Smyth)**

M/S/C (Herrera/McHugh) to adopt a support position for AB 2245 (Smyth), which exempts a bike lane project undertaken within an existing road right-of-way from the California Environmental Quality Act (CEQA).

7.10. **Monthly Legislative History Matrix**

On order of Chairperson Yeager and there being no objection, the Monthly Legislative History Matrix was received.

7.11. **Programmed Projects Quarterly Monitoring Report**

On order of Chairperson Yeager and there being no objection, the Programmed Projects Quarterly Monitoring Report for January - March 2012 was received.

### 8. REGULAR AGENDA

8.1. **SVBX Floodplain Analysis**

Ms. Gonot provided a PowerPoint presentation, highlighting: 1) Study Purpose; 2) Study Area; 3) SVBX Project Concerns; 4) Study Schedule; 5) Schaaf and Wheeler; and 6) Study Cost by Task.

M/S/C (Pyle/Carr) to authorize the General Manager to execute a contract with Schaaf & Wheeler Civil Engineers, for services associated with preparing an updated regional flood insurance study for the watersheds affecting the SVBX Project in the amount of $450,130.

8.2. **WSCA Contracts and Pricing for Network Equipment and Services**

Gary Miskell, Chief Information Officer, provided the staff report.

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

8.3. **US 101/Capitol Expressway – Yerba Buena Road Interchange Improvements Contract Award**

Mark Robinson, Chief Engineering and Construction Officer, provided the staff report.

Member Herrera spoke of the number of years the US 101/Capitol Expressway – Yerba Buena Road Interchange Improvements have been in the process and the many past government leaders who had put forth an effort to achieve the improvements. She noted how pleased the residents, commuters, and past and present government officials are to finally see the project reach fruition. She then thanked all whose efforts went in to making the project a reality.
M/S/C (Herrera/Campos) to authorize the General Manager to execute a contract with Granite Rock Co. dba Pavex Construction, the lowest responsive and responsible bidder, in the amount of $19,523,851 for construction of the US 101/Capitol Expressway - Yerba Buena Road Interchange Improvements.

9. OTHER ITEMS

9.1. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

There were no Items of Concern and Referral to Administration.

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

9.2.A. VTA Standing Committees

- Silicon Valley Rapid Transit Program Working Committee – June 4, 2012, Minutes were accepted as contained in the Agenda Packet.

- Silicon Valley Rapid Transit Program Working Committee – June 4, 2012, Project Tour Minutes were accepted as contained in the Agenda Packet.

9.2.B. VTA Advisory Committees

- Committee for Transit Accessibility (CTA) – June 13, 2012, Rescheduled Meeting Notice was accepted as contained in the Agenda Packet.

- Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) – June 13, 2012, Minutes and July 11, 2012, Notice of Cancellation were accepted as contained in the Agenda Packet.

- Bicycle & Pedestrian Advisory Committee (BPAC) – July 11, 2012, Minutes were accepted as contained in the Agenda Packet.

- Technical Advisory Committee (TAC) – June 14, 2012, Minutes and July 12, 2012, Minutes were accepted as contained in the Agenda Packet.

- Policy Advisory Committee (PAC) – June 14, 2012, Minutes and July 12, 2012, Notice of Cancellation were accepted as contained in the Agenda Packet.

9.2.C. VTA Policy Advisory Boards (PAB)

- Diridon Station Joint Policy Advisory Board – June 15, 2012, Minutes were accepted as contained in the Agenda Packet.
• Downtown East Valley PAB – June 7, 2012, Minutes were accepted as contained in the Agenda Packet.

• El Camino Real Rapid Transit PAB – June 8, 2012, Cancellation Notice was accepted as contained in the Agenda Packet.

9.2.D. Joint Powers Boards and Regional Commissions

• Peninsula Corridor JPB – August 2, 2012, Meeting Summary Notes were accepted as contained on the dais.

• Capitol Corridor JPB – June 20, 2012, Meeting Summary Notes were accepted as contained on the dais.

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

• Metropolitan Transportation Commission (MTC) - July 25, 2012, Meeting Summary Notes were accepted as contained on the dais.

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

• SR 152 Mobility Partnership – There was no report.

9.3. ANNOUNCEMENTS

There were no Announcements.

10. ADJOURN

On order of Chairperson Yeager and there being no objection, the meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Susan Garcia, Board Assistant
VTA Office of the Board Secretary
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Board Secretary Sandra Weymouth

SUBJECT: Amended Conflict of Interest Code, Designated Positions and Disclosure Categories

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

ACTION ITEM

RECOMMENDATION:

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

BACKGROUND:

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

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

DISCUSSION:

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

**ALTERNATIVES:**

State law mandates the foregoing action.

**FISCAL IMPACT:**

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

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration & Finance Committee was not able to consider this item due to cancellation of its May 17, 2012 meeting.

Prepared by: Elaine F. Baltao
Memo No. 3354
CONFLICT OF INTEREST CODE FOR THE  
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA)

The provisions of 2 Cal. Code of Regs. Section 18730 and any subsequent amendments thereto duly adopted by the California Fair Political Practices Commission are hereby adopted and incorporated by reference and, along with the provisions contained in this page and the attached Appendix, constitute the Conflict of Interest Code for the Santa Clara Valley Transportation Authority. The link to the California Fair Political Practices Commission Regulation 18730 is: http://www.fppc.ca.gov/legal/regs/current/18730.pdf.

A. Designation of Employees and Disclosure Categories

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

B. Filing of Statements of Economic Interests

Designated employees shall file Statements of Economic Interests with the Secretary of the Board of Directors of the Santa Clara Valley Transportation Authority. If Statements are received in signed paper format, the Secretary shall make and retain a copy and forward the original of Statements to the filing officer, the County of Santa Clara Clerk of the Board of Supervisors. If Statements are electronically filed using the County of Santa Clara’s Form 700 e-filing system, both the Secretary and the County of Santa Clara Clerk of the Board of Supervisors will receive notice and access to the e-filed Statements simultaneously.

Statements of Economic Interests will be retained by the Santa Clara Valley Transportation Authority and are public records available for public review and inspection subject to Government Code section 81008.

Adopted: 03/20/00  
Revised: 03/07/02  
Revised: 09/02/04  
Revised: 08/31/06  
Revised: 10/02/08  
Revised: 09/02/10  
Revised: 09/06/12
CONFLICT OF INTEREST CODE FOR THE
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA)

APPENDIX

DESIGNATED POSITIONS
AND DISCLOSURE CATEGORIES 01-04

A. Disclosure Categories

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

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

Category (3) consultants** shall disclose all investments, interests in real property, and income as designated in each Schedule of the Statement of Economic Interests, and all positions held as a director, officer, partner, trustee, employee or other management position in any business entity, subject to the following limitation: The agency may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with these disclosure requirements, but instead must comply with more tailored disclosure requirements specific to that consultant. Such a determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

Category (4) public officials and employees shall disclose (1) all interests in real property as designated in the Statement of Economic Interests, as well as (2) all investments, business positions and income, including gifts, loans and travel payments, from (a) sources that provide services, products, equipment, facilities, or vehicles of the type utilized by SCVTA, and (b) sources that receive grants or other monies from or through SCVTA.

Category (5) public officials and employees shall disclose all investments, business positions and income, including gifts, loans and travel payments, from (a) sources that provide services, products, equipment, facilities, or vehicles of the type utilized by SCVTA, and (b) sources that receive grants or other monies from or through SCVTA.
B.  **Gov. Code Section 87200 Filers**

Pursuant to Government Code section 87200, officials who manage public investments as defined by 2 California Code of Regulations § 18701(b) are subject to the disclosure requirements of the Political Reform Act and are required to file full Statements of Economic Interests. The Santa Clara Valley Transportation Authority has determined that the holders of the positions listed below are officials who manage public investments.

- Member of SCVTA-ATU Local 265 Board of Pensions*
- Alternate Member of SCVTA-ATU Local 265 Board of Pensions*
- Member of SCVTA-ATU Local 265 Board of Pensions Investment Committee*

C.  **Designated Positions**

All public officials, employees, and consultants holding the following designated positions shall file a statement of economic interests, as provided in this Conflict of Interest Code. The applicable disclosure category is shown as a numeral (1), (2), (3), (4), or (5) following the listed position.

**Public Officials**

- Board Member (1)*
- Alternate Board Member (1)*
- Member of 2000 Measure A Citizens Watchdog Committee (1)*
- Member of VTA Deferred Compensation Committee (1)*

**General Manager's Office**

- General Manager (1)
- Executive Assistant to the General Manager (1)
- Executive Policy Advisor (1)
- Senior Policy Analyst (1)
- Board Secretary (1)
- Assistant Board Secretary (1)

**General Counsel's Office**

- General Counsel (1)
- Assistant General Counsel (1)
- Senior Assistant Counsel (1)
- Assistant Counsel (1)

**External Affairs**

- Chief of External Affairs (1)
- Government Affairs Manager - State and Federal (1)
- Deputy Director, Marketing and Public Affairs (1)
- Manager, Public Affairs and Customer Information (5)
- Manager, Market Development (1)
- Public Information Officer (5)
- Creative Services Manager (5)
External Affairs (continued)
Media Spokesperson (5)
Policy and Community Relations Manager (1)
Administrator of Social Media & Electronic Communications (5)

Administrative Services
Chief Administrative Officer (1)
Chief Information Officer (1)
Technology Manager (5)
Human Resources Manager (5)
Environmental Health & Safety Supervisor (5)
Transit Systems Safety Supervisor (5)
Labor Relations Program Manager (5)
Senior Human Resources Analyst - Retirement Services (5)
Civil Rights & Organizational Development Program Manager (5)
Risk Manager (5)
Claims Supervisor (5)
Accessible Services Program Manager (5)

Engineering & Construction
Chief Engineering and Construction Officer (1)
Deputy Director, Construction (1)
Business Relations Manager (1)
Systems Design Manager (5)
Quality Assurance & Warranty Manager (5)
Senior Systems Design Engineer (4)
Transportation Engineering Manager (4)
Engineering Group Manager - Highways (4)
Engineering Group Manager - Line Segment (4)
Engineering Group Manager - Tunnel (4)
Senior Transportation Engineer (5)
Utilities Coordination Manager (5)
Construction Contract Compliance Officer (5)
Principal Construction Inspector (5)
Manager, Construction Inspection (5)
Senior Construction Inspector - Lead (5)
Senior Construction Inspector (5)
Construction Inspector (5)
Senior Architect (5)
Project Controls Group Manager (5)

Congestion Management Agency
Chief Congestion Management Agency Officer (1)
Deputy Director, Planning (1)
Deputy Director, Property Development and Management (1)
Deputy Director, Project Development (1)
Transportation Planning Manager (4)
Transportation Planning Manager - Environmental Resource Planning (4)
Congestion Management Agency (continued)
Transportation Planning Manager- TDM, R&A (4)
Principal Transportation Planner (4)
Principal Transportation Planner (Programming & Grants) (4)
Manager, Real Estate and Project Administration (2)
Senior Real Estate Agent (2)
Associate Real Estate Agent (2)
Assistant Real Estate Agent (2)
Transportation Planning Manager - P&G (5)
Senior Transportation Engineer (4)
Transportation Engineering Manager (4)

Silicon Valley Rapid Transit (SVRT) Program Office
Chief SVRT Program Officer (1)
Deputy Director, SVRT Program Office (1)
Deputy Director, Marketing and Public Affairs (1)
SVRT Project Controls Manager (1)

Fiscal Resources
Chief Financial Officer (1)
Deputy Director of Accounting (1)
Financial Accounting Manager (1)
Purchasing & Materials Manager (1)
Contracts Manager (1)
Senior Construction Contracts Administrator (1)
Construction Contracts Administrator II (5)
Construction Contracts Administrator I (5)
Senior Contracts Administrator (1)
Contracts Administrator II (5)
Contracts Administrator I (5)
Purchasing Manager (1)
Buyer I (5)
Buyer II (5)
Buyer III (5)
Disadvantaged Business Enterprise Program Manager (1)
Investment Program Manager (1)
Revenue Services Manager (1)
Fiscal Resources Manager (1)
Disbursement Manager (1)
Contracts Program Manager (1)
Manager of Highway Construction Contracts (1)
Design Build Construction Administration Manager (1)
Operations
Chief Operating Officer (1)
Deputy Director, Operations (1)
Transportation Superintendent (1)
Assistant Superintendent, Service Management (5)
Assistant Superintendent, Transit Communications (5)
Operations Manager (5)
Maintenance Superintendent (1)
Light Rail Equipment Superintendent (1)
Light Rail Way, Power & Signal Superintendent (1)
Facilities Maintenance Coordinator (5)
Warranty Coordinator (5)
Operations Manager, Engineering (5)
Senior Mechanical Engineer Automotive Systems (5)
Materials & Warranty Manager (5)
Policy & Administration Manager - Operations (5)
Senior Systems Engineer (5)
Manager, Operations Analysis, Reporting & Systems (5)
Transportation Superintendent, Service Management (5)
Operations Manager, Facilities Maintenance & Security (5)

Consultant (3)**

*Unsalaried members of Santa Clara Valley Transportation Authority's (VTA) Board of Directors, VTA Deferred Compensation Committee, SCVTA-ATU Local 265 Board of Pensions, SCVTA-ATU Local 265 Board of Pensions Investment Committee, and the 2000 Measure A Citizens Watchdog Committee are required to file statements of economic interest because they make or participate in making governmental decisions as provided in Title 2, California Code of Regulations, Section 18702.

**"Consultant" means an individual who, pursuant to a contract with VTA, makes a governmental decision as defined in 2 CCR 18702.2, or serves in a staff capacity with VTA and in that capacity participates in making a governmental decision as defined in 2 CCR 18702.2 or performs the same or substantially all the same duties for VTA that would otherwise be performed by an individual holding a position specified in this Conflict of Interest Code.

Revised: 08/01/06
Revised: 10/02/08
Revised: 09/02/11
Revised: 09/06/12
CONFLICT OF INTEREST CODE FOR THE
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA)

The provisions of 2 Cal. Code of Regs. Section 18730 and any subsequent amendments thereto duly adopted by the California Fair Political Practices Commission are hereby adopted and incorporated by reference and, along with the provisions contained in this page and the attached Appendix, constitute the Conflict of Interest Code for the Santa Clara Valley Transportation Authority. The link to the California Fair Political Practices Commission Regulation 18730 is: http://www.fppc.ca.gov/legal/regs/current/18730.pdf.

A. Designation of Employees and Disclosure Categories

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

B. Filing of Statements of Economic Interests

Designated employees shall file Statements of Economic Interests with the Secretary of the Board of Directors of the Santa Clara Valley Transportation Authority. If Statements are received in signed paper format, the Secretary shall make and retain a copy and forward the original of Statements to the filing officer, the County of Santa Clara Clerk of the Board of Supervisors. If Statements are electronically filed using the County of Santa Clara’s Form 700 e-filing system, both the Secretary and the County of Santa Clara Clerk of the Board of Supervisors will receive notice and access to the e-filed Statements simultaneously.

Statements of Economic Interests will be retained by the Santa Clara Valley Transportation Authority and are public records available for public review and inspection subject to Government Code section 81008.

Adopted: 03/20/00
Revised: 03/07/02
Revised: 09/02/04
Revised: 08/31/06
Revised: 10/02/08
Revised: 09/02/10
Revised: 09/06/12
CONFLICT OF INTEREST CODE FOR THE  
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA)  

APPENDIX  

DESIGNATED POSITIONS  
AND DISCLOSURE CATEGORIES 01-04  

A. Disclosure Categories  

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

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

Category (3) consultants** shall disclose all investments, interests in real property, and income as designated in each Schedule of the Statement of Economic Interests, and all positions held as a director, officer, partner, trustee, employee or other management position in any business entity, subject to the following limitation: The agency may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with these disclosure requirements, but instead must comply with more tailored disclosure requirements specific to that consultant. Such a determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

Category (4) public officials and employees shall disclose (1) all interests in real property as designated in the Statement of Economic Interests, as well as (2) all investments, business positions and income, including gifts, loans and travel payments, from (a) sources that provide services, products, equipment, facilities, or vehicles of the type utilized by SCVTA, and (b) sources that receive grants or other monies from or through SCVTA.

Category (5) public officials and employees shall disclose all investments, business positions and income, including gifts, loans and travel payments, from (a) sources that provide services, products, equipment, facilities, or vehicles of the type utilized by SCVTA, and (b) sources that receive grants or other monies from or through SCVTA.
B. Gov. Code Section 87200 Filers

Pursuant to Government Code section 87200, officials who manage public investments as defined by 2 California Code of Regulations § 18701(b) are subject to the disclosure requirements of the Political Reform Act and are required to file full Statements of Economic Interests. The Santa Clara Valley Transportation Authority has determined that the holders of the positions listed below are officials who manage public investments.

- Member of SCVTA-ATU Local 265 Board of Pensions*
- Alternate Member of SCVTA-ATU Local 265 Board of Pensions*
- Member of SCVTA-ATU Local 265 Board of Pensions Investment Committee*

C. Designated Positions

All public officials, employees, and consultants holding the following designated positions shall file a statement of economic interests, as provided in this Conflict of Interest Code. The applicable disclosure category is shown as a numeral (1), (2), (3), (4), or (5) following the listed position.

**Public Officials**
- Board Member (1)*
- Alternate Board Member (1)*
- Member of 2000 Measure A Citizens Watchdog Committee (1)*
- Member of VTA Deferred Compensation Committee (1)*

**General Manager's Office**
- General Manager (1)
- Executive Assistant to the General Manager (1)
- Executive Policy Advisor (1)
- Senior Policy Analyst (1)*
- Board Secretary (1)
- Assistant Board Secretary (1)

**General Counsel's Office**
- General Counsel (1)
- Assistant General Counsel (1)
- Senior Assistant Counsel (1)
- Assistant Counsel (1)

**External Affairs**
- Chief of External Affairs (1)
- Government Affairs Manager - State and Federal (1)
- Deputy Director, Marketing and Public Affairs (1)*
- Manager, Public Affairs and Customer Information (4) (5)
- Manager, Market Development (1)
- Public Information Officer (4) (5)
- Creative Services Manager (4) (5)
- Media Spokesperson (4) (5)

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1. new position – Sr. Policy Analyst
2. temporarily assigned to SVRT Program Office – Deputy Director, Marketing and Public Affairs
Policy and Community Relations Manager (1)

**External Affairs (continued)**
Administrator of Social Media & Electronic Communications (5)³

**Administrative Services**
Chief Administrative Officer (1)
Chief Information Officer (1)
Technology Manager (4) (5)
Deputy Director of IT Applications (1)⁴
Human Resources Manager (4) (5)
Safety Manager (4)⁵
Environmental Health & Safety Supervisor (4) (5)
Transit Systems Safety Supervisor (4) (5)
Labor Relations Program Manager (4) (5)
Senior Human Resources Analyst - Retirement Services (4) (5)
Civil Rights & Organizational Development Program Manager (5)⁵
Risk Manager (4) (5)
Claims Supervisor (4) (5)
Accessible Services Program Manager (5)⁶

**Engineering & Construction**
Chief Construction Officer Chief Engineering and Construction Officer (1)⁷
Deputy Director, Construction (1)
Business Relations Manager (1)
Systems Design Manager (4) (5)
Quality Assurance & Warranty Manager (4) (5)
Senior Systems Design Engineer (4) (4)
Transportation Engineering Manager (4) (4)
Engineering Group Manager - Highways (4) (4)
Engineering Group Manager - Line Segment (4) (4)
Engineering Group Manager - Tunnel (4) (4)
Senior Transportation Engineer (4) (5)
Utilities Coordination Manager (4) (5)
Construction Contract Compliance Officer (5)⁸
Principal Construction Inspector (4) (5)
Manager, Construction Inspection (4) (5)
Senior Construction Inspector - Lead (4) (5)
Senior Construction Inspector (4) (5)
Construction Inspector (4) (5)
Senior Architect (4) (5)
Project Controls Manager (4)⁹
Project Controls Group Manager (5)

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³ - new position - Administrator of Social Media & Electronic Communications (1)
⁴ - deleted
⁵ - new position – renamed to Civil Rights & Organizational Development Program Manager
⁶ - moved from Fiscal Resources to Admin Services
⁷ - renamed to Chief Engineering and Construction Officer
⁸ - new position – Construction Contract Compliance Officer
⁹ - renamed to Project Controls Group Manager
**Congestion Management Agency**
Chief Congestion Management Agency Officer (1)
Deputy Director, Planning (1)
Deputy Director, Property Development and Management (1)
Deputy Director, Project Development (1)
Transportation Planning Manager (4) (4)
Transportation Planning Manager - Environmental Resource Planning (4) (4)
Transportation Planning Manager - TDM, R&A (4) (4)
Principal Transportation Planner (4) (4)
Principal Transportation Planner (Programming & Grants) (4) (4)
Manager, Real Estate and Project Administration (2)
Senior Real Estate Agent (2)
Associate Real Estate Agent (2)
Assistant Real Estate Agent (2)
Transportation Planning Manager - P&G (4) (5)
Senior Transportation Engineer (4) (4)
Transportation Engineering Manager (4) (4)

**Silicon Valley Rapid Transit (SVRT) Program Office**
Chief SVRT Program Officer (1)
Deputy Director, SVRT Program Office (1)
Deputy Director, Marketing and Public Affairs (1)
SVRT Project Controls Manager (1)

**Fiscal Resources**
Chief Financial Officer (1)
Deputy Director of Accounting (1)
Financial Accounting Manager (1)
Purchasing & Materials Manager (1)
Contracts Manager (1)
Senior Construction Contracts Administrator (1)
Construction Contracts Administrator II (4) (5)
Construction Contracts Administrator I (4) (5)
Senior Contracts Administrator (1)
Contracts Administrator II (4) (5)
Contracts Administrator I (4) (5)
Purchasing Manager (1)
Buyer I (4) (5)
Buyer II (4) (5)
Buyer III (4) (5)
Senior Management Analyst (DBE Administrator) (4) Disadvantaged Business Enterprise Program Manager (1)
Investment Program Manager (1)
Revenue Services Manager (1)
Fiscal Resources Manager (1)
Senior Auditor (4)

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10 - new position SVRT Project Controls Manager
11 - renamed to Disadvantaged Business Enterprise Program Manager
12 - deleted positions
Manager, Budget Administration (1)  
Compliance Review Manager (1)  

**Fiscal Resources (continued)**  
Disbursement Manager (1)  
Contracts Program Manager (1)  
Manager of Highway Construction Contracts (1)  
Design Build Construction Administration Manager (1)  
Accessible Services Program Manager (1)

**Operations**  
Chief Operating Officer (1)  
Deputy Director, Operations (1)  
Transportation Superintendent (1)  
Assistant Superintendent, Service Management (1) (5)  
Assistant Superintendent, Transit Communications (1) (5)  
Operations Manager (1) (5)  
Maintenance Superintendent (1)  
Light Rail Equipment Superintendent (1)  
Light Rail Way, Power & Signal Superintendent (1)  
Facilities Maintenance Coordinator (1) (5)  
Warranty Coordinator (1) (5)  
Operations Manager, Engineering (1) (5)  
Senior Mechanical Engineer Automotive Systems (1) (5)  
Materials & Warranty Manager (1) (5)  
Policy & Administration Manager - Operations (1) (5)  
Senior Systems Engineer (1) (5)  
Manager, Operations Analysis, Reporting & Systems (1) (5)  
Transportation Superintendent, Service Management (1) (5)  
Operations Manager, Facilities Maintenance & Security (1) (5)

**Consultant (3)**

*Unsalaried members of Santa Clara Valley Transportation Authority's (VTA) Board of Directors, VTA Deferred Compensation Committee, SCVTA-ATU Local 265 Board of Pensions, SCVTA-ATU Local 265 Board of Pensions Investment Committee, and the 2000 Measure A Citizens Watchdog Committee are required to file statements of economic interest because they make or participate in making governmental decisions as provided in Title 2, California Code of Regulations, Section 18702.

**"Consultant" means an individual who, pursuant to a contract with VTA, makes a governmental decision as defined in 2 CCR 18702.2, or serves in a staff capacity with VTA and in that capacity participates in making a governmental decision as defined in 2 CCR 18702.2 or performs the same or substantially all the same duties for VTA that would otherwise be performed by an individual holding a position specified in this Conflict of Interest Code.

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

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Financial Officer, Joseph T. Smith

SUBJECT: Annual Operating Reserve and Sales Tax Stabilization Fund Allocations

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

ACTION ITEM

RECOMMENDATION:

Approve the annual allocation of funds to the VTA Transit Fund Operating Reserve and VTA Transit Sales Tax Stabilization Fund.

BACKGROUND:

On April 5, 2012, the Board of Directors approved policies that guide the administration and maintenance of the VTA Transit Fund Operating Reserve and VTA Transit Sales Tax Stabilization Fund. The adopted policies require that the Board of Directors approve any projected fiscal year-end allocation to, or withdrawal from, the VTA Transit Fund Operating Reserve and VTA Transit Sales Tax Stabilization Fund, subject to actual receipts and expenditures, no later than the September Board meeting.

DISCUSSION:

VTA Transit Fund Operating Reserve

The VTA Transit Fund Operating Reserve Policy calls for maintaining a reserve equal to 15% of the annual operating budget for the VTA Transit Fund. The Operating Reserve balance as of June 30, 2011 was $54.595 million (15% of the Adopted FY 2012 VTA Transit Fund Operating Budget). The Adopted FY 2013 VTA Transit Fund Operating Budget is $375.118 million. To maintain the 15% level, staff recommends an allocation of $1.673 million to the Operating Reserve bringing the balance to $56.268 million.
VTA Transit Sales Tax Stabilization Fund

The VTA Transit Sales Tax Stabilization Fund Policy states “in the event that the VTA Transit Fund sales tax based revenues received for a fiscal year are in excess of the amount budgeted, the excess shall be transferred to the VTA Transit Sales Tax Stabilization Fund up to a maximum Fund balance of $35 million.” Based on the latest staff projections, sales tax based revenues received for FY 2012 are estimated to exceed budgeted revenues by $17.9 million. Final FY 2012 sales tax based revenues will not be available until mid-September. In accordance with the policy, staff recommends an allocation of approximately $17.9 million, subject to actual receipts, to the Sales Tax Stabilization Fund bringing the projected balance to $33.9 million.

ALTERNATIVES:

The Board could choose to amend the allocation amount to either the VTA Transit Fund Operating Reserve or the VTA Transit Sales Tax Stabilization Fund.

FISCAL IMPACT:

This action will increase the VTA Transit Fund Operating Reserve by $1.673 million to a total of $56.268 million and increase the VTA Transit Sales Tax Stabilization Fund by an estimated $17.9 million to a projected total of $33.9 million.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Administration and Finance Committee considered this item at its August 16, 2012 meeting. The committee expressed its pleasure that the sales tax based receipts are projected to show a positive balance for the year and that the Sales Tax Stabilization Fund will be well funded.

The item was approved unanimously.

Prepared by: Carol Lawson, Fiscal Resources Manager
Memo No. 3586
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Operating Officer, Michael A. Hursh

SUBJECT: FY2012 FTA State of Good Repair Grant Program

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

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a Resolution authorizing the submittal and execution of grant applications and agreements, certifications and assurances and other documents as necessary to obtain federal financial assistance provided by the Federal Transit Administration (FTA) FY2012 State of Good Repair (SGR) Program Discretionary Grant. The SGR grant will consist of $7,390,000 of Section 5309 Bus and Bus Facility (BBF) federal funding, with a $1,847,500 required local match, for a total of $9,237,500. In addition amend the FY 2013 VTA Transit Fund Capital Budget to add $9,237,500 for the purchase of up to 15 forty-foot hybrid buses to replace similar buses that have reached the end of their useful life.

BACKGROUND:

VTA operates a fleet of 428 coaches including small community, regular, express and articulated coaches. The oldest are regular 40-foot diesel coaches that have been in service since 1998 and 1999, and have accumulated between 500,000 and 725,000 miles. As vehicles reach the end of their useful lives of 12 years and 500,000 miles, they must be replaced to avoid higher end-of-life unscheduled repairs and potential interruption to service. VTA seeks to maintain its capital assets in a state of good repair and seeks funding opportunities to support capital improvement programs including rehabilitation and replacement of capital assets.

The United States Department of Transportation (DOT) supports State of Good Repair programs by providing funding opportunities through the FTA to qualified public transportation providers. The FTA solicited proposals for the competitive State of Good Repair Bus initiative and VTA
was successful in having its proposals selected in two of the three yearly solicitations. The State of Good Repair (SGR) Bus initiative is funded with unallocated discretionary Bus and Bus Facilities Program funds, authorized by 49 U.S.C. 5309(b) of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy For Users (SAFETEA–LU).

DISCUSSION:

In October 2011, VTA received notice of an award of $3,640,000 from the FY2011 State of Good Repair grant program, and on July 18, 2012 VTA received a second notice of award in the amount of $3,750,000 from the FY2012 State of Good Repair grant program. The original documents for both SGR grant solicitations included VTA’s requests to use such funds for the purchase 40-foot diesel electric hybrid buses.

The total combined amount from the two grant awards is $7,390,000. The terms of the grants require a match of $1,847,500, which will be met with Prop 1B PTMISEA funds. The total amount available under this State of Good Repair bus procurement program is $9,237,500. This amount is sufficient to purchase up to 15 diesel electric hybrid buses.

ALTERNATIVES:

The Board of Directors could choose not to accept the grant or and request staff to seek bus replacement funding from other sources.

FISCAL IMPACT:

This action will allow for the receipt of $7,390,000 in State of Good Repair (SGR) Program Discretionary Grant funds. The local match requirement of $1,847,500 will be provided by Prop 1B PTMISEA funds. In addition, this action will add $9,237,500 to the FY 2013 VTA Transit Fund Capital Budget for the purchase of up to 15 forty-foot hybrid buses.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Administration and Finance Committee reviewed this item at their August 16, 2012, meeting. The Committee asked what VTA does to the older vehicles. Staff responded the older vehicles are recycled and/or sold at auction houses. The Committee recommended approval of this item and that it be placed on the Consent Agenda for the September 6, 2012, Board of Directors’ meeting.

Prepared by: Steve Johnstone
Memo No. 3673
RESOLUTION AUTHORIZING THE SUBMITTAL AND EXECUTION OF GRANT APPLICATIONS AND AGREEMENTS, CERTIFICATIONS AND ASSURANCES AND OTHER DOCUMENTS AS MAY BE NECESSARY FOR THE PURPOSE OF OBTAINING FEDERAL FINANCIAL ASSISTANCE PROVIDED BY THE FEDERAL TRANSIT ADMINISTRATION

WHEREAS, the United States (U.S.) Department of Transportation (DOT) provides federal financial assistance to eligible grantees, and

WHEREAS, the Federal Transit Administration (FTA) serves as the grantee for U.S. DOT federal funds, and

WHEREAS, the FTA solicited proposals for the competitive State of Good Repair Bus initiative, and

WHEREAS, the Valley Transportation Authority (VTA) is an eligible grantee for FTA State of Good Repair Bus and Facility funding:

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Santa Clara Valley Transportation Authority that the General Manager is hereby authorized to file and execute grant applications and grant agreements, certifications, assurances, and other documents as may be necessary for the purpose of obtaining federal financial assistance provided by the Federal Transit Administration (FTA) FY2012 State of Good Repair (SGR) Program.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on September 6, 2012, by the following vote:

AYES:

NOES:

ABSENT:

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

Date: ____________

______________________________
SANDRA WEYMOUTH, Secretary
Board of Directors

APPROVED AS FORM:

______________________________
Counsel
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority  
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Operating Officer, Michael A. Hursh

SUBJECT: Hybrid Bus Procurement Competitive Negotiation

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a Resolution, upon a two-thirds vote of the Board of Directors, finding that a competitive sealed bid process does not constitute a method of procurement adequate for VTA’s needs and directing the use of competitive negotiation for the purchase of up to 15 forty-foot hybrid buses to replace similar buses that have reached the end of their useful life, as required by Public Contract Code Sections 20216 and 20217.

BACKGROUND:

VTA operates a fleet of 428 coaches including small community, regular, express and articulated coaches. The oldest are regular 40-foot diesel coaches that have been in service since 1998 and 1999, and have accumulated between 500,000 and 725,000 miles. As vehicles reach the end of their useful lives of 12 years and 500,000 miles, they must be replaced to avoid higher end-of-life unscheduled repairs and potential interruption to service. VTA seeks to maintain its capital assets in a state of good repair including rehabilitation and replacement of capital assets.

In October 2011, VTA received notice of an award of $3,640,000 from the FY2011 State of Good Repair grant program, and on July 18, 2012 VTA received a second notice of award in the amount of $3,750,000 from the FY2012 State of Good Repair grant program. The original documents for both SGR grant solicitations included VTA’s requests to use such funds for the purchase 40-foot diesel electric hybrid buses.
The total combined amount from the two grant awards is $7,390,000. The terms of the grants require a local match of $1,847,500. The total amount available under this State of Good Repair bus procurement program is $9,237,500. This amount is sufficient to purchase up to 15 diesel electric hybrid buses.

**DISCUSSION:**

The Public Contract Code Section 20217 authorizes VTA to purchase buses using competitive negotiation upon a two-thirds vote by the Board of Directors that the purchase of buses through normal procedures (e.g., competitive bidding) would not be adequate for VTA’s needs. VTA used a competitive negotiation process in 2011 to procure the current fleet of diesel hybrid electric buses from Gillig for the Express Bus program; in 2009 to procure the current fleet of 40-foot, low-floor, diesel hybrid electric buses from Gillig; and in 1998 to procure the current fleet of Kinkisharyo low-floor light rail vehicles. The process was also used in 2001 to procure the current fleet of low-floor, 60-foot articulated buses. These procurements resulted in a high quality product, while still maintaining a competitive price.

In the case of procuring a specialized product, there are significant differences in what manufacturers are able to offer, and factors in addition to price are important considerations. The normal competitive bidding process would not permit VTA to adequately take into account these differences and factors in awarding a bid. The process followed in a competitive negotiation enables VTA to help assure the best value for the investment. The competitive negotiation process is a multi-step process that includes consideration of fitness of purpose, manufacturer’s warranty, performance reliability, lifecycle costs, and support logistics, in addition to price.

Upon receipt and review of the initial proposals, VTA will meet with each responding vehicle manufacturer to refine, clarify, and negotiate initial elements. Vehicle manufacturers will then submit their “best and final” offers.

The process enables VTA to consider not just price, but performance and other essential elements, assuring a high quality product.

**ALTERNATIVES:**

These 40-foot diesel hybrid electric buses could be competitively bid. However, as outlined above, competitive bidding would not be adequate nor provide the best value to meet VTA’s needs and is not recommended.

**FISCAL IMPACT:**

The use of a competitive negotiation may result in a higher overall cost, given that other factors in addition to price are considered as part of the vendor selection process. However, using a competitive negotiation does facilitate receiving the best value for the investment.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Transit Planning and Operations Committee reviewed this item and the Express Bus Procurement item at their August 16, 2012, meeting. Committee members discussed the request
for negotiated procurement of diesel/electric hybrid coaches. Member Liccardo wanted to make
sure the Board and members of the public clearly understand the request and subsequent process.
Chief Operating Officer Mike Hursh explained that a negotiated procurement is a competitive
process in which an RFP is issued that requires contractors to include a variety of performance
factors, in addition to cost, in their proposals; these performance factors will be included and
visibly stated in the future related procurement board memos. Member Liccardo requested that
staff include a chart identifying the factors used to evaluate and select the preferred coach
vendor.

The Committee unanimously agreed to move this item and the Express Bus Procurement item to
the September Board of Directors meeting consent agenda.

Prepared by: Arthur Douwes
Memo No. 3675
RESOLUTION OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY BOARD OF DIRECTORS DIRECTING PURCHASE OF UP TO 15 FORTY-FOOT LOW-FLOOR DIESEL HYBRID ELECTRIC BUSES BY COMPETITIVE NEGOTIATION

WHEREAS, pursuant to Sections 20216 and 20217 of the Public Contract Code, the Board of Directors of the Santa Clara Valley Transportation Authority (VTA) may direct the purchase of buses by competitive negotiation upon a finding by two-thirds vote of all members of the Board that the purchase of those products or materials by otherwise applicable contracting provisions does not constitute a method of procurement adequate for VTA’s needs;

WHEREAS, VTA desires to purchase up to 15 new forty-foot low-floor diesel hybrid electric buses and to obtain the best value for the investment in such vehicles, various factors must be considered and refined in the procurement process, including fitness of purpose, manufacturer’s warranty, performance reliability, lifecycle costs, and support logistics;

WHEREAS, the purchase of such low-floor diesel hybrid electric buses under competitive bidding procedures would not permit adequate consideration of the above-referenced factors;

NOW, THEREFORE BE IT RESOLVED, by the Board of Directors of the Santa Clara Valley Transportation Authority, that the purchase of up to 15 forty-foot, low-floor diesel hybrid electric buses in compliance with the provisions in the Public Contract Code generally applicable to such purchase does not constitute a method of procurement adequate to VTA’s needs, and the purchase of such buses by competitive negotiation is hereby directed.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Transportation Authority on September 6, 2012 by the following vote:

AYES:

NOES:

ABSENT:

____________________________________
Ken Yeager, Chairperson
Board of Directors

Sandra Weymouth, Board Secretary

APPROVED AS TO FORM:

____________________________________
Robert Fabela, General Counsel
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Operating Officer, Michael A. Hursh

SUBJECT: Competitive Negotiation - Express Bus Procurement

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

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a Resolution, upon a two-thirds vote of the Board of Directors, finding that a competitive sealed bid process does not constitute a method of procurement adequate for VTA’s needs and directing the use of competitive negotiation for the purchase of up to 20 low-floor buses for VTA’s Express Bus service, as required by Public Contract Code Sections 20216 and 20217.

BACKGROUND:

Beginning in calendar year 2012, VTA rolled out 20 new Express buses as part of the introduction of new Express service and enhanced Express service on key commuter routes. The new buses include onboard Wi-Fi access, upgraded high-back seating, Express Service exterior design, overhead luggage racks and other passenger amenities. The buses have been very well received by both passengers and the public. Ridership on VTA's Express Bus service has increased by 17%.

The 20 new buses, however, do not cover all the VTA express routes. This procurement is to purchase up to an additional 20 Express buses to cover VTA’s remaining Express service routes, such as Route 140 (Fremont BART to Mission College) and Route 168 (Gilroy to Downtown San Jose).
DISCUSSION:

The Public Contract Code Section 20217 authorizes VTA to purchase buses using competitive negotiation upon a two-thirds vote by the Board of Directors that the purchase of buses through normal procedures (e.g., competitive bidding) would not be adequate for VTA’s needs. VTA used a competitive negotiation process in 2009 to procure the current fleet of 40-foot, low-floor, diesel hybrid electric buses from Gillig; and in 1998 to procure the current fleet of Kinkisharyo low-floor light rail vehicles. The process was also used in 2001 to procure the current fleet of low-floor, 60-foot articulated buses. These procurements resulted in a high quality product, while still maintaining a competitive price.

In the case of procuring a specialized product, there are significant differences in what manufacturers are able to offer, and factors in addition to price are important considerations. The normal competitive bidding process would not permit VTA to adequately take into account these differences and factors in awarding a bid. The process followed in a competitive negotiation, however, enables VTA to help assure the best value for the investment. The competitive negotiation process is a multi-step process that includes consideration of fitness of purpose, manufacturer’s warranty, performance reliability, lifecycle costs, and support logistics, in addition to price.

Upon receipt and review of the initial proposals, VTA will meet with each responding vehicle manufacturer to refine, clarify, and negotiate initial elements. Vehicle manufacturers will then submit their "best and final" offers.

The process enables VTA to consider not just price, but performance and other essential elements, assuring a high quality product.

ALTERNATIVES:

These Express buses could be competitively bid. However, as outlined above, competitive bidding would not be adequate nor provide the best value to meet VTA’s needs and is not recommended.

FISCAL IMPACT:

The use of a competitive negotiation may result in a higher overall cost, given that other factors in addition to price are considered as part of the vendor selection process. However, using a competitive negotiation does facilitate receiving the best value for the investment.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Transit Planning and Operations Committee reviewed this item and the Hybrid Bus Procurement item at their August 16, 2012, meeting. Committee members discussed the request for negotiated procurement of diesel/electric hybrid coaches. Member Liccardo wanted to make sure the Board and members of the public clearly understand the request and subsequent process. Chief Operating Officer Mike Hursh explained that a negotiated procurement is a competitive process in which an RFP is issued that requires contractors to include a variety of performance factors, in addition to cost, in their proposals; these performance factors will be included and visibly stated in the future related procurement board memos. Member Liccardo requested that
staff include a chart identifying the factors used to evaluate and select the preferred coach vendor.

The Committee unanimously agreed to move this item and the Hybrid Bus Procurement item to the September Board of Directors meeting consent agenda.

Prepared by: Arthur Douwes
Memo No. 3631
RESOLUTION OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY BOARD OF DIRECTORS
DIRECTING PURCHASE OF FORTY-FOOT LOW-FLOOR EXPRESS BUSES BY COMPETITIVE NEGOTIATION

WHEREAS, pursuant to Sections 20216 and 20217 of the Public Contract Code, the Board of Directors of the Santa Clara Valley Transportation Authority (VTA) may direct the purchase of buses by competitive negotiation upon a finding by two-thirds vote of all members of the Board that the purchase of those products or materials by otherwise applicable contracting provisions does not constitute a method of procurement adequate for VTA’s needs;

WHEREAS, VTA desires to purchase up to 20 new forty-foot low-floor Express buses and to obtain the best value for the investment in such vehicles, various factors must be considered and refined in the procurement process, including fitness of purpose, manufacturer’s warranty, performance reliability, lifecycle costs, and support logistics;

WHEREAS, the purchase of such low-floor Express buses under competitive bidding procedures would not permit adequate consideration of the above-referenced factors;

NOW, THEREFORE BE IT RESOLVED, by the Board of Directors of the Santa Clara Valley Transportation Authority, that the purchase of up to 20 forty-foot, low-floor Express buses in compliance with the provisions in the Public Contract Code generally applicable to such purchase does not constitute a method of procurement adequate to VTA’s needs, and the purchase of such buses by competitive negotiation is hereby directed.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Transportation Authority on September 6, 2012 by the following vote:

AYES:

NOES:

ABSENT:

_____________________________________
Ken Yeager, Chairperson
Board of Directors

Sandra Weymouth, Board Secretary

APPROVED AS TO FORM:

_____________________________________
Robert Fabela, General Counsel
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:

**Regional Governance:** Gov. Jerry Brown signed into law AB 57 (Beall), which makes several adjustments to the governing board of the Metropolitan Transportation Commission (MTC). First, the bill adds two voting seats to the commission to be appointed by the mayors of San Jose and Oakland from their respective city councils. With the addition of these seats, the commission grows from 19 to 21, with 18 voting and three ex-officio members. Second, AB 57 requires the MTC representative from the Bay Conservation and Development Commission (BCDC) to be a resident of San Francisco and to be approved by the mayor of that city. Finally, the legislation provides that no more than three voting members of MTC may be residents of the same county.

AB 57 takes effect on January 1, 2013. The initial appointments of the mayors of San Jose and Oakland would serve until February 2015. Subsequent appointments would be for four-year terms.

**State Budget:** Gov. Brown signed into law a $92 billion spending plan for FY 2013. To close a General Fund shortfall estimated at $15.7 billion, the enacted budget reflects $8.1 billion in spending reductions; $6 billion in new revenues, nearly all of which would be generated by temporary tax increases to be considered by the voters in November; and $2.5 billion in loans,
transfers and other one-time actions. Because the $6 billion in additional revenues is contingent
upon voter approval of new taxes, the budget also includes an equivalent amount of so-called
“trigger cuts” that would go into effect on January 1, 2013, if the tax measure fails at the polls.
The cuts would be borne by K-12 public schools, community colleges, the University of
California, and the California State University system.

The biggest impacts to transportation in the FY 2013 budget result from the diversion of vehicle
weight fees to pay for transportation bond debt service in future years, as well as the transfer of
excise tax revenues from the purchase of fuel for off-road vehicles from the State Highway
Account to the General Fund.

As part of the complex restructuring of transportation funding sources that was originally
enacted in 2010, and then reaffirmed in 2011 in order to fix a series of problems that resulted
from the passage of Propositions 22 and 26, the Legislature authorized the use of vehicle weight
fee revenues to cover the cost of transportation bond debt service in the same fiscal year in which
the revenues are generated. The budget goes beyond that framework by using $433 million in
vehicle weight fee revenues that would exceed the projected amount of debt service that would
need to be paid in FY 2013 to pre-fund out-year bond debt, thereby achieving additional General
Fund savings.

The budget calls for transferring $312 million in accumulated excise tax revenues from the
purchase of fuel for off-road vehicles to the General Fund in FY 2013, and $128 million per year
in FY 2014 and FY 2015. Whereas gas tax revenues collected from vehicles that drive on
highways and local streets/roads are dedicated to transportation by the state Constitution, fuel
purchased for use in off-road vehicles is not protected, an oversight in the drafting of Proposition
22. It is estimated that the transfer of these revenues to the General Fund would result in a loss
of $137 million to the State Transportation Improvement Program (STIP) in FY 2013. Cities and
counties would lose the same amount of funding for local streets/roads. Each would lose $57
million in FY 2014 and FY 2015. Beginning in FY 2016, these revenues would revert back to
transportation. However, without constitutional protections, the Legislature is likely to revisit
this issue at that time.

Meanwhile, revenues for the State Transit Assistance Program (STA), the state’s only source of
funding specifically dedicated for public transit operations, are holding steady. For FY 2013, the
budget projects $420 million, roughly $20 million higher than last year’s amount.

**High-Speed Rail:** Gov. Brown signed into law SB 1029, which provides approximately $8
billion in spending authority in FY 2013 for California’s proposed high-speed rail system, as
well as for intercity, commuter and urban rail projects that are geared toward improving
connectivity with high-speed rail or preparing corridors for “blended operations” between high-
speed and regional passenger rail services. Specifically, SB 1029 appropriates the following:

- $5.85 billion ($2.61 billion in Proposition 1A bond funds matched with $3.24 billion in
  federal money) to begin building a 130-mile segment of California’s high-speed rail
  system in the Central Valley.
• $1.1 billion in Proposition 1A bond funds to be made available by the California High-Speed Rail Authority for early investment in the Peninsula Corridor and in the Los Angeles Basin to prepare for “blended operations” between high-speed rail, and Caltrain in the Bay Area and Metrolink in Southern California.

• $819 million in Proposition 1A “connectivity” funds, including $106 million for intercity rail, and $713 million for local and regional rail. Under the provisions of Proposition 1A, $950 million in bond proceeds was set aside to be allocated on a formula basis to intercity, commuter and urban rail operators for projects that either: (a) provide or improve connectivity to high-speed rail; or (b) enhance the capacity and improve the safety of intercity, commuter and urban rail systems. Of this amount, $131 million was appropriated by the Legislature in prior fiscal years. SB 1029 appropriates the remainder, which would be allocated by the California Transportation Commission (CTC) according to a program of projects that it adopted in June.

• $252.5 million ($204.2 million in Proposition 1A bond funds and $48.3 million in federal money) to complete preliminary engineering work and environmental review for other segments of the high-speed rail system.

In the Bay Area, a memorandum of understanding (MOU) that was executed by MTC; five Bay Area transportation agencies, including VTA; two municipalities, including the city of San Jose; and the High-Speed Rail Authority sets up a framework for early investment in the Peninsula Corridor. The MOU includes a comprehensive financial strategy that contemplates investing a total of $1.456 billion in the near term to modernize and electrify the Peninsula Corridor, thereby significantly improving Caltrain and preparing the corridor for future implementation of “blended” Caltrain and high-speed rail operations. The financial strategy in the MOU identifies $106 million in Proposition 1A connectivity funds from the formula shares for VTA, Caltrain and BART, and calls for the High-Speed Authority to contribute $600 million of its Proposition 1A money. SB 1029 appropriates these funds.

**Climate Change:** In FY 2013, the California Air Resources Board (CARB) will begin auctioning greenhouse gas emissions allowances as part of the cap-and-trade program it adopted last December. The first auction is scheduled to take place in November, with subsequent auctions to be held in February and May 2013. As part of the regulation establishing the program, CARB has set a floor price of $10 per ton of emissions and a ceiling of $50 per ton. Based on the 66 million allowances that CARB plans to sell in FY 2013, between $660 million to $3.3 billion could be generated in the upcoming fiscal year. The budget dedicates at least $500 million toward eligible General Fund expenditures in order to help reduce the deficit. It further states that the appropriation of additional cap-and-trade revenues beyond those used to offset General Fund expenditures will be contingent upon the enactment of future legislation.

There are two primary cap-and-trade bills currently pending in the Legislature. AB 1532 (J. Perez) assigns the responsibility for developing three multi-year investment plans for cap-and-trade revenues to CARB. The three plans would cover the following time periods: (a) 2013 to 2014; (b) 2015 to 2017; and (c) 2018 to 2010. The bill requires the Governor to submit recommended appropriations consistent with these investment plans to the Legislature for its
consideration as part of the annual budget process. Under the provisions of AB 1532, the money must be spent on measures and programs that “facilitate the achievement of feasible and cost-effective reductions of greenhouse gas emissions.” The legislation further specifies that cap-and-trade revenues may be allocated for investments in any of the following categories:

- Clean and efficient energy.
- Low-carbon transportation and infrastructure, including public transportation.
- Natural resource protection.
- Research, development and deployment of innovative technologies.

Meanwhile, SB 1572 (Pavley) focuses solely on what to do with cap-and-trade revenues that materialize in FY 2013 and that are not transferred to the General Fund pursuant to the budget. It specifies the amount of funding that would go to each of the following categories, as well as the process that would be used to distribute the money under each category to eligible project sponsors:

- K-12 energy projects.
- Public university projects.
- Rapid transition assistance for industrial facilities.
- Residential energy efficiency.
- Agricultural energy projects.
- Sustainable land use and transportation.
- Goods movement.
- Lower-emission school buses.
- Clean vehicle rebates.

SB 1572 grants funding priority to projects that would reduce greenhouse gas emissions at a reasonable cost, achieve budgetary savings, protect existing jobs, and benefit disadvantaged communities.

**State Government Reorganization:** In the absence of a negative vote in either the Assembly or the Senate, Gov. Brown’s plan to reorganize state government became effective on July 3. To allow time to transition to the new structure, the plan will become operative on July 1, 2013.

In general, the Governor’s plan eliminates two cabinet-level agencies, as well as approximately 40 boards, commissions and departments. In the case of transportation, it breaks apart the Business, Transportation & Housing Agency, and consolidates transportation functions into a separate, cabinet-level Transportation Agency to be overseen by a transportation secretary. This new agency will consist of Caltrans, the Department of Motor Vehicles (DMV), the California Highway Patrol (CHP), the California High-Speed Rail Authority, the CTC, the Board of Pilot Commissioners, and the Office of Traffic Safety. Meanwhile, state entities related to business and housing will be consolidated with those that deal with consumer issues into a new Business, Consumer Services & Housing Agency.

To address lawmakers’ concerns about how the CTC would be impacted by being placed under an agency umbrella, the Governor signed into law AB 1458 (Buchanan). This bill makes it
explicit that the commission would retain its independent authority to perform its duties as prescribed under state law.

**Public Employee Pensions:** Gov. Brown indicated that he will continue to push for changes to public employee pensions, but he has backed off his earlier call for lawmakers to put a measure on the November general election ballot.

Last December, Gov. Brown released a 12-point plan for reforming pensions for both state and local government workers as a constitutional amendment. Amendments to the state Constitution must be approved by the voters and require a two-thirds vote to be placed on the ballot by the Legislature. The centerpiece of the Governor’s plan calls for replacing defined-benefit pensions for new public employees with a mandatory “hybrid” system that combines a small, defined benefit with Social Security and a 401(k)-style benefit. While many of the Governor’s proposed changes would affect new hires, he does want both current and future public employees to contribute more to their pensions, and he is pushing to curb practices that have been used by some workers to spike their pensions.

Following its release, Gov. Brown’s plan became a springboard for subsequent policy debates within the Legislature, resulting in an agreement on many of his ideas. For instance, a consensus has been reached on: (a) calculating pension benefits for new hires based on the highest average income over a three-year period, rather than on the single highest year; (b) excluding unused sick and vacation time, bonuses, and overtime pay from figuring into the pension calculations in the case of all employees; (c) prohibiting retroactive benefit increases; and (d) prohibiting the purchase of additional service credits, or “air time.”

After months of discussions, Gov. Brown and majority Democrats still are at odds over a number of significant issues, such as the hybrid concept, how to increase the retirement age for future employees, and how to increase contribution requirements for existing workers. This situation caused the Governor to change his strategy, primarily because the deadline for placing measures on the November ballot has come and gone. Thus, rather than seeking to amend the Constitution, he is now pushing lawmakers to pass a bill before this year’s legislative session ends on August 31 that would make changes to existing statutes governing public employee pensions. For Gov. Brown, time is of the essence because he sees the enactment of pension reform legislation as a key to selling his tax initiative, which will appear on the November ballot as Proposition 30.

Prepared By: Kurt Evans, Government Affairs Manager
Memo No. 3338
### State Assembly Bills

<table>
<thead>
<tr>
<th>State Assembly Bills</th>
<th>Subject</th>
<th>Last Amended</th>
<th>Status</th>
<th>VTA Position</th>
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<tbody>
<tr>
<td><strong>AB 16</strong> (Perea)</td>
<td>High-Speed Rail: Rolling Stock and Equipment Purchases</td>
<td>As Introduced</td>
<td>Senate Floor</td>
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<td></td>
<td>Requires the California High-Speed Rail Authority to make every effort to purchase high-speed train rolling stock and related equipment manufactured in the state, consistent with federal and state laws.</td>
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<td><strong>AB 41</strong> (Hill)</td>
<td>High-Speed Rail Authority: Conflicts of Interest</td>
<td>4/30/12</td>
<td>Senate Floor</td>
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<td>Adds members of the Board of Directors of the California High-Speed Rail Authority to those specified officers who must publicly identify a financial interest giving rise to a conflict of interest or potential conflict of interest, and recuse themselves accordingly. Specifies that each employee of a contractor or subcontractor to the High-Speed Rail Authority who serves in a peer review capacity is deemed to be a designated employee of the authority and, thus, is subject to the authority’s conflict of interest code and to the various other restrictions that apply to designated employees of a state agency.</td>
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<tr>
<td><strong>AB 57</strong> (Beall)</td>
<td>Metropolitan Transportation Commission: Governance</td>
<td>6/20/12</td>
<td>Signed into Law: Chapter #88</td>
<td>Support</td>
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<td>Adds two seats to the Metropolitan Transportation Commission (MTC) as follows: (1) one appointed by the mayor of San Jose from the San Jose City Council; and (2) one appointed by the mayor of Oakland from the Oakland City Council. Requires the MTC representative appointed by the Bay Conservation and Development Commission (BCDC) to be a member of the commission and a resident of San Francisco. Also requires the BCDC appointment to be approved by the mayor of San Francisco. Prohibits more than three members of MTC from being residents of the same county.</td>
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<tr>
<td><strong>AB 145</strong> (Galgiani) 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>
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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>
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<td>State Assembly Bills</td>
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<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 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> (Atkins) 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>
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<td><strong>AB 441</strong> (Monning) Regional Transportation Plans: Health Issues</td>
<td>Requires the California Transportation Commission (CTC) to include in an attachment to the next revision of its guidelines for the preparation of regional transportation plans (RTPs) a summary of the policies, practices or projects that have been employed by metropolitan planning organizations (MPOs) to promote health and health equity.</td>
<td>6/4/12</td>
<td>Senate Floor</td>
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<td><strong>AB 485</strong> (Ma)</td>
<td>Infrastructure Financing Districts: Transit Villages</td>
<td>6/29/11</td>
<td>Senate Floor</td>
<td>Support</td>
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<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>
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<td><strong>AB 492</strong> (Galgiani)</td>
<td>Fare Evasion and Passenger Misconduct: Civil Administrative Penalties</td>
<td>7/6/12</td>
<td>Senate Public Safety Committee</td>
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<td>Provides all public transit agencies in California with the authority to impose and enforce civil administrative penalties for fare evasion and passenger misconduct in lieu of criminal penalties. Requires any civil administrative penalties collected by a public transit agency to be deposited into the general fund of the county in which the citation is administered.</td>
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<td><strong>AB 539</strong> (Williams)</td>
<td>Electronic Toll Collection Systems</td>
<td>6/27/12</td>
<td>Senate Transportation and Housing Committee</td>
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<td>Allows a transportation agency or its designee to share data with another transportation agency solely to comply with interoperability specifications and standards related to electronic toll collection devices and technologies. Also allows a transportation agency to participate in a nationwide interoperability program with toll collection agencies in other states, to which the agency may provide only the following information regarding a vehicle’s use of the toll facility: (a) license plate number; (b) transponder identification number; (c) date and time of transaction; and (d) identity of the agency operating the toll facility.</td>
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<td><strong>AB 710</strong> (Skinner)</td>
<td>Infill and Transit-Oriented Development: Parking Requirements</td>
<td>8/18/11</td>
<td>Senate Floor</td>
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<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>
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<td>State Assembly Bills</td>
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<td><strong>AB 812</strong>&lt;br&gt;(Ma)&lt;br&gt;Recycled Asphalt</td>
<td>Authorizes Caltrans to establish specifications for the use of reclaimed asphalt pavement (RAP) of up to 40 percent for hot mix asphalt mixes.</td>
<td>1/12/12</td>
<td>Senate Environmental Quality Committee</td>
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<td><strong>AB 819</strong>&lt;br&gt;(Wieckowski)&lt;br&gt;Bikeways</td>
<td>Requires Caltrans to establish procedures for local agencies to be granted exceptions from the requirement in current law to use standard planning, design and construction features for bikeways, and standard signs, markers and traffic control devices for roadways where bicycle travel is permitted for purposes of research, experimentation, testing, evaluation, or verification.</td>
<td>5/8/12</td>
<td>Senate Appropriations Committee</td>
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<td><strong>AB 845</strong>&lt;br&gt;(Ma)&lt;br&gt;Proposition 1A: Commuter and Urban Rail Funds</td>
<td>With regard to the $950 million in Proposition 1A funds that are available for capital improvements to commuter rail lines and urban rail transit systems, requires the guidelines adopted by the California Transportation Commission (CTC) to determine the funding share for each eligible commuter rail and urban rail transit recipient by using the distribution factors gathered from the 2007 Data Tables of the National Transit Database of the Federal Transit Administration (FTA). Requires the CTC to accept from each eligible recipient a priority list of projects up to the target amount expected to be available for the recipient. Requires the matching funds provided by the recipient to be from “non-state” funds, which are defined as local, federal and private funds, as well as state funds available to the recipient that are not subject to allocation by the CTC.</td>
<td>5/10/11</td>
<td>Senate Floor Support</td>
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<td><strong>AB 890</strong>&lt;br&gt;(Olsen)&lt;br&gt;CEQA Exemption: Roadway Improvements</td>
<td>Until January 1, 2016, exempts from the California Environmental Quality Act (CEQA) a project or activity to repair, maintain or make minor alterations to an existing roadway if all of the following conditions are met: (1) the project is initiated by a city or county to improve public safety; (2) the project does not cross a waterway; and (3) the project involves negligible or no expansion of an existing use.</td>
<td>1/13/12</td>
<td>Senate Environmental Quality Committee</td>
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<td><strong>AB 904</strong>&lt;br&gt;(Skinner)&lt;br&gt;Sustainable Minimum Parking Requirements Act of 2012</td>
<td>States the intent of the Legislature to eliminate minimum parking requirements for infill and transit-oriented development. Beginning January 1, 2014, prohibits a city or county from requiring a minimum number of off-street parking spaces in transit-intensive areas, as defined, greater than the following: (a) two parking spaces per thousand square feet of non-residential development of 20,000 square feet or less on a single property; (b) one parking space per unit for non-income-restricted residential projects; (c) three-quarters parking spaces per unit for projects that include both income-restricted and non-income-restricted residential units; and (d) one-half parking spaces per unit for residential units that are restricted by a recorded covenant or a deed lasting at least 55 years to rents or prices affordable to persons and families making less than 60 percent of the area median income.</td>
<td>7/5/12</td>
<td>Senate Governance and Finance Committee</td>
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<td><strong>AB 910</strong>&lt;br&gt;(Torres)&lt;br&gt;Infrastructure Financing Districts: Affordable Housing and Economic Development</td>
<td>In addition to public capital facilities, allows an infrastructure financing district to be formed to finance affordable housing facilities and economic development projects. Eliminates the requirement for voter approval for the formation of an infrastructure financing district, adoption of an infrastructure financing plan, and the issuance of bonds if the district is being proposed to implement an affordable housing or economic development plan.</td>
<td>4/25/11</td>
<td>Senate Governance and Finance Committee</td>
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| **AB 1092**  
(B. Lowenthal)  
High-Speed Rail Authority: Biannual Report to the Legislature | Beginning March 1, 2012, requires the California High-Speed Rail Authority to report biannually to the Legislature on the development and implementation of the state’s proposed high-speed rail project. Requires the report to include all of the following: (1) a summary describing the overall progress of the project; (2) the baseline budget for all project phase costs, by segment or contract, beginning with the authority’s 2009 Business Plan; (3) the current and projected budget, by segment or contract, for all project phase costs; (4) expenditures to date, by segment or contract, for all project phase costs; (5) a comparison of the current and projected work schedule and the baseline schedule contained in the authority’s 2009 Business Plan; (6) a summary of the milestones achieved during the prior year and milestones expected to be reached in the coming year; (7) any issues identified during the prior year and actions taken to address those issues; and (8) a thorough discussion of various risks to the project and steps taken to mitigate those risks. | As Introduced | Senate Rules Committee |
| **AB 1229**  
(Feuer)  
GARVEE Bonds | 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. | 6/21/11 | Senate Appropriations Committee |
| **AB 1444**  
(Feuer)  
CEQA: Record of Proceedings | At the request of a project applicant and subject to the project applicant’s agreeing to bear the costs incurred by the lead agency, requires the lead agency for California Environmental Quality Act (CEQA) purposes to prepare a record of proceedings concurrently with the preparation, adoption or certification of an environmental document for a project, as specified. With regard to a legal challenge filed against a lead agency’s action pursuant to CEQA, requires the court to schedule a hearing within 30 days of the filing of the statement of issues regarding the record of proceedings. Sunsets the provisions of the bill on January 1, 2016. | 5/1/12 | Assembly Appropriations Committee |
| **AB 1448**  
(Furutani)  
Home-to-School Transportation Funding | Prohibits the Legislature from reducing funding for home-to-school transportation below the amount established in the Budget Act of 2011. | 3/19/12 | Assembly Appropriations Committee |
| **AB 1455**  
(Harkey)  
High-Speed Rail: Proposition 1A Bonds | Reduces the amount of general obligation bond debt authorized pursuant to Proposition 1A for high-speed rail purposes to the amount contracted as of January 1, 2013. Specifies that the provisions of the bill do not apply to Proposition 1A bond funds dedicated for intercity, commuter and urban passenger rail purposes. | 2/9/12 | Assembly Transportation Committee |
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| **AB 1458**  
(Buchanan)  
State Government Reorganization: California Transportation Commission | Makes it explicit that the California Transportation Commission (CTC) will retain its independent authority to perform its powers, duties and functions as prescribed under state law regardless of the fact that the Governor’s Reorganization Plan places it in a new Transportation Agency under the authority of a transportation secretary. Provides that this bill will become operative on July 1, 2013, and only if the Governor’s Reorganization Plan takes effect. | 6/28/12 | Governor’s Office | |
| **AB 1523**  
(Perea)  
Transportation for the 21st Century Partnership Academies | Commencing with the 2013-14 school year, when funds become available for additional partnership academies, requires the superintendent of public instruction to issue grants for the establishment of partnership academies. Requires the superintendent of public instruction to give priority to partnership academies dedicated to educating pupils in transportation for the 21st century until no less than one such academy has been established in each geographical area of the California High-Speed Rail Authority’s planned 10 project sections. In order for a school district to be eligible for funding for a Transportation for the 21st Century Partnership Academy, requires the coursework, and internship or pre-apprenticeship programs of the proposed academy to focus on the use of environmentally sound technologies and practices. | 5/2/12 | Assembly Appropriations Committee | |
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<td>AB 1532</td>
<td>Creates the Greenhouse Gas Reduction Account within the Air Pollution Control Fund. Requires all revenues collected pursuant to a market-based compliance mechanism established to reduce greenhouse gas emissions under the California Global Warming Solutions Act of 2006 to be deposited into the account. Subject to appropriations by the Legislature, requires the California Air Resources Board (CARB) and any other state administering agency to expend the funds in the account for measures and programs that would facilitate the achievement of feasible and cost-effective reductions of greenhouse gas emissions, and, where applicable and to the extent feasible, do all of the following: (1) maximize economic, environmental and public health benefits to the state; (2) foster job creation by promoting in-state greenhouse gas emissions reduction projects carried out by California workers and businesses; (3) complement efforts to improve air quality; (4) direct investment toward the most disadvantaged communities and households in the state; and (5) provide opportunities for small businesses, schools, affordable housing developers, water agencies, local governments, and other community institutions to participate in and benefit from statewide efforts to reduce greenhouse gas emissions. Provides that money in the Greenhouse Gas Reduction Account may be allocated for investments in any of the following: (1) clean and efficient energy; (2) low-carbon transportation and infrastructure, including public transportation; sustainable transportation and infrastructure development; programs for clean vehicles and the advancement of transportation technologies; advanced transportation and fueling infrastructure; and local and regional sustainable development efforts that are consistent with a sustainable communities strategy or alternative planning strategy adopted pursuant to SB 375; (3) natural resource protection; or (4) research, development and deployment of innovative technologies, measures and practices. Prohibits the state from allocating money from the account for a measure or program that is inconsistent with the California Supreme Court’s decision in <em>Sinclair Paint Co. v. State Bd. of Equalization</em>. Requires CARB or any other state administering agency to allocate money from the account through competitive grants, revolving loans, loan guarantees, loans, credit enhancements, or other appropriate funding measures to qualified recipients to reduce greenhouse gas emissions. Requires CARB to adopt guidelines regarding the allocation and allowable uses of money from the account. Beginning April 1, 2013, requires CARB to adopt three investment plans for the following time periods: (1) 2013 to 2014; (2) 2015 to 2017; and (3) 2018 to 2020. As part of his/her annual budget, requires the Governor to submit to the Legislature proposed appropriations from the Greenhouse Gas Reduction Account, consistent with the relevant investment plan. Requires the Legislature to consider adopting the appropriations submitted by the Governor as part of the annual Budget Act. Exempts the investment plan from the California Environmental Quality Act (CEQA), but does not provide a CEQA exemption for any individual project funded consistent with the investment plan.</td>
<td>6/18/12</td>
<td>Senate Appropriations Committee</td>
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<td>AB 1535</td>
<td>If replacing signs designating high-occupancy vehicle (HOV) lane use in an area that allows motorcycles to use such lanes, requires Caltrans or a local authority to include language on the new signs stating that motorcycles are permitted in the HOV lanes.</td>
<td>3/14/12</td>
<td>Assembly Appropriations Committee</td>
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<td>AB 1536 (Miller) Electronic Wireless Communications Devices</td>
<td>Clarifies that a person is prohibited from driving a motor vehicle while using an electronic wireless communications device to write, send or read a text-based communication, unless the device is specifically designed and configured to allow voice-operated and hands-free operation to dictate, send or listen to a text-based communication, and it is used in that manner while driving.</td>
<td>5/3/12</td>
<td>Signed into Law: Chapter #92</td>
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<td>AB 1570 (Perea) CEQA: Record of Proceedings</td>
<td>At the request of a project applicant, requires the lead agency for California Environmental Quality Act (CEQA) purposes to prepare a record of proceedings concurrently with the preparation of a negative declaration, mitigated negative declaration, environmental impact report (EIR), or other environmental documents for the project, as specified. Repeals the provisions of the bill on January 1, 2016, unless that date is deleted or extended through the enactment of subsequent legislation.</td>
<td>4/10/12</td>
<td>Senate Appropriations Committee</td>
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<td>AB 1574 (Galgiani) High-Speed Rail: Organizational Structure</td>
<td>Places the California High-Speed Rail Authority within the Business, Transportation &amp; Housing Agency. Requires the authority to establish policies directing the development and implementation of intercity high-speed train service that is fully integrated with the state’s existing intercity rail and bus network, consisting of interlinked conventional and high-speed train lines and associated feeder buses. Further specifies that the intercity network in turn shall be fully coordinated and connected with commuter train lines, urban transit systems and other transit services developed by local agencies, through the use of common station facilities whenever possible. Requires the authority to do all of the following: (1) select the alignments for the routes of the state’s high-speed train system; (2) advise the secretary of the Business, Transportation &amp; Housing Agency concerning high-speed rail matters; (3) adopt criteria for the awarding of franchises; and (4) set fares or establish guidelines for the setting of fares. Requires the Governor’s appointments to the authority’s Board of Directors to be confirmed by the Senate. For purposes of managing and administering the ongoing work of the authority in implementing the state’s high-speed train project, allows the Governor, upon the recommendation of the authority’s executive director, to appoint up to six additional individuals who would: (1) be exempt from civil service; and (2) serve at the pleasure of the executive director. Limits the Governor’s ability in this regard to the following positions: (1) chief program manager; (2) up to three regional directors; (3) chief financial officer; and (4) director of risk management and project controls. Requires the High-Speed Rail Authority to conduct a salary survey to determine the compensation for the executive director and these additional officers, and requires their salaries to be approved by the Department of Personnel Administration. Requires the authority to submit a business plan to the Legislature every two years. Requires the authority to submit a high-speed train capital program to the Legislature and Governor each even-numbered year.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td>AB 1618 (Galgiani) High-Speed Rail: Workforce Education Needs</td>
<td>Requires the California High-Speed Rail Authority to consult with the University of California, the California State University and the California Community Colleges to determine how the state can best meet the educational needs for the future high-speed rail design, construction, operations, and maintenance workforce. Requires the High-Speed Rail Authority to seek federal funding for this purpose. Requires the High-Speed Rail Authority to report to the Governor and Legislature on this matter by July 1, 2014.</td>
<td>5/1/12</td>
<td>Assembly Appropriations Committee</td>
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<td>AB 1627 (Dickinson) Vehicle Miles Traveled</td>
<td>By January 1, 2014, requires the Office of Planning and Research to prepare and make available a manual designed to be used by local agencies and project developers to evaluate and incorporate measures and strategies to reduce vehicle miles traveled in new residential and commercial building projects.</td>
<td>4/10/12</td>
<td>Assembly Business, Professions and Consumer Protection Committee</td>
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<td>AB 1633 (Wagner) Public Employees’ Retirement: Maximum Allowable Benefits</td>
<td>Prohibits the retirement benefit paid to a member of any public retirement system whose service is not included in the federal Social Security System from exceeding $100,000. Prohibits the retirement benefit paid to a member of any public retirement system whose service is included in the federal Social Security System from exceeding $80,000. Allows those amounts to be adjusted annually using the Consumer Price Index. Specifies that the provisions of the bill apply to a public employee who is first employed by a public agency and becomes a member of any public retirement system on or after January 1, 2013.</td>
<td>As Introduced</td>
<td>Assembly Rules Committee</td>
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<td>AB 1639 (Hill) Public Employees’ Retirement: Determination of Benefits</td>
<td>For purposes of determining a retirement benefit paid to a person who first becomes a member of a public retirement system on or after January 1, 2013, prohibits that the maximum salary, compensation or pay rate taken into account under the plan for any year from exceeding the amount permitted to be taken into account under federal Internal Revenue Code.</td>
<td>As Introduced</td>
<td>Assembly Rules Committee</td>
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<td>AB 1645 (Norby) Naming of State Highways</td>
<td>Transfers the authority for naming highways, bridges, pathways, and other transportation infrastructure from the Legislature to the California Transportation Commission (CTC).</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td>AB 1655 (Dickinson) State Public Employees’ Bill of Rights Act</td>
<td>Enacts the Public Employees’ Bill of Rights Act. Specifies various rights and terms of employment for state public employees. Among other things, provides that state employees shall be entitled to priority over contractors in filling permanent, overtime and on-call positions.</td>
<td>3/20/12</td>
<td>Assembly Appropriations Committee</td>
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<td>AB 1665 (Galgiani) CEQA Exemption: Railroad Crossings</td>
<td>Exempts from the California Environmental Quality Act (CEQA) the closure of a railroad grade crossing by order of the California Public Utilities Commission (CPUC), if commission finds that the crossing presents a threat to public safety.</td>
<td>4/18/12</td>
<td>Senate Appropriations Committee</td>
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<td>AB 1706 (Eng)</td>
<td>Public Transit Bus Weight Limit</td>
<td>6/26/12</td>
<td>Senate Appropriations Committee</td>
<td>Support</td>
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<td>Exempts the current bus fleets of public transit agencies from the 20,500 single axle weight limit in the Vehicle Code, as well as any new buses being procured through a solicitation that was issued before January 1, 2013. Sets a new state weight limit on a single axle of a public transit bus at 21,000 pounds unladen weight and 24,000 pounds gross weight, beginning in 2019. Between January 1, 2013, and January 1, 2019, prohibits a public transit agency from procuring a new bus whose unladen weight on any one axle exceeds 21,000 pounds or whose gross weight on any one axle exceeds 24,000 pounds, unless every city and county through which the bus would operate has approved the procurement or the operation of the bus. Exempts public transit buses operated in compliance with state and federal air quality regulations requiring a demonstration program, including hydrogen fuel cell buses, and other zero emission or near zero emission buses, from the 20,500-pound limit, as well as from the provisions of this bill. Prohibits the operation of any public transit bus on the Interstate system that exceeds the federal single axle weight limit of 24,000. Automatically conforms state law to federal law should federal weight limits be changed in the future. Requires state agencies to take into consideration vehicle weight impacts and the ability of vehicle manufacturers and operators to comply with laws limiting the weight of vehicles when promulgating regulations that would affect vehicle weights.</td>
<td>6/26/12</td>
<td>Senate Appropriations Committee</td>
<td>Support</td>
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<td>AB 1722 (Alejo)</td>
<td>Changeable Roadside Message Signs</td>
<td>4/9/12</td>
<td>Assembly Transportation Committee</td>
<td>Support</td>
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<td>Prior to June 30, 2013, requires Caltrans to update its internal policies to allow displays of the following types of messages on changeable roadside message signs: (1) safety messages; (2) transportation-related messages; (3) reminders to register to vote; and (4) reminders to vote as elections approach.</td>
<td>4/9/12</td>
<td>Assembly Transportation Committee</td>
<td>Support</td>
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<td>AB 1770 (B. Lowenthal)</td>
<td>California Transportation Financing Authority</td>
<td>As Introduced</td>
<td>Senate Appropriations Committee</td>
<td>Support</td>
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<td>Makes rail rolling stock procurements eligible for financing through the California Transportation Financing Authority.</td>
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<td>Senate Appropriations Committee</td>
<td>Support</td>
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<td>AB 1779 (Galgiani)</td>
<td>Intercity Rail Agreements: San Joaquin Corridor</td>
<td>6/27/12</td>
<td>Senate Appropriations Committee</td>
<td>Support</td>
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<td>Creates the San Joaquin Joint Powers Authority (JPA). Authorizes Caltrans to enter into an agreement to transfer to the JPA all responsibility for administering the San Joaquin Corridor Intercity Rail Service, if it is determined by the secretary of the Business, Transportation &amp; Housing Agency that the transfer would result in administrative and operating cost reductions. Requires this interagency agreement to be executed by December 31, 2013. As a condition of entering into an operating agreement with the JPA to provide intercity passenger rail service, requires a contractor to agree that its labor relations will be governed by the federal Railway Labor Act. With regard to the San Joaquin Corridor, provides that local resources shall not be available for expenditure to offset any redirection, elimination, reduction, or reclassification of state resources for operating intercity passenger rail services.</td>
<td>6/27/12</td>
<td>Senate Appropriations Committee</td>
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<td>AB 1780 (Bonilla)</td>
<td>Project Study Reports (PSRs)</td>
<td>3/29/12</td>
<td>Senate Appropriations Committee</td>
<td>Support</td>
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<td>Requires project study reports (PSRs) or equivalent planning documents for state highway projects to include a cost estimate, schedule and other information at a level deemed necessary to form a sound basis for the commitment of future state funding and project delivery. For a state highway project that is in an adopted regional transportation plan (RTP), a voter-approved county sales tax measure expenditure plan or other voter-approved transportation program, provides that Caltrans’ costs for review and approval of the applicable PSR or equivalent planning document shall be at the department’s expense. For other projects, requires the local entity performing the work to reimburse Caltrans for the costs for reviewing and approving the PSR or equivalent planning document. Allows a local entity to prepare a PSR or equivalent planning document at its own expense if Caltrans cannot complete it in a timely manner.</td>
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<td>AB 1831 (Dickinson)</td>
<td>Local Agencies: Hiring Practices</td>
<td>6/11/12</td>
<td>Senate Governance and Finance Committee</td>
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<td>Prohibits a local agency from inquiring into or considering the criminal history of an applicant, or including any inquiry about criminal history on any initial employment application. Allows a local agency to inquire into or consider an applicant’s criminal history after his or her qualifications have been screened, and the agency has determined that the applicant meets the minimum employment requirements, as stated in any notice issued for the positions. Specifies that the provisions of the bill do not apply to a position for which a local agency is otherwise required by law to conduct a criminal background check, or to any position or individual working within a criminal justice agency.</td>
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<td>AB 1890 (Solorio)</td>
<td>Toll Highways: Motorcycles</td>
<td>6/6/12</td>
<td>Signed into Law: Chapter #81</td>
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<td>If using a transponder or other electronic toll payment device to lawfully enter a vehicle crossing or toll highway, requires a motorcyclist to do one of the following as long as the transponder or device is able to be read by the toll operator’s detection equipment: (a) place the transponder or other electronic toll payment device in his or her pocket; (b) place the transponder or other electronic toll payment device inside a cycle net that drapes over the gas tank of the motorcycle; (c) mount the transponder or other electronic toll payment device on license plate devices provided by the toll operator, if the toll operator provides such devices; (d) keep the transponder or other electronic toll payment device in the glove or storage compartment of the motorcycle; or (e) mount the transponder or other electronic toll payment device on the windshield of the motorcycle.</td>
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<td>AB 1915 (Alejo)</td>
<td>Safe Routes to School Program</td>
<td>6/26/12</td>
<td>Senate Appropriations Committee</td>
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<td>Allows up to 10 percent of funding under the state’s Safe Routes to School Program to be used to assist eligible recipients in making infrastructure improvements, other than school bus shelters, that create safe routes to schoolbus stops that are located outside the vicinity of schools.</td>
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<td>AB 1971 (Buchanan)</td>
<td>Copper Theft Involving Public Transit Property</td>
<td>4/30/12</td>
<td>Signed into Law: Chapter #82</td>
<td>Support</td>
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<td>Clarifies that the theft or attempted theft of copper resulting in damage to public transit property and facilities; public parks property and facilities; and public utilities and water property and facilities constitutes vandalism. Increases the maximum fine from $250 to $1,000 for a person who knowingly buys copper without verifying that it has been legally obtained.</td>
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<td><strong>AB 1989</strong> (Carter) State Parks: Bicycle Facilities</td>
<td>Beginning July 1, 2013, imposes a surcharge on every retailer for the privilege of selling a new bicycle in California at the rate of $2 per new bicycle. Requires the revenues generated by this surcharge to be deposited into the State Park Bicycle Facilities Fund. Upon appropriation by the Legislature, requires the Department of Parks and Recreation to use 60 percent of the surcharge revenues to: (1) establish a local assistance program to distribute grants, on a competitive basis, to local jurisdictions and non-profit organizations for the creation or maintenance of bicycle trails and paths, and related signage and facilities; and (2) encourage joint partnership projects between two or more entities. Requires the department to use 40 percent of the surcharge revenues to pay for maintenance of the following within units of the state park system: (1) bicycle trails and paths; (2) signage with respect to bicycle trails and paths; and (3) bicycle facilities, including bicycle parking facilities.</td>
<td>4/18/12</td>
<td>Assembly Water, Parks and Wildlife Committee</td>
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<td><strong>AB 2095</strong> (Campos) State Highways: Signs for Culturally Unique and Historically Significant Communities</td>
<td>Authorizes Caltrans to erect signs on the state highway system directing motorists to culturally unique and historically significant communities if the department receives: (1) a resolution of support from the county; and (2) a letter of non-opposition from the city in which the community is located.</td>
<td>6/27/12</td>
<td>Senate Appropriations Committee</td>
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<td><strong>AB 2104</strong> (Gordon) Public Transit Agencies: Enforcement of Parking Regulations</td>
<td>Authorizes a public transit agency that imposes conditions or regulations on the parking or standing of vehicles upon its grounds to: (a) issue citations; (b) enforce those conditions or regulations through a civil process; and (c) impound vehicles.</td>
<td>7/6/12</td>
<td>Senate Floor</td>
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<td><strong>AB 2144</strong> (J. Perez) Infrastructure and Revitalization Financing Districts</td>
<td>Changes the name “infrastructure financing district” to “infrastructure and revitalization financing district.” Expands the list of projects that a district may finance to include: (1) watershed land used for the collection and treatment of water for urban uses; (2) flood management; (3) habitat restoration; (4) brownfields restoration and other environmental mitigation; (5) purchase of land and property for development purposes and related site improvements; (6) acquisition, construction or repair of housing for rental or purchase, including multipurpose facilities; (7) acquisition, construction or repair of commercial or industrial structures for private use; (8) projects on a former military base; and (9) projects that implement a sustainable communities strategy prepared pursuant to SB 375. Deletes the prohibition on a district’s including any portion of a redevelopment project area, and allows a district to finance projects in such areas. Authorizes the creation of a district, adoption of a financing plan, and the issuance of bonds for implementing a financing plan with a 55 percent, rather than a two-thirds, vote. Allows a district to be created for up to 40, rather than 30, years. Allows a district to issue debt with a final maturity date of up to 30 years.</td>
<td>7/3/12</td>
<td>Senate Appropriations Committee</td>
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<td>State Assembly Bills</td>
<td>Subject</td>
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| **AB 2147**  
(Cedillo)  
Automated Rail and Fixed Guideway Enforcement Systems | Allows a governmental agency to equip a railroad or fixed guideway crossing with an automated enforcement system that photographically records the presence of a vehicle that enters into a gated or ungated crossing, if the system is identified by signs that are visible to traffic approaching from each direction. Specifies the procedures to be used by a governmental agency for the processing of a notice of violation based on evidence from an automated rail or fixed guideway enforcement system. | 3/29/12 | Assembly Transportation Committee | |
| **AB 2163**  
(Knight)  
Jobs and Economic Improvement Through Environmental Leadership Act of 2011 | Makes several changes to the Jobs and Economic Improvement Through Environmental Leadership Act of 2011, which established streamlined procedures for the judicial review of the environmental impact report (EIR) and approvals granted for so-called “environmental leadership development projects.” Expands the list of environmental leadership development projects that would be eligible for the streamlined procedures under the act to include: (a) commercial development projects exceeding 125,000 square feet; (b) residential development projects exceeding 50 units; and (c) recreational use projects with more than 20 acres of cultivated development. Repeals the requirements that an environmental leadership development project must result in a minimum investment of $100 million, be located in an infill site and be certified by the Governor. Requires a project eligible for the streamlined procedures under the act to be designed to meet or exceed the standards for the CalGreen Tier 1 building as provided in the California Green Building Standard. | As Introduced | Assembly Natural Resources Committee | |
| **AB 2173**  
(Skinner)  
MTC: Regional Gas Tax | Makes several changes to the existing authority of the Metropolitan Transportation Commission (MTC) to impose a regional gas tax. Specifically, allows MTC to submit a proposed ballot measure for a regional gas tax to the voters of one or more counties in the Bay Area, rather than to all nine counties in the region. Allows the tax to be levied at a rate that may vary from year to year, but may not exceed 10 cents per gallon. Provides that the ballot measure shall be identified, worded and described in a manner determined by MTC. Enacts new provisions authorizing MTC to issue bonds secured by all or a portion of net regional gas tax revenues. Provides that interest earned on any of these bonds is free from state personal and corporate income taxes. | As Introduced | Assembly Transportation Committee | |
| **AB 2192**  
(Miller)  
Motor Vehicles: Confidential Home Addresses | Requires a person who requests the confidentiality of his or her home address to provide the Department of Motor Vehicles (DMV) with a current employment address for purposes of processing the service and collection of a traffic, parking or toll road violation. Requires a person who has requested such confidentiality to notify the DMV of any change in his or her employment address within 10 days. Requires the DMV to refuse to renew the registration of a vehicle owned or leased by such person if: (a) the person has been mailed a notice of delinquent parking violation or a failure to pay a traffic citation; (b) the processing agency has filed or electronically transmitted to the department an itemization of the unpaid parking or traffic citation penalty, including the administrative fee; and (c) the person has not paid the penalty and administrative fee. | 3/29/12 | Assembly Appropriations Committee | |
| **AB 2200**  
(Ma)  
High-Occupancy Vehicle Lanes: I-80 Corridor | If consistent with the State Implementation Plan (SIP) for the Bay Area adopted pursuant to the federal Clean Air Act, suspends the hours of operation for highway lanes designated for high-occupancy vehicles (HOVs) in the I-80 Corridor within the jurisdiction of the Metropolitan Transportation Commission (MTC) during the reverse commute direction. Sunsets the provisions of the bill on January 1, 2020. | 5/1/12 | Senate Appropriations Committee | |
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<th>State Assembly Bills</th>
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<tr>
<td>AB 2224 (Smyth and Conway) Public Employees’ Retirement</td>
<td>Makes various changes to state statutes pertaining to public employee pensions. For all public employees: (1) prohibits any enhancement to an employee’s retirement formula or benefit from being applied to any service performed prior to the operative date of the enhancement; (2) requires public employees to contribute at least one half of the annual actuarially determined normal costs of any defined benefit plan or component; (3) prohibits a public employer from paying on behalf of an employee any of his or her required employee contribution; and (4) prohibits a public retirement system from allowing the purchase of non-qualified, additional retirement service credit, however that service credit may be denominated. Requires a public employer to offer to its employees first hired on and after July 1, 2013, only a hybrid pension plan made available by the public retirement system. Requires such a hybrid pension plan to: (1) consist of a defined benefit component, a defined contribution component or alternative plan component; and (2) be designated with the goal of providing annually during retirement replacement income of 75 percent of a public employee’s final compensation, based on a full career in public service. Defines “full career in public service” to mean 30 years of credited service and a normal retirement age of 57 for public employees in safety member classifications and 35 years of credited service and a normal retirement age of 67 for all other public employees. For a defined benefit for retirement for public employees hired on and after January 1, 2013, requires final compensation to be calculated using the employee’s highest average pay rate during at least a consecutive 36-month period of service, not including bonuses, unplanned overtime, severance pay, or payments for accrued vacation, sick leave or leave of any form. Provides that the provisions of this bill shall become operative on January 1, 2013, only if SCA 18 is approved by the voters at the November 6, 2012, statewide general election.</td>
<td>As Introduced</td>
<td>Assembly Public Employees Retirement and Social Security Committee</td>
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<td>AB 2231 (Fuentes) Sidewalk Repairs</td>
<td>Provides that if a city or county has an ordinance in place requiring the repair of sidewalks, the ordinance may not be repealed unless approved by a majority vote of the electorate. Also prohibits a city or county that has such an ordinance in place from imposing a fee, charge or assessment for sidewalk repairs against an owner of private property fronting on any portion of a sidewalk unless a repeal of the ordinance is approved by the voters.</td>
<td>6/28/12</td>
<td>Senate Appropriations Committee</td>
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<td>AB 2245 (Smyth) CEQA Exemption: Bikeway Projects</td>
<td>Exempts from the California Environmental Quality Act (CEQA) a Class II bikeway project undertaken by a city or county within an existing road right-of-way. Repeals the provisions of the bill on January 1, 2017, unless that date is deleted or extended through the enactment of subsequent legislation.</td>
<td>5/15/12</td>
<td>Senate Environmental Quality Committee</td>
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<td>AB 2247 (B. Lowenthal) Public Transit: Violations</td>
<td>Provides that selling or peddling any goods, merchandise, property, or services on the facilities, vehicles or property of a public transit agency without the express written consent of that agency or its duly authorized representative is an infraction for the first two violations, and a misdemeanor for the third or subsequent violation.</td>
<td>6/26/12</td>
<td>Senate Floor</td>
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<td>AB 2277 (Hueso) Adopt a Highway Program: Courtesy Signs</td>
<td>Requires Caltrans to notify and obtain the approval of the applicable local governing body prior to posting a courtesy sign identifying a group that is providing litter abatement services under the Adopt a Highway Program.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
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<td><strong>AB 2298</strong></td>
<td><strong>(Ma) Metal Theft Task Force Program</strong></td>
<td>6/25/12</td>
<td>Senate Appropriations Committee</td>
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<td>Requires the Board of State and Community Corrections to establish a</td>
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<td>Metal Theft Task Force Program to administer grants to applicant</td>
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<td>regional task forces for purposes of providing local law</td>
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<td>enforcement and district attorneys with the tools necessary to</td>
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<td>successfully interdict the commission of metal theft and related</td>
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<td>recycling crimes. Establishes the Metal Theft Task Force Fund, which</td>
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<td>shall consist of money provided by the federal government, industry</td>
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<td>and citizen sources. Upon appropriation by the Legislature, makes the</td>
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<td>money in the fund available for the program. Provides that the program</td>
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<td>shall not be implemented until the Department of Finance determines that</td>
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<td>sufficient funding has been deposited into the Metal Theft Task Force</td>
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<td>Fund and the money has been made available upon appropriation by the</td>
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<td>Legislature.</td>
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<td><strong>AB 2382</strong></td>
<td><strong>(Gordon) Innovation Delivery Team Demonstration Program</strong></td>
<td>6/26/12</td>
<td>Senate Appropriations Committee</td>
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<td>By July 1, 2013, requires Caltrans and the Santa Clara Valley</td>
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<td>Transportation Authority (VTA) to enter into a memorandum of</td>
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<td>understanding (MOU) to implement the Innovative Delivery Team</td>
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<td>Demonstration Program. Requires Caltrans and VTA to develop the</td>
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<td>demonstration program to: (1) operate under a different business</td>
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<td>model with the goal of delivering transportation projects and local</td>
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<td>assistance services in Santa Clara County in a more responsive, cost-</td>
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<td>effective and efficient manner; (2) serve as a mechanism for testing</td>
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<td>out innovative approaches for improving project delivery and local</td>
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<td>assistance; and (3) identify those innovative approaches that are</td>
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<td>suitable for application by Caltrans in other parts of the state.</td>
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<td>Requires the MOU, at a minimum, to define roles, responsibilities,</td>
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<td>conflict resolution, delegation of authority, empowerment,</td>
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<td>performance metrics, and financial support for the purpose of</td>
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<td>implementing the demonstration program. Requires Caltrans, from</td>
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<td>existing staff, to assign the necessary resources to the demonstration</td>
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<td>program as referenced in the MOU, which, at a minimum, shall include a</td>
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<td>program manager, a local assistance liaison and at least one project</td>
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<td>manager. Requires Caltrans to locate these staff resources at VTA’s</td>
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<td>headquarters facility. For purposes of implementing the demonstration</td>
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<td>program, requires VTA to be responsible for, and take the lead on, the</td>
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<td>following with respect to projects on the state highway system in</td>
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<td>Santa Clara County: (1) prepare and certify project study reports or</td>
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<td>equivalent planning documents; (2) serve as the lead agency for</td>
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<td>environmental review; (3) acquire and certify rights-of-way; and (4)</td>
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<td>advertise, award and administer construction contracts. Also requires</td>
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<td>VTA to manage the local assistance process under the demonstration</td>
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<td>program. Requires VTA, in consultation with Caltrans, to evaluate the</td>
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<td>demonstration program to determine its effectiveness. By January 1,</td>
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<td>2018, requires VTA to submit a report to the Legislature containing</td>
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<td>the results of the evaluation, together with recommendations as to</td>
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<td>whether the demonstration program should be continued. Also requires</td>
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<td>the report to identify those elements of the demonstration program that</td>
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<td>are suitable for application by Caltrans in other parts of the state.</td>
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<td>Sunsets the provisions of the bill on January 1, 2020, unless a later</td>
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<td>enacted statute deletes or extends that date.</td>
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<td><strong>AB 2404</strong> (Fuentes) Local Emission Reduction Fund</td>
<td>Creates the Local Emission Reduction Program to be administered by the Strategic Growth Council. Allows revenues collected pursuant to a market-based compliance mechanism established to reduce greenhouse gas emissions under the California Global Warming Solutions Act of 2006 to be made available, upon appropriation by the Legislature, for the program. Requires the Strategic Growth Council to use funds appropriated for the program to award grants on a competitive basis to local and regional agencies for measures and programs that are consistent with a locally adopted greenhouse gas emission reduction plan.</td>
<td>5/1/12</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>AB 2405</strong> (Blumenfield) Express Lanes: Clean Fuel Vehicles</td>
<td>Exempts all of the low emission and hybrid vehicles eligible to use high-occupancy vehicle (HOV) lanes without carrying the requisite number of passengers from paying the fees imposed on single-occupant vehicles to use express lanes, unless prohibited by federal law. Excludes from this exemption: (1) a toll imposed for passage on a toll road or a toll highway that is not an express lane; and (2) a toll imposed to cross a state-owned toll bridge.</td>
<td>6/27/12</td>
<td>Senate Floor</td>
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<td><strong>AB 2498</strong> (Gordon) Construction Manager/General Contractor Project Delivery Method</td>
<td>Authorizes Caltrans to use the Construction Manager/General Contractor project delivery method for the construction of no more than four projects on the state highway system, at least three of which must have construction costs greater than $10 million. Specifies that the Construction Manager/General Contractor method may be used when it is anticipated that it will reduce project costs or expedite project completion in a manner that is not achievable through the design-bid-build method. Defines “Construction Manager/General Contractor” to mean a project delivery method in which a construction manager is procured to provide preconstruction services during the design phase of the project and construction services during the construction phase of the project. Defines “construction manager” to mean a partnership, corporation or other legal entity that is able to provide appropriately licensed contracting and engineering services as needed pursuant to a Construction Manager/General Contractor contract. Establishes a request for qualifications (RFQ) process that Caltrans would be required to use for evaluating and selecting a construction manager. Allows for the contract for construction services to be entered into at the same time as the contract for preconstruction services, or at a later time.</td>
<td>6/15/12</td>
<td>Senate Appropriations Committee</td>
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<td><strong>AB 2545</strong> (Logue) Non-Emergency Medical Transportation</td>
<td>Requires non-emergency medical transportation services provided to Medi-Cal beneficiaries by managed care organizations directly or under contractual arrangements to be subject to the same personnel, equipment and inspection requirements as non-emergency medical transportation services provided by fee-for-service enrolled providers.</td>
<td>4/18/12</td>
<td>Assembly Health Committee</td>
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<td><strong>AB 2551</strong> (Hueso) Infrastructure Financing Districts: Renewable Energy Infrastructure Areas</td>
<td>Allows a city to form an infrastructure financing district in renewable energy infrastructure areas for the purpose of promoting renewable energy projects. Defines “renewable energy infrastructure area” to mean an area that contains a proposed development project or projects that would generate in total more than 10 megawatts of electricity using an eligible renewable energy resource. Eliminates the requirement for voter approval for the formation of an infrastructure financing district, adoption of an infrastructure financing plan, and the issuance of bonds if the district is being proposed for renewable energy infrastructure areas.</td>
<td>6/21/12</td>
<td>Senate Appropriations Committee</td>
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<td><strong>AB 2583</strong>&lt;br&gt;(Blumenfield)&lt;br&gt;Advanced Technology Vehicle Parking Incentives</td>
<td>Requires the Department of General Services and Caltrans to develop and implement advanced technology vehicle parking incentive programs at public parking facilities of 50 spaces or more operated by the Department of General Services and park-and-ride lots operated by Caltrans in order to incentivize the purchase and use of alternatively fueled vehicles in the state. Provides that the incentives may include preferential spaces, reduced fees and fueling infrastructure for alternatively fueled vehicles that use these parking facilities or park-and-ride lots.</td>
<td>7/6/12</td>
<td>Senate Appropriations Committee</td>
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<tr>
<td><strong>ACA 4</strong>&lt;br&gt;(Blumenfield)&lt;br&gt;Local Governments: Special Taxes</td>
<td>Calls for placing before the voters an amendment to the California Constitution to allow a local agency to incur indebtedness in the form of general obligation bonds, if approved by its electorate by a 55 percent majority, to fund the construction, reconstruction, rehabilitation, or replacement of: (1) public improvements, including improvements to transportation infrastructure, streets, highways, sewer systems, water systems, wastewater systems, and park and recreation facilities; and (2) facilities or buildings used primarily to provide sheriff, police or fire protection services to the public. Creates an exception to the 1 percent limit for property tax assessments if the revenues are being used to pay bonded indebtedness, approved by a 55 percent vote, to fund the construction, reconstruction, rehabilitation, or replacement of: (1) public improvements, including improvements to transportation infrastructure, streets, highways, sewer systems, water systems, wastewater systems, and park and recreation facilities; and (2) facilities or buildings used primarily to provide sheriff, police or fire protection services to the public.</td>
<td>As Introduced</td>
<td>Assembly Floor</td>
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<tr>
<td><strong>ACA 22</strong>&lt;br&gt;(Smyth and Conway)&lt;br&gt;Public Employees’ Retirement</td>
<td>Calls for placing before the voters an amendment to the California Constitution that would make a number of changes to public employee pensions. Requires each public retirement system to develop one or more hybrid pension plans for each public employer that provides its employees a defined benefit plan administered by the public retirement system. Requires such a hybrid pension plan to: (1) consist of a defined benefit component, a defined contribution component or alternative plan component; and (2) be designated with the goal of providing annually during retirement replacement income of 75 percent of a public employee’s final compensation, based on a full career in public service. Defines “full career in public service” to mean 30 years of credited service and a normal retirement age of 57 for public employees in safety member classifications and 35 years of credited service and a normal retirement age of 67 for all other public employees. Beginning July 1, 2013, requires each public retirement system to administer and make available to each public employer that provides a defined benefit pension plan one or more hybrid pension plans for public employees hired in each member classification in the public retirement system. Requires a public employer to offer to its employees first hired on and after July 1, 2013, only a hybrid pension plan made available by the public retirement system.</td>
<td>As Introduced</td>
<td>Assembly Desk</td>
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<td><strong>ACA 23</strong>&lt;br&gt;(Perea)&lt;br&gt;Local Government Transportation Projects</td>
<td>Calls for placing before the voters an amendment to the California Constitution to allow a local agency to impose, extend or increase a special tax for the purpose of providing funding for local transportation projects, if approved by a 55 percent majority vote.</td>
<td>As Introduced</td>
<td>Assembly Appropriations Committee</td>
<td>Support</td>
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## State Senate Bills

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<tr>
<th>State Senate Bills</th>
<th>Subject</th>
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<th>Status</th>
<th>VTA Position</th>
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<tr>
<td>SB 27 (Simitian) Public Employees’ Retirement: Calculation of Final Compensation</td>
<td>Clarifies and defines which forms of compensation may be included in an employee’s final compensation for purposes of determining a retirement allowance under the California Public Employees’ Retirement System (CalPERS) and the State Teachers’ Retirement System (CalSTRS). Prohibits any compensation determined to have been paid expressly to enhance an employee’s retirement allowance from being included in the calculation. Requires increases to compensation paid during the final compensation period to be consistent with publicly published pay scales and the increases paid to other employees in the same or similar working groups or classes. Prohibits working groups or classes of only one individual. Prohibits any CalPERS member who retires on or after January 1, 2013, from returning to public employment as a part-time worker, a private contractor or an employee of a third-party contractor for 180 days following the date of retirement.</td>
<td>8/15/11</td>
<td>Assembly Appropriations Committee</td>
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<tr>
<td>SB 31 (Correa) Post-Government Employment Restrictions</td>
<td>Applies the current post-government employment restrictions in the Political Reform Act of 1974 to public officials serving as members of local governing boards or commissions with decision-making authority.</td>
<td>6/27/12</td>
<td>Assembly Appropriations Committee</td>
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<tr>
<td>SB 46 (Correa) Public Agencies: Compensation Disclosure</td>
<td>Until January 1, 2019, specifies that every person, except a candidate for public office, who is required by state law to file a statement of economic interests must, as part of that filing, include a disclosure form that provides compensation information for the preceding calendar year. By March 1, 2013, requires the Controller’s Office to adopt emergency regulations to implement this bill, including the format of the compensation disclosure form. Requires the form to provide for the disclosure of the following information: (1) the agency’s cost for a person’s annual salary or stipend; (2) the agency’s cost to provide benefits to a person, including deferred compensation or defined benefit plans; (3) the agency’s reimbursement payments to a person for actual and necessary expenses incurred on behalf of the local agency in the performance of official duties; and (4) the agency’s cost to provide a person with any other monetary or non-monetary perquisites of office. By July 1, 2013, requires the Controller’s Office to recommend to the Governor and the Legislature methods for compiling the information contained on compensation disclosure forms in one or more publicly accessible data bases. If an agency maintains an Internet Web site, requires the following information to be posted: (1) the information contained on employee compensation disclosure forms; and (2) its written policy for reimbursement of actual and necessary expenses to employees in the performance of official duties.</td>
<td>6/2/11</td>
<td>Assembly Desk</td>
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<td>SB 52 (Steinberg) Jobs and Economic Improvement Through Environmental Leadership Act of 2011</td>
<td>Amends the Jobs and Economic Improvement Through Environmental Leadership Act of 2011, which established streamlined procedures for the judicial review of the environmental impact report (EIR) and approvals granted for so-called “environmental leadership development projects.” Specifically, requires the lead agency for an environmental leadership development project to place the highest priority on feasibility measures that will reduce greenhouse gas emissions on the project site and in the neighboring communities of the project site.</td>
<td>6/26/12</td>
<td>Assembly Jobs, Economic Development and the Economy Committee</td>
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<td><strong>SB 214</strong>&lt;br&gt;(Wolk)&lt;br&gt;Infrastructure Financing Districts</td>
<td>Eliminates the requirement for voter approval for the creation of an infrastructure financing district, adoption of an infrastructure financing plan, and the issuance of bonds for implementing an infrastructure financing plan. Instead, provides that the legislative body of a city, at the conclusion of a public hearing, may adopt a resolution establishing an infrastructure financing district based upon a finding that: (1) the goals of the district are consistent with the city’s General Plan; and (2) the financing programs undertaken by the district are an efficient means of implementing the goals of the district. Requires a public financing authority to be created to serve as the legislative body of an infrastructure financing district. Requires the public financing authority to be comprised of members of the city council or board of supervisors that established the infrastructure financing district. Allows for the public financing authority to adopt the infrastructure financing plan and to issue bonds by a majority vote of the authority. If an infrastructure financing plan provides for the division of taxes of any affected taxing entity, requires a public accountability committee to be created to review the actions of the public financing authority. Requires the committee to be comprised of a representative from each affected taxing entity that has agreed to the division of its taxes, a representative of the public financing authority, and one or more public members. Generally prohibits an infrastructure financing district from paying for routine maintenance, repair work, or the costs of ongoing operations or providing services of any kind. Clarifies that an infrastructure financing district shall finance only structural and non-structural public capital facilities that either benefit properties within the district or make facilities available to those properties. Allows an infrastructure financing district to finance any project that implements a transit priority project. Prohibits an infrastructure financing district from providing any form of financial assistance to: (1) a vehicle dealer; (2) a big box retailer; or (3) a business entity that sells or leases land to a vehicle dealer or big box retailer that is relocating from the territorial jurisdiction of one local agency to the territorial jurisdiction of another local agency but within the same market area. Specifies that the date on which an infrastructure financing district would cease to exist would not be more than 40 years from the date the public financing authority adopted the infrastructure financing plan. Requires an infrastructure financing district to distribute an annual report to each owner of land within the district and each affected taxing entity. Requires the report to contain all of the following: (1) a summary of the district’s expenditures; (2) a description of the progress made toward the district’s adopted goals; and (3) an assessment of the status regarding completion of the district’s public works projects.</td>
<td>6/18/12</td>
<td>Assembly Local Government Committee</td>
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<td><strong>SB 517</strong>&lt;br&gt;(A. Lowenthal)&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 secretary of the Business, Transportation and Housing Agency to propose an annual budget for the authority. Requires the Governor’s appointments to the authority to be confirmed by the Senate. Vacates the current membership of the authority, and provides for the appointment or reappointment of members as of January 1, 2012, for staggered terms. Requires members of the authority to have specified experience in order to be appointed. Prohibits a member of the authority from simultaneously holding any other elected or appointed public office. Requires the executive director of the authority to be confirmed by the Senate. Prohibits the employment agreement for the executive director from being executed without Senate confirmation. Enacts various conflict-of-interest provisions applicable to members of the authority and its staff.</td>
<td>6/30/11</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>SB 535</strong> (De Leon) Global Warming Solutions Act: Communities Healthy Air Revitalization Trust</td>
<td>Requires a minimum of 10 percent of the fee revenues generated under the California Global Warming Solutions Act of 2006, other than revenues collected by the California Air Resources Board (CARB) for administrative purposes, to be deposited into the California Communities Healthy Air Revitalization Trust. Requires the trust to be administered by CARB. Upon appropriation by the Legislature, requires the revenues in the trust to be used: (a) solely in the most impacted and disadvantaged communities in the state; and (b) to fund programs or projects that reduce greenhouse gas emissions or mitigate the direct health impacts of climate change, through competitive grants, loans or other funding mechanisms. Requires CARB to convene a review panel to make recommendations regarding the development of policies, plans and programs as they relate to the trust.</td>
<td>7/5/11</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>SB 580</strong> (Wolk) State Park Land</td>
<td>Prohibits land acquired for the state park system through public funds, gifts or bequests from being disposed of or used in a way that is incompatible with park purposes without the substitution of other land. In the event that land cannot be acquired to fully meet the substitution eligibility criteria, allows the state Park and Recreation Commission to approve a combination of substitute park land and monetary compensation, if certain conditions are met. Provides that the commission may consider requests only if it determines that all practical alternatives that avoid the proposed disposal or use of park land for incompatible purposes have been considered.</td>
<td>6/14/12</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>SB 594</strong> (Wolk) Energy: Net Energy Metering</td>
<td>Authorizes an eligible customer-generator with multiple meters to elect to aggregate the electrical load of the meters located on the property where the generation facility is located and on all property adjacent or contiguous to the property on which the generation facility is located, if those properties are solely owned by the eligible customer-generator.</td>
<td>5/15/12</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>SB 654</strong> (Steinberg) Redevelopment</td>
<td>Provides that any amounts on deposit in the Low and Moderate Income Housing Fund of a dissolved redevelopment agency may be transferred to a host city or county for developing affordable housing.</td>
<td>1/31/12</td>
<td>Assembly Housing and Community Development Committee</td>
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<td><strong>SB 749</strong> (Steinberg) CTC Guidelines</td>
<td>Exempts the adoption of guidelines by the California Transportation Commission (CTC) from the rulemaking provisions of the Administrative Procedure Act. Except in the case of the State Transportation Improvement Program (STIP), specifies a process that the CTC must use when adopting guidelines. Requires the CTC to maintain a guideline adoption file containing: (a) a summary of each objection or recommendation made with regard to a proposed guideline; and (b) an explanation of how the proposed guideline was changed to accommodate each objection or recommendation, or the reasons for making no change. Requires the CTC to include in its annual report to the Legislature a summary of its activities related to the adoption of program or policy guidelines during the previous calendar year.</td>
<td>1/4/12</td>
<td>Assembly Transportation Committee</td>
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<td><strong>SB 829</strong> (Rubio) Project Labor Agreements</td>
<td>Specifies that if a charter provision, initiative or ordinance of a charter city prohibits, limits or constrains in any way the governing board’s authority or discretion to adopt, require or utilize a project labor agreement that includes specified taxpayer protection provisions for some or all of the construction projects to be awarded by the city, state funding or financial assistance may not be used to support any construction projects awarded by the city.</td>
<td>4/9/12</td>
<td>Signed into Law: Chapter #11</td>
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<td>SB 878 (DeSaulnier) California Transportation Commission: Inspector General</td>
<td>Requires the California Transportation Commission (CTC) to undertake a study to assess the appropriateness of establishing an Office of Inspector General within state government to ensure that Caltrans and transportation agencies with projects funded completely or in part through the State Transportation Improvement Program (STIP) are operating efficiently, effectively, and in compliance with federal and state laws governing the performance of such agencies. Requires the CTC to prepare and submit a written report on the advisability of creating an Office of Inspector General to the Governor and the Legislature by January 31, 2014.</td>
<td>6/25/12</td>
<td>Assembly Appropriations Committee</td>
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<td>SB 907 (Evans) Master Plan for Infrastructure Financing and Development Commission</td>
<td>Creates the Master Plan for Infrastructure Financing and Development Commission. Specifies that the mission of the commission is to develop and recommend a plan and process to identify, finance, build, and maintain the infrastructure necessary to meet the needs of Californians from the present to the year 2050. At a minimum, requires the plan to include: (a) the type, distribution and priority for developing infrastructure projects, and a measurable process to implement the plan; and (b) a process to periodically adjust the type, distribution and priority of infrastructure projects in the coming years to meet changing circumstances. States the intent of the Legislature that the commission provide a long-term plan and strategy to meet California’s infrastructure needs, and a prioritized plan that meets those needs by doing all of the following: (1) project population, social and economic trends through 2050; (2) utilize the projections to identify the type and distribution of the infrastructure that is needed to meet California’s social, economic and resource needs through 2050; (3) assess the state’s capital needs for infrastructure projects through 2050, including opportunities to access private capital to augment or complement public financing; (4) assess the availability of private and public funds, including the status and fiscal value of dedicating future revenues to specific construction and maintenance, to support jointly sponsored projects throughout the period from the present to 2050; and (5) recommend a financing plan for the state’s capital needs through 2050, with a priority plan for each five-year interval, including evaluation and recommendations of various financing methods that are feasible and may be of benefit to the state and local governments, as well as to private entities partnering with the state to implement the strategy. Requires the commission to submit its final report to the Governor and the Legislature by December 1, 2013. Requires the commission to be dissolved within 30 days after the issuance of its final report. Provides that the provisions of the bill would become operative only if the funds required to support the commission are appropriated by the Legislature from the California Debt and Investment Advisory Commission Fund in the annual Budget Act.</td>
<td>5/3/11</td>
<td>Assembly Jobs, Economic Development and the Economy Committee</td>
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<td>SB 984 (Simitian) CEQA: Record of Proceedings</td>
<td>At the request of a project applicant, requires the lead agency for California Environmental Quality Act (CEQA) purposes to prepare a record of proceedings concurrently with the preparation of a negative declaration, mitigated negative declaration, environmental impact report (EIR), or other environmental documents for the project, as specified. Repeals the provisions of the bill on January 1, 2016, unless that date is deleted or extended through the enactment of subsequent legislation.</td>
<td>4/9/12</td>
<td>Assembly Appropriations Committee</td>
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<td>SB 985 (La Malfa) High-Speed Rail: Proposition 1A Bonds</td>
<td>Prohibits the issuance of any more general obligation bonds for high-speed rail and related rail purposes under Proposition 1A. Amends the bond act to authorize the redirection of the net proceeds received from outstanding bonds issued and sold prior to the effective date of this bill, upon appropriation by the Legislature, from those high-speed rail purposes to retiring debt.</td>
<td>As Introduced</td>
<td>Senate Transportation and Housing Committee</td>
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<td><strong>SB 1102</strong></td>
<td><strong>(DeSaulnier)</strong>&lt;br&gt;STIP: Construction Support Costs</td>
<td>5/31/12</td>
<td>Assembly Appropriations Committee</td>
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<td>As part of its annual project delivery report, requires Caltrans to report on the difference between the original allocation made by the California Transportation Commission (CTC) and the actual construction capital and support costs at project close for all State Transportation Improvement Program (STIP) projects completed during the previous fiscal year. Beginning January 1, 2013, requires the CTC to allocate construction support costs for a STIP project at the time of allocation of construction capital costs. Provides that the CTC must require a supplemental project allocation request for a STIP project that experiences construction support costs equal to or greater than 120 percent of the amount originally allocated.</td>
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<td><strong>SB 1117</strong></td>
<td><strong>(DeSaulnier)</strong>&lt;br&gt;Passenger Rail Planning</td>
<td>7/5/12</td>
<td>Assembly Appropriations Committee</td>
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<td>Requires the California Transportation Commission (CTC) to include in its guidelines for the preparation of regional transportation plans (RTPs) policy direction regarding the integration of all passenger rail services, including high-speed, intercity, commuter, and urban rail transit services, into a coordinated system with an emphasis on: (1) intermodal facilities connecting the various passenger rail systems with each other, as well as with the overall transportation system; and (2) provision of cost-effective passenger rail services that contribute to climate stabilization, job access, environmental enhancements, and improved mobility. Requires the 10-year State Rail Plan prepared biennially by Caltrans to include a passenger rail element that does all of the following: (1) complies with the requirements set forth in the federal Passenger Rail Investment and Improvement Act of 2008; (2) includes plans for a comprehensive and integrated statewide passenger rail system, including high-speed rail, conventional intercity and commuter rail, and connections to urban rail systems; (3) reviews all high-speed rail routes, the rail freight system, conventional intercity and commuter rail systems, and connections to urban rail systems; (4) identifies improvements that have utility for both rail freight and passenger rail services; (5) includes an inventory of the existing rail transportation system, and rail services and facilities in the state; and (6) includes an analysis of the role of rail transportation within the state’s overall transportation system. Requires the California High-Speed Rail Authority to plan for the implementation of blended systems, consistent with its business plan. Requires this blended program to include, at a minimum, both of the following: (1) identification of investments in passenger rail projects in the Phase I high-speed rail corridor (San Francisco to Los Angeles/Anaheim) that benefit intercity and commuter rail services that are compatible with being upgraded to high-speed rail service in the future; and (2) investments in operable segments in the Phase I high-speed rail corridor that generate sufficient passenger revenues to be attractive to private investors. Requires the High-Speed Rail Authority to submit a draft of its blended program to the California Transportation Commission (CTC), Caltrans and the Legislature by December 31, 2013. Requires the authority to incorporate the blended program into its business plan.</td>
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<td>SB 1149</td>
<td>Creates the Bay Area Regional Commission with an unspecified governing board structure to replace the Joint Policy Committee. Requires federal and state funds made available to the Metropolitan Transportation Commission (MTC) for transportation planning to be budgeted to the Bay Area Regional Commission. Requires the Bay Area Regional Commission to appoint an executive director, a legal counsel and a chief financial officer. Requires the executive director of the Bay Area Regional Commission to prepare a regional reorganization plan to include an approach for consolidating the functions that are common to MTC, the Bay Area Toll Authority (BATA), the Bay Area Air Quality Management District (BAAQMD), the Bay Conservation and Development Commission (BCDC), and the Association of Bay Area Governments (ABAG). Requires the Bay Area Regional Commission to serve as the fiscal agent for MTC, BATA, BAAQMD, BCDC, and ABAG, responsible for preparing the annual budget and managing the financial resources for each entity. Requires the Bay Area Regional Commission’s executive director to: (1) prepare an annual integrated budget to include the budgets of MTC, BATA, BAAQMD, BCDC, and ABAG; (2) organize MTC, BATA, BAAQMD, BCDC, and ABAG as divisions of the regional commission, with each entity to continue to be governed by its existing board; and (3) recommend a candidate for the executive director of each entity as positions become vacant. Requires the Bay Area Regional Commission to review the policies and plans, and associated regulations of MTC, BATA, BAAQMD, BCDC, and ABAG. Requires the review to include an assessment of the consistency of the policies, plans and regulations among these entities with the requirements of SB 375 (Steinberg). Requires MTC, BATA, BAAQMD, BCDC, and ABAG to submit their functional plans to the Bay Area Regional Commission for adoption. Requires the Bay Area Regional Commission to prepare a 20-year regional economic development strategy, to be updated every four years, that addresses the ability of the regional economy to adapt to changes in technology, market demand, and direction of the national and international economies. Requires toll revenues managed by BATA to be used only to: (1) acquire, construct, manage, maintain, lease, or operate facilities required for the management of the state-owned toll bridges in the Bay Area; (2) for improvements to the toll bridges; (3) to provide access to the toll bridges; or (4) for associated transportation projects specifically authorized to be undertaken with bridge toll revenues pursuant to the relevant provisions of the Streets and Highways Code.</td>
<td>5/15/12</td>
<td>Senate Appropriations Committee</td>
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<td>SB 1151</td>
<td>Allows a city or county to retain the assets of a former redevelopment agency for specified economic development and affordable housing purposes by establishing a Sustainable Economic Development and Housing Trust Fund to serve as a repository for the unencumbered balances and assets of the former redevelopment agency. Requires the money in a Sustainable Economic Development and Housing Trust Fund to be administered by a Sustainable Communities Investment Authority that has been formed pursuant to a joint powers agreement between a city and county, or by a county alone in the case of an unincorporated area. Requires a Sustainable Communities Investment Authority to prepare a long-range asset management plan to govern the disposition and ongoing use of its Sustainable Economic Development and Housing Trust Fund, and to submit that plan to the Department of Finance for approval.</td>
<td>5/29/12</td>
<td>Assembly Housing and Community Development Committee</td>
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<td><strong>SB 1156</strong> (Steinberg)</td>
<td>Allows a city or county to form a Sustainable Communities Investment Authority to carry out the provisions of the state’s Community Redevelopment Law. Allows an authority to adopt a plan for a sustainable communities investment area, as specified, without having to make a determination regarding blight. Allows such a plan to include a provision for the receipt of tax increment funds, if the local government with land-use jurisdiction has adopted all of the following: (1) a sustainable parking standards ordinance that restricts parking in transit priority project areas to encourage public transit use to the greatest extent possible; (2) an ordinance creating a jobs plan; and (3) for transit priority areas and small walkable communities within a metropolitan planning organization (MPO), a plan consistent with the use designation, density, building intensity, and applicable policies specified for the sustainable communities investment area in the sustainable communities strategy and that, for new residential construction, provides a density of at least 20 dwelling units per net acre and for non-residential uses, provides a minimum floor area ratio of 0.75. Allows a state or local pension fund system to invest capital in the public infrastructure projects, and private commercial and residential developments undertaken by an authority. Allow an authority to implement a local transactions and use tax, and to issue bonds.</td>
<td>6/27/12</td>
<td>Assembly Appropriations Committee</td>
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<td><strong>SB 1160</strong> (Padilla)</td>
<td>Prohibits a governmental entity, as well as a provider of communications service acting at the request of a governmental entity, from undertaking to interrupt communications service in order to protect public safety or prevent the use of communications service for an illegal purpose, except pursuant to an order signed by a judicial officer. Specifies that good faith reliance upon an order of a judicial officer constitutes a complete defense for any communications provider against any action brought as a result of the interruption to communications service as directed by that order.</td>
<td>7/5/12</td>
<td>Assembly Floor</td>
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<td>SB 1176 (Huff)</td>
<td>Public Employees’ Retirement</td>
<td>Makes various changes to state statutes pertaining to public employee pensions. For all public employees: (1) prohibits any enhancement to an employee’s retirement formula or benefit from being applied to any service performed prior to the operative date of the enhancement; (2) requires public employees to contribute at least one half of the annual actuarially determined normal costs of any defined benefit plan or component; (3) prohibits a public employer from paying on behalf of an employee any of his or her required employee contribution; and (4) prohibits a public retirement system from allowing the purchase of non-qualified, additional retirement service credit, however that service credit may be denominated. Requires a public employer to offer to its employees first hired on and after July 1, 2013, only a hybrid pension plan made available by the public retirement system. Requires such a hybrid pension plan to: (1) consist of a defined benefit component, a defined contribution component or alternative plan component; and (2) be designated with the goal of providing annually during retirement replacement income of 75 percent of a public employee’s final compensation, based on a full career in public service. Defines “full career in public service” to mean 30 years of credited service and a normal retirement age of 57 for public employees in safety member classifications and 35 years of credited service and a normal retirement age of 67 for all other public employees. For a defined benefit for retirement for public employees hired on and after January 1, 2013, requires final compensation to be calculated using the employee’s highest average pay rate during at least a consecutive 36-month period of service, not including bonuses, unplanned overtime, severance pay, or payments for accrued vacation, sick leave or leave of any form. Provides that the provisions of this bill shall become operative on January 1, 2013, only if SCA 18 is approved by the voters at the November 6, 2012, statewide general election.</td>
<td>As Introduced</td>
<td>Senate Public Employment and Retirement Committee</td>
</tr>
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<td>SB 1189 (Hancock)</td>
<td>Appropriates $523.4 million in Proposition 1A bond funds that are available for capital improvements to commuter rail lines and urban rail transit systems for allocation by the California Transportation Commission (CTC) pursuant to its guidelines.</td>
<td>3/26/12</td>
<td>Senate Appropriations Committee</td>
<td>Support</td>
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<td>SB 1214 (Cannella)</td>
<td>CEQA: Judicial Review</td>
<td>Except for a high-speed rail project, requires a judicial proceeding challenging a project under the California Environmental Quality Act (CEQA) that is located in a distressed county to be filed with the Court of Appeal with geographic jurisdiction over the project. Requires a county to meet two of the following criteria in order to be considered “distressed” for purposes of this bill: (a) the county has an unemployment rate higher than the statewide average for three consecutive months during the pendency of the administrative proceeding pursuant to CEQA; (b) the poverty level in the county is higher than the statewide average during the pendency of the administrative proceeding pursuant to CEQA; or (c) the foreclosure rate in the county is higher than the statewide average during the pendency of the administrative proceeding pursuant to CEQA.</td>
<td>As Introduced</td>
<td>Senate Environmental Quality Committee</td>
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<tr>
<td>State Senate Bills</td>
<td>Subject</td>
<td>Last Amended</td>
<td>Status</td>
<td>VTA Position</td>
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</table>
| **SB 1225**  
(Padilla)  
Intercity Rail Agreements: LOSSAN Corridor | Specifies that for not less than a three-year period, the level of state funding for each of California’s three intercity rail corridors should be maintained at a level equal to at least the current level of service in a particular corridor, thus providing fiscal stability that would allow appropriate planning and operation of these services. Authorizes Caltrans, with the approval of the secretary of the Business, Transportation & Housing Agency (BT&H), to enter into an interagency transfer agreement to transfer all responsibility for administering the Los Angeles-San Diego-San Luis Obispo (LOSSAN) Intercity Rail Service to the LOSSAN Agency, if that agency: (a) amends its existing joint power agreement (JPA) to expand its authority to permit it to administer state-funded intercity passenger rail service on the LOSSAN Corridor; and (b) the amended JPA is approved by the governing board of each member agency. Specifies that this interagency transfer agreement shall cover the initial three-year period after the transfer, but may be extended thereafter by mutual agreement. Requires this interagency transfer agreement to be entered into on or before June 30, 2014. Specifies that the level of service funded by the state for the LOSSAN Corridor shall be at an appropriate level as determined in the interagency transfer agreement, and the funding provided by the state for the corridor shall in no case be less than the funding level provided in the FY 2013 operating contract between Caltrans and Amtrak. With regard to the LOSSAN Corridor, provides that local resources shall not be available for expenditure to offset any redirection, elimination, reduction, or reclassification of state resources for operating intercity passenger rail services. Prohibits the termination of feeder bus services that provide connections for intercity rail passengers from the LOSSAN Corridor to the state-supported San Joaquin Corridor Intercity Rail Service, unless the bus services fail to meet specified cost-effectiveness standards. Requires the equipment regularly used for intercity passenger rail service on the LOSSAN Corridor to be the same type of equipment regularly used on other intercity corridors funded by the state. | 6/27/12 | Assembly Appropriations Committee | |
| **SB 1252**  
(Rubio)  
State Infrastructure Projects Fund | By February 1, 2013, requires the Department of Finance to estimate and report to the Controller’s Office the amount of revenues expected to be derived from taxes imposed on income generated as a result of capital gains in the 2012 calendar year from the initial public offering by Facebook, Inc. By March 1, 2013, requires the Controller’s Office to transfer these revenues from the General Fund to the State Infrastructure Projects Fund. By December, 2013, requires the Department of Finance to reconcile and report to the Controller’s Office the final increase in revenues derived from Facebook’s public offering. By January 31, 2014, requires the Controller’s Office to transfer from the General Fund to the State Infrastructure Projects Fund an amount equal to the difference between the estimated and final increase in revenues. Upon appropriation by the Legislature, requires the money in the State Infrastructure Projects Fund to be allocated for transportation projects; and for the erection, construction, alteration, repair, or improvement of: (a) dams; (b) levees; (c) buildings or structures of rail lines, rail beds, stations, platforms, switches, yards, terminals, parking lots, and any other facilities and equipment necessary for the conduct of rail transit service; (d) facilities consisting of the means and equipment necessary for the movement of passengers or goods via public transit; and (e) water treatment facilities. | 4/9/12 | Senate Governance and Finance Committee | |
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<thead>
<tr>
<th>State Senate Bills</th>
<th>Subject</th>
<th>Last Amended</th>
<th>Status</th>
<th>VTA Position</th>
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</thead>
<tbody>
<tr>
<td>SB 1269 (Fuller)</td>
<td>Income Tax Credit: Highway Maintenance and Enhancement</td>
<td>As Introduced</td>
<td>Senate Governance and Finance Committee</td>
<td></td>
</tr>
<tr>
<td>For each taxable year beginning on or after January 1, 2013, and before January 1, 2017, authorizes an income tax credit equal to 50 percent of the amount paid or incurred, and of the value of materials, equipment or services donated by the taxpayer during the taxable year for maintenance or roadside enhancement of a section of a state highway.</td>
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<tr>
<td>SB 1276 (Wyland)</td>
<td>Design Professionals: Indemnity</td>
<td>3/26/12</td>
<td>Senate Judiciary Committee</td>
<td></td>
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<tr>
<td>Unless otherwise expressly agreed to by written contract, provides that a design professional’s duty to defend a public agency against a claim alleging the negligent performance of professional services by the design professional shall include only the reimbursement of those defense costs incurred by the public agency that were caused by the design professional’s actual negligence.</td>
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<tr>
<td>SB 1303 (Simitian)</td>
<td>Automated Traffic Enforcement Systems</td>
<td>6/26/12</td>
<td>Assembly Appropriations Committee</td>
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<tr>
<td>Requires the installation of signs within 200 feet of an intersection where an automated, camera-based traffic enforcement system is operating and being utilized to issue citations. Prior to installing such a system after January 1, 2013, requires the governmental agency to make and adopt a finding of fact establishing that the system is needed at a specific location for reasons related to safety. Prohibits a governmental agency from considering revenue generation, beyond cost recovery, when determining whether to install or operate an automated traffic enforcement system within its local jurisdiction.</td>
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<tr>
<td>SB 1310 (Simitian)</td>
<td>Electronic Wireless Communications Devices</td>
<td>4/25/12</td>
<td>Assembly Appropriations Committee</td>
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<tr>
<td>Requires the driver’s license examination administered by the Department of Motor Vehicles (DMV) to include a test of an applicant’s understanding of the distractions and dangers of handheld cellular phone use and text-messaging while operating a motor vehicle. Prohibits a person from riding a bicycle while using a wireless telephone unless that telephone is specifically designed and configured to allow hands-free listening and talking, and is used in that manner while riding a bicycle. Also prohibits a person from riding a bicycle while using an electronic wireless communications device to write, send or read a text-based message. Increases the penalties for violating current prohibitions in state law against using wireless telephones and against text-messaging while operating a motor vehicle. Requires a portion of the fines collected for these violations to be allocated by a county treasurer to the Office of Traffic Safety for an education program on the dangers of cellular phone use and text-messaging while driving.</td>
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<tr>
<td>SB 1330 (Simitian)</td>
<td>License Plate Recognition Technology</td>
<td>5/29/12</td>
<td>Senate Floor</td>
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<tr>
<td>Requires a person who uses license plate recognition (LPR) technology to comply with all of the following: (1) retain license plate data captured by LPR technology for not more than 60 days; (2) not sell LPR data for any purpose, and not make the data available to an agency that is not a law enforcement entity or to an individual who is not a law enforcement officer; (3) make LPR data available to a law enforcement agency only pursuant to a search warrant, unless a peace officer is conducting a criminal or traffic collision investigation and has good cause to believe that a delay in obtaining this information by seeking a search warrant would have an adverse result; (4) monitor the internal use of LPR data to prevent its unauthorized use; (5) adopt a privacy policy to ensure that personally identifiable information is not unlawfully disclosed; and (6) report its LPR practices and usage annually to the Department of Justice. Allows a person to sell or distribute LPR data to a public parking authority if the use of the data pertains to the collection of outstanding parking tickets or the enforcement of local parking ordinances.</td>
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<tr>
<td><strong>SB 1339</strong></td>
<td><strong>(Yee)</strong> Bay Area Commute Benefit Ordinance</td>
<td>As Introduced</td>
<td>Governor’s Office</td>
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<td>Authorizes the Metropolitan Transportation Commission (MTC) and the Bay Area Air Quality Management District (BAAQMD) to jointly adopt a regional commute benefit ordinance that requires employers operating within the common jurisdiction of the two agencies with 50 or more employees to offer those employees one of the following three commute benefits: (1) the option to pay for their public transit, vanpooling or bicycling commuting expenses with pre-tax dollars up to the maximum amount allowed by federal tax law; (2) a subsidy to offset an employee’s monthly cost of commuting by public transit or vanpool; or (3) a free or low-cost shuttle or vanpool offered by or for the employer. Subject to the approval of MTC or BAAQMD, allows an employer to offer a commute benefit that is different from the three specified in the bill. Gives covered employers at least six months to comply after the ordinance is adopted. Prohibits MTC from using federal planning funds to implement the regional commute benefit ordinance. Repeals the provisions of the bill on January 1, 2017, unless that date is deleted or extended through the enactment of subsequent legislation.</td>
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<tr>
<td><strong>SB 1380</strong></td>
<td><strong>(Rubio)</strong> CEQA: Bicycle Transportation Plans</td>
<td>5/3/12</td>
<td>Assembly Natural Resources Committee</td>
<td>Support</td>
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<td>Exempts from California Environmental Quality Act (CEQA) a bicycle transportation plan prepared for an urbanized area for restriping of streets and highways; bicycle parking and storage; signal timing to improve street and highway intersection operations; and related signage for bicycles, pedestrians and vehicles. Repeals the provisions of the bill on January 1, 2018, unless that date is deleted or extended through the enactment of subsequent legislation.</td>
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<tr>
<td><strong>SB 1396</strong></td>
<td><strong>(Dutton)</strong> Sales Tax on Gasoline and Diesel Fuel</td>
<td>4/11/12</td>
<td>Senate Transportation and Housing Committee</td>
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<td>Prohibits charging sales taxes on the amount of the retail price of gasoline that exceeds $3.88 per gallon, including federal and state excise taxes. Prohibits charging sales taxes on the amount of the retail price of diesel fuel that exceeds $3.52 per gallon, including federal and state excise taxes. Caps the state excise tax on gasoline at 35.7 cents per gallon. Directs the Board of Equalization to adjust the amount of the state excise tax on gasoline to reflect price drops that would have lowered the sales tax, but not price increases that would have raised the sales tax. Caps the state excise tax on diesel fuel at 13 cents per gallon. Directs the Board of Equalization to decrease the amount of the state excise tax charged per gallon of diesel fuel to reflect increased revenues from the additional sales tax resulting from price increases, but not to adjust the excise tax up when lower prices result in decreased sales tax revenues.</td>
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<tr>
<td><strong>SB 1464</strong></td>
<td><strong>(A. Lowenthal)</strong> Bicycles: Passing Distances</td>
<td>6/19/12</td>
<td>Assembly Appropriations Committee</td>
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<td>Requires the driver of a motor vehicle overtaking and passing a bicycle that is proceeding in the same direction on a highway to pass at a safe distance, generally at a minimum clearance of three feet, and without interfering with the safe operation of the bicycle. Provides that if the driver of a motor vehicle is unable to comply with this requirement because of traffic or roadway conditions, the driver must slow to a speed that is reasonable and prudent, and may pass only when doing so would not endanger the safety of the operator of the bicycle, taking into account the size and speed of the motor vehicle and bicycle, traffic conditions, weather, and surface and width of the highway.</td>
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| **SB 1492**  
(Leo)  
Local Vehicle Assessment | Authorizes the City/County of San Francisco to impose a voter-approved local vehicle assessment at a rate not to exceed 2 percent of the market value of each motor vehicle or trailer coach registered within the city/county for general purposes, if: (a) the board of supervisors approves an ordinance to that effect by two-thirds vote; (b) the assessment is approved by a majority vote of the electorate; and (c) the ordinance proposing the assessment does not create different classes of vehicles for differential taxation. Specifies that the bill is not to be construed to supplant any funds that the state apports to San Francisco, including those apportioned under the Vehicle License Fee Law. | 4/9/12 | Assembly Appropriations Committee |

| **SB 1499**  
(Anderson)  
STIP: Construction Support Costs | As part of its annual project delivery report, requires Caltrans to report on the difference between the original allocation made by the California Transportation Commission (CTC) and the actual construction capital and support costs at project close for all State Transportation Improvement Program (STIP) projects completed during the previous fiscal year. Requires the CTC to identify the amount of construction support costs for a STIP project at the time the allocation of construction capital costs is made. Provides that the CTC must require a supplemental project allocation request for a STIP project where the construction support costs are equal to or greater than 120 percent of the original allocation amount. | As Introduced | Senate Transportation and Housing Committee |

| **SB 1545**  
(DeSaulnier)  
Metropolitan Transportation Commission: Office Building | Unless the Bureau of State Audits finds that the Metropolitan Transportation Commission (MTC) and the Bay Area Toll Authority, acting through the Bay Area Headquarters Authority, clearly had the authority to: (a) purchase an office building located at 390 Main Street in San Francisco; and (b) use toll revenues for that purchase, requires MTC to bring an action in superior court for the judicial validation of those two matters. Prohibits MTC from using toll revenues for the validation action. Prohibits MTC from entering into any additional contracts with respect to the office building until the validation action is complete. | 6/26/12 | Assembly Transportation Committee |

| **SB 1549**  
(Vargas)  
Construction Manager/General Contractor Project Delivery Method | Authorizes the San Diego Association of Governments (SANDAG) to use either the design-sequencing or Construction Manager/General Contractor project delivery methods for public transit projects within its jurisdiction. Defines “Construction Manager/General Contractor” to mean a project delivery method using a best value procurement process in which a construction manager is procured to provide preconstruction services during the design phase of the project and construction services during the construction phase of the project. Defines “design sequencing” to mean a method of project delivery that enables the sequencing of design activities to permit each construction phase to commence when the design for that phase is complete, instead of requiring design for the entire project to be completed before commencing construction. Requires SANDAG to make a written finding that the use of either design-sequencing or Construction Manager/General Contractor for a particular project will accomplish one or more of the following objectives: (a) reduce project costs; (b) expedite the project’s completion; or (c) provide features not achievable through the design-bid-build method. For a project that would be constructed on a state-owned right-of-way, specifies that Caltrans would be the responsible agency for the performance of project development services, including performance specifications, preliminary engineering, prebid services, the preparation of project reports and environmental documents, and construction inspection services. | 7/5/12 | Assembly Appropriations Committee |
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<tr>
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<tr>
<td>SB 1572 (Pavley)</td>
<td>Cap-and-Trade Revenues</td>
<td>Creates the Greenhouse Gas Reduction Account. Requires all revenues collected by the California Air Resources Board (CARB) derived from any auction or sale of greenhouse gas emissions allowances pursuant to a market-based compliance mechanism established under the California Global Warming Solutions Act of 2006 to be deposited into the account. If revenues collected in FY 2013 from the auction or sale of allowances exceeds $550 million, requires 50 percent, or $250 million, whichever is less, not allocated or otherwise used by the Department of Finance to make commensurate reductions to General Fund expenditures to be made available, subject to appropriations by the Legislature, for priority projects that comply with the following: (1) achieve greenhouse gas emissions reductions at a reasonable cost; (2) rapidly achieve budgetary savings for families; small businesses; schools; universities; companies regulated under the cap-and-trade program; community institutions; and state, regional and local governments; (3) advance the purposes of the cap-and-trade program, in particular the purpose of the auction to reduce the risk of market manipulation and windfall profits; (4) protect existing jobs in the state by minimizing leakage; (5) benefit the most adversely impacted and disadvantaged communities to the maximum extent feasible; and (6) provide opportunities, where appropriate, for small businesses, schools, local governments, non-for-profit entities, state and local certified conservation corps, state conservancies, and other community institutions to participate in and benefit from statewide and regional efforts to reduce greenhouse gas emissions. Requires the funding made available for priority projects in FY 2013 to be allocated as follows: (1) the greater of 35.6 percent or $89 million for K-12 energy projects; (2) the greater of 8 percent or $20 million for public university projects; (3) the greater of 12 percent or 30 million for rapid transition assistance for industrial facilities; (4) the greater of 4 percent or $10 million for residential energy efficiency; (5) the greater of 1.6 percent or $4 million for agricultural energy projects; (6) the greater of 20 percent or $30 million for sustainable land use and transportation; (7) the greater of 4.8 percent or $12 million for goods movement; (8) the greater of 2 percent or $5 million for lower-emission school buses; and (9) the greater of 12 percent or $30 million for clean vehicle rebates.</td>
<td>6/25/12</td>
<td>Assembly Appropriations Committee</td>
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<td>State Senate Bills</td>
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<td>SCA 18</td>
<td>Calls for placing before the voters an amendment to the California Constitution that would make a number of changes to public employee pensions. Requires each public retirement system to develop one or more hybrid pension plans for each public employer that provides its employees a defined benefit plan administered by the public retirement system. Requires such a hybrid pension plan to: (1) consist of a defined benefit component, a defined contribution component or alternative plan component; and (2) be designated with the goal of providing annually during retirement replacement income of 75 percent of a public employee’s final compensation, based on a full career in public service. Defines “full career in public service” to mean 30 years of credited service and a normal retirement age of 57 for public employees in safety member classifications and 35 years of credited service and a normal retirement age of 67 for all other public employees. Beginning July 1, 2013, requires each public retirement system to administer and make available to each public employer that provides a defined benefit pension plan one or more hybrid pension plans for public employees hired in each member classification in the public retirement system. Requires a public employer to offer to its employees first hired on and after July 1, 2013, only a hybrid pension plan made available by the public retirement system. For a defined benefit for retirement for public employees hired on and after January 1, 2013, requires final compensation to be calculated using the employee’s highest average pay rate during at least a consecutive 36-month period of service, not including bonuses, unplanned overtime, or payments for unused sick leave or vacation. For all public employees: (1) prohibits any change to a formula or benefit that results in an increase in an employee’s pension benefits from being applied to any service performed prior to the operative date of the change; (2) requires public employees to contribute at least one half of the annual actuarially determined normal costs of any defined benefit plan or component; (3) prohibits a public employer from paying on behalf of an employee any of his or her required employee contribution; and (4) prohibits granting to a public employee non-qualified service credit.</td>
<td>As Introduced</td>
<td>Senate Public Employment and Retirement Committee</td>
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### 2012 Regular Session Calendar

<table>
<thead>
<tr>
<th>DAY</th>
<th>JANUARY</th>
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<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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<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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<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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<tr>
<th>DAY</th>
<th>APRIL</th>
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<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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<tr>
<th>DAY</th>
<th>MAY</th>
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<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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<tr>
<th>DAY</th>
<th>JUNE</th>
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<tbody>
<tr>
<td>1</td>
<td>Last day for bills introduced in 2012 to be passed out of their house of origin.</td>
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<tr>
<td>15</td>
<td>Budget must be passed by midnight.</td>
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<tr>
<td>28</td>
<td>Last day for legislative measures to qualify for placement on the November 6, 2012, general election ballot.</td>
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<tr>
<th>DAY</th>
<th>JULY</th>
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<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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<tr>
<th>DAY</th>
<th>AUGUST</th>
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<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>
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<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>
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<tr>
<th>DAY</th>
<th>SEPTEMBER</th>
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<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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<th>DAY</th>
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<td>3</td>
<td>The 2013-2014 regular legislative session convenes.</td>
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<tr>
<th>DAY</th>
<th>JANUARY 2013</th>
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<td>1</td>
<td>Statutes signed into law in 2012 take effect.</td>
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BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Proactive CMP Quarterly Report for April-June 2012

FOR INFORMATION ONLY

BACKGROUND:

VTA has two programs through which it reviews and comments on development and transportation projects occurring in and adjacent to Santa Clara County: 1) the Development Review Program which reviews environmental documents and development proposals submitted by Member Agencies; and 2) the review of Transportation Impact Analysis (TIA) reports for proposed projects meeting the Congestion Management Program (CMP) TIA Guideline requirements.

The Proactive CMP (“Proactive”) process integrates these two VTA review processes to provide comments on projects prior to approval by Member Agencies. The objectives of the Proactive CMP process include improving land use/transportation coordination, promoting alternative travel modes, and encouraging a balanced approach to addressing congestion. As part of the Proactive process, VTA produces quarterly reports on project proposals highlighting two sets of projects and types of information:

- **Projects Reviewed by VTA:** For projects or environmental documents reviewed by VTA staff under the Congestion Management Program and Development Review Program in the past quarter, relevant VTA comments are summarized.

- **Projects Approved by Local Agencies:** For projects or environmental documents approved by local agencies in the past quarter, relevant VTA comments and agency responses or conditions of approval are summarized.
DISCUSSION:

The following discussion provides a summary of the April through June 2012 Proactive CMP Quarterly Report. The summary highlights key projects and topics contained in the report, which is provided as Attachment A. The report includes a table summarizing all of the reviewed and approved projects, and a reference map showing the locations of these projects.

- VTA commented on 22 projects through the Proactive CMP process between April and June 2012. The largest number of projects was in the City of Mountain View and the City of Santa Clara, with five projects each, followed by the City of San José with four projects. This reflects a rise from the second quarter of 2011, when VTA commented on 15 projects.

- Fourteen of the 22 projects that VTA commented on involved environmental documents such as an Environmental Impact Report (EIR), Notice of Preparation (NOP), or Mitigated Negative Declaration. Three of the projects involved stand-alone Transportation Impact Analysis (TIA) reports or notification forms, and the remainder consisted of three Planned Development approvals, two Site Plans and one Site Development Permit.

- Eighteen of the 22 items that VTA commented on were private development projects. The remaining four consisted of a citywide General Plan Update and three educational institution projects.

- Thirteen projects which VTA previously commented on were approved by local agencies during this quarter. This is the greatest number of project approvals in a single quarter since VTA began tracking approvals in 2009. Projects that VTA commented on were approved in the Cities of Campbell, Los Altos, Milpitas, Menlo Park, Mountain View, Palo Alto, Santa Clara, and San José, as well as a statewide policy document (Caltrans).

Key plans and documents that VTA reviewed and commented on during the past quarter included the following:

- **North First Campus, San José:** The City of San José circulated a Master Planned Development Permit for 2,824,500 square feet of office, research and development (R&D), retail, and hotel uses on 39.81 gross acres on both sides of Component Drive between North First Street and Orchard Parkway. This area is part of the North San José Area Development Policy and is planned to be developed in several phases. VTA submitted a comment letter supporting the land use intensification at this location adjacent to the Component Light Rail Station and recommending that the City consider alternate site plan orientations to encourage pedestrian access to transit.

- **Mathilda Research & Development Campus, Sunnyvale:** The City of Sunnyvale submitted a TIA Report for this project, which proposes 537,600 square feet of new building space replacing 166,700 square feet of existing office space and a hotel at the northwest corner of Mathilda Avenue and Maude Avenue in the Moffett Park Specific Plan area. The project also includes renovation of an existing 74,986 square foot building, bringing the total campus size to 612,586 square feet of research and development use. VTA recommended that adequate bicycle parking be supplied on the site, requesting that bicycle on-street
improvements and pedestrian improvements referenced in the TIA be made conditions of approval for the project, requesting freeway ramp queuing analysis, and requesting bus stop improvements adjacent to the project site.

As noted above, thirteen items that VTA previously provided comments on were approved during this past quarter. The following is a brief summary of key VTA comments and the local agency responses or conditions of approval on several of these items.

- **1677 S. Bascom Avenue, Campbell:** This project will redevelop a 4.6 acre office site with 168 housing units and 14,045 square feet of retail located within a quarter mile of the Hamilton Station on VTA’s Winchester Light Rail Line. VTA submitted comments on the Initial Study/Mitigated Negative Declaration supporting the project location and density, recommending that the project provide VTA Eco Passes to residents, and requesting a bus stop pavement pad near the site. The project was approved on May 15. The Conditions of Approval require the applicant to provide Eco Passes to tenants for the life of the project, with the cost split between the applicant and tenant, but with the full cost paid by the applicant for low income tenants. There is also a Condition of Approval requiring a new bus stop pavement pad built to VTA’s specifications.

- **Sherwood Gateway, Los Altos & 2650-2656 El Camino Real, Mountain View:** These two mixed use projects were approved in close proximity to each other on El Camino Real and within walking distance of San Antonio Center, a portion of which is currently undergoing redevelopment as a walkable retail center. These developments are also near VTA bus lines, Caltrain, and planned VTA Bus Rapid Transit service, creating a “synergy” of land uses and transportation options to encourage the formation of a walkable district.

Sherwood Gateway, at the corner of Sherwood Avenue and El Camino Real in Los Altos, proposed 167 apartments, 28 townhomes and 15,000 square feet of retail. VTA submitted comments on the Initial Study/Mitigated Negative Declaration in support of land use intensification at the site and requested widened and improved sidewalks in light of the pedestrian oriented uses in the area. The project was approved by Council on May 15 with a Condition of Approval to reconstruct and improve the project’s sidewalk frontage.

The 2650-2656 El Camino Real West Residential Project in Mountain View consists of a redevelopment of a motel and 5,600 square foot commercial building with 193 apartment units. VTA submitted comments on the Draft Environmental Impact Report (DEIR) supporting the land use intensification at the site, requesting improved sidewalks consistent with nearby San Antonio Center, recommending that the project provide residential Eco Passes, and supporting the proposed reduced parking ratio at the site. In the Final Environmental Impact Report (FEIR), the City responded that the project would provide 10-foot sidewalks with grated tree wells; that the project includes numerous bicycle and car sharing amenities as well as Eco Passes for the opening year; and that the parking supply had been slightly reduced from 307 spaces to 293 spaces. The project was approved by City Council on June 26.

- **3333 Scott Boulevard, Santa Clara:** This project consists of five four-story office/R&D buildings totaling 735,000 square feet near the intersection of Scott Boulevard and Bowers Avenue. VTA’s comments on the DEIR raised several issues related to the documentation of
existing conditions, CMP Intersections and freeway analysis; commended the City for requiring sidewalk and bicycle improvements as Conditions of Approval and for proposing VTA Eco Passes as part of the Transportation Demand Management (TDM) program. In addition, VTA recommended that the City require a fair share contribution towards improvements at the Bowers Avenue/Central Expressway CMP Intersection as a mitigation measure for significant impacts; requested additional mitigation measures for impacts to freeways; and requested improvements to bus stops near the project site.

The FEIR was issued on May 11. The City responded to VTA’s comments by clarifying the technical issues related to TIA preparation; confirming that they would require a fair share contribution towards improvements at the Bowers Avenue/Central Expressway intersection; noting that additional TDM measures will be at the discretion of future tenants of the building; and confirming that the City would require bus stop improvements adjacent to the project site. The project was approved by City Council on May 22.

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

This item was on the Regular Agenda as an Information item at the August CAC and PAC meetings, and on the Consent Agenda at the August TAC meeting.

At CAC, staff gave a brief presentation. Several members of the committee had questions and comments about how successful VTA is in seeing its requests incorporated into approved projects. VTA staff noted that it is difficult to quantify, but the trend seems to be improving in part due to increased communication between VTA and Member Agency staff earlier in the project development process. Committee Member Chang stated that she was glad to see VTA routinely asking for developments to provide Eco Passes, and Member Hashimoto suggested that the language reference ‘Eco Pass or equivalent.’ Committee Member Wadler expressed interest in having Development Review topics brought to the BPAC periodically.

At TAC, the item was accepted as part of the Consent Agenda.

At PAC, staff gave a brief presentation on this item and the Committee had no comments or questions.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

This item was on the Consent Agenda at the August CMPP meeting. The Committee accepted the item as part of the Consent Agenda and had no comments or questions.

Prepared By: Robert Cunningham
Memo No. 3598
VTA Development Review Program

Proactive CMP Quarterly Report
April, May, and June of 2012
## Development Review Projects Summary
April to June 2012

<table>
<thead>
<tr>
<th>Map No.</th>
<th>CMP ID</th>
<th>Lead Agency</th>
<th>Project Name/Location</th>
<th>Project Description</th>
<th>Document Type</th>
<th>Comments this quarter?</th>
<th>Approved this quarter?</th>
<th>VTA Comment Topics</th>
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<tbody>
<tr>
<td>1</td>
<td>CM1103</td>
<td>City of Campbell</td>
<td>1677 S. Bascom Avenue</td>
<td>168 apartment units and 14,045 s.f. retail replacing 72,062 s.f. of existing office buildings on 4.6 gross acres</td>
<td>Initial Study/MND</td>
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<td>y</td>
<td>Project location and density; Transportation demand management &amp; transit incentives; Bus service;</td>
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<td>2</td>
<td>CT1101</td>
<td>Caltrans</td>
<td>Caltrans Highway Design Manual Revisions</td>
<td>Draft revisions to the Caltrans Highway Design Manual for Complete Streets</td>
<td>Other</td>
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<td>Vehicular design speeds; Bus rapid transit; Bike lanes; Shoulder widths; Urban arterial lane widths; Bulb-outs; Median bike paths</td>
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<td>3</td>
<td>FHDA1201</td>
<td>Foothill De Anza Community College</td>
<td>Educational Center at Onizuka Air Force Base</td>
<td>55,000 s.f. educational center</td>
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<td>4</td>
<td>LA1103</td>
<td>City of Los Altos</td>
<td>Sherwood Gateway Mixed Use - 4750 El Camino Real</td>
<td>167 apartments, 38 townhomes, and 15,000 s.f. commercial</td>
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<td>y</td>
<td>Land use intensification near proposed BRT line; Project trip generation assumptions; Cumulative analysis</td>
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<td>5</td>
<td>MH1202</td>
<td>City of Morgan Hill</td>
<td>Pavilions at Main - E Main Ave and Butterfield Blvd</td>
<td>140 apartment units on 5.86 acres</td>
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<td>MH1203</td>
<td>City of Morgan Hill</td>
<td>The Village - SE corner of Cochrane Rd and Butterfield Blvd</td>
<td>PD Amendment for 182,700 s.f. commercial on 20 acres</td>
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<td>Pedestrian &amp; bicycle accommodations; TIA Report</td>
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<td>ML1201</td>
<td>City of Milpitas</td>
<td>750 E. Capitol Avenue</td>
<td>Site Development Permit for three 12-story residential buildings, totaling 383 dwelling units, plus a 12-story parking garage and 12,500 square feet of commercial or office space</td>
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<td>BART Silicon Valley coordination; PG&amp;E easement; South Milpitas Boulevard extension; Construction staging area</td>
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<td>ML1203</td>
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<td>SB Tech Center - 1603-1765 S. Main St.</td>
<td>GP, Zoning, and Specific Plan Amendments from Industrial Park to General Commercial on 11.7 acres</td>
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<td>MP1101</td>
<td>City of Menlo Park</td>
<td>Facebook Campus Project</td>
<td>Establish vehicular trip caps for East Campus and evaluate development potential for West Campus</td>
<td>FEIR</td>
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<td>Impacts to routes of regional significance in Santa Clara County; Trip Cap monitoring and enforcement program; TDM program; Site location</td>
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<td>10</td>
<td>MV0902</td>
<td>City of Mountain View</td>
<td>General Plan 2030 and Greenhouse Gas Reduction Plan</td>
<td>Update of the Mountain View General Plan to the year 2030 and Greenhouse Gas Reduction Plan</td>
<td>DEIR</td>
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<td>Land use mix and transportation demand management measures in North Bayshore area; Transit priority policies on El Camino Real</td>
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<td>11</td>
<td>MV1107</td>
<td>City of Mountain View</td>
<td>2650-2656 El Camino Real</td>
<td>Redevelopment of 60-room motel and 5,600 square feet of commercial uses with 193 apartment units on 2.91 acre site</td>
<td>FEIR</td>
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<td>Land use; Pedestrian accommodations; Transit incentives; Parking ratio</td>
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<td>12</td>
<td>MV1203</td>
<td>City of Mountain View</td>
<td>Ada Avenue Residential</td>
<td>59 housing units on 4.51 acres</td>
<td>Site Plan</td>
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<td>Pedestrian accommodations - onsite and offsite;</td>
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<td>13</td>
<td>MV1204</td>
<td>City of Mountain View</td>
<td>Bryant Park Plaza - NW corner of Villa St. and Bryant St. 21,750 s.f. 4-story office building</td>
<td>21,750 s.f. 4-story office building</td>
<td>DEIR</td>
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<td>Land use; Parking; Transit incentives</td>
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<td>14</td>
<td>MV1205</td>
<td>City of Mountain View</td>
<td>North Park Apartments - NE corner of Renstorff Ave. and Central Expwy 134 apartment units (net increase 84 apartment units)</td>
<td>134 apartment units (net increase 84 apartment units)</td>
<td>Initial Study/ND</td>
<td>y</td>
<td>y</td>
<td>Pedestrian accommodations; Transit incentives; Parking ratio; Bus service</td>
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<td>15</td>
<td>PA1101</td>
<td>City of Palo Alto</td>
<td>Park Plaza - 195 Page Mill Rd. and 2865 Park Blvd. 84 dwelling units and 50,467 s.f. of R &amp; D space on 2.41 net acres</td>
<td>84 dwelling units and 50,467 s.f. of R &amp; D space on 2.41 net acres</td>
<td>Initial Study/MND</td>
<td>y</td>
<td>y</td>
<td>Land use; Project parking &amp; transportation demand management</td>
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<td>16</td>
<td>PA1102</td>
<td>City of Palo Alto</td>
<td>2585 East Bayshore Boulevard</td>
<td>Site Design Permit for an after-school learning center for up to 117 students, that would occupy an existing vacant office building</td>
<td>TIA</td>
<td>y</td>
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<td>Traffic data; Existing freeway ramp capacity analysis; Study freeway segments</td>
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<td>17</td>
<td>PA1103</td>
<td>City of Palo Alto</td>
<td>355 Alma / 101 Lytton Avenue Mixed-Use 49,024 sf. of office space and 4,215 sf of retail use replacing an auto service station (originally included 14 residential units removed at City Council)</td>
<td>49,024 sf. of office space and 4,215 sf of retail use replacing an auto service station (originally included 14 residential units removed at City Council)</td>
<td>TIA</td>
<td>y</td>
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<td>Study scenarios; Freeway analysis; Bicycle, pedestrian and transit analysis</td>
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<td>18</td>
<td>PA1202</td>
<td>City of Palo Alto</td>
<td>Hilton Garden Inn - 4214-4200 El Camino Real Construction of 174-room hotel and 178 spaces of underground parking replacing three small commercial uses</td>
<td>Construction of 174-room hotel and 178 spaces of underground parking replacing three small commercial uses</td>
<td>Site Plan</td>
<td>y</td>
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<td>Bus service</td>
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<tr>
<td>19</td>
<td>SC1103</td>
<td>City of Santa Clara</td>
<td>3333 Scott Boulevard Office Project Five four-story office/R&amp;D buildings totaling 735,000 square feet.</td>
<td>Five four-story office/R&amp;D buildings totaling 735,000 square feet.</td>
<td>FEIR</td>
<td>y</td>
<td>y</td>
<td>TIA report; TDM program; Trip reduction; Pedestrian accommodations; Access to transit and services; Bus stop improvements</td>
</tr>
</tbody>
</table>

Proactive CMP Quarterly Report

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April, May, and June of 2012
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<thead>
<tr>
<th>Map No.</th>
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<tbody>
<tr>
<td>20</td>
<td>SC1201</td>
<td>City of Santa Clara</td>
<td>5403 and 5405 Stevens Creek Boulevard</td>
<td>Two 6-story office buildings totaling 375,000 s.f. and 1,230 parking spaces on a 5.08 acre site</td>
<td>NOP</td>
<td>y</td>
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<td>Land use; Pedestrian accommodations; Transportation demand management; Queueing analysis on ramps; Transportation network; Bus service;</td>
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<td>21</td>
<td>SC1203</td>
<td>City of Santa Clara</td>
<td>Main Street Santa Clara - El Camino Real and Scott Blvd.</td>
<td>202,000 s.f. expansion of shopping center</td>
<td>NOP</td>
<td>y</td>
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<td>Land use and site plan; Bus rapid transit on El Camino Real; Pedestrian accommodations; TIA Report; Trip generation assumptions; Bus service;</td>
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<tr>
<td>22</td>
<td>SC1204</td>
<td>City of Santa Clara</td>
<td>Santa Clara University Art Building</td>
<td>45,120 s.f. art building on 2.19 acres</td>
<td>NOP</td>
<td>y</td>
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<td>Pedestrian, bicycle, and transit impacts;</td>
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<td>23</td>
<td>SC1205</td>
<td>City of Santa Clara</td>
<td>3515-3585 Monroe Street Mixed Use</td>
<td>602 dwelling units and 53,000 s.f. commercial</td>
<td>NOP</td>
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<td>Land use; TIA Report; Trip generation assumptions; Pedestrian and bicycle accommodations; Potential impacts on future VTA bus route options; Existing bus service;</td>
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<tr>
<td>24</td>
<td>SJ0824</td>
<td>City of San José</td>
<td>Ohlone Mixed Use</td>
<td>PD Permit for phase 1, 263 units on 2.6 acres; Full project allows up to 800 multi-family residences and 30,000 SF of commercial use on an 8.25-acre site.</td>
<td>PD Permit</td>
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<td>Bicycle Parking; Transportation Demand Management &amp; Transit Incentives;</td>
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<td>25</td>
<td>SJ1105</td>
<td>City of San José</td>
<td>Vendome Place Phase II</td>
<td>PD Rezoning for additional 100 housing units for total buildout of 500 multi-family housing units on 2.8 acres</td>
<td>PD Rezoning</td>
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<td>Land Use Mix and Density; Transportation Demand Management; Transportation Impact Analysis;</td>
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<td>26</td>
<td>SJ1203</td>
<td>City of San José</td>
<td>Northeast Medical Services - Lundy Ave. and McKay Dr.</td>
<td>Medical offices in existing 55,000 s.f. building</td>
<td>TIA Notification Form &amp; TIA</td>
<td>y</td>
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<td>Trip Generation Assumptions; Pedestrian Accommodations;</td>
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<td>27</td>
<td>SJ1204</td>
<td>City of San José</td>
<td>North First Campus (Component Drive)</td>
<td>Up to 2,824,500 s.f. office, R&amp;D. retail, and hotel uses on 39.81 acres</td>
<td>Site Development Permit</td>
<td>y</td>
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<td>Land Use; Pedestrian Accommodations and Access to Transit; Project Phasing;</td>
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<tr>
<td>28</td>
<td>SJ1206</td>
<td>City of San José</td>
<td>Harker Elementary School - 4525 Union Avenue</td>
<td>Conversion of existing building currently occupied by a children's shelter to an elementary school for 600 students (pre-K through 5th grade)</td>
<td>TIA Notification Form</td>
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<td>CMP Intersections; Freeway Analysis; Transit Analysis;</td>
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<td>29</td>
<td>SU1203</td>
<td>City of Sunnyvale</td>
<td>Mathilda Research &amp; Development Campus</td>
<td>537,600 s.f. of new R &amp;D replacing 166,700 s.f. of office and hotel, and renovation of existing 74,986 s.f. building</td>
<td>TIA</td>
<td>y</td>
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<td>Transit Improvements; Bicycle Parking; Bicycle Improvements; Pedestrian Improvements; Queueing Analysis at Freeway On/Off-Ramp locations; Bus Service;</td>
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<td>Abbreviation</td>
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BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

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

SUBJECT: April 2012 VTP Highway Program Semi-Annual Report

FOR INFORMATION ONLY

BACKGROUND:

Please find attached the Semi-Annual Report for the VTP Highway Program for the period ending April 30, 2012. Highlights for this reporting period include the following accomplishments:

- Completed final design of the US-101 Capitol Expressway - Yerba Buena Interchange Project in February 2012.
- Started construction on the US-101 Auxiliary Lanes - Embarcadero Road to Route 85 Project in February 2012.
- Completed final design of the I-880/I-280/Stevens Creek Improvements Project in March 2012.
- Initiated operations of the Route 237/I-880 Express Connector System in March 2012.
- Started construction on the I-880 HOV Widening Project in April 2012.

The goal of this report is to communicate overall progress in a simple yet informative manner. 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 & Planning Committee received this informational item on its August 16, 2012 Consent Agenda. In addition, Project Information and Status sheets were provided on the US101/Tully Interchange, US101 Auxiliary Lanes (SR85 to Embarcadero) and I880 HOV Lane Widening (US101 to SR237) projects. There was no discussion of this item, and the Committee moved to place the item on the Consent Agenda for the September 6, 2012 Board of Directors meeting.

Prepared By: Edwin Castillo, Project Controls Manager
Memo No. 3532
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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

VTP Highway Program Identified Funding Sources

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

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<td>US 101 Express Lanes</td>
<td></td>
</tr>
<tr>
<td><strong>Projects in Final Design (PS&amp;E)</strong></td>
<td>0  50%  100%</td>
</tr>
<tr>
<td>US 101 Capitol Expwy – Yerba Buena Int. (CMIA)</td>
<td></td>
</tr>
<tr>
<td>I-880/I-280/Stevens Creek Improvements (CMIA)</td>
<td></td>
</tr>
<tr>
<td>Route 237 Planting</td>
<td></td>
</tr>
<tr>
<td><strong>Projects Under Construction</strong></td>
<td>0  50%  100%</td>
</tr>
<tr>
<td>US 101 Aux Lanes – Embarcadero to Route 85 (CMIA)</td>
<td></td>
</tr>
<tr>
<td>I-880 HOV Widening (CMIA)</td>
<td></td>
</tr>
<tr>
<td>US 101 Improvements - I-280 to Yerba Buena (CMIA)</td>
<td></td>
</tr>
<tr>
<td>Route 87 Planting</td>
<td></td>
</tr>
<tr>
<td>Ramp Metering Implementation</td>
<td></td>
</tr>
<tr>
<td>Route 237/I-880 Express Connectors</td>
<td></td>
</tr>
</tbody>
</table>

*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:

a. On the **I-880/I-280/Stevens Creek Improvements** project, Final Design and Right-of-Way efforts are nearing completion for the project. The project has been programmed $40.8M of CMIA funds with the balance of $9.1M from federal and local sources. VTA will administer construction starting in September 2012.

b. On the **US 101 Capitol Expressway – Yerba Buena Interchange** project, HMH Engineers has completed final design. The project has been programmed $24 million of CMIA funds by CTC plus an additional $4.2 million of Local and Federal funds. Construction is scheduled to start in August 2012. VTA will administer the construction contract.

c. On the **US 101 Auxiliary Lanes –Embarcadero Road to Route 85** project, bid opening occurred on October 25, 2011 with contract approval (O.C. Jones and Sons, Inc.) on December 13, 2011. Construction began on February 27, 2012 with civil construction expected to be completed by mid 2013. Caltrans is administering the construction contract.

d. On the **I-880 HOV Widening** project, bid opening occurred on October 25, 2011 with contract approval (Bay Cities Paving & Grading, Inc.) on January 5, 2012. Construction began April 2, 2012 with civil construction expected to be completed by mid 2013. Caltrans is administering the construction contract.

e. On the **Route 237/I-880 Express Connectors** project, VTA successfully initiated operations of the Express Connector System in March 2012. Daily usage of the Express Connector Lanes exceeds expectations.

**B. SECURED FUNDING**

Figure 1.3 shows the prior and current period appropriations for the VTP Highway projects. Secured funding increased by a net $186 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 remains unchanged at $18.2 million.

3. **Projects in Final Design (PS&E)**

   Secured funding increased as follows:
a. **US 101 Capitol Expressway – Yerba Buena Interchange** project: Addition of $24 million of CMIA funds by CTC plus an additional $4.2 million of Local and Federal funds.

b. **I-880/I-280/Stevens Creek Improvements** project: Addition of $40.8M of CMIA funds with the balance of $9.1M from federal and local sources.

4. **Projects Under Construction**

Secured funding increased by $106.5 million to a new total of $157.2 million as follows:

a. **US 101 Auxiliary Lanes** project: Approval for release of $55.9 million from CMIA funds and $0.4 million from Measure A/STIP Local funds.

b. **I-880 HOV Widening** project: Approval for release of $45.0 million from CMIA funds and $5.1 million from Measure A Local funds.

c. **Route 87 Planting** project: Addition of $0.1 million in Local funds.

5. **Silicon Valley Express Lanes**

Secured funding increased by $1.5 million to a new total of $25.4 million due to the addition of Local Program Reserve funds to the **US 101 Express Lanes** project.
## VTP Highway Program Secured Funding

### Table: VTP Highway Program Secured Funding

<table>
<thead>
<tr>
<th>Project/Category</th>
<th>Previous Secured Funding Oct-11</th>
<th>Current Secured Funding Apr-12</th>
<th>e = (b - a) Changes This Period</th>
<th>d Text</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Conceptual Study Projects</strong></td>
<td></td>
<td></td>
<td></td>
<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>
<td></td>
<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></td>
</tr>
<tr>
<td>Route 152 Trade Corridor</td>
<td>$10.2</td>
<td>$10.2</td>
<td>$0.0</td>
<td></td>
<td></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>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$18.2</td>
<td>$18.2</td>
<td>$0.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Projects In Final Design (PS&amp;E)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>US 101 Capitol Expressway-Yerba Buena Interchange*</td>
<td>$4.4</td>
<td>$32.6</td>
<td>$28.2</td>
<td>3.a</td>
<td></td>
</tr>
<tr>
<td>I-880/I-280/Stevens Creek Improvements (CMIA)*</td>
<td>$14.8</td>
<td>$64.7</td>
<td>$49.9</td>
<td>3.b</td>
<td></td>
</tr>
<tr>
<td>Route 237 Planting</td>
<td>$1.3</td>
<td>$1.3</td>
<td>$0.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$20.5</td>
<td>$98.6</td>
<td>$78.1</td>
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<td></td>
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<tr>
<td><strong>Projects Under Construction</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>US 101 Auxiliary Lanes - Embarcadero to Rt. 85 (CMIA)*</td>
<td>$15.7</td>
<td>$72.0</td>
<td>$56.3</td>
<td>4.a</td>
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<tr>
<td>I-880 HOV Widening (CMIA)*</td>
<td>$17.3</td>
<td>$67.4</td>
<td>$50.1</td>
<td>4.b</td>
<td></td>
</tr>
<tr>
<td>US 101 Improvements I-280 to Yerba Buena (CMIA)</td>
<td>$10.2</td>
<td>$10.2</td>
<td>$0.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Route 87 Planting</td>
<td>$4.9</td>
<td>$5.0</td>
<td>$0.1</td>
<td>4.c</td>
<td></td>
</tr>
<tr>
<td>Ramp Metering Implementation</td>
<td>$2.6</td>
<td>$2.6</td>
<td>$0.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$50.7</td>
<td>$157.2</td>
<td>$106.5</td>
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<tr>
<td><strong>Silicon Valley Express Lanes Program</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SVEL Program Development</td>
<td>$3.0</td>
<td>$3.0</td>
<td>$0.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SR237/I-880 Express Connectors</td>
<td>$11.8</td>
<td>$11.8</td>
<td>$0.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rt 85 Express Lanes</td>
<td>$4.9</td>
<td>$4.9</td>
<td>$0.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>US 101 Express Lanes</td>
<td>$4.2</td>
<td>$5.7</td>
<td>$1.5</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$23.9</td>
<td>$25.4</td>
<td>$1.5</td>
<td></td>
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</tr>
<tr>
<td><strong>GRAND TOTAL</strong></td>
<td><strong>$114.1</strong></td>
<td><strong>$300.2</strong></td>
<td><strong>$186.0</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Current Secured Funding shown here and in Section 2, and Appropriation shown in Section 2, include adjustments made after 4/30/2012, to better reflect project status at the time of report publication.
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 April 30, 2012.

**Figure 1.4**

**VTP Highway Program Incurred Costs**

<table>
<thead>
<tr>
<th>Project/Category</th>
<th>a Incurred Costs Through Oct-11</th>
<th>b Incurred Costs Through Apr-12</th>
<th>c = (b - a) Incurred Costs This Period</th>
<th>d Percent of Secured Funding Incurred Apr-12</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Conceptual Study Projects</strong></td>
<td>$0.6</td>
<td>$0.7</td>
<td>$0.1</td>
<td>90.9%</td>
</tr>
<tr>
<td>El Camino Real/Route 85/237/Middlefield</td>
<td>$0.6</td>
<td>$0.7</td>
<td>$0.1</td>
<td>90.9%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$0.6</td>
<td>$0.7</td>
<td>$0.1</td>
<td>90.9%</td>
</tr>
<tr>
<td><strong>Projects in the Environmental/Preliminary Engineering Phase</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Freeway Performance Initiative</td>
<td>$0.0</td>
<td>$0.3</td>
<td>$0.3</td>
<td>0.0%</td>
</tr>
<tr>
<td>Route 152 Trade Corridor</td>
<td>$5.7</td>
<td>$6.5</td>
<td>$0.8</td>
<td>63.7%</td>
</tr>
<tr>
<td>US 101 Widening - Monterey Rd to Route 129</td>
<td>$5.4</td>
<td>$5.4</td>
<td>$0.0</td>
<td>97.9%</td>
</tr>
<tr>
<td>US101 De La Cruz Blvd/Trinble Rd</td>
<td>$0.5</td>
<td>$0.6</td>
<td>$0.1</td>
<td>68.4%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$11.6</td>
<td>$12.8</td>
<td>$1.2</td>
<td>70.4%</td>
</tr>
<tr>
<td><strong>Projects In Final Design (PS&amp;E)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>US 101 Capitol Expressway - Yerba Buena Int. (CMIA)</td>
<td>$2.7</td>
<td>$3.3</td>
<td>$0.6</td>
<td>10.3%</td>
</tr>
<tr>
<td>I-880/I-280/Stevens Creek Improvements (CMIA)</td>
<td>$8.1</td>
<td>$11.8</td>
<td>$3.7</td>
<td>18.3%</td>
</tr>
<tr>
<td>Route 237 Planting</td>
<td>$0.7</td>
<td>$0.7</td>
<td>$0.0</td>
<td>56.7%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$11.5</td>
<td>$15.8</td>
<td>$4.3</td>
<td>16.1%</td>
</tr>
<tr>
<td><strong>Projects Under Construction</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>US 101 Auxiliary Lanes - Embarcadero to Rt. 85 (CMIA)</td>
<td>$13.6</td>
<td>$14.5</td>
<td>$1.0</td>
<td>20.3%</td>
</tr>
<tr>
<td>I-880 HOV Widening (CMIA)</td>
<td>$14.9</td>
<td>$15.5</td>
<td>$0.5</td>
<td>22.9%</td>
</tr>
<tr>
<td>US 101 Improvements I-280 to Yerba Buena (CMIA)</td>
<td>$8.9</td>
<td>$9.0</td>
<td>$0.1</td>
<td>88.2%</td>
</tr>
<tr>
<td>Route 87 Planting</td>
<td>$4.5</td>
<td>$4.7</td>
<td>$0.2</td>
<td>93.5%</td>
</tr>
<tr>
<td>Ramp Metering Implementation</td>
<td>$2.0</td>
<td>$2.3</td>
<td>$0.3</td>
<td>88.4%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$44.0</td>
<td>$45.9</td>
<td>$1.9</td>
<td>29.3%</td>
</tr>
<tr>
<td><strong>Silicon Valley Express Lanes Program</strong></td>
<td></td>
<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>$6.2</td>
<td>$9.9</td>
<td>$3.7</td>
<td>84.4%</td>
</tr>
<tr>
<td>Rt 85 Express Lanes</td>
<td>$2.4</td>
<td>$2.9</td>
<td>$0.7</td>
<td>59.2%</td>
</tr>
<tr>
<td>US 101 Express Lanes</td>
<td>$0.5</td>
<td>$0.8</td>
<td>$0.2</td>
<td>15.0%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$11.9</td>
<td>$16.6</td>
<td>$4.7</td>
<td>65.7%</td>
</tr>
<tr>
<td><strong>GRAND TOTAL</strong></td>
<td>$79.6</td>
<td>$91.8</td>
<td>$12.2</td>
<td>30.7%</td>
</tr>
</tbody>
</table>
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 (CMIA)
   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
**Estimated Cost:**
$0.8 million (Conceptual Study)

   Estimate Class 2 (see appendix)

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

**Secured Funding to Date:**
$0.8 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:**

A Cooperative Agreement was executed with Caltrans in February 2012 to facilitate the completion of the Project Initiation Document. A Draft Project Study Report/Project Development Support – PSR/PDS – will be submitted to Caltrans in Spring 2012. Final PSR/PDS expected Summer 2012.

**Project Schedule:**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start</th>
<th>End</th>
</tr>
</thead>
<tbody>
<tr>
<td>PSR-PDS</td>
<td>Mid 2006</td>
<td>Late 2012</td>
</tr>
</tbody>
</table>
**Cost:**

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding $</th>
<th>Apr-12 Committed Costs $</th>
<th>Apr-12 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>796</td>
<td>791</td>
<td>724</td>
<td>72</td>
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<tr>
<td>Contingency</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>796</strong></td>
<td><strong>791</strong></td>
<td><strong>724</strong></td>
<td><strong>72</strong></td>
</tr>
</tbody>
</table>

Secured Funding Incurred 91%
Secured Funding Committed 99%

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>$0.55</td>
<td>$0.55</td>
</tr>
<tr>
<td>Local (Mountain View)</td>
<td>0.25</td>
<td>0.25</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$0.80</strong></td>
<td><strong>$0.80</strong></td>
</tr>
</tbody>
</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
Freeway Performance Initiative

Estimated Cost: $1.6 million

Appropriation through FY 13: $1.6 million

Secured Funding to Date: $1.6 million

Year of Completion: 2012 (PS&E)

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>Frwy Perf Init (FPI)</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>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design (PS&amp;E)</td>
<td>Early 2012</td>
<td>Late 2012</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Construction</td>
<td>Early 2013*</td>
<td>Mid 2014*</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Open to Traffic</td>
<td>Mid 2014*</td>
<td>Late 2014*</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Funding not identified
schedule is tentative
Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Apr-12 Committed Costs</th>
<th>Apr-12 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>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>1,463</td>
<td>1,190</td>
<td>287</td>
<td>1,176</td>
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<tr>
<td>Contingency</td>
<td>100</td>
<td>-</td>
<td>-</td>
<td>100</td>
</tr>
<tr>
<td>Total</td>
<td>1,563</td>
<td>1,190</td>
<td>287</td>
<td>1,276</td>
</tr>
</tbody>
</table>

Secured Funding Incurred 18%
Secured Funding Committed 76%

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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<tbody>
<tr>
<td>Federal</td>
<td>$1.6</td>
<td>$1.6</td>
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<td>Total</td>
<td>$1.6</td>
<td>$1.6</td>
</tr>
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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:
2015 (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:

Major accomplishments to date include:
- Prepared Preliminary Traffic and Revenue (T&R) Study
- Prepared Trade Corridor Summary Report
- Drafted Project Study Report/Project Development Support
- Initiated Environmental and Engineering Technical Studies
- 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
- Development of a range of Corridor Improvements

The Next Steps are to:
- Finalize Funding Plan
- Develop Corridor Implementation Strategy Plan
- Continue Engineering and Environmental Studies
- Develop Joint Powers Agreement

Project Schedule:

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>PA/ED</td>
<td>Early 2011</td>
<td>Late 2015*</td>
<td></td>
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<tr>
<td>Funding Alloc.</td>
<td>Mid 2012*</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Procurement</td>
<td>Late 2014*</td>
<td>Early 2016*</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>Right-of-Way</td>
<td>Early 2016*</td>
<td>Late 2017*</td>
<td></td>
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<tr>
<td>Design-Build</td>
<td>Early 2016*</td>
<td>Early 2021*</td>
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</tr>
</tbody>
</table>

*Funding not identified, schedule is tentative.
## Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Apr-12 Committed Costs</th>
<th>Apr-12 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>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>9,737</td>
<td>6,883</td>
<td>6,469</td>
<td>3,268</td>
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<tr>
<td>Contingency</td>
<td>413</td>
<td>-</td>
<td>-</td>
<td>413</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>10,150</strong></td>
<td><strong>6,883</strong></td>
<td><strong>6,469</strong></td>
<td><strong>3,681</strong></td>
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</table>

Secured Funding Incurred 64%
Secured Funding Committed 68%

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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<th>Secured</th>
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</thead>
<tbody>
<tr>
<td>Local (Other)</td>
<td>$0.15</td>
<td>$0.15</td>
</tr>
<tr>
<td>Measure A/STIP Swap</td>
<td>5.00</td>
<td>5.00</td>
</tr>
<tr>
<td>State - STIP</td>
<td>5.00</td>
<td>5.00</td>
</tr>
<tr>
<td>TBD</td>
<td>1,690</td>
<td>-</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>

Portion of Estimated Cost for which funding has been identified

- **TBD 99.4%**
- Local 0.3%
- State 0.3%

### 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
- Santa Cruz Hospitality
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. FEIR scheduled for Spring 2013 approval.

The current budget will allow work to be completed through the Draft Environmental Document. Additional funding of approximately $0.4 million is proposed for completion of the Environmental Document.

Project Schedule:

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</thead>
<tbody>
<tr>
<td>Draft Env./PE</td>
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<td>Mid 2012</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Environmental Doc.</td>
<td>Mid 2012*</td>
<td>Early 2013*</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design (PS&amp;E)</td>
<td>Early 2013*</td>
<td>Late 2014*</td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Right-of-Way</td>
<td>Early 2013*</td>
<td>Late 2014*</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td>Early 2015*</td>
<td>Late 2016*</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
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<td>Open to Traffic</td>
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<td>Mid 2017*</td>
<td></td>
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<td></td>
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</tr>
</tbody>
</table>

*Funding not identified, schedule is tentative.
### Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Apr-12 Committed Costs</th>
<th>Apr-12 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>
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<tr>
<td>Real Estate</td>
<td>68</td>
<td>68</td>
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<tr>
<td>Labor, Services and Support</td>
<td>5,432</td>
<td>5,432</td>
<td>5,314</td>
<td>118</td>
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<tr>
<td>Contingency</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>5,500</strong></td>
<td><strong>5,500</strong></td>
<td><strong>5,382</strong></td>
<td><strong>118</strong></td>
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Secured Funding Incurred 98%
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>
<th>Identified</th>
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</thead>
<tbody>
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<td>Meas A/STIP Swap</td>
<td>$4.5</td>
<td>$4.5</td>
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<tr>
<td>Meas B Swap</td>
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<td>1.0</td>
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<tr>
<td>TBD</td>
<td>444.5</td>
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<td><strong>Total</strong></td>
<td><strong>$450.0</strong></td>
<td><strong>$5.5</strong></td>
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</table>

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:
$0.9 million

Year of Completion: 2012 (PA/ED)

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
- Configuring interchange and surface street improvements for multi-modal uses, including pedestrian and bicycle users.

Project Status:
A Cooperative Agreement was executed with Caltrans in February 2012 to facilitate the completion of the Project Initiation Document. A Draft Project Study Report/Project Development Support – PSR/PDS – will be submitted to Caltrans in Spring 2012. Final PSR/PDS expected Summer 2012.

With VTA as the Environmental Lead Agency, the project will produce a Project Report and Environmental Document (State-CEQA only) for the interchange improvements in the City of San Jose by the end of 2012.

Project Schedule:

<table>
<thead>
<tr>
<th>Trimble-DeLaCruz</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>Environmental/PE</td>
<td>Early 2007</td>
<td>End 2012</td>
<td></td>
<td></td>
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<tr>
<td>Design &amp; Beyond</td>
<td>TBD</td>
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P-0565 2-11
## Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
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<th>Apr-12 Committed Costs</th>
<th>Apr-12 Incurred Costs</th>
<th>Secured Funding Balance</th>
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<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>904</td>
<td>857</td>
<td>618</td>
<td>286</td>
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<tr>
<td>Contingency</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>904</strong></td>
<td><strong>857</strong></td>
<td><strong>618</strong></td>
<td><strong>286</strong></td>
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Secured Funding Incurred 68%
Secured Funding Committed 95%

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

## Funding (millions):

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<thead>
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<th>Funding Source</th>
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<tr>
<td>Local (San Jose)</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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TBD 82%
Portion of Estimated Cost for which funding has been identified

Rendering of Proposed Overcrossing

Aerial Rendering of Proposed Improvements
US 101 Capitol Expwy – Yerba Buena Interchange

**Estimated Cost:** $35.4 million

*Estimate Class 1 (see appendix)*

**Appropriation through FY 13:**

$35.4 million

**Secured Funding to Date:** $32.6 million

**Year of Completion:** 2014

**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 on US 101 from north of Capitol Expressway to Yerba Buena Road
- Modifying the northbound US 101 on-ramp from Yerba Buena Road
- Constructing a northbound US 101 slip on-ramp from the northbound collector distributor road
- Adding a southbound US 101 auxiliary lane between Capitol Expressway and Yerba Buena Road
- Constructing a two-lane southbound US 101 off-ramp to Yerba Buena Road
- Landscaping extending from Tully Road to Yerba Buena Road

**Project Status:**

**PS&E:** HMH Engineers has completed final design.

The project has been programmed $24 million of CMIA funds by CTC plus an additional $3.6 million of Local and Federal funds. Construction is scheduled to start in August 2012. VTA will administer the construction contract.

**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>
<th>2014</th>
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<tbody>
<tr>
<td>Design</td>
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<td>Mid 2012</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Construction</td>
<td>Mid 2012</td>
<td>Early 2014</td>
<td></td>
<td></td>
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<td></td>
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Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Apr-12 Committed Costs</th>
<th>Apr-12 Incurred Costs</th>
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<td>28,501</td>
<td>45</td>
<td>38</td>
<td>28,463</td>
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<td>Real Estate</td>
<td>25</td>
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<td>25</td>
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<td>Labor, Services and Support</td>
<td>4,010</td>
<td>3,424</td>
<td>3,300</td>
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<td>Total</td>
<td>32,556</td>
<td>3,469</td>
<td>3,338</td>
<td>29,218</td>
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</table>

Secured Funding Incurred 10%
Secured Funding Committed 11%

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>State (CMIA)</td>
<td>$24.0</td>
<td>$24.0</td>
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<tr>
<td>Federal - Others</td>
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<td>$1.1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$35.4</strong></td>
<td><strong>$32.6</strong></td>
</tr>
</tbody>
</table>

Federal 3%
Local 29%
State 68%

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:** $64.7 million

- Estimate Class 1 (*see appendix*)

**Appropriation through FY 13:** $64.7 million

**Secured Funding to Date:** $64.7 million

**Year of Completion:** 2015

**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:**

**Final Design (PS&E):** The project has been programmed $40.8 million of CMIA funds by CTC plus an additional $23.9 million of Local and Federal funds. Final Design has been completed and the contract was advertised in June 2012. Construction is scheduled to start in September 2012. VTA will administer the construction contract.

**Project Schedule:**

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

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Apr-12 Committed Costs</th>
<th>Apr-12 Incurred Costs</th>
<th>Secured Funding Balance d = (a-c)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>49,283</td>
<td>-</td>
<td>-</td>
<td>49,283</td>
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<tr>
<td>Real Estate</td>
<td>4,036</td>
<td>1,995</td>
<td>1,934</td>
<td>2,102</td>
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<tr>
<td>Labor, Services and Support</td>
<td>11,311</td>
<td>10,671</td>
<td>9,883</td>
<td>1,428</td>
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<tr>
<td>Contingency</td>
<td>103</td>
<td>-</td>
<td>-</td>
<td>103</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>64,733</strong></td>
<td><strong>12,666</strong></td>
<td><strong>11,817</strong></td>
<td><strong>52,916</strong></td>
</tr>
</tbody>
</table>

Secured Funding Incurred: 18%
Secured Funding Committed: 20%

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>
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</thead>
<tbody>
<tr>
<td>Meas A/STIP Swap</td>
<td>$1.0</td>
<td>$1.0</td>
</tr>
<tr>
<td>Meas B/STIP Swap</td>
<td>1.7</td>
<td>1.7</td>
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<tr>
<td>Local (San Jose)</td>
<td>1.5</td>
<td>1.5</td>
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<tr>
<td>State (CMIA)</td>
<td>40.8</td>
<td>40.8</td>
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<tr>
<td>Federal (Earmark, STP)</td>
<td>19.7</td>
<td>19.7</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$64.7</strong></td>
<td><strong>$64.7</strong></td>
</tr>
</tbody>
</table>

Portion of Estimated Cost for which funding has been identified:
- Federal: 30%
- State: 63%
- Local: 7%

Northbound I-280 at Northbound I-880 Junction

Arial View of Project Area
Route 237 Planting

Estimated Cost: $3.3 million
    Estimate Class 1 (see appendix)

Appropriation through FY 13: $3.3 million

Secured Funding to Date: $1.29 million

Year of Completion:
    2014 (Construction)
    2016 (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:

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rescope and Final Design (PS&amp;E)</td>
<td>Mid 2012</td>
<td>Early 2014</td>
<td></td>
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<tr>
<td>Construction-Planting</td>
<td>Mid 2014</td>
<td>Late 2014</td>
<td></td>
<td></td>
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<tr>
<td>Plant Establishment</td>
<td>Mid 2014</td>
<td>Late 2016</td>
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**Cost:**

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Apr-12 Committed Costs</th>
<th>Apr-12 Incurred Costs</th>
<th>Secured Funding Balance d = (a-c)</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>
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<tr>
<td>Labor, Services and Support</td>
<td>985</td>
<td>731</td>
<td>728</td>
<td>257</td>
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<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>731</strong></td>
<td><strong>728</strong></td>
<td><strong>557</strong></td>
</tr>
</tbody>
</table>

Secured Funding Incurred 57%
Secured Funding Committed 57%

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>$3.30</td>
<td>$1.29</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3.30</strong></td>
<td><strong>$1.29</strong></td>
</tr>
</tbody>
</table>

Local 100%

Portion of Estimated Cost for which funding has been identified

I-880/Route 237 Interchange

Typical Landscaping
**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:**  
$72.0 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. Utility relocations were completed in late 2011.
Bid opening occurred on October 25, 2011 with contract approval (O.C. Jones and Sons, Inc.) on December 13, 2011. Construction began on February 27, 2012 with civil construction expected to be completed by mid 2013.

**Project Schedule:**

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

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Apr-12 Committed Costs</th>
<th>Apr-12 Incurred Costs</th>
<th>Secured Funding Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>56,468</td>
<td>999</td>
<td>973</td>
<td>55,495</td>
</tr>
<tr>
<td>Real Estate</td>
<td>1,626</td>
<td>1,301</td>
<td>1,289</td>
<td>337</td>
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<tr>
<td>Labor, Services and Support</td>
<td>13,906</td>
<td>13,034</td>
<td>12,378</td>
<td>1,528</td>
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<tr>
<td>Contingency</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>72,000</strong></td>
<td><strong>15,334</strong></td>
<td><strong>14,640</strong></td>
<td><strong>57,360</strong></td>
</tr>
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</table>

Secured Funding Incurred: 20%
Secured Funding Committed: 21%

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>$16.1</td>
<td>$16.1</td>
<td>$0.0</td>
<td>$16.1</td>
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<tr>
<td>State (CMIA)</td>
<td>55.9</td>
<td>1.6</td>
<td>54.3</td>
<td>55.9</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$72.0</strong></td>
<td><strong>$17.7</strong></td>
<td><strong>$54.3</strong></td>
<td><strong>$72.0</strong></td>
</tr>
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</table>

Local 22%
State 78%

Portion of Estimated Cost for which funding has been identified: 100%

Double HOV lanes south of Old Middlefield Way

US 101 – Route 85 Interchange
VTP Highway Projects

I-880 HOV Widening

Estimated Cost: $67.4 million
   Estimate Class 1 (see appendix)

Appropriation through FY 13:
   $90.7 million

Secured Funding to Date: $ 67.4 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 with contract approval (Bay Cities Paving & Grading, Inc.) on January 5, 2012. Construction began on April 2, 2012 with civil construction expected to be completed by mid 2013.

Project Schedule:

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

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding (a)</th>
<th>Apr-12 Committed Costs (b)</th>
<th>Apr-12 Incurred Costs (c)</th>
<th>Secured Funding Balance (d = a-c)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>51,281</td>
<td>3,284</td>
<td>1,124</td>
<td>50,157</td>
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<tr>
<td>Real Estate</td>
<td>4,079</td>
<td>3,752</td>
<td>3,749</td>
<td>330</td>
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<td>Labor, Services and Support</td>
<td>11,980</td>
<td>10,911</td>
<td>10,585</td>
<td>1,395</td>
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<tr>
<td>Contingency</td>
<td>60</td>
<td>-</td>
<td>-</td>
<td>60</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>67,400</strong></td>
<td><strong>17,947</strong></td>
<td><strong>15,458</strong></td>
<td><strong>51,942</strong></td>
</tr>
</tbody>
</table>

Secured Funding Incurred: 23%
Secured Funding Committed: 27%

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>$21.5</td>
<td>$21.5</td>
<td>$0.0</td>
<td>$21.5</td>
</tr>
<tr>
<td>State (CMIA)</td>
<td>45.9</td>
<td>0.9</td>
<td>45.0</td>
<td>45.9</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$67.4</strong></td>
<td><strong>$22.4</strong></td>
<td><strong>$45.0</strong></td>
<td><strong>$67.4</strong></td>
</tr>
</tbody>
</table>

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

Portion of Estimated Cost for which funding has been identified

Local 32%
State 68%

I-880/Brokaw Road Interchange

I-880/Route 237 Interchange
**US 101 Improvements - I-280 to Yerba Buena Road**

**Estimated Cost:** $44.3 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 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. The targeted completion date is June 2012.

Construction is being administered by Caltrans.

**Project Schedule:**

<table>
<thead>
<tr>
<th>101 Tully</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>
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<td></td>
</tr>
<tr>
<td>Construction</td>
<td>Mid 2010</td>
<td>Mid 2012</td>
<td></td>
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<tr>
<td>Open to Traffic</td>
<td>Mid 2012</td>
<td>Mid 2013</td>
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<tr>
<td>Closeout</td>
<td>Mid 2012</td>
<td>Mid 2013</td>
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</tr>
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</table>
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<table>
<thead>
<tr>
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<th>Secured Funding (a)</th>
<th>Apr-12 Committed Costs (b)</th>
<th>Apr-12 Incurred Costs (c)</th>
<th>Secured Funding Balance (d = a-c)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>1,520</td>
<td>1,511</td>
<td>1,102</td>
<td>418</td>
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<tr>
<td>Real Estate</td>
<td>446</td>
<td>445</td>
<td>445</td>
<td>1</td>
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<tr>
<td>Labor, Services and Support</td>
<td>8,249</td>
<td>7,736</td>
<td>7,460</td>
<td>789</td>
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<tr>
<td>Contingency</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>10,215</td>
<td>9,692</td>
<td>9,007</td>
<td>1,208</td>
</tr>
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Secured Funding Incurred: 88%
Secured Funding Committed: 95%

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>4.0</td>
<td>4.0</td>
<td>0.0</td>
<td>4.0</td>
</tr>
<tr>
<td>Local (Other)</td>
<td>33.1</td>
<td>0.3</td>
<td>32.8</td>
<td>33.1</td>
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<tr>
<td>State (CMIA)</td>
<td>1.2</td>
<td>1.2</td>
<td>15.7</td>
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<tr>
<td>State (SHOPP)</td>
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<tr>
<td>Federal (ARRA)</td>
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<tr>
<td>Federal (Earmark)</td>
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<td>-</td>
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<tr>
<td>Total</td>
<td>$44.3</td>
<td>$10.2</td>
<td>$49.8</td>
<td>$60.0</td>
</tr>
</tbody>
</table>

Secured Funding: 28%
Local: 72%

Portion of Estimated Cost for which funding has been identified:

Tully Road Overcrossing

Detail of Fencing
Estimated Cost: $5.0 million

Appropriation through FY 13: $5.0 million

Secured Funding to Date: $5.0 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>Project Step</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>
</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>
</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>
</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>
</tr>
</tbody>
</table>
Cost:

<table>
<thead>
<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Apr-12 Committed Costs</th>
<th>Apr-12 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>3,212</td>
<td>173</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>1,590</td>
<td>1,519</td>
<td>1,440</td>
<td>150</td>
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<tr>
<td>Contingency</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4,975</strong></td>
<td><strong>4,804</strong></td>
<td><strong>4,652</strong></td>
<td><strong>323</strong></td>
</tr>
</tbody>
</table>

Secured Funding Incurred 94%
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 A Swap</td>
<td>$0.1</td>
<td>$0.1</td>
</tr>
<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>$5.0</strong></td>
<td><strong>$5.0</strong></td>
</tr>
</tbody>
</table>

Portion of Estimated Cost for which funding has been identified: 100%

Local 44%
Federal 56%

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 have been developed for southbound I-280 corridor and a public informational meeting will be held in late April 2012. Metering on southbound I-280 corridor will be implemented in late May 2012 and an evaluation of the metering effectiveness will be conducted in Fall 2012.

Metering plans are currently being developed opposite direction (northbound) of I-280 corridor and will be finalized in late Summer 2012. Another public informational meeting will be held in early Fall 2012 and will be implemented in mid Fall 2012. An evaluation of the metering effectiveness is planned to be conducted in late Fall 2012 but no later than Spring 2013.

**Project Schedule:**

<table>
<thead>
<tr>
<th>Ramp Metering</th>
<th>Start</th>
<th>End</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I-280 Corridor Southbound</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Outreach</td>
<td>Apr-12</td>
<td>Fall 2012</td>
<td>♦</td>
<td>♦</td>
</tr>
<tr>
<td>Construction</td>
<td>May-12</td>
<td>Fall 2012</td>
<td>♦</td>
<td>♦</td>
</tr>
<tr>
<td>Evaluation &amp; Closeout</td>
<td></td>
<td></td>
<td>♦</td>
<td>♦</td>
</tr>
<tr>
<td><strong>Northbound</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Outreach</td>
<td>Fall 2012</td>
<td>Spring 2013</td>
<td>♦</td>
<td>♦</td>
</tr>
<tr>
<td>Construction</td>
<td>Fall 2012</td>
<td>Spring 2013</td>
<td>♦</td>
<td>♦</td>
</tr>
<tr>
<td>Evaluation &amp; Closeout</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>Apr-12 Committed Costs</th>
<th>Apr-12 Incurred Costs</th>
<th>Secured Funding Balance</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>2,344</td>
<td>2,295</td>
<td>2,072</td>
<td>272</td>
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<tr>
<td>Contingency</td>
<td>26</td>
<td>-</td>
<td>-</td>
<td>26</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>2,561</strong></td>
<td><strong>2,486</strong></td>
<td><strong>2,263</strong></td>
<td><strong>298</strong></td>
</tr>
</tbody>
</table>

Secured Funding Incurred 88%
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>$2.6</td>
<td>$2.6</td>
</tr>
</tbody>
</table>

Federal 100%

Portion of Estimated Cost for which funding has been identified

---

**Metered Onramp**

**Ramp Metering Schematic**
**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:**
- $47 million

**Secured Funding to Date:**
- $25 million

**Year of Completion / Target Opening Year:**
- 237/880 Express Connectors - 2012
- 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>Apr-12 Committed Costs $b$</th>
<th>Apr-12 Incurred Costs $c$</th>
<th>Secured Funding Balance $d = (a-c)$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>5,801</td>
<td>5,725</td>
<td>4,824</td>
<td>977</td>
</tr>
<tr>
<td>Real Estate</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>18,533</td>
<td>15,447</td>
<td>11,793</td>
<td>6,740</td>
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<tr>
<td>Contingency</td>
<td>304</td>
<td>-</td>
<td>-</td>
<td>304</td>
</tr>
<tr>
<td>Operations (P-0694 Only)</td>
<td>650</td>
<td>16</td>
<td>16</td>
<td>634</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>25,288</strong></td>
<td><strong>21,188</strong></td>
<td><strong>16,633</strong></td>
<td><strong>8,655</strong></td>
</tr>
</tbody>
</table>

- Secured Funding Incurred: 66%
- 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 Initial Study</th>
<th>US 101 Express Lanes</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>$3</td>
<td>$5.7</td>
<td>$1.2</td>
<td>$4</td>
<td>$14</td>
<td>$14</td>
</tr>
<tr>
<td>Federal</td>
<td>-</td>
<td>-</td>
<td>3.8</td>
<td>8</td>
<td>12</td>
<td>11</td>
</tr>
<tr>
<td>TBD</td>
<td>-</td>
<td>419</td>
<td>176</td>
<td>-</td>
<td>595</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$3</strong></td>
<td><strong>$425</strong></td>
<td><strong>$181</strong></td>
<td><strong>$12</strong></td>
<td><strong>$621</strong></td>
<td><strong>$25</strong></td>
</tr>
</tbody>
</table>

- Local: 2.3%
- Federal: 1.9%
- TBD: 95.8%

**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 successfully initiated operations of the Express Connector System in March 2012. Daily usage of Express Connector Lanes exceeds expectations.
Final operational testing continues and will conclude in June 2012.

Project Schedule:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></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>Mid 2012</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Contract Closeout</td>
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<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>Apr-12 Committed Costs</th>
<th>Apr-12 Incurred Costs</th>
<th>Secured Funding Balance $ (a-c)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction and Major Procurement</td>
<td>5,801</td>
<td>5,725</td>
<td>4,824</td>
<td>977</td>
</tr>
<tr>
<td>Real Estate</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Labor, Services and Support</td>
<td>5,296</td>
<td>5,190</td>
<td>5,088</td>
<td>208</td>
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<tr>
<td>Contingency</td>
<td>13</td>
<td>-</td>
<td>-</td>
<td>13</td>
</tr>
<tr>
<td>Operations</td>
<td>650</td>
<td>16</td>
<td>16</td>
<td>634</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>11,760</strong></td>
<td><strong>10,931</strong></td>
<td><strong>9,928</strong></td>
<td><strong>1,832</strong></td>
</tr>
</tbody>
</table>

Secured Funding Incurred 84%
Secured Funding Committed 93%

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>

Funding Source Identified 37%
Funding Source Secured 63%

Portion of Estimated Cost for which funding has been identified

Aerial Photograph of Route 237/I-880 Express Connectors Project Area

P-0694
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 late 2012, with the PA/ED phase expected to be completed in Spring 2013.

VTA is looking for supplemental funding for an initial phase of design and construction through grants and bonding opportunities.

Project Schedule:

<table>
<thead>
<tr>
<th>Rt 85 Express Lanes</th>
<th>Start</th>
<th>End</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Draft Environmental</td>
<td>Early 2011</td>
<td>Early 2013</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PA/ED</td>
<td>Early 2010</td>
<td>Mid 2013</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction, Closeout</td>
<td>TBD</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>Apr-12 Committed Costs</th>
<th>Apr-12 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>4,931</td>
<td>3,389</td>
<td>2,924</td>
<td>2,007</td>
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<tr>
<td>Contingency</td>
<td>9</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Total</td>
<td>4,940</td>
<td>3,389</td>
<td>2,924</td>
<td>2,016</td>
</tr>
</tbody>
</table>

Secured Funding Incurred 59%
Secured Funding Committed 69%

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>$1.2</td>
<td>$1.2</td>
</tr>
<tr>
<td>Federal</td>
<td>3.8</td>
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<tr>
<td>TBD</td>
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<td>0.0</td>
</tr>
<tr>
<td>Total</td>
<td>$181.0</td>
<td>$4.9</td>
</tr>
</tbody>
</table>

Portion of Estimated Cost for which funding has been identified

Aerial view of Route 85 - US 101 Interchange in South San Jose
US 101 Express Lanes

Estimated Cost: $425 Million
Estimate Class 5
Appropriation through FY 13: $19.9 million
Secured Funding to Date: $5.7 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 and some environmental studies completed. Traffic validation, traffic forecasting, traffic operation analysis, and environmental studies as required for the PA/ED phase continue. Preliminary conceptual engineering drawings are also under development to identify design exceptions to be approved by Caltrans. Project submitted a Project Study Report/Preliminary Development Study (PSR/PDS) for Caltrans review in March 2012, prior to producing a PA/ED. A cooperative agreement to reimburse Caltrans in reviewing the PSR/PDS has been executed. The Draft ED is scheduled to be completed by early 2013, with the PA/ED phase expected to be completed by mid 2013.

Project Schedule:

<table>
<thead>
<tr>
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<td>Environmental</td>
<td>Early 2011</td>
<td>Early 2013</td>
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<td>Design (PS&amp;E)</td>
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<td>Late 2014*</td>
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<td>Right-of-Way</td>
<td>Early 2013*</td>
<td>Late 2014*</td>
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<td>Construction</td>
<td>Early 2015*</td>
<td>Late 2016*</td>
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<tr>
<td>Open to Traffic</td>
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<td>Mid 2017*</td>
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<td>Closeout</td>
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* Funding not identified, schedule is tentative
### Cost:

<table>
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<tr>
<th>Project Cost Element</th>
<th>Secured Funding</th>
<th>Apr-12 Committed Costs</th>
<th>Apr-12 Incurred Costs</th>
<th>Secured Funding Balance</th>
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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>5,373</td>
<td>3,935</td>
<td>848</td>
<td>4,525</td>
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<tr>
<td>Contingency</td>
<td>282</td>
<td>-</td>
<td>-</td>
<td>282</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>5,655</strong></td>
<td><strong>3,935</strong></td>
<td><strong>848</strong></td>
<td><strong>4,807</strong></td>
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</table>

- Secured Funding Incurred: 15%
- Secured Funding Committed: 70%

**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>
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</thead>
<tbody>
<tr>
<td>Local</td>
<td>$5.7</td>
<td>$5.7</td>
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<tr>
<td>TBD</td>
<td>419.3</td>
<td>0.0</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$425.0</strong></td>
<td><strong>$5.7</strong></td>
</tr>
</tbody>
</table>

- Secured Funding Incurred: 15%
- Secured Funding Committed: 70%

**NOTE:** Portion of Estimated Cost for which funding has been identified

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Northern US 101/Route 85 Interchange

Express Lanes Conceptual Rendering
APPENDIX – COST ESTIMATE CLASSES

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></td>
<td>Expressed as engineering percent completion at time of estimate</td>
<td>Typical variation in low and high ranges</td>
</tr>
<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>
<td>-20% to +30%</td>
</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: Complete Streets in Santa Clara County

FOR INFORMATION ONLY

BACKGROUND:

With the passage of the “Complete Streets Act” of 2008 by the California State Legislature and the “Safe and Complete Streets Act” of 2011 by Congress, transportation and land use professionals, bicycle and pedestrian advocates, and health and safety agencies at the federal, state and regional levels are making efforts to comply with complete streets legislation. Not unexpectedly, there are different interpretations and understandings of what makes a street complete. The intent of this memorandum is to provide information on the progress to develop a common understanding of complete streets in Santa Clara County. The Systems Operations & Management and Land Use & Transportation Integration Working Groups, Technical Advisory Committee’s working groups, are working to develop a common understanding of complete streets. The efforts to date have included providing clarification on the definition of complete streets, an update on the planning practices related to complete streets in Santa Clara County, and assisting Member Agencies to meet complete streets requirements.

What is Complete Streets?

The concept of complete streets is not new. The national complete streets movement started from a grassroots effort led by bicycle, walking and smart growth advocates that evolved from earlier concepts like “routine accommodation” for bicyclists and pedestrians and “livable streets” for neighborhood residents. Complete streets are essentially streets that are planned and designed for use by everyone and for all modes.

The intent of complete streets, as described in federal legislation HR 1780 - Safe and Complete Streets Act of 2011, is “to insure the safety of all users of the transportation system, including pedestrian, bicyclists, transit users, children, older individuals, and individuals with disabilities as they travel on and across federally funded streets and highways.”
Complete streets are also context sensitive. California’s Department of Transportation in its Complete Streets Implementation Action Plan 2010 (Caltrans Deputy Directive 64-R1) and Complete Streets legislation specifically state that the complete streets concept be implemented in a manner that “...is appropriate to the function and context of the facility” and “...that is suitable to the rural, suburban, or urban context.”

**Why Complete Streets?**

The benefits of complete streets extend beyond making physical improvements to the roadways and walkways. In addition to providing safer roadways for all users, state and federal agencies cite the following key benefits to the public:

- **Reduction of greenhouse gas emissions** - The State Energy Resources Conservation and Development Commission has determined that transportation represents 41 percent of total greenhouse gas emissions in California.

- **Reduction in vehicle miles traveled** - According to the United States Department of Transportation’s 2001 National Household Travel Survey, 41 percent of trips in urban areas nationwide are two miles or less in length, and 66 percent of urban trips that are one mile or less are made by automobile. Shifting the transportation mode share from single passenger cars to public transit, bicycling, and walking will need to be a significant part of short and long-term planning goals if the state is to achieve the reduction in the number of vehicle miles traveled and in greenhouse gas emissions required by current law (California Global Warming Solutions Act of 2006).

- **Improvement in public health and reduction of treatment costs for conditions associated with reduced physical activity** - The State Department of Health Care Services reported in 2005 that the medical costs associated with physical inactivity were estimated to be $28 billion. The department further noted that walking and bicycling provide the additional benefits of improving public health and reducing treatment costs for conditions associated with reduced physical activity, including obesity, heart disease, lung disease, and diabetes.

**DISCUSSION:**

**Complete Streets Practice in Santa Clara County**

Santa Clara County’s local jurisdictions have been at the forefront of implementing incremental improvements along its existing roadways to accommodate bicycles, pedestrians and public transit. In addition, the local jurisdictions have worked with VTA to develop countywide plans, technical guidelines and funding programs to support the designing and building of a balanced, multimodal transportation network for Santa Clara County. Examples of these effort are VTA’s long range transportation investment plan, Valley Transportation Plan (VTP), updated every five years, the Community Design and Transportation (CDT) Program adopted in 2004, technical design guidelines for pedestrian and bicycle facilities adopted in 2003 and 2007, and the adoption of multi-modal design practices and principles for roadway improvements focusing on projects (using the US 101/Tully Road interchange improvement as the example) within the...
State right of way in 2009 by the VTA Board of Directors. These programs and guidelines, including funding mechanisms, have been institutionalized into Santa Clara County’s planning practices long before the current dialogue and focus on complete streets. In essence, the County already has a complete streets program in place; it is just not called “complete streets.”

**Current Complete Streets Activities**

To encourage the implementation of complete streets, federal, state and regional agencies have linked transportation funding programs to projects that take into account the needs of all modes and users. How complete street is being implemented by all levels of government is described below.

**Federal and State Levels**

The federally enacted HR 1780 - Safe and Complete Streets Act of 2011, requires each state to have in effect within two years a law, through their department of transportation (Caltrans) and metropolitan planning organization (Metropolitan Transportation Commission), an explicit policy statement that requires all federally-funded transportation projects, with certain exceptions, to accommodate the safety and convenience of all users in accordance with certain complete streets principles.

California has enacted two legislations to facilitate and support complete streets objectives. The first is AB 1358 - Complete Streets Act of 2008 that requires cities and counties after January 1, 2011, upon the next revision of their general plans, to modify the circulation element to plan for a balanced multimodal transportation network that meets the needs of users of streets, roads and highways with users defined as motorists, pedestrians, bicyclists, children, persons with disabilities, seniors, movers of commercial goods, and users of public transportation.

The second legislation with connections to complete streets is SB 375 - Sustainable Communities and Climate Protection Act of 2008. This legislation requires California’s 18 metropolitan planning organizations (MPOs) to establish green house emission reduction targets for passenger vehicles, which include developing approaches to reduce the number of vehicle trips or the use of vehicles by promoting alternative modes like bicycling, walking, public transit.

**Regional Level**

The One Bay Area Grant (OBAG) Program (Resolution 4035), the transportation funding program for the Bay Area, was adopted by the Metropolitan Transportation Commission (MTC) on May 17, 2012. In order to be eligible for funding for the first funding cycle FY 2013/14 to FY 2015/16, this program requires local jurisdictions to either adopt a complete streets policy or have a General Plan circulation that is in compliance with the Complete Streets Act of 2008 by January 31, 2013. To be eligible for the subsequent funding cycles, all jurisdictions will be required to have a general plan that complies with the Complete Streets Act of 2008.

**Local Level**

Although the federal, state and regional agencies have outlined the complete streets requirements as specified in their statues, it is up to the discretion of the local agencies on how to implement
these requirements. VTA, as the Congestion Management Agency for Santa Clara County, has the responsibility to ensure that all aspects of transportation system are well planned, adequately funded, functioning efficiently, and are well maintained, accessible and safe for all users.

To assist Santa Clara County agencies to meet the complete streets requirements, VTA is re-organizing its funding programs as part of the VTP 2040 process, to better demonstrate and ensure that that transportation funds are being used to make roadways in Santa Clara County more complete. In essence, this “more complete streets” effort will demonstrate to external agencies that Santa Clara Member Agencies have taken and will continue to take steps to consider all modes of travel when transportation network elements are improved. This does not mean that all projects will include improvements that affect all aspects of complete streets, but that the transportation projects in Santa Clara County taken collectively will have the effect of moving the overall transportation network to be more complete. Below is a description of the program components:

A. Complete Streets Elements

As envisioned, VTA’s the Multimodal Transportation Investment (MTI) Program documented in the draft VTP 2040 document will be a vehicle to establish a framework from which local jurisdictions can develop and design projects, while considering land use context and constraints unique to each jurisdiction, that contribute to making streets in Santa Clara County more complete. The following elements of the program framework provide a strategy to achieve a system of complete streets; these elements take the concept of “complete” beyond routine accommodation of non-motorized users to consider the holistic life cycle of the entire street - from streetscape design, to geometric design standards, to efficiency, maintenance and operations of the street system.

1. Multimodal Design: Context-sensitive street design for accommodating all modes of travel and creating attractive streetscapes.

Promote the development of projects that incorporate all modes of transportation, accommodate all mode users and include attractive designs that facilitates balanced mode share use within the context of the community and the roadway facility purpose.

**Examples:** Update street classification and/or standards to reflect new multimodal design objectives and provide standards for Americans for Disability Act (ADA) compliance and safety.

**Goal:** Increase bicycle, pedestrian and transit mode share of total countywide trips.

2. Capacity/Continuity: Consistency in capacity and continuity throughout the corridor.

Promote improved consistency of lane alignment geometry and coordination of streetscape design for inter-jurisdictional roadways.

**Examples:** Where appropriate, maximize the use of roadways for accommodating all modes, improve roadway transitions from one jurisdiction to another, complete gaps in on-street bike lane striping, and identify locations for possible “road diet” lane realignment. A road diet is
a technique used to improve traffic flow and increase safety for all mode users including motorists, bicyclists, pedestrians and public transit by reducing the number of vehicle lanes (typically from four lanes to two lanes with a two way center lane in the middle of the street).

Goal: Maintain consistent roadway capacity and improve consistency of lane alignment geometry and streetscape design based on demand and within the context of the corridor between jurisdictions.

3. Technology: Technology upgrades to improve operations and enhance safety of the roadway system

Where appropriate, promote the installation of Intelligent Transportation Systems (ITS) infrastructure to advance interoperable traffic signal controller systems, traveler information systems, parking management systems, and bicycle/pedestrian/vehicle detection systems that support all modes of travel on the roadways.

Examples: Traffic signal controller upgrades, implementation of ITS devices, implementation of bicycle and pedestrian detection, and use of pedestrian-scale signals and signs.

Goal: Install ITS infrastructure along selected corridors and expand and upgrade of ITS devices where needed.

4. Connectivity: A system of interconnected streets that provide improved access to all modes of transportation

Promote a transportation network that improves connectivity and access to all modes to local and regional destinations.

Examples: Complete gaps in streets, walkway networks and transit stops/centers, build freeway overcrossings, limit design of closed-end streets, and reduce bike/pedestrian barriers.

Goal: Reduce vehicle miles traveled (VMT)

5. Maintenance: Maintenance and operations of the roadway network elements

Provide programs and funding for maintenance and operations of the roadway network elements.

Examples: Restriping of bicycle and pedestrian pavement markings, maintaining traffic signal operations, and replacing failing bicycle/pedestrian/vehicle detectors.

Goal: Maintain a minimum quality management standard for roadway network elements such as pavement condition, pavement markings, traffic controllers and signage.

B. Complete Streets Implementation and Funding

The Multimodal Transportation Investment (MTI) Program identified in VTP 2040 will align
funding to better show how funding in Santa Clara County is being used to make streets more complete. VTA will continue to work with its Member Agencies and partner agencies in the development of the MTI program.

TECHNICAL ADVISORY COMMITTEE DISCUSSION

The Committee placed this item on the consent agenda at the August 9, 2012 meeting. There was no discussion.

POLICY ADVISORY COMMITTEE MEETING DISCUSSION

The Committee heard this item on August 9, 2012 and asked a few questions for clarification on the presentation.

CONGESTION MANAGEMENT PROGRAM & PLANNING COMMITTEE MEETING DISCUSSION

The Committee heard this item on August 16, 2012. Member Joe Pirzynski asked about the Technical Advisory Committee’s (TAC) involvement with complete streets as it was not discussed at their meeting. Staff clarified that the working groups of the TAC have had on-going discussions on complete streets and they were familiar enough with this item to place it on the consent agenda.

Member Pirzynski also asked if developments surrounding the discussion of complete streets could result in influencing how certain entities view Bus Rapid Transit (BRT). Staff explained that complete streets elements such as bicycle and pedestrian improvements are included in BRT projects because of eligibility requirements and links to transportation funding. Staff also noted that a Board of Directors workshop to discuss VTA’s Bus Rapid Transit Program has been scheduled for September 21, 2012.

Member Ken Yeager inquired if complete streets elements like the condition of bicycle lanes and progress of projects could be tracked? Staff responded that some of the complete streets elements are already being monitored through VTA’s Transportation System Monitoring Program and that this program could be expanded to cover more areas.

Prepared By: Eugene Maeda
Memo No. 3384
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: SR 237 Express Lanes Update

FOR INFORMATION ONLY

BACKGROUND:

At the December 2008 Board Meeting, 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 SR 237/I-880 Express Connectors project is the first phase of the SR 237 Express Lanes project that converted the carpool lane connector ramps at the SR 237/I-880 interchange to Express Lanes operations (Attachment B). This opening represents the first major milestone in delivering VTA’s “Silicon Valley Express Lanes” (SVEL) Program. The SR 237 Express Lanes opened for tolling on March 20, 2012.
The second phase of the SR 237 Express Lanes involves extending Express Lanes between Lawrence Expressway and Mathilda Avenue where the existing carpool lane ends. The third phase involves extending the Express Lanes to SR 85 (Attachment C).

**SR 237 Express Lanes Update for Fiscal Year 2012**

This update on the SR 237 Express Lanes operations is for the period between March 20, 2012 and June 30, 2012 (15 weeks). The Express Lanes operate nine hours a day, Monday to Friday, from 5:00am to 10:00am for the westbound direction, from 5:00am to 9:00am for the eastbound direction, and from 3:00pm to 7:00pm for both directions in the evening commute. At all other times and on weekend the lane is “open to all.” The Express Lanes are open for operations during weekday public holidays.

**Express Lanes Traffic Usage**

During Fiscal Year 2012 (FY 2012), the SR 237 Express Lanes served a total of over 700,000 vehicles including both carpoolers or High Occupancy Vehicles (HOVs) and solo drivers or Single Occupant Vehicles (SOVs). About 141,000 SOVs (20%) of the total express lanes traffic volumes chose to pay a fee to gain travel time reliability (see Figure 1).

**Figure 1: SR 237 Express Lanes Traffic Usage Breakdown for FY 2012**

![SOV/Toll and HOV/Non-Toll chart]

Table 1 shows the monthly traffic breakdown of HOV and SOV usage of express lanes. The SR 237 Express Lanes project has seen continued growth in traffic usage. The facility served an average of approximately 47,000 total vehicles weekly including about 9,500 SOV users who paid toll during FY 2012 (see Table 2). The express lanes usage by weekday shows that Tuesday is the day with the highest usage while Friday is the lowest. Figure 2 shows that the week of June 18th had the highest express lanes usage serving a total of over 52,500 vehicles while the week of May 21st had the highest usage of tolled vehicles at over 11,000 vehicles (22% of the total traffic volumes). The week of May 28th showed a lower usage due to the Memorial Day holiday.
Table 1: SR 237 Express Lanes Monthly Breakdown of Traffic Usage for FY 2012

<table>
<thead>
<tr>
<th></th>
<th>March (9)</th>
<th>April (21)</th>
<th>May (23)</th>
<th>June (21)</th>
<th>Total</th>
</tr>
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<tr>
<td>SOV /Toll</td>
<td>13,309</td>
<td>37,437</td>
<td>46,784</td>
<td>43,487</td>
<td>141,017</td>
</tr>
<tr>
<td>HOV /Non-Toll</td>
<td>63,236</td>
<td>150,010</td>
<td>174,858</td>
<td>171,979</td>
<td>560,083</td>
</tr>
<tr>
<td>Total</td>
<td>76,545</td>
<td>187,447</td>
<td>221,642</td>
<td>215,466</td>
<td>701,100</td>
</tr>
</tbody>
</table>

(Indicates number of tolling days in the month)

Table 2: SR 237 Express Lanes Average Traffic Usage by Weekday for FY 2012

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<thead>
<tr>
<th>Period</th>
<th>Express Lanes traffic volumes</th>
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<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Weekday</td>
<td>Toll</td>
<td>Non-Toll</td>
<td>Total</td>
<td>Toll %</td>
</tr>
<tr>
<td>Monday</td>
<td>1,915</td>
<td>7,032</td>
<td>8,947</td>
<td>21.4%</td>
<td></td>
</tr>
<tr>
<td>Tuesday</td>
<td>2,032</td>
<td>7,629</td>
<td>9,661</td>
<td>21.0%</td>
<td></td>
</tr>
<tr>
<td>Wednesday</td>
<td>1,960</td>
<td>7,672</td>
<td>9,632</td>
<td>20.3%</td>
<td></td>
</tr>
<tr>
<td>Thursday</td>
<td>1,974</td>
<td>7,845</td>
<td>9,819</td>
<td>20.1%</td>
<td></td>
</tr>
<tr>
<td>Friday</td>
<td>1,646</td>
<td>7,616</td>
<td>9,262</td>
<td>17.8%</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>9,527</td>
<td>37,794</td>
<td>47,321</td>
<td>20.1%</td>
<td></td>
</tr>
</tbody>
</table>

Figure 2: Total SR 237 Express Lanes Traffic Usage by Week for FY 2012
Additionally, express lane traffic volumes were also analyzed by the hour of the peak period along with the percentage of toll users as shown in Figures 3 and 4. The highest toll paying usage is between 9am and 10am with over 30 percent of users being solo drivers choosing to pay a toll. The highest total express lane traffic usage of about 1,500 vehicles occurs between 5pm and 6pm. This is also the same period for the highest non-toll traffic usage.

**Figure 3: Traffic Volumes and Toll User Percent for AM Peak Period in FY 2012**

![Figure 3: Traffic Volumes and Toll User Percent for AM Peak Period in FY 2012](image)

**Figure 4: Traffic Volumes and Toll User Percent for PM Peak Period in FY 2012**

![Figure 4: Traffic Volumes and Toll User Percent for PM Peak Period in FY 2012](image)
Express Lanes Toll Revenues and Expenses

The SR 237 Express Lanes have been well utilized and have generated toll revenues that have exceeded projections. The toll revenues generated for FY 2012 was about $120,000 above what was projected (see Table 3). Similarly, the total expenses invoiced for FY 2012 was also well within the projected costs. Costs under “Actual” category are costs that have been invoiced in FY 2012. There are additional costs incurred during FY 2012 that are yet to be invoiced. If these additional costs were included, the costs would still be within the projected limits. In summary, the SR 237 Express Lanes generated net revenue of about $81,000 in FY 2012.

Table 3: SR 237 Express Lanes Comparison of Revenues and Expenses for FY 2012

<table>
<thead>
<tr>
<th>Category</th>
<th>FY12 Projections 1</th>
<th>FY12 Actual 2</th>
<th>FY13 Budget</th>
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<tbody>
<tr>
<td>Toll Revenues</td>
<td>$97,200</td>
<td>$217,700</td>
<td>$592,000</td>
</tr>
<tr>
<td>Total Revenue</td>
<td>$97,200</td>
<td>$217,700</td>
<td>$592,000</td>
</tr>
<tr>
<td>Professional and Special Services</td>
<td>$202,000</td>
<td>$26,560</td>
<td>$427,000</td>
</tr>
<tr>
<td>Other services</td>
<td>$2,300</td>
<td>$-</td>
<td>$-</td>
</tr>
<tr>
<td>Utilities</td>
<td>$14,000</td>
<td>$250</td>
<td>$38,000</td>
</tr>
<tr>
<td>VTA Staff Services</td>
<td>$77,300</td>
<td>$109,800</td>
<td>$126,000</td>
</tr>
<tr>
<td>Total Expense</td>
<td>$295,600 3</td>
<td>$136,610</td>
<td>$591,000</td>
</tr>
<tr>
<td>Revenues Over (Under) Expenses</td>
<td>$(198,400)</td>
<td>$81,090</td>
<td>$1,000</td>
</tr>
</tbody>
</table>

1- Projection was based on change in tolling operations start date from October 2011 to March 2012
2- Preliminary unaudited number as of July 20, 2012. Final audited number may vary.
3- Approximately $650 thousand of the operating expenditures will be covered by the existing capital project budget.

The toll rates are dynamically priced and vary by the level of congestion in the Express Lanes. The average toll rate was $1.55 with the toll rate varying between $0.30 and $5.00. Average weekday revenue varied between $2,200 and $3,300.

Express Lanes Operations

The SR 237 Express Lanes has been operating well with average speeds of 50 miles per hour (mph). The average Express Lane travel speed on SR 237 in the westbound direction varied between 50 and 70 mph with minimum travel speeds at about 50 mph between 8am and 10am and at about 60 mph between 5pm and 7pm. The average Express Lane travel speed on SR 237 in the eastbound direction has been well over 65 mph during the AM peak period with speeds dropping to about 50 mph between 6pm and 7pm.

Part of the reason for the drop in the average speed in the evening commute is the downstream congestion on I-880 that occurs slightly south of Mission Boulevard. During this time period, express lane operations has to be restricted to HOV usage only so as to not send traffic faster to this downstream bottleneck location. The facility has been restricted to HOV only usage for a total of 65 hours in FY 2012 which corresponds to about 5 percent of the actual hours of operation. About 59 percent of the HOV only restriction happened on Thursdays and Fridays,
with Friday being the day with the longest period for such an occurrence.

The main enforcement related topic has been motorist crossing of the double white lines. The majority of the double white line crossings occur between McCarthy Boulevard and Zanker Road and in the westbound direction of SR 237 in the morning commute. Working with the California Highway Patrol (CHP), focused enforcement activities on a periodic basis are planned for the area.

The number of major incidents resulting in express lanes closure has been minimal. Most of the occurrences have involved incidents on the general purpose lanes requiring the redirecting of traffic into express lane to get around the incident. Most of the incidents have lasted less than 30 minutes, with some occurring outside the express lanes hours of operations.

Table 4 provides a brief comparison between the two Bay Area Express Lanes projects. Overall, the SR 237 Express Lanes operations are generally comparable to I-680 Express Lanes despite operating for fewer hours in a day.

**Table 4 Operational Comparison of I-680 and SR 237 Express Lanes Projects**

<table>
<thead>
<tr>
<th>Category</th>
<th>I-680 Express Lane</th>
<th>SR 237 Express Lanes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opened for tolling operations</td>
<td>Sep. 10, 2009</td>
<td>Mar. 20, 2012</td>
</tr>
<tr>
<td>Direction</td>
<td>Southbound</td>
<td>Bi-directional</td>
</tr>
<tr>
<td>Length of facility</td>
<td>14 miles</td>
<td>11 miles</td>
</tr>
<tr>
<td>Hours of operation</td>
<td>5am - 8pm</td>
<td>5am - 9am (EB)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5am -10am (WB)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3pm - 7pm (both directions)</td>
</tr>
<tr>
<td>Number of toll zones</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Average daily toll usage</td>
<td>15,500</td>
<td>9,500</td>
</tr>
<tr>
<td>Percentage of toll users</td>
<td>12%</td>
<td>20%</td>
</tr>
<tr>
<td>Average daily toll revenue</td>
<td>$4,600</td>
<td>$2,950</td>
</tr>
</tbody>
</table>

Outreach

The one area of ongoing community feedback has been from the City of Milpitas. The primary concern expressed by the City representative has been about the location of access points for westbound SR 237 near I-880 and Calaveras Boulevard, with the expressed desire for a reconsideration of the length of double white lines that have been introduced for this area.

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

The Policy Advisory Committee heard this item on August 9, 2012. Upon inquiry from the Committee, staff responded that Caltrans will be responding to the City of Milpitas regarding their concerns on access arrangement. The Committee stated the project implementation has been successful and there has been minimal negative public feedback.
STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Congestion Management Program and Planning Committee heard this item on August 16, 2012. The Committee enquired about the next steps in moving ahead on operational tasks. Staff updated that apart from Caltrans responding to City of Milpitas to address concerns on location of access arrangement, VTA will also be undertaking an evaluation of the downstream congestion on I-880 northbound in the PM peak period as part of the initial study to implement the SR 237 Express Lanes Phase II project.

Prepared By: Murali Ramanujam
Memo No. 3607
FOR INFORMATION ONLY

BACKGROUND:

As fares are an integral part of any transit operation, VTA actively monitors our fare media and enforcement practices, to determine how to improve and adapt them to best serve our customers.

VTA is particularly focused on implementation of the regional Clipper Card, on upgrading our ticket vending machines (TVMs) for the use of credit and debit cards to purchase fares, and on fare enforcement activities.

DISCUSSION:

CLIPPER

We successfully converted our Adult Monthly Pass, Express Pass and Youth and Senior/Disabled Medicare both paper passes and stickers to Clipper Cards as of July 1st. Before the conversion date, we encouraged riders to load their monthly passes on Clipper, which helped boost the use of Clipper on our system. VTA’s average weekday boardings continue to climb: there were 33,400 average weekday boardings on VTA for the week of July 13, an increase of 16 percent from the prior week.

We transitioned 96 percent of adult passes, 83 percent of adult express passes and 90 percent of senior passes to Clipper. The youth pass is the only fare media that fell short of expectations but this is probably due to a combination of our Summer Blast Pass program and summer vacations. We plan to continue outreach to schools and the student population in our county as the school year begins to increase the number of youth passes on Clipper.

We are also researching the feasibility of installing more card readers on the platforms, which is a longer-term action that will make it more convenient to tag a Clipper Card, particularly at transfer points.
TICKET VENDING MACHINE UPGRADE

Since late June, our TVMs have been accepting debit and credit cards throughout the system, and we are on track to give customers the flexibility to use our TVMs to add value to their Clipper cards or to purchase new monthly passes on their Clipper cards by late August.

By using the TVMs, passengers can add value to their Clipper cards immediately, instead of requiring a few days’ wait. We have worked through some TVMs that have had pin pad problems for debit cards, but those machines were still able to accept credit cards while the pin pad issue was being addressed. We have 149 TVMs online across the system.

This project, which has been delayed due to Clipper integration and to ensure the highest level of privacy protection for our customers, is within budget.

FARE ENFORCEMENT

As we always have, VTA continues to encourage fare payment across the system, and our efforts have led to a decrease in fare evasion. In the month of June, 5.2 percent of riders did not have proper fare.

In January 2012, the fiscal year-to-date fare evasion rate was 9.7%. This rate has since been dropping monthly, and as of June 2012, the fiscal year-to-date fare evasion rate was 7.8%. In both May and June, fare inspectors checked approximately 39,000 passengers for fare, which is 12,000 more than any month during the past two years.

To continue with our efforts to encourage all riders to pay their fare, we have taken a number of steps, including improving signage throughout the system letting riders know of the need to pay their fare, and hiring four additional fare inspectors, three of whom began their 9-week training in July. The fourth, a returning fare inspector, passed his recertification test and was able to begin his fare inspector duties as of mid-July.

Prepared By: Colleen Valles
Memo No. 3649
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: I-280/I-880/Stevens Creek Boulevard Interchange Improvements Contract Award

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with DeSilva Gates Construction, the lowest responsive and responsible bidder, in the amount of $33,582,063, for construction of the I-280/I-880/Stevens Creek Boulevard Interchange Improvements.

BACKGROUND:

As part of the State Proposition 1B bond measure, Corridor Mobility Improvement Account (CMIA) program, VTA nominated and the California Transportation Commission (CTC) approved programming the for I-280/I-880/Stevens Creek Boulevard Interchange Improvements in February 2007.

The I-280/I-880/Stevens Creek Boulevard Interchange Project is one of the projects in the Valley Transportation Plan (VTP) adopted by the VTA Board of Directors in January 2009. The Project will enhance freeway safety and improve traffic operations, relieve congestion and improve access to local businesses and neighborhoods.

The project includes a direct freeway-to-freeway connector ramp from northbound I-280 to northbound I-880 that will separate the local and freeway traffic; reconfiguration of the I-880/Stevens Creek Boulevard interchange, including widening the Stevens Creek bridge overcrossing of I-880; and a direct connection from southbound I-880 to Monroe Street (Exhibit A).

In January 2011, the VTA Board authorized the General Manager to execute a contract amendment with Mark Thomas & Company, Inc. for final design services. Final design was completed in March 2012.
On May 23, 2012 the CTC allocated $34,775,000 in CMIA funds for the construction of I-280/I-880/Stevens Creek Boulevard Interchange Improvements Project.

The project required property interests from 22 different parcels, including 3 full property takes. In July, 2012 VTA completed the process of obtaining possession of all properties required.

**DISCUSSION**

The I-280/I-880/Stevens Creek Boulevard Interchange Improvements contract was advertised on June 27, 2012. Contractor prequalification was required for this project. Bids were submitted on August 23, 2012 with the following results:

<table>
<thead>
<tr>
<th>Company Name</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>DeSilva Gates Construction</td>
<td>$33,582,063</td>
</tr>
<tr>
<td>RGW Construction</td>
<td>$33,843,138</td>
</tr>
<tr>
<td>Top Grade Construction</td>
<td>$33,868,827</td>
</tr>
<tr>
<td>Granite Rock. dba Pavex Construction</td>
<td>$34,542,298</td>
</tr>
</tbody>
</table>

Engineer’s Estimate $35,004,091

VTA staff has completed the bid review process and has determined that DeSilva Gates Construction is the lowest responsive and responsible bidder. The bid, 4% below the Engineer’s Estimate, is fair and reasonable. Staff recommends award of this contract to DeSilva Gates Construction. DeSilva Gates Construction has successfully completed highways projects in the South Bay in the past, including the I-880 Widening Project in San Jose (1996 Measure B Program).

Construction is scheduled to start in October 2012 and is projected to be completed in March 2015.

**ALTERNATIVES:**

There are no practical alternatives to the recommended action. Rejecting all bids or delaying the award of this contract will delay the delivery of the project, and risk meeting the schedule requirements of the CMIA funds.

**FISCAL IMPACT:**

This action will authorize $33,582,063 for I-280/I-880/Stevens Creek Boulevard Interchange Improvements construction. Appropriation for this project is included in the FY13 Adopted VTP Highway Improvement Program Fund Capital Budget. Funding for this contract is derived from Federal and CMIA funds.

**UNDERUTILIZED DISADVANTAGED BUSINESS ENTERPRISE (UDBE) PARTICIPATION:**

Based on the identifiable subcontracting opportunities, an Underutilized Disadvantaged Business Enterprise (UDBE) goal of 6.4% was established for this contract. The contractor has met the goal and has committed to 6.62% UDBE participation on this contract.
STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Congestion Management Program & Planning Committee considered this item on August 9, 2012. The staff presentation described the scope of the project and the key features that will improve traffic conditions on both the highway system and local roadway system. Staff also noted that the advertisement and award of this contract was being accelerated to meet the schedule requirements for the grant funding and to expedite the delivery of this priority project. At the time of the CMPP meeting, bid results were not available. Once the bid opening and the bid review and notification process is completed, a revised Board memo and staff recommendation will be transmitted to the Board. The Committee asked about construction during the holidays. Staff responded that there were conditions placed in the contract to address this, and that informational meetings have been held with Valley Fair and Santana Row to inform them of the construction activities and schedule. Also, an extensive Community Outreach Program is well underway to ensure community interests are understood and accommodated to the greatest extent practicable. The Committee had no further questions and recommended the item be brought to the September 6, 2012 Board of Directors meeting for approval.

Prepared by: Ven Prasad, Engineering Group Manager
Memo No. 3546
EXHIBIT A

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

LEGEND

- New Improvements
- New Structure
- Bridge Widening
- Remove Existing
ACTION ITEM

RECOMMENDATION:

Approve the Santa Clara One Bay Area Grant (OBAG) Guarantee Program Distribution Structure and Formula.

BACKGROUND:


While projects will be selected and programmed under the auspices of the current Regional Transportation Plan (RTP), MTC is incorporating policy concepts that were developed for the new Regional Transportation Plan/Sustainable Community Strategy (RTP/SCS), called T2040. MTC's framework for programming 2013-2016 Surface Transportation Program (STP), Congestion Mitigation and Air Quality (CMAQ) and Transportation Enhancement (TE) funds is called the "One Bay Area Grant” Program (OBAG). While it builds upon and expands many of the concepts introduced in the previous programming cycle which covered 2010-2012, there are significant changes from previous federal funding cycles.

OBAG provides $87.3 million for Santa Clara County. This is the largest amount that has been made available by MTC for county-level decision making since the enactment of the Intermodal Surface Transportation Enhancement Act (ISTEA) in 1991.

Due to the complexity of the program, VTA Staff is developing the local OBAG programming
framework with VTA's Advisory Committees in a three part process: (1) Program Structure, (2) Guarantee Formulas and (3) Project Selection Criteria. This three-part approach is reflected in the schedule provided in Attachment A.

The VTA Citizen's Advisory Committee (CAC), Technical Advisory Committee (TAC) and Policy Advisory Committee (PAC) discussed and recommended the proposed program structure at their respective June 2012 meetings. The program structure is provided in Attachment B.

**DISCUSSION:**

MTC places the following requirements on VTA in developing its local OBAG program structure.

**Eligibility:**

*Eligible Project Types:* Local road reconstruction and rehabilitation, bicycle, pedestrian, streetscape, and Safe-Routes-to-School projects that are eligible for Federal Surface Transportation Program (STP), Congestion Mitigation Air Quality (CMAQ) or Transportation Enhancement (TE) funds.

*Project Sponsor Eligibility:* Cities and Counties must adopt resolutions ensuring compliance with the Complete Streets Act of 2008 by January 1, 2013, and have General Plan Housing Elements certified to be in compliance with the 2007-14 Regional Housing Needs Allocation (RHNA) by January 31, 2013. Transportation agency sponsored projects, other than vehicles, are only eligible if located in jurisdictions that meet these two requirements.

**Geographic Limits:** At least 70% of the funds must be programmed in Priority Development Areas (PDAs). PDA-serving projects, as justified by the Congestion Management Agency, count towards this requirement, as does 70% of funding used for CMA planning purposes.

**Selection Criteria:** MTC expects CMA’s project selection process and criteria to be open, reward jurisdictions which provide housing, and support the growth and development of PDAs.

Santa Clara County’s share OBAG funding is expected to be composed of 36% STP, 5% TE, and 59% CMAQ. This funding split creates its own limitations as the eligibility for each funding program varies.

**CMA Planning Funds:** VTA staff recommends programming $6.0 Million for CMA planning and programming over the four year period of the program. VTA currently receives approximately $1.3 million per year from this source from MTC. These activities are only eligible for STP.

**San Tomas Expressway Preservation:** San Tomas Aquino Creek has undercut the culvert in a four-mile section beneath San Tomas Expressway between Williams Road in San Jose and Monroe St. in Santa Clara. If the culvert fails, the roadway will collapse and could trigger...
extensive flooding, including submersion of sections of El Camino Real and Stevens Creek Boulevard, significantly disrupting traffic patterns through this part of the Valley. Agreements signed by the County of Santa Clara and Santa Clara Valley Water District in the 1960’s make the County responsible for repair and replacement of the culvert. The project is ready for construction as soon as funds become available. The County estimates the cost to be $12 - $14 million. VTA staff recommends providing $10 million to the County for the project. This project is in a PDA and PDA-serving. It is only eligible for STP.

**City Guarantee Program:**

*Road Rehabilitation Guarantee:* VTA staff recommends making the balance of the STP funds available to the cities for pavement rehabilitation. As a condition of receiving the $10 million for San Tomas Expressway, the County will not participate in this program. While VTA supports and encourages the cities to use these funds within, or serving the PDAs, it would not be required. Consistent with previous Board-adopted programs, the first expected use of these funds will be for rehabilitation and reconstruction of Federal Aid-eligible local roads with a pavement condition index (PCI) of 70 or less. If a City has no eligible road rehabilitation projects, it may use its funds for Complete Streets projects and off-road bicycle and pedestrian facilities.

*Complete Streets Guarantee:* VTA staff recommends making the balance of the non-PDA funds available to the cities for Complete Streets projects such as bicycle and pedestrian facilities, safe routes to school projects, and traffic signal systems. As condition of receiving the $10 million for San Tomas Expressway, the County will not participate in this program.

**Guarantee Distribution Formula**

VTA staff proposes to use MTC’s OBAG formula as the basis for directing City Guarantee program funds to each city. The OBAG formula meets Federal and regional requirements and responds to regional direction to reward cities and counties that have produced, and will continue to produce new housing.

The formula is as follows:

<table>
<thead>
<tr>
<th>Factor</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>50%</td>
</tr>
<tr>
<td>Actual Housing Production 1999 - 2006, All Units</td>
<td>12.5%</td>
</tr>
<tr>
<td>Actual Housing Production 1999 - 2006, Low Income Units</td>
<td>12.5%</td>
</tr>
<tr>
<td>Regional Housing Needs Allocation, All Units</td>
<td>12.5%</td>
</tr>
<tr>
<td>Regional Housing Needs Allocation, Low Income Units</td>
<td>12.5%</td>
</tr>
</tbody>
</table>

VTA staff also recommends reconciling commitments from the 2009 American Reconstruction and Recovery Act (ARRA) and the 2010 Block Grant in this OBAG Guarantee program.
Monte Sereno: The City of Monte Sereno’s formula share in the 2010 Block Grant was too small for a viable project. The City was offered $250,000; with the condition that there would be no additional guaranteed programming until its share was “paid back” in future programming rounds. The City did not claim the funds in 2010, and they were distributed to other agencies. VTA staff recommends re-extending the offer. The approximate payback period would be 10 -15 years. The funds would come from the Local Road Rehabilitation Guarantee, as they did in the original offer.

Other Block Grant Advances and ARRA Savings: Several cities were advanced funds against their future guarantee shares in the 2010 Block Grant. Several cities also made the savings from their ARRA funded projects available to other cities in order ensure that the funds would not be lost. VTA staff recommends adjusting the Local Road Rehabilitation Guarantee share of each city involved, as the original funding adjustments occurred in the previous local road rehabilitation programs.

Attachment C shows each city’s projected total Guarantee share, before and after adjustments.

Countywide Competitive Complete Streets Program: The balance of the OBAG funding will consist of CMAQ and/or TE, and be subject to the PDA requirement. VTA staff proposes issuing a competitive call for Complete Streets projects. The County would be eligible to apply for these funds.

VTA staff will develop project screening and scoring criteria that meet Federal and regional requirements, and VTA policies in consultation with VTA Technical Advisory Committee (TAC). These criteria will be presented to the VTA Board of Directors for approval after review and discussion with VTA’s Advisory Committees in future months.

ALTERNATIVES:

The Committee may recommend alternatives structures and formulas.

FISCAL IMPACT:

If adopted as proposed, $6,000,000 will be made available to VTA Congestion Management Program budgets covering the fiscal years 2013 through 2016.

ADVISORY COMMITTEE DISCUSSION/RECOMMENDATIONS:

The Bicycle and Pedestrian Advisory Committee (BPAC) and Technical Advisory Committee (TAC) considered this item at their respective July 11 and July 12, 2012 meetings. The Committee on Transit Accessibility (CTA), Citizen's Advisory Committee (CAC) and the Policy Advisory Committee (PAC) considered this item at their respective August 8 and August 9, 2012 meetings.

TAC: The TAC unanimously recommended the VTA staff proposal to the VTA Board for
approval.

**BPAC:** The BPAC did not have a quorum and could therefore not take action. However the Chair requested consideration of a distribution formula which included daytime population vs. residency. Two other members voiced concerns that the size of the PDA restriction (70%) and the use of a formula for the non-PDA restricted funds (30%) could limit the ability of cities and the County to construct bicycle facilities in more rural areas.

**CTA:** The CTA requested direction from staff with regards to how to best assure that VTA, the Cities and the County develop transit stop and other public facility accessibility improvement projects for funding through the OBAG Guarantee and Competitive Complete Streets program. VTA staff recommended that this process begin with VTA Service and Operations Planning for transit-related access, such as bus stop improvements and the individual City/County Public Works departments for non-transit related improvements, such as sidewalks, curb cuts, lighting, pedestrian crossing signals, barrier removal, etc. The CTA recommended approval of the staff proposal for both structure and formula, and recommended that the criteria to be developed for the Competitive Complete Streets program include specific consideration of seniors and persons with disabilities. The CTA is supportive of the Complete Street concept as it provides for safe travel by any mode (auto, transit, pedestrian, etc.) for seniors and persons with disabilities.

**CAC:** The CAC requested information on which cities were not currently able to meet the Housing Element and/or Complete Streets Compliance screening criteria. Staff was able to provide information on Housing Element compliance at the meeting, but none will be available on Complete Streets until at least mid-October. One CAC member requested information on the development of a "PDA-Serving" definition, which staff was able provide at the meeting. The CAC requested a presentation of the "PDA-Serving" definition at a later date. The CAC recommended approval of the staff proposal for both the structure and formula.

**PAC:** The PAC noted an apparent discrepancy on Attachment D, between the OBAG percentage shares shown and the Initial OBAG Target dollar amounts shown, and asked for a more detailed explanation, with spreadsheets, at a later date. One PAC member requested information as to whether day-time population, average daily traffic, and pavement condition were considered as factors in this formula recommendation or previous programming cycles. Staff responded with a brief history of previous pavement funding formulas used in Santa Clara County. The PAC recommended approval of the staff proposal for the structure, but requested deferral of the formula until their September meeting.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATIONS:**
The Congestion Management Planning and Programming Committee reviewed and discussed the item at it's August 16, 2012 meeting. Staff provided an updated Attachment C with corrected figures, based on PAC comments. One committee member asked whether the San Tomas project would include improvements beyond reconstruction of the culvert, and whether the reconstructed culvert would be sufficiently robust to support light rail facilities. Staff responded that all improvements would be below ground, and that the light rail issue would be investigated. The Chair asked whether the San Tomas funding would be timely enough to prevent the facility failure. Staff responded that a September board approval would enable the County to begin construction next spring. Whether the facility remains intact until that time is dependent on the
severity of the upcoming rainy season. The Committee unanimously recommended approval of the staff recommendation.

Prepared by: Marcella Rensi
Memo No. 3613
<table>
<thead>
<tr>
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<th>April</th>
<th>May</th>
<th>June</th>
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<td>Criteria</td>
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<td>Draft Program of Projects</td>
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<tr>
<td><strong>BPAC</strong></td>
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<td>Call-For Projects</td>
<td>Draft Program of Projects</td>
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</tr>
<tr>
<td><strong>CAC</strong></td>
<td>Structure</td>
<td>Formula</td>
<td>Criteria</td>
<td>Call-For Projects</td>
<td>Draft Program of Projects</td>
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</tr>
<tr>
<td><strong>CTA</strong></td>
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<td>Call-For Projects</td>
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<td><strong>BOD</strong></td>
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</tr>
</tbody>
</table>

**Attachment A**

**OBag Program Development Schedule**
Attachment B: OBAG Proposal

SCL OBAG TOTAL
$87.3M

STP -36%
$31.42M

CMA Planning
$6.0M
San Tomas Expressway
$10M

70% PDA
$61.1M

City Road Rehab. “Guarantee”
$15.42M

City Complete Streets “Guarantee”
$10.77M

CMAQ/TE – 64%
$55.86M

Complete Streets Competitive
$45.1M

30% - Non-PDA
$26.2M

8.2.b
## ATTACHMENT C
### CITY GUARANTEE PROGRAM
#### FORMULA AND SHARE ESTIMATES

<table>
<thead>
<tr>
<th>Local Agency</th>
<th>Population %</th>
<th>Modified OBAG %</th>
<th>Initial OBAG Target</th>
<th>Grant Adjustment</th>
<th>Total Est. OBAG Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campbell</td>
<td>2.2%</td>
<td>1.7%</td>
<td>$453</td>
<td>(179)</td>
<td>$274</td>
</tr>
<tr>
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<td>Palo Alto</td>
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<tr>
<td>Saratoga</td>
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<tr>
<td>Sunnyvale</td>
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<td>(381)</td>
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<tr>
<td>SC County*</td>
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<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>Total</strong></td>
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<td>100%</td>
<td>$25,940</td>
<td>286</td>
<td>$26,226</td>
</tr>
</tbody>
</table>

* County does not participate in Guarantee Program and has no ARRA/Block Grant Adjustments
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Operating Officer, Michael A. Hursh

SUBJECT: Transit Shelter Advertising Program - Extend Agreement with Clear Channel Outdoor

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

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to amend the Transit Shelter Advertising Program Agreement with Clear Channel Outdoor and Implementation Agreement for the Transit Shelter Advertising Program with the participating cities, county, and Clear Channel Outdoor, extending the agreements three years through October 31, 2015 with two option years and modified terms.

BACKGROUND:

In 1994, through a competitive procurement, VTA entered into an agreement with Clear Channel Outdoor (CCO) to implement the Transit Shelter Advertising Program throughout Santa Clara County. Clear Channel is responsible for installing, maintaining, cleaning, and repairing bus shelters in exchange for the right to sell and post advertising on 75% of the 564 shelters. VTA receives an annual administrative fee (currently $75,000 and increased annually by the Consumer Price Index [CPI]) and a share of the advertising revenue (currently about $200,000/year), half of which is shared with participating jurisdictions. The original agreement had a termination date of October 31, 2010.

Jurisdictions participate through an Implementation Agreement that defines VTA, Clear Channel and participant roles and responsibilities. Current participating jurisdictions are: Campbell, County of Santa Clara, Cupertino, Gilroy, Los Altos, Los Gatos, Milpitas, Morgan Hill, Mountain View, Palo Alto, San Jose, Santa Clara, and Sunnyvale. Attachment A summarizes the current number of bus shelters by jurisdiction.

In February 2010, VTA issued a Request for Proposals (RFP) to continue and expand the shelter
advertising program. Primarily due to advertising market conditions, restricted credit availability for capital investment, and the overall economic climate, VTA only received two proposals and both were unacceptable to the review panel. VTA staff then opened discussions and negotiations with Clear Channel on a short-term agreement extension. In October 2010 the VTA Board of Directors approved a two-year extension. Modifications of certain terms were also agreed upon, including reducing by 50% the available space for advertising content and removing about two-thirds of the trash containers. These changes were in response to the weak advertising sales market and increased cost of garbage disposal during the term of the original contract. CCO also agreed to fund, up to $15,000 annually, the production and installation of public service announcements for use by VTA and the cities.

Our discussions with Clear Channel and other firms, and a review of other recent shelter program solicitations indicate that a change in this type of program is occurring. The firms interested in selling advertising and providing a revenue share now have limited interest or ability to fund large capital expenditures necessary to construct a large number of shelters. Also, maintenance costs, particularly trash collection and disposal, have risen significantly over the years. The firms would rather focus their energy on advertising sales and have the transit agency be responsible for handling shelter construction and maintenance.

**DISCUSSION:**

The changes made in the last two-year extension have been largely successful. VTA staff worked with the cities to identify locations where trash collection could be reduced. In some cases, we reinstalled trash cans based on field experience. Revenues received since this extension have been better than the minimum $125,000 projected due to better ad sales during 2011. The program received an additional $82,000 for 2011. Currently, a large advertising campaign is taking place and should boost revenues for 2012 as well.

VTA and Clear Channel Outdoor are proposing to continue the existing contract terms and conditions for an additional three years, with a mutual option for two additional years. CCO also agreed to refurbish/repaint one-third of the shelters each year and install a new custom shelter at Terminal A of the Mineta San Jose International Airport.

**ALTERNATIVES:**

The VTA Board could decide to not extend the agreements. VTA would need to provide maintenance and trash collection at the shelters, request that Clear Channel Outdoor remove the shelters as provided for in the agreement, or obtain a new vendor.

**FISCAL IMPACT:**

VTA will continue to receive $75,000 annually in administrative fees and a minimum of $125,000 in revenue shared with the participating entities. All the bus shelters will be refurbished and a new bus shelter will be installed at the airport at CCO’s expense.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

This item was reviewed by the Transit Planning & Operations Committee at its August 16, 2012 meeting. The committee members indicated support for extending the contract. Most of the
discussion on this item was regarding VTA Chair Yeager’s request (see attached) to require advertisers to include nutritional information on all advertisements picturing food and beverage products.

Bruce Qualls, Director of Real Estate and Public Affairs for Clear Channel Outdoor addressed the committee regarding Chair Yeager’s request. Mr. Qualls indicated that, as part of Clear Channel’s public affairs efforts to address the issues of eating right and obesity, they post various public service campaigns on healthy lifestyles. He was also concerned that the requirement to post this nutritional information may drive advertisers to other media, especially in the current economic climate where advertising sales are still very limited. He mentioned that the impact might be greater on smaller businesses, especially as they are hiring an account executive to gain more local ad sales. Bruce Qualls also indicated that shelter advertising is a medium where the message needs to be simple, short and quick to be effective or read. Additional details like nutritional information, as in this case, is not typically read by the intended audience.

Member Liccardo said that he expects more discussion on this item at the Board meeting and asked that Clear Channel return with more specific information on how and to what extent advertisers would be impacted by the proposal made by Chair Yeager. Member Liccardo also asked Clear Channel to review the upcoming bike-share program to see if there are advertising opportunities that could generate revenue for that program. He indicated that the City of San Jose has revised its sign ordinance to make it more accommodating and would be receptive to advertising on the bike-share program.

Committee Chair Herrera said she saw real issues with requiring the nutritional information on this type of media and that the advertisers have knowledge of the market and business that we don’t have. She also mentioned that Chair Yeager was open to approving the contract as long as there is some ongoing evaluation of his request.

General Manager Burns said that there are some legal matters that still need to be researched before we can advise the Board on this issue.

The TP&O Committee approved this item to extend the contracts with the request to provide additional information on the impact of Chair Yeager’s request for advertisers.

Prepared by: Jim Unites
Memo No. 3661
## Transit Shelters by Jurisdiction:

<table>
<thead>
<tr>
<th></th>
<th>Ad Type</th>
<th>Non-Ad Type</th>
<th>Total</th>
<th>% Ad Share</th>
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</thead>
<tbody>
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<td>1</td>
<td>18</td>
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</tr>
<tr>
<td>County</td>
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<td>7</td>
<td>46</td>
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</tr>
<tr>
<td>Cupertino</td>
<td>16</td>
<td>4</td>
<td>20</td>
<td>3.9%</td>
</tr>
<tr>
<td>Gilroy</td>
<td>6</td>
<td>4</td>
<td>10</td>
<td>1.5%</td>
</tr>
<tr>
<td>Los Altos</td>
<td>5</td>
<td>2</td>
<td>7</td>
<td>1.2%</td>
</tr>
<tr>
<td>Los Gatos</td>
<td>4</td>
<td>2</td>
<td>6</td>
<td>1.0%</td>
</tr>
<tr>
<td>Milpitas</td>
<td>18</td>
<td>6</td>
<td>24</td>
<td>4.4%</td>
</tr>
<tr>
<td>Morgan Hill</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>0.5%</td>
</tr>
<tr>
<td>Mountain View</td>
<td>21</td>
<td>7</td>
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</tr>
<tr>
<td>Palo Alto</td>
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<td><strong>TOTAL</strong></td>
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<td><strong>155</strong></td>
<td><strong>564</strong></td>
<td><strong>100%</strong></td>
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Attachment B

Transit Shelter Advertising Program - Extend Agreement with Clear Channel Outdoor
List of Consultant(s)/Contractor(s)

<table>
<thead>
<tr>
<th>Firm Name</th>
<th>Name</th>
<th>Role</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clear Channel Outdoor</td>
<td>Robert Schmitt</td>
<td>President &amp; General Manager</td>
<td>Oakland, CA</td>
</tr>
</tbody>
</table>
MEMORANDUM

To:     Santa Clara Valley Transportation Authority  
        Transit Planning and Operations Committee

From:  Ken Yeager, Chair

Date:   August 16, 2012

Re: Include a requirement in the Transit Shelter Advertising Program agreement with Clear Channel Outdoor (Item 6) that advertisements picturing food and beverage products also include nutrition information for the items advertised.

RECOMMENDATION:
As VTA looks at amending the Transit Shelter Advertising Program Agreement with Clear Channel Outdoor, I request that Staff work to include a requirement to post nutrition information for any food and beverage products offered for sale by the advertiser that are pictured in advertisements displayed as part of this agreement.

DISCUSSION:
Almost one in four children and over half of adults in Santa Clara County are overweight or obese. Obesity contributes to chronic diseases such as high blood pressure, heart disease, and Type 2 diabetes.

Eating out provides one-third of the calories in American’s diets. Multiple studies have linked eating out with obesity. Without clear, easy-to-use nutrition information, it is difficult to make informed and healthy choices. The federal government will soon require nutrition information at chain restaurants at the point of sale.

According to the Yale Rudd Center, the fast food industry spent more than $4.2 billion in 2009 on TV advertising, radio, magazines, outdoor advertising, and other media. Though fast food is not harmful when consumed in moderation, it is difficult to know what moderation means without nutrition information. As a responsible advertiser, VTA should assure that its ads are accompanied by information necessary for the public.

When VTA ad space is used to advertise specific food or beverage products, the ad should be accompanied by the total number of calories, total number of grams of saturated fat, total number of milligrams of sodium and total number of grams of sugar in the advertised food and or beverage product displayed. There should also be a statement in line with federal Recommended Daily Intake (RDI) guidelines that could read: "Recommended limits for a 2,000 calorie daily diet are 20 grams of saturated fat and 2,300 milligrams of sodium."
ADMINISTRATION & FINANCE COMMITTEE
Thursday, August 16, 2012

MINUTES

CALL TO ORDER
The Regular Meeting of the Administration and Finance Committee (A&F) was called to order at 12:05 p.m. by Chairperson Kniss in Room B-104, VTA River Oaks Campus, 3331 North First Street, San Jose, California.

1. ROLL

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

* Alternates do not serve unless participating as a Member.

A quorum was present.

2. PUBLIC PRESENTATIONS
There were no Public Presentations.

3. ORDERS OF THE DAY
There were no Orders of the Day.

CONSENT AGENDA

4. Regular Meeting Minutes of March 15, 2012
M/S/C (Woodward/Kalra) to approve the Regular Meeting Minutes of March 15, 2012.

5. Regular Meeting Minutes of April 19, 2012
M/S/C (Woodward/Kalra) to approve the Regular Meeting Minutes of April 19, 2012.

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

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
7. **Monthly Investment Report - June 2012**  

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

8. **Quarterly Purchasing Report April 1 through June 30, 2012**  

M/S/C (Woodward/Kalra) to review the Quarterly Purchasing Report for April 1 through June 30, 2012.

9. **Quarterly Attendance Report**  

M/S/C (Woodward/Kalra) to review the 2012 Quarterly Attendance Report for the VTA Board of Directors, Ad-Hoc Committees, Board Standing Committees, and Board Advisory Committees.

**REGULAR AGENDA**

10. **Fourth Quarter and FY 2012 Year-End Report of Public Liability/Property Damage Claims Activity**  

Steve Keller, Interim Risk Manager, provided an overview of the staff report. Mr. Keller stated the number of claims has increased, noting that Risk Management and Operations are working collaboratively to formulate a plan to reduce the number of claims.

Vice Chairperson Kalra expressed concern regarding numerous careless drivers that have driven on the rail tracks and queried on preventative measures. Mr. Keller responded that Risk Management, Operations, Safety, and other appropriate personal have convened to develop strategies to mitigate the exposure in the future.

Michael T. Burns, General Manager, stated that the incidents involving vehicles turning left in front of the light rail vehicles has been an issue throughout the system; therefore, a capital program has been developed to implement safety improvements at the intersections.

Chairperson Kniss expressed concern regarding First Street and Younger area noting the safety concerns. Mr. Keller responded that staff will work collaboratively with the City of San Jose to address the safety issues.

M/S/C (Woodward/Kalra) to receive the Fourth Quarter and FY 2012 Year-End Report of Public Liability/Property Damage Claims Activity.

11. **Fourth Quarter and FY 2012 Year-End Report of Workers’ Compensation Claims and Transitional Work Program**  

Mr. Keller provided an overview of the staff report. Mr. Keller reported that staff continues to analyze the reported claims in an effort to minimize and/or eliminate injuries in the future as well as implement education programs to reduce injuries at the workplace.

M/S/C (Woodward/McHugh) to receive the Fourth Quarter and FY 2012 Year-End Report of Workers’ Compensation Claims and Transitional Work Program.
12. **Annual Operating Reserve and Sales Tax Stabilization Fund Allocations**

Joe Smith, Chief Financial Officer and Staff Liaison, referenced the Fiscal Year 2012/2013 Budget, stating that VTA’s Board of Directors had identified $16 million in funding to be allocated for Sales Tax Stabilization Fund and $20 million allocated for VTA’s Other Post Employment Benefits (OPEB) Liability reduction.

VTA’s Board of Directors requested staff develop policies and procedures regarding the fund policies and provide an update on the estimated impact at the September 6, 2012 Board Meeting. Mr. Smith stated that based on the latest staff projections, sales tax based revenues received for Fiscal Year 2012 are estimated to exceed budgeted revenues by $17.9 million.

Carol Lawson, Fiscal Resources Manager, stated that in order to maintain the 15 percent operating reserve level, staff recommends an allocation of $1.673 million to VTA’s Transit Fund Operating Reserve budget. Ms. Lawson continued that staff recommends an increase to VTA’s Transit Sales Tax Stabilization Fund by an estimated $17.9 million to a projected total of $33.9 million.

M/S/C (McHugh/Woodward) to approve submitting a recommendation to the Board of Directors to approve the annual allocation of funds to the VTA Transit Fund Operating Reserve and VTA Transit Sales Tax Stabilization Fund.

13. **FY 2012 Federal Transit Administration (FTA) State of Good Repair Grant Program**

Michael A. Hursh, Chief Operating Officer, reported VTA was successful with proposals that were submitted and will receive federal grant funding for the purchase of up to 5 forty-foot diesel electric hybrid bus vehicles to replace similar buses that have reached the end of their useful life cycle.

Mr. Hursh continued that the new buses are low floor vehicles and are equipped with ramps.

Upon query from Chairperson Kniss, Mr. Hursh responded the older bus vehicles are recycled for steel and/or sold at the auction house.

M/S/C (Woodward/McHugh) to approve submitting a recommendation to the Board of Directors to adopt a Resolution authorizing the submittal and execution of grant applications and agreements, certifications and assurances and other documents as necessary to obtain federal financial assistance provided by the Federal Transit Administration (FTA) FY2012 State of Good Repair (SGR) Program Discretionary Grant. The SGR grant will consist of $7,390,000 of Section 5309 Bus and Bus Facility (BBF) federal funding, with a $1,847,500 required local match, for a total of $9,237,500. In addition amend the FY 2013 VTA Transit Fund Capital Budget to add $9,237,500 for the purchase of up to 15 forty-foot hybrid buses to replace similar buses that have reached the end of their useful life.

**OTHER ITEMS**

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

There were no Items of Concern and Referral to Administration.
15. **Committee Work Plan**

Mr. Smith noted that the following Agenda Items on the Committee Work Plan will be moved to the October 18, 2012 A&F Committee Meeting: 1) VTA – ATU Pension Plan Actuarial Valuation; and 2) Construction Contractor Prequalification Program.

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

16. **Committee Staff**

There was no Committee Staff Report.

17. **Chairperson’s Report**

There was no Chairperson’ Report.

18. **Determine Consent Agenda for the September 6, 2012 Board of Directors Meeting**

CONSENT:

- **Agenda Item # 12.** Approve the annual allocation of funds to the VTA Transit Fund Operating Reserve and VTA Transit Sales Tax Stabilization Fund; and

- **Agenda Item # 13.** Adopt a Resolution authorizing the submittal and execution of grant applications and agreements, certifications and assurances and other documents as necessary to obtain federal financial assistance provided by the Federal Transit Administration (FTA) FY2012 State of Good Repair (SGR) Program Discretionary Grant. The SGR grant will consist of $7,390,000 of Section 5309 Bus and Bus Facility (BBF) federal funding, with a $1,847,500 required local match, for a total of $9,237,500. In addition amend the FY 2013 VTA Transit Fund Capital Budget to add $9,237,500 for the purchase of up to 15 forty-foot hybrid buses to replace similar buses that have reached the end of their useful life.

REGULAR:

None.

19. **Announcements**

Vice Chairperson Kalra announced India’s Flag Raising Ceremony held on Thursday, August 16, 2012 at 6:30 p.m. at San José City Hall.

20. **ADJOURNMENT**

On order of Chairperson Kniss and there being no objection, the Committee meeting was adjourned at 12:46 p.m.

Respectfully submitted,

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

Thursday, August 16, 2012

MINUTES

CALL TO ORDER

The Regular Meeting of the Congestion Management Program & Planning Committee (CMPP) was called to order at 10:05 a.m. by Chairperson Pirzynski in VTA Conference Room B-104, 3331 North First Street, San Jose, California.

1. ROLL CALL

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

* Alternates do not serve unless participating as a Member.

A quorum was present.

2. PUBLIC PRESENTATIONS

There were no Public Presentations.

3. ORDERS OF THE DAY

There were no Orders of the Day.

CONSENT AGENDA

4. Regular Meeting Minutes of May 17, 2012

M/S/C (Matthews/Yeager) to approve the Regular Meeting Minutes of May 17, 2012.

5. Proactive CMP Quarterly Report for April-June 2012

M/S/C (Matthews/Yeager) to receive the Proactive CMP Quarterly Report for April-June 2012.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
6. **April 2012 VTP Highway Semi-Annual Report**

M/S/C (Matthews/Yeager) to receive the April 2012 VTP Highway Semi-Annual Report.

**REGULAR AGENDA**

7. **I-280/I-880 Stevens Creek Boulevard Interchange Project Improvements Contract Award**

Ven Prasad, Engineering Group Manager, provided an overview of the staff report.

Upon inquiry of Committee Members, staff responded mitigation measures are built into the contract to ensure that there is less construction disruption for businesses in the Valley Fair/Santana Row area during the holiday season. Construction activity will be limited during the evening hours and there will be extensive outreach efforts to inform the public about the construction.

M/S/C (Yeager/Matthews) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract with the lowest responsive and responsible bidder for construction of the I-280/I-880 Stevens Creek Boulevard Interchange Improvements.

8. **One Bay Area Grant (OBAG): Local Program Development -Formula**

Marcella Rensi, Transportation Planning Manager, provided an overview of the staff report highlighting the structure and formula of the program. She also discussed the San Tomas Expressway Preservation project, noting the urgency of moving the project forward. The Committee expressed support of the San Tomas Expressway Preservation Project and commended staff for their diligent work.

M/S/C (Yeager/Matthews) to approve submitting a recommendation to the Board of Directors to approve the Santa Clara One Bay Area Grant (OBAG) Guarantee Program Distribution Structure and Formula.

9. **Complete Streets in Santa Clara County**

Eugene Maeda, Senior Transportation Planner, provided a PowerPoint presentation highlighting Complete Streets in Santa Clara County.

Michael T. Burns, General Manager, commented that the upcoming Board of Director’s Workshop Meeting scheduled for September 21, 2012 will be dedicated to discussion regarding Bus Rapid Transit (BRT).

**On order of Chairperson Pirzynski** and there being no objection, the Committee received the Complete Streets in Santa Clara County report.

10. **SR 237 Express Lanes Update**

Murali Ramanujam, Transportation Engineering Manager, provided an overview of the staff report. He noted the Express Lanes have been well utilized and have generated toll revenues that have exceeded projections.
Mr. Ramanujam commented community feedback has been received from the City of Milpitas regarding the location of access points for westbound SR237 near I-880 and Calaveras Boulevard.

Mr. Ramanujam noted $1.6 million has been received from the US Department of Transportation (DOT). The Value Pilot Pricing Program (VPPP) grant enables VTA to proceed forward and plan for the second phase of the project which will bring the Express Lanes to Mathilda Avenue.

On order of Chairperson Pirzynski and there being no objection, the Committee received the SR 237 Express Lanes Update.

11. **Update on Valley Transportation Plan/Regional Transportation Plan/Sustainable Community Strategy Activities**

John Sighamony, Transportation Planner, provided a verbal update on the Valley Transportation Plan, Regional Transportation Plan, and the Sustainable Communities Strategy activities.

Member Yeager requested staff forward to the Committee the date and time Ezra Rapport, Deputy Director of the Association of Bay Area Governments (ABAG) will attend the Policy Advisory Committee (PAC) meeting.

On order of Chairperson Pirzynski and there being no objection, the Committee received the Valley Transportation Plan/Regional Transportation Plan/Sustainable Community Strategy Activities Update.

**OTHER ITEMS**

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

There were no Items of Concern and Referral to Administration.

13. **Committee Work Plan**

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

14. **Committee Staff Report**

John Ristow, CMPP Committee Liaison and Chief Congestion Management Agency Officer, provided a written report to the Committee.

15. **Chairperson’s Report**

There was no Chairperson’s Report.
16. **Determine Consent Agenda for the September 6, 2012 Board of Directors Meeting**

**CONSENT:**

**Agenda Item #5.** Proactive CMP Quarterly Report for April through June 2012.

**Agenda Item #6.** April 2012 VTP Highway Program Semi-Annual Report.

**Agenda Item #9.** Complete Streets in Santa Clara County.

**Agenda Item #10.** SR 237 Express Lanes Update.

**REGULAR:**

**Agenda Item #7.** Authorize the General Manager to execute a contract with the lowest responsive and responsible bidder for construction of the I-280/I-880/Stevens Creek Boulevard Interchange Improvements.

**Agenda Item #8.** Approve the Santa Clara One Bay Area Grant (OBAG) Guarantee Program Distribution Structure and Formula.

17. **ANNOUNCEMENTS**

There were no Announcements.

18. **ADJOURNMENT**

**On order of Chairperson Pirzynski** and there being no objection, the meeting was adjourned at 11:20 a.m.

Respectfully submitted,

Jacqueline F. Golzio, Board Assistant
VTA Office of the Board Secretary
CALL TO ORDER

The Regular Meeting of the Transit Planning and Operations (TP&O) Committee was called to order at 4:15 p.m. by Chairperson Herrera in Conference Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

1. ROLL CALL

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<thead>
<tr>
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<tr>
<td>Margaret Abe-Koga</td>
<td>Member</td>
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<tr>
<td>Rose Herrera</td>
<td>Chairperson</td>
<td>Present</td>
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<tr>
<td>Sam Liccardo</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Nancy Pyle</td>
<td>Vice Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Gail A. Price</td>
<td>Alternate Member</td>
<td>Absent</td>
</tr>
</tbody>
</table>

*Alternates do not serve unless participating as a Member.

A quorum was not present and a Committee of the Whole was declared.

2. PUBLIC PRESENTATIONS

There were no Public Presentations.

3. ORDERS OF THE DAY

Chairperson Herrera noted the Committee for Transit Accessibility Report will be removed from the regular monthly Agenda, and activity reports will be provided on an as needed basis. She indicated Agenda Item #7, Hybrid Bus Procurement Competitive Negotiation and Agenda Item #9, Competitive Negotiation – Express Bus Procurement, would be heard together.

On order of Chairperson Herrera and there being no objection, the Committee accepted the Orders of the Day.

The Agenda was taken out of order.
REGULAR AGENDA

10. Fare Program
   Michael T. Burns, General Manager, provided an overview of the fare program and Colleen Valles, Senior Policy Analyst, provided an overview of the staff report.

   On order of Chairperson Herrera and there being no objection the Committee received a report on the Fare Program.

11. Quarterly Marketing Report
   Greta Helm, Chief External Affairs Officer, introduced Maria Cambra, Marketing Supervisor, and provided an overview of the staff report highlighting outreach efforts for the Clipper program and various marketing efforts and promotions.

   Vice Chairperson Pyle took her seat at 4:30 p.m. and a quorum was established.

   On order of Chairperson Herrera and there being no objection, the Committee received the Quarterly Marketing Report.

6. Transit Shelter Advertising Program Agreement
   Jim Unites, Deputy Director Operations, provided a brief overview of the staff report. He called attention to the memo from Board Chairperson, Ken Yeager, requesting the agreement with Clear Channel includes a requirement to post nutrition information for any food and beverage items pictured in the ad and are offered for sale by the advertiser.

   Bruce Qualls, Clear Channel Real Estate and Public Affairs, expressed concern with the challenges to advertisers and the unintended consequences of requiring restrictions on advertisements for food, including loss of revenue.

   Chairperson Herrera provided clarification noting Chairperson Yeager’s agreement with the recommendation of approval of the contract with a direction to continue negotiation on the issue.

   Mr. Burns noted several legal issues need to be researched before staff advises the Board.

   Member Liccardo requested information regarding the Bikeshare Program and what is needed to expand potential advertising opportunities for revenue generation at Bikeshare stations.

   The Committee requested additional information on the size of the market that could be affected by the proposed advertising restrictions.

   M/S/C (Liccardo/Pyle) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to amend the Transit Shelter Advertising Program Agreement with Clear Channel Outdoor and Implementation Agreement for the Transit Shelter Advertising Program with the participating cities, county, and Clear Channel Outdoor, extending the agreements three years through October 31, 2015 with two option years and modified terms. The Committee noted that VTA Chairperson Yeager’s recommendation be discussed with the full Board.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
5. **Committee for Transit Accessibility Activities**

There was no report from the Committee for Transit Accessibility.

7. **Hybrid Bus Procurement Competitive Negotiation and**

9. **Low Floor Bus Procurement – Express Bus Service**

Michael Hursh, Chief Operating Officer, provided an overview of the staff report.

Member Liccardo stressed the importance of clearly explaining to the Board and public the recommended procurement process. He added key factors that were considered in the process should be highlighted when the item is brought back for Board approval.

**M/S/C (Pyle/Liccardo)** to approve submitting a recommendation to the Board of Directors to adopt a Resolution, upon a two-thirds vote of the Board of Directors, finding that a competitive sealed bid process does not constitute a method of procurement adequate for VTA’s needs and directing the use of competitive negotiation for the purchase of up to 15 forty-foot hybrid buses to replace similar buses that have reached the end of their useful life, as required by Public Contract Code Sections 20216 and 20217.

**M/S/C (Pyle/Liccardo)** to approve submitting a recommendation to the Board of Directors to adopt a Resolution, upon a two-thirds vote of the Board of Directors, finding that a competitive sealed bid process does not constitute a method of procurement adequate for VTA’s needs and directing the use of competitive negotiation for the purchase of up to 20 low-floor buses for VTA’s Express Bus service, as required by Public Contract Code Sections 20216 and 20217.

8. **Low-Floor Bus Procurement – Community Bus**

Mr. Hursh introduced Heidi Samuels, Deputy Director, Maintenance and Security, and Art Douwes, Operations Manager, Engineering. He provided a presentation highlighting: 1) Background; 2) Existing Community Bus service; 3) Existing buses; 4) Passenger concerns; 5) Operating concerns; 6) Passenger boarding; 7) Broken suspension; 8) Ramp vs. lift failure rate; 9) Maintenance costs; 10) Low-floor cutaway options; and 11) Comparisons.

The Committee discussed the pros and cons of hybrid and diesel vehicles, including: 1) fuel efficiency, 2) maintenance costs; and 3) environmental impacts. They acknowledged the hybrid vehicle but noted additional information is needed. The Committee requested staff gather data from other transit agencies that have longer term experience with 40’ low-floor hybrid vehicles to present a better side by side comparison.

**M/S/C (Pyle/Liccardo)** to direct staff to return with additional data on fuel efficiency and maintenance costs to justify procurement of Hybrid vehicles for Community Bus and to defer submitting a recommendation to the Board of Directors to adopt a Resolution upon a two-thirds vote of the Board of Directors finding that a competitive sealed bid process does not constitute a method of procurement adequate for VTA’s needs and directing the use of competitive negotiation for the purchase of up to 40 small low-floor transit buses, up to 32’ in length, as required by Public Contract Code Sections 20216 and 20217.
CONSENT AGENDA

4. Regular Meeting Minutes of May 18, 2012
   M/S/C (Liccardo/Pyle) to approve the TPO Regular Meeting Minutes of May 18, 2012.

REGULAR AGENDA (continued)

12. Santa Clara - Alum Rock Bus Rapid Transit (BRT) Real Estate Update
   Bijal Patel, Deputy Director Real Estate, provided an overview of the staff report.

   On order of Chairperson Herrera and there being no objection, the Committee received the Santa Clara - Alum Rock Bus Rapid Transit (BRT) Real Estate Update.

OTHER ITEMS

13. June/July 2012 Monthly Ridership and Fare Revenue Performance
   Joonie Tolosa, Manager, Operations Analysis and Reporting, provided a report highlighting ridership, fare revenue, and clipper usage for June/July 2012.

   On order of Chairperson Herrera and there being no objection the Committee received the June/July 2012 Monthly Ridership and Fare Revenue Performance report.

14. Items of Concern and Referral to Administration
   There were no Items of Concern and Referral to Administration.

15. Committee Work Plan
   Member Liccardo questioned if the Committee will address the issue of funding the Bikeshare Program.

   John Ristow, Chief CMA Officer, indicated an update will be provided when the schedule for vendor selection is received.

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

16. Committee Staff Report
   Mr. Hursh provided a written report to the Committee.

   On order of Chairperson Herrera and there being no objection, the Committee received the Committee Staff Report.
17. **Chairperson’s Report**

There was no report from the Chairperson.

18. **Determine Consent Agenda for the September 6, 2012 Board of Directors Meeting**

**CONSENT:**

**Agenda Item #7.,** Adopt a Resolution, upon a two-thirds vote of the Board of Directors, finding that a competitive sealed bid process does not constitute a method of procurement adequate for VTA’s needs and directing the use of competitive negotiation for the purchase of up to 15 forty-foot hybrid buses to replace similar buses that have reached the end of their useful life, as required by Public Contract Code Sections 20216 and 20217.

**Agenda Item #9.,** Adopt a Resolution, upon a two-thirds vote of the Board of Directors, finding that a competitive sealed bid process does not constitute a method of procurement adequate for VTA’s needs and directing the use of competitive negotiation for the purchase of up to 20 low-floor buses for VTA’s Express Bus service, as required by Public Contract Code Sections 20216 and 20217.

**Agenda Item #10.,** Receive an update on the Fare Program.

**REGULAR:**

**Agenda Item #6.,** Authorize the General Manager to amend the Transit Shelter Advertising Program Agreement with Clear Channel Outdoor and Implementation Agreement for the Transit Shelter Advertising Program with the participating cities, county, and Clear Channel Outdoor, extending the agreements three years through October 31, 2015 with two option years and modified terms.

23. **ANNOUNCEMENTS**

There were no Announcements.

24. **ADJOURNMENT**

**On order of Chairperson Herrera** and there being no objection, the meeting was adjourned at 5:32 p.m.

Respectfully submitted,

Menominee L. McCarter, Board Assistant
Office of the Board Secretary
CALL TO ORDER

The Regular Meeting of the Committee for Transit Accessibility (CTA) was called to order at 1:05 p.m. by Chairperson Morrow in Building A, Auditorium, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

1. ROLL CALL

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<tbody>
<tr>
<td>Cam Acker</td>
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<tr>
<td>Kathy Bonilla</td>
<td>Member</td>
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</tr>
<tr>
<td>Fred Buzo</td>
<td>Council Asst. Board Ex-Officio Liccardo</td>
<td>Present</td>
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<tr>
<td>Emma Eljas</td>
<td>Vice Chairperson</td>
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<tr>
<td>Katie Heatley</td>
<td>Ex-Officio Member</td>
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<tr>
<td>Troy Hernandez</td>
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<tr>
<td>Jeffery Jokinen</td>
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<tr>
<td>Laura Michels</td>
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<tr>
<td>Aaron Morrow</td>
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<tr>
<td>Lechi Nguyen</td>
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<tr>
<td>David Robinson</td>
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<tr>
<td>Larry Saltman</td>
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<tr>
<td>Dilip Shah</td>
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<tr>
<td>Vicci Smith</td>
<td>Member</td>
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<tr>
<td>Barbara Stahl</td>
<td>Second Vice Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Lori Williamson</td>
<td>Member</td>
<td>Present</td>
</tr>
</tbody>
</table>

A quorum was present.

2. INTRODUCTION OF AUDIENCE MEMBERS

Jing Quan, Associate Architect; Robin Doran, Public Communications Specialist; David Ledwitz, Management Analyst; Mohamed Basma, Project Manager; Michael Hursh, Chief Operating Officer; Mark Robinson, Chief Engineering and Construction Officer; Jim Wilhelm, Senior Mechanical Engineer; Art Douwes, Operations Manager; Patrick Griffin, Manager, Public Affairs and Customer Service; Stephen Flynn, Advisory Committee Coordinator; Lilia Scott, Engineering and Construction; Ken Ronsse, Deputy Director, Engineering and Construction.

3. PUBLIC PRESENTATIONS

There were no Public Presentations.
4. **Board of Directors Report**

There was no Board of Directors Report.

Chairperson Morrow requested the Board Office forward Ex-Officio Member Buzo's contact information to the Committee.

**CONSENT AGENDA**

5. **Regular Meeting Minutes of January 11, 2012**

M/S/C (Stahl/Jokinen) to approve the regular meeting Minutes of January 11, 2012.

6. **Regular Meeting Minutes of April 11, 2012**

M/S/C (Stahl/Jokinen) to approve the regular meeting Minutes of April 11, 2012.

**BUSINESS REFERRED TO COMMITTEE BY THE BOARD OF DIRECTORS/GENERAL MANAGER**

7. **Chief Operating Officer’s Report**

Michael Hursh, Chief Operating Officer, introduced himself to the Committee and indicated his staff report is located in the packet.

Chairperson Morrow complimented VTA on the new paint scheme of the Outreach vehicles.

*On order of Chairperson Morrow* and there being no objection, the Committee received the Chief Operating Officer’s Report.

**REGULAR AGENDA**

8. **Quarterly Legislative Report**

There was no Quarterly Legislative Report. Chairperson Morrow noted the legislative reports are available on the VTA website and the link is located in the Agenda packet.

*On order of Chairperson Morrow,* and there being no objection, the Committee received the quarterly legislative report.

9. **Santa Clara One Bay Area Grant (OBAG) Guarantee Program**

Marcella Rensi, Transportation Planning Manager, provided a brief overview of the staff report.

The Committee discussed; 1) bus stop accessibility; 2) complete streets; and 3) safe paths of travel. They questioned how to identify project needs in areas heavily travelled by individuals with disabilities and the best way to get that information to the cities.

**NOTE:** M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
Chairperson Morrow requested staff provide a list of the 10 busiest bus stops at the October CTA meeting.

Ex-Officio Member Buzo suggested Committee Members contact him to get connected with the proper individuals in the Department of Transportation for the City of San Jose.

Member Stahl suggested Members contact individuals in the city they represent as well.

Chairperson Morrow made a motion to include language in the recommendation recognizing the need to include policies for the senior and disabled populations in the decision-making process.

M/S/C (Morrow/Bonilla) to recommend that the Board of Directors approve the Santa Clara One Bay Area Grant (OBAG) Guarantee Program Distribution Structure and Formula, and going forward, recognize the needs of the senior and disabled communities as part of the criteria in the selection process.

10. **Eco Pass Program Evaluation Update**

Lilia Scott, Engineering and Construction, provided a presentation titled, "Eco Pass Program Evaluation," highlighting: 1) Project structure; 2) Schedule; 3) Goals and objectives; 4) Alternatives considered; 5) Recommendation: Modified status quo alternative; 6) Existing pricing; 7) Long-term recommended pricing; 8) Preliminary Implementation plan; and 9) Next steps.

The Committee suggested the following: 1) Retooling the Eco-Pass program and collecting more data to support it; 2) consider discounted options for non-profit employers; 3) increase outreach to colleges and universities; and 4) encourage use among city and county employees.

**On order of Chairperson Morrow** and there being no objection, the Committee received the Eco Pass Program Evaluation Update.

11. **Subcommittee to Develop a CTA Mission Statement**

Stephen Flynn, Advisory Committee Coordinator, provided background information on the Advisory Committee Enhancement process and noted as a culmination of the process, each Committee was tasked with developing a new mission statement. He requested several Members volunteer for the subcommittee to help prepare a statement and bring suggestions back to the full committee for feedback and approval.

Members Stahl, Jokinen, Williamson, and Morrow volunteered.

**On order of Chairperson Morrow** and there being no objection, the Committee Established a Subcommittee to develop a CTA Mission Statement.

12. **Light Rail - Between Car Barriers**

Robin Doran, Public Communications Specialist, provided an overview of the staff report and a presentation titled, "Between Car Barrier System," highlighting: 1) Objective and solution; 2) Pre-Installation community outreach; 3) Compliance; 4) Bollards; 5) Operator training; 6) Demonstration; and 7) Current status.
Chairperson Morrow announced the following items on the Agenda will be deferred due to a medical emergency:

**Item #13.** Receive a report on the proposed new mobility device securement system on buses.
**Item #14.** Receive information on Use of Outreach Paratransit Cards on VTA Fixed Route Transit.
**Item #15.** Receive a report on Community Bus Procurement.
**Item #16.** Receive a report on the July 2012 transit service changes.
**Item #17.** Receive the Workplan Update.
**Item #18.** Receive the City Disability Advisory Commissions (DAC) Reports.
**Item #19.** CTA Member Ridership Report
**Item #20.** Receive the Committee Staff Report.
**Item #21.** Receive the Citizens Advisory Committee/Citizens Watchdog Committee Report.
**Item #22.** Receive the Chairperson’s Report.

OTHER

23. **Announcements**

There were no Announcements.

24. **ADJOURNMENT**

On order of Sandra Weymouth, Board Secretary, and there being no objection, the meeting was adjourned at 2:20 p.m. due to a medical emergency.

Respectfully submitted,

Menominee L. McCarter, Board Assistant
VTA Office of the Board Secretary
CALL TO ORDER
The Regular Meeting of the Citizens Advisory Committee (CAC) was called to order at 4:03 p.m. by Chairperson Brownley, in Presentation Room 101, VTA BART Silicon Valley Program Offices, 1436 California Circle, Milpitas, California.

1. ROLL CALL

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<td>Stephen Blaylock</td>
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<td>Clinton Brownley</td>
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<td>Bena Chang</td>
<td>Member</td>
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<td>William Hadaya</td>
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<td>Ray Hashimoto</td>
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<td>Roberta Hughan</td>
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<td>Aaron Morrow</td>
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<td>Charlotte Powers</td>
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<td>Martin Schulte</td>
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<tr>
<td>Noel Tebo</td>
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</tr>
<tr>
<td>Herman Wadler</td>
<td>Member</td>
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</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 Acting Staff Liaison, provided a report, highlighting: 1) Status of Blossom Hill Pedestrian Overcrossing; 2) VTA receipt of Fiscal Year (FY) 2012 State of Good Repair and Bus Livability Grant; 3) VTA participation in the 2012 Family Giving Tree’s Back to School Backpack Drive; 4) Status of Low Income Fare Proposal; and 5) Report on items approved by the Board of Directors at their August 2, 2012 Board meeting, noting the Board of Directors also heard a report on AB 2382 (Gordon) – Innovation Delivery Team Demonstration Program.
Mr. Lawson provided a presentation entitled, “High Speed Rail Early Investment Strategy,” highlighting: 1) Background; 2) Northern California Proposal; 3) Memorandum of Understanding (MOU); 4) MOU Parties; 5) Broad Outcomes; 6) Initial Investment Strategy; 7) Funding Plan; 8) VTA Commitment; 9) Benefits; 10) Milestones; 11) Project Schedule Electrification Infrastructure; and 12) Project Schedule Advanced Signal System.

On order of Chairperson Brownley and there being no objection, the Committee Staff Report was received.

5. Chairperson’s Report

Chairperson Brownley reported on the Committee vacancies and anticipated efforts to fill the vacant positions within the next few months.

6. Committee for Transit Accessibility (CTA) Report

Member Morrow deferred the August 8, 2012 CTA Report.

7. Bicycle and Pedestrian Advisory Committee (BPAC) Report

There was no BPAC Report.

BUSINESS REFERRED TO COMMITTEE BY THE BOARD OF DIRECTORS/GENERAL MANAGER

COMBINED CAC AND 2000 MEASURE A CITIZENS WATCHDOG COMMITTEE CONSENT AGENDAS

Members of the Committee requested that Agenda Item #11. Monthly Legislative History Matrix be removed from the Consent Agenda and placed on the Regular Agenda.

M/S/C (Hashimoto/Morrow) to approve the Consent Agenda, as amended.


M/S/C (Hashimoto/Morrow) to approve the Regular Meeting Minutes of June 13, 2012.

9. Citizens Advisory Committee Quarterly Attendance Report

M/S/C (Hashimoto/Morrow) to receive the Citizens Advisory Committee (CAC) Quarterly Attendance Report.

10. SR 237 Express Lanes Update

M/S/C (Hashimoto/Morrow) to receive an update regarding the performance of the SR 237 Express Lanes project for Fiscal Year 2012.

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

Review the Monthly Legislative History Matrix.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
CITIZENS ADVISORY COMMITTEE REGULAR AGENDA

Member Wadler took his seat at 4:25 p.m.

11. Monthly Legislative History Matrix

Members of the Committee made the following comments: 1) questioned the impact on the State Transportation Improvement Program (STIP) from the off-road vehicle tax and vehicle weight fee diversions; and 2) noted the passage of Assembly Bill 57 (Beall) – Metropolitan Transportation Commission: Governance.

M/S/C (Powers/Hadaya) to review the Monthly Legislative History Matrix.

12. Proactive CMP Quarterly Report for April-June 2012

Robert Swierk, Senior Transportation Planner, introduced Robert Cunningham, Transportation Planner III, noting Mr. Cunningham would be presenting the Proactive CMP Quarterly Report from this day forward.

Mr. Cunningham provided an overview of the staff report.

Members of the Committee made the following comments: 1) expressed appreciation that VTA was routinely asking for developers to provide Eco Passes; 2) asked how many of VTA’s recommendations were implemented in final projects; 3) suggested recommendations include language referencing Eco Pass and an Eco Pass-equivalent program; and 4) requested that presentations on the Proactive CMP Quarterly Report be provided to the Bicycle and Pedestrian Advisory Committee (BPAC).

On order of Chairperson Brownley and there being no objection, the Committee received the Proactive CMP Quarterly Report for April through June 2012.

13. One Bay Area Grant (OBAG): Local Program Development - Formula

Marcella Rensi, Transportation Planning Manager, provided an overview of the staff report.

Members of the Committee made the following comments: 1) requested information on the Priority Development Area (PDA)-serving definition; 2) queried about the cities that were unable to meet the Complete Streets Compliance screening criteria; and 3) commended VTA staff for a job well done and expressed support for staff’s proposal for both the structure and formula.

M/S/C (Chang/Tebo) to recommend that the Board of Directors approve the Santa Clara One Bay Area Grant (OBAG) Guarantee Program Distribution Structure and Formula.

2000 MEASURE A CITIZENS WATCHDOG COMMITTEE REGULAR AGENDA

14. BART Silicon Valley Update

Bernice Alaniz, SVRT Program Deputy Director, welcomed the Committee to the VTA BART Silicon Valley Program Offices.

Members of the Committee made the following comments: 1) expressed concern that information on paratransit service accommodations was not included in the presentation, noting the concerns of the community; and 2) recommended VTA bring Outreach to the table to facilitate the conversations and to make the community feel at ease.

**On order of Chairperson Brownley** and there being no objection, the Committee received an update regarding the BART Silicon Valley Project.

**COMBINED CAC AND CITIZENS WATCHDOG COMMITTEE ITEMS**

15. **Citizens Advisory Committee and Citizens Watchdog Committee Work Plans**

**On order of Chairperson Brownley** and there being no objection, the Committee reviewed the Citizens Advisory Committee and Citizens Watchdog Committee Work Plans.

**OTHER**

16. **ANNOUNCEMENTS**

There were no Announcements.

17. **ADJOURNMENT**

**On order of Chairperson Brownley** and there being no objection, the Citizens Advisory Committee and 2000 Measure A Citizens Watchdog Committee adjourned at 5:34 p.m. to a Tour of the VTA BART Silicon Valley Program Offices.

Respectfully submitted,

Tracene Y. Crenshaw, Board Assistant  
VTA Office of the Board Secretary
NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Bicycle & Pedestrian Advisory Committee regular meeting scheduled for Wednesday, August 8, 2012, at 6:30 p.m. has been cancelled.

The next regular meeting of the Santa Clara Valley Transportation Authority Bicycle & Pedestrian Advisory Committee is scheduled for Wednesday, September 12, 2012, at 6:30 p.m. in Building B, Conference Room B104, VTA River Oaks Campus, 3331 North First Street, San Jose, California.

Jacqueline F. Golzio, Board Assistant
VTA Office of the Board Secretary
CALL TO ORDER

The Regular Meeting of the Technical Advisory Committee (TAC) was called to order at 1:30 p.m. by Chairperson Collen in the Auditorium, Santa Clara Valley Transportation Authority (VTA), 3331 North First Street, San José, California.

1. ROLL CALL

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<tr>
<td>Rajeev Batra</td>
<td>Member</td>
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<tr>
<td>Karl Bjarke</td>
<td>Member</td>
<td>City of Morgan Hill</td>
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<td>Scott Creer</td>
<td>Alternate Member</td>
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<td>Timm Borden</td>
<td>Member</td>
<td>City of Cupertino</td>
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<td>Todd Capurso</td>
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<td>Richard Chiu</td>
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<tr>
<td>Dan Collen</td>
<td>Chairperson</td>
<td>County of Santa Clara</td>
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<tr>
<td>Don Dey</td>
<td>Member</td>
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<tr>
<td>Helen Kim</td>
<td>Member</td>
<td>City of Mountain View</td>
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<td>Cedric Novenario</td>
<td>Member</td>
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<td>Michelle Quinney</td>
<td>Member</td>
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<td>Jaime Rodriguez</td>
<td>Member</td>
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<td>Mo Sharma</td>
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<td>City of Monte Sereno</td>
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<td>Lee Taubeneck</td>
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<td>Dept. of Transportation (Caltrans)</td>
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<td>Dept. of Transportation (Caltrans)</td>
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<tr>
<td>Ben Tripousis</td>
<td>Member</td>
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<tr>
<td>Manuel Pineda</td>
<td>Alternate Member</td>
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<tr>
<td>Jack Witthaus</td>
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<tr>
<td>Carmen Talavera</td>
<td>Alternate Member</td>
<td>City of Sunnyvale</td>
</tr>
</tbody>
</table>

A quorum was present.

2. PUBLIC PRESENTATIONS

There were no Public Presentations.
3. ORDEARS OF THE DAY

Chairperson Collen requested the following items be moved to the Consent Agenda: Agenda Item #9, Complete Streets in Santa Clara County, and Agenda Item #12, SR 237 Express Lanes Update.

M/S/C (Batra/Rodriguez) to move Agenda Item #9, Complete Streets in Santa Clara County, and Agenda Item #12, SR 237 Express Lanes Update to the Consent Agenda.

4. Committee Staff Report

John Ristow, Chief Congestion Management Agency (CMA) Officer and Staff Liaison, provided handouts entitled: 1) Future Call for Projects; and 2) Update to Vehicle Registration Fee (VRF).

Mr. Ristow reported annual press releases would be issued to update Santa Clara County voters on local roadway system projects funded by VRF collected following voter approval in November 2010. He requested each Committee member agency provide staff with examples showing how the distributed funds are being used on their local roadways, to enable VTA to feature their projects.

Mr. Ristow noted signs are available for projects where signage would be appropriate.

Mr. Ristow recommended dues from the member agencies be collected annually, rather than the current biannual collection. He noted an annual reminder letter would be issued to the member agencies in the October/November timeframe. Members of the Committee who were present acknowledged this change.

On order of Chairperson Collen and there being no objection, the Committee received the Committee Staff Report.

5. Chairperson’s Report

Chairperson Collen expressed his appreciation to Vice Chairperson Borden accepting the Vice Chairperson role and for presiding over the July 12, 2012, Committee meeting.

Chairperson Collen welcomed Cedric Novenario, Transportation Project Manager, as the new member from the City of Los Altos and Carmen Talavera, Senior Transportation Engineer, as the new alternate member from the City of Sunnyvale. Ms. Talavera noted Member Witthaus’ absence was due to jury duty.

6. TAC Working Group Reports

- Capital Improvement Program (CIP)

  Amin Surani, Principal Transportation Planner, reported the CIP Working Group met on July 24, 2012, to discuss: 1) the VRF and its call for projects; and 2) the One Bay Area Grant (OBAG). The next meeting of the CIP will be held on August 28, 2012.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
• **Systems Operations & Management (SOM)**


Mr. Maeda reported the next meeting of the SOM is scheduled for August 22, 2012.

Members of the Committee noted their understanding that the Committee had already voted and agreed that VTA would perform the Level of Service (LOS) analyses for all of the agencies. Mr. Maeda noted VTA was allowing the individual agencies time to determine if they wanted VTA to perform the analysis. He stated the SOM Working Group wanted to bring this issue to the Committee’s attention.

Mr. Ristow reported VTA has the funding for the LOS analysis budgeted and is ready to perform the analysis. He stated it is now up to the member agencies to determine if they want VTA to provide this service.

Mr. Ristow stated that this discussion would be brought back to the Committee with a more in-depth look at any concerns and/or issues.

• **Land Use/Transportation Integration (LUTI)**

Robert Swierk, Senior Transportation Planner, reported the LUTI Working Group met on August 8, 2012, to discuss planning-related requirements associated with the OBAG grant program, including: a) a draft of the complete streets General Plan compliance form; and b) Staff’s initial draft of the Priority Development Area (PDA) serving definition.

The LUTI discussed the PDA growth strategy and the group provided good suggestions for building on reporting already performed by the member agencies.

A successful joint LUTI and SOM multi-modal performance workshop was held in July and was well-attended. There were two presentations: 1) Focusing on Highway Capacity Manual 2010 multi-modal measures; and 2) Focusing on broader measures the member agencies may be interested in. VTA staff is looking at an update of the Transportation Impact Analysis (TIA) Guidelines that would allow more of these types of multi-modal measures.

The next LUTI meeting is scheduled for November 14, 2012.

**On order of Chairperson Collen** and there being no objection, the Committee received the TAC Working Group Reports.
BUSINESS REFERRED TO COMMITTEE BY THE BOARD OF DIRECTORS/GENERAL MANAGER

CONSENT AGENDA

7. Regular Meeting Minutes of July 12, 2012
   M/S/C (Batra/Borden) to approve the Regular Meeting Minutes of July 12, 2012.

8. Proactive CMP Quarterly Report for April - June 2012
   On order of Chairperson Collen and there being no objection, the Committee received the Proactive CMP Quarterly Report for April through June 2012.

9. Complete Streets in Santa Clara County
   On order of Chairperson Collen and there being no objection, the Committee received a report on Complete Streets in Santa Clara County.

12. SR 237 Express Lanes Update
   On order of Chairperson Collen and there being no objection, the Committee received an update regarding the performance of the SR 237 Express Lanes project for Fiscal Year 2012.

REGULAR AGENDA

9. (Moved to the Consent Agenda.)
   Complete Streets in Santa Clara County
   Receive a report on Complete Streets in Santa Clara County.

10. Santa Clara One Bay Area Grant (OBAG) Countywide Competitive Complete Streets Program Criteria
   Marcella Rensi, Transportation Planning Manager, provided the staff report.
   Members of the Committee: 1) requested clarification of VTP 2040 consistency and the Complete Streets Resolution of Local Support; 2) questioned the Pre-Screening Criteria Checklist on Attachment D of the memo; and 3) expressed concern that the structure of the safety criterion would deter innovation and requested a criterion addressing cost/benefit ratio. Ms. Rensi stated the memo and attachments would be revised and brought back to the Committee prior to bringing this item before the Board.

   On order of Chairperson Collen and there being no objection, the Committee deferred the Santa Clara One Bay Area Grant (OBAG) Countywide Competitive Complete Streets Program Criteria.
11. **Caltrans Programs Update**

Mr. Ristow reported VTA is now working with California Department of Transportation (Caltrans) staff on the iTeeam (formerly called iDistrict) effort for increased collaboration and involvement of Caltrans staff in Santa Clara County. Caltrans prepared a suggested list of program areas that may be scheduled for regular reports at future Committee meetings, including: 1) Local Assistance Program; 2) Project Initiation Document (PID) Status Report; 3) Permit Status; and 4) Pavement Repair Project Status.

Mr. Ristow noted staff has suggested additional topics, such as: 1) programmatic areas that may be of interest to member agencies; 2) comparison of how Santa Clara County projects and programs are doing in relation to other counties within the Bay Area; and 3) a Matrix of how VTA is doing in terms of progressing through the approvals and programmatic areas. Mr. Ristow encouraged the Committee to submit topics for Caltrans to address.

Mr. Ristow acknowledged the presence of Patrick Pang, District Office Chief, and Nick Saleh, Regional Project Manager, Caltrans District 4.

Mr. Pang noted the Committee will determine how often Caltrans will make presentations.

On order of Chairperson Collen and there being no objection, the Committee received the Caltrans Programs Update.

12. (Moved to the Consent Agenda.)

Receive an update regarding the performance of the SR 237 Express Lanes project for Fiscal Year 2012.

13. **Update on VTP/RTP/SCS Activities**

John Sighamony, Senior Transportation Planner, provided the staff update.

Mr. Sighamony reported the Metropolitan Transportation Commission (MTC) released the Environmental Impact Report (EIR) for the Regional Transportation Plan (RTP).

The Draft Regional Housing Needs Allocation (RHNA) methodology was released in July and sent to the CMAs for comment. Deadline for comment is September 19, 2012. RHNA numbers may have an effect on OBAG funding. The draft RHNA was provided to the LUTI Working Group for comment.

On July 19, 2012, a joint meeting was held between the Association of Bay Area Governments (ABAG) and MTC to review the Notice of Preparation for the Environmental Impact Report (EIR). Meetings will be established for those who wish to get involved.

ABAG will hold another set of regional, round-table discussions around the Bay Area. Ezra Rapport, Executive Director, ABAG, will attend the September Policy Advisory Board (PAC) meeting to discuss the arena release, as well as land-use planning issues.
ABAG and MTC request the CMAs to participate in defining the PDA serving criteria and prepare a PDA growth strategy with housing, transportation and outreach elements. The LUTI and CIP Working Groups will review and provide input to this process.

**On order of Chairperson Collen** and there being no objection, the Committee received a verbal update on the Valley Transportation Plan (VTP), Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS) activities.

**OTHER**

14. **MTC Activities and Initiatives Update**

Mr. Ristow reported MTC is reviewing: 1) a proposed GPS-based, vehicle-miles-traveled fee study for the Bay Area as one way to address some of the shortfalls in transportation. Transportation agencies in other parts of the country are also looking into this; 2) development of Express Lanes in Solano, Alameda, and Contra Costa Counties; and 3) Moving Ahead for Progress in the 21st Century (MAP-21) surface transportation authorization bill signed into law by President Obama on July 6, 2012.

**On order of Chairperson Collen** and there being no objection, the Committee received an update on MTC Activities and Initiatives.

15. **Technical Advisory Committee (TAC) Subcommittee Update**

Chairperson Collen reported the TAC Subcommittee met on August 9, 2012, to discuss: 1) PDA Serving Definition; 2) Competitive Program Criteria; and 3) I-Delivery Team.

**On order of Chairperson Collen** and there being no objection, the Committee received an update from the Technical Advisory Committee (TAC) Subcommittee.

16. **TAC Committee Work Plan**

**On order of Chairperson Collen** 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 Collen** and there being no objection, the meeting was adjourned at 2:35 p.m.

Respectfully submitted,

Susan E. Garcia, Board Assistant
VTA Office of the Board Secretary
POLICY ADVISORY COMMITTEE
Thursday, August 9, 2012

MINUTES

CALL TO ORDER

The Regular Meeting of the Policy Advisory Committee (PAC) was called to order at 4:01 p.m. by Chairperson Satterlee in the Auditorium, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

A quorum was not present and a Committee of the Whole was declared.

The Agenda was taken out of order.

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 a brief report, highlighting: 1) Conference Room B-104 renovations; 2) Blossom Hill Overpassing Project; 3) VTA received State of Good Repair Grant for FY 2012; 4) VTA’s participation in the Family Giving Tree – Back to School Backpack Drive; and 5) Metropolitan Transportation Commission (MTC) Low Income Fare Proposal.

Mr. Lawson provided an overview of the August 2, 2012 Board of Director’s Regular Meeting, highlighting: 1) Approved Assembly Bill 2382 (Alejo and Gordon) Innovative Delivery Team Demonstration Program; 2) Approved contract with Schaaf & Wheeler Civil Engineers for services associated with SVBX Project; 3) Approved contracts with Western States Contracting Alliance (WSCA) for the procurement of voice, data, and video network equipment and services; 4) Approved contract with Granite Rock Construction for the US 101/Capitol Expressway - Yerba Buena Road Interchange Improvements Project; and 5) Received reports on High Speed Rail (HSR) and Caltrain.

Member Cristina took his seat at 4:06 p.m. and a quorum was established.

1. ROLL CALL

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<tr>
<th>Attendee Name</th>
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<tr>
<td>Jeffrey Cristina</td>
<td>City of Campbell</td>
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<td>Orrin Mahoney</td>
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<td>Cat Tucker</td>
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<td>Megan Satterlee, Chairperson</td>
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<tr>
<td>Jarrett Fishpaw (Alternate)</td>
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<td>Vacant</td>
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3331 North First Street · San Jose, CA 95134-1927 · Administration 408.321.5555 · Customer Service 408.321.2300
Vacant (Alternate) Town of Los Altos Hills

Steve Leonardis Town of Los Gatos Absent
Steve Rice (Alternate) Town of Los Gatos Absent
Armando Gomez City of Milpitas Absent
Vacant (Alternate) City of Milpitas
Burton Craig City of Monte Sereno Absent
Marshall Anstandig (Alternate) City of Monte Sereno Absent
Larry Carr City of Morgan Hill Absent
Rich Constantine (Alternate) City of Morgan Hill Absent
John Inks City of Mountain View Absent
Jac Siegel (Alternate) City of Mountain View Absent
Gail A. Price, Vice Chairperson City of Palo Alto Present
Nancy Shepherd (Alternate) City of Palo Alto NA
Kansen Chu City of San Jose Present
Member TBD City of Santa Clara
Jamie McLeod (Alternate) City of Santa Clara Absent
Howard Miller City of Saratoga Present
Chuck Page (Alternate) City of Saratoga NA
David Whittum City of Sunnyvale Present
Jim Davis (Alternate) City of Sunnyvale NA
Mike Wasserman SCC Board of Supervisors Absent

A quorum was present.

5. **Chairperson’s Report**

Chairperson Satterlee reminded the Committee of their duty and responsibility to complete the AB 1234 Ethics Training and recommended utilizing the online training course.

**BUSINESS REFERRED TO COMMITTEE BY THE BOARD OF DIRECTORS/ GENERAL MANAGER**

**CONSENT AGENDA**

6. **Regular Meeting Minutes of June 14, 2012**

M/S/C (Price/Cristina) to approve the Regular Meeting Minutes of June 14, 2012.

**REGULAR AGENDA**

7. **Regional Reports**

A. **Metropolitan Transportation Commission (MTC)**

Colleen Valles, Senior Policy Advisor, provided a brief report, highlighting: the Metropolitan Transportation Commission (MTC) Low Income Reduced Fares Pilot Program, noting MTC Commissioners only voted on option 2: to support the San Francisco request, VTA’s request, and an unspecified future pilot program from AC Transit; however, the option failed by one vote. VTA staff will continue to work with the consultant and the Transit Planning and Operations (TPO) Committee to develop a recommendation on the issue for consideration at a future VTA Board of Directors meeting.

**NOTE:** M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
B. California Transportation Commission (CTC)

There was no California Transportation Commission (CTC) report.

On order of Chairperson Satterlee and there being no objection, the Committee received the Metropolitan Transportation Commission (MTC) Regional Reports.

8. One Bay Area Grant (OBAG) Proposal

Marcella Rensi, Transportation Planning Manager, provided a brief overview of the staff report.

Ms. Rensi reported that there will be two adjustments to the Total Estimate OBAG Target, noting a funding adjustment for Monte Sereno and an additional adjustment since the release of new information from OBAG.

Committee Members expressed concern, noting a discrepancy between the OBAG percentage shares and the Initial OBAG Target dollar amounts. Committee Members requested that staff provide in advance a more detailed explanation with spreadsheets to the Committee.

On order of Chairperson Satterlee and there being no objection, the Committee recommended that the structural portion of the recommendation be forward for consideration to the September 6, 2012 Board of Directors Regular Meeting: Recommend that the VTA Board of Directors approve the Santa Clara One Bay Area (OBAG) Guarantee Program Distribution Structure.

On order of Chairperson Satterlee and there being no objection, the Committee requested that the formula portion of the recommendation be deferred to the September 13, 2012 PAC meeting: Recommend that the VTA Board of Directors approve the Santa Clara One Bay Area (OBAG) Guarantee Program Distribution Formula.

9. Complete Streets in Santa Clara County

Eugene Maeda, Senior Transportation Planner, provided a presentation entitled, “Complete Streets in Santa Clara County,” that highlighted the definition, purpose, benefits, complete streets elements, and implementation of complete streets in Santa Clara County.

Members of the Committee referenced bicycle lanes that have space between the pavement and gutter and queried if there was a design guideline to address the safety issues. Mr. Maeda responded that staff will review the bicycle technical guidelines and will forward the information to the Committee.

On order of Chairperson Satterlee and there being no objection, the Committee received the report on the Complete Streets in Santa Clara County.


Robert Swierk, Senior Transportation Planner, provided a brief staff report.

On order of Chairperson Satterlee and there being no objection, the Committee received the Proactive CMP Quarterly Report for April – June 2012.

11. Update on the Valley Transportation Plan (VTP)/Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) Activities

John Sighamony, Senior Transportation Planner, provided a brief staff report, highlighting:

Regional Transportation Plan (RTP) Updates
• The RTP Environmental Impact Report (EIR) Notice of Preparation (NOP) comments released in June;
• Regional Housing Needs Allocation (RHNA) Methodology was released, which the Association of Bay Area Governments (ABAG) approved draft in May;
• Received update from the July 19th Joint ABAG/Metropolitan Transportation Commission (MTC) meeting;
• Update on the link with the Valley Transportation Plan (VTP) 2040.

**Valley Transportation Plan (VTP) Updates**

• Update on Document Development.

**One Bay Area Grant (OBAG) Proposal**

Mr. Sighamony commented on the adoption of the OBAG resolution by the ABAG and MTC. Mr. Sighamony commented on the next steps, which include the Priority Development Area (PDA) Survey results and the definition of a PDA Growth Study.

**On order of Chairperson Satterlee** and there being no objection, the Committee received the update on the Valley Transportation Plan (VTP)/Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS) Activities.

12. **State Route (SR) 237 Express Lanes Update**

Members of the Committee queried about the public feedback on the State Route 237 Express Lanes. Murali Ramanujam, Transportation Engineer Manager, responded that staff has received some informational feedback and comments.

Mr. Ramanujam noted that additional information on VTA’s Express Lanes Project is available at: [www.vta.org/expresslanes](http://www.vta.org/expresslanes).

**On order of Chairperson Satterlee** and there being no objection, the Committee received the SR 237 Express Lanes Update.

13. **BART Silicon Valley Update**

Bernice Alaniz, SVRT Program Deputy Director, provided a brief overview of the presentation entitled, “BART Silicon Valley Project Update,” highlighting: 1) the Berryessa Extension Current and Near Term Activities; 2) Noise and Vibration Mitigation Construction; 3) Considerations and Safety; 4) Freight Service Status; 5) Kato Grade Separation Project; 6) Pre-Trenching Stabilization; 7) Kato Road Trench; 8) Mission/Warren Area Improvements; 9) Milpitas Station; 10) Berryessa Station; 11) Current and Near Term Construction; 12) Sound Barrier; 13) Building Demolition; 14) One Year Construction Look Ahead; and 15) Information on how to contact project staff.

Upon query by Members of the Committee, Ms. Alaniz responded that the trains will be open for business by 2017, which is ahead of schedule.

**On order of Chairperson Satterlee** and there being no objection, the Committee received the BART Silicon Valley Update.

**OTHER**

14. **Committee Work Plan**

Committee Members moved the Santa Clara One Bay Area (OBAG) Guarantee Program Distribution Formula to the September 13, 2012 PAC meeting.
On order of Chairperson Satterlee and there being no objection, the Committee reviewed the Work Plan.

15. Announcement

There were no Announcements.

16. ADJOURNMENT

On order of Chairperson Satterlee and there being no objection, the Committee Meeting was adjourned at 5:44 p.m.

Respectfully submitted,

Michelle M. Garza, Board Assistant
VTA Office of the Board Secretary
NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Diridon Station Joint Policy Advisory Board meeting scheduled for 3:00 p.m. on Friday, September 21, 2012, has been cancelled.

The next meeting of the Santa Clara Valley Transportation Authority Diridon Station Joint Policy Advisory Board is scheduled for 3:00 p.m. on Friday, November 16, 2012, in Wing Room 120, San José City Hall, 200 E. Santa Clara Street, San José, California.

Tracene Y. Crenshaw, Board Assistant
VTA Office of the Board Secretary
NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Silicon Valley Rapid Transit Corridor and BART Warm Springs Extension Policy Advisory Board Meeting scheduled for Wednesday, September 26, 2012 at 3:00 p.m. has been cancelled.

Jacqueline Golzio, Board Assistant
VTA Office of the Board Secretary