

**From:** VTA Board Secretary  
**Sent:** June 14, 2021 11:39 AM  
**To:** VTA Board of Directors  
**Subject:** VTA Information: June 18, 2021 Board of Directors Agenda Packet

**Board of Directors:**

You may now access the VTA Board of Directors Agenda packet for the **Friday, June 18, 2021, Meeting** on our [agenda portal](#).

- Board Members will receive a unique “Panelist” link via email from VTA Board Secretary. The email will provide instructions on how to join the meeting.

Thank you,

Office of the Board Secretary  
Santa Clara Valley Transportation Authority  
3331 North First Street, Building B  
San Jose, CA 95134-1927  
Phone [408-321-5680](tel:408-321-5680)

**From:** VTA Board Secretary  
**Sent:** June 14, 2021 3:56 PM  
**To:** VTA Board of Directors  
**Cc:** Baltao, Elaine; Crenshaw, Tracene  
**Subject:** Fw: VTA 6-18-21 Board Meeting Agenda Item 4.1; Della Maggiore & Thorson Trusts, Owners

**Board of Directors:**

For your information, attached is a letter from Matteoni, O'Laughlin & Hechtman Lawyers.

Thank you,  
Office of the Board Secretary

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**From:** Carol Ann Bianco-Webb  
**Sent:** June 14, 2021 1:42 PM  
**To:** VTA Board Secretary  
**Cc:** Norm Matteoni ; Gerry Houlihan  
**Subject:** [EXTERNAL] VTA 6-18-21 Board Meeting Agenda Item 4.1; Della Maggiore & Thorson Trusts, Owners

Dear Ms. Baltao, attached is a letter of objection to the proposed adoption of Resolution of Necessity at the subject meeting regarding VTA Parcel Identification No. B3109. We respectfully request that you provide all members of the Board of Directors with this letter prior to the meeting.

Thank you for your assistance and if you have any questions, please contact this office.

Carol Ann Bianco-Webb, Legal Secretary



Matteoni, O'Laughlin & Hechtman  
848 The Alameda  
San Jose, California 95126

*CONFIDENTIALITY NOTICE: This email may be confidential and protected by legal privilege. If you are not the intended recipient, disclosure, copying, distribution and use are prohibited; please notify us immediately and delete this copy from your system.*

June 14, 2021

Norman E. Matteoni  
Peggy M. O'Laughlin  
Bradley M. Matteoni  
Barton G. Hechtman  
Gerry Houlihan

Via Email to [board.secretary@vta.org](mailto:board.secretary@vta.org)

Glenn Hendricks, Chairperson & Members of the Board of Directors  
Santa Clara Valley Transportation Authority  
3331 North First Street, Building B-2  
San Jose, CA 95134

**Re: VTA's BART Silicon Valley Phase II Extension Project  
VTA Parcel Identification No. B3109  
Site Address 87 North 30th Street, San Jose, CA  
Assessor's Parcel Nos. 467-08-05 and 467-08-12**

Dear Chairperson Hendricks and Members of the Board of Directors:

Our firm represents Richard and Joan Della Maggiore, trustees of the Richard Della Maggiore and Joan Della Maggiore Revocable Living Trust dated November 13, 1991, and Arlethea Thorson and Robert Mattern, trustees of The Loren W. Thorson and Arlethea K. Thorson Trust dated August 18, 1982 (collectively "Della Maggiore and Thorson"), the owners of the above-referenced properties.

Della Maggiore and Thorson object to any portion of their property being taken for Transit Oriented Joint Development ("TOJD") by VTA. The Staff Memo in support of the Resolution of Necessity states that the basis for the acquisition of portions of the site is "for the TOJD portion of the Project." What exactly constitutes the TOJD portion is unidentified but for the purposes of objecting, Della Maggiore and Thorson are relying on the maps attached as Exhibits A and B—which were found on the VTA's website—as the location of BART facilities. There appear to be no BART facilities on the Della Maggiore/Thorson parcels. The map proves that it is feasible to build the BART improvement without acquiring any of the Della Maggiore and Thorson property.

VTA is not authorized to use eminent domain for TOJD purposes. VTA is limited to taking by gift, grant, purchase, devise or lease for TOJD purposes. (Pub. Utilities Code § 100130.5.) VTA is authorized to

negotiate with Della Maggiore and Thorson to develop a joint venture but VTA is not authorized to condemn land for a joint venture with an unknown developer in the future.

In order for VTA to acquire by condemnation Della Maggiore and Thorson's property for the Project, it must first adopt a resolution of necessity in conformance with Code of Civil Procedure section 1240.030. This statute references the three public use and necessity requirements which must be established in order for the power of eminent domain to be exercised. These three matters are:

- (a) The public interest and necessity require the project.
- (b) The project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.<sup>1</sup>
- (c) The property sought to be acquired is necessary for the project.

The VTA cannot meet the standard for any of the three matters as it relates to the property being condemned for TOJD. The land in excess of the necessary BART improvements (if any) is not necessary for the BART line or Station but instead is slated to be turned over to or developed with a private developer. There are no BART facilities planned for the Della Maggiore/Thorson parcels and it is being used only for TOJD. However, the 2018 Final SEIS/SEIR acknowledges that the TOJD project is independent of the BART extension. The public should not be subsidizing land banking and real estate speculation of the VTA.

Nor is the Project planned in a manner to achieve the greatest public good and least private injury. Taking of land for non-BART purposes unnecessarily maximizes private injury by taking a fee interest in the TOJD portions of Della Maggiore and Thorson's land. Assuming BART wants to use some of the land, VTA can acquire the land needed for the BART improvements, acquire an easement, or rent for the staging areas needed for the duration of the construction and then return the staging area to Della Maggiore and Thorson. This achieves the project with the least private injury. Della Maggiore and Thorson can then develop the property as a transit-oriented development. A fee take of the land slated for TOJD is unnecessary and

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<sup>1</sup> Della Maggiore and Thorson are not obligated to appear and be heard on matters not referred to in Section 1240.030, and reserve the right to bring additional legal objections to the Resolution as proposed, and any complaint filed in reliance thereon.

unnecessarily inflicts private injury. The public need not bear the burden of acquiring the excess land which is necessary only for future development.

The Property slated for TOJD is not necessary to construct the actual BART improvements but rather is an attempt by VTA to cash-in on Della Maggiore and Thorson's premium location. The 2018 Final SEIS/SEIR specifically identifies that the BART extension is completely independent of the TOJD plan. The Record of Decision incorporated by reference also identifies a distinction between the BART extension and the TOJD plans of VTA. The property is not needed for any BART improvements, so it is not necessary.

Finally, it is impossible for Della Maggiore and Thorson to identify with precision what land is slated for TOJD because the Project description in the RON and Memo is lacking sufficient detail. Similarly, the 2018 Final SEIS/SEIR fails to identify the TOJD component with precision but clearly indicates the TOJD portion is separate and unrelated to the BART extension. Lacking a proper project description precludes a meaningful hearing or ability to object and precludes the use of eminent domain in this instance. Della Maggiore and Thorson object on the grounds that the Project is not adequately described in the Resolution, thus the Resolution is fatally defective. See *City of Stockton v. Marina Towers LLC* (2009) 171 Cal.App.4th 93, 108.

Very truly yours,

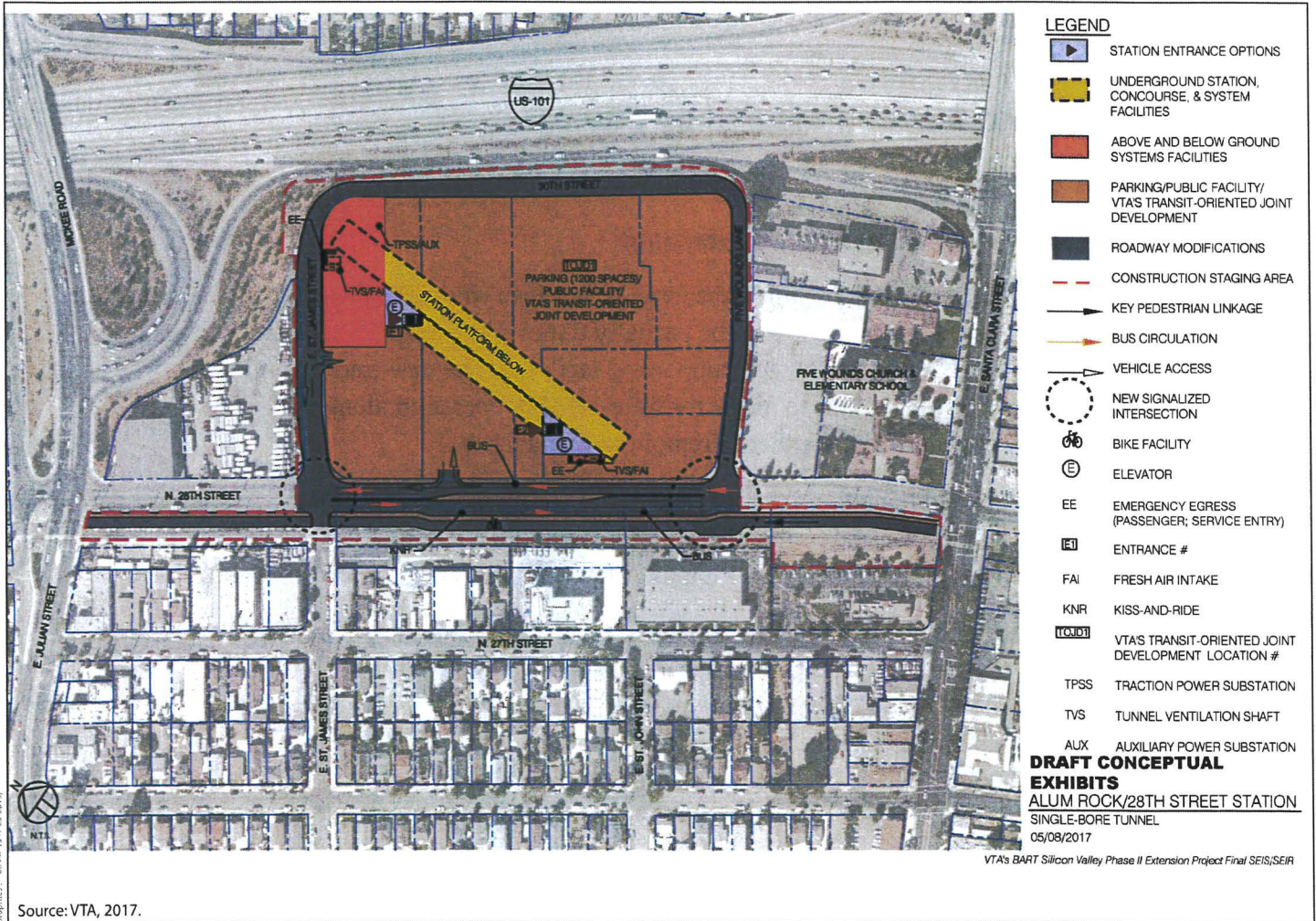


GERALD HOULIHAN

GH:cab

Attachments

cc: Richard and Joan Della Maggiore, Trustees  
Arlethea Thorson and Robert Mattern, Trustees

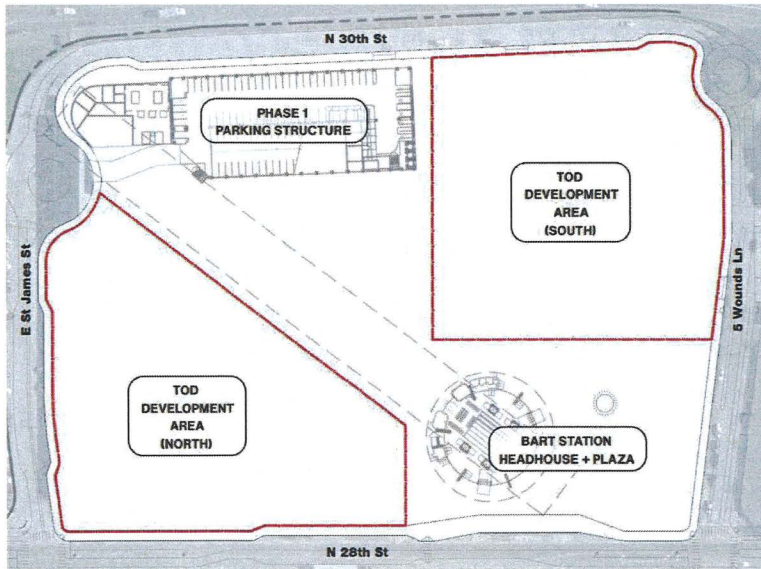


Graphics: 68192131-12-2016

Source: VTA, 2017.

**Figure 2**  
**Alum Rock/28th Street Station Plan**  
 VTA's BART Silicon Valley-Phase II Extension Project

# TOD: 28<sup>th</sup> Street / Little Portugal BART Station



## "Test Fit" Site Planning for BART Phase II to date:

- **Parking:** 400 surface spaces change to shared spaces in TOD; reduces structure by 1/3
- **Areas next to tunnel:** 500k sf commercial & 500 residential units per Transit Oriented Communities Playbook
- **Area on top of tunnel:** public use green space, "commons" for public, workers, residents
- **West of 28th St:** development TBD; Five Wounds Trail in "urban configuration"

## Upcoming work and community engagement:

- Five Wounds Urban Village Plan Update (City)
- Design Development Framework (VTA)
- Five Wounds Trail Plan (City, County, Open Space Authority, VTA)



**From:** VTA Board Secretary

**Sent:** June 14, 2021 4:56 PM

**To:** VTA Board of Directors

**Subject:** VTA Information: June 18, 2021 Board of Directors 1st Update Agenda Packet

**Board of Directors:**

The VTA Board of Directors agenda packet for the **Friday, June 18, 2021, Meeting** has been updated to include an addendum to the agenda. The additional item is:

- **Agenda Item #9.1.A.X.**, Conference with Real Property Negotiators

You may access the updated agenda packet/outline on our [agenda portal](#).

Thank you,

Office of the Board Secretary  
Santa Clara Valley Transportation Authority  
3331 North First Street, Building B  
San Jose, CA 95134-1927  
Phone [408-321-5680](tel:408-321-5680)



**From:** VTA Board Secretary

**Sent:** June 16, 2021 9:46 AM

**To:** VTA Board of Directors

**Subject:** VTA Information: June 18, 2021 Board of Directors 2nd Update to Agenda Packet

**Board of Directors:**

The VTA Board of Directors agenda packet for the **Friday, June 18, 2021, Meeting** has been updated to include additional information for the following items:

- **Agenda Item #4.1.**, Recommendation to Adopt Five (5) Resolutions of Necessity (public comment)
- **Agenda Item #7.4.**, Silicon Valley Rapid Transit (SVRT) Program Update (presentation)

You may access the updated agenda packet/outline on our [agenda portal](#).

Thank you,

Office of the Board Secretary  
Santa Clara Valley Transportation Authority  
3331 North First Street, Building B  
San Jose, CA 95134-1927  
Phone [408-321-5680](tel:408-321-5680)

**From:** VTA Board Secretary

**Sent:** June 17, 2021 11:07 AM

**To:** VTA Board Secretary

**Subject:** VTA Information: June 18, 2021 Board of Directors Special Meeting Agenda Packet

**Board of Directors:**

You may now access the VTA Board of Directors Special Meeting Agenda packet for the **Friday, June 18, 2021, Meeting** on our [agenda portal](#).

The Special Meeting will begin at 11:30 AM or at the conclusion of the June 18, 2021, Regular Board Meeting.

Thank you,

Office of the Board Secretary  
Santa Clara Valley Transportation Authority  
3331 North First Street, Building B  
San Jose, CA 95134-1927  
Phone [408-321-5680](tel:408-321-5680)

**From:** VTA Board Secretary

**Sent:** June 17, 2021 5:39 PM

**To:** VTA Board of Directors

**Subject:** VTA Information: June 18, 2021 Board of Directors 3rd Update to Agenda Packet

**Board of Directors:**

The VTA Board of Directors agenda packet for the **Friday, June 18, 2021, Meeting** has been updated to include additional information for the following items:

- **Agenda Item #3.**, Public Comment (written public comment)
- **Agenda Item #4.1.**, Recommendation to Adopt Five (5) Resolutions of Necessity (updated presentation and staff response to objection)
- **Agenda Item #6.5.**, Bicycle Superhighway Implementation Plan (public comment)
- **Agenda Item #7.4.**, Silicon Valley Rapid Transit (SVRT) Program Update (public comment)

You may access the updated agenda packet/outline on our [agenda portal](#).

Thank you,

Office of the Board Secretary  
Santa Clara Valley Transportation Authority  
3331 North First Street, Building B  
San Jose, CA 95134-1927  
Phone [408-321-5680](tel:408-321-5680)

**From:** VTA Board Secretary

**Sent:** June 17, 2021 7:23 PM

**To:** VTA Board of Directors

**Subject:** VTA Information: Updated June 18, 2021 Board of Directors Special Meeting Agenda Packet

**Board of Directors:**

The VTA Board of Directors Special Meeting Agenda packet for the **Friday, June 18, 2021, Meeting** has been updated to include the following:

- Revised Agenda (also attached)
- Agenda Item #2.1 - Delegation of Emergency Powers to General Manager

You may access the updated Agenda packet/outline on our [Agenda Portal](#).

The Special Meeting will begin at 11:30 AM or at the conclusion of the June 18, 2021, Regular Board Meeting.

Thank you.

Office of the Board Secretary  
Santa Clara Valley Transportation Authority  
3331 North First Street, Building B  
San Jose, CA 95134-1927  
Phone [408-321-5680](tel:408-321-5680)



## BOARD OF DIRECTORS SPECIAL MEETING NOTICE AND AGENDA

The Santa Clara Valley Transportation Authority (VTA) Board of Directors will convene a Special Meeting on:

**Friday, June 18, 2021**

**11:30 AM or at the conclusion of the June 18, 2021, Regular Board Meeting**

### **\*TELECONFERENCE AND VIDEO CONFERENCE MEETING ONLY\***

Until further notice and pursuant to California Governor Gavin Newsom's Executive Order N-29-20, the VTA Board of Directors will convene a teleconference and video conference meeting only.

The meeting will be streamed through VTA's YouTube channel: [https://youtu.be/CzQGi7\\_S7Lo](https://youtu.be/CzQGi7_S7Lo) and through: <https://us02web.zoom.us/j/85393474772>.

Call in: (one-tap): US: ++16692192599,, 85393474772# or +16699009128,,85393474772#

Call in: (telephone): US: +1 669 219 2599 or +1 669 900 9128 Webinar ID: 853 9347 4772


Technology limitations may limit the ability to receive verbal public comments during the meeting. We request the public to submit their comments by 1:00 p.m. on June 17, 2021 to [board.secretary@vta.org](mailto:board.secretary@vta.org). Instructions for participating in the teleconference will be posted on [VTAs website](#).

### **\*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 are requested to submit their written comments by 1:00 p.m. on June 17, 2021 to [board.secretary@vta.org](mailto:board.secretary@vta.org).
- Persons who wish to address the Board of Directors during the teleconference meeting are encouraged to visit VTA's website, [bit.ly/vta-board-agendas](http://bit.ly/vta-board-agendas) for instructions. Speakers are asked to limit their comments to **1 minute**. *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.*
- All reports for items on the open meeting agenda for the Special Meeting are available for review in the Board Secretary's Office, 3331 North First Street, San Jose, California, (408) 321-5680, at least 24 hours prior to the meeting. This information is available on our website, [www.vta.org](http://www.vta.org). Any document distributed less than 24-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.

*\* Agenda language for Item 2.1 was revised.*

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.**

## **1. CALL TO ORDER AND ROLL CALL**

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### **1.1 ROLL CALL**

## **2. SPECIAL MEETING ITEM**

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### **2.1. ACTION ITEM -Adopt resolutions:**

(1) (A) finding and declaring that the Active Shooter Incident of May 26, 2021, is an emergency under Public Contract Code sections 1102 and 20303 and that the emergency will not permit a delay resulting from a competitive solicitation for bids; and

(B) delegating, for 90 days unless earlier terminated by the Board of Directors, to the General Manager or her/his designee the authority to order any action pursuant to paragraph (1) of subdivision (a) of Public Contract Code section 22050; and

(C) finding and declaring that this delegation is necessary to respond to the emergency; and

(D) finding that in light of the emergency, the General Manager's purchasing authority to acquire goods and services under Resolution 2016.02.03 is increased from \$1 million to \$2 million; and

(E) finding and declaring that these delegations are necessary for a period of two years unless revoked by Board action

*This action requires the affirmative vote of a four-fifths majority of the Board of Directors' total authorized membership or ten (10) affirmative votes.*

(2) (A) delegating authority to the General Manager to enter into lease agreements for lease periods of up to five years, for an amount not to exceed \$2,000,000 per purchase order or contract, to address the immediate needs of the May 26, 2021, active shooter incident; and

(B) delegating authority to the General Manager to acquire goods and services, not to exceed \$2,000,000 to address the immediate needs of the May 26, 2021, active shooter incident.

*This action requires the affirmative vote of a majority of the Board of Directors' total authorized membership or seven (7) affirmative votes.*

### 3. **ADJOURN**

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<p>The June 18, 2021, VTA Board of Directors Special meeting will be held via teleconference. There will be no physical location for the meeting.</p>
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**From:** VTA Board Secretary  
**Sent:** June 18, 2021 6:07 PM  
**To:** VTA Board of Directors  
**Subject:** VTA Correspondence: Week ending June 18, 2021

**VTA Board of Directors:**

We are forwarding to you the following correspondence:

<b>From</b>	<b>Topic</b>
Roland Lebrun, Member of the Public	Comments pertaining to: 1) Executive Order N-8-21; 2) Bayshore Station Redesign; 3) May 19 <sup>th</sup> Caltrain CAC video/slides; 4) Emergency hourly Caltrain service between San Jose & Gilroy; 5) Operations Analysis for the Downtown Rail Extension (DTX) project; and 6) General Counsel Report on Santa Clara County sales tax measures;
People's Transit Alliance	Re: Distributing Transit Rescue Funds for Immediate Use

Thank you.

Office of the Board Secretary  
Santa Clara Valley Transportation Authority  
3331 North First Street, Building B  
San Jose, CA 95134-1927  
Phone [408-321-5680](tel:408-321-5680)



Conserve paper. Think before you print.



**From:** Roland Lebrun  
**Sent:** Friday, June 18, 2021 9:55 AM  
**To:** VTA Board Secretary <Board.Secretary@vta.org>  
**Subject:** [EXTERNAL] Executive Order N-8-21 Paragraph 42

Dear VTA Board,

Kindly be advised that Governor Newsom's Executive Order N-29-20 Paragraph 3 was replaced by Executive Order N-8-21 Paragraph 42 on June 16th:

<https://www.gov.ca.gov/wp-content/uploads/2021/06/6.11.21-EO-N-08-21-signed.pdf>

## EXECUTIVE DEPARTMENT STATE OF CALIFORNIA

EXECUTIVE DEPARTMENT STATE OF CALIFORNIA EXECUTIVE ORDER N-08-21 WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

[www.gov.ca.gov](http://www.gov.ca.gov)

□

Please find Paragraph 42 attached for your convenience.

Sincerely,

Roland Lebrun

CC

VTA PAC

VTA CAC

42) Executive Order N-29-20, Paragraph 3, is withdrawn and replaced by the following text:

Notwithstanding any other provision of state or local law (including, but not limited to, the Bagley-Keene Act or the Brown Act), and subject to the notice and accessibility requirements set forth below, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body or state body. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, a least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended.

A local legislative body or state body that holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements set forth below, shall have satisfied any requirement that the body allow members of the public to attend the meeting and offer public comment. Such a body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

Accessibility Requirements: If a local legislative body or state body holds a meeting via teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the body shall also:

- (i) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the Americans with Disabilities Act and resolving any doubt whatsoever in favor of accessibility; and
- (ii) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to subparagraph (ii) of the Notice Requirements below.

Notice Requirements: Except to the extent this Order expressly provides otherwise, each local legislative body and state body shall:

- (i) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in such means of public observation and comment, or any instance prior to the issuance of this Order in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of such means, a body may satisfy this requirement by advertising such means using "the most rapid means of communication available at the time" within the meaning of Government Code, section 54954, subdivision (e); this shall include, but need not be limited to, posting such means on the body's Internet website.

All of the foregoing provisions concerning the conduct of public meetings shall apply through September 30, 2021.

43) Executive Order N-32-20:

- a. Paragraph 1;
- b. Paragraph 2; and
- c. Paragraph 3.

44) Executive Order N-35-20:

- a. Paragraph 2; and
- b. Paragraph 12.

45) Executive Order N-39-20:

- a. Paragraph 2;
- b. Paragraph 3; and
- c. Paragraph 6.

**From:** Roland Lebrun  
**Sent:** Tuesday, June 15, 2021 3:08 AM  
**To:** Caltrain Board <board@caltrain.com>  
**Cc:** SFCTA Board Secretary <clerk@sfcta.org>; SFCTA CAC <cac@sfcta.org>; Caltrain CAC Secretary <cacsecretary@caltrain.com>; MTC Info <info@bayareametro.gov>; VTA Board Secretary <Board.Secretary@vta.org>  
**Subject:** [EXTERNAL] Bayshore station redesign

Dear Caltrain Board,

Having recently received a response to my May 3rd FOIA for PCEP Program Management Oversight Committee (PMOC) reports released by the FTA since last September, I was shocked to discover the following information on page 14 of the March Report released on **April 27, 2021** and yet to be posted on the Caltrain web site(!).

***Bayshore Property (Segment 1 South of tunnels)***

*"This property is held by a foreign developer who is interested in completing a more comprehensive transaction that includes acquisition of other JPB property. The JPB has submitted its offer package to the developer's local representatives, who have asked for a second appraisal. The owner's representatives are arranging for the appraisal. Once the appraisal is complete and final terms are established, the transaction must be reviewed by the principals in China. **The JPB is projecting that completion of this transaction may take until June 2021.**"*

I am therefore requesting that the Board **direct Mr. Fitzpatrick to immediately suspend any pending or future real estate transactions until further notice** for the following reasons:

1) The PCEP is at least two years late: **we have a 2-year window to get land acquisitions/disposals/swaps right.**

2) Mr. Fitzpatrick and his team are apparently not aware of the attached Baylands EIR scoping comments, including a 2014 Bayshore station redesign which resolves multiple issues with the 2004 CTX design including:

- **Improved tunnel 4 approach**
- **Extensive mitigation of Caltrain/HSR traffic impacts on Brisbane in general and the future Baylands community in particular.**
- Seamless transfers between Caltrain, T-3rd extension and Geneva Harney BRT
- Ability to turn around 12 northbound Caltrain/HSR trains/hour in Brisbane in an emergency

- **Ability to turn around an additional 18 BART/Capitol Corridor trains when LINK21 opens**
- **Elimination of the proposed Brisbane HSR maintenance facility**

**Recommendation:**

Direct Mr. Fitzpatrick and his staff to reach out to VTA's Director of real estate and familiarize himself with a more transparent modus operandi whereby members of the public have sufficient information to identify potential conflicts and raise them to the Board's attention.

Examples:

- OCII sale of Transbay Block 5, a parcel which was directly in the path of the new Transbay tunnel
- 130 Stockton, a 6-story apartment block likely to cause significant challenges to construction phasing of the elevated Diridon station throat

Thank you in advance for your urgent attention to this matter.

Roland Lebrun

CC

SFCTA Commissioners  
MTC Commissioners  
VTA Board  
VTA PAC  
Caltrain CAC  
SFCTA CAC  
VTA CAC

---

**From:** Roland Lebrun <[ccss@msn.com](mailto:ccss@msn.com)>  
**Sent:** Friday, March 20, 2020 9:47 PM  
**To:** [baylands@brisbane.ca.org](mailto:baylands@brisbane.ca.org) <[baylands@brisbane.ca.org](mailto:baylands@brisbane.ca.org)>  
**Subject:** Brisbane Baylands specific plan comments

Dear Mr Swiecki,

The intent of this email is to resubmit my 2014 DEIR comments (attached) and elaborate on the comments I made at the DEIR scoping meeting, with regards to doubling the length of the station, relocating it further south and raising the ground elevation by 20-30 feet while leaving the tracks at current grade: "*The impacts caused by the higher speeds of express trains should be mitigated by creating embankments on both sides of the tracks thereby giving the impression that the proposed Geneva Avenue extension is at grade while the platforms and the tracks are in a trench.*" <https://youtu.be/kCetcYwMMLg?t=167>

I am also attaching satellite imagery showing how a similar station (Stratford International) was built on the London-Paris high speed line by raising the elevation of an abandoned railyard by 30 feet with spoils from the high-speed tunnels: <https://youtu.be/LLUjCoNTI4E>

I hope that you find this information useful and that you will give it due consideration in the forthcoming draft EIR.

Sincerely,

Roland Lebrun

---

**From:** Roland Lebrun <[ccss@msn.com](mailto:ccss@msn.com)>  
**Sent:** Friday, January 24, 2014 7:31 AM  
**To:** [eir@ci.brisbane.ca.us](mailto:eir@ci.brisbane.ca.us) <[eir@ci.brisbane.ca.us](mailto:eir@ci.brisbane.ca.us)>  
**Subject:** Brisbane Baylands DEIR comments

Dear Mr. Swiecki,

Please find my comments attached.

Key points:

- Relocation of Bayshore station and tracks.
- 5-minute connections to the Transbay terminal.
- Improved connections to MUNI light rail, Geneva Avenue BRT and Schlage Lock.
- Improved rail service to Transbay (up to 6 additional trains/hour).
- Increased capacity (up to 2,000 passengers/train).
- Foundation for a 5-minute connection to SFO.

Sincerely,

Roland Lebrun.

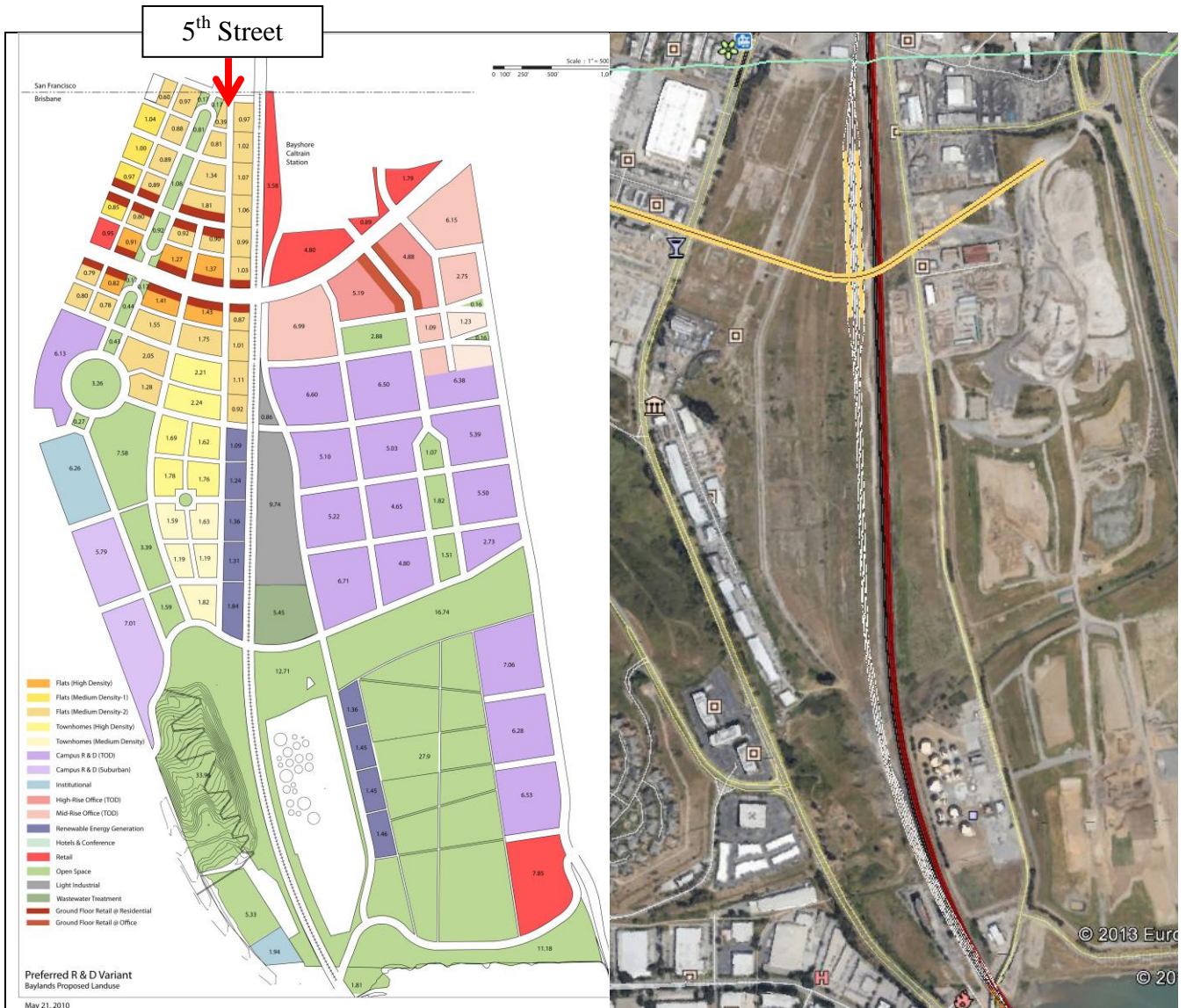
Roland Lebrun  
[ccss@msn.com](mailto:ccss@msn.com)  
Brisbane Baylands Draft EIR  
January 19 2014

Dear Mr. Swiecki,

Thank you for the opportunity to comment on the Brisbane Baylands Draft EIR.

While it is generally accepted that 200 MPH high speed trains will not appear in the Peninsula for at least another 20 years, plans for land use adjacent to the rail corridor should consider future higher speeds in the Peninsula with an eventual objective to connect San Jose to San Francisco in 30 minutes or less.

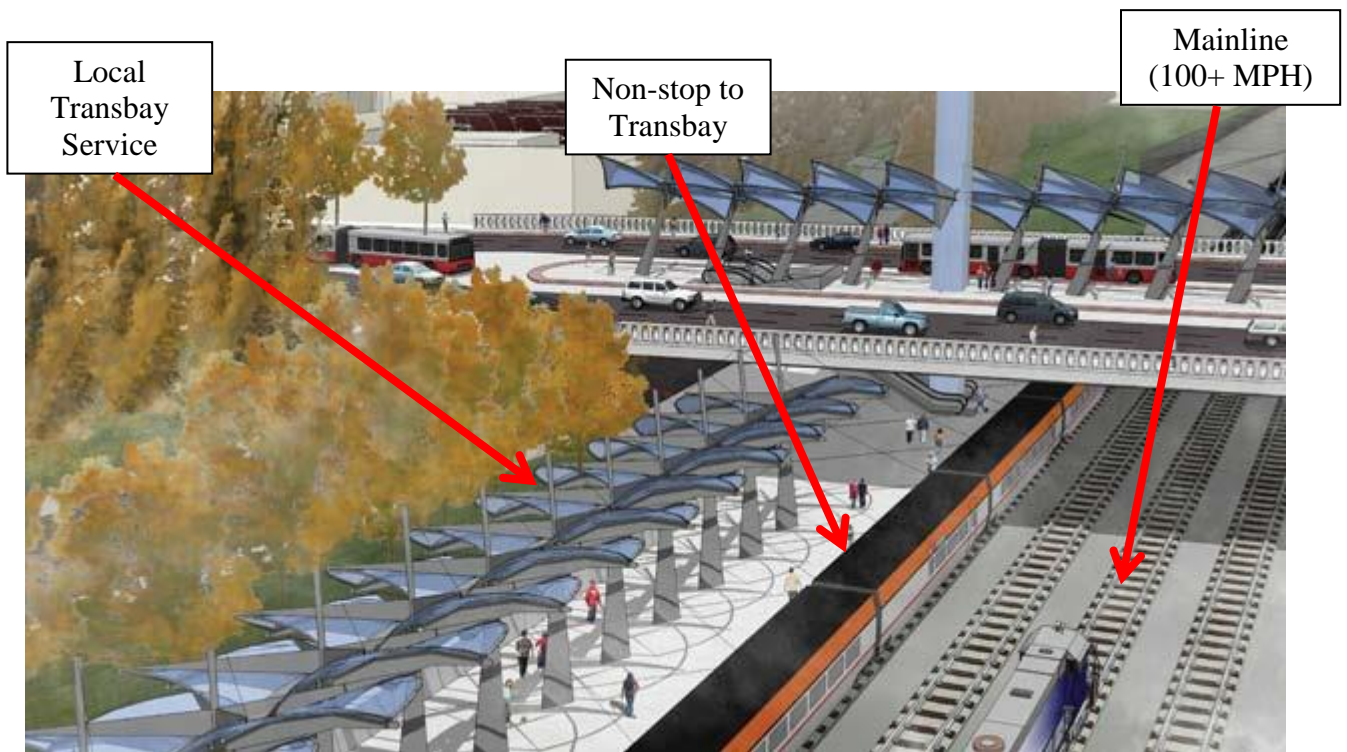
It is in this context that the DEIR should consider a new rail alignment capable of supporting speeds in excess of 100 MPH along the proposed future 5<sup>th</sup> Street.



The relocation of the tracks and the Bayshore station to the 5<sup>th</sup> Street alignment would also significantly enhance transfers between Caltrain and the proposed Muni T-Third light rail station on 5<sup>th</sup> Street.

The relocated Bayshore station would have two additional tracks to facilitate cross-platform transfers between Baby Bullets (5-minute non-stop to Transbay) and locals stopping at Oakdale, 22<sup>nd</sup> Street, Mission Bay and the Transbay Terminal. The additional station and turnaround tracks would support a capacity of 12 trains/hour between Brisbane and Transbay, 10-20 years ahead of the rest of the Peninsula (Policy 6-12).

The impacts caused by the higher speeds of express trains should be mitigated by creating embankments on both sides of the tracks thereby giving the impression that the proposed Geneva Avenue extension is at grade while the platforms and the tracks are in a trench.



The proposed new alignment would have the following additional advantages:

- Faster, safer and more cost-effective construction of the relocated Bayshore station, including connections to MUNI light rail and Geneva Avenue BRT.
- No construction impacts on Caltrain service.
- Foundation for a future 5-minute connection to San Francisco International (Transbay to SFO in 10 minutes, including a one-minute stop in Brisbane).



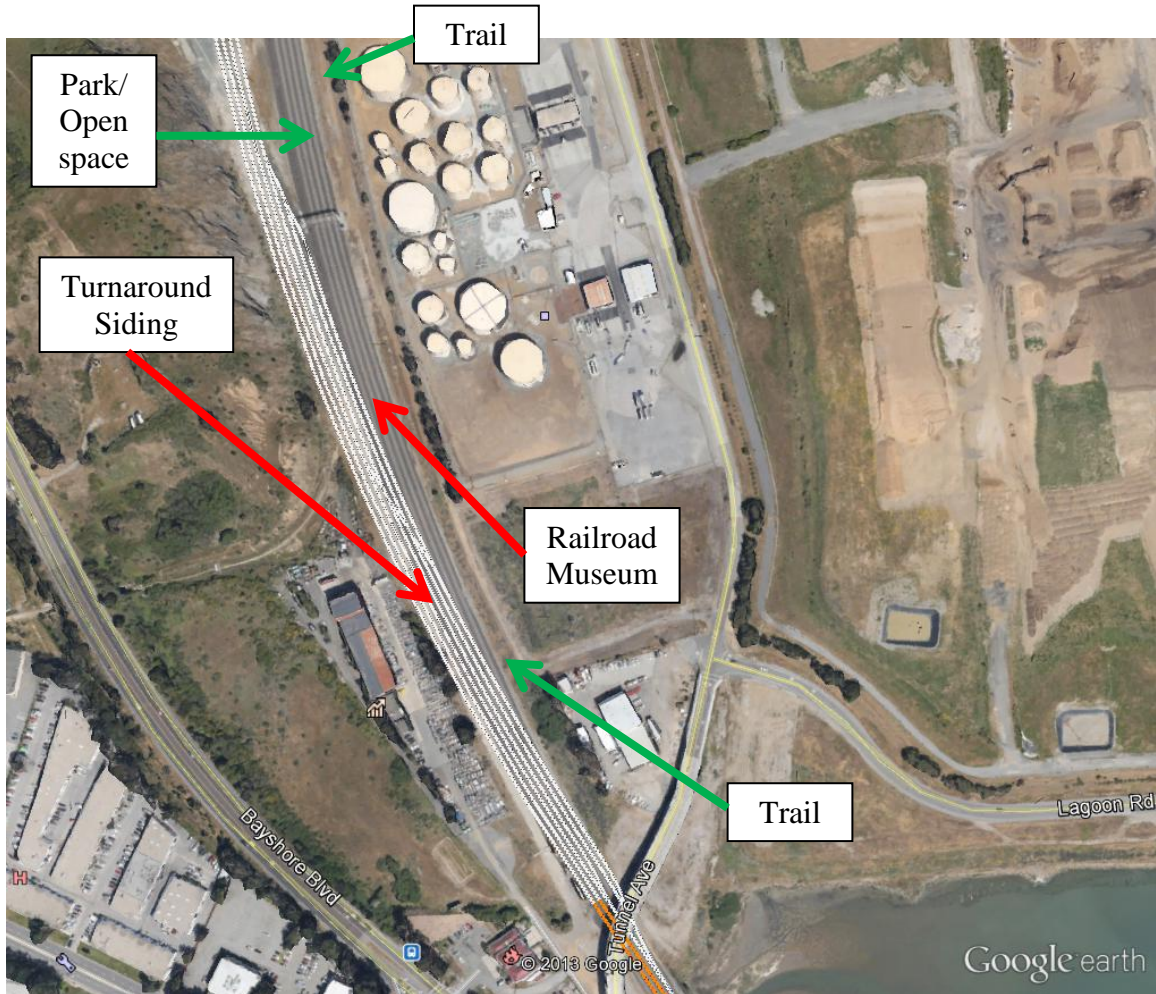
Platform lengths.

Please refer to "Platform Dimensions" on page 13 of Chapter 3 of the Caltrain Engineering Standards: <http://www.caltrain.com/assets/engineering/engineering-standards-2/criteria/CHAPTER3.pdf> : *"The standard platform length shall be 700 feet to accommodate a six (6) car train consist. Platform design shall consider or not preclude a possible expansion of platform length to 1000 feet"*

The DEIR should consider this 1,000-foot requirement because it would enable a Bayshore Caltrain station entrance at Beatty Avenue which is within walking distance of the Schlage Lock development. The DEIR should also consider extending the platforms south of Geneva Avenue to match Transbay's 1,330-foot platform lengths for two reasons: support for double-length Caltrain consists capable of transporting 2,000 passengers to/from special events in downtown San Francisco and/or Brisbane and the ability to disembark and turn around full-length HSR trains in case of an emergency between Brisbane and the Transbay terminal.



- Relocation of the mainline would also facilitate the repurposing of the existing tracks between Ice House Hill and the Kinder Morgan Energy Tank Farm into a siding yard and a location for the future railroad Museum while maintaining an opportunity for a linear park and trail connection between the siding yard and the Tank Farm. The siding yard could provide off-peak storage for up to 8 Caltrain consists as well as the ability to turnaround additional train service (up to 6 additional trains/hour between Bayshore and Transbay) over and above the proposed maximum six Caltrains/hour by 2019.



Thank you for considering these enhancements to this exciting project.

Sincerely,

Roland Lebrun

**From:** Roland Lebrun

**Sent:** Thursday, June 10, 2021 5:10 PM

**To:** Council-Jeff Gee <jgee@redwoodcity.org>; Donald Pollitt <DTX@tjpa.org>

**Cc:** MTC Info <info@bayareametro.gov>; SFCTA Board Secretary <clerk@sfcta.org>; Caltrain Board <board@caltrain.com>; VTA Board Secretary <Board.Secretary@vta.org>; SFCTA CAC <cac@sfcta.org>; TJPA CAC <CAC@TJPA.org>; Caltrain CAC Secretary <cacsecretary@caltrain.com>; ngonzales@tjpa.org; Bouchard, Michelle <bouchardm@samtrans.com>; CHSRA Board <boardmembers@hsr.ca.gov>

**Subject:** [EXTERNAL] Re: Item 11. Operations Analysis for the Downtown Rail Extension (DTX) project.

Dear Chair Gee,

This follow up email is intended to substantiate the comment I made that "*the Operations Analysis performed by WSP/Parsons Brinckerhoff's Great British Railways (formerly "Network Rail") Rail Delivery Partner (RDP) which studied the operation of high speed trains stopping at dedicated platforms at the 4th & Townsend station subsequently resulted in a **flawed recommendation for a 3-track DTX design.***"

**"If International Services used Stratford International during the Games, it would reduce the station's capacity"**

[https://www.youtube.com/watch?v=TYm6Zbu\\_zmc&t=107s](https://www.youtube.com/watch?v=TYm6Zbu_zmc&t=107s)



[Eurostar won't stop at Stratford International \(25May10\) - YouTube](https://www.youtube.com/watch?v=TYm6Zbu_zmc&t=107s)

Unsurprisingly, Eurostar will not be stopping their trains at the middle of nowhere site of Stratford to please the 2012 Olympics. Let local trains stop ther...

[www.youtube.com](https://www.youtube.com)



Sincerely,

Roland Lebrun

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**From:** Roland Lebrun <[ccss@msn.com](mailto:ccss@msn.com)>

**Sent:** Thursday, June 10, 2021 4:45 PM

**To:** Council-Jeff Gee <[jgee@redwoodcity.org](mailto:jgee@redwoodcity.org)>; Donald Pollitt <[DTX@tjpa.org](mailto:DTX@tjpa.org)>

**Cc:** MTC Info <[info@bayareametro.gov](mailto:info@bayareametro.gov)>; SFCTA Board Secretary <[clerk@sfcta.org](mailto:clerk@sfcta.org)>; Caltrain Board

<[board@caltrain.com](mailto:board@caltrain.com)>; VTA Board Secretary <[board.secretary@vta.org](mailto:board.secretary@vta.org)>; SFCTA CAC <[cac@sfcta.org](mailto:cac@sfcta.org)>; TJPA CAC <[CAC@TJPA.org](mailto:CAC@TJPA.org)>; Caltrain CAC Secretary <[cacsecretary@caltrain.com](mailto:cacsecretary@caltrain.com)>; [ngonzales@tjpa.org](mailto:ngonzales@tjpa.org) <[ngonzales@tjpa.org](mailto:ngonzales@tjpa.org)>; Bouchard, Michelle <[bouchardm@samtrans.com](mailto:bouchardm@samtrans.com)>; CHSRA Board <[boardmembers@hsr.ca.gov](mailto:boardmembers@hsr.ca.gov)>

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**1) Prop1A (California Streets & Highways Codes Section 2704.09)**

"The high-speed train system to be constructed pursuant to this chapter shall be designed to achieve the following characteristics:

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[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=SHC&sectionNum=2704.09](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=SHC&sectionNum=2704.09).

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[https://en.wikipedia.org/wiki/Stratford\\_International\\_station#National\\_Rail](https://en.wikipedia.org/wiki/Stratford_International_station#National_Rail)



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Stratford International is a National Rail station in Stratford and a separate Docklands Light Railway (DLR) station nearby, located in East Village in London and within the Greater London metropolitan area. Despite its name, no international services stop at the station; plans for it to be served by Eurostar trains never came to fruition. The National Rail platforms are, however, served by ...  
en.wikipedia.org

2) <https://www.bbc.com/news/10154343>



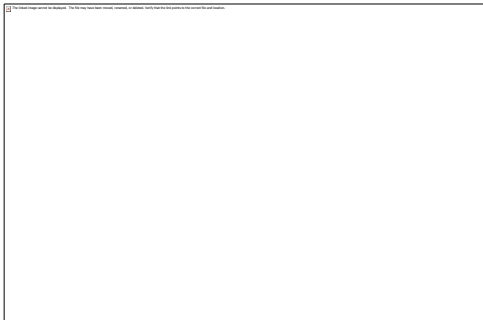
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[youtu.be](http://youtu.be)

- 
-

Sincerely,

Roland Lebrun

---

**From:** Council-Jeff Gee <[jgee@redwoodcity.org](mailto:jgee@redwoodcity.org)>  
**Sent:** Wednesday, June 9, 2021 9:23 AM  
**To:** Roland Lebrun <[ccss@msn.com](mailto:ccss@msn.com)>; Donald Pollitt <[DTX@tjpa.org](mailto:DTX@tjpa.org)>  
**Cc:** MTC Info <[info@bayareametro.gov](mailto:info@bayareametro.gov)>; SFCTA Board Secretary <[clerk@sfcta.org](mailto:clerk@sfcta.org)>; Caltrain Board <[board@caltrain.com](mailto:board@caltrain.com)>; VTA Board Secretary <[board.secretary@vta.org](mailto:board.secretary@vta.org)>; SFCTA CAC <[cac@sfcta.org](mailto:cac@sfcta.org)>; TJPA CAC <[CAC@TJPA.org](mailto:CAC@TJPA.org)>; Caltrain CAC Secretary <[cacsecretary@caltrain.com](mailto:cacsecretary@caltrain.com)>; [ngonzales@tjpa.org](mailto:ngonzales@tjpa.org) <[ngonzales@tjpa.org](mailto:ngonzales@tjpa.org)>; Bouchard, Michelle <[bouchardm@samtrans.com](mailto:bouchardm@samtrans.com)>  
**Subject:** Re: Item 11. Operations Analysis for the Downtown Rail Extension (DTX) project.

Roland:

Thank you for your email. Acknowledging receipt.

Regards,

Jeff

**Jeff Gee, Councilmember**

City of Redwood City  
1017 Middlefield Road  
Redwood City, CA 94064  
650-483-7412  
[jgee@redwoodcity.org](mailto:jgee@redwoodcity.org)

---

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**Sent:** Wednesday, June 9, 2021 3:53 AM  
**To:** Donald Pollitt  
**Cc:** MTC Info; SFCTA Board Secretary; Caltrain Board; VTA Board Secretary; SFCTA CAC; TJPA CAC; Caltrain CAC Secretary  
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CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

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<https://www.sfcta.org/sites/default/files/2021-06/05%20May%2025%20Mins.pdf> (page 3)

Thank you in advance for your urgent attention to these issues.

Roland Lebrun

CC

MTC Commissioners  
SFCTA Commissioners  
Caltrain Board of Directors  
VTA Board of Directors  
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TJPA CAC  
Caltrain CAC  
VTA PAC  
VTA CAC

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en.wikipedia.org

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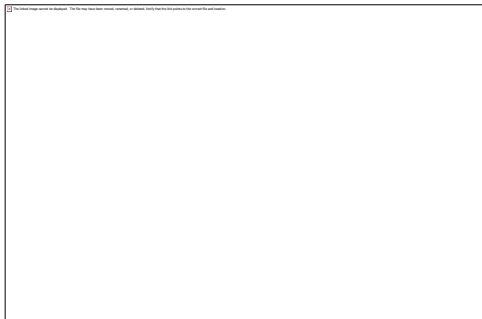
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youtu.be

□  
□

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Jeff

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City of Redwood City  
1017 Middlefield Road  
Redwood City, CA 94064  
650-483-7412  
[jgee@redwoodcity.org](mailto:jgee@redwoodcity.org)

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Dear Chair Gee,

The intent of this letter is to highlight significant issues with the Operations Analysis performed by WSP/Parsons Brinckerhoff's Great British Railways (formerly "Network Rail") Rail Delivery Partner (RDP), specifically that the analysis, **contrary to existing legislation and various business plans**, inexplicably studied the operation of high speed trains stopping at dedicated platforms at the 4<sup>th</sup> & Townsend station. **This fatally flawed analysis subsequently resulted in a flawed recommendation for a 3-track DTX design.**

**Background:**

- 1) Streets & Highways Codes Section 2704.09 (d) mandates that ***"The total number of stations to be served by high-speed trains for all of the corridors described in subdivision (b) of Section 2704.04 shall not exceed 24."***:  
[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=2704.09.&lawCode=SHC](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=2704.09.&lawCode=SHC)
- 2) **The 4<sup>th</sup> & Townsend station cannot possibly accommodate 1,400-foot HSR platforms:**  
*"A pertinent example of Caltrain/HSRA interaction is the recent announcement by HSRA that it may shorten its platforms in order to reduce the initial capital cost of the system. Shortening the platforms and trains leaves open the possibility that demand will eventually exceed the reduced station capacity, **especially in the "bookend areas."**" We understand that the Authority will try to acquire the property needed for future extension of the platforms if needed.*

*An alternative potential response would be to use bi-level trains at the outset for HSRA service. We have recommended in past letters that the Authority consider adopting bi-level trains from the outset **because the loading platform level would be consistent with the lower level used by Caltrain and Metrolink (and ACE if there are joint operations in future)**. In our discussions, the Authority indicated that they will consider inputs from the new system operator (discussed below). We recommend that this issue be addressed carefully before HSRA commits itself to a rolling stock fleet design."*: <https://www.cahsrprg.com/wp-content/uploads/sites/15/2018/08/PRG-letter-of-7-Feb-2017-Reduced.pdf> (page 3)

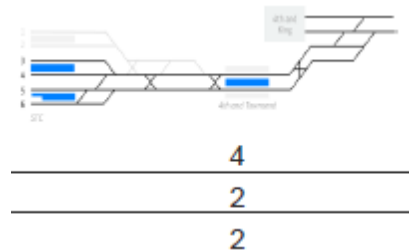
- 3) **Deutsche Bahn, the Authority's Early Train Operator (ETO) has no plans to provide HSR service at 4<sup>th</sup> & Townsend:** [https://www.hsr.ca.gov/wp-content/uploads/docs/about/legislative\\_affairs/Central\\_Valley\\_and\\_Peninsula\\_Corridors\\_Operations\\_Financial\\_Plan\\_Study.pdf](https://www.hsr.ca.gov/wp-content/uploads/docs/about/legislative_affairs/Central_Valley_and_Peninsula_Corridors_Operations_Financial_Plan_Study.pdf) (page 194): **Figure 18-1: Blended Service Caltrain + HSR Servicing FOUR stations**

4) High speed rail platforms at 4<sup>th</sup> & Townsend would conflict with the Caltrain Business Plan



**Recommendation:**

Direct Caltrain to engage the services of Deutsche Bahn to study whether the following configuration can support 12 trains/hour/direction with or without passing tracks at 4<sup>th</sup> & Townsend.



Thank you in advance for your consideration.

Roland Lebrun

**From:** Roland Lebrun

**Sent:** Saturday, June 5, 2021 2:36 PM

**To:** Caltrain Board <board@caltrain.com>

**Cc:** MTC Commission <info@mtc.ca.gov>; SFCTA Board Secretary <clerk@sfcta.org>; SFCTA CAC <cac@sfcta.org>; Caltrain CAC Secretary <cacsecretary@caltrain.com>; VTA Board Secretary <Board.Secretary@vta.org>; Brian Shaw <bshaw2@stanford.edu>; Nicholas Josefowitz <nicholas@getsfmoving.com>

**Subject:** [EXTERNAL] May 19th Caltrain CAC video and slides

Dear Caltrain Board,

Please refer to the May 19th CAC agenda

(<https://www.caltrain.com/Assets/Agendas+and+Minutes/JPB/CAC/Agendas/2018/2021-05-19+JPB+CAC+Agenda.pdf>) and provide the following information pursuant to Government Code §6250 et seq:

- 1) A copy of the monthly Caltrain ridership recovery slide Mr. Joe Navarro showed to the CAC during item 9. Staff Report .
- 2) A copy of the 5/19 CAC meeting video (missing from the video archives page: <https://www.caltrain.com/about/bod/video.html>.)

Thank you in advance for your prompt attention to these requests.

Roland Lebrun

CC

MTC Commissioners  
SFCTA Commissioners  
VTA Board of Directors  
MTC PAC  
SFCTA CAC  
Caltrain CAC  
VTA CAC



**From:** Roland Lebrun

**Sent:** Wednesday, June 2, 2021 1:23 PM

**To:** VTA Board Secretary <Board.Secretary@vta.org>; Caltrain Board <board@caltrain.com>

**Cc:** MTC Commission <info@mtc.ca.gov>; Michelle.Bigelow@morganhill.ca.gov;  
general@morganhill.ca.gov

**Subject:** [EXTERNAL] Emergency hourly Caltrain service between San Jose and Gilroy

**Importance:** High

Dear VTA and Caltrain Boards,

Further to the 5-26-21 attack on VTA's light rail facilities and the crippling impacts throughout Santa Clara County's public transportation infrastructure and south Santa Clara County in particular, please consider agendizing an emergency motion to appropriate some of VTA's surplus \$110M Cares Act funds to support the operation of hourly Caltrain service between San Jose and Gilroy at least until light rail service has been restored and the 68 bus line has recovered enough capacity to meet demand.

<http://santaclaravta.iqm2.com/Citizens/FileOpen.aspx?Type=6&ID=1801>

Thank you in advance for addressing this issue with the utmost urgency.

Roland Lebrun

CC

MTC Commissioners

City of Gilroy

City of Morgan Hill

VTA PAC

VTA CAC

Caltrain CAC

## FY2021 Operating Balance Preliminary Projections – (as of June 2021)

	FY21 Current Budget	FY21 Projections	
		(Mar 2021)	(Jun 2021)
Subtotal - Sales Tax Related	\$439.6M	\$402.6M	\$411.7M
Subtotal - Fares	\$38.6M	\$9.4M	\$13.5M
Subtotal - Other Revenues	\$35.7M	\$29.4M	\$30.5M
<b>TOTAL REVENUES</b>	<b>\$513.9M</b>	<b>\$441.4M</b>	<b>\$455.7M</b>
<b>TOTAL EXPENSES</b>	<b>\$525.5M</b>	<b>\$480.7M</b>	<b>\$481.8M</b>
OPERATING BALANCE (before applying CARES Act Funding)	(\$11.6M)	(\$39.3M)	(\$26.1M)
CARES ACT FUNDS REMAINING (after budget gap is bridged)*	N/A	\$96.8M	\$110.1M

Notes: \*CARES Act Funding available as of July 2020 was approx. \$136.1M that will be used to bridge the negative operating balance at the end of FY2021 and subsequent FYs. The current budget was developed before the existence of CARES Act Funding.



**From:** Roland Lebrun

**Sent:** Sunday, May 30, 2021 11:57 PM

**To:** Caltrain Board <board@caltrain.com>

**Cc:** MTC Commission <info@mtc.ca.gov>; SFCTA Board Secretary <clerk@sfcta.org>; VTA Board Secretary <Board.Secretary@vta.org>; Caltrain CAC Secretary <cacsecretary@caltrain.com>; SFCTA CAC <cac@sfcta.org>; board@samtrans.com; cacsecretary@samtrans.com

**Subject:** [EXTERNAL] Item 3 General Counsel Report on Santa Clara County sales tax measures

Dear Caltrain Board,

Please consider agendaing an additional closed session item requesting that Caltrain General Counsel review the ballot languages of 2000 Measure A and 2016 Measure B as approved by the voters of Santa Clara County and advise the Board as to the legality of VTA refusing to contribute to Caltrain FY22 and FY23 Operating and Capital budgets "*because of the passage of Measure RR in November 2020*".

*"In prior years, VTA contributed to Caltrain's operating budget based on a ridership formula agreed to by the partner agencies. In FY 2020 and FY 2021, that contribution totaled \$10.8 million annually. **The FY 2022 and FY 2023 Proposed Biennial Budget no longer includes a contribution to Caltrain because of the passage of Measure RR in November 2020.** Measure RR implemented a 30-year one-eighth cent sales tax in San Francisco, San Mateo, and Santa Clara counties to fund Caltrain operations and capital improvements. Caltrain is projected to receive about \$57 million in FY 2022 from this tax generated in Santa Clara County."*

[http://santaclaravta.iqm2.com/Citizens/Detail\\_LegiFile.aspx?Frame=&MeetingID=3349&MediaPosition=&ID=7691&CssClass=](http://santaclaravta.iqm2.com/Citizens/Detail_LegiFile.aspx?Frame=&MeetingID=3349&MediaPosition=&ID=7691&CssClass=)

Sincerely,

Roland Lebrun

Attachments:

- 2000 Measure A Ballot language
- 2016 Measure B Ballot language

CC

MTC Commissioners  
SFCTA Commissioners  
VTA Board  
SamTrans Board  
VTA PAC  
Caltrain CAC

SFCTA CAC  
VTA CAC  
SamTrans CAC

OFFICIAL BALLOT  
COUNTY OF SANTA CLARA

GENERAL ELECTION  
November 7, 2000

**DISTRICT**  
**SANTA CLARA VALLY TRANSPORTATION AUTHORITY**

**A 1/2 CENT TRANSIT SALES TAX**

To:

- Connect BART to Milpitas, San Jose, Santa Clara;
- Build rail connection from San Jose International Airport to BART, Caltrain, light rail;
- Purchase vehicles for disabled access, senior safety, clean air buses;
- Provide light rail throughout Santa Clara County;
- Expand, electrify Caltrain;
- Increase rail, bus service.

Shall Santa Clara Valley Transportation Authority enact a 1/2 cent sales tax for 30 years beginning 4/1/06 when current tax expires, with annual audits published in local newspapers and an independent citizens watchdog committee?

**COMPLETE TEXT OF MEASURE A**

Shall the Board of Directors of the Santa Clara Valley Transportation Authority (VTA) be authorized to enact a retail transactions and use tax ordinance imposing (a) a tax for the privilege of selling tangible personal property at retail upon every retailer in Santa Clara County, the territory of VTA; such tax to be at the rate of one-half of one percent of the gross receipts of the retailer from the sale of all tangible personal property sold by him at retail in the territory of VTA, and (b) a complimentary tax upon the storage, use, or other consumption in Santa Clara County, the territory of VTA; such tax to be at the rate of one-half of one percent of the sales price of the property whose storage, use, or other consumption is subject to the tax, such taxes to be imposed for a period not to exceed 30 years, and to take effect only upon the expiration of the current County of Santa Clara 1996 Measure B 1/2 cent sales tax in April, 2006, and to be used only to:

- **Extend BART from Fremont through Milpitas to Downtown San Jose and the Santa Clara Caltrain Station, specifically,**

To build a BART Extension from Fremont to Milpitas, San Jose and Santa Clara with a major connection to the Tasman Light Rail line at the Milpitas BART Station. In San Jose to include a BART subway section with stations at San Jose State University, the new San Jose City Hall, Downtown San Jose at Market Street, San Jose Arena and the Diridon Multimodal Station connecting to Caltrain, ACE, Amtrak, the Vasona Light Rail line and VTA bus service. In Santa Clara, to serve Santa Clara University, and the Caltrain Station with a

people mover connection to San Jose International Airport.

- **Provide Connections from San Jose International Airport to BART, Caltrain and the VTA Light Rail, specifically,**

To build a people mover rail line connecting the airport passenger terminals directly with BART, Caltrain and the VTA Light Rail line.

- **Extend Light Rail from Downtown San Jose to the East Valley by**

Building a Downtown/East Valley Light Rail line from downtown San Jose serving the new San Jose City Hall and San Jose State University, out Santa Clara Street to Capitol Avenue to join the Capitol Light Rail line then south to Eastridge Shopping Center.

- **Purchase Low Floor Light Rail Vehicles, specifically**

To better serve disabled, seniors and others; purchase an additional 20 low floor light rail vehicles to join the 30 low floor vehicles now being constructed for the new Tasman, Capitol and Vasona Light Rail lines and 50 new low floor vehicles to replace VTA's existing 50 light rail vehicles.

- **Improve Caltrain: Double Track to Gilroy and Electrify from Palo Alto to Gilroy**

Extend the Caltrain double track from the San Jose Tamien Station through Morgan Hill to Gilroy. Provide VTA's funds for the partnership with San Francisco and San Mateo counties to electrify Caltrain from San Francisco to Gilroy.

- **Increase Caltrain Service, specifically**

Purchase new locomotive train sets for increased Caltrain service in Santa Clara County from Gilroy to Palo Alto and provide additional facilities to support the increased service.

- **Construct a New Palo Alto Intermodal Transit Center**

In partnership with the City of Palo Alto and Stanford University, design and construct a new parkway and underpass for University Avenue from the campus to downtown Palo Alto to improve bicycle, pedestrian and transit access to the campus, Palo Alto Caltrain station and downtown Palo Alto. Upgrade passenger facilities at the historic Palo Alto Caltrain station, upgrade transit facilities for VTA, SAMTRANS, Dumbarton Express and the Stanford Marguerita and Palo Alto shuttle services.

- **Improve Bus Service in Major Bus Corridors**

For VTA Line 22 (Palo Alto to Eastridge Center) and the Stevens Creek Boulevard Corridor, purchase new low floor articulated buses. Improve bus stops and major passenger transfer points and provide bus queue jumping lanes at intersections to permit buses quick access along the corridors.

- **Upgrade Altamont Commuter Express (ACE)**

Provide VTA's matching funds for additional train sets, passenger facilities and service upgrades for the ACE Commuter Service from San Joaquin and Alameda Counties.

- **Improve Highway 17 Express Bus Service**

Provide VTA's share of funds for the partnership with the Santa Cruz County Transit District for additional buses and service upgrades for the Highway 17 Express Bus Service.

- **Connect Caltrain with Dumbarton Rail Corridor**

Provide VTA's share of matching funds for a partnership with Alameda and San Mateo counties for the rebuilding of the Dumbarton Rail Corridor to connect to Caltrain and train sets for this new service conditioned on Alameda and San Mateo County's funding.

- **Purchase Zero Emission Buses and Construct Service Facilities**

Provide funds to supplement federal funds to expand and replace existing VTA diesel bus fleet from current size of just over 500 vehicles to 750 vehicles with the new zero emission buses and to provide maintenance facilities for this new, clean vehicle propulsion system. All new buses to be low floor for easier boarding by seniors and the disabled.

- **Develop New Light Rail Corridors**

Provide capital funds for at least two new future light rail corridors to be determined by Major Investment Studies (MIS). Potential corridors include: Sunnyvale/Cupertino; Santa Teresa/Coyote Valley; Downtown/East Valley Connection to Guadalupe Line; Stevens Creek Boulevard; North County/Palo Alto; Winchester/Vasona Junction; and, initial study of BART connection from Santa Clara through Palo Alto to San Mateo County.

- **Fund Operating and Maintenance Costs for Increased Bus, Rail and Paratransit Service**

Provide revenue to ensure funding, to at least 2014, and possibly longer, of the following: the new Tasman East, Capitol and Vasona Light Rail lines, the commuter rail connection to BART, expanded paratransit services, expanded bus fleet of 750 vehicles, the Downtown/East Valley Light Rail line operations, which can commence in 2008, and the BART extension to San Jose which can commence operations by 2010;

All subject to the following mandatory requirements:

- The Tax Must Expire 30 Years After Implementation.

If approved by the voters, this half-cent sales tax must expire 30 years after implementation. The tax will be imposed for the period commencing April 1, 2006 when current tax expires and terminate on March 31, 2036. The length of this tax cannot be extended without a vote – and the approval – of the residents of Santa Clara County.

- An Independent Citizen's Watchdog Committee Must Review all Expenditures.

The Independent Citizen's Watchdog Committee will consist of private citizens, not elected officials, who comprise the VTA's Citizen's Advisory Committee. Responsibilities of the Citizen's Watchdog Committee are:

- **Public Hearings and Reports:** The Committee will hold public hearings and issue reports on at least an annual basis to inform Santa Clara County residents how the

## APPENDIX A - 2000 MEASURE A BALLOT LANGUAGE

funds are being spent. The hearings will be held in full compliance with the Brown Act, California's open meeting law with information announcing the hearings well-publicized and posted in advance.

- Annual Independent Audits: An annual audit conducted by an independent Auditor will be done each fiscal year to ensure tax dollars are being spent in accordance with the intent of this measure.
- Publish results of Audits and Annual Reports: The Committee must publish the results of the Independent Auditor and the Annual Report in local newspapers. In addition, copies of these documents must be made available to the public at large.

such authorization being pursuant to the provisions of Sections 100250 et seq. of the public Utilities Code and Sections 7251 et seq. of the Revenue and Taxation Code.



# B-2. 2016 Measure B Ballot Language

## MEASURE B

### COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF MEASURE B

California law permits the Santa Clara Valley Transportation Authority (VTA) to impose a retail transactions and use tax (commonly called a "sales tax") in the territory of the VTA, which includes both the unincorporated territory and all the cities within Santa Clara County. Such a tax must first be approved by two-thirds of the voters voting in an election.

Measure B was placed on the Ballot by the VTA Board of Directors (Board). Measure B proposes enactment of a .5% (one-half cent) sales tax. The Board anticipates that the sales tax would be operative on April 1, 2017. The authority to levy the sales tax will expire thirty years later.

Under California law, all local governments within each county cannot enact a total sales tax rate of more than 2% in any territory. Approval of this Measure would result in the territory within the cities of Campbell and San Jose reaching that 2% cap during 2017 and until the expiration of an existing tax. The State also imposes a sales tax, some of which is distributed to local governments. The State sales tax rate is scheduled to be 7.25% as of January 1, 2017. Approval of this Measure is anticipated to result in a total 9.25% sales tax in the cities of Campbell and San Jose, and a 9.0% sales tax elsewhere in Santa Clara County, as of the date the sales tax is anticipated to begin. Because existing sales taxes may expire, or other sales taxes may be enacted, overall tax rates may vary during the thirty-year period of this tax.

State law requires the VTA to state the specific purposes for which the sales tax proceeds will be used, and the VTA must spend the proceeds of the tax only for these purposes. The stated purposes of the proposed sales tax are to: repair potholes and fix local streets; finish the BART extension through downtown San Jose and to Santa Clara; improve bicycle and pedestrian safety; increase Caltrain capacity, in order to ease highway congestion, and improve safety at crossings; relieve traffic on the expressways and key highway interchanges; and enhance transit for seniors, students, low-income, and disabled individuals. The Measure states that the VTA will establish a program and develop program guidelines to administer tax revenues received from the measure.

Measure B provides for the establishment of an independent citizens' oversight committee for ensuring that proceeds of the tax are expended consistent with the program established by the VTA. The committee would hold public hearings, issue reports on at least an annual basis, and arrange for an annual independent audit of expenditures.

A "yes" vote is a vote to authorize a special sales tax of one-half cent (.5%) operative for 30 years, expected to expire on March 31, 2047.

A "no" vote is a vote not to authorize the special sales tax.

James R. Williams  
Acting County Counsel

By: /s/ Danielle L. Goldstein  
Deputy County Counsel

## COMPLETE TEXT OF MEASURE B

To repair potholes and fix local streets; finish the BART extension through downtown San Jose and to Santa Clara; improve bicycle and pedestrian safety; increase Caltrain capacity, in order to ease highway congestion, and improve safety at crossings; relieve traffic on the expressways and key highway interchanges; and enhance transit for seniors, students, low-income, and disabled, shall the Board of Directors of the Santa Clara Valley Transportation Authority (VTA) enact a retail transactions and use tax ordinance, Ordinance No. 2016.01, imposing (a) a tax for the privilege of selling tangible personal property at retail upon every retailer in Santa Clara County, the territory of VTA, such tax to be at the rate of one-half of one percent of the gross receipts of the retailer from the sale of tangible personal property sold by him/her at retail in the territory of VTA; and (b) a complementary tax upon the storage, use, or other consumption in Santa Clara County, the territory of VTA, such tax to be at the rate of one-half of one percent of the sales price of the property whose storage, use, or other consumption is subject to the tax; collection of such tax to be limited to thirty years?

VTA shall be the administrator of the tax, shall establish a program and develop program guidelines to administer the tax revenues received from the enactment of this measure (the "Program"). Tax revenues received for the 30-year life of the tax, including any interest or other earnings thereon, less any funds necessary for satisfaction of debt service and/or cost of borrowing and costs of program administration and oversight, such as costs of grant administration and financial management, shall be referred to herein as "Program Tax Revenues."

VTA shall allocate the Program Tax Revenues to the following categories of transportation projects: Local Streets and Roads; BART Phase II; Bicycle and Pedestrian; Caltrain Grade Separation; Caltrain Capacity Improvements; Highway Interchanges; County Expressways; SR 85 Corridor; and Transit Operations.

The present value (i.e., present day purchasing power) of the Program Tax Revenues, as of April 2017, is forecasted to be approximately \$6.3 Billion. The actual revenues to be received over the 30-year life of the tax will be affected by various economic factors, such as inflation and economic growth or decline. The estimated amounts for each category reflect the allocation of approximately \$6.3 Billion. The estimated amounts for each category, divided by \$6.3 Billion, establishes ratios for the allocation among the categories. The VTA Board of Directors may modify those allocation amounts following the program amendment process outlined in this resolution.

- **Local Streets and Roads—Estimated at \$1.2 Billion of the Program Tax Revenues in 2017 dollars.**

To be returned to cities and the County on a formula basis to be used to repair and maintain the street system. The allocation would be based on the population of the cities and the County of Santa Clara's road and expressway lane mileage. Cities and the County will be required to demonstrate that these funds would be used to enhance and not replace their current investments for road system maintenance and repair. The program would also require that cities and the County apply Complete Streets best practices in order to improve bicycle and pedestrian elements of the street system. If a city or the County has a Pavement Condition Index score of at least 70, it may use the funds for other congestion relief projects.

## COMPLETE TEXT OF MEASURE B-Continued

- **BART Phase II—Estimated at \$1.5 Billion of Program Tax Revenues in 2017 dollars (capped at a maximum of 25% of Program Tax Revenues).**

To fund the planning, engineering, construction, and delivery costs of BART Phase II, which will create a new regional rail connection by extending BART from the Berryessa Station in San Jose to Santa Clara with stations at Alum Rock/28<sup>th</sup> Street, downtown San Jose, San Jose Diridon Station, and Santa Clara.

- **Bicycle/Pedestrian—Estimated at \$250 Million of Program Tax Revenues in 2017 dollars.**

To fund bicycle and pedestrian projects of countywide significance identified by the cities, County, and VTA. The program will give priority to those projects that connect to schools, transit, and employment centers; fill gaps in the existing bike and pedestrian network; safely cross barriers to mobility; and make walking or biking a safer and more convenient means of transportation for all county residents and visitors. Bicycle and pedestrian educational programs, such as Safe Routes to Schools, will be eligible for funding. Candidate Projects are set forth in Attachment A.

- **Caltrain Grade Separation—Estimated at \$700 Million of Program Tax Revenues in 2017 dollars.**

To fund grade separation projects along the Caltrain corridor in the cities of Sunnyvale, Mountain View, and Palo Alto, separating the Caltrain tracks from roadways to provide increased safety benefits for drivers, bicyclists, and pedestrians and also reduce congestion at the intersections.

- **Caltrain Corridor Capacity Improvements—Estimated at \$314 Million of Program Tax Revenues in 2017 dollars.**

To fund Caltrain corridor capacity improvements and increased service in Santa Clara County in order to ease highway congestion, including: increased service to Morgan Hill and Gilroy, station improvements, level boarding, extended platforms, and service enhancements.

- **Highway Interchanges—Estimated at \$750 Million of Program Tax Revenues in 2017 dollars.**

To fund highway projects throughout the valley that will provide congestion relief, improved highway operations and freeway access, noise abatement, roadway connection overcrossings, and deploy advanced technology through Intelligent Transportation Systems (ITS). Candidate Projects are set forth in Attachment B.

- **County Expressways—Estimated at \$750 Million of Program Tax Revenues in 2017 dollars.**

To fund Tier 1 improvement projects in the County's Expressway Plan in order to relieve congestion, improve safety and increase the effectiveness of the expressway system in the county. Candidate Projects are set forth in Attachment C.

- **State Route 85 Corridor—Estimated at \$350 Million of Program Tax Revenues in 2017 dollars.**

To fund new transit and congestion relief projects on SR 85, including a new transit lane from SR 87 in San Jose to U.S. 101 in Mountain View. Additionally this category will fund noise abatement along SR 85 and will provide funding to study transportation alternatives that include, but are not limited to, Bus Rapid Transit with infrastructure

## COMPLETE TEXT OF MEASURE B-Continued

such as stations and access ramps, Light Rail Transit, and future transportation technologies that may be applicable.

- **Transit Operations—Estimated at \$500 Million of Program Tax Revenues in 2017 dollars.**

The revenue from this program category will provide additional funds specifically for bus operations to serve vulnerable, underserved, and transit dependent populations throughout the county. The goals of the program category are to increase ridership, improve efficiency, enhance mobility services for seniors and disabled, and improve affordability for the underserved and vulnerable constituencies in the county. As VTA considers modifications to bus operations and routes to improve ridership and efficiencies, these funds may also be utilized to maintain and expand service to the most underserved and vulnerable populations. The funds may be used to increase core bus route service frequencies, extending hours of operations to early mornings, evenings and weekends to improve mobility, safe access and affordability to residents that rely on bus service for critical transportation mobility needs. Attachment D describes the list of Candidate Projects and Programs.

The Program Categories will be administered in accordance with program guidelines and policies to be developed and approved by the VTA Board of Directors.

An independent citizen's oversight committee shall be appointed to ensure that the funds are being expended consistent with the approved Program. Annually, the committee shall have an audit conducted by an independent auditor. The audit shall review the receipt of revenue and expenditure of funds. The committee shall hold public hearings, and issue a report annually to inform the Santa Clara County residents how the funds are being spent. The hearings will be public meetings subject to the Brown Act.

To support and advance the delivery of projects in the Program, VTA may issue or enter into financial obligations secured by the tax revenues received from the State Board of Equalization (SBOE), including but not limited to, bonds, notes, commercial paper, leases, loans and other financial obligations and agreements (collectively, "Financing Obligations"), and may engage in any other transactions allowed by law. Notwithstanding anything to the contrary, to obtain the strongest credit ratings and lowest financing costs, VTA may pledge up to the full amount of tax revenues received from the SBOE as security for any Financing Obligations of the Program and may contract with the SBOE to have pledged amounts transferred directly to a fiduciary, such as a bond trustee, to secure Financing Obligations to fund any project in the Program. Any Financing Obligation shall be fully paid prior to the expiration of this tax measure.

If approved by a 3/4 majority of the VTA Board of Directors, and only after a noticed public meeting in which the County of Santa Clara Board of Supervisors, and the city council of each city in Santa Clara County have been notified at least 30 days prior to the meeting, VTA may modify the Program for any prudent purpose, including to account for the results of any environmental review required under the California Environmental Quality Act of the individual specific projects in the Program; to account for increases or decreases in federal, state, and local funds, including revenues received from this tax measure; to account for unexpected increase or decrease in revenues; to add or delete a project from the Program in order to carry out the overall purpose of the Program; to maintain consistency with the Santa Clara Valley Transportation Plan; to

## COMPLETE TEXT OF MEASURE B-Continued

shift funding between project categories; or to take into consideration new innovations or unforeseen circumstances.

### ATTACHMENT A ENVISION SILICON VALLEY BICYCLE AND PEDESTRIAN CANDIDATE LIST

#### **Project**

Implementation of Santa Clara Countywide Bicycle Plan\*  
Trails in Expressway Rights-of-Way  
Alum Rock Trail  
Coyote Creek Trail Completion  
Lions Creek Trail  
Lower Silver Creek Trail  
Miramonte Avenue Bikeways  
Fremont Road Pathway  
Los Gatos Creek Trail Connector to SR 9  
Berryessa Creek Trail  
West Llagas Creek Trail  
Guadalupe River Trail-Extension to Almaden  
Three Creeks Trail East from Guadalupe River to Coyote Creek Trail  
Five Wounds Trail from William Street to Mabury Road/Berryessa  
Hwy. 237 Bicycle Trail: Great America Parkway to Zanker (Class I, II, and IV)  
Lower Guadalupe River Access Ramps  
Los Gatos Creek Trail Gap Closure  
Calabazas Creek Trail  
San Tomas Aquino Trail Extension to South & Campbell Portion  
Union Pacific Railroad Trail  
Stevens Creek Trail Extension  
Hamilton Avenue/Highway 17 Bicycle Overcrossing  
Pedestrian/Bicycle Bridge over SR 17 from Railway/Sunnyside to Campbell Technology Parkway  
Mary Avenue Complete Streets Conversion  
UPRR Bicycle/Pedestrian Bridge Crossing: Stevens Creek Boulevard to Snyder Hammond House/Rancho San Antonio Park  
Montague Expressway Bicycle/Pedestrian Overcrossing at Milpitas BART Station  
Shoreline/101 Bicycle/Pedestrian Bridge  
Mayfield Tunnel Pedestrian/Bicycle under Central Expressway connecting to San Antonio Caltrain Station  
South Palo Alto Caltrain Bicycle/Pedestrian Crossing  
Matadero Creek Trail Undercrossing  
Caltrain Capitol Undercrossing  
Phelan Avenue Pedestrian/Bicycle Bridge over Coyote Creek  
Newhall Street Bicycle/Pedestrian Overcrossing over Caltrain Tracks  
Kiely Bicycle/Pedestrian Overcrossing  
Winchester Bicycle/Pedestrian Overcrossing  
Bernardo Caltrain Undercrossing  
San Tomas Aquino Creek Trail Underpass at 49er Stadium  
Latimer Avenue Bicycle/Pedestrian Overcrossing

## COMPLETE TEXT OF MEASURE B-Continued

Bicycle/Pedestrian safety education at approximately 200 schools  
Implementation of Pedestrian Access to Transit Plan (VTA)\*  
Bike amenities at transit stops and on transit vehicles  
Countywide Vision Zero Program (VTA)\*  
Highway 9 Pedestrian Safety Improvements

\*These plans are currently being developed/updated and projects are being identified.

### ATTACHMENT B ENVISION HIGHWAY PROGRAM CANDIDATE LIST

#### **Project**

US 101 Improvements in the cities of Palo Alto and Mountain View to address regional connectivity and circulation between San Antonio Road and Charleston Road at the US 101/San Antonio Road, US 101/Rengstorff/Charleston Road and US 101/Shoreline Boulevard interchanges.

SR 85/SR 237 Area Improvements in Mountain View to address mainline congestion and regional connectivity through the SR 85/SR 237 connector, SR 85/EI Camino Real interchange, and the SR 237/EI Camino/Grant Road interchange.

SR 237/US 101/Mathilda Avenue Area Improvements in Sunnyvale to address local roadway congestion.

SR 237 Corridor Improvements in the cities of San Jose, Santa Clara and Milpitas to address mainline congestion and regional connectivity by addition of SR 237 westbound/eastbound auxiliary lanes between Zanker Road and North First Street, improvements at the SR 237/Great America Parkway westbound off-ramp, and replacement/widening of the Calaveras Boulevard structures over the UPRR tracks.

West County Improvements along I-280 in Cupertino, Los Altos, Los Altos Hills and Sunnyvale to address mainline congestion with mainline and interchange improvements from Magdalena Avenue to the San Mateo County line.

SR 85/I-280 Area Improvements in Cupertino, Los Altos, and Sunnyvale to address regional connectivity through a northbound I-280 braided ramp between SR 85 and Foothill Boulevard and improvements at the northbound I-280 off-ramp to Foothill Boulevard.

US 101/Trimble Road/De La Cruz Boulevard to Zanker Road Area Improvements to address local roadway connectivity and mainline congestion in San Jose and Santa Clara with US 101/Trimble Road/De La Cruz Boulevard interchange improvements, southbound US 101/SB 87 connector improvements, and a new US 101/Zanker Road interchange.

US 101/Old Oakland Road Improvements in San Jose to address local roadway congestion, access and connectivity.

A new interchange at US 101/Mabury Road in San Jose to address regional access.

I-680 Corridor Improvements in San Jose to address mainline congestion and regional connectivity by improving the I-680/Alum Rock Avenue and I-680/McKee Road interchanges.

I-280/Lawrence Expressway/Stevens Creek Boulevard Interchange Improvements to address mainline and local roadway congestion.

## COMPLETE TEXT OF MEASURE B-Continued

I-280/Saratoga Avenue Interchange Improvements to address local circulation and mainline congestion.

I-280/Winchester Boulevard Area Improvements in Santa Clara and San Jose to address regional connectivity and local circulation.

SR 87 Corridor Technology-based Improvements in San Jose to address mainline congestion and system reliability through the implementation of technology-based operational improvements to the freeway.

Highway 17 Corridor Congestion Relief: Upgrade Highway 17/9 interchange to improve pedestrian and bicycle safety, mobility, and roadway operations; deploy advanced transportation technology to reduce freeway cut through traffic in Los Gatos, including traffic signal control system upgrades in Los Gatos, Traveler Information System, advanced ramp metering systems; support Multi-Modal Congestion Relief Solutions, including enhanced Highway 17 Express Bus service, implementing local bus system improvements that reduce auto trips to schools, work, and commercial areas in Los Gatos; and develop park and ride lots to serve as transit hubs for express bus, shuttles, local bus system connections.

SR 17 Southbound/Hamilton Avenue Off-ramp Widening Improvements in Campbell to address mainline congestion and local circulation.

SR 17/San Tomas Expressway Improvements in Campbell to address mainline congestion and local circulation.

US 101/Blossom Hill Boulevard Improvements in San Jose to address local roadway congestion and connectivity, including for bicyclists and pedestrians.

US 101 Improvements in Gilroy to address mainline congestion and regional connectivity with a new US 101/Buena Vista Avenue interchange and US 101/SR 152 10th Street ramp and intersection improvements.

SR 152 Corridor Improvements in Gilroy including US 101/SR 25 interchange improvements to address regional connectivity and goods movement network improvements.

I-280/Wolfe Road Interchange Improvements in Cupertino to address mainline congestion and improve local traffic circulation.

I-880/Charcot Avenue Overcrossing in San Jose to address local relief circulation and adjacent I-880 interchanges congestion relief.

Noise Abatement Projects in Santa Clara County to implement treatments to address existing freeway noise levels throughout the county.

Intelligent Transportation Systems (ITS) Projects in Santa Clara County such as integrated corridor management systems, traffic operations systems, ramp metering, managed lanes, and local traffic signal control systems to address freeway mainline congestion and local roadway congestion caused by cut-through traffic.

## COMPLETE TEXT OF MEASURE B-Continued

### ATTACHMENT C

#### SANTA CLARA COUNTY EXPRESSWAY IMPROVEMENTS (TIER 1)

##### Project

Almaden Expressway at SR-85-Interim Improvements

Almaden Expressway at Branham Lane Intersection Improvements

Almaden Expressway at Camden Ave Intersection Improvements

Capitol Expressway Widening and Interchange Modifications between I-680 and Capitol Avenue

Central Expressway at Thompson Intersection Improvements

Foothill Expressway Auxiliary Lanes between El Monte and San Antonio

Lawrence Expressway at Homestead Road Interim Improvements

Lawrence Expressway at Homestead Road Grade Separation

Lawrence Expressway from Reed/Monroe to Arques Grade Separation

Montague Expressway Complete 8-lane Widening including HOV lanes and Auxiliary Lanes between Great Mall and McCarthy/O'Toole

Oregon-Page Mill Widening (possible HOV lanes) and Trail between I-280 and Foothill Expressway

Oregon-Page Mill Intersection Improvements between Porter and Hansen

Oregon-Page Mill/El Camino Real Intersection Improvements

San Tomas Expressway Widening and Trail between Homestead and Stevens Creek

Santa Teresa-Hale Corridor Road and Trail between Dewitt and Main

Santa Teresa-Hale Corridor Widening and Trail between Long Meadow and Fitzgerald

SR 17/San Tomas Expressway Interim Improvements

I-280/Foothill Expressway Interchange Modifications and Auxiliary Lane to Homestead

I-280/Oregon-Page Mill Road Interchange Reconfiguration

Expressway ITS/Signal System Countywide

### ATTACHMENT D

#### TRANSIT OPERATIONS CANDIDATE PROJECTS AND PROGRAMS LIST

- Expand mobility services and affordable fare programs for seniors, disabled, students and low-income riders.

This project would provide funds to develop and expand senior and disabled transportation mobility programs and services. The proposed program would provide mobility options such as coordinated eligibility services and enhanced mobility options provided in a secure and safe manner for the most vulnerable and underserved residents in the County, such as seniors and persons with disabilities. It would support mobility options including maintaining the paratransit service coverage area and service expansion by extending hours of operation and weekend service. The funds would also establish permanent and augment discount fare programs to increase transit access for low-income, underserved and vulnerable populations unable to afford standard fares.

## COMPLETE TEXT OF MEASURE B-Continued

- Enhance Frequent Core Bus Network.

The project would upgrade service frequency on VTA's top core network routes to 15-minutes or faster. Some specific examples include expanding the number of high frequency core routes and expanding the schedule of existing services. This may also include enhancing frequency of services during early mornings, evenings and weekends in order to improve convenience, reliability, connectivity, ridership, farebox recovery and support local land use plans. The upgrade would improve the quality of service for vulnerable, underserved and transit dependent populations as well as existing riders and attract new riders which would decrease vehicle miles traveled, traffic congestion and pollution.

- Improve amenities at bus stops to increase safety, security and access.

The project would provide funds for system wide improvements to bus stops, transit centers and stations including new and replacement shelters, lighting, access improvements including safe sidewalk connections, passenger information signs and security.

- Support new innovative transit service models to address first/last mile connections.

The project would support affordable new innovative transit service models to address first/last mile connections including FLEX type services, dynamic on-demand subscription shuttles and partnerships with other demand responsive service providers serving vulnerable, underserved and transit dependent populations.

## ARGUMENT IN FAVOR OF MEASURE B

Uncommon allies united for a common goal: Relieve Traffic; Repair our Roads. That's why the League of Women Voters, San Jose Silicon Valley Chamber of Commerce, League of Conservation Voters, former U.S. Transportation Secretary Norman Mineta and Senator Dianne Feinstein are championing Measure B to provide vital local funding to fill potholes, maintain roads and reduce traffic throughout Santa Clara County.

We are fortunate to enjoy a special quality of life here. Unfortunately, many of Santa Clara County's roads are in dire need of repair and we're spending too much time trapped in traffic. We need meaningful countywide congestion relief.

Measure B will:

- Finish the BART extension to downtown San Jose and Santa Clara
- Relieve traffic congestion on all 10 Expressways (Almaden, Capitol, Central, Foothill, Lawrence, Montague, Page Mill, San Tomas, Santa Teresa, Hale) and key highway interchanges
- Protect and enhance transit options for seniors, the disabled, students and the poor
- Repair roads and fix potholes in all 15 cities
- Improve bicycle and pedestrian safety, especially near schools
- Increase Caltrain capacity, easing highway congestion and improving safety at grade crossings
- Connect BART/Caltrain in downtown San Jose and Santa Clara, with platform-to-platform connections, to finally provide rapid rail around the entire Bay Area

Voting YES on Measure B provides Santa Clara County with a source of locally controlled funding to repair and maintain our roads and improve safety. Measure B helps Santa Clara County secure state and federal matching funds, otherwise lost to other regions.

The state or federal government cannot take away Measure B funds. We need to act now; the longer we wait, the more expensive these improvements become.

Measure B mandates strong taxpayer safeguards, including independent financial audits with citizen oversight. Elected leaders will be held accountable to spend funds as promised.

Measure B repairs our roads and contributes to a better quality of life throughout Santa Clara County. Join us in supporting Measure B.

## ARGUMENT IN FAVOR OF MEASURE B-Continued

www.YesMeasureB.com

/s/ Roberta Hollimon

Chair, Council of the Leagues of Women Voters of Santa Clara County

/s/ Matthew Mahood

President & CEO, San Jose Silicon Valley Chamber of Commerce

/s/ Rod Diridon, Sr.

Chair Emeritus, League of Conservation Voters of Santa Clara County

/s/ Michael E. Engh

President, Santa Clara University

/s/ Darryl Von Raesfeld

Fire Chief, City of San Jose (Retired)

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE B

Has your commute improved since Measure A in 2000? One thing is abundantly clear: If VTA actually could deliver "meaningful countywide congestion relief" they would have done it by now. This is a promise they can't deliver on.

Measure B would add a big increase to an already hefty transportation sales tax. What confidence do you have that you will ever benefit from it?

Look at the performance of Measure A from 2000. VTA's Capital Program Dashboard shows that no Measure A projects have been completed. The most expensive project, BART to Santa Clara, was cut in half. Why trust that Measure B will be any different? Voters deserve to see projects delivered before being asked to pay more taxes!

We've seen all this before: traffic keeps getting worse. The billions spent from existing taxes are not making our lives better. Clearly, the strategy doesn't work. Doing more of the same will continue to produce unacceptable results.

Measure B is a recipe for failure. We need a new direction. For example, voters need to consider whether major employers should pay more to reduce the congestion impacts of their employees' commutes.

Voting NO on Measure B sends a strong message: Find a new direction for our county--one that is good for the environment, good for the economy, and good for our health.

Please vote NO on Measure B. After the "bait and switch" of 2000's Measure A, let's not give VTA a \$6.3 billion blank check.

/s/ Michael J. Ferreira

Executive Committee Chair, Loma Prieta Chapter, Sierra Club

/s/ Mark W.A. Hinkle

President of the Silicon Valley Taxpayers Association

/s/ John M. Inks

Mountain View City Councilmember

/s/ Elizabeth C. Brierly

Santa Clara County Homeowner and Lifelong Resident

## ARGUMENT AGAINST MEASURE B

Each year you are stuck in worse congestion. The 1% sales tax you've paid for the past thirty years to "relieve traffic" hasn't worked. Will raising the tax by 44% really "relieve traffic"?

Santa Clara County has tremendously congested roadways and one of the very worst performing light rail systems in the nation. Bus service is unusable and scheduled to get worse.

Population has increased since 2001, while transit ridership has declined 23 percent. If allowed to continue, the whole county will end up in gridlock.

Let's not put even more money into a failed strategy!

Here is the actual list of projects promised by Measure A in 2000, and what happened since then:

- Connect BART to Milpitas, San Jose, Santa Clara (project was cut in half and is still not complete)
- Build rail connection from San Jose Airport to BART, Caltrain, light rail (project canceled)
- New vehicles for disabled access, senior safety, clean air buses (completed)
- New light rail throughout Santa Clara County (one corridor changed into a bus lane project; other corridors canceled)
- Expand, electrify Caltrain (project is delayed more than 15 years)
- Increase rail, bus service (2015 service was 13% below 2001 levels)

The County Civil Grand Jury determined in 2004 that "The VTA Board has proceeded with a transit capital improvement plan that cannot accomplish all that was promised in Measure A." That certainly turned out to be the case.

Why vote for another bait-and-switch?

This election will be close. Your vote can help defeat this tax increase and send a message that new thinking is needed. Air quality and climate change demand new solutions.

For short and long-term traffic relief, please vote No.

Demand a new direction!

## ARGUMENT AGAINST MEASURE B-Continued

For more information: [www.No2VTAmMeasureB.org](http://www.No2VTAmMeasureB.org)  
Twitter: #No2VTAmMeasureB  
Phone: 408-604-0932

/s/ Gladwyn d' Souza  
Regional Chair, Loma Prieta Chapter, Sierra Club

/s/ Mark W.A. Hinkle  
President: Silicon Valley Taxpayers Association

/s/ John M. Inks  
Mountain View City Councilmember

/s/ Andy Chow  
President, BayRail Alliance

/s/ Elizabeth C. Brierty  
San Jose Homeowner & Lifelong Santa Clara County Resident

## REBUTTAL TO ARGUMENT AGAINST MEASURE B

When reading the argument against Measure B, please consider the sources and review the facts for yourself. The opponents offer no solutions to the traffic congestion we face every day.

Some of the organizations signing the argument against Measure B have histories of opposing absolutely everything, including measures to support our schools, parks and public safety.

The text of their argument is even less credible.

### Here are the facts:

\*The first segment of the BART extension is running \$75 million under budget and a year ahead of schedule, with passenger service beginning in fall 2017.

\*Thanks to major investments, electrification of Caltrain will begin in 2020, which helps nearly double ridership capacity from 65,000 daily trips to 110,000.

**Why is Measure B important?** Please review the official ballot question for yourself. Measure B will accomplish the following while also mandating annual audits by an independent citizens watchdog committee to ensure accountability:

- Repair streets and fix potholes in all 15 cities & towns
- Finish the BART extension to downtown San Jose and Santa Clara
- Improve bicycle/pedestrian safety, especially near schools
- Increase Caltrain capacity, ease highway congestion and improve safety at crossings
- Relieve traffic on all 10 expressways and key highway interchanges
- Enhance transit for seniors, students, low-income citizens and the disabled

**All of us are Santa Clara County taxpayers and residents (the signers of the argument against cannot say the same thing). Please join community leaders and organizations**

**from across Santa Clara County in supporting Measure B for better commutes and better roads.**

## REBUTTAL TO ARGUMENT AGAINST MEASURE B-Continued

[www.YesMeasureB.com](http://www.YesMeasureB.com)

/s/ Yoriko Kishimoto  
Friends of Caltrain Chair and Board President of the Midpeninsula Regional Open Space District

/s/ Glenn M. Grigg  
Traffic Engineer, City of Cupertino (Ret.)

/s/ Mark Turner  
President/CEO, Gilroy Chamber of Commerce

/s/ Tony Siress  
President/CEO Mountain View Chamber of Commerce

/s/ Teresa Alvarado  
San Jose Director, SPUR





June 7, 2021

## **Re: Distributing Transit Rescue Funds For Immediate Use**

Dear Chair Pedroza and Commissioners:

As elected officials in the Bay Area, we write to urge you to allocate \$1.67 billion in American Rescue Plan (ARP) transit funds for immediate use.

Congress has apportioned to Bay Area transit agencies a generous stimulus package to hire workers and restore service, and we are disappointed to learn that MTC is not planning to adopt an allocation of these funds until late July. The transit agencies in our districts need to budget these funds now in order to plan to hire workers, fund operations, and restore service in the fiscal year that begins July 1. As mid-pandemic stimulus funding, it should be distributed immediately to stimulate our local economies by hiring workers and taking shoppers and diners to their destinations to spend money in our communities.

We strongly oppose MTC's positioning itself as a gatekeeper over when our transit agencies can access their shares of this crucial funding. MTC's statement that it is "playing the long game" contradicts the explicit purpose of these funds: to recover transit operations from the pandemic and stimulate our economies. Currently, thousands of riders are being passed up each day because buses and trains are running reduced schedules. The longer service levels remain reduced, the more likely it is that riders will give up on transit and find permanent alternatives.

Transit is an essential public service that our constituents depend on, especially our low income and Black and Brown constituents, and our elders, students, and disabled. Each day that MTC delays making an allocation of ARP funds, you deny our local transit agency boards, and our transit workers and riders, the chance to plan for a swift recovery of service.

We urge the MTC to allocate (or make a fund estimate of) ARP funds immediately, so that it can be put to immediate use in restoring service and creating good union jobs.

Signed,

Jovanka Beckles  
AC Transit Board, Ward 1

Gayle McLaughlin  
Richmond City Council, District 5

Claudia Jimenez  
Richmond City Council, District 6



# PEOPLE'S TRANSIT ALLIANCE

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Eduardo Martinez  
Richmond City Council

Melvin Willis  
Richmond City Council, District 1

Devin T. Murphy  
Pinole City Council

Ben Bartlett  
Berkeley City Councilmember, District 3

Kate Harrison  
Berkeley City Councilmember, District 4

Paola Laverde  
Berkeley Rent Boardmember

Tina Arriola  
Vallejo City Councilmember

John Bauters  
Emeryville City Councilmember

Matt Haney  
San Francisco Supervisor, District 6

Dean Preston  
San Francisco Supervisor, District 5

Carroll Fife  
Oakland City Councilmember, District 3

Nikki Fortunato Bas  
Oakland City Council President, District 2

CC:

AC Transit Board and General Manager

SFMTA Board and General Manager

BART Board and General Manager

VTA Board and General Manager



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ALLIANCE**

 [peoplestransit.org](http://peoplestransit.org)

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SamTrans Board and General Manager

Golden Gate Transit Board and General Manager

WestCat Board and General Manager

Tri-Delta Transit Board and General Manager

Yeon Park  
Vice President-East Bay, SEIU Local 1021

Liz Ortega  
Alameda Labor Council

Josh Anijar  
Contra Costa Labor Council

Kim Tavaglione  
San Francisco Labor Council