

From: VTA Board Secretary

Sent: Wednesday, May 3, 2023 2:32 PM

To: VTA Board of Directors

Subject: VTA Information: May 4, 2023 Board of Directors 2nd update to agenda packet

Board of Directors:

The May 4, 2023 Board of Directors agenda packet has been posted on our [agenda portal](#) to include the following:

- **Item #2.1-** Added Retirement Commendation for Daren Gee
- **Item #2.3 -** Resolution of appreciation for retire Captain David Lera of the Santa Clara County Sherriff's Department
- **Item #4.1 -** Wolfe RON updated presentation and Public Comment (to include Letters from: Allen Matkins & Zacks and Freedman)
- **Item #5.1 -** Committee Reports
- **Item #5.2. -** General Manager Report (Preliminary Ridership & Safety Security Report)
- **Item #6.23 -** Revised SB 129 Joint Labor Management Committee Update
- **Item # 7.2 and 7.3 -** Staff Presentation
- **Item #7.6 -** VTA's BART Silicon Valley Phase II Extension Project presentation

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: Thursday, May 4, 2023 12:53 PM

To: VTA Board of Directors

Subject: VTA Information: 3rd Update to the May 4, 2023 BOD Agenda packet

Board of Directors:

The 3rd Update to the May 4, 2023 BOD Agenda packet has been update on our [agenda portal](#) to include the following:

- **Item #2.2.X.** Resolution of Appreciation for retired Captain David Lera
- **Item #4.1** Additional Letter and VTA Response
- **Item #62.C** Caltrain Report

Note: Please find the attached Board meeting time estimate.

Thank you,

Office of the Board Secretary

3331 North First Street

San Jose, CA 95134-1927

Phone **408-321-680**

BOARD OF DIRECTORS MEETING

Thursday, May 4, 2023

5:30 PM

ESTIMATED TIMES:

5:30 PM– START MEETING

9:05 PM - ADJOURN

REVISED AGENDA

1. CALL TO ORDER AND ROLL CALL *(5 mins - 5:30 to 5:35)*

1.1. ROLL CALL

1.2. Orders of the Day

- Revised Agenda to add remote location, resolution for Capt. David Lera, and 2016 Measure B Chair Report.
- Staff's request to hear 7.2 (HNTB + WSP) and 7.3 (Mott MacDonald/PGH Wong) together
- ROLL CALL VOTE on all action items.

2. AWARDS AND COMMENDATION *(20 MINS - 5:35 TO 5:55)*

- 2.1. INFORMATION ITEM** - Present Retirement Commendations recognizing John Cross, Transportation Supervisor, for 34 years of service; Tesfai Kidane, Fare Inspector, for 25 years of service; Eric McCarter, Coach Operator, for 25 years of service; Andrew Paul, Transit Mechanic, for 36 years of service; and Sandeep Singh, Coach Operator, for 26 years of service.

2 confirmed retirees. (20 mins end @ 5:55 p.m.)

Sonya Morrison will read career highlights

Chair Burt and GM/CEO Gonot will present certificate.

- 2.2. INFORMATION ITEM** - Recognize Employees of the Quarter for the second quarter of 2023: Mark Greene, EEO & Civil Rights Manager in the Policy and Compliance Department; Dinesh Paul, Bus Dispatcher in the Cerone Operations Department; Jerardo Causor, General Maintenance Mechanic in the Facilities Maintenance Department and James (Darrell) Smith, Management Analyst, Operations Analysis Reporting and Systems Department.

3 confirmed awardees

Sonya Morrison will read career highlights.

Chair Burt and GM/CEO Gonot will present certificate

2.2.X. ACTION ITEM - Adopt a Resolution of Appreciation for retired Captain David Lera of the Santa Clara County Sheriff's Department.

Vice Chair Chavez will ask for motion/second.

ROLL CALL VOTE

Vice Chair Chavez will read resolution highlights.

Chair Burt and GM/CEO Gonot will present resolution.

Go down to the DAIS for group photo. .

3. PUBLIC COMMENT

(15 mins - 5:55 to 6:10)

- This is for items NOT on the agenda.

- 1 minute per speaker. Those in person will be heard first then those who are on zoom.

- Total time allotted is up to 30 minutes.

- After 30 minutes, those who were unable to address the Board on matters not on the agenda may address the board before adjournment.

4. PUBLIC HEARINGS

(40 mins - 6:10 to 6:50)

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

ACTION ITEM - Close Hearing and adopt four (4) Resolutions of Necessity determining that the public interest and necessity require the acquisitions of real property interests on properties located in the City of Cupertino owned respectively by (1) IAC at Cupertino, LLC; (2) Quito Hospitality Associates, LLC; BSL Family, LLC; and PMD, LLC; (3) Chris Marchese, Rosalie Cacitti and Carmen Russo, as Co-Trustees of the Rosalie Cacitti Family Trust; and (4) 19608 Pruneridge Avenue (Cupertino), LLC, for the I-280/Wolfe Road Interchange Improvement Project.

Property ID/Assessor's Parcel Number/Owner

64481 (APN No.:316-06-058 and 316-06-059) owned by IAC at Cupertino, LLC.

Property ID/Assessor's Parcel Number/Owner

64482 (APN No.:316-45-015) owned by Quito Hospitality Associates, LLC; BSL Family, LLC; and PMD, LLC.

Property ID/Assessor's Parcel Number/Owner

64483 (APN No.:316-47-019) owned Chris Marchese, Rosalie Cacitti and Carmen Russo, as Co-Trustees of the Rosalie Cacitti Family Trust.

Property ID/Assessor's Parcel Number/Owner

64484 (APN No.:316-47-016 and 316-47-018) owned by 19608 Pruneridge Avenue (Cupertino), LLC.

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

- Ron Golem will present.
- Staff presentation 15 minutes total
- Property Owners or their representatives have 5 minutes to speak
- Members of the Public not associated with the property owner will have 1 minute to speak.
- Potential 2 property owners/representatives to speak
- Maker of motion **MUST** read property IDs when making the motion. The property ID will be noted on the screen.

5. REPORTS

(35 mins, end @ 7:25 p.m.)

5.1. Committee Reports

5.1.A. Citizens Advisory Committee (CAC) Chairperson's Report. (Verbal Report) (Miller)

Howard Miller (in person) will provide the report.

5.1.B. Policy Advisory Committee (PAC) Chairperson's Report. (Verbal Report) (Rennie)

Rob Rennie (in person) will provide the report.

5.1.C. Standing Committee Chairpersons' Report. (Verbal Report)

Written Reports in the packet.

5.1.D. Policy Advisory Board Chairpersons' Report. (No Report)

No report.

5.1.E. Ad Hoc Grade Separations Committee Chairperson's Report

Written Report in the packet.

5.1.E.X 2016 Measure B Citizens Oversight Committee Chairperson's Report

Rose Herrera will provide the report remotely.

5.2. General Manager Report. (Verbal Report)

Slides are in the online packet.

5.2.A. INFORMATION ITEM - Receive Government Affairs Update and

5.2.B. INFORMATION ITEM - Receive Safety & Security Updates

Written Reports are in the packet.

5.3. Chairperson's Report. (Verbal Report)

6. CONSENT AGENDA

(10 mins, 7:25 to 7:35.)

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

6.1. ACTION ITEM:

- 1) Confirm the Deferred Compensation Committee’s selection of Empower as VTA’s 457 Deferred Compensation Plan and 401(a) Money Purchase Plans provider, and authorize the General Manager to enter into an agreement with Empower for a term of 5 years with two additional one-year options;
- 2) Adopt Empower’s model plan documents for the 457 and 401(a) plans as VTA’s 457 and 401(a) plan documents (“Plan Documents”) and authorize staff to amend the Plan Documents whenever Empower amends its model plan documents to ensure compliance with Internal Revenue Service (IRS) regulations and changes in tax law;
- 3) Adopt a resolution to reaffirm that participant contributions toward the 401(a) Plans are designated as an employer pick-up under Internal Revenue Code Section 414(h)(2); and
- 4) In light of the VTA Board’s adoption of the new Plan Documents, reaffirm:
 - a. the adoption of the 457 Deferred Compensation Plan Committee Charter; and
 - b. the allowance for early in-service distributions at age 59 1/2 under VTA’s 457 Plan and 401(a) Plans.

6.2. ACTION ITEM - Authorize the General Manager/CEO to amend contract (C19010) for Cerone Division Emergency Generator Replacement with Pilot Construction Management, Inc. in the amount of \$68,000 increasing the total authorized contract amount to \$2,000,000 for compensation of time extension related to unforeseen conditions during construction.

6.3. ACTION ITEM - Authorize the General Manager/CEO to extend the contract with Data Ticket Inc. for an additional nine months, through March 2024, for parking citation management services.

6.4. ACTION ITEM - Adopt a program resolution for VTA’s 2023 Low Carbon Transportation and Operations Program (LCTOP) of projects for \$7,426,137 for the VTA Eastridge to BART Regional Connector (EBRC) Project.

6.5. ACTION ITEM - Authorize the General Manager to execute a cost-plus-fixed fee contract with Deenscorp Inc., to perform the Environmental Clearance and 35% Plans, Specifications and Estimate (PS&E) Engineering Services in an amount not to exceed \$1,052,850 for the Homestead Road Safe Routes to School (SR2S) Project.

- 6.6.** ACTION ITEM - Authorize the General Manager/CEO to execute a contract amendment with IBI Group to 1) extend the contract for an additional three years plus two one-year options and 2) increase the contract amount by \$2,226,150 for a revised contract value of \$2,723,833 to support administration of the SmartPass Program and related Institutional Web Portal Development.
- 6.7.** ACTION ITEM - Authorize the General Manager/CEO to execute a contract amendment with ICF International (S13070) for an amount up to \$5,000,000 to continue providing environmental planning and related support services to remain in compliance with environmental clearance requirements for the BART Silicon Valley Phase II Extension Project (BSVII Project) through final design and into construction.
- 6.8.** ACTION ITEM - Authorize the General Manager/CEO to execute a Work Performance Agreement (WPA) with Pacific Gas & Electric (PG&E) and commit to expenditures for actual costs of design, procurement, and construction of VTA's BART Silicon Valley Phase II Extension Project (BSVII Project) temporary 115 Kilovolt (kV) interconnection service for the Tunnel Boring Machine (TBM) in an amount up to \$16,000,000.

CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP) COMMITTEE
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- 6.9.** ACTION ITEM - Approve the Fiscal Years 2024 and 2025 Proposed Congestion Management Program Work Program and Biennial Budget.
- 6.10.** ACTION ITEM - Adopt a resolution authorizing the filing of an annual claim to the Metropolitan Transportation Commission (MTC) for allocation of eligible FY2023-2024 Transportation Development Act (TDA) and State Transit Assistance (STA) funds.
- 6.11.** ACTION ITEM - Adopt a resolution to appropriate and direct \$4,877,619 in State of Good Repair (SGR) funds for Fiscal Year 2023-24 to Cerone Operations Command & Control (OCC) Center project and to authorize the General Manager or her Designee to execute grant related documentation such as applications, agreements, certification, and assurances.
- 6.12.** ACTION ITEM - Approve scoring criteria for the Vehicle Registration Fee for Intelligent Transportation Systems (VRF-ITS) - Cycle 4 competitive grant program.
- 6.13.** ACTION ITEM - Adopt the updated Community Design and Transportation Manual.
- 6.14.** ACTION ITEM - Adopt the Central Bikeway Study Final Report and 10% Basis of Design Concept Plans.
- 6.15.** INFORMATION ITEM - Receive update on the Silicon Valley Express Lanes

payment plan.

- 6.16.** INFORMATION ITEM - Receive the Tamien Station Transit-Oriented Development Project Update.
- 6.17.** INFORMATION ITEM - Receive the Valley Transportation Plan (VTP) Transportation Program Semi-Annual Report Ending December 31, 2022.
- 6.18.** INFORMATION ITEM - Receive the 2000 Measure A Transit Improvement Program Semi-Annual Report Ending December 31, 2022.

**SAFETY, SECURITY, AND TRANSIT PLANNING & OPERATIONS (SSTP&O)
COMMITTEE**

- 6.19.** INFORMATION ITEM - Receive a report on the April 24, 2023, Transit Service Changes.

GOVERNANCE AND AUDIT (G&A) COMMITTEE

- 6.20.** ACTION ITEM - Review and accept the Auditor General’s Study on VTA’s Long Term Fiscal Sustainability - Part 2.

BOARD OF DIRECTORS

- 6.21.** ACTION ITEM – Approve the Regular Meeting Minutes of April 6, 2023.
- 6.22.** ACTION ITEM – Approve the Workshop Meeting Minutes of April 21, 2023.
- 6.23.** INFORMATION ITEM - Receive SB 129 Joint Labor Management Committee Update.
- 6.24.** INFORMATION ITEM - Receive unapproved Minutes/Summary Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions.

7. REGULAR AGENDA

(1 hour 5 mins - 7:35 to 8:40)

ADMINISTRATION AND FINANCE (A&F) COMMITTEE

- 7.1.** ACTION ITEM - Adopt the Amendment to the Santa Clara Valley Transportation Authority-Amalgamated Transit Union, Local 265 Pension Plan noted on Exhibit 2 of the staff report (“Amendment”), to permit certain surviving spouses and surviving registered domestic partners of eligible retirees access to retiree medical plan coverage through the California Public Employees’ Retirement System (CalPERS) if the retiree predeceases their survivor.

Staff Presentation: 3 minutes

Presenter: Sonya Morrison, Chief People Officer

7.2 and 7.3 will be heard together

- 7.2.** ACTION ITEM - Authorize the General Manager/CEO to execute a contract amendment with the HNTB + WSP Joint Venture (Contract S17017) for an amount up to \$55,200,000, for a new total contract amount of up to \$206,641,724 and extend the contract by sixteen (16) months from July 1, 2023, to October 31, 2024, to continue providing Program Management services for VTA's BART Silicon Valley Phase II Extension (BSVII) Project.
- 7.3.** ACTION ITEM - Authorize the General Manager/CEO to execute a contract amendment with the Mott MacDonald/PGH Wong Engineering Inc. Joint Venture (Contract S18088) for an amount of \$145,920,650, for a new total contract amount of up to \$342,760,650, to continue providing General Engineering services for VTA's BART Silicon Valley Phase II Extension (BSVII) Project.

Staff Presentation: 10 minutes

Presenter: Gary Griggs, Chief BART Silicon Valley Program Officer

Krishna Davey, SVRT Deputy Director and Nicole Chapman, Procurement Deputy Director will be present to answer questions.

CONGESTION MANAGEMENT PROGRAM & PLANNING (CMPP) COMMITTEE

- 7.4.** ACTION ITEM - Adopt the 2016 Measure B Program Fiscal Years (FY) 2024 and 2025 Biennial Budget and 10-year Program (FY2024 to FY2033).

Staff Presentation: 10 minutes

Presenter: Jane Shinn, Sr. Transportation Planner

SAFETY, SECURITY, AND TRANSIT PLANNING & OPERATIONS (SSTP&O) COMMITTEE

- 7.5.** ACTION ITEM - Authorize the General Manager to execute a contract change order with Balfour Beatty, Infrastructure, Inc. in the amount of \$4,200,000 for changes to overhead catenary system (OCS) materials included in the OCS Rehabilitation Phase 3 Project (Contract C21104F) resulting in a new total contract amount of \$19,871,684 and to authorize that the contingency authority of 15% be based on this new total contract amount.

Staff Presentation: 5 minutes

Presenter: Ken Ronsse, Deputy Director, Rail & Facilities

GOVERNANCE AND AUDIT (G&A) COMMITTEE

There were no items submitted for the Regular Agenda from the Governance and Audit Committee.

BOARD OF DIRECTORS

- 7.6. INFORMATION ITEM – Receive the VTA’s BART Silicon Valley Phase II Update.
(Verbal Report)

Staff Presentation: 10 minutes

Presenters: Gary Griggs, Chief BART Silicon Valley Program Officer, and Bernice Alaniz, Director of SVRT Business Operations

8. OTHER ITEMS (5 mins – 8:40 to 8:45)

- 8.1. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION
- 8.2. Announcements
- 8.3. Public Comment (Continued)

This portion of the meeting is reserved for persons who had requested but were not able to address the Board of Directors under Item #3 due to the time limit and for those individuals who would like to address the Board on agenda items under “Other Items.” **Speakers are limited to 1 minute.** The law does not permit Board action or extended discussion of any item not on the agenda except under special circumstances. If Board action is requested, the matter can be placed on a subsequent agenda. All statements that require a response will be referred to staff for reply in writing.

9. CLOSED SESSION (20 mins, end @ 9:05 p.m.)

- 9.1. **Recess to Closed Session**
- A. Conference with Legal Counsel - Existing Litigation
[Government Code Section 54956.9(d)(1)]

Name of Case: Dulce Maria Estrada v Santa Clara Valley Transportation Authority, et al

(Santa Clara County Superior Court Case No. 19CV342351)

- 9.2. **Reconvene to Open Session**
- 9.3. **Closed Session Report**

10. ADJOURN

From: VTA Board Secretary
Sent: Friday, May 5, 2023 10:01 AM
To: VTA Board of Directors
Cc: VTA Board Secretary
Subject: VTA Information: Ridership for March 2023

VTA Board of Directors:

Attached is a memorandum from Derik Calhoun, Chief Operating Officer, regarding VTA ridership for March 2023.

Thank you.

Office of the Board Secretary
Santa Clara Valley Transportation Authority
3331 N. First Street
San Jose, CA 95134
408.321.5680
board.secretary@vta.org



Date: April 27, 2023
Current Meeting: N/A
Board Meeting: May 4, 2023

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: Carolyn Gonot, General Manager/CEO

FROM: Derik Calhoun, Chief Operating Officer

SUBJECT: VTA Ridership – March 2023

Policy-Related Action: NA

Government Code Section 84308 Applies: No

INFORMATION ITEM

EXECUTIVE SUMMARY:

- To present the bus and light rail ridership performance of the Santa Clara Valley Transportation Authority.

STRATEGIC PLAN/GOALS:

The report is an information item only.

BACKGROUND:

This report is routinely produced after each month. This report is for the month of March 2023.

CLIMATE IMPACT:

The report is an information item and will have no impact on climate change.

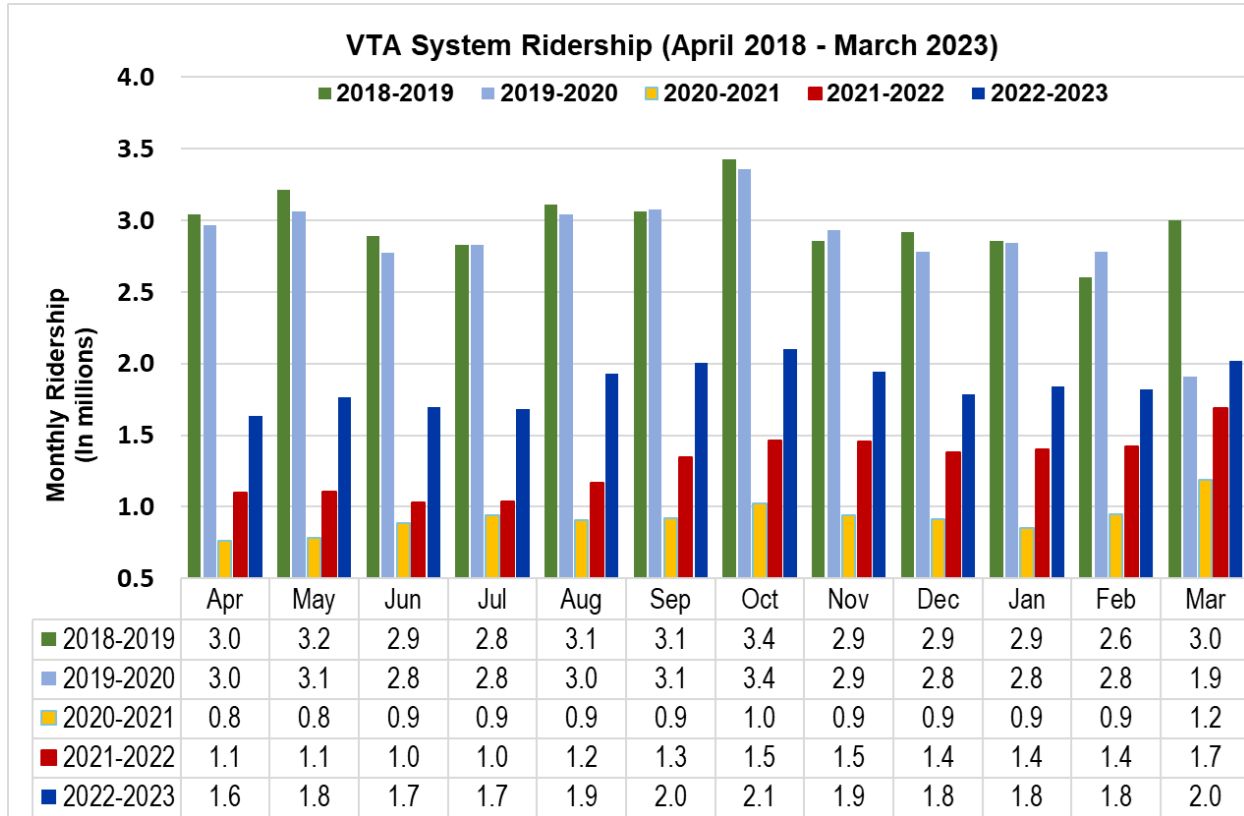
DISCUSSION:

March 2023 total monthly system ridership was 2,020,021, an increase of 21.9% over March 2022. The total monthly bus ridership was 1,673,366, an increase of 16.8% over March 2022. The total monthly light rail ridership in March 2023 was 346,655, an increase of 54.1% over March 2022. March 2023 monthly system ridership increased by 10.8% compared to February 2023. However, the average weekday ridership in March 2023 was nearly identical to February 2023.

The system ridership (bus and light rail) in March 2023 is approximately 33% less compared to similar periods during the pre-pandemic years.

Ridership	Mar-23	Compared to:				CYTD				
		Mar-22	Percent change	Feb-23	Percent change	Current 2023	Prior 2022	Percent change	Pre-Pandemic 2019	Percent change
						Jan-Mar	Jan-Mar		Jan-Mar	
Bus	1,673,366	1,432,777	16.8%	1,492,974	12.1%	4,656,496	3,843,375	21.2%	6,475,474	-28.1%
Light Rail	346,655	224,959	54.1%	329,569	5.2%	1,025,990	635,247	61.5%	1,986,124	-48.3%
System	2,020,021	1,657,736	21.9%	1,822,543	10.8%	5,682,486	4,478,622	26.9%	8,461,598	-32.8%

The system ridership (Bus and light rail) in millions from April 2018 through March 2023 is presented in the chart below.



Note: Pre-pandemic data reflected in the months March 2018 through February 2020 and a few days in March 2020. Mid-March 2020 onwards had impacts from COVID-19.

The boardings per total hour and boardings per revenue hour for bus and rail for March 2023 are shown in the table below:

	Boardings per Total hour ¹			Boardings per Revenue hour ²		
	March 2023	March 2022	Percent Change	March 2023	March 2022	Percent Change
Bus	14.0	12.3	14.3%	14.9	13.1	14.2%
Light Rail	27.0	19.9	35.7%	28.8	21.5	34.0%

¹ Total hours – Includes revenue hours and deadhead hours (hours that a vehicle travels when out of revenue service).

² Revenue hours - Scheduled hours of service available to passengers for transport on the routes. Includes recovery/layover time.