

**From:** Board.Secretary

**Sent:** Friday, March 25, 2016 4:59 PM

**To:** VTA Board of Directors

**Subject:** VTA Correspondence: Support Letter for AB 2196 (Low) and Letters re: FAA Fuel Tax

**VTA Board of Directors:**

The Board is copied on the following correspondence:

Date	Addressed to	Topic
March 23, 2016	Honorable Dianne Feinstein, U.S. Senate; and Honorable Barbara Boxer, U.S. Senate	Recent amendment made by the Federal Aviation Administration (FAA) to its "Policy and Procedures Concerning the Use of Airport Revenue."
March 24, 2016	Honorable Jim Frazier, Chairperson Assembly Transportation Committee	Support for AB 2196 (Low)

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](mailto:board.secretary@vta.org)

March 23, 2016

The Honorable Dianne Feinstein  
U.S. Senate  
331 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Feinstein:

On behalf of the Santa Clara Valley Transportation Authority (VTA), I am writing to express our concern and request your assistance with the recent amendment made by the Federal Aviation Administration (FAA) to its "Policy and Procedures Concerning the Use of Airport Revenue" finalized on December 8, 2014 (79 FR 66282). This amendment has the potential to divert voter-approved, local transportation funds to airport improvement projects. As the Senate considers legislation to reauthorize the FAA, we respectfully request the inclusion of language to affirm that it was never the intention of Congress to divert general state and local sales tax revenues to airports. This change will help preserve the trust that voters have placed in their local counties and transportation agencies when approving local sales tax measures.

FAA's interpretation of the statute related to taxes on aviation fuel differs from the conference report accompanying the Airport and Airway Safety and Capacity Expansion Act of 1987 (P.L. 100-223), which states that the requirement that local taxes on aviation fuel must be spent on airports "is intended to apply to local fuel taxes only, and not to other taxes imposed by local governments, or to state taxes." FAA's new interpretation, occurring 27 years after the enactment of the bill in 1987, reverses a longstanding view held by state and local tax officials alike that "local taxes on aviation fuel" are limited to fuel excise taxes, and do not include state or local general sales taxes imposed on a wide variety of products and transactions that extend to aviation fuel.

In recent years, Santa Clara County voters have approved by a two-thirds majority several sales tax measures that support expenditure plans listing the specific transportation projects to be funded, including the 16-mile extension of the Bay Area Rapid Transit (BART) System to Silicon Valley. When our voters passed these measures, it was with the expectation that all of the revenues generated from the taxes would be spent as described in the ballot. However, the recent FAA ruling would compel VTA to divert revenues from these voter-approved measures to purposes not authorized by the voters. It would also impose a significant unfunded mandate on VTA, due to the fact that we would be required to put in place a new, complicated tracking system to segregate the sale of aviation fuel from other taxable sources.

VTA respectfully requests that language be included in the Senate version of the FAA reauthorization bill clarifying that general sales taxes, particularly local voter-approved taxes, are not subject to 49 U.S.C. Sections 47107(b)(1) and 47133(a), and that consistent with the original intent of Congress, "local taxes on aviation fuel" are limited to fuel excise taxes on aviation fuel.

The Honorable Dianne Feinstein  
March 23, 2016  
Page Two

Thank you for your time and attention to this important issue. We look forward to working with you to favorably resolve this problem.

Sincerely,

Cindy Chavez, Chairperson  
Board of Directors  
Santa Clara Valley Transportation Authority

March 23, 2016

The Honorable Barbara Boxer  
U.S. Senate  
112 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Boxer:

On behalf of the Santa Clara Valley Transportation Authority (VTA), I am writing to express our concern and request your assistance with the recent amendment made by the Federal Aviation Administration (FAA) to its "Policy and Procedures Concerning the Use of Airport Revenue" finalized on December 8, 2014 (79 FR 66282). This amendment has the potential to divert voter-approved, local transportation funds to airport improvement projects. As the Senate considers legislation to reauthorize the FAA, we respectfully request the inclusion of language to affirm that it was never the intention of Congress to divert general state and local sales tax revenues to airports. This change will help preserve the trust that voters have placed in their local counties and transportation agencies when approving local sales tax measures.

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The Honorable Barbara Boxer  
March 23, 2016  
Page Two

Thank you for your time and attention to this important issue. We look forward to working with you to favorably resolve this problem.

Sincerely,

Cindy Chavez, Chairperson  
Board of Directors  
Santa Clara Valley Transportation Authority

March 24, 2016

The Honorable Jim Frazier, Chairperson  
Assembly Transportation Committee  
State Capitol, Room 3091  
Sacramento, CA 95814

Dear Chairperson Frazier:

The Santa Clara Valley Transportation Authority (VTA) respectfully requests your support for AB 2196 (Low) when this bill comes before the Assembly Transportation Committee for a vote. AB 2196 makes a number of technical, clean-up changes to VTA's enabling statutes.

As you may know, VTA is the product of a 1995 merger between two previously separate entities: the Santa Clara County Transit District and the Santa Clara County Congestion Management Agency. The primary goal of this merger was to have a single entity assume the responsible for making and implementing transportation policy in Santa Clara County.

In general, VTA is a statutorily created special district under the Public Utilities Code that is responsible for performing multimodal transportation functions in Santa Clara County. Among other things, VTA provides bus, light rail and paratransit services to the communities of Santa Clara County; develops, designs and constructs public transit capital improvement projects; integrates transportation and land-use planning through its congestion management program (CMP); prioritizes transportation capital improvement projects for state and federal funding; develops the long-range, countywide, multimodal transportation plan; imposes and implements local transportation sales tax measures that have been approved by the voters of Santa Clara County; and implements improvements to the state highway system in Santa Clara County in partnership with Caltrans.

A comprehensive review and clean-up of the underlying state statutes governing VTA has not been done since the merger occurred more than 20 years ago. Therefore, AB 2196 has been introduced to make a series of technical, non-substantive, clean-up changes to VTA's enabling statutes that are intended to update provisions that are outdated; delete provisions that are obsolete or inoperable; and modify provisions that are unclear or inconsistent.

We respectfully seek your support for AB 2196. Thank you for your consideration of our request.

Sincerely,

Cindy Chavez, Chairperson  
Board of Directors  
Santa Clara Valley Transportation Authority

**From:** Board.Secretary  
**Sent:** Monday, March 21, 2016 9:18 AM  
**To:** VTA Board of Directors  
**Subject:** VTA Correspondence: Caltrain EMU Configuration

**VTA Board of Directors:**

Please see the email below from Roland Lebrun, member of the public.

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](mailto:board.secretary@vta.org)

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**From:** Roland Lebrun  
**Sent:** Monday, March 14, 2016 8:26 PM  
**To:** Caltrain BAC  
**Cc:** Caltrain CAC Secretary; SFCTA CAC; Caltrain Board; Board.Secretary; MTC Commission; Heminger, Steven  
**Subject:** Caltrain EMU configuration

Dear members of the Caltrain Bicycle Advisory Committee,

Further to this mornings engine failure in Burlingame (3rd engine failure this month) and my remarks at the January BPAC meeting, please find the following attachments:

- 1) Letter dated April 15th 2015 outlining a 950-seat/80 bicycle electrification-ready configuration.
- 2) Letter dated July 2015 addressing multiple bicycle/seat/toilet capacity and platform height compatibility issues.
- 3) Spreadsheet (sheet 2) revising the internal configuration to deliver a 8/1 seat/bike ratio as mandated by the Board (893 seats/112 bikes).

I am available to assist Caltrain staff interested in giving you a presentation on these configurations at a later date.

Roland Lebrun

PS. Please note that none of these configurations require platform lengthening (no "Calmod 2.0" to compensate for seats lost through the addition of a second set of doors).

cc

Caltrain CAC

SFCTA CAC

Caltrain Board

VTA Board

Metropolitan Transportation Commission

Dear Chair Tissier and Members of the Caltrain Board Directors,

Further to my letter of April 26<sup>th</sup> (attached), I am writing to express serious concerns about the Caltrain EMU Request For Proposals (RFP) as drafted by SamTrans staff and consultants.

1) Staff inexplicably ignored the option of an articulated EMU design with separate single-level motorized modules consisting of a dual set of level-boarding doors, toilets and wheelchair and/or bicycle accommodation, including a solution whereby **additional modules could be ordered off-the-shelf with a 50" boarding height at a later date and alternated with 25" modules in the unlikely event of a requirement to accommodate dual platform heights.**



2) **Staff refused to consider an EDMU (hybrid) option** which would have allowed testing and commissioning upon delivery starting in winter 2018 instead of **having to store new EMUs for up to 3 years until electrification is complete in 2021.**

3) Staff are recommending a 9 to 1 seat to bicycle ratio but **the RFP completely lacks any specification for seats/bikes/wheelchairs per foot of platform.** As an example, the train configuration in the attached letter is capable of carrying 900 seated passengers and 100 bicycles within 660 feet.

4) The current bathroom capacity on 5-car Gallery train sets (one ADA, one non-ADA) has proved to be wholly inadequate on a number of occasions. In contrast, 1<sup>st</sup> class High Speed coaches have 2 bathrooms so that if one is occupied, first class passengers have access to a spare 1<sup>st</sup> class bathroom and do not have to use a bathroom in 2<sup>nd</sup> class.

**Staff's recommendation to have a single bathroom on trains which are expected to have 50% more passenger capacity than the existing 6-bathroom Bombardier trainsets is despicable** and I urge the Board to give direction to staff to adhere to a civilized country's bathroom ratio of approximately 1 bathroom for every 150 passenger seats.

On a related note, it should be noted from the diagrams on the previous page that **a properly designed ADA bathroom occupies the same amount of space as 4 seats, not 8** as claimed on page 3 of the staff memo.

## 5) Funding

Caltrain initially had \$440M in FTA funding for replacement rolling stock.

This was subsequently reduced by \$125M to pay for electrification leaving \$315M for EMUs:

<http://www.caltrain.com/Assets/Caltrain+Modernization+Program/Documents/Bay+Area+HSR+Early+Investment+MOU-+JPB+Board+Resolution+2012.pdf> (note 5 on page 9).

This amount was subsequently reduced by a further \$42.3M allocated to the EMU Procurement Consultant contract awarded to the firm LTK Engineering Services who were the sole bidder for a contract whose RFP they allegedly drafted themselves:

<http://www.caltrain.com/Assets/Agendas+and+Minutes/JPB/Board+of+Directors/Agendas/2014/3-6-14+JPB+Agenda.pdf> Item #13. This EMU Procurement contract award was subsequently increased to \$65M during the PCEP "cost/schedule update" on November 6<sup>th</sup> 2014 **leaving \$250M or less than half the amount required for new trainsets.**

<http://www.caltrain.com/Assets/Agendas+and+Minutes/JPB/Board+of+Directors/Presentations/2014/11-6-14+JPB+BOD+CalMod+Cost+and+Schedule+Update.pdf> slide 27.

## Recommendation:

Staff should either return to the Board with a full funding plan for the EMUs or add a request for financing proposals to the RFP, including availability payments instead of outright purchase.

Sincerely,

Roland Lebrun.

Cc

SFCTA Board of Directors

VTA Board of Directors

Metropolitan Transportation Commission

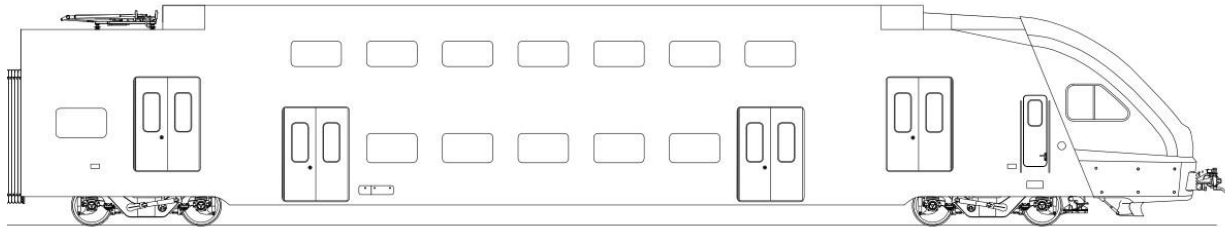
Caltrain CAC

SFCTA CAC

## Alternate Caltrain EMU specification proposal

### Background

The intent of this presentation is to introduce an alternative to SamTrans' proposal for dual-height Caltrain EMUs with two sets of doors and the **potential loss of over 200 seats per train.**

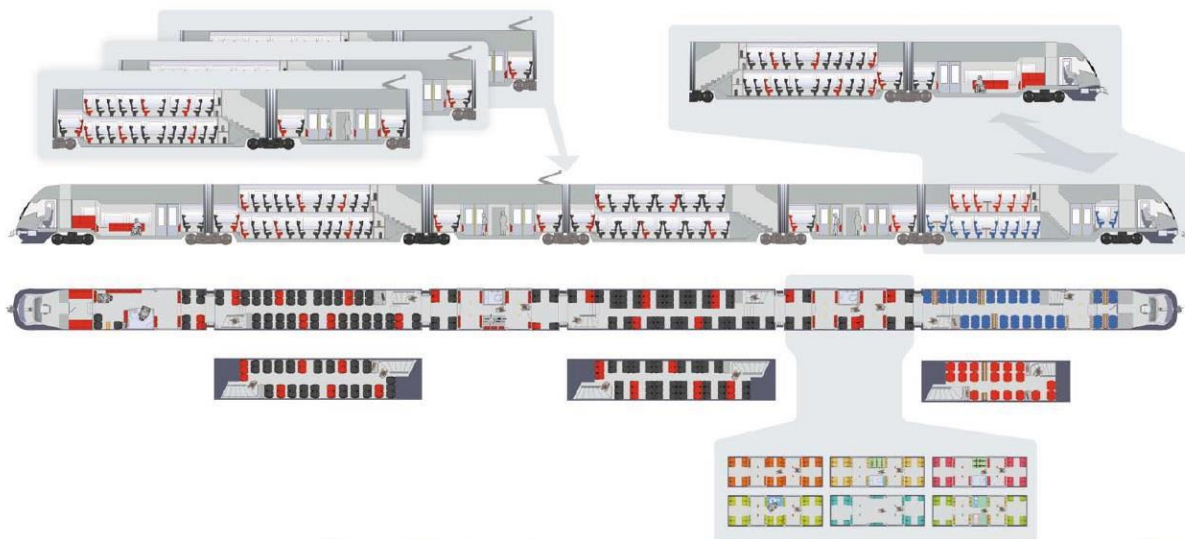


### Objectives

- Increase current seated/standing capacity and number of wheelchairs and ADA toilets by >50%
- Maintain existing bike capacity (80 bikes)
- **Limit train length to current platform standard (700 feet)**
- Enable boarding from existing platform height (8 inches) and future level boarding (22-24 inches)
- **Compatibility with existing Caltrain infrastructure** (tracks & tunnels) and fleet (25-inch boarding height)
- **Off-the shelf specification** capable of delivering trains by 2018
- **Capability to extend operating range beyond electrified territory** (hybrid power)
- **US manufacturing capability**

### Deliverable

A revised train specification for the consideration of the Caltrain Board of Directors as follows:



1) Off the shelf capacity

Capacite

Contort

High Capacity 2+3 ✓

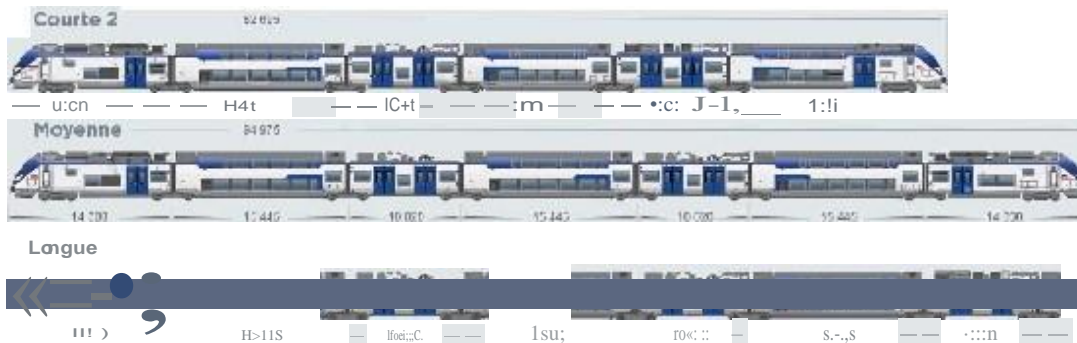
Urban/Regional 2+2 ✓

Intercity

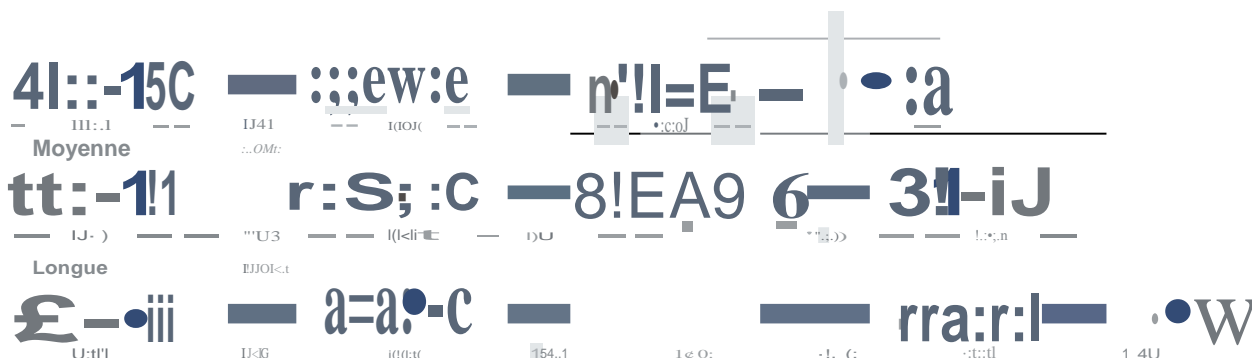


1ère ✗

2nde ✓

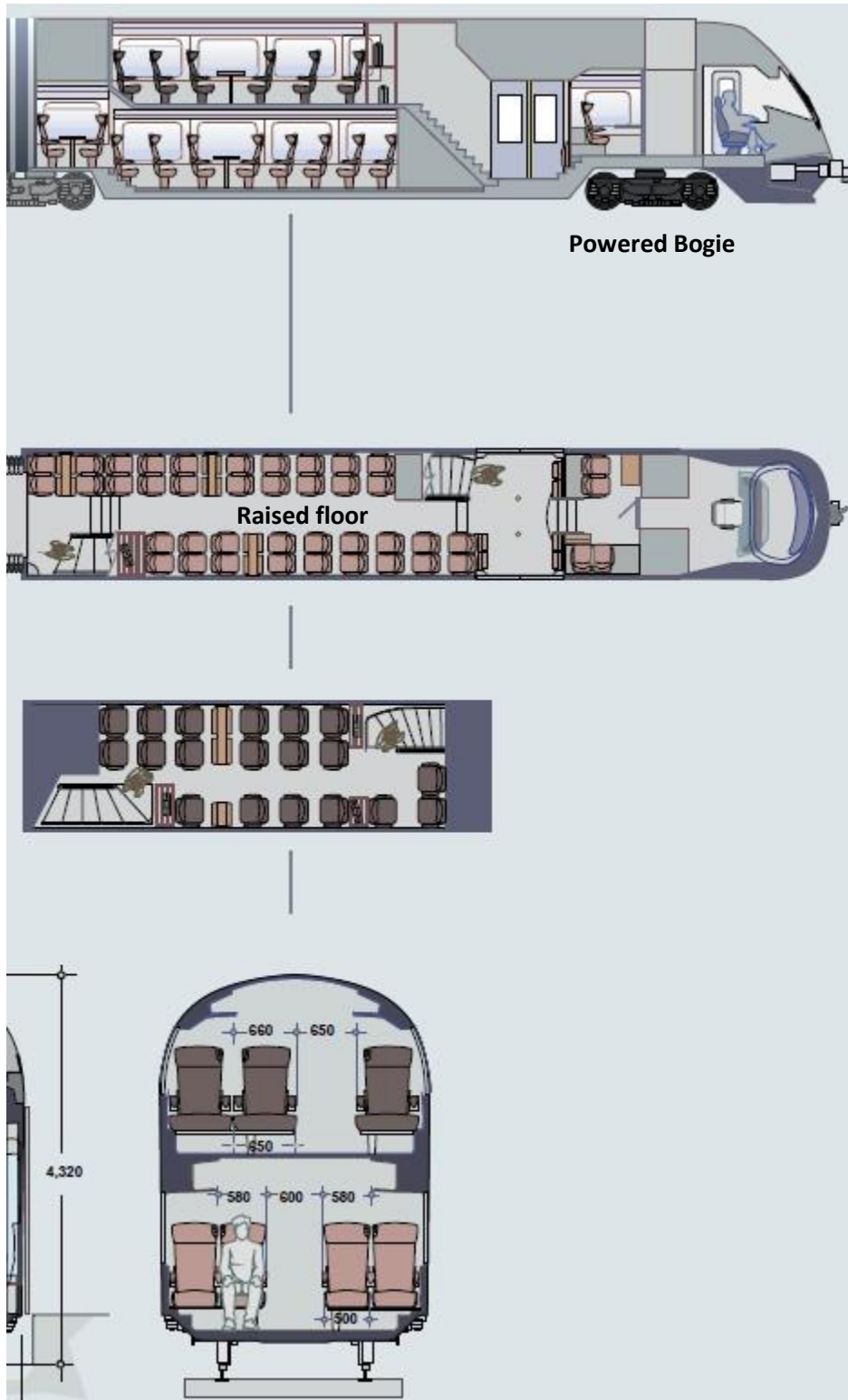


High capacity 2+3	
Seats	Total
400-420	690-720
485-505	810-840
580-600	975-1005

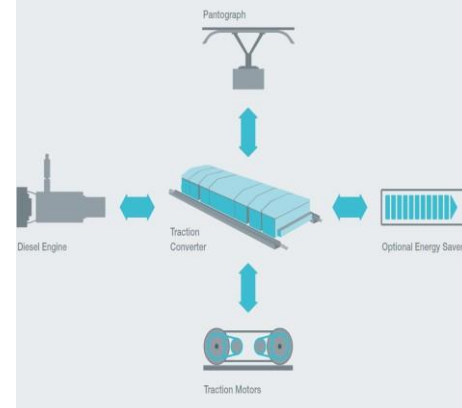


Urban/Regional 2+2	
Seats	Total
350-360	660-670
425-440	780-810
505-520	930-960

## 2) Front and rear bi-level cab cars



### MITRAC Hybrid Components



### Lower deck modifications

- Remove 34 seats (for bikes)
- 8 seats (2+2) behind driver's cab
- Remove front stairs to upper deck
- Add two (total 8) flip-up seats
- Remove luggage rack
- Raise floor (eliminate step)

### Modified lower deck capacity

- 40 bikes
- 12 seats (2+2 configuration)
- 8 flip-ups

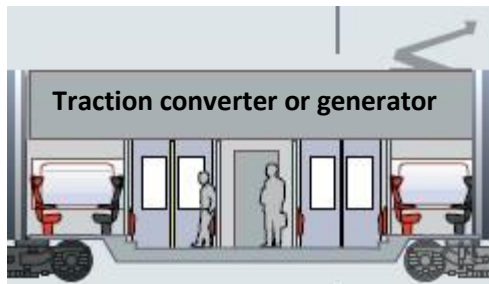
### Upper deck modifications

- Remove front stairs to upper deck
- 2+2 seating
- Remove luggage rack
- Remove tables

### Modified upper deck capacity

- 38 seats (2+2 configuration)
- 1 middle front bulkhead seat

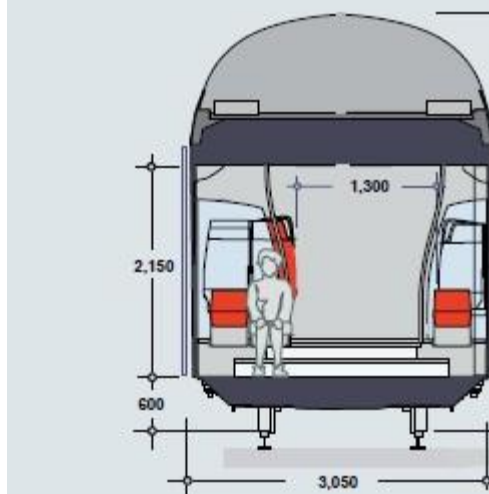
### 3) Single level motor cars



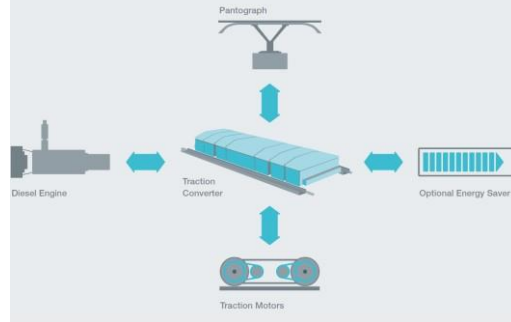
Powered Bogie



Wheelchair



MITRAC Hybrid Components



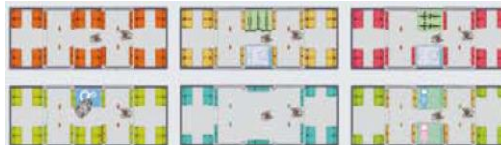
16 seats (2+2 configuration)

17 tip-ups

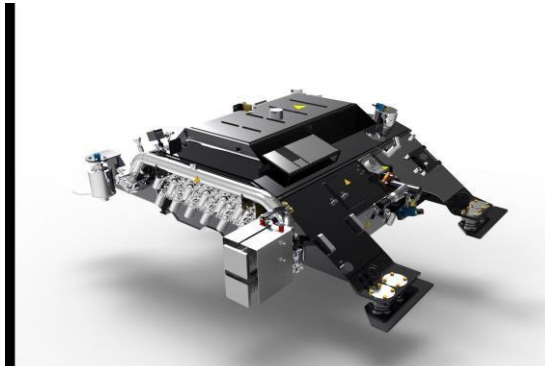
1 wheelchair

1 toilet

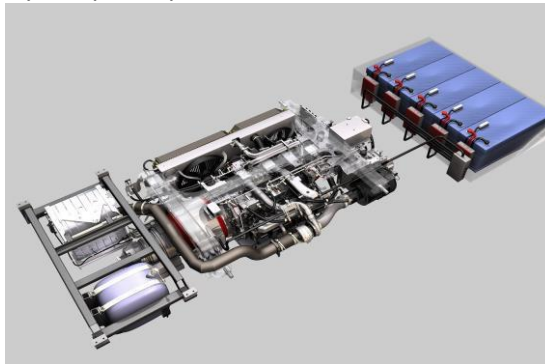
Six interior layouts



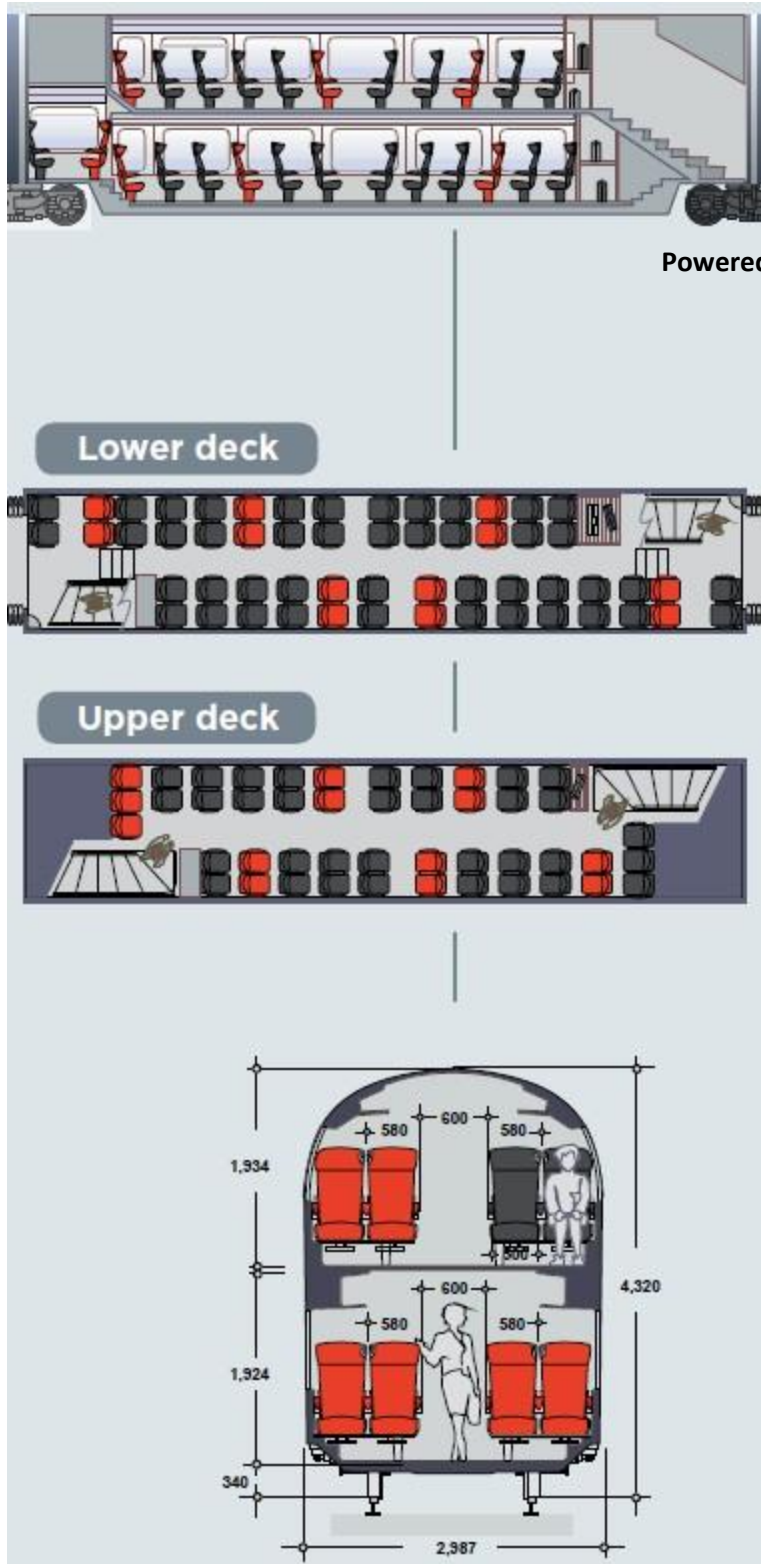
Roof-mounted traction converter



Hybrid powerpack



#### 4) Passenger cars



Powered Bogie

**No change** in off-the shelf 2+2 configuration  
- 56 seats on the lower deck  
- 46 seats on the upper deck

## Summary

Vehicle type	Length	# Seats	# Bicycles	# Toilets	# Wheelchairs	Power (MW)	Hybrid (MW)	Notes
Cab car	63.04	59	40			0.8		
Single deck	32.87	33		1	1			Converter
Double deck	50.67	102						
Single deck	32.87	33		1	1	0.8	0.7	Powerpack
Double deck	50.67	102						
Single deck	32.87	33		1	1		0.7	Powerpack
Double deck	50.67	102						
Single deck	32.87	33		1	1	0.8	0.7	Powerpack
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Double deck	50.67	102						
Single deck	32.87	33		1	1		0.7	Powerpack
Cab car	63.04	59	40			0.8		
<b>Total</b>	<b>660.19</b>	<b>961</b>	<b>80</b>	<b>7</b>	<b>7</b>	<b>4</b>	<b>4.2</b>	

## Recommendation

The Caltrain Board of directors should consider an alternative EMU specification that includes:

- **No infrastructure modifications** (existing tunnels, tracks and platform lengths & heights)
- **Minimum 950 seats, 80 bicycles, 6 toilets and 6 wheelchairs**
- **Hybrid capability** (Facebook, Gilroy and Great America extensions)

Vehicle type	Length	# Seats	# Bicycles	# Toilets	# Wheelchairs	Power (MW)	Hybrid (MW)	Notes
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Double deck	50.67	102						
Single deck	32.87	16	8				0.7	Powerpack
Cab car	63.04	59	40			0.8		
<b>Total</b>	<b>660.19</b>	<b>893</b>	<b>112</b>	<b>3</b>	<b>3</b>	<b>4.0</b>	<b>4.2</b>	
<b>Seat/bike ratio</b>			<b>7.973214</b>					