

From: Board.Secretary
Sent: Friday, April 29, 2016 5:39 PM
To: VTA Board of Directors
Subject: VTA Correspondence: Support Letters; Comments Regarding Tamien Child Care Center

VTA Board of Directors:

We are forwarding you the following:

From	Topic
Chairperson Cindy Chavez	Letters of Support for AB 1595 (Campos), AB 1640 (Stone) and SB 998 (Wieckowski)
Member of the Public	Comments Regarding Tamien Child Care Center

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

April 25, 2016

The Honorable Lorena Gonzalez, Chairperson
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, CA 95814

Dear Chairperson Gonzalez:

The Santa Clara Valley Transportation Authority (VTA) respectfully requests your support for AB 1595 (Campos) when this bill comes before the Assembly Appropriations Committee for a vote. AB 1595 requires a private or public employer providing mass transportation services in California to train its front-line employees on how to recognize signs of human trafficking and how to report those signs to the appropriate law enforcement agencies.

Last year, VTA was approached by the Santa Clara County Human Trafficking Commission about participating in an employer training effort geared toward creating employee awareness of human trafficking and providing workers with the skills to help them identify suspicious activity. Recognizing the important role that our front-line employees could play in preventing human trafficking, VTA agreed to participate in this effort, and worked with the county Office of Women's Policy to develop a training program and materials that would be appropriate for public transit workers.

VTA's training program consisted of an extensive, initial roll-out according to a very aggressive schedule to our front-line employees, including bus and rail operators, maintenance workers, and other field personnel who would be most likely to encounter suspected human trafficking activity while on the job. Multiple sessions were conducted per day at each of VTA's Operating Divisions. The sessions included an overview by the South Bay Coalition to End Human Trafficking and an educational video about human trafficking. Over the course of four days, the awareness training and video were presented to more than 700 VTA employees.

Following this initial roll-out, VTA incorporated the training and video into the orientation process for new employees. To date, a total of 1,000 VTA employees have received the training. In addition, VTA worked with the Santa Clara County Sheriff's Office to develop a protocol for our front-line employees to follow when they observe and report suspected human trafficking activity.

AB 1595 is intended to encourage other private and public providers of mass transportation services to put in place a training program similar to ours for their employees who are likely to interact or come in contact with victims of human trafficking. Human trafficking affects more than 20.9 million people worldwide. California is considered to be one of the top four destinations in the United States for human trafficking. In California, 72 percent of human trafficking victims, who are overwhelmingly women and children, are United States citizens.

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However, there is a lack of awareness with regard to human trafficking, such as who is at risk, how to identify the signs, and how to report those signs to law enforcement authorities. Often, the signs of human trafficking are in plain sight.

Front-line employees of private and public mass transportation providers, given the nature of their work, may come in contact with suspicious activity. With some level of awareness training, they would be instrumental in recognizing, reporting and, thus, helping to combat incidents of human trafficking. For this reason, we respectfully seek your support for AB 1595. Thank you for your consideration of our request.

Sincerely,

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

MEMORANDUM

TO: Members of the California State Assembly

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

DATE: April 25, 2016

RE: Support for AB 1640 (Stone)

The Santa Clara Valley Transportation Authority (VTA) respectfully requests your support for AB 1640 (Stone) when this bill comes before the Assembly for a vote. AB 1640 clarifies that public transit employees hired between January 1, 2013, and December 30, 2014, are exempt from the Public Employees' Pension Reform Act of 2013 (PEPRA) for the duration of their employment.

By way of background, shortly after the enactment of PEPRA in 2012, several unions representing public transit employees filed objections with the U.S. Department of Labor (DOL) contending that the changes to public employee retirement benefits proposed by the bill restricted collective bargaining rights and, therefore, PEPRA violated a provision in federal law known colloquially as Section 13(c). Enacted in 1964 as part of the Urban Mass Transit Act, Section 13(c) requires DOL to certify that public transit agencies are preserving employee collective bargaining rights as a condition of receiving federal grant funding. In response to these objections, DOL began holding up grant applications submitted by California public transit agencies and urged that state legislation be enacted to exempt public transit employees from PEPRA. The Brown Administration, however, did not agree with DOL's interpretation of Section 13(c) relative to PEPRA and indicated that the issue should be litigated.

After several weeks of negotiations, DOL and the Brown Administration reached an agreement on a way to break the impasse. First, DOL notified the Sacramento Regional Transit District (SacRT) that it was refusing to certify one of its grants, a decision that provided an avenue for the filing of a lawsuit to resolve the disagreement between DOL and the Brown Administration in court. Then legislation was enacted in 2013 to exempt public transit employees from PEPRA while the Section 13(c) issue was litigated, which was enough to prompt DOL to begin certifying and releasing federal grant funds for California public transit agencies. This bill, AB 1222 (Bloom), stipulated that if the court were to rule in favor of DOL, the exemption for public transit employees would become permanent. On the other hand, the exemption would sunset either with a court ruling against DOL or on January 1, 2015 (later extended by AB 1783 to January 1, 2016), whichever occurred sooner.

On December 30, 2014, the U.S. District Court, Eastern District of California, ruled in favor of the state and SacRT, holding that DOL had erred in relying on PEPRA to withhold certification of federal grants

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for California public transit agencies. The court then remanded SacRT's grant to DOL for further proceedings consistent with its determination.

With the U.S. District Court's decision, all public transit agencies began applying PEPRA to employees hired after December 30, 2014. However, the statutory language in AB 1222 is ambiguous as to what should happen to the small subset of employees who were hired when the exemption for public transit was in place—specifically, the period between January 1, 2013, when PEPRA took effect, and December 30, 2014, when the U.S. District Court issued its determination. In fact, AB 1222 is being interpreted and implemented in different ways, resulting in these employees getting caught in the middle, through no fault of their own. At VTA, approximately 70 employees out of a total workforce of about 2,200 are impacted.

In February 2015, the California Public Employees' Retirement System (CalPERS) issued a circular to its member public transit agencies, including VTA, stating that those employees hired as "classic" employees while the AB 1222 exemption was in place would convert to PEPRA, effective December 30, 2014. However, we cannot find anything in the public record relative to AB 1222 that clearly indicates that the retirement status of these employees would change if the U.S. District Court ruled in favor of the state and SacRT. In fact, in the case of public transit agencies that have their own retirement funds or that use county retirement plans, these employees are still "classic" employees.

Thus, we have a situation where public transit workers hired while the AB 1222 exemption was in place are being treated differently depending on which agency employs them, which raises a question of fairness. In the case of VTA and other public transit agencies that are members of CalPERS, these employees accepted their positions and came to work with the understanding that their retirement benefits would be those of a "classic" employee. Now, they are being told by CalPERS that PEPRA applies to them, as of December 30, 2014. As a result, their retirement benefits are being negatively impacted simply because they work for VTA or another CalPERS public transit agency. If they had been hired by an agency with its own retirement fund, such as SacRT, or that utilizes a county retirement plan, such as the Orange County Transportation Authority (OCTA), their retirement benefits would still be the same as the day they were hired.

AB 1640 would end the ambiguity and confusion regarding the application of PEPRA to these employees. It would ensure that all employees hired by public transit agencies while the AB 1222 exemption was in place are being treated fairly, and in the same manner regardless of which agency they work for and which retirement system their agency uses. It would also ensure that all of these employees would receive the retirement benefits they were promised when they were hired. For these reasons, we respectfully seek your support for AB 1640. Thank you for your consideration of our request.

April 28, 2016

The Honorable Ricardo Lara, Chairperson
Senate Appropriations Committee
State Capitol, Room 2206
Sacramento, CA 95814

Dear Chairperson Lara:

The Santa Clara Valley Transportation Authority (VTA) respectfully requests your support for SB 998 (Wieckowski) when this bill comes before the Senate Appropriations Committee for a vote. SB 998 prohibits motorists from stopping, parking, leaving standing, or driving their vehicles in a roadway lane that has been designated for the exclusive use of public transit buses.

An increasing number of public transit agencies in California are currently operating, developing or constructing bus rapid transit (BRT) projects where either the entire corridor or a portion of the corridor has or will have lanes dedicated for the exclusive use of their buses. BRT is an emerging public transit bus service that is intended to more effectively accommodate longer-distance passenger trips occurring in transit-intensive corridors in urbanized areas. By constructing bus-only lanes along these corridors, thereby separating buses from the normal, congested flow of traffic, public transit agencies are able to decrease travel times and make their service a more attractive transportation alternative for these longer-distance trips.

While the Vehicle Code prohibits motorists from parking, stopping or leaving standing their cars at a curbside bus stop, there are no comparable provisions in state law relating to roadway lanes that have been designated for the exclusive use of public transit buses. Therefore, public transit agencies have no enforcement authority to ticket motorists who are inappropriately using bus-only lanes and obstructing the operation of their BRT service. SB 998 would address this problem by merely listing in the Vehicle Code that stopping, parking, leaving standing, or driving a vehicle in a designated bus-only lane is a violation, thereby allowing enforcement officers to issue citations for these offenses.

We respectfully seek your support for this legislation. Thank you for your consideration of our request.

Sincerely,

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

From: Roland Lebrun

Sent: Monday, April 25, 2016 2:36 AM

To: Freitas, Harry

Cc: Board.Secretary; General Manager; MTC Commission; Heminger, Steven; mayoremail@sanjoseca.gov

Subject: Tamien PDC14-072 IS/MND comments

Dear Mr. Freitas,

Please find attached my comments related to the planned demolition of the Tamien Child Care Center specifically conflicts with Plan Bay Area strategies relating to PDAs and violations of the following Envision San José 2040 General Plan policies:

- Policy IE-1.3: "Create complete, mixed-employment areas **that include child care.**"

- Policy ES-2.11: "**Support access to quality, affordable early childhood care and education for all San José children and families to promote early literacy and school readiness.**"

I hope that you will consider directing the applicant to implement appropriate mitigation measures as outlined in the second page of the attached letter.

Sincerely,

Roland Lebrun

cc.

VTA Board of Directors

VTA General Manager

MTC Board of Directors

MTC Chief Executive

Office of Mayor Sam Liccardo

Roland Lebrun

March 24 2016

Dear Mr. Freitas,

Thank you for the opportunity to comment on the Tamien Station Transit Oriented Development project (File No PDC14-072).

As you know, this project proposes to displace a 369-stall Santa Clara Valley Transportation Authority (VTA) parking lot **and a childcare center** at 1197 Lick Avenue, on the west side of Lick Avenue approximately 470 feet north of W. Alma Avenue (APNs 434-13-040 and -041).

I notice under section **3.1.5 Prerequisite for Project Construction** that “*construction of the proposed project would not begin until the parking structure is completed and replacement parking for Tamien Station is available*” but **there is no mention of a replacement for the Tamien Child Care Center** (or the 59 stalls which are reserved for commuters with children at the childcare center)



which, unless mitigated, will result in violations of the following **Envision San José 2040 General Plan** policies:

*Policy IE-1.3: “As part of the intensification of commercial, Village, Industrial Park and Employment Center job Growth Areas, create complete, mixed-employment areas that include business support uses, public and private amenities, **child care**, restaurants and retail goods and services that serve employees of these businesses and nearby businesses.”*

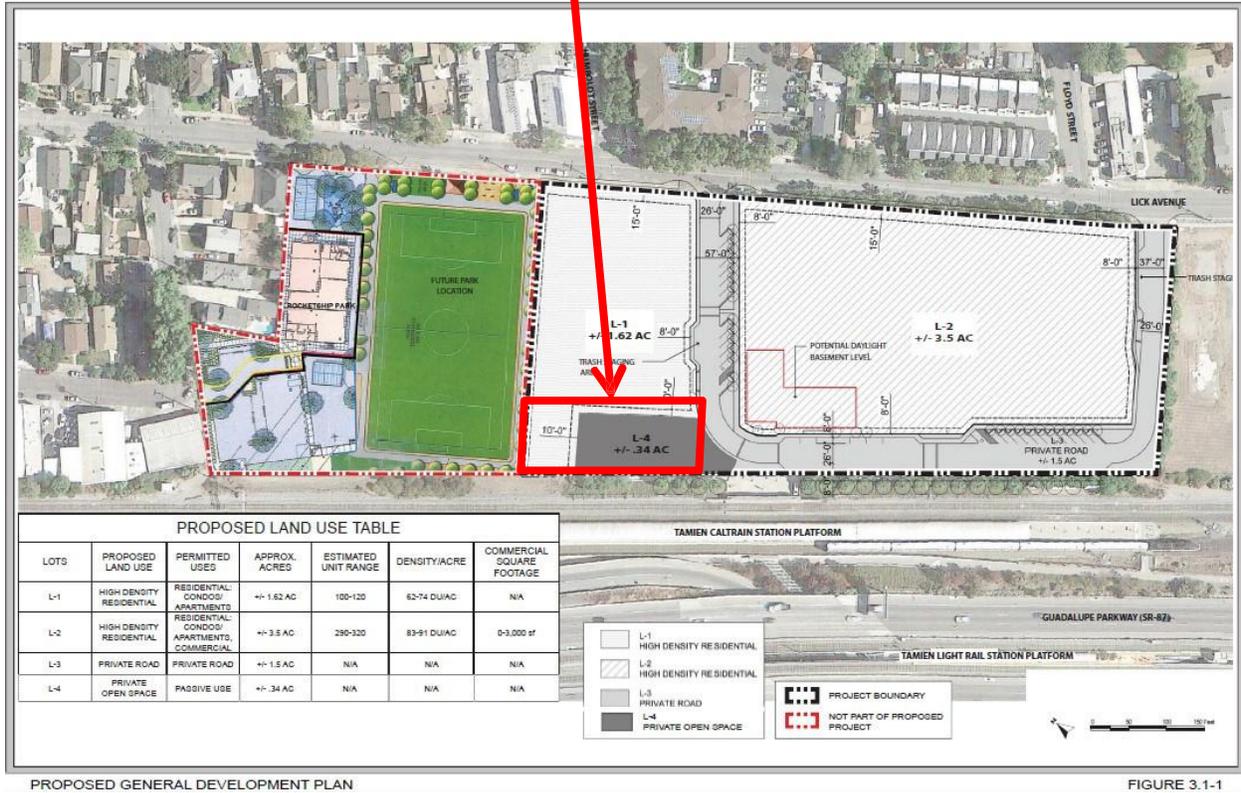
*Policy ES-2.11: “**Support access to quality, affordable early childhood care and education for all San José children and families to promote early literacy and school readiness.**”*

This project as currently planned additionally conflicts with Plan Bay Area strategies adopted by the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) specifically “**promote compact, mixed-use development close to public transit, jobs, schools, shopping, parks, recreation, and other amenities, particularly with Priority Development Areas (PDAs) identified by local jurisdictions.**” (the project site is within the City Center PDA designated by the City of San José).

Conclusion

Please consider mitigating the relocation of the Tamien Child Care Center as follows:

- 1) Phased implementation of the project whereby a new Childcare Center and 59 parking spaces would be constructed by the developer on Lot L-4 (currently zoned for private open space) at the same time as Lot L-1 in lieu of school impact fees.
- 2) Development of Lot L-2 would not be allowed until the childcare staff and the 90 children have relocated to the new childcare center.



Thank you in advance for your consideration.

Sincerely,

Roland Lebrun.

From: Board.Secretary

Sent: Monday, April 25, 2016 5:13 PM

To: VTA Board of Directors

Subject: VTA, San Mateo County Transit District and Peninsula Corridor JPB Public Meeting and Prime Networking, Tuesday, May 3

VTA Board of Directors:

VTA, San Mateo County Transit District and Peninsula Corridor Joint Powers Board will be holding a public meeting and prime networking event on Tuesday, May 3, 2016, from 8:30 a.m. to 12 p.m. at VTA River Oaks Campus, Building A Auditorium, 3331 North First Street, San Jose. Please see the attached flyer for additional information.

Thank you.

Office of the Board Secretary
Santa Clara Valley Transportation Authority
3331 N. First Street
San Jose, CA 95134
408.321.5680
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Public Notice

The Santa Clara Valley Transportation Authority (VTA), San Mateo County Transit District (SamTrans) and Peninsula Corridor Joint Powers Board (JPB) are holding a public meeting and Prime networking event on:

Tuesday, May 3, 2016
8:30 a.m. to 12:00 p.m.
at
3331 North First Street
San Jose, CA 95134
AUDITORIUM

You will have an opportunity to network and:

- Discover upcoming contracting opportunities from:
 - ✓ Prime Contractors
 - ✓ Bay Area Transportation Agencies
 - ✓ California High-Speed Rail
 - ✓ U.S. Small Business Administration
- Learn about the “VTA/SamTrans/JPB’s Availability and Utilization Study”
- Comment on “VTA/SamTrans/JPB’s Triennial Goal for FFY 2017-2019”

VTA, SamTrans, and JPB are in the process of establishing overall goals, as set forth in 49 CFR Part 26.45, for projects financed by the Federal Transit Administration for Federal Fiscal Year 2017 - 2019.

Your comments on VTA’s DBE Goal Setting are highly encouraged.

[Please RSVP for the event by clicking this link!](#)

This location served by VTA Light Rail and Bus Line 58



Stacy and Witbeck



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 Office of Small and Disadvantaged Businesses (OSDB) at least 48-hours prior to the meeting. Individuals requiring language assistance should notify OSDB at least 72-hours prior to the meeting. OSDB may be contacted at ☎(408) 321-5962 or ✉e-mail: osdb@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.