

From: Board.Secretary

Sent: Friday, May 06, 2016 6:01 PM

To: VTA Board of Directors

Subject: VTA Correspondence: Support Letters; Comments Regarding Caltrain Board Meeting Agenda and VTA Bus Proposal for El Camino Real

VTA Board of Directors:

We are forwarding you the following:

From	Topic
Chairperson Cindy Chavez	Letter of Support for AB 2196 (Low), SB 998 (Wieckowski) and SB 284 (Beall)
Member of the Public	Comments Regarding Caltrain Board Meeting Agenda
Members of the Public	Comments Regarding VTA Bus Proposals for El Camino Real

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

MEMORANDUM

TO: Members of the California State Assembly

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

DATE: April 29, 2016

RE: Support for AB 2196 (Low)

The Santa Clara Valley Transportation Authority (VTA) respectfully requests your support for AB 2196 (Low) when this bill comes before the Assembly 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 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 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.

MEMORANDUM

TO: Members of the California State Senate

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

DATE: May 3, 2016

RE: Support for SB 998 (Wieckowski)

The Santa Clara Valley Transportation Authority (VTA) respectfully requests your support for SB 998 (Wieckowski) when this bill comes before the Senate 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.

May 4, 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 824 (Beall) when this bill comes before the Senate Appropriations Committee for a vote. This legislation would provide a few more tools and as much flexibility as possible to allow public transit agencies to more effectively manage and utilize their formula shares under the Low Carbon Transit Operations Program (LCTOP) in order to maximize greenhouse gas emissions reductions in a way that makes the most sense for their individual systems.

As you know, existing law continuously appropriates 5 percent of all cap-and-trade auction proceeds deposited into the Greenhouse Gas Reduction Fund to LCTOP, which is administered by Caltrans, in coordination with the California Air Resources Board (CARB). This formula-based program provides operating and capital assistance to public transit agencies to reduce greenhouse gas emissions and improve mobility. Under LCTOP, funding flows to public transit agencies according to the State Transit Assistance Program (STA) formula. If a public transit agency's service area includes disadvantaged communities, current law requires that at least 50 percent of its funding be used for projects or services that benefit those communities.

SB 824 is the product of lessons learned from both the Proposition 1B Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) Program, and from the first rounds of programming of LCTOP funding. The bill includes suggestions from public transit agencies based on their experiences with those two programs. Some of the key provisions in SB 824, which are applicable to both operating and capital expenditures, are as follows:

1. Allows a public transit agency to "bank" its LCTOP formula share, so that it can save up and accumulate a sufficient amount of money to use for a larger, more meritorious expenditure at some later date.
2. Allows a public transit agency that is not ready to move forward with an expenditure in a particular fiscal year to loan its LCTOP formula share to another eligible recipient within the same region that is trying to implement new service or advance a capital project, but cannot fully fund it with its own LCTOP share.
3. Allows a public transit agency that has no intention of using its LCTOP formula share in a particular fiscal year to transfer the money to another eligible recipient. One of the issues that arose with the

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Proposition 1B PTMISEA Program was that some agencies had formula shares that were so small, the agencies could not put the money to good use. As a result, money went unclaimed. To avoid this situation with LCTOP, SB 824 provides a public transit agency with the option to “give away” its formula share to another eligible recipient within the same region if the agency determines that it will never use its money.

4. Allows a group of public transit agencies to enter into an agreement to “pool” their respective LCTOP formula shares into one large amount. Under such an arrangement, the use of the “pot” of pooled funds would rotate among the agencies from one fiscal year to the next. This tool may be of value to smaller public transit agencies with formula shares that are not sufficient to allow each agency to move forward with an eligible expenditure.
5. Allows public transit agencies to use their formula shares to purchase zero-emission buses, including electric buses, to replace diesel buses currently in their fleet, or to install the necessary infrastructure to support the operation of clean vehicles. While these types of expenditures would result in immediate greenhouse gas emissions reductions, they are not eligible for LCTOP funding under current law, unless the public transit agency also increases service. Unfortunately, a public transit agency may not have the funding in its operating budget to do so.
6. Clarifies that a public transit agency may continue to use its LCTOP formula share to support new or expanded service beyond the first year in which the service is implemented, so long as the agency can demonstrate that additional greenhouse gas emissions reductions will be realized.
7. Similar to provisions in SB 9 (Beall) from last year relating to the Transit and Intercity Rail Capital Program, allows a public transit agency to obtain a Letter of No Prejudice (LONP) from Caltrans, thereby enabling the agency to begin operating its service enhancements or advance its capital project using local dollars and then get reimbursed with LCTOP funds when they become available.

The changes proposed in SB 824 would result in a more desirable outcome because they would help public transit agencies maximize the total amount of greenhouse gas emissions reductions that could be achieved with their LCTOP formula shares. Therefore, 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, May 02, 2016 2:13 AM
To: Caltrain Board
Cc: Board.Secretary; SFCTA Board Secretary; MTC Commission; Caltrain CAC Secretary; SFCTA CAC; Heminger, Steven
Subject: Caltrain Board Meeting Agenda

Dear Honorable Chair Woodward and Members of the Caltrain Board of Directors,

Kindly be advised that the Thursday May 5th 2016 Board agenda (http://www.caltrain.com/Assets/_Agendas+and+Minutes/JPB/Board+of+Directors/Agendas/2016/2016-05-05+JPB+BOD+Agenda+Packet.pdf) as currently posted on the Caltrain web site contains multiple potential **violations of Government Code Section 54957.5. (b) (1)**

(<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=54001-55000&file=54950-54963>) as follows:

AGENDA ITEM # 8

“The staff report and resolution will be provided under separate cover.”

AGENDA ITEM # 12

“A Power Point presentation will be e-mailed in advance to the Board.”

AGENDA ITEM # 15

“A handout will be provided at the meeting.”

Please direct SamTrans staff to take corrective action no later than Monday May 2nd at 10.00 AM (Government Code Section 54957.5. (b) (2)).

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

Roland Lebrun.

CC:
VTA Board of Directors
SFCTA Board of Directors
Metropolitan Transportation Commission
Caltrain CAC
SFCTA CAC

From: Bob & Lynda Morrison
Sent: Saturday, April 30, 2016 1:48 PM
To: Board.Secretary
Cc: Council@sunnyvale.ca.gov
Subject: VTA bus proposals for ECR

Dear Members,

I have always voted in favor of ballot measures to fund transportation issues. However, in light of the VTA proposal to eliminate two lanes on El Camino in favor of a rapid bus lane, or even the backup position to change two lanes to HOV, will make it nearly impossible for me to vote in favor of a VTA ballot measure in the future. Both proposals completely disregard the negative impact it would have on the vast majority of the people who use ECR on a daily basis to shop, run errands, etc. As a Sunnyvale resident it would be totally impractical to use a bus to get to any of the stores or businesses along ECR, which I drive to on a daily basis. And everyone I've talked with feels the same. The BRT plan would create total gridlock for those of us driving a car on ECR. The HOV lane would have the same effect during the restricted hours. Besides the horrible inconvenience and traffic issues these proposals would cause for the majority of people using ECR, the changes are really unnecessary.

During the past several months I have paid special attention to the bus stops and bus movement when I am driving on ECR. Because of the wide shoulder room along ECR in Sunnyvale the buses are able to pull over to bus stops for pickups without impeding traffic in most cases. The buses never seem to have any problem getting back into the traffic lane when they leave the stop. It's also been my observation, that when necessary, most drivers slow to let the buses in. But most of the time there are enough breaks in the traffic that the buses have no problem pulling away and into the traffic lane. ECR flows nicely most of the time. Eliminating two lanes for these VTA proposals would only cause gridlock and outrage.

During the times I drive on ECR I observe few heads inside the buses, regardless of the time of the day. I also never see more than a few people waiting at a bus stop. In fact, more often than not, there is no one waiting at a bus stop. I think it has to be conceded that Santa Clara County, unlike a large city, is vastly spread out and will never be conducive for most citizens to use buses. These proposals will cost huge amounts of taxpayer money, cause tremendous disruption and subsequent gridlock, while probably having little effect on future bus ridership. Even coming up with this idea for eliminating lanes on ECR in favor of dedicated bus lanes defies common sense. I would like to know how many valid studies have been conducted that conclude bus ridership will increase on ECR to justify eliminating traffic lanes.

It's proposals such as this, involving such large amounts of taxpayer money, with very questionable results, and with little consideration of the detrimental effects on the majority, that cause the voter to become cynical. Plans to improve transportation in Santa Clara county must be based in reality. Plans such as those pertaining to ECR are not reality based. I have little faith at this time that VTA has the best interests of the population as a whole in their planning. And my vote on the upcoming VTA ballot measure will reflect that. I have not heard one person discussing the VTA plan for bus travel on ECR who feels differently. Anger and dismay is the norm.

Sincerely,

Bob Morrison

From: Board.Secretary

Sent: Friday, May 06, 2016 4:18 PM

To: VTA Board of Directors

Subject: VTA Comments on City Place Santa Clara Final Environmental Impact Report (FEIR)

VTA Board of Directors, VTA Technical Advisory Committee Members and VTA Policy Advisory Committee Members:

Attached are the following for your information and reference:

- Letter from VTA Board Vice Chairperson Jeannie Bruins addressed to Santa Clara Mayor Lisa Gillmor regarding the City Place Santa Clara Final Environmental Impact Report (FEIR)
- Technical letter from VTA General Manager/CEO Nuria Fernandez to Acting City Manager Rajeev Batra with VTA's complete comments on the FEIR for the public comment record.

If you have any questions, please contact John Ristow, VTA Director of Planning and Program Development, at (408) 321-5713.

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



May 5, 2016

Honorable Lisa Gillmor, Mayor
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Subject: City Place Santa Clara Final Environmental Impact Report (FEIR)

Dear Mayor Gillmor:

Congratulations on the City of Santa Clara's visionary approach to development at the City Place site. The City of Santa Clara demonstrates a sincere commitment to responsible development on this major site. On behalf of the Santa Clara Valley Transportation Authority (VTA) allow me to express my appreciation for the cooperation of your staff and consultants in working through the environmental process.

We believe this proposed development will be an important contributor to the growth and economic development of the region. However, there are still some areas that need to be addressed.

VTA has reviewed the Final Environmental Impact Report (FEIR) for the City Place Santa Clara Project. As the largest single development project in recent history in Santa Clara County, within walking distance of two VTA light rail stations and the ACE/Capitol Corridor Great America Station, this project represents an extraordinary opportunity to leverage these combined investments to provide world-class transportation options to an emerging activity center. In the spirit of ensuring the project realizes this potential for Santa Clara County, VTA submitted comments on the Draft EIR (DEIR) regarding the analysis and mitigation of project impacts to transit and other modes of transportation. Unfortunately, our comments were not adequately addressed in the FEIR. These comments when addressed will measurably improve the viability of the project.

VTA is committed to providing safe, efficient, and reliable light rail service along Tasman Drive serving the project and the adjoining areas. The DEIR identified a significant and unavoidable impact to transit operations; in our comments, VTA suggested mitigation measures to reduce and/or avoid the impact, such as Transit Signal Pre-emption for light rail and commitment of resources to monitor and maintain traffic signals to ensure Transit Signal Pre-emption during the 15-year Project construction period. The FEIR dismisses all of VTA's suggested mitigation measures with minimal explanation and does not offer any other measures, even though additional feasible measures exist. VTA believes the EIR does not adequately address this impact. Furthermore, VTA opposes the Project Variants that would include a new intersection across the light rail tracks, due to impacts to transit operations and safety, and believes that the project could do more to enhance transit accommodations at the ACE/Capitol Corridor Great

America Station, with or without the proposed new intersection. Additionally, VTA strongly believes a grade-separated pedestrian crossing of Tasman Drive is warranted as part of the first phase of the project.

The DEIR also identified significant impacts due to increased vehicle congestion to a large number of Congestion Management Program (CMP) facilities, including intersections and freeway segments both inside and outside the City of Santa Clara. We recommend stronger mitigation measures to address these impacts, including stronger trip reduction targets and City/third-party monitoring procedures for the Transportation Demand Management (TDM) Program. However, the City's Master Response on TDM in the FEIR weakens the project's commitment to establishing TDM targets, and fails to commit to establishing reliable monitoring and enforcement mechanisms for the program.

VTA supports the City's addition of a new Mitigation Measure to prepare and implement a Multimodal Improvement Plan (MIP) (i.e., a deficiency plan under California Government Code section 65089.4) to address significant and unavoidable impacts to CMP facilities. Given the significance of the project to VTA and Santa Clara County, VTA is prepared to work closely with the City to prepare and implement the MIP, which requires review and approval by the VTA Board of Directors per state law.

This project represents an opportunity to create major quality of life and economic benefits to the City of Santa Clara and our region. It presents an opportunity to enhance transit and transportation. Without the mitigations we strongly recommend, the project will be a lost opportunity to address safety and transportation concerns.

Please do not hesitate to contact Nuria Fernandez, General Manager, at (408) 321-5539 if you have any questions or to discuss the topics that VTA has raised in this letter.

Sincerely,

Jeannie Bruins
Vice Chairperson, VTA Board of Directors

cc: Vice Mayor Teresa O'Neill, Santa Clara City Council and Planning Commission
VTA Board of Directors, Technical Advisory Committee and Policy Advisory Committee
Debby Fernandez, Rajeev Batra, Kevin Riley, Ruth Shikada, City of Santa Clara
Nuria Fernandez, Jim Lawson, Inez Evans, John Ristow, Steve Keller, Rob Fabela, VTA

Attachment: Technical Letter from Nuria Fernandez to Rajeev Batra on Final Environmental Impact Report (FEIR) for City Place Santa Clara Project



April 29, 2016

Rajeev Batra, Acting City Manager
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Subject: City Place Santa Clara Final Environmental Impact Report (FEIR)

Dear Mr. Batra:

VTA has reviewed the Final Environmental Impact Report (FEIR) for the City Place Santa Clara Project (Project), which contains the City's responses to VTA comments on the Draft EIR. We have the following concerns:

Significant Impacts on Transit Travel Times

CEQA Analysis/Mitigation Measures

VTA believes the EIR does not adequately address the identified significant impact to transit travel times. As the Lead Agency, the City is required to identify available and feasible mitigation measures to avoid, minimize, rectify, reduce, or compensate for a significant impact (2015 CEQA Statute and Guidelines, Section 15370). In the DEIR, the City found that the impact to transit operations was significant *and unavoidable* (TRA-11). However, in our comments, VTA suggested several mitigation measures including Transit Signal Pre-emption for light rail, commitment of resources to monitor and maintain traffic signals to ensure Transit Signal Pre-emption during the 15-year Project construction period, construction of an elevated pedestrian walkway across Tasman Drive at Centennial Boulevard, and grade separation of VTA light rail through the Tasman corridor. The FEIR dismissed all of VTA's suggested mitigation measures with minimal explanation, and did not offer any other measures, even though additional feasible measures exist. For example, if the City chooses not to implement full Transit Signal Pre-emption as VTA requested, the City could implement strengthened Transit Signal *Priority* for light rail with a Project Developer-funded monitoring and maintenance program.

Transit Signal Pre-emption

FEIR Response A12a.2, in part, opposes VTA's suggested Transit Signal Pre-emption mitigation measure because the City believes such a measure would favor only light rail to the exclusion of other modes, including emergency response vehicles, vehicles, bicyclists, and pedestrians. **VTA does not concur with the EIR's conclusion and notes that traffic signal technology can allow emergency response vehicles a higher level of pre-emption than all other modes.** VTA believes that a reasonable balance between all modes that still prioritizes light rail movement can be developed in partnership between VTA and the City. Additionally, VTA, as the designated Santa Clara County Congestion Management Agency (CMA) overseeing the Congestion

Management Program (CMP)¹ exempts the effect of transit priority measures and allows intersections to be analyzed as if transit priority didn't exist in order to promote transit use.²

Monitoring and Maintenance of Signals

VTA appreciates the FEIR's discussion regarding the City's monitoring of signalized intersections and updating of signal timings when traffic patterns change, and its commitment to monitoring signals during construction (FEIR pg. 4-74). **VTA requests that the City commit to closely coordinating with VTA on such monitoring and signal timing modification activities** to ensure that transit priority measures are not significantly degraded as they have been over the past two years. The City and VTA entered into a Cooperative Agreement in 1999, which defines mutual expectations for light rail system operation and maintenance. This Agreement must be updated to address transit delay issues (described further below), as well as to ensure that maintenance obligations are met.

Proposed New Intersection/Crossing of Light Rail

New Intersection – Delay to Light Rail

The documentation in the EIR regarding delay to light rail due to the proposed new intersection is inadequate, and VTA has determined that the delay will be substantially greater than stated in the FEIR. VTA's DEIR comments strongly opposed the introduction of a new signalized intersection at Tasman Drive and Avenue C, in part due to the delay caused to light rail. The City's purported analysis of transit delay due to the new intersection in the FEIR concluded "that this new signalized intersection would cause small increases in light rail vehicle delay (an average of less than 5 seconds per train and a maximum of 15 to 20 seconds per train)" (FEIR pg. 4-74). VTA has determined the delay will be substantially greater. The City failed to adequately describe in the FEIR the methodology used in performing the transit delay analysis, nor has it released this analysis despite repeated requests from VTA over several months. As such, the documentation in the EIR is inadequate.

In addition, as stated in our DEIR comment letter, VTA recommends that the City condition the Project Developer to construct new roadway connections identified in the DEIR early in the project phasing, such as the extension of Lick Mill Boulevard north of Tasman Drive and the connection of Great America Way to Lafayette Street, and explore other ways to improve connectivity in the Project vicinity. These new roadway connections would provide additional options for vehicular access to the project site and would reduce the need for the proposed new intersection.

¹ VTA oversees the methodologies for evaluating the transportation impacts of land use decisions on the CMP System.

² Valley Transportation Authority. *Traffic Level of Service Analysis Guidelines*, June 2003. Available at <http://www.vta.org/cmp/technical-guidelines>

Existing Intersections – Delay to Light Rail

The FEIR response only addresses additional light rail delay at the proposed new intersection. Light rail would suffer from delay at existing intersections as well, due to the increased congestion along Tasman Drive caused by the Project. Prior to the issuance of the DEIR, VTA requested an analysis of light rail delay at additional intersections along Tasman Drive within the Project vicinity. VTA was not provided with or consulted about this analysis, and the FEIR does not include such analysis.

VTA underscores the ongoing reliability issues with the existing signal operations on Tasman Drive, operated by the City of Santa Clara. This has resulted in VTA light rail trains delayed by an average of approximately 45 seconds per train, resulting in estimated increases in operating costs of approximately \$101,000 per year³. VTA expects to double the number of trains passing through this segment in late 2017 concurrent with the opening of BART Silicon Valley Phase 1, which would likely double the operating cost impact of any delays experienced along this segment. The Project will exacerbate this situation both at the new intersection (if built) and at other intersections along Tasman Drive where traffic congestion will increase as a result of the Project, as documented in the EIR.

The FEIR's focus on average delay per vehicle is misleading. Due to the nature of light rail operations, a small delay at one intersection can lead to cascading delays at other intersections throughout the system, ultimately reducing transit speed and reliability and inconveniencing transit passengers. This reduces the attractiveness of transit as a mode of travel, counteracts VTA's efforts to improve transit ridership system-wide, and results in a greater share of Project trips taken by automobile, leading to increased environmental impacts from transportation associated with the Project. VTA needs to protect the \$90 million taxpayer investment made over the last two years to speed up the light rail system.

New Intersection – Safety

VTA's DEIR comments strongly opposed the introduction of a new signalized intersection at Tasman Drive and Avenue C due to safety concerns to pedestrians, light rail vehicles, and autos. As noted in the FEIR, any new crossing of the light rail tracks would require approval of VTA and California Public Utilities Commission (CPUC). **The new crossing described as Tasman Variants 1 and 2 in the EIR will not be supported by VTA.**

Grade-separated Pedestrian Crossing

VTA's DEIR comments requested an elevated pedestrian walkway across Tasman Drive at Centennial Boulevard to protect the safety of the travelling public, which the City dismissed in the FEIR. VTA is authorized by the California Public Utilities Code to assure the safety of passengers, pedestrians, vehicles and the system itself, and must comply with applicable CPUC regulations. Prior to the construction of the Project roadways, CPUC/VTA will likely require

³ This delay estimate is based on observed data about train dwell times and the percent of trains stopping at signals between Lick Mill Boulevard and Great America Parkway on Tasman Drive, from VTA Automated Passenger Counters in March through May 2014. The operating cost estimate is based on VTA's fully allocated operating costs for light rail service as of Spring 2016.

safety review of existing and proposed crossings, which may conclude that one or more grade-separated crossings are warranted. VTA has concerns about the safety of pedestrians, especially during stadium event days, in spite of the special closure of Tasman and guided event control.

Given these existing conditions and the additional pedestrian activity that will be generated by the Project, VTA's position is that grade-separated crossings are warranted as part of the first phase of the Project.

ACE/Capitol Corridor Great America Station Integration with the Project

VTA's DEIR comments requested that the City require the Project Developer to construct the near-term transit center at the ACE/Capitol Corridor Great America Station, discussed between the City, VTA, ACE, and the Project Developer prior to the issuance of the DEIR. The near-term transit center concepts were not acknowledged in the DEIR. The FEIR describes the Project's integration with the ACE/Capitol Corridor Great America Station, and clarified two integration options, the "Base" and "Variant 2" schemes. The Base scheme allows for the continued operation of VTA/ACE shuttle buses with no enhancements, and the Variant 2 scheme permits the creation of an enhanced transit plaza and additional bus/shuttle loading positions. In VTA's review, the same land area is available for near-term transit center improvements in each scheme; only the roadway configurations are different. Specifically, Variant 2 includes the new intersection on Tasman Drive, which allows left turns crossing the tracks. VTA's position is that other feasible options exist that do not cross that tracks, i.e. right in-right out access at Tasman (see attached **Exhibit A**).

The FEIR states that only with the Variant 2 scheme would there be room to provide the enhanced transit plaza and additional bus/shuttle loading positions. **VTA believes sufficient room exists to provide these near-term transit center improvements in the base scheme without the new intersection. VTA believes the Project Developer and the City are leveraging these improvements to push VTA and other public agencies to accept the proposed new intersection on Tasman Drive.**

Transportation Demand Management Program

Mitigation Measure TRA-1.1 requires the Project Developer to prepare and implement a TDM Plan to reduced vehicle trips generated by the Project and therefore minimize roadway system impacts and greenhouse gas emissions. In VTA's DEIR comment letter, VTA provided a number of comments on the Project's Transportation Demand Management (TDM) program. Several of our comments are addressed adequately in the FEIR; however, VTA would like to highlight three areas where we believe the City is not taking every feasible action to mitigate the Project's transportation impacts.

The Monitoring Party

Master Response 2 states (in part):

It has been recommended that the monitoring party be specified as the City or a third party. The monitoring process and monitoring party will be detailed in the TDM Plan. The City of Santa

Clara Director of Planning and Inspection shall approve all aspects of the Plan, including the monitoring party.

VTA believes that the City can and should specify that TDM monitoring will be performed by the City or a third party at the Project approval stage. The language in the FEIR leaves open the possibility that monitoring will be self-reported by the Project Developer. This does not match best practices in Santa Clara County, such as in recent EIRs for development Projects in Mountain View, Sunnyvale, Cupertino, and at Stanford University. There is no reason why having the City or a third party conduct the monitoring is infeasible. A City or third-party monitoring arrangement ensures that monitoring will be conducted in an objective and consistent way using methods and personnel that are accountable to the City. This arrangement is therefore more likely to lead to the achievement of the specified trip reduction targets, and therefore provides greater likelihood of reducing the significant transportation impacts of the Project.

Enforcement of TDM Plan

Master Response 2 states (in part):

The City of Santa Clara has decided that the TDM Plan and TDM reduction targets will be accomplished through collaboration among the Project Developer, future employers, and the TMA without the use of financial penalties... The City of Santa Clara Director of Planning and Inspection would have authority to approve the TDM Plan in circumstances when the monitoring process shows that the trip reduction targets are not being met. The Director of Planning and Inspection would do so based upon his or her reasonable and professional judgment, and this would be allowable as the trip reductions are stated as goals rather than as requirements.

VTA is concerned that in the FEIR, it appears that the City is weakening the commitment to the TDM targets discussed in the DEIR text. The FEIR states that the trip reductions “are stated as goals rather than as requirements.” This, combined with the lack of penalties and ambiguity regarding the monitoring party, combine to form a weak TDM framework. This weak framework makes it less likely that the Project will achieve the specified trip reduction targets, and therefore less likely to reduce the significant transportation impacts of the Project. It is feasible and prudent to convert these trip reduction targets into requirements, and to require an enforcement mechanism; and we can find no legitimate reason for not doing this. Therefore, VTA requests that the City revise this mitigation measure to set trip deduction requirements and an enforcement mechanism.

Reduction Targets for Retail Employees

Master Response 2 states (in part):

A trip reduction target for retail employees was not set for practical reasons: 1) traffic impacts are identified during the AM and PM peak hours and retail employees often travel outside of these hours, and 2) retail employee parking is not typically in a separate area, making monitoring difficult.

VTA disagrees with the City’s FEIR response about the practicality of setting such a trip reduction target for retail employees. Regarding the hours of travel, while it may be true that

retail employees often travel outside of AM and PM peak hours, the amount of retail in the Project (up to 1.7 million square feet of retail uses, which translates to 3,000 to 5,000 retail employees given typical employee density rates) means that just the portion of retail employees traveling during AM and PM peak hours will cause a substantial contribution to roadway congestion. Given the Project's significant transportation impacts, it is therefore necessary to manage these trips. Regarding the statement about retail employee parking, all parking in the City Place development will be controlled by the Project Developer, and the vast majority will be in parking structures located in the City Center area. It is fully within the Project Developer's control to restrict retail employee parking to certain areas, which would make it feasible to monitor employee parking patterns within the framework of a retail employee trip reduction target. Therefore, implementing reduction targets for retail employees is a feasible mitigation measure and VTA reiterates our request for the City to include this action.

Multimodal Improvement Plan

The Draft EIR identified that the Project would have a significant impacts on 19 CMP intersections⁴. Of these, some have identified measures to fully mitigate Project impacts, and some have identified measures that only partially mitigate Project impacts, and others have no feasible mitigation measures. VTA commented on these impacts in our DEIR letter, and requested that the City prepare an area-wide Multimodal Improvement Plan (formerly 'Deficiency Plan') to address Project impacts on the CMP transportation system.

Master Response 3 states (in part):

Therefore, if the Project is improved, a MIP would be needed to address two CMP intersections that have significant project impacts with either no feasible or only partial mitigation measures within the City of Santa Clara and three CMP intersections that have significant cumulative impacts with either no feasible or only partial mitigation measures (within the City of Santa Clara)... As the member agency, the City of Santa Clara is responsible for preparing the MIP.

VTA supports the City's addition of Mitigation Measure TRA-1.3, to prepare and implement a Multimodal Improvement Plan (MIP). As noted in the FEIR, the purpose of a MIP is to improve system-wide traffic flow and air quality by identifying improvements to other modes in lieu of making physical traffic capacity enhancements. MIPs allow local jurisdictions to adopt innovative and comprehensive transportation strategies for improving system wide LOS rather than adhering to strict traffic level of service standards that may contradict other community goals.

VTA agrees with much of the discussion in the 'Response' section of Master Response 3 on Multimodal Improvement Plans. However, we would like to make several points:

- **Based on VTA's Board-adopted requirements and past precedent in Santa Clara County, the MIP should include County-controlled as well as City-controlled**

⁴ Reflects Existing With-Project conditions.

intersections. The VTA Deficiency Plan Requirements, adopted September 2010⁵, state on page 8: “*Deficiency plan preparation for County expressways and expressway intersections within the CMP System are the responsibility of the cities through which the expressways travel. The city preparing a deficiency plan for an expressway or expressway intersection will involve the County in the development of the deficiency plan.*” Therefore, the proposed MIP must include the County-controlled CMP intersections within the City of Santa Clara where the Project is causing a significant impact per the CMP level of service standard and cannot fully mitigate the impact.

- **Also based on the guidelines and precedents, the City of Santa Clara must participate fully in the North San Jose Deficiency Plan for impacted intersections in the City of San Jose.** The VTA Deficiency Plan Requirements state on page 28: “*The CMP requirements for maintaining the CMP traffic LOS standard and participation in deficiency plans are multi-jurisdictional. In order words, if a development project in City A is shown to impact a CMP System roadway in City B, which has a deficiency plan, then City A is responsible for ensuring that the development project either mitigates its impact on the deficient facility or participates fully in City B’s deficiency plan.*” Therefore, the City of Santa Clara must participate fully in the existing North San Jose Deficiency Plan for any CMP intersections the Project impacts in North San Jose. VTA is aware that City of Santa Clara staff has been consulting with City of San Jose staff regarding the City Place Project and EIR, and VTA expects that this coordination will need to continue into the MIP preparation period to ensure that the City of Santa Clara meets its obligations regarding the North San Jose Deficiency Plan.
- **The MIP is intended to identify multimodal actions that can help offset auto congestion impacts on the regional roadway system. Therefore, the City should address the Tasman light rail line, bus and shuttle service and facilities, and pedestrian and bicycle accommodations in the MIP.** The VTA Deficiency Plan Requirements state on page 17: “*Member Agencies, in collaboration with VTA and other participating agencies, shall include programs, actions and improvements selected from the Air District’s most recent Deficiency List and transportation control measures listed in the Air District’s Clean Air Plan.*” The list of potential measures includes but is not limited to Signal Preemption for Transit Vehicles, Preferential Treatment for Buses and In-Street Light Rail Vehicle (LRVs), Transit Centers, Stricter Travel Demand Management/Trip Reduction Ordinance, Improved Roadway Bicycle Facilities and Bike Paths, and Improved Pedestrian Facilities (see attached **Exhibit B**). Master Response 3 and responses to several individual comments letters in the FEIR identify potential multimodal improvements that could be included in the MIP.

⁵ Valley Transportation Authority. *Deficiency Plan Requirements*, September 2010. Available at <http://www.vta.org/cmp/technical-guidelines>

- **Per state Congestion Management Program statute, the VTA Board will need to approve the MIP after approval by the Santa Clara City Council.** California Government Code Section 65089.4 (d) states in part: “A local jurisdiction shall forward its adopted deficiency plan to the agency within 12 months of the identification of a deficiency. The agency shall hold a noticed public hearing within 60 days... Following that hearing, the agency shall either accept or reject the deficiency plan in its entirety... Failure of a local jurisdiction to comply with the schedule and requirements of this section shall be considered to be non-conformance...” As noted in FEIR Master Response 3, “The City of Santa Clara would risk losing new gas sales tax revenues from Proposition 111 if the CMP facilities within its jurisdiction exceed the CMP LOS threshold and it does not have a timely-adopted MIP.” Therefore, it is in the City’s interest for the City and VTA to coordinate and agree upon the scope of the MIP prior to its development and the City Council’s adoption. During this scoping phase, the City and VTA will discuss the extent of freeway analysis as well as other elements of the MIP scope.

Freeway Impacts and Voluntary Contributions to Regional Improvements

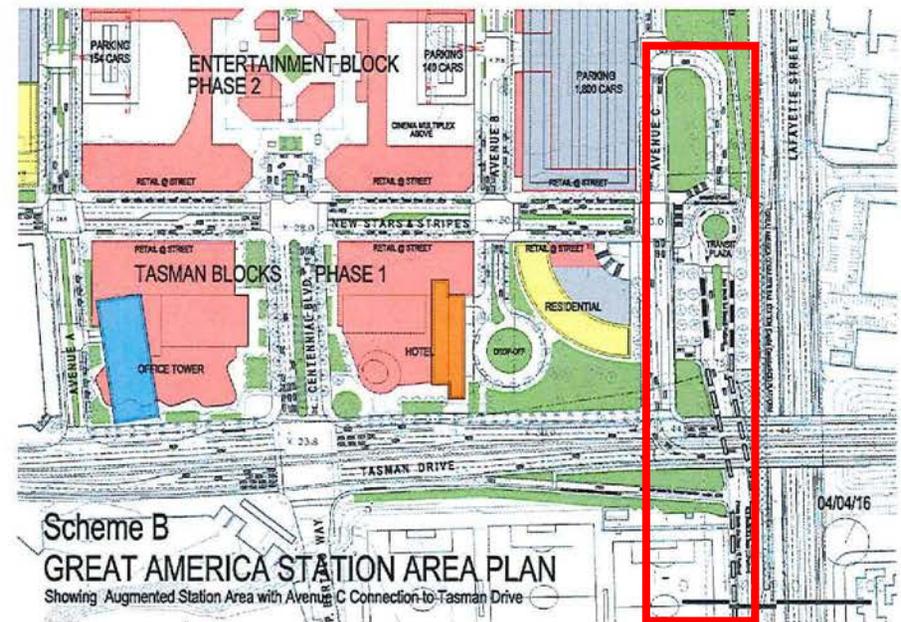
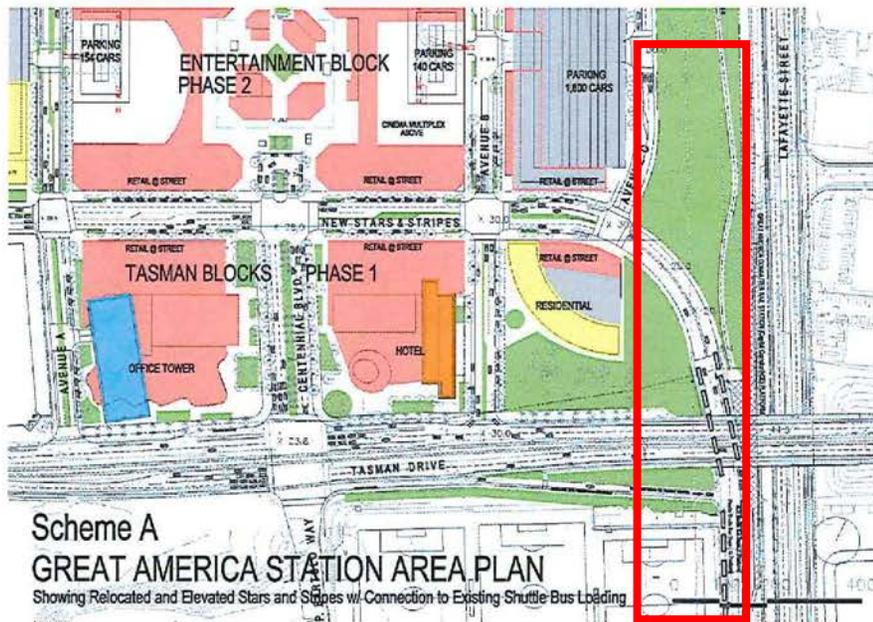
The FEIR states “*The City of Santa Clara is supportive of the Project Developer making a voluntary contribution to VTA. The amount of the contribution will be determined using the process discussed between the City of Santa Clara and VTA staff and will be based on a percentage of Project traffic added to the freeway segments with significant impacts*” (pp. 4-74 to 4-75). VTA reiterates our request that the Project allocate at least \$60 million in contributions to regional transportation system improvements that would lessen or offset the impacts identified in the EIR. VTA requests that the City state this commitment clearly in the Project transactional/approval documents.

Please do not hesitate to contact John Ristow, Director of Planning and Program Development, at (408) 321-5713 if you have any questions or to discuss the topics that VTA has raised in this letter.

Sincerely,

Nuria Fernandez
General Manager/CEO

Transit Improvements



**Table 4-1
Deficiency Plan Action List**

A. BICYCLE AND PEDESTRIAN MEASURES

- A1. Improved Roadway Bicycle Facilities and Bike Paths
- A2. Transit and Bicycle Integration
- A3. Bicycle Lockers and Racks at Park and Ride Lots
- A4. Bicycle Facilities and Showers at Developments
- A5. Improved Pedestrian Facilities
- A6. Pedestrian Signals
- A7. Lighting for Pedestrian Safety

B. TRANSIT

- B1. Improvement of Bus, Rail, and Ferry Transit Service
- B2. Expansion of Rail Transit Service
- B3. Expansion of Ferry Services
- B4. Preferential Treatment for Buses and In-Street Light Rail Vehicle (LRVs)
- B5. Transit Information and Promotion
- B6. Transit Pricing Strategies to Encourage Ridership and Reduce Transit Vehicle Crowding
- B7. Transit Fare Subsidy Programs
- B8. Transit Centers
- B9. Improved and Expanded Timed Transfer Programs
- B10. Improved and Expanded Fare Coordination
- B11. Signal Preemption by Transit Vehicles
- B12. Bus Stop Bulbs
- B13. School Bus Transit Service

C. CARPOOLING, BUSPOOLING, VANPOOLING, TAXIPOOLING, JITNEYS, CASUAL CARPOOLING AND OTHER SHARED RIDES (Ridesharing)

- C1. Preferential Treatment for Shared Ride Vehicles
- C2. Increased Use of Commuter/Employer Services

D. HIGH OCCUPANCY VEHICLE (HOV) FACILITIES

- D1. Preferential Treatment for HOVs
- D2. Bus and Carpool/Buspool/Vanpool/Taxipool Priority Lanes on Local Arterials
- D3. Accelerated Implementation of the 2005 HOV Master Plan
- D4. HOV to HOV Facilities
- D5. Direct HOV Lane Entrance/Exit Ramps to Arterials and Space Generators

E. OTHER TCMs, RELATED MEASURES

- E1. Stricter Travel Demand Management/Trip Reduction Ordinance
- E2. Expanded Public Education Programs
- E3. Child Care Facilities at or close to Employment Sites, Transit Centers and Park and Ride Lots
- E4. Retail Services at or close to Employment Sites, Transit Centers and Park and Ride Lots
- E5. Telecommuting Centers and Work-at-Home Programs
- E6. Parking Management

F. TRAFFIC FLOW IMPROVEMENTS

- F1. Preferential Treatment of HOVs (See measures B4 and C1)
- F2. Ramp Metering
- F3. Auxiliary Lanes
- F4. Signalization Improvements
- F5. Computerized Traffic and Transit Control/Management on Arterials
- F6. Turn Lanes at Intersections
- F7. Turn Restrictions at intersections
- F8. Reversible Lanes
- F9. One-Way Streets
- F10. Targeted Traffic Enforcement Programs
- F11. Restrictions on Curb Side Deliveries and On-Street Parking

From: Board.Secretary
Sent: Thursday, May 05, 2016 1:46 PM
To: VTA Board of Directors; VTA Advisory Committee Members
Subject: VTA Statement re: May 5 Light Rail Incident



Safety around Light Rail is Serious Business

The light rail system is the backbone of VTA's transit network. It operates 22 hours a day, seven days a week without incident on a regular basis.

Today's incident involving a troubled individual is our opportunity to impress upon the fact that the high voltage light rail system is not a place to trespass or interfere with operations. Much of the system has two side-by-side tracks. Trains can run on any track, in any direction, at any time. Walking along the tracks, other than crossing the embedded track in downtown San Jose and designated intersections, is strictly prohibited and dangerous.

Our trains are powered by electricity through the Overhead Contact System (OCS) which carries between 750 and 850 volts of direct current. The light rail system is engineered so sections of the OCS can be de-powered, either remotely or on-site, while other sections remain in operation.

Today we were extremely fortunate because we were able to proactively power down before the individual made contact with the high voltage lines. Unless there is an emergency or extenuating circumstances, the entire overhead system is fully powered and can cause electrocution upon contact.

During serious service disruptions, like the one VTA experienced today, alternate bus service is provided to carry passengers around the affected area to the nearest operating light rail station. VTA communicates service disruptions with passengers through service alerts, social media, the public address system and electronic notification signs at station platforms and on trains. Roaming field supervisors and/or ambassadors are also dispatched to key locations throughout the system to provide personalized assistance for passengers.

We want to thank our customers for their patience and apologize for the inconvenience it had on the morning commute.

VTA makes safety a top priority and is always evaluating processes, procedures and features of our system to improve safety and to adapt to changing security needs. This is a group effort and is best achieved when rules are followed and customers help to notify us of any suspicious behavior or activity.

Remember if you see something, say something.

Santa Clara VTA
3331 N. First Street
San Jose, CA 95136

Find us on [Facebook](#), [Twitter](#), [Instagram](#), [YouTube](#) and [LinkedIn](#)

From: Board.Secretary

Sent: Thursday, May 05, 2016 10:20 AM

To: VTA Board of Directors

Subject: May 5, 2016, VTA Board of Directors Meeting - Letter from Working Partnerships USA
Regarding Agenda Item #7.4 - Amendment of the Minority and Women-Owned Business Enterprise
Program

VTA Board of Directors:

Please see attached letter from Charisse Ma Lebron, Director of Health Policy and Community Development, Working Partnerships USA, regarding Agenda Item #7.4 – Amendment of the Minority and Women-Owned Business Enterprise Program.

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

WORKING PARTNERSHIPS USA

Transmitted via email

May 4, 2016

Honorable Members of the Board of Directors
Santa Clara Valley Transportation Authority
River Oaks Administration Offices
3331 North First Street
San Jose CA 95134

RE: Comments on Agenda Item #7.4 – Amendment of the Minority and Women-Owned Business Enterprise Program (MWBE)

Dear Madame Chair Chavez, Honorable Members of the VTA Board of Directors, and General Manager Fernandez:

Working Partnerships USA (WPUSA) appreciates the opportunity to provide comments on the proposed amendment to the Minority and Women-Owned Business Enterprise Program (MWBE). We are grateful to the staff and Board of Directors for your commitment to growing a meaningfully diverse Business Enterprise Program. It is in this spirit that we express our strong support to amend the Minority and Women-Owned Business Enterprise Program (MWBE) to include Disabled Veteran, and Lesbian, Gay, Bisexual, and Transgender (LGBT) Business Enterprises, and to rename the program to Business Diversity Program.

Working Partnerships USA supports the amendment to the program because it's important that VTA's Diversity Program is inclusive of not only Minority and Women-Owned businesses, but also Disabled Veteran, and Lesbian, Gay, Bisexual, and Transgender (LGBT) businesses. Historically underrepresented and underserved communities with 'ready, willing, and able' businesses must be afforded an equitable opportunity to compete on all VTA contracts and subcontracts. Silicon Valley's economic dynamism, driven by the spirit of innovation and entrepreneurship, is as a result of the region's rich tapestry of diverse backgrounds, ideas, and cultures.

We commend VTA for engaging in outreach and engagement activities, such as contracting learning opportunities and building awareness of services, which resulted in VTA's success in awarding 158 qualified DBE businesses \$167 million in contracts within just 21 months of the Program's adoption. VTA's role in strengthening business diversity contributes not only to its success as a public agency, but also to the overall economic well-being of the communities that it serves.

Working Partnerships USA applauds the staff and the Board of Directors of Santa Clara Valley Transportation Authority for adopting and improving upon a forward thinking and robust policy.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charisse Ma Lebron', with a long horizontal flourish extending to the right.

Charisse Ma Lebron
Director of Health Policy and Community Development
Working Partnerships USA

From: Board.Secretary

Sent: Wednesday, May 04, 2016 9:14 AM

To: VTA Board of Directors

Subject: VTA Invitation to Bike to Work Day, Thursday, May 12, 2016

Importance: High

VTA Board of Directors and Advisory Committee Members:

VTA General Manager and CEO Nuria Fernandez and Silicon Valley Bicycle Coalition Executive Director Shiloh Ballard invite you to join them for a seven-mile “Movers and Shakers Bike Ride” on Bike to Work Day, Thursday May 12. Riders will gather at 7:30 a.m. at Martin Luther King Library in downtown San Jose, travel up the Guadalupe River Trail and end at VTA’s River Oaks administrative offices. There will be energizer stations and photo opportunities along the way, and the ride will be accessible for riders of all ability levels.

A route map with timepoints is attached.

The ride is open to all. Please invite others, and share the event website:

<https://bikesiliconvalley.org/event/movers-shakers-bike-ride/>

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

WORKING PARTNERSHIPS USA

Transmitted via email

May 4, 2016

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Santa Clara Valley Transportation Authority
River Oaks Administration Offices
3331 North First Street
San Jose CA 95134

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Charisse Ma Lebron
Director of Health Policy and Community Development
Working Partnerships USA

From: Board.Secretary
Sent: Monday, May 02, 2016 10:27 AM
To: VTA Board of Directors
Subject: VTA May 2016 Take-One is now available

VTA Board of Directors and Advisory Committee Members:

The May 2016 Take-One is now available. Please click on the link below:

<http://www.vta.org/sfc/servlet.shepherd/document/download/069A0000001ELoEIAW>

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