SANTA CLARA
Valley Transportation Authority

BOARD OF DIRECTORS MEETING

Thursday, December 8, 2016

9:00 AM

NOTE CHANGE IN MEETING DATE AND TIME

Board of Supervisors' Chambers

County Government Center
70 West Hedding Street
San Jose, CA 95110

AGENDA

To help you better understand, follow, and participate in the meeting, the following information is provided:

- Persons wishing to address the Board of Directors on any item on the agenda or not on the agenda are requested to complete a blue card located at the public information table and hand it to the Board Secretary staff prior to the meeting or **before the item is heard**.
- Speakers will be called to address the Board when their agenda item(s) arise during the meeting and are asked to limit their comments to 2 minutes. The amount of time allocated to speakers may vary at the Chairperson's discretion depending on the number of speakers and length of the agenda. **If presenting handout materials, please provide 25 copies to the Board Secretary for distribution to the Board of Directors.**
- The Consent Agenda items may be voted on in one motion at the beginning of the meeting. The Board may also move regular agenda items on the consent agenda during Orders of the Day. If you wish to discuss any of these items, please request the item be removed from the Consent Agenda by notifying the Board Secretary staff or completing a blue card at the public information table prior to the meeting or prior to the Consent Agenda being heard.

- Disclosure of Campaign Contributions to Board Members (Government Code Section 84308)

  In accordance with Government Code Section 84308, no VTA Board Member shall accept, solicit, or direct a contribution of more than $250 from any party, or his or her agent, or from any participant, or his or her agent, while a proceeding involving a license, permit, or other entitlement for use is pending before the agency. Any Board Member who has received a contribution within the preceding 12 months in an amount of more than $250 from a party or from any agent or participant shall disclose that fact on the record of the proceeding and shall not make, participate in making, or in any way attempt to use his or her official position to influence the decision.

  A party to a proceeding before VTA shall disclose on the record of the proceeding any contribution in an amount of more than $250 made within the preceding 12 months by the party, or his or her agent, to any Board Member. No party, or his or her agent, shall make a contribution of more than $250 to any Board Member during the proceeding and for three months following the date a final decision is rendered by the agency in the proceeding. The foregoing statements are limited in their entirety by the provisions of Section 84308 and parties are urged to consult with their own legal counsel regarding the requirements of the law.

- All reports for items on the open meeting agenda are available for review in the Board Secretary's Office, 3331 North First Street, San Jose, California, (408) 321-5680, the Monday, Tuesday, and Wednesday prior to the meeting. This information is available on our website, www.vta.org, and also at the meeting. Any document distributed less than 72-hours prior to the meeting will also be made available to the public at the time of distribution. Copies of items provided by members of the public at the meeting will be made available following the meeting upon request.

In accordance with the Americans with Disabilities Act (ADA) and Title VI of the Civil Rights Act of 1964, VTA will make reasonable arrangements to ensure meaningful access to its meetings for persons who have disabilities and for persons with limited English proficiency who need translation and interpretation services. Individuals requiring ADA accommodations should notify the Board Secretary's Office at least 48-hours prior to the meeting. Individuals requiring language assistance should notify the Board Secretary's Office at least 72-hours prior to the meeting. The Board Secretary may be contacted at (408) 321-5680 or *e-mail: board.secretary@vta.org or (408) 321-2330 (TTY only). VTA's home page is on the web at: www.vta.org or visit us on Facebook at: www.facebook.com/scvta. (408) 321-2300: 中文 / Español / 日本語 / 한국어 / tiếng Việt / Tagalog.

NOTE: THE BOARD OF DIRECTORS MAY ACCEPT, REJECT OR MODIFY ANY ACTION RECOMMENDED ON THIS AGENDA.

70 West Hedding St., San Jose, California is served by bus lines *61, 62, 66, 181, and Light Rail. (*61 Southbound last trip is at 8:55 pm for this location.)

For trip planning information, contact our Customer Service Department at (408) 321-2300 between the hours of 6:00 a.m. to 7:00 p.m. Monday through Friday and 7:30 a.m. to 4:00 p.m. on Saturday. Schedule information is also available on our website, www.vta.org.

1. CALL TO ORDER AND ROLL CALL

1.1. ROLL CALL

1.2. ACTION ITEM - Conduct separate elections to determine the Board's chairperson and vice chairperson for calendar year 2017.

1.3. Orders of the Day

2. AWARDS AND COMMENDATION

2.1. INFORMATION ITEM - Present Retirement Commendations to the following: Victor Munoz, Overhaul and Repair Mechanic, for 38 years of service; Dean Palmquist, Light Rail Technical Training Supervisor, for 36 years of service; and Michael Vargas, Coach Operator, for 31 years of service.

2.2. INFORMATION ITEM - Recognize Robert Lopez, Bus Operator at Chaboya Division, for driving 3 Million Safe Miles over 36 years.

2.3. ACTION ITEM - Adopt Resolutions of Commendation for Congressman Mike Honda and Assemblymember Nora Campos.

2.4. ACTION ITEM - Adopt Resolutions of Commendation for Carl Guardino, CEO, Silicon Valley Leadership Group; and Ben Field, Executive Officer of the South Bay AFL-CIO Labor Council, for their work in support of Measure B.

2.5. ACTION ITEM - Adopt Resolutions of Appreciation for outgoing VTA Board Members.

3. PUBLIC COMMENT

This portion of the meeting is reserved for persons desiring to address the Board of Directors on any item within the Board's jurisdiction. Speakers are **limited to 2 minutes**. The law does not permit Board action or extended discussion of any item not on the agenda except under special circumstances. If Board action is requested, the matter can be placed on a subsequent agenda. All statements that require a response will be referred to staff for reply in writing.

4. PUBLIC HEARINGS

There are no public hearings.

5. COMMITTEE REPORTS

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

5.2. Citizens Advisory Committee (CAC) Chairperson's Report. (Verbal Report) (Wadler)

5.3. Standing Committee Chairpersons' Report. (Verbal Report)

5.4. Policy Advisory Board Chairpersons' Report. (No Reports)

6. CONSENT AGENDA

6.1. ACTION ITEM - Approve the Board of Directors Regular Meeting Minutes of November 3, 2016.

6.2. ACTION ITEM - Approve the Board of Directors Workshop/Special Meeting Minutes of November 18, 2016.

6.3. ACTION ITEM - Appoint to the Committee for Transit Accessibility for the two-year term ending December 31, 2018: (1) Melba Holliday; (2) Cheryl Hewitt; and (3) the San Andreas Regional Center.

6.4. ACTION ITEM - Adopt a resolution amending the VTA Administrative Code, Board Rules of Procedure, and bylaws for the Committee for Transit Accessibility.

6.5. ACTION ITEM - Review and receive the audited Comprehensive Annual Financial Report (CAFR) for the Santa Clara Valley Transportation Authority (VTA), and Financial Reports for the Amalgamated Transit Union (ATU) Pension Plan and Retirees' Other Post- Employment Benefits (OPEB) (both referred to as Trusts) for Fiscal Year 2016.

6.6. ACTION ITEM - Approve amending the FY 2017 Internal Audit Work Plan to add three new projects, defer two, and define the specific purpose and scope of one placeholder project.

6.7. ACTION ITEM - Adopt VTA's updated Strategic Plan.

6.8. ACTION ITEM - Authorize the General Manager to enter into a contract with ACT Traffic Solutions for up to $1,480,000 to procure equipment and services for implementation of the Transit Signal Priority (TSP) detection upgrades for the light rail corridor.

6.9. ACTION ITEM - Authorize the General Manager to amend Contract C12093, Capitol Expressway Light Rail Project - Eastridge Transit Center and Bus Improvements contract with Graniterock Company dba Pavex Construction Division in an amount of $3,000,000 increasing the total authorized contract amount to $21,094,247 for additional alterations to an existing building to accommodate paratransit operations.

6.10. ACTION ITEM - Authorize the General Manager to negotiate and execute a contract with Interwest Consulting Group to provide real property right of way program management and acquisition services for VTA, for a contract term of five years and a value not to exceed $7,000,000. The contract will have an option for an additional five year term, at a value not to exceed $7,000,000 for the option term. The specific task orders issued under the contract will be funded in accordance with approved budgets for the relevant capital projects requiring the contracted services.

6.11. ACTION ITEM - Approve the 2017 Legislative Program for the Santa Clara Valley Transportation Authority (VTA).

6.12. INFORMATION ITEM - Receive an update on the metering of I-680 on-ramps between King Road in San Jose to Scott Creek Road at the Alameda County Line.

6.13. INFORMATION ITEM - Receive a report on the January 2, 2017 Transit Service Changes.

6.14. INFORMATION ITEM - Review the status of ongoing Santa Clara County Transportation Fund for Clean Air (TFCA) Program Manager Fund projects.

6.15. INFORMATION ITEM - Review the status of ongoing Santa Clara County Vehicle Registration Fee activity.

6.16. INFORMATION ITEM - Receive a status update on the Bicycle Expenditure Program (BEP).

6.17. INFORMATION ITEM - Receive an update status on Capitol Light Rail extension, Vasona Light Rail and Airport People Mover projects.

6.18. INFORMATION ITEM - Receive information on the Vasona Light Rail Corridor Project.

6.19. INFORMATION ITEM - Receive an Equal Employment Opportunity (EEO) Program status update.

6.20. INFORMATION ITEM - Receive the Development Review Quarterly Report for July to September 2016.

7. REGULAR AGENDA

7.1. ACTION ITEM - Review and accept the Fiscal Year 2017 Statement of Revenues and Expenses for the period ending September 30, 2016.

7.2. ACTION ITEM - Authorize the General Manager to execute a contract with New Flyer Industries in the amount of $50,558,203 for the purchase of 47 sixty foot hybrid articulated transit buses and related support, along with the option to purchase an additional eight (8) sixty foot articulated buses for service to future BART stations and other service needs in the amount of $1,075,706 per bus plus the applicable Producer Price Index (PPI).

8. OTHER ITEMS

8.1. General Manager Report. (Verbal Report)

8.1.A. INFORMATION ITEM - Receive an update on Alum Rock/Santa Clara Bus Rapid Transit Project activities including the Small Business Sustainability Program.

8.1.B. INFORMATION ITEM - Receive Silicon Valley Rapid Transit (SVRT) Program Update.

8.1.C. INFORMATION ITEM - Receive a report on the Implementation of Measure B. (Verbal Report)

8.1.D. INFORMATION ITEM - Receive a report showing a Placemat of VTA's: 1) Next Network Plan, 2) Paratransit Request for Proposal (RFP) Process, 3) Biennial Budget Process, and 4) Fare Policy Update. (Verbal Report)

8.2. Chairperson's Report. (Verbal Report)

8.2.A. ACTION ITEM - Approve the VTA Board of Directors Meeting Schedule for calendar year 2017.

8.3. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

8.4. Unapproved Minutes/Summary Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions

8.4.A. VTA Standing Committees

8.4.B. VTA Advisory Committees

8.4.C. VTA Policy Advisory Boards (PAB)

8.4.D. Joint Powers Boards and Regional Commissions

8.5. Announcements

9. CLOSED SESSION

9.1. Recess to Closed Session

A. Public Employee Performance Evaluation
[Government Code Section 54957]

Title: General Manager

B. Conference with Labor Negotiators
[Government Code Section 54957.6]

VTA Designated Representatives:
Cindy Chavez, Board Chairperson
Alberto Lara, Director of Business Services

Unrepresented Employee:
General Manager

C. Public Employee Performance Evaluation
[Government Code Section 54957]

Title: General Counsel

D. Conference with Labor Negotiators
[Government Code Section 54957.6]

VTA Designated Representatives:
Cindy Chavez, Board Chairperson
Alberto Lara, Director of Business Services

Unrepresented Employee:
General Counsel

9.2. Reconvene to Open Session

9.3. Closed Session Report

9.4. ACTION ITEM - Approve modifications to employment contract with VTA General Manager.

9.5. ACTION ITEM - Approve modifications to employment contract with VTA General Counsel.

10. ADJOURN

SANTA CLARA
Valley Transportation Authority

Date: October 14, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Board Secretary, Elaine Baltao

SUBJECT: Elect Board Chairperson and Vice Chairperson for 2017

Policy-Related Action: No **Government Code Section 84308 Applies: No**

ACTION ITEM

RECOMMENDATION:

Conduct separate elections to determine the Board's chairperson and vice chairperson for calendar year 2017.

BACKGROUND:

The VTA Administrative Code requires the Board of Directors to annually elect from its voting membership a chairperson and vice chairperson to serve as its officers for the upcoming year. Only directors, not alternates or ex-officio members, are eligible to serve in these positions. The term of office for both positions is one year, coinciding with the calendar year. Elections are conducted during the last meeting of the calendar year, where practical.

Per the Administrative Code, the primary duties of the chairperson are to:

- Preside at all meetings of the Board.
- Establish the Board's agenda in consultation with the General Manager/CEO.
- Regulate the order of presentations to the Board consistent with the Board Rules of Procedure.
- Sign all ordinances, resolutions and legal instruments approved or authorized by the Board whenever not otherwise delegated to the General Manager/CEO or staff.

The vice chairperson performs the duties of the chairperson in the event of the chairperson's absence or inability to act, and while so acting has all the authority of the chairperson.

The Administrative Code specifies that the chairperson and vice chairperson positions are rotated annually according to the permanent rotational schedule established by the Board in 1997 to ensure that Board leadership is balanced between the smaller city groups (Groups 2, 3, 4 and 5), the City of San Jose and the County of Santa Clara. (The smaller cities groups are: Group 2 -- Northwest County Cities; Group 3 -- West Valley Cities; Group 4 -- South County Cities; and Group 5 -- Northeast County Cities.) The rotational pattern is:

Chairperson	Vice Chairperson
County of Santa Clara	Smaller city groups
Smaller city groups	City of San Jose
City of San Jose	Smaller city groups
Smaller city groups	County of Santa Clara

At the meeting immediately preceding the final meeting of the year (typically November), the Board Chairperson notifies members of the upcoming election process. This includes instructing any members interested in being considered for the board chairperson or vice chairperson positions from the designated city/county grouping per the rotational schedule to submit a letter of interest to the VTA Board Secretary by the end of that month, for consideration in the elections to be held the following meeting (usually December). Nominations from the floor will also be accepted at the meeting where elections are conducted.

DISCUSSION:

Based on the prescribed rotational schedule, for 2017 the chairperson position will be elected from the Smaller Cities group and the vice chairperson position from the City of San Jose. Only directors from the designated city/county grouping per the rotational schedule are eligible for nomination to or to indicate interest in serving in the designated chairperson or vice chairperson position.

At the last meeting of the year (typically December), the Board will accept eligible nominations from the floor and consider letters of intent previously received to elect its chairperson and vice chairperson for the next year. Each position is elected separately and independently. The affirmative vote of a majority of the total authorized Board membership, which is seven members, is required to elect each position. The term of office for the newly elected officers begins January 1st following the scheduled election.

FISCAL IMPACT:

There is no financial impact.

Prepared by: Stephen Flynn, Advisory Committee Coordinator
Memo No. 5750

1.2.a.

November 22, 2016

Chairperson Chavez,

I wish to express interest in being considered a candidate for VTA Board Chair. Having served as Vice Chair this past year I feel I am well prepared to assume the role of Chair. During my time on the Board I believe I have been effective in working across the organization –with staff, fellow Board members and elected officials in the cities we represent. In September I attended the APTA Conference in Los Angeles where I had the opportunity to meet with board members of other transportation agencies around the country, learn about new areas of focus and many of the challenges we have in common.

I have been actively engaged with VTA for the past four years, serving as the City of Los Altos representative on the Policy Advisory Committee (2013-2015), Chair of the El Camino Real Bus Rapid Transit (BRT) Policy Advisory Board, alternate on the SR-85 Policy Advisory Board, member of TP&O Committee, and Vice Chair of Governance & Audit Committee.

With my colleagues support, I would be honored to serve as Chair of the VTA Board.

Please let me know if any additional information is desired.

Respectfully,

Jeannie Bruins

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Sam T. Liccardo
MAYOR

November 8, 2016

Board Chair Chavez
Santa Clara Valley Transportation Authority
3331 North First Street
San Jose, CA 95134

RE: Vice Chair of VTA Board

Dear Cindy,

Please accept this letter expressing my interest in serving as the Vice Chair of the Valley Transportation Authority for the upcoming year.

I appreciate your consideration of this request and would welcome the opportunity to serve in this role on behalf of the residents of Santa Clara County.

Best,

Sam Liccardo
Mayor, San Jose

SANTA CLARA
Valley Transportation Authority

Date: December 2, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Director of Business Services, Alberto Lara

SUBJECT: Retirement Commendation

FOR INFORMATION ONLY

BACKGROUND:

Victor Munoz, Overhaul and Repair Mechanic, Badge 1284, has provided 38 years of distinguished public service with VTA.

Dean Palmquist, Light Rail Technical Training Supervisor, Badge #2371, has provided 36 years of distinguished public service with VTA.

Michael Vargas, Coach Operator, Badge #2841, has provided 31 years of distinguished public service with VTA.

DISCUSSION:

Victor Munoz, Overhaul and Repair Mechanic, Badge #1284

Victor Munoz began his career with the Santa Clara County Transit District as a Service Worker. He was promoted to Second Class Mechanic and continued to move up to Overhaul and Repair Mechanic. Victor was recognized for his work ethic, problem solving skills, commitment and dedication to his duties. Victor provided 38 years of distinguished public service and was a valuable asset to the Operations Division and to VTA.

Congratulations to Victor Munoz!

Dean Palmquist, Light Rail Technical Training Supervisor, Badge #2371

Dean Palmquist began his career with the Santa Clara County Transit District as a Coach Operator in September of 1980. Dean attained 17 years of safe driving, thereby earning the prestigious One-Million Mile Operator Safety Award. Dean received the Employee of the

Month award in March of 2005. He was recognized for his creativity and excellence in computer skills, improving and redesigning many of the Light Rail Operator Training modules. Dean provided 36 years of distinguished public service and was a valuable asset to the Operations Division and to VTA.

Congratulations to Dean Palmquist!

Michael Vargas, Coach Operator, Badge #2841

Michael Vargas began his career with the Santa Clara County Transit District as a Coach Operator in May of 1985. Michael attained 28 years of safe driving as a Coach Operator, thereby earning the prestigious Two-Million Mile Operator Safety Award. He was recognized for his excellent attendance record, strong work ethic, and for providing excellent customer service. Michael provided 31 years of distinguished public service and was a valuable asset to the Operations Division and to VTA.

Congratulations to Michael Vargas!

Prepared By: Business Services
Memo No. 5495

COMMENDATION
BY THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
GIVING SPECIAL TRIBUTE, DUE HONOR, AND RECOGNITION TO
OVERHAUL AND REPAIR MECHANIC
VICTOR MUNOZ

WHEREAS, Victor Munoz retired from the Santa Clara Valley Transportation Authority (VTA) on September 1, 2016, with 38 years of distinguished public service; and

WHEREAS, Victor Munoz, Badge #1284, began his career with the Santa Clara County Transit District as a Service Worker in November of 1978; and

WHEREAS, Victor Munoz moved up to Second Class Mechanic in January of 1980 and subsequently promoted to Overhaul and Repair Mechanic in January of 1989; and

WHEREAS, Victor Munoz demonstrated commitment and dedication to his duties, striving to keep VTA vehicles in the best condition, and trained new employees on how to effectively maintain the fleet; and

WHEREAS, Victor Munoz was recognized for his work ethic and problem solving skills and was an asset to Operations and to VTA and will be missed as he begins a new chapter in his life.

THEREFORE, BE IT RESOLVED that the Santa Clara Valley Transportation Authority does hereby give special tribute, due honor, and recognition to Victor Munoz for his valued and dedicated public service.

Signed on December 8, 2016.

_____
Cindy Chavez, Chairperson
Santa Clara Valley Transportation Authority

_____
Nuria I. Fernandez, General Manager
Santa Clara Valley Transportation Authority

COMMENDATION
BY THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
GIVING SPECIAL TRIBUTE, DUE HONOR, AND RECOGNITION TO
LIGHT RAIL TECHNICAL TRAINING SUPERVISOR
DEAN PALMQUIST

WHEREAS, Dean Palmquist retired from the Santa Clara Valley Transportation Authority (VTA) on October 1, 2016, with 36 years of distinguished public service; and

WHEREAS, Dean Palmquist, Badge #2371, began his career with the Santa Clara County Transit District as a Coach Operator in September of 1980; and

WHEREAS, Dean Palmquist demonstrated passion for his work and commitment to safety as a Coach Operator and attained 17 years of safe driving, thereby earning the prestigious One-Million Mile Operator Safety Award; and

WHEREAS, Dean Palmquist functioned as Light Rail Line Instructor and Light Rail Floating Dispatcher for many years and subsequently promoted to Light Rail Technical Trainer in September of 2000; and

WHEREAS, Dean Palmquist was commended for his exceptional work on creating a Kinkisharyo troubleshooting guide used by the Operations Control Center which facilitates quick solutions to in-service rail problems, thereby receiving the Employee of the Month Award in January of 2005; and

WHEREAS, Dean Palmquist continued to advance to Light Rail Technical Training Supervisor in February 2013, where he demonstrated creativity and excellence in computer skills, improving and redesigning many of the Light Rail Operator Training modules; and

WHEREAS, Dean Palmquist was recognized for his ability to move an idea with his succinct and on-point commentary. Dean Palmquist was an asset to VTA and will be missed as he begins a new chapter in his life.

THEREFORE, BE IT RESOLVED that the Santa Clara Valley Transportation Authority does hereby give special tribute, due honor, and recognition to Dean Palmquist for his valued and dedicated public service.

Signed on December 8, 2016.

_____
Cindy Chavez, Chairperson
Santa Clara Valley Transportation Authority

_____
Nuria I. Fernandez, General Manager
Santa Clara Valley Transportation Authority

COMMENDATION
BY THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
GIVING SPECIAL TRIBUTE, DUE HONOR, AND RECOGNITION TO
COACH OPERATOR
MICHAEL VARGAS

WHEREAS, Michael Vargas retired from the Santa Clara Valley Transportation Authority (VTA) on September 30, 2016 with 31 years of distinguished public service; and

WHEREAS, Michael Vargas, Badge #2841, began his career with the Santa Clara County Transit District as a Coach Operator in May of 1985; and

WHEREAS, Michael Vargas demonstrated passion for his work and commitment to safety throughout his career and attained 28 years of safe driving, thereby earning the prestigious Two-Million Mile Operator Safety Award; and

WHEREAS, Michael Vargas maintained an excellent attendance record and performed his duties in an outstanding manner and provided excellent customer service towards all VTA riders; and

WHEREAS, Michael Vargas was recognized for having a strong work ethic and commitment to his customers and to VTA and was respected by all who knew and worked with him; and

WHEREAS, Michael Vargas was a valuable asset to the Operations Division and to VTA and will be missed as he begins a new chapter in his life.

THEREFORE, BE IT RESOLVED that the Santa Clara Valley Transportation Authority does hereby give special tribute, due honor, and recognition to Michael Vargas for his valued and dedicated public service.

Signed on December 8, 2016.

_____
Cindy Chavez, Chairperson
Santa Clara Valley Transportation Authority

_____
Nuria I. Fernandez, General Manager
Santa Clara Valley Transportation Authority

SANTA CLARA
Valley Transportation Authority

Date: December 2, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Chief Operating Officer, Inez Evans

SUBJECT: 3 Million Safe Miles Award for Bus Operator

FOR INFORMATION ONLY

BACKGROUND:

Robert Lopez, Bus Operator at the Chaboya yard, began his career with VTA in October 1979. He is known for his great customer service skills and his positive attitude.

VTA commends Mr. Lopez for his achievement in safe operations. He will be recognized for his outstanding performance for driving Three (3) Million Safe Miles.

Prepared By: Gail Gauvin
Memo No. 5825

SANTA CLARA
Valley Transportation Authority

Date: November 17, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Director of Government Affairs, Jim Lawson

SUBJECT: Resolutions of Commendation for Congressman Mike Honda and Assemblymember Nora Campos

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Policy-Related Action: No **Government Code Section 84308 Applies: No**

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt Resolutions of Commendation for Congressman Mike Honda and Assemblymember Nora Campos.

BACKGROUND:

Congressman Mike Honda and Assemblymember Nora Campos are leaving the U.S. House of Representatives and the California State Legislature, respectively, after many years of distinguished service.

DISCUSSION:

As members of Santa Clara County's legislative delegation, Congressman Honda and Assemblymember Campos demonstrated a strong commitment to improving transportation in Silicon Valley. Their expertise and leadership will be missed.

ALTERNATIVES:

It is fitting for the Board of Directors to honor Congressman Honda and Assemblymember Campos with Resolutions of Commendation for their years of outstanding public service and for their numerous achievements.

FISCAL IMPACT:

These is no fiscal impact associated with this recommendation.

Prepared by: Kurt Evans
Memo No. 5822

Resolution No. _____

RESOLUTION OF COMMENDATION BY THE BOARD OF DIRECTORS OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY GIVING SPECIAL TRIBUTE, DUE HONOR AND RECOGNITION TO CONGRESSMAN MIKE HONDA

WHEREAS, Mike Honda is leaving the U.S. House of Representatives after 16 years of distinguished public service; and

WHEREAS, Mike Honda was first elected to the U.S. House of Representatives in 2000, after serving as a member of the California State Assembly and the Santa Clara County Board of Supervisors; and

WHEREAS, throughout his career in the U.S. House of Representatives, Mike Honda successfully advocated for Silicon Valley's policy interests during the development and enactment of several surface transportation authorization bills; and

WHEREAS, as a member of the U.S. House of Representatives, Mike Honda was a tireless supporter of VTA's BART Silicon Valley Extension Project, successfully advocating for a $900 million New Starts Full Funding Grant Agreement (FFGA) for the Phase 1 Berryessa Extension, as well as for annual congressional appropriations to support the construction of Phase 1; and

WHEREAS, while serving in the U.S. House of Representatives, Mike Honda successfully advocated for federal funding for other high-priority highway and public transit projects in Silicon Valley, including the I-280/I-880/Stevens Creek Boulevard Interchange Improvements Project, and improvements to State Route 152 in South County.

THEREFORE, BE IT RESOLVED, that the Santa Clara Valley Transportation Authority does hereby give special tribute, due honor and recognition to Mike Honda for his years of distinguished service to Santa Clara County as a member of the U.S. House of Representatives.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on this 8th day of December 2016 by the following vote:

AYES: DIRECTORS

NOES: DIRECTORS

ABSENT: DIRECTORS

_____
Cindy Chavez, Chairperson
Board of Directors

ATTEST:

_____
Elaine Baltao, Secretary
Board of Directors

Resolution No. _____

RESOLUTION OF COMMENDATION BY THE BOARD OF DIRECTORS OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY GIVING SPECIAL TRIBUTE, DUE HONOR AND RECOGNITION TO ASSEMBLYMEMBER NORA CAMPOS

WHEREAS, Nora Campos is leaving the California State Assembly after six years of distinguished public service; and

WHEREAS, Nora Campos was first elected to the Assembly in 2010, after serving 10 years on the San Jose City Council; and

WHEREAS, Nora Campos most recently served as the chairperson of the Budget Subcommittee on Public Safety, and as an influential member of the Business & Professions, Governmental Organization, and Health Committees; and

WHEREAS, throughout her career in the Assembly, Nora Campos supported numerous bills that helped improve the transportation system in Silicon Valley and was a strong advocate for public transit; and

WHEREAS, while serving in the Assembly, Nora Campos successfully advocated for state funding for high-priority highway and public transit projects in Santa Clara County, including VTA's BART Silicon Valley Extension Project; and

WHEREAS, as a member of the Assembly, Nora Campos distinguished herself as an extraordinary leader on such issues as transportation, public education, health care, public safety, job creation, and social justice.

THEREFORE, BE IT RESOLVED, that the Santa Clara Valley Transportation Authority does hereby give special tribute, due honor and recognition to Nora Campos for her years of distinguished service to Santa Clara County as a member of the California State Assembly.

PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on this 8th day of December 2016 by the following vote:

AYES: DIRECTORS

NOES: DIRECTORS

ABSENT: DIRECTORS

_____
Cindy Chavez, Chairperson
Board of Directors

ATTEST:

_____
Elaine Baltao, Secretary
Board of Directors

SANTA CLARA
Valley Transportation Authority

Date: December 2, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Director of Government Affairs, Jim Lawson

SUBJECT: Resolutions of Commendation for Carl Guardino and Ben Field

Policy-Related Action: No **Government Code Section 84308 Applies: No**

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt Resolutions of Commendation for Carl Guardino, CEO, Silicon Valley Leadership Group; and Ben Field, Executive Officer of the South Bay AFL-CIO Labor Council, for their work in support of Measure B.

BACKGROUND:

Carl Guardino, CEO, Silicon Valley Leadership Group; and Ben Field, Executive Officer of the South Bay AFL-CIO Labor Council are being recognized for their commitment to improving the lives of residents and workers through their many efforts to improve transportation in Santa Clara County including their work in support of Measure B.

Mr. Guardino successfully led the campaign team for Measure B. He assembled a broad-based coalition to work as a team to promote the benefits of Measure B.

Mr. Field assisted in mobilizing a diverse community coalition to promote the benefits of Measure B.

Their efforts for Measure B helped result in a nearly 72% county-wide approval, which will generate $6.314 billion in transportation funding over the next 30 years.

FISCAL IMPACT:

These is no fiscal impact associated with this recommendation.

Prepared by: Jim Lawson
Memo No. 5876

Resolution

By the Board of Directors of the Santa Clara Valley Transportation Authority (VTA) a Special District of the State of California relative to commending

Carl Guardino

Whereas, Carl Guardino has demonstrated his commitment to improving the lives of residents and workers through his many efforts to improve transportation in Santa Clara County; and

Whereas, he worked tirelessly to lead the campaign team for Measure B; and

Whereas, he assembled a broad-based coalition to work as a team to promote the benefits of Measure B; and

Whereas, he oversaw the outreach of Measure B which helped result in a nearly 72% county-wide approval; and

Whereas, he worked diligently on ensuring the passage of Measure B that will generate $6.314 billion in transportation funding over the next 30 years; and

Now therefore be it resolved, that the VTA Board of Directors hereby commends and expresses its sincere appreciation to Carl Guardino for his exemplary service; and

Be it further resolved, that this resolution is presented with the thanks and good wishes of the VTA.

Adopted by the VTA Board of Directors this eighth day of December 2016.

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

Resolution

By the Board of Directors of the Santa Clara Valley Transportation Authority (VTA) a Special District of the State of California relative to commending

Ben Field

Whereas, Ben Field has demonstrated his commitment to improving the transportation network in Santa Clara County through his many efforts; and

Whereas, he demonstrated great leadership in the Measure B campaign; and

Whereas, he helped mobilize a diverse community coalition to promote the benefits of Measure B; and

Whereas, he tirelessly promoted the benefits of Measure B which helped result in a nearly 72% county-wide approval; and

Whereas, he worked diligently on ensuring the passage of Measure B that will generate $6.314 billion in transportation funding over the next 30 years; and

Now therefore be it resolved, that the VTA Board of Directors hereby commends and expresses its sincere appreciation to Ben Field for his exemplary service; and

Be it further resolved, that this resolution is presented with the thanks and good wishes of VTA.

Adopted by the VTA Board of Directors this eighth day of December 2016.

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

SANTA CLARA
Valley Transportation Authority

Date: December 2, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Board Secretary, Elaine Baltao

SUBJECT: 2016 Outgoing Board Member Resolution

Policy-Related Action: No **Government Code Section 84308 Applies: No**

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt Resolutions of Appreciation for outgoing VTA Board Members.

BACKGROUND:

VTA benefits from local elected officials willing to serve on the VTA Board of Directors. Serving on the Board requires dedication, time and energy beyond their regular duties as council members.

DISCUSSION:

The attached resolution express VTA's appreciation for the diligent service of our outgoing board members. Their leadership has enabled VTA to provide transportation services, programs and projects to the residents of Santa Clara County.

FISCAL IMPACT:

There is no financial impact.

Prepared by: Board Office
Memo No. 5877

Resolution

By the Board of Directors of the Santa Clara Valley Transportation Authority (VTA) a Special District of the State of California relative to commending the

Honorable Jason Baker

Whereas, Jason Baker is retiring from the VTA Board of Directors and the Campbell City Council; and

Whereas, Jason Baker was appointed to serve on the VTA Board of Directors as the representative of the Cities of Campbell, Cupertino, Monte Sereno, and Saratoga, and the Town of Los Gatos in 2014; and

Whereas, during his tenure on the VTA Board of Directors, Jason Baker strongly supported investment in Silicon Valley's transportation infrastructure, successfully advocating for an additional commitment of $28 million in 2000 Measure A local sales tax funding for the Vasona Light Rail Extension; and

Whereas, Jason Baker provided valuable leadership on the Ad Hoc Committee - Envision Silicon Valley, an effort resulting in the development of a multifaceted, $6.3 billion transportation improvement program that was subsequently approved by Santa Clara County voters as Measure B in November 2016; and

Whereas, through his leadership on the Administration & Finance, and Governance & Audit Committees, Jason Baker helped to ensure that VTA maintained its reputation as a transparent, fiscally-responsible public transportation agency responsive to the needs of the communities it serves; and

Whereas, Jason Baker brought a regional approach to solving Silicon Valley's transportation problems, serving as a member of the Metropolitan Transportation Commission (MTC) and the I-680 Sunol SMART Carpool Lane Joint Powers Authority Board of Directors; and

Whereas, Jason Baker successfully advocated for the inclusion of light rail extensions and other public transportation projects of importance to Silicon Valley in the Regional Transportation Plan (RTP), and pushed MTC to expand its mega-region planning efforts, given the significant number of commuters entering the Bay Area from Monterey, San Benito and Santa Cruz Counties.

Now therefore be it resolved, that the VTA Board of Directors hereby commends and expresses its sincerest appreciation to Jason Baker for his many years of exemplary public service; and

Be it further resolved, that this resolution is presented with the thanks and good wishes of VTA.

Adopted by the VTA Board of Directors this eighth day of December 2016.

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

Resolution

By the Board of Directors of the Santa Clara Valley Transportation Authority (VTA) a Special District of the State of California relative to commending the

Honorable Jose Esteves

Whereas, Jose Esteves is retiring from the VTA Board of Directors and the Milpitas City Council after completing his sixth two-year term as Mayor, during a career as a public official that began when he was elected as a member of the City Council in 1998; and

Whereas, while serving on the VTA Board of Directors for the Northeast cities of Milpitas, Santa Clara and Sunnyvale, Jose Esteves represented a dynamic and growing part of Silicon Valley that is home to a new BART station constructed as part of VTA's project to extend this regional rail system to Silicon Valley; and

Whereas, Jose Esteves was involved in the planning and construction of VTA's BART extension through his service on the Silicon Valley Rapid Transit Program Working Committee; and

Whereas, as a member of the Administration & Finance, and Congestion Management Program & Planning Committees, Jose Esteves provided vital oversight to ensure VTA's financial health and important input regarding the administration of VTA's Congestion Management Program.

Now therefore be it resolved, that the VTA Board of Directors hereby commends and expresses its sincerest appreciation to Jose Esteves for his many years of exemplary public service; and

Be it further resolved, that this resolution is presented with the thanks and good wishes of VTA.

Adopted by the VTA Board of Directors this eighth day of December 2016.

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

Resolution

By the Board of Directors of the Santa Clara Valley Transportation Authority (VTA) a Special District of the State of California relative to commending the

Honorable Rose Herrera

Whereas, Rose Herrera is retiring from the VTA Board of Directors and the San José City Council, having represented the Evergreen neighborhood of East San José on the council since 2009; and

Whereas, throughout her eight years on the VTA Board of Directors, Rose Herrera was a passionate advocate for bringing public transportation improvements to her community and to Santa Clara County, as evidenced by her strong support for the Capitol Light Rail Extension Project and for VTA's BART Silicon Valley Extension Project; and

Whereas, Rose Herrera found ways to advance important transportation projects even in the midst of difficult financial challenges, advocating for VTA to move forward with pedestrian safety, lighting and landscaping improvements along Capitol Expressway in 2009 as a phased approach to extending light rail to the Eastridge Transit Center; and

Whereas, Rose Herrera maintained her public policy focus on improving the quality of life for East San José residents and their access to jobs and other life-changing opportunities through her eight-year tenure on the Downtown East Valley Policy Advisory Board; and

Whereas, Rose Herrera played a crucial role in ensuring the financial health of VTA during the 2008 economic recession through her service as vice chair of the Ad Hoc Financial Recovery Committee; and

Whereas, Rose Herrera demonstrated leadership serving as chair of the Governance & Audit, Congestion Management Program & Planning, and Transit Planning & Operations Committees; as well as a member of the Capitol Corridor Joint Powers Authority Board of Directors.

Now therefore be it resolved, that the VTA Board of Directors hereby commends and expresses its sincerest appreciation to Rose Herrera for her many years of exemplary public service; and

Be it further resolved, that this resolution is presented with the thanks and good wishes of VTA.

Adopted by the VTA Board of Directors this eighth day of December 2016.

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

Resolution

By the Board of Directors of the Santa Clara Valley Transportation Authority (VTA) a Special District of the State of California relative to commending the

Honorable Manh Nguyen

Whereas, Manh Nguyen is retiring from the VTA Board of Directors, having served as a representative of the City of San José; and

Whereas, during his tenure on the VTA Board of Directors, Manh Nguyen championed investments in major transportation infrastructure projects that will shape North San José and Silicon Valley for many decades to come; and

Whereas, Manh Nguyen was a strong supporter of VTA's BART Silicon Valley Extension Project, the first phase of which includes the Berryessa neighborhood that he represented; and

Whereas, during the development of the 2016 Measure B Program, Manh Nguyen worked to ensure that the expenditure plan was multimodal in nature and represented the broad range of transportation needs in Silicon Valley; and

Whereas, as a proponent of diversity, Manh Nguyen supported VTA's Policy on Community Workforce Agreements in order to create pathways for underrepresented workers to access careers in the construction industry; and

Whereas, during his tenure as the vice chair of the Administration & Finance Committee, Manh Nguyen brought a fiscally prudent approach to solving transportation problems.

Now therefore be it resolved, that the VTA Board of Directors hereby commends and expresses its sincerest appreciation to Manh Nguyen for his exemplary public service; and

Be it further resolved, that this resolution is presented with the thanks and good wishes of VTA.

Adopted by the VTA Board of Directors this eighth day of December 2016.

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

Resolution

By the Board of Directors of the Santa Clara Valley Transportation Authority (VTA) a Special District of the State of California relative to commending the

Honorable Perry Woodward

Whereas, Perry Woodward is retiring from the VTA Board of Directors and the Gilroy City Council, where he served as Mayor, Mayor Pro Tempore, and a Councilmember; and

Whereas, Perry Woodward served as Vice Chair of the VTA Board of Directors in 2014 and as Chair in 2015; and

Whereas, during his tenure on the VTA Board of Directors, Perry Woodward was a strong advocate for improving transportation in South County and in Silicon Valley as a whole; and

Whereas, Perry Woodward played a leadership role in pushing for safety, goods movement and congestion relief improvements along the State Route 152 Corridor, and was instrumental in the revival of the Mobility Partnership with San Benito County; and

Whereas, while serving as chair of the VTA Board of Directors, Perry Woodward identified public transit service to Levi's and Avaya Stadiums as major goals, and provided valuable leadership in executing a plan that successfully carried 9,500 VTA passengers to and from Super Bowl 50 in February 2016; and

Whereas, during his tenure as chair of the VTA Board of Directors, Perry Woodward oversaw VTA's successful effort to gain the Federal Transit Administration's approval of moving Phase 2 of VTA's BART Silicon Valley Extension Project into the New Starts Program; and

Whereas, Perry Woodward served as a member, vice chair and chair of the Peninsula Corridor Joint Powers Board, and oversaw the execution of a Seven-Party Regional Funding Supplement to secure additional money for the Caltrain Electrification Project, as well as the approval of contracts to begin construction of the project and the procurement of new electric vehicles; and

Whereas, Perry Woodward served as a member, vice chair and chair of the Ad Hoc Committee - Envision Silicon Valley, which guided the development of the $6.3 billion transportation improvement program that was approved by Santa Clara County voters as Measure B in November, 2016; and

Whereas, Perry Woodward had a large influence over the administration and governance of VTA while serving in various capacities on the Administration & Finance, and Governance & Audit Committees, and on the Ad Hoc Committee - Envision Silicon Valley.

Now therefore be it resolved, that the VTA Board of Directors hereby commends and expresses its sincerest appreciation to Perry Woodward for his many years of exemplary public service; and

Be it further resolved, that this resolution is presented with the thanks and good wishes of VTA.

Adopted by the VTA Board of Directors this eighth day of December 2016.

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

SANTA CLARA
Valley Transportation Authority

BOARD OF DIRECTORS MEETING

Thursday, November 3, 2016

MINUTES

1. CALL TO ORDER AND ROLL CALL

The Regular Meeting of the Santa Clara Valley Transportation Authority's (VTA) Board of Directors (Board) was called to order by Chairperson Chavez at 5:33 p.m. in the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, San José, California.

1.1. ROLL CALL

Attendee Name	Title	Status
Jason Baker	Board Member	Present
Jeannie Bruins	Vice Chairperson	Present
Larry Carr	Alternate Board Member	Present
Magdalena Carrasco	Board Member	Present
Cindy Chavez	Chairperson	Present
David Cortese	Alternate Board Member	Absent
Jose E Esteves	Alternate Board Member	Present
Glenn Hendricks	Board Member	Present
Rose Herrera	Board Member	Present
Johnny Khamis	Board Member	Present
Sam Liccardo	Board Member	Present
John McAlister	Alternate Board Member	Absent
Howard Miller	Alternate Board Member	Present
Manh Nguyen	Board Member	Present
Teresa O'Neill	Board Member	Present
Raul Peralez	Alternate Board Member	Absent
Perry Woodward	Board Member	Absent
Ken Yeager	Board Member	Present

* Alternates do not serve unless participating as a Member.

A quorum was present.

Chairperson Chavez noted the addenda to the agenda: 1) one Closed Session Item – Conference with Legal Counsel – Anticipated Litigation; and 2) one Action Item, identified as **Agenda Item #9.3.X** - Contract to provide emergency paratransit services.

Rob Fabela, General Counsel, noted the additional items for consideration were based on information received subsequent to the publishing of the agenda.

M/S/C (Herrera/O'Neill) to approve adding one Closed Session Item and **Agenda Item #9.3.X** - Contract to provide emergency paratransit services, to the November 3, 2016, VTA Board of Directors Meeting Agenda.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Rose Herrera, Board Member
SECONDER:	Teresa O'Neill, Board Member
AYES:	Baker, Bruins, Carr, Chavez, Hendricks, Herrera, Khamis, Nguyen, O'Neill, Yeager
ABSENT:	Carrasco, Liccardo

1.2. Orders of the Day

Due to the urgency of some of the items on the agenda, Chairperson Chavez proposed the following changes to the Orders of the Day: 1) recess to Closed Session immediately after Orders of the Day; 2) consider **Agenda Item #9.3.X** after **Agenda Item #9.3** - Closed Session Report; 3) defer **Agenda Item #2.2** - Family Giving Tree Recognition, to a future meeting; and 4) noted request from staff to place **Regular Agenda Item #7.2** - Light Rail Overhaul Parts Procurements, on the Consent Agenda.

Chairperson Chavez noted the revised **Agenda Item #6.1** - October 6, 2016, Regular Meeting Minutes, has been provided to the Board Members in their reading folders and on the public table.

Vice Chairperson Bruins recommended to place **Regular Agenda Item #7.3** - Bus Stop Placement, Closures and Relocation Policy, on the Consent Agenda, with the following amendments: 1) with regard to the relocation provision, the policy will be revised so that the default will be to reflect that the requesting third party will pay for the relocation; and 2) the policy will add a provision that reflects the current practice of VTA working with local jurisdictions for the installation of bus stops.

Chairperson Chavez noted the meeting will adjourn in memory of Carl Nelson, VTA Supervising Maintenance Instructor.

Director Carrasco arrived at the meeting and took her seat at 5:38 p.m.

M/S/C (Bruins/Khamis) – to approve the Orders of the Day.

RESULT:	**ADOPTED [UNANIMOUS] – Agenda Item #1.2**
MOVER:	Jeannie Bruins, Vice Chairperson
SECONDER:	Johnny Khamis, Board Member
AYES:	Baker, Bruins, Carr, Carrasco, Chavez, Hendricks, Herrera, Khamis, Nguyen, O'Neill, Yeager
ABSENT:	Liccardo

The Agenda was taken out of order.

9. CLOSED SESSION

9.1. Recessed to Closed Session at 5:39 p.m.

A. Conference with Legal Counsel - Existing Litigation
[Government Code Section 54956.9(d)(1)]

Name of Case: Santa Clara Valley Transportation Authority v. Limar Realty Corp., et al. (Santa Clara County Superior Court Case No. 1-15-CV-287905)

B. Conference with Legal Counsel - Existing Litigation
[Government Code Section 54956.9(d)(1)]

Name of Case: Santa Clara Valley Transportation Authority v. JWMFE Milpitas TP, LLC et al. (Santa Clara County Superior Court Case No. 1-12-CV-222084)

C. Conference with Legal Counsel - Anticipated Litigation
[Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2)]

Number of potential cases: 3

9.2. Reconvened to Open Session at 6:03 p.m.

9.3. Closed Session Report

C. Conference with Legal Counsel - Anticipated Litigation
[Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2)]

Number of potential cases: 3

Robert Fabela, General Counsel, reported Chairperson Chavez, Vice Chairperson Bruins, Directors Baker, Carrasco, Hendricks, Herrera, Khamis, Nguyen, O'Neill and Yeager, and Alternate Director Carr heard the issues regarding Outreach and Escort, Inc. (Outreach) and voted unanimously to: 1) not execute further agreements with Outreach relating to the Lifeline Program, as well as the vehicle lease; and 2) to authorize VTA to terminate the Outreach agreement for cause.

A. Existing Litigation - Conference with Legal Counsel
[Government Code Section 54956.9(d)(1)]

Name of Case: Santa Clara Valley Transportation Authority v. Limar Realty Corp., et al. (Santa Clara County Superior Court Case No. 1-15-CV-287905)

Mr. Fabela noted no reportable action was taken during Closed Session.

B. Existing Litigation - Conference with Legal Counsel
[Government Code Section 54956.9(d)(1)]

Name of Case: Santa Clara Valley Transportation Authority v. JWMFE Milpitas TP, LLC et al. (Santa Clara County Superior Court Case No. 1-12-CV-222084)

Mr. Fabela noted no reportable action was taken during Closed Session.

9.3.X. Contract to Provide Emergency Paratransit Services

Chairperson Chavez provided an overview of the staff recommendation and introduced Inez Evans, Chief Operating Officer.

Ms. Evans and Aaron Vogel, Regional Transportation Services Manager, provided a brief staff report, highlighting the new contact information for paratransit service requests or trip confirmations.

Chairperson Chavez expressed her appreciation to VTA and staff for their hard work and leadership.

M/S/C (Herrera/Hendricks) – to authorize the General Manager to enter into a contract with MV Transportation, Inc. to provide emergency paratransit transportation services for an amount not to exceed $12.5 million for a term of five months with the option to extend as needed. The option to extend will be in an amount not to exceed $2.5 million a month until the paratransit provider selected from the current Request for Proposal (RFP) is mobilized to provide services on a new contract. Also increase the FY 2017 VTA Transit Fund Operating Budget by $5.3 million.

RESULT:	**APPROVED [UNANIMOUS] – Agenda Item #9.3.X.**
MOVER:	Rose Herrera, Board Member
SECONDER:	Glenn Hendricks, Board Member
AYES:	Baker, Bruins, Carr, Carrasco, Chavez, Hendricks, Herrera, Khamis, Nguyen, O'Neill, Yeager
ABSENT:	Liccardo

2. AWARDS AND COMMENDATION

2.1. Resolutions of Commendation for Retiring Federal and State Legislators

M/S/C (Bruins/Herrera) to adopt **Resolution of Commendation No. 2016.11.26** for Senator Barbara Boxer; **Resolution of Commendation No. 2016.11.27** for Congressman Sam Farr; **Resolution of Commendation No. 2016.11.28** for Assemblymember Luis Alejo; and **Resolution of Commendation No. 2016.11.29** for Assemblymember Rich Gordon.

RESULT:	**ADOPTED [UNANIMOUS] – Agenda Item #2.1**
MOVER:	Jeannie Bruins, Vice Chairperson
SECONDER:	Rose Herrera, Board Member
AYES:	Baker, Bruins, Carr, Carrasco, Chavez, Hendricks, Herrera, Khamis, Nguyen, O'Neill, Yeager
ABSENT:	Liccardo

2.2. Recognition - Family Giving Tree

(Deferred to a future Board of Directors Meeting.)

3. PUBLIC COMMENT

The following Interested Citizens addressed the Board about the $3 increase for Eco Pass Clipper cards, citing equity issue and expressing concern the additional fee would present a financial hardship to students:

- Elias Kamal
- Carlos D.
- Kurumi Sasaki
- Eyedin Zonobi, San Jose State University, Associated Students Transportation Solutions
- Saadat Chowdhury

Scott Lane, Interested Citizen, thanked the Sierra Club for their advocacy and noted his opposition to Measure B. He expressed his desire for more collaborative work between VTA and the public to address transportation and congestion issues.

Upon query of Chairperson Chavez pertaining to the Eco Pass Program, Ali Hudda, Deputy Director of Accounting, clarified there has been no change in the VTA fare structure and briefly provided an overview of the $3 cost for new Clipper cards imposed by the Metropolitan Transportation Commission (MTC), the region's Clipper card program manager.

Nuria I. Fernandez, General Manager and CEO, emphasized that current Clipper card holders are exempt from the $3 charge and the cost is for new Clipper cards.

Chairperson Chavez thanked the speakers for expressing their concern and requested staff provide additional information regarding the Clipper card acquisition fee at a future meeting.

4. PUBLIC HEARINGS

There were no Public Hearings.

5. COMMITTEE REPORTS

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

Herman Wadler, Citizens Advisory Committee (CAC) Chairperson, provided a brief overview of the October 12, 2016, CAC Regular Meeting, noting committee discussions on the Strategic Plan and committee membership structure.

5.2. Policy Advisory Committee (PAC) Chairperson's Report

Alternate Board Member Carr, Policy Advisory Committee (PAC) Chairperson, offered a brief summary of the October 13, 2016, PAC Regular Meeting, noting the following action and discussion items: 1) Transit Operations Performance Report for Fiscal Year 2016; 2) recommended the Bus Stop Placement, Closures and Relocations Policy for adoption by the Board; 3) recommended the Countywide Bike Plan Prioritization Criteria for approval by the Board, highlighting Committee requests for changes in the criteria; 4) Strategic Plan Update; 5) 2000 Measure A Transit Improvement Program Semi-Annual Report; and 6) Bay Area Bike Share Expansion Update.

5.3. Standing Committee Chairpersons' Report

There were no Standing Committee Chairpersons' Report.

5.4. Policy Advisory Board Chairpersons' Report

There were no Policy Advisory Board Chairpersons' Report.

6. CONSENT AGENDA

6.1. Regular Meeting Minutes of October 6, 2016

M/S/C (Bruins/Herrera) to approve the Regular Meeting Minutes of October 6, 2016.

6.2. Amended Conflict of Interest Code, Designated Positions and Disclosure Categories

M/S/C (Bruins/Herrera) to adopt the amended Conflict of Interest Code for the Santa Clara Valley Transportation Authority (VTA) and its Appendix of Designated Positions and Disclosure Categories and direct the Board Secretary to submit the revised Conflict of Interest Code and the list of designated positions to the Santa Clara County Board of Supervisors for approval.

6.3. Approval of the SV-RIA JPA Restatement and Nomination of Board Members

M/S/C (Bruins/Herrera) to: 1) approve the Silicon Valley Radio Interoperability Authority (SV-RIA) Joint Powers Agreement (JPA) and authorize the General Manager to execute the JPA and any other documents necessary to assure VTA's full entry into the Joint Powers Authority; and 2) appoint VTA's two members to the SV-RIA's Board of Directors.

6.4. Award of Contract for Mobile CCTV Maintenance

M/S/C (Bruins/Herrera) to authorize the General Manager to execute a contract with WACHTER, Inc. In the amount of $3,500,000 for Close Circuit Television (CCTV) repair and maintenance on bus and light rail vehicles. The initial term of contract is for five years with an option to extend the contract on an annual basis for two additional years. The cost of the initial five year term is $2,500,000, plus an optional $500,000 per year for each of the optional one-year periods, for a total of $3,500,000.

6.5. Renewal of Regional Transit Discount Card (RTC) Program Management Agreement

M/S/C (Bruins/Herrera) to authorize the General Manager to execute an agreement between the Metropolitan Transportation Commission (MTC), Alameda Contra Costa Transit District (AC Transit), and VTA regarding management of the Regional Transit Discount Card (RTC) program. The agreement will go into effect upon execution and be in effect until June 30, 2020.

6.6. Agreement with the City of Mountain View for dedication of Public Access Easements adjacent to the Whisman Light Rail Station

M/S/C (Bruins/Herrera) to authorize the General Manager to execute a Dedication Agreement (Agreement) and subsequent real estate documents with the City of Mountain View (City) regarding the dedication of public access and utility easements that will provide better pedestrian, bike and vehicular connections around VTA's Whisman Light Rail Station in Mountain View.

6.7. Fiscal Year 2016 Statement of Revenues and Expenses for the Period Ending June 30, 2016

M/S/C (Bruins/Herrera) to review and accept the Fiscal Year 2016 Statement of Revenues and Expenses for the period ending June 30, 2016.

6.8. Program 1996 Measure B Funds to the Caltrain Los Gatos Creek Bridge

M/S/C (Bruins/Herrera) to program $300,000 in 1996 Measure B funds to the Caltrain Los Gatos Creek Bridge project, and authorize the General Manager to enter into funding agreements with Caltrain Joint Powers Board (JPB)to implement this action.

6.9. FTA Section 5311 Non-Urbanized Area Grant Program

M/S/C (Bruins/Herrera) to adopt **Resolution No. 2016.11.30** authorizing the General Manager to submit and execute grant applications and agreements, certifications, assurances, and other documents as necessary to receive funding from the California Department of Transportation (Caltrans) under the Federal Transit Administration (FTA) Section 5311 Non-Urbanized Area Formula Grant Program.

6.10. Countywide Bike Plan Prioritization Criteria

M/S/C (Bruins/Herrera) to adopt the Countywide Bicycle Plan Prioritization Criteria.

6.11. Bay Area Bike Share Expansion Update

M/S/C (Bruins/Herrera) to receive a presentation on expansion plans for bike share in Santa Clara County.

6.12. 2000 Measure A Semi-Annual Report Ending June 30, 2016

M/S/C (Bruins/Herrera) to receive the 2000 Measure A Transit Improvement Program Semi-Annual Report Ending June 30, 2016.

6.13. Minority, Women, Disabled Veteran, and LGBT Business Enterprise Program – Status Update

M/S/C (Bruins/Herrera) to receive a status update on the Minority, Women, Disabled Veteran, and LGBT Business Enterprise Program.

6.14. Small Business Enterprise (SBE) Program - Status Update

M/S/C (Bruins/Herrera) to receive a Small Business Enterprise (SBE) Program status update.

6.15. Disadvantaged Business Enterprise (DBE) Program – Status Update

M/S/C (Bruins/Herrera) to receive a status update on Disadvantaged Business Enterprise (DBE) Program.

6.16. Final Legislative Update Matrix for 2016

M/S/C (Bruins/Herrera) to review the Final Legislative Update Matrix for 2016.

7.2. Light Rail Overhaul Parts Procurements

M/S/C (Bruins/Herrera) to authorize the General Manager to execute contracts with the following manufacturers to supply proprietary and non-proprietary Light Rail Vehicle (LRV) parts, and to comply with the Original Equipment Manufacturer's (OEM) recommended mid-life overhaul program:

- Voith Turbo, Inc. for OEM Gearbox overhaul parts in the amount of $1,954,120;
- Motion Industries for gearbox overhaul parts manufactured for Voith Gearboxes in the amount of $964,415;
- Trelleborg Industrial for chevron suspension system springs in the amount of $573,345;
- Enidine ITT, Inc for suspension parts, shock absorbers and connecting link assemblies in the amount of $543,575;
- Penn Machine for center and motor truck axle rebuild components in the amount of $2,588,930;
- Kinkisharyo, Inc. for body and Suspension leveling system components including articulation shock absorber system in the amount of $1,954,005;
- Knorr, Inc. for brake assembly parts in the amount of $4,832,190; and
- Schunk Graphite Technologies LLC for ground brush assemblies, brushes and gaskets in the amount of $474,090.

The aggregate amount for all contracts is $13,884,670.

7.3. Bus Stop Placement, Closures and Relocations Policy

M/S/C (Bruins/Herrera) to adopt a policy to establish standards for VTA to determine placement of bus stops and when and under what conditions it will make bus stop closures and relocations. Further, requested the following policy amendments: 1) the default will be that the Requesting Party will pay for the relocation under Section 4.5 - Relocation; and 2) add a provision that reflects the current practice of VTA working with the local jurisdictions for the installation of bus stops.

RESULT:	**APPROVED [UNANIMOUS] – Consent Agenda – Items #6.1 – 6.16, 7.2, and 7.3**
MOVER:	Jeannie Bruins, Vice Chairperson
SECONDER:	Rose Herrera, Board Member
AYES:	Baker, Bruins, Carr, Carrasco, Chavez, Hendricks, Herrera, Khamis, Nguyen, O'Neill, Yeager
ABSENT:	Liccardo

7. REGULAR AGENDA

7.1. Title VI Program Resolutions

Director Baker provided an overview of the staff recommendation and introduced Camille Williams, Accessible Services Program Manager, who gave a brief summary of the resolutions for the Board's consideration.

M/S/C (Baker/Herrera) to adopt **Resolution No. 2016.11.31** to approve the results of monitoring VTA's system-wide service standards and policies to ensure that no person is discriminated against because of their race, color, or national origin with regard to the quality of service, routing, or scheduling of transportation services VTA provides; and

M/S/C (Baker/Herrera) to adopt **Resolution No. 2016.11.32** to approve VTA's Title VI Program. VTA's Title VI Program is a compilation of documents that is submitted to the Federal Transit Administration (FTA) triennially as evidence of VTA's compliance with Title VI of the Civil Rights Act of 1964.

RESULT:	**ADOPTED [UNANIMOUS] – Agenda Item #7.1**
MOVER:	Jason Baker, Board Member
SECONDER:	Rose Herrera, Board Member
AYES:	Baker, Bruins, Carr, Carrasco, Chavez, Hendricks, Herrera, Khamis, Nguyen, O'Neill, Yeager
ABSENT:	Liccardo

7.4. California Proposition 64 – Marijuana Legalization

Alberto Lara, Director of Business Services, provided an overview of the California Proposition 64 – Marijuana Legalization and its possible impacts to VTA and its employees.

Chairperson Chavez requested an off agenda report from staff about changes to VTA policies related to marijuana, ensuring that policies do not allow the use of medicinal or recreational marijuana in any form on VTA buses, light rail, bus shelters, and other VTA property. She expressed there should be no marijuana or marijuana-related advertisements placed on any VTA property.

On order of Chairperson Chavez and there being no objection, the Board received information on California Proposition 64 - Marijuana Legalization.

8. OTHER ITEMS

8.1. General Manager Report

Director Liccardo arrived at the meeting and took his seat at 6:36 p.m.

Ms. Fernandez thanked the Board for their leadership and action regarding the paratransit contract that would allow VTA to continue to provide vital lifeline services in the County.

Ms. Fernandez provided a report, highlighting:

- Under new federal guidelines in the Moving Ahead for Progress in the 21st Century Act (MAP-21), VTA is required to adopt an updated transit safety plan and authorize the General Manager/CEO to implement that plan within three years. Ms. Fernandez noted Board consideration at future meetings for an RFP for a firm that would assist with plan development and adoption of the transit safety plan itself.
- Staff will bring forward a recommendation for consideration by the Board to rename and broaden the VTA Transit Planning & Operations (TP&O) Committee's area of responsibility to include safety.
- Acting Administrator of the Federal Transit Administration (FTA) Carolyn Flowers' tour of VTA's BART Silicon Valley Extension Phase I on October 11, 2016, where she announced a $1.5 million grant to support transit-oriented development planning for Phase II of the project.
- International Diversity Day event at VTA River Oaks on October 24, 2016.
- Groundbreaking for the Santa Clara Caltrain Station Pedestrian Undercrossing project on November 2, 2016.
- VTA Veterans Day Commemorative Event on November 10, 2016, to honor employees who have served our country; and VTA participation in the San Jose Veterans Day Parade on November 11, 2016.
- VTA will host federal, state and local officials for National Apprenticeship Week on November 14, 2016, at the Chaboya Division. Ms. Fernandez added a brief overview of VTA's Joint Workforce Investment (JWI) Program.
- Symposium to celebrate Native American Heritage Month on November 15, 2016, at the VTA Auditorium.

8.1.A. Receive Government Affairs Update

Ms. Fernandez noted the Government Affairs update was included in the Board Members' reading folders and placed on the public table.

8.1.B. Silicon Valley Rapid Transit (SVRT) Program Update

Dennis Ratcliffe, Acting Director of Engineering & Transportation Infrastructure Development, provided an update of the SVRT Program, highlighting: 1) project cost and schedule summary; 2) overview of construction progress at the Milpitas and Berryessa Stations, noting all track work has been completed; and 3) summary of BART Phase 2 Extension activities and environmental studies schedule.

Upon query of Director Liccardo regarding future California High Speed Rail alignment decisions, staff noted VTA is engaged in discussions concerning the Diridon Intermodal Station concepts and acknowledged the importance of connectivity and transfer efficiency in the facilities master plan.

8.2. Chairperson's Report

Chairperson Chavez provided a brief report, noting: 1) commended VTA and the Amalgamated Transit Union (ATU) Local 265 on their collaboration on the Transit Apprenticeships for Professional Career Advancement (TAPCA) initiative; 2) 2017 Board chairperson and vice chairperson selection process; and 3) the November 18, 2016, Board Workshop Meeting will be held in the VTA Auditorium at their River Oaks campus.

8.3. Items of Concern and Referral to Administration

Upon query of Chairperson Chavez, Ms. Fernandez noted fare policy discussions, which will include youth passes, will be brought forward to the Board at its January or February 2017 meeting.

8.4. Unapproved Minutes/Summary Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions

8.4.A. VTA Standing Committees

- Governance and Audit Committee – There was no report.
- Silicon Valley Rapid Transit Program Working Committee (SVRT PWC) – The October 3, 2016, Minutes were accepted as contained in the Agenda Packet.
- Congestion Management Program & Planning (CMPP) Committee – The October 20, 2016, Minutes were accepted as contained in the Agenda Packet.
- Administration & Finance (A&F) Committee – The October 20, 2016, Minutes were accepted as contained in the Agenda Packet.
- Transit Planning & Operations (TP&O) Committee – There was no report.

8.4.B. VTA Advisory Committees

- Committee for Transit Accessibility (CTA) – There was no report.
- Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) – The October 12, 2016, Minutes were accepted as contained in the Agenda Packet.
- Bicycle & Pedestrian Advisory Committee (BPAC) – The October 12, 2016, Minutes were accepted as contained in the Agenda Packet.
- Technical Advisory Committee (TAC) – The October 13, 2016, Minutes were accepted as contained in the Agenda Packet.
- Policy Advisory Committee (PAC) – The October 13, 2016, Minutes were accepted as contained on the dais.

8.4.C. VTA Policy Advisory Boards (PAB)

- Downtown East Valley PAB – There was no report.
- Diridon Station Joint PAB – There was no report.
- El Camino Real Rapid Transit PAB – There was no report.
- State Route 85 Corridor PAB – The October 24, 2016, Notice of Cancellation was accepted as contained in the Agenda Packet.

8.4.D. Joint Powers Boards and Regional Commissions

- Caltrain Peninsula Corridor Joint Powers Board – The November 3, 2016, Summary Notes were accepted as contained on the dais.
- Capitol Corridor Joint Powers Authority – There was no report.
- Dumbarton Rail Corridor Policy Committee – There was no report.
- Metropolitan Transportation Commission (MTC) – There was no report.
- Sunol Smart Carpool Lane Joint Powers Authority – There was no report.
- SR 152 Mobility Partnership – There was no report.

8.5. ANNOUNCEMENTS

There were no Announcements.

10. ADJOURNMENT

On order of Chairperson Chavez and there being no objection, the meeting was adjourned at 7:05 p.m. in memory of Carl Nelson, VTA Supervising Maintenance Instructor.

Respectfully submitted,

Michelle Oblena, Board Assistant
VTA Office of the Board Secretary

SANTA CLARA Valley Transportation Authority

BOARD OF DIRECTORS WORKSHOP/SPECIAL MEETING

Friday, November 18, 2016

MINUTES

1. CALL TO ORDER AND ROLL CALL

The Workshop Meeting of the Santa Clara Valley Transportation Authority's (VTA) Board of Directors was called to order by Chairperson Chavez at 2:02 p.m. at the VTA River Oaks Campus, Building A, Auditorium, 3331 North First Street, San José, California.

1.1 ROLL CALL

Attendee Name	Title	Status
Jason Baker	Board Member	Absent
Jeannie Bruins	Vice Chairperson	Present
Larry Carr	Alternate Board Member	Present
Magdalena Carrasco	Board Member	Present
Cindy Chavez	Chairperson	Present
David Cortese	Alternate Board Member	Absent
Jose E Esteves	Alternate Board Member	Present
Glenn Hendricks	Board Member	Present
Rose Herrera	Board Member	Absent
Johnny Khamis	Board Member	Present
Sam Liccardo	Board Member	Present
John McAlister	Alternate Board Member	Absent
Howard Miller	Alternate Board Member	Present
Manh Nguyen	Board Member	Present
Teresa O'Neill	Board Member	Present
Raul Peralez	Alternate Board Member	Absent
Perry Woodward	Board Member	Absent
Ken Yeager	Board Member	Present

A quorum was present.

2. PUBLIC COMMENT

Chris Arielo, Interested Citizen, expressed support for free youth pass, noting other Bay Area transit agencies do.

Alternate Member Carr took his seat at 2:04 p.m.

Roland Lebrun, Interested Citizen, made the following comments: 1) expressed support for cross platform transfers; and 2) expressed concern about the Tamien station.

Christine Fitzgerald, Interested Citizen, expressed concern about the transition from Outreach and Escort, Inc. to MV Transportation, Inc. and the future of paratransit.

Jim Ladowski, Interested Citizen, provided suggestions for short term and long term solutions to increasing ridership.

David Grady, Interested Citizen, expressed concerns about paratransit and its future form.

Chairperson Chavez asked that staff include the Board of Directors (Board) on the response to the issues related to paratransit.

3. WORKSHOP ITEM

3.1 Next Network Outreach Summary and Ridership/Coverage Balance

Nuria I. Fernandez, General Manager and CEO, provided some background and history on Next Network.

Member Carrasco took her seat at 2:17 p.m.

Jarrett Walker, President at Jarrett Walker + Associates, provided a presentation entitled, "Your Next Network: Your Transit Choices," highlighting: 1) Questions for Today; 2) Timeline; 3) The Ridership-Coverage Tradeoff; 4) How should a transit agency allocate its resources?; 5) Ridership Goal: "Maximum Ridership"; 6) Coverage Goal: "Some services for everyone"; 7) Both goals are important,...but they lead opposite directions!; 8) So it helps to choose a point on the spectrum...; 9) 3 Alternative Concepts for '17: 70% Ridership? 80%? 90%?; 10) Not Shown but Still There; 11) 4 Major Service Types; 12) Current All-day Frequency; 13) Concept 70 (70% Ridership, 30% Coverage); 14) Concept 80 (80% Ridership, 20% Coverage); 15) Concept 90 (90% Ridership, 10% Coverage); 16) Other Issues; 17) Visualizing Access; 18) So How Many People Is That?; 19) What We Heard; 20) Outreach Efforts; 21) Would you rather have...?; 22) Where should we be on the ridership-coverage spectrum?; 23) Current All-Day Frequency; 24) Concept 70 (70% Ridership, 30% Coverage); 25) Concept 80 (80% Ridership, 20% Coverage); and 26) Concept 90 (90% Ridership, 10% Coverage).

Jim Unites, Executive Manager of Transit Planning and Capital Development, briefly discussed the following related efforts: 1) Paratransit; 2) Core Connectivity; 3) Title VI; 4) Light Rail Operation Plan; 5) BART Operating Plan; 6) System Map Redesign and Service Classes; and 7) Fares.

Raj Srinath, Chief Financial Officer, introduced Cyndy Pollen, Project Manager at FourNines Technologies. Ms. Pollen provided information on the Next Network fare study.

Public Comment

Matt Morley, Director of Engineering & Capital Projects for the Town of Los Gatos, made the following comments; 1) expressed appreciation for the outreach performed for the Next Network process; and 2) 2016 Measure B.

Penny Ellson, Interested Citizen, made the following comments: 1) expressed disappointment in the staff recommendation; and 2) expressed support for keeping Bus Line 88.

Shani Kleinhaus, Interested Citizen, commented that her developmentally delayed daughter is dependent on Bus Line 35 and cannot always take paratransit.

Jim Stallman, Interested Citizen, commented on the following: 1) service and ridership levels; and 2) encouraged staff to talk with Alameda-Contra Costa Transit District about AC Go.

Laura Tolkoff, SPUR San Jose Policy Director, commented on the following: 1) Next Network Plan; and 2) encouraged staff to study the financial effects of transfers.

Elizabeth Alexis, Interested Citizen, expressed opposition to a smaller transit system.

Michael Tsai, Interested Citizen, commented on the following: 1) 2016 Measure B; and 2) creating a new BART district south of Fremont.

Mr. Lebrun commented on Express Bus Line 185.

Members of the Board discussed the following: 1) financial impact; 2) paratransit; 3) transfers within the VTA system; 4) fare subsidies; 5) next steps; 6) ridership; 7) fare schedule; 8) preserving school routes; 9) transit alternatives; and 10) 2016 Measure B.

Board Member Liccardo left the meeting at 3:25 p.m.

Chairperson Chavez left the meeting at 3:45 p.m. and relinquished her seat to Vice Chairperson Bruins.

Chairperson Chavez returned at 3:47 p.m. and chaired the remainder of the meeting.

Chairperson Chavez made the following requests pertaining to the Next Network: 1) referenced Mr. Walker's presentation, Slide #39 – Related Efforts, and requested that the timeline be further refined and to include implications on Next Network for each item; and 2) create a placemat for presentation at the December 8, 2016, Board meeting which layers the Next Network, paratransit request for proposals, Biennial Budget, and Fare policy processes, including critical milestones and decision points. Chairperson Chavez requested staff provide a presentation at the January 5, 2017, Board meeting that includes an analysis of at least the last three ballot measures and any Board approved policies related to level of service for buses.

Chairperson Chavez made the following requests pertaining to Core Connectivity: 1) provide a presentation on the paratransit contract scope to better understand the role the provider can play in closing first and last mile; 2) provide critical analysis to the Board of the potential long term impacts to VTA when considering any public/private relationship prior to exploring these partnerships and only after explorations of other public partnerships, such as with school districts, have been exhausted; and 3) review the financial benefits that ACE, BART, and Caltrain will derive from connecting to the broader VTA network and provide to the Board an analysis of how the proposals will or should impact our agreements with these partner agencies.

Alternate Board Member Carr expressed his opposition of staff's recommendation and asked that VTA conduct more outreach in South County.

M/S/C (Hendricks/O'Neill) on a vote of 8 ayes to 2 noes to direct staff to design a draft transit network employing an 85/15 balance between ridership-purposed and coverage-purposed services. Alternate Board Member Carr and Board Member Nguyen opposed.

RESULT:	**ADOPTED [8 TO 2]**
MOVER:	Glenn Hendricks, Board Member
SECONDER:	Teresa O'Neill, Board Member
AYES:	Bruins, Carrasco, Chavez, Hendricks, Khamis, Miller, O'Neill, Yeager
NAYS:	Carr, Nguyen
ABSENT:	Herrera, Liccardo

4. OTHER ITEMS

4.1. ANNOUNCEMENTS

There were no Announcements.

5. ADJOURNMENT

On order of Chairperson Chavez and there being no objection, the Board of Directors Workshop/Special Meeting was adjourned at 4:15 p.m.

Respectfully submitted,

Thalia Young, Board Assistant
VTA Office of the Board Secretary

SANTA CLARA
Valley Transportation Authority

Date: November 4, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Board Secretary, Elaine Baltao

SUBJECT: Appointments to the Committee for Transit Accessibility

Policy-Related Action: No **Government Code Section 84308 Applies: No**

ACTION ITEM

RECOMMENDATION:

Appoint to the Committee for Transit Accessibility for the two-year term ending December 31, 2018: (1) Melba Holliday; (2) Cheryl Hewitt; and (3) the San Andreas Regional Center.

BACKGROUND:

VTA's five advisory committees provide input, perspective and technical expertise on proposed changes to VTA policy or priorities potentially impacting transit service and transportation projects throughout the county.

The Committee for Transit Accessibility (CTA) advises the Board of Directors on bus and rail system accessibility issues, paratransit service, and transportation accessibility matters in Santa Clara County. The committee has 21 voting and two ex-officio, non-voting members. The voting membership consists of 12 seniors/individuals with disabilities and nine representatives of agencies or businesses that serve older adults or persons with disabilities (human service organizations).

The CTA bylaws require that Board members nominate candidates for the seniors/individuals with disabilities positions and the Board Chairperson nominate the human service organizations. Members serve two-year terms that are staggered and are eligible for reappointment to successive terms. Members from the seniors/individuals with disabilities category must reside within the county during their term. Appointment of human service organizations and seniors/individuals with disabilities requires the approval of the Board of Directors.

DISCUSSION:

Chairperson Cindy Chavez has nominated the following two individuals and one human services organization to serve on the CTA for the two-year term ending December 31, 2018:

1. Melba Holliday has been nominated to represent seniors/individuals with disabilities. Ms. Holliday, a senior citizen, resides in Milpitas, having done so for 54 years. She is retired, having worked as a computer technician at Saratoga high school for 18 years. She is an occasional user of VTA fixed route service, primarily light rail, as well as Caltrain and BART.

   Civic and community service includes currently serving on the Milpitas Senior Advisory Commission, where she is vice chair for 2016. She previously served for three years on the Sourcewise (formerly Council on Aging - Silicon Valley) Advisory Commission. In addition, she has volunteered at the Milpitas Senior Center for the last six years, assisting with the activities, programs, and weekday lunches as well as providing information and guidance to seniors on mobility matters.

2. Cheryl Hewitt has been nominated to represent seniors/individuals with disabilities. Ms. Hewitt, who is disabled, is a resident of San Jose, having lived the past 10 years. She is an advocate for the disabled community, and utilizes VTA's Access paratransit service on a daily basis. She is also frequently utilizes Caltrain, BART and Capitol Corridor. She previously resided in Detroit, Michigan, where she used the fixed route bus system to commute from the suburbs to the inner city for work as a licensed social worker.

   Civic and community service includes currently serving on the patient family advisory committees at the Valley Medical and Stanford Medical Centers. These committees help identify issues that negatively impact people with disabilities. She also serves on and is the current chairperson of the Self- Determination Committee for the San Andreas Regional Center. This committee is helping develop a program to allow the consumer to develop their own plan of service and purchase their own services in a more streamlined, simpler fashion. In addition, Ms. Hewitt serves on the State Council on Developmental Disabilities' Self Advocacy Advisory Committee. This body advises on issues important to persons with developmental disabilities, which includes providing input on priorities and goals and feedback on how the service systems is working in the communities.

3. The San Andreas Regional Center (SARC) has requested to serve as a human service organization on the CTA. SARC is a community-based, private nonprofit corporation funded by the State of California to serve people with developmental disabilities. It is one of 21 regional centers throughout California. SARC provides diagnostic and prevention services to help ameliorate developmental disabilities, and it serves individuals and their families who reside within Monterey, San Benito, Santa Clara, and Santa Cruz Counties. SARC provides services to approximately 12,000 individuals with disabilities that reside in Santa Clara County.

In October 2016, a review panel consisting of (1) the CTA Committee Staff Liaison, (2) the VTA Advisory Committee Coordinator, and (3) the CTA Chairperson conducted a group interview of the candidates. The purpose of this meeting was twofold: (1) provide information on the CTA, its meetings, expectations and role in the VTA governance process; and (2) evaluate the candidates' qualifications, ability to meaningfully represent and facilitate communication their constituencies, and ability to contribute effectively in a committee setting. It was the panel's unanimous conclusion that all three candidates would well serve the CTA, Board and community.

Based on their qualifications, service to the community, ability to facilitate bi-directional communication with their stakeholder group, and interest in transit and transportation issues, staff recommends appointment to the CTA for the two-year term of ending December 31, 2016 of Ms. Holliday, Ms. Hewitt, and the San Andreas Regional Center.

ALTERNATIVES:

The Board could choose to not appoint any or all of the candidates.

FISCAL IMPACT:

There is no fiscal impact as a result of this action.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Governance & Audit Committee considered this item at its November 3, 2016 meeting as part of the Consent Agenda. The Committee unanimously recommended its approval and also its placement on the Board's Consent Agenda.

Prepared by: Stephen Flynn, Advisory Committee Coordinator
Memo No. 5785

SANTA CLARA
Valley Transportation Authority

Date: December 2, 2016
Current Meeting: November 3, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM **REVISED**

TO: Santa Clara Valley Transportation Authority
Governance and Audit Committee

FROM: Elaine Baltao, Board Secretary

Robert Fabela, General Counsel

SUBJECT: Amend the VTA Administrative Code, Board Rules of Procedure, and Bylaws for the Committee for Transit Accessibility

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Policy-Related Action: Yes **Government Code Section 84308 Applies: No**

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a resolution amending the VTA Administrative Code, Board Rules of Procedure, and bylaws for the Committee for Transit Accessibility.

BACKGROUND:

The VTA Administrative Code ("Admin Code") prescribes the governance, administrative and financial provisions of VTA including the powers and duties of officers, the method of appointment of its governing board, committees and employees, and the methods, procedures, and systems for the operation and management of the organization. It is the rulebook established by the Board defining how VTA is structured and how it conducts its business.

The Board Rules of Procedure ("Rules of Procedure" or "ROP") govern the conduct of meetings of the Board of Directors and its standing committees. They are established by, derive from, and must be consistent with the Admin Code. Whereas the Admin Code is the rulebook for all aspects of the organization, the Rules of Procedure focus solely on the conduct of VTA Board and standing committee meetings, serving, in effect, as the bylaws for those meetings.

Substantive amendments to either the Admin Code or the Rules of Procedure require Board adoption of a resolution specifying the changes.

Advisory committee bylaws govern the proceedings of the committee and its meetings and must be consistent with the Admin Code. All amendments to advisory committee bylaws require Board approval.

DISCUSSION:

Changes are continually implemented to VTA and its Board and committee meetings to more efficiently or effectively conduct the organization's business or to respond to changing conditions.

Submitted for Board consideration are several proposed modifications to the VTA Administrative Code (Attachment A), Board Rules of Procedure (Attachment B), and Committee for Transit Accessibility (CTA) bylaws (Attachment C). Many are relatively minor and primarily ministerial in nature. Several of the changes proposed for the CTA bylaws are to bring its provisions into alignment with corresponding ones for VTA's other advisory committees. The most substantive recommended modifications to all three documents are:

A. Annual Board Member Assignments
[Admin Code §2-27 and §2-36; Pages 8-9; ROP §9.1.1 and §9.4, Pages 6 and 19]

This transfers from the Governance & Audit Committee to the Board chairperson responsibility for recommending annual Board member assignments to standing committees and other committees and boards, as well as the chairpersons for each applicable standing committee. The current process has not functioned as effectively as envisioned due to inherent timing challenges between when members are appointed to the VTA Board, when the Governance & Audit Committee meets in January, and when the Board approves the appointments at its January meeting. Transferring this responsibility to the Board chairperson will help alleviate the timing challenges.

B. Define that the Board Chairperson and Vice Chairperson concurrently serve as the chairperson and vice chairperson, respectively, of the Governance & Audit Committee. [Admin Code §2-36; Page A9]

This has been the operating practice since the Governance & Audit Committee was established. This change will codify the established practice.

C. Establish the Capital Projects Oversight Committee (CPOC) as a Board standing committee. [Admin Code §2-40, Page A11; ROP §9.4, Page B21]

Establishment of this committee is based on the demonstrated success and value of the Silicon Valley Rapid Transit Program Working Committee (SVRTPWC). Similar in nature to the SVRTPWC, CPOC would ensure Board member involvement and input on the major activities, not just the final decision points, of VTA capital projects meeting certain defined criteria. Since the SVRTPWC ceases operation at the close of 2016 due to completion of the BART SV Berryessa Extension, CPOC will replace the SVRTPWC as the fifth Board standing committee.

The CPOC's purpose is to provide the focused oversight necessary to promote the efficient delivery of quality major transportation projects safely, on time, within scope and budget, while minimizing community impact. The committee's purview would include all major VTA capital projects determined to have major resource, multi- jurisdictional coordination, public perception and/or community impact factors. It would not actively monitor all VTA capital projects, just those meeting the established criteria. The CPOC would consist of five Board members, and is envisioned that it would meet, at least initially, every other month.

Creating this committee is in keeping with a recommendation from the VTA Auditor General's report on the Alum Rock BRT Construction Delay Assessment that stated that a VTA board standing committee should be engaged and have an active oversight role in major construction projects.

It should be noted that the CPOC and any existing or future VTA policy advisory board (PAB) would have separate and distinct functions and responsibilities. To clarify, PABs are established by the Board for each major transit and highway corridor under study by VTA to provide input, perspective and recommendations to the VTA Board and administration. PABs ensure that the local jurisdictions most affected by major transportation capital improvement projects are involved and have a voice in guiding the planning and design of those projects. The primary differences between the proposed CPOC and PABs are:

1) CPOC would be comprised of VTA Board members, whereas PABs are comprised of elected officials from the affected jurisdictions. PABs may or may not include VTA Board members representing VTA's interests.
2) PABs provide service and recommendations to the VTA Board through project **planning and design only**, whereas CPOC continues to provide oversight through completion of construction.

From project inception through final design VTA staff will provide both bodies with regular recurring status updates and opportunities to provide input. Once construction begins, major implementation decisions will be taken to the CPOC and periodic updates will be provided to PAB members, the affected jurisdictions and other stakeholder groups.

Corresponding adjustments have been proposed to the appropriate sections of the Admin Code pertaining to PABs to ensure clarity on these distinct roles and responsibilities. [Admin Code §4-31, Page A28]

D. Standards of conduct/Code of Ethics [Admin Code §2-69 and §2-75; Pages A15 and A18, respectively]

1) Adds to VTA Code of Ethics the Government Code Section 84308 campaign contribution limitations/disqualification rules.
2) Adds expulsion from Board as possible penalty for violation of VTA Code of Ethics.

The first change merely incorporates Section 84308, which has always applied to VTA Board members, but which was not explicitly referenced in the VTA Code of Ethics. The second change will give the Board explicit authority to expel a Board Member found to have violated the Code of Ethics, along with any other form of sanction already referenced in the Code of Ethics. Under existing terms of the Code of Ethics, such actions could not be taken without the Board Member being afforded due process and an opportunity to be heard at a public hearing.

E. Delegate authority to the Governance and Audit Committee to approve: (1) changes to the Board Rules of Procedure; (2) changes to advisory committee and PAB bylaws; and (3) appointments to advisory committees and PABs. [Admin Code §4-3 and §4-32; Pages A21 and A29, respectively; ROP §9.4, Page B19]

This responsibility falls directly within the Governance and Audit Committee's charge of overseeing the Board and committee processes in order to assist the Board with efficiently guiding the organization to best accomplish VTA's strategic goals. Delegating these responsibilities to the Governance and Audit Committee will help streamline Board meeting agendas and reduce administrative burden.

F. Add to existing GM's powers and duties [Admin Code §5-2 and §5-3, starting Page A30]

- Directing development of self-retention limits, self-insured liability reserves, and appropriate insurance.
- Adding to the GM's existing authority to "accept deeds, easements and other conveyances," the authority to execute real property transactions valued at under $500,000.

The first change will make explicit the General Manager's duty to properly insure risk at VTA, which is VTA's current practice. The second change is designed to address the absence of authority that currently exists for the GM to execute low-level real property acquisitions and other transactions.

G. Revise GM's purchasing and contracting provisions [Admin Code §9-2 and §9-23, Pages A36 and A40]

- Increase threshold for competitive bid of construction contracts from $25,000 to $250,000.
- Incorporate VTA Resolution No. 2016.02.03 setting forth the GM's emergency contracting authority.

- Add provision for entering into cooperative agreements with public agencies and public utilities for up to $500,000, and increase the GM's authority for such cooperative agreements for public works construction projects up to $2 million.

  The threshold for requiring competitive bids on construction contracts is being increased because the prior threshold of $25,000 was too low to capture virtually any construction contract that VTA enters into. The higher $250,000 level will still only capture only the smallest construction contracts that VTA would normally require, but would not burden such contracts with the costs of conducting a competitive bid. Also, the revised Code will reference Resolution No. 2016.02.03, which the Board passed earlier this year to grant the GM authority to execute certain construction contracts required in emergency situations. Finally, the section of the Code allowing the GM to enter into certain cooperative agreements with public agencies and utilities is being revised. The revision increases the threshold for public works construction projects from $1 million to $2 million, and establishes a new level of authority - $500,000 - for any type of agreement with public agencies or utilities. The increase to $2 million for public works contracts is intended to capture the increasing cost for public works projects over time, while the $500,000 authority is intended to be consistent with the levels of authority that the GM has for other types of contracts.

Bylaws for the Committee for Transit Accessibility (CTA)

[Admin Code §4-29, Page A27]

The CTA currently has a total membership of 23, comprised of 21 voting and two (2) non-voting ex-officio members. There is no provision for alternate members. This composition has remained virtually unchanged since CTA inception in the early 1990's when the committee was established to assist VTA implementation of the Americans with Disabilities Act (ADA). CTA's total membership of 23 is significantly larger than those of VTA's other four advisory committees, which range between 16 and 19 total members, most with 16 voting positions.

A major issue is that the CTA has not been able to consistently achieve a quorum for three years. This results from multiple factors including inconsistent member attendance, difficulty filling vacant positions, and a steep quorum requirement that may not reflect the specific conditions of the committee and the challenges of its membership.

To address these issues, several modifications to the CTA bylaws are recommended (see Attachment C). The most significant are:

H. Revising the Committee's Name to "Committee for Transportation Mobility & Accessibility." [Admin Code §4-29, Page 26; CTA Bylaws §1.1, §1.2 and §2.1, starting on Page 1]

   This would more accurately reflect the Committee's scope and mission that is broader than just transit accessibility and which includes all forms of mobility for seniors and the disabled community. This change would align with and more accurately reflect the committee's existing mission or duties.

I. Minor Revisions to the Membership Structure
[Admin Code §4-29, Page 26; CTA Bylaws §3.1 and §3.1.1, starting on Page 2]

1) To help make meetings more productive and efficient, the overall size of the committee would be reduced slightly from 23 to 19 total members, consisting of 17 voting members and two (2) ex-officio, non-voting positions.

   - Current 12 membership seats in the Seniors/Individuals with Disabilities category would be reduced to seven (7). The positions proposed to be reduced have been vacant for several years.
   - Current nine (9) seats in the Human Service Organizations category would be reduced to seven (7). These positions proposed for deletion also have been vacant for multiple years.
   - A third appointment category, Pooled, would be added that could be filled from either the Seniors/Individuals with Disabilities or the Human Service Organizations categories depending on available applicants balanced against the need for comprehensive and balanced geographic representation on the committee.

	Seniors/ Individuals with Disabilities	Human Service Organizations	Pooled	Total Voting	Ex Officio	Total
Current	12	9	0	21	2	23
Proposed	7	7	3	17	2	19
Difference	-5	-2	+3	-4	--	(4)

   This change would bring the size of the Committee into alignment with VTA's four other advisory committees, which range between 16 and 19 members, the proven upper limit for meeting manageability and efficiency. The more manageable size will allow for more efficient meetings and enhanced opportunity for member input and bilateral communication without diminishing the voice or effectiveness of the Committee.

2) Adding alternate members for the seven (7) positions in the Human Services category will help provide for consistent representation for voting positions by allowing another qualified individual to represent the human services organization when its primary representative is unable to attend.

3) Adding two (2) floating alternate positions to the Seniors/Individuals with Disabilities category will also help provide for consistent representation of voting positions at meetings. Each floating alternate will serve in place of any vacant position or absent member in the Seniors/Individuals with Disabilities category, but may only vote in place of one position.

4) Prospective candidates, both individuals and human services organizations, will be reviewed and evaluated by a panel comprised of: (1) Committee Chairperson; (2) Committee Staff Liaison; and (3) Advisory Committee Coordinator. This panel will then make a recommendation to the Board of Directors on candidates that, in its collective estimation, would well serve the committee, Board and community. This will simplify the appointment process and make it more straightforward and efficient.

5) No longer specifically listing the Human Service Organizations in the CTA bylaws will eliminate the need and associated administrative burden of amending the CTA bylaws whenever an organization is added or removed from the CTA membership. However, Governance & Audit Committee ~~Board~~ approval is still required for any organization being added to the CTA membership structure.

J. Extending the membership term for voting positions from two (2) years to four (4). [CTA Bylaws §3.2, Page 5]

This will result in more stable membership, increase consistency, and reduce the administrative burden required for processing requests for Board (or proposed Government & Audit Committee) ratification of appointments.

K. Increasing Scheduled Regular Meetings from Four (4) to Six (6) Annually [CTA Bylaws §5.1, Page 8]

Modifying the meeting schedule to six (6) meetings per year (every other month) will allow items to receive committee input in a more timely fashion. It would also help reduce the overall size of each meeting agenda and the corresponding meeting length since items could be spread over more meetings.

L. Reducing the Quorum and Affirmative Vote Requirement from 11 to Eight (8) [CTA Bylaws §5.4, Page 8]

Both the quorum and voting requirement require adjustment to correspond to the proposed revised total voting membership. Additionally, both requirements are being set to allow the committee to conduct business and forward a collective recommendation to the Board with the affirmative vote of eight (8) members, which is slightly less than half of the proposed total voting membership of 17.

M. Temporary Attendance Waiver [CTA Bylaws §5.6, Page 9]

This provides members, under certain instances such as serious medical condition, maternity, or urgent family care, and subject to certain requirements, to miss more than the maximum allowable number of meetings. It will result in helping retain proven, reliable and dedicated members that encounter a serious but temporary situation. The provision is based on a similar one in the Citizens Advisory Committee bylaws for many years that has proven very effective.

If approved by the Board, the changes would take effect immediately. However, full implementation of the Capital Projects Oversight Committee would not occur until early January 2017 when the Board approves appointments to its standing committees.

ALTERNATIVES:

The Board could choose to reject or modify any of the recommended modifications.

FISCAL IMPACT:

There is no significant financial impact associated with these modifications.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Governance & Audit Committee (G&A) considered this item at its November 3, 2016 meeting as part of the Consent Agenda. The Committee unanimously recommended its approval and also its placement on the Board's Consent Agenda.

The G&A considered the proposed changes to the Committee for Transit Accessibility bylaws on June 2, 2016 as part of its Consent Agenda. The committee, without comment, unanimously recommended that the Board of Directors approve the recommended changes.

ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:

The Committee for Transit Accessibility considered the recommended changes to its bylaws on April 13, 2016 as part of its Regular Agenda. Committee members strongly supported the modifications, especially those addressing the quorum issue. They also requested that the membership composition provisions be adjusted slightly to provide flexibility on whether certain seats are filled by an individual or a human service organization; this request was incorporated as the Pooled category of appointments.

Since a quorum was not present, the Committee could not send a recommendation to the Board. However, committee members expressed their support for the changes moving forward for Board consideration.

Prepared by: Stephen Flynn, Advisory Committee Coordinator
Memo No. 5622

VTA Board of Directors Meeting
December 8, 2018
Item 6.4

Errata Sheet

VTA Administrative Code (Attachment 6.4.a)

- §4-28. Citizens Advisory Committee. (Page 24)
  - (a) Membership. … The Governance & Audit Committee ~~Board of Directors~~ shall ratify the appointments of all members of the committee.

CTA Bylaws (Attachment 6.4.c)

- §3.1 – Membership (Page 3)
  - b. … Appointment of a human services organization to the Committee membership structure requires approval by the Governance & Audit Committee. ~~Board of Directors.~~ Designation by each human services organization of its representative and alternate to the Committee does not require Governance & Audit Committee ~~Board of Director~~ ratification. …

- §3.1.1 – Membership (Ex-Officio) (Page 5)
  - … Designation of the paratransit broker's representative does not require approval by the Governance & Audit Committee. ~~Board of Directors.~~ …

- §3.4 – Representative to Citizens Advisory Committee (Page 6)
  - f. Appointment requires Governance & Audit Committee ~~Board of Director~~ ratification.

SANTA CLARA
Valley Transportation Authority

SANTA CLARA VALLEY TRANSPORTATION AUTHORITY

ADMINISTRATIVE CODE

Adopted December 20, 1994
Effective January 1, 1995

With Amendments through June 4, 2015

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SANTA CLARA VALLEY TRANSPORTATION AUTHORITY ADMINISTRATIVE CODE

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SANTA CLARA VALLEY TRANSPORTATION AUTHORITY ADMINISTRATIVE CODE [1]

Chapter 1

GENERAL PROVISIONS

Article I

In General

Sec. 1-1. Title.

This Code shall be known as the "Santa Clara Valley Transportation Authority (VTA) Administrative Code," or "VTA Administrative Code."

Sec. 1-1.1. Purpose and Overview.

This Code prescribes for the Santa Clara Valley Transportation Authority (VTA) the governance, administrative and financial provisions of VTA including the powers and duties of officers, the method of appointment of employees, and the methods, procedures, and systems for the operation and management of the organization.

VTA is an independent special district responsible for bus, light rail and paratransit operations and for serving as the county's congestion management agency. As such, VTA is responsible for countywide transportation planning, including congestion management issues, specific highway improvement projects, pedestrian and bicycle improvement projects, and provides these services throughout Santa Clara County.

Sec. 1-1.2. Adoption and Amendment of VTA Administrative Code.

This Code is adopted and amended by resolution of the VTA Board of Directors, pursuant to Public Utilities Code Section 100071-D. For efficiency, the VTA General Manager, in consultation with the General Counsel, is authorized to make minor, non-substantive corrections and adjustments to it to reflect ongoing practice adopted by the Board, such as meeting time change. All provisions contained within the VTA Administrative Code must conform to state and federal law and other applicable statutes. The Administrative Code shall be reviewed at least every five (5) years and revised by the Board of Directors as necessary.

Sec. 1-2. Reference includes amendments.

Reference to any portion of this Code includes later amendments to that portion or to any part contained in it.

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Sec. 1-3. Applicability of provisions governing construction.

Unless the provisions or the context of this Code otherwise require, the general provisions, rules of construction and definitions set out in this chapter shall govern the construction of this Code.

Sec. 1-4. Effect of headings.

Part, chapter, article and section headings and any explanatory notes contained in this Code do not constitute any part of the law.

Sec. 1-5. Severability.

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Code. The Board of Directors hereby declares that it would have adopted this Code, and each section, subsection, sentence, clause and phrase it contains, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid.

Sec. 1-6. Delegation of powers, duties.

Whenever a power is granted to or a duty is imposed upon an officer of VTA, the power may be exercised or the duty may be performed by a designee of such officer or by a person otherwise duly authorized pursuant to law, unless this Code expressly provides otherwise.

Sec. 1-7. Legal citations.

Unless otherwise indicated, all citations to statutes and regulations shall be to those promulgated by the State of California.

Secs. 1-8 - 1-20. Reserved.

Article II

Definitions and Constructions

Sec. 1-21. State definitions adopted.

For the purposes of this Code, all words not defined in this Code shall have the meanings determined by the laws of the State of California and the decisions of the courts of the state.

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Sec. 1-22. "Board of Directors" and "Board" defined.

As used in this Code, "Board of Directors" and "Board" shall mean the governing board of VTA.

Sec. 1-23. Reserved

Sec. 1-24. "County" defined.

As used in this Code, "county" refers to the geographic boundaries of Santa Clara County and "County" (capitalized) refers to the County of Santa Clara (governmental entity).

Sec. 1-25. "Director" defined.

As used in this Code, "Director" shall mean a member of the Board of Directors of VTA.

Sec. 1-26. "VTA" defined.

As used in this Code, "VTA" is the Santa Clara Valley Transportation Authority.

Sec. 1-27. "General Counsel" defined.

As used in this Code, "General Counsel" shall mean the General Counsel of VTA.

Sec. 1-28. "General Manager" defined.

As used in this Code, "General Manager" shall mean the General Manager/Chief Executive Officer (CEO) of VTA. As used in this Code, the terms "General Manager" and "Chief Executive Officer" are synonymous and interchangeable.

Sec. 1-29. "Member Agency" defined.

As used in this Code, "Member Agency" shall mean each public agency which is a member of the congestion management program as provided in the most recently amended version of the Joint Powers Agreement for the Administration of the Santa Clara County Congestion Management Program, dated ~~December 1, 1994~~ 1/1/12.

Sec. 1-30. Number construed.

As used in this Code, the singular number includes the plural, and the plural includes the singular.

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Sec. 1-31. Title of officer, employee, office, etc.

The use of the title of any officer, employee, division, department, office, committee or board in this Code shall mean such officer, employee, division, department, office, committee or board of VTA.

Sec. 1-32. "Person" defined.

As used in this Code, "person," except as otherwise provided herein, shall mean any natural person, firm, corporation, partnership, club, and any association or combination of natural persons, whether acting by themselves or through any agent or employee.

Sec. 1-33. "Secretary" defined.

As used in this Code, "Secretary" shall mean the Secretary of the Board of Directors of VTA.

Sec. 1-34. "Shall" and "must" construed.

As used in this Code, "shall" and "must" are mandatory rather than discretionary.

Sec. 1-35. "State" defined.

As used in this Code, "state" is the State of California.

Sec. 1-36. Tense construed.

As used in this Code, the present tense includes the past and future tenses, and the future includes the present.

Sec. 1-37. "Violate" construed.

As used in this Code, "violate" includes failure to comply.

Sec. 1-38. "Advisory Committee," "Policy Advisory Board", and "Commission" defined.

As used in this Code, "committee," "policy advisory board" and "commission" refers to an advisory body established by, and that serves at the pleasure of, the Board of Directors.

Sec. 1-39. "Public official" defined.

As used herein "public official" means members/alternates of the Board of Directors, VTA officers and employees, and consultant/contractors required to file disclosure statements pursuant to VTA's Conflict of Interest Code.

(Amended Ord. No. 95.5 § 3, 12/7/95.)

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Chapter 2

BOARD OF DIRECTORS

Article I

In General

Sec. 2-1 Board directions to staff through General Manager.

Except for the purposes of inquiry and information, neither the Board of Directors nor any Director shall deal with any administrative officer or employee: (1) appointed by or under the General Manager except through the General Manager; or (2) by or under the General Counsel except through the General Counsel. Neither the Board nor any Director shall give orders to the subordinates of the General Manager or General Counsel, either publicly or privately.

Sec. 2-2. Directors ineligible for VTA employment.

No Director, during the term of office or for two years thereafter, shall be eligible for appointment to any VTA office, position or employment carrying compensation, exclusive of travel and other authorized expenses.

Secs. 2-3 - 2-10. Reserved.

Article II

Members

Sec. 2-11. Generally.

The Board of Directors consists of 12 voting members who are appointed by their respective appointing agencies as provided in Public Utilities Code Section 100060 on the basis of the appointees' expertise, experience or knowledge relative to transportation issues.

Sec. 2-12. Alternates.

Alternate members shall regularly attend Board meetings and sit for and vote in the place of a Director for his or her City or County Grouping if the Director is absent.

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Sec. 2-13. City and County groupings; selection of Directors and alternates.

Groupings of cities and the County which appoint Directors and alternates to the Board are as follows:

Group Number	Grouping	Representatives
1	San Jose	5 Directors
		1 alternate
2	Los Altos	1 Director
	Los Altos Hills	1 alternate
	Mountain View	
	Palo Alto	
3	Campbell	1 Director
	Cupertino	1 alternate
	Los Gatos	
	Monte Sereno	
	Saratoga	
4	Gilroy	1 Director
	Morgan Hill	1 alternate
5	Milpitas	2 Directors
	Santa Clara	1 alternate
	Sunnyvale	
6	County of Santa Clara	2 Directors
		1 alternate

Sec. 2-14. Selection of Directors and alternates by city/county groupings.

Procedures for the selection of Directors and alternates to the Board for groups 2, 3, 4 and 5 as described in this Code shall be determined by the cities of each respective grouping.

Appointing authorities are strongly encouraged, where possible, to: (1) appoint individuals with appropriate experience and qualifications in transportation; (2) ensure that there is sufficient remaining time in the elected official's term of office to allow full completion of their term as a Director; and (3) reappoint representatives to consecutive terms.

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Sec. 2-15. Ex-Officio Directors.

Metropolitan Transportation Commissioners who reside in Santa Clara County, and who are not members or alternate members of the Board of Directors by virtue of Public Utilities Code Section 100060, shall be invited to serve as Ex-Officio members of the Board of Directors. Upon acceptance as Ex-Officio Board members, they shall be invited to, and they may regularly attend, Board meetings, including Closed Sessions, but their presence shall not be counted for purposes of establishing a quorum, they shall have no voting rights, and they shall not serve on the standing committees of the Board.

(Added Resolution 99.05.11, §1, 5/6/99; Amended Resolution 07.12.28, §2, 12/13/07.)

Secs. 2-16 - 2-25. Reserved.

Article III

Board Officers

Sec. 2-26. Generally.

The officers of the Board shall be the Chairperson and Vice Chairperson who shall be elected annually by the Board from its voting membership. Only directors, not alternates, are eligible to serve as Chairperson or Vice Chairperson. The Chairperson and Vice Chairperson shall serve a one-year term coinciding with the calendar year. Elections shall be conducted the last meeting of the calendar year, where practical.

The Chairperson or Vice Chairperson positions shall be rotated annually according to the permanent rotational schedule established by the Board in January 1997 to ensure Board leadership is balanced between the smaller city groups (Groups 2, 3, 4 and 5), the City of San Jose and the County of Santa Clara:

Chairperson	Vice Chairperson
City of San Jose	Smaller city groups
Smaller city groups	County of Santa Clara
County of Santa Clara	Smaller city groups
Smaller city groups	City of San Jose

Any Board member can be nominated for the Chairperson or Vice Chairperson position that is assigned to his or her collective group.

At the meeting immediately preceding the final meeting of each year, the Chairperson shall request that any eligible Board member interested in serving as Chairperson or Vice Chairperson for the upcoming year indicate their interest in writing for distribution to the entire Board. Elections will be conducted at the final meeting of the year, and nominations from the floor may be made for either position at any time up to the election.

~~At the meeting immediately preceding the final meeting of the year, the Board Chairperson shall inform members of the upcoming election process and instruct any members interested in~~

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~~being considered for the Board Chairperson or Vice Chairperson positions to submit a letter of interest to the VTA Board Secretary by the end of that month or other date established by the Board Chairperson. At the final meeting of the year, T~~the Board shall ~~accept nominations from the floor and consider letters of intent received to elect its Chairperson and Vice Chairperson for the next year.~~

(Amended Resolution No. 98.01.01, 1/8/98.)

Sec. 2-27. Chairperson.

The powers and duties of the Chairperson are:

(a) To preside at all meetings of the Board.
(b) To establish the Board's agenda in consultation with the General Manager.
(c) To regulate the order of presentations to the Board consistent with the Board Rules of Procedure adopted by the ~~Board~~ Governance & Audit Committee.
(d) To call special meetings of the Board for the purpose of transacting any business specified in the notice of the special meeting.
(e) To sign all ordinances, resolutions and legal instruments approved or authorized by the Board whenever not otherwise delegated to other officers or employees of VTA by this Code, Board action or law.
(f) To ~~N~~nominate, for Board approval at the first meeting of the calendar year, Directors to the following assignments for the calendar year: (1) standing committees; (2) policy advisory boards; (3) joint powers boards; (4) ad hoc committees; and (5) to serve as chairpersons of the standing committees.
(g~~f~~) To perform such additional duties as may be designated by the Board.

Sec. 2-28. Vice Chairperson.

The Vice Chairperson shall perform the duties of the Chairperson in the event of the Chairperson's absence or inability to act, and while so acting, shall have all of the authority of the Chairperson. In the event of a vacancy in the office of Chairperson, the Vice Chairperson shall succeed as Chairperson for the balance of the term of office. In the event the office of Vice Chairperson becomes vacant during the term of such office, the Board shall elect a successor from its membership at the earliest meeting at which such election would be practicable. The election shall be for the unexpired term and shall be from the same City/County grouping.

Sec. 2-29. Chairperson Pro Tem.

Whenever both the Chairperson and Vice Chairperson are absent, the Board shall elect a voting Director to act as Chairperson Pro Tem who shall preside at the Board meeting and shall, for the purposes of the meeting for which the Director was so elected, have all the authority of the Chairperson.

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Sec. 2-30. Signature authority.

The Chairperson or, in the absence of the Chairperson, the Vice Chairperson or, in the absence of both the Chairperson and Vice Chairperson, the Chairperson Pro Tem who presided at the meeting shall have authority to sign ordinances, resolutions and legal instruments approved or authorized by the Board at that meeting whenever not otherwise delegated to other officers or employees of VTA by this Code, Board action or law.

(Amended Ord. No. 95.2, § 1, 5/4/95.)

Secs. 2-31 - 2-35. Reserved.

Article IV

Standing Committees

Sec. 2-36. Appointments.

At the first meeting in January, the Board shall approve the members and chairpersons of all standing committees of the Board based on recommendations for these positions provided by the Board Chairperson. ~~Governance & Audit Committee.~~ The term of each appointment shall be for one year. The membership of each committee shall consist of four Directors except for (A) Governance & Audit and (B) Capital Projects Oversight Committees, which shall consist of five Directors each. The membership of the Governance & Audit Committee shall consist of:~~, as follows:~~

- Board Chairperson
- Board Vice Chairperson
- Chairperson, Administration & Finance Committee
- Chairperson, Congestion Management Program & Planning Committee
- Chairperson, Transit Planning & Operations Committee

The Board Chairperson and Vice Chairperson shall also serve as the chairperson and vice chairperson, respectively, of the Governance & Audit Committee.

For each committee, not more than two of its members shall come from the same City Grouping. The Governance & Audit Committee shall not have alternate members, due to its membership comprised of specified Board and Standing Committee leadership positions. In addition, the Board Chairperson and Vice Chairperson may not concurrently serve as chairperson of any of the following Board standing committees: (1) Administration & Finance; (2) Congestion Management Program & Planning; or (3) Transit Planning & Operations.

(Amended Ord. No. 95.2, § 2, 5/4/95; Amended Board Action, 8/7/08.)

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Sec. 2-37. Duties.

Standing committees shall serve in an advisory capacity to the Board. They shall meet, study, prepare recommendations and report to the Board on matters within their respective assigned areas of responsibility as well as other matters referred to them by the General Manager or the Chairperson in consultation with each other, or by the Board.

Notwithstanding individual committee responsibilities, standing committees shall work jointly where issues overlap the assignments of two or more standing committees.

(Amended Ord. No. 95.2, § 3, 5/4/95; Amended Board Action, 8/7/08.)

Sec. 2-38. Meetings.

Unless otherwise determined by the Board, standing committee meetings shall generally be held once a month when there is sufficient business for the committee to transact that month. The Governance & Audit Committee and ~~SVRT Program Working Committee~~ Capital Projects Oversight Committee shall generally meet at least once each quarter. The general times and locations of regular meetings shall be ~~established~~ defined in the Board's Rules of Procedure. The specific times and locations of regular meetings for that year shall be established by each committee at its first meeting of the calendar year, taking into consideration the recommendations of the General Manager and Board Secretary. All meetings shall be called, noticed and conducted in accordance with the applicable provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code). The General Manager and General Counsel shall be given notice of all standing committee meetings.

(Amended Board Action, 8/7/08.)

Sec. 2-39. Quorum, vote and procedures.

A majority of the standing committee's total authorized membership shall constitute a quorum for the transaction of business and all official acts of the committee shall require the affirmative vote of three members. At any regularly called meeting not held because of the lack of a quorum, the members present may constitute themselves a "committee of the whole" for the purposes of discussing matters on the agenda of interest to the Directors present. The committee of the whole shall automatically cease to exist if a quorum of the committee is present at the meeting. All meetings shall be conducted in accordance with the Board's Rules of Procedure.

(*Amended Resolution 97.03.5, §2, 3/6/97.)*

Sec. 2-40. Standing committees established.

The standing committees of the Board and their general duties are as follows:

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(a) Administration and Finance Committee. The Administration and Finance Committee shall review and recommend to the Board policy decisions pertaining to the general administration and financial management of VTA.

(b) Transit Planning and Operations Committee. The Transit Planning and Operations Committee shall review and recommend to the Board policy decisions pertaining to transit planning, transit capital projects, transit operations and marketing.

(c) Congestion Management Program and Planning Committee. The Congestion Management Program and Planning Committee shall review and recommend to the Board policy decisions pertaining to the congestion management program and the development of the countywide transportation plan for Santa Clara County.

(d) Governance & Audit Committee. The Governance & Audit Committee shall focus on the management and coordination of the Board of Directors to assist that body with efficiently guiding the organization in an efficient and effective manner to best accomplish VTA's strategic objectives. It shall review and recommend to the Board policy decisions pertaining to Board and organizational goal setting and prioritization, strategic initiative framework development, budget development, and Board and committee processes. Furthermore, it shall oversee the activities of the VTA Auditor General function and recommend to the Board policy decisions required to fulfill the Board's oversight responsibilities for: (1) the integrity of VTA financial statements; (2) compliance with legal and regulatory requirements; and (3) assuring an effective system of internal management and financial controls.

(e) Capital Projects Oversight Committee.~~Silicon Valley Rapid Transit (SVRT) Program Working Committee~~. The Capital Projects Oversight ~~SVRT Program Working~~ Committee (CPOC) shall review and recommend to the Board policy decisions pertaining to the activities and imminent issues of VTA capital projects with major resource, multi-jurisdictional coordination, public perception and/or community impact factors. The Capital Projects Oversight Committee provides focused oversight to promote the efficient delivery of quality major transportation projects safely, on time, within scope and budget, while minimizing community impact. ~~the Silicon Valley Rapid Transit Program, which brings the Bay Area Rapid Transit (BART) regional heavy rail system 16 miles from Alameda County to the Santa Clara County cities of Milpitas, San Jose and Santa Clara.~~

The specific duties and areas of responsibility for each Board standing committee shall be set forth in the Board's Rules of Procedure.

(Amended Ord. No. 95.2, § 4, 5/4/95; Amended Board Action, 8/7/08.)

Secs. 2-41 - 2-50. Reserved.

Article V

Board of Director Meetings

Sec. 2-51. Time and place of regular meetings; Brown Act compliance; notice.

The time and location of regular meetings of the Board shall be established by the Board at its first meeting of the calendar year, taking into consideration the recommendations of the

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General Manager and Board Secretary. Board meetings shall generally occur the first Thursday of each month. All regular and special meetings shall be called, noticed and conducted in accordance with the applicable provisions of the Ralph M. Brown Act (commencing at Section 54950 of the Government Code).

Sec. 2-52. Quorum; voting.

A majority of the members of the Board shall constitute a quorum for the transaction of business. No act of the Board shall be valid unless at least seven concur therein, unless law, statute or convention requires a higher threshold.

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Sec. 2-53. Rules of procedure.

The Governance & Audit Committee ~~Board~~ shall adopt and amend Rules of Procedure ~~by resolution~~ that govern the conduct of meetings of the Board and its standing committees. ~~its proceedings to the extent they are not inconsistent with this Code or law. The Rules of Procedure shall govern the conduct of meetings of the Board and its standing committees.~~ The Rules of Procedure, which shall be consistent with this Code and compliant with the law, shall be reviewed at least every five (5) years and revised by the Governance & Audit Committee ~~Board of Directors~~ as necessary.

Secs. 2-54 - 2-60. Reserved.

Article VI

Per Diem Allowance; Travel Authorization and Reimbursement

Sec. 2-61. Per diem for meetings.

In lieu of reimbursement for expenses for attending meetings, each Director and each alternate shall be entitled to an allowance of one hundred dollars ($100) per day for attending Board meetings and meetings of Board standing and ad hoc committees to which the Director or alternate is assigned, not to exceed a total of five (5) days in any calendar month.

In lieu of reimbursement for expenses for attending meetings, each Ex-Officio Director shall be entitled to an allowance of $100 per day for attending Board meetings, not to exceed a total of five hundred dollars ($500) in any calendar month (Public Utilities Code Section 100063).

(Amended Resolution 99.05.11, §2, 5/6/99; Amended Resolution 00.01.06X, 1/11/2001.)

Sec. 2-62. Travel authorization and reimbursement.

Authorization for and reimbursement of travel expenses of Directors shall be in accordance with VTA's Travel & Expense Policy & Procedure (VTA Policy & Procedure: FRS-PL-340). Rates of reimbursement shall be the same for Directors and VTA employees.

Secs. 2-63 - 2-65. Reserved.

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Article VII

Code of Ethics

Sec. 2-66. Responsibilities of public office.

The proper operation of democratic government requires that public officials be responsible to the people; that public office or employment not be improperly influenced or used for personal gain; and that the public have confidence in the integrity of government.

The members of the Board of Directors hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the State of California and to carry out impartially the laws of the nation, state and VTA. Public officials are bound to observe the highest standards of performance and to discharge faithfully the duties of their office, regardless of personal considerations.

Sec. 2-67. Responsibilities of Directors.

The primary responsibility of each Director is to promote the best interest of the public in determining VTA policy. Each Director shall carry out his or her duties in the interest of the agency and not in his or her own interest or in the interest of another person or entity. Directors shall consider the interests of their constituency during deliberations by the Board but shall act in best interest of all stakeholders.

(Amended Ord. No. 95.5 § 1, 12/7/95.)

Sec. 2-68. Purpose of Code of Ethics.

The purpose of this Code of Ethics is to recognize the ethical responsibilities of public officials under existing law and to prescribe ethical standards of conduct which will assure that their actions will not be in conflict or incompatible with the best interests of VTA. The provisions of this Code of Ethics are hereby declared to be in the best interest of VTA and for the protection of the public interest.

This Code of Ethics shall be construed broadly in order to effectuate its purposes. To the extent that the provisions of this Code of Ethics overlap existing general law or regulations, the more stringent provisions shall control.

(Amended Ord. No. 95.5 § 2, 12/7/95.)

Sec. 2-69. Existing standards of conduct for public officials.

There are numerous laws and regulations which govern the conduct of public officials and which are applicable to VTA. Because they are contained in various California statutes as well as federal regulations, the following attempts to set them forth in one document for ready reference. When in doubt as to the applicability of any law or regulation, or provision of this Code of Ethics to any particular situation, the potentially affected public official should request

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an advisory opinion from the Office of the General Counsel. Public officials shall ultimately be responsible for ensuring that they are in compliance will all federal, state, and local rules that apply to them.

The following sections, which summarize the applicable laws and regulations, govern the conduct of all public officials. All persons subject to this Code shall be familiar with its provisions:

(a) Public officials shall disqualify themselves from making, or participating in the making of, or in any way attempting to use their official position to influence, a governmental decision in which they know or have reason to know they have a financial interest. (Government Code § 87100).

(b) No Director shall accept, solicit, or direct a contribution of more than $250 from any party, or his or her agent, or from any participant, or his or her agent, while a proceeding involving a license, permit, or other entitlement for use is pending before VTA and for 3 months following the date a final decision is rendered in the proceeding if the Director knows or has reason to know that the participant has a financial interest. No Director shall make, participate in making, or in any way attempt to use his or her official position to influence the decision in a proceeding involving a license, permit, or entitlement for use pending before VTA if the Director has willfully or knowingly received a contribution in an amount of more than $250 within the preceding 12 months from a party or his or her agent, or from any participant, or his or her agent if the Director knows or has reason to know that the participant has a financial interest in the decision. This provision shall not apply competitively bid, labor, or personal employment contracts. (Government Code § 84308).

(c~~b~~) Public officials shall not be financially interested in any contract made by them in their official capacity. They shall not be purchasers at any sale or vendors at any purchase made by them in their official capacity. A contract made in violation of these sections may be voided by the Board of Directors. (Government Code § 1090 et seq.)

(d~~c~~) Personal Conflicts of Interest. As provided in the Common Grant Rules and in the Federal Transit Administration (FTA) Master Agreement, no employee, officer, agent, or board member, or his or her immediate family member, partner, or organization that employs or is about to employ any of the foregoing individuals may participate in the selection, award, or administration of a contract supported with FTA assistance if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when any of those individuals previously listed has a financial or other interest in the firm selected for award. (Federal Circular 4220.1F)

(e~~d~~) Board members or employees shall not engage in any employment or activity for compensation which is inconsistent or incompatible or in conflict with his or her duties as a Board member or employee, or with the duties of his or her appointing power or agency by which he is employed (that is, which would interfere with the official's ability to carry out official duties or exercise independent judgment on behalf of the public interest) (Government Code §§ 1126, 1128); and shall not engage in outside employment or provide services for compensation where any part of those efforts will be subject to approval by the Board of Directors, or any other board, officer or employee acting on behalf of VTA. (Government Code § 1126(a)).

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(fe) No public official shall participate in a government decision in which he or she has a close personal interest which would tend to impair the exercise of independent judgment in the public interest.

(gf) No public official shall hold another public office where the two offices are incompatible.

(hg) No Board member, officer, employee or agent of VTA shall solicit or accept gifts, gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subagreements, except an unsolicited gift of nominal intrinsic value. "Nominal intrinsic value" for purposes of this section shall mean a value of less than $50. ~~, provided that with respect to meals, "nominal intrinsic value" shall mean the limits set forth in the applicable Travel & Expense Policy & Procedure (VTA Policy & Procedure: FRS-PL-340).~~ (FTA Circular 4220.1F, Chapter III sec. 1b.)

(h) No public official shall disclose or otherwise use confidential information acquired by virtue of his or her position or employment with VTA for his or her or another person's private gain. No Board member shall reveal information received in lawful closed session unless such information is required by law to be disclosed. No Board member or employee shall take any action or provide any information for or on behalf of any prospective contractor or vendor which interferes with free and open competition for VTA contracts.

(Amended Ord. No. 95-5 §§ 4, 5, 12/7/95.)

Sec. 2-70. Incompatible uncompensated activities.

(a) Directors may participate in outside activities for which they are not compensated, but are discouraged from participating in such non-compensated activities which:

(1) Involve a substantial commitment of time that interferes with the Director's ability to timely discharge his or her official duties; or

(2) Involve matters which come regularly before the Board and would create a substantial conflict between the private interests and the exercise of Board authority in the public interest.

(b) A director may disqualify himself or herself in matters coming before the Board where the Director concludes that participation would create the appearance of a conflict of interest.

Sec. 2-71. Prohibitions against use of office for personal gain.

No public official shall use for personal gain or advantage, VTA facilities, equipment, supplies, personnel or other things of value; or his or her office to secure, for personal benefit, gifts, special privileges or exemptions.

(Amended Ord. No. 95-5 § 6, 12/7/95.)

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Sec. 2-72. Conduct when there may be a financial interest.

Board members, employees and consultants shall conduct themselves as follows whenever the member, employee or consultant has, or may have, a financial interest in making or participating in the making of, any governmental decision:

a. Directors: Unless his or her participation is legally required, when the matter comes up on the agenda, the Director shall disclose his or her interest, refrain from participating in any way in the decision making process, and withdraw from the room if the subject is being discussed in closed session.

b. Employees: The employee shall immediately report the nature of the matter and the existence of a conflict to his or her superior so that the work may be assigned to another.

c. Consultants: The consultant shall immediately report the nature of the matter and the existence of the conflict to the General Manager, who shall determine the action to be taken.

(Amended Ord. No. 95-5 §§ 7, 8, 12/7/95.)

Sec. 2-73. Undue influence or favor.

No public official shall by his or her conduct give reasonable basis for the impression that any person improperly can influence him or her or unduly enjoy his or her favor in the performance of his or her official acts or actions, or that he is affected unduly by the kinship, rank, position of, or association with, any person.

(Amended Ord. No. 95-5 §§ 9, 10, 12/7/95.)

Sec. 2-74. Violations: Procedure.

Alleged violations of the provisions of this Code of Ethics by a Board member, advisory board member, committee member, vendor, or contractor/consultant may be referred to the Auditor General for investigation and initial assessment. The Auditor General, in consultation with General Counsel, shall promptly provide notice to the alleged violator of the allegation, unless the Auditor General determines either that (1) the allegation, on its face, does not amount to a violation of the Code of Ethics or warrant even an initial evaluation, or (2) notice of the allegation must be delayed in order not to compromise an initial evaluation. If the Auditor General determines after an initial evaluation that sufficient cause exists to conduct an investigation into the allegations, the Auditor General may either instigate and/or assign an investigation, and shall give the alleged violator notice of such. The Auditor General or assigned investigator(s) shall provide the alleged violator with a reasonable opportunity to be interviewed concerning the allegations. The Auditor General or assigned investigator(s) shall report the findings of the investigation and any recommendations to the Board. The Board shall either approve the findings and recommendations or else take other appropriate action consistent with the provisions of the Administrative Code. The Board may not approve a finding of an Ethics Code violation or impose any penalties unless the alleged violator is provided a reasonable opportunity to be publicly heard concerning the allegations or findings and to present evidence in rebuttal.

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Alleged violations of the provisions of this Code of Ethics by a VTA employee may be referred to the Auditor General, the General Manager, or the General Counsel for initial evaluation, referral, investigation, and action, as appropriate. Investigations of employees shall be performed in accordance with the VTA's standard practice for conducting employee misconduct investigations, consistent with applicable law, labor agreements, and/or personnel procedures.

Ethics complaints against the Auditor General may be reported to the General Counsel, who shall take actions consistent with this Section's requirement of providing notice and conducting or assigning an investigation.

Board members and other individuals may also report any ethics allegations to officials responsible by law for enforcement of this Code or the other provisions of law pertaining to conflicts of interest or standards of conduct for public officials.

(Amended Ord. No. 95-5 §§ 11, 12, 12/7/95.)

Sec. 2-75. Penalties for violation.

a) An employee who violates any of the standards of conduct set forth herein is subject to discipline, up to and including discharge, in addition to any penalties provided by law.

b) Board members and consultants/contractors who violate any of the standards of conduct set forth herein are subject to the following sanctions in addition to any penalties provided by law:

1. Expulsion from the Board or ~~P~~public censure by the Board.
2. An official finding of misconduct in office and removal from office upon an accusation proceeding instituted by the grand jury.
3. Forfeiture into VTA general fund of any amounts or things of value given or paid in violation of this Code of Ethics.
4. A penalty assessment to be deposited into VTA general fund of $500 per violation of this Code of Ethics or an amount equal to three times the amount given, paid or expended in violation of this Code of Ethics, whichever amount is greater.

(Amended Ord. No. 95-5 § 13, 12/7/95.)

Sec. 2-76. Post employment restrictions.

a. Post employment restriction for Board Members/Alternates.

VTA shall not employ or retain under contract for compensation any individual who has served as a Board member/alternate within the previous two years. No Board member/alternate who leaves his or her office and accepts a position of employment with a current or future VTA contractor/consultant may participate in a project or provide any goods or services to the VTA, through the consultant/contractor, for a period of two years.

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b. Post employment restrictions for employees.

No employee who leaves his or her VTA position and accepts a position of employment with a current or future VTA contractor (consultant, vendor, developer) may participate in a project or provide any goods or services to the VTA, through the contractor, for a period of two years, except where VTA determines that the employee (1) does not hold a key position on the project, (2) has not previously participated in any meaningful way in developing or managing the contract, (3) and has not held a position of substantial responsibility in the area of service to be performed under the contract.

The General Manager may, when it is in the overall best interests of VTA, make exceptions in the case of employees who leave due to retirement or layoff.

(Amended Resolution 03.08.12, 8/7/03.)

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Chapter 3

SECRETARY

Sec. 3-1. Powers and duties generally.

The Secretary shall take the minutes, prepare the correspondence, assemble and distribute the agendas, post and deliver meeting and hearing notices, keep the records and generally provide clerical and administrative support for the Board of Directors and its committees as required by law and as requested by the Board.

Sec. 3-2. Petitions, claims, communications, etc.

The Secretary shall receive, on behalf of the Board, any and all petitions, applications, claims, legal process and requests for consideration of the Board and shall process and file them for the Board. ~~The Secretary shall receive~~ For Public Record requests submitted to VTA, the Secretary shall record the intake and~~, in consultation with~~ the VTA General Counsel~~,~~ shall be responsible for coordinating, recording, retaining and transmitting the formal response.

Sec. 3-3. Duty to prepare agenda and meeting notices; distribute information.

The Secretary shall prepare, post and distribute the agenda and notices for Board and designated committee meetings in accordance with the Ralph M. Brown Act (commencing with Section 54950 of the Government Code.). The Secretary shall assemble and distribute reports and other documents requested to be distributed with the agenda packet. The Secretary shall also distribute to Board and committee members, as appropriate, all information and announcements pertinent to their roles and responsibilities.

Sec. 3-4. Recording and certification of acts of Board; attestations.

The Secretary shall record the votes of the Board and issue certifications of such vote, order, resolution, ordinance or other act of the Board by affixing the Secretary's signature and seal of the Board upon the document. The Secretary shall also attest to the signature of the Chairperson, Vice Chairperson and other officers of VTA.

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Chapter 4

ADVISORY BOARDS AND COMMITTEES

Article I

In General

Sec. 4-1. Establishment; appointments.

Advisory boards and committees may be established by, and unless otherwise provided by statute, serve at the pleasure of the Board. Except as otherwise provided, membership terms shall be for one year, coinciding with the calendar year. Unless otherwise provided by bylaws, members may be re-appointed for successive terms at the discretion of the appointing authority and vacancies shall be filled by the body that made the initial appointment. VTA employees shall not be eligible for appointment to VTA advisory boards or committees.

(*Amended Resolution 97.03.5, §3, 3/6/97; Amended Motion 6/5/03; Amended Resolution 04.12.22, §3, 12/9/04.)*

Sec. 4-2. General duties.

Advisory boards and committees shall provide advice, perspective, and expertise in their assigned area of responsibility to the Board on matters of VTA policy and shall have additional duties as assigned by the Board. No advisory board or committee shall have independent duties or authority to take actions that bind the Board, except for the Citizens Advisory Committee when acting in its capacity as the Citizens Watchdog Committee as specified in the 2000 Measure A Transit Sales Tax ballot. It shall be the members' responsibility to keep their respective appointing jurisdiction or stakeholder group informed of key issues, facilitate communication between those agencies and VTA, and to help build the consensus necessary to make policy decisions.

(Amended Resolution 04.12.22, §3, 12/9/04.)

Sec. 4-3. Bylaws.

Each advisory board and committee shall adopt bylaws, which shall be approved by the Governance & Audit Committee,~~Board,~~ for the conduct of its business. The adopted and approved bylaws shall govern the proceedings of the board or committee to the extent they are not inconsistent with this Code or law. Bylaws may be amended by the respective committee by the affirmative vote of a majority of its total authorized membership and with the approval of the Governance & Audit Committee.~~Board of Directors.~~

The ~~Board~~ Governance & Audit Committee may also impose changes to advisory board and committee bylaws it deems to be in the best interest of VTA and the public it serves.

(*Amended Resolution 04.03.02, §4, 3/4/04.)*

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Sec. 4-4. Staff support; expenses.

Agendas, public noticing, minutes and other staff services shall be furnished to advisory boards and committees as directed by the General Manager and in compliance with the Ralph M. Brown Act (commencing with Section 54950 of the Government Code). Except for the Citizens Advisory Committee when acting in its capacity as the Citizens Watchdog Committee as specified in the 2000 Measure A Transit Sales Tax ballot, no expenditures or requisitions for services and supplies shall be made by advisory boards and committees. No individual member of an advisory board or committee shall be entitled to reimbursement for travel or other expenses except as authorized by the Board Chairperson or the General Manager.

(*Amended Resolution 97.03.5, §4, 3/6/97; Amended Resolution 04.12.22, §3, §4, 12/9/04.)*

Sec. 4-5. Election of chairperson and vice chairperson.

Each advisory board and committee shall elect from its voting membership a chairperson to preside at all meetings and a vice chairperson, who, in the event of the chairperson's absence or inability to act, shall serve as chairperson. Ex-Officio and alternate members are not eligible to serve in these positions.

(*Amended Resolution 97.03.5, §5, 3/6/97; Amended Resolution 04.03.02, §4, 3/4/04.)*

Sec. 4-6. Reimbursement for Expenses to Travel to and from Board and Committee Meetings.

VTA shall reimburse to each advisory board and advisory committee member, upon request thereof, the actual cost of travel to and from a scheduled advisory board or committee or subcommittee meeting. Cost of travel consists of actual fare paid if by public transportation or paratransit, and current IRS mileage rate if by automobile.

(*Added Resolution 01.04.24, 4/5/01; Amended Resolution 04.03.02, §4, 3/4/04.)*

Secs. 4-7 - 4-15. Reserved.

Article II

Meetings

Sec. 4-16. Meetings.

Unless otherwise provided, each advisory board and committee shall generally meet at least once per quarter. The general times and locations of its regular meetings shall be ~~established~~ indicated in its bylaws and the specific date and time of meetings for the year shall be determined by the respective committee, in consultation with the General Manager and Board Secretary, at the first meeting of each year. All meetings shall be called, noticed and conducted in accordance with the applicable provisions of the Ralph M. Brown Act. (commencing with Section 54950 of the Government Code). The General Manager and General Counsel shall be given notice of all advisory board and committee meetings.

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Sec. 4-17. Quorum; vote; committee of the whole.

A majority of the total authorized membership of the advisory board or committee constitutes a quorum for the transaction of business, unless the committee or board bylaws provide otherwise. All acts of the body shall require either the affirmative vote of a majority of its total authorized membership, or if the committee or board bylaws so provide, the affirmative vote of the majority of the members present so long as a quorum is present. At any regularly called meeting not held because of the lack of a quorum, the members present may constitute themselves a "committee of the whole" for the purposes of discussing matters on the agenda of interest to the committee members present. The committee of the whole shall automatically cease to exist if a quorum is present at the meeting.

(*Amended Resolution 97.03.5, §6, 3/6/97; Motion, Item #10, 12-12-02; Amended Resolution 07.11.19, §4, 11/1/07.)*

Secs. 4-18 - 4-24. Reserved.

Article III

Advisory Committees

Sec. 4-25. Purpose and Overview.

VTA advisory committees provide the forum for designated stakeholder groups to provide input, diverse perspective and technical expertise to the VTA Board of Directors and administration on proposed changes to VTA policy or priorities that potentially impact transit service and transportation projects throughout the county.

Sec. 4-26. Policy Advisory Committee.

(a) Membership. A Policy Advisory Committee is established consisting of sixteen members and their alternates, who are elected officials, as follows: one governing board member from each Member Agency governing board and an alternate for each member, who also shall be a governing board member, shall be appointed by their respective governing board for a two-year term. The alternate representing the County Board of Supervisors may be selected from a Member Agency city council. If a member or an alternate ceases to hold office on the governing board from which he or she was appointed, the appointing body shall appoint another member or alternate for the remainder of the term. No Director shall be appointed to serve on the committee, although alternate Board members may be appointed to the committee. Committee bylaws may establish further restrictions on qualifications for membership.

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(b) Duties. It shall be the duty of the committee to advise the Board on:

1) Policy issues referred to the committee by either the Board or the General Manager
2) The countywide transportation plan (Valley Transportation Plan), the Short-Range Transit Plan (SRTP), development of the annual or biennial budget, and fare and service modifications.

The Committee may also advise the Board of Directors with respect to any policy matter the members determine to be relevant to their Member Agency or to VTA.

(*Amended Motion 6/5/03; Amended Resolution 04.12.22, §3, 12/9/04; Amended Resolution 05.03.03, §2, 3/30/05.)*

Sec. 4-27. Technical Advisory Committee.

(a) Membership. A Technical Advisory Committee is established consisting of one staff member from each Member Agency. One member and one alternate shall be appointed by the highest executive officer (e.g., city manager, county executive, town manager, etc.,) of each Member Agency and shall serve at the pleasure of the represented agency. In addition, the California Department of Transportation (Caltrans), Metropolitan Transportation Commission (MTC), and the Santa Clara Valley Water District may each appoint one ex-officio member and one alternate, who shall not be counted for purposes of establishing a quorum and who shall have no voting rights. Committee bylaws may establish further restrictions on qualifications for membership.

(b) Duties. It shall be the duty of the committee to advise the Board on major policy and technical issues related to VTA projects and programs which are referred to the committee either by the Board or the General Manager in consultation with the Chairperson or which are raised by the committee upon its own initiative.

(Amended Resolution 04.03.02, §4, 3/4/04; Amended Resolution 04.12.22, §3, 12/9/04; Amended Resolution 2010.06.11, 6/3/10.)

Sec. 4-28. Citizens Advisory Committee.

(a) Membership. A Citizens Advisory Committee is established consisting of seventeen members appointed in accordance with subsection (b), as follows: six citizens at large from the city and County groupings, six citizens representing certain specified community interests, and five citizens representing certain specified business and labor groups. All members shall be residents of Santa Clara County during their term. No member of the Board of Directors or alternate, Policy Advisory Committee member or alternate, or other elected official shall serve on the committee. Committee members may not be an employee of a Member Agency they represent. Each member shall be appointed for a continuous term, serving until resignation or replacement by their appointing organization or the Board of Directors. The Board of Directors shall ratify the appointments of all members of the

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committee. The committee shall have no alternate members. Committee bylaws may establish further restrictions on qualifications for membership.

(b) Appointments. Members shall be appointed as follows, with effort made to reflect the ethnic, gender, and geographic diversity of the county:

(1) City and County Groupings

a. Two from Group 1:

San Jose

b. One from Group 2:

Los Altos
Los Altos Hills
Mountain View
Palo Alto
Santa Clara
Sunnyvale

c. One from Group 3:

Campbell
Cupertino
Los Gatos
Monte Sereno
Saratoga

d. One from Group 4:

Gilroy
Milpitas
Morgan Hill

e. One from the County of Santa Clara:

(2) Community Interests

a. Three citizens representing the following community interests, appointed by the Administration & Finance Committee from nominations submitted by advocacy groups or received at large, one for each category:

Disabled persons
Environmentalists
Mass transit users

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b. One each by the following stakeholder groups:

Representing	Appointed by
Senior citizens	Sourcewise

c. Two by VTA advisory committees, one by each committee from its current membership:

Representing	Appointed by
Bicyclists and pedestrians	Bicycle & Pedestrian Advisory Committee
Disabled community	Committee for Transit Accessibility

Each representative must be a member of their appointing committee during their term on the CAC.

(3) Business and Labor Groups

Five citizens representing the following business and labor groups, one appointed by each organization:

Building Owners and Managers Association – Silicon Valley
Homebuilders Association of Northern California
Santa Clara County Chamber of Commerce Coalition
Silicon Valley Leadership Group
South Bay AFL-CIO Labor Council

(c) Duties. It shall be the duty of the committee to advise the Board on policy issues referred to the committee either by the Board or the General Manager in consultation with the Chairperson.

As specified by the 2000 Measure A ballot, the Committee shall also serve as the independent Citizens Watchdog Committee (CWC) for the 2000 Measure A Transit Sales Tax ("2000 Measure A") during its term (April 2006 – March 2036) and perform the duties specified in the Measure A ballot.

As specified in the 2008 Measure D ballot, the 2000 Measure A Citizens Watchdog Committee further shall review and comment on a comprehensive transit program submitted by VTA.

Except when acting in its capacity as the Citizens Watchdog Committee as specified in the 2000 Measure A Transit Sales Tax ballot, the committee shall not have the authority to communicate externally, but all communications by the committee shall be to and through the Board.

(Amended Resolution 04.03.02, §4, 3/4/04; Amended Resolution 04.12.22, §3, §4, 12/9/04; Amended Resolution 06.06.10, 6/1/06; Amended Resolution 2009.10.29, §2, 10/1/09; Amended Resolution 2010.06.11, 6/3/10.)

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Sec. 4-29. Committee for ~~Transit~~ Transportation Mobility & Accessibility

(a) Membership. A Committee for ~~Transit~~ Transportation Mobility & Accessibility is established consisting of ~~twenty-one~~seventeen voting members with prescribed alternates and two ex-officio, non-voting members, as follows:

Voting Members

(1) Seniors/Persons with Disabilities:~~twelve eniors/Persons individuals with Ddisabilities;~~ seven members with two shared alternates~~, one each designated by each member of the Board of Directors;~~ .

(2) Human Service Organizations: ~~and nine members designated Hby human Sservice Organizations~~ seven members with corresponding alternates, one each for seven organizations ~~agencies~~ familiar with public transportation and serving seniors or persons with disabilities.~~ These nine members shall be employees of the designating agency. The Chairperson of the Board of Directors shall, with the advice and consent of the Board of Directors, from time to time designate the agencies that shall be entitled to appoint members, as set forth in the committee bylaws.~~

~~(1)~~(3) Three members from either the Seniors/Persons with Disabilities category, the Human Services Organizations category, or a combination thereof, depending on available qualified applicants and efforts to represent the geographic diversity of the county.

Ex-officio Members

The current contracted paratransit ~~broker~~ provider shall designate an employee thereof to serve as an ex-officio, non-voting member. The Chairperson of the Board of Directors shall designate one member of the VTA Board of Directors to serve as an ex-officio, non-voting member, and that individual may assign a representative to serve in his or her absence.

Committee bylaws may establish further restrictions on qualifications for membership.

(b) Duties. It shall be the duty of the committee to perform the functions of a paratransit coordinating council, and to advise the Board of Directors on matters pertaining to: (1) mobility and accessibility for senior citizens and persons with disabilities; (2) paratransit services in Santa Clara County; ~~and on issues and policies related to~~ (3) accessibility to VTA transit services; ~~facilities, and media,~~ and ~~on~~ (4) state and federal laws related thereto.

(c) Representative to Citizens Advisory Committee. The committee shall appoint one individual from its voting membership to serve as its representative on the Citizens Advisory Committee (CAC). The representative must meet all established CAC membership requirements and be a voting CTA member during their term on the CAC.

(*Added Resolution 01.04.24, 4/5/01; Amended Resolution 04.12.22, §3, 12/9/04; Amended Resolution 2010.06.11, 6/3/10.)*

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Sec. 4-30. Bicycle and Pedestrian Advisory Committee

(a) Membership. A Bicycle and Pedestrian Advisory Committee is established consisting of sixteen members who are bicyclists or pedestrians, and who either live or work in Santa Clara County. Each Member Agency shall appoint one member. In addition, the Silicon Valley Bicycle Coalition (SVBC) may appoint one ex-officio member and one alternate, who shall not be counted for purposes of establishing a quorum and who shall have no voting rights. Committee bylaws may establish further restrictions on qualifications for membership.

(b) Duties. It shall be the duty of the committee to advise the Board and to make recommendations regarding funding priorities for bicycle and pedestrian projects in the county; review and provide comments to VTA staff regarding plans and designs for an effective countywide bikeway and pedestrian system, updates of the Countywide Bicycle Plan and Countywide Bicycle Map, bicycle and pedestrian element of the countywide transportation plan, and bicycle-related issues affecting the transit system. It shall also coordinate with bicycle and pedestrian advisory committees of other agencies on multi-jurisdictional bicycle and pedestrian issues and serve as the countywide bicycle and pedestrian advisory committee for the County Santa Clara.

(c) Representative to Citizens Advisory Committee. The committee shall appoint one individual from its voting membership to serve as its representative on the Citizens Advisory Committee (CAC). The representative must meet all established CAC membership requirements and be a voting BPAC member during their term on the CAC.

(Added Resolution 01.04.24, 4/5/01; Amended Motion 6/5/03; Amended Resolution 04.03.02, §4, 3/4/04; Amended Resolution 07.03.05, §4, 3/1/07; Amended Resolution 2010.06.11, 6/3/10.)

Article IV

Policy Advisory Boards

Sec. 4-31. Purpose and Overview.

VTA policy advisory boards (PABs) are established by the Board of Directors for each ~~rapid~~ major transit and highway corridor under study by VTA. They provide input, perspective and recommendations to the VTA Board of Directors and administration. The purpose of the PABs is to ensure that the local jurisdictions most affected by major transportation capital improvement projects are involved and have a voice in guiding the planning, development and design ~~and construction~~ of those projects.

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Sec. 4-32. Membership.

Each PAB shall consist of:

(1) two (2) VTA Board members and their alternates (as defined in Sec. 2-13);
(2) governing board members and their respective alternates from jurisdictions within or nearby the affected transportation corridor; and
(3) ex-officio members consisting of other local officials, dignitaries or experts deemed to have valuable insight, perspective or contribution to the process.

The number of governing board and ex-officio members will be determined for each specific PAB based on its unique location, factors and conditions and be specified in the respective PAB's bylaws.

If a member or an alternate ceases to hold office on the governing board from which he or she was appointed, the appointing body shall appoint another member or alternate for the remainder of the term.

The Governance & Audit Committee~~Board of Directors~~ shall ratify all appointments by external bodies to VTA PABs.

Sec. 4-33. Alternates.

If a PAB member is absent from all or a portion of a meeting, the alternate shall be seated in that member's seat and vote in the place of the absent member. An alternate shall be counted as part of the PAB's quorum only when seated in the place of an absent member. When not serving in place of the absent member, the alternate is a member of the public and accordingly shall sit with the audience and follow the procedures for the public to address the board.

Sec. 4-34. Specific duties.

The specific duties for each PAB shall be established in its bylaws based on the respective project's unique purpose, geographical location, factors and conditions.

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Chapter 5

OFFICERS

Sec. 5-1. Generally.

The officers of VTA shall consist of: the members of the Board of Directors; the Chairperson and Vice Chairperson, each of whom shall be a member of the Board of Directors; a General Manager and General Counsel, both of whom shall be appointed by and serve at the pleasure of the Board; a Secretary appointed by the General Manager; a Chief Financial Officer, appointed by the General Manager; and such other officers as the Board may provide for.

(*Amended Resolution 97.03.5, §7, 3/6/97; Amended Resolution 97.11.27, 11/6/97.)*

Sec. 5-2. Powers and duties of the General Manager.

The powers and duties of the General Manager are:

(a) To head the administrative branch of VTA and to be responsible to the Board of Directors for the proper administration of all affairs of VTA.

(b) To appoint, supervise, suspend or remove VTA officers and employees other than the members of the Board and officers appointed by the Board.

(c) To supervise and direct the preparation of the annual (or biennial) budget for the Board and be responsible for its administration after its adoption, except as provided in section 6-2.

(d) To prepare and submit to the Board as soon as practicable after the end of each fiscal year a complete report of the finances and administrative activities of VTA for the preceding year.

(e) To prepare the congestion management plan for approval by the Board and administer the congestion management program for the county as provided in the Joint Powers Agreement for the Administration of the Santa Clara County Congestion Management Program, dated December 1, 1994, as most recently amended.

(f) To prepare the countywide transportation plan for approval by the Board.

(g) To formulate and present to the Board plans for transit facilities and other capital projects and the means to finance them.

(h) To supervise the planning, acquisition, construction, maintenance and operation of the transit facilities of VTA.

(i) To attend all meetings of the Board.

(j) To administer the personnel system and employee relations of VTA and to establish the positions and staff levels and fix the compensation of employees appointed by or under the authority of the General Manager within the limits of VTA's budget.

(k) To direct the preparation and administration of contracts for goods and services and to serve as VTA's purchasing agent.

(l) To execute grant applications, certifications and other documents to apply for funding for VTA and, when authorized by the Board, to execute agreements for such funding.

(m) To direct the development of self-retention limits, self-insured liability reserves and appropriate insurance coverage and programs.

(~~m~~n) To perform such other and additional duties as the Board may require.

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(Amended Ord. No. 95.1 § 1, 5/4/95.)

Sec. 5-3. General Manager - real property powers and duties.

The General Manager ~~shall~~ has the authority to accept deeds, easements and other conveyances, as well as execute documents for such transactions, on behalf of VTA; execute and bind VTA to real property license agreements, permits ~~and~~, certifications, and purchase and sales agreements for real property and real property rights valued at under $500,000; and, when authorized by the Board, execute real property purchase and possession and use agreements incident to the exercise of eminent domain power by VTA.

Sec. 5-4. *(Deleted Resolution 97.11.27, 11/6/97.)*

Sec. 5-5. General Manager - grant agreements.

The General Manager is authorized to execute grant agreements for amounts not to exceed $5,000,000 for projects and programs which are identified and included in VTA's current budget.

(*Amended Resolution 97.03.5, §8, 3/6/97.)*

Sec. 5-6. Powers and duties of the Chief Financial Officer.

The powers and duties of the Chief Financial Officer are:

(a) To manage the general accounting, grant accounting and property accounting functions of VTA.
(b) To take custody and manage the banking and investment of VTA funds.
(c) To manage the fare collection process.
(d) To manage the issuance of disbursement payments.
(e) To manage the financial management of VTA's Pension and Other Post Employment Benefit Programs.
(f) To manage the annual or biennial budget process.
(g) To manage the debt financing program.
(h) To prepare monthly and annual financial statements and reports.
(i) To perform such other duties and functions required by VTA's enabling act and this Code.
(j) To perform such other duties and functions that state law requires to be performed by the controller or treasurer of VTA.
(k) To perform such other duties and functions assigned by the General Manager.

(*Amended Resolution 97.11.27, 11/6/97.)*

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Chapter 6

GENERAL COUNSEL

Sec. 6-1. Powers and duties of the General Counsel.

The powers and duties of the General Counsel are:

(a) To advise the Board of Directors and its standing committees in all legal matters pertaining to VTA.
(b) To perform all legal services for VTA as directed by the Board.
(c) To attend all meetings of the Board.
(d) To draw resolutions, ordinances and contracts.
(e) To represent VTA as its legal representative in all matters, actions or proceedings in which VTA is a party or is interested.
(f) To prepare legal opinion letters.
(g) To authorize the VTA to instigate or participate in litigation for the following matters: (1) litigation previously approved by the Board; (2) matters in which the VTA seeks to collect funds due; (3) unlawful detainer actions; (4) litigation in the form of a cross-complaint or cross-claim against parties who have already instigated litigation against the VTA; or (5) matters in which litigation is necessary to meet a statutory, court or other deadline in order to preserve the VTA's interests.
(h) To issue subpoenas for the attendance of witnesses, to compel their attendance and testimony, to administer oaths and affirmations, to take evidence, and to issue subpoenas for the production of any papers, books, accounts, records, documents or other items that may be relevant to an investigation, enforcement action or prosecution of any alleged violations of this Administrative Code or Board Ordinances.
(i) To keep a record of closed session proceedings at all Board and standing committee meetings.
(j) To waive potential legal conflicts of outside attorneys representing the VTA.
(k) To perform such other duties as the Board may prescribe.

Sec. 6-2. Budget submittal; employees.

As part of VTA's comprehensive budget, the General Counsel shall prepare and recommend to the Board an annual (or biennial) budget for the General Counsel's office in accordance with the procedures established in this Code and the financial policies adopted by the Board. The General Counsel shall have the authority to establish the positions and staff levels and appoint and remove all employees in the General Counsel's office and fix their compensation within the limits of the General Counsel's budget.

(Amended Ord. No. 95.1, §2, 5/4/95.)

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Sec. 6-3. Requests for opinions to be written.

If requested by the General Counsel, requests for opinions of the General Counsel shall be in writing.

Sec. 6-4. Use of outside counsel.

The General Counsel shall act as the legal officer of VTA and no division, department or office of VTA shall employ or consult any outside counsel with respect to VTA affairs except with the consent of and through the General Counsel, unless authorized by the Board.

Sec. 6-5. Transmittal of papers in actions involving VTA.

It shall be the duty of the head of each division, department and office of VTA to transmit to the General Counsel, immediately, any and all pleadings or papers served in any action or proceeding involving VTA or such official in his or her official capacity.

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Chapter 7

PERSONNEL SYSTEM

Sec. 7-1. Merit principle.

Except as otherwise provided in this Chapter, all appointments to and promotions within the administrative service of VTA shall be based upon merit and fitness which shall be ascertained by means of recognized personnel selection techniques. The service of VTA shall be divided into the Unclassified and Classified Service. Appointments and promotions in the Classified Service of VTA shall be made from eligible lists to be established by examination in accordance with personnel policies and procedures adopted in the manner provided in this chapter. Nothing herein shall be deemed to revoke the "at will" status of all positions at the Deputy Director level and above, and all positions reporting directly to the General Manager and the General Counsel, as set forth in VTA Resolution No. 99.01.01.

Sec. 7-2. Unclassified and Classified Service.

(a) The Unclassified Service shall comprise the following officers and positions:

(1) All members of the Board of Directors.
(2) General Manager and all positions reporting directly to the General Manager.
(3) General Counsel and all positions reporting directly to the General Counsel.
(4) Division Chiefs/Division Directors/Division Deputy Directors.
(5) Persons employed for a temporary or limited duration, as specified by the General Manager.

(b) The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service.

Sec. 7-3. Persons not part of VTA service.

The service of VTA shall not include:
(a) Members of advisory boards and committees.
(b) Persons employed by contract to render professional, scientific, technical or expert advice.
(c) Independent contractors.

Sec. 7-4. Position classification and pay ranges.

The General Manager, with the advice of the Director of Business Services, shall establish a position classification plan and pay ranges of all positions in VTA. The pay ranges shall include a minimum and maximum and such intermediate steps or a midpoint as may be deemed desirable for each class of positions.

(Amended Ord. No. 95.1, § 3, 5/4/95; Amended Ord. No. 95.4, § 1, 6/29/95.)

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Sec. 7-5. Personnel policies and procedures.

The General Manager, through the Director of Business Services, shall administer the personnel system of VTA and, except as otherwise required by law, shall have the authority to adopt and implement specific policies and procedures to govern the following phases of the personnel system:

(1) The preparation, installation, revision, and maintenance of a classification plan and salary schedules covering all positions in VTA classified service.

(2) The formulation of minimum standards and qualifications for each class of position in the classified service, together with the salary to be attached to each position.

(3) The posting and announcement of vacancies in the classified service and examinations and the acceptance of applications for employment.

(4) The preparation and conduct of examinations and the establishment and use of employment lists containing names of persons eligible for appointment.

(5) The certification and appointment of persons from employment lists to fill vacancies and the making of temporary and emergency appointments.

(6) The evaluation of employees.

(7) The transfer, promotion, demotion and reinstatement of employees in the classified service.

(8) The separation from VTA service of employees through layoff, suspension, dismissal, and for incapacity to perform required duties.

(9) The standardization of hours of work, payroll practices, attendance and leave regulations, working conditions and the development of employee morale, welfare, training, benefits and services.

(10) The maintenance of necessary personnel records and forms.

(11) Other necessary personnel policies and procedures mandated by federal and state law.

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Chapter 8

EMPLOYEE RELATIONS

Sec. 8-1. Administration of employer-employee relations.

The administration of employer-employee relations in VTA shall be in conformance with Section 100300 et seq. of the Public Utilities Code, and as more specifically established by rules and regulations adopted by the Board upon recommendation by the General Manager.

Chapter 9

PURCHASING AND CONTRACTING

Article I

Purchasing Agent

(Amended Ord. No. 95.3, §2, 5/4/95)

Sec. 9-1. Purchasing agent.

The General Manager shall serve as the purchasing agent for VTA. The General Manager may delegate some or all of the duties and responsibilities of the purchasing agent to others in VTA.

Sec. 9-2. Powers and duties of the purchasing agent.

The powers and duties of the purchasing agent are:

(a) to purchase supplies, materials, equipment or other personal property required by VTA up to the amount of $500,000 per purchase order or contract~~, and to procure services up to the amount of $500,000 per purchase order or contract so long as the services are procured pursuant to sealed bid. Purchase orders or contracts exceeding such limit shall be approved by the Board of Directors.~~ Notwithstanding the foregoing, the purchasing agent may purchase, through sealed bidding, routine or recurring supplies, materials, equipment, other personal property, and services, where such items have been previously budgeted, regardless of amount.

(b) to contract for the services of independent contractors to perform services for VTA or for VTA to provide services to others on at least a fully cost-reimbursable basis, within excess capacity, for a term up to seven years, and for an amount not to exceed $500,000 over the duration of the contract. Contracts exceeding such limits shall be approved by the Board of Directors.

(c) to rent or lease real property or equipment as lessor lessee, for a term not to exceed three years, for a lease or rental amount not to exceed $500,000 per year. Agreements exceeding these limits shall be approved by the Board of Directors.

(d) to contract for the construction of public facilities and works up to $500,000 per contract, provided that all such contracts exceeding ~~$25,000~~$250,000 shall be let to the lowest responsible bidder following receipt of sealed bids.

(e) to execute construction contract notices of completion and acceptances of work pursuant to Civil Code Sections 3082 et seq., and to consent to the substitution of subcontractors and to the voluntary assignment, transfer or performance of subcontracts pursuant to Public Contract Code Section 4107.

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(f) for those contracts entered into by the purchasing agent under the authority set forth in subsections (a), (b), (c) and (d) ~~above~~, and in Section 9-23 that follows, to amend the amount of any such contract up to the limits set forth in those sections plus an amount not to exceed 15% over the limits specified therein. The amount of all amendments to a contract shall be added together to determine the total contract value. Any amendment causing the total contract value to exceed 15% over the limits set forth in subsections (a), (b), (c) or (d) shall require approval by the Board of Directors.

(g) for those contracts approved by the Board of Directors, to amend the amount of the contract by not greater than 15% of the initial value of the contract unless otherwise directed by the Board at the time of award. Any amendment causing the total contract value to exceed 15% of the initial value of the contract shall require approval by the Board of Directors.

(h) for all subsequent amendments, to amend the amount of the contract by not greater than 15% of the value of the last Board approved amendment. Amendments exceeding 15% of the value of the last Board approved amendment shall require approval by the Board of Directors.

(i) for any contract, to amend such contract to extend time and make minor changes within the original scope, or make other additions or changes not involving a change in the total contract value.

(j) to reject any and all bids and re-advertise in his or her discretion.

(Amended Resolution 97.11.27, 11/6/97; Amended Resolution 03.12.20, 12/4/03.)

Sec. 9-3. *(Deleted Resolution 97.11.27, 11/6/97.)*

Sec. 9-4. Persons authorized to requisition.

The purchasing agent shall supply the head of each division and department of VTA the means, whether by approved forms or electronic systems, to requisition property and supplies. Authority to requisition property and supplies is vested with the General Manager and through the General Manager to the heads of the divisions and departments of VTA. This authority may be delegated to other employees of VTA by written authorization of the General Manager.

Sec. 9-4.1. No Bids.

If no responsive and responsible bids are received pursuant to the procedure specified in Secs. 9-21 and 9-27, the purchasing agent or the Board, as the case may be, may authorize the work to be performed through a negotiated contract.

(Amended Resolution 97.11.27, 11/6/97.)

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Sec. 9-5 Report of personal property no longer needed.

Whenever any items of VTA personal property are no longer needed by the division, department or work unit having possession thereof, such fact shall be reported to the purchasing agent.

Sec. 9-6. Acquisition of salvage from purchasing agent.

Whenever a division, department or office of VTA has need for property which has been placed in the purchasing agent's stock for salvage materials and equipment, such division, department or office may acquire the property by submitting a transfer request to the purchasing agent. If approved by the purchasing agent, the transfer shall be made.

Sec. 9-7. Disposition of surplus personal property; proceeds; securing value.

The purchasing agent may, by direct sale or otherwise, sell, lease, or dispose of any personal property belonging to VTA not required for VTA use, subject to any requirements as may be provided by the Board of Directors. No VTA employee may purchase, lease or otherwise acquire such property or interest therein except through public sale or auction or pursuant to sealed bidding. The proceeds of such sale shall be deposited into the VTA treasury. Where personal property is exchanged or traded, the property received shall be of comparable value to the property traded. The proceeds of any sale of Congestion Management Program assets shall be allocated to the accounts for that program.

(Amended Resolution 97.11.27, 11/6/97.)

Sec. 9-8. Advertising proposed sale; decision of purchasing agent.

Upon approval by the Board of Directors or the General Manager to sell or dispose of VTA personal property, the purchasing agent may purchase advertising space and may advertise the proposed sale or other disposition of any VTA personal property pursuant to this chapter in such newspapers, magazines, periodicals or electronic media which, in the purchasing agent's judgment, will best publicize the proposed sale or other disposition to those persons most likely to bid for or purchase the personal property. Within the limits of the order of the Board approving the advertising, the purchasing agent shall decide upon the amount, nature, make-up and content of the advertising.

Sec. 9-9. Sale and leaseback of personal property.

The purchasing agent, with approval of the Board of Directors and after publishing notice of the intended action in accordance with law, may, by direct sale or otherwise, sell to a purchaser any personal property owned or to be owned by VTA, provided the purchaser agrees to lease the equipment back to VTA for use by VTA following the sale. The approval of the Board of Directors of the sale and leaseback shall be given only if the Board finds, by resolution, that the sale and leaseback is the most economical means for providing such personal property to VTA.

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Article II

General

(Amended Resolution 97.11.27, 11/6/97)

Sec. 9-10 Use of Procurements of Other Public Agencies.

The purchasing agent may procure supplies, materials, equipment or services from vendors who have been awarded a contract therefor through a competitive solicitation process conducted by another public agency ("tag-on procurement"), provided that: (1) the procurement done by the public agency included adequate competition to ensure that the price achieved was fair and reasonable; (2) prices comparable to those offered to the awarding agency are secured; and (3) the "tag-on" procurement does not exceed $500,000 or five years' duration.

(Added Resolution 97.11.27, 11/6/97; Amended Resolution 03.12.20, 12/4/03.)

Sec. 9-11 Preference for local firms.

In the procurement of independent contractors to perform services for VTA, local firms shall be given a preference in the selection process, as follows: In a 100 point scoring system, 5 points shall be awarded if at least 50% of the dollar value of services to be rendered will be performed by a local firm, and an additional point shall be awarded for each additional 10% of the dollar value of services to be performed by a local firm, to a maximum point award of 10 points.

For this purpose, local firms are those that currently have their main office or a branch office with meaningful production capability located within Santa Clara County, or those firms who, upon award of the contract by VTA, will establish such a local office. This preference shall not apply when prohibited by law or regulation.

(Added Resolution 98.12.33, 12/10/98.)

Secs. 9-12 - 9-19. Reserved.

Sec 9-20. General Limitations.

The purchasing agent's authority to enter into agreements on behalf of VTA shall be limited by the budget limits established by the Board of Directors for the particular fund or capital project.

(Amended Resolution 97.11.27, 11/6/97.)

Sec. 9-21. Construction.

The construction of all facilities and public works, when the expenditure required exceeds $250,000,~~$25,000,~~ shall be by contract let to the lowest responsible bidder, or otherwise as provided by law. Notice inviting bids shall be published at least once in an appropriate trade publication at least 10 days before bids are received. Emergency contracts shall be procured pursuant to Resolution No. 2016.02.03.

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(Amended Resolution 97.11.27, 11/6/97.)

Sec. 9-22. Reserved.

Sec. 9-23. Cooperative Agreements

The Purchasing Agent may enter into cooperative agreements with public agencies and public utilities in amounts up to $500,000 or, in connection with public works construction projects, with public agencies and public utilities up to ~~$1~~ $2 million ~~in connection with public works construction projects~~, provided the construction project is budgeted and has been previously approved by the Board.

(Deleted Resolution 97.11.27, 11/6/97; Added Resolution 03.12.20, 12/4/03.)

Sec. 9-24. Contract Formation.

All VTA contracts are required to be in writing and shall be approved as to form by the General Counsel or his or her designee prior to execution by the VTA. No contract shall be enforceable against the VTA unless it is in writing and approved as to form by the General Counsel or his or her designee.

Sec. 9-25. *(Deleted Resolution 97.11.27, 11/6/97.)*

Article III

Responsibility of Bidders and Contractors

(Added Resolution 00.06.43X, 6/23/00)

Sec. 9-26 Policy.

It is VTA policy that (1) purchases shall be made from, (2) bids and proposals shall be solicited from, (3) contracts shall be awarded to, and (4) consent shall be given to subcontract with "responsible contractors" only.

Sec. 9-27 Definition of "Responsible Contractor."

As used in this article, the term "contractor" includes bidders, proposers, suppliers, consultants, and subcontractors. To be deemed "responsible," a contractor must be eligible to receive an award under applicable laws and regulations and have:

(a) The capacity to deliver the required product or to perform the proposed work, including--

(i) Sufficient financial resources;
(ii) The necessary organization and management, experience, accounting and operational controls, and technical skills; and

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(iii) The necessary production, construction, and technical equipment and facilities.

(b) A satisfactory performance record with VTA or other public or private entities; and

(c) A satisfactory record of trustworthiness, integrity, honesty, and business ethics.

A contractor's responsibility shall be determined at the time of award and may be based upon information that is outside of the contractor's bid, offer, or proposal.

Sec. 9-28 Conduct Required of Responsible Contractors.

(a) The purchasing agent shall ensure that contractors are informed that they shall at all times deal in good faith and truthfully with VTA, and that they shall submit documentation to VTA, including reports, claims, requests for change orders, equitable adjustments, contract modifications, or requests of any kind seeking increased compensation or decreases of an obligation on a VTA contract, only in good faith, and upon an honest evaluation of the underlying circumstances and an honest calculation of any amount being sought. The purchasing agent shall inform contractors that a violation of this standard of conduct will subject the contractor to being deemed "nonresponsible" and potentially ineligible for future contracts with VTA, regardless of whether VTA relied on or responded to the submission.

Sec. 9-29 Debarment and Suspension of Non-responsible Contractors.

(a) In order to effectuate VTA's policy to contract only with responsible contractors, the purchasing agent may initiate debarment or suspension proceedings.

(b) "Debarment" is the exclusion of a contractor from VTA contracting for a reasonable, specified period, not to exceed five (5) years.

(c) "Suspension" is a temporary disqualification of a contractor from VTA contracting pending an investigation.

(d) Debarred or suspended contractors may not receive VTA contracts, and VTA personnel may not makes purchases from, solicit offers from, award contracts to, or consent to subcontracting with these contractors.

Sec. 9-30 Causes for Debarment.

The Board may debar a contractor for any of the following--

(a) Conviction of, or civil judgment by, a Federal or State court for:

(i) Commission of fraud or a criminal offense in connection with (i) obtaining, (ii) attempting to obtain, or (iii) performing a public contract or subcontract;

(ii) Violation of Federal or State antitrust statutes relating to the submission of offers;

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(iii) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, making false claims, tax evasion, or receiving stolen property;

(iv) Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of the contractor.

(b) When it is determined, based upon a preponderance of the evidence, that the contractor concerned:

(i) Violated the terms of a VTA contract or a subcontract so seriously as to affect the integrity of a VTA program, such as by:

(A) The willful failure to perform in accordance with the terms of a VTA contract;

or

(B) A history of failure to perform in accordance with the terms of one or more contracts; or

(ii) Submitted a false claim or engaged in any other conduct indicating a lack of trustworthiness, integrity, honesty, or business ethics that seriously and directly affects the present responsibility of the contractor.

(iii) Engaged in any other conduct of so serious or compelling a nature that it affects the present responsibility of the contractor.

Sec. 9-31 Debarment; Notice; Hearing; Procedures.

Before a contractor may be debarred from contracting with VTA, VTA shall provide the contractor written notice of the cause or causes for the proposed debarment, and of all evidence supporting the proposed action. The contractor shall be entitled to a public hearing on the proposed debarment and to reasonable notice of the time and place thereof. Implementation of this section shall be pursuant to procedures adopted by the purchasing agent.

Sec. 9-32 Causes for Suspension.

The purchasing agent may suspend a contractor, upon adequate evidence:

(a) To suspect the commission of an offense listed in Section 9-30(a)(i), (ii), (iii) or (iv); or

(b) That a cause for debarment under Section 9-30 may exist.

Indictment by Federal or State authorities shall constitute adequate evidence for suspension.

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Sec. 9-33 Suspension; Notice; Hearing; Procedures.

Before a contractor may be suspended from contracting with VTA, VTA shall provide the contractor written notice of the cause or causes for the proposed suspension, and of all evidence supporting the proposed action. The contractor shall be entitled to a public hearing on the proposed suspension and to reasonable notice of the time and place thereof. Implementation of this section shall be pursuant to procedures adopted by the purchasing agent.

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Chapter 10

CONGESTION MANAGEMENT PROGRAM

Sec. 10-1. Congestion management program to be implemented according to joint powers agreement.

The congestion management program shall be implemented by VTA in accordance with the Joint Powers Agreement for the Administration of the Santa Clara County Congestion Management Program, dated December 1, 1994, as most recently amended. The joint powers agreement shall govern in the event of any conflict between this Code and the joint powers agreement. The powers, functions and responsibilities of the congestion management program shall be performed by a discrete unit within VTA. This unit shall have a degree of independence commensurate with its unique function of evaluating competing projects and proposals submitted by Member Agencies as well as by other units within VTA. This unit shall be headed by a manager appointed by the General Manager, with the concurrence of the Board of Directors. The functions of the unit shall be substantially comparable to those that existed in the Santa Clara County Congestion Management Agency. The unit shall include positions and related job classifications which are appropriate to and reflect the professional and technical needs of the land use and transportation planning and programming functions of the Santa Clara County Congestion Management Agency.

Sec. 10-2. Congestion management program annual budget procedures.

(a) Before April 1 of each year, VTA shall provide to each Member Agency a preliminary scope of work and a preliminary budget setting forth all administrative, operational and capital expenses necessary to implement the congestion management program for the fiscal year commencing upon July 1 of that calendar year.

(b) The preliminary budget shall set forth each Member Agency's share of the expenses related to implementation of the congestion management program. These expenses shall be apportioned as fees among the Member Agencies using the same formula used by the Santa Clara County Congestion Management Agency, which is based equally upon each Member Agency's relative share of the County-wide job population and of the County-wide gas tax subventions under Proposition 111.

(c) The congestion management program budget shall be a part of VTA's comprehensive budget and shall be adopted in accordance with the procedures set forth in this Code, except as otherwise provided in the joint powers agreement. The adopted budget shall set forth all administrative, operational and capital expenses for the congestion management program, together with the apportionment of such expenses by levy against each Member Agency to the extent necessary to fund the adopted budget.

(d) VTA shall provide a copy of the adopted budget and final apportionment of costs for implementing the congestion management program to each Member Agency within 30 days after the adoption of the budget.

(e) If the Board of Directors elects to adopt a multi-year budget, the procedures set forth in this section shall apply.

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Sec. 10-3. Member Agency fees.

(a) Member Agency fees shall be levied in accordance with the Joint Powers Agreement for the Administration of the Santa Clara County Congestion Management Program, dated December 1, 1994, as most recently amended. The annual fee shall be due on the date or dates, if the fee is payable in installments, set forth by the Board of Directors. A Member Agency's failure to pay the fee levied against it to VTA within six months after the fee is due shall be deemed to constitute nonconformance with the requirements of the congestion management program, and the Board of Directors shall cause the State Controller to be notified of the Member Agency's nonconformance.

(b) If at the end of the fiscal year the actual expenditures of VTA for implementing the congestion management program are less then the fees actually collected that year from the Member Agencies and the Board decides to retain those surplus fees, VTA shall use those fees as a credit against the annual fees due the following fiscal year. If the Board decides to return those surplus fees, then those fees shall be returned to each Member Agency in the same proportion as collected.

Sec. 10-4 Congestion management program funds and accounts.

(a) The assets and funds transferred from the Santa Clara County Congestion Management Agency to VTA shall become and remain a part of the congestion management program unit within VTA. They shall not be commingled with other assets and funds of VTA, but shall be used only for implementing the congestion management program.

(b) The congestion management program funds shall be placed in a separate fund of VTA and not be commingled with other VTA funds. That fund shall be subject to inspection and audit by VTA's auditors.

(c) In the event of termination of the congestion management program or transfer of the congestion management program to another agency, congestion management agency funds, including any interest earned on deposits remaining upon termination or transfer of the congestion management program and after payment of all obligations, shall either be returned to each Member Agency in proportion to the contribution of each Member Agency or transferred to the successor agency as determined by the Board of Directors.

Sec. 10-5. Annual audit.

As part of VTA's annual financial audit, an audit of VTA's congestion management program accounts and records shall be performed by an independent firm of certified public accountants. The minimum requirements of this audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code and the audit shall conform to generally accepted auditing standards. Audit reports shall be made available to the Member Agencies upon request.

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Chapter 11

FISCAL MANAGEMENT

Sec. 11-1. Fiscal year.

VTA's fiscal year shall be from July 1 through June 30.

Sec. 11-2. Budgets.

(a) Adoption of the annual budget. No later than May 15, the General Manager shall present a recommended annual or biennial budget for the upcoming fiscal year(s) to the Board of Directors and provide a copy to each city manager in the county and the County Executive. The proposed budget, containing appropriations for both operations and capital, shall be reviewed by the Board's Administration and Finance Committee, and submitted to the Board for adoption before July 1. The adopted budget shall be appropriated at the fund level and controlled at the fund, budget type and budget unit levels.

(b) Amendment of the budget. Any amendment to the adopted budget which provides for a net increase in authorized appropriations to any fund (including an allocation from reserves) shall require an affirmative vote by at least eight Directors. However, during any fiscal year, the General Manager may authorize a reallocation of appropriations between budget types and budget units within the same fund.

(c) Employee compensation. The recommended budget shall include a list of all employee position classifications and pay ranges and the funds budgeted for wages, salaries and employee benefits for the coming fiscal year(s).

(Amended Ord. No. 95.1, § 4, 5/4/95; Amended Ord. No. 95.4, § 2, 6/29/95; Amended Resolution 97.03.5, §7, 3/6/97.)

(d) Biennial Budgets. Notwithstanding the above provisions for an annual budget, the General Manager may propose and the Board may adopt a biennial (two-year) budget. This biennial budget may be subjected to one general mid-term review by the Board and amended at that time upon the affirmative vote of at least eight Directors. Any other amendments shall follow the procedure outlined in the subsection (b).

Sec. 11-3. Financial plan.

An operating and capital financial plan shall be included in VTA's Short Range Transit Plan (SRTP). The SRTP shall be prepared and adopted by the Board in accordance with the requirements established by the Metropolitan Transportation Commission (MTC). The financial plan shall be updated biennially for review and approval by the Board.

Sec. 11-4. Salary Resolution. *(Repealed Ord. No. 95.4, §3, 6/29/95.)*

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Sec. 11-5. Establishment of fares.

The rates, rentals, charges and classifications of transit service shall be established by the Board, in accordance with an approved process.

Sec. 11-6. Periodic financial reports.

Periodic reports shall be made by the General Manager to the Board showing revenue and expenditure totals year to date in relation to adopted budget categories.

Sect. 11-7. Annual audit.

An independent audit of VTA's finances shall be conducted at the close of each fiscal year by a certified public accountant.

Sec. 11-8. Insurance.

VTA shall insure itself against such risks and in such amounts as may be determined by the Board.

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SANTA CLARA
Valley Transportation Authority

RULES OF PROCEDURE

of the

SANTA CLARA
VALLEY TRANSPORTATION AUTHORITY (VTA)
BOARD OF DIRECTORS

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Adopted March 2, 1995
With modifications through: January 1, 2015

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Introduction

These Rules of Procedure govern the conduct of meetings of the Santa Clara Valley Transportation Authority (VTA) Board of Directors and its standing committees.

They are established by and derive from the Santa Clara Valley Transportation Authority Administrative Code and must be consistent with that Code and law, including the Ralph M. Brown Act. They serve as a focused and in-depth subset of the Administrative Code that defines and governs the structure and process for these meetings. The Board Rules of Procedure are established and amended by resolution of the Board of Directors.

Whereas the Administrative Code addresses the governance, administrative and financial structure of VTA, the Rules of Procedure solely focus on the conduct of VTA Board and standing committee meetings, serving, in effect, as the bylaws for those meetings.

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Quick Reference Guide

A. **Regular Meetings** – VTA Board of Directors' regular meetings are generally held the first Thursday of each month at 5:30 p.m. (except December) in the County of Santa Clara Board of Supervisors Chambers, 70 West Hedding Street, San José. (§1.1)

B. **Workshop Meetings** – meetings in which the agenda contains primarily informational items, and serve to provide dedicated time for Board members to receive large amounts of information and study one or more topics in depth. (§1.1.1)

C. **Quorum & Voting** – a quorum, which is a majority (seven (7)) of the members of the Board, is required for the transaction of business. The concurrence of seven (7) members is required to pass an item, unless a higher number is required by law. (§1.6)

D. **Meetings Open to the Public** – all meetings of the VTA Board of Directors and its standing committees are open to the public unless the subject matter is proper for closed session. (§1.8)

E. **Closed Sessions** – may be held during a regular, workshop or special meeting only on those matters which the Ralph M. Brown Act and court decisions recognize as proper. (§1.9)

F. **Attendance at Board Meetings** – all Board members and alternates are expected to regularly attend all Board meetings. The General Manager, the General Counsel, the Board Secretary, and the Sergeant at Arms (or a designated representative of each) are required to attend all Board meetings. (§§ 1.10, 2.4 and §3.4)

G. **Chairperson & Vice Chairperson Elections and Term of Office** – the Board elects these positions annually from its voting membership for a one-year term according to a prescribed rotational series. Elections are generally conducted the last meeting of the calendar year. (§2.3)

H. **Chairperson Responsibilities** – preside and preserve order at all VTA Board meetings as well as other duties prescribed in VTA's Administrative Code, the Board Rules of Procedure, and by law. The Vice Chairperson performs the duties of the Chairperson when that individual is absent. (§2.2)

I. **Removal from Board Meeting** – the Chairperson may order any person removed from the Board meeting whose conduct is deemed indecorous or disruptive as prescribed. (§3.2)

J. **Duties of the Board Secretary** – generate meeting agendas, record all proceedings as required by law (no minutes are maintained of closed sessions), and prepare a brief summary of the proceedings that are distributed to Board members, posted to VTA's website, and made available to the public. (§2.4)

K. **Board Meeting Order of Business** – regular Board meetings generally follow a prescribed order of business that includes Approval of the Consent Calendar as part of Orders of the Day early in the meeting. This order of business may be changed during Orders of the Day upon Board approval. (§4.1)

L. **Public Presentations** -- members of the public wishing to address the Board on matters not on the agenda but within VTA's jurisdiction are provided two (2) minutes during the meeting during "Public Presentations" with which to do so. (§4.3)

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M. **Consent Calendar** – consists of matters that are either: (A) routine in nature; (B) no staff comment is needed; or (C) have previously been discussed by the Board or a Standing Committee and appear on the Agenda for final action only. Items on the Consent Calendar (Agenda) are taken as one motion. (§4.4)

N. **Agenda Preparation, Posting and Delivery** -- the written agenda for all Board meetings is posted in a location freely accessible to the public and on VTA's website. Written agendas for regular and workshop meetings are posted at least 72 hours before the meeting is scheduled to begin. (§4.5)

O. **Matters Not Listed On the Agenda Requiring Board Action** – the Board can only consider items listed on the posted agenda except under certain defined conditions. (§4.8)

P. **Public Hearings** – are conducted as part of an open meeting and follow a prescribed order of business. (§5.1)

Q. **Signature, Attestation and Votes** -- ordinances and resolution must: (1) be signed by the presiding officer at the meeting at the time of enactment; (2) be attested by the Board Secretary; (3) be reviewed and approved by the General Counsel for proper form and legality; and (4) the votes must be entered on the face of the ordinance. (§8.4)

R. **Standing Committee Purpose and Duties** -- Standing committees serve to advise the Board and meet, study, and prepare recommendations within their respective assigned areas of responsibility. (§8.5)

S. **Standing Committees Established** – the Board has established five (5) Board Standing Committees (§9.4):

- Administration and Finance Committee
- Congestion Management Program and Planning Committee
- Governance & Audit Committee
- ~~Silicon Valley Rapid Transit (SVRT) Program Working Committee~~ Capital Projects Oversight Committee
- Transit Planning & Operations Committee

T. **Standing Committee Appointment; Vice Chairperson** -- the Board Chairperson ~~Governance & Audit Committee~~ nominates and at the first meeting of the calendar year the Board approves the members and chairperson for all Standing Committees. Each committee has four members except for (A) Governance & Audit and (B) Capital Project Oversight Committee, which have~~has~~ five. All members are appointed for a one-year term. At the first meeting of the calendar year, each Standing Committee except for Governance & Audit elects from its membership a vice chairperson. (§9.1.1)

U. **Rules of Procedure Adoption and Amendment** – adoption and amendment are by Board resolution. For efficiency, the General Manager, in consultation with the General Counsel and Board Secretary, can make minor, non-substantive corrections and adjustments to reflect ongoing Board-adopted practice. The Rules of Procedure must conform to law and be consistent with the VTA Administrative Code and must be reviewed at least every five (5) years and revised by the Board of Directors as necessary. (§10.1)

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RULES OF PROCEDURE
of the
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA)
BOARD OF DIRECTORS

Article I
BOARD MEETINGS

§1.1 Regular Meetings

The regular meetings of the Santa Clara Valley Transportation Authority (VTA) Board of Directors shall generally be held on the first Thursday of each month at 5:30 p.m. The time and location of regular meetings of the Board shall be established by the Board at its first meeting of the calendar year, taking into consideration the recommendations of the General Manager and Board Secretary. Open sessions shall generally be held in the County of Santa Clara Board of Supervisors Chambers, County Administration Building, 70 West Hedding Street, San Jose, California, unless otherwise directed by the Board and/or noticed by the Board Secretary in compliance with the Brown Act. Closed sessions will be held in locations designated by the Chairperson of the Board but shall be as proximal to the site of the regular meeting as is feasible. Whenever a regular meeting falls on a legal holiday, that meeting shall be held on the same day of the following week. If, for any other reason, the Board decides to change the date or time of a regular meeting, that meeting may be designated by the Board as its regular meeting. If not designated a regular meeting, any meeting other than the next regularly scheduled meeting shall be called and noticed as a special meeting or a workshop meeting. Legal holiday, as used above, shall mean those days defined as legal holidays in Government Code Sections 6700 and 6701.

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§1.1.1 Workshop Meetings

Workshop meetings may be called at any time by the Chairperson, or by a majority of the members of the Board, in consultation with the General Manager and Board Secretary. Workshops are meetings in which the agenda contains primarily informational items, and are intended to provide dedicated time for Board members to receive large amounts of information and study one or more topics in depth.

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§1.2 Special Meetings

A special meeting may be called at any time by the Chairperson of the Board, or by a majority of the members of the Board, by delivering written notice to each member of the Board and to each local newspaper of general circulation and radio or television station requesting notice in writing, and posting a notice on the VTA's website. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice, except for emergency meetings called pursuant to Government Code Section 54956.5. The call and notice shall specify the time and location of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who is actually present at the meeting at the time it convenes.

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§1.3 Adjournment of Meeting

The Board may adjourn any regular, adjourned regular, special or adjourned special meeting, workshop or adjourned workshop meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn the aforementioned meeting. Notice of adjournment of a duly called special meeting at which less than a quorum is present shall be given in the same manner as notice of the original meeting. If all members are absent from any regular or adjourned regular meeting, the Board Secretary may declare the meeting adjourned to a stated time and place and he or she shall cause a written notice of the adjournment to be given in the same manner as provided herein for special meetings. In the case of all adjournments, a copy of the order or notice of adjournment shall be conspicuously posted on the door to the meeting room within 24 hours after the time of the adjournment. When an order of adjournment of any meeting fails to state the time at which the adjourned meeting is to be held, it shall be held at the time specified for regular meetings. (Government Code Section 54955.)

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§1.4 Taking the Chair

The Chairperson, or in the absence of the Chairperson, the Vice Chairperson, shall take the chair and call the Board to order. In the absence of the Chairperson and Vice Chairperson, the Board Secretary shall call the meeting to order, whereupon the members present, by an order entered in the minutes and via nominations from the floor either for another member or themselves, shall select one member to act as Chairperson Pro Tem by virtue of a majority of the members present. The Chairperson Pro Tem, while so acting, shall have all of the authority of the Chairperson. Upon the arrival of the Chairperson or Vice Chairperson, the Chairperson Pro Tem shall relinquish the chair upon the conclusion of the item of business immediately before the Board. Notwithstanding the foregoing, where the presiding Chairperson or Vice Chairperson is called from the chair for a short period during a meeting to which he or she will return, he or she may appoint a member of the Board to preside until his or her return without interrupting the proceeding for the purpose of electing a Chairperson Pro Tem.

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§1.5 Roll Call

Before proceeding with the business of VTA, the roll of the members shall be called by the Board Secretary or designee in alphabetical order, except for the Chairperson, who is called last, and the names of those present shall be entered in the minutes. Any person not present will be recognized in the minutes as absent or as entering late.

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§1.6 Quorum; Voting

A majority of the members of the Board shall constitute a quorum for the transaction of business. Should a quorum not be present at any regular, special or workshop meeting, the members present may constitute themselves a "committee of the whole" for the purpose of discussing matters on the agenda of interest to the Board members present. The committee of the whole shall automatically cease to exist if a quorum becomes present at the meeting.

No act of the Board shall be valid unless at least seven (7) members concur therein (Public Utilities Code Section 100062.), unless a higher number is required by law as determined by the VTA General Counsel. Items requiring the concurrence of more than seven (7) members for approval (i.e., budget adoption/amendment; Resolutions of Necessity; etc.) shall be so indicated on both the agenda and any Board memorandum.

The vote taken upon an action item shall be "ayes" and "noes" by roll call and so recorded. Each member shall be in his or her assigned seat in order to vote.

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§1.7 Approval of Minutes

The minutes may be approved without reading unless such reading is requested by a Board member. A copy of the approved minutes of each meeting shall be inserted in VTA's Minute Book.

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§1.8 Meetings to Be Open to the Public

All meetings of the Board of Directors and its standing committees shall be open to the public unless the subject matter is a proper one for closed session. All meetings shall be called, noticed, and conducted in accordance with the applicable provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code).

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§1.9 Closed Sessions

Closed sessions shall be held during a regular, workshop or special meeting only on those matters which the Ralph M. Brown Act and court decisions recognize as proper to be held in closed session.

Closed sessions will ordinarily be held as part of a regular Board meeting. When a closed session item is called, the Chairperson shall announce that the Board will recess to a designated location for that portion of the meeting. The open meeting shall resume at its original location following the closed session. The General Counsel or other person designated by the Chairperson shall announce any actions taken by the Board in closed session as required by law. The General Counsel or his or her designee shall keep a record of closed session proceedings.

When a closed session is called as part of a workshop or special meeting, the notice shall specify the time and place of the workshop or special meeting, the business to be transacted, and such disclosure as is required under the Ralph M. Brown Act.

Where the closed session has been called to discuss specific complaints or charges against a VTA employee, the employee involved shall be given at least 24-hours written notice of the nature of the session and his or her right to have the matter heard in open session.

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§1.10 Attendance at Board Meetings; Alternates

The General Manager, the General Counsel, the Board Secretary, and the Sergeant at Arms, or a representative designated by each, shall attend all regular, workshop and special meetings of the Board. Each Board member shall attend the Board meeting or, if necessarily absent, shall designate another Board member to present the matter.

Board alternates shall regularly attend Board meetings. If a Board member represented by an alternate is absent from all or a portion of a Board meeting, the alternate shall be seated in that Board member's seat and vote in the place of the absent member. Each alternate shall have only one vote even though the alternate may be entitled to represent more than one absent Board member.

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Article II
OFFICERS

§2.1 Chairperson

The Chairperson, or in his or her absence, the Vice Chairperson or Chairperson Pro Tem presiding at the meeting, shall not be deprived of the rights or privileges of a member by reason of his or her presiding at the meeting and therefore may move, second and debate from the chair, subject only to such limitations of debate as imposed by these Rules of Procedure on all members. In an action to adopt a motion, resolution or ordinance requiring a roll call vote, the officer presiding at the meeting shall vote after all other members present have cast their vote.

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§2.2 Chairperson Responsibilities

The Chairperson shall preside and preserve order at all regular meetings, workshop meeting, special meetings and hearings of the Board. The Chairperson shall state every question coming before the Board, announce the decision of the Board, and decide all questions of order, subject, however, to an appeal by a fellow member of the Board. The Chairperson shall perform such other duties as prescribed in VTA's Administrative Code and by law. The Vice Chairperson, or in his or her absence, the Chairperson Pro Tem, shall perform the duties of the Chairperson when the Chairperson is absent.

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§2.3 Election of Chairperson and Vice Chairperson; Term of Office

The Chairperson and Vice Chairperson shall be elected annually by the Board from its membership in accordance with the permanent rotational series defined in the VTA Administrative Code. Only Directors, not Alternates or Ex-Officio members, are eligible to serve in these positions. The Chairperson and Vice Chairperson shall serve a one-year term coinciding with the calendar year. Elections shall be conducted by the last meeting of the calendar year, where practical.

At the meeting immediately preceding the final meeting of the year, the Board Chairperson shall inform members of the upcoming election process and instruct any eligible members interested in being considered for the Board Chairperson or Vice Chairperson positions to submit a letter of interest to the VTA Board Secretary by the end of that month or other date established by the Board Chairperson. At the final meeting of the year, the Board shall accept nominations from the floor and consider letters of intent received to elect its Chairperson and Vice Chairperson for the next year.

~~By November of each year, the Chairperson shall request that any Board member interested in serving as Chairperson or Vice Chairperson for the upcoming year indicate their interest by submitting a brief résumé of qualifications to the Board Secretary for distribution to the entire Board, subject to being eligible as defined by the permanent rotational schedule established~~

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~~by the Board and codified in the VTA Administrative Code. Nominations from the floor may be made at any time up to the election, for either position.~~

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§2.4 Duties of the Board Secretary; Preparation of Minutes

The Board Secretary or his or her designee shall attend each open meeting of the Board. The Board Secretary or his or designee shall record all proceedings as required by law; no minutes will be maintained of closed sessions.

After each open meeting of the Board, the Board Secretary or his or designee shall prepare a brief summary of those proceedings which shall be distributed to the Board members and made available to the public. The approved minutes of each open meeting shall be made available to the public by being posted to VTA's website within a reasonable period following Board adoption. Persons may request to review the records of the minutes in the office of the Board Secretary during normal business hours.

All open meetings of the Board will be audio and/or video recorded. The recordings of open meetings will made available to the public by being posted to VTA's website within a reasonable period following the subject meeting.

The minutes of the Board shall be kept by the Board Secretary who shall record each specific type of business transacted, including such business as was actually passed upon by vote of the Board, together with a brief summary of those matters discussed. All proposed ordinances and resolutions voted upon by the Board will be recorded in the minutes with the names of those members who voted for and against the proposal as well as abstained from voting. The minutes shall also record the names and organizations they represent, if any, of persons addressing the Board, the agenda item and subject matter to which their remarks are directed, and an indication as to their support, opposition, or major comment on such item. A Board member may request through the Chairperson that an abstract of his or her statement on any subject matter under consideration by the Board be entered into the minutes. The Board Secretary shall furnish each Board member a copy of the unapproved minutes of each meeting with the agenda for the following meeting.

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Article III
ORDER AND DECORUM

§3.1 Chairperson to Preserve Order and Decorum; Attendance Exceeding Capacity of Meeting Room

The Chairperson shall have general direction over the Board meeting and shall preserve order and decorum. The Chairperson may order any person removed from the Board meeting whose conduct is deemed indecorous or disruptive and may order the Board meeting room cleared when deemed necessary. The Chairperson shall limit the attendance of the public at Board meetings to the number which can be reasonably accommodated by the capacity of the meeting room. Those persons standing may be asked to leave the room when attendance exceeds the maximum capacity established by the Fire Marshal. If larger rooms are available, the Chairperson may adjourn the meeting to a more appropriate location.

The Chairperson, to prevent unduly disruptive demonstrations, shall adjourn the meeting if deemed necessary due to the disturbance and reconvene it at a later time.

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§3.2 Removal from Board Meeting

The Chairperson shall order removed from the Board meeting any person who commits any of the following acts at any meeting of the Board of Directors:

a. Disorderly, contemptuous or insolent behavior to any Board member, member of the public, or staff;
b. A breach of the peace, boisterous conduct or noisy or violent disturbance resulting in the interruption of the Board meeting.
c. Disobedience of any lawful order of the Chairperson, including an order to be seated or to refrain from addressing the Board;
d. Any other unlawful interference with the due and orderly conduct of the Board meeting.

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§3.3 Audience Conduct

All persons in the audience shall remain seated at all times unless addressing the Board or entering/exiting the Board meeting. The aisles and doorways shall remain free and clear at all times. Except with previous authorization of the Chairperson, placards, signs, posters, packages, bundles, large objects and balloons are prohibited at the Board meeting. The distribution of literature of any nature or kind to a Board member while the meeting is in session is prohibited. Persons who wish to distribute information not included in the agenda packet shall present themselves at the appropriate time during the meeting and receive permission from the Chairperson. The Chairperson may authorize the distribution of informational items during the public presentations portion of the agenda.

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§3.3 Audience Conduct (continued)

To maintain the decorum of the meeting, the Chairperson may request audience members to refrain from reading newspapers, to silence cell phones ringers, to refrain from side conversation or talking on cell phones, or to refrain from using any electronic device causing likely disruption to the meeting.

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§3.4 Sergeant at Arms

The Sergeant at Arms, who is Chief of Security for VTA or a designee, shall attend each Board meeting. The Sergeant at Arms will carry out all orders and instructions of the Chairperson to maintain order and decorum at the Board meeting.

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Article IV
ORDER OF BOARD BUSINESS; AGENDAS; MEETING NOTICES

§4.1 Order of Business

The order of business for regular Board meetings shall normally be as follows:

- Call to Order
- Roll Call
- Orders of the Day~~/Approve Consent Calendar~~
- Awards and Commendations (including Employees of the Month, etc.)
  ~~Adjourn to closed session (if needed)~~
  ~~Closed session (if needed)~~
  ~~Reconvene to open session (if needed)~~
  ~~Report on closed session (if applicable)~~
- Public Comment
- Public Hearings
- Committee Reports ~~Citizens Advisory Committee Chairperson's Report~~
  ~~Policy Advisory Committee Chairperson's Report~~
- Consent Agenda
- Regular Agenda (non-consent items)
- Report from the General Manager
- Report from the Chairperson
- Report from the General Counsel (if needed)
- ~~Regular Agenda (non-consent items)~~
- Items of Concern and Referral to Administration
- Unapproved Minutes/Summary Reports from VTA Committees, Policy Advisory Boards (PAB's), Joint Powers Boards (JPA's), and Regional Commissions
- Announcements

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§4.1 Order of Business (continued)

- Closed session (if needed)
- Report on closed session (if applicable)
- Adjournment

The foregoing order of business may be changed after opening of a session, upon order of the Chairperson with consent of the Board or upon motion of the Board.

When a closed session is included in the agenda, the agenda shall provide for: (1) a recess to closed session; (2) subsequent reconvening into open session; and (3) a report on the closed session.

The order of business will proceed immediately after roll call. In the event the Chairperson and the Vice Chairperson are absent, the appointment of a Chairperson Pro Tem will supersede the order of business.

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§4.2 Agenda Format

The agenda shall specify the time and location of the meeting and shall contain a brief general description of each item of business to be transacted or discussed at the meeting. The description shall be reasonably prepared to adequately inform the public of the general matter or subject matter of each agenda item, in order for the average citizen to decide whether he or she is interested in attending the meeting. The agenda will include recommendation for Board action as appropriate. Matters shall be listed in the order specified in Section 4.1.

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§4.3 Public Presentations

Members of the public who wish to address the Board on matters not listed on the agenda, but on an item coming within the jurisdiction of the Board, shall be provided with the opportunity to do so under the agenda item heading "Public Presentations."

Speakers shall generally be limited to two minutes, unless another limit is set by the Chairperson. The Board shall not act upon or discuss an item that is not listed on the agenda except as provided under Section 4.8. The Chairperson may direct staff to prepare a written response to a presentation.

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§4.4 Consent Calendar

The Consent Calendar shall consist of matters requiring Board action that are either:
(A) routine in nature; (B) such that staff comment is not appropriate or necessary; or (C) have previously been discussed by the Board or in committee and appear on the Agenda for final action only.

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Each standing committee makes a recommended placement for each item it considers on either the Board's Regular or Consent Calendar.

At the presentation of the Consent Calendar, any member of the Board or any member of the staff or the public may request of the Chairperson that an item or items listed on the Consent Calendar be considered and acted upon separately. Each request will be granted and the item(s) will be heard separately and acted upon by the Board of Directors after completion of consideration of all items on the Regular Agenda, as provided under Section 4.1.

All items listed on the Consent Calendar, except those removed from the calendar for separate action, shall be acted upon by a single motion and as part of Orders of the Day, as provided under Section 4.1.

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§4.5 Agenda Preparation, Posting and Delivery

The Board Secretary or his or her designee will prepare the agenda for the Board meeting in consultation with the General Manager, General Counsel and the Chairperson. The agenda will include matters to be discussed in closed session and matters specifically requested for consideration by any Board member.

The Board Secretary may withhold placement on the agenda of any matter he or she deems inappropriate for scheduling purposes, lack of sufficient information, or is in need of staff review and report prior to Board consideration. Any member of the Board may request that any such withheld matter be placed on the agenda by contacting the Board Secretary in advance.

The written agenda for all regular, workshop and special meetings shall be posted in a location that is freely accessible to members of the public and on VTA's website, www.vta.org. The written agenda for each regular and workshop meeting and for every meeting or workshop continued for more than five (5) calendar days shall be posted at least 72 hours before the meeting is scheduled to begin. The written agenda for every special meeting shall be posted at least 24 hours before the special meeting is scheduled to begin. The agenda, together with supporting documents, shall be delivered or made available, per the individual's expressed request, to each Board member, the General Manager and General Counsel at least five (5) days before each regular and workshop meeting and at least 24 hours before each special meeting.

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§4.6 Submission of Materials for Agenda

Material intended for placement on the agenda for a regular meeting shall be delivered to the Board Secretary on or before the date and time established by the Board Secretary as the agenda deadline for the forthcoming meeting.

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§4.7 Meeting Notices

The Board Secretary or his or designee shall provide notice in the manner designated by the requestor, either mail, email or VTA-utilized social media, of every regular or workshop meeting, and every special meeting which is called, to each person who has filed with the Board Secretary a written request for notice as provided in Section 54954.1 of the Government Code. The notice shall be delivered at the time the agenda is posted or upon distribution to all, or a majority of all, of the members of the Board, whichever occurs first.

In addition to the foregoing, the Board Secretary will provide advance notice to interested organizations, in any manner the Board Secretary deems appropriate, of matters appearing on the next Board agenda which are of specific interest to organizations such as neighborhood, business, environmental and transit user groups whose interests in these matters are then known to the Board Secretary. Failure to provide such notice shall not constitute grounds to invalidate any action taken by the Board.

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§4.8 Matters Not Listed On the Agenda Requiring Board Action

Except as provided below, a matter requiring Board action must be listed on the posted agenda before the Board may act upon it. Pursuant to Government Code Section 54954.2, the Board may take action on items of business not appearing on the posted agenda under any of the following conditions:

a. Upon a determination by an affirmative vote of the Board that an emergency situation exists, as defined in Section 54956.5 of the Government Code.
b. Upon a determination by a two-thirds vote of the Board of Directors, or, if less than two-thirds of the members are present, a unanimous vote of those members present, there is a need to take immediate action and that the need to take action came to the attention of VTA subsequent to the agenda being posted.
c. The item was properly posted for a prior meeting of the Board occurring not more than five (5) calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

The Board, for items of business not on the posted agenda coming to its attention, may direct the General Manager to place said item for discussion and/or action on a subsequent agenda.

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§4.9 Access to Public Records Distributed at Meeting

Writings which are public records and which are distributed during a Board meeting shall be made available for public inspection at the meeting if prepared by VTA or a member of the Board, or after the meeting if prepared by some other person. These writings shall also be posted to VTA's website within a reasonable period following the meeting.

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Article V
HEARINGS

§5.1 Public Hearings

Consideration of a matter regularly set for hearing before the Board shall proceed in the following order:

1. Chairperson announces question and opens the public hearing.
2. Staff makes presentation.
3. Members of the public address Board.
4. Questions by Board members.
5. Hearing declared closed.
6. Discussion by Board.
7. Action by Board.

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§5.2 Speaking Restriction

Each person appearing at a hearing before the Board shall be limited to two (2) minutes in his or her presentation, unless the Chairperson, at his or her discretion, permits further remarks to be made. Any person addressing the Board may submit written statements, petitions or other documents to complement his or her presentation.

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§5.3 Close of Hearing

Members of the Board may ask questions of a speaker at any time. Members shall not speak on the subject being heard until after the hearing is declared closed by the Chairperson.

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§5.4 Continuance of Hearings

Subject to the requirements of law, a hearing may be continued by the Board from time to time. In continuing such hearing, the Board shall specify the time and place to which the hearing will be continued in the same manner as set forth for the adjournment of meetings. If continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the continuance was granted.

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§5.5 Continuance of Deliberations

Subject to the requirements of law, the Board may take under submission for a reasonable period of time any matter which has been heard before it and may for this purpose continue its deliberations on such matter from time to time. In continuing such deliberations, the Board shall specify the time and place at which such deliberations will be continued.

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Article VI
PERSONS ADDRESSING BOARD

§6.1 Addressing Board

The regular time for the public to address the Board shall be when the Chairperson in due order of business invites them to do so. A person desiring to address the Board shall first complete a Speaker's Request form located near the speaker's podium, providing his or her name, address and group affiliation, if any, and give it to the Board Secretary. A speaker will be requested to give his or her name and group affiliation, if any, for the record when addressing the Board.

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§6.2 Impertinence

Any person making personal, impertinent or indecorous remarks while addressing the Board may be barred by the Chairperson from further appearance before the Board at that meeting or hearing, unless permission to continue is granted by an affirmative vote of a majority of the Board's membership, as provided under Section 1.6.

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Article VII
MEMBERS

§7.1 Request to Augment the Minutes

The Board Secretary shall enter in the minutes a synopsis of the discussion of any question coming before the Board. During the consideration on any particular matter, a Board member may make a request that the minutes reflect more than the customary detail on that item.

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§7.2 Speaking Privileges

Any Board member desiring to speak shall address the Chairperson and upon recognition by the Chairperson shall confine himself or herself to the question under debate, avoiding all personalities and indecorous language. Members of the Board may address one another or persons in attendance only through the Chairperson.

Except as otherwise herein provided, discussion at Board meetings, either by a Board member or by any person in attendance, may be limited, at the discretion of the Chairperson, to such time as the Chairperson may find to be reasonable under the circumstances. Any decision of the Chairperson to limit discussion may be overruled by the Board by an affirmative vote of a majority of the Board's membership, as provided under Section 1.6.

Any Board member who is legally disqualified from participating in VTA action on any particular matter shall, as soon as such matter is reached on the agenda, disclose his or her disqualification and the reason therefore and shall take no part in the discussion, debate or vote on such matter. If such disqualification is not known to him or her at the time such matter is reached on the agenda, he or she shall make such disclosure as soon as his or her disqualification is known to him or her.

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§7.3 Speaking Interruption

A Board member shall not be interrupted when speaking unless it is to call him or her to order, for the purpose of explanation, or to permit solicited responses. If a member, while speaking, be called to order, he or she shall cease speaking until the question of order is determined, when, if permitted, he or she may proceed.

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§7.4 *Reserved*

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§7.5 Motion Reconsideration

A motion to reconsider any action taken by the Board may be made only on the day such action was taken, either during the same session or at an adjourned session thereof. Such motion must be made by a member on the prevailing side and seconded by any member. The motion, which may be made at any time during the meeting, has precedence over all other motions.

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Article VIII
OFFICIAL ACTIONS

§8.1 Motions and Resolutions

Motions and resolutions, unless laid over by a majority vote of the Board, may be acted upon the day of introduction or presentation. No continuance shall be granted if the effect of such a continuance is to render useless a subsequent vote on the issue.

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§8.2 Ordinances

The usual course of procedure with an ordinance shall be to lay it over for at least three (3) days from the date of introduction before calling it up for action, and to have the Board Secretary furnish a copy of each ordinance introduced to each Board member as soon as possible after its introduction. Urgency ordinances may be adopted at the same meeting in which they are introduced. All ordinances, except urgency ordinances, shall be adopted at a regular or adjourned regular meeting. Urgency ordinances may be adopted at either regular ~~and~~ or special meetings, including adjourned meetings. The enacting clause of all ordinances shall be as follows: "The Board of Directors of the Santa Clara Valley Transportation Authority ordains as follows:"

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§8.3 Ordinance Effective Date

No ordinance shall become effective until 30 days from and after the date of its final passage, except:

a. An ordinance calling or otherwise relating to an election.
b. An ordinance for the immediate preservation of the public health, peace and safety, which contains a declaration of the facts constituting its urgency, and is passed by a two-thirds vote of the Board's full authorized membership.
c. Other ordinances governed by particular provisions of state law prescribing the manner of their passage and adoption.

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§8.4 Signature, Attestation and Votes

Every ordinance and resolution shall be: (1) signed by the presiding officer at the meeting at the time of enactment (Chairperson, Vice Chairperson or Chairperson Pro Tem, as provided under Section 2.2); (2) attested by the Board Secretary; and (3) reviewed and approved by the General Counsel as to proper form and legality. The votes cast on an ordinance shall be entered on the face of the ordinance.

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§8.5 Ordinance Publication

Before the expiration of fifteen (15) days after passage of an ordinance, it shall be published once, with the names of the members voting for and against it, in a newspaper of general circulation published in VTA's service area as provided by law for ordinances adopted by counties.

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§8.6 Codification

Ordinances and resolutions may be codified in the manner established for counties pursuant to Government Code Sections 25126 through 25130.

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§8.7 Effect of Motion

Motions shall be considered an act of VTA and carry the same weight as a resolution.

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Article IX
BOARD STANDING COMMITTEES

§9.1 Purpose and Duties

Standing committees will report to the Board in an advisory capacity. They shall meet, study, and will prepare recommendations within their respective assigned areas of responsibility. Other matters may be referred to them by the General Manager, the Chairperson, or by the Board.

In addition to serving in an advisory capacity, the Governance & Audit Committee shall oversee the activities of the Auditor General and the internal audit function.

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§9.1.1 Appointment; Vice Chairperson; Alternates

The ~~Governance & Audit Committee~~ Board Chairperson shall nominate and the Board shall appoint at the first meeting of the calendar year the members and chairperson of all standing committees of the Board. The membership of each committee shall consist of four voting Board members, except for the Governance & Audit Committee, which shall consist of five members as specified. Ex-Officio Board members are ineligible to serve on standing committees. Not more than two members of each standing committee shall come from the same city grouping. The term of each appointment shall be for one year.

The Board Chairperson and Vice Chairperson, while serving in those positions, shall not concurrently serve as chairperson of any of the following standing committees: ~~the~~

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Administration & Finance Committee; Congestion Management Program & Planning Committee; or ~~the~~ Transit Planning & Operations Committee.

Alternates may not be appointed to serve on Board standing committees. Instead, if a standing committee member is absent from all or a portion of a standing committee meeting, the alternate for that City/County group shall be seated and vote in the place of the absent member. Each alternate shall have only one vote even though the alternate may be entitled to represent more than one absent Board member. An alternate shall be counted as part of the committee quorum only when seated in the place of an absent member. When not serving in place of the absent member, the alternate is a member of the public and accordingly shall sit with the audience and follow the procedures for the public to address the committee.

The Governance & Audit Committee shall have no ~~provision for an~~ alternate members. ~~serving in place when the member is absent from all or a portion of a standing committee meeting.~~

At the first meeting of the calendar year, each standing committee except for Governance & Audit shall elect from its membership a vice chairperson; the Board Vice Chairperson shall serve as the vice chairperson of the Governance & Audit Committee. The vice chairperson performs the duties of the chairperson in the event of the chairperson's absence or inability to act, and while so acting, has all of the authority of the chairperson. The vice chairperson position serves a one-year term coinciding with the calendar year. The vice chairperson is eligible for election to multiple and successive terms and only members, not alternates, are eligible to serve. The term of office shall commence immediately following the vote.

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§9.2 Meetings

Standing committee meetings shall generally be held once a month when there is sufficient business for the committee to consider, or as otherwise determined by the Board. The Governance & Audit Committee and the Capital Projects Oversight Committee ~~Silicon Valley Rapid Transit (SVRT) Program Working Committee~~ shall meet at least once each quarter. Each standing committee shall approve its specific meeting schedule for that year at its first meeting of the calendar year, taking into consideration the recommendations of the General Manager and Board Secretary. ~~Normal times and locations of regular meetings shall be established in the VTA Administrative Code and a~~All meetings shall be called, noticed and conducted in accordance with the provisions of the Ralph M. Brown Act. The General Manager and General Counsel shall be given adequate prior notice of all standing committee meetings.

A quorum shall consist of a majority of the standing committee's total membership and all official acts of the committee require the affirmative vote of at least three members. All committee meetings shall be conducted in accordance with these Rules. The Board Secretary will provide staff that will attend all meetings of the standing committees and will record all proceedings. The Board Secretary will also prepare and distribute the agenda for all standing committee meetings.

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Each standing committee, after considering all items on the agenda at each of its meetings and in consultation with the General Manager and General Counsel, shall make a recommendation on the placement of each item on either the Board's Regular or Consent Calendar.

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§9.3 Committee of the Whole

At any standing committee meeting not held because of a lack of a quorum, the members present may constitute themselves a "committee of the whole" for the purpose of discussing matters on the agenda of interest to the members present. The committee of the whole shall automatically cease to exist if a quorum of the committee is present at the meeting.

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§9.4 Standing Committees Established

The standing committees of the Board and their duties are as follows:

Administration and Finance (A&F) Committee shall review and recommend to the Board policy decisions pertaining to the general administration of VTA. In addition, the Administration and Finance Committee may be asked to determine whether items should be referred to a standing or ad hoc committee and make that referral. Specific areas of responsibility include, but are not limited to:

- Legislative affairs
- Human resources
- Budgets, financing and other financial plans
- Accounting and financial reporting
- Fiduciary reporting
- Purchasing procedures
- Fare structure
- Information technology
- Statement of claims
- Review policies and procedures

Congestion Management Program and Planning (CMPP) Committee shall review and recommend to the Board policy decisions pertaining to the Congestion Management Program (CMP) and transportation planning. Specific areas of responsibility include, but are not limited to:

- Congestion Management Agency activities
- Congestion Management Program and countywide capital improvement program
- Development and implementation of the comprehensive countywide multimodal transportation plan for Santa Clara County (Valley Transportation Plan (VTP)

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- Integration of transportation, land use, and air quality planning
- Commute alternative plans
- Planning and finding for bicycle and pedestrians projects and activities
- All Other Grant Applications
- Fund Programs
- Non-Transit Contracts
- CMA/Highway Contracts
- Funding program development, advocacy, and implementation

Governance & Audit Committee shall focus on the management and coordination of the Board of Directors to assist that body with efficiently guiding the organization to best accomplish VTA's strategic goals. It shall review and recommend to the Board policy decisions pertaining to Board and organizational goal setting and prioritization, strategic initiative framework development, budget development, and Board and committee processes.

It shall also recommend to the Board policy decisions required to fulfill the Board's oversight responsibilities for (1) the integrity of VTA financial statements, (2) compliance with legal and regulatory requirements, and (3) assuring an effective system of internal management and financial controls. The Governance & Audit Committee shall oversee the activities of the Auditor General, the internal audit function and the public accounting firm that conducts the annual financial audit. Specific areas of responsibility shall include:

Governance

- ~~Nominate for Board approval both the appointments of Board members to specific standing committees and those to serve as the chairperson of each standing committee.~~
- Provide orientation, training and mentorship to new Board members.
- Review the work plan of future Board items or initiatives to ensure proper placement, prioritization and scheduling between the various standing committees, advisory committees and the Board.
- Develop standards for and conduct annual Board member evaluations on governing body effectiveness, personal effectiveness and satisfaction.
- Perform evaluations of the effectiveness of achieving VTA's mission and vision.
- Develop the framework, guidelines and priorities for the annual or biennial budget process.
- Develop the framework, guidelines and priorities for development of strategic initiatives.
- Conduct performance evaluations of Board appointees including the General Manager and General Counsel.
- Review and recommend for Board approval modifications to the VTA Administration Code. ~~and Rules of Procedure.~~
- Approve modifications to the Board Rules of Procedure.
- ~~Review and recommend for Board approval~~ Approve modifications to advisory committee bylaws.
- ~~Review and recommend for Board approval~~ Approve appointments of individuals to specified advisory committees and policy advisory boards.

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§9.4 Standing Committees Established (continued)

Audit

- Review and recommend for Board approval the annual or biennial VTA Internal Audit Work Plan prepared by the Auditor General.
- Review and recommend for Board approval the results of individual audits and ensure that management's responses to audit findings are implemented.
- Review and recommend for Board approval the Comprehensive Annual Financial Report (CAFR) and other audited financial reports.
- Review VTA enterprise risk management reports and findings.
- Review the effectiveness of VTA's system for monitoring compliance with laws and regulations and the results of management's action concerning any instances of noncompliance.
- Review the findings of any examinations by regulatory agencies
- Monitor compliance with VTA's Code of Ethics and ~~.O~~obtain updates from management and VTA legal counsel regarding compliance matters.

To fulfill these duties and responsibilities, the Governance & Audit Committee is provided the following supplemental authority:

a) Discretion for exercising any option years on the contract for VTA Auditor General services.
b) Making scope and/or cost modifications for projects contained in Board-adopted Internal Audit Work Plans to respond to changing conditions, subject to remaining within the overall appropriation level set by the Board for that annual Internal Audit Work Plan. The addition of any project (except as prescribed in Section C immediately following), an increase to the overall finding level for any Internal Audit Work Plan, or deletion of any project contained therein, requires Board approval.
c) Approval, as exercised at the discretion of the Governance & Audit Committee or its Chairperson, to initiate with the Auditor General a project not contained in the Internal Audit Work Plan that meets the following criteria: (1) it is regarding a priority concern; (2) the priority concern was identified during the interval between ~~quarterly~~ Governance & Audit Committee meetings; and (3) project initiation cannot reasonably wait for the next Governance & Audit Committee meeting. Initiation of such projects shall be subject to sufficient available funding in the defined allowance for such supplemental work contained in the current annual Internal Audit Work Plan approved by the Board. The Governance & Audit Committee Chairperson shall, at both the Governance & Audit Committee and Board meetings immediately following initiation of the project, notify the Board of any project so initiated.

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§9.4 Standing Committees Established (continued)

Capital Projects Oversight Committee ~~**Silicon Valley Rapid Transit (SVRT) Program Working Committee**~~ shall review and recommend to the Board policy decisions pertaining to the activities and imminent issues of those VTA capital projects having significant resource, multi-jurisdictional coordination, public perception and/or community impact factors. The Capital Projects Oversight Committee provides focused oversight to promote the efficient delivery of quality major transportation projects safely, on time, within scope and budget, while minimizing community impact. ~~shall review and recommend to the Board policy decisions pertaining to the activities and imminent issues of the Silicon Valley Rapid Transit Program, which brings the Bay Area Rapid Transit (BART) regional heavy rail system 16 miles from Alameda County to the Santa Clara County cities of Milpitas, San Jose and Santa Clara.~~ Specific areas of responsibility include, but are not limited to:

- Budget and financing
- Planning and design
- Scope and schedule
- Environmental mitigation and anthropological/historical activities
- Utility relocation activities and issues
- Construction activities
- Third-party coordination
- Real estate acquisition
- Vehicle procurement for projects
- Potential/anticipated litigation
- Community outreach

Transit Planning and Operations (TPO) Committee shall review and recommend to the Board policy decisions relative to transit planning, transit capital projects and transit operations and marketing. Specific areas of responsibility include, but are not limited to:

- Performance objectives for transit services
- Bus route planning and ridership monitoring
- Service levels and standards
- Paratransit programs development
- Vehicle design and procurement
- Planning and implementation of marketing efforts
- Community relations and public outreach
- Transit grant development, advocacy and implementation
- Progress of rail corridor engineering and construction programs
- Short Range Transportation Plan (SRTP)
- Transit capital improvement program

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Article X
RULES

§10.1 Adoption and Amendment

These Rules of Procedure are adopted and amended by ~~resolution of~~ the Governance & Audit Committee.~~VTA Board of Directors.~~ For efficiency, the General Manager, in consultation with the General Counsel and Board Secretary, is authorized to make minor, non-substantive corrections and adjustments to reflect ongoing practice adopted by the Board. All provisions contained within these Rules of Procedure must conform to law and applicable statute and be consistent with the VTA Administrative Code.

The Rules of Procedure shall be reviewed at least every five (5) years and revised by the Governance & Audit Committee ~~Board of Directors~~ as necessary.

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§10.2 Construction of Rules

Unless the provisions or the context of the Rules otherwise require, the general provisions, rules of construction and definitions set forth in Chapter 1 of the Santa Clara Valley Transportation Authority Administrative Code shall govern the construction of these Rules. These Rules shall govern the Board's proceedings to the extent they are not inconsistent with VTA's Administrative Code or law.

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§10.3 Citation of Rules

These Rules shall be known as the "Rules of Procedure of the Santa Clara Valley Transportation Authority Board of Directors" and may be cited as the "Board ~~VTA~~ Rules of Procedure" or "Rules of Procedure."

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§10.4 Suspension

Any rule may be temporarily suspended by an affirmative vote of the Board, as specified by §1.6.

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§10.5 Copies of the Rules

The Board Secretary shall furnish each Board member one or more copies of these Rules and provide a supply for public purposes.

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§10.6 Rosenberg's Rules

All rules of order not provided herein shall be determined in accordance with *Rosenberg's Rules of Order*, latest edition.

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§10.7 Parliamentary Advice

The General Counsel shall serve as parliamentarian and at the request of the Chairperson shall furnish parliamentary advice.

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BYLAWS FOR THE COMMITTEE FOR ~~TRANSIT~~ TRANSPORTATION MOBILITY & ACCESSIBILITY

Article I
GENERAL PROVISIONS

§1.1 Purpose

These Bylaws govern the proceedings of the Committee for ~~Transit~~ Transportation Mobility & Accessibility (CTMA), an advisory committee established by the Board of Directors of the Santa Clara Valley Transportation Authority (VTA).

§1.2 Construction of Bylaws

Unless the provisions or the context of these Bylaws otherwise require, the general provisions, rules of construction and definitions set forth in Chapter 1 of the Santa Clara Valley Transportation Authority Administrative Code shall govern the construction of these Bylaws. As used in these Bylaws, "Committee" means the Committee for Transportation Mobility & ~~Transit~~ Accessibility. These Bylaws shall govern the Committee's proceedings to the extent they are not inconsistent with the VTA Administrative Code or law.

§1.3 Definitions

a. As used in these Bylaws, "secretary" means the secretary of the Committee.

b. As used in these Bylaws, "chairperson" means the chairperson of the Committee.

~~b~~c. As used in these Bylaws, "first vice chairperson" means the first vice chairperson of the Committee.

d. ~~c. As used in these Bylaws, "secretary" means the secretary of the Committee.~~ As used in these Bylaws, "second vice chairperson" means the second vice chairperson of the Committee.

Article II
DUTIES AND AUTHORITY

§2.1 Mission and Duties

The CTMA is an advisory committee to the Board of Directors. The mission and duties of the Committee shall be:

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MISSION:

The CTMA provides guidance and perspective to the Board of Directors on VTA transit and transportation accessibility matters to help ensure complete access to all users in Santa Clara County, doing so by facilitating dialogue with, representing and advocating the needs of the disabled and senior communities.

DUTIES:

It shall be the duty of the Committee to perform the functions of a paratransit coordinating council and to advise the Board of Directors, the Metropolitan Transportation Commission (with Board concurrence), and staff on all matters pertaining to paratransit services in Santa Clara County. The Committee shall also advise the Board of Directors and staff on~~concerning~~ mobility matters, accessibility of all VTA transit services, vehicles, equipment, facilities, programs, ~~as well as other matters including~~ service and program policies pertaining to accessibility for senior citizens and persons with disabilities, and compliance of such elements with the Americans with Disabilities Act (ADA) and other laws which pertain to access to VTA services and programs.~~within VTA's purview for persons with disabilities.~~ The Committee shall perform such additional duties as may be assigned by the Board of Directors.

§2.2 Limitations on Authority

The Committee serves in an advisory capacity to the Board of Directors. It shall have no independent duties and no authority to take actions that bind VTA or the Board of Directors. No expenditures or requisitions for services and supplies shall be made by the Committee and no individual member thereof shall be entitled to reimbursement for travel or other expenses except as authorized by the Board of Directors.

Article III
MEMBERSHIP

§3.1 Membership

The Committee shall be composed of ~~21~~17 voting members, most with alternates, and two ex-officio, non-voting members. VTA employees are not eligible for membership. Effort shall be made to reflect the geographic diversity of the county.

Membership shall consist of appointments made from three categories as follows:

a. Seniors/Persons with Disabilities: ~~-~~[~~12Eight (8)~~ Seven (7) voting ~~M~~members with two (2) group alternates]

Applications and/or ~~- Each member of the Board of Directors shall nominate one individual. Nominees shall be appointed to the Committee by an affirmative vote of the Board of Directors. These n~~nominations for these voting positions are taken from the community at-large. Nominees should be representative of seniors and/or various kinds

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of disabilities as much as possible and should be familiar with ~~both~~ fixed route public transit services, ~~and~~ paratransit services, and transportation and mobility issues of seniors and/or the disabled community. ~~The n~~Nominees ~~should be balanced as much as possible between persons who are users of fixed route services and users of paratransit services as much as possible.~~

Candidates will be evaluated based on factors including, but not limited to: qualifications; knowledge and/or experience using local ~~both~~ fixed route public transit and/or ~~and~~ paratransit services; familiarity with transportation and mobility issues for seniors and/or the disabled community, especially in Santa Clara County; civic/community service; perceived ability to work constructively and productively in a committee setting; and disability(ies) not currently represented on the Committee.

Alternate members in this category may serve in place of any vacant Seniors/Persons with Disabilities position or for a representative from that category not present at the meeting, but may only vote in place of one (1) position per meeting. Alternate members in this category shall regularly attend Committee meetings and may sit at the meeting table, but may only vote when representing a vacant position or absent member.

Members in this category shall be residents of Santa Clara County during their term of membership. All nominations in this category require approval by the Governance & Audit Committee.~~Board of Directors.~~

~~a. If a member of the Board of Directors fails to nominate a person with a disability as provided in this section, the Chairperson of the Board of Directors may nominate any qualified applicant to fill the position.~~

~~b.~~

b. Human Services Organizations~~Agencies and/or Businesses:~~ [~~Nine~~Seven (~~9~~7) voting m~~M~~embers with one alternate each]~~)~~

~~– The Chairperson of the Board of Directors shall nominate agencies and businesses from a list of applicants. Nominees shall be appointed to the Committee by an affirmative vote of the Board of Directors.~~ Seven ~~Nine~~ (~~9~~7) individual agencies and/or businesses serving seniors and/or persons with disabilities shall serve as voting member~~son the Committee~~. Each organization ~~and~~ shall ~~each~~ designate one individual each ~~each~~ to serve as its~~the~~ representative and alternate. These individuals, preferably employees, should ~~an employee who is k~~be knowledgeable about and/or ha~~v~~es ~~s~~ job duties related to Committee duties and/or transportation or mobility matters pertaining to persons with disabilities or seniors. Each organization~~agency or business~~ may change its designated representative~~s~~ no more than one time during each calendar year.

To be eligible, the agency or business shall serve seniors or persons with disabilities, or both, or make accommodations specific to the access needs of seniors and persons with disabilities, and demonstrate an interest in public transit. In addition, preference shall be given to agencies and businesses which:

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1. Serve the majority of the county area or provide services county-~~-~~wide, or represent specific regional areas.
2. Represent persons not represented by other appointees.

Appointment of a human services organization to the Committee membership structure ~~structure~~ requires approval by the Board of Directors. ~~The d~~Designation by each human services organization of its representative and alternate to the Committee does not require Board of Director ratification. Representatives appointed to the Committee by a human services organization must live and/or work in Santa Clara County during their term of membership.

~~The nine (9) Agency and/or Business membership seats are:~~

- ~~Silicon Valley Independent Living Center~~
- ~~Vista Center for the Blind & Visually Impaired~~
- ~~Hope Services~~
- ~~Barbara Lee Senior Center~~
- ~~[*TBD*]~~
- ~~[*TBD*]~~
- ~~[*TBD*]~~
- ~~[*TBD*]~~
- ~~[*TBD*]~~

If a Committee member from this category is absent from all or a portion of a meeting, the alternate shall be seated in that Committee member's seat and vote in the place of the absent member. An alternate shall be counted as part of the Committee quorum only when seated in place of an absent member. When not serving in place of the absent member, the alternate is a member of the public and accordingly shall sit with the audience and follow the procedures for the public to address the Committee, as provided under Sections 5.8 and 6.2.

c. Pooled: [Three (3) voting members with ~~associated~~corresponding alternates as defined for each appointment category]

Three voting positions shall be appointed from the Seniors/Persons with Disabilities category, the Human Services Organizations category, or a combination thereof, depending on available qualified applicants and efforts to represent the –geographic diversity of the county. All vacant seats in that membership category must be filled before an appointment from that category can be made to the Pooled category.

Individuals or human service organizations that have applied for membership on the Committee will be evaluated by a panel comprised of: (1) Committee Staff Liaison; (2) Advisory Committee Coordinator; and (3) Committee Chairperson. The evaluation process will include an interview of the individual or a representative of the candidate organization. The panel will then recommend to the Governance & Audit Committee candidates that, in its collective estimation,

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would best serve the Committee, Board and community. ~~Members in this category shall be residents of Santa Clara County throughout their terms of membership.~~

§3.1.1 Membership (Ex-Officio)

The Committee shall also include two (2) ex-officio (non-voting) members as follows:

Paratransit Provider~~Broker~~: One (1) Ex-Officio Member

~~-~~VTA's contracted paratransit provider ~~broker~~ shall designate one ex-officio, non-voting member. If the member is unable to attend a Committee meeting, the member shall designate a substitute to attend the meeting. Designation of the paratransit broker's representative does not require approval by the Board of Directors.

VTA Board of Directors: One (1) Ex-Officio Member

The Chairperson of the ~~-~~Board of Directors or his/her designee shall ~~designate one member of the VTA Board of Directors to~~ serve as an ex-officio, non-voting member.

§3.2 Members' Terms

The term of membership of each Committee member shall be four ~~two~~ years, commencing on January 1, in accordance with the schedule for staggered terms ~~adopted by the committee~~. Members may be re-appointed for successive terms.

§3.3 Vacancies

Vacancies shall be filled for the remainder of the term by the body which made the original appointment.~~Chairperson of the Board of Directors from nominations made by him or her or by the Board Member who nominated the original appointee or that Board Member's successor, as the case may be.~~

~~However, if a membership position designated for persons with disabilities becomes vacant and remains vacant for three consecutive months, the Chairperson of the Board of Directors may appoint any qualified applicant to fill the position for the remainder of the unexpired term.~~

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§3.4 Representative to Citizens Advisory Committee

The Committee shall also appoint one individual from its membership to serve as a voting member on VTA's Citizens Advisory Committee (CAC), to provide the connection for communication and collaboration between the two committees. Appointment of this position is subject to the following provisions:

a. The representative must be a voting CTMA member and must be in good standing. Alternate members are not eligible to serve in this position.

b. The representative must meet all established CAC membership requirements during their term on the CAC.

c. The term of appointment shall be ~~two~~ four years, commencing on January 1 of even-numbered years. The CAC representative may be reappointed for successive terms.

d. The representative shall serve on the CAC until resignation from the position or the CTMA, or removal by the Committee or the Board.

e. Appointment by the Committee requires approval by a majority of the membership as provided under Section 5.4.

f. Appointment requires Board of Directors ratification.

g. Vacancies shall be filled for the remainder of the term by the Committee following the established appointment process and meeting all established criteria for this positional.

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Article IV
OFFICERS

§4.1 Chairperson and Vice Chairpersons

The Committee shall elect from its membership a chairperson, a first vice chairperson and a second vice chairperson at its last meeting of the calendar year, to serve for one-year terms beginning with the first meeting of each calendar year. The chairperson shall preside at all meetings of the Committee and represent the Committee before the Board of Directors. The first vice chairperson shall perform the duties of the chairperson when the chairperson is absent. The second vice chairperson shall perform the duties of the chairperson when the chairperson and first vice chairperson are absent. In the event of a vacancy in the chairperson's position, the first vice chairperson shall succeed as chairperson for the balance of the chairperson's term, the second vice chair shall succeed to the first vice chair and the Committee shall elect a successor to fill the vacancy in the second vice chairperson's position as provided below. In the event of a vacancy in the first vice chairperson's position, the second vice chair shall succeed to the first vice chair, and the Committee shall elect a successor from its membership to fill the second vice chairperson's position for the remainder of the second vice chairperson's term. In the event of a vacancy in the second vice chairperson's position, the Committee shall elect a successor from its membership to fill the second vice chairperson's position for the remainder of the second vice chairperson's term.

The Committee shall appoint a nominationg subcommittee to ~~nominate~~ identify members interested in serving as the ~~Committee members for in the positions of~~ chairperson, first vice chairperson ~~and~~ or second vice chairperson. Members willing to serve in these positions may submit their names to the nominationg subcommittee for nomination. Members may also submit names of other members for nomination. The nominationg subcommittee shall verify that members whose names have been submitted are willing serve in those positions. The nominationg subcommittee shall submit to the Committee the names of those members whom have expressed their willingness to serve. The nominationg subcommittee may also ~~it has nominated and~~ indicated its recommendeds ~~for electi~~ candidateson. Notwithstanding these procedures, any member may nominate a member from the floor.

§4.2 Secretary

The Secretary of the Board of Directors shall furnish clerical services to prepare and distribute the Committee's agendas, notices, minutes, correspondence and other documents and shall assign an employee to attend each meeting of the Committee to serve in the capacity as the Committee's secretary. The secretary shall maintain a record of all proceedings of the Committee as required by law and shall perform other duties as provided in these Bylaws.

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Article V
MEETINGS

§5.1 Regular Meetings

Six (6) regular meeting of the Committee will scheduled each year. ~~Regular meetings of the Committee shall be held on the second Wednesday of each month commencing at 1:00 p.m.~~ The Committee shall meet at least once every three months, unless the Committee's activities are suspended.

Regular meetings shall generally be held every other month (January, March, May, July, September and November) on the Wednesday following the first Thursday of that month commencing at 1:00 p.m. Meetings shall generally be held at the ~~Transportation Authority~~VTA Administrative Offices, 3331 North First Street, San Jose, California. The specific times and locations of regular meetings for each year shall be established by the Committee at its first meeting of the calendar year, taking into consideration the recommendations of the General Manager and Board Secretary. Whenever a regular meeting falls on a holiday observed by VTA, the meeting shall be held on another day or canceled at the direction of the Committee. A rescheduled regular meeting shall be designated a regular meeting.

Prior to the July meeting each year, the Committee Chairperson, in consultation with the Committee Staff Liaison, shall review the Committee's work plan to determine if the quantity, importance and urgency of items scheduled for that meeting warrants gathering Committee members to conduct the meeting or whether the meeting should be deferred to a subsequent month.

§5.2 Special Meetings

A special meeting may be called by the Committee C~~c~~hairperson with the approval of the General Manager. The meeting shall be called and noticed as provided in Section 5.3 ~~below~~. (For a general description of the noticing procedures, see the Rules of Procedure of the Board of Directors.)

§5.3 Calling and Noticing of Meetings

All meetings shall be called, noticed and conducted in accordance with the applicable provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code). The General Manager and General Counsel shall be given notice of all meetings. ~~The Committee shall meet at least once every three months, unless the Committee's activities are suspended.~~

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§5.4 Quorum; Vote; Committee of the Whole

The presence of at least eight (8)~~11~~ members shall constitute a quorum for the transaction of business. All official acts of the Committee shall require the affirmative vote of eight (8) ~~9~~ members. ~~or a majority of the members present whichever is greater.~~ At any regularly called meeting not held because of a lack of a quorum, the members present may constitute themselves a "committee of the whole" for the purpose of discussing matters on the agenda of interest to the committee members present. The committee of the whole shall automatically cease to exist if a quorum is present at the meeting.

§5.5 Thirty Minute Rule

If a quorum has not been established within thirty minutes of the noticed starting time for the meeting, the secretary and clerical support staff shall be excused from further attendance at the meeting.

§5.6 Absences

A member is allowed to be absent from three regular Committee meetings in any twelve-month period. The position shall automatically be vacated upon a fourth absence unless a waiver is granted by the Committee Chairperson. ~~If a member is absent from six Committee meetings in any twelve-month period, the position shall automatically be vacated and a successor shall be appointed to fill the remainder of that member's term.~~ Absences in any twelve-month period shall apply to all ~~voting~~ members and to alternate members from the Seniors/Persons with Disabilities category.

A member may request a temporary waiver of the absence limitation for significant reasons such as maternity, serious medical condition, or urgent family care. A written request must be sent to the VTA Board Secretary prior to the fourth absence and indicate the reason for the requested waiver and the expected duration of absence.

The Chairperson shall, in consultation with the Committee Staff Liaison, grant or deny the request. The Chairperson may grant a waiver for a maximum of four (4) additional, but not necessarily consecutive, regular meetings. No member shall be granted more than one absence waiver per appointment term as defined in §3.2.

The decision to grant or deny the request shall be announced at the next scheduled Committee meeting. The requestor or any member of the Committee may appeal the Chairperson's decision to the Committee. If appealed, the decision shall be made by Committee vote at the next scheduled meeting. This vote shall be governed by the provisions of §5.4.

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§5.7 Matters Not Listed On the Agenda Requiring Committee Action

Except as provided ~~below~~in the following, a matter requiring Committee action shall be listed on the posted agenda before the Committee may act upon it. The Committee may take action on items not appearing on the posted agenda ~~under any of the following conditions:~~

~~a. Upon a determination by an affirmative vote of the Committee that an emergency exists, as defined in Section 54956.5 of the Government Code.~~

~~b. Upon a determination by a two-thirds vote of the Committee, or if less than two-thirds of the members are present, a unanimous vote of those members present, there is a need to take immediate action and the need to take action came to the attention of VTA subsequent to the agenda being posted.~~

~~c. The item was properly posted for a prior meeting of the Committee not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.~~

~~d. By directing staff to place an item of business for discussion and/or action on a subsequent agenda. (This is an appropriate action for issues raised under Public Presentations.)~~

-only upon a determination by a two-thirds vote of the Committee, or if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action AND the need to take action came to the attention of the Committee subsequent to the agenda being posted.

§5.8 Time Limits for Speakers

Each member of the public appearing at a Committee meeting shall be limited to two minutes in his or her presentation. The amount of time allocated to speakers may vary at the discretion of the Chairperson.~~, unless the chairperson, at his or her discretion, permits further remarks to be made.~~ Any person addressing the Committee may submit written statements, petitions or other documents to complement his or her presentation.

~~Each member of the Committee shall be limited to five minutes for his or her presentation on each agenda item, unless the chairperson, at his or her discretion, permits further remarks to be made. The Committee, by a majority vote of its membership as provided in Section 5.4, may grant additional time for a member to speak.~~

§5.9 Impertinence; Disturbance of Meeting

Any person making personal, impertinent or indecorous remarks while addressing the Committee may be barred by the chairperson from further appearance before the Committee at that meeting, unless permission to continue is granted by an affirmative vote of the Committee. The chairperson may order any person removed from the Committee meeting who causes a disturbance or interferes with the conduct of the meeting, and the chairperson may direct the meeting room cleared when deemed necessary to maintain order.

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§5.10 Access to Public Records Distributed at Meeting

Writings which are public records and which are distributed during a Committee meeting shall be made available for public inspection at the meeting if prepared by VTA or a member of the Committee or after the meeting if prepared by some other person.

Writings prepared by a Committee member or staff and distributed to the Committee in connection with the transaction of Committee business shall be prepared and presented to the Committee in an accessible format that is usable by persons with disabilities, or made available in an accessible format to those who request it after the meeting. Members who distribute general informational materials at a Ceommittee meetings, which are not for discussion by the Committee, are encouraged to comply with the foregoing provisions.

Article VI
AGENDAS AND MEETING NOTICES

§6.1 Agenda Format

The agenda shall specify the starting time and location of the meeting and shall contain a brief general description of each item of business to be transacted or discussed at the meeting. The description shall be reasonably calculated to adequately inform the public of the subject matter of each agenda item. The agenda may include recommendations for Committee action as appropriate.

Items may be referred for inclusion on an agenda by: (1) the Board of Directors; (2) the General Manager; (3) the Committee Chairperson (in consultation with the Committee Staff Liaison); and (4) the Committee, with a quorum present and upon the required number of affirmative votes specified in Section 5.4. The order of business shall be established by the secretary with the approval of the chairperson.

§6.2 Public Presentations

Each agenda for a regular meeting shall provide an opportunity for members of the public to address the Committee on matters of interest to the public either before or during the Committee's consideration of the item, if it is listed on the agenda, or, if it is not listed on the agenda but is within the jurisdiction of the Committee, under the agenda item heading "Public Presentations." The Committee shall not act upon an item that is not listed on the agenda except as provided under Section 5.78. Each notice for a special meeting shall provide an opportunity for members of the public to directly address the Committee concerning any item that has been described in the notice for the meeting before or during consideration of that item.

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§6.3 Agenda Preparation

The secretary shall prepare the agenda for each meeting in consultation with VTA staff and the chairperson. Material intended for placement on the agenda shall be delivered to the secretary on or before 12:00 Noon on the date established as the agenda deadline for the forthcoming meeting. The secretary may withhold placement on the agenda of any matter which is not timely received, lacks sufficient information or is in need of staff review and report prior to Committee consideration.

~~Any member of the Committee may request that such withheld matter be placed on the agenda by contacting the secretary in advance of the meeting.~~

§6.4 Agenda Posting and Delivery

The written agenda for each regular meeting and each meeting continued for more than five calendar days shall be posted by the secretary at least 72 hours before the meeting is scheduled to begin. The written agenda for every special meeting shall be posted by the secretary at least 24 hours before the special meeting is scheduled to begin. The agenda shall be posted in a location that is freely accessible to members of the public. The agenda together with supporting documents shall be delivered to each Committee member, the General Manager and General Counsel at least five days before each regular meeting and at least 24 hours before each special meeting.

§6.5 Meeting Notices

The secretary shall mail notice of every regular meeting, and every special meeting which is called at least one week prior to the date set for the meeting, to each person which has filed with ~~the District~~VTA a written request for notice as provided in Section 54954.1 of the Government Code. The notice shall be mailed at least one week prior to the date set for the meeting. Notice of special meetings called less than seven days prior to the date set for the meeting shall be given~~,~~ as the secretary deems practical.

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Article VII
MISCELLANEOUS

§7.1 Adoption and Amendment of Bylaws

These Bylaws shall be adopted and amended by the Committee ~~by~~ with a quorum present and upon the required number of affirmative votes of members specified in Section 5.4 ~~the affirmative vote of a majority of its total authorized membership~~ and with the approval of the ~~Board of Directors~~ Governance & Audit Committee. The Governance & Audit Committee ~~Board~~ may also impose changes to the Committee's bylaws it deems to be in the best interest of VTA and the public it serves.

For efficiency, the VTA General Manager, in consultation with the General Counsel, is authorized to make minor, non-substantive corrections and adjustments to bylaws to correct errors and to reflect ongoing practice adopted by the Committee, such as a change to the meeting date or time.

§7.2 Rosenberg's Rules

All rules of order not herein provided for shall be determined in accordance with *Rosenberg's Rules of Order*, latest edition.

Adopted by Board of Directors: February 14, 1996
Amended by Board of Directors: May 2, 1996
Amended by Board of Directors: August 1998
Amended by Board of Directors: September 3, 1998
Amended by Board of Directors: December 2001
Amended by Board of Directors: February 7, 2002
Amended by Board of Directors: May 2005
Amended by Board of Directors: August 4, 2005
Amended by Board of Directors: June 3, 2010 (1)
Amended by Board of Directors: March 7, 2013
Amended by Board of Directors: December 11, 2014 to take effect January 1, 2015
Amended by Board of Directors: December 8, 2016

(1) In 2010, the Board of Directors, based on recommendations from the Advisory Committee Enhancement Process, approved converting two existing VTA Citizens Advisory Committee (CAC) positions to two voting members appointed by the Committee for Transit Accessibility (CTA) and the Bicycle & Pedestrian Advisory Committee (BPAC). These representatives will be from the respective committee's current membership and must meet established CAC membership requirements, including Board of Directors approval.

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Resolution No._____

RESOLUTION OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA) BOARD OF DIRECTORS AMENDING SECTIONS OF THE VTA ADMINISTRATIVE CODE, BOARD RULES OF PROCEDURE, AND BYLAWS FOR THE COMMITTEE FOR TRANSIT ACCESSIBILITY

WHEREAS, the VTA Administrative Code is the governing document for the organization established by the VTA Board of Directors as required by VTA's enabling legislation;

WHEREAS, the Administrative Code prescribes the powers and duties of VTA officers and directors, the method of appointment of VTA employees, and the methods, procedures, and systems for the operation and management of the VTA;

WHEREAS, the Board Rules of Procedure govern the conduct of VTA Board and standing committees meetings, serving, in effect, as the bylaws;

WHEREAS, the Rules of Procedure are established by and must be consistent with the Administrative Code;

WHEREAS, the Committee for Transit Accessibility (CTA) is an advisory committee established by the VTA Board to provide it input and advice on bus and rail accessibility issues, paratransit service, public facilities and programs, and VTA's efforts to fully comply with the federal Americans with Disabilities Act (ADA);

WHEREAS, advisory committee bylaws govern the proceedings of the committee and its meetings and must be consistent with the Administrative Code;

WHEREAS, changes are continually implemented to VTA and to Board and committee meetings to more efficiently or effectively conduct the organization's business or to respond to changing conditions;

WHEREAS, it is both important and in VTA's best interest to realistically portray the organization's current approved practices and provisions in both the Administrative Code and Board Rules of Procedure in order to both encourage and be able to enforce compliance;

WHEREAS, it is important that changeable provisions hampering the efficiency or effectiveness of the organization be revised;

WHEREAS, the membership structure, quorum and voting requirements, and several other provisions of the CTA bylaws were evaluated and potential bylaw modifications proposed to address several suboptimal conditions, including ones hampering the CTA's ability to provide a collective recommendation on items to the Board;

WHEREAS, those members in attendance at the April 13, 2016 CTA meeting membership reviewed the proposed bylaws modifications in detail and expressed support for implementing them.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Santa Clara Valley Transportation Authority does hereby:

1. Amend the VTA Administrative Code, effective December 8, 2016, with modifications as set forth in Attachment A hereto, to Sections: 1-29; 2-26; 2-27; 2-36; 2-38; 2-40; 2-53; 2-69; 2-75; 3-2; 4-3; 4-16; 4-29; 4-31; 4-32; 5-2; 5-3; 7-2; 9-2; 9-21; and 9-23.
2. Amend the Board Rules of Procedures, effective December 8, 2016, with modifications as set forth in Attachment B hereto, to Sections: 2.3; 4.1; 8.2; 9.1.1; 9.2; 9.4; 10.1; 10.3; and 10.4.
3. Amend the Committee for Transit Accessibility bylaws, effective December 8, 2016, with modifications as set forth in Attachment C hereto, to Sections: 1.1; 1.2; 1.3; 2.1; 3.1; 3.1.1; 3.2; 3.3; 3.4; 4.1; 5.1; 5.2; 5.3; 5.4; 5.6; 5.7; 5.8; 5.10; 6.1; 6.2; 6.3; 6.5; and 7.1.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Transportation Authority on December 8, 2016 by the following vote:

AYES:

NOES:

ABSENT:

_____
Cindy Chavez, Chairperson
Board of Directors

ATTEST:

_____
Elaine Baltao, Secretary
Board of Directors

APPROVED AS TO FORM:

_____
Robert Fabela
General Counsel

SANTA CLARA
Valley Transportation Authority

Date: November 8, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Chief Financial Officer, Raj Srinath

SUBJECT: Comprehensive Annual Financial Report (CAFR) for the Santa Clara Valley Transportation Authority (VTA), and Financial Reports for the Amalgamated Transit Union (ATU) Pension Plan and Retirees' Other Post- Employment Benefits (OPEB) for Fiscal Year 2016

Policy-Related Action: No **Government Code Section 84308 Applies: No**

ACTION ITEM

RECOMMENDATION:

Review and receive the audited Comprehensive Annual Financial Report (CAFR) for the Santa Clara Valley Transportation Authority (VTA), and Financial Reports for the Amalgamated Transit Union (ATU) Pension Plan and Retirees' Other Post- Employment Benefits (OPEB) (both referred to as Trusts) for Fiscal Year 2016.

BACKGROUND:

Pursuant to state law, Administrative Code of the VTA, and provisions of the Trusts, Vavrinek, Trine, Day & Company, LLP (VTD), a Certified Public Accounting Firm, conducted an audit of VTA and its Trusts' finances for the fiscal year ended June 30, 2016 (FY 2016). The auditors are required by audit standards to obtain reasonable assurance about whether the financial statements are free of material misstatement as well as assess whether the accounting principles used and estimates made by management are reasonable. Audited VTA financial statements are required to be submitted to the State Controller, Metropolitan Transportation Commission, federal and state agencies, and other parties such as the bondholders and financial rating agencies.

DISCUSSION:

Audit Results

VTD rendered a "clean" or unmodified opinion on VTA's and the Trusts' financial statements. The audit reports state that the financial statements present fairly, in all material respects, the financial activities of VTA and its Trusts as of June 30, 2016, in conformity with the accounting principles generally accepted in the United States of America. There were no material weaknesses noted in the internal controls over financial reporting and operations. The Independent Auditor's opinion addressed to the Board is on pages 2-1 to 2-3 of the CAFR, and page 1 of both the ATU Pension Plan and the Retirees' OPEB reports.

In planning and performing the audit of VTA's financial statements, VTD considered VTA's internal control system and procedures. Based on the audit procedures performed, VTD noted no significant deficiency or material weakness as noted in SAS 114 letter (Statements on Auditing Standards relating to Auditor's Communication with Those Charged with Governance).

Audited Financial Statements

VTA uses the fund accounting system for financial reporting to ensure and demonstrate compliance with finance-related legal requirements. A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. VTA's funds can be divided into three categories: proprietary, governmental, and fiduciary.

The financial statements, related footnotes, and Management's Discussion and Analysis as presented in the CAFR were prepared in accordance with the reporting requirements recommended by the Government Finance Officers Association (GFOA).

The GFOA awarded a Certificate of Achievement for Excellence in Financial Reporting to VTA for its CAFR for the fiscal year ended June 30, 2015. This was the 20th consecutive year that VTA achieved this coveted award. The award provides affirmation that VTA's Comprehensive Annual Financial Reports are consistently prepared in accordance with generally accepted accounting principles and applicable legal requirements.

The CAFR reports the results of operations for:

- Proprietary Funds
    - VTA Enterprise - VTA Transit; 1996 Measure B Transit Rail Program; 2000 Measure A Transit Improvement Program; BART Operating; Express Lanes, and Joint Development Program
    - Internal Service Fund - Workers' Compensation; General Liability, and Compensated Absences

- Governmental Funds
    - Special Revenue Fund - Congestion Management Program (CMP)
    - Capital Projects Funds - Congestion Management & Highway Program, and 1996 Measure B Highway Program
- Fiduciary Funds
    - Trust Funds - VTA Amalgamated Transit Union (ATU) Pension Plan; ATU Spousal Medical and Retiree Vision/Dental Fund, and Retirees' Other Post Employment Benefits (OPEB) Trust
    - Agency Funds - Bay Area Air Quality Management District; 1996 Measure B Ancillary Program, and Senate Bill 83 Vehicle Registration Fee. Please note that the Measure B Ancillary Program was closed in FY 2016.

Financial Highlights

Proprietary Funds

The Proprietary Funds account for activities that are reported using the full accrual basis of accounting. VTA maintains two types of proprietary funds: Enterprise Funds and Internal Service Funds.

Enterprise Funds

Enterprise Funds are used to account for functions of VTA that are principally supported by user charges, sales tax, and intergovernmental revenues. There are six types of activities that fall under this category: VTA Transit, 1996 Measure B Transit Improvement Program, 2000 Measure A Transit Improvement Program, BART Operating, Express Lanes, and Joint Development Program.

Statement of Revenues, Expenses, and Changes in Fund Net Assets

A Comparative Schedule of Revenues, Expenses, and Changes in Fund Net Position is included on page 2-104 of the CAFR. Highlights on the operating and non-operating revenues, as well as capital grants and contributions are as follows:

- For FY 2016, operating revenues (mainly from transit service fares, toll fees, direct service shuttles, and advertisement income) were $42.3 million, down 0.7 million (1.7%) compared to FY 2015. The low gas price coupled with ongoing construction activities on the VTA transit system have a negative impact on the ridership.
- VTA's major revenue sources for operating and capital funding, the 1976 Half-Cent Sales Tax, 2000 Measure A Half-Cent Sales Tax, and BART Operating 1/8-cent Sales Tax, were $205.4 million, $205.6 million, and $49.3 million, respectively. For FY 2016, the 1976 Half-Cent Sales Tax, 2000 Measure A Half-Cent Sales Tax and BART

Operating 1/8-cent Sales Tax were higher than the prior year by $6.2 million (3.1%), $6 million (3%) and $1.8 million (3.7%), respectively. Low unemployment rate, as well as higher consumer and business spending, contributed to the increase of VTA's revenue base.

- Operating assistance grants decreased by $16.5 million due to the elimination of use of federal grants for funding preventive maintenance activities which caused a drop in federal assistance of $20.4 million compared to prior year. There was also a decrease in State Transit Assistance (STA) revenue of $317.6 thousand. The decrease was offset in part by an increase in Transportation Development Act (TDA) revenue of $3.9 million and net increase of $320 thousand in other federal and state operating assistance grants relating to Transit Assistance Program, Transportation for Clean Air Act Shuttle Program, Job Access Reverse Commute, and Transit Security Grant Program revenues. Capital grants were down by $6.4 million as a result of reduced grant-funded activities relating to Silicon Valley Berryessa Extension (SVBX) and procurement of buses.

- In FY 2016, other income was $2.9 million, a decrease of 17.5 million. There were sales proceeds received from properties sold in the prior year, but none in the current year. Investment earnings, a non-operating revenue, increased by $9.4 million largely due to higher mark-to market gains as a result of modestly lower interest rates.

Total expenses in FY 2016 were $13.5 million or 2.6% higher than FY 2015. Significant activities on the operating and non-operating expenses are as follows:

- Labor costs increased $22.8 million or 8% in FY 2016 as a result of increase in labor rates and related fringe. There was an incremental adjustment in labor rates in accordance with certain collective bargaining agreements, and recording of GASB 68-required pension expense. Pension expense increased due to the upward change in actuarial estimate as a result of reduction in discount rate assumption specifically for ATU.

- Services increased by $4.6 million as a result of added sheriff security personnel to extend law enforcement availability 24 hours a day. The growth in Purchased Transportation of $2.2 million was brought about by an increase in the cost of transportation providers. These increases were partly offset by a decline in insurance and depreciation. The reduction in general liability insurance provision was a result of actuarial determination that the established reserves were adequate. Depreciation dropped by $3.3 million as a result of the retirement of zero-emission buses. There was also a decline in other cost allocated to capital translating to a decreased capitalized labor and associated costs.

- For the non-operating expenses, major variances were in Capital Contributions to/on behalf of Other Agencies which is $8.4 million lesser compared to prior year. This is largely due to a decline in capital activities relating to projects which generate assets that would end up being owned by another entity such as Hayward Maintenance Complex, Mission Boulevard/Warren Avenue, and Kato Road. Interest expense and other bond charges (net of capitalized interest) decreased $3.9 million due to more interest being capitalized as more taxable bonds are drawn down.

Governmental Accounting Standards Board (GASB) Statement No. 68 requires public employers that participate in a defined benefit pension plan, administered as a trust or equivalent arrangement, to record the net pension liability, pension expense, and deferred outflows/inflows

of resources related to pensions in their financial statements. To comply with the standard, VTA reported a Pension Liability, net of related deferrals, of $195.6 million. Net Pension Liability is the amount owed by VTA to its employees for benefits provided through a defined benefit pension plan, consisting of $80.6 million for CalPERS and $115 million for ATU.

The Enterprise Fund's total net position of $4.4 billion was up by $398 million in FY 2016. Of the total net position increase, $380 million was related to the 2000 Measure A Transit Improvement Program Fund. The remaining changes in net position were as follows: VTA Transit (decrease of $34 million), 1996 Measure B (decrease of $1.5 million), BART Operating (increase of $52.1 million), Express Lanes (increase of $373 thousand), and Joint Development Program (increase of $843 thousand). VTA accounts for the 2000 Measure A Transit Improvement Program as part of its Enterprise Fund. Even though the 2000 Measure A program revenues and related capital expenses are reported as part of Enterprise Fund financial statements, they are restricted for capital programs and operating activities included in the ballot measure. The BART Operating fund was established when the tax measure was approved and took effect on July, 1, 2012, for a period not to exceed 30 years. The tax is dedicated to operate, maintain, improve, and take care of future capital needs of the BART extension.

Reserves

The Enterprise Fund has a restricted and unrestricted reserve balance of $982 million. Restricted funds are intended for specific purposes, bound by legal agreements, or ballot measure provisions as approved by county voters. This includes debt service reserve fund ($50 million), SWAP/lease collateral ($120.8 million), Measure A Transit Improvement fund ($430 million), Measure B Transit fund ($974 thousand), and BART Operating ($187.5 million).

As of June 30, 2016, VTA Transit Fund reports as unrestricted a total operating reserve balance of $64.1 million. The VTA Board has established an operating reserve goal of 15% of the subsequent year's final operating budget to meet emergency needs that cannot be funded from any other source. This is meant to ensure that funds are available in the event of unanticipated revenue shortfalls or unavoidable expenditure needs. As of June 30, 2016, the reported operating reserve balance is at 15% of the FY 2017 final operating budget.

As part of the unrestricted reserve, VTA Transit Fund reports Debt Reduction Fund of $76.4 million. This reserve may be used to reduce long-term liabilities or provide funding for approved transit-related capital improvements and replacement of capital needs. This reserve is used to fund local portion of the VTA Transit capital program in order to keep assets in a state of good repair. The fund is accounted for on the next page:

Santa Clara Valley Transportation Authority
Debt Reduction Fund
As of June 30, 2016

Beginning balance, June 30, 2015		$ 134,173
Add/(Less): Activities during the year		
7/1/2015 - Local share of the FY16 & FY17 Adopted VTA Transit Fund Capital Budget	$ (69,122)	
11/19/15-FY16 capital budget augmentation for mitigating impacts due to construction interruption of the Alum Rock/Santa Clara Bus Rapid Transit Project	(1,500)	
4/14/2015-Budget augmentation for Alum Rock Bus Rapid Transit Small Business Sustainability Program	(1,500)	
Investment earnings	1,188	(70,934)
Subtotal		63,239
Year-end transfer		13,139
Ending balance, June 30, 2016		$ 76,378

Other unrestricted reserve balance includes local share of approved capital funding that VTA must provide toward Board-approved capital projects ($134 million); Joint Development Program ($26.9 million); Sales Tax Stabilization Fund ($35 million); Express Lanes ($2.4 million); and Inventory and prepaid expenses ($33.6 million). VTA Transit Fund made an irrevocable transfer of $20.65 million to the Other Post Employment Benefit (OPEB) Trust Fund in FY 2013 to reduce unfunded accrued actuarial liability. In FY 2016, VTA's annual required contribution for OPEB amounted to 4.8 million, thereby reducing the Net OPEB Asset balance to $15.9 million. This was reflected as part of the unrestricted net position in the VTA Transit Fund.

To comply with GASB Statement 68, VTA reflected a Net Position Liability of $195.6 million ($80.6 million for CalPERS and $115 million for ATU), inclusive of related deferrals. This represents the amount owed by VTA to employees relating to benefits provided through a defined benefit pension plan that is attributed to employees' past period of service. Any of the aforementioned unrestricted reserves may be reduced by the amount of set aside for the Net Pension Liability.

Budgetary Comparison

As shown on the Budgetary Comparison Schedule for the VTA Transit Fund (pages 2-107 & 2-108), the FY 2016 actual results for revenues, on the overall, were unfavorable compared to both the Adopted and Final Budget. On the other hand, the total operating and other expenses were favorable, showing actual results below both the Adopted and Final Budget.

The FY 2016 Final Budget projected a net budgetary negative balance of approximately $790 thousand. In June 2015, VTA Board of Directors adopted a biennial budget for Fiscal Years 2016 and 2017 which was developed with the specific goals of increasing ridership, preserving and enhancing service, maintaining and improving VTA's infrastructure, and advancing VTA's

long-term capital programs. Based on the FY 2016 actual results, VTA Enterprise Fund reported a positive balance, on a budgetary basis, of $10.3 million, a $11.1 million favorable variance when compared to the Final Budget.

Internal Service Funds

Internal Service Funds are set up to account for services to other funds, departments or to other governments on a cost-reimbursement basis. General Liability, Workers' Compensation, and Compensated Absences programs are accounted for in the Internal Service Funds.

The Statement of Revenues, Expenses and Changes in Fund Net Position (page 2-26) reported an increase in net position of $480 thousand. The fund liabilities were in line with the actuarial valuation report. As reflected in the Statement of Fund Net Position, page 2-25, Internal Service Fund column, the total net deficit amounted to $6.7 million as of FY 2016. This represents primarily compensated absences liability associated with ATU employee's accrued vacation leave which is funded by VTA Transit's FY 2017 operating budget.

Governmental Funds

Governmental funds are reported using modified accrual basis of accounting. This means that revenues are recognized in the accounting period in which they become "measurable and available." VTA's Governmental Funds are divided in two categories: Special Revenue Funds and Capital Projects Funds.

Special Revenue Funds are set up to account for revenues from specific taxes or other earmarked revenue sources which, by law, are designated to finance particular activities of government. The Congestion Management Program falls under the Special Revenue Fund category.

Capital Projects Funds are set up to account for resources used for acquisition or construction of major capital assets by a governmental unit. VTA reports the Congestion Management and Highway Program, and 1996 Measure B Highway Program under the Capital Projects Funds category.

Congestion Management Program (CMP)

The CMP Special Revenue Fund is used to account for the congestion management, planning, and programming and development services within the geographic boundaries of Santa Clara County. The Statement of Revenues, Expenditures and Changes in Fund Balances (page 2-30) reports a $342 thousand decrease in fund balance due to expenditures exceeding revenues in the current fiscal year. Total fund revenues, which mainly include member assessment and grants, were $5.3 million in FY 2016; $405 thousand higher than the prior year due primarily to an increase in Surface Transportation Program grant revenue. Total expenditures were $5.6 million, an increase of $226 thousand from FY 2015. This is brought about by internal labor spent on CMP projects such as Countywide Bicycle Plan updates. The CMP fund balance was $1.2 million as of June 30, 2016.

Congestion Management & Highway Program (CM&HP)

CM&HP Capital Projects Fund is used to account for the acquisition of capital assets and construction of highway projects administered on behalf of state and other local governments (other than those accounted for in the Measure B Highway Capital Projects Fund). The CM&HP administers highway projects on behalf of other agencies.

As reflected on page 2-30, the CM&HP reported total grant revenues and capital expenditures of $13.8 million in FY 2016, a decrease of $8.9 million from prior year. This was a result of waning activities on projects which were nearing completion (I-880/I-280 Improvements-Stevens Creek, and US 101/Capitol Expressway/Yerba Buena Interchange). The bulk of the funding for these projects came from federal, state, and Measure A Swap funds. The total revenue consisted of $1.7 million from federal grants and $12.1 million from state and local grants/assistance ($5 million from Measure A Swap funds, $251 thousand from Measure B swap, and $6.9 million from state and other sources).

Measure B Highway Program

Measure B Highway Program Capital Projects Fund is used to account for acquisition of capital assets or construction of 1996 Measure B Highway projects. The Measure B Highway projects consist primarily of widening highways and improvements that become the property of the State. As shown on page 2-30, VTA expended approximately $183 thousand during FY 2016 for Measure B Highway projects.

Fiduciary Funds

The Fiduciary Funds are used to account for assets held by VTA as a trustee (in a trust fund) and as an agent for others (in an agency fund). These assets cannot be used to support VTA's programs. VTA's Fiduciary Funds consist of trust and agency funds. The trust funds include the VTA ATU Pension Plan, ATU Spousal Medical and Retiree Vision/Dental Fund, and the Retirees' Other Post Employment Benefits (OPEB) Trust. The VTA ATU Pension Plan Report is discussed on page 9 of this memo. Bay Area Air Quality Management District (BAAQMD), Measure B Ancillary, and SB 83 Vehicle Registration Fee programs are reported as agency funds. Please note that the Measure B Ancillary Fund was closed in FY 2016 in support of the effort to wind down Measure B-related activities.

Retirees' Other Post Employment Benefits (OPEB) Trust

The Retirees' Other Post Employment Benefits (OPEB) Trust was established by VTA to implement the GASB Statement Number 45 in FY 2008. The Combining Statement of Changes in Fiduciary Net Position (page 2-110) shows a total increase of $169 thousand in Trust net position for the current fiscal year. As of FY 2016 (based on actuarial valuation date of June 2015), despite VTA's contribution of a mere $16 thousand to the Trust, OPEB was 108.7% funded. Net investment earnings were $9.8 million due primarily to net interest income and trading gain of $34.3 million, and a mark-to-market loss of $24.5 million on the Trust investments in FY 2016. The unrealized loss is largely due to market volatility of specific investments. Total expenses of the Trust, which mainly include the retiree medical premium payments were $9.7 million. As of June 30, 2016, total net position held in the OPEB Trust

totaled $275.6 million. As required by Governmental Accounting Standards Board (GASB), VTA has also published a separate financial report for the OPEB Trust.

ATU Spousal Medical and Retiree

These funds account for the ATU Spousal Medical Program, which is a medical insurance benefit for eligible pensioners' spouses, and the ATU Retiree Vision/Dental Program, which is a vision and dental benefit for eligible pensioners. Both benefits are funded through employee contributions.

As shown on the Combining Statement of Changes in Fiduciary Net Position for Retiree Trust Funds (page 2-110), total employee contributions to Spousal Medical and Vision/Dental were approximately $1.6 million and $391 thousand, respectively. Total benefit payments were $1.4 million for ATU Spousal Medical Fund and $299 thousand for Vision/Dental. Total changes in net position show a total increase of $1.2 million for both funds. Total net position was $13.9 million for Spousal Medical Fund and $9.7 million for Vision/Dental Fund.

Bay Area Air Quality Management District (BAAQMD)

The BAAQMD Agency Fund accounts for the activities that relate to the Transportation Fund for Clean Air (TFCA) Program. The TFCA is generated by a $4 surcharge on vehicle registrations in the county. The BAAQMD administers these funds in the nine-county Bay Area. Funds are available for allocation to alternative fuels, arterial management, bicycle, and trip-reduction projects that reduce vehicle emissions. Assets in the BAAQMD fund are held by VTA in a custodial capacity; therefore, they are reported in the Agency Fund. As of June 30, 2016, BAAQMD's total assets were approximately $5.3 million, as reflected on page 2-111.

Senate Bill 83 Vehicle Registration Fees (SB 83 VRF)

In November 2010, the voters of Santa Clara County approved a measure which called for the enactment of a $10 motor vehicle registration fee to pay for transportation projects. The SB 83 VRF fund was established in FY 2011 to account for activities related to the implementation of the measure. For FY 2016, the fund received $16 million of DMV fees. As of June 30, 2016, the fund has total assets of $25.6 million.

Measure B Ancillary Program

The Measure B Ancillary Program was established to administer the 1996 Measure B funds. In FY 2016, this fund was closed as part of an effort to wind down the affairs of 1996 Measure B.

AMALGAMATED TRANSIT UNION (ATU) PENSION PLAN REPORT

The Santa Clara Valley Transportation Authority ATU Pension Plan Fund reports on the activities of the pension benefit plan covering VTA employees represented by the Amalgamated Transit Union (ATU).

Audit Results

VTD rendered a "clean" or unmodified opinion on the ATU Pension Plan Report, a component unit report of VTA's CAFR. The audit report states that it presents fairly, in all material respects, the activities of the ATU Pension Plan for the year ended June 30, 2016, in conformity with the accounting principles generally accepted in the United States of America. The Independent Auditor's opinion addressed to the Board is on page 1 of the component unit report.

Financial Highlights

As shown on the Statement of Changes in the Plan Net Position of ATU Pension Plan Report (page 7), net position decreased by $7.9 million for the year ended June 30, 2016. FY 2016 reported a total net investment income of $2.2 million, a decrease of $13.8 million or 86% from prior year. This was largely a result of decline in fair value of specific investments brought about by market volatility. VTA contributions to the Plan and net investment earnings were $28 million, while the benefit payments to retirees and administration expenses were $35.9 million during FY 2016. As of June 30, 2016, net position held in trust was $481.3 million. Report details are shown on pages 6 & 7 of the ATU Pension Plan component unit report.

These financial statements can be viewed at www.vta.org/About-Us/Financial-and-Investor-Information. A hard copy may be requested by writing to Santa Clara Valley Transportation Authority, Finance & Budget Division, 3331 North First Street, San Jose, CA 95134-1927.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Governance and Audit Committee considered this item at its November 3, 2016 meeting. Leonard Danna and Ahmad Gharaibeh, partners with the audit firm of Vavrinek, Trine, Day & Co., LLP, gave a brief presentation. The Governance and Audit Committee unanimously accepted the FY 2016 audited financial reports which will be forwarded to the Board of Directors for consideration at its December 8, 2016 meeting.

FISCAL IMPACT:

There is no fiscal impact as a result of this action.

Prepared by: Grace S. Ragni, Fiscal Resources Manager
Memo No. 5762

SANTA CLARA
Valley Transportation Authority

Date: November 4, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

FROM: Auditor General, Bill Eggert
General Manager, Nuria Fernandez

SUBJECT: Amend FY 2017 Internal Audit Work Plan

Policy-Related Action: No **Government Code Section 84308 Applies: No**

ACTION ITEM

RECOMMENDATION:

Approve amending the FY 2017 Internal Audit Work Plan to add three new projects, defer two, and define the specific purpose and scope of one placeholder project.

BACKGROUND:

The Internal Audit Work Plan ("Work Plan") specifies the projects that the Board of Directors has authorized the Auditor General's Office to undertake during a given fiscal year. The FY 2016 and FY 2017 Internal Audit Work Plans were approved by the Board in June 2015.

The FY 2016 Work Plan contained a placeholder project dedicated for VTA's BART Silicon Valley Extension (BART SV) program. When approved, this project did not include a specific objective or scope, which was to be determined after completion of the FY 2017 Risk Assessment Refresh and other BART SV-related Auditor General Work Plan projects.

The FY 2016 Work Plan also contained the Special Events and Stadiums project. This project was originally targeted for completion during FY 2016 but was subsequently deferred to allow the Auditor General's Office to complete several unanticipated projects with a higher priority, including the Alum Rock BRT Construction Delay Assessment and the Paratransit Operations Assessment.

The Board of Directors has delegated certain specialized discretion to the Governance & Audit Committee in support of its responsibilities in overseeing the activities of the Auditor General function. These responsibilities include approving scope modifications and cost adjustments for Work Plan projects, subject to remaining within the overall budget for that Work Plan. It also includes defining the specific purpose and scope for Board-approved placeholder projects. However, the addition of any project (except urgent ones meeting specified criteria), an increase to the overall finding level for any Work Plan, or deletion of any project contained therein requires Board approval.

DISCUSSION:

The Auditor General's Office presented its FY 2017 Risk Assessment Refresh at the September 2016 Governance & Audit Committee meeting. This project is a periodic high-level risk assessment that identifies the significant current or future potential financial, business or reputation risks to VTA. Risks that are identified are prioritized and considered for potential projects in the upcoming two annual Work Plans developed by the Auditor General's Office for consideration by the Governance & Audit Committee and the Board of Directors.

Based on the results of the Risk Assessment Refresh, the Auditor General's Office recommended that the FY 2017 Internal Audit Work Plan be modified as follows:

A. Two new, high risk projects be added and undertaken as soon as reasonably possible
B. Two lower risk, less urgent projects be deferred until FY 2018
C. The specific purpose and scope be defined for the placeholder BART SV project

After reviewing and discussing the Risk Assessment Refresh, Governance & Audit Committee members express support for the Auditor General's proposed modifications but requested that a third identified project, which the Committee deemed as high risk, critical and urgent, also be added to the current Work Plan.

The specific proposed changes to the FY 2017 Internal Audit Work Plan are:

Projects Being Added

1. Verification of Outreach Assets — 260 hours — $47,000

   This will examine the assets held by Outreach and Escort, Inc., VTA's current paratransit broker whose contract ends June 30, 2017, to independently determine VTA's ownership interest. This examination is needed due to the complex processes at Outreach in conjunction with complex funding from VTA (for paratransit operations as well as multiple grants), necessitating thorough analysis and validation in order to determine VTA's ownership rights at the impending close of the contract.

The scope would include, among other factors:

- Ownership of assets at all locations including vehicles, computer equipment, software, Trapeze Pass database system, office equipment, and other items necessary for paratransit operations.
- Independent Auditor General verification of Outreach capital purchases, including funding sources.
- Independent verification of leasehold improvements constructed by Outreach.

2. Interagency Agreement Risk Assessment 360 hours $69,000

This will examine VTA's agreements with other public agencies for the provision of transportation services, which are both numerous and complex, for the risks they pose to VTA. Examples include the agreements with Caltrain, the Altamont Corridor Express (ACE), Monterey-Salinas Transit, etc. Among the factors that will be evaluated are:

- Adequacy and effectiveness of policies and procedures for negotiating and monitoring agreements.
- Controls in place to ensure VTA is paying only its fair share in multi-jurisdictional agreements.
- Contractual financial obligations and overall financial risk to VTA, both current and long-term.
- Process for regular Board review of agreements on an ongoing basis.

3. Inventory Management and Costing 360 hours $65,000

(Includes $4,000 of travel for subject matter expertise not located in Bay Area.)

This will examine the processes for VTA's inventory management of parts and supplies primarily relating to the maintenance of transportation vehicles and facilities. The scope will include, among other factors:

- Supply chain management and inventory optimization
- Parts resupply and utilization metrics.
- Business processes and internal controls
- Service delivery impact.
- Repair versus rebuild processes
- Inventory job costing methodology, especially for component rebuild

Projects Being Deferred to Next Fiscal Year (FY 2018)

1. Special Events and Stadiums 260 hours $47,000
2. Rolling Stock 260 hours $47,000

Placeholder Project Purpose and Scope Defined

It is recommended that the placeholder BART SV Program project be converted to the BART SV Construction Contractor Compliance Audit. This project would examine risks related to VTA's involvement in the BART Silicon Valley Extension. The scope would include, among other considerations:

- Construction project management / contractor compliance
- Allowable costs
- Regulatory Compliance
- Project Controls
- Change Orders

This scope can be accomplished within the existing placeholder project budget of 342 hours and $61,000.

The net total of the proposed modifications is an increase of $87,000. This results from two factors: (1) a net addition of one project; and (2) two of the projects being added cost slightly more than those they replace due to additional complexity and resources required to complete. To accomplish the three new projects during FY 2017 requires Board approval to increase the FY 2017 Internal Audit Work Plan, which was approved for $435,000, by $87.000 to $522,000.

If the Board approves these modifications, two projects, Verification of Outreach Assets and Interagency Agreement Risk Assessment, would be initiated immediately. The Inventory Management and Costing project would be undertaken soon thereafter, following substantial completion of either of first two projects. The results of all three projects are targeted for presentation at the February 2017 Governance & Audit Committee and March Board meetings.

ALTERNATIVES:

The Board could choose to not add or defer any or all of the indicated projects, or convert the placeholder project into a project with a specified objective and scope.

FISCAL IMPACT:

This action will authorize an additional $87,000 for Auditor General services during FY 2017. Sufficient appropriation for these services is available in the Adopted FY 2017 VTA Transit Fund Operating Budget.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Governance & Audit Committee considered this item at its November 3, 2016 meeting as part of the Consent Agenda. The Committee unanimously recommended its approval and also its placement on the Board's Consent Agenda.

Prepared by: Bill Eggert, Auditor General & Stephen Flynn, Advisory Committee Coordinator
Memo No. 5784

SANTA CLARA
Valley Transportation Authority

Date: December 2, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Interim Director - Planning & Program Development, Carolyn M. Gonot

SUBJECT: Strategic Plan Final Draft

Policy-Related Action: Yes **Government Code Section 84308 Applies: No**

ACTION ITEM

RECOMMENDATION:

Adopt VTA's updated Strategic Plan.

BACKGROUND:

Updating the VTA's Strategic Plan is one of the five priorities identified by Chairperson Chavez for 2016. VTA last updated the plan in 2009. The plan includes a review of VTA's mission and vision statements, as well as its core values, opportunities, and business lines. The new Strategic Plan is designed to establish a strong foundation for VTA to help lead Silicon Valley into a more successful and sustainable future, provide the framework for its two-year budgets, and provide overarching guidance for all aspects of the agency's operations and management.

Over the last 18 months, staff has met with employees to gather their input through the following efforts:

- Analysis of the agency's strengths, weaknesses, opportunities, and threats (SWOT)
- Establishing an internal working group represented by a broad cross-section of employees
- Meeting with union leaders
- Meetings and employee forums at all operating divisions
- Meeting with the Employee Advisory Committee
- Meetings with individual VTA staff members
- Creating an on-line survey & anonymous suggestion cards for employees
- Holding an all-day executive staff retreat

- Regular updates to the Board's Governance & Audit Committee for their input and guidance.

DISCUSSION:

In October, VTA presented a draft outline of the Strategic Plan to the VTA Board of Directors, the VTA's advisory committees and the public through a community meeting held on October 12, 2016. At these meetings, there was general support for the draft outline. After receiving feedback through these meetings, VTA generated a draft of the updated Strategic Plan.

The draft Strategic Plan is comprised of the following sections:

A. Introduction
B. How to Use this Plan
C. Mission
D. Vision
E. Core Values
F. Action Values
G. Great People
H. Business Lines
I. Outcome Statement

Once the plan is adopted by the Board of Directors, it will set the framework for the development of the two-year business plan which VTA will develop in coordination with the FY 2018 & FY 2019 Biennial Budget.

ALTERNATIVES:

The Board could modify the contents of the draft update to the Strategic Plan or elect not to update the current Strategic Plan.

FISCAL IMPACT:

There is no financial impact for updating the Strategic Plan.

ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:

The Citizens Advisory Committee (CAC) received an update on this item on November 9, 2016, and voted to recommend that the VTA Board of Directors adopt the updated Strategic Plan. Further, the Committee stated that without specific metrics it views the document as a Strategic Vision and recommends that metrics and accountability be included to make it a five year strategic plan.

The Bicycle & Pedestrian Advisory Committee considered this item on November 9, 2016. Committee Members discussed the mission and vision statements; some members liked the new mission and vision statements while others did not. Additionally, Committee Members discussed whether or not the plan should contain more specific goals. On a vote of 9 to 2, the Committee

recommended the VTA Board of Directors not adopt the updated Strategic Plan because the draft update does not include specific goals nor does the Committee agree with the mission and vision statements.

The Technical Advisory Committee considered this item on November 10, 2016. The Committee unanimously recommended that the VTA Board of Directors adopt the updated Strategic Plan.

The Policy Advisory Committee considered this item on November 10, 2016. Members emphasized the importance of ensuring that everyone at VTA understands how the Strategic Plan will relate to their specific job. The Committee unanimously recommended that the VTA Board of Directors adopt the updated Strategic Plan and requested that staff place the draft document on VTA's website.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Congestion Management Program & Planning Committee considered this item on November 17, 2016. The Committee unanimously recommended the item be forwarded to the VTA Board of Directors for approval.

The Administration & Finance Committee did not consider this item due to the cancellation of its November 17, 2016 meeting.

Prepared by: Scott Haywood
Memo No. 5741

ATTACHMENTS:

- 2016 VTA Strategic Plan_Admin Draft 102616 ver2_with cover (DOCX)

2017 - 2022

Strategic Plan

Valley Transportation Authority

Administrative Draft

Introduction

The Valley Transportation Authority (VTA) Strategic Plan is designed to take VTA to the next level – and beyond. It is the result of an analysis of the agency's Strengths, Weaknesses, Opportunities, and Threats, and input, observations, and ideas from VTA employees, customers, and members of VTA's advisory committees and Board of Directors. It addresses our current situation and provides a framework to build an exciting future.

It asks everyone involved with VTA, beginning with the Board of Directors, and including all employees, to embrace this approach and work to implement its philosophy.

A clear and visionary plan will help guide us along a path to further establishing VTA as an industry leader, innovator, and a transportation organization worthy of moving Silicon Valley. The plan ~~e~~stablishes our Mission, Vision and Values -- as well as provides the framework to tie your everyday work into the overall direction and priorities for the agency. This tie will get strengthened with the development of Business Plans. The Business Plans, which are closely linked with VTA's biennial Budget, will serve as the primary implementing document of the Strategic Plan.

This is a high-level plan meant to provide direction, and *actively* foster creativity, collaboration and leadership. The Strategic Plan guides the development and implementation of VTA's Business Plans, and the Business Plans in turn outline the strategies to reach our goals. It will also serve to guide our budgeting process and our expenditure of resources.

Ultimately, this plan is designed to be ***Transformative***; that is, to create a dynamic work environment that carries us boldly and confidently into the future; an environment that simplifies and stabilizes decision making, where VTA employees are encouraged to take strategic risks, and where excuses for inaction are discouraged and proactive action is encouraged.

Administrative Draft

I. Who we are and what we do.

Ask anyone what VTA is, and you're likely to hear a response involving the phrase "buses and trains." While operating Santa Clara County's bus and light rail system is an important part of what we do, it's certainly not the only thing – and that's a good thing.

VTA is a unique organization, so our approach to work must be unique as well. We have wide-ranging authorities including transit development and operations, Congestion Management, funding, highway design and construction, real estate and transit-oriented development, and bicycle and pedestrian planning. We are truly a multimodal transportation solutions agency, and that gives us many great opportunities that other agencies don't have. Our structure is unique in the Bay Area, and to better support our local interests and needs, as well as enhance regional partnerships, we will continue strive for greater regional independence.

[Insert agency responsibilities/authorities graphic]

VTA is a collection of more than 2,000 dedicated employees working together to move Silicon Valley. The solutions we provide to move people to jobs, recreation, doctor appointments, home and more vary, allowing us to meet the diverse needs of a diverse population. From highways to bikeways to safer routes to walk to school, the people of VTA work together to make sure Silicon Valley residents and workers get where they need to go.

But we can't do it alone. Partnerships with cities and the county as well as nonprofit organizations, businesses, regional agencies and community stakeholders are imperative for us being successful. For instance, jurisdictions that have land use plans that take into account the way people move can help us provide the appropriate transportation options and serve the public better while making prudent use of our resources. This team of VTA employees and our partners in the community ensures that we are all invested in Santa Clara County's transportation network and in providing the solutions that move Silicon Valley.

Administrative Draft

II. How to use this plan

[Pyramid graphic with description]

This Strategic Plan is intended to be a valuable document for everyone involved in VTA – from the Board of Directors to all operating divisions. With this document, you should be able to understand the overall Mission, Vision and Values that VTA holds, and determine how your work aligns with them.

VTA has added a new section to the Strategic Plan - *Business Lines*. This addition is designed to help employees understand better how VTA comes together to provide service to people with varying needs across a diverse county. It also helps to avoid silos in the workplace by providing a broader overview of what VTA does and how each decision in each area affects the overall work we do. We'll get more into Business Lines in Chapter 4.

Practically, this plan is designed to give you a pathway to set goals for yourself and if you're a manager, to help your employees set goals for themselves.

It all starts with the *Mission, Vision and Values,* which we'll cover in more detail later. In accordance with the Mission, Vision and Values, a division will set its goals and determine its initiatives. Those in turn will inform employees' goals and determine key indicators of success for the employee, manager, division and ultimately, VTA itself.

While specific goals and initiatives can change — for instance, with the results of new studies or through revised policies — the Mission, Vision and Values will guide all that we do. So no matter your position, you should be able to relate what you do to the mission, vision and values of the organization. For instance, if you're an operator, you are providing the basic service that VTA does: move people throughout Silicon Valley. In that position, you are uniquely situated to contribute ideas on improving service for customers and helping VTA meet its transit goals. In our discussion of Mission, Vision and Values, and later of the Business Lines, keep in mind some questions that will help you to determine how your work fits in and supports VTA's plan for moving the people of Silicon Valley.

- Think about the key tasks of your position. How do those tasks relate to the Mission, Vision and Values?
- What Business Lines do you see your position affecting and how?
- How do you incorporate VTA's priorities into your daily work?
- How can you demonstrate VTA's Values in your daily work and in your personal employee goals?
-

Each one of us plays a part in the ultimate success of VTA. Knowing how your role contributes to that will help VTA function more cohesively and give your work even more meaning. Perhaps more importantly, if you don't know how your role contributes – ask. Ask yourself how can/do I contribute; ask your supervisor to help you think through the question; ask your friends and neighbors how VTA can improve.

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III. Mission, Vision and Core Values: Guiding principles for every day.

An organization's Mission, Vision and core Values are the beacons that serve to guide its way. Through these statements of principle, customers, employees and the community know what the organization is all about, what it does and importantly, what it will not do.

MISSION

The **Mission** offers the reason for being. It answers the questions: "Why does this organization exist, what do we do?" To offer services that will add value to the community, this question must be answered clearly and memorably.

For VTA, the answer is to provide ***"solutions that move you."*** Our role is to get you moving and keep you moving.

This answer is broad enough to encompass all the work that VTA does, from transit service, to congestion management, to highway construction, to bicycle and pedestrian facilities - but narrow enough to leave no doubt or confusion about who we are.

VISION

The **Vision** is where we see ourselves tomorrow. This answers the question "What are you aiming to achieve?" To help the community understand what they can expect from the organization now and down the line, this question also must be answered clearly.

For VTA, the answer is "**To innovate the way Silicon Valley moves.**" This means we plan to position ourselves now and in the future as leaders of the effort to help move the residents of Silicon Valley, an area known for innovation where people expect the newest cutting edge options to be readily available. Rather than wait for others to develop those options, we will do the innovating: we will create, collaborate and lead, in order to offer options to meet the evolving needs of people around the county.

VALUES

The **Values** of an organization determine how we will meet the demands of today and prepare for tomorrow. As in life, *values* guide what we will and won't do. Our Values are where we live our Mission and achieve our Vision, and are the principles we put into practice every day. Our Values are the thread that runs through of our priorities, tying them together into a cohesive whole. These Values guide our day-to-day work, and should be a part of all that we do. In essence, our Values are the "soul or spirit" of the agency, and answer the question "How will we achieve our Mission and Vision?"

To better connect our business practices with our Mission and Vision, VTA's Strategic Plan establishes a unique set of interrelated and mutually reinforcing values: *Core Values* and *Action Values*. These are described below.

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Core Values

Core Values reflect what we believe in and how we will behave. They represent our ethics and code of conduct, guide the agency's decision-making, and apply to everything VTA does. VTA's Core Values are:

Safety

We plan and deliver services in a way that promotes the health and safety of our employees and the public.

Integrity

We conduct our business in an ethical, honest, and transparent manner.

Quality

We ensure that the services we deliver, and projects that we build, are well designed and maintained to preserve the investment that has been made.

Sustainability

We design our services and projects to minimize the negative impacts on our environment, and in a way that can be financially sustained over time. Additionally we operate as a sustainable organization by reducing our carbon footprint.

Diversity

We value, respect and serve the unique needs of our community.

Accountability

We are stewards of the natural resources and transportation tax revenues of the county, and take responsibility for our actions and honestly report our successes and challenges to stakeholders and the public.

Action Values

Action Values are designed to operationalize the core values and all aspects of this plan. They are intended to be *transformative*, they envelop the core values, help them transcend their written definition, and help them evolve and improve in application over time. They are intended to help us to continually grow and improve – to never be satisfied with the way things are, and always be asking "how can I makes things better?

VTA's Action Values are: ***Creativity, Collaboration and Leadership***; and in practice – ***Create, Collaborate and Lead***. These three Action Values form the core of VTA's business.

Creativity ensures we don't get stuck in our old ways doing something just because that's the way we've always done it. Here in Silicon Valley, where creativity is expected and rewarded, a

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creative approach to services and projects will allow us to make the best use of our resources while meeting the needs of our customers. Seeking, and being open to, creative solutions allows us to consider new ways of dealing with old – and new – challenges, and helps us direct the narrative for the future. Through creativity, we can achieve the priorities of **sustainability,** by using our imaginations to find new ways to meet the changing needs of our customers now and in the future, and **quality,** by delivering original services and projects that take transportation in our valley to the next level.

How might you use creativity each day in your job?

Collaboration allows us to make the best use of our resources and make certain that we can get the work done that we need to. Working internally, collaboration means forgoing formal division and group structures and [more] freely sharing ideas and information. It means looking for ways to cross-train staff, share and more efficiently use resources, and find partnerships for projects and programs. Every division is invested in every other division, and the work that each does. The Strategic Plan redefines this work ethic.

Learning from and working with new and "disruptive" technologies through lens of mutual benefit, we can take advantage of new opportunities and form new alliances with the private sector. Public / Private partnerships offer tremendous upside potential to provide solutions and options for travel in and throughout Santa Clara County.

Working together with our partners — cities, counties, nonprofit organizations, businesses, regional agencies and the community — collaboration helps us tailor our services and projects to what the community needs and to deliver not just the sum of what each of our partners contributes, but exponentially more. Because alone we can achieve only a certain amount, but when we work together, through support and collaboration, we can achieve greater heights. This is key to accomplishing our priorities of **diversity** and **inclusivity,** by listening to and considering a range of voices and needs and working cooperatively to address them.

Collaborating on projects, whether ours or a city's or another organizations', or the private sector, allows us to have a voice in the development of Silicon Valley, thus ensuring that we have the ability to serve all of our valley reliably and safely. Through collaboration, we also work toward **reliability**, as providing reliable service depends not just on us or on an operator, for instance, but on the whole system working together seamlessly.

How do you collaborate in your work?
Do you see areas for new partnerships or alliances?

Leadership is the next action value of VTA's business, and one that helps us, as the Valley Transportation *Authority,* to guide the development of transportation in our county. VTA will lead not just in projects and services, but also in the creative development of transportation solutions, in the collaboration with our partners, and in the treatment of our employees and customers.

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This core value depends on the other two. Think about the qualities of a good leader: they tackle problems creatively, coming up with their own good ideas and recognizing good ideas in others. They also collaborate to bring about viable, sustainable solutions and to make sure that everyone on the team is invested in bringing those solutions to fruition.

Leadership means having a forward thinking agency - from the Board of Directors to every division - that is invested in VTA's success and strategic goals, and prepared to advocate for our customers. Leadership means consistently implementing VTA's adopted policies and programs even when it may be difficult or controversial.

How do you exhibit the quality of leadership every day?
How can VTA lead Silicon Valley and the region into a new era?

For our organization to be successful, we need to reach our Mission and Vision, and implementing these Values will help us do just that. Because this is so important to our organization, we invite you to ***create, collaborate and lead*** every day. Find a way to exhibit these Values in your day-to-day work, and not only will you be contributing to VTA and the customers we serve, but you'll also be helping your own career.

Remember: **create, collaborate and lead!**

IV. Business Themes: A holistic look at our people, our products, and our services

Great people: VTA does a lot of different types of work. From delivering transit service, to delivering bicycle projects, to congestion management - and everything in between - the work we produce is dependent on the people who show up every day and care enough to give their best to their jobs. Great people do great work, and great work is required to make great products.

VTA wants to attract, develop and retain the great employees that will keep this organization vibrant. This is a main driver in our hiring practices and in our Mission, Vision and Values. We understand the value that hardworking, dedicated employees bring to the organization, and want to recognize and nurture their efforts and contributions. Additionally, by implementing effective channels of communication, we can create a culture of trust between employees and management where employees and the agency thrive. We need to stimulate the environment where people can create great products and services.

To foster an agency that leads to greatness, VTA not only needs a great work environment, we must also be properly staffed with the necessary amount of *resources* and *human capital* to create great products.

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Great products: VTA has chosen to break our work out into three core *Business Lines*. This approach serves a few functions. First, it helps employees and the public to better understand exactly what work VTA does. Second, it allows us to avoid silos, as it demonstrates how each function of the organization affects the others. Third, it helps to relate our work back to our Mission, Vision and Values, which makes it easier for employees and others to understand if our actions are really in line with our guiding principles and goals. Last, these business lines will help us to determine if we're structured correctly and spending resources in the right areas and on the right projects.

So what are these **Business Lines**? They are three areas of focus for VTA:

1. Fast, Frequent, Reliable Transit
2. Delivering Projects and Programs
3. Transportation System Management

We'll explore each of these briefly.

BUSINESS LINE #1 - Fast, Frequent, Reliable Transit:

This Business Line involves the development and maintenance of a highly integrated transportation network with a focus on transit.

Overarching Strategy

For transit to be a ***great product***, it must first be *fast, frequent, and reliable*.

Strategic Goals

- Fast – Transit travel times will be optimized, preserved and continually improved. This means working constantly with our partner agencies to secure transit preferential roadway treatments such as transit signal priority and dedicated operating lanes/tracks throughout the core/frequent network, and ensure that new development does not slow transit operations.
- Frequent – Transit service, especially in core areas[1], will be frequent (15-minutes or better).
- Reliable – Provide customer-focused information systems and preserve and enhance reliable operations through transit-preferential treatments. Provide our operations and maintenance divisions with the vehicles and parts needed to deliver and maintain our services.

Implementation goals for each of these will be contained in the VTA business plan.

[1] Core Area are defined as Cores, Corridors and Station Areas, and areas of sufficient density of jobs, housing and uses to make transit service work.

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Through partnerships with the private sector and other transit agencies, we aim to improve the complete customer experience, from just before they board their bus or train, through their trip, and after as well. We intend to use the Transit Ridership Improvement Program (TRIP) and the Next Network to redefine the transit system and better serve the community. We'll incorporate technology both in the operation of the network and in the customer experience, deliver innovative and relevant products and maintain our infrastructure and facilities in a state of good repair.

This Business Line is essential to our Mission to provide solutions that move people. Through our established policies, such as our fare and transit sustainability policies, we'll look at opportunities to innovate our transit services the way Silicon Valley moves. And each of our core Values plays a role in furthering this Business Line. We encourage employees to take a **creative** approach to delivering fast, frequent and reliable transit — no idea is too big or small to consider. We ask employees to **collaborate** across teams and departments to grow and develop their ideas, and show **leadership** in vetting ideas and working with our customers and management to put into practice those that offer a bigger payoff than risk. Leadership also includes recognizing when an idea won't work — or isn't working — learning a lesson from that and moving on to the next idea to make VTA a leader in transit service.

BUSINESS LINE #2 - Delivering Projects and Programs:

This Business Line involves our work to discover, create, and develop transportation.

Overarching Strategy

Creatively and pragmatically provide a full suite of projects and programs – including land use / transportation integration, bike and pedestrian projects, and project management services that address the current and evolving multimodal needs of Silicon Valley.

Strategic Goals

- Develop - Concepts, plans, designs, programs, and policies to optimize current conditions and identify and seize new opportunities.
- Build / Implement – Deliver projects and programs on-time and within budget, and creatively pursue new construction, operational, and business practices that make us more efficient and successful.
- Provide – Provide a comprehensive line of services, technical support, funding programs, and mobility solutions to the public and Member Agencies.

Implementation goals for each of these will be contained in the VTA business plan.

Our infrastructure serves various modes of transportation, including transit, bicycles, pedestrians and cars. We will capitalize on our highly successful past performances to become the go-to agency for delivering transportation projects. Through a coherent set of standards

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and expanded partnerships with cities and the county, we will establish a more integrated countywide transportation system that includes state-of-the-art, cutting edge infrastructure design and organization. This fits with our Vision to improve the valley's infrastructure and innovate transportation services throughout Santa Clara County.

Each day, our core Values will help us achieve this. Employees' **creativity** in approaching not just design but maximizing the use of our resources will help us be more efficient and develop new ways of designing and building relevant projects that look to the future of the valley's changing needs. **Collaboration** will ensure we integrate our projects and programs with our local agency partners, an important step in achieving a cohesive and not scattershot transportation network. By working together we can streamline processes and projects. As with providing fast, frequent and reliable transit, **leadership** is evidenced in the development, vetting and success or lessons learned from ideas.

BUSINESS LINE #3 - Transportation System Management:

This Business Line involves our role as the comprehensive unifier and transportation advocate for Santa Clara County. This is where the other two business lines are blended and enhanced with a focus on the future and the goals of increased efficiency and value. It centers on our role as the Congestion Management Agency, funding agency/sales tax authority, and innovator in transportation systems integration and business practices. It helps us achieve our Mission through helping our partners create the land-use patterns, policies, and infrastructure that allow for transportation solutions that work.

Overarching Strategy

Lead the region in transportation systems management, funding, integration, and innovation.

Strategic Goals

- *Manage – Address roadway congestion through the collection and analysis of data, the development and application of technology, the refinement of current practices, and the implementation of new planning and management tools.*
- *Maximize – Retain and increase the value of existing infrastructure and optimize the utility of new investments and services.*
- *Innovate – Improve and expand mobility options through the "applied innovation" of technology, planning, design, construction, operations, and business techniques.*

Implementation goals for each of these will be contained in the VTA business plan.

The work involved in this Business Line includes the Managed Lane Program, long and short-term planning for transit, highways, bicycles and pedestrians, expanding funding opportunities, continued efforts toward congestion management and fostering relationships with our regional and local partners. This effort will help us work with cities, the county and our customers to

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develop smart land-use patterns, policies and infrastructure that will let us innovate the way Silicon Valley moves.

Our core Values figure prominently into this because it is through **creativity** that we'll continue to manage the existing transportation system while preparing for tomorrow. Data and research will combine with big, creative ideas to develop a transportation system capable of addressing of the future needs of the valley. **Collaboration** will be key, since we can't do this on our own. We need our customers and local jurisdictions on board to help us develop a cohesive, sensible transportation network. That will take strong **leadership,** as change doesn't come easy, and new ideas could be unpopular. For that reason, data and research need to be completed and airtight, while relationships with our partners need to be developed and nurtured.

V. The importance of partners

VTA can't do this alone. We need to work with other local, regional, state and federal agencies to see these ideas come to fruition. Local jurisdictions hold land use authority. Our transportation partner agencies help us make the connection between diverse transit systems. State and federal agencies set regulations and standards we must meet while also providing funding.

We also need to work with community stakeholders and customers to understand the best solutions for a given community. And we need to work with our employees to understand and implement exciting new ideas that will help further establish VTA as an authority in the transportation industry.

VI. Outcome Statement

So how will we know that we've achieved all that we're seeking to do in this Strategic Plan? At the end of the fifth year this is what the face of success looks like - a united, thriving workforce, providing better transportation choices that link to smart growth, a better environment, and contributing to a better place to live for everyone. Success will also include maximizing our financial picture, being accountable financially and to the community, and being able to measure our achievements through both numbers and testimonials.

This plan, and its companion Business Plans, will use both quantitative and qualitative measures to track our success (impact). Goals for these measures may include a cleaner environment, greater financial stability, more transportation options for more people, more cohesive and vibrant communities, and a more united and thriving work force.

The ultimate test of our success? When you ask someone what VTA is and their response begins, "Well, VTA does so much …"

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SANTA CLARA
Valley Transportation Authority

Date: November 18, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Interim Director - Planning & Program Development, Carolyn M. Gonot

SUBJECT: Light Rail Signal Priority Detection Upgrades - Contract Award

Policy-Related Action: No **Government Code Section 84308 Applies: Yes**

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to enter into a contract with ACT Traffic Solutions for up to $1,480,000 to procure equipment and services for implementation of the Transit Signal Priority (TSP) detection upgrades for the light rail corridor.

BACKGROUND:

In 2010, VTA undertook the "Light Rail System Analysis" study that identified several capital projects to improve the speed and reliability of light rail operations. This study conducted an overall assessment of current light rail operations that consists of 42 miles of track, 99 light rail vehicles (LRVs), 97 non-gated LRV traffic intersections, 13 at-grade crossings with rail crossing gates, and 2 pedestrian only crossings. One outcome of this study was the identification of a capital project to improve the Transit Signal Priority (TSP) detection system at each of the 97 non-gated LRV traffic signalized intersections used to trigger or place a priority call for an approaching LRV.

In January 2012, Metropolitan Transportation Commission (MTC) released a call for projects totaling $30 million that focused on improvements for bus and light rail systems with high ridership on key urban trunk routes to Alameda-Contra Costa Transit District (AC Transit), San Francisco Municipal Transportation Agency (SFMTA), San Mateo County Transit District (SamTrans), and Santa Clara Valley Transportation Authority (VTA). VTA staff submitted two applications and was awarded both grant applications as follows:

- VTA Light Rail Transit Signal Priority (TSP) Improvement Project (P-0821) that would

implement real-time, reliable transit signal prioritization and light rail vehicle detection system, using Global Positioning System (GPS). VTA was awarded $1,587,176 by MTC for the Light Rail TSP Improvement Project. VTA provided $545,637 for the MTC required match and to provide additional project funds, for a total project budget of $2,132,813. These funds came from the VTA Transit Fund.

- The Stevens Creek Limited 323 Transit Signal Priority (TSP) Improvement Project (P-0715), which is a component of the Stevens Creek Bus Rapid Transit program, would implement real-time transit signal prioritization along Stevens Creek Boulevard and West San Carlos. This will benefit the Limited 323 service and future full BRT service in the corridor. VTA was awarded $712,888 by MTC for the Stevens Creek Limited 323 TSP Improvement Project. MTC required an 11.47% local match, so VTA provided $92,362, for a total project budget of $805,250. Local match was provided from the 2000 Measure A Fund.

The status of Stevens Creek Limited 323 TSP is nearly complete, but the light rail TSP improvement project is still underway and is at the equipment procurement phase. The status of light rail TSP improvements is discussed in further detail below.

DISCUSSION:

VTA completed the preliminary engineering and planning for this project on March 14, 2014 to define the scope of these TSP detection improvements based on stakeholder input. The stakeholders included the agencies who maintain and operate the traffic signals along the light rail corridor (the cities of Milpitas, San Jose, Santa Clara, and Sunnyvale; County of Santa Clara; and Caltrans), and VTA Operations staff. The preliminary engineering and planning effort identified the critical requirements and preferred technology to be implemented. This effort recommended the following improvements to the TSP system:

- Upgrade the TSP detection from a wired loop system to wireless-based detection such as one based on global positioning systems (GPS), with the wired loop system remaining in place as a backup detection system.
- Implement an overall management plan to administer the setup parameters for the wireless detection system with related peripherals being procured and installed as part of this upgrade project.

Between March 2014 and September 2015, the project advanced into detailed engineering to develop the specifications to procure TSP detection upgrades and the plans to install the TSP improvements upgrades. This 19-month period also included reviewing of plans and specifications with the stakeholders, including concurrence from the California Public Utilities Commission. After this phase, VTA released a request for proposals (RFP) to procure the TSP detection improvement equipment (also known as the "EMTRAC System") on September 15, 2015.

VTA received proposals from two vendors on October 14, 2015. They were ACT Traffic Solutions (STC Electronics/EMTRAC distributor) and Global Traffic Technologies (GTT), formerly 3M. Both proposals were responsive, and both proposers were interviewed on

December 10, 2015 to make a final selection. The selection committee recommended awarding the contract to ACT Traffic Solutions, but the final award has been protracted due to the following:

1. **The Patent Litigation:**

   The Parties Involved:

   GTT holds the patent
   STC manufactures and sells the EMTRAC System
   ACT is the distributor of the EMTRAC System

   - In 2011, GTT sued STC (and 2 other defendants), claiming that STC infringed GTT's patent (the '398 Patent) by selling the Emtrac System. In 2014, the court entered judgment in favor of GTT, awarding GTT over $5M in damages.
   - As a result, STC had to file for Chapter 11 because it claimed that it did not have enough assets to satisfy the $5M judgment.
   - In September 2015, when VTA put out the RFP for traffic signal priority detection, the selection committee had concerns on how the patent litigation between GTT and STC could impact ACT Traffic Solutions' ability to successfully provide equipment and services to VTA. The concern was what level of risk was associated with entering into contract with ACT, a vendor who would source the EMTRAC System from a manufacturer (STC) that was now in bankruptcy proceedings due to a jury finding that STC infringed upon GTT's patent.
   - The selection team briefed VTA Legal on the issue, and Legal advised that we hold off awarding the contract to ACT so that Legal could conduct some due diligence on the patent litigation (e.g., chances that the Chapter 11 would be converted to a Chapter 7 proceeding; verify STC's claims that the patent had expired; look into STC's financial health and viability since filing for Chapter 11; and wait until the bankruptcy court confirmed STC's Chapter 11 plan.
   - After Legal completed its due diligence, Legal advised that, provided that the contract includes stricter warranty, insurance, and indemnity requirements to protect VTA from any patent infringement liability, the selection team could proceed with awarding the contract to ACT.

2. **Budget:** The total budget available for this project is $2,132,813 with $1,480,000 for the equipment procurement, and the remaining $652,813 funding for construction, implementation, testing, and final acceptance activities by staff. ACT Traffic Solutions' cost proposal for the TSP detection improvements equipment exceeded the budgeted equipment procurement by $340,000; however, additional local funding was secured to cover this gap to bring the total amount available to be $1,480,000.

Value Added Features:

Although not specifically required in the RFP, ACT Traffic Solutions included 10 worker protection devices at no cost to VTA. The worker protection system uses the same technology as the TSP detection upgrades improvements. The location of workers and light rail vehicles in the

railway are tracked using GPS, and wireless communications transmits warnings of potential conflicts between each other. The worker protection systems is recommended practice as described in CPUC General Order No. 175-A.

ALTERNATIVES:

VTA can elect not to lead this effort and forego this contract award. As an alternative VTA could decide to maintain the existing LRV TSP detection system that would likely result in the existing reliability issues on LRV operations to linger.

FISCAL IMPACT:

This action will authorize up to $1,480,000 to procure equipment and services for implementation of the TSP detection upgrades. The funding of this procurement is mainly MTC Transit Performance Initiative (TPI) funds with some local funding. The combination of these funds are sufficient funding to procure the necessary equipment and provide services to setup and install the equipment. Appropriation for these expenditures is included in the FY17 Adopted VTA Transit Fund Capital Budget.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Administration and Finance Committee did not consider this item due to the cancellation of its November 17, 2016 meeting.

Prepared by: David Kobayashi
Memo No. 5764

ATTACHMENTS:

- Attachment A - List of Consultants & Contractors (PDF)

Attachment A

Light Rail Signal Priority Detection Upgrades - Contract Award
List of Consultant(s)/Contractor(s)

Firm Name	Name	Role	Location
ACT Traffic Solutions, Inc.	Brett Lievers	President	23585 Yellowstone Trail Shorewood, MN 55331-2960
ACT Traffic Solutions	Josh Friesz	Vice President	23585 Yellowstone Trail Shorewood, MN 55331-2960
ACT Traffic Solutions	Jon Meusch, P.E.	Technical Sales Associate	12965 SW Herman Road Tualatin, OR 9706
STC Electronics	Brad Cross	President	1201 W. Randolph St. McLeansboro, IL 62859
EMTRAC Systems	Kris Morgan	President	1201 W. Randolph St. McLeansboro, IL 62859

SANTA CLARA
Valley Transportation Authority

Date: November 18, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Acting Director of Engr. & Trans. Infrastructure Development, Dennis Ratcliffe

SUBJECT: Amend the Eastridge Transit Center and Bus Improvements Contract for Capitol Expressway Light Rail Project with Graniterock Company

Policy-Related Action: No **Government Code Section 84308 Applies: Yes**

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to amend Contract C12093, Capitol Expressway Light Rail Project - Eastridge Transit Center and Bus Improvements contract with Graniterock Company dba Pavex Construction Division in an amount of $3,000,000 increasing the total authorized contract amount to $21,094,247 for additional alterations to an existing building to accommodate paratransit operations.

BACKGROUND

The Capitol Expressway Light Rail (CELR) Project is being implemented in phases. Phase 1 was completed in 2013 and included pedestrian improvements along the expressway. This contract is Phase 2 of the project and includes the construction of the Eastridge Transit Center (ETC). Specifically, it includes the expansion and reconfiguration of the old transit center, pedestrian improvements between Tully Road and Quimby Road, and modifications to an existing building acquired by VTA. (Formerly a dialysis center. See Exhibit A.)

The final phase of the project will extend light rail from the existing Alum Rock Station on Capitol Avenue to ETC.

On June 6, 2013, the VTA Board of Directors authorized execution of a contract with Graniterock Company for the construction of the ETC and Bus Improvements. The scope of the contract includes civil and architectural improvements for a new transit center and surrounding bus access routes, underground utilities, lighting, landscaping, and modification of facilities for

the acquired building adjacent to the transit center (formerly a dialysis center). Certain modifications were made to the building and surrounding parking area as part of this contract. These modifications were mostly related to utility service changes for VTA ownership and rudimentary clean up tasks. Construction of the original scope is now complete, but the contract is still active with final change order negotiations and closeout activities ongoing.

DISCUSSION:

To address the recent urgent need to provide a facility for a new VTA paratransit operator, the old dialysis center building has been identified as the preferred location. The building and immediate surrounding will need to be modified and improved to a level fit for occupancy by a paratransit operator.

The building interior needs modifications to provide mechanical, plumbing, electrical and structural items for the new proposed office space, a call center, a minor maintenance area to service paratransit vehicles, and a public lobby to provide mobility services training. The sitework improvements will include fencing, parking lot modifications, and building frontage refinement.

The cost of the work is estimated at approximately $3 million and will be performed in several phases with the administration and call center being the first phase identified for completion and early occupancy. Because the work involves substantial remodeling and renovation of the building, actual pricing will be negotiated as these improvements are defined.

The Graniterock team is best suited to deliver the proposed building and sitework modifications because it has already performed some modifications to the building in the scope of the existing contract, and has the available resources and is mobilized to begin on this additional work immediately.

Overall completion is anticipated by September 2017.

Contract Summary:

Vendor Name:	Graniterock Company	**Original Contract Amount:**	$16,831,045
Contract Number:	12093	**Prior Modifications:**	$1,263,202
Original Contract Term(s):	630 Days	**Current Contract Amount:**	$18,094,247
Revised Contract Term:	1556 Days	**Amount Requested:**	$3,000,000
Solicitation Type:	Bid	**Total Amount Including Request:**	$21,094,247
Procurement Type:	Competitive	**% of Request to Current Amount:**	16.6%
DBE Goal:	14%	**% Modifications including request to original contract:**	25.3%
SBE Goal:	N/A	**Funding Source(s):**	VTA Transit Fund

ALTERNATIVES:

The required modifications to the building could be prepared for bidding by a new contractor. However this would likely delay occupancy by a paratransit operator by several months, and cause VTA additional expense by extending the interim operations currently in place at the VTA River Oaks offices.

FISCAL IMPACT:

This action will authorize $3,000,000 for the ETC and Bus Improvements contract. Budget appropriation for this expenditure is available in the FY17 Adopted VTA Transit Fund Capital Budget. This contract amendment is funded by local funds.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION:

Based on identifiable subcontracting opportunities, a Disadvantaged Business Enterprise (DBE) goal of 14% was established for this contract. Graniterock Company has been successful in achieving this original goal and the established DBE participation goal of 14% will continue for the work included in this contract change.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Administration and Finance Committee did not consider this item due to the cancellation of its November 17, 2016 meeting.

Prepared by: Mohamed Basma, Program Manager
Memo No. 5821

ATTACHMENTS:

- 5821 - Exhibit A - Eastridge Transit Center (PDF)
- 5821 -Exhibit B_List of Contractors (PDF)

EXHIBIT A – EASTRIDGE TRANSIT CENTER AND BUS IMPROVEMENTS

Exhibit B – List of Contractors

Contractor Firm	City and State	Contractor Role	Contact Email Address
Graniterock, Inc.	San Jose, CA	Prime	csveum@Graniterock.com
Sub-Contractors			
St. Francis Inc.	San Leandro, CA	Electrical	fcalderon@sfe-inc.com
Chrisp Company	Fremont, CA	Striping	apatton@chrispco.com
Chavez Fence Company	Campbell, CA	Fencing	cfence@netzero.net
Dekay Demolition & Clearing, Inc.	Oakland, CA	Demolition, Clear & Grub	dekaydemo@yahoo.com
KCK Builders, Inc.	San Francisco, CA	Bus Operator Facility	mikehannegan@comcast.net
JJ Nguyen, Inc.	San Jose, CA	Landscaping	vtran@jjnguyeninc.com
LNI Custom Manufacturing Inc.	Hawthorne, CA	Bus Shelter Canopies	theresa@LNIsigns.com
Mastercraft Waterproofing & Sealants	Livermore, CA	Waterproofing	matercraftwp@aol.com
Sposeto Engineering, Inc.	Livermore, CA	Site Concrete	vinht@sposetoengineering.com
San Jose Trucking	San Jose, CA	Trucking	SanJosetruckingcompany@shipalliance.com
Roebbelen, Inc.	El Dorado Hill, CA	Building	edgart@roebbelen.com

SANTA CLARA
Valley Transportation Authority

Date: December 2, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Chief Financial Officer, Raj Srinath

SUBJECT: Approval of Right of Way Program Manager Contractor

Policy-Related Action: No **Government Code Section 84308 Applies: Yes**

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to negotiate and execute a contract with Interwest Consulting Group to provide real property right of way program management and acquisition services for VTA, for a contract term of five years and a value not to exceed $7,000,000. The contract will have an option for an additional five year term, at a value not to exceed $7,000,000 for the option term. The specific task orders issued under the contract will be funded in accordance with approved budgets for the relevant capital projects requiring the contracted services.

BACKGROUND:

VTA's existing contract for real property right of way acquisition services will expire in March 2017; however, VTA has numerous capital projects in various phases of planning and design that will continue to require these services. These projects include the BART Phase II extension from Berryessa Station in San Jose to Santa Clara Station, Vasona Corridor Light Rail Extension Project, Capital Expressway Light Rail Extension Project, and various highway improvement projects. Additionally, a number of right of way project closeouts and VTA's own periodic real property needs require the continued availability of the subject services.

While the current right of way acquisition consultant contract focused primarily on acquisition services, the consultant also provided key program management services for specific projects such as BART Phase I from Milpitas to San Jose Berryessa Station.

Underlying the importance of comprehensive program management across VTA' many right of way projects, VTA's current Request for Proposals ("RFP") includes both right of way program

management and acquisition services.

DISCUSSION:

On October 13, 2016, VTA issued an RFP for real property right of way program management and acquisition services for VTA projects. The scope of work includes program and project management, strategic planning and implementation, acquisition services, negotiation of agreements for real property interests (permits to enter, easements, possession and use, acquisition and disposition), representation of VTA at public meetings, preparation of condemnation packages, and support for VTA in eminent domain proceedings. The program manager will also be responsible for overall coordination and day-to-day management of other VTA-selected consultants who are needed to provide a full range of real property-related services, pursuant to direction from VTA. Additionally, the program manager will provide other real property-related services as directed by VTA.

The RFP was published in the San Jose Post Record and the VTA website, in accordance with VTA's competitive solicitation procedure. A total of two proposals were received. The proposals were evaluated based on a standard set of evaluation criteria including each firm's experience in performing work of similar nature for other transportation or other public agencies, strength and quality as evidenced by its project manager and key personnel, experience working with projects under federal or state oversight, demonstrated ability to adhere to schedules and budgets, and quality assurance program. The four-person evaluation panel was comprised of VTA's Assistant General Counsel, Deputy Director of Real Estate & Joint Development, Manager of Real Estate & Joint Development and Senior Real Estate Agent.

The evaluation panel selected Interwest Consulting Group as the most qualified firm to provide right of way program management and acquisition services to VTA.

The requested contract amount for the above services is based upon an estimate of the properties that will potentially be required for VTA projects which are currently in planning or design phases, such as the BART Phase II extension from Berryessa Station in San Jose to Santa Clara Station, Vasona Corridor Light Rail Extension Project, Capital Expressway Light Rail Extension Project, and various highway improvement projects. Budget appropriations for right of way services for the abovementioned projects will be included in the approved budget for the specific capital project requiring the services.

ALTERNATIVES:

The Board could request that staff re-issue the RFP with a revised scope of services, or direct the General Manager to negotiate a different term or value for the program manager contract. These alternatives would impact staff's ability to deliver project schedules in a timely manner.

FISCAL IMPACT:

This action will authorize up to $7,000,000 for real property right of way program management and acquisition services for up to a five-year period, with an option to extend for another five-year period for up to an additional $7,000,000. Budget appropriations for right of way services

for the abovementioned projects will be included in the approved budget for the specific capital project requiring the services.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Administration and Finance Committee did not consider this item due to the cancellation of its November 17, 2016 meeting.

Prepared by: Kathy Bradley
Memo No. 5661

ATTACHMENTS:

- Attachment A ROW Program Manager Contractor(PDF)

Attachment A

Approval of Right of Way Program Manager Contractor

List of Contractor(s)

Firm Name	Name	Role	Location
Interwest Consulting Group	Michael Kashiwagi	Chief Operating Officer	Elk Grove, CA

SANTA CLARA
Valley Transportation Authority

Date: November 18, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Director of Government Affairs, Jim Lawson

SUBJECT: 2017 Legislative Program

Policy-Related Action: Yes **Government Code Section 84308 Applies: No**

ACTION ITEM

RECOMMENDATION:

Approve the 2017 Legislative Program for the Santa Clara Valley Transportation Authority (VTA).

BACKGROUND:

VTA annually adopts a Legislative Program to provide direction for its policy and legislative activities for the year. The purpose of the Legislative Program is to establish financial, statutory, regulatory, and administrative policies and principles to guide VTA's advocacy efforts at the federal, state and regional levels. The program is meant to be flexible in order to give VTA the ability to pursue unanticipated legislative and administrative opportunities that may present themselves during the course of the year, and to respond in an expeditious manner to the dynamic political and policy environments in Washington, DC, Sacramento and the Bay Area.

DISCUSSION:

As in past years, the recommended 2017 Legislative Program is divided into three sections: (1) Federal; (2) State; and (3) Regional. Each section consists of a summary of the key policy issues that potentially could be considered and a series of related advocacy principles.

Federal Section: With the recent enactment of the Fixing America's Surface Transportation (FAST) Act, an authorization bill covering FY 2016 through FY 2020, the focus of the Federal Section is on the FY 2018 appropriations process. In recent years, the appropriations process has been complicated by the Budget Control Act of 2011, which imposed caps on General Fund

spending for both defense and domestic discretionary programs, coupled with corresponding reductions in the federal deficit. Subsequent budget agreements adjusted those caps on a temporary basis to avoid the implementation of automatic, across-the-board spending cuts through a process known as "sequestration."

Most surface transportation programs fall under the Highway Trust Fund, and are exempt from the spending caps and sequestration, which apply to General Fund programs. However, those surface transportation programs that receive General Fund money are impacted, most notably the Capital Investment Grant Program, which includes New Starts, Small Starts and Core Capacity projects, and the Transportation Investment Generating Economic Recovery Program (TIGER). Thus, the recommended 2017 Legislative Program notes that VTA will continue to work with the American Public Transportation Association (APTA), the Capital Investment Grants Working Group and other relevant transportation stakeholders to minimize the impact of any future budget agreements on those surface transportation programs that receive their money from the General Fund.

In addition, VTA will advocate for the highest possible levels of overall appropriations for highways and public transit in FY 2018, as well as for individual programs within the Highway and Transit Titles. The key federal surface transportation programs for VTA are: (a) the Urbanized Area (UZA), State of Good Repair and Bus/Bus Facilities Formula Programs; (b) the Capital Investment Grant Program; (c) the Surface Transportation Block Grant Program (STBGP); and (d) the Congestion Mitigation and Air Quality Improvement Program (CMAQ). At a minimum, these programs should receive FY 2018 appropriations consistent with the amounts authorized in the FAST Act.

The recommended 2017 Legislative Program also indicates that VTA will pursue an FY 2018 appropriations level for the Capital Investment Grant Program that would allow VTA's BART Silicon Valley Berryessa Extension Project to receive an allocation from the Federal Transit Administration (FTA) equivalent to the amount needed to close out the project's Full Funding Grant Agreement (FFGA), as well as provide advocacy support, as needed, to advance the second phase of VTA's BART Silicon Valley Extension Project through the New Starts evaluation and rating process.

The other subjects covered in the Federal Section are: (1) infrastructure investment initiatives; (2) the aviation fuel tax; (3) clean-fuel vehicles; and (4) public employees' retirement. Some of the key advocacy principles related to these areas are as follows:

- During the congressional debate on any infrastructure investment initiative that may be proposed by the new presidential administration, advocate for providing supplemental funding for the existing FTA formula programs, the Capital Investment Grant Program, STBGP, and CMAQ.

- Oppose any efforts that seek to eliminate the transit commuter tax benefit as part of a comprehensive overhaul of the federal tax code.

- Work with the Self-Help Counties Coalition on a coordinated strategy to advocate for the inclusion of language in the Federal Aviation Administration (FAA) reauthorization bill clarifying that local taxes on aviation fuel are limited to fuel excise taxes, and do not cover

state or local general sales taxes imposed on a wide variety of products and transactions.

- Support the California Transit Association's efforts to amend the alternative-fuels excise tax credit currently available for compressed and liquefied natural gas buses to include fuel and power infrastructure related to electric and hybrid-electric buses.

- In the event the U.S. Department of Labor appeals a lower court ruling opining that the state's Public Employees' Pension Reform Act (PEPRA) does not violate federal labor law, work with the California Transit Association to ensure that the department continues to certify federal grants submitted by California public transit agencies while the case is considered by the appellate court.

State Section: In many respects, California is at a crossroads when it comes to transportation. Statistics indicate that transportation funding has not kept pace with the state's growth in population, licensed drivers, registered vehicles, and vehicle miles traveled. At the same time, increases in automobile fuel economy and a shift to clean-fuel vehicles have resulted in motorists paying less excise taxes for each mile they drive. Furthermore, while the cost of constructing transportation infrastructure projects goes up each year, excise tax rates stay constant, eroding purchasing power.

In June 2015, Gov. Jerry Brown called a special session of the Legislature to encourage lawmakers to take steps to provide funding to maintain and rehabilitate California's transportation infrastructure, improve the state's key trade corridors, and complement local infrastructure efforts. In response, two identical bills -- SBX1-1 (Beall) and ABX1-26 (Frazier) -- were introduced, and became the main legislative vehicles for addressing a host of issues. Both SBX1-1 and ABX1-26 would generate new funding for transportation through a variety of revenue sources to begin closing the significant shortfalls for state highway and local roadway maintenance and rehabilitation; improve mobility in critical goods movement corridors; provide additional investments in public transit; and supplement existing resources for active transportation. If neither bill passes the Legislature before the special session officially ends on November 30, it is likely that another effort will be undertaken in 2017.

As in past years, VTA will work with our transportation partners to take advantage of any opportunities that may arise to provide new state funding to operate, maintain, rehabilitate, and improve California's transportation infrastructure. The recommended 2017 Legislative Program includes a series of advocacy principles related to this subject.

Other policy issues addressed in the State Section of the recommended 2017 Legislative Program are: (1) climate change; (2) high-speed rail; (3) project delivery; (4) the State Transit Assistance Program (STA); (5) transit service delivery; and (6) bicycle and pedestrian safety. Some of the key advocacy principles related to these subjects are as follows:

- Work with our transportation partners to support legislation to reauthorize cap-and-trade, while continuing to pursue legislative and administrative avenues to enhance the ability of VTA to secure funding from this revenue source for Phase 2 of VTA's BART Silicon Valley Extension Project and other high-priority projects.

- Support increasing the percentage of cap-and-trade auction proceeds that would be

continuously appropriated to the Low Carbon Transit Operations Program from 5 percent to at least 10 percent, and to the Transit and Intercity Rail Capital Program from 10 percent to at least 20 percent.

- Work with the California Transit Association to ensure that the guidelines developed by the California Air Resources Board (CARB) to implement new disadvantaged communities and low-income households/communities requirements for cap-and-trade funding are reasonable and provide maximum flexibility to public transit agencies under the Low Carbon Transit Operations Program, and the Transit and Intercity Rail Capital Program.

- Actively participate in the California Transit Association's efforts with CARB, the California Public Utilities Commission (CPUC) and the Legislature to ensure that any strategies contemplating greater emissions reductions from public transit or the electrification of transit operations are carried forward in a manageable, reasonable and cost-effective manner.

- Work with our regional partners to pursue actions at the state and federal levels, as necessary, to help implement the financial strategy for Caltrain electrification that is embodied in the project's Regional Funding Supplement.

- Support legislation to reinstate the statutory authority for Caltrans and regional transportation agencies, including VTA, to utilize public-private partnerships for state highway projects.

- Actively participate in the California Transit Association's process intended to reach a consensus on legislation to address ambiguities in the current STA statutory and regulatory framework to ensure that the resulting proposal is equitable and does not disadvantage VTA's receipt of STA revenue-based funds.

- Actively participate in and support the California Transit Association's efforts to: (1) provide statutory authorization for additional public transit agencies to operate buses on the shoulders of state highways; and (2) facilitate the ability of public transit agencies to implement an administrative process in lieu of criminal penalties for fare evasion and passenger misconduct violations.

- Partner with the city of San Jose and others to support legislation that would help cities achieve the goals of Vision Zero, including proposals to enhance the enforcement of traffic laws protecting bicyclists and pedestrians.

- Support legislation authorizing the Metropolitan Transportation Commission (MTC) to place a Regional Measure 3 (RM 3) toll bridge increase on the ballot in Bay Area counties for voter approval, only if the proposed expenditure plan for the revenues expected to be generated includes an equitable amount of funding for high-priority Santa Clara County projects.

Regional Section: This section provides advocacy principles related to MTC, the Caltrain Commuter Rail Service and the Capitol Corridor Intercity Rail Service. Some of the key advocacy principles are as follows:

- Thoroughly analyze and consider the pros and cons of a staff proposal pending before MTC

to create a Regional Infrastructure Bank to determine whether it is in the best interests of VTA, as well as the region as a whole, for the Commission to proceed with this idea.

- Strive to ensure that any allocation of regional discretionary funds by MTC results in Santa Clara County receiving no less than its population-based share. In addition, seek to secure regional discretionary funding for high-priority projects in Santa Clara County, including Phase 2 of VTA's BART Silicon Valley Extension Project, and the Capitol and Vasona Light Rail Extensions.

- Ensure continued regional support on the part of MTC for cap-and-trade funding for BART Phase 2 from the Transit and Intercity Rail Capital Program.

- Retain complete autonomy for developing, constructing and operating express lanes in Santa Clara County, while working with MTC to ensure consistency for Bay Area motorists, to the extent practicable, among different express lane corridors in the region. In addition, oppose any efforts to divert any express lane revenues generated by corridors within Santa Clara County to fund corridors in other parts of the Bay Area.

- Work to ensure that the Caltrain Electrification Project is delivered in an efficient and cost-effective manner that protects the interests of VTA and Santa Clara County.

- Work in partnership with the Capitol Corridor Joint Powers Authority (JPA) to pursue additional sources of funding to support the enhancement and expansion of the Capitol Corridor service.

ALTERNATIVES:

It is necessary for VTA to have a Legislative Program in place to be prepared to address policy and legislative issues that may arise in Washington, DC, Sacramento and the Bay Area during the year. The Board of Directors may elect to add other elements to VTA's 2017 Legislative Program, or to modify or delete elements contained in the recommended program.

FISCAL IMPACT:

There is no fiscal impact associated with this recommendation.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Administration and Finance Committee did not consider this item due to the cancellation of its November 17, 2016 meeting.

Prepared by: Kurt Evans
Memo No. 5811

ATTACHMENTS:

- 2017 Legislative Program 111416 (PDF)

SANTA CLARA
Valley Transportation Authority

2017 LEGISLATIVE PROGRAM

Government Affairs Office
3331 North First Street
San Jose, California 95134
Telephone: (408) 321-5556
Fax: (408) 955-9723

EXECUTIVE SUMMARY

The Santa Clara Valley Transportation Authority (VTA) annually adopts a Legislative Program to provide direction for its policy and legislative activities for the year. The purpose of the Legislative Program is to establish financial, statutory, regulatory, and administrative policies and principles to guide VTA's advocacy efforts at the federal, state and regional levels. The program is meant to be flexible in order to give VTA the ability to pursue unanticipated legislative and administrative opportunities that may present themselves during the course of the year, and to respond in an expeditious manner to the dynamic political and policy environments in Washington, DC, Sacramento and the Bay Area.

As in past years, the 2017 Legislative Program is divided into the following sections:

1. Federal.
2. State.
3. Regional.

Each section of the program consists of a summary of the key policy issues that potentially could be considered and a series of related advocacy principles.

FEDERAL

The Federal Section of VTA's 2017 Legislative Program is divided into the following policy areas:

1. FY 2018 Transportation Appropriations.
2. Infrastructure Investment Initiatives.
3. Aviation Fuel Tax.
4. Clean-Fuel Vehicles.
5. Public Employees' Retirement.

FY 2018 TRANSPORTATION APPROPRIATIONS

Every year, Congress considers appropriations bills for all federal agencies, departments and programs. These measures provide the legal authority for federal agencies to spend money during the upcoming fiscal year for the programs they administer. In developing these appropriations bills, Congress may allocate funding for programs within a particular policy area up to the maximum amount included in the related authorizing legislation. In the case of surface transportation, the annual appropriations process is guided by the Fixing America's Surface Transportation (FAST) Act.

In recent years, the appropriations process has been complicated by the Budget Control Act of 2011, which imposed caps on General Fund spending for both defense and domestic discretionary programs, coupled with corresponding reductions in the federal deficit. In the case of the latter, the Budget Control Act identified an initial $1.5 trillion in deficit reduction measures to be implemented over 10 years. In addition, the act called upon Congress to come up with another $1.2 trillion in deficit reduction

measures over 10 years by December 2011; otherwise, an equivalent amount of across-the-board cuts would automatically occur through a process known as "sequestration."

Congress was unsuccessful in reaching an agreement on the additional $1.2 trillion in deficit reduction measures as required under the Budget Control Act. However, lawmakers have prevented sequestration from being triggered on several occasions by negotiating budget deals that temporarily raised the General Fund spending caps. The most recent agreement covered FY 2016 and FY 2017, and, thus, expires on September 30, 2017. Therefore, the prospect of sequestration being triggered will resurface for FY 2018.

Most surface transportation programs fall under the Highway Trust Fund, and are exempt from the spending caps and sequestration, which apply to General Fund programs. However, those surface transportation programs that receive General Fund money are impacted, most notably the Capital Investment Grant Program, which includes New Starts, Small Starts and Core Capacity projects, and the Transportation Investment Generating Economic Recovery Program (TIGER).

In general, VTA's advocacy efforts with regard to the FY 2018 federal transportation appropriations process will emphasize the following:

- Advocate for the highest possible levels of overall funding for highways and public transit, as well as for individual programs within the Highway and Transit Titles. The key federal surface transportation programs for VTA are: (a) the Urbanized Area (UZA), State of Good Repair and Bus/Bus Facilities Formula Programs; (b) the Capital Investment Grant Program; (c) the Surface Transportation Block Grant Program (STBGP); and (d) the Congestion Mitigation and Air Quality Improvement Program (CMAQ). At a minimum, these programs should receive appropriations consistent with the amounts authorized in the FAST Act.

- Work with the American Public Transportation Association (APTA), the Capital Investment Grants Working Group and other relevant transportation stakeholders to minimize the impact of any budget agreement or other actions Congress may take to address federal budget deficits on those surface transportation programs that receive their money from the General Fund, particularly the Capital Investment Grant Program.

- Advocate for an FY 2018 appropriations level for the Capital Investment Grant Program that would allow VTA's BART Silicon Valley Berryessa Extension Project to receive an allocation from the Federal Transit Administration (FTA) equivalent to the amount needed to close out the project's Full Funding Grant Agreement (FFGA). In addition, provide advocacy support, as needed, to advance the second phase of VTA's BART Silicon Valley Extension Project through the New Starts evaluation and rating process.

INFRASTRUCTURE INVESTMENT INITIATIVES

The new presidential administration may propose an infrastructure investment initiative that is likely to be comprehensive in nature, and include funding not only for surface transportation, but also for airports, ports, navigable waterways, clean drinking water, waste water management, broadband, and energy.

As part of its 2017 Legislative Program, VTA will advocate on this matter according to the following principles:

- Provide supplemental funding for: (1) the existing FTA formula programs, particularly the Section 5307 UZA, Section 5337 State of Good Repair and Section 5339 Bus/Bus Facilities Programs; (2) the Capital Investment Grant Program; (3) STBGP; and (4) CMAQ. This funding should be in addition to the spending levels authorized for these programs in the FAST Act.

- Consider stable, predictable and reliable revenue solutions for transportation that would ensure the long-term solvency of the Highway Trust Fund, as well as budgetary protections for those surface transportation programs that receive their money from the General Fund.

- Create a new multimodal, formula-based "Metropolitan Mobility Program" dedicated to funding transportation infrastructure projects that would reduce congestion and improve mobility in the nation's major metropolitan areas.

- Provide meaningful financial resources for large-scale highway and public transit projects that cannot be accommodated through existing federal transportation funding structures and programs.

- Oppose any efforts that seek to eliminate the transit commuter tax benefit as part of a federal tax code reform package.

AVIATION FUEL TAX

In December 2014, the Federal Aviation Administration (FAA) finalized amendments to its "Policy and Procedures Concerning the Use of Airport Revenue" that have the potential to divert voter-approved, local transportation sales tax funds to airport improvement projects. These amendments re-interpret current federal law related to taxes on aviation fuel in a manner that differs from the congressional conference report accompanying the Airport and Airway Safety and Capacity Expansion Act of 1987, 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 act, reverses the longstanding view 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, one of which is aviation fuel.

In recent years, voters in Santa Clara County and other counties throughout California have approved by a two-thirds majority sales tax measures that support expenditure plans listing the specific transportation projects and programs to be funded. When 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 and other California transportation agencies to divert revenues from these measures to purposes not authorized by the voters. It would also impose a significant unfunded mandate, due to the fact that VTA and other local agencies would be required to put in place a new, complicated tracking system to segregate the sale of aviation fuel from other taxable sources.

As part of its 2017 Legislative Program, VTA will work with the Self-Help Counties Coalition on a coordinated strategy to advocate for the inclusion of language in the FAA reauthorization bill clarifying that: (1) "local taxes on aviation fuel" are limited to aviation fuel excise taxes; and (2) it was never the intent 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 cities, counties and transportation agencies when approving local sales tax measures.

CLEAN-FUEL VEHICLES

In many respects, California has assumed a prominent leadership role in the United States in combatting climate change. One element of the state's comprehensive, multi-pronged climate strategy is to encourage the conversion of public transit bus fleets to cleaner technologies.

The state's history of promoting cleaner public transit bus fleets is rooted in the Transit Fleet Rule adopted by the California Air Resources Board (CARB) in 2000. This rule put in place stringent emissions standards for public transit bus fleets, and sought to promote clean-fuel technologies by instituting a zero-emission bus purchase requirement for public transit agencies with fleets exceeding 200 vehicles.

In 2006, the Transit Fleet Rule was amended by CARB to delay the zero-emission bus purchase requirement because of concerns about the commercial readiness of such vehicles. Instead, public transit agencies were required to implement additional zero-emission bus demonstration projects as a way to advance the development and eventual commercialization of clean-fuel technologies.

Over the next decade, it is expected that zero-emission public transit buses will remain a key element of the state's strategy for reducing greenhouse gas emissions and other air pollutants. In fact, CARB is currently exploring the possibility of instituting a new, more aggressive zero-emission bus purchase requirement through its pending Advanced Clean Transit Rule, with the goal of having each public transit agency convert its entire fleet to zero-emission vehicles by 2040. As a result, more California public transit agencies will be seeking to incorporate battery electric or fuel-cell buses into their fleets.

As part of its 2017 Legislative Program, VTA will support the California Transit Association's efforts to address the following two zero-emission bus issues at the federal level:

- Amending the alternative-fuels excise tax credit currently available for compressed and liquefied natural gas buses to include electricity and power infrastructure related to electric and hybrid-electric buses.

- To accommodate public transit agencies that are procuring zero-emission buses, seeking an adjustment to FTA's current spare ratio requirement to take into account that such agencies may have to maintain a vehicle fleet that exceeds a spare ratio of 20 percent in order to account for the range limitations of these new technologies.

PUBLIC EMPLOYEES' RETIREMENT

Shortly after the enactment of California's Public Employees' Pension Reform Act (PEPRA), 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 this state legislation restricted collective bargaining rights and, therefore, 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 the unions' 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. Gov. Jerry Brown, however, did not agree with DOL's interpretation of Section 13(c) relative to PEPRA and indicated that the issue should be litigated.

In September 2013, 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. At the same time, an approach was worked out to allow California public transit agencies to receive their federal grant funds while the PEPRA/13(c) issue was being litigated before the U.S. District Court, Eastern Division of California. As a result, DOL has been certifying grants since late 2013.

In December 2014, the U.S. District Court ruled in favor of the state and SacRT, holding that DOL had erred in relying on PEPRA to withhold certification of federal grants for California public transit agencies. The court remanded the case back to DOL for further proceedings consistent with its determination.

After reconsidering SacRT's grant pursuant to the U.S. District Court's remand order, DOL formally communicated the following findings: (1) the ruling of the court was incorrect; (2) the department had not acted improperly in withholding certification of SacRT's grant; and (3) the department was reserving its rights to defend its action again, not only based on its original assertions, but also based on new evidence brought to bear in response to the remand order.

The parties returned to the U.S. District Court seeking review of DOL's response to the remand order and its decision to withhold certification of SacRT's grant a second time. In August 2016, the court again ruled in favor of the state and SacRT, opining that: (1) DOL's new decision could not be supported by its interpretation of Section 13(c) or by legislative history; (2) the department could not show a clash between PEPRA and federal labor policy; and (3) the department improperly focused on the results of collective bargaining under PEPRA, rather than on the continuation of the ability to engage in bargaining. It is unclear whether DOL will appeal.

In the event that DOL elects to pursue further litigation by appealing the U.S. District Court's ruling, VTA will work with the California Transit Association to ensure that the status quo is maintained and that the department continues to certify federal grants submitted by California public transit agencies while the case is considered by the appellate court. Meanwhile, at the state level, VTA will continue to consider ways to address the implications of a California Public Employees' Retirement System (CalPERS) administrative decision to convert new employees hired as "classic" employees between January 1, 2013, and December 30, 2014, to PEPRA, effective December 30, 2014.

STATE

The State Section of VTA's 2017 Legislative Program is divided into the following policy areas:

1. Transportation Funding.
2. Climate Change.
3. High-Speed Rail.
4. Project Delivery.
5. State Transit Assistance Program
6. Transit Service Delivery.
7. Bicycle and Pedestrian Safety.

TRANSPORTATION FUNDING

California has been suffering from a historic underinvestment in the state's transportation infrastructure. Statistics indicate that transportation funding has not kept pace with California's growth in population, licensed drivers, registered vehicles, and vehicle miles traveled. At the same time, increases in automobile fuel economy and a shift to clean-fuel vehicles have resulted in motorists paying less excise taxes for each mile they drive. Furthermore, while the cost of constructing transportation infrastructure projects goes up each year, excise taxes stay constant, eroding purchasing power.

In 2014, the California Transportation Infrastructure Priorities Initiative (CTIP) Working Group, which was convened by the California State Transportation Agency (CalSTA), released a report offering a vision for the state's transportation future. This vision emphasized the efficient flow of people and goods across California and within the state's communities, while simultaneously delivering on the three important objectives of mobility, safety and sustainability. In addition, the CTIP report suggested a set of action items to achieve this vision focused on the concepts of preservation, innovation, integration, reform, and funding. The centerpiece of the report was a recommendation that California begin exploring a mileage-based fee as a potential replacement for the state gasoline excise tax. This recommendation was embodied in SB 1077 (DeSaulnier), which requires CalSTA to develop and oversee a pilot program designed to assess the various issues related to implementing a mileage-based fee in California and to submit a report of its findings to the Legislature no later than June 30, 2018.

In the meantime, there has been considerable discussion in Sacramento about what to do in the short-term, particularly after Gov. Brown announced that California has a $59 billion shortfall for maintenance and rehabilitation work on the state highway system over the next 10 years. For local streets and roads, the gap over the same period has been estimated at $78 billion. Without immediate legislative action to address these funding shortfalls, pavement conditions will deteriorate at a faster rate, resulting in increased costs to the state and cities/counties, as well as impacts to public safety and California's economic competitiveness.

Similarly, public transit is facing significant funding shortfalls. According to a needs assessment commissioned by the California Transit Association, the state's public transit systems face a $72 billion funding gap over the next 10 years, $39 billion of which relates to deferred maintenance, vehicle replacement and facility rehabilitation. Left unaddressed, these shortfalls will degrade the quality,

frequency and reliability of public transit service, depressing ridership and limiting access for people who rely on buses and rail systems for their mobility needs.

In June 2015, Gov. Brown called a special session of the Legislature to encourage lawmakers to take steps to provide funding to maintain and rehabilitate California's transportation infrastructure, improve the state's key trade corridors, and complement local infrastructure efforts. In response, two identical bills—SBX1-1 (Beall) and ABX1-26 (Frazier)—were introduced, and became the main legislative vehicles for addressing a host of state transportation funding issues.

Both SBX1-1 and ABX1-26 proposed to generate new transportation dollars through a variety of revenue sources to: (1) begin closing the funding shortfalls for state highway and local roadway maintenance and rehabilitation; (2) improve mobility in critical goods movement corridors; (3) provide additional investments in public transit; and (4) supplement existing resources for active transportation. In addition, they attempted to tackle a number of lingering challenges that have been plaguing transportation funding for years, including: (1) fixing the volatility of the variable gasoline excise tax; (2) ending the erosion of purchasing power of both the gasoline and diesel excise taxes; (3) ensuring the repayment of all outstanding loans owed by the General Fund to various transportation accounts; and (4) ending the diversion of vehicle weight fees and other transportation revenue sources to the General Fund. If neither bill passes the Legislature before the special session officially ends on November 30, 2016, it is likely that another effort will be undertaken in 2017.

As in past years, VTA and our transportation partners will need to be mindful of how any FY 2018 budget proposals impact state funding for transportation. At the same time, we will need to work together to take advantage of any opportunities that may arise to provide new state funding to operate, maintain, rehabilitate, improve, and expand California's transportation infrastructure. Along these lines, VTA's advocacy efforts in 2017 will focus on the following:

- Actively work with others in the transportation community to develop a consensus on a state transportation funding package that would generate new revenues to meet California's, as well as Silicon Valley's, growing transportation infrastructure needs, including state highways, local streets/roads, public transit, and active transportation.

- Support allocating a portion of any new revenues generated by a transportation funding package to the existing State-Local Partnership Program in order to: (1) reward those "self-help" agencies that are currently raising significant amounts of local dollars for transportation purposes through voter-approved tax measures; and (2) incentivize others to do the same. The State-Local Partnership Program was created in 2006 by Proposition 1B, which dedicated $1 billion in bond proceeds to this program. Most of the funding was allocated by formula to those agencies administering local transportation sales tax programs, and was used for projects in their voter-approved expenditure plans. While the State-Local Partnership Program continues to exist, it has received no money since the $1 billion in one-time Proposition 1B bond funds was exhausted a number of years ago.

- Support the following policy reforms either as stand-alone bills or for inclusion in a comprehensive transportation funding package: (1) re-establishing the California Transportation Commission (CTC) as an independent entity in state government; (2) permanently extending a California Environmental Quality Act (CEQA) exemption in current law for roadway projects occurring within

existing rights-of-way; (3) extending indefinitely the statutory authorization for Caltrans to participate in a federal program that allows states to assume the responsibilities of the Federal Highway Administration (FHWA) under the National Environmental Policy Act (NEPA); and (4) establishing an Advance Mitigation Program within Caltrans to accelerate project delivery and improve the outcomes of environmental mitigation for planned transportation projects through the use of mitigation banks, in-lieu-of fee programs and conservation easements.

- Ensure that all previous loans from various state transportation accounts to help address prior-year General Fund deficits are repaid in full and as expeditiously as possible.

- Constitutionally protect all existing and future transportation taxes and fees, including those imposed on motor vehicles from being: (1) loaned or transferred to the General Fund; (2) used to pay debt service on general obligation bonds; or (3) diverted to other non-transportation purposes.

- Recapture the following revenue sources for transportation purposes: (1) vehicle weight fee revenues; (2) gasoline excise tax dollars derived from the purchase of fuel for agricultural vehicles, boats and off-road vehicles; and (3) non-Article 19 revenues (i.e., revenues obtained by Caltrans through the rental or sale of property, the sale of documents, and charges for other miscellaneous services provided to the public). Currently, these revenue sources are being diverted to the General Fund.

- Index the gasoline and diesel excise taxes for inflation, preferably on an annual basis, to end the erosion of purchasing power that currently is occurring because both excise taxes are fixed, per-gallon rates.

- Address the problems associated with the variable gasoline excise tax to avoid downward adjustments in the per-gallon rate. In recent years, these downward adjustments have resulted in significant decreases in funding for the State Highway Operation and Protection Program (SHOPP), the State Transportation Improvement Program (STIP), and local streets/roads. The preferred approach would be to eliminate the Board of Equalization's annual adjustments to the rate as currently required under the 2010-2011 transportation funding swap, convert the variable gas tax to a fixed per-gallon rate, and index the rate for inflation on a regular basis.

- Eliminate the Board of Equalization's annual adjustments to the diesel excise tax rate. The 2010-2011 transportation funding swap required adjustments over a period of four years to be made to the state sales tax rate relative to the purchase of diesel fuel. The amount of these adjustments was specified in state law. The intent was to increase the level of funding for the State Transit Assistance Program (STA) to a minimum of $350 million per year. At the same time, the transportation funding swap required the Board of Equalization to perform a specified calculation on an annual basis and to implement a corresponding adjustment to the per-gallon diesel excise tax rate to ensure that consumers did not experience a tax increase at the pump. The last statutorily mandated adjustment to the diesel sales tax rate occurred in FY 2015. Therefore, it is no longer necessary for the Board of Equalization to do a corresponding adjustment to the diesel excise tax.

- Support efforts to place a constitutional amendment before the voters of California to allow them to decide whether the two-thirds voting requirement for local transportation sales tax measures should

be lowered. In addition, guard against legislative attempts to: (1) impose state requirements on how expenditure plans for local transportation sales tax measures should be developed; or (2) restrict the ability of agencies to craft a ballot proposition that adequately addresses local transportation priorities and that has a chance of succeeding at the polls.

- Support legislation authorizing the Metropolitan Transportation Commission (MTC) to place a Regional Measure 3 (RM 3) toll bridge increase on the ballot in Bay Area counties for voter approval, only if the proposed expenditure plan for the revenues expected to be generated includes an equitable amount of funding for high-priority Santa Clara County projects.

CLIMATE CHANGE

Enacted in 2006, AB 32 (Nunez and Pavley), the so-called Global Warming Solutions Act, required CARB to approve a statewide greenhouse gas emissions limit equivalent to the 1990 level to be achieved by 2020, and to adopt measures by regulation that would reduce such emissions from stationary sources and the transportation sector in the most technologically feasible and cost-effective manner possible.

Pursuant to a Scoping Plan that was initially adopted by CARB in 2008 and subsequently updated in 2014, California's current climate strategy relies on: (1) a greenhouse gas emissions cap coupled with a market-based allowance trading system known as cap-and-trade; and (2) a suite of sector-specific policies, such as a renewable portfolio standard for electricity, energy efficiency programs, a low carbon fuel standard, light duty vehicle emissions standards, and regional transportation-related emissions reduction targets.

Cap-and-trade is a key element of California's climate strategy. It establishes a declining cap on major sources of greenhouse gas emissions and creates an economic incentive for investment in cleaner, more efficient technologies. Under cap-and-trade, CARB creates and issues allowances equal to the total amount of permissible emissions over a given compliance period. One allowance equals one metric ton of carbon dioxide equivalent. Because the annual cap declines, fewer allowances are created each year, and overall emissions decrease over time.

Under cap-and-trade, there are no individual or facility-specific emissions reduction requirements. Each entity covered by cap-and-trade has a compliance obligation, which it is required to meet by acquiring and surrendering to CARB allowances in an amount equal to their greenhouse gas emissions at the end of a particular compliance period. Allowances are distributed by free allocation and by sale at quarterly auctions conducted by CARB. Secondary markets also exist where allowances may be sold and traded among cap-and-trade participants.

Cap-and-trade provides regulated entities with the ability to choose the lowest-cost approach to achieving compliance. They may purchase allowances at CARB's auctions, trade allowances with others, or take steps to reduce emissions at their own facilities. The ability to auction and trade allowances establishes a price signal that drives long-term investment in cleaner fuels and more efficient energy usage.

CARB adopted the state's cap-and-trade regulation in October 2011, and it took effect on January 1,

2012. The first allowance auction occurred in November 2012. To help achieve the 2020 greenhouse gas emissions reduction limit established by AB 32, CARB set up three compliance periods. The first began on January 1, 2013, and ended on December 31, 2014. The current compliance period started on January 1, 2015, and will conclude on December 31, 2017. The final period under AB 32 will run from January 1, 2018, to December 31, 2020.

Under current law, revenues generated from the purchase of allowances at CARB's quarterly auctions by regulated entities other than investor-owned utilities are deposited into the Greenhouse Gas Reduction Fund and distributed according to an investment framework that was established in 2014 through the enactment of SB 862. Under this framework, 60 percent of all cap-and-trade money in the Greenhouse Gas Reduction Fund is continuously appropriated, requiring no action on the part of the Legislature. The programs that receive continuous appropriations are as follows:

- 5 percent to the Low Carbon Transit Operations Program. This formula-based program provides operating and capital assistance to public transit agencies to reduce greenhouse gas emissions, improve mobility, and enhance or expand service to increase mode share.

- 10 percent to the Transit and Intercity Rail Capital Program. This competitive grant program is intended to fund "transformative" capital improvements that reduce greenhouse gas emissions, and modernize intercity, commuter and urban transit systems.

- 20 percent to the Affordable Housing and Sustainable Communities Program. This program provides grant funds on a competitive basis for projects that reduce greenhouse gas emissions through the implementation of land-use, housing, transportation, and agricultural land preservation practices that support infill and compact development.

- 25 percent to high-speed rail.

The remaining 40 percent of cap-and-trade money in the Greenhouse Gas Reduction Fund is "uncommitted" and subject to annual appropriations by the Legislature.

Today, cap-and-trade is plagued by legal and political uncertainty, which is influencing the marketplace and the amount of money being generated from CARB's quarterly auctions for the Greenhouse Gas Reduction Fund. Currently, there is a lawsuit pending before the 3rd District Court of Appeal that is seeking to invalidate cap-and-trade. This lawsuit, which was filed by a coalition of business groups led by the California Chamber of Commerce, contends that cap-and-trade is an illegal tax because AB 32 was not approved by a two-thirds vote of the Legislature. Moreover, given that cap-and-trade is tied to achieving a 2020 emissions limit, there is some question as to whether it can legally exist beyond that year. According to an opinion issued by the Legislative Counsel's Office, without future action on the part of the Assembly and Senate, cap-and-trade is required to sunset on December 31, 2020.

In 2016, Gov. Brown signed into law two bills that put in place a framework for reducing greenhouse gas emissions beyond 2020. The first measure, SB 32 (Pavley), requires CARB to establish a post-2020 greenhouse gas emissions limit equivalent to 40 percent below the 1990 level to be achieved by 2030. In addition, the bill effectively extends the core provisions of AB 32, except for those that authorized CARB to set up and implement the state's cap-and-trade system.

The second bill, AB 197 (Garcia), includes various provisions that address concerns raised by moderate Assembly Democrats about the need for the Legislature to play a much stronger role in overseeing how CARB is implementing cap-and-trade and other elements of the state's climate strategy. In addition, AB 197 requires CARB to prioritize rules and regulations that would result in direct emissions reductions from large stationary and mobile sources, and to consider the social costs when determining how to reduce greenhouse gas emissions beyond the 2020 limit. This requirement is being viewed by some as a directive to CARB to rely less on cap-and-trade and more on command-and-control measures to achieve the post-2020 limit established by SB 32.

While SB 32 and AB 197 do not resolve the uncertainty surrounding the future of cap-and-trade, they represent a step in that direction. By committing California, in statute, to achieving a 2030 greenhouse gas emissions limit, SB 32 and AB 197 put to rest the question of whether the state's climate efforts would extend past 2020. Thus, they set the stage for the Legislature to engage in negotiations in 2017 to determine how the state could continue to use cap-and-trade beyond 2020 to help achieve the 2030 greenhouse gas emissions limit established by SB 32. It is worth noting that if the Assembly and Senate were to pass a bill reauthorizing cap-and-trade by a two-thirds vote, that action would not only allow the system to legally operate beyond 2020, but it would also make the issue of whether cap-and-trade is a tax or fee, which is the crux of the pending lawsuit, moot.

In 2016, AB 1550 (Gomez) was also enacted into law. This bill requires the three-year investment plan prepared by the Department of Finance for the expenditure of cap-and-trade auction proceeds deposited into the Greenhouse Gas Reduction Fund to do both of the following: (1) allocate a minimum of 25 percent of available dollars to projects located within the boundaries of a disadvantaged community; and (2) allocate a minimum of 10 percent of available dollars to projects that benefit low-income households or that are located within the boundaries of a low-income community. Under the provisions of AB 1550, money allocated pursuant to one of the aforementioned cannot count toward meeting the other required minimum allocation. By contrast, prior state law required a minimum of 25 percent of available cap-and-trade auction proceeds to be expended for projects that benefit disadvantaged communities, with 10 percent required to be located within such communities. The 10 percent counted toward achieving the 25 percent minimum. CARB will be responsible for developing guidelines to implement the changes brought about by the enactment of AB 1550.

Finally, CARB is contemplating a new regulation for public transit buses known as the Advanced Clean Transit Rule. As originally conceived, this regulation was designed to reduce emissions from public transit buses, as well as spur the expansion of the market for zero-emission vehicles. The California Transit Association has been actively working with CARB to ensure that the practical impacts of the Advanced Clean Transit Rule to public transit agencies are being recognized. As a result of these efforts, CARB has agreed to revisit the regulation. In addition, the Association has engaged with the California Public Utilities Commission (CPUC) to ensure that the cost of electricity to public transit agencies as part of a larger move toward electrification of the transportation sector generally is contemplated and properly managed.

In 2017, VTA will work with our transportation partners to support legislation to reauthorize cap-and-trade. In addition, VTA will continue to pursue legislative and administrative avenues to enhance its

ability to secure cap-and-trade funding for Phase 2 of the BART Silicon Valley Extension Project and other high-priority projects. Along these lines, VTA will focus its advocacy efforts on the following:

- Either as a stand-alone bill or as part of a comprehensive transportation funding package, support increasing the percentage of cap-and-trade auction proceeds that would be continuously appropriated to the Low Carbon Transit Operations Program from 5 percent to at least 10 percent, and to the Transit and Intercity Rail Capital Program from 10 percent to at least 20 percent.

- Advocate for modifying the guidelines prepared by CalSTA for the Transit and Intercity Rail Capital Program to allow for the use of multi-year agreements for projects that are proposed to be funded under the program over several fiscal years, pursuant to SB 9 (Beall) from 2015.

- Partner with MTC and other Bay Area transportation entities to support efforts to revise the definition of disadvantaged communities as it relates to cap-and-trade funding to better align it with the region's definition of "communities of concern," which includes a greater proportion of the region's low-income census tracts than the California Environmental Protection Agency's CalEnviroScreen tool.

- Work with the California Transit Association to: (1) monitor how the guidelines developed by CARB to implement the new disadvantaged communities and low-income households/communities requirements under AB 1550 might impact the Low Carbon Transit Operations Program, and the Transit and Intercity Rail Capital Program; and (2) ensure that any changes to these programs are reasonable and provide maximum flexibility for public transit agencies.

- Actively participate in the California Transit Association's efforts with CARB, the CPUC and the Legislature to ensure that any strategies contemplating greater emissions reductions from public transit or the electrification of public transit operations are carried forward in a manageable, reasonable and cost-effective manner.

- Seek to restructure the Affordable Housing and Sustainable Communities Program in a way that would allocate 50 percent of the available funding to the Strategic Growth Council to administer a competitive grant program for affordable housing projects, and 50 percent to regional agencies according to a population-based formula for transportation projects that help implement regional sustainable communities strategies.

HIGH-SPEED RAIL

Rapid population growth, congested highways and constrained airports prompted California policymakers to consider building a high-speed train system in the state along the lines of those that have been in operation for decades in Europe and Asia. In 2000, the California High-Speed Rail Authority, the agency responsible for planning, constructing and operating the state's high-speed train system, unveiled a plan for an 800-mile network that would link all of the state's major population centers, including the Bay Area, Los Angeles, Sacramento, the Inland Empire, Orange County, and San Diego. Through a subsequent program-level environmental document, the High-Speed Rail Authority recommended using an alignment over the Pacheco Pass to enter the Bay Area.

To fund the core segment of the state's proposed high-speed train system, SB 1856 (Costa) was enacted into law in 2002 to provide for the submission of the Safe, Reliable, High-Speed Passenger Train Bond Act for the 21st Century to the voters of California for their approval. The bond act calls for issuing a total of $9.95 billion in bonds, $9 billion of which would be used in conjunction with federal and private funds for the planning and construction of the first phase of the system, which would run from the Los Angeles Basin to the Bay Area. The remaining $950 million is for urban, commuter and intercity rail projects that: (1) provide connectivity to the high-speed train system; or (2) enhance the capacity or safety of urban, commuter or intercity rail services. Under the provisions of SB 1856, the bond act was initially scheduled for the 2004 general election. However, two subsequent bills postponed its consideration until November 2008, at which time it was approved by the voters as Proposition 1A.

In 2016, the High-Speed Rail Authority, MTC, the Peninsula Corridor Joint Powers Board (JPB), VTA, the San Mateo County Transportation Authority, the City/County of San Francisco, and the San Francisco County Transportation Authority executed a Regional Funding Supplement to an existing memorandum of understanding (MOU) for the Caltrain Electrification Project. This Regional Funding Supplement seeks to address a funding shortfall or more than $500 million for electrification through a combination of: (1) additional contributions from the local partners, MTC and the High-Speed Rail Authority; (2) federal dollars from the Capital Investment Grant Program; and (3) cap-and-trade auction proceeds from the Transit and Intercity Rail Capital Program.

As part of its 2017 Legislature Program, VTA will work with the other partners to the Regional Funding Supplement to pursue actions at the state and federal levels, as necessary, to help implement the financial strategy for the Caltrain Electrification Project that is embodied in the agreement.

PROJECT DELIVERY

Transportation projects can take a considerable amount of time to complete. Project sponsors must maneuver through a multi-stage development and review process that includes planning; design and engineering; right-of-way acquisition; environmental impact review and mitigation; financing; construction; and other related requirements at various levels of government. To control costs and provide the benefits of transportation improvements to the public sooner, it is important to explore different and innovative ways to expedite project delivery.

In 2017, VTA will support legislation to:

- Reinstate the statutory authority for Caltrans and regional transportation agencies, including VTA, to utilize public-private partnerships for state highway projects. This authority is scheduled to expire on January 1, 2017.

- Enhance the ability of VTA and other project sponsors to utilize the construction manager/general contractor (CMGC) method of procurement and other innovative contracting approaches to deliver state highway, public transit and other types of transportation projects.

STATE TRANSIT ASSISTANCE PROGRAM

STA was created through the enactment of the Transportation Development Act in the early 1970s.

Funding for the program is derived solely from the sales tax on diesel fuel. The State Controller's Office is responsible for allocating STA dollars to the 32 regional transportation planning agencies (RTPAs) and 18 metropolitan planning organizations (MPOs) in California in the following manner:

- 50 percent of all STA funding flows from the Controller's Office to regions based on the ratio of the population of each region to the population of the state. Each regional agency has the discretion to determine how to suballocate these population-based dollars to public transit operators within its jurisdiction.

- 50 percent of all STA funding flows from the Controller's Office to regions based on a calculation that takes into consideration the operating expenses and non-locally generated operating revenues of each public transit operator in comparison to the rest of the state. Each regional agency is required to suballocate these revenue-based dollars to public transit operators within its jurisdiction based on the specific operator shares published by the Controller's Office.

Recently, the Controller's Office, based on advice from its legal counsel, implemented changes to the methodology used to calculate a public transit operator's share of STA revenue-based funds. These changes went into effect starting with the first quarter allocations for FY 2016, and impacted all public transit operators in California to varying degrees. In response, the Legislature included in SB 838, the FY 2017 transportation budget trailer bill, provisions that temporarily put on hold the implementation of these changes by requiring the Controller's Office to use the same list of eligible recipients and the same proportional operator shares from the fourth quarter of FY 2015 to distribute any unallocated FY 2016, and all FY 2017 and FY 2018 STA revenue-based funds.

In the meantime, the California Transit Association has formed a task force to work on developing a consensus on a follow-up policy bill to address any ambiguities in the current STA statutory and regulatory framework. As part of its 2017 Legislature Program, VTA will participate in this process to ensure that the Association comes up with an equitable legislative proposal that does not disadvantage VTA's receipt of STA revenue-based funds.

TRANSIT SERVICE DELIVERY

Buses on Shoulders: In 2013, legislation was enacted to authorize the Monterey-Salinas Transit District (MST) and the Santa Cruz Metropolitan Transit District (Santa Cruz Metro), subject to the approval of Caltrans and the California Highway Patrol (CHP), to operate their buses on the shoulders of state highways within their respective service areas in order to: (1) minimize congestion-related interruptions of service; and (2) improve travel times for public transit relative to cars in a manner that is low-cost and easy to implement. The California Transit Association is working on potential legislation to extend this authority to other public transit agencies in the state. As part of its 2017 Legislative Program, VTA will support the Association's efforts in this regard.

Fare Evasion and Passenger Misconduct Violations: In 2012, legislation was enacted to allow a public transit agency to impose and enforce civil administrative penalties for fare evasion and passenger misconduct violations in lieu of criminal penalties. There are a number of advantages to this approach. First, an administrative process does not require the citing officer to appear in court, whereas a trial does. Therefore, public transit security officers would be able to spend less time in court and more time

on patrol, thereby enhancing the safety and security of their systems. Second, an administrative process would allow public transit agencies to have immediate access to information on the status of individual citations and the penalties assessed, rather than having to try to track this information down from the courts. Third, an administrative process would offer fare evaders and other violators a less confrontational setting than a criminal proceeding, while still affording them the right to a full hearing should they so choose.

However, current state law requires any administrative fines to be allocated to the general fund of the county where the citation was issued, not to the public transit agency. In other words, a public transit agency would incur one-time costs to set up the administrative process, as well as annual costs to implement it, but would have to cover these added expenses through its existing operating budget. At the same time, the county would achieve cost savings by no longer having to process these cases through the courts, while receiving a revenue windfall from the administrative fines. This situation has proved to be a major disincentive for public transit agencies to transition from criminal penalties to an administrative process for handling fare evasion and passenger misconduct violations. In fact, only two public transit agencies in California have switched to an administrative process—the San Francisco Municipal Transportation Agency (San Francisco Muni), which actually receives the revenues from administrative fines because Muni is part of the City/County of San Francisco, and the Los Angeles County Metropolitan Transportation Authority (LA Metro).

This past year, SB 882 (Hertzberg) was enacted into law to prohibit public transit agencies from charging a minor with an infraction or misdemeanor for acts of fare evasion. While supporters of this bill contended that public transit agencies would still be able to levy administrative fines against minors for fare evasion, this argument ignores the fact that current law deters public transit agencies from shifting to an administrative process because it provides no way for them to offset their costs associated with implementing such a process.

In 2017, legislation may be introduced to build upon the precedent set by SB 882 by decriminalizing certain passenger misconduct violations committed by minors. If such legislation is successful, public transit agencies would be left with little recourse to address not only situations where minors are not paying to use their service, but also disruptive acts committed by minors on their buses or rail vehicles. Recognizing this dilemma, the California Transit Association is working on potential legislation that would seek to remove the barriers in current law that are deterring public transit agencies from pursuing an administrative process in lieu of criminal penalties. As part of its 2017 Legislative Program, VTA will support the Association's efforts in this regard.

BICYCLE AND PEDESTRIAN SAFETY

Each year, more than 30,000 people are killed on streets in the United States in traffic collisions, many of whom are bicyclists and pedestrians. The Centers for Disease Control recently reported that the traffic death rate per person in the United States was about double the average of peer nations, with close to 10 percent of traffic-related fatalities occurring in California. Unsafe speed of motor vehicles has been found to be the most frequent cause of traffic-related fatalities and severe injuries.

In response, local jurisdictions across the country are initiating traffic safety programs called Vision Zero that aim to eliminate all traffic-related fatalities by a certain year, as well as significantly reduce the

number of severe injuries caused by traffic collisions. In California, the cities of San Jose, San Francisco, San Mateo, San Diego, Los Angeles, Long Beach, and Fremont have adopted Vision Zero strategies, while others are considering following suit.

As part of its 2017 Legislative Program, VTA will partner with the city of San Jose, MTC and others to support legislation that would help cities achieve the goals of Vision Zero, including proposals to enhance the enforcement of traffic laws protecting motorists, bicyclists and pedestrians.

REGIONAL

The Regional Section of VTA's 2017 Legislative Program is divided into the following areas:

1. Metropolitan Transportation Commission (MTC).
2. Caltrain Commuter Rail Service.
3. Capitol Corridor Service.

METROPOLITAN TRANSPORTATION COMMISSION

Infrastructure Bank: MTC is considering a staff proposal to create a Bay Area Infrastructure Bank to accelerate the construction of regionally significant transportation projects through the use of the following four financing tools:

1. Century Bonds.
2. Earthquake Insurance Bonds.
3. Pension Obligation Bonds.
4. Bonding against the region's share of FTA formula funds.

While establishing a Regional Infrastructure Bank may potentially provide opportunities for the Bay Area, it is important to thoroughly analyze the challenges and risks that the financing tools proposed by MTC staff may present to VTA, as well as to the region as a whole, before making a decision as to whether to proceed. Along these lines, VTA will seek the advice of bond counsel on the risks associated with the four financing tools being suggested by MTC staff, as well as on ideas for other financing alternatives that could be used by a Regional Infrastructure Bank that may pose less risk; research the infrastructure bank proposals that have surfaced at the national level to get a better understanding of what are considered to be best practices for this type of financing structure; and engage with the leadership of MTC about the pros and cons from VTA's perspective associated with creating a Regional Infrastructure Bank.

Regional Discretionary Funds: MTC allocates more than $1 billion per year in federal, state and toll revenues to operate, maintain, rehabilitate, and expand the Bay Area's transportation network. In some cases, MTC suballocates the funds directly to public transit agencies and county congestion management agencies on a formula basis. In other cases, MTC has the discretion to determine which projects get funded. When it comes to these discretionary dollars, Santa Clara County has historically been a donor county, receiving significantly less money from MTC than what the county's population-based share (approximately 25 percent) would suggest. Moreover, as opposed to most of the other Bay Area

counties, Santa Clara County receives no bridge toll revenues and is not compensated for that fact when it comes to MTC's distribution of other discretionary dollars.

As part of its 2017 Legislative Program, VTA will strive to ensure that any allocation of discretionary funds by MTC results in Santa Clara County receiving no less than its population-based share. In addition, VTA will:

- Seek to secure regional discretionary funding for high-priority projects in Santa Clara County, including Phase 2 of VTA's BART Silicon Valley Extension Project, and the Capitol and Vasona Light Rail Extensions.

- Oppose efforts on the part of MTC to impose additional conditions, other than those required by federal or state law, when suballocating federal and state formula-based funds to public transit agencies or county congestion management agencies.

- Limit efforts on the part of MTC to take discretionary funding "off the top" to administer regional competitive grant programs, and advocate for project selection and program implementation for discretionary funds to occur at the county level.

- To the extent that MTC administers regional competitive grant programs, seek to ensure that the Commission establishes fair criteria that would allow all nine Bay Area counties to have an equitable opportunity to compete for such dollars.

Cap-and-Trade: In response to the enactment of SB 862, which established a statewide investment framework for cap-and-trade auction proceeds deposited into the Greenhouse Gas Reduction Fund, MTC adopted an update to its Regional Cap-and-Trade Funding Framework in 2016 that includes supporting the allocation of $750 million from the competitive Transit and Intercity Rail Capital Program to the second phase of VTA's BART Silicon Valley Extension Project.

So far, CalSTA has awarded $20 million from the Transit and Intercity Rail Capital Program to VTA for BART Phase 2. In 2017, CalSTA will begin the process for developing a five-year program of projects for Transit and Intercity Rail Program funding, covering FY 2019 through FY 2023. During this programming process, VTA will be submitting a grant application for the remaining $730 million in Transit and Intercity Rail Program funding for BART Phase 2. As part of its 2017 Legislative Program, VTA work with MTC to ensure regional support for this grant application.

Express Lanes: In Santa Clara County, express lanes currently are in operation in the southbound direction of a portion of I-680 and at the I-880/State Route 237 Interchange. VTA also is moving forward with project development work for express lanes on State Route 237, U.S. 101 and State Route 85. Meanwhile, MTC is pursuing a limited regional express lane network covering portions of I-80, I-880 and I-680, and the approaches to the Dumbarton and San Mateo Bridges. As in past years, VTA will continue to advocate on this subject according to the following principles:

- VTA retains complete autonomy for developing, constructing and operating express lanes in Santa Clara County, while working with MTC to ensure consistency for Bay Area motorists, to the extent practicable, among different express lane corridors in the region.

- There is a recognition that popular, political and legislative support rest on demonstrating that all express lane revenues collected in a particular corridor are used to benefit travelers in that corridor. Thus, VTA will oppose any efforts to divert any express lane revenues generated by corridors within Santa Clara County to fund corridors in other parts of the Bay Area.

- VTA will push for the inclusion of high-priority Santa Clara County Express Lanes projects in the next iteration of the Regional Transportation Plan (RTP). To the extent that it does not compromise the first two principles, VTA could seek regional funding for the Express Lanes network in Santa Clara County.

CALTRAIN COMMUTER RAIL SERVICE

Caltrain is a 76.8-mile daily commuter rail service that runs between San Francisco and Gilroy. It operates on railroad tracks owned by the Peninsula Corridor JPB between San Francisco and the Tamien Station in San Jose, and on Union Pacific Railroad tracks between the Tamien Station and Gilroy. Caltrain is administered through a joint powers agreement that was executed by the City/County of San Francisco, SamTrans, and VTA. The JPB, which consists of three members appointed from each of the three counties, governs the service, while SamTrans serves as the managing agency.

Executed in 2012, the Bay Area's *Memorandum of Understanding: High-Speed Rail Early Investment for a Blended System on the Peninsula Corridor* outlines the projects necessary to modernize Caltrain and provide the facilities for future high-speed train service along the Peninsula Corridor. This early investment strategy includes funding commitments for two major projects: (1) electrification of the corridor; and (2) an advanced signal system. The three JPB partners are each contributing $60 million in local funds. In addition, VTA has allocated $26 million of its formula share of Proposition 1A bond funds to this effort.

In 2016, a Regional Funding Supplement to this memorandum of understanding was executed to address a funding shortfall for the electrification project. The supplement includes an additional contribution from VTA, which is contingent on the Sam Mateo County Transportation Authority and San Francisco approving equal contributions.

With the modernization of Caltrain and the potential for high-speed train service, major development plans are being considered for the San Jose Diridon Station, and the 4th and King Station in San Francisco. These conceptual plans have the potential to better utilize the land in and around the stations, as well as to create demand for future public transit ridership. As these plans move forward, any costs associated with the necessary studies should not be paid by the JPB, but rather by the developers and/or the local jurisdictions that are pursuing these efforts. In addition, any potential land-use changes in and around the stations should not negatively impact Caltrain operations or train storage. If any Caltrain cost issues arise from the redevelopment of a station, the developer and/or the local jurisdiction should be responsible for paying the JPB for any one-time or additional ongoing costs that result from the development.

In 2017, VTA's advocacy efforts with regard to Caltrain will focus on the following:

- Work collaboratively with our JPB partners, the High-Speed Rail Authority, MTC, and others to implement the Regional Funding Supplement, and ensure that the Caltrain Electrification Project is delivered in an efficient and cost-effective manner that protects the interests of VTA and Santa Clara County. Along these lines, VTA will seek to: (1) ensure that the other funding partners meet their financial commitments to the project; and (2) prevent unnecessary cost increases from being incurred or passed on to the VTA.

- Work collaboratively with our JPB partners to explore funding opportunities and strategies to: (1) support Caltrain operations; (2) maintain Caltrain equipment, facilities and infrastructure in a state of good repair; and (3) pay for Caltrain system improvements, including grade separations, to provide cost-effective benefits for current and future passengers.

- Work collaboratively with our JPB partners and other parties on any development opportunities for Caltrain stations, provided that: (1) the JPB does not pay for the studies; and (2) any one-time or additional ongoing costs to Caltrain that result from a development is paid for by the developer and/or the local jurisdiction.

CAPITOL CORRIDOR INTERCITY RAIL SERVICE

The Capitol Corridor is a 170-mile intercity rail service that runs between Auburn/Sacramento and San Jose. The Capitol Corridor Joint Powers Authority (JPA) consists of two representatives from each of the eight counties that the trains serve. Funding is provided by the state, and BART serves as the managing agency.

As part of its 2017 Legislative Program, VTA will advocate for the prioritization of improvements that will increase the frequency of Capitol Corridor service to San Jose and shorten travel times. In addition, with the increased private development interest adjacent to the Capitol Corridor stations in Santa Clara County, VTA will work collaboratively with the Capitol Corridor, as well as with the Altamont Commuter Express (ACE), to pursue capital improvements that ensure seamless public transit connections between VTA light rail and bus service, and those two train services. VTA also will continue to work with the Capitol Corridor and ACE to advocate for any potential land-use planning efforts that will improve access to, and avoid impacting the operations of, their services.

Finally, the state has historically been the primary source of capital funding for the Capitol Corridor and California's other intercity rail services. However, the current state sources of intercity rail capital funding—the STIP and Proposition 1A bond proceeds—have been depleted. Therefore, as part of its 2017 Legislative Program, VTA will work in partnership with the Capitol Corridor JPA to pursue additional sources of funding to support the enhancement and expansion of the Capitol Corridor service.

SANTA CLARA
Valley Transportation Authority

Date: November 28, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Interim Director - Planning & Program Development, Carolyn M. Gonot

SUBJECT: I-680 Ramp Metering from US 101 to Scott Creek Road - After Study

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FOR INFORMATION ONLY

BACKGROUND:

Beginning in 2008, with funding provided through the Metropolitan Transportation Commission (MTC), the Santa Clara Valley Transportation Authority (VTA) worked with Caltrans to lead the implementation of metering for State highways within Santa Clara County.

As a part of these ramp metering implementation efforts, a Memorandum of Understanding (MOU) was developed that defines the roles and responsibilities for local agencies, VTA, and Caltrans to manage, maintain, and operate freeway metering systems within Santa Clara County. The MOU, approved by the VTA Board of Directors on February 5, 2009, has been used to guide the implementation, operations, and maintenance of ramp meters in the county.

In 2014, MTC approached VTA to provide assistance on the implementation of metering on three freeway routes:

- SR 85 between I-280 and US 101 (in Mountain View),
- I-680 between King Road and Scott Creek Road,
- US 101 between SR 85 (in south San Jose) and Monterey Road.

DISCUSSION:

This memorandum focuses on the ramp metering on I-680 between US 101 and Scott Creek Road that was activated on August 25, 2015 for southbound I-680 and on September 1, 2015 for northbound I-680. The limits of this I-680 ramp metering implementation for northbound (NB) and southbound (SB) I-680 are between King Road in San Jose and Scott Creek Road at the Alameda County Line.

MTC collected traffic data to assess the effectiveness of the metering. The collected data included: travel times on the freeway mainline (including delays), on-ramp queues, on-ramp delays, and traffic volumes on the freeway (both ramps and mainline) and on select nearby arterials. The majority of the "before" data collection was conducted in early December 2013, while the majority of the "after" conditions data were collected within a couple months of implementation in October 2015.

Supplemental data for travel times on the corridor were collected closer to the actual date of implementation, with the "before" conditions travel times collected in February 2015 and the "after" conditions travel times collected in February 2016.

A comparison of the "before" and "after" conditions for this ramp metering implementation shows reductions in the average freeway travel times and delays, as shown in Table 1. Northbound I-680 shows the greatest improvement with about 11.5 percent decrease in travel times, while southbound I-680 shows a minimal increase in travel times. This increase in traffic volumes is indicative of the increase in traffic flow rates on all Santa Clara County roadways and is likely also the reason for the higher travel times for the southbound evening commute.

Table 1 - SR 85 Measured Freeway Delay Reductions

Direction	Peak Period	Before Average Travel Time February 2015	After Average Travel Time February 2016	Change in Average Travel Time	Change in Percent Travel Time
NB	AM	9.6 minutes	8.5 minutes	1.1 minutes reduction	11.5% reduction
SB	PM	14.5 minutes	14.9 minutes	24 seconds increase	2.8% increase

Measurement of delays and queues on the freeway ramps were also collected for every 15 minutes. The overall average delay over the four-hour implementation period for the on-ramp locations was approximately one minute. Back-ups beyond available storage or wait times of over five minutes were observed at the following locations:

Northbound On-Ramps - AM Peak Period

- Capitol Expressway diagonal on-ramp (queue & delay) between 7:45 AM and 9:00 AM
- McKee Road diagonal on-ramp (queue) between 7:45 AM and 8:30 AM
- Berryessa Road diagonal on-ramp (queue) between 8:00 AM and 9:00 AM

Southbound On-Ramps - PM Peak Period

- Montague Expressway diagonal on-ramp (queue & delay) between 5:00 PM and 6:15 PM
- Hostetter Road diagonal on-ramp (queue & delay) between 3:45 PM and 6:15 PM

Caltrans staff are continuing to monitor these locations.

Measurement of traffic volumes on nearby local arterials and freeway after the implementation of metering showed increases in traffic volumes compared to traffic volumes from prior to the metering. This measurement of traffic volumes revealed the following changes of note:

Northbound I-680 - AM Peak Period & Southbound I-680 - PM Peak Period

- The parallel north-south arterials peak hour arterial volumes increased by approximately 36 percent under "after" study conditions.

ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:

The Technical Advisory Committee received this item as part of its November 10, 2016, Consent Agenda.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Congestion Management Program and Planning Committee received this item as part of its November 17, 2016, Consent Agenda.

Prepared By: David Kobayashi
Memo No. 5765

SANTA CLARA
Valley Transportation Authority

Date: November 28, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Interim Director - Planning & Program Development, Carolyn M. Gonot

SUBJECT: Transit Service Changes - January 2, 2017

FOR INFORMATION ONLY

BACKGROUND:

VTA implements transit service changes on a quarterly basis in January, April, July and October. Major changes are typically planned for January and July, while minor changes are implemented in April and October. Given that VTA staff is in the midst of planning a major revision of our bus service as part of the Next Network study, recent quarterly transit service changes have for the most part focus on adjustments to current services to improve schedules and connections.

DISCUSSION:

The following transit service changes will take effect on Monday, January 2, 2017. Since Monday, January 2 is an observed holiday with VTA operating Holiday/Sunday level service, weekday changes will take effect on Tuesday, January 3.

Express 185 - New Route
The most significant change is the addition of a new Express 185. This new weekday, peak hour express route will operate between Gilroy/Morgan Hill and two employment centers in Mountain View. There will be three northbound morning trips and three southbound afternoon trips.

Under the direction of the General Manager with strong support from the SR 85 Policy Advisory Board, VTA staff explored options for a new VTA Express Route from South Santa Clara County to the North Bayshore area in Mountain View along State Route 85. To inform the service planning, VTA staff conducted targeted outreach during the summer of 2016 to employers in the North Bayshore area and the area around the Whisman and Middlefield light rail stations. Employers in these areas, including Intuit, Symantec, LinkedIn, and Microsoft, were asked to distribute a survey about the new service to their employees that live in South County.

The survey asked respondents where they live, where they work, and what times they typically need to arrive at and depart from work. Additionally, the survey was posted on the Next Door pages for neighborhoods in Morgan Hill and Gilroy.

Using the survey responses and information obtained from discussions with transportation professionals in the North Bayshore area, VTA staff planned the service to makes stops in both Gilroy and Morgan Hill, travel up to North Mountain View/Sunnyvale via SR 85, serve employers around the Middlefield light rail station, and continue up to the North Bayshore area via Middlefield Rd and Shoreline Blvd.

The service is scheduled to begin in January 3, 2017, will include three one-way trips each peak period, and will charge the standard VTA Express fare. Additionally, the service will use new express buses with VTA's new branding. After implementation, VTA staff will collect rider and potential rider feedback about the service, and assess the need for future iterations of the service.

Express 168 - New Trips
Express 168 currently operates 6 AM and 6 PM trips from Gilroy and Morgan Hill to Downtown San Jose. This route has always been a strong performer and carries about 300 passengers per day. Recent ridership growth, including new students from Notre Dame High School has resulted in some trips operating with standing loads, a condition we try to avoid on express buses that operate on freeways. One AM trip and one PM trips will be added to address these overloads.

Express 104 - Streamlined Routing
The morning routing will be streamlined in Palo Alto to operate on Middlefield to Charleston instead of San Antonio. In addition, a minor routing change will be made to use Miranda instead of Foothill Expressway to access the Veterans Administration Hospital.

Other Schedule Adjustments
The following bus lines will have weekday and/or weekend schedule adjustments to improve running times, on time performance, transfers and operator layovers.: 13, 14, 16, 17, 18, 19, 31, 39, 42, 45, 53, 57, 58, 60, 62, 63, 65, 66, 68, 70, 71, 82, 102, 103, 201 (DASH).

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

This item was approved by the Congestion Management Program & Planning (CMPP) Committee on the Consent Agenda at its November 17, 2016 meeting and recommended for inclusion on the Consent Agenda for the VTA Board of Directors meeting.

Prepared By: Jim Unites
Memo No. 5468

185

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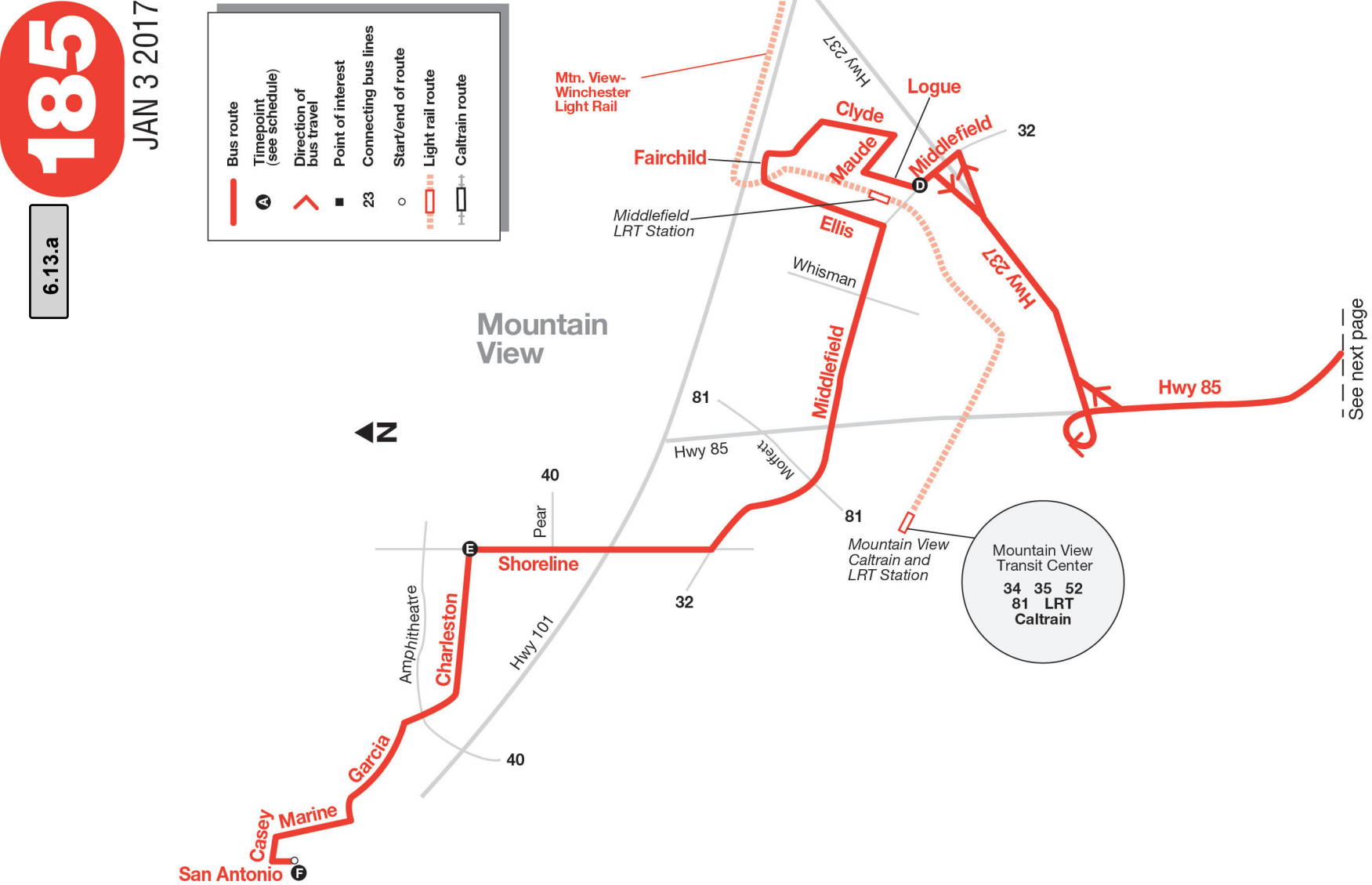

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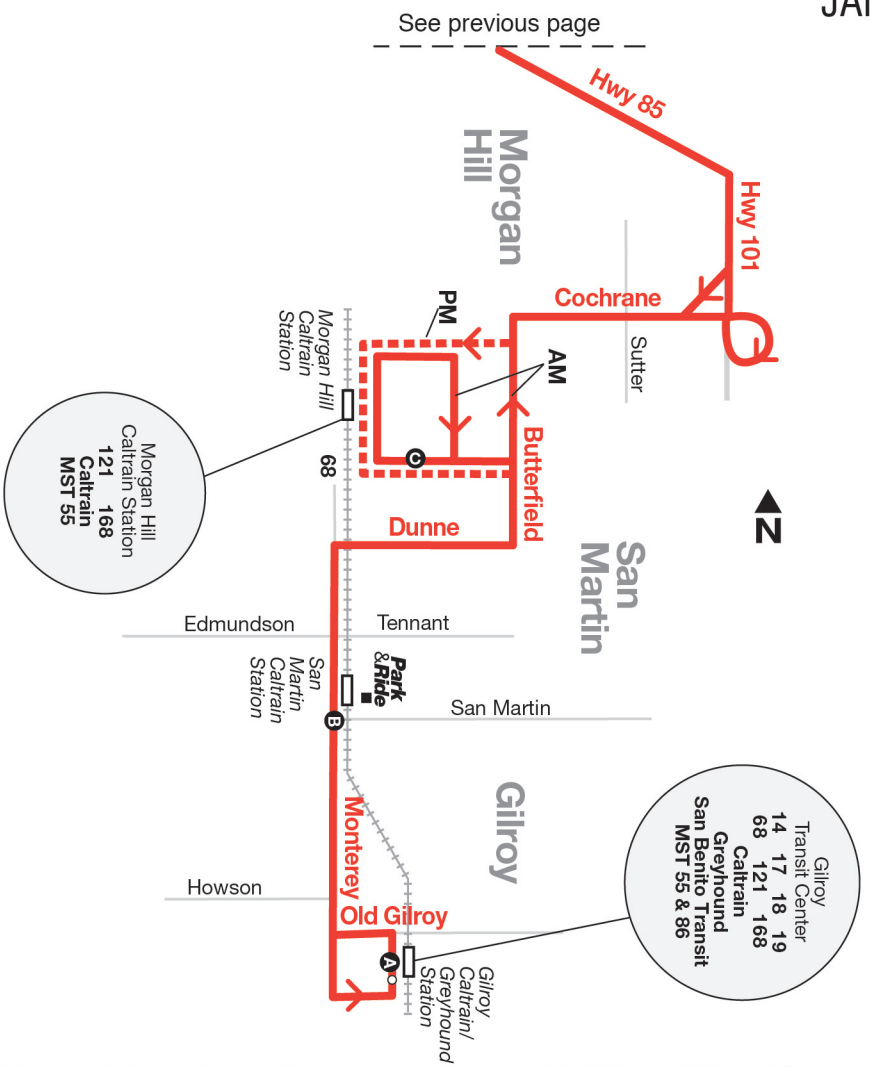

Northbound Stops Observed:

- Ⓐ Gilroy Transit Center
- Monterey & Howson
- Ⓑ Monterey & San Martin Park & Ride Lot
- Monterey & Tennant
- Ⓒ Morgan Hill Caltrain Station
- Cochrane & Sutter
- Ⓓ Middlefield & Logue (Middlefield LRT Station)
- Clyde & Maude
- Clyde & Clyde Ct.
- Ellis & Fairchild
- Ellis & Symantec
- Middlefield & Ellis
- Middlefield & Whisman
- ~~Middlefield & Easy~~
- Middlefield & Moffett
- Shoreline & Terra Bella
- Shoreline & Pear
- Ⓔ Charleston & Shoreline
- Charleston & Huff
- Charleston & Landings
- Garcia & Amphitheatre
- Garcia & Salado
- Garcia & Marine
- Marine & Casey
- Ⓕ San Antonio & Bayshore

Southbound Stops Observed:

- Ⓕ San Antonio & Casey
- Marine & Casey
- Garcia & Marine
- Garcia & Salado
- Garcia & Rengstorff
- Charleston & Landings
- Charleston & Huff
- Ⓔ Shoreline & Charleston
- Shoreline & Pear
- Shoreline & Terra Bella
- Middlefield & Moffett
- ~~Middlefield & Easy~~
- Middlefield & Whisman
- Ellis & Middlefield
- Ellis & Fairchild
- Clyde & Clyde Ct.
- Maude & Clyde
- Ⓓ Middlefield & Logue (Middlefield LRT Station)
- Cochrane & Sutter
- Ⓒ Morgan Hill Caltrain Station
- Monterey & Tennant
- Ⓑ Monterey & San Martin Park & Ride Lot
- Monterey & Howson
- Ⓐ Gilroy Transit Center

6.13.b
• Stops in Gilroy and Morgan Hill
• Travels non-stop to North Sunnyvale/Mountain View via SR 85
• Multiple stops in North Sunnyvale/Mountain View
• 3 one-way trips each peak period
• VTA Express fare
• Future iterations based on rider feedback
End
Start
southbound
northbound
Palo Alto
Milpitas
Mountain View
Los Altos
Sunnyvale
Loyola Corners
Santa Clara
SJC
San José
Campbell
Saratoga
Monte Sereno
Los Gatos
Sierra Azul Open Space Preserve
Redwood Estates
Summit West
Summit
Boulder Creek
Brookdale
Lompico
Ben Lomond
San Vicente Redwoods
Felton
Scotts Valley
Bonny Doon
Happy Valley
The Forest of Nisene Marks State Park
Davenport
Day Valley
Gilroy
CA 9
CA 152

Solutions that move you
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Solutions that move you
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SANTA CLARA
Valley Transportation Authority

Date: November 28, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Interim Director - Planning & Program Development, Carolyn M. Gonot

SUBJECT: Transportation Fund for Clean Air (TFCA) Project Status Report

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FOR INFORMATION ONLY

BACKGROUND:

The Transportation Fund for Clean Air (TFCA) is generated by a $4.00 surcharge on vehicle registrations. The Bay Area Air Quality Management District (BAAQMD) administers these funds in the nine-county Bay Area. Funds are available for allocation to alternative fuels, arterial management, bicycle, and trip-reduction projects that reduce vehicle emissions.

BAAQMD returns 40% of these funds to the county in which they are collected for allocation by a "program manager." This fund is called the TFCA Program Manager Fund (TFCA 40%). VTA is the program manager for Santa Clara County. Project sponsors apply directly to VTA for funding and the VTA Board of Directors allocates these funds to projects in Santa Clara County, subject to approval by BAAQMD.

State law requires VTA to conduct a periodic review of TFCA project status. The law states that VTA shall hold one or more public meetings per year to review the expenditure of revenues received. (Cal. Health and Safety Code 44241(f))

DISCUSSION:

In accordance with the requirement that the Board should review the expenditure of revenues received, Attachment A details the current status of Santa Clara County's TFCA 40%-funded projects and Attachment B provides a brief description of each project. Most projects are progressing smoothly, but staff notes that Sunnyvale's Comprehensive Pedestrian Infrastructure Improvements project was cancelled. The funds were moved to the Pedestrian Infrastructure Improvements project, which the Board approved earlier this year. Staff notes that the projects were essentially the same and consolidating them reduces administrative requirements.

ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:

The Bicycle and Pedestrian Advisory Committee received a presentation from staff on this item

at its November 9, 2016 meeting. There was no discussion.

The Technical Advisory and Policy Advisory Committees received this item as part of their November 10, 2016 Consent Agendas.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Congestion Management Program & Planning Committee (CMPP) received and accepted this report as part of its Consent Agenda at the November 17, 2016 meeting.

Prepared By: Bill Hough
Memo No. 5753

Attachment A
Santa Clara County TFCA Funding Status Report

TFCA Project #	Project Title	Project Sponsor	Current TFCA Funds Awarded	TFCA $ Paid Out	% Comp	Project Completion Date	Comments
11SC01	Santa Clara Signal Timing & Interconnect Project	City of Santa Clara	$1,168,128.00	$1,168,128.00	100%	complete	Project complete.
14SC02	Mission College Signal Timing & Interconnect Project	City of Santa Clara	$220,500.00	$0.00	95%	6/30/2017	In Progress.
14SC03	Stevens Creek Signal Timing & Interconnect Project	City of Santa Clara	$360,000.00	$0.00	80%	6/30/2017	In Progress.
14SC06	Scott Boulevard Bike Lane Project	City of Santa Clara	$102,650.00	$0.00	80%	6/30/2017	In Progress.
15SC02	City of Milpitas Electric Vehicle Level 2 Charging Stations	City of Milpitas	$20,200.00	$0.00	60%	6/30/2017	In Progress.
15SC04	Llagas Creek Trail, between Watsonville and Silveira park	City of Morgan Hill	$135,975.00	$0.00	CP	Cancelled Project	Construction delayed due to external factors. Will reapply in future.
15SC07	Saratoga Signal Timing & Interconnect Project	City of Santa Clara	$498,000.00	$44,709.00	25%	6/30/2017	In Progress.
15SC09	DASH Shuttle	VTA	$360,000.00	$360,000.00	100%	complete	Project complete.
15SC11	Blue Hills School Railroad Safety Crossing Project	City of Saratoga	$300,000.00	$0.00	10%	6/30/2017	In Progress.
15SC12	Capitol Expressway Pedestrian Improvements	VTA	$198,000.00	$178,045.00	85%	6/30/2017	In Progress.
15SC13	Santa Clara Caltrain Station Bike/Ped Tunnel	VTA	$116,816.00	$0.00	30%	6/30/2017	In Progress.
16SC00	Program Administration	VTA	$122,159.00	$122,159.00	100%	complete	Project complete.
16SC01	Three-Position Exterior Bike Racks for Buses	VTA	$820,000.00	$0.00	15%	6/30/2017	In Progress.
16SC02	DASH Shuttle	VTA	$408,000.00	$408,000.00	100%	complete	Project complete.
16SC03	Corridor Signal Timing Improvements	City of Sunnyvale	$163,035.00	$0.00	20%	6/30/2017	In Progress.
16SC04	Comprehensive Pedestrian Infrastructure Improvements	City of Sunnyvale	$0.00	$0.00	CP	CP-Cancelled Project	Funds moved to project 17SC13.
16SC05	Charcot Avenue Separated Bikeway	City of San Jose	$49,768.00	$0.00	30%	6/30/2017	In Progress.

Attachment A
Santa Clara County TFCA Funding Status Report

16SC06	Monroe Street Bikeway	City of San Jose	$58,600.00	$0.00	30%	6/30/2017	In Progress.
16SC07	De Anza Blvd Traffic Signal Synchronization	City of Cupertino	$55,000.00	$0.00	25%	6/30/2017	In Progress.
16SC08	Tasman Drive Bicycle Lanes	City of Santa Clara	$95,000.00	$0.00	20%	6/30/2017	In Progress.
16SC09	County Expressway Signal Timing Coordination	County of Santa Clara	$245,000.00	$151,810.22	62%	6/30/2017	In Progress.
16SC10	Wolfe Road Corridor Signal Timing Improvements	City of Sunnyvale	$100,000.00	$0.00	20%	6/30/2017	In Progress.
16SC11	Homestead Road Corridor Signal Timing Improvements	City of Sunnyvale	$106,013.00	$0.00	20%	6/30/2017	In Progress.

Attachment B
Santa Clara County TFCA 40% Program
Descriptions of Current Projects-Fall 2016

11SC01- Signal Timing & Interconnect Project
Santa Clara installed communications infrastructure for traffic signals on El Camino Real, Scott Boulevard and De La Cruz Boulevards to improve signal timing to reduce vehicle stop/start times and delays.

14SC02-Mission College Signal Timing
Santa Clara is installing communications infrastructure for traffic signals and server to server communications, allowing for interconnection, coordination, management of traffic signal timing on Mission College Boulevard from Montague Expressway to Mission College.

14SC03-Stevens Creek Signal Timing
Santa Clara is installing communications infrastructure for traffic signals and server to server communications, allowing for interconnection, coordination, and management of traffic signal timing on Stevens Creek Boulevard from Woodhams Road to Tantau Avenue.

14SC06-Scott Boulevard Bike Lanes
Santa Clara is adding bicycle lanes to .9 miles of Scott Boulevard between Central Expressway and Monroe Street.

15SC02-Electric Vehicle Level 2 Charging Stations
Milpitas is purchasing and installing of four (4) Electrical Vehicle (EV) Level 2 charging stations to be located at the City of Milpitas City Hall and Santa Clara County Library District, Milpitas Library.

15SC04- Llagas Creek Trail – Watsonville to Silveira Park
Morgan Hill will construct a Class I paved pedestrian and bicycle pathway as an extension of an existing trail system which currently extends from Spring Avenue to Watsonville Road. This project has been identified as a key element in the City of Morgan Hill's Bikeways Master Plan and Trails Master Plan.

15SC07- Saratoga Signal Timing & Interconnect Project
Santa Clara is installing communications infrastructure for traffic signals and server to server communications, allowing for interconnection, coordination, management, proactive and reactive adjustment of traffic signal timing and install new state of the art traffic signal controllers that will communicate with the City's Naztec ATMS system at City Hall.

15SC09-DASH Shuttle
VTA used TFCA funds to help support operations of the Downtown Area Shuttle (DASH) in downtown San Jose.

15SC11- Blue Hills School Railroad Safety Crossing Project
Saratoga will construct a pedestrian railroad crossing allowing a pass through Joe's Trail at De Anza from Guava Court to Fredericksburg Drive.

15SC12- Capitol Expressway Pedestrian Improvements
VTA is upgrading the signal at the intersection of Capitol/Loop to include a pedestrian phase and install pedestrian sensors and implementing pedestrian adaptive signal timing to automatically extend the pedestrian crossing green time when pedestrians are in the crosswalk; will install a pedestrian crosswalk at the intersection of and Capitol Expressway/Eastridge Loop; will install a sidewalk approximately 1,200 feet in length on the east side of Capitol Expressway between the Eastridge Loop and the shopping plaza driveway; and will install a median fence on Capitol between Tully Road and the Eastridge Loop.

15SC13- Santa Clara Caltrain Station Bike/Ped Tunnel
VTA will construct an extension of the recently opened pedestrian/bicycle tunnel under the Caltrain tracks at the Santa Clara Caltrain/Altamont Commuter Express (ACE) station to the east of the Union Pacific Railroad (UPRR) tracks. In addition, it will construct a ramp and pathway to connect the tunnel to Brokaw Road.

16SC00- Program Administration
Funds were used to reimburse VTA for program administration.

16SC01- 3-Position Bus Bike Racks
VTA will procure and install three-position bike racks on its entire fleet of 460 active buses.

16SC02- DASH Shuttle
VTA uses TFCA funds to help support operations of the Downtown Area Shuttle (DASH) in downtown San Jose.

16SC03- Mathilda-Sunnyvale Saratoga Signal Timing
Sunnyvale is implementing weekday and weekend signal timing plans for the Mathilda Avenue and Sunnyvale Saratoga Road intersection.

16SC04-Comprehensive Pedestrian Infrastructure Improvements
Sunnyvale will improve safety for students walking and biking to school in Sunnyvale. Improvements include in-pavement lighted crosswalks, raised crosswalks and traffic calming. Funds moved to similarly-scoped project 17SC13.

16SC05- Charcot Avenue Bikeway
San Jose is installing Class II bike lane striping, bicycle signal detection, and physical separation on Charcot Avenue.

16SC06- Monroe Street Bikeway
San Jose is installing Class II bike lane striping, signage, and bicycle signal detection on Monroe Street

16SC07- DeAnza Blvd Traffic Signal Synchronization
Cupertino is conducting signal timing analysis and will implement signal coordination during the AM, midday, and PM peak periods for 15 signals.

16SC08- Tasman Drive Bicycle Lanes
Santa Clara is adding a 1.5 mile Class II bicycle facility on Tasman Drive from Calabazas Creek to Guadalupe River.

16SC09- Expressway Weekday Predictive Signal Timing
Santa Clara County is developing multiple "offsets" to represent different traffic speeds. The traffic responsive system will dynamically select the correct offset for the traffic condition based on the speed data obtained from traffic sensors. A total of 90 signalized intersections will be included, for a total of forty miles.

16SC10- Wolfe Road Signal Timing Improvements
Sunnyvale is implementing signal timing along Wolfe Road from Inverness Way to Iris Avenue.

16SC11- Homestead Road Signal Timing Improvements
Sunnyvale is implementing signal timing along Homestead Road from Belleville Way-Barranca Drive to Hollenbeck Avenue-Stelling Road.

SANTA CLARA
Valley Transportation Authority

Date: November 28, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Interim Director - Planning & Program Development, Carolyn M. Gonot

SUBJECT: Vehicle Registration Fee Annual Report

FOR INFORMATION ONLY

BACKGROUND:

Senate Bill 83 (Hancock) was signed into law in 2009 authorizing countywide transportation agencies such as VTA to implement a Vehicle Registration Fee (VRF) of up to $10 on motor vehicles registered within the county for transportation programs and projects. Voters in Santa Clara County approved a VRF on November 2, 2010.

The VTA Board adopted an expenditure plan allocating the revenue to transportation-related programs and projects that have a relationship or benefit to the persons who pay the fee. This plan dedicates 80% of the VRF revenues to the Local Road Improvement and Repair Program, in which the revenue is returned directly to Member Agencies based on each city/town's population and the County of Santa Clara's road and expressway lane mileage.

Another 15% of the revenue is directed to the "Countywide Program." On June 7, 2012, the VTA Board of Directors adopted an initial three-year Countywide Program and on December 10, 2015, the VTA Board of Directors adopted a second, three-year Countywide Program for FY2015/16 through FY2017/18 as follows:

1. Devote $3 million to Intelligent Transportation System projects and $300,000 for a countywide Intelligent Transportation System (ITS) strategic plan. On August 4, 2016, the VTA Board of Directors increased the amount for ITS projects to $4.2 million.

2. Reserve the remaining funds for matching funds for regional roadway transportation projects included in the adopted Valley Transportation Plan.

Up to the remaining 5% of the VRF revenue is reserved for Program Administration. Unused administration funds or leftover funds from under-budget projects revert to the "Countywide Program" and will be available for future Countywide Program programming.

DISCUSSION:

During FY2015/16, there was a total of $15,946,246 available for distribution. Of this, $12,756,997 was distributed to Member Agencies via the Local Road and Repair Program, $3,049,222 was placed into the Countywide Program and $128,051 was used to cover administrative expenses. Attachment A explains this VRF activity.

Attachment B summarizes allocations of VRF Local Road Improvement and Repair Program funds during FY2015/16. These funds have been used by the Member Agencies in various ways. Attachment C lists projects funded or completed by Member Agencies with Local Road Improvement and Repair Program funds in FY2015/16. Some agencies are combining funds over multiple years and/or combining them with other funding sources to finance large, multi-year projects.

Lastly, Attachment D shows the status of the Countywide Program (ITS and Matching Fund) projects as of June 30, 2016.

On August 4, 2016, the VTA Board of Directors programmed approximately $4 million to 13 ITS projects. The status of these projects will be reported next year.

ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:

The Technical Advisory Committee (TAC) and Policy Advisory Committees (PAC) received presentations on this item at their respective November 10, 2016 meetings. The PAC noted that a number of agencies' annual reports were still pending.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Congestion Management Program & Planning Committee (CMPP) received and accepted this report as part of its Consent Agenda at the November 17, 2016 meeting.

Prepared By: Bill Hough
Memo No. 5754

Attachment A: Vehicle Registration Fee (VRF)
Total Program

	FY 2015/16	Cumulative FY2012-16
Revenue:		
VRF receipts from DMV	$15,725,328	$60,893,804
Interest earned on VRF revenue	$220,918	$541,727
One-time 2010 election expense	$0	-$866,584
Total Available for Allocation	**$15,946,246**	**$60,568,947**
Allocation:		
Revenue for Local Road and Repair Program	$12,756,997	$48,455,158
Revenue for Program Administration	$797,312	$3,028,447
Revenue for Countywide Program*	$2,391,937	$9,085,342
Ongoing Expenses:		
Administration charges	$128,051	$403,982
***Countywide Program:**		
Revenue for Countywide Program	$2,391,937	$9,085,342
Unused Administration Funds available for Countywide Program	$657,285	$2,572,210
Total Available for Countywide Program	$3,049,222	$11,657,552

Attachment B: VRF Local Road Improvement and Repair Program

Agency	FY2015/16 Allocation	Cumulative FY2012-16 Allocation
Campbell	$253,912	$961,914
Cupertino	$362,491	$1,396,059
Gilroy	$321,508	$1,213,747
Los Altos	$182,204	$698,576
Los Altos Hills	$50,598	$193,271
Los Gatos	$185,049	$709,627
Milpitas	$440,441	$1,627,034
Monte Sereno	$20,934	$80,220
Morgan Hill	$253,439	$950,572
Mountain View	$472,640	$1,794,076
Palo Alto	$406,022	$1,556,471
San Jose	$6,166,144	$23,278,005
Santa Clara	$733,844	$2,819,329
Saratoga	$186,832	$719,033
Sunnyvale	$897,964	$3,421,248
Santa Clara County	$1,822,975	$7,035,978
Total	**$12,756,997**	**$48,455,158**

Attachment C: VRF Local Road Improvement and Repair Program Funds
Projects Funded FY 2015/16

Agency Name:	Project Title	Description	Project Limits	VRF funds spent *
Campbell	Hacienda Avenue Green Street Improvements	Reconstruct Hacienda Avenue using full depth reclamation and asphalt concrete overlay.	Burrows Road and South Winchester Blvd.	$255,143
Cupertino	2015 Pavement Maintenance Phase 1	Repave Rainbow Drive and McClellan Road	Rainbow: Upland to Stelling, McClellan: Foothill to Tressler.	$362,491
Gilroy	Wren Crosswalk improvement/Auto Mall Parkway Pavement design/planning	Improved and repainted crosswalk across Wren Avenue.	Wren Avenue and Byer Street	$178,324
Los Altos	City banking funding over multiple years for road rehabilitation.	N.A.	N.A.	$0
Los Altos Hills	Report Pending	N.A.	N.A.	N.A.
Los Gatos	City banking funding over multiple years for pavement rehabilitation.	N.A.	N.A.	$0
Milpitas	Street Resurfacing Project 2016	Pavement rehabilitation	Tasman Drive from Alder to McCarthy and McCarthy from Tasman to Cottonwood.	$450,000
Monte Sereno	Report Pending	N.A.	N.A.	N.A.
Morgan Hill	2015 Pavement Resurfacing Project	Overlaying East Dunne and West Main Avenues	East Dunne: Condit to Hill Roads, West Main: Monterey Road to Peak Avenue.	$249,029
Mountain View	Doane/Drew/Hackett Avenues Reconstruction.	Remove and reconstruct rolled curb and gutter, curb ramps, sidewalk, driveways and asphalt concrete pavement.	Rebuild Doane, Drew and Hackett Avenues. City is combining multiple years of VRF funds with other funding to finance this multi-year project.	$587,004
Palo Alto	Alma/Middlefield resurfacing project	Rubberized asphalt paving, PCC base repair, Sidewalk/curb/gutter replacement	Middlefield from Oregon Expressway to Embarcadero Road and from Forest to Lytton. Alma from Rinconada to Melville.	$410,322
San Jose	2014 Arterial Resurfacing Project	Quality Assurance on 6.7 miles of priority street network.	Bernal Road, Berryessa and Curtner Avenues.	$23,195
San Jose	2015 General Engineering	1.88 miles of priority street network.	Curtner Avenue between Booksin and Lincoln Avenues.	$106,879
San Jose	Pavement Administration	pavement condition survey	Citywide	$166,250
San Jose	2016 Arterial Resurfacing Project	Staff work for advertising	Citywide	$1,838

Attachment C: VRF Local Road Improvement and Repair Program Funds
Projects Funded FY 2015/16

Agency Name:	Project Title	Description	Project Limits	VRF funds spent *
Santa Clara	Mission College Boulevard Signal interconnect project	Install new controllers and cabinets at 6 intersections, install fiber interconnect.	Agnew Road to Burton Drive.	$38,017
Santa Clara	Stevens Creek Boulevard Signal interconnect project	Install new controllers and cabinets at 2 intersections, install fiber interconnect.	Stern Avenue to Woodhams Road.	$28,778
Santa Clara	Traffic Signal Controller Upgrade phase C.	Upgrade existing controllers.	Citywide	$9,536
Santa Clara	Graham Lane Neighborhood Street Improvements	Street reconstruction	Fatjo Place, Thompson Place, Arguello Place, Bray Place, and Graham Lane south of Warburton.	$99,106
Saratoga	Streets & Storm Drain Maintenance Program	Ongoing maintenance and minor repairs to City's roadway, storm drains, curbs, gutters and sidewalks.	Citywide	$186,832
Sunnyvale	Pavement Rehabilitation Project	Rehabilitate street pavement. City is combining VRF funds with other funding to finance this multi-year project which is designed to improve Sunnyvale's PCI.	This large project includes work at multiple streets within the City of Sunnyvale.	$1,017,792
Santa Clara County	Report Pending	N.A.	N.A.	N.A.

*** Note: some agencies are combining multiple years of VRF funds and/or combining them with other funding to finance large, multi-year projects.**

Attachment D: VRF Countywide Program Projects-Cycle 1
Project Status

Sponsor	Project	Currently Programmed	Expended to Date
	RTOPS-Regional Transportation Operations Personnel Service		
San Jose	SV-ITS WAN Monitoring & Maintenance Services	$50,000	$13,195
San Jose	Traffic Signal Communications & Vehicle Detection Repairs*	$118,482	$118,482
Sunnyvale	Citywide Communications Network Repairs*	$35,000	$35,000
Sunnyvale	SCATS Citywide System Optimization*	$40,000	$40,000
SC County	Replacement of SIC and Conduit on Capitol Expressway*	$150,000	$150,000
SC County	Replacement of Defective Loops/Conduits at Intersections*	$24,016	$24,016
	Subtotal RTOPS	**$417,498**	**$343,482**
	RITSMS-Regional Intelligent Transportation System Maintenance Service		
Santa Clara	Lafayette @ Lewis Signal ITS Project*	$149,000	$149,000
SC County	Traffic Signal Controller Upgrades*	$149,869	$149,869
Santa Clara	Lafayette @ Agnew Signal ITS Project	$122,000	$99,187
SC County	County Expressway Traffic Signal Cabinet Upgrade*	$145,000	$145,000
Campbell	Hamilton & Bascom Avenue Project	$140,000	$95,732
Sunnyvale	Sunnyvale ITS Citywide Enhancements*	$132,000	$132,000
Sunnyvale	Sunnyvale QuicTrac Adaptive Signal System*	$150,000	$150,000
Los Altos	San Antonio Road & Cuesta Traffic Signal Upgrade*	$135,000	$135,000
San Jose	Alum Rock Avenue/Story/Monterey/Oakland Road Retiming	$106,592	$106,592
San Jose	Hedding/3rd/4th/10th/11th Street Signal Retiming*	$138,962	$138,962
San Jose	Almaden/Blossom Hill/Santa Teresa/Saratoga Retiming*	$144,452	$144,452
SC County	Installation of Ped Detection Sensors*	$160,984	$160,984
Sunnyvale	Mathilda/Olive Traffic Signal Upgrade*	$82,000	$82,000
	Subtotal RITSMS	**$1,755,859**	**$1,688,778**
	Subtotal RITSMS + RTOPS	**$2,173,357**	**$2,032,261**
	Unprogrammed ITS balance	**$26,643**	
	Countywide Program Matching Funds		
Sunnyvale	Hendy Avenue Complete Streets*	$400,000	$261,517
S.C. County	Crossroads Software	$150,000	$58,432
San Jose	The Alameda Phase 2	$350,000	$0
VTA	PDA planning grant match	$310,365	$0
VTA	I-680 Soundwalls	$502,000	$0
	Subtotal Matching Funds	**$1,712,365**	**$319,949**
	Unprogrammed Matching Funds balance	**$7,663,584**	

* Project Complete

SANTA CLARA
Valley Transportation Authority

Date: December 2, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Interim Director - Planning & Program Development, Carolyn M. Gonot

SUBJECT: Bicycle Expenditure Program Annual Report

FOR INFORMATION ONLY

BACKGROUND:

In August 2000, the VTA Board of Directors created the Bicycle Expenditure Program (BEP) for the purpose of identifying and dedicating a funding stream to help implement the Countywide Bicycle Plan. The BEP Project List is updated approximately every four years, in conjunction with the update of Valley Transportation Plan (VTP), VTA's long-range transportation plan for Santa Clara County. The BEP becomes the Bicycle Element of the VTP. This memorandum provides a status report on the progress of projects in the BEP Project List. The last status report was provided to the VTA Board of Directors in December 2015.

In May 2013, the VTA Board of Directors adopted the current BEP Project List. A total of 121 bicycle projects are on the list. A map of BEP projects included in VTP 2040 can be viewed at www.vta.org/bep. These projects are broken into 71 Category 1 projects and 50 Category 2 projects, and are selected and ranked based on the Board-approved BEP Policies and Criteria. Category 1 projects are considered near-term implementation projects, and will receive priority funding consideration in the BEP and other VTA funding programs. Category 2 projects are eligible to compete for BEP and other funds, but will not receive priority funding consideration.

The BEP consists of $300 million in future revenues identified for implementing bicycle projects over the 28-year timeframe of VTP 2040. Funds programmed toward BEP projects come from a combination of programs, including, but not limited to: Transportation Fund for Clean Air 40% Program (TFCA 40%); Transportation Development Act (TDA) Article 3 Pedestrian Bicycle Program; and the One Bay Area Grant (OBAG), which is a combination of the Federal Congestion Mitigation & Air Quality Improvement Program (CMAQ), Transportation Alternatives (TA), and the Surface Transportation Program (STP) funding programs. BEP projects would also be eligible for Measure B sales tax funding, should voters pass it in November 2016.

DISCUSSION:

Project Status

The status of the Category 1 projects as of October 2016 is summarized in Table 1 below. The projects are listed as completed, fully funded, partially funded or unfunded. Attachment A provides details on the funding status of Category 1 BEP projects.

Table 1. Summary of Funding Status for Category 1 Bicycle Expenditure Program Projects

Funding Status	**Number of Projects**
	October 2016
Completed	5
Fully funded	10
Partially funded	18
Unfunded	38
TOTAL	**71***
*In 2015, one project (40-B24) was split into two phases, which are being tracked as separate projects. One phase has been completed, the other is waiting for construction.	

Fully funded and completed Category 1 projects represent over $60 million in total project costs, and partially funded projects represent nearly $145 million in total project costs. As of October 2016, an additional 28 of the Category 1 projects have been partially or fully funded.

In the three and a half years since the BEP list was adopted in May 2013, five Category 1 projects and five Category 2 projects have been completed. Of these, half were completed in the last calendar year.

Funding Sources

Since 2013, several VTA funding programs, including OBAG, TDA and TFCA, have provided significant funds for BEP projects. In 2016, two BEP projects were awarded funding for the TFCA FY 2016-17 Cycle: Sunnyvale's Mary Avenue Bike Lane (40-B62) and Santa Clara County's Page Mill/I-280 Interim Bicycle Improvements (40-B48). One BEP project was awarded TDA3 funding: Santa Clara County's Expressway and Santa Teresa Corridor Bike Detection/ Montague Expressway (40-B122). Also, three BEP projects were awarded funding through TDA3 Guarantee portion: Palo Alto's Bicycle Boulevard Network (40-B10), San Jose's Citywide Bikeway Implementation (40-B99, Category 2), and Sunnyvale's Mary Avenue Bike Lanes (40-B62).

Member Agencies have also been successful in securing funding outside of BEP sources to advance their projects. New outside funding since October 2015 includes: City of Palo Alto used funding from the Palo Alto's Capital Improvement Program and fully funded the Bicycle Boulevard Network project. The project is in the design phase. The estimated completion date is fall 2018.

Project Delivery

Member Agencies have made notable progress on several Category 1 projects:

- City of Campbell held a ribbon cutting event in August 2016, marking the completion of the Portals project, which provides bicycle and pedestrian access along Campbell Avenue under State Route 17 (40-B02).

- VTA, in partnership with the cities of Santa Clara and San Jose, finalized the design for the Santa Clara Caltrain Station Undercrossing (40-B69). Construction will begin November 2016.
- City of Gilroy completed design drawings and the environmental phase for Western Ronan Channel Trail (40-B07). The estimated completion date is summer 2017.
- City of Santa Clara completed bicycle lanes on Scott Boulevard between Central Expressway and Monroe Street (40-B44).
- Santa Clara County Roads and Airports' project, San Tomas Aquino Creek Spur Trail Phase 2: El Camino Real to Homestead Road (40-B41) is under construction.
- Santa Clara County Roads and Airports finalized design drawings for an interim improvement at the Page Mill/I-280 (40-B48) interchange. The interim improvement will be completed by December 2016.
- Santa Clara County Roads and Airports completed design drawings for Uvas Road and Stevens Canyon Road, two Popular Bicycle Rural Roads (40-B49).
- City of San Jose is finalizing design drawings for Three Creeks Trail (40-B33). Construction of this project is estimated to start in February 2017.
- City of Sunnyvale is developing design drawings and environmental review for Fair Oaks Avenue Bike Lanes: Old San Francisco Road to Ahwanee Avenue (40-B57).

Attachment B provides details on the progress of Category 1 BEP projects in each jurisdiction.

Member Agencies have also made notable progress on several Category 2 projects:

- City of Campbell completed the Hacienda Avenue Bike Lanes (40-B70) project in September 2016.
- City of Cupertino completed a feasibility study for Stevens Creek Trail Crossing at Stevens Creek Boulevard in early 2016 (40-B75).
- City of Los Altos is developing design drawings for Miramonte Avenue Bikeway Improvement project (40-B79).
- City of Mountain View is constructing the Permanente Creek Trail Modification to Undercrossing at Amphitheater Road (40-B89). Project completion is estimated for spring 2017.
- City of Mountain View is developing design drawings for Permanente Creek Trail: Rock Street to West Middlefield Road (40-B91). Project completion is estimated by the end of 2017.
- City of Palo Alto completed conceptual design for Adobe Creek Reach Trail: West Bayshore Road to Luis Road (40-B95).

- City of San Jose is developing design drawings for Coyote Creek Trail, William Street at Selma Olinder Park to Story Road (40-B103). Project is under construction with completion estimated by the end of 2017.

Attachment C provides a map of Tier 1 and Tier 2 BEP projects and photos of some the completed or under construction BEP projects.

NEXT STEPS:

VTA continues to work with Member Agencies to fund and deliver BEP projects. Potential funding opportunities include:

- In Spring 2016, VTA called for projects for One Bay Area Grant (OBAG) Cycle II. This OBAG cycle will be available for FY 2017-18 to FY 2021-22. Some BEP projects may be funded though this OBAG cycle.
- Vehicle Emissions Reductions Based at Schools (VERBS), Transportation Fund for Clean Air, and TDA3 call for projects will be issued in early 2017.
- The Bicycle and Pedestrian funding category proposed for the 2016 Measure B Sales Tax will be developed in 2017, pending the outcome of the November 2016 election.

ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:

The Citizen Advisory Committee (CAC) received this item at its November 9, 2016 meeting and had the following comments: 1) Inquired if any Measure A fund was used for Bicycle Expenditure Program projects. 2) Suggested staff to upload the PowerPoint presentation on the VTA website. 3) Suggested staff to add the total project cost to the PowerPoint presentation. 4) Inquired about the length and extension of Santa Clara Caltrain Station pedestrian and bicycle undercrossing tunnel. 5) Inquired if City of San Jose or VTA, as part of the improvements around Berryessa BART Station, planned to open the south side of Taylor Street/Highway 101 overcrossing, which has not been utilized for few years and if there is going to be any bicycle lane or path at this overcrossing.

The Bicycle and Pedestrian Advisory Committee (BPAC) received this item at its November 9, 2016 meeting and made the following comments: 1) Inquired about the relationship between the BEP and the Countywide Bicycle Plan. 2) Inquired about the relationship between the BEP and the One Bay Area Grant (OBAG) program. 3) Suggested staff to look at the relationship between the BEP, the Countywide Bicycle Plan, the Pedestrian Access to Transit Plan, etc. and funding programs such as OBAG and bring back this item to BPAC to discuss how these tools work together.

The Technical Advisory Committee (TAC) received this item at its November 10, 2016 meeting and made the following comments: 1) Inquired about the timing of next update on the BEP projects list. 2) Informed VTA staff that City of Sunnyvale is not going to use the $3.44 million allocated funding through OBAG Cycle I to the Sunnyvale East and West Channel Trail project and will coordinate with VTA's Grants and Programming Department staff on this matter. This project will be funded through other local sources.

The Policy Advisory Committee (PAC) received this item at their November 10, 2016 meeting and made the following comments: 1) Inquired about the next update on the BEP projects list. 2) Inquired about the length of the Hacienda Avenue project in Campbell.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Congestion Management Program and Planning Committee (CMPP) received this item at its November 17, 2016 meeting and had the following comments: 1) Suggested staff to coordinate with City of Milpitas BPAC members on the projects that are located in Milpitas; 2) Inquired if there is any before/after counts and usage data for some of the completed bicycle projects, noting counts data will be useful in decision making process and from the countywide congestion management standpoint; and 3) Inquired about the relationship between the BEP and the Countywide Bicycle Plan projects and suggested staff to link the BEP and the Countywide Bicycle Plan projects especially for multi-jurisdiction projects.

Prepared By: Malahat Owrang
Memo No. 5783

Attachment A: Category 1 BEP Projects by Funding Status

BEP Semi Annual Update- October 2016

Completed and Fully Funded Category 1 BEP Projects							
VTP 2040 ID	***Sponsor***	***Project Title***	***Total Programmed Amount***	***Unsecured Funds***	***Project cost***	***Status***	***Completion Date***
40-B10	Palo Alto	Bicycle Boulevards Network Project	$6,600,000	$0.00	$6,600,000	Design	November 2018
40-B22	San Jose	Guadalupe River Trail (I-880 to the Bay Trail) and Tasman Undercrossing	$11,868,000.00	$0.00	$11,870,000.00	Completed	June 2014
40-B24	San Jose	Hedding St. Bikeway: Ruff Dr to 17th Street	$619,950.00	$0.00	$270,000.00	Completed	July 2014
40-B24	San Jose	Hedding St. Bikeway: Winchester Blvd. to Ruff Dr (Hwy 87)		$0.00	$270,000.00	Construction pending	N/A
40-B58	Sunnyvale	Hendy Ave Bike Lanes: Sunnyvale Avenue to Fair Oaks Avenue	$2,750,000.00	$0.00	$2,750,000.00	Completed	April 2015
40-B02	Campbell	Portals Project: Bike Lanes on Campbell Avenue at SR 17	$4,730,000.00	$0.00	$4,730,000.00	Completed	August 2016
40-B07	Gilroy	Western Ronan Channel SCWVD Service Road Trail	$1,929,000.00	$0.00	$1,929,000.00	Design/ENV/ROW completed/Waiting for construction	September 2017
40-B11	Palo Alto	US 101/Adobe Creek Bicycle-Pedestrian Bridge	$9,500,000.00	$0.00	$9,500,000.00	Environmental/PE	June 2020
40-B32	San Jose	Park Avenue/San Fernando Street/San Antonio Bikeway	$1,913,000.00	$0.00	$1,913,000.00	Phased construction	Phased
40-B44	Santa Clara	Scott Boulevard Bike Lanes: Central Expwy to Monroe Street	$196,000.00	$0.00	$196,000.00	Completed	October 2016

Notes: Table reflects VTA's best knowledge, based on information provided by member agencies.

Total Programmed Amount is all known sources of funding, including BEP and other sources.

N/A: Information not available.

Inactive: Member agency is not actively pursuing project at this time. Project remains on BEP list.

Attachment A: Category 1 BEP Projects by Funding Status

BEP Semi Annual Update- October 2016

Completed and Fully Funded Category 1 BEP Projects							
VTP 2040 ID	***Sponsor***	***Project Title***	***Total Programmed Amount***	***Unsecured Funds***	***Project cost***	***Status***	***Completion Date***
40-B64	Sunnyvale	Maude Avenue Bike Lanes: Mathilda to Fair Oaks	$830,000.00	$0.00	$830,000.00	Preliminary Engineering	September 2017
40-B57	Sunnyvale	Fair Oaks Ave Bike Lanes, Medians, and Detection: Old San Francisco Road to Ahwanee Avenue	$1,210,000.00	$0.00	$1,210,000.00	Design/Environmental	June 2018
40-B65	Sunnyvale	Moffett Park Area East Channel Trail and West Channel Trail	$4,745,000.00	$0.00	$4,750,000.00	Design	December 2018
40-B69	VTA/SC/SJ	Santa Clara Caltrain Station Undercrossing Extension	$13,725,000.00	$0.00	$13,725,000.00	Construction	June 2017
40-B68	VTA/SJ	Capitol Expressway Pedestrian/Bicycle Crossing at Eastridge Transit Center	$1,547,200.00	$0.00	$1,547,200.00	Design	August 2017

Partially Funded Category 1 BEP Projects							
VTP 2040 ID	***Sponsor***	***Project Title***	***Total Programmed Amount***	***Unsecured Funds***	***Project Cost***	***Status***	***Estimated Completion Date of Construction***
40-B04	Gilroy	Lions Creek SCVWD Service Road Trail: West of Kern Avenue between Kern and Day	$277,515.00	$1,677,485.00	$1,955,000.00	Design	N/A

Notes: Table reflects VTA's best knowledge, based on information provided by member agencies.

Total Programmed Amount is all known sources of funding, including BEP and other sources.

N/A: Information not available.

Inactive: Member agency is not actively pursuing project at this time. Project remains on BEP list.

Attachment A: Category 1 BEP Projects by Funding Status

BEP Semi Annual Update- October 2016

Partially Funded Category 1 BEP Projects							
VTP 2040 ID	***Sponsor***	***Project Title***	***Total Programmed Amount***	***Unsecured Funds***	***Project Cost***	***Status***	***Estimated Completion Date of Construction***
40-B05	Gilroy	Lions Creek SCVWD Service Road Trail: West of Santa Teresa Boulevard/Day Road East (Between Tapestry and Day Rd East)	$87,600.00	$534,400.00	$622,000.00	Design	N/A
40-B28	San Jose	Los Gatos Creek Trail Reach 5b and 5c: Auzerais Avenue south of W. San Carlos Avenue to Park Avenue/Montgomery Avenue (Trail and Undercrossing)	$1,100,000.00	$8,460,000.00	$9,560,000.00	Design	N/A
40-B27	San Jose	Los Gatos Creek Trail Reach 5d: Park Avenue/Montgomery Avenue to Santa Clara Avenue (Diridon Station Segment)	N/A	$5,842,700.00	$8,462,700.00	Environmental Completed	N/A
40-B20	San Jose	Charcot Bikeway: Orchard Pkwy to Hwy 880	N/A	N/A	$463,700.00	Preliminary Engineering/ Design	N/A
40-B29	San Jose	Monroe Bikeway: Newhall Street to Hwy 17 Pedestrian Over Crossing at Monroe/Moorpark/Tisch	N/A	N/A	$300,000.00	Preliminary Engineering/ Design	September 2017
40-B13	San Jose	Auzerais Avenue Bicycle and Pedestrian Improvements: Los Gatos Creek Trail to Race Street	$675,000.00	$1,527,600.00	$2,202,600.00	PE/Conceptual Design completed	N/A
40-B25	San Jose	Highway 87 Trail Connection Multi-Use Path: Unified Way through Curtner Light Rail Station Park and Ride to Carol Drive at Hwy 87	N/A	N/A	$1,900,000.00	ENV Completed	N/A

Notes: Table reflects VTA's best knowledge, based on information provided by member agencies.

Total Programmed Amount is all known sources of funding, including BEP and other sources.

N/A: Information not available.

Inactive: Member agency is not actively pursuing project at this time. Project remains on BEP list.

Attachment A: Category 1 BEP Projects by Funding Status

BEP Semi Annual Update- October 2016

Partially Funded Category 1 BEP Projects							
VTP 2040 ID	***Sponsor***	***Project Title***	***Total Programmed Amount***	***Unsecured Funds***	***Project Cost***	***Status***	***Estimated Completion Date of Construction***
40-B31	San Jose	North San Jose Bike/Ped Improvements: Connections to Guadalupe River Trail/Coyote Creek Trail/Alviso Neighborhood	N/A	N/A	$35,000,000.00	Conceptual Design Completed	N/A
40-B33	San Jose	Three Creeks Trail: West from Los Gatos Creek Trail/Lonus Street to Guadalupe River	$5,250,000.00	$4,750,000.00	$10,000,000.00	Design	March 2018
		Three Creek Trail: East from Guadalupe River to Coyote Creek Trail	N/A	N/A	N/A	City has completed the SKY Lane Vision Study.	N/A
40-B122	SC County	Expressway and Santa Teresa Corridor Bike Detection (Foothill/Montague/Capitol)	N/A	N/A	$2,000,000.00	Phased construction-Foothill Expressway completed	Phased construction
40-B46	SC County	Los Gatos Creek Trail: Lark Avenue to Blossom Hill Drive	$1,760,000.00	$1,800,000.00	$3,560,000.00	Design	December 2016
40-B41	SC County	San Tomas Aquino Creek Spur Trail Phase 2: El Camino Real to Homestead Road[a]	$4,994,000.00	$400,000.00	$5,394,000.00	Construction	Early 2017
40-B48	SC County	Oregon Expwy/Page Mill Road: I-280 Interchange Modification from Old Page Mill Road to Arastradero Road	$480,000.00 Interim project is fully funded	$14,915,000.00	$15,000,000.00	Conceptual Design Completed/Interim project is designed	Interim project will be constructed by December 2016
40-B49	SC County	Popular Bicycle Rural Roads Improvements	$2,024,500.00	$47,975,500.00	$50,000,000.00	Design completed for two rural roads	N/A

[a] The Project cost increased to $5.39 M. The project is not fully funded.

Notes: Table reflects VTA's best knowledge, based on information provided by member agencies.

Total Programmed Amount is all known sources of funding, including BEP and other sources.

N/A: Information not available.

Inactive: Member agency is not actively pursuing project at this time. Project remains on BEP list.

Attachment A: Category 1 BEP Projects by Funding Status

BEP Semi Annual Update- October 2016

Partially Funded Category 1 BEP Projects							
VTP 2040 ID	***Sponsor***	***Project Title***	***Total Programmed Amount***	***Unsecured Funds***	***Project Cost***	***Status***	***Estimated Completion Date of Construction***
40-B63	Sunnyvale	Mathilda Avenue Bike Lanes: US 101 to El Camino Real[b]	$80,000.00	$4,020,000.00	$4,100,000.00	Partially Completed	N/A
40-B56	Sunnyvale	El Camino Real Bike Lanes: West City Limits to East City Limits (plus bike detection at 13 intersections)[c]	$15,000.00	$335,000.00	$350,000.00	Partially Completed	April 2015
40-B62	Sunnyvale	Mary Avenue Bike Lanes: Fremont to Maude	$346,790.00	$1,433,210.00	$1,780,000.00	Design	N/A

Unfunded Funded Category 1 BEP Projects							
VTP 2040 ID	***Sponsor***	***Project Title***	***Total Programmed Amount***	***Unsecured Funds***	***Project Cost***	***Status***	***Estimated Completion Date of Construction***
40-B01	Campbell	Hamilton Avenue Median Bicycle and Pedestrian Enhancements: Bascom to Leigh	$0.00	$1,800,000.00	$1,800,000.00	Not Started	N/A
40-B03	Cupertino	Miller Avenue Bike Lanes: Steven Creek Boulevard to Calle de Barcelona	$0.00	$100,000.00	$100,000.00	Inactive	Inactive

[b] Phase I of the project (Mathilda Ave. from Maude to California Ave.) is completed.
[c] Phase I of the project (El Camino Real from Remington/Fair Oaks to Sunnyvale-Saratoga Rd.) is completed.

Notes: Table reflects VTA's best knowledge, based on information provided by member agencies.

Total Programmed Amount is all known sources of funding, including BEP and other sources.

N/A: Information not available.

Inactive: Member agency is not actively pursuing project at this time. Project remains on BEP list.

Attachment A: Category 1 BEP Projects by Funding Status

BEP Semi Annual Update- October 2016

Unfunded Funded Category 1 BEP Projects							
VTP 2040 ID	***Sponsor***	***Project Title***	***Total Programmed Amount***	***Unsecured Funds***	***Project Cost***	***Status***	***Estimated Completion Date of Construction***
40-B06	Gilroy	Northern Uvas Creek SCVWD Service Road Trail (Gilroy Gardens Extension Trail)	$0.00	$2,202,600.00	$2,202,600.00	Design	N/A
40-B08	Los Altos Hills	El Monte Road: Stonebrook to Voorhees (Segment 4)	$0.00	$564,900.00	$564,900.00	Not Started	N/A
40-B09	Los Altos Hills	Fremont Road Pathway Phase 2: Concepcion Road to Arastradero Road	$0.00	$900,000.00	$900,000.00	Not Started	N/A
40-B16	San Jose	Blossom Hill Road: Calero Bikeways from Coleman Road at Santa Teresa Blvd to Palmia Drive at Cottle Road	$0.00	$437,000.00	$437,000.00	Not Started	N/A
40-B18	San Jose	Coleman- Airport Bikeway	$0.00	$1,159,200.00	$1,159,200.00	Inactive	N/A
40-B19	San Jose	Capitol Avenue/Capitol Expressway Bikeway: Penitencia Creek Road/Trail to Quimby Road/Thompson Creek	$0.00	$347,700.00	$347,700.00	Not Started	N/A
40-B26	San Jose	Hwy 237 Bikeway Trail: North First to Zanker Class I trail	$0.00	$463,700.00	$463,700.00	Not Started	N/A
40-B30	San Jose	Newhall Street Bike/Ped Overcrossing over Caltrain Tracks	$0.00	$8,114,900.00	$8,114,900.00	Not Started	N/A
40-B12	San Jose	Airport Boulevard: Guadalupe River Trail Bike & Ped connection	$0.00	$2,800,000.00	$2,800,000.00	City is coordinating with FAA on this project.	N/A

Notes: Table reflects VTA's best knowledge, based on information provided by member agencies.

Total Programmed Amount is all known sources of funding, including BEP and other sources.

N/A: Information not available.

Inactive: Member agency is not actively pursuing project at this time. Project remains on BEP list.

Attachment A: Category 1 BEP Projects by Funding Status

BEP Semi Annual Update- October 2016

Unfunded Funded Category 1 BEP Projects							
VTP 2040 ID	***Sponsor***	***Project Title***	***Total Programmed Amount***	***Unsecured Funds***	***Project Cost***	***Status***	***Estimated Completion Date of Construction***
40-B15	San Jose	Blossom Hill Road/Silver Creek Valley Road Multiuse Path	$0.00	$6,100,000.00	$6,100,000.00	Not Started	N/A
40-B17	San Jose	Branham Lane Bikeway: Camden Avenue to Monterey Road	$0.00	$2,400,000.00	$2,400,000.00	Not Started	N/A
40-B21	San Jose	Cottle Road Multi-Use Path: Hospital Parkway to Poughkeepsie Road	$0.00	$2,700,000.00	$2,700,000.00	Not Started	N/A
40-B23	San Jose	Havana Dr/ Holly Hill Drive Bike/Ped Bridge at US 101	$0.00	$8,500,000.00	$8,500,000.00	Not Started	N/A
40-B14	San Jose	Bird Avenue Bicycle and Pedestrian Corridor: Autumn Street at Santa Clara to Bird Avenue at West Virginia	$0.00	$3,500,000.00	$3,500,000.00	Not Started	N/A
40-B38	Santa Clara	Lick Mill Blvd. Bike Lanes from Tasman Dr to Hope Dr	$0.00	$200,000.00	$200,000.00	Not Started	N/A
40-B39	Santa Clara	Mission College Blvd Bike Lanes from Mission College Boulevard to Wildwood Ave (city limits)	$0.00	$220,000.00	$220,000.00	Not Started	N/A
40-B42	Santa Clara	Saratoga Avenue Bike Lanes: Los Padres Boulevard to San Tomas Expressway	$0.00	$200,000.00	$200,000.00	Not Started	N/A
40-B43	Santa Clara	Saratoga Creek Trail: Cabrillo Avenue to Forbes Avenue and Undercrossings at Kiely and Homestead	$0.00	$2,650,000.00	$2,650,000.00	City plans to issue RFP for Trails Master Plan by 2017	N/A
40-B34	Santa Clara	Benton Street Bike Lanes: Lawrence Expwy to San Tomas Expwy	$0.00	$450,000.00	$450,000.00	Not Started	N/A

Notes: Table reflects VTA's best knowledge, based on information provided by member agencies.

Total Programmed Amount is all known sources of funding, including BEP and other sources.

N/A: Information not available.

Inactive: Member agency is not actively pursuing project at this time. Project remains on BEP list.

Attachment A: Category 1 BEP Projects by Funding Status

BEP Semi Annual Update- October 2016

Unfunded Funded Category 1 BEP Projects							
VTP 2040 ID	***Sponsor***	***Project Title***	***Total Programmed Amount***	***Unsecured Funds***	***Project Cost***	***Status***	***Estimated Completion Date of Construction***
40-B35	Santa Clara	Bowers Avenue/Kiely Boulevard Bike Lanes: Cabrillo Avenue to Stevens Creek Boulevard	$0.00	$961,500.00	$961,500.00	Not Started	N/A
40-B36	Santa Clara	Calabazas Creek Trail: From SR 237 to Calabazas Boulevard	$0.00	$14,205,400.00	$14,205,400.00	City plans to issue RFP for Trails Master Plan by 2017	N/A
40-B37	Santa Clara	Lafayette St. Bike Lanes: Agnew Rd. to Reed St.	$0.00	$983,400.00	$983,400.00	Not Started	N/A
40-B40	Santa Clara	Pruneridge Ave. Bike Lanes: Pomeroy Ave. to Winchester Boulevard	$0.00	$786,700.00	$786,700.00	Not Started	N/A
40-B47	SC County	McKean Road Shoulder Improvements: Harry Road to Bailey Avenue	$0.00	$7,400,000.00	$7,400,000.00	Not Started	N/A
40-B50	SC County	Santa Teresa Boulevard Bicycle Delineation and Shoulder Widening	$0.00	$600,000.00	$600,000.00	Not Started	N/A
40-B45	SC County	Doyle Rd Bicycle and Pedestrian Trail Connection to Saratoga Creek Trail	$0.00	$500,000.00	$500,000.00	Not Started	N/A
40-B67	Sunnyvale	Tasman Drive Bike Lanes and Bike Detection: Via Road Diet from Fair Oaks Avenue to Reamwood Drive	$0.00	$300,000.00	$300,000.00	Inactive	N/A
40-B54	Sunnyvale	Bernardo Avenue Caltrain Undercrossing: Evelyn Avenue to Central Expressway	$0.00	$9,853,800.00	$9,853,800.00	Not Started	N/A
40-B51	Sunnyvale	Belleville Way Bike Lanes and Bike Detection: Fremont to Homestead	$0.00	$120,000.00	$120,000.00	Not Started	N/A

Notes: Table reflects VTA's best knowledge, based on information provided by member agencies.

Total Programmed Amount is all known sources of funding, including BEP and other sources.

N/A: Information not available.

Inactive: Member agency is not actively pursuing project at this time. Project remains on BEP list.

Attachment A: Category 1 BEP Projects by Funding Status

BEP Semi Annual Update- October 2016

Unfunded Funded Category 1 BEP Projects							
VTP 2040 ID	***Sponsor***	***Project Title***	***Total Programmed Amount***	***Unsecured Funds***	***Project Cost***	***Status***	***Estimated Completion Date of Construction***
40-B52	Sunnyvale	Bernardo Avenue Bike Lanes and Bike Detection: El Camino Real to Evelyn	$0.00	$160,000.00	$160,000.00	Not Started	N/A
40-B53	Sunnyvale	Bernardo Ave Bike Lanes and Bike Detection: Remington to Homestead	$0.00	$160,000.00	$160,000.00	Not Started	N/A
40-B55	Sunnyvale	California Ave Bike Lanes and Bike Detection: Mary to Fair Oaks	$0.00	$230,000.00	$230,000.00	Not Started	N/A
40-B59	Sunnyvale	Hollenbeck Avenue Bike Lanes and Bike Detection: Danforth Drive to Alberta Avenue	$0.00	$200,000.00	$200,000.00	Not Started	N/A
40-B60	Sunnyvale	Java Drive Bike Lanes and Bike Detection: Via Road Diet from Mathilda to Crossman Avenue	$0.00	$75,000.00	$75,000.00	Not Started	N/A
40-B61	Sunnyvale	Lakewood/Sandia Drive Bike Lanes	$0.00	$20,000.00	$20,000.00	Not Started	N/A
40-B66	Sunnyvale	Sunnyvale Stevens Creek Trail and Structures: Dale/Heatherstone to Homestead Road (2.5 mi bike path, 4 structures and 1.2 mi bike lane)	$0.00	$20,000,000.00	$20,000,000.00	Conceptual Design	N/A

Notes: Table reflects VTA's best knowledge, based on information provided by member agencies.

Total Programmed Amount is all known sources of funding, including BEP and other sources.

N/A: Information not available.

Inactive: Member agency is not actively pursuing project at this time. Project remains on BEP list.

Progress of Category 1 BEP Projects by Jurisdiction					
Sponsor	***Total Number of Projects***	***Number of Completed Projects***	***Number of Fully Funded Projects***	***Number of Partially Funded projects***	***Number of Unfunded Projects***
Campbell	2	1			1
Gilroy	4		1	2	1
Los Altos Hills	2				2
Palo Alto	2		2		
San Jose*	23	2	2	8	11
Santa Clara	10	1			9
SC County	8			5	3
Cupertino**	1				1
Sunnyvale	17	1	3	3	10
VTA	2		2		
Total	71*	5	10	18	38

*One project (40-B24/BEP 33: Hedding Street Bikeway Project) has been split into two phases. One phase has been completed, the other is waiting for construction.

**Project 40-B03 (Miller Avenue Bike Lane, City of Cupertino) is inactive.

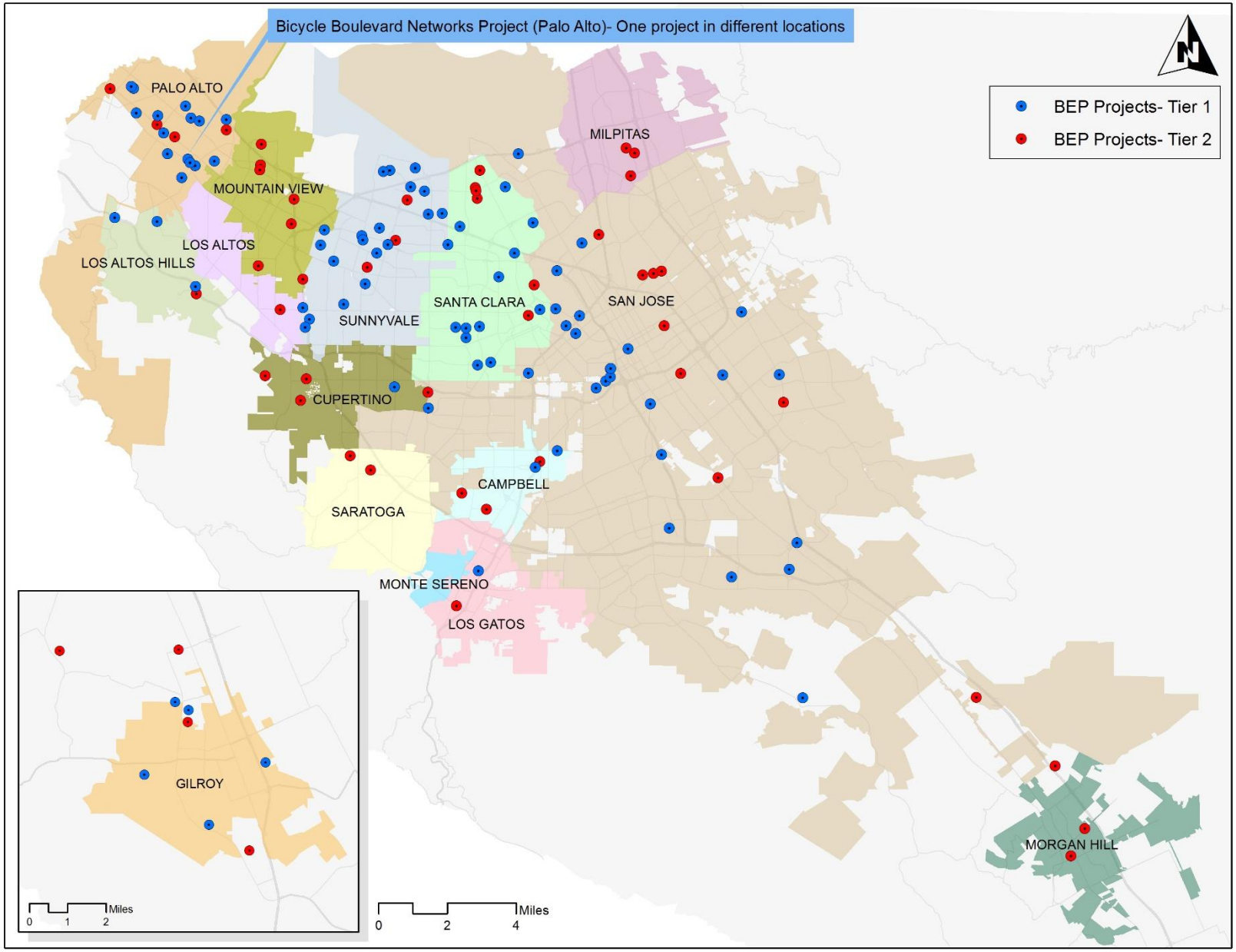
Attachment C

CAC Item 6.16.c
BPAC Item # 8
TAC Item # 14
PAC Item # 12
CMPP Item # 10

Bicycle Expenditure Program (BEP) Annual Report

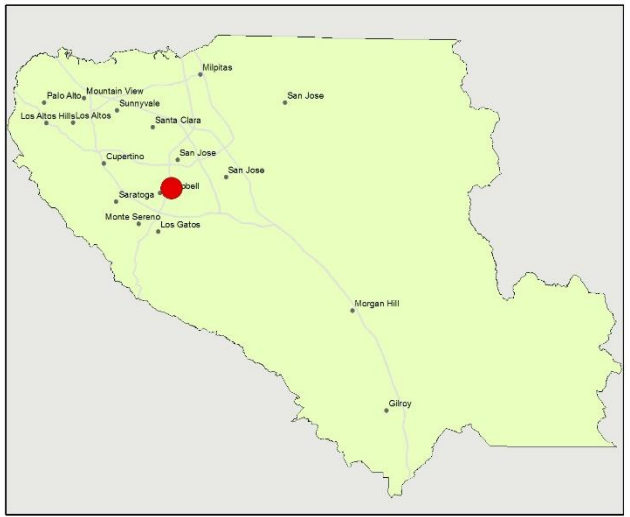
November 2016

BEP Projects



Portals Project: Bike Lanes on Campbell Avenue Under SR 17

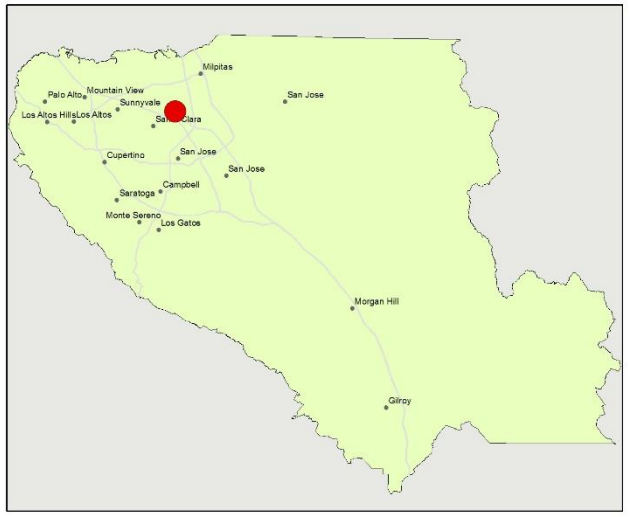
City of Campbell



Project # VTP 40-B02

Guadalupe River Trail, I-880 to Bay Trail

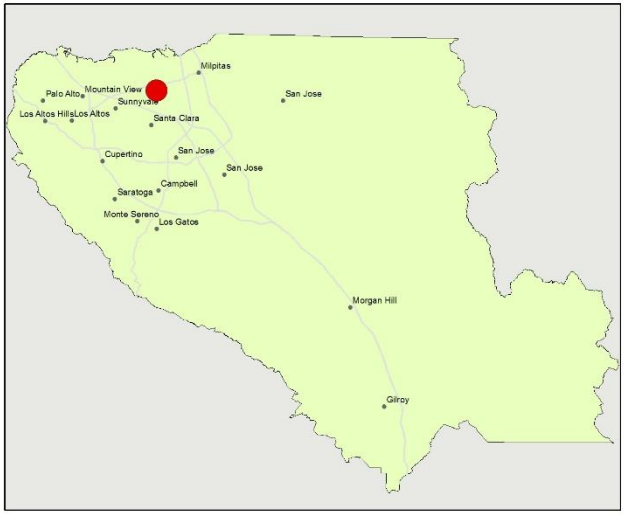
City of San Jose



Project # VTP 40-B22

Guadalupe River Trail, Tasman Undercrossing

City of San Jose



Project # VTP 40-B22

Hedding Street Bike Lanes

City of San Jose

Project # VTP 40-B24

Hendy Avenue Bike Lanes

City of Sunnyvale

BEFORE

Project # VTP 40-B58

Hendy Avenue Bike Lanes

City of Sunnyvale

AFTER

Project # VTP 40-B58

Scott Boulevard Bike Lanes, Central Expressway to Monroe

City of Santa Clara

6.16.c

Project # VTP 40-B44

Hacienda Avenue Bike Lanes: Winchester to San Tomas Aquino Road

City of Campbell

6.16.c

BEFORE

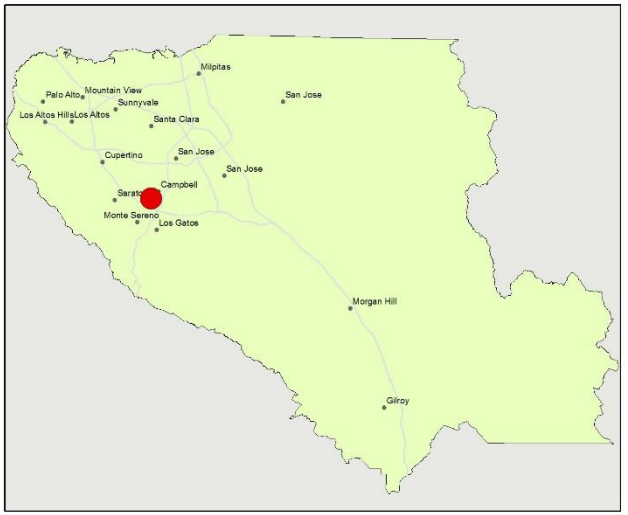
Project # VTP 40-B70

Hacienda Avenue Bike Lanes: Winchester to San Tomas Aquino Road

City of Campbell

6.16.c

AFTER

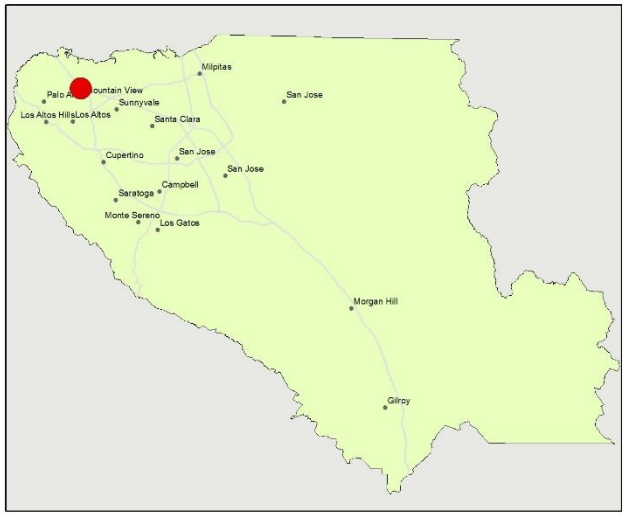


Project # VTP 40-B70

Permanente Creek Trail: Old Middlefield Way to Rock Street

City of Mountain View

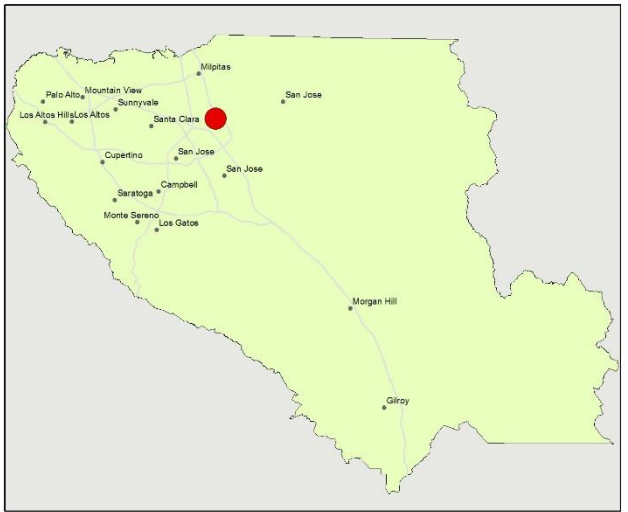
6.16.c



Project # VTP 40-B90

Upper Penitencia Creek Trail Connector Phase 1: Berryessa BART Station

VTA- Project # VTP 40-B120 (Under Construction)



VTA BART SILICON VALLEY

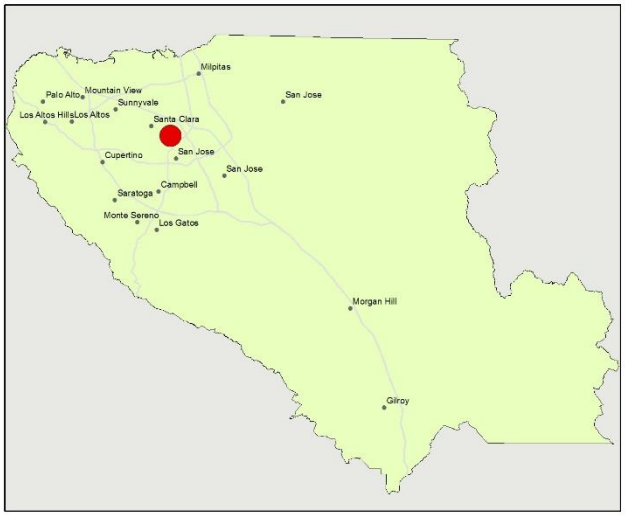
Silicon Valley Rapid Transit Program
Silicon Valley Berryessa Extension

Upper Penitencia Creek Trail Connector Phase 1: Berryessa BART Station

VTA

Project # VTP 40-B120 (Under Construction)

Santa Clara Caltrain Station, Bicycle & Pedestrian Undercrossing
VTA, City of San Jose, City of Santa Clara



Project # VTP 40-B69 (Under Construction)

SANTA CLARA
Valley Transportation Authority

Date: December 1, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Interim Director - Planning & Program Development, Carolyn M. Gonot

SUBJECT: Project Status - Capitol Light Rail, Vasona Light Rail, Airport People Mover

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FOR INFORMATION ONLY

BACKGROUND:

Over the past few months, the VTA Board of Directors established funding commitments of 2000 Measure A revenue for three projects - Light Rail to Eastridge, Vasona Light Rail Extension/Double Track, and Airport People Mover Connection to Mineta San Jose Airport. The total approved funding commitments were:

Capitol Expressway Light Rail Extension to Eastridge:	$247 Million
Vasona Light Rail Extension to Vasona Junction:	$40 Million
Airport People Mover Rail Connection to Airport:	$3 Million

The following provides a brief update of the three projects. A more complete report on the Vasona Light Rail project is also being presented to the VTA Board this month as a separate agenda item.

DISCUSSION:

Capitol Light Rail Extension to Eastridge

This project will extend light rail 2.3 miles from the existing Alum Rock Station to the Eastridge Transit Center. Light rail will operate primarily in the center of Capitol Expressway with 0.9 miles of elevated transit structures crossing Capitol Avenue, Story Road and Tully Road. New stations will be built at Story Road and the Eastridge Transit Center.

The total estimated cost for the project is $377 million with funding of $247 Million from Measure A and the remainder of $130 Million is being pursued through MTC using regional funds.

The VTA Board of Directors certified the Final Environmental Impact Report in May 2005 and certified a Supplemental EIR in August 2007. Given the amount of time that has passed and the changing project area conditions, an additional Supplemental Draft Environmental Impact Statement will be submitted to the VTA Board and a record of decision is expected in early summer 2017. The solicitation process for a design firm has started and is expected to be complete in early 2017 and submitted to the VTA Board for approval. Agreements with utility companies for relocation are underway and expected to be executed by summer 2017. These activities are underway to facilitate utility design and completion of bid documents by the end of 2018.

Vasona Light Rail Extension and Double Track Project

The Vasona Light Rail service operates 5.3 miles from Convention Center Station in Downtown San Jose to Winchester Station in Campbell. The plan for this light rail line includes extending to Vasona Junction, near SR 85 in Los Gatos and constructing new stations at Hacienda Ave., Vasona Junction and a potential infill station at West San Carlos.

The extension project is estimated to cost $174 million and the double track/platform extension is estimated at $173 Million; for a $347 million total.

In March 2014, the VTA Board of Directors approved a State and Federal environmental document for portions of the next phases Vasona LRT improvements. This environmental document included a double track extension to a new Vasona Junction Station and park-and-ride, relocating the freight tracks, expanding the Winchester park-and-ride, two substations, a new Hacienda Station and park-and-ride, and extending existing stations for three-car trains.

A Request for Proposals (RFP) is being developed to obtain an engineering firm to complete the designs for the extension to Vasona Junction, the three new stations and park-and-ride lots, and double tracking the existing line. The consultant and VTA will also study the freight track configurations including the potential of temporal separation of freight and LRT operations and adding a line; coordinate with the City of Campbell to integrate the Hacienda Station with the Dell Avenue Specific Plan; investigate options to expand the Winchester Park-and-Ride lot in light of recent acquisition of adjacent property; and design an infill station near West San Carlos Street integrated with new development in San Jose's Midtown area. The engineering firm contract is expected to be approved by the VTA Board in spring 2017.

Airport People Mover

Building on previous VTA and City of San Jose studies, the VTA Board of Directors has approved $3 million for a Conceptual Alternatives Analysis phase for the Airport People Mover project. This study would further define the route options and vehicle technology and develop a funding/business plan. The Conceptual Alternative Analysis would also include evaluation of a link between Diridon Station and airport facilities, as well as a link between Santa Clara Caltrain and the future BART station with airport facilities.

Staff believes that this project will require a partnership between several agencies including the Cities of San Jose and Santa Clara, San Jose International Airport, High Speed Rail and likely the private sector in order to develop and fund a fixed rail connection to the airport. This study is

also important as efforts are starting on developing the Diridon Station Transportation Facilities Master Plan.

Staff will develop a request for proposals to obtain a consulting firm that is experienced in airport people mover design and financing. Staff expects this consultant agreement will be presented to the VTA Board for approval in spring 2017.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Congestion Management Program & Planning (CMPP) Committee reviewed this item at their November 17, 2016 meeting. Committee Chair Herrera inquired as to progress being made with the Metropolitan Transportation Commission (MTC) on potential regional funds for the Capitol Light Rail project. Staff indicated that MTC is working on a funding plan for potential measures and that the Capitol Light Rail project is being considered. Upon inquiry, staff also responded that the Supplemental Draft Environmental Impact Statement (EIS) is being prepared and that we are working closely with the Federal Transit Administration (FTA) on the document.

Member Hendricks inquired about the scope of the Airport People Mover (APM) project to ensure that it included an analysis of ridership for each of the APM alternative routes being considered in order to reduce auto use. Staff indicated the project will be analyzing ridership potential. Staff also indicated that the study will be looking at various proven technologies for the APM upon question from Committee Chair Herrera.

The Administration & Finance (A&F) Committee did not consider this item due to the cancellation of its November 17, 2016 meeting.

Prepared By: Jim Unites
Memo No. 5803

SANTA CLARA
Valley Transportation Authority

Date: November 18, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Interim Director - Planning & Program Development, Carolyn M. Gonot

SUBJECT: Vasona Light Rail Corridor - Project Status

FOR INFORMATION ONLY

BACKGROUND:

The Vasona Light Rail Transit (LRT) train runs 5.3 miles from Convention Center Station in Downtown San Jose to Winchester Station in Campbell. Vasona LRT began operation in October 2005 and currently carries 3,400 daily riders. The ultimate plan for Vasona LRT includes extending the line to Vasona Junction, near SR 85 in Los Gatos and to construct new stations at Hacienda Ave., Vasona Junction, and a potential infill station at West San Carlos. The ability to complete the remaining project elements is dependent on funding availability. The attached map shows the entire Vasona LRT line including the various project elements.

Due to funding limitations when Vasona LRT was originally built, some segments of the line were built as single-track, some station platforms were limited in length to handle only two-car trains, and the park-and-ride lot at Winchester Station was undersized.

In March 2014, the Board of Directors approved a State and Federal environmental document for portions of the next phases of Vasona LRT improvements, which included the following elements:

- Construction of a double set of LRT tracks from Winchester Station to Vasona Junction Station and relocating the existing freight track east of the new LRT tracks within the existing right-of-way;
- Expansion of the park-and-ride lot and bus transit center at the Winchester Station;
- Installation of an electrical power substation at the southeast corner of the expanded Winchester Station park-and-ride lot;
- Construction of an at-grade pedestrian crossing east of the Winchester Station to provide

access to the station from the adjacent Avalon Campbell Apartments;

- Construction of the Hacienda Station in the originally identified location with an optional park-and-ride lot at the northeast corner of Winchester Boulevard and Hacienda Avenue;

- Construction of the Vasona Junction Station in the originally identified location and construction of a park-and-ride lot with two alternate configurations on an adjacent parcel currently owned by the Santa Clara Valley Water District;

- Extension of six of the eight existing LRT station platforms along the Vasona Corridor to accommodate three-car trains.

In June 2016, the VTA Board of Directors established a funding commitment using Measure A funds of $40 million to design these improvements and acquire necessary right-of-way.

DISCUSSION:

Planning and engineering designs will be done for the extension of LRT from Winchester Station to Vasona Junction, which includes an end of the line station at Vasona Junction and a station at Hacienda Avenue.

In addition to the next phase of Vasona LRT, the operational need to double track a portion of the single track section of Vasona LRT has grown. VTA has recently moved forward the current planning/engineering effort to environmentally clear the following: 1) double tracking of the existing system, 2) a potential West San Carlos Station infill station, and 3) any revisions to proposed park and ride lots caused by right-of-way constraints.

The engineering study will confirm prior cost estimates, shown in Table 1 below:

Table 1: Vasona LRT Extension Conceptual Cost Estimates

Extension from Winchester to Vasona Junction	$174 million
Double-tracking existing line with platform extensions	$174 million
Total cost estimate	$347 million

There are three funding categories that could be used to supplement the existing $40 million of Measure A, shown in Table 2 below.

Table 2: Potential Funding Categories fof Vasona LRT

Local Funds	Measure A Potential Developer Contributions
State Funds	Cap and Trade Program Future State Bond Measures
Federal Funds	Federal Transit Administration, New Starts

It is unlikely that the entire funding required to build all elements of the Vasona Project will come available in one allocation. VTA staff, based on the information from this engineering study, will work with the Board of Directors to establish a phased project approach to build elements of the Project as funds come available. This is the same strategy used for other large VTA projects such as BART and Capitol LRT.

Schedule Milestones

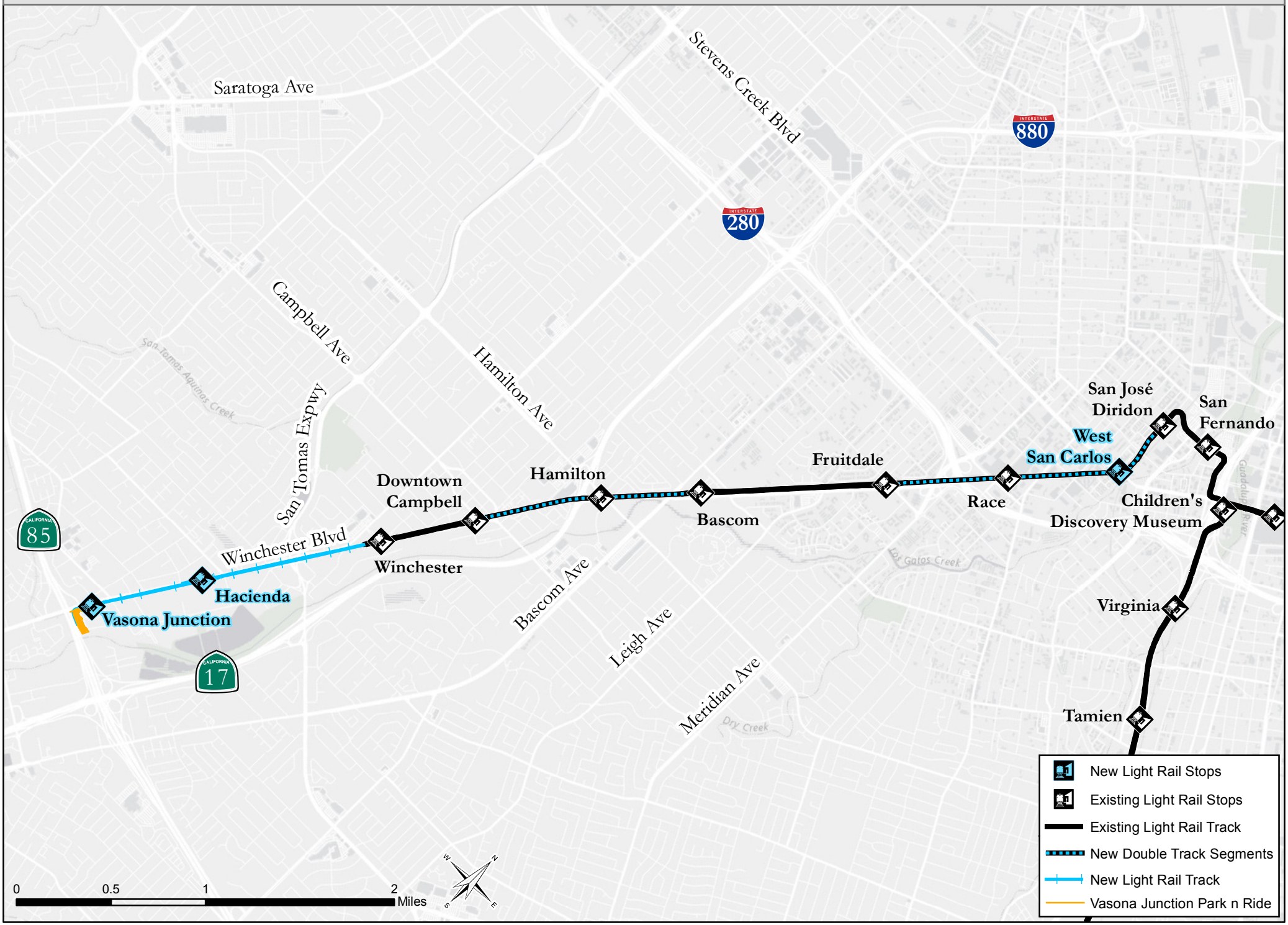
- Fall 2016 Ongoing - explore options to expand Winchester Park-and-Ride
- April, 2017 - contract approval for engineering consultant
- Fall 2017 - based on information from engineering study, bring phasing plan to VTA Board
- Early 2018 - environmental clearance of all remaining Project elements (i.e. double track, platform extensions and Hacienda Station additions)

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Administration and Finance Committee did not consider this item due to the cancellation of its November 17, 2016 meeting.

Prepared By: Steven Fisher
Memo No. 5794

Vasona LRT Extension and Improvements



SANTA CLARA
Valley Transportation Authority

Date: November 18, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Director of Business Services, Alberto Lara

SUBJECT: Equal Employment Opportunity

FOR INFORMATION ONLY

BACKGROUND:

VTA complies with Equal Employment Opportunity (EEO) requirements and guidelines for Federal Transit Administration (FTA) recipients, for the purpose of ensuring non-discrimination in employment on the basis of race, color, religion, national origin, sex (includes pregnancy, childbirth, or related medical conditions, gender identity, and sexual orientation), age, genetic information, disability, or veteran status. VTA's EEO/Affirmative Action Plan (EEO/AAP), submitted triennially to the FTA, includes our annual Statement of Policy signed by the General Manager and Board Chairperson, underutilization analyses of women and minorities by job category compared to availability in the relevant labor market, as well as goals and timetables to correct identified areas of underutilization.

DISCUSSION:

The EEO Officer provides a quarterly report to the General Manager on the number of women and minorities in each of nine job categories compared to market data. Women currently represent 25% of VTA's workforce, and our agency continues to make significant strides in hiring women at all levels in the organization, with 29% of new hires and 47% of rehires being female. Minorities comprise 72% of VTA's workforce, demonstrating that our agency has hired or promoted minorities throughout each division in numbers that are representative of our community, from technicians and craft workers to professionals, managers, and executives. These figures reflect the successful outreach, recruitment, selection, training, and promotion activities of VTA.

CONCLUSION:

VTA will continue working toward market parity in all job categories through outreach, external and internal recruitment, enhanced training initiatives such as VTA Leadership Academy, and other key diversity and inclusion efforts.

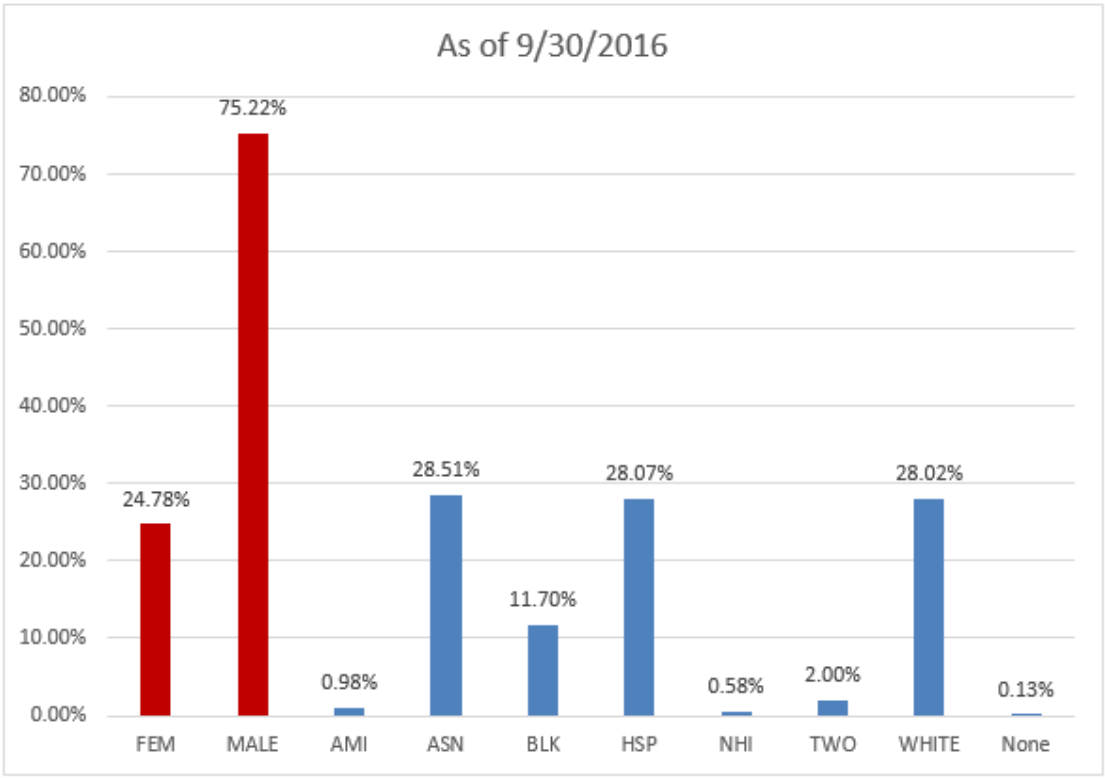
STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Administration and Finance Committee did not consider this item due to the cancellation of its November 17, 2016 meeting.

Prepared By: Mitsuno Baurmeister
Memo No. 5810

Current Workforce by Ethnicity and Gender

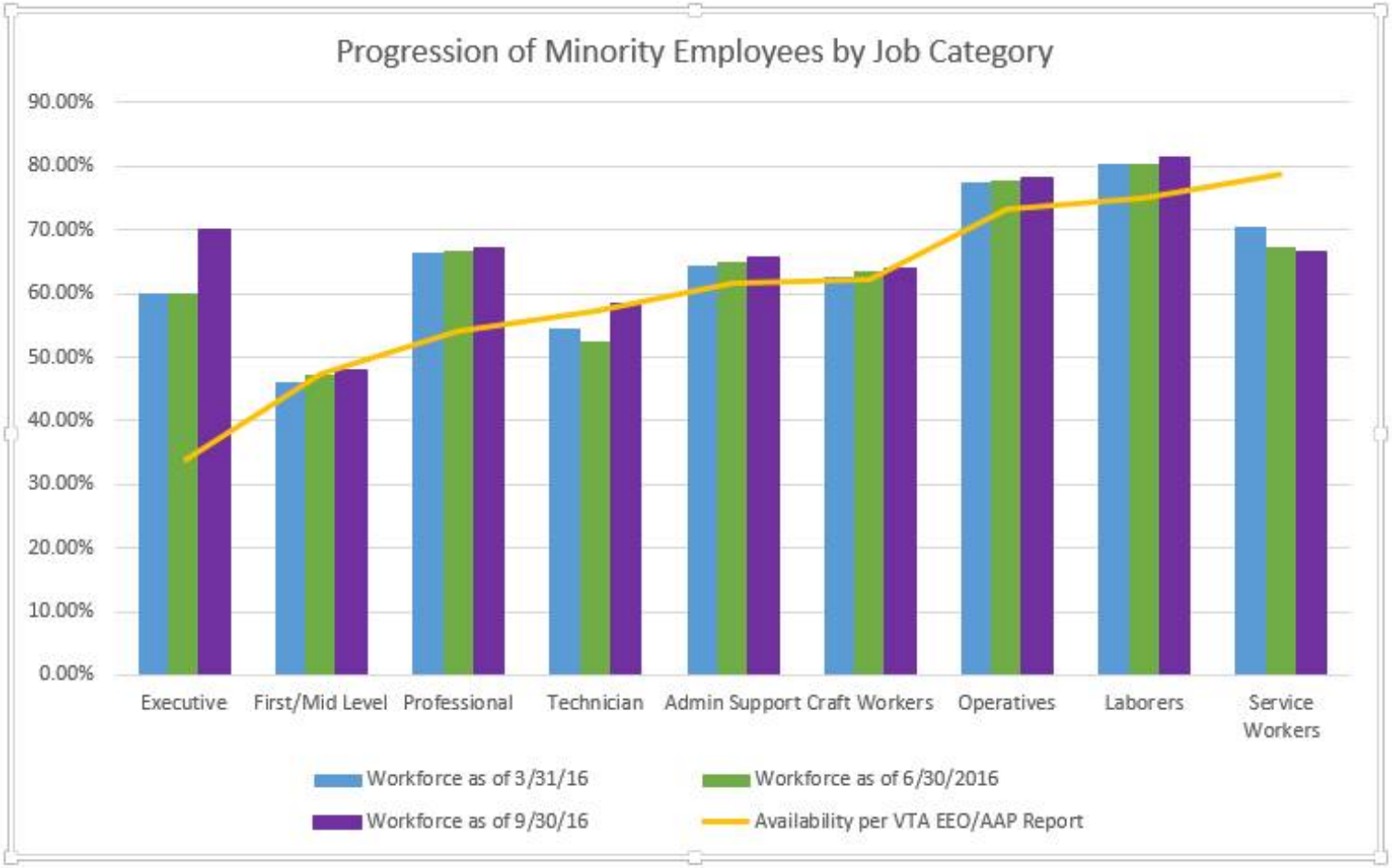
Red = Gender Blue = Ethnicity



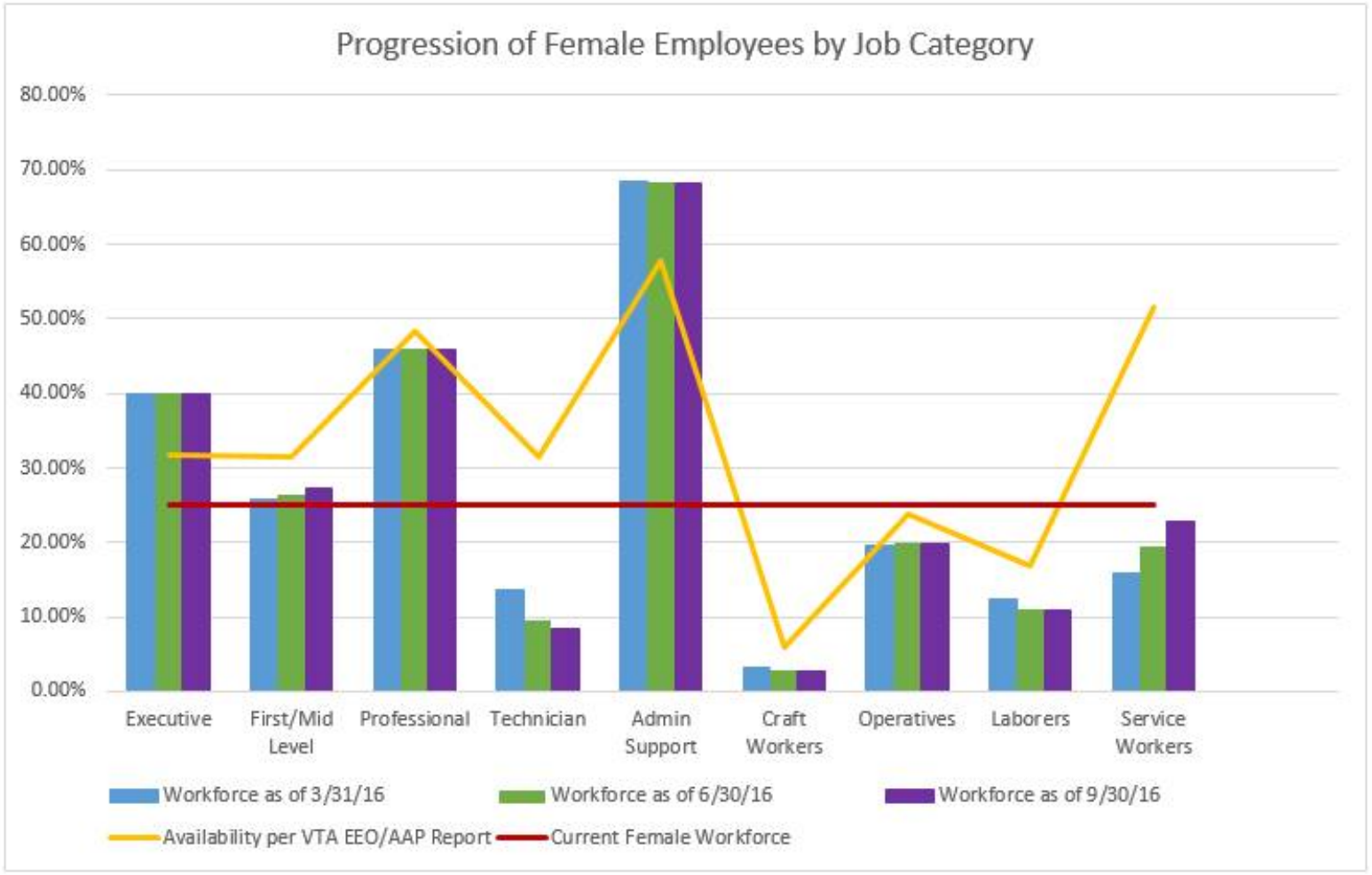
AMI = American Indian/Alaskan
ASN = Asian
BLK = Black or African-American
HSP = Hispanic
NHI = Native Hawaiian/Pacific Islander
TWO = Two or More Races
WHT = White
None = no data

VTA's active workforce on September 30, 2016 was 2,248

EEO Snapshot: Minorities to Market Availability



EEO Snapshot: Females to Market Availability



SANTA CLARA
Valley Transportation Authority

Date: December 1, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Interim Director - Planning & Program Development, Carolyn M. Gonot

SUBJECT: Development Review Quarterly Report for Jul-Sep 2016

FOR INFORMATION ONLY

BACKGROUND:

VTA's Development Review Program encompasses two separate, yet interrelated efforts to review and comment on development and transportation projects occurring in and adjacent to Santa Clara County: 1) the review of environmental documents and development proposals submitted by Member Agencies; and 2) the review of Transportation Impact Analysis (TIA) reports for proposed projects meeting the Congestion Management Program (CMP) TIA Guidelines requirements. The objectives of the Development Review Program include improving land use/transportation coordination, promoting alternative travel modes, and encouraging a balanced approach to addressing congestion.

To share information and foster an open dialogue on land use and development matters with Member Agencies, VTA produces quarterly reports highlighting two sets of projects and types of information:

- **Projects Reviewed by VTA:** Relevant VTA comments are summarized for projects or environmental documents reviewed by VTA staff under the Congestion Management Program and Development Review Program in the past quarter.
- **Projects Approved by Local Agencies:** Relevant VTA comments and agency responses or conditions of approval are summarized for projects or environmental documents approved by local agencies in the past quarter.

DISCUSSION:

The following discussion provides a summary of the July through September 2016 Development Review Quarterly Report. The summary highlights key projects and topics contained in the report, which is provided as Attachment A. The report includes a table summarizing all of the

reviewed and approved projects, and a reference map showing the locations of these projects.

- VTA commented on 26 projects between July and September 2016. The cities that received the most comment letters from VTA were San José with seven projects, followed by Santa Clara and Sunnyvale with five projects each.

- Eighteen (18) of the 26 projects that VTA commented on involved environmental documents such as an Environmental Impact Report (EIR), Notice of Preparation (NOP), or Mitigated Negative Declaration. Four of the projects involved stand-alone TIA documents and the remainder consisted of three site plan reviews, and a Traffic Operations Analysis.

- Nineteen (19) of the 26 items that VTA commented on were private development projects. The remainder consisted of three city-led planning efforts, two public school renovation projects, a regional clean air and climate protection plan, and a swimming center facilities project.

- Twelve (12) projects which VTA previously commented on were approved by local agencies during this quarter.

Key plans and documents that VTA reviewed and commented on during the past quarter included the following:

- **Pruneyard Redevelopment, City of Campbell:** The City of Campbell circulated an Initial Study for the expansion of the Pruneyard Shopping Center, which would add 18,600 square feet of retail, 100,000 square feet of office and either 12,000 square feet of additional retail/office or a 30,000 square foot fitness center. VTA submitted a comment letter:
  - Commending the project applicant for including numerous pedestrian and bicycle improvements, such as new crosswalks, pedestrian safety features, additional street trees along sidewalks, and improved bicycle connections to the Los Gatos Creek Trail; and
  - Recommending monitoring and enforcement procedures to enhance the effectiveness of the Transportation Demand Management (TDM) program.

  The City incorporated part of the TDM recommendation by requiring that monitoring measures be performed by a traffic engineering firm employed by the City and funded by the property owner.

- **Lawrence Station Area Plan, City of Santa Clara:** The City of Santa Clara circulated a Draft Environmental Impact Report (DEIR) for the 65-acre Lawrence Station Area Plan, which would add 3,500 residential units, 104,000 square feet of retail, and 6.3 acres of public open space neighboring the Lawrence Caltrain Station. VTA submitted a comment letter:
  - Supporting the plan's connected network of sidewalks, streets, pedestrian paseos, crosswalks and bike lanes, but recommending additional crossings of Kifer Road to reduce long distances between crossings;
  - Recommending consideration of the feasibility and safety of potential at-grade

crossings of Ryder; commending the TDM Plan, but recommending monitoring and enforcement measures to improve effectiveness; and
- Commending the City for creating voluntary contributions opportunities from development within the plan area to VTA toward regional transportation improvements.

VTA also commented on the adjacent **Lawrence Station Area Plan, City of Sunnyvale** DEIR, which was recently circulated. VTA submitted a comment letter:
- Supporting the proposed land use intensification at the Lawrence Caltrain Station;
- Supporting the plan's future voluntary contribution opportunities; and
- Supporting the mandatory trip reduction targets, while recommending clearer TDM monitoring measures.

As noted above, twelve items that VTA previously provided comments on were approved during this past quarter. The following is a brief summary of key VTA comments and the local agency responses or conditions of approval on three of these items.

- **400 San Antonio Road, City of Mountain View:** The City of Mountain View circulated a Site-Specific Traffic Analysis (SSTA) and Initial Study for 583 residential units and 11,171 square feet of retail development bounded by San Antonio Road, Fayette Drive, and Miller Avenue. VTA submitted a comment letter:
  - Supporting the proposed land use intensification near the San Antonio Caltrain Station;
  - Supporting the inclusion of widened sidewalks with a buffer strip and street trees between pedestrians and automobiles along San Antonio Road and Miller Avenue;
  - Recommending an off-site improvement to reduce the corner turning radius and shorten the pedestrian crossing distance across San Antonio Road; and
  - Recommending a condition of approval to ensure enforceability of the TDM measures.

  The project was approved by the City Council on September 27, 2016, with conditions for the project to require the TDM measures.

- **Morgan Hill 2035, City of Morgan Hill:** The City of Morgan Hill circulated a DEIR and FEIR for a comprehensive update to its General Plan. VTA submitted a comment letter:
  - Supporting the Preferred Alternative growth scenario in the 2035 General Plan;
  - Supporting the "Compact Development" Alternative in the DEIR, and consideration to increase development densities near existing transit services along Monterey Road and near the Caltrain station;
  - Requesting to pursue opportunities for voluntary contributions toward regional transportation improvements prior to developing a formally adopted funding strategy;
  - Recommending improvements to the TDM program, including trip reduction goals/targets, monitoring/enforcement, requiring participation in a TMA, and financial incentives for non-auto travel.

  The City incorporated part of the TDM recommendation by requiring annual monitoring and submittal of reports to the City's Community Development Director. The project was

approved by the City Council on July 27, 2016.

- **Peery Park Specific Plan, City of Sunnyvale:** The City of Sunnyvale circulated a DEIR, TIA Report, and Draft Plan to guide future development for a net increase of 2 million square feet of office, 200,000 square feet of retail and 215 residential units in a 446-acre area roughly bounded by SR 237, Mathilda Avenue, and the Southern Pacific Rail Line. VTA submitted a comment letter:
  - Supporting new and/or improved sidewalks, and recommending new crosswalks;
  - Supporting the mitigation measures for transit impacts to form a Transportation Management Association (TMA), and require TMA membership and/or assess an impact fee to fund transit improvements,
  - Commending the TDM Program with trip reduction targets of 20% to 35%, monitoring of trips, and penalties if the TDM goals are not met; and
  - Commending the City for including a mitigation measure for fair share contributions towards regional improvements including Express Lanes on US 101 and SR 85.

  The project was approved by the City Council on September 20, 2016, which includes an appropriation of $100,000 toward the Peery Park Rides shuttle program, a grant-funded shuttle system program in partnership with VTA.

- **Santana West Development Project and I-280 Winchester Boulevard Transportation Development Policy, City of San Jose:** The City of San Jose circulated a DEIR, TIA Report, and First Amendment to the DEIR to allow for 970,000 square feet of office, 29,000 square feet of retail space, and other actions on a 12.99-acre site, and a study of the potential implementation of a Transportation Development Policy (TDP) for the I-280-Winchester/Moorpark interchange. VTA submitted a comment letter:
  - Supporting the proposed land use intensification at Winchester Boulevard and Stevens Creek Boulevard, which is served by core bus routes, and will benefit from planned enhancements related to VTA's transit network redesign;
  - Supporting the TDP and the City's intent to develop a potential broader transportation policy for the Santana Row/Valley Fair/nearby Urban Village areas;
  - Recommending a voluntary contribution toward future project development phases of the regional transportation improvement initiatives, such as I-280 Corridor Study and I-280 Wolfe Interchange Improvement Study; and
  - Recommending that the TDM Program specify the required TDM measures, include a trip reduction target, and third-party monitoring.

  The project was approved by the City Council on September 20, 2016, which includes accepting a $1 million voluntary contribution to VTA toward regional transportation improvements, constructing $1.7 million in off-setting improvements pursuant to the City's Protected Intersections policy, and requiring a TDM program that encourages a trip reduction target and third-party monitoring.

Lastly, VTA previously provided comments on an application in connection with the **North 40 Phase I, Town of Los Gatos,** a proposal for 318 residential units and 58,000 square feet of commercial use generally bounded by Highway 17, Los Gatos Boulevard and Lark Avenue. VTA submitted comment letters providing guidance on the location of a Route 49 southbound

bus stop. On September 1, 2016, the Town Council denied the application, and on September 6, 2016 determined that the application was inconsistent with adopted General Plan and North 40 Specific Plan policies. The Town is engaging in a planning process to consider potential amendments to the existing North 40 Specific Plan policies. Additionally, the project applicants filed a lawsuit on October 6, 2016 against the Town of Los Gatos challenging the Town Council's denial of its application.

ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:

The Citizens Advisory Committee received this information at their November 9, 2016 meeting. A member of the Committee inquired about the $1 million voluntary contribution to VTA from the Santana West development in San Jose. Staff clarified that it would likely go toward regional transportation improvements, such as the I-280 Winchester Boulevard Interchange Improvements project.

The Bicycle and Pedestrian Advisory Committee, Technical Advisory Committee and Policy Advisory Committee received this information on Consent at their November 2016 meetings.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Congestion Management Program and Planning Committee received this item at their November 17, 2016 meeting with no questions or comments.

Prepared By: Melissa Cerezo
Memo No. 5761

VTA Development Review Program

Quarterly Report
July, August, and September of 2016

Development Review Projects Summary

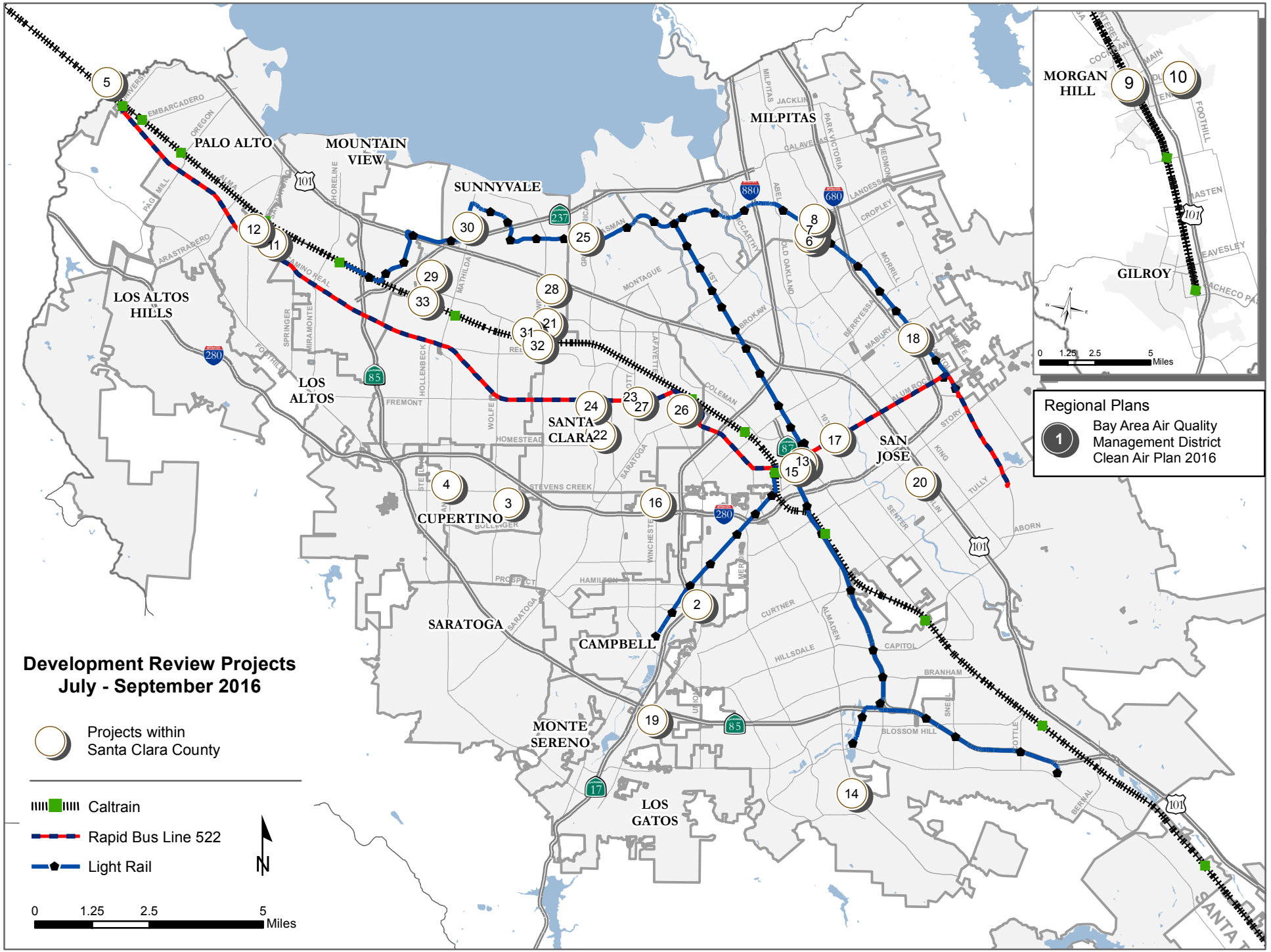
July - September 2016

Lead Agency	Map No.	CMP ID	Project Name/Location	Project Description	Document Type	Comments this quarter?	Approved this quarter?	VTA Comment Topics
Bay Area Quality Management District	**1**	BAAQMD1601	Clean Air Plan 2016	2016 Clean Air Plan/Regional Climate Protection Strategy	NOP	Y		Transportation Control Measures
City of Campbell	**2**	CM1501	Pruneyard Redevelopment - Northwest corner of Bascom Avenue and Campbell Avenue	Addition of 18,600 s.f. retail, 100,000 s.f. office, and 12,000 s.f. retail/office OR 30,000 s.f. fitness center	Initial Study	Y		Pedestrian and Bicycle Accomodations, Parking Management, Transportation Demand Management (TDM) and Trip Reduction
Fremont Union High School District	**3**	CU1601	Cupertino High School Campus Master Plan Update	Master plan update for high school, including net increase of 17 new classrooms	Initial Study, TIA	Y		Transportation Impact Analysis (TIA) Report - Completeness; Pedestrian Accomodations
City of Cupertino	**4**	CU1504	Marina Plaza - 10122 Bandley Dr and 10145 De Anza Blvd	A 122-room hotel and two mixed use buildings with 21,041 s.f. commercial space and 205 apartments, replacing 44,000 s.f. commercial on a 5.1-acre site	Site Plans		Y	Land Use; TIA Report; Pedestrian Accommodations and Access to Transit; Transit Incentives
City of Menlo Park	**5**	MP1501	General Plan Update - Citywide	Updates to Land Use and Circulation Elements and Zoning Update	DEIR	Y		Transportation Analysis – Relationship to Santa Clara County Congestion Management Program; General Plan Update – Regional Transportation Improvement Policies
City of Milpitas	**6**	ML1606	1992 Tarob and 551 Lundy Place	54 residential units (Tarob) and 86 residential units (Lundy)	Site Plans	Y		Land Use; Pedestrian and Bicycle Accomodations; Transportation Demand Management (TDM) and Trip Reduction
	7	ML1603	1980 Tarob Court Residential - East side of Tarob Court, near intersection of Lundy Place and E Capitol Ave	61 residential units on a 2.6-acre site	Site Plans		Y	Land Use; Pedestrian and Bicycle Accommodations; Transportation Demand Management (TDM) and Trip Reduction
	8	ML1503	720 Montague Expressway Mixed Use	Five-story mixed use building with 216 residential units and 5,690 s.f. groundfloor retail	Site Plans		Y	Land Use; Transit Incentives; Parking Management; Pedestrian and Bicycle Accommodations; Coordination with BART Silicon Valley Extension
City of Morgan Hill	**9**	MH1608	2nd & Monterey Mixed Use	9,995 s.f mixed use including lounge, wine bar, office, and art gallery	Site Plans	Y	Y	Land Use; Pedestrian Accomodations; Transportation Demand Management (TDM) and Trip Reduction

Lead Agency	Map No.	CMP ID	Project Name/Location	Project Description	Document Type	Comments this quarter?	Approved this quarter?	VTA Comment Topics
City of Morgan Hill	**10**	MH1501	Morgan Hill 2035 General Plan Update	Morgan Hill's comprehensive update to the General Plan	Draft EIR		Y	Land Use and Alternatives Analysis; VMT Analysis; Freeway Analysis; TIA Report; Transportation Demand Management; Roadway Connectivity
City of Mountain View	**11**	MV1604	394 Ortega Residential Project	144-unit apartment development	Initial Study, Site Specific Traffic Analysis	Y	Y	Land Use; Pedestrian and Bicycle Accommodations; Transportation Demand Management
	12	MV1603	400 San Antonio Road	582 residential units and 11,162 square feet of retail development	Site-Specific Traffic Analysis	Y	Y	Land Use; Pedestrian and Bicycle Accomodations; Transit Delay Analysis; Transportation Demand Management - Transit Incentives
City of San Jose	**13**	SJ1618	Greyhound Residential - South side of Post Street between South Almaden Avenue and South San Pedro Street	781 residential units and 20,000 s.f. retail on a 1.74-acre site	NOP	Y		Land Use; Transportation Impact Analysis (TIA) Report; Pedestrian Accommodations; Bicycle Accommodations; Transportation Demand Management - Transit Incentives
	14	SJ1513	Kiddie Academy Preschool - 16601 Almaden Expressway	10,625 s.f. day care facility for 168 students	Initial Study, TIA	Y		Pedestrian Accommodations and Access to Transit; Intersection Analysis & Mitigation Measures
	15	SJ1610	333 W San Fernando Street	725,000 s.f. office and retail use	Updated Site Plans	Y		Land Use; Pedestrian Accommodations - Project Frontage and Access to Transit; Site Design; Bicycle Accommodations; Transportation Demand Management (TDM) & Trip Reduction
	16	SJ1421	Santana West Office Project - NW corner of Olsen Dr and Winchester Blvd	970,000 s.f. office and 29,000 s.f. retail replacing two existing movie theater buildings on a 12.99-acre site	DEIR, TIA	Y	Y	Land Use; I-280/ Winchester/ Moorpark Transportation Development Policy; Congestion Impacts on Transit Travel Times; CMP Intersection Impacts and Multimodal Improvement Plan; Freeway Impacts and Voluntary Contributions to Regional Improvements; Pedestrian and Bicycle Accommodations; Transportation Demand Management/ Trip Reduction; Roadway Connectivity
	17	SJ1615	N. 11th Street & E. Santa Clara Street Student Housing	86 multi-family residential units and 11,530 square feet of commercial uses on 0.63 acres	Initial Study	Y	Y	Land Use; Pedestrian and Bicycle Accommodations; Transportation Demand Management and Trip Reduction
	18	SJ1507	641 N. Capitol Ave Mixed Use (Live/Work)	190 multifamily residential units	TIA NF	Y		Transportation Impact Analysis (TIA) Report; Land Use; Transit Analysis; Pedestrian and Bicycle Accommodations; Transportation Demand Management - Transit Incentives

Lead Agency	Map No.	CMP ID	Project Name/Location	Project Description	Document Type	Comments this quarter?	Approved this quarter?	VTA Comment Topics
City of San Jose	**19**	SJ1407	Samaritan Medical Offices - Both sides of Samaritan Drive at Samaritan Court	365,000 s.f. net increase medical office use on 10.96 acres	DEIR, TIA, Traffic Study	Y		Freeway Impacts and Mitigation Measures; Secondary Effects of Intersection Mitigation Measures; Pedestrian Accommodations; Transportation Demand Management/Trip Reduction; Auto Trip Reduction Statement (ATRS); Transit Analysis; Long Range Transportation Analysis
Franklin McKinley School District	**20**	SJ1617	ACE Charter Middle School - 1665 Santee Drive	Addition of 12,960 s.f. consisting of 11 new classrooms and an administration building to existing school campus	Initial Study, TIA	Y		Pedestrian Accommodations
City of Santa Clara	**21**	SC1501	Lawrence Station Plan Area (Santa Clara)	Comprehensive area plan for 3,000 housing units and 45,000 s.f.retail on 70 acres; revised NOP adds 59,000 s.f. retail and 500 housing units to proposal	DEIR, TIA	Y		Land Use; Pedestrian & Bicycle Accommodations and Site Design; Trip Generation and Trip Reductions; Transportation Demand Management; Freeway Impacts and Mitigation Measures; Intersection Impacts and Mitigation Measures; Congestion Impacts on Transit Travel Times
	22	SC1609	Swim & Recreation Center - 2625 El Camino Real	171,650 s.f combined swim center and recreation center	Initial Study, TIA	Y		Transportation Impact Analysis (TIA) Report; Pedestrian Accommodations; Bicycle Accommodations; Potential Congestion Impacts on Transit Travel Times; Transportation Demand Management/Trip Reduction
	23	SC1608	1890 El Camino Real Mixed Use	58 residential units and 6,595 square feet of retail on a 1.51-acre site	Initial Study	Y		Land Use; Pedestrian and Bicycle Accommodations; Transit Incentives
	24	SC1606	Moonlite Lanes Redevelopment - 2780 El Camino Real	158 residential units on a 2.88-acre site	Initla Study	Y		Land Use; Pedestrian and Bicycle Accommodations; Transportation Demand Management - Transit Incentives
	25	SC1605	Lake Park Office - North side of Tasman Drive between Patrick Henry Drive and Old Ironsides Drive	Net increase of 150,000 square feet of office on a 19.26-acre site	NOP	Y		Land Use; Transportation Impact Analysis (TIA) Report; Pedestrian and Bicycle Accommodations; Transportation Demand Management (TDM) / Trip Reduction
	26	SC1505	Santa Clara University 5-Year Development Plan	Up to 523,000 s.f. of net new classroom, office, and activity space plus 600 new housing units for campus	NOP		Y	Land Use; TIA Report; Trip Generation Assumptions; Transportation Analysis; Transportation Demand Management
	27	SC1608	1890 El Camino Real Mixed Use	58 residential units and 6,595 square feet of retail on a 1.51-acre site	Initial Study		Y	Land Use; Pedestrian and Bicycle Accommodations; Transit Incentives

Lead Agency	Map No.	CMP ID	Project Name/Location	Project Description	Document Type	Comments this quarter?	Approved this quarter?	VTA Comment Topics
City of Sunnyvale	28	SU1516	1250 Lakeside Drive	250-unit apartment and 263-room hotel	DSEIR	Y		Pedestrian and Bicycle Accommodations; TIA Report - Completeness
	29	SU1607	445-455 N Mary Avenue Office	171,734 s.f. office	TIA NF	Y		Pedestrian and Bicycle Analysis; Pedestrian Accommodations and Project Design; Transportation Demand Management/ Trip Reduction; Intersection and Freeway Analysis & Mitigation Measures
	30	SU1606	Innovation Hotel	217-room hotel	TIA NF	Y		Land Use; Potential Impacts to Transit - Vehicular Access; VTA and California Public Utilities Commission (CPUC) Permits; Pedestrian and Bicycle Accommodations; Freeway and CMP Intersection Analysis; Transportation Demand Management (TDM) / Trip Reduction
	31	SU1605	1050-1090 Kifer Road Office/R&D Project	602,000 net new s.f. office/R&D	TIA NF	Y		Land Use; Pedestrian and Bicycle Accommodations; Freeway and CMP Intersection Analysis; Transportation Demand Management (TDM) / Trip Reduction
	32	SU1309	Lawrence Station Area Plan - 319 acres in the east-central part of Sunnyvale, generally within a 1/2-mile radius of the Lawrence Caltrain Station	Framework for future development of the area of approximately 2,300 residential units and 1.2 million s.f. office, based on flexible mixed use designations	DEIR	Y		Land Use; DEIR: Multimodal Analysis; DEIR: CMP Facility Impacts and Mitigation Measures; DEIR and Draft Plan: Transportation Demand Management; Draft Plan: Additional Comments
	33	SU1508	Peery Park Specific Plan - 446 net acres roughly bounded by SR 237 to the north and west, Mathilda Avenue to the east and the Southern Pacific rail line to the south.	Plan to guide future development of area for net increase of 2 million s.f. office, 200,000 s.f. retail, and 215 residential units	DEIR/TIA and Draft Plan		Y	Land Use Mix; Pedestrian Accommodations and Access to Transit; Transportation Demand Management; CMP Facility Impacts and Mitigation Measures; Transit Impacts and Mitigation Measures


PALO ALTO
MOUNTAIN VIEW
SUNNYVALE
MILPITAS
LOS ALTOS HILLS
LOS ALTOS
SANTA CLARA
SAN JOSE
CUPERTINO
SARATOGA
CAMPBELL
MONTE SERENO
LOS GATOS
MORGAN HILL
GILROY
Development Review Projects
July - September 2016
Projects within Santa Clara County
Caltrain
Rapid Bus Line 522
Light Rail
N
0 1.25 2.5 5 Miles
Regional Plans
1 Bay Area Air Quality Management District Clean Air Plan 2016

DEVELOPMENT REVIEW QUARTERLY REPORT
GLOSSARY

ABAG	Association of Bay Area Governments
ABC	Across Barrier Connections
AC	Acre(s)
ACE	Altamont Corridor Express
ATRS	Auto Trip Reduction Statement
BART	Bay Area Rapid Transit
BMPs	Best Management Practices
BRT	Bus Rapid Transit
BTG	Bicycle Technical Guidelines
CDT	Community Design & Transportation
CMP	Congestion Management Program
CSA	Construction Staging Area
CUP	Conditional Use Permit
CWC	Citizen Watchdog Committee
DASH	Downtown Area Shuttle
DEIR	Draft Environmental Impact Report
DU/AC	Dwelling Units Per Acre
EIR	Environmental Impact Report
ER	Environmental Review
FAR	Floor Area Ratio
FEIR	Final Environmental Impact Report
GHG	Greenhouse Gas
GPA	General Plan Amendment
HCM	Highway Capacity Manual
HOV	High-Occupancy Vehicle
HSR	High-Speed Rail
IS	Initial Study
ITS	Intelligent Transportation System
LOS	Level of Service
LRT	Light Rail Transit
LU/TD	Land Use/Transportation Diagram
MF RES	Multi-Family Residential
MM	Mitigation Measure
MMRP	Mitigation Monitoring & Reporting Program
MND	Mitigated Negative Declaration
MTC	Metropolitan Transportation Commission
ND	Negative Declaration
NOI	Notice of Intent
NOP	Notice of Preparation
PCC	Portland Concrete Cement
PDA	Priority Development Area
PDP	Planned Development Permit
PDR	Planned Development Rezoning
PE	Preliminary Engineering
PTG	Pedestrian Technical Guidelines
PUD	Planned Urban Development
QOS	Quality of Service
R&D	Research & Development
RES	Residential
ROW	Right-Of-Way
SAR	Site and Architectural Review
SCVWD	Santa Clara Valley Water District
SDP	Site Development Permit
SF	Square Foot
SF RES	Single-Family Residential
SOV	Single-Occupant Vehicle
SPA	Specific Plan Amendment
SPRR	Southern Pacific Railroad
SWPPP	Storm Water Pollution Prevention Program
TCE	Temporary Construction Easement
TDM	Transportation Demand Management
TIA	Transportation Impact Analysis
TIA NF	Transportation Impact Analysis Notification Form
TM	Tentative Map
TMA	Transportation Management Association
TOD	Transit-Oriented Development
TPA	Transit Priority Area
UPRR	Union Pacific Railroad
VMT	Vehicle Miles Traveled
VTP	Valley Transportation Plan

SANTA CLARA
Valley Transportation Authority

Date: December 2, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Chief Financial Officer, Raj Srinath

SUBJECT: Fiscal Year 2017 Statement of Revenues and Expenses for the Period Ending September 30, 2016

Policy-Related Action: No **Government Code Section 84308 Applies: No**

ACTION ITEM

RECOMMENDATION:

Review and accept the Fiscal Year 2017 Statement of Revenues and Expenses for the period ending September 30, 2016.

DISCUSSION:

This memorandum provides a brief discussion of significant items and trends on the attached Statement of Revenues and Expenses through September 30, 2016. The schedule has been designed to follow the same company-wide line item rollup as included in the adopted budget. The columns have been designed to provide easy comparison of actual to budget activities for the current fiscal year including year-to-date dollar and percentage variances from budget. The current staff projections of Revenues and Expenses for Fiscal Year 2017 are also included.

The following are highlights of the current Statement of Revenues and Expenses:

Revenues

Fiscal year-to-date Total Revenues (line 14) are essentially equal to budget estimates. Unfavorable variances in Fares (line 1) and State Transit Assistance (STA) (line 5) are offset by a favorable variance in Other Income (line 11).

Fares (line 1) shows a negative variance of $1.7M due primarily to lower ridership than budgeted.

STA (line 5) reflects an unfavorable variance of $1.2M due to the continued reduction in the price of diesel fuel. STA revenues are derived entirely from the sales tax on diesel fuel.

Other Income (line 11) reflects a positive variance of $2.1M due primarily to a one-time receipt of revenues from termination of a Light Rail Vehicle lease/leaseback arrangement.

Expenses

Overall, Fiscal year-to-date Total Expenses (line 43) were $0.9M under budget driven primarily by favorable variances in Labor (line 15) and Fuel (line 20) offset somewhat by unfavorable variances in Materials & Supplies (line 16) and Reimbursements (line 31).

Labor (line 15) shows a favorable variance of $1.5M due primarily to savings related to health insurance premiums, decreased Retiree Medical Trust contributions, and a higher than budgeted vacancy rate.

Materials & Supplies (line 16) reflects an unfavorable variance of $1.0M due primarily to increased preventive maintenance costs on an aging Light Rail Vehicle fleet.

Fuel (line 20) reflects a favorable variance of $1.1M due to lower per gallon costs than budgeted. Average diesel price per gallon paid year-to-date through September was $1.78 versus a budgeted price of $2.85.

Reimbursements (line 31) has a negative variance of $2.2M due primarily to timing of reimbursable project activities and the assignment of staff to non-reimbursable activities.

Projections

Current staff projections for the fiscal year reflect a negative Operating Balance (line 44) of $20.9M. This decrease over the budgeted Operating Balance is due primarily to lower than anticipated Fares and STA revenues.

SUMMARY:

Through the first three months of the year, revenues were on target with budgeted projections while expenses were $0.9M below budget estimates, for an overall positive variance of revenues over expenses (line 44) of $0.9M. Current staff projections for the fiscal year reflect a negative Operating Balance of $20.9M. This negative Operating Balance would be funded from Sales Tax Stabilization and Operating Reserves. Staff will continue to monitor expenditure levels and provide updated projections throughout the year.

FISCAL IMPACT:

There is no fiscal impact as a result of this action.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Administration and Finance Committee meeting scheduled for November 17, 2016 was cancelled due to lack of a quorum.

Prepared by: Carol Lawson, Fiscal Resources Manager
Memo No. 5738

ATTACHMENTS:

- FY17 1Q Rev Exp Attachment (PDF)

SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
STATEMENT OF REVENUES AND EXPENSES
Fiscal Year 2017
through September 30, 2016
(Dollars in Thousands)

Line	Category	Fiscal Year-to-Date Actual	Fiscal Year-to-Date Budget	Year-to-Date Variance	% Variance	FY 2017 Current Budget[1]	FY 2017 Projection[2]
1	Fares	8,831	10,535	(1,704)	-16.2%	41,599	34,933
2	1976 Half-Cent Sales Tax	53,980	54,257	(277)	-0.5%	216,835	215,090
3	TDA	25,490	25,501	(11)	0.0%	101,912	101,011
4	Measure A Sales Tax-Oper Asst	10,013	10,014	(2)	0.0%	40,021	39,699
5	STA	2,538	3,690	(1,152)	-31.2%	14,765	10,151
6	Federal Operating Grants	1,113	926	187	20.2%	3,704	3,704
7	State Operating Grants	648	355	293	82.6%	1,420	2,411
8	Investment Earnings	810	356	454	127.4%	1,425	1,425
9	Advertising Income	629	564	65	11.5%	2,258	2,258
10	Measure A Repayment Obligation	1,219	1,195	23	2.0%	15,247	15,247
11	Other Income	2,771	639	2,132	333.8%	2,556	4,688
12	Transfer for Capital	(8,400)	(8,400)	0	0.0%	(33,600)	(33,600)
13	Debt Reduction Fund Contribution	2,923	2,923	0	0.0%	11,693	11,693
14	**Total Revenues**	**102,564**	**102,555**	**9**	**0.0%**	**419,836**	**408,711**
15	Labor Costs	79,224	80,717	1,493	1.8%	323,134	323,134
16	Materials & Supplies	5,853	4,842	(1,011)	-20.9%	19,374	23,374
17	Security	3,105	3,154	49	1.5%	15,119	15,119
18	Professional & Special Services	1,341	1,729	388	22.4%	6,787	6,787
19	Other Services	1,501	1,858	357	19.2%	7,591	7,591
20	Fuel	1,994	3,142	1,148	36.5%	12,517	7,948
21	Traction Power	1,327	1,198	(129)	-10.8%	3,898	3,898
22	Tires	516	569	53	9.3%	2,266	2,266
23	Utilities	848	723	(125)	-17.3%	2,895	2,895
24	Insurance	1,525	1,437	(87)	-6.1%	5,752	5,752
25	Data Processing	1,277	1,247	(29)	-2.4%	4,746	4,746
26	Office Expense	80	107	27	25.5%	425	425
27	Communications	386	401	15	3.8%	1,606	1,606
28	Employee Related Expense	116	256	140	54.6%	1,024	1,023
29	Leases & Rents	157	198	41	20.9%	791	791
30	Miscellaneous	166	181	15	8.3%	714	714
31	Reimbursements	(7,494)	(9,692)	(2,198)	22.7%	(38,769)	(38,769)
32	**Subtotal Operating Expense**	**91,921**	**92,068**	**147**	**0.2%**	**369,868**	**369,300**
33	Paratransit	4,597	5,219	622	11.9%	20,884	20,884
34	Caltrain	2,098	2,097	(1)	0.0%	8,390	8,390
35	Altamont Corridor Express	1,228	1,330	102	7.6%	5,323	5,323
36	Highway 17 Express	58	96	38	39.5%	384	384
37	Monterey-San Jose Express Service	9	9	(0)	0.0%	35	35
38	Contribution to Other Agencies	218	243	25	10.1%	1,772	1,772
39	Debt Service	1,728	1,711	(17)	-1.0%	21,641	21,641
40	**Subtotal Other Expense**	**9,936**	**10,704**	**769**	**7.2%**	**58,429**	**58,429**
41	**Operating & Other Expenses**	**101,857**	**102,772**	**915**	**0.9%**	**428,297**	**427,729**
42	Contingency	0	0	0	N/A	1,850	1,850
43	**Total Expenses**	**101,857**	**102,772**	**915**	**0.9%**	**430,147**	**429,579**
44	**Operating Balance**	***707***	***(217)***	***924***		***(10,311)***	***(20,868)***

Note: Totals and percentages may not be precise due to independent rounding.

[1] Reflects Adopted Budget approved by the Board on June 4, 2015, $4.0M augmentation approved on October 1, 2015, and $2.5M augmentation approved on October 6, 2016

[2] Reflects current staff projection as of October 20, 2016

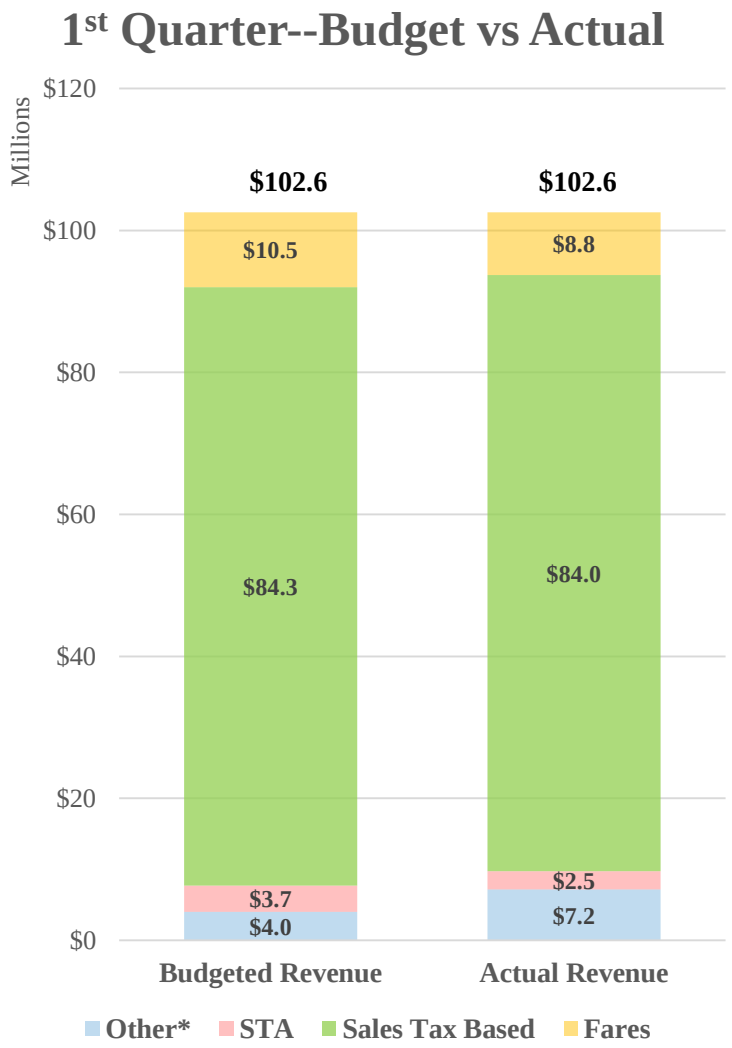
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
SOURCES AND USES OF FUNDS SUMMARY
Fiscal Year 2017
through September 30, 2016
(Dollar in Thousands)

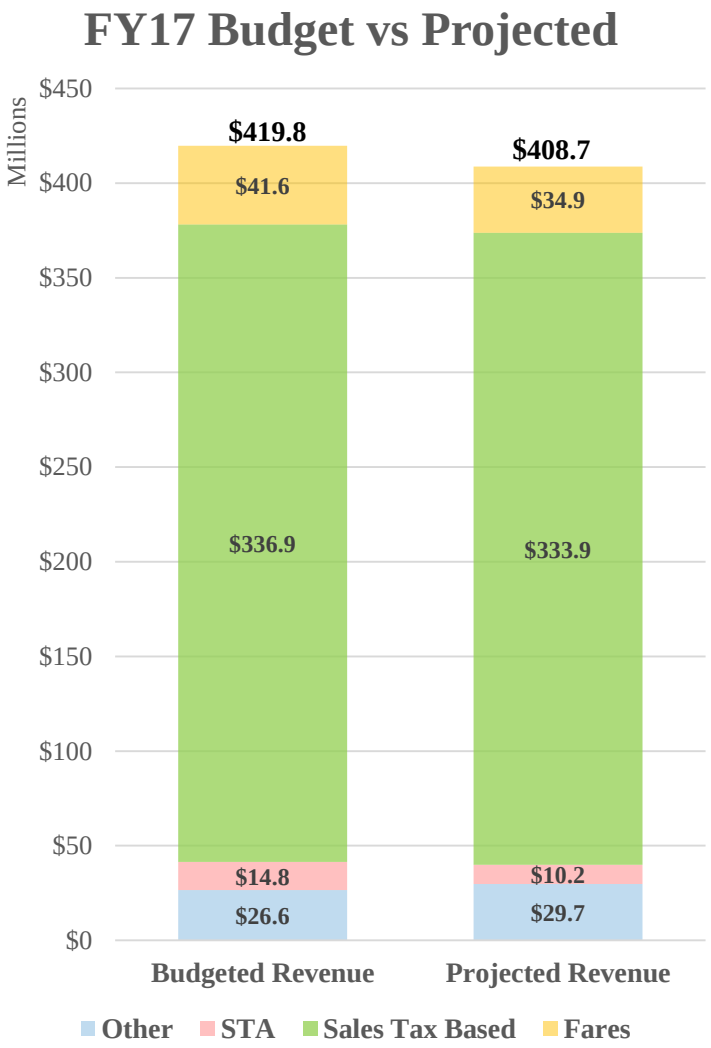
Line	Description	FY17 Adopted Budget[1]	FY17 Current Budget[2]	FY17 Projected Actual[3]
Operating Balance				
1	Total Operating Revenues	419,836	419,836	408,711
2	Total Operating Expenses	(423,647)	(430,147)	(429,579)
3	Operating Balance	(3,811)	(10,311)	(20,868)
Operating Balance Transfers				
4	Operating Balance	(3,811)	(10,311)	(20,868)
5	Transfer From/(To) Sales Tax Stabilization Fund	0	0	2,969
6	Transfer From/(To) Operating Reserve	3,811	10,311	17,899
7	Transfer to Debt Reduction Fund for Future Capital	0	0	0
Operating Reserve				
8	Beginning Operating Reserve	63,547	64,147	64,147
9	Transfer From/(To) Operating Balance	(3,811)	(10,311)	(17,899)
10	Ending Operating Reserves	59,736	53,836	46,248
11	Operating Reserve %[4]	13.8%	12.4%	10.7%

Note: Totals may not be precise due to independent rounding.

[1] Adopted Budget approved by the Board on June 4, 2015
[2] Reflects $4.0M and $2.5M augmentations approved by the Board on October 1, 2015 and October 6, 2016, respectively
[3] Staff Projection as of October 20, 2016
[4] Line 10 divided by Budgeted Operating Expenses

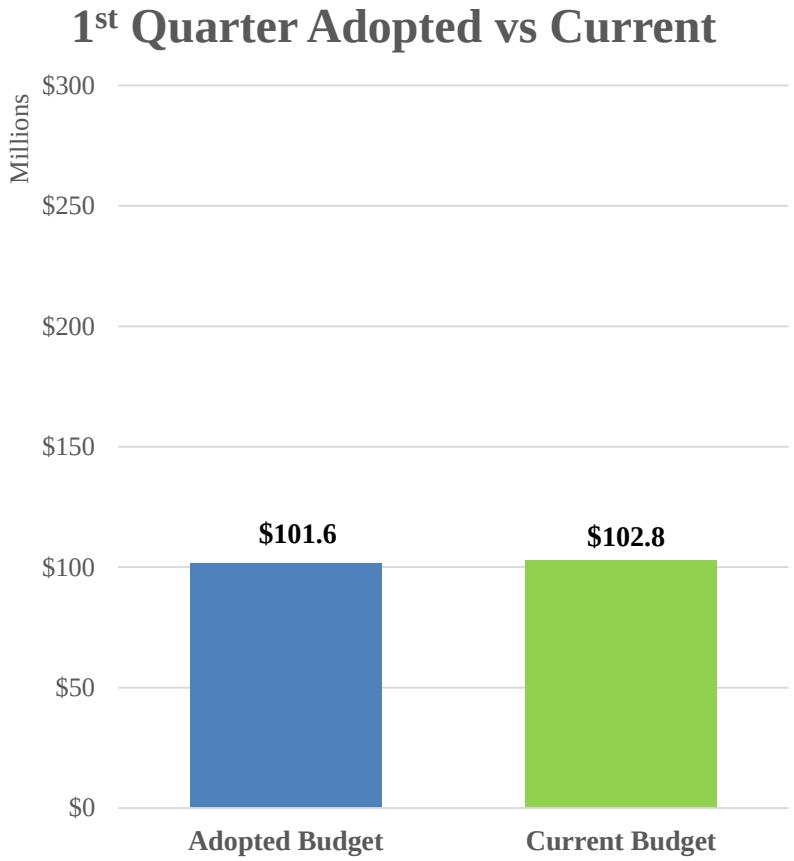
FY17 Revenues





*1st Quarter Actual includes $2.1M in one-time revenues.

FY17 Expenses
Adopted Budget vs Current Budget



*Includes $4M and $2.5M augmentation approved by the Board on October 1, 2015 and October 6, 2016, respectively. Does not include $5.3 augmentation approved by the Board on November 3, 2016.

Projected Operating Balance and Transfers

Fiscal Year 2017

(Dollars in Thousands)

Operating Balance	
Total Operating Revenues	408,711
Total Operating Expenses	(429,579)
Operating Balance	(20,868)
Operating Balance Transfers	
Operating Balance	(20,868)
Transfer From/(To) Sales Tax Stabilization Fund	2,969
Transfer From/(To) Operating Reserve	17,899
Transfer to Debt Reduction Fund for Future Capital	0

FY18 & FY19 Outlook

???

SANTA CLARA
Valley Transportation Authority

Date: November 18, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Chief Operating Officer, Inez Evans

SUBJECT: 60' Articulated Bus Procurement

Policy-Related Action: No **Government Code Section 84308 Applies: Yes**

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute a contract with New Flyer Industries in the amount of $50,558,203 for the purchase of 47 sixty foot hybrid articulated transit buses and related support, along with the option to purchase an additional eight (8) sixty foot articulated buses for service to future BART stations and other service needs in the amount of $1,075,706 per bus plus the applicable Producer Price Index (PPI).

BACKGROUND:

VTA operates 40 sixty foot articulated buses for revenue service. These buses are mainly used on route 22, VTA's highest capacity route. These articulated buses were delivered in 2002 and now exceed their FTA 12 year/500,000 mile life.

As such, VTA seeks to replace these buses with new, hybrid 60' articulated buses per its recommended fleet management plan (see Attachment B). In addition to the 40 replacement buses, additional high capacity 60' articulated buses are required to provide service to the new BART stations at Montague Expressway and Berryessa Road. Based on the current plan, 47 articulated buses will be required for existing routes and 8 to provide service to the two new stations, for total of up to 55 buses

On September 3, 2015 the Board approved a resolution for staff to proceed with a request for a negotiated procurement process to procure the articulated buses. At the present time, funding for

47 sixty foot articulated buses is available and thus the purchase of the required 60' articulated buses will be done in two phases:

Phase 1 of the procurement is for 47 buses serving the line 22 and the BART stations.

Phase 2 is to purchase the remaining eight buses that would complete the fleet requirement for the BART extension and the additional service needs. Provisions to procure these buses is included in the contract as an option for eight buses. Pricing for the option buses would be based on the price of the initial 47 buses plus an increase based on the Producer's Price Index (PPI) for the applicable category.

On December 31, 2015, VTA issued a Request for Proposal (RFP) to purchase the new hybrid articulated buses.

The RFP included several strategic requirements: (1) the proposed bus must be suitable to meet the unique needs of the routes, (2) must allow for additional bike carrying capacity, (3) must meet the requirements for accessibility; and, (4) must meet air quality and other environmental standards. It is also important to purchase buses with reliable mechanical components from a company that is financially strong, are reasonably priced, and fully meet "Buy America" and other federal purchase requirements. There are only a few suppliers who can meet these requirements.

The buses will be powered by hybrid diesel-electric technology, similar to what is available in the most modern hybrid automobiles. This diesel-electric hybrid technology is a responsible, energy-saving alternative to regular diesel buses and is more reliable and cost-effective than zero-emission buses. The new buses will have significant lower Nitrogen Oxide (NOx) emissions and Particulate Matter (PM) emissions as compared to the 2002 articulated buses they replace. Additionally, the new buses are anticipated to improve fuel economy by at least 25% and will have significantly lower Greenhouse Gas (GHG) emissions compared to the 2002 articulated buses.

DISCUSSION:

The contract award culminates an intensive procurement process that began with the development of technical specifications describing in detail all the mechanical and design features VTA requires. Once staff completed the technical specification, documents were prepared specifying quantities of buses, manufacturing and delivery schedules, and specific equipment and services to be provided. VTA then advertised for proposals in trade journals such as APTA's Passenger Transport.

The negotiated procurement process required potential bidders to submit a proposal, including technical and price proposals delivered in separately sealed envelopes. The technical proposals were reviewed and evaluated to determine if the proposals met the technical requirements, while the price proposal remained sealed.

The technical proposal evaluation included the 22 areas for criteria including Body Structure, Articulation Joint, Operator Area, Doors, HVAC, Propulsion System and Chassis.

An evaluation team of VTA staff, including personnel from Maintenance Engineering, Quality Assurance, Operations, Mechanics, and Purchasing, conducted a detailed analysis of the technical proposals. Price proposals were opened by the selection team consisting of Purchasing, Operations Maintenance and Operations Planning, only after technical and schedule credibility was established. Based on the technical evaluation and price proposals, staff negotiated with New Flyer. The final recommended award is based on completion of the full evaluation and negotiations.

For this procurement, staff developed a plan that included a base bus purchase and an option to purchase additional buses when the need to implement the additional service and funding is available. The RFP procurement schedule included the following:

December 31, 2015 --- The procurement was advertised in APTA's Passenger Transport and on the VTA's website.

January 12, 2016 --- A pre-proposal meeting took place at VTA. Two bus manufacturers and one sub-supplier were present. One manufacturer attended through conference call.

April 18, 2016 --- Initial Proposals were due for review and evaluation. VTA received initial proposals from two bus manufacturers,

- New Flyer of America Inc. (New Flyer)
- BYD

New Flyer's submittals indicated that they are proposing to provide 60' hybrid articulated buses similar to the BRT buses delivered to VTA in 2014.

BYD's submittals indicated that they are proposing to provide 60' electric articulated buses.

The evaluation of the BYD technical proposal indicated that significant new and costly infrastructure would be required to operate the buses. This would likely include the construction of electric substations and many charging systems at possibly two maintenance divisions at a significant cost and time.

Based on the technical evaluations and price proposals, VTA invited New Flyer for interview.

October 12, 2016 --- the VTA selection team interviewed New Flyer for clarifications, addressed specific needs and concerns as well as conducted negotiations based on VTA's requirements.

New Flyer presentation indicated that the bus they intend to provide would be essentially the same bus as the BRT buses delivered to VTA in 2014 with the appropriate updates as related to

any regulations and in accordance with VTA's needs.

Based on the technical evaluations and interview, VTA requested New Flyer to submit additional clarifications as well as new price proposals.

November 1, 2016 --- VTA received New Flyer's updated clarifications and new price proposal.

New Flyer
The best and final offer from New Flyer is as follows:

- 47 Buses including appropriate support $50,558,203
- 8 Option buses under option order pricing plus PPI adjustments $ 8,605,652
  (These options shall be valid for a period of two years from the effective date of the contract)

Engineer's Estimate

- 47 Buses including related equipment, training and support $53,212,225
- 8 Buses under the option order pricing plus PPI adjustment $ 9,057,400

November 4, 2016 --- BYD was notified of VTA's intent to recommend award to New Flyer.

New Flyer has delivered over 500 hybrid drive buses. The buses meet federal Buy America requirements and are scheduled to be built at New Flyer's manufacturing facility in St. Cloud, Minnesota. The hybrid system is a state-of-the-art environmentally friendly bus propulsion system, but is based on proven technology that is used in more than 3800 transit buses nationwide. VTA presently operates 29 New Flyer 60' articulated hybrid buses that were delivered in 2014.

VTA conducted reference checks with a number of properties that operate New Flyer hybrid buses including Nashville, Maryland and Washington Metro (Washington DC.). All reported good performance from the hybrid system and overall satisfaction with New Flyer. VTA has done business with New Flyer since 2002 with the purchase of VTA's current fleet of articulated buses and has no reservations about continuing this relationship.

ALTERNATIVES:

There is no reasonable alternative to this action short of not procuring 60' foot articulated buses to meet the need of VTA's high capacity routes and future BART service connections.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION:

Although this procurement does not include Federal funding at this time, VTA has elected to follow the Federal bus procurement guidelines for this procurement. This would allow Federal Funds to be used should such funds become available. The Federal Transit Administration (FTA) requires transit vehicle manufacturers, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that they have an overall annual DBE goal approved by FTA. Pursuant to Federal regulation, VTA did not set a DBE goal on this procurement.

FISCAL IMPACT:

This action will authorize $50,558,203 for the purchase of 47 sixty foot hybrid articulated transit buses and related support. Appropriation for these expenditures is included in the FY17 Adopted VTA Transit Fund Capital Budget. This contract is funded by State Prop1B Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) grants and local funds.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Administration and Finance Committee did not consider this item due to the cancellation of its November 17, 2016 meeting.

Prepared by: Arthur Douwes
Memo No. 5787

ATTACHMENTS:

- Board Memo Attachement A (PDF)
- Board Memo Attachement B (PDF)

ATTACHMENT A

Contractor Firm	Contractor Role	Name	Location
New Flyer Industries	President & CEO	Paul Soubry	711 Kernaghan Ave. Winnepeg, MB R2C 3T4 Canada
New Flyer Industries	Executive Vice President, Bus Business	Wayne Joseph	6200 Glenn Carlson Dr. St. Cloud, MN 56301
New Flyer Industries	CFO	Glenn Asham	711 Kernaghan Ave. Winnepeg, MB R2C 3T4 Canada

VTA ARTICULATED BUS FLEET

QTY	DATE IN SERVICE	AGE	USE	MANUFACTURER	COMMENTS	2017	2018	2019	2020-2027
PRESENT BUSES									
40	2002	14	Line 22	New Flyer Industries	Buses exceed the FTA 12 year useful life and need to be replaced. They will be 16 years old when the new buses arrive in 2018	40			
29	2015	1	BRT 522	New Flyer Industries		29	29	29	29
NEW BUSES									
40	2018		Line 22 & 23	New Flyer Industries	Replace existing 2300 series articulated buses		40	40	40
7	2018		Line 23 and BART	New Flyer Industries	Provide service for Line 23 and BART		7	7	7
8	2018/2019		BART/Berryessa	New Flyer Industries	Provide service for BART stations			8	8
PROPOSED FUTURE									
20	2019		BRT 523	New Flyer Industries	BRT Option Order			20	20
					Total Articulated Buses	69	76	104	104

SANTA CLARA
Valley Transportation Authority

Date: December 2, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Director of Government Affairs, Jim Lawson

SUBJECT: Alum Rock / Santa Clara Bus Rapid Transit Project Update - Dec. 2016

FOR INFORMATION ONLY

BACKGROUND:

The Alum Rock/Santa Clara (AR/SC) Bus Rapid Transit (BRT) Project will provide just over seven miles of limited-stop rapid transit service from the Eastridge Transit Center to the Arena Station in downtown San José via Capitol Expressway, Alum Rock Avenue and Santa Clara Street. This $142 million project includes installation of new, bus-only lanes on Alum Rock Avenue between U.S. 101 and I-680 that will allow the BRT vehicles to bypass automobile congestion. It will also include new rail-like stations allowing for fast, all-door boarding. This 2000 Measure A-funded project will enhance the local community by providing increased mobility and other long-term benefits.

This report provides an update on the AR/SC BRT Small Business Sustainability Program and other activities related to the project.

DISCUSSION:

Small Business Sustainability Program: The SBSP was initially administered in two Tiers and awards were recommended by the Independent Administrator according to his independent judgment. The Board later directed a Reconsideration process to address the concerns of those businesses awarded a lesser amount than they had requested.

- Tier I - Qualifying small businesses in the subject area were eligible for $1,000 in financial assistance. Subject to verification of status and eligibility, checks were mailed within seven business days of receipt of completed paperwork.

- Tier II - Qualifying small businesses in the subject areas were eligible for between $1,000

and up to $50,000 in financial assistance. Requests of more than $1,000 required documentation supporting the additional financial assistance requested.

- Tier II Reconsideration - The Reconsideration process was established for businesses that received an award under Tier II and did not receive the full amount requested. They were eligible to request reconsideration in accordance with the rules and instructions directed by VTA's Board of Directors. Reconsideration was limited to new assertions and new supporting materials covering only the period up to the date of the award letter.

Our Independent Administer completed reviewing all the Reconsideration applications and notices and checks have been sent to all applicants.

SBSP Economic Summary

- Tier I
  - Eligible Applications: 28 Payments: $28,000

- Tier II
  - Applications Received: 123
  - Eligible Applications: 117
  - Amount Requested: $5,034,451
  - Amount Paid: $2,312,405

- Tier II Reconsideration
  - Eligible Applicants: 99
  - Received: 36 (total of 38 less 2 ineligible)
  - Requested: $724,567
  - Approved: $232,815 (38 processed)
  - Not Approved-received $0 (9 businesses)

Community Outreach Activities: The Alum Rock Field Office continues in operation and is well used by members of the community seeking information about the project or upcoming construction activities. The parking lot at the corner of King and Alum Rock, provided by VTA in cooperation with the City of San Jose, continues to be lightly utilized. Average occupancy is five vehicles per day. The lease on this property will continue until spring 2017.

Construction Notices: These are produced on a bi-weekly basis. They are emailed and hand delivered to the businesses and residents along the corridor. Additionally the information is posted on the website. The next one is scheduled for December 9, 2016. Individual notices of construction impact are delivered to those businesses/residences that are directly impacted by a specific activity.

Community News Letter: A community newsletter highlighting activities in the Alum Rock/Santa Clara area is produced approximately bimonthly, focusing on completed milestones and providing updates on what is expected until the next newsletter is distributed. The last issue

was mailed on 10/31/16 and highlights that all curbside stations are complete, with a focus on the artwork at all the stations. The next newsletter is scheduled for January 2017.

Holiday Lights: The Alum Rock Business Association has agreed to manage the Holiday Lights that VTA installed last year. The lights were a great asset to the area and VTA received many positive comments about them. Having an organization in place to continue this holiday tradition will be an ongoing benefit to the area. The banners on street poles advertising the business district in multiple languages continue in place.

Holiday Event: A Holiday Tree Lighting Event, similar to last year's successful event will be held at the Alum Rock Field Office. The date for the event is evening of December 16. Council member Carrasco and Supervisor Chavez have confirmed attendance. The planned event will include tree lighting, a visit from Santa Claus and refreshments from local businesses.

Construction: Substantial completion of the construction project is scheduled for January. There will be some clean-up work in February generally involving finishing work at the stations and traffic signals. This work should represent a minor impact to the community.

Prepared By: Jim Lawson
Memo No. 5873

SANTA CLARA
Valley Transportation Authority

Date: November 17, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

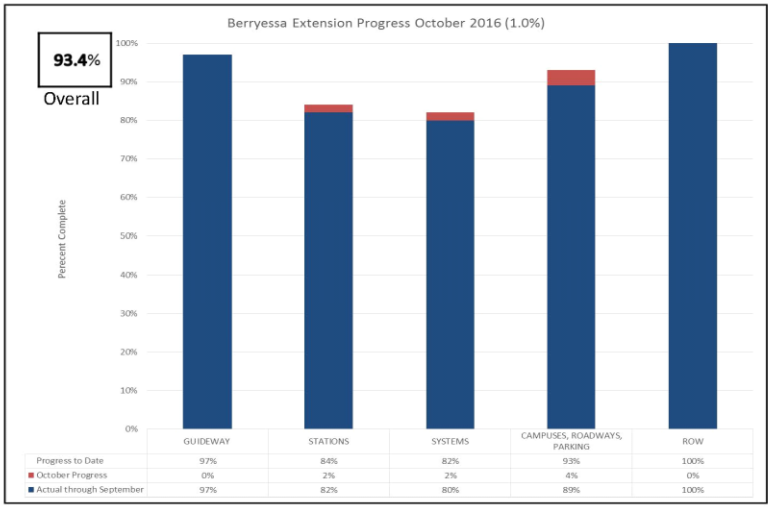
FROM: Acting Director of Engr. & Trans. Infrastructure Development, Dennis Ratcliffe

SUBJECT: Silicon Valley Rapid Transit (SVRT) Program Update

FOR INFORMATION ONLY

Silicon Valley Berryessa Extension Project

Earned Progress this Period



Guideway

- Trackwork
- Fencing
- Pump station installation
- Roadway restoration

Stations

- Roofing, Skylights, Siding
- Mechanical, Electrical, Piping (MEP)
- Interior finishes

Systems

- Traction Power installation and testing
- Train Control installation and testing
- Communications installation and testing

Campuses, Roadways, and Parking

- Parking structure interiors, elevators, and façade
- Berryessa Police Zone Facility, ancillary building interiors, MEP

Budget

	Estimate	Forecast at Completion	Incurred to Date (Through October 31, 2016)
SVBX New Starts Project	$2,330.0	$2,330.0	$1,616.5
Concurrent Non-Project Activities	$ 91.3	$ 91.3	$ 62.9
SVBX Total	$2,421.3	$2,421.3	$1,679.4

Significant activities and progress on VTA's BART Silicon Valley Berryessa Extension Project continued during October 2016. Key activities that occurred throughout the 10-mile extension include the following:

Key Highlights

- Project progress remains ahead of schedule and is over 93 percent complete overall.

- The Line, Track, Station and Systems (LTSS) Contractor completed Network and Unified Optical Network (UON) phase 2 system integration testing through the Warren Avenue Kato Road and Railroad Court Train Control House reaches. This is a key predecessor to the start of Dynamic Train Testing, which includes running of test trains scheduled to begin in November.

- The LTSS Contractor completed testing of the Kato Road Traction Power Substation. The completion of these activities were required to energize the contact rail between 124+81 and 233+80 (near Abel Street in Milpitas).

- Parking Structures design-build contract continued with building interior, elevators installation and sitework at the Berryessa and Milpitas sites. Work on the structure façades and Parking Access and Revenue Collection System installation also continues at both sites. Substantial completion for both structures remains forecast for December.

Communications and Outreach

- Continued public safety outreach for BART system energization with the public and stakeholders.

- Continued outreach for intersection road work at King and McKee Roads for traffic signal modifications in San Jose, Piper Drive and the S. Milpitas Boulevard/Montague Expressway intersection in Milpitas.

- Supported City of San Jose Berryessa BART Residential Parking Permit Program activities in neighborhoods surrounding Berryessa BART Station.

- Conducted outreach for utility relocations at the S. Milpitas Boulevard and Montague Expressway intersection, as part of Montague Expressway/South Milpitas Boulevard Improvements Project.

- Conducted tour of Berryessa Extension Project for VTA Enterprise Risk Management Department on November 18, 2016.

Phase II Extension

Key Activities

- Staff and consultant HNTB continued analysis for the single-bore technical study. A single-bore tunnel is an option that will be included in the draft environmental document for the BART Silicon Valley Phase II Extension. The study will evaluate options for the tunnel profile, station configurations, emergency egress and ventilation design. It is anticipated that the study will be completed in the first quarter of 2017.

- An independent risk assessment of tunneling alternatives will be completed to assist in facilitating VTA's selection of a preferred tunneling alternative. The assessment will assess qualitative and quantitative risks associated with the two tunneling alternatives. A Request for Proposals was issued in November, with the study expected to begin in mid-2017.

- In November, VTA sent the 3rd Administrative Draft SEIS/SEIR document to FTA and BART for review. VTA intends to finalize the Draft document with FTA during the month of December and conduct a 45-day public review period during the January - February timeframe.

- Phase II Community Working Group meetings were held November 15-17. Presentations included updates on Measure B and the Diridon Transportation Facilities Master Plan, as

well as VTA's Business Diversity Program, Berryessa Extension Project technologies, and an update on the Phase II environmental document process and how to comment.

Prepared By: Kevin Kurimoto, Sr. Management Analyst
Memo No. 5439

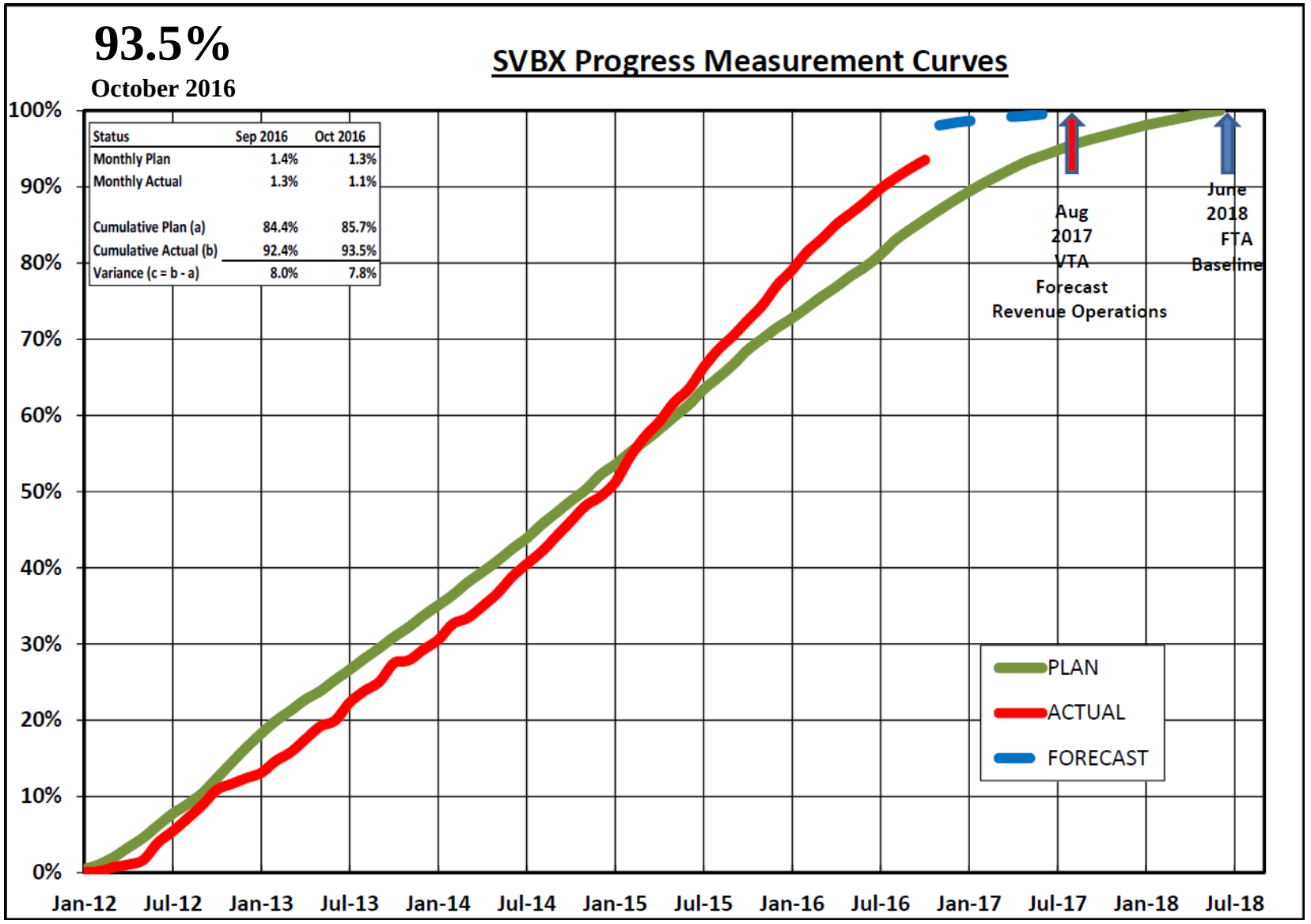
Agenda Item #8.1.B

SVRT Program Update

Board of Directors Meeting

December 8, 2016

SVRT Progress



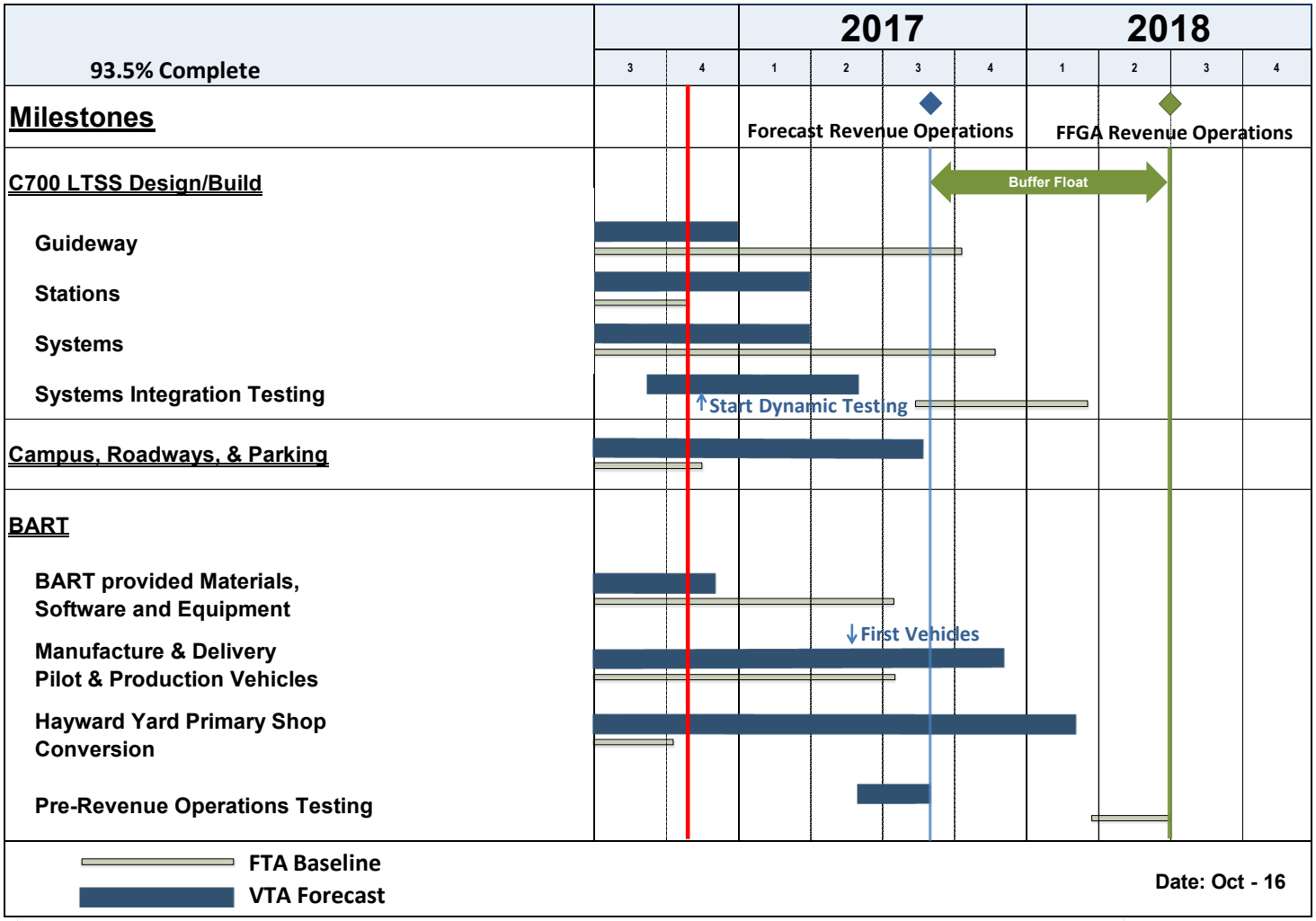
Berryessa Extension Cost Summary

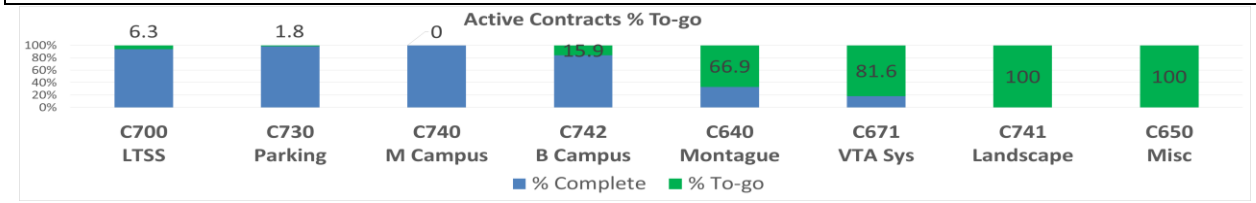
SVBX Project Element (FTA Standard Cost Category)	FTA Estimate	Prior Forecast	Changes	Nov. '16 Forecast	Incurred to date*
SVBX – New Starts					
10 Guideway and Track Elements	416.1	334.7	6.0	340.7	321.5
20 Stations, Stops, Terminals & Intermodal	250.3	262.3	(8.6)	253.7	185.2
30 Support Facilities: Yards, Shops, Admin. Buildings	46.5	63.0	4.4	67.4	10.3
40 Sitework and Special Conditions	220.1	252.7	(3.3)	249.4	196.3
50 Systems	260.7	234.6	26.9	261.5	175.7
60 ROW, Land, and Existing Improvements	261.0	181.8	(14.1)	167.7	159.7
70 Vehicles	174.3	146.3	(31.6)	114.7	13.9
80 Professional Services	548.3	592.0	9.6	601.6	476.6
Sub-Total	**$ 2,177.3**	**$ 2,067.4**	**($ 10.7)**	**$ 2,056.8**	**$ 1,539.2**
90 Unallocated Contingency	40.2	150.1	-	150.0	-
100 Finance Charges	112.5	112.5	10.7	123.2	77.3
FTA New Starts Total	**$ 2,330.0**	**$ 2,330.0**	**-**	**$ 2,330.0**	**$ 1,616.5**
999 Concurrent Non-project Activities	91.3	91.3	-	91.3	62.9
SVBX Project Total	**$ 2,421.3**	**$ 2,421.3**	**-**	**$ 2,421.3**	**$ 1,679.4**

$Millions – Year of Expenditure

* Through Oct. 2016

Berryessa Extension Summary Schedule





End

Measure B

Board of Directors
December 2016

Results from Election

- Approved by nearly 72%
  - Highest level of approval for SCC transportation sales tax.
- Collection is anticipated to begin on April 1, 2017.
- VTA is expected to begin receiving funds in June.

Project Categories & Amounts

Category	$ Amount (Billions)
BART Phase II	$1.500
Bicycle/Pedestrian Program	$0.250
Caltrain Capacity Enhancements	$0.314
Caltrain Grade Separations	$0.700
Expressways	$0.750
Highway Interchanges	$0.750
Local Streets and Roads	$1.200
SR 85 Corridor	$0.350
Transit Operations	$0.500

Measure B Program Office

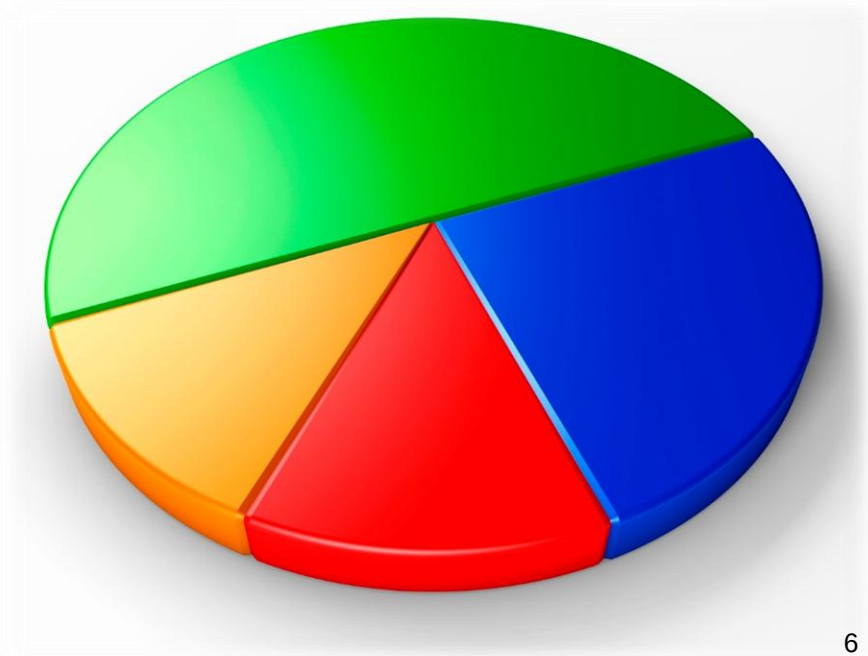
- One-stop shop for Measure B
- Transparency for Funds & Program Administration
- Coordination with Independent Citizen's Oversight Committee

Measure B Work Plan

- Develop guidelines for 9 program areas of Measure B.
- Each category will require separate and unique guidelines.
- 10-year outlook with two-year budget

Other Policy Items

- Allocations for Fiscal Year 2018-19
- Complete Streets Policy
- Citizen's Oversight Committee
- Transparency & Reporting
- Advance Mitigation
- Financial Capacity



Schedule

- December 2016 - Review work plan with advisory committees
- January 2017 - TAC Workshop
- January-March 2017 – Develop program area guidelines

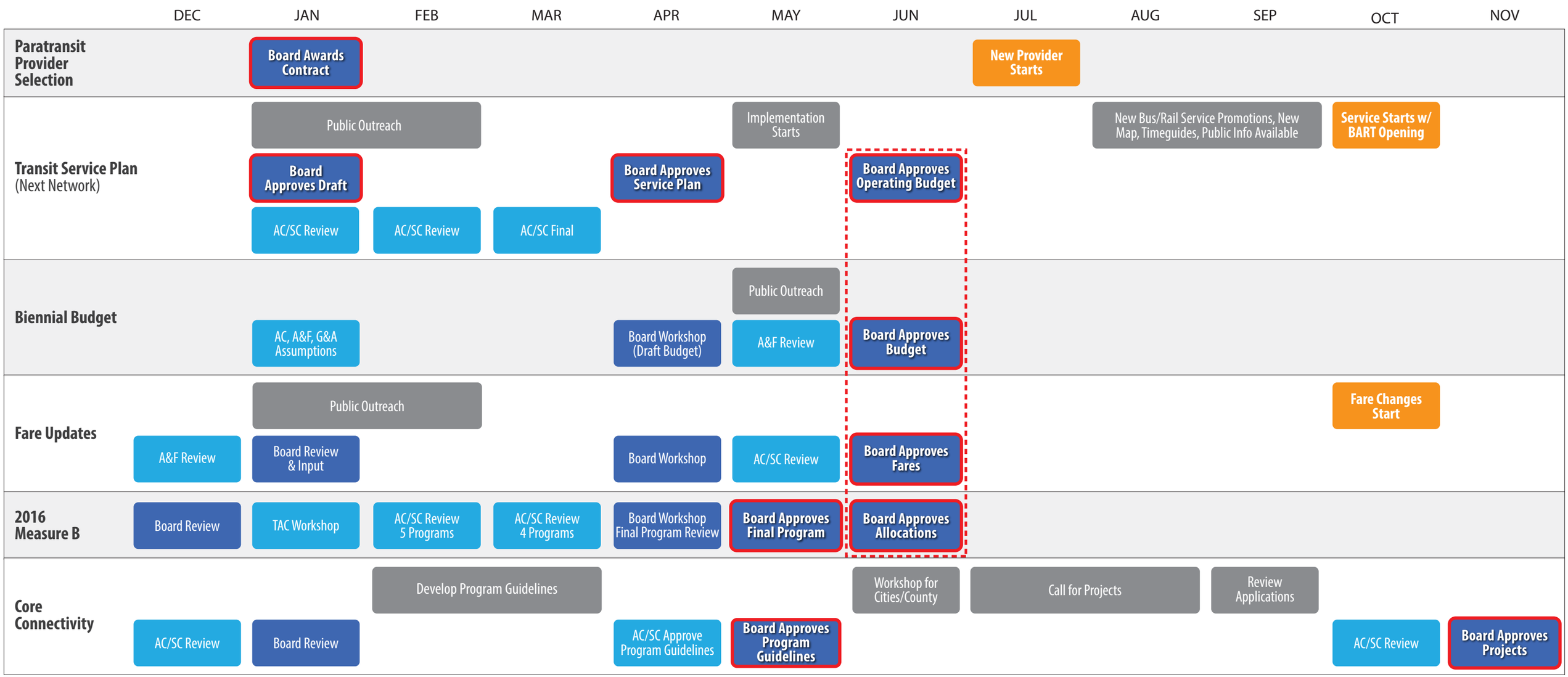
Schedule

- February-April 2017 – Review draft program area guidelines with committees
- April 2017 - Board Workshop
- June 2017 – Board Adoption of budget

	December 2016	January 2017	February-April 2017	April 2017	June 2017
Schedule & Work Plan Overview					
TAC Workshop on Program Structures					
Program Guidelines Development					
Review Program Guidelines					
Review Final Draft Program					
Approve Final Draft Program					
Submit Draft Measure B FY18/FY19 Allocation					
Approve Measure B FY18/FY19 Allocation with VTA Budget					

VTA Major Initiatives

12/8/2016



SANTA CLARA
Valley Transportation Authority

Date: November 9, 2016
Current Meeting: December 8, 2016
Board Meeting: December 8, 2016

BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Nuria I. Fernandez

FROM: Board Secretary, Elaine Baltao

SUBJECT: VTA Board of Directors Meeting Schedule for Calendar Year 2017

Policy-Related Action: No **Government Code Section 84308 Applies: No**

ACTION ITEM

RECOMMENDATION:

Approve the VTA Board of Directors Meeting Schedule for calendar year 2017.

BACKGROUND:

The VTA Board of Directors generally meets on the first Thursday of the month at 5:30 p.m. in the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, San Jose, or as otherwise posted.

DISCUSSION:

Staff proposes the following schedule for 2017. The exceptions to the regular schedule in 2017 are as follows:

- Two Workshop Meetings are proposed to be held on Friday, April 21, 2017, and September 22, 2017, at 9:00 a.m.
- A Regular Board Meeting is proposed for Friday, June 23, 2017, at 9:00 a.m. to hear urgent items only.
- The Regular Board Meeting proposed for December 7, 2017, will be held at 9:00 a.m.

DATE	TIME	PURPOSE
Thursday, January 5	5:30 p.m.	Regular Board Meeting
Thursday, February 2	5:30 p.m.	Regular Board Meeting
Thursday, March 2	5:30 p.m.	Regular Board Meeting
Thursday, April 6	5:30 p.m.	Regular Board Meeting
Friday, April 21	9:00 a.m.	Board Workshop Meeting
Thursday, May 4	5:30 p.m.	Regular Board Meeting
Thursday, June 1	5:30 p.m.	Regular Board Meeting
Friday, June 23	9:00 a.m.	*Regular Board Meeting
Thursday, August 3	5:30 p.m.	Regular Board Meeting
Thursday, September 7	5:30 p.m.	Regular Board Meeting
Friday, September 22	9:00 a.m.	Board Workshop Meeting
Thursday, October 5	5:30 p.m.	Regular Board Meeting
Thursday, November 2	5:30 p.m.	Regular Board Meeting
Thursday, December 7	9:00 a.m.	Regular Board Meeting

*To hear urgent items only.

FISCAL IMPACT:

There is no Fiscal Impact.

Prepared by: Tracene Y. Crenshaw
Memo No. 5804

SANTA CLARA
Valley Transportation Authority

Transit Planning & Operations Committee

Thursday, November 3, 2016

MINUTES

CALL TO ORDER

The Regular Meeting of the Transit Planning and Operations (TP&O) Committee was called to order at 3:02 p.m. by Chairperson Khamis in Conference Room 157, County Government Center, 70 West Hedding Street, San Jose, California.

1. ROLL CALL

Attendee Name	Title	Status
Johnny Khamis	Chairperson	Present
Jeannie Bruins	Member	Present
David Cortese	Alternate Member	N/A
Sam Liccardo	Member	Present
John McAlister	Alternate Member	N/A
Raul Peralez	Alternate Member	N/A
Ken Yeager	Vice Chairperson	Present

*Alternates do not serve unless participating as a Member.

A quorum was not present and a Committee of the Whole was declared.

2. PUBLIC PRESENTATIONS

Roland Lebrun, Interested Citizen, referred to the Tamien Station parking lot and suggested VTA use gravel to prevent mud during rain. He also expressed concern with missed connections between trains at Tamien station which increases travel time.

Member Liccardo arrived at the meeting at 3:04 p.m. and took his seat. A quorum was established.

Vice Chairperson Yeager arrived at the meeting at 3:06 p.m. and took his seat.

3. ORDERS OF THE DAY

There were no Orders of the Day.

CONSENT AGENDA

4. Minutes of September 1, 2016

M/S/C (Yeager/Bruins) to approve the Regular Meeting Minutes of September 1, 2016.

5. 2000 Measure A Semi-Annual Report Ending June 30, 2016

M/S/C (Yeager/Bruins) to receive the 2000 Measure A Transit Improvement Program Semi-Annual Report Ending June 30, 2016.

RESULT:	**ADOPTED [UNANIMOUS] Consent Agenda Items 4-5**
MOVER:	Ken Yeager, Vice Chairperson
SECONDER:	Jeannie Bruins, Member
AYES:	Johnny Khamis, Jeannie Bruins, Sam Liccardo, Ken Yeager
NOES:	None
ABSENT:	None

REGULAR AGENDA

6. Bus Stop Placement, Closures and Relocations Policy

Rodrigo Carrasco, Transit Service Development Supervisor, and Angelique Gaeta, Chief of Staff, provided an overview of the staff report.

The Committee requested the addition of the following to the policy: 1) payment for relocation by the requesting party be the default; and 2) VTA continue to work with local jurisdictions on bus stop installations.

M/S/C (Liccardo/Bruins) to submit a recommendation to the Board of Directors to adopt a policy to establish standards for VTA to determine placement of bus stops with the following additional direction: 1) relocation provision in the policy reflect the default that the requesting third party pay for relocation; and 2) add a provision that reflects the current practice of VTA working with local jurisdictions for the installation of bus stops.

RESULT:	**ADOPTED [UNANIMOUS] Consent Agenda Item #6**
MOVER:	Sam Liccardo, Member
SECONDER:	Jeannie Bruins, Member
AYES:	Johnny Khamis, Jeannie Bruins, Sam Liccardo, Ken Yeager
NOES:	None
ABSENT:	None

7. Transit Operations Performance Report - FY2016

Steve Johnstone, Policy and Administrative Manager, Operations, provided a brief overview of the staff report.

The Committee expressed concern with the following: 1) loss in ridership and revenue; 2) bus and light rail on-time performance; and 3) net cost per trip.

Nuria I. Fernandez, General Manager, stressed the downward trend in ridership is not only being experienced in the Bay Area and noted a broader conversation needs to be had. She also noted fares have not increased since 2007 and that will be a part of the Fare Policy discussion.

Members of the Committee commented on the following: 1) focus less on choice riders and more on serving those who are transit dependent; 2) the rise in the amount of traffic and the need to develop a solution to alleviate it; 3) the age/demographic of who is riding the bus should be measured; 4) question of why more people are not riding the bus needs to be asked; 5) what Uber and other ridesharing companies are doing should be researched; 6) connections and other factors to reduce travel time should be evaluated; 7) increase the effort to allow for signal priority and preemption; and 8) revisit safety concerns of passengers.

Public Comment

An Interested Citizen expressed concern with the following: 1) individuals smoking on the light rail platforms and at bus stops; 2) non-service animals being on board vehicles; and 3) the light rail not going to the Palo Alto Transit Center.

Mr. Lebrun expressed concern with not marketing service to choice riders. He noted missed connections and lack of security are some of the reasons why transit is underutilized.

On order of Chairperson Khamis and there being no objection, the Committee received the FY2016 Annual Transit Operations Performance Report.

OTHER ITEMS

8. Stadium Events Report

Carolyn Gonot, Interim Director of Planning & Program Development, and Acting Staff Liaison, indicated a report on Stadium Events was contained in the written Committee Staff Report.

On order of Chairperson Khamis and there being no objection, the Committee received the Stadium Events report.

9. September 2016 Monthly Ridership and Fare Revenue Performance Report

Chairperson Khamis indicated a copy of the written report was provided to the Committee and placed on the Public Table.

On order of Chairperson Khamis and there being no objection, the Committee received the September 2016 Monthly Ridership and Fare Revenue Performance report.

10. (Deferred to a future meeting.)

Receive an update on VTA Safety Program.

11. (Deferred to a future meeting.)

Receive the Marketing Report.

12. Items of Concern and Referral to Administration

There were no Items of Concern and Referral to Administration.

13. Committee Work Plan

Chairperson Khamis noted the work plan was contained in the Agenda packet.

On order of Chairperson Khamis and there being no objection, the Committee reviewed the Committee Work Plan.

14. Committee Staff Report

Chairperson Khamis indicated the Committee Staff Report was provided to the Committee and placed on the Public Table.

On order of Chairperson Khamis and there being no objection, the Committee received the Committee Staff Report.

15. Chairperson's Report

There was no report from the Chairperson.

16. Determine Consent Agenda for the November 3, 2016 Board of Directors Meeting

CONSENT:

Agenda Item #6., Adopt a policy to establish standards for VTA to determine placement of bus stops and when and under what conditions it will make bus stop closures and relocations.

REGULAR:
None

17. Announcements

There were no Announcements.

18. Adjournment

On order of Chairperson Khamis and there being no objection, the meeting was adjourned at 4:03 p.m.

Respectfully Submitted,

Menominee L. McCarter, Board Assistant
VTA Office of the Board Secretary

SANTA CLARA Valley Transportation Authority

Governance and Audit Committee

Thursday, November 3, 2016

MINUTES

CALL TO ORDER

The Regular Meeting of the Governance and Audit Committee ("Committee") was called to order at 4:02 p.m. by Chairperson Chavez in Conference Room 157, County Government Center, 70 West Hedding Street, San José, California.

1. ROLL CALL

Attendee Name	Title	Status
Johnny Khamis	Member	Present
Jason Baker	Member	Present
Jeannie Bruins	Vice Chairperson	Present
Cindy Chavez	Chairperson	Present
Rose Herrera	Member	Present

A quorum was present.

2. PUBLIC PRESENTATIONS:

There were no Public Presentations.

3. ORDERS OF THE DAY

Chairperson Chavez noted Agenda Item #16, Public Employee Performance Evaluation for General Manager and Agenda Item #17, Public Employee Performance Evaluation for General Counsel would be deferred to the December 8, 2016, Board of Directors' Meeting.

M/S/C (Herrera/Baker) to approve the Orders of the Day.

RESULT:	**APPROVED – [UNANIMOUS] Agenda Item # 3**
MOVER:	Herrera, Member
SECONDER:	Baker, Member
AYES:	Baker, Bruins, Chavez, Herrera, Khamis
NOES:	None
ABSENT:	None

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.

CONSENT AGENDA

4. Regular Meeting Minutes of September 1, 2016

M/S/C (Bruins/Herrera) to approve the Regular Meeting Minutes of September 1, 2016.

5. Appointments to the Committee for Transit Accessibility

M/S/C (Bruins/Herrera) to recommend that the VTA Board of Directors appoint to the Committee for Transit Accessibility for the two-year term ending December 31, 2018: (1) Melba Holliday; (2) Cheryl Hewitt; and (3) the San Andreas Regional Center.

6. Amend FY 2017 Internal Audit Work Plan

M/S/C (Bruins/Herrera) to recommend that the VTA Board of Directors approve amending the FY 2017 Internal Audit Work Plan to add three new projects, defer two, and define the specific purpose and scope of one placeholder project.

7. Amend the VTA Administrative Code, Board Rules of Procedure, and Bylaws for the Committee for Transit Accessibility

M/S/C (Bruins/Herrera) to recommend that the VTA Board of Directors adopt a resolution amending the VTA Administrative Code, Board Rules of Procedure, and bylaws for the Committee for Transit Accessibility.

RESULT:	**APPROVED – [UNANIMOUS] Consent Items 4-7**
MOVER:	Bruins, Member
SECONDER:	Herrera, Member
AYES:	Baker, Bruins, Chavez, Herrera, Khamis
NOES:	None
ABSENT:	None

REGULAR AGENDA

8. Comprehensive Annual Financial Report (CAFR) for the Santa Clara Valley Transportation Authority (VTA), and Financial Reports for the Amalgamated Transit Union (ATU) Pension Plan and Retirees' Other Post- Employment Benefits (OPEB) for Fiscal Year 2016

Raj Srinath, Chief Financial Officer, introduced Leonard Danna and Ahmad Gharibeh from the financial auditor firm Vivrinek Trine, Day & Company. Mr. Danna and Mr. Gharibeh provided an overview of the report, highlighting the following: 1) the audit has been completed for the Comprehensive Annual Financial Report (CAFR) for the Santa Clara Valley Transportation Authority (VTA), and the Financial Reports for the Amalgamated Transit Union (ATU) Pension Plan and Retirees' Other Post-Employment Benefits (OPEB) for Fiscal Year 2016; 2) all reports were unmodified, and; 3) there were no significant findings.

Mr. Gharibeh stated this is the second year that VTA had implemented Governmental Accounting Standards to calculate and record on financial statements the net pension liability, and stated the trust is fully funded at this time. Mr. Danna stated the firm has met with the Auditor General noting the sharing of information has been helpful to all parties.

Members of the Committee and staff discussed the following: 1) pleased to see the 15% operating reserve goal has been achieved; 2) clarified that in 2018 additional disclosure requirements will be included in the CAFR, and; 3) discussed bond rating risk factor mitigation process.

M/S/C (Herrera/Baker) to recommend that the VTA Board of Directors review and receive the audited Comprehensive Annual Financial Report (CAFR) for the Santa Clara Valley Transportation Authority (VTA), and Financial Reports for the Amalgamated Transit Union (ATU) Pension Plan and Retirees' Other Post- Employment Benefits (OPEB) for Fiscal Year 2016.

RESULT:	**APPROVED – [UNANIMOUS] Agenda Item #8**
MOVER:	Herrera, Member
SECONDER:	Baker, Member
AYES:	Baker, Bruins, Chavez, Herrera, Khamis
NOES:	None
ABSENT:	None

The Agenda was taken out of order.

3. ORDERS OF THE DAY (Continued)

Robert Fabela, General Counsel, stated to impose a motion to add the emergency closed session item to the Agenda, the Committee must first find that there is an emergency situation which is defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both as determined by a majority of the Committee, and; secondly, make a motion to hear the matter in closed session.

M/S/C (Herrera/Baker) to find an emergency situation exists which is defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both as determined by a majority of the Committee.

RESULT:	**APPROVED – [UNANIMOUS] Agenda Item #3 (Cont.)**
MOVER:	Herrera, Member
SECONDER:	Baker, Member
AYES:	Baker, Bruins, Chavez, Herrera, Khamis
NOES:	None
ABSENT:	None

M/S/C (Herrera/Baker) to hear the matter in closed session.

RESULT:	**APPROVED – [UNANIMOUS] Agenda Item #3 (Cont.)**
MOVER:	Herrera, Member
SECONDER:	Baker, Member
AYES:	Baker, Bruins, Chavez, Herrera, Khamis
NOES:	None
ABSENT:	None

9. CH2M Eligibility Assessment

Joe Speaks, Program Manager, CH2M, and Richard Wiener, Principal, from Nelson/Nygaard provided a presentation entitled "Paratransit Eligibility Assessment Analysis," highlighting: 1) Purpose; 2) Peer Review; 3) Alternative Evaluation Matrix; 4) Contracting Approach; 5) Process Approach; 6) Estimating Contracting Costs; 7) Contracted Eligibility Model, and; 8) Summary.

Members of the Committee and staff discussed the following: 1) integrated eligibility process; 2) industry best practices; 3) implementation process; 4) expressed concern with the requirement of an in-person mobility assessment noting customers may feel the process is disrespectful; 5) expressed concern with the likely costs of any proposed system changes; 6) consider a hybrid alternative of phone and in-person interviews; 7) importance of community education; 8) suggests the least intrusive interview method be used, and; 9) leveraging resources is critical.

On order of Chairperson Chavez and there being no objection, the Committee received the CH2M Eligibility Assessment report.

OTHER ITEMS

10. Items of Concern and Referral to Administration

There were no Items of Concern and Referral to Administration.

11. Review Committee Work Plan

On order of Chairperson Chavez and there being no objection, the Committee reviewed the Committee Work Plan.

12. Committee Staff Report

There was no Committee Staff Report.

13. Chairperson's Report

There was no Chairperson's Report.

14. Determine Items for the Consent Agenda for Future Board of Directors' meetings

CONSENT:

Agenda Item #5., Recommend that the VTA Board of Directors appoint to the Committee for Transit Accessibility for the two-year term ending December 31, 2018: (1) Melba Holliday; (2) Cheryl Hewitt; and (3) the San Andreas Regional Center.

Agenda Item #6., Recommend that the VTA Board of Directors approve amending the FY 2017 Internal Audit Work Plan to add three new projects, defer two, and define the specific purpose and scope of one placeholder project.

Agenda Item #7., Recommend that the VTA Board of Directors adopt a resolution amending the VTA Administrative Code, Board Rules of Procedure, and bylaws for the Committee for Transit Accessibility.

Agenda Item #8., Review and receive the audited Comprehensive Annual Financial Report (CAFR) for the Santa Clara Valley Transportation Authority (VTA), and Financial Reports for the Amalgamated Transit Union (ATU) Pension Plan and Retirees' Other Post-Employment Benefits (OPEB) for Fiscal Year 2016.

REGULAR:

None.

15. ANNOUNCEMENTS

Nuria I. Fernandez, General Manager, reminded the Committee that the December 8, 2016, Governance and Audit Committee meeting will follow the 9:00 a.m. Board of Director's Meeting.

16. (Deferred to December 8, 2016, Board of Directors' Meeting.)

Public Employee Performance Evaluation
[Government Code Section 54957]
Title: General Manager

Public Employee Performance Evaluation
[Government Code Section 54957]
Title: General Counsel

16.X Recessed to Closed Session at 4:49 p.m.

Conference with Legal Counsel - Anticipated Litigation
[Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2)]

Number of potential cases: 1

17. Reconvened to Open Session at 5:32 p.m.

18. CLOSED SESSION REPORT

Conference with Legal Counsel - Anticipated Litigation
[Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2)]

Number of potential cases: 1

Robert Fabela, General Counsel, noted that no reportable action was taken during Closed Session.

19. ADJOURNMENT

On order of Chairperson Chavez and there being no objection, the Committee was adjourned at 5:32 p.m.

Respectfully submitted,

Anita L. McGraw, Board Assistant
VTA Office of the Board Secretary

Congestion Management Program & Planning Committee

Regular Meeting Minutes of November 17, 2016

WILL BE FORWARDED UNDER SEPARATE COVER

SANTA CLARA
Valley Transportation Authority

ADMINISTRATION AND FINANCE COMMITTEE

Thursday, November 17, 2016

NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority Administration and Finance Committee meeting scheduled for Thursday, November 17, 2016, at 12:00 p.m. has been cancelled.

The next regular meeting of the Santa Clara Valley Transportation Authority Administration and Finance Committee is scheduled for Thursday, December 15, 2016, at 12:00 p.m. in Conference Room B-106, Building B, 3331 North First Street, San Jose, California.

Theadora Abraham, Board Assistant
VTA Office of the Board Secretary

SANTA CLARA Valley Transportation Authority

BICYCLE & PEDESTRIAN ADVISORY COMMITTEE

Wednesday, November 9, 2016

MINUTES

CALL TO ORDER

The Regular Meeting of the Bicycle and Pedestrian Advisory Committee (BPAC) was called to order at 6:30 p.m. by Chairperson Caidoy in Conference Room B-106, Santa Clara Valley Transportation Authority (VTA), 3331 North First Street, San José, California.

1. ROLL CALL

Attendee Name	Title	Representing	Status
Wes Brinsfield	Member	City of Los Altos	Present
Kristal Caidoy	Chairperson	City of Milpitas	Present
Barry Chaffin	Member	City of Monte Sereno	Present
Jaime Fearer	Member	City of San José	Present
Paul Goldstein	Member	City of Palo Alto	Present
Peter Hertan	Vice Chairperson	Town of Los Gatos	Present
Breene Kerr	Member	Town of Los Altos Hills	Absent
Sarah Peters	Member	City of Santa Clara	Present
Mary Seehafer	Member	City of Morgan Hill	Absent
David Simons	Member	City of Sunnyvale	Present
Jim Stallman	Member	City of Saratoga	Present
Greg Unangst	Member	City of Mountain View	Present
Herman Wadler	Member	City of Campbell	Present
Mila Zelkha	Member	County of Santa Clara	Absent
Vacant	Member	City of Cupertino	n/a
Vacant	Member	City of Gilroy	n/a
Colin Heyne	Ex-Officio Member	Silicon Valley Bicycle Coalition	Present
Shiloh Ballard	Alt. Ex-Officio Member	Silicon Valley Bicycle Coalition	n/a

A quorum was present.

2. ORDERS OF THE DAY

Chairperson Caidoy noted staff has requested the following changes to the Agenda: 1) **Agenda Item #9**. Transportation Fund for Clean Air (TFCA) Project Status Report to be heard prior to **Agenda Item #8**. Bicycle Expenditure Program Annual Report; and 2) **Agenda Item #11**. Committee Staff Report to be heard following **Agenda Item #2**. Orders of the Day.

M/S/C (Stallman/Goldstein) to approve the Orders of the Day.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.

RESULT:	**APPROVED**
MOVER:	Jim Stallman, Member
SECONDER:	Paul Goldstein, Member
AYES:	Brinsfield, Caidoy, Chaffin, Fearer, Goldstein, Hertan, Peters, Simons, Stallman, Unangst, Wadler
NOES:	None
ABSENT:	Kerr, Seehafer, Zelkha

3. PUBLIC PRESENTATIONS

There were no Public Presentations.

CONSENT AGENDA

4. Regular Meeting Minutes of October 12, 2016

M/S/C (Stallman/Goldstein) to approve the Regular Meeting Minutes of October 12, 2016.

RESULT:	**APPROVED**
MOVER:	Jim Stallman, Member
SECONDER:	Paul Goldstein, Member
AYES:	Brinsfield, Caidoy, Chaffin, Fearer, Goldstein, Hertan, Peters, Simons, Stallman, Unangst, Wadler
NOES:	None
ABSENT:	Kerr, Seehafer, Zelkha

5. Development Review Quarterly Report for Jul-Sep 2016

M/S/C (Stallman/Goldstein) to receive the Development Review Quarterly Report for July to September 2016.

The Agenda was taken out of order.

11. Committee Staff Report

Stephen Flynn, Advisory Committee Coordinator, noted the following: 1) PowerPoint presentations will be posted on the website following the meeting; 2) the minutes reflect the city representation of each member; and 3) Member Jones has resigned from the Committee.

Lauren Ledbetter, Senior Transportation Planner and BPAC Staff Liaison, provided a report, highlighting the following: 1) VTA Complete Streets Policy Update; 2) Story-Keyes Complete Street Project; 3) Caltrans District 4 Bike/Ped Plan; and 4) Monthly Bike Pedestrian webinar on "Transitions between Bikeway Facilities" on Wednesday, November 16, 2016 at noon.

Member Unangst took his seat at 6:46 p.m.

Jim Lawson, Government Affairs Director & Executive Policy Advisor, provided an update on Measure B and Paratransit services.

On order of Chairperson Caidoy, and there being no objection, the Committee received the Committee Staff Report.

REGULAR AGENDA

6. Strategic Plan Final Draft

Ms. Ledbetter provided a brief overview of the staff report.

Members of the Committee discussed the following: 1) expressed concern about the lack of goals incorporated; 2) the document is internal for staff; and 3) expressed concern that the document is not a strategic plan as written.

M/S/C (Goldstein/Wadler) on a vote of 9 ayes to 2 noes to *not* recommend that the VTA Board of Directors adopt the updated Strategic Plan. Further, the Committee indicated the following: 1) the Committee does not consider the document to be a strategic plan, as it does not contain specific goals; and 2) the Committee does not agree with the revised mission and vision statements. Members Peters and Stallman opposed.

RESULT:	**APPROVED**
MOVER:	Paul Goldstein, Member
SECONDER:	Herman Wadler, Member
AYES:	Brinsfield, Caidoy, Chaffin, Fearer, Goldstein, Hertan, Simons, Unangst, Wadler
NOES:	Peters, Stallman
ABSENT:	Kerr, Seehafer, Zelkha

7. Election Process for 2017 Bicycle & Pedestrian Advisory Committee Leadership: Nomination Subcommittee Report

Member Goldstein reported that the following Committee Members expressed an interest in serving as Chairperson for 2017: 1) Vice Chairperson Hertan, 2) Member Stallman; 3) Member Brinsfield; and 4) Member Seehafer.

The following Members expressed an interesting in serving as Vice Chairperson for 2017: 1) Member Fearer; and 2) Member Peters.

Member Brinsfield withdrew his name as nominee for Chairperson for 2017.

On order of Chairperson Caidoy, and there being no objection, the Committee received the BPAC Nomination Subcommittee's report on members expressing interest in serving as either chairperson or vice chairperson for 2017.

8. Transportation Fund for Clean Air (TFCA) Project Status Report

Marcella Rensi, Transportation Planning Manager - Planning and Grants, provided an overview of the staff report.

On order of Chairperson Caidoy, and there being no objection, the Committee reviewed the status of ongoing Santa Clara County Transportation Fund for Clean Air (TFCA) Program Manager Fund projects.

9. Bicycle Expenditure Program Annual Report

Malahat Owrang, Transportation Planner, provided a presentation titled "Bicycle Expenditure Program (BEP) Annual Report," highlighting the following: 1) Portals Project: Bike Lanes on Campbell Avenue Under State Route (SR) 17; 2) Guadalupe River Trail, Tasman Undercrossing; 3) Guadalupe River Trail, I-880 to Bay Trail; 4) Hedding Street Bike Lanes; 5) Hendy Avenue Bike Lanes; 6) Scott Boulevard Bike Lanes, Central Expressway to Monroe; 7) Hacienda Avenue Bike Lanes: Winchester to San Tomas Aquino Road; 8) Permanente Creek Trail: Old Middlefield Way to Rock Street; 9) Upper Penitencia Creek Trail Connector Phase 1: Berryessa BART Station; and 10) Santa Clara Caltrain Station.

Members of the Committee discussed the connection between the Countywide Bike Plan and the BEP.

On order of Chairperson Caidoy, and there being no objection, the Committee received a status update on the Bicycle Expenditure Program.

10. Vision Zero Update

Jaime Fearer, Planning & Policy Manager, California Walks, and Colin Heyne, Deputy Director, Silicon Valley Bicycle Coalition, provided a presentation titled "It Takes All of Us: Vision Zero San José Year in Review," highlighting the following: 1) Vision Zero San José; 2) Advocating for Vision Zero; 3) Advocating - Safety Factors; 4) Vision Zero San José; 5) Our Early Involvement; 6) Partnerships to Improve Community Health - PICH; 7) Priority Safety Corridor Assessments; 8) Engineering - Speed; 9) Equity & Engagement; 10) Community Education & Outreach; and 11) Next Steps: Two-Year Action Plan.

Public Comment

Doug Muirhead, Interested Citizen, inquired about the countywide Crossroads database being a benefit to Vision Zero in the future.

Masoud Akbarzadeh, County Traffic Engineer, noted that crash data in the Traffic Community Network (TCN) is often delayed unless the individual cities input the data.

Members of the Committee discussed the following: 1) filtering Crossroads data; 2) applying what San José is doing with Vision Zero to smaller cities is a challenge; and 3) road diets, Complete Streets, and Vision Zero are connected.

On order of Chairperson Caidoy, and there being no objection, the Committee received an update on Vision Zero.

OTHER

12. Santa Clara County Staff Report

Mr. Akbarzadeh reported the following: 1) the County is looking forward to Measure B; and 2) provided a brief update on Safe Routes to School sidewalk projects.

On order of Chairperson Caidoy, and there being no objection, the Committee received the Santa Clara County Staff Report.

13. Chairperson's Report

There was no Chairperson's report.

14. Reports from BPAC Subcommittees

Member Stallman provided the Complete Streets subcommittee report, highlighting: 1) Santa Clara County is slow to adopt Complete Streets; 2) money not going into bike and pedestrian projects; and 3) integration of Complete Streets on highway projects.

On order of Chairperson Caidoy, and there being no objection, the Committee received the BPAC Subcommittee reports.

15. Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) Report

There was no CAC/CWC report.

16. BPAC Work Plan

Ms. Ledbetter provided an overview of the BPAC Work Plan noting that with the passage of Measure B the Committee could be busier.

Member Stallman would like to add prioritizing County projects and how VTA can be more involved with them to the Work Plan.

Member Fearer would like to have a report on the pedestrian safety report brought to the Committee.

On order of Chairperson Caidoy, and there being no objection, the Committee reviewed the BPAC Work Plan.

17. ANNOUNCEMENTS

Ex-Officio Member Heyne announced that the Silicon Valley Bicycle Coalition's annual winter party is Friday, December 2, 2016, at LinkedIn in Mountain View.

Member Chaffin announced that he recently returned from a two week bike trip to Japan.

Member Brinsfield announced the following: 1) Green Town Los Altos is holding a community forum on November 16, 2016, on Complete Streets; and 2) there are openings for Santa Clara County on the Caltrain Bicycle Advisory Committee.

Member Wadler introduced Paul Tuttle from the Campbell BPAC.

Member Simons announced the following: 1) hotels have a low impact on traffic; and 2) Sunnyvale is building business parks but not the housing to support the influx of employees.

Member Stallman mentioned that VTA has put together a compilation video from the Santa Clara Undercrossing Groundbreaking.

Member Unangst announced the following: 1) the Silicon Valley Bike Festival will be May 7, 2017, with a Meeting of the BPAC's; and 2) provided a City of Mountain View BikeShare update.

Member Goldstein announced the following: 1) Palo Alto is moving ahead with Bike boulevard projects; and 2) recent safety changes to the bike path in Bol Park.

18. ADJOURNMENT

On order of Chairperson Caidoy and there being no objection, the meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Thalia Young, Board Assistant
VTA Office of the Board Secretary

SANTA CLARA
Valley Transportation Authority

CITIZENS ADVISORY COMMITTEE
and
2000 MEASURE A CITIZENS WATCHDOG COMMITTEE

Wednesday, November 9, 2016

MINUTES

CALL TO ORDER

The Regular Meeting of the Citizens Advisory Committee (CAC)/2000 Measure A Citizens Watchdog Committee (CWC) was called to order at 4:00 p.m. by Chairperson Wadler in Conference Room B-106, VTA River Oaks Campus, 3331 North First Street, San Jose, California.

1. ROLL CALL

Attendee Name	Title	Status
Stephen Blaylock	CAC Member	Present
Clinton Brownley	CAC Member	Absent
Chris Elias	CAC Member	Present
Sharon Fredlund	CAC Member	Present
William Hadaya	Chairperson	Present
Ray Hashimoto	CAC Member	Present
Roberta Hughan	CAC Member	Absent
John Melton	CAC Member	Absent
Aaron Morrow	CAC Member	Absent
Charlotte Powers	CAC Member	Present
Lucas Ramirez	CAC Member	Absent
Connie Rogers	CAC Member	Present
Stephen Schmoll	CAC Member	Absent
Martin Schulter	CAC Member	Absent
Noel Tebo	CAC Member	Present
Herman Wadler	Vice Chairperson	Present

A quorum was not present and a Committee of the Whole was declared.

The Agenda was taken out of order.

3. PUBLIC PRESENTATIONS

There were no Public Presentations.

4. Committee Staff Report

Jim Lawson, Government Affairs Director & Executive Policy Advisor, reported on the following: 1) Transportation Measure B passed with 71% approval; 2) Paratransit Request for Proposal (RFQ) process update, and; 3) a Federal Bureau of Investigation (FBI) warrant was served upon paratransit provider Outreach and Escort Service on November 3, 2016, causing a halt to service. VTA acted immediately to replace the paratransit broker and has restored service to the community.

Members of the Committee and staff discussed the following: 1) Paratransit vehicles have been provided; 2) requested a Frequently Asked Question (FAQ) sheet for questions being asked in the community, such as: How did this situation happen? Why did it take VTA so long to find out there was a potential problem? Include brief background information on how Outreach became VTA's provider. Were there competitive bids? How was the contract handled? Lessons learned and oversight implementation going forward, and; 3) Paratransit vehicle logo is in the process of being changed to "VTA Access."

Aaron Quigley, Senior Policy Analyst and Staff Liaison, reported the VTA Board of Directors (Board) took the following actions at their November 3, 2016, meeting: 1) adopted the Countywide Bicycle Plan Prioritization Criteria; 2) received a report on expansion plans for bike share in Santa Clara County; 3) received 2000 Measure A Transit Improvement Program Semi-Annual Reporting Ending June 30, 2016, and; 4) adopted a policy to establish standards for VTA to determine placement of bus stops and when and under what conditions it will make bus stop closures and relocations.

On order of Chairperson Wadler and there being no objection, the Committee of the Whole received the Committee Staff Report.

5. Chairperson's Report.

Chairperson Wadler reported that he provided a verbal report at the November 3, 2016, Board of Directors meeting regarding the Committee's discussion on CAC Membership Structure including the potential to add unrepresented groups such as post-secondary education, social services, motorists, and health and hospital workers. He stated the Board noted their appreciation of the Committee being proactive.

Chairperson Wadler announced VTA's Historic Trolley will be in operation October 14 through December 31, 2016. The hours of operation are Fridays 6:30 p.m. – 10:00 p.m. and Saturdays & Sundays 2:30 p.m. – 10:00 p.m.

2. ORDERS OF THE DAY

Chairperson Wadler noted staff has requested that **Agenda Item #13,** Receive a status update on the Bicycle Expenditure Program, be heard before **Agenda Item #12,** Receive the Development Review Quarterly Report for July to September 2016.

On order of Chairperson Wadler and there being no objection, the Committee accepted the Orders of the Day.

6. Committee for Transit Accessibility (CTA) Report

There was no Committee for Transit Accessibility (CTA) Report.

7. Bicycle and Pedestrian Advisory Committee (BPAC) Report

There was no Bicycle and Pedestrian Advisory Committee (BPAC) Report.

2000 MEASURE A CITIZENS WATCHDOG COMMITTEE REGULAR AGENDA

9. BART Silicon Valley Program Semi-Annual Update

Dennis Ratcliffe, Acting Director of Engr. & Trans. Infrastructure, provided an overview of the staff report, and a presentation entitled "BART Silicon Valley Program Semi-Annual Update," highlighting: 1) Berryessa Extension Integrated Summary Schedule; 2) Construction Progress at the Warm Springs Extension (WSX) Interface in Fremont; 3) Construction Progress at BART Train Crossing from WSX to SVBX and Completing a Powered Run; 4) Construction Progress at Dixon Landing trench in Milpitas; 5) Construction Progress at South Montague Trench in Milpitas; 6) Construction Progress at Sierra/Lundy tunnel; 7) Construction Progress at Berryessa Station; 8) SVRT Program Cost Summary; 9) SVBX Project Cost Summary; 10) Status of Contracts; 11) Significant Community Outreach Activities January 2016 - Current; 12) VTA's BART Silicon Valley Phase II Activities; 13) FTA New Starts Project Development; 14) Evaluation of Tunneling Alternatives; 15) Single-bore Tunnel Overview; 16) Downtown San Jose Cross Section - Twin Bore; 17) Downtown San Jose Cross Section - Single Bore; 18) Elements of a Single-bore Tunnel; 19) Environmental Studies, and; 20) Community Working Groups.

Member Elias arrived at the meeting, took his seat at 4:50 p.m. and a quorum was established.

The Committee and staff discussed the following: 1) single-bore versus twin-bore tunnel comparison, risks and cost analysis; 2) importance of mitigation measures to address potential tunnel boring risks; 3) delivery method; 4) schedule and funding analysis and methodology; 5) VTA will continue to serve the Warm Springs Fremont connection after BART service has begun, and; 6) revenue vehicle delivery.

On order of Chairperson Wadler and there being no objection, the Committee received the BART Silicon Valley Program Semi-Annual Update.

COMBINED CAC AND 2000 MEASURE A CITIZENS WATCHDOG COMMITTEE CONSENT AGENDAS

8. Regular Meeting Minutes of October 12, 2016.

M/S/C (Powers/Tebo) to approve the Regular Meeting Minutes of October 12, 2016.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Powers, Member
SECONDER:	Tebo, Member
AYES:	Blaylock, Elias, Fredlund, Hadaya, Hashimoto, Powers, Rogers, Tebo, Wadler
NOES:	None
ABSENT:	Brownley, Hughan, Melton, Morrow, Ramirez, Schmoll, Schulter

CITIZENS ADVISORY COMMITTEE REGULAR AGENDA

10. Strategic Plan Final Draft

Chris Augenstein, Deputy Director of Planning, provided the staff report and a handout entitled "2017-2022 VTA Strategic Plan."

Members of the Committee and staff discussed the following: 1) stated the document is a strong strategic vision, but not a strategic plan; 2) expressed concern with methodology, stating the Strategic Plan has no specific goals and metrics attached to it which are needed to measure accountability; 3) metric decisions should not be based on on-going budgets. A strategic plan should have a strategic long range goal that business plans strive to achieve; 4) queried at the end of five years how will VTA be able to measure the core goals when there are no metrics, and; 5) stated two year business plans must support efforts toward the Strategic Plan goal. Staff thanked the Committee for their input.

M/S/C (Fredlund/Tebo) to recommend that the VTA Board of Directors adopt the updated Strategic Plan. Further, that the Committee views the document as a Strategic Vision and recommends that metrics and accountability be included to make it a five year Strategic Plan.

RESULT:	**APPROVED, as amended**
MOVER:	Fredlund, Member
SECONDER:	Tebo, Member
AYES:	Blaylock, Elias, Fredlund, Hadaya, Hashimoto, Powers, Rogers, Tebo, Wadler
NOES:	None
ABSENT:	Brownley, Hughan, Melton, Morrow, Ramirez, Schmoll, Schulter

13. Bicycle Expenditure Program Semi-Annual Report

Malahat Owrang, Transportation Planner, provided the staff report, and a presentation entitled "Bicycle Expenditure Program (BEP) Annual Report, highlighting: 1) Portals Project: Bike Lanes on Campbell Avenue Under SR17, City of Campbell; 2) Guadalupe River Trail, Tasman Undercrossing, City of San Jose; 3) Guadalupe River Trail, I-880 to Bay Trail, City of San Jose; 4) Hedding Street Bike Lanes, City of San Jose; 5) Hendy Avenue Bike Lanes, City of Sunnyvale; 6) Scott Blvd. Bike Lanes, Central Expressway to Monroe, City of Santa Clara; 7) Hacienda Ave. Bike Lanes: Winchester to San Tomas Aquino Rd., City of Campbell; 8) Hacienda Ave. Bike Lanes: Winchester to San Tomas Aquino Rd., City of Campbell; 9) Permanente Creek Trail: Old Middlefield Way to Rock St., City of Mt. View; 10) Upper Penitencia Creek Trail Connector Phase 1: Berryessa BART Station, and; 11) Santa Clara Caltrain Station, Bicycle & Pedestrian Undercrossing.

Members of the Committee and staff discussed the following: 1) suggested staff add the total project cost to power point presentations, and; 2) queried if City of San Jose, as part of the improvements around Berryessa BART Station, planned to open the south side of Taylor Street/Highway 101 overcrossing, and if a bicycle lane or path is planned at this overcrossing. Staff indicated they will ask the City of San Jose about their plans.

On order of Chairperson Wadler and there being no objection, the Committee received a status update on the Bicycle Expenditure Program.

12. Development Review Quarterly Report for Jul-Sep 2016

Melissa Cerezo, Transportation Planner, provided an overview of the staff report.

On order of Chairperson Wadler and there being no objection, the Committee received the Development Review Quarterly Report for July to September 2016.

11. Election Process for 2017 Citizens Advisory Committee Leadership: Nomination Subcommittee Report

Member Tebo reported that the Nomination Subcommittee has nominated the following slate of candidates for the 2017 elections: 1) Chairperson Herman Wadler for Chairperson, and; 2) Vice Chairperson Fredlund for Vice Chairperson.

On order of Chairperson Wadler and there being no objection, the Committee received the CAC Nomination Subcommittee's report on members expressing interest in serving as either chairperson or vice chairperson for 2017.

COMBINED CAC AND CITIZENS WATCHDOG COMMITTEE ITEMS

14. Citizens Advisory Committee and Citizens Watchdog Committee Work Plans.

On order of Chairperson Wadler and there being no objection, the Committee reviewed the Citizens Advisory Committee and Citizens Watchdog Committee Work Plans.

OTHER

15. ANNOUNCEMENTS

Chairperson Wadler announced that going forward all power point's presented at the meeting will be posted on the VTA website.

16. ADJOURN

On order of Chairperson Wadler and there being no objection, the meeting was adjourned at 6:04 p.m.

Respectfully submitted,

Anita McGraw, Board Assistant
VTA Office of the Board Secretary

SANTA CLARA
Valley Transportation Authority

Technical Advisory Committee

Thursday, November 10, 2016

MINUTES

CALL TO ORDER

The Regular Meeting of the Technical Advisory Committee (TAC) was called to order at 1:32 p.m. by Chairperson Morley in Conference Room B-106, Santa Clara Valley Transportation Authority (VTA), 3331 North First Street, San José, California.

1. ROLL CALL

Attendee Name		Title	Status
Shahid Abbas	Member	City of Sunnyvale	Present
Carol Shariat	Alternate Member	City of Sunnyvale	NA
Dennis Ng	Alternate Member	City of Santa Clara	Present
Karl Bjarke	Member	City of Morgan Hill	Present
Scott Creer	Alternate Member	City of Morgan Hill	NA
Timm Borden	Member	City of Cupertino	Present
David Stillman	Alternate Member	City of Cupertino	NA
Todd Capurso	Member	City of Campbell	Present
Matthew Jue	Alternate Member	City of Campbell	NA
John Cherbone	Member	City of Saratoga	Present
Macedonio Nunez	Alternate Member	City of Saratoga	NA
Allen Chen	Member	Town of Los Altos Hills	Present
Tina Tseng	Alternate Member	Town of Los Altos Hills	NA
Dawn Cameron	Vice Chairperson	County of Santa Clara	Present
Michael Murdter	Alternate Member	County of Santa Clara	NA
Helen Kim	Member	City of Mountain View	Present
Linda Forsberg	Alternate Member	City of Mountain View	NA
Steven Machida	Member	City of Milpitas	Absent
Steve Chan	Alternate Member	City of Milpitas	Absent
Matt Morley	Chairperson	Town of Los Gatos	Present
Lisa Petersen	Alternate Member	Town of Los Gatos	NA
Cedric Novenario	Member	City of Los Altos	Present
Susanna Chan	Alternate Member	City of Los Altos	NA
Joshuah Mello	Member	City of Palo Alto	Present
Sue-Ellen Atkinson	Alternate Member	City of Palo Alto (Alt)	NA
Jessica Zenk	Alternate Member	City of San Jose (Alt)	NA
John Ristow	Member	City of San Jose	Present
Vacant	Member	City of Gilroy	-
Teresa Mack	Alternate Member	City of Gilroy Alt	Absent
Mo Sharma	Member	City of Monte Sereno	Absent
Nick Saleh	Ex-Officio Member	Caltrans	Present
Dina El-Tawansy	Ex-Officio Member (Alt)	Caltrans	Present

Therese Trivedi	Ex-Officio Member	MTC	Present
Stefanie Hom	Ex-Officio Member (Alt)	MTC	NA

* Alternates do not serve unless participating as a Member.

A quorum was present.

2. ORDERS OF THE DAY

There were no Orders of the Day.

3. PUBLIC PRESENTATIONS

There were no Public Presentations.

4. Committee Staff Report

Jim Lawson, Director of Public Affairs and Executive Policy Advisor, provided a report highlighting, the current status of the Measure B vote noting a more than 71 percent approval rate amongst the votes counted. He expressed appreciation to the Committee for their contribution to the effort. He also extended his appreciation to the Silicon Valley Leadership Group for all of their hard work.

Mr. Lawson also provided background and a status update on the paratransit services. He indicated VTA previously issued a termination of the contract for convenience with Outreach and Escort, Inc. (Outreach), VTA's paratransit provider, after an audit of their services was conducted. He noted that due to additional findings, the Federal Bureau of Investigation (FBI) issued a search warrant and halted services at Outreach prompting VTA to immediately implement its transition plan which included issuing an emergency contract with MV Transportation to provide temporary services. He indicated various methods have been utilized to contact paratransit users and indicated VTA has issued a termination of contract for cause to Outreach.

Member Mello arrived at the meeting and took his seat at 1:35 p.m.

Marcella Rensi, Transportation Planning Manager and Staff Liaison, announced the following: 1) Board Workshop on November 18, 2016 from 2-4pm on VTA's Next Network; and 2) in lieu of a January 2017 meeting, the Committee will be having a workshop on Measure B.

On order of Chairperson Morley and there being no objection, the Committee received the Committee Staff Report.

5. Chairperson's Report

Chairperson Morley provided a brief report, highlighting: 1) upcoming TAC workshop on Measure B; and 2) TAC Work Plan.

On order of Chairperson Morley and there being no objection, the Committee received the Chairperson's Report.

6. Reports from TAC Working Groups

- Capital Improvement Program (CIP) Working Group

  Celeste Fiore, Transportation Planner, provided a report from the October 25, 2016, CIP meeting, highlighting: 1) commendation meeting on December 6, 2016; 2) Bay Area guidance on bike project eligibility; 3) VTA Complete Streets policy; and 4) next round of Vehicle Emission Reduction Based at Schools (VERBS) criteria.

- Systems Operations & Management (SOM) Working Group

  Murali Ramanujam, Transportation Engineering Manager, provided a brief report from the October 26, 2016, SOM meeting, highlighting: 1) VTA Complete Streets draft policy; 2) 2016 monitoring activities update and Caltrans encroachment permit process; 3) Mathilda Avenue/Olive Avenue project in Sunnyvale; 4) December 2016 meeting in Palo Alto; and 5) roundtable discussion on copper wire theft.

- Land Use/Transportation Integration (LUTI) Working Group

  Rob Swierk, Principal Transportation Planner, provided a brief report from the November 9, 2016, LUTI meeting, highlighting: 1) update on VTA Joint Development program; 2) Complete Streets policy development; 3) draft Next Network Plan; and 4) Plan Bay Area 2040. Mr. Swierk noted next LUTI meeting scheduled for February 8, 2017.

On order of Chairperson Morley and there being no objection, the Committee received reports from TAC Working Groups.

CONSENT AGENDA

7. Regular Meeting Minutes of October 13, 2016

M/S/C (Capurso/Ng) to approve the Regular Meeting Minutes of October 13, 2016.

8. Transportation Fund for Clean Air (TFCA) Project Status Report

M/S/C (Capurso/Ng) to review the status of ongoing Santa Clara County Transportation Fund for Clean Air (TFCA) Program Manager Fund projects.

9. Development Review Quarterly Report for Jul-Sep 2016

M/S/C (Capurso/Ng) to receive the Development Review Quarterly Report for July to September 2016.

RESULT:	**APPROVED [UNANIMOUS] – Consent Agenda Items #7-9**
	Todd Capurso, Member
MOVER:	Dennis Ng, Member
SECONDER:	Abbas, Bjarke, Borden, Cherbone, Chen, Cameron, Capurso, Kim,
AYES:	Mello, Morley, Ng, Novenario, Ristow
NOES:	None
ABSENT:	Machida, Mack, Sharma

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION.

REGULAR AGENDA

10. Strategic Plan Final Draft

Scott Haywood, Transportation Planning Manager, provided a brief overview of the staff report.

M/S/C (Abbas/Capurso) to recommend the VTA Board of Directors adopt the updated Strategic Plan.

RESULT:	**APPROVED [UNANIMOUS] – Agenda Item #10**
MOVER:	Shahid Abbas, Member
SECONDER:	Todd Capurso, Member
AYES:	Abbas, Bjarke, Borden, Cherbone, Chen, Cameron, Capurso, Kim, Mello, Morley, Ng, Novenario, Ristow
NOES:	None
ABSENT:	Machida, Mack, Sharma

11. Election Process for 2017 Technical Advisory Committee (TAC) Leadership: Nomination Subcommittee Report

Member Capurso noted nominations were received for Matt Morley to serve as Chairperson for 2017 and Dawn Cameron to serve as Vice Chairperson for 2017.

On order of Chairperson Morley and there being no objection, the Committee received the Nomination Subcommittee's Report on members expressing interest in serving as chairperson or vice chairperson for 2017.

12. I-680 Ramp Metering from US 101 to Scott Creek Road - After Study

David Kobayashi, Senior Transportation Engineer, provided a brief overview of the staff report.

On order of Chairperson Morley and there being no objection, the Committee received an update on the metering of I-680 on-ramps between King Road in San Jose to Scott Creek Road at the Alameda County Line.

13. Vehicle Registration Fee Annual Report

Amin Surani, Principal Transportation Planner, provided a brief overview of the staff report.

On order of Chairperson Morley and there being no objection, the Committee reviewed the status of ongoing Santa Clara County Vehicle Registration Fee activity.

14. Bicycle Expenditure Program (BEP) Annual Report

Malahat Owrang, Transportation Planner III, provided a brief overview of the staff report and a presentation, highlighting: 1) Portals Project: Bike lanes on Campbell Avenue under SR17 – City of Campbell; 2) Guadalupe River Trail, Tasman undercrossing – City

of San Jose; 3) Guadalupe River Trail, I-880 to Bay Trail – City of San Jose; 4) Hedding Street bike lanes – City of San Jose; 5) Hendy bike lanes – City of Sunnyvale; 6) Scott Boulevard bike lanes, Central Expressway to Monroe – City of Santa Clara; 7) Hacienda Avenue bike lanes: Winchester to San Tomas Aquino Road – City of Campbell; 8) Permanente Creek Trail: Old Middlefield Way to Rock Street – City of Mountain View; 9) Upper Penitencia Creek Trail Connector Phase 1: Berryessa BART Station – VTA project; and 10) Santa Clara Caltrain Station, bicycle and pedestrian undercrossing – VTA, City of San Jose, City of Santa Clara.

Members of the Committee discussed the timeline of updating the BEP list of projects.

Lauren Ledbetter, Senior Transportation Planner, indicated conversations on the BEP will be brought to the committees as part of the bicycle and pedestrian portion of Measure B.

On order of Chairperson Morley and there being no objection, the Committee received a status update on the Bicycle Expenditure Program.

OTHER

15. Metropolitan Transportation Commission (MTC) Activities and Initiatives

Ex-Officio Member Trivedi provided a brief report, highlighting: 1) Bay Area Plan 2040; and 2) PDA planning funds and seeking input from the cities and conducting direct outreach; and 3) timeline of 2017 release.

On order of Chairperson Morley and there being no objection, the Committee received an update on MTC Activities and Initiatives.

16. Caltrans Activities and Initiatives

Ex-Officio Member Saleh provided a brief report, highlighting: 1) State Route 25 adoption schedule; and 2) Caltrans Mile Marker quarterly report.

Ex-Officio Member Saleh indicated the report could be found on the Caltrans website and noted he would provide the link to the Board Office to send to the Committee.

On order of Chairperson Morley and there being no objection, the Committee received an update on Caltrans Activities and Initiatives.

17. Review the TAC Committee Work Plan

Mr. Haywood noted the staff will spend the first six months of 2017 working with the Committee to dive into the nine programs included in Measure B.

Chairperson Morley admonished the Committee to plan on some lengthy meetings in the future.

On order of Chairperson Morley and there being no objection, the Committee reviewed the Committee Work Plan.

18. ANNOUNCEMENTS

There were no Announcements.

19. ADJOURNMENT

On order of Chairperson Morley, and there being no objection, the meeting was adjourned at 2:22 p.m.

Respectfully submitted,

Menominee L. McCarter, Board Assistant
VTA Office of the Board Secretary

SANTA CLARA Valley Transportation Authority

POLICY ADVISORY COMMITTEE

Thursday, November 10, 2016

MINUTES

CALL TO ORDER

The Regular Meeting of the Policy Advisory Committee (PAC) was called to order at 4:04 p.m. by Chairperson Carr in Conference Room B-106, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

1. ROLL CALL

Attendee Name	Title	Status
Paul Resnikoff	City of Campbell	Present
Michael Kotowski (Alternate)	City of Campbell	NA
Savita Vaidhyanathan	City of Cupertino	Present
Barry Chang (Alternate)	City of Cupertino	NA
Harney, Daniel	City of Gilroy	Absent
Tucker, Cat (Alternate)	City of Gilroy	Absent
Mary Prochnow	City of Los Altos	Absent
Megan Satterlee (Alternate)	City of Los Altos	Absent
John Harpootlian	Town of Los Altos Hills	NA
Gary Waldeck (Alternate)	Town of Los Altos Hills	Present
Marcia Jensen	Town of Los Gatos	Present
Rob Rennie (Alternate)	Town of Los Gatos	NA
Carmen Montano	City of Milpitas	Absent
Garry Barbadillo (Alternate)	City of Milpitas	Absent
Evert Wolsheimer	City of Monte Sereno	Absent
Marshall Anstandig (Alternate)	City of Monte Sereno	Absent
Larry Carr	City of Morgan Hill	Present
Rich Constantine (Alternate)	City of Morgan Hill	NA
John McAlister	City of Mountain View	Present
Pat Showalter (Alternate)	City of Mountain View	NA
Liz Kniss	City of Palo Alto	Absent
Cory Wolbach (Alternate)	City of Palo Alto	Absent
Charles “Chappie” Jones	City of San Jose	Present
Vacant (Alternate)	*City of San Jose*	-
Kathy Watanabe	City of Santa Clara	Present
Patrick Kolstad(Alternate)	City of Santa Clara	NA
Howard Miller	City of Saratoga	Present
Rishi Kumar (Alternate)	City of Saratoga	NA
Jim Davis	City of Sunnyvale	Present
Gustav Larsson (Alternate)	City of Sunnyvale	NA
Mike Wasserman	SCC Board of Supervisors	NA

A quorum was present

2. ORDERS OF THE DAY

There were no Orders of the Day.

3. PUBLIC PRESENTATIONS

There were no Public Presentations.

4. Committee Staff Report

Jim Lawson, Director of Public Affairs and Executive Policy Advisor and Committee Staff Liaison, provided a report, highlighting the following: 1) the Government Affairs written report was provided to the Committee Members; 2) passage of Ballot Measure B; 3) thanked staff and the Silicon Valley Leadership for their hard work in reaching out to the community regarding Measure B; 4) reported that VTA would not start receiving funds from Measure B until 2017; and 5) on November 3, 2016, the Federal Bureau of Investigation (FBI) executed a search warrant on paratransit provider, Outreach and Escort, Inc., causing a halt to paratransit services. Mr. Lawson indicated the immediate actions taken by VTA to replace the paratransit broker, noting service has been restored to the community

Members of the Committee inquired about the following: 1) the vehicles used for paratransit riders; and 2) the estimated time frame for the relocation of the paratransit employees to the Eastridge Transit Center.

Mr. Lawson reported that the paratransit drivers and cars will remain the same, but that passengers will need to contact VTA directly instead of Outreach. Mr. Lawson noted the work that still needs to be done at the Eastridge Transit Center prior to employees occupying the building. He further discussed VTA's efforts regarding paratransit, emphasizing VTA's goal of making the transition smooth and getting passengers to their destinations on time.

5. Chairperson's Report

Chairperson Carr congratulated the elected officials that won their City's election. Chairperson Carr also thanked staff for their diligent work on Measure B. He reminded the Committee that a copy of the Government Affairs report was provided to the Members and placed on the public table.

CONSENT AGENDA

6. Regular Meeting Minutes of October 13, 2016

M/S/C (Miller/Jones) to approve the Regular Meeting Minutes of October 13, 2016.

7. Development Review Quarterly Report for Jul-Sep 2016

M/S/C (Miller/Jones) to receive the Development Review Quarterly Report for July to September 2016.

8. Transportation Fund for Clean Air (TFCA) Project Status Report

M/S/C (Miller/Jones) to review the status of ongoing Santa Clara County Transportation Fund for Clean Air (TFCA) Program Manager Fund projects.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION

M/S/C (Miller/Jones) to approve the Consent Agenda.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Charles Jones, Member
SECONDER:	Howard Miller, Member
AYES:	Carr, Davis, Jensen, Jones, McAlister, Resnikoff, Satterlee, Vaidhyanathan, Waldeck, Watanabe
NOES:	None
ABSENT:	Harney, Kniss, Montano, Prochnow, Wasserman, Wolsheimer

REGULAR AGENDA

9. Strategic Plan Final Draft

Scott Haywood, Transportation Planning Manager, provided an overview of the staff report.

Members of the Committee inquired about the following: 1) receiving feedback from outside the company regarding the Strategic Plan; 2) a committee to oversee how Measure B funds are being utilized; 3) distributing the Strategic Plan to the cities throughout the county; and 4) a digital copy that the public could refer to without going to the Committee agenda packet.

Mr. Haywood reported that he would provide the digital copy to the Members and work on making it available on the VTA website. Mr.Haywood further noted the Strategic Plan is a living document and will continue to be looked at, specifically in five years for updates.

Public Comment

Roland Lebrun, Interested Citizen, expressed concern about the process in which VTA staff posts their agenda packets on the company website. Mr. Lebrun provided suggestions on how to make the packet more accessible for the public.

M/S/C (Miller/Jones) to recommend that the VTA Board of Directors adopt the updated Strategic Plan. The Committee further requested that the Strategic Plan be placed on VTA's website for the public to view.

RESULT:	**APPROVED [UNANIMOUS], as amended**
MOVER:	Howard Miller, Member
SECONDER:	Charles Jones, Member
AYES:	Carr, Davis, Jensen, Jones, McAlister, Resnikoff, Satterlee, Vaidhyanathan, Waldeck, Watanabe
NOES:	None
ABSENT:	Harney, Kniss, Montano, Prochnow, Wasserman, Wolsheimer

10. Election Process for 2017 Advisory Committee Leadership: Appoint Nomination Subcommittee

Stephen Flynn, Advisory Committee Coordinator, provided a brief overview of the election process.

Members Miller, McAlister and Savita volunteered to serve on the Nomination Subcommittee.

M/S/C (Miller/Jones) to appoint Members…..to serve on the nomination subcommittee to identify Committee members interested in serving as the chairperson or vice chairperson for 2017.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Howard Miller, Member
SECONDER:	Charles Jones, Member
AYES:	Carr, Davis, Jensen, Jones, McAlister, Resnikoff, Satterlee, Vaidhyanathan, Waldeck, Watanabe
NOES:	None
ABSENT:	Harney, Kniss, Montano, Prochnow, Wasserman, Wolsheimer

11. Vehicle Registration Fee Annual Report

Marcella Rensi, Transportation Planning Manager, provided an overview of the staff report.

Upon Chairperson Carr's inquiry, Ms. Rensi noted that Morgan Hill's reports are still pending.

On order of Chairperson Carr and there being no objection, the Committee reviewed the status of ongoing Santa Clara County Vehicle Registration Fee activity.

12. Bicycle Expenditure Program Annual Report

Malahat Owrang, Transportation Planner III, provided an overview of the staff report and distributed a presentation entitled, " Bicycle Expenditure Program (BEP)," highlighting: 1) Portals Project: Bike Lanes on Campbell Avenue Under SR17; 2) Guadalupe River Trail, Tasman Undercrossing; 3) Guadalupe Tiver Trail, I-880 to Bay Trail; 4) Hedding Street Bike Lanes; 5) Hendy Avenue Bike Lanes; Scott Boulevard Bike Lanes, Central Expressway to Monroe; 6) Hacienda Avenue Bike Lanes: Winchester to San Tomas Aquino Road; 7) Permanente Creek Trail: Old Middlefield Way to Rock Street; 8) Upper Penitencia Creek Trail Connector Phase 1: Berryessa BART station; and 9) Santa Clara Caltrain station, Bicycle & Pedestrian Undercrossing.

Public Comment

Mr. Lebrun referenced slide 8 of the presentation and inquired if there are polls or trees along the bike lanes on Scott Boulevard in the City of Santa Clara. He suggested staff explore this due to the ordinances regarding bike lanes and trees.

On order of Chairperson Carr and there being no objection, the Committee received a status update on the Bicycle Expenditure Program

OTHER

13. Committee Work Plan

On order of Chairperson Carr and there being no objection, the Committee reviewed the Committee Work Plan.

14. ANNOUNCEMENTS

There were no Announcements.

15. ADJOURNMENT

On order of Vice Chairperson Davis and there being no objection, the Committee meeting was adjourned at 5:03 p.m.

Respectfully submitted,

Theadora Abraham, Board Assistant
VTA Office of the Board Secretary

SANTA CLARA
Valley Transportation Authority

STATE ROUTE 85 CORRIDOR POLICY ADVISORY BOARD

Monday, November 21, 2016

NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority State Route 85 Corridor Policy Advisory Board Meeting scheduled for Monday, November 21, 2016, at 10:00 a.m. has been cancelled.

Thalia Young, Board Assistant
VTA Office of the Board Secretary

SANTA CLARA
Valley Transportation Authority

EL CAMINO REAL RAPID TRANSIT POLICY ADVISORY BOARD

Wednesday, November 30, 2016

and

Wednesday, December 21, 2016

NOTICE OF CANCELLATION

NOTICE IS HEREBY GIVEN that the Santa Clara Valley Transportation Authority El Camino Real Rapid Transit Policy Advisory Board meetings scheduled for Wednesday, November 30, 2016, and Wednesday, December 21, 2016, at 3:00 p.m. have been cancelled.

Tracene Y. Crenshaw, Assistant Board Secretary
VTA Office of the Board Secretary